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Representative Amstutz

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6101.451, and 6111.029 of the Revised Code; to 601
amend Section 1 of Sub. H.B. 34 of the 130th 602
General Assembly; to amend Sections 205.10, 603
506.10, and 755.30 of Am. Sub. H.B. 51 of the 604
130th General Assembly; to amend Section 753.30 of 605
Am. Sub. H.B. 153 of the 129th General Assembly; 606
to amend Section 4 of Am. Sub. H.B. 279 of the 607
129th General Assembly; to amend Section 11 of 608
Sub. H.B. 303 of the 129th General Assembly; to 609
amend Section 9 of Am. Sub. H.B. 386 of the 129th 610
General Assembly; to amend Section 4 of Am. Sub. 611
H.B. 472 of the 129th General Assembly; to amend 612

Sections 201.80, 205.83, and 509.40 of Sub. H.B. 613
482 of the 129th General Assembly; to amend 614
Sections 301.11, 301.12, and 301.13 of Am. Sub. 615
H.B. 487 of the 129th General Assembly; to amend 616
Section 10 of Am. Sub. H.B. 386 of the 129th 617
General Assembly, as subsequently amended; to 618
amend Section 205.80 of Sub. H.B. 482 of the 129th 619
General Assembly, as subsequently amended; to 620
amend Section 4 of Sub. S.B. 171 of the 129th 621
General Assembly, as subsequently amended; to 622
amend Section 105.05 of Am. Sub. H.B. 2 of the 623
128th General Assembly; to repeal Section 624
267.60.31 of Am. Sub. H.B. 153 of the 129th 625
General Assembly; to repeal Section 125.10 of Am. 626
Sub. H.B. 1 of the 128th General Assembly as 627
subsequently amended; to repeal Section 153 of Am. 628
Sub. H.B. 117 of the 121st General Assembly as 629
subsequently amended; to amend Sections 203.30.40, 630
203.30.70, 203.30.80, 203.90.20, 205.10.20, 631
205.30.90, 205.50.70, and 207.10.10 of Sub. S.B. 632
312 of the 129th General Assembly; to amend the 633
versions of sections 109.57, 2151.011, 2923.126, 634
5104.012, 5104.013, 5104.03, 5104.08, and 5104.32 635
of the Revised Code that are scheduled to take 636
effect January 1, 2014, to continue the provisions 637
of this act on and after that effective date; to 638
amend the versions of sections 4501.01 and 4507.06 639
of the Revised Code that are scheduled to take 640
effect January 1, 2017, to continue the provisions 641
of this act on and after that effective date; to 642
amend section 3313.88 of the Revised Code as it 643
results from Section 101.01 of this act for the 644
purpose of adopting new section number 3313.482 on 645

July 1, 2014; to amend the versions of sections 646
3302.20, 3310.08, 3313.981, 3314.091, 3317.01, 647
3317.02, 3317.022, 3317.0217, 3317.03, 3317.16, 648
3317.30, and 5751.21 of the Revised Code that 649
result from Section 101.01 of this act and to 650
amend sections 3310.41, 3311.52, 3317.024, 651
3317.033, 3317.081, 3317.201, 3318.18, 3318.42, 652
3327.05, 3328.32, 3328.33, and 5727.85 and to 653
enact section 3317.034 of the Revised Code on July 654
1, 2014; to amend sections 5111.31 (5165.08), 655
5111.673 (5165.513), 5111.675 (5165.515), and 656
5111.99 (5165.99) of the Revised Code as they 657
result from Section 101.01 of this act on January 658
1, 2015; to make operating appropriations for the 659
biennium beginning July 1, 2013, and ending June 660
30, 2015; to provide authorization and conditions 661
for the operation of state programs; to repeal 662
sections 5168.20, 5168.21, 5168.22, 5168.23, 663
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of 664
the Revised Code on October 1, 2015, to terminate 665
the operation of those sections on that date; to 666
repeal sections 5168.01, 5168.02, 5168.03, 667
5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 668
5168.09, 5168.10, 5168.11, 5168.12, 5168.13, 669
5168.99, and 5168.991 of the Revised Code on 670
October 16, 2015, to terminate the operation of 671
those sections on that date; and to repeal section 672
5124.67 of the Revised Code on July 1, 2018, to 673
terminate the operation of that section on that 674
date. 675

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

Section 101.01. That sections 9.03, 9.15, 9.231, 9.239, 9.24, 676
9.833, 9.90, 9.901, 101.39, 101.391, 102.02, 103.144, 103.63, 677
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indicated in parentheses; new sections 3313.481, 3317.014, 1060
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and 3737.883 and sections 1.611, 103.0521, 109.921, 121.483, 1062
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5736.11, 5736.12, 5736.13, 5736.14, 5736.99, 5741.032, 5747.71, 1111
5910.08, and 5919.342 of the Revised Code be enacted to read as 1112
follows: 1113

Sec. 1.611. As used in the Revised Code, "OSU extension" 1114
means the cooperative extension service that was established by 1115
the "Smith-Lever Act," 38 Stat. 372 (1914), 7 U.S.C. 341 et seq., 1116
and is administered in this state by the Ohio state university. 1117

Sec. 9.03. (A) As used in this section: 1118

(1) "Political subdivision" means any body corporate and 1119
politic, except a municipal corporation that has adopted a charter 1120
under Section 7 of Article XVIII, Ohio Constitution, and except a 1121

county that has adopted a charter under Sections 3 and 4 of 1122
Article X, Ohio Constitution, to which both of the following 1123
apply: 1124

(a) It is responsible for governmental activities only in a 1125
geographic area smaller than the state. 1126

(b) It is subject to the sovereign immunity of the state. 1127

(2) "Cigarettes" and "tobacco product" have the same meanings 1128
as in section 5743.01 of the Revised Code. 1129

(3) "Transaction" has the same meaning as in section 1315.51 1130
of the Revised Code. 1131

(4) "Campaign committee," "campaign fund," "candidate," 1132
"legislative campaign fund," "political action committee," 1133
"political committee," "political party," and "separate segregated 1134
fund" have the same meanings as in section 3517.01 of the Revised 1135
Code. 1136

(B) Except as otherwise provided in division (C) of this 1137
section, the governing body of a political subdivision may use 1138
public funds to publish and distribute newsletters, or to use any 1139
other means, to communicate information about the plans, policies, 1140
and operations of the political subdivision to members of the 1141
public within the political subdivision and to other persons who 1142
may be affected by the political subdivision. 1143

(C) Except as otherwise provided in division (A)(7) of 1144
section 340.03 ~~or division (A)(12) of section 340.033~~ of the 1145
Revised Code, no governing body of a political subdivision shall 1146
use public funds to do any of the following: 1147

(1) Publish, distribute, or otherwise communicate information 1148
that does any of the following: 1149

(a) Contains defamatory, libelous, or obscene matter; 1150

(b) Promotes alcoholic beverages, cigarettes or other tobacco 1151

products, or any illegal product, service, or activity;	1152
(c) Promotes illegal discrimination on the basis of race,	1153
color, religion, national origin, handicap, age, or ancestry;	1154
(d) Supports or opposes any labor organization or any action	1155
by, on behalf of, or against any labor organization;	1156
(e) Supports or opposes the nomination or election of a	1157
candidate for public office, the investigation, prosecution, or	1158
recall of a public official, or the passage of a levy or bond	1159
issue.	1160
(2) Compensate any employee of the political subdivision for	1161
time spent on any activity to influence the outcome of an election	1162
for any of the purposes described in division (C)(1)(e) of this	1163
section. Division (C)(2) of this section does not prohibit the use	1164
of public funds to compensate an employee of a political	1165
subdivision for attending a public meeting to present information	1166
about the political subdivision's finances, activities, and	1167
governmental actions in a manner that is not designed to influence	1168
the outcome of an election or the passage of a levy or bond issue,	1169
even though the election, levy, or bond issue is discussed or	1170
debated at the meeting.	1171
(D) Except as otherwise provided in division (A)(7) of	1172
section 340.03 or division (A)(12) of section 340.033 of the	1173
Revised Code or in division (E) of this section, no person shall	1174
knowingly conduct a direct or indirect transaction of public funds	1175
to the benefit of any of the following:	1176
(1) A campaign committee;	1177
(2) A political action committee;	1178
(3) A legislative campaign fund;	1179
(4) A political party;	1180
(5) A campaign fund;	1181

(6) A political committee;	1182
(7) A separate segregated fund;	1183
(8) A candidate.	1184
(E) Division (D) of this section does not prohibit the	1185
utilization of any person's own time to speak in support of or in	1186
opposition to any candidate, recall, referendum, levy, or bond	1187
issue unless prohibited by any other section of the Revised Code.	1188
(F) Nothing in this section prohibits or restricts any	1189
political subdivision from sponsoring, participating in, or doing	1190
any of the following:	1191
(1) Charitable or public service advertising that is not	1192
commercial in nature;	1193
(2) Advertising of exhibitions, performances, programs,	1194
products, or services that are provided by employees of a	1195
political subdivision or are provided at or through premises owned	1196
or operated by a political subdivision;	1197
(3) Licensing an interest in a name or mark that is owned or	1198
controlled by the political subdivision.	1199
(G) Whoever violates division (D) of this section shall be	1200
punished as provided in section 3599.40 of the Revised Code.	1201
Sec. 9.15. When the body of a dead person is found in a	1202
township or municipal corporation, and such person was not an	1203
inmate of a correctional, benevolent, or charitable institution of	1204
this state, and the body is not claimed by any person for private	1205
interment or cremation at the person's own expense, or delivered	1206
for the purpose of medical or surgical study or dissection in	1207
accordance with section 1713.34 of the Revised Code, it shall be	1208
disposed of as follows:	1209
(A) If the person was a legal resident of the county, the	1210

proper officers of the township or municipal corporation in which 1211
the person's body was found shall cause it to be buried or 1212
cremated at the expense of the township or municipal corporation 1213
in which the person had a legal residence at the time of death. 1214

(B) If the person had a legal residence in any other county 1215
of the state at the time of death, the superintendent of the 1216
county home of the county in which such body was found shall cause 1217
it to be buried or cremated at the expense of the township or 1218
municipal corporation in which the person had a legal residence at 1219
the time of death. 1220

(C) If the person was an inmate of a correctional institution 1221
of the county or a patient or resident of a benevolent institution 1222
of the county, the person had no legal residence in the state, or 1223
the person's legal residence is unknown, the superintendent shall 1224
cause the person to be buried or cremated at the expense of the 1225
county. 1226

Such officials shall provide, at the grave of the person or, 1227
if the person's cremated remains are buried, at the grave of the 1228
person's cremated remains, a metal, stone, or concrete marker on 1229
which the person's name and age, if known, and date of death shall 1230
be inscribed. 1231

A political subdivision is not relieved of its duty to bury 1232
or cremate a person at its expense under this section when the 1233
body is claimed by an indigent person. As used in this section, 1234
"indigent person" means a person whose income does not exceed one 1235
hundred fifty per cent of the federal poverty line, as revised 1236
annually by the United States department of health and human 1237
services in accordance with section 673(2) of the "Omnibus Budget 1238
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as 1239
amended, for a family size equal to the size of the person's 1240
family. 1241

Sec. 9.231. (A)(1) Subject to divisions (A)(2) and (3) of 1242
this section, a governmental entity shall not disburse money 1243
totaling twenty-five thousand dollars or more to any person for 1244
the provision of services for the primary benefit of individuals 1245
or the public and not for the primary benefit of a governmental 1246
entity or the employees of a governmental entity, unless the 1247
contracting authority of the governmental entity first enters into 1248
a written contract with the person that is signed by the person or 1249
by an officer or agent of the person authorized to legally bind 1250
the person and that embodies all of the requirements and 1251
conditions set forth in sections 9.23 to 9.236 of the Revised 1252
Code. If the disbursement of money occurs over the course of a 1253
governmental entity's fiscal year, rather than in a lump sum, the 1254
contracting authority of the governmental entity shall enter into 1255
the written contract with the person at the point during the 1256
governmental entity's fiscal year that at least seventy-five 1257
thousand dollars has been disbursed by the governmental entity to 1258
the person. Thereafter, the contracting authority of the 1259
governmental entity shall enter into the written contract with the 1260
person at the beginning of the governmental entity's fiscal year, 1261
if, during the immediately preceding fiscal year, the governmental 1262
entity disbursed to that person an aggregate amount totaling at 1263
least seventy-five thousand dollars. 1264

(2) If the money referred to in division (A)(1) of this 1265
section is disbursed by or through more than one state agency to 1266
the person for the provision of services to the same population, 1267
the contracting authorities of those agencies shall determine 1268
which one of them will enter into the written contract with the 1269
person. 1270

(3) The requirements and conditions set forth in divisions 1271
(A), (B), (C), and (F) of section 9.232, divisions (A)(1) and (2) 1272
and (B) of section 9.234, divisions (A)(2) and (B) of section 1273

9.235, and sections 9.233 and 9.236 of the Revised Code do not	1274
apply with respect to the following:	1275
(a) Contracts to which all of the following apply:	1276
(i) The amount received for the services is a set fee for	1277
each time the services are provided, is determined in accordance	1278
with a fixed rate per unit of time or per service, or is a	1279
capitated rate, and the fee or rate is established by competitive	1280
bidding or by a market rate survey of similar services provided in	1281
a defined market area. The market rate survey may be one conducted	1282
by or on behalf of the governmental entity or an independent	1283
survey accepted by the governmental entity as statistically valid	1284
and reliable.	1285
(ii) The services are provided in accordance with standards	1286
established by state or federal law, or by rules or regulations	1287
adopted thereunder, for their delivery, which standards are	1288
enforced by the federal government, a governmental entity, or an	1289
accrediting organization recognized by the federal government or a	1290
governmental entity.	1291
(iii) Payment for the services is made after the services are	1292
delivered and upon submission to the governmental entity of an	1293
invoice or other claim for payment as required by any applicable	1294
local, state, or federal law or, if no such law applies, by the	1295
terms of the contract.	1296
(b) Contracts under which the services are reimbursed through	1297
or in a manner consistent with a federal program that meets all of	1298
the following requirements:	1299
(i) The program calculates the reimbursement rate on the	1300
basis of the previous year's experience or in accordance with an	1301
alternative method set forth in rules adopted by the Ohio	1302
department of job and family services.	1303
(ii) The reimbursement rate is derived from a breakdown of	1304

direct and indirect costs.	1305
(iii) The program's guidelines describe types of expenditures that are allowable and not allowable under the program and delineate which costs are acceptable as direct costs for purposes of calculating the reimbursement rate.	1306 1307 1308 1309
(iv) The program includes a uniform cost reporting system with specific audit requirements.	1310 1311
(c) Contracts under which the services are reimbursed through or in a manner consistent with a federal program that calculates the reimbursement rate on a fee for service basis in compliance with United States office of management and budget Circular A-87, as revised May 10, 2004.	1312 1313 1314 1315 1316
(d) Contracts for services that are paid pursuant to the earmarking of an appropriation made by the general assembly for that purpose.	1317 1318 1319
(B) Division (A) of this section does not apply if the money is disbursed to a person pursuant to a contract with the United States or a governmental entity under any of the following circumstances:	1320 1321 1322 1323
(1) The person receives the money directly or indirectly from the United States, and no governmental entity exercises any oversight or control over the use of the money.	1324 1325 1326
(2) The person receives the money solely in return for the performance of one or more of the following types of services:	1327 1328
(a) Medical, therapeutic, or other health-related services provided by a person if the amount received is a set fee for each time the person provides the services, is determined in accordance with a fixed rate per unit of time, or is a capitated rate, and the fee or rate is reasonable and customary in the person's trade or profession;	1329 1330 1331 1332 1333 1334

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

(c) Services, other than administrative or management services or any of the services described in division (B)(2)(a) or (b) of this section, that are commonly purchased by the public at an hourly rate or at a set fee for each time the services are provided, unless the services are performed for the benefit of children, persons who are eligible for the services by reason of advanced age, medical condition, or financial need, or persons who are confined in a detention facility as defined in section 2921.01 of the Revised Code, and the services are intended to help promote the health, safety, or welfare of those children or persons;

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

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

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

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

federal law. 1366

(3) The person receives the money solely in return for the 1367
performance of services intended to help preserve public health or 1368
safety under circumstances requiring immediate action as a result 1369
of a natural or man-made emergency. 1370

(C) With respect to an unincorporated nonprofit association, 1371
corporation, or organization established for the purpose of 1372
providing educational, technical, consulting, training, financial, 1373
or other services to its members in exchange for membership dues 1374
and other fees, any of the services provided to a member that is a 1375
governmental entity shall, for purposes of this section, be 1376
considered services "for the primary benefit of a governmental 1377
entity or the employees of a governmental entity." 1378

Sec. 9.239. (A) There is hereby created the government 1379
contracting advisory council. The attorney general and auditor of 1380
state shall consult with the council on the performance of their 1381
rule-making functions under sections 9.237 and 9.238 of the 1382
Revised Code and shall consider any recommendations of the 1383
council. The medicaid director ~~of job and family services~~ shall 1384
annually report to the council the cost methodology of the 1385
medicaid-funded services described in division (A)(3)(d) of 1386
section 9.231 of the Revised Code. The council shall consist of 1387
the following members or their designees: 1388

(1) The attorney general; 1389

(2) The auditor of state; 1390

(3) The director of administrative services; 1391

(4) The director of aging; 1392

(5) ~~The director of alcohol and drug addiction services~~ The 1393
medicaid director; 1394

(6) The director of budget and management; 1395

(7) The director of development <u>services</u> ;	1396
(8) The director of job and family services;	1397
(9) The director of mental health <u>mental health and addiction</u> <u>services</u> ;	1398 1399
(10) The director of developmental disabilities;	1400
(11) The director of rehabilitation and correction;	1401
(12) The administrator of workers' compensation;	1402
(13) The executive director of the county commissioners' association of Ohio;	1403 1404
(14) The president of the Ohio grantmakers forum;	1405
(15) The president of the Ohio chamber of commerce;	1406
(16) The president of the Ohio state bar association;	1407
(17) The president of the Ohio society of certified public accountants;	1408 1409
(18) The executive director of the Ohio association of nonprofit organizations;	1410 1411
(19) The president of the Ohio united way;	1412
(20) One additional member appointed by the attorney general;	1413
(21) One additional member appointed by the auditor of state.	1414
(B) If an agency or organization represented on the council ceases to exist in the form it has on September 29, 2005, the successor agency or organization shall be represented in its place. If there is no successor agency or organization, or if it is not clear what agency or organization is the successor, the attorney general shall designate an agency or organization to be represented in place of the agency or organization originally represented on the council.	1415 1416 1417 1418 1419 1420 1421 1422
(C) The two members appointed to the council shall serve	1423

three-year terms. Original appointments shall be made not later 1424
than sixty days after September 29, 2005. Vacancies on the council 1425
shall be filled in the same manner as the original appointment. 1426

(D) The attorney general or the attorney general's designee 1427
shall be the chairperson of the council. The council shall meet at 1428
least once every two years to review the rules adopted under 1429
sections 9.237 and 9.238 of the Revised Code and to make 1430
recommendations to the attorney general and auditor of state 1431
regarding the adoption, amendment, or repeal of those rules. The 1432
council shall also meet at other times as requested by the 1433
attorney general or auditor of state. 1434

(E) Members of the council shall serve without compensation 1435
or reimbursement. 1436

(F) The office of the attorney general shall provide 1437
necessary staff, facilities, supplies, and services to the 1438
council. 1439

(G) Sections 101.82 to 101.87 of the Revised Code do not 1440
apply to the council. 1441

Sec. 9.24. (A) Except as may be allowed under division (F) of 1442
this section, no state agency and no political subdivision shall 1443
award a contract as described in division (G)(1) of this section 1444
for goods, services, or construction, paid for in whole or in part 1445
with state funds, to a person against whom a finding for recovery 1446
has been issued by the auditor of state on and after January 1, 1447
2001, if the finding for recovery is unresolved. 1448

A contract is considered to be awarded when it is entered 1449
into or executed, irrespective of whether the parties to the 1450
contract have exchanged any money. 1451

(B) For purposes of this section, a finding for recovery is 1452
unresolved unless one of the following criteria applies: 1453

(1) The money identified in the finding for recovery is paid 1454
in full to the state agency or political subdivision to whom the 1455
money was owed; 1456

(2) The debtor has entered into a repayment plan that is 1457
approved by the attorney general and the state agency or political 1458
subdivision to whom the money identified in the finding for 1459
recovery is owed. A repayment plan may include a provision 1460
permitting a state agency or political subdivision to withhold 1461
payment to a debtor for goods, services, or construction provided 1462
to or for the state agency or political subdivision pursuant to a 1463
contract that is entered into with the debtor after the date the 1464
finding for recovery was issued. 1465

(3) The attorney general waives a repayment plan described in 1466
division (B)(2) of this section for good cause; 1467

(4) The debtor and state agency or political subdivision to 1468
whom the money identified in the finding for recovery is owed have 1469
agreed to a payment plan established through an enforceable 1470
settlement agreement. 1471

(5) The state agency or political subdivision desiring to 1472
enter into a contract with a debtor certifies, and the attorney 1473
general concurs, that all of the following are true: 1474

(a) Essential services the state agency or political 1475
subdivision is seeking to obtain from the debtor cannot be 1476
provided by any other person besides the debtor; 1477

(b) Awarding a contract to the debtor for the essential 1478
services described in division (B)(5)(a) of this section is in the 1479
best interest of the state; 1480

(c) Good faith efforts have been made to collect the money 1481
identified in the finding of recovery. 1482

(6) The debtor has commenced an action to contest the finding 1483

for recovery and a final determination on the action has not yet 1484
been reached. 1485

(C) The attorney general shall submit an initial report to 1486
the auditor of state, not later than December 1, 2003, indicating 1487
the status of collection for all findings for recovery issued by 1488
the auditor of state for calendar years 2001, 2002, and 2003. 1489
Beginning on January 1, 2004, the attorney general shall submit to 1490
the auditor of state, on the first day of every January, April, 1491
July, and October, a list of all findings for recovery that have 1492
been resolved in accordance with division (B) of this section 1493
during the calendar quarter preceding the submission of the list 1494
and a description of the means of resolution. The attorney general 1495
shall notify the auditor of state when a judgment is issued 1496
against an entity described in division (F)(1) of this section. 1497

(D) The auditor of state shall maintain a database, 1498
accessible to the public, listing persons against whom an 1499
unresolved finding for recovery has been issued, and the amount of 1500
the money identified in the unresolved finding for recovery. The 1501
auditor of state shall have this database operational on or before 1502
January 1, 2004. The initial database shall contain the 1503
information required under this division for calendar years 2001, 1504
2002, and 2003. 1505

Beginning January 15, 2004, the auditor of state shall update 1506
the database by the fifteenth day of every January, April, July, 1507
and October to reflect resolved findings for recovery that are 1508
reported to the auditor of state by the attorney general on the 1509
first day of the same month pursuant to division (C) of this 1510
section. 1511

(E) Before awarding a contract as described in division 1512
(G)(1) of this section for goods, services, or construction, paid 1513
for in whole or in part with state funds, a state agency or 1514
political subdivision shall verify that the person to whom the 1515

state agency or political subdivision plans to award the contract 1516
has no unresolved finding for recovery issued against the person. 1517
A state agency or political subdivision shall verify that the 1518
person does not appear in the database described in division (D) 1519
of this section or shall obtain other proof that the person has no 1520
unresolved finding for recovery issued against the person. 1521

(F) The prohibition of division (A) of this section and the 1522
requirement of division (E) of this section do not apply with 1523
respect to the companies, payments, or agreements described in 1524
divisions (F)(1) and (2) of this section, or in the circumstance 1525
described in division (F)(3) of this section. 1526

(1) A bonding company or a company authorized to transact the 1527
business of insurance in this state, a self-insurance pool, joint 1528
self-insurance pool, risk management program, or joint risk 1529
management program, unless a court has entered a final judgment 1530
against the company and the company has not yet satisfied the 1531
final judgment. 1532

(2) To medicaid provider agreements under ~~Chapter 5111. of~~ 1533
the ~~Revised Code~~ medicaid program. 1534

(3) When federal law dictates that a specified entity provide 1535
the goods, services, or construction for which a contract is being 1536
awarded, regardless of whether that entity would otherwise be 1537
prohibited from entering into the contract pursuant to this 1538
section. 1539

(G)(1) This section applies only to contracts for goods, 1540
services, or construction that satisfy the criteria in either 1541
division (G)(1)(a) or (b) of this section. This section may apply 1542
to contracts for goods, services, or construction that satisfy the 1543
criteria in division (G)(1)(c) of this section, provided that the 1544
contracts also satisfy the criteria in either division (G)(1)(a) 1545
or (b) of this section. 1546

(a) The cost for the goods, services, or construction provided under the contract is estimated to exceed twenty-five thousand dollars.	1547 1548 1549
(b) The aggregate cost for the goods, services, or construction provided under multiple contracts entered into by the particular state agency and a single person or the particular political subdivision and a single person within the fiscal year preceding the fiscal year within which a contract is being entered into by that same state agency and the same single person or the same political subdivision and the same single person, exceeded fifty thousand dollars.	1550 1551 1552 1553 1554 1555 1556 1557
(c) The contract is a renewal of a contract previously entered into and renewed pursuant to that preceding contract.	1558 1559
(2) This section does not apply to employment contracts.	1560
(H) As used in this section:	1561
(1) "State agency" has the same meaning as in section 9.66 of the Revised Code.	1562 1563
(2) "Political subdivision" means a political subdivision as defined in section 9.82 of the Revised Code that has received more than fifty thousand dollars of state money in the current fiscal year or the preceding fiscal year.	1564 1565 1566 1567
(3) "Finding for recovery" means a determination issued by the auditor of state, contained in a report the auditor of state gives to the attorney general pursuant to section 117.28 of the Revised Code, that public money has been illegally expended, public money has been collected but not been accounted for, public money is due but has not been collected, or public property has been converted or misappropriated.	1568 1569 1570 1571 1572 1573 1574
(4) "Debtor" means a person against whom a finding for recovery has been issued.	1575 1576

(5) "Person" means the person named in the finding for recovery.	1577 1578
(6) "State money" does not include funds the state receives from another source and passes through to a political subdivision.	1579 1580
Sec. 9.833. (A) As used in this section, "political subdivision" has the meaning defined in sections 2744.01 and 3905.36 of the Revised Code. For purposes of this section, "political subdivision" includes municipal corporations as defined in section 5705.01 of the Revised Code.	1581 1582 1583 1584 1585
(B) Political subdivisions that provide health care benefits for their officers or employees may do any of the following:	1586 1587
(1) Establish and maintain an individual self-insurance program with public moneys to provide authorized health care benefits, including but not limited to, health care, prescription drugs, dental care, and vision care, in accordance with division (C) of this section;	1588 1589 1590 1591 1592
(2) Establish and maintain a health savings account program whereby employees or officers may establish and maintain health savings accounts in accordance with section 223 of the Internal Revenue Code. Public moneys may be used to pay for or fund federally qualified high deductible health plans that are linked to health savings accounts or to make contributions to health savings accounts. A health savings account program may be a part of a self-insurance program.	1593 1594 1595 1596 1597 1598 1599 1600
(3) After establishing an individual self-insurance program, agree with other political subdivisions that have established individual self-insurance programs for health care benefits, that their programs will be jointly administered in a manner specified in the agreement;	1601 1602 1603 1604 1605
(4) Pursuant to a written agreement and in accordance with	1606

division (C) of this section, join in any combination with other 1607
political subdivisions to establish and maintain a joint 1608
self-insurance program to provide health care benefits; 1609

(5) Pursuant to a written agreement, join in any combination 1610
with other political subdivisions to procure or contract for 1611
policies, contracts, or plans of insurance to provide health care 1612
benefits, which may include a health savings account program for 1613
their officers and employees subject to the agreement; 1614

(6) Use in any combination any of the policies, contracts, 1615
plans, or programs authorized under this division. 1616

(7) Any agreement made under division (B)(3), (4), (5), or 1617
(6) of this section shall be in writing, comply with division (C) 1618
of this section, and contain best practices established in 1619
consultation with and approved by the department of administrative 1620
services. The best practices may be reviewed and amended at the 1621
discretion of the political subdivisions in consultation with the 1622
department. Detailed information regarding the best practices 1623
shall be made available to any employee upon that employee's 1624
request. 1625

(8) Purchase plans ~~approved~~ containing best practices 1626
established by the department of administrative services under 1627
section 9.901 of the Revised Code. 1628

(C) Except as otherwise provided in division (E) of this 1629
section, the following apply to individual or joint self-insurance 1630
programs established pursuant to this section: 1631

(1) Such funds shall be reserved as are necessary, in the 1632
exercise of sound and prudent actuarial judgment, to cover 1633
potential cost of health care benefits for the officers and 1634
employees of the political subdivision. A certified audited 1635
financial statement and a report of aggregate amounts so reserved 1636
and aggregate disbursements made from such funds, together with a 1637

written report of a member of the American academy of actuaries 1638
certifying whether the amounts reserved conform to the 1639
requirements of this division, are computed in accordance with 1640
accepted loss reserving standards, and are fairly stated in 1641
accordance with sound loss reserving principles, shall be prepared 1642
and maintained, within ninety days after the last day of the 1643
fiscal year of the entity for which the report is provided for 1644
that fiscal year, in the office of the program administrator 1645
described in division (C)(3) of this section. 1646

The report required by division (C)(1) of this section shall 1647
include, but not be limited to, the aggregate of disbursements 1648
made for the administration of the program, including claims paid, 1649
costs of the legal representation of political subdivisions and 1650
employees, and fees paid to consultants. 1651

The program administrator described in division (C)(3) of 1652
this section shall make the report required by this division 1653
available for inspection by any person at all reasonable times 1654
during regular business hours, and, upon the request of such 1655
person, shall make copies of the report available at cost within a 1656
reasonable period of time. The program administrator shall further 1657
provide the report to the auditor of state under Chapter 117. of 1658
the Revised Code. The report required by this division is in lieu 1659
of the records required by division (A) of section 149.431 of the 1660
Revised Code. 1661

(2) Each political subdivision shall reserve funds necessary 1662
for an individual or joint self-insurance program in a special 1663
fund that may be established for political subdivisions other than 1664
an agency or instrumentality pursuant to an ordinance or 1665
resolution of the political subdivision and not subject to section 1666
5705.12 of the Revised Code. An agency or instrumentality shall 1667
reserve the funds necessary for an individual or joint 1668
self-insurance program in a special fund established pursuant to a 1669

resolution duly adopted by the agency's or instrumentality's 1670
governing board. The political subdivision may allocate the costs 1671
of insurance or any self-insurance program, or both, among the 1672
funds or accounts established under this division on the basis of 1673
relative exposure and loss experience. 1674

(3) A contract may be awarded, without the necessity of 1675
competitive bidding, to any person, political subdivision, 1676
nonprofit corporation organized under Chapter 1702. of the Revised 1677
Code, or regional council of governments created under Chapter 1678
167. of the Revised Code for purposes of administration of an 1679
individual or joint self-insurance program. No such contract shall 1680
be entered into without full, prior, public disclosure of all 1681
terms and conditions. The disclosure shall include, at a minimum, 1682
a statement listing all representations made in connection with 1683
any possible savings and losses resulting from the contract, and 1684
potential liability of any political subdivision or employee. The 1685
proposed contract and statement shall be disclosed and presented 1686
at a meeting of the political subdivision not less than one week 1687
prior to the meeting at which the political subdivision authorizes 1688
the contract. 1689

A contract awarded to a nonprofit corporation or a regional 1690
council of governments under this division may provide that all 1691
employees of the nonprofit corporation or regional council of 1692
governments, the employees of all entities related to the 1693
nonprofit corporation or regional council of governments, and the 1694
employees of other nonprofit corporations that have fifty or fewer 1695
employees and have been organized for the primary purpose of 1696
representing the interests of political subdivisions, may be 1697
covered by the individual or joint self-insurance program under 1698
the terms and conditions set forth in the contract. 1699

(4) The individual or joint self-insurance program shall 1700
include a contract with a certified public accountant and a member 1701

of the American academy of actuaries for the preparation of the 1702
written evaluations required under division (C)(1) of this 1703
section. 1704

(5) A joint self-insurance program may allocate the costs of 1705
funding the program among the funds or accounts established under 1706
this division to the participating political subdivisions on the 1707
basis of their relative exposure and loss experience. 1708

(6) An individual self-insurance program may allocate the 1709
costs of funding the program among the funds or accounts 1710
established under this division to the political subdivision that 1711
established the program. 1712

(7) Two or more political subdivisions may also authorize the 1713
establishment and maintenance of a joint health care cost 1714
containment program, including, but not limited to, the employment 1715
of risk managers, health care cost containment specialists, and 1716
consultants, for the purpose of preventing and reducing health 1717
care costs covered by insurance, individual self-insurance, or 1718
joint self-insurance programs. 1719

(8) A political subdivision is not liable under a joint 1720
self-insurance program for any amount in excess of amounts payable 1721
pursuant to the written agreement for the participation of the 1722
political subdivision in the joint self-insurance program. Under a 1723
joint self-insurance program agreement, a political subdivision 1724
may, to the extent permitted under the written agreement, assume 1725
the risks of any other political subdivision. A joint 1726
self-insurance program established under this section is deemed a 1727
separate legal entity for the public purpose of enabling the 1728
members of the joint self-insurance program to obtain insurance or 1729
to provide for a formalized, jointly administered self-insurance 1730
fund for its members. An entity created pursuant to this section 1731
is exempt from all state and local taxes. 1732

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

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

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

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

(11) A joint self-insurance program shall pay the run-off expenses of a participating political subdivision that terminates

its participation in the program if the political subdivision has 1765
accumulated funds in the reserves for incurred but not reported 1766
claims. The run-off payment, at minimum, shall be limited to an 1767
actuarially determined cap or sixty days, whichever is reached 1768
first. This provision shall not apply during the term of a 1769
specific, separate agreement with a political subdivision to 1770
maintain enrollment for a specified period, not to exceed three 1771
years. 1772

(D) A political subdivision may procure group life insurance 1773
for its employees in conjunction with an individual or joint 1774
self-insurance program authorized by this section, provided that 1775
the policy of group life insurance is not self-insured. 1776

(E) This section does not apply to individual self-insurance 1777
programs created solely by municipal corporations as defined in 1778
section 5705.01 of the Revised Code. 1779

(F) A public official or employee of a political subdivision 1780
who is or becomes a member of the governing body of the program 1781
administrator of a joint self-insurance program in which the 1782
political subdivision participates is not in violation of division 1783
(D) or (E) of section 102.03, division (C) of section 102.04, or 1784
section 2921.42 of the Revised Code as a result of either of the 1785
following: 1786

(1) The political subdivision's entering under this section 1787
into the written agreement to participate in the joint 1788
self-insurance program; 1789

(2) The political subdivision's entering under this section 1790
into any other contract with the joint self-insurance program. 1791

Sec. 9.90. (A) ~~The following applies until the department of~~ 1792
~~administrative services implements healthcare plans designed under~~ 1793
~~section 9.901 of the Revised Code. If those plans do not include~~ 1794

~~or address any benefits listed in this section, or if the board of~~ 1795
~~trustees or other governing body of a state institution of higher~~ 1796
~~education, as defined in section 3345.011 of the Revised Code,~~ 1797
~~board of education of a school district, or governing board of an~~ 1798
~~educational service center do not elect to be covered under a plan~~ 1799
~~offered by the department of administrative services under section~~ 1800
~~9.901 of the Revised Code, the following provisions continue in~~ 1801
~~effect for those benefits.~~ The board of trustees or other 1802
governing body of a state institution of higher education, as 1803
defined in section 3345.011 of the Revised Code, board of 1804
education of a school district, or governing board of an 1805
educational service center may, in addition to all other powers 1806
provided in the Revised Code: 1807

(1) Contract for, purchase, or otherwise procure from an 1808
insurer or insurers licensed to do business by the state of Ohio 1809
for or on behalf of such of its employees as it may determine, 1810
life insurance, or sickness, accident, annuity, endowment, health, 1811
medical, hospital, dental, or surgical coverage and benefits, or 1812
any combination thereof, by means of insurance plans or other 1813
types of coverage, family, group or otherwise, and may pay from 1814
funds under its control and available for such purpose all or any 1815
portion of the cost, premium, or charge for such insurance, 1816
coverage, or benefits. However, the governing board, in addition 1817
to or as an alternative to the authority otherwise granted by 1818
division (A)(1) of this section, may elect to procure coverage for 1819
health care services, for or on behalf of such of its employees as 1820
it may determine, by means of policies, contracts, certificates, 1821
or agreements issued by at least two health insuring corporations 1822
holding a certificate of authority under Chapter 1751. of the 1823
Revised Code and may pay from funds under the governing board's 1824
control and available for such purpose all or any portion of the 1825
cost of such coverage. 1826

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

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

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

(C) The board of education of any school district may exercise any of the powers granted to the governing boards of public institutions of higher education under divisions (A) and

(B) of this section. All health care benefits provided to persons 1859
employed by the public schools of this state shall be through 1860
health care plans that contain best practices established by the 1861
department of administrative services pursuant to section 9.901 of 1862
the Revised Code. 1863

~~(D) Once the department of administrative services releases 1864
in final form health care plans designed under section 9.901 of 1865
the Revised Code, all health care benefits provided to persons 1866
employed by state institutions of higher education, school 1867
districts, or educational service centers may be through those 1868
plans. 1869~~

Sec. 9.901. (A)(1) All health care benefits provided to 1870
persons employed by ~~the political subdivisions and public school 1871
districts of~~ employers as defined by this state section shall be 1872
provided by health care plans that contain best practices 1873
established ~~pursuant to this section~~ by the former school 1874
employees health care board or the department of administrative 1875
services. ~~Twelve months after the release of best practices by the 1876
board all~~ All policies or contracts for health care benefits 1877
~~provided to public school district employees~~ that are issued or 1878
renewed after the expiration of any applicable collective 1879
bargaining agreement must contain all best practices established 1880
pursuant to this section ~~by the board~~ at the time of renewal. ~~Any 1881
or all of the health~~ Health care plans that contain the best 1882
practices ~~specified by the board~~ may be self-insured. 1883

(2) Upon ~~completion of the consultant's report under division 1884
(E) of this section and once the plans are released in final form 1885
by the department,~~ all health care benefits provided to persons 1886
employed by ~~political subdivisions, public school districts, and 1887
state institutions of higher education~~ may be provided by health 1888
care plans ~~designed under this section by the department. The 1889~~

~~department, in consultation with the superintendent of insurance, 1890
may negotiate with and, in accordance with the competitive 1891
selection procedures of Chapter 125. of the Revised Code, contract 1892
with one or more insurance companies authorized to do business in 1893
this state for the issuance of the plans. Any or all of the health 1894
care plans designed by the department may be self insured. All 1895
self insured plans adopted shall be administered by the department 1896
in accordance with this section. The plans shall incorporate the 1897
best practices adopted by the department under division (C)(3) of 1898
this section consulting with the department of administrative 1899
services, a political subdivision may adopt a delivery system of 1900
benefits that is not in accordance with the department's adopted 1901
best practices if it is considered by the department to be most 1902
financially advantageous to the political subdivision. 1903~~

~~(3) Before soliciting proposals from insurance companies for 1904
the issuance of health care plans, the department, in consultation 1905
with the superintendent of insurance, shall determine what 1906
geographic regions exist in the state based on the availability of 1907
providers, networks, costs, and other factors relating to 1908
providing health care benefits. The department shall then 1909
determine what health care plans offered by political 1910
subdivisions, public school districts, state institutions, and 1911
existing consortiums in the region offer the most cost effective 1912
plan. 1913~~

~~(4) The department, in consultation with the superintendent 1914
of insurance, shall develop a request for proposals and solicit 1915
bids for health care plans for political subdivisions, public 1916
school districts, and state institutions in a region similar to 1917
the existing plans. The department shall also determine the 1918
benefits offered by existing health care plans, the employees' 1919
costs, and the cost sharing arrangements used by political 1920
subdivisions, schools, and institutions participating in a 1921~~

~~consortium. The department shall determine what strategies are used by the existing plans to manage health care costs and shall study the potential benefits of state or regional consortiums offering multiple health care plans. When options exist in a defined regional service area that meet the benchmarks or best practices prescribed by the department, public employees shall be given the option of selecting from two or more health plans.~~

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

~~In addition, political subdivisions, public school districts, or state institutions offering employee health care benefits through a plan offered by a consortium of two or more political subdivisions, districts, or state institutions, or a consortium of one or more political subdivisions, districts, or state institutions and one or more other political subdivisions may continue offering consortium plans to the political subdivisions', districts', or institutions' employees if plans contain best practices required under this section.~~

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

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

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

~~(b)(c) "State institution of higher education" or "state institution" means a state institution of higher education as~~

defined in section 3345.011 of the Revised Code. 1953

~~(e)~~(d) "Political subdivision" has the same meaning as 1954
defined in section 9.833 of the Revised Code. 1955

~~(d)~~(e) A "health care plan" includes group policies, 1956
contracts, and agreements that provide hospital, surgical, or 1957
medical expense coverage, including self-insured plans. A "health 1958
care plan" does not include an individual plan offered to the 1959
employees of a political subdivision, public school district, or 1960
state institution, or a plan that provides coverage only for 1961
specific disease or accidents, or a hospital indemnity, medicare 1962
supplement, or other plan that provides only supplemental 1963
benefits, paid for by the employees of a political subdivision, 1964
public school district, or state institution. 1965

~~(e)~~(f) A "health plan sponsor" means a political subdivision, 1966
public school district, a state institution of higher education, a 1967
consortium of political subdivisions, public school districts, or 1968
state institutions, or a council of governments. 1969

~~(B)~~(4) The ~~political subdivisions and~~ public employees health 1970
care fund is hereby created in the state treasury. The department 1971
shall use all funds in the ~~political subdivisions and~~ public 1972
employees health care fund solely to carry out the provisions of 1973
this section and related administrative costs. 1974

~~(C)~~(B) The department of administrative services shall do all 1975
of the following: 1976

(1) ~~Include disease management and consumer education 1977
programs, which programs shall include, but are not limited to, 1978
wellness programs and other measures designed to encourage the 1979
wise use of medical plan coverage. These programs are not services 1980
or treatments for purposes of section 3901.71 of the Revised Code. 1981~~

~~(2) After action is taken under division (E) of this section, 1982
design health care plans for political subdivisions, public school 1983~~

districts, and state institutions of higher education in	1984
accordance with division (A) of this section separate from the	1985
plans for state agencies;	1986
(3) Adopt and release a set of standards that shall be	1987
considered the best practices for health care plans offered to	1988
employees of political subdivisions, public school districts, and	1989
state institutions.	1990
(4) Require that the plans the health plan sponsors	1991
administer make readily available to the public all cost and	1992
design elements of the plan;	1993
(5) Set employee and employer health care plan premiums for	1994
the plans designed under division (C)(2) of this section;	1995
(6) Promote cooperation among all organizations affected by	1996
this section in identifying the elements for the successful	1997
implementation of this section;	1998
(7) Promote cost containment measures aligned with patient,	1999
plan, and provider management strategies in developing and	2000
managing health care plans;	2001
(8) Prepare and disseminate to the public an annual report on	2002
the status of health plan sponsors' effectiveness in making	2003
progress to reduce the rate of increase in insurance premiums and	2004
employee out of pocket expenses, as well as progress in improving	2005
the health status of political subdivision, public school	2006
district, and state institution employees and their families.	2007
(D) The sections in Chapter 3923. of the Revised Code	2008
regulating public employee benefit plans are not applicable to the	2009
health care plans designed pursuant to this section.	2010
(E) Before the department's release of the initial health	2011
care plans, the department shall contract with an independent	2012
consultant to analyze costs related to employee health care	2013

~~benefits provided by existing political subdivision, public school district, and state institution plans. All political subdivisions shall provide information requested by the department that the department determines is needed to complete this study. The information requested shall be held confidentially by the department and shall not be considered a public record under Chapter 149. of the Revised Code. The department may release the information after redacting all personally identifiable information. The consultant shall determine the benefits offered by existing plans, the employees' costs, and the cost sharing arrangements used by political subdivisions, schools, and institutions participating in a consortium. The consultant shall determine what strategies are used by the existing plans to manage health care costs and shall study the potential benefits of state or regional consortiums of political subdivisions, public schools, and institutions offering multiple health care plans. Based on the findings of the analysis, the consultant shall submit written recommendations to the department for the development and implementation of a successful program for pooling purchasing power for the acquisition of employee health care plans. The consultant's recommendations shall address, at a minimum, all of the following issues:~~

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

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

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

~~(4) The use of regional preferred provider and closed panel plans, health savings accounts, and alternative health care plans,~~

to stabilize both costs and the premiums charged to political subdivisions, public school districts, and state institutions and their employees;	2046
	2047
	2048
(5) The use of the competitive bidding process for regional health care plans;	2049
	2050
(6) The use of information on claims and costs and of information reported by political subdivisions, public school districts, and state institutions pursuant to the Consolidated Omnibus Budget Reconciliation Act (COBRA) 100 Stat. 227, 29 U.S.C. 1161, as amended in analyzing administrative and premium costs;	2051
	2052
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	2055
(7) The experience of states that have statewide health care plans for political subdivision, public school district, and state institution employees, including the implementation strategies used by those states;	2056
	2057
	2058
	2059
(8) Recommended strategies for the use of first year roll in premiums in the transition from political subdivision, district, and state institution health care plans to department plans;	2060
	2061
	2062
(9) The option of allowing political subdivisions, public school districts, and state institutions to join an existing regional consortium as an alternative to department plans;	2063
	2064
	2065
(10) Mandatory and optional coverages to be offered by the department's plans;	2066
	2067
(11) Potential risks to the state from the use of plans developed under this section;	2068
	2069
(12) Any legislation needed to ensure the long term financial solvency and stability of a health care purchasing system;	2070
	2071
(13) The potential impacts of any changes to the existing purchasing structure on all of the following:	2072
	2073
(a) Existing health care pooling and consortiums;	2074
(b) Political subdivision, school district, and state	2075

institution employees;	2076
(c) Individual political subdivisions, school districts, and state institutions.	2077
(14) Issues that could arise when political subdivisions, school districts, and state institutions transition from the existing purchasing structure to a new purchasing structure;	2078
(14) Issues that could arise when political subdivisions, school districts, and state institutions transition from the existing purchasing structure to a new purchasing structure;	2079
(14) Issues that could arise when political subdivisions, school districts, and state institutions transition from the existing purchasing structure to a new purchasing structure;	2080
(14) Issues that could arise when political subdivisions, school districts, and state institutions transition from the existing purchasing structure to a new purchasing structure;	2081
(15) Strategies available to the department in the creation of fund reserves and the need for stop loss insurance coverage for catastrophic losses;	2082
(15) Strategies available to the department in the creation of fund reserves and the need for stop loss insurance coverage for catastrophic losses;	2083
(15) Strategies available to the department in the creation of fund reserves and the need for stop loss insurance coverage for catastrophic losses;	2084
(16) Impact on eliminating the premium tax or excise currently received on behalf of a public employer under division (A) of section 5725.18 and division (A) of 5729.03 of the Revised Code;	2085
(16) Impact on eliminating the premium tax or excise currently received on behalf of a public employer under division (A) of section 5725.18 and division (A) of 5729.03 of the Revised Code;	2086
(16) Impact on eliminating the premium tax or excise currently received on behalf of a public employer under division (A) of section 5725.18 and division (A) of 5729.03 of the Revised Code;	2087
(16) Impact on eliminating the premium tax or excise currently received on behalf of a public employer under division (A) of section 5725.18 and division (A) of 5729.03 of the Revised Code;	2088
(17) How development of the federal health exchange in Ohio may impact public employees;	2089
(17) How development of the federal health exchange in Ohio may impact public employees;	2090
(18) Impact of joint health insurance regional program on insurance carriers and agents;	2091
(18) Impact of joint health insurance regional program on insurance carriers and agents;	2092
(19) The benefits, including any cost savings to the state of establishing a benchmark for public employers to meet in lieu of establishing new plans administered by the department.	2093
(19) The benefits, including any cost savings to the state of establishing a benchmark for public employers to meet in lieu of establishing new plans administered by the department.	2094
(19) The benefits, including any cost savings to the state of establishing a benchmark for public employers to meet in lieu of establishing new plans administered by the department.	2095
(F) <u>The Identify strategies to manage health care costs;</u>	2096
(2) <u>Study the potential benefits of state or regional consortiums of public employers' health care plans;</u>	2097
(2) <u>Study the potential benefits of state or regional consortiums of public employers' health care plans;</u>	2098
(3) <u>Publish information regarding the health care plans offered by political subdivisions, public school districts, state institutions, and existing consortiums;</u>	2099
(3) <u>Publish information regarding the health care plans offered by political subdivisions, public school districts, state institutions, and existing consortiums;</u>	2100
(3) <u>Publish information regarding the health care plans offered by political subdivisions, public school districts, state institutions, and existing consortiums;</u>	2101
(4) <u>Assist in the design of health care plans for political subdivisions, public school districts, and state institutions of higher education in accordance with division (A) of this section separate from the plans for state agencies;</u>	2102
(4) <u>Assist in the design of health care plans for political subdivisions, public school districts, and state institutions of higher education in accordance with division (A) of this section separate from the plans for state agencies;</u>	2103
(4) <u>Assist in the design of health care plans for political subdivisions, public school districts, and state institutions of higher education in accordance with division (A) of this section separate from the plans for state agencies;</u>	2104
(4) <u>Assist in the design of health care plans for political subdivisions, public school districts, and state institutions of higher education in accordance with division (A) of this section separate from the plans for state agencies;</u>	2105

(5) Adopt and release a set of standards that shall be 2106
considered the best practices for health care plans offered to 2107
employees of political subdivisions, public school districts, and 2108
state institutions; 2109

(6) Require that plans the health plan sponsors administer 2110
make readily available to the public all cost and design elements 2111
of the plan; 2112

(7) Promote cooperation among all organizations affected by 2113
this section in identifying the elements for successful 2114
implementation of this section; 2115

(8) Promote cost containment measures aligned with patient, 2116
plan, and provider management strategies in developing and 2117
managing health care plans; and 2118

(9) Prepare and disseminate to the public an annual report on 2119
the status of health plan sponsors' effectiveness in complying 2120
with best practices and making progress to reduce the rate of 2121
increase in insurance premiums and employee out-of-pocket 2122
expenses, as well as progress in improving the health status of 2123
employees and their families. 2124

(C) The director of administrative services may convene a 2125
public health care advisory committee ~~is hereby created under the~~ 2126
~~department of administrative services.~~ The committee shall make 2127
recommendations to the director of administrative services or the 2128
director's designee on the development and adoption of best 2129
practices under this section. The committee shall consist of 2130
fifteen members: five members appointed by the speaker of the 2131
house of representatives; five members appointed by the president 2132
of the senate; and five members appointed by the governor and 2133
shall include representatives from state and local government 2134
employers, state and local government employees, insurance agents, 2135
health insurance companies, and joint purchasing arrangements 2136

currently in existence. ~~Nothing in this section prohibits a~~ 2137
~~political subdivision from adopting a delivery system of benefits~~ 2138
~~that is not in accordance with the department's adopted best~~ 2139
~~practices if it is considered to be most financially advantageous~~ 2140
~~to the political subdivision. Members shall serve without~~ 2141
~~compensation.~~ 2142

~~(G)~~(D) The department may adopt rules for the enforcement of 2143
health plan sponsors' compliance with the best practices standards 2144
adopted by the department pursuant to this section. 2145

~~(H)~~(E) Any health care plan providing coverage for the 2146
employees of political subdivisions, public school districts, or 2147
state institutions of higher education, or that have provided 2148
coverage within two years before the effective date of this 2149
amendment, shall provide nonidentifiable aggregate claims and 2150
administrative data for the coverage provided as required by the 2151
department, without charge, within thirty days after receiving a 2152
written request from the department. The claims data shall include 2153
data relating to employee group benefit sets, demographics, and 2154
claims experience. 2155

~~(I)~~(1)(F) The department may ~~contract~~ work with other state 2156
agencies ~~for~~ to obtain services as the department deems necessary 2157
for the implementation and operation of this section, based on 2158
demonstrated experience and expertise in administration, 2159
management, data handling, actuarial studies, quality assurance, 2160
or for other needed services. 2161

~~(2)~~(G) The department shall hire staff as necessary to 2162
provide administrative support to the department and the public 2163
employee health care plan program established by this section. 2164

~~(J) Not more than ninety days before coverage begins for~~ 2165
~~political subdivision, public school district, and state~~ 2166
~~institution employees under health care plans designed by the~~ 2167

~~department, a political subdivision's governing body, public 2168
school district's board of education, and a state institution's 2169
board of trustees or managing authority shall provide detailed 2170
information about the health care plans to the employees. 2171~~

~~(K)~~(H) Nothing in this section shall be construed as 2172
prohibiting political subdivisions, public school districts, or 2173
state institutions from consulting with and compensating insurance 2174
agents and brokers for professional services or from establishing 2175
a self-insurance program. 2176

~~(L)~~(I) Pursuant to Chapter 117. of the Revised Code, the 2177
auditor of state shall conduct all necessary and required audits 2178
of the department. The auditor of state, upon request, also shall 2179
furnish to the department copies of audits of political 2180
subdivisions, public school districts, or consortia performed by 2181
the auditor of state. 2182

Sec. 101.39. (A) There is hereby created the joint 2183
legislative committee on health care oversight. The committee may 2184
review or study any matter related to the provision of health care 2185
services that it considers of significance to the citizens of this 2186
state, including the availability of health care, the quality of 2187
health care, the effectiveness and efficiency of managed care 2188
systems, and the operation of the ~~medical assistance~~ medicaid 2189
~~program established under Chapter 5111. of the Revised Code or~~ 2190
other government health programs. 2191

The department of ~~job and family services~~ medicaid, 2192
department of health, department of aging, department of ~~mental~~ 2193
~~health~~ mental health and addiction services, department of 2194
developmental disabilities, ~~department of alcohol and drug~~ 2195
~~addiction services~~, and other state agencies shall cooperate with 2196
the committee in its study and review of health care issues. On 2197
request, the departments shall provide the committee with reports 2198

and other information sufficient for the committee to fulfill its 2199
duties. 2200

The committee may issue recommendations as it determines 2201
appropriate. The recommendations may be made to the general 2202
assembly, state agencies, private industry, or any other entity. 2203

(B) The committee shall consist of the following members of 2204
the general assembly: the chairperson of the senate's standing 2205
committee with primary responsibility for health legislation, the 2206
chairperson of the house of representatives' standing committee 2207
with primary responsibility for health legislation, four members 2208
of the house of representatives appointed by the speaker of the 2209
house of representatives, and four members of the senate appointed 2210
by the president of the senate. Not more than two members 2211
appointed by the speaker of the house of representatives and not 2212
more than two members appointed by the president of the senate may 2213
be of the same political party. Except in 1995, appointments shall 2214
be made not later than fifteen days after the commencement of the 2215
first regular session of each general assembly. The chairpersons 2216
of the standing committees with primary responsibility for health 2217
legislation shall serve as co-chairpersons of the committee. 2218

Each member of the committee shall hold office during the 2219
general assembly in which the member is appointed and until a 2220
successor has been appointed, notwithstanding the adjournment sine 2221
die of the general assembly in which the member was appointed or 2222
the expiration of the member's term as a member of the general 2223
assembly. Any vacancies occurring among the members of the 2224
committee shall be filled in the manner of the original 2225
appointment. 2226

The committee shall meet at least quarterly and at the call 2227
of the co-chairpersons. The co-chairpersons shall determine the 2228
time, place, and agenda for each meeting of the committee. 2229

The committee has the same powers as other standing or select 2230
committees of the general assembly. The committee may request 2231
assistance from the legislative service commission. 2232

Sec. 101.391. (A) There is hereby created the joint 2233
legislative committee on medicaid technology and reform. The 2234
committee may review or study any matter that it considers 2235
relevant to the operation of the medicaid program ~~established~~ 2236
~~under Chapter 5111. of the Revised Code~~, with priority given to 2237
the study or review of mechanisms to enhance the program's 2238
effectiveness through improved technology systems and program 2239
reform. 2240

(B) The committee shall consist of five members of the house 2241
of representatives appointed by the speaker of the house of 2242
representatives and five members of the senate appointed by the 2243
president of the senate. Not more than three members appointed by 2244
the speaker of the house of representatives and not more than 2245
three members appointed by the president of the senate may be of 2246
the same political party. 2247

Each member of the committee shall hold office during the 2248
general assembly in which the member is appointed and until a 2249
successor has been appointed, notwithstanding the adjournment sine 2250
die of the general assembly in which the member was appointed or 2251
the expiration of the member's term as a member of the general 2252
assembly. Any vacancies occurring among the members of the 2253
committee shall be filled in the manner of the original 2254
appointment. 2255

(C) The committee has the same powers as other standing or 2256
select committees of the general assembly. The committee may 2257
employ an executive director. 2258

Sec. 102.02. (A) Except as otherwise provided in division (H) 2259

of this section, all of the following shall file with the 2260
appropriate ethics commission the disclosure statement described 2261
in this division on a form prescribed by the appropriate 2262
commission: every person who is elected to or is a candidate for a 2263
state, county, or city office and every person who is appointed to 2264
fill a vacancy for an unexpired term in such an elective office; 2265
all members of the state board of education; the director, 2266
assistant directors, deputy directors, division chiefs, or persons 2267
of equivalent rank of any administrative department of the state; 2268
the president or other chief administrative officer of every state 2269
institution of higher education as defined in section 3345.011 of 2270
the Revised Code; the executive director and the members of the 2271
capitol square review and advisory board appointed or employed 2272
pursuant to section 105.41 of the Revised Code; all members of the 2273
Ohio casino control commission, the executive director of the 2274
commission, all professional employees of the commission, and all 2275
technical employees of the commission who perform an internal 2276
audit function; the individuals set forth in division (B)(2) of 2277
section 187.03 of the Revised Code; the chief executive officer 2278
and the members of the board of each state retirement system; each 2279
employee of a state retirement board who is a state retirement 2280
system investment officer licensed pursuant to section 1707.163 of 2281
the Revised Code; the members of the Ohio retirement study council 2282
appointed pursuant to division (C) of section 171.01 of the 2283
Revised Code; employees of the Ohio retirement study council, 2284
other than employees who perform purely administrative or clerical 2285
functions; the administrator of workers' compensation and each 2286
member of the bureau of workers' compensation board of directors; 2287
the bureau of workers' compensation director of investments; the 2288
chief investment officer of the bureau of workers' compensation; 2289
all members of the board of commissioners on grievances and 2290
discipline of the supreme court and the ethics commission created 2291
under section 102.05 of the Revised Code; every business manager, 2292

treasurer, or superintendent of a city, local, exempted village, 2293
joint vocational, or cooperative education school district or an 2294
educational service center; every person who is elected to or is a 2295
candidate for the office of member of a board of education of a 2296
city, local, exempted village, joint vocational, or cooperative 2297
education school district or of a governing board of an 2298
educational service center that has a total student count of 2299
twelve thousand or more as most recently determined by the 2300
department of education pursuant to section 3317.03 of the Revised 2301
Code; every person who is appointed to the board of education of a 2302
municipal school district pursuant to division (B) or (F) of 2303
section 3311.71 of the Revised Code; all members of the board of 2304
directors of a sanitary district that is established under Chapter 2305
6115. of the Revised Code and organized wholly for the purpose of 2306
providing a water supply for domestic, municipal, and public use, 2307
and that includes two municipal corporations in two counties; 2308
every public official or employee who is paid a salary or wage in 2309
accordance with schedule C of section 124.15 or schedule E-2 of 2310
section 124.152 of the Revised Code; members of the board of 2311
trustees and the executive director of the southern Ohio 2312
agricultural and community development foundation; all members 2313
appointed to the Ohio livestock care standards board under section 2314
904.02 of the Revised Code; and every other public official or 2315
employee who is designated by the appropriate ethics commission 2316
pursuant to division (B) of this section. 2317

The disclosure statement shall include all of the following: 2318

(1) The name of the person filing the statement and each 2319
member of the person's immediate family and all names under which 2320
the person or members of the person's immediate family do 2321
business; 2322

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 2323
and except as otherwise provided in section 102.022 of the Revised 2324

Code, identification of every source of income, other than income 2325
from a legislative agent identified in division (A)(2)(b) of this 2326
section, received during the preceding calendar year, in the 2327
person's own name or by any other person for the person's use or 2328
benefit, by the person filing the statement, and a brief 2329
description of the nature of the services for which the income was 2330
received. If the person filing the statement is a member of the 2331
general assembly, the statement shall identify the amount of every 2332
source of income received in accordance with the following ranges 2333
of amounts: zero or more, but less than one thousand dollars; one 2334
thousand dollars or more, but less than ten thousand dollars; ten 2335
thousand dollars or more, but less than twenty-five thousand 2336
dollars; twenty-five thousand dollars or more, but less than fifty 2337
thousand dollars; fifty thousand dollars or more, but less than 2338
one hundred thousand dollars; and one hundred thousand dollars or 2339
more. Division (A)(2)(a) of this section shall not be construed to 2340
require a person filing the statement who derives income from a 2341
business or profession to disclose the individual items of income 2342
that constitute the gross income of that business or profession, 2343
except for those individual items of income that are attributable 2344
to the person's or, if the income is shared with the person, the 2345
partner's, solicitation of services or goods or performance, 2346
arrangement, or facilitation of services or provision of goods on 2347
behalf of the business or profession of clients, including 2348
corporate clients, who are legislative agents. A person who files 2349
the statement under this section shall disclose the identity of 2350
and the amount of income received from a person who the public 2351
official or employee knows or has reason to know is doing or 2352
seeking to do business of any kind with the public official's or 2353
employee's agency. 2354

(b) If the person filing the statement is a member of the 2355
general assembly, the statement shall identify every source of 2356
income and the amount of that income that was received from a 2357

legislative agent during the preceding calendar year, in the 2358
person's own name or by any other person for the person's use or 2359
benefit, by the person filing the statement, and a brief 2360
description of the nature of the services for which the income was 2361
received. Division (A)(2)(b) of this section requires the 2362
disclosure of clients of attorneys or persons licensed under 2363
section 4732.12 of the Revised Code, or patients of persons 2364
certified under section 4731.14 of the Revised Code, if those 2365
clients or patients are legislative agents. Division (A)(2)(b) of 2366
this section requires a person filing the statement who derives 2367
income from a business or profession to disclose those individual 2368
items of income that constitute the gross income of that business 2369
or profession that are received from legislative agents. 2370

(c) Except as otherwise provided in division (A)(2)(c) of 2371
this section, division (A)(2)(a) of this section applies to 2372
attorneys, physicians, and other persons who engage in the 2373
practice of a profession and who, pursuant to a section of the 2374
Revised Code, the common law of this state, a code of ethics 2375
applicable to the profession, or otherwise, generally are required 2376
not to reveal, disclose, or use confidences of clients, patients, 2377
or other recipients of professional services except under 2378
specified circumstances or generally are required to maintain 2379
those types of confidences as privileged communications except 2380
under specified circumstances. Division (A)(2)(a) of this section 2381
does not require an attorney, physician, or other professional 2382
subject to a confidentiality requirement as described in division 2383
(A)(2)(c) of this section to disclose the name, other identity, or 2384
address of a client, patient, or other recipient of professional 2385
services if the disclosure would threaten the client, patient, or 2386
other recipient of professional services, would reveal details of 2387
the subject matter for which legal, medical, or professional 2388
advice or other services were sought, or would reveal an otherwise 2389
privileged communication involving the client, patient, or other 2390

recipient of professional services. Division (A)(2)(a) of this 2391
section does not require an attorney, physician, or other 2392
professional subject to a confidentiality requirement as described 2393
in division (A)(2)(c) of this section to disclose in the brief 2394
description of the nature of services required by division 2395
(A)(2)(a) of this section any information pertaining to specific 2396
professional services rendered for a client, patient, or other 2397
recipient of professional services that would reveal details of 2398
the subject matter for which legal, medical, or professional 2399
advice was sought or would reveal an otherwise privileged 2400
communication involving the client, patient, or other recipient of 2401
professional services. 2402

(3) The name of every corporation on file with the secretary 2403
of state that is incorporated in this state or holds a certificate 2404
of compliance authorizing it to do business in this state, trust, 2405
business trust, partnership, or association that transacts 2406
business in this state in which the person filing the statement or 2407
any other person for the person's use and benefit had during the 2408
preceding calendar year an investment of over one thousand dollars 2409
at fair market value as of the thirty-first day of December of the 2410
preceding calendar year, or the date of disposition, whichever is 2411
earlier, or in which the person holds any office or has a 2412
fiduciary relationship, and a description of the nature of the 2413
investment, office, or relationship. Division (A)(3) of this 2414
section does not require disclosure of the name of any bank, 2415
savings and loan association, credit union, or building and loan 2416
association with which the person filing the statement has a 2417
deposit or a withdrawable share account. 2418

(4) All fee simple and leasehold interests to which the 2419
person filing the statement holds legal title to or a beneficial 2420
interest in real property located within the state, excluding the 2421
person's residence and property used primarily for personal 2422

recreation; 2423

(5) The names of all persons residing or transacting business 2424
in the state to whom the person filing the statement owes, in the 2425
person's own name or in the name of any other person, more than 2426
one thousand dollars. Division (A)(5) of this section shall not be 2427
construed to require the disclosure of debts owed by the person 2428
resulting from the ordinary conduct of a business or profession or 2429
debts on the person's residence or real property used primarily 2430
for personal recreation, except that the superintendent of 2431
financial institutions shall disclose the names of all 2432
state-chartered savings and loan associations and of all service 2433
corporations subject to regulation under division (E)(2) of 2434
section 1151.34 of the Revised Code to whom the superintendent in 2435
the superintendent's own name or in the name of any other person 2436
owes any money, and that the superintendent and any deputy 2437
superintendent of banks shall disclose the names of all 2438
state-chartered banks and all bank subsidiary corporations subject 2439
to regulation under section 1109.44 of the Revised Code to whom 2440
the superintendent or deputy superintendent owes any money. 2441

(6) The names of all persons residing or transacting business 2442
in the state, other than a depository excluded under division 2443
(A)(3) of this section, who owe more than one thousand dollars to 2444
the person filing the statement, either in the person's own name 2445
or to any person for the person's use or benefit. Division (A)(6) 2446
of this section shall not be construed to require the disclosure 2447
of clients of attorneys or persons licensed under section 4732.12 2448
or 4732.15 of the Revised Code, or patients of persons certified 2449
under section 4731.14 of the Revised Code, nor the disclosure of 2450
debts owed to the person resulting from the ordinary conduct of a 2451
business or profession. 2452

(7) Except as otherwise provided in section 102.022 of the 2453
Revised Code, the source of each gift of over seventy-five 2454

dollars, or of each gift of over twenty-five dollars received by a 2455
member of the general assembly from a legislative agent, received 2456
by the person in the person's own name or by any other person for 2457
the person's use or benefit during the preceding calendar year, 2458
except gifts received by will or by virtue of section 2105.06 of 2459
the Revised Code, or received from spouses, parents, grandparents, 2460
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 2461
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 2462
fathers-in-law, mothers-in-law, or any person to whom the person 2463
filing the statement stands in loco parentis, or received by way 2464
of distribution from any inter vivos or testamentary trust 2465
established by a spouse or by an ancestor; 2466

(8) Except as otherwise provided in section 102.022 of the 2467
Revised Code, identification of the source and amount of every 2468
payment of expenses incurred for travel to destinations inside or 2469
outside this state that is received by the person in the person's 2470
own name or by any other person for the person's use or benefit 2471
and that is incurred in connection with the person's official 2472
duties, except for expenses for travel to meetings or conventions 2473
of a national or state organization to which any state agency, 2474
including, but not limited to, any legislative agency or state 2475
institution of higher education as defined in section 3345.011 of 2476
the Revised Code, pays membership dues, or any political 2477
subdivision or any office or agency of a political subdivision 2478
pays membership dues; 2479

(9) Except as otherwise provided in section 102.022 of the 2480
Revised Code, identification of the source of payment of expenses 2481
for meals and other food and beverages, other than for meals and 2482
other food and beverages provided at a meeting at which the person 2483
participated in a panel, seminar, or speaking engagement or at a 2484
meeting or convention of a national or state organization to which 2485
any state agency, including, but not limited to, any legislative 2486

agency or state institution of higher education as defined in 2487
section 3345.011 of the Revised Code, pays membership dues, or any 2488
political subdivision or any office or agency of a political 2489
subdivision pays membership dues, that are incurred in connection 2490
with the person's official duties and that exceed one hundred 2491
dollars aggregated per calendar year; 2492

(10) If the disclosure statement is filed by a public 2493
official or employee described in division (B)(2) of section 2494
101.73 of the Revised Code or division (B)(2) of section 121.63 of 2495
the Revised Code who receives a statement from a legislative 2496
agent, executive agency lobbyist, or employer that contains the 2497
information described in division (F)(2) of section 101.73 of the 2498
Revised Code or division (G)(2) of section 121.63 of the Revised 2499
Code, all of the nondisputed information contained in the 2500
statement delivered to that public official or employee by the 2501
legislative agent, executive agency lobbyist, or employer under 2502
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 2503
the Revised Code. 2504

A person may file a statement required by this section in 2505
person ~~or~~, by mail, or by electronic means. A person who is a 2506
candidate for elective office shall file the statement no later 2507
than the thirtieth day before the primary, special, or general 2508
election at which the candidacy is to be voted on, whichever 2509
election occurs soonest, except that a person who is a write-in 2510
candidate shall file the statement no later than the twentieth day 2511
before the earliest election at which the person's candidacy is to 2512
be voted on. A person who holds elective office shall file the 2513
statement on or before the fifteenth day of April of each year 2514
unless the person is a candidate for office. A person who is 2515
appointed to fill a vacancy for an unexpired term in an elective 2516
office shall file the statement within fifteen days after the 2517
person qualifies for office. Other persons shall file an annual 2518

statement on or before the fifteenth day of April or, if appointed 2519
or employed after that date, within ninety days after appointment 2520
or employment. No person shall be required to file with the 2521
appropriate ethics commission more than one statement or pay more 2522
than one filing fee for any one calendar year. 2523

The appropriate ethics commission, for good cause, may extend 2524
for a reasonable time the deadline for filing a statement under 2525
this section. 2526

A statement filed under this section is subject to public 2527
inspection at locations designated by the appropriate ethics 2528
commission except as otherwise provided in this section. 2529

(B) The Ohio ethics commission, the joint legislative ethics 2530
committee, and the board of commissioners on grievances and 2531
discipline of the supreme court, using the rule-making procedures 2532
of Chapter 119. of the Revised Code, may require any class of 2533
public officials or employees under its jurisdiction and not 2534
specifically excluded by this section whose positions involve a 2535
substantial and material exercise of administrative discretion in 2536
the formulation of public policy, expenditure of public funds, 2537
enforcement of laws and rules of the state or a county or city, or 2538
the execution of other public trusts, to file an annual statement 2539
on or before the fifteenth day of April under division (A) of this 2540
section. The appropriate ethics commission shall send the public 2541
officials or employees written notice of the requirement by the 2542
fifteenth day of February of each year the filing is required 2543
unless the public official or employee is appointed after that 2544
date, in which case the notice shall be sent within thirty days 2545
after appointment, and the filing shall be made not later than 2546
ninety days after appointment. 2547

Except for disclosure statements filed by members of the 2548
board of trustees and the executive director of the southern Ohio 2549
agricultural and community development foundation, disclosure 2550

statements filed under this division with the Ohio ethics 2551
commission by members of boards, commissions, or bureaus of the 2552
state for which no compensation is received other than reasonable 2553
and necessary expenses shall be kept confidential. Disclosure 2554
statements filed with the Ohio ethics commission under division 2555
(A) of this section by business managers, treasurers, and 2556
superintendents of city, local, exempted village, joint 2557
vocational, or cooperative education school districts or 2558
educational service centers shall be kept confidential, except 2559
that any person conducting an audit of any such school district or 2560
educational service center pursuant to section 115.56 or Chapter 2561
117. of the Revised Code may examine the disclosure statement of 2562
any business manager, treasurer, or superintendent of that school 2563
district or educational service center. Disclosure statements 2564
filed with the Ohio ethics commission under division (A) of this 2565
section by the individuals set forth in division (B)(2) of section 2566
187.03 of the Revised Code shall be kept confidential. The Ohio 2567
ethics commission shall examine each disclosure statement required 2568
to be kept confidential to determine whether a potential conflict 2569
of interest exists for the person who filed the disclosure 2570
statement. A potential conflict of interest exists if the private 2571
interests of the person, as indicated by the person's disclosure 2572
statement, might interfere with the public interests the person is 2573
required to serve in the exercise of the person's authority and 2574
duties in the person's office or position of employment. If the 2575
commission determines that a potential conflict of interest 2576
exists, it shall notify the person who filed the disclosure 2577
statement and shall make the portions of the disclosure statement 2578
that indicate a potential conflict of interest subject to public 2579
inspection in the same manner as is provided for other disclosure 2580
statements. Any portion of the disclosure statement that the 2581
commission determines does not indicate a potential conflict of 2582
interest shall be kept confidential by the commission and shall 2583

not be made subject to public inspection, except as is necessary 2584
for the enforcement of Chapters 102. and 2921. of the Revised Code 2585
and except as otherwise provided in this division. 2586

(C) No person shall knowingly fail to file, on or before the 2587
applicable filing deadline established under this section, a 2588
statement that is required by this section. 2589

(D) No person shall knowingly file a false statement that is 2590
required to be filed under this section. 2591

(E)(1) Except as provided in divisions (E)(2) and (3) of this 2592
section, the statement required by division (A) or (B) of this 2593
section shall be accompanied by a filing fee of sixty dollars. 2594

(2) The statement required by division (A) of this section 2595
shall be accompanied by the following filing fee to be paid by the 2596
person who is elected or appointed to, or is a candidate for, any 2597
of the following offices: 2598

For state office, except member of the		2599
state board of education	\$95	2600
For office of member of general assembly	\$40	2601
For county office	\$60	2602
For city office	\$35	2603
For office of member of the state board		2604
of education	\$35	2605
For office of member of a city, local,		2606
exempted village, or cooperative		2607
education board of		2608
education or educational service		2609
center governing board	\$30	2610
For position of business manager,		2611
treasurer, or superintendent of a		2612
city, local, exempted village, joint		2613
vocational, or cooperative education		2614

school district or	2615
educational service center	\$30 2616
(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E)(1) or (2) or (F) of this section.	2617 2618 2619 2620
(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E)(1) or (F) of this section.	2621 2622 2623 2624 2625
(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee of ten dollars for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed two hundred fifty dollars.	2626 2627 2628 2629 2630 2631
(G)(1) The appropriate ethics commission other than the Ohio ethics commission and the joint legislative ethics committee shall deposit all fees it receives under divisions (E) and (F) of this section into the general revenue fund of the state.	2632 2633 2634 2635
(2) The Ohio ethics commission shall deposit all receipts, including, but not limited to, fees it receives under divisions (E) and (F) of this section, investigative or other fees, costs, or other funds it receives as a result of court orders, and all moneys it receives from settlements under division (G) of section 102.06 of the Revised Code, into the Ohio ethics commission fund, which is hereby created in the state treasury. All moneys credited to the fund shall be used solely for expenses related to the operation and statutory functions of the commission.	2636 2637 2638 2639 2640 2641 2642 2643 2644
(3) The joint legislative ethics committee shall deposit all	2645

receipts it receives from the payment of financial disclosure 2646
statement filing fees under divisions (E) and (F) of this section 2647
into the joint legislative ethics committee investigative fund. 2648

(H) Division (A) of this section does not apply to a person 2649
elected or appointed to the office of precinct, ward, or district 2650
committee member under Chapter 3517. of the Revised Code; a 2651
presidential elector; a delegate to a national convention; village 2652
or township officials and employees; any physician or psychiatrist 2653
who is paid a salary or wage in accordance with schedule C of 2654
section 124.15 or schedule E-2 of section 124.152 of the Revised 2655
Code and whose primary duties do not require the exercise of 2656
administrative discretion; or any member of a board, commission, 2657
or bureau of any county or city who receives less than one 2658
thousand dollars per year for serving in that position. 2659

Sec. 103.0521. If a rule currently in effect is obsolete 2660
because the rule was adopted by an agency that is no longer in 2661
existence and jurisdiction over the rule has not been transferred 2662
to another agency, and if that status is verified by the executive 2663
director of the joint committee on agency rule review, the 2664
executive director shall prepare, for consideration of the joint 2665
committee, a motion that the director of the legislative service 2666
commission remove the obsolete rule from the Administrative Code. 2667
The executive director shall transmit a copy of the motion to the 2668
common sense initiative office before the next meeting of the 2669
joint committee. 2670

The chairperson of the joint committee, or another member of 2671
the joint committee delegated by the chairperson, shall offer the 2672
motion at the next meeting of the joint committee. If the motion 2673
is agreed to by the joint committee, the executive director shall 2674
transmit a copy of the motion to the director of the legislative 2675
service commission. The executive director shall certify on the 2676

copy transmitted that the motion was agreed to by the joint 2677
committee. 2678

Upon receiving the certified motion, the director of the 2679
legislative service commission shall remove the obsolete rule from 2680
the Administrative Code as directed in the motion. The director 2681
thereafter shall maintain the removed obsolete rule in a file of 2682
obsolete rules. The file of obsolete rules may be maintained in 2683
electronic form. 2684

Sec. 103.144. As used in sections 103.144 to 103.146 of the 2685
Revised Code: 2686

(A) "Mandated benefit" means the following, when considered 2687
in the context of a sickness and accident insurance policy or a 2688
health insuring corporation policy, contract, or agreement: 2689

(1) Any required coverage for a specific medical or 2690
health-related service, treatment, medication, or practice; 2691

(2) Any required coverage for the services of specific health 2692
care providers; 2693

(3) Any requirement that an insurer or health insuring 2694
corporation offer coverage to specific individuals or groups; 2695

(4) Any requirement that an insurer or health insuring 2696
corporation offer specific medical or health-related services, 2697
treatments, medications, or practices to existing insureds or 2698
enrollees; 2699

(5) Any required expansion of, or addition to, existing 2700
coverage; 2701

(6) Any mandated reimbursement amount to specific health care 2702
providers. 2703

(B) "Mandated benefit" does not include any required coverage 2704
or offer of coverage, any required expansion of, or addition to, 2705

existing coverage, or any mandated reimbursement amount to 2706
specific providers, as described in division (A) of this section, 2707
within the context of any public health benefits arrangement, 2708
including but not limited to, the coverage of beneficiaries 2709
enrolled in ~~Title XVIII of the "Social Security Act," 49 Stat. 620~~ 2710
~~(1935), 42 U.S.C.A. 301, as amended, medicare~~ pursuant to a 2711
medicare risk contract or medicare cost contract, or to the 2712
coverage of beneficiaries enrolled in ~~Title XIX of the "Social~~ 2713
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ 2714
~~known as the medical assistance program or medicaid, provided by~~ 2715
~~the Ohio department of job and family services under Chapter 5111.~~ 2716
~~of the Revised Code.~~ 2717

Sec. 103.63. There is established an Ohio constitutional 2718
modernization commission consisting of thirty-two members. Twelve 2719
members shall be appointed from the general assembly as follows: 2720
three by the president of the senate, three by the minority leader 2721
of the senate, three by the speaker of the house of 2722
representatives, and three by the minority leader of the house of 2723
representatives. Not later than January 1, 2012, and every two 2724
years thereafter, the twelve general assembly members shall meet, 2725
organize, and elect two co-chairpersons, who shall be from 2726
different political parties. Beginning in 2014, the twelve general 2727
assembly members shall elect one co-chairperson from each house of 2728
the general assembly. The members shall then, by majority vote, 2729
appoint twenty commission members, not from the general assembly. 2730
All appointments shall end on the first day of January of every 2731
even-numbered year, and the commission shall then be re-created in 2732
the manner provided above. Members may be reappointed. Vacancies 2733
on the commission shall be filled in the manner provided for 2734
original appointments. 2735

The members of the commission shall serve without 2736
compensation, but each member shall be reimbursed for actual and 2737

necessary expenses incurred while engaging in the performance of 2738
the member's official duties. Membership on the commission does 2739
not constitute holding another public office. The joint 2740
legislative ethics committee is the appropriate ethics commission 2741
as described in division (F) of section 102.01 of the Revised Code 2742
for matters relating to the public members appointed to the Ohio 2743
constitutional modernization commission. 2744

Sec. 107.033. As part of the state budget the governor 2745
submits to the general assembly under section 107.03 of the 2746
Revised Code, the governor shall include the state appropriation 2747
limitations the general assembly shall not exceed when making 2748
aggregate general revenue fund appropriations for each respective 2749
fiscal year of the biennium covered by that budget. The aggregate 2750
general revenue fund appropriations the governor proposes in the 2751
state budget also shall not exceed those limitations for each 2752
respective fiscal year of the biennium covered by that budget. 2753

(A) For fiscal year 2008, the state appropriation limitation 2754
is the sum of the following: 2755

(1) The aggregate general revenue fund appropriations for 2756
fiscal year 2007; plus 2757

(2) The aggregate general revenue fund appropriations for 2758
fiscal year 2007 multiplied by either three and one-half per cent, 2759
or the sum of the rate of inflation plus the rate of population 2760
change, whichever is greater. 2761

(B) For each fiscal year thereafter that is not a recast 2762
fiscal year, the state appropriation limitation is the sum of the 2763
following: 2764

(1) The state appropriation limitation for the previous 2765
fiscal year; plus 2766

(2) The state appropriation limitation for the previous 2767

fiscal year multiplied by either three and one-half per cent, or 2768
the sum of the rate of inflation plus the rate of population 2769
change, whichever is greater. 2770

(C) For each recast fiscal year, the state appropriation 2771
limitation is the sum of the following: 2772

(1) The aggregate general revenue fund appropriations for the 2773
previous fiscal year; plus 2774

(2) The aggregate general revenue fund appropriations for the 2775
previous fiscal year multiplied by either three and one-half per 2776
cent, or the sum of the rate of inflation plus the rate of 2777
population change, whichever is greater. 2778

(D) The state appropriation limitation for a fiscal year 2779
shall be increased by the amount of a nongeneral revenue fund 2780
appropriation made in the immediately preceding fiscal year, if 2781
all of the following apply to the nongeneral revenue fund 2782
appropriation: 2783

(1) It was made on or after July 1, 2013. 2784

(2) It is included in the aggregate general revenue fund 2785
appropriations proposed for that fiscal year. 2786

(3) It is being made for the first time from the general 2787
revenue fund. 2788

Sec. 107.12. (A) As used in this section, "organization" 2789
means a faith-based or other organization that is exempt from 2790
federal income taxation under section 501(c)(3) of the "Internal 2791
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, 2792
and provides charitable services to needy residents of this state. 2793

(B) There is hereby established within the office of the 2794
governor the governor's office of faith-based and community 2795
initiatives. The office shall: 2796

(1) Serve as a clearinghouse of information on federal, state, and local funding for charitable services performed by organizations;	2797 2798 2799
(2) Encourage organizations to seek public funding for their charitable services;	2800 2801
(3) Assist local, state, and federal agencies in coordinating their activities to secure maximum use of funds and efforts that benefit people receiving charitable services from organizations;	2802 2803 2804
(4) Advise the governor, general assembly, and the advisory board of the governor's office of faith-based and community initiatives on the barriers that exist to collaboration between organizations and governmental entities and on ways to remove the barriers.	2805 2806 2807 2808 2809
(C) The governor shall appoint an executive director and such other staff as may be necessary to manage the office and perform or oversee the performance of the duties of the office. Within sixty days after being appointed, and every twelve months thereafter, the executive director shall distribute to the advisory board and review with the board a strategic plan. The executive director shall report to the board at least quarterly on proposed initiatives and policies. A report shall include the condition of the budget and the finances of the office.	2810 2811 2812 2813 2814 2815 2816 2817 2818
(D)(1) There is hereby created the advisory board of the governor's office of faith-based and community initiatives. The board shall consist of the following members:	2819 2820 2821
(a) The directors of aging, alcohol and drug addiction services , rehabilitation and correction, health, job and family services, developmental disabilities, mental health <u>mental health and addiction services</u> , and youth services, or their designees;	2822 2823 2824 2825
(b) The speaker of the house of representatives shall appoint to the board two members of the house of representatives, not more	2826 2827

than one of whom shall be from the same political party and at 2828
least one of whom shall be from the legislative black caucus. The 2829
president of the senate shall appoint to the board two members of 2830
the senate, not more than one of whom shall be from the same 2831
political party. 2832

(c) The governor, the speaker of the house of 2833
representatives, and the president of the senate shall each 2834
appoint to the board three representatives of the nonprofit, 2835
faith-based and other nonprofit community. 2836

(2) Terms of the office shall be one year. Any vacancy that 2837
occurs on the board shall be filled in the same manner as the 2838
original appointment. 2839

(3) Members of the board are not entitled to compensation, 2840
but the members appointed by the governor, the speaker of the 2841
house of representatives, and the president of the senate who are 2842
representatives of the nonprofit, faith-based and other nonprofit 2843
community shall be reimbursed for their actual and necessary 2844
expenses that are incurred in relation to board meetings. 2845

(4) The board shall be presided over by a chairperson and a 2846
vice-chairperson, who shall be the members of the board who are 2847
also members of the house of representatives or the senate. 2848
Annually on the first day of January, the chairpersonship and 2849
vice-chairpersonship shall alternate between the members of the 2850
house of representatives and the senate. 2851

(E) The board shall have the following duties: 2852

(1) Provide direction, guidance, and oversight to the office; 2853

(2) Assist in the dissemination of information about, and in 2854
the stimulation of public awareness of, the service programs 2855
supported by the office; 2856

(3) Review the budget and finances of the office, proposed 2857

initiatives and policies, and the executive director's annual 2858
strategic plan at board meetings; 2859

(4) Provide feedback for and proposed modifications of the 2860
executive director's strategic plan. Within forty-five days after 2861
submitting a strategic plan, the executive director shall contact 2862
each advisory board member to obtain feedback. With the approval 2863
of the advisory board chairperson, the executive director shall 2864
lead a strategic plan discussion at the first board meeting 2865
following the distribution of the strategic plan. 2866

(5) Publish a report of its activities and accomplishments on 2867
or before the first day of August of each year, and deliver copies 2868
of the report to the governor, the speaker and minority leader of 2869
the house of representatives, and the president and minority 2870
leader of the senate. 2871

(F) No member of the board or organization that the member is 2872
affiliated or involved with is eligible to receive any grant that 2873
the office administers or assists in administering. 2874

Sec. 109.06. Before entering upon the discharge of the duties 2875
of ~~his~~ office, the attorney general shall give a bond to the state 2876
in the sum of five thousand dollars, with ~~two or more sureties~~ 2877
~~approved by the governor~~ a surety authorized to do business in the 2878
state, conditioned for the faithful discharge of the duties of ~~his~~ 2879
the office of attorney general. Such bond, ~~with the approval of~~ 2880
~~the governor~~ and the oath of office ~~indorsed thereon~~, shall be 2881
deposited with and kept by the secretary of state ~~and kept~~ in ~~his~~ 2882
the secretary of state's office. 2883

The first assistant attorney general shall give a bond to the 2884
state in the sum of five thousand dollars, and such other 2885
employees as are designated by the attorney general shall give a 2886
bond to the state in such amounts as the attorney general 2887
determines. Such bonds shall be approved by the attorney general, 2888

conditioned for the faithful discharge of the duties of their 2889
offices, and shall be deposited with and kept by the secretary of 2890
state ~~and kept~~ in ~~his~~ the secretary of state's office. 2891

Sec. 109.36. As used in this section and sections 109.361 to 2892
109.366 of the Revised Code: 2893

(A)(1) "Officer or employee" means any of the following: 2894

(a) A person who, at the time a cause of action against the 2895
person arises, is serving in an elected or appointed office or 2896
position with the state or is employed by the state. 2897

(b) A person that, at the time a cause of action against the 2898
person, partnership, or corporation arises, is rendering medical, 2899
nursing, dental, podiatric, optometric, physical therapeutic, 2900
psychiatric, or psychological services pursuant to a personal 2901
services contract or purchased service contract with a department, 2902
agency, or institution of the state. 2903

(c) A person that, at the time a cause of action against the 2904
person, partnership, or corporation arises, is rendering peer 2905
review, utilization review, or drug utilization review services in 2906
relation to medical, nursing, dental, podiatric, optometric, 2907
physical therapeutic, psychiatric, or psychological services 2908
pursuant to a personal services contract or purchased service 2909
contract with a department, agency, or institution of the state. 2910

(d) A person who, at the time a cause of action against the 2911
person arises, is rendering medical, nursing, dental, podiatric, 2912
optometric, physical therapeutic, psychiatric, or psychological 2913
services to patients in a state institution operated by the 2914
department of ~~mental health~~ mental health and addiction services 2915
pursuant to an agreement with the department. 2916

(2) "Officer or employee" does not include any person 2917
elected, appointed, or employed by any political subdivision of 2918

the state. 2919

(B) "State" means the state of Ohio, including but not 2920
limited to, the general assembly, the supreme court, courts of 2921
appeals, the offices of all elected state officers, and all 2922
departments, boards, offices, commissions, agencies, institutions, 2923
and other instrumentalities of the state of Ohio. "State" does not 2924
include political subdivisions. 2925

(C) "Political subdivisions" of the state means municipal 2926
corporations, townships, counties, school districts, and all other 2927
bodies corporate and politic responsible for governmental 2928
activities only in geographical areas smaller than that of the 2929
state. 2930

(D) "Employer" means the general assembly, the supreme court, 2931
courts of appeals, any office of an elected state officer, or any 2932
department, board, office, commission, agency, institution, or 2933
other instrumentality of the state of Ohio that employs or 2934
contracts with an officer or employee or to which an officer or 2935
employee is elected or appointed. 2936

Sec. 109.57. (A)(1) The superintendent of the bureau of 2937
criminal identification and investigation shall procure from 2938
wherever procurable and file for record photographs, pictures, 2939
descriptions, fingerprints, measurements, and other information 2940
that may be pertinent of all persons who have been convicted of 2941
committing within this state a felony, any crime constituting a 2942
misdemeanor on the first offense and a felony on subsequent 2943
offenses, or any misdemeanor described in division (A)(1)(a), 2944
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 2945
all children under eighteen years of age who have been adjudicated 2946
delinquent children for committing within this state an act that 2947
would be a felony or an offense of violence if committed by an 2948
adult or who have been convicted of or pleaded guilty to 2949

committing within this state a felony or an offense of violence, 2950
and of all well-known and habitual criminals. The person in charge 2951
of any county, multicounty, municipal, municipal-county, or 2952
multicounty-municipal jail or workhouse, community-based 2953
correctional facility, halfway house, alternative residential 2954
facility, or state correctional institution and the person in 2955
charge of any state institution having custody of a person 2956
suspected of having committed a felony, any crime constituting a 2957
misdemeanor on the first offense and a felony on subsequent 2958
offenses, or any misdemeanor described in division (A)(1)(a), 2959
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 2960
having custody of a child under eighteen years of age with respect 2961
to whom there is probable cause to believe that the child may have 2962
committed an act that would be a felony or an offense of violence 2963
if committed by an adult shall furnish such material to the 2964
superintendent of the bureau. Fingerprints, photographs, or other 2965
descriptive information of a child who is under eighteen years of 2966
age, has not been arrested or otherwise taken into custody for 2967
committing an act that would be a felony or an offense of violence 2968
who is not in any other category of child specified in this 2969
division, if committed by an adult, has not been adjudicated a 2970
delinquent child for committing an act that would be a felony or 2971
an offense of violence if committed by an adult, has not been 2972
convicted of or pleaded guilty to committing a felony or an 2973
offense of violence, and is not a child with respect to whom there 2974
is probable cause to believe that the child may have committed an 2975
act that would be a felony or an offense of violence if committed 2976
by an adult shall not be procured by the superintendent or 2977
furnished by any person in charge of any county, multicounty, 2978
municipal, municipal-county, or multicounty-municipal jail or 2979
workhouse, community-based correctional facility, halfway house, 2980
alternative residential facility, or state correctional 2981
institution, except as authorized in section 2151.313 of the 2982

Revised Code. 2983

(2) Every clerk of a court of record in this state, other 2984
than the supreme court or a court of appeals, shall send to the 2985
superintendent of the bureau a weekly report containing a summary 2986
of each case involving a felony, involving any crime constituting 2987
a misdemeanor on the first offense and a felony on subsequent 2988
offenses, involving a misdemeanor described in division (A)(1)(a), 2989
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 2990
involving an adjudication in a case in which a child under 2991
eighteen years of age was alleged to be a delinquent child for 2992
committing an act that would be a felony or an offense of violence 2993
if committed by an adult. The clerk of the court of common pleas 2994
shall include in the report and summary the clerk sends under this 2995
division all information described in divisions (A)(2)(a) to (f) 2996
of this section regarding a case before the court of appeals that 2997
is served by that clerk. The summary shall be written on the 2998
standard forms furnished by the superintendent pursuant to 2999
division (B) of this section and shall include the following 3000
information: 3001

(a) The incident tracking number contained on the standard 3002
forms furnished by the superintendent pursuant to division (B) of 3003
this section; 3004

(b) The style and number of the case; 3005

(c) The date of arrest, offense, summons, or arraignment; 3006

(d) The date that the person was convicted of or pleaded 3007
guilty to the offense, adjudicated a delinquent child for 3008
committing the act that would be a felony or an offense of 3009
violence if committed by an adult, found not guilty of the 3010
offense, or found not to be a delinquent child for committing an 3011
act that would be a felony or an offense of violence if committed 3012
by an adult, the date of an entry dismissing the charge, an entry 3013

declaring a mistrial of the offense in which the person is 3014
discharged, an entry finding that the person or child is not 3015
competent to stand trial, or an entry of a nolle prosequi, or the 3016
date of any other determination that constitutes final resolution 3017
of the case; 3018

(e) A statement of the original charge with the section of 3019
the Revised Code that was alleged to be violated; 3020

(f) If the person or child was convicted, pleaded guilty, or 3021
was adjudicated a delinquent child, the sentence or terms of 3022
probation imposed or any other disposition of the offender or the 3023
delinquent child. 3024

If the offense involved the disarming of a law enforcement 3025
officer or an attempt to disarm a law enforcement officer, the 3026
clerk shall clearly state that fact in the summary, and the 3027
superintendent shall ensure that a clear statement of that fact is 3028
placed in the bureau's records. 3029

(3) The superintendent shall cooperate with and assist 3030
sheriffs, chiefs of police, and other law enforcement officers in 3031
the establishment of a complete system of criminal identification 3032
and in obtaining fingerprints and other means of identification of 3033
all persons arrested on a charge of a felony, any crime 3034
constituting a misdemeanor on the first offense and a felony on 3035
subsequent offenses, or a misdemeanor described in division 3036
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 3037
Revised Code and of all children under eighteen years of age 3038
arrested or otherwise taken into custody for committing an act 3039
that would be a felony or an offense of violence if committed by 3040
an adult. The superintendent also shall file for record the 3041
fingerprint impressions of all persons confined in a county, 3042
multicounty, municipal, municipal-county, or multicounty-municipal 3043
jail or workhouse, community-based correctional facility, halfway 3044
house, alternative residential facility, or state correctional 3045

institution for the violation of state laws and of all children 3046
under eighteen years of age who are confined in a county, 3047
multicounty, municipal, municipal-county, or multicounty-municipal 3048
jail or workhouse, community-based correctional facility, halfway 3049
house, alternative residential facility, or state correctional 3050
institution or in any facility for delinquent children for 3051
committing an act that would be a felony or an offense of violence 3052
if committed by an adult, and any other information that the 3053
superintendent may receive from law enforcement officials of the 3054
state and its political subdivisions. 3055

(4) The superintendent shall carry out Chapter 2950. of the 3056
Revised Code with respect to the registration of persons who are 3057
convicted of or plead guilty to a sexually oriented offense or a 3058
child-victim oriented offense and with respect to all other duties 3059
imposed on the bureau under that chapter. 3060

(5) The bureau shall perform centralized recordkeeping 3061
functions for criminal history records and services in this state 3062
for purposes of the national crime prevention and privacy compact 3063
set forth in section 109.571 of the Revised Code and is the 3064
criminal history record repository as defined in that section for 3065
purposes of that compact. The superintendent or the 3066
superintendent's designee is the compact officer for purposes of 3067
that compact and shall carry out the responsibilities of the 3068
compact officer specified in that compact. 3069

(B) The superintendent shall prepare and furnish to every 3070
county, multicounty, municipal, municipal-county, or 3071
multicounty-municipal jail or workhouse, community-based 3072
correctional facility, halfway house, alternative residential 3073
facility, or state correctional institution and to every clerk of 3074
a court in this state specified in division (A)(2) of this section 3075
standard forms for reporting the information required under 3076
division (A) of this section. The standard forms that the 3077

superintendent prepares pursuant to this division may be in a 3078
tangible format, in an electronic format, or in both tangible 3079
formats and electronic formats. 3080

(C)(1) The superintendent may operate a center for 3081
electronic, automated, or other data processing for the storage 3082
and retrieval of information, data, and statistics pertaining to 3083
criminals and to children under eighteen years of age who are 3084
adjudicated delinquent children for committing an act that would 3085
be a felony or an offense of violence if committed by an adult, 3086
criminal activity, crime prevention, law enforcement, and criminal 3087
justice, and may establish and operate a statewide communications 3088
network to be known as the Ohio law enforcement gateway to gather 3089
and disseminate information, data, and statistics for the use of 3090
law enforcement agencies and for other uses specified in this 3091
division. The superintendent may gather, store, retrieve, and 3092
disseminate information, data, and statistics that pertain to 3093
children who are under eighteen years of age and that are gathered 3094
pursuant to sections 109.57 to 109.61 of the Revised Code together 3095
with information, data, and statistics that pertain to adults and 3096
that are gathered pursuant to those sections. 3097

(2) The superintendent or the superintendent's designee shall 3098
gather information of the nature described in division (C)(1) of 3099
this section that pertains to the offense and delinquency history 3100
of a person who has been convicted of, pleaded guilty to, or been 3101
adjudicated a delinquent child for committing a sexually oriented 3102
offense or a child-victim oriented offense for inclusion in the 3103
state registry of sex offenders and child-victim offenders 3104
maintained pursuant to division (A)(1) of section 2950.13 of the 3105
Revised Code and in the internet database operated pursuant to 3106
division (A)(13) of that section and for possible inclusion in the 3107
internet database operated pursuant to division (A)(11) of that 3108
section. 3109

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

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

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

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

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

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

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

(2) The superintendent or the superintendent's designee shall

gather and retain information so furnished under division (A) of 3141
this section that pertains to the offense and delinquency history 3142
of a person who has been convicted of, pleaded guilty to, or been 3143
adjudicated a delinquent child for committing a sexually oriented 3144
offense or a child-victim oriented offense for the purposes 3145
described in division (C)(2) of this section. 3146

(E)(1) The attorney general shall adopt rules, in accordance 3147
with Chapter 119. of the Revised Code and subject to division 3148
(E)(2) of this section, setting forth the procedure by which a 3149
person may receive or release information gathered by the 3150
superintendent pursuant to division (A) of this section. A 3151
reasonable fee may be charged for this service. If a temporary 3152
employment service submits a request for a determination of 3153
whether a person the service plans to refer to an employment 3154
position has been convicted of or pleaded guilty to an offense 3155
listed or described in division (A)(1), (2), or (3) of section 3156
109.572 of the Revised Code, the request shall be treated as a 3157
single request and only one fee shall be charged. 3158

(2) Except as otherwise provided in this division, a rule 3159
adopted under division (E)(1) of this section may provide only for 3160
the release of information gathered pursuant to division (A) of 3161
this section that relates to the conviction of a person, or a 3162
person's plea of guilty to, a criminal offense. The superintendent 3163
shall not release, and the attorney general shall not adopt any 3164
rule under division (E)(1) of this section that permits the 3165
release of, any information gathered pursuant to division (A) of 3166
this section that relates to an adjudication of a child as a 3167
delinquent child, or that relates to a criminal conviction of a 3168
person under eighteen years of age if the person's case was 3169
transferred back to a juvenile court under division (B)(2) or (3) 3170
of section 2152.121 of the Revised Code and the juvenile court 3171
imposed a disposition or serious youthful offender disposition 3172

upon the person under either division, unless either of the 3173
following applies with respect to the adjudication or conviction: 3174

(a) The adjudication or conviction was for a violation of 3175
section 2903.01 or 2903.02 of the Revised Code. 3176

(b) The adjudication or conviction was for a sexually 3177
oriented offense, the juvenile court was required to classify the 3178
child a juvenile offender registrant for that offense under 3179
section 2152.82, 2152.83, or 2152.86 of the Revised Code, and that 3180
classification has not been removed. 3181

(F)(1) As used in division (F)(2) of this section, "head 3182
start agency" means an entity in this state that has been approved 3183
to be an agency for purposes of subchapter II of the "Community 3184
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 3185
as amended. 3186

(2)(a) In addition to or in conjunction with any request that 3187
is required to be made under section 109.572, 2151.86, 3301.32, 3188
3301.541, division (C) of section 3310.58, or section 3319.39, 3189
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, or 3190
5153.111 of the Revised Code or that is made under section 3191
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 3192
board of education of any school district; the director of 3193
developmental disabilities; any county board of developmental 3194
disabilities; any provider or subcontractor as defined in section 3195
5123.081 of the Revised Code; the chief administrator of any 3196
chartered nonpublic school; the chief administrator of a 3197
registered private provider that is not also a chartered nonpublic 3198
school; the chief administrator of any home health agency; the 3199
chief administrator of or person operating any child day-care 3200
center, type A family day-care home, or type B family day-care 3201
home licensed or certified under Chapter 5104. of the Revised 3202
Code; the administrator of any type C family day-care home 3203
certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 3204

general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 3205
general assembly; the chief administrator of any head start 3206
agency; the executive director of a public children services 3207
agency; a private company described in section 3314.41, 3319.392, 3208
3326.25, or 3328.20 of the Revised Code; or an employer described 3209
in division (J)(2) of section 3327.10 of the Revised Code may 3210
request that the superintendent of the bureau investigate and 3211
determine, with respect to any individual who has applied for 3212
employment in any position after October 2, 1989, or any 3213
individual wishing to apply for employment with a board of 3214
education may request, with regard to the individual, whether the 3215
bureau has any information gathered under division (A) of this 3216
section that pertains to that individual. On receipt of the 3217
request, subject to division (E)(2) of this section, the 3218
superintendent shall determine whether that information exists 3219
and, upon request of the person, board, or entity requesting 3220
information, also shall request from the federal bureau of 3221
investigation any criminal records it has pertaining to that 3222
individual. The superintendent or the superintendent's designee 3223
also may request criminal history records from other states or the 3224
federal government pursuant to the national crime prevention and 3225
privacy compact set forth in section 109.571 of the Revised Code. 3226
Within thirty days of the date that the superintendent receives a 3227
request, subject to division (E)(2) of this section, the 3228
superintendent shall send to the board, entity, or person a report 3229
of any information that the superintendent determines exists, 3230
including information contained in records that have been sealed 3231
under section 2953.32 of the Revised Code, and, within thirty days 3232
of its receipt, subject to division (E)(2) of this section, shall 3233
send the board, entity, or person a report of any information 3234
received from the federal bureau of investigation, other than 3235
information the dissemination of which is prohibited by federal 3236
law. 3237

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

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

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

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

from a school district board of education and shall comply with 3270
divisions (F)(2)(a) and (c) of this section. 3271

(5) When a recipient of a classroom reading improvement grant 3272
paid under section 3301.86 of the Revised Code requests, with 3273
respect to any individual who applies to participate in providing 3274
any program or service funded in whole or in part by the grant, 3275
the information that a school district board of education is 3276
authorized to request under division (F)(2)(a) of this section, 3277
the superintendent of the bureau shall proceed as if the request 3278
has been received from a school district board of education under 3279
division (F)(2)(a) of this section. 3280

(G) In addition to or in conjunction with any request that is 3281
required to be made under section 3701.881, 3712.09, or 3721.121 3282
of the Revised Code with respect to an individual who has applied 3283
for employment in a position that involves providing direct care 3284
to an older adult or adult resident, the chief administrator of a 3285
home health agency, hospice care program, home licensed under 3286
Chapter 3721. of the Revised Code, or adult day-care program 3287
operated pursuant to rules adopted under section 3721.04 of the 3288
Revised Code may request that the superintendent of the bureau 3289
investigate and determine, with respect to any individual who has 3290
applied after January 27, 1997, for employment in a position that 3291
does not involve providing direct care to an older adult or adult 3292
resident, whether the bureau has any information gathered under 3293
division (A) of this section that pertains to that individual. 3294

In addition to or in conjunction with any request that is 3295
required to be made under section 173.27 of the Revised Code with 3296
respect to an individual who has applied for employment in a 3297
position that involves providing ~~ombudsperson~~ ombudsman services 3298
to residents of long-term care facilities or recipients of 3299
community-based long-term care services, the state long-term care 3300
~~ombudsperson~~ ombudsman, ~~ombudsperson's designee,~~ or the director 3301

of ~~health aging, a regional long-term care ombudsman, or the~~ 3302
~~designee of the ombudsman, director, or program~~ may request that 3303
the superintendent investigate and determine, with respect to any 3304
individual who has applied for employment in a position that does 3305
not involve providing such ~~ombudsperson~~ ombudsman services, 3306
whether the bureau has any information gathered under division (A) 3307
of this section that pertains to that applicant. 3308

In addition to or in conjunction with any request that is 3309
required to be made under section ~~173.394~~ 173.38 of the Revised 3310
Code with respect to an individual who has applied for employment 3311
in a direct-care position ~~that involves providing direct care to~~ 3312
~~an individual~~, the chief administrator of a ~~community-based~~ 3313
~~long-term care agency provider, as defined in section 173.39 of~~ 3314
the Revised Code, may request that the superintendent investigate 3315
and determine, with respect to any individual who has applied for 3316
employment in a position that ~~does is not involve providing direct~~ 3317
~~care~~ a direct-care position, whether the bureau has any 3318
information gathered under division (A) of this section that 3319
pertains to that applicant. 3320

In addition to or in conjunction with any request that is 3321
required to be made under section 3712.09 of the Revised Code with 3322
respect to an individual who has applied for employment in a 3323
position that involves providing direct care to a pediatric 3324
respite care patient, the chief administrator of a pediatric 3325
respite care program may request that the superintendent of the 3326
bureau investigate and determine, with respect to any individual 3327
who has applied for employment in a position that does not involve 3328
providing direct care to a pediatric respite care patient, whether 3329
the bureau has any information gathered under division (A) of this 3330
section that pertains to that individual. 3331

On receipt of a request under this division, the 3332
superintendent shall determine whether that information exists 3333

and, on request of the individual requesting information, shall 3334
also request from the federal bureau of investigation any criminal 3335
records it has pertaining to the applicant. The superintendent or 3336
the superintendent's designee also may request criminal history 3337
records from other states or the federal government pursuant to 3338
the national crime prevention and privacy compact set forth in 3339
section 109.571 of the Revised Code. Within thirty days of the 3340
date a request is received, subject to division (E)(2) of this 3341
section, the superintendent shall send to the requester a report 3342
of any information determined to exist, including information 3343
contained in records that have been sealed under section 2953.32 3344
of the Revised Code, and, within thirty days of its receipt, shall 3345
send the requester a report of any information received from the 3346
federal bureau of investigation, other than information the 3347
dissemination of which is prohibited by federal law. 3348

(H) Information obtained by a government entity or person 3349
under this section is confidential and shall not be released or 3350
disseminated. 3351

(I) The superintendent may charge a reasonable fee for 3352
providing information or criminal records under division (F)(2) or 3353
(G) of this section. 3354

(J) As used in this section: 3355

(1) "Pediatric respite care program" and "pediatric respite 3356
care patient" have the same meanings as in section 3712.01 of the 3357
Revised Code. 3358

(2) "Sexually oriented offense" and "child-victim oriented 3359
offense" have the same meanings as in section 2950.01 of the 3360
Revised Code. 3361

(3) "Registered private provider" means a nonpublic school or 3362
entity registered with the superintendent of public instruction 3363
under section 3310.41 of the Revised Code to participate in the 3364

autism scholarship program or section 3310.58 of the Revised Code 3365
to participate in the Jon Peterson special needs scholarship 3366
program. 3367

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 3368
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 3369
a completed form prescribed pursuant to division (C)(1) of this 3370
section, and a set of fingerprint impressions obtained in the 3371
manner described in division (C)(2) of this section, the 3372
superintendent of the bureau of criminal identification and 3373
investigation shall conduct a criminal records check in the manner 3374
described in division (B) of this section to determine whether any 3375
information exists that indicates that the person who is the 3376
subject of the request previously has been convicted of or pleaded 3377
guilty to any of the following: 3378

(a) A violation of section 2903.01, 2903.02, 2903.03, 3379
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3380
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3381
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3382
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 3383
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 3384
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 3385
2925.06, or 3716.11 of the Revised Code, felonious sexual 3386
penetration in violation of former section 2907.12 of the Revised 3387
Code, a violation of section 2905.04 of the Revised Code as it 3388
existed prior to July 1, 1996, a violation of section 2919.23 of 3389
the Revised Code that would have been a violation of section 3390
2905.04 of the Revised Code as it existed prior to July 1, 1996, 3391
had the violation been committed prior to that date, or a 3392
violation of section 2925.11 of the Revised Code that is not a 3393
minor drug possession offense; 3394

(b) A violation of an existing or former law of this state, 3395

any other state, or the United States that is substantially 3396
equivalent to any of the offenses listed in division (A)(1)(a) of 3397
this section; 3398

(c) If the request is made pursuant to section 3319.39 of the 3399
Revised Code for an applicant who is a teacher, any offense 3400
specified in section 3319.31 of the Revised Code. 3401

(2) On receipt of a request pursuant to section 3712.09 or 3402
3721.121 of the Revised Code, a completed form prescribed pursuant 3403
to division (C)(1) of this section, and a set of fingerprint 3404
impressions obtained in the manner described in division (C)(2) of 3405
this section, the superintendent of the bureau of criminal 3406
identification and investigation shall conduct a criminal records 3407
check with respect to any person who has applied for employment in 3408
a position for which a criminal records check is required by those 3409
sections. The superintendent shall conduct the criminal records 3410
check in the manner described in division (B) of this section to 3411
determine whether any information exists that indicates that the 3412
person who is the subject of the request previously has been 3413
convicted of or pleaded guilty to any of the following: 3414

(a) A violation of section 2903.01, 2903.02, 2903.03, 3415
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3416
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3417
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3418
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3419
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3420
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3421
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3422
2925.22, 2925.23, or 3716.11 of the Revised Code; 3423

(b) An existing or former law of this state, any other state, 3424
or the United States that is substantially equivalent to any of 3425
the offenses listed in division (A)(2)(a) of this section. 3426

(3) On receipt of a request pursuant to section 173.27, 3427
~~173.394~~ 173.38, 3701.881, ~~5111.032~~ 5164.34, ~~5111.033~~ 5164.341, 3428
~~5111.034~~ 5164.342, 5123.081, or 5123.169 of the Revised Code, a 3429
completed form prescribed pursuant to division (C)(1) of this 3430
section, and a set of fingerprint impressions obtained in the 3431
manner described in division (C)(2) of this section, the 3432
superintendent of the bureau of criminal identification and 3433
investigation shall conduct a criminal records check of the person 3434
for whom the request is made. The superintendent shall conduct the 3435
criminal records check in the manner described in division (B) of 3436
this section to determine whether any information exists that 3437
indicates that the person who is the subject of the request 3438
previously has been convicted of, has pleaded guilty to, or 3439
(except in the case of a request pursuant to section 5164.34, 3440
5164.341, or 5164.342 of the Revised Code) has been found eligible 3441
for intervention in lieu of conviction for any of the following, 3442
regardless of the date of the conviction, the date of entry of the 3443
guilty plea, or (except in the case of a request pursuant to 3444
section 5164.34, 5164.341, or 5164.342 of the Revised Code) the 3445
date the person was found eligible for intervention in lieu of 3446
conviction: 3447

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 3448
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 3449
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 3450
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 3451
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 3452
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 3453
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 3454
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 3455
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 3456
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 3457
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 3458
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 3459

2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 3460
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 3461
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 3462
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 3463
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 3464
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 3465
2927.12, or 3716.11 of the Revised Code; 3466

(b) Felonious sexual penetration in violation of former 3467
section 2907.12 of the Revised Code; 3468

(c) A violation of section 2905.04 of the Revised Code as it 3469
existed prior to July 1, 1996; 3470

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 3471
the Revised Code when the underlying offense that is the object of 3472
the conspiracy, attempt, or complicity is one of the offenses 3473
listed in divisions (A)(3)(a) to (c) of this section; 3474

(e) A violation of an existing or former municipal ordinance 3475
or law of this state, any other state, or the United States that 3476
is substantially equivalent to any of the offenses listed in 3477
divisions (A)(3)(a) to (d) of this section. 3478

(4) On receipt of a request pursuant to section 2151.86 of 3479
the Revised Code, a completed form prescribed pursuant to division 3480
(C)(1) of this section, and a set of fingerprint impressions 3481
obtained in the manner described in division (C)(2) of this 3482
section, the superintendent of the bureau of criminal 3483
identification and investigation shall conduct a criminal records 3484
check in the manner described in division (B) of this section to 3485
determine whether any information exists that indicates that the 3486
person who is the subject of the request previously has been 3487
convicted of or pleaded guilty to any of the following: 3488

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 3489
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 3490

2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 3491
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 3492
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 3493
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 3494
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 3495
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 3496
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 3497
of the Revised Code, a violation of section 2905.04 of the Revised 3498
Code as it existed prior to July 1, 1996, a violation of section 3499
2919.23 of the Revised Code that would have been a violation of 3500
section 2905.04 of the Revised Code as it existed prior to July 1, 3501
1996, had the violation been committed prior to that date, a 3502
violation of section 2925.11 of the Revised Code that is not a 3503
minor drug possession offense, two or more OVI or OVUAC violations 3504
committed within the three years immediately preceding the 3505
submission of the application or petition that is the basis of the 3506
request, or felonious sexual penetration in violation of former 3507
section 2907.12 of the Revised Code; 3508

(b) A violation of an existing or former law of this state, 3509
any other state, or the United States that is substantially 3510
equivalent to any of the offenses listed in division (A)(4)(a) of 3511
this section. 3512

(5) Upon receipt of a request pursuant to section 5104.012 or 3513
5104.013 of the Revised Code, a completed form prescribed pursuant 3514
to division (C)(1) of this section, and a set of fingerprint 3515
impressions obtained in the manner described in division (C)(2) of 3516
this section, the superintendent of the bureau of criminal 3517
identification and investigation shall conduct a criminal records 3518
check in the manner described in division (B) of this section to 3519
determine whether any information exists that indicates that the 3520
person who is the subject of the request has been convicted of or 3521
pleaded guilty to any of the following: 3522

(a) A violation of section 2903.01, 2903.02, 2903.03, 3523
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 3524
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 3525
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 3526
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 3527
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 3528
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 3529
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 3530
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 3531
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 3532
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3533
3716.11 of the Revised Code, felonious sexual penetration in 3534
violation of former section 2907.12 of the Revised Code, a 3535
violation of section 2905.04 of the Revised Code as it existed 3536
prior to July 1, 1996, a violation of section 2919.23 of the 3537
Revised Code that would have been a violation of section 2905.04 3538
of the Revised Code as it existed prior to July 1, 1996, had the 3539
violation been committed prior to that date, a violation of 3540
section 2925.11 of the Revised Code that is not a minor drug 3541
possession offense, a violation of section 2923.02 or 2923.03 of 3542
the Revised Code that relates to a crime specified in this 3543
division, or a second violation of section 4511.19 of the Revised 3544
Code within five years of the date of application for licensure or 3545
certification. 3546

(b) A violation of an existing or former law of this state, 3547
any other state, or the United States that is substantially 3548
equivalent to any of the offenses or violations described in 3549
division (A)(5)(a) of this section. 3550

(6) Upon receipt of a request pursuant to section 5153.111 of 3551
the Revised Code, a completed form prescribed pursuant to division 3552
(C)(1) of this section, and a set of fingerprint impressions 3553
obtained in the manner described in division (C)(2) of this 3554

section, the superintendent of the bureau of criminal 3555
identification and investigation shall conduct a criminal records 3556
check in the manner described in division (B) of this section to 3557
determine whether any information exists that indicates that the 3558
person who is the subject of the request previously has been 3559
convicted of or pleaded guilty to any of the following: 3560

(a) A violation of section 2903.01, 2903.02, 2903.03, 3561
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3562
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3563
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3564
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 3565
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 3566
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 3567
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 3568
felonious sexual penetration in violation of former section 3569
2907.12 of the Revised Code, a violation of section 2905.04 of the 3570
Revised Code as it existed prior to July 1, 1996, a violation of 3571
section 2919.23 of the Revised Code that would have been a 3572
violation of section 2905.04 of the Revised Code as it existed 3573
prior to July 1, 1996, had the violation been committed prior to 3574
that date, or a violation of section 2925.11 of the Revised Code 3575
that is not a minor drug possession offense; 3576

(b) A violation of an existing or former law of this state, 3577
any other state, or the United States that is substantially 3578
equivalent to any of the offenses listed in division (A)(6)(a) of 3579
this section. 3580

(7) On receipt of a request for a criminal records check from 3581
an individual pursuant to section 4749.03 or 4749.06 of the 3582
Revised Code, accompanied by a completed copy of the form 3583
prescribed in division (C)(1) of this section and a set of 3584
fingerprint impressions obtained in a manner described in division 3585
(C)(2) of this section, the superintendent of the bureau of 3586

criminal identification and investigation shall conduct a criminal 3587
records check in the manner described in division (B) of this 3588
section to determine whether any information exists indicating 3589
that the person who is the subject of the request has been 3590
convicted of or pleaded guilty to a felony in this state or in any 3591
other state. If the individual indicates that a firearm will be 3592
carried in the course of business, the superintendent shall 3593
require information from the federal bureau of investigation as 3594
described in division (B)(2) of this section. Subject to division 3595
(F) of this section, the superintendent shall report the findings 3596
of the criminal records check and any information the federal 3597
bureau of investigation provides to the director of public safety. 3598

(8) On receipt of a request pursuant to section 1321.37, 3599
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 3600
Code, a completed form prescribed pursuant to division (C)(1) of 3601
this section, and a set of fingerprint impressions obtained in the 3602
manner described in division (C)(2) of this section, the 3603
superintendent of the bureau of criminal identification and 3604
investigation shall conduct a criminal records check with respect 3605
to any person who has applied for a license, permit, or 3606
certification from the department of commerce or a division in the 3607
department. The superintendent shall conduct the criminal records 3608
check in the manner described in division (B) of this section to 3609
determine whether any information exists that indicates that the 3610
person who is the subject of the request previously has been 3611
convicted of or pleaded guilty to any of the following: a 3612
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 3613
2925.03 of the Revised Code; any other criminal offense involving 3614
theft, receiving stolen property, embezzlement, forgery, fraud, 3615
passing bad checks, money laundering, or drug trafficking, or any 3616
criminal offense involving money or securities, as set forth in 3617
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 3618
the Revised Code; or any existing or former law of this state, any 3619

other state, or the United States that is substantially equivalent 3620
to those offenses. 3621

(9) On receipt of a request for a criminal records check from 3622
the treasurer of state under section 113.041 of the Revised Code 3623
or from an individual under section 4701.08, 4715.101, 4717.061, 3624
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 3625
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 3626
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 3627
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 3628
4762.06, 4776.021, ~~or~~ 4779.091, or 4783.04 of the Revised Code, 3629
accompanied by a completed form prescribed under division (C)(1) 3630
of this section and a set of fingerprint impressions obtained in 3631
the manner described in division (C)(2) of this section, the 3632
superintendent of the bureau of criminal identification and 3633
investigation shall conduct a criminal records check in the manner 3634
described in division (B) of this section to determine whether any 3635
information exists that indicates that the person who is the 3636
subject of the request has been convicted of or pleaded guilty to 3637
any criminal offense in this state or any other state. Subject to 3638
division (F) of this section, the superintendent shall send the 3639
results of a check requested under section 113.041 of the Revised 3640
Code to the treasurer of state and shall send the results of a 3641
check requested under any of the other listed sections to the 3642
licensing board specified by the individual in the request. 3643

(10) On receipt of a request pursuant to section 1121.23, 3644
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 3645
Code, a completed form prescribed pursuant to division (C)(1) of 3646
this section, and a set of fingerprint impressions obtained in the 3647
manner described in division (C)(2) of this section, the 3648
superintendent of the bureau of criminal identification and 3649
investigation shall conduct a criminal records check in the manner 3650
described in division (B) of this section to determine whether any 3651

information exists that indicates that the person who is the 3652
subject of the request previously has been convicted of or pleaded 3653
guilty to any criminal offense under any existing or former law of 3654
this state, any other state, or the United States. 3655

(11) On receipt of a request for a criminal records check 3656
from an appointing or licensing authority under section 3772.07 of 3657
the Revised Code, a completed form prescribed under division 3658
(C)(1) of this section, and a set of fingerprint impressions 3659
obtained in the manner prescribed in division (C)(2) of this 3660
section, the superintendent of the bureau of criminal 3661
identification and investigation shall conduct a criminal records 3662
check in the manner described in division (B) of this section to 3663
determine whether any information exists that indicates that the 3664
person who is the subject of the request previously has been 3665
convicted of or pleaded guilty or no contest to any offense under 3666
any existing or former law of this state, any other state, or the 3667
United States that is a disqualifying offense as defined in 3668
section 3772.07 of the Revised Code or substantially equivalent to 3669
such an offense. 3670

(12) On receipt of a request pursuant to section 2151.33 or 3671
2151.412 of the Revised Code, a completed form prescribed pursuant 3672
to division (C)(1) of this section, and a set of fingerprint 3673
impressions obtained in the manner described in division (C)(2) of 3674
this section, the superintendent of the bureau of criminal 3675
identification and investigation shall conduct a criminal records 3676
check with respect to any person for whom a criminal records check 3677
is required by that section. The superintendent shall conduct the 3678
criminal records check in the manner described in division (B) of 3679
this section to determine whether any information exists that 3680
indicates that the person who is the subject of the request 3681
previously has been convicted of or pleaded guilty to any of the 3682
following: 3683

(a) A violation of section 2903.01, 2903.02, 2903.03, 3684
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3685
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3686
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3687
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3688
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3689
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3690
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3691
2925.22, 2925.23, or 3716.11 of the Revised Code; 3692

(b) An existing or former law of this state, any other state, 3693
or the United States that is substantially equivalent to any of 3694
the offenses listed in division (A)(12)(a) of this section. 3695

(B) Subject to division (F) of this section, the 3696
superintendent shall conduct any criminal records check to be 3697
conducted under this section as follows: 3698

(1) The superintendent shall review or cause to be reviewed 3699
any relevant information gathered and compiled by the bureau under 3700
division (A) of section 109.57 of the Revised Code that relates to 3701
the person who is the subject of the criminal records check, 3702
including, if the criminal records check was requested under 3703
section 113.041, 121.08, 173.27, ~~173.394~~ 173.38, 1121.23, 1155.03, 3704
1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 3705
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3706
3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 3707
5104.013, ~~5111.032~~ 5164.34, ~~5111.033~~ 5164.341, ~~5111.034~~ 5164.342, 3708
5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant 3709
information contained in records that have been sealed under 3710
section 2953.32 of the Revised Code; 3711

(2) If the request received by the superintendent asks for 3712
information from the federal bureau of investigation, the 3713
superintendent shall request from the federal bureau of 3714
investigation any information it has with respect to the person 3715

who is the subject of the criminal records check, including 3716
fingerprint-based checks of national crime information databases 3717
as described in 42 U.S.C. 671 if the request is made pursuant to 3718
section 2151.86, 5104.012, or 5104.013 of the Revised Code or if 3719
any other Revised Code section requires fingerprint-based checks 3720
of that nature, and shall review or cause to be reviewed any 3721
information the superintendent receives from that bureau. If a 3722
request under section 3319.39 of the Revised Code asks only for 3723
information from the federal bureau of investigation, the 3724
superintendent shall not conduct the review prescribed by division 3725
(B)(1) of this section. 3726

(3) The superintendent or the superintendent's designee may 3727
request criminal history records from other states or the federal 3728
government pursuant to the national crime prevention and privacy 3729
compact set forth in section 109.571 of the Revised Code. 3730

(4) The superintendent shall include in the results of the 3731
criminal records check a list or description of the offenses 3732
listed or described in division (A)(1), (2), (3), (4), (5), (6), 3733
(7), (8), (9), (10), (11), or (12) of this section, whichever 3734
division requires the superintendent to conduct the criminal 3735
records check. The superintendent shall exclude from the results 3736
any information the dissemination of which is prohibited by 3737
federal law. 3738

(5) The superintendent shall send the results of the criminal 3739
records check to the person to whom it is to be sent not later 3740
than the following number of days after the date the 3741
superintendent receives the request for the criminal records 3742
check, the completed form prescribed under division (C)(1) of this 3743
section, and the set of fingerprint impressions obtained in the 3744
manner described in division (C)(2) of this section: 3745

(a) If the superintendent is required by division (A) of this 3746
section (other than division (A)(3) of this section) to conduct 3747

the criminal records check, thirty; 3748

(b) If the superintendent is required by division (A)(3) of 3749
this section to conduct the criminal records check, sixty. 3750

(C)(1) The superintendent shall prescribe a form to obtain 3751
the information necessary to conduct a criminal records check from 3752
any person for whom a criminal records check is to be conducted 3753
under this section. The form that the superintendent prescribes 3754
pursuant to this division may be in a tangible format, in an 3755
electronic format, or in both tangible and electronic formats. 3756

(2) The superintendent shall prescribe standard impression 3757
sheets to obtain the fingerprint impressions of any person for 3758
whom a criminal records check is to be conducted under this 3759
section. Any person for whom a records check is to be conducted 3760
under this section shall obtain the fingerprint impressions at a 3761
county sheriff's office, municipal police department, or any other 3762
entity with the ability to make fingerprint impressions on the 3763
standard impression sheets prescribed by the superintendent. The 3764
office, department, or entity may charge the person a reasonable 3765
fee for making the impressions. The standard impression sheets the 3766
superintendent prescribes pursuant to this division may be in a 3767
tangible format, in an electronic format, or in both tangible and 3768
electronic formats. 3769

(3) Subject to division (D) of this section, the 3770
superintendent shall prescribe and charge a reasonable fee for 3771
providing a criminal records check under this section. The person 3772
requesting the criminal records check shall pay the fee prescribed 3773
pursuant to this division. In the case of a request under section 3774
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 3775
2151.412, or ~~5111.032~~ 5164.34 of the Revised Code, the fee shall 3776
be paid in the manner specified in that section. 3777

(4) The superintendent of the bureau of criminal 3778

identification and investigation may prescribe methods of 3779
forwarding fingerprint impressions and information necessary to 3780
conduct a criminal records check, which methods shall include, but 3781
not be limited to, an electronic method. 3782

(D) The results of a criminal records check conducted under 3783
this section, other than a criminal records check specified in 3784
division (A)(7) of this section, are valid for the person who is 3785
the subject of the criminal records check for a period of one year 3786
from the date upon which the superintendent completes the criminal 3787
records check. If during that period the superintendent receives 3788
another request for a criminal records check to be conducted under 3789
this section for that person, the superintendent shall provide the 3790
results from the previous criminal records check of the person at 3791
a lower fee than the fee prescribed for the initial criminal 3792
records check. 3793

(E) When the superintendent receives a request for 3794
information from a registered private provider, the superintendent 3795
shall proceed as if the request was received from a school 3796
district board of education under section 3319.39 of the Revised 3797
Code. The superintendent shall apply division (A)(1)(c) of this 3798
section to any such request for an applicant who is a teacher. 3799

(F)(1) All information regarding the results of a criminal 3800
records check conducted under this section that the superintendent 3801
reports or sends under division (A)(7) or (9) of this section to 3802
the director of public safety, the treasurer of state, or the 3803
person, board, or entity that made the request for the criminal 3804
records check shall relate to the conviction of the subject 3805
person, or the subject person's plea of guilty to, a criminal 3806
offense. 3807

(2) Division (F)(1) of this section does not limit, restrict, 3808
or preclude the superintendent's release of information that 3809
relates to an adjudication of a child as a delinquent child, or 3810

that relates to a criminal conviction of a person under eighteen 3811
years of age if the person's case was transferred back to a 3812
juvenile court under division (B)(2) or (3) of section 2152.121 of 3813
the Revised Code and the juvenile court imposed a disposition or 3814
serious youthful offender disposition upon the person under either 3815
division, if either of the following applies with respect to the 3816
adjudication or conviction: 3817

(a) The adjudication or conviction was for a violation of 3818
section 2903.01 or 2903.02 of the Revised Code. 3819

(b) The adjudication or conviction was for a sexually 3820
oriented offense, as defined in section 2950.01 of the Revised 3821
Code, the juvenile court was required to classify the child a 3822
juvenile offender registrant for that offense under section 3823
2152.82, 2152.83, or 2152.86 of the Revised Code, and that 3824
classification has not been removed. 3825

(G) As used in this section: 3826

(1) "Criminal records check" means any criminal records check 3827
conducted by the superintendent of the bureau of criminal 3828
identification and investigation in accordance with division (B) 3829
of this section. 3830

(2) "Minor drug possession offense" has the same meaning as 3831
in section 2925.01 of the Revised Code. 3832

(3) "OVI or OVUAC violation" means a violation of section 3833
4511.19 of the Revised Code or a violation of an existing or 3834
former law of this state, any other state, or the United States 3835
that is substantially equivalent to section 4511.19 of the Revised 3836
Code. 3837

(4) "Registered private provider" means a nonpublic school or 3838
entity registered with the superintendent of public instruction 3839
under section 3310.41 of the Revised Code to participate in the 3840
autism scholarship program or section 3310.58 of the Revised Code 3841

to participate in the Jon Peterson special needs scholarship 3842
program. 3843

Sec. 109.71. There is hereby created in the office of the 3844
attorney general the Ohio peace officer training commission. The 3845
commission shall consist of nine members appointed by the governor 3846
with the advice and consent of the senate and selected as follows: 3847
one member representing the public; two members who are incumbent 3848
sheriffs; two members who are incumbent chiefs of police; one 3849
member from the bureau of criminal identification and 3850
investigation; one member from the state highway patrol; one 3851
member who is the special agent in charge of a field office of the 3852
federal bureau of investigation in this state; and one member from 3853
the department of education, trade and industrial education 3854
services, law enforcement training. 3855

This section does not confer any arrest authority or any 3856
ability or authority to detain a person, write or issue any 3857
citation, or provide any disposition alternative, as granted under 3858
Chapter 2935. of the Revised Code. 3859

As used in sections 109.71 to 109.801 of the Revised Code: 3860

(A) "Peace officer" means: 3861

(1) A deputy sheriff, marshal, deputy marshal, member of the 3862
organized police department of a township or municipal 3863
corporation, member of a township police district or joint police 3864
district police force, member of a police force employed by a 3865
metropolitan housing authority under division (D) of section 3866
3735.31 of the Revised Code, or township constable, who is 3867
commissioned and employed as a peace officer by a political 3868
subdivision of this state or by a metropolitan housing authority, 3869
and whose primary duties are to preserve the peace, to protect 3870
life and property, and to enforce the laws of this state, 3871
ordinances of a municipal corporation, resolutions of a township, 3872

or regulations of a board of county commissioners or board of	3873
township trustees, or any of those laws, ordinances, resolutions,	3874
or regulations;	3875
(2) A police officer who is employed by a railroad company	3876
and appointed and commissioned by the secretary of state pursuant	3877
to sections 4973.17 to 4973.22 of the Revised Code;	3878
(3) Employees of the department of taxation engaged in the	3879
enforcement of Chapter 5743. of the Revised Code and designated by	3880
the tax commissioner for peace officer training for purposes of	3881
the delegation of investigation powers under section 5743.45 of	3882
the Revised Code;	3883
(4) An undercover drug agent;	3884
(5) Enforcement agents of the department of public safety	3885
whom the director of public safety designates under section	3886
5502.14 of the Revised Code;	3887
(6) An employee of the department of natural resources who is	3888
a natural resources law enforcement staff officer designated	3889
pursuant to section 1501.013, a park officer designated pursuant	3890
to section 1541.10, a forest officer designated pursuant to	3891
section 1503.29, a preserve officer designated pursuant to section	3892
1517.10, a wildlife officer designated pursuant to section	3893
1531.13, or a state watercraft officer designated pursuant to	3894
section 1547.521 of the Revised Code;	3895
(7) An employee of a park district who is designated pursuant	3896
to section 511.232 or 1545.13 of the Revised Code;	3897
(8) An employee of a conservancy district who is designated	3898
pursuant to section 6101.75 of the Revised Code;	3899
(9) A police officer who is employed by a hospital that	3900
employs and maintains its own proprietary police department or	3901
security department, and who is appointed and commissioned by the	3902

secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code;	3903 3904
(10) Veterans' homes police officers designated under section 5907.02 of the Revised Code;	3905 3906
(11) A police officer who is employed by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code;	3907 3908 3909
(12) A state university law enforcement officer appointed under section 3345.04 of the Revised Code or a person serving as a state university law enforcement officer on a permanent basis on June 19, 1978, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;	3910 3911 3912 3913 3914 3915 3916 3917
(13) A special police officer employed by the department of mental health <u>mental health and addiction services</u> pursuant to section 5119.14 <u>5119.08</u> of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	3918 3919 3920 3921 3922
(14) A member of a campus police department appointed under section 1713.50 of the Revised Code;	3923 3924
(15) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	3925 3926 3927
(16) Investigators appointed by the auditor of state pursuant to section 117.091 of the Revised Code and engaged in the enforcement of Chapter 117. of the Revised Code;	3928 3929 3930
(17) A special police officer designated by the superintendent of the state highway patrol pursuant to section	3931 3932

5503.09 of the Revised Code or a person who was serving as a 3933
special police officer pursuant to that section on a permanent 3934
basis on October 21, 1997, and who has been awarded a certificate 3935
by the executive director of the Ohio peace officer training 3936
commission attesting to the person's satisfactory completion of an 3937
approved state, county, municipal, or department of natural 3938
resources peace officer basic training program; 3939

(18) A special police officer employed by a port authority 3940
under section 4582.04 or 4582.28 of the Revised Code or a person 3941
serving as a special police officer employed by a port authority 3942
on a permanent basis on May 17, 2000, who has been awarded a 3943
certificate by the executive director of the Ohio peace officer 3944
training commission attesting to the person's satisfactory 3945
completion of an approved state, county, municipal, or department 3946
of natural resources peace officer basic training program; 3947

(19) A special police officer employed by a municipal 3948
corporation who has been awarded a certificate by the executive 3949
director of the Ohio peace officer training commission for 3950
satisfactory completion of an approved peace officer basic 3951
training program and who is employed on a permanent basis on or 3952
after March 19, 2003, at a municipal airport, or other municipal 3953
air navigation facility, that has scheduled operations, as defined 3954
in section 119.3 of Title 14 of the Code of Federal Regulations, 3955
14 C.F.R. 119.3, as amended, and that is required to be under a 3956
security program and is governed by aviation security rules of the 3957
transportation security administration of the United States 3958
department of transportation as provided in Parts 1542. and 1544. 3959
of Title 49 of the Code of Federal Regulations, as amended; 3960

(20) A police officer who is employed by an owner or operator 3961
of an amusement park that has an average yearly attendance in 3962
excess of six hundred thousand guests and that employs and 3963
maintains its own proprietary police department or security 3964

department, and who is appointed and commissioned by a judge of 3965
the appropriate municipal court or county court pursuant to 3966
section 4973.17 of the Revised Code; 3967

(21) A police officer who is employed by a bank, savings and 3968
loan association, savings bank, credit union, or association of 3969
banks, savings and loan associations, savings banks, or credit 3970
unions, who has been appointed and commissioned by the secretary 3971
of state pursuant to sections 4973.17 to 4973.22 of the Revised 3972
Code, and who has been awarded a certificate by the executive 3973
director of the Ohio peace officer training commission attesting 3974
to the person's satisfactory completion of a state, county, 3975
municipal, or department of natural resources peace officer basic 3976
training program; 3977

(22) An investigator, as defined in section 109.541 of the 3978
Revised Code, of the bureau of criminal identification and 3979
investigation who is commissioned by the superintendent of the 3980
bureau as a special agent for the purpose of assisting law 3981
enforcement officers or providing emergency assistance to peace 3982
officers pursuant to authority granted under that section; 3983

(23) A state fire marshal law enforcement officer appointed 3984
under section 3737.22 of the Revised Code or a person serving as a 3985
state fire marshal law enforcement officer on a permanent basis on 3986
or after July 1, 1982, who has been awarded a certificate by the 3987
executive director of the Ohio peace officer training commission 3988
attesting to the person's satisfactory completion of an approved 3989
state, county, municipal, or department of natural resources peace 3990
officer basic training program; 3991

(24) A gaming agent employed under section 3772.03 of the 3992
Revised Code. 3993

(B) "Undercover drug agent" has the same meaning as in 3994
division (B)(2) of section 109.79 of the Revised Code. 3995

(C) "Crisis intervention training" means training in the use 3996
of interpersonal and communication skills to most effectively and 3997
sensitively interview victims of rape. 3998

(D) "Missing children" has the same meaning as in section 3999
2901.30 of the Revised Code. 4000

Sec. 109.746. (A) The attorney general may prepare public 4001
awareness programs that are designed to educate potential victims 4002
of violations of section 2905.32 of the Revised Code and their 4003
families of the risks of becoming a victim of a violation of that 4004
section. The attorney general may prepare these programs with 4005
assistance from the department of health, the department of ~~mental~~ 4006
~~health~~ mental health and addiction services, the department of job 4007
and family services, ~~the department of alcohol and drug addiction~~ 4008
~~services~~, and the department of education. 4009

(B) Any organization, person, or other governmental agency 4010
with an interest and expertise in trafficking in persons may 4011
submit information or materials to the attorney general regarding 4012
the preparation of the programs and materials permitted under this 4013
section. The attorney general, in developing the programs and 4014
materials permitted by this section, shall consider any 4015
information submitted pursuant to this division. 4016

Sec. 109.77. (A) As used in this section, "felony" has the 4017
same meaning as in section 109.511 of the Revised Code. 4018

(B)(1) Notwithstanding any general, special, or local law or 4019
charter to the contrary, and except as otherwise provided in this 4020
section, no person shall receive an original appointment on a 4021
permanent basis as any of the following unless the person 4022
previously has been awarded a certificate by the executive 4023
director of the Ohio peace officer training commission attesting 4024
to the person's satisfactory completion of an approved state, 4025

county, municipal, or department of natural resources peace	4026
officer basic training program:	4027
(a) A peace officer of any county, township, municipal	4028
corporation, regional transit authority, or metropolitan housing	4029
authority;	4030
(b) A natural resources law enforcement staff officer, park	4031
officer, forest officer, preserve officer, wildlife officer, or	4032
state watercraft officer of the department of natural resources;	4033
(c) An employee of a park district under section 511.232 or	4034
1545.13 of the Revised Code;	4035
(d) An employee of a conservancy district who is designated	4036
pursuant to section 6101.75 of the Revised Code;	4037
(e) A state university law enforcement officer;	4038
(f) A special police officer employed by the department of	4039
mental health <u>mental health and addiction services</u> pursuant to	4040
section 5119.14 <u>5119.08</u> of the Revised Code or the department of	4041
developmental disabilities pursuant to section 5123.13 of the	4042
Revised Code;	4043
(g) An enforcement agent of the department of public safety	4044
whom the director of public safety designates under section	4045
5502.14 of the Revised Code;	4046
(h) A special police officer employed by a port authority	4047
under section 4582.04 or 4582.28 of the Revised Code;	4048
(i) A special police officer employed by a municipal	4049
corporation at a municipal airport, or other municipal air	4050
navigation facility, that has scheduled operations, as defined in	4051
section 119.3 of Title 14 of the Code of Federal Regulations, 14	4052
C.F.R. 119.3, as amended, and that is required to be under a	4053
security program and is governed by aviation security rules of the	4054
transportation security administration of the United States	4055

department of transportation as provided in Parts 1542. and 1544. 4056
of Title 49 of the Code of Federal Regulations, as amended; 4057

(j) A gaming agent employed under section 3772.03 of the 4058
Revised Code. 4059

(2) Every person who is appointed on a temporary basis or for 4060
a probationary term or on other than a permanent basis as any of 4061
the following shall forfeit the appointed position unless the 4062
person previously has completed satisfactorily or, within the time 4063
prescribed by rules adopted by the attorney general pursuant to 4064
section 109.74 of the Revised Code, satisfactorily completes a 4065
state, county, municipal, or department of natural resources peace 4066
officer basic training program for temporary or probationary 4067
officers and is awarded a certificate by the director attesting to 4068
the satisfactory completion of the program: 4069

(a) A peace officer of any county, township, municipal 4070
corporation, regional transit authority, or metropolitan housing 4071
authority; 4072

(b) A natural resources law enforcement staff officer, park 4073
officer, forest officer, preserve officer, wildlife officer, or 4074
state watercraft officer of the department of natural resources; 4075

(c) An employee of a park district under section 511.232 or 4076
1545.13 of the Revised Code; 4077

(d) An employee of a conservancy district who is designated 4078
pursuant to section 6101.75 of the Revised Code; 4079

(e) A special police officer employed by the department of 4080
~~mental health~~ mental health and addiction services pursuant to 4081
section ~~5119.14~~ 5119.08 of the Revised Code or the department of 4082
developmental disabilities pursuant to section 5123.13 of the 4083
Revised Code; 4084

(f) An enforcement agent of the department of public safety 4085

whom the director of public safety designates under section 4086
5502.14 of the Revised Code; 4087

(g) A special police officer employed by a port authority 4088
under section 4582.04 or 4582.28 of the Revised Code; 4089

(h) A special police officer employed by a municipal 4090
corporation at a municipal airport, or other municipal air 4091
navigation facility, that has scheduled operations, as defined in 4092
section 119.3 of Title 14 of the Code of Federal Regulations, 14 4093
C.F.R. 119.3, as amended, and that is required to be under a 4094
security program and is governed by aviation security rules of the 4095
transportation security administration of the United States 4096
department of transportation as provided in Parts 1542. and 1544. 4097
of Title 49 of the Code of Federal Regulations, as amended. 4098

(3) For purposes of division (B) of this section, a state, 4099
county, municipal, or department of natural resources peace 4100
officer basic training program, regardless of whether the program 4101
is to be completed by peace officers appointed on a permanent or 4102
temporary, probationary, or other nonpermanent basis, shall 4103
include training in the handling of the offense of domestic 4104
violence, other types of domestic violence-related offenses and 4105
incidents, and protection orders and consent agreements issued or 4106
approved under section 2919.26 or 3113.31 of the Revised Code and 4107
crisis intervention training. The requirement to complete training 4108
in the handling of the offense of domestic violence, other types 4109
of domestic violence-related offenses and incidents, and 4110
protection orders and consent agreements issued or approved under 4111
section 2919.26 or 3113.31 of the Revised Code does not apply to 4112
any person serving as a peace officer on March 27, 1979, and the 4113
requirement to complete training in crisis intervention does not 4114
apply to any person serving as a peace officer on April 4, 1985. 4115
Any person who is serving as a peace officer on April 4, 1985, who 4116
terminates that employment after that date, and who subsequently 4117

is hired as a peace officer by the same or another law enforcement 4118
agency shall complete training in crisis intervention as 4119
prescribed by rules adopted by the attorney general pursuant to 4120
section 109.742 of the Revised Code. No peace officer shall have 4121
employment as a peace officer terminated and then be reinstated 4122
with intent to circumvent this section. 4123

(4) Division (B) of this section does not apply to any person 4124
serving on a permanent basis on March 28, 1985, as a park officer, 4125
forest officer, preserve officer, wildlife officer, or state 4126
watercraft officer of the department of natural resources or as an 4127
employee of a park district under section 511.232 or 1545.13 of 4128
the Revised Code, to any person serving on a permanent basis on 4129
March 6, 1986, as an employee of a conservancy district designated 4130
pursuant to section 6101.75 of the Revised Code, to any person 4131
serving on a permanent basis on January 10, 1991, as a preserve 4132
officer of the department of natural resources, to any person 4133
employed on a permanent basis on July 2, 1992, as a special police 4134
officer by the department of ~~mental health~~ mental health and 4135
addiction services pursuant to section ~~5119.14~~ 5119.08 of the 4136
Revised Code or by the department of developmental disabilities 4137
pursuant to section 5123.13 of the Revised Code, to any person 4138
serving on a permanent basis on May 17, 2000, as a special police 4139
officer employed by a port authority under section 4582.04 or 4140
4582.28 of the Revised Code, to any person serving on a permanent 4141
basis on March 19, 2003, as a special police officer employed by a 4142
municipal corporation at a municipal airport or other municipal 4143
air navigation facility described in division (A)(19) of section 4144
109.71 of the Revised Code, to any person serving on a permanent 4145
basis on June 19, 1978, as a state university law enforcement 4146
officer pursuant to section 3345.04 of the Revised Code and who, 4147
immediately prior to June 19, 1978, was serving as a special 4148
police officer designated under authority of that section, or to 4149
any person serving on a permanent basis on September 20, 1984, as 4150

a liquor control investigator, known after June 30, 1999, as an 4151
enforcement agent of the department of public safety, engaged in 4152
the enforcement of Chapters 4301. and 4303. of the Revised Code. 4153

(5) Division (B) of this section does not apply to any person 4154
who is appointed as a regional transit authority police officer 4155
pursuant to division (Y) of section 306.35 of the Revised Code if, 4156
on or before July 1, 1996, the person has completed satisfactorily 4157
an approved state, county, municipal, or department of natural 4158
resources peace officer basic training program and has been 4159
awarded a certificate by the executive director of the Ohio peace 4160
officer training commission attesting to the person's satisfactory 4161
completion of such an approved program and if, on July 1, 1996, 4162
the person is performing peace officer functions for a regional 4163
transit authority. 4164

(C) No person, after September 20, 1984, shall receive an 4165
original appointment on a permanent basis as a veterans' home 4166
police officer designated under section 5907.02 of the Revised 4167
Code unless the person previously has been awarded a certificate 4168
by the executive director of the Ohio peace officer training 4169
commission attesting to the person's satisfactory completion of an 4170
approved police officer basic training program. Every person who 4171
is appointed on a temporary basis or for a probationary term or on 4172
other than a permanent basis as a veterans' home police officer 4173
designated under section 5907.02 of the Revised Code shall forfeit 4174
that position unless the person previously has completed 4175
satisfactorily or, within one year from the time of appointment, 4176
satisfactorily completes an approved police officer basic training 4177
program. 4178

(D) No bailiff or deputy bailiff of a court of record of this 4179
state and no criminal investigator who is employed by the state 4180
public defender shall carry a firearm, as defined in section 4181
2923.11 of the Revised Code, while on duty unless the bailiff, 4182

deputy bailiff, or criminal investigator has done or received one 4183
of the following: 4184

(1) Has been awarded a certificate by the executive director 4185
of the Ohio peace officer training commission, which certificate 4186
attests to satisfactory completion of an approved state, county, 4187
or municipal basic training program for bailiffs and deputy 4188
bailiffs of courts of record and for criminal investigators 4189
employed by the state public defender that has been recommended by 4190
the Ohio peace officer training commission; 4191

(2) Has successfully completed a firearms training program 4192
approved by the Ohio peace officer training commission prior to 4193
employment as a bailiff, deputy bailiff, or criminal investigator; 4194

(3) Prior to June 6, 1986, was authorized to carry a firearm 4195
by the court that employed the bailiff or deputy bailiff or, in 4196
the case of a criminal investigator, by the state public defender 4197
and has received training in the use of firearms that the Ohio 4198
peace officer training commission determines is equivalent to the 4199
training that otherwise is required by division (D) of this 4200
section. 4201

(E)(1) Before a person seeking a certificate completes an 4202
approved peace officer basic training program, the executive 4203
director of the Ohio peace officer training commission shall 4204
request the person to disclose, and the person shall disclose, any 4205
previous criminal conviction of or plea of guilty of that person 4206
to a felony. 4207

(2) Before a person seeking a certificate completes an 4208
approved peace officer basic training program, the executive 4209
director shall request a criminal history records check on the 4210
person. The executive director shall submit the person's 4211
fingerprints to the bureau of criminal identification and 4212
investigation, which shall submit the fingerprints to the federal 4213

bureau of investigation for a national criminal history records 4214
check. 4215

Upon receipt of the executive director's request, the bureau 4216
of criminal identification and investigation and the federal 4217
bureau of investigation shall conduct a criminal history records 4218
check on the person and, upon completion of the check, shall 4219
provide a copy of the criminal history records check to the 4220
executive director. The executive director shall not award any 4221
certificate prescribed in this section unless the executive 4222
director has received a copy of the criminal history records check 4223
on the person to whom the certificate is to be awarded. 4224

(3) The executive director of the commission shall not award 4225
a certificate prescribed in this section to a person who has been 4226
convicted of or has pleaded guilty to a felony or who fails to 4227
disclose any previous criminal conviction of or plea of guilty to 4228
a felony as required under division (E)(1) of this section. 4229

(4) The executive director of the commission shall revoke the 4230
certificate awarded to a person as prescribed in this section, and 4231
that person shall forfeit all of the benefits derived from being 4232
certified as a peace officer under this section, if the person, 4233
before completion of an approved peace officer basic training 4234
program, failed to disclose any previous criminal conviction of or 4235
plea of guilty to a felony as required under division (E)(1) of 4236
this section. 4237

(F)(1) Regardless of whether the person has been awarded the 4238
certificate or has been classified as a peace officer prior to, 4239
on, or after October 16, 1996, the executive director of the Ohio 4240
peace officer training commission shall revoke any certificate 4241
that has been awarded to a person as prescribed in this section if 4242
the person does either of the following: 4243

(a) Pleads guilty to a felony committed on or after January 4244

1, 1997; 4245

(b) Pleads guilty to a misdemeanor committed on or after 4246
January 1, 1997, pursuant to a negotiated plea agreement as 4247
provided in division (D) of section 2929.43 of the Revised Code in 4248
which the person agrees to surrender the certificate awarded to 4249
the person under this section. 4250

(2) The executive director of the commission shall suspend 4251
any certificate that has been awarded to a person as prescribed in 4252
this section if the person is convicted, after trial, of a felony 4253
committed on or after January 1, 1997. The executive director 4254
shall suspend the certificate pursuant to division (F)(2) of this 4255
section pending the outcome of an appeal by the person from that 4256
conviction to the highest court to which the appeal is taken or 4257
until the expiration of the period in which an appeal is required 4258
to be filed. If the person files an appeal that results in that 4259
person's acquittal of the felony or conviction of a misdemeanor, 4260
or in the dismissal of the felony charge against that person, the 4261
executive director shall reinstate the certificate awarded to the 4262
person under this section. If the person files an appeal from that 4263
person's conviction of the felony and the conviction is upheld by 4264
the highest court to which the appeal is taken or if the person 4265
does not file a timely appeal, the executive director shall revoke 4266
the certificate awarded to the person under this section. 4267

(G)(1) If a person is awarded a certificate under this 4268
section and the certificate is revoked pursuant to division (E)(4) 4269
or (F) of this section, the person shall not be eligible to 4270
receive, at any time, a certificate attesting to the person's 4271
satisfactory completion of a peace officer basic training program. 4272

(2) The revocation or suspension of a certificate under 4273
division (E)(4) or (F) of this section shall be in accordance with 4274
Chapter 119. of the Revised Code. 4275

(H)(1) A person who was employed as a peace officer of a county, township, or municipal corporation of the state on January 1, 1966, and who has completed at least sixteen years of full-time active service as such a peace officer, or equivalent service as determined by the executive director of the Ohio peace officer training commission, may receive an original appointment on a permanent basis and serve as a peace officer of a county, township, or municipal corporation, or as a state university law enforcement officer, without complying with the requirements of division (B) of this section.

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

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

(J) No part of any approved state, county, or municipal basic training program for bailiffs and deputy bailiffs of courts of record and no part of any approved state, county, or municipal basic training program for criminal investigators employed by the state public defender shall be used as credit toward the completion by a peace officer of any part of the approved state, county, or municipal peace officer basic training program that the

peace officer is required by this section to complete 4308
satisfactorily. 4309

(K) This section does not apply to any member of the police 4310
department of a municipal corporation in an adjoining state 4311
serving in this state under a contract pursuant to section 737.04 4312
of the Revised Code. 4313

Sec. 109.85. (A) Upon the written request of the governor, 4314
the general assembly, the auditor of state, the medicaid director 4315
~~of job and family services~~, the director of health, or the 4316
director of budget and management, or upon the attorney general's 4317
becoming aware of criminal or improper activity related to Chapter 4318
3721. and the ~~medical assistance~~ medicaid program established 4319
~~under section 5111.01 of the Revised Code~~, the attorney general 4320
shall investigate any criminal or civil violation of law related 4321
to Chapter 3721. of the Revised Code or the ~~medical assistance~~ 4322
medicaid program. 4323

(B) When it appears to the attorney general, as a result of 4324
an investigation under division (A) of this section, that there is 4325
cause to prosecute for the commission of a crime or to pursue a 4326
civil remedy, the attorney general may refer the evidence to the 4327
prosecuting attorney having jurisdiction of the matter, or to a 4328
regular grand jury drawn and impaneled pursuant to sections 4329
2939.01 to 2939.24 of the Revised Code, or to a special grand jury 4330
drawn and impaneled pursuant to section 2939.17 of the Revised 4331
Code, or the attorney general may initiate and prosecute any 4332
necessary criminal or civil actions in any court or tribunal of 4333
competent jurisdiction in this state. When proceeding under this 4334
section, the attorney general, and any assistant or special 4335
counsel designated by the attorney general for that purpose, have 4336
all rights, privileges, and powers of prosecuting attorneys. The 4337
attorney general shall have exclusive supervision and control of 4338

all investigations and prosecutions initiated by the attorney 4339
general under this section. The forfeiture provisions of Chapter 4340
2981. of the Revised Code apply in relation to any such criminal 4341
action initiated and prosecuted by the attorney general. 4342

(C) Nothing in this section shall prevent a county 4343
prosecuting attorney from investigating and prosecuting criminal 4344
activity related to Chapter 3721. of the Revised Code and the 4345
~~medical assistance~~ medicaid program established under section 4346
~~5111.01 of the Revised Code.~~ The forfeiture provisions of Chapter 4347
2981. of the Revised Code apply in relation to any prosecution of 4348
criminal activity related to the ~~medical assistance~~ medicaid 4349
program undertaken by the prosecuting attorney. 4350

Sec. 109.86. (A) The attorney general shall investigate any 4351
activity the attorney general has reasonable cause to believe is 4352
in violation of section 2903.34 of the Revised Code. Upon written 4353
request of the governor, the general assembly, the auditor of 4354
state, or the director of health, job and family services, aging, 4355
~~mental health~~ mental health and addiction services, or 4356
developmental disabilities, the attorney general shall investigate 4357
any activity these persons believe is in violation of section 4358
2903.34 of the Revised Code. If after an investigation the 4359
attorney general has probable cause to prosecute for the 4360
commission of a crime, the attorney general shall refer the 4361
evidence to the prosecuting attorney, director of law, or other 4362
similar chief legal officer having jurisdiction over the matter. 4363
If the prosecuting attorney decides to present the evidence to a 4364
grand jury, the prosecuting attorney shall notify the attorney 4365
general in writing of the decision within thirty days after 4366
referral of the matter and shall present the evidence prior to the 4367
discharge of the next regular grand jury. If the director of law 4368
or other chief legal officer decides to prosecute the case, the 4369
director or officer shall notify the attorney general in writing 4370

of the decision within thirty days and shall initiate prosecution 4371
within sixty days after the matter was referred to the director or 4372
officer. 4373

(B) If the prosecuting attorney, director of law, or other 4374
chief legal officer fails to notify the attorney general or to 4375
present evidence or initiate prosecution in accordance with 4376
division (A) of this section, the attorney general may present the 4377
evidence to a regular grand jury drawn and impaneled pursuant to 4378
sections 2939.01 to 2939.24 of the Revised Code, or to a special 4379
grand jury drawn and impaneled pursuant to section 2939.17 of the 4380
Revised Code, or the attorney general may initiate and prosecute 4381
any action in any court or tribunal of competent jurisdiction in 4382
this state. The attorney general, and any assistant or special 4383
counsel designated by the attorney general, have all the powers of 4384
a prosecuting attorney, director of law, or other chief legal 4385
officer when proceeding under this section. Nothing in this 4386
section shall limit or prevent a prosecuting attorney, director of 4387
law, or other chief legal officer from investigating and 4388
prosecuting criminal activity committed against a resident or 4389
patient of a care facility. 4390

Sec. 109.90. (A) The attorney general shall collaborate with 4391
the state board of pharmacy and director of ~~alcohol and drug~~ 4392
~~addiction services~~ mental health and addiction services in the 4393
establishment and administration of a drug take-back program, as 4394
provided under section 4729.69 of the Revised Code. The office of 4395
the attorney general is solely responsible for the costs incurred 4396
in the establishment and administration of the program. 4397

(B) The attorney general may accept grants, gifts, or 4398
donations for purposes of the program. Money received under this 4399
division or section ~~3793.22~~ 5119.49 or 4729.69 of the Revised Code 4400
shall be deposited into the state treasury to the credit of the 4401

drug take-back program fund, which is hereby created. Money 4402
credited to the fund shall be used solely for purposes of the 4403
program. 4404

Sec. 109.91. (A) There is hereby established within the 4405
office of the attorney general the crime victims assistance 4406
office. 4407

(B) There is hereby established the state victims assistance 4408
advisory council. The council shall consist of a chairperson, to 4409
be appointed by the attorney general, three ex officio members, 4410
and ~~fifteen~~ seventeen members to be appointed by the attorney 4411
general as follows: one member who represents the Ohio 4412
victim-witness association; three members who represent local 4413
victim assistance programs, including one from a municipally 4414
operated program and one from a county-operated program; one 4415
member who represents the interests of elderly victims; one member 4416
who represents the interests of individuals with mental illness; 4417
one member who is a board member of any statewide or local 4418
organization that exists primarily to aid victims of domestic 4419
violence, or who is an employee of, or counselor for, such an 4420
organization; one member who is a board member of any statewide or 4421
local organization that exists primarily to aid victims of sexual 4422
violence or who is an employee of or a counselor for an 4423
organization that exists primarily to aid victims of sexual 4424
violence; one member who is an employee or officer of a county 4425
probation department or a probation department operated by the 4426
department of rehabilitation and correction; one member who is a 4427
county prosecuting attorney; one member who is a city law 4428
director; one member who is a county sheriff; one member who is a 4429
member or officer of a township or municipal police department; 4430
one member who is a court of common pleas judge; one member who is 4431
a municipal court judge or county court judge; and two members who 4432
are private citizens and are not government employees. 4433

The council shall include the following ex officio, nonvoting members: the attorney general, one member of the senate to be designated by the president of the senate, and one member of the house of representatives to be designated by the speaker of the house.

Members of the council shall serve without compensation, but shall be reimbursed for travel and other necessary expenses that are incurred in the conduct of their official duties as members of the council. The chairperson and members of the council appointed by the attorney general shall serve at the pleasure of the attorney general. The attorney general shall serve on the council until the end of the term of office that qualified the attorney general for membership on the council. The member of the senate and the member of the house of representatives shall serve at the pleasure of the president of the senate and the speaker of the house of representatives, respectively.

(C) The victims assistance advisory council shall perform both of the following duties:

(1) Advise the crime victims assistance office in determining crime and delinquency victim service needs, determining crime and delinquency victim policies for the state, and improving and exercising leadership in the quality of crime and delinquency victim programs in the state;

(2) Review and recommend to the crime victims assistance office the victim assistance programs that should be considered for the receipt of state financial assistance pursuant to section 109.92 of the Revised Code. The financial assistance allocation recommendations of the council shall be based on the following priorities:

(a) Programs in existence on July 1, 1985, shall be given first priority;

(b) Programs offering or proposing to offer the broadest range of services and referrals to the community served, including medical, psychological, financial, educational, vocational, and legal services that were not in existence on July 1, 1985, shall be given second priority;

(c) Other qualified programs shall be given last priority.

(D) As used in this section and section 109.92 of the Revised Code, "victim assistance program" includes, but is not limited to a program that provides at least one of the following:

(1) Services to victims of any offense of violence or delinquent act that would be an offense of violence if committed by an adult;

(2) Financial assistance or property repair services to victims of crime or delinquent acts;

(3) Assistance to victims of crime or delinquent acts in judicial proceedings;

(4) Assistance to victims of crime or delinquent acts under the operation of any political subdivision of the state or a branch of the criminal justice system set forth in division (B)(1)(a), (b), or (c) of section 5502.61 of the Revised Code;

(5) Technical assistance to persons or organizations that provide services to victims of crime or delinquent acts under the operation of a branch of the criminal justice system set forth in division (B)(1)(a), (b), or (c) of section 5502.61 of the Revised Code.

A victim assistance program does not include the program for the reparation of crime victims established pursuant to Chapter 2743. of the Revised Code.

Sec. 109.921. (A) As used in this section:

<u>(1) "Rape crisis program" means any of the following:</u>	4494
<u>(a) The nonprofit state sexual assault coalition designated</u>	4495
<u>by the center for injury prevention and control of the federal</u>	4496
<u>centers for disease control and prevention;</u>	4497
<u>(b) A victim witness assistance program operated by a</u>	4498
<u>prosecuting attorney;</u>	4499
<u>(c) A program operated by a government-based or nonprofit</u>	4500
<u>entity that provides a full continuum of services to victims of</u>	4501
<u>sexual assault, including hotlines, victim advocacy, and support</u>	4502
<u>services from the onset of the need for services through the</u>	4503
<u>completion of healing, that does not provide medical services, and</u>	4504
<u>that may refer victims to physicians for medical care but does not</u>	4505
<u>engage in or refer for services for which the use of genetic</u>	4506
<u>services funds is prohibited by section 3701.511 of the Revised</u>	4507
<u>Code.</u>	4508
<u>(2) "Sexual assault" means any of the following:</u>	4509
<u>(a) A violation of section 2907.02, 2907.03, 2907.04,</u>	4510
<u>2907.05, or former section 2907.12 of the Revised Code;</u>	4511
<u>(b) A violation of an existing or former municipal ordinance</u>	4512
<u>or law of this or any other state or the United States that is or</u>	4513
<u>was substantially equivalent to any section listed in division</u>	4514
<u>(A)(2)(a) of this section.</u>	4515
<u>(B) There is hereby created in the state treasury the rape</u>	4516
<u>crisis program trust fund, consisting of money paid into the fund</u>	4517
<u>pursuant to sections 307.515 and 311.172 of the Revised Code and</u>	4518
<u>any money appropriated to the fund by the general assembly or</u>	4519
<u>donated to the fund. The attorney general shall administer the</u>	4520
<u>fund. The attorney general may use not more than five per cent of</u>	4521
<u>the money deposited or appropriated into the fund to pay costs</u>	4522
<u>associated with administering this section and shall use at least</u>	4523
<u>ninety-five per cent of the money deposited or appropriated into</u>	4524

the fund for the purpose of providing funding to rape crisis 4525
programs under this section. 4526

(C)(1) The attorney general shall adopt rules under Chapter 4527
119. of the Revised Code that establish procedures for rape crisis 4528
programs to apply to the attorney general for funding out of the 4529
rape crisis program trust fund and procedures for the attorney 4530
general to distribute money out of the fund to rape crisis 4531
programs. 4532

(2) The attorney general may decide upon an application for 4533
funding out of the rape crisis program trust fund without a 4534
hearing. A decision of the attorney general to grant or deny 4535
funding is final and not appealable under Chapter 119. or any 4536
other provision of the Revised Code. 4537

(D) A rape crisis program that receives funding out of the 4538
rape crisis program trust fund shall use the money received only 4539
for the following purposes: 4540

(1) If the program is the nonprofit state sexual assault 4541
coalition, to provide training and technical assistance to service 4542
providers; 4543

(2) If the program is a victim witness assistance program, to 4544
provide victims of sexual assault with hotlines, victim advocacy, 4545
or support services; 4546

(3) If the program is a government-based or nonprofit entity 4547
that provides a full continuum of services to victims of sexual 4548
assault, to provide those services and education to prevent sexual 4549
assault. 4550

Sec. 111.02. Before entering upon the discharge of the duties 4551
of ~~his~~ office, the secretary of state shall give a bond to the 4552
state in the sum of one hundred thousand dollars, with ~~two or more~~ 4553
~~sureties approved by the governor, auditor of state, and attorney~~ 4554

~~general~~ a surety authorized to do business in the state, 4555
conditioned for the faithful discharge of the duties of ~~his~~ the 4556
office of secretary of state. The bond, ~~with the approval of the~~ 4557
~~proper officials~~ and the oath of office ~~indorsed thereon,~~ shall be 4558
deposited with and kept by the director of administrative services 4559
~~and kept~~ in ~~his~~ the director's office. 4560

Sec. 111.15. (A) As used in this section: 4561

(1) "Rule" includes any rule, regulation, bylaw, or standard 4562
having a general and uniform operation adopted by an agency under 4563
the authority of the laws governing the agency; any appendix to a 4564
rule; and any internal management rule. "Rule" does not include 4565
any guideline adopted pursuant to section 3301.0714 of the Revised 4566
Code, any order respecting the duties of employees, any finding, 4567
any determination of a question of law or fact in a matter 4568
presented to an agency, or any rule promulgated pursuant to 4569
Chapter 119., section 4141.14, division (C)(1) or (2) of section 4570
5117.02, or section 5703.14 of the Revised Code. "Rule" includes 4571
any amendment or rescission of a rule. 4572

(2) "Agency" means any governmental entity of the state and 4573
includes, but is not limited to, any board, department, division, 4574
commission, bureau, society, council, institution, state college 4575
or university, community college district, technical college 4576
district, or state community college. "Agency" does not include 4577
the general assembly, the controlling board, the adjutant 4578
general's department, or any court. 4579

(3) "Internal management rule" means any rule, regulation, 4580
bylaw, or standard governing the day-to-day staff procedures and 4581
operations within an agency. 4582

(4) "Substantive revision" has the same meaning as in 4583
division (J) of section 119.01 of the Revised Code. 4584

(B)(1) Any rule, other than a rule of an emergency nature, 4585
adopted by any agency pursuant to this section shall be effective 4586
on the tenth day after the day on which the rule in final form and 4587
in compliance with division (B)(3) of this section is filed as 4588
follows: 4589

(a) The rule shall be filed in electronic form with both the 4590
secretary of state and the director of the legislative service 4591
commission; 4592

(b) The rule shall be filed in electronic form with the joint 4593
committee on agency rule review. Division (B)(1)(b) of this 4594
section does not apply to any rule to which division (D) of this 4595
section does not apply. 4596

An agency that adopts or amends a rule that is subject to 4597
division (D) of this section shall assign a review date to the 4598
rule that is not later than five years after its effective date. 4599
If no review date is assigned to a rule, or if a review date 4600
assigned to a rule exceeds the five-year maximum, the review date 4601
for the rule is five years after its effective date. A rule with a 4602
review date is subject to review under section 119.032 of the 4603
Revised Code. This paragraph does not apply to a rule of a state 4604
college or university, community college district, technical 4605
college district, or state community college. 4606

If all filings are not completed on the same day, the rule 4607
shall be effective on the tenth day after the day on which the 4608
latest filing is completed. If an agency in adopting a rule 4609
designates an effective date that is later than the effective date 4610
provided for by division (B)(1) of this section, the rule if filed 4611
as required by such division shall become effective on the later 4612
date designated by the agency. 4613

Any rule that is required to be filed under division (B)(1) 4614
of this section is also subject to division (D) of this section if 4615

not exempted by division (D)(1), (2), (3), (4), (5), (6), (7), or 4616
(8) of this section. 4617

If a rule incorporates a text or other material by reference, 4618
the agency shall comply with sections 121.71 to 121.76 of the 4619
Revised Code. 4620

(2) A rule of an emergency nature necessary for the immediate 4621
preservation of the public peace, health, or safety shall state 4622
the reasons for the necessity. The emergency rule, in final form 4623
and in compliance with division (B)(3) of this section, shall be 4624
filed in electronic form with the secretary of state, the director 4625
of the legislative service commission, and the joint committee on 4626
agency rule review. The emergency rule is effective immediately 4627
upon completion of the latest filing, except that if the agency in 4628
adopting the emergency rule designates an effective date, or date 4629
and time of day, that is later than the effective date and time 4630
provided for by division (B)(2) of this section, the emergency 4631
rule if filed as required by such division shall become effective 4632
at the later date, or later date and time of day, designated by 4633
the agency. 4634

An emergency rule becomes invalid at the end of the ninetieth 4635
day it is in effect. Prior to that date, the agency may file the 4636
emergency rule as a nonemergency rule in compliance with division 4637
(B)(1) of this section. The agency may not refile the emergency 4638
rule in compliance with division (B)(2) of this section so that, 4639
upon the emergency rule becoming invalid under such division, the 4640
emergency rule will continue in effect without interruption for 4641
another ninety-day period. 4642

(3) An agency shall file a rule under division (B)(1) or (2) 4643
of this section in compliance with the following standards and 4644
procedures: 4645

(a) The rule shall be numbered in accordance with the 4646

numbering system devised by the director for the Ohio 4647
administrative code. 4648

(b) The rule shall be prepared and submitted in compliance 4649
with the rules of the legislative service commission. 4650

(c) The rule shall clearly state the date on which it is to 4651
be effective and the date on which it will expire, if known. 4652

(d) Each rule that amends or rescinds another rule shall 4653
clearly refer to the rule that is amended or rescinded. Each 4654
amendment shall fully restate the rule as amended. 4655

If the director of the legislative service commission or the 4656
director's designee gives an agency notice pursuant to section 4657
103.05 of the Revised Code that a rule filed by the agency is not 4658
in compliance with the rules of the legislative service 4659
commission, the agency shall within thirty days after receipt of 4660
the notice conform the rule to the rules of the commission as 4661
directed in the notice. 4662

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 4663
of this section shall be recorded by the secretary of state and 4664
the director under the title of the agency adopting the rule and 4665
shall be numbered according to the numbering system devised by the 4666
director. The secretary of state and the director shall preserve 4667
the rules in an accessible manner. Each such rule shall be a 4668
public record open to public inspection and may be transmitted to 4669
any law publishing company that wishes to reproduce it. 4670

(D) At least sixty-five days before a board, commission, 4671
department, division, or bureau of the government of the state 4672
files a rule under division (B)(1) of this section, it shall file 4673
the full text of the proposed rule in electronic form with the 4674
joint committee on agency rule review, and the proposed rule is 4675
subject to legislative review and invalidation under division (I) 4676
of section 119.03 of the Revised Code. If a state board, 4677

commission, department, division, or bureau makes a substantive 4678
revision in a proposed rule after it is filed with the joint 4679
committee, the state board, commission, department, division, or 4680
bureau shall promptly file the full text of the proposed rule in 4681
its revised form in electronic form with the joint committee. The 4682
latest version of a proposed rule as filed with the joint 4683
committee supersedes each earlier version of the text of the same 4684
proposed rule. ~~Except as provided in division (F) of this section,~~ 4685
a A state board, commission, department, division, or bureau shall 4686
also file the rule summary and fiscal analysis prepared under 4687
section 127.18 of the Revised Code in electronic form along with a 4688
proposed rule, and along with a proposed rule in revised form, 4689
that is filed under this division. If a proposed rule has an 4690
adverse impact on businesses, the state board, commission, 4691
department, division, or bureau also shall file the business 4692
impact analysis, any recommendations received from the common 4693
sense initiative office, and the associated memorandum of 4694
response, if any, in electronic form along with the proposed rule, 4695
or the proposed rule in revised form, that is filed under this 4696
division. 4697

As used in this division, "commission" includes the public 4698
utilities commission when adopting rules under a federal or state 4699
statute. 4700

This division does not apply to any of the following: 4701

(1) A proposed rule of an emergency nature; 4702

(2) A rule proposed under section 1121.05, 1121.06, 1155.18, 4703
1163.22, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4704
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 4705
Code; 4706

(3) A rule proposed by an agency other than a board, 4707
commission, department, division, or bureau of the government of 4708

the state; 4709

(4) A proposed internal management rule of a board, 4710
commission, department, division, or bureau of the government of 4711
the state; 4712

(5) Any proposed rule that must be adopted verbatim by an 4713
agency pursuant to federal law or rule, to become effective within 4714
sixty days of adoption, in order to continue the operation of a 4715
federally reimbursed program in this state, so long as the 4716
proposed rule contains both of the following: 4717

(a) A statement that it is proposed for the purpose of 4718
complying with a federal law or rule; 4719

(b) A citation to the federal law or rule that requires 4720
verbatim compliance. 4721

(6) An initial rule proposed by the director of health to 4722
impose safety standards and quality-of-care standards with respect 4723
to a health service specified in section 3702.11 of the Revised 4724
Code, or an initial rule proposed by the director to impose 4725
quality standards on a facility listed in division (A)(4) of 4726
section 3702.30 of the Revised Code, if section 3702.12 of the 4727
Revised Code requires that the rule be adopted under this section; 4728

(7) A rule of the state lottery commission pertaining to 4729
instant game rules. 4730

If a rule is exempt from legislative review under division 4731
(D)(5) of this section, and if the federal law or rule pursuant to 4732
which the rule was adopted expires, is repealed or rescinded, or 4733
otherwise terminates, the rule is thereafter subject to 4734
legislative review under division (D) of this section. 4735

(E) Whenever a state board, commission, department, division, 4736
or bureau files a proposed rule or a proposed rule in revised form 4737
under division (D) of this section, it shall also file the full 4738

text of the same proposed rule or proposed rule in revised form in 4739
electronic form with the secretary of state and the director of 4740
the legislative service commission. ~~Except as provided in division~~ 4741
~~(F) of this section,~~ a A state board, commission, department, 4742
division, or bureau shall file the rule summary and fiscal 4743
analysis prepared under section 127.18 of the Revised Code in 4744
electronic form along with a proposed rule or proposed rule in 4745
revised form that is filed with the secretary of state or the 4746
director of the legislative service commission. 4747

~~(F) Except as otherwise provided in this division, the~~ 4748
~~auditor of state or the auditor of state's designee is not~~ 4749
~~required to file a rule summary and fiscal analysis along with a~~ 4750
~~proposed rule, or proposed rule in revised form, that the auditor~~ 4751
~~of state proposes under section 117.12, 117.19, 117.38, or 117.43~~ 4752
~~of the Revised Code and files under division (D) or (E) of this~~ 4753
~~section.~~ 4754

Sec. 111.28. (A) There is hereby created in the state 4755
treasury the help America vote act (HAVA) fund. All moneys 4756
received by the secretary of state from the United States election 4757
assistance commission shall be credited to the fund. The secretary 4758
of state shall use the moneys credited to the fund for activities 4759
conducted pursuant to the "Help America Vote Act of 2002," Pub. L. 4760
No. 107-252, 116 Stat. 1666. All investment earnings of the fund 4761
shall be credited to the fund. 4762

(B) There is hereby created in the state treasury the 4763
election reform/health and human services fund. All moneys 4764
received by the secretary of state from the United States 4765
department of health and human services shall be credited to the 4766
fund. The secretary of state shall use the moneys credited to the 4767
fund for activities conducted pursuant to grants awarded to the 4768
state under Title II, Subtitle D, Sections 261 to 265 of the Help 4769

America Vote Act of 2002 to assure access for individuals with 4770
disabilities. All investment earnings of the fund shall be 4771
credited to the fund. 4772

(C) There is hereby created in the state treasury the 4773
miscellaneous federal grants fund. All moneys the secretary of 4774
state receives as grants from federal sources that are not 4775
otherwise designated shall be credited to the fund. The secretary 4776
of state shall use the moneys credited to the fund for the 4777
purposes and activities required by the applicable federal grant 4778
agreements. All investment earnings of the fund shall be credited 4779
to the fund. 4780

Sec. 113.02. Before entering upon the discharge of the duties 4781
of ~~his~~ office, the treasurer of state shall give a bond to the 4782
state in the sum of one million dollars, with ~~sureties approved by~~ 4783
~~the governor~~ a surety authorized to do business in the state, 4784
conditioned for the faithful discharge of the duties of ~~his~~ the 4785
office of treasurer of state. The bond, ~~with the approval of the~~ 4786
~~governor~~ and the oath of office ~~endorsed thereon,~~ shall be 4787
deposited with and kept by the secretary of state ~~and kept~~ in ~~his~~ 4788
the secretary of state's office. 4789

Sec. 113.061. The treasurer of state shall adopt rules in 4790
accordance with Chapter 119. of the Revised Code governing the 4791
remittance of taxes by electronic funds transfer as required under 4792
sections 3769.103, 5726.03, 5727.311, 5727.83, 5733.022, 5735.062, 4793
5736.04, 5739.032, 5745.04, and 5747.072, 5749.06, and 5751.07 of 4794
the Revised Code and any other section of the Revised Code under 4795
which a person is required to remit taxes by electronic funds 4796
transfer. The rules shall govern the modes of electronic funds 4797
transfer acceptable to the treasurer of state and under what 4798
circumstances each mode is acceptable, the content and format of 4799
electronic funds transfers, the coordination of payment by 4800

electronic funds transfer and filing of associated tax reports and 4801
returns, the remittance of taxes by means other than electronic 4802
funds transfer by persons otherwise required to do so but relieved 4803
of the requirement by the treasurer of state, and any other matter 4804
that in the opinion of the treasurer of state facilitates payment 4805
by electronic funds transfer in a manner consistent with those 4806
sections. 4807

Upon failure by a person, if so required, to remit taxes by 4808
electronic funds transfer in the manner prescribed under section 4809
3769.103, 5726.03, 5727.83, 5733.022, 5735.062, 5736.04, 5739.032, 4810
5745.04, ~~or 5747.072, 5749.06, or 5751.07~~ of the Revised Code and 4811
rules adopted under this section, the treasurer of state shall 4812
notify the tax commissioner of such failure if the treasurer of 4813
state determines that such failure was not due to reasonable cause 4814
or was due to willful neglect, and shall provide the tax 4815
commissioner with any information used in making that 4816
determination. The tax commissioner may assess an additional 4817
charge as specified in the respective section of the Revised Code 4818
governing the requirement to remit taxes by electronic funds 4819
transfer. 4820

The treasurer of state may implement means of acknowledging, 4821
upon the request of a taxpayer, receipt of tax remittances made by 4822
electronic funds transfer, and may adopt rules governing 4823
acknowledgments. The cost of acknowledging receipt of electronic 4824
remittances shall be paid by the person requesting acknowledgment. 4825

The treasurer of state, not the tax commissioner, is 4826
responsible for resolving any problems involving electronic funds 4827
transfer transmissions. 4828

Sec. 117.03. Before entering upon the discharge of the duties 4829
of ~~his~~ office, the auditor of state shall give a bond to the state 4830
in the sum of twenty thousand dollars, with a surety ~~approved by~~ 4831

~~the governor~~ authorized to do business in the state, conditioned 4832
for the faithful discharge of the duties of ~~his~~ the office of 4833
auditor of state. The bond, ~~with the approval of the governor~~ and 4834
the oath of office ~~endorsed thereon~~, shall be deposited with and 4835
kept by the secretary of state and kept in ~~his~~ the secretary of 4836
state's office. 4837

Sec. 117.10. The auditor of state shall audit all public 4838
offices as provided in this chapter. The auditor of state also may 4839
audit the accounts of private institutions, associations, boards, 4840
and corporations receiving public money for their use and may 4841
require of them annual reports in such form as the auditor of 4842
state prescribes. 4843

If the auditor of state performs or contracts for the 4844
performance of an audit, including a special audit, of the public 4845
employees retirement system, school employees retirement system, 4846
state teachers retirement system, state highway patrol retirement 4847
system, or Ohio police and fire pension fund, the auditor of state 4848
shall make a timely report of the results of the audit to the Ohio 4849
retirement study council. 4850

The auditor of state may audit the accounts of any medicaid 4851
provider, as defined in section ~~5111.06~~ 5164.01 of the Revised 4852
Code. 4853

If a public office has been audited by an agency of the 4854
United States government, the auditor of state may, if satisfied 4855
that the federal audit has been conducted according to principles 4856
and procedures not contrary to those of the auditor of state, use 4857
and adopt the federal audit and report in lieu of an audit by the 4858
auditor of state's own office. 4859

Within thirty days after the creation or dissolution or the 4860
winding up of the affairs of any public office, that public office 4861
shall notify the auditor of state in writing that this action has 4862

occurred. 4863

Sec. 117.20. (A) In adopting rules pursuant to Chapter 117. 4864
of the Revised Code, the auditor of state or the auditor of 4865
state's designee shall do both of the following: 4866

(1) Before adopting any such rule, except a rule of an 4867
emergency nature, do each of the following: 4868

(a) At least thirty-five days before any public hearing on 4869
the proposed rule-making action, mail or send by electronic mail 4870
notice of the hearing to each public office and to each statewide 4871
organization that the auditor of state or designee determines will 4872
be affected or represents persons who will be affected by the 4873
proposed rule-making action; 4874

(b) Mail or send by electronic mail a copy of the proposed 4875
rule to any person or organization that requests a copy within 4876
five days after receipt of the request; 4877

(c) Consult with appropriate state and local government 4878
agencies, or with persons representative of their interests, 4879
including statewide organizations of local government officials, 4880
and consult with accounting professionals and other interested 4881
persons; 4882

(d) Conduct, on the date and at the time and place designated 4883
in the notice, a public hearing at which any person affected by 4884
the proposed rule, including statewide organizations of local 4885
government officials, may appear and be heard in person, by 4886
attorney, or both, and may present the person's or organization's 4887
position or contentions orally or in writing. 4888

(2) ~~Except as otherwise provided in division (A)(2) of this~~ 4889
~~section, comply~~ Comply with divisions (B) to (E) of section 111.15 4890
of the Revised Code. ~~The auditor of state is not required to file~~ 4891
~~a rule summary and fiscal analysis along with any copy of a~~ 4892

~~proposed rule, or proposed rule in revised form, that is filed 4893
with the joint committee on agency rule review, the secretary of 4894
state, or the director of the legislative service commission under 4895
division (D) or (E) of section 111.15 of the Revised Code. 4896~~

(B) The auditor of state shall diligently discharge the 4897
duties imposed by divisions (A)(1)(a), (b), and (c) of this 4898
section, but failure to mail or send by electronic mail any notice 4899
or copy of a proposed rule, or to consult with any person or 4900
organization, shall not invalidate any rule. 4901

(C) Notwithstanding any contrary provision of the Revised 4902
Code, the auditor of state may prepare and disseminate, to public 4903
offices and other interested persons and organizations, advisory 4904
bulletins, directives, and instructions relating to accounting and 4905
financial reporting systems, budgeting procedures, fiscal 4906
controls, and the constructions by the auditor of state of 4907
constitutional and statutory provisions, court decisions, and 4908
opinions of the attorney general. The bulletins, directives, and 4909
instructions shall be of an advisory nature only. 4910

(D) As used in this section, "rule" includes the adoption, 4911
amendment, or rescission of a rule. 4912

Sec. 119.01. As used in sections 119.01 to 119.13 of the 4913
Revised Code: 4914

(A)(1) "Agency" means, except as limited by this division, 4915
any official, board, or commission having authority to promulgate 4916
rules or make adjudications in the civil service commission, the 4917
division of liquor control, the department of taxation, the 4918
industrial commission, the bureau of workers' compensation, the 4919
functions of any administrative or executive officer, department, 4920
division, bureau, board, or commission of the government of the 4921
state specifically made subject to sections 119.01 to 119.13 of 4922
the Revised Code, and the licensing functions of any 4923

administrative or executive officer, department, division, bureau, 4924
board, or commission of the government of the state having the 4925
authority or responsibility of issuing, suspending, revoking, or 4926
canceling licenses. 4927

Except as otherwise provided in division (I) of this section, 4928
sections 119.01 to 119.13 of the Revised Code do not apply to the 4929
public utilities commission. Sections 119.01 to 119.13 of the 4930
Revised Code do not apply to the utility radiological safety 4931
board; to the controlling board; to actions of the superintendent 4932
of financial institutions and the superintendent of insurance in 4933
the taking possession of, and rehabilitation or liquidation of, 4934
the business and property of banks, savings and loan associations, 4935
savings banks, credit unions, insurance companies, associations, 4936
reciprocal fraternal benefit societies, and bond investment 4937
companies; to any action taken by the division of securities under 4938
section 1707.201 of the Revised Code; or to any action that may be 4939
taken by the superintendent of financial institutions under 4940
section 1113.03, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 4941
1157.09, 1157.12, 1157.18, 1165.09, 1165.12, 1165.18, 1349.33, 4942
1733.35, 1733.361, 1733.37, or 1761.03 of the Revised Code. 4943

Sections 119.01 to 119.13 of the Revised Code do not apply to 4944
actions of the industrial commission or the bureau of workers' 4945
compensation under sections 4123.01 to 4123.94 of the Revised Code 4946
with respect to all matters of adjudication, or to the actions of 4947
the industrial commission, bureau of workers' compensation board 4948
of directors, and bureau of workers' compensation under division 4949
(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341, 4950
4123.342, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07, divisions 4951
(B), (C), and (E) of section 4131.04, and divisions (B), (C), and 4952
(E) of section 4131.14 of the Revised Code with respect to all 4953
matters concerning the establishment of premium, contribution, and 4954
assessment rates. 4955

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

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

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

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

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

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

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

compliance with procedural safeguards afforded by sections 119.01	4987
to 119.13 of the Revised Code.	4988
(F) "Person" means a person, firm, corporation, association,	4989
or partnership.	4990
(G) "Party" means the person whose interests are the subject	4991
of an adjudication by an agency.	4992
(H) "Appeal" means the procedure by which a person, aggrieved	4993
by a finding, decision, order, or adjudication of any agency,	4994
invokes the jurisdiction of a court.	4995
(I) "Rule-making agency" means any board, commission,	4996
department, division, or bureau of the government of the state	4997
that is required to file proposed rules, amendments, or	4998
rescissions under division (D) of section 111.15 of the Revised	4999
Code and any agency that is required to file proposed rules,	5000
amendments, or rescissions under divisions (B) and (H) of section	5001
119.03 of the Revised Code. "Rule-making agency" includes the	5002
public utilities commission. "Rule-making agency" does not include	5003
any state-supported college or university.	5004
(J) "Substantive revision" means any addition to, elimination	5005
from, or other change in a rule, an amendment of a rule, or a	5006
rescission of a rule, whether of a substantive or procedural	5007
nature, that changes any of the following:	5008
(1) That which the rule, amendment, or rescission permits,	5009
authorizes, regulates, requires, prohibits, penalizes, rewards, or	5010
otherwise affects;	5011
(2) The scope or application of the rule, amendment, or	5012
rescission.	5013
(K) "Internal management rule" means any rule, regulation, or	5014
standard governing the day-to-day staff procedures and operations	5015
within an agency.	5016

Sec. 120.06. (A)(1) The state public defender, when 5017
designated by the court or requested by a county public defender 5018
or joint county public defender, may provide legal representation 5019
in all courts throughout the state to indigent adults and 5020
juveniles who are charged with the commission of an offense or act 5021
for which the penalty or any possible adjudication includes the 5022
potential loss of liberty. 5023

(2) The state public defender may provide legal 5024
representation to any indigent person who, while incarcerated in 5025
any state correctional institution, is charged with a felony 5026
offense, for which the penalty or any possible adjudication that 5027
may be imposed by a court upon conviction includes the potential 5028
loss of liberty. 5029

(3) The state public defender may provide legal 5030
representation to any person incarcerated in any correctional 5031
institution of the state, in any matter in which the person 5032
asserts the person is unlawfully imprisoned or detained. 5033

(4) The state public defender, in any case in which the state 5034
public defender has provided legal representation or is requested 5035
to do so by a county public defender or joint county public 5036
defender, may provide legal representation on appeal. 5037

(5) The state public defender, when designated by the court 5038
or requested by a county public defender, joint county public 5039
defender, or the director of rehabilitation and correction, shall 5040
provide legal representation in parole and probation revocation 5041
matters or matters relating to the revocation of community control 5042
or post-release control under a community control sanction or 5043
post-release control sanction, unless the state public defender 5044
finds that the alleged parole or probation violator or alleged 5045
violator of a community control sanction or post-release control 5046
sanction has the financial capacity to retain the alleged 5047

violator's own counsel. 5048

(6) If the state public defender contracts with a county 5049
public defender commission, a joint county public defender 5050
commission, or a board of county commissioners for the provision 5051
of services, under authority of division (C)(7) of section 120.04 5052
of the Revised Code, the state public defender shall provide legal 5053
representation in accordance with the contract. 5054

(B) The state public defender shall not be required to 5055
prosecute any appeal, postconviction remedy, or other proceeding 5056
pursuant to division (A)(3), (4), or (5) of this section, unless 5057
the state public defender first is satisfied that there is 5058
arguable merit to the proceeding. 5059

(C) A court may appoint counsel or allow an indigent person 5060
to select the indigent's own personal counsel to assist the state 5061
public defender as co-counsel when the interests of justice so 5062
require. When co-counsel is appointed to assist the state public 5063
defender, the co-counsel shall receive any compensation that the 5064
court may approve, not to exceed the amounts provided for in 5065
section 2941.51 of the Revised Code. 5066

(D)(1) When the state public defender is designated by the 5067
court or requested by a county public defender or joint county 5068
public defender to provide legal representation for an indigent 5069
person in any case, other than pursuant to a contract entered into 5070
under authority of division (C)(7) of section 120.04 of the 5071
Revised Code, the state public defender shall send to the county 5072
in which the case is filed a bill detailing the actual cost of the 5073
representation that separately itemizes legal fees and expenses. 5074
The county, upon receipt of an itemized bill from the state public 5075
defender pursuant to this division, shall pay the state public 5076
defender each of the following amounts: 5077

(a) For the amount identified as legal fees in the itemized 5078

bill, one hundred per cent of the amount identified as legal fees 5079
less the state reimbursement rate as calculated by the state 5080
public defender pursuant to section 120.34 of the Revised Code for 5081
the month the case terminated, as set forth in the itemized bill; 5082

(b) For the amount identified as expenses in the itemized 5083
bill, one hundred per cent. 5084

(2) Upon payment of the itemized bill under division (D)(1) 5085
of this section, the county may submit the cost of the expenses, 5086
excluding legal fees, to the state public defender for 5087
reimbursement pursuant to section 120.33 of the Revised Code. 5088

(3) When the state public defender provides investigation or 5089
mitigation services to private appointed counsel or to a county or 5090
joint county public defender as approved by the appointing court, 5091
other than pursuant to a contract entered into under authority of 5092
division (C)(7) of section 120.04 of the Revised Code, the state 5093
public defender shall send to the county in which the case is 5094
filed a bill itemizing the actual cost of the services provided. 5095
The county, upon receipt of an itemized bill from the state public 5096
defender pursuant to this division, shall pay one hundred per cent 5097
of the amount as set forth in the itemized bill. Upon payment of 5098
the itemized bill received pursuant to this division, the county 5099
may submit the cost of the investigation and mitigation services 5100
to the state public defender for reimbursement pursuant to section 5101
120.33 of the Revised Code. 5102

(4) There is hereby created in the state treasury the county 5103
representation fund for the deposit of moneys received from 5104
counties under this division. All moneys credited to the fund 5105
shall be used by the state public defender to provide legal 5106
representation for indigent persons when designated by the court 5107
or requested by a county or joint county public defender or to 5108
provide investigation or mitigation services, including 5109
investigation or mitigation services to private appointed counsel 5110

or a county or joint county public defender, as approved by the court. 5111
5112

(E)(1) Notwithstanding any contrary provision of sections 5113
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code 5114
that pertains to representation by the attorney general, an 5115
assistant attorney general, or special counsel of an officer or 5116
employee, as defined in section 109.36 of the Revised Code, or of 5117
an entity of state government, the state public defender may elect 5118
to contract with, and to have the state pay pursuant to division 5119
(E)(2) of this section for the services of, private legal counsel 5120
to represent the Ohio public defender commission, the state public 5121
defender, assistant state public defenders, other employees of the 5122
commission or the state public defender, and attorneys described 5123
in division (C) of section 120.41 of the Revised Code in a 5124
malpractice or other civil action or proceeding that arises from 5125
alleged actions or omissions related to responsibilities derived 5126
pursuant to this chapter, or in a civil action that is based upon 5127
alleged violations of the constitution or statutes of the United 5128
States, including section 1983 of Title 42 of the United States 5129
Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that 5130
arises from alleged actions or omissions related to 5131
responsibilities derived pursuant to this chapter, if the state 5132
public defender determines, in good faith, that the defendant in 5133
the civil action or proceeding did not act manifestly outside the 5134
scope of the defendant's employment or official responsibilities, 5135
with malicious purpose, in bad faith, or in a wanton or reckless 5136
manner. If the state public defender elects not to contract 5137
pursuant to this division for private legal counsel in a civil 5138
action or proceeding, then, in accordance with sections 109.02, 5139
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 5140
attorney general shall represent or provide for the representation 5141
of the Ohio public defender commission, the state public defender, 5142
assistant state public defenders, other employees of the 5143

commission or the state public defender, or attorneys described in 5144
division (C) of section 120.41 of the Revised Code in the civil 5145
action or proceeding. 5146

(2)(a) Subject to division (E)(2)(b) of this section, payment 5147
from the state treasury for the services of private legal counsel 5148
with whom the state public defender has contracted pursuant to 5149
division (E)(1) of this section shall be accomplished only through 5150
the following procedure: 5151

(i) The private legal counsel shall file with the attorney 5152
general a copy of the contract; a request for an award of legal 5153
fees, court costs, and expenses earned or incurred in connection 5154
with the defense of the Ohio public defender commission, the state 5155
public defender, an assistant state public defender, an employee, 5156
or an attorney in a specified civil action or proceeding; a 5157
written itemization of those fees, costs, and expenses, including 5158
the signature of the state public defender and the state public 5159
defender's attestation that the fees, costs, and expenses were 5160
earned or incurred pursuant to division (E)(1) of this section to 5161
the best of the state public defender's knowledge and information; 5162
a written statement whether the fees, costs, and expenses are for 5163
all legal services to be rendered in connection with that defense, 5164
are only for legal services rendered to the date of the request 5165
and additional legal services likely will have to be provided in 5166
connection with that defense, or are for the final legal services 5167
rendered in connection with that defense; a written statement 5168
indicating whether the private legal counsel previously submitted 5169
a request for an award under division (E)(2) of this section in 5170
connection with that defense and, if so, the date and the amount 5171
of each award granted; and, if the fees, costs, and expenses are 5172
for all legal services to be rendered in connection with that 5173
defense or are for the final legal services rendered in connection 5174
with that defense, a certified copy of any judgment entry in the 5175

civil action or proceeding or a signed copy of any settlement 5176
agreement entered into between the parties to the civil action or 5177
proceeding. 5178

(ii) Upon receipt of a request for an award of legal fees, 5179
court costs, and expenses and the requisite supportive 5180
documentation described in division (E)(2)(a)(i) of this section, 5181
the attorney general shall review the request and documentation; 5182
determine whether any of the limitations specified in division 5183
(E)(2)(b) of this section apply to the request; and, if an award 5184
of legal fees, court costs, or expenses is permissible after 5185
applying the limitations, prepare a document awarding legal fees, 5186
court costs, or expenses to the private legal counsel. The 5187
document shall name the private legal counsel as the recipient of 5188
the award; specify the total amount of the award as determined by 5189
the attorney general; itemize the portions of the award that 5190
represent legal fees, court costs, and expenses; specify any 5191
limitation applied pursuant to division (E)(2)(b) of this section 5192
to reduce the amount of the award sought by the private legal 5193
counsel; state that the award is payable from the state treasury 5194
pursuant to division (E)(2)(a)(iii) of this section; and be 5195
approved by the inclusion of the signatures of the attorney 5196
general, the state public defender, and the private legal counsel. 5197

(iii) The attorney general shall forward a copy of the 5198
document prepared pursuant to division (E)(2)(a)(ii) of this 5199
section to the director of budget and management. The award of 5200
legal fees, court costs, or expenses shall be paid out of the 5201
state public defender's appropriations, to the extent there is a 5202
sufficient available balance in those appropriations. If the state 5203
public defender does not have a sufficient available balance in 5204
the state public defender's appropriations to pay the entire award 5205
of legal fees, court costs, or expenses, the director shall make 5206
application for a transfer of appropriations out of the emergency 5207

purposes account or any other appropriation for emergencies or 5208
contingencies in an amount equal to the portion of the award that 5209
exceeds the sufficient available balance in the state public 5210
defender's appropriations. A transfer of appropriations out of the 5211
emergency purposes account or any other appropriation for 5212
emergencies or contingencies shall be authorized if there are 5213
sufficient moneys greater than the sum total of then pending 5214
emergency purposes account requests, or requests for releases from 5215
the other appropriation. If a transfer of appropriations out of 5216
the emergency purposes account or other appropriation for 5217
emergencies or contingencies is made to pay an amount equal to the 5218
portion of the award that exceeds the sufficient available balance 5219
in the state public defender's appropriations, the director shall 5220
cause the payment to be made to the private legal counsel. If 5221
sufficient moneys do not exist in the emergency purposes account 5222
or other appropriation for emergencies or contingencies to pay an 5223
amount equal to the portion of the award that exceeds the 5224
sufficient available balance in the state public defender's 5225
appropriations, the private legal counsel shall request the 5226
general assembly to make an appropriation sufficient to pay an 5227
amount equal to the portion of the award that exceeds the 5228
sufficient available balance in the state public defender's 5229
appropriations, and no payment in that amount shall be made until 5230
the appropriation has been made. The private legal counsel shall 5231
make the request during the current biennium and during each 5232
succeeding biennium until a sufficient appropriation is made. 5233

(b) An award of legal fees, court costs, and expenses 5234
pursuant to division (E) of this section is subject to the 5235
following limitations: 5236

(i) The maximum award or maximum aggregate of a series of 5237
awards of legal fees, court costs, and expenses to the private 5238
legal counsel in connection with the defense of the Ohio public 5239

defender commission, the state public defender, an assistant state 5240
public defender, an employee, or an attorney in a specified civil 5241
action or proceeding shall not exceed fifty thousand dollars. 5242

(ii) The private legal counsel shall not be awarded legal 5243
fees, court costs, or expenses to the extent the fees, costs, or 5244
expenses are covered by a policy of malpractice or other 5245
insurance. 5246

(iii) The private legal counsel shall be awarded legal fees 5247
and expenses only to the extent that the fees and expenses are 5248
reasonable in light of the legal services rendered by the private 5249
legal counsel in connection with the defense of the Ohio public 5250
defender commission, the state public defender, an assistant state 5251
public defender, an employee, or an attorney in a specified civil 5252
action or proceeding. 5253

(c) If, pursuant to division (E)(2)(a) of this section, the 5254
attorney general denies a request for an award of legal fees, 5255
court costs, or expenses to private legal counsel because of the 5256
application of a limitation specified in division (E)(2)(b) of 5257
this section, the attorney general shall notify the private legal 5258
counsel in writing of the denial and of the limitation applied. 5259

(d) If, pursuant to division (E)(2)(c) of this section, a 5260
private legal counsel receives a denial of an award notification 5261
or if a private legal counsel refuses to approve a document under 5262
division (E)(2)(a)(ii) of this section because of the proposed 5263
application of a limitation specified in division (E)(2)(b) of 5264
this section, the private legal counsel may commence a civil 5265
action against the attorney general in the court of claims to 5266
prove the private legal counsel's entitlement to the award sought, 5267
to prove that division (E)(2)(b) of this section does not prohibit 5268
or otherwise limit the award sought, and to recover a judgment for 5269
the amount of the award sought. A civil action under division 5270
(E)(2)(d) of this section shall be commenced no later than two 5271

years after receipt of a denial of award notification or, if the 5272
private legal counsel refused to approve a document under division 5273
(E)(2)(a)(ii) of this section because of the proposed application 5274
of a limitation specified in division (E)(2)(b) of this section, 5275
no later than two years after the refusal. Any judgment of the 5276
court of claims in favor of the private legal counsel shall be 5277
paid from the state treasury in accordance with division (E)(2)(a) 5278
of this section. 5279

(F) If a court appoints the office of the state public 5280
defender to represent a petitioner in a postconviction relief 5281
proceeding under section 2953.21 of the Revised Code, the 5282
petitioner has received a sentence of death, and the proceeding 5283
relates to that sentence, all of the attorneys who represent the 5284
petitioner in the proceeding pursuant to the appointment, whether 5285
an assistant state public defender, the state public defender, or 5286
another attorney, shall be certified under Rule 20 of the Rules of 5287
Superintendence for the Courts of Ohio to represent indigent 5288
defendants charged with or convicted of an offense for which the 5289
death penalty can be or has been imposed. 5290

(G)(1) The state public defender may conduct a legal 5291
assistance referral service for children committed to the 5292
department of youth services relative to conditions of confinement 5293
claims. If the legal assistance referral service receives a 5294
request for assistance from a child confined in a facility 5295
operated, or contracted for, by the department of youth services 5296
and the state public defender determines that the child has a 5297
conditions of confinement claim that has merit, the state public 5298
defender may refer the child to a private attorney. If no private 5299
attorney who the child has been referred to by the state public 5300
defender accepts the case within a reasonable time, the state 5301
public defender may prepare, as appropriate, pro se pleadings in 5302
the form of a complaint regarding the conditions of confinement at 5303

the facility where the child is confined with a motion for 5304
appointment of counsel and other applicable pleadings necessary 5305
for sufficient pro se representation. 5306

(2) Division (G)(1) of this section does not authorize the 5307
state public defender to represent a child committed to the 5308
department of youth services in general civil matters arising 5309
solely out of state law. 5310

(3) The state public defender shall not undertake the 5311
representation of a child in court based on a conditions of 5312
confinement claim arising under this division. 5313

(H) A child's right to representation or services under this 5314
section is not affected by the child, or another person on behalf 5315
of the child, previously having paid for similar representation or 5316
services or having waived legal representation. 5317

(I) The state public defender shall have reasonable access to 5318
any child committed to the department of youth services, 5319
department of youth services institution, and department of youth 5320
services record as needed to implement this section. 5321

(J) As used in this section: 5322

(1) "Community control sanction" has the same meaning as in 5323
section 2929.01 of the Revised Code. 5324

(2) "Conditions of confinement" means any issue involving a 5325
constitutional right or other civil right related to a child's 5326
incarceration, including, but not limited to, actions cognizable 5327
under 42 U.S.C. 1983. 5328

(3) "Post-release control sanction" has the same meaning as 5329
in section 2967.01 of the Revised Code. 5330

Sec. 121.02. The following administrative departments and 5331
their respective directors are hereby created: 5332

(A) The office of budget and management, which shall be administered by the director of budget and management;	5333 5334
(B) The department of commerce, which shall be administered by the director of commerce;	5335 5336
(C) The department of administrative services, which shall be administered by the director of administrative services;	5337 5338
(D) The department of transportation, which shall be administered by the director of transportation;	5339 5340
(E) The department of agriculture, which shall be administered by the director of agriculture;	5341 5342
(F) The department of natural resources, which shall be administered by the director of natural resources;	5343 5344
(G) The department of health, which shall be administered by the director of health;	5345 5346
(H) The department of job and family services, which shall be administered by the director of job and family services;	5347 5348
(I) Until July 1, 1997, the department of liquor control, which shall be administered by the director of liquor control;	5349 5350
(J) The department of public safety, which shall be administered by the director of public safety;	5351 5352
(K) The department of mental health <u>mental health and addiction services</u> , which shall be administered by the director of mental health <u>mental health and addiction services</u> ;	5353 5354 5355
(L) The department of developmental disabilities, which shall be administered by the director of developmental disabilities;	5356 5357
(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof;	5358 5359
(N) The development services agency, which shall be administered by the director of development services;	5360 5361

(O) The department of youth services, which shall be 5362
administered by the director of youth services; 5363

(P) The department of rehabilitation and correction, which 5364
shall be administered by the director of rehabilitation and 5365
correction; 5366

(Q) The environmental protection agency, which shall be 5367
administered by the director of environmental protection; 5368

(R) The department of aging, which shall be administered by 5369
the director of aging; 5370

~~(S) The department of alcohol and drug addiction services,~~ 5371
~~which shall be administered by the director of alcohol and drug~~ 5372
~~addiction services;~~ 5373

~~(T) The department of veterans services, which shall be~~ 5374
~~administered by the director of veterans services;~~ 5375

(T) The department of medicaid, which shall be administered 5376
by the medicaid director. 5377

The director of each department shall exercise the powers and 5378
perform the duties vested by law in such department. 5379

Sec. 121.03. The following administrative department heads 5380
shall be appointed by the governor, with the advice and consent of 5381
the senate, and shall hold their offices during the term of the 5382
appointing governor, and are subject to removal at the pleasure of 5383
the governor. 5384

(A) The director of budget and management; 5385

(B) The director of commerce; 5386

(C) The director of transportation; 5387

(D) The director of agriculture; 5388

(E) The director of job and family services; 5389

(F) Until July 1, 1997, the director of liquor control;	5390
(G) The director of public safety;	5391
(H) The superintendent of insurance;	5392
(I) The director of development services;	5393
(J) The tax commissioner;	5394
(K) The director of administrative services;	5395
(L) The director of natural resources;	5396
(M) The director of mental health <u>mental health and addiction</u> <u>services</u> ;	5397 5398
(N) The director of developmental disabilities;	5399
(O) The director of health;	5400
(P) The director of youth services;	5401
(Q) The director of rehabilitation and correction;	5402
(R) The director of environmental protection;	5403
(S) The director of aging;	5404
(T) The director of alcohol and drug addiction services;	5405
(U) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	5406 5407 5408
(V) <u>(U)</u> The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	5409 5410
(W) <u>(V)</u> The chancellor of the Ohio board of regents;	5411
<u>(W)</u> The medicaid director.	5412
Sec. 121.22. (A) This section shall be liberally construed to	5413
require public officials to take official action and to conduct	5414
all deliberations upon official business only in open meetings	5415
unless the subject matter is specifically excepted by law.	5416

(B) As used in this section:	5417
(1) "Public body" means any of the following:	5418
(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;	5419 5420 5421 5422 5423 5424
(b) Any committee or subcommittee of a body described in division (B)(1)(a) of this section;	5425 5426
(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B)(1)(c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code.	5427 5428 5429 5430 5431 5432 5433 5434 5435 5436
(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.	5437 5438
(3) "Regulated individual" means either of the following:	5439
(a) A student in a state or local public educational institution;	5440 5441
(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness or retardation, disease, disability, age, or other condition requiring custodial care.	5442 5443 5444 5445
(4) "Public office" has the same meaning as in section	5446

149.011 of the Revised Code.	5447
(C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.	5448 5449 5450 5451 5452
The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section.	5453 5454 5455 5456 5457
(D) This section does not apply to any of the following:	5458
(1) A grand jury;	5459
(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	5460 5461 5462
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;	5463 5464 5465
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	5466 5467
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	5468 5469 5470
(6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	5471 5472 5473
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	5474 5475 5476

(8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;	5477 5478 5479
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;	5480 5481 5482
(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;	5483 5484 5485 5486
(11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee thereof, and the board of directors of any subsidiary of that corporation or a committee thereof;	5487 5488 5489 5490
(12) An audit conference conducted by the audit staff of the department of job and family services with officials of the public office that is the subject of that audit under section 5101.37 of the Revised Code;	5491 5492 5493 5494
<u>(13) The occupational therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license or limited permit without a hearing pursuant to division (D) of section 4755.11 of the Revised Code;</u>	5495 5496 5497 5498 5499
<u>(14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.47 of the Revised Code;</u>	5500 5501 5502 5503
<u>(15) The athletic trainers section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (D) of section 4755.64 of the Revised Code.</u>	5504 5505 5506 5507

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

(1) Marketing plans;

(2) Specific business strategy;

(3) Production techniques and trade secrets;

(4) Financial projections;

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

The vote by the authority, ~~council,~~ or board to accept or reject the application, as well as all proceedings of the authority, ~~council,~~ or board not subject to this division, shall be open to the public and governed by this section.

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

immediately of the time, place, and purpose of the meeting. 5539

The rule shall provide that any person, upon request and 5540
payment of a reasonable fee, may obtain reasonable advance 5541
notification of all meetings at which any specific type of public 5542
business is to be discussed. Provisions for advance notification 5543
may include, but are not limited to, mailing the agenda of 5544
meetings to all subscribers on a mailing list or mailing notices 5545
in self-addressed, stamped envelopes provided by the person. 5546

(G) Except as provided in ~~division~~ divisions (G)(8) and (J) 5547
of this section, the members of a public body may hold an 5548
executive session only after a majority of a quorum of the public 5549
body determines, by a roll call vote, to hold an executive session 5550
and only at a regular or special meeting for the sole purpose of 5551
the consideration of any of the following matters: 5552

(1) To consider the appointment, employment, dismissal, 5553
discipline, promotion, demotion, or compensation of a public 5554
employee or official, or the investigation of charges or 5555
complaints against a public employee, official, licensee, or 5556
regulated individual, unless the public employee, official, 5557
licensee, or regulated individual requests a public hearing. 5558
Except as otherwise provided by law, no public body shall hold an 5559
executive session for the discipline of an elected official for 5560
conduct related to the performance of the elected official's 5561
official duties or for the elected official's removal from office. 5562
If a public body holds an executive session pursuant to division 5563
(G)(1) of this section, the motion and vote to hold that executive 5564
session shall state which one or more of the approved purposes 5565
listed in division (G)(1) of this section are the purposes for 5566
which the executive session is to be held, but need not include 5567
the name of any person to be considered at the meeting. 5568

(2) To consider the purchase of property for public purposes, 5569
or for the sale of property at competitive bidding, if premature 5570

disclosure of information would give an unfair competitive or 5571
bargaining advantage to a person whose personal, private interest 5572
is adverse to the general public interest. No member of a public 5573
body shall use division (G)(2) of this section as a subterfuge for 5574
providing covert information to prospective buyers or sellers. A 5575
purchase or sale of public property is void if the seller or buyer 5576
of the public property has received covert information from a 5577
member of a public body that has not been disclosed to the general 5578
public in sufficient time for other prospective buyers and sellers 5579
to prepare and submit offers. 5580

If the minutes of the public body show that all meetings and 5581
deliberations of the public body have been conducted in compliance 5582
with this section, any instrument executed by the public body 5583
purporting to convey, lease, or otherwise dispose of any right, 5584
title, or interest in any public property shall be conclusively 5585
presumed to have been executed in compliance with this section 5586
insofar as title or other interest of any bona fide purchasers, 5587
lessees, or transferees of the property is concerned. 5588

(3) Conferences with an attorney for the public body 5589
concerning disputes involving the public body that are the subject 5590
of pending or imminent court action; 5591

(4) Preparing for, conducting, or reviewing negotiations or 5592
bargaining sessions with public employees concerning their 5593
compensation or other terms and conditions of their employment; 5594

(5) Matters required to be kept confidential by federal law 5595
or regulations or state statutes; 5596

(6) Details relative to the security arrangements and 5597
emergency response protocols for a public body or a public office, 5598
if disclosure of the matters discussed could reasonably be 5599
expected to jeopardize the security of the public body or public 5600
office; 5601

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

(8) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

(2) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

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

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

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

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

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

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of violation or threatened

violation that was the basis of the injunction, a well-informed 5665
public body reasonably would believe that the public body was not 5666
violating or threatening to violate this section; 5667

(ii) That a well-informed public body reasonably would 5668
believe that the conduct or threatened conduct that was the basis 5669
of the injunction would serve the public policy that underlies the 5670
authority that is asserted as permitting that conduct or 5671
threatened conduct. 5672

(b) If the court of common pleas does not issue an injunction 5673
pursuant to division (I)(1) of this section and the court 5674
determines at that time that the bringing of the action was 5675
frivolous conduct, as defined in division (A) of section 2323.51 5676
of the Revised Code, the court shall award to the public body all 5677
court costs and reasonable attorney's fees, as determined by the 5678
court. 5679

(3) Irreparable harm and prejudice to the party that sought 5680
the injunction shall be conclusively and irrebuttably presumed 5681
upon proof of a violation or threatened violation of this section. 5682

(4) A member of a public body who knowingly violates an 5683
injunction issued pursuant to division (I)(1) of this section may 5684
be removed from office by an action brought in the court of common 5685
pleas for that purpose by the prosecuting attorney or the attorney 5686
general. 5687

(J)(1) Pursuant to division (C) of section 5901.09 of the 5688
Revised Code, a veterans service commission shall hold an 5689
executive session for one or more of the following purposes unless 5690
an applicant requests a public hearing: 5691

(a) Interviewing an applicant for financial assistance under 5692
sections 5901.01 to 5901.15 of the Revised Code; 5693

(b) Discussing applications, statements, and other documents 5694
described in division (B) of section 5901.09 of the Revised Code; 5695

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

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

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

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

(1) The department of aging;

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

~~(3) The department of development services agency;~~

~~(4)~~(3) The department of developmental disabilities;

~~(5)~~(4) The department of education;

~~(6)~~(5) The department of health;

(7) (6) The department of job and family services;	5725
(8) (7) <u>The department of medicaid;</u>	5726
(8) The department of mental health <u>mental health and</u> <u>addiction services;</u>	5727 5728
(9) The rehabilitation services commission <u>opportunities for</u> <u>Ohioans with disabilities agency.</u>	5729 5730
(B) In revising eligibility standards and eligibility determination procedures, a state agency shall not make any program's eligibility standards or eligibility determination procedures inconsistent with state or federal law. To the extent authorized by state and federal law, the revisions may provide for the state agencies to share administrative operations.	5731 5732 5733 5734 5735 5736
Sec. 121.37. (A)(1) There is hereby created the Ohio family and children first cabinet council. The council shall be composed of the superintendent of public instruction, the administrator executive director of the rehabilitation services commission <u>opportunities for Ohioans with disabilities agency</u> , <u>the medicaid</u> <u>director</u> , and the directors of youth services, job and family services, mental health <u>mental health and addiction services</u> , health, alcohol and drug addiction services , developmental disabilities, aging, rehabilitation and correction, and budget and management. The chairperson of the council shall be the governor or the governor's designee and shall establish procedures for the council's internal control and management.	5737 5738 5739 5740 5741 5742 5743 5744 5745 5746 5747 5748
The purpose of the cabinet council is to help families seeking government services. This section shall not be interpreted or applied to usurp the role of parents, but solely to streamline and coordinate existing government services for families seeking assistance for their children.	5749 5750 5751 5752 5753
(2) In seeking to fulfill its purpose, the council may do any	5754

of the following: 5755

(a) Advise and make recommendations to the governor and 5756
general assembly regarding the provision of services to children; 5757

(b) Advise and assess local governments on the coordination 5758
of service delivery to children; 5759

(c) Hold meetings at such times and places as may be 5760
prescribed by the council's procedures and maintain records of the 5761
meetings, except that records identifying individual children are 5762
confidential and shall be disclosed only as provided by law; 5763

(d) Develop programs and projects, including pilot projects, 5764
to encourage coordinated efforts at the state and local level to 5765
improve the state's social service delivery system; 5766

(e) Enter into contracts with and administer grants to county 5767
family and children first councils, as well as other county or 5768
multicounty organizations to plan and coordinate service delivery 5769
between state agencies and local service providers for families 5770
and children; 5771

(f) Enter into contracts with and apply for grants from 5772
federal agencies or private organizations; 5773

(g) Enter into interagency agreements to encourage 5774
coordinated efforts at the state and local level to improve the 5775
state's social service delivery system. The agreements may include 5776
provisions regarding the receipt, transfer, and expenditure of 5777
funds; 5778

(h) Identify public and private funding sources for services 5779
provided to alleged or adjudicated unruly children and children 5780
who are at risk of being alleged or adjudicated unruly children, 5781
including regulations governing access to and use of the services; 5782

(i) Collect information provided by local communities 5783
regarding successful programs for prevention, intervention, and 5784

treatment of unruly behavior, including evaluations of the 5785
programs; 5786

(j) Identify and disseminate publications regarding alleged 5787
or adjudicated unruly children and children who are at risk of 5788
being alleged or adjudicated unruly children and regarding 5789
programs serving those types of children; 5790

(k) Maintain an inventory of strategic planning facilitators 5791
for use by government or nonprofit entities that serve alleged or 5792
adjudicated unruly children or children who are at risk of being 5793
alleged or adjudicated unruly children. 5794

(3) The cabinet council shall provide for the following: 5795

(a) Reviews of service and treatment plans for children for 5796
which such reviews are requested; 5797

(b) Assistance as the council determines to be necessary to 5798
meet the needs of children referred by county family and children 5799
first councils; 5800

(c) Monitoring and supervision of a statewide, comprehensive, 5801
coordinated, multi-disciplinary, interagency system for infants 5802
and toddlers with developmental disabilities or delays and their 5803
families, as established pursuant to federal grants received and 5804
administered by the department of health for early intervention 5805
services under the "Individuals with Disabilities Education Act of 5806
2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended. 5807

(4) The cabinet council shall develop and implement the 5808
following: 5809

(a) An interagency process to select the indicators that will 5810
be used to measure progress toward increasing child well-being in 5811
the state and to update the indicators on an annual basis. The 5812
indicators shall focus on expectant parents and newborns thriving; 5813
infants and toddlers thriving; children being ready for school; 5814

children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood. 5815
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(b) An interagency system to offer guidance and monitor progress toward increasing child well-being in the state and in each county; 5817
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(c) An annual plan that identifies state-level agency efforts taken to ensure progress towards increasing child well-being in the state. 5820
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On an annual basis, the cabinet council shall submit to the governor and the general assembly a report on the status of efforts to increase child well-being in the state. This report shall be made available to any other person on request. 5823
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(B)(1) Each board of county commissioners shall establish a county family and children first council. The board may invite any local public or private agency or group that funds, advocates, or provides services to children and families to have a representative become a permanent or temporary member of its county council. Each county council must include the following individuals: 5827
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(a) At least three individuals who are not employed by an agency represented on the council and whose families are or have received services from an agency represented on the council or another county's council. Where possible, the number of members representing families shall be equal to twenty per cent of the council's membership. 5834
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(b) The director of the board of alcohol, drug addiction, and mental health services that serves the county, or, in the case of a county that has a board of alcohol and drug addiction services and a community mental health board, the directors of both boards. If a board of alcohol, drug addiction, and mental health services covers more than one county, the director may designate a person 5840
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to participate on the county's council. 5846

(c) The health commissioner, or the commissioner's designee, 5847
of the board of health of each city and general health district in 5848
the county. If the county has two or more health districts, the 5849
health commissioner membership may be limited to the commissioners 5850
of the two districts with the largest populations. 5851

(d) The director of the county department of job and family 5852
services; 5853

(e) The executive director of the public children services 5854
agency; 5855

(f) The superintendent of the county board of developmental 5856
disabilities or, if the superintendent serves as superintendent of 5857
more than one county board of developmental disabilities, the 5858
superintendent's designee; 5859

(g) The superintendent of the city, exempted village, or 5860
local school district with the largest number of pupils residing 5861
in the county, as determined by the department of education, which 5862
shall notify each board of county commissioners of its 5863
determination at least biennially; 5864

(h) A school superintendent representing all other school 5865
districts with territory in the county, as designated at a 5866
biennial meeting of the superintendents of those districts; 5867

(i) A representative of the municipal corporation with the 5868
largest population in the county; 5869

(j) The president of the board of county commissioners or an 5870
individual designated by the board; 5871

(k) A representative of the regional office of the department 5872
of youth services; 5873

(l) A representative of the county's head start agencies, as 5874
defined in section 3301.32 of the Revised Code; 5875

(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";

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

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

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

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

(2) The purpose of the county council is to streamline and 5907
coordinate existing government services for families seeking 5908
services for their children. In seeking to fulfill its purpose, a 5909
county council shall provide for the following: 5910

(a) Referrals to the cabinet council of those children for 5911
whom the county council cannot provide adequate services; 5912

(b) Development and implementation of a process that annually 5913
evaluates and prioritizes services, fills service gaps where 5914
possible, and invents new approaches to achieve better results for 5915
families and children; 5916

(c) Participation in the development of a countywide, 5917
comprehensive, coordinated, multi-disciplinary, interagency system 5918
for infants and toddlers with developmental disabilities or delays 5919
and their families, as established pursuant to federal grants 5920
received and administered by the department of health for early 5921
intervention services under the "Individuals with Disabilities 5922
Education Act of 2004"; 5923

(d) Maintenance of an accountability system to monitor the 5924
county council's progress in achieving results for families and 5925
children; 5926

(e) Establishment of a mechanism to ensure ongoing input from 5927
a broad representation of families who are receiving services 5928
within the county system. 5929

(3) A county council shall develop and implement the 5930
following: 5931

(a) An interagency process to establish local indicators and 5932
monitor the county's progress toward increasing child well-being 5933
in the county; 5934

(b) An interagency process to identify local priorities to 5935
increase child well-being. The local priorities shall focus on 5936

expectant parents and newborns thriving; infants and toddlers 5937
thriving; children being ready for school; children and youth 5938
succeeding in school; youth choosing healthy behaviors; and youth 5939
successfully transitioning into adulthood and take into account 5940
the indicators established by the cabinet council under division 5941
(A)(4)(a) of this section. 5942

(c) An annual plan that identifies the county's interagency 5943
efforts to increase child well-being in the county. 5944

On an annual basis, the county council shall submit a report 5945
on the status of efforts by the county to increase child 5946
well-being in the county to the county's board of county 5947
commissioners and the cabinet council. This report shall be made 5948
available to any other person on request. 5949

(4)(a) Except as provided in division (B)(4)(b) of this 5950
section, a county council shall comply with the policies, 5951
procedures, and activities prescribed by the rules or interagency 5952
agreements of a state department participating on the cabinet 5953
council whenever the county council performs a function subject to 5954
those rules or agreements. 5955

(b) On application of a county council, the cabinet council 5956
may grant an exemption from any rules or interagency agreements of 5957
a state department participating on the council if an exemption is 5958
necessary for the council to implement an alternative program or 5959
approach for service delivery to families and children. The 5960
application shall describe the proposed program or approach and 5961
specify the rules or interagency agreements from which an 5962
exemption is necessary. The cabinet council shall approve or 5963
disapprove the application in accordance with standards and 5964
procedures it shall adopt. If an application is approved, the 5965
exemption is effective only while the program or approach is being 5966
implemented, including a reasonable period during which the 5967
program or approach is being evaluated for effectiveness. 5968

(5)(a) Each county council shall designate an administrative 5969
agent for the council from among the following public entities: 5970
the board of alcohol, drug addiction, and mental health services, 5971
including a board of alcohol and drug addiction or a community 5972
mental health board if the county is served by separate boards; 5973
the board of county commissioners; any board of health of the 5974
county's city and general health districts; the county department 5975
of job and family services; the county agency responsible for the 5976
administration of children services pursuant to section 5153.15 of 5977
the Revised Code; the county board of developmental disabilities; 5978
any of the county's boards of education or governing boards of 5979
educational service centers; or the county's juvenile court. Any 5980
of the foregoing public entities, other than the board of county 5981
commissioners, may decline to serve as the council's 5982
administrative agent. 5983

A county council's administrative agent shall serve as the 5984
council's appointing authority for any employees of the council. 5985
The council shall file an annual budget with its administrative 5986
agent, with copies filed with the county auditor and with the 5987
board of county commissioners, unless the board is serving as the 5988
council's administrative agent. The council's administrative agent 5989
shall ensure that all expenditures are handled in accordance with 5990
policies, procedures, and activities prescribed by state 5991
departments in rules or interagency agreements that are applicable 5992
to the council's functions. 5993

The administrative agent of a county council shall send 5994
notice of a member's absence if a member listed in division (B)(1) 5995
of this section has been absent from either three consecutive 5996
meetings of the county council or a county council subcommittee, 5997
or from one-quarter of such meetings in a calendar year, whichever 5998
is less. The notice shall be sent to the board of county 5999
commissioners that establishes the county council and, for the 6000

members listed in divisions (B)(1)(b), (c), (e), and (l) of this 6001
section, to the governing board overseeing the respective entity; 6002
for the member listed in division (B)(1)(f) of this section, to 6003
the county board of developmental disabilities that employs the 6004
superintendent; for a member listed in division (B)(1)(g) or (h) 6005
of this section, to the school board that employs the 6006
superintendent; for the member listed in division (B)(1)(i) of 6007
this section, to the mayor of the municipal corporation; for the 6008
member listed in division (B)(1)(k) of this section, to the 6009
director of youth services; and for the member listed in division 6010
(B)(1)(n) of this section, to that member's board of trustees. 6011

The administrative agent for a county council may do any of 6012
the following on behalf of the council: 6013

(i) Enter into agreements or administer contracts with public 6014
or private entities to fulfill specific council business. Such 6015
agreements and contracts are exempt from the competitive bidding 6016
requirements of section 307.86 of the Revised Code if they have 6017
been approved by the county council and they are for the purchase 6018
of family and child welfare or child protection services or other 6019
social or job and family services for families and children. The 6020
approval of the county council is not required to exempt 6021
agreements or contracts entered into under section 5139.34, 6022
5139.41, or 5139.43 of the Revised Code from the competitive 6023
bidding requirements of section 307.86 of the Revised Code. 6024

(ii) As determined by the council, provide financial 6025
stipends, reimbursements, or both, to family representatives for 6026
expenses related to council activity; 6027

(iii) Receive by gift, grant, devise, or bequest any moneys, 6028
lands, or other property for the purposes for which the council is 6029
established. The agent shall hold, apply, and dispose of the 6030
moneys, lands, or other property according to the terms of the 6031
gift, grant, devise, or bequest. Any interest or earnings shall be 6032

treated in the same manner and are subject to the same terms as 6033
the gift, grant, devise, or bequest from which it accrues. 6034

(b)(i) If the county council designates the board of county 6035
commissioners as its administrative agent, the board may, by 6036
resolution, delegate any of its powers and duties as 6037
administrative agent to an executive committee the board 6038
establishes from the membership of the county council. The board 6039
shall name to the executive committee at least the individuals 6040
described in divisions (B)(1)(b) to (h) of this section and may 6041
appoint the president of the board or another individual as the 6042
chair of the executive committee. The executive committee must 6043
include at least one family county council representative who does 6044
not have a family member employed by an agency represented on the 6045
council. 6046

(ii) The executive committee may, with the approval of the 6047
board, hire an executive director to assist the county council in 6048
administering its powers and duties. The executive director shall 6049
serve in the unclassified civil service at the pleasure of the 6050
executive committee. The executive director may, with the approval 6051
of the executive committee, hire other employees as necessary to 6052
properly conduct the county council's business. 6053

(iii) The board may require the executive committee to submit 6054
an annual budget to the board for approval and may amend or repeal 6055
the resolution that delegated to the executive committee its 6056
authority as the county council's administrative agent. 6057

(6) Two or more county councils may enter into an agreement 6058
to administer their county councils jointly by creating a regional 6059
family and children first council. A regional council possesses 6060
the same duties and authority possessed by a county council, 6061
except that the duties and authority apply regionally rather than 6062
to individual counties. Prior to entering into an agreement to 6063
create a regional council, the members of each county council to 6064

be part of the regional council shall meet to determine whether 6065
all or part of the members of each county council will serve as 6066
members of the regional council. 6067

(7) A board of county commissioners may approve a resolution 6068
by a majority vote of the board's members that requires the county 6069
council to submit a statement to the board each time the council 6070
proposes to enter into an agreement, adopt a plan, or make a 6071
decision, other than a decision pursuant to section 121.38 of the 6072
Revised Code, that requires the expenditure of funds for two or 6073
more families. The statement shall describe the proposed 6074
agreement, plan, or decision. 6075

Not later than fifteen days after the board receives the 6076
statement, it shall, by resolution approved by a majority of its 6077
members, approve or disapprove the agreement, plan, or decision. 6078
Failure of the board to pass a resolution during that time period 6079
shall be considered approval of the agreement, plan, or decision. 6080

An agreement, plan, or decision for which a statement is 6081
required to be submitted to the board shall be implemented only if 6082
it is approved by the board. 6083

(C) Each county shall develop a county service coordination 6084
mechanism. The county service coordination mechanism shall serve 6085
as the guiding document for coordination of services in the 6086
county. For children who also receive services under the help me 6087
grow program, the service coordination mechanism shall be 6088
consistent with rules adopted by the department of health under 6089
section 3701.61 of the Revised Code. All family service 6090
coordination plans shall be developed in accordance with the 6091
county service coordination mechanism. The mechanism shall be 6092
developed and approved with the participation of the county 6093
entities representing child welfare; mental retardation and 6094
developmental disabilities; alcohol, drug addiction, and mental 6095
health services; health; juvenile judges; education; the county 6096

family and children first council; and the county early 6097
intervention collaborative established pursuant to the federal 6098
early intervention program operated under the "Individuals with 6099
Disabilities Education Act of 2004." The county shall establish an 6100
implementation schedule for the mechanism. The cabinet council may 6101
monitor the implementation and administration of each county's 6102
service coordination mechanism. 6103

Each mechanism shall include all of the following: 6104

(1) A procedure for an agency, including a juvenile court, or 6105
a family voluntarily seeking service coordination, to refer the 6106
child and family to the county council for service coordination in 6107
accordance with the mechanism; 6108

(2) A procedure ensuring that a family and all appropriate 6109
staff from involved agencies, including a representative from the 6110
appropriate school district, are notified of and invited to 6111
participate in all family service coordination plan meetings; 6112

(3) A procedure that permits a family to initiate a meeting 6113
to develop or review the family's service coordination plan and 6114
allows the family to invite a family advocate, mentor, or support 6115
person of the family's choice to participate in any such meeting; 6116

(4) A procedure for ensuring that a family service 6117
coordination plan meeting is conducted for each child who receives 6118
service coordination under the mechanism and for whom an emergency 6119
out-of-home placement has been made or for whom a nonemergency 6120
out-of-home placement is being considered. The meeting shall be 6121
conducted within ten days of an emergency out-of-home placement. 6122
The meeting shall be conducted before a nonemergency out-of-home 6123
placement. The family service coordination plan shall outline how 6124
the county council members will jointly pay for services, where 6125
applicable, and provide services in the least restrictive 6126
environment. 6127

(5) A procedure for monitoring the progress and tracking the 6128
outcomes of each service coordination plan requested in the county 6129
including monitoring and tracking children in out-of-home 6130
placements to assure continued progress, appropriateness of 6131
placement, and continuity of care after discharge from placement 6132
with appropriate arrangements for housing, treatment, and 6133
education; *i* 6134

(6) A procedure for protecting the confidentiality of all 6135
personal family information disclosed during service coordination 6136
meetings or contained in the comprehensive family service 6137
coordination plan; *i* 6138

(7) A procedure for assessing the needs and strengths of any 6139
child or family that has been referred to the council for service 6140
coordination, including a child whose parent or custodian is 6141
voluntarily seeking services, and for ensuring that parents and 6142
custodians are afforded the opportunity to participate; 6143

(8) A procedure for development of a family service 6144
coordination plan described in division (D) of this section; 6145

(9) A local dispute resolution process to serve as the 6146
process that must be used first to resolve disputes among the 6147
agencies represented on the county council concerning the 6148
provision of services to children, including children who are 6149
abused, neglected, dependent, unruly, alleged unruly, or 6150
delinquent children and under the jurisdiction of the juvenile 6151
court and children whose parents or custodians are voluntarily 6152
seeking services. The local dispute resolution process shall 6153
comply with sections 121.38, 121.381, and 121.382 of the Revised 6154
Code. The local dispute resolution process shall be used to 6155
resolve disputes between a child's parents or custodians and the 6156
county council regarding service coordination. The county council 6157
shall inform the parents or custodians of their right to use the 6158
dispute resolution process. Parents or custodians shall use 6159

existing local agency grievance procedures to address disputes not 6160
involving service coordination. The dispute resolution process is 6161
in addition to and does not replace other rights or procedures 6162
that parents or custodians may have under other sections of the 6163
Revised Code. 6164

The cabinet council shall adopt rules in accordance with 6165
Chapter 119. of the Revised Code establishing an administrative 6166
review process to address problems that arise concerning the 6167
operation of a local dispute resolution process. 6168

Nothing in division (C)(4) of this section shall be 6169
interpreted as overriding or affecting decisions of a juvenile 6170
court regarding an out-of-home placement, long-term placement, or 6171
emergency out-of-home placement. 6172

(D) Each county shall develop a family service coordination 6173
plan that does all of the following: 6174

(1) Designates service responsibilities among the various 6175
state and local agencies that provide services to children and 6176
their families, including children who are abused, neglected, 6177
dependent, unruly, or delinquent children and under the 6178
jurisdiction of the juvenile court and children whose parents or 6179
custodians are voluntarily seeking services; 6180

(2) Designates an individual, approved by the family, to 6181
track the progress of the family service coordination plan, 6182
schedule reviews as necessary, and facilitate the family service 6183
coordination plan meeting process; 6184

(3) Ensures that assistance and services to be provided are 6185
responsive to the strengths and needs of the family, as well as 6186
the family's culture, race, and ethnic group, by allowing the 6187
family to offer information and suggestions and participate in 6188
decisions. Identified assistance and services shall be provided in 6189
the least restrictive environment possible. 6190

(4) Includes a process for dealing with a child who is	6191
alleged to be an unruly child. The process shall include methods	6192
to divert the child from the juvenile court system;	6193
(5) Includes timelines for completion of goals specified in	6194
the plan with regular reviews scheduled to monitor progress toward	6195
those goals;	6196
(6) Includes a plan for dealing with short-term crisis	6197
situations and safety concerns.	6198
(E)(1) The process provided for under division (D)(4) of this	6199
section may include, but is not limited to, the following:	6200
(a) Designation of the person or agency to conduct the	6201
assessment of the child and the child's family as described in	6202
division (C)(7) of this section and designation of the instrument	6203
or instruments to be used to conduct the assessment;	6204
(b) An emphasis on the personal responsibilities of the child	6205
and the parental responsibilities of the parents, guardian, or	6206
custodian of the child;	6207
(c) Involvement of local law enforcement agencies and	6208
officials.	6209
(2) The method to divert a child from the juvenile court	6210
system that must be included in the service coordination process	6211
may include, but is not limited to, the following:	6212
(a) The preparation of a complaint under section 2151.27 of	6213
the Revised Code alleging that the child is an unruly child and	6214
notifying the child and the parents, guardian, or custodian that	6215
the complaint has been prepared to encourage the child and the	6216
parents, guardian, or custodian to comply with other methods to	6217
divert the child from the juvenile court system;	6218
(b) Conducting a meeting with the child, the parents,	6219
guardian, or custodian, and other interested parties to determine	6220

the appropriate methods to divert the child from the juvenile 6221
court system; 6222

(c) A method to provide to the child and the child's family a 6223
short-term respite from a short-term crisis situation involving a 6224
confrontation between the child and the parents, guardian, or 6225
custodian; 6226

(d) A program to provide a mentor to the child or the 6227
parents, guardian, or custodian; 6228

(e) A program to provide parenting education to the parents, 6229
guardian, or custodian; 6230

(f) An alternative school program for children who are truant 6231
from school, repeatedly disruptive in school, or suspended or 6232
expelled from school; 6233

(g) Other appropriate measures, including, but not limited 6234
to, any alternative methods to divert a child from the juvenile 6235
court system that are identified by the Ohio family and children 6236
first cabinet council. 6237

(F) Each county may review and revise the service 6238
coordination process described in division (D) of this section 6239
based on the availability of funds under Title IV-A of the "Social 6240
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 6241
or to the extent resources are available from any other federal, 6242
state, or local funds. 6243

Sec. 121.372. (A) As used in this section, "substitute care 6244
provider" means any of the following: 6245

(1) ~~An alcohol and drug~~ A community addiction ~~program~~ 6246
services provider subject to certification under section ~~3793.06~~ 6247
5119.36 of the Revised Code; 6248

(2) An institution or association subject to certification 6249
under section 5103.03 of the Revised Code; 6250

(3) A residential facility subject to licensure under section 6251
~~5119.22~~ 5119.34 of the Revised Code; 6252

(4) A residential facility subject to licensure under section 6253
5123.19 of the Revised Code. 6254

(B) Not later than ninety days after ~~the effective date of~~ 6255
~~this section~~ March 18, 1999, the members of the Ohio family and 6256
children first cabinet council, other than the director of budget 6257
and management, shall enter into an agreement to establish an 6258
office to perform the duties prescribed by division (C) of this 6259
section. The agreement shall specify one of the departments 6260
represented on the council as the department responsible for 6261
housing and supervising the office. The agreement shall include 6262
the recommendation of the council for funding the office. 6263

(C) The office established pursuant to the agreement entered 6264
into under this section shall review rules governing the 6265
certification and licensure of substitute care providers and 6266
determine which of the rules can be made substantively identical 6267
or more similar in order to minimize the number of differing 6268
certification and licensure standards and simplify the 6269
certification or licensure process for substitute care providers 6270
seeking certification or licensure from two or more of the 6271
departments represented on the council. The office shall provide 6272
county family and children first councils, substitute care 6273
providers, and persons interested in substitute care providers the 6274
opportunity to help the office with the review and determination. 6275
The office shall report its findings to the council. Each of the 6276
departments represented on the council that has adopted rules 6277
governing the certification or licensure of substitute care 6278
providers shall review the report and amend the rules as that 6279
department considers appropriate, except that no rule shall be 6280
amended so as to make it inconsistent with substitute care 6281
provider certification or licensure procedures and standards 6282

established by federal or state law. A department shall give 6283
priority to amendments that will not increase the department's 6284
administrative costs. In amending a rule, a department shall 6285
comply with Chapter 119. or section 111.15 of the Revised Code, as 6286
required by the Revised Code section governing the adoption of the 6287
particular rule. 6288

(D) In accordance with section 124.27 of the Revised Code, 6289
the council shall select a coordinator to oversee the office 6290
established pursuant to the agreement entered into under this 6291
section. The coordinator shall be in the classified service. In 6292
addition to overseeing the office, the coordinator shall perform 6293
any other duties the council assigns to the coordinator. The 6294
duties the council assigns to the coordinator shall be related to 6295
the duties of the office under division (C) of this section. 6296

Sec. 121.483. A deputy inspector general appointed under 6297
section 121.48 of the Revised Code, who has been awarded a 6298
certificate by the executive director of the Ohio peace officer 6299
training commission attesting to the person's satisfactory 6300
completion of an approved state, county, or municipal peace 6301
officer basic training program, shall, during the term of the 6302
deputy inspector general's appointment, be considered a peace 6303
officer for the purpose of maintaining a current and valid basic 6304
training certificate pursuant to rules adopted under section 6305
109.74 of the Revised Code. 6306

Sec. 122.075. (A) As used in this section: 6307

(1) "Alternative fuel" has the same meaning as in section 6308
125.831 of the Revised Code. 6309

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 6310
fuel that is derived from vegetable oils or animal fats, or any 6311
combination of those reagents, and that meets American society for 6312

testing and materials specification D6751-03a for biodiesel fuel 6313
(B100) blend stock distillate fuels. 6314

(3) "Diesel fuel" and "gasoline" have the same meanings as in 6315
section 5735.01 of the Revised Code. 6316

(4) "Ethanol" has the same meaning as in section 5733.46 of 6317
the Revised Code. 6318

(5) "Blended biodiesel" means diesel fuel containing at least 6319
twenty per cent biodiesel by volume. 6320

(6) "Blended gasoline" means gasoline containing at least 6321
eighty-five per cent ethanol by volume. 6322

(7) "Incremental cost" means either of the following: 6323

(a) The difference in cost between blended gasoline and 6324
gasoline containing ten per cent or less ethanol at the time that 6325
the blended gasoline is purchased; 6326

(b) The difference in cost between blended biodiesel and 6327
diesel fuel containing two per cent or less biodiesel at the time 6328
that the blended biodiesel is purchased. 6329

(B) For the purpose of improving the air quality in this 6330
state, the director of development services shall establish an 6331
alternative fuel transportation program under which the director 6332
may make grants and loans to businesses, nonprofit organizations, 6333
public school systems, or local governments for the purchase and 6334
installation of alternative fuel refueling or distribution 6335
facilities and terminals, for the purchase and use of alternative 6336
fuel, to pay the cost of fleet conversion, and to pay the costs of 6337
educational and promotional materials and activities intended for 6338
prospective alternative fuel consumers, fuel marketers, and others 6339
in order to increase the availability and use of alternative fuel. 6340

(C) The director, in consultation with the director of 6341
agriculture, shall adopt rules in accordance with Chapter 119. of 6342

the Revised Code that are necessary for the administration of the 6343
alternative fuel transportation program. The rules shall establish 6344
at least all of the following: 6345

(1) An application form and procedures governing the 6346
application process for receiving funds under the program; 6347

(2) A procedure for prioritizing the award of grants and 6348
loans under the program. The procedures shall give preference to 6349
all of the following: 6350

(a) Publicly accessible refueling facilities; 6351

(b) Entities applying to the program that have secured 6352
funding from other sources, including, but not limited to, private 6353
or federal incentives; 6354

(c) Entities that have presented compelling evidence of 6355
demand in the market in which the facilities or terminals will be 6356
located; 6357

(d) Entities that have committed to utilizing purchased or 6358
installed facilities or terminals for the greatest number of 6359
years; 6360

(e) Entities that will be purchasing or installing facilities 6361
or terminals for any type of alternative fuel. 6362

(3) A requirement that the maximum incentive for the purchase 6363
and installation of an alternative fuel refueling or distribution 6364
facility or terminal be eighty per cent of the cost of the 6365
facility or terminal, except that at least twenty per cent of the 6366
total ~~net~~ cost of the facility or terminal shall be incurred by 6367
the recipient and not compensated for by any other source; 6368

(4) A requirement that the maximum incentive for the purchase 6369
of alternative fuel be eighty per cent of the cost of the fuel or, 6370
in the case of blended biodiesel or blended gasoline, eighty per 6371
cent of the incremental cost of the blended biodiesel or blended 6372

gasoline; 6373

(5) Any other criteria, procedures, or guidelines that the 6374
director determines are necessary to administer the program, 6375
including fees, charges, interest rates, and payment schedules. 6376

(D) An applicant for a grant or loan under this section that 6377
sells motor vehicle fuel at retail shall agree that if the 6378
applicant receives funding, the applicant will report to the 6379
director the gallon or gallon equivalent amounts of alternative 6380
fuel the applicant sells at retail in this state for a period of 6381
three years after the project is completed. 6382

The director shall enter into a written confidentiality 6383
agreement with the applicant regarding the gallon or gallon 6384
equivalent amounts sold as described in this division, and upon 6385
execution of the agreement this information is not a public 6386
record. 6387

(E) There is hereby created in the state treasury the 6388
alternative fuel transportation fund. The fund shall consist of 6389
money transferred to the fund under division ~~(C)~~(B) of section 6390
125.836 and under division (B)(2) of section 3706.27 of the 6391
Revised Code, money that is appropriated to it by the general 6392
assembly, ~~and~~ money as may be specified by the general assembly 6393
from the advanced energy fund created by section 4928.61 of the 6394
Revised Code, and all money received from the repayment of loans 6395
made from the fund or in the event of a default on any such loan. 6396
Money in the fund shall be used to make grants and loans under the 6397
alternative fuel transportation program and by the director in the 6398
administration of that program. 6399

Sec. 122.083. (A) The director of development shall 6400
administer a shovel ready sites program to provide grants for 6401
projects to port authorities and development entities approved by 6402
the director. Grants may be used to pay the costs of any or all of 6403

the following: 6404

(1) Acquisition of property, including options; 6405

(2) Preparation of sites, including brownfield clean-up 6406
activities; 6407

(3) Construction of road, water, telecommunication, and 6408
utility infrastructure; 6409

(4) Payment of professional fees the amount of which shall 6410
not exceed twenty per cent of the grant amount for a project. 6411

(B) The director shall adopt rules in accordance with Chapter 6412
119. of the Revised Code that establish procedures and 6413
requirements necessary for the administration of the program, 6414
including a requirement that a recipient of a grant enter into an 6415
agreement with the director governing the use of the grant. 6416

~~(C) There is hereby created in the state treasury the shovel 6417
ready sites fund consisting of money appropriated to it. Money in 6418
the fund shall be used solely for the purposes of this section. 6419~~

Sec. 122.17. (A) As used in this section: 6420

(1) "Income tax revenue" means the total amount withheld 6421
under section 5747.06 of the Revised Code by the taxpayer during 6422
the taxable year, or during the calendar year that includes the 6423
tax period, from the compensation of each employee or each 6424
home-based employee employed in the project to the extent the 6425
employee's withholdings are not used to determine the credit under 6426
section 122.171 of the Revised Code. "Income tax revenue" excludes 6427
amounts withheld before the day the taxpayer becomes eligible for 6428
the credit. 6429

(2) "Baseline income tax revenue" means income tax revenue 6430
except that the applicable withholding period is the twelve months 6431
immediately preceding the date the tax credit authority approves 6432

the taxpayer's application or the date the tax credit authority 6433
receives the recommendation described in division (C)(2)(a) of 6434
this section, whichever occurs first, multiplied by the sum of one 6435
plus an annual pay increase factor to be determined by the tax 6436
credit authority. If the taxpayer becomes eligible for the credit 6437
after the first day of the taxpayer's taxable year or after the 6438
first day of the calendar year that includes the tax period, the 6439
taxpayer's baseline income tax revenue for the first such taxable 6440
or calendar year of credit eligibility shall be reduced in 6441
proportion to the number of days during the taxable or calendar 6442
year for which the taxpayer was not eligible for the credit. For 6443
subsequent taxable or calendar years, "baseline income tax 6444
revenue" equals the unreduced baseline income tax revenue for the 6445
preceding taxable or calendar year multiplied by the sum of one 6446
plus the pay increase factor. 6447

(3) "Excess income tax revenue" means income tax revenue 6448
minus baseline income tax revenue. 6449

(4) "Home-based employee" means an employee whose services 6450
are performed primarily from the employee's residence in this 6451
state exclusively for the benefit of the project and whose rate of 6452
pay is at least one hundred thirty-one per cent of the federal 6453
minimum wage under 29 U.S.C. 206. 6454

(B) The tax credit authority may make grants under this 6455
section to foster job creation in this state. Such a grant shall 6456
take the form of a refundable credit allowed against the tax 6457
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, or 5747.02 6458
or levied under Chapter 5751. of the Revised Code. The credit 6459
shall be claimed for the taxable years or tax periods specified in 6460
the taxpayer's agreement with the tax credit authority under 6461
division (D) of this section. With respect to taxes imposed under 6462
section 5726.02, 5733.06, or 5747.02 or Chapter 5751. of the 6463
Revised Code, the credit shall be claimed in the order required 6464

under section 5726.98, 5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of the credit available for a taxable year or for a calendar year that includes a tax period equals the excess income tax revenue for that year multiplied by the percentage specified in the agreement with the tax credit authority. Any credit granted under this section against the tax imposed by section 5733.06 or 5747.02 of the Revised Code, to the extent not fully utilized against such tax for taxable years ending prior to 2008, shall automatically be converted without any action taken by the tax credit authority to a credit against the tax levied under Chapter 5751. of the Revised Code for tax periods beginning on or after July 1, 2008, provided that the person to whom the credit was granted is subject to such tax. The converted credit shall apply to those calendar years in which the remaining taxable years specified in the agreement end.

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

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

The director of development services shall prescribe the form of the application. After receipt of an application, the authority may enter into an agreement with the taxpayer for a credit under

this section if it determines all of the following: 6497

(a) The taxpayer's project will increase payroll and income 6498
tax revenue; 6499

(b) The taxpayer's project is economically sound and will 6500
benefit the people of this state by increasing opportunities for 6501
employment and strengthening the economy of this state; 6502

(c) Receiving the tax credit is a major factor in the 6503
taxpayer's decision to go forward with the project. 6504

(2)(a) A taxpayer that chooses to begin the project prior to 6505
receiving the determination of the authority may, upon submitting 6506
the taxpayer's application to the authority, request that the 6507
chief investment officer of the nonprofit corporation formed under 6508
section 187.01 of the Revised Code and the director review the 6509
taxpayer's application and recommend to the authority that the 6510
taxpayer's application be considered. As soon as possible after 6511
receiving such a request, the chief investment officer and the 6512
director shall review the taxpayer's application and, if they 6513
determine that the application warrants consideration by the 6514
authority, make that recommendation to the authority not later 6515
than six months after the application is received by the 6516
authority. 6517

(b) The authority shall consider any taxpayer's application 6518
for which it receives a recommendation under division (C)(2)(a) of 6519
this section. If the authority determines that the taxpayer does 6520
not meet all of the criteria set forth in division (C)(1) of this 6521
section, the authority and the development services agency shall 6522
proceed in accordance with rules adopted by the director pursuant 6523
to division (I) of this section. 6524

(D) An agreement under this section shall include all of the 6525
following: 6526

(1) A detailed description of the project that is the subject 6527

of the agreement; 6528

(2)(a) The term of the tax credit, which, except as provided 6529
in division (D)(2)(b) of this section, shall not exceed fifteen 6530
years, and the first taxable year, or first calendar year that 6531
includes a tax period, for which the credit may be claimed; 6532

(b) If the tax credit is computed on the basis of home-based 6533
employees, the term of the credit shall expire on or before the 6534
last day of the taxable or calendar year ending before the 6535
beginning of the seventh year after September 6, 2012, the 6536
effective date of H.B. 327 of the 129th general assembly~~+~~. 6537

(3) A requirement that the taxpayer shall maintain operations 6538
at the project location for at least the greater of seven years or 6539
the term of the credit plus three years; 6540

(4) The percentage, as determined by the tax credit 6541
authority, of excess income tax revenue that will be allowed as 6542
the amount of the credit for each taxable year or for each 6543
calendar year that includes a tax period; 6544

(5) The pay increase factor to be applied to the taxpayer's 6545
baseline income tax revenue; 6546

(6) A requirement that the taxpayer annually shall report to 6547
the director of development services employment, tax withholding, 6548
investment, the provision of health care benefits and tuition 6549
reimbursement if required in the agreement, and other information 6550
the director needs to perform the director's duties under this 6551
section; 6552

(7) A requirement that the director of development services 6553
annually review the information reported under division (D)(6) of 6554
this section and verify compliance with the agreement; if the 6555
taxpayer is in compliance, a requirement that the director issue a 6556
certificate to the taxpayer stating that the information has been 6557
verified and identifying the amount of the credit that may be 6558

claimed for the taxable or calendar year; 6559

(8) A provision providing that the taxpayer may not relocate 6560
a substantial number of employment positions from elsewhere in 6561
this state to the project location unless the director of 6562
development services determines that the legislative authority of 6563
the county, township, or municipal corporation from which the 6564
employment positions would be relocated has been notified by the 6565
taxpayer of the relocation. 6566

For purposes of this section, the movement of an employment 6567
position from one political subdivision to another political 6568
subdivision shall be considered a relocation of an employment 6569
position unless the employment position in the first political 6570
subdivision is replaced. 6571

(9) If the tax credit is computed on the basis of home-based 6572
employees, that the tax credit may not be claimed by the taxpayer 6573
until the taxable year or tax period in which the taxpayer employs 6574
at least two hundred employees more than the number of employees 6575
the taxpayer employed on June 30, 2011. 6576

(E) If a taxpayer fails to meet or comply with any condition 6577
or requirement set forth in a tax credit agreement, the tax credit 6578
authority may amend the agreement to reduce the percentage or term 6579
of the tax credit. The reduction of the percentage or term may 6580
take effect in the current taxable or calendar year. 6581

(F) Projects that consist solely of point-of-final-purchase 6582
retail facilities are not eligible for a tax credit under this 6583
section. If a project consists of both point-of-final-purchase 6584
retail facilities and nonretail facilities, only the portion of 6585
the project consisting of the nonretail facilities is eligible for 6586
a tax credit and only the excess income tax revenue from the 6587
nonretail facilities shall be considered when computing the amount 6588
of the tax credit. If a warehouse facility is part of a 6589

point-of-final-purchase retail facility and supplies only that 6590
facility, the warehouse facility is not eligible for a tax credit. 6591
Catalog distribution centers are not considered 6592
point-of-final-purchase retail facilities for the purposes of this 6593
division, and are eligible for tax credits under this section. 6594

(G) Financial statements and other information submitted to 6595
the development services agency or the tax credit authority by an 6596
applicant or recipient of a tax credit under this section, and any 6597
information taken for any purpose from such statements or 6598
information, are not public records subject to section 149.43 of 6599
the Revised Code. However, the chairperson of the authority may 6600
make use of the statements and other information for purposes of 6601
issuing public reports or in connection with court proceedings 6602
concerning tax credit agreements under this section. Upon the 6603
request of the tax commissioner or, if the applicant or recipient 6604
is an insurance company, upon the request of the superintendent of 6605
insurance, the chairperson of the authority shall provide to the 6606
commissioner or superintendent any statement or information 6607
submitted by an applicant or recipient of a tax credit in 6608
connection with the credit. The commissioner or superintendent 6609
shall preserve the confidentiality of the statement or 6610
information. 6611

(H) A taxpayer claiming a credit under this section shall 6612
submit to the tax commissioner or, if the taxpayer is an insurance 6613
company, to the superintendent of insurance, a copy of the 6614
director of development services' certificate of verification 6615
under division (D)(7) of this section with the taxpayer's tax 6616
report or return for the taxable year or for the calendar year 6617
that includes the tax period. Failure to submit a copy of the 6618
certificate with the report or return does not invalidate a claim 6619
for a credit if the taxpayer submits a copy of the certificate to 6620
the commissioner or superintendent within sixty days after the 6621

commissioner or superintendent requests it. 6622

(I) The director of development services, after consultation 6623
with the tax commissioner and the superintendent of insurance and 6624
in accordance with Chapter 119. of the Revised Code, shall adopt 6625
rules necessary to implement this section, including rules that 6626
establish a procedure to be followed by the tax credit authority 6627
and the development services agency in the event the authority 6628
considers a taxpayer's application for which it receives a 6629
recommendation under division (C)(2)(a) of this section but does 6630
not approve it. The rules may provide for recipients of tax 6631
credits under this section to be charged fees to cover 6632
administrative costs of the tax credit program. The fees collected 6633
shall be credited to the business assistance fund created in 6634
section 122.174 of the Revised Code. At the time the director 6635
gives public notice under division (A) of section 119.03 of the 6636
Revised Code of the adoption of the rules, the director shall 6637
submit copies of the proposed rules to the chairpersons of the 6638
standing committees on economic development in the senate and the 6639
house of representatives. 6640

(J) For the purposes of this section, a taxpayer may include 6641
a partnership, a corporation that has made an election under 6642
subchapter S of chapter one of subtitle A of the Internal Revenue 6643
Code, or any other business entity through which income flows as a 6644
distributive share to its owners. A partnership, S-corporation, or 6645
other such business entity may elect to pass the credit received 6646
under this section through to the persons to whom the income or 6647
profit of the partnership, S-corporation, or other entity is 6648
distributed. The election shall be made on the annual report 6649
required under division (D)(6) of this section. The election 6650
applies to and is irrevocable for the credit for which the report 6651
is submitted. If the election is made, the credit shall be 6652
apportioned among those persons in the same proportions as those 6653

in which the income or profit is distributed. 6654

(K) If the director of development services determines that a taxpayer who has received a credit under this section is not complying with the requirement under division (D)(3) of this section, the director shall notify the tax credit authority of the noncompliance. After receiving such a notice, and after giving the taxpayer an opportunity to explain the noncompliance, the tax credit authority may require the taxpayer to refund to this state a portion of the credit in accordance with the following: 6655
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(1) If the taxpayer maintained operations at the project location for a period less than or equal to the term of the credit, an amount not exceeding one hundred per cent of the sum of any credits allowed and received under this section; 6663
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(2) If the taxpayer maintained operations at the project location for a period longer than the term of the credit, but less than the greater of seven years or the term of the credit plus three years, an amount not exceeding seventy-five per cent of the sum of any credits allowed and received under this section. 6667
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In determining the portion of the tax credit to be refunded to this state, the tax credit authority shall consider the effect of market conditions on the taxpayer's project and whether the taxpayer continues to maintain other operations in this state. After making the determination, the authority shall certify the amount to be refunded to the tax commissioner or superintendent of insurance, as appropriate. If the amount is certified to the commissioner, the commissioner shall make an assessment for that amount against the taxpayer under Chapter 5726., 5733., 5747., or 5751. of the Revised Code. If the amount is certified to the superintendent, the superintendent shall make an assessment for that amount against the taxpayer under Chapter 5725. or 5729. of the Revised Code. The time limitations on assessments under those chapters do not apply to an assessment under this division, but 6672
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the commissioner or superintendent, as appropriate, shall make the 6686
assessment within one year after the date the authority certifies 6687
to the commissioner or superintendent the amount to be refunded. 6688

(L) On or before the first day of August each year, the 6689
director of development services shall submit a report to the 6690
governor, the president of the senate, and the speaker of the 6691
house of representatives on the tax credit program under this 6692
section. The report shall include information on the number of 6693
agreements that were entered into under this section during the 6694
preceding calendar year, a description of the project that is the 6695
subject of each such agreement, and an update on the status of 6696
projects under agreements entered into before the preceding 6697
calendar year. 6698

(M) There is hereby created the tax credit authority, which 6699
consists of the director of development services and four other 6700
members appointed as follows: the governor, the president of the 6701
senate, and the speaker of the house of representatives each shall 6702
appoint one member who shall be a specialist in economic 6703
development; the governor also shall appoint a member who is a 6704
specialist in taxation. Of the initial appointees, the members 6705
appointed by the governor shall serve a term of two years; the 6706
members appointed by the president of the senate and the speaker 6707
of the house of representatives shall serve a term of four years. 6708
Thereafter, terms of office shall be for four years. Initial 6709
appointments to the authority shall be made within thirty days 6710
after January 13, 1993. Each member shall serve on the authority 6711
until the end of the term for which the member was appointed. 6712
Vacancies shall be filled in the same manner provided for original 6713
appointments. Any member appointed to fill a vacancy occurring 6714
prior to the expiration of the term for which the member's 6715
predecessor was appointed shall hold office for the remainder of 6716
that term. Members may be reappointed to the authority. Members of 6717

the authority shall receive their necessary and actual expenses 6718
while engaged in the business of the authority. The director of 6719
development services shall serve as chairperson of the authority, 6720
and the members annually shall elect a vice-chairperson from among 6721
themselves. Three members of the authority constitute a quorum to 6722
transact and vote on the business of the authority. The majority 6723
vote of the membership of the authority is necessary to approve 6724
any such business, including the election of the vice-chairperson. 6725

The director of development services may appoint a 6726
professional employee of the development services agency to serve 6727
as the director's substitute at a meeting of the authority. The 6728
director shall make the appointment in writing. In the absence of 6729
the director from a meeting of the authority, the appointed 6730
substitute shall serve as chairperson. In the absence of both the 6731
director and the director's substitute from a meeting, the 6732
vice-chairperson shall serve as chairperson. 6733

(N) For purposes of the credits granted by this section 6734
against the taxes imposed under sections 5725.18 and 5729.03 of 6735
the Revised Code, "taxable year" means the period covered by the 6736
taxpayer's annual statement to the superintendent of insurance. 6737

(O) On or before the first day of ~~January~~ March of each of 6738
the ~~six~~ five calendar years ~~following the year in which H.B. 327~~ 6739
~~of the 129th general assembly becomes effective~~ beginning with 6740
2014, each taxpayer subject to an agreement with the tax credit 6741
authority under this section on the basis of home-based employees 6742
shall report the number of home-based employees and other 6743
employees employed by the taxpayer in this state to the ~~department~~ 6744
~~of development~~ services agency. 6745

(P) On or before the first day of January of ~~the seventh~~ 6746
~~calendar year following the year in which H.B. 327 of the 129th~~ 6747
~~general assembly became effective~~ 2019, the director of 6748
development services shall submit a report to the governor, the 6749

president of the senate, and the speaker of the house of 6750
representatives on the effect of agreements entered into under 6751
this section in which the taxpayer included home-based employees 6752
in the computation of income tax revenue. The report shall include 6753
information on the number of such agreements that were entered 6754
into in the preceding six years, a description of the projects 6755
that were the subjects of such agreements, and an analysis of 6756
nationwide home-based employment trends, including the number of 6757
home-based jobs created from July 1, 2011, through June 30, 2017, 6758
and a description of any home-based employment tax incentives 6759
provided by other states during that time. 6760

(Q) The director of development services may require any 6761
agreement entered into under this section for a tax credit 6762
computed on the basis of home-based employees to contain a 6763
provision that the taxpayer makes available health care benefits 6764
and tuition reimbursement to all employees. 6765

Sec. 122.171. (A) As used in this section: 6766

(1) "Capital investment project" means a plan of investment 6767
at a project site for the acquisition, construction, renovation, 6768
or repair of buildings, machinery, or equipment, or for 6769
capitalized costs of basic research and new product development 6770
determined in accordance with generally accepted accounting 6771
principles, but does not include any of the following: 6772

(a) Payments made for the acquisition of personal property 6773
through operating leases; 6774

(b) Project costs paid before January 1, 2002; 6775

(c) Payments made to a related member as defined in section 6776
5733.042 of the Revised Code or to a consolidated elected taxpayer 6777
or a combined taxpayer as defined in section 5751.01 of the 6778
Revised Code. 6779

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

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

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

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

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

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

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

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

obtained by dividing the total number of hours for which employees 6811
were compensated for employment in the project by two thousand 6812
eighty. "Full-time equivalent employees" shall exclude hours that 6813
are counted for a credit under section 122.17 of the Revised Code. 6814

(4) "Income tax revenue" means the total amount withheld 6815
under section 5747.06 of the Revised Code by the taxpayer during 6816
the taxable year, or during the calendar year that includes the 6817
tax period, from the compensation of all employees employed in the 6818
project whose hours of compensation are included in calculating 6819
the number of full-time equivalent employees. 6820

(5) "Manufacturer" has the same meaning as in section 6821
5739.011 of the Revised Code. 6822

(6) "Project site" means an integrated complex of facilities 6823
in this state, as specified by the tax credit authority under this 6824
section, within a fifteen-mile radius where a taxpayer is 6825
primarily operating as an eligible business. 6826

(7) "Related member" has the same meaning as in section 6827
5733.042 of the Revised Code as that section existed on the 6828
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 6829
general assembly, September 29, 1997. 6830

(8) "Taxable year" includes, in the case of a domestic or 6831
foreign insurance company, the calendar year ending on the 6832
thirty-first day of December preceding the day the superintendent 6833
of insurance is required to certify to the treasurer of state 6834
under section 5725.20 or 5729.05 of the Revised Code the amount of 6835
taxes due from insurance companies. 6836

(B) The tax credit authority created under section 122.17 of 6837
the Revised Code may grant tax credits under this section for the 6838
purpose of fostering job retention in this state. Upon application 6839
by an eligible business and upon consideration of the 6840
recommendation of the director of budget and management, tax 6841

commissioner, the superintendent of insurance in the case of an 6842
insurance company, and director of development services under 6843
division (C) of this section, the tax credit authority may grant 6844
the following credits against the tax imposed by section 5725.18, 6845
5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 of the Revised 6846
Code: 6847

(1) A nonrefundable credit to an eligible business; 6848

(2) A refundable credit to an eligible business meeting the 6849
following conditions, provided that the director of budget and 6850
management, tax commissioner, superintendent of insurance in the 6851
case of an insurance company, and director of development services 6852
have recommended the granting of the credit to the tax credit 6853
authority before July 1, 2011: 6854

(a) The business retains at least one thousand full-time 6855
equivalent employees at the project site. 6856

(b) The business makes or causes to be made payments for a 6857
capital investment project of at least twenty-five million dollars 6858
in the aggregate at the project site during a period of three 6859
consecutive calendar years, including the calendar year that 6860
includes a day of the business' taxable year or tax period with 6861
respect to which the credit is granted. 6862

(c) In 2010, the business received a written offer of 6863
financial incentives from another state of the United States that 6864
the director determines to be sufficient inducement for the 6865
business to relocate the business' operations from this state to 6866
that state. 6867

(3) A refundable credit to an eligible business with a total 6868
annual payroll of at least twenty million dollars, provided that 6869
the tax credit authority grants the tax credit on or after July 1, 6870
2011, and before January 1, 2014. 6871

The credits authorized in divisions (B)(1), (2), and (3) of 6872

this section may be granted for a period up to fifteen taxable 6873
years or, in the case of the tax levied by section 5751.02 of the 6874
Revised Code, for a period of up to fifteen calendar years. The 6875
credit amount for a taxable year or a calendar year that includes 6876
the tax period for which a credit may be claimed equals the income 6877
tax revenue for that year multiplied by the percentage specified 6878
in the agreement with the tax credit authority. The percentage may 6879
not exceed seventy-five per cent. The credit shall be claimed in 6880
the order required under section 5725.98, 5726.98, 5729.98, 6881
5733.98, 5747.98, or 5751.98 of the Revised Code. In determining 6882
the percentage and term of the credit, the tax credit authority 6883
shall consider both the number of full-time equivalent employees 6884
and the value of the capital investment project. The credit amount 6885
may not be based on the income tax revenue for a calendar year 6886
before the calendar year in which the tax credit authority 6887
specifies the tax credit is to begin, and the credit shall be 6888
claimed only for the taxable years or tax periods specified in the 6889
eligible business' agreement with the tax credit authority. In no 6890
event shall the credit be claimed for a taxable year or tax period 6891
terminating before the date specified in the agreement. Any credit 6892
granted under this section against the tax imposed by section 6893
5733.06 or 5747.02 of the Revised Code, to the extent not fully 6894
utilized against such tax for taxable years ending prior to 2008, 6895
shall automatically be converted without any action taken by the 6896
tax credit authority to a credit against the tax levied under 6897
Chapter 5751. of the Revised Code for tax periods beginning on or 6898
after July 1, 2008, provided that the person to whom the credit 6899
was granted is subject to such tax. The converted credit shall 6900
apply to those calendar years in which the remaining taxable years 6901
specified in the agreement end. 6902

If a nonrefundable credit allowed under division (B)(1) of 6903
this section for a taxable year or tax period exceeds the 6904
taxpayer's tax liability for that year or period, the excess may 6905

be carried forward for the three succeeding taxable or calendar 6906
years, but the amount of any excess credit allowed in any taxable 6907
year or tax period shall be deducted from the balance carried 6908
forward to the succeeding year or period. 6909

(C) A taxpayer that proposes a capital investment project to 6910
retain jobs in this state may apply to the tax credit authority to 6911
enter into an agreement for a tax credit under this section. The 6912
director of development services shall prescribe the form of the 6913
application. After receipt of an application, the authority shall 6914
forward copies of the application to the director of budget and 6915
management, the tax commissioner, the superintendent of insurance 6916
in the case of an insurance company, and the director of 6917
development services, each of whom shall review the application to 6918
determine the economic impact the proposed project would have on 6919
the state and the affected political subdivisions and shall submit 6920
a summary of their determinations and recommendations to the 6921
authority. 6922

(D) Upon review and consideration of the determinations and 6923
recommendations described in division (C) of this section, the tax 6924
credit authority may enter into an agreement with the taxpayer for 6925
a credit under this section if the authority determines all of the 6926
following: 6927

(1) The taxpayer's capital investment project will result in 6928
the retention of employment in this state. 6929

(2) The taxpayer is economically sound and has the ability to 6930
complete the proposed capital investment project. 6931

(3) The taxpayer intends to and has the ability to maintain 6932
operations at the project site for at least the greater of (a) the 6933
term of the credit plus three years, or (b) seven years. 6934

(4) Receiving the credit is a major factor in the taxpayer's 6935
decision to begin, continue with, or complete the project. 6936

(5) If the taxpayer is applying to enter into an agreement 6937
for a tax credit authorized under division (B)(3) of this section, 6938
the taxpayer's capital investment project will be located in the 6939
political subdivision in which the taxpayer maintains its 6940
principal place of business or maintains a unit or division with 6941
at least four thousand two hundred employees at the project site. 6942

(E) An agreement under this section shall include all of the 6943
following: 6944

(1) A detailed description of the project that is the subject 6945
of the agreement, including the amount of the investment, the 6946
period over which the investment has been or is being made, the 6947
number of full-time equivalent employees at the project site, and 6948
the anticipated income tax revenue to be generated. 6949

(2) The term of the credit, the percentage of the tax credit, 6950
the maximum annual value of tax credits that may be allowed each 6951
year, and the first year for which the credit may be claimed. 6952

(3) A requirement that the taxpayer maintain operations at 6953
the project site for at least the greater of (a) the term of the 6954
credit plus three years, or (b) seven years. 6955

(4)(a) In the case of a credit granted under division (B)(1) 6956
of this section, a requirement that the taxpayer retain at least 6957
five hundred full-time equivalent employees at the project site 6958
and within this state for the entire term of the credit, or a 6959
requirement that the taxpayer maintain an annual payroll of at 6960
least thirty-five million dollars for the entire term of the 6961
credit; 6962

(b) In the case of a credit granted under division (B)(2) of 6963
this section, a requirement that the taxpayer retain at least one 6964
thousand full-time equivalent employees at the project site and 6965
within this state for the entire term of the credit; 6966

(c) In the case of a credit granted under division (B)(3) of 6967

this section, either of the following: 6968

(i) A requirement that the taxpayer retain at least five 6969
hundred full-time equivalent employees at the project site and 6970
within this state for the entire term of the credit and a 6971
requirement that the taxpayer maintain an annual payroll of at 6972
least twenty million dollars for the entire term of the credit; 6973

(ii) A requirement that the taxpayer maintain an annual 6974
payroll of at least thirty-five million dollars for the entire 6975
term of the credit. 6976

(5) A requirement that the taxpayer annually report to the 6977
director of development services employment, tax withholding, 6978
capital investment, and other information the director needs to 6979
perform the director's duties under this section. 6980

(6) A requirement that the director of development services 6981
annually review the annual reports of the taxpayer to verify the 6982
information reported under division (E)(5) of this section and 6983
compliance with the agreement. Upon verification, the director 6984
shall issue a certificate to the taxpayer stating that the 6985
information has been verified and identifying the amount of the 6986
credit for the taxable year or calendar year that includes the tax 6987
period. In determining the number of full-time equivalent 6988
employees, no position shall be counted that is filled by an 6989
employee who is included in the calculation of a tax credit under 6990
section 122.17 of the Revised Code. 6991

(7) A provision providing that the taxpayer may not relocate 6992
a substantial number of employment positions from elsewhere in 6993
this state to the project site unless the director of development 6994
services determines that the taxpayer notified the legislative 6995
authority of the county, township, or municipal corporation from 6996
which the employment positions would be relocated. 6997

For purposes of this section, the movement of an employment 6998

position from one political subdivision to another political 6999
subdivision shall be considered a relocation of an employment 7000
position unless the movement is confined to the project site. The 7001
transfer of an employment position from one political subdivision 7002
to another political subdivision shall not be considered a 7003
relocation of an employment position if the employment position in 7004
the first political subdivision is replaced by another employment 7005
position. 7006

(8) A waiver by the taxpayer of any limitations periods 7007
relating to assessments or adjustments resulting from the 7008
taxpayer's failure to comply with the agreement. 7009

(F) If a taxpayer fails to meet or comply with any condition 7010
or requirement set forth in a tax credit agreement, the tax credit 7011
authority may amend the agreement to reduce the percentage or term 7012
of the credit. The reduction of the percentage or term may take 7013
effect in the current taxable or calendar year. 7014

(G) Financial statements and other information submitted to 7015
the department of development services or the tax credit authority 7016
by an applicant for or recipient of a tax credit under this 7017
section, and any information taken for any purpose from such 7018
statements or information, are not public records subject to 7019
section 149.43 of the Revised Code. However, the chairperson of 7020
the authority may make use of the statements and other information 7021
for purposes of issuing public reports or in connection with court 7022
proceedings concerning tax credit agreements under this section. 7023
Upon the request of the tax commissioner, or the superintendent of 7024
insurance in the case of an insurance company, the chairperson of 7025
the authority shall provide to the commissioner or superintendent 7026
any statement or other information submitted by an applicant for 7027
or recipient of a tax credit in connection with the credit. The 7028
commissioner or superintendent shall preserve the confidentiality 7029
of the statement or other information. 7030

(H) A taxpayer claiming a tax credit under this section shall 7031
submit to the tax commissioner or, in the case of an insurance 7032
company, to the superintendent of insurance, a copy of the 7033
director of development services' certificate of verification 7034
under division (E)(6) of this section with the taxpayer's tax 7035
report or return for the taxable year or for the calendar year 7036
that includes the tax period. Failure to submit a copy of the 7037
certificate with the report or return does not invalidate a claim 7038
for a credit if the taxpayer submits a copy of the certificate to 7039
the commissioner or superintendent within sixty days after the 7040
commissioner or superintendent requests it. 7041

(I) For the purposes of this section, a taxpayer may include 7042
a partnership, a corporation that has made an election under 7043
subchapter S of chapter one of subtitle A of the Internal Revenue 7044
Code, or any other business entity through which income flows as a 7045
distributive share to its owners. A partnership, S-corporation, or 7046
other such business entity may elect to pass the credit received 7047
under this section through to the persons to whom the income or 7048
profit of the partnership, S-corporation, or other entity is 7049
distributed. The election shall be made on the annual report 7050
required under division (E)(5) of this section. The election 7051
applies to and is irrevocable for the credit for which the report 7052
is submitted. If the election is made, the credit shall be 7053
apportioned among those persons in the same proportions as those 7054
in which the income or profit is distributed. 7055

(J) If the director of development services determines that a 7056
taxpayer that received a certificate under division (E)(6) of this 7057
section is not complying with the requirement under division 7058
(E)(3) of this section, the director shall notify the tax credit 7059
authority of the noncompliance. After receiving such a notice, and 7060
after giving the taxpayer an opportunity to explain the 7061
noncompliance, the authority may terminate the agreement and 7062

require the taxpayer, or any related member or members that 7063
claimed the tax credit under division (N) of this section, to 7064
refund to the state all or a portion of the credit claimed in 7065
previous years, as follows: 7066

(1) If the taxpayer maintained operations at the project site 7067
for less than or equal to the term of the credit, an amount not to 7068
exceed one hundred per cent of the sum of any tax credits allowed 7069
and received under this section. 7070

(2) If the taxpayer maintained operations at the project site 7071
longer than the term of the credit, but less than the greater of 7072
(a) the term of the credit plus three years, or (b) seven years, 7073
the amount required to be refunded shall not exceed seventy-five 7074
per cent of the sum of any tax credits allowed and received under 7075
this section. 7076

In determining the portion of the credit to be refunded to 7077
this state, the authority shall consider the effect of market 7078
conditions on the taxpayer's project and whether the taxpayer 7079
continues to maintain other operations in this state. After making 7080
the determination, the authority shall certify the amount to be 7081
refunded to the tax commissioner or the superintendent of 7082
insurance. If the taxpayer, or any related member or members who 7083
claimed the tax credit under division (N) of this section, is not 7084
an insurance company, the commissioner shall make an assessment 7085
for that amount against the taxpayer under Chapter 5726., 5733., 7086
5747., or 5751. of the Revised Code. If the taxpayer, or any 7087
related member or members that claimed the tax credit under 7088
division (N) of this section, is an insurance company, the 7089
superintendent of insurance shall make an assessment under section 7090
5725.222 or 5729.102 of the Revised Code. The time limitations on 7091
assessments under those chapters and sections do not apply to an 7092
assessment under this division, but the commissioner or 7093
superintendent shall make the assessment within one year after the 7094

date the authority certifies to the commissioner or superintendent 7095
the amount to be refunded. 7096

(K) The director of development services, after consultation 7097
with the tax commissioner and the superintendent of insurance and 7098
in accordance with Chapter 119. of the Revised Code, shall adopt 7099
rules necessary to implement this section. The rules may provide 7100
for recipients of tax credits under this section to be charged 7101
fees to cover administrative costs of the tax credit program. The 7102
fees collected shall be credited to the business assistance fund 7103
created in section 122.174 of the Revised Code. At the time the 7104
director gives public notice under division (A) of section 119.03 7105
of the Revised Code of the adoption of the rules, the director 7106
shall submit copies of the proposed rules to the chairpersons of 7107
the standing committees on economic development in the senate and 7108
the house of representatives. 7109

(L) On or before the first day of August of each year, the 7110
director of development services shall submit a report to the 7111
governor, the president of the senate, and the speaker of the 7112
house of representatives on the tax credit program under this 7113
section. The report shall include information on the number of 7114
agreements that were entered into under this section during the 7115
preceding calendar year, a description of the project that is the 7116
subject of each such agreement, and an update on the status of 7117
projects under agreements entered into before the preceding 7118
calendar year. 7119

(M)(1) The aggregate amount of tax credits issued under 7120
division (B)(1) of this section during any calendar year for 7121
capital investment projects reviewed and approved by the tax 7122
credit authority may not exceed the following amounts: 7123

(a) For 2010, thirteen million dollars; 7124

(b) For 2011 through 2023, the amount of the limit for the 7125

preceding calendar year plus thirteen million dollars; 7126

(c) For 2024 and each year thereafter, one hundred 7127
ninety-five million dollars. 7128

(2) The aggregate amount of tax credits authorized under 7129
divisions (B)(2) and (3) of this section and allowed to be claimed 7130
by taxpayers in any calendar year for capital improvement projects 7131
reviewed and approved by the tax credit authority in 2011, 2012, 7132
and 2013 combined shall not exceed twenty-five million dollars. An 7133
amount equal to the aggregate amount of credits first authorized 7134
in calendar year 2011, 2012, and 2013 may be claimed over the 7135
ensuing period up to fifteen years, subject to the terms of 7136
individual tax credit agreements. 7137

The limitations in division (M) of this section do not apply 7138
to credits for capital investment projects approved by the tax 7139
credit authority before July 1, 2009. 7140

(N) This division applies only to an eligible business that 7141
is part of an affiliated group that includes a diversified savings 7142
and loan holding company or a grandfathered unitary savings and 7143
loan holding company, as those terms are defined in section 7144
5726.01 of the Revised Code. Notwithstanding any contrary 7145
provision of the agreement between such an eligible business and 7146
the tax credit authority, any credit granted under this section 7147
against the tax imposed by section 5725.18, 5729.03, 5733.06, 7148
5747.02, or 5751.02 of the Revised Code to the eligible business, 7149
at the election of the eligible business and without any action by 7150
the tax credit authority, may be shared with any member or members 7151
of the affiliated group that includes the eligible business, which 7152
member or members may claim the credit against the taxes imposed 7153
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 7154
of the Revised Code. Credits shall be claimed by the eligible 7155
business in sequential order, as applicable, first claiming the 7156
credits to the fullest extent possible against the tax that the 7157

certificate holder is subject to, then against the tax imposed by, 7158
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 7159
lastly 5726.02 of the Revised Code. The credits may be allocated 7160
among the members of the affiliated group in such manner as the 7161
eligible business elects, but subject to the sequential order 7162
required under this division. This division applies to credits 7163
granted before, on, or after March 27, 2013, the effective date of 7164
H.B. 510 of the 129th general assembly. Credits granted before 7165
that effective date that are shared and allocated under this 7166
division may be claimed in those calendar years in which the 7167
remaining taxable years specified in the agreement end. 7168

As used in this division, "affiliated group" means a group of 7169
two or more persons with fifty per cent or greater of the value of 7170
each person's ownership interests owned or controlled directly, 7171
indirectly, or constructively through related interests by common 7172
owners during all or any portion of the taxable year, and the 7173
common owners. "Affiliated group" includes, but is not limited to, 7174
any person eligible to be included in a consolidated elected 7175
taxpayer group under section 5751.011 of the Revised Code or a 7176
combined taxpayer group under section 5751.012 of the Revised 7177
Code. 7178

Sec. 122.175. (A) As used in this section: 7179

(1) "Capital investment project" means a plan of investment 7180
at a project site for the acquisition, construction, renovation, 7181
expansion, replacement, or repair of a computer data center or of 7182
computer data center equipment, but does not include any of the 7183
following: 7184

(a) Project costs paid before a date determined by the tax 7185
credit authority for each capital investment project; 7186

(b) Payments made to a related member as defined in section 7187
5733.042 of the Revised Code or to a consolidated elected taxpayer 7188

or a combined taxpayer as defined in section 5751.01 of the Revised Code.

(2) "Computer data center" means a facility used or to be used primarily to house computer data center equipment used or to be used in conducting ~~a one or more~~ computer data center ~~business~~ businesses, as determined by the tax credit authority.

(3) "Computer data center business" means, as may be further determined by the tax credit authority, a business that provides electronic information services as defined in division (Y)(1)(c) of section 5739.01 of the Revised Code, or that leases a facility to one or more such businesses. "Computer data center business" does not include providing electronic publishing as defined in division (LLL) of that section.

(4) "Computer data center equipment" means tangible personal property used or to be used for any of the following:

(a) To conduct a computer data center business, including equipment cooling systems to manage the performance of computer data center equipment;

(b) To generate, transform, transmit, distribute, or manage electricity necessary to operate the tangible personal property used or to be used in conducting a computer data center business;

(c) As building and construction materials sold to construction contractors for incorporation into a computer data center.

(5) "Eligible computer data center" means a computer data center that satisfies all of the following requirements:

(a) ~~The taxpayer~~ One or more taxpayers operating a computer data center business at the project site will, in the aggregate, make payments for a capital investment project of at least one hundred million dollars ~~in the aggregate~~ at the project site

during a period of three consecutive calendar years; 7219

(b) ~~The taxpayer~~ One or more taxpayers operating a computer 7220
data center business at the project site will, in the aggregate, 7221
pay annual compensation that is subject to the withholding 7222
obligation imposed under section 5747.06 of the Revised Code of at 7223
least ~~five~~ one million five hundred thousand dollars to employees 7224
employed at the project site for ~~the term of the agreement~~ each 7225
year of the agreement beginning on or after the first day of the 7226
twenty-fifth month after the agreement was entered into under this 7227
section. 7228

(6) "Person" has the same meaning as in section 5701.01 of 7229
the Revised Code. 7230

(7) "Project site," "related member," and "tax credit 7231
authority" have the same meanings as in sections 122.17 and 7232
122.171 of the Revised Code. 7233

(8) "Taxpayer" means any person subject to the taxes imposed 7234
under Chapters 5739. and 5741. of the Revised Code. 7235

(B) The tax credit authority may completely or partially 7236
exempt from the taxes levied under Chapters 5739. and 5741. of the 7237
Revised Code the sale, storage, use, or other consumption of 7238
computer data center equipment used or to be used at an eligible 7239
computer data center. Any such exemption shall extend to charges 7240
for the delivery, installation, or repair of the computer data 7241
center equipment subject to the exemption under this section. 7242

(C) A taxpayer that proposes a capital improvement project 7243
for an eligible computer data center in this state may apply to 7244
the tax credit authority to enter into an agreement under this 7245
section ~~for~~ authorizing a complete or partial exemption from the 7246
taxes imposed under Chapters 5739. and 5741. of the Revised Code 7247
on computer data center equipment purchased by the applicant or 7248
any other taxpayer that operates a computer data center business 7249

at the project site and used or to be used at the eligible 7250
computer data center. The director of development services shall 7251
prescribe the form of the application. After receipt of an 7252
application, the authority shall forward copies of the application 7253
to the director of budget and management, the tax commissioner, 7254
and the director of development services, each of whom shall 7255
review the application to determine the economic impact that the 7256
proposed eligible computer data center would have on the state and 7257
any affected political subdivisions and submit to the authority a 7258
summary of their determinations and recommendations. 7259

(D) Upon review and consideration of such determinations and 7260
recommendations, the tax credit authority may enter into an 7261
agreement with the applicant and any other taxpayer that operates 7262
a computer data center business at the project site for a complete 7263
or partial exemption from the taxes imposed under Chapters 5739. 7264
and 5741. of the Revised Code on computer data center equipment 7265
used or to be used at an eligible computer data center if the 7266
authority determines all of the following: 7267

(1) The ~~taxpayer's~~ capital investment project for the 7268
eligible computer data center will increase payroll and the amount 7269
of income taxes to be withheld from employee compensation pursuant 7270
to section 5747.06 of the Revised Code. 7271

(2) The ~~taxpayer~~ applicant is economically sound and has the 7272
ability to complete or effect the completion of the proposed 7273
capital investment project. 7274

(3) The ~~taxpayer~~ applicant intends to and has the ability to 7275
maintain operations at the project site for the term of the 7276
agreement. 7277

(4) Receiving the exemption is a major factor in the 7278
~~taxpayer's~~ applicant's decision to begin, continue with, or 7279
complete the capital investment project. 7280

(E) An agreement entered into under this section shall 7281
include all of the following: 7282

(1) A detailed description of the capital investment project 7283
that is the subject of the agreement, including the amount of the 7284
investment, the period over which the investment has been or is 7285
being made, the annual compensation to be paid by ~~the~~ each 7286
taxpayer subject to the agreement to its employees at the project 7287
site, and the anticipated amount of income taxes to be withheld 7288
from employee compensation pursuant to section 5747.06 of the 7289
Revised Code. 7290

(2) The percentage of the exemption from the taxes imposed 7291
under Chapters 5739. and 5741. of the Revised Code for the 7292
computer data center equipment used or to be used at the eligible 7293
computer data center, the length of time the computer data center 7294
equipment will be exempted, and the first date on which the 7295
exemption applies. 7296

(3) A requirement that ~~the taxpayer maintain~~ the computer 7297
data center ~~as~~ remain an eligible computer data center during the 7298
term of the agreement and that the ~~taxpayer~~ applicant maintain 7299
operations at the eligible computer data center during that term. 7300
An applicant does not violate the requirement described in 7301
division (E)(3) of this section if the applicant ceases operations 7302
at the eligible computer data center during the term of the 7303
agreement but resumes those operations within eighteen months 7304
after the date of cessation. The agreement shall provide that, in 7305
such a case, the applicant and any other taxpayer that operates a 7306
computer data center business at the project site shall not claim 7307
the tax exemption authorized in the agreement for any purchase of 7308
computer data center equipment made during the period in which the 7309
applicant did not maintain operations at the eligible computer 7310
data center. 7311

(4) A requirement that ~~during, for~~ each year of the term of 7312

the agreement ~~the taxpayer~~ beginning on or after the first day of 7313
the twenty-fifth month after the date the agreement was entered 7314
into, one or more taxpayers operating a computer data center 7315
business at the project site will, in the aggregate, pay annual 7316
compensation that is subject to the withholding obligation imposed 7317
under section 5747.06 of the Revised Code of at least ~~five~~ one 7318
million five hundred thousand dollars to ~~its~~ employees at the 7319
eligible computer data center. 7320

(5) A requirement that ~~the~~ each taxpayer subject to the 7321
agreement annually report to the director of development services 7322
employment, tax withholding, capital investment, and other 7323
information required by the director to perform the director's 7324
duties under this section. 7325

(6) A requirement that the director of development services 7326
annually review the annual reports of ~~the~~ each taxpayer subject to 7327
the agreement to verify the information reported under division 7328
(E)(5) of this section and compliance with the agreement. Upon 7329
verification, the director shall issue a certificate to ~~the~~ each 7330
such taxpayer stating that the information has been verified and 7331
that the taxpayer remains eligible for the exemption specified in 7332
the agreement. 7333

(7) A provision providing that the ~~taxpayer~~ taxpayers subject 7334
to the agreement may not relocate a substantial number of 7335
employment positions from elsewhere in this state to the project 7336
site unless the director of development services determines that 7337
the appropriate taxpayer notified the legislative authority of the 7338
county, township, or municipal corporation from which the 7339
employment positions would be relocated. For purposes of this 7340
paragraph, the movement of an employment position from one 7341
political subdivision to another political subdivision shall be 7342
considered a relocation of an employment position unless the 7343
movement is confined to the project site. The transfer of an 7344

employment position from one political subdivision to another 7345
political subdivision shall not be considered a relocation of an 7346
employment position if the employment position in the first 7347
political subdivision is replaced by another employment position. 7348

(8) A waiver by ~~the~~ each taxpayer subject to the agreement of 7349
any limitations periods relating to assessments or adjustments 7350
resulting from the taxpayer's failure to comply with the 7351
agreement. 7352

(F) The term of an agreement under this section shall be 7353
determined by the tax credit authority, and the amount of the 7354
exemption shall not exceed one hundred per cent of such taxes that 7355
would otherwise be owed in respect to the exempted computer data 7356
center equipment. 7357

(G) If a any taxpayer subject to an agreement under this 7358
section fails to meet or comply with any condition or requirement 7359
set forth in ~~an~~ the agreement ~~under this section~~, the tax credit 7360
authority may amend the agreement to reduce the percentage of the 7361
exemption or term during which the exemption applies to the 7362
computer data center equipment used or to be used by the 7363
noncompliant taxpayer at an eligible computer data center. The 7364
reduction of the percentage or term may take effect in the current 7365
calendar year. 7366

(H) Financial statements and other information submitted to 7367
the department of development services or the tax credit authority 7368
by an applicant for or recipient of an exemption under this 7369
section, and any information taken for any purpose from such 7370
statements or information, are not public records subject to 7371
section 149.43 of the Revised Code. However, the chairperson of 7372
the authority may make use of the statements and other information 7373
for purposes of issuing public reports or in connection with court 7374
proceedings concerning tax exemption agreements under this 7375
section. Upon the request of the tax commissioner, the chairperson 7376

of the authority shall provide to the tax commissioner any 7377
statement or other information submitted by an applicant for or 7378
recipient of an exemption under this section. The tax commissioner 7379
shall preserve the confidentiality of the statement or other 7380
information. 7381

(I) The tax commissioner shall issue a direct payment permit 7382
under section 5739.031 of the Revised Code to a each taxpayer ~~that~~ 7383
~~enters into~~ subject to an agreement under this section. Such 7384
direct payment permit shall authorize the taxpayer to pay any 7385
sales and use taxes due on purchases of computer data center 7386
equipment used or to be used in an eligible computer data center 7387
and to pay any sales and use taxes due on purchases of tangible 7388
personal property or taxable services other than computer data 7389
center equipment used or to be used in an eligible computer data 7390
center directly to the tax commissioner. Each such taxpayer shall 7391
pay pursuant to such direct payment permit all sales tax levied on 7392
such purchases under sections 5739.02, 5739.021, 5739.023, and 7393
5739.026 of the Revised Code and all use tax levied on such 7394
purchases under sections 5741.02, 5741.021, 5741.022, and 5741.023 7395
of the Revised Code, consistent with the terms of the agreement 7396
entered into under this section. 7397

During the term of an agreement under this section ~~the~~ each 7398
taxpayer subject to the agreement shall submit to the tax 7399
commissioner a return that shows the amount of computer data 7400
center equipment purchased for use at the eligible computer data 7401
center, the amount of tangible personal property and taxable 7402
services other than computer data center equipment purchased for 7403
use at the eligible computer data center, the amount of tax under 7404
Chapter 5739. or 5741. of the Revised Code that would be due in 7405
the absence of the agreement under this section, the exemption 7406
percentage for computer data center equipment specified in the 7407
agreement, and the amount of tax due under Chapter 5739. or 5741. 7408

of the Revised Code as a result of the agreement under this 7409
section. ~~The~~ Each such taxpayer shall pay the tax shown on the 7410
return to be due in the manner and at the times as may be further 7411
prescribed by the tax commissioner. ~~The~~ Each such taxpayer shall 7412
include a copy of the director of development services' 7413
certificate of verification issued under division (E)(6) of this 7414
section. Failure to submit a copy of the certificate with the 7415
return does not invalidate the claim for exemption if the taxpayer 7416
submits a copy of the certificate to the tax commissioner within 7417
sixty days after the tax commissioner requests it. 7418

(J) If the director of development services determines that a 7419
~~taxpayer that~~ one or more taxpayers received an exemption ~~under~~ 7420
~~this section is not complying~~ from taxes due on the purchase of 7421
computer data center equipment purchased for use at a computer 7422
data center that no longer complies with the requirement under 7423
division (E)(3) of this section, the director shall notify the tax 7424
credit authority and, if applicable, the taxpayer that applied to 7425
enter the agreement for the exemption under division (C) if this 7426
section of the noncompliance. After receiving such a notice, and 7427
after giving ~~the~~ each taxpayer subject to the agreement an 7428
opportunity to explain the noncompliance, the authority may 7429
terminate the agreement and require ~~the~~ each such taxpayer to pay 7430
to the state all or a portion of the taxes that would have been 7431
owed in regards to the exempt equipment in previous years, all as 7432
determined under rules adopted pursuant to division (K) of this 7433
section. In determining the portion of the taxes that would have 7434
been owed on the previously exempted equipment to be paid to this 7435
state by ~~the~~ a taxpayer, the authority shall consider the effect 7436
of market conditions on the ~~taxpayer's~~ eligible computer data 7437
center and, whether the taxpayer continues to maintain other 7438
operations in this state, and, with respect to agreements 7439
involving multiple taxpayers, the taxpayer's level of 7440
responsibility for the noncompliance. After making the 7441

determination, the authority shall certify to the tax commissioner 7442
the amount to be paid by ~~the~~ each taxpayer subject to the 7443
agreement. The tax commissioner shall make an assessment for that 7444
amount against ~~the~~ each such taxpayer under Chapter 5739. or 5741. 7445
of the Revised Code. The time limitations on assessments under 7446
those chapters do not apply to an assessment under this division, 7447
but the tax commissioner shall make the assessment within one year 7448
after the date the authority certifies to the tax commissioner the 7449
amount to be paid by the taxpayer. 7450

(K) The director of development services, after consultation 7451
with the tax commissioner and in accordance with Chapter 119. of 7452
the Revised Code, shall adopt rules necessary to implement this 7453
section. The rules may provide for recipients of tax exemptions 7454
under this section to be charged fees to cover administrative 7455
costs incurred in the administration of this section. The fees 7456
collected shall be credited to the business assistance fund 7457
created in section 122.174 of the Revised Code. At the time the 7458
director gives public notice under division (A) of section 119.03 7459
of the Revised Code of the adoption of the rules, the director 7460
shall submit copies of the proposed rules to the chairpersons of 7461
the standing committees on economic development in the senate and 7462
the house of representatives. 7463

(L) On or before the first day of August of each year, the 7464
director of development services shall submit a report to the 7465
governor, the president of the senate, and the speaker of the 7466
house of representatives on the tax exemption authorized under 7467
this section. The report shall include information on the number 7468
of agreements that were entered into under this section during the 7469
preceding calendar year, a description of the eligible computer 7470
data center that is the subject of each such agreement, and an 7471
update on the status of eligible computer data centers under 7472
agreements entered into before the preceding calendar year. 7473

(M) A taxpayer may be made a party to an existing agreement entered into under this section by the tax credit authority and another taxpayer or group of taxpayers. In such a case, the taxpayer shall be entitled to all benefits and bound by all obligations contained in the agreement and all requirements described in this section. When an agreement includes multiple taxpayers, each taxpayer shall be entitled to a direct payment permit as authorized in division (I) of this section.

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

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

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

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

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

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

(F) "Applied research" means the application of basic

research for the development of new technology. 7504

Sec. 122.30. ~~The industrial technology and enterprise~~ 7505
~~advisory council and the~~ director of development are services is 7506
vested with the powers and duties provided in sections 122.28 and 7507
122.30 to 122.36 of the Revised Code, to promote the welfare of 7508
the people of the state through the interaction of the business 7509
and industrial community and educational institutions in the 7510
development of new technology and enterprise. 7511

(A) It is necessary for the state to establish the ~~industrial~~ 7512
~~technology and enterprise advisory council and the~~ programs 7513
created pursuant to sections 122.28 and 122.30 to 122.36 of the 7514
Revised Code to accomplish the following purposes which are 7515
determined to be essential: 7516

(1) Improve the existing industrial and agricultural base of 7517
the state; 7518

(2) Improve the economy of the state by providing employment, 7519
increasing productivity, and slowing the rate of inflation; 7520

(3) Develop markets worldwide for the products of the state's 7521
natural resources and agricultural and manufacturing industries; 7522

(4) Maintain a high standard of living for the people of the 7523
state. 7524

(B) ~~The industrial technology and enterprise advisory council~~ 7525
~~shall do all of the following:~~ 7526

~~(1) Make recommendations to the director of development as to~~ 7527
~~applications for assistance pursuant to sections 122.28 to 122.36~~ 7528
~~of the Revised Code. The council may revise its recommendations to~~ 7529
~~reflect any changes in the proposed assistance made by the~~ 7530
~~director.~~ 7531

~~(2) Advise the director in the administration of sections~~ 7532
~~122.28 to 122.36 of the Revised Code;~~ 7533

(3) Adopt bylaws to govern the conduct of the council's	7534
business.	7535
(C) The director of development shall do all of the	7536
following:	7537
(1) Receive applications for assistance under sections 122.28	7538
and 122.30 to 122.36 of the Revised Code and, after processing,	7539
forward them to the council together with necessary supporting	7540
information;	7541
(2) Receive the recommendations of the council and make <u>Make</u>	7542
a final determination whether to approve the application for	7543
assistance;	7544
(3) Transmit determinations to approve assistance exceeding	7545
forty thousand dollars to the controlling board, together with any	7546
information the controlling board requires, for the board's review	7547
and decision as to whether to approve the assistance;	7548
(4) Gather and disseminate information and conduct hearings,	7549
conferences, seminars, investigations, and special studies on	7550
problems and programs concerning industrial research and new	7551
technology and their commercial applications in the state;	7552
(5) Establish an annual program to recognize the	7553
accomplishments and contributions of individuals and organizations	7554
in the development of industrial research and new technology in	7555
the state;	7556
(6) Stimulate both public and industrial awareness and	7557
interest in industrial research and development of new technology	7558
primarily in the areas of industrial processes, implementation,	7559
energy, agribusiness, medical technology, avionics, and food	7560
processing;	7561
(7) Develop and implement comprehensive and coordinated	7562
policies, programs, and procedures promoting industrial research	7563

and new technology;	7564
(8) Propose appropriate legislation or executive actions to stimulate the development of industrial research and new technology by enterprises and individuals;	7565 7566 7567
(9) Encourage and facilitate contracts between industry, agriculture, educational institutions, federal agencies, and state agencies, with special emphasis on industrial research and new technology by small businesses and agribusiness;	7568 7569 7570 7571
(10) Participate with any state agency in developing specific programs and goals to assist in the development of industrial research and new technology and monitor performance;	7572 7573 7574
(11) Assist enterprises in obtaining alternative forms of governmental or commercial financing for industrial research and new technology;	7575 7576 7577
(12) Assist enterprises or individuals in the implementation of new programs and policies and the expansion of existing programs to provide an atmosphere conducive to increased cooperation among and participation by individuals, enterprises, and educational institutions engaged in industrial research and the development of new technology;	7578 7579 7580 7581 7582 7583
(13) Advertise, prepare, print, and distribute books, maps, pamphlets, and other information which in the judgment of the director will further its purposes;	7584 7585 7586
(14) Include in the director's annual report to the governor and the general assembly a report on the activities for the preceding calendar year under sections 122.28 <u>and 122.30</u> to 122.36 of the Revised Code;	7587 7588 7589 7590
(15) Approve the expenditure of money appropriated by the general assembly for the purpose of sections 122.28 <u>and 122.30</u> to 122.36 of the Revised Code;	7591 7592 7593

(16) Identify and implement federal research and development 7594
programs which would link Ohio's industrial base, research 7595
facilities, and natural resources; 7596

(17) Employ and fix the compensation of technical and 7597
professional personnel, who shall be in the unclassified civil 7598
service, and employ other personnel, who shall be in the 7599
classified civil service, as necessary to carry out the provisions 7600
of sections 122.28 and 122.30 to 122.36 of the Revised Code. 7601

Sec. 122.31. All expenses and obligations incurred by the 7602
director of development ~~and the industrial technology and~~ 7603
~~enterprise advisory council services~~ services in carrying out ~~their the~~ 7604
director's powers and ~~in exercising their~~ duties under sections 7605
122.28 and 122.30 to 122.36 of the Revised Code, are payable from 7606
revenues or other receipts or income from grants, gifts, 7607
contributions, compensation, reimbursement, and funds established 7608
in accordance with those sections or general revenue funds 7609
appropriated by the general assembly for operating expenses of the 7610
director ~~or council~~. 7611

Sec. 122.32. The director of development services, on behalf 7612
of the programs authorized pursuant to sections 122.28 and 122.30 7613
to 122.36 of the Revised Code, may receive and accept grants, 7614
gifts, and contributions of money, property, labor, and other 7615
things of value to be held, used, and applied only for the purpose 7616
for which the grants, gifts, and contributions are made, from 7617
individuals, private and public corporations, from the United 7618
States or any agency of the United States, and from any political 7619
subdivision of the state. The director may agree to repay any 7620
contribution of money or to return any property contributed or its 7621
value at times, in amounts, and on terms and conditions excluding 7622
the payment of interest as the director determines at the time the 7623
contribution is made. The director may evidence the obligation by 7624

written contracts, subject to section 122.31 of the Revised Code, 7625
provided that the director shall not thereby incur indebtedness of 7626
or impose liability upon the state or any political subdivision. 7627

Sec. 122.33. The director of development services shall 7628
administer the following programs: 7629

(A) The industrial technology and enterprise development 7630
grant program, to provide capital to acquire, construct, enlarge, 7631
improve, or equip and to sell, lease, exchange, and otherwise 7632
dispose of property, structures, equipment, and facilities within 7633
the state. 7634

Such funding may be made to enterprises that propose to 7635
develop new products or technologies when the director finds all 7636
of the following factors to be present: 7637

(1) The undertaking will benefit the people of the state by 7638
creating or preserving jobs and employment opportunities or 7639
improving the economic welfare of the people of the state, and 7640
promoting the development of new technology. 7641

(2) There is reasonable assurance that the potential 7642
royalties to be derived from the sale of the product or process 7643
described in the proposal will be sufficient to repay the funding 7644
pursuant to sections 122.28 and 122.30 to 122.36 of the Revised 7645
Code and that, in making the agreement, as it relates to patents, 7646
copyrights, and other ownership rights, there is reasonable 7647
assurance that the resulting new technology will be utilized to 7648
the maximum extent possible in facilities located in Ohio. 7649

(3) The technology and research to be undertaken will allow 7650
enterprises to compete more effectively in the marketplace. Grants 7651
of capital may be in such form and conditioned upon such terms as 7652
the ~~board~~ director deems appropriate. 7653

(B) The industrial technology and enterprise resources 7654

program to provide for the collection, dissemination, and exchange 7655
of information regarding equipment, facilities, and business 7656
planning consultation resources available in business, industry, 7657
and educational institutions and to establish methods by which 7658
small businesses may use available facilities and resources. The 7659
methods may include, but need not be limited to, leases 7660
reimbursing the educational institutions for their actual costs 7661
incurred in maintaining the facilities and agreements assigning 7662
royalties from development of successful products or processes 7663
through the use of the facilities and resources. The director 7664
shall operate this program in conjunction with the board of 7665
regents. 7666

(C) The Thomas Alva Edison grant program to provide grants to 7667
foster research, development, or technology transfer efforts 7668
involving enterprises and educational institutions that will lead 7669
to the creation of jobs. The director shall utilize the Edison 7670
center network in carrying out the goals and objectives shall this 7671
program. For the purposes of this division, "Edison center 7672
network" means the six cooperative research and development 7673
facilities in this state that receive funding under this division, 7674
are nonprofit organizations, have been in existence at least 7675
eighteen years as of the effective date of this amendment, and 7676
have experience in delivering manufacturing extension partnership 7677
program services to companies in this state. 7678

(1) Grants may be made to a nonprofit organization or a 7679
public or private educational institution, department, college, 7680
institute, faculty member, or other administrative subdivision or 7681
related entity of an educational institution when the director 7682
finds that the undertaking will benefit the people of the state by 7683
supporting research in advanced technology areas likely to improve 7684
the economic welfare of the people of the state through promoting 7685
the development of new commercial technology. 7686

(2) Grants may be made in a form and conditioned upon terms 7687
as the director considers appropriate. 7688

(3) Grants made under this program shall in all instances be 7689
in conjunction with a contribution to the project by a cooperating 7690
enterprise which maintains or proposes to maintain a relevant 7691
research, development, or manufacturing facility in the state, by 7692
a nonprofit organization, or by an educational institution or 7693
related entity; however, funding provided by an educational 7694
institution or related entity shall not be from general revenue 7695
funds appropriated by the Ohio general assembly. No grant made 7696
under this program shall exceed the contribution made by the 7697
cooperating enterprise, nonprofit organization, or educational 7698
institution or related entity. The director may consider 7699
cooperating contributions in the form of state of the art new 7700
equipment or in other forms provided the director determines that 7701
the contribution is essential to the successful implementation of 7702
the project. The director may adopt rules or guidelines for the 7703
valuation of contributions of equipment or other property. 7704

(4) The director may determine fields of research from which 7705
grant applications will be accepted under this program. 7706

Sec. 122.34. The exercise of the powers granted by sections 7707
122.28 and 122.30 to 122.36 of the Revised Code will be in all 7708
respects for the benefit of the people of the state, for the 7709
improvement of commerce and prosperity, improvement of employment 7710
conditions, and will constitute the performance of essential 7711
governmental functions. 7712

Sec. 122.35. All moneys received under sections 122.28 and 7713
122.30 to 122.36 of the Revised Code are trust funds to be held 7714
and applied solely as provided in those sections and section 7715
166.03 of the Revised Code. All moneys, except when deposited with 7716

the treasurer of the state, shall be kept and secured in 7717
depositories as selected by the director of development services 7718
in the manner provided in sections 135.01 to 135.21 of the Revised 7719
Code, insofar as those sections are applicable. All moneys held by 7720
the director in trust to carry out the purposes of sections 122.28 7721
and 122.30 to 122.36 of the Revised Code shall be used as provided 7722
in sections 122.28 and 122.30 to 122.36 of the Revised Code and at 7723
no time be part of other public funds. 7724

Sec. 122.36. Any materials or data submitted to, made 7725
available to, or received by the director of development, ~~the~~ 7726
~~industrial technology and enterprise advisory council,~~ services or 7727
the controlling board, to the extent that the material or data 7728
consist of trade secrets, as defined in section 1333.61 of the 7729
Revised Code, or commercial or financial information, regarding 7730
projects are not public records for the purposes of section 149.43 7731
of the Revised Code. 7732

Sec. 122.58. Moneys in the funds established pursuant to 7733
Chapter 122. of the Revised Code, except as otherwise provided in 7734
any proceedings authorizing revenue bonds or in any trust 7735
agreement securing such bonds, in excess of current needs, may be 7736
invested in notes, bonds, or other obligations which are direct 7737
obligations of or are guaranteed by the United States, in 7738
certificates of deposit or other withdrawable accounts of banks, 7739
trust companies, and building and loan or savings and loan 7740
associations organized under the laws of the state or the United 7741
States, or in the manner provided in any agreement entered into 7742
pursuant to section 169.05 of the Revised Code. 7743

Income from all such investments of moneys in any fund shall 7744
be credited to such funds as the director of development 7745
determines subject to the provisions of any bond issuance 7746
proceedings or trust agreement, and such investments may be sold 7747

at such time as the director shall determine, provided 7748
certificates of deposit or other withdrawable accounts may be sold 7749
only in accordance with division (B) of section 169.05 or 7750
divisions ~~(D) and~~ (E) and (F) of section 169.08 of the Revised 7751
Code. 7752

Sec. 122.657. For the purposes of sections 122.65 to 122.658 7753
of the Revised Code, the director of development shall establish 7754
policies and requirements regarding all of the following: 7755

(A) The form and content of applications for grants or loans 7756
from the clean Ohio revitalization fund under section 122.652 of 7757
the Revised Code. The policies and requirements shall require that 7758
each application include, at a minimum, all of the following: 7759

(1) The name, address, and telephone number of the applicant; 7760

(2) The legal description of the property for which the grant 7761
or loan is requested; 7762

(3) A summary description of the hazardous substances or 7763
petroleum present at the brownfield and a certified copy of the 7764
results of an assessment; 7765

(4) A detailed explanation of the proposed cleanup or 7766
remediation of the brownfield, including an identification of the 7767
applicable cleanup standards, and a detailed description of the 7768
proposed use of the brownfield after completion of the cleanup or 7769
remediation; 7770

(5) An estimate of the total cost to clean up or remediate 7771
the brownfield in order to comply with the applicable cleanup 7772
standards. The total cost shall include the cost of employing a 7773
certified professional under section 122.654 of the Revised Code. 7774

(6) A detailed explanation of the portion of the estimated 7775
total cost of the cleanup or remediation of the brownfield that 7776
the applicant proposes to provide as required under sections 7777

122.653 and 122.658 of the Revised Code and financial records	7778
supporting the proposal;	7779
(7) A certified copy of a resolution or ordinance approving	7780
the project that the applicant shall obtain from the board of	7781
township trustees of the township or the legislative authority of	7782
the municipal corporation in which the property is located,	7783
whichever is applicable;	7784
(8) A description of the estimated economic benefit that will	7785
result from a cleanup or remediation of the brownfield;	7786
(9) An application summary for purposes of review by an	7787
integrating committee or, if applicable, the executive committee	7788
of an integrating committee under division (B) of section 122.652	7789
of the Revised Code;	7790
(10) With respect to applications for loans, information	7791
demonstrating that the applicant will implement a financial	7792
management plan that includes, without limitation, provisions for	7793
the satisfactory repayment of the loan;	7794
(11) Any other provisions that the director determines should	7795
be included in an application.	7796
(B) Procedures for conducting public meetings and providing	7797
public notice under division (A) of section 122.652 of the Revised	7798
Code;	7799
(C) Criteria to be used by integrating committees or, if	7800
required under division (C) of section 122.652 of the Revised	7801
Code, executive committees of integrating committees when	7802
prioritizing projects under division (B) of section 122.652 of the	7803
Revised Code. The policies and requirements also shall establish	7804
procedures that integrating committees or, if required under	7805
division (C) of section 122.652 of the Revised Code, executive	7806
committees of integrating committees shall use in applying the	7807
criteria.	7808

(D) A selection process that provides for the prioritization of brownfield cleanup or remediation projects for which grant or loan applications are submitted under section 122.652 of the Revised Code. The policies and requirements shall require the selection process to give priority to projects in which the post-cleanup or remediation use will be for a combination of residential, commercial, or industrial purposes, which may include the conversion of a portion of a brownfield to a recreation, park, or natural area that is integrated with the residential, commercial, or industrial use of the brownfield after cleanup or remediation, or will incorporate projects that are funded by grants awarded under sections 164.20 to 164.27 of the Revised Code. The policies and requirements shall require the selection process to incorporate and emphasize all of the following factors:

(1) The potential economic benefit that will result from the cleanup or remediation of a brownfield;

(2) The potential environmental improvement that will result from the cleanup or remediation of a brownfield;

(3) The amount and nature of the match provided by an applicant as required under sections 122.653 and 122.658 of the Revised Code;

(4) Funding priorities recommended by integrating committees or, if required under division (C) of section 122.652 of the Revised Code, executive committees of integrating committees under division (B) of section 122.652 of the Revised Code;

(5) The potential benefit to low-income communities, including minority communities, that will result from the cleanup or remediation of a brownfield;

(6) Any other factors that the director considers appropriate.

(E) The development of criteria that the director shall use

when awarding grants under section 122.656 of the Revised Code. 7840
The criteria shall give priority to public health projects. In 7841
addition, the director, in consultation with the director of 7842
environmental protection, shall establish policies and 7843
requirements that require the criteria to include a public health 7844
project selection process that incorporates and emphasizes all of 7845
the following factors: 7846

(1) The potential environmental improvement that will result 7847
from the cleanup or remediation; 7848

(2) The ability of an applicant to access the property for 7849
purposes of the cleanup or remediation; 7850

(3) The name and qualifications of the cleanup or remediation 7851
contractor; 7852

(4) Any other factors that the director of development 7853
considers appropriate. 7854

The director of development may develop any other policies 7855
and requirements that the director determines are necessary for 7856
the administration of section 122.656 of the Revised Code. 7857

(F) The development of a brownfield cleanup and remediation 7858
oversight program to ensure compliance with sections 122.65 to 7859
122.658 of the Revised Code and policies and requirements 7860
established under this section. The policies and requirements 7861
shall require the program to include, at a minimum, both of the 7862
following: 7863

(1) Procedures for the accounting of invoices and receipts 7864
and any other documents that are necessary to demonstrate that a 7865
cleanup or remediation was properly performed; 7866

(2) Procedures that are necessary to provide a detailed 7867
explanation of the status of the property five years after the 7868
completed cleanup or remediation. 7869

(G) A delineation of what constitutes administrative costs 7870
for purposes of divisions (D) and (F) of section 122.658 of the 7871
Revised Code; 7872

(H) Procedures and requirements for making loans and loan 7873
agreements that include at least all of the following: 7874

(1) Not more than fifteen per cent of moneys annually 7875
allocated to the clean Ohio revitalization fund shall be used for 7876
loans. 7877

(2) The loans shall be made at or below market rates of 7878
interest, including, without limitation, interest-free loans. 7879

(3) The recipient of a loan shall identify a source of 7880
security and a source of repayment of the loan. 7881

~~(4) All payments of principal and interest on a loan shall be 7882
deposited in the state treasury and credited to the clean Ohio 7883
revitalization revolving loan fund. 7884~~

~~(5) The clean Ohio council may accept notes and other forms 7885
of obligation to evidence indebtedness, accept mortgages, liens, 7886
pledges, assignments, and other security interests to secure such 7887
indebtedness, and take any actions that are considered by the 7888
council to be appropriate to protect such security and safeguard 7889
against losses, including, without limitation, foreclosure and 7890
bidding on the purchase of property upon foreclosure or other 7891
sale. 7892~~

(I) Any other policies and requirements that the director 7893
determines are necessary for the administration of sections 122.65 7894
to 122.658 of the Revised Code. 7895

Sec. 122.658. (A) The clean Ohio revitalization fund is 7896
hereby created in the state treasury. The fund shall consist of 7897
moneys credited to it pursuant to section 151.40 of the Revised 7898
Code. Moneys in the fund shall be used to make grants or loans for 7899

projects that have been approved by the clean Ohio council in 7900
accordance with section 122.653 of the Revised Code, except that 7901
the council annually shall devote twenty per cent of the net 7902
proceeds of obligations deposited in the clean Ohio revitalization 7903
fund for the purposes of section 122.656 of the Revised Code. 7904

Moneys in the clean Ohio revitalization fund may be used to 7905
pay reasonable costs incurred by the department of development and 7906
the environmental protection agency in administering sections 7907
122.65 to 122.658 of the Revised Code. All investment earnings of 7908
the fund shall be credited to the fund. Investment earnings 7909
credited to the clean Ohio revitalization fund may be used to pay 7910
costs incurred by the department of development and the 7911
environmental protection agency pursuant to sections 122.65 to 7912
122.658 of the Revised Code. 7913

The department of development shall administer the clean Ohio 7914
revitalization fund in accordance with this section, policies and 7915
requirements established under section 122.657 of the Revised 7916
Code, and the terms of agreements entered into by the council 7917
under section 122.653 of the Revised Code. 7918

(B) Grants awarded and loans made under section 122.653 of 7919
the Revised Code shall provide not more than seventy-five per cent 7920
of the estimated total cost of a project. A grant or loan to any 7921
one project shall not exceed three million dollars. An applicant 7922
shall provide at least twenty-five per cent of the estimated total 7923
cost of a project. The applicant's share may consist of one or a 7924
combination of any of the following: 7925

(1) Payment of the cost of acquiring the property for the 7926
purposes of sections 122.65 to 122.658 of the Revised Code; 7927

(2) Payment of the reasonable cost of an assessment at the 7928
property; 7929

(3) The reasonable value, as determined by the council, of 7930
labor and materials that will be contributed by the applicant in 7931
performing the cleanup or remediation; 7932

(4) Moneys received by the applicant in any form for use in 7933
performing the cleanup or remediation; 7934

(5) Loans secured by the applicant for the purpose of the 7935
cleanup or remediation of the brownfield. 7936

Costs that were incurred more than two years prior to the 7937
submission of an application to the clean Ohio council for the 7938
acquisition of property, assessments, and labor and materials 7939
shall not be used as part of the applicant's matching share. 7940

(C) The department of development shall not make any payment 7941
to an applicant from the clean Ohio revitalization fund to pay 7942
costs of the applicant that were not included in an application 7943
for a grant or loan under section 122.653 of the Revised Code or 7944
that exceed the amount of the estimated total cost of the project 7945
included in the application. If, upon completion of a project, the 7946
costs of the project are less than the amounts included in the 7947
application, the amounts included in the application less the 7948
amounts of the actual costs of the project shall be credited to 7949
the clean Ohio revitalization fund. However, the amounts credited 7950
shall be equivalent in percentage to the percentage of the costs 7951
of the project that were to be funded by the grant or loan from 7952
the fund. 7953

(D) Grants awarded or loans made under section 122.653 of the 7954
Revised Code from the clean Ohio revitalization fund shall be used 7955
by an applicant only to pay the costs of the actual cleanup or 7956
remediation of a brownfield and shall not be used by an applicant 7957
to pay any administrative costs incurred by the applicant. Costs 7958
related to the use of a certified professional for purposes of 7959
section 122.654 of the Revised Code are not administrative costs 7960

and may be paid with moneys from grants awarded or loans made 7961
under section 122.653 of the Revised Code. 7962

(E) The portion of net proceeds of obligations devoted under 7963
division (A) of this section for the purposes of section 122.656 7964
of the Revised Code shall be used to make grants for assessments, 7965
cleanup or remediation of brownfields, and public health projects 7966
that have been approved by the director of development under that 7967
section. The department of development shall administer section 7968
122.656 of the Revised Code in accordance with this section, 7969
policies and requirements established under section 122.657 of the 7970
Revised Code, and the terms of agreements entered into by the 7971
director under section 122.656 of the Revised Code. The director 7972
shall not grant more than twenty-five million dollars for public 7973
health projects under section 122.656 of the Revised Code. 7974

(F) Grants awarded under section 122.656 of the Revised Code 7975
shall be used by an applicant only to pay the costs of actually 7976
conducting an assessment, a cleanup or remediation of a 7977
brownfield, or a public health project and shall not be used by an 7978
applicant to pay any administrative costs incurred by the 7979
applicant. Costs related to the use of a certified professional 7980
for purposes of section 122.654 of the Revised Code are not 7981
administrative costs and may be paid with moneys from grants 7982
awarded under section 122.656 of the Revised Code. 7983

~~(G)(1) The clean Ohio revitalization revolving loan fund is 7984
hereby created in the state treasury. Payments of principal and 7985
interest on loans made from the clean Ohio revitalization fund 7986
shall be credited to this revolving loan fund, as shall payments 7987
of principal and interest on loans made from the revolving loan 7988
fund itself. The revolving loan fund's investment earnings shall 7989
be credited to it. 7990~~

~~(2) The clean Ohio revitalization revolving loan fund shall 7991
be used to make loans for the same purposes and subject to the 7992~~

~~same policies, requirements, criteria, and application procedures~~ 7993
~~as loans made from the clean Ohio revitalization fund.~~ 7994

Sec. 122.66. As used in sections 122.66 to 122.702 of the 7995
Revised Code: 7996

(A) "Poverty line" means the official poverty line 7997
established by the director of the United States office of 7998
management and budget and as revised by the ~~director~~ secretary of 7999
~~the office of community health and human~~ services in accordance 8000
with section 673(2) of the "Community Services Block Grant Act," 8001
95 Stat. 1609, 42 U.S.C.A. 9902. 8002

(B) "Low-income person" means a person whose adjusted gross 8003
income as defined in division (A) of section 5747.01 of the 8004
Revised Code is below the poverty line as defined in division (A) 8005
of this section. 8006

(C) "Advocacy" means the act of pleading for, supporting, or 8007
recommending actions on behalf of low-income persons. 8008

(D) "Community action agency" means a community-based and 8009
operated private nonprofit agency or organization that includes or 8010
is designed to include a sufficient number of projects or 8011
components to provide a range of services and activities having a 8012
measurable and potentially major impact on the causes of poverty 8013
in the community or those areas of the community where poverty is 8014
a particularly acute problem and is designated as a community 8015
action agency by the ~~office of~~ community services division 8016
pursuant to sections 122.68 and 122.69 of the Revised Code. 8017

(E) "Community" means a city, village, county, multicounty or 8018
multicounty unit, a neighborhood or other area, disregarding 8019
boundaries or political subdivisions, which provides a suitable 8020
organizational base and possesses a commonality of needs and 8021
interests for a community action program suitable to be served by 8022

a community action agency. 8023

(F) "Service area" means the geographical area served by a 8024
community action agency. 8025

Sec. 122.67. There is hereby created in the ~~department of~~ 8026
~~development services agency~~ the ~~office of~~ community services 8027
division. The director of development services shall employ and 8028
fix the compensation of professional and technical unclassified 8029
personnel as necessary to carry out the provisions of sections 8030
122.66 to 122.701 of the Revised Code. 8031

Sec. 122.68. The ~~office of~~ community services division shall: 8032
8033

(A) Administer all federal funds appropriated to the state 8034
from the "Community Services Block Grant Act," 95 Stat. 511, 42 8035
U.S.C.A. 9901, and comply with requirements imposed by that act in 8036
its application for, and administration of, the funds; 8037

(B) Designate community action agencies to receive community 8038
services block grant funds; 8039

(C) Disburse at least ninety-five per cent or such other 8040
higher maximum amount as may from time to time be designated by 8041
congress of the funds received in the state from the "Community 8042
Services Block Grant Act" to community action agencies that comply 8043
with the requirements of section 122.69 of the Revised Code and 8044
migrant and seasonal farm worker organizations that are not 8045
designated community action agencies but which provide the 8046
services described in division (B)(1) of section 122.69 of the 8047
Revised Code. 8048

(D) Provide technical assistance to community action agencies 8049
to improve program planning, development, and administration; 8050

(E) Conduct yearly performance assessments, according to 8051

criteria determined by ~~department of~~ development services agency 8052
rule, to determine whether community action agencies are in 8053
compliance with section 122.69 of the Revised Code; 8054

(F) Annually prepare and submit to the United States 8055
secretary of health and human services, the governor, the 8056
president of the Ohio senate, and the speaker of the Ohio house of 8057
representatives, a comprehensive report that includes: 8058

(1) Certification that all community action agencies 8059
designated to receive funds from the "Community Services Block 8060
Grant Act" are in compliance with section 122.69 of the Revised 8061
Code; 8062

(2) A program plan for the next federal fiscal year that has 8063
been made available for public inspection and that details how 8064
community services block grant funds will be disbursed and used 8065
during that fiscal year; 8066

(3) Information detailing how funds were expended for the 8067
current fiscal year; 8068

(4) An audit of community services block grant expenditures 8069
for the preceding federal fiscal year that is conducted in 8070
accordance with generally accepted accounting principles by an 8071
independent auditing firm that has no connection with any 8072
community action agency receiving community services block grant 8073
funds or with any employee of the ~~office~~ division. 8074

(G) Serve as a statewide advocate for social and economic 8075
opportunities for low-income persons. 8076

Sec. 122.681. (A) Except as permitted by this section, or 8077
when required by federal law, no person or government entity shall 8078
solicit, release, disclose, receive, use, or knowingly permit or 8079
participate in the use of any information regarding an individual 8080
receiving assistance pursuant to a community services division 8081

program under sections 122.66 to 122.702 of the Revised Code for 8082
any purpose not directly related to the administration of a 8083
division assistance program. 8084

(B) To the extent permitted by federal law, the division, and 8085
any entity that receives division funds to administer a division 8086
program to assist individuals, shall release information regarding 8087
an individual assistance recipient to the following: 8088

(1) A government entity responsible for administering the 8089
assistance program for purposes directly related to the 8090
administration of the program; 8091

(2) A law enforcement agency for the purpose of any 8092
investigation, prosecution, or criminal or civil proceeding 8093
relating to the administration of the assistance program; 8094

(3) A government entity responsible for administering a 8095
children's protective services program, for the purpose of 8096
protecting children. 8097

(C) To the extent permitted by federal law and section 8098
1347.08 of the Revised Code, the division, and any entity 8099
administering a division program, shall provide access to 8100
information regarding an individual assistance recipient to all of 8101
the following: 8102

(1) The individual assistance recipient; 8103

(2) The authorized representative of the individual 8104
assistance recipient; 8105

(3) The legal guardian of the individual assistance 8106
recipient; 8107

(4) The attorney of the individual assistance recipient. 8108

(D) To the extent permitted by federal law, the division, and 8109
any entity administering a division program, may do either of the 8110

following: 8111

(1) Release information about an individual assistance recipient if the recipient gives voluntary, written authorization; 8112
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(2) Release information regarding an individual assistance recipient to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need. 8114
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(E) The community services division, or an entity administering a division program, shall provide, at no cost, a copy of each written authorization to the individual who signed it. 8118
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(F) The development services agency may adopt rules defining who may serve as an individual assistance recipient's authorized representative for purposes of division (C)(2) of this section. 8122
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Sec. 122.69. (A) Any nonprofit agency or organization seeking designation as a community action agency by the ~~office of~~ community services division shall obtain the endorsement of the chief elected officials of at least two-thirds of the municipal corporations and the counties within the community to be served by the agency or organization. 8125
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(B) Any nonprofit agency or organization that receives the endorsement provided for in division (A) of this section shall be designated by the ~~office~~ division as the community action agency for the community it serves and shall receive community services block grant funds for any period of time that the nonprofit agency or organization: 8131
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(1) Provides a range of services and opportunities having a measurable and potentially major impact on the causes of poverty in the community or those areas of the community where poverty is a particularly acute problem. These activities may include but 8137
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shall not be limited to:	8141
(a) Providing activities designed to assist low-income persons, including elderly and handicapped low-income persons, to:	8142
(i) Secure and maintain meaningful employment, training, work experience, and unsubsidized employment;	8143
(ii) Attain an adequate education;	8144
(iii) Make better use of available income;	8145
(iv) Obtain and maintain adequate housing and a suitable living environment;	8146
(v) Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing, and employment-related assistance;	8147
(vi) Remove obstacles and solve personal and family problems that block the achievement of self-sufficiency;	8148
(vii) Achieve greater participation in the affairs of the community;	8149
(viii) Undertake family planning, consistent with personal and family goals and religious and moral convictions;	8150
(ix) Obtain energy assistance, conservation, and weatherization services.	8151
(b) Providing, on an emergency basis, supplies and services, nutritious foodstuffs, and related services necessary to counteract conditions of starvation and malnutrition among low-income persons;	8152
(c) Coordinating and establishing links between government and other social services programs to assure the effective delivery of services to low-income individuals;	8153
(d) Providing child care services, nutrition and health	8154
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services, transportation services, alcoholism and narcotic 8170
addiction prevention and rehabilitation services, youth 8171
development services, and community services to elderly and 8172
handicapped persons; 8173

(e) Encouraging entities in the private sector to participate 8174
in efforts to ameliorate poverty in the community. 8175

(2) Annually submits to the ~~office of community services~~ 8176
division a program plan and budget for use of community services 8177
block grant funds for the next federal fiscal year. At least ten 8178
days prior to its submission to the ~~office of community services~~ 8179
division, a copy of the program plan and budget shall be made 8180
available to the chief elected officials of the municipal 8181
corporations and counties within the service area in order to 8182
provide them the opportunity to review and comment upon such plan 8183
and budget. 8184

(3) Composes its board of directors in compliance with 8185
section (c)(3) of section 675 of ~~the~~ the "Community Services Block 8186
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9904, except that the board 8187
shall consist of not less than fifteen nor more than thirty-three 8188
members; 8189

(4) Complies with the prohibitions against discrimination and 8190
political activity, as provided in the "Community Services Block 8191
Grant Act"; 8192

(5) Complies with fiscal and program requirements established 8193
by ~~department of~~ development services agency rule. 8194

Sec. 122.70. The board of directors of a community action 8195
agency shall: 8196

(A) Select, appoint, and may remove the executive director of 8197
the community action agency; 8198

(B) Approve contracts, annual program budgets, and policies 8199

of the community action agency; 8200

(C) Advise the elected officials of any political subdivision 8201
located within its service area, and state and federal elected 8202
officials who represent its service area, of the nature and extent 8203
of poverty within its community, and advise them of any needed 8204
changes; 8205

(D) Convene public meetings to provide community members the 8206
opportunity to comment on public policies and programs to reduce 8207
poverty; 8208

(E) Annually evaluate the policies and programs of the 8209
community action agency according to criteria determined by 8210
~~department of~~ development services agency rule; 8211

(F) Submit the results of the evaluation required by division 8212
(E) of this section, along with recommendations for improved 8213
administration of the community action agency, to the ~~office of~~ 8214
community services division; 8215

(G) Adopt a code of ethics for the board of directors and the 8216
employees of the community action agency; 8217

(H) Adopt written policies describing all of the following: 8218

(1) How the community action agency is to expend and 8219
distribute the community services block grant funds that it 8220
receives from the ~~office of community services~~ division under 8221
sections 122.68 and 122.69 of the Revised Code; 8222

(2) The salary, benefits, travel expenses, and any other 8223
compensation that persons are to receive for serving on the 8224
community action agency's board of directors; 8225

(3) The operating procedures to be used by the board to 8226
conduct its meetings, to vote on all official business it 8227
considers, and to provide notice of its meetings. 8228

(I) Provide for the posting of notices in a conspicuous place 8229

indicating that the code of ethics described in division (G) of 8230
this section and the policies described in division (H) of this 8231
section are available for public inspection at the community 8232
action agency during normal business hours. 8233

Sec. 122.701. (A) Prior to designating a new community action 8234
agency or rescinding a community action agency's designation, the 8235
~~office of~~ community services division shall: 8236

(1) Determine whether a community action agency is in 8237
compliance with section 122.69 of the Revised Code; 8238

(2) Consult with the chief elected officials of political 8239
subdivisions located within a community action agency's service 8240
area, and, in designating a new community action agency, obtain 8241
their endorsement of the agency in accordance with division (A) of 8242
section 122.69 of the Revised Code; 8243

(3) Hold at least one public meeting within a community 8244
action agency's service area for the purpose of allowing citizens 8245
to comment on the community action agency's delivery of services; 8246

(4) Evaluate the proposed service area of the community 8247
action agency, and, as may be necessary, modify the boundaries of 8248
the service area so that low-income persons in the area are 8249
adequately and efficiently served. 8250

(B) After providing notice and hearing pursuant to sections 8251
119.01 to 119.13 of the Revised Code, the director of development 8252
services: 8253

(1) May rescind the designation of a community action agency 8254
~~if he finds~~ after finding that the agency is not in compliance 8255
with any or all of the provisions of section 122.69 of the Revised 8256
Code; 8257

(2) Shall rescind the designation of a community action 8258
agency upon notification from the chief elected officials of more 8259

than one-half of the municipal corporations and the counties 8260
within a community currently served by a community action agency 8261
that such agency is not endorsed by them and ~~upon a~~ after finding 8262
~~by him~~ that the agency is not in compliance with section 122.69 of 8263
the Revised Code. 8264

Any agency whose designation is rescinded pursuant to this 8265
section may appeal from an order rescinding such designation 8266
pursuant to section 119.12 of the Revised Code. 8267

Sec. 122.76. (A) The director of development services, with 8268
controlling board approval, may lend funds to minority business 8269
enterprises and to community improvement corporations, Ohio 8270
development corporations, minority contractors business assistance 8271
organizations, and minority business supplier development councils 8272
for the purpose of loaning funds to minority business enterprises 8273
~~and~~, for the purpose of procuring or improving real or personal 8274
property, or both, for the establishment, location, or expansion 8275
of industrial, distribution, commercial, or research facilities in 8276
the state, and for the purpose of contract financing, and to 8277
community development corporations that predominantly benefit 8278
minority business enterprises or are located in a census tract 8279
that has a population that is sixty per cent or more minority, if 8280
the director determines, in the director's sole discretion, that 8281
all of the following apply: 8282

(1) The project is economically sound and will benefit the 8283
people of the state by increasing opportunities for employment, by 8284
strengthening the economy of the state, or expanding minority 8285
business enterprises. 8286

(2) The proposed minority business enterprise borrower is 8287
unable to finance the proposed project through ordinary financial 8288
channels at comparable terms. 8289

(3) The value of the project is or, upon completion, will be 8290

at least equal to the total amount of the money expended in the 8291
procurement or improvement of the project. 8292

(4) The amount to be loaned by the director will not exceed 8293
seventy-five per cent of the total amount expended in the 8294
procurement or improvement of the project. 8295

(5) The amount to be loaned by the director will be 8296
adequately secured by a first or second mortgage upon the project 8297
or by mortgages, leases, liens, assignments, or pledges on or of 8298
other property or contracts as the director requires, and such 8299
mortgage will not be subordinate to any other liens or mortgages 8300
except the liens securing loans or investments made by financial 8301
institutions referred to in division (A)(3) of this section, and 8302
the liens securing loans previously made by any financial 8303
institution in connection with the procurement or expansion of all 8304
or part of a project. 8305

(B) Any proposed minority business enterprise borrower 8306
submitting an application for assistance under this section shall 8307
not have defaulted on a previous loan from the director, and no 8308
full or limited partner, major shareholder, or holder of an equity 8309
interest of the proposed minority business enterprise borrower 8310
shall have defaulted on a loan from the director. 8311

(C) The proposed minority business enterprise borrower shall 8312
demonstrate to the satisfaction of the director that it is able to 8313
successfully compete in the private sector if it obtains the 8314
necessary financial, technical, or managerial support and that 8315
support is available through the director, the minority business 8316
development office of the ~~department of~~ development services 8317
agency, or other identified and acceptable sources. In determining 8318
whether a minority business enterprise borrower will be able to 8319
successfully compete, the director may give consideration to such 8320
factors as the successful completion of or participation in 8321
courses of study, recognized by the board of regents as providing 8322

financial, technical, or managerial skills related to the 8323
operation of the business, by the economically disadvantaged 8324
individual, owner, or partner, and the prior success of the 8325
individual, owner, or partner in personal, career, or business 8326
activities, as well as to other factors identified by the 8327
director. 8328

(D) The director shall not lend funds for the purpose of 8329
procuring or improving motor vehicles or accounts receivable. 8330

Sec. 122.861. (A) As used in this section: 8331

(1) "Certified engine configuration" means a new, rebuilt, or 8332
remanufactured engine configuration that satisfies divisions 8333
(A)(1)(a) and (b) and, if applicable, division (A)(1)(c) of this 8334
section: 8335

(a) It has been certified by the administrator of the United 8336
States environmental protection agency or the California air 8337
resources board. 8338

(b) It meets or is rebuilt or remanufactured to a more 8339
stringent set of engine emission standards than when originally 8340
manufactured, as determined pursuant to Subtitle G of Title VII of 8341
the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 838, 8342
et seq. 8343

(c) In the case of a certified engine configuration involving 8344
the replacement of an existing engine, an engine configuration 8345
that replaced an engine that was removed from the vehicle and 8346
returned to the supplier for remanufacturing to a more stringent 8347
set of engine emissions standards or for scrappage. 8348

(2) "Section 793" means section 793 of the Energy Policy Act 8349
of 2005, Pub. L. No. 109-58, 119 Stat. 841, et seq. 8350

(3) "Verified technology" means a pollution control 8351
technology, including a retrofit technology, advanced truckstop 8352

electrification system, or auxiliary power unit, that has been 8353
verified by the administrator of the United States environmental 8354
protection agency or the California air resources board. 8355

(B) For the purpose of reducing emissions from diesel 8356
engines, the director of environmental protection shall administer 8357
a diesel emissions reduction grant program and a diesel emissions 8358
reduction revolving loan program. The programs shall provide for 8359
the implementation in this state of section 793 and shall 8360
otherwise be administered in compliance with the requirements of 8361
section 793, and any regulations issued pursuant to that section. 8362

The director shall apply to the administrator of the United 8363
States environmental protection agency for grant or loan funds 8364
available under section 793 to help fund the diesel emissions 8365
reduction grant program and the diesel emissions reduction 8366
revolving loan program. 8367

~~(C) There is hereby created in the state treasury the diesel 8368
emissions grant fund consisting of money appropriated to it by the 8369
general assembly, any grants obtained from the federal government 8370
under section 793, and any other grants, gifts, or other 8371
contributions of money made to the credit of the fund. Money in 8372
the fund shall be used for the purpose of making grants for 8373
projects relating to certified engine configurations and verified 8374
technologies in a manner consistent with the requirements of 8375
section 793 and any regulations issued under that section. 8376
Interest earned from moneys in the fund shall be used to 8377
administer the diesel emissions reduction grant program. 8378~~

~~(D) There is hereby created in the state treasury the diesel 8379
emissions reduction revolving loan fund consisting of money 8380
appropriated to it by the general assembly, any grants obtained 8381
from the federal government under section 793, and any other 8382
grants, gifts, or other contributions of money made to the credit 8383
of the fund. Money in the fund shall be used for the purpose of 8384~~

making loans for projects relating to certified engine 8385
configurations and verified technologies in a manner consistent 8386
with the requirements of section 793 and any regulations issued 8387
pursuant to that section. Interest earned from moneys in the fund 8388
shall be used to administer the diesel emissions reduction 8389
revolving loan program. 8390

Sec. 123.01. (A) The department of administrative services, 8391
in addition to those powers enumerated in Chapters 124. and 125. 8392
of the Revised Code and provided elsewhere by law, shall exercise 8393
the following powers: 8394

(1) To prepare and suggest comprehensive plans for the 8395
development of grounds and buildings under the control of a state 8396
agency; 8397

(2) To acquire, by purchase, gift, devise, lease, or grant, 8398
all real estate required by a state agency, in the exercise of 8399
which power the department may exercise the power of eminent 8400
domain, in the manner provided by sections 163.01 to 163.22 of the 8401
Revised Code; 8402

(3) To erect, supervise, and maintain all public monuments 8403
and memorials erected by the state, except where the supervision 8404
and maintenance is otherwise provided by law; 8405

(4) To procure, by lease, storage accommodations for a state 8406
agency; 8407

(5) To lease or grant easements or licenses for unproductive 8408
and unused lands or other property under the control of a state 8409
agency. Such leases, easements, or licenses may be granted to any 8410
person or entity, shall be for a period not to exceed fifteen 8411
years, and shall be executed for the state by the director of 8412
administrative services, provided that the director shall grant 8413
leases, easements, or licenses of university land for periods not 8414

to exceed twenty-five years for purposes approved by the 8415
respective university's board of trustees wherein the uses are 8416
compatible with the uses and needs of the university and may grant 8417
leases of university land for periods not to exceed forty years 8418
for purposes approved by the respective university's board of 8419
trustees pursuant to section 123.17 of the Revised Code. 8420

(6) To lease space for the use of a state agency; 8421

(7) To have general supervision and care of the storerooms, 8422
offices, and buildings leased for the use of a state agency; 8423

(8) To exercise general custodial care of all real property 8424
of the state; 8425

(9) To assign and group together state offices in any city in 8426
the state and to establish, in cooperation with the state agencies 8427
involved, rules governing space requirements for office or storage 8428
use; 8429

(10) To lease for a period not to exceed forty years, 8430
pursuant to a contract providing for the construction thereof 8431
under a lease-purchase plan, buildings, structures, and other 8432
improvements for any public purpose, and, in conjunction 8433
therewith, to grant leases, easements, or licenses for lands under 8434
the control of a state agency for a period not to exceed forty 8435
years. The lease-purchase plan shall provide that at the end of 8436
the lease period, the buildings, structures, and related 8437
improvements, together with the land on which they are situated, 8438
shall become the property of the state without cost. 8439

(a) Whenever any building, structure, or other improvement is 8440
to be so leased by a state agency, the department shall retain 8441
either basic plans, specifications, bills of materials, and 8442
estimates of cost with sufficient detail to afford bidders all 8443
needed information or, alternatively, all of the following plans, 8444
details, bills of materials, and specifications: 8445

(i) Full and accurate plans suitable for the use of mechanics	8446
and other builders in the improvement;	8447
(ii) Details to scale and full sized, so drawn and	8448
represented as to be easily understood;	8449
(iii) Accurate bills showing the exact quantity of different	8450
kinds of material necessary to the construction;	8451
(iv) Definite and complete specifications of the work to be	8452
performed, together with such directions as will enable a	8453
competent mechanic or other builder to carry them out and afford	8454
bidders all needed information;	8455
(v) A full and accurate estimate of each item of expense and	8456
of the aggregate cost thereof.	8457
(b) The department shall give public notice, in such	8458
newspaper, in such form, and with such phraseology as the director	8459
of administrative services prescribes, published once each week	8460
for four consecutive weeks, of the time when and place where bids	8461
will be received for entering into an agreement to lease to a	8462
state agency a building, structure, or other improvement. The last	8463
publication shall be at least eight days preceding the day for	8464
opening the bids. The bids shall contain the terms upon which the	8465
builder would propose to lease the building, structure, or other	8466
improvement to the state agency. The form of the bid approved by	8467
the department shall be used, and a bid is invalid and shall not	8468
be considered unless that form is used without change, alteration,	8469
or addition. Before submitting bids pursuant to this section, any	8470
builder shall comply with Chapter 153. of the Revised Code.	8471
(c) On the day and at the place named for receiving bids for	8472
entering into lease agreements with a state agency, the director	8473
of administrative services shall open the bids and shall publicly	8474
proceed immediately to tabulate the bids upon duplicate sheets. No	8475
lease agreement shall be entered into until the bureau of workers'	8476

compensation has certified that the person to be awarded the lease 8477
agreement has complied with Chapter 4123. of the Revised Code, 8478
until, if the builder submitting the lowest and best bid is a 8479
foreign corporation, the secretary of state has certified that the 8480
corporation is authorized to do business in this state, until, if 8481
the builder submitting the lowest and best bid is a person 8482
nonresident of this state, the person has filed with the secretary 8483
of state a power of attorney designating the secretary of state as 8484
its agent for the purpose of accepting service of summons in any 8485
action brought under Chapter 4123. of the Revised Code, and until 8486
the agreement is submitted to the attorney general and the 8487
attorney general's approval is certified thereon. Within thirty 8488
days after the day on which the bids are received, the department 8489
shall investigate the bids received and shall determine that the 8490
bureau and the secretary of state have made the certifications 8491
required by this section of the builder who has submitted the 8492
lowest and best bid. Within ten days of the completion of the 8493
investigation of the bids, the department shall award the lease 8494
agreement to the builder who has submitted the lowest and best bid 8495
and who has been certified by the bureau and secretary of state as 8496
required by this section. If bidding for the lease agreement has 8497
been conducted upon the basis of basic plans, specifications, 8498
bills of materials, and estimates of costs, upon the award to the 8499
builder the department, or the builder with the approval of the 8500
department, shall appoint an architect or engineer licensed in 8501
this state to prepare such further detailed plans, specifications, 8502
and bills of materials as are required to construct the building, 8503
structure, or improvement. The department shall adopt such rules 8504
as are necessary to give effect to this section. The department 8505
may reject any bid. Where there is reason to believe there is 8506
collusion or combination among bidders, the bids of those 8507
concerned therein shall be rejected. 8508

(11) To acquire by purchase, gift, devise, or grant and to 8509

transfer, lease, or otherwise dispose of all real property 8510
required to assist in the development of a conversion facility as 8511
defined in section 5709.30 of the Revised Code as that section 8512
existed before its repeal by Amended Substitute House Bill 95 of 8513
the 125th general assembly; 8514

(12) To lease for a period not to exceed forty years, 8515
notwithstanding any other division of this section, the 8516
state-owned property located at 408-450 East Town Street, 8517
Columbus, Ohio, formerly the state school for the deaf, to a 8518
developer in accordance with this section. "Developer," as used in 8519
this section, has the same meaning as in section 123.77 of the 8520
Revised Code. 8521

Such a lease shall be for the purpose of development of the 8522
land for use by senior citizens by constructing, altering, 8523
renovating, repairing, expanding, and improving the site as it 8524
existed on June 25, 1982. A developer desiring to lease the land 8525
shall prepare for submission to the department a plan for 8526
development. Plans shall include provisions for roads, sewers, 8527
water lines, waste disposal, water supply, and similar matters to 8528
meet the requirements of state and local laws. The plans shall 8529
also include provision for protection of the property by insurance 8530
or otherwise, and plans for financing the development, and shall 8531
set forth details of the developer's financial responsibility. 8532

The department may employ, as employees or consultants, 8533
persons needed to assist in reviewing the development plans. Those 8534
persons may include attorneys, financial experts, engineers, and 8535
other necessary experts. The department shall review the 8536
development plans and may enter into a lease if it finds all of 8537
the following: 8538

(a) The best interests of the state will be promoted by 8539
entering into a lease with the developer; 8540

(b) The development plans are satisfactory; 8541

(c) The developer has established the developer's financial 8542
responsibility and satisfactory plans for financing the 8543
development. 8544

The lease shall contain a provision that construction or 8545
renovation of the buildings, roads, structures, and other 8546
necessary facilities shall begin within one year after the date of 8547
the lease and shall proceed according to a schedule agreed to 8548
between the department and the developer or the lease will be 8549
terminated. The lease shall contain such conditions and 8550
stipulations as the director considers necessary to preserve the 8551
best interest of the state. Moneys received by the state pursuant 8552
to this lease shall be paid into the general revenue fund. The 8553
lease shall provide that at the end of the lease period the 8554
buildings, structures, and related improvements shall become the 8555
property of the state without cost. 8556

(13) To manage the use of space owned and controlled by the 8557
department, including space in property under the jurisdiction of 8558
the Ohio building authority, by doing all of the following: 8559

(a) Biennially implementing, by state agency location, a 8560
census of agency employees assigned space; 8561

(b) Periodically in the discretion of the director of 8562
administrative services: 8563

(i) Requiring each state agency to categorize the use of 8564
space allotted to the agency between office space, common areas, 8565
storage space, and other uses, and to report its findings to the 8566
department; 8567

(ii) Creating and updating a master space utilization plan 8568
for all space allotted to state agencies. The plan shall 8569
incorporate space utilization metrics. 8570

(iii) Conducting a cost-benefit analysis to determine the effectiveness of state-owned buildings;	8571 8572
(iv) Assessing the alternatives associated with consolidating the commercial leases for buildings located in Columbus.	8573 8574
(c) Commissioning a comprehensive space utilization and capacity study in order to determine the feasibility of consolidating existing commercially leased space used by state agencies into a new state-owned facility.	8575 8576 8577 8578
(14) To adopt rules to ensure that energy efficiency and conservation is considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution. The department may require minimum energy efficiency standards for purchased products and equipment based on federal testing and labeling if available or on standards developed by the department. When possible, the rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125. of the Revised Code.	8579 8580 8581 8582 8583 8584 8585 8586 8587 8588 8589
(15) To ensure energy efficient and energy conserving purchasing practices by doing all of the following:	8590 8591
(a) Identifying available energy efficiency and conservation opportunities;	8592 8593
(b) Providing for interchange of information among purchasing agencies;	8594 8595
(c) Identifying laws, policies, rules, and procedures that should be modified;	8596 8597
(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products	8598 8599 8600

having a significant impact on energy consumption by the 8601
government; 8602

(e) Providing technical assistance and training to state 8603
employees involved in the purchasing process; 8604

(f) Working with the ~~department of~~ development services 8605
agency to make recommendations regarding planning and 8606
implementation of purchasing policies and procedures that are 8607
supportive of energy efficiency and conservation. 8608

(16) To require all state agencies, departments, divisions, 8609
bureaus, offices, units, commissions, boards, authorities, 8610
quasi-governmental entities, institutions, and state institutions 8611
of higher education to implement procedures to ensure that all of 8612
the passenger automobiles they acquire in each fiscal year, except 8613
for those passenger automobiles acquired for use in law 8614
enforcement or emergency rescue work, achieve a fleet average fuel 8615
economy of not less than the fleet average fuel economy for that 8616
fiscal year as the department shall prescribe by rule. The 8617
department shall adopt the rule prior to the beginning of the 8618
fiscal year, in accordance with the average fuel economy standards 8619
established by federal law for passenger automobiles manufactured 8620
during the model year that begins during the fiscal year. 8621

Each state agency, department, division, bureau, office, 8622
unit, commission, board, authority, quasi-governmental entity, 8623
institution, and state institution of higher education shall 8624
determine its fleet average fuel economy by dividing the total 8625
number of passenger vehicles acquired during the fiscal year, 8626
except for those passenger vehicles acquired for use in law 8627
enforcement or emergency rescue work, by a sum of terms, each of 8628
which is a fraction created by dividing the number of passenger 8629
vehicles of a given make, model, and year, except for passenger 8630
vehicles acquired for use in law enforcement or emergency rescue 8631
work, acquired during the fiscal year by the fuel economy measured 8632

by the administrator of the United States environmental protection 8633
agency, for the given make, model, and year of vehicle, that 8634
constitutes an average fuel economy for combined city and highway 8635
driving. 8636

As used in division (A)(16) of this section, "acquired" means 8637
leased for a period of sixty continuous days or more, or 8638
purchased. 8639

(B) This section and section 125.02 of the Revised Code shall 8640
not interfere with any of the following: 8641

(1) The power of the adjutant general to purchase military 8642
supplies, or with the custody of the adjutant general of property 8643
leased, purchased, or constructed by the state and used for 8644
military purposes, or with the functions of the adjutant general 8645
as director of state armories; 8646

(2) The power of the director of transportation in acquiring 8647
rights-of-way for the state highway system, or the leasing of 8648
lands for division or resident district offices, or the leasing of 8649
lands or buildings required in the maintenance operations of the 8650
department of transportation, or the purchase of real property for 8651
garage sites or division or resident district offices, or in 8652
preparing plans and specifications for and constructing such 8653
buildings as the director may require in the administration of the 8654
department; 8655

(3) The power of the director of public safety and the 8656
registrar of motor vehicles to purchase or lease real property and 8657
buildings to be used solely as locations to which a deputy 8658
registrar is assigned pursuant to division (B) of section 4507.011 8659
of the Revised Code and from which the deputy registrar is to 8660
conduct the deputy registrar's business, the power of the director 8661
of public safety to purchase or lease real property and buildings 8662
to be used as locations for division or district offices as 8663

required in the maintenance of operations of the department of 8664
public safety, and the power of the superintendent of the state 8665
highway patrol in the purchase or leasing of real property and 8666
buildings needed by the patrol, to negotiate the sale of real 8667
property owned by the patrol, to rent or lease real property owned 8668
or leased by the patrol, and to make or cause to be made repairs 8669
to all property owned or under the control of the patrol; 8670

(4) The power of the division of liquor control in the 8671
leasing or purchasing of retail outlets and warehouse facilities 8672
for the use of the division; 8673

(5) The power of the director of development services to 8674
enter into leases of real property, buildings, and office space to 8675
be used solely as locations for the state's foreign offices to 8676
carry out the purposes of section 122.05 of the Revised Code; 8677

(6) The power of the director of environmental protection to 8678
enter into environmental covenants, to grant and accept easements, 8679
or to sell property pursuant to division (G) of section 3745.01 of 8680
the Revised Code. 8681

(C) Purchases for, and the custody and repair of, buildings 8682
under the management and control of the capitol square review and 8683
advisory board, the ~~rehabilitation services commission~~ 8684
opportunities for Ohioans with disabilities agency, the bureau of 8685
workers' compensation, or the departments of public safety, job 8686
and family services, ~~mental health~~ mental health and addiction 8687
services, developmental disabilities, and rehabilitation and 8688
correction; buildings of educational and benevolent institutions 8689
under the management and control of boards of trustees; and 8690
purchases or leases for, and the custody and repair of, office 8691
space used for the purposes of the joint legislative ethics 8692
committee are not subject to the control and jurisdiction of the 8693
department of administrative services. 8694

If the joint legislative ethics committee so requests, the 8695
committee and the director of administrative services may enter 8696
into a contract under which the department of administrative 8697
services agrees to perform any services requested by the committee 8698
that the department is authorized under this section to perform. 8699

(D) Any instrument by which real property is acquired 8700
pursuant to this section shall identify the agency of the state 8701
that has the use and benefit of the real property as specified in 8702
section 5301.012 of the Revised Code. 8703

Sec. 123.10. (A) As used in this section and section 123.11 8704
of the Revised Code, "public exigency" means an injury or 8705
obstruction that occurs in any public works of the state 8706
maintained by the director of administrative services and that 8707
materially impairs its immediate use or places in jeopardy 8708
property adjacent to it; an immediate danger of such an injury or 8709
obstruction; or an injury or obstruction, or an immediate danger 8710
of an injury or obstruction, that occurs in any public works of 8711
the state maintained by the director of administrative services 8712
and that materially impairs its immediate use or places in 8713
jeopardy property adjacent to it. 8714

(B) When a declaration of public exigency is issued pursuant 8715
to division (C) of this section, ~~the director of administrative~~ 8716
~~services may request~~ the Ohio facilities construction commission 8717
~~to~~ shall enter into contracts with proper persons for the 8718
performance of labor, the furnishing of materials, or the 8719
construction of any structures and buildings necessary to the 8720
maintenance, control, and management of the public works of the 8721
state or any part of those public works. Any contracts awarded for 8722
the work performed pursuant to the declaration of a public 8723
exigency may be awarded without competitive bidding or selection 8724
as set forth in Chapter 153. of the Revised Code. 8725

(C) The executive director of ~~administrative services~~ the Ohio facilities construction commission may issue a declaration of a public exigency on the executive director's own initiative or upon the request of the director of any state agency. The executive director's declaration shall identify the specific injury, obstruction, or danger that is the subject of the declaration and shall set forth a dollar limitation for the repair, removal, or prevention of that exigency under the declaration.

Before any project to repair, remove, or prevent a public exigency under the executive director's declaration may begin, the executive director shall send notice of the project, in writing, to the director of budget and management and to the members of the controlling board. That notice shall detail the project to be undertaken to address the public exigency and shall include a copy of the executive director's declaration that establishes the monetary limitations on that project.

Sec. 123.11. When a public exigency, as defined in division (A) of section 123.10 of the Revised Code, exists, the executive director of ~~administrative services~~ the Ohio facilities construction commission may take possession of lands and use them, or materials and other property necessary for the maintenance, protection, or repair of the public works, in accordance with sections 163.01 to 163.22 of the Revised Code.

Sec. 123.19. There is hereby established in the state treasury the theater equipment maintenance fund. All appropriate theater-related revenues of the department of administrative services, as determined by the department, shall be credited to that fund and to any accounts created in that fund with the department's approval. All appropriate theater-related expenses of the department, as determined by the department, including

reimbursement of, or payment to, any other fund or any 8757
governmental agency for advances made or services rendered to or 8758
on behalf of the department, shall be paid from that fund as 8759
determined by or pursuant to directions of the department. All 8760
investment earnings of that fund shall be credited to it and shall 8761
be allocated among any accounts created in the fund in the manner 8762
determined by the department. 8763

Sec. 123.201. (A) There is hereby created in the state 8764
treasury the Ohio facilities construction commission fund, 8765
consisting of transfers of moneys authorized by the general 8766
assembly and revenues received by the Ohio facilities construction 8767
commission under section 123.21 of the Revised Code. Investment 8768
earnings on moneys in the fund shall be credited to the fund. 8769
Moneys in the fund may be used by the commission, in performing 8770
its duties under this chapter, to pay personnel and other 8771
administrative expenses, to pay the cost of preparing building 8772
design specifications, to pay the cost of providing project 8773
management services, and for other purposes determined by the 8774
commission to be necessary to fulfill its duties under this 8775
chapter. 8776

(B)(1) There is hereby created in the state treasury the 8777
cultural and sports facilities building fund, consisting of 8778
proceeds of obligations authorized to pay costs of Ohio cultural 8779
facilities and Ohio sports facilities for which appropriations are 8780
made by the general assembly. All investment earnings of the fund 8781
shall be credited to the fund. 8782

(2) Upon the request of the executive director of the Ohio 8783
facilities construction commission and subject to applicable tax 8784
law limitations, the director of budget and management may 8785
transfer to the Ohio cultural facilities administration fund 8786
moneys credited to the cultural and sports facilities building 8787

fund to pay the costs of administering projects funded through the 8788
cultural and sports facilities building fund. 8789

(C) There is hereby created in the state treasury the Ohio 8790
cultural facilities administration fund, consisting of transfers 8791
of money authorized by the general assembly and revenues received 8792
by the commission under division (A)(9) of section 123.21 of the 8793
Revised Code. Moneys in the fund may be used by the Ohio 8794
facilities construction commission in administering projects 8795
funded through the cultural and sports facilities building fund 8796
pursuant to sections 123.28 and 123.281 of the Revised Code. All 8797
investment earnings of that fund shall be credited to it and shall 8798
be allocated among any accounts created in the fund in the manner 8799
determined by the commission. 8800

(D)(1) There is hereby created in the state treasury the 8801
capital donations fund, which shall be administered by the Ohio 8802
facilities construction commission. The fund consists of gifts, 8803
grants, devises, bequests, and other financial contributions made 8804
to the commission for the construction or improvement of cultural 8805
and sports facilities and shall be used in accordance with the 8806
specific purposes for which the gifts, grants, devises, bequests, 8807
or other financial contributions are made. All investment earnings 8808
of the fund shall be credited to the fund. Chapters 123., 125., 8809
127., and 153. and section 3517.13 of the Revised Code do not 8810
apply to contract obligations paid from the fund, notwithstanding 8811
anything to the contrary in those chapters or that section. 8812

(2) Not later than one month following the end of each 8813
quarter of the fiscal year, the commission shall allocate the 8814
amounts credited to the fund from investment earnings during that 8815
preceding quarter of the fiscal year among the specific projects 8816
for which they are to be used and shall certify this information 8817
to the director of budget and management. 8818

(3) If the amounts credited to the fund for a particular 8819

project exceed what is required to complete that project, the 8820
commission may refund any of those excess amounts, including 8821
unexpended investment earnings attributable to those amounts, to 8822
the entity from which they were received. 8823

Sec. 123.21. (A) The Ohio facilities construction commission 8824
may perform any act and ensure the performance of any function 8825
necessary or appropriate to carry out the purposes of, and 8826
exercise the powers granted under this chapter or any other 8827
provision of the Revised Code, including any of the following: 8828

(1) Prepare, or contract to be prepared, by licensed 8829
engineers or architects, surveys, general and detailed plans, 8830
specifications, bills of materials, and estimates of cost for any 8831
projects, improvements, or public buildings to be constructed by 8832
state agencies that may be authorized by legislative 8833
appropriations or any other funds made available therefor, 8834
provided that the construction of the projects, improvements, or 8835
public buildings is a statutory duty of the commission. This 8836
section does not require the independent employment of an 8837
architect or engineer as provided by section 153.01 of the Revised 8838
Code in the cases to which section 153.01 of the Revised Code 8839
applies. This section does not affect or alter the existing powers 8840
of the director of transportation. 8841

(2) Have general supervision over the construction of any 8842
projects, improvements, or public buildings constructed for a 8843
state agency and over the inspection of materials prior to their 8844
incorporation into those projects, improvements, or buildings. 8845

(3) Make contracts for and supervise the design and 8846
construction of any projects and improvements or the construction 8847
and repair of buildings under the control of a state agency. All 8848
such contracts may be based in whole or in part on the unit price 8849
or maximum estimated cost, with payment computed and made upon 8850

actual quantities or units. 8851

(4) Adopt, amend, and rescind rules pertaining to the 8852
administration of the construction of the public works of the 8853
state as required by law, in accordance with Chapter 119. of the 8854
Revised Code. 8855

(5) Contract with, retain the services of, or designate, and 8856
fix the compensation of, such agents, accountants, consultants, 8857
advisers, and other independent contractors as may be necessary or 8858
desirable to carry out the programs authorized under this chapter, 8859
or authorize the executive director to perform such powers and 8860
duties. 8861

(6) Receive and accept any gifts, grants, donations, and 8862
pledges, and receipts therefrom, to be used for the programs 8863
authorized under this chapter. 8864

(7) Make and enter into all contracts, commitments, and 8865
agreements, and execute all instruments, necessary or incidental 8866
to the performance of its duties and the execution of its rights 8867
and powers under this chapter, or authorize the executive director 8868
to perform such powers and duties. 8869

(8) Debar a contractor as provided in section 153.02 of the 8870
Revised Code. 8871

(9) Enter into and administer cooperative agreements for 8872
cultural projects, as provided in sections 123.28 and 123.281 of 8873
the Revised Code. 8874

(B) The commission shall appoint and fix the compensation of 8875
an executive director who shall serve at the pleasure of the 8876
commission. The executive director shall exercise all powers that 8877
the commission possesses, supervise the operations of the 8878
commission, and perform such other duties as delegated by the 8879
commission. The executive director also shall employ and fix the 8880
compensation of such employees as will facilitate the activities 8881

and purposes of the commission, who shall serve at the pleasure of 8882
the executive director. The employees of the commission are exempt 8883
from Chapter 4117. of the Revised Code and are not considered 8884
public employees as defined in section 4117.01 of the Revised 8885
Code. Any agreement entered into prior to July 1, 2012, between 8886
the office of collective bargaining and the exclusive 8887
representative for employees of the commission is binding and 8888
shall continue to have effect. 8889

(C) The attorney general shall serve as the legal 8890
representative for the commission and may appoint other counsel as 8891
necessary for that purpose in accordance with section 109.07 of 8892
the Revised Code. 8893

Sec. 123.27. (A) As used in this section: 8894

"Capital facilities project" means the construction, 8895
reconstruction, improvement, enlargement, alteration, or repair of 8896
a building by a public entity. 8897

"Public entity" includes a state agency and a state 8898
institution of higher education. 8899

"State institution of higher education" has the same meaning 8900
as in section 3345.011 of the Revised Code. 8901

(B) Commencing not later than July 1, 2012, and upon 8902
completion of a capital facilities project that is funded wholly 8903
or in part using state funds, each public entity shall submit a 8904
report about the project to the executive director of the Ohio 8905
facilities construction commission. The report shall be submitted 8906
in Ohio administrative knowledge system capital improvement format 8907
or in a manner determined by the executive director and not later 8908
than thirty days after the project is complete. The report shall 8909
provide the total original contract bid, total cost of change 8910
orders, total actual cost of the project, total costs incurred for 8911

mediation and litigation services, and any other data requested by 8912
the executive director. The first report submitted pursuant to 8913
this division shall include information about any capital 8914
facilities project completed on or after July 1, 2011. Any capital 8915
facilities project that is funded wholly or in part through 8916
appropriations made to the Ohio school facilities commission, or 8917
the Ohio public works commission, ~~or the Ohio cultural facilities~~ 8918
~~commission,~~ or for which a joint use agreement has been entered 8919
into with any public entity, is exempt from the reporting 8920
requirement prescribed under this division. 8921

(C) Commencing not later than July 1, 2012, and annually 8922
thereafter, the attorney general shall report to the executive 8923
director of the Ohio facilities construction commission on any 8924
mediation and litigation costs associated with capital facilities 8925
projects for which a judgment has been rendered. The report shall 8926
be submitted in a manner prescribed by the executive director and 8927
shall contain any information requested by the executive director 8928
related to capital facilities project mediation and litigation 8929
costs. 8930

(D) As soon as practicable after such information is made 8931
available, the executive director of the Ohio facilities 8932
construction commission shall incorporate the information reported 8933
pursuant to divisions (B) and (C) of this section into the Ohio 8934
administrative knowledge system. 8935

Sec. ~~3383.01~~ 123.28. As used in this ~~chapter~~ section and in 8936
section 123.281 of the Revised Code: 8937

(A) "Culture" means any of the following: 8938

(1) Visual, musical, dramatic, graphic, design, and other 8939
arts, including, but not limited to, architecture, dance, 8940
literature, motion pictures, music, painting, photography, 8941
sculpture, and theater, and the provision of training or education 8942

in these arts; 8943

(2) The presentation or making available, in museums or other 8944
indoor or outdoor facilities, of principles of science and their 8945
development, use, or application in business, industry, or 8946
commerce or of the history, heritage, development, presentation, 8947
and uses of the arts described in division (A)(1) of this section 8948
and of transportation; 8949

(3) The preservation, presentation, or making available of 8950
features of archaeological, architectural, environmental, or 8951
historical interest or significance in a state historical facility 8952
or a local historical facility. 8953

(B) "Cultural organization" means either of the following: 8954

(1) A governmental agency or Ohio nonprofit corporation, 8955
including the Ohio historical society, that provides programs or 8956
activities in areas directly concerned with culture; 8957

(2) A regional arts and cultural district as defined in 8958
section 3381.01 of the Revised Code. 8959

(C) "Cultural project" means all or any portion of an Ohio 8960
cultural facility for which the general assembly has ~~specifically~~ 8961
~~authorized the spending of money, or made an appropriation,~~ 8962
~~pursuant to division (D)(3) or (E) of section 3383.07 of the~~ 8963
Revised Code or has specifically authorized the spending of money 8964
or the making of rental payments relating to the financing of 8965
construction. 8966

(D) "Cooperative contract" means a contract between the Ohio 8967
~~cultural~~ facilities construction commission and a cultural 8968
organization providing the terms and conditions of the cooperative 8969
use of an Ohio cultural facility. 8970

(E) "Costs of operation" means amounts required to manage an 8971
Ohio cultural facility that are incurred following the completion 8972

of construction of its cultural project, provided that both of the 8973
following apply: 8974

(1) Those amounts either: 8975

(a) Have been committed to a fund dedicated to that purpose; 8976

(b) Equal the principal of any endowment fund, the income 8977
from which is dedicated to that purpose. 8978

(2) The commission and the cultural organization have 8979
executed an agreement with respect to either of those funds. 8980

(F) ~~"General building services" means general building 8981
services for an Ohio cultural facility or an Ohio sports facility,~~ 8982
~~including, but not limited to, general custodial care, security,~~ 8983
~~maintenance, repair, painting, decoration, cleaning, utilities,~~ 8984
~~fire safety, grounds and site maintenance and upkeep, and~~ 8985
~~plumbing.~~ 8986

~~(G)~~ "Governmental agency" means ~~a state agency, a 8987
state supported or state assisted institution of higher education,~~ 8988
a municipal corporation, county, township, or school district, a 8989
port authority created under Chapter 4582. of the Revised Code, 8990
any other political subdivision or special district in this state 8991
established by or pursuant to law, or any combination of these 8992
entities; except where otherwise indicated, the United States or 8993
any department, division, or agency of the United States, or any 8994
agency, commission, or authority established pursuant to an 8995
interstate compact or agreement. 8996

~~(H)~~(G) "Local contributions" means the value of an asset 8997
provided by or on behalf of a cultural organization from sources 8998
other than the state, the value and nature of which shall be 8999
approved by the Ohio ~~cultural~~ facilities construction commission, 9000
in its sole discretion. "Local contributions" may include the 9001
value of the site where a cultural project is to be constructed. 9002
All "local contributions," except a contribution attributable to 9003

such a site, shall be for the costs of construction of a cultural 9004
project or the creation or expansion of an endowment for the costs 9005
of operation of a cultural facility. 9006

~~(I)~~(H) "Local historical facility" means a site or facility, 9007
other than a state historical facility, of archaeological, 9008
architectural, environmental, or historical interest or 9009
significance, or a facility, including a storage facility, 9010
appurtenant to the operations of such a site or facility, that is 9011
owned by a cultural organization, ~~provided the facility meets the~~ 9012
~~requirements of division (K)(2)(b) of this section, is managed by~~ 9013
~~or pursuant to a contract with the Ohio cultural facilities~~ 9014
~~commission,~~ and is used for or in connection with the cultural 9015
activities ~~of the commission,~~ including the presentation or making 9016
available of culture to the public. 9017

~~(J)~~(I) "Manage," "operate," or "management" means the 9018
provision of, or the exercise of control over the provision of, 9019
activities: 9020

(1) Relating to culture for an Ohio cultural facility, 9021
including as applicable, but not limited to, providing for 9022
displays, exhibitions, specimens, and models; booking of artists, 9023
performances, or presentations; scheduling; and hiring or 9024
contracting for directors, curators, technical and scientific 9025
staff, ushers, stage managers, and others directly related to the 9026
cultural activities in the facility; but not including general 9027
building services; 9028

(2) Relating to sports and athletic events for an Ohio sports 9029
facility, including as applicable, but not limited to, providing 9030
for booking of athletes, teams, and events; scheduling; and hiring 9031
or contracting for staff, ushers, managers, and others directly 9032
related to the sports and athletic events in the facility; but not 9033
including general building services. 9034

(K) (J) "Ohio cultural facility" means any of the following:	9035
(1) The theaters located in the state office tower at 77 South High street in Columbus;	9036 9037
(2) Any capital <u>cultural</u> facility in this state to which both of the following apply:	9038 9039
(a) The construction of a cultural project related to the facility was authorized or funded by the general assembly pursuant to division (D)(3) of section 3383.07 of the Revised Code and proceeds of state bonds are used for costs of the cultural project.	9040 9041 9042 9043 9044
(b) The facility <u>that</u> is managed directly by, or is subject to a cooperative or management contract with, the Ohio cultural facilities <u>construction</u> commission, and is used for or in connection with the activities of the commission, including the presentation or making available of culture to the public and the provision of training or education in culture.	9045 9046 9047 9048 9049 9050
(3) A state historical facility or a local historical facility.	9051 9052
(L) "State agency" means the state or any of its branches, officers, boards, commissions, authorities, departments, divisions, or other units or agencies.	9053 9054 9055
(M) (K) "Construction" includes acquisition, including acquisition by lease-purchase, demolition, reconstruction, alteration, renovation, remodeling, enlargement, improvement, site improvements, and related equipping and furnishing.	9056 9057 9058 9059
(N) (L) "State historical facility" means a site or facility that has all of the following characteristics:	9060 9061
(1) It is created, supervised, operated, protected, maintained, and promoted by the Ohio historical society pursuant to the society's performance of public functions under sections	9062 9063 9064

149.30 and 149.302 of the Revised Code. 9065

(2) Its title must reside wholly or in part with the state, 9066
the society, or both the state and the society. 9067

(3) It is managed directly by or is subject to a cooperative 9068
or management contract with the Ohio ~~cultural~~ facilities 9069
construction commission and is used for or in connection with ~~the~~ 9070
cultural activities ~~of the commission~~, including the presentation 9071
or making available of culture to the public. 9072

~~(O)~~(M) "Ohio sports facility" means all or a portion of a 9073
stadium, arena, tennis facility, motorsports complex, or other 9074
capital facility in this state. A primary purpose of the facility 9075
shall be to provide a site or venue for the presentation to the 9076
public of motorsports events, professional tennis tournaments, or 9077
events of one or more major or minor league professional athletic 9078
or sports teams that are associated with the state or with a city 9079
or region of the state. The facility shall be, in the case of a 9080
motorsports complex, owned by the state or governmental agency, or 9081
in all other instances, owned by or located on real property owned 9082
by the state or a governmental agency, and includes all parking 9083
facilities, walkways, and other auxiliary facilities, equipment, 9084
furnishings, and real and personal property and interests and 9085
rights therein, that may be appropriate for or used for or in 9086
connection with the facility or its operation, for capital costs 9087
of which state funds are spent pursuant to ~~this chapter~~ this 9088
section and section 123.281 of the Revised Code. A facility 9089
constructed as an Ohio sports facility may be both an Ohio 9090
cultural facility and an Ohio sports facility. 9091

~~(P)~~(N) "Motorsports" means sporting events in which motor 9092
vehicles are driven on a clearly demarcated tracked surface. 9093

Sec. ~~3383-07~~ 123.281. (A) The Ohio facilities construction 9094
commission shall provide for the construction of a cultural 9095

project in conformity with Chapter 153. of the Revised Code, 9096
except as follows: 9097

~~(1) For a cultural project other than a state historical 9098
facility, construction services may be provided on behalf of the 9099
state by the Ohio cultural facilities commission, or by for 9100
construction services provided on behalf of the state by a 9101
governmental agency or a cultural organization in accordance with 9102
divisions (B) and (C) of this section. 9103~~

~~(B) In order for a governmental agency or a cultural 9104
organization that occupies, will occupy, or is responsible for the 9105
Ohio cultural facility, as determined by the Ohio cultural 9106
facilities commission. For a project receiving a state 9107
appropriation of fifty thousand dollars or less, the Ohio cultural 9108
facilities commission may delegate to its executive director the 9109
authority to approve the provision of construction services by 9110
such an agency or organization, but not the authority to 9111
disapprove that provision. Construction services to be provided by 9112
a governmental agency or a cultural organization shall be 9113
specified in an agreement between the Ohio cultural facilities 9114
commission and the governmental agency or cultural organization. 9115
The agreement, or any actions taken under it, are not subject to 9116
Chapter 123. or 153. of the Revised Code, except for sections 9117
123.081 and 153.011 of the Revised Code, and shall be subject to 9118
Chapter 4115. of the Revised Code. 9119~~

~~(2) For a cultural project that is to provide construction 9120
services on behalf of the state for a cultural project, other than 9121
a state historical facility, for which the general assembly has 9122
made an appropriation or specifically authorized the spending of 9123
money or the making of rental payments relating to the financing 9124
of the construction, the governmental agency or cultural 9125
organization shall submit to the Ohio facilities construction 9126
commission a cooperative agreement that includes, but is not 9127~~

<u>limited to, provisions that:</u>	9128
<u>(1) Specify how the proposed project will support culture, as defined in section 123.28 of the Revised Code;</u>	9129
<u>(2) Specify that the governmental agency or cultural organization has local contributions amounting to not less than fifty per cent of the total state funding for the cultural project;</u>	9130
<u>(3) Specify that the funds shall be used only for construction, as defined in section 123.28 of the Revised Code;</u>	9131
<u>(4) Identify the facility to be constructed, renovated, remodeled, or improved;</u>	9132
<u>(5) Specify that the project scope meets the intent and purpose of the project appropriation and that the project can be completed and ready for full occupancy without exceeding appropriated funds;</u>	9133
<u>(6) Specify that the governmental agency or cultural organization shall hold the Ohio facilities construction commission harmless from all liability for the operation and maintenance costs of the facility;</u>	9134
<u>(7) Specify that the agreement or any actions taken under it are not subject to Chapters 123. or 153. of the Revised Code, except for section 153.011 of the Revised Code, and are subject to Chapter 4115. of the Revised Code; and</u>	9135
<u>(8) Provide that amendments to the agreement shall require the approval of the Ohio facilities construction commission.</u>	9136
<u>(C) In order for a cultural organization to provide construction services on behalf of the state for a state historical facility, construction services may be provided by the Ohio cultural facilities commission or by a cultural organization that occupies, will occupy, or is responsible for the facility, as</u>	9137
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determined by the Ohio cultural facilities commission. For a 9158
facility receiving a state appropriation of fifty thousand dollars 9159
or less, the Ohio cultural facilities commission may delegate to 9160
its executive director the authority to approve the provision of 9161
construction services by such an organization, but not the 9162
authority to disapprove that provision. The construction services 9163
to be provided by the cultural organization shall be specified in 9164
an agreement between the Ohio cultural facilities commission and 9165
the cultural organization. That agreement, and any actions taken 9166
under it, are not subject to Chapter 123., 153., or 4115. of the 9167
Revised Code. 9168

(B) For an Ohio sports facility that is financed in part by 9169
obligations issued pursuant to Chapter 154. of the Revised Code, 9170
construction services shall be provided on behalf of the state by 9171
or at the direction of the governmental agency or nonprofit 9172
corporation that will own or be responsible for the management of 9173
the facility, all as determined by the Ohio cultural facilities 9174
commission. For a facility receiving a state appropriation of 9175
fifty thousand dollars or less, the Ohio cultural facilities 9176
commission may delegate to its executive director the authority to 9177
approve the provision of construction services by or at the 9178
direction of the agency or corporation, but not the authority to 9179
disapprove that provision. Any construction services to be 9180
provided by a governmental agency or nonprofit corporation shall 9181
be specified in an agreement between the Ohio cultural facilities 9182
commission and the governmental agency or nonprofit corporation. 9183
That agreement, and any actions taken under it, are not subject to 9184
Chapter 123. or 153. of the Revised Code, except for sections 9185
123.081 and 153.011 of the Revised Code, and shall be subject to 9186
Chapter 4115. of the Revised Code. 9187

(C) General building services for an Ohio cultural facility 9188
shall be provided by the Ohio cultural facilities commission or by 9189

~~a cultural organization that occupies, will occupy, or is responsible for the facility, as determined by the Ohio cultural facilities commission. For a facility receiving a state appropriation of fifty thousand dollars or less, the Ohio cultural facilities commission may delegate to its executive director the authority to approve the provision of general building services by such an organization, but not the authority to disapprove that provision. Alternatively, the Ohio building authority may elect to provide those services for Ohio cultural facilities financed with proceeds of state bonds issued by the authority. The costs of management and general building services shall be paid by the cultural organization that occupies, will occupy, or is responsible for the facility as provided in an agreement between the Ohio cultural facilities commission and the cultural organization, except that the state may pay for general building services for state owned cultural facilities constructed on state owned land.~~

~~General building services for an Ohio sports facility shall be provided by or at the direction of the governmental agency or nonprofit corporation that will be responsible for the management of the facility, all as determined by the Ohio cultural facilities commission. For a facility receiving a state appropriation of fifty thousand dollars or less, the Ohio cultural facilities commission may delegate to its executive director the authority to approve the provision of general building services by or at the direction of the agency or corporation, but not the authority to disapprove that provision. Any general building services to be provided by a governmental agency or nonprofit corporation for an Ohio sports facility shall be specified in an agreement between the Ohio cultural facilities commission and the governmental agency or nonprofit corporation. That agreement, and any actions taken under it, are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.081 and 153.011 of the~~

~~Revised Code, and shall be subject to Chapter 4115. of the Revised Code.~~ 9223
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~~(D) This division does not apply to a state historical facility. No state funds, including any state bond proceeds, shall be spent on the construction of any cultural project under this chapter unless, with respect to the cultural project and to the Ohio cultural facility related to the project, all of the following apply:~~ 9225
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~~(1) The Ohio cultural facilities commission has determined that there is a need for the cultural project and the Ohio cultural facility related to the project in the region of the state in which the Ohio cultural facility is located or for which the facility is proposed. For a project receiving a state appropriation of fifty thousand dollars or less, the Ohio cultural facilities commission may delegate to its executive director the authority to determine need but only in the affirmative.~~ 9231
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~~(2) The Ohio cultural facilities commission has determined that, as an indication of substantial regional support for the cultural project, the cultural organization has made provision satisfactory to the Ohio cultural facilities commission, in its sole discretion, for local contributions amounting to not less than fifty per cent of the total state funding for the cultural project. For a project receiving a state appropriation of fifty thousand dollars or less, the Ohio cultural facilities commission may delegate to its executive director the authority to determine the adequacy of the regional support but only in the affirmative.~~ 9239
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~~(3) The general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the cultural project, or for rental payments relating to the financing of the construction of the cultural project. Authorization to spend money, or an appropriation, for planning the cultural project does not constitute authorization to~~ 9249
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~~spend money on, or an appropriation for, construction of the~~ 9255
~~cultural project.~~ 9256

~~(E) No state funds, including any state bond proceeds, shall~~ 9257
~~be spent on the construction of any state historical facility~~ 9258
~~under this chapter unless the general assembly has specifically~~ 9259
~~authorized the spending of money on, or made an appropriation for,~~ 9260
~~the construction of the state historical project related to the~~ 9261
~~facility, or for rental payments relating to the financing of the~~ 9262
~~construction of the state historical project. Authorization to~~ 9263
~~spend money, or an appropriation, for planning the state~~ 9264
~~historical project does not constitute authorization to spend~~ 9265
~~money on, or an appropriation for, the construction of the state~~ 9266
~~historical project.~~ 9267

~~(F) for which the general assembly has made an appropriation~~ 9268
~~or specifically authorized the spending of money or the making of~~ 9269
~~rental payments relating to the financing of the construction, the~~ 9270
~~cultural organization shall submit to the Ohio facilities~~ 9271
~~construction commission a cooperative agreement that includes, but~~ 9272
~~is not limited to, provisions that:~~ 9273

~~(1) Specify how the proposed project will support culture, as~~ 9274
~~defined in section 123.28 of the Revised Code;~~ 9275

~~(2) Specify that the funds shall be used only for~~ 9276
~~construction, as defined in section 123.28 of the Revised Code;~~ 9277

~~(3) Identify the facility to be constructed, renovated,~~ 9278
~~remodeled, or improved;~~ 9279

~~(4) Specify that the project scope meets the intent and~~ 9280
~~purpose of the project appropriation and that the project can be~~ 9281
~~completed and ready for full occupancy without exceeding~~ 9282
~~appropriated funds;~~ 9283

~~(5) Specify that the cultural organization shall hold the~~ 9284
~~Ohio facilities construction commission harmless from all~~ 9285

liability for the operation and maintenance costs of the facility; 9286

(6) Specify that the agreement or any actions taken under it 9287
are not subject to Chapters 123., 153., or 4115. of the Revised 9288
Code; and 9289

(7) Provide that amendments to the agreement shall require 9290
the approval of the Ohio facilities construction commission. 9291

(D) State funds shall not be used to pay or reimburse more 9292
than fifteen per cent of the initial estimated construction cost 9293
of an Ohio sports facility, excluding any site acquisition cost, 9294
and no state funds, including any state bond proceeds, shall be 9295
spent on any Ohio sports facility under this chapter unless, with 9296
respect to that facility, all of the following apply: 9297

(1) The Ohio cultural facilities construction commission has 9298
determined that there is a need for the facility in the region of 9299
the state for which the facility is proposed to provide the 9300
function of an Ohio sports facility as provided for in this 9301
chapter. For a facility receiving a state appropriation of fifty 9302
thousand dollars or less, the Ohio cultural facilities commission 9303
may delegate to its executive director the authority to determine 9304
need but only in the affirmative. 9305

(2) As an indication of substantial local support for the 9306
facility, the Ohio cultural facilities commission has received a 9307
financial and development plan satisfactory to it, and provision 9308
has been made, by agreement or otherwise, satisfactory to the Ohio 9309
cultural facilities commission, for a contribution amounting to 9310
not less than eighty-five per cent of the total estimated 9311
construction cost of the facility, excluding any site acquisition 9312
cost, from sources other than the state. For a facility receiving 9313
a state appropriation of fifty thousand dollars or less, the Ohio 9314
cultural facilities commission may delegate to its executive 9315
director the authority to evaluate the financial and development 9316

~~plan and the contribution and to determine their adequacy but only~~ 9317
~~in the affirmative.~~ 9318

~~(3)~~(2) The general assembly has specifically authorized the 9319
spending of money on, or made an appropriation for, the 9320
construction of the facility, or for rental payments relating to 9321
state financing of all or a portion of the costs of constructing 9322
the facility. Authorization to spend money, or an appropriation, 9323
for planning or determining the feasibility of or need for the 9324
facility does not constitute authorization to spend money on, or 9325
an appropriation for, costs of constructing the facility. 9326

~~(4)~~(3) If state bond proceeds are being used for the Ohio 9327
sports facility, the state or a governmental agency owns or has 9328
sufficient property interests in the facility or in the site of 9329
the facility or in the portion or portions of the facility 9330
financed from proceeds of state bonds, which may include, but is 9331
not limited to, the right to use or to require the use of the 9332
facility for the presentation of sport and athletic events to the 9333
public at the facility. 9334

~~(G)~~(E) In addition to the requirements of division ~~(F)~~(D) of 9335
this section, no state funds, including any state bond proceeds, 9336
shall be spent on any Ohio sports facility that is a motorsports 9337
complex, unless, with respect to that facility, both of the 9338
following apply: 9339

(1) Motorsports events shall be presented at the facility 9340
pursuant to a lease entered into with the owner of the facility. 9341
The term of the lease shall be for a period of not less than the 9342
greater of the useful life of the portion of the facility financed 9343
from proceeds of state bonds as determined using the guidelines 9344
for maximum maturities as provided under divisions (B) and (C) of 9345
section 133.20 of the Revised Code, or the period of time 9346
remaining to the date of payment or provision for payment of 9347
outstanding state bonds allocable to costs of the facility, all as 9348

determined by the director of budget and management and certified 9349
by the executive director ~~to~~ of the Ohio ~~cultural~~ facilities 9350
construction commission and to the treasurer of state. 9351

(2) Any motorsports organization that commits to using the 9352
facility for an established period of time shall give the 9353
political subdivision in which the facility is located not less 9354
than six months' advance notice if the organization intends to 9355
cease utilizing the facility prior to the expiration of that 9356
established period. Such a motorsports organization shall be 9357
liable to the state for any state funds used on the construction 9358
costs of the facility. 9359

~~(H)~~(F) In addition to the requirements of division ~~(F)~~(D) of 9360
this section, no state bond proceeds shall be spent on any Ohio 9361
sports facility that is a tennis facility, unless the owner or 9362
manager of the facility provides contractual commitments from a 9363
national or international professional tennis organization in a 9364
form acceptable to the ~~cultural~~ Ohio facilities construction 9365
commission that assures that one or more sanctioned professional 9366
tennis events will be presented at the facility during each year 9367
that the bonds remain outstanding. 9368

Sec. 124.11. The civil service of the state and the several 9369
counties, cities, civil service townships, city health districts, 9370
general health districts, and city school districts of the state 9371
shall be divided into the unclassified service and the classified 9372
service. 9373

(A) The unclassified service shall comprise the following 9374
positions, which shall not be included in the classified service, 9375
and which shall be exempt from all examinations required by this 9376
chapter: 9377

(1) All officers elected by popular vote or persons appointed 9378
to fill vacancies in those offices; 9379

(2) All election officers as defined in section 3501.01 of the Revised Code;	9380 9381
(3)(a) The members of all boards and commissions, and heads of principal departments, boards, and commissions appointed by the governor or by and with the governor's consent;	9382 9383 9384
(b) The heads of all departments appointed by a board of county commissioners;	9385 9386
(c) The members of all boards and commissions and all heads of departments appointed by the mayor, or, if there is no mayor, such other similar chief appointing authority of any city or city school district;	9387 9388 9389 9390
Except as otherwise provided in division (A)(17) or (C) of this section, this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service.	9391 9392 9393 9394
(4) The members of county or district licensing boards or commissions and boards of revision, and not more than five deputy county auditors;	9395 9396 9397
(5) All officers and employees elected or appointed by either or both branches of the general assembly, and employees of the city legislative authority engaged in legislative duties;	9398 9399 9400
(6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department;	9401 9402 9403
(7)(a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with the public school system, colleges, and universities, as determined by the governing body of the public school system,	9404 9405 9406 9407 9408 9409

colleges, and universities; 9410

(b) The library staff of any library in the state supported 9411
wholly or in part at public expense. 9412

(8) Four clerical and administrative support employees for 9413
each of the elective state officers, four clerical and 9414
administrative support employees for each board of county 9415
commissioners and one such employee for each county commissioner, 9416
and four clerical and administrative support employees for other 9417
elective officers and each of the principal appointive executive 9418
officers, boards, or commissions, except for civil service 9419
commissions, that are authorized to appoint such clerical and 9420
administrative support employees; 9421

(9) The deputies and assistants of state agencies authorized 9422
to act for and on behalf of the agency, or holding a fiduciary or 9423
administrative relation to that agency and those persons employed 9424
by and directly responsible to elected county officials or a 9425
county administrator and holding a fiduciary or administrative 9426
relationship to such elected county officials or county 9427
administrator, and the employees of such county officials whose 9428
fitness would be impracticable to determine by competitive 9429
examination, provided that division (A)(9) of this section shall 9430
not affect those persons in county employment in the classified 9431
service as of September 19, 1961. Nothing in division (A)(9) of 9432
this section applies to any position in a county department of job 9433
and family services created pursuant to Chapter 329. of the 9434
Revised Code. 9435

(10) Bailiffs, constables, official stenographers, and 9436
commissioners of courts of record, deputies of clerks of the 9437
courts of common pleas who supervise or who handle public moneys 9438
or secured documents, and such officers and employees of courts of 9439
record and such deputies of clerks of the courts of common pleas 9440
as the appointing authority finds it impracticable to determine 9441

their fitness by competitive examination; 9442

(11) Assistants to the attorney general, special counsel 9443
appointed or employed by the attorney general, assistants to 9444
county prosecuting attorneys, and assistants to city directors of 9445
law; 9446

(12) Such teachers and employees in the agricultural 9447
experiment stations; such students in normal schools, colleges, 9448
and universities of the state who are employed by the state or a 9449
political subdivision of the state in student or intern 9450
classifications; and such unskilled labor positions as the 9451
director of administrative services, with respect to positions in 9452
the service of the state, or any municipal civil service 9453
commission may find it impracticable to include in the competitive 9454
classified service; provided such exemptions shall be by order of 9455
the commission or the director, duly entered on the record of the 9456
commission or the director with the reasons for each such 9457
exemption; 9458

(13) Any physician or dentist who is a full-time employee of 9459
the department of ~~mental health~~ mental health and addiction 9460
services, the department of developmental disabilities, or an 9461
institution under the jurisdiction of either department; and 9462
physicians who are in residency programs at the institutions; 9463

(14) Up to twenty positions at each institution under the 9464
jurisdiction of the department of ~~mental health~~ mental health and 9465
addiction services or the department of developmental disabilities 9466
that the department director determines to be primarily 9467
administrative or managerial; and up to fifteen positions in any 9468
division of either department, excluding administrative assistants 9469
to the director and division chiefs, which are within the 9470
immediate staff of a division chief and which the director 9471
determines to be primarily and distinctively administrative and 9472
managerial; 9473

(15) Noncitizens of the United States employed by the state,	9474
or its counties or cities, as physicians or nurses who are duly	9475
licensed to practice their respective professions under the laws	9476
of this state, or medical assistants, in mental or chronic disease	9477
hospitals, or institutions;	9478
(16) Employees of the governor's office;	9479
(17) Fire chiefs and chiefs of police in civil service	9480
townships appointed by boards of township trustees under section	9481
505.38 or 505.49 of the Revised Code;	9482
(18) Executive directors, deputy directors, and program	9483
directors employed by boards of alcohol, drug addiction, and	9484
mental health services under Chapter 340. of the Revised Code, and	9485
secretaries of the executive directors, deputy directors, and	9486
program directors;	9487
(19) Superintendents, and management employees as defined in	9488
section 5126.20 of the Revised Code, of county boards of	9489
developmental disabilities;	9490
(20) Physicians, nurses, and other employees of a county	9491
hospital who are appointed pursuant to sections 339.03 and 339.06	9492
of the Revised Code;	9493
(21) The executive director of the state medical board, who	9494
is appointed pursuant to division (B) of section 4731.05 of the	9495
Revised Code;	9496
(22) County directors of job and family services as provided	9497
in section 329.02 of the Revised Code and administrators appointed	9498
under section 329.021 of the Revised Code;	9499
(23) A director of economic development who is hired pursuant	9500
to division (A) of section 307.07 of the Revised Code;	9501
(24) Chiefs of construction and compliance, of operations and	9502
maintenance, of worker protection, and of licensing and	9503

certification in the division of industrial compliance in the 9504
department of commerce; 9505

(25) The executive director of a county transit system 9506
appointed under division (A) of section 306.04 of the Revised 9507
Code; 9508

(26) Up to five positions at each of the administrative 9509
departments listed in section 121.02 of the Revised Code and at 9510
the department of taxation, department of the adjutant general, 9511
department of education, Ohio board of regents, bureau of workers' 9512
compensation, industrial commission, state lottery commission, 9513
opportunities for Ohioans with disabilities agency, and public 9514
utilities commission of Ohio that the head of that administrative 9515
department or of that other state agency determines to be involved 9516
in policy development and implementation. The head of the 9517
administrative department or other state agency shall set the 9518
compensation for employees in these positions at a rate that is 9519
not less than the minimum compensation specified in pay range 41 9520
but not more than the maximum compensation specified in pay range 9521
44 47 of salary schedule E-2 in section 124.152 of the Revised 9522
Code. The authority to establish positions in the unclassified 9523
service under division (A)(26) of this section is in addition to 9524
and does not limit any other authority that an administrative 9525
department or state agency has under the Revised Code to establish 9526
positions, appoint employees, or set compensation. 9527

(27) Employees of the department of agriculture employed 9528
under section 901.09 of the Revised Code; 9529

(28) For cities, counties, civil service townships, city 9530
health districts, general health districts, and city school 9531
districts, the deputies and assistants of elective or principal 9532
executive officers authorized to act for and in the place of their 9533
principals or holding a fiduciary relation to their principals; 9534

(29) Employees who receive intermittent or temporary 9535
appointments under division (B) of section 124.30 of the Revised 9536
Code; 9537

(30) Employees appointed to administrative staff positions 9538
for which an appointing authority is given specific statutory 9539
authority to set compensation; 9540

(31) Employees appointed to highway patrol cadet or highway 9541
patrol cadet candidate classifications; 9542

(32) Employees placed in the unclassified service by another 9543
section of the Revised Code. 9544

(B) The classified service shall comprise all persons in the 9545
employ of the state and the several counties, cities, city health 9546
districts, general health districts, and city school districts of 9547
the state, not specifically included in the unclassified service. 9548
Upon the creation by the board of trustees of a civil service 9549
township civil service commission, the classified service shall 9550
also comprise, except as otherwise provided in division (A)(17) or 9551
(C) of this section, all persons in the employ of a civil service 9552
township police or fire department having ten or more full-time 9553
paid employees. The classified service consists of two classes, 9554
which shall be designated as the competitive class and the 9555
unskilled labor class. 9556

(1) The competitive class shall include all positions and 9557
employments in the state and the counties, cities, city health 9558
districts, general health districts, and city school districts of 9559
the state, and, upon the creation by the board of trustees of a 9560
civil service township of a township civil service commission, all 9561
positions in a civil service township police or fire department 9562
having ten or more full-time paid employees, for which it is 9563
practicable to determine the merit and fitness of applicants by 9564
competitive examinations. Appointments shall be made to, or 9565

employment shall be given in, all positions in the competitive 9566
class that are not filled by promotion, reinstatement, transfer, 9567
or reduction, as provided in this chapter, and the rules of the 9568
director of administrative services, by appointment from those 9569
certified to the appointing officer in accordance with this 9570
chapter. 9571

(2) The unskilled labor class shall include ordinary 9572
unskilled laborers. Vacancies in the labor class for positions in 9573
service of the state shall be filled by appointment from lists of 9574
applicants registered by the director or the director's designee. 9575
Vacancies in the labor class for all other positions shall be 9576
filled by appointment from lists of applicants registered by a 9577
commission. The director or the commission, as applicable, by 9578
rule, shall require an applicant for registration in the labor 9579
class to furnish evidence or take tests as the director or 9580
commission considers proper with respect to age, residence, 9581
physical condition, ability to labor, honesty, sobriety, industry, 9582
capacity, and experience in the work or employment for which 9583
application is made. Laborers who fulfill the requirements shall 9584
be placed on the eligible list for the kind of labor or employment 9585
sought, and preference shall be given in employment in accordance 9586
with the rating received from that evidence or in those tests. 9587
Upon the request of an appointing officer, stating the kind of 9588
labor needed, the pay and probable length of employment, and the 9589
number to be employed, the director or commission, as applicable, 9590
shall certify from the highest on the list double the number to be 9591
employed; from this number, the appointing officer shall appoint 9592
the number actually needed for the particular work. If more than 9593
one applicant receives the same rating, priority in time of 9594
application shall determine the order in which their names shall 9595
be certified for appointment. 9596

(C) A municipal or civil service township civil service 9597

commission may place volunteer firefighters who are paid on a fee-for-service basis in either the classified or the unclassified civil service.

(D)(1) This division does not apply to persons in the unclassified service who have the right to resume positions in the classified service under sections 4121.121, ~~5119.071~~ 5119.18, 5120.38, 5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the Revised Code or to cities, counties, or political subdivisions of the state.

(2) A person who holds a position in the classified service of the state and who is appointed to a position in the unclassified service shall retain the right to resume the position and status held by the person in the classified service immediately prior to the person's appointment to the position in the unclassified service, regardless of the number of positions the person held in the unclassified service. An employee's right to resume a position in the classified service may only be exercised when an appointing authority demotes the employee to a pay range lower than the employee's current pay range or revokes the employee's appointment to the unclassified service and:

(a) That person held a certified position prior to July 1, 2007, in the classified service within the appointing authority's agency; or

(b) That person held a permanent position on or after July 1, 2007, in the classified service within the appointing authority's agency.

(3) An employee forfeits the right to resume a position in the classified service when:

(a) The employee is removed from the position in the unclassified service due to incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination,

discourteous treatment of the public, neglect of duty, violation 9629
of this chapter or the rules of the director of administrative 9630
services, any other failure of good behavior, any other acts of 9631
misfeasance, malfeasance, or nonfeasance in office, or conviction 9632
of a felony; or 9633

(b) Upon transfer to a different agency. 9634

(4) Reinstatement to a position in the classified service 9635
shall be to a position substantially equal to that position in the 9636
classified service held previously, as certified by the director 9637
of administrative services. If the position the person previously 9638
held in the classified service has been placed in the unclassified 9639
service or is otherwise unavailable, the person shall be appointed 9640
to a position in the classified service within the appointing 9641
authority's agency that the director of administrative services 9642
certifies is comparable in compensation to the position the person 9643
previously held in the classified service. Service in the position 9644
in the unclassified service shall be counted as service in the 9645
position in the classified service held by the person immediately 9646
prior to the person's appointment to the position in the 9647
unclassified service. When a person is reinstated to a position in 9648
the classified service as provided in this division, the person is 9649
entitled to all rights, status, and benefits accruing to the 9650
position in the classified service during the person's time of 9651
service in the position in the unclassified service. 9652

Sec. 124.14. (A)(1) The director of administrative services 9653
shall establish, and may modify or rescind, by rule, a job 9654
classification plan for all positions, offices, and employments 9655
~~the salaries of which are paid in whole or in part by in the~~ 9656
service of the state. The director shall group jobs within a 9657
classification so that the positions are similar enough in duties 9658
and responsibilities to be described by the same title, to have 9659

the same pay assigned with equity, and to have the same 9660
qualifications for selection applied. The director shall, by rule, 9661
assign a classification title to each classification within the 9662
classification plan. However, the director shall consider in 9663
establishing classifications, including classifications with 9664
parenthetical titles, and assigning pay ranges such factors as 9665
duties performed only on one shift, special skills in short supply 9666
in the labor market, recruitment problems, separation rates, 9667
comparative salary rates, the amount of training required, and 9668
other conditions affecting employment. The director shall describe 9669
the duties and responsibilities of the class, establish the 9670
qualifications for being employed in each position in the class, 9671
and file with the secretary of state a copy of specifications for 9672
all of the classifications. The director shall file new, 9673
additional, or revised specifications with the secretary of state 9674
before they are used. 9675

The director shall, by rule, assign each classification, 9676
either on a statewide basis or in particular counties or state 9677
institutions, to a pay range established under section 124.15 or 9678
section 124.152 of the Revised Code. The director may assign a 9679
classification to a pay range on a temporary basis for a period of 9680
six months. The director may establish, by rule adopted under 9681
Chapter 119. of the Revised Code, experimental classification 9682
plans for some or all employees paid directly by warrant of the 9683
director of budget and management. The rule shall include 9684
specifications for each classification within the plan and shall 9685
specifically address compensation ranges, and methods for 9686
advancing within the ranges, for the classifications, which may be 9687
assigned to pay ranges other than the pay ranges established under 9688
section 124.15 or 124.152 of the Revised Code. 9689

(2) The director of administrative services may reassign to a 9690
proper classification those positions that have been assigned to 9691

an improper classification. If the compensation of an employee in 9692
such a reassigned position exceeds the maximum rate of pay for the 9693
employee's new classification, the employee shall be placed in pay 9694
step X and shall not receive an increase in compensation until the 9695
maximum rate of pay for that classification exceeds the employee's 9696
compensation. 9697

(3) The director may reassign an exempt employee, as defined 9698
in section 124.152 of the Revised Code, to a bargaining unit 9699
classification if the director determines that the bargaining unit 9700
classification is the proper classification for that employee. 9701
Notwithstanding Chapter 4117. of the Revised Code or instruments 9702
and contracts negotiated under it, these placements are at the 9703
director's discretion. 9704

(4) The director shall, by rule, assign related 9705
classifications, which form a career progression, to a 9706
classification series. The director shall, by rule, assign each 9707
classification in the classification plan a five-digit number, the 9708
first four digits of which shall denote the classification series 9709
to which the classification is assigned. When a career progression 9710
encompasses more than ten classifications, the director shall, by 9711
rule, identify the additional classifications belonging to a 9712
classification series. The additional classifications shall be 9713
part of the classification series, notwithstanding the fact that 9714
the first four digits of the number assigned to the additional 9715
classifications do not correspond to the first four digits of the 9716
numbers assigned to other classifications in the classification 9717
series. 9718

(B) Division (A) of this section and sections 124.15 and 9719
124.152 of the Revised Code do not apply to the following persons, 9720
positions, offices, and employments: 9721

(1) Elected officials; 9722

(2) Legislative employees, employees of the legislative service commission, employees in the office of the governor, employees who are in the unclassified civil service and exempt from collective bargaining coverage in the office of the secretary of state, auditor of state, treasurer of state, and attorney general, and employees of the supreme court;

(3) Any position for which the authority to determine compensation is given by law to another individual or entity;

(4) Employees of the bureau of workers' compensation whose compensation the administrator of workers' compensation establishes under division (B) of section 4121.121 of the Revised Code.

(C) The director may employ a consulting agency to aid and assist the director in carrying out this section.

(D)(1) When the director proposes to modify a classification or the assignment of classes to appropriate pay ranges, the director shall send written notice of the proposed rule to the appointing authorities of the affected employees thirty days before a hearing on the proposed rule. The appointing authorities shall notify the affected employees regarding the proposed rule. The director also shall send those appointing authorities notice of any final rule that is adopted within ten days after adoption.

(2) When the director proposes to reclassify any employee in the service of the state so that the employee is adversely affected, the director shall give to the employee affected and to the employee's appointing authority a written notice setting forth the proposed new classification, pay range, and salary. Upon the request of any classified employee in the service of the state who is not serving in a probationary period, the director shall perform a job audit to review the classification of the employee's position to determine whether the position is properly classified.

The director shall give to the employee affected and to the 9754
employee's appointing authority a written notice of the director's 9755
determination whether or not to reclassify the position or to 9756
reassign the employee to another classification. An employee or 9757
appointing authority desiring a hearing shall file a written 9758
request for the hearing with the state personnel board of review 9759
within thirty days after receiving the notice. The board shall set 9760
the matter for a hearing and notify the employee and appointing 9761
authority of the time and place of the hearing. The employee, the 9762
appointing authority, or any authorized representative of the 9763
employee who wishes to submit facts for the consideration of the 9764
board shall be afforded reasonable opportunity to do so. After the 9765
hearing, the board shall consider anew the reclassification and 9766
may order the reclassification of the employee and require the 9767
director to assign the employee to such appropriate classification 9768
as the facts and evidence warrant. As provided in division (A)(1) 9769
of section 124.03 of the Revised Code, the board may determine the 9770
most appropriate classification for the position of any employee 9771
coming before the board, with or without a job audit. The board 9772
shall disallow any reclassification or reassignment classification 9773
of any employee when it finds that changes have been made in the 9774
duties and responsibilities of any particular employee for 9775
political, religious, or other unjust reasons. 9776

(E)(1) Employees of each county department of job and family 9777
services shall be paid a salary or wage established by the board 9778
of county commissioners. The provisions of section 124.18 of the 9779
Revised Code concerning the standard work week apply to employees 9780
of county departments of job and family services. A board of 9781
county commissioners may do either of the following: 9782

(a) Notwithstanding any other section of the Revised Code, 9783
supplement the sick leave, vacation leave, personal leave, and 9784
other benefits of any employee of the county department of job and 9785

family services of that county, if the employee is eligible for 9786
the supplement under a written policy providing for the 9787
supplement; 9788

(b) Notwithstanding any other section of the Revised Code, 9789
establish alternative schedules of sick leave, vacation leave, 9790
personal leave, or other benefits for employees not inconsistent 9791
with the provisions of a collective bargaining agreement covering 9792
the affected employees. 9793

(2) Division (E)(1) of this section does not apply to 9794
employees for whom the state employment relations board 9795
establishes appropriate bargaining units pursuant to section 9796
4117.06 of the Revised Code, except in either of the following 9797
situations: 9798

(a) The employees for whom the state employment relations 9799
board establishes appropriate bargaining units elect no 9800
representative in a board-conducted representation election. 9801

(b) After the state employment relations board establishes 9802
appropriate bargaining units for such employees, all employee 9803
organizations withdraw from a representation election. 9804

(F)(1) Notwithstanding any contrary provision of sections 9805
124.01 to 124.64 of the Revised Code, the board of trustees of 9806
each state university or college, as defined in section 3345.12 of 9807
the Revised Code, shall carry out all matters of governance 9808
involving the officers and employees of the university or college, 9809
including, but not limited to, the powers, duties, and functions 9810
of the department of administrative services and the director of 9811
administrative services specified in this chapter. Officers and 9812
employees of a state university or college shall have the right of 9813
appeal to the state personnel board of review as provided in this 9814
chapter. 9815

(2) Each board of trustees shall adopt rules under section 9816

111.15 of the Revised Code to carry out the matters of governance 9817
described in division (F)(1) of this section. Until the board of 9818
trustees adopts those rules, a state university or college shall 9819
continue to operate pursuant to the applicable rules adopted by 9820
the director of administrative services under this chapter. 9821

(G)(1) Each board of county commissioners may, by a 9822
resolution adopted by a majority of its members, establish a 9823
county personnel department to exercise the powers, duties, and 9824
functions specified in division (G) of this section. As used in 9825
division (G) of this section, "county personnel department" means 9826
a county personnel department established by a board of county 9827
commissioners under division (G)(1) of this section. 9828

(2)(a) Each board of county commissioners, by a resolution 9829
adopted by a majority of its members, may designate the county 9830
personnel department of the county to exercise the powers, duties, 9831
and functions specified in sections 124.01 to 124.64 and Chapter 9832
325. of the Revised Code with regard to employees in the service 9833
of the county, except for the powers and duties of the state 9834
personnel board of review, which powers and duties shall not be 9835
construed as having been modified or diminished in any manner by 9836
division (G)(2) of this section, with respect to the employees for 9837
whom the board of county commissioners is the appointing authority 9838
or co-appointing authority. 9839

(b) Nothing in division (G)(2) of this section shall be 9840
construed to limit the right of any employee who possesses the 9841
right of appeal to the state personnel board of review to continue 9842
to possess that right of appeal. 9843

(c) Any board of county commissioners that has established a 9844
county personnel department may contract with the department of 9845
administrative services, in accordance with division (H) of this 9846
section, another political subdivision, or an appropriate public 9847
or private entity to provide competitive testing services or other 9848

appropriate services. 9849

(3) After the county personnel department of a county has 9850
been established as described in division (G)(2) of this section, 9851
any elected official, board, agency, or other appointing authority 9852
of that county, upon written notification to the county personnel 9853
department, may elect to use the services and facilities of the 9854
county personnel department. Upon receipt of the notification by 9855
the county personnel department, the county personnel department 9856
shall exercise the powers, duties, and functions as described in 9857
division (G)(2) of this section with respect to the employees of 9858
that elected official, board, agency, or other appointing 9859
authority. 9860

(4) Each board of county commissioners, by a resolution 9861
adopted by a majority of its members, may disband the county 9862
personnel department. 9863

(5) Any elected official, board, agency, or appointing 9864
authority of a county may end its involvement with a county 9865
personnel department upon actual receipt by the department of a 9866
certified copy of the notification that contains the decision to 9867
no longer participate. 9868

(6) A county personnel department, in carrying out its 9869
duties, shall adhere to merit system principles with regard to 9870
employees of county departments of job and family services, child 9871
support enforcement agencies, and public child welfare agencies so 9872
that there is no threatened loss of federal funding for these 9873
agencies, and the county is financially liable to the state for 9874
any loss of federal funds due to the action or inaction of the 9875
county personnel department. 9876

(H) County agencies may contract with the department of 9877
administrative services for any human resources services, 9878
including, but not limited to, establishment and modification of 9879

job classification plans, competitive testing services, and 9880
periodic audits and reviews of the county's uniform application of 9881
the powers, duties, and functions specified in sections 124.01 to 9882
124.64 and Chapter 325. of the Revised Code with regard to 9883
employees in the service of the county. Nothing in this division 9884
modifies the powers and duties of the state personnel board of 9885
review with respect to employees in the service of the county. 9886
Nothing in this division limits the right of any employee who 9887
possesses the right of appeal to the state personnel board of 9888
review to continue to possess that right of appeal. 9889

(I) The director of administrative services shall establish 9890
the rate and method of compensation for all employees who are paid 9891
directly by warrant of the director of budget and management and 9892
who are serving in positions that the director of administrative 9893
services has determined impracticable to include in the state job 9894
classification plan. This division does not apply to elected 9895
officials, legislative employees, employees of the legislative 9896
service commission, employees who are in the unclassified civil 9897
service and exempt from collective bargaining coverage in the 9898
office of the secretary of state, auditor of state, treasurer of 9899
state, and attorney general, employees of the courts, employees of 9900
the bureau of workers' compensation whose compensation the 9901
administrator of workers' compensation establishes under division 9902
(B) of section 4121.121 of the Revised Code, or employees of an 9903
appointing authority authorized by law to fix the compensation of 9904
those employees. 9905

(J) The director of administrative services shall set the 9906
rate of compensation for all intermittent, seasonal, temporary, 9907
emergency, and casual employees in the service of the state who 9908
are not considered public employees under section 4117.01 of the 9909
Revised Code. Those employees are not entitled to receive employee 9910
benefits. This rate of compensation shall be equitable in terms of 9911

the rate of employees serving in the same or similar 9912
classifications. This division does not apply to elected 9913
officials, legislative employees, employees of the legislative 9914
service commission, employees who are in the unclassified civil 9915
service and exempt from collective bargaining coverage in the 9916
office of the secretary of state, auditor of state, treasurer of 9917
state, and attorney general, employees of the courts, employees of 9918
the bureau of workers' compensation whose compensation the 9919
administrator establishes under division (B) of section 4121.121 9920
of the Revised Code, or employees of an appointing authority 9921
authorized by law to fix the compensation of those employees. 9922

Sec. 124.18. (A) Forty hours shall be the standard work week 9923
for all employees whose salary or wage is paid in whole or in part 9924
by the state or by any state-supported college or university. When 9925
any employee whose salary or wage is paid in whole or in part by 9926
the state or by any state-supported college or university is 9927
required by an authorized administrative authority to be in an 9928
active pay status more than forty hours in any calendar week, the 9929
employee shall be compensated for such time over forty hours, 9930
except as otherwise provided in this section, at one and one-half 9931
times the employee's regular rate of pay. The use of sick leave or 9932
any leave used in lieu of sick leave shall not be considered to be 9933
active pay status for the purposes of earning overtime or 9934
compensatory time by employees whose wages are paid directly by 9935
warrant of the director of budget and management. A flexible-hours 9936
employee is not entitled to compensation for overtime work unless 9937
the employee's authorized administrative authority required the 9938
employee to be in active pay status for more than forty hours in a 9939
calendar week, regardless of the number of hours the employee 9940
works on any day in the same calendar week. 9941

Such compensation for overtime work shall be paid no later 9942
than at the conclusion of the next succeeding pay period. 9943

If the employee elects to take compensatory time off in lieu 9944
of overtime pay for any overtime worked, such compensatory time 9945
shall be granted by the employee's administrative superior, on a 9946
time and one-half basis, at a time mutually convenient to the 9947
employee and the administrative superior. Compensatory time is not 9948
available for use until it appears on the employee's earning 9949
statement and the compensation described in the earning statement 9950
is available to the employee. 9951

An employee may accrue compensatory time to a maximum of two 9952
hundred forty hours, except that public safety employees and other 9953
employees who meet the criteria established in the "Federal Fair 9954
Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, 9955
as amended, may accrue a maximum of four hundred eighty hours of 9956
compensatory time. An employee shall be paid at the employee's 9957
regular rate of pay for any hours of compensatory time accrued in 9958
excess of these maximum amounts if the employee has not used the 9959
compensatory time within three hundred sixty-five days after it is 9960
granted, if the employee transfers to another agency of the state, 9961
or if a change in the employee's status exempts the employee from 9962
the payment of overtime compensation. Upon the termination of 9963
employment, any employee with accrued but unused compensatory time 9964
shall be paid for that time at a rate that is the greater of the 9965
employee's final regular rate of pay or the employee's average 9966
regular rate of pay during the employee's last three years of 9967
employment with the state. 9968

No overtime, as described in this section, can be paid unless 9969
it has been authorized by the authorized administrative authority. 9970
Employees may be exempted from the payment of compensation as 9971
required by this section only under the criteria for exemption 9972
from the payment of overtime compensation established in the 9973
"Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 9974
U.S.C.A. 207, 213, as amended. With the approval of the director 9975

of administrative services, the appointing authority may establish 9976
a policy to grant compensatory time or to pay compensation to 9977
~~state~~ employees in the service of the state who are exempt from 9978
overtime compensation. With the approval of the board of county 9979
commissioners, a county human services department may establish a 9980
policy to grant compensatory time or to pay compensation to 9981
employees of the department who are exempt from overtime 9982
compensation. 9983

(B)(1) An employee, whose salary or wage is paid in whole or 9984
in part by the state, shall be paid for the holidays declared in 9985
section 124.19 of the Revised Code and shall not be required to 9986
work on those holidays, unless, in the opinion of the employee's 9987
responsible administrative authority, failure to work on those 9988
holidays would impair the public service. 9989

(2) An employee paid directly by warrant of the director of 9990
budget and management who is scheduled to work on the first day of 9991
January, the commemoration of memorial day, the fourth day of 9992
July, the fourth Thursday in November, or the twenty-fifth day of 9993
December and who does not report to work the day before, the day 9994
of, or the day after the holiday due to an illness of the employee 9995
or of a member of the employee's immediate family shall not 9996
receive holiday pay as provided by this division, unless the 9997
employee can provide documentation of extenuating circumstances 9998
that prohibited the employee from so reporting to work. If the 9999
employee works a shift between the employee's scheduled shift and 10000
the holiday, the employee shall be paid for the holiday. 10001

(3) An employee also shall not be paid for a holiday unless 10002
the employee was in active pay status on the scheduled work day 10003
immediately preceding the holiday, except that an employee need 10004
not be in active pay status on that work day in order to be paid 10005
for the holiday if the employee is participating in a mandatory or 10006
voluntary cost savings day under section 124.392 of the Revised 10007

Code. 10008

(4) If any of the holidays declared in section 124.19 of the Revised Code falls on Saturday, the Friday immediately preceding shall be observed as the holiday. If any of the holidays declared in section 124.19 of the Revised Code falls on Sunday, the Monday immediately succeeding shall be observed as the holiday. Employees whose work schedules are based on the requirements of a seven-days-a-week work operation shall observe holidays on the actual days specified in section 124.19 of the Revised Code. 10009
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(5) If an employee's work schedule is other than Monday through Friday, the employee shall be entitled to eight hours of holiday pay for holidays observed on the employee's day off regardless of the day of the week on which they are observed. 10017
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(6) A full-time permanent employee is entitled to a minimum of eight hours of pay for each holiday regardless of the employee's work shift and work schedule. A flexible-hours employee, who is normally scheduled to work in excess of eight hours on a day on which a holiday falls, either shall be required to work an alternate schedule for that week or shall receive additional holiday pay for the hours the employee is normally scheduled to work. Such an alternate schedule may require a flexible-hours employee to work five shifts consisting of eight hours each during the week including the holiday, and, in that case, the employee shall receive eight hours of holiday pay for the day the holiday is observed. 10021
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(7) Except as provided under section 124.392 of the Revised Code, part-time permanent employees shall receive four hours of holiday pay regardless of the employee's work shift and work schedule. 10033
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(8) When an employee who is eligible for overtime pay under this section is required by the employee's responsible 10037
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administrative authority to work on the day observed as a holiday, 10039
the employee shall be entitled to pay for such time worked at one 10040
and one-half times the employee's regular rate of pay in addition 10041
to the employee's regular pay, or to be granted compensatory time 10042
off at time and one-half thereafter, at the employee's option. 10043
Payment at such rate shall be excluded in the calculation of hours 10044
in active pay status. 10045

(C) Each appointing authority may designate the number of 10046
employees in an agency who are flexible-hours employees. The 10047
appointing authority may establish for each flexible-hours 10048
employee a specified minimum number of hours to be worked each day 10049
that is consistent with the "Federal Fair Labor Standards Act of 10050
1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended. 10051

(D) This section shall be uniformly administered for 10052
employees as defined in section 124.01 of the Revised Code and by 10053
the personnel departments of state-supported colleges and 10054
universities for employees of state-supported colleges and 10055
universities. If employees are not paid directly by warrant of the 10056
director of budget and management, the political subdivision shall 10057
determine whether the use of sick leave shall be considered to be 10058
active pay status for purposes of those employees earning overtime 10059
or compensatory time. 10060

(E) Policies relating to the payment of overtime pay or the 10061
granting of compensatory time off shall be adopted by the chief 10062
administrative officer of the house of representatives for 10063
employees of the house of representatives, by the clerk of the 10064
senate for employees of the senate, and by the director of the 10065
legislative service commission for all other legislative 10066
employees. 10067

(F) As used in this section, "regular rate of pay" means the 10068
base rate of pay an employee receives plus any pay supplements 10069
received pursuant to section 124.181 of the Revised Code. 10070

Sec. 124.30. (A) Classified positions in the civil service 10071
may be filled without competition as follows: 10072

(1) Whenever there are urgent reasons for filling a vacancy 10073
in any position in the classified civil service and the director 10074
of administrative services is unable to certify to the appointing 10075
authority, upon its request, a list of persons eligible for 10076
appointment to the position after a competitive examination, the 10077
appointing authority may fill the position by noncompetitive 10078
examination. 10079

A temporary appointment may be made without regard to the 10080
rules of sections 124.01 to 124.64 of the Revised Code. Except as 10081
otherwise provided in this division, the temporary appointment may 10082
not continue longer than one hundred twenty days, and in no case 10083
shall successive temporary appointments be made. A temporary 10084
appointment longer than one hundred twenty days may be made if 10085
necessary by reason of sickness, disability, or other approved 10086
leave of absence of regular officers or employees, in which case 10087
it may continue during the period of sickness, disability, or 10088
other approved leave of absence, subject to the rules of the 10089
director. 10090

(2) In case of a vacancy in a position in the classified 10091
civil service where peculiar and exceptional qualifications of a 10092
scientific, managerial, professional, or educational character are 10093
required, and upon satisfactory evidence that for specified 10094
reasons competition in this special case is impracticable and that 10095
the position can best be filled by a selection of some designated 10096
person of high and recognized attainments in those qualities, the 10097
director may suspend the provisions of sections 124.01 to 124.64 10098
of the Revised Code that require competition in this special case, 10099
but no suspension shall be general in its application. All such 10100
cases of suspension shall be reported in the annual report of the 10101

director with the reasons for each suspension. The director shall 10102
suspend the provisions when ~~the~~ either of the following applies: 10103

(a) The director of job and family services provides the 10104
certification under section 5101.051 of the Revised Code that a 10105
position with the department of job and family services can best 10106
be filled if the provisions are suspended; 10107

(b) The medicaid director provides the certification under 10108
section 5160.051 of the Revised Code that a position with the 10109
department of medicaid can best be filled if the provisions are 10110
suspended. 10111

(3) The acceptance or refusal by an eligible person of a 10112
temporary appointment shall not affect the person's standing on 10113
the eligible list for permanent appointment, nor shall the period 10114
of temporary service be counted as a part of the probationary 10115
service in case of subsequent appointment to a permanent position. 10116

(B) Persons who receive temporary or intermittent 10117
appointments are in the unclassified civil service and serve at 10118
the pleasure of their appointing authority. 10119

Sec. 124.341. (A) If an employee in the classified or 10120
unclassified civil service becomes aware in the course of 10121
employment of a violation of state or federal statutes, rules, or 10122
regulations or the misuse of public resources, and the employee's 10123
supervisor or appointing authority has authority to correct the 10124
violation or misuse, the employee may file a written report 10125
identifying the violation or misuse with the supervisor or 10126
appointing authority. In addition to or instead of filing a 10127
written report with the supervisor or appointing authority, the 10128
employee may file a written report with the office of internal 10129
~~auditing~~ audit created under section 126.45 of the Revised Code or 10130
file a complaint with the auditor of state's fraud-reporting 10131
system under section 117.103 of the Revised Code. 10132

If the employee reasonably believes that a violation or misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report or complaint with the supervisor, appointing authority, the office of internal ~~auditing~~ audit, or the auditor of state's fraud-reporting system, may report it to a prosecuting attorney, director of law, village solicitor, or similar chief legal officer of a municipal corporation, to a peace officer, as defined in section 2935.01 of the Revised Code, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with section 121.46 of the Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code, the employee may report it to the appropriate ethics commission.

(B) Except as otherwise provided in division (C) of this section, no officer or employee in the classified or unclassified civil service shall take any disciplinary action against an employee in the classified or unclassified civil service for making any report or filing a complaint as authorized by division (A) of this section, including, without limitation, doing any of the following:

- (1) Removing or suspending the employee from employment;
- (2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;
- (3) Transferring or reassigning the employee;
- (4) Denying the employee promotion that otherwise would have been received;
- (5) Reducing the employee in pay or position.

(C) An employee in the classified or unclassified civil

service shall make a reasonable effort to determine the accuracy 10164
of any information reported under division (A) of this section. 10165
The employee is subject to disciplinary action, including 10166
suspension or removal, as determined by the employee's appointing 10167
authority, for purposely, knowingly, or recklessly reporting false 10168
information under division (A) of this section. 10169

(D) If an appointing authority takes any disciplinary or 10170
retaliatory action against a classified or unclassified employee 10171
as a result of the employee's having filed a report or complaint 10172
under division (A) of this section, the employee's sole and 10173
exclusive remedy, notwithstanding any other provision of law, is 10174
to file an appeal with the state personnel board of review within 10175
thirty days after receiving actual notice of the appointing 10176
authority's action. If the employee files such an appeal, the 10177
board shall immediately notify the employee's appointing authority 10178
and shall hear the appeal. The board may affirm or disaffirm the 10179
action of the appointing authority or may issue any other order as 10180
is appropriate. The order of the board is appealable in accordance 10181
with Chapter 119. of the Revised Code. 10182

(E) As used in this section: 10183

(1) "Purposely," "knowingly," and "recklessly" have the same 10184
meanings as in section 2901.22 of the Revised Code. 10185

(2) "Appropriate ethics commission" has the same meaning as 10186
in section 102.01 of the Revised Code. 10187

(3) "Inspector general" means the inspector general appointed 10188
under section 121.48 of the Revised Code. 10189

Sec. 124.381. (A)(1)(a) An employee in the service of the 10190
state may be eligible to receive salary continuation not to exceed 10191
four hundred eighty hours at the employee's total rate of pay for 10192
absence as a result of injury incurred during the performance of, 10193

or arising out of, state employment. When an eligible employee's 10194
absence as a result of such an injury extends beyond four hundred 10195
eighty hours, the employee immediately becomes subject to sections 10196
124.382 and 124.385 of the Revised Code regarding sick leave and 10197
disability leave benefits. 10198

An employee is ineligible to receive salary continuation 10199
until the date of implementation is established in the rules 10200
adopted under division (C)(1) of this section. 10201

(b) Employees of the secretary of state, auditor of state, 10202
treasurer of state, attorney general, supreme court, general 10203
assembly, or legislative service commission are not subject to 10204
division (A)(1)(a) of this section unless the relevant appointing 10205
authority notifies the director of administrative services in 10206
writing of the intent to have all of the appointing authority's 10207
employees participate in salary continuation. The relevant 10208
appointing authority also may discontinue salary continuation for 10209
all of its employees by providing written notice of the 10210
discontinuation to the director. 10211

Participation in salary continuation is subject to rules 10212
adopted under division (C)(1) of this section. 10213

(2) Each employee of the department of rehabilitation and 10214
correction, the department of ~~mental health~~ mental health and 10215
addiction services, the department of developmental disabilities, 10216
the department of veterans services, or the Ohio schools for the 10217
deaf and blind, and each employee of the department of youth 10218
services as established in division (A) of section 124.14 of the 10219
Revised Code who sustains a qualifying physical condition 10220
inflicted by a ward of these agencies during the time the employee 10221
is lawfully carrying out the assigned duties of the employee's 10222
position shall be paid occupational injury leave at the employee's 10223
total rate of pay during the period the employee is disabled as a 10224
result of that qualifying physical condition, but in no case to 10225

exceed nine hundred sixty hours, in lieu of workers' compensation. 10226
Pay made according to this division shall not be charged to the 10227
employee's accumulation of sick leave credit. In any case when an 10228
employee's disability as a result of such a qualifying physical 10229
condition extends beyond nine hundred sixty hours, the employee 10230
immediately becomes subject to sections 124.382 and 124.385 of the 10231
Revised Code regarding sick leave and disability leave benefits. 10232

(B) An employee who is receiving salary continuation or 10233
occupational injury leave under division (A)(1) or (2) of this 10234
section is not eligible for other paid leave, including holiday 10235
pay, while receiving benefits under either division. While an 10236
employee is receiving salary continuation or occupational injury 10237
leave under division (A)(1) or (2) of this section, vacation leave 10238
credit ceases to accrue to the employee under section 124.134 of 10239
the Revised Code, but sick leave credit and personal leave credit 10240
continue to accrue to the employee under sections 124.382 and 10241
124.386 of the Revised Code. 10242

(C)(1) The director of administrative services shall adopt 10243
rules for the administration of both the salary continuation 10244
program and the occupational injury leave program. The rules shall 10245
include, but not be limited to, provisions for determining a 10246
disability, for filing a claim for leave under this section, and 10247
for allowing or denying claims for the leave. 10248

(2) The director also may adopt rules for the payment of 10249
health benefits while an employee is on workers' compensation 10250
leave. 10251

(D) An appointing authority may apply to the director of 10252
administrative services to grant salary continuation under 10253
division (A)(1) of this section or occupational injury leave under 10254
division (A)(2) of this section to law enforcement personnel 10255
employed by the agency. 10256

Sec. 124.57. (A) No officer or employee in the classified 10257
service of the state, the several counties, cities, and city 10258
school districts of the state, or the civil service townships of 10259
the state shall directly or indirectly, orally or by letter, 10260
solicit or receive, or be in any manner concerned in soliciting or 10261
receiving, any assessment, subscription, or contribution for any 10262
political party or for any candidate for public office; nor shall 10263
any person solicit directly or indirectly, orally or by letter, or 10264
be in any manner concerned in soliciting, any such assessment, 10265
contribution, or payment from any officer or employee in the 10266
classified service of the state, the several counties, cities, or 10267
city school districts of the state, or the civil service townships 10268
of the state; nor shall any officer or employee in the classified 10269
service of the state, the several counties, cities, and city 10270
school districts of the state, or the civil service townships of 10271
the state be an officer in any political organization or take part 10272
in politics other than to vote as the officer or employee pleases 10273
and to express freely political opinions. 10274

(B)(1) Nothing in division (A) of this section prohibits an 10275
officer or employee described in that division from serving as a 10276
precinct election official under section 3501.22 of the Revised 10277
Code. 10278

(2) Nothing in division (A) of this section prohibits an 10279
employee of ~~the Ohio cooperative~~ OSU extension ~~service~~ whose 10280
position is transferred from the unclassified civil service to the 10281
classified civil service and who also holds the office of 10282
president of a city legislative authority from completing the 10283
existing term of office as president. 10284

Sec. 124.84. (A) The department of administrative services, 10285
in consultation with the superintendent of insurance and subject 10286
to division (D) of this section, ~~shall~~ may negotiate and contract 10287

with one or more insurance companies or health insuring 10288
corporations authorized to operate or do business in this state 10289
for the purchase of a policy of long-term care insurance covering 10290
all state employees who are paid directly by warrant of the 10291
director of budget and management, including elected state 10292
officials. Any policy purchased under this division shall be 10293
negotiated and entered into in accordance with the competitive 10294
selection procedures specified in Chapter 125. of the Revised 10295
Code. As used in this section, "long-term care insurance" has the 10296
same meaning as in section 3923.41 of the Revised Code. 10297

(B) Any elected state official or state employee paid 10298
directly by warrant of the director of budget and management may 10299
elect to participate in any long-term care insurance policy 10300
purchased under division (A) of this section. All or any portion 10301
of the premium charged may be paid by the state. Participation in 10302
the policy may include the dependents and family members of the 10303
elected state official or state employee. 10304

If a participant in a long-term care insurance policy leaves 10305
employment, the participant and the participant's dependents and 10306
family members may, at their election, continue to participate in 10307
a policy established under this section. The manner of payment and 10308
the portion of premium charged the participant, dependent, and 10309
family member shall be established pursuant to division (E) of 10310
this section. 10311

(C) Any long-term care insurance policy purchased under this 10312
section or section 124.841 or 145.581 of the Revised Code shall 10313
provide for all of the following with respect to the premiums 10314
charged for the policy: 10315

(1) They shall be set at the entry age of the official or 10316
employee when first covered by the policy and shall not increase 10317
except as a class during coverage under the policy. 10318

(2) They shall be based on the class of all officials or employees covered by the policy. 10319
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(3) They shall continue, pursuant to section 145.581 of the Revised Code, after the retirement of the official or employee who is covered under the policy, at the rate in effect on the date of the official's or employee's retirement. 10321
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(D) Prior to entering into a contract with an insurance company or health insuring corporation for the purchase of a long-term care insurance policy under this section, the department shall request the superintendent of insurance to certify the financial condition of the company or corporation. The department shall not enter into the contract if, according to that certification, the company or corporation is insolvent, is determined by the superintendent to be potentially unable to fulfill its contractual obligations, or is placed under an order of rehabilitation or conservation by a court of competent jurisdiction or under an order of supervision by the superintendent. 10325
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(E) The department shall adopt rules in accordance with section 111.15 of the Revised Code governing long-term care insurance purchased under this section. All or any portion of the premium charged the participants, dependents, and family members shall be paid in such manner or combination of manners as the department determines. 10337
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Sec. ~~3701.041~~ 124.88. (A) The employee assistance program is hereby established in the department of administrative services for the purpose of referring state employees paid by warrant of the director of budget and management who are in need of medical, social, or other services to providers of those services. 10343
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~~The director of health, in consultation with the director of budget and management, shall determine a rate at which the~~ 10348
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~~payrolls of all state agencies with employees paid by warrant of 10350
the director of budget and management shall be charged each pay 10351
period that is sufficient to cover the costs of administering the 10352
program. The rate shall be based upon the total number of such 10353
employees and may be adjusted as the director of health, in 10354
consultation with the director of budget and management, considers 10355
necessary. All money collected from the assessment shall be 10356
deposited in the state treasury to the credit of the employee 10357
assistance general services fund, which is hereby created. The 10358
fund shall be used by the director of health to administer the 10359
program. 10360~~

(B) Records of the identity, diagnosis, prognosis, or 10361
treatment of any person that are maintained in connection with the 10362
employee assistance program created in division (A) of this 10363
section are not public records under section 149.43 of the Revised 10364
Code and shall be disclosed only as provided in division (C) of 10365
this section. 10366

(C)(1) Records described in division (B) of this section may 10367
be disclosed with the prior written consent of the person who is 10368
the subject of the record. 10369

(2) Records described in division (B) of this section may be 10370
disclosed with or without the prior written consent of the person 10371
who is the subject of the record under the following conditions: 10372

(a) To medical personnel to the extent necessary to meet a 10373
bona fide medical emergency; 10374

(b) To qualified personnel for the purpose of conducting 10375
scientific research, management audits, financial audits, or 10376
program evaluation, but the personnel shall not directly or 10377
indirectly identify any person who is the subject of the record in 10378
any report of the research, audit, or evaluation or in any other 10379
manner; 10380

(c) If authorized by an appropriate order of a court of 10381
competent jurisdiction granted after a showing of good cause. In 10382
determining good cause, the court shall weigh the public interest 10383
and the need for disclosure against injury to the person who is 10384
the subject of the record and to the employee assistance program. 10385
Upon granting such an order, the court shall, in determining the 10386
extent to which the disclosure of all or any part of any record is 10387
necessary, impose appropriate safeguards against unauthorized 10388
disclosure. 10389

(D) Except as authorized by a court order described in 10390
division (C)(2)(c) of this section, no record described in 10391
division (B) of this section may be used to initiate or 10392
substantiate criminal charges against the person who is the 10393
subject of the record or to conduct any investigation of such a 10394
person. 10395

Sec. 125.05. Except as provided in division (F) of this 10396
section, no state agency shall purchase any supplies or services 10397
except as provided in divisions (A) to (D) of this section. 10398

(A) Subject to division (E) of this section, a state agency 10399
may, without competitive selection, make any purchase of supplies 10400
or services that cost twenty-five thousand dollars or less. The 10401
agency may make the purchase directly or may make the purchase 10402
from or through the department of administrative services, 10403
whichever the agency determines. The agency shall adopt written 10404
procedures consistent with the department's purchasing procedures 10405
and shall use those procedures when making purchases under this 10406
division. 10407

(B) Subject to division (E) of this section and in accordance 10408
with section 125.051 of the Revised Code, a state agency may make 10409
purchases of supplies and services that cost more than twenty-five 10410
thousand dollars but less than fifty thousand dollars if the 10411

purchases are made under the direction of an employee of the 10412
agency who is certified by the department to make purchases and if 10413
the purchases comply with the department's purchasing procedures. 10414
Section 127.16 of the Revised Code does not apply to purchases 10415
made under this division. Until the certification effective date 10416
established by the department in rules adopted under section 10417
125.051 of the Revised Code, state agencies may make purchases of 10418
supplies and services that cost more than twenty-five thousand 10419
dollars but less than fifty thousand dollars in the same manner as 10420
provided in division (A) of this section. 10421

(C) Subject to division (E) of this section, a state agency 10422
wanting to purchase supplies or services that cost more than 10423
twenty-five thousand dollars shall, unless otherwise authorized by 10424
law, make the purchase from or through the department. The 10425
department shall make the purchase by competitive selection. If 10426
the director of administrative services determines that it is not 10427
possible or not advantageous to the state for the department to 10428
make the purchase, the department shall grant the agency a release 10429
and permit under section 125.06 of the Revised Code to make the 10430
purchase. Section 127.16 of the Revised Code does not apply to 10431
purchases the department makes under this section. 10432

(D) An agency that has been granted a release and permit to 10433
make a purchase may make the purchase without competitive 10434
selection if after making the purchase the cumulative purchase 10435
threshold as computed under division (E) of section 127.16 of the 10436
Revised Code would: 10437

(1) Be exceeded and the controlling board approves the 10438
purchase; 10439

(2) Not be exceeded and the department of administrative 10440
services approves the purchase. 10441

(E) Not later than the thirty-first day of January of each 10442

even-numbered year, the directors of administrative services and 10443
budget and management shall review and recommend to the general 10444
assembly, if necessary, adjustments to the amounts specified in 10445
divisions (A) to (C) of this section and division (B) of section 10446
127.16 of the Revised Code. 10447

(F) If ~~the eTech Ohio commission~~, the department of 10448
education, or the Ohio education computer network determines that 10449
it can purchase software services or supplies for specified school 10450
districts at a price less than the price for which the districts 10451
could purchase the same software services or supplies for 10452
themselves, the ~~commission~~, department, or network shall certify 10453
that fact to the department of administrative services and, acting 10454
as an agent for the specified school districts, shall make that 10455
purchase without following the provisions in divisions (A) to (D) 10456
of this section. 10457

Sec. 125.21. The director of administrative services shall 10458
process payroll information for the purpose of payment for 10459
personal services of state officials and employees on the basis of 10460
rates of pay determined by pertinent law, the director, or other 10461
competent authority. 10462

Calculation of payrolls may be made after the conclusion of 10463
each pay period based upon the amount of time served as certified 10464
by the appropriate appointing authority. Payment for personal 10465
service rendered by an official or employee during any pay period 10466
shall be made no later than at the conclusion of the official's or 10467
employee's next succeeding pay period. 10468

The director of administrative services shall furnish to the 10469
director of budget and management all necessary data for drawing 10470
state official and employee pay warrants and preparing earning 10471
statements. These data shall include the rate at which paid; the 10472
time for which paid, including overtime and any other adjustments 10473

affecting the official's or employee's gross pay; all taxes 10474
withheld, including, whenever practicable, year-to-date figures on 10475
all taxes withheld; the amount of contribution to the appropriate 10476
retirement system; any voluntary deductions made in accordance 10477
with authorizations filed by the official or employee; and whether 10478
a direct deposit is to be made in accordance with an authorization 10479
filed by the official or employee. 10480

Amounts deducted from the salaries or wages of all officials 10481
and employees shall be transferred to the payroll ~~withholding~~ 10482
deduction fund, which is hereby created in the state treasury for 10483
the purpose of consolidating all such deductions made in any 10484
month. Payments from this fund shall be made at intervals for the 10485
intended purpose of the deduction or for refund where it is 10486
determined that deductions were made in error. 10487

Sec. 125.212. The life insurance investment fund is hereby 10488
created in the state treasury. The fund shall consist of amounts 10489
from ~~the payroll withholding fund created by section 125.21 of the~~ 10490
~~Revised Code~~ state agencies, life insurance premium refunds 10491
received by the state, and other receipts related to the state's 10492
life insurance benefit program. The fund shall be used to pay the 10493
costs of the state's life insurance benefit program. All 10494
investment earnings of the life insurance investment fund shall be 10495
credited to the fund. 10496

Sec. 125.27. (A) There is hereby created in the state 10497
treasury the building improvement fund. The fund shall retain the 10498
interest earned. 10499

(B) The fund shall consist of any payments made by intrastate 10500
transfer voucher from the appropriation item for office building 10501
operating payments. 10502

(C) The fund shall be used for major maintenance or 10503

improvements required in the James A. Rhodes or Frank J. Lausche 10504
state office tower, Toledo government center, Senator Oliver R. 10505
Ocasek government office building, and Vern Riffe center for 10506
government and the arts. 10507

Sec. 125.28. (A)(1) Each state agency that is supported in 10508
whole or in part by nongeneral revenue fund money and that 10509
occupies space in the James A. Rhodes or Frank J. Lausche state 10510
office tower, Toledo government center, Senator Oliver R. Ocasek 10511
government office building, Vern Riffe center for government and 10512
the arts, capitol square, or governor's mansion shall reimburse 10513
the general revenue fund for the cost of occupying the space in 10514
the ratio that the occupied space in each facility attributable to 10515
the nongeneral revenue fund money bears to the total space 10516
occupied by the state agency in the facility. 10517

(2) All agencies that occupy space in the old blind school or 10518
that occupy warehouse space in the general services facility shall 10519
reimburse the department of administrative services for the cost 10520
of occupying the space. The director of administrative services 10521
shall determine the amount of debt service, if any, to be charged 10522
to building tenants and shall collect reimbursements for it. 10523

(3) Each agency that is supported in whole or in part by 10524
nongeneral revenue fund money and that occupies space in any other 10525
facility or facilities owned and maintained by the department of 10526
administrative services or space in the general services facility 10527
other than warehouse space shall reimburse the department for the 10528
cost of occupying the space, including debt service, if any, in 10529
the ratio that the occupied space in each facility attributable to 10530
the nongeneral revenue fund money bears to the total space 10531
occupied by the state agency in the facility. 10532

(B) The director of administrative services may provide 10533
building maintenance services and ~~skilled trades~~ minor 10534

~~construction project management~~ services to any state agency 10535
~~occupying space in a facility that is not owned by the department~~ 10536
~~of administrative services~~ and may collect reimbursements for the 10537
cost of providing those services. 10538

(C) All money collected by the department of administrative 10539
services for operating expenses of facilities owned or maintained 10540
by the department shall be deposited into the state treasury to 10541
the credit of the building management fund, which is hereby 10542
~~created, or to the credit of the building operation fund, which is~~ 10543
~~hereby created~~. All money collected by the department for ~~skilled~~ 10544
~~trades~~ minor construction project management services shall be 10545
deposited into the state treasury to the credit of the ~~skilled~~ 10546
~~trades~~ minor construction project management fund, which is hereby 10547
created. All money collected for debt service shall be deposited 10548
into the general revenue fund. 10549

(D) The director of administrative services shall determine 10550
the reimbursable cost of space in state-owned or state-leased 10551
facilities and shall collect reimbursements for that cost. 10552

Sec. 125.602. (A) The department of developmental 10553
disabilities, the department of ~~mental health~~ mental health and 10554
addiction services, the department of job and family services, the 10555
~~rehabilitation services commission~~ opportunities for Ohioans with 10556
disabilities agency, and any other state or governmental agency or 10557
community rehabilitation program responsible for the provision of 10558
rehabilitation and vocational educational services to persons with 10559
work-limiting disabilities may, through written agreement, 10560
cooperate in providing resources to the department of 10561
administrative services for the operation of the office of 10562
procurement from community rehabilitation programs. These 10563
resources may include, but are not limited to, leadership and 10564
assistance in dealing with the societal aspects of meeting the 10565

needs of persons with work-limiting disabilities. 10566

(B) The office and all governmental entities that administer 10567
socioeconomic programs may enter into contractual agreements, 10568
cooperative working relationships, or other arrangements that are 10569
necessary for effective coordination and realization of the 10570
objectives of these entities. 10571

Sec. 125.603. (A) The office of procurement from community 10572
rehabilitation programs shall do the following in addition to 10573
other duties specified in sections 125.60 to 125.6012 of the 10574
Revised Code: 10575

(1) Establish, maintain, and periodically update a 10576
procurement list of approved supplies and services available from 10577
qualified nonprofit agencies; 10578

(2) Monitor the procurement practices of government ordering 10579
offices to ensure compliance with sections 125.60 to 125.6012 of 10580
the Revised Code; 10581

(3) In cooperation with qualified nonprofit agencies, 10582
government ordering offices, the department of developmental 10583
disabilities, the department of ~~mental health~~ mental health and 10584
addiction services, the department of job and family services, and 10585
the ~~rehabilitation services commission~~ opportunities for Ohioans 10586
with disabilities agency, develop and recommend to the director of 10587
administrative services rules the director shall adopt in 10588
accordance with Chapter 119. of the Revised Code for the effective 10589
and efficient administration of sections 125.60 to 125.6012 of the 10590
Revised Code; 10591

(4) Prepare a report of its activities by the last day of 10592
December of each year. The report shall be posted electronically 10593
on the office's web site. 10594

(B) The office of procurement from community rehabilitation 10595

programs may enter into contractual agreements and establish pilot 10596
programs to further the objectives of sections 125.60 to 125.6012 10597
of the Revised Code. 10598

Sec. 125.832. (A) The department of administrative services 10599
is granted exclusive authority over the acquisition and management 10600
of all motor vehicles used by state agencies. In carrying out this 10601
authority, the department shall do both of the following: 10602

(1) Approve the purchase or lease of each motor vehicle for 10603
use by a state agency. The department shall decide if a motor 10604
vehicle shall be leased or purchased for that use. 10605

Except as otherwise provided in division (A)(1) of this 10606
section, on and after July 1, 2005, each state agency shall 10607
acquire all passenger motor vehicles under the department's master 10608
leasing program. If the department determines that acquisition 10609
under that program is not the most economical method and if the 10610
department and the state agency acquiring the passenger motor 10611
vehicle can provide economic justification for doing so, the 10612
department may approve the purchase, rather than the lease, of a 10613
passenger motor vehicle for the acquiring state agency. 10614

(2) Direct and approve all funds that are expended for the 10615
purchase, lease, repair, maintenance, registration, insuring, and 10616
other costs related to the possession and operation of motor 10617
vehicles for the use of state agencies. 10618

(B) The director of administrative services shall establish 10619
and operate a fleet management program. The director shall operate 10620
the program for purposes including, but not limited to, 10621
cost-effective acquisition, maintenance, management, analysis, and 10622
disposal of all motor vehicles owned or leased by the state. All 10623
state agencies shall comply with statewide fleet management 10624
policies and procedures established by the director for the 10625
program, including, but not limited to, motor vehicle assignments, 10626

additions of motor vehicles to fleets or motor vehicle 10627
replacements, motor vehicle fueling, and motor vehicle repairs. 10628

(C) The director shall establish and maintain a fleet 10629
reporting system and shall require state agencies to submit to the 10630
department information relative to state motor vehicles, including 10631
motor vehicles described in division (G)(2) of section 125.831 of 10632
the Revised Code, to be used in operating the fleet management 10633
program. State agencies shall provide to the department fleet data 10634
and other information, including, but not limited to, mileage and 10635
costs. The data and other information shall be submitted in 10636
formats and in a manner determined by the department. 10637

(D) All state agency purchases or leases of motor vehicles 10638
are subject to the prior approval of the director under division 10639
(A)(1) of this section. 10640

(E) State agencies that utilize state motor vehicles or pay 10641
mileage reimbursements to employees shall provide a fleet plan to 10642
the department as directed by the department. 10643

(F)(1) The fleets of state agencies that consist of one 10644
hundred or less vehicles on July 1, 2004, shall be managed by the 10645
department's fleet management program on a time schedule 10646
determined by the department, unless the state agency has received 10647
delegated authority as described in division (G) of this section. 10648

(2) The fleets of state agencies that consist of greater than 10649
one hundred motor vehicles, but less than five hundred motor 10650
vehicles, on July 1, 2005, also shall be managed by the 10651
department's fleet management program on a time schedule 10652
determined by the department, unless the state agency has received 10653
delegated authority as described in division (G) of this section. 10654

(G)(1) The department may delegate any or all of its duties 10655
regarding fleet management to a state agency, if the state agency 10656
demonstrates to the satisfaction of the department both of the 10657

following: 10658

(a) Capabilities to institute and manage a fleet management 10659
program, including, but not limited to, the presence of a 10660
certified fleet manager; 10661

(b) Fleet management performance, as demonstrated by fleet 10662
data and other information submitted pursuant to annual reporting 10663
requirements and any other criteria the department considers 10664
necessary in evaluating the performance. 10665

(2) The department may determine that a state agency is not 10666
in compliance with this section and direct that the agency's fleet 10667
management duties be transferred to the department. 10668

(H) The proceeds derived from the disposition of any motor 10669
vehicles under this section shall be paid to whichever of the 10670
following applies: 10671

(1) The fund that originally provided moneys for the purchase 10672
or lease of the motor vehicles; 10673

(2) If the motor vehicles were originally purchased with 10674
moneys derived from the general revenue fund, the proceeds shall 10675
be deposited, in the director's discretion, into the state 10676
treasury to the credit of either the fleet management fund created 10677
by section 125.83 of the Revised Code or the investment recovery 10678
fund created by section 125.14 of the Revised Code. 10679

(I)(1) The department shall create and maintain a certified 10680
fleet manager program. 10681

(2) State agencies that have received delegated authority as 10682
described in division (G) of this section shall have a certified 10683
fleet manager. 10684

(J) The department annually shall prepare and submit a 10685
statewide fleet report to the governor, the speaker of the house 10686
of representatives, and the president of the senate. The report 10687

shall be submitted not later than the thirty-first day of January 10688
following the end of each fiscal year. It may include, but is not 10689
limited to, the numbers and types of motor vehicles, their 10690
mileage, miles per gallon, and cost per mile, mileage 10691
reimbursements, accident and insurance data, and information 10692
regarding compliance by state agencies having delegated authority 10693
under division (G) of this section with applicable fleet 10694
management requirements. 10695

(K) The director shall adopt rules for implementing the fleet 10696
management program that are consistent with recognized best 10697
practices. The program shall be supported by reasonable fee 10698
charges for the services provided. The director shall collect 10699
these fees and deposit them into the state treasury to the credit 10700
for the fleet management fund created by section 125.83 of the 10701
Revised Code. The setting and collection of fees under this 10702
division is not subject to any restriction imposed by law upon the 10703
director's or the department's authority to set or collect fees. 10704

(L) The director also shall adopt rules that prohibit, except 10705
in very limited circumstances, the exclusive assignment of 10706
state-owned, leased, or pooled motor vehicles to state employees 10707
and that prohibit the reimbursement under section 126.31 of the 10708
Revised Code of state employees who use their own motor vehicles 10709
for any mileage they incur above an amount that the department 10710
shall determine annually unless reimbursement for the excess 10711
mileage is approved by the department in accordance with standards 10712
for that approval the director shall establish in those rules. 10713
Beginning on September 26, 2003, no state-owned, leased, or pooled 10714
motor vehicle shall be personally assigned as any form of 10715
compensation or benefit of state employment, and no state-owned, 10716
leased, or pooled motor vehicle shall be assigned to an employee 10717
solely for commuting to and from home and work. 10718

(M) The director shall do both of the following: 10719

- (1) Implement to the greatest extent possible the recommendations from the 2002 report entitled "Administrative Analysis of the Ohio Fleet Management Program" in connection with the authority granted to the department by this section;
- (2) Attempt to reduce the number of passenger vehicles used by state agencies during the fiscal years ending on June 30, 2004, and June 30, 2005.
- (N) Each state agency shall reimburse the department for all costs incurred in the assignment of motor vehicles to the state agency.
- (O) The director shall do all of the following in managing the fleet management program:
- (1) Determine how motor vehicles will be maintained, insured, operated, financed, and licensed;
- (2) Pursuant to the formula in division (O)(3) of this section, annually establish the minimum number of business miles per year an employee of a state agency must drive in order to qualify for approval by the department to receive a motor vehicle for business use;
- (3) Establish the minimum number of business miles per year at an amount that results when the annual motor vehicle cost is divided by the amount that is the reimbursement rate per mile minus the amount that is the sum of the fuel cost, the operating cost, and the insurance cost. As used in this division:
- (a) "Annual motor vehicle cost" means the price of a motor vehicle divided by the number of years an average motor vehicle is used.
- (b) "Fuel cost" means the average price per gallon of motor fuel divided by the miles per gallon fuel efficiency of a motor vehicle.

(c) "Insurance cost" means the cost of insuring a motor 10750
vehicle per year divided by the number of miles an average motor 10751
vehicle is driven per year. 10752

(d) "Operating cost" means the maintenance cost of a motor 10753
vehicle per year divided by the product resulting when the number 10754
of miles an average motor vehicle is driven per year is multiplied 10755
by the number of years an average motor vehicle is used. 10756

(e) "Reimbursement rate per mile" means the reimbursement per 10757
mile rate for travel expenses as provided by rule of the director 10758
of budget and management adopted under division (B) of section 10759
126.31 of the Revised Code. 10760

~~(P)(1) Not later than the fifteenth day of September of each 10761
year, each state institution of higher education shall report to 10762
the department on all of the following topics relating to motor 10763
vehicles that the institution acquires and manages: 10764~~

~~(a) The methods it uses to track the motor vehicles; 10765~~

~~(b) Whether or not it uses a fuel card program to purchase 10766
fuel for, or to pay for the maintenance of, the motor vehicles; 10767~~

~~(c) Whether or not it makes bulk purchases of fuel for the 10768
motor vehicles. 10769~~

~~(2) Assuming it does not use the fleet management tracking, 10770
fuel card program, and bulk fuel purchases tools and services that 10771
the department provides, the report of a state institution of 10772
higher education required by division (P)(1) of this section also 10773
shall include both of the following: 10774~~

~~(a) An analysis of the amount the institution would save, if 10775
any, if it were to use the fleet management tracking, fuel card 10776
program, and bulk fuel purchases tools and services that the 10777
department provides instead of the fleet management system the 10778
institution regularly uses; 10779~~

~~(b) A rationale for either continuing with the fleet management system that the institution regularly uses or changing to the use of those tools and services that the department provides.~~ 10780
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~~(3) The department shall certify within ninety days after receipt of all reports under division (P)(1) of this section a list of those state institutions of higher education that the department determines would save amounts if they were to use the fleet management tracking, fuel card program, and bulk fuel purchases tools and services that the department provides. The institutions so certified then shall use those tools and services that the department provides until the department next certifies institutions under division (P)(3) of this section.~~ 10784
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Sec. 125.833. (A) There is hereby established in the department of administrative services the vehicle management commission. 10793
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(B) The commission shall consist of seven members. One member shall be an officer or employee of the department of administrative services who is appointed by the director of administrative services. One member shall be an officer or employee of the department of public safety who is appointed by the director of public safety. The other members shall be two members of the house of representatives appointed by the speaker of the house of representatives, two members of the senate appointed by the president of the senate, and one person with experience in the vehicle leasing, purchasing, and maintenance industry in this state appointed by the governor and serving at the governor's pleasure. The governor shall appoint the commission's chairperson. 10796
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Initial appointments of the members to the commission shall be made by October 1, 2013, in the manner prescribed in this 10809
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section. The initial meeting of the commission shall be held on 10811
that date and twice annually thereafter each year. After the 10812
initial appointments, appointments of legislative members to the 10813
commission shall be made within fifteen days after the 10814
commencement of the first regular session of the general assembly 10815
in the manner prescribed in this section. The terms of legislative 10816
members on the commission shall be for the duration of the session 10817
of the general assembly in which they are appointed. Members shall 10818
continue to serve on the commission until the appointments are 10819
made in the following session of the general assembly, unless they 10820
cease to be members of the general assembly. A vacancy on the 10821
commission shall be filled for the unexpired term in the same 10822
manner as the original appointment. 10823

(C) The commission shall periodically review the 10824
implementation of the fleet management program by the department 10825
of administrative services under section 125.832 of the Revised 10826
Code and may recommend to the department and the general assembly 10827
modifications to the department's procedures and functions and 10828
other statutory changes. 10829

Sec. 125.836. (A) As used in this section: 10830

(1) "Biodiesel," "blended biodiesel," and "diesel fuel" have 10831
the same meanings as in section 125.831 of the Revised Code. 10832

(2) ~~"Credit" means a credit generated by the acquisition of~~ 10833
~~alternative fueled vehicles in accordance with the "Energy Policy~~ 10834
~~Act of 1992," 106 Stat. 2897, 42 U.S.C. 13257.~~ 10835

~~(3) "Incremental cost" means the difference in cost between~~ 10836
~~blended biodiesel and conventional petroleum-based diesel fuel at~~ 10837
~~the time the blended biodiesel is purchased.~~ 10838

~~(B) The department of administrative services shall establish~~ 10839
~~and administer a credit banking and selling program. The~~ 10840

~~department may sell or trade credits in accordance with procedures 10841
established pursuant to the "Energy Policy Act of 1992," 106 Stat. 10842
2897, 42 U.S.C. 13258. 10843~~

(C) There is hereby created in the state treasury the 10844
"biodiesel revolving fund," to which shall be credited ~~moneys~~ 10845
~~received from the sale of credits under this section, any~~ moneys 10846
appropriated to the fund by the general assembly, and any other 10847
moneys obtained or accepted by the ~~department~~ development services 10848
agency for crediting to the fund. Moneys credited to the fund 10849
shall be used to pay for the incremental cost of biodiesel for use 10850
in vehicles owned or leased by the state that use diesel fuel. The 10851
director ~~of administrative services, after consultation with the~~ 10852
~~director~~ of development, services may direct the director of 10853
budget and management to transfer available moneys in the 10854
biodiesel revolving fund to the alternative fuel transportation 10855
fund created in section 122.075 of the Revised Code to be used by 10856
the ~~department~~ of development services agency for the purposes 10857
specified in that section. 10858

~~(D) The director of administrative services shall adopt rules 10859
under Chapter 119. of the Revised Code that are necessary for the 10860
administration of the credit banking and selling program. 10861~~

Sec. 126.07. Except as provided in division (B) of section 10862
126.21 of the Revised Code, no contract, agreement, or obligation 10863
involving the expenditure of money chargeable to an appropriation, 10864
nor any resolution or order for the expenditure of money 10865
chargeable to an appropriation, shall be valid and enforceable 10866
unless the director of budget and management first certifies that 10867
there is a balance in the appropriation not already obligated to 10868
pay existing obligations, in an amount at least equal to the 10869
portion of the contract, agreement, obligation, resolution, or 10870
order to be performed in the current fiscal year. Any written 10871

contract or agreement entered into by the state shall contain a 10872
clause stating that the obligations of the state are subject to 10873
this section. 10874

The chief administrative officer of a state agency is 10875
responsible for the preaudit and approval of expenditures and 10876
other transactions of the agency. In order to initiate the making 10877
of a payment from the state treasury, the person in a state agency 10878
who requests that the payment be made shall first submit to the 10879
chief administrative officer of the agency all invoices, claims, 10880
vouchers, and other documentation related to the payment. The 10881
chief administrative officer shall examine each voucher and all 10882
other documentation required to support the voucher and determine 10883
whether they meet all the requirements established by the director 10884
of budget and management for making the payment. If they do meet 10885
those requirements, the chief administrative officer shall certify 10886
to the director the approval of the chief administrative officer 10887
for payment. 10888

Prior to drawing a warrant or processing an electronic funds 10889
transfer as provided in section 126.35 of the Revised Code, the 10890
director may review and audit the voucher, any documentation 10891
accompanying the voucher, and any other documentation related to 10892
the transaction that the director may require to determine if the 10893
transaction is in accordance with law. The director shall not 10894
approve payment to be made if the director finds that there is not 10895
an unobligated balance in the appropriation for the payment, that 10896
the payment is not for a valid claim against the state that is 10897
legally due, or that insufficient documentation has been 10898
submitted. If the director does not approve payment, the director 10899
shall notify the agency of the reasons the director has not given 10900
approval. 10901

In approving payments to be made under this section, the 10902
director, upon receipt of certification from the director of job 10903

and family services pursuant to section 4141.231 of the Revised Code, shall withhold from amounts otherwise payable to a person who is the subject of the director of jobs and family services' certification, the amount certified to be due and unpaid to the director of job and family services, and shall approve for payment to the director of job and family services, the amount withheld.

As used in this section and in section 126.21 of the Revised Code, "chief administrative officer" means either of the following:

(A) The director of the agency or, in the case of a state agency without a director, the equivalent officer of that agency;

(B) The designee of the chief administrative officer for the purposes of such sections.

Sec. 126.14. The release of any money appropriated for the purchase of real estate shall be approved by the controlling board. The release of money appropriated for all other capital projects is also subject to the approval of the controlling board, except that the director of budget and management may approve the release of money appropriated for specific projects in accordance with the requirements of this section and except that the director of budget and management may approve the release of unencumbered capital balances, for a project to repair, remove, or prevent a public exigency declared to exist by the executive director of ~~administrative services~~ the Ohio facilities construction commission under section 123.10 of the Revised Code, ~~or by the executive director of the Ohio facilities construction commission under section 123.23 of the Revised Code,~~ in the amount designated in that declaration.

Within sixty days after the effective date of any act appropriating money for capital projects, the director shall determine which appropriations are for general projects and which

are for specific projects. Specific projects may include specific higher education projects that are to be funded from general purpose appropriations from the higher education improvement fund or the higher education improvement taxable fund created in section 154.21 of the Revised Code. Upon determining which projects are general and which are specific, the director shall submit to the controlling board a list that includes a brief description of and the estimated expenditures for each specific project. The release of money for any specific higher education projects that are to be funded from general purpose appropriations from the higher education improvement fund or the higher education improvement taxable fund but that are not included on the list, and the release of money for any specific higher education projects included on the list that will exceed the estimated expenditures by more than ten per cent, are subject to the approval of the controlling board.

The director may create new appropriation items and make transfers of appropriations to them for specific higher education projects included on the list that are to be funded from general purpose appropriations for basic renovations that are made from the higher education improvement fund or the higher education improvement taxable fund.

Sec. 126.211. The director of budget and management shall not release funds to a veterans organization until the director has been advised by the director of veterans services under division (Y) of section 5902.02 of the Revised Code that the organization has submitted a satisfactory report as required by division (W) of that section.

Sec. 126.32. (A) Any officer of any state agency may authorize reimbursement for travel, including the costs of transportation, for lodging, and for meals to any person who is

interviewing for a position that is classified in pay range 13 or 10966
above in schedule E-1 or schedule E-1 for step seven only, or is 10967
classified in schedule E-2, of section 124.152 of the Revised 10968
Code. 10969

(B) If a person is appointed to a position listed in section 10970
121.03 of the Revised Code, to the position of chairperson of the 10971
industrial commission, adjutant general, chancellor of the Ohio 10972
board of regents, superintendent of public instruction, 10973
chairperson of the public utilities commission of Ohio, or 10974
director of the state lottery commission, to a position holding a 10975
fiduciary relationship to the governor, to a position of an 10976
appointing authority of the department of ~~mental health~~ mental 10977
health and addiction services, developmental disabilities, or 10978
rehabilitation and correction, to a position of superintendent in 10979
the department of youth services, or to a position under section 10980
122.05 of the Revised Code, and if that appointment requires a 10981
permanent change of residence, the appropriate state agency may 10982
reimburse the person for the person's actual and necessary 10983
expenses, including the cost of in-transit storage of household 10984
goods and personal effects, of moving the person and members of 10985
the person's immediate family residing in the person's household, 10986
and of moving their household goods and personal effects, to the 10987
person's new location. 10988

Until that person moves the person's permanent residence to 10989
the new location, but not for a period that exceeds thirty 10990
consecutive days, the state agency may reimburse the person for 10991
the person's temporary living expenses at the new location that 10992
the person has incurred on behalf of the person and members of the 10993
person's immediate family residing in the person's household. In 10994
addition, the state agency may reimburse that person for the 10995
person's travel expenses between the new location and the person's 10996
former residence during this period for a maximum number of trips 10997

specified by rule of the director of budget and management, but 10998
the state agency shall not reimburse the person for travel 10999
expenses incurred for those trips by members of the person's 11000
immediate family. With the prior written approval of the director, 11001
the maximum thirty-day period for temporary living expenses may be 11002
extended for a person appointed to a position under section 122.05 11003
of the Revised Code. 11004

The director of development services may reimburse a person 11005
appointed to a position under section 122.05 of the Revised Code 11006
for the person's actual and necessary expenses of moving the 11007
person and members of the person's immediate family residing in 11008
the person's household back to the United States and may reimburse 11009
a person appointed to such a position for the cost of storage of 11010
household goods and personal effects of the person and the 11011
person's immediate family while the person is serving outside the 11012
United States, if the person's office outside the United States is 11013
the person's primary job location. 11014

(C) All reimbursement under division (A) or (B) of this 11015
section shall be made in the manner, and at rates that do not 11016
exceed those, provided by rule of the director of budget and 11017
management in accordance with section 111.15 of the Revised Code. 11018
Reimbursements may be made under division (B) of this section 11019
directly to the persons who incurred the expenses or directly to 11020
the providers of goods or services the persons receive, as 11021
determined by the director of budget and management. 11022

Sec. 126.35. (A) The director of budget and management shall 11023
draw warrants or process electronic funds transfers against the 11024
treasurer of state pursuant to all requests for payment that the 11025
director has approved under section 126.07 of the Revised Code. 11026

(B) Unless a cash assistance payment is to be made by 11027
electronic benefit transfer, payment by the director of budget and 11028

management to a participant in the Ohio works first program 11029
pursuant to Chapter 5107. of the Revised Code, a recipient of 11030
disability financial assistance pursuant to Chapter 5115. of the 11031
Revised Code, or a recipient of cash assistance provided under the 11032
refugee assistance program established under section 5101.49 of 11033
the Revised Code shall be made by direct deposit to the account of 11034
the participant or recipient in the financial institution 11035
designated under section 329.03 of the Revised Code. Payment by 11036
the director of budget and management to a recipient of benefits 11037
distributed through the medium of electronic benefit transfer 11038
pursuant to section 5101.33 of the Revised Code shall be by 11039
electronic benefit transfer. Payment by the director of budget and 11040
management as compensation to an employee of the state who has, 11041
pursuant to section 124.151 of the Revised Code, designated a 11042
financial institution and account for the direct deposit of such 11043
payments shall be made by direct deposit to the account of the 11044
employee. Payment to any other payee who has designated a 11045
financial institution and account for the direct deposit of such 11046
payment may be made by direct deposit to the account of the payee 11047
in the financial institution as provided in section 9.37 of the 11048
Revised Code. Accounts maintained by the director of budget and 11049
management or the director's agent in a financial institution for 11050
the purpose of effectuating payment by direct deposit or 11051
electronic benefit transfer shall be maintained in accordance with 11052
section 135.18 of the Revised Code. 11053

(C) All other payments from the state treasury shall be made 11054
by paper warrants, electronic funds transfers, or by direct 11055
deposit payable to the respective payees. The director of budget 11056
and management may mail the paper warrants to the respective 11057
payees or distribute them through other state agencies, whichever 11058
the director determines to be the better procedure. 11059

~~(D) If the average per transaction cost the director of~~ 11060

~~budget and management incurs in making direct deposits for a state 11061
agency exceeds the average per transaction cost the director 11062
incurs in drawing paper warrants for all public offices during the 11063
same period of time, the director may certify the difference in 11064
cost and the number of direct deposits for the agency to the 11065
director of administrative services. The director of 11066
administrative services shall reimburse the director of budget and 11067
management for such additional costs and add the amount to the 11068
processing charge assessed upon the state agency. 11069~~

Sec. 126.45. (A) As used in sections 126.45 to 126.48 of the 11070
Revised Code, "state agency" means the administrative departments 11071
listed in section 121.02 of the Revised Code, the department of 11072
taxation, the bureau of workers' compensation, ~~and~~ the Ohio board 11073
of regents, the opportunities for Ohioans with disabilities 11074
agency, the public utilities commission of Ohio, the adjutant 11075
general, and the state lottery commission. 11076

(B) The office of internal ~~auditing~~ audit is hereby created 11077
in the office of budget and management to ~~conduct~~ direct internal 11078
audits of state agencies or divisions of state agencies to improve 11079
their operations in the areas of risk management, internal 11080
controls, and governance. The director of budget and management, 11081
with the approval of the governor, shall appoint for the office of 11082
internal ~~auditing~~ audit a chief internal auditor who meets the 11083
qualifications specified in division ~~(C)~~(E) of this section. The 11084
chief internal auditor shall serve at the director's pleasure and 11085
be responsible for the administration of the office of internal 11086
~~auditing~~ audit consistent with sections 126.45 to 126.48 of the 11087
Revised Code. 11088

(C) The office of internal ~~auditing~~ audit shall conduct 11089
programs for the internal auditing of state agencies. The programs 11090
shall include an annual internal audit plan, reviewed by the state 11091

audit committee, that utilizes risk assessment techniques and 11092
identifies the specific audits to be ~~conducted~~ directed during the 11093
year. The programs also shall include periodic audits of each 11094
state agency's major systems and controls, including those systems 11095
and controls pertaining to accounting, administration, and 11096
~~electronic data processing~~ information technology. Upon the 11097
request of the office of internal ~~auditing~~ audit, each state 11098
agency shall provide office employees access to all records and 11099
documents necessary for the performance of an internal audit. 11100

The director of budget and management shall assess a charge 11101
against each state agency for which the office of internal 11102
~~auditing~~ audit conducts internal auditing programs under sections 11103
126.45 to 126.48 of the Revised Code so that the total amount of 11104
these charges is sufficient to cover the costs of the operation of 11105
the office of internal ~~auditing~~ audit. 11106

(D) At the request of any other organized body, office, or 11107
agency established by the laws of the state for the exercise of 11108
any function of state government that is not described in division 11109
(A) of this section, the office of internal audit may direct an 11110
internal audit of all or part of that body, office, or agency. The 11111
office of internal audit shall charge an amount sufficient to 11112
cover the costs it incurs in relation to the requested audit. 11113

~~(C)~~(E) The chief internal auditor of the office of internal 11114
~~auditing~~ audit shall hold at least a bachelor's degree and be one 11115
of the following: 11116

(1) A certified internal auditor, a certified government 11117
auditing professional, or a certified public accountant, who also 11118
has held a PA registration or a CPA certificate authorized by 11119
Chapter 4701. of the Revised Code for at least four years and has 11120
at least six years of auditing experience; 11121

(2) An auditor who has held a PA registration or a CPA 11122

certificate authorized by Chapter 4701. of the Revised Code for at 11123
least four years and has at least ten years of auditing 11124
experience. 11125

~~(D)~~(F) The chief internal auditor, subject to the direction 11126
and control of the director of budget and management, may appoint 11127
and maintain any staff necessary to carry out the duties assigned 11128
by sections 126.45 to 126.48 of the Revised Code to the office of 11129
internal ~~auditing~~ audit or to the chief internal auditor. 11130

Sec. 126.46. (A)(1) There is hereby created the state audit 11131
committee, consisting of the following five members: one public 11132
member appointed by the governor; two public members appointed by 11133
the speaker of the house of representatives, one of which may be a 11134
person who is recommended by the minority leader of the house of 11135
representatives; and two public members appointed by the president 11136
of the senate, one of which may be a person who is recommended by 11137
the minority leader of the senate. Not more than two of the four 11138
members appointed by the speaker of the house of representatives 11139
and the president of the senate shall belong to or be affiliated 11140
with the same political party. The member appointed by the 11141
governor shall have the program and management expertise required 11142
to perform the duties of the committee's chairperson. 11143

Each member of the committee shall be external to the 11144
management structure of state government and shall serve a 11145
three-year term. Each term shall commence on the first day of July 11146
and end on the thirtieth day of June. Any member may continue in 11147
office subsequent to the expiration date of the member's term 11148
until the member's successor takes office or until a period of 11149
ninety days has elapsed, whichever occurs first. Members may be 11150
reappointed to serve one additional term. 11151

~~On the effective date of the amendment of this section by~~ 11152
~~H.B. 153 of the 129th general assembly~~ September 29, 2011, the 11153

terms of the members shall be altered as follows: 11154

(a) The terms of the members appointed by the president shall 11155
expire on June 30, 2012. 11156

(b) The term of the member appointed by the speaker scheduled 11157
to expire on November 17, 2012, shall expire on June 30, 2013. 11158

(c) The term of the other member appointed by the speaker 11159
shall expire on June 30, 2014. 11160

(d) The term of the member appointed by the governor shall 11161
expire on June 30, 2014. 11162

The committee shall include at least one member who is a 11163
financial expert; at least one member who is an active, inactive, 11164
or retired certified public accountant; at least one member who is 11165
familiar with governmental financial accounting; at least one 11166
member who is familiar with information technology systems and 11167
services; and at least one member who is a representative of the 11168
public. 11169

Any vacancy on the committee shall be filled in the same 11170
manner as provided in this division, and, when applicable, the 11171
person appointed to fill a vacancy shall serve the remainder of 11172
the predecessor's term. 11173

(2) Members of the committee shall receive reimbursement for 11174
actual and necessary expenses incurred in the discharge of their 11175
duties. 11176

(3) The member of the committee appointed by the governor 11177
shall serve as the committee's chairperson. 11178

(4) Members of the committee shall be subject to the 11179
disclosure statement requirements of section 102.02 of the Revised 11180
Code. 11181

(B) The state audit committee shall do all of the following: 11182

(1) ~~Ensure that~~ Evaluate whether the internal audits 11183

~~conducted~~ directed by the office of internal ~~auditing~~ audit in the 11184
office of budget and management conform to the institute of 11185
internal auditors' international ~~standards for the~~ professional 11186
~~practice of~~ practices framework for internal auditing and to the 11187
institute of internal auditors' code of ethics; 11188

(2) Review and comment on the process used by the office of 11189
budget and management to prepare ~~its annual budgetary financial~~ 11190
~~report and~~ the state's comprehensive annual financial report 11191
required under division (A)(9) of section 126.21 of the Revised 11192
Code; 11193

(3) Review and comment on unaudited financial statements 11194
submitted to the auditor of state and communicate with external 11195
auditors as required by government auditing standards; 11196

(4) Perform the additional functions imposed upon it by 11197
section 126.47 of the Revised Code. 11198

(C) As used in this section, "financial expert" means a 11199
person who has all of the following: 11200

(1) An understanding of generally accepted accounting 11201
principles and financial statements; 11202

(2) The ability to assess the general application of those 11203
principles in connection with accounting for estimates, accruals, 11204
and reserves; 11205

(3) Experience preparing, auditing, analyzing, or evaluating 11206
financial statements presenting accounting issues that generally 11207
are of comparable breadth and level of complexity to those likely 11208
to be presented by a state agency's financial statements, or 11209
experience actively supervising one or more persons engaged in 11210
those activities; 11211

(4) An understanding of internal controls and procedures for 11212
financial reporting; and 11213

(5) An understanding of audit committee functions. 11214

Sec. 126.47. (A) The state audit committee created by section 11215
126.46 of the Revised Code shall ensure that the office of 11216
internal ~~auditing~~ audit in the office of budget and management has 11217
an annual internal audit plan that identifies the internal audits 11218
of state agencies or divisions of state agencies scheduled for the 11219
next fiscal year. The chief internal auditor of the office of 11220
internal ~~auditing~~ audit shall submit the plan to the state audit 11221
committee for review and comment before the beginning of each 11222
fiscal year. The chief internal auditor may submit a revised 11223
internal audit plan for review and comment at any time the 11224
director of budget and management believes there is reason to 11225
modify the previously submitted plan for a fiscal year. 11226

(B) To determine the state agencies or divisions of state 11227
agencies that are to be internally audited, the office of internal 11228
~~auditing~~ audit, in the formulation of an annual or revised 11229
internal audit plan, and the state audit committee, in reviewing a 11230
submitted annual or revised internal audit plan, shall consider 11231
the following factors: 11232

(1) The risk for fraud, waste, or abuse of public money 11233
within an agency or division; 11234

(2) The length of time since an agency or division was last 11235
subject to an internal audit; 11236

(3) The size of an agency or division, and the amount of time 11237
and resources necessary to audit it; 11238

(4) Any other factor the state audit committee determines to 11239
be relevant. 11240

(C) All internal audits shall be ~~conducted only~~ directed by 11241
employees of the office of internal ~~auditing~~ audit. 11242

(D) After the conclusion of an internal audit, the chief 11243

internal auditor shall submit a preliminary report of the internal 11244
audit's findings and recommendations to the state audit committee 11245
and to the director of the state agency involved. The state agency 11246
or division of the state agency covered by the preliminary report 11247
shall be provided an opportunity to respond within thirty days 11248
after receipt of the preliminary report. The response shall 11249
include a corrective action plan for any recommendations in the 11250
preliminary report that are not disputed by the agency or 11251
division. Any response received by the office of internal ~~auditing~~ 11252
audit within that thirty-day period shall be included in the 11253
office's final report of the internal audit's findings and 11254
recommendations. The final report shall be issued by the office of 11255
internal ~~auditing~~ audit within thirty days after the termination 11256
of the thirty-day response period. Copies of the final report 11257
shall be submitted to the state audit committee, the governor, and 11258
the director of the state agency involved. The state audit 11259
committee shall determine an appropriate method for making the 11260
preliminary and final reports available for public inspection in a 11261
timely manner. 11262

Any suspected fraud or other illegal activity discovered by 11263
the office of internal ~~auditing~~ audit during ~~the conduct of~~ an 11264
internal audit shall be reported immediately to the state audit 11265
committee, the director of the state agency in which the fraud or 11266
illegal activity is suspected to have occurred, and the auditor of 11267
state. 11268

(E) The chief internal auditor shall prepare an annual report 11269
and submit the report to the governor, the president of the 11270
senate, the speaker of the house of representatives, and the 11271
auditor of state. The office of budget and management shall make 11272
the report available to the public by posting it on the office's 11273
web site before the first of ~~July~~ August of each year. 11274

Sec. 126.48. ~~Any~~ (A) Except as provided in division (B) of 11275
this section, any preliminary or final report of an internal 11276
audit's findings and recommendations which is produced by the 11277
office of internal ~~auditing~~ audit in the office of budget and 11278
management and all work papers of the internal audit are 11279
confidential and are not public records under section 149.43 of 11280
the Revised Code until the final report of an internal audit's 11281
findings and recommendations is submitted to the state audit 11282
committee, the governor, and the director of the state agency 11283
involved. 11284

(B) The following are not public records under section 149.43 11285
of the Revised Code: 11286

(1) An internal audit report that meets the definition of a 11287
security record under section 149.433 of the Revised Code; 11288

(2) Any information derived from a state tax return or state 11289
tax return information as permitted to be used by the office of 11290
internal audit under section 5703.21 of the Revised Code. 11291

Sec. 127.14. The controlling board may, at the request of any 11292
state agency or the director of budget and management, authorize, 11293
with respect to the provisions of any appropriation act: 11294
11295

(A) Transfers of all or part of an appropriation within but 11296
not between state agencies, except such transfers as the director 11297
of budget and management is authorized by law to make, provided 11298
that no transfer shall be made by the director for the purpose of 11299
effecting new or changed levels of program service not authorized 11300
by the general assembly; 11301

(B) Transfers of all or part of an appropriation from one 11302
fiscal year to another; 11303

(C) Transfers of all or part of an appropriation within or 11304

between state agencies made necessary by administrative 11305
reorganization or by the abolition of an agency or part of an 11306
agency; 11307

(D) Transfers of all or part of cash balances in excess of 11308
needs from any fund of the state to the general revenue fund or to 11309
such other fund of the state to which the money would have been 11310
credited in the absence of the fund from which the transfers are 11311
authorized to be made, except that the controlling board may not 11312
authorize such transfers from the accrued leave liability fund, 11313
auto registration distribution fund, local motor vehicle license 11314
tax fund, budget stabilization fund, building improvement fund, 11315
development bond retirement fund, facilities establishment fund, 11316
gasoline excise tax fund, general revenue fund, higher education 11317
improvement fund, highway improvement bond retirement fund, 11318
highway obligations bond retirement fund, highway capital 11319
improvement fund, highway operating fund, horse racing tax fund, 11320
improvements bond retirement fund, public library fund, liquor 11321
control fund, local government fund, local transportation 11322
improvement program fund, mental health facilities improvement 11323
fund, Ohio fairs fund, parks and recreation improvement fund, 11324
public improvements bond retirement fund, school district income 11325
tax fund, state agency facilities improvement fund, state and 11326
local government highway distribution fund, state highway safety 11327
fund, state lottery fund, undivided liquor permit fund, Vietnam 11328
conflict compensation bond retirement fund, volunteer fire 11329
fighters' dependents fund, waterways safety fund, wildlife fund, 11330
workers' compensation fund, or any fund not specified in this 11331
division that the director of budget and management determines to 11332
be a bond fund or bond retirement fund; 11333

(E) Transfers of all or part of those appropriations included 11334
in the emergency purposes account of the controlling board; 11335

(F) Temporary transfers of all or part of an appropriation or 11336

other moneys into and between existing funds, or new funds, as may 11337
be established by law when needed for capital outlays for which 11338
notes or bonds will be issued; 11339

(G) Transfer or release of all or part of an appropriation to 11340
a state agency requiring controlling board approval of such 11341
transfer or release as provided by law; 11342

(H) Temporary transfer of funds included in the emergency 11343
purposes appropriation of the controlling board. Such temporary 11344
transfers may be made subject to conditions specified by the 11345
controlling board at the time temporary transfers are authorized. 11346
No transfers shall be made under this division for the purpose of 11347
effecting new or changed levels of program service not authorized 11348
by the general assembly. 11349

As used in this section, "request" means an application by a 11350
state agency or the director of budget and management seeking some 11351
action by the controlling board. 11352

When authorizing the transfer of all or part of an 11353
appropriation under this section, the controlling board may 11354
authorize the transfer to an existing appropriation item and the 11355
creation of and transfer to a new appropriation item. 11356

Whenever there is a transfer of all or part of funds included 11357
in the emergency purposes appropriation by the controlling board, 11358
pursuant to division (E) of this section, the state agency or the 11359
director of budget and management receiving such transfer shall 11360
keep a detailed record of the use of the transferred funds. At the 11361
earliest scheduled meeting of the controlling board following the 11362
accomplishment of the purposes specified in the request originally 11363
seeking the transfer, or following the total expenditure of the 11364
transferred funds for the specified purposes, the state agency or 11365
the director of budget and management shall submit a report on the 11366
expenditure of such funds to the board. The portion of any 11367

appropriation so transferred which is not required to accomplish 11368
the purposes designated in the original request to the controlling 11369
board shall be returned to the proper appropriation of the 11370
controlling board at this time. 11371

Notwithstanding any provisions of law providing for the 11372
deposit of revenues received by a state agency to the credit of a 11373
particular fund in the state treasury, whenever there is a 11374
temporary transfer of funds included in the emergency purposes 11375
appropriation of the controlling board pursuant to division (H) of 11376
this section, revenues received by any state agency receiving such 11377
a temporary transfer of funds shall, as directed by the 11378
controlling board, be transferred back to the emergency purposes 11379
appropriation. 11380

The board may delegate to the director of budget and 11381
management authority to approve transfers among items of 11382
appropriation under division (A) of this section. 11383

Sec. 127.16. (A) Upon the request of either a state agency or 11384
the director of budget and management and after the controlling 11385
board determines that an emergency or a sufficient economic reason 11386
exists, the controlling board may approve the making of a purchase 11387
without competitive selection as provided in division (B) of this 11388
section. 11389

(B) Except as otherwise provided in this section, no state 11390
agency, using money that has been appropriated to it directly, 11391
shall: 11392

(1) Make any purchase from a particular supplier, that would 11393
amount to fifty thousand dollars or more when combined with both 11394
the amount of all disbursements to the supplier during the fiscal 11395
year for purchases made by the agency and the amount of all 11396
outstanding encumbrances for purchases made by the agency from the 11397
supplier, unless the purchase is made by competitive selection or 11398

with the approval of the controlling board; 11399

(2) Lease real estate from a particular supplier, if the 11400
lease would amount to seventy-five thousand dollars or more when 11401
combined with both the amount of all disbursements to the supplier 11402
during the fiscal year for real estate leases made by the agency 11403
and the amount of all outstanding encumbrances for real estate 11404
leases made by the agency from the supplier, unless the lease is 11405
made by competitive selection or with the approval of the 11406
controlling board. 11407

(C) Any person who authorizes a purchase in violation of 11408
division (B) of this section shall be liable to the state for any 11409
state funds spent on the purchase, and the attorney general shall 11410
collect the amount from the person. 11411

(D) Nothing in division (B) of this section shall be 11412
construed as: 11413

(1) A limitation upon the authority of the director of 11414
transportation as granted in sections 5501.17, 5517.02, and 11415
5525.14 of the Revised Code; 11416

(2) Applying to medicaid provider agreements under ~~Chapter~~ 11417
~~5111. of the Revised Code~~ medicaid program; 11418

(3) Applying to the purchase of examinations from a sole 11419
supplier by a state licensing board under Title XLVII of the 11420
Revised Code; 11421

(4) Applying to entertainment contracts for the Ohio state 11422
fair entered into by the Ohio expositions commission, provided 11423
that the controlling board has given its approval to the 11424
commission to enter into such contracts and has approved a total 11425
budget amount for such contracts as agreed upon by commission 11426
action, and that the commission causes to be kept itemized records 11427
of the amounts of money spent under each contract and annually 11428
files those records with the clerk of the house of representatives 11429

and the clerk of the senate following the close of the fair; 11430

(5) Limiting the authority of the chief of the division of 11431
mineral resources management to contract for reclamation work with 11432
an operator mining adjacent land as provided in section 1513.27 of 11433
the Revised Code; 11434

(6) Applying to investment transactions and procedures of any 11435
state agency, except that the agency shall file with the board the 11436
name of any person with whom the agency contracts to make, broker, 11437
service, or otherwise manage its investments, as well as the 11438
commission, rate, or schedule of charges of such person with 11439
respect to any investment transactions to be undertaken on behalf 11440
of the agency. The filing shall be in a form and at such times as 11441
the board considers appropriate. 11442

(7) Applying to purchases made with money for the per cent 11443
for arts program established by section 3379.10 of the Revised 11444
Code; 11445

(8) Applying to purchases made by the ~~rehabilitation services~~ 11446
~~commission~~ opportunities for Ohioans with disabilities agency of 11447
services, or supplies, that are provided to persons with 11448
disabilities, or to purchases made by the ~~commission~~ agency in 11449
connection with the eligibility determinations it makes for 11450
applicants of programs administered by the social security 11451
administration; 11452

(9) Applying to payments by the department of ~~job and family~~ 11453
~~services~~ medicaid under section ~~5111.13~~ 5164.85 of the Revised 11454
Code for group health plan premiums, deductibles, coinsurance, and 11455
other cost-sharing expenses; 11456

(10) Applying to any agency of the legislative branch of the 11457
state government; 11458

(11) Applying to agreements or contracts entered into under 11459
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the 11460

Revised Code;	11461
(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;	11462 11463 11464 11465
(13) Applying to dues or fees paid for membership in an organization or association;	11466 11467
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	11468 11469
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	11470 11471 11472 11473
(16) Applying to purchases of tickets for passenger air transportation;	11474 11475
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	11476 11477 11478
(18) Applying to the judicial branch of state government;	11479
(19) Applying to purchases of liquor for resale by the division of liquor control;	11480 11481
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	11482 11483 11484
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	11485 11486 11487 11488
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published	11489 11490

materials;	11491
(23) Applying to purchases from other state agencies,	11492
including state-assisted institutions of higher education <u>or the</u>	11493
<u>Ohio historical society</u> ;	11494
(24) Limiting the authority of the director of environmental	11495
protection to enter into contracts under division (D) of section	11496
3745.14 of the Revised Code to conduct compliance reviews, as	11497
defined in division (A) of that section;	11498
(25) Applying to purchases from a qualified nonprofit agency	11499
pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of	11500
the Revised Code;	11501
(26) Applying to payments by the department of job and family	11502
services to the United States department of health and human	11503
services for printing and mailing notices pertaining to the tax	11504
refund offset program of the internal revenue service of the	11505
United States department of the treasury;	11506
(27) Applying to contracts entered into by the department of	11507
developmental disabilities under section 5123.18 of the Revised	11508
Code;	11509
(28) Applying to payments made by the department of mental	11510
health <u>mental health and addiction services</u> under a physician	11511
recruitment program authorized by section 5119.101 <u>5119.185</u> of the	11512
Revised Code;	11513
(29) Applying to contracts entered into with persons by the	11514
director of commerce for unclaimed funds collection and remittance	11515
efforts as provided in division (F) of section 169.03 of the	11516
Revised Code. The director shall keep an itemized accounting of	11517
unclaimed funds collected by those persons and amounts paid to	11518
them for their services.	11519
(30) Applying to purchases made by a state institution of	11520

higher education in accordance with the terms of a contract 11521
between the vendor and an inter-university purchasing group 11522
comprised of purchasing officers of state institutions of higher 11523
education; 11524

(31) Applying to the department of ~~job and family services~~ 11525
medicaid's purchases of health assistance services under the 11526
children's health insurance program ~~part I provided for under~~ 11527
~~section 5101.50 of the Revised Code, the children's health~~ 11528
~~insurance program part II provided for under section 5101.51 of~~ 11529
~~the Revised Code, or the children's health insurance program part~~ 11530
~~III provided for under section 5101.52 of the Revised Code;~~ 11531

(32) Applying to payments by the attorney general from the 11532
reparations fund to hospitals and other emergency medical 11533
facilities for performing medical examinations to collect physical 11534
evidence pursuant to section 2907.28 of the Revised Code; 11535

(33) Applying to contracts with a contracting authority or 11536
administrative receiver under division (B) of section 5126.056 of 11537
the Revised Code; 11538

(34) Applying to purchases of goods and services by the 11539
department of veterans services in accordance with the terms of 11540
contracts entered into by the United States department of veterans 11541
affairs; 11542

(35) Applying to payments by the superintendent of the bureau 11543
of criminal identification and investigation to the federal bureau 11544
of investigation for criminal records checks pursuant to section 11545
109.572 of the Revised Code; 11546

(36) Applying to contracts entered into by the department of 11547
~~job and family services~~ medicaid under section ~~5111.054~~ 5164.47 of 11548
the Revised Code; 11549

(37) Applying to contracts entered into under section 5160.12 11550
of the Revised Code; 11551

(38) Applying to payments to the Ohio historical society from 11552
other state agencies. 11553

(E) When determining whether a state agency has reached the 11554
cumulative purchase thresholds established in divisions (B)(1) and 11555
(2) of this section, all of the following purchases by such agency 11556
shall not be considered: 11557

(1) Purchases made through competitive selection or with 11558
controlling board approval; 11559

(2) Purchases listed in division (D) of this section; 11560

(3) For the purposes of the threshold of division (B)(1) of 11561
this section only, leases of real estate. 11562

(F) As used in this section, "competitive selection," 11563
"purchase," "supplies," and "services" have the same meanings as 11564
in section 125.01 of the Revised Code. 11565

Sec. ~~5507-01~~ 128.01. As used in this chapter: 11566

(A) "9-1-1 system" means a system through which individuals 11567
can request emergency service using the telephone number 9-1-1. 11568

(B) "Basic 9-1-1" means a 9-1-1 system in which a caller 11569
provides information on the nature of and the location of an 11570
emergency, and the personnel receiving the call must determine the 11571
appropriate emergency service provider to respond at that 11572
location. 11573

(C) "Enhanced 9-1-1" means a 9-1-1 system capable of 11574
providing both enhanced wireline 9-1-1 and wireless enhanced 11575
9-1-1. 11576

(D) "Enhanced wireline 9-1-1" means a 9-1-1 system in which 11577
the wireline telephone network, in providing wireline 9-1-1, 11578
automatically routes the call to emergency service providers that 11579
serve the location from which the call is made and immediately 11580

provides to personnel answering the 9-1-1 call information on the 11581
location and the telephone number from which the call is being 11582
made. 11583

(E) "Wireless enhanced 9-1-1" means a 9-1-1 system that, in 11584
providing wireless 9-1-1, has the capabilities of phase I and, to 11585
the extent available, phase II enhanced 9-1-1 services as 11586
described in 47 C.F.R. 20.18 (d) to (h). 11587

(F)(1) "Wireless service" means federally licensed commercial 11588
mobile service as defined in 47 U.S.C. 332(d) and further defined 11589
as commercial mobile radio service in 47 C.F.R. 20.3, and includes 11590
service provided by any wireless, two-way communications device, 11591
including a radio-telephone communications line used in cellular 11592
telephone service or personal communications service, a network 11593
radio access line, or any functional or competitive equivalent of 11594
such a radio-telephone communications or network radio access 11595
line. 11596

(2) Nothing in this chapter applies to paging or any service 11597
that cannot be used to call 9-1-1. 11598

(G) "Wireless service provider" means a facilities-based 11599
provider of wireless service to one or more end users in this 11600
state. 11601

(H) "Wireless 9-1-1" means the emergency calling service 11602
provided by a 9-1-1 system pursuant to a call originating in the 11603
network of a wireless service provider. 11604

(I) "Wireline 9-1-1" means the emergency calling service 11605
provided by a 9-1-1 system pursuant to a call originating in the 11606
network of a wireline service provider. 11607

(J) "Wireline service provider" means a facilities-based 11608
provider of wireline service to one or more end-users in this 11609
state. 11610

(K) "Wireline service" means basic local exchange service, as 11611
defined in section 4927.01 of the Revised Code, that is 11612
transmitted by means of interconnected wires or cables by a 11613
wireline service provider authorized by the public utilities 11614
commission. 11615

(L) "Wireline telephone network" means the selective router 11616
and data base processing systems, trunking and data wiring cross 11617
connection points at the public safety answering point, and all 11618
other voice and data components of the 9-1-1 system. 11619

(M) "Subdivision" means a county, municipal corporation, 11620
township, township fire district, joint fire district, township 11621
police district, joint police district, joint ambulance district, 11622
or joint emergency medical services district that provides 11623
emergency service within its territory, or that contracts with 11624
another municipal corporation, township, or district or with a 11625
private entity to provide such service; and a state college or 11626
university, port authority, or park district of any kind that 11627
employs law enforcement officers that act as the primary police 11628
force on the grounds of the college or university or port 11629
authority or in the parks operated by the district. 11630

(N) "Emergency service" means emergency law enforcement, 11631
firefighting, ambulance, rescue, and medical service. 11632

(O) "Emergency service provider" means the state highway 11633
patrol and an emergency service department or unit of a 11634
subdivision or that provides emergency service to a subdivision 11635
under contract with the subdivision. 11636

(P) "Public safety answering point" means a facility to which 11637
9-1-1 system calls for a specific territory are initially routed 11638
for response and where personnel respond to specific requests for 11639
emergency service by directly dispatching the appropriate 11640
emergency service provider, relaying a message to the appropriate 11641

provider, or transferring the call to the appropriate provider. 11642

(Q) "Customer premises equipment" means telecommunications 11643
equipment, including telephone instruments, on the premises of a 11644
public safety answering point that is used in answering and 11645
responding to 9-1-1 system calls. 11646

(R) "Municipal corporation in the county" includes any 11647
municipal corporation that is wholly contained in the county and 11648
each municipal corporation located in more than one county that 11649
has a greater proportion of its territory in the county to which 11650
the term refers than in any other county. 11651

(S) "Board of county commissioners" includes the legislative 11652
authority of a county established under Section 3 of Article X, 11653
Ohio Constitution, or Chapter 302. of the Revised Code. 11654

(T) "Final plan" means a final plan adopted under division 11655
(B) of section ~~5507.08~~ 128.08 of the Revised Code and, except as 11656
otherwise expressly provided, an amended final plan adopted under 11657
section ~~5507.12~~ 128.12 of the Revised Code. 11658

(U) "Subdivision served by a public safety answering point" 11659
means a subdivision that provides emergency service for any part 11660
of its territory that is located within the territory of a public 11661
safety answering point whether the subdivision provides the 11662
emergency service with its own employees or pursuant to a 11663
contract. 11664

(V) A township's population includes only population of the 11665
unincorporated portion of the township. 11666

(W) "Telephone company" means a company engaged in the 11667
business of providing local exchange telephone service by making 11668
available or furnishing access and a dial tone to persons within a 11669
local calling area for use in originating and receiving voice 11670
grade communications over a switched network operated by the 11671
provider of the service within the area and gaining access to 11672

other telecommunications services. "Telephone company" includes a wireline service provider and a wireless service provider unless otherwise expressly specified. For purposes of sections ~~5507.25~~ 128.25 and ~~5507.26~~ 128.26 of the Revised Code, "telephone company" means a wireline service provider.

(X) "Prepaid wireless calling service" has the same meaning as in division (AA)(5) of section 5739.01 of the Revised Code.

(Y) "Provider of a prepaid wireless calling service" means a wireless service provider that provides a prepaid wireless calling service.

(Z) "Retail sale" has the same meaning as in section 5739.01 of the Revised Code.

(AA) "Seller" means a person that sells a prepaid wireless calling service to another person by retail sale.

(BB) "Consumer" means the person for whom the prepaid wireless calling service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the prepaid wireless calling service is charged, or to whom the admission is granted.

(CC) "Reseller" means a nonfacilities-based provider of wireless service that provides wireless service under its own name to one or more end users in this state using the network of a wireless service provider.

(DD) "Steering committee" means the statewide emergency services internet protocol network steering committee established by division (A)(1) of section 128.02 of the Revised Code.

Sec. ~~5507.02~~ 128.02. (A)(1) There is hereby created the statewide emergency services internet protocol network steering committee, consisting of the following ten members:

(a) The state chief information officer or the officer's

designee; 11703

(b) Two members of the house of representatives appointed by 11704
the speaker, one from the majority party and one from the minority 11705
party; 11706

(c) Two members of the senate appointed by the president, one 11707
from the majority party and one from the minority party; 11708

(d) Five members appointed by the governor. 11709

(2) In appointing the five members under division (A)(1)(d) 11710
of this section, the governor shall appoint two representatives of 11711
the county commissioners' association of Ohio or a successor 11712
organization, two representatives of the Ohio municipal league or 11713
a successor organization, and one representative of the Ohio 11714
township association or a successor organization. For each of 11715
these appointments, the governor shall consider a nominee proposed 11716
by the association or successor organization. The governor may 11717
reject any of the nominees and may request that a nominating 11718
entity submit alternative nominees. 11719

(3) Initial appointments shall be made not later than ten 11720
days after September 28, 2012. 11721

(B)(1) The state chief information officer or the officer's 11722
designee shall serve as the chairperson of the steering committee 11723
and shall be a nonvoting member. All other members shall be voting 11724
members. 11725

(2) A member of the steering committee appointed from the 11726
membership of the senate or the house of representatives shall 11727
serve during the member's term as a member of the general assembly 11728
and until a successor is appointed and qualified, notwithstanding 11729
adjournment of the general assembly or the expiration of the 11730
member's term as a member of the general assembly. 11731

(3) The initial terms of one of the representatives of the 11732

county commissioners' association of Ohio, one of the 11733
representatives of the Ohio municipal league, and the 11734
representative of the Ohio township association shall all expire 11735
on December 31, 2016. The initial terms of the other 11736
representatives of the county commissioners' association of Ohio 11737
and the Ohio municipal league shall expire on December 31, 2014. 11738
Thereafter, terms of the members appointed by the governor shall 11739
be for four years, with each term ending on the same day of the 11740
same month as the term it succeeds. Each member appointed by the 11741
governor shall hold office from the date of the member's 11742
appointment until the end of the term for which the member was 11743
appointed, and may be reappointed. A member appointed by the 11744
governor shall continue in office after the expiration date of the 11745
member's term until the member's successor takes office or until a 11746
period of sixty days has elapsed, whichever occurs first. Members 11747
appointed by the governor shall serve without compensation and 11748
shall not be reimbursed for expenses. 11749

(4) A vacancy in the position of any member of the steering 11750
committee shall be filled for the unexpired term in the same 11751
manner as the original appointment. 11752

(C) The steering committee shall generally advise the state 11753
on the implementation, operation, and maintenance of a statewide 11754
emergency services internet protocol network that would support 11755
state and local government next-generation 9-1-1 and the dispatch 11756
of emergency service providers. The steering committee shall do 11757
all of the following: 11758

(1) On or before May 15, 2013, deliver an initial report to 11759
the speaker of the house of representatives, the president of the 11760
senate, and the governor providing recommendations for the state 11761
to address the development of a statewide emergency services 11762
internet protocol network, which recommendations shall include a 11763
review of the current funding model for this state's 9-1-1 systems 11764

and may include a recommendation for a reduction in wireless 9-1-1 charges; 11765
11766

(2) Examine the readiness of the state's current technology infrastructure for a statewide emergency services internet protocol network; 11767
11768
11769

(3) Research legislative authority with regard to governance and funding of a statewide emergency services internet protocol network, and provide recommendations on best practices to limit duplicative efforts to ensure an effective transition to next-generation 9-1-1; 11770
11771
11772
11773
11774

(4) Make recommendations for consolidation of public-safety-answering-point operations in this state, including recommendations for accelerating the consolidation schedule established in section ~~5507.571~~ 128.571 of the Revised Code, to accommodate next-generation 9-1-1 technology and to facilitate a more efficient and effective emergency services system; 11775
11776
11777
11778
11779
11780

(5) Recommend policies, procedures, and statutory or regulatory authority to effectively govern a statewide emergency services internet protocol network; 11781
11782
11783

(6) Designate a next-generation 9-1-1 statewide coordinator to serve as the primary point of contact for federal initiatives; 11784
11785

(7) Coordinate with statewide initiatives and associations such as the state interoperable executive committee, the Ohio geographically referenced information program council, the Ohio multi-agency radio communications system steering committee, and other interested parties; 11786
11787
11788
11789
11790

(8) Serve as the entity responsible for the administration of Chapter 128. of the Revised Code. 11791
11792

~~(D)(1) Not later than February 15, 2013, each chairperson of a countywide 9-1-1 planning committee or the chairperson's~~ 11793
11794

~~designee shall report the following information~~ A 9-1-1 service 11795
~~provider shall provide~~ to the steering committee: 11796

(a) The aggregate number of access lines that the provider 11797
maintains within the state of Ohio; 11798

(b) The aggregate amount of costs and cost recovery 11799
associated with providing 9-1-1 service, including coverage under 11800
tariffs and bill and keep arrangements within this state; 11801

(c) Any other information requested by the steering committee 11802
deemed necessary to support the transition to next generation 11803
9-1-1. 11804

(2) Any political subdivision or governmental entity 11805
operating a public safety answering point shall provide to the 11806
steering committee: 11807

(a) The geographic location and population of the area for 11808
which the planning committee is responsible; 11809

(b) Statistics detailing the number of 9-1-1 calls received; 11810

(c) A report of expenditures made from disbursements ~~from the~~ 11811
~~wireless~~ for 9-1-1 government assistance fund; 11812

(d) An inventory of and the technical specifications for the 11813
current 9-1-1 network and equipment; 11814

(e) Any other information requested by the steering committee 11815
that is deemed necessary to support the transition to next 11816
generation 9-1-1. 11817

~~(2)(a) If, by February 15, 2013, a countywide 9-1-1 planning~~ 11818
~~committee fails to provide to the steering committee the~~ 11819
~~information required under division (D)(1) of this section, the~~ 11820
~~steering committee shall notify the Ohio 9-1-1 coordinator of the~~ 11821
~~failure and the coordinator shall suspend disbursements from the~~ 11822
~~wireless 9-1-1 government assistance fund to that county.~~ 11823
~~Disbursements to the county shall resume after the steering~~ 11824

~~committee receives the required information and notifies the 11825
coordinator that the requirement has been met. 11826~~

~~(b) Beginning January 1, 2014, the notification that the 11827
steering committee has received the required information shall be 11828
sent to the tax commissioner, and the disbursements to the county 11829
shall resume after the tax commissioner receives that notice 11830~~

~~(3) The information requested under divisions (D)(1) and (2) 11831
of this section shall be provided by the 9-1-1 service provider, 11832
political subdivision, or governmental entity within forty-five 11833
days of the request of the steering committee. 11834~~

(E) The steering committee shall hold its inaugural meeting 11835
not later than thirty days after September 28, 2012. Thereafter, 11836
the steering committee shall meet at least once a month, either in 11837
person or utilizing telecommunication-conferencing technology. A 11838
majority of the voting members shall constitute a quorum. 11839

(F)(1) The steering committee shall have a permanent 11840
technical-standards subcommittee and a permanent 11841
public-safety-answering-point-operations subcommittee, and may, 11842
from time to time, establish additional subcommittees, to advise 11843
and assist the steering committee based upon the subcommittees' 11844
areas of expertise. 11845

(2) The membership of subcommittees shall be determined by 11846
the steering committee. 11847

(a) The technical-standards subcommittee shall include one 11848
member representing a wireline or wireless service provider that 11849
participates in the state's 9-1-1 system, one representative of 11850
the Ohio academic resources network, one representative of the 11851
Ohio multi-agency radio communications system steering committee, 11852
one representative of the Ohio geographically referenced 11853
information program, and one member representing each of the 11854
following associations selected by the steering committee from 11855

11856 nominations received from that association:

11857 (i) The Ohio telephone association;

11858 (ii) The Ohio chapter of the association of public-safety
11859 communications officials;

11860 (iii) The Ohio chapter of the national emergency number
11861 association.

11862 (b) The public-safety-answering-point-operations subcommittee
11863 shall include one member representing the division of emergency
11864 management of the department of public safety, one member
11865 representing the state highway patrol, two members recommended by
11866 the county commissioners' association of Ohio who are managers of
11867 public safety answering points, two members recommended by the
11868 Ohio municipal league who are managers of public safety answering
11869 points, and one member from each of the following associations
11870 selected by the steering committee from nominations received from
11871 that association:

11872 (i) The buckeye state sheriffs' association;

11873 (ii) The Ohio association of chiefs of police;

11874 (iii) The Ohio association of fire chiefs;

11875 (iv) The Ohio chapter of the association of public-safety
11876 communications officials;

11877 (v) The Ohio chapter of the national emergency number
11878 association.

11879 (G) The committee is not an agency, as defined in section
11880 101.82 of the Revised Code, for purposes of sections 101.82 to
11881 101.87 of the Revised Code.

11882 (H) As used in this section, "9-1-1 system," "wireless
11883 service provider," "wireline service provider," "emergency service
11884 provider," and "public safety answering point" have the same
11885 meanings as in section ~~5507.01~~ 128.01 of the Revised Code.

(I) As used in this section, "bill and keep arrangements" has 11886
the same meaning as in 47 C.F.R. 51.713. 11887

Sec. ~~5507.021~~ 128.021. Not later than January 1, 2014, and in 11888
accordance with Chapter 119. of the Revised Code, the ~~statewide~~ 11889
~~emergency services internet protocol network~~ steering committee 11890
shall adopt rules that establish technical and operational 11891
standards for public safety answering points eligible to receive 11892
disbursements under section ~~5507.55~~ 128.55 of the Revised Code. 11893
The rules shall incorporate industry standards and best practices 11894
for wireless 9-1-1 services. Public safety answering points shall 11895
comply with the standards not later than two years after the 11896
effective date of the rules adopting the standards. 11897

Sec. ~~5507.022~~ 128.022. The ~~statewide emergency services~~ 11898
~~internet protocol network~~ steering committee shall establish 11899
guidelines for the tax commissioner to use when disbursing money 11900
from the next generation 9-1-1 fund to countywide 9-1-1 systems in 11901
the state. The guidelines shall be consistent with the standards 11902
adopted in section ~~5507.021~~ 128.021 of the Revised Code and shall 11903
specify that disbursements may be used for costs associated with 11904
the operation of and equipment for phase II wireless systems and 11905
for costs associated with a county's migration to next generation 11906
9-1-1 systems and technology. 11907

Sec. ~~5507.03~~ 128.03. (A)(1) A countywide 9-1-1 system shall 11908
include all of the territory of the townships and municipal 11909
corporations in the county and any portion of such a municipal 11910
corporation that extends into an adjacent county. 11911

(2) The system shall exclude any territory served by a 11912
wireline service provider that is not capable of reasonably 11913
meeting the technical and economic requirements of providing the 11914
wireline telephone network portion of the countywide system for 11915

that territory. The system shall exclude from enhanced 9-1-1 any territory served by a wireline service provider that is not capable of reasonably meeting the technical and economic requirements of providing the wireline telephone network portion of enhanced 9-1-1 for that territory. If a 9-1-1 planning committee and a wireline service provider do not agree on whether the provider is so capable, the planning committee shall notify the ~~department of public safety steering committee~~, and the ~~department steering committee~~ shall determine whether the wireline service provider is so capable. The planning committee shall ascertain whether such disagreement exists before making its implementation proposal under division (A) of section ~~5507.07~~ 128.07 of the Revised Code. The ~~department's steering committee's~~ determination shall be in the form of an order. No final plan shall require a wireline service provider to provide the wireline telephone network portion of a 9-1-1 system that the ~~department steering committee~~ has determined the provider is not reasonably capable of providing.

(B) A countywide 9-1-1 system may be a basic or enhanced 9-1-1 system, or a combination of the two, and shall be for the purpose of providing both wireline 9-1-1 and wireless 9-1-1.

(C) Every emergency service provider that provides emergency service within the territory of a countywide 9-1-1 system shall participate in the countywide system.

(D)(1) Each public safety answering point shall be operated by a subdivision or a regional council of governments and shall be operated constantly.

(2) A subdivision or a regional council of governments that operates a public safety answering point shall pay all of the costs associated with establishing, equipping, furnishing, operating, and maintaining that facility and shall allocate those costs among itself and the subdivisions served by the answering

point based on the allocation formula in a final plan. The 11948
wireline service provider or other entity that provides or 11949
maintains the customer premises equipment shall bill the operating 11950
subdivision or the operating regional council of governments for 11951
the cost of providing such equipment, or its maintenance. A 11952
wireless service provider and a subdivision or regional council of 11953
governments operating a public safety answering point may enter 11954
into a service agreement for providing wireless enhanced 9-1-1 11955
pursuant to a final plan adopted under this chapter. 11956

(E) Except to the extent provided in a final plan that 11957
provides for funding of a 9-1-1 system in part through charges 11958
imposed under section ~~5507.22~~ 128.22 of the Revised Code, each 11959
subdivision served by a public safety answering point shall pay 11960
the subdivision or regional council of governments that operates 11961
the answering point the amount computed in accordance with the 11962
allocation formula set forth in the final plan. 11963

(F) Notwithstanding any other provision of law, the purchase 11964
or other acquisition, installation, and maintenance of the 11965
telephone network for a 9-1-1 system and the purchase or other 11966
acquisition, installation, and maintenance of customer premises 11967
equipment at a public safety answering point made in compliance 11968
with a final plan or an agreement under section ~~5507.09~~ 128.09 of 11969
the Revised Code, including customer premises equipment used to 11970
provide wireless enhanced 9-1-1, are not subject to any 11971
requirement of competitive bidding. 11972

(G) Each emergency service provider participating in a 11973
countywide 9-1-1 system shall maintain a telephone number in 11974
addition to 9-1-1. 11975

(H) Whenever a final plan provides for the implementation of 11976
basic 9-1-1, the planning committee shall so notify the ~~department~~ 11977
~~of public safety steering committee~~, which shall determine whether 11978
the wireline service providers serving the territory covered by 11979

the plan are capable of reasonably meeting the technical and 11980
economic requirements of providing the wireline telephone network 11981
portion of an enhanced 9-1-1 system. The determination shall be 11982
made solely for purposes of division (C)(2) of section ~~5507.18~~ 11983
128.18 of the Revised Code. 11984

(I) If the public safety answering point personnel reasonably 11985
determine that a 9-1-1 call is not an emergency, the personnel 11986
shall provide the caller with the telephone number of an 11987
appropriate subdivision agency as applicable. 11988

(J) A final plan adopted under this chapter, or an agreement 11989
under section ~~5507.09~~ 128.09 of the Revised Code, may provide 11990
that, by further agreement included in the plan or agreement, the 11991
state highway patrol or one or more public safety answering points 11992
of another 9-1-1 system is the public safety answering point or 11993
points for the provision of wireline or wireless 9-1-1 for all or 11994
part of the territory of the 9-1-1 system established under the 11995
plan or agreement. In that event, the subdivision for which the 11996
wireline or wireless 9-1-1 is provided as named in the agreement 11997
shall be deemed the subdivision operating the public safety 11998
answering point or points for purposes of this chapter, except 11999
that, for the purpose of division (D)(2) of this section, that 12000
subdivision shall pay only so much of the costs of establishing, 12001
equipping, furnishing, operating, or maintaining any such public 12002
safety answering point as are specified in the agreement with the 12003
patrol or other system. 12004

(K) A final plan for the provision of wireless enhanced 9-1-1 12005
shall provide that any wireless 9-1-1 calls routed to a state 12006
highway patrol-operated public safety answering point by default, 12007
due to a wireless service provider so routing all such calls of 12008
its subscribers without prior permission, are instead to be routed 12009
as provided under the plan. Upon the implementation of countywide 12010
wireless enhanced 9-1-1 pursuant to a final plan, the state 12011

highway patrol shall cease any functioning as a public safety 12012
answering point providing wireless 9-1-1 within the territory 12013
covered by the countywide 9-1-1 system so established, unless the 12014
patrol functions as a public safety answering point providing 12015
wireless enhanced 9-1-1 pursuant to an agreement included in the 12016
plan as authorized under division (J) of this section. 12017

Sec. ~~5507.06~~ 128.06. (A) A board of county commissioners or 12018
the legislative authority of any municipal corporation in the 12019
county that contains at least thirty per cent of the county's 12020
population may adopt a resolution to convene a 9-1-1 planning 12021
committee, which shall serve without compensation and shall 12022
consist of three voting members as follows: 12023

(1) The president or other presiding officer of the board of 12024
county commissioners, who shall serve as chairperson of the 12025
committee; 12026

(2) The chief executive officer of the most populous 12027
municipal corporation in the county; 12028

(3) From the more populous of the following, either the chief 12029
executive officer of the second most populous municipal 12030
corporation in the county or a member of the board of township 12031
trustees of the most populous township in the county as selected 12032
by majority vote of the board of trustees. 12033

In counties with a population of one hundred seventy-five 12034
thousand or more, the planning committee shall consist of two 12035
additional voting members as follows: a member of a board of 12036
township trustees selected by the majority of boards of township 12037
trustees in the county pursuant to resolutions they adopt, and the 12038
chief executive officer of a municipal corporation in the county 12039
selected by the majority of the legislative authorities of 12040
municipal corporations in the county pursuant to resolutions they 12041
adopt. 12042

When determining population under this division, population 12043
residing outside the county shall be excluded. 12044

(B) Within thirty days after the adoption of a resolution to 12045
convene the committee under division (A) of this section, the 12046
committee shall convene for the sole purpose of developing a final 12047
plan for implementing a countywide 9-1-1 system. The county shall 12048
provide the committee with any clerical, legal, and other staff 12049
assistance necessary to develop the final plan and shall pay for 12050
copying, mailing, and any other such expenses incurred by the 12051
committee in developing the final plan and in meeting the 12052
requirements imposed by sections ~~5507.06~~ 128.06 to ~~5507.08~~ 128.08 12053
of the Revised Code. 12054

(C) The 9-1-1 planning committee shall appoint a 9-1-1 12055
technical advisory committee to assist it in planning the 12056
countywide 9-1-1 system. The advisory committee shall include at 12057
least one fire chief and one police chief serving in the county, 12058
the county sheriff, a representative of the state highway patrol 12059
selected by the patrol, one representative of each telephone 12060
company in each case selected by the telephone company 12061
represented, the director/coordinator of emergency management 12062
appointed under section 5502.26, 5502.27, or 5502.271 of the 12063
Revised Code, as appropriate, and a member of a board of township 12064
trustees of a township in the county selected by a majority of 12065
boards of township trustees in the county pursuant to resolutions 12066
they adopt. 12067

Sec. ~~5507.07~~ 128.07. (A) The 9-1-1 planning committee shall 12068
prepare a proposal on the implementation of a countywide 9-1-1 12069
system and shall hold a public meeting on the proposal to explain 12070
the system to and receive comments from public officials. At least 12071
thirty but not more than sixty days before the meeting, the 12072
committee shall send a copy of the implementation proposal and 12073

written notice of the meeting: 12074

(1) By certified mail, to the board of county commissioners, 12075
the legislative authority of each municipal corporation in the 12076
county, and to the board of trustees of each township in the 12077
county; and 12078

(2) To the board of trustees, directors, or park 12079
commissioners of each subdivision that will be served by a public 12080
safety answering point under the plan. 12081

(B) The proposal and the final plan adopted by the committee 12082
shall specify: 12083

(1) Which telephone companies serving customers in the county 12084
and, as authorized in division (A)(1) of section ~~5507.03~~ 128.03 of 12085
the Revised Code, in an adjacent county will participate in the 12086
9-1-1 system; 12087

(2) The location and number of public safety answering 12088
points; how they will be connected to a company's telephone 12089
network; from what geographic territory each will receive 9-1-1 12090
calls; whether basic or enhanced 9-1-1 service will be provided 12091
within such territory; what subdivisions will be served by the 12092
answering point; and whether an answering point will respond to 12093
calls by directly dispatching an emergency service provider, by 12094
relaying a message to the appropriate provider, or by transferring 12095
the call to the appropriate provider; 12096

(3) Which subdivision or regional council of governments will 12097
establish, equip, furnish, operate, and maintain a particular 12098
public safety answering point; 12099

(4) A projection of the initial cost of establishing, 12100
equipping, and furnishing and of the annual cost of the first five 12101
years of operating and maintaining each public safety answering 12102
point; 12103

(5) Whether the cost of establishing, equipping, furnishing, 12104
operating, or maintaining each public safety answering point 12105
should be funded through charges imposed under section ~~5507.22~~ 12106
128.22 of the Revised Code or will be allocated among the 12107
subdivisions served by the answering point and, if any such cost 12108
is to be allocated, the formula for so allocating it; 12109

(6) How each emergency service provider will respond to a 12110
misdirected call. 12111

(C) Following the meeting required by this section, the 9-1-1 12112
planning committee may modify the implementation proposal and, no 12113
later than nine months after the resolution authorized by section 12114
~~5507.06~~ 128.06 of the Revised Code is adopted, may adopt, by 12115
majority vote, a final plan for implementing a countywide 9-1-1 12116
system. If a planning committee and wireline service provider do 12117
not agree on whether the wireline service provider is capable of 12118
providing the wireline telephone network as described under 12119
division (A) of section ~~5507.03~~ 128.03 of the Revised Code and the 12120
planning committee refers that question to the ~~department of~~ 12121
~~public safety steering committee~~, the ~~department steering~~ 12122
~~committee~~ may extend the nine-month deadline established by this 12123
division to twelve months. Immediately on completion of the plan, 12124
the planning committee shall send a copy of the final plan: 12125

(1) By certified mail to the board of county commissioners of 12126
the county, to the legislative authority of each municipal 12127
corporation in the county, and to the board of township trustees 12128
of each township in the county; and 12129

(2) To the board of trustees, directors, or park 12130
commissioners of each subdivision that will be served by a public 12131
safety answering point under the plan. 12132

~~(D) If the committee has not adopted a final plan on or 12133
before the deadline in division (C) of this section, the committee 12134~~

~~shall cease to exist. A new 9-1-1 planning committee may be 12135
convened in the manner established in section 5507.06 of the 12136
Revised Code to develop an implementation proposal and final plan 12137
in accordance with the requirements of sections 5507.06 to 5507.08 12138
of the Revised Code. 12139~~

Sec. ~~5507.08~~ 128.08. (A) Within sixty days after receipt of 12140
the final plan pursuant to division (C) of section ~~5507.07~~ 128.07 12141
of the Revised Code, the board of county commissioners of the 12142
county and the legislative authority of each municipal corporation 12143
in the county and of each township whose territory is proposed to 12144
be included in a countywide 9-1-1 system shall act by resolution 12145
to approve or disapprove the plan, except that, with respect to a 12146
final plan that provides for funding of the 9-1-1 system in part 12147
through charges imposed under section ~~5507.22~~ 128.22 of the 12148
Revised Code, the board of county commissioners shall not act by 12149
resolution to approve or disapprove the plan until after a 12150
resolution adopted under section ~~5507.22~~ 128.22 of the Revised 12151
Code has become effective as provided in division (D) of that 12152
section. A municipal corporation or township whose territory is 12153
proposed to be included in the system includes any municipal 12154
corporation or township in which a part of its territory is 12155
excluded pursuant to division (A)(2) of section ~~5507.03~~ 128.03 of 12156
the Revised Code. Each such authority immediately shall notify the 12157
board of county commissioners in writing of its approval or 12158
disapproval of the final plan. Failure by a board or legislative 12159
authority to notify the board of county commissioners of approval 12160
or disapproval within such sixty-day period shall be deemed 12161
disapproval by the board or authority. 12162

(B) As used in this division, "county's population" excludes 12163
the population of any municipal corporation or township that, 12164
under the plan, is completely excluded from 9-1-1 service in the 12165
county's final plan. A countywide plan is effective if all of the 12166

following entities approve the plan in accordance with this 12167
section: 12168

(1) The board of county commissioners; 12169

(2) The legislative authority of a municipal corporation that 12170
contains at least thirty per cent of the county's population, if 12171
any; 12172

(3) The legislative authorities of municipal corporations and 12173
townships that contain at least sixty per cent of the county's 12174
population or, if the plan has been approved by a municipal 12175
corporation that contains at least sixty per cent of the county's 12176
population, by the legislative authorities of municipal 12177
corporations and townships that contain at least seventy-five per 12178
cent of the county's population. 12179

(C) After a countywide plan approved in accordance with this 12180
section is adopted, all of the telephone companies, subdivisions, 12181
and regional councils of governments included in the plan are 12182
subject to the specific requirements of the plan and to this 12183
chapter. 12184

Sec. ~~5507-09~~ 128.09. (A) If a final plan is disapproved under 12185
division (B) of section ~~5507-08~~ 128.08 of the Revised Code, by 12186
resolution, the legislative authority of a municipal corporation 12187
or township that contains at least thirty per cent of the county's 12188
population may establish within its boundaries, or the legislative 12189
authorities of a group of municipal corporations or townships each 12190
of which is contiguous with at least one other such municipal 12191
corporation or township in the group, together containing at least 12192
thirty per cent of the county's population, may jointly establish 12193
within their boundaries a 9-1-1 system. For that purpose, the 12194
municipal corporation or township may enter into an agreement, and 12195
the contiguous municipal corporations or townships may jointly 12196
enter into an agreement with one or more telephone companies. 12197

12198

(B) If no resolution has been adopted to convene a 9-1-1
planning committee under section ~~5507.06~~ 128.06 of the Revised
Code, by resolution, the legislative authority of any municipal
corporation in the county may establish within its boundaries, or
the legislative authorities of a group of municipal corporations
and townships each of which is contiguous to at least one of the
other such municipal corporations or townships in the group may
jointly establish within their boundaries, a 9-1-1 system. For
that purpose, the municipal corporation, or contiguous municipal
corporations and townships, may enter into an agreement with one
or more telephone companies.

(C) Whenever a telephone company that is a wireline service
provider and one or more municipal corporations and townships
enter into an agreement under division (A) or (B) of this section
to provide for the wireline telephone network portion of a basic
9-1-1 system, the telephone company shall so notify the ~~department~~
~~of public safety steering committee~~, which shall determine whether
the telephone company is capable of reasonably meeting the
technical and economic requirements of providing the wireline
telephone network for an enhanced system within the territory
served by the company and covered by the agreement. The
determination shall be made solely for the purposes of division
(C)(2) of section ~~5507.18~~ 128.18 of the Revised Code.

(D) Within three years from the date of entering into an
initial agreement described under division (C) of this section,
the telephone company shall have installed the wireline telephone
network portion of the 9-1-1 system according to the terms,
conditions, requirements, and specifications set forth in the
agreement.

(E) A telephone company that is a wireline service provider
shall recover the cost of installing the wireline telephone

network system pursuant to agreements made under this section as 12230
provided in sections ~~5507.18~~ 128.18 and 5733.55 of the Revised 12231
Code. 12232

Sec. ~~5507.12~~ 128.12. (A) An amended final plan is required 12233
for any of the following purposes: 12234

(1) Expanding the territory included in the countywide 9-1-1 12235
system; 12236

(2) Upgrading any part or all of a system from basic to 12237
enhanced wireline 9-1-1; 12238

(3) Adjusting the territory served by a public safety 12239
answering point; 12240

(4) Permitting a regional council of governments to operate a 12241
public safety answering point; 12242

(5) Represcribing the funding of public safety answering 12243
points as between the alternatives set forth in division (B)(5) of 12244
section ~~5507.07~~ 128.07 of the Revised Code; 12245

(6) Providing for wireless enhanced 9-1-1; 12246

(7) Adding a telephone company as a participant in a 12247
countywide 9-1-1 system after the implementation of wireline 9-1-1 12248
or wireless enhanced 9-1-1; 12249

(8) Providing that the state highway patrol or one or more 12250
public safety answering points of another 9-1-1 system function as 12251
a public safety answering point or points for the provision of 12252
wireline or wireless 9-1-1 for all or part of the territory of the 12253
system established under the final plan, as contemplated under 12254
division (J) of section ~~5507.03~~ 128.03 of the Revised Code; 12255

(9) Making any other necessary adjustments to the plan. 12256

(B) ~~Except as otherwise provided in division (C) of this 12257
section, a final plan shall be amended in the manner provided for 12258~~

~~adopting a final plan under sections 5507.06 to 5507.08 of the Revised Code, including convening a 9-1-1 planning committee and developing a proposed amended plan prior to adopting an amended final plan.~~

~~(C)~~(1) To amend a final plan for the purpose described in division (A)(7) of this section, an entity that wishes to be added as a participant in a 9-1-1 system shall file a written letter of that intent with the board of county commissioners of the county that approved the final plan. The final plan is deemed amended upon the filing of that letter. The entity that files the letter shall send written notice of that filing to all subdivisions, regional councils of governments, and telephone companies participating in the system.

(2) An amendment to a final plan for a any other purpose set forth in division (A)~~(1), (3), (6), or (9)~~ of this section may be made by an addendum approved by a majority of the 9-1-1 planning committee. The board of county commissioners shall call a meeting of the 9-1-1 planning committee for the purpose of considering an addendum pursuant to this division.

(3) Adoption of any resolution under section ~~5507.22~~ 128.22 of the Revised Code pursuant to a final plan that both has been adopted and provides for funding through charges imposed under that section is not an amendment of a final plan for the purpose of this division.

~~(D)~~(C) When a final plan is amended for a purpose described in division (A)(1), (2), or (7) of this section, sections ~~5507.18~~ 128.18 and 5733.55 of the Revised Code apply with respect to the receipt of the nonrecurring and recurring rates and charges for the wireline telephone network portion of the 9-1-1 system.

Sec. ~~5507.15~~ 128.15. (A) Within three years from the date an initial final plan becomes effective under division (B) of section

~~5507.08~~ 128.08 of the Revised Code, the wireline service providers 12290
designated in the plan shall have installed the wireline telephone 12291
network portion of the 9-1-1 system according to the terms, 12292
conditions, requirements, and specifications set forth in that 12293
plan. 12294

(B)(1) Upon installation of a countywide 9-1-1 system, the 12295
board of county commissioners may direct the county engineer to 12296
erect and maintain at the county boundaries on county roads and 12297
state and interstate highways, signs indicating the availability 12298
of a countywide 9-1-1 system. Any sign erected by a county under 12299
this section shall be erected in accordance with and meet the 12300
specifications established under division (B)(2) of this section. 12301
All expenses incurred in erecting and maintaining the signs shall 12302
be paid by the county. 12303

(2) The director of transportation shall develop design 12304
specifications for signs giving notice of the availability of a 12305
countywide 9-1-1 system. The director also shall establish 12306
standards for the erection of the signs and, in accordance with 12307
federal law and regulations and recognized engineering practices, 12308
specify those locations where the signs shall not be erected. 12309

Sec. ~~5507.18~~ 128.18. (A) In accordance with this chapter and 12310
Chapters 4901., 4903., 4905., and 4909. of the Revised Code, the 12311
public utilities commission shall determine the just, reasonable, 12312
and compensatory rates, tolls, classifications, charges, or 12313
rentals to be observed and charged for the wireline telephone 12314
network portion of a basic or enhanced 9-1-1 system, and each 12315
telephone company that is a wireline service provider 12316
participating in the system shall be subject to those chapters, to 12317
the extent they apply, as to the service provided by its portion 12318
of the wireline telephone network for the system as described in 12319
the final plan or to be installed pursuant to agreements under 12320

section ~~5507.09~~ 128.09 of the Revised Code, and as to the rates, 12321
tolls, classifications, charges, or rentals to be observed and 12322
charged for that service. 12323

(B) Only the customers of a participating telephone company 12324
described in division (A) of this section that are served within 12325
the area covered by a 9-1-1 system shall pay the recurring rates 12326
for the maintenance and operation of the company's portion of the 12327
wireline telephone network of the system. Such rates shall be 12328
computed by dividing the total monthly recurring rates set forth 12329
in the company's schedule as filed in accordance with section 12330
4905.30 of the Revised Code, by the total number of residential 12331
and business customer access lines, or their equivalent, within 12332
the area served. Each residential and business customer within the 12333
area served shall pay the recurring rates based on the number of 12334
its residential and business customer access lines or their 12335
equivalent. No company shall include such amount on any customer's 12336
bill until the company has completed its portion of the wireline 12337
telephone network in accordance with the terms, conditions, 12338
requirements, and specifications of the final plan or an agreement 12339
made under section ~~5507.09~~ 128.09 of the Revised Code. 12340

(C)(1) Except as otherwise provided in division (C)(2) of 12341
this section, a participating telephone company described in 12342
division (A) of this section may receive through the credit 12343
authorized by section 5733.55 of the Revised Code the total 12344
nonrecurring charges for its portion of the wireline telephone 12345
network of the system and the total nonrecurring charges for any 12346
updating or modernization of that wireline telephone network in 12347
accordance with the terms, conditions, requirements, and 12348
specifications of the final plan or pursuant to agreements under 12349
section ~~5507.09~~ 128.09 of the Revised Code, as such charges are 12350
set forth in the schedule filed by the telephone company in 12351
accordance with section 4905.30 of the Revised Code. However, that 12352

portion, updating, or modernization shall not be for or include 12353
the provision of wireless 9-1-1. As applicable, the receipt of 12354
permissible charges shall occur only upon the completion of the 12355
installation of the network or the completion of the updating or 12356
modernization. 12357

(2) The credit shall not be allowed under division (C)(1) of 12358
this section for the upgrading of a system from basic to enhanced 12359
wireline 9-1-1 if both of the following apply: 12360

(a) The telephone company received the credit for the 12361
wireline telephone network portion of the basic 9-1-1 system now 12362
proposed to be upgraded. 12363

(b) At the time the final plan or agreement pursuant to 12364
section ~~5507.09~~ 128.09 of the Revised Code calling for the basic 12365
9-1-1 system was agreed to, the telephone company was capable of 12366
reasonably meeting the technical and economic requirements of 12367
providing the wireline telephone network portion of an enhanced 12368
9-1-1 system within the territory proposed to be upgraded, as 12369
determined by the ~~department of public safety steering committee~~ 12370
under division (A) or (H) of section ~~5507.03~~ 128.03 or division 12371
(C) of section ~~5507.09~~ 128.09 of the Revised Code. 12372

(3) If the credit is not allowed under division (C)(2) of 12373
this section, the total nonrecurring charges for the wireline 12374
telephone network used in providing 9-1-1 service, as set forth in 12375
the schedule filed by a telephone company in accordance with 12376
section 4905.30 of the Revised Code, on completion of the 12377
installation of the network in accordance with the terms, 12378
conditions, requirements, and specifications of the final plan or 12379
pursuant to section ~~5507.09~~ 128.09 of the Revised Code, shall be 12380
paid by the municipal corporations and townships with any 12381
territory in the area in which such upgrade from basic to enhanced 12382
9-1-1 is made. 12383

(D) If customer premises equipment for a public safety answering point is supplied by a telephone company that is required to file a schedule under section 4905.30 of the Revised Code pertaining to customer premises equipment, the recurring and nonrecurring rates and charges for the installation and maintenance of the equipment specified in the schedule shall apply.

Sec. ~~5507.22~~ 128.22. (A)(1) For the purpose of paying the costs of establishing, equipping, and furnishing one or more public safety answering points as part of a countywide 9-1-1 system effective under division (B) of section ~~5507.08~~ 128.08 of the Revised Code and paying the expense of administering and enforcing this section, the board of county commissioners of a county, in accordance with this section, may fix and impose, on each lot or parcel of real property in the county that is owned by a person, municipal corporation, township, or other political subdivision and is improved, or is in the process of being improved, reasonable charges to be paid by each such owner. The charges shall be sufficient to pay only the estimated allowed costs and shall be equal in amount for all such lots or parcels.

(2) For the purpose of paying the costs of operating and maintaining the answering points and paying the expense of administering and enforcing this section, the board, in accordance with this section, may fix and impose reasonable charges to be paid by each owner, as provided in division (A)(1) of this section, that shall be sufficient to pay only the estimated allowed costs and shall be equal in amount for all such lots or parcels. The board may fix and impose charges under this division pursuant to a resolution adopted for the purposes of both divisions (A)(1) and (2) of this section or pursuant to a resolution adopted solely for the purpose of division (A)(2) of this section, and charges imposed under division (A)(2) of this

section may be separately imposed or combined with charges imposed 12416
under division (A)(1) of this section. 12417

(B) Any board adopting a resolution under this section 12418
pursuant to a final plan initiating the establishment of a 9-1-1 12419
system or pursuant to an amendment to a final plan shall adopt the 12420
resolution within sixty days after the board receives the final 12421
plan for the 9-1-1 system pursuant to division (C) of section 12422
~~5507.07~~ 128.07 of the Revised Code. The board by resolution may 12423
change any charge imposed under this section whenever the board 12424
considers it advisable. Any resolution adopted under this section 12425
shall declare whether securities will be issued under Chapter 133. 12426
of the Revised Code in anticipation of the collection of unpaid 12427
special assessments levied under this section. 12428

(C) The board shall adopt a resolution under this section at 12429
a public meeting held in accordance with section 121.22 of the 12430
Revised Code. Additionally, the board, before adopting any such 12431
resolution, shall hold at least two public hearings on the 12432
proposed charges. Prior to the first hearing, the board shall 12433
publish notice of the hearings once a week for two consecutive 12434
weeks in a newspaper of general circulation in the county or as 12435
provided in section 7.16 of the Revised Code. The notice shall 12436
include a listing of the charges proposed in the resolution and 12437
the date, time, and location of each of the hearings. The board 12438
shall hear any person who wishes to testify on the charges or the 12439
resolution. 12440

(D) No resolution adopted under this section shall be 12441
effective sooner than thirty days following its adoption nor shall 12442
any such resolution be adopted as an emergency measure. The 12443
resolution is subject to a referendum in accordance with sections 12444
305.31 to 305.41 of the Revised Code unless, in the resolution, 12445
the board of county commissioners directs the board of elections 12446
of the county to submit the question of imposing the charges to 12447

the electors of the county at the next primary or general election 12448
in the county occurring not less than ninety days after the 12449
resolution is certified to the board. No resolution shall go into 12450
effect unless approved by a majority of those voting upon it in 12451
any election allowed under this division. 12452

(E) To collect charges imposed under division (A) of this 12453
section, the board of county commissioners shall certify them to 12454
the county auditor of the county who then shall place them upon 12455
the real property duplicate against the properties to be assessed, 12456
as provided in division (A) of this section. Each assessment shall 12457
bear interest at the same rate that securities issued in 12458
anticipation of the collection of the assessments bear, is a lien 12459
on the property assessed from the date placed upon the real 12460
property duplicate by the auditor, and shall be collected in the 12461
same manner as other taxes. 12462

(F) All money collected by or on behalf of a county under 12463
this section shall be paid to the county treasurer of the county 12464
and kept in a separate and distinct fund to the credit of the 12465
county. The fund shall be used to pay the costs allowed in 12466
division (A) of this section and specified in the resolution 12467
adopted under that division. In no case shall any surplus so 12468
collected be expended for other than the use and benefit of the 12469
county. 12470

Sec. ~~5507.25~~ 128.25. (A) This section applies only to a 12471
county that meets both of the following conditions: 12472

(1) A final plan for a countywide 9-1-1 system either has not 12473
been approved in the county under section ~~5507.08~~ 128.08 of the 12474
Revised Code or has been approved but has not been put into 12475
operation because of a lack of funding; 12476

(2) The board of county commissioners, at least once, has 12477
submitted to the electors of the county the question of raising 12478

funds for a 9-1-1 system under section ~~5507.22~~ 128.22, 5705.19, or 12479
5739.026 of the Revised Code, and a majority of the electors has 12480
disapproved the question each time it was submitted. 12481

(B) A board of county commissioners may adopt a resolution 12482
imposing a monthly charge on telephone access lines to pay for the 12483
equipment costs of establishing and maintaining no more than three 12484
public safety answering points of a countywide 9-1-1 system, which 12485
public safety answering points shall be only twenty-four-hour 12486
dispatching points already existing in the county. The resolution 12487
shall state the amount of the charge, which shall not exceed fifty 12488
cents per month, and the month the charge will first be imposed, 12489
which shall be no earlier than four months after the special 12490
election held pursuant to this section. Each residential and 12491
business telephone company customer within the area served by the 12492
9-1-1 system shall pay the monthly charge for each of its 12493
residential or business customer access lines or their equivalent. 12494

Before adopting a resolution under this division, the board 12495
of county commissioners shall hold at least two public hearings on 12496
the proposed charge. Before the first hearing, the board shall 12497
publish notice of the hearings once a week for two consecutive 12498
weeks in a newspaper of general circulation in the county or as 12499
provided in section 7.16 of the Revised Code. The notice shall 12500
state the amount of the proposed charge, an explanation of the 12501
necessity for the charge, and the date, time, and location of each 12502
of the hearings. 12503

(C) A resolution adopted under division (B) of this section 12504
shall direct the board of elections to submit the question of 12505
imposing the charge to the electors of the county at a special 12506
election on the day of the next primary or general election in the 12507
county. The board of county commissioners shall certify a copy of 12508
the resolution to the board of elections not less than ninety days 12509
before the day of the special election. No resolution adopted 12510

under division (B) of this section shall take effect unless 12511
approved by a majority of the electors voting upon the resolution 12512
at an election held pursuant to this section. 12513

In any year, the board of county commissioners may impose a 12514
lesser charge than the amount originally approved by the electors. 12515
The board may change the amount of the charge no more than once a 12516
year. The board may not impose a charge greater than the amount 12517
approved by the electors without first holding an election on the 12518
question of the greater charge. 12519

(D) Money raised from a monthly charge on telephone access 12520
lines under this section shall be deposited into a special fund 12521
created in the county treasury by the board of county 12522
commissioners pursuant to section 5705.12 of the Revised Code, to 12523
be used only for the necessary equipment costs of establishing and 12524
maintaining no more than three public safety answering points of a 12525
countywide 9-1-1 system pursuant to a resolution adopted under 12526
division (B) of this section. In complying with this division, any 12527
county may seek the assistance of the ~~department of public safety~~ 12528
steering committee with regard to operating and maintaining a 12529
9-1-1 system. 12530

(E) Pursuant to the voter approval required by division (C) 12531
of this section, the final plan for a countywide 9-1-1 system that 12532
will be funded through a monthly charge imposed in accordance with 12533
this section shall be amended by the existing 9-1-1 planning 12534
committee, and the amendment of such a final plan is not an 12535
amendment of a final plan for the purpose of division (A) of 12536
section ~~5507.12~~ 128.12 of the Revised Code. 12537

Sec. ~~5507.26~~ 128.26. (A) This section applies only to a 12538
county that has a final plan for a countywide 9-1-1 system that 12539
either has not been approved in the county under section ~~5507.08~~ 12540
128.08 of the Revised Code or has been approved but has not been 12541

put into operation because of a lack of funding. 12542

(B) A board of county commissioners may adopt a resolution 12543
imposing a monthly charge on telephone access lines to pay for the 12544
operating and equipment costs of establishing and maintaining no 12545
more than one public safety answering point of a countywide 9-1-1 12546
system. The resolution shall state the amount of the charge, which 12547
shall not exceed fifty cents per month, and the month the charge 12548
will first be imposed, which shall be no earlier than four months 12549
after the special election held pursuant to this section. Each 12550
residential and business telephone company customer within the 12551
area of the county served by the 9-1-1 system shall pay the 12552
monthly charge for each of its residential or business customer 12553
access lines or their equivalent. 12554

Before adopting a resolution under this division, the board 12555
of county commissioners shall hold at least two public hearings on 12556
the proposed charge. Before the first hearing, the board shall 12557
publish notice of the hearings once a week for two consecutive 12558
weeks in a newspaper of general circulation in the county or as 12559
provided in section 7.16 of the Revised Code. The notice shall 12560
state the amount of the proposed charge, an explanation of the 12561
necessity for the charge, and the date, time, and location of each 12562
of the hearings. 12563

(C) A resolution adopted under division (B) of this section 12564
shall direct the board of elections to submit the question of 12565
imposing the charge to the electors of the county at a special 12566
election on the day of the next primary or general election in the 12567
county. The board of county commissioners shall certify a copy of 12568
the resolution to the board of elections not less than ninety days 12569
before the day of the special election. No resolution adopted 12570
under division (B) of this section shall take effect unless 12571
approved by a majority of the electors voting upon the resolution 12572
at an election held pursuant to this section. 12573

In any year, the board of county commissioners may impose a lesser charge than the amount originally approved by the electors. The board may change the amount of the charge no more than once a year. The board shall not impose a charge greater than the amount approved by the electors without first holding an election on the question of the greater charge.

(D) Money raised from a monthly charge on telephone access lines under this section shall be deposited into a special fund created in the county treasury by the board of county commissioners pursuant to section 5705.12 of the Revised Code, to be used only for the necessary operating and equipment costs of establishing and maintaining no more than one public safety answering point of a countywide 9-1-1 system pursuant to a resolution adopted under division (B) of this section. In complying with this division, any county may seek the assistance of the ~~department of public safety steering committee~~ with regard to operating and maintaining a 9-1-1 system.

(E) Nothing in sections ~~5507.01 128.01~~ to ~~5507.34 128.34~~ of the Revised Code precludes a final plan adopted in accordance with those sections from being amended to provide that, by agreement included in the plan, a public safety answering point of another countywide 9-1-1 system is the public safety answering point of a countywide 9-1-1 system funded through a monthly charge imposed in accordance with this section. In that event, the county for which the public safety answering point is provided shall be deemed the subdivision operating the public safety answering point for purposes of sections ~~5507.01 128.01~~ to ~~5507.34 128.34~~ of the Revised Code, except that, for the purpose of division (D) of section ~~5507.03 128.03~~ of the Revised Code, the county shall pay only so much of the costs associated with establishing, equipping, furnishing, operating, or maintaining the public safety answering point specified in the agreement included in the final plan.

(F) Pursuant to the voter approval required by division (C) 12606
of this section, the final plan for a countywide 9-1-1 system that 12607
will be funded through a monthly charge imposed in accordance with 12608
this section, or that will be amended to include an agreement 12609
described in division (E) of this section, shall be amended by the 12610
existing 9-1-1 planning committee, and the amendment of such a 12611
final plan is not an amendment of a final plan for the purpose of 12612
division (A) of section ~~5507.12~~ 128.12 of the Revised Code. 12613

Sec. ~~5507.27~~ 128.27. (A) As part of its normal monthly 12614
billing process, each telephone company with customers in the area 12615
served by a 9-1-1 system shall bill and collect from those 12616
customers any charge imposed under section ~~5507.25~~ 128.25 or 12617
~~5507.26~~ 128.26 of the Revised Code. The company may list the 12618
charge as a separate entry on each bill and may indicate on the 12619
bill that the charge is made pursuant to approval of a ballot 12620
issue by county voters. Any customer billed by a company for a 12621
charge imposed under section ~~5507.25~~ 128.25 or ~~5507.26~~ 128.26 of 12622
the Revised Code is liable to the county for the amount billed. 12623
The company shall apply any partial payment of a customer's bill 12624
first to the amount the customer owes the company. The company 12625
shall keep complete records of charges it bills and collects, and 12626
such records shall be open during business hours for inspection by 12627
the county commissioners or their agents or employees. If a 12628
company fails to bill any customer for the charge, it is liable to 12629
the county for the amount that was not billed. 12630

(B) A telephone company that collects charges under this 12631
section shall remit the money to the county on a quarterly basis. 12632
The company may retain three per cent of any charge it collects as 12633
compensation for the costs of such collection. If a company 12634
collects charges under this section and fails to remit the money 12635
to the county as prescribed, it is liable to the county for any 12636
amount collected and not remitted. 12637

~~Sec. 5507.32~~ 128.32. (A)(1) The state, the state highway 12638
patrol, a subdivision, or a regional council of governments 12639
participating in a 9-1-1 system established under this chapter and 12640
any officer, agent, employee, or independent contractor of the 12641
state, the state highway patrol, or such a participating 12642
subdivision or regional council of governments is not liable in 12643
damages in a civil action for injuries, death, or loss to persons 12644
or property arising from any act or omission, except willful or 12645
wanton misconduct, in connection with developing, adopting, or 12646
approving any final plan or any agreement made under section 12647
~~5507.09~~ 128.09 of the Revised Code or otherwise bringing into 12648
operation the 9-1-1 system pursuant to this chapter. 12649

(2) The ~~Ohio 9-1-1 council, the wireless 9-1-1 advisory~~ 12650
~~board, steering committee~~ and any member of ~~that council or board~~ 12651
the steering committee are not liable in damages in a civil action 12652
for injuries, death, or loss to persons or property arising from 12653
any act or omission, except willful or wanton misconduct, in 12654
connection with the development or operation of a 9-1-1 system 12655
established under this chapter. 12656

(B) Except as otherwise provided in this section ~~5507.32~~ of 12657
~~the Revised Code~~, an individual who gives emergency instructions 12658
through a 9-1-1 system established under this chapter, and the 12659
principals for whom the person acts, including both employers and 12660
independent contractors, public and private, and an individual who 12661
follows emergency instructions and the principals for whom that 12662
person acts, including both employers and independent contractors, 12663
public and private, are not liable in damages in a civil action 12664
for injuries, death, or loss to persons or property arising from 12665
the issuance or following of emergency instructions, except where 12666
the issuance or following of the instructions constitutes willful 12667
or wanton misconduct. 12668

(C) Except for willful or wanton misconduct, a telephone company, and any other installer, maintainer, or provider, through the sale or otherwise, of customer premises equipment, and their respective officers, directors, employees, agents, and suppliers are not liable in damages in a civil action for injuries, death, or loss to persons or property incurred by any person resulting from any of the following:

(1) Such an entity's or its officers', directors', employees', agents', or suppliers' participation in or acts or omissions in connection with participating in or developing, maintaining, or operating a 9-1-1 system;

(2) Such an entity's or its officers', directors', employees', agents', or suppliers' provision of assistance to a public utility, municipal utility, or state or local government as authorized by divisions (G)(4) and (5) of this section.

(D) Except for willful or wanton misconduct, a provider of and a seller of a prepaid wireless calling service and their respective officers, directors, employees, agents, and suppliers are not liable in damages in a civil action for injuries, death, or loss to persons or property incurred by any person resulting from anything described in division (C) of this section.

(E) No person shall knowingly use the telephone number of a 9-1-1 system established under this chapter to report an emergency if the person knows that no emergency exists.

(F) No person shall knowingly use a 9-1-1 system for a purpose other than obtaining emergency service.

(G) No person shall disclose or use any information concerning telephone numbers, addresses, or names obtained from the data base that serves the public safety answering point of a 9-1-1 system established under this chapter, except for any of the following purposes or under any of the following circumstances:

(1) For the purpose of the 9-1-1 system;	12700
(2) For the purpose of responding to an emergency call to an emergency service provider;	12701 12702
(3) In the circumstance of the inadvertent disclosure of such information due solely to technology of the wireline telephone network portion of the 9-1-1 system not allowing access to the data base to be restricted to 9-1-1 specific answering lines at a public safety answering point;	12703 12704 12705 12706 12707
(4) In the circumstance of access to a data base being given by a telephone company that is a wireline service provider to a public utility or municipal utility in handling customer calls in times of public emergency or service outages. The charge, terms, and conditions for the disclosure or use of such information for the purpose of such access to a data base shall be subject to the jurisdiction of the department of public safety steering <u>committee</u> .	12708 12709 12710 12711 12712 12713 12714 12715
(5) In the circumstance of access to a data base given by a telephone company that is a wireline service provider to a state and local government in warning of a public emergency, as determined by the department of public safety steering committee . The charge, terms, and conditions for the disclosure or use of that information for the purpose of access to a data base is subject to the jurisdiction of the department of public safety steering committee .	12716 12717 12718 12719 12720 12721 12722 12723
Sec. 5507.34 128.34. (A) The attorney general, upon request of the department of public safety steering committee , or on the attorney general's own initiative, shall begin proceedings against a telephone company that is a wireline service provider to enforce compliance with this chapter or with the terms, conditions, requirements, or specifications of a final plan or of an agreement under section 5507.09 128.09 of the Revised Code as to wireline or	12724 12725 12726 12727 12728 12729 12730

wireless 9-1-1. 12731

(B) The attorney general, upon the attorney general's own 12732
initiative, or any prosecutor, upon the prosecutor's initiative, 12733
shall begin proceedings against a subdivision or a regional 12734
council of governments as to wireline or wireless 9-1-1 to enforce 12735
compliance with this chapter or with the terms, conditions, 12736
requirements, or specifications of a final plan or of an agreement 12737
under section ~~5507.09~~ 128.09 of the Revised Code as to wireline or 12738
wireless 9-1-1. 12739

Sec. ~~5507.40~~ 128.40. There is hereby created within the 12740
~~public utilities commission department of administrative services~~ 12741
the 9-1-1 ~~service~~ program office, headed by an ~~Ohio 9-1-1~~ 12742
~~coordinator~~ administrator in the unclassified civil service 12743
pursuant to division (A)(9) of section 124.11 of the Revised Code. 12744
The ~~coordinator~~ administrator shall be appointed by and serve at 12745
the pleasure of the ~~commission chairperson~~ director of 12746
administrative services and shall report directly to the 12747
~~chairperson. On May 6, 2005, the chairperson shall appoint an~~ 12748
~~interim coordinator and, upon submission of a list of nominees by~~ 12749
~~the Ohio 9-1-1 council pursuant to section 5507.65 of the Revised~~ 12750
~~Code, shall consider those nominees in making the final~~ 12751
~~appointment and in appointing any subsequent coordinator. The~~ 12752
~~chairperson may request the council to submit additional nominees~~ 12753
~~and may reject any of the nominees. The chairperson shall fix the~~ 12754
~~compensation of the coordinator. The chairperson shall evaluate~~ 12755
~~the performance of the coordinator after considering the~~ 12756
~~evaluation and recommendations of the council under section~~ 12757
~~5507.65 of the Revised Code~~ state chief information officer. The 12758
program office 12759

~~The Ohio 9-1-1 coordinator~~ shall administer the wireless 12760
9-1-1 government assistance fund as specified in sections ~~5507.53~~ 12761

~~128.53 and 5507.55 128.55 of the Revised Code. The coordinator 12762
shall carry out the coordinator's duties under this chapter. The 12763
chairperson may establish additional duties of the coordinator 12764
based on a list of recommended duties submitted by the Ohio 9-1-1 12765
council pursuant to section 5507.65 of the Revised Code. The 12766
chairperson may assign one or more commission employees to assist 12767
the coordinator in carrying out the coordinator's duties. 12768~~

Sec. ~~5507.42~~ 128.42. (A) There is hereby imposed a wireless 12769
9-1-1 charge of twenty-five cents per month as follows: 12770

(1) On each wireless telephone number of a wireless service 12771
subscriber who has a billing address in this state. The subscriber 12772
shall pay the wireless 9-1-1 charge for each such wireless 12773
telephone number assigned to the subscriber. Each wireless service 12774
provider and each reseller shall collect the wireless 9-1-1 charge 12775
as a specific line item on each subscriber's monthly bill. The 12776
line item shall be expressly designated "State/Local Wireless-E911 12777
Costs (\$0.25/billed number)." If a provider bills a subscriber for 12778
any wireless enhanced 9-1-1 costs that the provider may incur, the 12779
charge or amount is not to appear in the same line item as the 12780
state/local line item. If the charge or amount is to appear in its 12781
own, separate line item on the bill, the charge or amount shall be 12782
expressly designated "[Name of Provider] Federal Wireless-E911 12783
Costs." 12784

(2)(a) Prior to January 1, 2014, on each subscriber of 12785
prepaid wireless service. A wireless service provider or reseller 12786
shall collect the wireless 9-1-1 charge in either of the following 12787
manners: 12788

(i) If the subscriber has a positive account balance on the 12789
last day of the month and has used the service during that month, 12790
by reducing that balance not later than the end of the first week 12791
of the following month by twenty-five cents or an equivalent 12792

number of airtime minutes; 12793

(ii) By dividing the total earned prepaid wireless telephone 12794
revenue from sales within this state received by the wireless 12795
service provider or reseller during the month by fifty, 12796
multiplying the quotient by twenty-five cents. 12797

(b) Amounts collected under division (A)(2) of this section 12798
shall be remitted pursuant to division (A)(1) of section ~~5507.46~~ 12799
128.46 of the Revised Code. 12800

The wireless 9-1-1 charges authorized under this section 12801
shall not be imposed on a subscriber of wireless lifeline service 12802
or a provider of that service. 12803

(B) Beginning January 1, 2014: 12804

(1) There is hereby imposed, on each retail sale of a prepaid 12805
wireless calling service occurring in this state, a wireless 9-1-1 12806
charge of five_tenths of one per cent of the sale price. 12807

(2) For purposes of division (B)(1) of this section, a retail 12808
sale occurs in this state if it is effected by the consumer 12809
appearing in person at a seller's business location in this state, 12810
or if the sale is sourced to this state under division (E)(3) of 12811
section 5739.034 of the Revised Code, except that under that 12812
division, in lieu of sourcing a sale under division (C)(5) of 12813
section 5739.033 of the Revised Code, the seller, rather than the 12814
service provider, may elect to source the sale to the location 12815
associated with the mobile telephone number. 12816

(3)(a) Except as provided in division (B)(4)(c) of this 12817
section, the seller of the prepaid wireless calling service shall 12818
collect the charge from the consumer at the time of each retail 12819
sale and disclose the amount of the charge to the consumer at the 12820
time of the sale by itemizing the charge on the receipt, invoice, 12821
or similar form of written documentation provided to the consumer. 12822

(b) The seller shall comply with the reporting and remittance requirements under section ~~5507.46~~ 128.46 of the Revised Code. 12823
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(4) When a prepaid wireless calling service is sold with one or more other products or services for a single, nonitemized price, the wireless 9-1-1 charge imposed under division (B)(1) of this section shall apply to the entire nonitemized price, except as provided in divisions (B)(4)(a) to (c) of this section. 12825
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(a) If the amount of the prepaid wireless calling service is disclosed to the consumer as a dollar amount, the seller may elect to apply the charge only to that dollar amount. 12830
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(b) If the seller can identify the portion of the nonitemized price that is attributable to the prepaid wireless calling service, by reasonable and verifiable standards from the seller's books and records that are kept in the regular course of business for other purposes, including nontax purposes, the seller may elect to apply the charge only to that portion. 12833
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(c) If a minimal amount of a prepaid wireless calling service is sold with a prepaid wireless calling device for the single, nonitemized price, the seller may elect not to collect the charge. As used in this division, "minimal" means either ten minutes or less or five dollars or less. 12839
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(C) The wireless 9-1-1 charges shall be exempt from state or local taxation. 12844
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Sec. ~~5507.44~~ 128.44. Beginning January 1, 2014, the tax commissioner shall provide notice to all known wireless service providers, resellers, and sellers of prepaid wireless calling services of any increase or decrease in either of the wireless 9-1-1 charges imposed under section ~~5507.42~~ 128.42 of the Revised Code. Each notice shall be provided not less than thirty days before the effective date of the increase or decrease. 12846
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Sec. 128.45. Beginning January 1, 2014: 12853

(A) Each wireless service provider and reseller shall keep complete and accurate records of bills for wireless service, together with a record of the wireless 9-1-1 charges collected under section 128.42 of the Revised Code, and shall keep all related invoices and other pertinent documents. Each seller shall keep complete and accurate records of retail sales of prepaid wireless calling services, together with a record of the wireless 9-1-1 charges collected under section 128.42 of the Revised Code, and shall keep all related invoices and other pertinent documents. 12854
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(B) Records, invoices, and documents required to be kept under this section shall be open during business hours to the inspection of the tax commissioner. They shall be preserved for a period of four years unless the tax commissioner, in writing, consents to their destruction within that period, or by order requires that they be kept longer. 12863
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Sec. 5507.46 ~~128.46~~. (A) Prior to January 1, 2014: 12869

(1) A wireless service provider or reseller, not later than the last day of each month, shall remit the full amount of all wireless 9-1-1 charges it collected under division (A) of section ~~5507.42~~ 128.42 of the Revised Code for the second preceding calendar month to the ~~Ohio 9-1-1 coordinator~~ administrator, with the exception of charges equivalent to the amount authorized as a billing and collection fee under division (A)(2) of this section. In doing so, the provider or reseller may remit the requisite amount in any reasonable manner consistent with its existing operating or technological capabilities, such as by customer address, location associated with the wireless telephone number, or another allocation method based on comparable, relevant data. If the wireless service provider or reseller receives a partial 12870
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payment for a bill from a wireless service subscriber, the 12883
wireless service provider or reseller shall apply the payment 12884
first against the amount the subscriber owes the wireless service 12885
provider or reseller and shall remit to the ~~coordinator~~ 12886
administrator such lesser amount, if any, as results from that 12887
invoice. 12888

(2) A wireless service provider or reseller may retain as a 12889
billing and collection fee two per cent of the total wireless 12890
9-1-1 charges it collects in a month and shall account to the 12891
~~coordinator~~ administrator for the amount retained. 12892

(3) The ~~coordinator~~ administrator shall return to, or credit 12893
against the next month's remittance of, a wireless service 12894
provider or reseller the amount of any remittances the ~~coordinator~~ 12895
administrator determines were erroneously submitted by the 12896
provider or reseller. 12897

(B) Beginning January 1, 2014: 12898

(1) Each seller of a prepaid wireless calling service, 12899
wireless service provider, and reseller shall, on or before the 12900
twenty-third day of each month, except as provided in divisions 12901
(B)(2) and (3) of this section, do both of the following: 12902

(a) Make and file a return for the preceding month, in the 12903
form prescribed by the tax commissioner, showing the amount of the 12904
wireless 9-1-1 charges due under section ~~5507.42~~ 128.42 of the 12905
Revised Code for that month; 12906

(b) Remit the full amount due, as shown on the return, with 12907
the exception of charges equivalent to the amount authorized as a 12908
collection fee under division (B)(4) of this section. 12909

(2) The commissioner may grant one or more thirty-day 12910
extensions for making and filing returns and remitting amounts 12911
due. 12912

(3) If a seller is required to collect prepaid wireless 9-1-1 charges in amounts that do not merit monthly returns, the commissioner may authorize the seller to make and file returns less frequently. The commissioner shall ascertain whether this authorization is warranted upon the basis of administrative costs to the state.

(4) A wireless service provider, reseller, and seller may each retain as a collection fee three per cent of the total wireless 9-1-1 charges required to be collected under section ~~5507.42~~ 128.42 of the Revised Code, and shall account to the tax commissioner for the amount retained.

(5) The return required under division (B)(1)(a) of this section shall be filed electronically using the Ohio business gateway, as defined in section 718.051 of the Revised Code, the Ohio telefile system, or any other electronic means prescribed by the tax commissioner. Remittance of the amount due shall be made electronically in a manner approved by the commissioner. A wireless service provider, reseller, or seller may apply to the commissioner on a form prescribed by the commissioner to be excused from either electronic requirement of this division. For good cause shown, the commissioner may excuse the provider, reseller, or seller from either or both of the requirements and may permit the provider, reseller, or seller to file returns or make remittances by nonelectronic means.

(C)(1) Prior to January 1, 2014, each subscriber on which a wireless 9-1-1 charge is imposed under division (A) of section ~~5507.42~~ 128.42 of the Revised Code is liable to the state for the amount of the charge. If a wireless service provider or reseller fails to collect the charge under that division from a subscriber of prepaid wireless service, or fails to bill any other subscriber for the charge, the wireless service provider or reseller is liable to the state for the amount not collected or billed. If a

wireless service provider or reseller collects charges under that 12945
division and fails to remit the money to the ~~coordinator~~ 12946
administrator, the wireless service provider or reseller is liable 12947
to the state for any amount collected and not remitted. 12948

(2) Beginning January 1, 2014: 12949

(a) Each subscriber or consumer on which a wireless 9-1-1 12950
charge is imposed under section ~~5507.42~~ 128.42 of the Revised Code 12951
is liable to the state for the amount of the charge. If a wireless 12952
service provider or reseller fails to bill or collect the charge, 12953
or if a seller fails to collect the charge, the provider, 12954
reseller, or seller is liable to the state for the amount not 12955
billed or collected. If a provider, reseller, or seller fails to 12956
remit money to the tax commissioner as required under this 12957
section, the provider, reseller, or seller is liable to the state 12958
for the amount not remitted, regardless of whether the amount was 12959
collected. 12960

(b) No provider of a prepaid wireless calling service shall 12961
be liable to the state for any wireless 9-1-1 charge imposed under 12962
division (B)(1) of section ~~5507.42~~ 128.42 of the Revised Code that 12963
was not collected or remitted. 12964

(D) Prior to January 1, 2014: 12965

(1) If the ~~public utilities commission~~ steering committee has 12966
reason to believe that a wireless service provider or reseller has 12967
failed to bill, collect, or remit the wireless 9-1-1 charge as 12968
required by divisions (A)(1) and (C)(1) of this section or has 12969
retained more than the amount authorized under division (A)(2) of 12970
this section, and after written notice to the provider or 12971
reseller, the ~~commission~~ steering committee may audit the provider 12972
or reseller for the sole purpose of making such a determination. 12973
The audit may include, but is not limited to, a sample of the 12974
provider's or reseller's billings, collections, remittances, or 12975

retentions for a representative period, and the ~~commission~~ 12976
steering committee shall make a good faith effort to reach 12977
agreement with the provider or reseller in selecting that sample. 12978

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(2) Upon written notice to the wireless service provider or 12980
reseller, the ~~commission~~ steering committee, by order after 12981
completion of the audit, may make an assessment against the 12982
provider or reseller if, pursuant to the audit, the ~~commission~~ 12983
steering committee determines that the provider or reseller has 12984
failed to bill, collect, or remit the wireless 9-1-1 charge as 12985
required by divisions (A)(1) and (C)(1) of this section or has 12986
retained more than the amount authorized under division (A)(2) of 12987
this section. The assessment shall be in the amount of any 12988
remittance that was due and unpaid on the date notice of the audit 12989
was sent by the ~~commission~~ steering committee to the provider or 12990
reseller or, as applicable, in the amount of the excess amount 12991
under division (A)(2) of this section retained by the provider or 12992
reseller as of that date. 12993

(3) The portion of any assessment not paid within sixty days 12994
after the date of service by the ~~commission~~ steering committee of 12995
the assessment notice under division (D)(2) of this section shall 12996
bear interest from that date until paid at the rate per annum 12997
prescribed by section 5703.47 of the Revised Code. That interest 12998
may be collected by making an assessment under division (D)(2) of 12999
this section. An assessment under this division and any interest 13000
due shall be remitted in the same manner as the wireless 9-1-1 13001
charge imposed under division (A) of section ~~5507.42~~ 128.42 of the 13002
Revised Code. 13003

(4) ~~An assessment is final and due and payable and shall be~~ 13004
~~remitted to the commission unless the assessed party petitions for~~ 13005
~~rehearing under section 4903.10 of the Revised Code. The~~ 13006
~~proceedings of the commission specified in division (D)(4) of this~~ 13007

~~section are subject to and governed by Chapter 4903. of the~~ 13008
~~Revised Code, except that the court of appeals of Franklin county~~ 13009
~~has exclusive, original jurisdiction to review, modify, or vacate~~ 13010
~~an order of the commission under division (D)(2) of this section.~~ 13011
~~The court shall hear and determine such appeal in the same manner~~ 13012
~~and under the same standards as the Ohio supreme court hears and~~ 13013
~~determines appeals under Chapter 4903. of the Revised Code.~~ 13014

~~The judgment of the court of appeals is final and conclusive~~ 13015
~~unless reversed, vacated, or modified on appeal. Such an appeal~~ 13016
~~may be made by the commission or the person to whom the order~~ 13017
~~under division (D)(2) of this section was issued and shall proceed~~ 13018
~~as in the case of appeals in civil actions as provided in Chapter~~ 13019
~~2505. of the Revised Code. Unless the provider, reseller, or~~ 13020
~~seller assessed files with the steering committee within sixty~~ 13021
~~days after service of the notice of assessment, either personally~~ 13022
~~or by certified mail, a written petition for reassessment, signed~~ 13023
~~by the party assessed or that party's authorized agent having~~ 13024
~~knowledge of the facts, the assessment shall become final and the~~ 13025
~~amount of the assessment shall be due and payable from the party~~ 13026
~~assessed to the administrator. The petition shall indicate the~~ 13027
~~objections of the party assessed, but additional objections may be~~ 13028
~~raised in writing if received by the administrator or the steering~~ 13029
~~committee prior to the date shown on the final determination.~~ 13030

(5) After an assessment becomes final, if any portion of the 13031
assessment remains unpaid, including accrued interest, a certified 13032
copy of the ~~commission's entry making the assessment~~ final 13033
assessment may be filed in the office of the clerk of the court of 13034
common pleas in the county in which the place of business of the 13035
assessed party is located. If the party assessed maintains no 13036
place of business in this state, the certified copy of the ~~entry~~ 13037
final assessment may be filed in the office of the clerk of the 13038
court of common pleas of Franklin county. Immediately upon the 13039

filing, the clerk shall enter a judgment for the state against the 13040
assessed party in the amount shown on the ~~entry~~ final assessment. 13041
The judgment may be filed by the clerk in a loose-leaf book 13042
entitled "special judgments for wireless 9-1-1 charges" and shall 13043
have the same effect as other judgments. The judgment shall be 13044
executed upon the request of the ~~commission~~ steering committee. 13045

(6) An assessment under this division does not discharge a 13046
subscriber's liability to reimburse the provider or reseller for 13047
the wireless 9-1-1 charge imposed under division (A) of section 13048
~~5507.42~~ 128.42 of the Revised Code. If, after the date of service 13049
of the audit notice under division (D)(1) of this section, a 13050
subscriber pays a wireless 9-1-1 charge for the period covered by 13051
the assessment, the payment shall be credited against the 13052
assessment. 13053

(7) All money collected by the ~~commission~~ administrator under 13054
division (D) of this section shall be paid to the treasurer of 13055
state, for deposit to the credit of the wireless 9-1-1 government 13056
assistance fund. 13057

(E) Beginning January 1, 2014: 13058

(1) If the tax commissioner has reason to believe that a 13059
wireless service provider, reseller, or seller has failed to bill, 13060
collect, or remit the wireless 9-1-1 charge as required by this 13061
section and section ~~5507.42~~ 128.42 of the Revised Code or has 13062
retained more than the amount authorized under division (B)(4) of 13063
this section, and after written notice to the provider, reseller, 13064
or seller, the tax commissioner may audit the provider, reseller, 13065
or seller for the sole purpose of making such a determination. The 13066
audit may include, but is not limited to, a sample of the 13067
provider's, reseller's, or seller's billings, collections, 13068
remittances, or retentions for a representative period, and the 13069
tax commissioner shall make a good faith effort to reach agreement 13070
with the provider, reseller, or seller in selecting that sample. 13071

(2) Upon written notice to the wireless service provider, reseller, or seller, the tax commissioner, after completion of the audit, may make an assessment against the provider, reseller, or seller if, pursuant to the audit, the tax commissioner determines that the provider, reseller, or seller has failed to bill, collect, or remit the wireless 9-1-1 charge as required by this section and section ~~5507.42~~ 128.42 of the Revised Code or has retained more than the amount authorized under division (B)(4) of this section. The assessment shall be in the amount of any remittance that was due and unpaid on the date notice of the audit was sent by the tax commissioner to the provider, reseller, or seller or, as applicable, in the amount of the excess amount under division (B)(4) of this section retained by the provider, reseller, or seller as of that date.

(3) The portion of any assessment consisting of wireless 9-1-1 charges due and not paid within sixty days after the date of service by the tax commissioner of that the assessment notice was made under division (E)(2) of this section shall bear interest from that date until paid at the rate per annum prescribed by section 5703.47 of the Revised Code. That interest may be collected by making an assessment under division (E)(2) of this section. ~~An assessment under this division and any interest due shall be remitted in the same manner as the wireless 9-1-1 charges imposed under section 5507.42 of the Revised Code.~~

~~(4) The portion of the assessment not paid within sixty days after the day the assessment was issued shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until it is paid. Interest shall be remitted in the same manner as the 9-1-1 charges and may be collected by the issuance of an assessment under division (E) of this section.~~

~~(5) Unless the provider, reseller, or seller assessed files~~

with the tax commissioner within sixty days after service of the 13104
notice of assessment, either personally or by certified mail, a 13105
written petition for reassessment, signed by the party assessed or 13106
that party's authorized agent having knowledge of the facts, the 13107
assessment shall become final and the amount of the assessment 13108
shall be due and payable from the party assessed to the treasurer 13109
of state, for deposit to the next generation 9-1-1 fund, which is 13110
created under section ~~5507.54~~ 128.54 of the Revised Code. The 13111
petition shall indicate the objections of the party assessed, but 13112
additional objections may be raised in writing if received by the 13113
commissioner prior to the date shown on the final determination. 13114
If the petition has been properly filed, the commissioner shall 13115
proceed under section 5703.60 of the Revised Code. 13116

~~(6)~~(5) After an assessment becomes final, if any portion of 13117
the assessment remains unpaid, including accrued interest, a 13118
certified copy of the final assessment may be filed in the office 13119
of the clerk of the court of common pleas in the county in which 13120
the business of the assessed party is conducted. If the party 13121
assessed maintains no place of business in this state, the 13122
certified copy of the final assessment may be filed in the office 13123
of the clerk of the court of common pleas of Franklin county. 13124
Immediately upon the filing, the clerk shall enter a judgment for 13125
the state against the assessed party in the amount shown on the 13126
final assessment. The judgment may be filed by the clerk in a 13127
loose-leaf book entitled "special judgments for wireless 9-1-1 13128
charges" and shall have the same effect as other judgments. The 13129
judgment shall be executed upon the request of the tax 13130
commissioner. 13131

~~(7)~~(6) If the commissioner determines that the commissioner 13132
erroneously has refunded a wireless 9-1-1 charge to any person, 13133
the commissioner may make an assessment against that person for 13134
recovery of the erroneously refunded charge. 13135

~~(8)~~(7) An assessment under division (E) of this section does not discharge a subscriber's or consumer's liability to reimburse the provider, reseller, or seller for a wireless 9-1-1 charge. If, after the date of service of the audit notice under division (E)(1) of this section, a subscriber or consumer pays a wireless 9-1-1 charge for the period covered by the assessment, the payment shall be credited against the assessment.

Sec. 128.461. Beginning January 1, 2014, any wireless 9-1-1 charge required to be remitted under section 128.46 of the Revised Code shall be subject to interest as prescribed by section 5703.47 of the Revised Code, calculated from the date the wireless 9-1-1 charge was due under section 128.46 of the Revised Code to the date the wireless 9-1-1 charge is remitted or the date of assessment, whichever occurs first.

Sec. 128.462. Beginning January 1, 2014:

(A) Except as otherwise provided in this section, no assessment shall be made or issued against a wireless service provider, reseller, or seller for any wireless 9-1-1 charge imposed by or pursuant to section 128.42 of the Revised Code more than four years after the return date for the period in which the sale or purchase was made, or more than four years after the return for such period is filed, whichever is later. This division does not bar an assessment:

(1) When the tax commissioner has substantial evidence of amounts of wireless 9-1-1 charges collected by a provider, reseller, or seller from subscribers or consumers, which were not returned to the state;

(2) When the provider, reseller, or seller assessed failed to file a return as required by section 128.46 of the Revised Code;

(3) When the provider, reseller, or seller and the

commissioner waive in writing the time limitation. 13166

(B) No assessment shall be made or issued against a wireless service provider, reseller, or seller for any wireless 9-1-1 charge imposed by or pursuant to section 128.42 of the Revised Code for any period during which there was in full force and effect a rule of the tax commissioner under or by virtue of which the collection or payment of any such wireless 9-1-1 charge was not required. This division does not bar an assessment when the tax commissioner has substantial evidence of amounts of wireless 9-1-1 charges collected by a provider, reseller, or seller from subscribers or consumers, which were not returned to the state. 13167
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Sec. 128.47. Beginning January 1, 2014: 13177

(A) A wireless service provider, reseller, seller, wireless service subscriber, or consumer of a prepaid wireless calling service may apply to the tax commissioner for a refund of wireless 9-1-1 charges described in division (B) of this section. The application shall be made on the form prescribed by the tax commissioner. The application shall be made not later than four years after the date of the illegal or erroneous payment of the wireless 9-1-1 charge by the subscriber or consumer, unless the wireless service provider, reseller, or seller waives the time limitation under division (A)(3) of section 128.462 of the Revised Code. If the time limitation is waived, the refund application period shall be extended for the same period as the waiver. 13178
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(B)(1) If a wireless service provider, reseller, or seller refunds to a subscriber or consumer the full amount of wireless 9-1-1 charges that the subscriber or consumer paid illegally or erroneously, and if the provider, reseller, or seller remitted that amount under section 128.46 of the Revised Code, the tax commissioner shall refund that amount to the provider, reseller, or seller. 13190
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(2) If a wireless service provider, reseller, or seller has 13197
illegally or erroneously billed a subscriber or charged a consumer 13198
for a wireless 9-1-1 charge, and if the provider, reseller, or 13199
seller has not collected the charge but has remitted that amount 13200
under section 128.46 of the Revised Code, the tax commissioner 13201
shall refund that amount to the provider, reseller, or seller. 13202

(C)(1) The tax commissioner may refund to a subscriber or 13203
consumer wireless 9-1-1 charges paid illegally or erroneously to a 13204
provider, reseller, or seller only if both of the following apply: 13205

(a) The tax commissioner has not refunded the wireless 9-1-1 13206
charges to the provider, reseller, or seller. 13207

(b) The provider, reseller, or seller has not refunded the 13208
wireless 9-1-1 charges to the subscriber or consumer. 13209

(2) The tax commissioner may require the subscriber or 13210
consumer to obtain from the provider, reseller, or seller a 13211
written statement confirming that the provider, reseller, or 13212
seller has not refunded the wireless 9-1-1 charges to the 13213
subscriber or consumer and that the provider, reseller, or seller 13214
has not filed an application for a refund under this section. The 13215
tax commissioner may also require the provider, reseller, or 13216
seller to provide this statement. 13217

(D) On the filing of an application for a refund under this 13218
section, the tax commissioner shall determine the amount of refund 13219
to which the applicant is entitled. If the amount is not less than 13220
that claimed, the commissioner shall certify the determined amount 13221
to the director of budget and management and the treasurer of 13222
state for payment from the tax refund fund created under section 13223
5703.052 of the Revised Code. If the amount is less than that 13224
claimed, the commissioner shall proceed in accordance with section 13225
5703.70 of the Revised Code. 13226

(E) Refunds granted under this section shall include interest 13227

as provided by section 5739.132 of the Revised Code. 13228

Sec. 5507.52 128.52. (A) Beginning on July 1, 2013, each 13229
seller of a prepaid wireless calling service required to collect 13230
prepaid wireless 9-1-1 charges under division (B) of section 13231
~~5507.42~~ 128.42 of the Revised Code shall also be subject to the 13232
provisions of Chapter 5739. of the Revised Code regarding the 13233
excise tax on retail sales levied under section 5739.02 of the 13234
Revised Code, as those provisions apply to audits, assessments, 13235
appeals, enforcement, liability, and penalties. 13236

(B) The tax commissioner shall establish procedures by which 13237
a person may document that a sale is not a retail sale of a 13238
prepaid wireless calling service. The procedures shall 13239
substantially coincide with similar procedures under Chapter 5739. 13240
of the Revised Code. 13241

Sec. 5507.53 128.53. (A) There is hereby created the wireless 13242
9-1-1 administrative fund in the state treasury. ~~A sufficient~~ 13243
~~percentage, determined by the chairperson of the public utilities~~ 13244
~~commission but not to exceed two~~ Two per cent~~7~~, of the periodic 13245
remittances of the wireless 9-1-1 charges under section ~~5507.46~~ 13246
128.46 of the Revised Code shall be deposited to the credit of the 13247
fund, to be used by the ~~commission steering committee~~ to cover 13248
such nonpayroll costs and, at the discretion of the ~~commission~~ 13249
steering committee such payroll costs, of the ~~commission steering~~ 13250
committee as are incurred in ~~assisting the coordinator in carrying~~ 13251
~~out sections 5507.40 to 5507.66 of the Revised Code and in~~ 13252
~~conducting audits under division (D) of section 5507.46 of the~~ 13253
~~Revised Code. In addition, the compensation of the Ohio 9-1-1~~ 13254
~~coordinator, and any expenses of the coordinator in carrying out~~ 13255
~~those sections, shall be paid from the fund~~ this chapter. 13256

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(B) There is hereby created the wireless 9-1-1 government assistance fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. The periodic remittances of the wireless 9-1-1 charges under section ~~5507.46~~ 128.46 of the Revised Code, remaining after the deposit required by division (A) of this section, shall be deposited to the credit of the wireless 9-1-1 government assistance fund. The treasurer of state shall deposit or invest the moneys in this fund in accordance with Chapter 135. of the Revised Code and any other provision of law governing public moneys of the state as defined in section 135.01 of the Revised Code. The treasurer of state shall credit the interest earned to the fund. The treasurer of state shall disburse money from the fund solely upon order of the ~~coordinator~~ steering committee as authorized under division (A) of section ~~5507.55~~ 128.55 of the Revised Code. Annually, unless the fund is depleted, the treasurer of state shall certify to the ~~coordinator~~ steering committee the amount of moneys in the treasurer of state's custody belonging to the fund.

(C) The ~~commission~~ steering committee shall transfer the funds remaining in the wireless 9-1-1 government assistance fund after the disbursements made under division (A) of section ~~5507.55~~ 128.55 of the Revised Code to the credit of the next generation 9-1-1 fund, created in section ~~5507.54~~ 128.54 of the Revised Code.

Sec. ~~5507.54~~ 128.54. (A) Beginning January 1, 2014:

(1) ~~The periodic remittances of the wireless 9-1-1 charges~~
For the purpose of receiving, distributing, and accounting for amounts received from the wireless 9-1-1 charges imposed under section 128.42 of the Revised Code, the following funds are created in the state treasury:

(a) The wireless 9-1-1 government assistance fund;

<u>(b) The wireless 9-1-1 administrative fund;</u>	13289
<u>(c) The wireless 9-1-1 program fund;</u>	13290
<u>(d) The next generation 9-1-1 fund.</u>	13291
<u>(2) Amounts remitted</u> under section 5507.46 <u>128.46</u> of the	13292
Revised Code shall be paid to the treasurer of state for deposit	13293
as follows:	13294
(a) Ninety-eight <u>Ninety-seven</u> per cent to the wireless 9-1-1	13295
government assistance fund, which is hereby created in the custody	13296
of the treasurer of state but which shall not be a part of the	13297
state treasury. The treasurer of state shall deposit or invest the	13298
moneys in this fund in accordance with Chapter 135. of the Revised	13299
Code and any other provision of law governing public moneys of the	13300
state as defined in section 135.01 of the Revised Code. The	13301
treasurer of state shall credit the <u>All</u> interest earned <u>on the</u>	13302
<u>wireless 9-1-1 government assistance fund shall be credited to the</u>	13303
fund. The treasurer of state shall disburse money from the fund	13304
solely upon order of the tax commissioner according to policies	13305
established by the statewide emergency services internet protocol	13306
network steering committee as authorized under section 5507.021 of	13307
the Revised Code. Annually, until the fund is depleted, the	13308
treasurer of state shall certify to the commissioner the amount of	13309
moneys in the treasurer of state's custody belonging to the fund.	13310
(b) One per cent to the wireless 9-1-1 administrative fund,	13311
which is hereby created in the state treasury. The treasurer of	13312
state shall credit the interest earned to the fund.;	13313
(c) One <u>Two</u> per cent to the wireless 9-1-1 public safety	13314
administrative <u>program</u> fund, which is hereby created in the state	13315
treasury. The treasurer of state shall credit the interest earned	13316
to the fund.	13317
(2)(3) The tax commissioner shall use the remittances in the	13318
wireless 9-1-1 administrative fund to defray the costs <u>incurred</u> in	13319

carrying out this chapter. 13320

~~(3)(4) The director of public safety steering committee shall~~ 13321
use the ~~remittances in the wireless 9-1-1 public safety~~ 13322
~~administrative program~~ fund to defray the costs incurred by the 13323
~~department steering committee~~ in carrying out this chapter. 13324

~~(4)(5) Annually, the tax commissioner and the director of~~ 13325
~~public safety steering committee~~, after paying administrative 13326
costs under ~~division (B) of this section~~, shall transfer any 13327
excess remaining in the administrative funds to the next 13328
generation 9-1-1 fund, created under this section. 13329

~~(B)(1) There is hereby created the next generation 9-1-1~~ 13330
~~fund, which shall be in the custody of the treasurer but shall not~~ 13331
~~be a part of the state treasury.~~ 13332

~~(2) Beginning on January 1, 2014, the~~ The tax commissioner 13333
shall transfer the funds remaining in the wireless 9-1-1 13334
government assistance fund after the disbursements made under 13335
division (B)(1) of section ~~5507.55~~ 128.55 of the Revised Code to 13336
the credit of the next generation 9-1-1 fund. All interest earned 13337
on the next generation 9-1-1 fund shall be credited to the fund. 13338

~~(3) The treasurer of state shall deposit or invest the moneys~~ 13339
~~in the next generation 9-1-1 fund in accordance with Chapter 135.~~ 13340
~~of the Revised Code and any other provision of law governing~~ 13341
~~public moneys of the state as defined in section 135.01 of the~~ 13342
~~Revised Code. The treasurer of state shall credit the interest~~ 13343
~~earned to the fund. The treasurer of state shall disburse money~~ 13344
~~from the fund solely upon order of the tax commissioner according~~ 13345
~~to policies established by the statewide emergency services~~ 13346
~~internet protocol network steering committee as authorized under~~ 13347
~~section 5507.021 of the Revised Code. Annually, until the fund is~~ 13348
~~depleted, the treasurer of state shall certify to the commissioner~~ 13349
~~the amount of moneys in the treasurer of state's custody belonging~~ 13350

~~to the fund.~~ 13351

(C) From the wireless 9-1-1 government assistance fund, the 13352
director of budget and management shall, as funds are available, 13353
transfer to the tax refund fund, created under section 5703.052 of 13354
the Revised Code, amounts equal to the refunds certified by the 13355
tax commissioner under division (D) of section 128.47 of the 13356
Revised Code. 13357

Sec. 5507.55 128.55. (A) Prior to January 1, 2014, the ~~public~~ 13358
~~utilities commission steering committee~~ shall disburse moneys from 13359
the wireless 9-1-1 government assistance fund to each county in 13360
the same manner as the 2012 disbursements, in accordance with 13361
divisions (A) and (B) of section 4931.64 of the Revised Code as 13362
those divisions existed prior to the effective date of H.B. 360 of 13363
the 129th general assembly, December 20, 2012. 13364

(B) Beginning January 1, 2014: 13365

(1) The tax commissioner, not later than the last day of each 13366
month, shall disburse moneys from the wireless 9-1-1 government 13367
assistance fund, plus any accrued interest on the fund, to each 13368
county ~~in the same manner as the 2012 disbursements, in accordance~~ 13369
~~with divisions (A) and (B) of section 4931.64 of the Revised Code~~ 13370
~~as those divisions existed prior to the effective date of H.B. 360~~ 13371
~~of the 129th general assembly~~ treasurer. 13372

(a) If there are sufficient funds in the wireless 9-1-1 13373
government assistance fund, each county treasurer shall receive 13374
the same amount distributed to that county by the public utilities 13375
commission in the corresponding calendar month in 2013. If any 13376
excess remains after these distributions are made, the tax 13377
commissioner shall transfer that excess to the next generation 13378
9-1-1 fund. 13379

(b) If the funds available are insufficient to make the 13380

distributions as provided in division (B)(1)(a) of this section, 13381
each county's share shall be reduced in proportion to the amounts 13382
received in the corresponding calendar month in 2013, until the 13383
total amount to be distributed to the counties is equivalent to 13384
the amount available in the wireless 9-1-1 government assistance 13385
fund. 13386

(2) The tax commissioner shall disburse moneys from the next 13387
generation 9-1-1 fund in accordance with the guidelines 13388
established under section ~~5507.022~~ 128.022 of the Revised Code. 13389

(C) Immediately upon receipt by a county treasurer of a 13390
disbursement under division (A) or (B)(1) of this section, the 13391
county shall disburse, in accordance with the allocation formula 13392
set forth in the final plan, the amount the county so received to 13393
any other subdivisions in the county and any regional councils of 13394
governments in the county that pay the costs of a public safety 13395
answering point providing wireless enhanced 9-1-1 under the plan. 13396

(D) Nothing in this chapter affects the authority of a 13397
subdivision operating or served by a public safety answering point 13398
of a 9-1-1 system or a regional council of governments operating a 13399
public safety answering point of a 9-1-1 system to use, as 13400
provided in the final plan for the system or in an agreement under 13401
section ~~5507.09~~ 128.09 of the Revised Code, any other authorized 13402
revenue of the subdivision or the regional council of governments 13403
for the purposes of providing basic or enhanced 9-1-1. 13404

Sec. ~~5507.57~~ 128.57. Except as otherwise provided in section 13405
~~5507.571~~ 128.571 of the Revised Code: 13406

(A) A countywide 9-1-1 system receiving a disbursement under 13407
section ~~5507.55~~ 128.55 of the Revised Code shall provide 13408
countywide wireless enhanced 9-1-1 in accordance with this chapter 13409
beginning as soon as reasonably possible after receipt of the 13410
first disbursement or, if that service is already implemented, 13411

shall continue to provide such service. Except as provided in 13412
divisions (B), (C), and (E) of this section, a disbursement shall 13413
be used solely for the purpose of paying either or both of the 13414
following: 13415

(1) Any costs of designing, upgrading, purchasing, leasing, 13416
programming, installing, testing, or maintaining the necessary 13417
data, hardware, software, and trunking required for the public 13418
safety answering point or points of the 9-1-1 system to provide 13419
wireless enhanced 9-1-1, which costs are incurred before or on or 13420
after May 6, 2005, and consist of such additional costs of the 13421
9-1-1 system over and above any costs incurred to provide wireline 13422
9-1-1 or to otherwise provide wireless enhanced 9-1-1. Annually, 13423
up to twenty-five thousand dollars of the disbursements received 13424
on or after January 1, 2009, may be applied to data, hardware, and 13425
software that automatically alerts personnel receiving a 9-1-1 13426
call that a person at the subscriber's address or telephone number 13427
may have a mental or physical disability, of which that personnel 13428
shall inform the appropriate emergency service provider. On or 13429
after the provision of technical and operational standards 13430
pursuant to ~~division (D)(1) of section 5507.65~~ 128.021 of the 13431
Revised Code, a regional council of governments operating a public 13432
safety answering point or a subdivision shall consider the 13433
standards before incurring any costs described in this division. 13434

(2) Any costs of training the staff of the public safety 13435
answering point or points to provide wireless enhanced 9-1-1, 13436
which costs are incurred before or on or after May 6, 2005. 13437

(B) A subdivision or a regional council of governments that 13438
certifies to the ~~department of public safety steering committee~~ 13439
that it has paid the costs described in divisions (A)(1) and (2) 13440
of this section and is providing countywide wireless enhanced 13441
9-1-1 may use disbursements received under section ~~5507.55~~ 128.55 13442
of the Revised Code to pay any of its personnel costs of one or 13443

more public safety answering points providing countywide wireless 13444
enhanced 9-1-1. 13445

(C) After receiving its July 2013 disbursement under division 13446
(A) of section ~~5507.55~~ 128.55 of the Revised Code, a regional 13447
council of governments operating a public safety answering point 13448
or a subdivision may use any remaining balance of disbursements it 13449
received under that division to pay any of its costs of providing 13450
countywide wireless 9-1-1, including the personnel costs of one or 13451
more public safety answering points providing that service. 13452

(D) The costs described in divisions (A), (B), (C), and (E) 13453
of this section may include any such costs payable pursuant to an 13454
agreement under division (J) of section ~~5507.03~~ 128.03 of the 13455
Revised Code. 13456

(E)(1) No disbursement to a countywide 9-1-1 system for costs 13457
of a public safety answering point shall be made from the wireless 13458
9-1-1 government assistance fund or the next generation 9-1-1 fund 13459
unless the public safety answering point meets the standards set 13460
by rule of the ~~statewide emergency services internet protocol~~ 13461
~~network~~ steering committee under section ~~5507.021~~ 128.021 of the 13462
Revised Code. 13463

(2) The ~~department of public safety steering committee~~ shall 13464
monitor compliance with the standards ~~set by the steering~~ 13465
~~committee. The department~~ and shall notify the tax commissioner to 13466
suspend disbursements to a countywide 9-1-1 system that fails to 13467
meet the standards. Upon receipt of this notification, the 13468
commissioner shall suspend disbursements until the commissioner is 13469
notified of compliance with the standards. 13470

(F) The auditor of state may audit and review each county's 13471
expenditures of funds received from the wireless 9-1-1 government 13472
assistance fund to verify that the funds were used in accordance 13473
with the requirements of this chapter. 13474

Sec. ~~5507.571~~ 128.571. (A) Payment of costs specified in 13475
divisions (A) to (D) of section ~~5507.57~~ 128.57 of the Revised Code 13476
from a disbursement under section ~~5507.55~~ 128.55 of the Revised 13477
Code shall be limited to those specified and payable costs 13478
incurred for a specified number of public safety answering points 13479
of the particular 9-1-1 system as follows: 13480

(1) For the period beginning on March 1, 2009, and ending on 13481
December 31, 2015, a countywide 9-1-1 system may use disbursements 13482
for not more than five public safety answering points per calendar 13483
year. 13484

(2) Except as provided in division (B) of this section: 13485

(a) For the period beginning on January 1, 2016, and ending 13486
on December 31, 2017, a countywide 9-1-1 system may use 13487
disbursements for not more than four public safety answering 13488
points per calendar year. 13489

(b) For the period beginning on January 1, 2018, and 13490
thereafter a countywide 9-1-1 system may use disbursements for not 13491
more than three public safety answering points per calendar year. 13492

(B) If within a county there is a municipal corporation with 13493
a population of over ~~175,000~~ one hundred seventy-five thousand 13494
according to the most recent federal decennial census, that county 13495
may use disbursements for one public safety answering point in 13496
addition to the number of public safety answering points allowed 13497
under division (A)(2) of this section. 13498

(C) If a county exceeds the allowable number of public safety 13499
answering points under this section, disbursements to countywide 13500
9-1-1 systems made to the county from the wireless 9-1-1 13501
government assistance fund and the next generation 9-1-1 fund 13502
shall be reduced by fifty per cent until the county complies with 13503
the public safety answering point limitations established under 13504

this section. 13505

Sec. ~~5507.60~~ 128.60. (A)(1) A telephone company, the state 13506
highway patrol as described in division (J) of section ~~5507.03~~ 13507
128.03 of the Revised Code, and each subdivision or regional 13508
council of governments operating one or more public safety 13509
answering points for a countywide system providing wireless 9-1-1, 13510
shall provide the ~~director of public safety steering committee~~ and 13511
the tax commissioner with such information as the ~~director~~ 13512
steering committee and tax commissioner request for the purposes 13513
of carrying out their duties under this chapter, including, but 13514
not limited to, duties regarding the collection of the wireless 13515
9-1-1 charges imposed under section ~~5507.42~~ 128.42 of the Revised 13516
Code. 13517

(2) A wireless service provider shall provide an official, 13518
employee, agent, or representative of a subdivision or regional 13519
council of governments operating a public safety answering point, 13520
or of the state highway patrol as described in division (J) of 13521
section ~~5507.03~~ 128.03 of the Revised Code, with such technical, 13522
service, and location information as the official, employee, 13523
agent, or representative requests for the purpose of providing 13524
wireless 9-1-1. 13525

(3) A subdivision or regional council of governments 13526
operating one or more public safety answering points of a 9-1-1 13527
system, and a telephone company, shall provide to the ~~Ohio 9-1-1~~ 13528
~~council steering committee~~ such information as the ~~council~~ 13529
steering committee requires for the purpose of carrying out its 13530
duties under ~~division (D) of section 5507.65~~ Chapter 128. of the 13531
Revised Code. 13532

(B)(1) Any information provided under division (A) of this 13533
section that consists of trade secrets as defined in section 13534
1333.61 of the Revised Code or of information regarding the 13535

customers, revenues, expenses, or network information of a 13536
telephone company shall be confidential and does not constitute a 13537
public record for the purpose of section 149.43 of the Revised 13538
Code. 13539

(2) The ~~director steering committee~~, tax commissioner, and 13540
any official, employee, agent, or representative of the ~~director~~ 13541
steering committee, of the tax commissioner, of the state highway 13542
patrol as described in division (J) of section ~~5507.03~~ 128.03 of 13543
the Revised Code, or of a subdivision or regional council of 13544
governments operating a public safety answering point, while 13545
acting or claiming to act in the capacity of the ~~director steering~~ 13546
committee or tax commissioner or such official, employee, agent, 13547
or representative, shall not disclose any information provided 13548
under division (A) of this section regarding a telephone company's 13549
customers, revenues, expenses, or network information. Nothing in 13550
division (B)(2) of this section precludes any such information 13551
from being aggregated and included in any report ~~required under~~ 13552
~~division (D) of section 5507.66 of the Revised Code of the~~ 13553
steering committee, tax commissioner, or any official, employee, 13554
agent, or representative of the steering committee or tax 13555
commissioner, provided the aggregated information does not 13556
identify the number of any particular company's customers or the 13557
amount of its revenues or expenses or identify a particular 13558
company as to any network information. 13559

Sec. ~~5507.63~~ 128.63. (A) The tax commissioner may adopt rules 13560
in accordance with Chapter 119. of the Revised Code to carry out 13561
this chapter, including rules prescribing the necessary accounting 13562
for the collection fee under division (B)(4) of section ~~5507.46~~ 13563
128.46 of the Revised Code. 13564

(B) The amounts of the wireless 9-1-1 charges shall be 13565
prescribed only by act of the general assembly. 13566

~~Sec. 5507.99~~ 128.99. (A) Whoever violates division (E) of 13567
section ~~5507.32~~ 128.32 of the Revised Code is guilty of a 13568
misdemeanor of the fourth degree. 13569

(B) Whoever violates division (F) or (G) of section ~~5507.32~~ 13570
128.32 or division (B)(2) of section ~~5507.60~~ 128.60 of the Revised 13571
Code is guilty of a misdemeanor of the fourth degree on a first 13572
offense and a felony of the fifth degree on each subsequent 13573
offense. 13574

(C) If a wireless service provider, reseller, or seller 13575
violates division (B)(1)(a) of section 128.46 of the Revised Code, 13576
and does not comply with any extensions granted under division 13577
(B)(2) of that section, the tax commissioner may impose a 13578
late-filing penalty of not more than the greater of fifty dollars 13579
or five per cent of the amount required to be remitted as 13580
described in division (B)(1)(b) of that section. 13581

(D) If a wireless service provider, reseller, or seller fails 13582
to comply with division (B)(1)(b) of section 128.46 of the Revised 13583
Code, the tax commissioner may impose a late-payment penalty of 13584
not more than the greater of fifty dollars or five per cent of the 13585
wireless 9-1-1 charge required to be remitted for the reporting 13586
period minus any partial remittance made on or before the due 13587
date, including any extensions granted under division (B)(2) of 13588
section 128.46 of the Revised Code. 13589

(E) The tax commissioner may impose an assessment penalty of 13590
not more than the greater of one hundred dollars or thirty-five 13591
per cent of the wireless 9-1-1 charges due after the tax 13592
commissioner notifies the person of an audit, an examination, a 13593
delinquency, assessment, or other notice that additional wireless 13594
9-1-1 charges are due. 13595

(F) If a wireless service provider, reseller, or seller fails 13596
to comply with either electronic requirement of division (B)(5) of 13597

section 128.46 of the Revised Code, the tax commissioner may 13598
impose an electronic penalty, for either or both failures to 13599
comply, of not more than the lesser of the following: 13600

(1) The greater of one hundred dollars or ten per cent of the 13601
amount required to be, but not, remitted electronically; 13602

(2) Five thousand dollars. 13603

(G) Each penalty described in divisions (C) to (F) of this 13604
section is in addition to any other penalty described in those 13605
divisions. The tax commissioner may abate all or any portion of 13606
any penalty described in those divisions. 13607

Sec. 131.51. (A) On or before July 5, 2013, the tax 13608
commissioner shall compute the following amounts and certify those 13609
amounts to the director of budget and management: 13610

(1) A percentage calculated by multiplying one hundred by the 13611
quotient obtained by dividing the total amount credited to the 13612
local government fund in fiscal year 2013 by the total amount of 13613
tax revenue credited to the general revenue fund in fiscal year 13614
2013. The percentage shall be rounded to the nearest one-hundredth 13615
of one per cent. 13616

(2) A percentage calculated by multiplying one hundred by the 13617
quotient obtained by dividing the total amount credited to the 13618
public library fund in fiscal year 2013 by the total amount of tax 13619
revenue credited to the general revenue fund in fiscal year 2013. 13620
The percentage shall be rounded to the nearest one-hundredth of 13621
one per cent. 13622

(B) On or before the seventh day of each month, the director 13623
of budget and management shall credit to the local government fund 13624
an amount equal to the product obtained by multiplying the 13625
percentage calculated under division (A)(1) of this section by the 13626
total tax revenue credited to the general revenue fund during the 13627

preceding month. In determining the total tax revenue credited to 13628
the general revenue fund during the preceding month, the director 13629
shall include amounts transferred from the fund during the 13630
preceding month under this division and division (C) of this 13631
section. Money shall be distributed from the local government fund 13632
as required under section 5747.50 of the Revised Code during the 13633
same month in which it is credited to the fund. 13634

(C) On or before the seventh day of each month, the director 13635
of budget and management shall credit to the public library fund 13636
an amount equal to the product obtained by multiplying the 13637
percentage calculated under division (A)(2) of this section by the 13638
total tax revenue credited to the general revenue fund during the 13639
preceding month. In determining the total tax revenue credited to 13640
the general revenue fund during the preceding month, the director 13641
shall include amounts transferred from the fund during the 13642
preceding month under this division and division (B) of this 13643
section. Money shall be distributed from the public library fund 13644
as required under section 5747.47 of the Revised Code during the 13645
same month in which it is credited to the fund. 13646

(D) The director of budget and management shall develop a 13647
schedule identifying the specific tax revenue sources to be used 13648
to make the monthly transfers required under divisions (B) and (C) 13649
of this section. The director may, from time to time, revise the 13650
schedule as the director considers necessary. 13651

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96, 13652
and 2151.655 of the Revised Code, in other sections of the Revised 13653
Code that make reference to this chapter unless the context does 13654
not permit, and in related proceedings, unless otherwise expressly 13655
provided: 13656

(A) "Acquisition" as applied to real or personal property 13657
includes, among other forms of acquisition, acquisition by 13658

exercise of a purchase option, and acquisition of interests in 13659
property, including, without limitation, easements and 13660
rights-of-way, and leasehold and other lease interests initially 13661
extending or extendable for a period of at least sixty months. 13662

(B) "Anticipatory securities" means securities, including 13663
notes, issued in anticipation of the issuance of other securities. 13664

(C) "Board of elections" means the county board of elections 13665
of the county in which the subdivision is located. If the 13666
subdivision is located in more than one county, "board of 13667
elections" means the county board of elections of the county that 13668
contains the largest portion of the population of the subdivision 13669
or that otherwise has jurisdiction in practice over and 13670
customarily handles election matters relating to the subdivision. 13671

(D) "Bond retirement fund" means the bond retirement fund 13672
provided for in section 5705.09 of the Revised Code, and also 13673
means a sinking fund or any other special fund, regardless of the 13674
name applied to it, established by or pursuant to law or the 13675
proceedings for the payment of debt charges. Provision may be made 13676
in the applicable proceedings for the establishment in a bond 13677
retirement fund of separate accounts relating to debt charges on 13678
particular securities, or on securities payable from the same or 13679
common sources, and for the application of moneys in those 13680
accounts only to specified debt charges on specified securities or 13681
categories of securities. Subject to law and any provisions in the 13682
applicable proceedings, moneys in a bond retirement fund or 13683
separate account in a bond retirement fund may be transferred to 13684
other funds and accounts. 13685

(E) "Capitalized interest" means all or a portion of the 13686
interest payable on securities from their date to a date stated or 13687
provided for in the applicable legislation, which interest is to 13688
be paid from the proceeds of the securities. 13689

(F) "Chapter 133. securities" means securities authorized by 13690
or issued pursuant to or in accordance with this chapter. 13691

(G) "County auditor" means the county auditor of the county 13692
in which the subdivision is located. If the subdivision is located 13693
in more than one county, "county auditor" means the county auditor 13694
of the county that contains the highest amount of the tax 13695
valuation of the subdivision or that otherwise has jurisdiction in 13696
practice over and customarily handles property tax matters 13697
relating to the subdivision. In the case of a county that has 13698
adopted a charter, "county auditor" means the officer who 13699
generally has the duties and functions provided in the Revised 13700
Code for a county auditor. 13701

(H) "Credit enhancement facilities" means letters of credit, 13702
lines of credit, stand-by, contingent, or firm securities purchase 13703
agreements, insurance, or surety arrangements, guarantees, and 13704
other arrangements that provide for direct or contingent payment 13705
of debt charges, for security or additional security in the event 13706
of nonpayment or default in respect of securities, or for making 13707
payment of debt charges to and at the option and on demand of 13708
securities holders or at the option of the issuer or upon certain 13709
conditions occurring under put or similar arrangements, or for 13710
otherwise supporting the credit or liquidity of the securities, 13711
and includes credit, reimbursement, marketing, remarketing, 13712
indexing, carrying, interest rate hedge, and subrogation 13713
agreements, and other agreements and arrangements for payment and 13714
reimbursement of the person providing the credit enhancement 13715
facility and the security for that payment and reimbursement. 13716

(I) "Current operating expenses" or "current expenses" means 13717
the lawful expenditures of a subdivision, except those for 13718
permanent improvements and for payments of debt charges of the 13719
subdivision. 13720

(J) "Debt charges" means the principal, including any 13721

mandatory sinking fund deposits and mandatory redemption payments, 13722
interest, and any redemption premium, payable on securities as 13723
those payments come due and are payable. The use of "debt charges" 13724
for this purpose does not imply that any particular securities 13725
constitute debt within the meaning of the Ohio Constitution or 13726
other laws. 13727

(K) "Financing costs" means all costs and expenses relating 13728
to the authorization, including any required election, issuance, 13729
sale, delivery, authentication, deposit, custody, clearing, 13730
registration, transfer, exchange, fractionalization, replacement, 13731
payment, and servicing of securities, including, without 13732
limitation, costs and expenses for or relating to publication and 13733
printing, postage, delivery, preliminary and final official 13734
statements, offering circulars, and informational statements, 13735
travel and transportation, underwriters, placement agents, 13736
investment bankers, paying agents, registrars, authenticating 13737
agents, remarketing agents, custodians, clearing agencies or 13738
corporations, securities depositories, financial advisory 13739
services, certifications, audits, federal or state regulatory 13740
agencies, accounting and computation services, legal services and 13741
obtaining approving legal opinions and other legal opinions, 13742
credit ratings, redemption premiums, and credit enhancement 13743
facilities. Financing costs may be paid from any moneys available 13744
for the purpose, including, unless otherwise provided in the 13745
proceedings, from the proceeds of the securities to which they 13746
relate and, as to future financing costs, from the same sources 13747
from which debt charges on the securities are paid and as though 13748
debt charges. 13749

(L) "Fiscal officer" means the following, or, in the case of 13750
absence or vacancy in the office, a deputy or assistant authorized 13751
by law or charter to act in the place of the named officer, or if 13752
there is no such authorization then the deputy or assistant 13753

authorized by legislation to act in the place of the named officer	13754
for purposes of this chapter, in the case of the following	13755
subdivisions:	13756
(1) A county, the county auditor;	13757
(2) A municipal corporation, the city auditor or village	13758
clerk or clerk-treasurer, or the officer who, by virtue of a	13759
charter, has the duties and functions provided in the Revised Code	13760
for the city auditor or village clerk or clerk-treasurer;	13761
(3) A school district, the treasurer of the board of	13762
education;	13763
(4) A regional water and sewer district, the secretary of the	13764
board of trustees;	13765
(5) A joint township hospital district, the treasurer of the	13766
district;	13767
(6) A joint ambulance district, the clerk of the board of	13768
trustees;	13769
(7) A joint recreation district, the person designated	13770
pursuant to section 755.15 of the Revised Code;	13771
(8) A detention facility district or a district organized	13772
under section 2151.65 of the Revised Code or a combined district	13773
organized under sections 2152.41 and 2151.65 of the Revised Code,	13774
the county auditor of the county designated by law to act as the	13775
auditor of the district;	13776
(9) A township, a fire district organized under division (C)	13777
of section 505.37 of the Revised Code, or a township police	13778
district, the fiscal officer of the township;	13779
(10) A joint fire district, the clerk of the board of	13780
trustees of that district;	13781
(11) A regional or county library district, the person	13782
responsible for the financial affairs of that district;	13783

(12) A joint solid waste management district, the fiscal officer appointed by the board of directors of the district under section 343.01 of the Revised Code;	13784 13785 13786
(13) A joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code;	13787 13788 13789
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	13790 13791 13792
(15) A subdivision described in division (MM) (18) <u>(19)</u> of this section, the officer who is designated by law as or performs the functions of its chief fiscal officer;	13793 13794 13795
(16) A joint police district, the treasurer of the district;	13796
<u>(17) A lake facilities authority, the fiscal officer designated under section 353.02 of the Revised Code.</u>	13797 13798
(M) "Fiscal year" has the same meaning as in section 9.34 of the Revised Code.	13799 13800
(N) "Fractionalized interests in public obligations" means participations, certificates of participation, shares, or other instruments or agreements, separate from the public obligations themselves, evidencing ownership of interests in public obligations or of rights to receive payments of, or on account of, principal or interest or their equivalents payable by or on behalf of an obligor pursuant to public obligations.	13801 13802 13803 13804 13805 13806 13807
(O) "Fully registered securities" means securities in certificated or uncertificated form, registered as to both principal and interest in the name of the owner.	13808 13809 13810
(P) "Fund" means to provide for the payment of debt charges and expenses related to that payment at or prior to retirement by purchase, call for redemption, payment at maturity, or otherwise.	13811 13812 13813

(Q) "General obligation" means securities to the payment of 13814
debt charges on which the full faith and credit and the general 13815
property taxing power, including taxes within the tax limitation 13816
if available to the subdivision, of the subdivision are pledged. 13817

(R) "Interest" or "interest equivalent" means those payments 13818
or portions of payments, however denominated, that constitute or 13819
represent consideration for forbearing the collection of money, or 13820
for deferring the receipt of payment of money to a future time. 13821

(S) "Internal Revenue Code" means the "Internal Revenue Code 13822
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 13823
includes any laws of the United States providing for application 13824
of that code. 13825

(T) "Issuer" means any public issuer and any nonprofit 13826
corporation authorized to issue securities for or on behalf of any 13827
public issuer. 13828

(U) "Legislation" means an ordinance or resolution passed by 13829
a majority affirmative vote of the then members of the taxing 13830
authority unless a different vote is required by charter 13831
provisions governing the passage of the particular legislation by 13832
the taxing authority. 13833

(V) "Mandatory sinking fund redemption requirements" means 13834
amounts required by proceedings to be deposited in a bond 13835
retirement fund for the purpose of paying in any year or fiscal 13836
year by mandatory redemption prior to stated maturity the 13837
principal of securities that is due and payable, except for 13838
mandatory prior redemption requirements as provided in those 13839
proceedings, in a subsequent year or fiscal year. 13840

(W) "Mandatory sinking fund requirements" means amounts 13841
required by proceedings to be deposited in a year or fiscal year 13842
in a bond retirement fund for the purpose of paying the principal 13843
of securities that is due and payable in a subsequent year or 13844

fiscal year.	13845
(X) "Net indebtedness" has the same meaning as in division	13846
(A) of section 133.04 of the Revised Code.	13847
(Y) "Obligor," in the case of securities or fractionalized	13848
interests in public obligations issued by another person the debt	13849
charges or their equivalents on which are payable from payments	13850
made by a public issuer, means that public issuer.	13851
(Z) "One purpose" relating to permanent improvements means	13852
any one permanent improvement or group or category of permanent	13853
improvements for the same utility, enterprise, system, or project,	13854
development or redevelopment project, or for or devoted to the	13855
same general purpose, function, or use or for which	13856
self-supporting securities, based on the same or different sources	13857
of revenues, may be issued or for which special assessments may be	13858
levied by a single ordinance or resolution. "One purpose"	13859
includes, but is not limited to, in any case any off-street	13860
parking facilities relating to another permanent improvement, and:	13861
(1) Any number of roads, highways, streets, bridges,	13862
sidewalks, and viaducts;	13863
(2) Any number of off-street parking facilities;	13864
(3) In the case of a county, any number of permanent	13865
improvements for courthouse, jail, county offices, and other	13866
county buildings, and related facilities;	13867
(4) In the case of a school district, any number of	13868
facilities and buildings for school district purposes, and related	13869
facilities.	13870
(AA) "Outstanding," referring to securities, means securities	13871
that have been issued, delivered, and paid for, except any of the	13872
following:	13873
(1) Securities canceled upon surrender, exchange, or	13874

transfer, or upon payment or redemption;	13875
(2) Securities in replacement of which or in exchange for which other securities have been issued;	13876 13877
(3) Securities for the payment, or redemption or purchase for cancellation prior to maturity, of which sufficient moneys or investments, in accordance with the applicable legislation or other proceedings or any applicable law, by mandatory sinking fund redemption requirements, mandatory sinking fund requirements, or otherwise, have been deposited, and credited for the purpose in a bond retirement fund or with a trustee or paying or escrow agent, whether at or prior to their maturity or redemption, and, in the case of securities to be redeemed prior to their stated maturity, notice of redemption has been given or satisfactory arrangements have been made for giving notice of that redemption, or waiver of that notice by or on behalf of the affected security holders has been filed with the subdivision or its agent for the purpose.	13878 13879 13880 13881 13882 13883 13884 13885 13886 13887 13888 13889 13890
(BB) "Paying agent" means the one or more banks, trust companies, or other financial institutions or qualified persons, including an appropriate office or officer of the subdivision, designated as a paying agent or place of payment of debt charges on the particular securities.	13891 13892 13893 13894 13895
(CC) "Permanent improvement" or "improvement" means any property, asset, or improvement certified by the fiscal officer, which certification is conclusive, as having an estimated life or period of usefulness of five years or more, and includes, but is not limited to, real estate, buildings, and personal property and interests in real estate, buildings, and personal property, equipment, furnishings, and site improvements, and reconstruction, rehabilitation, renovation, installation, improvement, enlargement, and extension of property, assets, or improvements so certified as having an estimated life or period of usefulness of five years or more. The acquisition of all the stock ownership of	13896 13897 13898 13899 13900 13901 13902 13903 13904 13905 13906

a corporation is the acquisition of a permanent improvement to the extent that the value of that stock is represented by permanent improvements. A permanent improvement for parking, highway, road, and street purposes includes resurfacing, but does not include ordinary repair.

(DD) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes any federal, state, interstate, regional, or local governmental agency, any subdivision, and any combination of those persons.

(EE) "Proceedings" means the legislation, certifications, notices, orders, sale proceedings, trust agreement or indenture, mortgage, lease, lease-purchase agreement, assignment, credit enhancement facility agreements, and other agreements, instruments, and documents, as amended and supplemented, and any election proceedings, authorizing, or providing for the terms and conditions applicable to, or providing for the security or sale or award of, public obligations, and includes the provisions set forth or incorporated in those public obligations and proceedings.

(FF) "Public issuer" means any of the following that is authorized by law to issue securities or enter into public obligations:

(1) The state, including an agency, commission, officer, institution, board, authority, or other instrumentality of the state;

(2) A taxing authority, subdivision, district, or other local public or governmental entity, and any combination or consortium, or public division, district, commission, authority, department, board, officer, or institution, thereof;

(3) Any other body corporate and politic, or other public entity.

(GG) "Public obligations" means both of the following:

(1) Securities;	13938
(2) Obligations of a public issuer to make payments under installment sale, lease, lease purchase, or similar agreements, which obligations may bear interest or interest equivalent.	13939 13940 13941
(HH) "Refund" means to fund and retire outstanding securities, including advance refunding with or without payment or redemption prior to maturity.	13942 13943 13944
(II) "Register" means the books kept and maintained by the registrar for registration, exchange, and transfer of registered securities.	13945 13946 13947
(JJ) "Registrar" means the person responsible for keeping the register for the particular registered securities, designated by or pursuant to the proceedings.	13948 13949 13950
(KK) "Securities" means bonds, notes, certificates of indebtedness, commercial paper, and other instruments in writing, including, unless the context does not admit, anticipatory securities, issued by an issuer to evidence its obligation to repay money borrowed, or to pay interest, by, or to pay at any future time other money obligations of, the issuer of the securities, but not including public obligations described in division (GG)(2) of this section.	13951 13952 13953 13954 13955 13956 13957 13958
(LL) "Self-supporting securities" means securities or portions of securities issued for the purpose of paying costs of permanent improvements to the extent that receipts of the subdivision, other than the proceeds of taxes levied by that subdivision, derived from or with respect to the improvements or the operation of the improvements being financed, or the enterprise, system, project, or category of improvements of which the improvements being financed are part, are estimated by the fiscal officer to be sufficient to pay the current expenses of that operation or of those improvements or enterprise, system,	13959 13960 13961 13962 13963 13964 13965 13966 13967 13968

project, or categories of improvements and the debt charges 13969
payable from those receipts on securities issued for the purpose. 13970
Until such time as the improvements or increases in rates and 13971
charges have been in operation or effect for a period of at least 13972
six months, the receipts therefrom, for purposes of this 13973
definition, shall be those estimated by the fiscal officer, except 13974
that those receipts may include, without limitation, payments made 13975
and to be made to the subdivision under leases or agreements in 13976
effect at the time the estimate is made. In the case of an 13977
operation, improvements, or enterprise, system, project, or 13978
category of improvements without at least a six-month history of 13979
receipts, the estimate of receipts by the fiscal officer, other 13980
than those to be derived under leases and agreements then in 13981
effect, shall be confirmed by the taxing authority. 13982

(MM) "Subdivision" means any of the following: 13983

(1) A county, including a county that has adopted a charter 13984
under Article X, Ohio Constitution; 13985

(2) A municipal corporation, including a municipal 13986
corporation that has adopted a charter under Article XVIII, Ohio 13987
Constitution; 13988

(3) A school district; 13989

(4) A regional water and sewer district organized under 13990
Chapter 6119. of the Revised Code; 13991

(5) A joint township hospital district organized under 13992
section 513.07 of the Revised Code; 13993

(6) A joint ambulance district organized under section 505.71 13994
of the Revised Code; 13995

(7) A joint recreation district organized under division (C) 13996
of section 755.14 of the Revised Code; 13997

(8) A detention facility district organized under section 13998

2152.41, a district organized under section 2151.65, or a combined	13999
district organized under sections 2152.41 and 2151.65 of the	14000
Revised Code;	14001
(9) A township police district organized under section 505.48	14002
of the Revised Code;	14003
(10) A township;	14004
(11) A joint fire district organized under section 505.371 of	14005
the Revised Code;	14006
(12) A county library district created under section 3375.19	14007
or a regional library district created under section 3375.28 of	14008
the Revised Code;	14009
(13) A joint solid waste management district organized under	14010
section 343.01 or 343.012 of the Revised Code;	14011
(14) A joint emergency medical services district organized	14012
under section 307.052 of the Revised Code;	14013
(15) A fire and ambulance district organized under section	14014
505.375 of the Revised Code;	14015
(16) A fire district organized under division (C) of section	14016
505.37 of the Revised Code;	14017
(17) A joint police district organized under section 505.482	14018
of the Revised Code;	14019
(18) <u>A lake facilities authority created under Chapter 353.</u>	14020
<u>of the Revised Code;</u>	14021
<u>(19)</u> Any other political subdivision or taxing district or	14022
other local public body or agency authorized by this chapter or	14023
other laws to issue Chapter 133. securities.	14024
(NN) "Taxing authority" means in the case of the following	14025
subdivisions:	14026
(1) A county, a county library district, or a regional	14027

library district, the board or boards of county commissioners, or	14028
other legislative authority of a county that has adopted a charter	14029
under Article X, Ohio Constitution, but with respect to such a	14030
library district acting solely as agent for the board of trustees	14031
of that district;	14032
(2) A municipal corporation, the legislative authority;	14033
(3) A school district, the board of education;	14034
(4) A regional water and sewer district, a joint ambulance	14035
district, a joint recreation district, a fire and ambulance	14036
district, or a joint fire district, the board of trustees of the	14037
district;	14038
(5) A joint township hospital district, the joint township	14039
hospital board;	14040
(6) A detention facility district or a district organized	14041
under section 2151.65 of the Revised Code, a combined district	14042
organized under sections 2152.41 and 2151.65 of the Revised Code,	14043
or a joint emergency medical services district, the joint board of	14044
county commissioners;	14045
(7) A township, a fire district organized under division (C)	14046
of section 505.37 of the Revised Code, or a township police	14047
district, the board of township trustees;	14048
(8) A joint solid waste management district organized under	14049
section 343.01 or 343.012 of the Revised Code, the board of	14050
directors of the district;	14051
(9) A subdivision described in division (MM) (18) <u>(19)</u> of this	14052
section, the legislative or governing body or official;	14053
(10) A joint police district, the joint police district	14054
board;	14055
<u>(11) A lake facilities authority, the board of directors.</u>	14056
(00) "Tax limitation" means the "ten-mill limitation" as	14057

defined in section 5705.02 of the Revised Code without diminution 14058
by reason of section 5705.313 of the Revised Code or otherwise, 14059
or, in the case of a municipal corporation or county with a 14060
different charter limitation on property taxes levied to pay debt 14061
charges on unvoted securities, that charter limitation. Those 14062
limitations shall be respectively referred to as the "ten-mill 14063
limitation" and the "charter tax limitation." 14064

(PP) "Tax valuation" means the aggregate of the valuations of 14065
property subject to ad valorem property taxation by the 14066
subdivision on the real property, personal property, and public 14067
utility property tax lists and duplicates most recently certified 14068
for collection, and shall be calculated without deductions of the 14069
valuations of otherwise taxable property exempt in whole or in 14070
part from taxation by reason of exemptions of certain amounts of 14071
taxable value under division (C) of section 5709.01, tax 14072
reductions under section 323.152 of the Revised Code, or similar 14073
laws now or in the future in effect. 14074

For purposes of section 133.06 of the Revised Code, "tax 14075
valuation" shall not include the valuation of tangible personal 14076
property used in business, telephone or telegraph property, 14077
interexchange telecommunications company property, or personal 14078
property owned or leased by a railroad company and used in 14079
railroad operations listed under or described in section 5711.22, 14080
division (B) or (F) of section 5727.111, or section 5727.12 of the 14081
Revised Code. 14082

(QQ) "Year" means the calendar year. 14083

(RR) "Administrative agent," "agent," "commercial paper," 14084
"floating rate interest structure," "indexing agent," "interest 14085
rate hedge," "interest rate period," "put arrangement," and 14086
"remarketing agent" have the same meanings as in section 9.98 of 14087
the Revised Code. 14088

(SS) "Sales tax supported" means obligations to the payment 14089
of debt charges on which an additional sales tax or additional 14090
sales taxes have been pledged by the taxing authority of a county 14091
pursuant to section 133.081 of the Revised Code. 14092

Sec. 133.06. (A) A school district shall not incur, without a 14093
vote of the electors, net indebtedness that exceeds an amount 14094
equal to one-tenth of one per cent of its tax valuation, except as 14095
provided in divisions (G) and (H) of this section and in division 14096
(C) of section 3313.372 of the Revised Code, or as prescribed in 14097
section 3318.052 or 3318.44 of the Revised Code, or as provided in 14098
division (J) of this section. 14099

(B) Except as provided in divisions (E), (F), and (I) of this 14100
section, a school district shall not incur net indebtedness that 14101
exceeds an amount equal to nine per cent of its tax valuation. 14102

(C) A school district shall not submit to a vote of the 14103
electors the question of the issuance of securities in an amount 14104
that will make the district's net indebtedness after the issuance 14105
of the securities exceed an amount equal to four per cent of its 14106
tax valuation, unless the superintendent of public instruction, 14107
acting under policies adopted by the state board of education, and 14108
the tax commissioner, acting under written policies of the 14109
commissioner, consent to the submission. A request for the 14110
consents shall be made at least one hundred twenty days prior to 14111
the election at which the question is to be submitted. 14112

The superintendent of public instruction shall certify to the 14113
district the superintendent's and the tax commissioner's decisions 14114
within thirty days after receipt of the request for consents. 14115

If the electors do not approve the issuance of securities at 14116
the election for which the superintendent of public instruction 14117
and tax commissioner consented to the submission of the question, 14118
the school district may submit the same question to the electors 14119

on the date that the next special election may be held under 14120
section 3501.01 of the Revised Code without submitting a new 14121
request for consent. If the school district seeks to submit the 14122
same question at any other subsequent election, the district shall 14123
first submit a new request for consent in accordance with this 14124
division. 14125

(D) In calculating the net indebtedness of a school district, 14126
none of the following shall be considered: 14127

(1) Securities issued to acquire school buses and other 14128
equipment used in transporting pupils or issued pursuant to 14129
division (D) of section 133.10 of the Revised Code; 14130

(2) Securities issued under division (F) of this section, 14131
under section 133.301 of the Revised Code, and, to the extent in 14132
excess of the limitation stated in division (B) of this section, 14133
under division (E) of this section; 14134

(3) Indebtedness resulting from the dissolution of a joint 14135
vocational school district under section 3311.217 of the Revised 14136
Code, evidenced by outstanding securities of that joint vocational 14137
school district; 14138

(4) Loans, evidenced by any securities, received under 14139
sections 3313.483, 3317.0210, and 3317.0211, ~~and 3317.64~~ of the 14140
Revised Code; 14141

(5) Debt incurred under section 3313.374 of the Revised Code; 14142

(6) Debt incurred pursuant to division (B)(5) of section 14143
3313.37 of the Revised Code to acquire computers and related 14144
hardware; 14145

(7) Debt incurred under section 3318.042 of the Revised Code. 14146

(E) A school district may become a special needs district as 14147
to certain securities as provided in division (E) of this section. 14148

(1) A board of education, by resolution, may declare its 14149

school district to be a special needs district by determining both 14150
of the following: 14151

(a) The student population is not being adequately serviced 14152
by the existing permanent improvements of the district. 14153

(b) The district cannot obtain sufficient funds by the 14154
issuance of securities within the limitation of division (B) of 14155
this section to provide additional or improved needed permanent 14156
improvements in time to meet the needs. 14157

(2) The board of education shall certify a copy of that 14158
resolution to the superintendent of public instruction with a 14159
statistical report showing all of the following: 14160

(a) The history of and a projection of the growth of the tax 14161
valuation; 14162

(b) The projected needs; 14163

(c) The estimated cost of permanent improvements proposed to 14164
meet such projected needs. 14165

(3) The superintendent of public instruction shall certify 14166
the district as an approved special needs district if the 14167
superintendent finds both of the following: 14168

(a) The district does not have available sufficient 14169
additional funds from state or federal sources to meet the 14170
projected needs. 14171

(b) The projection of the potential average growth of tax 14172
valuation during the next five years, according to the information 14173
certified to the superintendent and any other information the 14174
superintendent obtains, indicates a likelihood of potential 14175
average growth of tax valuation of the district during the next 14176
five years of an average of not less than one and one-half per 14177
cent per year. The findings and certification of the 14178
superintendent shall be conclusive. 14179

(4) An approved special needs district may incur net 14180
indebtedness by the issuance of securities in accordance with the 14181
provisions of this chapter in an amount that does not exceed an 14182
amount equal to the greater of the following: 14183

(a) Twelve per cent of the sum of its tax valuation plus an 14184
amount that is the product of multiplying that tax valuation by 14185
the percentage by which the tax valuation has increased over the 14186
tax valuation on the first day of the sixtieth month preceding the 14187
month in which its board determines to submit to the electors the 14188
question of issuing the proposed securities; 14189

(b) Twelve per cent of the sum of its tax valuation plus an 14190
amount that is the product of multiplying that tax valuation by 14191
the percentage, determined by the superintendent of public 14192
instruction, by which that tax valuation is projected to increase 14193
during the next ten years. 14194

(F) A school district may issue securities for emergency 14195
purposes, in a principal amount that does not exceed an amount 14196
equal to three per cent of its tax valuation, as provided in this 14197
division. 14198

(1) A board of education, by resolution, may declare an 14199
emergency if it determines both of the following: 14200

(a) School buildings or other necessary school facilities in 14201
the district have been wholly or partially destroyed, or condemned 14202
by a constituted public authority, or that such buildings or 14203
facilities are partially constructed, or so constructed or planned 14204
as to require additions and improvements to them before the 14205
buildings or facilities are usable for their intended purpose, or 14206
that corrections to permanent improvements are necessary to remove 14207
or prevent health or safety hazards. 14208

(b) Existing fiscal and net indebtedness limitations make 14209
adequate replacement, additions, or improvements impossible. 14210

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

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

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

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

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

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

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

(G)(1) The board of education may contract with an architect, 14242
professional engineer, or other person experienced in the design 14243
and implementation of energy conservation measures for an analysis 14244
and recommendations pertaining to installations, modifications of 14245
installations, or remodeling that would significantly reduce 14246
energy consumption in buildings owned by the district. The report 14247
shall include estimates of all costs of such installations, 14248
modifications, or remodeling, including costs of design, 14249
engineering, installation, maintenance, repairs, and debt service, 14250
forgone residual value of materials or equipment replaced by the 14251
energy conservation measure, as defined by the Ohio school 14252
facilities commission, a baseline analysis of actual energy 14253
consumption data for the preceding three years with the utility 14254
baseline based on only the actual energy consumption data for the 14255
preceding twelve months, and estimates of the amounts by which 14256
energy consumption and resultant operational and maintenance 14257
costs, as defined by the commission, would be reduced. 14258

If the board finds after receiving the report that the amount 14259
of money the district would spend on such installations, 14260
modifications, or remodeling is not likely to exceed the amount of 14261
money it would save in energy and resultant operational and 14262
maintenance costs over the ensuing fifteen years, the board may 14263
submit to the commission a copy of its findings and a request for 14264
approval to incur indebtedness to finance the making or 14265
modification of installations or the remodeling of buildings for 14266
the purpose of significantly reducing energy consumption. 14267

~~If the commission determines that the board's findings are~~ 14268
~~reasonable, it~~ The school facilities commission, in consultation 14269
with the auditor of state, may deny a request under this division 14270
by the board of education any school district is in a state of 14271
fiscal watch pursuant to division (A) of section 3316.03 of the 14272
Revised Code, if it determines that the expenditure of funds is 14273

not in the best interest of the school district. 14274

No district board of education of a school district that is 14275
in a state of fiscal emergency pursuant to division (B) of section 14276
3316.03 of the Revised Code shall submit a request without 14277
submitting evidence that the installations, modifications, or 14278
remodeling have been approved by the district's financial planning 14279
and supervision commission established under section 3316.05 of 14280
the Revised Code. 14281

No board of education of a school district that, for three or 14282
more consecutive years, has been declared to be in a state of 14283
academic emergency under section 3302.03 of the Revised Code, as 14284
that section existed prior to March 22, 2013, and has failed to 14285
meet adequate yearly progress, or has met any condition set forth 14286
in division (A)(2), (3), or (4) of section 3302.10 of the Revised 14287
Code shall submit a request without first receiving approval to 14288
incur indebtedness from the district's academic distress 14289
commission established under that section, for so long as such 14290
commission continues to be required for the district. 14291

(2) The school facilities commission shall approve the 14292
board's request. Upon provided that the following conditions are 14293
satisfied: 14294

(a) The commission determines that the board's findings are 14295
reasonable. 14296

(b) The request for approval is complete. 14297

(c) The installations, modifications, or remodeling are 14298
consistent with any project to construct or acquire classroom 14299
facilities, or to reconstruct or make additions to existing 14300
classroom facilities under sections 3318.01 to 3318.20 or sections 14301
3318.40 to 3318.45 of the Revised Code. 14302

Upon receipt of the commission's approval, the district may 14303
issue securities without a vote of the electors in a principal 14304

amount not to exceed nine-tenths of one per cent of its tax 14305
valuation for the purpose of making such installations, 14306
modifications, or remodeling, but the total net indebtedness of 14307
the district without a vote of the electors incurred under this 14308
and all other sections of the Revised Code, except section 14309
3318.052 of the Revised Code, shall not exceed one per cent of the 14310
district's tax valuation. 14311

(3) So long as any securities issued under ~~division (G) of~~ 14312
this ~~section~~ division remain outstanding, the board of education 14313
shall monitor the energy consumption and resultant operational and 14314
maintenance costs of buildings in which installations or 14315
modifications have been made or remodeling has been done pursuant 14316
to ~~division (G) of this section~~ division and shall maintain and 14317
annually update a report documenting the reductions in energy 14318
consumption and resultant operational and maintenance cost savings 14319
attributable to such installations, modifications, or remodeling. 14320
The report shall be certified by an architect or engineer 14321
independent of any person that provided goods or services to the 14322
board in connection with the energy conservation measures that are 14323
the subject of the report. The resultant operational and 14324
maintenance cost savings shall be certified by the school district 14325
treasurer. The report shall be submitted annually to the 14326
commission. 14327

(H) With the consent of the superintendent of public 14328
instruction, a school district may incur without a vote of the 14329
electors net indebtedness that exceeds the amounts stated in 14330
divisions (A) and (G) of this section for the purpose of paying 14331
costs of permanent improvements, if and to the extent that both of 14332
the following conditions are satisfied: 14333

(1) The fiscal officer of the school district estimates that 14334
receipts of the school district from payments made under or 14335
pursuant to agreements entered into pursuant to section 725.02, 14336

1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 14337
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 14338
Code, or distributions under division (C) of section 5709.43 of 14339
the Revised Code, or any combination thereof, are, after 14340
accounting for any appropriate coverage requirements, sufficient 14341
in time and amount, and are committed by the proceedings, to pay 14342
the debt charges on the securities issued to evidence that 14343
indebtedness and payable from those receipts, and the taxing 14344
authority of the district confirms the fiscal officer's estimate, 14345
which confirmation is approved by the superintendent of public 14346
instruction; 14347

(2) The fiscal officer of the school district certifies, and 14348
the taxing authority of the district confirms, that the district, 14349
at the time of the certification and confirmation, reasonably 14350
expects to have sufficient revenue available for the purpose of 14351
operating such permanent improvements for their intended purpose 14352
upon acquisition or completion thereof, and the superintendent of 14353
public instruction approves the taxing authority's confirmation. 14354

The maximum maturity of securities issued under division (H) 14355
of this section shall be the lesser of twenty years or the maximum 14356
maturity calculated under section 133.20 of the Revised Code. 14357

(I) A school district may incur net indebtedness by the 14358
issuance of securities in accordance with the provisions of this 14359
chapter in excess of the limit specified in division (B) or (C) of 14360
this section when necessary to raise the school district portion 14361
of the basic project cost and any additional funds necessary to 14362
participate in a project under Chapter 3318. of the Revised Code, 14363
including the cost of items designated by the Ohio school 14364
facilities commission as required locally funded initiatives, the 14365
cost of other locally funded initiatives in an amount that does 14366
not exceed fifty per cent of the district's portion of the basic 14367
project cost, and the cost for site acquisition. The school 14368

facilities commission shall notify the superintendent of public 14369
instruction whenever a school district will exceed either limit 14370
pursuant to this division. 14371

(J) A school district whose portion of the basic project cost 14372
of its classroom facilities project under sections 3318.01 to 14373
3318.20 of the Revised Code is greater than or equal to one 14374
hundred million dollars may incur without a vote of the electors 14375
net indebtedness in an amount up to two per cent of its tax 14376
valuation through the issuance of general obligation securities in 14377
order to generate all or part of the amount of its portion of the 14378
basic project cost if the controlling board has approved the 14379
school facilities commission's conditional approval of the project 14380
under section 3318.04 of the Revised Code. The school district 14381
board and the Ohio school facilities commission shall include the 14382
dedication of the proceeds of such securities in the agreement 14383
entered into under section 3318.08 of the Revised Code. No state 14384
moneys shall be released for a project to which this section 14385
applies until the proceeds of any bonds issued under this section 14386
that are dedicated for the payment of the school district portion 14387
of the project are first deposited into the school district's 14388
project construction fund. 14389

Sec. 135.22. (A) For purposes of this section: 14390

(1) "Treasurer" has the same meaning as in section 135.01 of 14391
the Revised Code, but does not include a county treasurer or the 14392
treasurer of state. "Treasurer" includes any person whose duties 14393
include making investment decisions with respect to the investment 14394
or deposit of interim moneys. 14395

(2) "Subdivision" has the same meaning as in section 135.01 14396
of the Revised Code. 14397

(B) To enhance the background and working knowledge of 14398
treasurers in investments, cash management, and the collection of 14399

taxes, ethics, and in any other subject area that the treasurer of 14400
state determines is reasonably related to the duties of a 14401
treasurer, the treasurer of state shall provide annual continuing 14402
education programs for treasurers. A treasurer annually shall 14403
complete the continuing education programs described in this 14404
section, unless the treasurer annually provides a notice of 14405
exemption described in division (E) of this section. 14406

(C) The treasurer of state shall determine the manner, 14407
content, and length of the continuing education programs after 14408
consultation with appropriate statewide organizations of local 14409
government officials. 14410

(D) Upon successful completion of a continuing education 14411
program required by this section, the treasurer of state shall 14412
issue a certificate indicating that the treasurer has successfully 14413
completed the continuing education program prescribed by the 14414
treasurer of state. The treasurer of state shall forward to the 14415
auditor of state any certificates issued pursuant to this division 14416
by the treasurer of state. The auditor of state shall maintain in 14417
the auditor's records any certificates forwarded by the treasurer 14418
of state pursuant to this division. As part of the auditor of 14419
state's audit of the subdivision conducted in accordance with 14420
section 117.11 of the Revised Code, the auditor of state shall 14421
report whether the treasurer is in compliance with this section of 14422
the Revised Code. 14423

(E) Division (B) of this section does not apply to any 14424
treasurer who annually provides a notice of exemption to the 14425
auditor of state. The notice shall be certified by the treasurer 14426
of state and shall provide that the treasurer is not subject to 14427
the continuing education requirements set forth in division (B) of 14428
this section, because the treasurer invests or deposits public 14429
moneys in the following investments only: 14430

(1) Interim deposits pursuant to division (B)(3) of section 14431

135.14 <u>or section 135.145</u> of the Revised Code;	14432
(2) No-load money market mutual funds pursuant to division	14433
(B)(5) of section 135.14 of the Revised Code;	14434
(3) The Ohio subdivision's fund pursuant to division (B)(6)	14435
of section 135.14 of the Revised Code.	14436
(F) In carrying out the duties required by this section, the	14437
treasurer of state may charge the subdivision served by the	14438
treasurer a registration fee that will meet actual and necessary	14439
expenses in connection with the training of the treasurer,	14440
including instruction fees, site acquisition costs, and the cost	14441
of course materials. Any necessary personal expenses of a	14442
treasurer incurred as a result of attending the continuing	14443
education courses shall be borne by the subdivision represented by	14444
the treasurer.	14445
(G) The treasurer of state may allow any other interested	14446
person to attend any of the continuing education programs that are	14447
held pursuant to this section, provided that before attending any	14448
such continuing education program, the interested person has paid	14449
to the treasurer of state the full registration fee set for the	14450
continuing education program.	14451
(H) All funds collected pursuant to this section shall be	14452
paid into the county treasurer education fund created pursuant to	14453
section 321.46 of the Revised Code, and the actual and necessary	14454
expenses of the treasurer of state in conducting the continuing	14455
education programs required by this section shall be paid from	14456
this fund.	14457
(I) The treasurer of state may adopt reasonable rules not	14458
inconsistent with this section for the implementation of this	14459
section.	14460
Sec. 135.61. As used in sections 135.61 to 135.67 of the	14461

Revised Code:	14462
(A) "Eligible small business" means any person, including,	14463
but not limited to a person engaged in agriculture, that has all	14464
of the following characteristics:	14465
(1) Is headquartered in this state;	14466
(2) Maintains offices and operating facilities exclusively in	14467
this state and transacts business in this state;	14468
(3) Employs fewer than one hundred fifty employees, the	14469
majority of whom are residents of this state;	14470
(4) Is organized for profit.	14471
(B) "Eligible lending institution" means a financial	14472
institution that is eligible to make commercial loans, is a public	14473
depository of state funds under section 135.03 of the Revised	14474
Code, and agrees to participate in the linked deposit program.	14475
(C) "Linked deposit" means a certificate of deposit or other	14476
financial institution instrument placed by the treasurer of state	14477
with an eligible lending institution at a rate below current	14478
market rates, as determined and calculated by the treasurer of	14479
state, provided the institution agrees to lend the value of such	14480
deposit, according to the deposit agreement provided in division	14481
(C) of section 135.65 of the Revised Code, to eligible small	14482
businesses at a rate that reflects an equal percentage rate	14483
reduction below the present borrowing rate applicable to each	14484
specific business at the time of the deposit of state funds in the	14485
institution.	14486
(D) "Other financial institution instrument" has the same	14487
meaning as in section 135.81 of the Revised Code.	14488
<u>(E) "Loan" means a contractual agreement under which an</u>	14489
<u>eligible lending institution agrees to lend money in the form of</u>	14490
<u>an upfront lump sum, a line of credit, or any other reasonable</u>	14491

arrangement approved by the treasurer of state. 14492

Sec. 135.71. As used in sections 135.71 to 135.76 of the 14493
Revised Code: 14494

(A) "Eligible agricultural business" means any person engaged 14495
in agriculture that has all of the following characteristics: 14496

(1) Is headquartered and domiciled in this state; 14497

(2) Maintains land or facilities for agricultural purposes in 14498
this state provided that the land or facilities within this state 14499
comprise not less than fifty-one per cent of the total of all 14500
lands or facilities maintained by the person; 14501

(3) Is organized for profit. 14502

(B) "Eligible lending institution" means a financial 14503
institution that is eligible to make commercial loans, agrees to 14504
participate in the agricultural linked deposit program, and: 14505

(1) Is a public depository of state funds under section 14506
135.03 of the Revised Code; or 14507

(2) Notwithstanding sections 135.01 to 135.21 of the Revised 14508
Code, is an institution of the farm credit system organized under 14509
the federal "Farm Credit Act of 1971," 85 Stat. 583, 12 U.S.C.A. 14510
2001, as amended. 14511

(C) "Agricultural linked deposit" means a certificate of 14512
deposit placed by the treasurer of state with an eligible lending 14513
institution under section 135.74 of the Revised Code or an 14514
investment in bonds, notes, debentures, or other obligations or 14515
securities issued by the federal farm credit bank with regard to 14516
an eligible lending institution. 14517

(D) "Loan" means a contractual agreement under which an 14518
eligible lending institution agrees to lend money in the form of 14519
an upfront lump sum, a line of credit, or any other reasonable 14520

arrangement approved by the treasurer of state. 14521

Sec. 135.80. (A) The legislative authority of a municipal 14522
corporation, by ordinance; the board of directors of a port 14523
authority or a lake facilities authority, by resolution; or the 14524
board of county commissioners, by resolution, may establish a 14525
linked deposit program authorizing the treasurer or governing 14526
board of the municipal corporation, the board of directors of the 14527
port authority or lake facilities authority, or the investing 14528
authority of the county, as created or designated by the ordinance 14529
or resolution, to place certificates of deposit at up to three per 14530
cent below market rates with an eligible lending institution 14531
applying for interim moneys as provided in section 135.08 of the 14532
Revised Code, selected to invest port authority or lake facilities 14533
authority moneys in linked deposit programs pursuant to section 14534
4582.54 or 353.15 of the Revised Code, or applying for inactive 14535
moneys as provided in section 135.32 of the Revised Code, provided 14536
the institution agrees to lend the value of such deposit to 14537
eligible borrowers at up to three per cent below the present 14538
borrowing rate applicable to each borrower. The ordinance or 14539
resolution shall include requirements and provisions that are 14540
necessary to establish the program, including, but not limited to: 14541

(1) Eligibility requirements for borrowers who may receive 14542
reduced rate loans under the program; 14543

(2) Application procedures for borrowers and institutions 14544
wishing to participate in the program; 14545

(3) Review procedures for applications and criteria for 14546
acceptance or rejection of applications for reduced rate loans; 14547

(4) Necessary agreements between the eligible lending 14548
institution and the treasurer or governing board of the municipal 14549
corporation, the board of directors of the port authority or lake 14550
facilities authority, or the investing authority of the county to 14551

carry out the purposes of the linked deposit program; 14552

(5) Annual reports regarding the operation of the program to 14553
be made by the treasurer or governing board to the legislative 14554
authority, the eligible lending institution to the board of 14555
directors of the port authority or lake facilities authority, or 14556
the investing authority to the board of county commissioners. 14557

(B) The municipal corporation and the treasurer or governing 14558
board, the port authority or lake facilities authority and the 14559
board of directors, and the county and the investing authority or 14560
the board of county commissioners, are not liable to any eligible 14561
lending institution in any manner for the payment of the principal 14562
or interest on any reduced rate loan made under the program, and 14563
any delay in payment or default on the part of any borrower does 14564
not in any manner affect the deposit agreement between the 14565
eligible lending institution and the treasurer or governing board, 14566
the board of directors, or the investing authority or board of 14567
county commissioners. 14568

(C) For purposes of this section, ~~both of the following~~ 14569
~~apply~~: 14570

(1) "Investing authority" has the same meaning as in section 14571
135.31 of the Revised Code. 14572

(2) "Port authority" means a port authority created in 14573
accordance with section 4582.22 of the Revised Code. 14574

(3) "Lake facilities authority" means a lake facilities 14575
authority created in accordance with section 353.02 of the Revised 14576
Code. 14577

Sec. 135.81. As used in sections 135.81 to 135.87 of the 14578
Revised Code: 14579

(A) "Eligible governmental subdivision" means a municipal 14580
corporation, port authority created in accordance with section 14581

4582.22 of the Revised Code, or county in this state. 14582

(B) "Eligible governmental subdivision housing linked deposit 14583
program" means any program established pursuant to section 135.80 14584
of the Revised Code by the legislative authority of a municipal 14585
corporation, the board of directors of a port authority created in 14586
accordance with section 4582.22 of the Revised Code, or the board 14587
of county commissioners of a county, in which the program goals 14588
address specific housing issues relative to the geographic 14589
boundaries of that municipal corporation, port authority, or 14590
county. These program goals include, but are not limited to, home 14591
improvement, home restoration, energy efficiency, retention of 14592
historic significance, controlling urban sprawl, neighborhood 14593
revitalization, affordable housing, home ownership for persons 14594
unable to secure conventional financing, urban development, or 14595
economic revitalization of a residential area as a result of a 14596
natural disaster or other catastrophic occurrence. 14597

(C) "Eligible housing linked deposit participant" means any 14598
person or small business that meets the requirements set forth in 14599
an eligible governmental subdivision housing linked deposit 14600
program or set forth by the treasurer of state pursuant to 14601
division (B)(2) of section 135.82 of the Revised Code and that is 14602
a resident of this state. 14603

(D) "Eligible lending institution" means a financial 14604
institution meeting all of the following: 14605

(1) It is eligible to make commercial loans or residential 14606
loans. 14607

(2) It is a public depository of state funds under section 14608
135.03 of the Revised Code. 14609

(3) It agrees to participate in a program to provide housing 14610
linked deposits. 14611

(E) "Housing linked deposit" means a certificate of deposit 14612

or other financial institution instrument, described in section 14613
135.85 of the Revised Code, placed by the treasurer of state with 14614
an eligible lending institution, in accordance with division (B) 14615
of section 135.84 of the Revised Code, provided that the 14616
institution agrees, at the time of the deposit of state funds and 14617
for the period of the deposit, to lend the value of the deposit 14618
according to the deposit agreement described in section 135.85 of 14619
the Revised Code to eligible housing linked deposit participants 14620
at a fixed interest rate of up to three hundred basis points below 14621
the present borrowing rate applicable to each participant in the 14622
absence of approval to participate in the programs described in 14623
division (B) of section 135.82 of the Revised Code. 14624

(F) "Other financial institution instrument" means a fully 14625
collateralized product that otherwise would pay market rates of 14626
interest approved by the treasurer of state, for the purpose of 14627
providing eligible housing linked deposit participants with the 14628
benefits of a housing linked deposit. 14629

(G) "Loan" means a contractual agreement under which an 14630
eligible lending institution agrees to lend money in the form of 14631
an upfront lump sum, a line of credit, or any other reasonable 14632
arrangement approved by the treasurer of state. 14633

Sec. 135.85. (A) Upon placement of a housing linked deposit 14634
with an eligible lending institution pursuant to division (B) of 14635
section 135.84 of the Revised Code, the eligible lending 14636
institution shall do both of the following: 14637

(1) Enter into a deposit agreement with the treasurer of 14638
state that includes all of the following: 14639

(a) Any requirements necessary to carry out the purposes of 14640
sections 135.81 to 135.87 of the Revised Code; 14641

(b) Provisions for any certificate of deposit or other 14642

financial institution instrument meeting the requirements 14643
described in division (B) of this section and placed for any 14644
maturity considered appropriate by the treasurer of state but not 14645
exceeding five years; 14646

(c) A specification of the period of time in which the 14647
eligible lending institution is to provide the reduced interest 14648
rate to an approved applicant. 14649

(2) Lend funds as provided in division (C) of this section 14650
and in accordance with the deposit agreement described in this 14651
section to each eligible housing linked deposit participant 14652
approved by the treasurer of state pursuant to division (A) of 14653
section 135.84 of the Revised Code. 14654

(B) Both of the following apply to any certificate of deposit 14655
or other financial institution instrument described in division 14656
(A)(1)(b) of this section: 14657

(1) The certificate of deposit or other financial institution 14658
instrument shall not be renewed upon final maturity. 14659

(2) Interest shall be paid at the times and in the manner 14660
prescribed by the treasurer of state. 14661

(C) The loan described in division (A)(2) of this section 14662
shall be at a fixed rate of up to three hundred basis points below 14663
the present borrowing rate that would apply to the eligible 14664
housing linked deposit participant in the absence of approval to 14665
participate in the programs described in division (B) of section 14666
135.82 of the Revised Code. 14667

(D) A certificate of compliance with this section in the form 14668
and manner prescribed by the treasurer of state shall be provided 14669
by the eligible lending institution. 14670

(E)(1) Any delay in payments or default on the part of the 14671
eligible housing linked deposit participant does not in any manner 14672

affect the deposit agreement between the eligible lending institution and the treasurer of state. 14673
14674

(2) If an eligible lending institution changes the terms of a loan to an eligible housing linked deposit participant because of a delay in payments or default, the housing linked deposit amount shall be returned to the treasurer of state by the eligible lending institution. In which case, the deposit amount plus interest and without early withdrawal penalties shall be returned in a timely manner as prescribed by the treasurer of state. 14675
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(F) An eligible lending institution shall comply fully with sections 135.81 to 135.87 of the Revised Code. 14682
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Sec. 140.01. As used in this chapter: 14684

(A) "Hospital agency" means any public hospital agency or any nonprofit hospital agency. 14685
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(B) "Public hospital agency" means any county, board of county hospital trustees established pursuant to section 339.02 of the Revised Code, county hospital commission established pursuant to section 339.14 of the Revised Code, municipal corporation, new community authority organized under Chapter 349. of the Revised Code, joint township hospital district, state or municipal university or college operating or authorized to operate a hospital facility, or the state. 14687
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(C) "Nonprofit hospital agency" means a corporation or association not for profit, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, that has authority to own or operate a hospital facility or provides or is to provide services to one or more other hospital agencies. 14695
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(D) "Governing body" means, in the case of a county, the board of county commissioners or other legislative body; in the 14701
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case of a board of county hospital trustees, the board; in the 14703
case of a county hospital commission, the commission; in the case 14704
of a municipal corporation, the council or other legislative 14705
authority; in the case of a new community authority, its board of 14706
trustees; in the case of a joint township hospital district, the 14707
joint township district hospital board; in the case of a state or 14708
municipal university or college, its board of trustees or board of 14709
directors; in the case of a nonprofit hospital agency, the board 14710
of trustees or other body having general management of the agency; 14711
and, in the case of the state, the director of development 14712
services or the Ohio higher educational facility commission. 14713

(E) "Hospital facilities" means buildings, structures and 14714
other improvements, additions thereto and extensions thereof, 14715
furnishings, equipment, and real estate and interests in real 14716
estate, used or to be used for or in connection with one or more 14717
hospitals, emergency, intensive, intermediate, extended, 14718
long-term, or self-care facilities, diagnostic and treatment and 14719
out-patient facilities, facilities related to programs for home 14720
health services, clinics, laboratories, public health centers, 14721
research facilities, and rehabilitation facilities, for or 14722
pertaining to diagnosis, treatment, care, or rehabilitation of 14723
sick, ill, injured, infirm, impaired, disabled, or handicapped 14724
persons, or the prevention, detection, and control of disease, and 14725
also includes education, training, and food service facilities for 14726
health professions personnel, housing facilities for such 14727
personnel and their families, and parking and service facilities 14728
in connection with any of the foregoing; and includes any one, 14729
part of, or any combination of the foregoing; and further includes 14730
site improvements, utilities, machinery, facilities, furnishings, 14731
and any separate or connected buildings, structures, improvements, 14732
sites, utilities, facilities, or equipment to be used in, or in 14733
connection with the operation or maintenance of, or supplementing 14734
or otherwise related to the services or facilities to be provided 14735

by, any one or more of such hospital facilities. 14736

(F) "Costs of hospital facilities" means the costs of 14737
acquiring hospital facilities or interests in hospital facilities, 14738
including membership interests in nonprofit hospital agencies, 14739
costs of constructing hospital facilities, costs of improving one 14740
or more hospital facilities, including reconstructing, 14741
rehabilitating, remodeling, renovating, and enlarging, costs of 14742
equipping and furnishing such facilities, and all financing costs 14743
pertaining thereto, including, without limitation thereto, costs 14744
of engineering, architectural, and other professional services, 14745
designs, plans, specifications and surveys, and estimates of cost, 14746
costs of tests and inspections, the costs of any indemnity or 14747
surety bonds and premiums on insurance, all related direct or 14748
allocable administrative expenses pertaining thereto, fees and 14749
expenses of trustees, depositories, and paying agents for the 14750
obligations, cost of issuance of the obligations and financing 14751
charges and fees and expenses of financial advisors, attorneys, 14752
accountants, consultants and rating services in connection 14753
therewith, capitalized interest on the obligations, amounts 14754
necessary to establish reserves as required by the bond 14755
proceedings, the reimbursement of all moneys advanced or applied 14756
by the hospital agency or others or borrowed from others for the 14757
payment of any item or items of costs of such facilities, and all 14758
other expenses necessary or incident to planning or determining 14759
feasibility or practicability with respect to such facilities, and 14760
such other expenses as may be necessary or incident to the 14761
acquisition, construction, reconstruction, rehabilitation, 14762
remodeling, renovation, enlargement, improvement, equipment, and 14763
furnishing of such facilities, the financing thereof, and the 14764
placing of the same in use and operation, including any one, part 14765
of, or combination of such classes of costs and expenses, and 14766
means the costs of refinancing obligations issued by, or 14767
reimbursement of money advanced by, nonprofit hospital agencies or 14768

others the proceeds of which were used for the payment of costs of 14769
hospital facilities, if the governing body of the public hospital 14770
agency determines that the refinancing or reimbursement advances 14771
the purposes of this chapter, whether or not the refinancing or 14772
reimbursement is in conjunction with the acquisition or 14773
construction of additional hospital facilities. 14774

(G) "Hospital receipts" means all moneys received by or on 14775
behalf of a hospital agency from or in connection with the 14776
ownership, operation, acquisition, construction, improvement, 14777
equipping, or financing of any hospital facilities, including, 14778
without limitation thereto, any rentals and other moneys received 14779
from the lease, sale, or other disposition of hospital facilities, 14780
and any gifts, grants, interest subsidies, or other moneys 14781
received under any federal program for assistance in financing the 14782
costs of hospital facilities, and any other gifts, grants, and 14783
donations, and receipts therefrom, available for financing the 14784
costs of hospital facilities. 14785

(H) "Obligations" means bonds, notes, or other evidences of 14786
indebtedness or obligation, including interest coupons pertaining 14787
thereto, issued or issuable by a public hospital agency to pay 14788
costs of hospital facilities. 14789

(I) "Bond service charges" means principal, interest, and 14790
call premium, if any, required to be paid on obligations. 14791

(J) "Bond proceedings" means one or more ordinances, 14792
resolutions, trust agreements, indentures, and other agreements or 14793
documents, and amendments and supplements to the foregoing, or any 14794
combination thereof, authorizing or providing for the terms, 14795
including any variable interest rates, and conditions applicable 14796
to, or providing for the security of, obligations and the 14797
provisions contained in such obligations. 14798

(K) "Nursing home" has the same meaning as in division (A)(1) 14799

of section 5701.13 of the Revised Code. 14800

(L) "Residential care facility" has the same meaning as in 14801
division (A)(2) of section 5701.13 of the Revised Code. 14802

(M) "Independent living facility" means any self-care 14803
facility or other housing facility designed or used as a residence 14804
for elderly persons. An "independent living facility" does not 14805
include a residential facility, or that part of a residential 14806
facility, that is any of the following: 14807

(1) A hospital required to be certified by section 3727.02 of 14808
the Revised Code; 14809

(2) A nursing home or residential care facility; 14810

(3) A facility operated by a hospice care program licensed 14811
under section 3712.04 of the Revised Code and used for the 14812
program's hospice patients; 14813

(4) A residential facility licensed by the department of 14814
~~mental health~~ mental health and addiction services under section 14815
~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, 14816
supervision, and personal care services for three to sixteen 14817
unrelated adults; 14818

(5) A residential facility licensed by the department of 14819
~~mental health~~ mental health and addiction services under section 14820
~~5119.22~~ 5119.34 of the Revised Code that is not a residential 14821
facility described in division (M)(4) of this section; 14822

(6) A facility licensed to provide methadone treatment under 14823
section ~~3793.11~~ 5119.39 of the Revised Code; 14824

(7) A facility certified as ~~an alcohol and drug~~ a community 14825
addiction ~~program~~ services provider under section ~~3793.06~~ 5119.36 14826
of the Revised Code; 14827

(8) A residential facility licensed under section 5123.19 of 14828
the Revised Code or a facility providing services under a contract 14829

with the department of developmental disabilities under section 14830
5123.18 of the Revised Code; 14831

(9) A residential facility used as part of a hospital to 14832
provide housing for staff of the hospital or students pursuing a 14833
course of study at the hospital. 14834

Sec. 140.03. (A) Two or more hospital agencies may enter into 14835
agreements for the acquisition, construction, reconstruction, 14836
rehabilitation, remodeling, renovating, enlarging, equipping, and 14837
furnishing of hospital facilities, or the management, operation, 14838
occupancy, use, maintenance, and repair of hospital facilities, or 14839
for participation in programs, projects, activities, and services 14840
useful to, connected with, supplementing, or otherwise related to 14841
the services provided by, or the operation of, hospital facilities 14842
operated by one or more participating hospital agencies, including 14843
any combination of such purposes, all in such manner as to promote 14844
the public purpose stated in section 140.02 of the Revised Code. A 14845
city health district; general health district; board of alcohol, 14846
drug addiction, and mental health services; county board of 14847
developmental disabilities; the department of ~~mental health~~ mental 14848
health and addiction services; the department of developmental 14849
disabilities; or any public body engaged in the education or 14850
training of health professions personnel may join in any such 14851
agreement for purposes related to its authority under laws 14852
applicable to it, and as such a participant shall be considered a 14853
public hospital agency or hospital agency for the purposes of this 14854
section. 14855

(B) An agreement entered into under authority of this section 14856
shall, where appropriate, provide for: 14857

(1) The manner in which the title to the hospital facilities, 14858
including the sites and interest in real estate pertaining 14859
thereto, is to be held, transferred, or disposed of; 14860

(2) Unless provided for by lease pursuant to section 140.05 14861
of the Revised Code, the method by which such hospital facilities 14862
are to be acquired, constructed, or otherwise improved and by 14863
which they shall be managed, occupied, maintained, and repaired, 14864
including the designation of one of the hospital agencies to have 14865
charge of the details of acquisition, construction, or improvement 14866
pursuant to the contracting procedures prescribed under the law 14867
applicable to one of the participating public hospital agencies; 14868

(3) The management or administration of any such programs, 14869
projects, activities, or services, which may include management or 14870
administration by one of said hospital agencies or a board or 14871
agency thereof; 14872

(4) Annual, or more frequent, reports to the participating 14873
hospital agencies as to the revenues and receipts pertaining to 14874
the subject of the agreement, the expenditures thereof, the status 14875
and application of other funds contributed under such agreement, 14876
and such other matters as may be specified by or pursuant to such 14877
agreement; 14878

(5) The manner of apportionment or sharing of costs of 14879
hospital facilities, any other applicable costs of management, 14880
operation, maintenance, and repair of hospital facilities, and 14881
costs for the programs, projects, activities, and services forming 14882
the subject of the agreement, which apportionment or sharing may 14883
be prescribed in fixed amounts, or determined by ratios, formulas, 14884
or otherwise, and paid as service charges, rentals, or in such 14885
other manner as provided in the agreement, and may include amounts 14886
sufficient to meet the bond service charges and other payments and 14887
deposits required under the bond proceedings for obligations 14888
issued to pay costs of hospital facilities. A hospital agency may 14889
commit itself to make such payments at least for so long as any 14890
such obligations are outstanding. In the apportionment, different 14891
classes of costs or expenses may be apportioned to one or more, 14892

all or less than all, of the participating hospital agencies as	14893
determined under such agreement.	14894
(C) An agreement entered into under authority of this section	14895
may provide for:	14896
(1) An orderly process for making determinations or advising	14897
as to planning, execution, implementation, and operation, which	14898
may include designating one of the hospital agencies, or a board	14899
thereof, for any of such purposes, provisions for a committee,	14900
board, or commission, and for representation thereon, or as may	14901
otherwise be provided;	14902
(2) Securing necessary personnel, including participation of	14903
personnel from the respective hospital agencies;	14904
(3) Standards or conditions for the admission or	14905
participation of patients and physicians;	14906
(4) Conditions for admittance of other hospital agencies to	14907
participation under the agreement;	14908
(5) Fixing or establishing the method of determining charges	14909
to be made for particular services;	14910
(6) The manner of amending, supplementing, terminating, or	14911
withdrawal or removal of any party from, the agreement, and the	14912
term of the agreement, or an indefinite term;	14913
(7) Designation of the applicants for or recipients of any	14914
federal, state, or other aid, assistance, or loans available by	14915
reason of any activities conducted under the agreement;	14916
(8) Designation of one or more of the participating hospital	14917
agencies to maintain, prepare, and submit, on behalf of all	14918
parties to the agreement, any or all records and reports with	14919
regard to the activities conducted under the agreement;	14920
(9) Any incidental use of the hospital facilities, or	14921
services thereof, by participating public hospital agencies for	14922

any of their lawful purposes, which incidental use does not impair 14923
the character of the facilities as hospital facilities for any 14924
purpose of this chapter; 14925

(10) Such other matters as the parties thereto may agree upon 14926
for the purposes of division (A) of this section. 14927

(D) For the purpose of paying or contributing its share under 14928
an agreement made under this section, a public hospital agency 14929
may: 14930

(1) Expend any moneys from its general fund, and from any 14931
other funds not otherwise restricted by law, but including funds 14932
for permanent improvements of hospital facilities of such public 14933
hospital agency where the contribution is to be made toward the 14934
costs of hospital facilities under the agreement, and including 14935
funds derived from levies for, or receipts available for, 14936
operating expenses of hospital facilities or services of such 14937
public hospital agency where the contribution or payment is to be 14938
made toward operating expenses of the hospital facilities or 14939
services under the agreement or for the services provided thereby; 14940

(2) Issue obligations under Chapter 133. or section 140.06, 14941
339.14, 339.15, 513.12, or 3345.12 of the Revised Code, or Section 14942
3 of Article XVIII, Ohio Constitution, if applicable to such 14943
public hospital agency, to pay costs of hospital facilities, or 14944
issue obligations under any other provision of law authorizing 14945
such public hospital agency to issue obligations for any costs of 14946
hospital facilities; 14947

(3) Levy taxes under Chapter 5705. or section 513.13 or 14948
3709.29 of the Revised Code, if applicable to such public hospital 14949
agency, provided that the purpose of such levy may include the 14950
provision of funds for either or both permanent improvements and 14951
current expenses if required for the contribution or payment of 14952
such hospital agency under such agreement, and each such public 14953

hospital agency may issue notes in anticipation of any such levy, 14954
pursuant to the procedures provided in section 5705.191 of the 14955
Revised Code if the levy is solely for current expenses, and in 14956
section 5705.193 of the Revised Code if the levy is all or in part 14957
for permanent improvements; 14958

(4) Contribute real and personal property or interest therein 14959
without necessity for competitive bidding or public auction on 14960
disposition of such property. 14961

(E) Any funds provided by public hospital agencies that are 14962
parties to an agreement entered into under this section shall be 14963
transferred to and placed in a separate fund or funds of such 14964
participating public hospital agency as is designated under the 14965
agreement. The funds shall be applied for the purposes provided in 14966
such agreement and are subject to audit. Pursuant to any 14967
determinations to be made under such agreement, the funds shall be 14968
deposited, invested, and disbursed under the provisions of law 14969
applicable to the public hospital agency in whose custody the 14970
funds are held. This division is subject to the provisions of any 14971
applicable bond proceedings under section 133.08, 140.06, 339.15, 14972
or 3345.12 of the Revised Code or Section 3 of Article XVIII, Ohio 14973
Constitution. The records and reports of such public hospital 14974
agency under Chapter 117. of the Revised Code and sections 3702.51 14975
to 3702.62 of the Revised Code, with respect to the funds shall be 14976
sufficient without necessity for reports thereon by the other 14977
public hospital agencies participating under such agreement. 14978

(F)(1) Prior to its entry into any such agreement, the public 14979
hospital agency must determine, and set forth in a resolution or 14980
ordinance, that the contribution to be made by it under such 14981
agreement will be fair consideration for value and benefit to be 14982
derived by it under such agreement and that the agreement will 14983
promote the public purpose stated in section 140.02 of the Revised 14984
Code. 14985

(2) If the agreement is with a board of county commissioners, 14986
board of county hospital trustees, or county hospital commission 14987
and is an initial agreement for the acquisition or operation of a 14988
county hospital operated by a board of county hospital trustees 14989
under section 339.06 of the Revised Code, the governing body of 14990
the public hospital agency shall submit the agreement, accompanied 14991
by the resolution or ordinance, to the board of county 14992
commissioners for review pursuant to section 339.091 of the 14993
Revised Code. The agreement may be entered into only if the board 14994
of county commissioners adopts a resolution under that section. 14995
The requirements of division (F)(2) of this section do not apply 14996
to the agreement if one or more hospitals classified as general 14997
hospitals by the director of health under section 3701.07 of the 14998
Revised Code are operating in the same county as the county 14999
hospital. 15000

Sec. 140.05. (A)(1) A public hospital agency may lease any 15001
hospital facility to one or more hospital agencies for use as a 15002
hospital facility, or to one or more city or general health 15003
districts; boards of alcohol, drug addiction, and mental health 15004
services; county boards of developmental disabilities; the 15005
department of ~~mental health~~ mental health and addiction services; 15006
or the department of developmental disabilities, for uses which 15007
they are authorized to make thereof under the laws applicable to 15008
them, or any combination of them, and they may lease such 15009
facilities to or from a hospital agency for such uses, upon such 15010
terms and conditions as are agreed upon by the parties. Such lease 15011
may be for a term of fifty years or less and may provide for an 15012
option of the lessee to renew for a term of fifty years or less, 15013
as therein set forth. Prior to entering into such lease, the 15014
governing body of any public hospital agency granting such lease 15015
must determine, and set forth in a resolution or ordinance, that 15016
such lease will promote the public purpose stated in section 15017

140.02 of the Revised Code and that the lessor public hospital 15018
agency will be duly benefited thereby. 15019

(2) If the lease is with a board of county commissioners, 15020
board of county hospital trustees, or county hospital commission 15021
and is an agreement for the initial lease of a county hospital 15022
operated by a board of county hospital trustees under section 15023
339.06 of the Revised Code, the governing body of the public 15024
hospital agency shall submit the agreement, accompanied by the 15025
resolution or ordinance, to the board of county commissioners for 15026
review pursuant to section 339.091 of the Revised Code. The 15027
agreement may be entered into only if the board of county 15028
commissioners adopts a resolution under that section. The 15029
requirements of division (A)(2) of this section do not apply to 15030
the lease if one or more hospitals classified as general hospitals 15031
by the director of health under section 3701.07 of the Revised 15032
Code are operating in the same county as the county hospital. 15033

(B) Any lease entered into pursuant to this section shall 15034
provide that in the event that the lessee fails faithfully and 15035
efficiently to administer, maintain, and operate such leased 15036
facilities as hospital facilities, or fails to provide the 15037
services thereof without regard to race, creed, color, or national 15038
origin, or fails to require that any hospital agency using such 15039
facilities or the services thereof shall not discriminate by 15040
reason of race, creed, color, or national origin, after an 15041
opportunity to be heard upon written charges, said lease may be 15042
terminated at the time, in the manner and with consequences 15043
therein provided. If any such lease does not contain terms to the 15044
effect provided in this division, it shall nevertheless be deemed 15045
to contain such terms which shall be implemented as determined by 15046
the governing body of the lessor. 15047

(C) Such lease may provide for rentals commencing at any time 15048
agreed upon, or advance rental, and continuing for such period 15049

therein provided, notwithstanding and without diminution, rebate, 15050
or setoff by reason of time of availability of the hospital 15051
facility for use, delays in construction, failure of completion, 15052
damage or destruction of the hospital facilities, or for any other 15053
reason. 15054

(D) Such lease may provide for the sale or transfer of title 15055
of the leased facilities pursuant to an option to purchase, 15056
lease-purchase, or installment purchase upon terms therein 15057
provided or to be determined as therein provided, which may 15058
include provision for the continued use thereof as a hospital 15059
facility for some reasonable period, taking into account efficient 15060
useful life and other factors, as is provided therein. 15061

(E) Such lease may be entered as part of or in connection 15062
with an agreement pursuant to section 140.03 of the Revised Code. 15063
Any hospital facilities which are the subject of an agreement 15064
entered into under section 140.03 of the Revised Code may be 15065
leased pursuant to this section. 15066

(F) If land acquired by a public hospital agency for a 15067
hospital facility is adjacent to an existing hospital facility 15068
owned by another hospital agency, the public hospital agency may, 15069
in connection with such acquisition or the leasing of such land 15070
and hospital facilities thereon to one or more hospital agencies, 15071
enter into an agreement with the hospital agency which owns such 15072
adjacent hospital facility for the use of common walls in the 15073
construction, operation, or maintenance of hospital facilities of 15074
the public hospital agency. For the purpose of construction, 15075
operation, or maintenance of hospital facilities, a public 15076
hospital agency may acquire by purchase, gift, lease, lease with 15077
option to purchase, lease-purchase, or installment purchase, 15078
easement deed, or other agreement, real estate and interests in 15079
real estate, including rights to use space over, under or upon 15080
real property owned by others, and support, access, common wall, 15081

and other rights in connection therewith. Any public hospital 15082
agency or other political subdivision or any public agency, board, 15083
commission, institution, body, or instrumentality may grant such 15084
real estate, interests, or rights to any hospital agency upon such 15085
terms as are agreed upon without necessity for competitive bidding 15086
or public auction. 15087

Sec. 145.01. As used in this chapter: 15088

(A) "Public employee" means: 15089

(1) Any person holding an office, not elective, under the 15090
state or any county, township, municipal corporation, park 15091
district, conservancy district, sanitary district, health 15092
district, metropolitan housing authority, state retirement board, 15093
Ohio historical society, public library, county law library, union 15094
cemetery, joint hospital, institutional commissary, state 15095
university, or board, bureau, commission, council, committee, 15096
authority, or administrative body as the same are, or have been, 15097
created by action of the general assembly or by the legislative 15098
authority of any of the units of local government named in 15099
division (A)(1) of this section, or employed and paid in whole or 15100
in part by the state or any of the authorities named in division 15101
(A)(1) of this section in any capacity not covered by section 15102
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 15103

(2) A person who is a member of the public employees 15104
retirement system and who continues to perform the same or similar 15105
duties under the direction of a contractor who has contracted to 15106
take over what before the date of the contract was a publicly 15107
operated function. The governmental unit with which the contract 15108
has been made shall be deemed the employer for the purposes of 15109
administering this chapter. 15110

(3) Any person who is an employee of a public employer, 15111
notwithstanding that the person's compensation for that employment 15112

is derived from funds of a person or entity other than the 15113
employer. Credit for such service shall be included as total 15114
service credit, provided that the employee makes the payments 15115
required by this chapter, and the employer makes the payments 15116
required by sections 145.48 and 145.51 of the Revised Code. 15117

(4) A person who elects in accordance with section 145.015 of 15118
the Revised Code to remain a contributing member of the public 15119
employees retirement system. 15120

(5) A person who is an employee of the legal rights service 15121
on September 30, 2012, and continues to be employed by the 15122
nonprofit entity established under Section 319.20 of Am. Sub. H.B. 15123
153 of the 129th general assembly. The nonprofit entity is the 15124
employer for the purpose of this chapter. 15125

In all cases of doubt, the public employees retirement board 15126
shall determine under section 145.036, 145.037, or 145.038 of the 15127
Revised Code whether any person is a public employee, and its 15128
decision is final. 15129

(B) "Member" means any public employee, other than a public 15130
employee excluded or exempted from membership in the retirement 15131
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 15132
145.035, or 145.38 of the Revised Code. "Member" includes a PERS 15133
retirant who becomes a member under division (C) of section 145.38 15134
of the Revised Code. "Member" also includes a disability benefit 15135
recipient. 15136

(C) "Head of the department" means the elective or appointive 15137
head of the several executive, judicial, and administrative 15138
departments, institutions, boards, and commissions of the state 15139
and local government as the same are created and defined by the 15140
laws of this state or, in case of a charter government, by that 15141
charter. 15142

(D) "Employer" or "public employer" means the state or any 15143

county, township, municipal corporation, park district, 15144
conservancy district, sanitary district, health district, 15145
metropolitan housing authority, state retirement board, Ohio 15146
historical society, public library, county law library, union 15147
cemetery, joint hospital, institutional commissary, state medical 15148
university, state university, or board, bureau, commission, 15149
council, committee, authority, or administrative body as the same 15150
are, or have been, created by action of the general assembly or by 15151
the legislative authority of any of the units of local government 15152
named in this division not covered by section 742.01, 3307.01, 15153
3309.01, or 5505.01 of the Revised Code. In addition, "employer" 15154
means the employer of any public employee. 15155

(E) "Prior military service" also means all service credited 15156
for active duty with the armed forces of the United States as 15157
provided in section 145.30 of the Revised Code. 15158

(F) "Contributor" means any person who has an account in the 15159
employees' savings fund created by section 145.23 of the Revised 15160
Code. When used in the sections listed in division (B) of section 15161
145.82 of the Revised Code, "contributor" includes any person 15162
participating in a PERS defined contribution plan. 15163

(G) "Beneficiary" or "beneficiaries" means the estate or a 15164
person or persons who, as the result of the death of a member, 15165
contributor, or retirant, qualify for or are receiving some right 15166
or benefit under this chapter. 15167

(H)(1) "Total service credit," except as provided in section 15168
145.37 of the Revised Code, means all service credited to a member 15169
of the retirement system since last becoming a member, including 15170
restored service credit as provided by section 145.31 of the 15171
Revised Code; credit purchased under sections 145.293 and 145.299 15172
of the Revised Code; all the member's military service credit 15173
computed as provided in this chapter; all service credit 15174
established pursuant to section 145.297 of the Revised Code; and 15175

any other service credited under this chapter. For the exclusive 15176
purpose of satisfying the service credit requirement and of 15177
determining eligibility for benefits under sections 145.32, 15178
145.33, 145.331, 145.332, 145.35, 145.36, and 145.361 of the 15179
Revised Code, "five or more years of total service credit" means 15180
sixty or more calendar months of contributing service in this 15181
system. 15182

(2) "One and one-half years of contributing service credit," 15183
as used in division (B) of section 145.45 of the Revised Code, 15184
also means eighteen or more calendar months of employment by a 15185
municipal corporation that formerly operated its own retirement 15186
plan for its employees or a part of its employees, provided that 15187
all employees of that municipal retirement plan who have eighteen 15188
or more months of such employment, upon establishing membership in 15189
the public employees retirement system, shall make a payment of 15190
the contributions they would have paid had they been members of 15191
this system for the eighteen months of employment preceding the 15192
date membership was established. When that payment has been made 15193
by all such employee members, a corresponding payment shall be 15194
paid into the employers' accumulation fund by that municipal 15195
corporation as the employer of the employees. 15196

(3) Where a member also is a member of the state teachers 15197
retirement system or the school employees retirement system, or 15198
both, except in cases of retirement on a combined basis pursuant 15199
to section 145.37 of the Revised Code or as provided in section 15200
145.383 of the Revised Code, service credit for any period shall 15201
be credited on the basis of the ratio that contributions to the 15202
public employees retirement system bear to total contributions in 15203
all state retirement systems. 15204

(4) Not more than one year of credit may be given for any 15205
period of twelve months. 15206

(5) "Ohio service credit" means credit for service that was 15207

rendered to the state or any of its political subdivisions or any employer. 15208
15209

(I) "Regular interest" means interest at any rates for the 15210
respective funds and accounts as the public employees retirement 15211
board may determine from time to time. 15212

(J) "Accumulated contributions" means the sum of all amounts 15213
credited to a contributor's individual account in the employees' 15214
savings fund together with any interest credited to the 15215
contributor's account under section 145.471 or 145.472 of the 15216
Revised Code. 15217

(K)(1) "Final average salary" means the greater of the 15218
following: 15219

(a) The sum of the member's earnable salaries for the 15220
appropriate number of calendar years of contributing service, 15221
determined under section 145.017 of the Revised Code, in which the 15222
member's earnable salary was highest, divided by the same number 15223
of calendar years or, if the member has fewer than the appropriate 15224
number of calendar years of contributing service, the total of the 15225
member's earnable salary for all years of contributing service 15226
divided by the number of calendar years of the member's 15227
contributing service; 15228

(b) The sum of a member's earnable salaries for the 15229
appropriate number of consecutive months, determined under section 15230
145.017 of the Revised Code, that were the member's last months of 15231
service, up to and including the last month, divided by the 15232
appropriate number of years or, if the time between the first and 15233
final months of service is less than the appropriate number of 15234
consecutive months, the total of the member's earnable salary for 15235
all months of contributing service divided by the number of years 15236
between the first and final months of contributing service, 15237
including any fraction of a year, except that the member's final 15238

average salary shall not exceed the member's highest earnable	15239
salary for any twelve consecutive months.	15240
(2) If contributions were made in only one calendar year,	15241
"final average salary" means the member's total earnable salary.	15242
(L) "Annuity" means payments for life derived from	15243
contributions made by a contributor and paid from the annuity and	15244
pension reserve fund as provided in this chapter. All annuities	15245
shall be paid in twelve equal monthly installments.	15246
(M) "Annuity reserve" means the present value, computed upon	15247
the basis of the mortality and other tables adopted by the board,	15248
of all payments to be made on account of any annuity, or benefit	15249
in lieu of any annuity, granted to a retirant as provided in this	15250
chapter.	15251
(N)(1) "Disability retirement" means retirement as provided	15252
in section 145.36 of the Revised Code.	15253
(2) "Disability allowance" means an allowance paid on account	15254
of disability under section 145.361 of the Revised Code.	15255
(3) "Disability benefit" means a benefit paid as disability	15256
retirement under section 145.36 of the Revised Code, as a	15257
disability allowance under section 145.361 of the Revised Code, or	15258
as a disability benefit under section 145.37 of the Revised Code.	15259
(4) "Disability benefit recipient" means a member who is	15260
receiving a disability benefit.	15261
(O) "Age and service retirement" means retirement as provided	15262
in sections 145.32, 145.33, 145.331, 145.332, 145.37, and 145.46	15263
and former section 145.34 of the Revised Code.	15264
(P) "Pensions" means annual payments for life derived from	15265
contributions made by the employer that at the time of retirement	15266
are credited into the annuity and pension reserve fund from the	15267
employers' accumulation fund and paid from the annuity and pension	15268

reserve fund as provided in this chapter. All pensions shall be 15269
paid in twelve equal monthly installments. 15270

(Q) "Retirement allowance" means the pension plus that 15271
portion of the benefit derived from contributions made by the 15272
member. 15273

(R)(1) Except as otherwise provided in division (R) of this 15274
section, "earnable salary" means all salary, wages, and other 15275
earnings paid to a contributor by reason of employment in a 15276
position covered by the retirement system. The salary, wages, and 15277
other earnings shall be determined prior to determination of the 15278
amount required to be contributed to the employees' savings fund 15279
under section 145.47 of the Revised Code and without regard to 15280
whether any of the salary, wages, or other earnings are treated as 15281
deferred income for federal income tax purposes. "Earnable salary" 15282
includes the following: 15283

(a) Payments made by the employer in lieu of salary, wages, 15284
or other earnings for sick leave, personal leave, or vacation used 15285
by the contributor; 15286

(b) Payments made by the employer for the conversion of sick 15287
leave, personal leave, and vacation leave accrued, but not used if 15288
the payment is made during the year in which the leave is accrued, 15289
except that payments made pursuant to section 124.383 or 124.386 15290
of the Revised Code are not earnable salary; 15291

(c) Allowances paid by the employer for maintenance, 15292
consisting of housing, laundry, and meals, as certified to the 15293
retirement board by the employer or the head of the department 15294
that employs the contributor; 15295

(d) Fees and commissions paid under section 507.09 of the 15296
Revised Code; 15297

(e) Payments that are made under a disability leave program 15298
sponsored by the employer and for which the employer is required 15299

by section 145.296 of the Revised Code to make periodic employer	15300
and employee contributions;	15301
(f) Amounts included pursuant to former division (K)(3) and	15302
former division (Y) of this section and section 145.2916 of the	15303
Revised Code.	15304
(2) "Earnable salary" does not include any of the following:	15305
(a) Fees and commissions, other than those paid under section	15306
507.09 of the Revised Code, paid as sole compensation for personal	15307
services and fees and commissions for special services over and	15308
above services for which the contributor receives a salary;	15309
(b) Amounts paid by the employer to provide life insurance,	15310
sickness, accident, endowment, health, medical, hospital, dental,	15311
or surgical coverage, or other insurance for the contributor or	15312
the contributor's family, or amounts paid by the employer to the	15313
contributor in lieu of providing the insurance;	15314
(c) Incidental benefits, including lodging, food, laundry,	15315
parking, or services furnished by the employer, or use of the	15316
employer's property or equipment, or amounts paid by the employer	15317
to the contributor in lieu of providing the incidental benefits;	15318
(d) Reimbursement for job-related expenses authorized by the	15319
employer, including moving and travel expenses and expenses	15320
related to professional development;	15321
(e) Payments for accrued but unused sick leave, personal	15322
leave, or vacation that are made at any time other than in the	15323
year in which the sick leave, personal leave, or vacation was	15324
accrued;	15325
(f) Payments made to or on behalf of a contributor that are	15326
in excess of the annual compensation that may be taken into	15327
account by the retirement system under division (a)(17) of section	15328
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26	15329

U.S.C.A. 401(a)(17), as amended;	15330
(g) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly;	15331 15332 15333 15334 15335 15336
(h) Anything of value received by the contributor that is based on or attributable to retirement or an agreement to retire, except that payments made on or before January 1, 1989, that are based on or attributable to an agreement to retire shall be included in earnable salary if both of the following apply:	15337 15338 15339 15340 15341
(i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986;	15342 15343
(ii) The employer pays the retirement system an amount specified by the retirement board equal to the additional liability resulting from the payments.	15344 15345 15346
(i) The portion of any amount included in section 145.2916 of the Revised Code that represents employer contributions.	15347 15348
(3) The retirement board shall determine by rule whether any compensation not enumerated in division (R) of this section is earnable salary, and its decision shall be final.	15349 15350 15351
(S) "Pension reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any retirement allowance or benefit in lieu of any retirement allowance, granted to a member or beneficiary under this chapter.	15352 15353 15354 15355 15356
(T) "Contributing service" means both of the following:	15357
(1) All service credited to a member of the system since January 1, 1935, for which contributions are made as required by	15358 15359

sections 145.47, 145.48, and 145.483 of the Revised Code. In any 15360
year subsequent to 1934, credit for any service shall be allowed 15361
in accordance with section 145.016 of the Revised Code. 15362

(2) Service credit received by election of the member under 15363
section 145.814 of the Revised Code. 15364

(U) "State retirement board" means the public employees 15365
retirement board, the school employees retirement board, or the 15366
state teachers retirement board. 15367

(V) "Retirant" means any former member who retires and is 15368
receiving a monthly allowance as provided in sections 145.32, 15369
145.33, 145.331, 145.332, and 145.46 and former section 145.34 of 15370
the Revised Code. 15371

(W) "Employer contribution" means the amount paid by an 15372
employer as determined under section 145.48 of the Revised Code. 15373

(X) "Public service terminates" means the last day for which 15374
a public employee is compensated for services performed for an 15375
employer or the date of the employee's death, whichever occurs 15376
first. 15377

(Y) "Five years of service credit," for the exclusive purpose 15378
of satisfying the service credit requirements and of determining 15379
eligibility under section 145.33 or 145.332 of the Revised Code, 15380
means employment covered under this chapter or under a former 15381
retirement plan operated, recognized, or endorsed by the employer 15382
prior to coverage under this chapter or under a combination of the 15383
coverage. 15384

(Z) "Deputy sheriff" means any person who is commissioned and 15385
employed as a full-time peace officer by the sheriff of any 15386
county, and has been so employed since on or before December 31, 15387
1965; any person who is or has been commissioned and employed as a 15388
peace officer by the sheriff of any county since January 1, 1966, 15389
and who has received a certificate attesting to the person's 15390

satisfactory completion of the peace officer training school as 15391
required by section 109.77 of the Revised Code; or any person 15392
deputized by the sheriff of any county and employed pursuant to 15393
section 2301.12 of the Revised Code as a criminal bailiff or court 15394
constable who has received a certificate attesting to the person's 15395
satisfactory completion of the peace officer training school as 15396
required by section 109.77 of the Revised Code. 15397

(AA) "Township constable or police officer in a township 15398
police department or district" means any person who is 15399
commissioned and employed as a full-time peace officer pursuant to 15400
Chapter 505. or 509. of the Revised Code, who has received a 15401
certificate attesting to the person's satisfactory completion of 15402
the peace officer training school as required by section 109.77 of 15403
the Revised Code. 15404

(BB) "Drug agent" means any person who is either of the 15405
following: 15406

(1) Employed full time as a narcotics agent by a county 15407
narcotics agency created pursuant to section 307.15 of the Revised 15408
Code and has received a certificate attesting to the satisfactory 15409
completion of the peace officer training school as required by 15410
section 109.77 of the Revised Code; 15411

(2) Employed full time as an undercover drug agent as defined 15412
in section 109.79 of the Revised Code and is in compliance with 15413
section 109.77 of the Revised Code. 15414

(CC) "Department of public safety enforcement agent" means a 15415
full-time employee of the department of public safety who is 15416
designated under section 5502.14 of the Revised Code as an 15417
enforcement agent and who is in compliance with section 109.77 of 15418
the Revised Code. 15419

(DD) "Natural resources law enforcement staff officer" means 15420
a full-time employee of the department of natural resources who is 15421

designated a natural resources law enforcement staff officer under 15422
section 1501.013 of the Revised Code and is in compliance with 15423
section 109.77 of the Revised Code. 15424

(EE) "Park officer" means a full-time employee of the 15425
department of natural resources who is designated a park officer 15426
under section 1541.10 of the Revised Code and is in compliance 15427
with section 109.77 of the Revised Code. 15428

(FF) "Forest officer" means a full-time employee of the 15429
department of natural resources who is designated a forest officer 15430
under section 1503.29 of the Revised Code and is in compliance 15431
with section 109.77 of the Revised Code. 15432

(GG) "Preserve officer" means a full-time employee of the 15433
department of natural resources who is designated a preserve 15434
officer under section 1517.10 of the Revised Code and is in 15435
compliance with section 109.77 of the Revised Code. 15436

(HH) "Wildlife officer" means a full-time employee of the 15437
department of natural resources who is designated a wildlife 15438
officer under section 1531.13 of the Revised Code and is in 15439
compliance with section 109.77 of the Revised Code. 15440

(II) "State watercraft officer" means a full-time employee of 15441
the department of natural resources who is designated a state 15442
watercraft officer under section 1547.521 of the Revised Code and 15443
is in compliance with section 109.77 of the Revised Code. 15444

(JJ) "Park district police officer" means a full-time 15445
employee of a park district who is designated pursuant to section 15446
511.232 or 1545.13 of the Revised Code and is in compliance with 15447
section 109.77 of the Revised Code. 15448

(KK) "Conservancy district officer" means a full-time 15449
employee of a conservancy district who is designated pursuant to 15450
section 6101.75 of the Revised Code and is in compliance with 15451
section 109.77 of the Revised Code. 15452

(LL) "Municipal police officer" means a member of the organized police department of a municipal corporation who is employed full time, is in compliance with section 109.77 of the Revised Code, and is not a member of the Ohio police and fire pension fund.

(MM) "Veterans' home police officer" means any person who is employed at a veterans' home as a police officer pursuant to section 5907.02 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(NN) "Special police officer for a mental health institution" means any person who is designated as such pursuant to section ~~5119.14~~ 5119.08 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(OO) "Special police officer for an institution for the developmentally disabled" means any person who is designated as such pursuant to section 5123.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(PP) "State university law enforcement officer" means any person who is employed full time as a state university law enforcement officer pursuant to section 3345.04 of the Revised Code and who is in compliance with section 109.77 of the Revised Code.

(QQ) "House sergeant at arms" means any person appointed by the speaker of the house of representatives under division (B)(1) of section 101.311 of the Revised Code who has arrest authority under division (E)(1) of that section.

(RR) "Assistant house sergeant at arms" means any person appointed by the house sergeant at arms under division (C)(1) of section 101.311 of the Revised Code.

(SS) "Regional transit authority police officer" means a person who is employed full time as a regional transit authority

police officer under division (Y) of section 306.35 of the Revised Code and is in compliance with section 109.77 of the Revised Code. 15484
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(TT) "State highway patrol police officer" means a special police officer employed full time and designated by the superintendent of the state highway patrol pursuant to section 5503.09 of the Revised Code or a person serving full time as a special police officer pursuant to that section on a permanent basis on October 21, 1997, who is in compliance with section 109.77 of the Revised Code. 15486
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(UU) "Municipal public safety director" means a person who serves full time as the public safety director of a municipal corporation with the duty of directing the activities of the municipal corporation's police department and fire department. 15493
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(VV) Notwithstanding section 2901.01 of the Revised Code, "PERS law enforcement officer" means a sheriff or any of the following whose primary duties are to preserve the peace, protect life and property, and enforce the laws of this state: a deputy sheriff, township constable or police officer in a township police department or district, drug agent, department of public safety enforcement agent, natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, state watercraft officer, park district police officer, conservancy district officer, veterans' home police officer, special police officer for a mental health institution, special police officer for an institution for the developmentally disabled, state university law enforcement officer, municipal police officer, house sergeant at arms, assistant house sergeant at arms, regional transit authority police officer, or state highway patrol police officer. "PERS law enforcement officer" also includes a person serving as a municipal public safety director at any time during the period from September 29, 2005, to March 24, 2009, if the duties of that service were to preserve the peace, 15497
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protect life and property, and enforce the laws of this state. 15516

(WW) "Hamilton county municipal court bailiff" means a person 15517
appointed by the clerk of courts of the Hamilton county municipal 15518
court under division (A)(3) of section 1901.32 of the Revised Code 15519
who is employed full time as a bailiff or deputy bailiff, who has 15520
received a certificate attesting to the person's satisfactory 15521
completion of the peace officer basic training described in 15522
division (D)(1) of section 109.77 of the Revised Code. 15523

(XX) "PERS public safety officer" means a Hamilton county 15524
municipal court bailiff, or any of the following whose primary 15525
duties are other than to preserve the peace, protect life and 15526
property, and enforce the laws of this state: a deputy sheriff, 15527
township constable or police officer in a township police 15528
department or district, drug agent, department of public safety 15529
enforcement agent, natural resources law enforcement staff 15530
officer, park officer, forest officer, preserve officer, wildlife 15531
officer, state watercraft officer, park district police officer, 15532
conservancy district officer, veterans' home police officer, 15533
special police officer for a mental health institution, special 15534
police officer for an institution for the ~~mentally retarded and~~ 15535
developmentally disabled, state university law enforcement 15536
officer, municipal police officer, house sergeant at arms, 15537
assistant house sergeant at arms, regional transit authority 15538
police officer, or state highway patrol police officer. "PERS 15539
public safety officer" also includes a person serving as a 15540
municipal public safety director at any time during the period 15541
from September 29, 2005, to March 24, 2009, if the duties of that 15542
service were other than to preserve the peace, protect life and 15543
property, and enforce the laws of this state. 15544

(YY) "Fiduciary" means a person who does any of the 15545
following: 15546

(1) Exercises any discretionary authority or control with 15547

respect to the management of the system or with respect to the	15548
management or disposition of its assets;	15549
(2) Renders investment advice for a fee, direct or indirect,	15550
with respect to money or property of the system;	15551
(3) Has any discretionary authority or responsibility in the	15552
administration of the system.	15553
(ZZ) "Actuary" means an individual who satisfies all of the	15554
following requirements:	15555
(1) Is a member of the American academy of actuaries;	15556
(2) Is an associate or fellow of the society of actuaries;	15557
(3) Has a minimum of five years' experience in providing	15558
actuarial services to public retirement plans.	15559
(AAA) "PERS defined benefit plan" means the plan described in	15560
sections 145.201 to 145.79 of the Revised Code.	15561
(BBB) "PERS defined contribution plans" means the plan or	15562
plans established under section 145.81 of the Revised Code.	15563
Sec. 145.012. (A) "Public employee," as defined in division	15564
(A) of section 145.01 of the Revised Code, does not include any	15565
person:	15566
(1) Who is employed by a private, temporary-help service and	15567
performs services under the direction of a public employer or is	15568
employed on a contractual basis as an independent contractor under	15569
a personal service contract with a public employer;	15570
(2) Who is an emergency employee serving on a temporary basis	15571
in case of fire, snow, earthquake, flood, or other similar	15572
emergency;	15573
(3) Who is employed in a program established pursuant to the	15574
"Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A.	15575
1501;	15576

(4) Who is an appointed member of either the motor vehicle salvage dealers board or the motor vehicle dealer's board whose rate and method of payment are determined pursuant to division (J) of section 124.15 of the Revised Code;	15577 15578 15579 15580
(5) Who is employed as an election worker and paid less than five hundred dollars per calendar year for that service;	15581 15582
(6) Who is employed as a firefighter in a position requiring satisfactory completion of a firefighter training course approved under former section 3303.07 or section 4765.55 of the Revised Code or conducted under section 3737.33 of the Revised Code except for the following:	15583 15584 15585 15586 15587
(a) Any firefighter who has elected under section 145.013 of the Revised Code to remain a contributing member of the public employees retirement system;	15588 15589 15590
(b) Any firefighter who was eligible to transfer from the public employees retirement system to the Ohio police and fire pension fund under section 742.51 or 742.515 of the Revised Code and did not elect to transfer;	15591 15592 15593 15594
(c) Any firefighter who has elected under section 742.516 of the Revised Code to transfer from the Ohio police and fire pension fund to the public employees retirement system.	15595 15596 15597
(7) Who is a member of the board of health of a city or general health district, which pursuant to sections 3709.051 and 3709.07 of the Revised Code includes a combined health district, and whose compensation for attendance at meetings of the board is set forth in division (B) of section 3709.02 or division (B) of section 3709.05 of the Revised Code, as appropriate;	15598 15599 15600 15601 15602 15603
(8) Who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code;	15604 15605
(9) Who is a member of the board of directors of a sanitary	15606

district established under Chapter 6115. of the Revised Code; 15607

(10) Who is a member of the unemployment compensation 15608
advisory council; 15609

(11) Who is an employee, officer, or governor-appointed 15610
member of the board of directors of the nonprofit corporation 15611
formed under section 187.01 of the Revised Code; 15612

(12) Who is employed by the nonprofit entity established to 15613
provide advocacy services and a client assistance program for 15614
people with disabilities under Section 319.20 of Am. Sub. H.B. 153 15615
of the 129th general assembly and whose employment begins on or 15616
after October 1, 2012. 15617

(B) No inmate of a correctional institution operated by the 15618
department of rehabilitation and correction, no patient in a 15619
hospital for the mentally ill or criminally insane operated by the 15620
department of ~~mental health~~ mental health and addiction services, 15621
no resident in an institution for the mentally retarded operated 15622
by the department of developmental disabilities, no resident 15623
admitted as a patient of a veterans' home operated under Chapter 15624
5907. of the Revised Code, and no resident of a county home shall 15625
be considered as a public employee for the purpose of establishing 15626
membership or calculating service credit or benefits under this 15627
chapter. Nothing in this division shall be construed to affect any 15628
service credit attained by any person who was a public employee 15629
before becoming an inmate, patient, or resident at any institution 15630
listed in this division, or the payment of any benefit for which 15631
such a person or such a person's beneficiaries otherwise would be 15632
eligible. 15633

Sec. 145.037. (A) As used in this section and section 145.038 15634
of the Revised Code, "business entity" means an entity with five 15635
or more employees that is a corporation, association, firm, 15636
limited liability company, partnership, sole proprietorship, or 15637

other entity engaged in business. 15638

A contract between a public employer and a business entity 15639
shall state that all individuals employed by the business entity 15640
who provide personal services to the public employer are not 15641
public employees for purposes of this chapter. 15642

(B)(1) Except as provided in division (B)(2) of this section, 15643
an individual who provided personal services to a public employer 15644
on or before January 7, 2013, but was not classified as a public 15645
employee may request from the public employees retirement board a 15646
determination of whether the individual should have been 15647
classified as a public employee for purposes of this chapter. The 15648
request shall be made on a form provided by the board. 15649

(2) Division (B)(1) of this section does not apply to an 15650
individual employed by a business entity under contract with a 15651
public employer to provide personal services to the employer. 15652

(C)(1) Not later than ~~thirty~~ sixty days after ~~January 7, 2013~~ 15653
the effective date of this amendment, the board shall ~~notify each~~ 15654
employer have published in at least eight newspapers of general 15655
circulation in this state notice of the right of an individual 15656
described in division (B)(1) of this section to seek the 15657
determination described in that division. The notice also shall be 15658
~~accompanied by copies of the form described in division (B)(1) of~~ 15659
~~this section posted on the web site of the public employees~~ 15660
retirement system. 15661

~~(2) Not later than September 7, 2013, the employer shall send~~ 15662
~~to each individual described in division (B)(1) of this section a~~ 15663
~~copy of the form provided by the retirement system and written~~ 15664
~~notice of the right to seek a determination of whether the~~ 15665
~~individual should have been classified as a public employee. The~~ 15666
~~notice shall be sent to the individual's last known address on~~ 15667
~~record with the employer.~~ 15668

~~(3) On~~ Except as provided in division (D) of this section, on 15669
receipt of a request for a determination on a properly completed 15670
form, the board shall determine whether the individual should have 15671
been classified as a public employee. If the board determines that 15672
the individual is not a public employee with regard to the 15673
services in question, for the purposes of this chapter, the 15674
individual shall not be considered ~~an independent contractor~~ a 15675
public employee with regard to the services in question. The 15676
board's determination is final. 15677

~~(4)(3)~~ The board shall notify the individual and the public 15678
employer of its determination. The determination shall apply to 15679
services performed before, on, or after January 7, 2013, for the 15680
same employer in the same capacity. 15681

(D)(1) Regardless of whether an individual actually receives 15682
notice under this section, the request for a determination must be 15683
made not later than August 7, 2014, unless the individual can 15684
demonstrate to the board's satisfaction through medical records 15685
that on that date the individual was physically or mentally 15686
incapacitated and unable to request a determination. 15687

(2) The board shall deny a request received after the 15688
effective date of this amendment if the board determines that the 15689
individual has had ten or more years of contributing service since 15690
the individual last performed the services that are the subject of 15691
the request. 15692

Sec. 145.038. (A) A public employer who on or after ~~the~~ 15693
~~effective date of this section~~ January 7, 2013, begins to receive 15694
personal services from an individual it classifies as an 15695
independent contractor or another classification other than public 15696
employee shall inform the individual of the classification and 15697
that no contributions will be made to the public employees 15698
retirement system for the services. Not later than thirty days 15699

after the services begin, the employer to whom the personal 15700
services will be rendered shall require the individual to 15701
acknowledge, in writing on a form provided by the system, that the 15702
individual has been informed that the employer does not consider 15703
the individual a public employee and no contributions will be made 15704
to the public employees retirement system for the services. The 15705
employer shall retain the acknowledgement for a period of five 15706
years after the date the services begin and immediately transmit a 15707
copy of it to the ~~system~~ public entity responsible for submitting 15708
to the system the reports required by section 145.47 of the 15709
Revised Code. The public entity shall transmit a copy of the 15710
acknowledgement to the system. 15711

(B)(1) Regardless of whether the individual has made an 15712
acknowledgement under division (A) of this section and, except as 15713
provided in division (B)(2) of this section, an individual may 15714
request that the public employees retirement board determine 15715
whether the individual is a public employee for purposes of this 15716
chapter. 15717

(2) Division (B)(1) of this section does not apply to an 15718
individual employed by a business entity under contract with a 15719
public employer to provide personal services to the employer. 15720

(C) A request for a determination must be made not later than 15721
five years after the individual begins to provide personal 15722
services to the public employer, unless ~~one of the following is~~ 15723
~~the case:~~ 15724

~~(1) The~~ the individual demonstrates to the board's 15725
satisfaction through medical records that at the time the 15726
five-year period ended the individual was physically or mentally 15727
incapacitated and unable to request a determination. 15728

~~(2) The employer has not obtained or has failed to retain the~~ 15729
~~acknowledgement required by division (A) of this section.~~ 15730

(D) On receipt of a request under division (B)(1) of this section, the board shall determine whether the individual is a public employee for the purposes of this chapter. If the board determines that the individual is not a public employee for the services, for the purposes of this chapter, the individual shall not be considered ~~an independent contractor~~ a public employee with regard to the services in question. The board's determination is final.

The board shall notify the individual and the public employer of its determination. The determination shall apply to services performed before, on, or after ~~the effective date of this section~~ January 7, 2013, for the same employer in the same capacity.

(E) The board may adopt rules under section 145.09 of the Revised Code to implement this section and sections 145.036 and 145.037 of the Revised Code.

Sec. 145.22. (A) The public employees retirement board shall have prepared annually by or under the supervision of an actuary an actuarial valuation of the pension assets, liabilities, and funding requirements of the public employees retirement system as established pursuant to this chapter. The actuary shall complete the valuation in accordance with actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries and prepare a report of the valuation. The report shall include all of the following:

- (1) A summary of the benefit provisions evaluated;
- (2) A summary of the census data and financial information used in the valuation;
- (3) A description of the actuarial assumptions, actuarial cost method, and asset valuation method used in the valuation, including a statement of the assumed rate of payroll growth and

assumed rate of growth or decline in the number of members 15761
contributing to the retirement system; 15762

(4) A summary of findings that includes a statement of the 15763
actuarial accrued pension liabilities and unfunded actuarial 15764
accrued pension liabilities; 15765

(5) A schedule showing the effect of any changes in the 15766
benefit provisions, actuarial assumptions, or cost methods since 15767
the last annual actuarial valuation; 15768

(6) A statement of whether contributions to the retirement 15769
system are expected to be sufficient to satisfy the funding 15770
objectives established by the board. 15771

The board shall submit the report to the Ohio retirement 15772
study council, the director of budget and management, and the 15773
standing committees of the house of representatives and the senate 15774
with primary responsibility for retirement legislation immediately 15775
upon its availability and not later than the first day of 15776
September following the year for which the valuation was made. 15777

(B) At such time as the public employees retirement board 15778
determines, and at least once in each five-year period, the board 15779
shall have prepared by or under the supervision of an actuary an 15780
actuarial investigation of the mortality, service, and other 15781
experience of the members, retirants, contributors, and 15782
beneficiaries of the system to update the actuarial assumptions 15783
used in the actuarial valuation required by division (A) of this 15784
section. The actuary shall prepare a report of the actuarial 15785
investigation. The report shall be prepared and any recommended 15786
changes in actuarial assumptions shall be made in accordance with 15787
the actuarial standards of practice promulgated by the actuarial 15788
standards board of the American academy of actuaries. The report 15789
shall include all of the following: 15790

(1) A summary of relevant decrement and economic assumption 15791

experience observed over the period of the investigation;	15792
(2) Recommended changes in actuarial assumptions to be used	15793
in subsequent actuarial valuations required by division (A) of	15794
this section;	15795
(3) A measurement of the financial effect of the recommended	15796
changes in actuarial assumptions.	15797
The board shall submit the report to the Ohio retirement	15798
study council and the standing committees of the house of	15799
representatives and the senate with primary responsibility for	15800
retirement legislation not later than the first day of November	15801
following the last fiscal year of the period the report covers.	15802
(C) The board may at any time request the actuary to make any	15803
studies or actuarial valuations to determine the adequacy of the	15804
contribution rate determined under section 145.48 of the Revised	15805
Code, and those rates may be adjusted by the board, as recommended	15806
by the actuary, effective as of the first of any year thereafter.	15807
(D) The board shall have prepared by or under the supervision	15808
of an actuary an actuarial analysis of any introduced legislation	15809
expected to have a measurable financial impact on the retirement	15810
system. The actuarial analysis shall be completed in accordance	15811
with the actuarial standards of practice promulgated by the	15812
actuarial standards board of the American academy of actuaries.	15813
The actuary shall prepare a report of the actuarial analysis,	15814
which shall include all of the following:	15815
(1) A summary of the statutory changes that are being	15816
evaluated;	15817
(2) A description of or reference to the actuarial	15818
assumptions and actuarial cost method used in the report;	15819
(3) A description of the participant group or groups included	15820
in the report;	15821

(4) A statement of the financial impact of the legislation, 15822
including the resulting increase, if any, in the employer normal 15823
cost percentage; the increase, if any, in actuarial accrued 15824
liabilities; and the per cent of payroll that would be required to 15825
amortize the increase in actuarial accrued liabilities as a level 15826
per cent of covered payroll for all active members over a period 15827
not to exceed thirty years; 15828

(5) A statement of whether the scheduled contributions to the 15829
system after the proposed change is enacted are expected to be 15830
sufficient to satisfy the funding objectives established by the 15831
board. 15832

Not later than sixty days from the date of introduction of 15833
the legislation, the board shall submit a copy of the actuarial 15834
analysis to the legislative service commission, the standing 15835
committees of the house of representatives and the senate with 15836
primary responsibility for retirement legislation, and the Ohio 15837
retirement study council. 15838

(E) The board shall have prepared annually a report giving a 15839
full accounting of the revenues and costs relating to the 15840
provision of benefits under sections 145.58 and 145.584 of the 15841
Revised Code. The report shall be made as of December 31, 1997, 15842
and the thirty-first day of December of each year thereafter. The 15843
report shall include the following: 15844

(1) A description of the statutory authority for the benefits 15845
provided; 15846

(2) A summary of the benefits; 15847

(3) A summary of the eligibility requirements for the 15848
benefits; 15849

(4) A statement of the number of participants eligible for 15850
the benefits; 15851

(5) A description of the accounting, asset valuation, and	15852
funding method used to provide the benefits;	15853
(6) A statement of the net assets available for the provision	15854
of the benefits as of the last day of the fiscal year;	15855
(7) A statement of any changes in the net assets available	15856
for the provision of benefits, including participant and employer	15857
contributions, net investment income, administrative expenses, and	15858
benefits provided to participants, as of the last day of the	15859
fiscal year;	15860
(8) For the last six consecutive fiscal years, a schedule of	15861
the net assets available for the benefits, the annual cost of	15862
benefits, administrative expenses incurred, and annual employer	15863
contributions allocated for the provision of benefits;	15864
(9) A description of any significant changes that affect the	15865
comparability of the report required under this division;	15866
(10) A statement of the amount paid under division (C) of	15867
section 145.58 of the Revised Code.	15868
The board shall submit the report to the Ohio retirement	15869
study council, <u>the director of budget and management</u> , and the	15870
standing committees of the house of representatives and the senate	15871
with primary responsibility for retirement legislation <u>immediately</u>	15872
<u>upon its availability and</u> not later than the thirtieth day of June	15873
following the year for which the report was made.	15874
Sec. 149.01. Each elective state officer, the adjutant	15875
general, the adult parole authority, the department of	15876
agriculture, the director of administrative services, the public	15877
utilities commission, the superintendent of insurance, the	15878
superintendent of financial institutions, the superintendent of	15879
purchases and printing, the fire marshal, the industrial	15880
commission, the administrator of workers' compensation, the state	15881

department of transportation, the department of health, the state 15882
medical board, the state dental board, the board of embalmers and 15883
funeral directors, the Ohio commission for the blind, the 15884
accountancy board of Ohio, the state council of uniform state 15885
laws, the board of commissioners of the sinking fund, the 15886
department of taxation, the board of tax appeals, the division of 15887
liquor control, the director of state armories, the trustees of 15888
the Ohio state university, and every private or quasi-public 15889
institution, association, board, or corporation receiving state 15890
money for its use and purpose shall make annually, at the end of 15891
each fiscal year, in quadruplicate, a report of the transactions 15892
and proceedings of that office or department for that fiscal year, 15893
excepting receipts and disbursements unless otherwise specifically 15894
required by law. The report shall contain a summary of the 15895
official acts of the officer, board, council, commission, 15896
institution, association, or corporation and any suggestions and 15897
recommendations that are proper. ~~On the first day of August of~~ 15898
~~each year, one~~ 15899

One of the reports shall be filed with the governor, one with 15900
the secretary of state, and one with the state library, and one 15901
shall be kept on file in the office of the officer, board, 15902
council, commission, institution, association, or corporation. The 15903
reports shall be so filed by the first day of August, except that 15904
the report of the treasurer of state shall be so filed by the 15905
thirty-first day of December. 15906

Sec. 149.12. The state library board shall forward, free of 15907
charge, in a paper or electronic format, one copy of each 15908
legislative bulletin, daily house and senate journal, pamphlet law 15909
as described in section 149.09 of the Revised Code, and summary of 15910
enactments published by the legislative service commission, to the 15911
following libraries: 15912

(A) Each library within the state that has been designated by 15913
the state library board under section 149.11 of the Revised Code 15914
as a depository for state publications; 15915

(B) In each county containing no library described in 15916
division (A) of this section, to a public library designated by 15917
the state library board to receive the journals, bulletins, and 15918
summaries described in this section. The state library board shall 15919
designate libraries that can best preserve the publications and 15920
are so located geographically that they can make the publications 15921
conveniently accessible to the residents of the county. 15922

The state library board shall forward the daily house and 15923
senate journals once every week while the general assembly is in 15924
session and the legislative bulletin, each pamphlet law, and the 15925
summary of enactments as they are published. 15926

Each library receiving publications under this section or 15927
under section 149.09 of the Revised Code shall make these 15928
publications accessible to the public. 15929

Sec. 149.307. There is hereby created in the state treasury 15930
the Ohio history license plate contribution fund. The fund shall 15931
consist of the contributions that are paid to the registrar of 15932
motor vehicles by applicants who choose to obtain "Ohio history" 15933
license plates pursuant to section 4503.95 of the Revised Code. 15934

The contributions deposited in the fund shall be used by the 15935
Ohio historical society to provide grants to historical 15936
organizations located in this state. An organization that receives 15937
a grant under this section shall use the grant only to host 15938
exhibits and increase access to its collection by the public. 15939

The society shall establish and administer all aspects of the 15940
grant program, including eligibility requirements for receiving a 15941
grant under the program. 15942

Not later than the last business day of January of each year, 15943
the society shall prepare and submit to the general assembly a 15944
written report, detailing all aspects of the grant program during 15945
the immediately preceding calendar year. 15946

Sec. 149.311. (A) As used in this section: 15947

(1) "Historic building" means a building, including its 15948
structural components, that is located in this state and that is 15949
either individually listed on the national register of historic 15950
places under 16 U.S.C. 470a, located in a registered historic 15951
district, and certified by the state historic preservation officer 15952
as being of historic significance to the district, or is 15953
individually listed as an historic landmark designated by a local 15954
government certified under 16 U.S.C. 470a(c). 15955

(2) "Qualified rehabilitation expenditures" means 15956
expenditures paid or incurred during the rehabilitation period, 15957
and before and after that period as determined under 26 U.S.C. 47, 15958
by an owner or qualified lessee of an historic building to 15959
rehabilitate the building. "Qualified rehabilitation expenditures" 15960
includes architectural or engineering fees paid or incurred in 15961
connection with the rehabilitation, and expenses incurred in the 15962
preparation of nomination forms for listing on the national 15963
register of historic places. "Qualified rehabilitation 15964
expenditures" does not include any of the following: 15965

(a) The cost of acquiring, expanding, or enlarging an 15966
historic building; 15967

(b) Expenditures attributable to work done to facilities 15968
related to the building, such as parking lots, sidewalks, and 15969
landscaping; 15970

(c) New building construction costs. 15971

(3) "Owner" of an historic building means a person holding 15972

the fee simple interest in the building. "Owner" does not include 15973
the state or a state agency, or any political subdivision as 15974
defined in section 9.23 of the Revised Code. 15975

(4) "Qualified lessee" means a person subject to a lease 15976
agreement for a an historic building and eligible for the federal 15977
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 15978
does not include the state or a state agency or political 15979
subdivision as defined in section 9.23 of the Revised Code. 15980

(5) "Certificate owner" means the owner or qualified lessee 15981
of an historic building to which a rehabilitation tax credit 15982
certificate was issued under this section. 15983

(6) "Registered historic district" means an historic district 15984
listed in the national register of historic places under 16 U.S.C. 15985
470a, an historic district designated by a local government 15986
certified under 16 U.S.C. 470a(c), or a local historic district 15987
certified under 36 C.F.R. 67.8 and 67.9. 15988

(7) "Rehabilitation" means the process of repairing or 15989
altering an historic building or buildings, making possible an 15990
efficient use while preserving those portions and features of the 15991
building and its site and environment that are significant to its 15992
historic, architectural, and cultural values. 15993

(8) "Rehabilitation period" means one of the following: 15994

(a) If the rehabilitation initially was not planned to be 15995
completed in stages, a period chosen by the owner or qualified 15996
lessee not to exceed twenty-four months during which 15997
rehabilitation occurs; 15998

(b) If the rehabilitation initially was planned to be 15999
completed in stages, a period chosen by the owner or qualified 16000
lessee not to exceed sixty months during which rehabilitation 16001
occurs. Each stage shall be reviewed as a phase of a 16002
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 16003

successor to that section. 16004

(9) "State historic preservation officer" or "officer" means 16005
the state historic preservation officer appointed by the governor 16006
under 16 U.S.C. 470a. 16007

(B) The owner or qualified lessee of an historic building may 16008
apply to the director of development services for a rehabilitation 16009
tax credit certificate for qualified rehabilitation expenditures 16010
paid or incurred by such owner or qualified lessee after April 4, 16011
2007, for rehabilitation of an historic building. If the owner of 16012
a an historic building enters a pass-through agreement with a 16013
qualified lessee for the purposes of the federal rehabilitation 16014
tax credit under 26 U.S.C. 47, the qualified rehabilitation 16015
expenditures paid or incurred by the owner after April 4, 2007, 16016
~~shall~~ may be attributed to the qualified lessee. 16017

The form and manner of filing such applications shall be 16018
prescribed by rule of the director. Each application shall state 16019
the amount of qualified rehabilitation expenditures the applicant 16020
estimates will be paid or incurred. The director may require 16021
applicants to furnish documentation of such estimates. 16022

The director, after consultation with the tax commissioner 16023
and in accordance with Chapter 119. of the Revised Code, shall 16024
adopt rules that establish all of the following: 16025

(1) Forms and procedures by which applicants may apply for 16026
rehabilitation tax credit certificates; 16027

(2) Criteria for reviewing, evaluating, and approving 16028
applications for certificates within the limitations under 16029
division (D) of this section, criteria for assuring that the 16030
certificates issued encompass a mixture of high and low qualified 16031
rehabilitation expenditures, and criteria for issuing certificates 16032
under division (C)(3)(b) of this section; 16033

(3) Eligibility requirements for obtaining a certificate 16034

under this section; 16035

(4) The form of rehabilitation tax credit certificates; 16036

(5) Reporting requirements and monitoring procedures; 16037

(6) Procedures and criteria for conducting cost-benefit 16038
analyses of historic buildings that are the subjects of 16039
applications filed under this section. The purpose of a 16040
cost-benefit analysis shall be to determine whether rehabilitation 16041
of the historic building will result in a net revenue gain in 16042
state and local taxes once the building is used. 16043

(7) Any other rules necessary to implement and administer 16044
this section. 16045

(C) The director of development services shall review the 16046
applications with the assistance of the state historic 16047
preservation officer and determine whether all of the following 16048
criteria are met: 16049

(1) That the building that is the subject of the application 16050
is an historic building and the applicant is the owner or 16051
qualified lessee of the building; 16052

(2) That the rehabilitation will satisfy standards prescribed 16053
by the United States secretary of the interior under 16 U.S.C. 16054
470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to 16055
that section; 16056

(3) That receiving a rehabilitation tax credit certificate 16057
under this section is a major factor in: 16058

(a) The applicant's decision to rehabilitate the historic 16059
building; or 16060

(b) To increase the level of investment in such 16061
rehabilitation. 16062

An applicant shall demonstrate to the satisfaction of the 16063
state historic preservation officer and director of development 16064

services that the rehabilitation will satisfy the standards 16065
described in division (C)(2) of this section before the applicant 16066
begins the physical rehabilitation of the historic building. 16067

(D)(1) If the director of development services determines 16068
that an application meets the criteria in divisions (C)(1), (2), 16069
and (3) of this section, the director shall conduct a cost-benefit 16070
analysis for the historic building that is the subject of the 16071
application to determine whether rehabilitation of the historic 16072
building will result in a net revenue gain in state and local 16073
taxes once the building is used. The director shall consider the 16074
results of the cost-benefit analysis in determining whether to 16075
approve the application. The director shall also consider the 16076
potential economic impact and the regional distributive balance of 16077
the credits throughout the state. The director may approve an 16078
application only after completion of the cost-benefit analysis. 16079

(2) A rehabilitation tax credit certificate shall not be 16080
issued for an amount greater than the estimated amount furnished 16081
by the applicant on the application for such certificate and 16082
approved by the director. The director shall not approve more than 16083
a total of sixty million dollars of rehabilitation tax credits per 16084
fiscal year but the director may reallocate unused tax credits 16085
from a prior fiscal year for new applicants and such reallocated 16086
credits shall not apply toward the dollar limit of this division. 16087

(3) For rehabilitations with a rehabilitation period not 16088
exceeding twenty-four months as provided in division (A)(7)(a) of 16089
this section, a rehabilitation tax credit certificate shall not be 16090
issued before the rehabilitation of the historic building is 16091
completed. 16092

(4) For rehabilitations with a rehabilitation period not 16093
exceeding sixty months as provided in division (A)(7)(b) of this 16094
section, a rehabilitation tax credit certificate shall not be 16095
issued before a stage of rehabilitation is completed. After all 16096

stages of rehabilitation are completed, if the director cannot 16097
determine that the criteria in division (C) of this section are 16098
satisfied for all stages of rehabilitations, the director shall 16099
certify this finding to the tax commissioner, and any 16100
rehabilitation tax credits received by the applicant shall be 16101
repaid by the applicant and may be collected by assessment as 16102
unpaid tax by the commissioner. 16103

(5) The director of development services shall require the 16104
applicant to provide a third-party cost certification by a 16105
certified public accountant of the actual costs attributed to the 16106
rehabilitation of the historic building when qualified 16107
rehabilitation expenditures exceed two hundred thousand dollars. 16108

If an applicant whose application is approved for receipt of 16109
a rehabilitation tax credit certificate fails to provide to the 16110
director sufficient evidence of reviewable progress, including a 16111
viable financial plan, copies of final construction drawings, and 16112
evidence that the applicant has obtained all historic approvals 16113
within twelve months after the date the applicant received 16114
notification of approval, and if the applicant fails to provide 16115
evidence to the director that the applicant has secured and closed 16116
on financing for the rehabilitation within eighteen months after 16117
receiving notification of approval, the director may rescind the 16118
approval of the application. The director shall notify the 16119
applicant if the approval has been rescinded. Credits that would 16120
have been available to an applicant whose approval was rescinded 16121
shall be available for other qualified applicants. Nothing in this 16122
division prohibits an applicant whose approval has been rescinded 16123
from submitting a new application for a rehabilitation tax credit 16124
certificate. 16125

(E) Issuance of a certificate represents a finding by the 16126
director of development services of the matters described in 16127
divisions (C)(1), (2), and (3) of this section only; issuance of a 16128

certificate does not represent a verification or certification by 16129
the director of the amount of qualified rehabilitation 16130
expenditures for which a tax credit may be claimed under section 16131
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 16132
Revised Code. The amount of qualified rehabilitation expenditures 16133
for which a tax credit may be claimed is subject to inspection and 16134
examination by the tax commissioner or employees of the 16135
commissioner under section 5703.19 of the Revised Code and any 16136
other applicable law. Upon the issuance of a certificate, the 16137
director shall certify to the tax commissioner, in the form and 16138
manner requested by the tax commissioner, the name of the 16139
applicant, the amount of qualified rehabilitation expenditures 16140
shown on the certificate, and any other information required by 16141
the rules adopted under this section. 16142

(F)(1) On or before the first day of April each year, the 16143
director of development services and tax commissioner jointly 16144
shall submit to the president of the senate and the speaker of the 16145
house of representatives a report on the tax credit program 16146
established under this section and sections 5725.151, 5725.34, 16147
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The 16148
report shall present an overview of the program and shall include 16149
information on the number of rehabilitation tax credit 16150
certificates issued under this section during the preceding fiscal 16151
year, an update on the status of each historic building for which 16152
an application was approved under this section, the dollar amount 16153
of the tax credits granted under sections 5725.151, 5725.34, 16154
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 16155
any other information the director and commissioner consider 16156
relevant to the topics addressed in the report. 16157

(2) On or before December 1, 2015, the director of 16158
development services and tax commissioner jointly shall submit to 16159
the president of the senate and the speaker of the house of 16160

representatives a comprehensive report that includes the 16161
information required by division (F)(1) of this section and a 16162
detailed analysis of the effectiveness of issuing tax credits for 16163
rehabilitating historic buildings. The report shall be prepared 16164
with the assistance of an economic research organization jointly 16165
chosen by the director and commissioner. 16166

(G) There is hereby created in the state treasury the 16167
historic rehabilitation tax credit operating fund. The director of 16168
development services is authorized to charge reasonable 16169
application and other fees in connection with the administration 16170
of tax credits authorized by this section and sections 5725.151, 16171
5725.34, 5726.52, 5729.17, 5733.44, and 5747.76 of the Revised 16172
Code. Any such fees collected shall be credited to the fund and 16173
used to pay reasonable costs incurred by the department of 16174
development services in administering this section and sections 16175
5725.151, 5725.34, 5726.52, 5729.17, 5733.44, and 5747.76 of the 16176
Revised Code. 16177

The Ohio historic preservation office is authorized to charge 16178
reasonable fees in connection with its review and approval of 16179
applications under this section. Any such fees collected shall be 16180
credited to the fund and used to pay administrative costs incurred 16181
by the Ohio historic preservation office pursuant to this section. 16182

Sec. 149.43. (A) As used in this section: 16183

(1) "Public record" means records kept by any public office, 16184
including, but not limited to, state, county, city, village, 16185
township, and school district units, and records pertaining to the 16186
delivery of educational services by an alternative school in this 16187
state kept by the nonprofit or for-profit entity operating the 16188
alternative school pursuant to section 3313.533 of the Revised 16189
Code. "Public record" does not mean any of the following: 16190

(a) Medical records; 16191

(b) Records pertaining to probation and parole proceedings or	16192
to proceedings related to the imposition of community control	16193
sanctions and post-release control sanctions;	16194
(c) Records pertaining to actions under section 2151.85 and	16195
division (C) of section 2919.121 of the Revised Code and to	16196
appeals of actions arising under those sections;	16197
(d) Records pertaining to adoption proceedings, including the	16198
contents of an adoption file maintained by the department of	16199
health under section 3705.12 of the Revised Code;	16200
(e) Information in a record contained in the putative father	16201
registry established by section 3107.062 of the Revised Code,	16202
regardless of whether the information is held by the department of	16203
job and family services or, pursuant to section 3111.69 of the	16204
Revised Code, the office of child support in the department or a	16205
child support enforcement agency;	16206
(f) Records listed in division (A) of section 3107.42 of the	16207
Revised Code or specified in division (A) of section 3107.52 of	16208
the Revised Code;	16209
(g) Trial preparation records;	16210
(h) Confidential law enforcement investigatory records;	16211
(i) Records containing information that is confidential under	16212
section 2710.03 or 4112.05 of the Revised Code;	16213
(j) DNA records stored in the DNA database pursuant to	16214
section 109.573 of the Revised Code;	16215
(k) Inmate records released by the department of	16216
rehabilitation and correction to the department of youth services	16217
or a court of record pursuant to division (E) of section 5120.21	16218
of the Revised Code;	16219
(l) Records maintained by the department of youth services	16220
pertaining to children in its custody released by the department	16221

of youth services to the department of rehabilitation and	16222
correction pursuant to section 5139.05 of the Revised Code;	16223
(m) Intellectual property records;	16224
(n) Donor profile records;	16225
(o) Records maintained by the department of job and family	16226
services pursuant to section 3121.894 of the Revised Code;	16227
(p) Peace officer, parole officer, probation officer,	16228
bailiff, prosecuting attorney, assistant prosecuting attorney,	16229
correctional employee, community-based correctional facility	16230
employee, youth services employee, firefighter, EMT, or	16231
investigator of the bureau of criminal identification and	16232
investigation residential and familial information;	16233
(q) In the case of a county hospital operated pursuant to	16234
Chapter 339. of the Revised Code or a municipal hospital operated	16235
pursuant to Chapter 749. of the Revised Code, information that	16236
constitutes a trade secret, as defined in section 1333.61 of the	16237
Revised Code;	16238
(r) Information pertaining to the recreational activities of	16239
a person under the age of eighteen;	16240
(s) Records provided to, statements made by review board	16241
members during meetings of, and all work products of a child	16242
fatality review board acting under sections 307.621 to 307.629 of	16243
the Revised Code, and child fatality review data submitted by the	16244
child fatality review board to the department of health or a	16245
national child death review database, other than the report	16246
prepared pursuant to division (A) of section 307.626 of the	16247
Revised Code;	16248
(t) Records provided to and statements made by the executive	16249
director of a public children services agency or a prosecuting	16250
attorney acting pursuant to section 5153.171 of the Revised Code	16251

other than the information released under that section; 16252

(u) Test materials, examinations, or evaluation tools used in 16253
an examination for licensure as a nursing home administrator that 16254
the board of ~~examiners~~ executives of ~~nursing home administrators~~ 16255
long-term services and supports administers under section 4751.04 16256
of the Revised Code or contracts under that section with a private 16257
or government entity to administer; 16258

(v) Records the release of which is prohibited by state or 16259
federal law; 16260

(w) Proprietary information of or relating to any person that 16261
is submitted to or compiled by the Ohio venture capital authority 16262
created under section 150.01 of the Revised Code; 16263

(x) ~~Information reported and evaluations conducted pursuant~~ 16264
~~to section 3701.072 of the Revised Code;~~ 16265

~~(y)~~ Financial statements and data any person submits for any 16266
purpose to the Ohio housing finance agency or the controlling 16267
board in connection with applying for, receiving, or accounting 16268
for financial assistance from the agency, and information that 16269
identifies any individual who benefits directly or indirectly from 16270
financial assistance from the agency; 16271

~~(z)~~(y) Records listed in section 5101.29 of the Revised Code; 16272

~~(aa)~~(z) Discharges recorded with a county recorder under 16273
section 317.24 of the Revised Code, as specified in division 16274
(B)(2) of that section; 16275

~~(bb)~~(aa) Usage information including names and addresses of 16276
specific residential and commercial customers of a municipally 16277
owned or operated public utility; 16278

~~(cc)~~(bb) Records described in division (C) of section 187.04 16279
of the Revised Code that are not designated to be made available 16280
to the public as provided in that division. 16281

(2) "Confidential law enforcement investigatory record" means 16282
any record that pertains to a law enforcement matter of a 16283
criminal, quasi-criminal, civil, or administrative nature, but 16284
only to the extent that the release of the record would create a 16285
high probability of disclosure of any of the following: 16286

(a) The identity of a suspect who has not been charged with 16287
the offense to which the record pertains, or of an information 16288
source or witness to whom confidentiality has been reasonably 16289
promised; 16290

(b) Information provided by an information source or witness 16291
to whom confidentiality has been reasonably promised, which 16292
information would reasonably tend to disclose the source's or 16293
witness's identity; 16294

(c) Specific confidential investigatory techniques or 16295
procedures or specific investigatory work product; 16296

(d) Information that would endanger the life or physical 16297
safety of law enforcement personnel, a crime victim, a witness, or 16298
a confidential information source. 16299

(3) "Medical record" means any document or combination of 16300
documents, except births, deaths, and the fact of admission to or 16301
discharge from a hospital, that pertains to the medical history, 16302
diagnosis, prognosis, or medical condition of a patient and that 16303
is generated and maintained in the process of medical treatment. 16304

(4) "Trial preparation record" means any record that contains 16305
information that is specifically compiled in reasonable 16306
anticipation of, or in defense of, a civil or criminal action or 16307
proceeding, including the independent thought processes and 16308
personal trial preparation of an attorney. 16309

(5) "Intellectual property record" means a record, other than 16310
a financial or administrative record, that is produced or 16311
collected by or for faculty or staff of a state institution of 16312

higher learning in the conduct of or as a result of study or 16313
research on an educational, commercial, scientific, artistic, 16314
technical, or scholarly issue, regardless of whether the study or 16315
research was sponsored by the institution alone or in conjunction 16316
with a governmental body or private concern, and that has not been 16317
publicly released, published, or patented. 16318

(6) "Donor profile record" means all records about donors or 16319
potential donors to a public institution of higher education 16320
except the names and reported addresses of the actual donors and 16321
the date, amount, and conditions of the actual donation. 16322

(7) "Peace officer, parole officer, probation officer, 16323
bailiff, prosecuting attorney, assistant prosecuting attorney, 16324
correctional employee, community-based correctional facility 16325
employee, youth services employee, firefighter, EMT, or 16326
investigator of the bureau of criminal identification and 16327
investigation residential and familial information" means any 16328
information that discloses any of the following about a peace 16329
officer, parole officer, probation officer, bailiff, prosecuting 16330
attorney, assistant prosecuting attorney, correctional employee, 16331
community-based correctional facility employee, youth services 16332
employee, firefighter, EMT, or investigator of the bureau of 16333
criminal identification and investigation: 16334

(a) The address of the actual personal residence of a peace 16335
officer, parole officer, probation officer, bailiff, assistant 16336
prosecuting attorney, correctional employee, community-based 16337
correctional facility employee, youth services employee, 16338
firefighter, EMT, or an investigator of the bureau of criminal 16339
identification and investigation, except for the state or 16340
political subdivision in which the peace officer, parole officer, 16341
probation officer, bailiff, assistant prosecuting attorney, 16342
correctional employee, community-based correctional facility 16343
employee, youth services employee, firefighter, EMT, or 16344

investigator of the bureau of criminal identification and 16345
investigation resides; 16346

(b) Information compiled from referral to or participation in 16347
an employee assistance program; 16348

(c) The social security number, the residential telephone 16349
number, any bank account, debit card, charge card, or credit card 16350
number, or the emergency telephone number of, or any medical 16351
information pertaining to, a peace officer, parole officer, 16352
probation officer, bailiff, prosecuting attorney, assistant 16353
prosecuting attorney, correctional employee, community-based 16354
correctional facility employee, youth services employee, 16355
firefighter, EMT, or investigator of the bureau of criminal 16356
identification and investigation; 16357

(d) The name of any beneficiary of employment benefits, 16358
including, but not limited to, life insurance benefits, provided 16359
to a peace officer, parole officer, probation officer, bailiff, 16360
prosecuting attorney, assistant prosecuting attorney, correctional 16361
employee, community-based correctional facility employee, youth 16362
services employee, firefighter, EMT, or investigator of the bureau 16363
of criminal identification and investigation by the peace 16364
officer's, parole officer's, probation officer's, bailiff's, 16365
prosecuting attorney's, assistant prosecuting attorney's, 16366
correctional employee's, community-based correctional facility 16367
employee's, youth services employee's, firefighter's, EMT's, or 16368
investigator of the bureau of criminal identification and 16369
investigation's employer; 16370

(e) The identity and amount of any charitable or employment 16371
benefit deduction made by the peace officer's, parole officer's, 16372
probation officer's, bailiff's, prosecuting attorney's, assistant 16373
prosecuting attorney's, correctional employee's, community-based 16374
correctional facility employee's, youth services employee's, 16375
firefighter's, EMT's, or investigator of the bureau of criminal 16376

identification and investigation's employer from the peace 16377
officer's, parole officer's, probation officer's, bailiff's, 16378
prosecuting attorney's, assistant prosecuting attorney's, 16379
correctional employee's, community-based correctional facility 16380
employee's, youth services employee's, firefighter's, EMT's, or 16381
investigator of the bureau of criminal identification and 16382
investigation's compensation unless the amount of the deduction is 16383
required by state or federal law; 16384

(f) The name, the residential address, the name of the 16385
employer, the address of the employer, the social security number, 16386
the residential telephone number, any bank account, debit card, 16387
charge card, or credit card number, or the emergency telephone 16388
number of the spouse, a former spouse, or any child of a peace 16389
officer, parole officer, probation officer, bailiff, prosecuting 16390
attorney, assistant prosecuting attorney, correctional employee, 16391
community-based correctional facility employee, youth services 16392
employee, firefighter, EMT, or investigator of the bureau of 16393
criminal identification and investigation; 16394

(g) A photograph of a peace officer who holds a position or 16395
has an assignment that may include undercover or plain clothes 16396
positions or assignments as determined by the peace officer's 16397
appointing authority. 16398

As used in divisions (A)(7) and (B)(9) of this section, 16399
"peace officer" has the same meaning as in section 109.71 of the 16400
Revised Code and also includes the superintendent and troopers of 16401
the state highway patrol; it does not include the sheriff of a 16402
county or a supervisory employee who, in the absence of the 16403
sheriff, is authorized to stand in for, exercise the authority of, 16404
and perform the duties of the sheriff. 16405

As used in divisions (A)(7) and (B)(5) of this section, 16406
"correctional employee" means any employee of the department of 16407
rehabilitation and correction who in the course of performing the 16408

employee's job duties has or has had contact with inmates and 16409
persons under supervision. 16410

As used in divisions (A)(7) and (B)(5) of this section, 16411
"youth services employee" means any employee of the department of 16412
youth services who in the course of performing the employee's job 16413
duties has or has had contact with children committed to the 16414
custody of the department of youth services. 16415

As used in divisions (A)(7) and (B)(9) of this section, 16416
"firefighter" means any regular, paid or volunteer, member of a 16417
lawfully constituted fire department of a municipal corporation, 16418
township, fire district, or village. 16419

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 16420
means EMTs-basic, EMTs-I, and paramedics that provide emergency 16421
medical services for a public emergency medical service 16422
organization. "Emergency medical service organization," 16423
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 16424
section 4765.01 of the Revised Code. 16425

As used in divisions (A)(7) and (B)(9) of this section, 16426
"investigator of the bureau of criminal identification and 16427
investigation" has the meaning defined in section 2903.11 of the 16428
Revised Code. 16429

(8) "Information pertaining to the recreational activities of 16430
a person under the age of eighteen" means information that is kept 16431
in the ordinary course of business by a public office, that 16432
pertains to the recreational activities of a person under the age 16433
of eighteen years, and that discloses any of the following: 16434

(a) The address or telephone number of a person under the age 16435
of eighteen or the address or telephone number of that person's 16436
parent, guardian, custodian, or emergency contact person; 16437

(b) The social security number, birth date, or photographic 16438
image of a person under the age of eighteen; 16439

(c) Any medical record, history, or information pertaining to 16440
a person under the age of eighteen; 16441

(d) Any additional information sought or required about a 16442
person under the age of eighteen for the purpose of allowing that 16443
person to participate in any recreational activity conducted or 16444
sponsored by a public office or to use or obtain admission 16445
privileges to any recreational facility owned or operated by a 16446
public office. 16447

(9) "Community control sanction" has the same meaning as in 16448
section 2929.01 of the Revised Code. 16449

(10) "Post-release control sanction" has the same meaning as 16450
in section 2967.01 of the Revised Code. 16451

(11) "Redaction" means obscuring or deleting any information 16452
that is exempt from the duty to permit public inspection or 16453
copying from an item that otherwise meets the definition of a 16454
"record" in section 149.011 of the Revised Code. 16455

(12) "Designee" and "elected official" have the same meanings 16456
as in section 109.43 of the Revised Code. 16457

(B)(1) Upon request and subject to division (B)(8) of this 16458
section, all public records responsive to the request shall be 16459
promptly prepared and made available for inspection to any person 16460
at all reasonable times during regular business hours. Subject to 16461
division (B)(8) of this section, upon request, a public office or 16462
person responsible for public records shall make copies of the 16463
requested public record available at cost and within a reasonable 16464
period of time. If a public record contains information that is 16465
exempt from the duty to permit public inspection or to copy the 16466
public record, the public office or the person responsible for the 16467
public record shall make available all of the information within 16468
the public record that is not exempt. When making that public 16469
record available for public inspection or copying that public 16470

record, the public office or the person responsible for the public 16471
record shall notify the requester of any redaction or make the 16472
redaction plainly visible. A redaction shall be deemed a denial of 16473
a request to inspect or copy the redacted information, except if 16474
federal or state law authorizes or requires a public office to 16475
make the redaction. 16476

(2) To facilitate broader access to public records, a public 16477
office or the person responsible for public records shall organize 16478
and maintain public records in a manner that they can be made 16479
available for inspection or copying in accordance with division 16480
(B) of this section. A public office also shall have available a 16481
copy of its current records retention schedule at a location 16482
readily available to the public. If a requester makes an ambiguous 16483
or overly broad request or has difficulty in making a request for 16484
copies or inspection of public records under this section such 16485
that the public office or the person responsible for the requested 16486
public record cannot reasonably identify what public records are 16487
being requested, the public office or the person responsible for 16488
the requested public record may deny the request but shall provide 16489
the requester with an opportunity to revise the request by 16490
informing the requester of the manner in which records are 16491
maintained by the public office and accessed in the ordinary 16492
course of the public office's or person's duties. 16493

(3) If a request is ultimately denied, in part or in whole, 16494
the public office or the person responsible for the requested 16495
public record shall provide the requester with an explanation, 16496
including legal authority, setting forth why the request was 16497
denied. If the initial request was provided in writing, the 16498
explanation also shall be provided to the requester in writing. 16499
The explanation shall not preclude the public office or the person 16500
responsible for the requested public record from relying upon 16501
additional reasons or legal authority in defending an action 16502

commenced under division (C) of this section. 16503

(4) Unless specifically required or authorized by state or 16504
federal law or in accordance with division (B) of this section, no 16505
public office or person responsible for public records may limit 16506
or condition the availability of public records by requiring 16507
disclosure of the requester's identity or the intended use of the 16508
requested public record. Any requirement that the requester 16509
disclose the requestor's identity or the intended use of the 16510
requested public record constitutes a denial of the request. 16511

(5) A public office or person responsible for public records 16512
may ask a requester to make the request in writing, may ask for 16513
the requester's identity, and may inquire about the intended use 16514
of the information requested, but may do so only after disclosing 16515
to the requester that a written request is not mandatory and that 16516
the requester may decline to reveal the requester's identity or 16517
the intended use and when a written request or disclosure of the 16518
identity or intended use would benefit the requester by enhancing 16519
the ability of the public office or person responsible for public 16520
records to identify, locate, or deliver the public records sought 16521
by the requester. 16522

(6) If any person chooses to obtain a copy of a public record 16523
in accordance with division (B) of this section, the public office 16524
or person responsible for the public record may require that 16525
person to pay in advance the cost involved in providing the copy 16526
of the public record in accordance with the choice made by the 16527
person seeking the copy under this division. The public office or 16528
the person responsible for the public record shall permit that 16529
person to choose to have the public record duplicated upon paper, 16530
upon the same medium upon which the public office or person 16531
responsible for the public record keeps it, or upon any other 16532
medium upon which the public office or person responsible for the 16533
public record determines that it reasonably can be duplicated as 16534

an integral part of the normal operations of the public office or 16535
person responsible for the public record. When the person seeking 16536
the copy makes a choice under this division, the public office or 16537
person responsible for the public record shall provide a copy of 16538
it in accordance with the choice made by the person seeking the 16539
copy. Nothing in this section requires a public office or person 16540
responsible for the public record to allow the person seeking a 16541
copy of the public record to make the copies of the public record. 16542

(7) Upon a request made in accordance with division (B) of 16543
this section and subject to division (B)(6) of this section, a 16544
public office or person responsible for public records shall 16545
transmit a copy of a public record to any person by United States 16546
mail or by any other means of delivery or transmission within a 16547
reasonable period of time after receiving the request for the 16548
copy. The public office or person responsible for the public 16549
record may require the person making the request to pay in advance 16550
the cost of postage if the copy is transmitted by United States 16551
mail or the cost of delivery if the copy is transmitted other than 16552
by United States mail, and to pay in advance the costs incurred 16553
for other supplies used in the mailing, delivery, or transmission. 16554

Any public office may adopt a policy and procedures that it 16555
will follow in transmitting, within a reasonable period of time 16556
after receiving a request, copies of public records by United 16557
States mail or by any other means of delivery or transmission 16558
pursuant to this division. A public office that adopts a policy 16559
and procedures under this division shall comply with them in 16560
performing its duties under this division. 16561

In any policy and procedures adopted under this division, a 16562
public office may limit the number of records requested by a 16563
person that the office will transmit by United States mail to ten 16564
per month, unless the person certifies to the office in writing 16565
that the person does not intend to use or forward the requested 16566

records, or the information contained in them, for commercial 16567
purposes. For purposes of this division, "commercial" shall be 16568
narrowly construed and does not include reporting or gathering 16569
news, reporting or gathering information to assist citizen 16570
oversight or understanding of the operation or activities of 16571
government, or nonprofit educational research. 16572

(8) A public office or person responsible for public records 16573
is not required to permit a person who is incarcerated pursuant to 16574
a criminal conviction or a juvenile adjudication to inspect or to 16575
obtain a copy of any public record concerning a criminal 16576
investigation or prosecution or concerning what would be a 16577
criminal investigation or prosecution if the subject of the 16578
investigation or prosecution were an adult, unless the request to 16579
inspect or to obtain a copy of the record is for the purpose of 16580
acquiring information that is subject to release as a public 16581
record under this section and the judge who imposed the sentence 16582
or made the adjudication with respect to the person, or the 16583
judge's successor in office, finds that the information sought in 16584
the public record is necessary to support what appears to be a 16585
justiciable claim of the person. 16586

(9)(a) Upon written request made and signed by a journalist 16587
on or after December 16, 1999, a public office, or person 16588
responsible for public records, having custody of the records of 16589
the agency employing a specified peace officer, parole officer, 16590
probation officer, bailiff, prosecuting attorney, assistant 16591
prosecuting attorney, correctional employee, community-based 16592
correctional facility employee, youth services employee, 16593
firefighter, EMT, or investigator of the bureau of criminal 16594
identification and investigation shall disclose to the journalist 16595
the address of the actual personal residence of the peace officer, 16596
parole officer, probation officer, bailiff, prosecuting attorney, 16597
assistant prosecuting attorney, correctional employee, 16598

community-based correctional facility employee, youth services 16599
employee, firefighter, EMT, or investigator of the bureau of 16600
criminal identification and investigation and, if the peace 16601
officer's, parole officer's, probation officer's, bailiff's, 16602
prosecuting attorney's, assistant prosecuting attorney's, 16603
correctional employee's, community-based correctional facility 16604
employee's, youth services employee's, firefighter's, EMT's, or 16605
investigator of the bureau of criminal identification and 16606
investigation's spouse, former spouse, or child is employed by a 16607
public office, the name and address of the employer of the peace 16608
officer's, parole officer's, probation officer's, bailiff's, 16609
prosecuting attorney's, assistant prosecuting attorney's, 16610
correctional employee's, community-based correctional facility 16611
employee's, youth services employee's, firefighter's, EMT's, or 16612
investigator of the bureau of criminal identification and 16613
investigation's spouse, former spouse, or child. The request shall 16614
include the journalist's name and title and the name and address 16615
of the journalist's employer and shall state that disclosure of 16616
the information sought would be in the public interest. 16617

(b) Division (B)(9)(a) of this section also applies to 16618
journalist requests for customer information maintained by a 16619
municipally owned or operated public utility, other than social 16620
security numbers and any private financial information such as 16621
credit reports, payment methods, credit card numbers, and bank 16622
account information. 16623

(c) As used in division (B)(9) of this section, "journalist" 16624
means a person engaged in, connected with, or employed by any news 16625
medium, including a newspaper, magazine, press association, news 16626
agency, or wire service, a radio or television station, or a 16627
similar medium, for the purpose of gathering, processing, 16628
transmitting, compiling, editing, or disseminating information for 16629
the general public. 16630

(C)(1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, that awards court costs and reasonable attorney's fees to the person that instituted the mandamus action, and, if applicable, that includes an order fixing statutory damages under division (C)(1) of this section. The mandamus action may be commenced in the court of common pleas of the county in which division (B) of this section allegedly was not complied with, in the supreme court pursuant to its original jurisdiction under Section 2 of Article IV, Ohio Constitution, or in the court of appeals for the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution.

If a requestor transmits a written request by hand delivery or certified mail to inspect or receive copies of any public record in a manner that fairly describes the public record or class of public records to the public office or person responsible for the requested public records, except as otherwise provided in this section, the requestor shall be entitled to recover the amount of statutory damages set forth in this division if a court determines that the public office or the person responsible for public records failed to comply with an obligation in accordance with division (B) of this section.

The amount of statutory damages shall be fixed at one hundred

dollars for each business day during which the public office or 16663
person responsible for the requested public records failed to 16664
comply with an obligation in accordance with division (B) of this 16665
section, beginning with the day on which the requester files a 16666
mandamus action to recover statutory damages, up to a maximum of 16667
one thousand dollars. The award of statutory damages shall not be 16668
construed as a penalty, but as compensation for injury arising 16669
from lost use of the requested information. The existence of this 16670
injury shall be conclusively presumed. The award of statutory 16671
damages shall be in addition to all other remedies authorized by 16672
this section. 16673

The court may reduce an award of statutory damages or not 16674
award statutory damages if the court determines both of the 16675
following: 16676

(a) That, based on the ordinary application of statutory law 16677
and case law as it existed at the time of the conduct or 16678
threatened conduct of the public office or person responsible for 16679
the requested public records that allegedly constitutes a failure 16680
to comply with an obligation in accordance with division (B) of 16681
this section and that was the basis of the mandamus action, a 16682
well-informed public office or person responsible for the 16683
requested public records reasonably would believe that the conduct 16684
or threatened conduct of the public office or person responsible 16685
for the requested public records did not constitute a failure to 16686
comply with an obligation in accordance with division (B) of this 16687
section; 16688

(b) That a well-informed public office or person responsible 16689
for the requested public records reasonably would believe that the 16690
conduct or threatened conduct of the public office or person 16691
responsible for the requested public records would serve the 16692
public policy that underlies the authority that is asserted as 16693
permitting that conduct or threatened conduct. 16694

(2)(a) If the court issues a writ of mandamus that orders the public office or the person responsible for the public record to comply with division (B) of this section and determines that the circumstances described in division (C)(1) of this section exist, the court shall determine and award to the relator all court costs.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, the court may award reasonable attorney's fees subject to reduction as described in division (C)(2)(c) of this section. The court shall award reasonable attorney's fees, subject to reduction as described in division (C)(2)(c) of this section when either of the following applies:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(c) Court costs and reasonable attorney's fees awarded under this section shall be construed as remedial and not punitive. Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. The court may reduce an award of attorney's fees to the relator or not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law

and case law as it existed at the time of the conduct or 16726
threatened conduct of the public office or person responsible for 16727
the requested public records that allegedly constitutes a failure 16728
to comply with an obligation in accordance with division (B) of 16729
this section and that was the basis of the mandamus action, a 16730
well-informed public office or person responsible for the 16731
requested public records reasonably would believe that the conduct 16732
or threatened conduct of the public office or person responsible 16733
for the requested public records did not constitute a failure to 16734
comply with an obligation in accordance with division (B) of this 16735
section; 16736

(ii) That a well-informed public office or person responsible 16737
for the requested public records reasonably would believe that the 16738
conduct or threatened conduct of the public office or person 16739
responsible for the requested public records as described in 16740
division (C)(2)(c)(i) of this section would serve the public 16741
policy that underlies the authority that is asserted as permitting 16742
that conduct or threatened conduct. 16743

(D) Chapter 1347. of the Revised Code does not limit the 16744
provisions of this section. 16745

(E)(1) To ensure that all employees of public offices are 16746
appropriately educated about a public office's obligations under 16747
division (B) of this section, all elected officials or their 16748
appropriate designees shall attend training approved by the 16749
attorney general as provided in section 109.43 of the Revised 16750
Code. In addition, all public offices shall adopt a public records 16751
policy in compliance with this section for responding to public 16752
records requests. In adopting a public records policy under this 16753
division, a public office may obtain guidance from the model 16754
public records policy developed and provided to the public office 16755
by the attorney general under section 109.43 of the Revised Code. 16756
Except as otherwise provided in this section, the policy may not 16757

limit the number of public records that the public office will 16758
make available to a single person, may not limit the number of 16759
public records that it will make available during a fixed period 16760
of time, and may not establish a fixed period of time before it 16761
will respond to a request for inspection or copying of public 16762
records, unless that period is less than eight hours. 16763

(2) The public office shall distribute the public records 16764
policy adopted by the public office under division (E)(1) of this 16765
section to the employee of the public office who is the records 16766
custodian or records manager or otherwise has custody of the 16767
records of that office. The public office shall require that 16768
employee to acknowledge receipt of the copy of the public records 16769
policy. The public office shall create a poster that describes its 16770
public records policy and shall post the poster in a conspicuous 16771
place in the public office and in all locations where the public 16772
office has branch offices. The public office may post its public 16773
records policy on the internet web site of the public office if 16774
the public office maintains an internet web site. A public office 16775
that has established a manual or handbook of its general policies 16776
and procedures for all employees of the public office shall 16777
include the public records policy of the public office in the 16778
manual or handbook. 16779

(F)(1) The bureau of motor vehicles may adopt rules pursuant 16780
to Chapter 119. of the Revised Code to reasonably limit the number 16781
of bulk commercial special extraction requests made by a person 16782
for the same records or for updated records during a calendar 16783
year. The rules may include provisions for charges to be made for 16784
bulk commercial special extraction requests for the actual cost of 16785
the bureau, plus special extraction costs, plus ten per cent. The 16786
bureau may charge for expenses for redacting information, the 16787
release of which is prohibited by law. 16788

(2) As used in division (F)(1) of this section: 16789

(a) "Actual cost" means the cost of depleted supplies, 16790
records storage media costs, actual mailing and alternative 16791
delivery costs, or other transmitting costs, and any direct 16792
equipment operating and maintenance costs, including actual costs 16793
paid to private contractors for copying services. 16794

(b) "Bulk commercial special extraction request" means a 16795
request for copies of a record for information in a format other 16796
than the format already available, or information that cannot be 16797
extracted without examination of all items in a records series, 16798
class of records, or ~~data base~~ database by a person who intends to 16799
use or forward the copies for surveys, marketing, solicitation, or 16800
resale for commercial purposes. "Bulk commercial special 16801
extraction request" does not include a request by a person who 16802
gives assurance to the bureau that the person making the request 16803
does not intend to use or forward the requested copies for 16804
surveys, marketing, solicitation, or resale for commercial 16805
purposes. 16806

(c) "Commercial" means profit-seeking production, buying, or 16807
selling of any good, service, or other product. 16808

(d) "Special extraction costs" means the cost of the time 16809
spent by the lowest paid employee competent to perform the task, 16810
the actual amount paid to outside private contractors employed by 16811
the bureau, or the actual cost incurred to create computer 16812
programs to make the special extraction. "Special extraction 16813
costs" include any charges paid to a public agency for computer or 16814
records services. 16815

(3) For purposes of divisions (F)(1) and (2) of this section, 16816
"surveys, marketing, solicitation, or resale for commercial 16817
purposes" shall be narrowly construed and does not include 16818
reporting or gathering news, reporting or gathering information to 16819
assist citizen oversight or understanding of the operation or 16820
activities of government, or nonprofit educational research. 16821

Sec. 149.431. (A) Except as provided in sections 9.833 and 16822
~~2744.08~~ 2744.081 of the Revised Code, any governmental entity or 16823
agency and any nonprofit corporation or association, except a 16824
corporation organized pursuant to Chapter 1719. of the Revised 16825
Code prior to January 1, 1980 or organized pursuant to Chapter 16826
3941. of the Revised Code, that enters into a contract or other 16827
agreement with the federal government, a unit of state government, 16828
or a political subdivision or taxing unit of this state for the 16829
provision of services shall keep accurate and complete financial 16830
records of any moneys expended in relation to the performance of 16831
the services pursuant to such contract or agreement according to 16832
generally accepted accounting principles. Such contract or 16833
agreement and such financial records shall be deemed to be public 16834
records as defined in division (A)(1) of section 149.43 of the 16835
Revised Code and are subject to the requirements of division (B) 16836
of that section, except that: 16837

(1) Any information directly or indirectly identifying a 16838
present or former individual patient or client or such an 16839
individual patient's or client's diagnosis, prognosis, or medical 16840
treatment, treatment for a mental or emotional disorder, treatment 16841
for mental retardation or a developmental disability, treatment 16842
for drug abuse or alcoholism, or counseling for personal or social 16843
problems is not a public record; 16844

(2) If disclosure of the contract or agreement or financial 16845
records is requested at a time when confidential professional 16846
services are being provided to a patient or client whose 16847
confidentiality might be violated if disclosure were made at that 16848
time, disclosure may be deferred if reasonable times are 16849
established when the contract or agreement or financial records 16850
will be disclosed. 16851

(3) Any nonprofit corporation or association that receives 16852

both public and private funds in fulfillment of any such contract 16853
or other agreement is not required to keep as public records the 16854
financial records of any private funds expended in relation to the 16855
performance of services pursuant to the contract or agreement. 16856

(B) Any nonprofit corporation or association that receives 16857
more than fifty per cent of its gross receipts excluding moneys 16858
received pursuant to Title XVIII of the "Social Security Act," 49 16859
Stat. 620 (1935), 42 U.S.C. 301, as amended, in a calendar year in 16860
fulfillment of a contract or other agreement for services with a 16861
governmental entity shall maintain information setting forth the 16862
compensation of any individual serving the nonprofit corporation 16863
or association in an executive or administrative capacity. Such 16864
information shall be deemed to be public records as defined in 16865
division (A)(1) of section 149.43 of the Revised Code and is 16866
subject to the requirements of division (B) of that section. 16867

Nothing in this section shall be construed to otherwise limit 16868
the provisions of section 149.43 of the Revised Code. 16869

Sec. 149.54. In order to ensure that archaeological survey 16870
and salvage work on public lands, dedicated archaeological 16871
preserves, and registered state archaeological landmarks is 16872
conducted in a scientific manner, the director of the Ohio 16873
historical society shall, in consultation with the Ohio 16874
archaeological council and the archaeological society of Ohio, 16875
adopt and may amend or rescind rules, in accordance with Chapter 16876
119. of the Revised Code, prescribing minimum education, training, 16877
and experience requirements for personnel in charge of or 16878
otherwise engaging in archaeological survey and salvage work, and 16879
prescribing scientific methods for undertaking such activities. 16880

No person shall engage in archaeological survey or salvage 16881
work on any land that is owned, controlled, or administered by the 16882
state or any political subdivision of the state, or at any 16883

archaeological preserve, dedicated under section 149.52 of the Revised Code, ~~or at any state archaeological landmark registered under section 149.51 of the Revised Code,~~ without first obtaining the written permission of the director. To obtain permission, the applicant shall submit written application to the director, which application shall indicate the proposed location, the qualifications of personnel who will be engaged in the archaeological survey or salvage work, the proposed methods of survey or salvage, and such other information as the director requires by rule.

The director shall deny the applicant permission to engage in archaeological survey or salvage work at the proposed location if the applicant's proposed undertaking will not comply with the rules adopted under this section. The director shall by written order approve or deny permission to disturb the site. If the director decides to deny permission, the order shall state the reasons for denial, and the director shall afford the applicant an adjudication hearing under Chapter 119. of the Revised Code. The requirements of this section and of any rule adopted pursuant to this section shall not apply to any department, agency, unit, instrumentality, or political subdivision of the state.

Whoever violates this section is guilty of a misdemeanor of the second degree. Whoever violates or threatens to violate this section may be enjoined from violation.

Sec. 151.11. (A) As used in this section:

(1) "Costs of sites and facilities" includes related direct administrative expenses and allocable portions of the direct costs of those projects. "Costs of sites and facilities" includes "allowable costs" as defined in section 122.085 of the Revised Code.

(2) "Obligations" means obligations as defined in section

151.01 of the Revised Code issued to pay costs of sites and 16915
facilities in Ohio for and in support of industry, commerce, 16916
distribution, and research and development purposes as referred to 16917
in division (A)(3) of Section 2p of Article VIII, Ohio 16918
Constitution. 16919

(B) The issuing authority shall issue general obligations of 16920
the state to pay costs of sites and facilities pursuant to 16921
division (B)(3) of Section 2p of Article VIII, Ohio Constitution, 16922
section 151.01 of the Revised Code, and this section. The issuing 16923
authority shall issue obligations in the amount determined by the 16924
issuing authority to be required for those purposes. The total 16925
principal amount of obligations issued under this section shall 16926
not exceed one hundred fifty million dollars. 16927

(C) Net proceeds of obligations shall be deposited into the 16928
job ready site development fund created by section 122.0820 of the 16929
Revised Code. 16930

(D) There is hereby created in the state treasury the job 16931
ready site development bond service fund. All moneys received by 16932
the state and required by the bond proceedings, consistent with 16933
section 151.01 of the Revised Code and this section, to be 16934
deposited, transferred, or credited to the bond service fund, and 16935
all other moneys transferred or allocated to or received for the 16936
purposes of that fund, shall be deposited and credited to the bond 16937
service fund, subject to any applicable provisions of the bond 16938
proceedings, but without necessity for any act of appropriation. 16939
During the period beginning with the date of the first issuance of 16940
obligations and continuing during the time that any obligations 16941
are outstanding in accordance with their terms, so long as moneys 16942
in the bond service fund are insufficient to pay debt service when 16943
due on those obligations payable from that fund, except the 16944
principal amounts of bond anticipation notes payable from the 16945
proceeds of renewal notes or bonds anticipated, and due in the 16946

particular fiscal year, a sufficient amount of revenues of the 16947
state is committed and, without necessity for further act of 16948
appropriation, shall be paid to the bond service fund for the 16949
purpose of paying that debt service when due. All investment 16950
earnings on the cash balance in the fund shall be credited to the 16951
fund. 16952

Sec. 152.09. (A) As used in sections 152.06 and 152.09 to 16953
152.33 of the Revised Code: 16954

(1) "Obligations" means bonds, notes, or other evidences of 16955
obligation, including interest coupons pertaining thereto, issued 16956
pursuant to sections 152.09 to 152.33 of the Revised Code. 16957

(2) "State agencies" means the state of Ohio and branches, 16958
officers, boards, commissions, authorities, departments, 16959
divisions, courts, general assembly, or other units or agencies of 16960
the state. "State agency" also includes counties, municipal 16961
corporations, and governmental entities of this state that enter 16962
into leases with the Ohio building authority pursuant to section 16963
152.31 of the Revised Code or that are designated by law as state 16964
agencies for the purpose of performing a state function that is to 16965
be housed by a capital facility for which the Ohio building 16966
authority is authorized to issue revenue obligations pursuant to 16967
sections 152.09 to 152.33 of the Revised Code. 16968

(3) "Bond service charges" means principal, including 16969
mandatory sinking fund requirements for retirement of obligations, 16970
and interest, and redemption premium, if any, required to be paid 16971
by the Ohio building authority on obligations. 16972

(4) "Capital facilities" means buildings, structures, and 16973
other improvements, and equipment, real estate, and interests in 16974
real estate therefor, within the state, and any one, part of, or 16975
combination of the foregoing, for housing of branches and agencies 16976
of state government, including capital facilities for the purpose 16977

of housing personnel, equipment, or functions, or any combination 16978
thereof that the state agencies are responsible for housing, for 16979
which the Ohio building authority is authorized to issue 16980
obligations pursuant to Chapter 152. of the Revised Code, and 16981
includes storage and parking facilities related to such capital 16982
facilities. For purposes of sections 152.10 to 152.15 of the 16983
Revised Code, "capital facilities" includes community or technical 16984
college capital facilities. 16985

(5) "Cost of capital facilities" means the costs of 16986
assessing, planning, acquiring, constructing, reconstructing, 16987
rehabilitating, remodeling, renovating, enlarging, improving, 16988
altering, maintaining, equipping, furnishing, repairing, painting, 16989
decorating, managing, or operating capital facilities, and the 16990
financing thereof, including the cost of clearance and preparation 16991
of the site and of any land to be used in connection with capital 16992
facilities, the cost of participating in capital facilities 16993
pursuant to section 152.33 of the Revised Code, the cost of any 16994
indemnity and surety bonds and premiums on insurance, all related 16995
direct administrative expenses and allocable portions of direct 16996
costs of the authority and lessee state agencies, cost of 16997
engineering and architectural services, designs, plans, 16998
specifications, surveys, and estimates of cost, legal fees, fees 16999
and expenses of trustees, depositories, and paying agents for the 17000
obligations, cost of issuance of the obligations and financing 17001
charges and fees and expenses of financial advisers and 17002
consultants in connection therewith, interest on obligations from 17003
the date thereof to the time when interest is to be covered from 17004
sources other than proceeds of obligations, amounts that represent 17005
the portion of investment earnings to be rebated or to be paid to 17006
the federal government in order to maintain the exclusion from 17007
gross income for federal income tax purposes of interest on those 17008
obligations pursuant to section 148(f) of the Internal Revenue 17009
Code, amounts necessary to establish reserves as required by the 17010

resolutions or the obligations, trust agreements, or indentures, 17011
costs of audits, the reimbursement of all moneys advanced or 17012
applied by or borrowed from any governmental entity, whether to or 17013
by the authority or others, from whatever source provided, for the 17014
payment of any item or items of cost of the capital facilities, 17015
any share of the cost undertaken by the authority pursuant to 17016
arrangements made with governmental entities under division (J) of 17017
section 152.21 of the Revised Code, and all other expenses 17018
necessary or incident to assessing, planning, or determining the 17019
feasibility or practicability with respect to capital facilities, 17020
and such other expenses as may be necessary or incident to the 17021
assessment, planning, acquisition, construction, reconstruction, 17022
rehabilitation, remodeling, renovation, enlargement, improvement, 17023
alteration, maintenance, equipment, furnishing, repair, painting, 17024
decoration, management, or operation of capital facilities, the 17025
financing thereof and the placing of the same in use and 17026
operation, including any one, part of, or combination of such 17027
classes of costs and expenses. 17028

(6) "Governmental entity" means any state agency, municipal 17029
corporation, county, township, school district, and any other 17030
political subdivision or special district in this state 17031
established pursuant to law, and, except where otherwise 17032
indicated, also means the United States or any of the states or 17033
any department, division, or agency thereof, and any agency, 17034
commission, or authority established pursuant to an interstate 17035
compact or agreement. 17036

(7) "Governing body" means: 17037

(a) In the case of a county, the board of county 17038
commissioners or other legislative authority; in the case of a 17039
municipal corporation, the legislative authority; in the case of a 17040
township, the board of township trustees; in the case of a school 17041
district, the board of education; 17042

(b) In the case of any other governmental entity, the 17043
officer, board, commission, authority, or other body having the 17044
general management of the entity or having jurisdiction or 17045
authority in the particular circumstances. 17046

(8) "Available receipts" means fees, charges, revenues, 17047
grants, subsidies, income from the investment of moneys, proceeds 17048
from the sale of goods or services, and all other revenues or 17049
receipts received by or on behalf of any state agency for which 17050
capital facilities are financed with obligations issued under 17051
Chapter 152. of the Revised Code, any state agency participating 17052
in capital facilities pursuant to section 152.33 of the Revised 17053
Code, or any state agency by which the capital facilities are 17054
constructed or financed; revenues or receipts derived by the 17055
authority from the operation, leasing, or other disposition of 17056
capital facilities, and the proceeds of obligations issued under 17057
Chapter 152. of the Revised Code; and also any moneys appropriated 17058
by a governmental entity, gifts, grants, donations, and pledges, 17059
and receipts therefrom, available for the payment of bond service 17060
charges on such obligations. 17061

(9) "Available community or technical college receipts" means 17062
all money received by a community or technical college or 17063
community or technical college district, including income, 17064
revenues, and receipts from the operation, ownership, or control 17065
of facilities, grants, gifts, donations, and pledges and receipts 17066
therefrom, receipts from fees and charges, the allocated state 17067
share of instruction as defined in section ~~3333.90~~ 3333.59 of the 17068
Revised Code, and the proceeds of the sale of obligations, 17069
including proceeds of obligations issued to refund obligations 17070
previously issued, but excluding any special fee, and receipts 17071
therefrom, charged pursuant to division (D) of section 154.21 of 17072
the Revised Code. 17073

(10) "Community or technical college," "college," "community 17074

or technical college district," and "district" have the same 17075
meanings as in section ~~3333.90~~ 3333.59 of the Revised Code. 17076

(11) "Community or technical college capital facilities" 17077
means auxiliary facilities, education facilities, and housing and 17078
dining facilities, as those terms are defined in section 3345.12 17079
of the Revised Code, to the extent permitted to be financed by the 17080
issuance of obligations under division (A)(2) of section 3357.112 17081
of the Revised Code, that are authorized by sections 3354.121, 17082
3357.112, and 3358.10 of the Revised Code to be financed by 17083
obligations issued by a community or technical college district, 17084
and for which the Ohio building authority is authorized to issue 17085
obligations pursuant to Chapter 152. of the Revised Code, and 17086
includes any one, part of, or any combination of the foregoing, 17087
and further includes site improvements, utilities, machinery, 17088
furnishings, and any separate or connected buildings, structures, 17089
improvements, sites, open space and green space areas, utilities, 17090
or equipment to be used in, or in connection with the operation or 17091
maintenance of, or supplementing or otherwise related to the 17092
services or facilities to be provided by, such facilities. 17093

(12) "Cost of community or technical college capital 17094
facilities" means the costs of acquiring, constructing, 17095
reconstructing, rehabilitating, remodeling, renovating, enlarging, 17096
improving, equipping, or furnishing community or technical college 17097
capital facilities, and the financing thereof, including the cost 17098
of clearance and preparation of the site and of any land to be 17099
used in connection with community or technical college capital 17100
facilities, the cost of any indemnity and surety bonds and 17101
premiums on insurance, all related direct administrative expenses 17102
and allocable portions of direct costs of the authority, community 17103
or technical college or community or technical college district, 17104
cost of engineering, architectural services, design, plans, 17105
specifications and surveys, estimates of cost, legal fees, fees 17106

and expenses of trustees, depositories, bond registrars, and 17107
paying agents for the obligations, cost of issuance of the 17108
obligations and financing costs and fees and expenses of financial 17109
advisers and consultants in connection therewith, interest on the 17110
obligations from the date thereof to the time when interest is to 17111
be covered by available receipts or other sources other than 17112
proceeds of the obligations, amounts that represent the portion of 17113
investment earnings to be rebated or to be paid to the federal 17114
government in order to maintain the exclusion from gross income 17115
for federal income tax purposes of interest on those obligations 17116
pursuant to section 148(f) of the Internal Revenue Code, amounts 17117
necessary to establish reserves as required by the bond 17118
proceedings, costs of audits, the reimbursements of all moneys 17119
advanced or applied by or borrowed from the community or technical 17120
college, community or technical college district, or others, from 17121
whatever source provided, including any temporary advances from 17122
state appropriations, for the payment of any item or items of cost 17123
of community or technical college facilities, and all other 17124
expenses necessary or incident to planning or determining 17125
feasibility or practicability with respect to such facilities, and 17126
such other expenses as may be necessary or incident to the 17127
acquisition, construction, reconstruction, rehabilitation, 17128
remodeling, renovation, enlargement, improvement, equipment, and 17129
furnishing of community or technical college capital facilities, 17130
the financing thereof and the placing of them in use and 17131
operation, including any one, part of, or combination of such 17132
classes of costs and expenses. 17133

(B) Pursuant to the powers granted to the general assembly 17134
under Section 2i of Article VIII, Ohio Constitution, to authorize 17135
the issuance of revenue obligations and other obligations, the 17136
owners or holders of which are not given the right to have excises 17137
or taxes levied by the general assembly for the payment of 17138
principal thereof or interest thereon, the Ohio building authority 17139

may issue obligations, in accordance with Chapter 152. of the 17140
Revised Code, and shall cause the net proceeds thereof, after any 17141
deposits of accrued interest for the payment of bond service 17142
charges and after any deposit of all or such lesser portion as the 17143
authority may direct of the premium received upon the sale of 17144
those obligations for the payment of the bond service charges, to 17145
be applied to the costs of capital facilities designated by or 17146
pursuant to act of the general assembly for housing state agencies 17147
as authorized by Chapter 152. of the Revised Code. The authority 17148
shall provide by resolution for the issuance of such obligations. 17149
The bond service charges and all other payments required to be 17150
made by the trust agreement or indenture securing such obligations 17151
shall be payable solely from available receipts of the authority 17152
pledged thereto as provided in such resolution. The available 17153
receipts pledged and thereafter received by the authority are 17154
immediately subject to the lien of such pledge without any 17155
physical delivery thereof or further act, and the lien of any such 17156
pledge is valid and binding against all parties having claims of 17157
any kind against the authority, irrespective of whether those 17158
parties have notice thereof, and creates a perfected security 17159
interest for all purposes of Chapter 1309. of the Revised Code and 17160
a perfected lien for purposes of any real property interest, all 17161
without the necessity for separation or delivery of funds or for 17162
the filing or recording of the resolution, trust agreement, 17163
indenture, or other agreement by which such pledge is created or 17164
any certificate, statement, or other document with respect 17165
thereto; and the pledge of such available receipts is effective 17166
and the money therefrom and thereof may be applied to the purposes 17167
for which pledged. Every pledge, and every covenant and agreement 17168
made with respect to the pledge, made in the resolution may 17169
therein be extended to the benefit of the owners and holders of 17170
obligations authorized by Chapter 152. of the Revised Code, the 17171
net proceeds of which are to be applied to the costs of capital 17172

facilities, and to any trustee therefor, for the further securing 17173
of the payment of the bond service charges, and all or any rights 17174
under any agreement or lease made under this section may be 17175
assigned for such purpose. Obligations may be issued at one time 17176
or from time to time, and each issue shall be dated, shall mature 17177
at such time or times as determined by the authority not exceeding 17178
forty years from the date of issue, and may be redeemable before 17179
maturity at the option of the authority at such price or prices 17180
and under such terms and conditions as are fixed by the authority 17181
prior to the issuance of the obligations. The authority shall 17182
determine the form of the obligations, fix their denominations, 17183
establish their interest rate or rates, which may be a variable 17184
rate or rates, or the maximum interest rate, and establish within 17185
or without this state a place or places of payment of bond service 17186
charges. 17187

(C) The obligations shall be signed by the authority 17188
chairperson, vice-chairperson, and secretary-treasurer, and the 17189
authority seal shall be affixed. The signatures may be facsimile 17190
signatures and the seal affixed may be a facsimile seal, as 17191
provided by resolution of the authority. Any coupons attached may 17192
bear the facsimile signature of the chairperson. In case any 17193
officer who has signed any obligations, or caused the officer's 17194
facsimile signature to be affixed thereto, ceases to be such 17195
officer before such obligations have been delivered, such 17196
obligations may, nevertheless, be issued and delivered as though 17197
the person who had signed the obligations or caused the person's 17198
facsimile signature to be affixed thereto had not ceased to be 17199
such officer. 17200

Any obligations may be executed on behalf of the authority by 17201
an officer who, on the date of execution, is the proper officer 17202
although on the date of such obligations such person was not the 17203
proper officer. 17204

(D) All obligations issued by the authority shall have all 17205
the qualities and incidents of negotiable instruments and may be 17206
issued in coupon or in registered form, or both, as the authority 17207
determines. Provision may be made for the registration of any 17208
obligations with coupons attached thereto as to principal alone or 17209
as to both principal and interest, their exchange for obligations 17210
so registered, and for the conversion or reconversion into 17211
obligations with coupons attached thereto of any obligations 17212
registered as to both principal and interest, and for reasonable 17213
charges for such registration, exchange, conversion, and 17214
reconversion. The authority may sell its obligations in any manner 17215
and for such prices as it determines, except that the authority 17216
shall sell obligations sold at public or private sale in 17217
accordance with section 152.091 of the Revised Code. 17218

(E) The obligations of the authority, principal, interest, 17219
and any proceeds from their sale or transfer, are exempt from all 17220
taxation within this state. 17221

(F) The authority is authorized to issue revenue obligations 17222
and other obligations under Section 2i of Article VIII, Ohio 17223
Constitution, for the purpose of paying the cost of capital 17224
facilities for housing of branches and agencies of state 17225
government, including capital facilities for the purpose of 17226
housing personnel, equipment, or functions, or any combination 17227
thereof that the state agencies are responsible for housing, as 17228
are authorized by Chapter 152. of the Revised Code, and that are 17229
authorized by the general assembly by the appropriation of lease 17230
payments or other moneys for such capital facilities or by any 17231
other act of the general assembly, but not including the 17232
appropriation of moneys for feasibility studies for such capital 17233
facilities. This division does not authorize the authority to 17234
issue obligations pursuant to Section 2i of Article VIII, Ohio 17235
Constitution, to pay the cost of capital facilities for mental 17236

hygiene and retardation, parks and recreation, or state-supported 17237
or state-assisted institutions of higher education. 17238

(G) The authority is authorized to issue revenue obligations 17239
under Section 2i of Article VIII, Ohio Constitution, on behalf of 17240
a community or technical college district and shall cause the net 17241
proceeds thereof, after any deposits of accrued interest for the 17242
payment of bond service charges and after any deposit of all or 17243
such lesser portion as the authority may direct of the premium 17244
received upon the sale of those obligations for the payment of the 17245
bond service charges, to be applied to the cost of community or 17246
technical college capital facilities, provided that the issuance 17247
of such obligations is subject to the execution of a written 17248
agreement in accordance with division (C) of section ~~3333.90~~ 17249
3333.59 of the Revised Code for the withholding and depositing of 17250
funds otherwise due the district, or the college it operates, in 17251
respect of its allocated state share of instruction. 17252

The authority shall provide by resolution for the issuance of 17253
such obligations. The bond service charges and all other payments 17254
required to be made by the trust agreement or indenture securing 17255
the obligations shall be payable solely from available community 17256
or technical college receipts pledged thereto as provided in the 17257
resolution. The available community or technical college receipts 17258
pledged and thereafter received by the authority are immediately 17259
subject to the lien of such pledge without any physical delivery 17260
thereof or further act, and the lien of any such pledge is valid 17261
and binding against all parties having claims of any kind against 17262
the authority, irrespective of whether those parties have notice 17263
thereof, and creates a perfected security interest for all 17264
purposes of Chapter 1309. of the Revised Code and a perfected lien 17265
for purposes of any real property interest, all without the 17266
necessity for separation or delivery of funds or for the filing or 17267
recording of the resolution, trust agreement, indenture, or other 17268

agreement by which such pledge is created or any certificate, 17269
statement, or other document with respect thereto; and the pledge 17270
of such available community or technical college receipts is 17271
effective and the money therefrom and thereof may be applied to 17272
the purposes for which pledged. Every pledge, and every covenant 17273
and agreement made with respect to the pledge, made in the 17274
resolution may therein be extended to the benefit of the owners 17275
and holders of obligations authorized by this division, and to any 17276
trustee therefor, for the further securing of the payment of the 17277
bond service charges, and all or any rights under any agreement or 17278
lease made under this section may be assigned for such purpose. 17279
Obligations may be issued at one time or from time to time, and 17280
each issue shall be dated, shall mature at such time or times as 17281
determined by the authority not exceeding forty years from the 17282
date of issue, and may be redeemable before maturity at the option 17283
of the authority at such price or prices and under such terms and 17284
conditions as are fixed by the authority prior to the issuance of 17285
the obligations. The authority shall determine the form of the 17286
obligations, fix their denominations, establish their interest 17287
rate or rates, which may be a variable rate or rates, or the 17288
maximum interest rate, and establish within or without this state 17289
a place or places of payment of bond service charges. 17290

Sec. 153.692. For every design-build contract, the public 17291
authority planning to contract for design-build services shall 17292
first obtain the services of a criteria architect or engineer by 17293
doing either of the following: 17294

(A) Contracting for the services consistent with sections 17295
153.65 to 153.70 of the Revised Code; 17296

(B) Obtaining the services through an architect or engineer 17297
who is an employee of the public authority and notifying the 17298
~~department of administrative services~~ Ohio facilities construction 17299

commission before the services are performed. 17300

Sec. 154.01. As used in this chapter: 17301

(A) "Commission" means the Ohio public facilities commission 17302
created in section 151.02 of the Revised Code. 17303

(B) "Obligations" means bonds, notes, or other evidences of 17304
obligation, including interest coupons pertaining thereto, issued 17305
pursuant to Chapter 154. of the Revised Code. 17306

(C) "Bond proceedings" means the order or orders, resolution 17307
or resolutions, trust agreement, indenture, lease, and other 17308
agreements, amendments and supplements to the foregoing, or any 17309
combination thereof, authorizing or providing for the terms and 17310
conditions applicable to, or providing for the security of, 17311
obligations issued pursuant to Chapter 154. of the Revised Code, 17312
and the provisions contained in such obligations. 17313

(D) "State agencies" means the state of Ohio and officers, 17314
boards, commissions, departments, divisions, or other units or 17315
agencies of the state. 17316

(E) "Governmental agency" means state agencies, state 17317
supported and assisted institutions of higher education, municipal 17318
corporations, counties, townships, school districts, and any other 17319
political subdivision or special district in this state 17320
established pursuant to law, and, except where otherwise 17321
indicated, also means the United States or any department, 17322
division, or agency thereof, and any agency, commission, or 17323
authority established pursuant to an interstate compact or 17324
agreement. 17325

(F) "Institutions of higher education" and "state supported 17326
or state assisted institutions of higher education" means the 17327
state universities identified in section 3345.011 of the Revised 17328
Code, the northeast Ohio medical university, state universities or 17329

colleges at any time created, community college districts, 17330
university branch districts, and technical college districts at 17331
any time established or operating under Chapter 3354., 3355., or 17332
3357. of the Revised Code, and other institutions for education, 17333
including technical education, beyond the high school, receiving 17334
state support or assistance for their expenses of operation. 17335

(G) "Governing body" means: 17336

(1) In the case of institutions of higher education, the 17337
board of trustees, board of directors, commission, or other body 17338
vested by law with the general management, conduct, and control of 17339
one or more institutions of higher education; 17340

(2) In the case of a county, the board of county 17341
commissioners or other legislative body; in the case of a 17342
municipal corporation, the council or other legislative body; in 17343
the case of a township, the board of township trustees; in the 17344
case of a school district, the board of education; 17345

(3) In the case of any other governmental agency, the 17346
officer, board, commission, authority or other body having the 17347
general management thereof or having jurisdiction or authority in 17348
the particular circumstances. 17349

(H) "Person" means any person, firm, partnership, 17350
association, or corporation. 17351

(I) "Bond service charges" means principal, including 17352
mandatory sinking fund requirements for retirement of obligations, 17353
and interest, and redemption premium, if any, required to be paid 17354
by the state on obligations. If not prohibited by the applicable 17355
bond proceedings, bond service charges may include costs relating 17356
to credit enhancement facilities that are related to and 17357
represent, or are intended to provide a source of payment of or 17358
limitation on, other bond service charges. 17359

(J) "Capital facilities" means buildings, structures, and 17360

other improvements, and equipment, real estate, and interests in 17361
real estate therefor, within the state, and any one, part of, or 17362
combination of the foregoing, to serve the general purposes for 17363
which the issuing authority is authorized to issue obligations 17364
pursuant to Chapter 154. of the Revised Code, including, but not 17365
limited to, drives, roadways, parking facilities, walks, lighting, 17366
machinery, furnishings, utilities, landscaping, wharves, docks, 17367
piers, reservoirs, dams, tunnels, bridges, retaining walls, 17368
riprap, culverts, ditches, channels, watercourses, retention 17369
basins, standpipes and water storage facilities, waste treatment 17370
and disposal facilities, heating, air conditioning and 17371
communications facilities, inns, lodges, cabins, camping sites, 17372
golf courses, boat and bathing facilities, athletic and 17373
recreational facilities, and site improvements. 17374

(K) "Costs of capital facilities" means the costs of 17375
acquiring, constructing, reconstructing, rehabilitating, 17376
remodeling, renovating, enlarging, improving, equipping, or 17377
furnishing capital facilities, and the financing thereof, 17378
including the cost of clearance and preparation of the site and of 17379
any land to be used in connection with capital facilities, the 17380
cost of any indemnity and surety bonds and premiums on insurance, 17381
all related direct administrative expenses and allocable portions 17382
of direct costs of the commission or issuing authority and 17383
department of administrative services, or other designees of the 17384
commission under section 154.17 of the Revised Code, cost of 17385
engineering and architectural services, designs, plans, 17386
specifications, surveys, and estimates of cost, legal fees, fees 17387
and expenses of trustees, depositories, and paying agents for the 17388
obligations, cost of issuance of the obligations and financing 17389
charges and fees and expenses of financial advisers and 17390
consultants in connection therewith, interest on obligations, 17391
including but not limited to, interest from the date of their 17392
issuance to the time when interest is to be covered from sources 17393

other than proceeds of obligations, amounts necessary to establish 17394
reserves as required by the bond proceedings, costs of audits, the 17395
reimbursement of all moneys advanced or applied by or borrowed 17396
from any governmental agency, whether to or by the commission or 17397
others, from whatever source provided, for the payment of any item 17398
or items of cost of the capital facilities, any share of the cost 17399
undertaken by the commission pursuant to arrangements made with 17400
governmental agencies under division (H) of section 154.06 of the 17401
Revised Code, and all other expenses necessary or incident to 17402
planning or determining feasibility or practicability with respect 17403
to capital facilities, and such other expenses as may be necessary 17404
or incident to the acquisition, construction, reconstruction, 17405
rehabilitation, remodeling, renovation, enlargement, improvement, 17406
equipment, and furnishing of capital facilities, the financing 17407
thereof and the placing of the same in use and operation, 17408
including any one, part of, or combination of such classes of 17409
costs and expenses. 17410

(L) "Public service facilities" means inns, lodges, hotels, 17411
cabins, camping sites, scenic trails, picnic sites, restaurants, 17412
commissaries, golf courses, boating and bathing facilities and 17413
other similar facilities in state parks. 17414

(M) "State parks" means: 17415

(1) State reservoirs described and identified in section 17416
1541.06 of the Revised Code; 17417

(2) All lands or interests therein of the state identified as 17418
administered by the division of parks and recreation in the 17419
"inventory of state owned lands administered by the department of 17420
natural resources as of June 1, 1963," as recorded in the journal 17421
of the director, which inventory was prepared by the real estate 17422
section of the department and is supported by maps now on file in 17423
said real estate section; 17424

(3) All lands or interests in lands of the state designated 17425
after June 1, 1963, as state parks in the journal of the director 17426
with the approval of the recreation and resources council. 17427

State parks do not include any lands or interest in lands of 17428
the state administered jointly by two or more divisions of the 17429
department of natural resources. The designation of lands as state 17430
parks under divisions (M)(1) to (3) of this section is conclusive 17431
and such lands shall be under the control of and administered by 17432
the division of parks and recreation. No order or proceeding 17433
designating lands as state parks or park purchase areas is subject 17434
to any appeal or review by any officer, board, commission, or 17435
court. 17436

(N) "Bond service fund" means the applicable fund created for 17437
and pledged to the payment of bond service charges under section 17438
154.20, 154.21, 154.22, or 154.23 of the Revised Code, including 17439
all moneys and investments, and earnings from investments, 17440
credited and to be credited thereto. 17441

(O) "Improvement fund" means the applicable fund created for 17442
the payment of costs of capital facilities under section 123.201, 17443
154.20, 154.21, or 154.22, ~~or 3383.09~~ of the Revised Code, 17444
including all moneys and investments, and earnings from 17445
investments, credited and to be credited thereto. 17446

(P) "Special funds" or "funds" means, except where the 17447
context does not permit, the bond service funds, the improvements 17448
funds, and any other funds for similar or different purposes 17449
created under bond proceedings, including all moneys and 17450
investments, and earnings from investments, credited and to be 17451
credited thereto. 17452

(Q) "Year" unless the context indicates a different meaning 17453
or intent, means a calendar year beginning on the first day of 17454
January and ending on the thirty-first day of December. 17455

(R) "Fiscal year" means the period of twelve months beginning 17456
on the first day of July and ending on the thirtieth day of June. 17457

(S) "Issuing authority" means the treasurer of state or the 17458
officer or employee who by law performs the functions of that 17459
office. 17460

(T) "Credit enhancement facilities" has the same meaning as 17461
in section 133.01 of the Revised Code. 17462

(U) "Ohio cultural facility" and "Ohio sports facility" have 17463
the same meanings as in section ~~3383.01~~ 123.28 of the Revised 17464
Code. 17465

Sec. 154.17. The departments of administrative services, 17466
~~mental health~~ mental health and addiction services, developmental 17467
disabilities, rehabilitation and correction, and natural 17468
resources, the Ohio board of regents, institutions of higher 17469
education, and other state officers and state agencies shall 17470
cooperate with the commission in providing services and 17471
information requested by the commission for purposes of Chapter 17472
154. of the Revised Code, and the commission may make mutually 17473
satisfactory arrangements therefor and may thereunder designate 17474
any governmental agency for the management or performance of 17475
particular functions of the commission, other than the 17476
authorization and issuance of obligations provided for in Chapter 17477
154. of the Revised Code, pursuant to which designation, upon 17478
acceptance thereof by that governmental agency, that function may 17479
be carried out with the full force and effect as if performed by 17480
the commission. Any such designation shall be made only by formal 17481
action or written agreement of the commission. In the management 17482
of capital facilities or performance of other functions with 17483
respect thereto, a governmental agency may exercise all powers 17484
which it has under law with respect to other similar facilities 17485
under its jurisdiction. 17486

Contracts relating to capital facilities shall be made in 17487
accordance with the law pertaining to the governmental agency 17488
designated under authority of this section to perform such 17489
contracting function, and in any other case shall be made in 17490
accordance with Chapter 153. of the Revised Code, for which 17491
purpose the commission shall be considered the owner, provided 17492
that the commission may assign the function of owner to the 17493
department of administrative services or other governmental agency 17494
as it determines. The commission may acquire by assignment from 17495
any governmental agency contracts which are not completed and 17496
which involve acquiring, constructing, reconstructing, 17497
rehabilitating, remodeling, renovating, enlarging, improving, 17498
equipping, or furnishing capital facilities, provided that such 17499
governmental agency has complied with the procedures prescribed by 17500
laws for its letting of such contract. 17501

No contract shall be let or assignment thereof accepted under 17502
this section involving performance in accordance with plans and 17503
specifications until such plans and specifications have been 17504
submitted to and approved by the governmental agency to have 17505
responsibility for the management of the capital facilities 17506
provided for in such plans and specifications, which approval 17507
shall be considered to be given if no approval or disapproval is 17508
communicated in writing to the commission or its designee for such 17509
purpose within sixty days following such submission of plans and 17510
specifications. Approval by such governmental agency of changes in 17511
plans and specifications is not required if the director of 17512
administrative services or the designee of the commission for such 17513
purpose shall certify that such changes do not substantially 17514
change the location, character, or extent of such capital 17515
facilities. 17516

Sec. 154.20. (A) Subject to authorization by the general 17517
assembly under section 154.02 of the Revised Code, the issuing 17518

authority may issue obligations pursuant to this chapter to pay 17519
costs of capital facilities for mental hygiene and retardation, 17520
including housing for mental hygiene and retardation patients and 17521
persons with substance use disorders. 17522

(B) Any capital facilities for mental hygiene or retardation, 17523
including housing for mental hygiene and retardation patients and 17524
persons with substance use disorders, may be leased by the 17525
commission to the department of ~~mental health~~, mental health and 17526
addiction services or the department of developmental 17527
~~disabilities, or the department of alcohol and drug addiction~~ 17528
~~services~~, and other agreements may be made by the commission and 17529
any one or more of these departments with respect to the use or 17530
purchase of such capital facilities or, subject to the approval of 17531
the director of the department, the commission may lease such 17532
capital facilities to, and make or provide for other agreements 17533
with respect to the use or purchase thereof with, any governmental 17534
agency having authority under law to operate such capital 17535
facilities, and the director of the department may sublease such 17536
capital facilities to, and make other agreements with respect to 17537
the use or purchase thereof with, any such governmental agency, 17538
which may include provisions for transmittal to the mental health 17539
bond service trust fund created under division (E) of this 17540
section, by such governmental agency or by a nonprofit corporation 17541
providing mental hygiene and retardation services for or under 17542
contract with or the supervision of that governmental agency, of 17543
receipts of that agency or nonprofit corporation from charges for 17544
the treatment or care of mental hygiene and retardation patients, 17545
all upon such terms and conditions as the parties may agree upon 17546
and pursuant to this chapter, notwithstanding any other provision 17547
of law affecting the leasing, acquisition, or disposition of 17548
capital facilities by the parties. 17549

(C) For purposes of this section, "available receipts" means 17550

all receipts of the state from charges for the treatment or care 17551
of mental hygiene and retardation patients, including support 17552
payments received under Chapter 5121. of the Revised Code and 17553
moneys required to be transmitted to the mental health bond 17554
service trust fund pursuant to subleases and other agreements 17555
between any of the departments and another governmental agency 17556
pursuant to division (B) of this section as the subleases and 17557
other agreements may be further implemented for internal planning, 17558
budgeting, and accounting purposes pursuant to rules adopted by 17559
the director of ~~mental health~~, mental health and addiction 17560
services or director of developmental disabilities, ~~or director of~~ 17561
~~alcohol and drug addiction services~~, any revenues or receipts 17562
derived by the commission from the operation, leasing, or other 17563
disposition of capital facilities financed under this section, the 17564
proceeds of obligations issued under this section and sections 17565
154.11 and 154.12 of the Revised Code, and also means any gifts, 17566
grants, donations, and pledges, and receipts therefrom, available 17567
for the payment of bond service charges on such obligations. The 17568
issuing authority may pledge all, or such portion as that 17569
authority determines, of the available receipts to the payment of 17570
bond service charges on obligations issued under this section and 17571
under sections 154.11 and 154.12 of the Revised Code and for the 17572
establishment and maintenance of any reserves, as provided in the 17573
bond proceedings, and make other provisions therein with respect 17574
to such available receipts as authorized by this chapter, which 17575
provisions shall be controlling notwithstanding any other 17576
provision of law pertaining thereto. 17577

(D) The issuing authority may covenant in the bond 17578
proceedings that the state and state agencies shall, so long as 17579
any obligations issued under this section are outstanding, cause 17580
to be charged and collected charges for the treatment or care of 17581
mental hygiene and retardation patients sufficient in amount to 17582
provide for the payment of bond service charges on such 17583

obligations and for the establishment and maintenance of any 17584
reserves, as provided in the bond proceedings, and such covenants 17585
shall be controlling notwithstanding any other provision of law 17586
pertaining to such charges. 17587

(E) There is hereby created the mental health bond service 17588
trust fund, which shall be in the custody of the treasurer of 17589
state but shall be separate and apart from and not a part of the 17590
state treasury. All moneys received by or on account of the 17591
commission or issuing authority or state agencies and required by 17592
the applicable bond proceedings to be deposited, transferred, or 17593
credited to the fund, and all other moneys transferred or 17594
allocated to or received for the purposes of the fund, shall be 17595
deposited with the treasurer of state and credited to such fund, 17596
subject to applicable provisions of the bond proceedings, but 17597
without necessity for any act of appropriation. The mental health 17598
bond service trust fund is a trust fund and is hereby pledged to 17599
the payment of bond service charges on the obligations issued 17600
pursuant to this section and sections 154.11 and 154.12 of the 17601
Revised Code to the extent provided in the applicable bond 17602
proceedings, and payment thereof from such fund shall be made or 17603
provided for by the treasurer of state in accordance with such 17604
bond proceedings without necessity for any act of appropriation. 17605

(F) There is hereby created in the state treasury the mental 17606
health facilities improvement fund. Subject to the bond 17607
proceedings therefor, all of the proceeds of the sale of 17608
obligations pursuant to this section shall be credited to the 17609
fund, except that any accrued interest shall be credited to the 17610
mental health bond service fund. The mental health facilities 17611
improvement fund may also be comprised of gifts, grants, 17612
appropriated moneys, and other sums and securities received to the 17613
credit of such fund. All investment earnings on the cash balance 17614
in the fund shall be credited to the fund. The fund shall be 17615

applied only to the following purposes: 17616

(1) Paying costs of capital facilities for mental hygiene and 17617
retardation, including housing for mental hygiene and retardation 17618
patients or for persons with substance use disorders, under the 17619
jurisdiction of the department of ~~mental health~~, mental health and 17620
addiction services or department of developmental disabilities, ~~or~~ 17621
~~department of alcohol and drug addiction services~~; 17622

(2) Participating in capital facilities for mental hygiene 17623
and retardation, including housing for mental hygiene and 17624
retardation patients or for persons with substance use disorders, 17625
with the federal government, municipal corporations, counties, or 17626
other governmental agencies, or a nonprofit corporation 17627
specifically chartered to provide a mental health, substance use, 17628
or mental retardation service when such service fulfills a public 17629
purpose, which participation may be by grants or contributions to 17630
them for such capital facilities. Except as provided in division 17631
(G) of this section, the nonprofit corporation may act in concert 17632
with a limited partnership or a limited liability company eligible 17633
to participate in the nonprofit set-aside described in section 17634
42(h)(5) of the "Internal Revenue Code of 1986," 100 Stat. 2198, 17635
26 U.S.C. 42, and the Ohio housing finance agency's housing tax 17636
credit program for the purpose of making use of low-income housing 17637
tax credits in support of housing for mental hygiene and 17638
retardation patients. 17639

(G) A nonprofit corporation providing a mental retardation 17640
service must obtain written approval from the director of 17641
developmental disabilities before acting in concert with a limited 17642
partnership or limited liability company as described in division 17643
(F)(2) of this section. However, the director may issue one 17644
blanket approval for all such nonprofit corporations. 17645

(H) This section is to be applied with other applicable 17646
provisions of this chapter. 17647

Sec. 154.22. (A) Subject to authorization by the general 17648
assembly under section 154.02 of the Revised Code, the issuing 17649
authority may authorize and issue obligations pursuant to this 17650
chapter to pay costs of capital facilities for parks and 17651
recreation. 17652

(B) Any capital facilities for parks and recreation may be 17653
leased by the commission to the department of natural resources 17654
and other agreements may be made by the commission and such 17655
department with respect to the use or purchase of such capital 17656
facilities or, subject to the approval of the director of such 17657
department, the commission may lease such capital facilities to, 17658
and make other agreements with respect to their use or purchase 17659
with, any governmental agency having authority under law to 17660
operate such capital facilities, and the director of such 17661
department may sublease such capital facilities to, and make other 17662
agreements with respect to the use or purchase thereof with, any 17663
such governmental agency, or such director may sublease or 17664
contract for the operation of such capital facilities in 17665
accordance with the applicable provisions of sections 1501.09, 17666
1501.091, and 1501.10 of the Revised Code, all upon such terms and 17667
conditions as the parties may agree upon and pursuant to this 17668
chapter, notwithstanding any other provisions of law affecting the 17669
leasing, acquisition, or disposition of capital facilities by such 17670
parties. 17671

(C) For purposes of this section, "available receipts" means 17672
all receipts, including fees, charges, and rentals, derived or to 17673
be derived from state parks and public service facilities in any 17674
state park or parks, any other receipts of state agencies with 17675
respect to parks and recreational facilities, any revenues or 17676
receipts derived by the commission from the operation, leasing, or 17677
other disposition of capital facilities financed under this 17678
section, the proceeds of obligations issued under this section and 17679

sections 154.11 and 154.12 of the Revised Code, and also means any 17680
gifts, grants, donations, and pledges, and receipts thereon, 17681
available for the payment of bond service charges on obligations 17682
issued under this section. The issuing authority may pledge all, 17683
or such portion as it determines, of the available receipts to the 17684
payment of bond service charges on obligations issued under this 17685
section and sections 154.11 and 154.12 of the Revised Code and for 17686
the establishment and maintenance of any reserves, as provided in 17687
the bond proceedings, and make other provisions therein with 17688
respect to such available receipts as authorized by this chapter, 17689
which provisions shall be controlling notwithstanding any other 17690
provision of law pertaining thereto. 17691

(D) The issuing authority may covenant in the bond proceeding 17692
that the state and state agencies shall, so long as any 17693
obligations issued under this section are outstanding, cause to be 17694
charged and collected fees, charges, and rentals for the use of 17695
state parks and public service facilities and other fees and 17696
charges with respect to parks and recreation sufficient in amount 17697
to provide for the payment of bond service charges on such 17698
obligations and for the establishment and maintenance of any 17699
reserves as provided in the bond proceedings, and such covenants 17700
shall be controlling notwithstanding any other provision of law 17701
pertaining to such charges except any provision of law prohibiting 17702
or limiting charges for the use of swimming facilities of state 17703
parks and public service facilities by persons under sixteen years 17704
of age. 17705

(E) There is hereby created the parks and recreation bond 17706
service trust fund, which shall be in the custody of the treasurer 17707
of state but shall be separate and apart from and not a part of 17708
the state treasury. All moneys received by or on account of the 17709
commission or issuing authority or state agencies and required by 17710
the applicable bond proceedings to be deposited, transferred, or 17711

allocated to or received for the purposes of the trust fund shall 17712
be deposited with the treasurer of state and credited to such 17713
fund, subject to applicable provisions of the bond proceedings but 17714
without necessity for any act of appropriation. The trust fund is 17715
hereby pledged to the payment of bond service charges on the 17716
obligations issued pursuant to this section and sections 154.11 17717
and 154.12 of the Revised Code to the extent provided in the 17718
applicable bond proceedings, and payment thereof from such fund 17719
shall be made or provided for by the treasurer of state in 17720
accordance with such bond proceedings without necessity for any 17721
act of appropriation. 17722

(F) There is hereby created in the state treasury the parks 17723
and recreation improvement fund. Subject to the bond proceedings 17724
therefor, all of the proceeds of the sale of obligations issued 17725
pursuant to this section shall be credited to such fund, except 17726
that any accrued interest received shall be credited to the parks 17727
and recreation bond service trust fund. The parks and recreation 17728
improvement fund may also be comprised of gifts, grants, 17729
appropriated moneys, and other sums and securities received to the 17730
credit of such fund. Such fund shall be applied only to the 17731
purpose of paying costs of capital facilities for parks and 17732
recreation under the jurisdiction of the department of natural 17733
resources or for participation in capital facilities for parks and 17734
recreation with the federal government, municipal corporations, 17735
counties, or other governmental agencies, or any one or more of 17736
them, which participation may be by grants or contributions to 17737
them for such capital facilities. All investment earnings on the 17738
cash balance in the fund shall be credited to the fund. 17739

(G) All state parks shall be exclusively under the control 17740
and administration of the division of parks and recreation. With 17741
the approval of the recreation and resources council, the director 17742
of natural resources may by order remove from the classification 17743

as state parks any of the lands or interests therein referred to 17744
in divisions (M)(2) and (3) of section 154.01 of the Revised Code, 17745
subject to the limitations, provisions, and conditions in any 17746
order authorizing state park revenue bonds, in any trust agreement 17747
securing such bonds, or in bond proceedings with respect to 17748
obligations issued pursuant to this section. Lands or interests 17749
therein so removed shall be transferred to other divisions of the 17750
department for administration or may be sold as provided by law. 17751
Proceeds of any sale shall be used or transferred as provided in 17752
the order authorizing state park revenue bonds or in such trust 17753
agreement, or in bond proceedings with respect to obligations 17754
issued pursuant to this section, and if no such provision is made 17755
shall be transferred to the state park fund created by section 17756
1541.22 of the Revised Code. 17757

(H) This section shall be applied with other applicable 17758
provisions of this chapter. 17759

(I) Any instrument by which real property is acquired 17760
pursuant to this section shall identify the agency of the state 17761
that has the use and benefit of the real property as specified in 17762
section 5301.012 of the Revised Code. 17763

Sec. 154.23. (A) Subject to authorization by the general 17764
assembly under section 154.02 of the Revised Code, the issuing 17765
authority may issue obligations pursuant to this chapter to pay 17766
costs of capital facilities for Ohio cultural facilities and Ohio 17767
sports facilities. 17768

(B) The Ohio public facilities commission may lease any 17769
capital facilities for Ohio cultural facilities or Ohio sports 17770
facilities to, and make or provide for other agreements with 17771
respect to the use or purchase of such capital facilities with, 17772
the Ohio ~~cultural~~ facilities construction commission and, with the 17773
Ohio ~~cultural~~ facilities construction commission's approval, any 17774

governmental agency having authority under law to operate such 17775
capital facilities. ~~Any lease or agreement shall be subject to~~ 17776
~~Chapter 3383. of the Revised Code.~~ 17777

(C) For purposes of this section, "available receipts" means 17778
any revenues or receipts derived by the Ohio public facilities 17779
commission from the operation, leasing, or other disposition of 17780
capital facilities financed under this section, the proceeds of 17781
obligations issued under this section and section 154.11 or 154.12 17782
of the Revised Code, and also means any gifts, grants, donations, 17783
and pledges, and receipts thereon, available for the payment of 17784
bond service charges on obligations issued under this section. The 17785
issuing authority may pledge all, or such portion as it 17786
determines, of the available receipts to the payment of bond 17787
service charges on obligations issued under this section and 17788
section 154.11 or 154.12 of the Revised Code and for the 17789
establishment and maintenance of any reserves, as provided in the 17790
bond proceedings, and make other provisions therein with respect 17791
to such available receipts as authorized by this chapter, which 17792
provisions shall be controlling notwithstanding any other 17793
provision of law pertaining thereto. 17794

(D) There is hereby created one or more funds, as determined 17795
by the issuing authority in the bond proceedings, designated as 17796
the "Ohio cultural facilities ~~commission~~ bond service fund" with, 17797
if more than one such fund, such further identifying name as the 17798
issuing authority determines, which shall be in the custody of the 17799
treasurer of state but shall be separate and apart from and not a 17800
part of the state treasury. All money received by or on account of 17801
the issuing authority or the Ohio ~~cultural~~ facilities construction 17802
commission and required by the applicable bond proceedings to be 17803
deposited, transferred, or credited to the Ohio cultural 17804
facilities ~~commission~~ bond service fund, and all other money 17805
transferred or allocated to or received for the purposes of that 17806

fund shall be deposited with the treasurer of state and credited 17807
to the applicable fund, subject to applicable provisions of the 17808
bond proceedings, but without necessity of any act or 17809
appropriation. The Ohio cultural facilities ~~commission~~ bond 17810
service funds are trust funds and are hereby pledged to the 17811
payment of bond service charges on the applicable obligations 17812
issued pursuant to this section and section 154.11 or 154.12 of 17813
the Revised Code to the extent provided in the applicable bond 17814
proceedings, and payment thereof from such funds shall be made or 17815
provided for by the treasurer of state in accordance with the 17816
applicable bond proceedings without necessity for any act or 17817
appropriation. 17818

(E) This section is to be applied with other applicable 17819
provisions of this chapter. 17820

Sec. 154.25. (A) As used in this section: 17821

(1) "Available community or technical college receipts" means 17822
all money received by a community or technical college or 17823
community or technical college district, including income, 17824
revenues, and receipts from the operation, ownership, or control 17825
of facilities, grants, gifts, donations, and pledges and receipts 17826
therefrom, receipts from fees and charges, the allocated state 17827
share of instruction as defined in section ~~3333.90~~ 3333.59 of the 17828
Revised Code, and the proceeds of the sale of obligations, 17829
including proceeds of obligations issued to refund obligations 17830
previously issued, but excluding any special fee, and receipts 17831
therefrom, charged pursuant to division (D) of section 154.21 of 17832
the Revised Code. 17833

(2) "Community or technical college," "college," "community 17834
or technical college district," and "district" have the same 17835
meanings as in section ~~3333.90~~ 3333.59 of the Revised Code. 17836

(3) "Community or technical college capital facilities" means 17837

auxiliary facilities, education facilities, and housing and dining 17838
facilities, as those terms are defined in section 3345.12 of the 17839
Revised Code, to the extent permitted to be financed by the 17840
issuance of obligations under division (A)(2) of section 3357.112 17841
of the Revised Code, that are authorized by sections 3354.121, 17842
3357.112, and 3358.10 of the Revised Code to be financed by 17843
obligations issued by a community or technical college district, 17844
and for which the issuing authority is authorized to issue 17845
obligations pursuant to this section, and includes any one, part 17846
of, or any combination of the foregoing, and further includes site 17847
improvements, utilities, machinery, furnishings, and any separate 17848
or connected buildings, structures, improvements, sites, open 17849
space and green space areas, utilities, or equipment to be used 17850
in, or in connection with the operation or maintenance of, or 17851
supplementing or otherwise related to the services or facilities 17852
to be provided by, such facilities. 17853

(4) "Cost of community or technical college capital 17854
facilities" means the costs of acquiring, constructing, 17855
reconstructing, rehabilitating, remodeling, renovating, enlarging, 17856
improving, equipping, or furnishing community or technical college 17857
capital facilities, and the financing thereof, including the cost 17858
of clearance and preparation of the site and of any land to be 17859
used in connection with community or technical college capital 17860
facilities, the cost of any indemnity and surety bonds and 17861
premiums on insurance, all related direct administrative expenses 17862
and allocable portions of direct costs of the commission and the 17863
issuing authority, community or technical college or community or 17864
technical college district, cost of engineering, architectural 17865
services, design, plans, specifications and surveys, estimates of 17866
cost, legal fees, fees and expenses of trustees, depositories, 17867
bond registrars, and paying agents for obligations, cost of 17868
issuance of obligations and financing costs and fees and expenses 17869
of financial advisers and consultants in connection therewith, 17870

interest on obligations from the date thereof to the time when 17871
interest is to be covered by available receipts or other sources 17872
other than proceeds of those obligations, amounts necessary to 17873
establish reserves as required by the bond proceedings, costs of 17874
audits, the reimbursements of all moneys advanced or applied by or 17875
borrowed from the community or technical college, community or 17876
technical college district, or others, from whatever source 17877
provided, including any temporary advances from state 17878
appropriations, for the payment of any item or items of cost of 17879
community or technical college facilities, and all other expenses 17880
necessary or incident to planning or determining feasibility or 17881
practicability with respect to such facilities, and such other 17882
expenses as may be necessary or incident to the acquisition, 17883
construction, reconstruction, rehabilitation, remodeling, 17884
renovation, enlargement, improvement, equipment, and furnishing of 17885
community or technical college capital facilities, the financing 17886
thereof and the placing of them in use and operation, including 17887
any one, part of, or combination of such classes of costs and 17888
expenses. 17889

(5) "Capital facilities" includes community or technical 17890
college capital facilities. 17891

(6) "Obligations" has the same meaning as in section 154.01 17892
or 3345.12 of the Revised Code, as the context requires. 17893

(B) The issuing authority is authorized to issue revenue 17894
obligations under Section 2i of Article VIII, Ohio Constitution, 17895
on behalf of a community or technical college district and shall 17896
cause the net proceeds thereof, after any deposits of accrued 17897
interest for the payment of bond service charges and after any 17898
deposit of all or such lesser portion as the issuing authority may 17899
direct of the premium received upon the sale of those obligations 17900
for the payment of the bond service charges, to be applied to the 17901
cost of community or technical college capital facilities, 17902

provided that the issuance of such obligations is subject to the 17903
execution of a written agreement in accordance with division (C) 17904
of section ~~3333.90~~ 3333.59 of the Revised Code for the withholding 17905
and depositing of funds otherwise due the district, or the college 17906
it operates, in respect of its allocated state share of 17907
instruction. 17908

(C) The bond service charges and all other payments required 17909
to be made by the trust agreement or indenture securing the 17910
obligations shall be payable solely from available community or 17911
technical college receipts pledged thereto as provided in the 17912
resolution. The available community or technical college receipts 17913
pledged and thereafter received by the commission are immediately 17914
subject to the lien of such pledge without any physical delivery 17915
thereof or further act, and the lien of any such pledge is valid 17916
and binding against all parties having claims of any kind against 17917
the authority, irrespective of whether those parties have notice 17918
thereof, and creates a perfected security interest for all 17919
purposes of Chapter 1309. of the Revised Code and a perfected lien 17920
for purposes of any real property interest, all without the 17921
necessity for separation or delivery of funds or for the filing or 17922
recording of the resolution, trust agreement, indenture, or other 17923
agreement by which such pledge is created or any certificate, 17924
statement, or other document with respect thereto; and the pledge 17925
of such available community or technical college receipts is 17926
effective and the money therefrom and thereof may be applied to 17927
the purposes for which pledged. Every pledge, and every covenant 17928
and agreement made with respect to the pledge, made in the 17929
resolution may therein be extended to the benefit of the owners 17930
and holders of obligations authorized by this section, and to any 17931
trustee therefor, for the further securing of the payment of the 17932
bond service charges, and all or any rights under any agreement or 17933
lease made under this section may be assigned for such purpose. 17934

(D) This section is to be applied with other applicable 17935
provisions of this chapter. 17936

Sec. 156.02. The executive director of ~~administrative~~ 17937
~~services~~ the Ohio facilities construction commission may contract 17938
with an energy or a water services company, architect, 17939
professional engineer, contractor, or other person experienced in 17940
the design and implementation of energy or water conservation 17941
measures for a report containing an analysis and recommendations 17942
pertaining to the implementation of energy or water conservation 17943
measures that result in energy, water, or wastewater cost savings, 17944
operating cost savings, or avoided capital costs for the 17945
institution. The report shall include estimates of all costs of 17946
such installations, including the costs of design, engineering, 17947
installation, maintenance, repairs, and debt service, and 17948
estimates of the energy, water, or wastewater cost savings, 17949
operating cost savings, and avoided capital costs created. 17950

Sec. 156.03. (A) If the executive director of ~~administrative~~ 17951
~~services~~ the Ohio facilities construction commission wishes to 17952
enter into an installment payment contract pursuant to section 17953
156.04 of the Revised Code or any other contract to implement one 17954
or more energy or water saving measures, the executive director 17955
may proceed under Chapter 153. of the Revised Code, or, 17956
alternatively, the executive director may request the controlling 17957
board to exempt the contract from Chapter 153. of the Revised 17958
Code. 17959

If the controlling board by a majority vote approves an 17960
exemption, that chapter shall not apply to the contract and 17961
instead the executive director shall request proposals from at 17962
least three parties for the implementation of the energy or water 17963
saving measures. Prior to providing any interested party a copy of 17964
any such request, the executive director shall advertise, in a 17965

newspaper of general circulation in the county where the contract 17966
is to be performed, and may advertise by electronic means pursuant 17967
to rules adopted by the executive director, the executive 17968
director's intent to request proposals for the implementation of 17969
the energy or water saving measures. The notice shall invite 17970
interested parties to submit proposals for consideration and shall 17971
be published at least thirty days prior to the date for accepting 17972
proposals. 17973

(B) Upon receiving the proposals, the executive director 17974
shall analyze them and, after considering the cost estimates of 17975
each proposal and the availability of funds to pay for each with 17976
current appropriations or by financing the cost of each through an 17977
installment payment contract under section 156.04 of the Revised 17978
Code, may select one or more proposals or reject all proposals. In 17979
selecting proposals, the executive director shall select the one 17980
or more proposals most likely to result in the greatest energy, 17981
water, or wastewater savings, operating costs savings, and avoided 17982
capital costs created. 17983

(C) No contract shall be awarded to implement energy or water 17984
saving measures under this section, unless the executive director 17985
finds that both of the following circumstances exists: 17986

(1) Not less than one-fifteenth of the costs of the contract 17987
shall be paid within two years from the date of purchase; 17988

(2) In the case of a contract for a cogeneration system 17989
described in division (B)(8) of section 156.01 of the Revised 17990
Code, the remaining balance of the cost of the contract shall be 17991
paid within twenty years from the date of purchase, and, in the 17992
case of all other contracts, fifteen years. 17993

Sec. 156.04. (A) In accordance with this section and section 17994
156.03 of the Revised Code, the executive director of 17995
~~administrative services~~ the Ohio facilities construction 17996

commission may enter into an installment payment contract for the 17997
implementation of one or more energy or water saving measures. If 17998
the executive director wishes an installment payment contract to 17999
be exempted from Chapter 153. of the Revised Code, the executive 18000
director shall proceed pursuant to section 156.03 of the Revised 18001
Code. 18002

(B) Any installment payment contract under this section shall 18003
provide that all payments, except payments for repairs and 18004
obligations on termination of the contract prior to its 18005
expiration, are to be a stated percentage of calculated energy, 18006
water, or wastewater cost savings, operating costs, and avoided 18007
capital costs attributable to the one or more measures over a 18008
defined period of time and are to be made only to the extent that 18009
those calculated amounts actually occur. No such contract shall 18010
contain either of the following: 18011

(1) A requirement of any additional capital investment or 18012
contribution of funds, other than funds available from state or 18013
federal grants; 18014

(2) In the case of a contract for a cogeneration system 18015
described in division (B)(8) of section 156.01 of the Revised 18016
Code, a payment term longer than twenty years, and, in the case of 18017
all other contracts, a payment term longer than fifteen years. 18018

(C) Any installment payment contract entered into under this 18019
section shall terminate no later than the last day of the fiscal 18020
biennium for which funds have been appropriated to the ~~department~~ 18021
~~of administrative services~~ Ohio facilities construction commission 18022
by the general assembly and shall be renewed in each succeeding 18023
fiscal biennium in which any balance of the contract remains 18024
unpaid, provided that both an appropriation for that succeeding 18025
fiscal biennium and the certification required by section 126.07 18026
of the Revised Code are made. 18027

(D) Any installment payment contract entered into under this 18028
section shall be eligible for financing provided through the Ohio 18029
air quality development authority under Chapter 3706. of the 18030
Revised Code. 18031

Sec. 156.05. In accordance with Chapter 119. of the Revised 18032
Code, the executive director of ~~administrative services~~ the Ohio 18033
facilities construction commission shall adopt, and enforce rules 18034
necessary to administer sections 156.01 to 156.04 of the Revised 18035
Code. Rules adopted under this section shall establish procedures 18036
by which the executive director may authorize in ~~his~~ the executive 18037
director's stead the manager of any building owned by the state to 18038
enter into contracts authorized under sections 156.01 to 156.04 of 18039
the Revised Code. 18040

Sec. 166.02. (A) The general assembly finds that many local 18041
areas throughout the state are experiencing economic stagnation or 18042
decline, and that the economic development programs provided for 18043
in this chapter will constitute deserved, necessary reinvestment 18044
by the state in those areas, materially contribute to their 18045
economic revitalization, and result in improving the economic 18046
welfare of all the people of the state. Accordingly, it is 18047
declared to be the public policy of the state, through the 18048
operations of this chapter and other applicable laws adopted 18049
pursuant to Section 2p or 13 of Article VIII, Ohio Constitution, 18050
and other authority vested in the general assembly, to assist in 18051
and facilitate the establishment or development of eligible 18052
projects or assist and cooperate with any governmental agency in 18053
achieving such purpose. 18054

(B) In furtherance of such public policy and to implement 18055
such purpose, the director of development may: 18056

(1) After consultation with appropriate governmental 18057

agencies, enter into agreements with persons engaged in industry, 18058
commerce, distribution, or research and with governmental agencies 18059
to induce such persons to acquire, construct, reconstruct, 18060
rehabilitate, renovate, enlarge, improve, equip, or furnish, or 18061
otherwise develop, eligible projects and make provision therein 18062
for project facilities and governmental actions, as authorized by 18063
this chapter and other applicable laws, subject to any required 18064
actions by the general assembly or the controlling board and 18065
subject to applicable local government laws and regulations; 18066

(2) Provide for the guarantees and loans as provided for in 18067
sections 166.06 and 166.07 of the Revised Code; 18068

(3) Subject to release of such moneys by the controlling 18069
board, contract for labor and materials needed for, or contract 18070
with others, including governmental agencies, to provide, project 18071
facilities the allowable costs of which are to be paid for or 18072
reimbursed from moneys in the facilities establishment fund, and 18073
contract for the operation of such project facilities; 18074

(4) Subject to release thereof by the controlling board, from 18075
moneys in the facilities establishment fund acquire or contract to 18076
acquire by gift, exchange, or purchase, including the obtaining 18077
and exercise of purchase options, property, and convey or 18078
otherwise dispose of, or provide for the conveyance or disposition 18079
of, property so acquired or contracted to be acquired by sale, 18080
exchange, lease, lease purchase, conditional or installment sale, 18081
transfer, or other disposition, including the grant of an option 18082
to purchase, to any governmental agency or to any other person 18083
without necessity for competitive bidding and upon such terms and 18084
conditions and manner of consideration pursuant to and as the 18085
director determines to be appropriate to satisfy the objectives of 18086
sections 166.01 to 166.11 of the Revised Code; 18087

(5) Retain the services of or employ financial consultants, 18088
appraisers, consulting engineers, superintendents, managers, 18089

construction and accounting experts, attorneys, and employees, 18090
agents, and independent contractors as are necessary in the 18091
director's judgment and fix the compensation for their services; 18092

(6) Receive and accept from any person grants, gifts, and 18093
contributions of money, property, labor, and other things of 18094
value, to be held, used and applied only for the purpose for which 18095
such grants, gifts, and contributions are made; 18096

(7) Enter into appropriate arrangements and agreements with 18097
any governmental agency for the taking or provision by that 18098
governmental agency of any governmental action; 18099

(8) Do all other acts and enter into contracts and execute 18100
all instruments necessary or appropriate to carry out the 18101
provisions of this chapter; 18102

(9) Adopt rules to implement any of the provisions of this 18103
chapter applicable to the director. 18104

(C) The determinations by the director that facilities 18105
constitute eligible projects, that facilities are project 18106
facilities, that costs of such facilities are allowable costs, and 18107
all other determinations relevant thereto or to an action taken or 18108
agreement entered into shall be conclusive for purposes of the 18109
validity and enforceability of rights of parties arising from 18110
actions taken and agreements entered into under this chapter. 18111

(D) Except as otherwise prescribed in this chapter, all 18112
expenses and obligations incurred by the director in carrying out 18113
the director's powers and in exercising the director's duties 18114
under this chapter, shall be payable solely from, as appropriate, 18115
moneys in the facilities establishment fund, the loan guarantee 18116
fund, the innovation Ohio loan guarantee fund, the innovation Ohio 18117
loan fund, the research and development loan fund, the logistics 18118
and distribution infrastructure fund, ~~the logistics and~~ 18119
~~distribution infrastructure taxable bond fund,~~ or moneys 18120

appropriated for such purpose by the general assembly. This 18121
chapter does not authorize the director or the issuing authority 18122
under section 166.08 of the Revised Code to incur bonded 18123
indebtedness of the state or any political subdivision thereof, or 18124
to obligate or pledge moneys raised by taxation for the payment of 18125
any bonds or notes issued or guarantees made pursuant to this 18126
chapter. 18127

(E) Any governmental agency may enter into an agreement with 18128
the director, any other governmental agency, or a person to be 18129
assisted under this chapter, to take or provide for the purposes 18130
of this chapter any governmental action it is authorized to take 18131
or provide, and to undertake on behalf and at the request of the 18132
director any action which the director is authorized to undertake 18133
pursuant to divisions (B)(3), (4), and (5) of this section or 18134
divisions (B)(3), (4), and (5) of section 166.12 of the Revised 18135
Code. Governmental agencies of the state shall cooperate with and 18136
provide assistance to the director of development and the 18137
controlling board in the exercise of their respective functions 18138
under this chapter. 18139

Sec. 166.03. (A) There is hereby created the facilities 18140
establishment fund within the state treasury, consisting of 18141
proceeds from the issuance of obligations as specified under 18142
section 166.08 of the Revised Code; the moneys received by the 18143
state from the sources specified in section 166.09 of the Revised 18144
Code; service charges imposed under sections 166.06 and 166.07 of 18145
the Revised Code; any grants, gifts, or contributions of moneys 18146
received by the director of development services to be used for 18147
loans made under section 166.07 of the Revised Code or for the 18148
payment of the allowable costs of project facilities; and all 18149
other moneys appropriated or transferred to the fund. Moneys in 18150
the loan guarantee fund in excess of the loan guarantee reserve 18151
requirement, but subject to the provisions and requirements of any 18152

guarantee contracts, may be transferred to the facilities 18153
establishment fund by the treasurer of state upon the order of the 18154
director of development services. Moneys received by the state 18155
under Chapter 122. of the Revised Code, to the extent allocable to 18156
the utilization of moneys derived from proceeds of the sale of 18157
obligations pursuant to section 166.08 of the Revised Code, shall 18158
be credited to the facilities establishment fund. All investment 18159
earnings on the cash balance in the fund shall be credited to the 18160
fund. 18161

(B) All moneys appropriated or transferred to the facilities 18162
establishment fund may be released at the request of the director 18163
of development services for payment of allowable costs or the 18164
making of loans under section 166.07 of the Revised Code, for 18165
transfer to the loan guarantee fund established in section 166.06 18166
of the Revised Code, or for use for the purpose of or transfer to 18167
the funds established by sections 122.35, 122.42, 122.54, 122.55, 18168
122.56, 122.561, 122.57, 122.601, and 122.80 of the Revised Code 18169
and, until July 1, 2003, the fund established by section 166.031 18170
of the Revised Code, and, until July 1, 2007, the fund established 18171
by section 122.26 of the Revised Code, but only for such of those 18172
purposes as are within the authorization of Section 13 of Article 18173
VIII, Ohio Constitution, in all cases subject to the approval of 18174
the controlling board. 18175

(C) The ~~department~~ of development services agency, in the 18176
administration of the facilities establishment fund, is encouraged 18177
to utilize and promote the utilization of, to the maximum 18178
practicable extent, the other existing programs, business 18179
incentives, and tax incentives that department is required or 18180
authorized to administer or supervise. 18181

Sec. 166.04. (A) Prior to entering into each agreement to 18182
provide assistance under sections 166.02, 166.06, and 166.07 of 18183

the Revised Code, the director of development services shall 18184
determine whether the assistance will conform to the requirements 18185
of sections 166.01 to 166.11 of the Revised Code. Such 18186
determination, and the facts upon which it is based, shall be set 18187
forth, where required, by the director in submissions made to the 18188
controlling board when the director seeks a release of moneys 18189
under section 166.02 of the Revised Code. An agreement to provide 18190
assistance under sections 166.02, 166.06, and 166.07 of the 18191
Revised Code shall set forth such determination, which shall be 18192
conclusive for purposes of the validity and enforceability of such 18193
agreement and any loan guarantees, loans, or other agreements 18194
entered into pursuant to such agreement to provide assistance. 18195

(B) Whenever a person applies for financial assistance under 18196
sections 166.02, 166.06, and 166.07 of the Revised Code and the 18197
project for which assistance is requested is to relocate 18198
facilities that are currently being operated by the person and 18199
that are located in another county, municipal corporation, or 18200
township, the ~~director~~ person shall provide written notification 18201
of the relocation to the appropriate local governmental bodies ~~and~~ 18202
~~state officials. The~~ Prior to entering into an agreement to 18203
provide the assistance, the director shall verify that such 18204
notification ~~shall contain the following information:~~ 18205

~~(1) The name of the person applying for financial assistance;~~ 18206

~~(2) The county, and the municipal corporation or township, in 18207
which the project for which assistance is requested is located;~~ 18208
~~and~~ 18209

~~(3) The county, and the municipal corporation or township, in 18210
which the facility to be replaced is located has been provided.~~ 18211

(C) As used in division (B) of this section: 18212

~~(1),~~ "Appropriate appropriate local governmental bodies" 18213
means: 18214

~~(a)(1) The boards board of county commissioners or 18215
legislative authorities authority of the county in which the 18216
project for which assistance is requested is located and of the 18217
county in which the facility to be replaced is located; 18218~~

~~(b)(2) The legislative authority of the municipal corporation 18219
or the board of township trustees of the township in which the 18220
project for which assistance is requested is located; and 18221~~

~~(c) The legislative authority of the municipal corporation or 18222
the board of township trustees of the township in which the 18223
facility to be replaced is located. 18224~~

~~(2) "State officials" means: 18225~~

~~(a) The state representative and state senator in whose 18226
districts the project for which assistance is requested is 18227
located; 18228~~

~~(b) The state representative and state senator in whose 18229
districts the facility to be replaced is located. 18230~~

Sec. 166.08. (A) As used in this chapter: 18231

(1) "Bond proceedings" means the resolution, order, trust 18232
agreement, indenture, lease, and other agreements, amendments and 18233
supplements to the foregoing, or any one or more or combination 18234
thereof, authorizing or providing for the terms and conditions 18235
applicable to, or providing for the security or liquidity of, 18236
obligations issued pursuant to this section, and the provisions 18237
contained in such obligations. 18238

(2) "Bond service charges" means principal, including 18239
mandatory sinking fund requirements for retirement of obligations, 18240
and interest, and redemption premium, if any, required to be paid 18241
by the state on obligations. 18242

(3) "Bond service fund" means the applicable fund and 18243
accounts therein created for and pledged to the payment of bond 18244

service charges, which may be, or may be part of, the economic 18245
development bond service fund created by division (S) of this 18246
section including all moneys and investments, and earnings from 18247
investments, credited and to be credited thereto. 18248

(4) "Issuing authority" means the treasurer of state, or the 18249
officer who by law performs the functions of such officer. 18250

(5) "Obligations" means bonds, notes, or other evidence of 18251
obligation including interest coupons pertaining thereto, issued 18252
pursuant to this section. 18253

(6) "Pledged receipts" means all receipts of the state 18254
representing the gross profit on the sale of spirituous liquor, as 18255
referred to in division (B)(4) of section 4301.10 of the Revised 18256
Code, after paying all costs and expenses of the division of 18257
liquor control and providing an adequate working capital reserve 18258
for the division of liquor control as provided in that division, 18259
but excluding the sum required by the second paragraph of section 18260
4301.12 of the Revised Code, as in effect on May 2, 1980, to be 18261
paid into the state treasury; moneys accruing to the state from 18262
the lease, sale, or other disposition, or use, of project 18263
facilities, and from the repayment, including interest, of loans 18264
made from proceeds received from the sale of obligations; accrued 18265
interest received from the sale of obligations; income from the 18266
investment of the special funds; and any gifts, grants, donations, 18267
and pledges, and receipts therefrom, available for the payment of 18268
bond service charges. 18269

(7) "Special funds" or "funds" means, except where the 18270
context does not permit, the bond service fund, and any other 18271
funds, including reserve funds, created under the bond 18272
proceedings, and the economic development bond service fund 18273
created by division (S) of this section to the extent provided in 18274
the bond proceedings, including all moneys and investments, and 18275
earnings from investment, credited and to be credited thereto. 18276

(B) Subject to the limitations provided in section 166.11 of 18277
the Revised Code, the issuing authority, upon the certification by 18278
the director of development or, with respect to eligible advanced 18279
energy projects, the Ohio air quality development authority to the 18280
issuing authority of the amount of moneys or additional moneys 18281
needed in the facilities establishment fund, the loan guarantee 18282
fund, the innovation Ohio loan fund, the innovation Ohio loan 18283
guarantee fund, the research and development loan fund, the 18284
logistics and distribution infrastructure fund, ~~the logistics and~~ 18285
~~distribution infrastructure taxable bond fund,~~ the advanced energy 18286
research and development fund, or the advanced energy research and 18287
development taxable fund, as applicable, for the purpose of 18288
paying, or making loans for, allowable costs from the facilities 18289
establishment fund, allowable innovation costs from the innovation 18290
Ohio loan fund, allowable costs from the research and development 18291
loan fund, allowable costs from the logistics and distribution 18292
infrastructure fund, ~~allowable costs from the logistics and~~ 18293
~~distribution infrastructure taxable bond fund,~~ allowable costs 18294
from the advanced energy research and development fund, or 18295
allowable costs from the advanced energy research and development 18296
taxable fund, as applicable, or needed for capitalized interest, 18297
for funding reserves, and for paying costs and expenses incurred 18298
in connection with the issuance, carrying, securing, paying, 18299
redeeming, or retirement of the obligations or any obligations 18300
refunded thereby, including payment of costs and expenses relating 18301
to letters of credit, lines of credit, insurance, put agreements, 18302
standby purchase agreements, indexing, marketing, remarketing and 18303
administrative arrangements, interest swap or hedging agreements, 18304
and any other credit enhancement, liquidity, remarketing, renewal, 18305
or refunding arrangements, all of which are authorized by this 18306
section, or providing moneys for the loan guarantee fund or the 18307
innovation Ohio loan guarantee fund, as provided in this chapter 18308
or needed for the purposes of funds established in accordance with 18309

or pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 18310
122.561, 122.57, and 122.80 of the Revised Code which are within 18311
the authorization of Section 13 of Article VIII, Ohio 18312
Constitution, or, with respect to certain eligible advanced energy 18313
projects, Section 2p of Article VIII, Ohio Constitution, shall 18314
issue obligations of the state under this section in the required 18315
amount; provided that such obligations may be issued to satisfy 18316
the covenants in contracts of guarantee made under section 166.06 18317
or 166.15 of the Revised Code, notwithstanding limitations 18318
otherwise applicable to the issuance of obligations under this 18319
section. The proceeds of such obligations, except for the portion 18320
to be deposited in special funds, including reserve funds, as may 18321
be provided in the bond proceedings, shall as provided in the bond 18322
proceedings be deposited by the director of development to the 18323
facilities establishment fund, the loan guarantee fund, the 18324
innovation Ohio loan guarantee fund, the innovation Ohio loan 18325
fund, the research and development loan fund, or the logistics and 18326
distribution infrastructure fund, ~~or the logistics and~~ 18327
~~distribution infrastructure taxable bond fund~~, or be deposited by 18328
the Ohio air quality development authority to the advanced energy 18329
research and development fund or the advanced energy research and 18330
development taxable fund. Bond proceedings for project financing 18331
obligations may provide that the proceeds derived from the 18332
issuance of such obligations shall be deposited into such fund or 18333
funds provided for in the bond proceedings and, to the extent 18334
provided for in the bond proceedings, such proceeds shall be 18335
deemed to have been deposited into the facilities establishment 18336
fund and transferred to such fund or funds. The issuing authority 18337
may appoint trustees, paying agents, and transfer agents and may 18338
retain the services of financial advisors, accounting experts, and 18339
attorneys, and retain or contract for the services of marketing, 18340
remarketing, indexing, and administrative agents, other 18341
consultants, and independent contractors, including printing 18342

services, as are necessary in the issuing authority's judgment to 18343
carry out this section. The costs of such services are allowable 18344
costs payable from the facilities establishment fund or the 18345
research and development loan fund, allowable innovation costs 18346
payable from the innovation Ohio loan fund, or allowable costs 18347
payable from the logistics and distribution infrastructure fund, 18348
~~the logistics and distribution infrastructure taxable bond fund,~~ 18349
the advanced energy research and development fund, or the advanced 18350
energy research and development taxable fund, as applicable. 18351

(C) The holders or owners of such obligations shall have no 18352
right to have moneys raised by taxation obligated or pledged, and 18353
moneys raised by taxation shall not be obligated or pledged, for 18354
the payment of bond service charges. Such holders or owners shall 18355
have no rights to payment of bond service charges from any moneys 18356
accruing to the state from the lease, sale, or other disposition, 18357
or use, of project facilities, or from payment of the principal of 18358
or interest on loans made, or fees charged for guarantees made, or 18359
from any money or property received by the director, treasurer of 18360
state, or the state under Chapter 122. of the Revised Code, or 18361
from any other use of the proceeds of the sale of the obligations, 18362
and no such moneys may be used for the payment of bond service 18363
charges, except for accrued interest, capitalized interest, and 18364
reserves funded from proceeds received upon the sale of the 18365
obligations and except as otherwise expressly provided in the 18366
applicable bond proceedings pursuant to written directions by the 18367
director. The right of such holders and owners to payment of bond 18368
service charges is limited to all or that portion of the pledged 18369
receipts and those special funds pledged thereto pursuant to the 18370
bond proceedings in accordance with this section, and each such 18371
obligation shall bear on its face a statement to that effect. 18372

(D) Obligations shall be authorized by resolution or order of 18373
the issuing authority and the bond proceedings shall provide for 18374

the purpose thereof and the principal amount or amounts, and shall 18375
provide for or authorize the manner or agency for determining the 18376
principal maturity or maturities, not exceeding twenty-five years 18377
from the date of issuance, the interest rate or rates or the 18378
maximum interest rate, the date of the obligations and the dates 18379
of payment of interest thereon, their denomination, and the 18380
establishment within or without the state of a place or places of 18381
payment of bond service charges. Sections 9.98 to 9.983 of the 18382
Revised Code are applicable to obligations issued under this 18383
section, subject to any applicable limitation under section 166.11 18384
of the Revised Code. The purpose of such obligations may be stated 18385
in the bond proceedings in terms describing the general purpose or 18386
purposes to be served. The bond proceedings also shall provide, 18387
subject to the provisions of any other applicable bond 18388
proceedings, for the pledge of all, or such part as the issuing 18389
authority may determine, of the pledged receipts and the 18390
applicable special fund or funds to the payment of bond service 18391
charges, which pledges may be made either prior or subordinate to 18392
other expenses, claims, or payments, and may be made to secure the 18393
obligations on a parity with obligations theretofore or thereafter 18394
issued, if and to the extent provided in the bond proceedings. The 18395
pledged receipts and special funds so pledged and thereafter 18396
received by the state are immediately subject to the lien of such 18397
pledge without any physical delivery thereof or further act, and 18398
the lien of any such pledges is valid and binding against all 18399
parties having claims of any kind against the state or any 18400
governmental agency of the state, irrespective of whether such 18401
parties have notice thereof, and shall create a perfected security 18402
interest for all purposes of Chapter 1309. of the Revised Code, 18403
without the necessity for separation or delivery of funds or for 18404
the filing or recording of the bond proceedings by which such 18405
pledge is created or any certificate, statement or other document 18406
with respect thereto; and the pledge of such pledged receipts and 18407

special funds is effective and the money therefrom and thereof may 18408
be applied to the purposes for which pledged without necessity for 18409
any act of appropriation. Every pledge, and every covenant and 18410
agreement made with respect thereto, made in the bond proceedings 18411
may therein be extended to the benefit of the owners and holders 18412
of obligations authorized by this section, and to any trustee 18413
therefor, for the further security of the payment of the bond 18414
service charges. 18415

(E) The bond proceedings may contain additional provisions as 18416
to: 18417

(1) The redemption of obligations prior to maturity at the 18418
option of the issuing authority at such price or prices and under 18419
such terms and conditions as are provided in the bond proceedings; 18420

(2) Other terms of the obligations; 18421

(3) Limitations on the issuance of additional obligations; 18422

(4) The terms of any trust agreement or indenture securing 18423
the obligations or under which the same may be issued; 18424

(5) The deposit, investment and application of special funds, 18425
and the safeguarding of moneys on hand or on deposit, without 18426
regard to Chapter 131. or 135. of the Revised Code, but subject to 18427
any special provisions of this chapter, with respect to particular 18428
funds or moneys, provided that any bank or trust company which 18429
acts as depository of any moneys in the special funds may furnish 18430
such indemnifying bonds or may pledge such securities as required 18431
by the issuing authority; 18432

(6) Any or every provision of the bond proceedings being 18433
binding upon such officer, board, commission, authority, agency, 18434
department, or other person or body as may from time to time have 18435
the authority under law to take such actions as may be necessary 18436
to perform all or any part of the duty required by such provision; 18437

(7) Any provision that may be made in a trust agreement or indenture; 18438
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(8) Any other or additional agreements with the holders of the obligations, or the trustee therefor, relating to the obligations or the security therefor, including the assignment of mortgages or other security obtained or to be obtained for loans under section 122.43, 166.07, or 166.16 of the Revised Code. 18440
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(F) The obligations may have the great seal of the state or a facsimile thereof affixed thereto or printed thereon. The obligations and any coupons pertaining to obligations shall be signed or bear the facsimile signature of the issuing authority. Any obligations or coupons may be executed by the person who, on the date of execution, is the proper issuing authority although on the date of such bonds or coupons such person was not the issuing authority. If the issuing authority whose signature or a facsimile of whose signature appears on any such obligation or coupon ceases to be the issuing authority before delivery thereof, such signature or facsimile is nevertheless valid and sufficient for all purposes as if the former issuing authority had remained the issuing authority until such delivery; and if the seal to be affixed to obligations has been changed after a facsimile of the seal has been imprinted on such obligations, such facsimile seal shall continue to be sufficient as to such obligations and obligations issued in substitution or exchange therefor. 18445
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(G) All obligations are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. The obligations may be issued in coupon or in registered form, or both, as the issuing authority determines. Provision may be made for the registration of any obligations with coupons attached thereto as to principal alone or as to both principal and interest, their exchange for obligations so registered, and for the conversion or reconversion 18462
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into obligations with coupons attached thereto of any obligations 18470
registered as to both principal and interest, and for reasonable 18471
charges for such registration, exchange, conversion, and 18472
reconversion. 18473

(H) Obligations may be sold at public sale or at private 18474
sale, as determined in the bond proceedings. 18475

Obligations issued to provide moneys for the loan guarantee 18476
fund or the innovation Ohio loan guarantee fund may, as determined 18477
by the issuing authority, be sold at private sale, and without 18478
publication of a notice of sale. 18479

(I) Pending preparation of definitive obligations, the 18480
issuing authority may issue interim receipts or certificates which 18481
shall be exchanged for such definitive obligations. 18482

(J) In the discretion of the issuing authority, obligations 18483
may be secured additionally by a trust agreement or indenture 18484
between the issuing authority and a corporate trustee which may be 18485
any trust company or bank having a place of business within the 18486
state. Any such agreement or indenture may contain the resolution 18487
or order authorizing the issuance of the obligations, any 18488
provisions that may be contained in any bond proceedings, and 18489
other provisions which are customary or appropriate in an 18490
agreement or indenture of such type, including, but not limited 18491
to: 18492

(1) Maintenance of each pledge, trust agreement, indenture, 18493
or other instrument comprising part of the bond proceedings until 18494
the state has fully paid the bond service charges on the 18495
obligations secured thereby, or provision therefor has been made; 18496

(2) In the event of default in any payments required to be 18497
made by the bond proceedings, or any other agreement of the 18498
issuing authority made as a part of the contract under which the 18499
obligations were issued, enforcement of such payments or agreement 18500

by mandamus, the appointment of a receiver, suit in equity, action 18501
at law, or any combination of the foregoing; 18502

(3) The rights and remedies of the holders of obligations and 18503
of the trustee, and provisions for protecting and enforcing them, 18504
including limitations on rights of individual holders of 18505
obligations; 18506

(4) The replacement of any obligations that become mutilated 18507
or are destroyed, lost, or stolen; 18508

(5) Such other provisions as the trustee and the issuing 18509
authority agree upon, including limitations, conditions, or 18510
qualifications relating to any of the foregoing. 18511

(K) Any holders of obligations or trustees under the bond 18512
proceedings, except to the extent that their rights are restricted 18513
by the bond proceedings, may by any suitable form of legal 18514
proceedings, protect and enforce any rights under the laws of this 18515
state or granted by such bond proceedings. Such rights include the 18516
right to compel the performance of all duties of the issuing 18517
authority, the director of development, the Ohio air quality 18518
development authority, or the division of liquor control required 18519
by this chapter or the bond proceedings; to enjoin unlawful 18520
activities; and in the event of default with respect to the 18521
payment of any bond service charges on any obligations or in the 18522
performance of any covenant or agreement on the part of the 18523
issuing authority, the director of development, the Ohio air 18524
quality development authority, or the division of liquor control 18525
in the bond proceedings, to apply to a court having jurisdiction 18526
of the cause to appoint a receiver to receive and administer the 18527
pledged receipts and special funds, other than those in the 18528
custody of the treasurer of state, which are pledged to the 18529
payment of the bond service charges on such obligations or which 18530
are the subject of the covenant or agreement, with full power to 18531
pay, and to provide for payment of bond service charges on, such 18532

obligations, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge additional revenues or receipts or other income or moneys of the issuing authority or the state or governmental agencies of the state to the payment of such principal and interest and excluding the power to take possession of, mortgage, or cause the sale or otherwise dispose of any project facilities.

Each duty of the issuing authority and the issuing authority's officers and employees, and of each governmental agency and its officers, members, or employees, undertaken pursuant to the bond proceedings or any agreement or lease, lease-purchase agreement, or loan made under authority of this chapter, and in every agreement by or with the issuing authority, is hereby established as a duty of the issuing authority, and of each such officer, member, or employee having authority to perform such duty, specifically enjoined by the law resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code.

The person who is at the time the issuing authority, or the issuing authority's officers or employees, are not liable in their personal capacities on any obligations issued by the issuing authority or any agreements of or with the issuing authority.

(L) The issuing authority may authorize and issue obligations for the refunding, including funding and retirement, and advance refunding with or without payment or redemption prior to maturity, of any obligations previously issued by the issuing authority. Such obligations may be issued in amounts sufficient for payment of the principal amount of the prior obligations, any redemption premiums thereon, principal maturities of any such obligations maturing prior to the redemption of the remaining obligations on a parity therewith, interest accrued or to accrue to the maturity

dates or dates of redemption of such obligations, and any 18565
allowable costs including expenses incurred or to be incurred in 18566
connection with such issuance and such refunding, funding, and 18567
retirement. Subject to the bond proceedings therefor, the portion 18568
of proceeds of the sale of obligations issued under this division 18569
to be applied to bond service charges on the prior obligations 18570
shall be credited to an appropriate account held by the trustee 18571
for such prior or new obligations or to the appropriate account in 18572
the bond service fund for such obligations. Obligations authorized 18573
under this division shall be deemed to be issued for those 18574
purposes for which such prior obligations were issued and are 18575
subject to the provisions of this section pertaining to other 18576
obligations, except as otherwise provided in this section; 18577
provided that, unless otherwise authorized by the general 18578
assembly, any limitations imposed by the general assembly pursuant 18579
to this section with respect to bond service charges applicable to 18580
the prior obligations shall be applicable to the obligations 18581
issued under this division to refund, fund, advance refund or 18582
retire such prior obligations. 18583

(M) The authority to issue obligations under this section 18584
includes authority to issue obligations in the form of bond 18585
anticipation notes and to renew the same from time to time by the 18586
issuance of new notes. The holders of such notes or interest 18587
coupons pertaining thereto shall have a right to be paid solely 18588
from the pledged receipts and special funds that may be pledged to 18589
the payment of the bonds anticipated, or from the proceeds of such 18590
bonds or renewal notes, or both, as the issuing authority provides 18591
in the resolution or order authorizing such notes. Such notes may 18592
be additionally secured by covenants of the issuing authority to 18593
the effect that the issuing authority and the state will do such 18594
or all things necessary for the issuance of such bonds or renewal 18595
notes in appropriate amount, and apply the proceeds thereof to the 18596
extent necessary, to make full payment of the principal of and 18597

interest on such notes at the time or times contemplated, as 18598
provided in such resolution or order. For such purpose, the 18599
issuing authority may issue bonds or renewal notes in such 18600
principal amount and upon such terms as may be necessary to 18601
provide funds to pay when required the principal of and interest 18602
on such notes, notwithstanding any limitations prescribed by or 18603
for purposes of this section. Subject to this division, all 18604
provisions for and references to obligations in this section are 18605
applicable to notes authorized under this division. 18606

The issuing authority in the bond proceedings authorizing the 18607
issuance of bond anticipation notes shall set forth for such bonds 18608
an estimated interest rate and a schedule of principal payments 18609
for such bonds and the annual maturity dates thereof, and for 18610
purposes of any limitation on bond service charges prescribed 18611
under division (A) of section 166.11 of the Revised Code, the 18612
amount of bond service charges on such bond anticipation notes is 18613
deemed to be the bond service charges for the bonds anticipated 18614
thereby as set forth in the bond proceedings applicable to such 18615
notes, but this provision does not modify any authority in this 18616
section to pledge receipts and special funds to, and covenant to 18617
issue bonds to fund, the payment of principal of and interest and 18618
any premium on such notes. 18619

(N) Obligations issued under this section are lawful 18620
investments for banks, societies for savings, savings and loan 18621
associations, deposit guarantee associations, trust companies, 18622
trustees, fiduciaries, insurance companies, including domestic for 18623
life and domestic not for life, trustees or other officers having 18624
charge of sinking and bond retirement or other special funds of 18625
political subdivisions and taxing districts of this state, the 18626
commissioners of the sinking fund of the state, the administrator 18627
of workers' compensation, the state teachers retirement system, 18628
the public employees retirement system, the school employees 18629

retirement system, and the Ohio police and fire pension fund, 18630
notwithstanding any other provisions of the Revised Code or rules 18631
adopted pursuant thereto by any governmental agency of the state 18632
with respect to investments by them, and are also acceptable as 18633
security for the deposit of public moneys. 18634

(O) Unless otherwise provided in any applicable bond 18635
proceedings, moneys to the credit of or in the special funds 18636
established by or pursuant to this section may be invested by or 18637
on behalf of the issuing authority only in notes, bonds, or other 18638
obligations of the United States, or of any agency or 18639
instrumentality of the United States, obligations guaranteed as to 18640
principal and interest by the United States, obligations of this 18641
state or any political subdivision of this state, and certificates 18642
of deposit of any national bank located in this state and any 18643
bank, as defined in section 1101.01 of the Revised Code, subject 18644
to inspection by the superintendent of banks. If the law or the 18645
instrument creating a trust pursuant to division (J) of this 18646
section expressly permits investment in direct obligations of the 18647
United States or an agency of the United States, unless expressly 18648
prohibited by the instrument, such moneys also may be invested in 18649
no-front-end-load money market mutual funds consisting exclusively 18650
of obligations of the United States or an agency of the United 18651
States and in repurchase agreements, including those issued by the 18652
fiduciary itself, secured by obligations of the United States or 18653
an agency of the United States; and in common trust funds 18654
established in accordance with section 1111.20 of the Revised Code 18655
and consisting exclusively of any such securities, notwithstanding 18656
division (A)(4) of that section. The income from such investments 18657
shall be credited to such funds as the issuing authority 18658
determines, and such investments may be sold at such times as the 18659
issuing authority determines or authorizes. 18660

(P) Provision may be made in the applicable bond proceedings 18661

for the establishment of separate accounts in the bond service 18662
fund and for the application of such accounts only to the 18663
specified bond service charges on obligations pertinent to such 18664
accounts and bond service fund and for other accounts therein 18665
within the general purposes of such fund. Unless otherwise 18666
provided in any applicable bond proceedings, moneys to the credit 18667
of or in the several special funds established pursuant to this 18668
section shall be disbursed on the order of the treasurer of state, 18669
provided that no such order is required for the payment from the 18670
bond service fund when due of bond service charges on obligations. 18671

(Q) The issuing authority may pledge all, or such portion as 18672
the issuing authority determines, of the pledged receipts to the 18673
payment of bond service charges on obligations issued under this 18674
section, and for the establishment and maintenance of any 18675
reserves, as provided in the bond proceedings, and make other 18676
provisions therein with respect to pledged receipts as authorized 18677
by this chapter, which provisions are controlling notwithstanding 18678
any other provisions of law pertaining thereto. 18679

(R) The issuing authority may covenant in the bond 18680
proceedings, and any such covenants are controlling 18681
notwithstanding any other provision of law, that the state and 18682
applicable officers and governmental agencies of the state, 18683
including the general assembly, so long as any obligations are 18684
outstanding, shall: 18685

(1) Maintain statutory authority for and cause to be charged 18686
and collected wholesale and retail prices for spirituous liquor 18687
sold by the state or its agents so that the pledged receipts are 18688
sufficient in amount to meet bond service charges, and the 18689
establishment and maintenance of any reserves and other 18690
requirements provided for in the bond proceedings, and, as 18691
necessary, to meet covenants contained in contracts of guarantee 18692
made under section 166.06 of the Revised Code; 18693

(2) Take or permit no action, by statute or otherwise, that would impair the exemption from federal income taxation of the interest on the obligations. 18694
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(S) There is hereby created the economic development bond service fund, which shall be in the custody of the treasurer of state but shall be separate and apart from and not a part of the state treasury. All moneys received by or on account of the issuing authority or state agencies and required by the applicable bond proceedings, consistent with this section, to be deposited, transferred, or credited to a bond service fund or the economic development bond service fund, and all other moneys transferred or allocated to or received for the purposes of the fund, shall be deposited and credited to such fund and to any separate accounts therein, subject to applicable provisions of the bond proceedings, but without necessity for any act of appropriation. During the period beginning with the date of the first issuance of obligations and continuing during such time as any such obligations are outstanding, and so long as moneys in the pertinent bond service funds are insufficient to pay all bond services charges on such obligations becoming due in each year, a sufficient amount of the gross profit on the sale of spirituous liquor included in pledged receipts are committed and shall be paid to the bond service fund or economic development bond service fund in each year for the purpose of paying the bond service charges becoming due in that year without necessity for further act of appropriation for such purpose and notwithstanding anything to the contrary in Chapter 4301. of the Revised Code. The economic development bond service fund is a trust fund and is hereby pledged to the payment of bond service charges to the extent provided in the applicable bond proceedings, and payment thereof from such fund shall be made or provided for by the treasurer of state in accordance with such bond proceedings without necessity for any act of appropriation. 18697
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(T) The obligations, the transfer thereof, and the income 18727
therefrom, including any profit made on the sale thereof, shall at 18728
all times be free from taxation within the state. 18729

Sec. 166.25. (A) The director of development services, with 18730
the approval of the controlling board and subject to the other 18731
applicable provisions of this chapter, may lend money in the 18732
logistics and distribution infrastructure fund ~~and the logistics~~ 18733
~~and distribution infrastructure taxable bond fund~~ to persons for 18734
the purpose of paying allowable costs of eligible logistics and 18735
distribution projects. 18736

(B) In determining the eligible logistics and distribution 18737
projects to be assisted and the nature, amount, and terms of 18738
assistance to be provided for an eligible logistics and 18739
distribution project, the director shall consult with appropriate 18740
governmental agencies, including the department of transportation 18741
and the Ohio rail development commission. 18742

(C) Any loan made pursuant to this section shall be evidenced 18743
by a loan agreement, which shall contain such terms as the 18744
director determines necessary or appropriate, including 18745
performance measures and reporting requirements. The director may 18746
take actions necessary or appropriate to collect or otherwise deal 18747
with any loan made under this section, including requiring a loan 18748
recipient to repay the amount of the loan plus interest at a rate 18749
of three per cent above the federal short term interest rate or 18750
any other rate determined by the director. 18751

Sec. 167.03. (A) The council shall have the power to: 18752

(1) Study such area governmental problems common to two or 18753
more members of the council as it deems appropriate, including but 18754
not limited to matters affecting health, safety, welfare, 18755
education, economic conditions, and regional development; 18756

(2) Promote cooperative arrangements and coordinate action among its members, and between its members and other agencies of local or state governments, whether or not within Ohio, and the federal government;	18757 18758 18759 18760
(3) Make recommendations for review and action to the members and other public agencies that perform functions within the region;	18761 18762 18763
(4) Promote cooperative agreements and contracts among its members or other governmental agencies and private persons, corporations, or agencies;	18764 18765 18766
(5) Operate a public safety answering point in accordance with Chapter 5507 <u>128</u> . of the Revised Code;	18767 18768
(6) Perform planning directly by personnel of the council, or under contracts between the council and other public or private planning agencies.	18769 18770 18771
(B) The council may:	18772
(1) Review, evaluate, comment upon, and make recommendations, relative to the planning and programming, and the location, financing, and scheduling of public facility projects within the region and affecting the development of the area;	18773 18774 18775 18776
(2) Act as an areawide agency to perform comprehensive planning for the programming, locating, financing, and scheduling of public facility projects within the region and affecting the development of the area and for other proposed land development or uses, which projects or uses have public metropolitan wide or interjurisdictional significance;	18777 18778 18779 18780 18781 18782
(3) Act as an agency for coordinating, based on metropolitan wide comprehensive planning and programming, local public policies, and activities affecting the development of the region or area.	18783 18784 18785 18786

(C) The council may, by appropriate action of the governing 18787
bodies of the members, perform such other functions and duties as 18788
are performed or capable of performance by the members and 18789
necessary or desirable for dealing with problems of mutual 18790
concern. 18791

(D) The authority granted to the council by this section or 18792
in any agreement by the members thereof shall not displace any 18793
existing municipal, county, regional, or other planning commission 18794
or planning agency in the exercise of its statutory powers. 18795

Sec. 169.02. Subject to division (B) of section 169.01 of the 18796
Revised Code, the following constitute unclaimed funds: 18797

(A) Except as provided in division (R) of this section, any 18798
demand, savings, or matured time deposit account, or matured 18799
certificate of deposit, together with any interest or dividend on 18800
it, less any lawful claims, that is held or owed by a holder which 18801
is a financial organization, unclaimed for a period of five years; 18802

(B) Any funds paid toward the purchase of withdrawable shares 18803
or other interest in a financial organization, and any interest or 18804
dividends on them, less any lawful claims, that is held or owed by 18805
a holder which is a financial organization, unclaimed for a period 18806
of five years; 18807

(C) Except as provided in division (A) of section 3903.45 of 18808
the Revised Code, moneys held or owed by a holder, including a 18809
fraternal association, providing life insurance, including annuity 18810
or endowment coverage, unclaimed for three years after becoming 18811
payable as established from the records of such holder under any 18812
life or endowment insurance policy or annuity contract that has 18813
matured or terminated. An insurance policy, the proceeds of which 18814
are payable on the death of the insured, not matured by proof of 18815
death of the insured is deemed matured and the proceeds payable if 18816
such policy was in force when the insured attained the limiting 18817

age under the mortality table on which the reserve is based. 18818

Moneys otherwise payable according to the records of such 18819
holder are deemed payable although the policy or contract has not 18820
been surrendered as required. 18821

(D) Any deposit made to secure payment or any sum paid in 18822
advance for utility services of a public utility and any amount 18823
refundable from rates or charges collected by a public utility for 18824
utility services held or owed by a holder, less any lawful claims, 18825
that has remained unclaimed for one year after the termination of 18826
the services for which the deposit or advance payment was made or 18827
one year from the date the refund was payable, whichever is 18828
earlier; 18829

(E) Except as provided in division (R) of this section, any 18830
certificates, securities as defined in section 1707.01 of the 18831
Revised Code, nonwithdrawable shares, other instruments evidencing 18832
ownership, or rights to them or funds paid toward the purchase of 18833
them, or any dividend, capital credit, profit, distribution, 18834
interest, or payment on principal or other sum, held or owed by a 18835
holder, including funds deposited with a fiscal agent or fiduciary 18836
for payment of them, and instruments representing an ownership 18837
interest, unclaimed for five years. Any underlying share or other 18838
intangible instrument representing an ownership interest in a 18839
business association, in which the issuer has recorded on its 18840
books the issuance of the share but has been unable to deliver the 18841
certificate to the shareholder, constitutes unclaimed funds if 18842
such underlying share is unclaimed for five years. In addition, an 18843
underlying share constitutes unclaimed funds if a dividend, 18844
distribution, or other sum payable as a result of the underlying 18845
share has remained unclaimed by the owner for five years. 18846

This division shall not prejudice the rights of fiscal agents 18847
or fiduciaries for payment to return the items described in this 18848
division to their principals, according to the terms of an agency 18849

or fiduciary agreement, but such a return shall constitute the 18850
principal as the holder of the items and shall not interrupt the 18851
period for computing the time for which the items have remained 18852
unclaimed. 18853

In the case of any such funds accruing and held or owed by a 18854
corporation under division (E) of section 1701.24 of the Revised 18855
Code, such corporation shall comply with this chapter, subject to 18856
the limitation contained in section 1701.34 of the Revised Code. 18857
The period of time for which such funds have gone unclaimed 18858
specified in section 1701.34 of the Revised Code shall be 18859
computed, with respect to dividends or distributions, commencing 18860
as of the dates when such dividends or distributions would have 18861
been payable to the shareholder had such shareholder surrendered 18862
the certificates for cancellation and exchange by the date 18863
specified in the order relating to them. 18864

Capital credits of a cooperative which after January 1, 1972, 18865
have been allocated to members and which by agreement are 18866
expressly required to be paid if claimed after death of the owner 18867
are deemed payable, for the purpose of this chapter, fifteen years 18868
after either the termination of service by the cooperative to the 18869
owner or upon the nonactivity as provided in division (B) of 18870
section 169.01 of the Revised Code, whichever occurs later, 18871
provided that this provision does not apply if the payment is not 18872
mandatory. 18873

(F) Any sum payable on certified checks or other written 18874
instruments certified or issued and representing funds held or 18875
owed by a holder, less any lawful claims, that are unclaimed for 18876
five years from the date payable or from the date of issuance if 18877
payable on demand; except that the unclaimed period for money 18878
orders that are not third party bank checks is seven years, and 18879
the unclaimed period for traveler's checks is fifteen years, from 18880
the date payable or from the date of issuance if payable on 18881

demand. 18882

As used in this division, "written instruments" include, but 18883
are not limited to, certified checks, cashier's checks, bills of 18884
exchange, letters of credit, drafts, money orders, and traveler's 18885
checks. 18886

If there is no address of record for the owner or other 18887
person entitled to the funds, such address is presumed to be the 18888
address where the instrument was certified or issued. 18889

(G) Except as provided in division (R) of this section, all 18890
moneys, rights to moneys, or other intangible property, arising 18891
out of the business of engaging in the purchase or sale of 18892
securities, or otherwise dealing in intangibles, less any lawful 18893
claims, that are held or owed by a holder and are unclaimed for 18894
five years from the date of transaction. 18895

(H) Except as provided in division (A) of section 3903.45 of 18896
the Revised Code, all moneys, rights to moneys, and other 18897
intangible property distributable in the course of dissolution or 18898
liquidation of a holder that are unclaimed for one year after the 18899
date set by the holder for distribution; 18900

(I) All moneys, rights to moneys, or other intangible 18901
property removed from a safe-deposit box or other safekeeping 18902
repository located in this state or removed from a safe-deposit 18903
box or other safekeeping repository of a holder, on which the 18904
lease or rental period has expired, or any amount arising from the 18905
sale of such property, less any lawful claims, that are unclaimed 18906
for three years from the date on which the lease or rental period 18907
expired; 18908

(J) Subject to division (M)(2) of this section, all moneys, 18909
rights to moneys, or other intangible property, and any income or 18910
increment on them, held or owed by a holder which is a fiduciary 18911
for the benefit of another, or a fiduciary or custodian of a 18912

qualified retirement plan or individual retirement arrangement 18913
under section 401 or 408 of the Internal Revenue Code, unclaimed 18914
for three years after the final date for distribution; 18915

(K) All moneys, rights to moneys, or other intangible 18916
property held or owed in this state or held for or owed to an 18917
owner whose last known address is within this state, by the United 18918
States government or any state, as those terms are described in 18919
division (E) of section 169.01 of the Revised Code, unclaimed by 18920
the owner for three years, excluding any property in the control 18921
of any court in a proceeding in which a final adjudication has not 18922
been made; 18923

(L) Amounts payable pursuant to the terms of any policy of 18924
insurance, other than life insurance, or any refund available 18925
under such a policy, held or owed by any holder, unclaimed for 18926
three years from the date payable or distributable; 18927

(M)(1) Subject to division (M)(2) of this section, any funds 18928
constituting rents or lease payments due, any deposit made to 18929
secure payment of rents or leases, or any sum paid in advance for 18930
rents, leases, possible damage to property, unused services, 18931
performance requirements, or any other purpose, held or owed by a 18932
holder unclaimed for one year; 18933

(2) Any escrow funds, security deposits, or other moneys that 18934
are received by a licensed broker in a fiduciary capacity and 18935
that, pursuant to division (A)(26) of section 4735.18 of the 18936
Revised Code, are required to be deposited into and maintained in 18937
a special or trust, noninterest-bearing bank account separate and 18938
distinct from any personal or other account of the licensed 18939
broker, held or owed by the licensed broker unclaimed for two 18940
years. 18941

(N) Any sum greater than fifty dollars payable as wages, any 18942
sum payable as salaries or commissions, any sum payable for 18943

services rendered, funds owed or held as royalties, oil and 18944
mineral proceeds, funds held for or owed to suppliers, and moneys 18945
owed under pension and profit-sharing plans, held or owed by any 18946
holder unclaimed for one year from date payable or distributable, 18947
and all other credits held or owed, or to be refunded to a retail 18948
customer, by any holder unclaimed for three years from date 18949
payable or distributable; 18950

(O) Amounts held in respect of or represented by lay-aways 18951
sold after January 1, 1972, less any lawful claims, when such 18952
lay-aways are unclaimed for three years after the sale of them; 18953

(P) All moneys, rights to moneys, and other intangible 18954
property not otherwise constituted as unclaimed funds by this 18955
section, including any income or increment on them, less any 18956
lawful claims, which are held or owed by any holder, other than a 18957
holder which holds a permit issued pursuant to Chapter 3769. of 18958
the Revised Code, and which have remained unclaimed for three 18959
years after becoming payable or distributable; 18960

(Q) All moneys that arise out of a sale held pursuant to 18961
section 5322.03 of the Revised Code, that are held by a holder for 18962
delivery on demand to the appropriate person pursuant to division 18963
(I) of that section, and that are unclaimed for two years after 18964
the date of the sale. 18965

(R)(1) Any funds that are subject to an agreement between the 18966
holder and owner providing for automatic reinvestment and that 18967
constitute dividends, distributions, or other sums held or owed by 18968
a holder in connection with a security as defined in section 18969
1707.01 of the Revised Code, an ownership interest in an 18970
investment company registered under the "Investment Company Act of 18971
1940," 54 Stat. 789, 15 U.S.C. 80a-1, as amended, or a certificate 18972
of deposit, unclaimed for a period of five years. 18973

(2) The five-year period under division (R)(1) of this 18974

section commences from the date a second shareholder notification 18975
or communication mailing to the owner of the funds is returned to 18976
the holder as undeliverable by the United States postal service or 18977
other carrier. The notification or communication mailing by the 18978
holder shall be no less frequent than quarterly. 18979

All moneys in a personal allowance account, as defined by 18980
rules adopted by the medicaid director ~~of job and family services~~, 18981
up to and including the maximum resource limitation, of a medicaid 18982
~~patient~~ recipient who has died after receiving care in a long-term 18983
care facility, and for whom there is no identifiable heir or 18984
sponsor, are not subject to this chapter. 18985

Sec. 169.05. (A) Every holder required to file a report under 18986
section 169.03 of the Revised Code shall, at the time of filing, 18987
pay to the director of commerce ten per cent of the aggregate 18988
amount of unclaimed funds as shown on the report, except for 18989
aggregate amounts of fifty dollars or less in which case one 18990
hundred per cent shall be paid. The funds may be deposited by the 18991
director in the state treasury to the credit of the unclaimed 18992
funds trust fund, which is hereby created, or placed with a 18993
financial organization. Any interest earned on money in the trust 18994
fund shall be credited to the trust fund. The remainder of the 18995
aggregate amount of unclaimed funds as shown on the report, plus 18996
earnings accrued to date of payment to the director, shall, at the 18997
option of the director, be retained by the holder or paid to the 18998
director for deposit as agent for the mortgage funds with a 18999
financial organization as defined in section 169.01 of the Revised 19000
Code, with the funds to be in income-bearing accounts to the 19001
credit of the mortgage funds, or the holder may enter into an 19002
agreement with the director specifying the obligations of the 19003
United States in which funds are to be invested, and agree to pay 19004
the interest on the obligations to the state. Holders retaining 19005
any funds not in obligations of the United States shall enter into 19006

an agreement with the director specifying the classification of 19007
income-bearing account in which the funds will be held and pay the 19008
state interest on the funds at a rate equal to the prevailing 19009
market rate for similar funds. Moneys that the holder is required 19010
to pay to the director rather than to retain may be deposited with 19011
the treasurer of state, or placed with a financial organization. 19012

Securities and other intangible property transferred to the 19013
director shall, within a reasonable time, be converted to cash and 19014
the proceeds deposited as provided for other funds. 19015

One-half of the funds evidenced by agreements, in 19016
income-bearing accounts, or on deposit with the treasurer of state 19017
shall be allocated on the records of the director to the mortgage 19018
insurance fund created by section 122.561 of the Revised Code. Out 19019
of the remaining half, after allocation of sufficient moneys to 19020
the minority business bonding fund to meet the provisions of 19021
division (B) of this section, the remainder shall be allocated on 19022
the records of the director to the housing development fund 19023
created by division (A) of section 175.11 of the Revised Code. 19024

(B) The director shall serve as agent for the director of 19025
development and as agent for the Ohio housing finance agency in 19026
making deposits and withdrawals and maintaining records pertaining 19027
to the minority business bonding fund created by section 122.88 of 19028
the Revised Code, the mortgage insurance fund, and the housing 19029
development fund created by section 175.11 of the Revised Code. 19030
Funds from the mortgage insurance fund are available to the 19031
director of development when those funds are to be disbursed to 19032
prevent or cure, or upon the occurrence of, a default of a 19033
mortgage insured pursuant to section 122.451 of the Revised Code. 19034
Funds from the housing development fund are available upon request 19035
to the Ohio housing finance agency, in an amount not to exceed the 19036
funds allocated on the records of the director, for the purposes 19037
of section 175.05 of the Revised Code. Funds from the minority 19038

business bonding fund are available to the director of development 19039
upon request to pay obligations on bonds the director writes 19040
pursuant to section 122.88 of the Revised Code; except that, 19041
unless the general assembly authorizes additional amounts, the 19042
total maximum amount of moneys that may be allocated to the 19043
minority business bonding fund under this division is ten million 19044
dollars. 19045

When funds are to be disbursed, the appropriate agency shall 19046
call upon the director to transfer the necessary funds to it. The 19047
director shall first withdraw the funds paid by the holders and 19048
deposited with the treasurer of state or in a financial 19049
institution as agent for the funds. Whenever these funds are 19050
inadequate to meet the request, the director shall provide for a 19051
withdrawal of funds, within a reasonable time and in the amount 19052
necessary to meet the request, from financial institutions in 19053
which the funds were retained or placed by a holder and from other 19054
holders who have retained funds, in an equitable manner as the 19055
director prescribes. In the event that the amount to be withdrawn 19056
from any one holder is less than five hundred dollars, the amount 19057
to be withdrawn is at the director's discretion. The director 19058
shall then transfer to the agency the amount of funds requested. 19059

Funds deposited in the unclaimed funds trust fund are subject 19060
to call by the director when necessary to pay claims the director 19061
allows under section 169.08 of the Revised Code, in accordance 19062
with the director's rules, to defray the necessary costs of making 19063
publications this chapter requires and to pay other operating and 19064
administrative expenses the department of commerce incurs in the 19065
administration and enforcement of this chapter. 19066

The unclaimed funds trust fund shall be assessed a 19067
proportionate share of the administrative costs of the department 19068
of commerce in accordance with procedures the director of commerce 19069
prescribes and the director of budget and management approves. The 19070

assessment shall be paid from the unclaimed funds trust fund to 19071
the division of administration fund. 19072

(C) Earnings on the accounts in financial organizations to 19073
the credit of the mortgage funds shall, at the option of the 19074
financial organization, be credited to the accounts at times and 19075
at rates as earnings are paid on other accounts of the same 19076
classification held in the financial organization or paid to the 19077
director. The director shall be notified annually, and at other 19078
times as the director may request, of the amount of the earnings 19079
credited to the accounts. Interest on unclaimed funds a holder 19080
retains shall be paid to the director or credited as specified in 19081
the agreement under which the organization retains the funds. 19082
Interest payable to the director under an agreement to invest 19083
unclaimed funds ~~and~~ in income-bearing accounts or obligations of 19084
the United States shall be paid annually by the holder to the 19085
director. Any earnings or interest the director receives under 19086
this division shall be deposited in and credited to the mortgage 19087
funds. 19088

Sec. 169.07. (A) Upon the payment of unclaimed funds to the 19089
director of commerce under section 169.05 of the Revised Code the 19090
holder will be relieved of further responsibility for the 19091
safe-keeping thereof and will be held harmless by the state from 19092
any and all liabilities for any claim arising out of the transfer 19093
of such funds to the state. 19094

(B) If legal proceedings are instituted against a holder 19095
which has paid unclaimed funds to the director or entered into an 19096
agreement as provided in section 169.05 of the Revised Code in 19097
respect to such funds, such holder shall notify the director in 19098
writing of the pendency of such proceedings and the director shall 19099
intervene and assume the defense of such proceedings. Failure to 19100
give such notice shall absolve the state from any and all 19101

liability which it may have with regard to such funds. If judgment 19102
is entered against such holder, the director shall, upon proof of 19103
satisfaction of such judgment, forthwith reimburse such 19104
organization for the amount of the judgment or enter into an 19105
agreement modified to reflect the satisfaction of such judgment, 19106
if the holder retained such funds, and shall reimburse such holder 19107
for any legal fees, costs and other expenses incurred in such 19108
proceedings in the manner provided for the payment of claims under 19109
~~division~~ divisions (D) and (E) of section 169.08 of the Revised 19110
Code. 19111

Sec. 169.08. (A) The director shall pay to the owner or other 19112
person who has established the right to payment under this 19113
section, funds from the unclaimed funds trust fund in an amount 19114
equal to the amount of property delivered or reported to the 19115
director, or equal to the net proceeds if the securities or other 19116
property have been sold, together with interest earned by the 19117
state if required to be paid under division (D) of this section. 19118
Any person claiming a property interest in unclaimed funds 19119
delivered or reported to the state under Chapter 169. of the 19120
Revised Code, including the office of child support in the 19121
department of job and family services, pursuant to section 3123.88 19122
of the Revised Code, may file a claim thereto on the form 19123
prescribed by the director of commerce. 19124

(B) The director shall consider matters relevant to any claim 19125
filed under division (A) of this section and shall hold a formal 19126
hearing if requested or considered necessary and receive evidence 19127
concerning such claim. A finding and decision in writing on each 19128
claim filed shall be prepared, stating the substance of any 19129
evidence received or heard and the reasons for allowance or 19130
disallowance of the claim. The evidence and decision shall be a 19131
public record. No statute of limitations shall bar the allowance 19132
of a claim. 19133

(C) For the purpose of conducting any hearing, the director 19134
may require the attendance of such witnesses and the production of 19135
such books, records, and papers as the director desires, and the 19136
director may take the depositions of witnesses residing within or 19137
without this state in the same manner as is prescribed by law for 19138
the taking of depositions in civil actions in the court of common 19139
pleas, and for that purpose the director may issue a subpoena for 19140
any witness or a subpoena duces tecum to compel the production of 19141
any books, records, or papers, directed to the sheriff of the 19142
county where such witness resides or is found, which shall be 19143
served and returned. The fees of the sheriff shall be the same as 19144
that allowed in the court of common pleas in criminal cases. 19145
Witnesses shall be paid the fees and mileage provided for under 19146
section 119.094 of the Revised Code. Fees and mileage shall be 19147
paid from the unclaimed funds trust fund. 19148

(D) Interest ~~is not~~ earned by the state shall be payable to 19149
claimants of unclaimed funds held by the state in accordance with 19150
final court orders derived from the *Sogg v. Zurz*, 121 Ohio St.3d 19151
449 (2009), line of cases and final settlement agreement 19152
determining payment of interest on unclaimed funds. For properties 19153
received by the state on or before July 26, 1991, interest shall 19154
be paid at a rate of six per cent per annum from the date the 19155
state received the property up to and including July 26, 1991. No 19156
interest shall be payable on any properties for the period from 19157
July 27, 1991, up to and including August 2, 2000. For properties 19158
held by the state on August 3, 2000, or after, interest shall be 19159
paid at the applicable required rate per annum for the period held 19160
from August 3, 2000, or the date of receipt, whichever is later, 19161
up to and including the date the claim is paid. ~~Claims~~ 19162

(E) Claims shall be paid from the trust fund. If the amount 19163
available in the trust fund is not sufficient to pay pending 19164
claims, or other amounts disburseable from the trust fund, the 19165

treasurer of state shall certify such fact to the director, who 19166
shall then withdraw such amount of funds from the mortgage 19167
accounts as the director determines necessary to reestablish the 19168
trust fund to a level required to pay anticipated claims but not 19169
more than ten per cent of the net unclaimed funds reported to 19170
date. 19171

The director may withdraw the funds paid to the director by 19172
the holders and deposited by the director with the treasurer of 19173
state or in a financial institution as agent for such funds. 19174
Whenever these funds are inadequate to meet the requirements for 19175
the trust fund, the director shall provide for a withdrawal of 19176
funds, within a reasonable time, in such amount as is necessary to 19177
meet the requirements, from financial institutions in which such 19178
funds were retained or placed by a holder and from other holders 19179
who have retained funds, in an equitable manner as prescribed by 19180
the director. In the event that the amount to be withdrawn from 19181
any one such holder is less than five hundred dollars, the amount 19182
to be withdrawn shall be at the discretion of the director. Such 19183
funds may be reimbursed in the amounts withdrawn when the trust 19184
fund has a surplus over the amount required to pay anticipated 19185
claims. Whenever the trust fund has a surplus over the amount 19186
required to pay anticipated claims, the director may transfer such 19187
surplus to the mortgage accounts. 19188

~~(E)~~(F) If a claim which is allowed under this section relates 19189
to funds which have been retained by the reporting holder, and if 19190
the funds, on deposit with the treasurer of state pursuant to this 19191
chapter, are insufficient to pay claims, the director may notify 19192
such holder in writing of the payment of the claim and such holder 19193
shall immediately reimburse the state in the amount of such claim. 19194
The reimbursement shall be credited to the unclaimed funds trust 19195
fund. 19196

~~(F)~~(G) Any person, including the office of child support, 19197

adversely affected by a decision of the director may appeal such 19198
decision in the manner provided in Chapter 119. of the Revised 19199
Code. 19200

In the event the claimant prevails, the claimant shall be 19201
reimbursed for reasonable attorney's fees and costs. 19202

~~(G)~~(H) Notwithstanding anything to the contrary in this 19203
chapter, any holder who has paid moneys to or entered into an 19204
agreement with the director pursuant to section 169.05 of the 19205
Revised Code on certified checks, cashiers' checks, bills of 19206
exchange, letters of credit, drafts, money orders, or travelers' 19207
checks, may make payment to any person entitled thereto, including 19208
the office of child support, and upon surrender of the document, 19209
except in the case of travelers' checks, and proof of such 19210
payment, the director shall reimburse the holder for such payment 19211
without interest. 19212

Sec. 171.05. The compensation of all employees of the Ohio 19213
retirement study council and other expenses of the council shall 19214
be paid upon vouchers approved by the director and the chairperson 19215
of the council. 19216

The public employees retirement system, state teachers 19217
retirement system, school employees retirement system, state 19218
highway patrol retirement system, and Ohio police and fire pension 19219
fund shall pay the annual expenses of the council. The council 19220
shall prepare and submit to the retirement boards on or before the 19221
thirtieth day of June of each year an itemized estimate of the 19222
amounts necessary to pay the expenses of the council during the 19223
following year. Such expenses shall be charged to and paid by each 19224
of the retirement systems in the same ratio as the assets of each 19225
system, as of the preceding January first, bear to the total 19226
assets of all five systems on that date. The systems shall pay the 19227
expenses required under this section by electronic funds transfer 19228

or any other method or device of electronic payment. 19229

The council shall establish policies and procedures for 19230
purchasing goods and services on a competitive basis and 19231
maintaining tangible personal property. The policies and 19232
procedures shall be designed to safeguard the use of funds 19233
received by the council. An audit performed under Chapter 117. of 19234
the Revised Code shall include a determination of the council's 19235
compliance with the policies and procedures. 19236

The council is not subject to Chapters 123., 124., 125., 19237
126., and 127. of the Revised Code. 19238

The treasurer of state shall be the custodian of all funds of 19239
the council. 19240

Sec. 173.03. (A) There is hereby created the Ohio advisory 19241
council for the aging, which shall consist of twelve members to be 19242
appointed by the governor with the advice and consent of the 19243
senate. Two ex officio members of the council shall be members of 19244
the house of representatives appointed by the speaker of the house 19245
of representatives and shall be members of two different political 19246
parties. Two ex officio members of the council shall be members of 19247
the senate appointed by the president of the senate and shall be 19248
members of two different political parties. The medicaid director 19249
and directors of ~~mental health~~ mental health and addiction 19250
services, developmental disabilities, health, and job and family 19251
services, or their designees, shall serve as ex officio members of 19252
the council. The council shall carry out its role as defined under 19253
the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, 19254
as amended. 19255

At the first meeting of the council, and annually thereafter, 19256
the members shall select one of their members to serve as 19257
chairperson and one of their members to serve as vice-chairperson. 19258

(B) Members of the council shall be appointed for a term of 19259
three years, except that for the first appointment members of the 19260
Ohio commission on aging who were serving on the commission 19261
immediately prior to July 26, 1984, shall become members of the 19262
council for the remainder of their unexpired terms. Thereafter, 19263
appointment to the council shall be for a three-year term by the 19264
governor. Each member shall hold office from the date of 19265
appointment until the end of the term for which the member was 19266
appointed. Any member appointed to fill a vacancy occurring prior 19267
to the expiration of the term for which the member's predecessor 19268
was appointed shall hold office for the remainder of the term. No 19269
member shall continue in office subsequent to the expiration date 19270
of the member's term unless reappointed under the provisions of 19271
this section, and no member shall serve more than three 19272
consecutive terms on the council. 19273

(C) Membership of the council shall represent all areas of 19274
Ohio and shall be as follows: 19275

(1) A majority of members of the council shall have attained 19276
the age of ~~sixty~~ fifty and have a knowledge of and continuing 19277
interest in the affairs and welfare of the older citizens of Ohio. 19278
The fields of business, labor, health, law, and human services 19279
shall be represented in the membership. 19280

(2) No more than seven members shall be of the same political 19281
party. 19282

(D) Any member of the council may be removed from office by 19283
the governor for neglect of duty, misconduct, or malfeasance in 19284
office after being informed in writing of the charges and afforded 19285
an opportunity for a hearing. Two consecutive unexcused absences 19286
from regularly scheduled meetings constitute neglect of duty. 19287

(E) The director of aging may reimburse a member for actual 19288
and necessary traveling and other expenses incurred in the 19289

discharge of official duties. But reimbursement shall be made in 19290
the manner and at rates that do not exceed those prescribed by the 19291
director of budget and management for any officer, member, or 19292
employee of, or consultant to, any state agency. 19293

(F) Council members are not limited as to the number of terms 19294
they may serve. 19295

(G)(1) The department of aging may award grants to or enter 19296
into contracts with a member of the advisory council or an entity 19297
that the member represents if any of the following apply: 19298

(a) The department determines that the member or the entity 19299
the member represents is capable of providing the goods or 19300
services specified under the terms of the grant or contract. 19301

(b) The member has not taken part in any discussion or vote 19302
of the council related to whether the council should recommend 19303
that the department of aging award the grant to or enter into the 19304
contract with the member of the advisory council or the entity 19305
that the member represents. 19306

(2) A member of the advisory council is not in violation of 19307
Chapter 102. or section 2921.42 of the Revised Code with regard to 19308
receiving a grant or entering into a contract under this section 19309
if the conditions of division (G)(1)(a) and (b) of this section 19310
have been met. 19311

Sec. 173.14. As used in sections 173.14 to 173.27 of the 19312
Revised Code: 19313

(A)(1) Except as otherwise provided in division (A)(2) of 19314
this section, "long-term care facility" includes any residential 19315
facility that provides personal care services for more than 19316
twenty-four hours for one or more unrelated adults, including all 19317
of the following: 19318

(a) A "nursing home," "residential care facility," or "home 19319

for the aging" as defined in section 3721.01 of the Revised Code; 19320

(b) A facility authorized to provide extended care services 19321
under Title XVIII of the "Social Security Act," 49 Stat. 620 19322
(1935), 42 U.S.C. 301, as amended, including a long-term acute 19323
care hospital that provides medical and rehabilitative care to 19324
patients who require an average length of stay greater than 19325
twenty-five days and is classified by the centers for medicare and 19326
medicaid services as a long-term care hospital pursuant to 42 19327
C.F.R. 412.23(e); 19328

(c) A county home or district home operated pursuant to 19329
Chapter 5155. of the Revised Code; 19330

(d) A residential facility licensed under section ~~5119.22~~ 19331
5119.34 of the Revised Code that provides accommodations, 19332
supervision, and personal care services for three to sixteen 19333
unrelated adults or accommodations and personal care services for 19334
only one or two adults who are ~~recipients under the~~ receiving 19335
residential state supplement program; 19336

(e) A facility approved by the veterans administration under 19337
section 104(a) of the "Veterans Health Care Amendments of 1983," 19338
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 19339
the placement and care of veterans. 19340

(2) "Long-term care facility" does not include a residential 19341
facility licensed under section 5123.19 of the Revised Code. 19342

(B) "Resident" means a resident of a long-term care facility 19343
and, where appropriate, includes a prospective, previous, or 19344
deceased resident of a long-term care facility. 19345

(C) "Community-based long-term care services" means health 19346
and social services provided to persons in their own homes or in 19347
community care settings, and includes any of the following: 19348

(1) Case management; 19349

(2) Home health care;	19350
(3) Homemaker services;	19351
(4) Chore services;	19352
(5) Respite care;	19353
(6) Adult day care;	19354
(7) Home-delivered meals;	19355
(8) Personal care;	19356
(9) Physical, occupational, and speech therapy;	19357
(10) Transportation;	19358
(11) Any other health and social services provided to persons that allow them to retain their independence in their own homes or in community care settings.	19359 19360 19361
(D) "Recipient" means a recipient of community-based long-term care services and, where appropriate, includes a prospective, previous, or deceased recipient of community-based long-term care services.	19362 19363 19364 19365
(E) "Sponsor" means an adult relative, friend, or guardian who has an interest in or responsibility for the welfare of a resident or a recipient.	19366 19367 19368
(F) "Personal care services" has the same meaning as in section 3721.01 of the Revised Code.	19369 19370
(G) "Regional long-term care ombudsperson <u>ombudsman</u> program" means an entity, either public or private and nonprofit, designated as a regional long-term care ombudsperson <u>ombudsman</u> program by the state long-term care ombudsperson <u>ombudsman</u> .	19371 19372 19373 19374
(H) "Representative of the office of the state long-term care ombudsperson <u>ombudsman</u> program" means the state long-term care ombudsperson <u>ombudsman</u> or a member of the ombudsperson's <u>ombudsman's</u> staff, or a person certified as a representative of	19375 19376 19377 19378

the office under section 173.21 of the Revised Code. 19379

(I) "Area agency on aging" means an area agency on aging 19380
established under the "Older Americans Act of 1965," 79 Stat. 219, 19381
42 U.S.C.A. 3001, as amended. 19382

Sec. 173.17. (A) The state long-term care ~~ombudsperson~~ 19383
ombudsman shall do all of the following: 19384

(1) Appoint a staff and direct and administer the work of the 19385
staff; 19386

(2) Supervise the nursing home investigative unit established 19387
under division (I) of section 173.01 of the Revised Code; 19388

(3) Oversee the performance and operation of the office of 19389
the state long-term care ~~ombudsperson~~ ombudsman program, including 19390
the operation of regional long-term care ~~ombudsperson~~ ombudsman 19391
programs; 19392

(4) Establish and maintain a statewide uniform reporting 19393
system to collect and analyze information relating to complaints 19394
and conditions in long-term care facilities and complaints 19395
regarding the provision of community-based long-term care services 19396
for the purpose of identifying and resolving significant problems; 19397

(5) Provide for public forums to discuss concerns and 19398
problems relating to action, inaction, or decisions that may 19399
adversely affect the health, safety, welfare, or rights of 19400
residents and recipients of services by providers of long-term 19401
care and their representatives, public agencies and entities, and 19402
social service agencies. This may include any of the following: 19403
conducting public hearings; sponsoring workshops and conferences; 19404
holding meetings for the purpose of obtaining information about 19405
residents and recipients, discussing and publicizing their needs, 19406
and advocating solutions to their problems; and promoting the 19407
development of citizen organizations. 19408

- (6) Encourage, cooperate with, and assist in the development and operation of services to provide current, objective, and verified information about long-term care; 19409
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- (7) Develop and implement, with the assistance of regional programs, a continuing program to publicize, through the media and civic organizations, the office, its purposes, and its methods of operation; 19412
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- (8) Maintain written descriptions of the duties and qualifications of representatives of the office; 19416
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- (9) Evaluate and make known concerns and issues regarding long-term care by doing all of the following: 19418
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- (a) Preparing an annual report containing information and findings regarding the types of problems experienced by residents and recipients and the complaints made by or on behalf of residents and recipients. The report shall include recommendations for policy, regulatory, and legislative changes to solve problems, resolve complaints, and improve the quality of care and life for residents and recipients and shall be submitted to the governor, the speaker of the house of representatives, the president of the senate, the directors of health and of job and family services, and the commissioner of the administration on aging of the United States department of health and human services. 19420
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- (b) Monitoring and analyzing the development and implementation of federal, state, and local laws, rules, and policies regarding long-term care services in this state and recommending to officials changes the office considers appropriate in these laws, rules, and policies; 19431
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- (c) Providing information and making recommendations to public agencies, members of the general assembly, and others regarding problems and concerns of residents and recipients. 19436
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- (10) Conduct training for employees and volunteers on 19439

ombudsperson's <u>ombudsman's</u> staff and for representatives of the	19440
office employed by regional programs;	19441
(11) Monitor the training of representatives of the office	19442
who provide volunteer services to regional programs, and provide	19443
technical assistance to the regional programs in conducting the	19444
training;	19445
(12) Issue certificates attesting to the successful	19446
completion of training and specifying the level of responsibility	19447
for which a representative of the office who has completed	19448
training is qualified;	19449
(13) Register as a residents' rights advocate with the	19450
department of health under division (B) of section 3701.07 of the	19451
Revised Code;	19452
(14) Perform other duties specified by the department of	19453
aging.	19454
(B) The state ombudsperson <u>ombudsman</u> may delegate any of the	19455
ombudsperson's <u>ombudsman's</u> authority or duties under sections	19456
173.14 to 173.26 of the Revised Code to any member of the	19457
ombudsperson's <u>ombudsman's</u> staff. The state ombudsperson <u>ombudsman</u>	19458
is responsible for any authority or duties the ombudsperson	19459
<u>ombudsman</u> delegates.	19460
Sec. 173.19. (A) The office of the state long-term care	19461
ombudsperson <u>ombudsman</u> program, through the state long-term care	19462
ombudsperson <u>ombudsman</u> and the regional long-term care	19463
ombudsperson <u>ombudsman</u> programs, shall receive, investigate, and	19464
attempt to resolve complaints made by residents, recipients,	19465
sponsors, providers of long-term care, or any person acting on	19466
behalf of a resident or recipient, relating to either of the	19467
following:	19468
(1) The health, safety, welfare, or civil rights of a	19469

resident or recipient or any violation of a resident's rights 19470
described in sections 3721.10 to 3721.17 of the Revised Code; 19471

(2) Any action or inaction or decision by a provider of 19472
long-term care or representative of a provider, a governmental 19473
entity, or a private social service agency that may adversely 19474
affect the health, safety, welfare, or rights of a resident or 19475
recipient. 19476

(B) The department of aging shall adopt rules in accordance 19477
with Chapter 119. of the Revised Code regarding the handling of 19478
complaints received under this section, including procedures for 19479
conducting investigations of complaints. The rules shall include 19480
procedures to ensure that no representative of the office 19481
investigates any complaint involving a provider of long-term care 19482
with which the representative was once employed or associated. 19483

The state ~~ombudsperson~~ ombudsman and regional programs shall 19484
establish procedures for handling complaints consistent with the 19485
department's rules. Complaints shall be dealt with in accordance 19486
with the procedures established under this division. 19487

(C) The office of the state long-term care ~~ombudsperson~~ 19488
ombudsman program may decline to investigate any complaint if it 19489
determines any of the following: 19490

(1) That the complaint is frivolous, vexatious, or not made 19491
in good faith; 19492

(2) That the complaint was made so long after the occurrence 19493
of the incident on which it is based that it is no longer 19494
reasonable to conduct an investigation; 19495

(3) That an adequate investigation cannot be conducted 19496
because of insufficient funds, insufficient staff, lack of staff 19497
expertise, or any other reasonable factor that would result in an 19498
inadequate investigation despite a good faith effort; 19499

(4) That an investigation by the office would create a real or apparent conflict of interest. 19500
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(D) If a regional long-term care ~~ombudsperson~~ ombudsman program declines to investigate a complaint, it shall refer the complaint to the state long-term care ~~ombudsperson~~ ombudsman. 19502
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(E) Each complaint to be investigated by a regional program shall be assigned to a representative of the office of the state long-term care ~~ombudsperson~~ ombudsman program. If the representative determines that the complaint is valid, the representative shall assist the parties in attempting to resolve it. If the representative is unable to resolve it, the representative shall refer the complaint to the state ~~ombudsperson~~ ombudsman. 19505
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In order to carry out the duties of sections 173.14 to 173.26 of the Revised Code, a representative has the right to private communication with residents and their sponsors and access to long-term care facilities, including the right to tour resident areas unescorted and the right to tour facilities unescorted as reasonably necessary to the investigation of a complaint. Access to facilities shall be during reasonable hours or, during investigation of a complaint, at other times appropriate to the complaint. 19513
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When community-based long-term care services are provided at a location other than the recipient's home, a representative has the right to private communication with the recipient and the recipient's sponsors and access to the community-based long-term care site, including the right to tour the site unescorted. Access to the site shall be during reasonable hours or, during the investigation of a complaint, at other times appropriate to the complaint. 19522
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(F) The state ~~ombudsperson~~ ombudsman shall determine whether 19530

complaints referred to the ~~ombuds~~ombudsman under division 19531
(D) or (E) of this section warrant investigation. The 19532
~~ombuds~~ombudsman's determination in this matter is final. 19533

Sec. 173.20. (A) If consent is given and unless otherwise 19534
prohibited by law, a representative of the office of the state 19535
long-term care ombudsman program shall have access to any records, 19536
including medical records, of a resident or a recipient that are 19537
reasonably necessary for investigation of a complaint. Consent may 19538
be given in any of the following ways: 19539

(1) In writing by the resident or recipient; 19540

(2) Orally by the resident or recipient, witnessed in writing 19541
at the time it is given by one other person, and, if the records 19542
involved are being maintained by a long-term care provider, also 19543
by an employee of the long-term care provider designated under 19544
division (E)(1) of this section; 19545

(3) In writing by the guardian of the resident or recipient; 19546

(4) In writing by the attorney in fact of the resident or 19547
recipient, if the resident or recipient has authorized the 19548
attorney in fact to give such consent; 19549

(5) In writing by the executor or administrator of the estate 19550
of a deceased resident or recipient. 19551

(B) If consent to access to records is not refused by a 19552
resident or recipient or ~~his~~ the resident's or recipient's legal 19553
representative but cannot be obtained and any of the following 19554
circumstances exist, a representative of the office of the state 19555
long-term care ombudsman program, on approval of the state 19556
long-term care ombudsman, may inspect the records of a resident or 19557
a recipient, including medical records, that are reasonably 19558
necessary for investigation of a complaint: 19559

(1) The resident or recipient is unable to express written or 19560

oral consent and there is no guardian or attorney in fact; 19561

(2) There is a guardian or attorney in fact, but ~~he~~ the 19562
guardian or attorney in fact cannot be contacted within three 19563
working days; 19564

(3) There is a guardianship or durable power of attorney, but 19565
its existence is unknown by the long-term care provider and the 19566
representative of the office at the time of the investigation; 19567

(4) There is no executor or administrator of the estate of a 19568
deceased resident or recipient. 19569

(C) If a representative of the office of the state long-term 19570
care ombudsman program has been refused access to records by a 19571
guardian or attorney in fact, but has reasonable cause to believe 19572
that the guardian or attorney in fact is not acting in the best 19573
interests of the resident or recipient, the representative may, on 19574
approval of the state long-term care ombudsman, inspect the 19575
records of the resident or recipient, including medical records, 19576
that are reasonably necessary for investigation of a complaint. 19577

(D) A representative of the office of the state long-term 19578
care ombudsman program shall have access to any records of a 19579
long-term care provider reasonably necessary to an investigation 19580
conducted under this section, including but not limited to: 19581
incident reports, dietary records, policies and procedures of a 19582
facility required to be maintained under section ~~5111.21~~ 5165.06 19583
of the Revised Code, admission agreements, staffing schedules, any 19584
document depicting the actual staffing pattern of the provider, 19585
any financial records that are matters of public record, resident 19586
council and grievance committee minutes, and any waiting list 19587
maintained by a facility in accordance with section ~~5111.31~~ 19588
5165.08 of the Revised Code, or any similar records or lists 19589
maintained by a provider of community-based long-term care 19590
services. Pursuant to division (E)(2) of this section, a 19591

representative shall be permitted to make or obtain copies of any 19592
of these records after giving the long-term care provider 19593
twenty-four hours' notice. A long-term care provider may impose a 19594
charge for providing copies of records under this division that 19595
does not exceed the actual and necessary expense of making the 19596
copies. 19597

The state ombudsman shall take whatever action is necessary 19598
to ensure that any copy of a record made or obtained under this 19599
division is returned to the long-term care provider no later than 19600
three years after the date the investigation for which the copy 19601
was made or obtained is completed. 19602

(E)(1) Each long-term care provider shall designate one or 19603
more of its employees to be responsible for witnessing the giving 19604
of oral consent under division (A) of this section. In the event 19605
that a designated employee is not available when a resident or 19606
recipient attempts to give oral consent, the provider shall 19607
designate another employee to witness the consent. 19608

(2) Each long-term care provider shall designate one or more 19609
of its employees to be responsible for releasing records for 19610
copying to representatives of the office of the long-term care 19611
ombudsman program who request permission to make or obtain copies 19612
of records specified in division (D) of this section. In the event 19613
that a designated employee is not available when a representative 19614
of the office makes the request, the long-term care provider shall 19615
designate another employee to release the records for copying. 19616

(F) A long-term care provider or any employee of such a 19617
provider is immune from civil or criminal liability or action 19618
taken pursuant to a professional disciplinary procedure for the 19619
release or disclosure of records to a representative of the office 19620
pursuant to this section. 19621

(G) A state or local government agency or entity with records 19622

relevant to a complaint or investigation being conducted by a 19623
representative of the office shall provide the representative 19624
access to the records. 19625

(H) The state ombudsman, with the approval of the director of 19626
aging, may issue a subpoena to compel any person ~~he~~ the ombudsman 19627
reasonably believes may be able to provide information to appear 19628
before ~~him~~ the ombudsman or ~~his~~ the ombudsman's designee and give 19629
sworn testimony and to produce documents, books, records, papers, 19630
or other evidence the state ombudsman believes is relevant to the 19631
investigation. On the refusal of a witness to be sworn or to 19632
answer any question put to ~~him~~ the witness, or if a person 19633
disobeys a subpoena, the ombudsman shall apply to the Franklin 19634
county court of common pleas for a contempt order, as in the case 19635
of disobedience of the requirements of a subpoena issued from the 19636
court, or a refusal to testify in the court. 19637

(I) The state ombudsman may petition the court of common 19638
pleas in the county in which a long-term care facility is located 19639
to issue an injunction against any long-term care facility in 19640
violation of sections 3721.10 to 3721.17 of the Revised Code. 19641

(J) Any suspected violation of Chapter 3721. of the Revised 19642
Code discovered during the course of an investigation may be 19643
reported to the department of health. Any suspected criminal 19644
violation discovered during the course of an investigation shall 19645
be reported to the attorney general or other appropriate law 19646
enforcement authorities. 19647

(K) The department of aging shall adopt rules in accordance 19648
with Chapter 119. of the Revised Code for referral by the state 19649
ombudsman and regional long-term care ombudsman programs of 19650
complaints to other public agencies or entities. A public agency 19651
or entity to which a complaint is referred shall keep the state 19652
ombudsman or regional program handling the complaint advised and 19653
notified in writing in a timely manner of the disposition of the 19654

complaint to the extent permitted by law. 19655

Sec. 173.21. (A) The office of the state long-term care 19656
~~ombudsperson~~ ombudsman program, through the state long-term care 19657
~~ombudsperson~~ ombudsman and the regional long-term care 19658
~~ombudsperson~~ ombudsman programs, shall require each representative 19659
of the office to complete a training and certification program in 19660
accordance with this section and to meet the continuing education 19661
requirements established under this section. 19662

(B) The department of aging shall adopt rules under Chapter 19663
119. of the Revised Code specifying the content of training 19664
programs for representatives of the office of the state long-term 19665
care ~~ombudsperson~~ ombudsman program. Training for representatives 19666
other than those who are volunteers providing services through 19667
regional long-term care ~~ombudsperson~~ ombudsman programs shall 19668
include instruction regarding federal, state, and local laws, 19669
rules, and policies on long-term care facilities and 19670
community-based long-term care services; investigative techniques; 19671
and other topics considered relevant by the department and shall 19672
consist of the following: 19673

(1) A minimum of forty clock hours of basic instruction, 19674
which shall be completed before the trainee is permitted to handle 19675
complaints without the supervision of a representative of the 19676
office certified under this section; 19677

(2) An additional sixty clock hours of instruction, which 19678
shall be completed within the first fifteen months of employment; 19679

(3) An internship of twenty clock hours, which shall be 19680
completed within the first twenty-four months of employment, 19681
including instruction in, and observation of, basic nursing care 19682
and long-term care provider operations and procedures. The 19683
internship shall be performed at a site that has been approved as 19684
an internship site by the state long-term care ~~ombudsperson~~ 19685

ombudsman. 19686

(4) One of the following, which shall be completed within the 19687
first twenty-four months of employment: 19688

(a) Observation of a survey conducted by the director of 19689
health to certify a nursing facility to ~~receive funds under~~ 19690
~~sections 5111.20 to 5111.32 of the Revised Code~~ participate in the 19691
medicaid program; 19692

(b) Observation of an inspection conducted by the director of 19693
~~mental health~~ mental health and addiction services to license a 19694
residential facility under section ~~5119.22~~ 5119.34 of the Revised 19695
Code that provides accommodations, supervision, and personal care 19696
services for three to sixteen unrelated adults. 19697

(5) Any other training considered appropriate by the 19698
department. 19699

(C) ~~Persons~~ Any person who for a period of at least six 19700
months prior to June 11, 1990, served as ~~ombudsmen~~ an ombudsman 19701
through the long-term care ~~ombudsperson~~ ombudsman program 19702
established by the department of aging under division (M) of 19703
section 173.01 of the Revised Code shall not be required to 19704
complete a training program. ~~These persons~~ Such a person and 19705
persons who complete a training program shall take an examination 19706
administered by the department of aging. On attainment of a 19707
passing score, the person shall be certified by the department as 19708
a representative of the office. The department shall issue the 19709
person an identification card, which the representative shall show 19710
at the request of any person with whom the representative deals 19711
while performing the representative's duties and which shall be 19712
surrendered at the time the representative separates from the 19713
office. 19714

(D) The state ~~ombudsperson~~ ombudsman and each regional 19715
program shall conduct training programs for volunteers on their 19716

respective staffs in accordance with the rules of the department 19717
of aging adopted under division (B) of this section. Training 19718
programs may be conducted that train volunteers to complete some, 19719
but not all, of the duties of a representative of the office. Each 19720
regional office shall bear the cost of training its 19721
representatives who are volunteers. On completion of a training 19722
program, the representative shall take an examination administered 19723
by the department of aging. On attainment of a passing score, a 19724
volunteer shall be certified by the department as a representative 19725
authorized to perform services specified in the certification. The 19726
department shall issue an identification card, which the 19727
representative shall show at the request of any person with whom 19728
the representative deals while performing the representative's 19729
duties and which shall be surrendered at the time the 19730
representative separates from the office. Except as a supervised 19731
part of a training program, no volunteer shall perform any duty 19732
unless he is certified as a representative having received 19733
appropriate training for that duty. 19734

(E) The state ~~ombudsperson~~ ombudsman shall provide technical 19735
assistance to regional programs conducting training programs for 19736
volunteers and shall monitor the training programs. 19737

(F) Prior to scheduling an observation of a certification 19738
survey or licensing inspection for purposes of division (B)(4) of 19739
this section, the state ~~ombudsperson~~ ombudsman shall obtain 19740
permission to have the survey or inspection observed from both the 19741
director of health and the long-term care facility at which the 19742
survey or inspection is to take place. 19743

(G) The department of aging shall establish continuing 19744
education requirements for representatives of the office. 19745

Sec. 173.23. (A) Representatives of the office of the state 19746
long-term care ~~ombudsperson~~ ombudsman program are immune from 19747

civil or criminal liability for any action taken in the good faith 19748
performance of their official duties under sections 173.14 to 19749
173.26 of the Revised Code. 19750

(B) A person acting in good faith is immune from civil or 19751
criminal liability incident to any of the following: providing 19752
information to the office, participating in registration of a 19753
complaint with the office, participating in investigation of a 19754
complaint by the office, or participating in an administrative or 19755
judicial proceeding resulting from a complaint. 19756

(C) No person shall knowingly register a false complaint with 19757
the office, or knowingly swear or affirm the truth of a false 19758
complaint previously registered, when the statement is made with 19759
purpose to incriminate another. 19760

(D) The attorney general shall provide legal counsel to the 19761
office of the state long-term care ~~ombudsperson~~ ombudsman program 19762
and to the regional long-term care ~~ombudsperson~~ ombudsman 19763
programs. The attorney general shall represent any representative 19764
of the office and any representative of a regional program against 19765
whom any legal action is brought in connection with the 19766
representative's official duties under sections 173.14 to 173.26 19767
of the Revised Code. 19768

Sec. 173.25. The office of the state long-term care 19769
~~ombudsperson~~ ombudsman program shall, in carrying out the 19770
provisions and purposes of sections 173.14 to 173.26 of the 19771
Revised Code, advise, consult, and cooperate with any agency, 19772
program, or other entity related to the purposes of the office. 19773
Any agency, program, or other entity related to the purposes of 19774
the office shall advise, consult, and cooperate with the office. 19775

The office shall attempt to establish effective coordination 19776
with government-sponsored programs that provide legal services to 19777
the elderly and with protective and advocacy programs for 19778

individuals with developmental disabilities, mental retardation, 19779
or mental illness. 19780

Sec. 173.26. (A) Each of the following facilities shall 19781
annually pay to the department of aging six dollars for each bed 19782
~~maintained by the facility for use by a resident~~ was licensed or 19783
otherwise authorized to maintain during any part of the previous 19784
year: 19785

(1) Nursing homes, and residential care facilities, ~~and homes~~ 19786
~~for the aging~~ as defined in section 3721.01 of the Revised Code; 19787

(2) Facilities authorized to provide extended care services 19788
under Title XVIII of the "Social Security Act," 49 Stat. 620 19789
(1935), 42 U.S.C. 301, as amended, including a long-term acute 19790
care hospital that provides medical and rehabilitative care to 19791
patients who require an average length of stay greater than 19792
twenty-five days and is classified by the centers for medicare and 19793
medicaid services as a long-term care hospital pursuant to 42 19794
C.F.R. 412.23(e); 19795

(3) County homes and district homes operated pursuant to 19796
Chapter 5155. of the Revised Code; 19797

(4) Residential facilities licensed under section ~~5119.22~~ 19798
5119.34 of the Revised Code that provide accommodations, 19799
supervision, and personal care services for three to sixteen 19800
unrelated adults; 19801

(5) Facilities approved by the Veterans Administration under 19802
Section 104(a) of the "Veterans Health Care Amendments of 1983," 19803
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 19804
the placement and care of veterans. 19805

The department shall, by rule adopted in accordance with 19806
Chapter 119. of the Revised Code, establish deadlines for payments 19807
required by this section. A facility that fails, within ninety 19808

days after the established deadline, to pay a payment required by 19809
this section shall be assessed at two times the original invoiced 19810
payment. 19811

(B) All money collected under this section shall be deposited 19812
in the state treasury to the credit of the office of the state 19813
long-term care ~~ombudsperson~~ ombudsman program fund, which is 19814
hereby created. Money credited to the fund shall be used solely to 19815
pay the costs of operating the regional long-term care 19816
~~ombudsperson~~ ombudsman programs. 19817

(C) The state long-term care ~~ombudsperson~~ ombudsman and the 19818
regional programs may solicit and receive contributions to support 19819
the operation of the office or a regional program, except that no 19820
contribution shall be solicited or accepted that would interfere 19821
with the independence or objectivity of the office or program. 19822

Sec. 173.27. (A) As used in this section: 19823

(1) "Applicant" means a person who is under final 19824
consideration for employment ~~with the office of the state~~ 19825
~~long-term care ombudsperson program~~ by a responsible party in a 19826
full-time, part-time, or temporary position that involves 19827
providing ~~ombudsperson~~ ombudsman services to residents and 19828
recipients. "Applicant" includes a person who is under final 19829
consideration for employment as the state long-term care 19830
~~ombudsperson~~ ombudsman or the head of a regional long-term care 19831
~~ombudsperson~~ ombudsman program. "Applicant" does not include a 19832
person seeking to provide ~~ombudsperson~~ ombudsman services to 19833
residents and recipients as a volunteer without receiving or 19834
expecting to receive any form of remuneration other than 19835
reimbursement for actual expenses. 19836

(2) "Criminal records check" has the same meaning as in 19837
section 109.572 of the Revised Code. 19838

(3) "Disqualifying offense" means any of the offenses listed 19839
or described in divisions (A)(3)(a) to (e) of section 109.572 of 19840
the Revised Code. 19841

(4) "Employee" means a person employed by ~~the office of the~~ 19842
~~state long term care ombudsperson program~~ a responsible party in a 19843
full-time, part-time, or temporary position that involves 19844
providing ~~ombudsperson~~ ombudsman services to residents and 19845
recipients. "Employee" includes the person employed as the state 19846
long-term care ~~ombudsperson~~ ombudsman and a person employed as the 19847
head of a regional long-term care ~~ombudsperson~~ ombudsman program. 19848
"Employee" does not include a person who provides ~~ombudsperson~~ 19849
ombudsman services to residents and recipients as a volunteer 19850
without receiving or expecting to receive any form of remuneration 19851
other than reimbursement for actual expenses. 19852

(5) "Responsible ~~entity~~ party" means the following: 19853

(a) In the case of an applicant who is under final 19854
consideration for employment as the state long-term care 19855
~~ombudsperson~~ ombudsman or the person employed as the state 19856
long-term care ~~ombudsperson~~ ombudsman, the director of aging; 19857

(b) In the case of any other applicant who is under final 19858
consideration for employment with the state long-term care 19859
ombudsman program or any other employee of the state long-term 19860
care ombudsman program, the state long-term care ~~ombudsperson~~ or 19861
~~the ombudsperson's designee~~ ombudsman; 19862

(c) In the case of an applicant who is under final 19863
consideration for employment with a regional long-term care 19864
ombudsman program (including as the head of the regional program) 19865
or an employee of a regional long-term care ombudsman program 19866
(including the head of a regional program), the regional long-term 19867
care ombudsman program. 19868

(B) ~~The office of the state long term care ombudsperson~~ 19869

~~program~~ A responsible party may not employ an applicant or 19870
continue to employ an employee in a position that involves 19871
providing ~~ombuds-person~~ ombudsman services to residents and 19872
recipients if any of the following apply: 19873

(1) A review of the databases listed in division (D) of this 19874
section reveals any of the following: 19875

(a) That the applicant or employee is included in one or more 19876
of the databases listed in divisions (D)(1) to (5) of this 19877
section; 19878

(b) That there is in the state nurse aide registry 19879
established under section 3721.32 of the Revised Code a statement 19880
detailing findings by the director of health that the applicant or 19881
employee neglected or abused a long-term care facility or 19882
residential care facility resident or misappropriated property of 19883
such a resident; 19884

(c) That the applicant or employee is included in one or more 19885
of the databases, if any, specified in rules adopted under this 19886
section and the rules prohibit the ~~office~~ responsible party from 19887
employing an applicant or continuing to employ an employee 19888
included in such a database in a position that involves providing 19889
~~ombuds-person~~ ombudsman services to residents and recipients. 19890

(2) After the applicant or employee is provided, pursuant to 19891
division (E)(2)(a) of this section, a copy of the form prescribed 19892
pursuant to division (C)(1) of section 109.572 of the Revised Code 19893
and the standard impression sheet prescribed pursuant to division 19894
(C)(2) of that section, the applicant or employee fails to 19895
complete the form or provide the applicant's or employee's 19896
fingerprint impressions on the standard impression sheet. 19897

(3) ~~Except as provided~~ Unless the applicant or employee meets 19898
standards specified in rules adopted under this section, the 19899
applicant or employee is found by a criminal records check 19900

required by this section to have been convicted of, pleaded guilty 19901
to, or been found eligible for intervention in lieu of conviction 19902
for a disqualifying offense. 19903

(C) ~~The~~ A responsible entity party or a responsible party's 19904
designee shall inform each applicant of both of the following at 19905
the time of the applicant's initial application for employment in 19906
a position that involves providing ~~ombudsperson~~ ombudsman services 19907
to residents and recipients: 19908

(1) That a review of the databases listed in division (D) of 19909
this section will be conducted to determine whether the ~~office of~~ 19910
~~the state long term care ombudsperson program~~ responsible party is 19911
prohibited by division (B)(1) of this section from employing the 19912
applicant in the position; 19913

(2) That, unless the database review reveals that the 19914
applicant may not be employed in the position, a criminal records 19915
check of the applicant will be conducted and the applicant is 19916
required to provide a set of the applicant's fingerprint 19917
impressions as part of the criminal records check. 19918

(D) As a condition of any applicant's being employed by ~~the~~ 19919
~~office of the state long term care ombudsperson program~~ a 19920
responsible party in a position that involves providing 19921
~~ombudsperson~~ ombudsman services to residents and recipients, the 19922
responsible ~~entity~~ party or designee shall conduct a database 19923
review of the applicant in accordance with rules adopted under 19924
this section. If rules adopted under this section so require, the 19925
responsible ~~entity~~ party or designee shall conduct a database 19926
review of an employee in accordance with the rules as a condition 19927
of the ~~office's~~ responsible party continuing to employ the 19928
employee in a position that involves providing ~~ombudsperson~~ 19929
ombudsman services to residents and recipients. A database review 19930
shall determine whether the applicant or employee is included in 19931
any of the following: 19932

(1) The excluded parties list system <u>that is</u> maintained by	19933
the United States general services administration pursuant to	19934
subpart 9.4 of the federal acquisition regulation <u>and available at</u>	19935
<u>the federal web site known as the system for award management;</u>	19936
(2) The list of excluded individuals and entities maintained	19937
by the office of inspector general in the United States department	19938
of health and human services pursuant to section 1128 of the	19939
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as	19940
amended, and section 1156 of the "Social Security Act," 96 Stat.	19941
388 (1982), 42 U.S.C. 1320c-5, as amended;	19942
(3) The registry of MR/DD employees established under section	19943
5123.52 of the Revised Code;	19944
(4) The internet-based sex offender and child-victim offender	19945
database established under division (A)(11) of section 2950.13 of	19946
the Revised Code;	19947
(5) The internet-based database of inmates established under	19948
section 5120.66 of the Revised Code;	19949
(6) The state nurse aide registry established under section	19950
3721.32 of the Revised Code;	19951
(7) Any other database, if any, specified in rules adopted	19952
under this section.	19953
(E)(1) As a condition of any applicant's being employed by	19954
the office of the state long term care ombudsperson program a	19955
<u>responsible party</u> in a position that involves providing	19956
ombudsperson <u>ombudsman</u> services to residents and recipients, the	19957
responsible entity <u>party or designee</u> shall request that the	19958
superintendent of the bureau of criminal identification and	19959
investigation conduct a criminal records check of the applicant.	19960
If rules adopted under this section so require, the responsible	19961
entity <u>party or designee</u> shall request that the superintendent	19962
conduct a criminal records check of an employee at times specified	19963

in the rules as a condition of the ~~office's~~ responsible party 19964
continuing to employ the employee in a position that involves 19965
providing ~~ombuds person~~ ombudsman services to residents and 19966
recipients. However, the responsible ~~entity~~ party or designee is 19967
not required to request the criminal records check of the 19968
applicant or employee if the ~~office~~ responsible party is 19969
prohibited by division (B)(1) of this section from employing the 19970
applicant or continuing to employ the employee in a position that 19971
involves providing ~~ombuds person~~ ombudsman services to residents 19972
and recipients. If an applicant or employee for whom a criminal 19973
records check request is required by this section does not present 19974
proof of having been a resident of this state for the five-year 19975
period immediately prior to the date the criminal records check is 19976
requested or provide evidence that within that five-year period 19977
the superintendent has requested information about the applicant 19978
or employee from the federal bureau of investigation in a criminal 19979
records check, the responsible ~~entity~~ party or designee shall 19980
request that the superintendent obtain information from the 19981
federal bureau of investigation as part of the criminal records 19982
check. Even if an applicant or employee for whom a criminal 19983
records check request is required by this section presents proof 19984
of having been a resident of this state for the five-year period, 19985
the responsible ~~entity~~ party or designee may request that the 19986
superintendent include information from the federal bureau of 19987
investigation in the criminal records check. 19988

(2) ~~The~~ A responsible ~~entity~~ party or designee shall do all 19989
of the following: 19990

(a) Provide to each applicant and employee for whom a 19991
criminal records check request is required by this section a copy 19992
of the form prescribed pursuant to division (C)(1) of section 19993
109.572 of the Revised Code and a standard impression sheet 19994
prescribed pursuant to division (C)(2) of that section; 19995

(b) Obtain the completed form and standard impression sheet from the applicant or employee;	19996 19997
(c) Forward the completed form and standard impression sheet to the superintendent.	19998 19999
(3) The office of the state long term care ombudsperson program <u>A responsible party</u> shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible <u>entity party or the responsible party's designee</u> requests under this section. The office <u>responsible party</u> may charge an applicant a fee not exceeding the amount the office <u>responsible party</u> pays to the bureau under this section if the responsible <u>entity party or designee</u> notifies the applicant at the time of initial application for employment of the amount of the fee.	20000 20001 20002 20003 20004 20005 20006 20007 20008 20009 20010
(F)(1) The office of the state long term care ombudsperson program <u>A responsible party</u> may employ conditionally an applicant for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if <u>both of the office following apply:</u>	20011 20012 20013 20014 20015
(a) <u>The responsible party</u> is not prohibited by division (B)(1) of this section from employing the applicant in a position that involves providing ombudsperson <u>ombudsman</u> services to residents and recipients and the;	20016 20017 20018 20019
(b) <u>The responsible entity party or designee</u> requests the criminal records check in accordance with division (E) of this section not later than five business days after the applicant begins conditional employment.	20020 20021 20022 20023
(2) The office of the state long term care ombudsperson program <u>A responsible party</u> shall terminate the employment of an applicant employed conditionally under division (F)(1) of this	20024 20025 20026

section if the results of the criminal records check, other than 20027
the results of any request for information from the federal bureau 20028
of investigation, are not obtained within the period ending sixty 20029
days after the date the request for the criminal records check is 20030
made. Regardless of when the results of the criminal records check 20031
are obtained, if the results indicate that the applicant has been 20032
convicted of, pleaded guilty to, or been found eligible for 20033
intervention in lieu of conviction for a disqualifying offense, 20034
the ~~office~~ responsible party shall terminate the applicant's 20035
employment unless ~~circumstances~~ the applicant meets standards 20036
specified in rules adopted under this section that permit the 20037
~~office~~ responsible party to employ the applicant ~~exist~~ and the 20038
~~office~~ responsible party chooses to employ the applicant. 20039
Termination of employment under this division shall be considered 20040
just cause for discharge for purposes of division (D)(2) of 20041
section 4141.29 of the Revised Code if the applicant makes any 20042
attempt to deceive the ~~office~~ responsible party or designee about 20043
the applicant's criminal record. 20044

(G) The report of any criminal records check conducted 20045
pursuant to a request made under this section is not a public 20046
record for the purposes of section 149.43 of the Revised Code and 20047
shall not be made available to any person other than the 20048
following: 20049

(1) The applicant or employee who is the subject of the 20050
criminal records check or the applicant's or employee's 20051
representative; 20052

(2) The responsible ~~entity~~ party or ~~the responsible entity's~~ 20053
~~representative~~ designee; 20054

(3) ~~If the state long term care ombudsperson designates the~~ 20055
~~head or other employee of~~ In the case of a criminal records check 20056
conducted for an applicant who is under final consideration for 20057
employment with a regional long-term care ~~ombudsperson~~ ombudsman 20058

program to request a criminal records check under this section 20059
(including as the head of the regional program) or an employee of 20060
a regional long-term care ombudsman program (including the head of 20061
a regional program), the state long-term care ombudsman or a 20062
representative of the office of the state long-term care 20063
~~ombudsperson~~ ombudsman program who is responsible for monitoring 20064
the regional program's compliance with this section; 20065

(4) A court, hearing officer, or other necessary individual 20066
involved in a case dealing with any of the following: 20067

(a) A denial of employment of the applicant or employee; 20068

(b) Employment or unemployment benefits of the applicant or 20069
employee; 20070

(c) A civil or criminal action regarding the medicaid program 20071
or a program the department of aging administers. 20072

(H) In a tort or other civil action for damages that is 20073
brought as the result of an injury, death, or loss to person or 20074
property caused by an applicant or employee who ~~the office of the~~ 20075
~~state long term care ombudsperson program~~ a responsible party 20076
employs in a position that involves providing ~~ombudsperson~~ 20077
ombudsman services to residents and recipients, all of the 20078
following shall apply: 20079

(1) If the ~~office~~ responsible party employed the applicant or 20080
employee in good faith and reasonable reliance on the report of a 20081
criminal records check requested under this section, the ~~office~~ 20082
responsible party shall not be found negligent solely because of 20083
its reliance on the report, even if the information in the report 20084
is determined later to have been incomplete or inaccurate. 20085

(2) If the ~~office~~ responsible party employed the applicant in 20086
good faith on a conditional basis pursuant to division (F) of this 20087
section, the ~~office~~ responsible party shall not be found negligent 20088
solely because it employed the applicant prior to receiving the 20089

report of a criminal records check requested under this section. 20090

20091

(3) If the ~~office~~ responsible party in good faith employed 20092
the applicant or employee ~~according to~~ because the ~~personal~~ 20093
~~character~~ applicant or employee meets standards ~~established~~ 20094
specified in rules adopted under this section, the ~~office~~ 20095
responsible party shall not be found negligent solely because the 20096
applicant or employee has been convicted of, pleaded guilty to, or 20097
been found eligible for intervention in lieu of conviction for a 20098
disqualifying offense. 20099

(I) The state long-term care ombudsman may not act as the 20100
director of aging's designee for the purpose of this section. The 20101
head of a regional long-term care ombudsman program may not act as 20102
the regional program's designee for the purpose of this section if 20103
the head is the employee for whom a database review or criminal 20104
records check is being conducted. 20105

(J) The director of aging shall adopt rules in accordance 20106
with Chapter 119. of the Revised Code to implement this section. 20107

(1) The rules may do the following: 20108

(a) Require employees to undergo database reviews and 20109
criminal records checks under this section; 20110

(b) If the rules require employees to undergo database 20111
reviews and criminal records checks under this section, exempt one 20112
or more classes of employees from the requirements; 20113

(c) For the purpose of division (D)(7) of this section, 20114
specify other databases that are to be checked as part of a 20115
database review conducted under this section. 20116

(2) The rules shall specify all of the following: 20117

(a) The procedures for conducting database reviews under this 20118
section; 20119

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which ~~the office of the state long-term care ombudsperson program~~ a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;

(d) ~~Circumstances under which the office of the state long-term care ombudsperson program may employ~~ Standards that an applicant or employee ~~who~~ must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a position that involves providing ombudsman services to residents and recipients if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense ~~but~~ meets personal character standards.

Sec. 173.28. (A)(1) As used in this division, "incident" means the occurrence of a violation with respect to a resident or recipient, as those terms are defined in section 173.14 of the Revised Code. A violation is a separate incident for each day it occurs and for each resident who is subject to it.

In lieu of the fine that may be imposed under division (A) of section 173.99 of the Revised Code, the director of aging may, under Chapter 119. of the Revised Code, fine a long-term care provider or other entity, or a person employed by a long-term care provider or other entity, for a violation of division (C) of section 173.24 of the Revised Code. The fine shall not exceed one

thousand dollars per incident. 20151

(2) In lieu of the fine that may be imposed under division 20152
(C) of section 173.99 of the Revised Code, the director may, under 20153
Chapter 119. of the Revised Code, fine a long-term care provider 20154
or other entity, or a person employed by a long-term care provider 20155
or other entity, for violating division (E) of section 173.19 of 20156
the Revised Code by denying a representative of the office of the 20157
state long-term care ~~ombuds~~ombudsman program the access 20158
required by that division. The fine shall not exceed five hundred 20159
dollars for each day the violation continued. 20160

(B) On request of the director, the attorney general shall 20161
bring and prosecute to judgment a civil action to collect any fine 20162
imposed under division (A)(1) or (2) of this section that remains 20163
unpaid thirty days after the violator's final appeal is exhausted. 20164

(C) All fines collected under this section shall be deposited 20165
into the state treasury to the credit of the state long-term care 20166
~~ombuds~~ombudsman program fund created under section 173.26 20167
of the Revised Code. 20168

Sec. ~~173.394~~ 173.38. (A) As used in this section: 20169

(1) "Applicant" means a person who is under final 20170
consideration for employment with a ~~community-based long-term care~~ 20171
~~agency~~ responsible party in a full-time, part-time, or temporary 20172
~~direct-care~~ position that ~~involves providing direct care to an~~ 20173
~~individual~~ or is referred to a ~~community-based long-term care~~ 20174
~~agency~~ responsible party by an employment service for such a 20175
position. "Applicant" does not include a person ~~who provides~~ 20176
~~direct care to an individual~~ being considered for a direct-care 20177
position as a volunteer ~~without receiving or expecting to receive~~ 20178
~~any form of remuneration other than reimbursement for actual~~ 20179
~~expenses.~~ 20180

<u>(2) "Area agency on aging" has the same meaning as in section</u>	20181
<u>173.14 of the Revised Code.</u>	20182
<u>(3) "Community-based long-term care services" means</u>	20183
<u>community-based long-term care services, as defined in section</u>	20184
<u>173.14 of the Revised Code, that are provided under a program the</u>	20185
<u>department of aging administers.</u>	20186
<u>(4) "Consumer" means an individual who receives</u>	20187
<u>community-based long-term care services.</u>	20188
<u>(5) "Criminal records check" has the same meaning as in</u>	20189
<u>section 109.572 of the Revised Code.</u>	20190
<u>(6)(a) "Direct-care position" means an employment position in</u>	20191
<u>which an employee has either or both of the following:</u>	20192
<u>(i) In-person contact with one or more consumers;</u>	20193
<u>(ii) Access to one or more consumers' personal property or</u>	20194
<u>records.</u>	20195
<u>(b) "Direct-care position" does not include a person whose</u>	20196
<u>sole duties are transporting individuals under Chapter 306. of the</u>	20197
<u>Revised Code.</u>	20198
<u>(7) "Disqualifying offense" means any of the offenses listed</u>	20199
<u>or described in divisions (A)(3)(a) to (e) of section 109.572 of</u>	20200
<u>the Revised Code.</u>	20201
<u>(8) "Employee" means a person employed by a community-based</u>	20202
<u>long-term care agency <u>responsible party</u> in a full-time, part-time,</u>	20203
<u>or temporary <u>direct-care</u> position that involves providing direct</u>	20204
<u>care to an individual and a person who works in such a position</u>	20205
<u>due to being referred to a community-based long-term care agency</u>	20206
<u>responsible party by an employment service. "Employee" does not</u>	20207
<u>include a person who provides direct care to an individual <u>works</u></u>	20208
<u><u>in a direct-care position</u> as a volunteer without receiving or</u>	20209
<u>expecting to receive any form of remuneration other than</u>	20210

<u>reimbursement for actual expenses.</u>	20211
<u>(9) "PASSPORT administrative agency" has the same meaning as</u>	20212
<u>in section 173.42 of the Revised Code.</u>	20213
<u>(10) "Provider" has the same meaning as in section 173.39 of</u>	20214
<u>the Revised Code.</u>	20215
<u>(11) "Responsible party" means the following:</u>	20216
<u>(a) An area agency on aging in the case of either of the</u>	20217
<u>following:</u>	20218
<u>(i) A person who is an applicant because the person is under</u>	20219
<u>final consideration for employment with the agency in a full-time,</u>	20220
<u>part-time, or temporary direct-care position or is referred to the</u>	20221
<u>agency by an employment service for such a position;</u>	20222
<u>(ii) A person who is an employee because the person is</u>	20223
<u>employed by the agency in a full-time, part-time, or temporary</u>	20224
<u>direct-care position or works in such a position due to being</u>	20225
<u>referred to the agency by an employment service.</u>	20226
<u>(b) A PASSPORT administrative agency in the case of either of</u>	20227
<u>the following:</u>	20228
<u>(i) A person who is an applicant because the person is under</u>	20229
<u>final consideration for employment with the agency in a full-time,</u>	20230
<u>part-time, or temporary direct-care position or is referred to the</u>	20231
<u>agency by an employment service for such a position;</u>	20232
<u>(ii) A person who is an employee because the person is</u>	20233
<u>employed by the agency in a full-time, part-time, or temporary</u>	20234
<u>direct-care position or works in such a position due to being</u>	20235
<u>referred to the agency by an employment service.</u>	20236
<u>(c) A provider in the case of either of the following:</u>	20237
<u>(i) A person who is an applicant because the person is under</u>	20238
<u>final consideration for employment with the provider in a</u>	20239
<u>full-time, part-time, or temporary direct-care position or is</u>	20240

referred to the provider by an employment service for such a position; 20241
20242

(ii) A person who is an employee because the person is employed by the provider in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the provider by an employment service. 20243
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(d) A subcontractor in the case of either of the following: 20247

(i) A person who is an applicant because the person is under final consideration for employment with the subcontractor in a full-time, part-time, or temporary direct-care position or is referred to the subcontractor by an employment service for such a position; 20248
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(ii) A person who is an employee because the person is employed by the subcontractor in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the subcontractor by an employment service. 20253
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(12) "Subcontractor" has the meaning specified in rules adopted under this section. 20257
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(13) "Volunteer" means a person who serves in a direct-care position without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses. 20259
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20261

(14) "Waiver agency" has the same meaning as in section 5111.033 5164.342 of the Revised Code. 20262
20263

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3701.881 of the Revised Code or to any individual who is subject to a criminal records check under section 3721.121 of the Revised Code. If a ~~community based long term care agency provider~~ or subcontractor also is a waiver agency, the ~~agency provider or~~ subcontractor may provide for applicants and employees to undergo 20264
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database reviews and criminal records checks in accordance with 20271
section ~~5111.033~~ 5164.342 of the Revised Code rather than this 20272
section. 20273

(C) No ~~community-based long-term care agency~~ responsible 20274
party shall employ an applicant or continue to employ an employee 20275
in a direct-care position ~~that involves providing direct care to~~ 20276
~~an individual~~ if any of the following apply: 20277

(1) A review of the databases listed in division (E) of this 20278
section reveals any of the following: 20279

(a) That the applicant or employee is included in one or more 20280
of the databases listed in divisions (E)(1) to (5) of this 20281
section; 20282

(b) That there is in the state nurse aide registry 20283
established under section 3721.32 of the Revised Code a statement 20284
detailing findings by the director of health that the applicant or 20285
employee neglected or abused a long-term care facility or 20286
residential care facility resident or misappropriated property of 20287
such a resident; 20288

(c) That the applicant or employee is included in one or more 20289
of the databases, if any, specified in rules adopted under this 20290
section and the rules prohibit the ~~agency~~ responsible party from 20291
employing an applicant or continuing to employ an employee 20292
included in such a database in a direct-care position ~~that~~ 20293
~~involves providing direct care to an individual.~~ 20294

(2) After the applicant or employee is provided, pursuant to 20295
division (F)(2)(a) of this section, a copy of the form prescribed 20296
pursuant to division (C)(1) of section 109.572 of the Revised Code 20297
and the standard impression sheet prescribed pursuant to division 20298
(C)(2) of that section, the applicant or employee fails to 20299
complete the form or provide the applicant's or employee's 20300
fingerprint impressions on the standard impression sheet. 20301

(3) ~~Except as provided~~ Unless the applicant or employee meets 20302
standards specified in rules adopted under this section, the 20303
applicant or employee is found by a criminal records check 20304
required by this section to have been convicted of, pleaded guilty 20305
to, or been found eligible for intervention in lieu of conviction 20306
for a disqualifying offense. 20307

(D) Except as provided by division (G) of this section, the 20308
chief administrator of a ~~community based long term care agency~~ 20309
responsible party shall inform each applicant of both of the 20310
following at the time of the applicant's initial application for 20311
employment or referral to the agency responsible party by an 20312
employment service for a direct-care position ~~that involves~~ 20313
~~providing direct care to an individual:~~ 20314

(1) That a review of the databases listed in division (E) of 20315
this section will be conducted to determine whether the ~~agency~~ 20316
responsible party is prohibited by division (C)(1) of this section 20317
from employing the applicant in the direct-care position; 20318

(2) That, unless the database review reveals that the 20319
applicant may not be employed in the direct-care position, a 20320
criminal records check of the applicant will be conducted and the 20321
applicant is required to provide a set of the applicant's 20322
fingerprint impressions as part of the criminal records check. 20323

(E) As a condition of employing any applicant in a 20324
direct-care position ~~that involves providing direct care to an~~ 20325
~~individual~~, the chief administrator of a ~~community based long term~~ 20326
~~care agency~~ responsible party shall conduct a database review of 20327
the applicant in accordance with rules adopted under this section. 20328
If rules adopted under this section so require, the chief 20329
administrator of a ~~community based long term care agency~~ 20330
responsible party shall conduct a database review of an employee 20331
in accordance with the rules as a condition of continuing to 20332
employ the employee in a direct-care position ~~that involves~~ 20333

~~providing direct care to an individual.~~ However, a chief 20334
administrator is not required to conduct a database review of an 20335
applicant or employee if division (G) of this section applies. A 20336
database review shall determine whether the applicant or employee 20337
is included in any of the following: 20338

(1) The excluded parties list system that is maintained by 20339
the United States general services administration pursuant to 20340
subpart 9.4 of the federal acquisition regulation and available at 20341
the federal web site known as the system for award management; 20342

(2) The list of excluded individuals and entities maintained 20343
by the office of inspector general in the United States department 20344
of health and human services pursuant to ~~section 1128 of the~~ 20345
"Social Security Act," ~~94 Stat. 2619 (1980)~~ sections 1128 and 20346
1156, 42 U.S.C. 1320a-7, ~~as amended~~, and ~~section 1156 of the~~ 20347
~~"Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. 1320c-5, as~~ 20348
~~amended;~~ 20349

(3) The registry of MR/DD employees established under section 20350
5123.52 of the Revised Code; 20351

(4) The internet-based sex offender and child-victim offender 20352
database established under division (A)(11) of section 2950.13 of 20353
the Revised Code; 20354

(5) The internet-based database of inmates established under 20355
section 5120.66 of the Revised Code; 20356

(6) The state nurse aide registry established under section 20357
3721.32 of the Revised Code; 20358

(7) Any other database, if any, specified in rules adopted 20359
under this section. 20360

(F)(1) As a condition of employing any applicant in a 20361
direct-care position ~~that involves providing direct care to an~~ 20362
~~individual~~, the chief administrator of a ~~community-based long-term~~ 20363

~~care agency~~ responsible party shall request that the 20364
superintendent of the bureau of criminal identification and 20365
investigation conduct a criminal records check of the applicant. 20366
If rules adopted under this section so require, the chief 20367
administrator of a ~~community based long term care agency~~ 20368
responsible party shall request that the superintendent conduct a 20369
criminal records check of an employee at times specified in the 20370
rules as a condition of continuing to employ the employee in a 20371
direct-care position ~~that involves providing direct care to an~~ 20372
~~individual~~. However, the chief administrator is not required to 20373
request the criminal records check of the applicant or employee if 20374
division (G) of this section applies or the ~~agency~~ responsible 20375
party is prohibited by division (C)(1) of this section from 20376
employing the applicant or continuing to employ the employee in a 20377
direct-care position ~~that involves providing direct care to an~~ 20378
~~individual~~. If an applicant or employee for whom a criminal 20379
records check request is required by this section does not present 20380
proof of having been a resident of this state for the five-year 20381
period immediately prior to the date the criminal records check is 20382
requested or provide evidence that within that five-year period 20383
the superintendent has requested information about the applicant 20384
or employee from the federal bureau of investigation in a criminal 20385
records check, the chief administrator shall request that the 20386
superintendent obtain information from the federal bureau of 20387
investigation as part of the criminal records check. Even if an 20388
applicant or employee for whom a criminal records check request is 20389
required by this section presents proof of having been a resident 20390
of this state for the five-year period, the chief administrator 20391
may request that the superintendent include information from the 20392
federal bureau of investigation in the criminal records check. 20393

(2) The chief administrator shall do all of the following: 20394

(a) Provide to each applicant and employee for whom a 20395

criminal records check request is required by this section a copy 20396
of the form prescribed pursuant to division (C)(1) of section 20397
109.572 of the Revised Code and a standard impression sheet 20398
prescribed pursuant to division (C)(2) of that section; 20399

(b) Obtain the completed form and standard impression sheet 20400
from the applicant or employee; 20401

(c) Forward the completed form and standard impression sheet 20402
to the superintendent. 20403

(3) A ~~community based long term care agency~~ responsible party 20404
shall pay to the bureau of criminal identification and 20405
investigation the fee prescribed pursuant to division (C)(3) of 20406
section 109.572 of the Revised Code for each criminal records 20407
check the ~~agency~~ responsible party requests under this section. ~~An~~ 20408
~~agency~~ A responsible party may charge an applicant a fee not 20409
exceeding the amount the ~~agency~~ responsible party pays to the 20410
bureau under this section if both of the following apply: 20411

(a) The ~~agency~~ responsible party notifies the applicant at 20412
the time of initial application for employment of the amount of 20413
the fee and that, unless the fee is paid, the applicant will not 20414
be considered for employment. 20415

(b) The medicaid program ~~established under Chapter 5111. of~~ 20416
~~the Revised Code~~ does not ~~reimburse~~ pay the ~~agency~~ responsible 20417
party for the fee it pays to the bureau under this section. 20418

(G) Divisions (D) to (F) of this section do not apply with 20419
regard to an applicant or employee if the applicant or employee is 20420
referred to a ~~community based long term agency~~ responsible party 20421
by an employment service that supplies full-time, part-time, or 20422
temporary staff for direct-care positions ~~that involve providing~~ 20423
~~direct care to an individual~~ and both of the following apply: 20424

(1) The chief administrator of the ~~agency~~ responsible party 20425
receives from the employment service confirmation that a review of 20426

the databases listed in division (E) of this section was conducted 20427
of the applicant or employee. 20428

(2) The chief administrator of the agency responsible party 20429
receives from the employment service, applicant, or employee a 20430
report of the results of a criminal records check of the applicant 20431
or employee that has been conducted by the superintendent within 20432
the one-year period immediately preceding the following: 20433

(a) In the case of an applicant, the date of the applicant's 20434
referral by the employment service to the agency responsible 20435
party; 20436

(b) In the case of an employee, the date by which the agency 20437
responsible party would otherwise have to request a criminal 20438
records check of the employee under division (F) of this section. 20439

(H)(1) A ~~community based long term care agency~~ responsible 20440
party may employ conditionally an applicant for whom a criminal 20441
records check request is required by this section prior to 20442
obtaining the results of the criminal records check if the agency 20443
responsible party is not prohibited by division (C)(1) of this 20444
section from employing the applicant in a direct-care position 20445
~~that involves providing direct care to an individual~~ and either of 20446
the following applies: 20447

(a) The chief administrator of the agency responsible party 20448
requests the criminal records check in accordance with division 20449
(F) of this section not later than five business days after the 20450
applicant begins conditional employment. 20451

(b) The applicant is referred to the agency responsible party 20452
by an employment service, the employment service or the applicant 20453
provides the chief administrator of the agency responsible party a 20454
letter that is on the letterhead of the employment service, the 20455
letter is dated and signed by a supervisor or another designated 20456
official of the employment service, and the letter states all of 20457

the following: 20458

(i) That the employment service has requested the 20459
superintendent to conduct a criminal records check regarding the 20460
applicant; 20461

(ii) That the requested criminal records check is to include 20462
a determination of whether the applicant has been convicted of, 20463
pleaded guilty to, or been found eligible for intervention in lieu 20464
of conviction for a disqualifying offense; 20465

(iii) That the employment service has not received the 20466
results of the criminal records check as of the date set forth on 20467
the letter; 20468

(iv) That the employment service promptly will send a copy of 20469
the results of the criminal records check to the chief 20470
administrator of the ~~agency~~ responsible party when the employment 20471
service receives the results. 20472

(2) If a ~~community based long term care agency~~ responsible 20473
party employs an applicant conditionally pursuant to division 20474
(H)(1)(b) of this section, the employment service, on its receipt 20475
of the results of the criminal records check, promptly shall send 20476
a copy of the results to the chief administrator of the ~~agency~~ 20477
responsible party. 20478

(3) A ~~community based long term care agency~~ responsible party 20479
that employs an applicant conditionally pursuant to division 20480
(H)(1)(a) or (b) of this section shall terminate the applicant's 20481
employment if the results of the criminal records check, other 20482
than the results of any request for information from the federal 20483
bureau of investigation, are not obtained within the period ending 20484
sixty days after the date the request for the criminal records 20485
check is made. Regardless of when the results of the criminal 20486
records check are obtained, if the results indicate that the 20487
applicant has been convicted of, pleaded guilty to, or been found 20488

eligible for intervention in lieu of conviction for a 20489
disqualifying offense, the agency responsible party shall 20490
terminate the applicant's employment unless ~~circumstances~~ the 20491
applicant meets standards specified in rules adopted under this 20492
section that permit the agency responsible party to employ the 20493
applicant ~~exist~~ and the agency responsible party chooses to employ 20494
the applicant. Termination of employment under this division shall 20495
be considered just cause for discharge for purposes of division 20496
(D)(2) of section 4141.29 of the Revised Code if the applicant 20497
makes any attempt to deceive the agency responsible party about 20498
the applicant's criminal record. 20499

(I) The report of any criminal records check conducted 20500
pursuant to a request made under this section is not a public 20501
record for the purposes of section 149.43 of the Revised Code and 20502
shall not be made available to any person other than the 20503
following: 20504

(1) The applicant or employee who is the subject of the 20505
criminal records check or the applicant's or employee's 20506
representative; 20507

(2) The chief administrator of the ~~community-based long-term~~ 20508
~~care~~ agency responsible party requesting the criminal records 20509
check or the administrator's representative; 20510

(3) The administrator of any other facility, agency, or 20511
program that provides ~~direct care to individuals~~ community-based 20512
long-term care services that is owned or operated by the same 20513
entity that owns or operates the ~~community-based long-term care~~ 20514
agency responsible party that requested the criminal records 20515
check; 20516

(4) The employment service that requested the criminal 20517
records check; 20518

(5) The director of aging or a person authorized by the 20519

director to monitor a ~~community based long term care agency's~~ 20520
responsible party's compliance with this section; 20521

(6) The medicaid director ~~of job and family services~~ and the 20522
staff of the department of ~~job and family services~~ medicaid who 20523
are involved in the administration of the medicaid program if 20524
either of the following apply: 20525

(a) In the case of a criminal records check requested by a 20526
~~community based long term care agency~~ provider or subcontractor, 20527
the ~~agency~~ provider or subcontractor also is a waiver agency; 20528

(b) In the case of a criminal records check requested by an 20529
employment service, the employment service makes the request for 20530
an applicant or employee the employment service refers to a 20531
~~community based long term care agency~~ provider or subcontractor 20532
that also is a waiver agency. 20533

(7) A court, hearing officer, or other necessary individual 20534
involved in a case dealing with any of the following: 20535

(a) A denial of employment of the applicant or employee; 20536

(b) Employment or unemployment benefits of the applicant or 20537
employee; 20538

(c) A civil or criminal action regarding the medicaid program 20539
or a program the department of aging administers. 20540

(J) In a tort or other civil action for damages that is 20541
brought as the result of an injury, death, or loss to person or 20542
property caused by an applicant or employee who a ~~community based~~ 20543
~~long term care agency~~ responsible party employs in a direct-care 20544
position ~~that involves providing direct care to individuals~~, all 20545
of the following shall apply: 20546

(1) If the ~~agency~~ responsible party employed the applicant or 20547
employee in good faith and reasonable reliance on the report of a 20548
criminal records check requested under this section, the ~~agency~~ 20549

responsible party shall not be found negligent solely because of 20550
its reliance on the report, even if the information in the report 20551
is determined later to have been incomplete or inaccurate. 20552

(2) If the ~~agency~~ responsible party employed the applicant in 20553
good faith on a conditional basis pursuant to division (H) of this 20554
section, the ~~agency~~ responsible party shall not be found negligent 20555
solely because it employed the applicant prior to receiving the 20556
report of a criminal records check requested under this section. 20557
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(3) If the ~~agency~~ responsible party in good faith employed 20559
the applicant or employee ~~according to~~ because the ~~personal~~ 20560
~~character~~ applicant or employee meets standards established 20561
specified in rules adopted under this section, the ~~agency~~ 20562
responsible party shall not be found negligent solely because the 20563
applicant or employee has been convicted of, pleaded guilty to, or 20564
been found eligible for intervention in lieu of conviction for a 20565
disqualifying offense. 20566

(K) The director of aging shall adopt rules in accordance 20567
with Chapter 119. of the Revised Code to implement this section. 20568

(1) The rules may do the following: 20569

(a) Require employees to undergo database reviews and 20570
criminal records checks under this section; 20571

(b) If the rules require employees to undergo database 20572
reviews and criminal records checks under this section, exempt one 20573
or more classes of employees from the requirements; 20574

(c) For the purpose of division (E)(7) of this section, 20575
specify other databases that are to be checked as part of a 20576
database review conducted under this section. 20577

(2) The rules shall specify all of the following: 20578

(a) The meaning of the term "subcontractor"; 20579

(b) The procedures for conducting database reviews under this section; 20580
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~~(b)~~(c) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; 20582
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~~(e)~~(d) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a ~~community-based long-term care agency~~ responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases; 20586
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~~(d) Circumstances under which a community-based long-term care agency may employ~~ (e) Standards that an applicant or employee who must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a direct-care position if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets personal character standards. 20592
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Sec. 173.39. (A) As used in sections 173.39 to ~~173.394~~ 173.393 of the Revised Code: 20601
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(1) "~~Community-based long-term care agency~~ Provider" means a person or government entity that provides community-based long-term care services under a program the department of aging administers, ~~regardless of whether the person or government entity is certified under section 173.391 or authorized to receive payment for the services from the department under section 173.392 of the Revised Code.~~ "Community-based long-term care agency Provider" includes a person or government entity that provides 20603
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home and community-based services to older adults through the 20611
PASSPORT program ~~created under~~ as defined in section ~~173.40~~ 173.51 20612
of the Revised Code. 20613

(2) "Community-based long-term care services" has the same 20614
meaning as in section 173.14 of the Revised Code. 20615

(B) Except as provided in section 173.392 of the Revised 20616
Code, the department of aging may not pay a ~~person or government~~ 20617
~~entity~~ provider for providing community-based long-term care 20618
services under a program the department administers unless the 20619
~~person or government entity~~ provider is certified under section 20620
173.391 of the Revised Code and provides the services. 20621

Sec. 173.391. (A) The department of aging or its designee 20622
shall do all of the following in accordance with Chapter 119. of 20623
the Revised Code: 20624

(1) Certify a ~~person or government entity~~ provider to provide 20625
community-based long-term care services under a program the 20626
department administers if the ~~person or government entity~~ provider 20627
satisfies the requirements for certification established by rules 20628
adopted under division (B) of this section and pays the fee, if 20629
any, established by rules adopted under division (G) of this 20630
section; 20631

(2) When required to do so by rules adopted under division 20632
(B) of this section, take one or more of the following 20633
disciplinary actions against a ~~person or government entity~~ 20634
provider certified under division (A)(1) of this section: 20635

(a) Issue a written warning; 20636

(b) Require the submission of a plan of correction or 20637
evidence of compliance with requirements identified by the 20638
department; 20639

(c) Suspend referrals; 20640

(d) Remove clients;	20641
(e) Impose a fiscal sanction such as a civil monetary penalty or an order that unearned funds be repaid;	20642 20643
(f) Suspend the certification;	20644
(g) Revoke the certification;	20645
(h) Impose another sanction.	20646
(3) Except as provided in division (E) of this section, hold hearings when there is a dispute between the department or its designee and a person or government entity <u>provider</u> concerning actions the department or its designee takes regarding a decision not to certify the person or government entity <u>provider</u> under division (A)(1) of this section or a disciplinary action under divisions (A)(2)(e) to (h) of this section.	20647 20648 20649 20650 20651 20652 20653
(B) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code establishing certification requirements and standards for determining which type of disciplinary action to take under division (A)(2) of this section in individual situations. The rules shall establish procedures for all of the following:	20654 20655 20656 20657 20658 20659
(1) Ensuring that community based long term care agencies <u>providers</u> comply with section 173.394 <u>173.38</u> of the Revised Code;	20660 20661
(2) Evaluating the services provided by the agencies <u>providers</u> to ensure that the services are provided in a quality manner advantageous to the individual receiving the services;	20662 20663 20664
(3) Determining when to take disciplinary action under division (A)(2) of this section and which disciplinary action to take;	20665 20666 20667
(4) Determining what constitutes another sanction for purposes of division (A)(2)(h) of this section.	20668 20669
(C) The procedures established in rules adopted under	20670

division (B)(2) of this section shall require that all of the 20671
following be considered as part of an evaluation described in 20672
division (B)(2) of this section: 20673

(1) The ~~community-based long-term care agency's~~ provider's 20674
experience and financial responsibility; 20675

(2) The ~~agency's~~ provider's ability to comply with standards 20676
for the community-based long-term care services that the ~~agency~~ 20677
provider provides under a program the department administers; 20678

(3) The ~~agency's~~ provider's ability to meet the needs of the 20679
individuals served; 20680

(4) Any other factor the director considers relevant. 20681

(D) The rules adopted under division (B)(3) of this section 20682
shall specify that the reasons disciplinary action may be taken 20683
under division (A)(2) of this section include good cause, 20684
including misfeasance, malfeasance, nonfeasance, confirmed abuse 20685
or neglect, financial irresponsibility, or other conduct the 20686
director determines is injurious, or poses a threat, to the health 20687
or safety of individuals being served. 20688

(E) Subject to division (F) of this section, the department 20689
is not required to hold hearings under division (A)(3) of this 20690
section if any of the following conditions apply: 20691

(1) Rules adopted by the director of aging pursuant to this 20692
chapter require the ~~community-based long-term care agency~~ provider 20693
to be a party to a provider agreement; hold a license, 20694
certificate, or permit; or maintain a certification, any of which 20695
is required or issued by a state or federal government entity 20696
other than the department of aging, and either of the following is 20697
the case: 20698

(a) The provider agreement has not been entered into or the 20699
license, certificate, permit, or certification has not been 20700

obtained or maintained. 20701

(b) The provider agreement, license, certificate, permit, or 20702
certification has been denied, revoked, not renewed, or suspended 20703
or has been otherwise restricted. 20704

(2) The ~~agency's~~ provider's certification under this section 20705
has been denied, suspended, or revoked for any of the following 20706
reasons: 20707

(a) A government entity of this state, other than the 20708
department of aging, has terminated or refused to renew any of the 20709
following held by, or has denied any of the following sought by, a 20710
~~community based long term care agency~~ provider: a provider 20711
agreement, license, certificate, permit, or certification. 20712
Division (E)(2)(a) of this section applies regardless of whether 20713
the ~~agency~~ provider has entered into a provider agreement in, or 20714
holds a license, certificate, permit, or certification issued by, 20715
another state. 20716

(b) The ~~agency~~ provider or a principal owner or manager of 20717
the ~~agency~~ provider who provides direct care has entered a guilty 20718
plea for, or has been convicted of, an offense materially related 20719
to the medicaid program. 20720

(c) The ~~agency~~ provider or a principal owner or manager of 20721
the ~~agency~~ provider who provides direct care has entered a guilty 20722
plea for, been convicted of, or been found eligible for 20723
intervention in lieu of conviction for an offense listed or 20724
described in divisions (A)(3)(a) to (e) of section 109.572 of the 20725
Revised Code, but only if ~~none of the personal character the~~ 20726
~~provider, principal owner, or manager does not meet~~ standards 20727
~~established~~ specified by the director in rules adopted under 20728
section ~~173.394~~ 173.38 of the Revised Code ~~apply~~. 20729

(d) The United States department of health and human services 20730
has taken adverse action against the ~~agency~~ provider and that 20731

action impacts the ~~agency's~~ provider's participation in the 20732
medicaid program. 20733

(e) The ~~agency~~ provider has failed to enter into or renew a 20734
provider agreement with the PASSPORT administrative agency, as 20735
that term is defined in section 173.42 of the Revised Code, that 20736
administers programs on behalf of the department of aging in the 20737
region of the state in which the ~~agency~~ provider is certified to 20738
provide services. 20739

(f) The ~~agency~~ provider has not billed or otherwise submitted 20740
a claim to the department for payment under the medicaid program 20741
in at least two years. 20742

(g) The ~~agency~~ provider denied or failed to provide the 20743
department or its designee access to the ~~agency's~~ provider's 20744
facilities during the ~~agency's~~ provider's normal business hours 20745
for purposes of conducting an audit or structural compliance 20746
review. 20747

(h) The ~~agency~~ provider has ceased doing business. 20748

(i) The ~~agency~~ provider has voluntarily relinquished its 20749
certification for any reason. 20750

(3) The ~~agency's~~ provider's provider agreement with the 20751
department of ~~job and family services~~ medicaid has been suspended 20752
under division (C) of section ~~5111.031~~ 5164.37 of the Revised 20753
Code. 20754

(4) The ~~agency's~~ provider's provider agreement with the 20755
department of ~~job and family services~~ medicaid is denied or 20756
revoked because the ~~agency~~ provider or its owner, officer, 20757
authorized agent, associate, manager, or employee has been 20758
convicted of an offense that caused the provider agreement to be 20759
suspended under section ~~5111.031~~ 5164.37 of the Revised Code. 20760

(F) If the department does not hold hearings when any 20761

condition described in division (E) of this section applies, the 20762
department may send a notice to the ~~agency~~ provider describing a 20763
decision not to certify the ~~agency~~ provider under division (A)(1) 20764
of this section or the disciplinary action the department proposes 20765
to take under division (A)(2)(e) to (h) of this section. The 20766
notice shall be sent to the ~~agency's~~ provider's address that is on 20767
record with the department and may be sent by regular mail. 20768

(G) The director of aging may adopt rules in accordance with 20769
Chapter 119. of the Revised Code establishing a fee to be charged 20770
by the department of aging or its designee for certification 20771
issued under this section. 20772

All fees collected by the department or its designee under 20773
this section shall be deposited in the state treasury to the 20774
credit of the provider certification fund, which is hereby 20775
created. Money credited to the fund shall be used to pay for 20776
community-based long-term care services, administrative costs 20777
associated with ~~community-based long-term care~~ agency provider 20778
certification under this section, and administrative costs related 20779
to the publication of the Ohio long-term care consumer guide. 20780

Sec. 173.392. (A) The department of aging may pay a ~~person or~~ 20781
~~government entity~~ provider for providing community-based long-term 20782
care services under a program the department administers, even 20783
though the ~~person or government entity~~ provider is not certified 20784
under section 173.391 of the Revised Code, if all of the following 20785
are the case: 20786

(1) The ~~person or government entity~~ provider has a contract 20787
with the department of aging or the department's designee to 20788
provide the services in accordance with the contract or has 20789
received a grant from the department or its designee to provide 20790
the services in accordance with a grant agreement; 20791

(2) The contract or grant agreement includes detailed 20792

conditions of participation for ~~providers of services under a~~ 20793
~~program the department administers~~ the provider and service 20794
standards that the ~~person or government entity~~ provider is 20795
required to satisfy; 20796

(3) The ~~person or government entity~~ provider complies with 20797
the contract or grant agreement; 20798

(4) The contract or grant is not for medicaid-funded 20799
services, other than services provided under the PACE program 20800
administered by the department of aging under section 173.50 of 20801
the Revised Code. 20802

(B) The director of aging shall adopt rules in accordance 20803
with Chapter 119. of the Revised Code governing both of the 20804
following: 20805

(1) Contracts and grant agreements between the department of 20806
aging or its designee and ~~persons and government entities~~ 20807
~~regarding community based long term care services provided under a~~ 20808
~~program the department administers~~ providers; 20809

(2) The department's payment for community-based long-term 20810
care services under this section. 20811

Sec. 173.42. (A) As used in sections 173.42 to 173.434 of the 20812
Revised Code: 20813

(1) "Area agency on aging" means a public or private 20814
nonprofit entity designated under section 173.011 of the Revised 20815
Code to administer programs on behalf of the department of aging. 20816

(2) "Department of aging-administered medicaid waiver 20817
component" means each of the following: 20818

(a) The medicaid-funded component of the PASSPORT program 20819
created under section ~~173.40~~ 173.52 of the Revised Code; 20820

(b) The choices program created under section ~~173.403~~ 173.53 20821

of the Revised Code;	20822
(c) The medicaid-funded component of the assisted living program created under section 5111.89 <u>173.54</u> of the Revised Code;	20823 20824
(d) Any other medicaid waiver component, as defined in section 5111.85 <u>5166.01</u> of the Revised Code, that the department of aging administers pursuant to an interagency agreement with the department of job and family services <u>medicaid</u> under section 5111.91 <u>5162.35</u> of the Revised Code.	20825 20826 20827 20828 20829
(3) "Home and community-based services covered by medicaid components the department of aging administers" means all of the following:	20830 20831 20832
(a) Medicaid waiver services available to a participant in a department of aging-administered medicaid waiver component;	20833 20834
(b) The following medicaid state plan services available to a participant in a department of aging-administered medicaid waiver component as specified in rules adopted under section 5111.02 <u>5164.02</u> of the Revised Code:	20835 20836 20837 20838
(i) Home health services;	20839
(ii) Private duty nursing services;	20840
(iii) Durable medical equipment;	20841
(iv) Services of a clinical nurse specialist;	20842
(v) Services of a certified nurse practitioner.	20843
(c) Services available to a participant of the PACE program.	20844
(4) "Long-term care consultation" or "consultation" means the consultation service made available by the department of aging or a program administrator through the long-term care consultation program established pursuant to this section.	20845 20846 20847 20848
(5) "Medicaid" means the medical assistance program established under Chapter 5111. of the Revised Code.	20849 20850

~~(6)~~ "Nursing facility" has the same meaning as in section 20851
~~5111.20~~ 5165.01 of the Revised Code. 20852

~~(7)~~(6) "PACE program" means the component of the medicaid 20853
program the department of aging administers pursuant to section 20854
173.50 of the Revised Code. 20855

~~(8)~~(7) "PASSPORT administrative agency" means an entity under 20856
contract with the department of aging to provide administrative 20857
services regarding the PASSPORT program. 20858

~~(9)~~(8) "Program administrator" means an area agency on aging 20859
or other entity under contract with the department of aging to 20860
administer the long-term care consultation program in a geographic 20861
region specified in the contract. 20862

~~(10)~~(9) "Representative" means a person acting on behalf of 20863
an individual specified in division (G) of this section. A 20864
representative may be a family member, attorney, hospital social 20865
worker, or any other person chosen to act on behalf of the 20866
individual. 20867

(B) The department of aging shall develop a long-term care 20868
consultation program whereby individuals or their representatives 20869
are provided with long-term care consultations and receive through 20870
these professional consultations information about options 20871
available to meet long-term care needs and information about 20872
factors to consider in making long-term care decisions. The 20873
long-term care consultations provided under the program may be 20874
provided at any appropriate time, as permitted or required under 20875
this section and the rules adopted under it, including either 20876
prior to or after the individual who is the subject of a 20877
consultation has been admitted to a nursing facility or granted 20878
assistance in receiving home and community-based services covered 20879
by medicaid components the department of aging administers. 20880

(C) The long-term care consultation program shall be 20881

administered by the department of aging, except that the 20882
department may have the program administered on a regional basis 20883
by one or more program administrators. The department and each 20884
program administrator shall administer the program in such a 20885
manner that all of the following are included: 20886

(1) Coordination and collaboration with respect to all 20887
available funding sources for long-term care services; 20888

(2) Assessments of individuals regarding their long-term care 20889
service needs; 20890

(3) Assessments of individuals regarding their on-going 20891
eligibility for long-term care services; 20892

(4) Procedures for assisting individuals in obtaining access 20893
to, and coordination of, health and supportive services, including 20894
department of aging-administered medicaid waiver components; 20895

(5) Priorities for using available resources efficiently and 20896
effectively. 20897

(D) The program's long-term care consultations shall be 20898
provided by individuals certified by the department under section 20899
173.422 of the Revised Code. 20900

(E) The information provided through a long-term care 20901
consultation shall be appropriate to the individual's needs and 20902
situation and shall address all of the following: 20903

(1) The availability of any long-term care options open to 20904
the individual; 20905

(2) Sources and methods of both public and private payment 20906
for long-term care services; 20907

(3) Factors to consider when choosing among the available 20908
programs, services, and benefits; 20909

(4) Opportunities and methods for maximizing independence and 20910
self-reliance, including support services provided by the 20911

individual's family, friends, and community. 20912

(F) An individual's long-term care consultation may include 20913
an assessment of the individual's functional capabilities. The 20914
consultation may incorporate portions of the determinations 20915
required under sections ~~5111.202, 5119.061~~ 5119.40, and 5123.021, 20916
and 5165.03 of the Revised Code and may be provided concurrently 20917
with the assessment required under section ~~5111.204~~ 173.546 or 20918
5165.04 of the Revised Code. 20919

(G)(1) Unless an exemption specified in division (I) of this 20920
section is applicable, each of the following shall be provided 20921
with a long-term care consultation: 20922

(a) An individual who applies or indicates an intention to 20923
apply for admission to a nursing facility, regardless of the 20924
source of payment to be used for the individual's care in a 20925
nursing facility; 20926

(b) An individual who requests a long-term care consultation; 20927

(c) An individual identified by the department or a program 20928
administrator as being likely to benefit from a long-term care 20929
consultation. 20930

(2) In addition to the individuals specified in division 20931
(G)(1) of this section, a long-term care consultation may be 20932
provided to a nursing facility resident regardless of the source 20933
of payment being used for the resident's care in the nursing 20934
facility. 20935

(H)(1) Except as provided in division (H)(2) or (3) of this 20936
section, a long-term care consultation provided pursuant to 20937
division (G) of this section shall be provided as follows: 20938

(a) If the individual for whom the consultation is being 20939
provided has applied for medicaid and the consultation is being 20940
provided concurrently with the assessment required under section 20941

~~5111.204~~ 5165.04 of the Revised Code, the consultation shall be 20942
completed in accordance with the applicable time frames specified 20943
in that section for providing a level of care determination based 20944
on the assessment. 20945

(b) In all other cases, the consultation shall be provided 20946
not later than five calendar days after the department or program 20947
administrator receives notice of the reason for which the 20948
consultation is to be provided pursuant to division (G) of this 20949
section. 20950

(2) An individual or the individual's representative may 20951
request that a long-term care consultation be provided on a date 20952
that is later than the date required under division (H)(1)(a) or 20953
(b) of this section. 20954

(3) If a long-term care consultation cannot be completed 20955
within the number of days required by division (H)(1) or (2) of 20956
this section, the department or program administrator may do any 20957
of the following: 20958

(a) In the case of an individual specified in division (G)(1) 20959
of this section, exempt the individual from the consultation 20960
pursuant to rules that may be adopted under division (L) of this 20961
section; 20962

(b) In the case of an applicant for admission to a nursing 20963
facility, provide the consultation after the individual is 20964
admitted to the nursing facility; 20965

(c) In the case of a resident of a nursing facility, provide 20966
the consultation as soon as practicable. 20967

(I) An individual is not required to be provided a long-term 20968
care consultation under division (G)(1) of this section if any of 20969
the following apply: 20970

(1) The department or program administrator has attempted to 20971

provide the consultation, but the individual or the individual's
representative refuses to cooperate;

(2) The individual is to receive care in a nursing facility
under a contract for continuing care as defined in section 173.13
of the Revised Code;

(3) The individual has a contractual right to admission to a
nursing facility operated as part of a system of continuing care
in conjunction with one or more facilities that provide a less
intensive level of services, including a residential care facility
licensed under Chapter 3721. of the Revised Code, a residential
facility licensed under section ~~5119.22~~ 5119.34 of the Revised
Code that provides accommodations, supervision, and personal care
services for three to sixteen unrelated adults, or an independent
living arrangement;

(4) The individual is to receive continual care in a home for
the aged exempt from taxation under section 5701.13 of the Revised
Code;

(5) The individual is seeking admission to a facility that is
not a nursing facility with a provider agreement under section
~~5111.22~~ 5165.07, ~~5111.671~~ 5165.511, or ~~5111.672~~ 5165.512 of the
Revised Code;

(6) The individual is exempted from the long-term care
consultation requirement by the department or the program
administrator pursuant to rules that may be adopted under division
(L) of this section.

(J) As part of the long-term care consultation program, the
department or program administrator shall assist an individual or
individual's representative in accessing all sources of care and
services that are appropriate for the individual and for which the
individual is eligible, including all available home and
community-based services covered by medicaid components the

department of aging administers. The assistance shall include 21003
providing for the conduct of assessments or other evaluations and 21004
the development of individualized plans of care or services under 21005
section 173.424 of the Revised Code. 21006

(K) No nursing facility for which an operator has a provider 21007
agreement under section ~~5111.22~~ 5165.07, ~~5111.671~~ 5165.511, or 21008
~~5111.672~~ 5165.512 of the Revised Code shall admit any individual 21009
as a resident, unless the nursing facility has received evidence 21010
that a long-term care consultation has been completed for the 21011
individual or division (I) of this section is applicable to the 21012
individual. 21013

(L) The director of aging may adopt any rules the director 21014
considers necessary for the implementation and administration of 21015
this section. The rules shall be adopted in accordance with 21016
Chapter 119. of the Revised Code and may specify any or all of the 21017
following: 21018

(1) Procedures for providing long-term care consultations 21019
pursuant to this section; 21020

(2) Information to be provided through long-term care 21021
consultations regarding long-term care services that are 21022
available; 21023

(3) Criteria and procedures to be used to identify and 21024
recommend appropriate service options for an individual receiving 21025
a long-term care consultation; 21026

(4) Criteria for exempting individuals from the long-term 21027
care consultation requirement; 21028

(5) Circumstances under which it may be appropriate to 21029
provide an individual's long-term care consultation after the 21030
individual's admission to a nursing facility rather than before 21031
admission; 21032

(6) Criteria for identifying nursing facility residents who would benefit from the provision of a long-term care consultation;	21033 21034
(7) A description of the types of information from a nursing facility that is needed under the long-term care consultation program to assist a resident with relocation from the facility;	21035 21036 21037
(8) Standards to prevent conflicts of interest relative to the referrals made by a person who performs a long-term care consultation, including standards that prohibit the person from being employed by a provider of long-term care services;	21038 21039 21040 21041
(9) Procedures for providing notice and an opportunity for a hearing under division (N) of this section.	21042 21043
(M) To assist the department and each program administrator with identifying individuals who are likely to benefit from a long-term care consultation, the department and program administrator may ask to be given access to nursing facility resident assessment data collected through the use of the resident assessment instrument specified in rules adopted under <u>authorized</u> by section 5111.02 <u>5165.191</u> of the Revised Code for purposes of the medicaid program. Except when prohibited by state or federal law, the department of health, department of job and family services <u>medicaid</u> , or nursing facility holding the data shall grant access to the data on receipt of the request from the department of aging or program administrator.	21044 21045 21046 21047 21048 21049 21050 21051 21052 21053 21054 21055
(N)(1) The director of aging, after providing notice and an opportunity for a hearing, may fine a nursing facility an amount determined by rules the director shall adopt in accordance with Chapter 119. of the Revised Code for any of the following reasons:	21056 21057 21058 21059
(a) The nursing facility admits an individual, without evidence that a long-term care consultation has been provided, as required by this section;	21060 21061 21062
(b) The nursing facility denies a person attempting to	21063

provide a long-term care consultation access to the facility or a resident of the facility;

(c) The nursing facility denies the department of aging or program administrator access to the facility or a resident of the facility, as the department or administrator considers necessary to administer the program.

(2) In accordance with section ~~5111.62~~ 5162.66 of the Revised Code, all fines collected under division (N)(1) of this section shall be deposited into the state treasury to the credit of the residents protection fund.

Sec. 173.43. (A) ~~Subject to section 173.433 of the Revised Code, the~~ The department of aging shall enter into an interagency agreement with the department of ~~job and family services~~ medicaid under section ~~5111.91~~ 5162.35 of the Revised Code under which the department of aging is required to establish for each biennium a unified long-term care budget for home and community-based services covered by medicaid components the department of aging administers. The interagency agreement shall require the department of aging to do all of the following:

(1) Administer the unified long-term care budget in accordance with sections 173.43 to 173.434 of the Revised Code and the general assembly's appropriations for home and community-based services covered by medicaid components the department of aging administers for the applicable biennium;

(2) Contract with each PASSPORT administrative agency for assistance in the administration of the unified long-term care budget;

(3) Provide individuals who are eligible for home and community-based services covered by medicaid components the department of aging administers a choice of services that meet the

individuals' needs and improve their quality of life;	21094
(4) Provide a continuum of services that meet the life-long needs of individuals who are eligible for home and community-based services covered by medicaid components the department of aging administers.	21095 21096 21097 21098
(B) The director of budget and management shall create new appropriation items as necessary for establishment of the unified long-term care budget.	21099 21100 21101
Sec. 173.431. Subject to section 173.433 of the Revised Code,	21102
the <u>The</u> department of aging shall ensure that the unified long-term care budget established under section 173.43 of the Revised Code is administered in a manner that provides medicaid coverage of and expands access to all of the following as necessary to meet the needs of individuals receiving home and community-based services covered by medicaid components the department of aging administers:	21103 21104 21105 21106 21107 21108 21109
(A) To the extent permitted by the medicaid waivers authorizing department of aging-administered medicaid waiver components, all of the following medicaid waiver services provided under department of aging-administered medicaid waiver components:	21110 21111 21112 21113
(1) Personal care services;	21114
(2) Home-delivered meals;	21115
(3) Adult day-care;	21116
(4) Homemaker services;	21117
(5) Emergency response services;	21118
(6) Medical equipment and supplies;	21119
(7) Chore services;	21120
(8) Social work counseling;	21121

(9) Nutritional counseling;	21122
(10) Independent living assistance;	21123
(11) Medical transportation;	21124
(12) Nonmedical transportation;	21125
(13) Home care attendant services;	21126
(14) Assisted living services;	21127
(15) Community transition services;	21128
(16) Enhanced community living services;	21129
(17) All other medicaid waiver services provided under department of aging-administered medicaid waiver components.	21130 21131
(B) All of the following state medicaid plan services as specified in rules adopted under section 5111.02 <u>5164.02</u> of the Revised Code:	21132 21133 21134
(1) Home health services;	21135
(2) Private duty nursing services;	21136
(3) Durable medical equipment;	21137
(4) Services of a clinical nurse specialist;	21138
(5) Services of a certified nurse practitioner.	21139
(C) The services that the PACE program provides.	21140
Sec. 173.432. Subject to section 173.433 of the Revised Code, the <u>The</u> department of aging or its designee shall provide care management and authorization services with regard to the state plan services specified in division (B) of section 173.431 of the Revised Code that are provided to participants of department of aging-administered medicaid waiver components. The department or its designee shall ensure that no person providing the care management and authorization services performs an activity that	21141 21142 21143 21144 21145 21146 21147 21148

may not be performed without a valid certificate or license issued 21149
by an agency of this state unless the person holds the valid 21150
certificate or license. 21151

Sec. 173.434. ~~The director of job and family services shall~~ 21152
~~adopt~~ To the extent authorized by rules under authorized by 21153
section ~~5111.85~~ 5162.021 of the Revised Code ~~to authorize,~~ the 21154
director of aging ~~to~~ shall adopt rules that are needed to 21155
implement sections 173.43 to 173.432 of the Revised Code. The 21156
~~director of aging's~~ rules shall be adopted in accordance with 21157
Chapter 119. of the Revised Code. 21158

Sec. 173.45. As used in this section and in sections 173.46 21159
to 173.49 of the Revised Code: 21160

(A) "Residential facility" means a residential facility 21161
licensed under section ~~5119.22~~ 5119.34 of the Revised Code that 21162
provides accommodations, supervision, and personal care services 21163
for three to sixteen unrelated adults. 21164

(B) "Community-based long-term care services" has the same 21165
meaning as in section 173.14 of the Revised Code. 21166

(C) "Long-term care facility" means a nursing home or 21167
residential care facility. 21168

(D) "Nursing home" and "residential care facility" have the 21169
same meanings as in section 3721.01 of the Revised Code. 21170

(E) "Nursing facility" has the same meaning as in section 21171
~~5111.20~~ 5165.01 of the Revised Code. 21172

Sec. 173.47. (A) For purposes of publishing the Ohio 21173
long-term care consumer guide, the department of aging shall 21174
conduct or provide for the conduct of an annual customer 21175
satisfaction survey of each long-term care facility. The results 21176
of the surveys may include information obtained from long-term 21177

care facility residents, their families, or both. A survey that is 21178
to include information obtained from nursing facility residents 21179
shall include the questions specified in divisions (C)(7)(a) and 21180
(b) and (18) and (D)(7)(a) and (b) of section ~~5111.244~~ 5165.25 of 21181
the Revised Code. A survey that is to include information obtained 21182
from the families of nursing facility residents shall include the 21183
questions specified in divisions (C)(8)(a) and (b) and (19) and 21184
(D)(8)(a) and (b) of section ~~5111.244~~ 5165.25 of the Revised Code. 21185

(B) Each long-term care facility shall cooperate in the 21186
conduct of its annual customer satisfaction survey. 21187

Sec. 173.48. (A)(1) The department of aging may charge annual 21188
fees to long-term care facilities for the publication of the Ohio 21189
long-term care consumer guide. The department may contract with 21190
any person or government entity to collect the fees on its behalf. 21191
All fees collected under this section shall be deposited in 21192
accordance with division (B) of this section. 21193

(2) The annual fees charged under this section shall not 21194
exceed the following amounts: 21195

(a) Six hundred fifty dollars for each long-term care 21196
facility that is a nursing home; 21197

(b) Three hundred dollars for each long-term care facility 21198
that is a residential care facility. 21199

(3) Fees paid by a long-term care facility that is a nursing 21200
facility shall be reimbursed through the medicaid program ~~operated~~ 21201
~~under Chapter 5111. of the Revised Code.~~ 21202

(B) There is hereby created in the state treasury the 21203
long-term care consumer guide fund. Money collected from the fees 21204
charged for the publication of the Ohio long-term care consumer 21205
guide under division (A) of this section shall be credited to the 21206
fund. The department shall use money in the fund for costs 21207

associated with publishing the Ohio long-term care consumer guide, 21208
including, but not limited to, costs incurred in conducting or 21209
providing for the conduct of customer satisfaction surveys. 21210

Sec. 173.50. (A) Pursuant to a contract entered into with the 21211
department of ~~job and family services~~ medicaid as an interagency 21212
agreement under section ~~5111.91~~ 5162.35 of the Revised Code, the 21213
department of aging shall carry out the day-to-day administration 21214
of the component of the medicaid program ~~established under Chapter~~ 21215
~~5111. of the Revised Code~~ known as the program of all-inclusive 21216
care for the elderly or PACE. The department of aging shall carry 21217
out its PACE administrative duties in accordance with the 21218
provisions of the interagency agreement and all applicable federal 21219
laws, including the "Social Security Act," ~~79 Stat. 286 (1965)~~ 21220
section 1934, 42 U.S.C. 1396u-4, ~~as amended.~~ 21221

(B) ~~The department~~ To the extent authorized by rules 21222
authorized by section 5162.021 of the Revised Code, the director 21223
of aging may adopt rules in accordance with Chapter 119. of the 21224
Revised Code regarding the PACE program, including rules 21225
establishing priorities for enrolling in the program pursuant to 21226
section 173.501 of the Revised Code. ~~The department's rules are~~ 21227
~~subject to both of the following:~~ 21228

~~(1) The rules shall be authorized by rules adopted by the~~ 21229
~~department of job and family services.~~ 21230

~~(2) The rules shall address only those issues that are not~~ 21231
~~addressed in rules adopted by the department of job and family~~ 21232
~~services~~ medicaid director for the PACE program. 21233

Sec. 173.501. (A) As used in this section: 21234

"Nursing facility" has the same meaning as in section ~~5111.20~~ 21235
5165.01 of the Revised Code. 21236

"PACE provider" has the same meaning as in the "Social 21237

<u>Security Act," section 1934(a)(3), 42 U.S.C. 1396u-4(a)(3).</u>	21238
(B) The department of aging shall establish a home first	21239
component of the PACE program under which eligible individuals may	21240
be enrolled in the PACE program in accordance with this section.	21241
An individual is eligible for the PACE program's home first	21242
component if both of the following apply:	21243
(1) The individual has been determined to be eligible for the	21244
PACE program.	21245
(2) At least one of the following applies:	21246
(a) The individual has been admitted to a nursing facility.	21247
(b) A physician has determined and documented in writing that	21248
the individual has a medical condition that, unless the individual	21249
is enrolled in home and community-based services such as the PACE	21250
program, will require the individual to be admitted to a nursing	21251
facility within thirty days of the physician's determination.	21252
(c) The individual has been hospitalized and a physician has	21253
determined and documented in writing that, unless the individual	21254
is enrolled in home and community-based services such as the PACE	21255
program, the individual is to be transported directly from the	21256
hospital to a nursing facility and admitted.	21257
(d) Both of the following apply:	21258
(i) The individual is the subject of a report made under	21259
section 5101.61 of the Revised Code regarding abuse, neglect, or	21260
exploitation or such a report referred to a county department of	21261
job and family services under section 5126.31 of the Revised Code	21262
or has made a request to a county department for protective	21263
services as defined in section 5101.60 of the Revised Code.	21264
(ii) A county department of job and family services and an	21265
area agency on aging have jointly documented in writing that,	21266
unless the individual is enrolled in home and community-based	21267

services such as the PACE program, the individual should be 21268
admitted to a nursing facility. 21269

(C) Each month, the department of aging shall identify 21270
individuals who are eligible for the home first component of the 21271
PACE program. When the department identifies such an individual, 21272
the department shall notify the PACE provider serving the area in 21273
which the individual resides. The PACE provider shall determine 21274
whether the PACE program is appropriate for the individual and 21275
whether the individual would rather participate in the PACE 21276
program than continue or begin to reside in a nursing facility. If 21277
the PACE provider determines that the PACE program is appropriate 21278
for the individual and the individual would rather participate in 21279
the PACE program than continue or begin to reside in a nursing 21280
facility, the PACE provider shall so notify the department of 21281
aging. On receipt of the notice from the PACE provider, the 21282
department of aging shall approve the individual's enrollment in 21283
the PACE program in accordance with priorities established in 21284
rules adopted under section 173.50 of the Revised Code. 21285

Sec. 173.51. As used in sections 173.51 to 173.56 of the 21286
Revised Code: 21287

"Area agency on aging" has the same meaning as in section 21288
173.14 of the Revised Code. 21289

"Assisted living program" means the program that consists of 21290
a medicaid-funded component created under section 173.54 of the 21291
Revised Code and a state-funded component created under section 21292
173.543 of the Revised Code and provides assisted living services 21293
to individuals who meet the program's applicable eligibility 21294
requirements. 21295

"Assisted living services" means the following home and 21296
community-based services: personal care, homemaker, chore, 21297
attendant care, companion, medication oversight, and therapeutic 21298

<u>social and recreational programming.</u>	21299
<u>"Assisted living waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid-funded component of the assisted living program.</u>	21300 21301 21302 21303
<u>"Choices program" means the program created under section 173.53 of the Revised Code.</u>	21304 21305
<u>"County or district home" means a county or district home operated under Chapter 5155. of the Revised Code.</u>	21306 21307
<u>"Long-term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code.</u>	21308 21309 21310
<u>"Long-term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long-term care consultation program for a particular area, that agency or entity.</u>	21311 21312 21313 21314 21315
<u>"Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.</u>	21316 21317
<u>"Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.</u>	21318 21319
<u>"PASSPORT program" means the preadmission screening system providing options and resources today program (PASSPORT) that consists of a medicaid-funded component created under section 173.52 of the Revised Code and a state-funded component created under section 173.522 of the Revised Code and provides home and community-based services as an alternative to nursing facility placement for individuals who are aged and disabled and meet the program's applicable eligibility requirements.</u>	21320 21321 21322 21323 21324 21325 21326 21327
<u>"PASSPORT waiver" means the federal medicaid waiver granted</u>	21328

by the United States secretary of health and human services that 21329
authorizes the medicaid-funded component of the PASSPORT program. 21330

"Representative" means a person acting on behalf of an 21331
applicant for the medicaid-funded component or state-funded 21332
component of the assisted living program. A representative may be 21333
a family member, attorney, hospital social worker, or any other 21334
person chosen to act on behalf of an applicant. 21335

"Residential care facility" has the same meaning as in 21336
section 3721.01 of the Revised Code. 21337

"Unified long-term services and support medicaid waiver 21338
component" means the medicaid waiver component authorized by 21339
section 5166.14 of the Revised Code. 21340

~~Sec. 173.40 173.52. (A) As used in sections 173.40 to 173.402~~ 21341
~~of the Revised Code:~~ 21342

~~"Medicaid waiver component" has the same meaning as in~~ 21343
~~section 5111.85 of the Revised Code.~~ 21344

~~"PASSPORT program" means the program created under this~~ 21345
~~section.~~ 21346

~~"PASSPORT waiver" means the federal medicaid waiver granted~~ 21347
~~by the United States secretary of health and human services that~~ 21348
~~authorizes the medicaid funded component of the PASSPORT program.~~ 21349

~~"Unified long term services and support medicaid waiver~~ 21350
~~component" means the medicaid waiver component authorized by~~ 21351
~~section 5111.864 of the Revised Code.~~ 21352

~~(B) There is hereby created The department of medicaid shall~~ 21353
~~create the medicaid-funded component of the preadmission screening~~ 21354
~~system providing options and resources today program, or PASSPORT~~ 21355
~~program. The PASSPORT program shall provide home and~~ 21356
~~community based services as an alternative to nursing facility~~ 21357
~~placement for individuals who are aged and disabled and meet the~~ 21358

~~program's applicable eligibility requirements. Subject to division~~ 21359
~~(C) of this section, the program shall have a medicaid-funded~~ 21360
~~component and a state-funded component. In creating the~~ 21361
medicaid-funded component, the department of medicaid shall 21362
collaborate with the department of aging. 21363

~~(C)(1)(B)~~ Unless the medicaid-funded component of the 21364
PASSPORT program is terminated under division ~~(C)(2)~~ of this 21365
section, all of the following apply: 21366

~~(a)(1)~~ The department of aging shall administer the 21367
medicaid-funded component through a contract entered into with the 21368
department of ~~job and family services medicaid~~ under section 21369
~~5111.91 5162.35~~ of the Revised Code. 21370

~~(b)(2)~~ The medicaid-funded component shall be operated as a 21371
separate medicaid waiver component. 21372

~~(e)(3)~~ For an individual to be eligible for the 21373
medicaid-funded component, the individual must be a medicaid 21374
recipient and meet the additional eligibility requirements 21375
applicable to the individual established in rules adopted under 21376
division ~~(C)(1)(d)(B)(4)~~ of this section. 21377

~~(d)~~ ~~The director of job and family services shall adopt (4)~~ 21378
To the extent authorized by rules under authorization by section 21379
~~5111.85 5162.021~~ of the Revised Code ~~and,~~ the director of aging 21380
shall adopt rules in accordance with Chapter 119. of the Revised 21381
Code to implement the medicaid-funded component. 21382

~~(2)(C)~~ If the unified long-term services and support medicaid 21383
waiver component is created, the departments of aging and ~~job and~~ 21384
~~family services medicaid~~ shall work together to determine whether 21385
the medicaid-funded component of the PASSPORT program should 21386
continue to operate as a separate medicaid waiver component or be 21387
terminated. If the departments determine that the medicaid-funded 21388
component of the PASSPORT program should be terminated, the 21389

medicaid-funded component shall cease to exist on a date the departments shall specify.

~~(D)(1) The department of aging shall administer the state funded component of the PASSPORT program. The state funded component shall not be administered as part of the medicaid program.~~

~~(2) For an individual to be eligible for the state funded component, the individual must meet one of the following requirements and meet the additional eligibility requirements applicable to the individual established in rules adopted under division (D)(4) of this section:~~

~~(a) The individual must have been enrolled in the state funded component on September 1, 1991, (as the state funded component was authorized by uncodified law in effect at that time) and have had one or more applications for enrollment in the medicaid funded component (or, if the medicaid funded component is terminated under division (C)(2) of this section, the unified long term services and support medicaid waiver component) denied.~~

~~(b) The individual must have had the individual's enrollment in the medicaid funded component (or, if the medicaid funded component is terminated under division (C)(2) of this section, the unified long term services and support medicaid waiver component) terminated and the individual must still need the home and community based services provided under the PASSPORT program to protect the individual's health and safety.~~

~~(c) The individual must have an application for the medicaid funded component (or, if the medicaid funded component is terminated under division (C)(2) of this section, the unified long term services and support medicaid waiver component) pending and the department or the department's designee must have determined that the individual meets the nonfinancial eligibility~~

~~requirements of the medicaid funded component (or, if the
medicaid funded component is terminated under division (C)(2) of
this section, the unified long term services and support medicaid
waiver component) and not have reason to doubt that the individual
meets the financial eligibility requirements of the
medicaid funded component (or, if the medicaid funded component is
terminated under division (C)(2) of this section, the unified
long term services and support medicaid waiver component).~~

~~(3) An individual who is eligible for the state funded
component because the individual meets the requirement of division
(D)(2)(c) of this section may participate in the component on that
basis for not more than ninety days.~~

~~(4) The director of aging shall adopt rules in accordance
with section 111.15 of the Revised Code to implement the
state funded component. The additional eligibility requirements
established in the rules may vary for the different groups of
individuals specified in divisions (D)(2)(a), (b), and (c) of this
section.~~

~~Sec. ~~173.401~~ 173.521. (A) As used in this section:~~

~~"Area agency on aging" has the same meaning as in section
173.14 of the Revised Code.~~

~~"Long term care consultation program" means the program the
department of aging is required to develop under section 173.42 of
the Revised Code.~~

~~"Long term care consultation program administrator" or
"administrator" means the department of aging or, if the
department contracts with an area agency on aging or other entity
to administer the long term care consultation program for a
particular area, that agency or entity.~~

~~"Nursing facility" has the same meaning as in section 5111.20~~

~~of the Revised Code.~~ 21451

~~(B) Subject~~ Unless the medicaid-funded component of the 21452
PASSPORT program is terminated pursuant to division (C)(~~2~~) of 21453
section ~~173.40~~ 173.52 of the Revised Code, the department shall 21454
establish a home first component of the PASSPORT program under 21455
which eligible individuals may be enrolled in the medicaid-funded 21456
component of the PASSPORT program in accordance with this section. 21457
An individual is eligible for the PASSPORT program's home first 21458
component if both of the following apply: 21459

(1) The individual has been determined to be eligible for the 21460
medicaid-funded component of the PASSPORT program. 21461

(2) At least one of the following applies: 21462

(a) The individual has been admitted to a nursing facility. 21463

(b) A physician has determined and documented in writing that 21464
the individual has a medical condition that, unless the individual 21465
is enrolled in home and community-based services such as the 21466
PASSPORT program, will require the individual to be admitted to a 21467
nursing facility within thirty days of the physician's 21468
determination. 21469

(c) The individual has been hospitalized and a physician has 21470
determined and documented in writing that, unless the individual 21471
is enrolled in home and community-based services such as the 21472
PASSPORT program, the individual is to be transported directly 21473
from the hospital to a nursing facility and admitted. 21474

(d) Both of the following apply: 21475

(i) The individual is the subject of a report made under 21476
section 5101.61 of the Revised Code regarding abuse, neglect, or 21477
exploitation or such a report referred to a county department of 21478
job and family services under section 5126.31 of the Revised Code 21479
or has made a request to a county department for protective 21480

services as defined in section 5101.60 of the Revised Code. 21481

(ii) A county department of job and family services and an 21482
area agency on aging have jointly documented in writing that, 21483
unless the individual is enrolled in home and community-based 21484
services such as the PASSPORT program, the individual should be 21485
admitted to a nursing facility. 21486

~~(C)~~(B) Each month, each area agency on aging shall identify 21487
individuals residing in the area that the agency serves who are 21488
eligible for the home first component of the PASSPORT program. 21489
When an area agency on aging identifies such an individual, the 21490
agency shall notify the long-term care consultation program 21491
administrator serving the area in which the individual resides. 21492
The administrator shall determine whether the PASSPORT program is 21493
appropriate for the individual and whether the individual would 21494
rather participate in the PASSPORT program than continue or begin 21495
to reside in a nursing facility. If the administrator determines 21496
that the PASSPORT program is appropriate for the individual and 21497
the individual would rather participate in the PASSPORT program 21498
than continue or begin to reside in a nursing facility, the 21499
administrator shall so notify the department of aging. On receipt 21500
of the notice from the administrator, the department shall approve 21501
the individual's enrollment in the medicaid-funded component of 21502
the PASSPORT program regardless of the unified waiting list 21503
established under section ~~173.404~~ 173.55 of the Revised Code, 21504
unless the enrollment would cause the component to exceed any 21505
limit on the number of individuals who may be enrolled in the 21506
component as set by the United States secretary of health and 21507
human services in the PASSPORT waiver. 21508

Sec. 173.522. (A) The department of aging shall create and 21509
administer the state-funded component of the PASSPORT program. The 21510
state-funded component shall not be administered as part of the 21511

medicaid program. 21512

(B) For an individual to be eligible for the state-funded component of the PASSPORT program, the individual must meet one of the following requirements and meet the additional eligibility requirements applicable to the individual established in rules adopted under division (D) of this section: 21513
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(1) The individual must have been enrolled in the state-funded component on September 1, 1991, (as the state-funded component was authorized by uncodified law in effect at that time) and have had one or more applications for enrollment in the medicaid-funded component of the PASSPORT program (or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised Code, the unified long-term services and support medicaid waiver component) denied. 21518
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(2) The individual must have had the individual's enrollment in the medicaid-funded component of the PASSPORT program (or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised Code, the unified long-term services and support medicaid waiver component) terminated and the individual must still need the home and community-based services provided under the PASSPORT program to protect the individual's health and safety. 21526
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(3) The individual must have an application for the medicaid-funded component of the PASSPORT program (or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised Code, the unified long-term services and support medicaid waiver component) pending and the department or the department's designee must have determined that the individual meets the nonfinancial eligibility requirements of the medicaid-funded component (or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised 21534
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Code, the unified long-term services and support medicaid waiver component) and not have reason to doubt that the individual meets the financial eligibility requirements of the medicaid-funded component (or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised Code, the unified long-term services and support medicaid waiver component).

(C) An individual who is eligible for the state-funded component of the PASSPORT program because the individual meets the requirement of division (B)(3) of this section may participate in the component on that basis for not more than ninety days.

(D) The director of aging shall adopt rules in accordance with section 111.15 of the Revised Code to implement the state-funded component of the PASSPORT program. The additional eligibility requirements established in the rules may vary for the different groups of individuals specified in divisions (B)(1), (2), and (3) of this section.

Sec. 173.523. (A) An individual who is an applicant for or participant or former participant in the state-funded component of the PASSPORT program may appeal an adverse action taken or proposed to be taken by the department of aging or an entity designated by the department concerning participation in or services provided under the component if the action will result in any of the following:

(1) Denial of enrollment or continued enrollment in the component;

(2) Denial of or reduction in the amount of services requested by or offered to the individual under the component;

(3) Assessment of any patient liability payment pursuant to rules adopted by the department under this section.

The appeal shall be made in accordance with section 173.56 of

the Revised Code and rules adopted pursuant to that section. 21573

(B) An individual who is an applicant for or participant or former participant in the state-funded component of the PASSPORT program may not bring an appeal under this or any other section of the Revised Code if any of the following is the case: 21574
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(1) The individual has voluntarily withdrawn the application for enrollment in the component; 21578
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(2) The individual has voluntarily terminated enrollment in the component; 21580
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(3) The individual agrees with the action being taken or proposed; 21582
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(4) The individual fails to submit a written request for a hearing to the director of aging within the time specified in the rules adopted pursuant to section 173.56 of the Revised Code; 21584
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(5) The individual has received services under the component for the maximum time permitted by this section. 21587
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Sec. ~~173.402~~ 173.524. An individual enrolled in the PASSPORT program may request that home-delivered meals provided to the individual under the PASSPORT program be kosher. If such a request is made, the department of aging or the department's designee shall ensure that each home-delivered meal provided to the individual under the PASSPORT program is kosher. In complying with this requirement, the department or department's designee shall require each entity that provides home-delivered meals to the individual to provide the individual with meals that meet, as much as possible, the requirements established in rules adopted under ~~section 173.40~~ sections 173.52 and 173.522 of the Revised Code governing the home-delivered meal service while complying with kosher practices for meal preparation and dietary restrictions. 21589
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An entity that provides a kosher home-delivered meal to a 21602

PASSPORT program enrollee pursuant to this section shall be 21603
reimbursed for the meal at a rate equal to the rate for 21604
home-delivered meals furnished to PASSPORT program enrollees 21605
requiring a therapeutic diet. 21606

~~Sec. 173.403~~ 173.53. (A) ~~As used in this section:~~ 21607

~~"Choices program" means the program created under this 21608
section.~~ 21609

~~"Medicaid waiver component" has the same meaning as in 21610
section 5111.85 of the Revised Code.~~ 21611

~~"Unified long term services and support medicaid waiver 21612
component" means the medicaid waiver component authorized by 21613
section 5111.864 of the Revised Code.~~ 21614

~~(B) Subject to division (C) of this section, there is hereby 21615
created The department of medicaid shall create the choices 21616
program. In creating the choices program, the department of 21617
medicaid shall collaborate with the department of aging. Subject 21618
to division (B) of this section: 21619~~

~~(1) The choices program shall provide home and 21620
community-based services. The; 21621~~

~~(2) The department of aging shall administer the choices 21622
program through a contract entered into with the department of ~~job 21623
and family services~~ medicaid under section ~~5111.91~~ 5162.35 of the 21624
Revised Code. ~~Subject to federal approval, the;~~ 21625~~

~~(3) The choices program shall be available statewide. 21626~~

~~(C)(B) If the unified long-term services and support medicaid 21627
waiver component is created, the departments of aging and ~~job and 21628
family services~~ medicaid shall ~~work together~~ collaborate to 21629
determine whether the choices program should continue to operate 21630
as a separate medicaid waiver component or be terminated. If the 21631
departments determine that the choices program should be 21632~~

terminated, the program shall cease to exist on a date the departments shall specify.

(C) If the choices program is terminated pursuant to division (B) of this section or for another reason, not sooner than six months before the date on which the program ceases to exist, the director of aging may do both of the following:

(1) Suspend new enrollments in the choices program;

(2) Transfer participants of the choices program to the following:

(a) Except as provided in division (C)(2)(b) of this section, the medicaid-funded component of the PASSPORT program created under section 173.52 of the Revised Code;

(b) If the medicaid-funded component of the PASSPORT program is terminated pursuant to division (C) of section 173.52 of the Revised Code, the unified long-term services and support medicaid waiver component.

~~Sec. 5111.89 173.54. (A) As used in sections 5111.89 to 5111.894 of the Revised Code:~~

~~"Area agency on aging" has the same meaning as in section 173.14 of the Revised Code.~~

~~"Assisted living program" means the program created under this section.~~

~~"Assisted living services" means the following home and community based services: personal care, homemaker, chore, attendant care, companion, medication oversight, and therapeutic social and recreational programming.~~

~~"Assisted living waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid funded component of the~~

~~assisted living program.~~ 21662

~~"County or district home" means a county or district home operated under Chapter 5155. of the Revised Code.~~ 21663
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~~"Long term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code.~~ 21665
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~~"Long term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long term care consultation program for a particular area, that agency or entity.~~ 21668
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~~"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~ 21673
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~~"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~ 21675
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~~"Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.~~ 21677
21678

~~"Unified long term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5111.864 of the Revised Code.~~ 21679
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~~(B) There is hereby created The department of medicaid shall create the medicaid-funded component of the assisted living program. The program shall provide assisted living services to individuals who meet the program's applicable eligibility requirements. Subject to division (C) of this section, the program shall have a medicaid funded component and a state funded component In creating the medicaid-funded component, the department of medicaid shall collaborate with the department of aging.~~ 21682
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~~(C)(1)(B) Unless the medicaid-funded component of the~~ 21691

assisted living program is terminated under division (C)~~(2)~~ of 21692
this section, all of the following apply: 21693

~~(a)~~(1) The department of aging shall administer the 21694
medicaid-funded component through a contract entered into with the 21695
department of ~~job and family services~~ medicaid under section 21696
~~5111.91~~ 5162.35 of the Revised Code. 21697

~~(b)~~(2) The contract shall include an estimate of the 21698
medicaid-funded component's costs. 21699

~~(c)~~(3) The medicaid-funded component shall be operated as a 21700
separate medicaid waiver component. 21701

~~(d)~~(4) The medicaid-funded component may not serve more 21702
individuals than is set by the United States secretary of health 21703
and human services in the assisted living waiver. 21704

~~(e) The director of job and family services may adopt rules 21705
under section 5111.85 of the Revised Code regarding the 21706
medicaid funded component. 21707~~

~~(f) The (5) To the extent authorized by rules authorized by 21708
section 5162.021 of the Revised Code, the director of aging may 21709
adopt rules under Chapter 119. of the Revised Code regarding the 21710
medicaid-funded component ~~that the rules adopted by the director 21711
of job and family services under division (C)(1)(c) of this 21712
section authorize the director of aging to adopt. 21713~~~~

~~(2)~~(C) If the unified long-term services and support medicaid 21714
waiver component is created, the departments of aging and ~~job and 21715
family services~~ medicaid shall ~~work together~~ collaborate to 21716
determine whether the medicaid-funded component of the assisted 21717
living program should continue to operate as a separate medicaid 21718
waiver component or be terminated. If the departments determine 21719
that the medicaid-funded component of the assisted living program 21720
should be terminated, the medicaid-funded component shall cease to 21721
exist on a date the departments shall specify. 21722

~~(D) The department of aging shall administer the state funded component of the assisted living program. The state funded component shall not be administered as part of the medicaid program.~~ 21723
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~~An individual who is eligible for the state funded component may participate in the component for not more than ninety days.~~ 21727
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~~The director of aging shall adopt rules in accordance with section 111.15 of the Revised Code to implement the state funded component.~~ 21729
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Sec. ~~5111.891~~ 173.541. To be eligible for the medicaid-funded component of the assisted living program, an individual must meet all of the following requirements: 21732
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(A) Need an intermediate level of care as determined ~~under rule 5101:3-3-06~~ by an assessment conducted under section 173.546 of the ~~Administrative~~ Revised Code; 21735
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(B) While receiving assisted living services under the medicaid-funded component, reside in a residential care facility that is authorized by a valid medicaid provider agreement to participate in the component, including both of the following: 21738
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(1) A residential care facility that is owned or operated by a metropolitan housing authority that has a contract with the United States department of housing and urban development to receive an operating subsidy or rental assistance for the residents of the facility; 21742
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(2) A county or district home licensed as a residential care facility. 21747
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(C) Meet all other eligibility requirements for the medicaid-funded component established in rules adopted ~~pursuant to division (C) of~~ under section ~~5111.89~~ 173.54 of the Revised Code. 21749
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Sec. ~~5111.894~~ 173.542. (A) ~~Subject~~ Unless the medicaid-funded 21752
component of the assisted living program is terminated pursuant to 21753
division (C)~~(2)~~ of section ~~5111.89~~ 173.54 of the Revised Code, the 21754
department of aging shall establish a home first component of the 21755
assisted living program under which eligible individuals may be 21756
enrolled in the medicaid-funded component of the assisted living 21757
program in accordance with this section. An individual is eligible 21758
for the assisted living program's home first component if both of 21759
the following apply: 21760

(1) The individual has been determined to be eligible for the 21761
medicaid-funded component of the assisted living program. 21762

(2) At least one of the following applies: 21763

(a) The individual has been admitted to a nursing facility. 21764

(b) A physician has determined and documented in writing that 21765
the individual has a medical condition that, unless the individual 21766
is enrolled in home and community-based services such as the 21767
assisted living program, will require the individual to be 21768
admitted to a nursing facility within thirty days of the 21769
physician's determination. 21770

(c) The individual has been hospitalized and a physician has 21771
determined and documented in writing that, unless the individual 21772
is enrolled in home and community-based services such as the 21773
assisted living program, the individual is to be transported 21774
directly from the hospital to a nursing facility and admitted. 21775

(d) Both of the following apply: 21776

(i) The individual is the subject of a report made under 21777
section 5101.61 of the Revised Code regarding abuse, neglect, or 21778
exploitation or such a report referred to a county department of 21779
job and family services under section 5126.31 of the Revised Code 21780
or has made a request to a county department for protective 21781

services as defined in section 5101.60 of the Revised Code. 21782

(ii) A county department of job and family services and an 21783
area agency on aging have jointly documented in writing that, 21784
unless the individual is enrolled in home and community-based 21785
services such as the assisted living program, the individual 21786
should be admitted to a nursing facility. 21787

(B) Each month, each area agency on aging shall identify 21788
individuals residing in the area that the area agency on aging 21789
serves who are eligible for the home first component of the 21790
assisted living program. When an area agency on aging identifies 21791
such an individual and determines that there is a vacancy in a 21792
residential care facility participating in the medicaid-funded 21793
component of the assisted living program that is acceptable to the 21794
individual, the agency shall notify the long-term care 21795
consultation program administrator serving the area in which the 21796
individual resides. The administrator shall determine whether the 21797
assisted living program is appropriate for the individual and 21798
whether the individual would rather participate in the assisted 21799
living program than continue or begin to reside in a nursing 21800
facility. If the administrator determines that the assisted living 21801
program is appropriate for the individual and the individual would 21802
rather participate in the assisted living program than continue or 21803
begin to reside in a nursing facility, the administrator shall so 21804
notify the department of aging. On receipt of the notice from the 21805
administrator, the department shall approve the individual's 21806
enrollment in the medicaid-funded component of the assisted living 21807
program regardless of the unified waiting list established under 21808
section ~~173.404~~ 173.55 of the Revised Code, unless the enrollment 21809
would cause the component to exceed any limit on the number of 21810
individuals who may participate in the component as set by the 21811
United States secretary of health and human services in the 21812
assisted living waiver. 21813

Sec. 173.543. The department of aging shall create and 21814
administer the state-funded component of the assisted living 21815
program. The state-funded component shall not be administered as 21816
part of the medicaid program. 21817

An individual who is eligible for the state-funded component 21818
may participate in the component for not more than ninety days. 21819

The director of aging shall adopt rules in accordance with 21820
section 111.15 of the Revised Code to implement the state-funded 21821
component. 21822

Sec. ~~5111.892~~ 173.544. To be eligible for the state-funded 21823
component of the assisted living program, an individual must meet 21824
all of the following requirements: 21825

(A) The individual must need an intermediate level of care as 21826
determined ~~under rule 5101:3-3-06~~ by an assessment conducted under 21827
section 173.546 of the Administrative Revised Code. 21828

(B) The individual must have an application for the 21829
medicaid-funded component of the assisted living program (or, if 21830
the medicaid-funded component is terminated under division (C)~~(2)~~ 21831
of section ~~5111.89~~ 173.54 of the Revised Code, the unified 21832
long-term services and support medicaid waiver component) pending 21833
and the department or the department's designee must have 21834
determined that the individual meets the nonfinancial eligibility 21835
requirements of the medicaid-funded component (or, if the 21836
medicaid-funded component is terminated under division (C)~~(2)~~ of 21837
section ~~5111.89~~ 173.54 of the Revised Code, the unified long-term 21838
services and support medicaid waiver component) and not have 21839
reason to doubt that the individual meets the financial 21840
eligibility requirements of the medicaid-funded component (or, if 21841
the medicaid-funded component is terminated under division (C)~~(2)~~ 21842
of section ~~5111.89~~ 173.54 of the Revised Code, the unified 21843

long-term services and support medicaid waiver component). 21844

(C) While receiving assisted living services under the 21845
state-funded component, the individual must reside in a 21846
residential care facility that is authorized by a valid provider 21847
agreement to participate in the component, including both of the 21848
following: 21849

(1) A residential care facility that is owned or operated by 21850
a metropolitan housing authority that has a contract with the 21851
United States department of housing and urban development to 21852
receive an operating subsidy or rental assistance for the 21853
residents of the facility; 21854

(2) A county or district home licensed as a residential care 21855
facility. 21856

(D) The individual must meet all other eligibility 21857
requirements for the state-funded component established in rules 21858
adopted under ~~division (D) of section 5111.89~~ 173.54 of the 21859
Revised Code. 21860

Sec. 173.545. (A) An individual who is an applicant for or 21861
participant or former participant in the state-funded component of 21862
the assisted living program may appeal an adverse action taken or 21863
proposed to be taken by the department of aging or an entity 21864
designated by the department concerning participation in or 21865
services provided under the component if the action will result in 21866
any of the following: 21867

(1) Denial of enrollment or continued enrollment in the 21868
component; 21869

(2) Denial of or reduction in the amount of services 21870
requested by or offered to the individual under the component; 21871

(3) Assessment of any patient liability payment pursuant to 21872
rules adopted by the department under this section. 21873

The appeal shall be made in accordance with section 173.56 of 21874
the Revised Code and rules adopted pursuant to that section. 21875

(B) An individual who is an applicant for or participant or 21876
former participant in the state-funded component of the assisted 21877
living program may not bring an appeal under this or any other 21878
section of the Revised Code if any of the following is the case: 21879

(1) The individual has voluntarily withdrawn the application 21880
for enrollment in the component; 21881

(2) The individual has voluntarily terminated enrollment in 21882
the component; 21883

(3) The individual agrees with the action being taken or 21884
proposed; 21885

(4) The individual fails to submit a written request for a 21886
hearing to the director of aging within the time specified in the 21887
rules adopted pursuant to section 173.56 of the Revised Code; 21888

(5) The individual has received services under the component 21889
for the maximum time permitted by this section. 21890

Sec. 173.546. (A) Each applicant for the assisted living 21891
program shall undergo an assessment to determine whether the 21892
applicant needs an intermediate level of care. The department of 21893
medicaid or an agency under contract pursuant to division (C) of 21894
this section shall conduct the assessment. The assessment may be 21895
performed concurrently with a long-term care consultation provided 21896
under section 173.42 of the Revised Code. 21897

(B) An applicant or applicant's representative has the right 21898
to appeal an assessment's findings. Section 5160.31 of the Revised 21899
Code applies to appeals regarding the medicaid-funded component of 21900
the assisted living program. The department or an agency under 21901
contract to conduct the assessment shall provide written notice of 21902
this right to the applicant or applicant's representative and the 21903

residential care facility in which the applicant intends to reside 21904
if enrolled in the assisted living program. The notice shall 21905
include an explanation of the appeal procedures. The department or 21906
agency under contract to conduct the assessment shall represent 21907
the state in any appeal of an assessment's findings. 21908

(C) The department may contract with one or more agencies to 21909
perform assessments under this section. A contract shall specify 21910
the agency's responsibilities regarding the assessments. 21911

Sec. ~~5111.893~~ 173.547. A residential care facility providing 21912
services covered by the assisted living program to an individual 21913
enrolled in the program shall have staff on-site twenty-four hours 21914
each day who are able to do all of the following: 21915

(A) Meet the scheduled and unpredicted needs of the 21916
individuals enrolled in the assisted living program in a manner 21917
that promotes the individuals' dignity and independence; 21918

(B) Provide supervision services for those individuals; 21919

(C) Help keep the individuals safe and secure. 21920

Sec. ~~173.404~~ 173.55. (A) As used in this section: 21921

(1) "Department of aging-administered medicaid waiver 21922
component" means each of the following: 21923

(a) The medicaid-funded component of the PASSPORT program 21924
~~created under section 173.40 of the Revised Code;~~ 21925

(b) The choices program ~~created under section 173.403 of the~~ 21926
~~Revised Code;~~ 21927

(c) The medicaid-funded component of the assisted living 21928
~~program created under section 5111.89 of the Revised Code.~~ 21929

(2) "PACE program" means the component of the medicaid 21930
program the department of aging administers pursuant to section 21931

173.50 of the Revised Code. 21932

(B) If the department of aging determines that there are 21933
insufficient funds to enroll all individuals who have applied and 21934
been determined eligible for department of aging-administered 21935
medicaid waiver components and the PACE program, the department 21936
shall establish a unified waiting list for the components and 21937
program. Only individuals eligible for a department of 21938
aging-administered medicaid waiver component or the PACE program 21939
may be placed on the unified waiting list. An individual who may 21940
be enrolled in a department of aging-administered medicaid waiver 21941
component or the PACE program through a home first component 21942
established under section ~~173.401~~, 173.501, 173.521 or ~~5111.894~~ 21943
173.542 of the Revised Code may be so enrolled without being 21944
placed on the unified waiting list. 21945

Sec. 173.56. (A) The department of aging shall adopt rules in 21946
accordance with section 111.15 of the Revised Code governing 21947
appeals brought under section 173.523 or 173.545 of the Revised 21948
Code. The rules shall require notice and the opportunity for a 21949
hearing. The rules may allow an appeal hearing to be conducted by 21950
telephone and permit the department to record hearings conducted 21951
by telephone. Chapter 119. of the Revised Code applies to a 21952
hearing under section 173.523 or 173.545 of the Revised Code only 21953
to the extent provided in rules the department adopts under this 21954
section. 21955

(B) An appeal shall be commenced by submission of a written 21956
request for a hearing to the director of aging within the time 21957
specified in the rules adopted under this section. The hearing may 21958
be recorded, but neither the recording nor a transcript of the 21959
recording is part of the official record of the proceeding. The 21960
director shall notify the individual bringing the appeal of the 21961
director's decision and of the procedure for appealing the 21962

decision. 21963

(C) The director's decision may be appealed to a court of common pleas pursuant to section 119.12 of the Revised Code. The appeal shall be governed by that section except as follows: 21964
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(1) The appeal shall be in the court of common pleas of the county in which the individual who brings the appeal resides or, if the individual does not reside in this state, to the Franklin county court of common pleas. 21967
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(2) The notice of appeal must be mailed to the department and filed with the court not later than thirty days after the department mails notice of the director's decision. For good cause shown, the court may extend the time for mailing and filing the notice of appeal, but the time cannot exceed six months from the date the department mails the notice of the director's decision. 21971
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(3) If an individual applies to the court for designation as an indigent and the court grants the application, the individual shall not be required to furnish the costs of the appeal. 21977
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(4) The department is required to file a transcript of the testimony of the state hearing with the court only if the court orders that the transcript be filed. The court shall make such an order only if it finds that the department and the individual bringing the appeal are unable to stipulate to the facts of the case and that the transcript is essential to a determination of the appeal. The department shall file the transcript not later than thirty days after such an order is issued. 21980
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Sec. 173.60. (A) As used in this section: 21988

(1) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code. 21989
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(2) "Person-centered care" means a relationship-based approach to care that honors and respects the opinions of 21991
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<u>individuals receiving care and those working closely with them.</u>	21993
<u>(B) The department of aging shall implement a nursing home quality initiative to improve the provision of person-centered care in nursing homes. The office of the state long-term care ombudsman program shall assist the department with the initiative. The initiative shall include quality improvement projects that provide nursing homes with resources and on-site education promoting person-centered care strategies and positive resident outcomes, as well as other assistance designed to improve the quality of nursing home services. The department may offer any of the projects.</u>	21994 21995 21996 21997 21998 21999 22000 22001 22002 22003
<u>(C) The department shall make available a list of quality improvement projects that may be used by nursing homes in meeting the requirements of section 3721.072 of the Revised Code. In addition to any of the projects offered by the department pursuant to division (B) of this section, the list may include projects offered by any of the following:</u>	22004 22005 22006 22007 22008 22009
<u>(1) Other state agencies;</u>	22010
<u>(2) A quality improvement organization under contract with the United States secretary of health and human services to carry out in this state the functions described in the "Social Security Act," section 1154, 42 U.S.C. 1320c-3;</u>	22011 22012 22013 22014
<u>(3) The Ohio person-centered care coalition;</u>	22015
<u>(4) Any other academic, research, or health care entity identified by the department.</u>	22016 22017
<u>(D) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section.</u>	22018 22019 22020
Sec. 173.99. (A) A long-term care provider, person employed by a long-term care provider, other entity, or employee of such	22021 22022

other entity that violates division (C) of section 173.24 of the Revised Code is subject to a fine not to exceed one thousand dollars for each violation.

(B) Whoever violates division (C) of section 173.23 of the Revised Code is guilty of registering a false complaint, a misdemeanor of the first degree.

(C) A long-term care provider, other entity, or person employed by a long-term care provider or other entity that violates division (E) of section 173.19 of the Revised Code by denying a representative of the office of the state long-term care ~~ombuds person~~ ombudsman program the access required by that division is subject to a fine not to exceed five hundred dollars for each violation.

(D) Whoever violates division (C) of section 173.44 of the Revised Code is subject to a fine of one hundred dollars.

Sec. 183.16. There is hereby created the southern Ohio agricultural and community development foundation endowment fund, which shall be in the custody of the treasurer of state but shall not be a part of the state treasury. The endowment fund shall consist of ~~amounts appropriated from the southern Ohio agricultural and community development trust fund, as well as~~ grants and donations made to the southern Ohio agricultural and community development foundation and investment earnings of the fund. The endowment fund shall be used by the foundation to carry out its duties.

The foundation is the trustee of the endowment fund. Disbursements from the fund shall be paid by the treasurer of state only upon instruments duly authorized by the board of trustees of the foundation. At the request of The foundation, the treasurer of state shall select and contract with one or more investment managers to invest all money credited to the fund that

is not currently needed for carrying out the functions of the 22054
foundation. The eligible list of investments shall be the same as 22055
for the public employees retirement system under section 145.11 of 22056
the Revised Code. All investments shall be subject to the same 22057
limitations and requirements as the retirement system under that 22058
section and sections 145.112 and 145.113 of the Revised Code. 22059

No money from the southern Ohio agricultural and community 22060
development foundation endowment fund shall be used for the direct 22061
production costs of growing tobacco. 22062

Sec. 183.33. No money shall be appropriated or transferred 22063
from the general revenue fund to the law enforcement improvements 22064
trust fund, ~~southern Ohio agricultural and community development~~ 22065
~~trust fund,~~ southern Ohio agricultural and community development 22066
foundation endowment fund, Ohio's public health priorities trust 22067
fund, biomedical research and technology transfer trust fund, 22068
education facilities trust fund, or education technology trust 22069
fund. 22070

Sec. 187.10. (A) No person, with purpose to corrupt a 22071
director, officer, or employee of JobsOhio, shall promise, offer, 22072
or give any valuable thing or valuable benefit. 22073

(B) No person who is a director, officer, or employee of 22074
JobsOhio, either before or after being appointed, qualified, or 22075
employed in that capacity, shall knowingly solicit or accept for 22076
self or another person any valuable thing or valuable benefit to 22077
corrupt or improperly influence the person or another director, 22078
officer, or employee of JobsOhio with respect to the discharge of 22079
the person's or the other director's, officer's, or employee's 22080
duty. 22081

(C) Whoever violates division (A) or (B) of this section is 22082
guilty of the offense of bribery, as set forth in section 2921.02 22083

of the Revised Code.	22084
Sec. 191.01. As used in this chapter:	22085
(A) "Administrative safeguards," "availability,"	22086
"confidentiality," "integrity," "physical safeguards," and	22087
"technical safeguards" have the same meanings as in 45 C.F.R.	22088
164.304.	22089
(B) "Business associate," "covered entity," "health plan,"	22090
"individually identifiable health information," and "protected	22091
health information" have the same meanings as in 45 C.F.R.	22092
160.103.	22093
(C) "Executive director of the office of health	22094
transformation" or "executive director" means the executive	22095
director of the office of health transformation or the chief	22096
administrative officer of a successor governmental entity	22097
responsible for health system oversight in this state.	22098
(D) "Government program providing public benefits" means any	22099
program administered by a state agency that has been identified,	22100
pursuant to section 191.02 of the Revised Code, by the executive	22101
director of the office of health transformation in consultation	22102
with the individuals specified in that section.	22103
(E) "Office of health transformation" means the office of	22104
health transformation created by executive order 2011-02K.	22105
(F) "Operating protocol" means a protocol adopted by the	22106
executive director of the office of health transformation or the	22107
executive director's designee under division (D) of section 191.06	22108
of the Revised Code.	22109
(G) "Participating agency" means a state agency that	22110
participates in a health transformation initiative as specified in	22111
the one or more operating protocols adopted for the initiative	22112
under division (D) of section 191.06 of the Revised Code.	22113

(H) "Personally identifiable information" means information	22114
that meets both of the following criteria:	22115
(1) It identifies an individual or there is a reasonable	22116
basis to believe that it may be used to identify an individual;	22117
(2) It relates to an individual's eligibility for,	22118
application for, or receipt of public benefits from a government	22119
program providing public benefits.	22120
(I) "State agency" means each of the following:	22121
(1) <u>The department of administrative services;</u>	22122
(2) <u>The department of aging;</u>	22123
(2) The department of alcohol and drug addiction services;	22124
(3) The department of <u>development services agency;</u>	22125
(4) The department of developmental disabilities;	22126
(5) The department of education;	22127
(6) The department of health;	22128
(7) The department of insurance;	22129
(8) The department of job and family services;	22130
(9) <u>The department of medicaid;</u>	22131
(10) <u>The department of mental health mental health and</u>	22132
<u>addiction services;</u>	22133
(10) (11) <u>The department of rehabilitation and correction;</u>	22134
(11) (12) <u>The department of taxation;</u>	22135
(12) (13) <u>The department of veterans services;</u>	22136
(13) (14) <u>The department of youth services.</u>	22137
(J) "Unsecured" has the same meaning as in 16 C.F.R. 318.2.	22138
Sec. 191.02. The executive director of the office of health	22139

transformation, in consultation with all of the following 22140
individuals, shall identify each government program administered 22141
by a state agency that is to be considered a government program 22142
providing public benefits for purposes of section 191.04 of the 22143
Revised Code: 22144

(A) The director of administrative services; 22145

(B) The director of aging; 22146

~~(B)~~ ~~The director of alcohol and drug addiction services;~~ 22147

(C) The director of development services; 22148

(D) The director of developmental disabilities; 22149

(E) The director of health; 22150

(F) The director of job and family services; 22151

(G) The director of medicaid; 22152

(H) The director of ~~mental health~~ mental health and addiction 22153
services; 22154

~~(H)~~(I) The director of rehabilitation and correction; 22155

~~(I)~~(J) The director of veterans services; 22156

~~(J)~~(K) The director of youth services; 22157

~~(K)~~(L) The ~~administrator~~ executive director of the 22158
~~rehabilitation services commission~~ opportunities for Ohioans with 22159
disabilities agency; 22160

~~(L)~~(M) The administrator of workers' compensation; 22161

~~(M)~~(N) The superintendent of insurance; 22162

~~(N)~~(O) The superintendent of public instruction; 22163

~~(O)~~(P) The tax commissioner. 22164

Sec. 191.04. (A) In accordance with federal laws governing 22165

the confidentiality of individually identifiable health 22166
information, including the "Health Insurance Portability and 22167
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 22168
42 U.S.C. 1320d et seq., as amended, and regulations promulgated 22169
by the United States department of health and human services to 22170
implement the act, a state agency may exchange protected health 22171
information with another state agency relating to eligibility for 22172
or enrollment in a health plan or relating to participation in a 22173
government program providing public benefits if the exchange of 22174
information is necessary for either or both of the following: 22175

(1) Operating a health plan; 22176

(2) Coordinating, or improving the administration or 22177
management of, the health care-related functions of at least one 22178
government program providing public benefits. 22179

(B) For fiscal ~~year~~ years 2013, 2014, and 2015 only, a state 22180
agency also may exchange personally identifiable information with 22181
another state agency for purposes related to and in support of a 22182
health transformation initiative identified by the executive 22183
director of the office of health transformation pursuant to 22184
division (C) of section 191.06 of the Revised Code. 22185

(C) With respect to a state agency that uses or discloses 22186
personally identifiable information, all of the following 22187
conditions apply: 22188

(1) The state agency shall use or disclose the information 22189
only as permitted or required by state and federal law. In 22190
addition, if the information is obtained during fiscal year 2013, 22191
2014, or 2015 from an exchange of personally identifiable 22192
information permitted under division (B) of this section, the 22193
agency shall also use or disclose the information in accordance 22194
with all operating protocols that apply to the use or disclosure. 22195

(2) If the state agency is a state agency other than the department of ~~job and family services~~ medicaid and it uses or discloses protected health information that is related to a medicaid recipient and obtained from the department of ~~job and family services~~ medicaid or another agency operating a component of the medicaid program, the state agency shall comply with all state and federal laws that apply to the department of ~~job and family services~~ medicaid when that department, as the state's single state agency to supervise the medicaid program ~~as specified in section 5111.01 of the Revised Code~~, uses or discloses protected health information.

(3) A state agency shall implement administrative, physical, and technical safeguards for the purpose of protecting the confidentiality, integrity, and availability of personally identifiable information the creation, receipt, maintenance, or transmittal of which is affected or governed by this section.

(4) If a state agency discovers an unauthorized use or disclosure of unsecured protected health information or unsecured individually identifiable health information, the state agency shall, not later than seventy-two hours after the discovery, do all of the following:

(a) Identify the individuals who are the subject of the protected health information or individually identifiable health information;

(b) Report the discovery and the names of all individuals identified pursuant to division (C)(4)(a) of this section to all other state agencies and the executive director of the office of health transformation or the executive director's designee;

(c) Mitigate, to the extent reasonably possible, any potential adverse effects of the unauthorized use or disclosure.

(5) A state agency shall make available to the executive

director of the office of health transformation or the executive 22227
director's designee, and to any other state or federal 22228
governmental entity required by law to have access on that 22229
entity's request, all internal practices, records, and 22230
documentation relating to personally identifiable information it 22231
receives, uses, or discloses that is affected or governed by this 22232
section. 22233

(6) On termination or expiration of an operating protocol and 22234
if feasible, a state agency shall return or destroy all personally 22235
identifiable information received directly from or received on 22236
behalf of another state agency. If the personally identifiable 22237
information is not returned or destroyed, the state agency 22238
maintaining the information shall extend the protections set forth 22239
in this section for as long as it is maintained. 22240

(7) If a state agency enters into a subcontract or, when 22241
required by 45 C.F.R. 164.502(e)(2), a business associate 22242
agreement, the subcontract or business associate agreement shall 22243
require the subcontractor or business associate to comply with the 22244
terms of this section as if the subcontractor or business 22245
associate were a state agency. 22246

Sec. 191.06. (A) The provisions of this section shall apply 22247
only for fiscal ~~year~~ years 2013, 2014, and 2015. 22248

(B) The executive director of the office of health 22249
transformation or the executive director's designee may facilitate 22250
the coordination of operations and exchange of information between 22251
state agencies. The purpose of the executive director's authority 22252
under this section is to support agency collaboration for health 22253
transformation purposes, including modernization of the medicaid 22254
program, streamlining of health and human services programs in 22255
this state, and improving the quality, continuity, and efficiency 22256
of health care and health care support systems in this state. 22257

(C) In furtherance of the authority of the executive director 22258
of the office of health transformation under division (B) of this 22259
section, the executive director or the executive director's 22260
designee shall identify each health transformation initiative in 22261
this state that involves the participation of two or more state 22262
agencies and that permits or requires an interagency agreement to 22263
be entered into for purposes of specifying each participating 22264
agency's role in coordinating, operating, or funding the 22265
initiative, or facilitating the exchange of data or other 22266
information for the initiative. The executive director shall 22267
publish a list of the identified health transformation initiatives 22268
on the internet web site maintained by the office of health 22269
transformation. 22270

(D) For each health transformation initiative that is 22271
identified under division (C) of this section, the executive 22272
director or the executive director's designee shall, in 22273
consultation with each participating agency, adopt one or more 22274
operating protocols. Notwithstanding any law enacted by the 22275
general assembly or rule adopted by a state agency, the provisions 22276
in a protocol shall supersede any provisions in an interagency 22277
agreement, including an interagency agreement entered into under 22278
section 5101.10 or ~~5111.91~~ 5162.35 of the Revised Code, that 22279
differ from the provisions of the protocol. 22280

(E)(1) An operating protocol adopted under division (D) of 22281
this section shall include both of the following: 22282

(a) All terms necessary to meet the requirements of "other 22283
arrangements" between a covered entity and a business associate 22284
that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 22285

(b) If known, the date on which the protocol will terminate 22286
or expire. 22287

(2) In addition, a protocol may specify the extent to which 22288

each participating agency is responsible and accountable for 22289
completing the tasks necessary for successful completion of the 22290
initiative, including tasks relating to the following components 22291
of the initiative: 22292

(a) Workflow; 22293

(b) Funding; 22294

(c) Exchange of data or other information that is 22295
confidential pursuant to state or federal law. 22296

(F) An operating protocol adopted under division (D) of this 22297
section shall have the same force and effect as an interagency 22298
agreement or data sharing agreement, and each participating agency 22299
shall comply with it. 22300

~~(G) The director of job and family services shall determine 22301
whether a waiver of federal medicaid requirements or a medicaid 22302
state plan amendment is necessary to fulfill the requirements of 22303
this section. If the director determines a waiver or medicaid 22304
state plan amendment is necessary, the director shall apply to the 22305
United States secretary of health and human services for the 22306
waiver or amendment. 22307~~

Sec. 301.28. (A) As used in this section: 22308

(1) "Financial transaction device" includes a credit card, 22309
debit card, charge card, or prepaid or stored value card, or 22310
automated clearinghouse network credit, debit, or e-check entry 22311
that includes, but is not limited to, accounts receivable and 22312
internet-initiated, point of purchase, and telephone-initiated 22313
applications or any other device or method for making an 22314
electronic payment or transfer of funds. 22315

(2) "County expenses" includes fees, costs, taxes, 22316
assessments, fines, penalties, payments, or any other expense a 22317
person owes or otherwise pays to a county office under the 22318

authority of a county official, other than dog registration and 22319
kennel fees required to be paid under Chapter 955. of the Revised 22320
Code. "County expenses" includes payment to a county office of 22321
money confiscated during the commitment of an individual to a 22322
county jail, of bail, of money for a prisoner's inmate account, 22323
and of money for goods and services obtained by or for the use of 22324
an individual incarcerated by a county sheriff. 22325

(3) "County official" includes the county auditor, county 22326
treasurer, county engineer, county recorder, county prosecuting 22327
attorney, county sheriff, county coroner, county park district and 22328
board of county commissioners, the clerk of the probate court, the 22329
clerk of the juvenile court, the clerks of court for all divisions 22330
of the courts of common pleas, and the clerk of the court of 22331
common pleas, the clerk of a county-operated municipal court, and 22332
the clerk of a county court. 22333

The term "county expenses" includes county expenses owed to 22334
the board of health of the general health district or a combined 22335
health district in the county. If the board of county 22336
commissioners authorizes county expenses to be paid by financial 22337
transaction devices under this section, then the board of health 22338
and the general health district and the combined health district 22339
may accept payments by financial transaction devices under this 22340
section as if the board were a "county official" and the district 22341
were a county office. However, in the case of a general health 22342
district formed by unification of general health districts under 22343
section 3709.10 of the Revised Code, this entitlement applies only 22344
if all the boards of county commissioners of all counties in the 22345
district have authorized payments to be accepted by financial 22346
transaction devices. 22347

(B) Notwithstanding any other section of the Revised Code and 22348
except as provided in division (D) of this section, a board of 22349
county commissioners may adopt a resolution authorizing the 22350

acceptance of payments by financial transaction devices for county 22351
expenses. The resolution shall include the following: 22352

(1) A specification of those county officials who, and of the 22353
county offices under those county officials that, are authorized 22354
to accept payments by financial transaction devices; 22355

(2) A list of county expenses that may be paid for through 22356
the use of a financial transaction device; 22357

(3) Specific identification of financial transaction devices 22358
that the board authorizes as acceptable means of payment for 22359
county expenses. Uniform acceptance of financial transaction 22360
devices among different types of county expenses is not required. 22361

(4) The amount, if any, authorized as a surcharge or 22362
convenience fee under division (E) of this section for persons 22363
using a financial transaction device. Uniform application of 22364
surcharges or convenience fees among different types of county 22365
expenses is not required. 22366

(5) A specific provision as provided in division (G) of this 22367
section requiring the payment of a penalty if a payment made by 22368
means of a financial transaction device is returned or dishonored 22369
for any reason. 22370

The board's resolution shall also designate the county 22371
treasurer as an administrative agent to solicit proposals, within 22372
guidelines established by the board in the resolution and in 22373
compliance with the procedures provided in division (C) of this 22374
section, from financial institutions, issuers of financial 22375
transaction devices, and processors of financial transaction 22376
devices, to make recommendations about those proposals to the 22377
board, and to assist county offices in implementing the county's 22378
financial transaction devices program. The county treasurer may 22379
decline this responsibility within thirty days after receiving a 22380
copy of the board's resolution by notifying the board in writing 22381

within that period. If the treasurer so notifies the board, the 22382
board shall perform the duties of the administrative agent. 22383

If the county treasurer is the administrative agent and fails 22384
to administer the county financial transaction devices program in 22385
accordance with the guidelines in the board's resolution, the 22386
board shall notify the treasurer in writing of the board's 22387
findings, explain the failures, and give the treasurer six months 22388
to correct the failures. If the treasurer fails to make the 22389
appropriate corrections within that six-month period, the board 22390
may pass a resolution declaring the board to be the administrative 22391
agent. The board may later rescind that resolution at its 22392
discretion. 22393

(C) The county shall follow the procedures provided in this 22394
division whenever it plans to contract with financial 22395
institutions, issuers of financial transaction devices, or 22396
processors of financial transaction devices for the purposes of 22397
this section. The administrative agent shall request proposals 22398
from at least three financial institutions, issuers of financial 22399
transaction devices, or processors of financial transaction 22400
devices, as appropriate in accordance with the resolution adopted 22401
under division (B) of this section. Prior to sending any financial 22402
institution, issuer, or processor a copy of any such request, the 22403
county shall advertise its intent to request proposals in a 22404
newspaper of general circulation in the county once a week for two 22405
consecutive weeks or as provided in section 7.16 of the Revised 22406
Code. The notice shall state that the county intends to request 22407
proposals; specify the purpose of the request; indicate the date, 22408
which shall be at least ten days after the second publication, on 22409
which the request for proposals will be mailed to financial 22410
institutions, issuers, or processors; and require that any 22411
financial institution, issuer, or processor, whichever is 22412
appropriate, interested in receiving the request for proposals 22413

submit written notice of this interest to the county not later 22414
than noon of the day on which the request for proposals will be 22415
mailed. 22416

Upon receiving the proposals, the administrative agent shall 22417
review them and make a recommendation to the board of county 22418
commissioners on which proposals to accept. The board of county 22419
commissioners shall consider the agent's recommendation and review 22420
all proposals submitted, and then may choose to contract with any 22421
or all of the entities submitting proposals, as appropriate. The 22422
board shall provide any financial institution, issuer, or 22423
processor that submitted a proposal, but with which the board does 22424
not enter into a contract, notice that its proposal is rejected. 22425
The notice shall state the reasons for the rejection, indicate 22426
whose proposals were accepted, and provide a copy of the terms and 22427
conditions of the successful bids. 22428

(D) A board of county commissioners adopting a resolution 22429
under this section shall send a copy of the resolution to each 22430
county official in the county who is authorized by the resolution 22431
to accept payments by financial transaction devices. After 22432
receiving the resolution and before accepting payments by 22433
financial transaction devices, a county official shall provide 22434
written notification to the board of county commissioners of the 22435
official's intent to implement the resolution within the 22436
official's office. Each county office subject to the board's 22437
resolution adopted under division (B) of this section may use only 22438
the financial institutions, issuers of financial transaction 22439
devices, and processors of financial transaction devices with 22440
which the board of county commissioners contracts, and each such 22441
office is subject to the terms of those contracts. 22442

If a county office under the authority of a county official 22443
is directly responsible for collecting one or more county expenses 22444
and the county official determines not to accept payments by 22445

financial transaction devices for one or more of those expenses, 22446
the office shall not be required to accept payments by financial 22447
transaction devices, notwithstanding the adoption of a resolution 22448
by the board of county commissioners under this section. 22449

Any office of a clerk of the court of common pleas that 22450
accepts financial transaction devices on or before July 1, 1999, 22451
and any other county office that accepted such devices before 22452
January 1, 1998, may continue to accept such devices without being 22453
subject to any resolution passed by the board of county 22454
commissioners under division (B) of this section, or any other 22455
oversight by the board of the office's financial transaction 22456
devices program. Any such office may use surcharges or convenience 22457
fees in any manner the county official in charge of the office 22458
determines to be appropriate, and, if the county treasurer 22459
consents, may appoint the county treasurer to be the office's 22460
administrative agent for purposes of accepting financial 22461
transaction devices. In order not to be subject to the resolution 22462
of the board of county commissioners adopted under division (B) of 22463
this section, a county office shall notify the board in writing 22464
within thirty days after March 30, 1999, that it accepted 22465
financial transaction devices prior to January 1, 1998, or, in the 22466
case of the office of a clerk of the court of common pleas, the 22467
clerk has accepted or will accept such devices on or before July 22468
1, 1999. Each such notification shall explain how processing costs 22469
associated with financial transaction devices are being paid and 22470
shall indicate whether surcharge or convenience fees are being 22471
passed on to consumers. 22472

(E) A board of county commissioners may establish a surcharge 22473
or convenience fee that may be imposed upon a person making 22474
payment by a financial transaction device. The surcharge or 22475
convenience fee shall not be imposed unless authorized or 22476
otherwise permitted by the rules prescribed by an agreement 22477

governing the use and acceptance of the financial transaction device. 22478
22479

If a surcharge or convenience fee is imposed, every county office accepting payment by a financial transaction device, regardless of whether that office is subject to a resolution adopted by a board of county commissioners, shall clearly post a notice in that office and shall notify each person making a payment by such a device about the surcharge or fee. Notice to each person making a payment shall be provided regardless of the medium used to make the payment and in a manner appropriate to that medium. Each notice shall include all of the following: 22480
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(1) A statement that there is a surcharge or convenience fee for using a financial transaction device; 22489
22490

(2) The total amount of the charge or fee expressed in dollars and cents for each transaction, or the rate of the charge or fee expressed as a percentage of the total amount of the transaction, whichever is applicable; 22491
22492
22493
22494

(3) A clear statement that the surcharge or convenience fee is nonrefundable. 22495
22496

(F) If a person elects to make a payment to the county by a financial transaction device and a surcharge or convenience fee is imposed, the payment of the surcharge or fee shall be considered voluntary and the surcharge or fee is not refundable. 22497
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(G) If a person makes payment by financial transaction device and the payment is returned or dishonored for any reason, the person is liable to the county for payment of a penalty over and above the amount of the expense due. The board of county commissioners shall determine the amount of the penalty, which may be either a fee not to exceed twenty dollars or payment of the amount necessary to reimburse the county for banking charges, legal fees, or other expenses incurred by the county in collecting 22501
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the returned or dishonored payment. The remedies and procedures 22509
provided in this section are in addition to any other available 22510
civil or criminal remedies provided by law. 22511

(H) No person making any payment by financial transaction 22512
device to a county office shall be relieved from liability for the 22513
underlying obligation except to the extent that the county 22514
realizes final payment of the underlying obligation in cash or its 22515
equivalent. If final payment is not made by the financial 22516
transaction device issuer or other guarantor of payment in the 22517
transaction, the underlying obligation shall survive and the 22518
county shall retain all remedies for enforcement that would have 22519
applied if the transaction had not occurred. 22520

(I) A county official or employee who accepts a financial 22521
transaction device payment in accordance with this section and any 22522
applicable state or local policies or rules is immune from 22523
personal liability for the final collection of such payments. 22524

Sec. 305.23. (A) As used in this section: 22525

(1) "County office" means the offices of the county 22526
commissioner, county auditor, county treasurer, county engineer, 22527
county recorder, county prosecuting attorney, county sheriff, 22528
county coroner, county park district, veterans service commission, 22529
clerk of the juvenile court, clerks of court for all divisions of 22530
the courts of common pleas, including the clerk of the court of 22531
common pleas, clerk of a county-operated municipal court, and 22532
clerk of a county court, and any agency, department, or division 22533
under the authority of, or receiving funding in whole or in part 22534
from, any of those county offices. 22535

(2) "Human resources" means any and all functions relating to 22536
human resource management, including civil service, employee 22537
benefits administration, collective bargaining, labor relations, 22538
risk management, workers' compensation, unemployment compensation, 22539

and any human resource management function required by state or 22540
federal law, but "human resources" does not authorize a board of 22541
county commissioners to adopt a resolution establishing a 22542
centralized human resource service that requires any county office 22543
to conform to any classification and compensation plan, position 22544
descriptions, or organizational structure; to determine the rate 22545
of compensation of any employee appointed by the appointing 22546
authority of a county office or the salary ranges for positions of 22547
a county office within the aggregate limits set in the 22548
appropriation resolution of the board of county commissioners; to 22549
determine the number of or the terms of employment of any employee 22550
appointed by the appointing authority of a county office within 22551
the aggregate limits set in the board's appropriation resolution; 22552
or to exercise powers relating to the hiring, qualifications, 22553
evaluation, suspension, demotion, disciplinary action, layoff, 22554
furloughing, establishment of a modified work-week schedule, or 22555
the termination of any employee appointed by the appointing 22556
authority of any county office. 22557

(B) Subject to division (C) of this section, a board of 22558
county commissioners may adopt a resolution establishing 22559
centralized purchasing, printing, transportation, vehicle 22560
maintenance, human resources, revenue collection, and mail 22561
operation services for a county office. Before adopting a 22562
resolution under this section, the board of county commissioners, 22563
in a written notice, shall inform any other county office that 22564
will be impacted by the resolution of the board's desire to 22565
establish a centralized service or services. The written notice 22566
shall include a statement that provides the rationale and the 22567
estimated savings anticipated for centralizing a service or 22568
services. In addition, the board may request any other county 22569
office to serve as the agent and responsible party for 22570
administering a centralized service or services. That county 22571
office may enter into an agreement with the board of county 22572

commissioners to administer the centralized service or services 22573
under such terms and conditions as are included in the agreement, 22574
but nothing in this section authorizes the board of county 22575
commissioners to require a county office to serve as the agent and 22576
responsible party for administering a centralized service or 22577
services at the board's request. 22578

A resolution establishing a centralized service or services 22579
shall specify all of the following: 22580

(1) The name of the county office that will be the agent and 22581
responsible party for administering a centralized service or 22582
services, and if the agent and responsible party is not the board 22583
of county commissioners, the designation of the county office that 22584
has entered into an agreement under division (B) of this section 22585
with the board to be the agent and responsible party; 22586

(2) Which county offices are required to use the centralized 22587
services; 22588

(3) If not all of the centralized services, which centralized 22589
service each county office must use; 22590

(4) A list of rates and charges the county office shall pay 22591
for the centralized services; 22592

(5) The date upon which each county office specified in the 22593
resolution shall begin using the centralized services. 22594

Not later than ten days after a resolution is adopted under 22595
this section, the clerk of the board of county commissioners shall 22596
send a copy of the resolution to each county office that is 22597
specified in the resolution. 22598

(C) A board of county commissioners shall not adopt a 22599
resolution that establishes a centralized service or services 22600
regarding any of the following: 22601

(1) Purchases made for contract services with moneys from the 22602

~~special fund designated as "general county recorder's technology~~ 22603
~~fund moneys to supplement the equipment needs of the county~~ 22604
~~recorder"~~ established under section 317.321 of the Revised Code or 22605
from the funds that are paid out of the general fund of the county 22606
under sections 325.071 and 325.12 of the Revised Code; 22607

(2) Purchases made with moneys from the real estate 22608
assessment fund established under section 325.31 of the Revised 22609
Code; 22610

(3) Purchases of financial software used by the county 22611
auditor; 22612

(4) The printing of county property tax bills; 22613

(5) The collection of any taxes, assessments, and fees the 22614
county treasurer is required by law to collect; 22615

(6) Purchases of software used by the county recorder. 22616

(D) Nothing in this section authorizes the board of county 22617
commissioners to have control or authority over funds that are 22618
received directly by a county office under another section of the 22619
Revised Code, or to control, or have authority regarding, the 22620
expenditure or use of such funds. 22621

Sec. 307.07. (A) The board of county commissioners, by 22622
resolution, may create an office of economic development, to 22623
develop and promote plans and programs designed to assure that 22624
county resources are efficiently used, economic growth is properly 22625
balanced, and that county economic development is coordinated with 22626
that of the state and other local governments. For this purpose, 22627
the board may appropriate moneys from the county general fund, or, 22628
pursuant to section 307.64 of the Revised Code, moneys derived 22629
from a tax levied pursuant to division (EE) of section 5705.19 of 22630
the Revised Code~~7~~. The moneys so appropriated may be used for the 22631
creation and operation of the office~~7~~ for~~7~~ any economic 22632

development purpose of the office, and to provide for the 22633
establishment and operation of a program of economic development, 22634
including in support of a county land reutilization corporation 22635
organized under Chapter 1724. of the Revised Code. In support of a 22636
county land reutilization corporation, the board of county 22637
commissioners may enter into a contract with the corporation to 22638
provide employees to provide services to the corporation. An 22639
employee of the board who provides services to a county land 22640
reutilization corporation under such a contract shall not be 22641
considered an employee of the corporation during the provision of 22642
services, but shall remain an employee of the county. The board 22643
may hire a director of economic development, who shall be a member 22644
of the unclassified civil service, and fix the director's 22645
compensation; or may do any of the following: 22646

(1) Enter into an agreement with a county planning commission 22647
within the county, created under section 713.22 of the Revised 22648
Code, or a regional planning commission, created under section 22649
713.21 of the Revised Code, regardless of whether the county is a 22650
member of the commission, to carry out all of the functions and 22651
duties of a director of economic development under division (B) of 22652
this section. Any agreement shall set forth the procedure by which 22653
the county or regional planning commission shall gain the approval 22654
of the board of county commissioners for any actions, functions, 22655
and duties under division (B) of this section. Any agreement may 22656
continue in effect for a period of one to three years and may be 22657
renewed with the consent of all parties. The civil service status 22658
of planning commission staff shall not be affected by any 22659
agreement under this division. 22660

(2) Enter into an agreement with ~~the Ohio cooperative~~ OSU 22661
extension ~~service~~, providing for the use of employees hired by the 22662
Ohio state university under section 3335.36 of the Revised Code to 22663
carry out all of the functions and duties of a director of 22664

economic development under division (B) of this section. Any 22665
agreement shall set forth the procedure by which ~~the Ohio~~ 22666
~~cooperative OSU extension service~~ shall gain the approval of the 22667
board of county commissioners for any actions, functions, and 22668
duties under division (B) of this section. Any agreement may 22669
continue in effect for a period of one to three years and may be 22670
renewed with the consent of all parties. The employment 22671
classification of ~~Ohio cooperative OSU extension service~~ employees 22672
shall not be affected by any agreement under this division. 22673

Any moneys appropriated by the board of county commissioners 22674
to execute an agreement for the provision of services pursuant to 22675
this section by ~~the Ohio cooperative OSU extension service~~ shall 22676
be paid to the Ohio state university to the credit of the ~~Ohio~~ 22677
~~cooperative OSU extension service~~ fund created under section 22678
3335.35 of the Revised Code. 22679

(3) Enter into an agreement with a public or private 22680
nonprofit organization to carry out all of the functions and 22681
duties of a director of economic development under division (B) of 22682
this section. The agreement shall set forth the procedure by which 22683
the nonprofit organization shall gain the approval of the board of 22684
county commissioners for any actions, functions, and duties under 22685
that division. The agreement may continue in effect for a period 22686
of one to three years and may be renewed with the consent of all 22687
parties. The employment classification of the nonprofit 22688
organization's employees shall not be affected by an agreement 22689
under this division. 22690

(B) The director of economic development may: 22691

(1) With the approval of the board, hire such staff and 22692
employ such technical and advisory personnel as the director sees 22693
fit to enable the director to carry out the functions and duties 22694
of the office; 22695

(2) With the approval of the board, contract for services necessary to enable the director to carry out the functions and duties of the office;	22696 22697 22698
(3) With the approval of the board, enter into agreements with federal, state, and local governments and agencies thereof, and with public, private, or nonprofit organizations to carry out the functions and duties of the office;	22699 22700 22701 22702
(4) Maintain membership in development organizations;	22703
(5) With the approval of the board, make loans or grants and provide other forms of financial assistance for the purpose of economic development, including financial assistance for permanent public improvements, in compliance with applicable laws of this state, and fix the rate of interest and charges to be made for such financial assistance;	22704 22705 22706 22707 22708 22709
(6) With the approval of the board, receive and accept grants, gifts, and contributions of money, property, labor, and other things of value, to be held, used, and applied only for the purpose for which they are made, from individuals, private and public corporations, the United States government or any agency thereof, from the state or any agency thereof, or from any political subdivision or any agency thereof, and may agree to repay any contribution of money or return any property contributed or the value thereof in amounts, and on terms and conditions, excluding the payment of interest, as the director determines, and may evidence the obligations by written evidence;	22710 22711 22712 22713 22714 22715 22716 22717 22718 22719 22720
(7) Establish with the board any funds that are necessary for the deposit and disbursement of gifts or contributions of money accepted for economic development purposes;	22721 22722 22723
(8) With the approval of the board, design, implement, monitor, oversee, and evaluate economic development plans, programs, strategies, and policies;	22724 22725 22726

(9) Purchase real property to convey to a county land reutilization corporation to be used in accordance with its public purposes;

(10) Perform all acts necessary to fulfill the functions and duties of the office.

(C) The boards of county commissioners of two or more counties, by resolution, may create a joint office of economic development for the purposes set forth in division (A) of this section. The counties participating in a joint office of economic development shall enter into an agreement that sets forth the contribution of funds, services, and property to the joint office from each participating county; establishes the person, public agency, or nonprofit organization that shall carry out the functions and duties of the office; and discloses any other terms by which the joint office shall operate.

The boards of county commissioners of counties participating in a joint office of economic development may appropriate moneys from their respective county general funds, or, pursuant to section 307.64 of the Revised Code, moneys derived from a tax levied pursuant to division (EE) of section 5705.19 of the Revised Code, for the creation and operation of the joint office, for any economic development purpose of the office, and to provide for the establishment and operation of a program of economic development. The participating counties may hire a director of economic development for the joint office or enter into an agreement with a public agency or nonprofit organization in a manner set forth in division (A) of this section to carry out the functions and duties set forth in division (B) of this section.

Any agreement establishing a joint office of economic development shall set forth the procedure by which the person, public agency, or nonprofit organization carrying out the functions and duties of the office shall gain the approval of the

participating boards of county commissioners for any actions, 22759
functions, and duties under division (B) of this section. 22760

(D) As used in this section, "economic development" has the 22761
same meaning as in section 307.64 of the Revised Code. 22762

Sec. 307.515. (A) All fines and penalties collected by, and 22763
moneys arising from forfeited bail in, a municipal court for 22764
offenses and misdemeanors brought for prosecution in the name of a 22765
municipal corporation under one of its penal ordinances, where 22766
there is in force a state statute under which the offense might be 22767
prosecuted, or brought for prosecution in the name of the state, 22768
except a portion of those fines, penalties, and moneys that, plus 22769
all costs collected monthly in those state cases, equal the 22770
compensation allowed by the board of county commissioners to the 22771
judges of the municipal court, its clerk, and the prosecuting 22772
attorney of that court in state cases, shall be retained by the 22773
clerk of that municipal court and shall be deposited by the clerk 22774
each month in the county law library resources fund that is 22775
created under section 307.514 of the Revised Code in the county in 22776
which that municipal corporation is located. The sum that the 22777
clerk of the municipal court deposits in the county law library 22778
resources fund shall in no month be less than twenty-five per cent 22779
of the amount of such fines, penalties, and moneys received in 22780
that month, without deducting the amount of the allowance of the 22781
board of county commissioners to the judges, clerk, and 22782
prosecuting attorney. 22783

The total amount paid under this section in any one calendar 22784
year by the clerks of all municipal courts in any one county to 22785
the county law library resources fund shall in no event exceed the 22786
following amounts: 22787

(1) In counties having a population of fifty thousand or 22788
less, seventy-five hundred dollars and the maximum amount paid by 22789

any of such courts shall not exceed four thousand dollars in any 22790
calendar year. 22791

(2) In counties having a population in excess of fifty 22792
thousand but not in excess of one hundred thousand, eight thousand 22793
dollars and the maximum amount paid by any of such courts shall 22794
not exceed five thousand five hundred dollars in any calendar 22795
year. 22796

(3) In counties having a population in excess of one hundred 22797
thousand but not in excess of one hundred fifty thousand, ten 22798
thousand dollars and the maximum amount paid by any of such courts 22799
shall not exceed seven thousand dollars in any calendar year. 22800

(4) In counties having a population of in excess of one 22801
hundred fifty thousand, fifteen thousand dollars in any calendar 22802
year. The maximum amount to be paid by each clerk shall be 22803
determined by the county auditor in December of each year for the 22804
next succeeding calendar year and shall bear the same ratio to the 22805
total amount payable under this section from the clerks of all 22806
municipal courts in such county as the total fines, costs, and 22807
forfeitures received by the corresponding municipal court, bear to 22808
the total fines, costs, and forfeitures received by all the 22809
municipal courts in the county, as shown for the last complete 22810
year of actual receipts, on the latest available budgets of such 22811
municipal courts. Payments in the full amounts provided in this 22812
section shall be made monthly by each clerk in each calendar year 22813
until the maximum amount for such year has been paid. When that 22814
amount, so determined by the auditor, has been paid to the county 22815
law library resources fund, then no further payments shall be 22816
required in that calendar year from the clerk of that court. 22817

(5) This section does not apply to fines collected by a 22818
municipal court for violations of division (B) of section 4513.263 22819
of the Revised Code, or for violations of any municipal ordinance 22820
that is substantively comparable to that division, all of which 22821

shall be forwarded to the treasurer of state as provided in 22822
division (E) of section 4513.263 of the Revised Code. 22823

(B) The county treasurer, upon the voucher of the county 22824
auditor, shall deposit fifty per cent of all moneys collected by a 22825
county court accruing from fines, penalties, and forfeited bail, 22826
unless otherwise distributed by law, in the county law library 22827
resources fund in that county that is created under section 22828
307.514 of the Revised Code. The county treasurer shall deposit 22829
those moneys into that fund within thirty days after those moneys 22830
have been paid into the county treasury by the clerk of the county 22831
court. 22832

This section does not apply to fines collected by a county 22833
court for violations of division (B) of section 4513.263 of the 22834
Revised Code, or for violations of any municipal ordinance that is 22835
substantively comparable to that division, all of which shall be 22836
forwarded to the treasurer of state as provided in division (E) of 22837
section 4513.263 of the Revised Code. 22838

(C) In each county of the state, the clerk of the court of 22839
common pleas and the clerk of the probate court shall retain all 22840
fines and penalties collected by, and moneys arising from 22841
forfeited bail in, the court of common pleas and the probate court 22842
of that county for offenses and misdemeanors brought for 22843
prosecution in those courts in the name of the state and monthly 22844
shall deposit those moneys in the county law library resources 22845
fund in that county that is created under section 307.514 of the 22846
Revised Code. The total sums so deposited shall not exceed twelve 22847
hundred fifty dollars per annum, and when that amount has been 22848
deposited in the fund in accordance with this section then no 22849
further payments shall be required under this section in that 22850
calendar year from the clerks of those respective courts. 22851

This section does not apply to fines collected by a court of 22852
common pleas for violations of division (B) of section 4513.263 of 22853

the Revised Code, all of which shall be forwarded to the treasurer 22854
of state as provided in division (E) of that section. 22855

This section does not apply to fines imposed under division 22856
(B)(9) of section 2929.18 of the Revised Code and collected by a 22857
court of common pleas, all of which shall be forwarded by the 22858
court to the treasurer of state not later than the twentieth day 22859
of the month after the month in which they are collected for 22860
deposit into the state treasury to the credit of the rape crisis 22861
program trust fund created by section 109.921 of the Revised Code. 22862

(D) In each county, the treasurer of the county or the 22863
treasurer of the municipal corporation shall deposit monthly fifty 22864
per cent of all fines and penalties collected by, and fifty per 22865
cent of moneys arising from forfeited bail in, any court in that 22866
county for offenses brought for prosecution under Chapters 4301. 22867
and 4303. of the Revised Code and the state traffic laws in the 22868
county legal resources fund in that county that is created under 22869
section 307.514 of the Revised Code. The sum so deposited in that 22870
fund by each treasurer shall not exceed twelve hundred dollars per 22871
annum under Chapters 4301. and 4303. of the Revised Code, and when 22872
that amount has been deposited in that fund in accordance with 22873
this section, then no further deposits shall be required under 22874
this section in that calendar year from those treasurers. 22875

As used in this section, "state traffic laws" does not 22876
include division (B) of section 4513.263 of the Revised Code. 22877

Sec. 307.673. This section applies only in a county in which 22878
a tax is levied under section 307.697, 4301.421, 5743.024, or 22879
5743.323 of the Revised Code on ~~the effective date of this~~ 22880
~~amendment~~ July 19, 1995. 22881

(A) As used in this section: 22882

(1) "County taxes" means taxes levied by a board of county 22883

commissioners under division (D) of section 307.697, division (B) 22884
of section 4301.421, division (C) of section 5743.024, and section 22885
5743.323 of the Revised Code. 22886

(2) "Corporation" means a nonprofit corporation organized 22887
under the laws of this state and that includes among the purposes 22888
for which it is incorporated the authority to acquire, construct, 22889
renovate, repair, equip, lease, manage, or operate a sports 22890
facility. 22891

(3) "Cooperative agreement" means an agreement entered into 22892
pursuant to this section. 22893

(4) "Cost of a sports facility" means the cost of acquiring, 22894
constructing, renovating, repairing, equipping, or improving one 22895
or more sports facilities, including reconstructing, 22896
rehabilitating, remodeling, and enlarging; the cost of equipping 22897
and furnishing such a facility; and all financing costs pertaining 22898
thereto, including the cost of engineering, architectural, and 22899
other professional services, designs, plans, specifications and 22900
surveys, and estimates of costs; the costs of refinancing 22901
obligations issued by, or reimbursement of money advanced by, the 22902
parties to the cooperative agreement or other persons, the 22903
proceeds of which obligations were used to pay the costs of the 22904
sports facility; the cost of tests and inspections; the cost of 22905
any indemnity or surety bonds and premiums on insurance, all 22906
related direct and administrative costs pertaining thereto, fees 22907
and expenses of trustees, depositories, and paying agents for the 22908
obligations, capitalized interest on the obligations, amounts 22909
necessary to establish reserves as required by the obligation 22910
proceedings, the reimbursement of money advanced or applied by the 22911
parties to the cooperative agreement or other persons for the 22912
payment of any item of costs of the sports facility, and all other 22913
expenses necessary or incident to planning or determining the 22914
feasibility or practicability with respect to the sports facility; 22915

and any other such expenses as may be necessary or incident to the 22916
acquisition, construction, reconstruction, rehabilitation, 22917
remodeling, renovation, repair, enlargement, improvement, 22918
equipping, and furnishing of the sports facility, the financing of 22919
the sports facility, placing the sports facility in use and 22920
operation, including any one, part of, or combination of such 22921
classes of costs and expenses. 22922

(5) "Financing costs" has the same meaning as in section 22923
133.01 of the Revised Code. 22924

(6) "Obligations" means obligations issued or incurred to pay 22925
the cost of a sports facility, including bonds, notes, 22926
certificates of indebtedness, commercial paper, and other 22927
instruments in writing, anticipatory securities as defined in 22928
section 133.01 of the Revised Code, issued or incurred by an 22929
issuer pursuant to Chapter 133. or 4582. of the Revised Code or 22930
this section, or otherwise, to evidence the issuer's obligation to 22931
repay borrowed money, or to pay interest, by, or to pay at any 22932
future time other money obligations of, the issuer of the 22933
obligations, including obligations of an issuer or lessee to make 22934
payments under an installment sale, lease, lease-purchase, or 22935
similar agreement. 22936

(7) "Owner" means any person that owns or operates a 22937
professional athletic or sports team, that is party to a 22938
cooperative agreement, or that has a lease or other agreement with 22939
a party to a cooperative agreement, and that commits to use the 22940
sports facility that is the subject of the cooperative agreement 22941
for all of the team's home games for the period specified in that 22942
agreement. 22943

(8) "Payments," when used with reference to obligations, 22944
means payments of the principal, including any mandatory sinking 22945
fund deposits and mandatory redemption payments, interest and any 22946
redemption premium, and lease rentals, lease-purchase payments and 22947

other amounts payable under obligations in the form of installment sale, lease, lease-purchase, or similar agreements. 22948
22949

(9) "Person" has the same meaning as defined in section 133.01 of the Revised Code. 22950
22951

(10) "Port authority" means a port authority created under Chapter 4582. of the Revised Code. 22952
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(11) "Sports facility" means a facility, including a stadium, that is intended to house or provide a site for one or more major league professional athletic or sports teams or activities, together with all spectator facilities, parking facilities, walkways, and auxiliary facilities, real and personal property, property rights, easements, leasehold estates, and interests that may be appropriate for, or used in connection with, the operation of the sports facility. 22954
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(B) The board of county commissioners of a county, the legislative authority of a municipal corporation, a port authority, a corporation, and an owner, or any combination thereof, may enter into one or more cooperative agreements under which the parties enter into one or more of the agreements described in divisions (B)(1) to (5) of this section. 22962
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(1) The board of county commissioners agrees to do one or more of the following: 22968
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(a) Levy a tax under division (D) of section 307.697, division (B) of section 4301.421, division (C) of section 5743.024, and section 5743.323 of the Revised Code and make available all or a portion of the revenue from those taxes for the payment of the cost of the sports facility or to make payments on obligations; 22970
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(b) Issue or incur obligations of the county pursuant to Chapter 133. of the Revised Code or this section; 22976
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(c) Make available all or a portion of the revenue from those 22978
taxes or of the proceeds from the issuance of those obligations to 22979
the municipal corporation, port authority, corporation, or 22980
otherwise for the payment of the cost of a sports facility or the 22981
payment of obligations; 22982

(d) Acquire, construct, renovate, repair, equip, lease to or 22983
from another person, and operate, directly or by a lease or 22984
management contract with another person, one or more sports 22985
facilities; 22986

(e) To the extent provided in the cooperative agreement or a 22987
lease with respect to a sports facility, authorize the municipal 22988
corporation, port authority, corporation, or owner to administer 22989
contracts for designing, planning, acquiring, constructing, 22990
renovating, repairing, or equipping a sports facility. 22991

(2) The port authority agrees to do one or more of the 22992
following: 22993

(a) Issue or incur obligations of the port authority pursuant 22994
to Chapter 133. or 4582. of the Revised Code or this section; 22995

(b) Make available all or a portion of the proceeds from the 22996
issuance of those obligations to the municipal corporation, 22997
county, or corporation for the payment of the cost of a sports 22998
facility or the payment of obligations; 22999

(c) Acquire, construct, renovate, repair, equip, lease to or 23000
from another person, and operate, directly or by a lease or 23001
management contract with another person, one or more sports 23002
facilities; 23003

(d) To the extent provided in the cooperative agreement or a 23004
lease with respect to a sports facility, authorize the municipal 23005
corporation, county, corporation, or owner to administer contracts 23006
for designing, planning, acquiring, constructing, renovating, 23007
repairing, or equipping a sports facility. 23008

(3) The legislative authority of the municipal corporation	23009
agrees to do one or more of the following:	23010
(a) Make available the revenue from taxes levied by the	23011
legislative authority for the payment of the cost of a sports	23012
facility or to make payments on obligations;	23013
(b) Issue or incur obligations of the municipal corporation	23014
pursuant to Chapter 133. of the Revised Code or otherwise;	23015
(c) Make available all or a portion of the proceeds from the	23016
issuance of those obligations to the county, port authority,	23017
corporation, or otherwise for the payment of the cost of a sports	23018
facility or the payment of obligations;	23019
(d) Acquire, construct, renovate, <u>repair</u> , equip, lease to or	23020
from another person, and operate, directly or by a lease or	23021
management contract with another person, one or more sports	23022
facilities;	23023
(e) To the extent provided in the cooperative agreement or a	23024
lease with respect to a sports facility, authorize the county,	23025
port authority, corporation, or owner to administer contracts for	23026
designing, planning, acquiring, constructing, renovating,	23027
<u>repairing</u> , or equipping a sports facility.	23028
(4) The corporation agrees to do one or more of the	23029
following:	23030
(a) Issue or incur obligations;	23031
(b) Make available all or a portion of the proceeds from the	23032
issuance of those obligations to the county, port authority,	23033
municipal corporation, or otherwise for the payment of the cost of	23034
a sports facility or the payment of obligations;	23035
(c) Acquire, construct, renovate, <u>repair</u> , equip, lease to or	23036
from another person, and operate, directly or by a lease or	23037
management contract with another person, one or more sports	23038

facilities; 23039

(d) To the extent provided in the cooperative agreement or a 23040
lease with respect to a sports facility, agree that the 23041
corporation will administer contracts for designing, planning, 23042
acquiring, constructing, renovating, repairing, or equipping a 23043
sports facility. 23044

(5) The owner agrees to do one or more of the following: 23045

(a) Use the sports facility that is the subject of the 23046
cooperative agreement for all of the home games of the owner's 23047
professional athletic or sports team for a specified period; 23048

(b) Administer contracts for designing, planning, acquiring, 23049
constructing, renovating, repairing, or equipping a sports 23050
facility. 23051

(C) Any obligations may be secured by a trust agreement 23052
between the issuer of obligations and a corporate trustee that is 23053
a trust company or bank having the powers of a trust company in or 23054
outside this state and authorized to exercise corporate trust 23055
powers in this state. Proceeds from the issuance of any 23056
obligations or the taxes levied and collected by any party to the 23057
cooperative agreement may be deposited with and administered by a 23058
trustee pursuant to the trust agreement. 23059

(D) Any contract for the acquisition, construction, 23060
renovation, repair, or equipping of a sports facility entered 23061
into, assigned, or assumed under this section shall provide that 23062
all laborers and mechanics employed in the acquisition, 23063
construction, renovation, repair, or equipping of the sports 23064
facility shall be paid at the prevailing rates of wages of 23065
laborers and mechanics for the class of work called for, as those 23066
wages are determined in accordance with Chapter 4115. of the 23067
Revised Code. 23068

Sec. 307.674. (A) As used in this section:	23069
(1) "Bonds" means:	23070
(a) Revenue bonds of the port authority described in division	23071
(B)(2)(a) of this section;	23072
(b) Securities as defined in division (KK) of section 133.01	23073
of the Revised Code issued by the host municipal corporation,	23074
described in division (B)(3)(a) of this section;	23075
(c) Any bonds issued to refund any of those revenue bonds or	23076
securities.	23077
(2) "Corporation" means a nonprofit corporation that is	23078
organized under the laws of this state and that includes within	23079
the purposes for which it is incorporated the authorization to	23080
lease and operate facilities such as a port authority educational	23081
and cultural performing arts facility.	23082
(3) "Cost," as applied to a port authority educational and	23083
cultural performing arts facility, means the cost of acquiring,	23084
constructing, renovating, rehabilitating, equipping, or improving	23085
the facility, or any combination of those purposes, collectively	23086
referred to in this section as "construction," and the cost of	23087
acquisition of all land, rights of way, property rights,	23088
easements, franchise rights, and interests required for those	23089
purposes, the cost of demolishing or removing any buildings or	23090
structures on land so acquired, including the cost of acquiring	23091
any land to which those buildings or structures may be moved, the	23092
cost of public utility and common carrier relocation or	23093
duplication, the cost of all machinery, furnishings, and	23094
equipment, financing charges, interest prior to and during	23095
construction and for not more than three years after completion of	23096
construction, costs arising under guaranty agreements,	23097
reimbursement agreements, or other credit enhancement agreements	23098

relating to bonds, engineering, expenses of research and 23099
development with respect to such facility, legal expenses, plans, 23100
specifications, surveys, studies, estimates of costs and revenues, 23101
other expenses necessary or incident to determining the 23102
feasibility or practicability of acquiring or constructing the 23103
facility, administrative expense, and other expenses as may be 23104
necessary or incident to that acquisition or construction and the 23105
financing of such acquisition or construction, including, with 23106
respect to the revenue bonds of a port authority, amounts to be 23107
paid into any special funds from the proceeds of those bonds, and 23108
repayments to the port authority, host county, host municipal 23109
corporation, or corporation of any amounts advanced for the 23110
foregoing purposes. 23111

(4) "Debt service charges" means, for any period or payable 23112
at any time, the principal of and interest and any premium due on 23113
bonds for that period or payable at that time whether due at 23114
maturity or upon mandatory redemption, together with any required 23115
deposits to reserves for the payment of principal of and interest 23116
on those bonds, and includes any payments required by the port 23117
authority to satisfy any of its obligations under or arising from 23118
any guaranty agreements, reimbursement agreements, or other credit 23119
enhancement agreements described in division (C) of this section. 23120

(5) "Host county" means the county within the boundaries of 23121
which the port authority educational and cultural performing arts 23122
facility is or will be located. 23123

(6) "Host municipal corporation" means the municipal 23124
corporation within the boundaries of which the port authority 23125
educational and cultural performing arts facility is or will be 23126
located. 23127

(7) "Port authority" means a port authority created pursuant 23128
to section 4582.22 of the Revised Code. 23129

(8) "Port authority educational and cultural performing arts facility" means a facility that consists of a center for music or other performing arts, a theater or other facilities to provide programs of an educational, recreational, or cultural nature, or any combination of those purposes as determined by the parties to the cooperative agreement for which provision is made in division (B) of this section to fulfill the public educational, recreational, and cultural purposes set forth therein, together with all parking facilities, walkways, and other auxiliary facilities, real and personal property, property rights, easements, and interests that may be appropriate for, or used in connection with, the operation of the facility.

(B) A host county, a host municipal corporation, and a port authority may enter into a cooperative agreement with a corporation under which, as further provided for in that agreement:

(1) The host county may agree to do any or all of the following:

(a) Levy and collect a tax under division (E) and division (F) of section 5739.09 of the Revised Code for the purposes, and in an amount sufficient for those purposes, described in divisions (B)(1)(b) and (c) of this section;

(b) Pay to the port authority all or such portion as provided for in the cooperative agreement of the revenue from the tax, together with any investment earnings on that revenue, to be used to pay a portion of the costs of acquiring, constructing, renovating, rehabilitating, equipping, or improving the port authority educational and cultural performing arts facility;

(c) Pledge and pay to the corporation all or such portion as provided for in the cooperative agreement of the revenue from the tax, together with any investment earnings on that revenue, to be

used to pay a portion of the costs to the corporation of leasing 23161
the port authority educational and cultural performing arts 23162
facility from the port authority. 23163

(2) The port authority may agree to do any or all of the 23164
following: 23165

(a) Issue its revenue bonds pursuant to section 4582.48 of 23166
the Revised Code for the purpose of paying all or a portion of the 23167
costs of the port authority educational and cultural performing 23168
arts facility; 23169

(b) Acquire, construct, renovate, rehabilitate, equip, and 23170
improve the port authority educational and cultural performing 23171
arts facility; 23172

(c) Lease the port authority educational and cultural 23173
performing arts facility to the corporation; 23174

(d) To the extent provided for in the cooperative agreement 23175
or the lease to the corporation, authorize the corporation to 23176
administer on behalf of the port authority the contracts for 23177
acquiring, constructing, renovating, rehabilitating, or equipping 23178
the port authority educational and cultural performing arts 23179
facility; 23180

(e) Use the revenue derived from the lease of the port 23181
authority educational and cultural performing arts facility to the 23182
corporation solely to pay debt service charges on revenue bonds of 23183
the port authority issued pursuant to division (B)(2)(a) of this 23184
section and to pay its obligations under or arising from any 23185
guaranty agreements, reimbursement agreements, or other credit 23186
enhancement agreements provided for in this section. 23187

(3) The host municipal corporation may agree to do either or 23188
both of the following: 23189

(a) Issue its bonds for the purpose of paying all or a 23190

portion of the costs of the port authority educational and 23191
cultural performing arts facility, and pay the proceeds from the 23192
issuance to the port authority for that purpose; 23193

(b) Enter into a guaranty agreement, a reimbursement 23194
agreement, or other credit enhancement agreement with the port 23195
authority to provide a guaranty or other credit enhancement of the 23196
port authority revenue bonds referred to in division (B)(2)(a) of 23197
this section pledging taxes, other than ad valorem property taxes, 23198
or other revenues for the purpose of providing the funds required 23199
to satisfy the host municipal corporation's obligations under that 23200
agreement. 23201

The cooperative agreement may provide that the proceeds of 23202
such securities or of such guaranty agreement, reimbursement 23203
agreement, or other credit enhancement agreement be deposited with 23204
and administered by the trustee pursuant to the trust agreement 23205
authorized in division (C) of this section. 23206

(4) The corporation may agree to do any or all of the 23207
following: 23208

(a) Lease the port authority educational and cultural 23209
performing arts facility from the port authority; 23210

(b) Operate and maintain the port authority educational and 23211
cultural performing arts facility pursuant to the lease; 23212

(c) To the extent provided for in the cooperative agreement 23213
or the lease from the port authority, administer on behalf of the 23214
port authority the contracts for acquiring, constructing, 23215
renovating, rehabilitating, or equipping the port authority 23216
educational and cultural performing arts facility. 23217

(C) The pledge and payments referred to in divisions 23218
(B)(1)(b) and (c) of this section and provided for in the 23219
cooperative agreement shall be for the period stated in the 23220
cooperative agreement but shall not extend longer than the period 23221

necessary to provide for the final retirement of the port 23222
authority revenue bonds referred to in division (B)(2)(a) of this 23223
section, and for the satisfaction by the port authority of any of 23224
its obligations under or arising from any guaranty agreements, 23225
reimbursement agreements, or other credit enhancement agreements 23226
relating to those bonds or to the revenues pledged to them. The 23227
cooperative agreement shall provide for the termination of the 23228
cooperative agreement, including the pledge and payment referred 23229
to in division (B)(1)(c) of this section, if the port authority 23230
revenue bonds referred to in division (B)(2)(a) of this section 23231
have not been issued, sold, and delivered within five years of the 23232
effective date of the cooperative agreement. 23233

The cooperative agreement shall provide that any port 23234
authority revenue bonds shall be secured by a trust agreement 23235
between the port authority and a corporate trustee that is a trust 23236
company or bank having the powers of a trust company within or 23237
outside the state but authorized to exercise trust powers within 23238
the state. The host county may be a party to that trust agreement 23239
for the purpose of better securing the pledge by the host county 23240
of its payment to the corporation pursuant to division (B)(1)(c) 23241
of this section. A tax levied pursuant to section 5739.09 of the 23242
Revised Code for the purposes specified in division (B)(1)(b) or 23243
(c) of this section is not subject to diminution by initiative or 23244
referendum or diminution by statute, unless provision is made for 23245
an adequate substitute reasonably satisfactory to the trustee 23246
under the trust agreement that secures the port authority revenue 23247
bonds. 23248

(D) A pledge of money by a host county under this section 23249
shall not be net indebtedness of the host county for purposes of 23250
section 133.07 of the Revised Code. A guaranty or other credit 23251
enhancement by a host municipal corporation under this section 23252
shall not be net indebtedness of the host municipal corporation 23253

for purposes of section 133.05 of the Revised Code. 23254

(E) If the terms of the cooperative agreement so provide, any 23255
contract for the acquisition, construction, renovation, 23256
rehabilitation, equipping, or improving of a port authority 23257
educational and cultural performing arts facility shall be made in 23258
such manner as is determined by the board of directors of the port 23259
authority, and unless the cooperative agreement provides 23260
otherwise, such a contract is not subject to division (R)(2) of 23261
section 4582.31 of the Revised Code. The port authority may take 23262
the assignment of and assume any contracts for the acquisition, 23263
construction, renovation, rehabilitation, equipping, or improving 23264
of a port authority educational and cultural performing arts 23265
facility that had previously been authorized by any of the host 23266
county, the host municipality, or the corporation. Such contracts 23267
are not subject to division (R)(2) of section 4582.31 of the 23268
Revised Code. 23269

Any contract for the acquisition, construction, renovation, 23270
rehabilitation, equipping, or improving of a port authority 23271
educational and cultural performing arts facility entered into, 23272
assigned, or assumed pursuant to this division shall provide that 23273
all laborers and mechanics employed for the acquisition, 23274
construction, renovation, rehabilitation, equipping, or improving 23275
of that facility shall be paid at the prevailing rates of wages of 23276
laborers and mechanics for the class of work called for by the 23277
port authority educational and cultural performing arts facility, 23278
which wages shall be determined in accordance with the 23279
requirements of Chapter 4115. of the Revised Code for the 23280
determination of prevailing wage rates. 23281

Notwithstanding any provisions to the contrary in section 23282
~~3383.07~~ 123.281 of the Revised Code, construction services and 23283
general building services for a port authority educational and 23284
cultural performing arts facility funded completely or in part 23285

with money appropriated by the state to the Ohio ~~cultural~~ 23286
facilities construction commission may be provided by a port 23287
authority or a corporation that occupies, will occupy, or is 23288
responsible for that facility, as determined by the commission. 23289
The construction services and general building services to be 23290
provided by the port authority or the corporation shall be 23291
specified in an agreement between the commission and the port 23292
authority or corporation. That agreement, or any actions taken 23293
under it, are not subject to Chapters 123. or 153. of the Revised 23294
Code, but are subject to Chapter 4115. of the Revised Code. 23295

Sec. 307.696. (A) As used in this section: 23296

(1) "County taxes" means taxes levied by the county pursuant 23297
to sections 307.697, 4301.421, 5743.024, and 5743.323 of the 23298
Revised Code. 23299

(2) "Corporation" means a nonprofit corporation that is 23300
organized under the laws of this state for the purposes of 23301
operating or constructing and operating a sports facility in the 23302
county and that may also be organized under the laws of this state 23303
for the additional purposes of conducting redevelopment and 23304
economic development activities within the host municipal 23305
corporation. 23306

(3) "Sports facility" means a sports facility that is 23307
intended to house major league professional athletic teams, 23308
including a stadium, together with all parking facilities, 23309
walkways, and other auxiliary facilities, real and personal 23310
property, property rights, easements, and interests that may be 23311
appropriate for, or used in connection with, the operation of the 23312
facility. 23313

(4) "Construction" includes, but is not limited to, providing 23314
fixtures, furnishings, and equipment and providing for capital 23315
repairs and improvements. 23316

(5) "Debt service charges" means the interest, principal, premium, if any, carrying and redemption charges, and expenses on bonds issued by either the county or the corporation to:

(a) Construct a sports facility or provide for related redevelopment or economic development as provided in this section;

(b) Acquire real and personal property, property rights, easements, or interests that may be appropriate for, or used in connection with, the operation of the facility; and

(c) Make site improvements to real property, including, but not limited to, demolition, excavation, and installation of footers, pilings, and foundations.

(6) "Host municipal corporation" means the municipal corporation within the boundaries of which the sports facility is located, and with which a national football league, major league baseball, or national basketball association sports franchise is associated on ~~the effective date of this amendment~~ March 20, 1990.

(B) A board of county commissioners of a county that levies a tax under section 307.697, 4301.421, or 5743.024 of the Revised Code may enter into an agreement with a corporation operating in the county, and, if there is a host municipal corporation all or a part of which is located in the county, shall enter into an agreement with a corporation operating in the county and the host municipal corporation, under which:

(1)(a) The corporation agrees to construct and operate a sports facility in the county and to pledge and contribute all or any part of the revenues derived from its operation, as specified in the agreement, for the purposes described in division (C)(1) of this section; and

(b) The board agrees to levy county taxes and pledge and contribute any part or all of the revenues therefrom, as specified in the agreement, for the purposes described in division (C)(1) of

this section; or 23348

(2)(a) The corporation agrees to operate a sports facility 23349
constructed by the county and to pledge and contribute all or any 23350
part of the revenues derived from its operation, as specified in 23351
the agreement, for the purposes described in division (C)(2) of 23352
this section; and 23353

(b) The board agrees to issue revenue bonds of the county, 23354
use the proceeds from the sale of the bonds to construct a sports 23355
facility in the county, and to levy county taxes and pledge and 23356
contribute all or any part of the revenues therefrom, as specified 23357
in the agreement, for the purposes described in division (C)(2) of 23358
this section; and, if applicable 23359

(3) The host municipal corporation agrees to expend the 23360
unused pledges and contributions and surplus revenues as described 23361
in divisions (C)(1) and (2) of this section for redevelopment and 23362
economic development purposes related to the sports facility. 23363

(C)(1) The primary purpose of the pledges and contributions 23364
described in division (B)(1) of this section is payment of debt 23365
service charges. To the extent the pledges and contributions are 23366
not used by the county or corporation for payment of debt service 23367
charges, the county or corporation, pursuant to the agreement 23368
provided for in division (B) of this section, shall provide the 23369
unused pledges and contributions, together with surplus revenues 23370
of the sports facility not needed for debt service charges or the 23371
operation and maintenance of the sports facility, to the host 23372
municipal corporation, or a nonprofit corporation, which may be 23373
the corporation acting on behalf of the host municipal 23374
corporation, for redevelopment and economic development purposes 23375
related to the sports facility. If the county taxes are also 23376
levied for the purpose of making permanent improvements, the 23377
agreement shall include a schedule of annual pledges and 23378
contributions by the county for the payment of debt service 23379

charges. The county's pledge and contribution provided for in the 23380
agreement shall be for the period stated in the agreement but not 23381
to exceed twenty years. The agreement shall provide that any such 23382
bonds and notes shall be secured by a trust agreement between the 23383
corporation or other bond issuer and a corporate trustee that is a 23384
trust company or bank having the powers of a trust company within 23385
or without the state, and the trust agreement shall pledge or 23386
assign to the retirement of the bonds or notes, all moneys paid by 23387
the county for that purpose under this section. A county tax, all 23388
or any part of the revenues from which are pledged under an 23389
agreement entered into by a board of county commissioners under 23390
this section shall not be subject to diminution by initiative or 23391
referendum, or diminution by statute, unless provision is made 23392
therein for an adequate substitute therefor reasonably 23393
satisfactory to the trustee under the trust agreement that secures 23394
the bonds and notes. 23395

(2) The primary purpose of the pledges and contributions 23396
described in division (B)(2) of this section is payment of debt 23397
service charges. To the extent the pledges and contributions are 23398
not used by the county for payment of debt service charges, the 23399
county or corporation, pursuant to the agreement provided for in 23400
division (B) of this section, shall provide the unused pledges and 23401
contributions, together with surplus revenues of the sports 23402
facility not needed for debt service charges or the operation and 23403
maintenance of the sports facility, to the host municipal 23404
corporation, or a nonprofit corporation, which may be the 23405
corporation, acting on behalf of the host municipal corporation, 23406
for redevelopment and economic development purposes related to the 23407
sports facility. The corporation's pledge and contribution 23408
provided for in the agreement shall be until all of the bonds 23409
issued for the construction of the facility have been retired. 23410

(D) A pledge of money by a county under this section shall 23411

not be indebtedness of the county for purposes of Chapter 133. of 23412
the Revised Code. 23413

(E) If the terms of the agreement so provide, the board of 23414
county commissioners may acquire, make site improvements to, 23415
including, but not limited to, demolition, excavation, and 23416
installation of footers, pilings, and foundations, and lease real 23417
property for the sports facility to a corporation that constructs 23418
a sports facility under division (B)(1) of this section. The 23419
agreement shall specify the term, which shall not exceed thirty 23420
years and shall be on such terms as are set forth in the 23421
agreement. The purchase, improvement, and lease may be the subject 23422
of an agreement between the county and a municipal corporation 23423
located within the county pursuant to section 153.61 or 307.15 of 23424
the Revised Code, and are not subject to the limitations of 23425
sections 307.02 and 307.09 of the Revised Code. 23426

(F) The corporation shall not enter into any construction 23427
contract or contract for the purchase of services for use in 23428
connection with the construction of a sports facility prior to the 23429
corporation's adoption and implementation of a policy on the set 23430
aside of contracts for bidding by or award to minority business 23431
enterprises, as defined in division (E)(1) of section 122.71 of 23432
the Revised Code. Sections 4115.03 to 4115.16 of the Revised Code 23433
apply to a sports facility constructed under this section. 23434

(G) Not more than one-half of the total costs, including debt 23435
service charges and cost of operation, of a project undertaken 23436
pursuant to an agreement entered into under division (B) of this 23437
section shall be paid from county taxes. Nothing in this section 23438
authorizes the use of revenues from county taxes or proceeds from 23439
the sale of bonds issued by the board of county commissioners for 23440
payment of costs of operation of a sports facility. 23441

Sec. 307.697. (A) For the purpose of section 307.696 of the 23442

Revised Code and to pay any or all of the charge the board of 23443
elections makes against the county to hold the election on the 23444
question of levying the tax, or for those purposes and to provide 23445
revenues to the county for permanent improvements, the board of 23446
county commissioners of a county may levy a tax not to exceed 23447
three dollars on each gallon of spirituous liquor sold to or 23448
purchased by liquor permit holders for resale, and sold at retail 23449
by the ~~division of liquor control~~ state or pursuant to a transfer 23450
agreement entered into under Chapter 4313. of the Revised Code, in 23451
the county. The tax shall be levied on the number of gallons so 23452
sold. The tax may be levied for any number of years not exceeding 23453
twenty. 23454

The tax shall be levied pursuant to a resolution of the board 23455
of county commissioners approved by a majority of the electors in 23456
the county voting on the question of levying the tax, which 23457
resolution shall specify the rate of the tax, the number of years 23458
the tax will be levied, and the purposes for which the tax is 23459
levied. The election may be held on the date of a general or 23460
special election held not sooner than ninety days after the date 23461
the board certifies its resolution to the board of elections. If 23462
approved by the electors, the tax takes effect on the first day of 23463
the month specified in the resolution but not sooner than the 23464
first day of the month that is at least sixty days after the 23465
certification of the election results by the board of elections. A 23466
copy of the resolution levying the tax shall be certified to the 23467
division of liquor control at least sixty days prior to the date 23468
on which the tax is to become effective. 23469

(B) A resolution under this section may be joined on the 23470
ballot as a single question with a resolution adopted under 23471
section 4301.421 or 5743.024 of the Revised Code to levy a tax for 23472
the same purposes, and for the purpose of paying the expenses of 23473
administering that tax. 23474

(C) The form of the ballot in an election held pursuant to 23475
this section or section 4301.421 or 5743.024 of the Revised Code 23476
shall be as follows or in any other form acceptable to the 23477
secretary of state: 23478

"For the purpose of paying not more than one-half of the 23479
costs of providing a public sports facility together with related 23480
redevelopment and economic development projects, shall (an) excise 23481
tax(es) be levied by county at the rate of 23482
(dollars on each gallon of spirituous liquor sold in the county ~~by~~ 23483
~~the Ohio division of liquor control~~, cents per gallon on the sale 23484
of beer at wholesale in the county, cents per gallon on the sale 23485
of wine and mixed beverages at wholesale in the county, cents per 23486
gallon on the sale of cider at wholesale in the county, or mills 23487
per cigarette on the sale of cigarettes at wholesale in the 23488
county), for years? 23489

	Yes
	No

"

23490
23491
23492
23493
For an election in which questions under this section or 23494
section 4301.421 or 5743.024 of the Revised Code are joined as a 23495
single question, the form of the ballot shall be as above, except 23496
each of the proposed taxes shall be listed. 23497

(D) The board of county commissioners of a county in which a 23498
tax is imposed under this section on ~~July 19, 1995~~, the effective 23499
date of the amendment of this section by H.B. 59 of the 130th 23500
general assembly may levy a tax for the purpose of section 307.673 23501
of the Revised Code regardless of whether or not the cooperative 23502
agreement authorized under that section has been entered into 23503
prior to the day the resolution adopted under division (D)(1) or 23504
(2) of this section is adopted, ~~and~~ for the purpose of reimbursing 23505

a county for costs incurred in the construction of a sports 23506
facility pursuant to an agreement entered into by the county under 23507
section 307.696 of the Revised Code, or for the purpose of paying 23508
the costs of capital repairs of and improvements to a sports 23509
facility, or both. The tax shall be levied and approved in one of 23510
the manners prescribed by division (D)(1) or (2) of this section. 23511
23512

(1) The tax may be levied pursuant to a resolution adopted by 23513
a majority of the members of the board of county commissioners not 23514
later than forty-five days after July 19, 1995. A board of county 23515
commissioners approving a tax under division (D)(1) of this 23516
section may approve a tax under division (B)(1) of section 23517
4301.421 or division (C)(1) of section 5743.024 of the Revised 23518
Code at the same time. Subject to the resolution being submitted 23519
to a referendum under sections 305.31 to 305.41 of the Revised 23520
Code, the resolution shall take effect immediately, but the tax 23521
levied pursuant to the resolution shall not be levied prior to the 23522
day following the last day ~~the~~ that any tax previously levied 23523
pursuant to ~~divisions (A), (B), and (C) of this section~~ this 23524
division may be levied. 23525

(2) The tax may be levied pursuant to a resolution adopted by 23526
a majority of the members of the board of county commissioners not 23527
later than ~~forty five days after July 19, 1995~~ September 1, 2015, 23528
and approved by a majority of the electors of the county voting on 23529
the question of levying the tax ~~at the next succeeding general~~ 23530
~~election following July 19, 1995.~~ The board of county 23531
commissioners shall certify a copy of the resolution to the board 23532
of elections immediately upon adopting a resolution under division 23533
(D)(2) of this section, ~~and the board of elections shall place the~~ 23534
~~question of levying the tax on the ballot at that election.~~ The 23535
election may be held on the date of a general or special election 23536
held not sooner than ninety days after the date the board 23537

certifies its resolution to the board of elections. The form of 23538
the ballot shall be as prescribed by division (C) of this section, 23539
except that the phrase "paying not more than one-half of the costs 23540
of providing a sports facility together with related redevelopment 23541
and economic development projects" shall be replaced by the phrase 23542
"paying the costs of constructing ~~or~~, renovating, improving, or 23543
repairing a sports facility and reimbursing a county for costs 23544
incurred by the county in the construction of a sports facility," 23545
and the phrase ", beginning (here insert the earliest 23546
date the tax would take effect)" shall be appended after "years." 23547
A board of county commissioners submitting the question of a tax 23548
under division (D)(2) of this section may submit the question of a 23549
tax under division (B)(2) of section 4301.421 or division (C)(2) 23550
of section 5743.024 of the Revised Code as a single question, and 23551
the form of the ballot shall include each of the proposed taxes. 23552

If approved by a majority of electors voting on the question, 23553
the tax shall take effect on the day specified on the ballot, 23554
which shall not be earlier than the day following the last day ~~the~~ 23555
that any tax previously levied pursuant to divisions (A), (B), and 23556
~~(C) of this section~~ division may be levied. 23557

The rate of a tax levied pursuant to division (D)(1) or (2) 23558
of this section shall not exceed the rate specified in division 23559
(A) of this section. A tax levied pursuant to division (D)(1) or 23560
(2) of this section may be levied for any number of years not 23561
exceeding twenty. 23562

A board of county commissioners adopting a resolution under 23563
division (D)(1) or (2) of this section shall certify a copy of the 23564
resolution to the division of liquor control immediately upon 23565
adoption of the resolution. 23566

(E) No tax shall be levied under division (A) of this section 23567
on or after September 23, 2008. This division does not apply to a 23568
tax levied under division (D) of this section, and does not 23569

prevent the collection of any tax levied under this section before 23570
~~that date~~ September 23, 2008, so long as that tax remains 23571
effective. 23572

Sec. 307.86. Anything to be purchased, leased, leased with an 23573
option or agreement to purchase, or constructed, including, but 23574
not limited to, any product, structure, construction, 23575
reconstruction, improvement, maintenance, repair, or service, 23576
except the services of an accountant, architect, attorney at law, 23577
physician, professional engineer, construction project manager, 23578
consultant, surveyor, or appraiser, by or on behalf of the county 23579
or contracting authority, as defined in section 307.92 of the 23580
Revised Code, at a cost in excess of fifty thousand dollars, 23581
except as otherwise provided in division (D) of section 713.23 and 23582
in sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 23583
307.861, 339.05, 340.03, ~~340.033~~, 4115.31 to 4115.35, ~~5119.16~~ 23584
5119.44, 5513.01, 5543.19, 5713.01, and 6137.05 of the Revised 23585
Code, shall be obtained through competitive bidding. However, 23586
competitive bidding is not required when any of the following 23587
applies: 23588

(A) The board of county commissioners, by a unanimous vote of 23589
its members, makes a determination that a real and present 23590
emergency exists, and that determination and the reasons for it 23591
are entered in the minutes of the proceedings of the board, when 23592
either of the following applies: 23593

(1) The estimated cost is less than one hundred thousand 23594
dollars. 23595

(2) There is actual physical disaster to structures, radio 23596
communications equipment, or computers. 23597

For purposes of this division, "unanimous vote" means all 23598
three members of a board of county commissioners when all three 23599
members are present, or two members of the board if only two 23600

members, constituting a quorum, are present. 23601

Whenever a contract of purchase, lease, or construction is 23602
exempted from competitive bidding under division (A)(1) of this 23603
section because the estimated cost is less than one hundred 23604
thousand dollars, but the estimated cost is fifty thousand dollars 23605
or more, the county or contracting authority shall solicit 23606
informal estimates from no fewer than three persons who could 23607
perform the contract, before awarding the contract. With regard to 23608
each such contract, the county or contracting authority shall 23609
maintain a record of such estimates, including the name of each 23610
person from whom an estimate is solicited. The county or 23611
contracting authority shall maintain the record for the longer of 23612
at least one year after the contract is awarded or the amount of 23613
time the federal government requires. 23614

(B)(1) The purchase consists of supplies or a replacement or 23615
supplemental part or parts for a product or equipment owned or 23616
leased by the county, and the only source of supply for the 23617
supplies, part, or parts is limited to a single supplier. 23618

(2) The purchase consists of services related to information 23619
technology, such as programming services, that are proprietary or 23620
limited to a single source. 23621

(C) The purchase is from the federal government, the state, 23622
another county or contracting authority of another county, or a 23623
board of education, educational service center, township, or 23624
municipal corporation. 23625

(D) The purchase is made by a county department of job and 23626
family services under section 329.04 of the Revised Code and 23627
consists of family services duties or workforce development 23628
activities or is made by a county board of developmental 23629
disabilities under section 5126.05 of the Revised Code and 23630
consists of program services, such as direct and ancillary client 23631

services, child care, case management services, residential 23632
services, and family resource services. 23633

(E) The purchase consists of criminal justice services, 23634
social services programs, family services, or workforce 23635
development activities by the board of county commissioners from 23636
nonprofit corporations or associations under programs funded by 23637
the federal government or by state grants. 23638

(F) The purchase consists of any form of an insurance policy 23639
or contract authorized to be issued under Title XXXIX of the 23640
Revised Code or any form of health care plan authorized to be 23641
issued under Chapter 1751. of the Revised Code, or any combination 23642
of such policies, contracts, plans, or services that the 23643
contracting authority is authorized to purchase, and the 23644
contracting authority does all of the following: 23645

(1) Determines that compliance with the requirements of this 23646
section would increase, rather than decrease, the cost of the 23647
purchase; 23648

(2) Requests issuers of the policies, contracts, plans, or 23649
services to submit proposals to the contracting authority, in a 23650
form prescribed by the contracting authority, setting forth the 23651
coverage and cost of the policies, contracts, plans, or services 23652
as the contracting authority desires to purchase; 23653

(3) Negotiates with the issuers for the purpose of purchasing 23654
the policies, contracts, plans, or services at the best and lowest 23655
price reasonably possible. 23656

(G) The purchase consists of computer hardware, software, or 23657
consulting services that are necessary to implement a computerized 23658
case management automation project administered by the Ohio 23659
prosecuting attorneys association and funded by a grant from the 23660
federal government. 23661

(H) Child care services are purchased for provision to county 23662

employees.	23663
(I)(1) Property, including land, buildings, and other real	23664
property, is leased for offices, storage, parking, or other	23665
purposes, and all of the following apply:	23666
(a) The contracting authority is authorized by the Revised	23667
Code to lease the property.	23668
(b) The contracting authority develops requests for proposals	23669
for leasing the property, specifying the criteria that will be	23670
considered prior to leasing the property, including the desired	23671
size and geographic location of the property.	23672
(c) The contracting authority receives responses from	23673
prospective lessors with property meeting the criteria specified	23674
in the requests for proposals by giving notice in a manner	23675
substantially similar to the procedures established for giving	23676
notice under section 307.87 of the Revised Code.	23677
(d) The contracting authority negotiates with the prospective	23678
lessors to obtain a lease at the best and lowest price reasonably	23679
possible considering the fair market value of the property and any	23680
relocation and operational costs that may be incurred during the	23681
period the lease is in effect.	23682
(2) The contracting authority may use the services of a real	23683
estate appraiser to obtain advice, consultations, or other	23684
recommendations regarding the lease of property under this	23685
division.	23686
(J) The purchase is made pursuant to section 5139.34 or	23687
sections 5139.41 to 5139.46 of the Revised Code and is of programs	23688
or services that provide case management, treatment, or prevention	23689
services to any felony or misdemeanor delinquent, unruly youth,	23690
or status offender under the supervision of the juvenile court,	23691
including, but not limited to, community residential care, day	23692
treatment, services to children in their home, or electronic	23693

monitoring. 23694

(K) The purchase is made by a public children services agency 23695
pursuant to section 307.92 or 5153.16 of the Revised Code and 23696
consists of family services, programs, or ancillary services that 23697
provide case management, prevention, or treatment services for 23698
children at risk of being or alleged to be abused, neglected, or 23699
dependent children. 23700

(L) The purchase is to obtain the services of emergency 23701
medical service organizations under a contract made by the board 23702
of county commissioners pursuant to section 307.05 of the Revised 23703
Code with a joint emergency medical services district. 23704

(M) The county contracting authority determines that the use 23705
of competitive sealed proposals would be advantageous to the 23706
county and the contracting authority complies with section 307.862 23707
of the Revised Code. 23708

Any issuer of policies, contracts, plans, or services listed 23709
in division (F) of this section and any prospective lessor under 23710
division (I) of this section may have the issuer's or prospective 23711
lessor's name and address, or the name and address of an agent, 23712
placed on a special notification list to be kept by the 23713
contracting authority, by sending the contracting authority that 23714
name and address. The contracting authority shall send notice to 23715
all persons listed on the special notification list. Notices shall 23716
state the deadline and place for submitting proposals. The 23717
contracting authority shall mail the notices at least six weeks 23718
prior to the deadline set by the contracting authority for 23719
submitting proposals. Every five years the contracting authority 23720
may review this list and remove any person from the list after 23721
mailing the person notification of that action. 23722

Any contracting authority that negotiates a contract under 23723
division (F) of this section shall request proposals and negotiate 23724

with issuers in accordance with that division at least every three 23725
years from the date of the signing of such a contract, unless the 23726
parties agree upon terms for extensions or renewals of the 23727
contract. Such extension or renewal periods shall not exceed six 23728
years from the date the initial contract is signed. 23729

Any real estate appraiser employed pursuant to division (I) 23730
of this section shall disclose any fees or compensation received 23731
from any source in connection with that employment. 23732

Sec. 309.09. (A) The prosecuting attorney shall be the legal 23733
adviser of the board of county commissioners, board of elections, 23734
all other county officers and boards, and all tax-supported public 23735
libraries, and any of them may require written opinions or 23736
instructions from the prosecuting attorney in matters connected 23737
with their official duties. The prosecuting attorney shall 23738
prosecute and defend all suits and actions that any such officer, 23739
board, or tax-supported public library directs or to which it is a 23740
party, and no county officer may employ any other counsel or 23741
attorney at the expense of the county, except as provided in 23742
section 305.14 of the Revised Code. 23743

(B)(1) The prosecuting attorney shall be the legal adviser 23744
for all township officers, boards, and commissions, unless, 23745
subject to division (B)(2) of this section, the township has 23746
adopted a limited home rule government pursuant to Chapter 504. of 23747
the Revised Code and has not entered into a contract to have the 23748
prosecuting attorney serve as the township law director, in which 23749
case, subject to division (B)(2) of this section, the township law 23750
director, whether serving full-time or part-time, shall be the 23751
legal adviser for all township officers, boards, and commissions. 23752
When the board of township trustees finds it advisable or 23753
necessary to have additional legal counsel, it may employ an 23754
attorney other than the township law director or the prosecuting 23755

attorney of the county, either for a particular matter or on an 23756
annual basis, to represent the township and its officers, boards, 23757
and commissions in their official capacities and to advise them on 23758
legal matters. No such legal counsel may be employed, except on 23759
the order of the board of township trustees, duly entered upon its 23760
journal, in which the compensation to be paid for the legal 23761
services shall be fixed. The compensation shall be paid from the 23762
township fund. 23763

Nothing in this division confers any of the powers or duties 23764
of a prosecuting attorney under section 309.08 of the Revised Code 23765
upon a township law director. 23766

(2)(a) If any township in the county served by the 23767
prosecuting attorney has adopted any resolution regarding the 23768
operation of adult entertainment establishments pursuant to the 23769
authority that is granted under section 503.52 of the Revised Code 23770
or if a resolution of that nature has been adopted under section 23771
503.53 of the Revised Code in a township in the county served by 23772
the prosecuting attorney, all of the following apply: 23773

(i) Upon the request of a township in the county that has 23774
adopted, or in which has been adopted, a resolution of that nature 23775
that is made pursuant to division (E)(1)(c) of section 503.52 of 23776
the Revised Code, the prosecuting attorney shall prosecute and 23777
defend on behalf of the township in the trial and argument in any 23778
court or tribunal of any challenge to the validity of the 23779
resolution. If the challenge to the validity of the resolution is 23780
before a federal court, the prosecuting attorney may request the 23781
attorney general to assist the prosecuting attorney in prosecuting 23782
and defending the challenge and, upon the prosecuting attorney's 23783
making of such a request, the attorney general shall assist the 23784
prosecuting attorney in performing that service if the resolution 23785
was drafted in accordance with legal guidance provided by the 23786
attorney general as described in division (B)(2) of section 503.52 23787

of the Revised Code. The attorney general shall provide this 23788
assistance without charge to the township for which the service is 23789
performed. If a township adopts a resolution without the legal 23790
guidance of the attorney general, the attorney general is not 23791
required to provide assistance as described in this division to a 23792
prosecuting attorney. 23793

(ii) Upon the request of a township in the county that has 23794
adopted, or in which has been adopted, a resolution of that nature 23795
that is made pursuant to division (E)(1)(a) of section 503.52 of 23796
the Revised Code, the prosecuting attorney shall prosecute and 23797
defend on behalf of the township a civil action to enjoin the 23798
violation of the resolution in question. 23799

(iii) Upon the request of a township in the county that has 23800
adopted, or in which has been adopted, a resolution of that nature 23801
that is made pursuant to division (E)(1)(b) of section 503.52 of 23802
the Revised Code, the prosecuting attorney shall prosecute and 23803
defend on behalf of the township a civil action under Chapter 23804
3767. of the Revised Code to abate as a nuisance the place in the 23805
unincorporated area of the township at which the resolution is 23806
being or has been violated. Proceeds from the sale of personal 23807
property or contents seized pursuant to the action shall be 23808
applied and deposited in accordance with division (E)(1)(b) of 23809
section 503.52 of the Revised Code. 23810

(b) The provisions of division (B)(2)(a) of this section 23811
apply regarding all townships, including townships that have 23812
adopted a limited home rule government pursuant to Chapter 504. of 23813
the Revised Code, and regardless of whether a township that has so 23814
adopted a limited home rule government has entered into a contract 23815
with the prosecuting attorney as described in division (B) of 23816
section 504.15 of the Revised Code or has appointed a law director 23817
as described in division (A) of that section. 23818

The prosecuting attorney shall prosecute and defend in the 23819

actions and proceedings described in division (B)(2)(a) of this 23820
section without charge to the township for which the services are 23821
performed. 23822

(C) Whenever the board of county commissioners employs an 23823
attorney other than the prosecuting attorney of the county, 23824
without the authorization of the court of common pleas as provided 23825
in section 305.14 of the Revised Code, either for a particular 23826
matter or on an annual basis, to represent the board in its 23827
official capacity and to advise it on legal matters, the board 23828
shall enter upon its journal an order of the board in which the 23829
compensation to be paid for the legal services shall be fixed. The 23830
compensation shall be paid from the county general fund. The total 23831
compensation paid, in any year, by the board for legal services 23832
under this division shall not exceed the total annual compensation 23833
of the prosecuting attorney for that county. 23834

(D) The prosecuting attorney and the board of county 23835
commissioners jointly may contract with a board of park 23836
commissioners under section 1545.07 of the Revised Code for the 23837
prosecuting attorney to provide legal services to the park 23838
district the board of park commissioners operates. 23839

(E) The prosecuting attorney may be, in the prosecuting 23840
attorney's discretion and with the approval of the board of county 23841
commissioners, the legal adviser of a joint fire district created 23842
under section 505.371 of the Revised Code at no cost to the 23843
district or may be the legal adviser to the district under a 23844
contract that the prosecuting attorney and the district enter 23845
into, and that the board of county ~~commissioner~~ commissioners 23846
approves, to authorize the prosecuting attorney to provide legal 23847
services to the district. 23848

(F) The prosecuting attorney may be, in the prosecuting 23849
attorney's discretion and with the approval of the board of county 23850
commissioners, the legal adviser of a joint ambulance district 23851

created under section 505.71 of the Revised Code at no cost to the 23852
district or may be the legal adviser to the district under a 23853
contract that the prosecuting attorney and the district enter 23854
into, and that the board of county commissioners approves, to 23855
authorize the prosecuting attorney to provide legal services to 23856
the district. 23857

(G) The prosecuting attorney may be, in the prosecuting 23858
attorney's discretion and with the approval of the board of county 23859
commissioners, the legal adviser of a joint emergency medical 23860
services district created under section 307.052 of the Revised 23861
Code at no cost to the district or may be the legal adviser to the 23862
district under a contract that the prosecuting attorney and the 23863
district enter into, and that the board of county commissioners 23864
approves, to authorize the prosecuting attorney to provide legal 23865
services to the district. 23866

(H) The prosecuting attorney may be, in the prosecuting 23867
attorney's discretion and with the approval of the board of county 23868
commissioners, the legal adviser of a fire and ambulance district 23869
created under section 505.375 of the Revised Code at no cost to 23870
the district or may be the legal adviser to the district under a 23871
contract that the prosecuting attorney and the district enter 23872
into, and that the board of county commissioners approves, to 23873
authorize the prosecuting attorney to provide legal services to 23874
the district. 23875

(I) All money received pursuant to a contract entered into 23876
under division (D), (E), (F), (G), or (H) of this section shall be 23877
deposited into the prosecuting attorney's legal services fund, 23878
which shall be established in the county treasury of each county 23879
in which such a contract exists. Moneys in that fund may be 23880
appropriated only to the prosecuting attorney for the purpose of 23881
providing legal services to a park district, joint fire district, 23882
joint ambulance district, joint emergency medical services 23883

district, or a fire and ambulance district, as applicable, under a contract entered into under the applicable division.

(J) The prosecuting attorney shall be the legal advisor of a lake facilities authority as provided in section 353.02 of the Revised Code.

Sec. 311.172. (A) The sheriff shall charge a one-time fee of one hundred dollars when a person who, on or after the effective date of this section, is convicted of an offense for which registration is required under section 2950.04 or 2950.041 of the Revised Code registers for the first time. The fee shall be in addition to any fee that may be charged under section 311.171 of the Revised Code.

(B) The sheriff shall not refuse to register a person who does not pay the fee required by this section. At the end of each calendar year, the sheriff shall report to the attorney general all fees that have been due and unpaid for more than one year and that the sheriff has not previously reported. The attorney general may recover those fees in a civil action.

(C) The sheriff shall transmit on or before the twentieth day of the following month all money collected during a month under this section to the county treasurer. Within sixty days after receipt, the county treasurer shall transmit the money to the treasurer of state to be credited to the rape crisis program trust fund created by section 109.921 of the Revised Code.

Sec. 317.06. (A) Each county recorder who is newly elected to a full term of office shall attend and successfully complete at least fifteen hours of continuing education courses during the first year of the recorder's term of office and complete at least another eight hours of such courses each year of the remaining term. Each county recorder who is elected to a subsequent term of

office shall attend and successfully complete at least eight hours 23914
of such courses in each year of any subsequent term of office. To 23915
be counted toward the continuing education hours required by this 23916
section, a course must be approved by the Ohio recorders' 23917
association. Any county recorder who teaches an approved course 23918
shall be entitled to credit for the course in the same manner as 23919
if the county recorder had attended the course. 23920

The Ohio recorders' association shall record and, upon 23921
request, verify the completion of required course work for each 23922
county recorder and issue a statement to each county recorder of 23923
the number of hours of continuing education the county recorder 23924
has successfully completed. Each year the association shall send a 23925
list of the continuing education courses, and the number of hours 23926
each county recorder has successfully completed, to the auditor of 23927
state and shall provide a copy of this list to any other 23928
individual who requests it. 23929

The association shall issue a "failure to complete notice" to 23930
any county recorder required to complete continuing education 23931
courses under this section who fails to successfully complete at 23932
least fifteen hours of continuing education courses during the 23933
first year of the county recorder's first term of office or to 23934
complete a total of at least thirty-nine hours of such courses, 23935
including the fifteen hours completed in the first year of the 23936
first term, by the end of that term. The association shall issue a 23937
"failure to complete notice" to any county recorder required to 23938
complete continuing education courses under this section who fails 23939
to successfully complete at least eight hours of continuing 23940
education courses each year of any subsequent term of office or to 23941
complete a total of at least thirty-two hours of such courses, by 23942
the end of that subsequent term. The notice is for informational 23943
purposes only and does not affect any individual's ability to hold 23944
the office of county recorder. 23945

~~(B) Each board of county commissioners shall approve, from money appropriated to the county recorder, a reasonable amount requested by the county recorder of its county to cover the~~ The
costs the county recorder must incur to meet the requirements of
division (A) of this section, including registration fees, lodging
and meal expenses, and travel expenses shall be paid from the
county recorder's technology fund, if such a fund has been
established under section 317.321 of the Revised Code.

Sec. 317.08. (A) Except as provided in divisions (C), (D),
and (E) of this section, the county recorder shall keep six
separate sets of records as follows:

(1) A record of deeds, in which shall be recorded all deeds
and other instruments of writing for the absolute and
unconditional sale or conveyance of lands, tenements, and
hereditaments; all notices as provided in sections 5301.47 to
5301.56 of the Revised Code; all judgments or decrees in actions
brought under section 5303.01 of the Revised Code; all
declarations and bylaws, and all amendments to declarations and
bylaws, as provided in Chapter 5311. of the Revised Code;
affidavits as provided in sections 5301.252 and 5301.56 of the
Revised Code; all certificates as provided in section 5311.17 of
the Revised Code; all articles dedicating archaeological preserves
accepted by the director of the Ohio historical society under
section 149.52 of the Revised Code; all articles dedicating nature
preserves accepted by the director of natural resources under
section 1517.05 of the Revised Code; ~~all agreements for the~~
~~registration of lands as archaeological or historic landmarks~~
~~under section 149.51 or 149.55 of the Revised Code;~~ all
conveyances of conservation easements and agricultural easements
under section 5301.68 of the Revised Code; all instruments
extinguishing agricultural easements under section 901.21 or
5301.691 of the Revised Code or pursuant to terms of such an

easement granted to a charitable organization under section 23978
5301.68 of the Revised Code; all instruments or orders described 23979
in division (B)(2)(b) of section 5301.56 of the Revised Code; all 23980
no further action letters issued under section 122.654 or 3746.11 23981
of the Revised Code; all covenants not to sue issued under section 23982
3746.12 of the Revised Code, including all covenants not to sue 23983
issued pursuant to section 122.654 of the Revised Code; any 23984
restrictions on the use of property contained in a no further 23985
action letter issued under section 122.654 of the Revised Code, 23986
any restrictions on the use of property identified pursuant to 23987
division (C)(3)(a) of section 3746.10 of the Revised Code, and any 23988
restrictions on the use of property contained in a deed or other 23989
instrument as provided in division (E) or (F) of section 3737.882 23990
of the Revised Code; any easement executed or granted under 23991
section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code; 23992
any environmental covenant entered into in accordance with 23993
sections 5301.80 to 5301.92 of the Revised Code; all memoranda of 23994
trust, as described in division (A) of section 5301.255 of the 23995
Revised Code, that describe specific real property; and all 23996
agreements entered into under division (A) of section 1506.44 of 23997
the Revised Code; 23998

(2) A record of mortgages, in which shall be recorded all of 23999
the following: 24000

(a) All mortgages, including amendments, supplements, 24001
modifications, and extensions of mortgages, or other instruments 24002
of writing by which lands, tenements, or hereditaments are or may 24003
be mortgaged or otherwise conditionally sold, conveyed, affected, 24004
or encumbered; 24005

(b) All executory installment contracts for the sale of land 24006
executed after September 29, 1961, that by their terms are not 24007
required to be fully performed by one or more of the parties to 24008
them within one year of the date of the contracts; 24009

(c) All options to purchase real estate, including	24010
supplements, modifications, and amendments of the options, but no	24011
option of that nature shall be recorded if it does not state a	24012
specific day and year of expiration of its validity;	24013
(d) Any tax certificate sold under section 5721.33 of the	24014
Revised Code, or memorandum of it, that is presented for filing of	24015
record.	24016
(3) A record of powers of attorney, including all memoranda	24017
of trust, as described in division (A) of section 5301.255 of the	24018
Revised Code, that do not describe specific real property;	24019
(4) A record of plats, in which shall be recorded all plats	24020
and maps of town lots, of the subdivision of town lots, and of	24021
other divisions or surveys of lands, any center line survey of a	24022
highway located within the county, the plat of which shall be	24023
furnished by the director of transportation or county engineer,	24024
and all drawings and amendments to drawings, as provided in	24025
Chapter 5311. of the Revised Code;	24026
(5) A record of leases, in which shall be recorded all	24027
leases, memoranda of leases, and supplements, modifications, and	24028
amendments of leases and memoranda of leases;	24029
(6) A record of declarations executed pursuant to section	24030
2133.02 of the Revised Code and durable powers of attorney for	24031
health care executed pursuant to section 1337.12 of the Revised	24032
Code.	24033
(B) All instruments or memoranda of instruments entitled to	24034
record shall be recorded in the proper record in the order in	24035
which they are presented for record. The recorder may index, keep,	24036
and record in one volume unemployment compensation liens, internal	24037
revenue tax liens and other liens in favor of the United States as	24038
described in division (A) of section 317.09 of the Revised Code,	24039
personal tax liens, mechanic's liens, agricultural product liens,	24040

notices of liens, certificates of satisfaction or partial release 24041
of estate tax liens, discharges of recognizances, excise and 24042
franchise tax liens on corporations, broker's liens, and liens 24043
provided for in sections 1513.33, 1513.37, 3752.13, ~~5111.022~~ 24044
5164.56, and 5311.18 of the Revised Code. 24045

The recording of an option to purchase real estate, including 24046
any supplement, modification, and amendment of the option, under 24047
this section shall serve as notice to any purchaser of an interest 24048
in the real estate covered by the option only during the period of 24049
the validity of the option as stated in the option. 24050

(C) In lieu of keeping the six separate sets of records 24051
required in divisions (A)(1) to (6) of this section and the 24052
records required in divisions (D) and (E) of this section, a 24053
county recorder may record all the instruments required to be 24054
recorded by this section in two separate sets of record books. One 24055
set shall be called the "official records" and shall contain the 24056
instruments listed in divisions (A)(1), (2), (3), (5), and (6) and 24057
(D) and (E) of this section. The second set of records shall 24058
contain the instruments listed in division (A)(4) of this section. 24059

(D) Except as provided in division (C) of this section, the 24060
county recorder shall keep a separate set of records containing 24061
all corrupt activity lien notices filed with the recorder pursuant 24062
to section 2923.36 of the Revised Code and a separate set of 24063
records containing all medicaid fraud lien notices filed with the 24064
recorder pursuant to section 2933.75 of the Revised Code. 24065

(E)(1) The county recorder shall keep a separate set of 24066
records containing all transfers, conveyances, or assignments of 24067
any type of tangible or intangible personal property or any rights 24068
or interests in that property if and to the extent that any person 24069
wishes to record that personal property transaction and if the 24070
applicable instrument is acknowledged before a notary public. If 24071
the transferor is a natural person, the notice of personal 24072

property transfer shall be recorded in the county in this state in 24073
which the transferor maintains the transferor's principal 24074
residence. If the transferor is not a natural person, the notice 24075
of personal property transfer shall be recorded in the county in 24076
this state in which the transferor maintains its principal place 24077
of business. If the transferor does not maintain a principal 24078
residence or a principal place of business in this state and the 24079
transfer is to a trustee of a legacy trust formed pursuant to 24080
Chapter 5816. of the Revised Code, the notice of personal property 24081
transfer shall be recorded in the county in this state where that 24082
trustee maintains a principal residence or principal place of 24083
business. In all other instances, the notice of personal property 24084
transfer shall be recorded in the county in this state where the 24085
property described in the notice is located. 24086

(2) The records described in division (E)(1) of this section 24087
shall be maintained in or as part of the "official records" under 24088
division (C) of this section. 24089

Sec. 317.32. The county recorder shall charge and collect the 24090
following fees, to include, except as otherwise provided in 24091
division (A)(2) of this section, base fees for the recorder's 24092
services and housing trust fund fees collected pursuant to section 24093
317.36 of the Revised Code: 24094

(A)(1) Except as otherwise provided in division (A)(2) of 24095
this section, for recording and indexing an instrument if the 24096
photocopy or any similar process is employed, a base fee of 24097
fourteen dollars for the first two pages and a housing trust fund 24098
fee of fourteen dollars, and a base fee of four dollars and a 24099
housing trust fund fee of four dollars for each subsequent page, 24100
size eight and one-half inches by fourteen inches, or fraction of 24101
a page, including the caption page, of such instrument; 24102

(2) For recording and indexing an instrument described in 24103

division (E)(1) of section 317.08 of the Revised Code if the 24104
photocopy or any similar process is employed, a fee of 24105
twenty-eight dollars for the first two pages to be deposited ~~into~~ 24106
~~the county treasury to the credit of the special fund designated~~ 24107
~~as "general fund moneys to supplement the equipment needs of the~~ 24108
~~county recorder" under section 317.321 of the Revised Code as~~ 24109
specified elsewhere in this division, and a fee of eight dollars 24110
to be deposited in the same manner for each subsequent page, size 24111
eight and one-half inches by fourteen inches, or fraction of a 24112
page, including the caption page, of that instrument~~;~~. If the 24113
county recorder's technology fund has been established under 24114
section 317.321 of the Revised Code, of the twenty-eight dollars, 24115
fourteen dollars shall be deposited into the county treasury to 24116
the credit of the county recorder's technology fund and fourteen 24117
dollars shall be deposited into the county treasury to the credit 24118
of the county general fund. If the county recorder's technology 24119
fund has not been established, the twenty-eight dollars shall be 24120
deposited into the county treasury to the credit of the county 24121
general fund. 24122

(B) For certifying a photocopy from the record previously 24123
recorded, a base fee of one dollar and a housing trust fund fee of 24124
one dollar per page, size eight and one-half inches by fourteen 24125
inches, or fraction of a page; for each certification if the 24126
recorder's seal is required, except as to instruments issued by 24127
the armed forces of the United States, a base fee of fifty cents 24128
and a housing trust fund fee of fifty cents; 24129

(C) For manual or typewritten recording of assignment or 24130
satisfaction of mortgage or lease or any other marginal entry, a 24131
base fee of four dollars and a housing trust fund fee of four 24132
dollars; 24133

(D) For entering any marginal reference by separate recorded 24134
instrument, a base fee of two dollars and a housing trust fund fee 24135

of two dollars for each marginal reference set out in that instrument, in addition to the fees set forth in division (A)(1) of this section;

(E) For indexing in the real estate mortgage records, pursuant to section 1309.519 of the Revised Code, financing statements covering crops growing or to be grown, timber to be cut, minerals or the like, including oil and gas, accounts subject to section 1309.301 of the Revised Code, or fixture filings made pursuant to section 1309.334 of the Revised Code, a base fee of two dollars and a housing trust fund fee of two dollars for each name indexed;

(F) For recording manually any plat not exceeding six lines, a base fee of two dollars and a housing trust fund fee of two dollars, and for each additional line, a base fee of ten cents and a housing trust fund fee of ten cents;

(G) For filing zoning resolutions, including text and maps, in the office of the recorder as required under sections 303.11 and 519.11 of the Revised Code, a base fee of twenty-five dollars and a housing trust fund fee of twenty-five dollars, regardless of the size or length of the resolutions;

(H) For filing zoning amendments, including text and maps, in the office of the recorder as required under sections 303.12 and 519.12 of the Revised Code, a base fee of ten dollars and a housing trust fund fee of ten dollars regardless of the size or length of the amendments;

(I) For photocopying a document, other than at the time of recording and indexing as provided for in division (A)(1) or (2) of this section, a base fee of one dollar and a housing trust fund fee of one dollar per page, size eight and one-half inches by fourteen inches, or fraction thereof;

(J) For local facsimile transmission of a document, a base

fee of one dollar and a housing trust fund fee of one dollar per 24167
page, size eight and one-half inches by fourteen inches, or 24168
fraction thereof; for long distance facsimile transmission of a 24169
document, a base fee of two dollars and a housing trust fund fee 24170
of two dollars per page, size eight and one-half inches by 24171
fourteen inches, or fraction thereof; 24172

(K) For recording a declaration executed pursuant to section 24173
2133.02 of the Revised Code or a durable power of attorney for 24174
health care executed pursuant to section 1337.12 of the Revised 24175
Code, or both a declaration and a durable power of attorney for 24176
health care, a base fee of at least fourteen dollars but not more 24177
than twenty dollars and a housing trust fund fee of at least 24178
fourteen dollars but not more than twenty dollars. 24179

In any county in which the recorder employs the photostatic 24180
or any similar process for recording maps, plats, or prints the 24181
recorder shall determine, charge, and collect for the recording or 24182
rerecording of any map, plat, or print, a base fee of five cents 24183
and a housing trust fund fee of five cents per square inch, for 24184
each square inch of the map, plat, or print filed for that 24185
recording or rerecording, with a minimum base fee of twenty 24186
dollars and a minimum housing trust fund fee of twenty dollars; 24187
for certifying a copy from the record, a base fee of two cents and 24188
a housing trust fund fee of two cents per square inch of the 24189
record, with a minimum base fee of two dollars and a minimum 24190
housing trust fund fee of two dollars. 24191

The fees provided in this section shall be paid upon the 24192
presentation of the instruments for record or upon the application 24193
for any certified copy of the record, except that the payment of 24194
fees associated with the filing and recording of, or the copying 24195
of, notices of internal revenue tax liens and notices of other 24196
liens in favor of the United States as described in division (A) 24197
of section 317.09 of the Revised Code and certificates of 24198

discharge or release of those liens, shall be governed by section 24199
317.09 of the Revised Code, and the payment of fees for providing 24200
copies of instruments conveying or extinguishing agricultural 24201
easements to the office of farmland preservation in the department 24202
of agriculture under division (H) of section 5301.691 of the 24203
Revised Code shall be governed by that division. 24204

Sec. 317.321. (A) Not later than the first day of October of 24205
any year, the county recorder may submit to the board of county 24206
commissioners a proposal for funding any of the following: 24207

(1) The acquisition ~~or~~ and maintenance of ~~micrographic or~~ 24208
~~imaging and~~ other technological equipment ~~or for~~ and contract 24209
services ~~or a proposal to therefor;~~ 24210

(2) To reserve funds for the office's future ~~equipment~~ 24211
~~technology~~ needs if the county recorder has no immediate plans for 24212
the acquisition of imaging and other technological equipment or 24213
contract services, or to use the county recorder's technology fund 24214
as a dedicated revenue source to repay debt to purchase any 24215
imaging and other technological equipment before the accumulation 24216
of adequate resources to purchase the equipment with cash. ~~Either~~ 24217

(3) Subject to division (G) of this section, for other 24218
~~expenses associated with the acquisition and maintenance of~~ 24219
imaging and other technological equipment and contract services. 24220

(B) The proposal shall be in writing and shall include at 24221
least the following: 24222

(1) A request that an amount not to exceed ~~seven~~ eight 24223
dollars of the fee total base fees collected for filing or 24224
recording a document for which a fee is charged as required by 24225
division (A)(1) of section 317.32 ~~of the Revised Code~~ or by 24226
section 1309.525 or 5310.15 of the Revised Code ~~and the amount of~~ 24227
~~the fees collected under division (A)(2) of section 317.32 of the~~ 24228

~~Revised Code be placed in the county treasury and designated as~~ 24229
~~"general to the credit of the county recorder's technology fund~~ 24230
~~moneys to supplement the equipment needs of the county recorder";~~ 24231

(2) ~~The~~ Except as provided in division (E)(3) of this 24232
section, the number of years, not to exceed five, for which the 24233
county recorder requests that the amount requested under division 24234
(A)(1) of this section be given the designation specified in that 24235
division; 24236

(3) An estimate of the total amount of fees that will be 24237
generated for filing or recording a document for which a fee is 24238
charged as required by division (A)(1) or (2) of section 317.32 of 24239
the Revised Code or by section 1309.525 or 5310.15 of the Revised 24240
Code; 24241

(4) An estimate of the total amount of fees for filing or 24242
recording a document for which a fee is charged as required by 24243
division (A)(1) or (2) of section 317.32 ~~of the Revised Code~~ or by 24244
section 1309.525 or 5310.15 of the Revised Code that will be 24245
~~designated as "general~~ credited to the county recorder's 24246
technology fund moneys to supplement the equipment needs of the 24247
county recorder" if the request submitted under division ~~(A)~~(B)(1) 24248
of this section is approved by the board of county commissioners. 24249

(C) A proposal for the ~~acquisition or maintenance of~~ 24250
~~micrographic or other equipment or for contract services may~~ 24251
purposes of division (A)(1) of this section shall include a 24252
description or summary of the ~~micrographic or~~ imaging and other 24253
technological equipment, ~~or maintenance of the micrographic or~~ 24254
~~other equipment,~~ that the county recorder proposes to acquire and 24255
maintain, ~~or~~ and the nature of contract services that the county 24256
recorder proposes to utilize, if the proposal is for those 24257
purposes. A proposal ~~to reserve funds for the office's future~~ 24258
~~equipment needs if the county recorder has no immediate plans for~~ 24259
the ~~acquisition of equipment or services~~ purposes of division 24260

(A)(2) of this section shall explain the general future technology needs of the office for imaging and other technological equipment, or for revenue to repay debt, if the proposal is for those purposes. A proposal for the purposes of division (A)(3) of this section shall identify the other expenses associated with the acquisition and maintenance of imaging and other technological equipment and contract services that the county recorder proposes to pay with moneys in the county recorder's technology fund, if the proposal is for those purposes. 24261
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~~(B)~~(D) The board of county commissioners shall receive either a proposal and the clerk shall enter it on the journal. At the same time, the board shall establish a date, not sooner than fifteen or later than thirty days after the ~~board's receipt of~~ board receives the proposal, on which to meet with the recorder to review the proposal. 24270
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~~(C)~~(E)(1) ~~Not~~ Except as provided in division (E)(3) of this section, not later than the fifteenth day of December of any year in which a proposal for the acquisition or maintenance of micrographic or other equipment or for contract services is submitted under division (A) of this section, the board of county commissioners shall approve, reject, or modify the proposal and notify the county recorder of its action on the proposal. If the board rejects or modifies the proposal, it shall make a written finding that the request is for a purpose other than for acquiring, leasing, or otherwise obtaining micrographic or other equipment or contracts for use by the county recorder a purpose in division (A) of this section, or that the amount requested for the acquisition or maintenance of micrographic or other equipment or for contract services is excessive as determined by the board. If the board approves the proposal, it shall request the establishment of a special fund under section 5705.12 of the Revised Code for any fees designated as "general fund moneys to 24276
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~~supplement the equipment needs of the county recorder."~~ 24293

~~(2) Not later than the fifteenth day of December of any year 24294
in which a proposal to reserve funds for the office's future 24295
equipment needs is submitted under division (A) of this section, 24296
the board of county commissioners shall approve the proposal, 24297
notify the county recorder of its action on the proposal, and 24298
request the establishment of a special fund under section 5705.12 24299
of the Revised Code for any fees designated as "general. A proposal 24300
submitted under division (A) of this section that was approved by 24301
the board of county commissioners before, and is in effect on, the 24302
effective date of this amendment shall continue in effect until 24303
January 1, 2019, notwithstanding the number of years of funding 24304
specified in the approved proposal. 24305~~

~~(3) A proposal submitted under division (A) of this section 24306
between October 1, 2013, and October 1, 2017, may request that an 24307
amount that does not exceed three dollars be credited to the 24308
county recorder's technology fund, in addition to the amount 24309
previously approved by the board of county commissioners in a 24310
proposal described in division (E)(2) of this section. The 24311
proposal may be submitted each year during that time period, but 24312
shall be limited to funding in the following fiscal year. If the 24313
total of the amount under division (E)(2) of this section and the 24314
amount requested under this division does not exceed eight 24315
dollars, the board shall approve the proposal and notify the 24316
county recorder of its approval. 24317~~

~~(4) If the total amount of fees provided for in divisions 24318
(B), (E)(2), and (E)(3) of this section is less than eight 24319
dollars, a proposal requesting additional fees may be submitted to 24320
the board of county commissioners under division (E)(1) of this 24321
section, as long as the total amount of the fees in divisions (B) 24322
and (E)(2), (3), and (4) of this section that are to be credited 24323
to the county recorder's technology fund does not exceed eight 24324~~

dollars, and the proposal is for a number of years, not to exceed 24325
five. 24326

(5) When a proposal is approved by the board of county 24327
commissioners under division (E) of this section, the county 24328
recorder's technology fund moneys to supplement the equipment 24329
needs of the county recorder." is established in the county 24330
treasury, and, beginning on the following first day of January, 24331
the fees approved shall be deposited in that fund. 24332

(D)(F) The acquisition ~~or~~ and maintenance of micrographic ~~or~~ 24333
imaging and other technological equipment, and the acquisition of 24334
other associated expenses and contract services therefor, shall be 24335
specifically governed by sections 307.80 to 307.806, 307.84 to 24336
307.846, 307.86 to 307.92, and 5705.38, and by division (D) of 24337
section 5705.41 of the Revised Code. 24338

(G) If the use of the county recorder's technology fund for 24339
the purposes of division (A)(3) of this section includes 24340
associated expenses for personnel, the use of the fund for 24341
personnel shall be strictly confined to personnel directly related 24342
to imaging and other technological equipment, and any compensation 24343
increases for those personnel shall not exceed the average of the 24344
annual aggregate percentage increase or decrease in the 24345
compensation fixed by the board of county commissioners for their 24346
employees, and for the officers in section 325.27 of the Revised 24347
Code. Use of the fund for compensation bonuses, or for recognizing 24348
outstanding employee performance in a manner described in section 24349
325.25 of the Revised Code, is prohibited. 24350

(H) If a county is under a fiscal caution under section 24351
118.025 of the Revised Code, or is under a fiscal watch or fiscal 24352
emergency as defined in section 118.01 of the Revised Code, the 24353
board of county commissioners, notwithstanding sections 5705.14 to 24354
5705.16 of the Revised Code, may transfer from the county 24355
recorder's technology fund any moneys the board deems necessary. 24356

Sec. 317.36. (A) The county recorder shall collect the low- 24357
and moderate-income housing trust fund fee as specified in 24358
sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 24359
4509.60, ~~5111.022~~ 5164.56, 5310.15, 5703.93, 5719.07, 5727.56, 24360
5733.18, 5733.22, 6101.09, and 6115.09 of the Revised Code. The 24361
amount of any housing trust fund fee the recorder is authorized to 24362
collect is equal to the amount of any base fee the recorder is 24363
authorized to collect for services. The housing trust fund fee 24364
shall be collected in addition to the base fee. 24365

(B) The recorder shall certify the amounts collected as 24366
housing trust fund fees pursuant to division (A) of this section 24367
into the county treasury as housing trust fund fees to be paid to 24368
the treasurer of state pursuant to section 319.63 of the Revised 24369
Code. 24370

Sec. 319.10. The county auditor may enter into a contract 24371
with a county land reutilization corporation organized under 24372
Chapter 1724. of the Revised Code to provide employees of the 24373
auditor to provide services to the corporation. An employee of the 24374
auditor who provides services to a county land reutilization 24375
corporation under such a contract shall not be considered an 24376
employee of the corporation during the provision of services, but 24377
shall remain an employee of the county during provision of 24378
services pursuant to the contract. 24379

Sec. 319.302. (A)(1) Real property that is not intended 24380
primarily for use in a business activity shall qualify for a 24381
partial exemption from real property taxation. For purposes of 24382
this partial exemption, "business activity" includes all uses of 24383
real property, except farming; leasing property for farming; 24384
occupying or holding property improved with single-family, 24385
two-family, or three-family dwellings; leasing property improved 24386

with single-family, two-family, or three-family dwellings; or 24387
holding vacant land that the county auditor determines will be 24388
used for farming or to develop single-family, two-family, or 24389
three-family dwellings. For purposes of this partial exemption, 24390
"farming" does not include land used for the commercial production 24391
of timber that is receiving the tax benefit under section 5713.23 24392
or 5713.31 of the Revised Code and all improvements connected with 24393
such commercial production of timber. 24394

(2) Each year, the county auditor shall review each parcel of 24395
real property to determine whether it qualifies for the partial 24396
exemption provided for by this section as of the first day of 24397
January of the current tax year. 24398

(B) After complying with section 319.301 of the Revised Code, 24399
the county auditor shall reduce the remaining sums to be levied by 24400
qualifying levies against each parcel of real property that is 24401
listed on the general tax list and duplicate of real and public 24402
utility property for the current tax year and that qualifies for 24403
partial exemption under division (A) of this section, and against 24404
each manufactured and mobile home that is taxed pursuant to 24405
division (D)(2) of section 4503.06 of the Revised Code and that is 24406
on the manufactured home tax list for the current tax year, by ten 24407
per cent, to provide a partial exemption for that parcel or home. 24408
~~Except~~ For the purposes of this division: 24409

(1) "Qualifying levy" means a levy approved at an election 24410
held before the effective date of the amendment of this section by 24411
H.B. 59 of the 130th general assembly; a levy within the ten-mill 24412
limitation, or provided for by the charter of a municipal 24413
corporation, that was levied on the tax list for tax year 2013; a 24414
subsequent renewal of any such levy; or a subsequent substitute 24415
for such a levy under section 5705.199 of the Revised Code. 24416

(2) "Qualifying levy" does not include any replacement 24417
imposed under section 5705.192 of the Revised Code of any levy 24418

described in division (B)(1) of this section. 24419

(C) Except as otherwise provided in sections 323.152, 24420
323.158, 505.06, and 715.263 of the Revised Code, the amount of 24421
the taxes remaining after any such reduction shall be the real and 24422
public utility property taxes charged and payable on each parcel 24423
of real property, including property that does not qualify for 24424
partial exemption under division (A) of this section, and the 24425
manufactured home tax charged and payable on each manufactured or 24426
mobile home, and shall be the amounts certified to the county 24427
treasurer for collection. Upon receipt of the real and public 24428
utility property tax duplicate, the treasurer shall certify to the 24429
tax commissioner the total amount by which the real property taxes 24430
were reduced under this section, as shown on the duplicate. Such 24431
reduction shall not directly or indirectly affect the 24432
determination of the principal amount of notes that may be issued 24433
in anticipation of any tax levies or the amount of bonds or notes 24434
for any planned improvements. If after application of sections 24435
5705.31 and 5705.32 of the Revised Code and other applicable 24436
provisions of law, including divisions (F) and (I) of section 24437
321.24 of the Revised Code, there would be insufficient funds for 24438
payment of debt charges on bonds or notes payable from taxes 24439
reduced by this section, the reduction of taxes provided for in 24440
this section shall be adjusted to the extent necessary to provide 24441
funds from such taxes. 24442

~~(C)~~(D) The tax commissioner may adopt rules governing the 24443
administration of the partial exemption provided for by this 24444
section. 24445

~~(D)~~(E) The determination of whether property qualifies for 24446
partial exemption under division (A) of this section is solely for 24447
the purpose of allowing the partial exemption under division (B) 24448
of this section. 24449

Sec. 321.35. Upon demand of the treasurer of state while 24450
holding a school district, county, township, or municipal 24451
corporation obligation purchased under division (G)(1) of section 24452
135.143 of the Revised Code, in making any payment under section 24453
321.31 or 321.34 of the Revised Code, the county auditor shall 24454
withhold funds of the school district, county, township, or 24455
municipal corporation in an amount sufficient to pay debt service 24456
charges on that obligation and any of the fee for the agreement to 24457
purchase that obligation, less any amount deposited for that 24458
purpose under division (D) of section 3317.18 of the Revised Code. 24459
The county auditor shall promptly pay to the treasurer of state 24460
the amount withheld. 24461

Sec. 321.44. (A)(1) A county probation services fund shall be 24462
established in the county treasury of each county. The fund a 24463
county establishes under this division shall contain all moneys 24464
paid to the treasurer of the county under section 2951.021 of the 24465
Revised Code for deposit into the fund. The moneys paid into the 24466
fund shall be deposited by the treasurer of the county into the 24467
appropriate account established under divisions (A)(1)(a) to (d) 24468
of this section. Separate accounts shall be maintained in 24469
accordance with the following criteria in the fund a county 24470
establishes under this division: 24471

(a) If a county department of probation is established in the 24472
county, a separate account shall be maintained in the fund for the 24473
county department of probation. 24474

(b) If the judges of the court of common pleas of the county 24475
have affiliated with the judges of the court of common pleas of 24476
one or more other counties and have established a multicounty 24477
department of probation, a separate account shall be maintained in 24478
the fund for the multicounty department of probation. 24479

(c) If a department of probation is established in a 24480
county-operated municipal court that has jurisdiction within the 24481
county, a separate account shall be maintained in the fund for the 24482
municipal court department of probation. 24483

(d) If a county department of probation has not been 24484
established in the county and if the court of common pleas of the 24485
county, pursuant to section 2301.32 of the Revised Code, has 24486
entered into an agreement with the adult parole authority under 24487
which the court may place defendants under a community control 24488
sanction in charge of the authority, a separate account shall be 24489
maintained in the fund for the court of common pleas. 24490

(2) For any county, if a county department of probation is 24491
established in the county or if a department of probation is 24492
established in a county-operated municipal court that has 24493
jurisdiction within the county, the board of county commissioners 24494
of the county shall appropriate to the county department of 24495
probation or municipal court department of probation all money 24496
that is contained in the department's account in the county 24497
probation services fund established in the county for use only for 24498
specialized staff, purchase of equipment, purchase of services, 24499
reconciliation programs for offenders and victims, other treatment 24500
programs, including ~~alcohol and drug~~ community addiction programs 24501
services providers certified under section ~~3793.06~~ 5119.36 of the 24502
Revised Code, determined to be appropriate by the chief probation 24503
officer of the department of probation, and other similar expenses 24504
related to placing offenders under a community control sanction. 24505

For any county, if the judges of the court of common pleas of 24506
the county have affiliated with the judges of the court of common 24507
pleas of one or more other counties and have established a 24508
multicounty department of probation to serve the counties, the 24509
board of county commissioners of the county shall appropriate and 24510
the county treasurer shall transfer to the multicounty probation 24511

services fund established for the multicounty department of 24512
probation under division (B) of this section all money that is 24513
contained in the multicounty department of probation account in 24514
the county probation services fund established in the county for 24515
use in accordance with that division. 24516

For any county, if a county department of probation has not 24517
been established in the county and if the court of common pleas of 24518
the county, pursuant to section 2301.32 of the Revised Code, has 24519
entered into an agreement with the adult parole authority under 24520
which the court may place defendants under a community control 24521
sanction in charge of the authority, the board of county 24522
commissioners of the county shall appropriate to the court all 24523
money that is contained in the court's account in the county 24524
probation services fund established in the county for use only for 24525
specialized staff, purchase of equipment, purchase of services, 24526
reconciliation programs for offenders and victims, other treatment 24527
and recovery support services, including properly credentialed 24528
treatment and recovery support services program providers or those 24529
certified under section ~~3793.06~~ 5119.36 of the Revised Code, 24530
determined to be appropriate by the authority, and other similar 24531
uses related to placing offenders under a community control 24532
sanction. 24533

(B) If the judges of the courts of common pleas of two or 24534
more counties have established a multicounty department of 24535
probation, a multicounty probation services fund shall be 24536
established in the county treasury of the county whose treasurer, 24537
in accordance with section 2301.27 of the Revised Code, is 24538
designated by the judges of the courts of common pleas as the 24539
treasurer to whom monthly supervision fees are to be appropriated 24540
and transferred under division (A)(2) of this section for deposit 24541
into the fund. The fund shall contain all moneys that are paid to 24542
the treasurer of any member county under section 2951.021 of the 24543

Revised Code for deposit into the county's probation services fund 24544
and that subsequently are appropriated and transferred to the 24545
multicounty probation services fund under division (A)(2) of this 24546
section. The board of county commissioners of the county in which 24547
the multicounty probation services fund is established shall 24548
appropriate the money contained in that fund to the multicounty 24549
department of probation, for use only for specialized staff, 24550
purchase of equipment, purchase of services, reconciliation 24551
programs for offenders and victims, other treatment programs, 24552
including ~~alcohol and drug~~ community addiction programs services 24553
providers certified under section ~~3793.06~~ 5119.36 of the Revised 24554
Code, determined to be appropriate by the chief probation officer, 24555
and for other similar expenses related to placing offenders under 24556
a community control sanction. 24557

(C) Any money in a county or multicounty probation services 24558
fund at the end of a fiscal year shall not revert to the general 24559
fund of the county but shall be retained in the fund. 24560

(D) As used in this section: 24561

(1) "County-operated municipal court" has the same meaning as 24562
in section 1901.03 of the Revised Code. 24563

(2) "Multicounty department of probation" means a probation 24564
department established under section 2301.27 of the Revised Code 24565
to serve more than one county. 24566

(3) "Community control sanction" has the same meaning as in 24567
section 2929.01 of the Revised Code. 24568

Sec. 321.49. The county treasurer may enter into a contract 24569
with a county land reutilization corporation organized under 24570
Chapter 1724. of the Revised Code to provide employees of the 24571
treasurer to provide services to the corporation. An employee of 24572
the treasurer who provides services to a county land reutilization 24573

corporation under such a contract shall not be considered an 24574
employee of the corporation during the provision of services, but 24575
shall remain an employee of the county during provision of 24576
services pursuant to the contract. 24577

Sec. 323.151. As used in sections 323.151 to 323.159 of the 24578
Revised Code: 24579

(A)(1) "Homestead" means either of the following: 24580

(a) A dwelling, including a unit in a multiple-unit dwelling 24581
and a manufactured home or mobile home taxed as real property 24582
pursuant to division (B) of section 4503.06 of the Revised Code, 24583
owned and occupied as a home by an individual whose domicile is in 24584
this state and who has not acquired ownership from a person, other 24585
than the individual's spouse, related by consanguinity or affinity 24586
for the purpose of qualifying for the real property tax reduction 24587
provided in section 323.152 of the Revised Code. 24588

(b) A unit in a housing cooperative that is occupied as a 24589
home, but not owned, by an individual whose domicile is in this 24590
state. 24591

(2) The homestead shall include so much of the land 24592
surrounding it, not exceeding one acre, as is reasonably necessary 24593
for the use of the dwelling or unit as a home. An owner includes a 24594
holder of one of the several estates in fee, a vendee in 24595
possession under a purchase agreement or a land contract, a 24596
mortgagor, a life tenant, one or more tenants with a right of 24597
survivorship, tenants in common, and a settlor of a revocable or 24598
irrevocable inter vivos trust holding the title to a homestead 24599
occupied by the settlor as of right under the trust. The tax 24600
commissioner shall adopt rules for the uniform classification and 24601
valuation of real property or portions of real property as 24602
homesteads. 24603

(B) "Sixty-five years of age or older" means a person who has attained age sixty-four prior to the first day of January of the year of application for reduction in real estate taxes.

(C) "Total income" means Ohio adjusted gross income of the owner and the owner's spouse for the year preceding the year in which application for a reduction in taxes is made, as determined under division (A) of section 5747.01 of the Revised Code.

(D) "Permanently and totally disabled" means a person who has, on the first day of January of the year of application for reduction in real estate taxes, some impairment in body or mind that makes the person unable to work at any substantially remunerative employment that the person is reasonably able to perform and that will, with reasonable probability, continue for an indefinite period of at least twelve months without any present indication of recovery therefrom or has been certified as permanently and totally disabled by a state or federal agency having the function of so classifying persons.

~~(D)~~(E) "Housing cooperative" means a housing complex of at least two units that is owned and operated by a nonprofit corporation that issues a share of the corporation's stock to an individual, entitling the individual to live in a unit of the complex, and collects a monthly maintenance fee from the individual to maintain, operate, and pay the taxes of the complex.

Sec. 323.152. In addition to the reduction in taxes required under section 319.302 of the Revised Code, taxes shall be reduced as provided in divisions (A) and (B) of this section.

(A)(1) Division (A) of this section applies to any of the following persons:

(a) A person who is permanently and totally disabled;

(b) A person who is sixty-five years of age or older;

(c) A person who is the surviving spouse of a deceased person who was permanently and totally disabled or sixty-five years of age or older and who applied and qualified for a reduction in taxes under this division in the year of death, provided the surviving spouse is at least fifty-nine but not sixty-five or more years of age on the date the deceased spouse dies.

(2) Real property taxes on a homestead owned and occupied, or a homestead in a housing cooperative occupied, by a person to whom division (A) of this section applies shall be reduced for each year for which an application for the reduction has been approved. The reduction shall equal ~~the greater of the reduction granted for the tax year preceding the first tax year to which this section applies pursuant to Section 803.06 of Am. Sub. H.B. 119 of the 127th general assembly, if the taxpayer received a reduction for that preceding tax year, or~~ one of the following amounts, as applicable to the person:

(a) If the person received a reduction under division (A) of this section for tax year 2006, the greater of the reduction for that tax year or the amount computed under division (A)(3) of this section;

(b) If the person received a reduction under division (A) of this section for tax year 2013 or under section 4503.066 of the Revised Code for tax year 2014, the amount computed under division (A)(3) of this section. For purposes of divisions (A)(2)(b) and (c) of this section, a person receives a reduction under division (A) of this section or under section 4503.065 of the Revised Code for tax year 2013 or 2014, respectively, if the person files a late application for that respective tax year that is approved by the county auditor under section 323.153 or 4503.066 of the Revised Code.

(c) If the person did not receive a reduction under division (A) of this section or under section 4503.066 of the Revised Code

for tax year 2013 and the person's total income does not exceed 24666
thirty thousand dollars, as adjusted under division (A)(4) of this 24667
section, the amount computed under division (A)(3) of this 24668
section. 24669

(3) The amount of the reduction under division (A)(3) of this 24670
section equals the product of the following: 24671

(a) Twenty-five thousand dollars of the true value of the 24672
property in money; 24673

(b) The assessment percentage established by the tax 24674
commissioner under division (B) of section 5715.01 of the Revised 24675
Code, not to exceed thirty-five per cent; 24676

(c) The effective tax rate used to calculate the taxes 24677
charged against the property for the current year, where 24678
"effective tax rate" is defined as in section 323.08 of the 24679
Revised Code; 24680

(d) The quantity equal to one minus the sum of the percentage 24681
reductions in taxes received by the property for the current tax 24682
year under section 319.302 of the Revised Code and division (B) of 24683
section 323.152 of the Revised Code. 24684

(4) Each calendar year, the tax commissioner shall adjust the 24685
total income threshold described in division (A)(2)(c) of this 24686
section by completing the following calculations in September of 24687
each year: 24688

(a) Determine the percentage increase in the gross domestic 24689
product deflator determined by the bureau of economic analysis of 24690
the United States department of commerce from the first day of 24691
January of the preceding calendar year to the last day of December 24692
of the preceding calendar year; 24693

(b) Multiply that percentage increase by the total income 24694
threshold for the current tax year; 24695

(c) Add the resulting product to the total income threshold 24696
for the current tax year; 24697

(d) Round the resulting sum to the nearest multiple of one 24698
hundred dollars. 24699

The commissioner shall certify the amount resulting from the 24700
adjustment to each county auditor not later than the first day of 24701
December each year. The certified amount applies to the following 24702
tax year for persons described in division (A)(2)(c) of this 24703
section. The commissioner shall not make the adjustment in any 24704
calendar year in which the amount resulting from the adjustment 24705
would be less than the total income threshold for the current tax 24706
year. 24707

(B) To provide a partial exemption, real property taxes on 24708
any homestead, and manufactured home taxes on any manufactured or 24709
mobile home on which a manufactured home tax is assessed pursuant 24710
to division (D)(2) of section 4503.06 of the Revised Code, shall 24711
be reduced for each year for which an application for the 24712
reduction has been approved. The amount of the reduction shall 24713
equal two and one-half per cent of the amount of taxes to be 24714
levied by qualifying levies on the homestead or the manufactured 24715
or mobile home after applying section 319.301 of the Revised Code. 24716
For the purposes of this division, "qualifying levy" has the same 24717
meaning as in section 319.302 of the Revised Code. 24718

(C) The reductions granted by this section do not apply to 24719
special assessments or respread of assessments levied against the 24720
homestead, and if there is a transfer of ownership subsequent to 24721
the filing of an application for a reduction in taxes, such 24722
reductions are not forfeited for such year by virtue of such 24723
transfer. 24724

(D) The reductions in taxable value referred to in this 24725
section shall be applied solely as a factor for the purpose of 24726

computing the reduction of taxes under this section and shall not 24727
affect the total value of property in any subdivision or taxing 24728
district as listed and assessed for taxation on the tax lists and 24729
duplicates, or any direct or indirect limitations on indebtedness 24730
of a subdivision or taxing district. If after application of 24731
sections 5705.31 and 5705.32 of the Revised Code, including the 24732
allocation of all levies within the ten-mill limitation to debt 24733
charges to the extent therein provided, there would be 24734
insufficient funds for payment of debt charges not provided for by 24735
levies in excess of the ten-mill limitation, the reduction of 24736
taxes provided for in sections 323.151 to 323.159 of the Revised 24737
Code shall be proportionately adjusted to the extent necessary to 24738
provide such funds from levies within the ten-mill limitation. 24739

(E) No reduction shall be made on the taxes due on the 24740
homestead of any person convicted of violating division (D) or (E) 24741
of section 323.153 of the Revised Code for a period of three years 24742
following the conviction. 24743

Sec. 323.153. (A) To obtain a reduction in real property 24744
taxes under division (A) or (B) of section 323.152 of the Revised 24745
Code or in manufactured home taxes under division (B) of section 24746
323.152 of the Revised Code, the owner shall file an application 24747
with the county auditor of the county in which the owner's 24748
homestead is located. 24749

To obtain a reduction in real property taxes under division 24750
(A) of section 323.152 of the Revised Code, the occupant of a 24751
homestead in a housing cooperative shall file an application with 24752
the nonprofit corporation that owns and operates the housing 24753
cooperative, in accordance with this paragraph. Not later than the 24754
first day of March each year, the corporation shall obtain 24755
applications from the county auditor's office and provide one to 24756
each new occupant. Not later than the first day of May, any 24757

occupant who may be eligible for a reduction in taxes under 24758
division (A) of section 323.152 of the Revised Code shall submit 24759
the completed application to the corporation. Not later than the 24760
fifteenth day of May, the corporation shall file all completed 24761
applications, and the information required by division (B) of 24762
section 323.159 of the Revised Code, with the county auditor of 24763
the county in which the occupants' homesteads are located. 24764
Continuing applications shall be furnished to an occupant in the 24765
manner provided in division (C)(4) of this section. 24766

(1) An application for reduction based upon a physical 24767
disability shall be accompanied by a certificate signed by a 24768
physician, and an application for reduction based upon a mental 24769
disability shall be accompanied by a certificate signed by a 24770
physician or psychologist licensed to practice in this state, 24771
attesting to the fact that the applicant is permanently and 24772
totally disabled. The certificate shall be in a form that the tax 24773
commissioner requires and shall include the definition of 24774
permanently and totally disabled as set forth in section 323.151 24775
of the Revised Code. An application for reduction based upon a 24776
disability certified as permanent and total by a state or federal 24777
agency having the function of so classifying persons shall be 24778
accompanied by a certificate from that agency. 24779

An application for a reduction under division (A) of section 24780
323.152 of the Revised Code constitutes a continuing application 24781
for a reduction in taxes for each year in which the dwelling is 24782
the applicant's homestead. 24783

(2) An application for a reduction in taxes under division 24784
(B) of section 323.152 of the Revised Code shall be filed only if 24785
the homestead or manufactured or mobile home was transferred in 24786
the preceding year or did not qualify for and receive the 24787
reduction in taxes under that division for the preceding tax year. 24788
The application for homesteads transferred in the preceding year 24789

shall be incorporated into any form used by the county auditor to 24790
administer the tax law in respect to the conveyance of real 24791
property pursuant to section 319.20 of the Revised Code or of used 24792
manufactured homes or used mobile homes as defined in section 24793
5739.0210 of the Revised Code. The owner of a manufactured or 24794
mobile home who has elected under division (D)(4) of section 24795
4503.06 of the Revised Code to be taxed under division (D)(2) of 24796
that section for the ensuing year may file the application at the 24797
time of making that election. The application shall contain a 24798
statement that failure by the applicant to affirm on the 24799
application that the dwelling on the property conveyed is the 24800
applicant's homestead prohibits the owner from receiving the 24801
reduction in taxes until a proper application is filed within the 24802
period prescribed by division (A)(3) of this section. Such an 24803
application constitutes a continuing application for a reduction 24804
in taxes for each year in which the dwelling is the applicant's 24805
homestead. 24806

(3) Failure to receive a new application filed under division 24807
(A)(1) or (2) or notification under division (C) of this section 24808
after an application for reduction has been approved is 24809
prima-facie evidence that the original applicant is entitled to 24810
the reduction in taxes calculated on the basis of the information 24811
contained in the original application. The original application 24812
and any subsequent application, including any late application, 24813
shall be in the form of a signed statement and shall be filed 24814
after the first Monday in January and not later than the first 24815
Monday in June. The original application and any subsequent 24816
application for a reduction in real property taxes shall be filed 24817
in the year for which the reduction is sought. The original 24818
application and any subsequent application for a reduction in 24819
manufactured home taxes shall be filed in the year preceding the 24820
year for which the reduction is sought. The statement shall be on 24821
a form, devised and supplied by the tax commissioner, which shall 24822

require no more information than is necessary to establish the 24823
applicant's eligibility for the reduction in taxes and the amount 24824
of the reduction, and, except for homesteads that are units in a 24825
housing cooperative, shall include an affirmation by the applicant 24826
that ownership of the homestead was not acquired from a person, 24827
other than the applicant's spouse, related to the owner by 24828
consanguinity or affinity for the purpose of qualifying for the 24829
real property or manufactured home tax reduction provided for in 24830
division (A) or (B) of section 323.152 of the Revised Code. The 24831
form shall contain a statement that conviction of willfully 24832
falsifying information to obtain a reduction in taxes or failing 24833
to comply with division (C) of this section results in the 24834
revocation of the right to the reduction for a period of three 24835
years. In the case of an application for a reduction in taxes for 24836
persons described in division (A)(2)(c) of section 323.152 of the 24837
Revised Code, the form shall contain a statement that signing the 24838
application constitutes a delegation of authority by the applicant 24839
to the tax commissioner or the county auditor, individually or in 24840
consultation with each other, to examine any tax or financial 24841
records relating to the income of the applicant as stated on the 24842
application for the purpose of determining eligibility for the 24843
exemption or a possible violation of division (D) or (E) of this 24844
section. 24845

(B) A late application for a tax reduction for the year 24846
preceding the year in which an original application is filed, or 24847
for a reduction in manufactured home taxes for the year in which 24848
an original application is filed, may be filed with the original 24849
application. If the county auditor determines the information 24850
contained in the late application is correct, the auditor shall 24851
determine the amount of the reduction in taxes to which the 24852
applicant would have been entitled for the preceding tax year had 24853
the applicant's application been timely filed and approved in that 24854
year. 24855

The amount of such reduction shall be treated by the auditor 24856
as an overpayment of taxes by the applicant and shall be refunded 24857
in the manner prescribed in section 5715.22 of the Revised Code 24858
for making refunds of overpayments. On the first day of July of 24859
each year, the county auditor shall certify the total amount of 24860
the reductions in taxes made in the current year under this 24861
division to the tax commissioner, who shall treat the full amount 24862
thereof as a reduction in taxes for the preceding tax year and 24863
shall make reimbursement to the county therefor in the manner 24864
prescribed by section 323.156 of the Revised Code, from money 24865
appropriated for that purpose. 24866

(C)(1) If, in any year after an application has been filed 24867
under division (A)(1) or (2) of this section, the owner does not 24868
qualify for a reduction in taxes on the homestead or on the 24869
manufactured or mobile home set forth on such application, the 24870
owner shall notify the county auditor that the owner is not 24871
qualified for a reduction in taxes. 24872

(2) If, in any year after an application has been filed under 24873
division (A)(1) of this section, the occupant of a homestead in a 24874
housing cooperative does not qualify for a reduction in taxes on 24875
the homestead, the occupant shall notify the county auditor that 24876
the occupant is not qualified for a reduction in taxes or file a 24877
new application under division (A)(1) of this section. 24878

(3) If the county auditor or county treasurer discovers that 24879
the owner of property not entitled to the reduction in taxes under 24880
division (B) of section 323.152 of the Revised Code failed to 24881
notify the county auditor as required by division (C)(1) of this 24882
section, a charge shall be imposed against the property in the 24883
amount by which taxes were reduced under that division for each 24884
tax year the county auditor ascertains that the property was not 24885
entitled to the reduction and was owned by the current owner. 24886
Interest shall accrue in the manner prescribed by division (B) of 24887

section 323.121 or division (G)(2) of section 4503.06 of the Revised Code on the amount by which taxes were reduced for each such tax year as if the reduction became delinquent taxes at the close of the last day the second installment of taxes for that tax year could be paid without penalty. The county auditor shall notify the owner, by ordinary mail, of the charge, of the owner's right to appeal the charge, and of the manner in which the owner may appeal. The owner may appeal the imposition of the charge and interest by filing an appeal with the county board of revision not later than the last day prescribed for payment of real and public utility property taxes under section 323.12 of the Revised Code following receipt of the notice and occurring at least ninety days after receipt of the notice. The appeal shall be treated in the same manner as a complaint relating to the valuation or assessment of real property under Chapter 5715. of the Revised Code. The charge and any interest shall be collected as other delinquent taxes.

(4) Each year during January, the county auditor shall furnish by ordinary mail a continuing application to each person receiving a reduction under division (A) of section 323.152 of the Revised Code. The continuing application shall be used to report changes in total income, ownership, occupancy, disability, and other information earlier furnished the auditor relative to the reduction in taxes on the property. The continuing application shall be returned to the auditor not later than the first Monday in June; provided, that if such changes do not affect the status of the homestead exemption or the amount of the reduction to which the owner is entitled under division (A) of section 323.152 of the Revised Code or to which the occupant is entitled under section 323.159 of the Revised Code, the application does not need to be returned.

(5) Each year during February, the county auditor, except as

otherwise provided in this paragraph, shall furnish by ordinary 24920
mail an original application to the owner, as of the first day of 24921
January of that year, of a homestead or a manufactured or mobile 24922
home that transferred during the preceding calendar year and that 24923
qualified for and received a reduction in taxes under division (B) 24924
of section 323.152 of the Revised Code for the preceding tax year. 24925
In order to receive the reduction under that division, the owner 24926
shall file the application with the county auditor not later than 24927
the first Monday in June. If the application is not timely filed, 24928
the auditor shall not grant a reduction in taxes for the homestead 24929
for the current year, and shall notify the owner that the 24930
reduction in taxes has not been granted, in the same manner 24931
prescribed under section 323.154 of the Revised Code for 24932
notification of denial of an application. Failure of an owner to 24933
receive an application does not excuse the failure of the owner to 24934
file an original application. The county auditor is not required 24935
to furnish an application under this paragraph for any homestead 24936
for which application has previously been made on a form 24937
incorporated into any form used by the county auditor to 24938
administer the tax law in respect to the conveyance of real 24939
property or of used manufactured homes or used mobile homes, and 24940
an owner who previously has applied on such a form is not required 24941
to return an application furnished under this paragraph. 24942

(D) No person shall knowingly make a false statement for the 24943
purpose of obtaining a reduction in the person's real property or 24944
manufactured home taxes under section 323.152 of the Revised Code. 24945

(E) No person shall knowingly fail to notify the county 24946
auditor of changes required by division (C) of this section that 24947
have the effect of maintaining or securing a reduction in taxes 24948
under section 323.152 of the Revised Code. 24949

(F) No person shall knowingly make a false statement or 24950
certification attesting to any person's physical or mental 24951

condition for purposes of qualifying such person for tax relief 24952
pursuant to sections 323.151 to 323.159 of the Revised Code. 24953

Sec. 329.04. (A) The county department of job and family 24954
services shall have, exercise, and perform the following powers 24955
and duties: 24956

(1) Perform any duties assigned by the state department of 24957
job and family services or department of medicaid regarding the 24958
provision of public family services, including the provision of 24959
the following services to prevent or reduce economic or personal 24960
dependency and to strengthen family life: 24961

(a) Services authorized by a Title IV-A program, as defined 24962
in section 5101.80 of the Revised Code; 24963

(b) Social services authorized by Title XX of the "Social 24964
Security Act" and provided for by section 5101.46 or 5101.461 of 24965
the Revised Code; 24966

(c) If the county department is designated as the child 24967
support enforcement agency, services authorized by Title IV-D of 24968
the "Social Security Act" and provided for by Chapter 3125. of the 24969
Revised Code. The county department may perform the services 24970
itself or contract with other government entities, and, pursuant 24971
to division (C) of section 2301.35 and section 2301.42 of the 24972
Revised Code, private entities, to perform the Title IV-D 24973
services. 24974

(d) Duties assigned under section ~~5111.98~~ 5162.031 of the 24975
Revised Code. 24976

(2) Administer disability financial assistance, as required 24977
by the state department of job and family services under section 24978
5115.03 of the Revised Code; 24979

(3) Administer burials insofar as the administration of 24980
burials was, prior to September 12, 1947, imposed upon the board 24981

of county commissioners and if otherwise required by state law;	24982
(4) Cooperate with state and federal authorities in any	24983
matter relating to family services and to act as the agent of such	24984
authorities;	24985
(5) Submit an annual account of its work and expenses to the	24986
board of county commissioners and to the state department of job	24987
and family services <u>and department of medicaid</u> at the close of	24988
each fiscal year;	24989
(6) Exercise any powers and duties relating to family	24990
services duties or workforce development activities imposed upon	24991
the county department of job and family services by law, by	24992
resolution of the board of county commissioners, or by order of	24993
the governor, when authorized by law, to meet emergencies during	24994
war or peace;	24995
(7) Determine the eligibility for medical assistance of	24996
recipients of aid under Title XVI of the "Social Security Act";	24997
(8) If assigned by the state director of job and family	24998
services under section 5101.515 or 5101.525 of the Revised Code,	24999
determine applicants' eligibility for health assistance under the	25000
children's health insurance program part II or part III;	25001
(9) Enter into a plan of cooperation with the board of county	25002
commissioners under section 307.983, consult with the board in the	25003
development of the transportation work plan developed under	25004
section 307.985, establish with the board procedures under section	25005
307.986 for providing services to children whose families relocate	25006
frequently, and comply with the contracts the board enters into	25007
under sections 307.981 and 307.982 of the Revised Code that affect	25008
the county department;	25009
(10) <u>(8)</u> For the purpose of complying with a grant agreement	25010
the board of county commissioners enters into under sections	25011
307.98 and 5101.21 of the Revised Code, exercise the powers and	25012

perform the duties the grant agreement assigns to the county 25013
department; 25014

~~(11)~~(9) If the county department is designated as the 25015
workforce development agency, provide the workforce development 25016
activities specified in the contract required by section 330.05 of 25017
the Revised Code. 25018

(B) The powers and duties of a county department of job and 25019
family services are, and shall be exercised and performed, under 25020
the control and direction of the board of county commissioners. 25021
The board may assign to the county department any power or duty of 25022
the board regarding family services duties and workforce 25023
development activities. If the new power or duty necessitates the 25024
state department of job and family services or department of 25025
medicaid changing its federal cost allocation plan, the county 25026
department may not implement the power or duty unless the United 25027
States department of health and human services approves the 25028
changes. 25029

Sec. 329.051. The county department of job and family 25030
services shall make voter registration applications as prescribed 25031
by the secretary of state under section 3503.10 of the Revised 25032
Code available to persons who are applying for, receiving 25033
assistance from, or participating in any of the following: 25034

(A) The disability financial assistance program established 25035
under Chapter 5115. of the Revised Code; 25036

(B) The ~~medical assistance~~ medicaid program ~~established under~~ 25037
~~Chapter 5111. of the Revised Code;~~ 25038

(C) The Ohio works first program established under Chapter 25039
5107. of the Revised Code; 25040

(D) The prevention, retention, and contingency program 25041
established under Chapter 5108. of the Revised Code. 25042

Sec. 329.06. (A) Except as provided in division (C) of this section and section 6301.08 of the Revised Code, the board of county commissioners shall establish a county family services planning committee. The board shall appoint a member to represent the county department of job and family services; an employee in the classified civil service of the county department of job and family services, if there are any such employees; and a member to represent the public. The board shall appoint other individuals to the committee in such a manner that the committee's membership is broadly representative of the groups of individuals and the public and private entities that have an interest in the family services provided in the county. The board shall make appointments in a manner that reflects the ethnic and racial composition of the county. The following groups and entities may be represented on the committee:

- (1) Consumers of family services;
- (2) The public children services agency;
- (3) The child support enforcement agency;
- (4) The county family and children first council;
- (5) Public and private colleges and universities;
- (6) Public entities that provide family services, including boards of health, boards of education, the county board of developmental disabilities, and the board of alcohol, drug addiction, and mental health services that serves the county;
- (7) Private nonprofit and for-profit entities that provide family services in the county or that advocate for consumers of family services in the county, including entities that provide services to or advocate for victims of domestic violence;
- (8) Labor organizations;
- (9) Any other group or entity that has an interest in the

family services provided in the county, including groups or 25073
entities that represent any of the county's business, urban, and 25074
rural sectors. 25075

(B) The county family services planning committee shall do 25076
all of the following: 25077

(1) Serve as an advisory body to the board of county 25078
commissioners with regard to the family services provided in the 25079
county, including assistance under Chapters 5107. and 5108. of the 25080
Revised Code, publicly funded child care under Chapter 5104. of 25081
the Revised Code, and social services provided under section 25082
5101.46 of the Revised Code; 25083

(2) At least once a year, review and analyze the county 25084
department of job and family services' implementation of the 25085
programs established under Chapters 5107. and 5108. of the Revised 25086
Code. In its review, the committee shall use information available 25087
to it to examine all of the following: 25088

(a) Return of assistance groups to participation in either 25089
program after ceasing to participate; 25090

(b) Teen pregnancy rates among the programs' participants; 25091

(c) The other types of assistance the programs' participants 25092
receive, including medicaid ~~under Chapter 5111. of the Revised~~ 25093
~~Code~~, publicly funded child care under Chapter 5104. of the 25094
Revised Code, supplemental nutrition assistance program benefits 25095
under section 5101.54 of the Revised Code, and energy assistance 25096
under Chapter 5117. of the Revised Code; 25097

(d) Other issues the committee considers appropriate. 25098

The committee shall make recommendations to the board of 25099
county commissioners and county department of job and family 25100
services regarding the committee's findings. 25101

(3) Conduct public hearings on proposed county profiles for 25102

the provision of social services under section 5101.46 of the Revised Code; 25103
25104

(4) At the request of the board, make recommendations and provide assistance regarding the family services provided in the county; 25105
25106
25107

(5) At any other time the committee considers appropriate, consult with the board and make recommendations regarding the family services provided in the county. The committee's recommendations may address the following: 25108
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25110
25111

(a) Implementation and administration of family service programs; 25112
25113

(b) Use of federal, state, and local funds available for family service programs; 25114
25115

(c) Establishment of goals to be achieved by family service programs; 25116
25117

(d) Evaluation of the outcomes of family service programs; 25118

(e) Any other matter the board considers relevant to the provision of family services. 25119
25120

(C) If there is a committee in existence in a county on October 1, 1997, that the board of county commissioners determines is capable of fulfilling the responsibilities of a county family services planning committee, the board may designate the committee as the county's family services planning committee and the committee shall serve in that capacity. 25121
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Sec. 329.14. (A) An individual whose household income does not exceed two hundred per cent of the federal poverty line is eligible to participate in an individual development account program established by the county department of job and family services of the county in which the individual resides. An eligible individual seeking to be a participant in the program 25127
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shall enter into an agreement with the fiduciary organization 25133
administering the program. The agreement shall specify the terms 25134
and conditions of uses of funds deposited, financial documentation 25135
required to be maintained by the participant, expectations and 25136
responsibilities of the participant, and services to be provided 25137
by the fiduciary organization. 25138

(B) A participant may deposit earned income, as defined in 26 25139
U.S.C. 911(d)(2), as amended, into the account. The fiduciary 25140
organization may deposit into the account an amount not exceeding 25141
four times the amount deposited by the participant except that a 25142
fiduciary organization may not, pursuant to an agreement with an 25143
employer, deposit an amount into an account held by a participant 25144
who is employed by the employer. An account may have no more than 25145
ten thousand dollars in it at any time. 25146

(C) Notwithstanding eligibility requirements established in 25147
or pursuant to Chapter 5107.7 or 5108.7 ~~or 5111.~~ of the Revised 25148
Code, to the extent permitted by federal statutes and regulations, 25149
money in an individual development account, including interest, is 25150
exempt from consideration in determining whether the participant 25151
or a member of the participant's assistance group is eligible for 25152
assistance under Chapter 5107.7 or 5108.7 ~~or 5111.~~ of the Revised 25153
Code and the amount of assistance the participant or assistance 25154
group is eligible to receive. 25155

(D)(1) Except as provided in division (D)(2) of this section, 25156
an individual development account program participant may use 25157
money in the account only for the following purposes: 25158

(a) Postsecondary educational expenses paid directly from the 25159
account to an eligible education institution or vendor; 25160

(b) Qualified acquisition expenses of a principal residence, 25161
as defined in 26 U.S.C. 1034, as amended, paid directly from the 25162
account to the person or government entity to which the expenses 25163

are due; 25164

(c) Qualified business capitalization expenses made in 25165
accordance with a qualified business plan that has been approved 25166
by a financial institution or by a nonprofit microenterprise 25167
program having demonstrated business expertise and paid directly 25168
from the account to the person to whom the expenses are due. 25169

(2) A fiduciary organization shall permit a participant to 25170
withdraw money deposited by the participant if it is needed to 25171
deal with a personal emergency of the participant or a member of 25172
the participant's family or household. Withdrawal shall result in 25173
the loss of any matching funds in an amount equal to the amount of 25174
the withdrawal. 25175

(3) Regardless of the reason for the withdrawal, a withdrawal 25176
from an individual development account may be made only with the 25177
approval of the fiduciary organization. 25178

Sec. 333.01. As used in this chapter: 25179

(A) "County sales and use tax" means the tax levied by a 25180
county under division (A) of section 5739.021 or division (A) of 25181
section 5741.021 of the Revised Code that is returned or 25182
distributed to the county under section 5739.21 or 5741.03 of the 25183
Revised Code. 25184

(B) "Impact facility" means a permanent structure, including 25185
all interior or exterior square footage used for educational or 25186
exhibition activities, that meets all of the following criteria: 25187

(1) It is used for the sale of tangible personal property or 25188
services; 25189

(2) At least ten per cent of the facility's total square 25190
footage is dedicated to educational or exhibition activities; 25191

(3) At least ~~fifty~~ thirty million dollars is invested in 25192
land, buildings, infrastructure, and equipment for the facility at 25193

the site of the facility over a period of not more than two years; 25194

(4) An annualized average of at least one hundred fifty new 25195
full-time equivalent positions will be created and maintained at 25196
the facility; 25197

(5) More than fifty per cent of the visitors to the facility 25198
are reasonably anticipated to live at least ~~one hundred~~ fifty 25199
miles from the facility. 25200

(C) "Qualifying investment" means a person's investment in 25201
land, buildings, infrastructure, and equipment for creating an 25202
impact facility. 25203

(D) "Full-time equivalent positions" means the total number 25204
of hours worked at a facility in a work week, divided by forty 25205
hours per week. 25206

Sec. 333.02. Before June 1, ~~2007~~ 2015, a board of county 25207
commissioners of a county that levies a county sales and use tax 25208
may enter into an agreement with any person that proposes to 25209
construct an impact facility in the county to provide payments to 25210
that person of up to seventy-five per cent of the county sales and 25211
use tax collected on each retail sale made by that person at the 25212
facility, for a term of up to ten years, or until the person's 25213
qualifying investment in the impact facility has been realized 25214
through the payments, whichever occurs first. 25215

Sec. 333.03. (A) A person seeking to enter into an agreement 25216
and obtain payments under section 333.02 of the Revised Code shall 25217
provide both of the following to the board of county 25218
commissioners: 25219

(1) A certification by the person's chief financial officer, 25220
or the equivalent if that position does not exist, that the 25221
criteria listed in division (B) of section 333.01 of the Revised 25222
Code will be met; and 25223

(2) An application on a form or in a format acceptable to the board that describes the proposed impact facility, including the projected level of investment in and new jobs to be created at the facility, the rationale used for determining that more than fifty per cent of the facility's visitors live at least ~~one hundred~~ fifty miles from the facility, the types of activities to be conducted at the facility, the projected levels of sales to occur at the facility, a calculation of the facility's square footage that will be dedicated to educational or exhibition activities, and any other information the board of county commissioners reasonably requests about the expected operations of the facility.

(B) The board of county commissioners shall request the director of development services to certify that the proposed facility meets the criteria for an impact facility listed in division (B) of section 333.01 of the Revised Code. The board of county commissioners may, but need not, make findings of fact that a proposed facility meets the criteria for an impact facility listed in division (B) of section 333.01 of the Revised Code before or after requesting the certification. If the director of development services certifies a proposed facility as an impact facility under this section, and if the board makes such findings, the findings and certification are conclusive and not subject to reopening at any time.

Sec. 333.04. (A) After review of the items submitted under division (A) of section 333.03 of the Revised Code, and after receipt of the certification from the director of development services under division (B) of that section, a board of county commissioners, before June 1, ~~2007~~ 2015, may enter into an agreement under section 333.02 of the Revised Code, provided that the board has determined all of the following:

(1) The proposed impact facility is economically sound;

(2) Construction of the proposed impact facility has not begun prior to the day the agreement is entered into;	25255 25256
(3) The impact facility will benefit the county by increasing employment opportunities and strengthening the local and regional economy; and	25257 25258 25259
(4) Receiving payments from the board of county commissioners is a major factor in the person's decision to go forward with construction of the impact facility.	25260 25261 25262
(B) An agreement entered into under this section shall include all of the following:	25263 25264
(1) A description of the impact facility that is the subject of the agreement, including the existing investment level, if any, the proposed amount of investments, the scheduled starting and completion dates for the facility, and the number and type of full-time equivalent positions to be created at the facility;	25265 25266 25267 25268 25269
(2) The percentage of the county sales and use tax collected at the impact facility that will be used to make payments to the person entering into the agreement;	25270 25271 25272
(3) The term of the payments and the first calendar quarter in which the person may apply for a payment under section 333.06 of the Revised Code;	25273 25274 25275
(4) A requirement that the amount of payments made to the person during the term established under division (B)(3) of this section shall not exceed the person's qualifying investment, and that all payments cease when that amount is reached;	25276 25277 25278 25279
(5) A requirement that the person maintain operations at the impact facility for at least the term established under division (B)(3) of this section;	25280 25281 25282
(6) A requirement that the person annually certify to the board of county commissioners, on or before a date established by	25283 25284

the board in the agreement, the level of investment in, the number 25285
of employees and type of full-time equivalent positions at, and 25286
the amount of county sales and use tax collected and remitted to 25287
the tax commissioner or treasurer of state from sales made at, the 25288
facility; 25289

(7) A provision stating that the creation of the proposed 25290
impact facility does not involve the relocation of ~~more than ten~~ 25291
~~any~~ full-time equivalent positions ~~and two million dollars in~~ 25292
~~taxable assets or any tangible personal property~~ to the impact 25293
facility from another facility owned by the person, or a related 25294
member of the person, that is located in another political 25295
subdivision of this state, other than the political subdivision in 25296
which the impact facility is or will be located; 25297

~~(8) A provision stating that the person will not relocate~~ 25298
~~more than ten full time equivalent positions and two million~~ 25299
~~dollars in taxable assets to the impact facility from another~~ 25300
~~facility in another political subdivision of this state during the~~ 25301
~~term of the payments without the written approval of the director~~ 25302
~~of development;~~ 25303

~~(9)~~ A detailed explanation of how the person determined that 25304
more than fifty per cent of the visitors to the facility live at 25305
least ~~one hundred~~ fifty miles from the facility. 25306

~~(C) For purposes of this section, the transfer of a full time~~ 25307
~~equivalent position or taxable asset from another political~~ 25308
~~subdivision in this state to the political subdivision in which~~ 25309
~~the impact facility is or will be located shall be considered a~~ 25310
~~relocation, unless the person refills the full time equivalent~~ 25311
~~position, or replaces the taxable asset with an asset of equal or~~ 25312
~~greater taxable value, within six months after the transfer. The~~ 25313
~~person may not receive a payment under this chapter for any year~~ 25314
~~in which more than ten relocations occurred without the written~~ 25315
~~consent of the board of county commissioners~~ No payment may be 25316

made under this chapter to a person that is found to be in 25317
violation of the provision described in division (B)(7) of this 25318
section. 25319

Sec. 333.05. (A) ~~If~~ Except as otherwise provided in this 25320
division, if a person fails to meet or comply with any provision 25321
of an agreement entered into under section 333.02 of the Revised 25322
Code, the board of county commissioners may amend the agreement to 25323
reduce the percentage or term, or both, of the payments the person 25324
is entitled to receive under the agreement. The reduction shall 25325
commence in the calendar quarter immediately following the 25326
calendar quarter in which the board amends the agreement. If a 25327
person fails to comply with the provision described in division 25328
(B)(7) of section 333.04 of the Revised Code, no payments may be 25329
made under this chapter to that person after the person is found 25330
to be in violation. 25331

(B) A board of county commissioners shall submit to the 25332
department of development and to the tax commissioner a copy of 25333
each agreement entered into under section 333.02 of the Revised 25334
Code and any modifications to an agreement within thirty days 25335
after finalization or modification of the agreement. 25336

Sec. 339.02. (A) As used in this section, "area served by the 25337
hospital" means the geographic area, whether or not included 25338
within the county, from which a county hospital regularly draws 25339
patients. 25340

(B) Unless a board of county hospital trustees for the county 25341
is in existence in accordance with this section, such board shall 25342
be created pursuant to this section after the board of county 25343
commissioners first determines by resolution to establish a county 25344
hospital. Copies of such resolution shall be certified to the 25345
probate judge of the county senior in point of service and to the 25346

judge, other than a probate judge, of the court of common pleas of 25347
the county senior in point of service. The board of county 25348
commissioners together with the probate judge of the county senior 25349
in point of service and the judge of the court of common pleas of 25350
the county senior in point of service shall, within ten days after 25351
such certification, appoint a board of county hospital trustees. 25352

(C) In making appointments to a board of county hospital 25353
trustees, ~~all~~ both of the following apply with respect to the 25354
individuals who may be appointed: 25355

(1) Members shall be electors and representative of the area 25356
served by the hospital, except that not more than two members may 25357
be electors of the area served by the hospital that is outside the 25358
county in which the hospital is located. 25359

~~(2) In no case shall more than one half of the members be 25360
independents or be members of any one political party. 25361~~

~~(3)~~ A physician may serve as a member, including a physician 25362
who is authorized to admit and treat patients at the hospital, 25363
except as follows: 25364

(a) Not more than two physicians may serve as members at the 25365
same time; 25366

(b) No physician who is employed by the hospital may serve as 25367
a member. 25368

(D) A board of county hospital trustees shall be composed of 25369
six members, unless the board of county commissioners determines 25370
that the board of trustees can more effectively function with 25371
eight or ten members in which case there may be eight or ten 25372
members, as designated by the board of county commissioners. 25373

(E) With respect to the initial appointment of members to a 25374
board of county hospital trustees, all of the following apply: 25375

(1) When the board is composed of six members, their terms of 25376

office shall be one for one year, one for two years, one for three 25377
years, one for four years, one for five years, and one for six 25378
years from the first Monday of March thereafter. 25379

(2) When the board is composed of eight members, their terms 25380
of office shall be one for one year, one for two years, two for 25381
three years, one for four years, one for five years, and two for 25382
six years from the first Monday of March thereafter. 25383

(3) When the board is composed of ten members, their terms of 25384
office shall be two for one year, one for two years, two for three 25385
years, two for four years, one for five years, and two for six 25386
years from the first Monday of March thereafter. 25387

(F) Except as provided in division (G)(2) of this section, 25388
all of the following apply with respect to vacancies on a board of 25389
county hospital trustees: 25390

(1) Annually, on the first Monday of March, the board of 25391
county commissioners together with the probate judge of the county 25392
senior in point of service and the judge of the court of common 25393
pleas of the county senior in point of service shall appoint or 25394
reappoint for a term of six years a sufficient number of members 25395
to replace those members whose terms have expired. 25396

(2) The appointing authority shall fill a vacancy not later 25397
than six months after the vacancy occurs. If the vacancy remains 25398
unfilled on that date, the remaining members of the board, by 25399
majority vote, shall appoint an individual to fill the vacancy. 25400

(3) The appointing authority may fill a vacancy by seeking 25401
nominations from a selection committee consisting of one county 25402
commissioner designated by the board of county commissioners, the 25403
chair of the board of county hospital trustees, and the county 25404
hospital administrator. If nominations for filling a vacancy are 25405
sought from a selection committee, the committee shall nominate at 25406
least three individuals for the vacancy. The appointing authority 25407

may fill the vacancy by appointing one of the nominated 25408
individuals or by appointing another individual selected by the 25409
appointing authority. 25410

(4) Any member appointed to fill a vacancy occurring prior to 25411
the expiration date of the term for which the member's predecessor 25412
was appointed shall hold office as a member for the remainder of 25413
that term. 25414

(G)(1) The board of county commissioners together with the 25415
probate judge senior in point of service and the judge of the 25416
court of common pleas senior in point of service in any county in 25417
which a board of county hospital trustees has been appointed may 25418
expand the number of members to eight or to ten. When the number 25419
of members is increased to eight, one shall be appointed for a 25420
three-year and one for a six-year term from the first Monday of 25421
March thereafter. When the number of members is increased from six 25422
to ten, the term for additional members shall be: one for one 25423
year, one for three years, one for four years, and one for six 25424
years from the first Monday of March thereafter. When the number 25425
of members is increased from eight to ten, the term for additional 25426
members shall be: one for one year and one for four years from the 25427
first Monday of March thereafter. Thereafter except as provided in 25428
division (G)(2) of this section, upon the expiration of the term 25429
of office of each member, the vacancy shall be filled in the 25430
manner specified in division (F) of this section. 25431

(2) The board of county commissioners together with the 25432
probate judge senior in point of service and the judge of the 25433
court of common pleas senior in point of service may reduce the 25434
number of members of a board of county hospital trustees to eight 25435
or to six. The reduction shall occur on expiration of a member's 25436
term of office, at which time no appointment shall be made. While 25437
the board of county commissioners and the judges are in the 25438
process of reducing the number of members, the board of county 25439

hospital trustees may consist of nine or seven members for one 25440
year. 25441

(H) Any member of a board of county hospital trustees may be 25442
removed from office by the appointing authority for neglect of 25443
duty, misconduct, or malfeasance in office. The member shall be 25444
informed in writing of the charges and afforded an opportunity for 25445
a hearing before the appointing authority. The appointing 25446
authority shall not remove a member from office for political 25447
reasons. 25448

(I) The board of county commissioners may provide members of 25449
a board of county hospital trustees ~~shall a stipend for their~~ 25450
service or require the members to serve without compensation, but, 25451
The members shall be allowed their necessary and reasonable 25452
expenses incurred in the performance of their duties, including 25453
the cost of their participation in any continuing education 25454
programs or developmental programs that the members consider 25455
necessary. Allowable stipends and expenses shall be paid out of 25456
the funds provided for the county hospital. 25457

(J) The persons selected to be members of a board of county 25458
hospital trustees shall forthwith be notified, by mail, of their 25459
appointment. When a board is initially appointed, the notice shall 25460
state a time, not more than ten days later, when such board shall 25461
meet at the county seat of such county to organize. On the date 25462
stated, the board shall meet and organize. 25463

(K) A board of county hospital trustees shall organize by 25464
electing one of its number as chairperson and such other officers 25465
as specified in the board's rules. Four members of a six-member 25466
board constitute a quorum, five members constitute a quorum of an 25467
eight-member board, and six members constitute a quorum of a 25468
ten-member board. 25469

A board of county hospital trustees shall hold meetings at 25470

least ~~once a month~~ quarterly, shall adopt necessary rules of 25471
procedure, and shall keep a record of its proceedings and a strict 25472
account of all its receipts, disbursements, and expenditures. On 25473
completion of the construction and equipping of a county hospital, 25474
the board shall file such account with the board of county 25475
commissioners and make final settlement with the board of county 25476
commissioners for the construction and equipping of the hospital. 25477

Sec. 339.05. (A) A board of county hospital trustees may 25478
adopt, annually, bidding procedures and purchasing or leasing 25479
policies ~~for services~~ provided through a joint purchasing 25480
arrangement sponsored by a nonprofit organization, ~~and~~ for 25481
services, supplies, and equipment, that are routinely used in the 25482
operation of the hospital and that cost in excess of the amount 25483
specified in section 307.86 of the Revised Code as the amount 25484
above which purchases must be competitively bid. If a board of 25485
county hospital trustees adopts those policies and procedures, and 25486
if the board of county commissioners approves them, the board of 25487
county hospital trustees may follow those policies and procedures 25488
in lieu of following the competitive bidding procedures of 25489
sections 307.86 to 307.92 of the Revised Code. 25490

(B) Notwithstanding section 307.86 of the Revised Code, the 25491
board of county hospital trustees is exempt from competitive 25492
bidding as required under that section if the board, by a 25493
unanimous vote of its members, makes a determination that a real 25494
and present emergency exists, and either of the following applies: 25495

(1) The estimated cost is less than one hundred thousand 25496
dollars. 25497

(2) There is actual physical damage to structures or 25498
equipment. 25499

The board shall enter the determination of emergency and the 25500
reasons for it in the minutes of its proceedings. 25501

For purposes of this section, a vote is unanimous if all 25502
members of a board of county hospital trustees are present, or a 25503
lesser number of members of the board if not all members are 25504
present, provided that the number of members present constitutes a 25505
quorum. 25506

Whenever a contract of purchase, lease, or construction is 25507
exempted from competitive bidding because the estimated cost is 25508
less than one hundred thousand dollars, but the estimated cost is 25509
fifty thousand dollars or more, the board shall solicit informal 25510
estimates from not fewer than three persons who could perform the 25511
contract, before awarding the contract. With regard to each such 25512
contract, the board shall maintain a record of the informal 25513
estimates, including the name of each person from whom an informal 25514
estimate was solicited. The board shall maintain the record for 25515
the longer of at least one year after the contract is awarded or 25516
an amount of time required by the federal government. 25517

Sec. 339.06. (A) The board of county hospital trustees, upon 25518
completion of construction or leasing and equipping of a county 25519
hospital, shall assume and continue the operation of the hospital. 25520

(B) The board of county hospital trustees shall have the 25521
entire management and control of the county hospital. The board 25522
may in writing delegate its management and control of the county 25523
hospital to the administrator of the county hospital employed 25524
under section 339.07 of the Revised Code. The board shall 25525
establish such rules for the hospital's government, management, 25526
control, and the admission of persons as are expedient. 25527

(C) The board of county hospital trustees has control of the 25528
property of the county hospital, including management and disposal 25529
of surplus property other than real estate or an interest in real 25530
estate. 25531

(D) With respect to the use of funds by the board of county 25532

hospital trustees and its accounting for the use of funds, all of 25533
the following apply: 25534

(1) The board of county hospital trustees has control of all 25535
funds used in the county hospital's operation, including moneys 25536
received from the operation of the hospital, moneys appropriated 25537
for its operation by the board of county commissioners, and moneys 25538
resulting from special levies submitted by the board of county 25539
commissioners as provided for in section 5705.22 of the Revised 25540
Code. 25541

(2) Of the funds used in the county hospital's operation, all 25542
or part of any amount determined not to be necessary to meet 25543
current demands on the hospital may be invested by the board of 25544
county hospital trustees or its designee in any classifications of 25545
securities and obligations eligible for deposit or investment of 25546
county moneys pursuant to section 135.35 of the Revised Code, 25547
subject to the approval of the board's written investment policy 25548
by the county investment advisory committee established pursuant 25549
to section 135.341 of the Revised Code. 25550

(3) Annually, not later than sixty days before the end of the 25551
fiscal year used by the county hospital, the board of county 25552
hospital trustees shall submit its proposed budget for the ensuing 25553
fiscal year to the board of county commissioners for that board's 25554
review. The board of county commissioners shall review and approve 25555
the proposed budget by the first day of the fiscal year to which 25556
the budget applies. If the board of county commissioners has not 25557
approved the budget by the first day of the fiscal year to which 25558
the budget applies, the budget is deemed to have been approved by 25559
the board on the first day of that fiscal year. 25560

(4) The board of county hospital trustees shall not expend 25561
funds received from taxes collected pursuant to any tax levied 25562
under section 5705.22 of the Revised Code or the amount 25563
appropriated to the county hospital by the board of county 25564

commissioners in the annual appropriation measure for the county 25565
until its budget for the applicable fiscal year is approved in 25566
accordance with division (C)(3) of this section. At any time the 25567
amount received from those sources differs from the amount shown 25568
in the approved budget, the board of county commissioners may 25569
require the board of county hospital trustees to revise the county 25570
hospital budget accordingly. 25571

(5) Funds under the control of the board of county hospital 25572
trustees may be disbursed by the board, consistent with the 25573
approved budget, for the uses and purposes of the county hospital; 25574
for the replacement of necessary equipment; for the acquisition, 25575
leasing, or construction of permanent improvements to county 25576
hospital property; or for making a donation authorized by division 25577
(E) of this section. Each disbursement of funds shall be made on a 25578
voucher signed by signatories designated and approved by the board 25579
of county hospital trustees. 25580

(6) The head of a board of county hospital trustees is not 25581
required to file an estimate of contemplated revenue and 25582
expenditures for the ensuing fiscal year under section 5705.28 of 25583
the Revised Code unless the board of county commissioners levies a 25584
tax for the county hospital, or such a tax is proposed, or the 25585
board of county hospital trustees desires that the board of county 25586
commissioners make an appropriation to the county hospital for the 25587
ensuing fiscal year. 25588

(7) All moneys appropriated by the board of county 25589
commissioners or from special levies by the board of county 25590
commissioners for the operation of the hospital, when collected 25591
shall be paid to the board of county hospital trustees on a 25592
warrant of the county auditor and approved by the board of county 25593
commissioners. 25594

(8) The board of county hospital trustees shall provide for 25595
the conduct of an annual financial audit of the county hospital. 25596

Not later than thirty days after it receives the final report of 25597
an annual financial audit, the board shall file a copy of the 25598
report with the board of county commissioners. 25599

(E) For the public purpose of improving the health, safety, 25600
and general welfare of the community, the board of county hospital 25601
trustees may donate to a nonprofit entity any of the following: 25602

(1) Moneys and other financial assets determined not to be 25603
necessary to meet current demands on the hospital; 25604

(2) Surplus hospital property, including supplies, equipment, 25605
office facilities, and other property that is not real estate or 25606
an interest in real estate; 25607

(3) Services rendered by the hospital. 25608

(F)(1) For purposes of division (F)(2) of this section: 25609

(a) "Bank" has the same meaning as in section 1101.01 of the 25610
Revised Code. 25611

(b) "Savings and loan association" has the same meaning as in 25612
section 1151.01 of the Revised Code. 25613

(c) "Savings bank" has the same meaning as in section 1161.01 25614
of the Revised Code. 25615

(2) The board of county hospital trustees may enter into a 25616
contract for a secured line of credit with a bank, savings and 25617
loan association, or savings bank if the contract meets all of the 25618
following requirements: 25619

(a) The term of the contract does not exceed one year, except 25620
that the contract may provide for the automatic renewal of the 25621
contract for up to four additional one-year periods if, on the 25622
date of automatic renewal, the aggregate outstanding draws 25623
remaining unpaid under the secured line of credit do not exceed 25624
fifty per cent of the maximum amount that can be drawn under the 25625
secured line of credit. 25626

(b) The contract provides that the bank, savings and loan association, or savings bank shall not commence a civil action against the board of county commissioners, any member of the board, or the county to recover the principal, interest, or any charges or other amounts that remain outstanding on the secured line of credit at the time of any default by the board of county hospital trustees.

(c) The contract provides that no assets other than those of the county hospital can be used to secure the line of credit.

(d) The terms and conditions of the contract comply with all state and federal statutes and rules governing the extension of a secured line of credit.

(3) Any obligation incurred by a board of county hospital trustees under division (F)(2) of this section is an obligation of that board only and not a general obligation of the board of county commissioners or the county within the meaning of division (Q) of section 133.01 of the Revised Code.

(4) Notwithstanding anything to the contrary in the Revised Code, the board of county hospital trustees may secure the line of credit authorized under division (F)(2) of this section by the grant of a security interest in any part or all of its tangible personal property and intangible personal property, including its deposit accounts, accounts receivable, or both.

(5) No board of county hospital trustees shall at any time have more than one secured line of credit under division (F)(2) of this section.

(G) The board of county hospital trustees shall establish a schedule of charges for all services and treatment rendered by the county hospital. It may provide for the free treatment in the hospital of soldiers, sailors, and marines of the county, under such conditions and rules as it prescribes.

(H) The board of county hospital trustees may designate the amounts and forms of insurance protection to be provided, and the board of county commissioners shall assist in obtaining such protection. The expense of providing the protection shall be paid from hospital operating funds.

(I) The board of county hospital trustees may authorize a county hospital and each of its units, hospital board members, designated hospital employees, and medical staff members to be a member of and maintain membership in any local, state, or national group or association organized and operated for the promotion of the public health and welfare or advancement of the efficiency of hospital administration and in connection therewith to use tax funds for the payment of dues and fees and related expenses but nothing in this section prohibits the board from using receipts from hospital operation, other than tax funds, for the payment of such dues and fees.

(J) The following apply to the board of county hospital trustees in relation to its employees and the employees of the county hospital:

(1) The board shall adopt the wage and salary schedule for employees.

(2) The board may employ the hospital's administrator pursuant to section 339.07 of the Revised Code, and the administrator may employ individuals for the hospital in accordance with that section.

(3) The board may employ assistants as necessary to perform its clerical work, superintend properly the construction of the county hospital, and pay the hospital's expenses. Such employees may be paid from funds provided for the county hospital.

(4) The board may hire, by contract or as salaried employees, such management consultants, accountants, attorneys, engineers,

architects, construction managers, and other professional advisors 25689
as it determines are necessary and desirable to assist in the 25690
management of the programs and operation of the county hospital. 25691
Such professional advisors may be paid from county hospital 25692
operating funds. 25693

(5) Notwithstanding section 325.19 of the Revised Code, the 25694
board may grant to employees any fringe benefits the board 25695
determines to be customary and usual in the nonprofit hospital 25696
field in its community, including, but not limited to: 25697

(a) Additional vacation leave with full pay for full-time 25698
employees, including full-time hourly rate employees, after 25699
service of one year; 25700

(b) Vacation leave and holiday pay for part-time employees on 25701
a pro rata basis; 25702

(c) Leave with full pay due to death in the employee's 25703
immediate family, which shall not be deducted from the employee's 25704
accumulated sick leave; 25705

(d) Premium pay for working on holidays listed in section 25706
325.19 of the Revised Code; 25707

(e) Moving expenses for new employees; 25708

(f) Discounts on hospital supplies and services. 25709

(6) The board may provide holiday leave by observing Martin 25710
Luther King day, Washington-Lincoln day, Columbus day, and 25711
Veterans' day on days other than those specified in section 1.14 25712
of the Revised Code. 25713

(7) The board may grant to employees the insurance benefits 25714
authorized by section 339.16 of the Revised Code. 25715

(8) Notwithstanding section 325.19 of the Revised Code, the 25716
board may grant to employees, including hourly rate employees, 25717
such personal holidays as the board determines to be customary and 25718

usual in the hospital field in its community.	25719
(9) The board may provide employee recognition awards and hold employee recognition dinners.	25720 25721
(10) The board may grant to employees the recruitment and retention benefits specified under division (K) of this section.	25722 25723
(K) Notwithstanding sections 325.191 and 325.20 of the Revised Code, the board of county hospital trustees may provide, without the prior authorization of the board of county commissioners, scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees.	25724 25725 25726 25727 25728 25729 25730
The board of county hospital trustees may pay reasonable expenses for recruiting or retaining physicians and other appropriate health care practitioners.	25731 25732 25733
(L) The board of county hospital trustees may retain counsel and institute legal action in its own name for the collection of delinquent accounts. The board may also employ any other lawful means for the collection of delinquent accounts.	25734 25735 25736 25737
Sec. 339.07. (A) The board of county hospital trustees shall provide for the administration of the county hospital by directly employing a hospital administrator or by entering into a contract for the management of the hospital under which an administrator is provided. When an administrator is employed directly, the board shall adopt a job description delineating the administrator's powers and duties and the board may pay the administrator's salary and other benefits from funds provided for the hospital.	25738 25739 25740 25741 25742 25743 25744 25745
(B) During the construction and equipping of the hospital, the administrator shall act in an advisory capacity to the board of county hospital trustees. After the hospital is completed, the	25746 25747 25748

administrator shall serve as the chief executive officer and shall 25749
carry out the administration of the county hospital according to 25750
the policies set forth by the board and any written delegation. 25751

The administrator shall administer the county hospital, make 25752
reports, and take any other action that the administrator 25753
determines is necessary for the operation of the hospital. 25754

At the end of each fiscal year, the administrator shall 25755
submit to the board a complete financial statement showing the 25756
receipts, revenues, and expenditures in detail for the entire 25757
fiscal year. 25758

The administrator shall ensure that the hospital has such 25759
physicians, nurses, and other employees as are necessary for the 25760
proper care, control, and management of the county hospital and 25761
its patients. The physicians, nurses, and other employees may be 25762
suspended or removed by the administrator at any time the welfare 25763
of the hospital warrants suspension or removal. The administrator 25764
may obtain physicians, nurses, and other employees by direct 25765
employment, entering into contracts, or granting authority to 25766
practice in the hospital. Persons employed directly shall be in 25767
the unclassified civil service, pursuant to section 124.11 of the 25768
Revised Code. 25769

Sec. 340.01. (A) As used in this chapter, "addiction," 25770
"addiction services," "alcohol and drug addiction services," ~~and~~ 25771
"community addiction services provider," "community mental health 25772
services provider," "~~alcohol and drug addiction programs gambling~~ 25773
addiction services," "mental health services," and "mental 25774
illness" have the same meanings as in section ~~3793.01~~ 5119.01 of 25775
the Revised Code. 25776

(B) An alcohol, drug addiction, and mental health service 25777
district shall be established in any county or combination of 25778
counties having a population of at least fifty thousand to provide 25779

~~alcohol and drug~~ addiction services and mental health services. 25780
With the approval of the ~~directors~~ director of ~~mental health and~~ 25781
~~alcohol and drug addiction services~~ mental health and addiction 25782
services, any county or combination of counties having a 25783
population of less than fifty thousand may establish such a 25784
district. Districts comprising more than one county shall be known 25785
as joint-county districts. 25786

The board of county commissioners of any county participating 25787
in a joint-county district may submit a resolution requesting 25788
withdrawal from the district together with a comprehensive plan or 25789
plans that are in compliance with rules adopted by the director of 25790
~~mental health~~ mental health and addiction services under ~~section~~ 25791
~~5119.61~~ section 5119.22 of the Revised Code ~~and rules adopted by~~ 25792
~~the department of alcohol and drug addiction services under~~ 25793
~~section 3793.05 of the Revised Code~~, and that provide for the 25794
equitable adjustment and division of all services, assets, 25795
property, debts, and obligations, if any, of the joint-county 25796
district to the board of alcohol, drug addiction, and mental 25797
health services, to the boards of county commissioners of each 25798
county in the district, and to the directors. No county 25799
participating in a joint-county service district may withdraw from 25800
the district without the consent of the ~~directors~~ director of 25801
~~mental health and alcohol and drug addiction services~~ mental 25802
health and addiction services nor earlier than one year after the 25803
submission of such resolution unless all of the participating 25804
counties agree to an earlier withdrawal. Any county withdrawing 25805
from a joint-county district shall continue to have levied against 25806
its tax list and duplicate any tax levied by the district during 25807
the period in which the county was a member of the district until 25808
such time as the levy expires or is renewed or replaced. 25809

Sec. 340.011. (A) This chapter shall be interpreted to 25810
accomplish all of the following: 25811

(1) Establish a unified system of treatment for mentally ill persons <u>and persons with addictions</u> ;	25812
	25813
(2) Establish a community support system available for every alcohol, drug addiction, and mental health service district;	25814
	25815
(3) Protect the personal liberty of mentally ill persons so that they may be treated in the least restrictive environment;	25816
	25817
(4) Encourage the development of high quality, cost effective, and comprehensive services, including culturally sensitive services;	25818
	25819
	25820
(5) Foster the development of comprehensive community mental health services, based on recognized local needs, especially for severely mentally disabled children, adolescents, and adults;	25821
	25822
	25823
(6) Ensure that services provided meet minimum standards established by the director of mental health or the department of alcohol and drug addiction services <u>mental health and addiction services</u> ;	25824
	25825
	25826
	25827
(7) Promote the delivery of high quality and cost-effective alcohol and drug addiction <u>and mental health</u> services;	25828
	25829
(8) Promote the participation of consumers of <u>persons receiving</u> mental health services and alcohol and drug addiction services in the planning, delivery, and evaluation of these services.	25830
	25831
	25832
	25833
(B) Nothing in Chapter 340., 3793. , 5119., or 5122. of the Revised Code shall be construed as requiring a board of county commissioners to provide resources beyond the total amount set forth in a community <u>budget and statement of services to be provided by the alcohol, drug addiction, and mental health plan services board</u> , as developed and submitted under section 340.03 <u>340.08</u> of the Revised Code, to provide the services listed in section 340.09 of the Revised Code, and nothing in those chapters	25834
	25835
	25836
	25837
	25838
	25839
	25840
	25841

~~shall be construed as requiring a board of county commissioners to~~ 25842
~~provide resources beyond the total amount set forth in a plan for~~ 25843
~~alcohol and drug addiction services, prepared and submitted in~~ 25844
~~accordance with sections 340.033 and 3793.05 of the Revised Code,~~ 25845
~~to provide alcohol and drug addiction services.~~ 25846

~~Sec. 340.02. As used in this section, "mental health~~ 25847
~~professional" means a person who is qualified to work with~~ 25848
~~mentally ill persons, pursuant to standards established by the~~ 25849
~~director of mental health under section 5119.611 of the Revised~~ 25850
~~Code.~~ 25851

(A) For each alcohol, drug addiction, and mental health 25852
service district, there shall be appointed a board of alcohol, 25853
drug addiction, and mental health services consisting of eighteen 25854
members or fourteen members. Should the board of alcohol, drug 25855
addiction, and mental health services elect to remain at eighteen 25856
members, as provided under section 340.02 of the Revised Code as 25857
it existed immediately prior to the date of this amendment, the 25858
board of alcohol, drug addiction, and mental health services and 25859
the board of county commissioners shall not be required to take 25860
any action. Should the board of alcohol, drug addiction, and 25861
mental health services elect a recommendation to become a 25862
fourteen-member board, that recommendation must be approved by the 25863
board of county commissioners of the county in which the alcohol, 25864
drug addiction, and mental health district is located in order for 25865
the transition to a fourteen-member board to occur. Not later than 25866
September 30, 2013, each board of alcohol, drug addiction, and 25867
mental health services wishing to become a fourteen-member board 25868
shall notify the board of county commissioners of that 25869
recommendation. Failure of the board of county commissioners to 25870
take action within thirty days after receipt of the recommendation 25871
shall be deemed agreement by the board of county commissioners to 25872
transition to a fourteen-member board of alcohol, drug addiction, 25873

and mental health services. Should the board of county 25874
commissioners reject the recommendation, the board of county 25875
commissioners shall adopt a resolution stating that rejection 25876
within thirty days after receipt of the recommendation. Upon 25877
adoption of the resolution, the board of county commissioners 25878
shall meet with the board of alcohol, drug addiction, and mental 25879
health services to discuss the matter. After the meeting, the 25880
board of county commissioners shall notify the department of 25881
mental health and addiction services of its election not later 25882
than January 1, 2014. In a joint-county district, a majority of 25883
the boards of county commissioners must not reject the 25884
recommendation of a joint-county board to become a fourteen-member 25885
board in order for the transition to a fourteen-member board to 25886
occur. Should the joint-county district have an even number of 25887
counties, and the boards of county commissioners of these counties 25888
tie in terms of whether or not to accept the recommendation of the 25889
alcohol, drug addiction, and mental health services board, the 25890
recommendation of the alcohol, drug addiction, and mental health 25891
service board to become a fourteen-member board shall prevail. The 25892
election shall be final. Failure to provide notice of its election 25893
to the department on or before January 1, 2014, shall constitute 25894
an election to continue to operate as an eighteen-member board, 25895
which election shall also be final. If an existing board provides 25896
timely notice of its election to transition to operate as a 25897
fourteen-member board, the number of board members may decline 25898
from eighteen to fourteen by attrition as current members' terms 25899
expire. However, the composition of the board must reflect the 25900
requirements set forth in this section for fourteen-member boards. 25901
Nine For all boards, half of the members shall be interested in 25902
mental health ~~programs and facilities~~ services and ~~nine other~~ half 25903
of the members shall be interested in alcohol ~~or~~, drug, or 25904
~~gambling~~ addiction programs services. All members shall be 25905
residents of the service district. The membership shall, as nearly 25906

as possible, reflect the composition of the population of the 25907
service district as to race and sex. 25908

~~The (B) For boards operating as eighteen-member boards, the~~ 25909
director of ~~mental health~~ mental health and addiction services 25910
shall appoint ~~four~~ eight members of the board, ~~the director of~~ 25911
~~alcohol and drug addiction services shall appoint four members,~~ 25912
and the board of county commissioners shall appoint ten members. 25913
For boards operating as fourteen-member boards, the director of 25914
mental health and addiction services shall appoint six members of 25915
the board and the board of county commissioners shall appoint 25916
eight members. In a joint-county district, the county 25917
commissioners of each participating county shall appoint members 25918
in as nearly as possible the same proportion as that county's 25919
population bears to the total population of the district, except 25920
that at least one member shall be appointed from each 25921
participating county. 25922

(C) The director of ~~mental health~~ mental health and addiction 25923
services shall ensure that at least one member of the board is a 25924
~~psychiatrist and one member of the board is a mental health~~ 25925
~~professional. If the appointment of a psychiatrist is not~~ 25926
~~possible, as determined under rules adopted by the director, a~~ 25927
~~licensed physician may be appointed in place of the psychiatrist.~~ 25928
~~If the appointment of a licensed physician is not possible, the~~ 25929
~~director of mental health may waive the requirement that the~~ 25930
~~psychiatrist or licensed physician be a resident of the service~~ 25931
~~district and appoint a psychiatrist or licensed physician from a~~ 25932
~~contiguous county. The director of mental health shall ensure that~~ 25933
clinician with experience in the delivery of mental health 25934
services, at least one member of the board is a person who has 25935
received or is receiving mental health services paid for by public 25936
funds ~~and,~~ at least one member of the board is a parent or other 25937
relative of such a person. 25938

~~The director of alcohol and drug addiction services shall~~ 25939
~~ensure that at least one member of the board is a professional in~~ 25940
~~the field of alcohol or drug addiction services and one member of~~ 25941
~~the board is an advocate for persons receiving treatment for~~ 25942
~~alcohol or drug addiction. Of the members appointed by the~~ 25943
~~director of alcohol and drug addiction services, at least one~~ 25944
member of the board is a clinician with experience in the delivery 25945
of addiction services, at least one shall be member of the board 25946
is a person who has received or is receiving services for alcohol 25947
or drug addiction services paid for by public funds, and at least 25948
one shall be member of the board is a parent or other relative of 25949
such a person. A single member who meets both qualifications may 25950
fulfill the requirement for a clinician with experience in the 25951
delivery of mental health services and a clinician with experience 25952
in the delivery of addiction services. 25953

(D) No member or employee of a board of alcohol, drug 25954
addiction, and mental health services shall serve as a member of 25955
the board of any ~~agency provider~~ with which the board of alcohol, 25956
drug addiction, and mental health services has entered into a 25957
contract for the provision of services or facilities. No member of 25958
a board of alcohol, drug addiction, and mental health services 25959
shall be an employee of any ~~agency provider~~ with which the board 25960
has entered into a contract for the provision of services or 25961
facilities, ~~unless the board member's employment duties with the~~ 25962
~~agency consist of providing, only outside the district the board~~ 25963
~~serves, services for which the medicaid program pays.~~ No person 25964
shall be an employee of a board and such ~~an agency a provider~~ 25965
unless the board and ~~agency provider~~ both agree in writing. 25966

(E) No person shall serve as a member of the board of 25967
alcohol, drug addiction, and mental health services whose spouse, 25968
child, parent, brother, sister, grandchild, stepparent, stepchild, 25969
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 25970

daughter-in-law, brother-in-law, or sister-in-law serves as a 25971
member of the board of any ~~agency~~ provider with which the board of 25972
alcohol, drug addiction, and mental health services has entered 25973
into a contract for the provision of services or facilities. No 25974
person shall serve as a member or employee of the board whose 25975
spouse, child, parent, brother, sister, stepparent, stepchild, 25976
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 25977
daughter-in-law, brother-in-law, or sister-in-law serves as a 25978
county commissioner of a county or counties in the alcohol, drug 25979
addiction, and mental health service district. 25980

(F) Each year each board member shall attend at least one 25981
inservice training session provided or approved by the department 25982
of ~~mental health or the department of alcohol and drug addiction~~ 25983
~~services~~ mental health and addiction services. ~~Such training~~ 25984
~~sessions shall not be considered to be regularly scheduled~~ 25985
~~meetings of the board.~~ 25986

~~Each~~ (G) For boards operating as eighteen-member boards, each 25987
member shall be appointed for a term of four years, commencing the 25988
first day of July, except that one-third of initial appointments 25989
to a newly established board, and to the extent possible to 25990
expanded boards, shall be for terms of two years, one-third of 25991
initial appointments shall be for terms of three years, and 25992
one-third of initial appointments shall be for terms of four 25993
years. For boards operating as fourteen-member boards, each member 25994
shall be appointed for a term of four years, commencing the first 25995
day of July, except that four of the initial appointments to a 25996
newly established board, and to the extent possible to expanded 25997
boards, shall be for terms of two years, five initial appointments 25998
shall be for terms of three years, and five initial appointments 25999
shall be for terms of four years. No member shall serve more than 26000
two consecutive four-year terms under the same appointing 26001
authority. A member may serve for three consecutive terms under 26002

the same appointing authority only if one of the terms is for less than two years. A member who has served two consecutive four-year terms or three consecutive terms totaling less than ten years is eligible for reappointment by the same appointing authority one year following the end of the second or third term, respectively.

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

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

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

Sec. 340.021. (A) In an alcohol, drug addiction, and mental health service district ~~comprised of a county with a population of two hundred fifty thousand or more on October 10, 1989, the board of county commissioners shall, within thirty days of October 10, 1989, establish an alcohol and drug addiction services board as~~

~~the entity responsible for providing alcohol and drug addiction~~ 26034
~~services in the county, unless, prior to that date, the board~~ 26035
~~adopts a resolution providing that the entity responsible for~~ 26036
~~providing the services is a board of alcohol, drug addiction, and~~ 26037
~~mental health services. If where the board of county commissioners~~ 26038
~~establishes has established an alcohol and drug addiction services~~ 26039
board, the community mental health board established under former 26040
section 340.02 of the Revised Code shall serve as the entity 26041
responsible for providing mental health services in the county. A 26042
community mental health board has all the powers, duties, and 26043
obligations of a board of alcohol, drug addiction, and mental 26044
health services with regard to mental health services. An alcohol 26045
and drug addiction services board has all the powers, duties, and 26046
obligations of a board of alcohol, drug addiction, and mental 26047
health services with regard to ~~alcohol and drug~~ addiction 26048
services. Any provision of the Revised Code that refers to a board 26049
of alcohol, drug addiction, and mental health services with regard 26050
to mental health services also refers to a community mental health 26051
board and any provision that refers to a board of alcohol, drug 26052
addiction, and mental health services with regard to alcohol and 26053
drug addiction services also refers to an alcohol and drug 26054
addiction services board. 26055

An alcohol and drug addiction services board shall consist of 26056
eighteen ~~members or fourteen~~ members, ~~six of whom~~ at the election 26057
of the board. Not later than January 1, 2014, each alcohol and 26058
drug addiction services board shall notify the department of 26059
mental health and addiction services of its election to operate as 26060
an eighteen-member board or to operate as a fourteen-member board. 26061
The election shall be final. Failure to provide notice of its 26062
election to the department on or before January 1, 2014, shall 26063
constitute an election to continue to operate as an 26064
eighteen-member board. If an existing board provides timely notice 26065
of its election to operate as a fourteen-member board, the number 26066

of board members may decline from eighteen to fourteen by 26067
attrition as current members' terms expire. However, the 26068
composition of the board must reflect the requirements set forth 26069
in this section and in applicable provisions of section 340.02 of 26070
the Revised Code for fourteen-member boards. For boards operating 26071
as eighteen-member boards, six members shall be appointed by the 26072
director of alcohol and drug addiction services mental health and 26073
addiction services and twelve of whom members shall be appointed 26074
by the board of county commissioners. Of the members appointed by 26075
the ~~The~~ director, one shall be of mental health and addiction 26076
services shall ensure that at least one member of the board is a 26077
person who has received or is receiving services for alcohol ~~or,~~ 26078
drug, or gambling addiction paid for with public funds, at least 26079
one shall be member is a parent or relative of such a person, and 26080
at least one shall be member is a professional in the field of 26081
alcohol or drug clinician with experience in the delivery of 26082
addiction services, and one shall be an advocate for persons 26083
receiving treatment for alcohol or drug addiction. The membership 26084
of the board shall, as nearly as possible, reflect the composition 26085
of the population of the service district as to race and sex. 26086
Members shall be residents of the service district and shall be 26087
interested in alcohol ~~and,~~ drug, or gambling addiction services. 26088
Requirements for membership, including prohibitions against 26089
certain family and business relationships, and terms of office 26090
shall be the same as those for members of boards of alcohol, drug 26091
addiction, and mental health services. 26092

A community mental health board shall consist of eighteen 26093
members or fourteen members, at the election of the board. Not 26094
later than January 1, 2014, each community mental health board 26095
shall notify the department of mental health and addiction 26096
services of its election to operate as an eighteen-member board or 26097
to operate as a fourteen-member board. The election shall be 26098
final. Failure to provide notice of its election to the department 26099

on or before January 1, 2014, shall constitute an election to 26100
continue to operate as an eighteen-member board. If an existing 26101
board provides timely notice of its election to operate as a 26102
fourteen-member board, the number of board members may decline 26103
from eighteen to fourteen by attrition as current members' terms 26104
expire. However, the composition of the board must reflect the 26105
requirements set forth in this section and in applicable 26106
provisions of section 340.02 of the Revised Code for 26107
fourteen-member boards. For boards operating as eighteen-member 26108
boards, six of whom members shall be appointed by the director of 26109
mental health mental health and addiction services and twelve of 26110
whom members shall be appointed by the board of county 26111
commissioners. Of the members appointed by the The director, one 26112
shall be of mental health and addiction services shall ensure that 26113
at least one member of the board is a person who has received or 26114
is receiving mental health services paid for with public funds, at 26115
least one shall be member is a parent or relative of such a 26116
person, and at least one shall be member is a psychiatrist or a 26117
physician, and one shall be a clinician with experience in the 26118
delivery of mental health professional services. The membership of 26119
the board as nearly as possible shall reflect the composition of 26120
the population of the service district as to race and sex. Members 26121
shall be residents of the service district and shall be interested 26122
in mental health services. Requirements for membership, including 26123
prohibitions against certain family and business relationships, 26124
and terms of office shall be the same as those for members of 26125
boards of alcohol, drug addiction, and mental health services. 26126
26127
(B) ~~If a board of county commissioners subject to division~~ 26128
~~(A) of this section did not adopt a resolution providing for a~~ 26129
~~board of alcohol, drug addiction, and mental health services, the~~ 26130
~~board of county commissioners may establish such a board in~~ 26131
~~accordance with the following procedures:~~ 26132

~~(1) Not later than January 1, 2007, the board of county commissioners shall adopt a resolution expressing its intent to establish a board of alcohol, drug addiction, and mental health services.~~ 26133
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~~(2) After adopting a resolution under division (B)(1) of this section, the board of county commissioners shall instruct the county's community mental health board and alcohol and drug addiction services board to prepare a report on the feasibility, process, and proposed plan to establish a board of alcohol, drug addiction, and mental health services. The board of county commissioners shall specify the date by which the report must be submitted to the board for its review.~~ 26137
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~~(3) After reviewing the report prepared under division (B)(2) of this section, the board may adopt a final resolution establishing a board of alcohol, drug addiction, and mental health services. A final resolution establishing such a board shall be adopted not later than July 1, 2007.~~ 26145
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~~(C)~~(1) If a board of county commissioners subject to division (A) of this section did not adopt a final resolution providing for a board of alcohol, drug addiction, and mental health services ~~and did not establish such a board under division (B) of this section on or before July 1, 2007,~~ the board of county commissioners may establish a board of alcohol, drug addiction, and mental health services on or after the effective date of this amendment. To establish the board, the board of county commissioners shall adopt a resolution providing for the board's establishment. The composition of the board, the procedures for appointing members, and all other matters related to the board and its members are subject to section 340.02 of the Revised Code, with the following exceptions:

(a) For initial appointments to the board, the county's community mental health board and alcohol and drug addiction 26150
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services board shall jointly recommend members of those boards for 26165
reappointment and shall submit the recommendations to the board of 26166
county commissioners, ~~director of mental health,~~ and the director 26167
of ~~alcohol and drug addiction services~~ mental health and addiction 26168
services. 26169

(b) To the greatest extent possible, the appointing 26170
authorities shall appoint the initial members from among the 26171
members jointly recommended under division ~~(C)~~(B)(1)(a) of this 26172
section. 26173

(2) If a board of alcohol, drug addiction, and mental health 26174
services is established pursuant to division ~~(C)~~(B)(1) of this 26175
section, the board has the same rights, privileges, immunities, 26176
powers, and duties that were possessed by the county's community 26177
mental health board and alcohol and drug addiction services board. 26178
When the board is established, all property and obligations of the 26179
community mental health board and alcohol and drug addiction 26180
services board shall be transferred to the board of alcohol, drug 26181
addiction, and mental health services. 26182

Sec. 340.03. (A) Subject to rules issued by the director of 26183
~~mental health~~ mental health and addiction services after 26184
consultation with relevant constituencies as required by division 26185
~~(L)~~(A)(10) of section ~~5119.06~~ 5119.21 of the Revised Code, ~~with~~ 26186
~~regard to mental health services,~~ the board of alcohol, drug 26187
addiction, and mental health services shall: 26188

(1) Serve as the community addiction and mental health 26189
services planning agency for the county or counties under its 26190
jurisdiction, and in so doing it shall: 26191

(a) Evaluate the need for facilities and community addiction 26192
and mental health services; 26193

(b) In cooperation with other local and regional planning and 26194

funding bodies and with relevant ethnic organizations, assess the 26195
community addiction and mental health needs, evaluate strengths 26196
and challenges, and set priorities, ~~and develop plans~~ for the 26197
~~operation of facilities and~~ community addiction and mental health 26198
services, including treatment and prevention. When the board sets 26199
priorities for the operation of addiction services, the board 26200
shall consult with the county commissioners of the counties in the 26201
board's service district regarding the services described in 26202
section 340.15 of the Revised Code and shall give priority to 26203
those services, except that those services shall not have a 26204
priority over services provided to pregnant women under programs 26205
developed in relation to the mandate established in section 26206
5119.17 of the Revised Code; 26207

(c) In accordance with guidelines issued by the director of 26208
~~mental health~~ mental health and addiction services after 26209
consultation with board representatives, annually develop and 26210
submit to the department of ~~mental health~~ mental health and 26211
addiction services a community addiction and mental health 26212
services plan listing community addiction and mental health 26213
services needs, including the needs of all residents of the 26214
district ~~now residing in state mental institutions and severely~~ 26215
~~mentally disabled adults, children, and adolescents;~~ currently 26216
receiving inpatient services in state-operated hospitals, the 26217
needs of other populations as required by state or federal law or 26218
programs, the needs of all children subject to a determination 26219
made pursuant to section 121.38 of the Revised Code~~;~~ and ~~all the~~ 26220
priorities for facilities and community addiction and mental 26221
health services ~~that are or will be in operation or provided~~ 26222
during the period for which the plan will be in ~~operation in the~~ 26223
~~service district to meet such needs~~ effect. 26224

In alcohol, drug addiction, and mental health service 26225
districts that have separate alcohol and drug addiction services 26226

and community mental health boards, the alcohol and drug addiction services board shall submit a community addiction services plan and the community mental health board shall submit a community mental health services plan. Each board shall consult with its counterpart in developing its plan and address the interaction between the local addiction services and mental health services systems and populations with regard to needs and priorities in developing its plan.

~~The plan shall include, but not be limited to, a statement of which of the services listed in section 340.09 of the Revised Code the board intends to make available. The board must include crisis intervention services for individuals in an emergency situation in the plan and explain how the board intends to make such services available. The plan must also include a statement of the inpatient and community based services the board proposes that the department operate, an assessment of the number and types of residential facilities needed, such other information as the department requests, and a budget for moneys the board expects to receive. The department shall approve or disapprove the plan, in whole or in part, according to the criteria developed pursuant to section 5119.61 5119.22 of the Revised Code. The department's statement of approval or disapproval shall specify the inpatient and the community based services that the department will operate for the board. Eligibility for state and federal funding shall be contingent upon an approved plan or relevant part of a plan.~~

If a board determines that it is necessary to amend a plan ~~or an allocation request~~ that has been approved under this division ~~(A)(1)(c) of this section~~, the board shall submit a proposed amendment to the director. The director may approve or disapprove all or part of the amendment. The director shall inform the board of the reasons for disapproval of all or part of an amendment and of the criteria that must be met before the amendment may be

approved. The director shall provide the board an opportunity to 26259
present its case on behalf of the amendment. The director shall 26260
give the board a reasonable time in which to meet the criteria, 26261
and shall offer the board technical assistance to help it meet the 26262
criteria. 26263

The board shall ~~implement~~ operate in accordance with the plan 26264
approved by the department. 26265

(d) Promote, arrange, and implement working agreements with 26266
social agencies, both public and private, and with judicial 26267
agencies. 26268

(2) Investigate, or request another agency to investigate, 26269
any complaint alleging abuse or neglect of any person receiving 26270
services from a community addiction or mental health ~~agency as~~ 26271
~~defined in section 5122.01 of the Revised Code~~ services provider 26272
certified under section 5119.36 of the Revised Code or alleging 26273
abuse or neglect of a ~~person~~ resident receiving addiction services 26274
or with mental illness or severe mental disability residing in a 26275
residential facility licensed under section ~~5119.22~~ 5119.34 of the 26276
Revised Code. If the investigation substantiates the charge of 26277
abuse or neglect, the board shall take whatever action it 26278
determines is necessary to correct the situation, including 26279
notification of the appropriate authorities. Upon request, the 26280
board shall provide information about such investigations to the 26281
department. 26282

(3) For the purpose of section ~~5119.611~~ 5119.36 of the 26283
Revised Code, cooperate with the director of ~~mental health~~ mental 26284
health and addiction services in visiting and evaluating whether 26285
the services of a community addiction or mental health ~~agency~~ 26286
services provider satisfy the certification standards established 26287
by rules adopted under that section; 26288

(4) In accordance with criteria established under division 26289

(E) of section ~~5119.61~~ 5119.22 of the Revised Code, conduct 26290
program audits that review and evaluate the quality, 26291
effectiveness, and efficiency of services provided through its 26292
community addiction and mental health ~~plan~~ contracted services and 26293
submit its findings and recommendations to the department of 26294
~~mental health~~ mental health and addiction services; 26295

(5) In accordance with section ~~5119.22~~ 5119.34 of the Revised 26296
Code, review an application for a residential facility license and 26297
provide to the department of ~~mental health~~ mental health and 26298
addiction services any information about the applicant or facility 26299
that the board would like the department to consider in reviewing 26300
the application; 26301

(6) Audit, in accordance with rules adopted by the auditor of 26302
state pursuant to section 117.20 of the Revised Code, at least 26303
annually all programs and services provided under contract with 26304
the board. In so doing, the board may contract for or employ the 26305
services of private auditors. A copy of the fiscal audit report 26306
shall be provided to the director of ~~mental health~~ mental health 26307
and addiction services, the auditor of state, and the county 26308
auditor of each county in the board's district. 26309

(7) Recruit and promote local financial support for addiction 26310
and mental health ~~programs~~ services from private and public 26311
sources; 26312

(8)(a) Enter into contracts with public and private 26313
facilities for the operation of facility services ~~included in the~~ 26314
~~board's community mental health plan~~ and enter into contracts with 26315
public and private community addiction and mental health ~~agencies~~ 26316
service providers for the provision of community addiction and 26317
mental health services ~~that are listed in section 340.09 of the~~ 26318
~~Revised Code and included in the board's community mental health~~ 26319
~~plan~~. The board may not contract with a residential facility 26320
subject to section 5119.34 of the Revised Code unless the facility 26321

is licensed by the director of mental health and addiction 26322
services and may not contract with a community addiction or mental 26323
health agency services provider to provide community addiction or 26324
mental health services included in the board's community mental 26325
health plan unless the services are certified by the director of 26326
mental health mental health and addiction services under section 26327
5119.611 5119.36 of the Revised Code. Section 307.86 of the 26328
Revised Code does not apply to contracts entered into under this 26329
division. In contracting with a community addiction or mental 26330
health agency services provider, a board shall consider the cost 26331
effectiveness of services provided by that agency provider and the 26332
quality and continuity of care, and may review cost elements, 26333
including salary costs, of the services to be provided. A 26334
utilization review process ~~shall~~ may be established as part of the 26335
contract for services entered into between a board and a community 26336
addiction or mental health agency services provider. The board may 26337
establish this process in a way that is most effective and 26338
efficient in meeting local needs. ~~Until July 1, 2012, a contract~~ 26339
~~with a community mental health agency or facility, as defined in~~ 26340
~~section 5111.023 of the Revised Code, to provide services listed~~ 26341
~~in division (B) of that section shall provide for the agency or~~ 26342
~~facility to be paid in accordance with the contract entered into~~ 26343
~~between the departments of job and family services and mental~~ 26344
~~health under section 5111.91 of the Revised Code and any rules~~ 26345
~~adopted under division (A) of section 5119.61 of the Revised Code.~~ 26346

If either the board or a facility or community addiction or 26347
mental health agency services provider with which the board 26348
contracts under this division ~~(A)(8)(a) of this section~~ proposes 26349
not to renew the contract or proposes substantial changes in 26350
contract terms, the other party shall be given written notice at 26351
least one hundred twenty days before the expiration date of the 26352
contract. During the first sixty days of this one hundred 26353
twenty-day period, both parties shall attempt to resolve any 26354

dispute through good faith collaboration and negotiation in order 26355
to continue to provide services to persons in need. If the dispute 26356
has not been resolved sixty days before the expiration date of the 26357
contract, either party may notify the department of ~~mental health~~ 26358
mental health and addiction services of the unresolved dispute. 26359
The director may require both parties to submit the dispute to a 26360
third party with the cost to be shared by the board and the 26361
facility or ~~community mental health agency~~ provider. The third 26362
party shall issue to the board, the facility or ~~agency~~ provider, 26363
and the department recommendations on how the dispute may be 26364
resolved twenty days prior to the expiration date of the contract, 26365
unless both parties agree to a time extension. The director shall 26366
adopt rules establishing the procedures of this dispute resolution 26367
process. 26368

(b) With the prior approval of the director of ~~mental health~~ 26369
mental health and addiction services, a board may operate a 26370
facility or provide a community addiction or mental health service 26371
as follows, if there is no other qualified private or public 26372
facility or community addiction or mental health ~~agency~~ services 26373
provider that is immediately available and willing to operate such 26374
a facility or provide the service: 26375

(i) In an emergency situation, any board may operate a 26376
facility or provide a community addiction or mental health service 26377
in order to provide essential services for the duration of the 26378
emergency; 26379

(ii) In a service district with a population of at least one 26380
hundred thousand but less than five hundred thousand, a board may 26381
operate a facility or provide a community addiction or mental 26382
health service for no longer than one year; 26383

(iii) In a service district with a population of less than 26384
one hundred thousand, a board may operate a facility or provide a 26385
community addiction or mental health service for no longer than 26386

one year, except that such a board may operate a facility or 26387
provide a community addiction or mental health service for more 26388
than one year with the prior approval of the director and the 26389
prior approval of the board of county commissioners, or of a 26390
majority of the boards of county commissioners if the district is 26391
a joint-county district. 26392

The director shall not give a board approval to operate a 26393
facility or provide a community addiction or mental health service 26394
under division (A)(8)(b)(ii) or (iii) of this section unless the 26395
director determines that it is not feasible to have the department 26396
operate the facility or provide the service. 26397

The director shall not give a board approval to operate a 26398
facility or provide a community addiction or mental health service 26399
under division (A)(8)(b)(iii) of this section unless the director 26400
determines that the board will provide greater administrative 26401
efficiency and more or better services than would be available if 26402
the board contracted with a private or public facility or 26403
community addiction or mental health ~~agency~~ services provider. 26404

The director shall not give a board approval to operate a 26405
facility previously operated by a person or other government 26406
entity unless the board has established to the director's 26407
satisfaction that the person or other government entity cannot 26408
effectively operate the facility or that the person or other 26409
government entity has requested the board to take over operation 26410
of the facility. The director shall not give a board approval to 26411
provide a community addiction or mental health service previously 26412
provided by a community addiction or mental health ~~agency~~ services
provider unless the board has established to the director's 26413
satisfaction that the ~~agency~~ provider cannot effectively provide 26414
the service or that the ~~agency~~ provider has requested the board 26415
take over providing the service. 26416
26417

The director shall review and evaluate a board's operation of 26418

a facility and provision of community addiction or mental health 26419
service under division (A)(8)(b) of this section. 26420

Nothing in division (A)(8)(b) of this section authorizes a 26421
board to administer or direct the daily operation of any facility 26422
or community addiction or mental health ~~agency~~ services provider, 26423
but a facility or ~~agency~~ provider may contract with a board to 26424
receive administrative services or staff direction from the board 26425
under the direction of the governing body of the facility or 26426
agency provider. 26427

(9) Approve fee schedules and related charges or adopt a unit 26428
cost schedule or other methods of payment for contract services 26429
provided by community addiction or mental health ~~agencies~~ services 26430
providers in accordance with guidelines issued by the department 26431
as necessary to comply with state and federal laws pertaining to 26432
financial assistance; 26433

(10) Submit to the director and the county commissioners of 26434
the county or counties served by the board, and make available to 26435
the public, an annual report of the ~~programs~~ services under the 26436
jurisdiction of the board, including a fiscal accounting; 26437

(11) Establish, to the extent resources are available, a 26438
~~community support system~~ continuum of care, which provides for 26439
prevention, treatment, support, and rehabilitation services and 26440
opportunities. The essential elements of the ~~system~~ continuum 26441
include, but are not limited to, the following components in 26442
accordance with section ~~5119.06~~ 5119.21 of the Revised Code: 26443

(a) To locate persons in need of addiction or mental health 26444
services to inform them of available services and benefits 26445
~~mechanisms~~; 26446

(b) Assistance for ~~clients~~ persons receiving services to 26447
obtain services necessary to meet basic human needs for food, 26448
clothing, shelter, medical care, personal safety, and income; 26449

(c) Mental <u>Addiction and mental health care services</u> ,	26450
including, but not limited to, outpatient, <u>residential</u> , partial	26451
hospitalization, and, where appropriate, inpatient care;	26452
(d) Emergency services and crisis intervention;	26453
(e) Assistance for clients <u>persons receiving services</u> to	26454
obtain vocational services and opportunities for jobs;	26455
(f) The provision of services designed to develop social,	26456
community, and personal living skills;	26457
(g) Access to a wide range of housing and the provision of	26458
residential treatment and support;	26459
(h) Support, assistance, consultation, and education for	26460
families, friends, consumers of <u>persons receiving addiction or</u>	26461
mental health services, and others;	26462
(i) Recognition and encouragement of families, friends,	26463
neighborhood networks, especially networks that include racial and	26464
ethnic minorities, churches, community organizations, and	26465
meaningful <u>community</u> employment as natural supports for consumers	26466
of <u>persons receiving addiction or</u> mental health services;	26467
(j) Grievance procedures and protection of the rights of	26468
consumers of <u>persons receiving addiction or</u> mental health	26469
services;	26470
(k) Case management <u>Community psychiatric supportive</u>	26471
<u>treatment services</u> , which includes continual individualized	26472
assistance and advocacy to ensure that needed services are offered	26473
and procured.	26474
(12) <u>Establish a method for evaluating referrals for</u>	26475
<u>involuntary commitment and affidavits filed pursuant to section</u>	26476
<u>5122.11 of the Revised Code in order to assist the probate</u>	26477
<u>division of the court of common pleas in determining whether there</u>	26478
<u>is probable cause that a respondent is subject to involuntary</u>	26479

hospitalization and what alternative treatment is available and 26480
appropriate, if any; 26481

(13) Designate the treatment ~~program~~ services, agency 26482
provider, or facility, or other placement for each person 26483
involuntarily committed to the board pursuant to Chapter 5122. of 26484
the Revised Code ~~and authorize payment for such treatment.~~ The 26485
board shall provide the least restrictive and most appropriate 26486
alternative that is available for any person involuntarily 26487
committed to it and shall assure that the listed services ~~listed~~ 26488
~~in~~ submitted and approved in accordance with division (B) of 26489
section ~~340.09~~ 340.08 of the Revised Code are available to 26490
severely mentally disabled persons residing within its service 26491
district. The board shall establish the procedure for authorizing 26492
payment for services, which may include prior authorization in 26493
appropriate circumstances. The board may provide for services 26494
directly to a severely mentally disabled person when life or 26495
safety is endangered and when no community mental health ~~agency~~ 26496
services provider is available to provide the service. 26497

~~(13) Establish a method for evaluating referrals for~~ 26498
~~involuntary commitment and affidavits filed pursuant to section~~ 26499
~~5122.11 of the Revised Code in order to assist the probate~~ 26500
~~division of the court of common pleas in determining whether there~~ 26501
~~is probable cause that a respondent is subject to involuntary~~ 26502
~~hospitalization and what alternative treatment is available and~~ 26503
~~appropriate, if any;~~ 26504

(14) Ensure that apartments or rooms built, subsidized, 26505
renovated, rented, owned, or leased by the board or a community 26506
addiction or mental health agency services provider have been 26507
approved as meeting minimum fire safety standards and that persons 26508
residing in the rooms or apartments are receiving appropriate and 26509
necessary services, including culturally relevant services, from a 26510
community addiction or mental health agency services provider. 26511

This division does not apply to residential facilities licensed 26512
pursuant to section ~~5119.22~~ 5119.34 of the Revised Code. 26513

(15) Establish a mechanism for obtaining advice and 26514
involvement of ~~consumer recommendation and advice~~ persons 26515
receiving publicly funded addiction or mental health services on 26516
matters pertaining to addiction and mental health services in the 26517
alcohol, drug addiction, and mental health service district; 26518

(16) Perform the duties required by rules adopted under 26519
section ~~5119.61~~ 5119.22 of the Revised Code regarding referrals by 26520
the board or mental health ~~agencies~~ services providers under 26521
contract with the board of individuals with mental illness or 26522
severe mental disability to residential facilities as defined in 26523
division (A)(9)(b)(iii) of section ~~5119.22~~ 5119.34 of the Revised 26524
Code and effective arrangements for ongoing mental health services 26525
for the individuals. The board is accountable in the manner 26526
specified in the rules for ensuring that the ongoing mental health 26527
services are effectively arranged for the individuals. 26528

(B) The board shall establish such rules, operating 26529
procedures, standards, and bylaws, and perform such other duties 26530
as may be necessary or proper to carry out the purposes of this 26531
chapter. 26532

(C) A board of alcohol, drug addiction, and mental health 26533
services may receive by gift, grant, devise, or bequest any 26534
moneys, lands, or property for the benefit of the purposes for 26535
which the board is established, and may hold and apply it 26536
according to the terms of the gift, grant, or bequest. All money 26537
received, including accrued interest, by gift, grant, or bequest 26538
shall be deposited in the treasury of the county, the treasurer of 26539
which is custodian of the alcohol, drug addiction, and mental 26540
health services funds to the credit of the board and shall be 26541
available for use by the board for purposes stated by the donor or 26542
grantor. 26543

(D) No board member or employee of a board of alcohol, drug 26544
addiction, and mental health services shall be liable for injury 26545
or damages caused by any action or inaction taken within the scope 26546
of the board member's official duties or the employee's 26547
employment, whether or not such action or inaction is expressly 26548
authorized by this section, ~~section 340.033~~, or any other section 26549
of the Revised Code, unless such action or inaction constitutes 26550
willful or wanton misconduct. Chapter 2744. of the Revised Code 26551
applies to any action or inaction by a board member or employee of 26552
a board taken within the scope of the board member's official 26553
duties or employee's employment. For the purposes of this 26554
division, the conduct of a board member or employee shall not be 26555
considered willful or wanton misconduct if the board member or 26556
employee acted in good faith and in a manner that the board member 26557
or employee reasonably believed was in or was not opposed to the 26558
best interests of the board and, with respect to any criminal 26559
action or proceeding, had no reasonable cause to believe the 26560
conduct was unlawful. 26561

(E) The meetings held by any committee established by a board 26562
of alcohol, drug addiction, and mental health services shall be 26563
considered to be meetings of a public body subject to section 26564
121.22 of the Revised Code. 26565

Sec. 340.031. A board of alcohol, drug addiction, and mental 26566
health services may: 26567

(A) Inspect any residential facility licensed under section 26568
~~5119.22~~ 5119.34 of the Revised Code and located in its district, 26569
~~pursuant to a contract with the department of mental health;~~ 26570

(B) Acquire, convey, lease, or enter into a contract to 26571
purchase, lease, or sell property for community addiction and 26572
mental health ~~and alcohol and drug addiction~~ services and related 26573
purposes, and enter into loan agreements, including mortgages, for 26574

the acquisition of such property. 26575

Sec. 340.032. The board of alcohol, drug addiction, and 26576
mental health services shall employ a qualified mental health or 26577
~~alcohol or drug~~ addiction services professional with experience in 26578
administration or a professional administrator with experience in 26579
mental health or ~~alcohol or drug~~ addiction services to serve as 26580
executive director of the board and shall prescribe the director's 26581
duties. 26582

The board shall fix the compensation of the executive 26583
director. In addition to such compensation, the director shall be 26584
reimbursed for actual and necessary expenses incurred in the 26585
performance of ~~his~~ the director's official duties. The board, by 26586
majority vote of the full membership, may remove the director for 26587
cause, upon written charges, after an opportunity has been 26588
afforded ~~him~~ the director for a hearing before the board on 26589
request. 26590

The board may delegate to its executive director the 26591
authority to act in its behalf in the performance of its 26592
administrative duties. 26593

As used in this section, "mental health professional" and 26594
"addiction services professional" mean an individual who is 26595
qualified to work with mentally ill persons or persons receiving 26596
addiction services, pursuant to standards established by the 26597
director of mental health and addiction services under Chapter 26598
5119. of the Revised Code. 26599

Sec. 340.04. In addition to such other duties as may be 26600
lawfully imposed, the executive director of a board of alcohol, 26601
drug addiction, and mental health services shall: 26602

(A) Serve as executive officer of the board and subject to 26603
the prior approval of the board for each contract, execute 26604

contracts on its behalf; 26605

(B) Supervise services and facilities provided, operated, 26606
contracted, or supported by the board to the extent of determining 26607
that ~~programs~~ services and facilities are being administered in 26608
conformity with this chapter and rules of the director of ~~mental~~ 26609
~~health and the department of alcohol and drug addiction services~~ 26610
mental health and addiction services; 26611

(C) Provide consultation to ~~agencies, associations, or~~ 26612
~~individuals~~ addiction and mental health services providers 26613
providing services supported by the board; 26614

(D) Recommend to the board the changes necessary to increase 26615
the effectiveness of addiction and mental health services ~~and~~ 26616
~~alcohol and drug addiction services~~ and other matters necessary or 26617
desirable to carry out this chapter; 26618

(E) Employ and remove from office such employees and 26619
consultants in the classified civil service and, subject to the 26620
approval of the board, employ and remove from office such other 26621
employees and consultants as may be necessary for the work of the 26622
board, and fix their compensation and reimbursement within the 26623
limits set by the salary schedule and the budget approved by the 26624
board; 26625

(F) Encourage the development and expansion of preventive, 26626
treatment, rehabilitative, and consultative ~~programs~~ services in 26627
the field of addiction and mental health services with emphasis on 26628
continuity of care; 26629

(G) Prepare for board approval an annual report of the 26630
~~programs~~ services and facilities under the jurisdiction of the 26631
board, including a fiscal accounting of all services; 26632

(H) Conduct such studies as may be necessary and practicable 26633
for the promotion of mental health, promotion of addiction 26634
services, and the prevention of mental illness, emotional 26635

disorders, and addiction ~~to alcohol and drugs;~~ 26636

(I) Authorize the county auditor, or in a joint-county 26637
district the county auditor designated as the auditor for the 26638
district, to issue warrants for the payment of board obligations 26639
approved by the board, provided that all payments from funds 26640
distributed to the board by the department of mental health and 26641
addiction services are in accordance with the ~~comprehensive~~ 26642
~~community mental health plan~~ budget submitted pursuant to section 26643
340.08 of the Revised Code, as approved by the department of 26644
~~mental health, or with the alcohol and drug addiction services~~ 26645
~~plan as approved by the department of alcohol and drug addiction~~ 26646
~~services~~ mental health and addiction services. 26647

Sec. 340.05. A community addiction or mental health ~~agency~~ 26648
services provider that receives a complaint alleging abuse or 26649
neglect of an individual with mental illness or severe mental 26650
disability, or an individual receiving addiction services, who 26651
resides in a residential facility as defined in division (A)(9)(b) 26652
of section ~~5119.22~~ 5119.34 of the Revised Code shall report the 26653
complaint to the board of alcohol, drug addiction, and mental 26654
health services serving the alcohol, drug addiction, and mental 26655
health service district in which the residential facility is 26656
located. A board of alcohol, drug addiction, and mental health 26657
services that receives such a complaint or a report from a 26658
community addiction or mental health ~~agency~~ services provider of 26659
such a complaint shall report the complaint to the director of 26660
~~mental health~~ mental health and addiction services for the purpose 26661
of the director conducting an investigation under section ~~5119.22~~ 26662
5119.34 of the Revised Code. The board may enter the facility with 26663
or without the director and, if the health and safety of a 26664
resident is in immediate danger, take any necessary action to 26665
protect the resident. The board's action shall not violate any 26666
resident's rights specified in rules adopted by the department of 26667

~~mental health~~ mental health and addiction services under section 26668
~~5119.22~~ 5119.34 of the Revised Code. The board shall immediately 26669
report to the director regarding the board's actions under this 26670
section. 26671

Sec. 340.07. The board of county commissioners of any county 26672
participating in an alcohol, drug addiction, and mental health 26673
service district or joint-county district, upon receipt from the 26674
board of alcohol, drug addition, and mental health services of a 26675
resolution so requesting, may appropriate money to such board for 26676
the operation, lease, acquisition, construction, renovation, and 26677
maintenance of addiction or mental health services, ~~programs,~~ 26678
providers and facilities ~~for mentally ill and emotionally~~ 26679
~~disturbed persons~~ in accordance with the comprehensive community 26680
addiction and mental health plan ~~or for alcohol and drug addiction~~ 26681
~~programs in accordance with the alcohol and drug addiction~~ 26682
~~services plan~~ services budget approved by the department of mental 26683
health and addiction services pursuant to section 340.08 of the 26684
Revised Code. 26685

Sec. 340.08. In accordance with rules or guidelines issued by 26686
the director of mental health and addiction services, each board 26687
of alcohol, drug addiction, and mental health services shall do 26688
all of the following: 26689

(A) Submit to the department a report of receipts and 26690
expenditures for all federal, state, and local moneys the board 26691
expects to receive; 26692

(1) The report shall identify funds the board and public 26693
children services agencies in the board's service district have 26694
available to fund jointly the services described in section 340.15 26695
of the Revised Code. 26696

(2) The board's proposed budget for expenditures of state and 26697

federal funds distributed to the board by the department shall be 26698
deemed an application for funds, and the department shall approve 26699
or disapprove the budget for these expenditures. The department 26700
shall inform the board of the reasons for disapproval of the 26701
budget for the expenditure of state and federal funds and of the 26702
criteria that must be met before the budget may be approved. The 26703
director shall provide the board an opportunity to present its 26704
case on behalf of the submitted budget. The director shall give 26705
the board a reasonable time in which to meet the criteria and 26706
shall offer the board technical assistance to help it meet the 26707
criteria. 26708

If a board determines that it is necessary to amend a budget 26709
that has been approved under this section, the board shall submit 26710
a proposed amendment to the director. The director may approve or 26711
disapprove all or part of the amendment. The director shall inform 26712
the board of the reasons for disapproval of all or part of the 26713
amendment and of the criteria that must be met before the 26714
amendment may be approved. The director shall provide the board an 26715
opportunity to present its case on behalf of the amendment. The 26716
director shall give the board a reasonable time in which to meet 26717
the criteria and shall offer the board technical assistance to 26718
help it meet the criteria. 26719

(3) The director of mental health and addiction services, in 26720
whole or in part, may withhold funds otherwise to be allocated to 26721
a board of alcohol, drug addiction, and mental health services 26722
under Chapter 5119. of the Revised Code if the board's use of 26723
state and federal funds fails to comply with the approved budget, 26724
as it may be amended with the approval of the department. 26725

(B) Submit to the department a statement identifying the 26726
services described in section 340.09 of the Revised Code the board 26727
intends to make available. The board shall include crisis 26728
intervention services for individuals in emergency situations and 26729

services required pursuant to section 340.15 of the Revised Code, 26730
and the board shall explain the manner in which the board intends 26731
to make such services available. The list of services shall be 26732
compatible with the budget submitted pursuant to division (A) of 26733
this section. The department shall approve or disapprove the 26734
proposed listing of services to be made available. The department 26735
shall inform the board of the reasons for disapproval of the 26736
listing of proposed services and of the criteria that must be met 26737
before listing of proposed services may be approved. The director 26738
shall provide the board an opportunity to present its case on 26739
behalf of the submitted listing of proposed services. The director 26740
shall give the board a reasonable time in which to meet the 26741
criteria and shall offer the board technical assistance to help it 26742
meet the criteria. 26743

(C) Enter into a continuity of care agreement with the state 26744
institution operated by the department of mental health and 26745
addiction services and designated as the institution serving the 26746
district encompassing the board's service district. The continuity 26747
of care agreement shall outline the department's and the board's 26748
responsibilities to plan for and coordinate with each other to 26749
address the needs of board residents who are patients in the 26750
institution, with an emphasis on managing appropriate hospital bed 26751
day use and discharge planning. The continuity of care agreement 26752
shall not require the board to provide services other than those 26753
on the list of services submitted by the board and approved by the 26754
department pursuant to division (B) of this section. 26755

(D) In conjunction with the department of mental health and 26756
addiction services, operate a coordinated system for tracking and 26757
monitoring persons found not guilty by reason of insanity and 26758
committed pursuant to section 2945.40 of the Revised Code who have 26759
been granted a conditional release and persons found incompetent 26760
to stand trial and committed pursuant to section 2945.39 of the 26761

Revised Code who have been granted a conditional release. The 26762
system shall do all of the following: 26763

(1) Centralize responsibility for the tracking of those 26764
persons; 26765

(2) Provide for uniformity in monitoring those persons; 26766

(3) Provide a mechanism to allow prompt rehospitalization, 26767
reinstitutionalization, or detention when a violation of the 26768
conditional release or decompensation occurs. 26769

(E) Submit to the department a report summarizing complaints 26770
and grievances received by the board concerning the rights of 26771
persons seeking or receiving services, investigations of 26772
complaints and grievances, and outcomes of the investigations. 26773

(F) Provide to the department information to be submitted to 26774
the community addiction and mental health information system or 26775
systems established by the department under Chapter 5119. of the 26776
Revised Code. 26777

(G) Annually, and upon any change in membership, submit to 26778
the department a list of all current members of the board of 26779
alcohol, drug addiction, and mental health services, including the 26780
appointing authority for each member, and the member's specific 26781
qualification for appointment pursuant to section 340.02 or 26782
340.021 of the Revised Code, if applicable. 26783

(H) Submit to the department other information as is 26784
reasonably required for purposes of the department's operations, 26785
service evaluation, reporting activities, research, system 26786
administration, and oversight. 26787

Sec. 340.09. (A) The department of mental health mental 26788
health and addiction services shall provide assistance to any 26789
county for the operation of boards of alcohol, drug addiction, and 26790
mental health services and, the provision of the following 26791

services <u>approved by the department within the continuum of care,</u>	26792
<u>the provision of approved support functions, and the partnership</u>	26793
<u>in, or support for, approved continuum of care-related activities</u>	26794
from funds appropriated for that purpose by the general assembly+.	26795
(A) Outpatient;	26796
(B) <u>Categories in the continuum of care may include the</u>	26797
<u>following:</u>	26798
<u>(1) Inpatient;</u>	26799
(C) Partial hospitalization <u>(2) Residential;</u>	26800
(D) Rehabilitation <u>(3) Outpatient treatment;</u>	26801
(E) <u>(4) Intensive and other supports;</u>	26802
<u>(5) Recovery support;</u>	26803
<u>(6) Prevention and wellness management.</u>	26804
<u>(C) Support functions may include the following:</u>	26805
<u>(1) Consultation;</u>	26806
(F) Mental health education and other preventive services;	26807
(G) Emergency;	26808
(H) Crisis intervention;	26809
(I) <u>(2) Research;</u>	26810
(J) <u>(3) Administrative;</u>	26811
(K) <u>(4) Referral and information;</u>	26812
(L) Residential;	26813
(M) <u>(5) Training;</u>	26814
(N) Substance abuse;	26815
(O) <u>(6) Service and program evaluation+;</u>	26816
(P) Community support system;	26817

(Q) Case management;	26818
(R) Residential housing;	26819
(S) Other services approved by the board and the director of mental health.	26820 26821
Sec. 340.091. Each board of alcohol, drug addiction, and mental health services shall contract with a community mental health agency <u>services provider</u> under division (A) (7) <u>(8)</u> (a) of section 340.03 of the Revised Code for the agency <u>provider</u> to do all of the following in accordance with rules adopted under section 5119.61 <u>5119.22</u> of the Revised Code for an individual referred to the agency <u>provider</u> under division (D)(2) of section 5119.69 <u>5119.41</u> of the Revised Code:	26822 26823 26824 26825 26826 26827 26828 26829
(A) Assess the individual and, if the agency <u>provider</u> determines that the environment in which the individual will be living while receiving residential state supplement payments is appropriate for the individual's needs, issue a recommendation to the referring residential state supplement administrative agency that the referring agency should conclude that the living environment is appropriate when it makes its determination regarding the appropriateness of the environment;	26830 26831 26832 26833 26834 26835 26836 26837
(B) Provide ongoing monitoring to ensure that <u>listed</u> services provided under <u>submitted and approved under division (B) of</u> section 340.09 <u>340.08</u> of the Revised Code are available to the individual;	26838 26839 26840 26841
(C) Provide discharge planning to ensure the individual's earliest possible transition to a less restrictive environment.	26842 26843
Sec. 340.10. The county auditor or, in a joint-county alcohol, drug addiction, and mental health service district, the auditor of the county, the treasurer of which has been designated in the agreement between the counties of the district as custodian	26844 26845 26846 26847

of the community addiction and mental health services funds ~~and~~ 26848
~~alcohol and drug addiction services funds~~, is hereby designated as 26849
the auditor and fiscal officer of an alcohol, drug addiction, and 26850
mental health service district or joint-county district. State 26851
funds allocated for the support of a service district shall be 26852
paid to the county treasurer or, in a joint-county district, to 26853
the treasurer of that county designated in the agreement as 26854
custodian of the community addiction and mental health services 26855
funds and authorized to make payments from such funds on order of 26856
the county auditor and on recommendation of the board of alcohol, 26857
drug addiction, and mental health services, or the executive 26858
director of the board when authorized by the board. The auditor 26859
shall submit to the board a detailed monthly statement of all 26860
receipts, disbursements, and ending balances for the community 26861
addiction and mental health services funds. 26862

Sec. 340.11. A board of alcohol, drug addiction, and mental 26863
health services may procure a policy or policies of insurance 26864
insuring board members or employees of the board or ~~agencies~~ 26865
providers with which the board contracts against liability arising 26866
from the performance of their official duties. If the liability 26867
insurance is unavailable or the amount a board has procured or is 26868
able to procure is insufficient to cover the amount of a claim, 26869
the board may indemnify a board member or employee as follows: 26870

(A) For any action or inaction in the capacity of board 26871
member or employee or at the request of the board, whether or not 26872
the action or inaction is expressly authorized by this or any 26873
other section of the Revised Code, if both of the following apply: 26874

(1) The board member or employee acted in good faith and in a 26875
manner that the board member or employee reasonably believed was 26876
in or was not opposed to the best interests of the board; ~~and~~ 26877

(2) With respect to any criminal action or proceeding, the 26878

board member or employee had no reason to believe the board 26879
member's or employee's conduct was unlawful. 26880

(B) Against any expenses, including attorneys' fees, the 26881
board member or employee actually and reasonably incurs as a 26882
result of a suit or other proceeding involving the defense of any 26883
action or inaction in the capacity of board member or employee or 26884
at the request of the board, or in defense of any claim, issue, or 26885
matter raised in connection with the defense of such an action or 26886
inaction, to the extent that the board member or employee is 26887
successful on the merits or otherwise. 26888

Sec. 340.12. No board of alcohol, drug addiction, and mental 26889
health services or any ~~agency, corporation, or association~~ 26890
addiction or mental health services provider under contract with 26891
such a board shall discriminate in the provision of services under 26892
its authority, in employment, or contract on the basis of race, 26893
color, creed, sex, ~~ereed~~, national origin, or disability, ~~or~~ 26894
~~national origin~~. 26895

Each board, ~~and~~ and each community addiction or mental health 26896
~~agency, and each alcohol and drug addiction program~~ services 26897
provider shall have a written affirmative action program. The 26898
affirmative action program shall include goals for the employment 26899
and effective utilization of, including contracts with, members of 26900
economically disadvantaged groups as defined in division (E)(1) of 26901
section 122.71 of the Revised Code in percentages reflecting as 26902
nearly as possible the composition of the alcohol, drug addiction, 26903
and mental health service district served by the board. Each 26904
board, ~~agency,~~ and ~~program~~ provider shall file a description of 26905
the affirmative action program and a progress report on its 26906
implementation with the department of ~~mental health or the~~ 26907
~~department of alcohol and drug addiction services~~ mental health 26908
and addiction services. 26909

Sec. 340.13. (A) As used in this section, ~~"minority:~~ 26910

(1) "Minority business enterprise" has the same meaning as in 26911
~~division (E)(1) of~~ section 122.71 of the Revised Code. 26912

(2) "EDGE business enterprise" has the same meaning as in 26913
section 123.152 of the Revised Code. 26914

(B) Any minority business enterprise that desires to bid on a 26915
contract under division (C) ~~or (D)~~ of this section shall first 26916
apply to the equal employment opportunity coordinator in the 26917
department of administrative services for certification as a 26918
minority business enterprise. Any EDGE business enterprise that 26919
desires to bid on a contract under division (D) of this section 26920
shall first apply to the equal employment opportunity coordinator 26921
of the department of administrative services for certification as 26922
an EDGE business enterprise. The coordinator shall approve the 26923
application of any minority business enterprise or EDGE business 26924
enterprise that complies with the rules adopted under section 26925
122.71 or 123.152 of the Revised Code, respectively. The 26926
coordinator shall prepare and maintain a list of minority business 26927
enterprises and EDGE business enterprises certified under ~~this~~ 26928
section those sections. 26929

(C) From the contracts to be awarded for the purchases of 26930
equipment, materials, supplies, or services, other than contracts 26931
entered into under section 340.03 ~~or 340.033~~ of the Revised Code, 26932
each board of alcohol, drug addiction, and mental health services 26933
shall select a number of contracts with an aggregate value of 26934
approximately fifteen per cent of the total estimated value of 26935
contracts to be awarded in the current fiscal year. The board 26936
shall set aside the contracts so selected for bidding by minority 26937
business enterprises only. The bidding procedures for such 26938
contracts shall be the same as for all other contracts awarded 26939
under section 307.86 of the Revised Code, except that only 26940

minority business enterprises certified and listed ~~under~~ pursuant
to division (B) of this section shall be qualified to submit bids. 26941
26942

(D) To the extent that a board is authorized to enter into 26943
contracts for construction, the board shall ~~set aside a number of~~ 26944
~~contracts~~ strive to attain a yearly contract dollar procurement 26945
goal the aggregate value of which equals approximately five per 26946
cent of the aggregate value of construction contracts for the 26947
current fiscal year for ~~bidding by minority~~ EDGE business 26948
enterprises only. ~~The bidding procedures for the contracts set~~ 26949
~~aside for minority business enterprises shall be the same as for~~ 26950
~~all other contracts awarded by the board, except that only~~ 26951
~~minority business enterprises certified and listed under division~~ 26952
~~(B) of this section shall be qualified to submit bids.~~ 26953

(E)(1) In the case of contracts set aside under ~~divisions~~ 26954
division (C) ~~and (D)~~ of this section, if no bid is submitted by a 26955
minority business enterprise, the contract shall be awarded 26956
according to normal bidding procedures. The board shall from time 26957
to time set aside such additional contracts as are necessary to 26958
replace those contracts previously set aside on which no minority 26959
business enterprise bid. 26960

(2) If a board, after having made a good faith effort, is 26961
unable to comply with the goal of procurement for contracting with 26962
EDGE business enterprises pursuant to division (D) of this 26963
section, the board may apply in writing, on a form prescribed by 26964
the department of administrative services, to the director of 26965
mental health and addiction services for a waiver or modification 26966
of the goal. 26967

(F) This section does not preclude any minority business 26968
enterprise or EDGE business enterprise from bidding on any other 26969
contract not specifically set aside for minority business 26970
enterprises or subject to procurement goals for EDGE business 26971
enterprises. 26972

(G) Within ninety days after the beginning of each fiscal year, each board shall file a report with the department of ~~mental health~~ mental health and addiction services that shows for that fiscal year the name of each minority business enterprise and EDGE business enterprise with which the board entered into a contract, the value and type of each such contract, the total value of contracts awarded under divisions (C) and (D) of this section, the total value of contracts awarded for the purchases of equipment, materials, supplies, or services, other than contracts entered into under section 340.03 of the Revised Code, and the total value of contracts entered into for construction.

(H) Any person who intentionally misrepresents ~~himself~~ self as owning, controlling, operating, or participating in a minority business enterprise or an EDGE business enterprise for the purpose of obtaining contracts or any other benefits under this section shall be guilty of theft by deception as provided for in section 2913.02 of the Revised Code.

Sec. 340.15. (A) A public children services agency that identifies a child by a risk assessment conducted pursuant to section 5153.16 of the Revised Code as being at imminent risk of being abused or neglected because of an addiction of a parent, guardian, or custodian of the child to a drug of abuse or alcohol shall refer the child's addicted parent, guardian, or custodian and, if the agency determines that the child needs alcohol or other drug addiction services, the child to ~~an alcohol and drug a~~ community addiction program services provider certified by the department of ~~alcohol and drug addiction services~~ mental health and addiction services under section ~~3793.06~~ 5119.36 of the Revised Code. A public children services agency that is sent a court order issued pursuant to division (B) of section 2151.3514 of the Revised Code shall refer the addicted parent or other caregiver of the child identified in the court order to ~~an alcohol~~

~~and drug~~ a community addiction program services provider certified 27005
by the department of ~~alcohol and drug addiction services~~ mental 27006
health and addiction services under section ~~3793.06~~ 5119.36 of the 27007
Revised Code. On receipt of a referral under this division and to 27008
the extent funding identified under division (A)(1) of section 27009
~~340.033~~ 340.08 of the Revised Code is available, the ~~program~~ 27010
provider shall provide the following services to the addicted 27011
parent, guardian, custodian, or caregiver and child in need of 27012
~~alcohol or other drug~~ addiction services: 27013

(1) If it is determined pursuant to an initial screening to 27014
be needed, assessment and appropriate treatment; 27015

(2) Documentation of progress in accordance with a treatment 27016
plan developed for the addicted parent, guardian, custodian, 27017
caregiver, or child; 27018

(3) If the referral is based on a court order issued pursuant 27019
to division (B) of section 2151.3514 of the Revised Code and the 27020
order requires the specified parent or other caregiver of the 27021
child to submit to alcohol or other drug testing during, after, or 27022
both during and after, treatment, testing in accordance with the 27023
court order. 27024

(B) The services described in division (A) of this section 27025
shall have a priority as provided in the ~~alcohol and drug~~ 27026
addiction and mental health services plan and budget established 27027
pursuant to ~~section 340.033~~ sections 340.03 and 340.08 of the 27028
Revised Code. Once a referral has been received pursuant to this 27029
section, the public children services agency and the ~~alcohol or~~ 27030
~~drug~~ addiction program services provider shall, in accordance with 27031
42 C.F.R. Part 2, share with each other any information concerning 27032
the persons and services described in that division that the 27033
agency and ~~program~~ provider determine are necessary to share. If 27034
the referral is based on a court order issued pursuant to division 27035
(B) of section 2151.3514 of the Revised Code, the results and 27036

recommendations of the ~~alcohol and drug~~ addiction ~~program~~ services 27037
provider also shall be provided and used as described in division 27038
(D) of that section. Information obtained or maintained by the 27039
agency or ~~program~~ provider pursuant to this section that could 27040
enable the identification of any person described in division (A) 27041
of this section is not a public record subject to inspection or 27042
copying under section 149.43 of the Revised Code. 27043

Sec. 340.16. ~~Not later than ninety days after September 5,~~ 27044
~~2001, the~~ The department of ~~mental health~~ mental health and 27045
addiction services and the department of ~~job and family services~~ 27046
medicaid shall adopt rules that establish requirements and 27047
procedures for prior notification and service coordination between 27048
public children services agencies and boards of alcohol, drug 27049
addiction, and mental health services when a public children 27050
services agency refers a child in its custody to a board for 27051
services funded by the board. The rules shall be adopted in 27052
accordance with Chapter 119. of the Revised Code. 27053

~~The department of mental health and department of job and~~ 27054
~~family services shall collaborate in formulating a plan that~~ 27055
~~delineates the funding responsibilities of public children~~ 27056
~~services agencies and boards of alcohol, drug addiction, and~~ 27057
~~mental health services for services provided under section~~ 27058
~~5111.023 of the Revised Code to children in the custody of public~~ 27059
~~children services agencies. The departments shall complete the~~ 27060
~~plan not later than ninety days after September 5, 2001.~~ 27061

Sec. 341.192. (A) As used in this section: 27062

(1) "Jail" means a county jail, or a multicounty, 27063
municipal-county, or multicounty-municipal correctional center. 27064

(2) ~~"Medical assistance program" has the same meaning as in~~ 27065
~~section 2913.40 of the Revised Code.~~ 27066

~~(3)~~ "Medical provider" means a physician, hospital, laboratory, pharmacy, or other health care provider that is not employed by or under contract to a county, municipal corporation, township, the department of youth services, or the department of rehabilitation and correction to provide medical services to persons confined in a jail or state correctional institution, or is in the custody of a law enforcement officer.

~~(4)~~(3) "Necessary care" means medical care of a nonelective nature that cannot be postponed until after the period of confinement of a person who is confined in a jail or state correctional institution, or is in the custody of a law enforcement officer without endangering the life or health of the person.

(B) If a physician employed by or under contract to a county, municipal corporation, township, the department of youth services, or the department of rehabilitation and correction to provide medical services to persons confined in a jail or state correctional institution determines that a person who is confined in the jail or state correctional institution or who is in the custody of a law enforcement officer prior to the person's confinement in a jail or state correctional institution requires necessary care that the physician cannot provide, the necessary care shall be provided by a medical provider. The county, municipal corporation, township, the department of youth services, or the department of rehabilitation and correction shall pay a medical provider for necessary care an amount not exceeding the authorized reimbursement rate for the same service established by the department of ~~job and family services~~ medicaid under the ~~medical assistance~~ medicaid program.

Sec. 349.01. As used in this chapter:

(A) "New community" means a community or an addition to an

existing community planned pursuant to this chapter so that it 27098
includes facilities for the conduct of industrial, commercial, 27099
residential, cultural, educational, and recreational activities, 27100
and designed in accordance with planning concepts for the 27101
placement of utility, open space, and other supportive facilities. 27102

In the case of a new community authority established within 27103
three years after March 22, 2012, the effective date of H.B. 225 27104
of the 129th general assembly, "new community" may mean a 27105
community or development of property planned under this chapter in 27106
relation to an existing community so that the community includes 27107
facilities for the conduct of community activities, and is 27108
designed in accordance with planning concepts for the placement of 27109
utility, open space, and other supportive facilities for the 27110
community. 27111

(B) "New community development program" means a program for 27112
the development of a new community characterized by well-balanced 27113
and diversified land use patterns and which includes land 27114
acquisition and land development, the acquisition, construction, 27115
operation, and maintenance of community facilities, and the 27116
provision of services authorized in this chapter. 27117

In the case of a new community authority established within 27118
three years after March 22, 2012, the effective date of H.B. 225 27119
of the 129th general assembly, a new community development program 27120
may take into account any existing community in relation to which 27121
a new community is developed for purposes of being characterized 27122
by well-balanced and diversified land use patterns. 27123

(C) "New community district" means the area of land described 27124
by the developer in the petition as set forth in division (A) of 27125
section 349.03 of the Revised Code for development as a new 27126
community and any lands added to the district by amendment of the 27127
resolution establishing the community authority. 27128

(D) "New community authority" means a body corporate and politic in this state, established pursuant to section 349.03 of the Revised Code and governed by a board of trustees as provided in section 349.04 of the Revised Code.

(E) "Developer" means any person, organized for carrying out a new community development program who owns or controls, through leases of at least seventy-five years' duration, options, or contracts to purchase, the land within a new community district, or any municipal corporation, county, or port authority that owns the land within a new community district, or has the ability to acquire such land, either by voluntary acquisition or condemnation in order to eliminate slum, blighted, and deteriorated or deteriorating areas and to prevent the recurrence thereof. In the case of a new community authority established within three years after March 22, 2012, the effective date of H.B. 225 of the 129th general assembly, "developer" may mean a person, municipal corporation, county, or port authority that controls land within a new community district through leases of at least forty years' duration.

(F) "Organizational board of commissioners" means, ~~if the~~ the following:

(1) For a new community district that is located in only one county, the board of county commissioners of ~~such that~~ county; ~~if~~

(2) For a new community district that is located in more than one county, a board consisting of the members of the board of county commissioners of each of the counties in which the district is located, provided that action of ~~such the~~ board shall require a majority vote of the members of each separate board of county commissioners; ~~or, if~~

(3) For a new community district that is located entirely within the boundaries of a municipal corporation or for a new

community district where more than half of the new community 27160
district is located within the boundaries of the most populous 27161
municipal corporation of a county, the legislative authority of 27162
the municipal corporation. 27163

(G) "Land acquisition" means the acquisition of real property 27164
and interests in real property as part of a new community 27165
development program. 27166

(H) "Land development" means the process of clearing and 27167
grading land, making, installing, or constructing water 27168
distribution systems, sewers, sewage collection systems, steam, 27169
gas, and electric lines, roads, streets, curbs, gutters, 27170
sidewalks, storm drainage facilities, and other installations or 27171
work, whether within or without the new community district, and 27172
the construction of community facilities. 27173

(I)(1) "Community facilities" means all real property, 27174
buildings, structures, or other facilities, including related 27175
fixtures, equipment, and furnishings, to be owned, operated, 27176
financed, constructed, and maintained under this chapter, 27177
including public, community, village, neighborhood, or town 27178
buildings, centers and plazas, auditoriums, day care centers, 27179
recreation halls, educational facilities, hospital facilities as 27180
defined in section 140.01 of the Revised Code, recreational 27181
facilities, natural resource facilities, including parks and other 27182
open space land, lakes and streams, cultural facilities, community 27183
streets, pathway and bikeway systems, pedestrian underpasses and 27184
overpasses, lighting facilities, design amenities, or other 27185
community facilities, and buildings needed in connection with 27186
water supply or sewage disposal installations or steam, gas, or 27187
electric lines or installation. 27188

(2) In the case of a new community authority established 27189
within three years after March 22, 2012, the effective date of 27190
H.B. 225 of the 129th general assembly, "community facilities" may 27191

mean, in addition to the facilities authorized in division (I)(1) 27192
of this section, any community facilities that are owned, 27193
operated, financed, constructed, or maintained for, relating to, 27194
or in furtherance of community activities, including, but not 27195
limited to, town buildings or other facilities, health care 27196
facilities including, but limited to, hospital facilities, and 27197
off-street parking facilities. 27198

(J) "Cost" as applied to a new community development program 27199
means all costs related to land acquisition and land development, 27200
the acquisition, construction, maintenance, and operation of 27201
community facilities and offices of the community authority, and 27202
of providing furnishings and equipment therefor, financing charges 27203
including interest prior to and during construction and for the 27204
duration of the new community development program, planning 27205
expenses, engineering expenses, administrative expenses including 27206
working capital, and all other expenses necessary and incident to 27207
the carrying forward of the new community development program. 27208

(K) "Income source" means any and all sources of income to 27209
the community authority, including community development charges 27210
of which the new community authority is the beneficiary as 27211
provided in section 349.07 of the Revised Code, rentals, user fees 27212
and other charges received by the new community authority, any 27213
gift or grant received, any moneys received from any funds 27214
invested by or on behalf of the new community authority, and 27215
proceeds from the sale or lease of land and community facilities. 27216

(L) "Community development charge" means: 27217

(1) A dollar amount which shall be determined on the basis of 27218
the assessed valuation of real property or interests in real 27219
property in a new community district sold, leased, or otherwise 27220
conveyed by the developer or the new community authority, the 27221
income of the residents of such property subject to such charge 27222
under section 349.07 of the Revised Code, if such property is 27223

devoted to residential uses or to the profits of any business, a 27224
uniform fee on each parcel of such real property originally sold, 27225
leased, or otherwise conveyed by the developer or new community 27226
authority, or any combination of the foregoing bases. 27227

(2) For a new community authority that is established within 27228
three years after March 22, 2012, the effective date of H.B. 225 27229
of the 129th general assembly, "community development charge" 27230
includes, in addition to the charges authorized in division (L)(1) 27231
of this section, a charge determined on the basis of all or a part 27232
of the income of the residents of real property within the new 27233
community district if such property is devoted to residential 27234
uses, or all or a part of the profits, gross receipts, or other 27235
revenues of any business operating in the new community district, 27236
including, but not limited to, rentals received from leases of 27237
real property located in the district. If a new community 27238
authority imposes a community development charge determined on the 27239
basis of rentals received from leases of real property, 27240
improvements of any real property located in the new community 27241
district and subject to that charge may not be exempted from 27242
taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 of 27243
the Revised Code. 27244

(M) "Proximate city" means any city that, as of the date of 27245
filing of the petition under section 349.03 of the Revised Code, 27246
is the city with the greatest population located in the county in 27247
which the proposed new community district is located, is the city 27248
with the greatest population located in an adjoining county if any 27249
portion of such city is within five miles of any part of the 27250
boundaries of such district, or exercises extraterritorial 27251
subdivision authority under section 711.09 of the Revised Code 27252
with respect to any part of such district. 27253

In the case of a new community authority that is established 27254
within three years after March 22, 2012, the effective date of 27255

H.B. 225 of the 129th general assembly, "proximate city" may mean 27256
a municipal corporation in which, at the time of filing the 27257
petition under section 349.03 of the Revised Code, any portion of 27258
the proposed new community district is located, or, if at the time 27259
of that filing more than one-half of the proposed district is 27260
contained within a joint economic development district created 27261
under sections 715.70 to 715.83 of the Revised Code, the township 27262
containing the greatest portion of the territory of the joint 27263
economic development district. 27264

(N) "Community activities" means cultural, educational, 27265
governmental, recreational, residential, industrial, commercial, 27266
distribution and research activities, or any combination thereof 27267
that includes residential activities. 27268

Sec. 349.04. The following method of selecting a board of 27269
trustees is deemed to be a compelling state interest. Within ten 27270
days after the new community authority has been established, as 27271
provided in section 349.03 of the Revised Code, an initial board 27272
of trustees shall be appointed as follows: the organizational 27273
board of commissioners shall appoint by resolution at least three, 27274
but not more than six, citizen members of the board of trustees to 27275
represent the interests of present and future residents of the new 27276
community district and one member to serve as a representative of 27277
local government, and the developer shall appoint a number of 27278
members equal to the number of citizen members to serve as 27279
representatives of the developer. In the case of a new community 27280
authority established within three years after March 22, 2012, the 27281
citizen members may represent present and future employers within 27282
the new community district and any present or future residents of 27283
the district. 27284

Members shall serve two-year overlapping terms, with two of 27285
each of the initial citizen and developer members appointed to 27286

serve initial one-year terms. The organizational board of 27287
commissioners shall adopt, by further resolution adopted within 27288
one year of such resolution establishing such initial board of 27289
trustees, a method for selection of successor members thereof 27290
which determines the projected total population of the projected 27291
new community and meets the following criteria: 27292

(A) The appointed citizen members shall be replaced by 27293
elected citizen members according to a schedule established by the 27294
organizational board of commissioners calculated to achieve one 27295
such replacement each time the new community district gains a 27296
proportion, having a numerator of one and a denominator of twice 27297
the number of citizen members, of its projected total population 27298
until such time as all of the appointed citizen members are 27299
replaced. 27300

(B) Representatives of the developer shall be replaced by 27301
elected citizen members according to a schedule established by the 27302
organizational board of commissioners calculated to achieve one 27303
such replacement each time the new community district gains a 27304
proportion, having a numerator of one and a denominator equal to 27305
the number of developer members, of its projected total population 27306
until such time as all of the developer's representatives are 27307
replaced. 27308

(C) The representative of local government shall be replaced 27309
by an elected citizen member at the time the new community 27310
district gains three-quarters of its projected total population. 27311

Elected citizen members of the board of trustees shall be 27312
elected by a majority of the residents of the new community 27313
district voting at elections held at the times and in the manner 27314
provided in a resolution of the organizational board of 27315
commissioners. Each citizen member except an appointed citizen 27316
member shall be a qualified elector who resides within the new 27317
community district. ~~In the case of a new community authority for~~ 27318

~~which a petition is filed within three years after March 22, 2012,~~ 27319
the The organizational board of commissioners, by resolution, may 27320
adopt an alternative method of selecting or electing successor 27321
members of the board of trustees provided that if an alternative 27322
method of selection is adopted for a new community authority 27323
organized prior to March 22, 2012, the board of trustees of that 27324
authority shall be limited in the collection of a community 27325
development charge, collected pursuant to division (O) of section 27326
349.06 of the Revised Code, and the issuance of bonds or notes, 27327
issued pursuant to section 349.08 of the Revised Code, to the 27328
amount or to the extent otherwise permitted for a board of 27329
trustees whose members are not elected by residents of the new 27330
community district. If the alternative method provides for the 27331
election of citizen members, the elections may be held at the 27332
times and in the manner provided in the petition or in a 27333
resolution of the organizational board of commissioners, and the 27334
elected citizen members shall be qualified electors who reside in 27335
the new community district. 27336

Citizen members shall not be employees of or have financial 27337
interest in the developer. If a vacancy occurs in the office of a 27338
member other than a member appointed by the developer, the 27339
organizational board of commissioners may appoint a successor 27340
member for the remainder of the unexpired term. Any appointed 27341
member of the board of trustees may at any time be removed by the 27342
organizational board of commissioners for misfeasance, 27343
nonfeasance, or malfeasance in office. Members appointed by the 27344
developer may also at any time be removed by the developer without 27345
a showing of cause. 27346

Each member of the board of trustees, before entering upon 27347
official duties, shall take and subscribe to an oath before an 27348
officer authorized to administer oaths in Ohio that the member 27349
will honestly and faithfully perform the duties of the member's 27350

office. Such oath shall be filed in the office of the clerk of the 27351
board of county commissioners in which the petition was filed. 27352
Upon taking the oath, the board of trustees shall elect one of its 27353
number as chairperson and another as vice-chairperson, and shall 27354
appoint suitable persons as secretary and treasurer who need not 27355
be members of the board. The treasurer shall be the fiscal officer 27356
of the authority. The board shall adopt by-laws governing the 27357
administration of the affairs of the new community authority. Each 27358
member of the board shall post a bond for the faithful performance 27359
of official duties and give surety therefor in such amount, but 27360
not less than ten thousand dollars, as the resolution creating 27361
such board shall prescribe. 27362

All of the powers of the new community authority shall be 27363
exercised by its board of trustees, but without relief of such 27364
responsibility, such powers may be delegated to committees of the 27365
board or its officers and employees in accordance with its 27366
by-laws. A majority of the board shall constitute a quorum, and a 27367
concurrence of a majority of a quorum in any matter within the 27368
board's duties is sufficient for its determination, provided a 27369
quorum is present when such concurrence is had and a majority of 27370
those members constituting such quorum are trustees not appointed 27371
by the developer. All trustees shall be empowered to vote on all 27372
matters within the authority of the board of trustees, and no vote 27373
by a member appointed by the developer shall be construed to give 27374
rise to civil or criminal liability for conflict of interest on 27375
the part of public officials. 27376

Sec. 351.021. (A) The resolution of the county commissioners 27377
creating a convention facilities authority, or any amendment or 27378
supplement to that resolution, may authorize the authority to levy 27379
one or both of the excise taxes authorized by division (B) of this 27380
section to pay the cost of one or more facilities; to pay 27381
principal, interest, and premium on convention facilities 27382

authority tax anticipation bonds issued to pay those costs; to pay 27383
the operating costs of the authority; to pay operating and 27384
maintenance costs of those facilities; and to pay the costs of 27385
administering the excise tax. 27386

(B) The board of directors of a convention facilities 27387
authority that has been authorized pursuant to resolution adopted, 27388
amended, or supplemented by the board of county commissioners 27389
pursuant to division (A) of this section may levy, by resolution 27390
adopted on or before December 31, 1988, either or both of the 27391
following: 27392

(1) Within the territory of the authority, an additional 27393
excise tax not to exceed four per cent on each transaction. The 27394
excise tax authorized by division (B)(1) of this section shall be 27395
in addition to any excise tax levied pursuant to section 5739.08 27396
or 5739.09 of the Revised Code, or division (B)(2) of this 27397
section. 27398

(2) Within that portion of any municipal corporation that is 27399
located within the territory of the authority or within the 27400
boundaries of any township that is located within the territory of 27401
the authority, which municipal corporation or township is levying 27402
any portion of the excise tax authorized by division (A) of 27403
section 5739.08 of the Revised Code, and with the approval, by 27404
ordinance or resolution, of the legislative authority of that 27405
municipal corporation or township, an additional excise tax not to 27406
exceed nine-tenths of one per cent on each transaction. The excise 27407
tax authorized by division (B)(2) of this section may be levied 27408
only if, on the effective date of the levy specified in the 27409
resolution making the levy, the amount being levied pursuant to 27410
division (A) of section 5739.08 of the Revised Code by each 27411
municipal corporation or township in which the tax authorized by 27412
division (B)(2) of this section will be levied, when added to the 27413
amount levied under division (B)(2) of this section, does not 27414

exceed three per cent on each transaction. The excise tax 27415
authorized by division (B)(2) of this section shall be in addition 27416
to any excise tax that is levied pursuant to section 5739.08 or 27417
5739.09 of the Revised Code, or division (B)(1) of this section. 27418

(C)(1) The board of directors of a convention facilities 27419
authority that is located in an eligible Appalachian county; that 27420
has been authorized pursuant to resolution adopted, amended, or 27421
supplemented by the board of county commissioners pursuant to 27422
division (A) of this section; and that is not levying a tax under 27423
division (B)(1) or (2) of this section may levy within the 27424
territory of the authority, by resolution adopted on or before 27425
December 31, 2005, an additional excise tax not to exceed three 27426
per cent on each transaction. The excise tax authorized under 27427
division (C)(1) of this section shall be in addition to any excise 27428
tax levied pursuant to section 5739.08 or 5739.09 of the Revised 27429
Code. 27430

As used in division (C)(1) of this section, "eligible 27431
Appalachian county" means a county in this state designated as 27432
being in the "Appalachian region" under the "Appalachian Regional 27433
Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and 27434
having a population less than eighty thousand according to the 27435
most recent federal decennial census. 27436

(2) Division ~~(B)~~(C)(2) of this section applies only to a 27437
convention facilities authority located in a county with a 27438
population, according to the 2000 federal decennial census, of at 27439
least one hundred thirty-five thousand and not more than one 27440
hundred fifty thousand and containing entirely within its 27441
boundaries the territory of a municipal corporation with a 27442
population according to that census of more than fifty thousand. 27443
The board of directors of such a convention facilities authority, 27444
by resolution adopted on or before November 1, 2009, may levy 27445
within the territory of the authority an excise tax on 27446

transactions by which lodging by a hotel is or is to be furnished 27447
to transient guests at a rate not to exceed three per cent on such 27448
transactions for the same purposes for which a tax may be levied 27449
under division (B) of this section. The resolution may be adopted 27450
only if the board of county commissioners of the county, by 27451
resolution, authorizes the levy of the tax. The resolution of the 27452
board of county commissioners is subject to referendum as 27453
prescribed by sections 305.31 to 305.41 of the Revised Code. If, 27454
pursuant to those procedures, a referendum is to be held, the 27455
board's resolution does not take effect until approved by a 27456
majority of electors voting on the question. The convention 27457
facilities authority may adopt the resolution authorized by 27458
division (C)(2) of this section before the election, but the 27459
authority's resolution shall not take effect if the board of 27460
commissioners' resolution is not approved at the election. A tax 27461
levied under division (C)(2) of this section is in addition to any 27462
tax levied under section 5739.09 of the Revised Code. 27463

(D) The authority shall provide for the administration and 27464
allocation of an excise tax levied pursuant to division (B) or (C) 27465
of this section. All receipts arising from those excise taxes 27466
shall be expended for the purposes provided in, and in accordance 27467
with this section and section 351.141 of the Revised Code. An 27468
excise tax levied under division (B) or (C) of this section shall 27469
remain in effect at the rate at which it is levied for at least 27470
the duration of the period for which the receipts from the tax 27471
have been anticipated and pledged pursuant to section 351.141 of 27472
the Revised Code. 27473

(E) Except as provided in division (B)(2) of this section, 27474
the levy of an excise tax on each transaction pursuant to sections 27475
5739.08 and 5739.09 of the Revised Code does not prevent a 27476
convention facilities authority from levying an excise tax 27477
pursuant to division (B) or (C) of this section. 27478

(F) A convention facilities authority located in a county with a population greater than eighty thousand but less than ninety thousand according to the 2010 federal decennial census that levies a tax under division (B) of this section may amend the resolution levying the tax to allocate a portion of the revenue from the tax for support of tourism-related sites or facilities and programs operated by the county or a municipal corporation within the county in which the authority is located or for the purpose of leasing lands for county fairs, erecting buildings for county fair purposes, making improvements on a county fairground, or for any purpose connected with the use of a county fairground or with the management thereof by the county in which the authority is located. The revenue allocated by the authority for such purposes in a calendar year shall not exceed fifteen per cent of the total revenue from the tax in the preceding calendar year.

Sec. 353.01. For purposes of this chapter: 27494

(A) "Lake facilities authority" means a body corporate and politic created pursuant to section 353.02 of the Revised Code. 27495
27496

(B) "Watershed" means a watershed as determined by the United States geological survey. 27497
27498

(C) "Impacted watershed" means a watershed meeting both of the following conditions: 27499
27500

(1) The watershed contains a natural or man-made lake of at least one-half square mile that has experienced levels of microcystin toxins in excess of eighty parts-per-billion, as measured by the Ohio environmental protection agency, during the twenty-four month period immediately preceding the date the last resolution necessary for the creation of a lake facilities authority under section 353.02 of the Revised Code was adopted. 27501
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(2) The watershed is partially or completely located within a 27508

state park, as defined in section 154.01 of the Revised Code, that 27509
has averaged at least four hundred thousand visitors per year for 27510
the four calendar years preceding the calendar year in which the 27511
last resolution necessary for the creation of a lake facilities 27512
authority under section 353.02 of the Revised Code was adopted. 27513

(D) "Impacted lake district" means the territory of all 27514
townships and municipal corporations having territory in an 27515
impacted watershed. 27516

(E) "Cost" as applied to a lake facilities authority facility 27517
means the cost of acquisition or construction of the facility; the 27518
cost of acquisition of all land, rights-of-way, property rights, 27519
easements, franchise rights, and interests required for such 27520
acquisition; the cost of demolishing or removing any buildings or 27521
structures on land so acquired, including the cost of acquiring 27522
any lands to which such buildings or structures may be moved; the 27523
cost of acquiring or constructing and equipping a principal office 27524
of the lake facilities authority; the cost of diverting highways, 27525
interchange of highways, and access roads to private property, 27526
including the cost of land or easements for the access roads, the 27527
cost of public utility and common carrier relocation or 27528
duplication, the cost of all machinery, furnishings, and 27529
equipment, financing charges, interest prior to and during any 27530
construction and for no more than eighteen months after completion 27531
of any construction; engineering; expenses of research and 27532
development with respect to an impacted lake district; legal 27533
expenses; expenses of developing or obtaining plans, 27534
specifications, engineering surveys, studies, and estimates of 27535
cost and revenues; expenses necessary or incident to determining 27536
the feasibility or practicability of acquiring or constructing the 27537
facility or remediating the impacted lake district; administrative 27538
expense; and such other expenses as may be necessary or incident 27539
to the acquisition or construction of the facility, the 27540

remediation of the impacted lake district and other activities 27541
authorized by this chapter, the financing of such acquisition, 27542
construction or remediation, including the amount authorized in 27543
the resolution of the lake facilities authority providing for the 27544
issuance of lake facilities authority revenue bonds to be paid 27545
into any special funds from the proceeds of such bonds and the 27546
financing of the placing of the facility in operation, the cost of 27547
issuing the bonds, and the financing of remediation and other 27548
purposes authorized by this chapter. 27549

(F) "Revenues" means all rentals and other charges received 27550
by the lake facilities authority with respect to an impacted 27551
watershed; any gift or grant received with respect to any impacted 27552
watershed; money received in repayment of, and for interest on, 27553
any loans made by the authority to a person or governmental 27554
agency, whether from the United States or any department, 27555
administration, or agency thereof, or otherwise; proceeds of lake 27556
facilities authority revenue bonds to the extent the use thereof 27557
for payment of principal or of premium, if any, or interest on the 27558
bonds is authorized by the authority; proceeds from any insurance, 27559
appropriation, or guaranty pertaining to an impacted watershed or 27560
property mortgaged to secure bonds or pertaining to the financing 27561
of any activities authorized under this chapter; income and profit 27562
from the investment of the proceeds of lake facilities authority 27563
revenue bonds or of any revenues; and contributions of service 27564
payments in lieu of taxes generated pursuant to section 5709.40, 27565
5709.41, 5709.73, or 5709.78 of the Revised Code, and all other 27566
nontax revenues paid or payable to the lake facilities authority. 27567

(G) "Lake facilities revenue bonds," unless the context 27568
indicates a different meaning or intent, includes revenue notes, 27569
revenue renewal notes, and revenue refunding bonds. 27570

(H) "Authorized purpose" means activities that remediate, 27571
rehabilitate, enhance, foster, aid, improve, provide, or promote 27572

an impacted watershed within the jurisdiction of the lake 27573
facilities authority, including, without limitation, research and 27574
development efforts related thereto. 27575

(I) "Lake facilities authority facility" or "facility" means 27576
real or personal property, or any combination thereof owned, 27577
leased, or otherwise controlled or financed by a lake facilities 27578
authority and directly related to an authorized purpose. 27579

Sec. 353.02. A lake facilities authority may be created by 27580
the board of county commissioners of a county that contains all of 27581
the territory of an impacted watershed. If the territory of an 27582
impacted watershed is contained within more than one county, a 27583
joint facilities lake authority may be created by resolution of 27584
the board of commissioners of each county in which the impacted 27585
watershed is located. A resolution creating a lake facilities 27586
authority must include a finding that the watershed sought to be 27587
improved or remediated pursuant to this chapter is an impacted 27588
watershed. 27589

A lake facilities authority created pursuant to this section 27590
is a body corporate and politic which may sue and be sued, plead 27591
and be impleaded, and has the powers and jurisdiction enumerated 27592
in this chapter. The exercise by an authority of the powers 27593
conferred upon it shall be deemed to be essential governmental 27594
functions of this state. 27595

Within sixty days after the creation of a lake facilities 27596
authority, the county engineer of each county with territory in 27597
the impacted watershed shall prepare a survey denoting the 27598
boundaries of the impacted watershed in the county. The survey 27599
shall include references to the county auditor's permanent parcel 27600
number designations as those parcel number designations correspond 27601
to the boundaries of the impacted watershed. If requested by the 27602
county engineer of each county with territory in the impacted 27603

watershed, the cost of such surveys shall be paid from the funds 27604
of the lake facilities authority pursuant to an agreement between 27605
the lake facilities authority and the county engineer of each 27606
county. Such funds may be advanced by the board of county 27607
commissioners of any county with territory in the impacted 27608
watershed. 27609

The county auditor of the county with the greatest amount of 27610
territory in the impacted watershed shall be the fiscal officer 27611
for the lake facilities authority. The county prosecutor of the 27612
county with the greatest amount of territory in the impacted 27613
watershed shall be the legal advisor of the lake facilities 27614
authority and shall prosecute and defend all suits and actions 27615
that the lake facilities authority directs or to which it is a 27616
party. 27617

Upon the creation of a lake facilities authority, no 27618
authority that is granted by law any powers or duties that are 27619
substantially the same as the powers and duties of a lake 27620
facilities authority may be created if its territorial 27621
jurisdiction includes any territory within the impacted lake 27622
district. 27623

Sec. 353.03. A lake facilities authority may do all of the 27624
following: 27625

(A) Acquire by purchase, lease, gift, or otherwise, on such 27626
terms and in such manner as it considers proper, real and personal 27627
property necessary for an authorized purpose or any estate, 27628
interest, or right therein, within or without the impacted lake 27629
district; 27630

(B) Improve, remediate, maintain, sell, lease, or otherwise 27631
dispose of real and personal property on such terms and in such 27632
manner as it considers proper; 27633

(C) Request that the department of natural resources, the environmental protection agency, or the department of agriculture adopt, modify, and enforce reasonable rules and regulations governing impacted watersheds; 27634
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(D) Employ such managers, administrative officers, agents, engineers, architects, attorneys, contractors, subcontractors, and employees as may be appropriate in the exercise of the rights, powers, and duties conferred on it, prescribe the duties and compensation for such persons, require bonds to be given by any such persons and by officers of the authority for the faithful performance of their duties, and fix the amount and surety therefor, and pay the surety; 27638
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(E) Sue and be sued in its corporate name; 27646

(F)(1) Make and enter into all contracts and agreements and execute all instruments relating to the provisions of this chapter; 27647
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(2) Except as provided otherwise under divisions (F)(2) and (3) of this section, when the cost of a contract for the construction of any building, structure, or other improvement undertaken by a lake facilities authority involves an expenditure exceeding twenty-five thousand dollars, and the lake facilities authority is the contracting authority, the lake facilities authority shall make a written contract after notice calling for bids for the award of the contract has been given by publication twice, with at least seven days between publications, in a newspaper of general circulation in the impacted lake district. Each such contract shall be awarded to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code. The board of directors by rule may provide criteria for the negotiation and award without competitive bidding of any contract as to which the lake facilities authority is the contracting authority for the construction of any building or structure or 27650
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other improvement under any of the following circumstances: 27666

(a) There exists a real and present emergency that threatens 27667
damage to property or injury to persons of the lake facilities 27668
authority or other persons, provided that a statement specifying 27669
the nature of the emergency that is the basis for the negotiation 27670
and award of a contract without competitive bidding shall be 27671
signed at the time of the contract's execution by the officer of 27672
the lake facilities authority that executes the contract and shall 27673
be attached to the contract. 27674

(b) A commonly recognized industry or other standard or 27675
specification does not exist and cannot objectively be articulated 27676
for the improvement. 27677

(c) The contract is for any energy conservation measure as 27678
defined in section 307.041 of the Revised Code. 27679

(d) With respect to material to be incorporated into the 27680
improvement, only a single source or supplier exists for the 27681
material. 27682

(e) A single bid is received by the lake facilities authority 27683
after complying with the above provisions. 27684

(3) In addition to the exceptions to competitive bidding 27685
requirements under division (F)(2) of this section, a lake 27686
facilities authority may contract for the acquisition or 27687
construction of any property for an authorized purpose and for the 27688
leasing, subleasing, sale, or other disposition of the property in 27689
a manner determined by the lake facilities authority in its sole 27690
discretion, without necessity for competitive bidding or 27691
performance bonds. 27692

(4) With respect to any public improvement undertaken by, or 27693
under contract for, the lake facilities authority, the authority 27694
may elect to apply sections 4115.03 to 4115.21 of the Revised 27695
Code. 27696

(G) Accept aid or contributions from any source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which the grants and contributions are made; 27697
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(H) Apply for and accept grants, loans, or commitments of guarantee or insurance, including any guarantees of lake facilities authority bonds and notes, from the United States, the state, or other public body or other sources, and provide any consideration which may be required in order to obtain such grants, loans, or contracts of guarantee or insurance; 27701
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(I) Procure insurance against loss to the lake facilities authority by reason of damage to its properties resulting from fire, theft, accident, or other casualties, or by reason of its liability for any damages to persons or property occurring in the construction or operation of facilities or areas under its jurisdiction or the conduct of its activities; 27707
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(J) Maintain such funds or reserves as it considers necessary for the efficient performance of its duties; 27713
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(K) Enforce any covenants, of which the lake facilities authority is the beneficiary, running with the land. 27715
27716

(L) Issue securities for the remediation of an impacted watershed and directly related permanent improvements in compliance with Chapter 133. of the Revised Code, except that such bonds or notes may be issued only pursuant to a vote of the electors residing within the impacted lake district. The net indebtedness incurred by a lake facilities authority pursuant to this division may not exceed one-tenth of one per cent of the total value of all property within the territory comprising the impacted lake district as listed and assessed for taxation. 27717
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(M) Issue lake facilities authority revenue bonds beyond the limit of bonded indebtedness provided by law, payable solely from 27726
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revenues as provided in section 353.09 of the Revised Code for the 27728
purpose of providing funds to pay costs of any facility or 27729
facilities or parts thereof; 27730

(N) Advise and provide input to political subdivisions within 27731
the impacted lake district with respect to zoning and land use 27732
planning within the impacted lake district; 27733

(O) Enter into agreements for the management, ownership, 27734
possession, or control of lands or property to be used for wetland 27735
mitigation banking; 27736

(P) Adopt and modify rules and regulations to carry out the 27737
authority granted to the lake facilities authority under this 27738
section. 27739

Sec. 353.04. (A) Upon the creation of a lake facilities 27740
authority under section 353.02 of the Revised Code, a board of 27741
directors consisting of the county commissioners of each county 27742
with territory in the impacted lake district shall be created. 27743
Membership on the board is not a direct or indirect interest in a 27744
contract or expenditure of money by the county. Notwithstanding 27745
any provision of law to the contrary, no member of the board shall 27746
be disqualified from holding any public office or employment by 27747
reason of membership on the board. The board is a public body for 27748
the purposes of section 121.22 of the Revised Code and a public 27749
office for the purposes of section 149.43 of the Revised Code. 27750
Notwithstanding those sections, the board may hold closed meetings 27751
and protect the confidentiality of information under the same 27752
circumstances as authorized for a community improvement 27753
corporation under section 1724.11 of the Revised Code. Chapter 27754
2744. of the Revised Code applies to the board. Each year, the 27755
board shall prepare an annual report of its activities and make it 27756
available to the public. 27757

(B) A board of directors shall consult with the advisory 27758

council created under this division in performing the remediation 27759
and other activities authorized by this chapter. 27760

Not later than sixty days after the creation of the board of 27761
directors, the board shall provide written notice of its creation 27762
to the legislative authority of each political subdivision with 27763
territory in the impacted lake district. The notice shall describe 27764
the process for the appointment of an advisory council. Upon 27765
receipt of such notice, the legislative authority of each 27766
political subdivision with territory in the impacted lake district 27767
shall appoint one representative each to serve on the advisory 27768
council. The representative need not be an elected or appointed 27769
official of the political subdivision. 27770

Sec. 353.05. The board of directors of a lake facilities 27771
authority, by resolution, may propose the levy of a tax upon the 27772
taxable property in the impacted lake district pursuant to section 27773
5705.55 of the Revised Code. 27774

Sec. 353.06. As used in this section, "hotel" and "transient 27775
guests" have the same meanings as in section 5739.01 of the 27776
Revised Code. 27777

A resolution creating a lake facilities authority under 27778
section 353.02 of the Revised Code, or any amendments or 27779
supplements thereto, may authorize the authority to levy an excise 27780
tax on transactions by which lodging in a hotel is or is to be 27781
furnished to transient guests to pay any costs authorized under 27782
this chapter; to pay principal, interest, and premium on lake 27783
facilities authority tax anticipation bonds issued to pay those 27784
costs; to pay the operating costs of the authority; and to pay the 27785
costs of administering the tax. 27786

Upon the affirmative vote of at least a majority of the 27787
qualified electors in a primary or general election within the 27788

impacted lake district voting at an election held for the purpose 27789
of authorizing the tax, the board of directors of a lake 27790
facilities authority authorized to levy a tax under this section 27791
may, by resolution, levy an additional excise tax within the 27792
territory of the impacted lake district on all transactions by 27793
which lodging in a hotel is or is to be furnished to transient 27794
guests. The rate of the tax, when added to the aggregate rate of 27795
excise taxes levied in the impacted lake district pursuant to 27796
section 351.021, 5739.08, or 5739.09 of the Revised Code, shall 27797
not cause the total aggregate rate to exceed five per cent on any 27798
such transaction. 27799

The lake facilities authority shall provide for the 27800
administration and allocation of a tax levied pursuant to this 27801
section. All receipts arising from the tax shall be expended for 27802
the purposes provided in, and in accordance with, this section. An 27803
excise tax levied under this section shall remain in effect at the 27804
rate at which it is levied for at least the duration of the period 27805
for which the receipts from the tax have been anticipated and 27806
pledged pursuant to section 353.08 of the Revised Code. 27807

The form of the ballot in an election held on the question of 27808
levying a tax proposed pursuant to this section shall be as 27809
follows or in any other form acceptable to the secretary of state: 27810

"An excise tax on all transactions by which lodging in a 27811
hotel is or is to be furnished to transient guests within the 27812
territory of the (name of impacted lake district) for 27813
the purpose of at a rate of for 27814
(number of years the tax is to be levied). 27815

	<u>For the Excise Tax</u>	
	<u>Against the Excise Tax</u>	"

Sec. 353.07. The director of natural resources may transfer 27819

real property owned by the state to a lake facilities authority 27820
for the purpose of promoting wetland banking, wildlife, or 27821
sporting activities. The division of wildlife within the 27822
department of natural resources may enter into an agreement with a 27823
lake facilities authority to establish wetland or natural areas to 27824
benefit wildlife or sporting activities. The agreement may be 27825
entered as part of, or in conjunction with, a mitigation banking 27826
program. 27827

Sec. 353.08. A lake facilities authority that levies a tax 27828
authorized by sections 353.05 and 5705.55 or section 353.06 of the 27829
Revised Code may, by resolution, anticipate the proceeds of the 27830
tax and issue lake facilities authority anticipation bonds, and 27831
notes anticipating the proceeds or the bonds, in the principal 27832
amount that, in the opinion of the authority, are necessary for 27833
the purpose of paying the cost of an authorized purpose, and that 27834
the authority is able to pay over the term of the issue with the 27835
interest on the bonds or notes, or in the case of notes 27836
anticipating bonds over the term of the bonds, by the estimated 27837
amount of the taxes anticipated. The taxes are determined by the 27838
general assembly to satisfy any applicable requirement of Section 27839
11 of Article XII, Ohio Constitution. 27840

Every issue of outstanding anticipation bonds shall be 27841
payable out of the proceeds of the taxes anticipated and other 27842
revenues of the authority that are pledged for such payment. The 27843
pledge shall be valid and binding from the time the pledge is 27844
made, and the anticipated excise taxes and revenues so pledged and 27845
thereafter received by the authority immediately shall be subject 27846
to the lien of that pledge without any physical delivery of those 27847
taxes and revenues or further act. The lien of any pledge is valid 27848
and binding as against all parties having claims of any kind in 27849
tort, contract, or otherwise against the authority, whether or not 27850

such parties have notice of the lien. Neither the resolution nor 27851
any trust agreement by which a pledge is created need be filed or 27852
recorded except in the authority's records. 27853

The anticipation bonds shall bear such date or dates, and 27854
shall mature at such time or times, in the case of any such notes 27855
or any renewals of such notes not exceeding twenty years from the 27856
date of issue of such original notes and in the case of any such 27857
bonds or any refunding bonds not exceeding forty years from the 27858
date of the original issue of notes or bonds for the purpose, and 27859
shall be executed in the manner that the resolution authorizing 27860
the bonds may provide. The anticipation bonds shall bear interest 27861
at such rates, or at a variable rate or rates changing from time 27862
to time, in accordance with provisions provided in the authorizing 27863
resolution, be in such denominations and form, either coupon or 27864
registered, carry such registration privileges, be payable in such 27865
medium of payment and at such place or places, and be subject to 27866
such terms of redemption, as the authority may authorize or 27867
provide. 27868

Sec. 353.09. A lake facilities authority at any time may 27869
issue lake facilities authority revenue bonds in such principal 27870
amounts as, in the opinion of the lake facilities authority, are 27871
necessary for the purpose of paying the cost of one or more lake 27872
facilities authority facilities or parts thereof. A lake 27873
facilities authority at any time may issue renewal notes, issue 27874
bonds to retire its notes and, whenever it considers refunding 27875
expedient, refund any bonds by the issuance of lake facilities 27876
authority revenue refunding bonds, whether the bonds to be 27877
refunded have or have not matured, and issue lake facilities 27878
authority revenue bonds partly to refund outstanding bonds and 27879
partly for any other authorized purpose. The lake facilities 27880
authority revenue refunding bonds shall be sold and the proceeds 27881
applied to the purchase, redemption, or payment of the bonds to be 27882

refunded. Lake facilities authority revenue bonds shall be special 27883
obligations of the lake facilities authority payable out of the 27884
revenues of the lake facilities authority that are pledged for 27885
such payment. The pledge shall be valid and binding from the time 27886
the pledge is made and the revenues so pledged and thereafter 27887
received by the lake facilities authority immediately shall be 27888
subject to the lien of the pledge without any physical delivery 27889
thereof or further act, and the lien of the pledge is valid and 27890
binding as against all parties having claims of any kind in tort, 27891
contract, or otherwise against the lake facilities authority, 27892
irrespective of whether those parties have notice thereof. Neither 27893
the resolution nor any trust agreement by which a pledge is 27894
created need be filed or recorded except in the records of the 27895
lake facilities authority. 27896

Whether or not the lake facilities authority revenue bonds 27897
are of such form and character as to be negotiable instruments, 27898
the lake facilities authority revenue bonds shall have all the 27899
qualities and incidents of negotiable instruments, subject only to 27900
the provisions of the bonds for registration. 27901

The lake facilities authority revenue bonds shall be 27902
authorized by resolution of the lake facilities authority, and 27903
shall bear interest at such rate or rates, shall bear such date or 27904
dates, and shall mature at such time or times, and in such number 27905
of installments as may be provided in or pursuant to that 27906
resolution. The final maturity of any lake facilities authority 27907
revenue bond in the form of a note and any renewals thereof shall 27908
not exceed five years from the date of issue of the original note. 27909
The final maturity of any issue of lake facilities authority 27910
revenue bonds shall not be later than forty-five years from the 27911
date of issue of the original issue of bonds. Any such bonds or 27912
notes shall be executed in a manner as the resolution or 27913
resolutions may provide. The lake facilities authority revenue 27914

bonds shall be in such denominations, be in such form, either 27915
coupon or registered, carry such registration privileges, be 27916
payable in such medium of payment, at such place or places, and be 27917
subject to such terms of redemption as may be provided in or 27918
pursuant to the resolution authorizing their issuance. Lake 27919
facilities authority revenue bonds of the lake facilities 27920
authority may be sold by the lake facilities authority, at public 27921
or private sale, at or at not less than a price or prices as the 27922
lake facilities authority determines. In case any officer whose 27923
signature or a facsimile of whose signature appears on any bonds, 27924
notes, or coupons, ceases to be such officer before delivery of 27925
bonds or notes, the signature or facsimile shall nevertheless be 27926
sufficient for all purposes the same as if the officer had 27927
remained in office until such delivery, and in case the seal of 27928
the lake facilities authority has been changed after a facsimile 27929
has been imprinted on such bonds or notes, the facsimile seal will 27930
continue to be sufficient for all purposes. 27931

Any resolution or resolutions authorizing any lake facilities 27932
authority revenue bonds or any issue of bonds may contain 27933
provisions, subject to any agreements with bondholders as may then 27934
exist, which provisions shall be a part of the contract with the 27935
holders of bonds, as to the pledging of all or any part of the 27936
revenues of the lake facilities authority to secure the payment of 27937
the lake facilities authority bonds or of any issue of the bonds; 27938
the use and disposition of revenues of the lake facilities 27939
authority; a covenant to fix, alter, and collect rentals and other 27940
charges so that pledged revenues will be sufficient to pay costs 27941
of operation, maintenance, and repairs, pay principal of and 27942
interest on bonds secured by the pledge of such revenues, and 27943
provide any reserves that may be required by the applicable 27944
resolution or trust agreement; the setting aside of reserve funds, 27945
sinking funds, or replacement and improvement funds and the 27946
regulation and disposition thereof; the crediting of the proceeds 27947

of the sale of bonds to and among the funds referred to or 27948
provided for in or pursuant to the resolution authorizing the 27949
issuance of the bonds or notes; the use, lease, sale, or other 27950
disposition of any lake facilities authority facility or any other 27951
assets of the lake facilities authority; limitations on the 27952
purpose to which the proceeds of sale of bonds may be applied and 27953
the pledging of those proceeds to secure the payment of the bonds 27954
or of any issue of the bonds; as to notes issued in anticipation 27955
of the issuance of bonds, the agreement of the lake facilities 27956
authority to do all things necessary for the authorization, 27957
issuance, and sale of the bonds in amounts that may be necessary 27958
for the timely retirement of the notes; limitations on the 27959
issuance of additional bonds; the terms upon which additional 27960
bonds may be issued and secured; the refunding of outstanding 27961
bonds; the procedure, if any, by which the terms of any contract 27962
with bondholders may be amended or abrogated, the amount of bonds 27963
the holders of which must consent thereto, and the manner in which 27964
such consent may be given; limitations on the amount of moneys to 27965
be expended by the lake facilities authority for operating, 27966
administrative, or other expenses of the lake facilities 27967
authority; securing any bonds or notes by a trust agreement; and 27968
any other matters, of like or different character, that in any way 27969
affect the security or protection of the bonds or notes. 27970

Neither the board of directors of the lake facilities 27971
authority nor any person executing the bonds shall be liable 27972
personally on the bonds or be subject to any personal liability or 27973
accountability by reason of the issuance thereof. 27974

The issuance of lake facilities authority revenue bonds under 27975
this section need not comply with any other law applicable to the 27976
issuance of bonds or notes. 27977

Sec. 353.10. (A) With respect to facilities, and their 27978

financing, for an authorized purpose, under agreements whereby the 27979
person to whom the facility is to be leased, subleased, or sold, 27980
or to whom a loan is to be made for the facility, is to make 27981
payments sufficient to pay all of the principal of, premium, if 27982
any, and interest on the lake facilities authority revenue bonds 27983
issued for the facility, the lake facilities authority, in 27984
addition to other powers under this chapter, may do any of the 27985
following: 27986

(1) Make loans for the acquisition or construction of the 27987
facility to such person upon such terms as the lake facilities 27988
authority may determine or authorize including secured or 27989
unsecured loans, and, in connection therewith, enter into loan 27990
agreements and other agreements, accept notes and other forms of 27991
obligation to evidence such indebtedness and mortgages, liens, 27992
pledges, assignments, or other security interests to secure such 27993
indebtedness, which may be prior or subordinate to or on a parity 27994
with other indebtedness, obligations, mortgages, pledges, 27995
assignments, other security interests, or liens or encumbrances, 27996
and take actions it considers appropriate to protect such security 27997
and safeguard against losses, including, without limitation, 27998
foreclosure and the bidding upon and purchase of property upon 27999
foreclosure or other sale; 28000

(2) Sell the facility under such terms as it may determine, 28001
including, without limitation, sale by conditional sale or 28002
installment sale, under which title may pass prior to or after 28003
completion of the facility or payment or provisions for payment of 28004
all principal of, premium, if any, and interest on the bonds, or 28005
at any other time provided in the agreement pertaining to the 28006
sale, and including sale under an option to purchase at a price 28007
which may be a nominal amount or less than true value at the time 28008
of purchase; 28009

(3) Grant a mortgage, lien, or other encumbrance on, or 28010
pledge or assignment of, or other security interest with respect 28011
to, all or any part of the facility, revenues, reserve funds, or 28012
other funds established in connection with the bonds, or on, of, 28013
or with respect to any lease, sublease, sale, conditional sale or 28014
installment sale agreement, loan agreement, or other agreement 28015
pertaining to the lease, sublease, sale, or other disposition of a 28016
facility or pertaining to a loan made for a facility, or any 28017
guaranty or insurance agreement made with respect thereto, or any 28018
interest of the lake facilities authority therein, or any other 28019
interest granted, assigned, or released to secure payments of the 28020
principal of, premium, if any, or interest on the bonds or to 28021
secure any other payments to be made by the lake facilities 28022
authority, which mortgage, lien, encumbrance, pledge, assignment, 28023
or other security interest may be prior or subordinate to or on a 28024
parity with any other mortgage, assignment, or other security 28025
interest, or lien or encumbrance; 28026

(4) Provide that the interest on the bonds may be at a 28027
variable rate or rates changing from time to time in accordance 28028
with a base or formula as authorized by the lake facilities 28029
authority; 28030

(5) Contract for the acquisition or construction of the 28031
facility or any part thereof and for the leasing, subleasing, 28032
sale, or other disposition of the facility in a manner determined 28033
by the lake facilities authority in its sole discretion, without 28034
necessity for competitive bidding or performance bonds; 28035

(6) Make appropriate provision for adequate maintenance of 28036
the facility. 28037

(B) With respect to the facilities referred to in this 28038
section, the authority granted by this section is cumulative and 28039
supplementary to all other authority granted in this chapter. The 28040
authority granted by this section does not alter or impair any 28041

similar authority granted elsewhere in this chapter for or with 28042
respect to other facilities. 28043

Sec. 353.11. In the discretion of the lake facilities 28044
authority, any lake facilities authority revenue bonds issued 28045
under this chapter may be secured by a trust agreement between the 28046
lake facilities authority and a corporate trustee that may be any 28047
trust company or bank having the powers of a trust company within 28048
or without the state. 28049

The trust agreement may pledge or assign revenues of the lake 28050
facilities authority to be received and may convey or mortgage any 28051
facility or any part thereof. The trust agreement or any 28052
resolution providing for the issuance of such bonds may contain 28053
any provisions for protecting and enforcing the rights and 28054
remedies of the bondholders as are reasonable and proper and not 28055
in violation of law, including covenants setting forth the duties 28056
of the lake facilities authority in relation to the acquisition of 28057
property, the construction, improvement, maintenance, repair, 28058
operation, and insurance of the facility in connection with which 28059
the bonds are authorized, the rentals or other charges to be 28060
imposed for the use or services of any facility, the custody, 28061
safeguarding, and application of all moneys, and provisions for 28062
the employment of consulting engineers in connection with the 28063
construction or operation of the facility. 28064

Any bank or trust company incorporated under the laws of this 28065
state that may act as depository of the proceeds of bonds or of 28066
revenues may furnish any indemnifying bonds or may pledge any 28067
securities that are required by the lake facilities authority. The 28068
trust agreement may set forth the rights and remedies of the 28069
bondholders and of the trustee, and may restrict the individual 28070
right of action by bondholders as is customary in trust agreements 28071
or trust indentures securing similar bonds. The trust agreement 28072

may contain any other provisions that the lake facilities 28073
authority determines reasonable and proper for the security of the 28074
bondholders. All expenses incurred in carrying out the provisions 28075
of the trust agreement may be treated as a part of the cost of the 28076
operation of the facility. 28077

Sec. 353.12. Any holder of lake facilities authority revenue 28078
bonds issued under sections 353.09 to 353.15 of the Revised Code, 28079
or any of the coupons pertaining to those bonds, and the trustee 28080
under any trust agreement, except to the extent the rights given 28081
by those sections may be restricted by the applicable resolution 28082
or that trust agreement, may by suit, action, mandamus, or other 28083
proceedings, protect and enforce any rights under the laws of the 28084
state or granted under those sections, the trust agreement, or the 28085
resolution authorizing the issuance of the bonds, and may enforce 28086
and compel the performance of all duties required by those 28087
sections, or by the trust agreement or resolution, to be performed 28088
by the lake facilities authority or any officer of the lake 28089
facilities authority, including the fixing, charging, and 28090
collecting of rentals or other charges. 28091

Sec. 353.13. Lake facilities authority revenue bonds issued 28092
under sections 353.09 to 353.15 of the Revised Code do not 28093
constitute a debt, or a pledge of the faith and credit, of the 28094
state or any political subdivision of the state. The holders or 28095
owners of the bonds have no right to have taxes levied by the 28096
general assembly or taxing authority of any political subdivision 28097
of the state for the payment of the principal of or interest on 28098
the bonds. The bonds are payable solely from the revenues and 28099
funds pledged for their payment as authorized by this chapter, 28100
unless the revenue bonds are notes issued in anticipation of the 28101
issuance of the bonds, or the revenue bonds are refunded by 28102
refunding bonds issued under section 353.09 of the Revised Code, 28103

provided that the refunding bonds shall be payable solely from 28104
revenues and funds pledged for their payment as authorized by that 28105
section. All bonds shall contain on the face thereof a statement 28106
to the effect that the bonds, as to both principal and interest, 28107
are not debts of the state or any political subdivision of the 28108
state, but are payable solely from revenues and funds pledged for 28109
their payment. 28110

Sec. 353.14. All moneys, funds, properties, and assets 28111
acquired by the lake facilities authority under this chapter, 28112
whether as proceeds from the sale of lake facilities authority 28113
revenue bonds or as revenues, or otherwise, shall be held by it in 28114
trust for the purposes of carrying out its powers and duties, 28115
shall be used and reused as provided in this chapter, and shall at 28116
no time be part of other public funds. Such funds, except as 28117
otherwise provided in any resolution authorizing its lake 28118
facilities authority revenue bonds or in any trust agreement 28119
securing those bonds, or except when invested pursuant to section 28120
353.15 of the Revised Code, shall be kept in depositories selected 28121
by the lake facilities authority in the manner provided in Chapter 28122
135. of the Revised Code for the selection of eligible public 28123
depositories, and the deposits shall be secured as provided in 28124
that chapter. The resolution authorizing the issuance of such 28125
bonds or the trust agreement securing the bonds shall provide that 28126
any officer to whom, or any bank or trust company to which, such 28127
money is paid shall act as trustee of the money and hold and apply 28128
the money for the purposes for which the bonds are issued, subject 28129
to such conditions as Chapter 135. of the Revised Code and such 28130
resolutions or trust agreement provide. 28131

Sec. 353.15. Except as otherwise provided in any resolution 28132
authorizing the issuance of its lake facilities authority revenue 28133

bonds or in any trust agreement securing the bonds, moneys in the 28134
funds of the lake facilities authority in excess of current needs 28135
may be invested as permitted by sections 135.01 to 135.21 of the 28136
Revised Code or invested in linked deposit programs established by 28137
resolution of the board of directors in accordance with section 28138
135.80 of the Revised Code. Income from all investments of moneys 28139
in any fund shall be credited to funds as the lake facilities 28140
authority determines, subject to the provisions of any such 28141
resolution or trust agreement, and the investments may be sold at 28142
any time the lake facilities authority determines. 28143

Sec. 353.16. Bonds of a lake facilities authority and lake 28144
facilities authority revenue bonds are lawful investments of 28145
banks, societies for savings, trust companies, savings and loan 28146
associations, deposit guaranty associations, trustees, 28147
fiduciaries, trustees or other officers having charge of the bond 28148
retirement funds or sinking funds of port authorities and 28149
political subdivisions, and taxing districts of this state, the 28150
commissioners of the sinking fund of this state, the administrator 28151
of workers' compensation, the state teachers retirement system, 28152
the school employees retirement system, the public employees 28153
retirement system, the Ohio police and fire pension fund, and 28154
insurance companies, including domestic life insurance companies 28155
and domestic insurance companies other than life, and are 28156
acceptable as security for the deposit of public moneys. 28157

Sec. 511.261. If a township park district enters into an 28158
agreement for the sale or lease of mineral rights regarding a park 28159
within the district, any royalties or other moneys resulting from 28160
the sale or lease shall be deposited into a special fund that the 28161
board of park commissioners shall establish under division (F) of 28162
section 5705.09 of the Revised Code. The fund shall be used 28163

exclusively for maintenance of parks within the district and for 28164
the acquisition of new park lands. 28165

Sec. 517.271. Notwithstanding section 517.22 of the Revised 28166
Code, the company, association, or religious society that most 28167
recently owned and operated a cemetery currently owned by a board 28168
of township trustees may petition the probate court of the county 28169
in which the cemetery is located to transfer the ownership of the 28170
cemetery to the petitioner. 28171

If the court determines that the petitioner has met all of 28172
the following conditions, the court shall transfer the ownership 28173
of the cemetery to the petitioner and shall order the board to 28174
give the petitioner all necessary records and documents concerning 28175
the cemetery, including records of the board's sale of any lots 28176
pursuant to section 517.07 of the Revised Code: 28177

(A) The petitioner has the financial resources necessary to 28178
operate and maintain the cemetery; 28179

(B) The petitioner is in compliance with all applicable laws 28180
and administrative rules concerning the owners and operators of 28181
cemeteries, including registration under section 4767.02 of the 28182
Revised Code; and 28183

(C) The petitioner owes no delinquent taxes. 28184

Sec. 715.013. (A) Except as otherwise expressly authorized by 28185
the Revised Code, no municipal corporation shall levy a tax that 28186
is the same as or similar to a tax levied under Chapter 322., 28187
3734., 3769., 4123., 4141., 4301., 4303., 4305., 4307., 4309., 28188
5707., 5725., 5726., 5727., 5728., 5729., 5731., 5735., 5736., 28189
5737., 5739., 5741., 5743., ~~or 5749.,~~ or 5751. of the Revised 28190
Code. 28191

(B) This section does not prohibit a municipal corporation 28192
from levying a tax on any of the following: 28193

(1) Amounts received for admission to any place;	28194
(2) The income of an electric company or combined company, as defined in section 5727.01 of the Revised Code;	28195 28196
(3) On and after January 1, 2004, the income of a telephone company, as defined in section 5727.01 of the Revised Code.	28197 28198
Sec. 715.691. (A) As used in this section:	28199
(1) "Contracting party" means a municipal corporation that has entered into a joint economic development zone contract or any party succeeding to the municipal corporation, or a township that entered into a joint economic development zone contract with a municipal corporation.	28200 28201 28202 28203 28204
(2) "Zone" means a joint economic development zone designated under this section.	28205 28206
(B) This section provides alternative procedures and requirements for creating and operating a joint economic development zone to those set forth in section 715.69 of the Revised Code. This section applies only if one of the contracting parties to the zone does not levy a municipal income tax under Chapter 718. of the Revised Code. A municipal corporation that does not levy a municipal income tax may enter into an agreement to create and operate a joint economic development zone under this section or under section 715.69 of the Revised Code.	28207 28208 28209 28210 28211 28212 28213 28214 28215
Two or more municipal corporations or one or more townships and one or more municipal corporations may enter into a contract whereby they agree to share in the costs of improvements for an area or areas located in one or more of the contracting parties that they designate as a joint economic development zone for the purpose of facilitating new or expanded growth for commercial or economic development in the state. The contract and zone shall meet the requirements of divisions (B) to (J) of this section.	28216 28217 28218 28219 28220 28221 28222 28223

(C) The contract shall set forth each contracting party's contribution to the joint economic development zone. The contributions may be in any form that the contracting parties agree to, and may include, but are not limited to, the provision of services, money, or equipment. The contract may be amended, renewed, or terminated with the consent of the contracting parties. The contract shall continue in existence throughout the term it specifies and shall be binding on the contracting parties and on any entities succeeding to the contracting parties.

(D) Before the legislative authority of any of the contracting parties enacts an ordinance or resolution approving a contract to designate a joint economic development zone, the legislative authority of each of the contracting parties shall hold a public hearing concerning the contract and zone. Each legislative authority shall provide at least thirty days' public notice of the time and place of the public hearing in a newspaper of general circulation in the municipal corporation or township. During the thirty-day period prior to the public hearing, all of the following documents shall be available for public inspection in the office of the clerk of the legislative authority of a municipal corporation that is a contracting party and in the office of the fiscal officer of a township that is a contracting party:

(1) A copy of the contract designating the zone;

(2) A description of the area or areas to be included in the zone, including a map in sufficient detail to denote the specific boundaries of the area or areas;

(3) An economic development plan for the zone that includes a schedule for the provision of any new, expanded, or additional services, facilities, or improvements.

A public hearing held under division (D) of this section

shall allow for public comment and recommendations on the contract 28255
and zone. The contracting parties may include in the contract any 28256
of those recommendations prior to approval of the contract. 28257

(E) After the public hearings required under division (D) of 28258
this section have been held, each contracting party may enact an 28259
ordinance or resolution approving the contract to designate a 28260
joint economic development zone. After each contracting party has 28261
enacted an ordinance or resolution, the clerk of the legislative 28262
authority of a municipal corporation that is a contracting party 28263
and the fiscal officer of a township that is a contracting party 28264
shall file with the board of elections of each county within which 28265
a contracting party is located a copy of the ordinance or 28266
resolution approving the contract and shall direct the board of 28267
elections to submit the ordinance or resolution to the electors of 28268
the contracting party on the day of the next general, primary, or 28269
special election occurring at least ninety days after the 28270
ordinance or resolution is filed with the board of elections. If 28271
any of the contracting parties is a township, however, then only 28272
the township or townships shall submit the resolution to the 28273
electors. 28274

(F)(1) If a vote is required to approve a municipal 28275
corporation as a contracting party to a joint economic development 28276
zone under this section, the ballot shall be in the following 28277
form: 28278

"Shall the ordinance of the legislative authority of the 28279
(city or village) of (name of contracting party) approving the 28280
contract with (name of each other contracting party) for the 28281
designation of a joint economic development zone be approved? 28282

	FOR THE ORDINANCE AND CONTRACT
	AGAINST THE ORDINANCE AND CONTRACT

"

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(2) If a vote is required to approve a township as a contracting party to a joint economic development zone under this section, the ballot shall be in the following form:

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"Shall the resolution of the board of township trustees of the township of (name of contracting party) approving the contract with (name of each other contracting party) for the designation of a joint economic development zone be approved?"

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	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

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"

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If a majority of the electors of each contracting party voting on the issue vote for the ordinance or resolution and contract, the ordinance or resolution shall become effective immediately and the contract shall go into effect immediately or in accordance with its terms.

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(G)(1) A board of directors shall govern each joint economic development zone created under section 715.691 of the Revised Code. The members of the board shall be appointed as provided in the contract. Each of the contracting parties shall appoint three members to the board. Terms for each member shall be for two years, each term ending on the same day of the month of the year as did the term that it succeeds. A member may be reappointed to the board.

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(2) Membership on the board is not the holding of a public office or employment within the meaning of any section of the Revised Code or any charter provision prohibiting the holding of other public office or employment. Membership on the board is not a direct or indirect interest in a contract or expenditure of money by a municipal corporation, township, county, or other

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political subdivision with which a member may be affiliated. 28317
Notwithstanding any provision of law or a charter to the contrary, 28318
no member of the board shall forfeit or be disqualified from 28319
holding any public office or employment by reason of membership on 28320
the board. 28321

(3) The board is a public body for the purposes of section 28322
121.22 of the Revised Code. Chapter 2744. of the Revised Code 28323
applies to the board and the zone. 28324

(H) The contract may grant to the board of directors 28325
appointed under division (G) of this section the power to adopt a 28326
resolution to levy an income tax within the zone. The income tax 28327
shall be used for the purposes of the zone and for the purposes of 28328
the contracting ~~municipal corporations~~ parties pursuant to the 28329
contract. The income tax may be levied in the zone based on income 28330
earned by persons working within the zone and on the net profits 28331
of businesses located in the zone. The income tax is subject to 28332
Chapter 718. of the Revised Code, except that a vote shall be 28333
required by the electors residing in the zone to approve the rate 28334
of income tax unless a majority of the electors residing within 28335
the zone, as determined by the total number of votes cast in the 28336
zone for the office of governor at the most recent general 28337
election for that office, submit a petition to the board 28338
requesting that the election provided for in division (H)(1) of 28339
this section not be held. If no electors reside within the zone, 28340
then division (H)(3) of this section applies. The rate of the 28341
income tax shall be no higher than the highest rate being levied 28342
by a municipal corporation that is a party to the contract. 28343

(1) The board of directors may levy an income tax at a rate 28344
that is not higher than the highest rate being levied by a 28345
municipal corporation that is a party to the contract, provided 28346
that the rate of the income tax is first submitted to and approved 28347
by the electors of the zone at the succeeding regular or primary 28348

election, or a special election called by the board, occurring 28349
subsequent to ninety days after a certified copy of the resolution 28350
levying the income tax and calling for the election is filed with 28351
the board of elections. If the voters approve the levy of the 28352
income tax, the income tax shall be in force for the full period 28353
of the contract establishing the zone. No election shall be held 28354
under this section if a majority of the electors residing within 28355
the zone, determined as specified in division (H) of this section, 28356
submit a petition to that effect to the board of directors. Any 28357
increase in the rate of an income tax by the board of directors 28358
shall be approved by a vote of the electors of the zone and shall 28359
be in force for the remaining period of the contract establishing 28360
the zone. 28361

(2) Whenever a zone is located in the territory of more than 28362
one contracting party, a majority vote of the electors in each of 28363
the several portions of the territory of the contracting parties 28364
constituting the zone approving the levy of the tax is required 28365
before it may be imposed under division (H) of this section. 28366

(3) If no electors reside in the zone, no election for the 28367
approval or rejection of an income tax shall be held under this 28368
section, provided that where no electors reside in the zone, the 28369
rate of the income tax shall be no higher than the highest rate 28370
being levied by a municipal corporation that is a party to the 28371
contract. 28372

(4) The board of directors of a zone levying an income tax 28373
shall enter into an agreement with one of the municipal 28374
corporations that is a party to the contract to administer, 28375
collect, and enforce the income tax on behalf of the zone. 28376

(5) The board of directors of a zone shall publish or post 28377
public notice within the zone of any resolution adopted levying an 28378
income tax in the same manner required of municipal corporations 28379
under sections 731.21 and 731.25 of the Revised Code. 28380

(I)(1) If for any reason a contracting party reverts to or 28381
has its boundaries changed so that it is classified as a township 28382
that is the entity succeeding to that contracting party, the 28383
township is considered to be a municipal corporation for the 28384
purposes of the contract for the full period of the contract 28385
establishing the joint economic development zone, except that if 28386
that contracting party is administering, collecting, and enforcing 28387
the income tax on behalf of the district as provided in division 28388
(H)(4) of this section, the contract shall be amended to allow one 28389
of the other contracting parties to administer, collect, and 28390
enforce that tax. 28391

(2) Notwithstanding any other section of the Revised Code, if 28392
there is any change in the boundaries of a township so that a 28393
municipal corporation once located within the township is no 28394
longer so located, the township shall remain in existence even 28395
though its remaining unincorporated area contains less than 28396
twenty-two square miles, if the township has been or becomes a 28397
party to a contract creating a joint economic development zone 28398
under this section or the contract creating that joint economic 28399
development zone under this section is terminated or repudiated 28400
for any reason by any party or person. The township shall continue 28401
its existing status in all respects, including having the same 28402
form of government and the same elected board of trustees as its 28403
governing body. The township shall continue to receive all of its 28404
tax levies and sources of income as a township in accordance with 28405
any section of the Revised Code, whether the levies and sources of 28406
income generate millage within the ten-mill limitation or in 28407
excess of the ten-mill limitation. The name of the township may be 28408
changed to the name of the contracting party appearing in the 28409
contract creating a joint economic development zone under this 28410
section, so long as the name does not conflict with any other name 28411
in the state that has been certified by the secretary of state. 28412
The township shall have all of the powers set out in sections 28413

715.79, 715.80, and 715.81 of the Revised Code. 28414

(J) If, after creating and operating a joint economic 28415
development zone under this section, a contracting party that did 28416
not levy a municipal income tax under Chapter 718. of the Revised 28417
Code levies such a tax, the tax shall not apply to the zone for 28418
the full period of the contract establishing the zone, if the 28419
board of directors of the zone has levied an income tax as 28420
provided in division (H) of this section. 28421

Sec. 721.01. Municipal corporations have special power to 28422
sell or lease real estate or to sell personal property belonging 28423
to the municipal corporation, when such real estate or personal 28424
property is not needed for any municipal purpose. Such power shall 28425
be exercised in the manner provided by ~~sections 721.01 to 721.26,~~ 28426
~~inclusive, of the Revised Code~~ this chapter. 28427

Sec. 721.03. No contract, except as provided in section 28428
721.28 of the Revised Code, for the sale or lease of real estate 28429
belonging to a municipal corporation shall be made unless 28430
authorized by an ordinance, approved by a two-thirds vote of the 28431
members of the legislative authority of such municipal 28432
corporation, and by the board or officer having supervision or 28433
management of such real estate. When the contract is so 28434
authorized, it shall be made in writing by such board or officer, 28435
and, except as provided in section 721.27 or 721.29 of the Revised 28436
Code, only with the highest bidder, after advertisement once a 28437
week for five consecutive weeks in a newspaper of general 28438
circulation within the municipal corporation or as provided in 28439
section 7.16 of the Revised Code. Such board or officer may reject 28440
any bids and readvertise until all such real estate is sold or 28441
leased. 28442

Sec. 721.29. The legislative authority of a city may sell to 28443

a board of county commissioners real estate belonging to the city 28444
that is no longer needed for city purposes upon such lawful terms 28445
as are agreed upon between the city and the board of county 28446
commissioners, without competitive bidding as required by section 28447
721.03 of the Revised Code. No such sale shall be made unless the 28448
contract for the sale is authorized by ordinance, approved by a 28449
two-thirds vote of the members of the legislative authority of the 28450
city, and by the board or officer having supervision or management 28451
of the real estate. 28452

Sec. 731.091. (A) The legislative authority of a village may, 28453
by the adoption of an ordinance or resolution to eliminate 28454
staggered terms of office, determine that all members of the 28455
legislative authority shall be elected at the same municipal 28456
election as provided for in this section. 28457

(B) At the regular municipal election occurring not less than 28458
ninety days after the certification of the ordinance or resolution 28459
to the board of elections eliminating staggered terms of office, 28460
the following apply: 28461

(1) If there are six members of the legislative authority, 28462
~~three~~ the number of members eligible for election at that regular 28463
municipal election shall be elected ~~at the next regular municipal~~ 28464
~~election for~~ to two-year nonstaggered terms, and all members of 28465
the legislative authority shall be elected to four-year 28466
nonstaggered terms at all following municipal elections. 28467

(2) If there are five members of the legislative authority, 28468
~~three~~ a number of members that is one less than the number of 28469
members that would otherwise be eligible for election at that 28470
regular municipal election but for the first-time implementation 28471
of the new membership of five, or, in the case of a village that 28472
has previously reduced its number of members to five, then the 28473
number of members eligible for election at that regular municipal 28474

election shall be elected ~~at the next municipal election for to~~ 28475
two-year nonstaggered terms, and all members shall be elected to 28476
four-year nonstaggered terms at all following municipal elections. 28477

Sec. 737.41. (A) The legislative authority of a municipal 28478
corporation in which is established a municipal court, other than 28479
a county-operated municipal court, that has a department of 28480
probation shall establish in the municipal treasury a municipal 28481
probation services fund. The fund shall contain all moneys paid to 28482
the treasurer of the municipal corporation under section 2951.021 28483
of the Revised Code for deposit into the fund. The treasurer of 28484
the municipal corporation shall disburse the money contained in 28485
the fund at the request of the municipal court department of 28486
probation, for use only by that department for specialized staff, 28487
purchase of equipment, purchase of services, reconciliation 28488
programs for offenders and victims, other treatment programs, 28489
including ~~alcohol and drug~~ community addiction ~~programs~~ services 28490
providers certified under section ~~3793.06~~ 5119.36 of the Revised 28491
Code, determined to be appropriate by the chief probation officer, 28492
and other similar expenses related to placing offenders under a 28493
community control sanction. 28494

(B) Any money in a municipal probation services fund at the 28495
end of a fiscal year shall not revert to the treasury of the 28496
municipal corporation but shall be retained in the fund. 28497

(C) As used in this section: 28498

(1) "County-operated municipal court" has the same meaning as 28499
in section 1901.03 of the Revised Code. 28500

(2) "Community control sanction" has the same meaning as in 28501
section 2929.01 of the Revised Code. 28502

Sec. 742.14. (A) The board of trustees of the Ohio police and 28503
fire pension fund shall have prepared triennially by or under the 28504

supervision of an actuary an actuarial valuation of the pension 28505
assets, liabilities, and funding requirements of the Ohio police 28506
and fire pension fund as established pursuant to sections 742.01 28507
to 742.61 of the Revised Code. The actuary shall complete the 28508
valuation in accordance with actuarial standards of practice 28509
promulgated by the actuarial standards board of the American 28510
academy of actuaries and prepare a report of the valuation. The 28511
report shall include all of the following: 28512

(1) A summary of the benefit provisions evaluated; 28513

(2) A summary of the census data and financial information 28514
used in the valuation; 28515

(3) A description of the actuarial assumptions, actuarial 28516
cost method, and asset valuation method used in the valuation, 28517
including a statement of the assumed rate of payroll growth and 28518
assumed rate of growth or decline in the number of members of the 28519
fund contributing to the pension fund; 28520

(4) A summary of findings that includes a statement of the 28521
actuarial accrued pension liabilities and unfunded actuarial 28522
accrued pension liabilities; 28523

(5) A schedule showing the effect of any changes in the 28524
benefit provisions, actuarial assumptions, or cost methods since 28525
the last triennial actuarial valuation; 28526

(6) A statement of whether employee and employer 28527
contributions to the pension fund are expected to be sufficient to 28528
satisfy the funding objectives established by the board. 28529

The first triennial report shall be made not later than 28530
November 1, 2013, to the Ohio retirement study council, the 28531
director of budget and management, and the standing committees of 28532
the house of representatives and the senate with primary 28533
responsibility for retirement legislation immediately upon its 28534
availability and thereafter triennially, not later than the first 28535

day of November. 28536

(B) At such times as the board determines, and at least once 28537
in each quinquennial period, the board shall have prepared by or 28538
under the supervision of an actuary an actuarial investigation of 28539
the mortality, service, and other experience of the members of the 28540
fund and of other system retirants, as defined in section 742.26 28541
of the Revised Code, who are members of a police department or a 28542
fire department to update the actuarial assumptions used in the 28543
actuarial valuation required by division (A) of this section. The 28544
actuary shall prepare a report of the actuarial investigation. The 28545
report shall be prepared and any recommended changes in actuarial 28546
assumptions shall be made in accordance with the actuarial 28547
standards of practice promulgated by the actuarial standards board 28548
of the American academy of actuaries. The report shall include all 28549
of the following: 28550

(1) A summary of relevant decrement and economic assumption 28551
experience observed over the period of the investigation; 28552

(2) Recommended changes in actuarial assumptions to be used 28553
in subsequent actuarial valuations required by division (A) of 28554
this section; 28555

(3) A measurement of the financial effect of the recommended 28556
changes in actuarial assumptions; 28557

(4) If the investigation required by this division includes 28558
the investigation required by division (E) of this section, a 28559
report of the result of that investigation. 28560

The board shall submit the report to the Ohio retirement 28561
study council and the standing committees of the house of 28562
representatives and the senate with primary responsibility for 28563
retirement legislation not later than the first day of November 28564
following the last fiscal year of the period the report covers. 28565

(C) The board shall have prepared by or under the supervision 28566

of an actuary an actuarial analysis of any introduced legislation 28567
expected to have a measurable financial impact on the pension 28568
fund. The actuarial analysis shall be completed in accordance with 28569
the actuarial standards of practice promulgated by the actuarial 28570
standards board of the American academy of actuaries. The actuary 28571
shall prepare a report of the actuarial analysis, which shall 28572
include all of the following: 28573

(1) A summary of the statutory changes that are being 28574
evaluated; 28575

(2) A description of or reference to the actuarial 28576
assumptions and actuarial cost method used in the report; 28577

(3) A description of the participant group or groups included 28578
in the report; 28579

(4) A statement of the financial impact of the legislation, 28580
including the resulting increase, if any, in the employer normal 28581
cost percentage; the increase, if any, in actuarial accrued 28582
liabilities; and the per cent of payroll that would be required to 28583
amortize the increase in actuarial accrued liabilities as a level 28584
per cent of covered payroll for all active members of the fund 28585
over a period not to exceed thirty years; 28586

(5) A statement of whether the scheduled contributions to the 28587
system after the proposed change is enacted are expected to be 28588
sufficient to satisfy the funding objectives established by the 28589
board. 28590

Not later than sixty days from the date of introduction of 28591
the legislation, the board shall submit a copy of the actuarial 28592
analysis to the legislative service commission, the standing 28593
committees of the house of representatives and the senate with 28594
primary responsibility for retirement legislation, and the Ohio 28595
retirement study council. 28596

(D) The board shall have prepared triennially a report giving 28597

a full accounting of the revenues and costs relating to the 28598
provision of benefits under section 742.45 of the Revised Code. 28599
The first triennial report shall be made as of December 31, 2013, 28600
and the thirty-first day of December triennially thereafter. The 28601
report shall include the following: 28602

(1) A description of the statutory authority for the benefits 28603
provided; 28604

(2) A summary of the benefits; 28605

(3) A summary of the eligibility requirements for the 28606
benefits; 28607

(4) A statement of the number of participants eligible for 28608
the benefits; 28609

(5) A description of the accounting, asset valuation, and 28610
funding method used to provide the benefits; 28611

(6) A statement of the net assets available for the provision 28612
of the benefits as of the last day of the fiscal year; 28613

(7) A statement of any changes in the net assets available 28614
for the provision of benefits, including participant and employer 28615
contributions, net investment income, administrative expenses, and 28616
benefits provided to participants, as of the last day of the 28617
fiscal year; 28618

(8) For the last six consecutive fiscal years, a schedule of 28619
the net assets available for the benefits, the annual cost of 28620
benefits, administrative expenses incurred, and annual employer 28621
contributions allocated for the provision of benefits; 28622

(9) A description of any significant changes that affect the 28623
comparability of the report required under this division; 28624

(10) A statement of the amount paid under division (B) of 28625
section 742.45 of the Revised Code. 28626

The board shall submit the report to the Ohio retirement 28627

study council, the director of budget and management, and the 28628
standing committees of the house of representatives and the senate 28629
with primary responsibility for retirement legislation immediately 28630
upon its availability and not later than the thirtieth day of June 28631
following the year for which the report was made. 28632

(E) At least once in each quinquennial period, the board 28633
shall have prepared by or under the supervision of an actuary an 28634
actuarial investigation of the deferred retirement option plan 28635
established under section 742.43 of the Revised Code. The 28636
investigation shall include an examination of the financial 28637
impact, if any, on the fund of offering the plan to members. 28638

The actuary shall prepare a report of the actuarial 28639
investigation. The report shall include a determination of whether 28640
the plan, as established or modified, has a negative financial 28641
impact on the fund and, if so, recommendations on how to modify 28642
the plan to eliminate the negative financial impact. If the 28643
actuarial report indicates that the plan has a negative financial 28644
impact on the fund, the board may modify the plan or cease to 28645
allow members who have not already done so to elect to participate 28646
in the plan. The firefighter and police officers employers' 28647
contributions shall not be increased to offset any negative 28648
financial impact of the plan. 28649

If the board ceases to allow members to elect to participate 28650
in the plan, the rights and obligations of members who have 28651
already elected to participate shall not be altered. 28652

The board may include the actuarial investigation required 28653
under this division as part of the actuarial investigation 28654
required under division (B) of this section. If the report of the 28655
actuarial investigation required by this division is not included 28656
in the report required by division (B) of this section, the board 28657
shall submit the report required by this division to the Ohio 28658
retirement study council and the standing committees of the house 28659

of representatives and the senate with primary responsibility for 28660
retirement legislation not later than the first day of November 28661
following the last fiscal year of the period the report covers. 28662

Sec. 743.50. (A) A municipal corporation that has established 28663
and implemented a watershed management program with regard to 28664
reservoirs for drinking water shall not include in the program any 28665
prohibition against maintenance of property that constitutes a 28666
buffer around a body of water that is part of such a reservoir by 28667
an owner of property that is contiguous to the buffer. 28668

(B) A municipal corporation that has established and 28669
implemented a watershed management program with regard to 28670
reservoirs for drinking water shall not include in the program any 28671
prohibition against mowing grass, weeds, or other vegetation on 28672
municipal property that constitutes a buffer around a body of 28673
water that is part of such a reservoir by owners of property 28674
contiguous to the buffer. 28675

(C) No peace officer or other official with authority to cite 28676
trespassers on municipal property described in this section may 28677
issue a civil or criminal citation to any individual who enters 28678
municipal property buffering a reservoir for the sole purpose of 28679
mowing grass, weeds, or other vegetation in an effort to beautify 28680
the municipal property that is contiguous to property owned by the 28681
individual. 28682

Sec. 755.06. (A) The board of park commissioners shall have 28683
the expenditures of all moneys appropriated by the legislative 28684
authority of the city or received from any other source for the 28685
purchase, acquisition, improvement, maintenance, equipment, or 28686
enjoyment of all property mentioned in section 755.05 of the 28687
Revised Code, but no liability shall be incurred or expenditure 28688
made unless the money required therefor is in the treasury to the 28689

credit of the park fund and not appropriated for any other 28690
purpose. 28691

(B) Notwithstanding division (A) of this section, if the 28692
legislative authority of a municipal corporation enters into an 28693
agreement for the sale or lease of mineral rights regarding lands 28694
that the board of park commissioners manages or controls, any 28695
royalties or other moneys resulting from the sale or lease shall 28696
be deposited into a special fund that the legislative authority 28697
shall establish under division (F) of section 5705.09 of the 28698
Revised Code. The board of park commissioners shall use the fund 28699
exclusively for maintenance of lands that the board manages or 28700
controls and for the acquisition of new park lands. 28701

Sec. 901.21. (A) As used in this section and section 901.22 28702
of the Revised Code: 28703

(1) "Agricultural easement" has the same meaning as in 28704
section 5301.67 of the Revised Code. 28705

(2) "Agriculture" means those activities occurring on land 28706
devoted exclusively to agricultural use, as defined in section 28707
5713.30 of the Revised Code, or on land that constitutes a 28708
homestead. 28709

(3) "Homestead" means the portion of a farm on which is 28710
located a dwelling house, yard, or outbuildings such as a barn or 28711
garage. 28712

(B) The director of agriculture may acquire real property 28713
used predominantly in agriculture and agricultural easements by 28714
gift, devise, or bequest if, at the time an easement is granted, 28715
such an easement is on land that is valued for purposes of real 28716
property taxation at its current value for agricultural use under 28717
section 5713.31 of the Revised Code or that constitutes a 28718
homestead. Any terms may be included in an agricultural easement 28719

so acquired that are necessary or appropriate to preserve on 28720
behalf of the grantor of the easement the favorable tax 28721
consequences of the gift, devise, or bequest under the "Internal 28722
Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 28723
The director, by any such means or by purchase or lease, may 28724
acquire, or acquire the use of, stationary personal property or 28725
equipment that is located on land acquired in fee by the director 28726
under this section and that is necessary or appropriate for the 28727
use of the land predominantly in agriculture. 28728

(C) The director may include, in an agricultural easement 28729
acquired under division (B) of this section, a provision to 28730
preserve a unique natural or physical feature on the land so long 28731
as the use of the land remains predominantly agricultural. 28732

(D) The director may do all things necessary or appropriate 28733
to retain the use of real property acquired in fee under division 28734
(B) of this section predominantly in agriculture, including, 28735
without limitation, performing any of the activities described in 28736
division (A)(1) or (2) of section 5713.30 of the Revised Code or 28737
entering into contracts to lease or rent the real property so 28738
acquired to persons or governmental entities that will use the 28739
land predominantly in agriculture. 28740

~~(D)~~(E)(1) When the director considers it to be necessary or 28741
appropriate, the director may sell real property acquired in fee, 28742
and stationary personal property or equipment acquired by gift, 28743
devise, bequest, or purchase, under division (B) of this section 28744
on such terms as the director considers to be advantageous to this 28745
state. 28746

(2) An agricultural easement acquired under division (B) of 28747
this section may be extinguished under the circumstances 28748
prescribed, and in accordance with the terms and conditions set 28749
forth, in the instrument conveying the agricultural easement. 28750

~~(E)~~(F) There is hereby created in the state treasury the 28751
agricultural easement purchase fund. The fund shall consist of the 28752
proceeds received from the sale of real and personal property 28753
under division ~~(D)~~(E) of this section; moneys received due to the 28754
extinguishment of agricultural easements acquired by the director 28755
under division (B) of this section or section 5301.691 of the 28756
Revised Code; moneys received due to the extinguishment of 28757
agricultural easements purchased with the assistance of matching 28758
grants made under section 901.22 of the Revised Code; gifts, 28759
bequests, devises, and contributions received by the director for 28760
the purpose of acquiring agricultural easements; and grants 28761
received from public or private sources for the purpose of 28762
purchasing agricultural easements. The fund shall be administered 28763
by the director, and moneys in the fund shall be used by the 28764
director exclusively to purchase agricultural easements under 28765
division (A) of section 5301.691 of the Revised Code and provide 28766
matching grants under section 901.22 of the Revised Code to 28767
municipal corporations, counties, townships, soil and water 28768
conservation districts established under Chapter 1515. of the 28769
Revised Code, and charitable organizations described in division 28770
(B) of section 5301.69 of the Revised Code for the purchase of 28771
agricultural easements. Money in the fund shall be used only to 28772
purchase agricultural easements on land that is valued for 28773
purposes of real property taxation at its current value for 28774
agricultural use under section 5713.31 of the Revised Code or that 28775
constitutes a homestead when the easement is purchased. 28776

~~(F)~~(G) There is hereby created in the state treasury the 28777
clean Ohio agricultural easement fund. Twelve and one-half per 28778
cent of net proceeds of obligations issued and sold pursuant to 28779
sections 151.01 and 151.09 of the Revised Code shall be deposited 28780
into the fund. The fund shall be used by the director for the 28781
purposes of this section, section 901.22 of the Revised Code, and 28782
the provisions of sections 5301.67 to 5301.70 of the Revised Code 28783

governing agricultural easements. Investment earnings of the fund 28784
shall be credited to the fund and may be used to pay costs 28785
incurred by the director in administering those sections and 28786
provisions. 28787

~~(G)~~(H) The term of an agricultural easement purchased wholly 28788
or in part with money from the clean Ohio agricultural easement 28789
fund or the agricultural easement purchase fund shall be perpetual 28790
and shall run with the land. 28791

Sec. 901.22. (A) The director of agriculture, in accordance 28792
with Chapter 119. of the Revised Code, shall adopt rules that do 28793
all of the following: 28794

(1) Establish procedures and eligibility criteria for making 28795
matching grants to municipal corporations, counties, townships, 28796
soil and water conservation districts established under Chapter 28797
1515. of the Revised Code, and charitable organizations described 28798
in division (B) of section 5301.69 of the Revised Code for the 28799
purchase of agricultural easements. With respect to agricultural 28800
easements that are purchased or proposed to be purchased with such 28801
matching grants that consist in whole or in part of moneys from 28802
the clean Ohio agricultural easement fund created in section 28803
901.21 of the Revised Code, the rules shall establish all of the 28804
following: 28805

(a) Procedures for all of the following: 28806

(i) Soliciting and accepting applications for matching 28807
grants; 28808

(ii) Participation by local governments and by the public in 28809
the process of making matching grants to charitable organizations; 28810

(iii) Notifying local governments, charitable organizations, 28811
and organizations that represent the interests of farmers of the 28812
ranking system established in rules adopted under division 28813

(A)(1)(b) of this section.	28814
(b) A ranking system for applications for the matching grants	28815
that is based on the soil type, proximity of the land or other	28816
land that is conducive to agriculture as defined by rules adopted	28817
under this section and that is the subject of an application to	28818
other agricultural land or other land that is conducive to	28819
agriculture as defined by rules adopted under this section and	28820
that is already or is in the process of becoming permanently	28821
protected from development, farm stewardship, development	28822
pressure, and, if applicable, a local comprehensive land use plan	28823
involved with a proposed agricultural easement. The rules shall	28824
require that preference be given to proposed agricultural	28825
easements that involve the greatest proportion of all of the	28826
following:	28827
(i) Prime soils, unique or locally important soils,	28828
microclimates, or similar features;	28829
(ii) Land that is adjacent to or that is in close proximity	28830
to other agricultural land or other land that is conducive to	28831
agriculture as defined by rules adopted under this section and	28832
that is already or is in the process of becoming permanently	28833
protected from development, by agricultural easement or otherwise,	28834
so that a buffer would exist between the land involving the	28835
proposed agricultural easement and areas that have been developed	28836
or likely will be developed for purposes other than agriculture;	28837
(iii) The use of best management practices, including	28838
federally or state approved conservation plans, and a history of	28839
substantial compliance with applicable federal and state laws;	28840
(iv) Development pressure that is imminent, but not a result	28841
of current location in the direct path of urban development;	28842
(v) Areas identified for agricultural protection in local	28843
comprehensive land use plans.	28844

(c) Any other criteria that the director determines are necessary for selecting applications for matching grants;	28845 28846
(d) Requirements regarding the information that must be included in the annual monitoring report that must be prepared for an agricultural easement under division (E)(2) of section 5301.691 of the Revised Code, procedures for submitting a copy of the report to the office of farmland preservation in the department of agriculture, and requirements and procedures governing corrective actions that may be necessary to enforce the terms of the agricultural easement.	28847 28848 28849 28850 28851 28852 28853 28854
(2) Establish provisions that shall be included in the instrument conveying to a municipal corporation, county, township, soil and water conservation district, or charitable organization any agricultural easement purchased with matching grant funds provided by the director under this section, including, without limitation, all of the following provisions:	28855 28856 28857 28858 28859 28860
(a) A provision stating that an easement so purchased may be extinguished only if an unexpected change in the conditions of or surrounding the land that is subject to the easement makes impossible or impractical the continued use of the land for the purposes described in the easement, or if the requirements of the easement are extinguished by judicial proceedings;	28861 28862 28863 28864 28865 28866
(b) A provision requiring that, upon the sale, exchange, or involuntary conversion of the land subject to the easement, the holder of the easement shall be paid an amount of money that is at least equal to the proportionate value of the easement compared to the total value of the land at the time the easement was acquired;	28867 28868 28869 28870 28871
(c) A provision requiring that, upon receipt of the portion of the proceeds of a sale, exchange, or involuntary conversion described in division (A)(2)(b) of this section, the municipal corporation, county, township, soil and water conservation	28872 28873 28874 28875

district, or charitable organization remit to the director an 28876
amount of money equal to the percentage of the cost of purchasing 28877
the easement it received as a matching grant under this section. 28878

Moneys received by the director pursuant to rules adopted 28879
under division (A)(2)(c) of this section shall be credited to the 28880
agricultural easement purchase fund created in section 901.21 of 28881
the Revised Code. 28882

(3) Establish a provision that provides a charitable 28883
organization, municipal corporation, township, county, or soil and 28884
water conservation district with the option of purchasing 28885
agricultural easements either in installments or with a lump sum 28886
payment. The rules shall include a requirement that a charitable 28887
organization, municipal corporation, township, county, or soil and 28888
water conservation district negotiate with the seller of the 28889
agricultural easement concerning any installment payment terms, 28890
including the dates and amounts of payments and the interest rate 28891
on the outstanding balance. The rules also shall require the 28892
director to approve any method of payment that is undertaken in 28893
accordance with the rules adopted under division (A)(3) of this 28894
section. 28895

(4) Establish any other requirements that the director 28896
considers to be necessary or appropriate to implement or 28897
administer a program to make matching grants under this section 28898
and monitor those grants. 28899

(B) The director may develop guidelines regarding the 28900
acquisition of agricultural easements by the department of 28901
agriculture and the provisions of instruments conveying those 28902
easements. The director may make the guidelines available to 28903
public and private entities authorized to acquire and hold 28904
agricultural easements. 28905

(C) The director may provide technical assistance in 28906

developing a program for the acquisition and monitoring of 28907
agricultural easements to public and private entities authorized 28908
to hold agricultural easements. The technical assistance may 28909
include, without limitation, reviewing and providing advisory 28910
recommendations regarding draft instruments conveying agricultural 28911
easements. 28912

(D)(1) The director may make matching grants from the 28913
agricultural easement purchase fund and the clean Ohio 28914
agricultural easement fund to municipal corporations, counties, 28915
townships, soil and water conservation districts, and charitable 28916
organizations to assist those political subdivisions and 28917
charitable organizations in purchasing agricultural easements. 28918
Application for a matching grant shall be made on forms prescribed 28919
and provided by the director. The matching grants shall be made in 28920
compliance with the criteria and procedures established in rules 28921
adopted under this section. Instruments conveying agricultural 28922
easements purchased with matching grant funds provided under this 28923
section, at a minimum, shall include the mandatory provisions set 28924
forth in those rules. 28925

Matching grants made under this division using moneys from 28926
the clean Ohio agricultural easement fund created in section 28927
901.21 of the Revised Code may provide up to seventy-five per cent 28928
of the value of an agricultural easement as determined by a 28929
general real estate appraiser who is certified under Chapter 4763. 28930
of the Revised Code or as determined through a points-based 28931
appraisal system established under division (D)(2) of this 28932
section. Not less than twenty-five per cent of the value of the 28933
agricultural easement shall be provided by the recipient of the 28934
matching grant or donated by the person who is transferring the 28935
easement to the grant recipient. The amount of such a matching 28936
grant used for the purchase of a single agricultural easement 28937
shall not exceed one million dollars. 28938

(2) The director shall establish a points-based appraisal system for the purposes of division (D)(1) of this section. The director may include any or all of the following factors in the system:	28939 28940 28941 28942
(a) Whether the applicable county auditor has determined that the land is land that is devoted exclusively to agriculture for the purposes of sections 5713.30 to 5713.38 of the Revised Code;	28943 28944 28945
(b) Changes in land values following the completion of the applicable county auditor's reappraisal or triennial update;	28946 28947
(c) Soil types and productivity;	28948
(d) Proximity of the land to land that is already subject to an agricultural easement, conservation easement created under sections 5301.67 to 5301.70 of the Revised Code, or similar land-use limitation;	28949 28950 28951 28952
(e) Proximity of the land to water and sewer lines, road interchanges, and nonagricultural development;	28953 28954
(f) Parcel size and roadway frontage of the land;	28955
(g) Existence of an agreement entered into under division (D) of section 1515.08 of the Revised Code or of an operation and management plan developed under division (A) of section 1511.021 of the Revised Code;	28956 28957 28958 28959
(h) Existence of a comprehensive plan that is adopted under section 303.02 or 519.02 of the Revised Code or that is adopted by the planning commission of a municipal corporation under section 713.06 of the Revised Code;	28960 28961 28962 28963
(i) Any other factors that the director determines are necessary for inclusion in the system.	28964 28965
(E) <u>An agricultural easement acquired as a result of a matching grant awarded under division (D) of this section may include a provision to preserve a unique natural or physical</u>	28966 28967 28968

feature on the land so long as the use of the land remains 28969
predominantly agricultural. 28970

(F) For any agricultural easement purchased with a matching 28971
grant that consists in whole or in part of moneys from the clean 28972
Ohio agricultural easement fund, the director shall be named as a 28973
grantee on the instrument conveying the easement, as shall the 28974
municipal corporation, county, township, soil and water 28975
conservation district, or charitable organization that receives 28976
the grant. 28977

~~(F)~~(G)(1) The director shall monitor and evaluate the 28978
effectiveness and efficiency of the agricultural easement program 28979
as a farmland preservation tool. On or before July 1, 1999, and 28980
the first day of July of each year thereafter, the director shall 28981
prepare and submit a report to the chairpersons of the standing 28982
committees of the senate and the house of representatives that 28983
consider legislation regarding agriculture. The report shall 28984
consider and address the following criteria to determine the 28985
program's effectiveness: 28986

(a) The number of agricultural easements purchased during the 28987
preceding year; 28988

(b) The location of those easements; 28989

(c) The number of acres of land preserved for agricultural 28990
use; 28991

(d) The amount of money used by a municipal corporation, 28992
township, county, or soil and water conservation district from any 28993
fund to purchase the agricultural easements; 28994

(e) The number of state matching grants given to purchase the 28995
agricultural easements; 28996

(f) The amount of state matching grant moneys used to 28997
purchase the agricultural easements. 28998

(2) The report also shall consider and include, at a minimum, the following information for each county to determine the program's efficiency:

(a) The total number of acres in the county;

(b) The total number of acres in current agricultural use;

(c) The total number of acres preserved for agricultural use in the preceding year;

(d) The average cost, per acre, of land preserved for agricultural use in the preceding year.

Sec. 901.23. (A) There is hereby created the farmland preservation advisory board consisting of twelve voting members appointed by the director of agriculture as follows:

(1) One member who is a county commissioner or a representative of a statewide organization that represents county commissioners;

(2) One member who is a township trustee or a representative of a statewide organization that represents township trustees;

(3) One representative of the Ohio state university;

(4) One representative of a ~~national~~ nonprofit organization dedicated to the preservation of farmland;

(5) One representative each of development, environmental, planning, and soil and water conservation interests;

(6) One farmer from each of the state's four quadrants.

Terms of office shall be staggered and shall be for three years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed, except that the term of any member who is a county commissioner or township trustee shall end when the member

ceases to serve as a county commissioner or township trustee. 29028

Members may be reappointed. Vacancies shall be filled in the 29029
manner provided for original appointments. Any member appointed to 29030
fill a vacancy occurring prior to the expiration date of the term 29031
for which the member was appointed shall serve for the remainder 29032
of that term. A member shall continue to serve subsequent to the 29033
expiration date of the member's term until the member's successor 29034
takes office or until a period of sixty days has elapsed, 29035
whichever occurs first. Members shall serve at the pleasure of the 29036
director. 29037

The executive director of the office of farmland preservation 29038
in the department of agriculture or another employee of the 29039
department who is designated by the director shall serve as the 29040
nonvoting chairperson of the board. The director annually shall 29041
designate one member of the board to serve as its 29042
vice-chairperson. The board may adopt bylaws governing its 29043
operation and shall meet at a time when the director, or the 29044
director's designee, considers it appropriate in order for the 29045
board to provide advice as required under division (B) of this 29046
section. 29047

(B) The board shall provide advice to the director regarding 29048
all of the following: 29049

(1) The design and implementation of an agricultural easement 29050
purchase program; 29051

(2) The selection of applications that will be awarded 29052
matching grants under division (D) of section 901.22 of the 29053
Revised Code for the purchase of agricultural easements; 29054

(3) The design and implementation of any other statewide 29055
farmland protection measures that the director considers 29056
appropriate. 29057

(C) Serving as a member of the board does not constitute 29058

holding a public office or position of employment under the laws 29059
of this state and does not constitute grounds for removal of 29060
public officers or employees from their offices or positions of 29061
employment. 29062

(D) A board member shall be reimbursed for actual and 29063
necessary expenses incurred in the discharge of duties as a board 29064
member. 29065

Sec. 903.11. (A) The director of agriculture may enter into 29066
contracts or agreements to carry out the purposes of this chapter 29067
with any public or private person, including ~~the Ohio state~~ 29068
~~university~~ OSU extension ~~service~~, the natural resources 29069
conservation service in the United States department of 29070
agriculture, the environmental protection agency, the division of 29071
soil and water resources in the department of natural resources, 29072
and soil and water conservation districts established under 29073
Chapter 1515. of the Revised Code. However, the director shall not 29074
enter into a contract or agreement with a private person for the 29075
review of applications for permits to install, permits to operate, 29076
NPDES permits, or review compliance certificates that are issued 29077
under this chapter or for the inspection of a facility regulated 29078
under this chapter or with any person for the issuance of any of 29079
those permits or certificates or for the enforcement of this 29080
chapter and rules adopted under it. 29081

(B) The director may administer grants and loans using moneys 29082
from the federal government and other sources, public or private, 29083
for carrying out any of the director's functions. Nothing in this 29084
chapter shall be construed to limit the eligibility of owners or 29085
operators of animal feeding facilities or other agricultural 29086
enterprises to receive moneys from the water pollution control 29087
loan fund established under section 6111.036 of the Revised Code 29088
and the nonpoint source pollution management fund established 29089

under section 6111.037 of the Revised Code. 29090

The director of agriculture shall provide the director of 29091
environmental protection with written recommendations for 29092
providing financial assistance from those funds to agricultural 29093
enterprises. The director of environmental protection shall 29094
consider the recommendations in developing priorities for 29095
providing financial assistance from the funds. 29096

Sec. 903.30. (A) No person shall violate or fail to perform 29097
any duty required by division (B)(1), (C)(1), (F), (K), or (M)(1) 29098
or (2) of section 903.08 of the Revised Code or the NPDES 29099
provisions of a permit to operate, violate a rule adopted pursuant 29100
to those divisions, or violate an order issued pursuant to those 29101
divisions or a term or condition of an NPDES permit issued by the 29102
director of agriculture. 29103

(B) No person shall violate or fail to perform any duty 29104
required by sections 903.01 to 903.07 of the Revised Code, violate 29105
a rule, or violate an order or term or condition of a permit 29106
issued by the director under those sections or rules. 29107

(C) The attorney general, upon the written request of the 29108
director, shall prosecute any person who violates division (A) or 29109
(B) of this section. 29110

Sec. 903.99. (A) Whoever negligently violates division (A)(2) 29111
of section 903.02 or division (A)(2) of section 903.03 903.30 of 29112
the Revised Code is guilty of a misdemeanor of the third degree on 29113
a first offense, a misdemeanor of the second degree on a second 29114
offense, and a misdemeanor of the first degree on a third or 29115
subsequent offense. Each ten day period that the offense continues 29116
shall be fined not more than ten thousand dollars or imprisoned 29117
for not more than ninety days, or both. Each day of violation 29118
constitutes a separate offense. For purposes of this division, 29119

notwithstanding division (D) of section 2901.22 of the Revised Code, a person acts negligently when, because of a lapse from due care, the person fails to perceive or avoid a risk that the person's conduct may cause a certain result or may be of a certain nature. A person is negligent with respect to circumstances when, because of a lapse from due care, the person fails to perceive or avoid a risk that such circumstances may exist.

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(B) Whoever recklessly violates ~~the terms and conditions of a permit to install issued under section 903.02 of the Revised Code or of a permit to operate issued under section 903.03 of the Revised Code, division (A) or (B)(1), (C)(1), or (M)(1) or (2) of section 903.08 of the Revised Code, or the NPDES provisions of a permit to operate shall be fined not more than twenty five thousand dollars.~~ of section 903.30 of the Revised Code shall be fined not more than ten thousand dollars or imprisoned for not more than one year, or both. Each day of violation constitutes a separate offense.

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(C) Whoever knowingly violates division ~~(K)~~(A) or (B) of section ~~903.08~~ 903.30 of the Revised Code is guilty of a felony and shall be fined not more than twenty-five thousand dollars or imprisoned for not more than three years, or both. Each day of violation constitutes a separate offense.

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Sec. 905.06. The director of agriculture shall: 29143

(A) Gather information on the performance of various agricultural additives, including distributors' and manufacturers' claims, the results of investigation or research on additives, and the conditions when they are useful, and make the information available to the public;

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(B) Provide and distribute, in cooperation with ~~the~~ 29149

agricultural OSU extension service, information on the use of	29150
agricultural additives;	29151
(C) Provide for the prompt and thorough investigation of	29152
written complaints received concerning agricultural additives.	29153
Sec. 909.15. All moneys from registration fees and from fines	29154
imposed and recovered under sections 909.01 to 909.18 of the	29155
Revised Code, shall be paid to the director of agriculture, who	29156
shall deposit such moneys in the state treasury to the credit of	29157
the general revenue <u>plant pest program</u> fund <u>created in section</u>	29158
<u>927.54 of the Revised Code.</u>	29159
Sec. 924.02. The director of agriculture, subject to sections	29160
924.01 to 924.16 and Chapter 119. of the Revised Code, shall do	29161
all of the following:	29162
(A) Establish procedures by which producers of Ohio	29163
agricultural commodities may propose, develop, and operate	29164
marketing programs to:	29165
(1) Promote the sale and use of their products;	29166
(2) Develop new uses and markets for such products;	29167
(3) Improve the methods of distributing such products to	29168
consumers;	29169
(4) Standardize the quality of such products for specific	29170
uses.	29171
(B) Adopt and enforce rules to put into effect the intent of	29172
sections 924.01 to 924.16 of the Revised Code;	29173
(C) Determine <u>Except as provided in section 924.06 of the</u>	29174
<u>Revised Code, determine</u> the eligibility of producers to	29175
participate in referendums and other procedures that may be	29176
required to establish marketing programs for agricultural	29177
commodities.	29178

~~Sec. 924.06. (A) Within ninety days after he has approved a proposed amendment to an agricultural commodity marketing program established before April 10, 1985, the director of agriculture shall determine by a referendum whether the eligible producers favor the proposed amendment to the program. Any proposed amendment to a marketing program established before April 10, 1985, is favored by the producers of the agricultural commodity which would be affected by the proposed amendment if either of the following occurs:~~

~~(1) Sixty six and two thirds per cent or more, by number, of the producers who vote in the referendum, vote in favor of the amendment, and represent a majority of the volume of the affected commodity that was produced in the preceding marketing year by all producers who voted in the referendum;~~

~~(2) A majority of the producers who vote in the referendum, vote in favor of the amendment and represent sixty six and two thirds per cent, or more, of the volume of the affected commodity that was produced in the preceding marketing year by all the producers who voted in the referendum.~~

~~(B) Within ninety days after he has approved approving an agricultural commodity marketing program proposed on or after April 10, 1985 the effective date of this amendment, or a proposed amendment to ~~such a~~ an agricultural commodity marketing program, the director of agriculture shall determine by a referendum whether the eligible producers favor the proposed marketing program or amendment. Any such marketing program or amendment to ~~such~~ a marketing program is favored by the producers of the agricultural commodity that would be affected by the proposed program or amendment if a majority of the producers who vote in the referendum vote in favor of the program or amendment.~~

~~(C)(B) If the producers who vote in any referendum held~~

pursuant to this section do not favor a proposed marketing 29210
program, or proposed amendment to a program, the director shall 29211
hold no additional referendum on that proposed program or proposed 29212
amendment during the ten months following the close of the 29213
referendum at which the producers did not favor that proposed 29214
program or amendment. 29215

~~(D)~~(C) In any referendum held pursuant to this section, each 29216
eligible producer of the ~~Ohio~~ agricultural commodity ~~which~~ that 29217
would be affected by the proposed marketing program, or amendment 29218
to a program, is entitled to one vote. 29219

~~(E)~~(D) In any referendum held on an agricultural commodity 29220
marketing program, or a proposed amendment to such a program, 29221
votes may be cast in person or by mailing a ballot to a polling 29222
place designated by the director. The director shall establish a 29223
three-day period during which eligible producers may vote in 29224
person during normal business hours at polling places designated 29225
by the director. The director or other appropriate person shall 29226
send a mail-in ballot by ordinary first-class mail to any eligible 29227
producer who requests one by calling the toll-free telephone 29228
number or sending in the ballot request form provided for in 29229
division ~~(F)~~(E) of this section, by calling one of the polling 29230
places designated by the director, or by any additional method 29231
that the director or operating committee may provide. No ballot 29232
returned by mail shall be valid if it is postmarked later than the 29233
third day of the election period established by the director. 29234

~~(F)~~(E) For any referendum held on an agricultural commodity 29235
marketing program, or a proposed amendment to such a program, the 29236
director or operating committee shall cause a ballot request form 29237
to be published at least thirty days before the beginning of the 29238
election period established under division ~~(E)~~(D) of this section 29239
in at least two appropriate periodicals designated by the 29240
director, and shall make the form available for reproduction to 29241

any interested group or association. The director shall provide a 29242
toll-free telephone number that producers may call to request a 29243
ballot. 29244

(F) For the purposes of a referendum held on an egg marketing 29245
program or a proposed amendment to such a program under this 29246
section, an eligible producer is a person who is in the business 29247
of producing and marketing, or causing to be produced and 29248
marketed, eggs from a flock of more than seventy-five thousand 29249
domesticated chickens and, if the referendum is held on a proposed 29250
amendment to an egg marketing program, is subject to an assessment 29251
under the program. 29252

Sec. 927.54. The plant pest program fund is hereby created in 29253
the state treasury. The fund shall consist of money credited to it 29254
under section 909.15 of the Revised Code and under this chapter 29255
and any rules adopted under it. The director of agriculture shall 29256
use money in the fund to administer this chapter and Chapter 909. 29257
of the Revised Code. 29258

The director shall keep accurate records of all receipts into 29259
and disbursements from the fund and shall prepare, and provide 29260
upon request, an annual report classifying the receipts and 29261
disbursements that pertain to plant pests. 29262

Sec. 935.01. As used in this chapter: 29263

(A) "Board of health" means the board of health of a city or 29264
general health district or the authority having the duties of a 29265
board of health in any city authorized by section 3709.05 of the 29266
Revised Code. 29267

(B) "Circus" means a traveling show to which all of the 29268
following apply: 29269

(1) It is licensed by the United States department of 29270
agriculture under the federal animal welfare act. 29271

(2) It presents dangerous wild animals, restricted snakes, or both in a public performance as its own event or as part of a fair or carnival.	29272 29273 29274
(3) It does not allow physical contact between the public and the dangerous wild animals or restricted snakes possessed by it. Division (B)(3) of this section does not apply to rides or other interactions between the public and an elephant, provided that such a ride or other interaction is under the direct supervision of an experienced animal handler.	29275 29276 29277 29278 29279 29280
(4) It is in the state for less than sixty-five days each year.	29281 29282
(C) "Dangerous wild animal" means any of the following, including hybrids unless otherwise specified:	29283 29284
(1) Hyenas;	29285
(2) Gray wolves, excluding hybrids;	29286
(3) Lions;	29287
(4) Tigers;	29288
(5) Jaguars;	29289
(6) Leopards, including clouded leopards, Sunda clouded leopards, and snow leopards;	29290 29291
(7) All of the following, including hybrids with domestic cats unless otherwise specified:	29292 29293
(a) Cheetahs;	29294
(b) Lynxes, including Canadian lynxes, Eurasian lynxes, and Iberian lynxes;	29295 29296
(c) Cougars, also known as pumas or mountain lions;	29297
(d) Caracals;	29298
(e) Serval, excluding hybrids with domestic cats commonly	29299

known as savannah cats.	29300
(8) Bears;	29301
(9) Elephants;	29302
(10) Rhinoceroses;	29303
(11) Hippopotamuses;	29304
(12) Cape buffaloes;	29305
(13) African wild dogs;	29306
(14) Komodo dragons;	29307
(15) Alligators;	29308
(16) Crocodiles;	29309
(17) Caimans, excluding dwarf caimans;	29310
(18) Gharials;	29311
(19) Nonhuman primates other than lemurs and the nonhuman primates specified in division (C)(20) of this section;	29312 29313
(20) All of the following nonhuman primates:	29314
(a) Golden lion, black-faced lion, golden-rumped lion, cotton-top, emperor, saddlebacked, black-mantled, and Geoffroy's tamarins;	29315 29316 29317
(b) Southern and northern night monkeys;	29318
(c) Dusky titi and masked titi monkeys;	29319
(d) Muriquis;	29320
(e) Goeldi's monkeys;	29321
(f) White-faced, black-bearded, white-nose bearded, and monk sakis;	29322 29323
(g) Bald and black uakaris;	29324
(h) Black handed, white bellied, brown headed, and black spider monkeys;	29325 29326

(i) Common woolly monkeys;	29327
(j) <u>(i)</u> Red, black, and mantled howler monkeys.	29328
"Dangerous wild animal" does not include a domesticated	29329
animal that is considered livestock as defined in section 901.70	29330
of the Revised Code.	29331
(D) "Federal animal welfare act" has the same meaning as in	29332
section 959.131 of the Revised Code.	29333
(E) "Felony drug abuse offense" has the same meaning as in	29334
section 2925.01 of the Revised Code.	29335
(F) "Health district" means a city or general health district	29336
created by or under the authority of Chapter 3709. of the Revised	29337
Code.	29338
(G) "Humane society" means an organization that is organized	29339
under section 1717.05 of the Revised Code.	29340
(H) "Law enforcement officer" means a sheriff, deputy	29341
sheriff, constable, police officer of a township or joint police	29342
district, marshal, deputy marshal, municipal police officer, or	29343
state highway patrol trooper.	29344
(I) "Natural resources law enforcement officers" means peace	29345
officers as specified in division (A)(6) of section 109.71 of the	29346
Revised Code and employees of the division of wildlife specified	29347
in sections 1531.13 and 1531.14 of the Revised Code.	29348
(J) "Offense of violence" has the same meaning as in section	29349
2901.01 of the Revised Code.	29350
(K) "Rescue facility" means a nonprofit organization as	29351
described in section 170 of the "Internal Revenue Code of 1986,"	29352
100 Stat. 2085, 26 U.S.C. 170, as amended, that operates a place	29353
of refuge where abused, neglected, unwanted, impounded, abandoned,	29354
orphaned, or displaced dangerous wild animals are provided care	29355
for their lifetime or released back to their natural habitat, and,	29356

with respect to an animal possessed by the organization, that does	29357
not do any of the following:	29358
(1) Sell, trade, or barter the animal or the animal's body	29359
parts;	29360
(2) Use the animal in any manner for profit;	29361
(3) Breed the animal;	29362
(4) Allow the public the opportunity to come into contact	29363
with the animal.	29364
(L) "Restricted snake" means any of the following:	29365
(1) All of the following constricting snakes that are twelve	29366
feet or longer:	29367
(a) Green anacondas;	29368
(b) Yellow anacondas;	29369
(c) Reticulated pythons;	29370
(d) Indian pythons;	29371
(e) Burmese pythons;	29372
(f) North African rock pythons;	29373
(g) South African rock pythons;	29374
(h) Amethystine pythons.	29375
(2) Species of the following families:	29376
(a) Atractaspididae;	29377
(b) Elapidae;	29378
(c) Viperidae.	29379
(3) Boomslang snakes;	29380
(4) Twig snakes.	29381
(M) "Rule" means a rule adopted under section 935.17 of the	29382
Revised Code.	29383

(N) "Veterinarian" means a person who is licensed under Chapter 4741. of the Revised Code. 29384
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(O) "Wildlife sanctuary" means a nonprofit organization as described in section 170 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 170, as amended, that is accredited or verified by the global federation of animal sanctuaries, that operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced dangerous wild animals or restricted snakes are provided care for their lifetime or released back to their natural habitat, and, with respect to an animal or snake possessed by the organization, that does not do any of the following: 29386
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(1) Use or allow the use of the animal or snake for any type of entertainment or in a traveling exhibit; 29396
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(2) Sell, trade, lease, loan, or barter the animal or snake or the animal's or snake's body parts; 29398
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(3) Use or allow the use of the animal or snake in any manner for profit; 29400
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(4) Breed the animal or snake; 29402

(5) Allow the public the opportunity to come into physical contact with the animal or snake. 29403
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Sec. 935.03. (A) Division (A) of section 935.02 of the Revised Code does not apply to any of the following: 29405
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(1) A person to which all of the following apply: 29407

(a) The person possesses a dangerous wild animal. 29408

(b) The person has been issued a license by the United States department of agriculture under the federal animal welfare act. 29409
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(c) The director of agriculture has determined that the person is in the process of becoming an accredited member of the 29411
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association of zoos and aquariums or the zoological association of America. 29413
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(d) The director has informed the person that the person is exempt from division (A) of section 935.02 of the Revised Code. 29415
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(2) An organization to which all of the following apply: 29417

(a) The organization possesses a dangerous wild animal. 29418

(b) The director has determined that the organization is in the process of being accredited or verified by the global federation of animal sanctuaries as a wildlife sanctuary. 29419
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(c) The director has informed the organization that it is exempt from division (A) of section 935.02 of the Revised Code. 29422
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(3) A person whose possession of a dangerous wild animal is authorized by an unexpired permit issued under this chapter. 29424
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(B) Except for the purposes of divisions (A) and (B) of section 935.04 of the Revised Code, this chapter does not apply to any of the following: 29426
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(1) A facility that is an accredited member of the association of zoos and aquariums or the zoological association of America and that is licensed by the United States department of agriculture under the federal animal welfare act; 29429
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(2) A research facility as defined in the federal animal welfare act; 29433
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(3) A research facility that is accredited by the association for the assessment and accreditation of laboratory animal care international; 29435
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(4) A circus; 29438

(5) A wildlife rehabilitation facility that is issued a permit by the chief of the division of wildlife in rules adopted under section 1531.08 of the Revised Code and that rehabilitates 29439
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dangerous wild animals or restricted snakes that are native to the state for the purpose of reintroduction into the wild;	29442 29443
(6) A veterinarian that is providing temporary veterinary care to a dangerous wild animal or restricted snake;	29444 29445
(7) A wildlife sanctuary;	29446
(8) An individual who does not reside in this state, is traveling through this state with a dangerous wild animal or restricted snake, and does all of the following:	29447 29448 29449
(a) Confines the animal or snake in a cage at all times;	29450
(b) Confines the animal or snake in a cage that is not accessible to the public;	29451 29452
(c) Does not exhibit the animal or snake;	29453
(d) Is in the state not more than forty-eight hours unless the animal or snake is receiving veterinary care.	29454 29455
(9) An educational institution that displays a single dangerous wild animal as a sports mascot and that meets all of the following criteria:	29456 29457 29458
(a) An official of the educational institution has submitted an affidavit attesting that the institution will care for the animal as long as the animal lives and in a facility that is an accredited member of the association of zoos and aquariums or the zoological association of America.	29459 29460 29461 29462 29463
(b) The educational institution maintains a liability insurance policy with an insurer authorized or approved to write such insurance in this state that covers claims for injury or damage to persons or property caused by a dangerous wild animal. The amount of the insurance coverage shall be not less than one million dollars.	29464 29465 29466 29467 29468 29469
(c) During display and transport, the educational institution confines the dangerous wild animal in a cage that does not permit	29470 29471

physical contact between the animal and the public. 29472

(d) The educational institution began displaying a dangerous 29473
wild animal as a mascot prior to ~~the effective date of this~~ 29474
~~section~~ September 5, 2012. 29475

(10) Any person who has been issued a permit under section 29476
1533.08 of the Revised Code; 29477

(11) Any person authorized to possess a dangerous wild animal 29478
or restricted snake under section 1531.25 of the Revised Code or 29479
rules adopted under it; 29480

~~(12) A mobility impaired person as defined in section 955.011 29481
of the Revised Code who possesses a dangerous wild animal 29482
specified in division (C)(20)(h) of section 935.01 of the Revised 29483
Code that has been trained by a nonprofit agency or is in such 29484
training to assist the mobility impaired person; 29485~~

~~(13) A deaf or hearing impaired person who possesses a 29486
dangerous wild animal specified in division (C)(20)(h) of section 29487
935.01 of the Revised Code that has been trained by a nonprofit 29488
agency or is in such training to assist the deaf or 29489
hearing impaired person; 29490~~

~~(14) A person who is blind as defined in section 955.011 of 29491
the Revised Code and possesses a dangerous wild animal specified 29492
in division (C)(20)(h) of section 935.01 of the Revised Code that 29493
has been trained by a nonprofit agency or is in such training to 29494
assist the blind person. 29495~~

Sec. 935.041. A person that possesses any of the following 29496
animals shall register the animal in the same manner as provided 29497
in section 935.04 of the Revised Code: 29498

(A) Pygmy, white-tufted-ear, silvery, and black-pencilled 29499
marmosets; 29500

(B) Squirrel monkeys; 29501

(C) Brown, white-faced, weeping, and white-fronted capuchins;	29502
(D) Lemurs;	29503
<u>(E) Black-handed, white-bellied, brown-headed, and black spider monkeys.</u>	29504 29505
Sec. 935.07. (A) A person that possesses a registered dangerous wild animal in this state on October 1, 2013, that wishes to continue to possess the dangerous wild animal on and after January 1, 2014, and that intends to propagate the animal solely for the purposes of a species survival program that complies with rules shall apply for a wildlife propagation permit under this section. An applicant need apply for only one permit regardless of the number of dangerous wild animals that the applicant possesses.	29506 29507 29508 29509 29510 29511 29512 29513 29514
(B) Except as otherwise provided in this section, an applicant for a wildlife propagation permit shall comply with the requirements and procedures established in sections 935.05 and 935.06 of the Revised Code. The application fee for a wildlife propagation permit shall be one of the following, as applicable:	29515 29516 29517 29518 29519
(1) One thousand dollars if the applicant possesses not more than fifty dangerous wild animals;	29520 29521
(2) Three thousand dollars if the applicant possesses more than fifty dangerous wild animals.	29522 29523
(C) The facility at which a dangerous wild animal or dangerous wild animals will be maintained under a wildlife propagation permit shall consist of at least two acres. Division (C) of this section does not apply to either of the following:	29524 29525 29526 29527
(1) Dangerous wild animals specified in division (C)(20) of section 935.01 of the Revised Code;	29528 29529
(2) An applicant to whom the director of agriculture issues a written waiver stating that the acreage requirement does not apply	29530 29531

to the applicant.	29532
(D) All fees collected under this section shall be credited to the dangerous and restricted animal fund created in section 935.25 of the Revised Code.	29533 29534 29535
<u>(E) Division (A)(4) of section 935.06 of the Revised Code does not apply to an applicant for a wildlife propagation permit.</u>	29536 29537
Sec. 935.12. (A) Except as provided in division (B) of this section, a person that has been issued a permit under this chapter for a dangerous wild animal or animals shall comply with the requirements regarding the care and housing of dangerous wild animals established in rules.	29538 29539 29540 29541 29542
(B) A person that has been issued a wildlife shelter, wildlife propagation permit, or rescue facility permit under this chapter for a dangerous wild animal or animals specified in division (C)(20) of section 935.01 of the Revised Code shall comply with both of the following:	29543 29544 29545 29546 29547
(1) The requirements regarding the care of those animals established in regulations adopted under the federal animal welfare act;	29548 29549 29550
(2) The requirements regarding the housing of those animals established in rules.	29551 29552
(C) A person that has been issued a restricted snake possession or restricted snake propagation permit under this chapter shall comply with the requirements regarding the care and housing of those snakes established in standards adopted by the zoological association of America <u>and in effect on September 5, 2012.</u>	29553 29554 29555 29556 29557 29558
Sec. 955.01. (A)(1) Except as otherwise provided in this section or in sections 955.011, 955.012, and 955.16 of the Revised	29559 29560

Code, every person who owns, keeps, or harbors a dog more than 29561
three months of age, shall file, on or after the first day of the 29562
~~preceding~~ applicable December, but before the thirty-first day of 29563
the applicable January ~~of each year~~, in the office of the county 29564
auditor of the county in which the dog is kept or harbored, an 29565
application for registration for ~~the following~~ a period of one 29566
~~year, beginning the thirty-first day of January of that year or~~ 29567
three years or an application for a permanent registration. The 29568
board of county commissioners, by resolution, may extend the 29569
period for filing the application. The application shall state the 29570
age, sex, color, character of hair, whether short or long, and 29571
breed, if known, of the dog and the name and address of the owner 29572
of the dog. A registration fee of two dollars for each year of 29573
registration for a one-year or three-year registration or twenty 29574
dollars for a permanent registration for each dog shall accompany 29575
the application, ~~unless~~. However, the fee may exceed that amount 29576
if a greater fee has been established under division (A)(2) of 29577
this section or under section 955.14 of the Revised Code. 29578

(2) A board of county commissioners may establish a 29579
registration fee higher than the one provided for in division 29580
(A)(1) of this section for dogs more than nine months of age that 29581
have not been spayed or neutered, except that the higher 29582
registration fee permitted by this division shall not apply if a 29583
person registering a dog furnishes with the application either a 29584
certificate from a licensed veterinarian verifying that the dog 29585
should not be spayed or neutered because of its age or medical 29586
condition or because the dog is used or intended for use for show 29587
or breeding purposes or a certificate from the owner of the dog 29588
declaring that the owner holds a valid hunting license issued by 29589
the division of wildlife of the department of natural resources 29590
and that the dog is used or intended for use for hunting purposes. 29591
If the board establishes such a fee, the application for 29592
registration shall state whether the dog is spayed or neutered, 29593

and whether a licensed veterinarian has certified that the dog 29594
should not be spayed or neutered or the owner has stated that the 29595
dog is used or intended to be used for hunting purposes. The board 29596
may require a person who is registering a spayed or neutered dog 29597
to furnish with the application a certificate from a licensed 29598
veterinarian verifying that the dog is spayed or neutered. No 29599
person shall furnish a certificate under this division ~~which~~ that 29600
the person knows to be false. 29601

(B) If the application for registration is not filed and the 29602
registration fee paid, on or before the thirty-first day of the 29603
applicable January of each year or, if the board of county 29604
commissioners by resolution has extended the date to a date later 29605
than the thirty-first day of January, the date established by the 29606
board, the auditor shall assess a penalty in an amount equal to 29607
the registration fee upon the owner, keeper, or harborer, which 29608
~~must~~ shall be paid with the registration fee. 29609

(C) An animal shelter that keeps or harbors a dog more than 29610
three months of age is exempt from paying any fees imposed under 29611
division (A) or (B) of this section if it is a nonprofit 29612
organization that is exempt from federal income taxation under 29613
subsection 501(a) and described in subsection 501(c)(3) of the 29614
"Internal Revenue Code of 1986," 100 Stat. ~~285~~ 2085, 26 U.S.C. 1. 29615

Sec. 955.05. After the thirty-first day of January of any 29616
year, except as otherwise provided in section 955.012 or 955.16 of 29617
the Revised Code, every person, immediately upon becoming the 29618
owner, keeper, or harborer of any dog more than three months of 29619
age or brought from outside the state during any year, shall file 29620
like applications, with fees, as required by section 955.01 of the 29621
Revised Code, for registration for the current year. If ~~such~~ the 29622
application is not filed and the fee paid, within thirty days 29623
after ~~such~~ the dog is acquired, becomes three months of age, or is 29624

brought from outside the state, the auditor shall assess a penalty 29625
in an amount equal to the registration fee upon ~~such~~ the owner, 29626
keeper, or harborer, which ~~must~~ shall be paid with the 29627
registration fee. Thereafter, the owner, keeper, or harborer shall 29628
register the dog for a period of one year or three years or 29629
register the dog permanently as provided in section 955.01 of the 29630
Revised Code. 29631

Every person becoming the owner of a kennel of dogs after the 29632
thirty-first day of January of any year shall file like 29633
applications, with fees, as required by section 955.04 of the 29634
Revised Code, for the registration of such kennel for the current 29635
calendar year. If such application is not filed and the fee paid 29636
within thirty days after the person becomes the owner of such 29637
kennel, the auditor shall assess a penalty in an amount equal to 29638
the registration fee upon the owner of such kennel. 29639

Sec. 955.06. The owner, keeper, or harborer of a dog becoming 29640
three months of age after the first day of July in a calendar year 29641
and the owner, keeper, or harborer of a dog purchased outside the 29642
state after the first day of July in a calendar year shall 29643
register the dog for one year. The registration fee for any such 29644
~~dog becoming three months of age after the first day of July of~~ 29645
~~any year and the registration fee of any dog purchased from~~ 29646
~~outside the state after the first day of July of any year shall be~~ 29647
one-half of the original fee. Thereafter, the owner, keeper, or 29648
harborer shall register the dog for a period of one year or three 29649
years or register the dog permanently as provided in section 29650
955.01 of the Revised Code. 29651

Sec. 955.07. Upon the filing of the application for 29652
registration required by sections 955.01 and 955.04 of the Revised 29653
Code and upon the payment of the registration fee and the 29654
administrative fee, if applicable, the county auditor shall assign 29655

a distinctive number to every dog or dog kennel described in the application and shall deliver a certificate of registration bearing the number to the owner of the dog or dog kennel. A record of all certificates of registration issued, together with the applications for registration, shall be kept by the auditor in a dog and kennel register ~~for two years or~~ until after an audit performed by the auditor of state, ~~whichever is later~~. This record shall be open to the inspection of any person during reasonable business hours.

Sec. 955.08. In addition to the certificate of registration provided for by section 955.07 of the Revised Code, the county auditor shall issue to every person making application for the registration of a dog and paying the required fee therefor a metal tag for each dog so registered. The form, color, character, and lettering of the tag shall be prescribed by the county auditor. ~~Each year the tag shall be a color distinctive from that of the previous year.~~ If a tag is lost, a duplicate shall be furnished by the auditor upon proper proof of loss and the payment of five dollars for each duplicate tag issued.

Sec. 955.09. Certificates of registration and registration tags shall be valid only during the calendar year ~~in~~ or years for which they are issued, ~~and during the first thirty one days of the following calendar year.~~

Sec. 955.12. The Except as provided in section 955.121 of Revised Code, a board of county commissioners shall appoint or employ a county dog warden and deputies in such number, for such periods of time, and at such compensation as the board considers necessary to enforce sections 955.01 to 955.27, 955.29 to 955.38, and 955.50 to 955.53 of the Revised Code.

The warden and deputies shall give bond in a sum not less

than five hundred dollars and not more than two thousand dollars, 29686
as set by the board, conditioned for the faithful performance of 29687
their duties. The bond or bonds may, in the discretion of the 29688
board, be individual or blanket bonds. The bonds shall be filed 29689
with the county auditor of their respective counties. 29690

The warden and deputies shall make a record of all dogs 29691
owned, kept, and harbored in their respective counties. They shall 29692
patrol their respective counties and seize and impound on sight 29693
all dogs found running at large and all dogs more than three 29694
months of age found not wearing a valid registration tag, except 29695
any dog that wears a valid registration tag and is: on the 29696
premises of its owner, keeper, or harborer, under the reasonable 29697
control of its owner or some other person, hunting with its owner 29698
or its handler at a field trial, kept constantly confined in a dog 29699
kennel registered under this chapter or one licensed under Chapter 29700
956. of the Revised Code, or acquired by, and confined on the 29701
premises of, an institution or organization of the type described 29702
in section 955.16 of the Revised Code. A dog that wears a valid 29703
registration tag may be seized on the premises of its owner, 29704
keeper, or harborer and impounded only in the event of a natural 29705
disaster. 29706

If a dog warden has reason to believe that a dog is being 29707
treated inhumanely on the premises of its owner, keeper, or 29708
harborer, the warden shall apply to the court of common pleas for 29709
the county in which the premises are located for an order to enter 29710
the premises, and if necessary, seize the dog. If the court finds 29711
probable cause to believe that the dog is being treated 29712
inhumanely, it shall issue such an order. 29713

The warden and deputies shall also investigate all claims for 29714
damages to animals reported to them under section 955.29 of the 29715
Revised Code and assist claimants to fill out the claim form 29716
therefor. They shall make weekly reports, in writing, to the board 29717

in their respective counties of all dogs seized, impounded, 29718
redeemed, and destroyed and of all claims for damage to animals 29719
inflicted by dogs. 29720

The wardens and deputies shall have the same police powers as 29721
are conferred upon sheriffs and police officers in the performance 29722
of their duties as prescribed by sections 955.01 to 955.27, 955.29 29723
to 955.38, and 955.50 to 955.53 of the Revised Code. They shall 29724
also have power to summon the assistance of bystanders in 29725
performing their duties and may serve writs and other legal 29726
processes issued by any court in their respective counties with 29727
reference to enforcing those sections. County auditors may 29728
deputize the wardens or deputies to issue dog licenses as provided 29729
in sections 955.01 and 955.14 of the Revised Code. 29730

Whenever any person files an affidavit in a court of 29731
competent jurisdiction that there is a dog running at large that 29732
is not kept constantly confined either in a dog kennel registered 29733
under this chapter or one licensed under Chapter 956. of the 29734
Revised Code or on the premises of an institution or organization 29735
of the type described in section 955.16 of the Revised Code or 29736
that a dog is kept or harbored in the warden's jurisdiction 29737
without being registered as required by law, the court shall 29738
immediately order the warden to seize and impound the dog. 29739
Thereupon the warden shall immediately seize and impound the dog 29740
complained of. The warden shall give immediate notice by certified 29741
mail to the owner, keeper, or harborer of the dog seized and 29742
impounded by the warden, if the owner, keeper, or harborer can be 29743
determined from the current year's registration list maintained by 29744
the warden and the county auditor of the county where the dog is 29745
registered, that the dog has been impounded and that, unless the 29746
dog is redeemed within fourteen days of the date of the notice, it 29747
may thereafter be sold or destroyed according to law. If the 29748
owner, keeper, or harborer cannot be determined from the current 29749

year's registration list maintained by the warden and the county auditor of the county where the dog is registered, the officer shall post a notice in the pound or animal shelter both describing the dog and place where seized and advising the unknown owner that, unless the dog is redeemed within three days, it may thereafter be sold or destroyed according to law.

As used in this section, "animal" has the same meaning as in section 955.51 of the Revised Code.

Sec. 955.121. (A)(1) In lieu of appointing a county dog warden and deputies under section 955.12 of the Revised Code, a board of county commissioners may appoint the county sheriff to enforce sections 955.01 to 955.27, 955.29 to 955.38, and 955.50 to 955.53 of the Revised Code. If a board chooses to appoint the county sheriff as the county dog warden, the board shall enter into a two-year written agreement with the sheriff for that purpose at the first meeting in a calendar year following a general election in which at least one of the members of the board was elected.

(2) The agreement may authorize both of the following:

(a) The sheriff to appoint sheriff's deputies or persons other than peace officers as deputy dog wardens;

(b) The transfer of any benefits accrued by employees who are transferred as a result of the county sheriff's being appointed as the county dog warden.

(B) Any dog warden and deputy dog wardens appointed under this section shall comply with both of the following:

(1) Any training requirements applicable to county dog wardens and deputy dog wardens appointed or employed under section 955.12 of the Revised Code;

(2) The requirements established in that section.

(C) If a county sheriff or a sheriff's deputies are appointed 29780
as a dog warden or deputy dog wardens under this section, 29781
references in this chapter and in Chapters 953., 956., and 959. of 29782
the Revised Code to "dog warden" and "deputy dog warden" shall be 29783
deemed to be replaced, respectively, with references to "sheriff" 29784
and "deputy sheriff." 29785

Sec. 955.14. (A) Notwithstanding section 955.01 of the 29786
Revised Code, a board of county commissioners by resolution may 29787
increase dog and kennel registration fees in the county. The 29788
amount of the fees shall not exceed an amount that the board, in 29789
its discretion, estimates is needed to pay all expenses for the 29790
administration of this chapter and to pay claims allowed for 29791
animals injured or destroyed by dogs. Such a resolution shall be 29792
adopted not earlier than the first day of February and not later 29793
than the thirty-first day of August of any year and shall ~~apply to~~ 29794
~~specify~~ the registration period ~~commencing on the first day of~~ 29795
~~December of the current year and ending on the thirty first day of~~ 29796
~~January of the following year, unless the period is extended under~~ 29797
~~section 955.01 of the Revised Code or periods to which the~~ 29798
increased fees apply. ~~Any~~ An increase in fees adopted under this 29799
division shall be in the ratio of two dollars for each year of 29800
registration for a dog registration fee, twenty dollars for a 29801
permanent ~~for a~~ dog registration fee, and ten dollars for a kennel 29802
registration fee. 29803

(B) Not later than the fifteenth day of October of each year, 29804
the board of county commissioners shall determine if there is 29805
sufficient money in the dog and kennel fund, after paying the 29806
expenses of administration incurred or estimated to be incurred 29807
for the remainder of the year, to pay the claims allowed for 29808
animals injured or destroyed by dogs. If the board determines 29809
there is not sufficient money in the dog and kennel fund to pay 29810
the claims allowed, the board shall provide by resolution that all 29811

claims remaining unpaid shall be paid from the general fund of the 29812
county. All money paid out of the general fund for those purposes 29813
may be replaced by the board from the dog and kennel fund at any 29814
time during the following year notwithstanding section 5705.14 of 29815
the Revised Code. 29816

(C) Notwithstanding section 955.20 of the Revised Code, if 29817
dog and kennel registration fees in any county are increased above 29818
two dollars for each year of registration and twenty dollars for a 29819
permanent registration for a dog registration fee and ten dollars, 29820
~~respectively,~~ for a kennel registration fee under authority of 29821
division (A) of this section, then on or before the first day of 29822
March following each year in which the increased fees are in 29823
effect, the county auditor shall draw on the dog and kennel fund a 29824
warrant payable to the college of veterinary medicine of the Ohio 29825
state university in an amount equal to ten cents for each one-year 29826
dog and registration, thirty cents for each three-year dog 29827
registration, one dollar for each permanent dog registration, and 29828
ten cents for each kennel registration fee received during the 29829
preceding year. The money received by the college of veterinary 29830
medicine of the Ohio state university under this division shall be 29831
applied for research and study of the diseases of dogs, 29832
particularly those transmittable to humans, and for research of 29833
other diseases of dogs that by their nature will provide results 29834
applicable to the prevention and treatment of both human and 29835
canine illness. 29836

(D) The Ohio state university college of veterinary medicine 29837
shall be responsible to report annually to the general assembly 29838
the progress of the research and study authorized and funded by 29839
division (C) of this section. The report shall briefly describe 29840
the research projects undertaken and assess the value of each. The 29841
report shall account for funds received pursuant to division (C) 29842
of this section and for the funds expended attributable to each 29843

research project and for other necessary expenses in conjunction 29844
with the research authorized by division (C) of this section. The 29845
report shall be filed with the general assembly by the first day 29846
of May of each year. 29847

(E) The county auditor may authorize agents to receive 29848
applications for registration of dogs and kennels and to issue 29849
certificates of registration and tags. If authorized agents are 29850
employed in a county, each applicant for a dog or kennel 29851
registration shall pay to the agent an administrative fee of 29852
seventy-five cents in addition to the registration fee. The 29853
administrative fee shall be the compensation of the agent. The 29854
county auditor shall establish rules for reporting and accounting 29855
by the agents. No administrative or similar fee shall be charged 29856
in any county except as authorized by this division or division 29857
(F) of this section. 29858

(F) For any county that accepts the payment of dog and kennel 29859
registration fees by financial transaction devices in accordance 29860
with section 955.013 of the Revised Code, in addition to those 29861
registration fees, the county auditor shall collect for each 29862
registration paid by a financial transaction device one of the 29863
following: 29864

(1) An administrative fee of seventy-five cents or another 29865
amount necessary to cover actual costs designated by the county 29866
auditor; 29867

(2) If the board of county commissioners adopts a surcharge 29868
or convenience fee for making payments by a financial transaction 29869
device under division (E) of section 301.28 of the Revised Code, 29870
that surcharge or convenience fee; 29871

(3) If the county auditor contracts with a third party to 29872
provide services to enable registration via the internet as 29873
provided in section 955.013 of the Revised Code, a surcharge or 29874

convenience fee as agreed to between that third party and the 29875
county for those internet registration services. Any additional 29876
expenses incurred by the county auditor that result from a 29877
contract with a third party as provided in this section and 29878
section 955.013 of the Revised Code and that are not covered by a 29879
surcharge or convenience fee shall be paid out of the allowance 29880
provided to the county auditor under section 955.20 of the Revised 29881
Code. 29882

(G) The county auditor shall post conspicuously the amount of 29883
the administrative fee, surcharge, or convenience fee that is 29884
permissible under this section on the web page where the auditor 29885
accepts payments for registrations made under division (B)(1) of 29886
section 955.013 of the Revised Code. If any person chooses to pay 29887
by financial transaction device, the administrative fee, 29888
surcharge, or convenience fee shall be considered voluntary and is 29889
not refundable. 29890

(H) As used in this section, "animal" has the same meaning as 29891
in section 955.51 of the Revised Code. 29892

Sec. 955.201. (A) As used in this section and in section 29893
955.202 of the Revised Code, "Ohio pet fund" means a nonprofit 29894
corporation organized by that name under Chapter 1702. of the 29895
Revised Code that consists of humane societies, veterinarians, 29896
animal shelters, companion animal breeders, dog wardens, or 29897
similar individuals and entities. 29898

(B) The Ohio pet fund shall do all of the following: 29899

(1) Establish eligibility criteria for organizations that may 29900
receive financial assistance from the Ohio pet fund. Those 29901
organizations may include any of the following: 29902

(a) An animal shelter as defined in section 4729.01 of the 29903
Revised Code; 29904

(b) A local nonprofit veterinary association that operates a program for the sterilization of dogs and cats; 29905
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(c) A charitable organization that is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code and a purpose of which is to support programs for the sterilization of dogs and cats and educational programs concerning the proper veterinary care of those animals. 29907
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(2) Establish procedures for applying for financial assistance from the Ohio pet fund. Application procedures shall require eligible organizations to submit detailed proposals that outline the intended uses of the moneys sought. 29912
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(3) Establish eligibility criteria for sterilization and educational programs for which moneys from the Ohio pet fund may be used and, consistent with division (C) of this section, establish eligibility criteria for individuals who seek sterilization for their dogs and cats from eligible organizations; 29916
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(4) Establish procedures for the disbursement of moneys the Ohio pet fund receives from license plate contributions pursuant to division (C) of section 4503.551 of the Revised Code; 29921
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(5) Advertise or otherwise provide notification of the availability of financial assistance from the Ohio pet fund for eligible organizations; 29924
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(6) Design markings to be inscribed on "pets" license plates under section 4503.551 of the Revised Code. 29927
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(C)(1) The owner of a dog or cat is eligible for dog or cat sterilization services from an eligible organization when those services are subsidized in whole or in part by money from the Ohio pet fund if any of the following applies: 29929
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(a) The income of the owner's family does not exceed one hundred fifty per cent of the federal poverty guideline. 29933
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(b) The owner, or any member of the owner's family who resides with the owner, is a recipient or beneficiary of one of the following government assistance programs:	29935 29936 29937
(i) Low-income housing assistance under the "United States Housing Act of 1937," 42 U.S.C.A. 1437f, as amended, known as the federal section 8 housing program;	29938 29939 29940
(ii) The Ohio works first program established by Chapter 5107. of the Revised Code;	29941 29942
(iii) Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as the medical assistance <u>The medicaid</u> program or medicaid, provided by the department of job and family services under Chapter 5111. of the Revised Code;	29943 29944 29945 29946 29947
(iv) A program or law administered by the United States department of veterans' affairs or veterans' administration for any service-connected disability;	29948 29949 29950
(v) The supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), administered by the department of job and family services under section 5101.54 of the Revised Code;	29951 29952 29953 29954
(vi) The "special supplemental nutrition program for women, infants, and children" established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, administered by the department of health under section 3701.132 of the Revised Code;	29955 29956 29957 29958 29959
(vii) Supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended;	29960 29961 29962
(viii) Social security disability insurance benefits provided under Title II of the "Social Security Act," 49 Stat. 620 (1935),	29963 29964

42 U.S.C.A. 401, as amended. 29965

(c) The owner of the dog or cat submits to the eligible 29966
organization operating the sterilization program either of the 29967
following: 29968

(i) A certificate of adoption showing that the dog or cat was 29969
adopted from a licensed animal shelter, a municipal, county, or 29970
regional pound, or a holding and impoundment facility that 29971
contracts with a municipal corporation; 29972

(ii) A certificate of adoption showing that the dog or cat 29973
was adopted through a nonprofit corporation operating an animal 29974
adoption referral service whose holding facility, if any, is 29975
licensed in accordance with state law or a municipal ordinance. 29976

(2) The Ohio pet fund shall determine the type of documentary 29977
evidence that must be presented by the owner of a dog or cat to 29978
show that the income of the owner's family does not exceed one 29979
hundred fifty per cent of the federal poverty guideline or that 29980
the owner is eligible under division (C)(1)(b) of this section. 29981

(D) As used in division (C) of this section, "federal poverty 29982
guideline" means the official poverty guideline as revised 29983
annually by the United States department of health and human 29984
services in accordance with section 673(2) of the "Omnibus Budget 29985
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as 29986
amended, for a family size equal to the size of the family of the 29987
person whose income is being determined. 29988

Sec. 956.07. (A) A person who is applying for a license to 29989
operate a high volume breeder or to act as or perform the 29990
functions of a dog retailer under section 956.04 or 956.05 of the 29991
Revised Code, as applicable, shall include with the application 29992
for a license a nonrefundable license application fee. For the 29993
purpose of calculating the application fee for a high volume 29994

breeder, the sale of one dog from a litter constitutes the sale of a litter. The application fees are as follows:

(1) For a high volume breeder:

(a) One hundred fifty dollars if the high volume breeder annually sells at least nine, but not more than fifteen litters;

(b) Two hundred fifty dollars if the high volume breeder annually sells at least sixteen, but not more than twenty-five litters;

(c) Three hundred fifty dollars if the high volume breeder annually sells at least twenty-six, but not more than thirty-five litters;

(d) Five hundred dollars if the high volume breeder annually sells at least thirty-six, but not more than forty-five litters;

(e) Seven hundred fifty dollars if the high volume breeder annually sells forty-six or more litters.

(2) For a dog retailer, five hundred dollars.

(B) Money collected by the director of agriculture from each application fee submitted under this section shall be ~~transmitted by the director to the treasurer of~~ deposited in the state treasury to be credited to the credit of the high volume breeder kennel control license fund created in section 956.18 of the Revised Code. The ~~treasurer of state shall transfer to the county auditor of the county in which a high volume breeder is located or will be located~~ director shall use fifty dollars of the application fee submitted by ~~the~~ a high volume breeder under this section or an amount equal to the fee charged ~~in that county~~ for the registration of a kennel under section 955.14 of the Revised Code in the county in which the high volume breeder is located or will be located, whichever is greater, to reimburse that county. The county auditor shall deposit the transferred money into that

county's dog and kennel fund created under section 955.20 of the Revised Code. 30025
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Sec. 956.18. (A) All money collected by the director of agriculture from license fees under section ~~956.08~~ 956.07 and civil penalties assessed under section 956.13 of the Revised Code shall be deposited in the state treasury to the credit of the high volume breeder kennel control license fund, which is hereby created. The fund shall also consist of money appropriated to it. 30027
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(B) No money may be released from the fund without controlling board approval. The director shall request the controlling board to release money in an amount not to exceed two million five hundred thousand dollars per biennium. 30033
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(C) The director shall use the money in the fund for the purpose of administering this chapter and rules adopted under it. 30037
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Sec. 959.131. (A) As used in this section: 30039

(1) "Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. "Companion animal" does not include livestock or any wild animal. 30040
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(2) "Cruelty," "torment," and "torture" have the same meanings as in section 1717.01 of the Revised Code. 30044
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(3) "Residential dwelling" means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation. 30046
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30048

(4) "Practice of veterinary medicine" has the same meaning as in section 4741.01 of the Revised Code. 30049
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(5) "Wild animal" has the same meaning as in section 1531.01 of the Revised Code. 30051
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(6) "Federal animal welfare act" means the "Laboratory Animal 30053

Act of 1966," Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 30054
2131 et seq., as amended by the "Animal Welfare Act of 1970," Pub. 30055
L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act 30056
Amendments of 1976," Pub. L. No. 94-279, 90 Stat. 417 (1976), and 30057
the "Food Security Act of 1985," Pub. L. No. 99-198, 99 Stat. 1354 30058
(1985), and as it may be subsequently amended. 30059

(7) "Dog kennel" means an animal rescue for dogs that is 30060
registered under section 956.06 of the Revised Code, a boarding 30061
kennel, or a training kennel. 30062

(8) "Boarding kennel" has the same meaning as in section 30063
956.01 of the Revised Code. 30064

(9) "Training kennel" means an establishment operating for 30065
profit that keeps, houses, and maintains dogs for the purpose of 30066
training the dogs in return for a fee or other consideration. 30067

(10) "Livestock" means horses, mules, and other equidae; 30068
cattle, sheep, goats, and other bovidae; swine and other suidae; 30069
poultry; alpacas; llamas; captive white-tailed deer; and any other 30070
animal that is raised or maintained domestically for food or 30071
fiber. 30072

(11) "Captive white-tailed deer" has the same meaning as in 30073
section 1531.01 of the Revised Code. 30074

(B) No person shall knowingly torture, torment, needlessly 30075
mutilate or maim, cruelly beat, poison, needlessly kill, or commit 30076
an act of cruelty against a companion animal. 30077

(C) No person who confines or who is the custodian or 30078
caretaker of a companion animal shall negligently do any of the 30079
following: 30080

~~(1) Torture, torment, needlessly mutilate or maim, cruelly 30081
beat, poison, needlessly kill, or commit an act of cruelty against 30082
the companion animal; Commit any act by which unnecessary or 30083~~

unjustifiable pain or suffering is caused, permitted, or allowed 30084
to continue, when there is a reasonable remedy or relief, against 30085
the companion animal; 30086

(2) Omit any act of care by which unnecessary or 30087
unjustifiable pain or suffering is caused, permitted, or allowed 30088
to continue, when there is a reasonable remedy or relief, against 30089
the companion animal; 30090

(3) Commit any act of neglect by which unnecessary or 30091
unjustifiable pain or suffering is caused, permitted, or allowed 30092
to continue, when there is a reasonable remedy or relief, against 30093
the companion animal; 30094

(4) Needlessly kill the companion animal; 30095

(5) Deprive the companion animal of necessary sustenance, 30096
confine the companion animal without supplying it during the 30097
confinement with sufficient quantities of good, wholesome food and 30098
water, or impound or confine the companion animal without 30099
affording it, during the impoundment or confinement, with access 30100
to shelter from heat, cold, wind, rain, snow, or excessive direct 30101
sunlight, if it can reasonably be expected that the companion 30102
animal would become sick or suffer in any other way as a result of 30103
or due to the deprivation, confinement, or impoundment or 30104
confinement in any of those specified manners. 30105

(D) No owner, manager, or employee of a dog kennel who 30106
confines or is the custodian or caretaker of a companion animal 30107
shall knowingly do any of the following: 30108

(1) Torture, torment, needlessly mutilate or maim, cruelly 30109
beat, poison, needlessly kill, or commit an act of cruelty against 30110
the companion animal; 30111

(2) Deprive the companion animal of necessary sustenance, 30112
confine the companion animal without supplying it during the 30113
confinement with sufficient quantities of food and water, or 30114

impound or confine the companion animal without affording it, 30115
during the impoundment or confinement, with access to shelter if 30116
it is substantially certain that the companion animal would die or 30117
experience unnecessary or unjustifiable pain or suffering due to 30118
the deprivation, confinement, or impoundment or confinement in any 30119
of those specified manners. 30120

(E) No owner, manager, or employee of a dog kennel who 30121
confines or is the custodian or caretaker of a companion animal 30122
shall negligently do any of the following: 30123

(1) Commit any act by which unnecessary or unjustifiable pain 30124
or suffering is caused, permitted, or allowed to continue, when 30125
there is a reasonable remedy or relief, against the companion 30126
animal; 30127

(2) Omit any act of care by which unnecessary or 30128
unjustifiable pain or suffering is caused, permitted, or allowed 30129
to continue, when there is a reasonable remedy or relief, against 30130
the companion animal; 30131

(3) Commit any act of neglect by which unnecessary or 30132
unjustifiable pain or suffering is caused, permitted, or allowed 30133
to continue, when there is a reasonable remedy or relief, against 30134
the companion animal; 30135

(4) Needlessly kill the companion animal; 30136

(5) Deprive the companion animal of necessary sustenance, 30137
confine the companion animal without supplying it during the 30138
confinement with sufficient quantities of good, wholesome food and 30139
water, or impound or confine the companion animal without 30140
affording it, during the impoundment or confinement, with access 30141
to shelter from heat, cold, wind, rain, snow, or excessive direct 30142
sunlight if it can reasonably be expected that the companion 30143
animal would become sick or suffer in any other way as a result of 30144
or due to the deprivation, confinement, or impoundment or 30145

confinement in any of those specified manners. 30146

(F) Divisions (B) ~~and~~, (C), (D), and (E) of this section do 30147
not apply to any of the following: 30148

(1) A companion animal used in scientific research conducted 30149
by an institution in accordance with the federal animal welfare 30150
act and related regulations; 30151

(2) The lawful practice of veterinary medicine by a person 30152
who has been issued a license, temporary permit, or registration 30153
certificate to do so under Chapter 4741. of the Revised Code; 30154

(3) Dogs being used or intended for use for hunting or field 30155
trial purposes, provided that the dogs are being treated in 30156
accordance with usual and commonly accepted practices for the care 30157
of hunting dogs; 30158

(4) The use of common training devices, if the companion 30159
animal is being treated in accordance with usual and commonly 30160
accepted practices for the training of animals; 30161

(5) The administering of medicine to a companion animal that 30162
was properly prescribed by a person who has been issued a license, 30163
temporary permit, or registration certificate under Chapter 4741. 30164
of the Revised Code. 30165

~~(E)~~(G) Notwithstanding any section of the Revised Code that 30166
otherwise provides for the distribution of fine moneys, the clerk 30167
of court shall forward all fines the clerk collects that are so 30168
imposed for any violation of this section to the treasurer of the 30169
political subdivision or the state, whose county humane society or 30170
law enforcement agency is to be paid the fine money as determined 30171
under this division. The treasurer to whom the fines are forwarded 30172
shall pay the fine moneys to the county humane society or the 30173
county, township, municipal corporation, or state law enforcement 30174
agency in this state that primarily was responsible for or 30175
involved in the investigation and prosecution of the violation. If 30176

a county humane society receives any fine moneys under this 30177
division, the county humane society shall use the fine moneys to 30178
provide the training that is required for humane agents under 30179
section 1717.06 of the Revised Code. 30180

Sec. 959.132. (A) As used in this section: 30181

(1) "Companion animal" has the same meaning as in section 30182
959.131 of the Revised Code. 30183

(2) "Impounding agency" means a county humane society 30184
organized under section 1717.05 of the Revised Code, an animal 30185
shelter, or a law enforcement agency that has impounded a 30186
companion animal in accordance with this section. 30187

(3) "Offense" means a violation of section 959.131 of the 30188
Revised Code or an attempt, in violation of section 2923.02 of the 30189
Revised Code, to violate section 959.131 of the Revised Code. 30190

(4) "Officer" means any law enforcement officer, agent of a 30191
county humane society, or other person appointed to act as an 30192
animal control officer for a municipal corporation or township in 30193
accordance with state law, an ordinance, or a resolution. 30194

(B) An officer may seize and cause to be impounded at an 30195
impounding agency a companion animal that the officer has probable 30196
cause to believe is the subject of an offense. No officer or 30197
impounding agency shall impound a companion animal that is the 30198
subject of an offense in a shelter owned, operated, or controlled 30199
by a board of county commissioners pursuant to Chapter 955. of the 30200
Revised Code unless the board, by resolution, authorizes the 30201
impoundment of such a companion animal in a shelter owned, 30202
operated, or controlled by that board and has executed, in the 30203
case when the officer is other than a dog warden or assistant dog 30204
warden, a contract specifying the terms and conditions of the 30205
impoundment. 30206

(C) The officer shall give written notice of the seizure and impoundment to the owner, keeper, or harbinger of the companion animal that was seized and impounded. If the officer is unable to give the notice to the owner, keeper, or harbinger of the companion animal, the officer shall post the notice on the door of the residence or in another conspicuous place on the premises at which the companion animal was seized. The notice shall include a statement that a hearing will be held not later than ten days after the notice is provided or at the next available court date to determine whether the officer had probable cause to seize the companion animal and, if applicable, to determine the amount of a bond or cash deposit that is needed to provide for the companion animal's care and keeping for not less than thirty days beginning on the date on which the companion animal was impounded.

(D) A companion animal that is seized under this section may be humanely destroyed immediately or at any time during impoundment if a licensed veterinarian determines it to be necessary because the companion animal is suffering.

(E)(1) Not later than ten days after notice is provided or at the next available court date, the court shall hold a hearing to determine whether the officer impounding a companion animal had probable cause to seize the companion animal. If the court determines that probable cause exists, the court shall determine the amount of a bond or cash deposit that is needed to provide for the companion animal's care and keeping for not less than thirty days beginning on the date on which the companion animal was impounded.

(2) If the court determines that probable cause does not exist, the court immediately shall order the impounding agency to return the companion animal to its owner if possible. If the companion animal cannot be returned because it has died as a result of neglect or other misconduct by the impounding agency or

if the companion animal is injured as a result of neglect or other 30239
misconduct by the impounding agency, the court shall order the 30240
impounding agency to pay the owner an amount determined by the 30241
court to be equal to the reasonable market value of the companion 30242
animal at the time that it was impounded plus statutory interest 30243
as defined in section 1343.03 of the Revised Code from the date of 30244
the impoundment or an amount determined by the court to be equal 30245
to the reasonable cost of treatment of the injury to the companion 30246
animal, as applicable. The requirement established in division 30247
(E)(2) of this section regarding the payment of the reasonable 30248
market value of the companion animal shall not apply in the case 30249
of a dog that, in violation of section 955.01 of the Revised Code, 30250
was not registered at the time it was seized and impounded. 30251

(3) If the court determines that probable cause exists and 30252
determines the amount of a bond or cash deposit, the case shall 30253
continue and the owner shall post a bond or cash deposit to 30254
provide for the companion animal's care and keeping for not less 30255
than thirty days beginning on the date on which the companion 30256
animal was impounded. The owner may renew a bond or cash deposit 30257
by posting, not later than ten days following the expiration of 30258
the period for which a previous bond or cash deposit was posted, a 30259
new bond or cash deposit in an amount that the court, in 30260
consultation with the impounding agency, determines is sufficient 30261
to provide for the companion animal's care and keeping for not 30262
less than thirty days beginning on the date on which the previous 30263
period expired. If no bond or cash deposit is posted or if a bond 30264
or cash deposit expires and is not renewed, the impounding agency 30265
may determine the disposition of the companion animal unless the 30266
court issues an order that specifies otherwise. 30267

(F) If a person is convicted of committing an offense, the 30268
court may impose the following additional penalties against the 30269
person: 30270

(1) A requirement that the person pay for the costs incurred 30271
by the impounding agency in caring for a companion animal involved 30272
in the applicable offense, provided that the costs were incurred 30273
during the companion animal's impoundment. A bond or cash deposit 30274
posted under this section may be applied to the costs. 30275

(2) An order permanently terminating the person's right to 30276
possession, title, custody, or care of the companion animal that 30277
was involved in the offense. If the court issues such an order, 30278
the court shall order the disposition of the companion animal. 30279

(G) If a person is found not guilty of committing an offense, 30280
the court immediately shall order the impounding agency to return 30281
the companion animal to its owner if possible and to return the 30282
entire amount of any bond or cash deposit posted under division 30283
(E) of this section. If the companion animal cannot be returned 30284
because it has died as a result of neglect or other misconduct by 30285
the impounding agency or if the companion animal is injured as a 30286
result of neglect or other misconduct by the impounding agency, 30287
the court shall order the impounding agency to pay the owner an 30288
amount determined by the court to be equal to the reasonable 30289
market value of the companion animal at the time that it was 30290
impounded plus statutory interest as defined in section 1343.03 of 30291
the Revised Code from the date of the impoundment or an amount 30292
determined by the court to be equal to the reasonable cost of 30293
treatment of the injury to the companion animal, as applicable. 30294
The requirements established in this division regarding the return 30295
of a bond or cash deposit and the payment of the reasonable market 30296
value of the companion animal shall not apply in the case of a dog 30297
that, in violation of section 955.01 of the Revised Code, was not 30298
registered at the time it was seized and impounded. 30299

(H) If charges are filed under section 959.131 of the Revised 30300
Code against the custodian or caretaker of a companion animal, but 30301
the companion animal that is the subject of the charges is not 30302

impounded, the court in which the charges are pending may order 30303
the owner or person having custody of the companion animal to 30304
provide to the companion animal the necessities described in 30305
division (C)~~(2)~~(5), (D)(2), or (E)(5) of section 959.131 of the 30306
Revised Code until the final disposition of the charges. If the 30307
court issues an order of that nature, the court also may authorize 30308
an officer or another person to visit the place where the 30309
companion animal is being kept, at the times and under the 30310
conditions that the court may set, to determine whether the 30311
companion animal is receiving those necessities and to remove and 30312
impound the companion animal if the companion animal is not 30313
receiving those necessities. 30314

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 of 30315
the Revised Code is guilty of a minor misdemeanor. 30316

(B) Except as otherwise provided in this division, whoever 30317
violates section 959.02 of the Revised Code is guilty of a 30318
misdemeanor of the second degree. If the value of the animal 30319
killed or the injury done amounts to three hundred dollars or 30320
more, whoever violates section 959.02 of the Revised Code is 30321
guilty of a misdemeanor of the first degree. 30322

(C) Whoever violates section 959.03, 959.06, 959.12, 959.15, 30323
or 959.17 of the Revised Code is guilty of a misdemeanor of the 30324
fourth degree. 30325

(D) Whoever violates division (A) of section 959.13 of the 30326
Revised Code is guilty of a misdemeanor of the second degree. In 30327
addition, the court may order the offender to forfeit the animal 30328
or livestock and may provide for its disposition, including, but 30329
not limited to, the sale of the animal or livestock. If an animal 30330
or livestock is forfeited and sold pursuant to this division, the 30331
proceeds from the sale first shall be applied to pay the expenses 30332
incurred with regard to the care of the animal from the time it 30333

was taken from the custody of the former owner. The balance of the
proceeds from the sale, if any, shall be paid to the former owner
of the animal.

(E)(1) Whoever violates division (B) of section 959.131 of
the Revised Code is guilty of a misdemeanor of the first degree on
a first offense and a felony of the fifth degree on each
subsequent offense.

(2) Whoever violates section 959.01 of the Revised Code or
division (C) of section 959.131 of the Revised Code is guilty of a
misdemeanor of the second degree on a first offense and a
misdemeanor of the first degree on each subsequent offense.

(3) Whoever violates division (D) of section 959.131 of the
Revised Code is guilty of a felony of the fifth degree.

(4) Whoever violates division (E) of section 959.131 of the
Revised Code is guilty of a misdemeanor of the first degree.

(5)(a) A court may order a person who is convicted of or
pleads guilty to a violation of section 959.131 of the Revised
Code to forfeit to an impounding agency, as defined in section
959.132 of the Revised Code, any or all of the companion animals
in that person's ownership or care. The court also may prohibit or
place limitations on the person's ability to own or care for any
companion animals for a specified or indefinite period of time.

(b) A court may order a person who is convicted of or pleads
guilty to a violation of section 959.131 of the Revised Code to
reimburse an impounding agency for the reasonably necessary costs
incurred by the agency for the care of a companion animal that the
agency impounded as a result of the investigation or prosecution
of the violation, provided that the costs were not otherwise paid
under section 959.132 of the Revised Code.

~~(4)~~(6) If a court has reason to believe that a person who is
convicted of or pleads guilty to a violation of section 959.131 of

the Revised Code suffers from a mental or emotional disorder that 30365
contributed to the violation, the court may impose as a community 30366
control sanction or as a condition of probation a requirement that 30367
the offender undergo psychological evaluation or counseling. The 30368
court shall order the offender to pay the costs of the evaluation 30369
or counseling. 30370

(F) Whoever violates section 959.14 of the Revised Code is 30371
guilty of a misdemeanor of the second degree on a first offense 30372
and a misdemeanor of the first degree on each subsequent offense. 30373

(G) Whoever violates section 959.05 or 959.20 of the Revised 30374
Code is guilty of a misdemeanor of the first degree. 30375

(H) Whoever violates section 959.16 of the Revised Code is 30376
guilty of a felony of the fourth degree for a first offense and a 30377
felony of the third degree on each subsequent offense. 30378

Sec. 991.03. (A) The Ohio expositions commission shall: 30379

(1) Conduct at least one fair or exposition annually; 30380

(2) Maintain and manage property held by the state for the 30381
purpose of conducting fairs, expositions, and exhibits; 30382

(3) As provided in section 109.122 of the Revised Code, 30383
provide notice of or copies of any proposed entertainment or 30384
sponsorship contracts to the attorney general. 30385

(B) The commission may: 30386

(1) Conduct such additional fairs, expositions, or 30387
exhibitions as the commission determines are in the general public 30388
interest; 30389

(2) Accept on behalf of the state conveyances of property for 30390
the purposes of conducting fairs, expositions, and exhibits, 30391
subject to any terms and conditions agreed to by the commission 30392
and approved by the controlling board; 30393

(3) Accept gifts, devises, and bequests of money, lands, and other property and apply the money, lands, or other property according to the terms of the gift, devise, or bequest. A political subdivision as authorized by law may make gifts and devises to the commission, and the commission shall apply such a gift or devise according to the terms of the gift or devise. All gifts and bequests of money accepted under this division shall be deposited into the state treasury to the credit of the Ohio expositions support fund. 30394
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(4) Enter into contracts that the commission considers necessary or worthwhile in the conduct of its purposes, provided that contracts made for a term exceeding two years, other than those described in division (B)(4) of this section, shall be subject to the approval of the controlling board and provided that the attorney general, pursuant to the attorney general's authority under section 109.122 of the Revised Code, has not disapproved the proposed contract; 30403
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~~(4)~~(5) Enter into contracts for the mutual exchange of goods or services; 30411
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~~(5)~~(6) Sell or convey all or a portion of the property, land, or buildings under its management subject to the approval of the legislature; 30413
30414
30415

~~(6)~~(7) Grant leases on all or any part of the property, land, or buildings under the management of the commission to private or public organizations, which appear to be in the best interests of the state, with the approval of the controlling board and director of administrative services, subject to the following conditions: 30416
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(a) The lessees shall make or construct improvements on such lands or buildings at no cost to the commission or to the state, subject to prior approval by the director of administrative services of detailed plans and specifications of such 30421
30422
30423
30424

improvements. 30425

(b) No person, firm, or corporation shall cause a lien to be 30426
filed against any funds or property of the state or of the 30427
commission as a result of a lessee's activities pursuant to 30428
division (B)~~(6)~~(7)(a) of this section. 30429

(c) Leases shall be entered into subject to the sale of such 30430
property, lands, or buildings during the term of the lease. 30431

(d) No leases shall be made which interfere with a fair, 30432
exposition, or exhibition on such lands. 30433

~~(7)~~(8) Encumber appropriations for the entire amount of a 30434
contract at the time the contract is made, even though the 30435
contract will not be performed in the fiscal year for which the 30436
appropriations were made. 30437

~~(8)~~(9) Implement a credit card payment program permitting 30438
payment by means of a credit card of any fees, charges, and 30439
rentals associated with conducting fairs, expositions, and 30440
exhibits. The commission may open an account outside the state 30441
treasury in a financial institution for the purpose of depositing 30442
credit card receipts. By the end of the business day following the 30443
deposit of the receipts, the financial institution shall make 30444
available to the commission funds in the amount of the receipts. 30445
The commission shall then pay these funds into the state treasury 30446
to the credit of the Ohio expositions fund. 30447

The commission shall adopt rules as necessary to carry out 30448
the purposes of division (B)~~(8)~~(9) of this section. The rules 30449
shall include standards for determining eligible financial 30450
institutions and the manner in which funds shall be made available 30451
and shall be consistent with the standards contained in sections 30452
135.03, 135.18, and 135.181 of the Revised Code. 30453

The commission shall not adopt or enforce any rules which 30454
will prohibit livestock exhibited at the Ohio state fair from 30455

participating in county and independent fairs in the state. 30456

Sec. 991.04. There is hereby established in the state 30457
treasury the Ohio expositions fund. All Except for gifts and 30458
bequests of money accepted under division (B)(3) of section 991.03 30459
of the Revised Code, all moneys collected by the Ohio expositions 30460
commission pursuant to sections 991.01 to 991.07 of the Revised 30461
Code and any income generated from the investment of those moneys 30462
shall be paid into the fund and may be used to defray the costs of 30463
administration and carrying out the purposes of sections 991.01 to 30464
991.07 of the Revised Code. 30465

With the approval of the director of budget and management, 30466
provisions may be made for a cash fund to be established on the 30467
state fairgrounds during the period of activities related to the 30468
holding of the annual state fair. The purpose of such fund is to 30469
provide for payment of premiums and entertainers and for immediate 30470
payment of small amounts for obligations, including ticket 30471
refunds, of such nature as to require immediate payment. 30472

The expositions commission shall cause to be kept an accurate 30473
record of all transactions, contracts, and proceedings. The 30474
director of budget and management shall prescribe a system of 30475
accounting and reporting. Such system shall include methods and 30476
forms showing the sources from which all revenues of the 30477
expositions commission are received, the amount collected from 30478
each source, and the amount expended for each purpose. 30479

Sec. 991.041. There is in the state treasury the Ohio 30480
expositions support fund. All gifts and bequests of money accepted 30481
under division (B)(3) of section 991.03 of the Revised Code shall 30482
be deposited into the state treasury to the credit of the fund. 30483
Investment earnings of the fund shall be deposited into the fund. 30484
The Ohio expositions commission may use the fund, consistent with 30485

the terms of the gift or bequest, to defray the cost of 30486
administration and of carrying out the purposes of sections 991.01 30487
to 991.07 of the Revised Code. 30488

Sec. 991.06. Annually on or before the thirtieth day of 30489
September the Ohio expositions commission, through its general 30490
manager, shall prepare and file with the auditor of state a 30491
statement showing the total amount received from each source of 30492
revenue, the total amount disbursed for each class of 30493
expenditures, and the aggregate of all receipts and expenditures 30494
of the commission. This statement shall also include a summary of 30495
each contract for the mutual exchange of goods or services entered 30496
into by the commission under ~~division (B)(4)~~ of section 991.03 of 30497
the Revised Code. Upon receipt of such statement, the auditor of 30498
state shall have it verified and make a report of ~~his~~ the auditor 30499
of state's findings thereon to the governor. 30500

Assistant auditors of state shall conduct an audit of 30501
activities of the annual Ohio state fair on the Ohio exposition 30502
center during the period when the fair is in progress. 30503

The cost of such audit shall be included in the annual 30504
expenses of the Ohio expositions commission. 30505

Sec. 1309.521. (A) A filing office that accepts written 30506
records may not refuse to accept a written initial financing 30507
statement in the ~~following~~ form and format set forth in the 30508
official text of the 2010 amendments to article 9 of the uniform 30509
commercial code promulgated by the American law institute and the 30510
national conference of commissioners on uniform state laws, except 30511
for a reason prescribed in division (B) of section 1309.516 of the 30512
Revised Code+. 30513

~~UCC FINANCING STATEMENT~~ 30514

~~Follow instructions (front and back) carefully.~~ 30515

A. Name and phone of contact at filer (optional)	30516
.....	30517
B. Send acknowledgment to: (name and address)	30518
.....	30519
.....	30520
.....	30521
The above space is for filing office use only.	
1. DEBTOR'S EXACT FULL LEGAL NAME	30522
(Insert only one debtor name [1a or 1b]. Do not abbreviate or	30523
combine names. If completing 1b, insert the debtor's name exactly	30524
as it appears on the debtor's current driver's license or	
identification card issued by this state, if one exists.)	
1a. Organization's name	30525
or	30526
1b. Individual's last name First name	30527
Middle name Suffix	30528
1c. Mailing address	30529
City State Postal code Country	30530
	30531
Additional information regarding organization debtor	30532
1d. Type of organization	30533
1e. Jurisdiction of organization	30534
2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME	30535
(Insert only one debtor name [2a or 2b]. Do not abbreviate or	30536
combine names. If completing 2b, insert the debtor's name exactly	30537
as it appears on the debtor's current driver's license or	
identification card issued by this state, if one exists.)	
2a. Organization's name	30538
or	30539
2b. Individual's last name First name	30540
Middle name Suffix	30541
2c. Mailing address	30542
City State Postal code Country	30543
	30544

Additional information regarding organization debtor	30545
2d. Type of organization	30546
2e. Jurisdiction of organization	30547
3. SECURED PARTY'S NAME (or name of total assignee of assignor	30548
S/P). Insert only one secured party name (3a or 3b).	30549
3a. Organization's name	30550
or	30551
3b. Individual's last name First name	30552
Middle name Suffix	30553
3c. Mailing address	30554
City State Postal code Country	30555
4. This FINANCING STATEMENT covers the following collateral:	30556
.....	30557
.....	30558
.....	30559
.....	30560
5. ALTERNATIVE DESIGNATION (if applicable):	30561
[] Lessee/lessor [] Consignee/consignor [] Bailee/bailor	30562
[] Seller/buyer [] Ag. lien [] Non UCC filing	30563
6. [] This FINANCING STATEMENT is to be filed [for record] (or	30564
recorded) in the REAL ESTATE RECORDS. Attach addendum	30565
[if applicable].	30566
7. Check to REQUEST SEARCH REPORT(S) on debtor(s)	30567
[ADDITIONAL FEE] [optional]	30568
[] All debtors [] Debtor 1 [] Debtor 2	30569
8. OPTIONAL FILER REFERENCE DATA	30570
.....	30571
.....	30572
UCC FINANCING STATEMENT ADDENDUM	30573
Follow instructions (front and back) carefully.	30574
9. NAME OF FIRST DEBTOR (1a OR 1b) ON RELATED FINANCING STATEMENT	30575
9a. Organization's name	30576
or	30577

9b. Individual's last name	First name	30578		
Middle name	Suffix	30579		
10. MISCELLANEOUS		30580		
.....		30581		
.....		30582		
.....	The above space is for filing office use only.	30583		
11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME		30584		
(Insert only one name [11a or 11b]. Do not abbreviate or combine		30585		
names. If completing 11b, insert the debtor's name exactly as it		30586		
appears on the debtor's current driver's license or identification				
card issued by this state, if one exists.)				
11a. Organization's name		30587		
or		30588		
11b. Individual's last name	First name	30589		
Middle name	Suffix	30590		
11c. Mailing address		30591		
City	State	Postal code	Country	30592
				30593
Additional information regarding organization debtor				30594
11d. Type of organization				30595
11e. Jurisdiction of organization				30596
12. [] ADDITIONAL SECURED PARTY'S or [] ASSIGNOR S/P'S NAME				30597
(Insert only one name [12a or 12b].)				30598
12a. Organization's name				30599
or				30600
12b. Individual's last name	First name			30601
Middle name	Suffix			30602
12c. Mailing address				30603
City	State	Postal code	Country	30604
13. This FINANCING STATEMENT covers [] timber to be cut or				30605
[] as extracted collateral, or is filed as a [] fixture filing.				30606
14. DESCRIPTION OF REAL ESTATE:				30607
.....				30608

.....	30609
.....	30610
.....	30611
15. Name and address of a RECORD OWNER of above described real	30612
estate (if debtor does not have a record interest):	30613
.....	30614
.....	30615
.....	30616
16. Additional collateral description:	30617
.....	30618
.....	30619
.....	30620
.....	30621
17. Check only if applicable and check only one box.	30622
Debtor is a <input type="checkbox"/> Trust or <input type="checkbox"/> Trustee acting with respect to	30623
property held in trust or <input type="checkbox"/> Decedent's estate	30624
18. Check only if applicable and check only one box.	30625
<input type="checkbox"/> Debtor is a transmitting utility	30626
<input type="checkbox"/> Filed in connection with a manufactured home transaction—	30627
effective 30 years	30628
<input type="checkbox"/> Filed in connection with a public finance transaction—	30629
effective 30 years	30630
(B) A filing office that accepts written records may not	30631
refuse to accept a written record in the following form and format	30632
<u>set forth as form UCC3 and form UCC3Ad in the final official text</u>	30633
<u>of the 2010 amendments to article 9 of the uniform commercial code</u>	30634
<u>promulgated by the American law institute and the national</u>	30635
<u>conference of commissioners on uniform state laws,</u> except for a	30636
reason prescribed in division (B) of section 1309.516 of the	30637
Revised Code+.	30638
UCC FINANCING STATEMENT AMENDMENT	30639
Follow instructions (front and back) carefully.	30640
A. Name and phone of contact at filer (optional)	30641

.....	30642
B. Send acknowledgment to: (name and address)	30643
.....	30644
.....	30645
.....	30646
.....	30647
.....	30648
.....	30649
.....	30650
.....	30651
.....	30652
.....	30653
.....	30654
.....	30659
.....	30660
.....	30661

6b. Individual's last name	First name	30662		
Middle name	Suffix	30663		
7. CHANGED (NEW) OR ADDED INFORMATION:		30664		
(If completing 7b and the amendment affects a debtor, insert the debtor's name exactly as it appears on the debtor's current driver's license or identification card issued by this state, if one exists.)		30665		
7a. Organization's name		30666		
or		30667		
7b. Individual's last name	First name	30668		
Middle name	Suffix	30669		
7c. Mailing address		30670		
City	State	Postal code	Country	30671
				30672
Additional information regarding organization debtor				30673
7d. Type of organization				30674
7e. Jurisdiction of organization				30675
8. AMENDMENT (COLLATERAL CHANGE). Check only one box.				30676
Describe collateral [] deleted or [] added, or give entire				30677
[] restated collateral description, or describe collateral				30678
[] assigned.				30679
.....				30680
.....				30681
.....				30682
.....				30683
9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT				30684
(name of assignor, if this is an assignment). If this is an				30685
amendment authorized by a debtor that adds collateral or adds				30686
the authorizing debtor, or if this is a termination authorized				30687
by a debtor, check here [] and enter name of debtor				30688
authorizing this amendment.				30689
9a. Organization's name				30690
or				30691

9b. Individual's last name	First name	30692
Middle name	Suffix	30693
10. OPTIONAL FILER REFERENCE DATA		30694
.....		30695
UCC FINANCING STATEMENT AMENDMENT ADDENDUM		30696
Follow instructions (front and back) carefully.		30697
11. INITIAL FINANCING STATEMENT FILE NUMBER (same as item 1a		30698
on amendment form)		30699
12. NAME OF PARTY AUTHORIZING		30700
THIS AMENDMENT (same as item 9		30701
on amendment form)		30702
12a. Organization's name		30703
.....		30704
or		30705
12b. Individual's last name		30706
.....		30707
First name		30708
Middle name	Suffix ...	30709
	<small>The above space is for filing office use only.</small>	
13. Use this space for additional information.		30710
.....		30711
.....		30712
.....		30713
.....		30714
 Sec. 1332.26. (A) No political subdivision shall require a		30715
video service provider to obtain from it any authority to provide		30716
video service within its boundaries.		30717
 (B) Except as authorized under division (C) of this section		30718
and under sections 1332.30 and 1332.32 of the Revised Code, no		30719
political subdivision shall request anything of value from a video		30720
service provider for providing video service; impose any fee,		30721
license, or gross receipt tax on the provision of video service by		30722
such a provider; or impose any franchise or other requirement on		30723

the provision of video service by a video service provider, 30724
including, but not limited to, any provision regulating rates 30725
charged by a video service provider or establishing any build-out 30726
requirement or requirement to deploy any facility or equipment. 30727

(C) When requested to do so, a video service provider shall 30728
assist a municipal corporation or township in addressing video 30729
service subscriber complaints, in a manner consistent with the 30730
provider's complaint handling process set forth in its application 30731
pursuant to division (A)(7) of section 1332.24 of the Revised 30732
Code. Nothing in sections 1332.21 to 1332.34 of the Revised Code 30733
affects any authority granted under sections 1345.01 to 1345.13 of 30734
the Revised Code. 30735

(D) A video service provider shall meet all of the following 30736
customer service standards: 30737

(1) The provider shall restore video service within 30738
seventy-two hours after a subscriber reports a service 30739
interruption or other problem if the cause was not a natural 30740
disaster. 30741

(2) Upon a report by a subscriber of a service interruption 30742
and if the interruption is caused by the video service provider 30743
and lasts for more than four hours in a given day, the provider 30744
shall give the subscriber a credit in the amount of the cost of 30745
each such day's video service as would be billed to the 30746
subscriber. 30747

(3) Upon a report by a subscriber of a service interruption 30748
and if the interruption is not caused by the video service 30749
provider and lasts for more than twenty-four consecutive hours, 30750
the provider shall give the subscriber, for each hour of service 30751
interruption, a credit in the amount of the cost of per hour video 30752
service as would be billed to the subscriber. 30753

(4) The provider shall give a subscriber at least thirty 30754

days' advance, written notice before removing a channel from the provider's video service, but no such notice is required if the provider must remove the channel because of circumstances beyond its control.

(5) The provider shall give a subscriber at least ten days' advance, written notice of a disconnection of all or part of the subscriber's video service, except if ~~the disconnection~~ any of the following apply:

(a) Disconnection has been requested by the subscriber~~7.~~

(b) Disconnection is necessary to prevent theft of video service, ~~or.~~

(c) Disconnection is necessary to prevent the use of video service through fraud.

(d) Disconnection is necessary to reduce or prevent signal leakage as described in 47 C.F.R. 76.611.

(6) The provider shall not establish a due date earlier than fourteen days after a video service bill is issued.

(7) The provider shall not disconnect all or part of a subscriber's video service for failure of the subscriber to pay any amount of its video service bill, until the ~~bill~~ amount is at least ~~forty five~~ fourteen days past due.

~~(7)~~(8) The provider shall give a subscriber at least thirty days' advance, written notice before instituting an increase in video service rates.

Sec. 1337.11. As used in sections 1337.11 to 1337.17 of the Revised Code:

(A) "Adult" means a person who is eighteen years of age or older.

(B) "Attending physician" means the physician to whom a

principal or the family of a principal has assigned primary 30784
responsibility for the treatment or care of the principal or, if 30785
the responsibility has not been assigned, the physician who has 30786
accepted that responsibility. 30787

(C) "Comfort care" means any of the following: 30788

(1) Nutrition when administered to diminish the pain or 30789
discomfort of a principal, but not to postpone death; 30790

(2) Hydration when administered to diminish the pain or 30791
discomfort of a principal, but not to postpone death; 30792

(3) Any other medical or nursing procedure, treatment, 30793
intervention, or other measure that is taken to diminish the pain 30794
or discomfort of a principal, but not to postpone death. 30795

(D) "Consulting physician" means a physician who, in 30796
conjunction with the attending physician of a principal, makes one 30797
or more determinations that are required to be made by the 30798
attending physician, or to be made by the attending physician and 30799
one other physician, by an applicable provision of sections 30800
1337.11 to 1337.17 of the Revised Code, to a reasonable degree of 30801
medical certainty and in accordance with reasonable medical 30802
standards. 30803

(E) "Declaration for mental health treatment" has the same 30804
meaning as in section 2135.01 of the Revised Code. 30805

(F) "Guardian" means a person appointed by a probate court 30806
pursuant to Chapter 2111. of the Revised Code to have the care and 30807
management of the person of an incompetent. 30808

(G) "Health care" means any care, treatment, service, or 30809
procedure to maintain, diagnose, or treat an individual's physical 30810
or mental condition or physical or mental health. 30811

(H) "Health care decision" means informed consent, refusal to 30812
give informed consent, or withdrawal of informed consent to health 30813

care.	30814
(I) "Health care facility" means any of the following:	30815
(1) A hospital;	30816
(2) A hospice care program, pediatric respite care program, or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;	30817 30818 30819
(3) A nursing home;	30820
(4) A home health agency;	30821
(5) An intermediate care facility for the mentally retarded <u>individuals with intellectual disabilities</u> ;	30822 30823
(6) A regulated community mental health organization.	30824
(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.	30825 30826 30827 30828 30829 30830
(K) "Home health agency" has the same meaning as in section 3701.881 of the Revised Code.	30831 30832
(L) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.	30833 30834 30835
(M) "Hospital" has the same meanings as in sections 3701.01, 3727.01, and 5122.01 of the Revised Code.	30836 30837
(N) "Hydration" means fluids that are artificially or technologically administered.	30838 30839
(O) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.	30840 30841
(P) "Intermediate care facility for the mentally retarded	30842

<u>individuals with intellectual disabilities</u> " has the same meaning	30843
as in section 5111.20 <u>5124.01</u> of the Revised Code.	30844
(Q) "Life-sustaining treatment" means any medical procedure,	30845
treatment, intervention, or other measure that, when administered	30846
to a principal, will serve principally to prolong the process of	30847
dying.	30848
(R) "Medical claim" has the same meaning as in section	30849
2305.113 of the Revised Code.	30850
(S) "Mental health treatment" has the same meaning as in	30851
section 2135.01 of the Revised Code.	30852
(T) "Nursing home" has the same meaning as in section 3721.01	30853
of the Revised Code.	30854
(U) "Nutrition" means sustenance that is artificially or	30855
technologically administered.	30856
(V) "Permanently unconscious state" means a state of	30857
permanent unconsciousness in a principal that, to a reasonable	30858
degree of medical certainty as determined in accordance with	30859
reasonable medical standards by the principal's attending	30860
physician and one other physician who has examined the principal,	30861
is characterized by both of the following:	30862
(1) Irreversible unawareness of one's being and environment.	30863
(2) Total loss of cerebral cortical functioning, resulting in	30864
the principal having no capacity to experience pain or suffering.	30865
(W) "Person" has the same meaning as in section 1.59 of the	30866
Revised Code and additionally includes political subdivisions and	30867
governmental agencies, boards, commissions, departments,	30868
institutions, offices, and other instrumentalities.	30869
(X) "Physician" means a person who is authorized under	30870
Chapter 4731. of the Revised Code to practice medicine and surgery	30871
or osteopathic medicine and surgery.	30872

(Y) "Political subdivision" and "state" have the same 30873
meanings as in section 2744.01 of the Revised Code. 30874

(Z) "Professional disciplinary action" means action taken by 30875
the board or other entity that regulates the professional conduct 30876
of health care personnel, including the state medical board and 30877
the board of nursing. 30878

(AA) "Regulated community mental health organization" means a 30879
residential facility as defined and licensed under section ~~5119.22~~ 30880
5119.34 of the Revised Code or a community mental health ~~agency~~ 30881
services provider as defined in section 5122.01 of the Revised 30882
Code. 30883

(BB) "Terminal condition" means an irreversible, incurable, 30884
and untreatable condition caused by disease, illness, or injury 30885
from which, to a reasonable degree of medical certainty as 30886
determined in accordance with reasonable medical standards by a 30887
principal's attending physician and one other physician who has 30888
examined the principal, both of the following apply: 30889

(1) There can be no recovery. 30890

(2) Death is likely to occur within a relatively short time 30891
if life-sustaining treatment is not administered. 30892

(CC) "Tort action" means a civil action for damages for 30893
injury, death, or loss to person or property, other than a civil 30894
action for damages for a breach of contract or another agreement 30895
between persons. 30896

Sec. 1347.08. (A) Every state or local agency that maintains 30897
a personal information system, upon the request and the proper 30898
identification of any person who is the subject of personal 30899
information in the system, shall: 30900

(1) Inform the person of the existence of any personal 30901
information in the system of which the person is the subject; 30902

(2) Except as provided in divisions (C) and (E)(2) of this section, permit the person, the person's legal guardian, or an attorney who presents a signed written authorization made by the person, to inspect all personal information in the system of which the person is the subject;

(3) Inform the person about the types of uses made of the personal information, including the identity of any users usually granted access to the system.

(B) Any person who wishes to exercise a right provided by this section may be accompanied by another individual of the person's choice.

(C)(1) A state or local agency, upon request, shall disclose medical, psychiatric, or psychological information to a person who is the subject of the information or to the person's legal guardian, unless a physician, psychiatrist, or psychologist determines for the agency that the disclosure of the information is likely to have an adverse effect on the person, in which case the information shall be released to a physician, psychiatrist, or psychologist who is designated by the person or by the person's legal guardian.

(2) Upon the signed written request of either a licensed attorney at law or a licensed physician designated by the inmate, together with the signed written request of an inmate of a correctional institution under the administration of the department of rehabilitation and correction, the department shall disclose medical information to the designated attorney or physician as provided in division (C) of section 5120.21 of the Revised Code.

(D) If an individual who is authorized to inspect personal information that is maintained in a personal information system requests the state or local agency that maintains the system to

provide a copy of any personal information that the individual is 30934
authorized to inspect, the agency shall provide a copy of the 30935
personal information to the individual. Each state and local 30936
agency may establish reasonable fees for the service of copying, 30937
upon request, personal information that is maintained by the 30938
agency. 30939

(E)(1) This section regulates access to personal information 30940
that is maintained in a personal information system by persons who 30941
are the subject of the information, but does not limit the 30942
authority of any person, including a person who is the subject of 30943
personal information maintained in a personal information system, 30944
to inspect or have copied, pursuant to section 149.43 of the 30945
Revised Code, a public record as defined in that section. 30946

(2) This section does not provide a person who is the subject 30947
of personal information maintained in a personal information 30948
system, the person's legal guardian, or an attorney authorized by 30949
the person, with a right to inspect or have copied, or require an 30950
agency that maintains a personal information system to permit the 30951
inspection of or to copy, a confidential law enforcement 30952
investigatory record or trial preparation record, as defined in 30953
divisions (A)(2) and (4) of section 149.43 of the Revised Code. 30954

(F) This section does not apply to any of the following: 30955

(1) The contents of an adoption file maintained by the 30956
department of health under section 3705.12 of the Revised Code; 30957

(2) Information contained in the putative father registry 30958
established by section 3107.062 of the Revised Code, regardless of 30959
whether the information is held by the department of job and 30960
family services or, pursuant to section 3111.69 of the Revised 30961
Code, the office of child support in the department or a child 30962
support enforcement agency; 30963

(3) Papers, records, and books that pertain to an adoption 30964

and that are subject to inspection in accordance with section 3107.17 of the Revised Code;	30965 30966
(4) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	30967 30968 30969
(5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual;	30970 30971 30972
(6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code;	30973 30974
(7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend to identify such an individual;	30975 30976 30977
(8) Records that identify an individual described in division (A)(1) of section 5111.61 <u>5165.88</u> of the Revised Code, or that would tend to identify such an individual;	30978 30979 30980
(9) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners <u>executives</u> of nursing home administrators <u>long-term services and supports</u> administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	30981 30982 30983 30984 30985 30986
(10) Information contained in a database established and maintained pursuant to section 5101.13 of the Revised Code.	30987 30988
Sec. 1501.011. (A) <u>The Except as provided in divisions (B), (C), and (D) of this section, the Ohio facilities construction commission shall supervise the design and construction of, and make contracts for the construction, reconstruction, improvement, enlargement, alteration, repair, or decoration of, any projects or improvements for the</u> department of natural resources has the	30989 30990 30991 30992 30993 30994

~~following powers in addition to its other powers: to prepare, or 30995
contract to be prepared, surveys, general and detailed plans, 30996
specifications, bills of materials, and estimates of cost for, to 30997
enter into contracts for, and to supervise the performance of 30998
labor, the furnishing of materials, or the construction, repair, 30999
or maintenance of any projects, improvements, or buildings, on 31000
lands and waters under the control of the department, as that may 31001
be authorized by legislative appropriations or any other funds 31002
available therefor, the estimated cost of which amounts to two 31003
hundred thousand dollars or more or the amount determined pursuant 31004
to section 153.53 of the Revised Code or more. 31005~~

~~(B) Except as provided in division (E) of this section, the 31006
director of natural resources shall publish notice in a newspaper 31007
of general circulation in the region where the activity for which 31008
bids are submitted is to occur and in any other newspapers that 31009
the director determines are appropriate, at least once each week 31010
for four consecutive weeks, the last publication to be at least 31011
eight days preceding the day for opening bids, seeking proposals 31012
on each contract for the performance of labor, the furnishing of 31013
materials, or the construction, repair, or maintenance of 31014
projects, improvements, or buildings, as necessary for compliance 31015
with provisions of the act to make appropriations for capital 31016
improvements or the act to make general appropriations, and the 31017
director may also advertise in such trade journals as will afford 31018
adequate information to the public of the terms of the contract 31019
and the nature of the work to be performed, together with the time 31020
of the letting and place and manner of receiving proposals, and 31021
the places where plans and specifications are on file. A proposal 31022
is invalid and shall not be considered by the department unless 31023
the form for proposals specified by the department is used without 31024
change, alteration, or addition The department of natural 31025
resources shall administer the construction of improvements under 31026
an agreement with the supervisors of a soil and water conservation 31027~~

district pursuant to division (I) of section 1515.08 of the 31028
Revised Code. 31029

~~(C) Each bidder for a contract for the performance of labor,~~ 31030
~~the furnishing of materials, or the maintenance, construction,~~ 31031
~~demolition, alteration, repair, or reconstruction of an~~ 31032
~~improvement shall meet the requirements of section 153.54 of the~~ 31033
~~Revised Code. The director may require each bidder to furnish~~ 31034
~~under oath, upon such printed forms as the director may prescribe,~~ 31035
~~detailed information with respect to the bidder's financial~~ 31036
~~resources, equipment, past performance record, organization~~ 31037
~~personnel, and experience, together with such other information as~~ 31038
~~the director considers necessary.~~ 31039

~~(D) The director shall award the contract to the lowest~~ 31040
~~responsive and responsible bidder in accordance with section 9.312~~ 31041
~~of the Revised Code. The award shall be made within a reasonable~~ 31042
~~time after the date on which the bids were opened, and the~~ 31043
~~successful bidder shall enter into a contract within ten days from~~ 31044
~~the date the successful bidder is notified that the contract has~~ 31045
~~been awarded, or within any longer period that the director~~ 31046
~~considers necessary. Nothing in this section shall preclude the~~ 31047
~~rejection of any bid the acceptance of which is not in the best~~ 31048
~~interests of the state. No contract shall be entered into until~~ 31049
~~the bureau of workers' compensation has certified that the~~ 31050
~~corporation, partnership, or person awarded the contract has~~ 31051
~~complied with Chapter 4123. of the Revised Code and until, if the~~ 31052
~~bidder awarded the contract is a foreign corporation, the~~ 31053
~~secretary of state has certified that the corporation is~~ 31054
~~authorized to do business in this state, and until, if the bidder~~ 31055
~~so awarded the contract is a person or partnership nonresident of~~ 31056
~~this state, the person or partnership has filed with the secretary~~ 31057
~~of state a power of attorney designating the secretary of state as~~ 31058
~~its agency for the purpose of accepting service of process.~~ 31059

~~(E) With respect to the director's entering into a contract for the performance of labor, the furnishing of materials, or the construction, repair, or maintenance of any projects, improvements, or buildings on lands and waters under the control of the department, both of the following apply:~~ 31060
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~~(1) The director is not required to advertise for and receive bids if the total estimated cost of the contract is less than twenty five thousand dollars.~~ 31065
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31067

~~(2) The director is not required to advertise for bids, regardless of the cost of the contract, if the~~ 31068
(1) The department of natural resources shall supervise the design and construction of, and make contracts for the construction, reconstruction, improvement, enlargement, alteration, repair, or decoration of, any of the following activities, projects, or improvements: 31069
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31071
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(a) Dam repairs administered by the division of engineering under Chapter 1507. of the Revised Code; 31074
31075

(b) Projects or improvements administered by the division of watercraft and funded through the waterways safety fund established in section 1547.75 of the Revised Code; 31076
31077
31078

(c) Projects or improvements administered by the division of wildlife under Chapter 1531. or 1533. of the Revised Code; 31079
31080

(d) Activities conducted by the department pursuant to section 5511.05 of the Revised Code in order to maintain the department's roadway inventory. 31081
31082
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(2) If a contract to be let under division (C)(1) of this section involves an exigency that concerns the public health, safety, or welfare or addresses an emergency situation in which timeliness is crucial in preventing the cost of the contract from increasing significantly. Regarding such a contract, the director may solicit bids by sending a letter to a minimum of three contractors in the region where the contract is to be let or by 31084
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~~any other means that the director considers appropriate.~~ 31091

~~(F) The director may insert in any contract awarded under 31092
this section a clause providing for value engineering change 31093
proposals, under which a contractor who has been awarded a 31094
contract may propose a change in the plans and specifications of 31095
the project that saves the department time or money on the project 31096
without impairing any of the essential functions and 31097
characteristics of the project such as service life, reliability, 31098
economy of operation, ease of maintenance, safety, and necessary 31099
standardized features. If the director adopts the value 31100
engineering proposal, the savings from the proposal shall be 31101
divided between the department and the contractor according to 31102
guidelines established by the director, provided that the 31103
contractor shall receive at least fifty per cent of the savings 31104
from the proposal. The adoption of a value engineering proposal 31105
does not invalidate the award of the contract or require the 31106
director to rebid the project.~~ 31107

~~(G) When in the opinion of the department the work under any 31108
contract made under this section or any law of the state is 31109
neglected by the contractor, the work completed is deficient in 31110
quality or materials, or the work is not prosecuted with the 31111
diligence and force specified or intended in the contract, the 31112
department may require the contractor to provide, at no additional 31113
expense to the department, any additional labor and materials that 31114
are necessary to complete the improvements at the level of quality 31115
and within the time of performance specified in the contract. 31116
Procedures concerning such a requirement together with its format 31117
shall be specified in the contract. If the contractor fails to 31118
comply with the requirement within the period specified in the 31119
contract, the department may take action to complete the work 31120
through other means, up to and including termination of the 31121
contract.~~ 31122

~~(H) When an exigency occurs or there is immediate danger of an exigency that would materially impair the successful bidding, construction, or completion of a project, improvement, or building, the director may revise related plans and specifications as necessary to address the exigency through the issuance of an addendum prior to the opening of bids or, in accordance with procedures established in section 153.62 of the Revised Code, through the issuance of a change order after the contract has been awarded, pursuant to the declaration of a public exigency, the department may award the contract without competitive bidding or selection as otherwise required by Chapter 153. of the Revised Code.~~ 31123
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(D) The executive director of the Ohio facilities construction commission may authorize the department of natural resources to administer any other project or improvement, the estimated cost of which, including design fees, construction, equipment, and contingency amounts, is not more than one million five hundred thousand dollars. 31135
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Sec. 1501.45. (A) As used in this section: 31141

(1) "Forfeiture laws" means provisions that are established in Title XXIX of the Revised Code and that govern the forfeiture and disposition of certain property that is seized pursuant to a law enforcement investigation. 31142
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(2) "Law enforcement division" means the division of forestry, the division of natural areas and preserves, the division of wildlife, the division of parks and recreation, or the division of watercraft in the department of natural resources. 31146
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(3) "Law enforcement fund" means a fund created in this section. 31150
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(B) Except as otherwise provided in this section and 31152

notwithstanding any provision of the Revised Code that is not in 31153
Title XV of the Revised Code to the contrary, the forfeiture laws 31154
apply to a law enforcement division that substantially conducts an 31155
investigation that results in the ordered forfeiture of property 31156
and also apply to the involved forfeiture of property, and the law 31157
enforcement division shall comply with those forfeiture laws. 31158
Accordingly, the portion of the forfeiture laws that authorizes 31159
certain proceeds from forfeited property to be distributed to the 31160
law enforcement agency that substantially conducted the 31161
investigation that resulted in the seizure of the subsequently 31162
forfeited property apply to the law enforcement divisions except 31163
as provided in division (C)(2)(a) of this section. If a law 31164
enforcement division is eligible to receive such proceeds, the 31165
proceeds shall be deposited into the state treasury to the credit 31166
of the applicable law enforcement fund. 31167

(C)(1) There are hereby created in the state treasury ~~the~~ 31168
~~division of forestry law enforcement fund, the division of natural~~ 31169
~~areas and preserves law enforcement fund,~~ the division of wildlife 31170
law enforcement fund, the division of parks and recreation law 31171
enforcement fund, and the division of watercraft law enforcement 31172
fund. ~~The~~ 31173

(2) The funds shall consist of proceeds from forfeited 31174
property that are deposited in accordance with this section. The 31175
as follows: 31176

(a) Proceeds from forfeited property resulting from an 31177
investigation conducted by the division of forestry, the division 31178
of natural areas and preserves, or the division of parks and 31179
recreation shall be deposited in the division of parks and 31180
recreation law enforcement fund. 31181

(b) Proceeds from forfeited property resulting from an 31182
investigation conducted by the division of wildlife shall be 31183
deposited in the division of wildlife law enforcement fund. 31184

<u>(c) Proceeds from forfeited property resulting from an</u>	31185
<u>investigation conducted by the division of watercraft shall be</u>	31186
<u>deposited in the division of watercraft law enforcement fund.</u>	31187
<u>(3) The funds shall be used by the applicable law enforcement</u>	31188
<u>division for law enforcement purposes specified in the forfeiture</u>	31189
<u>laws; however, a as follows:</u>	31190
<u>(a) Money in the division of parks and recreation law</u>	31191
<u>enforcement fund shall be used by the division of parks and</u>	31192
<u>recreation.</u>	31193
<u>(b) Money in the division of wildlife law enforcement fund</u>	31194
<u>shall be used by the division of wildlife.</u>	31195
<u>(c) Money in the division of watercraft law enforcement fund</u>	31196
<u>shall be used by the division of watercraft.</u>	31197
<u>(4) A law enforcement division shall not use such funds its</u>	31198
<u>fund to pay the salaries of its employees or to provide for any</u>	31199
<u>other remuneration of personnel.</u>	31200
(D) If the forfeiture laws conflict with any provisions that	31201
govern forfeitures and that are established in another section of	31202
Title XV of the Revised Code, the provisions established in the	31203
other section of Title XV apply.	31204
Sec. 1506.21. (A) There is hereby created the Ohio Lake Erie	31205
commission, consisting of the directors of environmental	31206
protection, natural resources, health, agriculture, and	31207
transportation, <u>and development services</u> , or their designees, and	31208
five additional members appointed by the governor who shall serve	31209
at the pleasure of the governor. The members of the commission	31210
annually shall designate a chairperson, who shall preside at the	31211
meetings of the commission, and a secretary.	31212
The commission shall hold at least one meeting every three	31213
months. The secretary of the commission shall keep a record of its	31214

proceedings. Special meetings shall be held at the call of the chairperson or upon the request of four members of the commission. All meetings and records of the commission shall be open to the public. Six members of the commission constitute a quorum. The agencies represented on the commission shall furnish clerical, technical, and other services required by the commission in the performance of its duties.

(B) The commission shall do all of the following:

(1) Ensure the coordination of state and local policies and programs pertaining to Lake Erie water quality, toxic pollution control, and resource protection;

(2) Review, and make recommendations concerning, the development and implementation of policies, programs, and issues for long-term, comprehensive protection of Lake Erie water resources and water quality that are consistent with the great lakes water quality agreement and the great lakes toxic substances control agreement;

(3) Recommend policies and programs to modify the coastal management program of this state;

(4) At each regular meeting, consider matters relating to the implementation of sections 1506.22 and 1506.23 of the Revised Code;

(5) Publish and submit the Lake Erie protection agenda in accordance with division (C) of section 1506.23 of the Revised Code;

(6) Ensure the implementation of a basinwide approach to Lake Erie issues;

(7) Increase representation of the interests of this state in state, regional, national, and international forums pertaining to the resources and water quality of Lake Erie and the Lake Erie

basin;	31245
(8) Promote education concerning the wise management of the resources of Lake Erie;	31246 31247
(9) Establish public advisory councils as considered necessary to assist in programs established under this section and sections 1506.22 and 1506.23 of the Revised Code. Members of the public advisory councils shall represent a broad cross section of interests, shall have experience or expertise in the subject for which the advisory council was established, and shall serve without compensation.	31248 31249 31250 31251 31252 31253 31254
(10) Prepare and submit the report required under division (D) of section 1506.23 of the Revised Code.	31255 31256
(C) Each state agency, upon the request of the commission, shall cooperate in the implementation of this section and sections 1506.22 and 1506.23 of the Revised Code.	31257 31258 31259
Sec. 1506.30. As used in sections 1506.30 to 1506.36 of the Revised Code:	31260 31261
(A) "Abandoned property" means a submerged aircraft; a submerged watercraft, including a ship, boat, canoe, skiff, raft, or barge; the rigging, gear, fittings, trappings, and equipment of a submerged aircraft or watercraft; the personal property of the officers, crew, and passengers of a submerged aircraft or watercraft; the cargo of a submerged aircraft or watercraft that has been deserted, relinquished, cast away, or left behind and for which attempts at reclamation have been abandoned by the owners and insurers; and submerged materials resulting from activities of prehistoric and historic native Americans.	31262 31263 31264 31265 31266 31267 31268 31269 31270 31271
(B) "Lake Erie" means that portion of the waters and lands of Lake Erie belonging to the state as provided in section 1506.10 of the Revised Code.	31272 31273 31274

(C) "Historical value" means the quality of significance 31275
exemplified by an object, structure, site, or district that is 31276
included in or eligible for inclusion in ~~the state registry of~~ 31277
~~archaeological landmarks authorized under section 149.51 of the~~ 31278
~~Revised Code, the state registry of historic landmarks authorized~~ 31279
~~under section 149.55 of the Revised Code, or~~ the national register 31280
of historic places. 31281

(D) "Marine surveyor" means a person engaged in the business 31282
of mapping or surveying submerged lands and abandoned property. 31283

(E) "Mechanical or other assistance" means all artificial 31284
devices used to raise or remove artifacts from abandoned property, 31285
including pry bars, wrenches and other hand or power tools, 31286
cutting torches, explosives, winches, flotation bags, lines to 31287
surface, extra divers buoyancy devices, and other buoyancy 31288
devices. 31289

(F) "Recreational value" means value relating to an activity 31290
in which the public engages or may engage for recreation or sport, 31291
including scuba diving and fishing, as determined by the director 31292
of natural resources. 31293

Sec. 1509.01. As used in this chapter: 31294

(A) "Well" means any borehole, whether drilled or bored, 31295
within the state for production, extraction, or injection of any 31296
gas or liquid mineral, excluding potable water to be used as such, 31297
but including natural or artificial brines and oil field waters. 31298

(B) "Oil" means crude petroleum oil and all other 31299
hydrocarbons, regardless of gravity, that are produced in liquid 31300
form by ordinary production methods, but does not include 31301
hydrocarbons that were originally in a gaseous phase in the 31302
reservoir. 31303

(C) "Gas" means all natural gas and all other fluid 31304

hydrocarbons that are not oil, including condensate.	31305
(D) "Condensate" means liquid hydrocarbons separated at or near the well pad or along the gas production or gathering system prior to gas processing.	31306 31307 31308
(E) "Pool" means an underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure that is completely separated from any other zone in the same structure may contain a separate pool.	31309 31310 31311 31312 31313
(F) "Field" means the general area underlaid by one or more pools.	31314 31315
(G) "Drilling unit" means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.	31316 31317 31318
(H) "Waste" includes all of the following:	31319
(1) Physical waste, as that term generally is understood in the oil and gas industry;	31320 31321
(2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy;	31322 31323
(3) Inefficient storing of oil or gas;	31324
(4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;	31325 31326 31327 31328 31329 31330
(5) Other underground or surface waste in the production or storage of oil, gas, or condensate, however caused.	31331 31332
(I) "Correlative rights" means the reasonable opportunity to every person entitled thereto to recover and receive the oil and	31333 31334

gas in and under the person's tract or tracts, or the equivalent 31335
thereof, without having to drill unnecessary wells or incur other 31336
unnecessary expense. 31337

(J) "Tract" means a single, individually taxed parcel of land 31338
appearing on the tax list. 31339

(K) "Owner," unless referring to a mine, means the person who 31340
has the right to drill on a tract or drilling unit, to drill into 31341
and produce from a pool, and to appropriate the oil or gas 31342
produced therefrom either for the person or for others, except 31343
that a person ceases to be an owner with respect to a well when 31344
the well has been plugged in accordance with applicable rules 31345
adopted and orders issued under this chapter. "Owner" does not 31346
include a person who obtains a lease of the mineral rights for oil 31347
and gas on a parcel of land if the person does not attempt to 31348
produce or produce oil or gas from a well or obtain a permit under 31349
this chapter for a well or if the entire interest of a well is 31350
transferred to the person in accordance with division (B) of 31351
section 1509.31 of the Revised Code. 31352

(L) "Royalty interest" means the fee holder's share in the 31353
production from a well. 31354

(M) "Discovery well" means the first well capable of 31355
producing oil or gas in commercial quantities from a pool. 31356

(N) "Prepared clay" means a clay that is plastic and is 31357
thoroughly saturated with fresh water to a weight and consistency 31358
great enough to settle through saltwater in the well in which it 31359
is to be used, except as otherwise approved by the chief of the 31360
division of oil and gas resources management. 31361

(O) "Rock sediment" means the combined cutting and residue 31362
from drilling sedimentary rocks and formation. 31363

(P) "Excavations and workings," "mine," and "pillar" have the 31364
same meanings as in section 1561.01 of the Revised Code. 31365

(Q) "Coal bearing township" means a township designated as 31366
such by the chief of the division of mineral resources management 31367
under section 1561.06 of the Revised Code. 31368

(R) "Gas storage reservoir" means a continuous area of a 31369
subterranean porous sand or rock stratum or strata into which gas 31370
is or may be injected for the purpose of storing it therein and 31371
removing it therefrom and includes a gas storage reservoir as 31372
defined in section 1571.01 of the Revised Code. 31373

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 31374
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 31375
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 31376
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 31377
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 31378
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 31379
regulations adopted under those acts. 31380

(T) "Person" includes any political subdivision, department, 31381
agency, or instrumentality of this state; the United States and 31382
any department, agency, or instrumentality thereof; and any legal 31383
entity defined as a person under section 1.59 of the Revised Code. 31384

(U) "Brine" means all saline geological formation water 31385
resulting from, obtained from, or produced in connection with 31386
exploration, drilling, well stimulation, production of oil or gas, 31387
or plugging of a well. 31388

(V) "Waters of the state" means all streams, lakes, ponds, 31389
marshes, watercourses, waterways, springs, irrigation systems, 31390
drainage systems, and other bodies of water, surface or 31391
underground, natural or artificial, that are situated wholly or 31392
partially within this state or within its jurisdiction, except 31393
those private waters that do not combine or effect a junction with 31394
natural surface or underground waters. 31395

(W) "Exempt Mississippian well" means a well that meets all 31396

of the following criteria:	31397
(1) Was drilled and completed before January 1, 1980;	31398
(2) Is located in an unglaciated part of the state;	31399
(3) Was completed in a reservoir no deeper than the	31400
Mississippian Big Injun sandstone in areas underlain by	31401
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea	31402
sandstone in areas directly underlain by Permian stratigraphy;	31403
(4) Is used primarily to provide oil or gas for domestic use.	31404
(X) "Exempt domestic well" means a well that meets all of the	31405
following criteria:	31406
(1) Is owned by the owner of the surface estate of the tract	31407
on which the well is located;	31408
(2) Is used primarily to provide gas for the owner's domestic	31409
use;	31410
(3) Is located more than two hundred feet horizontal distance	31411
from any inhabited private dwelling house other than an inhabited	31412
private dwelling house located on the tract on which the well is	31413
located;	31414
(4) Is located more than two hundred feet horizontal distance	31415
from any public building that may be used as a place of resort,	31416
assembly, education, entertainment, lodging, trade, manufacture,	31417
repair, storage, traffic, or occupancy by the public.	31418
(Y) "Urbanized area" means an area where a well or production	31419
facilities of a well are located within a municipal corporation or	31420
within a township that has an unincorporated population of more	31421
than five thousand in the most recent federal decennial census	31422
prior to the issuance of the permit for the well or production	31423
facilities.	31424
(Z) "Well stimulation" or "stimulation of a well" means the	31425
process of enhancing well productivity, including hydraulic	31426

fracturing operations. 31427

(AA) "Production operation" means all operations and 31428
activities and all related equipment, facilities, and other 31429
structures that may be used in or associated with the exploration 31430
and production of oil, gas, or other mineral resources that are 31431
regulated under this chapter, including operations and activities 31432
associated with site preparation, site construction, access road 31433
construction, well drilling, well completion, well stimulation, 31434
well site activities, reclamation, and plugging. "Production 31435
operation" also includes all of the following: 31436

(1) The piping, equipment, and facilities used for the 31437
production and preparation of hydrocarbon gas or liquids for 31438
transportation or delivery; 31439

(2) The processes of extraction and recovery, lifting, 31440
stabilization, treatment, separation, production processing, 31441
storage, waste disposal, and measurement of hydrocarbon gas and 31442
liquids, including related equipment and facilities; 31443

(3) The processes and related equipment and facilities 31444
associated with production compression, gas lift, gas injection, 31445
fuel gas supply, well drilling, well stimulation, and well 31446
completion activities, including dikes, pits, and earthen and 31447
other impoundments used for the temporary storage of fluids and 31448
waste substances associated with well drilling, well stimulation, 31449
and well completion activities; 31450

(4) Equipment and facilities at a wellpad or other location 31451
that are used for the transportation, handling, recycling, 31452
temporary storage, management, processing, or treatment of any 31453
equipment, material, and by-products or other substances from an 31454
operation at a wellpad that may be used or reused at the same or 31455
another operation at a wellpad or that will be disposed of in 31456
accordance with applicable laws and rules adopted under them. 31457

(BB) "Annular overpressurization" means the accumulation of fluids within an annulus with sufficient pressure to allow migration of annular fluids into underground sources of drinking water.

(CC) "Idle and orphaned well" means a well for which a bond has been forfeited or an abandoned well for which no money is available to plug the well in accordance with this chapter and rules adopted under it.

(DD) "Temporarily inactive well" means a well that has been granted temporary inactive status under section 1509.062 of the Revised Code.

(EE) "Material and substantial violation" means any of the following:

(1) Failure to obtain a permit to drill, reopen, convert, plugback, or plug a well under this chapter;

(2) Failure to obtain, maintain, update, or submit proof of insurance coverage that is required under this chapter;

(3) Failure to obtain, maintain, update, or submit proof of a surety bond that is required under this chapter;

(4) Failure to plug an abandoned well or idle and orphaned well unless the well has been granted temporary inactive status under section 1509.062 of the Revised Code or the chief of the division of oil and gas resources management has approved another option concerning the abandoned well or idle and orphaned well;

(5) Failure to restore a disturbed land surface as required by section 1509.072 of the Revised Code;

(6) Failure to reimburse the oil and gas well fund pursuant to a final order issued under section 1509.071 of the Revised Code;

(7) Failure to comply with a final nonappealable order of the

chief issued under section 1509.04 of the Revised Code; 31488

(8) Failure to submit a report, test result, fee, or document 31489
that is required in this chapter or rules adopted under it. 31490

(FF) "Severer" has the same meaning as in section 5749.01 of 31491
the Revised Code. 31492

(GG) "Horizontal well" means a well that is drilled for the 31493
production of oil or gas in which the wellbore reaches a 31494
horizontal or near horizontal position in the Point Pleasant, 31495
Utica, or Marcellus formation and the well is stimulated. 31496

(HH) "Well pad" means the area that is cleared or prepared 31497
for the drilling of one or more horizontal wells. 31498

Sec. 1509.02. There is hereby created in the department of 31499
natural resources the division of oil and gas resources 31500
management, which shall be administered by the chief of the 31501
division of oil and gas resources management. The division has 31502
sole and exclusive authority to regulate the permitting, location, 31503
and spacing of oil and gas wells and production operations within 31504
the state, excepting only those activities regulated under federal 31505
laws for which oversight has been delegated to the environmental 31506
protection agency and activities regulated under sections 6111.02 31507
to ~~6111.029~~ 6111.028 of the Revised Code. The regulation of oil 31508
and gas activities is a matter of general statewide interest that 31509
requires uniform statewide regulation, and this chapter and rules 31510
adopted under it constitute a comprehensive plan with respect to 31511
all aspects of the locating, drilling, well stimulation, 31512
completing, and operating of oil and gas wells within this state, 31513
including site construction and restoration, permitting related to 31514
those activities, and the disposal of wastes from those wells. In 31515
order to assist the division in the furtherance of its sole and 31516
exclusive authority as established in this section, the chief may 31517
enter into cooperative agreements with other state agencies for 31518

advice and consultation, including visitations at the surface 31519
location of a well on behalf of the division. Such cooperative 31520
agreements do not confer on other state agencies any authority to 31521
administer or enforce this chapter and rules adopted under it. In 31522
addition, such cooperative agreements shall not be construed to 31523
dilute or diminish the division's sole and exclusive authority as 31524
established in this section. Nothing in this section affects the 31525
authority granted to the director of transportation and local 31526
authorities in section 723.01 or 4513.34 of the Revised Code, 31527
provided that the authority granted under those sections shall not 31528
be exercised in a manner that discriminates against, unfairly 31529
impedes, or obstructs oil and gas activities and operations 31530
regulated under this chapter. 31531

The chief shall not hold any other public office, nor shall 31532
the chief be engaged in any occupation or business that might 31533
interfere with or be inconsistent with the duties as chief. 31534

All moneys collected by the chief pursuant to sections 31535
1509.06, 1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 31536
1509.28, 1509.34, and 1509.50 of the Revised Code, ninety per cent 31537
of moneys received by the treasurer of state from the tax levied 31538
in divisions (A)(5) and (6) of section 5749.02 of the Revised 31539
Code, all civil penalties paid under section 1509.33 of the 31540
Revised Code, and, notwithstanding any section of the Revised Code 31541
relating to the distribution or crediting of fines for violations 31542
of the Revised Code, all fines imposed under divisions (A) and (B) 31543
of section 1509.99 of the Revised Code and fines imposed under 31544
divisions (C) and (D) of section 1509.99 of the Revised Code for 31545
all violations prosecuted by the attorney general and for 31546
violations prosecuted by prosecuting attorneys that do not involve 31547
the transportation of brine by vehicle shall be deposited into the 31548
state treasury to the credit of the oil and gas well fund, which 31549
is hereby created. Fines imposed under divisions (C) and (D) of 31550

section 1509.99 of the Revised Code for violations prosecuted by 31551
prosecuting attorneys that involve the transportation of brine by 31552
vehicle and penalties associated with a compliance agreement 31553
entered into pursuant to this chapter shall be paid to the county 31554
treasury of the county where the violation occurred. 31555

The fund shall be used solely and exclusively for the 31556
purposes enumerated in division (B) of section 1509.071 of the 31557
Revised Code, for the expenses of the division associated with the 31558
administration of this chapter and Chapter 1571. of the Revised 31559
Code and rules adopted under them, and for expenses that are 31560
critical and necessary for the protection of human health and 31561
safety and the environment related to oil and gas production in 31562
this state. The expenses of the division in excess of the moneys 31563
available in the fund shall be paid from general revenue fund 31564
appropriations to the department. 31565

Sec. 1509.062. (A)(1) The owner of a well that has not been 31566
completed, a well that has not produced within one year after 31567
completion, ~~or~~ an existing well that is not a horizontal well and 31568
that has no reported production for two consecutive reporting 31569
periods as reported in accordance with section 1509.11 of the 31570
Revised Code, or an existing horizontal well that has no reported 31571
production for eight consecutive reporting periods as reported in 31572
accordance with section 1509.11 of the Revised Code shall plug the 31573
well in accordance with section 1509.12 of the Revised Code, 31574
obtain temporary inactive well status for the well in accordance 31575
with this section, or perform another activity regarding the well 31576
that is approved by the chief of the division of oil and gas 31577
resources management. 31578

(2) If a well has a reported annual production that is less 31579
than one hundred thousand cubic feet of natural gas or fifteen 31580
barrels of crude oil, or a combination thereof, the chief may 31581

require the owner of the well to submit an application for 31582
temporary inactive well status under this section for the well. 31583

(B) In order for the owner of a well to submit an application 31584
for temporary inactive well status for the well under this 31585
division, the owner and the well shall be in compliance with this 31586
chapter and rules adopted under it, any terms and conditions of 31587
the permit for the well, and applicable orders issued by the 31588
chief. An application for temporary inactive status for a well 31589
shall be submitted to the chief on a form prescribed and provided 31590
by the chief and shall contain all of the following: 31591

(1) The owner's name and address and, if the owner is a 31592
corporation, the name and address of the corporation's statutory 31593
agent; 31594

(2) The signature of the owner or of the owner's authorized 31595
agent. When an authorized agent signs an application, the 31596
application shall be accompanied by a certified copy of the 31597
appointment as such agent. 31598

(3) The permit number assigned to the well. If the well has 31599
not been assigned a permit number, the chief shall assign a permit 31600
number to the well. 31601

(4) A map, on a scale not smaller than four hundred feet to 31602
the inch, that shows the location of the well and the tank 31603
battery, that includes the latitude and longitude of the well, and 31604
that contains all other data that are required by the chief; 31605

(5) A demonstration that the well is of future utility and 31606
that the applicant has a viable plan to utilize the well within a 31607
reasonable period of time; 31608

(6) A demonstration that the well poses no threat to the 31609
health or safety of persons, property, or the environment; 31610

(7) Any other relevant information that the chief prescribes 31611

by rule. 31612

The chief may waive any of the requirements established in 31613
divisions (B)(1) to (6) of this section if the division of oil and 31614
gas resources management possesses a current copy of the 31615
information or document that is required in the applicable 31616
division. 31617

(C) Upon receipt of an application for temporary inactive 31618
well status, the chief shall review the application and shall 31619
either deny the application by issuing an order or approve the 31620
application. The chief shall approve the application only if the 31621
chief determines that the well that is the subject of the 31622
application poses no threat to the health or safety of persons, 31623
property, or the environment. If the chief approves the 31624
application, the chief shall notify the applicant of the chief's 31625
approval. Upon receipt of the chief's approval, the owner shall 31626
shut in the well and empty all liquids and gases from all storage 31627
tanks, pipelines, and other equipment associated with the well. In 31628
addition, the owner shall maintain the well, other equipment 31629
associated with the well, and the surface location of the well in 31630
a manner that prevents hazards to the health and safety of people 31631
and the environment. The owner shall inspect the well at least 31632
every six months and submit to the chief within fourteen days 31633
after the inspection a record of inspection on a form prescribed 31634
and provided by the chief. 31635

(D) Not later than thirty days prior to the expiration of 31636
temporary inactive well status or a renewal of temporary inactive 31637
well status approved by the chief for a well, the owner of the 31638
well may submit to the chief an application for renewal of the 31639
temporary inactive well status on a form prescribed and provided 31640
by the chief. The application shall include a detailed plan that 31641
describes the ultimate disposition of the well, the time frames 31642
for that disposition, and any other information that the chief 31643

determines is necessary. The chief shall either deny an 31644
application by order or approve the application. If the chief 31645
approves the application, the chief shall notify the owner of the 31646
well of the chief's approval. 31647

(E) An application for temporary inactive well status shall 31648
be accompanied by a nonrefundable fee of one hundred dollars. An 31649
application for a renewal of temporary inactive well status shall 31650
be accompanied by a nonrefundable fee of two hundred fifty dollars 31651
for the first renewal and five hundred dollars for each subsequent 31652
renewal. 31653

(F) After a third renewal, the chief may require an owner to 31654
provide a surety bond in an amount not to exceed ten thousand 31655
dollars for each of the owner's wells that has been approved by 31656
the chief for temporary inactive well status. 31657

(G) Temporary inactive well status approved by the chief 31658
expires one year after the date of approval of the application for 31659
temporary inactive well status or production from the well 31660
commences, whichever occurs sooner. In addition, a renewal of a 31661
temporary inactive well status expires one year after the 31662
expiration date of the initial temporary inactive well status or 31663
one year after the expiration date of the previous renewal of the 31664
temporary inactive well status, as applicable, or production from 31665
the well commences, whichever occurs sooner. 31666

(H) The owner of a well that has been approved by the chief 31667
for temporary inactive well status may commence production from 31668
the well at any time. Not later than sixty days after the 31669
commencement of production from such a well, the owner shall 31670
notify the chief of the commencement of production. 31671

(I) This chapter and rules adopted under it, any terms and 31672
conditions of the permit for a well, and applicable orders issued 31673
by the chief apply to a well that has been approved by the chief 31674

for temporary inactive well status or renewal of that status. 31675

Sec. 1509.074. (A) With regard to material that results from 31676
the construction, operation, or plugging of a horizontal well, all 31677
of the following apply: 31678

(1) Except as provided in division (A)(2) of this section, 31679
the owner shall determine the concentration of radium-226 and of 31680
radium-228 in representative samples of the material if the 31681
material is technologically enhanced naturally occurring 31682
radioactive material. The owner shall provide for the collection 31683
and analysis of the representative samples of the material. The 31684
collection and analysis of the representative samples shall be 31685
performed in accordance with requirements approved by the chief of 31686
the division of oil and gas resources management. The owner shall 31687
not remove the material from the location associated with the 31688
production operation of the horizontal well until the analysis is 31689
complete and the results are available. However, the owner may do 31690
one of the following: 31691

(a) Temporarily store the material in an area adjacent to the 31692
location associated with the production operation of the well 31693
while the results from the analysis of the representative samples 31694
are pending if the material is located in an area that is 31695
designated by the division of oil and gas resources management and 31696
the owner complies with all conditions imposed by the chief; 31697

(b) Prior to the collection of representative samples under 31698
division (A)(1) of this section, transport the material to a 31699
location for which a permit or order has been issued under 31700
division (C) of section 1509.22 of the Revised Code. The owner 31701
shall provide for the collection of representative samples of the 31702
material at that location in accordance with that division and 31703
shall temporarily store the material at that location while the 31704
results from the analysis are pending. 31705

(2) The owner is not required to determine the concentration of radium-226 and of radium-228 of the material that is technologically enhanced naturally occurring radioactive material if any of the following applies: 31706
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31708
31709

(a) The material is reused in the horizontal well from where it originated or is transferred to another site for reuse in a horizontal well. For purposes of division (A)(2)(a) of this section, a material is reused if the material is used in a substantially similar manner as it was originally used. 31710
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(b) The owner disposes of the material at an injection well for which a permit has been issued under section 1509.22 of the Revised Code. 31715
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(c) The owner uses the material in association with a method of enhanced recovery for which a permit has been issued under section 1509.21 of the Revised Code. 31718
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31720

(d) The material is transported out of the state for lawful disposal. The owner shall retain records that substantiate the lawful disposal and provide them to the chief upon request. 31721
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31723

(3) Except as provided in division (A)(2) of this section, the owner shall transport and dispose of material that is technologically enhanced naturally occurring radioactive material in accordance with all applicable laws. 31724
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(4) If the material is not technologically enhanced naturally occurring radioactive material and the material has come in contact with a refined oil-based substance, the owner shall do one of the following: 31728
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(a) If the material is removed from the location associated with the production operation of the well or from a location specified in a permit or order issued under division (C) of section 1509.22 of the Revised Code, dispose of the material at a solid waste facility that is authorized to accept the material in 31732
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accordance with Chapter 3734. of the Revised Code and rules 31737
adopted under it; 31738

(b) If the material is removed from the location associated 31739
with the production operation of the well or from a location 31740
specified in a permit or order issued under division (C) of 31741
section 1509.22 of the Revised Code, beneficially use the material 31742
in accordance with rules adopted by the director of environmental 31743
protection under section 3734.125 of the Revised Code; 31744

(c) If the material is not removed from the location 31745
associated with the production operation of the well, recycle or 31746
reuse the material with the approval of the chief. 31747

(5) If the material is not technologically enhanced naturally 31748
occurring radioactive material and the material has not come in 31749
contact with a refined oil-based substance, the material may be 31750
used at the location associated with the production operation of 31751
the horizontal well or at another location associated with a 31752
production operation. 31753

(B) An owner who has obtained results under division (A)(1) 31754
of this section shall keep and maintain the results for a period 31755
of three years. In addition, the owner shall provide a copy of the 31756
results to the chief upon request. 31757

(C) As used in this section: 31758

(1) "Technologically enhanced naturally occurring radioactive 31759
material" has the same meaning as in section 3748.01 of the 31760
Revised Code. 31761

(2) "Owner" includes a person that is an authorized agent of 31762
an owner. 31763

Sec. 1509.10. (A) Any person drilling within the state shall, 31764
within sixty days after the completion of drilling operations to 31765
the proposed total depth or after a determination that a well is a 31766

dry or lost hole, file with the division of oil and gas resources	31767
management all wireline electric logs and an accurate well	31768
completion record on a form that is prescribed by the chief of the	31769
division of oil and gas resources management that designates:	31770
	31771
(1) The purpose for which the well was drilled;	31772
(2) The character, depth, and thickness of geological units	31773
encountered, including coal seams, mineral beds, associated fluids	31774
such as fresh water, brine, and crude oil, natural gas, and sour	31775
gas, if such seams, beds, fluids, or gases are known;	31776
(3) The dates on which drilling operations were commenced and	31777
completed;	31778
(4) The types of drilling tools used and the name of the	31779
person that drilled the well;	31780
(5) The length in feet of the various sizes of casing and	31781
tubing used in drilling the well, the amount removed after	31782
completion, the type and setting depth of each packer, all other	31783
data relating to cementing in the annular space behind such casing	31784
or tubing, and data indicating completion as a dry, gas, oil,	31785
combination oil and gas, brine injection, or artificial brine well	31786
or a stratigraphic test;	31787
(6) The number of perforations in the casing and the	31788
intervals of the perforations;	31789
(7) The elevation above mean sea level of the point from	31790
which the depth measurements were made, stating also the height of	31791
the point above ground level at the well, the total depth of the	31792
well, and the deepest geological unit that was penetrated in the	31793
drilling of the well;	31794
(8) If applicable, the type, volume, and concentration of	31795
acid, and the date on which acid was used in acidizing the well;	31796

(9)(a) If applicable, the trade name and the total amount of 31797
all products, fluids, and substances, and the supplier of each 31798
product, fluid, or substance, not including cement and its 31799
constituents and lost circulation materials, intentionally added 31800
to facilitate the drilling of any portion of the well until the 31801
surface casing is set and properly sealed. The owner shall 31802
identify each additive used and provide a brief description of the 31803
purpose for which the additive is used. In addition, the owner 31804
shall include a list of all chemicals, not including any 31805
information that is designated as a trade secret pursuant to 31806
division (I)(1) of this section, intentionally added to all 31807
products, fluids, or substances and include each chemical's 31808
corresponding chemical abstracts service number and the maximum 31809
concentration of each chemical. The owner shall obtain the 31810
chemical information, not including any information that is 31811
designated as a trade secret pursuant to division (I)(1) of this 31812
section, from the company that drilled the well, provided service 31813
at the well, or supplied the chemicals. If the company that 31814
drilled the well, provided service at the well, or supplied the 31815
chemicals provides incomplete or inaccurate chemical information, 31816
the owner shall make reasonable efforts to obtain the required 31817
information from the company or supplier. 31818

(b) For purposes of division (A)(9)(a) of this section, if 31819
recycled fluid was used, the total volume of recycled fluid and 31820
the well that is the source of the recycled fluid or the 31821
centralized facility that is the source of the recycled fluid. 31822

(10)(a) If applicable, the type and volume of fluid, not 31823
including cement and its constituents or information that is 31824
designated as a trade secret pursuant to division (I)(1) of this 31825
section, used to stimulate the reservoir of the well, the 31826
reservoir breakdown pressure, the method used for the containment 31827
of fluids recovered from the fracturing of the well, the methods 31828

used for the containment of fluids when pulled from the wellbore 31829
from swabbing the well, the average pumping rate of the well, and 31830
the name of the person that performed the well stimulation. In 31831
addition, the owner shall include a copy of the log from the 31832
stimulation of the well, a copy of the invoice for each of the 31833
procedures and methods described in division (A)(10) of this 31834
section that were used on a well, and a copy of the pumping 31835
pressure and rate graphs. However, the owner may redact from the 31836
copy of each invoice that is required to be included under 31837
division (A)(10) of this section the costs of and charges for the 31838
procedures and methods described in division (A)(10) of this 31839
section that were used on a well. 31840

(b) If applicable, the trade name and the total volume of all 31841
products, fluids, and substances, and the supplier of each 31842
product, fluid, or substance used to stimulate the well. The owner 31843
shall identify each additive used, provide a brief description of 31844
the purpose for which the additive is used, and include the 31845
maximum concentration of the additive used. In addition, the owner 31846
shall include a list of all chemicals, not including any 31847
information that is designated as a trade secret pursuant to 31848
division (I)(1) of this section, intentionally added to all 31849
products, fluids, or substances and include each chemical's 31850
corresponding chemical abstracts service number and the maximum 31851
concentration of each chemical. The owner shall obtain the 31852
chemical information, not including any information that is 31853
designated as a trade secret pursuant to division (I)(1) of this 31854
section, from the company that stimulated the well or supplied the 31855
chemicals. If the company that stimulated the well or supplied the 31856
chemicals provides incomplete or inaccurate chemical information, 31857
the owner shall make reasonable efforts to obtain the required 31858
information from the company or supplier. 31859

(c) For purposes of division (A)(10)(b) of this section, if 31860

recycled fluid was used, the total volume of recycled fluid and 31861
the well that is the source of the recycled fluid or the 31862
centralized facility that is the source of the recycled fluid. 31863

(11) The name of the company that performed the logging of 31864
the well and the types of wireline electric logs performed on the 31865
well. 31866

The well completion record shall be submitted in duplicate. 31867
The first copy shall be retained as a permanent record in the 31868
files of the division, and the second copy shall be transmitted by 31869
the chief to the division of geological survey. 31870

(B)(1) Not later than sixty days after the completion of the 31871
drilling operations to the proposed total depth, the owner shall 31872
file all wireline electric logs with the division of oil and gas 31873
resources management and the chief shall transmit such logs 31874
electronically, if available, to the division of geological 31875
survey. Such logs may be retained by the owner for a period of not 31876
more than six months, or such additional time as may be granted by 31877
the chief in writing, after the completion of the well 31878
substantially to the depth shown in the application required by 31879
section 1509.06 of the Revised Code. 31880

(2) If a well is not completed within sixty days after the 31881
completion of drilling operations, the owner shall file with the 31882
division of oil and gas resources management a supplemental well 31883
completion record that includes all of the information required 31884
under this section within sixty days after the completion of the 31885
well. 31886

(3) After a well is initially completed and stimulated and 31887
until the well is plugged, the owner shall report, on a form 31888
prescribed by the chief, all materials placed into the formation 31889
to refracture, restimulate, or newly complete the well. The owner 31890
shall submit the information within sixty days after completing 31891

the refracturing, restimulation, or new completion. In addition, 31892
the owner shall report the information required in divisions 31893
(A)(10)(a) to (c) of this section, as applicable, in a manner 31894
consistent with the requirements established in this section. 31895

(C) Upon request in writing by the chief of the division of 31896
geological survey prior to the beginning of drilling of the well, 31897
the person drilling the well shall make available a complete set 31898
of cuttings accurately identified as to depth. 31899

(D) The form of the well completion record required by this 31900
section shall be one that has been prescribed by the chief of the 31901
division of oil and gas resources management and the chief of the 31902
division of geological survey. The filing of a log as required by 31903
this section fulfills the requirement of filing a log with the 31904
chief of the division of geological survey in section 1505.04 of 31905
the Revised Code. 31906

(E) If a material listed or designated under division (A)(9) 31907
or (10) or (B)(3) of this section is a material for which the 31908
division of oil and gas resources management does not have a 31909
material safety data sheet, the owner shall provide a copy of the 31910
material safety data sheet for the material to the chief. 31911

(F) An owner shall submit to the chief the information that 31912
is required in divisions (A)(10)(b) and (c) and (B)(3) of this 31913
section consistent with the requirements established in this 31914
section using one of the following methods: 31915

(1) On a form prescribed by the chief; 31916

(2) Through the chemical disclosure registry that is 31917
maintained by the ground water protection council and the 31918
interstate oil and gas compact commission; 31919

(3) Any other means approved by the chief. 31920

(G) The chief shall post on the division's web site each 31921

material safety data sheet obtained under division (E) of this 31922
section. In addition, the chief shall make available through the 31923
division's web site the chemical information that is required by 31924
divisions (A)(9) and (10) and (B)(3) of this section. 31925

(H)(1) If a medical professional, in order to assist in the 31926
diagnosis or treatment of an individual who was affected by an 31927
incident associated with the production operations of a well, 31928
requests the exact chemical composition of each product, fluid, or 31929
substance and of each chemical component in a product, fluid, or 31930
substance that is designated as a trade secret pursuant to 31931
division (I) of this section, the person claiming the trade secret 31932
protection pursuant to that division shall provide to the medical 31933
professional the exact chemical composition of the product, fluid, 31934
or substance and of the chemical component in a product, fluid, or 31935
substance that is requested. 31936

(2) A medical professional who receives information pursuant 31937
to division (H)(1) of this section shall keep the information 31938
confidential and shall not disclose the information for any 31939
purpose that is not related to the diagnosis or treatment of an 31940
individual who was affected by an incident associated with the 31941
production operations of a well. Nothing in division (H)(2) of 31942
this section precludes a medical professional from making any 31943
report required by law or professional ethical standards. 31944

(I)(1) The owner of a well who is required to submit a well 31945
completion record under division (A) of this section or a report 31946
under division (B)(3) of this section or a person that provides 31947
information to the owner as described in and for purposes of 31948
division (A)(9) or (10) or (B)(3) of this section may designate 31949
without disclosing on a form prescribed by the chief and withhold 31950
from disclosure to the chief the identity, amount, concentration, 31951
or purpose of a product, fluid, or substance or of a chemical 31952
component in a product, fluid, or substance as a trade secret. The 31953

owner or person may pursue enforcement of any rights or remedies 31954
established in sections 1333.61 to 1333.69 of the Revised Code for 31955
misappropriation, as defined in section 1333.61 of the Revised 31956
Code, with respect to the identity, amount, concentration, or 31957
purpose of a product, fluid, or substance or a chemical component 31958
in a product, fluid, or substance designated as a trade secret 31959
pursuant to division (I)(1) of this section. The division shall 31960
not disclose information regarding the identity, amount, 31961
concentration, or purpose of any product, fluid, or substance or 31962
of any chemical component in a product, fluid, or substance 31963
designated as a trade secret pursuant to division (I)(1) of this 31964
section. 31965

(2) A property owner, an adjacent property owner, or any 31966
person or agency of this state having an interest that is or may 31967
be adversely affected by a product, fluid, or substance or by a 31968
chemical component in a product, fluid, or substance may commence 31969
a civil action in the court of common pleas of Franklin county 31970
against an owner or person described in division (I)(1) of this 31971
section challenging the owner's or person's claim to entitlement 31972
to trade secret protection for the specific identity, amount, 31973
concentration, or purpose of a product, fluid, or substance or of 31974
a chemical component in a product, fluid, or substance pursuant to 31975
division (I)(1) of this section. A person who commences a civil 31976
action pursuant to division (I)(2) of this section shall provide 31977
notice to the chief in a manner prescribed by the chief. In the 31978
civil action, the court shall conduct an in camera review of 31979
information submitted by an owner or person described in division 31980
(I)(1) of this section to determine if the identity, amount, 31981
concentration, or purpose of a product, fluid, or substance or of 31982
a chemical component in a product, fluid, or substance pursuant to 31983
division (I)(1) of this section is entitled to trade secret 31984
protection. 31985

(J)(1) Except for any information that is designated as a 31986
trade secret pursuant to division (I)(1) of this section and 31987
except as provided in division (J)(2) of this section, the owner 31988
of a well shall maintain records of all chemicals placed in a well 31989
for a period of not less than two years after the date on which 31990
each such chemical was placed in the well. The chief may inspect 31991
the records at any time concerning any such chemical. 31992

(2) An owner or person who has designated the identity, 31993
amount, concentration, or purpose of a product, fluid, or 31994
substance or of a chemical component in a product, fluid, or 31995
substance as a trade secret pursuant to division (I)(1) of this 31996
section shall maintain the records for such a product, fluid, or 31997
substance or for a chemical component in a product, fluid, or 31998
substance for a period of not less than two years after the date 31999
on which each such product, fluid, or substance or each such 32000
chemical component in a product, fluid, or substance was placed in 32001
the well. Upon the request of the chief, the owner or person, as 32002
applicable, shall disclose the records to the chief if the 32003
information is necessary to respond to a spill, release, or 32004
investigation. However, the chief shall not disclose the 32005
information that is designated as a trade secret. 32006

(K)(1) For purposes of correcting inaccuracies and 32007
incompleteness in chemical information required by divisions 32008
(A)(9) and (10) and (B)(3) of this section, an owner shall be 32009
considered in substantial compliance if the owner has made 32010
reasonable efforts to obtain the required information from the 32011
supplier. 32012

(2) For purposes of reporting under this section, an owner is 32013
not required to report chemicals that occur incidentally or in 32014
trace amounts. 32015

(L) As used in this section, the term "material safety data 32016
sheet" shall conform to any revision of or change in the term by 32017

the occupational safety and health administration in the United States department of labor. 32018
32019

Sec. 1509.11. (A)(1) The owner of any well, ~~including~~ except 32020
a horizontal well, that is producing or capable of producing oil 32021
or gas shall file with the chief of the division of oil and gas 32022
resources management, on or before the thirty-first day of March, 32023
a statement of production of oil, gas, and brine for the last 32024
preceding calendar year in such form as the chief may prescribe. 32025
An owner that has more than one hundred such wells in this state 32026
shall submit electronically the statement of production in a 32027
format that is approved by the chief. The chief shall include on 32028
the form, at the minimum, a request for the submittal of the 32029
information that a person who is regulated under this chapter is 32030
required to submit under the "Emergency Planning and Community 32031
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C.A. 11001, and 32032
regulations adopted under it, and that the division of oil and gas 32033
resources management does not obtain through other reporting 32034
mechanisms. 32035

(2) The owner of any horizontal well that is producing or 32036
capable of producing oil or gas shall file with the chief, on the 32037
forty-fifth day following the close of each calendar quarter, a 32038
statement of production of oil, gas, and brine for the preceding 32039
calendar quarter in a form that the chief prescribes. An owner 32040
that has more than one hundred horizontal wells in this state 32041
shall submit electronically the statement of production in a 32042
format that is approved by the chief. The chief shall include on 32043
the form, at a minimum, a request for the submittal of the 32044
information that a person who is regulated under this chapter is 32045
required to submit under the "Emergency Planning and Community 32046
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, and 32047
regulations adopted under it, and that the division does not 32048
obtain through other reporting mechanisms. 32049

(B) The chief shall not disclose information received from 32050
the department of taxation under division (C)(12) of section 32051
5703.21 of the Revised Code until the related statement of 32052
production required by division (A) of this section is filed with 32053
the chief. 32054

Sec. 1509.16. (A) As used in this section, "oil country 32055
tubular goods" means circular steel pipes that are seamless or 32056
welded and used in drilling for oil or natural gas, including 32057
casing, tubing, and drill pipe, whether finished or unfinished, 32058
and steel couplings and drill collars used with the pipes. 32059

(B) Beginning March 31, 2015, an owner shall file with the 32060
division of oil and gas resources management a disclosure form 32061
that specifies the country in which each oil country tubular good 32062
initially used in a production operation on or after that date was 32063
manufactured unless that country cannot be determined by the 32064
owner. The division shall prescribe the disclosure form and 32065
consult with representatives from the natural gas, oil, and steel 32066
industries when developing the form. The division shall use the 32067
information specified on the form to establish a quality well 32068
infrastructure catalog. 32069

(C) The division shall determine the date on which the 32070
disclosure form shall be filed. 32071

Sec. 1509.22. (A) Except when acting in accordance with 32072
section 1509.226 of the Revised Code, no person shall place or 32073
cause to be placed in ground water or in or on the land or 32074
discharge or cause to be discharged in surface water brine, crude 32075
oil, natural gas, or other fluids associated with the exploration 32076
~~or~~, development, well stimulation, production operations, or 32077
plugging of oil and gas resources in surface or ground water or in 32078
or on the land in such quantities or in such manner as actually 32079

~~that causes or could reasonably be anticipated to cause either of~~ 32080
~~the following:~~ 32081

~~(1) Water used for consumption by humans or domestic animals~~ 32082
~~to exceed the standards of the Safe Drinking Water Act;~~ 32083

~~(2) Damage~~ damage or injury to public health or safety or the 32084
environment. 32085

(B)(1) No person shall store or dispose of brine in violation 32086
of a plan approved under division (A) of section 1509.222 or 32087
section 1509.226 of the Revised Code, in violation of a resolution 32088
submitted under section 1509.226 of the Revised Code, or in 32089
violation of rules or orders applicable to those plans or 32090
resolutions. 32091

(2)(a) On and after January 1, 2014, no person shall store, 32092
recycle, treat, process, or dispose of in this state brine or 32093
other waste substances associated with the exploration, 32094
development, well stimulation, production operations, or plugging 32095
of oil and gas resources without an order or a permit issued under 32096
this section or section 1509.06 or 1509.21 of the Revised Code or 32097
rules adopted under any of those sections. For purposes of 32098
division (B)(2)(a) of this section, a permit or other form of 32099
authorization issued by another agency of the state or a political 32100
subdivision of the state shall not be considered a permit or order 32101
issued by the chief of the division of oil and gas resources 32102
management under this chapter. 32103

(b) Division (B)(2)(a) of this section does not apply to a 32104
person that disposes of such waste substances other than brine in 32105
accordance with Chapter 3734. of the Revised Code and rules 32106
adopted under it. 32107

(C) ~~The chief of the division of oil and gas resources~~ 32108
~~management shall adopt rules and issue orders~~ regarding storage, 32109
recycling, treatment, processing, and disposal of brine and other 32110

waste substances; ~~however, the.~~ The rules shall establish 32111
procedures and requirements in accordance with which a person 32112
shall apply for a permit or order for the storage, recycling, 32113
treatment, processing, or disposal of brine and other waste 32114
substances that are not subject to a permit issued under section 32115
1509.06 or 1509.21 of the Revised Code and in accordance with 32116
which the chief may issue such a permit or order. An application 32117
for such a permit shall be accompanied by a nonrefundable fee of 32118
two thousand five hundred dollars. 32119

The storage, recycling, treatment, processing, and disposal 32120
of brine and other waste substances and the chief's rules relating 32121
to storage, recycling, treatment, processing, and disposal are 32122
subject to all of the following standards: 32123

(1) Brine from any well except an exempt Mississippian well 32124
shall be disposed of only ~~by injection~~ as follows: 32125

(a) By injection into an underground formation, including 32126
annular disposal if approved by rule of the chief, which injection 32127
shall be subject to division (D) of this section; ~~by~~ 32128

(b) By surface application in accordance with section 32129
1509.226 of the Revised Code; ~~in~~ 32130

(c) In association with a method of enhanced recovery as 32131
provided in section 1509.21 of the Revised Code; ~~or by~~ 32132

(d) In any other ~~methods~~ manner not specified in divisions 32133
(C)(1)(a) to (c) of this section that is approved by a permit or 32134
order issued by the chief for testing or implementing a new 32135
technology or method of disposal. Brine 32136

(2) Brine from exempt Mississippian wells shall not be 32137
discharged directly into the waters of the state. 32138

~~(2)~~(3) Muds, cuttings, and other waste substances shall not 32139
be disposed of in violation of this chapter or any rule adopted 32140

under it. 32141

~~(3)~~(4) Pits or steel tanks shall be used as authorized by the 32142
chief for containing brine and other waste substances resulting 32143
from, obtained from, or produced in connection with drilling, well 32144
stimulation, reworking, reconditioning, plugging back, or plugging 32145
operations. The pits and steel tanks shall be constructed and 32146
maintained to prevent the escape of brine and other waste 32147
substances. 32148

~~(4)~~(5) A dike or pit may be used for spill prevention and 32149
control. A dike or pit so used shall be constructed and maintained 32150
to prevent the escape of brine and crude oil, and the reservoir 32151
within such a dike or pit shall be kept reasonably free of brine, 32152
crude oil, and other waste substances. 32153

~~(5) Earthen impoundments~~ (6) Impoundments constructed 32154
utilizing a synthetic liner pursuant to the division's 32155
specifications may be used for the temporary storage of ~~fluids~~ 32156
waste substances used in the construction, stimulation, or 32157
plugging of a well. 32158

~~(6)~~(7) No pit, ~~earthen impoundment,~~ or dike shall be used for 32159
the temporary storage of brine or other waste substances except in 32160
accordance with divisions (C)~~(3)~~ to (4) and (5) of this section. 32161

~~(7)~~(8) No pit or dike shall be used for the ultimate disposal 32162
of brine or other liquid waste substances. 32163

(D)(1) No person, without first having obtained a permit from 32164
the chief, shall inject brine or other waste substances resulting 32165
from, obtained from, or produced in connection with oil or gas 32166
drilling, exploration, or production into an underground formation 32167
unless a rule of the chief expressly authorizes the injection 32168
without a permit. The permit shall be in addition to any permit 32169
required by section 1509.05 of the Revised Code, and the permit 32170
application shall be accompanied by a permit fee of one thousand 32171

dollars. The chief shall adopt rules in accordance with Chapter 32172
119. of the Revised Code regarding the injection into wells of 32173
brine and other waste substances resulting from, obtained from, or 32174
produced in connection with oil or gas drilling, exploration, or 32175
production. The rules shall include provisions regarding all of 32176
the following: 32177

(a) Applications for and issuance of the permits required by 32178
this division; 32179

(b) Entry to conduct inspections and to examine and copy 32180
records to ascertain compliance with this division and rules, 32181
orders, and terms and conditions of permits adopted or issued 32182
under it; 32183

(c) The provision and maintenance of information through 32184
monitoring, recordkeeping, and reporting. In addition, the rules 32185
shall require the owner of an injection well who has been issued a 32186
permit under division (D) of this section to quarterly submit 32187
electronically to the chief information concerning each shipment 32188
of brine or other waste substances received by the owner for 32189
injection into the well. 32190

(d) The provision and electronic reporting quarterly of 32191
information concerning brine and other waste substances from a 32192
transporter that is registered under section 1509.222 of the 32193
Revised Code prior to the injection of the transported brine or 32194
other waste substances; 32195

(e) Any other provisions in furtherance of the goals of this 32196
section and the Safe Drinking Water Act. 32197

(2) The chief may adopt rules in accordance with Chapter 119. 32198
of the Revised Code authorizing tests to evaluate whether fluids 32199
or carbon dioxide may be injected in a reservoir and to determine 32200
the maximum allowable injection pressure, which shall be conducted 32201
in accordance with methods prescribed in the rules or in 32202

accordance with conditions of the permit. In addition, the chief 32203
may adopt rules that do both of the following: 32204

(a) Establish the total depth of a well for which a permit 32205
has been applied for or issued under this division; 32206

(b) Establish requirements and procedures to protect public 32207
health and safety. 32208

(3) To implement the goals of the Safe Drinking Water Act, 32209
the chief shall not issue a permit for the injection of brine or 32210
other waste substances resulting from, obtained from, or produced 32211
in connection with oil or gas drilling, exploration, or production 32212
unless the chief concludes that the applicant has demonstrated 32213
that the injection will not result in the presence of any 32214
contaminant in ground water that supplies or can reasonably be 32215
expected to supply any public water system, such that the presence 32216
of the contaminant may result in the system's not complying with 32217
any national primary drinking water regulation or may otherwise 32218
adversely affect the health of persons. 32219

(4) The chief may issue an order to the owner of a well in 32220
existence on ~~the effective date of this amendment~~ September 10, 32221
2012, to make changes in the operation of the well in order to 32222
correct problems or to address safety concerns. 32223

(5) This division and rules, orders, and terms and conditions 32224
of permits adopted or issued under it shall be construed to be no 32225
more stringent than required for compliance with the Safe Drinking 32226
Water Act unless essential to ensure that underground sources of 32227
drinking water will not be endangered. 32228

(E) The owner holding a permit, or an assignee or transferee 32229
who has assumed the obligations and liabilities imposed by this 32230
chapter and any rules adopted or orders issued under it pursuant 32231
to section 1509.31 of the Revised Code, and the operator of a well 32232
shall be liable for a violation of this section or any rules 32233

adopted or orders or terms or conditions of a permit issued under 32234
it. 32235

(F) An owner shall replace the water supply of the holder of 32236
an interest in real property who obtains all or part of the 32237
holder's supply of water for domestic, agricultural, industrial, 32238
or other legitimate use from an underground or surface source 32239
where the supply has been substantially disrupted by 32240
contamination, diminution, or interruption proximately resulting 32241
from the owner's oil or gas operation, or the owner may elect to 32242
compensate the holder of the interest in real property for the 32243
difference between the fair market value of the interest before 32244
the damage occurred to the water supply and the fair market value 32245
after the damage occurred if the cost of replacing the water 32246
supply exceeds this difference in fair market values. However, 32247
during the pendency of any order issued under this division, the 32248
owner shall obtain for the holder or shall reimburse the holder 32249
for the reasonable cost of obtaining a water supply from the time 32250
of the contamination, diminution, or interruption by the operation 32251
until the owner has complied with an order of the chief for 32252
compliance with this division or such an order has been revoked or 32253
otherwise becomes not effective. If the owner elects to pay the 32254
difference in fair market values, but the owner and the holder 32255
have not agreed on the difference within thirty days after the 32256
chief issues an order for compliance with this division, within 32257
ten days after the expiration of that thirty-day period, the owner 32258
and the chief each shall appoint an appraiser to determine the 32259
difference in fair market values, except that the holder of the 32260
interest in real property may elect to appoint and compensate the 32261
holder's own appraiser, in which case the chief shall not appoint 32262
an appraiser. The two appraisers appointed shall appoint a third 32263
appraiser, and within thirty days after the appointment of the 32264
third appraiser, the three appraisers shall hold a hearing to 32265
determine the difference in fair market values. Within ten days 32266

after the hearing, the appraisers shall make their determination 32267
by majority vote and issue their final determination of the 32268
difference in fair market values. The chief shall accept a 32269
determination of the difference in fair market values made by 32270
agreement of the owner and holder or by appraisers under this 32271
division and shall make and dissolve orders accordingly. This 32272
division does not affect in any way the right of any person to 32273
enforce or protect, under applicable law, the person's interest in 32274
water resources affected by an oil or gas operation. 32275

(G) In any action brought by the state for a violation of 32276
division (A) of this section involving any well at which annular 32277
disposal is used, there shall be a rebuttable presumption 32278
available to the state that the annular disposal caused the 32279
violation if the well is located within a one-quarter-mile radius 32280
of the site of the violation. 32281

(H)(1) There is levied on the owner of an injection well who 32282
has been issued a permit under division (D) of this section the 32283
following fees: 32284

(a) Five cents per barrel of each substance that is delivered 32285
to a well to be injected in the well when the substance is 32286
produced within the division of oil and gas resources management 32287
regulatory district in which the well is located or within an 32288
adjoining oil and gas resources management regulatory district; 32289

(b) Twenty cents per barrel of each substance that is 32290
delivered to a well to be injected in the well when the substance 32291
is not produced within the division of oil and gas resources 32292
management regulatory district in which the well is located or 32293
within an adjoining oil and gas resources management regulatory 32294
district. 32295

(2) The maximum number of barrels of substance per injection 32296
well in a calendar year on which a fee may be levied under 32297

division (H) of this section is five hundred thousand. If in a 32298
calendar year the owner of an injection well receives more than 32299
five hundred thousand barrels of substance to be injected in the 32300
owner's well and if the owner receives at least one substance that 32301
is produced within the division's regulatory district in which the 32302
well is located or within an adjoining regulatory district and at 32303
least one substance that is not produced within the division's 32304
regulatory district in which the well is located or within an 32305
adjoining regulatory district, the fee shall be calculated first 32306
on all of the barrels of substance that are not produced within 32307
the division's regulatory district in which the well is located or 32308
within an adjoining district at the rate established in division 32309
(H)(2) of this section. The fee then shall be calculated on the 32310
barrels of substance that are produced within the division's 32311
regulatory district in which the well is located or within an 32312
adjoining district at the rate established in division (H)(1) of 32313
this section until the maximum number of barrels established in 32314
division (H)(2) of this section has been attained. 32315

(3) The owner of an injection well who is issued a permit 32316
under division (D) of this section shall collect the fee levied by 32317
division (H) of this section on behalf of the division of oil and 32318
gas resources management and forward the fee to the division. The 32319
chief shall transmit all money received under division (H) of this 32320
section to the treasurer of state who shall deposit the money in 32321
the state treasury to the credit of the oil and gas well fund 32322
created in section 1509.02 of the Revised Code. The owner of an 32323
injection well who collects the fee levied by this division may 32324
retain up to three per cent of the amount that is collected. 32325

(4) The chief shall adopt rules in accordance with Chapter 32326
119. of the Revised Code establishing requirements and procedures 32327
for collection of the fee levied by division (H) of this section. 32328

Sec. 1509.226. (A) If a board of county commissioners, a 32329
board of township trustees, or the legislative authority of a 32330
municipal corporation wishes to permit the surface application of 32331
brine to roads, streets, highways, and other similar land surfaces 32332
it owns or has the right to control for control of dust or ice, it 32333
may adopt a resolution permitting such application as provided in 32334
this section. If a board or legislative authority does not adopt 32335
such a resolution, then no such surface application of brine is 32336
permitted on such roads, streets, highways, and other similar 32337
surfaces. If a board or legislative authority votes on a proposed 32338
resolution to permit such surface application of brine, but the 32339
resolution fails to receive the affirmative vote of a majority of 32340
the board or legislative authority, the board or legislative 32341
authority shall not adopt such a resolution for one year following 32342
the date on which the vote was taken. A board or legislative 32343
authority shall hold at least one public hearing on any proposal 32344
to permit surface application of brine under this division and may 32345
hold additional hearings. The board or legislative authority shall 32346
publish notice of the time and place of each such public hearing 32347
in a newspaper of general circulation in the political subdivision 32348
at least five days before the day on which the hearing is to be 32349
held. 32350

(B) If a board or legislative authority adopts a resolution 32351
permitting the surface application of brine to roads, streets, 32352
highways, and other similar land surfaces under division (A) of 32353
this section, the board or legislative authority shall, within 32354
thirty days after the adoption of the resolution, prepare and 32355
submit to the chief of the division of oil and gas resources 32356
management a copy of the resolution. Any department, agency, or 32357
instrumentality of this state or the United States that wishes to 32358
permit the surface application of brine to roads, streets, 32359
highways, and other similar land surfaces it owns or has a right 32360

to control shall prepare and submit guidelines for such 32361
application, but need not adopt a resolution under division (A) of 32362
this section permitting such surface application. 32363

All resolutions and guidelines shall be subject to the 32364
following standards: 32365

(1) Brine shall not be applied: 32366

(a) To a water-saturated surface; 32367

(b) Directly to vegetation near or adjacent to surfaces being 32368
treated; 32369

(c) Within twelve feet of structures crossing bodies of water 32370
or crossing drainage ditches; 32371

(d) Between sundown and sunrise, except for ice control. 32372

(2) The discharge of brine through the spreader bar shall 32373
stop when the application stops. 32374

(3) The applicator vehicle shall be moving at least five 32375
miles per hour at all times while the brine is being applied. 32376

(4) The maximum spreader bar nozzle opening shall be 32377
three-quarters of an inch in diameter. 32378

(5) The maximum uniform application rate of brine shall be 32379
three thousand gallons per mile on a twelve-foot-wide road or 32380
three gallons per sixty square feet on unpaved lots. 32381

(6) The applicator vehicle discharge valve shall be closed 32382
between the brine collection point and the specific surfaces that 32383
have been approved for brine application. 32384

(7) Any valves that provide for tank draining other than 32385
through the spreader bar shall be closed during the brine 32386
application and transport. 32387

(8) The angle of discharge from the applicator vehicle 32388
spreader bar shall not be greater than sixty degrees from the 32389

perpendicular to the unpaved surface. 32390

(9) Only the last twenty-five per cent of an applicator 32391
vehicle's contents shall be allowed to have a pressure greater 32392
than atmospheric pressure; therefore, the first seventy-five per 32393
cent of the applicator vehicle's contents shall be discharged 32394
under atmospheric pressure. 32395

(10) Only brine that is produced from a well that is not a 32396
horizontal well shall be allowed to be spread on a road. Fluids 32397
from the drilling of a well, flowback from the stimulation of a 32398
well, and other fluids used to treat a well shall not be spread on 32399
a road. 32400

If a resolution or guidelines contain only the standards 32401
listed in divisions (B)(1) to (10) of this section, without 32402
addition or qualification, the resolution or guidelines shall be 32403
deemed effective when submitted to the chief without further 32404
action by the chief. All other resolutions and guidelines shall 32405
comply with and be no less stringent than this chapter, rules 32406
concerning surface application that the chief shall adopt under 32407
division (C) of section 1509.22 of the Revised Code, and other 32408
rules of the chief. Within fifteen days after receiving such other 32409
resolutions and guidelines, the chief shall review them for 32410
compliance with the law and rules and disapprove them if they do 32411
not comply. 32412

The board, legislative authority, or department, agency, or 32413
instrumentality may revise and resubmit any resolutions or 32414
guidelines that the chief disapproves after each disapproval, and 32415
the chief shall again review and approve or disapprove them within 32416
fifteen days after receiving them. The board, legislative 32417
authority, or department, agency, or instrumentality may amend any 32418
resolutions or guidelines previously approved by the chief and 32419
submit them, as amended, to the chief. The chief shall receive, 32420
review, and approve or disapprove the amended resolutions or 32421

guidelines on the same basis and in the same time as original 32422
resolutions or guidelines. The board, legislative authority, or 32423
department, agency, or instrumentality shall not implement amended 32424
resolutions or guidelines until they are approved by the chief 32425
under this division. 32426

(C) Any person, other than a political subdivision required 32427
to adopt a resolution under division (A) of this section or a 32428
department, agency, or instrumentality of this state or the United 32429
States, who owns or has a legal right or obligation to maintain a 32430
road, street, highway, or other similar land surface may file with 32431
the board of county commissioners a written plan for the 32432
application of brine to the road, street, highway, or other 32433
surface. The board need not approve any such plans, but if it 32434
approves a plan, the plan shall comply with this chapter, rules 32435
adopted thereunder, and the board's resolutions, if any. 32436
Disapproved plans may be revised and resubmitted for the board's 32437
approval. Approved plans may also be revised and submitted to the 32438
board. A plan or revised plan shall do all of the following: 32439

(1) Identify the sources of brine to be used under the plan; 32440

(2) Identify by name, address, and registration certificate, 32441
if applicable, any transporters of the brine; 32442

(3) Specifically identify the places to which the brine will 32443
be applied; 32444

(4) Specifically describe the method, rate, and frequency of 32445
application. 32446

(D) The board may attach terms and conditions to approval of 32447
a plan, or revised plan, and may revoke approval for any violation 32448
of this chapter, rules adopted thereunder, resolutions adopted by 32449
the board, or terms or conditions attached by the board. The board 32450
shall conduct at least one public hearing before approving a plan 32451
or revised plan, publishing notice of the time and place of each 32452

such public hearing in a newspaper of general circulation in the 32453
county at least five days before the day on which the hearing is 32454
to be held. The board shall record the filings of all plans and 32455
revised plans in its journal. The board shall approve, disapprove, 32456
or revoke approval of a plan or revised plan by the adoption of a 32457
resolution. Upon approval of a plan or revised plan, the board 32458
shall send a copy of the plan to the chief. Upon revoking approval 32459
of a plan or revised plan, the board shall notify the chief of the 32460
revocation. 32461

(E) No person shall: 32462

(1) Apply brine to a water-saturated surface; 32463

(2) Apply brine directly to vegetation adjacent to the 32464
surface of roads, streets, highways, and other surfaces to which 32465
brine may be applied. 32466

(F) Each political subdivision that adopts a resolution under 32467
divisions (A) and (B) of this section, each department, agency, or 32468
instrumentality of this state or the United States that submits 32469
guidelines under division (B) of this section, and each person who 32470
files a plan under divisions (C) and (D) of this section shall, on 32471
or before the fifteenth day of April of each year, file a report 32472
with the chief concerning brine applied within the person's or 32473
governmental entity's jurisdiction, including the quantities 32474
transported and the sources and application points during the last 32475
preceding calendar year and such other information in such form as 32476
the chief requires. 32477

(G) Any political subdivision or department, agency, or 32478
instrumentality of this state or the United States that applies 32479
brine under this section may do so with its own personnel, 32480
vehicles, and equipment without registration under or compliance 32481
with section 1509.222 or 1509.223 of the Revised Code and without 32482
the necessity for filing the surety bond or other security 32483

required by section 1509.225 of the Revised Code. However, each 32484
such entity shall legibly identify vehicles used to apply brine 32485
with reflective paint in letters no less than four inches in 32486
height, indicating the word "brine" and that the vehicle is a 32487
vehicle of the political subdivision, department, agency, or 32488
instrumentality. Except as stated in this division, such entities 32489
shall transport brine in accordance with sections 1509.22 to 32490
1509.226 of the Revised Code. 32491

(H) A surface application plan filed for approval under 32492
division (C) of this section shall be accompanied by a 32493
nonrefundable fee of fifty dollars, which shall be credited to the 32494
general fund of the county. An approved plan is valid for one year 32495
from the date of its approval unless it is revoked before that 32496
time. An approved revised plan is valid for the remainder of the 32497
term of the plan it supersedes unless it is revoked before that 32498
time. Any person who has filed such a plan or revised plan and had 32499
it approved may renew it by refileing it in accordance with 32500
divisions (C) and (D) of this section within thirty days before 32501
any anniversary of the date on which the original plan was 32502
approved. The board shall notify the chief of renewals and 32503
nonrenewals of plans. Even if a renewed plan is approved under 32504
those divisions, the plan is not effective until notice is 32505
received by the chief, and until notice is received, the chief 32506
shall enforce this chapter and rules adopted thereunder with 32507
regard to the affected roads, streets, highways, and other similar 32508
land surfaces as if the plan had not been renewed. 32509

(I) A resolution adopted under division (A) of this section 32510
by a board or legislative authority shall be effective for one 32511
year following the date of its adoption and from month to month 32512
thereafter until the board or legislative authority, by 32513
resolution, terminates the authority granted in the original 32514
resolution. The termination shall be effective not less than seven 32515

days after enactment of the resolution, and a copy of the 32516
resolution shall be sent to the chief. 32517

Sec. 1509.227. Notwithstanding division (B)(2)(a) of section 32518
1509.22 of the Revised Code, on and after January 1, 2014, a 32519
person that is in operation prior to the date may store, recycle, 32520
treat, process, or dispose of in this state brine or other waste 32521
substances associated with the exploration, development, well 32522
stimulation, production operations, or plugging of oil and gas 32523
resources without an order or a permit issued under section 32524
1509.06, 1509.21, or 1509.22 of the Revised Code or rules adopted 32525
under any of those sections, provided that the chief of the 32526
division of oil and gas resources management has approved the 32527
operation and any required permit or other form of authorization 32528
has been issued by the environmental protection agency. 32529

Sec. 1509.50. (A) An oil and gas regulatory cost recovery 32530
assessment is hereby imposed by this section on an owner. An owner 32531
shall pay the assessment in the same manner as a severer who is 32532
required to file a return under section 5749.06 of the Revised 32533
Code. However, an owner may designate a severer who shall pay the 32534
owner's assessment on behalf of the owner on the return that the 32535
severer is required to file under that section. If a severer so 32536
pays an owner's assessment, the severer may recoup from the owner 32537
the amount of the assessment. Except for an exempt domestic well, 32538
the assessment imposed shall be in addition to the taxes levied on 32539
the severance of oil and gas under section 5749.02 of the Revised 32540
Code. 32541

(B)(1) Except for an exempt domestic well, the oil and gas 32542
regulatory cost recovery assessment shall be calculated on a 32543
quarterly basis and shall be one of the following: 32544

(a) If the sum of ten cents per barrel of oil for all of the 32545

wells of the owner, one-half of one cent per one thousand cubic 32546
feet of natural gas for all of the wells of the owner, and the 32547
amount of the severance tax levied on each severer for all of the 32548
wells of the owner under divisions (A)(5) and (6) of section 32549
5749.02 of the Revised Code, as applicable, is greater than the 32550
sum of fifteen dollars for each well owned by the owner, the 32551
amount of the assessment is the sum of ten cents per barrel of oil 32552
for all of the wells of the owner and one-half of one cent per one 32553
thousand cubic feet of natural gas for all of the wells of the 32554
owner. 32555

(b) If the sum of ten cents per barrel of oil for all of the 32556
wells of the owner, one-half of one cent per one thousand cubic 32557
feet of natural gas for all of the wells of the owner, and the 32558
amount of the severance tax levied on each severer for all of the 32559
wells of the owner under divisions (A)(5) and (6) of section 32560
5749.02 of the Revised Code, as applicable, is less than the sum 32561
of fifteen dollars for each well owned by the owner, the amount of 32562
the assessment is the sum of fifteen dollars for each well owned 32563
by the owner less the amount of the tax levied on each severer for 32564
all of the wells of the owner under divisions (A)(5) and (6) of 32565
section 5749.02 of the Revised Code, as applicable. 32566

(2) The oil and gas regulatory cost recovery assessment for a 32567
well that becomes an exempt domestic well on and after June 30, 32568
2010, shall be sixty dollars to be paid to the division of oil and 32569
gas resources management on the first day of July of each year. 32570

(C) All money collected pursuant to this section shall be 32571
~~deposited in the state treasury to the credit of~~ credited to the 32572
severance tax receipts fund. After the director of budget and 32573
management transfers money from the severance tax receipts fund as 32574
required in division (H) of section 5749.06 of the Revised Code, 32575
money in the severance tax receipts fund from amounts collected 32576
pursuant to this section shall be credited to the oil and gas well 32577

fund created in section 1509.02 of the Revised Code. 32578

(D) Except for purposes of revenue distribution as specified 32579
in division (B) of section 5749.02 of the Revised Code, the oil 32580
and gas regulatory cost recovery assessment imposed by this 32581
section shall be treated the same and equivalent for all purposes 32582
as the taxes levied on the severance of oil and gas under that 32583
section. However, the assessment imposed by this section is not a 32584
tax under Chapter 5749. of the Revised Code. 32585

Sec. 1511.02. The chief of the division of soil and water 32586
resources, subject to the approval of the director of natural 32587
resources, shall do all of the following: 32588

(A) Provide administrative leadership to local soil and water 32589
conservation districts in planning, budgeting, staffing, and 32590
administering district programs and the training of district 32591
supervisors and personnel in their duties, responsibilities, and 32592
authorities as prescribed in this chapter and Chapter 1515. of the 32593
Revised Code; 32594

(B) Administer this chapter and Chapter 1515. of the Revised 32595
Code pertaining to state responsibilities and provide staff 32596
assistance to the Ohio soil and water conservation commission in 32597
exercising its statutory responsibilities; 32598

(C) Assist in expediting state responsibilities for watershed 32599
development and other natural resource conservation works of 32600
improvement; 32601

(D) Coordinate the development and implementation of 32602
cooperative programs and working agreements between local soil and 32603
water conservation districts and divisions or sections of the 32604
department of natural resources, or other agencies of local, 32605
state, and federal government; 32606

(E) Subject to the approval of the Ohio soil and water 32607

conservation commission, adopt, amend, or rescind rules pursuant 32608
to Chapter 119. of the Revised Code. Rules adopted pursuant to 32609
this section: 32610

(1) Shall establish technically feasible and economically 32611
reasonable standards to achieve a level of management and 32612
conservation practices in farming or silvicultural operations that 32613
will abate wind or water erosion of the soil or abate the 32614
degradation of the waters of the state by animal waste or by soil 32615
sediment including substances attached thereto, and establish 32616
criteria for determination of the acceptability of such management 32617
and conservation practices; 32618

(2) Shall establish technically feasible and economically 32619
reasonable standards to achieve a level of management and 32620
conservation practices that will abate wind or water erosion of 32621
the soil or abate the degradation of the waters of the state by 32622
soil sediment in conjunction with land grading, excavating, 32623
filling, or other soil-disturbing activities on land used or being 32624
developed for nonfarm commercial, industrial, residential, or 32625
other nonfarm purposes, and establish criteria for determination 32626
of the acceptability of such management and conservation 32627
practices. The standards shall be designed to implement applicable 32628
areawide waste treatment management plans prepared under section 32629
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 32630
(1972), 33 U.S.C.A. 1288, as amended. The standards and criteria 32631
shall not apply in any municipal corporation or county that adopts 32632
ordinances or rules pertaining to sediment control, nor to lands 32633
being used in a strip mine operation as defined in section 1513.01 32634
of the Revised Code, nor to lands being used in a surface mining 32635
operation as defined in section 1514.01 of the Revised Code. 32636

(3) May recommend criteria and procedures for the approval of 32637
urban sediment pollution abatement plans and issuance of permits 32638
prior to any grading, excavating, filling, or other whole or 32639

partial disturbance of five or more contiguous acres of land owned 32640
by one person or operated as one development unit and require 32641
implementation of such a plan. Areas of less than five contiguous 32642
acres are not exempt from compliance with other provisions of this 32643
chapter and rules adopted under them. 32644

(4) Shall establish procedures for administration of rules 32645
for agricultural pollution abatement and urban sediment pollution 32646
abatement and for enforcement of rules for agricultural pollution 32647
abatement; 32648

(5) Shall specify the pollution abatement practices eligible 32649
for state cost sharing and determine the conditions for 32650
eligibility, the construction standards and specifications, the 32651
useful life, the maintenance requirements, and the limits of cost 32652
sharing for those practices. Eligible practices shall be limited 32653
to practices that address agricultural or silvicultural operations 32654
and that require expenditures that are likely to exceed the 32655
economic returns to the owner or operator and that abate soil 32656
erosion or degradation of the waters of the state by animal waste 32657
or soil sediment including pollutants attached thereto. 32658

(6) Shall establish procedures for administering grants to 32659
owners or operators of agricultural land or concentrated animal 32660
feeding operations for the implementation of operation and 32661
management plans; 32662

(7) Shall establish procedures for administering grants to 32663
soil and water conservation districts for urban sediment pollution 32664
abatement programs, specify the types of projects eligible for 32665
grants, establish limits on the availability of grants, and 32666
establish requirements governing the execution of projects to 32667
encourage the reduction of erosion and sedimentation associated 32668
with soil-disturbing activities; 32669

(8) Shall do all of the following with regard to composting 32670

conducted in conjunction with agricultural operations: 32671

(a) Provide for the distribution of educational material 32672
concerning composting to the offices of ~~the Ohio cooperative~~ OSU 32673
extension ~~service~~ for the purposes of section 1511.022 of the 32674
Revised Code; 32675

(b) Establish methods, techniques, or practices for 32676
composting dead animals, or particular types of dead animals, that 32677
are to be used at such operations, as the chief considers to be 32678
necessary or appropriate; 32679

(c) Establish requirements and procedures governing the 32680
review and approval or disapproval of composting plans by the 32681
supervisors of soil and water conservation districts under 32682
division (Q) of section 1515.08 of the Revised Code. 32683

(9) Shall be adopted, amended, or rescinded after the chief 32684
does all of the following: 32685

(a) Mails notice to each statewide organization that the 32686
chief determines represents persons or local governmental agencies 32687
who would be affected by the proposed rule, amendment thereto, or 32688
rescission thereof at least thirty-five days before any public 32689
hearing thereon; 32690

(b) Mails a copy of each proposed rule, amendment thereto, or 32691
rescission thereof to any person who requests a copy, within five 32692
days after receipt of the request; 32693

(c) Consults with appropriate state and local governmental 32694
agencies or their representatives, including statewide 32695
organizations of local governmental officials, industrial 32696
representatives, and other interested persons; 32697

(d) If the rule relates to agricultural pollution abatement, 32698
develops an economic impact statement concerning the effect of the 32699
proposed rule or amendment. 32700

(10) Shall not conflict with air or water quality standards 32701
adopted pursuant to section 3704.03 or 6111.041 of the Revised 32702
Code. Compliance with rules adopted pursuant to this section does 32703
not affect liability for noncompliance with air or water quality 32704
standards adopted pursuant to section 3704.03 or 6111.041 of the 32705
Revised Code. The application of a level of management and 32706
conservation practices recommended under this section to control 32707
windblown soil from farming operations creates a presumption of 32708
compliance with section 3704.03 of the Revised Code as that 32709
section applies to windblown soil. 32710

(11) Insofar as the rules relate to urban sediment pollution, 32711
shall not be applicable in a municipal corporation or county that 32712
adopts ordinances or rules for urban sediment control, except that 32713
a municipal corporation or county that adopts such ordinances or 32714
rules may receive moneys for urban sediment control that are 32715
disbursed by the board of supervisors of the applicable soil and 32716
water conservation district under division (N) of section 1515.08 32717
of the Revised Code. The rules shall not exempt any person from 32718
compliance with municipal ordinances enacted pursuant to Section 3 32719
of Article XVIII, Ohio Constitution. 32720

(F) Cost share with landowners on practices established 32721
pursuant to division (E)(5) of this section as moneys are 32722
appropriated and available for that purpose. Any practice for 32723
which cost share is provided shall be maintained for its useful 32724
life. Failure to maintain a cost share practice for its useful 32725
life shall subject the landowner to full repayment to the 32726
division. 32727

(G) Issue orders requiring compliance with any rule adopted 32728
under division (E)(1) of this section or with section 1511.022 of 32729
the Revised Code. Before the chief issues an order, the chief 32730
shall afford each person allegedly liable an adjudication hearing 32731
under Chapter 119. of the Revised Code. The chief may require in 32732

an order that a person who has caused agricultural pollution by 32733
failure to comply with the standards established under division 32734
(E)(1) of this section operate under an operation and management 32735
plan approved by the chief under this section. The chief shall 32736
require in an order that a person who has failed to comply with 32737
division (A) of section 1511.022 of the Revised Code prepare a 32738
composting plan in accordance with rules adopted under division 32739
(E)(10)(c) of this section and operate in accordance with that 32740
plan or that a person who has failed to operate in accordance with 32741
such a plan begin to operate in accordance with it. Each order 32742
shall be issued in writing and contain a finding by the chief of 32743
the facts upon which the order is based and the standard that is 32744
not being met. 32745

(H) Employ field assistants and such other employees as are 32746
necessary for the performance of the work prescribed by Chapter 32747
1515. of the Revised Code, for performance of work of the 32748
division, and as agreed to under working agreements or contractual 32749
arrangements with local soil and water conservation districts, 32750
prescribe their duties, and fix their compensation in accordance 32751
with such schedules as are provided by law for the compensation of 32752
state employees. 32753

All employees of the division, unless specifically exempted 32754
by law, shall be employed subject to the classified civil service 32755
laws in force at the time of employment. 32756

(I) In connection with new or relocated projects involving 32757
highways, underground cables, pipelines, railroads, and other 32758
improvements affecting soil and water resources, including surface 32759
and subsurface drainage: 32760

(1) Provide engineering service as is mutually agreeable to 32761
the Ohio soil and water conservation commission and the director 32762
to aid in the design and installation of soil and water 32763
conservation practices as a necessary component of such projects; 32764

(2) Maintain close liaison between the owners of lands on	32765
which the projects are executed, local soil and water conservation	32766
districts, and authorities responsible for such projects;	32767
(3) Review plans for such projects to ensure their compliance	32768
with standards developed under division (E) of this section in	32769
cooperation with the department of transportation or with any	32770
other interested agency that is engaged in soil or water	32771
conservation projects in the state in order to minimize adverse	32772
impacts on soil and water resources adjacent to or otherwise	32773
affected by these projects;	32774
(4) Recommend measures to retard erosion and protect soil and	32775
water resources through the installation of water impoundment or	32776
other soil and water conservation practices;	32777
(5) Cooperate with other agencies and subdivisions of the	32778
state to protect the agricultural status of rural lands adjacent	32779
to such projects and control adverse impacts on soil and water	32780
resources.	32781
(J) Collect, analyze, inventory, and interpret all available	32782
information pertaining to the origin, distribution, extent, use,	32783
and conservation of the soil resources of the state;	32784
(K) Prepare and maintain up-to-date reports, maps, and other	32785
materials pertaining to the soil resources of the state and their	32786
use and make that information available to governmental agencies,	32787
public officials, conservation entities, and the public;	32788
(L) Provide soil and water conservation districts with	32789
technical assistance including on-site soil investigations and	32790
soil interpretation reports on the suitability or limitations of	32791
soil to support a particular use or to plan soil conservation	32792
measures. The assistance shall be upon such terms as are mutually	32793
agreeable to the districts and the department of natural	32794
resources.	32795

(M) Assist local government officials in utilizing land use 32796
planning and zoning, current agricultural use value assessment, 32797
development reviews, and land management activities; 32798

(N) When necessary for the purposes of this chapter or 32799
Chapter 1515. of the Revised Code, develop or approve operation 32800
and management plans. 32801

This section does not restrict the excrement of domestic or 32802
farm animals defecated on land outside a concentrated animal 32803
feeding operation or runoff therefrom into the waters of the 32804
state. 32805

Sec. 1511.022. (A) Any person who owns or operates an 32806
agricultural operation, or owns the animals raised by the owner or 32807
operator of an agricultural operation, and who wishes to conduct 32808
composting of dead animals resulting from the agricultural 32809
operation shall do both of the following: 32810

(1) Participate in an educational course concerning 32811
composting conducted by ~~the Ohio cooperative~~ OSU extension ~~service~~ 32812
and obtain a certificate of completion for the course; 32813

(2) Use the appropriate method, technique, or practice of 32814
composting established in rules adopted under division (E)(8) of 32815
section 1511.02 of the Revised Code. 32816

(B) Any person who fails to comply with division (A) of this 32817
section shall prepare and operate under a composting plan in 32818
accordance with an order issued by the chief of the division of 32819
soil and water resources under division (G) of section 1511.02 of 32820
the Revised Code. If the person's proposed composting plan is 32821
disapproved by the board of supervisors of the appropriate soil 32822
and water conservation district under division (Q)(3) of section 32823
1515.08 of the Revised Code, the person may appeal the plan 32824
disapproval to the chief, who shall afford the person a hearing. 32825

Following the hearing, the chief shall uphold the plan disapproval 32826
or reverse it. If the chief reverses the disapproval, the plan 32827
shall be deemed approved. 32828

Sec. 1531.06. (A) The chief of the division of wildlife, with 32829
the approval of the director of natural resources, may acquire by 32830
gift, lease, purchase, or otherwise lands or surface rights upon 32831
lands and waters or surface rights upon waters for wild animals, 32832
fish or game management, preservation, propagation, and 32833
protection, outdoor and nature activities, public fishing and 32834
hunting grounds, and flora and fauna preservation. The chief, with 32835
the approval of the director, may receive by grant, devise, 32836
bequest, donation, or assignment evidences of indebtedness, the 32837
proceeds of which are to be used for the purchase of such lands or 32838
surface rights upon lands and waters or surface rights upon 32839
waters. 32840

(B)(1) The chief shall adopt rules for the protection of 32841
state-owned or leased lands and waters and property under the 32842
control of the division of wildlife against wrongful use or 32843
occupancy that will ensure the carrying out of the intent of this 32844
section, protect those lands, waters, and property from 32845
depredations, and preserve them from molestation, spoilation, 32846
destruction, or any improper use or occupancy thereof, including 32847
rules with respect to recreational activities and for the 32848
government and use of such lands, waters, and property. 32849

(2) The chief may adopt rules benefiting wild animals, fish 32850
or game management, preservation, propagation, and protection, 32851
outdoor and nature activities, public fishing and hunting grounds, 32852
and flora and fauna preservation, and regulating the taking and 32853
possession of wild animals on any lands or waters owned or leased 32854
or under the division's supervision and control and, for a 32855
specified period of years, may prohibit or recall the taking and 32856

possession of any wild animal on any portion of such lands or 32857
waters. The division clearly shall define and mark the boundaries 32858
of the lands and waters owned or leased or under its supervision 32859
and control upon which the taking of any wild animal is 32860
prohibited. 32861

(C) The chief, with the approval of the director, may acquire 32862
by gift, lease, or purchase land for the purpose of establishing 32863
state fish hatcheries and game farms and may erect on it buildings 32864
or structures that are necessary. 32865

The title to or lease of such lands and waters shall be taken 32866
by the chief in the name of the state. The lease or purchase price 32867
of all such lands and waters may be paid from hunting and trapping 32868
and fishing licenses and any other funds. 32869

(D) To provide more public recreation, stream and lake 32870
agreements for public fishing only may be obtained under rules 32871
adopted by the chief. 32872

(E) The chief, with the approval of the director, may 32873
establish user fees for the use of special public facilities or 32874
participation in special activities on lands and waters 32875
administered by the division. The special facilities and 32876
activities may include hunting or fishing on special designated 32877
public lands and waters intensively managed or stocked with 32878
artificially propagated game birds or fish, field trial 32879
facilities, wildlife nature centers, firearm ranges, boat mooring 32880
facilities, camping sites, and other similar special facilities 32881
and activities. The chief shall determine whether the user fees 32882
are refundable and shall ensure that that information is provided 32883
at the time the user fees are paid. 32884

(F) The chief, with the approval of the director, may enter 32885
into lease agreements for rental of concessions or other special 32886
projects situated on state-owned or leased lands or waters or 32887

other property under the division's control. The chief shall set 32888
and collect the fees for concession rentals or other special 32889
projects; regulate through contracts between the division and 32890
concessionaires the sale of tangible objects at concessions or 32891
other special projects; and keep a record of all such fee payments 32892
showing the amount received, from whom received, and for what 32893
purpose the fee was collected. 32894

(G) The chief may sell or donate conservation-related items 32895
or items that promote wildlife conservation, including, but not 32896
limited to, stamps, pins, badges, books, bulletins, maps, 32897
publications, calendars, and any other educational article or 32898
artifact pertaining to wild animals; sell confiscated or forfeited 32899
items; and sell surplus structures and equipment, and timber or 32900
crops from lands owned, administered, leased, or controlled by the 32901
division. The chief, with the approval of the director, also may 32902
engage in campaigns and special events that promote wildlife 32903
conservation by selling or donating wildlife-related materials, 32904
memberships, and other items of promotional value. 32905

(H) The chief may sell, lease, or transfer minerals or 32906
mineral rights, with the approval of the director, when the chief 32907
and the director determine it to be in the best interest of the 32908
state. Upon approval of the director, the chief may make, execute, 32909
and deliver contracts, including leases, to mine, drill, or 32910
excavate iron ore, stone, coal, salt, and other minerals, other 32911
than oil or gas, upon and under lands owned by the state and 32912
administered by the division to any person who complies with the 32913
terms of such a contract. No such contract shall be valid for more 32914
than fifty years from its effective date. Consideration for 32915
minerals and mineral rights shall be by rental or royalty basis as 32916
prescribed by the chief and payable as prescribed by contract. 32917
Moneys collected under this division shall be paid into the state 32918
treasury to the credit of the wildlife habitat fund created in 32919

section 1531.33 of the Revised Code. Contracts entered into under 32920
this division also may provide for consideration for minerals or 32921
mineral rights in the form of acquisition of lands as provided 32922
under divisions (A) and (C) of this section. 32923

(I) All moneys received under divisions (E), (F), and (G) of 32924
this section shall be paid into the state treasury to the credit 32925
of a fund that shall be used for the purposes outlined in section 32926
1533.15 of the Revised Code and for the management of other wild 32927
animals for their ecological and nonconsumptive recreational value 32928
or benefit. 32929

(J) The chief, with the approval of the director, may barter 32930
or sell wild animals to other states, state or federal agencies, 32931
and conservation or zoological organizations. Moneys received from 32932
the sale of wild animals shall be deposited into the ~~wild animal~~ 32933
wildlife fund created in section ~~1531.34~~ 1531.17 of the Revised 32934
Code. 32935

(K) The chief shall adopt rules establishing standards and 32936
guidelines for the administration of contraceptive chemicals to 32937
noncaptive wild animals. The rules may specify chemical delivery 32938
methods and devices and monitoring requirements. 32939

The chief shall establish criteria for the issuance of and 32940
shall issue permits for the administration of contraceptive 32941
chemicals to noncaptive wild animals. No person shall administer 32942
contraceptive chemicals to noncaptive wild animals without a 32943
permit issued by the chief. 32944

(L) All fees set by the chief under this section shall be 32945
approved by the wildlife council. 32946

(M) Information contained in the wildlife diversity database 32947
that is established pursuant to division (B)(2) of this section 32948
and section 1531.25 of the Revised Code may be made available to 32949
any individual or public or private agency for research, 32950

educational, environmental, land management, or other similar 32951
purposes that are not detrimental to the conservation of a species 32952
or feature. Information regarding sensitive site locations of 32953
species that are listed pursuant to section 1531.25 of the Revised 32954
Code and of features that are included in the wildlife diversity 32955
database is not subject to section 149.43 of the Revised Code if 32956
the chief determines that the release of the information could be 32957
detrimental to the conservation of a species or feature. 32958

Sec. 1531.17. All fines, penalties, and forfeitures arising 32959
from prosecutions, convictions, confiscations, or otherwise under 32960
this chapter and Chapters 1517. and 1533. of the Revised Code, 32961
unless otherwise directed by the director of natural resources, 32962
shall be paid by the officer by whom collected to the director and 32963
by ~~him~~ the director paid into the state treasury to the credit of 32964
the wildlife fund, which is hereby created, for the use of the 32965
division of wildlife. All moneys received from the sale of wild 32966
animals under division (J) of section 1531.06 shall be paid into 32967
the state treasury to the credit of the wildlife fund for the use 32968
of the division. All moneys collected as license fees on nets in 32969
the Lake Erie fishing district shall be paid by the director into 32970
the state treasury to the credit of the wildlife fund for use only 32971
in the betterment and the propagation of fish therein or in 32972
otherwise propagating fish in such district. All investment 32973
earnings of the fund shall be credited to the fund. The wildlife 32974
fund shall not be used for compensation of personnel employed by 32975
other divisions of the department of natural resources who are 32976
assigned to law enforcement duties in aid of the division of 32977
wildlife or for compensation of division of wildlife personnel for 32978
activities related to the instruction of personnel of other 32979
divisions. 32980

Sec. 1545.071. ~~The following applies until the department of~~ 32981

~~administrative services implements for park districts the health 32982
care plans under section 9.901 of the Revised Code. If those plans 32983
do not include or address any benefits listed in this section, the 32984
following provisions continue in effect for those benefits. 32985~~

The board of park commissioners of any park district may 32986
procure and pay all or any part of the cost of group insurance 32987
policies that may provide benefits for hospitalization, surgical 32988
care, major medical care, disability, dental care, eye care, 32989
medical care, hearing aids, or prescription drugs, or sickness and 32990
accident insurance or a combination of any of the foregoing types 32991
of insurance or coverage for park district officers and employees 32992
and their immediate dependents issued by an insurance company duly 32993
authorized to do business in this state. 32994

The board may procure and pay all or any part of the cost of 32995
group life insurance to insure the lives of park district 32996
employees. 32997

The board also may contract for group health care services 32998
with health insuring corporations holding a certificate of 32999
authority under Chapter 1751. of the Revised Code provided that 33000
each officer or employee is permitted to: 33001

(A) Choose between a plan offered by an insurance company and 33002
a plan offered by a health insuring corporation and provided 33003
further that the officer or employee pays any amount by which the 33004
cost of the plan chosen by the officer or employee exceeds the 33005
cost of the plan offered by the board under this section; 33006

(B) Change the choice made under division (A) of this section 33007
at a time each year as determined in advance by the board. 33008

Any appointed member of the board of park commissioners and 33009
the spouse and dependent children of the member may be covered, at 33010
the option and expense of the member, as a noncompensated employee 33011
of the park district under any benefit plan described in division 33012

(A) of this section. The member shall pay to the park district the amount certified to it by the benefit provider as the provider's charge for the coverage the member has chosen under division (A) of this section. Payments for coverage shall be made, in advance, in a manner prescribed by the board. The member's exercise of an option to be covered under this section shall be in writing, announced at a regular public meeting of the board, and recorded as a public record in the minutes of the board.

The board may provide the benefits authorized in this section by contributing to a health and welfare trust fund administered through or in conjunction with a collective bargaining representative of the park district employees.

The board may provide the benefits described in this section through an individual self-insurance program or a joint self-insurance program as provided in section 9.833 of the Revised Code.

Sec. 1545.23. If a park district enters into an agreement for the sale or lease of mineral rights regarding a park within the district, any royalties or other moneys resulting from the sale or lease shall be deposited into a special fund that the board of park commissioners shall create. The fund shall be used exclusively for maintenance of parks within the district and for the acquisition of new park lands.

Sec. 1547.532. (A) All of the following are exempt from registration under this chapter:

- (1) Sailboards;
- (2) Kiteboards;
- (3) Paddleboards;
- (4) Belly boats or float tubes.

(B) As used in this section: 33042

(1) "Belly boat" or "float tube" means a vessel that is 33043
inflatable, propelled solely by human muscular effort without 33044
using an oar, paddle, or pole, and designed to accommodate a 33045
single individual as an operator in such a manner that the 33046
operator remains partially submerged in the water. 33047

(2) "Kiteboard" means a recreational vessel that is 33048
inherently buoyant, has no cockpit, and is operated by an 33049
individual who is standing on the vessel while using a kite as a 33050
means of propulsion and lift. 33051

(3) "Paddleboard" means a recreational vessel that is 33052
inherently buoyant, is propelled by human muscular effort using a 33053
pole or single- or double-bladed paddle, and is operated by an 33054
individual who is kneeling, standing, or lying on the vessel. 33055

(4) "Sailboard" means a recreational vessel that is 33056
inherently buoyant, has no cockpit, has a single sail mounted on a 33057
mast that is connected to the vessel by a free-rotating, flexible 33058
joint, and is operated by an individual who is standing on the 33059
vessel. 33060

Sec. 1547.542. (A) Any person or organization owning any 33061
number of canoes, rowboats, inflatable watercraft, or sailboats 33062
for the purpose of rental to the public may apply with the chief 33063
of the division of watercraft for and receive an annual 33064
certificate of livery registration. No watercraft shall be rented 33065
to the public from a livery or other place of business in this 33066
state unless it first has been numbered and registered in 33067
accordance with this section or section 1547.54 of the Revised 33068
Code. Certificates of livery registration shall be issued by an 33069
authorized agent who is selected by the chief from among those 33070
designated under section 1547.54 of the Revised Code. The 33071
certificate shall display ~~the~~ all of the following: 33072

<u>(1) The name of the owner of the livery,the;</u>	33073
<u>(2) The date of issuance,the;</u>	33074
<u>(3) The date of expiration,the;</u>	33075
<u>(4) The number of watercraft registered,the;</u>	33076
<u>(5) The fee paid,an;</u>	33077
<u>(6) An authorized facsimile of the signature of the chief</u> provided by the authorized agent who is selected to issue the certificate, and the;	33078 33079 33080
<u>(7) The signature of the livery owner.The certificate shall bear the;</u>	33081 33082
<u>(8) The livery watercraft registration number assigned to the</u> livery owner, which shall be displayed in accordance with section 1547.57 of the Revised Code on each watercraft in the fleet for which the certificate was issued. The	33083 33084 33085 33086
<u>The owner of the livery shall be issued a tag for each</u> watercraft that has been registered in accordance with this section. The tag shall be affixed to each such watercraft in accordance with this section prior to the watercraft's being rented to the public. The chief shall prescribe the content and form of the tag in rules adopted under section 1547.52 of the Revised Code.	33087 33088 33089 33090 33091 33092 33093
<u>The owner of a livery shall obtain an amended certificate of</u> livery registration from the chief whenever the composition of the fleet changes.	33094 33095 33096
<u>(B) Not later than March 15, 2015, the owner of a livery</u> shall identify each watercraft in the fleet for which a certificate of registration has been issued under this section in one of the following ways:	33097 33098 33099 33100
<u>(1) By displaying the livery watercraft registration number</u> assigned to the livery owner on the forward half of both sides of	33101 33102

the watercraft in block characters that are of a single color that 33103
contrasts with the color of the hull and are at least three inches 33104
in height. The livery watercraft registration number shall be 33105
displayed in such a manner that the number is visible under normal 33106
operating conditions. In addition, the tag that has been issued to 33107
the watercraft under this section shall be placed not more than 33108
six inches from the livery watercraft registration number on the 33109
port side of the watercraft. 33110

(2) By displaying the livery name on the rear half of the 33111
watercraft in such a manner that it is clearly visible under 33112
normal operating conditions. If there is insufficient space or it 33113
is impractical to display the livery name on the sides of the 33114
watercraft, the livery name may be displayed on the rear half of 33115
the watercraft's deck, provided that the display of the name does 33116
not interfere with the placement of the tag that has been issued 33117
to the watercraft. In addition, the tag shall be placed in one of 33118
the following locations: 33119

(a) In the upper right corner of the transom so that the tag 33120
does not interfere with the legibility of the hull identification 33121
number of the watercraft; 33122

(b) Six inches from the stern on the outside of the 33123
watercraft below the port side gunwale; 33124

(c) On the inside of the watercraft on the upper portion of 33125
the starboard side gunwale so that the tag is visible from the 33126
port side of the watercraft; 33127

(d) On a deck on the rear half of the watercraft. 33128

For purposes of division (B) of this section, each watercraft 33129
in a livery fleet shall be identified in a uniform and consistent 33130
manner. 33131

(C) The fee for each watercraft registered under this section 33132
shall be an annual registration fee. The fee shall be one-third of 33133

the triennial registration fees prescribed in section 1547.54 of 33134
the Revised Code. However, if the size of the fleet does not 33135
increase, the fee for an amended certificate of livery 33136
registration shall be the fee prescribed for issuing a duplicate 33137
registration certificate under section 1547.54 of the Revised 33138
Code, and the chief shall not refund to the livery owner all or 33139
any portion of an annual registration fee applicable to a 33140
watercraft transferred or abandoned by the livery owner. If the 33141
size of the fleet increases, the livery owner shall be required to 33142
pay the applicable annual registration fee for each watercraft 33143
registered under an amended certificate of livery registration 33144
that is in excess of the number of watercraft contained in the 33145
annual certificate of livery registration. 33146

In addition to the fees established in this section, 33147
watercraft that are not powercraft shall be charged a waterways 33148
conservation assessment fee. The fee shall be collected at the 33149
time of the issuance of an annual livery registration under this 33150
section and shall be one dollar and fifty cents for each 33151
watercraft included in the registration. The fee shall be 33152
deposited in the state treasury and credited to a distinct account 33153
in the waterways safety fund created in section 1547.75 of the 33154
Revised Code. 33155

(D) The certificate of livery registration, rental ~~receipts~~ 33156
agreements, and required safety equipment are subject to 33157
inspection at any time at the livery's place of business by any 33158
authorized representative of the division of watercraft or any law 33159
enforcement officer in accordance with section 1547.63 of the 33160
Revised Code. 33161

(E) Except as provided in this section, all watercraft 33162
registered under this section are subject to this chapter and 33163
Chapter 1548. of the Revised Code. 33164

(F) The chief may issue an order temporarily ~~or permanently~~ 33165

restricting or suspending a livery certificate of registration and 33166
the privileges associated with it without a hearing if the chief 33167
finds that the holder of the certificate has violated this 33168
chapter. 33169

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 33170
Revised Code is guilty of a felony of the fourth degree. 33171

(B) Whoever violates division (F) of section 1547.08, section 33172
1547.10, division (I) of section 1547.111, section 1547.13, or 33173
section 1547.66 of the Revised Code is guilty of a misdemeanor of 33174
the first degree. 33175

(C) Whoever violates a provision of this chapter or a rule 33176
adopted thereunder, for which no penalty is otherwise provided, is 33177
guilty of a minor misdemeanor. 33178

(D) Whoever violates section 1547.07, 1547.132, or 1547.12 of 33179
the Revised Code without causing injury to persons or damage to 33180
property is guilty of a misdemeanor of the fourth degree. 33181

(E) Whoever violates section 1547.07, 1547.132, or 1547.12 of 33182
the Revised Code causing injury to persons or damage to property 33183
is guilty of a misdemeanor of the third degree. 33184

(F) Whoever violates division (N) of section 1547.54, 33185
division (G) of section 1547.30, or section 1547.131, 1547.25, 33186
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 33187
of the Revised Code or a rule adopted under division (A)(2) of 33188
section 1547.52 of the Revised Code is guilty of a misdemeanor of 33189
the fourth degree. 33190

(G) Whoever violates section 1547.11 of the Revised Code is 33191
guilty of a misdemeanor of the first degree and shall be punished 33192
as provided in division (G)(1), (2), or (3) of this section. 33193

(1) Except as otherwise provided in division (G)(2) or (3) of 33194
this section, the court shall sentence the offender to a jail term 33195

of three consecutive days and may sentence the offender pursuant 33196
to section 2929.24 of the Revised Code to a longer jail term. In 33197
addition, the court shall impose upon the offender a fine of not 33198
less than one hundred fifty nor more than one thousand dollars. 33199

The court may suspend the execution of the mandatory jail 33200
term of three consecutive days that it is required to impose by 33201
division (G)(1) of this section if the court, in lieu of the 33202
suspended jail term, places the offender under a community control 33203
sanction pursuant to section 2929.25 of the Revised Code and 33204
requires the offender to attend, for three consecutive days, a 33205
drivers' intervention program that is certified pursuant to 33206
section ~~3793.10~~ 5119.38 of the Revised Code. The court also may 33207
suspend the execution of any part of the mandatory jail term of 33208
three consecutive days that it is required to impose by division 33209
(G)(1) of this section if the court places the offender under a 33210
community control sanction pursuant to section 2929.25 of the 33211
Revised Code for part of the three consecutive days; requires the 33212
offender to attend, for that part of the three consecutive days, a 33213
drivers' intervention program that is certified pursuant to 33214
section ~~3793.10~~ 5119.38 of the Revised Code; and sentences the 33215
offender to a jail term equal to the remainder of the three 33216
consecutive days that the offender does not spend attending the 33217
drivers' intervention program. The court may require the offender, 33218
as a condition of community control, to attend and satisfactorily 33219
complete any treatment or education programs, in addition to the 33220
required attendance at a drivers' intervention program, that the 33221
operators of the drivers' intervention program determine that the 33222
offender should attend and to report periodically to the court on 33223
the offender's progress in the programs. The court also may impose 33224
any other conditions of community control on the offender that it 33225
considers necessary. 33226

(2) If, within six years of the offense, the offender has 33227

been convicted of or pleaded guilty to one violation of section 33228
1547.11 of the Revised Code or one other equivalent offense, the 33229
court shall sentence the offender to a jail term of ten 33230
consecutive days and may sentence the offender pursuant to section 33231
2929.24 of the Revised Code to a longer jail term. In addition, 33232
the court shall impose upon the offender a fine of not less than 33233
one hundred fifty nor more than one thousand dollars. 33234

In addition to any other sentence that it imposes upon the 33235
offender, the court may require the offender to attend a drivers' 33236
intervention program that is certified pursuant to section ~~3793.10~~ 33237
5119.38 of the Revised Code. 33238

(3) If, within six years of the offense, the offender has 33239
been convicted of or pleaded guilty to more than one violation or 33240
offense identified in division (G)(2) of this section, the court 33241
shall sentence the offender to a jail term of thirty consecutive 33242
days and may sentence the offender to a longer jail term of not 33243
more than one year. In addition, the court shall impose upon the 33244
offender a fine of not less than one hundred fifty nor more than 33245
one thousand dollars. 33246

In addition to any other sentence that it imposes upon the 33247
offender, the court may require the offender to attend a drivers' 33248
intervention program that is certified pursuant to section ~~3793.10~~ 33249
5119.38 of the Revised Code. 33250

(4) Upon a showing that serving a jail term would seriously 33251
affect the ability of an offender sentenced pursuant to division 33252
(G)(1), (2), or (3) of this section to continue the offender's 33253
employment, the court may authorize that the offender be granted 33254
work release after the offender has served the mandatory jail term 33255
of three, ten, or thirty consecutive days that the court is 33256
required by division (G)(1), (2), or (3) of this section to 33257
impose. No court shall authorize work release during the mandatory 33258
jail term of three, ten, or thirty consecutive days that the court 33259

is required by division (G)(1), (2), or (3) of this section to 33260
impose. The duration of the work release shall not exceed the time 33261
necessary each day for the offender to commute to and from the 33262
place of employment and the place in which the jail term is served 33263
and the time actually spent under employment. 33264

(5) Notwithstanding any section of the Revised Code that 33265
authorizes the suspension of the imposition or execution of a 33266
sentence or the placement of an offender in any treatment program 33267
in lieu of being imprisoned or serving a jail term, no court shall 33268
suspend the mandatory jail term of ten or thirty consecutive days 33269
required to be imposed by division (G)(2) or (3) of this section 33270
or place an offender who is sentenced pursuant to division (G)(2) 33271
or (3) of this section in any treatment program in lieu of being 33272
imprisoned or serving a jail term until after the offender has 33273
served the mandatory jail term of ten or thirty consecutive days 33274
required to be imposed pursuant to division (G)(2) or (3) of this 33275
section. Notwithstanding any section of the Revised Code that 33276
authorizes the suspension of the imposition or execution of a 33277
sentence or the placement of an offender in any treatment program 33278
in lieu of being imprisoned or serving a jail term, no court, 33279
except as specifically authorized by division (G)(1) of this 33280
section, shall suspend the mandatory jail term of three 33281
consecutive days required to be imposed by division (G)(1) of this 33282
section or place an offender who is sentenced pursuant to division 33283
(G)(1) of this section in any treatment program in lieu of 33284
imprisonment until after the offender has served the mandatory 33285
jail term of three consecutive days required to be imposed 33286
pursuant to division (G)(1) of this section. 33287

(6) As used in division (G) of this section: 33288

(a) "Equivalent offense" has the same meaning as in section 33289
4511.181 of the Revised Code. 33290

(b) "Jail term" and "mandatory jail term" have the same 33291

meanings as in section 2929.01 of the Revised Code. 33292

(H) Whoever violates section 1547.304 of the Revised Code is 33293
guilty of a misdemeanor of the fourth degree and also shall be 33294
assessed any costs incurred by the state or a county, township, 33295
municipal corporation, or other political subdivision in disposing 33296
of an abandoned junk vessel or outboard motor, less any money 33297
accruing to the state, county, township, municipal corporation, or 33298
other political subdivision from that disposal. 33299

(I) Whoever violates division (B) or (C) of section 1547.49 33300
of the Revised Code is guilty of a minor misdemeanor. 33301

(J) Whoever violates section 1547.31 of the Revised Code is 33302
guilty of a misdemeanor of the fourth degree on a first offense. 33303
On each subsequent offense, the person is guilty of a misdemeanor 33304
of the third degree. 33305

(K) Whoever violates section 1547.05 or 1547.051 of the 33306
Revised Code is guilty of a misdemeanor of the fourth degree if 33307
the violation is not related to a collision, injury to a person, 33308
or damage to property and a misdemeanor of the third degree if the 33309
violation is related to a collision, injury to a person, or damage 33310
to property. 33311

(L) The sentencing court, in addition to the penalty provided 33312
under this section for a violation of this chapter or a rule 33313
adopted under it that involves a powercraft powered by more than 33314
ten horsepower and that, in the opinion of the court, involves a 33315
threat to the safety of persons or property, shall order the 33316
offender to complete successfully a boating course approved by the 33317
national association of state boating law administrators before 33318
the offender is allowed to operate a powercraft powered by more 33319
than ten horsepower on the waters in this state. Violation of a 33320
court order entered under this division is punishable as contempt 33321
under Chapter 2705. of the Revised Code. 33322

Sec. 1548.02. The chief of the division of watercraft shall 33323
adopt such rules as the chief considers necessary to ensure 33324
uniform and orderly operation of this chapter, and the clerks of 33325
the courts of common pleas shall conform to those rules. The chief 33326
shall receive and file in the chief's office all information 33327
forwarded to the chief by the clerks under this chapter and shall 33328
maintain indexes covering the state at large for that information. 33329
These indexes shall be for the state at large and not for 33330
individual counties. 33331

The chief shall check with the chief's record all duplicate 33332
certificates of title received in the chief's office from the 33333
clerks. 33334

If it appears that any certificate of title has been 33335
improperly issued or is no longer required, the chief shall cancel 33336
the certificate. Upon the cancellation of any certificate of 33337
title, the chief shall notify the clerk who issued it, and the 33338
clerk shall enter the cancellation in the clerk's records. The 33339
chief also shall notify the person to whom the certificate of 33340
title was issued, as well as any lienholders appearing on it, of 33341
the cancellation and, if it is a physical certificate of title, 33342
shall demand the surrender of the certificate of title, but the 33343
cancellation shall not affect the validity of any lien noted on 33344
it. The holder of a physical certificate of title shall return it 33345
to the chief immediately. 33346

The clerks shall keep on hand a sufficient supply of blank 33347
forms that, except certificate of title and memorandum certificate 33348
forms, shall be furnished and distributed without charge to 33349
registered manufacturers or dealers or to other persons residing 33350
within the county. The clerks shall provide the certificates of 33351
title, ~~the~~ and ribbons, cartridges, or other devices necessary for 33352
~~data~~ the operation of the certificate of title processing, ~~and~~ 33353

~~removable backup media equipment as determined by the automated~~ 33354
~~title processing board pursuant to division (C) of section 4505.09~~ 33355
~~of the Revised Code~~ from moneys provided to the clerks from the 33356
automated title processing fund in accordance with division 33357
(B)~~(3)(b)~~ of section 4505.09 of the Revised Code. The clerks shall 33358
furnish all other supplies from other moneys available to the 33359
clerks. 33360

Sec. 1551.33. (A) The director of development services shall 33361
appoint and fix the compensation of the director of the Ohio coal 33362
development office. The director shall serve at the pleasure of 33363
the director of development services. 33364

(B) The director of the office shall do all of the following: 33365

(1) Biennially prepare and maintain the Ohio coal development 33366
agenda required under section 1551.34 of the Revised Code; 33367

(2) Propose and support policies for the office consistent 33368
with the Ohio coal development agenda and develop means to 33369
implement the agenda; 33370

(3) Initiate, undertake, and support projects to carry out 33371
the office's purposes and ensure that the projects are consistent 33372
with and meet the selection criteria established by the Ohio coal 33373
development agenda; 33374

(4) Actively encourage joint participation in and, when 33375
feasible, joint funding of the office's projects with governmental 33376
agencies, electric utilities, universities and colleges, other 33377
public or private interests, or any other person; 33378

(5) Establish a table of organization for and employ such 33379
employees and agents as are necessary for the administration and 33380
operation of the office. Any such employees shall be in the 33381
unclassified service and shall serve at the pleasure of the 33382
director of development services. 33383

(6) ~~Appoint specified members of and convene~~ Convene the 33384
technical advisory committee established under section 1551.35 of 33385
the Revised Code; 33386

(7) Review, with the assistance of the technical advisory 33387
committee, proposed coal research and development projects as 33388
defined in section 1555.01 of the Revised Code, and coal 33389
development projects, submitted to the office by public utilities 33390
for the purpose of section 4905.304 of the Revised Code. If the 33391
director and the advisory committee determine that any such 33392
facility or project has as its purpose the enhanced use of Ohio 33393
coal in an environmentally acceptable, cost effective manner, 33394
promotes energy conservation, is cost effective, and is 33395
environmentally sound, the director shall submit to the public 33396
utilities commission a report recommending that the commission 33397
allow the recovery of costs associated with the facility or 33398
project under section 4905.304 of the Revised Code and including 33399
the reasons for the recommendation. 33400

(8) Establish such policies, procedures, and guidelines as 33401
are necessary to achieve the office's purposes. 33402

(C) With the approval of the director of development 33403
services, the director of the office may exercise any of the 33404
powers and duties that the director of development services 33405
considers appropriate or desirable to achieve the office's 33406
purposes, including, but not limited to, the powers and duties 33407
enumerated in sections 1551.11, 1551.12, and 1551.15 of the 33408
Revised Code. 33409

Additionally, the director of the office may make loans to 33410
governmental agencies or persons for projects to carry out the 33411
office's purposes. Fees, charges, rates of interest, times of 33412
payment of interest and principal, and other terms, conditions, 33413
and provisions of the loans shall be such as the director of the 33414
office determines to be appropriate and in furtherance of the 33415

purposes for which the loans are made. The mortgage lien securing 33416
any moneys lent by the director of the office may be subordinate 33417
to the mortgage lien securing any moneys lent or invested by a 33418
financial institution, but shall be superior to that securing any 33419
moneys lent or expended by any other person. The moneys used in 33420
making the loans shall be disbursed upon order of the director of 33421
the office. 33422

Sec. 1551.35. (A) There is hereby established a technical 33423
advisory committee to assist the director of the Ohio coal 33424
development office in achieving the office's purposes. The 33425
director of development services shall appoint to the committee 33426
one member of the public utilities commission and one 33427
representative each of coal production companies, the united mine 33428
workers of America, electric utilities, manufacturers that use 33429
Ohio coal, and environmental organizations, as well as two people 33430
with a background in coal research and development technology, one 33431
of whom is employed at the time of the member's appointment by a 33432
state university, as defined in section 3345.011 of the Revised 33433
Code. In addition, the committee shall include four legislative 33434
members. The speaker and minority leader of the house of 33435
representatives each shall appoint one member of the house of 33436
representatives, and the president and minority leader of the 33437
senate each shall appoint one member of the senate, to the 33438
committee. The director of environmental protection shall serve on 33439
the committee as an ex officio member. Any member of the committee 33440
may designate in writing a substitute to serve in the member's 33441
absence on the committee. The director of environmental protection 33442
may designate in writing the chief of the air pollution control 33443
division of the agency to represent the agency. Members shall 33444
serve on the committee at the pleasure of their appointing 33445
authority. Members of the committee appointed by the director of 33446
~~the office~~ development services and, notwithstanding section 33447

101.26 of the Revised Code, legislative members of the committee, 33448
when engaged in their official duties as members of the committee, 33449
shall be compensated on a per diem basis in accordance with 33450
division (J) of section 124.15 of the Revised Code, except that 33451
the member of the public utilities commission and, while employed 33452
by a state university, the member with a background in coal 33453
research, shall not be so compensated. Members shall receive their 33454
actual and necessary expenses incurred in the performance of their 33455
duties. 33456

(B) The technical advisory committee shall review and make 33457
recommendations concerning the Ohio coal development agenda 33458
required under section 1551.34 of the Revised Code, project 33459
proposals, research and development projects submitted to the 33460
office by public utilities for the purpose of section 4905.304 of 33461
the Revised Code, proposals for grants, loans, and loan guarantees 33462
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 33463
and such other topics as the director of the office considers 33464
appropriate. 33465

(C) The technical advisory committee may hold an executive 33466
session at any regular or special meeting for the purpose of 33467
considering research and development project proposals or 33468
applications for assistance submitted to the Ohio coal development 33469
office under section 1551.33, or sections 1555.01 to 1555.06, of 33470
the Revised Code, to the extent that the proposals or applications 33471
consist of trade secrets or other proprietary information. 33472

Any materials or data submitted to, made available to, or 33473
received by the ~~department of development~~ services agency or the 33474
director of the Ohio coal development office in connection with 33475
agreements for assistance entered into under this chapter or 33476
Chapter 1555. of the Revised Code, or any information taken from 33477
those materials or data for any purpose, to the extent that the 33478
materials or data consist of trade secrets or other proprietary 33479

information, are not public records for the purposes of section 33480
149.43 of the Revised Code. 33481

As used in this division, "trade secrets" has the same 33482
meaning as in section 1333.61 of the Revised Code. 33483

Sec. 1555.15. There is hereby created in the state treasury 33484
the coal research and development fund. Moneys obtained for coal 33485
research and development projects from federal grants or loans, 33486
private grants, and other sources, and moneys paid into the fund 33487
pursuant to section 151.07 or 1555.08 of the Revised Code, shall 33488
be expended for the purpose of making grants and making or 33489
guaranteeing loans for coal research and development projects that 33490
will encourage the use of Ohio coal, to any individual, 33491
association, or corporation doing business in this state, or to 33492
any educational or scientific institution located in this state as 33493
provided for in Section 15 of Article VIII, Ohio Constitution and 33494
section 1555.08 of the Revised Code, when appropriated for such 33495
purposes by the general assembly. All investment earnings on the 33496
cash balance in the fund shall be credited to the fund. 33497

The director of budget and management shall establish and 33498
maintain records or accounts for or within the coal research and 33499
development fund in such manner as to show the amounts credited to 33500
such fund pursuant to section 1555.08 of the Revised Code and that 33501
the amounts so credited have been expended for the purposes set 33502
forth in Section 15 of Article VIII, Ohio Constitution, and 33503
section 151.07 of the Revised Code. The director of budget and 33504
management may otherwise manage the fund to comply with any 33505
requirements established by federal grants or loans, private 33506
grants, or moneys from other sources. 33507

Sec. 1701.86. (A) A corporation may be dissolved voluntarily 33508
in the manner provided in this section, provided the provisions of 33509

Chapter 1704. of the Revised Code do not prevent the dissolution 33510
from being effected. 33511

(B) A resolution of dissolution for a corporation shall set 33512
forth that the corporation elects to be dissolved. The resolution 33513
also may include any of the following: 33514

(1) The date on which the certificate of dissolution is to be 33515
filed or the conditions or events that will result in the filing 33516
of the certificate; 33517

(2) Authorization for the officers or directors to abandon 33518
the proposed dissolution before the filing of the certificate of 33519
dissolution; 33520

(3) Any additional provision considered necessary with 33521
respect to the proposed dissolution and winding up. 33522

(C) If an initial stated capital is not set forth in the 33523
articles then before the corporation begins business, or if an 33524
initial stated capital is set forth in the articles then before 33525
subscriptions to shares shall have been received in the amount of 33526
that initial stated capital, the incorporators or a majority of 33527
them may adopt, by a writing signed by each of them, a resolution 33528
of dissolution. 33529

(D) The directors may adopt a resolution of dissolution in 33530
any of the following cases: 33531

(1) When the corporation has been adjudged bankrupt or has 33532
made a general assignment for the benefit of creditors; 33533

(2) By leave of the court, when a receiver has been appointed 33534
in a general creditors' suit or in any suit in which the affairs 33535
of the corporation are to be wound up; 33536

(3) When substantially all of the assets have been sold at 33537
judicial sale or otherwise; 33538

(4) When the articles have been canceled for failure to file 33539

annual franchise or excise tax returns or for failure to pay	33540
franchise or excise taxes and the corporation has not been	33541
reinstated or does not desire to be reinstated;	33542
(5) When the period of existence of the corporation specified	33543
in its articles has expired.	33544
(E) The shareholders at a meeting held for such purpose may	33545
adopt a resolution of dissolution by the affirmative vote of the	33546
holders of shares entitling them to exercise two-thirds of the	33547
voting power of the corporation on such proposal or, if the	33548
articles provide or permit, by the affirmative vote of a greater	33549
or lesser proportion, though not less than a majority, of such	33550
voting power, and by such affirmative vote of the holders of	33551
shares of any particular class as is required by the articles.	33552
Notice of the meeting of the shareholders shall be given to all	33553
the shareholders whether or not entitled to vote at it.	33554
(F) Upon the adoption of a resolution of dissolution, a	33555
certificate shall be prepared, on a form prescribed by the	33556
secretary of state, setting forth all of the following:	33557
(1) The name of the corporation;	33558
(2) A statement that a resolution of dissolution has been	33559
adopted;	33560
(3) A statement of the manner of adoption of such resolution,	33561
and, in the case of its adoption by the incorporators or	33562
directors, a statement of the basis for such adoption;	33563
(4) The place in this state where its principal office is or	33564
is to be located;	33565
(5) The internet address of each domain name held or	33566
maintained by or on behalf of the corporation;	33567
(6) The name and address of its statutory agent;	33568
(7) The date of dissolution, if other than the filing date.	33569

The date of dissolution shall not be more than ninety days after 33570
the filing of the certificate of dissolution. 33571

(G) When the resolution of dissolution is adopted by the 33572
incorporators, the certificate shall be signed by not less than a 33573
majority of them. In all other cases, the certificate shall be 33574
signed by any authorized officer, unless the officer fails to 33575
execute and file such certificate within thirty days after the 33576
date upon which such certificate is to be filed. In that latter 33577
event, the certificate of dissolution may be signed by any three 33578
shareholders or, if there are less than three shareholders, all of 33579
the shareholders and shall set forth a statement that the persons 33580
signing the certificate are shareholders and are filing the 33581
certificate because of the failure of the officers to do so. 33582

(H) Except as otherwise provided in division (I) of this 33583
section, a certificate of dissolution, filed with the secretary of 33584
state, shall be accompanied by all of the following: 33585

(1) An affidavit of one or more of the persons executing the 33586
certificate of dissolution or of an officer of the corporation 33587
containing a statement of the counties, if any, in this state in 33588
which the corporation has personal property or a statement that 33589
the corporation is of a type required to pay personal property 33590
taxes to state authorities only; 33591

(2) A certificate or other evidence from the department of 33592
taxation showing that the corporation has paid all taxes 33593
administered by and required to be paid to the tax commissioner 33594
that are or will be due from the corporation on the date of the 33595
dissolution, ~~or an affidavit of one or more of the persons~~ 33596
~~executing the certificate of dissolution or of an officer of the~~ 33597
~~corporation containing a statement that the corporation is not~~ 33598
~~required to pay or the department of taxation has not assessed any~~ 33599
~~tax for which such a certificate or other evidence is not provided~~ 33600
that the department has received an adequate guarantee for the 33601

payment of all such taxes; 33602

(3) A certificate or other evidence showing the payment of 33603
all personal property taxes accruing up to the date of dissolution 33604
or showing that such payment has been adequately guaranteed, or an 33605
affidavit of one or more of the persons executing the certificate 33606
of dissolution or of an officer of the corporation containing a 33607
statement that the corporation is not required to pay or the 33608
department of taxation has not assessed any tax for which such a 33609
certificate or other evidence is not provided; 33610

(4) A receipt, certificate, or other evidence from the 33611
director of job and family services showing that all contributions 33612
due from the corporation as an employer have been paid, or that 33613
such payment has been adequately guaranteed, or that the 33614
corporation is not subject to such contributions; 33615

(5) A receipt, certificate, or other evidence from the bureau 33616
of workers' compensation showing that all premiums due from the 33617
corporation as an employer have been paid, or that such payment 33618
has been adequately guaranteed, or that the corporation is not 33619
subject to such premium payments. 33620

(I) In lieu of the receipt, certificate, or other evidence 33621
described in division (H)~~(2)~~, (3), (4), or (5) of this section, an 33622
affidavit of one or more persons executing the certificate of 33623
dissolution or of an officer of the corporation containing a 33624
statement of the date upon which the particular department, 33625
agency, or authority was advised in writing of the scheduled 33626
effective date of the dissolution and was advised in writing of 33627
the acknowledgment by the corporation of the applicability of the 33628
provisions of section 1701.95 of the Revised Code. 33629

(J) Upon the filing of a certificate of dissolution and such 33630
accompanying documents or on a later date specified in the 33631
certificate that is not more than ninety days after the filing, 33632

the corporation shall be dissolved. 33633

Sec. 1701.922. (A) Except as otherwise provided in this 33634
division, upon reinstatement of a corporation's or professional 33635
association's articles of incorporation in accordance with section 33636
1701.07, 1785.06, 5703.93, or 5733.22 of the Revised Code, the 33637
rights, privileges, and franchises, including all real or personal 33638
property rights and credits and all contract and other rights, of 33639
the corporation or association existing at the time its articles 33640
of incorporation were canceled shall be fully vested in the 33641
corporation or association as if the articles had not been 33642
canceled, and the corporation or association shall again be 33643
entitled to exercise the rights, privileges, and franchises 33644
authorized by its articles of incorporation. The name of a 33645
corporation whose articles have been canceled shall be reserved 33646
for a period of one year after the date of cancellation. If the 33647
reinstatement is not made within one year after the date of the 33648
cancellation of its articles of incorporation and it appears that 33649
a corporate name, limited liability company name, limited 33650
liability partnership name, limited partnership name, or trade 33651
name has been filed, the name of which is not distinguishable upon 33652
the record as provided in section 1701.05 of the Revised Code, the 33653
secretary of state shall require the applicant for reinstatement, 33654
as a condition prerequisite to such reinstatement, to amend its 33655
articles by changing its name. 33656

(B) Upon reinstatement of a corporation's or association's 33657
articles in accordance with section 1701.07, 1785.06, 5703.93, or 33658
5733.22 of the Revised Code, both of the following apply to the 33659
exercise of or an attempt to exercise any rights, privileges, or 33660
franchises, including entering into or performing any contracts, 33661
on behalf of the corporation or association by an officer, agent, 33662
or employee of the corporation or association, after cancellation 33663
and prior to reinstatement of the articles of incorporation: 33664

(1) The exercise of or an attempt to exercise any rights, 33665
privileges, or franchises on behalf of the corporation or 33666
association by the officer, agent, or employee of the corporation 33667
or association has the same force and effect that the exercise of 33668
or an attempt to exercise the right, privilege, or franchise would 33669
have had if the corporation's or association's articles had not 33670
been canceled, if both of the following apply: 33671

(a) The exercise of or an attempt to exercise the right, 33672
privilege, or franchise was within the scope of the corporation's 33673
or association's articles of incorporation that existed prior to 33674
cancellation; 33675

(b) The officer, agent, or employee had no knowledge that the 33676
corporation's or association's articles of incorporation had been 33677
canceled. 33678

(2) The corporation or association is liable exclusively for 33679
the exercise of or an attempt to exercise any rights, privileges, 33680
or franchises on behalf of the corporation or association by an 33681
officer, agent, or employee of the corporation or association, if 33682
the conditions set forth in divisions (B)(1)(a) and (b) of this 33683
section are met. 33684

(C) Upon reinstatement of a corporation's or association's 33685
articles of incorporation in accordance with section 1701.07, 33686
1785.06, 5703.93, or 5733.22 of the Revised Code, the exercise of 33687
or an attempt to exercise any rights, privileges, or franchises on 33688
behalf of the corporation or association by an officer, agent, or 33689
employee of the corporation or association, after cancellation and 33690
prior to reinstatement of the articles of incorporation, does not 33691
constitute a failure to comply with division (A) of section 33692
1701.88 or a violation of section 1701.97 of the Revised Code, if 33693
the conditions set forth in divisions (B)(1)(a) and (b) of this 33694
section are met. 33695

(D) This section is remedial in nature and is to be construed 33696
liberally to accomplish the purpose of providing full 33697
reinstatement of a corporation's or association's articles of 33698
incorporation retroactive, in accordance with this section, to the 33699
time of the cancellation of the articles. 33700

Sec. 1703.29. (A) The failure of any corporation to obtain a 33701
license under sections 1703.01 to 1703.31, ~~inclusive~~, of the 33702
Revised Code, does not affect the validity of any contract with 33703
such corporation, but no foreign corporation ~~which~~ that should 33704
have obtained such license shall maintain any action in any court 33705
until it has obtained such license. Before any such corporation 33706
shall maintain such action on any cause of action arising at the 33707
time when it was not licensed to transact business in this state, 33708
it shall pay to the secretary of state a forfeiture of two hundred 33709
fifty dollars and file in ~~his~~ the secretary of state's office the 33710
papers required by divisions (B) or (C) of this section, whichever 33711
is applicable. 33712

(B) If such corporation has not been previously licensed to 33713
do business in this state or if its license has been surrendered 33714
it shall file as required by division (A) of this section: 33715

(1) Its application for a license certificate, together with 33716
the filing fee, with such information as the secretary of state 33717
requires as to the time it began to transact business in this 33718
state and as to the number of its issued shares represented in 33719
this state, and with the license fees on its shares represented in 33720
this state plus a forfeiture of fifteen per cent thereon. 33721

(2) A certificate from the tax commissioner that the 33722
corporation has paid all ~~franchise~~ taxes ~~which~~ that it should have 33723
paid had it qualified to do business in this state at the time it 33724
began to do so, plus any penalties assessable on said taxes on 33725
account of failure to pay them within the time prescribed by law, 33726

or a certificate of the commissioner that the corporation has 33727
furnished security satisfactory to the commissioner for the 33728
payment of all such ~~franchise~~ taxes and penalties. 33729

(C) If such corporation has been previously licensed to 33730
transact business in this state and its license has expired or has 33731
been canceled by the secretary of state upon order of the 33732
commissioner, or for failure to designate an agent for service of 33733
process, it shall file with the secretary of state its application 33734
for reinstatement, as provided by law, together with the proper 33735
reinstatement fee plus a forfeiture of fifteen per cent thereon. 33736

Upon the filing of such application and payment of such fees 33737
and penalties or forfeitures, the secretary of state shall issue 33738
to such corporation a license certificate. 33739

Sec. 1711.07. The board of directors of a county or 33740
independent agricultural society shall consist of at least eight 33741
members. An employee of the ~~Ohio state university~~ OSU extension 33742
~~service~~ and the county school superintendent shall be members ex 33743
officio. Their terms of office shall be determined by the rules of 33744
the department of agriculture. Any vacancy in the board caused by 33745
death, resignation, refusal to qualify, removal from county, or 33746
other cause may be filled by the board until the society's next 33747
annual election, when a director shall be elected for the 33748
unexpired term. There shall be an annual election of directors by 33749
ballot at a time and a place fixed by the board, but this election 33750
shall not be held later than the first Saturday in December 1994, 33751
and not later than the fifteenth day of November each year 33752
thereafter, beginning in 1995. The secretary of the society shall 33753
give notice of ~~such~~ the election, for three weeks prior to the 33754
holding thereof, in a newspaper of general circulation in the 33755
county or as provided in section 7.16 of the Revised Code, or by 33756
letter mailed to each member of the society. Only persons holding 33757

membership certificates at the close of the annual county fair, or 33758
at least fifteen calendar days before the date of election, as may 33759
be fixed by the board, may vote, unless ~~such~~ the election is held 33760
on the fairground during the fair, in which case all persons 33761
holding membership certificates on the date and hour of the 33762
election may vote. When the election is to be held during the 33763
fair, notice of ~~such~~ the election ~~must~~ shall be prominently 33764
mentioned in the premium list, in addition to the notice required 33765
in a newspaper. The terms of office of the retiring directors 33766
shall expire, and those of the directors-elect shall begin, not 33767
later than the first Saturday in January 1995, and not later than 33768
the thirtieth day of November each year thereafter, beginning in 33769
1995. 33770

The secretary of ~~such~~ the society shall send the name and 33771
address of each member of its board to the director of agriculture 33772
within ten days after the election. 33773

Sec. 1721.10. ~~Lands~~ Except as otherwise provided in this 33774
section, lands appropriated and set apart as burial grounds, 33775
either for public or for private use, and recorded or filed as 33776
such in the office of the county recorder of the county where they 33777
are situated, and any burial ground that has been used as such for 33778
fifteen years are exempt from sale on execution on a judgment, 33779
taxation, dower, and compulsory partition; but land appropriated 33780
and set apart as a private burial ground is not so exempt if it 33781
exceeds in value the sum of fifty dollars. 33782

The lien for taxes against such burial grounds may be 33783
enforced in the same manner prescribed for abandoned lands under 33784
sections 323.65 to 323.79 of the Revised Code except that the 33785
burial ground may be transferred only to a municipal corporation, 33786
county, or township under division (D) of section 323.74 of the 33787
Revised Code. No burial ground that is otherwise exempt from sale 33788

or execution under this section shall be offered for sale at 33789
public auction. 33790

Sec. 1724.02. In furtherance of the purposes set forth in 33791
section 1724.01 of the Revised Code, a community improvement 33792
corporation shall have the following powers: 33793

(A)(1) To borrow money for any of the purposes of the 33794
community improvement corporation by means of loans, lines of 33795
credit, or any other financial instruments or securities, 33796
including the issuance of its bonds, debentures, notes, or other 33797
evidences of indebtedness, whether secured or unsecured, and to 33798
secure the same by mortgage, pledge, deed of trust, or other lien 33799
on its property, franchises, rights, and privileges of every kind 33800
and nature or any part thereof or interest therein; and 33801

(2) If the community improvement corporation is a county land 33802
reutilization corporation, the corporation may request, by 33803
resolution: 33804

(a) That the board of county commissioners of the county 33805
served by the corporation pledge a specifically identified source 33806
or sources of revenue pursuant to division (C) of section 307.78 33807
of the Revised Code as security for such borrowing by the 33808
corporation; and 33809

(b)(i) If the land subject to reutilization is located within 33810
an unincorporated area of the county, that the board of county 33811
commissioners issue notes under section 307.082 of the Revised 33812
Code for the purpose of constructing public infrastructure 33813
improvements and take other actions as the board determines are in 33814
the interest of the county and are authorized under sections 33815
5709.78 to 5709.81 of the Revised Code or bonds or notes under 33816
section 5709.81 of the Revised Code for the refunding purposes set 33817
forth in that section; or 33818

(ii) If the land subject to reutilization is located within 33819
the corporate boundaries of a municipal corporation, that the 33820
municipal corporation issue bonds for the purpose of constructing 33821
public infrastructure improvements and take such other actions as 33822
the municipal corporation determines are in its interest and are 33823
authorized under sections 5709.40 to 5709.43 of the Revised Code. 33824

(B) To make loans to any person, firm, partnership, 33825
corporation, joint stock company, association, or trust, and to 33826
establish and regulate the terms and conditions with respect to 33827
any such loans; provided that an economic development corporation 33828
shall not approve any application for a loan unless and until the 33829
person applying for said loan shows that the person has applied 33830
for the loan through ordinary banking or commercial channels and 33831
that the loan has been refused by at least one bank or other 33832
financial institution. Nothing in this division shall preclude a 33833
county land reutilization corporation from making revolving loans 33834
to community development corporations, private entities, or any 33835
person for the purposes contained in the corporation's plan under 33836
section 1724.10 of the Revised Code. 33837

(C) To purchase, receive, hold, manage, lease, 33838
lease-purchase, or otherwise acquire and to sell, convey, 33839
transfer, lease, sublease, or otherwise dispose of real and 33840
personal property, together with such rights and privileges as may 33841
be incidental and appurtenant thereto and the use thereof, 33842
including but not restricted to, any real or personal property 33843
acquired by the community improvement corporation from time to 33844
time in the satisfaction of debts or enforcement of obligations, 33845
and to enter into contracts with third parties, including the 33846
federal government, the state, any political subdivision, or any 33847
other entity. A county land reutilization corporation shall not 33848
acquire an interest in real property if such acquisition causes 33849
the percentage of unoccupied real property held by the corporation 33850

to become less than seventy-five per cent of all real property 33851
held by the corporation for reutilization, reclamation, or 33852
rehabilitation. For the purposes of this division, "unoccupied" 33853
has the same meaning as in section 323.65 of the Revised Code. 33854

(D) To acquire the good will, business, rights, real and 33855
personal property, and other assets, or any part thereof, or 33856
interest therein, of any persons, firms, partnerships, 33857
corporations, joint stock companies, associations, or trusts, and 33858
to assume, undertake, or pay the obligations, debts, and 33859
liabilities of any such person, firm, partnership, corporation, 33860
joint stock company, association, or trust; to acquire, reclaim, 33861
manage, or contract for the management of improved or unimproved 33862
and underutilized real estate for the purpose of constructing 33863
industrial plants, other business establishments, or housing 33864
thereon, or causing the same to occur, for the purpose of 33865
assembling and enhancing utilization of the real estate, or for 33866
the purpose of disposing of such real estate to others in whole or 33867
in part for the construction of industrial plants, other business 33868
establishments, or housing; and to acquire, reclaim, manage, 33869
contract for the management of, construct or reconstruct, alter, 33870
repair, maintain, operate, sell, convey, transfer, lease, 33871
sublease, or otherwise dispose of industrial plants, business 33872
establishments, or housing. 33873

(E) To acquire, subscribe for, own, hold, sell, assign, 33874
transfer, mortgage, pledge, or otherwise dispose of the stock, 33875
shares, bonds, debentures, notes, or other securities and 33876
evidences of interest in, or indebtedness of, any person, firm, 33877
corporation, joint stock company, association, or trust, and while 33878
the owner or holder thereof, to exercise all the rights, powers, 33879
and privileges of ownership, including the right to vote therein, 33880
provided that no tax revenue, if any, received by a community 33881
improvement corporation shall be used for such acquisition or 33882

subscription.	33883
(F) To mortgage, pledge, or otherwise encumber any property acquired pursuant to the powers contained in divisions (C), (D), or (E) of this section.	33884 33885 33886
(G) Nothing in this section shall limit the right of a community improvement corporation to become a member of or a stockholder in a corporation formed under Chapter 1726. of the Revised Code.	33887 33888 33889 33890
(H) To serve as an agent for grant applications and for the administration of grants, or to make applications as principal for grants for county land reutilization corporations.	33891 33892 33893
(I) To exercise the powers enumerated under Chapter 5722. of the Revised Code on behalf of a county that organizes or contracts with a county land reutilization corporation.	33894 33895 33896
(J) To engage in code enforcement and nuisance abatement, including, but not limited to, cutting grass and weeds, boarding up vacant or abandoned structures, and demolishing condemned structures on properties that are subject to a delinquent tax or assessment lien, or property for which a municipal corporation or township has contracted with a county land reutilization corporation to provide code enforcement or nuisance abatement assistance.	33897 33898 33899 33900 33901 33902 33903 33904
(K) To charge fees or exchange in-kind goods or services for services rendered to political subdivisions and other persons or entities for whom services are rendered.	33905 33906 33907
(L) To employ and provide compensation for an executive director who shall manage the operations of a county land reutilization corporation and employ others for the benefit of the corporation as approved and funded by the board of directors. No employee of the corporation is or shall be deemed to be an employee of the political subdivision for whose benefit the	33908 33909 33910 33911 33912 33913

corporation is organized solely because the employee is employed 33914
by the corporation+. 33915

(M) To purchase tax certificates at auction, negotiated sale, 33916
or from a third party who purchased and is a holder of one or more 33917
tax certificates issued pursuant to sections 5721.30 to 5721.43 of 33918
the Revised Code+. 33919

(N) To be assigned a mortgage on real property from a 33920
mortgagee in lieu of acquiring such real property subject to a 33921
mortgage. 33922

(O) To do all acts and things necessary or convenient to 33923
carry out the purposes of section 1724.01 of the Revised Code and 33924
the powers especially created for a community improvement 33925
corporation in Chapter 1724. of the Revised Code, including, but 33926
not limited to, contracting with the federal government, the state 33927
or any political subdivision, a board of county commissioners 33928
pursuant to section 307.07 of the Revised Code, a county auditor 33929
pursuant to section 319.10 of the Revised Code, a county treasurer 33930
pursuant to section 321.49 of the Revised Code, and any other 33931
party, whether nonprofit or for-profit. An employee of a board of 33932
county commissioners, county auditor, or county treasurer who, 33933
pursuant to a contract entered into in accordance with section 33934
307.07, 319.10, or 321.49 of the Revised Code, provides services 33935
to a county land reutilization corporation shall remain an 33936
employee of the county during the provision of those services. 33937

The powers enumerated in this chapter shall not be construed 33938
to limit the general powers of a community improvement 33939
corporation. The powers granted under this chapter are in addition 33940
to those powers granted by any other chapter of the Revised Code, 33941
but, as to a county land reutilization corporation, shall be used 33942
only for the purposes enumerated under division (B)(2) of section 33943
1724.01 of the Revised Code. 33944

Sec. 1724.03. (A) After the articles of incorporation have 33945
been filed, and at the first meeting of the board of directors of 33946
a county land reutilization corporation, the board shall adopt 33947
regulations for the government of the corporation, the conduct of 33948
its affairs, and the management of its property, consistent with 33949
law and the articles. The content of the regulations shall be 33950
governed by section 1702.11 of the Revised Code to the extent not 33951
inconsistent with this chapter. 33952

(B) The board of directors of a county land reutilization 33953
corporation shall be composed of five, seven, or nine members, 33954
including the county treasurer, at least two of the members of the 33955
board of county commissioners, one representative of the largest 33956
municipal corporation, based on the population according to the 33957
most recent federal decennial census, that is located in the 33958
county, one representative of a township with a population of at 33959
least ten thousand in the unincorporated area of the township 33960
according to the most recent federal decennial census, if at least 33961
two such townships exist in the county, and any remaining members 33962
selected by the treasurer and the county commissioners who are 33963
members of the corporation's board. The township representative 33964
shall be chosen by a majority of the boards of township trustees 33965
of townships with a population of at least ten thousand in the 33966
unincorporated area of the township according to the most recent 33967
federal decennial census. At least one board member shall have 33968
private sector or nonprofit experience in rehabilitation or real 33969
estate acquisitions. A county treasurer and the county 33970
commissioners each may appoint a representative, as a director of 33971
the corporation, to act for the officer at any of the meetings of 33972
the corporation. Except as may otherwise be authorized by the 33973
regulations of the corporation, all members of the board of 33974
directors shall serve without compensation, but shall be 33975
reimbursed for actual and necessary expenses. 33976

Sec. 1739.061. (A)(1) This section applies to both of the 33977
following: 33978

(a) A multiple employer welfare arrangement that issues or 33979
requires the use of a standardized identification card or an 33980
electronic technology for submission and routing of prescription 33981
drug claims; 33982

(b) A person or entity that a multiple employer welfare 33983
arrangement contracts with to issue a standardized identification 33984
card or an electronic technology described in division (A)(1)(a) 33985
of this section. 33986

(2) Notwithstanding division (A)(1) of this section, this 33987
section does not apply to the issuance or required use of a 33988
standardized identification card or an electronic technology for 33989
the submission and routing of prescription drug claims in 33990
connection with any of the following: 33991

(a) Any program or arrangement covering only accident, 33992
credit, dental, disability income, long-term care, hospital 33993
indemnity, medicare supplement, medicare, tricare, specified 33994
disease, or vision care; coverage under a 33995
one-time-limited-duration policy of not longer than six months; 33996
coverage issued as a supplement to liability insurance; insurance 33997
arising out of workers' compensation or similar law; automobile 33998
medical payment insurance; or insurance under which benefits are 33999
payable with or without regard to fault and which is statutorily 34000
required to be contained in any liability insurance policy or 34001
equivalent self-insurance. 34002

(b) Coverage provided under the medicaid, ~~as defined in~~ 34003
~~section 5111.01 of the Revised Code~~ program. 34004

(c) Coverage provided under an employer's self-insurance plan 34005
or by any of its administrators, as defined in section 3959.01 of 34006

the Revised Code, to the extent that federal law supersedes, 34007
preempts, prohibits, or otherwise precludes the application of 34008
this section to the plan and its administrators. 34009

(B) A standardized identification card or an electronic 34010
technology issued or required to be used as provided in division 34011
(A)(1) of this section shall contain uniform prescription drug 34012
information in accordance with either division (B)(1) or (2) of 34013
this section. 34014

(1) The standardized identification card or the electronic 34015
technology shall be in a format and contain information fields 34016
approved by the national council for prescription drug programs or 34017
a successor organization, as specified in the council's or 34018
successor organization's pharmacy identification card 34019
implementation guide in effect on the first day of October most 34020
immediately preceding the issuance or required use of the 34021
standardized identification card or the electronic technology. 34022

(2) If the multiple employer welfare arrangement or person 34023
under contract with it to issue a standardized identification card 34024
or an electronic technology requires the information for the 34025
submission and routing of a claim, the standardized identification 34026
card or the electronic technology shall contain any of the 34027
following information: 34028

(a) The name of the multiple employer welfare arrangement; 34029

(b) The individual's name, group number, and identification 34030
number; 34031

(c) A telephone number to inquire about pharmacy-related 34032
issues; 34033

(d) The issuer's international identification number, labeled 34034
as "ANSI BIN" or "RxBIN"; 34035

(e) The processor's control number, labeled as "RxPCN"; 34036

(f) The individual's pharmacy benefits group number if 34037
different from the insured's medical group number, labeled as 34038
"RxGrp." 34039

(C) If the standardized identification card or the electronic 34040
technology issued or required to be used as provided in division 34041
(A)(1) of this section is also used for submission and routing of 34042
nonpharmacy claims, the designation "Rx" is required to be 34043
included as part of the labels identified in divisions (B)(2)(d) 34044
and (e) of this section if the issuer's international 34045
identification number or the processor's control number is 34046
different for medical and pharmacy claims. 34047

(D) Each multiple employer welfare arrangement described in 34048
division (A) of this section shall annually file a certificate 34049
with the superintendent of insurance certifying that it or any 34050
person it contracts with to issue a standardized identification 34051
card or electronic technology for submission and routing of 34052
prescription drug claims complies with this section. 34053

(E)(1) Except as provided in division (E)(2) of this section, 34054
if there is a change in the information contained in the 34055
standardized identification card or the electronic technology 34056
issued to an individual, the multiple employer welfare arrangement 34057
or person under contract with it to issue a standardized 34058
identification card or an electronic technology shall issue a new 34059
card or electronic technology to the individual. 34060

(2) A multiple employer welfare arrangement or person under 34061
contract with it is not required under division (E)(1) of this 34062
section to issue a new card or electronic technology to an 34063
individual more than once during a twelve-month period. 34064

(F) Nothing in this section shall be construed as requiring a 34065
multiple employer welfare arrangement to produce more than one 34066
standardized identification card or one electronic technology for 34067

use by individuals accessing health care benefits provided under a 34068
multiple employer welfare arrangement. 34069

Sec. 1751.01. As used in this chapter: 34070

(A)(1) "Basic health care services" means the following 34071
services when medically necessary: 34072

(a) Physician's services, except when such services are 34073
supplemental under division (B) of this section; 34074

(b) Inpatient hospital services; 34075

(c) Outpatient medical services; 34076

(d) Emergency health services; 34077

(e) Urgent care services; 34078

(f) Diagnostic laboratory services and diagnostic and 34079
therapeutic radiologic services; 34080

(g) Diagnostic and treatment services, other than 34081
prescription drug services, for biologically based mental 34082
illnesses; 34083

(h) Preventive health care services, including, but not 34084
limited to, voluntary family planning services, infertility 34085
services, periodic physical examinations, prenatal obstetrical 34086
care, and well-child care; 34087

(i) Routine patient care for patients enrolled in an eligible 34088
cancer clinical trial pursuant to section 3923.80 of the Revised 34089
Code. 34090

"Basic health care services" does not include experimental 34091
procedures. 34092

Except as provided by divisions (A)(2) and (3) of this 34093
section in connection with the offering of coverage for diagnostic 34094
and treatment services for biologically based mental illnesses, a 34095

health insuring corporation shall not offer coverage for a health 34096
care service, defined as a basic health care service by this 34097
division, unless it offers coverage for all listed basic health 34098
care services. However, this requirement does not apply to the 34099
coverage of beneficiaries enrolled in medicare pursuant to a 34100
medicare contract, or to the coverage of beneficiaries enrolled in 34101
the federal employee health benefits program pursuant to 5 34102
U.S.C.A. 8905, or to the coverage of medicaid recipients, or to 34103
the coverage of beneficiaries under any federal health care 34104
program regulated by a federal regulatory body, or to the coverage 34105
of beneficiaries under any contract covering officers or employees 34106
of the state that has been entered into by the department of 34107
administrative services. 34108

(2) A health insuring corporation may offer coverage for 34109
diagnostic and treatment services for biologically based mental 34110
illnesses without offering coverage for all other basic health 34111
care services. A health insuring corporation may offer coverage 34112
for diagnostic and treatment services for biologically based 34113
mental illnesses alone or in combination with one or more 34114
supplemental health care services. However, a health insuring 34115
corporation that offers coverage for any other basic health care 34116
service shall offer coverage for diagnostic and treatment services 34117
for biologically based mental illnesses in combination with the 34118
offer of coverage for all other listed basic health care services. 34119

(3) A health insuring corporation that offers coverage for 34120
basic health care services is not required to offer coverage for 34121
diagnostic and treatment services for biologically based mental 34122
illnesses in combination with the offer of coverage for all other 34123
listed basic health care services if all of the following apply: 34124

(a) The health insuring corporation submits documentation 34125
certified by an independent member of the American academy of 34126
actuaries to the superintendent of insurance showing that incurred 34127

claims for diagnostic and treatment services for biologically 34128
based mental illnesses for a period of at least six months 34129
independently caused the health insuring corporation's costs for 34130
claims and administrative expenses for the coverage of basic 34131
health care services to increase by more than one per cent per 34132
year. 34133

(b) The health insuring corporation submits a signed letter 34134
from an independent member of the American academy of actuaries to 34135
the superintendent of insurance opining that the increase in costs 34136
described in division (A)(3)(a) of this section could reasonably 34137
justify an increase of more than one per cent in the annual 34138
premiums or rates charged by the health insuring corporation for 34139
the coverage of basic health care services. 34140

(c) The superintendent of insurance makes the following 34141
determinations from the documentation and opinion submitted 34142
pursuant to divisions (A)(3)(a) and (b) of this section: 34143

(i) Incurred claims for diagnostic and treatment services for 34144
biologically based mental illnesses for a period of at least six 34145
months independently caused the health insuring corporation's 34146
costs for claims and administrative expenses for the coverage of 34147
basic health care services to increase by more than one per cent 34148
per year. 34149

(ii) The increase in costs reasonably justifies an increase 34150
of more than one per cent in the annual premiums or rates charged 34151
by the health insuring corporation for the coverage of basic 34152
health care services. 34153

Any determination made by the superintendent under this 34154
division is subject to Chapter 119. of the Revised Code. 34155

(B)(1) "Supplemental health care services" means any health 34156
care services other than basic health care services that a health 34157
insuring corporation may offer, alone or in combination with 34158

either basic health care services or other supplemental health	34159
care services, and includes:	34160
(a) Services of facilities for intermediate or long-term	34161
care, or both;	34162
(b) Dental care services;	34163
(c) Vision care and optometric services including lenses and	34164
frames;	34165
(d) Podiatric care or foot care services;	34166
(e) Mental health services, excluding diagnostic and	34167
treatment services for biologically based mental illnesses;	34168
(f) Short-term outpatient evaluative and crisis-intervention	34169
mental health services;	34170
(g) Medical or psychological treatment and referral services	34171
for alcohol and drug abuse or addiction;	34172
(h) Home health services;	34173
(i) Prescription drug services;	34174
(j) Nursing services;	34175
(k) Services of a dietitian licensed under Chapter 4759. of	34176
the Revised Code;	34177
(l) Physical therapy services;	34178
(m) Chiropractic services;	34179
(n) Any other category of services approved by the	34180
superintendent of insurance.	34181
(2) If a health insuring corporation offers prescription drug	34182
services under this division, the coverage shall include	34183
prescription drug services for the treatment of biologically based	34184
mental illnesses on the same terms and conditions as other	34185
physical diseases and disorders.	34186

(C) "Specialty health care services" means one of the	34187
supplemental health care services listed in division (B) of this	34188
section, when provided by a health insuring corporation on an	34189
outpatient-only basis and not in combination with other	34190
supplemental health care services.	34191
(D) "Biologically based mental illnesses" means	34192
schizophrenia, schizoaffective disorder, major depressive	34193
disorder, bipolar disorder, paranoia and other psychotic	34194
disorders, obsessive-compulsive disorder, and panic disorder, as	34195
these terms are defined in the most recent edition of the	34196
diagnostic and statistical manual of mental disorders published by	34197
the American psychiatric association.	34198
(E) "Closed panel plan" means a health care plan that	34199
requires enrollees to use participating providers.	34200
(F) "Compensation" means remuneration for the provision of	34201
health care services, determined on other than a fee-for-service	34202
or discounted-fee-for-service basis.	34203
(G) "Contractual periodic prepayment" means the formula for	34204
determining the premium rate for all subscribers of a health	34205
insuring corporation.	34206
(H) "Corporation" means a corporation formed under Chapter	34207
1701. or 1702. of the Revised Code or the similar laws of another	34208
state.	34209
(I) "Emergency health services" means those health care	34210
services that must be available on a seven-days-per-week,	34211
twenty-four-hours-per-day basis in order to prevent jeopardy to an	34212
enrollee's health status that would occur if such services were	34213
not received as soon as possible, and includes, where appropriate,	34214
provisions for transportation and indemnity payments or service	34215
agreements for out-of-area coverage.	34216
(J) "Enrollee" means any natural person who is entitled to	34217

receive health care benefits provided by a health insuring corporation. 34218
34219

(K) "Evidence of coverage" means any certificate, agreement, policy, or contract issued to a subscriber that sets out the coverage and other rights to which such person is entitled under a health care plan. 34220
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(L) "Health care facility" means any facility, except a health care practitioner's office, that provides preventive, diagnostic, therapeutic, acute convalescent, rehabilitation, mental health, mental retardation, intermediate care, or skilled nursing services. 34224
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(M) "Health care services" means basic, supplemental, and specialty health care services. 34229
34230

(N) "Health delivery network" means any group of providers or health care facilities, or both, or any representative thereof, that have entered into an agreement to offer health care services in a panel rather than on an individual basis. 34231
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(O) "Health insuring corporation" means a corporation, as defined in division (H) of this section, that, pursuant to a policy, contract, certificate, or agreement, pays for, reimburses, or provides, delivers, arranges for, or otherwise makes available, basic health care services, supplemental health care services, or specialty health care services, or a combination of basic health care services and either supplemental health care services or specialty health care services, through either an open panel plan or a closed panel plan. 34235
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"Health insuring corporation" does not include a limited liability company formed pursuant to Chapter 1705. of the Revised Code, an insurer licensed under Title XXXIX of the Revised Code if that insurer offers only open panel plans under which all providers and health care facilities participating receive their 34244
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compensation directly from the insurer, a corporation formed by or 34249
on behalf of a political subdivision or a department, office, or 34250
institution of the state, or a public entity formed by or on 34251
behalf of a board of county commissioners, a county board of 34252
developmental disabilities, an alcohol and drug addiction services 34253
board, a board of alcohol, drug addiction, and mental health 34254
services, or a community mental health board, as those terms are 34255
used in Chapters 340. and 5126. of the Revised Code. Except as 34256
provided by division (D) of section 1751.02 of the Revised Code, 34257
or as otherwise provided by law, no board, commission, agency, or 34258
other entity under the control of a political subdivision may 34259
accept insurance risk in providing for health care services. 34260
However, nothing in this division shall be construed as 34261
prohibiting such entities from purchasing the services of a health 34262
insuring corporation or a third-party administrator licensed under 34263
Chapter 3959. of the Revised Code. 34264

(P) "Intermediary organization" means a health delivery 34265
network or other entity that contracts with licensed health 34266
insuring corporations or self-insured employers, or both, to 34267
provide health care services, and that enters into contractual 34268
arrangements with other entities for the provision of health care 34269
services for the purpose of fulfilling the terms of its contracts 34270
with the health insuring corporations and self-insured employers. 34271

(Q) "Intermediate care" means residential care above the 34272
level of room and board for patients who require personal 34273
assistance and health-related services, but who do not require 34274
skilled nursing care. 34275

~~(R) "Medicaid" has the same meaning as in section 5111.01 of~~ 34276
~~the Revised Code.~~ 34277

~~(S)~~ "Medical record" means the personal information that 34278
relates to an individual's physical or mental condition, medical 34279
history, or medical treatment. 34280

~~(T)~~ "Medicare" means the program established under Title 34281
XVIII of the "Social Security Act" 49 Stat. 620 (1935), 42 U.S.C. 34282
1395, as amended. 34283

~~(U)~~(S)(1) "Open panel plan" means a health care plan that 34284
provides incentives for enrollees to use participating providers 34285
and that also allows enrollees to use providers that are not 34286
participating providers. 34287

(2) No health insuring corporation may offer an open panel 34288
plan, unless the health insuring corporation is also licensed as 34289
an insurer under Title XXXIX of the Revised Code, the health 34290
insuring corporation, on June 4, 1997, holds a certificate of 34291
authority or license to operate under Chapter 1736. or 1740. of 34292
the Revised Code, or an insurer licensed under Title XXXIX of the 34293
Revised Code is responsible for the out-of-network risk as 34294
evidenced by both an evidence of coverage filing under section 34295
1751.11 of the Revised Code and a policy and certificate filing 34296
under section 3923.02 of the Revised Code. 34297

~~(V)~~(T) "Osteopathic hospital" means a hospital registered 34298
under section 3701.07 of the Revised Code that advocates 34299
osteopathic principles and the practice and perpetuation of 34300
osteopathic medicine by doing any of the following: 34301

(1) Maintaining a department or service of osteopathic 34302
medicine or a committee on the utilization of osteopathic 34303
principles and methods, under the supervision of an osteopathic 34304
physician; 34305

(2) Maintaining an active medical staff, the majority of 34306
which is comprised of osteopathic physicians; 34307

(3) Maintaining a medical staff executive committee that has 34308
osteopathic physicians as a majority of its members. 34309

~~(W)~~(U) "Panel" means a group of providers or health care 34310
facilities that have joined together to deliver health care 34311

services through a contractual arrangement with a health insuring corporation, employer group, or other payor. 34312
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~~(X)~~(V) "Person" has the same meaning as in section 1.59 of 34314
the Revised Code, and, unless the context otherwise requires, 34315
includes any insurance company holding a certificate of authority 34316
under Title XXXIX of the Revised Code, any subsidiary and 34317
affiliate of an insurance company, and any government agency. 34318

~~(Y)~~(W) "Premium rate" means any set fee regularly paid by a 34319
subscriber to a health insuring corporation. A "premium rate" does 34320
not include a one-time membership fee, an annual administrative 34321
fee, or a nominal access fee, paid to a managed health care system 34322
under which the recipient of health care services remains solely 34323
responsible for any charges accessed for those services by the 34324
provider or health care facility. 34325

~~(Z)~~(X) "Primary care provider" means a provider that is 34326
designated by a health insuring corporation to supervise, 34327
coordinate, or provide initial care or continuing care to an 34328
enrollee, and that may be required by the health insuring 34329
corporation to initiate a referral for specialty care and to 34330
maintain supervision of the health care services rendered to the 34331
enrollee. 34332

~~(AA)~~(Y) "Provider" means any natural person or partnership of 34333
natural persons who are licensed, certified, accredited, or 34334
otherwise authorized in this state to furnish health care 34335
services, or any professional association organized under Chapter 34336
1785. of the Revised Code, provided that nothing in this chapter 34337
or other provisions of law shall be construed to preclude a health 34338
insuring corporation, health care practitioner, or organized 34339
health care group associated with a health insuring corporation 34340
from employing certified nurse practitioners, certified nurse 34341
anesthetists, clinical nurse specialists, certified nurse 34342
midwives, dietitians, physician assistants, dental assistants, 34343

dental hygienists, optometric technicians, or other allied health 34344
personnel who are licensed, certified, accredited, or otherwise 34345
authorized in this state to furnish health care services. 34346

~~(BB)~~(Z) "Provider sponsored organization" means a 34347
corporation, as defined in division (H) of this section, that is 34348
at least eighty per cent owned or controlled by one or more 34349
hospitals, as defined in section 3727.01 of the Revised Code, or 34350
one or more physicians licensed to practice medicine or surgery or 34351
osteopathic medicine and surgery under Chapter 4731. of the 34352
Revised Code, or any combination of such physicians and hospitals. 34353
Such control is presumed to exist if at least eighty per cent of 34354
the voting rights or governance rights of a provider sponsored 34355
organization are directly or indirectly owned, controlled, or 34356
otherwise held by any combination of the physicians and hospitals 34357
described in this division. 34358

~~(CC)~~(AA) "Solicitation document" means the written materials 34359
provided to prospective subscribers or enrollees, or both, and 34360
used for advertising and marketing to induce enrollment in the 34361
health care plans of a health insuring corporation. 34362

~~(DD)~~(BB) "Subscriber" means a person who is responsible for 34363
making payments to a health insuring corporation for participation 34364
in a health care plan, or an enrollee whose employment or other 34365
status is the basis of eligibility for enrollment in a health 34366
insuring corporation. 34367

~~(EE)~~(CC) "Urgent care services" means those health care 34368
services that are appropriately provided for an unforeseen 34369
condition of a kind that usually requires medical attention 34370
without delay but that does not pose a threat to the life, limb, 34371
or permanent health of the injured or ill person, and may include 34372
such health care services provided out of the health insuring 34373
corporation's approved service area pursuant to indemnity payments 34374
or service agreements. 34375

Sec. 1751.11. (A) Every subscriber of a health insuring 34376
corporation is entitled to an evidence of coverage for the health 34377
care plan under which health care benefits are provided. 34378

(B) Every subscriber of a health insuring corporation that 34379
offers basic health care services is entitled to an identification 34380
card or similar document that specifies the health insuring 34381
corporation's name as stated in its articles of incorporation, and 34382
any trade or fictitious names used by the health insuring 34383
corporation. The identification card or document shall list at 34384
least one toll-free telephone number that provides the subscriber 34385
with access, to information on a twenty-four-hours-per-day, 34386
seven-days-per-week basis, as to how health care services may be 34387
obtained. The identification card or document shall also list at 34388
least one toll-free number that, during normal business hours, 34389
provides the subscriber with access to information on the coverage 34390
available under the subscriber's health care plan and information 34391
on the health care plan's internal and external review processes. 34392

(C) No evidence of coverage, or amendment to the evidence of 34393
coverage, shall be delivered, issued for delivery, renewed, or 34394
used, until the form of the evidence of coverage or amendment has 34395
been filed by the health insuring corporation with the 34396
superintendent of insurance. If the superintendent does not 34397
disapprove the evidence of coverage or amendment within sixty days 34398
after it is filed it shall be deemed approved, unless the 34399
superintendent sooner gives approval for the evidence of coverage 34400
or amendment. With respect to an amendment to an approved evidence 34401
of coverage, the superintendent only may disapprove provisions 34402
amended or added to the evidence of coverage. If the 34403
superintendent determines within the sixty-day period that any 34404
evidence of coverage or amendment fails to meet the requirements 34405
of this section, the superintendent shall so notify the health 34406
insuring corporation and it shall be unlawful for the health 34407

insuring corporation to use such evidence of coverage or 34408
amendment. At any time, the superintendent, upon at least thirty 34409
days' written notice to a health insuring corporation, may 34410
withdraw an approval, deemed or actual, of any evidence of 34411
coverage or amendment on any of the grounds stated in this 34412
section. Such disapproval shall be effected by a written order, 34413
which shall state the grounds for disapproval and shall be issued 34414
in accordance with Chapter 119. of the Revised Code. 34415

(D) No evidence of coverage or amendment shall be delivered, 34416
issued for delivery, renewed, or used: 34417

(1) If it contains provisions or statements that are 34418
inequitable, untrue, misleading, or deceptive; 34419

(2) Unless it contains a clear, concise, and complete 34420
statement of the following: 34421

(a) The health care services and insurance or other benefits, 34422
if any, to which an enrollee is entitled under the health care 34423
plan; 34424

(b) Any exclusions or limitations on the health care 34425
services, type of health care services, benefits, or type of 34426
benefits to be provided, including copayments and deductibles; 34427

(c) An enrollee's personal financial obligation for 34428
noncovered services; 34429

(d) Where and in what manner general information and 34430
information as to how health care services may be obtained is 34431
available, including a toll-free telephone number; 34432

(e) The premium rate with respect to individual and 34433
conversion contracts, and relevant copayment and deductible 34434
provisions with respect to all contracts. The statement of the 34435
premium rate, however, may be contained in a separate insert. 34436

(f) The method utilized by the health insuring corporation 34437

for resolving enrollee complaints; 34438

(g) The utilization review, internal review, and external 34439
review procedures established under sections 1751.77 to 1751.83 34440
and Chapter 3922. of the Revised Code. 34441

(3) Unless it provides for the continuation of an enrollee's 34442
coverage, in the event that the enrollee's coverage under the 34443
group policy, contract, certificate, or agreement terminates while 34444
the enrollee is receiving inpatient care in a hospital. This 34445
continuation of coverage shall terminate at the earliest 34446
occurrence of any of the following: 34447

(a) The enrollee's discharge from the hospital; 34448

(b) The determination by the enrollee's attending physician 34449
that inpatient care is no longer medically indicated for the 34450
enrollee; however, nothing in division (D)(3)(b) of this section 34451
precludes a health insuring corporation from engaging in 34452
utilization review as described in the evidence of coverage. 34453

(c) The enrollee's reaching the limit for contractual 34454
benefits; 34455

(d) The effective date of any new coverage. 34456

(4) Unless it contains a provision that states, in substance, 34457
that the health insuring corporation is not a member of any 34458
guaranty fund, and that in the event of the health insuring 34459
corporation's insolvency, an enrollee is protected only to the 34460
extent that the hold harmless provision required by section 34461
1751.13 of the Revised Code applies to the health care services 34462
rendered; 34463

(5) Unless it contains a provision that states, in substance, 34464
that in the event of the insolvency of the health insuring 34465
corporation, an enrollee may be financially responsible for health 34466
care services rendered by a provider or health care facility that 34467

is not under contract to the health insuring corporation, whether 34468
or not the health insuring corporation authorized the use of the 34469
provider or health care facility. 34470

(E) Notwithstanding divisions (C) and (D) of this section, a 34471
health insuring corporation may use an evidence of coverage that 34472
provides for the coverage of beneficiaries enrolled in medicare 34473
pursuant to a medicare contract, or an evidence of coverage that 34474
provides for the coverage of beneficiaries enrolled in the federal 34475
employees health benefits program pursuant to 5 U.S.C.A. 8905, or 34476
an evidence of coverage that provides for the coverage of medicaid 34477
recipients, or an evidence of coverage that provides for the 34478
coverage of beneficiaries under any other federal health care 34479
program regulated by a federal regulatory body, or an evidence of 34480
coverage that provides for the coverage of beneficiaries under any 34481
contract covering officers or employees of the state that has been 34482
entered into by the department of administrative services, if both 34483
of the following apply: 34484

(1) The evidence of coverage has been approved by the United 34485
States department of health and human services, the United States 34486
office of personnel management, the ~~Ohio~~ department of ~~job and~~ 34487
~~family services~~ medicaid, or the department of administrative 34488
services. 34489

(2) The evidence of coverage is filed with the superintendent 34490
of insurance prior to use and is accompanied by documentation of 34491
approval from the United States department of health and human 34492
services, the United States office of personnel management, the 34493
~~Ohio~~ department of ~~job and family services~~ medicaid, or the 34494
department of administrative services. 34495

Sec. 1751.12. (A)(1) No contractual periodic prepayment and 34496
no premium rate for nongroup and conversion policies for health 34497
care services, or any amendment to them, may be used by any health 34498

insuring corporation at any time until the contractual periodic 34499
prepayment and premium rate, or amendment, have been filed with 34500
the superintendent of insurance, and shall not be effective until 34501
the expiration of sixty days after their filing unless the 34502
superintendent sooner gives approval. The filing shall be 34503
accompanied by an actuarial certification in the form prescribed 34504
by the superintendent. The superintendent shall disapprove the 34505
filing, if the superintendent determines within the sixty-day 34506
period that the contractual periodic prepayment or premium rate, 34507
or amendment, is not in accordance with sound actuarial principles 34508
or is not reasonably related to the applicable coverage and 34509
characteristics of the applicable class of enrollees. The 34510
superintendent shall notify the health insuring corporation of the 34511
disapproval, and it shall thereafter be unlawful for the health 34512
insuring corporation to use the contractual periodic prepayment or 34513
premium rate, or amendment. 34514

(2) No contractual periodic prepayment for group policies for 34515
health care services shall be used until the contractual periodic 34516
prepayment has been filed with the superintendent. The filing 34517
shall be accompanied by an actuarial certification in the form 34518
prescribed by the superintendent. The superintendent may reject a 34519
filing made under division (A)(2) of this section at any time, 34520
with at least thirty days' written notice to a health insuring 34521
corporation, if the contractual periodic prepayment is not in 34522
accordance with sound actuarial principles or is not reasonably 34523
related to the applicable coverage and characteristics of the 34524
applicable class of enrollees. 34525

(3) At any time, the superintendent, upon at least thirty 34526
days' written notice to a health insuring corporation, may 34527
withdraw the approval given under division (A)(1) of this section, 34528
deemed or actual, of any contractual periodic prepayment or 34529
premium rate, or amendment, based on information that either of 34530

the following applies: 34531

(a) The contractual periodic prepayment or premium rate, or 34532
amendment, is not in accordance with sound actuarial principles. 34533

(b) The contractual periodic prepayment or premium rate, or 34534
amendment, is not reasonably related to the applicable coverage 34535
and characteristics of the applicable class of enrollees. 34536

(4) Any disapproval under division (A)(1) of this section, 34537
any rejection of a filing made under division (A)(2) of this 34538
section, or any withdrawal of approval under division (A)(3) of 34539
this section, shall be effected by a written notice, which shall 34540
state the specific basis for the disapproval, rejection, or 34541
withdrawal and shall be issued in accordance with Chapter 119. of 34542
the Revised Code. 34543

(B) Notwithstanding division (A) of this section, a health 34544
insuring corporation may use a contractual periodic prepayment or 34545
premium rate for policies used for the coverage of beneficiaries 34546
enrolled in medicare pursuant to a medicare risk contract or 34547
medicare cost contract, or for policies used for the coverage of 34548
beneficiaries enrolled in the federal employees health benefits 34549
program pursuant to 5 U.S.C.A. 8905, or for policies used for the 34550
coverage of medicaid recipients, or for policies used for the 34551
coverage of beneficiaries under any other federal health care 34552
program regulated by a federal regulatory body, or for policies 34553
used for the coverage of beneficiaries under any contract covering 34554
officers or employees of the state that has been entered into by 34555
the department of administrative services, if both of the 34556
following apply: 34557

(1) The contractual periodic prepayment or premium rate has 34558
been approved by the United States department of health and human 34559
services, the United States office of personnel management, the 34560
department of ~~job and family services~~ medicaid, or the department 34561

of administrative services. 34562

(2) The contractual periodic prepayment or premium rate is 34563
filed with the superintendent prior to use and is accompanied by 34564
documentation of approval from the United States department of 34565
health and human services, the United States office of personnel 34566
management, the department of ~~job and family services~~ medicaid, or 34567
the department of administrative services. 34568

(C) The administrative expense portion of all contractual 34569
periodic prepayment or premium rate filings submitted to the 34570
superintendent for review must reflect the actual cost of 34571
administering the product. The superintendent may require that the 34572
administrative expense portion of the filings be itemized and 34573
supported. 34574

(D)(1) Copayments must be reasonable and must not be a 34575
barrier to the necessary utilization of services by enrollees. 34576

(2) A health insuring corporation, in order to ensure that 34577
copayments are reasonable and not a barrier to the necessary 34578
utilization of basic health care services by enrollees, may do one 34579
of the following: 34580

(a) Impose copayment charges on any single covered basic 34581
health care service that does not exceed forty per cent of the 34582
average cost to the health insuring corporation of providing the 34583
service; 34584

(b) Impose copayment charges that annually do not exceed 34585
twenty per cent of the total annual cost to the health insuring 34586
corporation of providing all covered basic health care services, 34587
including physician office visits, urgent care services, and 34588
emergency health services, when aggregated as to all persons 34589
covered under the filed product in question. In addition, annual 34590
copayment charges as to each enrollee shall not exceed twenty per 34591
cent of the total annual cost to the health insuring corporation 34592

of providing all covered basic health care services, including 34593
physician office visits, urgent care services, and emergency 34594
health services, as to such enrollee. The total annual cost of 34595
providing a health care service is the cost to the health insuring 34596
corporation of providing the health care service to its enrollees 34597
as reduced by any applicable provider discount. 34598

(3) To ensure that copayments are reasonable and not a 34599
barrier to the utilization of basic health care services, a health 34600
insuring corporation may not impose, in any contract year, on any 34601
subscriber or enrollee, copayments that exceed two hundred per 34602
cent of the average annual premium rate to subscribers or 34603
enrollees. 34604

(4) For purposes of division (D) of this section, both of the 34605
following apply: 34606

(a) Copayments imposed by health insuring corporations in 34607
connection with a high deductible health plan that is linked to a 34608
health savings account are reasonable and are not a barrier to the 34609
necessary utilization of services by enrollees. 34610

(b) Divisions (D)(2) and (3) of this section do not apply to 34611
a high deductible health plan that is linked to a health savings 34612
account. 34613

(E) A health insuring corporation shall not impose lifetime 34614
maximums on basic health care services. However, a health insuring 34615
corporation may establish a benefit limit for inpatient hospital 34616
services that are provided pursuant to a policy, contract, 34617
certificate, or agreement for supplemental health care services. 34618

(F) A health insuring corporation may require that an 34619
enrollee pay an annual deductible that does not exceed one 34620
thousand dollars per enrollee or two thousand dollars per family, 34621
except that: 34622

(1) A health insuring corporation may impose higher 34623

deductibles for high deductible health plans that are linked to 34624
health savings accounts; 34625

(2) The superintendent may adopt rules allowing different 34626
annual deductible amounts for plans with a medical savings 34627
account, health reimbursement arrangement, flexible spending 34628
account, or similar account; 34629

(3) A health insuring corporation may impose higher 34630
deductibles under health plans if requested by the group contract, 34631
policy, certificate, or agreement holder, or an individual seeking 34632
coverage under an individual health plan. This shall not be 34633
construed as requiring the health insuring corporation to create 34634
customized health plans for group contract holders or individuals. 34635

(G) As used in this section, "health savings account" and 34636
"high deductible health plan" have the same meanings as in the 34637
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 223, as 34638
amended. 34639

Sec. 1751.14. (A) Notwithstanding section 3901.71 of the 34640
Revised Code, any policy, contract, or agreement for health care 34641
services authorized by this chapter that is issued, delivered, or 34642
renewed in this state and that provides that coverage of an 34643
unmarried dependent child will terminate upon attainment of the 34644
limiting age for dependent children specified in the policy, 34645
contract, or agreement, shall also provide in substance both of 34646
the following: 34647

(1) Once an unmarried child has attained the limiting age for 34648
dependent children, as provided in the policy, contract, or 34649
agreement, upon the request of the subscriber, the health insuring 34650
corporation shall offer to cover the unmarried child until the 34651
child attains twenty-eight years of age if all of the following 34652
are true: 34653

(a) The child is the natural child, stepchild, or adopted child of the subscriber.	34654 34655
(b) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education.	34656 34657 34658
(c) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage.	34659 34660 34661
(d) The child is not eligible for coverage under the medicaid program established under Chapter 5111. of the Revised Code or the medicare program established under Title XVIII of the "Social Security Act," 42 U.S.C. 1395.	34662 34663 34664 34665
(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following:	34666 34667 34668 34669
(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap;	34670 34671
(b) Primarily dependent upon the subscriber for support and maintenance.	34672 34673
(B) Proof of incapacity and dependence for purposes of division (A)(2) of this section shall be furnished to the health insuring corporation within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually, the health insuring corporation may require proof satisfactory to it of the continuance of such incapacity and dependency.	34674 34675 34676 34677 34678 34679 34680
(C) Nothing in this section shall do any of the following:	34681
(1) Require that any policy, contract, or agreement offer coverage for dependent children or provide coverage for an	34682 34683

unmarried dependent child's children as dependents on the policy, 34684
contract, or agreement; 34685

(2) Require an employer to pay for any part of the premium 34686
for an unmarried dependent child that has attained the limiting 34687
age for dependents, as provided in the policy, contract, or 34688
agreement; 34689

(3) Require an employer to offer health insurance coverage to 34690
the dependents of any employee. 34691

(D) This section does not apply to any health insuring 34692
corporation policy, contract, or agreement offering only 34693
supplemental health care services or specialty health care 34694
services. 34695

(E) As used in this section, "health benefit plan" has the 34696
same meaning as in section 3924.01 of the Revised Code and also 34697
includes both of the following: 34698

(1) A public employee benefit plan; 34699

(2) A health benefit plan as regulated under the "Employee 34700
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 34701

Sec. 1751.271. (A) Each health insuring corporation that 34702
provides coverage to medicaid recipients shall post a performance 34703
bond in the amount of three million dollars as security to fulfill 34704
the obligations of the health insuring corporation to pay claims 34705
of contracted providers for covered health care services provided 34706
to medicaid recipients. The bond shall be payable to the 34707
department of insurance in the event that the health insuring 34708
corporation is placed in rehabilitation or liquidation proceedings 34709
under Chapter 3903. of the Revised Code, and shall become a 34710
special deposit subject to section 3903.14 or 3903.421 of the 34711
Revised Code, as applicable. In lieu of the performance bond, a 34712
medicaid health insuring corporation may deposit securities with 34713

the superintendent of insurance, acceptable to the superintendent, 34714
in the amount of three million dollars, to satisfy the bonding 34715
requirements of this section. Upon rehabilitation or liquidation, 34716
the securities shall become a special deposit subject to sections 34717
3903.14 and 3903.421 of the Revised Code, as applicable. The 34718
health insuring corporation shall receive the interest on the 34719
deposited securities as long as the health insuring corporation 34720
remains solvent. 34721

(B) The bond shall be issued by a surety company licensed 34722
with the department of insurance. The bond or deposit, or any 34723
replacement bond or deposit, shall be in a form acceptable to the 34724
superintendent, and shall remain in effect during the duration of 34725
the medicaid health insuring corporation's license and thereafter 34726
until all claims against the medicaid health insuring corporation 34727
have been paid in full. 34728

(C) Documentation of the bond acceptable to the 34729
superintendent of insurance shall be filed with the superintendent 34730
prior to the issuance of a certificate of authority. Annually, 34731
thirty days prior to the renewal of its certificate of authority, 34732
every medicaid health insuring corporation shall furnish the 34733
superintendent of insurance with evidence that the required bond 34734
is still in effect. 34735

(D) As used in this section: 34736

(1) "Contracted provider" means a provider that has a 34737
contract with a medicaid health insuring corporation to provide 34738
covered health care services to medicaid recipients. 34739

(2) "Medicaid health insuring corporation" means a health 34740
insuring corporation that provides health insurance coverage or 34741
otherwise assumes claims liabilities for medicaid recipients. 34742

(3) "Medicaid recipient" means a person ~~eligible for~~ 34743
~~assistance under~~ enrolled in the medicaid program ~~operated~~ 34744

~~pursuant to Chapter 5111. of the Revised Code.~~ 34745

Sec. 1751.31. (A) Any changes in a health insuring 34746
corporation's solicitation document shall be filed with the 34747
superintendent of insurance. The superintendent, within sixty days 34748
of filing, may disapprove any solicitation document or amendment 34749
to it on any of the grounds stated in this section. Such 34750
disapproval shall be effected by written notice to the health 34751
insuring corporation. The notice shall state the grounds for 34752
disapproval and shall be issued in accordance with Chapter 119. of 34753
the Revised Code. 34754

(B) The solicitation document shall contain all information 34755
necessary to enable a consumer to make an informed choice as to 34756
whether or not to enroll in the health insuring corporation. The 34757
information shall include a specific description of the health 34758
care services to be available and the approximate number and type 34759
of full-time equivalent medical practitioners. The information 34760
shall be presented in the solicitation document in a manner that 34761
is clear, concise, and intelligible to prospective applicants in 34762
the proposed service area. 34763

(C) Every potential applicant whose subscription to a health 34764
care plan is solicited shall receive, at or before the time of 34765
solicitation, a solicitation document approved by the 34766
superintendent. 34767

(D) Notwithstanding division (A) of this section, a health 34768
insuring corporation may use a solicitation document that the 34769
corporation uses in connection with policies for medicare 34770
beneficiaries pursuant to a medicare risk contract or medicare 34771
cost contract, or for policies for beneficiaries of the federal 34772
employees health benefits program pursuant to 5 U.S.C.A. 8905, or 34773
for policies for medicaid recipients, or for policies for 34774
beneficiaries of any other federal health care program regulated 34775

by a federal regulatory body, or for policies for beneficiaries of 34776
contracts covering officers or employees of the state entered into 34777
by the department of administrative services, if both of the 34778
following apply: 34779

(1) The solicitation document has been approved by the United 34780
States department of health and human services, the United States 34781
office of personnel management, the department of ~~job and family~~ 34782
~~services~~ medicaid, or the department of administrative services. 34783

(2) The solicitation document is filed with the 34784
superintendent of insurance prior to use and is accompanied by 34785
documentation of approval from the United States department of 34786
health and human services, the United States office of personnel 34787
management, the department of ~~job and family services~~ medicaid, or 34788
the department of administrative services. 34789

(E) No health insuring corporation, or its agents or 34790
representatives, shall use monetary or other valuable 34791
consideration, engage in misleading or deceptive practices, or 34792
make untrue, misleading, or deceptive representations to induce 34793
enrollment. Nothing in this division shall prohibit incentive 34794
forms of remuneration such as commission sales programs for the 34795
health insuring corporation's employees and agents. 34796

(F) Any person obligated for any part of a premium rate in 34797
connection with an enrollment agreement, in addition to any right 34798
otherwise available to revoke an offer, may cancel such agreement 34799
within seventy-two hours after having signed the agreement or 34800
offer to enroll. Cancellation occurs when written notice of the 34801
cancellation is given to the health insuring corporation or its 34802
agents or other representatives. A notice of cancellation mailed 34803
to the health insuring corporation shall be considered to have 34804
been filed on its postmark date. 34805

(G) Nothing in this section shall prohibit healthy lifestyle 34806

programs. 34807

Sec. 1751.60. (A) Except as provided for in divisions (E) and 34808
(F) of this section, every provider or health care facility that 34809
contracts with a health insuring corporation to provide health 34810
care services to the health insuring corporation's enrollees or 34811
subscribers shall seek compensation for covered services solely 34812
from the health insuring corporation and not, under any 34813
circumstances, from the enrollees or subscribers, except for 34814
approved copayments and deductibles. 34815

(B) No subscriber or enrollee of a health insuring 34816
corporation is liable to any contracting provider or health care 34817
facility for the cost of any covered health care services, if the 34818
subscriber or enrollee has acted in accordance with the evidence 34819
of coverage. 34820

(C) Except as provided for in divisions (E) and (F) of this 34821
section, every contract between a health insuring corporation and 34822
provider or health care facility shall contain a provision 34823
approved by the superintendent of insurance requiring the provider 34824
or health care facility to seek compensation solely from the 34825
health insuring corporation and not, under any circumstances, from 34826
the subscriber or enrollee, except for approved copayments and 34827
deductibles. 34828

(D) Nothing in this section shall be construed as preventing 34829
a provider or health care facility from billing the enrollee or 34830
subscriber of a health insuring corporation for noncovered 34831
services. 34832

(E) Upon application by a health insuring corporation and a 34833
provider or health care facility, the superintendent may waive the 34834
requirements of divisions (A) and (C) of this section when, in 34835
addition to the reserve requirements contained in section 1751.28 34836
of the Revised Code, the health insuring corporation provides 34837

sufficient assurances to the superintendent that the provider or 34838
health care facility has been provided with financial guarantees. 34839
No waiver of the requirements of divisions (A) and (C) of this 34840
section is effective as to enrollees or subscribers for whom the 34841
health insuring corporation is compensated under a provider 34842
agreement or risk contract entered into ~~pursuant to Chapter 5111-~~ 34843
~~or 5115. of the Revised Code~~ under the medicaid program. 34844

(F) The requirements of divisions (A) to (C) of this section 34845
apply only to health care services provided to an enrollee or 34846
subscriber prior to the effective date of a termination of a 34847
contract between the health insuring corporation and the provider 34848
or health care facility. 34849

Sec. 1923.14. (A) Except as otherwise provided in this 34850
section, within ten days after receiving a writ of execution 34851
described in division (A) or (B) of section 1923.13 of the Revised 34852
Code, the sheriff, police officer, constable, or bailiff shall 34853
execute it by restoring the plaintiff to the possession of the 34854
premises, and shall levy and collect the costs and make return, as 34855
upon other executions. If an appeal from the judgment of 34856
restitution is filed and if, following the filing of the appeal, a 34857
stay of execution is obtained and any required bond is filed with 34858
the court of common pleas, municipal court, or county court, the 34859
judge of that court immediately shall issue an order to the 34860
sheriff, police officer, constable, or bailiff commanding the 34861
delay of all further proceedings upon the execution. If the 34862
premises have been restored to the plaintiff, the sheriff, police 34863
officer, constable, or bailiff shall forthwith place the defendant 34864
in possession of them, and return the writ with the sheriff's, 34865
police officer's, constable's, or bailiff's proceedings and the 34866
costs taxed on it. 34867

(B)(1) After a court of common pleas, municipal court, or 34868

county court issues a writ of execution described in division (B) 34869
of section 1923.13 of the Revised Code, the clerk of the court 34870
shall send by regular mail, to the last known address of the 34871
titled owner of the manufactured home, mobile home, or 34872
recreational vehicle that is the subject of the writ and to the 34873
last known address of each other person who is listed on the writ 34874
as having any outstanding right, title, or interest in the home, 34875
vehicle, or personal property and to the auditor and treasurer of 34876
the county in which the court is located, a written notice that 34877
the home or vehicle potentially may be sold, destroyed, or have 34878
its title transferred under the circumstances described in 34879
division (B)(3) or (4) of this section. 34880

(2) Except as otherwise provided in this division, after 34881
receiving a writ of execution described in division (B) of section 34882
1923.13 of the Revised Code, and after causing the defendant to be 34883
removed from the residential premises of the manufactured home 34884
park, if necessary, in accordance with the writ, the sheriff, 34885
police officer, constable, or bailiff may cause the manufactured 34886
home, mobile home, or recreational vehicle that is the subject of 34887
the writ, and all personal property on the residential premises, 34888
at the sheriff's, police officer's, constable's, or bailiff's 34889
option, either to be removed from the manufactured home park and, 34890
if necessary, moved to a storage facility of the sheriff's, police 34891
officer's, constable's, or bailiff's choice, or to be retained at 34892
their current location on the residential premises, until they are 34893
claimed by the defendant or they are disposed of in a manner 34894
authorized by division (B)(3), (4), or (6) of this section or by 34895
another section of the Revised Code. The sheriff, police officer, 34896
constable, or bailiff shall not cause the manufactured home, 34897
mobile home, or recreational vehicle that is the subject of the 34898
writ, or the personal property, to be removed from the 34899
manufactured home park or moved to a storage facility if the 34900
holder of any outstanding lien, right, title, or interest in the 34901

home or vehicle, other than the titled owner of the home or 34902
vehicle, meets the conditions set forth in division (B)(6) or (7) 34903
of this section. 34904

The sheriff, police officer, constable, or bailiff who 34905
removes the manufactured home, mobile home, or recreational 34906
vehicle, or the abandoned personal property, from the residential 34907
premises shall be immune from civil liability pursuant to section 34908
2744.03 of the Revised Code for any damage caused to the home, 34909
vehicle, or any personal property during the removal. The park 34910
operator shall not be liable for any damage caused by the park 34911
operator's removal of the manufactured home, mobile home, or 34912
recreational vehicle or the removal of the personal property from 34913
the residential premises, or for any damage to the home, vehicle, 34914
or personal property during the time the home, vehicle, or 34915
property remains abandoned or stored in the manufactured home 34916
park, unless the damage is the result of acts that the park 34917
operator or the park operator's agents or employees performed with 34918
malicious purpose, in bad faith, or in a wanton or reckless 34919
manner. The reasonable costs for a removal of the manufactured 34920
home, mobile home, or recreational vehicle and personal property 34921
and, as applicable, the reasonable costs for its storage shall 34922
constitute a lien upon the home or vehicle payable by the titled 34923
owner of the home or vehicle or payable pursuant to division 34924
(B)(3) of this section. 34925

(3) Except as provided in divisions (B)(4), (5), and (6) of 34926
this section and division (D) of section 1923.12 of the Revised 34927
Code, within sixty days after receiving a writ of execution 34928
described in division (B) of section 1923.13 of the Revised Code, 34929
the sheriff, police officer, constable, or bailiff shall commence 34930
proceedings for the sale of the manufactured home, mobile home, or 34931
recreational vehicle that is the subject of the writ, and the 34932
abandoned personal property on the residential premises, if the 34933

home or vehicle is determined to be abandoned in accordance with 34934
the procedures for the sale of goods on execution under Chapter 34935
2329. of the Revised Code. In addition to all notices required to 34936
be given under section 2329.13 of the Revised Code, the sheriff, 34937
police officer, constable, or bailiff shall serve at their 34938
respective last known addresses a written notice of the date, 34939
time, and place of the sale upon all persons who are listed on the 34940
writ of execution as having any outstanding right, title, or 34941
interest in the abandoned manufactured home, mobile home, or 34942
recreational vehicle and the personal property and shall provide 34943
written notice to the auditor and the treasurer of the county in 34944
which the court issuing the writ is located. 34945

Unless the proceedings are governed by division (D) of 34946
section 1923.12 of the Revised Code, notwithstanding any statutory 34947
provision to the contrary, including, but not limited to, section 34948
2329.66 of the Revised Code, there shall be no stay of execution 34949
or exemption from levy or sale on execution available to the 34950
titled owner of the abandoned manufactured home, mobile home, or 34951
recreational vehicle in relation to a sale under this division. 34952
Except as otherwise provided in sections 2113.031, 2117.25, and 34953
~~5111.11~~ 5162.21 of the Revised Code in a case involving a deceased 34954
resident or resident's estate, the sheriff, police officer, 34955
constable, or bailiff shall distribute the proceeds from the sale 34956
of an abandoned manufactured home, mobile home, or recreational 34957
vehicle and any personal property under this division in the 34958
following manner: 34959

(a) The sheriff, police officer, constable, or bailiff shall 34960
first pay the costs for any moving of and any storage outside the 34961
manufactured home park of the home or vehicle and any personal 34962
property pursuant to division (B)(2) of this section, the costs of 34963
the sale, including reimbursing the park operator for the deposit 34964
that the park operator paid to the clerk of court under division 34965

(C) of section 1923.12 of the Revised Code, and any unpaid court costs assessed against the defendant in the underlying action. 34966
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(b) Following the payment required by division (B)(3)(a) of this section, the sheriff, police officer, constable, or bailiff shall pay all outstanding tax liens on the home or vehicle. 34968
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(c) Following the payment required by division (B)(3)(b) of this section, the sheriff, police officer, constable, or bailiff shall pay all other outstanding security interests, liens, or encumbrances on the home or vehicle by priority of filing or other priority. 34971
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(d) Following the payment required by division (B)(3)(c) of this section, the sheriff, police officer, constable, or bailiff shall pay any outstanding monetary judgment rendered under section 1923.09 or 1923.11 of the Revised Code in favor of the plaintiff and any costs associated with retaining the home or vehicle prior to the sale at its location on the residential premises within the manufactured home park pursuant to division (B)(2) of this section. 34976
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(e) After complying with divisions (B)(3)(a) to (d) of this section, the sheriff, police officer, constable, or bailiff shall report any remaining money as unclaimed funds pursuant to Chapter 169. of the Revised Code. 34984
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Upon the return of any writ of execution for the satisfaction of which an abandoned manufactured home, mobile home, or recreational vehicle has been sold under this division, on careful examination of the proceedings of the sheriff, police officer, constable, or bailiff conducting the sale, if the court that issued the writ finds that the sale was made, in all respects, in conformity with the relevant provisions of Chapter 2329. of the Revised Code and with this division, it shall direct the clerk of the court to make an entry on the journal that the court is 34988
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satisfied with the legality of the sale and the court shall direct 34997
the clerk of the court of common pleas of the county in which the 34998
writ was issued to issue a certificate of title, free and clear of 34999
all security interests, liens, and encumbrances, to the purchaser 35000
of the home or vehicle. The clerk of the court of common pleas 35001
shall issue the new certificate of title to the purchaser of the 35002
home or vehicle regardless of whether the writ was issued by the 35003
court of common pleas or another court duly authorized to issue 35004
the writ. If the manufactured home, mobile home, or recreational 35005
vehicle sold under this division is located in a manufactured home 35006
park, the purchaser of the home or vehicle shall have no right to 35007
maintain the home or vehicle in the manufactured home park without 35008
the park operator's consent and the sheriff, police officer, 35009
constable, or bailiff conducting the sale shall notify all 35010
prospective purchasers of this fact prior to the commencement of 35011
the sale. 35012

If, after it is offered for sale on two occasions under this 35013
division, the abandoned manufactured home, mobile home, or 35014
recreational vehicle cannot be sold due to a want of bidders, the 35015
sheriff, police officer, constable, or bailiff shall present the 35016
writ of execution unsatisfied to the clerk of the court of common 35017
pleas of the county in which the writ was issued for the issuance 35018
by the clerk in the manner prescribed in section 4505.10 of the 35019
Revised Code of a certificate of title transferring the title of 35020
the home or vehicle to the plaintiff, free and clear of all 35021
security interests, liens, and encumbrances. The clerk of the 35022
court of common pleas shall issue the new certificate of title 35023
transferring the title of the manufactured home, mobile home, or 35024
recreational vehicle to the plaintiff regardless of whether the 35025
writ was issued by the court of common pleas or another court duly 35026
authorized to issue the writ. If any taxes are owed on the home or 35027
vehicle at this time, the county auditor shall remove the 35028
delinquent taxes from the manufactured home tax list and the 35029

delinquent manufactured home tax list and remit any penalties for 35030
late payment of manufactured home taxes. Acceptance of the 35031
certificate of title by the plaintiff terminates all further 35032
proceedings under this section. 35033

(4) Except as provided in division (B)(5) or (6) of this 35034
section and division (D) of section 1923.12 of the Revised Code, 35035
within sixty days after receiving a writ of execution described in 35036
division (B) of section 1923.13 of the Revised Code, if the 35037
manufactured home, mobile home, or recreational vehicle is 35038
determined to be abandoned and to have a value of less than three 35039
thousand dollars, the sheriff, police officer, constable, or 35040
bailiff shall serve at their respective last known addresses a 35041
written notice of potential action as described in this division 35042
upon all persons who are listed on the writ as having any 35043
outstanding right, title, or interest in the home or vehicle. This 35044
notice shall be in addition to all notices required to be given 35045
under section 2329.13 of the Revised Code. Subject to the 35046
fulfillment of these notice requirements, the sheriff, police 35047
officer, constable, or bailiff shall take one of the following 35048
actions with respect to the abandoned manufactured home, mobile 35049
home, or recreational vehicle: 35050

(a) Cause its destruction if there is no person having an 35051
outstanding right, title, or interest in the home or vehicle, 35052
other than the titled owner of the home or vehicle; 35053

(b) Proceed with its sale under division (B)(3) of this 35054
section; 35055

(c) If there is no person having an outstanding right, title, 35056
or interest in the home or vehicle other than the titled owner of 35057
the home or vehicle, or if there is an outstanding right, title, 35058
or interest in the home or vehicle and the lienholder consents in 35059
writing, present the writ of execution to the clerk of the court 35060
of common pleas of the county in which the writ was issued for the 35061

issuance by the clerk in the manner prescribed in section 4505.10 35062
of the Revised Code of a certificate of title transferring the 35063
title of the home or vehicle to the plaintiff, free and clear of 35064
all security interests, liens, and encumbrances. The clerk of the 35065
court of common pleas shall issue the new certificate of title 35066
transferring the title of the home or vehicle regardless of 35067
whether the writ was issued by the court of common pleas or 35068
another court duly authorized to issue the writ. If any taxes are 35069
owed on the home or vehicle at this time, the county auditor shall 35070
remove the delinquent taxes from the manufactured home tax list 35071
and the delinquent manufactured home tax list and remit any 35072
penalties for late payment of manufactured home taxes. Acceptance 35073
of the certificate of title by the plaintiff terminates all 35074
further proceedings under this section. 35075

(5) At any time prior to the issuance of the writ of 35076
execution described in division (B) of section 1923.13 of the 35077
Revised Code, the titled owner of the manufactured home, mobile 35078
home, or recreational vehicle that would be the subject of the 35079
writ may remove the abandoned home or vehicle from the 35080
manufactured home park or other place of storage upon payment to 35081
the county auditor of all outstanding tax liens on the home or 35082
vehicle and, unless the owner is indigent, payment to the clerk of 35083
court of all unpaid court costs assessed against the defendant in 35084
the underlying action. After the issuance of the writ of 35085
execution, the titled owner of the home or vehicle may remove the 35086
abandoned home or vehicle from the manufactured home park or other 35087
place of storage at any time up to the day before the scheduled 35088
sale, destruction, or transfer of the home or vehicle pursuant to 35089
division (B)(3) or (4) of this section upon payment of all of the 35090
following: 35091

(a) All costs for moving and storage of the home or vehicle 35092
pursuant to division (B)(2) of this section and all costs incurred 35093

by the sheriff, police officer, constable, or bailiff up to and 35094
including the date of the removal of the home or vehicle; 35095

(b) All outstanding tax liens on the home or vehicle; 35096

(c) Unless the owner is indigent, all unpaid court costs 35097
assessed against the defendant in the underlying action. 35098

(6) At any time after the issuance of the writ of execution 35099
described in division (B) of section 1923.13 of the Revised Code, 35100
the holder of any outstanding lien, right, title, or interest in 35101
the manufactured home, mobile home, or recreational vehicle, other 35102
than the titled owner of the home or vehicle, may stop the 35103
sheriff, police officer, constable, or bailiff from proceeding 35104
with the sale under this division by doing both of the following: 35105

(a) Commencing a proceeding to repossess the home or vehicle 35106
pursuant to Chapters 1309. and 1317. of the Revised Code; 35107

(b) Paying to the park operator all monthly rental payments 35108
for the lot on which the home or vehicle is located from the time 35109
of the issuance of the writ of execution until the time that the 35110
home or vehicle is sold pursuant to Chapters 1309. and 1317. of 35111
the Revised Code. 35112

(7)(a) At any time prior to the day before the scheduled sale 35113
of the property pursuant to division (B)(3) of this section, the 35114
defendant may remove any personal property of the defendant from 35115
the abandoned home or vehicle or other place of storage. 35116

(b) If personal property owned by a person other than the 35117
defendant is abandoned on the residential premises and has not 35118
previously been removed, the owner of the personal property may 35119
remove the personal property from the abandoned home or vehicle or 35120
other place of storage up to the day before the scheduled sale of 35121
the property pursuant to division (B)(3) of this section upon 35122
presentation of proof of ownership of the property that is 35123
satisfactory to the sheriff, police officer, constable, or bailiff 35124

conducting the sale. 35125

Sec. 2101.026. (A) The probate court of Franklin county may 35126
accept funds or other program assistance from the board of 35127
alcohol, drug addiction, and mental health services of Franklin 35128
county or the Franklin county board of developmental disabilities. 35129
Any funds received by the probate court of Franklin county under 35130
this division shall be paid into the treasury of Franklin county 35131
and credited to a fund to be known as the Franklin county probate 35132
court mental health fund. 35133

(B) The moneys in the Franklin county probate court mental 35134
health fund shall be used for services to help ensure the 35135
treatment of any person who is under the care of the board of 35136
alcohol, drug addiction, and mental health services of Franklin 35137
county or the Franklin county board of developmental disabilities. 35138
These services include, but are not limited to, involuntary 35139
commitment proceedings and the establishment and management of 35140
adult guardianships, including all associated expenses, for wards 35141
who are under the care of the board of alcohol, drug addiction, 35142
and mental health services of Franklin county or the Franklin 35143
county board of developmental disabilities. 35144

(C) If the judge of the probate court of Franklin county 35145
determines that some of the moneys in the Franklin county probate 35146
court mental health fund are needed for the efficient operation of 35147
that court, the moneys may be used for the acquisition of 35148
equipment, the hiring and training of staff, community services 35149
programs, volunteer guardianship training services, the employment 35150
of magistrates, and other related services. 35151

Sec. 2101.24. (A)(1) Except as otherwise provided by law, the 35152
probate court has exclusive jurisdiction: 35153

(a) To take the proof of wills and to admit to record 35154

authenticated copies of wills executed, proved, and allowed in the courts of any other state, territory, or country. If the probate judge is unavoidably absent, any judge of the court of common pleas may take proof of wills and approve bonds to be given, but the record of these acts shall be preserved in the usual records of the probate court.

(b) To grant and revoke letters testamentary and of administration;

(c) To direct and control the conduct and settle the accounts of executors and administrators and order the distribution of estates;

(d) To appoint the attorney general to serve as the administrator of an estate pursuant to section 2113.06 of the Revised Code;

(e) To appoint and remove guardians, conservators, and testamentary trustees, direct and control their conduct, and settle their accounts;

(f) To grant marriage licenses;

(g) To make inquests respecting persons who are so mentally impaired as a result of a mental or physical illness or disability, or mental retardation, or as a result of chronic substance abuse, that they are unable to manage their property and affairs effectively, subject to guardianship;

(h) To qualify assignees, appoint and qualify trustees and commissioners of insolvents, control their conduct, and settle their accounts;

(i) To authorize the sale of lands, equitable estates, or interests in lands or equitable estates, and the assignments of inchoate dower in such cases of sale, on petition by executors, administrators, and guardians;

(j) To authorize the completion of real property contracts on petition of executors and administrators;	35185 35186
(k) To construe wills;	35187
(l) To render declaratory judgments, including, but not limited to, those rendered pursuant to section 2107.084 of the Revised Code;	35188 35189 35190
(m) To direct and control the conduct of fiduciaries and settle their accounts;	35191 35192
(n) To authorize the sale or lease of any estate created by will if the estate is held in trust, on petition by the trustee;	35193 35194
(o) To terminate a testamentary trust in any case in which a court of equity may do so;	35195 35196
(p) To hear and determine actions to contest the validity of wills;	35197 35198
(q) To make a determination of the presumption of death of missing persons and to adjudicate the property rights and obligations of all parties affected by the presumption;	35199 35200 35201
(r) To hear and determine an action commenced pursuant to section 3107.41 of the Revised Code to obtain the release of information pertaining to the birth name of the adopted person and the identity of the adopted person's biological parents and biological siblings;	35202 35203 35204 35205 35206
(s) To act for and issue orders regarding wards pursuant to section 2111.50 of the Revised Code;	35207 35208
(t) To hear and determine actions against sureties on the bonds of fiduciaries appointed by the probate court;	35209 35210
(u) To hear and determine actions involving informed consent for medication of persons hospitalized pursuant to section 5122.141 or 5122.15 of the Revised Code;	35211 35212 35213

(v) To hear and determine actions relating to durable powers of attorney for health care as described in division (D) of section 1337.16 of the Revised Code;	35214 35215 35216
(w) To hear and determine actions commenced by objecting individuals, in accordance with section 2133.05 of the Revised Code;	35217 35218 35219
(x) To hear and determine complaints that pertain to the use or continuation, or the withholding or withdrawal, of life-sustaining treatment in connection with certain patients allegedly in a terminal condition or in a permanently unconscious state pursuant to division (E) of section 2133.08 of the Revised Code, in accordance with that division;	35220 35221 35222 35223 35224 35225
(y) To hear and determine applications that pertain to the withholding or withdrawal of nutrition and hydration from certain patients allegedly in a permanently unconscious state pursuant to section 2133.09 of the Revised Code, in accordance with that section;	35226 35227 35228 35229 35230
(z) To hear and determine applications of attending physicians in accordance with division (B) of section 2133.15 of the Revised Code;	35231 35232 35233
(aa) To hear and determine actions relative to the use or continuation of comfort care in connection with certain principals under durable powers of attorney for health care, declarants under declarations, or patients in accordance with division (E) of either section 1337.16 or 2133.12 of the Revised Code;	35234 35235 35236 35237 35238
(bb) To hear and determine applications for an order relieving an estate from administration under section 2113.03 of the Revised Code;	35239 35240 35241
(cc) To hear and determine applications for an order granting a summary release from administration under section 2113.031 of the Revised Code;	35242 35243 35244

(dd) To hear and determine actions relating to the exercise of the right of disposition, in accordance with section 2108.90 of the Revised Code;	35245 35246 35247
(ee) To hear and determine actions relating to the disinterment and reinterment of human remains under section 517.23 of the Revised Code;	35248 35249 35250
(ff) To hear and determine petitions for an order for treatment of a person suffering from alcohol and other drug abuse filed under section 3793.34 <u>5119.93</u> of the Revised Code and to order treatment of that nature in accordance with, and take other actions afforded to the court under, sections 3793.31 <u>5119.90</u> to 3793.39 <u>5119.98</u> of the Revised Code.	35251 35252 35253 35254 35255 35256
(2) In addition to the exclusive jurisdiction conferred upon the probate court by division (A)(1) of this section, the probate court shall have exclusive jurisdiction over a particular subject matter if both of the following apply:	35257 35258 35259 35260
(a) Another section of the Revised Code expressly confers jurisdiction over that subject matter upon the probate court.	35261 35262
(b) No section of the Revised Code expressly confers jurisdiction over that subject matter upon any other court or agency.	35263 35264 35265
(B)(1) The probate court has concurrent jurisdiction with, and the same powers at law and in equity as, the general division of the court of common pleas to issue writs and orders, and to hear and determine actions as follows:	35266 35267 35268 35269
(a) If jurisdiction relative to a particular subject matter is stated to be concurrent in a section of the Revised Code or has been construed by judicial decision to be concurrent, any action that involves that subject matter;	35270 35271 35272 35273
(b) Any action that involves an inter vivos trust; a trust	35274

created pursuant to section 5815.28 of the Revised Code; a 35275
charitable trust or foundation; subject to divisions (A)(1)(u) and 35276
(z) of this section, a power of attorney, including, but not 35277
limited to, a durable power of attorney; the medical treatment of 35278
a competent adult; or a writ of habeas corpus; 35279

(c) Subject to section 2101.31 of the Revised Code, any 35280
action with respect to a probate estate, guardianship, trust, or 35281
post-death dispute that involves any of the following: 35282

(i) A designation or removal of a beneficiary of a life 35283
insurance policy, annuity contract, retirement plan, brokerage 35284
account, security account, bank account, real property, or 35285
tangible personal property; 35286

(ii) A designation or removal of a payable-on-death 35287
beneficiary or transfer-on-death beneficiary; 35288

(iii) A change in the title to any asset involving a joint 35289
and survivorship interest; 35290

(iv) An alleged gift; 35291

(v) The passing of assets upon the death of an individual 35292
otherwise than by will, intestate succession, or trust. 35293

(2) Any action that involves a concurrent jurisdiction 35294
subject matter and that is before the probate court may be 35295
transferred by the probate court, on its order, to the general 35296
division of the court of common pleas. 35297

(C) The probate court has plenary power at law and in equity 35298
to dispose fully of any matter that is properly before the court, 35299
unless the power is expressly otherwise limited or denied by a 35300
section of the Revised Code. 35301

(D) The jurisdiction acquired by a probate court over a 35302
matter or proceeding is exclusive of that of any other probate 35303
court, except when otherwise provided by law. 35304

Sec. 2108.05. (A) A donor may make an anatomical gift by 35305
doing any of the following: 35306

(1) Authorizing a statement or symbol to be imprinted on the 35307
donor's driver's license or identification card indicating that 35308
the donor has certified a willingness to make an anatomical gift; 35309

(2) Specifying in the donor's will an intent to make an 35310
anatomical gift; 35311

(3) Specifying an intent to make an anatomical gift in the 35312
donor's declaration as described in section 2133.16 of the Revised 35313
Code; 35314

(4) During a terminal illness or injury of the donor, 35315
communicating in any manner to a minimum of two adults, at least 35316
one of whom is a disinterested witness, that the donor intends to 35317
make an anatomical gift; 35318

(5) Following the procedure in division (B) of this section. 35319

(B) A donor or other person authorized to make an anatomical 35320
gift under section 2108.04 of the Revised Code may make a gift by 35321
a donor card or other record signed by the donor or other person 35322
making the gift or by authorizing that a statement or symbol 35323
indicating that the donor has certified a willingness to make an 35324
anatomical gift be included in a donor registry. If the donor or 35325
other person is physically unable to sign a record, the record may 35326
be signed by another individual at the direction of the donor or 35327
other person and shall do both of the following: 35328

(1) Be witnessed by at least two adults, at least one of whom 35329
is a disinterested witness, who have signed at the request of the 35330
donor or the other person; 35331

(2) State that it has been signed and witnessed as provided 35332
in division (B)(1) of this section. 35333

(C) Once a donor has authorized a statement or symbol to be 35334

imprinted on the donor's driver's license or identification card 35335
indicating that the donor has certified a willingness to make an 35336
anatomical gift, the donor does not need to recertify the donor's 35337
willingness to make an anatomical gift upon renewal of the 35338
driver's license or identification card. The authorization shall 35339
remain in effect until the donor withdraws that authorization. 35340

(D) Revocation, suspension, expiration, or cancellation of a 35341
driver's license or identification card upon which an anatomical 35342
gift is indicated does not invalidate the gift. 35343

~~(D)~~(E) An anatomical gift made by will takes effect on the 35344
donor's death whether or not the will is probated. Invalidation of 35345
the will after the donor's death does not invalidate the gift. 35346

Sec. 2113.041. (A) The administrator of the medicaid estate 35347
recovery program established pursuant to section ~~5111.11~~ 5162.21 35348
of the Revised Code may present an affidavit to a financial 35349
institution requesting that the financial institution release 35350
account proceeds to recover the cost of services correctly 35351
provided to a medicaid recipient who is subject to the medicaid 35352
estate recovery program. The affidavit shall include all of the 35353
following information: 35354

(1) The name of the decedent; 35355

(2) The name of any person who gave notice that the decedent 35356
was a medicaid recipient and that person's relationship to the 35357
decedent; 35358

(3) The name of the financial institution; 35359

(4) The account number; 35360

(5) A description of the claim for estate recovery; 35361

(6) The amount of funds to be recovered. 35362

(B) A financial institution may release account proceeds to 35363

the administrator of the medicaid estate recovery program if all 35364
of the following apply: 35365

(1) The decedent held an account at the financial institution 35366
that was in the decedent's name only. 35367

(2) No estate has been, and it is reasonable to assume that 35368
no estate will be, opened for the decedent. 35369

(3) The decedent has no outstanding debts known to the 35370
administrator of the medicaid estate recovery program. 35371

(4) The financial institution has received no objections or 35372
has determined that no valid objections to release of proceeds 35373
have been received. 35374

(C) If proceeds have been released pursuant to division (B) 35375
of this section and the department of ~~job and family services~~ 35376
medicaid receives notice of a valid claim to the proceeds that has 35377
a higher priority under section 2117.25 of the Revised Code than 35378
the claim of the medicaid estate recovery program, the department 35379
may refund the proceeds to the financial institution or pay them 35380
to the person or government entity with the claim. 35381

Sec. 2113.06. (A) Administration of the estate of an 35382
intestate shall be granted to persons mentioned in this division, 35383
in the following order: 35384

(1) To the surviving spouse of the deceased, if resident of 35385
the state; 35386

(2) To one of the next of kin of the deceased, resident of 35387
the state. 35388

(B) If the persons entitled to administer the estate under 35389
division (A) of this section fail to take or renounce 35390
administration voluntarily, the matter shall be set for hearing 35391
and notice given to the persons. 35392

(C) If there are no persons entitled to administration, if 35393
they are for any reason unsuitable for the discharge of the trust, 35394
or if without sufficient cause they neglect to apply within a 35395
reasonable time for the administration of the estate, their right 35396
to priority shall be lost, and the court shall commit the 35397
administration to some suitable person who is a resident of the 35398
state, or to the attorney general or the attorney general's 35399
designee, if the department of ~~job and family services~~ medicaid is 35400
seeking to recover ~~medical assistance~~ the costs of medicaid 35401
services from the deceased pursuant to section ~~5111.11~~ 5162.21 or 35402
~~5111.111~~ 5162.211 of the Revised Code. The person granted 35403
administration may be a creditor of the estate. 35404

(D) This section applies to the appointment of an 35405
administrator de bonis non. 35406

Sec. 2117.061. (A) As used in this section: 35407

(1) "Medicaid estate recovery program" means the program 35408
instituted under section ~~5111.11~~ 5162.21 of the Revised Code. 35409

(2) "Person responsible for the estate" means the executor, 35410
administrator, commissioner, or person who filed pursuant to 35411
section 2113.03 of the Revised Code for release from 35412
administration of an estate. 35413

(B) The person responsible for the estate of a decedent 35414
subject to the medicaid estate recovery program or the estate of a 35415
decedent who was the spouse of a decedent subject to the medicaid 35416
estate recovery program shall submit a properly completed medicaid 35417
estate recovery notice form to the administrator of the medicaid 35418
estate recovery program not later than thirty days after the 35419
occurrence of any of the following: 35420

(1) The granting of letters of administration or letters 35421
testamentary; 35422

(2) The filing of an application for release from 35423
administration or summary release from administration. 35424

(C) The person responsible for the estate shall mark the 35425
appropriate box on the appropriate probate form that gives notice 35426
to the administrator of the medicaid estate recovery program to 35427
indicate compliance with the requirements of division (B) of this 35428
section. 35429

(D) The administrator of the medicaid estate recovery program 35430
shall present a claim for estate recovery to the person 35431
responsible for the estate of the decedent or the person's legal 35432
representative not later than ninety days after the date on which 35433
the medicaid estate recovery notice form is received under 35434
division (B) of this section or one year after the decedent's 35435
death, whichever is later. 35436

Sec. 2117.25. (A) Every executor or administrator shall 35437
proceed with diligence to pay the debts of the decedent and shall 35438
apply the assets in the following order: 35439

(1) Costs and expenses of administration; 35440

(2) An amount, not exceeding four thousand dollars, for 35441
funeral expenses that are included in the bill of a funeral 35442
director, funeral expenses other than those in the bill of a 35443
funeral director that are approved by the probate court, and an 35444
amount, not exceeding three thousand dollars, for burial and 35445
cemetery expenses, including that portion of the funeral 35446
director's bill allocated to cemetery expenses that have been paid 35447
to the cemetery by the funeral director. 35448

For purposes of division (A)(2) of this section, burial and 35449
cemetery expenses shall be limited to the following: 35450

(a) The purchase of a right of interment; 35451

(b) Monuments or other markers; 35452

(c) The outer burial container;	35453
(d) The cost of opening and closing the place of interment;	35454
(e) The urn.	35455
(3) The allowance for support made to the surviving spouse, minor children, or both under section 2106.13 of the Revised Code;	35456 35457
(4) Debts entitled to a preference under the laws of the United States;	35458 35459
(5) Expenses of the last sickness of the decedent;	35460
(6) If the total bill of a funeral director for funeral expenses exceeds four thousand dollars, then, in addition to the amount described in division (A)(2) of this section, an amount, not exceeding two thousand dollars, for funeral expenses that are included in the bill and that exceed four thousand dollars;	35461 35462 35463 35464 35465
(7) Expenses of the decedent's last continuous stay in a nursing home as defined in section 3721.01 of the Revised Code, residential facility as defined in section 5123.19 of the Revised Code, or hospital long-term care unit as defined in section 3721.50 <u>5168.40</u> of the Revised Code.	35466 35467 35468 35469 35470
For purposes of division (A)(7) of this section, a decedent's last continuance <u>continuous</u> stay includes up to thirty consecutive days during which the decedent was temporarily absent from the nursing home, residential facility, or hospital long-term care unit.	35471 35472 35473 35474 35475
(8) Personal property taxes, claims made under the medicaid estate recovery program instituted pursuant to section 5111.11 <u>5162.21</u> of the Revised Code, and obligations for which the decedent was personally liable to the state or any of its subdivisions;	35476 35477 35478 35479 35480
(9) Debts for manual labor performed for the decedent within twelve months preceding the decedent's death, not exceeding three	35481 35482

hundred dollars to any one person; 35483

(10) Other debts for which claims have been presented and 35484
finally allowed. 35485

(B) The part of the bill of a funeral director that exceeds 35486
the total of six thousand dollars as described in divisions (A)(2) 35487
and (6) of this section, and the part of a claim included in 35488
division (A)(9) of this section that exceeds three hundred dollars 35489
shall be included as a debt under division (A)(10) of this 35490
section, depending upon the time when the claim for the additional 35491
amount is presented. 35492

(C) Any natural person or fiduciary who pays a claim of any 35493
creditor described in division (A) of this section shall be 35494
subrogated to the rights of that creditor proportionate to the 35495
amount of the payment and shall be entitled to reimbursement for 35496
that amount in accordance with the priority of payments set forth 35497
in that division. 35498

(D)(1) Chapters 2113. to 2125. of the Revised Code, relating 35499
to the manner in which and the time within which claims shall be 35500
presented, shall apply to claims set forth in divisions (A)(2), 35501
(6), and (9) of this section. Claims for an expense of 35502
administration or for the allowance for support need not be 35503
presented. The executor or administrator shall pay debts included 35504
in divisions (A)(4) and (8) of this section, of which the executor 35505
or administrator has knowledge, regardless of presentation. 35506

(2) The giving of written notice to an executor or 35507
administrator of a motion or application to revive an action 35508
pending against the decedent at the date of death shall be 35509
equivalent to the presentation of a claim to the executor or 35510
administrator for the purpose of determining the order of payment 35511
of any judgment rendered or decree entered in such an action. 35512

(E) No payments shall be made to creditors of one class until 35513

all those of the preceding class are fully paid or provided for. 35514
If the assets are insufficient to pay all the claims of one class, 35515
the creditors of that class shall be paid ratably. 35516

(F) If it appears at any time that the assets have been 35517
exhausted in paying prior or preferred charges, allowances, or 35518
claims, those payments shall be a bar to an action on any claim 35519
not entitled to that priority or preference. 35520

Sec. 2133.01. Unless the context otherwise requires, as used 35521
in sections 2133.01 to 2133.15 of the Revised Code: 35522

(A) "Adult" means an individual who is eighteen years of age 35523
or older. 35524

(B) "Attending physician" means the physician to whom a 35525
declarant or other patient, or the family of a declarant or other 35526
patient, has assigned primary responsibility for the treatment or 35527
care of the declarant or other patient, or, if the responsibility 35528
has not been assigned, the physician who has accepted that 35529
responsibility. 35530

(C) "Comfort care" means any of the following: 35531

(1) Nutrition when administered to diminish the pain or 35532
discomfort of a declarant or other patient, but not to postpone 35533
the declarant's or other patient's death; 35534

(2) Hydration when administered to diminish the pain or 35535
discomfort of a declarant or other patient, but not to postpone 35536
the declarant's or other patient's death; 35537

(3) Any other medical or nursing procedure, treatment, 35538
intervention, or other measure that is taken to diminish the pain 35539
or discomfort of a declarant or other patient, but not to postpone 35540
the declarant's or other patient's death. 35541

(D) "Consulting physician" means a physician who, in 35542
conjunction with the attending physician of a declarant or other 35543

patient, makes one or more determinations that are required to be 35544
made by the attending physician, or to be made by the attending 35545
physician and one other physician, by an applicable provision of 35546
this chapter, to a reasonable degree of medical certainty and in 35547
accordance with reasonable medical standards. 35548

(E) "Declarant" means any adult who has executed a 35549
declaration in accordance with section 2133.02 of the Revised 35550
Code. 35551

(F) "Declaration" means a written document executed in 35552
accordance with section 2133.02 of the Revised Code. 35553

(G) "Durable power of attorney for health care" means a 35554
document created pursuant to sections 1337.11 to 1337.17 of the 35555
Revised Code. 35556

(H) "Guardian" means a person appointed by a probate court 35557
pursuant to Chapter 2111. of the Revised Code to have the care and 35558
management of the person of an incompetent. 35559

(I) "Health care facility" means any of the following: 35560

(1) A hospital; 35561

(2) A hospice care program, pediatric respite care program, 35562
or other institution that specializes in comfort care of patients 35563
in a terminal condition or in a permanently unconscious state; 35564

(3) A nursing home or residential care facility, as defined 35565
in section 3721.01 of the Revised Code; 35566

(4) A home health agency and any residential facility where a 35567
person is receiving care under the direction of a home health 35568
agency; 35569

(5) An intermediate care facility for ~~the mentally retarded~~ 35570
individuals with intellectual disabilities. 35571

(J) "Health care personnel" means physicians, nurses, 35572
physician assistants, emergency medical technicians-basic, 35573

emergency medical technicians-intermediate, emergency medical	35574
technicians-paramedic, medical technicians, dietitians, other	35575
authorized persons acting under the direction of an attending	35576
physician, and administrators of health care facilities.	35577
(K) "Home health agency" has the same meaning as in section	35578
3701.881 of the Revised Code.	35579
(L) "Hospice care program" and "pediatric respite care	35580
program" have the same meanings as in section 3712.01 of the	35581
Revised Code.	35582
(M) "Hospital" has the same meanings as in sections 3701.01,	35583
3727.01, and 5122.01 of the Revised Code.	35584
(N) "Hydration" means fluids that are artificially or	35585
technologically administered.	35586
(O) "Incompetent" has the same meaning as in section 2111.01	35587
of the Revised Code.	35588
(P) "Intermediate care facility for the mentally retarded	35589
<u>individuals with intellectual disabilities</u> " has the same meaning	35590
as in section 5111.20 <u>5124.01</u> of the Revised Code.	35591
(Q) "Life-sustaining treatment" means any medical procedure,	35592
treatment, intervention, or other measure that, when administered	35593
to a qualified patient or other patient, will serve principally to	35594
prolong the process of dying.	35595
(R) "Nurse" means a person who is licensed to practice	35596
nursing as a registered nurse or to practice practical nursing as	35597
a licensed practical nurse pursuant to Chapter 4723. of the	35598
Revised Code.	35599
(S) "Nursing home" has the same meaning as in section 3721.01	35600
of the Revised Code.	35601
(T) "Nutrition" means sustenance that is artificially or	35602
technologically administered.	35603

(U) "Permanently unconscious state" means a state of permanent unconsciousness in a declarant or other patient that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the declarant's or other patient's attending physician and one other physician who has examined the declarant or other patient, is characterized by both of the following:

(1) Irreversible unawareness of one's being and environment.

(2) Total loss of cerebral cortical functioning, resulting in the declarant or other patient having no capacity to experience pain or suffering.

(V) "Person" has the same meaning as in section 1.59 of the Revised Code and additionally includes political subdivisions and governmental agencies, boards, commissions, departments, institutions, offices, and other instrumentalities.

(W) "Physician" means a person who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(X) "Political subdivision" and "state" have the same meanings as in section 2744.01 of the Revised Code.

(Y) "Professional disciplinary action" means action taken by the board or other entity that regulates the professional conduct of health care personnel, including the state medical board and the board of nursing.

(Z) "Qualified patient" means an adult who has executed a declaration and has been determined to be in a terminal condition or in a permanently unconscious state.

(AA) "Terminal condition" means an irreversible, incurable, and untreatable condition caused by disease, illness, or injury from which, to a reasonable degree of medical certainty as

determined in accordance with reasonable medical standards by a 35634
declarant's or other patient's attending physician and one other 35635
physician who has examined the declarant or other patient, both of 35636
the following apply: 35637

(1) There can be no recovery. 35638

(2) Death is likely to occur within a relatively short time 35639
if life-sustaining treatment is not administered. 35640

(BB) "Tort action" means a civil action for damages for 35641
injury, death, or loss to person or property, other than a civil 35642
action for damages for breach of a contract or another agreement 35643
between persons. 35644

Sec. 2133.25. (A) The department of health, by rule adopted 35645
pursuant to Chapter 119. of the Revised Code, shall adopt a 35646
standardized method of procedure for the withholding of CPR by 35647
physicians, emergency medical services personnel, and health care 35648
facilities in accordance with sections 2133.21 to 2133.26 of the 35649
Revised Code. The standardized method shall specify criteria for 35650
determining when a do-not-resuscitate order issued by a physician 35651
is current. The standardized method so adopted shall be the 35652
"do-not-resuscitate protocol" for purposes of sections 2133.21 to 35653
2133.26 of the Revised Code. The department also shall approve one 35654
or more standard forms of DNR identification to be used throughout 35655
this state. 35656

(B) The department of health shall adopt rules in accordance 35657
with Chapter 119. of the Revised Code for the administration of 35658
sections 2133.21 to 2133.26 of the Revised Code. 35659

(C) The department of health shall appoint an advisory 35660
committee to advise the department in the development of rules 35661
under this section. The advisory committee shall include, but 35662
shall not be limited to, representatives of each of the following 35663

organizations:	35664
(1) The association for hospitals and health systems (OHA);	35665
(2) The Ohio state medical association;	35666
(3) The Ohio chapter of the American college of emergency	35667
physicians;	35668
(4) The Ohio hospice organization;	35669
(5) The Ohio council for home care;	35670
(6) The Ohio health care association;	35671
(7) The Ohio ambulance association;	35672
(8) The Ohio medical directors association;	35673
(9) The Ohio association of emergency medical services;	35674
(10) The bioethics network of Ohio;	35675
(11) The Ohio nurses association;	35676
(12) The Ohio academy of nursing homes;	35677
(13) The Ohio association of professional firefighters;	35678
(14) The department of developmental disabilities;	35679
(15) The Ohio osteopathic association;	35680
(16) The association of Ohio philanthropic homes, housing and	35681
services for the aging;	35682
(17) The catholic conference of Ohio;	35683
(18) The department of aging;	35684
(19) The department of mental health <u>mental health and</u>	35685
<u>addiction services</u> ;	35686
(20) The Ohio private residential association;	35687
(21) The northern Ohio fire fighters association.	35688
Sec. 2151.011. (A) As used in the Revised Code:	35689

(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:	35690 35691 35692
(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;	35693 35694 35695 35696 35697
(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;	35698 35699 35700 35701
(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.	35702 35703
(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.	35704 35705
(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.	35706 35707 35708 35709 35710
(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:	35711 35712 35713 35714 35715
(a) Receives and cares for children for two or more consecutive weeks;	35716 35717
(b) Participates in the placement of children in certified foster homes;	35718 35719

(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	35720 35721
(B) As used in this chapter:	35722
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	35723 35724 35725 35726 35727 35728
(2) "Adult" means an individual who is eighteen years of age or older.	35729 35730
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	35731 35732 35733 35734
(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.	35735 35736 35737 35738 35739 35740
(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	35741 35742 35743
(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of	35744 35745 35746 35747 35748 35749 35750

age. 35751

(7) "Child day camp," "child care," "child day-care center," 35752
"part-time child day-care center," "type A family day-care home," 35753
"certified type B family day-care home," "type B home," 35754
"administrator of a child day-care center," "administrator of a 35755
type A family day-care home," "in-home aide," and "authorized 35756
provider" have the same meanings as in section 5104.01 of the 35757
Revised Code. 35758

(8) "Child care provider" means an individual who is a 35759
child-care staff member or administrator of a child day-care 35760
center, a type A family day-care home, or a type B family day-care 35761
home, or an in-home aide or an individual who is licensed, is 35762
regulated, is approved, operates under the direction of, or 35763
otherwise is certified by the department of job and family 35764
services, department of developmental disabilities, or the early 35765
childhood programs of the department of education. 35766

(9) "Chronic truant" has the same meaning as in section 35767
2152.02 of the Revised Code. 35768

(10) "Commit" means to vest custody as ordered by the court. 35769

(11) "Counseling" includes both of the following: 35770

(a) General counseling services performed by a public 35771
children services agency or shelter for victims of domestic 35772
violence to assist a child, a child's parents, and a child's 35773
siblings in alleviating identified problems that may cause or have 35774
caused the child to be an abused, neglected, or dependent child. 35775

(b) Psychiatric or psychological therapeutic counseling 35776
services provided to correct or alleviate any mental or emotional 35777
illness or disorder and performed by a licensed psychiatrist, 35778
licensed psychologist, or a person licensed under Chapter 4757. of 35779
the Revised Code to engage in social work or professional 35780
counseling. 35781

(12) "Custodian" means a person who has legal custody of a	35782
child or a public children services agency or private child	35783
placing agency that has permanent, temporary, or legal custody of	35784
a child.	35785
(13) "Delinquent child" has the same meaning as in section	35786
2152.02 of the Revised Code.	35787
(14) "Detention" means the temporary care of children pending	35788
court adjudication or disposition, or execution of a court order,	35789
in a public or private facility designed to physically restrict	35790
the movement and activities of children.	35791
(15) "Developmental disability" has the same meaning as in	35792
section 5123.01 of the Revised Code.	35793
(16) "Differential response approach" means an approach that	35794
a public children services agency may use to respond to accepted	35795
reports of child abuse or neglect with either an alternative	35796
response or a traditional response.	35797
(17) "Foster caregiver" has the same meaning as in section	35798
5103.02 of the Revised Code.	35799
(18) "Guardian" means a person, association, or corporation	35800
that is granted authority by a probate court pursuant to Chapter	35801
2111. of the Revised Code to exercise parental rights over a child	35802
to the extent provided in the court's order and subject to the	35803
residual parental rights of the child's parents.	35804
(19) "Habitual truant" means any child of compulsory school	35805
age who is absent without legitimate excuse for absence from the	35806
public school the child is supposed to attend for five or more	35807
consecutive school days, seven or more school days in one school	35808
month, or twelve or more school days in a school year.	35809
(20) "Juvenile traffic offender" has the same meaning as in	35810
section 2152.02 of the Revised Code.	35811

(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.

(22) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not limited to, any of the following:

(a) The fact that the child in question has enrolled in and is attending another public or nonpublic school in this or another state;

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code;

(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.

(23) "Mental illness" and "mentally ill person subject to hospitalization by court order" have the same meanings as in section 5122.01 of the Revised Code.

(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.

(25) "Mentally retarded person" has the same meaning as in

section 5123.01 of the Revised Code.	35843
(26) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.	35844 35845 35846 35847
(27) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.	35848 35849
(28) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere.	35850 35851 35852 35853 35854 35855
(29) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, child care provided by type B family day-care home providers and by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, public schools, chartered nonpublic schools, educational service centers, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children.	35856 35857 35858 35859 35860 35861 35862 35863 35864 35865 35866 35867
(30) "Out-of-home care child abuse" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	35868 35869 35870
(a) Engaging in sexual activity with a child in the person's care;	35871 35872
(b) Denial to a child, as a means of punishment, of proper or	35873

necessary subsistence, education, medical care, or other care	35874
necessary for a child's health;	35875
(c) Use of restraint procedures on a child that cause injury	35876
or pain;	35877
(d) Administration of prescription drugs or psychotropic	35878
medication to the child without the written approval and ongoing	35879
supervision of a licensed physician;	35880
(e) Commission of any act, other than by accidental means,	35881
that results in any injury to or death of the child in out-of-home	35882
care or commission of any act by accidental means that results in	35883
an injury to or death of a child in out-of-home care and that is	35884
at variance with the history given of the injury or death.	35885
(31) "Out-of-home care child neglect" means any of the	35886
following when committed by a person responsible for the care of a	35887
child in out-of-home care:	35888
(a) Failure to provide reasonable supervision according to	35889
the standards of care appropriate to the age, mental and physical	35890
condition, or other special needs of the child;	35891
(b) Failure to provide reasonable supervision according to	35892
the standards of care appropriate to the age, mental and physical	35893
condition, or other special needs of the child, that results in	35894
sexual or physical abuse of the child by any person;	35895
(c) Failure to develop a process for all of the following:	35896
(i) Administration of prescription drugs or psychotropic	35897
drugs for the child;	35898
(ii) Assuring that the instructions of the licensed physician	35899
who prescribed a drug for the child are followed;	35900
(iii) Reporting to the licensed physician who prescribed the	35901
drug all unfavorable or dangerous side effects from the use of the	35902
drug.	35903

(d) Failure to provide proper or necessary subsistence,	35904
education, medical care, or other individualized care necessary	35905
for the health or well-being of the child;	35906
(e) Confinement of the child to a locked room without	35907
monitoring by staff;	35908
(f) Failure to provide ongoing security for all prescription	35909
and nonprescription medication;	35910
(g) Isolation of a child for a period of time when there is	35911
substantial risk that the isolation, if continued, will impair or	35912
retard the mental health or physical well-being of the child.	35913
(32) "Permanent custody" means a legal status that vests in a	35914
public children services agency or a private child placing agency,	35915
all parental rights, duties, and obligations, including the right	35916
to consent to adoption, and divests the natural parents or	35917
adoptive parents of all parental rights, privileges, and	35918
obligations, including all residual rights and obligations.	35919
(33) "Permanent surrender" means the act of the parents or,	35920
if a child has only one parent, of the parent of a child, by a	35921
voluntary agreement authorized by section 5103.15 of the Revised	35922
Code, to transfer the permanent custody of the child to a public	35923
children services agency or a private child placing agency.	35924
(34) "Person" means an individual, association, corporation,	35925
or partnership and the state or any of its political subdivisions,	35926
departments, or agencies.	35927
(35) "Person responsible for a child's care in out-of-home	35928
care" means any of the following:	35929
(a) Any foster caregiver, in-home aide, or provider;	35930
(b) Any administrator, employee, or agent of any of the	35931
following: a public or private detention facility; shelter	35932
facility; certified children's crisis care facility; organization;	35933

certified organization; child day-care center; type A family 35934
day-care home; certified type B family day-care home; group home; 35935
institution; state institution; residential facility; residential 35936
care facility; residential camp; day camp; school district; 35937
community school; chartered nonpublic school; educational service 35938
center; hospital; or medical clinic; 35939

(c) Any person who supervises or coaches children as part of 35940
an extracurricular activity sponsored by a school district, public 35941
school, or chartered nonpublic school; 35942

(d) Any other person who performs a similar function with 35943
respect to, or has a similar relationship to, children. 35944

(36) "Physically impaired" means having one or more of the 35945
following conditions that substantially limit one or more of an 35946
individual's major life activities, including self-care, receptive 35947
and expressive language, learning, mobility, and self-direction: 35948

(a) A substantial impairment of vision, speech, or hearing; 35949

(b) A congenital orthopedic impairment; 35950

(c) An orthopedic impairment caused by disease, rheumatic 35951
fever or any other similar chronic or acute health problem, or 35952
amputation or another similar cause. 35953

(37) "Placement for adoption" means the arrangement by a 35954
public children services agency or a private child placing agency 35955
with a person for the care and adoption by that person of a child 35956
of whom the agency has permanent custody. 35957

(38) "Placement in foster care" means the arrangement by a 35958
public children services agency or a private child placing agency 35959
for the out-of-home care of a child of whom the agency has 35960
temporary custody or permanent custody. 35961

(39) "Planned permanent living arrangement" means an order of 35962
a juvenile court pursuant to which both of the following apply: 35963

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.	35964 35965 35966
(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.	35967 35968 35969 35970
(40) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.	35971 35972 35973
(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code.	35974 35975 35976 35977
(42) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.	35978 35979 35980 35981 35982 35983 35984 35985
(43) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.	35986 35987
(44) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	35988 35989
(45) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes.	35990 35991 35992
(46) "Residential care facility" means an institution,	35993

residence, or facility that is licensed by the department of 35994
~~mental health~~ mental health and addiction services under section 35995
~~5119.22~~ 5119.34 of the Revised Code and that provides care for a 35996
child. 35997

(47) "Residential facility" means a home or facility that is 35998
licensed by the department of developmental disabilities under 35999
section 5123.19 of the Revised Code and in which a child with a 36000
developmental disability resides. 36001

(48) "Residual parental rights, privileges, and 36002
responsibilities" means those rights, privileges, and 36003
responsibilities remaining with the natural parent after the 36004
transfer of legal custody of the child, including, but not 36005
necessarily limited to, the privilege of reasonable visitation, 36006
consent to adoption, the privilege to determine the child's 36007
religious affiliation, and the responsibility for support. 36008

(49) "School day" means the school day established by the 36009
state board of education pursuant to section 3313.48 of the 36010
Revised Code. 36011

(50) "School month" and "school year" have the same meanings 36012
as in section 3313.62 of the Revised Code. 36013

(51) "Secure correctional facility" means a facility under 36014
the direction of the department of youth services that is designed 36015
to physically restrict the movement and activities of children and 36016
used for the placement of children after adjudication and 36017
disposition. 36018

(52) "Sexual activity" has the same meaning as in section 36019
2907.01 of the Revised Code. 36020

(53) "Shelter" means the temporary care of children in 36021
physically unrestricted facilities pending court adjudication or 36022
disposition. 36023

(54) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code. 36024
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(55) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement. 36026
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(56) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm. 36031
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(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days. 36037
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Sec. 2151.3514. (A) As used in this section: 36042

(1) "~~Alcohol and drug~~ Community addiction program services provider" has the same meaning as in section ~~3793.01~~ 5119.01 of the Revised Code; 36043
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(2) "Chemical dependency" means either of the following: 36046

(a) The chronic and habitual use of alcoholic beverages to the extent that the user no longer can control the use of alcohol or endangers the user's health, safety, or welfare or that of others; 36047
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(b) The use of a drug of abuse to the extent that the user becomes physically or psychologically dependent on the drug or endangers the user's health, safety, or welfare or that of others. 36051
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(3) "Drug of abuse" has the same meaning as in section 3719.011 of the Revised Code. 36054
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~~(4) "Medicaid" means the program established under Chapter 5111. of the Revised Code.~~ 36056
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(B) If the juvenile court issues an order of temporary custody or protective supervision under division (A) of section 2151.353 of the Revised Code with respect to a child adjudicated to be an abused, neglected, or dependent child and the alcohol or other drug addiction of a parent or other caregiver of the child was the basis for the adjudication of abuse, neglect, or dependency, the court shall issue an order requiring the parent or other caregiver to submit to an assessment and, if needed, treatment from ~~an alcohol and drug~~ a community addiction program services provider certified by the department of ~~alcohol and drug addiction services~~ mental health and addiction services. The court may order the parent or other caregiver to submit to alcohol or other drug testing during, after, or both during and after, the treatment. The court shall send any order issued pursuant to this division to the public children services agency that serves the county in which the court is located for use as described in section 340.15 of the Revised Code. 36058
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(C) Any order requiring alcohol or other drug testing that is issued pursuant to division (B) of this section shall require one alcohol or other drug test to be conducted each month during a period of twelve consecutive months beginning the month immediately following the month in which the order for alcohol or other drug testing is issued. Arrangements for administering the alcohol or other drug tests, as well as funding the costs of the tests, shall be locally determined in accordance with sections ~~340.033~~ 340.03 and 340.15 of the Revised Code. If a parent or other caregiver required to submit to alcohol or other drug tests under this section is not a recipient of medicaid, the agency that 36075
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refers the parent or caregiver for the tests may require the 36086
parent or caregiver to reimburse the agency for the cost of 36087
conducting the tests. 36088

(D) The certified ~~alcohol and drug~~ community addiction 36089
~~program~~ services provider that conducts any alcohol or other drug 36090
tests ordered in accordance with divisions (B) and (C) of this 36091
section shall send the results of the tests, along with the 36092
~~program's~~ provider's recommendations as to the benefits of 36093
continued treatment, to the court and to the public children 36094
services agency providing services to the involved family, 36095
according to federal regulations set forth in 42 C.F.R. Part 2, 36096
and division (B) of section 340.15 of the Revised Code. The court 36097
shall consider the results and the recommendations sent to it 36098
under this division in any adjudication or review by the court, 36099
according to section 2151.353, 2151.414, or 2151.419 of the 36100
Revised Code. 36101

Sec. 2151.362. (A)(1) In the manner prescribed by division 36102
(C)(1) or (2) of section 3313.64 of the Revised Code, as 36103
applicable, the court, at the time of making any order that 36104
removes a child from the child's own home or that vests legal or 36105
permanent custody of the child in a person other than the child's 36106
parent or a government agency, shall determine the school district 36107
that is to bear the cost of educating the child. The court shall 36108
make the determination a part of the order that provides for the 36109
child's placement or commitment. That school district shall bear 36110
the cost of educating the child unless and until the department of 36111
education determines that a different district shall be 36112
responsible for bearing that cost pursuant to division (A)(2) of 36113
this section. The court's order shall state that the determination 36114
of which school district is responsible to bear the cost of 36115
educating the child is subject to re-determination by the 36116
department pursuant to that division. 36117

(2) If, while the child is in the custody of a person other than the child's parent or a government agency, the department of education determines that the place of residence of the child's parent has changed since the court issued its initial order, the department may name a different school district to bear the cost of educating the child. The department shall make this new determination, and any future determinations, based on evidence received from the school district currently responsible to bear the cost of educating the child. If the department finds that the evidence demonstrates to its satisfaction that the residence of the child's parent has changed since the court issued its initial order under division (A)(1) of this section, or since the department last made a determination under division (A)(2) of this section, the department shall name the district in which the child's parent currently resides or, if the parent's residence is not known, the district in which the parent's last known residence is located. If the department cannot determine any Ohio district in which the parent currently resides or has resided, the school district designated in the initial court order under division (A)(1) of this section, or in the most recent determination made by the department under division (A)(2) of this section, shall continue to bear the cost of educating the child.

(B) Whenever a child is placed in a detention facility established under section 2152.41 of the Revised Code or a juvenile facility established under section 2151.65 of the Revised Code, the facility shall be responsible for coordinating the education of the child. The facility may take any of the following measures in coordinating the education of the child:

(1) If applicable, use the chartered nonpublic school that the facility operates;

(2) Arrange with the school district responsible for bearing the cost of educating the child determined under division (A) of

this section, for the facility to educate the child on its own; 36150

(3) Contract with an educational service center for the 36151
service center to educate the child; 36152

(4) Contract with the school district in which the facility 36153
is located for that school district to educate the child; 36154

(5) If the child is enrolled in an internet- or 36155
computer-based community school established under Chapter 3314. of 36156
the Revised Code, and provided that the facility possesses the 36157
necessary hardware, software, and internet connectivity, permit 36158
continued instruction of the child by the internet- or 36159
computer-based community school. 36160

If the facility coordinates the education of the child 36161
pursuant to division (B)(1), (2), (3), or (4) of this section, 36162
child's school district as determined by the court or the 36163
department, in the same manner as prescribed in division (A) of 36164
this section, shall pay the cost of educating the child based on 36165
the per capita cost of the educational facility within the 36166
detention home or juvenile facility. 36167

If the facility coordinates the education of the child 36168
pursuant to division (B)(5) of this section, payment for the cost 36169
of educating the child shall be made only as provided in division 36170
(C) of section 3314.08 of the Revised Code. 36171

(C) Whenever a child is placed by the court in a private 36172
institution, school, or residential treatment center or any other 36173
private facility, the state shall pay to the court a subsidy to 36174
help defray the expense of educating the child in an amount equal 36175
to the product of the daily per capita educational cost of the 36176
private facility, as determined pursuant to this section, and the 36177
number of days the child resides at the private facility, provided 36178
that the subsidy shall not exceed twenty-five hundred dollars per 36179
year per child. The daily per capita educational cost of a private 36180

facility shall be determined by dividing the actual program cost 36181
of the private facility or twenty-five hundred dollars, whichever 36182
is less, by three hundred sixty-five days or by three hundred 36183
sixty-six days for years that include February twenty-ninth. The 36184
state shall pay seventy-five per cent of the total subsidy for 36185
each year quarterly to the court. The state may adjust the 36186
remaining twenty-five per cent of the total subsidy to be paid to 36187
the court for each year to an amount that is less than twenty-five 36188
per cent of the total subsidy for that year based upon the 36189
availability of funds appropriated to the department of education 36190
for the purpose of subsidizing courts that place a child in a 36191
private institution, school, or residential treatment center or 36192
any other private facility and shall pay that adjusted amount to 36193
the court at the end of the year. 36194

Sec. 2151.83. (A) A public children services agency or 36195
private child placing agency, on the request of a young adult, 36196
shall enter into a jointly prepared written agreement with the 36197
young adult that obligates the agency to ensure that independent 36198
living services are provided to the young adult and sets forth the 36199
responsibilities of the young adult regarding the services. The 36200
agreement shall be developed based on the young adult's strengths, 36201
needs, and circumstances. The agreement shall be designed to 36202
promote the young adult's successful transition to independent 36203
adult living and emotional and economic self-sufficiency. 36204

(B) If the young adult appears to be eligible for services 36205
from one or more of the following entities, the agency must 36206
contact the appropriate entity to determine eligibility: 36207

(1) An entity, other than the agency, that is represented on 36208
a county family and children first council established pursuant to 36209
section 121.37 of the Revised Code. If the entity is a board of 36210
alcohol, drug addiction, and mental health services, an alcohol 36211

and drug addiction services board, or a community mental health 36212
board, the agency shall contact the provider of alcohol, drug 36213
addiction, or mental health services that has been designated by 36214
the board to determine the young adult's eligibility for services. 36215

(2) The ~~rehabilitation services commission opportunities for~~ 36216
Ohioans with disabilities agency; 36217

(3) A metropolitan housing authority established pursuant to 36218
section 3735.27 of the Revised Code. 36219

If an entity described in this division determines that the 36220
young adult qualifies for services from the entity, that entity, 36221
the young adult, and the agency to which the young adult made the 36222
request for independent living services shall enter into a written 36223
addendum to the jointly prepared agreement entered into under 36224
division (A) of this section. The addendum shall indicate how 36225
services under the agreement and addendum are to be coordinated 36226
and allocate the service responsibilities among the entities and 36227
agency that signed the addendum. 36228

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 36229
entity that appoints or employs any person responsible for a 36230
child's care in out-of-home care shall request the superintendent 36231
of BCII to conduct a criminal records check with respect to any 36232
person who is under final consideration for appointment or 36233
employment as a person responsible for a child's care in 36234
out-of-home care, except that section 3319.39 of the Revised Code 36235
shall apply instead of this section if the out-of-home care entity 36236
is a public school, educational service center, or chartered 36237
nonpublic school. 36238

(2) At the times specified in this division, the 36239
administrative director of an agency, or attorney, who arranges an 36240
adoption for a prospective adoptive parent shall request the 36241
superintendent of BCII to conduct a criminal records check with 36242

respect to that prospective adoptive parent and a criminal records 36243
check with respect to all persons eighteen years of age or older 36244
who reside with the prospective adoptive parent. The 36245
administrative director or attorney shall request a criminal 36246
records check pursuant to this division at the time of the initial 36247
home study, every four years after the initial home study at the 36248
time of an update, and at the time that an adoptive home study is 36249
completed as a new home study. 36250

(3) Before a recommending agency submits a recommendation to 36251
the department of job and family services on whether the 36252
department should issue a certificate to a foster home under 36253
section 5103.03 of the Revised Code, and every four years 36254
thereafter prior to a recertification under that section, the 36255
administrative director of the agency shall request that the 36256
superintendent of BCII conduct a criminal records check with 36257
respect to the prospective foster caregiver and a criminal records 36258
check with respect to all other persons eighteen years of age or 36259
older who reside with the foster caregiver. 36260

(B)(1) If a person subject to a criminal records check under 36261
division (A)(1) of this section does not present proof that the 36262
person has been a resident of this state for the five-year period 36263
immediately prior to the date upon which the criminal records 36264
check is requested or does not provide evidence that within that 36265
five-year period the superintendent of BCII has requested 36266
information about the person from the federal bureau of 36267
investigation in a criminal records check, the appointing or 36268
hiring officer shall request that the superintendent of BCII 36269
obtain information from the federal bureau of investigation as a 36270
part of the criminal records check, including fingerprint-based 36271
checks of national crime information databases as described in 42 36272
U.S.C. 671. If a person subject to a criminal records check under 36273
division (A)(1) of this section presents proof that the person has 36274

been a resident of this state for that five-year period, the 36275
appointing or hiring officer or attorney may request that the 36276
superintendent of BCII include information from the federal bureau 36277
of investigation in the criminal records check, including 36278
fingerprint-based checks of national crime information databases 36279
as described in 42 U.S.C. 671. 36280

When the administrative director of an agency, or attorney, 36281
who arranges an adoption for a prospective parent requests, at the 36282
time of the initial home study, a criminal records check for a 36283
person pursuant to division (A)(2) of this section, the 36284
administrative director or attorney shall request that the 36285
superintendent of BCII obtain information from the federal bureau 36286
of investigation as part of the criminal records check, including 36287
fingerprint-based checks of national crime information databases 36288
as described in 42 U.S.C. 671, for the person subject to the 36289
criminal records check. In all other cases in which the 36290
administrative director of an agency, or attorney, who arranges an 36291
adoption for a prospective parent requests a criminal records 36292
check for a person pursuant to division (A)(2) of this section, 36293
the administrative director or attorney may request that the 36294
superintendent of BCII include information from the federal bureau 36295
of investigation in the criminal records check, including 36296
fingerprint-based checks of national crime information databases 36297
as described in 42 U.S.C. 671. 36298

When the administrative director of a recommending agency 36299
requests, before submitting a recommendation to the department of 36300
job and family services on whether the department should issue a 36301
certificate to a foster home under section 5103.03 of the Revised 36302
Code, a criminal records check for a person pursuant to division 36303
(A)(3) of this section, the administrative director shall request 36304
that the superintendent of BCII obtain information from the 36305
federal bureau of investigation as part of a criminal records 36306

check, including fingerprint-based checks of national crime 36307
information databases as described in 42 U.S.C. 671, for the 36308
person subject to the criminal records check. In all other cases 36309
in which the administrative director of a recommending agency 36310
requests a criminal records check for a person pursuant to 36311
division (A)(3) of this section, the administrative director may 36312
request that the superintendent of BCII include information from 36313
the federal bureau of investigation in the criminal records check, 36314
including fingerprint-based checks of national crime information 36315
databases as described in 42 U.S.C. 671. 36316

Prior to a hearing on a final decree of adoption or 36317
interlocutory order of adoption by a probate court, the 36318
administrative director of an agency, or an attorney, who arranges 36319
an adoption for a prospective parent shall provide to the clerk of 36320
the probate court either of the following: 36321

(a) Any information received pursuant to a request made under 36322
this division from the superintendent of BCII or the federal 36323
bureau of investigation as part of the criminal records check, 36324
including fingerprint-based checks of national crime information 36325
databases as described in 42 U.S.C. 671, for the person subject to 36326
the criminal records check; 36327

(b) Written notification that the person subject to a 36328
criminal records check pursuant to this division failed upon 36329
request to provide the information necessary to complete the form 36330
or failed to provide impressions of the person's fingerprints as 36331
required under division (B)(2) of this section. 36332

(2) An appointing or hiring officer, administrative director, 36333
or attorney required by division (A) of this section to request a 36334
criminal records check shall provide to each person subject to a 36335
criminal records check a copy of the form prescribed pursuant to 36336
division (C)(1) of section 109.572 of the Revised Code and a 36337
standard impression sheet to obtain fingerprint impressions 36338

prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from the person, and forward the completed form and impression sheet to the superintendent of BCII at the time the criminal records check is requested.

Any person subject to a criminal records check who receives pursuant to this division a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If a person subject to a criminal records check, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the appointing or hiring officer shall not appoint or employ the person as a person responsible for a child's care in out-of-home care, a probate court may not issue a final decree of adoption or an interlocutory order of adoption making the person an adoptive parent, and the department of job and family services shall not issue a certificate authorizing the prospective foster caregiver to operate a foster home.

(C)(1) No appointing or hiring officer shall appoint or employ a person as a person responsible for a child's care in out-of-home care, the department of job and family services shall not issue a certificate under section 5103.03 of the Revised Code authorizing a prospective foster caregiver to operate a foster home, and no probate court shall issue a final decree of adoption or an interlocutory order of adoption making a person an adoptive parent if the person or, in the case of a prospective foster caregiver or prospective adoptive parent, any person eighteen

years of age or older who resides with the prospective foster caregiver or prospective adoptive parent previously has been convicted of or pleaded guilty to any of the violations described in division (A)(4) of section 109.572 of the Revised Code, unless the person meets rehabilitation standards established in rules adopted under division (F) of this section.

(2) The appointing or hiring officer may appoint or employ a person as a person responsible for a child's care in out-of-home care conditionally until the criminal records check required by this section is completed and the officer receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (C)(1) of this section, the person subject to the criminal records check does not qualify for appointment or employment, the officer shall release the person from appointment or employment.

(3) Prior to certification or recertification under section 5103.03 of the Revised Code, the prospective foster caregiver subject to a criminal records check under division (A)(3) of this section shall notify the recommending agency of the revocation of any foster home license, certificate, or other similar authorization in another state occurring within the five years prior to the date of application to become a foster caregiver in this state. The failure of a prospective foster caregiver to notify the recommending agency of any revocation of that type in another state that occurred within that five-year period shall be grounds for denial of the person's foster home application or the revocation of the person's foster home certification, whichever is applicable. If a person has had a revocation in another state within the five years prior to the date of the application, the department of job and family services shall not issue a foster home certificate to the prospective foster caregiver.

(D) The appointing or hiring officer, administrative

director, or attorney shall pay to the bureau of criminal 36403
identification and investigation the fee prescribed pursuant to 36404
division (C)(3) of section 109.572 of the Revised Code for each 36405
criminal records check conducted in accordance with that section 36406
upon a request pursuant to division (A) of this section. The 36407
officer, director, or attorney may charge the person subject to 36408
the criminal records check a fee for the costs the officer, 36409
director, or attorney incurs in obtaining the criminal records 36410
check. A fee charged under this division shall not exceed the 36411
amount of fees the officer, director, or attorney pays for the 36412
criminal records check. If a fee is charged under this division, 36413
the officer, director, or attorney shall notify the person who is 36414
the applicant at the time of the person's initial application for 36415
appointment or employment, an adoption to be arranged, or a 36416
certificate to operate a foster home of the amount of the fee and 36417
that, unless the fee is paid, the person who is the applicant will 36418
not be considered for appointment or employment or as an adoptive 36419
parent or foster caregiver. 36420

(E) The report of any criminal records check conducted by the 36421
bureau of criminal identification and investigation in accordance 36422
with section 109.572 of the Revised Code and pursuant to a request 36423
made under division (A) of this section is not a public record for 36424
the purposes of section 149.43 of the Revised Code and shall not 36425
be made available to any person other than the following: 36426

(1) The person who is the subject of the criminal records 36427
check or the person's representative; 36428

(2) The appointing or hiring officer, administrative 36429
director, or attorney requesting the criminal records check or the 36430
officer's, director's, or attorney's representative; 36431

(3) The department of job and family services, a county 36432
department of job and family services, or a public children 36433
services agency; 36434

(4) Any court, hearing officer, or other necessary individual 36435
involved in a case dealing with the denial of employment, a final 36436
decree of adoption or interlocutory order of adoption, or a foster 36437
home certificate. 36438

(F) The director of job and family services shall adopt rules 36439
in accordance with Chapter 119. of the Revised Code to implement 36440
this section. The rules shall include rehabilitation standards a 36441
person who has been convicted of or pleaded guilty to an offense 36442
listed in division (A)(4) of section 109.572 of the Revised Code 36443
must meet for an appointing or hiring officer to appoint or employ 36444
the person as a person responsible for a child's care in 36445
out-of-home care, a probate court to issue a final decree of 36446
adoption or interlocutory order of adoption making the person an 36447
adoptive parent, or the department to issue a certificate 36448
authorizing the prospective foster caregiver to operate a foster 36449
home or not revoke a foster home certificate for a violation 36450
specified in section 5103.0328 of the Revised Code. 36451

(G) An appointing or hiring officer, administrative director, 36452
or attorney required by division (A) of this section to request a 36453
criminal records check shall inform each person who is the 36454
applicant, at the time of the person's initial application for 36455
appointment or employment, an adoption to be arranged, or a foster 36456
home certificate, that the person subject to the criminal records 36457
check is required to provide a set of impressions of the person's 36458
fingerprints and that a criminal records check is required to be 36459
conducted and satisfactorily completed in accordance with section 36460
109.572 of the Revised Code. 36461

~~(H) The department of job and family services may waive the 36462
requirement that a criminal records check based on fingerprints be 36463
conducted for an adult resident of a prospective adoptive or 36464
foster home or the home of a foster caregiver if the recommending 36465
agency documents to the department's satisfaction that the adult 36466~~

~~resident is physically unable to comply with the fingerprinting 36467
requirement and poses no danger to foster children or adoptive 36468
children who may be placed in the home. In such cases, the 36469
recommending or approving agency shall request that the bureau of 36470
criminal identification and investigation conduct a criminal 36471
records check using the person's name and social security number. 36472~~

~~(I)~~ As used in this section: 36473

(1) "Children's hospital" means any of the following: 36474

(a) A hospital registered under section 3701.07 of the 36475
Revised Code that provides general pediatric medical and surgical 36476
care, and in which at least seventy-five per cent of annual 36477
inpatient discharges for the preceding two calendar years were 36478
individuals less than eighteen years of age; 36479

(b) A distinct portion of a hospital registered under section 36480
3701.07 of the Revised Code that provides general pediatric 36481
medical and surgical care, has a total of at least one hundred 36482
fifty registered pediatric special care and pediatric acute care 36483
beds, and in which at least seventy-five per cent of annual 36484
inpatient discharges for the preceding two calendar years were 36485
individuals less than eighteen years of age; 36486

(c) A distinct portion of a hospital, if the hospital is 36487
registered under section 3701.07 of the Revised Code as a 36488
children's hospital and the children's hospital meets all the 36489
requirements of division ~~(I)~~(H)(1)(a) of this section. 36490

(2) "Criminal records check" has the same meaning as in 36491
section 109.572 of the Revised Code. 36492

(3) "Person responsible for a child's care in out-of-home 36493
care" has the same meaning as in section 2151.011 of the Revised 36494
Code, except that it does not include a prospective employee of 36495
the department of youth services or a person responsible for a 36496
child's care in a hospital or medical clinic other than a 36497

children's hospital. 36498

(4) "Person subject to a criminal records check" means the 36499
following: 36500

(a) A person who is under final consideration for appointment 36501
or employment as a person responsible for a child's care in 36502
out-of-home care; 36503

(b) A prospective adoptive parent; 36504

(c) A prospective foster caregiver; 36505

(d) A person eighteen years old or older who resides with a 36506
prospective foster caregiver or a prospective adoptive parent. 36507

(5) "Recommending agency" means a public children services 36508
agency, private child placing agency, or private noncustodial 36509
agency to which the department of job and family services has 36510
delegated a duty to inspect and approve foster homes. 36511

(6) "Superintendent of BCII" means the superintendent of the 36512
bureau of criminal identification and investigation. 36513

Sec. 2152.54. (A) An evaluation of a child who does not 36514
appear to the court to be a person who is at least moderately 36515
intellectually disabled shall be made by an evaluator who is one 36516
of the following: 36517

(1) A professional employed by a psychiatric facility or 36518
center certified by the department of ~~mental health~~ mental health 36519
and addiction services to provide forensic services and appointed 36520
by the director of the facility or center to conduct the 36521
evaluation; 36522

(2) A psychiatrist or a licensed clinical psychologist who 36523
satisfies the criteria of division (I)(1) of section 5122.01 of 36524
the Revised Code and has specialized education, training, or 36525
experience in forensic evaluations of children or adolescents. 36526

(B) An evaluation of a child who appears to the court to be a person who is at least moderately intellectually disabled shall be made by a psychiatrist or licensed clinical psychologist who satisfies the criteria of division (I)(1) of section 5122.01 of the Revised Code and has specialized education, training, or experience in forensic evaluations of children or adolescents who have intellectual disability.

(C) If an evaluation is conducted by an evaluator of the type described in division (A)(1) or (2) of this section and the evaluator concludes that the child is a person who is at least moderately intellectually disabled, the evaluator shall discontinue the evaluation and notify the court within one business day after reaching the conclusion. Within two business days after receiving notification, the court shall order the child to undergo an evaluation by an evaluator of the type described in division (B) of this section. Within two business days after the appointment of the new evaluator, the original evaluator shall deliver to the new evaluator all information relating to the child obtained during the original evaluation.

Sec. 2152.59. (A) If after a hearing held pursuant to section 2152.58 of the Revised Code the court determines that a child is competent, the court shall proceed with the delinquent child's proceeding as provided by law. No statement that a child makes during an evaluation or hearing conducted under sections 2152.51 through 2152.59 of the Revised Code shall be used against the child on the issue of responsibility or guilt in any child or adult proceeding.

(B) If after a hearing held pursuant to section 2152.58 of the Revised Code the court determines that the child is not competent and cannot attain competency within the period of time applicable under division (D)(2) of this section, the court shall

dismiss the charges without prejudice, except that the court may 36558
delay dismissal for up to ninety calendar days and do either of 36559
the following: 36560

(1) Refer the matter to a public children services agency and 36561
request that agency determine whether to file an action in 36562
accordance with section 2151.27 of the Revised Code alleging that 36563
the child is a dependent, neglected, or abused child; 36564

(2) Assign court staff to refer the child or the child's 36565
family to the local family and children first council or an agency 36566
funded by the department of ~~mental health~~ mental health and 36567
addiction services or department of developmental disabilities or 36568
otherwise secure services to reduce the potential that the child 36569
would engage in behavior that could result in delinquent child or 36570
other criminal charges. 36571

(C) If after a hearing held pursuant to section 2152.58 of 36572
the Revised Code the court determines that a child is not 36573
competent but could likely attain competency by participating in 36574
services specifically designed to help the child develop 36575
competency, the court may order the child to participate in 36576
services specifically designed to help the child develop 36577
competency at county expense. The court shall name a reliable 36578
provider to deliver the competency attainment services and shall 36579
order the child's parent, guardian, or custodian to contact that 36580
provider by a specified date to arrange for services. 36581

(D) The competency attainment services provided to a child 36582
shall be based on a competency attainment plan described in 36583
division (E)(2) of this section and approved by the court. 36584
Services are subject to the following conditions and time periods 36585
measured from the date the court approves the plan: 36586

(1) Services shall be provided in the least restrictive 36587
setting that is consistent with the child's ability to attain 36588

competency and the safety of both the child and the community. If 36589
the child has been released on temporary or interim orders and 36590
refuses or fails to cooperate with the service provider, the court 36591
may reassess the orders and amend them to require a more 36592
appropriate setting. 36593

(2) No child shall be required to participate in competency 36594
attainment services for longer than is required for the child to 36595
attain competency. The following maximum periods of participation 36596
apply: 36597

(a) If a child is ordered to participate in competency 36598
attainment services that are provided outside of a residential 36599
setting, the child shall not participate in those services for a 36600
period exceeding three months if the child is charged with an act 36601
that would be a misdemeanor if committed by an adult, six months 36602
if the child is charged with an act that would be a felony of the 36603
third, fourth, or fifth degree if committed by an adult, or one 36604
year if the child is charged with an act that would be a felony of 36605
the first or second degree, aggravated murder, or murder if 36606
committed by an adult. 36607

(b) If a child is ordered to receive competency attainment 36608
services that are provided in a residential setting that is 36609
operated solely or in part for the purpose of providing competency 36610
attainment services, the child shall not participate in those 36611
services for a period exceeding forty-five calendar days if the 36612
child is charged with an act that would be a misdemeanor if 36613
committed by an adult, three months if the child is charged with 36614
an act that would be a felony of the third, fourth, or fifth 36615
degree if committed by an adult, six months if the child is 36616
charged with an act that would be a felony of the first or second 36617
degree if committed by an adult, or one year if the child is 36618
charged with an act that would be aggravated murder or murder if 36619
committed by an adult. 36620

(c) If a child is ordered into a residential, detention, or other secured setting for reasons other than to participate in competency attainment services and is also ordered to participate in competency attainment services concurrently, the child shall participate in the competency attainment services for not longer than the relevant period set forth in division (D)(2)(a) of this section.

(d) If a child is ordered to participate in competency attainment services that require the child to live for some but not all of the duration of the services in a residential setting that is operated solely or in part for the purpose of providing competency attainment services, the child shall participate in the competency attainment services for not longer than the relevant period set forth in division (D)(2)(b) of this section. For the purpose of calculating a time period under division (D)(2)(d) of this section, two days of participation in a nonresidential setting shall equal one day of participation in a residential setting.

(3) A child who receives competency attainment services in a residential setting that is operated solely or partly for the purpose of providing competency attainment services is in detention for purposes of section 2921.34 and division (B) of section 2152.18 of the Revised Code during the time that the child resides in the residential setting.

(E)(1) Within ten business days after the court names the provider responsible for the child's competency attainment services under division (D) of this section, the court shall deliver to that provider a copy of each competency assessment report it has received for review. The provider shall return the copies of the reports to the court upon the termination of the services.

(2) Not later than thirty calendar days after the child

contacts the competency attainment services provider under 36653
division (C) of this section, the provider shall submit to the 36654
court a plan for the child to attain competency. The court shall 36655
provide copies of the plan to the prosecuting attorney, the 36656
child's attorney, the child's guardian ad litem, if any, and the 36657
child's parents, guardian, or custodian. 36658

(F) The provider that provides the child's competency 36659
attainment services pursuant to the competency attainment plan 36660
shall submit reports to the court on the following schedule: 36661

(1) A report on the child's progress every thirty calendar 36662
days and on the termination of services. The report shall not 36663
include any details of the alleged offense as reported by the 36664
child. 36665

(2) If the provider determines that the child is not 36666
cooperating to a degree that would allow the services to be 36667
effective to help the child attain competency, a report informing 36668
the court of the determination within three business days after 36669
making the determination; 36670

(3) If the provider determines that the current setting is no 36671
longer the least restrictive setting that is consistent with the 36672
child's ability to attain competency and the safety of both the 36673
child and the community, a report informing the court of the 36674
determination within three business days after making the 36675
determination; 36676

(4) If the provider determines that the child has achieved 36677
the goals of the plan and would be able to understand the nature 36678
and objectives of the proceeding against the child and to assist 36679
in the child's defense, with or without reasonable accommodations 36680
to meet the criteria set forth in division (B) of section 2152.56 36681
of the Revised Code, a report informing the court of that 36682
determination within three business days after making the 36683

determination. If the provider believes that accommodations would 36684
be necessary or desirable, the report shall include 36685
recommendations for accommodations. 36686

(5) If the provider determines that the child will not 36687
achieve the goals of the plan within the applicable period of time 36688
under division (D)(2) of this section, a report informing the 36689
court of the determination within three business days after making 36690
the determination. The report shall include recommendations for 36691
services for the child that would support the safety of the child 36692
or the community. 36693

(G) The court shall provide copies of any report made under 36694
division (F) of this section to the prosecuting attorney, the 36695
child's attorney, and the child's guardian ad litem, if any. The 36696
court shall provide copies of any report made under division (F) 36697
of this section to the child's parents, guardian, or custodian 36698
unless the court finds that doing so is not in the best interest 36699
of the child. 36700

(H)(1) Within fifteen business days after receiving a report 36701
under division (F) of this section, the court may hold a hearing 36702
to determine if a new order is necessary. To assist in making a 36703
determination under division (H) of this section, the court may 36704
order a new competency evaluation in accordance with section 36705
2152.53 of the Revised Code. Until a new order is issued or the 36706
required period of participation expires, the child shall continue 36707
to participate in competency attainment services. 36708

(2) If after a hearing held under division (H)(1) of this 36709
section the court determines that the child is not making progress 36710
toward competency or is so uncooperative that attainment services 36711
cannot be effective, the court may order a change in setting or 36712
services that would help the child attain competency within the 36713
relevant period of time under division (D)(2) of this section. 36714

(3) If after a hearing held under division (H)(1) of this section the court determines that the child has not or will not attain competency within the relevant period of time under division (D)(2) of this section, the court shall dismiss the delinquency complaint without prejudice, except that the court may delay dismissal for up to ninety calendar days and do either of the following:

(a) Refer the matter to a public children services agency and request that agency determine whether to file an action in accordance with section 2151.27 of the Revised Code alleging that the child is a dependent, neglected, or abused child;

(b) Assign court staff to refer the child or the child's family to the local family and children first council or an agency funded by the department of ~~mental health~~ mental health and addiction services or department of developmental disabilities or otherwise secure services to reduce the potential that the child would engage in behavior that could result in delinquency or other criminal charges.

(4) A dismissal under division (H)(3) of this section does not preclude a future delinquent child proceeding or criminal prosecution as provided under section 2151.23 of the Revised Code if the child eventually attains competency.

(5) If after a hearing held under division (H)(1) of this section the court determines that the child has attained competency, the court shall proceed with the delinquent child's proceeding in accordance with division (A) of this section.

(6) A dismissal under this section does not bar a civil action based on the acts or omissions that formed the basis of the complaint.

Sec. 2303.201. (A)(1) The court of common pleas of any county

may determine that for the efficient operation of the court 36745
additional funds are required to computerize the court, to make 36746
available computerized legal research services, or to do both. 36747
Upon making a determination that additional funds are required for 36748
either or both of those purposes, the court shall authorize and 36749
direct the clerk of the court of common pleas to charge one 36750
additional fee, not to exceed six dollars, on the filing of each 36751
cause of action or appeal under divisions (A), (Q), and (U) of 36752
section 2303.20 of the Revised Code. 36753

(2) All fees collected under division (A)(1) of this section 36754
shall be paid to the county treasurer. The treasurer shall place 36755
the funds from the fees in a separate fund to be disbursed either 36756
upon an order of the court, subject to an appropriation by the 36757
board of county commissioners, or upon an order of the court, 36758
subject to the court making an annual report available to the 36759
public listing the use of all such funds, in an amount not greater 36760
than the actual cost to the court of procuring and maintaining 36761
computerization of the court, computerized legal research 36762
services, or both. 36763

(3) If the court determines that the funds in the fund 36764
described in division (A)(2) of this section are more than 36765
sufficient to satisfy the purpose for which the additional fee 36766
described in division (A)(1) of this section was imposed, the 36767
court may declare a surplus in the fund and, subject to an 36768
appropriation by the board of county commissioners, expend those 36769
surplus funds, or upon an order of the court, subject to the court 36770
making an annual report available to the public listing the use of 36771
all such funds, expend those surplus funds, for other appropriate 36772
technological expenses of the court. 36773

(B)(1) The court of common pleas of any county may determine 36774
that, for the efficient operation of the court, additional funds 36775
are required to make technological advances in or to computerize 36776

the office of the clerk of the court of common pleas and, upon 36777
that determination, authorize and direct the clerk of the court of 36778
common pleas to charge an additional fee, not to exceed twenty 36779
dollars, on the filing of each cause of action or appeal, on the 36780
filing, docketing, and endorsing of each certificate of judgment, 36781
or on the docketing and indexing of each aid in execution or 36782
petition to vacate, revive, or modify a judgment under divisions 36783
(A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code 36784
and not to exceed one dollar each for the services described in 36785
divisions (B), (C), (D), (F), (H), and (L) of section 2303.20 of 36786
the Revised Code. Subject to division (B)(2) of this section, all 36787
moneys collected under division (B)(1) of this section shall be 36788
paid to the county treasurer to be disbursed, upon an order of the 36789
court of common pleas and subject to appropriation by the board of 36790
county commissioners, in an amount no greater than the actual cost 36791
to the court of procuring and maintaining technology and computer 36792
systems for the office of the clerk of the court of common pleas. 36793

(2) If the court of common pleas of a county makes the 36794
determination described in division (B)(1) of this section, the 36795
board of county commissioners of that county may issue one or more 36796
general obligation bonds for the purpose of procuring and 36797
maintaining the technology and computer systems for the office of 36798
the clerk of the court of common pleas. In addition to the 36799
purposes stated in division (B)(1) of this section for which the 36800
moneys collected under that division may be expended, the moneys 36801
additionally may be expended to pay debt charges on and financing 36802
costs related to any general obligation bonds issued pursuant to 36803
division (B)(2) of this section as they become due. General 36804
obligation bonds issued pursuant to division (B)(2) of this 36805
section are Chapter 133. securities. 36806

(C) The court of common pleas shall collect the sum of 36807
twenty-six dollars as additional filing fees in each new civil 36808

action or proceeding for the charitable public purpose of 36809
providing financial assistance to legal aid societies that operate 36810
within the state and to support the office of the state public 36811
defender. This division does not apply to proceedings concerning 36812
annulments, dissolutions of marriage, divorces, legal separation, 36813
spousal support, marital property or separate property 36814
distribution, support, or other domestic relations matters; to a 36815
juvenile division of a court of common pleas; to a probate 36816
division of a court of common pleas, except that the additional 36817
filing fees shall apply to name change, guardianship, adoption, 36818
and decedents' estate proceedings; or to an execution on a 36819
judgment, proceeding in aid of execution, or other post-judgment 36820
proceeding arising out of a civil action. The filing fees required 36821
to be collected under this division shall be in addition to any 36822
other filing fees imposed in the action or proceeding and shall be 36823
collected at the time of the filing of the action or proceeding. 36824
The court shall not waive the payment of the additional filing 36825
fees in a new civil action or proceeding unless the court waives 36826
the advanced payment of all filing fees in the action or 36827
proceeding. All such moneys collected during a month except for an 36828
amount equal to up to one per cent of those moneys retained to 36829
cover administrative costs shall be transmitted on or before the 36830
twentieth day of the following month by the clerk of the court to 36831
the treasurer of state in a manner prescribed by the treasurer of 36832
state or by the Ohio legal assistance foundation. The treasurer of 36833
state shall deposit four per cent of the funds collected under 36834
this division to the credit of the civil case filing fee fund 36835
established under section 120.07 of the Revised Code and 36836
ninety-six per cent of the funds collected under this division to 36837
the credit of the legal aid fund established under section 120.52 36838
of the Revised Code. 36839

The court may retain up to one per cent of the moneys it 36840
collects under this division to cover administrative costs, 36841

including the hiring of any additional personnel necessary to 36842
implement this division. If the court fails to transmit to the 36843
treasurer of state the moneys the court collects under this 36844
division in a manner prescribed by the treasurer of state or by 36845
the Ohio legal assistance foundation, the court shall forfeit the 36846
moneys the court retains under this division to cover 36847
administrative costs, including the hiring of any additional 36848
personnel necessary to implement this division, and shall transmit 36849
to the treasurer of state all moneys collected under this 36850
division, including the forfeited amount retained for 36851
administrative costs, for deposit in the legal aid fund. 36852

(D) On and after the thirtieth day after December 9, 1994, 36853
the court of common pleas shall collect the sum of thirty-two 36854
dollars as additional filing fees in each new action or proceeding 36855
for annulment, divorce, or dissolution of marriage for the purpose 36856
of funding shelters for victims of domestic violence pursuant to 36857
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 36858
required to be collected under this division shall be in addition 36859
to any other filing fees imposed in the action or proceeding and 36860
shall be collected at the time of the filing of the action or 36861
proceeding. The court shall not waive the payment of the 36862
additional filing fees in a new action or proceeding for 36863
annulment, divorce, or dissolution of marriage unless the court 36864
waives the advanced payment of all filing fees in the action or 36865
proceeding. On or before the twentieth day of each month, all 36866
moneys collected during the immediately preceding month pursuant 36867
to this division shall be deposited by the clerk of the court into 36868
the county treasury in the special fund used for deposit of 36869
additional marriage license fees as described in section 3113.34 36870
of the Revised Code. Upon their deposit into the fund, the moneys 36871
shall be retained in the fund and expended only as described in 36872
section 3113.34 of the Revised Code. 36873

(E)(1) The court of common pleas may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court, including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services. Upon that determination, the court by rule may charge a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession.

If the court of common pleas offers or requires a special program or ~~service~~ additional services in cases of a specific type, the court by rule may assess an additional charge in a case of that type, over and above court costs, to cover the special program or service. The court shall adjust the special assessment periodically, but not retroactively, so that the amount assessed in those cases does not exceed the actual cost of providing the service or program.

All moneys collected under division (E) of this section shall be paid to the county treasurer for deposit into either a general special projects fund or a fund established for a specific special project. Moneys from a fund of that nature shall be disbursed upon an order of the court, subject to an appropriation by the board of county commissioners, in an amount no greater than the actual cost to the court of a project. If a specific fund is terminated because of the discontinuance of a program or service established under division (E) of this section, the court may order, subject to an appropriation by the board of county commissioners, that moneys remaining in the fund be transferred to an account established under this division for a similar purpose.

(2) As used in division (E) of this section:	36906
(a) "Criminal cause" means a charge alleging the violation of a statute or ordinance, or subsection of a statute or ordinance, that requires a separate finding of fact or a separate plea before disposition and of which the defendant may be found guilty, whether filed as part of a multiple charge on a single summons, citation, or complaint or as a separate charge on a single summons, citation, or complaint. "Criminal cause" does not include separate violations of the same statute or ordinance, or subsection of the same statute or ordinance, unless each charge is filed on a separate summons, citation, or complaint.	36907 36908 36909 36910 36911 36912 36913 36914 36915 36916
(b) "Civil action or proceeding" means any civil litigation that must be determined by judgment entry.	36917 36918
Sec. 2305.234. (A) As used in this section:	36919
(1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.113 of the Revised Code.	36920 36921 36922
(2) "Dental claim" has the same meaning as in section 2305.113 of the Revised Code, except that it does not include any claim arising out of a dental operation or any derivative claim for relief that arises out of a dental operation.	36923 36924 36925 36926
(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.	36927 36928
(4) "Health care facility or location" means a hospital, clinic, ambulatory surgical facility, office of a health care professional or associated group of health care professionals, training institution for health care professionals, or any other place where medical, dental, or other health-related diagnosis, care, or treatment is provided to a person.	36929 36930 36931 36932 36933 36934
(5) "Health care professional" means any of the following who	36935

provide medical, dental, or other health-related diagnosis, care, or treatment:	36936 36937
(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	36938 36939 36940
(b) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code and individuals who hold a certificate of authority issued under that chapter that authorizes the practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;	36941 36942 36943 36944 36945 36946
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	36947 36948
(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	36949 36950
(e) Physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants licensed under Chapter 4755. of the Revised Code;	36951 36952 36953
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	36954 36955
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	36956 36957
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	36958 36959
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	36960 36961
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	36962 36963
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical	36964 36965

technicians-paramedic, certified under Chapter 4765. of the Revised Code;	36966 36967
(1) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	36968 36969
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	36970 36971
(n) Professional clinical counselors, professional counselors, independent social workers, social workers, independent marriage and family therapists, and marriage and family therapists, licensed under Chapter 4757. of the Revised Code;	36972 36973 36974 36975 36976
(o) Psychologists licensed under Chapter 4732. of the Revised Code;	36977 36978
(p) Independent chemical dependency counselors, chemical dependency counselors III, chemical dependency counselors II, and chemical dependency counselors I, licensed under Chapter 4758. of the Revised Code.	36979 36980 36981 36982
(6) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities.	36983 36984 36985 36986 36987 36988 36989
(7) "Indigent and uninsured person" means a person who meets all of the following requirements:	36990 36991
(a) The person's income is not greater than two hundred per cent of the current poverty line as defined by the United States office of management and budget and revised in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981,"	36992 36993 36994 36995

95 Stat. 511, 42 U.S.C. 9902, as amended.	36996
(b) The person is not eligible to receive medical assistance	36997
under Chapter 5111. of the Revised Code or assistance under <u>for</u>	36998
<u>the medicaid program or</u> any other governmental health care	36999
program.	37000
(c) Either of the following applies:	37001
(i) The person is not a policyholder, certificate holder,	37002
insured, contract holder, subscriber, enrollee, member,	37003
beneficiary, or other covered individual under a health insurance	37004
or health care policy, contract, or plan.	37005
(ii) The person is a policyholder, certificate holder,	37006
insured, contract holder, subscriber, enrollee, member,	37007
beneficiary, or other covered individual under a health insurance	37008
or health care policy, contract, or plan, but the insurer, policy,	37009
contract, or plan denies coverage or is the subject of insolvency	37010
or bankruptcy proceedings in any jurisdiction.	37011
(8) "Nonprofit health care referral organization" means an	37012
entity that is not operated for profit and refers patients to, or	37013
arranges for the provision of, health-related diagnosis, care, or	37014
treatment by a health care professional or health care worker.	37015
(9) "Operation" means any procedure that involves cutting or	37016
otherwise infiltrating human tissue by mechanical means, including	37017
surgery, laser surgery, ionizing radiation, therapeutic	37018
ultrasound, or the removal of intraocular foreign bodies.	37019
"Operation" does not include the administration of medication by	37020
injection, unless the injection is administered in conjunction	37021
with a procedure infiltrating human tissue by mechanical means	37022
other than the administration of medicine by injection.	37023
"Operation" does not include routine dental restorative	37024
procedures, the scaling of teeth, or extractions of teeth that are	37025
not impacted.	37026

(10) "Tort action" means a civil action for damages for 37027
injury, death, or loss to person or property other than a civil 37028
action for damages for a breach of contract or another agreement 37029
between persons or government entities. 37030

(11) "Volunteer" means an individual who provides any 37031
medical, dental, or other health-care related diagnosis, care, or 37032
treatment without the expectation of receiving and without receipt 37033
of any compensation or other form of remuneration from an indigent 37034
and uninsured person, another person on behalf of an indigent and 37035
uninsured person, any health care facility or location, any 37036
nonprofit health care referral organization, or any other person 37037
or government entity. 37038

(12) "Community control sanction" has the same meaning as in 37039
section 2929.01 of the Revised Code. 37040

(13) "Deep sedation" means a drug-induced depression of 37041
consciousness during which a patient cannot be easily aroused but 37042
responds purposefully following repeated or painful stimulation, a 37043
patient's ability to independently maintain ventilatory function 37044
may be impaired, a patient may require assistance in maintaining a 37045
patent airway and spontaneous ventilation may be inadequate, and 37046
cardiovascular function is usually maintained. 37047

(14) "General anesthesia" means a drug-induced loss of 37048
consciousness during which a patient is not arousable, even by 37049
painful stimulation, the ability to independently maintain 37050
ventilatory function is often impaired, a patient often requires 37051
assistance in maintaining a patent airway, positive pressure 37052
ventilation may be required because of depressed spontaneous 37053
ventilation or drug-induced depression of neuromuscular function, 37054
and cardiovascular function may be impaired. 37055

(B)(1) Subject to divisions (F) and (G)(3) of this section, a 37056
health care professional who is a volunteer and complies with 37057

division (B)(2) of this section is not liable in damages to any 37058
person or government entity in a tort or other civil action, 37059
including an action on a medical, dental, chiropractic, 37060
optometric, or other health-related claim, for injury, death, or 37061
loss to person or property that allegedly arises from an action or 37062
omission of the volunteer in the provision to an indigent and 37063
uninsured person of medical, dental, or other health-related 37064
diagnosis, care, or treatment, including the provision of samples 37065
of medicine and other medical products, unless the action or 37066
omission constitutes willful or wanton misconduct. 37067

(2) To qualify for the immunity described in division (B)(1) 37068
of this section, a health care professional shall do all of the 37069
following prior to providing diagnosis, care, or treatment: 37070

(a) Determine, in good faith, that the indigent and uninsured 37071
person is mentally capable of giving informed consent to the 37072
provision of the diagnosis, care, or treatment and is not subject 37073
to duress or under undue influence; 37074

(b) Inform the person of the provisions of this section, 37075
including notifying the person that, by giving informed consent to 37076
the provision of the diagnosis, care, or treatment, the person 37077
cannot hold the health care professional liable for damages in a 37078
tort or other civil action, including an action on a medical, 37079
dental, chiropractic, optometric, or other health-related claim, 37080
unless the action or omission of the health care professional 37081
constitutes willful or wanton misconduct; 37082

(c) Obtain the informed consent of the person and a written 37083
waiver, signed by the person or by another individual on behalf of 37084
and in the presence of the person, that states that the person is 37085
mentally competent to give informed consent and, without being 37086
subject to duress or under undue influence, gives informed consent 37087
to the provision of the diagnosis, care, or treatment subject to 37088
the provisions of this section. A written waiver under division 37089

(B)(2)(c) of this section shall state clearly and in conspicuous type that the person or other individual who signs the waiver is signing it with full knowledge that, by giving informed consent to the provision of the diagnosis, care, or treatment, the person cannot bring a tort or other civil action, including an action on a medical, dental, chiropractic, optometric, or other health-related claim, against the health care professional unless the action or omission of the health care professional constitutes willful or wanton misconduct.

(3) A physician or podiatrist who is not covered by medical malpractice insurance, but complies with division (B)(2) of this section, is not required to comply with division (A) of section 4731.143 of the Revised Code.

(C) Subject to divisions (F) and (G)(3) of this section, health care workers who are volunteers are not liable in damages to any person or government entity in a tort or other civil action, including an action upon a medical, dental, chiropractic, optometric, or other health-related claim, for injury, death, or loss to person or property that allegedly arises from an action or omission of the health care worker in the provision to an indigent and uninsured person of medical, dental, or other health-related diagnosis, care, or treatment, unless the action or omission constitutes willful or wanton misconduct.

(D) Subject to divisions (F) and (G)(3) of this section, a nonprofit health care referral organization is not liable in damages to any person or government entity in a tort or other civil action, including an action on a medical, dental, chiropractic, optometric, or other health-related claim, for injury, death, or loss to person or property that allegedly arises from an action or omission of the nonprofit health care referral organization in referring indigent and uninsured persons to, or arranging for the provision of, medical, dental, or other

health-related diagnosis, care, or treatment by a health care professional described in division (B)(1) of this section or a health care worker described in division (C) of this section, unless the action or omission constitutes willful or wanton misconduct. 37122
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(E) Subject to divisions (F) and (G)(3) of this section and to the extent that the registration requirements of section 3701.071 of the Revised Code apply, a health care facility or location associated with a health care professional described in division (B)(1) of this section, a health care worker described in division (C) of this section, or a nonprofit health care referral organization described in division (D) of this section is not liable in damages to any person or government entity in a tort or other civil action, including an action on a medical, dental, chiropractic, optometric, or other health-related claim, for injury, death, or loss to person or property that allegedly arises from an action or omission of the health care professional or worker or nonprofit health care referral organization relative to the medical, dental, or other health-related diagnosis, care, or treatment provided to an indigent and uninsured person on behalf of or at the health care facility or location, unless the action or omission constitutes willful or wanton misconduct. 37127
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(F)(1) Except as provided in division (F)(2) of this section, the immunities provided by divisions (B), (C), (D), and (E) of this section are not available to a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location if, at the time of an alleged injury, death, or loss to person or property, the health care professionals or health care workers involved are providing one of the following: 37144
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(a) Any medical, dental, or other health-related diagnosis, care, or treatment pursuant to a community service work order 37152
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entered by a court under division (B) of section 2951.02 of the Revised Code or imposed by a court as a community control sanction; 37154
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(b) Performance of an operation to which any one of the following applies: 37157
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(i) The operation requires the administration of deep sedation or general anesthesia. 37159
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(ii) The operation is a procedure that is not typically performed in an office. 37161
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(iii) The individual involved is a health care professional, and the operation is beyond the scope of practice or the education, training, and competence, as applicable, of the health care professional. 37163
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(c) Delivery of a baby or any other purposeful termination of a human pregnancy. 37167
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(2) Division (F)(1) of this section does not apply when a health care professional or health care worker provides medical, dental, or other health-related diagnosis, care, or treatment that is necessary to preserve the life of a person in a medical emergency. 37169
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(G)(1) This section does not create a new cause of action or substantive legal right against a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location. 37174
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(2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location may be entitled in connection with the provision of emergency or other medical, 37178
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dental, or other health-related diagnosis, care, or treatment. 37184

(3) This section does not grant an immunity from tort or 37185
other civil liability to a health care professional, health care 37186
worker, nonprofit health care referral organization, or health 37187
care facility or location for actions that are outside the scope 37188
of authority of health care professionals or health care workers. 37189

(4) This section does not affect any legal responsibility of 37190
a health care professional, health care worker, or nonprofit 37191
health care referral organization to comply with any applicable 37192
law of this state or rule of an agency of this state. 37193

(5) This section does not affect any legal responsibility of 37194
a health care facility or location to comply with any applicable 37195
law of this state, rule of an agency of this state, or local code, 37196
ordinance, or regulation that pertains to or regulates building, 37197
housing, air pollution, water pollution, sanitation, health, fire, 37198
zoning, or safety. 37199

Sec. 2307.65. (A) The attorney general may bring a civil 37200
action in the Franklin county court of common pleas on behalf of 37201
the department of ~~job and family services~~ medicaid, and the 37202
prosecuting attorney of the county in which a violation of 37203
division (B) of section 2913.401 of the Revised Code occurs may 37204
bring a civil action in the court of common pleas of that county 37205
on behalf of the county department of job and family services, 37206
against a person who violates division (B) of section 2913.401 of 37207
the Revised Code for the recovery of the amount of benefits paid 37208
on behalf of a person that either department would not have paid 37209
but for the violation minus any amounts paid in restitution under 37210
division (C)(2) of section 2913.401 of the Revised Code and for 37211
reasonable attorney's fees and all other fees and costs of 37212
litigation. 37213

(B) In a civil action brought under division (A) of this 37214

section, if the defendant failed to disclose a transfer of 37215
property in violation of division (B)(3) of section 2913.401 of 37216
the Revised Code, the court may also grant any of the following 37217
relief to the extent permitted by the "Social Security Act," 37218
section 1917, 42 U.S.C. 1396p: 37219

(1) Avoidance of the transfer of property that was not 37220
disclosed in violation of division (B)(3) of section 2913.401 of 37221
the Revised Code to the extent of the amount of benefits the 37222
department would not have paid but for the violation; 37223

(2) An order of attachment or garnishment against the 37224
property in accordance with Chapter 2715. or 2716. of the Revised 37225
Code; 37226

(3) An injunction against any further disposition by the 37227
transferor or transferee, or both, of the property the transfer of 37228
which was not disclosed in violation of division (B)(3) of section 37229
2913.401 of the Revised Code or against the disposition of other 37230
property by the transferor or transferee; 37231

(4) Appointment of a receiver to take charge of the property 37232
transferred or of other property of the transferee; 37233

(5) Any other relief that the court considers just and 37234
equitable. 37235

(C) To the extent permitted by the "Social Security Act," 37236
section 1917, 42 U.S.C. 1396p, the department of ~~job and family~~ 37237
~~services~~ medicaid or the county department of job and family 37238
services may enforce a judgment obtained under this section by 37239
levying on property the transfer of which was not disclosed in 37240
violation of division (B)(3) of section 2913.401 of the Revised 37241
Code or on the proceeds of the transfer of that property in 37242
accordance with Chapter 2329. of the Revised Code. 37243

(D) The remedies provided in divisions (B) and (C) of this 37244
section do not apply if the transferee of the property the 37245

transfer of which was not disclosed in violation of division 37246
(B)(3) of section 2913.401 of the Revised Code acquired the 37247
property in good faith and for fair market value. 37248

(E) The remedies provided in this section are not exclusive 37249
and do not preclude the use of any other criminal or civil remedy 37250
for any act that is in violation of section 2913.401 of the 37251
Revised Code. 37252

(F) Amounts of medicaid ~~benefits~~ services paid and recovered 37253
in an action brought under this section shall be credited to the 37254
general revenue fund, and any applicable federal share shall be 37255
returned to the appropriate agency or department of the United 37256
States. 37257

Sec. 2317.02. The following persons shall not testify in 37258
certain respects: 37259

(A)(1) An attorney, concerning a communication made to the 37260
attorney by a client in that relation or concerning the attorney's 37261
advice to a client, except that the attorney may testify by 37262
express consent of the client or, if the client is deceased, by 37263
the express consent of the surviving spouse or the executor or 37264
administrator of the estate of the deceased client. However, if 37265
the client voluntarily reveals the substance of attorney-client 37266
communications in a nonprivileged context or is deemed by section 37267
2151.421 of the Revised Code to have waived any testimonial 37268
privilege under this division, the attorney may be compelled to 37269
testify on the same subject. 37270

The testimonial privilege established under this division 37271
does not apply concerning a communication between a client who has 37272
since died and the deceased client's attorney if the communication 37273
is relevant to a dispute between parties who claim through that 37274
deceased client, regardless of whether the claims are by testate 37275
or intestate succession or by inter vivos transaction, and the 37276

dispute addresses the competency of the deceased client when the 37277
deceased client executed a document that is the basis of the 37278
dispute or whether the deceased client was a victim of fraud, 37279
undue influence, or duress when the deceased client executed a 37280
document that is the basis of the dispute. 37281

(2) An attorney, concerning a communication made to the 37282
attorney by a client in that relationship or the attorney's advice 37283
to a client, except that if the client is an insurance company, 37284
the attorney may be compelled to testify, subject to an in camera 37285
inspection by a court, about communications made by the client to 37286
the attorney or by the attorney to the client that are related to 37287
the attorney's aiding or furthering an ongoing or future 37288
commission of bad faith by the client, if the party seeking 37289
disclosure of the communications has made a prima-facie showing of 37290
bad faith, fraud, or criminal misconduct by the client. 37291

(B)(1) A physician or a dentist concerning a communication 37292
made to the physician or dentist by a patient in that relation or 37293
the physician's or dentist's advice to a patient, except as 37294
otherwise provided in this division, division (B)(2), and division 37295
(B)(3) of this section, and except that, if the patient is deemed 37296
by section 2151.421 of the Revised Code to have waived any 37297
testimonial privilege under this division, the physician may be 37298
compelled to testify on the same subject. 37299

The testimonial privilege established under this division 37300
does not apply, and a physician or dentist may testify or may be 37301
compelled to testify, in any of the following circumstances: 37302

(a) In any civil action, in accordance with the discovery 37303
provisions of the Rules of Civil Procedure in connection with a 37304
civil action, or in connection with a claim under Chapter 4123. of 37305
the Revised Code, under any of the following circumstances: 37306

(i) If the patient or the guardian or other legal 37307

representative of the patient gives express consent; 37308

(ii) If the patient is deceased, the spouse of the patient or 37309
the executor or administrator of the patient's estate gives 37310
express consent; 37311

(iii) If a medical claim, dental claim, chiropractic claim, 37312
or optometric claim, as defined in section 2305.113 of the Revised 37313
Code, an action for wrongful death, any other type of civil 37314
action, or a claim under Chapter 4123. of the Revised Code is 37315
filed by the patient, the personal representative of the estate of 37316
the patient if deceased, or the patient's guardian or other legal 37317
representative. 37318

(b) In any civil action concerning court-ordered treatment or 37319
services received by a patient, if the court-ordered treatment or 37320
services were ordered as part of a case plan journalized under 37321
section 2151.412 of the Revised Code or the court-ordered 37322
treatment or services are necessary or relevant to dependency, 37323
neglect, or abuse or temporary or permanent custody proceedings 37324
under Chapter 2151. of the Revised Code. 37325

(c) In any criminal action concerning any test or the results 37326
of any test that determines the presence or concentration of 37327
alcohol, a drug of abuse, a combination of them, a controlled 37328
substance, or a metabolite of a controlled substance in the 37329
patient's whole blood, blood serum or plasma, breath, urine, or 37330
other bodily substance at any time relevant to the criminal 37331
offense in question. 37332

(d) In any criminal action against a physician or dentist. In 37333
such an action, the testimonial privilege established under this 37334
division does not prohibit the admission into evidence, in 37335
accordance with the Rules of Evidence, of a patient's medical or 37336
dental records or other communications between a patient and the 37337
physician or dentist that are related to the action and obtained 37338

by subpoena, search warrant, or other lawful means. A court that 37339
permits or compels a physician or dentist to testify in such an 37340
action or permits the introduction into evidence of patient 37341
records or other communications in such an action shall require 37342
that appropriate measures be taken to ensure that the 37343
confidentiality of any patient named or otherwise identified in 37344
the records is maintained. Measures to ensure confidentiality that 37345
may be taken by the court include sealing its records or deleting 37346
specific information from its records. 37347

(e)(i) If the communication was between a patient who has 37348
since died and the deceased patient's physician or dentist, the 37349
communication is relevant to a dispute between parties who claim 37350
through that deceased patient, regardless of whether the claims 37351
are by testate or intestate succession or by inter vivos 37352
transaction, and the dispute addresses the competency of the 37353
deceased patient when the deceased patient executed a document 37354
that is the basis of the dispute or whether the deceased patient 37355
was a victim of fraud, undue influence, or duress when the 37356
deceased patient executed a document that is the basis of the 37357
dispute. 37358

(ii) If neither the spouse of a patient nor the executor or 37359
administrator of that patient's estate gives consent under 37360
division (B)(1)(a)(ii) of this section, testimony or the 37361
disclosure of the patient's medical records by a physician, 37362
dentist, or other health care provider under division (B)(1)(e)(i) 37363
of this section is a permitted use or disclosure of protected 37364
health information, as defined in 45 C.F.R. 160.103, and an 37365
authorization or opportunity to be heard shall not be required. 37366

(iii) Division (B)(1)(e)(i) of this section does not require 37367
a mental health professional to disclose psychotherapy notes, as 37368
defined in 45 C.F.R. 164.501. 37369

(iv) An interested person who objects to testimony or 37370

disclosure under division (B)(1)(e)(i) of this section may seek a protective order pursuant to Civil Rule 26.

(v) A person to whom protected health information is disclosed under division (B)(1)(e)(i) of this section shall not use or disclose the protected health information for any purpose other than the litigation or proceeding for which the information was requested and shall return the protected health information to the covered entity or destroy the protected health information, including all copies made, at the conclusion of the litigation or proceeding.

(2)(a) If any law enforcement officer submits a written statement to a health care provider that states that an official criminal investigation has begun regarding a specified person or that a criminal action or proceeding has been commenced against a specified person, that requests the provider to supply to the officer copies of any records the provider possesses that pertain to any test or the results of any test administered to the specified person to determine the presence or concentration of alcohol, a drug of abuse, a combination of them, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at any time relevant to the criminal offense in question, and that conforms to section 2317.022 of the Revised Code, the provider, except to the extent specifically prohibited by any law of this state or of the United States, shall supply to the officer a copy of any of the requested records the provider possesses. If the health care provider does not possess any of the requested records, the provider shall give the officer a written statement that indicates that the provider does not possess any of the requested records.

(b) If a health care provider possesses any records of the type described in division (B)(2)(a) of this section regarding the

person in question at any time relevant to the criminal offense in 37403
question, in lieu of personally testifying as to the results of 37404
the test in question, the custodian of the records may submit a 37405
certified copy of the records, and, upon its submission, the 37406
certified copy is qualified as authentic evidence and may be 37407
admitted as evidence in accordance with the Rules of Evidence. 37408
Division (A) of section 2317.422 of the Revised Code does not 37409
apply to any certified copy of records submitted in accordance 37410
with this division. Nothing in this division shall be construed to 37411
limit the right of any party to call as a witness the person who 37412
administered the test to which the records pertain, the person 37413
under whose supervision the test was administered, the custodian 37414
of the records, the person who made the records, or the person 37415
under whose supervision the records were made. 37416

(3)(a) If the testimonial privilege described in division 37417
(B)(1) of this section does not apply as provided in division 37418
(B)(1)(a)(iii) of this section, a physician or dentist may be 37419
compelled to testify or to submit to discovery under the Rules of 37420
Civil Procedure only as to a communication made to the physician 37421
or dentist by the patient in question in that relation, or the 37422
physician's or dentist's advice to the patient in question, that 37423
related causally or historically to physical or mental injuries 37424
that are relevant to issues in the medical claim, dental claim, 37425
chiropractic claim, or optometric claim, action for wrongful 37426
death, other civil action, or claim under Chapter 4123. of the 37427
Revised Code. 37428

(b) If the testimonial privilege described in division (B)(1) 37429
of this section does not apply to a physician or dentist as 37430
provided in division (B)(1)(c) of this section, the physician or 37431
dentist, in lieu of personally testifying as to the results of the 37432
test in question, may submit a certified copy of those results, 37433
and, upon its submission, the certified copy is qualified as 37434

authentic evidence and may be admitted as evidence in accordance 37435
with the Rules of Evidence. Division (A) of section 2317.422 of 37436
the Revised Code does not apply to any certified copy of results 37437
submitted in accordance with this division. Nothing in this 37438
division shall be construed to limit the right of any party to 37439
call as a witness the person who administered the test in 37440
question, the person under whose supervision the test was 37441
administered, the custodian of the results of the test, the person 37442
who compiled the results, or the person under whose supervision 37443
the results were compiled. 37444

(4) The testimonial privilege described in division (B)(1) of 37445
this section is not waived when a communication is made by a 37446
physician to a pharmacist or when there is communication between a 37447
patient and a pharmacist in furtherance of the physician-patient 37448
relation. 37449

(5)(a) As used in divisions (B)(1) to (4) of this section, 37450
"communication" means acquiring, recording, or transmitting any 37451
information, in any manner, concerning any facts, opinions, or 37452
statements necessary to enable a physician or dentist to diagnose, 37453
treat, prescribe, or act for a patient. A "communication" may 37454
include, but is not limited to, any medical or dental, office, or 37455
hospital communication such as a record, chart, letter, 37456
memorandum, laboratory test and results, x-ray, photograph, 37457
financial statement, diagnosis, or prognosis. 37458

(b) As used in division (B)(2) of this section, "health care 37459
provider" means a hospital, ambulatory care facility, long-term 37460
care facility, pharmacy, emergency facility, or health care 37461
practitioner. 37462

(c) As used in division (B)(5)(b) of this section: 37463

(i) "Ambulatory care facility" means a facility that provides 37464
medical, diagnostic, or surgical treatment to patients who do not 37465

require hospitalization, including a dialysis center, ambulatory 37466
surgical facility, cardiac catheterization facility, diagnostic 37467
imaging center, extracorporeal shock wave lithotripsy center, home 37468
health agency, inpatient hospice, birthing center, radiation 37469
therapy center, emergency facility, and an urgent care center. 37470
"Ambulatory health care facility" does not include the private 37471
office of a physician or dentist, whether the office is for an 37472
individual or group practice. 37473

(ii) "Emergency facility" means a hospital emergency 37474
department or any other facility that provides emergency medical 37475
services. 37476

(iii) "Health care practitioner" has the same meaning as in 37477
section 4769.01 of the Revised Code. 37478

(iv) "Hospital" has the same meaning as in section 3727.01 of 37479
the Revised Code. 37480

(v) "Long-term care facility" means a nursing home, 37481
residential care facility, or home for the aging, as those terms 37482
are defined in section 3721.01 of the Revised Code; a residential 37483
facility licensed under section ~~5119.22~~ 5119.34 of the Revised 37484
Code that provides accommodations, supervision, and personal care 37485
services for three to sixteen unrelated adults; a nursing facility 37486
~~or intermediate care facility for the mentally retarded, as those~~ 37487
~~terms~~ are defined in section ~~5111.20~~ 5165.01 of the Revised Code; 37488
a ~~facility or portion of a facility certified as a skilled nursing~~ 37489
~~facility under Title XVIII of the "Social Security Act," 49 Stat.~~ 37490
~~286 (1965), 42 U.S.C.A. 1395, as amended, as defined in section~~ 37491
5165.01 of the Revised Code; and an intermediate care facility for 37492
individuals with intellectual disabilities, as defined in section 37493
5124.01 of the Revised Code. 37494

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 37495
the Revised Code. 37496

(d) As used in divisions (B)(1) and (2) of this section, 37497
"drug of abuse" has the same meaning as in section 4506.01 of the 37498
Revised Code. 37499

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 37500
apply to doctors of medicine, doctors of osteopathic medicine, 37501
doctors of podiatry, and dentists. 37502

(7) Nothing in divisions (B)(1) to (6) of this section 37503
affects, or shall be construed as affecting, the immunity from 37504
civil liability conferred by section 307.628 of the Revised Code 37505
or the immunity from civil liability conferred by section 2305.33 37506
of the Revised Code upon physicians who report an employee's use 37507
of a drug of abuse, or a condition of an employee other than one 37508
involving the use of a drug of abuse, to the employer of the 37509
employee in accordance with division (B) of that section. As used 37510
in division (B)(7) of this section, "employee," "employer," and 37511
"physician" have the same meanings as in section 2305.33 of the 37512
Revised Code. 37513

(C)(1) A cleric, when the cleric remains accountable to the 37514
authority of that cleric's church, denomination, or sect, 37515
concerning a confession made, or any information confidentially 37516
communicated, to the cleric for a religious counseling purpose in 37517
the cleric's professional character. The cleric may testify by 37518
express consent of the person making the communication, except 37519
when the disclosure of the information is in violation of a sacred 37520
trust and except that, if the person voluntarily testifies or is 37521
deemed by division (A)(4)(c) of section 2151.421 of the Revised 37522
Code to have waived any testimonial privilege under this division, 37523
the cleric may be compelled to testify on the same subject except 37524
when disclosure of the information is in violation of a sacred 37525
trust. 37526

(2) As used in division (C) of this section: 37527

(a) "Cleric" means a member of the clergy, rabbi, priest, 37528
Christian Science practitioner, or regularly ordained, accredited, 37529
or licensed minister of an established and legally cognizable 37530
church, denomination, or sect. 37531

(b) "Sacred trust" means a confession or confidential 37532
communication made to a cleric in the cleric's ecclesiastical 37533
capacity in the course of discipline enjoined by the church to 37534
which the cleric belongs, including, but not limited to, the 37535
Catholic Church, if both of the following apply: 37536

(i) The confession or confidential communication was made 37537
directly to the cleric. 37538

(ii) The confession or confidential communication was made in 37539
the manner and context that places the cleric specifically and 37540
strictly under a level of confidentiality that is considered 37541
inviolable by canon law or church doctrine. 37542

(D) Husband or wife, concerning any communication made by one 37543
to the other, or an act done by either in the presence of the 37544
other, during coverture, unless the communication was made, or act 37545
done, in the known presence or hearing of a third person competent 37546
to be a witness; and such rule is the same if the marital relation 37547
has ceased to exist; 37548

(E) A person who assigns a claim or interest, concerning any 37549
matter in respect to which the person would not, if a party, be 37550
permitted to testify; 37551

(F) A person who, if a party, would be restricted under 37552
section 2317.03 of the Revised Code, when the property or thing is 37553
sold or transferred by an executor, administrator, guardian, 37554
trustee, heir, devisee, or legatee, shall be restricted in the 37555
same manner in any action or proceeding concerning the property or 37556
thing. 37557

(G)(1) A school guidance counselor who holds a valid educator 37558

license from the state board of education as provided for in 37559
section 3319.22 of the Revised Code, a person licensed under 37560
Chapter 4757. of the Revised Code as a professional clinical 37561
counselor, professional counselor, social worker, independent 37562
social worker, marriage and family therapist or independent 37563
marriage and family therapist, or registered under Chapter 4757. 37564
of the Revised Code as a social work assistant concerning a 37565
confidential communication received from a client in that relation 37566
or the person's advice to a client unless any of the following 37567
applies: 37568

(a) The communication or advice indicates clear and present 37569
danger to the client or other persons. For the purposes of this 37570
division, cases in which there are indications of present or past 37571
child abuse or neglect of the client constitute a clear and 37572
present danger. 37573

(b) The client gives express consent to the testimony. 37574

(c) If the client is deceased, the surviving spouse or the 37575
executor or administrator of the estate of the deceased client 37576
gives express consent. 37577

(d) The client voluntarily testifies, in which case the 37578
school guidance counselor or person licensed or registered under 37579
Chapter 4757. of the Revised Code may be compelled to testify on 37580
the same subject. 37581

(e) The court in camera determines that the information 37582
communicated by the client is not germane to the counselor-client, 37583
marriage and family therapist-client, or social worker-client 37584
relationship. 37585

(f) A court, in an action brought against a school, its 37586
administration, or any of its personnel by the client, rules after 37587
an in-camera inspection that the testimony of the school guidance 37588
counselor is relevant to that action. 37589

(g) The testimony is sought in a civil action and concerns 37590
court-ordered treatment or services received by a patient as part 37591
of a case plan journalized under section 2151.412 of the Revised 37592
Code or the court-ordered treatment or services are necessary or 37593
relevant to dependency, neglect, or abuse or temporary or 37594
permanent custody proceedings under Chapter 2151. of the Revised 37595
Code. 37596

(2) Nothing in division (G)(1) of this section shall relieve 37597
a school guidance counselor or a person licensed or registered 37598
under Chapter 4757. of the Revised Code from the requirement to 37599
report information concerning child abuse or neglect under section 37600
2151.421 of the Revised Code. 37601

(H) A mediator acting under a mediation order issued under 37602
division (A) of section 3109.052 of the Revised Code or otherwise 37603
issued in any proceeding for divorce, dissolution, legal 37604
separation, annulment, or the allocation of parental rights and 37605
responsibilities for the care of children, in any action or 37606
proceeding, other than a criminal, delinquency, child abuse, child 37607
neglect, or dependent child action or proceeding, that is brought 37608
by or against either parent who takes part in mediation in 37609
accordance with the order and that pertains to the mediation 37610
process, to any information discussed or presented in the 37611
mediation process, to the allocation of parental rights and 37612
responsibilities for the care of the parents' children, or to the 37613
awarding of parenting time rights in relation to their children; 37614

(I) A communications assistant, acting within the scope of 37615
the communication assistant's authority, when providing 37616
telecommunications relay service pursuant to section 4931.06 of 37617
the Revised Code or Title II of the "Communications Act of 1934," 37618
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 37619
made through a telecommunications relay service. Nothing in this 37620
section shall limit the obligation of a communications assistant 37621

to divulge information or testify when mandated by federal law or 37622
regulation or pursuant to subpoena in a criminal proceeding. 37623

Nothing in this section shall limit any immunity or privilege 37624
granted under federal law or regulation. 37625

(J)(1) A chiropractor in a civil proceeding concerning a 37626
communication made to the chiropractor by a patient in that 37627
relation or the chiropractor's advice to a patient, except as 37628
otherwise provided in this division. The testimonial privilege 37629
established under this division does not apply, and a chiropractor 37630
may testify or may be compelled to testify, in any civil action, 37631
in accordance with the discovery provisions of the Rules of Civil 37632
Procedure in connection with a civil action, or in connection with 37633
a claim under Chapter 4123. of the Revised Code, under any of the 37634
following circumstances: 37635

(a) If the patient or the guardian or other legal 37636
representative of the patient gives express consent. 37637

(b) If the patient is deceased, the spouse of the patient or 37638
the executor or administrator of the patient's estate gives 37639
express consent. 37640

(c) If a medical claim, dental claim, chiropractic claim, or 37641
optometric claim, as defined in section 2305.113 of the Revised 37642
Code, an action for wrongful death, any other type of civil 37643
action, or a claim under Chapter 4123. of the Revised Code is 37644
filed by the patient, the personal representative of the estate of 37645
the patient if deceased, or the patient's guardian or other legal 37646
representative. 37647

(2) If the testimonial privilege described in division (J)(1) 37648
of this section does not apply as provided in division (J)(1)(c) 37649
of this section, a chiropractor may be compelled to testify or to 37650
submit to discovery under the Rules of Civil Procedure only as to 37651
a communication made to the chiropractor by the patient in 37652

question in that relation, or the chiropractor's advice to the 37653
patient in question, that related causally or historically to 37654
physical or mental injuries that are relevant to issues in the 37655
medical claim, dental claim, chiropractic claim, or optometric 37656
claim, action for wrongful death, other civil action, or claim 37657
under Chapter 4123. of the Revised Code. 37658

(3) The testimonial privilege established under this division 37659
does not apply, and a chiropractor may testify or be compelled to 37660
testify, in any criminal action or administrative proceeding. 37661

(4) As used in this division, "communication" means 37662
acquiring, recording, or transmitting any information, in any 37663
manner, concerning any facts, opinions, or statements necessary to 37664
enable a chiropractor to diagnose, treat, or act for a patient. A 37665
communication may include, but is not limited to, any 37666
chiropractic, office, or hospital communication such as a record, 37667
chart, letter, memorandum, laboratory test and results, x-ray, 37668
photograph, financial statement, diagnosis, or prognosis. 37669

(K)(1) Except as provided under division (K)(2) of this 37670
section, a critical incident stress management team member 37671
concerning a communication received from an individual who 37672
receives crisis response services from the team member, or the 37673
team member's advice to the individual, during a debriefing 37674
session. 37675

(2) The testimonial privilege established under division 37676
(K)(1) of this section does not apply if any of the following are 37677
true: 37678

(a) The communication or advice indicates clear and present 37679
danger to the individual who receives crisis response services or 37680
to other persons. For purposes of this division, cases in which 37681
there are indications of present or past child abuse or neglect of 37682
the individual constitute a clear and present danger. 37683

(b) The individual who received crisis response services	37684
gives express consent to the testimony.	37685
(c) If the individual who received crisis response services	37686
is deceased, the surviving spouse or the executor or administrator	37687
of the estate of the deceased individual gives express consent.	37688
(d) The individual who received crisis response services	37689
voluntarily testifies, in which case the team member may be	37690
compelled to testify on the same subject.	37691
(e) The court in camera determines that the information	37692
communicated by the individual who received crisis response	37693
services is not germane to the relationship between the individual	37694
and the team member.	37695
(f) The communication or advice pertains or is related to any	37696
criminal act.	37697
(3) As used in division (K) of this section:	37698
(a) "Crisis response services" means consultation, risk	37699
assessment, referral, and on-site crisis intervention services	37700
provided by a critical incident stress management team to	37701
individuals affected by crisis or disaster.	37702
(b) "Critical incident stress management team member" or	37703
"team member" means an individual specially trained to provide	37704
crisis response services as a member of an organized community or	37705
local crisis response team that holds membership in the Ohio	37706
critical incident stress management network.	37707
(c) "Debriefing session" means a session at which crisis	37708
response services are rendered by a critical incident stress	37709
management team member during or after a crisis or disaster.	37710
(L)(1) Subject to division (L)(2) of this section and except	37711
as provided in division (L)(3) of this section, an employee	37712
assistance professional, concerning a communication made to the	37713

employee assistance professional by a client in the employee	37714
assistance professional's official capacity as an employee	37715
assistance professional.	37716
(2) Division (L)(1) of this section applies to an employee	37717
assistance professional who meets either or both of the following	37718
requirements:	37719
(a) Is certified by the employee assistance certification	37720
commission to engage in the employee assistance profession;	37721
(b) Has education, training, and experience in all of the	37722
following:	37723
(i) Providing workplace-based services designed to address	37724
employer and employee productivity issues;	37725
(ii) Providing assistance to employees and employees'	37726
dependents in identifying and finding the means to resolve	37727
personal problems that affect the employees or the employees'	37728
performance;	37729
(iii) Identifying and resolving productivity problems	37730
associated with an employee's concerns about any of the following	37731
matters: health, marriage, family, finances, substance abuse or	37732
other addiction, workplace, law, and emotional issues;	37733
(iv) Selecting and evaluating available community resources;	37734
(v) Making appropriate referrals;	37735
(vi) Local and national employee assistance agreements;	37736
(vii) Client confidentiality.	37737
(3) Division (L)(1) of this section does not apply to any of	37738
the following:	37739
(a) A criminal action or proceeding involving an offense	37740
under sections 2903.01 to 2903.06 of the Revised Code if the	37741
employee assistance professional's disclosure or testimony relates	37742

directly to the facts or immediate circumstances of the offense; 37743

(b) A communication made by a client to an employee 37744
assistance professional that reveals the contemplation or 37745
commission of a crime or serious, harmful act; 37746

(c) A communication that is made by a client who is an 37747
unemancipated minor or an adult adjudicated to be incompetent and 37748
indicates that the client was the victim of a crime or abuse; 37749

(d) A civil proceeding to determine an individual's mental 37750
competency or a criminal action in which a plea of not guilty by 37751
reason of insanity is entered; 37752

(e) A civil or criminal malpractice action brought against 37753
the employee assistance professional; 37754

(f) When the employee assistance professional has the express 37755
consent of the client or, if the client is deceased or disabled, 37756
the client's legal representative; 37757

(g) When the testimonial privilege otherwise provided by 37758
division (L)(1) of this section is abrogated under law. 37759

Sec. 2317.422. (A) Notwithstanding sections 2317.40 and 37760
2317.41 of the Revised Code but subject to division (B) of this 37761
section, the records, or copies or photographs of the records, of 37762
a hospital, homes required to be licensed pursuant to section 37763
3721.01 of the Revised Code, and residential facilities licensed 37764
pursuant to section ~~5119.22~~ 5119.34 of the Revised Code that 37765
provides accommodations, supervision, and personal care services 37766
for three to sixteen unrelated adults, in lieu of the testimony in 37767
open court of their custodian, person who made them, or person 37768
under whose supervision they were made, may be qualified as 37769
authentic evidence if any such person endorses thereon the 37770
person's verified certification identifying such records, giving 37771
the mode and time of their preparation, and stating that they were 37772

prepared in the usual course of the business of the institution. 37773
Such records, copies, or photographs may not be qualified by 37774
certification as provided in this section unless the party 37775
intending to offer them delivers a copy of them, or of their 37776
relevant portions, to the attorney of record for each adverse 37777
party not less than five days before trial. Nothing in this 37778
section shall be construed to limit the right of any party to call 37779
the custodian, person who made such records, or person under whose 37780
supervision they were made, as a witness. 37781

(B) Division (A) of this section does not apply to any 37782
certified copy of the results of any test given to determine the 37783
presence or concentration of alcohol, a drug of abuse, a 37784
combination of them, a controlled substance, or a metabolite of a 37785
controlled substance in a patient's whole blood, blood serum or 37786
plasma, breath, or urine at any time relevant to a criminal 37787
offense that is submitted in a criminal action or proceeding in 37788
accordance with division (B)(2)(b) or (B)(3)(b) of section 2317.02 37789
of the Revised Code. 37790

Sec. 2317.56. (A) As used in this section: 37791

(1) "~~Medical emergency~~" ~~means a condition of a pregnant woman~~ 37792
~~that, in the reasonable judgment of the physician who is attending~~ 37793
~~the woman, creates an immediate threat of serious risk to the life~~ 37794
~~or physical health of the woman from the continuation of the~~ 37795
~~pregnancy necessitating the immediate performance or inducement of~~ 37796
~~an abortion~~ has the same meaning as in section 2919.16 of the 37797
Revised Code. 37798

(2) "Medical necessity" means a medical condition of a 37799
pregnant woman that, in the reasonable judgment of the physician 37800
who is attending the woman, so complicates the pregnancy that it 37801
necessitates the immediate performance or inducement of an 37802
abortion. 37803

(3) "Probable gestational age of the embryo or fetus" means 37804
the gestational age that, in the judgment of a physician, is, with 37805
reasonable probability, the gestational age of the embryo or fetus 37806
at the time that the physician informs a pregnant woman pursuant 37807
to division (B)(1)(b) of this section. 37808

(B) Except when there is a medical emergency or medical 37809
necessity, an abortion shall be performed or induced only if all 37810
of the following conditions are satisfied: 37811

(1) At least twenty-four hours prior to the performance or 37812
inducement of the abortion, a physician meets with the pregnant 37813
woman in person in an individual, private setting and gives her an 37814
adequate opportunity to ask questions about the abortion that will 37815
be performed or induced. At this meeting, the physician shall 37816
inform the pregnant woman, verbally or, if she is hearing 37817
impaired, by other means of communication, of all of the 37818
following: 37819

(a) The nature and purpose of the particular abortion 37820
procedure to be used and the medical risks associated with that 37821
procedure; 37822

(b) The probable gestational age of the embryo or fetus; 37823

(c) The medical risks associated with the pregnant woman 37824
carrying the pregnancy to term. 37825

The meeting need not occur at the facility where the abortion 37826
is to be performed or induced, and the physician involved in the 37827
meeting need not be affiliated with that facility or with the 37828
physician who is scheduled to perform or induce the abortion. 37829

(2) At least twenty-four hours prior to the performance or 37830
inducement of the abortion, ~~one or more physicians or one or more~~ 37831
~~agents of one or more physicians do~~ the physician who is to 37832
perform or induce the abortion or the physician's agent does each 37833
of the following in person, by telephone, by certified mail, 37834

return receipt requested, or by regular mail evidenced by a 37835
certificate of mailing: 37836

(a) Inform the pregnant woman of the name of the physician 37837
who is scheduled to perform or induce the abortion; 37838

(b) Give the pregnant woman copies of the published materials 37839
described in division (C) of this section; 37840

(c) Inform the pregnant woman that the materials given 37841
pursuant to division (B)(2)(b) of this section are published by 37842
the state and that they describe the embryo or fetus and list 37843
agencies that offer alternatives to abortion. The pregnant woman 37844
may choose to examine or not to examine the materials. A physician 37845
or an agent of a physician may choose to be disassociated from the 37846
materials and may choose to comment or not comment on the 37847
materials. 37848

(3) If it has been determined that the unborn human 37849
individual the pregnant woman is carrying has a detectable 37850
heartbeat, the physician who is to perform or induce the abortion 37851
shall comply with the informed consent requirements in section 37852
2919.192 of the Revised Code in addition to complying with the 37853
informed consent requirements in divisions (B)(1), (2), (4), and 37854
(5) of this section. 37855

(4) Prior to the performance or inducement of the abortion, 37856
the pregnant woman signs a form consenting to the abortion and 37857
certifies both of the following on that form: 37858

(a) She has received the information and materials described 37859
in divisions (B)(1) and (2) of this section, and her questions 37860
about the abortion that will be performed or induced have been 37861
answered in a satisfactory manner. 37862

(b) She consents to the particular abortion voluntarily, 37863
knowingly, intelligently, and without coercion by any person, and 37864
she is not under the influence of any drug of abuse or alcohol. 37865

~~(4)~~ The form shall contain the name and contact information of the physician who provided to the pregnant woman the information described in division (B)(1) of this section. 37866
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(5) Prior to the performance or inducement of the abortion, 37869
the physician who is scheduled to perform or induce the abortion 37870
or the physician's agent receives a copy of the pregnant woman's 37871
signed form on which she consents to the abortion and that 37872
includes the certification required by division (B)~~(3)~~(4) of this 37873
section. 37874

(C) The department of health shall publish in English and in 37875
Spanish, in a typeface large enough to be clearly legible, and in 37876
an easily comprehensible format, the following materials on the 37877
department's web site: 37878

(1) Materials that inform the pregnant woman about family 37879
planning information, of publicly funded agencies that are 37880
available to assist in family planning, and of public and private 37881
agencies and services that are available to assist her through the 37882
pregnancy, upon childbirth, and while the child is dependent, 37883
including, but not limited to, adoption agencies. The materials 37884
shall be geographically indexed; include a comprehensive list of 37885
the available agencies, a description of the services offered by 37886
the agencies, and the telephone numbers and addresses of the 37887
agencies; and inform the pregnant woman about available medical 37888
assistance benefits for prenatal care, childbirth, and neonatal 37889
care and about the support obligations of the father of a child 37890
who is born alive. The department shall ensure that the materials 37891
described in division (C)(1) of this section are comprehensive and 37892
do not directly or indirectly promote, exclude, or discourage the 37893
use of any agency or service described in this division. 37894

(2) Materials that inform the pregnant woman of the probable 37895
anatomical and physiological characteristics of the zygote, 37896
blastocyte, embryo, or fetus at two-week gestational increments 37897

for the first sixteen weeks of pregnancy and at four-week 37898
gestational increments from the seventeenth week of pregnancy to 37899
full term, including any relevant information regarding the time 37900
at which the fetus possibly would be viable. The department shall 37901
cause these materials to be published only after it consults with 37902
the Ohio state medical association and the Ohio section of the 37903
American college of obstetricians and gynecologists relative to 37904
the probable anatomical and physiological characteristics of a 37905
zygote, blastocyte, embryo, or fetus at the various gestational 37906
increments. The materials shall use language that is 37907
understandable by the average person who is not medically trained, 37908
shall be objective and nonjudgmental, and shall include only 37909
accurate scientific information about the zygote, blastocyte, 37910
embryo, or fetus at the various gestational increments. If the 37911
materials use a pictorial, photographic, or other depiction to 37912
provide information regarding the zygote, blastocyte, embryo, or 37913
fetus, the materials shall include, in a conspicuous manner, a 37914
scale or other explanation that is understandable by the average 37915
person and that can be used to determine the actual size of the 37916
zygote, blastocyte, embryo, or fetus at a particular gestational 37917
increment as contrasted with the depicted size of the zygote, 37918
blastocyte, embryo, or fetus at that gestational increment. 37919

(D) Upon the submission of a request to the department of 37920
health by any person, hospital, physician, or medical facility for 37921
one copy of the materials published in accordance with division 37922
(C) of this section, the department shall make the requested copy 37923
of the materials available to the person, hospital, physician, or 37924
medical facility that requested the copy. 37925

(E) If a medical emergency or medical necessity compels the 37926
performance or inducement of an abortion, the physician who will 37927
perform or induce the abortion, prior to its performance or 37928
inducement if possible, shall inform the pregnant woman of the 37929

medical indications supporting the physician's judgment that an 37930
immediate abortion is necessary. Any physician who performs or 37931
induces an abortion without the prior satisfaction of the 37932
conditions specified in division (B) of this section because of a 37933
medical emergency or medical necessity shall enter the reasons for 37934
the conclusion that a medical emergency or medical necessity 37935
exists in the medical record of the pregnant woman. 37936

(F) If the conditions specified in division (B) of this 37937
section are satisfied, consent to an abortion shall be presumed to 37938
be valid and effective. 37939

(G) The performance or inducement of an abortion without the 37940
prior satisfaction of the conditions specified in division (B) of 37941
this section does not constitute, and shall not be construed as 37942
constituting, a violation of division (A) of section 2919.12 of 37943
the Revised Code. The failure of a physician to satisfy the 37944
conditions of division (B) of this section prior to performing or 37945
inducing an abortion upon a pregnant woman may be the basis of 37946
both of the following: 37947

(1) A civil action for compensatory and exemplary damages as 37948
described in division (H) of this section; 37949

(2) Disciplinary action under section 4731.22 of the Revised 37950
Code. 37951

(H)(1) Subject to divisions (H)(2) and (3) of this section, 37952
any physician who performs or induces an abortion with actual 37953
knowledge that the conditions specified in division (B) of this 37954
section have not been satisfied or with a heedless indifference as 37955
to whether those conditions have been satisfied is liable in 37956
compensatory and exemplary damages in a civil action to any 37957
person, or the representative of the estate of any person, who 37958
sustains injury, death, or loss to person or property as a result 37959
of the failure to satisfy those conditions. In the civil action, 37960

the court additionally may enter any injunctive or other equitable relief that it considers appropriate. 37961
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(2) The following shall be affirmative defenses in a civil action authorized by division (H)(1) of this section: 37963
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(a) The physician performed or induced the abortion under the circumstances described in division (E) of this section. 37965
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(b) The physician made a good faith effort to satisfy the conditions specified in division (B) of this section. 37967
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(3) An employer or other principal is not liable in damages in a civil action authorized by division (H)(1) of this section on the basis of the doctrine of respondeat superior unless either of the following applies: 37969
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(a) The employer or other principal had actual knowledge or, by the exercise of reasonable diligence, should have known that an employee or agent performed or induced an abortion with actual knowledge that the conditions specified in division (B) of this section had not been satisfied or with a heedless indifference as to whether those conditions had been satisfied. 37973
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(b) The employer or other principal negligently failed to secure the compliance of an employee or agent with division (B) of this section. 37979
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(4) Notwithstanding division (E) of section 2919.12 of the Revised Code, the civil action authorized by division (H)(1) of this section shall be the exclusive civil remedy for persons, or the representatives of estates of persons, who allegedly sustain injury, death, or loss to person or property as a result of a failure to satisfy the conditions specified in division (B) of this section. 37982
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(I) The department of job and family services shall prepare and conduct a public information program to inform women of all 37989
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available governmental programs and agencies that provide services 37991
or assistance for family planning, prenatal care, child care, or 37992
alternatives to abortion. 37993

Sec. 2329.192. (A) As used in this section: 37994

(1) "State lien" means a lien upon real estate, including 37995
lands and tenements, of persons indebted to the state for debt, 37996
taxes, or in any other manner recorded by a state agency in any 37997
office of the clerk of a county court or the county recorder. 37998

(2) "State lienholder" means the department, agency, or other 37999
division of the state in whose name a state lien has been filed or 38000
recorded. 38001

(B) In every action seeking the judicial sale of real estate 38002
that is subject to a state lien, all of the following apply: 38003

(1) The party seeking a judicial sale shall include the state 38004
lienholder as a party defendant and shall serve that state 38005
lienholder with a copy of the preliminary judicial report or 38006
commitment for an owner's fee policy of title insurance filed in 38007
accordance with section 2329.191 of the Revised Code. 38008

(2) A state lienholder shall not be made a party defendant if 38009
no state lien has been recorded against the owner of the real 38010
estate for which the judicial sale is sought. 38011

(3) The appearance of the state lienholder shall be presumed 38012
for purposes of jurisdiction, and the court shall take judicial 38013
notice that the state has a lien against the real estate. 38014

(4) A state lienholder may, but is not required to, file an 38015
answer to the complaint or any other pleading in the action if the 38016
amount, validity, or priority of the state lien is not identified 38017
in the pleadings as disputed and shall file an answer to the 38018
complaint or any other pleading in the action if the amount, 38019
validity, or priority of the state lien is identified in the 38020

pleadings as disputed. If a state lien is not identified as 38021
disputed, unless the state files an answer or other responsive 38022
pleading, the party seeking the judicial sale is not required to 38023
serve the state lienholder with any answer or subsequent pleadings 38024
in the action for judicial sale. 38025

(5) As part of any order confirming the sale of the real 38026
estate that is subject to any undisputed state lien or 38027
distributing the proceeds of any judicial sale of real estate, the 38028
undisputed state lien shall be protected as if the state had 38029
appeared in the action and filed an answer asserting the validity 38030
of the state lien as recorded in the office of the clerk of the 38031
county court or the office of the county recorder. 38032

(6) Any party asserting a dispute as to the amount, validity, 38033
or priority of the state lien or of any lien or other interest 38034
that has priority over the state lien shall serve the state 38035
lienholder and the attorney general with notice of the dispute, 38036
and the state lienholder shall be permitted to file a responsive 38037
pleading and participate in the proceedings as if the state 38038
lienholder had been served with a summons on the date the state 38039
lienholder received notice of the dispute. 38040

(C) Upon the judicial sale of the real estate that is the 38041
subject of an action under division (B) of this section, the 38042
interest of any undisputed state lien shall transfer to the 38043
proceeds of the sale of the real estate, and the state lienholder 38044
shall be entitled to payment from the proceeds of the sale of the 38045
real estate in accordance with the state lienholder's priority as 38046
set forth in the final judicial report or commitment for an 38047
owner's fee policy of title insurance filed in accordance with 38048
section 2329.191 of the Revised Code. 38049

Sec. 2505.02. (A) As used in this section: 38050

(1) "Substantial right" means a right that the United States 38051

Constitution, the Ohio Constitution, a statute, the common law, or 38052
a rule of procedure entitles a person to enforce or protect. 38053

(2) "Special proceeding" means an action or proceeding that 38054
is specially created by statute and that prior to 1853 was not 38055
denoted as an action at law or a suit in equity. 38056

(3) "Provisional remedy" means a proceeding ancillary to an 38057
action, including, but not limited to, a proceeding for a 38058
preliminary injunction, attachment, discovery of privileged 38059
matter, suppression of evidence, a prima-facie showing pursuant to 38060
section 2307.85 or 2307.86 of the Revised Code, a prima-facie 38061
showing pursuant to section 2307.92 of the Revised Code, or a 38062
finding made pursuant to division (A)(3) of section 2307.93 of the 38063
Revised Code. 38064

(B) An order is a final order that may be reviewed, affirmed, 38065
modified, or reversed, with or without retrial, when it is one of 38066
the following: 38067

(1) An order that affects a substantial right in an action 38068
that in effect determines the action and prevents a judgment; 38069

(2) An order that affects a substantial right made in a 38070
special proceeding or upon a summary application in an action 38071
after judgment; 38072

(3) An order that vacates or sets aside a judgment or grants 38073
a new trial; 38074

(4) An order that grants or denies a provisional remedy and 38075
to which both of the following apply: 38076

(a) The order in effect determines the action with respect to 38077
the provisional remedy and prevents a judgment in the action in 38078
favor of the appealing party with respect to the provisional 38079
remedy. 38080

(b) The appealing party would not be afforded a meaningful or 38081

effective remedy by an appeal following final judgment as to all 38082
proceedings, issues, claims, and parties in the action. 38083

(5) An order that determines that an action may or may not be 38084
maintained as a class action; 38085

(6) An order determining the constitutionality of any changes 38086
to the Revised Code made by Am. Sub. S.B. 281 of the 124th general 38087
assembly, including the amendment of sections 1751.67, 2117.06, 38088
2305.11, 2305.15, 2305.234, 2317.02, 2317.54, 2323.56, 2711.21, 38089
2711.22, 2711.23, 2711.24, 2743.02, 2743.43, 2919.16, 3923.63, 38090
3923.64, 4705.15, and 5111.018 (renumbered as 5164.07 by H.B. 59 38091
of the 130th general assembly), and the enactment of sections 38092
2305.113, 2323.41, 2323.43, and 2323.55 of the Revised Code or any 38093
changes made by Sub. S.B. 80 of the 125th general assembly, 38094
including the amendment of sections 2125.02, 2305.10, 2305.131, 38095
2315.18, 2315.19, and 2315.21 of the Revised Code; 38096

(7) An order in an appropriation proceeding that may be 38097
appealed pursuant to division (B)(3) of section 163.09 of the 38098
Revised Code. 38099

(C) When a court issues an order that vacates or sets aside a 38100
judgment or grants a new trial, the court, upon the request of 38101
either party, shall state in the order the grounds upon which the 38102
new trial is granted or the judgment vacated or set aside. 38103

(D) This section applies to and governs any action, including 38104
an appeal, that is pending in any court on July 22, 1998, and all 38105
claims filed or actions commenced on or after July 22, 1998, 38106
notwithstanding any provision of any prior statute or rule of law 38107
of this state. 38108

Sec. 2743.48. (A) As used in this section and section 2743.49 38109
of the Revised Code, a "wrongfully imprisoned individual" means an 38110
individual who satisfies each of the following: 38111

(1) The individual was charged with a violation of a section of the Revised Code by an indictment or information, and the violation charged was an aggravated felony or felony.

(2) The individual was found guilty of, but did not plead guilty to, the particular charge or a lesser-included offense by the court or jury involved, and the offense of which the individual was found guilty was an aggravated felony or felony.

(3) The individual was sentenced to an indefinite or definite term of imprisonment in a state correctional institution for the offense of which the individual was found guilty.

(4) The individual's conviction was vacated, dismissed, or reversed on appeal, the prosecuting attorney in the case cannot or will not seek any further appeal of right or upon leave of court, and no criminal proceeding is pending, can be brought, or will be brought by any prosecuting attorney, city director of law, village solicitor, or other chief legal officer of a municipal corporation against the individual for any act associated with that conviction.

(5) Subsequent to sentencing and during or subsequent to imprisonment, an error in procedure resulted in the individual's release, or it was determined by the court of common pleas in the county where the underlying criminal action was initiated that the charged offense, including all lesser-included offenses, either was not committed by the individual or was not committed by any person.

(B)(1) A person may file a civil action to be declared a wrongfully imprisoned individual in the court of common pleas in the county where the underlying criminal action was initiated. That civil action shall be separate from the underlying finding of guilt by the court of common pleas. Upon the filing of a civil action to be determined a wrongfully imprisoned individual, the

attorney general shall be served with a copy of the complaint and 38143
shall be heard. 38144

(2) When the court of common pleas in the county where the 38145
underlying criminal action was initiated determines in a separate 38146
civil action that a person is a wrongfully imprisoned individual, 38147
the court shall provide the person with a copy of this section and 38148
orally inform the person and the person's attorney of the person's 38149
rights under this section to commence a civil action against the 38150
state in the court of claims because of the person's wrongful 38151
imprisonment and to be represented in that civil action by counsel 38152
of the person's own choice. 38153

(3) The court described in division (B)(1) of this section 38154
shall notify the clerk of the court of claims, in writing and 38155
within seven days after the date of the entry of its determination 38156
that the person is a wrongfully imprisoned individual, of the name 38157
and proposed mailing address of the person and of the fact that 38158
the person has the rights to commence a civil action and to have 38159
legal representation as provided in this section. The clerk of the 38160
court of claims shall maintain in the clerk's office a list of 38161
wrongfully imprisoned individuals for whom notices are received 38162
under this section and shall create files in the clerk's office 38163
for each such individual. 38164

(4) Within sixty days after the date of the entry of the 38165
determination by the court of common pleas in the county where the 38166
underlying criminal action was initiated that a person is a 38167
wrongfully imprisoned individual, the clerk of the court of claims 38168
shall forward a preliminary judgment to the president of the 38169
controlling board requesting the payment of fifty per cent of the 38170
amount described in division (E)(2)(b) of this section to the 38171
wrongfully imprisoned individual. The board shall take all actions 38172
necessary to cause the payment of that amount out of the emergency 38173
purposes special purpose account of the board. 38174

(5) If an individual was serving at the time of the wrongful imprisonment concurrent sentences on other convictions that were not vacated, dismissed, or reversed on appeal, the individual is not eligible for compensation as described in this section for any portion of that wrongful imprisonment that occurred during a concurrent sentence of that nature.

(C)(1) In a civil action under this section, a wrongfully imprisoned individual has the right to have counsel of the individual's own choice.

(2) If a wrongfully imprisoned individual who is the subject of a court determination as described in division (B)(2) of this section does not commence a civil action under this section within six months after the entry of that determination, the clerk of the court of claims shall send a letter to the wrongfully imprisoned individual, at the address set forth in the notice received from the court of common pleas pursuant to division (B)(3) of this section or to any later address provided by the wrongfully imprisoned individual, that reminds the wrongfully imprisoned individual of the wrongfully imprisoned individual's rights under this section. Until the statute of limitations provided in division (H) of this section expires and unless the wrongfully imprisoned individual commences a civil action under this section, the clerk of the court of claims shall send a similar letter in a similar manner to the wrongfully imprisoned individual at least once each three months after the sending of the first reminder.

(D) Notwithstanding any provisions of this chapter to the contrary, a wrongfully imprisoned individual has and may file a civil action against the state, in the court of claims, to recover a sum of money as described in this section, because of the individual's wrongful imprisonment. The court of claims shall have exclusive, original jurisdiction over such a civil action. The civil action shall proceed, be heard, and be determined as

provided in sections 2743.01 to 2743.20 of the Revised Code, 38207
except that if a provision of this section conflicts with a 38208
provision in any of those sections, the provision in this section 38209
controls. 38210

(E)(1) In a civil action as described in division (D) of this 38211
section, the complainant may establish that the claimant is a 38212
wrongfully imprisoned individual by submitting to the court of 38213
claims a certified copy of the judgment entry of the court of 38214
common pleas associated with the claimant's conviction and 38215
sentencing, and a certified copy of the entry of the determination 38216
of the court of common pleas that the claimant is a wrongfully 38217
imprisoned individual under division (B)(2) of this section. No 38218
other evidence shall be required of the complainant to establish 38219
that the claimant is a wrongfully imprisoned individual, and the 38220
claimant shall be irrebuttably presumed to be a wrongfully 38221
imprisoned individual. 38222

(2) In a civil action as described in division (D) of this 38223
section, upon presentation of requisite proof to the court of 38224
claims, a wrongfully imprisoned individual is entitled to receive 38225
a sum of money that equals the total of each of the following 38226
amounts: 38227

(a) The amount of any fine or court costs imposed and paid, 38228
and the reasonable attorney's fees and other expenses incurred by 38229
the wrongfully imprisoned individual in connection with all 38230
associated criminal proceedings and appeals, and, if applicable, 38231
in connection with obtaining the wrongfully imprisoned 38232
individual's discharge from confinement in the state correctional 38233
institution; 38234

(b) For each full year of imprisonment in the state 38235
correctional institution for the offense of which the wrongfully 38236
imprisoned individual was found guilty, forty thousand three 38237
hundred thirty dollars or the adjusted amount determined by the 38238

auditor of state pursuant to section 2743.49 of the Revised Code, 38239
and for each part of a year of being so imprisoned, a pro-rated 38240
share of forty thousand three hundred thirty dollars or the 38241
adjusted amount determined by the auditor of state pursuant to 38242
section 2743.49 of the Revised Code; 38243

(c) Any loss of wages, salary, or other earned income that 38244
directly resulted from the wrongfully imprisoned individual's 38245
arrest, prosecution, conviction, and wrongful imprisonment; 38246

(d) The amount of the following cost debts the department of 38247
rehabilitation and correction recovered from the wrongfully 38248
imprisoned individual who was in custody of the department or 38249
under the department's supervision: 38250

(i) Any user fee or copayment for services at a detention 38251
facility, including, but not limited to, a fee or copayment for 38252
sick call visits; 38253

(ii) The cost of housing and feeding the wrongfully 38254
imprisoned individual in a detention facility; 38255

(iii) The cost of supervision of the wrongfully imprisoned 38256
individual; 38257

(iv) The cost of any ancillary services provided to the 38258
wrongfully imprisoned individual. 38259

(F)(1) If the court of claims determines in a civil action as 38260
described in division (D) of this section that the complainant is 38261
a wrongfully imprisoned individual, it shall enter judgment for 38262
the wrongfully imprisoned individual in the amount of the sum of 38263
money to which the wrongfully imprisoned individual is entitled 38264
under division (E)(2) of this section. In determining that sum, 38265
the court of claims shall not take into consideration any expenses 38266
incurred by the state or any of its political subdivisions in 38267
connection with the arrest, prosecution, and imprisonment of the 38268
wrongfully imprisoned individual, including, but not limited to, 38269

expenses for food, clothing, shelter, and medical services. The 38270
court shall reduce that sum by the amount of the payment to the 38271
wrongfully imprisoned individual described in division (B)(4) of 38272
this section. 38273

(2) If the wrongfully imprisoned individual was represented 38274
in the civil action under this section by counsel of the 38275
wrongfully imprisoned individual's own choice, the court of claims 38276
shall include in the judgment entry referred to in division (F)(1) 38277
of this section an award for the reasonable attorney's fees of 38278
that counsel. These fees shall be paid as provided in division (G) 38279
of this section. 38280

(3) The state consents to be sued by a wrongfully imprisoned 38281
individual because the imprisonment was wrongful, and to liability 38282
on its part because of that fact, only as provided in this 38283
section. However, this section does not affect any liability of 38284
the state or of its employees to a wrongfully imprisoned 38285
individual on a claim for relief that is not based on the fact of 38286
the wrongful imprisonment, including, but not limited to, a claim 38287
for relief that arises out of circumstances occurring during the 38288
wrongfully imprisoned individual's confinement in the state 38289
correctional institution. 38290

(G) The clerk of the court of claims shall forward a 38291
certified copy of a judgment under division (F) of this section to 38292
the president of the controlling board. The board shall take all 38293
actions necessary to cause the payment of the judgment out of the 38294
emergency purposes special purpose account of the board. 38295

(H) To be eligible to recover a sum of money as described in 38296
this section because of wrongful imprisonment, both of the 38297
following shall apply to a wrongfully imprisoned individual: 38298

(1) The wrongfully imprisoned individual shall not have been, 38299
prior to September 24, 1986, the subject of an act of the general 38300

assembly that authorized an award of compensation for the wrongful imprisonment or have been the subject of an action before the former sundry claims board that resulted in an award of compensation for the wrongful imprisonment.

(2) The wrongfully imprisoned individual shall commence a civil action under this section in the court of claims no later than two years after the date of the entry of the determination of the court of common pleas that the individual is a wrongfully imprisoned individual under division (B)(2) of this section.

Sec. 2744.05. Notwithstanding any other provisions of the Revised Code or rules of a court to the contrary, in an action against a political subdivision to recover damages for injury, death, or loss to person or property caused by an act or omission in connection with a governmental or proprietary function:

(A) Punitive or exemplary damages shall not be awarded.

(B)(1) If a claimant receives or is entitled to receive benefits for injuries or loss allegedly incurred from a policy or policies of insurance or any other source, the benefits shall be disclosed to the court, and the amount of the benefits shall be deducted from any award against a political subdivision recovered by that claimant. No insurer or other person is entitled to bring an action under a subrogation provision in an insurance or other contract against a political subdivision with respect to those benefits.

The amount of the benefits shall be deducted from an award against a political subdivision under division (B)(1) of this section regardless of whether the claimant may be under an obligation to pay back the benefits upon recovery, in whole or in part, for the claim. A claimant whose benefits have been deducted from an award under division (B)(1) of this section is not considered fully compensated and shall not be required to

reimburse a subrogated claim for benefits deducted from an award 38332
pursuant to division (B)(1) of this section. 38333

(2) Nothing in division (B)(1) of this section shall be 38334
construed to do either of the following: 38335

(a) Limit the rights of a beneficiary under a life insurance 38336
policy or the rights of sureties under fidelity or surety bonds; 38337

(b) Prohibit the department of ~~job and family services~~ 38338
medicaid from recovering from the political subdivision, pursuant 38339
to section ~~5101.58~~ 5160.37 of the Revised Code, the cost of 38340
medical assistance ~~benefits provided under Chapter 5107. or 5111.~~ 38341
~~of the Revised Code~~ provided under a medical assistance program. 38342

(C)(1) There shall not be any limitation on compensatory 38343
damages that represent the actual loss of the person who is 38344
awarded the damages. However, except in wrongful death actions 38345
brought pursuant to Chapter 2125. of the Revised Code, damages 38346
that arise from the same cause of action, transaction or 38347
occurrence, or series of transactions or occurrences and that do 38348
not represent the actual loss of the person who is awarded the 38349
damages shall not exceed two hundred fifty thousand dollars in 38350
favor of any one person. The limitation on damages that do not 38351
represent the actual loss of the person who is awarded the damages 38352
provided in this division does not apply to court costs that are 38353
awarded to a plaintiff, or to interest on a judgment rendered in 38354
favor of a plaintiff, in an action against a political 38355
subdivision. 38356

(2) As used in this division, "the actual loss of the person 38357
who is awarded the damages" includes all of the following: 38358

(a) All wages, salaries, or other compensation lost by the 38359
person injured as a result of the injury, including wages, 38360
salaries, or other compensation lost as of the date of a judgment 38361
and future expected lost earnings of the person injured; 38362

(b) All expenditures of the person injured or another person 38363
on behalf of the person injured for medical care or treatment, for 38364
rehabilitation services, or for other care, treatment, services, 38365
products, or accommodations that were necessary because of the 38366
injury; 38367

(c) All expenditures to be incurred in the future, as 38368
determined by the court, by the person injured or another person 38369
on behalf of the person injured for medical care or treatment, for 38370
rehabilitation services, or for other care, treatment, services, 38371
products, or accommodations that will be necessary because of the 38372
injury; 38373

(d) All expenditures of a person whose property was injured 38374
or destroyed or of another person on behalf of the person whose 38375
property was injured or destroyed in order to repair or replace 38376
the property that was injured or destroyed; 38377

(e) All expenditures of the person injured or of the person 38378
whose property was injured or destroyed or of another person on 38379
behalf of the person injured or of the person whose property was 38380
injured or destroyed in relation to the actual preparation or 38381
presentation of the claim involved; 38382

(f) Any other expenditures of the person injured or of the 38383
person whose property was injured or destroyed or of another 38384
person on behalf of the person injured or of the person whose 38385
property was injured or destroyed that the court determines 38386
represent an actual loss experienced because of the personal or 38387
property injury or property loss. 38388

"The actual loss of the person who is awarded the damages" 38389
does not include any fees paid or owed to an attorney for any 38390
services rendered in relation to a personal or property injury or 38391
property loss, and does not include any damages awarded for pain 38392
and suffering, for the loss of society, consortium, companionship, 38393

care, assistance, attention, protection, advice, guidance, 38394
counsel, instruction, training, or education of the person 38395
injured, for mental anguish, or for any other intangible loss. 38396

Sec. 2901.13. (A)(1) Except as provided in division (A)(2) or 38397
(3) of this section or as otherwise provided in this section, a 38398
prosecution shall be barred unless it is commenced within the 38399
following periods after an offense is committed: 38400

(a) For a felony, six years; 38401

(b) For a misdemeanor other than a minor misdemeanor, two 38402
years; 38403

(c) For a minor misdemeanor, six months. 38404

(2) There is no period of limitation for the prosecution of a 38405
violation of section 2903.01 or 2903.02 of the Revised Code. 38406

(3) Except as otherwise provided in divisions (B) to (H) of 38407
this section, a prosecution of any of the following offenses shall 38408
be barred unless it is commenced within twenty years after the 38409
offense is committed: 38410

(a) A violation of section 2903.03, 2903.04, 2905.01, 38411
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 38412
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 38413
2911.01, 2911.02, 2911.11, 2911.12, or 2917.02 of the Revised 38414
Code, a violation of section 2903.11 or 2903.12 of the Revised 38415
Code if the victim is a peace officer, a violation of section 38416
2903.13 of the Revised Code that is a felony, or a violation of 38417
former section 2907.12 of the Revised Code; 38418

(b) A conspiracy to commit, attempt to commit, or complicity 38419
in committing a violation set forth in division (A)(3)(a) of this 38420
section. 38421

(B)(1) Except as otherwise provided in division (B)(2) of 38422
this section, if the period of limitation provided in division 38423

(A)(1) or (3) of this section has expired, prosecution shall be 38424
commenced for an offense of which an element is fraud or breach of 38425
a fiduciary duty, within one year after discovery of the offense 38426
either by an aggrieved person, or by the aggrieved person's legal 38427
representative who is not a party to the offense. 38428

(2) If the period of limitation provided in division (A)(1) 38429
or (3) of this section has expired, prosecution for a violation of 38430
section 2913.49 of the Revised Code shall be commenced within five 38431
years after discovery of the offense either by an aggrieved person 38432
or the aggrieved person's legal representative who is not a party 38433
to the offense. 38434

(C)(1) If the period of limitation provided in division 38435
(A)(1) or (3) of this section has expired, prosecution shall be 38436
commenced for the following offenses during the following 38437
specified periods of time: 38438

(a) For an offense involving misconduct in office by a public 38439
servant, at any time while the accused remains a public servant, 38440
or within two years thereafter; 38441

(b) For an offense by a person who is not a public servant 38442
but whose offense is directly related to the misconduct in office 38443
of a public servant, at any time while that public servant remains 38444
a public servant, or within two years thereafter. 38445

(2) As used in this division: 38446

(a) An "offense is directly related to the misconduct in 38447
office of a public servant" includes, but is not limited to, a 38448
violation of section 101.71, 101.91, 121.61 or 2921.13, division 38449
(F) or (H) of section 102.03, division (A) of section 2921.02, 38450
division (A) or (B) of section 2921.43, or division (F) or (G) of 38451
section 3517.13 of the Revised Code, that is directly related to 38452
an offense involving misconduct in office of a public servant. 38453

(b) "Public servant" has the same meaning as in section 38454

2921.01 of the Revised Code. 38455

(D) An offense is committed when every element of the offense 38456
occurs. In the case of an offense of which an element is a 38457
continuing course of conduct, the period of limitation does not 38458
begin to run until such course of conduct or the accused's 38459
accountability for it terminates, whichever occurs first. 38460

(E) A prosecution is commenced on the date an indictment is 38461
returned or an information filed, or on the date a lawful arrest 38462
without a warrant is made, or on the date a warrant, summons, 38463
citation, or other process is issued, whichever occurs first. A 38464
prosecution is not commenced by the return of an indictment or the 38465
filing of an information unless reasonable diligence is exercised 38466
to issue and execute process on the same. A prosecution is not 38467
commenced upon issuance of a warrant, summons, citation, or other 38468
process, unless reasonable diligence is exercised to execute the 38469
same. 38470

(F) The period of limitation shall not run during any time 38471
when the corpus delicti remains undiscovered. 38472

(G) The period of limitation shall not run during any time 38473
when the accused purposely avoids prosecution. Proof that the 38474
accused departed this state or concealed the accused's identity or 38475
whereabouts is prima-facie evidence of the accused's purpose to 38476
avoid prosecution. 38477

(H) The period of limitation shall not run during any time a 38478
prosecution against the accused based on the same conduct is 38479
pending in this state, even though the indictment, information, or 38480
process that commenced the prosecution is quashed or the 38481
proceedings on the indictment, information, or process are set 38482
aside or reversed on appeal. 38483

(I) The period of limitation for a violation of any provision 38484
of Title XXIX of the Revised Code that involves a physical or 38485

mental wound, injury, disability, or condition of a nature that 38486
reasonably indicates abuse or neglect of a child under eighteen 38487
years of age or of a mentally retarded, developmentally disabled, 38488
or physically impaired child under twenty-one years of age shall 38489
not begin to run until either of the following occurs: 38490

(1) The victim of the offense reaches the age of majority. 38491

(2) A public children services agency, or a municipal or 38492
county peace officer that is not the parent or guardian of the 38493
child, in the county in which the child resides or in which the 38494
abuse or neglect is occurring or has occurred has been notified 38495
that abuse or neglect is known, suspected, or believed to have 38496
occurred. 38497

(J) As used in this section, "peace officer" has the same 38498
meaning as in section 2935.01 of the Revised Code. 38499

Sec. 2901.30. (A) As used in sections 2901.30 to 2901.32 of 38500
the Revised Code: 38501

(1) "Information" means information that can be integrated 38502
into the computer system and that relates to the physical or 38503
mental description of a minor including, but not limited to, 38504
height, weight, color of hair and eyes, use of eyeglasses or 38505
contact lenses, skin coloring, physical or mental handicaps, 38506
special medical conditions or needs, abnormalities, problems, 38507
scars and marks, and distinguishing characteristics, and other 38508
information that could assist in identifying a minor including, 38509
but not limited to, full name and nickname, date and place of 38510
birth, age, names and addresses of parents and other relatives, 38511
fingerprints, dental records, photographs, social security number, 38512
driver's license number, credit card numbers, bank account 38513
numbers, and clothing. 38514

(2) "Minor" means a person under eighteen years of age. 38515

(3) "Missing children" or "missing child" means either of the following: 38516
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(a) A minor who has run away from or who otherwise is missing from the home of, or the care, custody, and control of, the minor's parents, parent who is the residential parent and legal custodian, guardian, legal custodian, or other person having responsibility for the care of the minor; 38518
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(b) A minor who is missing and about whom there is reason to believe the minor could be the victim of a violation of section 2905.01, 2905.02, 2905.03, or 2919.23 of the Revised Code or of a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996. 38523
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(B) When a law enforcement agency in this state that has jurisdiction in the matter is informed that a minor is or may be a missing child and that the person providing the information wishes to file a missing child report, the law enforcement agency shall take that report. Upon taking the report, the law enforcement agency shall take prompt action upon it, including, but not limited to, concerted efforts to locate the missing child. No law enforcement agency in this state shall have a rule or policy that prohibits or discourages the filing of or the taking of action upon a missing child report, within a specified period following the discovery or formulation of a belief that a minor is or could be a missing child. 38528
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(C) If a missing child report is made to a law enforcement agency in this state that has jurisdiction in the matter, the law enforcement agency shall gather readily available information about the missing child and integrate it into the national crime information center computer immediately following the making of the report. The law enforcement agency shall make reasonable efforts to acquire additional information about the missing child following the transmittal of the initially available information, 38540
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and promptly integrate any additional information acquired into 38548
such computer systems. 38549

Whenever a law enforcement agency integrates information 38550
about a missing child into the national crime information center 38551
computer, the law enforcement agency promptly shall notify the 38552
missing child's parents, parent who is the residential parent and 38553
legal custodian, guardian, or legal custodian, or any other person 38554
responsible for the care of the missing child, that it has so 38555
integrated the information. 38556

The parents, parent who is the residential parent and legal 38557
custodian, guardian, legal custodian, or other person responsible 38558
for the care of the missing child shall provide available 38559
information upon request, and may provide information voluntarily, 38560
to the law enforcement agency during the information gathering 38561
process. The law enforcement agency also may obtain available 38562
information about the missing child from other persons, subject to 38563
constitutional and statutory limitations. 38564

(D) Upon the filing of a missing child report, the law 38565
enforcement agency involved may notify the public or nonpublic 38566
school in which the missing child is or was most recently 38567
enrolled, as ascertained by the agency, that the child is the 38568
subject of a missing child report and that the child's school 38569
records are to be marked in accordance with section 3313.672 of 38570
the Revised Code. 38571

(E) Upon the filing of a missing child report, the law 38572
enforcement agency involved promptly shall make a reasonable 38573
attempt to notify other law enforcement agencies within its county 38574
and, if the agency has jurisdiction in a municipal corporation or 38575
township that borders another county, to notify the law 38576
enforcement agency for the municipal corporation or township in 38577
the other county with which it shares the border, that it has 38578
taken a missing child report and may be requesting assistance or 38579

cooperation in the case, and provide relevant information to the 38580
other law enforcement agencies. The agency may notify additional 38581
law enforcement agencies, or appropriate public children services 38582
agencies, about the case, request their assistance or cooperation 38583
in the case, and provide them with relevant information. 38584

Upon request from a law enforcement agency, a public children 38585
services agency shall grant the law enforcement agency access to 38586
all information concerning a missing child that the agency 38587
possesses that may be relevant to the law enforcement agency in 38588
investigating a missing child report concerning that child. The 38589
information obtained by the law enforcement agency shall be used 38590
only to further the investigation to locate the missing child. 38591

(F) Upon request, law enforcement agencies in this state 38592
shall provide assistance to, and cooperate with, other law 38593
enforcement agencies in their investigation of missing child 38594
cases. The assistance and cooperation under this paragraph shall 38595
be pursuant to any terms agreed upon by the law enforcement 38596
agencies, which may include the provision of law enforcement 38597
services or the use of law enforcement equipment or the 38598
interchange of services and equipment among the cooperating law 38599
enforcement agencies. Chapter 2744. of the Revised Code, insofar 38600
as it applies to the operation of law enforcement agencies, shall 38601
apply to the cooperating political subdivisions and to the law 38602
enforcement agency employees when they are rendering services 38603
pursuant to this paragraph outside the territory of the political 38604
subdivision by which they are employed. Law enforcement agency 38605
employees rendering services outside the territory of the 38606
political subdivision in which they are employed, pursuant to this 38607
paragraph, shall be entitled to participate in any indemnity fund 38608
established by their employer to the same extent as if they were 38609
rendering service within the territory of their employing 38610
political subdivision. Those law enforcement agency employees also 38611

shall be entitled to all the rights and benefits of Chapter 4123. 38612
of the Revised Code to the same extent as if rendering services 38613
within the territory of their employing political subdivision. 38614

The information in any missing child report made to a law 38615
enforcement agency shall be made available, upon request, to law 38616
enforcement personnel of this state, other states, and the federal 38617
government when the law enforcement personnel indicate that the 38618
request is to aid in identifying or locating a missing child or 38619
the possible identification of a deceased minor who, upon 38620
discovery, cannot be identified. 38621

(G) When a missing child has not been located within thirty 38622
days after the date on which the missing child report pertaining 38623
to the child was filed with a law enforcement agency, that law 38624
enforcement agency shall request the missing child's parents, 38625
parent who is the residential parent and legal custodian, 38626
guardian, or legal custodian, or any other person responsible for 38627
the care of the missing child, to provide written consent for the 38628
law enforcement agency to contact the missing child's dentist and 38629
request the missing child's dental records. Upon receipt of such 38630
written consent, the dentist shall release a copy of the missing 38631
child's dental records to the law enforcement agency and shall 38632
provide and encode the records in such form as requested by the 38633
law enforcement agency. The law enforcement agency then shall 38634
integrate information in the records into the national crime 38635
information center computer in order to compare the records to 38636
those of unidentified deceased persons. This division does not 38637
prevent a law enforcement agency from seeking consent to obtain 38638
copies of a missing child's dental records, or prevent a missing 38639
child's parents, parent who is the residential parent and legal 38640
custodian, guardian, or legal custodian, or any other person 38641
responsible for the care of the missing child, from granting 38642
consent for the release of copies of the missing child's dental 38643

records to a law enforcement agency, at any time. 38644

(H) A missing child's parents, parent who is the residential 38645
parent and legal custodian, guardian, or legal custodian, or any 38646
other persons responsible for the care of a missing child, 38647
immediately shall notify the law enforcement agency with which 38648
they filed the missing child report whenever the child has 38649
returned to their home or to their care, custody, and control, has 38650
been released if the missing child was the victim of an offense 38651
listed in division (A)(3)(b) of this section, or otherwise has 38652
been located. Upon such notification or upon otherwise learning 38653
that a missing child has returned to the home of, or to the care, 38654
custody, and control of the missing child's parents, parent who is 38655
the residential parent and legal custodian, guardian, legal 38656
custodian, or other person responsible for the missing child's 38657
care, has been released if the missing child was the victim of an 38658
offense listed in division (A)(3)(b) of this section, or otherwise 38659
has been located, the law enforcement agency involved promptly 38660
shall integrate the fact that the minor no longer is a missing 38661
child into the national crime information center computer and 38662
shall inform any school that was notified under division (D) of 38663
this section that the minor is no longer a missing child. 38664

~~(I) Nothing contained in this section shall be construed to 38665
impair the confidentiality of services provided to runaway minors 38666
by shelters for runaway minors pursuant to sections 5119.64 to 38667
5119.68 of the Revised Code. 38668~~

Sec. 2903.13. (A) No person shall knowingly cause or attempt 38669
to cause physical harm to another or to another's unborn. 38670

(B) No person shall recklessly cause serious physical harm to 38671
another or to another's unborn. 38672

(C)(1) Whoever violates this section is guilty of assault, 38673
and the court shall sentence the offender as provided in this 38674

division and divisions (C)(1), (2), (3), (4), (5), (6), (7), (8), 38675
~~and (9), and (10)~~ of this section. Except as otherwise provided in 38676
division (C)(2), (3), (4), (5), (6), (7), ~~or (8), or (9)~~ of this 38677
section, assault is a misdemeanor of the first degree. 38678

(2) Except as otherwise provided in this division, if the 38679
offense is committed by a caretaker against a functionally 38680
impaired person under the caretaker's care, assault is a felony of 38681
the fourth degree. If the offense is committed by a caretaker 38682
against a functionally impaired person under the caretaker's care, 38683
if the offender previously has been convicted of or pleaded guilty 38684
to a violation of this section or section 2903.11 or 2903.16 of 38685
the Revised Code, and if in relation to the previous conviction 38686
the offender was a caretaker and the victim was a functionally 38687
impaired person under the offender's care, assault is a felony of 38688
the third degree. 38689

(3) If the offense occurs in or on the grounds of a state 38690
correctional institution or an institution of the department of 38691
youth services, the victim of the offense is an employee of the 38692
department of rehabilitation and correction or the department of 38693
youth services, and the offense is committed by a person 38694
incarcerated in the state correctional institution or by a person 38695
institutionalized in the department of youth services institution 38696
pursuant to a commitment to the department of youth services, 38697
assault is a felony of the third degree. 38698

(4) If the offense is committed in any of the following 38699
circumstances, assault is a felony of the fifth degree: 38700

(a) ~~The offense occurs in or on the grounds of a state 38701
correctional institution or an institution of the department of 38702
youth services, the victim of the offense is an employee of the 38703
department of rehabilitation and correction, the department of 38704
youth services, or a probation department or is on the premises of 38705
the particular institution for business purposes or as a visitor,~~ 38706

~~and the offense is committed by a person incarcerated in the state 38707
correctional institution, by a person institutionalized in the 38708
department of youth services institution pursuant to a commitment 38709
to the department of youth services, by a parolee, by an offender 38710
under transitional control, under a community control sanction, or 38711
on an escorted visit, by a person under post-release control, or 38712
by an offender under any other type of supervision by a government 38713
agency. 38714~~

~~(b)~~ The offense occurs in or on the grounds of a local 38715
correctional facility, the victim of the offense is an employee of 38716
the local correctional facility or a probation department or is on 38717
the premises of the facility for business purposes or as a 38718
visitor, and the offense is committed by a person who is under 38719
custody in the facility subsequent to the person's arrest for any 38720
crime or delinquent act, subsequent to the person's being charged 38721
with or convicted of any crime, or subsequent to the person's 38722
being alleged to be or adjudicated a delinquent child. 38723

~~(e)~~(b) The offense occurs off the grounds of a state 38724
correctional institution and off the grounds of an institution of 38725
the department of youth services, the victim of the offense is an 38726
employee of the department of rehabilitation and correction, the 38727
department of youth services, or a probation department, the 38728
offense occurs during the employee's official work hours and while 38729
the employee is engaged in official work responsibilities, and the 38730
offense is committed by a person incarcerated in a state 38731
correctional institution or institutionalized in the department of 38732
youth services who temporarily is outside of the institution for 38733
any purpose, by a parolee, by an offender under transitional 38734
control, under a community control sanction, or on an escorted 38735
visit, by a person under post-release control, or by an offender 38736
under any other type of supervision by a government agency. 38737

~~(d)~~(c) The offense occurs off the grounds of a local 38738

correctional facility, the victim of the offense is an employee of 38739
the local correctional facility or a probation department, the 38740
offense occurs during the employee's official work hours and while 38741
the employee is engaged in official work responsibilities, and the 38742
offense is committed by a person who is under custody in the 38743
facility subsequent to the person's arrest for any crime or 38744
delinquent act, subsequent to the person being charged with or 38745
convicted of any crime, or subsequent to the person being alleged 38746
to be or adjudicated a delinquent child and who temporarily is 38747
outside of the facility for any purpose or by a parolee, by an 38748
offender under transitional control, under a community control 38749
sanction, or on an escorted visit, by a person under post-release 38750
control, or by an offender under any other type of supervision by 38751
a government agency. 38752

~~(e)~~(d) The victim of the offense is a school teacher or 38753
administrator or a school bus operator, and the offense occurs in 38754
a school, on school premises, in a school building, on a school 38755
bus, or while the victim is outside of school premises or a school 38756
bus and is engaged in duties or official responsibilities 38757
associated with the victim's employment or position as a school 38758
teacher or administrator or a school bus operator, including, but 38759
not limited to, driving, accompanying, or chaperoning students at 38760
or on class or field trips, athletic events, or other school 38761
extracurricular activities or functions outside of school 38762
premises. 38763

~~(4)~~(5) If the victim of the offense is a peace officer or an 38764
investigator of the bureau of criminal identification and 38765
investigation, a firefighter, or a person performing emergency 38766
medical service, while in the performance of their official 38767
duties, assault is a felony of the fourth degree. 38768

~~(5)~~(6) If the victim of the offense is a peace officer or an 38769
investigator of the bureau of criminal identification and 38770

investigation and if the victim suffered serious physical harm as 38771
a result of the commission of the offense, assault is a felony of 38772
the fourth degree, and the court, pursuant to division (F) of 38773
section 2929.13 of the Revised Code, shall impose as a mandatory 38774
prison term one of the prison terms prescribed for a felony of the 38775
fourth degree that is at least twelve months in duration. 38776

~~(6)~~(7) If the victim of the offense is an officer or employee 38777
of a public children services agency or a private child placing 38778
agency and the offense relates to the officer's or employee's 38779
performance or anticipated performance of official 38780
responsibilities or duties, assault is either a felony of the 38781
fifth degree or, if the offender previously has been convicted of 38782
or pleaded guilty to an offense of violence, the victim of that 38783
prior offense was an officer or employee of a public children 38784
services agency or private child placing agency, and that prior 38785
offense related to the officer's or employee's performance or 38786
anticipated performance of official responsibilities or duties, a 38787
felony of the fourth degree. 38788

~~(7)~~(8) If the victim of the offense is a health care 38789
professional of a hospital, a health care worker of a hospital, or 38790
a security officer of a hospital whom the offender knows or has 38791
reasonable cause to know is a health care professional of a 38792
hospital, a health care worker of a hospital, or a security 38793
officer of a hospital, if the victim is engaged in the performance 38794
of the victim's duties, and if the hospital offers de-escalation 38795
or crisis intervention training for such professionals, workers, 38796
or officers, assault is one of the following: 38797

(a) Except as otherwise provided in division (C)~~(7)~~(8)(b) of 38798
this section, assault committed in the specified circumstances is 38799
a misdemeanor of the first degree. Notwithstanding the fine 38800
specified in division (A)(2)(b) of section 2929.28 of the Revised 38801
Code for a misdemeanor of the first degree, in sentencing the 38802

offender under this division and if the court decides to impose a fine, the court may impose upon the offender a fine of not more than five thousand dollars.

(b) If the offender previously has been convicted of or pleaded guilty to one or more assault or homicide offenses committed against hospital personnel, assault committed in the specified circumstances is a felony of the fifth degree.

~~(8)~~(9) If the victim of the offense is a judge, magistrate, prosecutor, or court official or employee whom the offender knows or has reasonable cause to know is a judge, magistrate, prosecutor, or court official or employee, and if the victim is engaged in the performance of the victim's duties, assault is one of the following:

(a) Except as otherwise provided in division (C)~~(7)~~(8)(b) of this section, assault committed in the specified circumstances is a misdemeanor of the first degree. In sentencing the offender under this division, if the court decides to impose a fine, notwithstanding the fine specified in division (A)(2)(b) of section 2929.28 of the Revised Code for a misdemeanor of the first degree, the court may impose upon the offender a fine of not more than five thousand dollars.

(b) If the offender previously has been convicted of or pleaded guilty to one or more assault or homicide offenses committed against justice system personnel, assault committed in the specified circumstances is a felony of the fifth degree.

~~(9)~~(10) If an offender who is convicted of or pleads guilty to assault when it is a misdemeanor also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, the court shall sentence the offender to a mandatory jail term as provided in

division (G) of section 2929.24 of the Revised Code. 38834

If an offender who is convicted of or pleads guilty to 38835
assault when it is a felony also is convicted of or pleads guilty 38836
to a specification as described in section 2941.1423 of the 38837
Revised Code that was included in the indictment, count in the 38838
indictment, or information charging the offense, except as 38839
otherwise provided in division (C)~~(5)~~(6) of this section, the 38840
court shall sentence the offender to a mandatory prison term as 38841
provided in division (B)(8) of section 2929.14 of the Revised 38842
Code. 38843

(D) As used in this section: 38844

(1) "Peace officer" has the same meaning as in section 38845
2935.01 of the Revised Code. 38846

(2) "Firefighter" has the same meaning as in section 3937.41 38847
of the Revised Code. 38848

(3) "Emergency medical service" has the same meaning as in 38849
section 4765.01 of the Revised Code. 38850

(4) "Local correctional facility" means a county, 38851
multicounty, municipal, municipal-county, or multicounty-municipal 38852
jail or workhouse, a minimum security jail established under 38853
section 341.23 or 753.21 of the Revised Code, or another county, 38854
multicounty, municipal, municipal-county, or multicounty-municipal 38855
facility used for the custody of persons arrested for any crime or 38856
delinquent act, persons charged with or convicted of any crime, or 38857
persons alleged to be or adjudicated a delinquent child. 38858

(5) "Employee of a local correctional facility" means a 38859
person who is an employee of the political subdivision or of one 38860
or more of the affiliated political subdivisions that operates the 38861
local correctional facility and who operates or assists in the 38862
operation of the facility. 38863

(6) "School teacher or administrator" means either of the following:	38864 38865
(a) A person who is employed in the public schools of the state under a contract described in section 3311.77 or 3319.08 of the Revised Code in a position in which the person is required to have a certificate issued pursuant to sections 3319.22 to 3319.311 of the Revised Code.	38866 38867 38868 38869 38870
(b) A person who is employed by a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and who is certificated in accordance with section 3301.071 of the Revised Code.	38871 38872 38873 38874
(7) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	38875 38876
(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code.	38877 38878
(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.	38879 38880
(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.	38881 38882 38883
(11) "Health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code.	38884 38885
(12) "Assault or homicide offense committed against hospital personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which all of the following apply:	38886 38887 38888 38889 38890
(a) The victim of the offense was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.	38891 38892 38893

(b) The offender knew or had reasonable cause to know that 38894
the victim was a health care professional of a hospital, a health 38895
care worker of a hospital, or a security officer of a hospital. 38896

(c) The victim was engaged in the performance of the victim's 38897
duties. 38898

(d) The hospital offered de-escalation or crisis intervention 38899
training for such professionals, workers, or officers. 38900

(13) "De-escalation or crisis intervention training" means 38901
de-escalation or crisis intervention training for health care 38902
professionals of a hospital, health care workers of a hospital, 38903
and security officers of a hospital to facilitate interaction with 38904
patients, members of a patient's family, and visitors, including 38905
those with mental impairments. 38906

(14) "Assault or homicide offense committed against justice 38907
system personnel" means a violation of this section or of section 38908
2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 38909
2903.14 of the Revised Code committed in circumstances in which 38910
the victim of the offense was a judge, magistrate, prosecutor, or 38911
court official or employee whom the offender knew or had 38912
reasonable cause to know was a judge, magistrate, prosecutor, or 38913
court official or employee, and the victim was engaged in the 38914
performance of the victim's duties. 38915

(15) "Court official or employee" means any official or 38916
employee of a court created under the constitution or statutes of 38917
this state or of a United States court located in this state. 38918

(16) "Judge" means a judge of a court created under the 38919
constitution or statutes of this state or of a United States court 38920
located in this state. 38921

(17) "Magistrate" means an individual who is appointed by a 38922
court of record of this state and who has the powers and may 38923
perform the functions specified in Civil Rule 53, Criminal Rule 38924

19, or Juvenile Rule 40, or an individual who is appointed by a 38925
United States court located in this state who has similar powers 38926
and functions. 38927

(18) "Prosecutor" has the same meaning as in section 2935.01 38928
of the Revised Code. 38929

(19)(a) "Hospital" means, subject to division (D)(19)(b) of 38930
this section, an institution classified as a hospital under 38931
section 3701.01 of the Revised Code in which are provided to 38932
patients diagnostic, medical, surgical, obstetrical, psychiatric, 38933
or rehabilitation care or a hospital operated by a health 38934
maintenance organization. 38935

(b) "Hospital" does not include any of the following: 38936

(i) A facility licensed under Chapter 3721. of the Revised 38937
Code, a health care facility operated by the department of mental 38938
health or the department of developmental disabilities, a health 38939
maintenance organization that does not operate a hospital, or the 38940
office of any private, licensed health care professional, whether 38941
organized for individual or group practice; 38942

(ii) An institution for the sick that is operated exclusively 38943
for patients who use spiritual means for healing and for whom the 38944
acceptance of medical care is inconsistent with their religious 38945
beliefs, accredited by a national accrediting organization, exempt 38946
from federal income taxation under section 501 of the "Internal 38947
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, 38948
and providing twenty-four-hour nursing care pursuant to the 38949
exemption in division (E) of section 4723.32 of the Revised Code 38950
from the licensing requirements of Chapter 4723. of the Revised 38951
Code. 38952

(20) "Health maintenance organization" has the same meaning 38953
as in section 3727.01 of the Revised Code. 38954

Sec. 2903.33. As used in sections 2903.33 to 2903.36 of the Revised Code: 38955
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(A) "Care facility" means any of the following: 38957

(1) Any "home" as defined in section 3721.10 ~~or 5111.20~~ of the Revised Code; 38958
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(2) Any "residential facility" as defined in section 5123.19 of the Revised Code; 38960
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(3) Any institution or facility operated or provided by the department of ~~mental health~~ mental health and addiction services or by the department of developmental disabilities pursuant to sections ~~5119.02~~ 5119.14 and 5123.03 of the Revised Code; 38962
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(4) Any "residential facility" as defined in section ~~5119.22~~ 5119.34 of the Revised Code; 38966
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(5) Any unit of any hospital, as defined in section 3701.01 of the Revised Code, that provides the same services as a nursing home, as defined in section 3721.01 of the Revised Code; 38968
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(6) Any institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to one individual or two unrelated individuals who are dependent upon the services of others. 38971
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(B) "Abuse" means knowingly causing physical harm or recklessly causing serious physical harm to a person by physical contact with the person or by the inappropriate use of a physical or chemical restraint, medication, or isolation on the person. 38976
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(C)(1) "Gross neglect" means knowingly failing to provide a person with any treatment, care, goods, or service that is necessary to maintain the health or safety of the person when the failure results in physical harm or serious physical harm to the person. 38980
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(2) "Neglect" means recklessly failing to provide a person 38985
with any treatment, care, goods, or service that is necessary to 38986
maintain the health or safety of the person when the failure 38987
results in serious physical harm to the person. 38988

(D) "Inappropriate use of a physical or chemical restraint, 38989
medication, or isolation" means the use of physical or chemical 38990
restraint, medication, or isolation as punishment, for staff 38991
convenience, excessively, as a substitute for treatment, or in 38992
quantities that preclude habilitation and treatment. 38993

Sec. 2907.22. (A) No person shall knowingly: 38994

(1) Establish, maintain, operate, manage, supervise, control, 38995
or have an interest in a brothel or any other enterprise a purpose 38996
of which is to facilitate engagement in sexual activity for hire; 38997

(2) Supervise, manage, or control the activities of a 38998
prostitute in engaging in sexual activity for hire; 38999

(3) Transport another, or cause another to be transported 39000
~~across the boundary of this state or of any county in this state,~~ 39001
in order to facilitate the other person's engaging in sexual 39002
activity for hire; 39003

(4) For the purpose of violating or facilitating a violation 39004
of this section, induce or procure another to engage in sexual 39005
activity for hire. 39006

(B) Whoever violates this section is guilty of promoting 39007
prostitution. Except as otherwise provided in this division, 39008
promoting prostitution is a felony of the fourth degree. If any 39009
prostitute in the brothel involved in the offense, or the 39010
prostitute whose activities are supervised, managed, or controlled 39011
by the offender, or the person transported, induced, or procured 39012
by the offender to engage in sexual activity for hire, is a minor, 39013
whether or not the offender knows the age of the minor, then 39014

promoting prostitution is a felony of the third degree. If the 39015
offender in any case also is convicted of or pleads guilty to a 39016
specification as described in section 2941.1422 of the Revised 39017
Code that was included in the indictment, count in the indictment, 39018
or information charging the offense, the court shall sentence the 39019
offender to a mandatory prison term as provided in division (B)(7) 39020
of section 2929.14 of the Revised Code and shall order the 39021
offender to make restitution as provided in division (B)(8) of 39022
section 2929.18 of the Revised Code. 39023

Sec. 2913.01. As used in this chapter, unless the context 39024
requires that a term be given a different meaning: 39025

(A) "Deception" means knowingly deceiving another or causing 39026
another to be deceived by any false or misleading representation, 39027
by withholding information, by preventing another from acquiring 39028
information, or by any other conduct, act, or omission that 39029
creates, confirms, or perpetuates a false impression in another, 39030
including a false impression as to law, value, state of mind, or 39031
other objective or subjective fact. 39032

(B) "Defraud" means to knowingly obtain, by deception, some 39033
benefit for oneself or another, or to knowingly cause, by 39034
deception, some detriment to another. 39035

(C) "Deprive" means to do any of the following: 39036

(1) Withhold property of another permanently, or for a period 39037
that appropriates a substantial portion of its value or use, or 39038
with purpose to restore it only upon payment of a reward or other 39039
consideration; 39040

(2) Dispose of property so as to make it unlikely that the 39041
owner will recover it; 39042

(3) Accept, use, or appropriate money, property, or services, 39043
with purpose not to give proper consideration in return for the 39044

money, property, or services, and without reasonable justification 39045
or excuse for not giving proper consideration. 39046

(D) "Owner" means, unless the context requires a different 39047
meaning, any person, other than the actor, who is the owner of, 39048
who has possession or control of, or who has any license or 39049
interest in property or services, even though the ownership, 39050
possession, control, license, or interest is unlawful. 39051

(E) "Services" include labor, personal services, professional 39052
services, rental services, public utility services including 39053
wireless service as defined in division (F)(1) of section ~~5507.01~~ 39054
128.01 of the Revised Code, common carrier services, and food, 39055
drink, transportation, entertainment, and cable television 39056
services and, for purposes of section 2913.04 of the Revised Code, 39057
include cable services as defined in that section. 39058

(F) "Writing" means any computer software, document, letter, 39059
memorandum, note, paper, plate, data, film, or other thing having 39060
in or upon it any written, typewritten, or printed matter, and any 39061
token, stamp, seal, credit card, badge, trademark, label, or other 39062
symbol of value, right, privilege, license, or identification. 39063

(G) "Forge" means to fabricate or create, in whole or in part 39064
and by any means, any spurious writing, or to make, execute, 39065
alter, complete, reproduce, or otherwise purport to authenticate 39066
any writing, when the writing in fact is not authenticated by that 39067
conduct. 39068

(H) "Utter" means to issue, publish, transfer, use, put or 39069
send into circulation, deliver, or display. 39070

(I) "Coin machine" means any mechanical or electronic device 39071
designed to do both of the following: 39072

(1) Receive a coin, bill, or token made for that purpose; 39073

(2) In return for the insertion or deposit of a coin, bill, 39074

or token, automatically dispense property, provide a service, or 39075
grant a license. 39076

(J) "Slug" means an object that, by virtue of its size, 39077
shape, composition, or other quality, is capable of being inserted 39078
or deposited in a coin machine as an improper substitute for a 39079
genuine coin, bill, or token made for that purpose. 39080

(K) "Theft offense" means any of the following: 39081

(1) A violation of section 2911.01, 2911.02, 2911.11, 39082
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 39083
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 39084
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 39085
2913.47, 2913.48, former section 2913.47 or 2913.48, or section 39086
2913.51, 2915.05, or 2921.41 of the Revised Code; 39087

(2) A violation of an existing or former municipal ordinance 39088
or law of this or any other state, or of the United States, 39089
substantially equivalent to any section listed in division (K)(1) 39090
of this section or a violation of section 2913.41, 2913.81, or 39091
2915.06 of the Revised Code as it existed prior to July 1, 1996; 39092

(3) An offense under an existing or former municipal 39093
ordinance or law of this or any other state, or of the United 39094
States, involving robbery, burglary, breaking and entering, theft, 39095
embezzlement, wrongful conversion, forgery, counterfeiting, 39096
deceit, or fraud; 39097

(4) A conspiracy or attempt to commit, or complicity in 39098
committing, any offense under division (K)(1), (2), or (3) of this 39099
section. 39100

(L) "Computer services" includes, but is not limited to, the 39101
use of a computer system, computer network, computer program, data 39102
that is prepared for computer use, or data that is contained 39103
within a computer system or computer network. 39104

(M) "Computer" means an electronic device that performs 39105
logical, arithmetic, and memory functions by the manipulation of 39106
electronic or magnetic impulses. "Computer" includes, but is not 39107
limited to, all input, output, processing, storage, computer 39108
program, or communication facilities that are connected, or 39109
related, in a computer system or network to an electronic device 39110
of that nature. 39111

(N) "Computer system" means a computer and related devices, 39112
whether connected or unconnected, including, but not limited to, 39113
data input, output, and storage devices, data communications 39114
links, and computer programs and data that make the system capable 39115
of performing specified special purpose data processing tasks. 39116

(O) "Computer network" means a set of related and remotely 39117
connected computers and communication facilities that includes 39118
more than one computer system that has the capability to transmit 39119
among the connected computers and communication facilities through 39120
the use of computer facilities. 39121

(P) "Computer program" means an ordered set of data 39122
representing coded instructions or statements that, when executed 39123
by a computer, cause the computer to process data. 39124

(Q) "Computer software" means computer programs, procedures, 39125
and other documentation associated with the operation of a 39126
computer system. 39127

(R) "Data" means a representation of information, knowledge, 39128
facts, concepts, or instructions that are being or have been 39129
prepared in a formalized manner and that are intended for use in a 39130
computer, computer system, or computer network. For purposes of 39131
section 2913.47 of the Revised Code, "data" has the additional 39132
meaning set forth in division (A) of that section. 39133

(S) "Cable television service" means any services provided by 39134
or through the facilities of any cable television system or other 39135

similar closed circuit coaxial cable communications system, or any 39136
microwave or similar transmission service used in connection with 39137
any cable television system or other similar closed circuit 39138
coaxial cable communications system. 39139

(T) "Gain access" means to approach, instruct, communicate 39140
with, store data in, retrieve data from, or otherwise make use of 39141
any resources of a computer, computer system, or computer network, 39142
or any cable service or cable system both as defined in section 39143
2913.04 of the Revised Code. 39144

(U) "Credit card" includes, but is not limited to, a card, 39145
code, device, or other means of access to a customer's account for 39146
the purpose of obtaining money, property, labor, or services on 39147
credit, or for initiating an electronic fund transfer at a 39148
point-of-sale terminal, an automated teller machine, or a cash 39149
dispensing machine. It also includes a county procurement card 39150
issued under section 301.29 of the Revised Code. 39151

(V) "Electronic fund transfer" has the same meaning as in 92 39152
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 39153

(W) "Rented property" means personal property in which the 39154
right of possession and use of the property is for a short and 39155
possibly indeterminate term in return for consideration; the 39156
rentee generally controls the duration of possession of the 39157
property, within any applicable minimum or maximum term; and the 39158
amount of consideration generally is determined by the duration of 39159
possession of the property. 39160

(X) "Telecommunication" means the origination, emission, 39161
dissemination, transmission, or reception of data, images, 39162
signals, sounds, or other intelligence or equivalence of 39163
intelligence of any nature over any communications system by any 39164
method, including, but not limited to, a fiber optic, electronic, 39165
magnetic, optical, digital, or analog method. 39166

(Y) "Telecommunications device" means any instrument, 39167
equipment, machine, or other device that facilitates 39168
telecommunication, including, but not limited to, a computer, 39169
computer network, computer chip, computer circuit, scanner, 39170
telephone, cellular telephone, pager, personal communications 39171
device, transponder, receiver, radio, modem, or device that 39172
enables the use of a modem. 39173

(Z) "Telecommunications service" means the providing, 39174
allowing, facilitating, or generating of any form of 39175
telecommunication through the use of a telecommunications device 39176
over a telecommunications system. 39177

(AA) "Counterfeit telecommunications device" means a 39178
telecommunications device that, alone or with another 39179
telecommunications device, has been altered, constructed, 39180
manufactured, or programmed to acquire, intercept, receive, or 39181
otherwise facilitate the use of a telecommunications service or 39182
information service without the authority or consent of the 39183
provider of the telecommunications service or information service. 39184
"Counterfeit telecommunications device" includes, but is not 39185
limited to, a clone telephone, clone microchip, tumbler telephone, 39186
or tumbler microchip; a wireless scanning device capable of 39187
acquiring, intercepting, receiving, or otherwise facilitating the 39188
use of telecommunications service or information service without 39189
immediate detection; or a device, equipment, hardware, or software 39190
designed for, or capable of, altering or changing the electronic 39191
serial number in a wireless telephone. 39192

(BB)(1) "Information service" means, subject to division 39193
(BB)(2) of this section, the offering of a capability for 39194
generating, acquiring, storing, transforming, processing, 39195
retrieving, utilizing, or making available information via 39196
telecommunications, including, but not limited to, electronic 39197
publishing. 39198

(2) "Information service" does not include any use of a 39199
capability of a type described in division (BB)(1) of this section 39200
for the management, control, or operation of a telecommunications 39201
system or the management of a telecommunications service. 39202

(CC) "Elderly person" means a person who is sixty-five years 39203
of age or older. 39204

(DD) "Disabled adult" means a person who is eighteen years of 39205
age or older and has some impairment of body or mind that makes 39206
the person unable to work at any substantially remunerative 39207
employment that the person otherwise would be able to perform and 39208
that will, with reasonable probability, continue for a period of 39209
at least twelve months without any present indication of recovery 39210
from the impairment, or who is eighteen years of age or older and 39211
has been certified as permanently and totally disabled by an 39212
agency of this state or the United States that has the function of 39213
so classifying persons. 39214

(EE) "Firearm" and "dangerous ordnance" have the same 39215
meanings as in section 2923.11 of the Revised Code. 39216

(FF) "Motor vehicle" has the same meaning as in section 39217
4501.01 of the Revised Code. 39218

(GG) "Dangerous drug" has the same meaning as in section 39219
4729.01 of the Revised Code. 39220

(HH) "Drug abuse offense" has the same meaning as in section 39221
2925.01 of the Revised Code. 39222

(II)(1) "Computer hacking" means any of the following: 39223

(a) Gaining access or attempting to gain access to all or 39224
part of a computer, computer system, or a computer network without 39225
express or implied authorization with the intent to defraud or 39226
with intent to commit a crime; 39227

(b) Misusing computer or network services including, but not 39228

limited to, mail transfer programs, file transfer programs, proxy 39229
servers, and web servers by performing functions not authorized by 39230
the owner of the computer, computer system, or computer network or 39231
other person authorized to give consent. As used in this division, 39232
"misuse of computer and network services" includes, but is not 39233
limited to, the unauthorized use of any of the following: 39234

(i) Mail transfer programs to send mail to persons other than 39235
the authorized users of that computer or computer network; 39236

(ii) File transfer program proxy services or proxy servers to 39237
access other computers, computer systems, or computer networks; 39238

(iii) Web servers to redirect users to other web pages or web 39239
servers. 39240

(c)(i) Subject to division (II)(1)(c)(ii) of this section, 39241
using a group of computer programs commonly known as "port 39242
scanners" or "probes" to intentionally access any computer, 39243
computer system, or computer network without the permission of the 39244
owner of the computer, computer system, or computer network or 39245
other person authorized to give consent. The group of computer 39246
programs referred to in this division includes, but is not limited 39247
to, those computer programs that use a computer network to access 39248
a computer, computer system, or another computer network to 39249
determine any of the following: the presence or types of computers 39250
or computer systems on a network; the computer network's 39251
facilities and capabilities; the availability of computer or 39252
network services; the presence or versions of computer software 39253
including, but not limited to, operating systems, computer 39254
services, or computer contaminants; the presence of a known 39255
computer software deficiency that can be used to gain unauthorized 39256
access to a computer, computer system, or computer network; or any 39257
other information about a computer, computer system, or computer 39258
network not necessary for the normal and lawful operation of the 39259
computer initiating the access. 39260

(ii) The group of computer programs referred to in division 39261
(II)(1)(c)(i) of this section does not include standard computer 39262
software used for the normal operation, administration, 39263
management, and test of a computer, computer system, or computer 39264
network including, but not limited to, domain name services, mail 39265
transfer services, and other operating system services, computer 39266
programs commonly called "ping," "tcpdump," and "traceroute" and 39267
other network monitoring and management computer software, and 39268
computer programs commonly known as "nslookup" and "whois" and 39269
other systems administration computer software. 39270

(d) The intentional use of a computer, computer system, or a 39271
computer network in a manner that exceeds any right or permission 39272
granted by the owner of the computer, computer system, or computer 39273
network or other person authorized to give consent. 39274

(2) "Computer hacking" does not include the introduction of a 39275
computer contaminant, as defined in section 2909.01 of the Revised 39276
Code, into a computer, computer system, computer program, or 39277
computer network. 39278

(JJ) "Police dog or horse" has the same meaning as in section 39279
2921.321 of the Revised Code. 39280

(KK) "Anhydrous ammonia" is a compound formed by the 39281
combination of two gaseous elements, nitrogen and hydrogen, in the 39282
manner described in this division. Anhydrous ammonia is one part 39283
nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia by 39284
weight is fourteen parts nitrogen to three parts hydrogen, which 39285
is approximately eighty-two per cent nitrogen to eighteen per cent 39286
hydrogen. 39287

(LL) "Assistance dog" has the same meaning as in section 39288
955.011 of the Revised Code. 39289

(MM) "Federally licensed firearms dealer" has the same 39290
meaning as in section 5502.63 of the Revised Code. 39291

Sec. 2913.40. (A) As used in this section:	39292
(1) "Statement or representation" means any oral, written, electronic, electronic impulse, or magnetic communication that is used to identify an item of goods or a service for which reimbursement may be made under the medical assistance <u>medicaid</u> program or that states income and expense and is or may be used to determine a rate of reimbursement under the medical assistance <u>medicaid</u> program.	39293 39294 39295 39296 39297 39298 39299
(2) "Medical assistance program" means the program established by the department of job and family services to provide medical assistance under section 5111.01 of the Revised Code and the medicaid program of Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.	39300 39301 39302 39303 39304
(3) (3) "Provider" means any person who has signed a provider agreement with the department of job and family services <u>medicaid</u> to provide goods or services pursuant to the medical assistance <u>medicaid</u> program or any person who has signed an agreement with a party to such a provider agreement under which the person agrees to provide goods or services that are reimbursable under the medical assistance <u>medicaid</u> program.	39305 39306 39307 39308 39309 39310 39311
(4) (3) "Provider agreement" means an oral or written agreement between the department of job and family services and a person in which the person agrees to provide goods or services under the medical assistance program <u>has the same meaning as in section 5164.01 of the Revised Code.</u>	39312 39313 39314 39315 39316
(5) (4) "Recipient" means any individual who receives goods or services from a provider under the medical assistance <u>medicaid</u> program.	39317 39318 39319
(6) (5) "Records" means any medical, professional, financial, or business records relating to the treatment or care of any	39320 39321

recipient, to goods or services provided to any recipient, or to 39322
rates paid for goods or services provided to any recipient and any 39323
records that are required by the rules of the medicaid director ~~of~~ 39324
~~job and family services~~ to be kept for the ~~medical assistance~~ 39325
medicaid program. 39326

(B) No person shall knowingly make or cause to be made a 39327
false or misleading statement or representation for use in 39328
obtaining reimbursement from the ~~medical assistance~~ medicaid 39329
program. 39330

(C) No person, with purpose to commit fraud or knowing that 39331
the person is facilitating a fraud, shall do either of the 39332
following: 39333

(1) Contrary to the terms of the person's provider agreement, 39334
charge, solicit, accept, or receive for goods or services that the 39335
person provides under the ~~medical assistance~~ medicaid program any 39336
property, money, or other consideration in addition to the amount 39337
of reimbursement under the ~~medical assistance~~ medicaid program and 39338
the person's provider agreement for the goods or services and any 39339
cost-sharing expenses authorized by section ~~5111.0112~~ 5162.20 of 39340
the Revised Code or rules adopted pursuant to section ~~5111.01,~~ 39341
~~5111.011, or 5111.02 of the Revised Code~~ by the medicaid director 39342
regarding the medicaid program. 39343

(2) Solicit, offer, or receive any remuneration, other than 39344
any cost-sharing expenses authorized by section ~~5111.0112~~ 5162.20 39345
of the Revised Code or rules adopted ~~under section 5111.01,~~ 39346
~~5111.011, or 5111.02 of the Revised Code~~ by the medicaid director 39347
regarding the medicaid program, in cash or in kind, including, but 39348
not limited to, a kickback or rebate, in connection with the 39349
furnishing of goods or services for which whole or partial 39350
reimbursement is or may be made under the ~~medical assistance~~ 39351
medicaid program. 39352

(D) No person, having submitted a claim for or provided goods or services under the ~~medical assistance~~ medicaid program, shall do either of the following for a period of at least six years after a reimbursement pursuant to that claim, or a reimbursement for those goods or services, is received under the ~~medical assistance~~ medicaid program:

(1) Knowingly alter, falsify, destroy, conceal, or remove any records that are necessary to fully disclose the nature of all goods or services for which the claim was submitted, or for which reimbursement was received, by the person;

(2) Knowingly alter, falsify, destroy, conceal, or remove any records that are necessary to disclose fully all income and expenditures upon which rates of reimbursements were based for the person.

(E) Whoever violates this section is guilty of medicaid fraud. Except as otherwise provided in this division, medicaid fraud is a misdemeanor of the first degree. If the value of property, services, or funds obtained in violation of this section is one thousand dollars or more and is less than seven thousand five hundred dollars, medicaid fraud is a felony of the fifth degree. If the value of property, services, or funds obtained in violation of this section is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, medicaid fraud is a felony of the fourth degree. If the value of the property, services, or funds obtained in violation of this section is one hundred fifty thousand dollars or more, medicaid fraud is a felony of the third degree.

(F) Upon application of the governmental agency, office, or other entity that conducted the investigation and prosecution in a case under this section, the court shall order any person who is convicted of a violation of this section for receiving any reimbursement for furnishing goods or services under the ~~medical~~

assistance medicaid program to which the person is not entitled to 39385
pay to the applicant its cost of investigating and prosecuting the 39386
case. The costs of investigation and prosecution that a defendant 39387
is ordered to pay pursuant to this division shall be in addition 39388
to any other penalties for the receipt of that reimbursement that 39389
are provided in this section, section ~~5111.03~~ 5164.35 of the 39390
Revised Code, or any other provision of law. 39391

(G) The provisions of this section are not intended to be 39392
exclusive remedies and do not preclude the use of any other 39393
criminal or civil remedy for any act that is in violation of this 39394
section. 39395

Sec. 2913.401. (A) As used in this section: 39396

(1) "Medicaid ~~benefits services~~" means ~~benefits under the~~ 39397
~~medical assistance program established under Chapter 5111.~~ has the 39398
same meaning as in section 5164.01 of the Revised Code. 39399

(2) "Property" means any real or personal property or other 39400
asset in which a person has any legal title or interest. 39401

(B) No person shall knowingly do any of the following in an 39402
application for enrollment in the medicaid ~~benefits~~ program or in 39403
a document that requires a disclosure of assets for the purpose of 39404
determining eligibility ~~to receive~~ for the medicaid ~~benefits~~ 39405
program: 39406

(1) Make or cause to be made a false or misleading statement; 39407

(2) Conceal an interest in property; 39408

(3)(a) Except as provided in division (B)(3)(b) of this 39409
section, fail to disclose a transfer of property that occurred 39410
during the period beginning thirty-six months before submission of 39411
the application or document and ending on the date the application 39412
or document was submitted; 39413

(b) Fail to disclose a transfer of property that occurred 39414

during the period beginning sixty months before submission of the 39415
application or document and ending on the date the application or 39416
document was submitted and that was made to an irrevocable trust a 39417
portion of which is not distributable to the applicant for 39418
~~medicaid benefits~~ or the recipient of medicaid ~~benefits~~ or to a 39419
revocable trust. 39420

(C)(1) Whoever violates this section is guilty of medicaid 39421
eligibility fraud. Except as otherwise provided in this division, 39422
a violation of this section is a misdemeanor of the first degree. 39423
If the value of the medicaid ~~benefits~~ services paid as a result of 39424
the violation is one thousand dollars or more and is less than 39425
seven thousand five hundred dollars, a violation of this section 39426
is a felony of the fifth degree. If the value of the medicaid 39427
~~benefits~~ services paid as a result of the violation is seven 39428
thousand five hundred dollars or more and is less than one hundred 39429
fifty thousand dollars, a violation of this section is a felony of 39430
the fourth degree. If the value of the medicaid ~~benefits~~ services 39431
paid as a result of the violation is one hundred fifty thousand 39432
dollars or more, a violation of this section is a felony of the 39433
third degree. 39434

(2) In addition to imposing a sentence under division (C)(1) 39435
of this section, the court shall order that a person who is guilty 39436
of medicaid eligibility fraud make restitution in the full amount 39437
of any medicaid ~~benefits~~ services paid on behalf of an applicant 39438
for or recipient of medicaid ~~benefits~~ for which the applicant or 39439
recipient was not eligible, plus interest at the rate applicable 39440
to judgments on unreimbursed amounts from the date on which the 39441
~~benefits~~ medicaid services were paid to the date on which 39442
restitution is made. 39443

(3) The remedies and penalties provided in this section are 39444
not exclusive and do not preclude the use of any other criminal or 39445
civil remedy for any act that is in violation of this section. 39446

(D) This section does not apply to a person who fully 39447
disclosed in an application for medicaid ~~benefits~~ or in a document 39448
that requires a disclosure of assets for the purpose of 39449
determining eligibility ~~to receive for~~ medicaid ~~benefits~~ all of 39450
the interests in property of the applicant for or recipient of 39451
medicaid ~~benefits~~, all transfers of property by the applicant for 39452
or recipient of medicaid ~~benefits~~, and the circumstances of all 39453
those transfers. 39454

(E) Any amounts of medicaid ~~benefits~~ services recovered as 39455
restitution under this section and any interest on those amounts 39456
shall be credited to the general revenue fund, and any applicable 39457
federal share shall be returned to the appropriate agency or 39458
department of the United States. 39459

Sec. 2919.19. As used in this section and sections 2919.191 39460
to 2919.193 of the Revised Code: 39461

(A) "Fetal heartbeat" means cardiac activity or the steady 39462
and repetitive rhythmic contraction of the fetal heart within the 39463
gestational sac. 39464

(B) "Fetus" means the human offspring developing during 39465
pregnancy from the moment of conception and includes the embryonic 39466
stage of development. 39467

(C) "Gestational age" means the age of an unborn human 39468
individual as calculated from the first day of the last menstrual 39469
period of a pregnant woman. 39470

(D) "Gestational sac" means the structure that comprises the 39471
extraembryonic membranes that envelop the fetus and that is 39472
typically visible by ultrasound after the fourth week of 39473
pregnancy. 39474

(E) "Medical emergency" has the same meaning as in section 39475
2919.16 of the Revised Code. 39476

(F) "Physician" has the same meaning as in section 2305.113 of the Revised Code. 39477
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(G) "Pregnancy" means the human female reproductive condition that begins with fertilization, when the woman is carrying the developing human offspring, and that is calculated from the first day of the last menstrual period of the woman. 39479
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(H) "Serious risk of the substantial and irreversible impairment of a major bodily function" has the same meaning as in section 2919.16 of the Revised Code. 39483
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(I) "Standard medical practice" means the degree of skill, care, and diligence that a physician of the same medical specialty would employ in like circumstances. As applied to the method used to determine the presence of a fetal heartbeat for purposes of section 2919.191 of the Revised Code, "standard medical practice" includes employing the appropriate means of detection depending on the estimated gestational age of the fetus and the condition of the woman and her pregnancy. 39486
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(J) "Unborn human individual" means an individual organism of the species homo sapiens from fertilization until live birth. 39494
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Sec. 2919.191. (A) A person who intends to perform or induce an abortion on a pregnant woman shall determine whether there is a detectable fetal heartbeat of the unborn human individual the pregnant woman is carrying. The method of determining the presence of a fetal heartbeat shall be consistent with the person's good faith understanding of standard medical practice, provided that if rules have been adopted under division (C) of this section, the method chosen shall be one that is consistent with the rules. The person who determines the presence or absence of a fetal heartbeat shall record in the pregnant woman's medical record the estimated gestational age of the unborn human individual, the method used to test for a fetal heartbeat, the date and time of the test, and the 39496
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results of the test. 39508

(B)(1) Except when a medical emergency exists that prevents 39509
compliance with this division, no person shall perform or induce 39510
an abortion on a pregnant woman prior to determining if the unborn 39511
human individual the pregnant woman is carrying has a detectable 39512
fetal heartbeat. Any person who performs or induces an abortion on 39513
a pregnant woman based on the exception in this division shall 39514
note in the pregnant woman's medical records that a medical 39515
emergency necessitating the abortion existed and shall also note 39516
the medical condition of the pregnant woman that prevented 39517
compliance with this division. The person shall maintain a copy of 39518
the notes described in this division in the person's own records 39519
for at least seven years after the notes are entered into the 39520
medical records. 39521

(2) The person who performs the examination for the presence 39522
of a fetal heartbeat shall give the pregnant woman the option to 39523
view or hear the fetal heartbeat. 39524

(C) The director of health may promulgate rules pursuant to 39525
section 111.15 of the Revised Code specifying the appropriate 39526
methods of performing an examination for the presence of a fetal 39527
heartbeat of an unborn individual based on standard medical 39528
practice. The rules shall require only that an examination shall 39529
be performed externally. 39530

(D) A person is not in violation of division (A) or (B) of 39531
this section if that person has performed an examination for the 39532
presence of a fetal heartbeat in the fetus utilizing standard 39533
medical practice, that examination does not reveal a fetal 39534
heartbeat or the person has been informed by a physician who has 39535
performed the examination for fetal heartbeat that the examination 39536
did not reveal a fetal heartbeat, and the person notes in the 39537
pregnant woman's medical records the procedure utilized to detect 39538

the presence of a fetal heartbeat. 39539

(E) Except as provided in division (F) of this section, no person shall knowingly and purposefully perform or induce an abortion on a pregnant woman before determining in accordance with division (A) of this section whether the unborn human individual the pregnant woman is carrying has a detectable heartbeat. The failure of a person to satisfy the requirements of this section prior to performing or inducing an abortion on a pregnant woman may be the basis for either of the following: 39540
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(1) A civil action for compensatory and exemplary damages; 39548

(2) Disciplinary action under section 4731.22 of the Revised Code. 39549
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(F) Division (E) of this section does not apply to a physician who performs or induces the abortion if the physician believes that a medical emergency exists that prevents compliance with that division. 39551
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(G) The director of health may determine and specify in rules adopted pursuant to section 111.15 of the Revised Code and based upon available medical evidence the statistical probability of bringing an unborn human individual to term based on the gestational age of an unborn human individual who possesses a detectable fetal heartbeat. 39555
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(H) A woman on whom an abortion is performed in violation of division (B) of this section or division (B)(3) of section 2317.56 of the Revised Code may file a civil action for the wrongful death of the woman's unborn child and may receive at the mother's election at any time prior to final judgment damages in an amount equal to ten thousand dollars or an amount determined by the trier of fact after consideration of the evidence subject to the same defenses and requirements of proof, except any requirement of live birth, as would apply to a suit for the wrongful death of a child 39561
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who had been born alive. 39570

Sec. 2919.192. (A) If a person who intends to perform or 39571
induce an abortion on a pregnant woman has determined, under 39572
section 2919.191 of the Revised Code, that the unborn human 39573
individual the pregnant woman is carrying has a detectable 39574
heartbeat, the person shall not, except as provided in division 39575
(B) of this section, perform or induce the abortion until all of 39576
the following requirements have been met and at least twenty-four 39577
hours have elapsed after the last of the requirements is met: 39578

(1) The person intending to perform or induce the abortion 39579
shall inform the pregnant woman in writing that the unborn human 39580
individual the pregnant woman is carrying has a fetal heartbeat. 39581

(2) The person intending to perform or induce the abortion 39582
shall inform the pregnant woman, to the best of the person's 39583
knowledge, of the statistical probability of bringing the unborn 39584
human individual possessing a detectable fetal heartbeat to term 39585
based on the gestational age of the unborn human individual or, if 39586
the director of health has specified statistical probability 39587
information pursuant to rules adopted under division (C) of this 39588
section, shall provide to the pregnant woman that information. 39589

(B) Division (A) of this section does not apply if the person 39590
who intends to perform or induce the abortion believes that a 39591
medical emergency exists that prevents compliance with that 39592
division. 39593

(C) The director of health may adopt rules that specify 39594
information regarding the statistical probability of bringing an 39595
unborn human individual possessing a detectable heartbeat to term 39596
based on the gestational age of the unborn human individual. The 39597
rules shall be based on available medical evidence and shall be 39598
adopted in accordance with section 111.15 of the Revised Code. 39599

(D) This section does not have the effect of repealing or limiting any other provision of the Revised Code relating to informed consent for an abortion, including the provisions in section 2317.56 of the Revised Code. 39600
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(E) Whoever violates division (A) of this section is guilty of performing or inducing an abortion without informed consent when there is a detectable fetal heartbeat, a misdemeanor of the first degree on a first offense and a felony of the fourth degree on each subsequent offense. 39604
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Sec. 2919.193. A pregnant woman on whom an abortion is performed or induced in violation of section 2919.191 or 2919.192 of the Revised Code is not guilty of violating any of those sections; is not guilty of attempting to commit, conspiring to commit, or complicity in committing a violation of any of those sections; and is not subject to a civil penalty based on the abortion being performed or induced in violation of any of those sections. 39609
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Sec. 2919.271. (A)(1)(a) If a defendant is charged with a violation of section 2919.27 of the Revised Code or of a municipal ordinance that is substantially similar to that section, the court may order an evaluation of the mental condition of the defendant if the court determines that either of the following criteria apply: 39617
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(i) If the alleged violation is a violation of a protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code, that the violation allegedly involves conduct by the defendant that caused physical harm to the person or property of a family or household member covered by the order or agreement, or conduct by the defendant that caused a family or household member to believe that the 39623
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defendant would cause physical harm to that member or that 39630
member's property. 39631

(ii) If the alleged violation is a violation of a protection 39632
order issued pursuant to section 2903.213 or 2903.214 of the 39633
Revised Code or a protection order issued by a court of another 39634
state, that the violation allegedly involves conduct by the 39635
defendant that caused physical harm to the person or property of 39636
the person covered by the order, or conduct by the defendant that 39637
caused the person covered by the order to believe that the 39638
defendant would cause physical harm to that person or that 39639
person's property. 39640

(b) If a defendant is charged with a violation of section 39641
2903.211 of the Revised Code or of a municipal ordinance that is 39642
substantially similar to that section, the court may order an 39643
evaluation of the mental condition of the defendant. 39644

(2) An evaluation ordered under division (A)(1) of this 39645
section shall be completed no later than thirty days from the date 39646
the order is entered pursuant to that division. In that order, the 39647
court shall do either of the following: 39648

(a) Order that the evaluation of the mental condition of the 39649
defendant be preceded by an examination conducted either by a 39650
forensic center that is designated by the department of ~~mental~~ 39651
~~health~~ mental health and addiction services to conduct 39652
examinations and make evaluations of defendants charged with 39653
violations of section 2903.211 or 2919.27 of the Revised Code or 39654
of substantially similar municipal ordinances in the area in which 39655
the court is located, or by any other program or facility that is 39656
designated by the department of ~~mental health~~ mental health and 39657
addiction services or the department of developmental disabilities 39658
to conduct examinations and make evaluations of defendants charged 39659
with violations of section 2903.211 or 2919.27 of the Revised Code 39660
or of substantially similar municipal ordinances, and that is 39661

operated by either department or is certified by either department 39662
as being in compliance with the standards established under 39663
division ~~(H)~~(B)(7) of section ~~5119.04~~ 5119.10 of the Revised Code 39664
or division (C) of section 5123.04 of the Revised Code. 39665

(b) Designate a center, program, or facility other than one 39666
designated by the department of ~~mental health~~ mental health and 39667
addiction services or the department of developmental 39668
disabilities, as described in division (A)(2)(a) of this section, 39669
to conduct the evaluation and preceding examination of the mental 39670
condition of the defendant. 39671

Whether the court acts pursuant to division (A)(2)(a) or (b) 39672
of this section, the court may designate examiners other than the 39673
personnel of the center, program, facility, or department involved 39674
to make the evaluation and preceding examination of the mental 39675
condition of the defendant. 39676

(B) If the court considers that additional evaluations of the 39677
mental condition of a defendant are necessary following the 39678
evaluation authorized by division (A) of this section, the court 39679
may order up to two additional similar evaluations. These 39680
evaluations shall be completed no later than thirty days from the 39681
date the applicable court order is entered. If more than one 39682
evaluation of the mental condition of the defendant is ordered 39683
under this division, the prosecutor and the defendant may 39684
recommend to the court an examiner whom each prefers to perform 39685
one of the evaluations and preceding examinations. 39686

(C)(1) The court may order a defendant who has been released 39687
on bail to submit to an examination under division (A) or (B) of 39688
this section. The examination shall be conducted either at the 39689
detention facility in which the defendant would have been confined 39690
if the defendant had not been released on bail, or, if so 39691
specified by the center, program, facility, or examiners involved, 39692
at the premises of the center, program, or facility. Additionally, 39693

the examination shall be conducted at the times established by the 39694
examiners involved. If such a defendant refuses to submit to an 39695
examination or a complete examination as required by the court or 39696
the center, program, facility, or examiners involved, the court 39697
may amend the conditions of the bail of the defendant and order 39698
the sheriff to take the defendant into custody and deliver the 39699
defendant to the detention facility in which the defendant would 39700
have been confined if the defendant had not been released on bail, 39701
or, if so specified by the center, program, facility, or examiners 39702
involved, to the premises of the center, program, or facility, for 39703
purposes of the examination. 39704

(2) A defendant who has not been released on bail shall be 39705
examined at the detention facility in which the defendant is 39706
confined or, if so specified by the center, program, facility, or 39707
examiners involved, at the premises of the center, program, or 39708
facility. 39709

(D) The examiner of the mental condition of a defendant under 39710
division (A) or (B) of this section shall file a written report 39711
with the court within thirty days after the entry of an order for 39712
the evaluation of the mental condition of the defendant. The 39713
report shall contain the findings of the examiner; the facts in 39714
reasonable detail on which the findings are based; the opinion of 39715
the examiner as to the mental condition of the defendant; the 39716
opinion of the examiner as to whether the defendant represents a 39717
substantial risk of physical harm to other persons as manifested 39718
by evidence of recent homicidal or other violent behavior, 39719
evidence of recent threats that placed other persons in reasonable 39720
fear of violent behavior and serious physical harm, or evidence of 39721
present dangerousness; and the opinion of the examiner as to the 39722
types of treatment or counseling that the defendant needs. The 39723
court shall provide copies of the report to the prosecutor and 39724
defense counsel. 39725

(E) The costs of any evaluation and preceding examination of a defendant that is ordered pursuant to division (A) or (B) of this section shall be taxed as court costs in the criminal case.

(F) If the examiner considers it necessary in order to make an accurate evaluation of the mental condition of a defendant, an examiner under division (A) or (B) of this section may request any family or household member of the defendant to provide the examiner with information. A family or household member may, but is not required to, provide information to the examiner upon receipt of the request.

(G) As used in this section:

(1) "Bail" includes a recognizance.

(2) "Examiner" means a psychiatrist, a licensed independent social worker who is employed by a forensic center that is certified as being in compliance with the standards established under division ~~(H)(B)(7)~~ of section ~~5119.01~~ 5119.10 or division (C) of section 5123.04 of the Revised Code, a licensed professional clinical counselor who is employed at a forensic center that is certified as being in compliance with such standards, or a licensed clinical psychologist, except that in order to be an examiner, a licensed clinical psychologist shall meet the criteria of division (I)(1) of section 5122.01 of the Revised Code or be employed to conduct examinations by the department of ~~mental health~~ mental health and addiction services or by a forensic center certified as being in compliance with the standards established under division ~~(H)(B)(7)~~ of section ~~5119.01~~ 5119.10 or division (C) of section 5123.04 of the Revised Code that is designated by the department of ~~mental health~~ mental health and addiction services.

(3) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.

(4) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.	39757 39758
(5) "Psychiatrist" and "licensed clinical psychologist" have the same meanings as in section 5122.01 of the Revised Code.	39759 39760
(6) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	39761 39762
Sec. 2921.01. As used in sections 2921.01 to 2921.45 of the Revised Code:	39763 39764
(A) "Public official" means any elected or appointed officer, or employee, or agent of the state or any political subdivision, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges, and law enforcement officers. "Public official" does not include an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code.	39765 39766 39767 39768 39769 39770 39771 39772
(B) "Public servant" means any of the following:	39773
(1) Any public official;	39774
(2) Any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor, or consultant;	39775 39776 39777
(3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this division if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person's name placed on the ballot in a primary, general, or special election, or if the person campaigns as a write-in candidate in any primary, general, or special election.	39778 39779 39780 39781 39782 39783 39784 39785 39786

"Public servant" does not include an employee, officer, or 39787
governor-appointed member of the board of directors of the 39788
nonprofit corporation formed under section 187.01 of the Revised 39789
Code. 39790

(C) "Party official" means any person who holds an elective 39791
or appointive post in a political party in the United States or 39792
this state, by virtue of which the person directs, conducts, or 39793
participates in directing or conducting party affairs at any level 39794
of responsibility. 39795

(D) "Official proceeding" means any proceeding before a 39796
legislative, judicial, administrative, or other governmental 39797
agency or official authorized to take evidence under oath, and 39798
includes any proceeding before a referee, hearing examiner, 39799
commissioner, notary, or other person taking testimony or a 39800
deposition in connection with an official proceeding. 39801

(E) "Detention" means arrest; confinement in any vehicle 39802
subsequent to an arrest; confinement in any public or private 39803
facility for custody of persons charged with or convicted of crime 39804
in this state or another state or under the laws of the United 39805
States or alleged or found to be a delinquent child or unruly 39806
child in this state or another state or under the laws of the 39807
United States; hospitalization, institutionalization, or 39808
confinement in any public or private facility that is ordered 39809
pursuant to or under the authority of section 2945.37, 2945.371, 39810
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 39811
Code; confinement in any vehicle for transportation to or from any 39812
facility of any of those natures; detention for extradition or 39813
deportation; except as provided in this division, supervision by 39814
any employee of any facility of any of those natures that is 39815
incidental to hospitalization, institutionalization, or 39816
confinement in the facility but that occurs outside the facility; 39817
supervision by an employee of the department of rehabilitation and 39818

correction of a person on any type of release from a state 39819
correctional institution; or confinement in any vehicle, airplane, 39820
or place while being returned from outside of this state into this 39821
state by a private person or entity pursuant to a contract entered 39822
into under division (E) of section 311.29 of the Revised Code or 39823
division (B) of section 5149.03 of the Revised Code. For a person 39824
confined in a county jail who participates in a county jail 39825
industry program pursuant to section 5147.30 of the Revised Code, 39826
"detention" includes time spent at an assigned work site and going 39827
to and from the work site. 39828

(F) "Detention facility" means any public or private place 39829
used for the confinement of a person charged with or convicted of 39830
any crime in this state or another state or under the laws of the 39831
United States or alleged or found to be a delinquent child or 39832
unruly child in this state or another state or under the laws of 39833
the United States. 39834

(G) "Valuable thing or valuable benefit" includes, but is not 39835
limited to, a contribution. This inclusion does not indicate or 39836
imply that a contribution was not included in those terms before 39837
September 17, 1986. 39838

(H) "Campaign committee," "contribution," "political action 39839
committee," "legislative campaign fund," "political party," and 39840
"political contributing entity" have the same meanings as in 39841
section 3517.01 of the Revised Code. 39842

(I) "Provider agreement" ~~and "medical assistance program"~~ 39843
~~have~~ has the same ~~meanings~~ meaning as in section ~~2913.40~~ 5164.01 39844
of the Revised Code. 39845

Sec. 2921.22. (A)(1) Except as provided in division (A)(2) of 39846
this section, no person, knowing that a felony has been or is 39847
being committed, shall knowingly fail to report such information 39848
to law enforcement authorities. 39849

(2) No person, knowing that a violation of division (B) of section 2913.04 of the Revised Code has been, or is being committed or that the person has received information derived from such a violation, shall knowingly fail to report the violation to law enforcement authorities.

(B) Except for conditions that are within the scope of division (E) of this section, no physician, limited practitioner, nurse, or other person giving aid to a sick or injured person shall negligently fail to report to law enforcement authorities any gunshot or stab wound treated or observed by the physician, limited practitioner, nurse, or person, or any serious physical harm to persons that the physician, limited practitioner, nurse, or person knows or has reasonable cause to believe resulted from an offense of violence.

(C) No person who discovers the body or acquires the first knowledge of the death of a person shall fail to report the death immediately to a physician whom the person knows to be treating the deceased for a condition from which death at such time would not be unexpected, or to a law enforcement officer, an ambulance service, an emergency squad, or the coroner in a political subdivision in which the body is discovered, the death is believed to have occurred, or knowledge concerning the death is obtained.

(D) No person shall fail to provide upon request of the person to whom a report required by division (C) of this section was made, or to any law enforcement officer who has reasonable cause to assert the authority to investigate the circumstances surrounding the death, any facts within the person's knowledge that may have a bearing on the investigation of the death.

(E)(1) As used in this division, "burn injury" means any of the following:

(a) Second or third degree burns;

(b) Any burns to the upper respiratory tract or laryngeal 39881
edema due to the inhalation of superheated air; 39882

(c) Any burn injury or wound that may result in death; 39883

(d) Any physical harm to persons caused by or as the result 39884
of the use of fireworks, novelties and trick noisemakers, and wire 39885
sparklers, as each is defined by section 3743.01 of the Revised 39886
Code. 39887

(2) No physician, nurse, or limited practitioner who, outside 39888
a hospital, sanitarium, or other medical facility, attends or 39889
treats a person who has sustained a burn injury that is inflicted 39890
by an explosion or other incendiary device or that shows evidence 39891
of having been inflicted in a violent, malicious, or criminal 39892
manner shall fail to report the burn injury immediately to the 39893
local arson, or fire and explosion investigation, bureau, if there 39894
is a bureau of this type in the jurisdiction in which the person 39895
is attended or treated, or otherwise to local law enforcement 39896
authorities. 39897

(3) No manager, superintendent, or other person in charge of 39898
a hospital, sanitarium, or other medical facility in which a 39899
person is attended or treated for any burn injury that is 39900
inflicted by an explosion or other incendiary device or that shows 39901
evidence of having been inflicted in a violent, malicious, or 39902
criminal manner shall fail to report the burn injury immediately 39903
to the local arson, or fire and explosion investigation, bureau, 39904
if there is a bureau of this type in the jurisdiction in which the 39905
person is attended or treated, or otherwise to local law 39906
enforcement authorities. 39907

(4) No person who is required to report any burn injury under 39908
division (E)(2) or (3) of this section shall fail to file, within 39909
three working days after attending or treating the victim, a 39910
written report of the burn injury with the office of the state 39911

fire marshal. The report shall comply with the uniform standard 39912
developed by the state fire marshal pursuant to division (A)(15) 39913
of section 3737.22 of the Revised Code. 39914

(5) Anyone participating in the making of reports under 39915
division (E) of this section or anyone participating in a judicial 39916
proceeding resulting from the reports is immune from any civil or 39917
criminal liability that otherwise might be incurred or imposed as 39918
a result of such actions. Notwithstanding section 4731.22 of the 39919
Revised Code, the physician-patient relationship is not a ground 39920
for excluding evidence regarding a person's burn injury or the 39921
cause of the burn injury in any judicial proceeding resulting from 39922
a report submitted under division (E) of this section. 39923

(F)(1) Any doctor of medicine or osteopathic medicine, 39924
hospital intern or resident, registered or licensed practical 39925
nurse, psychologist, social worker, independent social worker, 39926
social work assistant, professional clinical counselor, or 39927
professional counselor who knows or has reasonable cause to 39928
believe that a patient or client has been the victim of domestic 39929
violence, as defined in section 3113.31 of the Revised Code, shall 39930
note that knowledge or belief and the basis for it in the 39931
patient's or client's records. 39932

(2) Notwithstanding section 4731.22 of the Revised Code, the 39933
doctor-patient privilege shall not be a ground for excluding any 39934
information regarding the report containing the knowledge or 39935
belief noted under division (F)(1) of this section, and the 39936
information may be admitted as evidence in accordance with the 39937
Rules of Evidence. 39938

(G) Divisions (A) and (D) of this section do not require 39939
disclosure of information, when any of the following applies: 39940

(1) The information is privileged by reason of the 39941
relationship between attorney and client; doctor and patient; 39942

licensed psychologist or licensed school psychologist and client; 39943
member of the clergy, rabbi, minister, or priest and any person 39944
communicating information confidentially to the member of the 39945
clergy, rabbi, minister, or priest for a religious counseling 39946
purpose of a professional character; husband and wife; or a 39947
communications assistant and those who are a party to a 39948
telecommunications relay service call. 39949

(2) The information would tend to incriminate a member of the 39950
actor's immediate family. 39951

(3) Disclosure of the information would amount to revealing a 39952
news source, privileged under section 2739.04 or 2739.12 of the 39953
Revised Code. 39954

(4) Disclosure of the information would amount to disclosure 39955
by a member of the ordained clergy of an organized religious body 39956
of a confidential communication made to that member of the clergy 39957
in that member's capacity as a member of the clergy by a person 39958
seeking the aid or counsel of that member of the clergy. 39959

(5) Disclosure would amount to revealing information acquired 39960
by the actor in the course of the actor's duties in connection 39961
with a bona fide program of treatment or services for drug 39962
dependent persons or persons in danger of drug dependence, which 39963
program is maintained or conducted by a hospital, clinic, person, 39964
agency, or ~~organization~~ services provider certified pursuant to 39965
section ~~3793.06~~ 5119.36 of the Revised Code. 39966

(6) Disclosure would amount to revealing information acquired 39967
by the actor in the course of the actor's duties in connection 39968
with a bona fide program for providing counseling services to 39969
victims of crimes that are violations of section 2907.02 or 39970
2907.05 of the Revised Code or to victims of felonious sexual 39971
penetration in violation of former section 2907.12 of the Revised 39972
Code. As used in this division, "counseling services" include 39973

services provided in an informal setting by a person who, by 39974
education or experience, is competent to provide those services. 39975

(H) No disclosure of information pursuant to this section 39976
gives rise to any liability or recrimination for a breach of 39977
privilege or confidence. 39978

(I) Whoever violates division (A) or (B) of this section is 39979
guilty of failure to report a crime. Violation of division (A)(1) 39980
of this section is a misdemeanor of the fourth degree. Violation 39981
of division (A)(2) or (B) of this section is a misdemeanor of the 39982
second degree. 39983

(J) Whoever violates division (C) or (D) of this section is 39984
guilty of failure to report knowledge of a death, a misdemeanor of 39985
the fourth degree. 39986

(K)(1) Whoever negligently violates division (E) of this 39987
section is guilty of a minor misdemeanor. 39988

(2) Whoever knowingly violates division (E) of this section 39989
is guilty of a misdemeanor of the second degree. 39990

Sec. 2921.36. (A) No person shall knowingly convey, or 39991
attempt to convey, onto the grounds of a detention facility or of 39992
an institution, office building, or other place that is under the 39993
control of the department of ~~mental health~~ mental health and 39994
addiction services, the department of developmental disabilities, 39995
the department of youth services, or the department of 39996
rehabilitation and correction any of the following items: 39997

(1) Any deadly weapon or dangerous ordnance, as defined in 39998
section 2923.11 of the Revised Code, or any part of or ammunition 39999
for use in such a deadly weapon or dangerous ordnance; 40000

(2) Any drug of abuse, as defined in section 3719.011 of the 40001
Revised Code; 40002

(3) Any intoxicating liquor, as defined in section 4301.01 of 40003

the Revised Code. 40004

(B) Division (A) of this section does not apply to any person 40005
who conveys or attempts to convey an item onto the grounds of a 40006
detention facility or of an institution, office building, or other 40007
place under the control of the department of ~~mental health~~ mental 40008
health and addiction services, the department of developmental 40009
disabilities, the department of youth services, or the department 40010
of rehabilitation and correction pursuant to the written 40011
authorization of the person in charge of the detention facility or 40012
the institution, office building, or other place and in accordance 40013
with the written rules of the detention facility or the 40014
institution, office building, or other place. 40015

(C) No person shall knowingly deliver, or attempt to deliver, 40016
to any person who is confined in a detention facility, to a child 40017
confined in a youth services facility, to a prisoner who is 40018
temporarily released from confinement for a work assignment, or to 40019
any patient in an institution under the control of the department 40020
of ~~mental health~~ mental health and addiction services or the 40021
department of developmental disabilities any item listed in 40022
division (A)(1), (2), or (3) of this section. 40023

(D) No person shall knowingly deliver, or attempt to deliver, 40024
cash to any person who is confined in a detention facility, to a 40025
child confined in a youth services facility, or to a prisoner who 40026
is temporarily released from confinement for a work assignment. 40027

(E) No person shall knowingly deliver, or attempt to deliver, 40028
to any person who is confined in a detention facility, to a child 40029
confined in a youth services facility, or to a prisoner who is 40030
temporarily released from confinement for a work assignment a 40031
cellular telephone, two-way radio, or other electronic 40032
communications device. 40033

(F)(1) It is an affirmative defense to a charge under 40034

division (A)(1) of this section that the weapon or dangerous 40035
ordnance in question was being transported in a motor vehicle for 40036
any lawful purpose, that it was not on the actor's person, and, if 40037
the weapon or dangerous ordnance in question was a firearm, that 40038
it was unloaded and was being carried in a closed package, box, or 40039
case or in a compartment that can be reached only by leaving the 40040
vehicle. 40041

(2) It is an affirmative defense to a charge under division 40042
(C) of this section that the actor was not otherwise prohibited by 40043
law from delivering the item to the confined person, the child, 40044
the prisoner, or the patient and that either of the following 40045
applies: 40046

(a) The actor was permitted by the written rules of the 40047
detention facility or the institution, office building, or other 40048
place to deliver the item to the confined person or the patient. 40049

(b) The actor was given written authorization by the person 40050
in charge of the detention facility or the institution, office 40051
building, or other place to deliver the item to the confined 40052
person or the patient. 40053

(G)(1) Whoever violates division (A)(1) of this section or 40054
commits a violation of division (C) of this section involving an 40055
item listed in division (A)(1) of this section is guilty of 40056
illegal conveyance of weapons onto the grounds of a specified 40057
governmental facility, a felony of the third degree. If the 40058
offender is an officer or employee of the department of 40059
rehabilitation and correction, the court shall impose a mandatory 40060
prison term. 40061

(2) Whoever violates division (A)(2) of this section or 40062
commits a violation of division (C) of this section involving any 40063
drug of abuse is guilty of illegal conveyance of drugs of abuse 40064
onto the grounds of a specified governmental facility, a felony of 40065

the third degree. If the offender is an officer or employee of the 40066
department of rehabilitation and correction or of the department 40067
of youth services, the court shall impose a mandatory prison term. 40068

(3) Whoever violates division (A)(3) of this section or 40069
commits a violation of division (C) of this section involving any 40070
intoxicating liquor is guilty of illegal conveyance of 40071
intoxicating liquor onto the grounds of a specified governmental 40072
facility, a misdemeanor of the second degree. 40073

(4) Whoever violates division (D) of this section is guilty 40074
of illegal conveyance of cash onto the grounds of a detention 40075
facility, a misdemeanor of the first degree. If the offender 40076
previously has been convicted of or pleaded guilty to a violation 40077
of division (D) of this section, illegal conveyance of cash onto 40078
the grounds of a detention facility is a felony of the fifth 40079
degree. 40080

(5) Whoever violates division (E) of this section is guilty 40081
of illegal conveyance of a communications device onto the grounds 40082
of a specified governmental facility, a misdemeanor of the first 40083
degree, or if the offender previously has been convicted of or 40084
pleaded guilty to a violation of division (E) of this section, a 40085
felony of the fifth degree. 40086

Sec. 2921.38. (A) No person who is confined in a detention 40087
facility, with intent to harass, annoy, threaten, or alarm another 40088
person, shall cause or attempt to cause the other person to come 40089
into contact with blood, semen, urine, feces, or another bodily 40090
substance by throwing the bodily substance at the other person, by 40091
expelling the bodily substance upon the other person, or in any 40092
other manner. 40093

(B) No person, with intent to harass, annoy, threaten, or 40094
alarm a law enforcement officer, shall cause or attempt to cause 40095
the law enforcement officer to come into contact with blood, 40096

semen, urine, feces, or another bodily substance by throwing the 40097
bodily substance at the law enforcement officer, by expelling the 40098
bodily substance upon the law enforcement officer, or in any other 40099
manner. 40100

(C) No person, with knowledge that the person is a carrier of 40101
the virus that causes acquired immunodeficiency syndrome, is a 40102
carrier of a hepatitis virus, or is infected with tuberculosis and 40103
with intent to harass, annoy, threaten, or alarm another person, 40104
shall cause or attempt to cause the other person to come into 40105
contact with blood, semen, urine, feces, or another bodily 40106
substance by throwing the bodily substance at the other person, by 40107
expelling the bodily substance upon the other person, or in any 40108
other manner. 40109

(D) Whoever violates this section is guilty of harassment 40110
with a bodily substance. A violation of division (A) or (B) of 40111
this section is a felony of the fifth degree. A violation of 40112
division (C) of this section is a felony of the third degree. 40113

(E)(1) The court, on request of the prosecutor, or the law 40114
enforcement authority responsible for the investigation of the 40115
violation, shall cause a person who allegedly has committed a 40116
violation of this section to submit to one or more appropriate 40117
tests to determine if the person is a carrier of the virus that 40118
causes acquired immunodeficiency syndrome, is a carrier of a 40119
hepatitis virus, or is infected with tuberculosis. 40120

(2) The court shall charge the offender with the costs of the 40121
test or tests ordered under division (E)(1) of this section unless 40122
the court determines that the accused is unable to pay, in which 40123
case the costs shall be charged to the entity that operates the 40124
detention facility in which the alleged offense occurred. 40125

(F) This section does not apply to a person who is 40126
hospitalized, institutionalized, or confined in a facility 40127

operated by the department of ~~mental health~~ mental health and 40128
addiction services or the department of developmental 40129
disabilities. 40130

Sec. 2923.125. (A) This section applies with respect to the 40131
application for and issuance by this state of concealed handgun 40132
licenses other than concealed handgun licenses on a temporary 40133
emergency basis that are issued under section 2923.1213 of the 40134
Revised Code. Upon the request of a person who wishes to obtain a 40135
concealed handgun license with respect to which this section 40136
applies or to renew a concealed handgun license with respect to 40137
which this section applies, a sheriff, as provided in division (I) 40138
of this section, shall provide to the person free of charge an 40139
application form and the web site address at which the pamphlet 40140
described in division (B) of section 109.731 of the Revised Code 40141
may be found. A sheriff shall accept a completed application form 40142
and the fee, items, materials, and information specified in 40143
divisions (B)(1) to (5) of this section at the times and in the 40144
manners described in division (I) of this section. 40145

(B) An applicant for a concealed handgun license with respect 40146
to which this section applies shall submit a completed application 40147
form and all of the following to the sheriff of the county in 40148
which the applicant resides or to the sheriff of any county 40149
adjacent to the county in which the applicant resides: 40150

(1)(a) A nonrefundable license fee as described in either of 40151
the following: 40152

(i) For an applicant who has been a resident of this state 40153
for five or more years, a fee of sixty-seven dollars; 40154

(ii) For an applicant who has been a resident of this state 40155
for less than five years, a fee of sixty-seven dollars plus the 40156
actual cost of having a background check performed by the federal 40157
bureau of investigation. 40158

(b) No sheriff shall require an applicant to pay for the cost of a background check performed by the bureau of criminal identification and investigation.

(c) A sheriff shall waive the payment of the license fee described in division (B)(1)(a) of this section in connection with an initial or renewal application for a license that is submitted by an applicant who is a retired peace officer, a retired person described in division (B)(1)(b) of section 109.77 of the Revised Code, or a retired federal law enforcement officer who, prior to retirement, was authorized under federal law to carry a firearm in the course of duty, unless the retired peace officer, person, or federal law enforcement officer retired as the result of a mental disability.

(d) The sheriff shall deposit all fees paid by an applicant under division (B)(1)(a) of this section into the sheriff's concealed handgun license issuance fund established pursuant to section 311.42 of the Revised Code. The county shall distribute the fees in accordance with section 311.42 of the Revised Code.

(2) A color photograph of the applicant that was taken within thirty days prior to the date of the application;

(3) One or more of the following competency certifications, each of which shall reflect that, regarding a certification described in division (B)(3)(a), (b), (c), (e), or (f) of this section, within the three years immediately preceding the application the applicant has performed that to which the competency certification relates and that, regarding a certification described in division (B)(3)(d) of this section, the applicant currently is an active or reserve member of the armed forces of the United States or within the six years immediately preceding the application the honorable discharge or retirement to which the competency certification relates occurred:

(a) An original or photocopy of a certificate of completion 40190
of a firearms safety, training, or requalification or firearms 40191
safety instructor course, class, or program that was offered by or 40192
under the auspices of the national rifle association and that 40193
complies with the requirements set forth in division (G) of this 40194
section; 40195

(b) An original or photocopy of a certificate of completion 40196
of a firearms safety, training, or requalification or firearms 40197
safety instructor course, class, or program that satisfies all of 40198
the following criteria: 40199

(i) It was open to members of the general public. 40200

(ii) It utilized qualified instructors who were certified by 40201
the national rifle association, the executive director of the Ohio 40202
peace officer training commission pursuant to section 109.75 or 40203
109.78 of the Revised Code, or a governmental official or entity 40204
of another state. 40205

(iii) It was offered by or under the auspices of a law 40206
enforcement agency of this or another state or the United States, 40207
a public or private college, university, or other similar 40208
postsecondary educational institution located in this or another 40209
state, a firearms training school located in this or another 40210
state, or another type of public or private entity or organization 40211
located in this or another state. 40212

(iv) It complies with the requirements set forth in division 40213
(G) of this section. 40214

(c) An original or photocopy of a certificate of completion 40215
of a state, county, municipal, or department of natural resources 40216
peace officer training school that is approved by the executive 40217
director of the Ohio peace officer training commission pursuant to 40218
section 109.75 of the Revised Code and that complies with the 40219
requirements set forth in division (G) of this section, or the 40220

applicant has satisfactorily completed and been issued a 40221
certificate of completion of a basic firearms training program, a 40222
firearms requalification training program, or another basic 40223
training program described in section 109.78 or 109.801 of the 40224
Revised Code that complies with the requirements set forth in 40225
division (G) of this section; 40226

(d) A document that evidences both of the following: 40227

(i) That the applicant is an active or reserve member of the 40228
armed forces of the United States, was honorably discharged from 40229
military service in the active or reserve armed forces of the 40230
United States, is a retired trooper of the state highway patrol, 40231
or is a retired peace officer or federal law enforcement officer 40232
described in division (B)(1) of this section or a retired person 40233
described in division (B)(1)(b) of section 109.77 of the Revised 40234
Code and division (B)(1) of this section; 40235

(ii) That, through participation in the military service or 40236
through the former employment described in division (B)(3)(d)(i) 40237
of this section, the applicant acquired experience with handling 40238
handguns or other firearms, and the experience so acquired was 40239
equivalent to training that the applicant could have acquired in a 40240
course, class, or program described in division (B)(3)(a), (b), or 40241
(c) of this section. 40242

(e) A certificate or another similar document that evidences 40243
satisfactory completion of a firearms training, safety, or 40244
requalification or firearms safety instructor course, class, or 40245
program that is not otherwise described in division (B)(3)(a), 40246
(b), (c), or (d) of this section, that was conducted by an 40247
instructor who was certified by an official or entity of the 40248
government of this or another state or the United States or by the 40249
national rifle association, and that complies with the 40250
requirements set forth in division (G) of this section; 40251

(f) An affidavit that attests to the applicant's satisfactory completion of a course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section and that is subscribed by the applicant's instructor or an authorized representative of the entity that offered the course, class, or program or under whose auspices the course, class, or program was offered.

(4) A certification by the applicant that the applicant has read the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters.

(5) A set of fingerprints of the applicant provided as described in section 311.41 of the Revised Code through use of an electronic fingerprint reading device or, if the sheriff to whom the application is submitted does not possess and does not have ready access to the use of such a reading device, on a standard impression sheet prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code.

(C) Upon receipt of the completed application form, supporting documentation, and, if not waived, license fee of an applicant under this section, a sheriff, in the manner specified in section 311.41 of the Revised Code, shall conduct or cause to be conducted the criminal records check and the incompetency records check described in section 311.41 of the Revised Code.

(D)(1) Except as provided in division (D)(3) or (4) of this section, within forty-five days after a sheriff's receipt of an applicant's completed application form for a concealed handgun license under this section, the supporting documentation, and, if not waived, the license fee, the sheriff shall make available through the law enforcement automated data system in accordance with division (H) of this section the information described in that division and, upon making the information available through

the system, shall issue to the applicant a concealed handgun 40284
license that shall expire as described in division (D)(2)(a) of 40285
this section if all of the following apply: 40286

(a) The applicant is legally living in the United States, has 40287
been a resident of this state for at least forty-five days, and 40288
has been a resident of the county in which the person seeks the 40289
license or a county adjacent to the county in which the person 40290
seeks the license for at least thirty days. For purposes of 40291
division (D)(1)(a) of this section: 40292

(i) If a person is absent from the United States, from this 40293
state, or from a particular county in this state in compliance 40294
with military or naval orders as an active or reserve member of 40295
the armed forces of the United States and if prior to leaving this 40296
state in compliance with those orders the person was legally 40297
living in the United States and was a resident of this state, the 40298
person, solely by reason of that absence, shall not be considered 40299
to have lost the person's status as living in the United States or 40300
the person's residence in this state or in the county in which the 40301
person was a resident prior to leaving this state in compliance 40302
with those orders, without regard to whether or not the person 40303
intends to return to this state or to that county, shall not be 40304
considered to have acquired a residence in any other state, and 40305
shall not be considered to have become a resident of any other 40306
state. 40307

(ii) If a person is present in this state in compliance with 40308
military or naval orders as an active or reserve member of the 40309
armed forces of the United States for at least forty-five days, 40310
the person shall be considered to have been a resident of this 40311
state for that period of at least forty-five days, and, if a 40312
person is present in a county of this state in compliance with 40313
military or naval orders as an active or reserve member of the 40314
armed forces of the United States for at least thirty days, the 40315

person shall be considered to have been a resident of that county 40316
for that period of at least thirty days. 40317

(b) The applicant is at least twenty-one years of age. 40318

(c) The applicant is not a fugitive from justice. 40319

(d) The applicant is not under indictment for or otherwise 40320
charged with a felony; an offense under Chapter 2925., 3719., or 40321
4729. of the Revised Code that involves the illegal possession, 40322
use, sale, administration, or distribution of or trafficking in a 40323
drug of abuse; a misdemeanor offense of violence; or a violation 40324
of section 2903.14 or 2923.1211 of the Revised Code. 40325

(e) Except as otherwise provided in division (D)(5) of this 40326
section, the applicant has not been convicted of or pleaded guilty 40327
to a felony or an offense under Chapter 2925., 3719., or 4729. of 40328
the Revised Code that involves the illegal possession, use, sale, 40329
administration, or distribution of or trafficking in a drug of 40330
abuse; has not been adjudicated a delinquent child for committing 40331
an act that if committed by an adult would be a felony or would be 40332
an offense under Chapter 2925., 3719., or 4729. of the Revised 40333
Code that involves the illegal possession, use, sale, 40334
administration, or distribution of or trafficking in a drug of 40335
abuse; and has not been convicted of, pleaded guilty to, or 40336
adjudicated a delinquent child for committing a violation of 40337
section 2903.13 of the Revised Code when the victim of the 40338
violation is a peace officer, regardless of whether the applicant 40339
was sentenced under division (C)~~(3)~~(4) of that section. 40340

(f) Except as otherwise provided in division (D)(5) of this 40341
section, the applicant, within three years of the date of the 40342
application, has not been convicted of or pleaded guilty to a 40343
misdemeanor offense of violence other than a misdemeanor violation 40344
of section 2921.33 of the Revised Code or a violation of section 40345
2903.13 of the Revised Code when the victim of the violation is a 40346

peace officer, or a misdemeanor violation of section 2923.1211 of 40347
the Revised Code; and has not been adjudicated a delinquent child 40348
for committing an act that if committed by an adult would be a 40349
misdemeanor offense of violence other than a misdemeanor violation 40350
of section 2921.33 of the Revised Code or a violation of section 40351
2903.13 of the Revised Code when the victim of the violation is a 40352
peace officer or for committing an act that if committed by an 40353
adult would be a misdemeanor violation of section 2923.1211 of the 40354
Revised Code. 40355

(g) Except as otherwise provided in division (D)(1)(e) of 40356
this section, the applicant, within five years of the date of the 40357
application, has not been convicted of, pleaded guilty to, or 40358
adjudicated a delinquent child for committing two or more 40359
violations of section 2903.13 or 2903.14 of the Revised Code. 40360

(h) Except as otherwise provided in division (D)(5) of this 40361
section, the applicant, within ten years of the date of the 40362
application, has not been convicted of, pleaded guilty to, or 40363
adjudicated a delinquent child for committing a violation of 40364
section 2921.33 of the Revised Code. 40365

(i) The applicant has not been adjudicated as a mental 40366
defective, has not been committed to any mental institution, is 40367
not under adjudication of mental incompetence, has not been found 40368
by a court to be a mentally ill person subject to hospitalization 40369
by court order, and is not an involuntary patient other than one 40370
who is a patient only for purposes of observation. As used in this 40371
division, "mentally ill person subject to hospitalization by court 40372
order" and "patient" have the same meanings as in section 5122.01 40373
of the Revised Code. 40374

(j) The applicant is not currently subject to a civil 40375
protection order, a temporary protection order, or a protection 40376
order issued by a court of another state. 40377

(k) The applicant certifies that the applicant desires a legal means to carry a concealed handgun for defense of the applicant or a member of the applicant's family while engaged in lawful activity.

(l) The applicant submits a competency certification of the type described in division (B)(3) of this section and submits a certification of the type described in division (B)(4) of this section regarding the applicant's reading of the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code.

(m) The applicant currently is not subject to a suspension imposed under division (A)(2) of section 2923.128 of the Revised Code of a concealed handgun license that previously was issued to the applicant under this section or section 2923.1213 of the Revised Code.

(2)(a) A concealed handgun license that a sheriff issues under division (D)(1) of this section shall expire five years after the date of issuance.

If a sheriff issues a license under this section, the sheriff shall place on the license a unique combination of letters and numbers identifying the license in accordance with the procedure prescribed by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code.

(b) If a sheriff denies an application under this section because the applicant does not satisfy the criteria described in division (D)(1) of this section, the sheriff shall specify the grounds for the denial in a written notice to the applicant. The applicant may appeal the denial pursuant to section 119.12 of the Revised Code in the county served by the sheriff who denied the application. If the denial was as a result of the criminal records check conducted pursuant to section 311.41 of the Revised Code and

if, pursuant to section 2923.127 of the Revised Code, the 40409
applicant challenges the criminal records check results using the 40410
appropriate challenge and review procedure specified in that 40411
section, the time for filing the appeal pursuant to section 119.12 40412
of the Revised Code and this division is tolled during the 40413
pendency of the request or the challenge and review. If the court 40414
in an appeal under section 119.12 of the Revised Code and this 40415
division enters a judgment sustaining the sheriff's refusal to 40416
grant to the applicant a concealed handgun license, the applicant 40417
may file a new application beginning one year after the judgment 40418
is entered. If the court enters a judgment in favor of the 40419
applicant, that judgment shall not restrict the authority of a 40420
sheriff to suspend or revoke the license pursuant to section 40421
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 40422
the license for any proper cause that may occur after the date the 40423
judgment is entered. In the appeal, the court shall have full 40424
power to dispose of all costs. 40425

(3) If the sheriff with whom an application for a concealed 40426
handgun license was filed under this section becomes aware that 40427
the applicant has been arrested for or otherwise charged with an 40428
offense that would disqualify the applicant from holding the 40429
license, the sheriff shall suspend the processing of the 40430
application until the disposition of the case arising from the 40431
arrest or charge. 40432

(4) If the sheriff determines that the applicant is legally 40433
living in the United States and is a resident of the county in 40434
which the applicant seeks the license or of an adjacent county but 40435
does not yet meet the residency requirements described in division 40436
(D)(1)(a) of this section, the sheriff shall not deny the license 40437
because of the residency requirements but shall not issue the 40438
license until the applicant meets those residency requirements. 40439

(5) If an applicant has been convicted of or pleaded guilty 40440

to an offense identified in division (D)(1)(e), (f), or (h) of 40441
this section or has been adjudicated a delinquent child for 40442
committing an act or violation identified in any of those 40443
divisions, and if a court has ordered the sealing or expungement 40444
of the records of that conviction, guilty plea, or adjudication 40445
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 40446
2953.36, or section 2953.37 of the Revised Code or a court has 40447
granted the applicant relief pursuant to section 2923.14 of the 40448
Revised Code from the disability imposed pursuant to section 40449
2923.13 of the Revised Code relative to that conviction, guilty 40450
plea, or adjudication, the sheriff with whom the application was 40451
submitted shall not consider the conviction, guilty plea, or 40452
adjudication in making a determination under division (D)(1) or 40453
(F) of this section or, in relation to an application for a 40454
concealed handgun license on a temporary emergency basis submitted 40455
under section 2923.1213 of the Revised Code, in making a 40456
determination under division (B)(2) of that section. 40457

(E) If a concealed handgun license issued under this section 40458
is lost or is destroyed, the licensee may obtain from the sheriff 40459
who issued that license a duplicate license upon the payment of a 40460
fee of fifteen dollars and the submission of an affidavit 40461
attesting to the loss or destruction of the license. The sheriff, 40462
in accordance with the procedures prescribed in section 109.731 of 40463
the Revised Code, shall place on the replacement license a 40464
combination of identifying numbers different from the combination 40465
on the license that is being replaced. 40466

(F)(1) A licensee who wishes to renew a concealed handgun 40467
license issued under this section shall do so not earlier than 40468
ninety days before the expiration date of the license or at any 40469
time after the expiration date of the license by filing with the 40470
sheriff of the county in which the applicant resides or with the 40471
sheriff of an adjacent county an application for renewal of the 40472

license obtained pursuant to division (D) of this section, a 40473
certification by the applicant that, subsequent to the issuance of 40474
the license, the applicant has reread the pamphlet prepared by the 40475
Ohio peace officer training commission pursuant to section 109.731 40476
of the Revised Code that reviews firearms, dispute resolution, and 40477
use of deadly force matters, and a nonrefundable license renewal 40478
fee in an amount determined pursuant to division (F)(4) of this 40479
section unless the fee is waived. 40480

(2) A sheriff shall accept a completed renewal application, 40481
the license renewal fee, and the information specified in division 40482
(F)(1) of this section at the times and in the manners described 40483
in division (I) of this section. Upon receipt of a completed 40484
renewal application, of certification that the applicant has 40485
reread the specified pamphlet prepared by the Ohio peace officer 40486
training commission, and of a license renewal fee unless the fee 40487
is waived, a sheriff, in the manner specified in section 311.41 of 40488
the Revised Code shall conduct or cause to be conducted the 40489
criminal records check and the incompetency records check 40490
described in section 311.41 of the Revised Code. The sheriff shall 40491
renew the license if the sheriff determines that the applicant 40492
continues to satisfy the requirements described in division (D)(1) 40493
of this section, except that the applicant is not required to meet 40494
the requirements of division (D)(1)(1) of this section. A renewed 40495
license shall expire five years after the date of issuance. A 40496
renewed license is subject to division (E) of this section and 40497
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 40498
shall comply with divisions (D)(2) to (4) of this section when the 40499
circumstances described in those divisions apply to a requested 40500
license renewal. If a sheriff denies the renewal of a concealed 40501
handgun license, the applicant may appeal the denial, or challenge 40502
the criminal record check results that were the basis of the 40503
denial if applicable, in the same manner as specified in division 40504
(D)(2)(b) of this section and in section 2923.127 of the Revised 40505

Code, regarding the denial of a license under this section. 40506

(3) A renewal application submitted pursuant to division (F) 40507
of this section shall only require the licensee to list on the 40508
application form information and matters occurring since the date 40509
of the licensee's last application for a license pursuant to 40510
division (B) or (F) of this section. A sheriff conducting the 40511
criminal records check and the incompetency records check 40512
described in section 311.41 of the Revised Code shall conduct the 40513
check only from the date of the licensee's last application for a 40514
license pursuant to division (B) or (F) of this section through 40515
the date of the renewal application submitted pursuant to division 40516
(F) of this section. 40517

(4) An applicant for a renewal concealed handgun license 40518
under this section shall submit to the sheriff of the county in 40519
which the applicant resides or to the sheriff of any county 40520
adjacent to the county in which the applicant resides a 40521
nonrefundable license fee as described in either of the following: 40522

(a) For an applicant who has been a resident of this state 40523
for five or more years, a fee of fifty dollars; 40524

(b) For an applicant who has been a resident of this state 40525
for less than five years, a fee of fifty dollars plus the actual 40526
cost of having a background check performed by the federal bureau 40527
of investigation. 40528

(G)(1) Each course, class, or program described in division 40529
(B)(3)(a), (b), (c), or (e) of this section shall provide to each 40530
person who takes the course, class, or program the web site 40531
address at which the pamphlet prepared by the Ohio peace officer 40532
training commission pursuant to section 109.731 of the Revised 40533
Code that reviews firearms, dispute resolution, and use of deadly 40534
force matters may be found. Each such course, class, or program 40535
described in one of those divisions shall include at least twelve 40536

hours of training in the safe handling and use of a firearm that 40537
shall include all of the following: 40538

(a) At least ten hours of training on the following matters: 40539

(i) The ability to name, explain, and demonstrate the rules 40540
for safe handling of a handgun and proper storage practices for 40541
handguns and ammunition; 40542

(ii) The ability to demonstrate and explain how to handle 40543
ammunition in a safe manner; 40544

(iii) The ability to demonstrate the knowledge, skills, and 40545
attitude necessary to shoot a handgun in a safe manner; 40546

(iv) Gun handling training. 40547

(b) At least two hours of training that consists of range 40548
time and live-fire training. 40549

(2) To satisfactorily complete the course, class, or program 40550
described in division (B)(3)(a), (b), (c), or (e) of this section, 40551
the applicant shall pass a competency examination that shall 40552
include both of the following: 40553

(a) A written section on the ability to name and explain the 40554
rules for the safe handling of a handgun and proper storage 40555
practices for handguns and ammunition; 40556

(b) A physical demonstration of competence in the use of a 40557
handgun and in the rules for safe handling and storage of a 40558
handgun and a physical demonstration of the attitude necessary to 40559
shoot a handgun in a safe manner. 40560

(3) The competency certification described in division 40561
(B)(3)(a), (b), (c), or (e) of this section shall be dated and 40562
shall attest that the course, class, or program the applicant 40563
successfully completed met the requirements described in division 40564
(G)(1) of this section and that the applicant passed the 40565
competency examination described in division (G)(2) of this 40566

section. 40567

(H) Upon deciding to issue a concealed handgun license, 40568
deciding to issue a replacement concealed handgun license, or 40569
deciding to renew a concealed handgun license pursuant to this 40570
section, and before actually issuing or renewing the license, the 40571
sheriff shall make available through the law enforcement automated 40572
data system all information contained on the license. If the 40573
license subsequently is suspended under division (A)(1) or (2) of 40574
section 2923.128 of the Revised Code, revoked pursuant to division 40575
(B)(1) of section 2923.128 of the Revised Code, or lost or 40576
destroyed, the sheriff also shall make available through the law 40577
enforcement automated data system a notation of that fact. The 40578
superintendent of the state highway patrol shall ensure that the 40579
law enforcement automated data system is so configured as to 40580
permit the transmission through the system of the information 40581
specified in this division. 40582

(I) A sheriff shall accept a completed application form or 40583
renewal application, and the fee, items, materials, and 40584
information specified in divisions (B)(1) to (5) or division (F) 40585
of this section, whichever is applicable, and shall provide an 40586
application form or renewal application to any person during at 40587
least fifteen hours a week and shall provide the web site address 40588
at which the pamphlet described in division (B) of section 109.731 40589
of the Revised Code may be found at any time, upon request. The 40590
sheriff shall post notice of the hours during which the sheriff is 40591
available to accept or provide the information described in this 40592
division. 40593

Sec. 2923.126. (A) A concealed handgun license that is issued 40594
under section 2923.125 of the Revised Code shall expire five years 40595
after the date of issuance. A licensee who has been issued a 40596
license under that section shall be granted a grace period of 40597

thirty days after the licensee's license expires during which the 40598
licensee's license remains valid. Except as provided in divisions 40599
(B) and (C) of this section, a licensee who has been issued a 40600
concealed handgun license under section 2923.125 or 2923.1213 of 40601
the Revised Code may carry a concealed handgun anywhere in this 40602
state if the licensee also carries a valid license and valid 40603
identification when the licensee is in actual possession of a 40604
concealed handgun. The licensee shall give notice of any change in 40605
the licensee's residence address to the sheriff who issued the 40606
license within forty-five days after that change. 40607

If a licensee is the driver or an occupant of a motor vehicle 40608
that is stopped as the result of a traffic stop or a stop for 40609
another law enforcement purpose and if the licensee is 40610
transporting or has a loaded handgun in the motor vehicle at that 40611
time, the licensee shall promptly inform any law enforcement 40612
officer who approaches the vehicle while stopped that the licensee 40613
has been issued a concealed handgun license and that the licensee 40614
currently possesses or has a loaded handgun; the licensee shall 40615
not knowingly disregard or fail to comply with lawful orders of a 40616
law enforcement officer given while the motor vehicle is stopped, 40617
knowingly fail to remain in the motor vehicle while stopped, or 40618
knowingly fail to keep the licensee's hands in plain sight after 40619
any law enforcement officer begins approaching the licensee while 40620
stopped and before the officer leaves, unless directed otherwise 40621
by a law enforcement officer; and the licensee shall not knowingly 40622
have contact with the loaded handgun by touching it with the 40623
licensee's hands or fingers, in any manner in violation of 40624
division (E) of section 2923.16 of the Revised Code, after any law 40625
enforcement officer begins approaching the licensee while stopped 40626
and before the officer leaves. Additionally, if a licensee is the 40627
driver or an occupant of a commercial motor vehicle that is 40628
stopped by an employee of the motor carrier enforcement unit for 40629
the purposes defined in section 5503.04 of the Revised Code and if 40630

the licensee is transporting or has a loaded handgun in the 40631
commercial motor vehicle at that time, the licensee shall promptly 40632
inform the employee of the unit who approaches the vehicle while 40633
stopped that the licensee has been issued a concealed handgun 40634
license and that the licensee currently possesses or has a loaded 40635
handgun. 40636

If a licensee is stopped for a law enforcement purpose and if 40637
the licensee is carrying a concealed handgun at the time the 40638
officer approaches, the licensee shall promptly inform any law 40639
enforcement officer who approaches the licensee while stopped that 40640
the licensee has been issued a concealed handgun license and that 40641
the licensee currently is carrying a concealed handgun; the 40642
licensee shall not knowingly disregard or fail to comply with 40643
lawful orders of a law enforcement officer given while the 40644
licensee is stopped or knowingly fail to keep the licensee's hands 40645
in plain sight after any law enforcement officer begins 40646
approaching the licensee while stopped and before the officer 40647
leaves, unless directed otherwise by a law enforcement officer; 40648
and the licensee shall not knowingly remove, attempt to remove, 40649
grasp, or hold the loaded handgun or knowingly have contact with 40650
the loaded handgun by touching it with the licensee's hands or 40651
fingers, in any manner in violation of division (B) of section 40652
2923.12 of the Revised Code, after any law enforcement officer 40653
begins approaching the licensee while stopped and before the 40654
officer leaves. 40655

(B) A valid concealed handgun license does not authorize the 40656
licensee to carry a concealed handgun in any manner prohibited 40657
under division (B) of section 2923.12 of the Revised Code or in 40658
any manner prohibited under section 2923.16 of the Revised Code. A 40659
valid license does not authorize the licensee to carry a concealed 40660
handgun into any of the following places: 40661

(1) A police station, sheriff's office, or state highway 40662

patrol station, premises controlled by the bureau of criminal 40663
identification and investigation, a state correctional 40664
institution, jail, workhouse, or other detention facility, an 40665
airport passenger terminal, or an institution that is maintained, 40666
operated, managed, and governed pursuant to division (A) of 40667
section ~~5119.02~~ 5119.14 of the Revised Code or division (A)(1) of 40668
section 5123.03 of the Revised Code; 40669

(2) A school safety zone if the licensee's carrying the 40670
concealed handgun is in violation of section 2923.122 of the 40671
Revised Code; 40672

(3) A courthouse or another building or structure in which a 40673
courtroom is located, in violation of section 2923.123 of the 40674
Revised Code; 40675

(4) Any premises or open air arena for which a D permit has 40676
been issued under Chapter 4303. of the Revised Code if the 40677
licensee's carrying the concealed handgun is in violation of 40678
section 2923.121 of the Revised Code; 40679

(5) Any premises owned or leased by any public or private 40680
college, university, or other institution of higher education, 40681
unless the handgun is in a locked motor vehicle or the licensee is 40682
in the immediate process of placing the handgun in a locked motor 40683
vehicle; 40684

(6) Any church, synagogue, mosque, or other place of worship, 40685
unless the church, synagogue, mosque, or other place of worship 40686
posts or permits otherwise; 40687

(7) A child day-care center, a type A family day-care home, a 40688
type B family day-care home, or a type C family day-care home, 40689
except that this division does not prohibit a licensee who resides 40690
in a type A family day-care home, a type B family day-care home, 40691
or a type C family day-care home from carrying a concealed handgun 40692
at any time in any part of the home that is not dedicated or used 40693

for day-care purposes, or from carrying a concealed handgun in a 40694
part of the home that is dedicated or used for day-care purposes 40695
at any time during which no children, other than children of that 40696
licensee, are in the home; 40697

(8) An aircraft that is in, or intended for operation in, 40698
foreign air transportation, interstate air transportation, 40699
intrastate air transportation, or the transportation of mail by 40700
aircraft; 40701

(9) Any building that is a government facility of this state 40702
or a political subdivision of this state and that is not a 40703
building that is used primarily as a shelter, restroom, parking 40704
facility for motor vehicles, or rest facility and is not a 40705
courthouse or other building or structure in which a courtroom is 40706
located that is subject to division (B)(3) of this section; 40707

(10) A place in which federal law prohibits the carrying of 40708
handguns. 40709

(C)(1) Nothing in this section shall negate or restrict a 40710
rule, policy, or practice of a private employer that is not a 40711
private college, university, or other institution of higher 40712
education concerning or prohibiting the presence of firearms on 40713
the private employer's premises or property, including motor 40714
vehicles owned by the private employer. Nothing in this section 40715
shall require a private employer of that nature to adopt a rule, 40716
policy, or practice concerning or prohibiting the presence of 40717
firearms on the private employer's premises or property, including 40718
motor vehicles owned by the private employer. 40719

(2)(a) A private employer shall be immune from liability in a 40720
civil action for any injury, death, or loss to person or property 40721
that allegedly was caused by or related to a licensee bringing a 40722
handgun onto the premises or property of the private employer, 40723
including motor vehicles owned by the private employer, unless the 40724

private employer acted with malicious purpose. A private employer 40725
is immune from liability in a civil action for any injury, death, 40726
or loss to person or property that allegedly was caused by or 40727
related to the private employer's decision to permit a licensee to 40728
bring, or prohibit a licensee from bringing, a handgun onto the 40729
premises or property of the private employer. As used in this 40730
division, "private employer" includes a private college, 40731
university, or other institution of higher education. 40732

(b) A political subdivision shall be immune from liability in 40733
a civil action, to the extent and in the manner provided in 40734
Chapter 2744. of the Revised Code, for any injury, death, or loss 40735
to person or property that allegedly was caused by or related to a 40736
licensee bringing a handgun onto any premises or property owned, 40737
leased, or otherwise under the control of the political 40738
subdivision. As used in this division, "political subdivision" has 40739
the same meaning as in section 2744.01 of the Revised Code. 40740

(3)(a) Except as provided in division (C)(3)(b) of this 40741
section, the owner or person in control of private land or 40742
premises, and a private person or entity leasing land or premises 40743
owned by the state, the United States, or a political subdivision 40744
of the state or the United States, may post a sign in a 40745
conspicuous location on that land or on those premises prohibiting 40746
persons from carrying firearms or concealed firearms on or onto 40747
that land or those premises. Except as otherwise provided in this 40748
division, a person who knowingly violates a posted prohibition of 40749
that nature is guilty of criminal trespass in violation of 40750
division (A)(4) of section 2911.21 of the Revised Code and is 40751
guilty of a misdemeanor of the fourth degree. If a person 40752
knowingly violates a posted prohibition of that nature and the 40753
posted land or premises primarily was a parking lot or other 40754
parking facility, the person is not guilty of criminal trespass in 40755
violation of division (A)(4) of section 2911.21 of the Revised 40756

Code and instead is subject only to a civil cause of action for 40757
trespass based on the violation. 40758

(b) A landlord may not prohibit or restrict a tenant who is a 40759
licensee and who on or after September 9, 2008, enters into a 40760
rental agreement with the landlord for the use of residential 40761
premises, and the tenant's guest while the tenant is present, from 40762
lawfully carrying or possessing a handgun on those residential 40763
premises. 40764

(c) As used in division (C)(3) of this section: 40765

(i) "Residential premises" has the same meaning as in section 40766
5321.01 of the Revised Code, except "residential premises" does 40767
not include a dwelling unit that is owned or operated by a college 40768
or university. 40769

(ii) "Landlord," "tenant," and "rental agreement" have the 40770
same meanings as in section 5321.01 of the Revised Code. 40771

(D) A person who holds a concealed handgun license issued by 40772
another state that is recognized by the attorney general pursuant 40773
to a reciprocity agreement entered into pursuant to section 109.69 40774
of the Revised Code has the same right to carry a concealed 40775
handgun in this state as a person who was issued a concealed 40776
handgun license under section 2923.125 of the Revised Code and is 40777
subject to the same restrictions that apply to a person who 40778
carries a license issued under that section. 40779

(E) A peace officer has the same right to carry a concealed 40780
handgun in this state as a person who was issued a concealed 40781
handgun license under section 2923.125 of the Revised Code. For 40782
purposes of reciprocity with other states, a peace officer shall 40783
be considered to be a licensee in this state. 40784

(F)(1) A qualified retired peace officer who possesses a 40785
retired peace officer identification card issued pursuant to 40786
division (F)(2) of this section and a valid firearms 40787

requalification certification issued pursuant to division (F)(3) 40788
of this section has the same right to carry a concealed handgun in 40789
this state as a person who was issued a concealed handgun license 40790
under section 2923.125 of the Revised Code and is subject to the 40791
same restrictions that apply to a person who carries a license 40792
issued under that section. For purposes of reciprocity with other 40793
states, a qualified retired peace officer who possesses a retired 40794
peace officer identification card issued pursuant to division 40795
(F)(2) of this section and a valid firearms requalification 40796
certification issued pursuant to division (F)(3) of this section 40797
shall be considered to be a licensee in this state. 40798

(2)(a) Each public agency of this state or of a political 40799
subdivision of this state that is served by one or more peace 40800
officers shall issue a retired peace officer identification card 40801
to any person who retired from service as a peace officer with 40802
that agency, if the issuance is in accordance with the agency's 40803
policies and procedures and if the person, with respect to the 40804
person's service with that agency, satisfies all of the following: 40805

(i) The person retired in good standing from service as a 40806
peace officer with the public agency, and the retirement was not 40807
for reasons of mental instability. 40808

(ii) Before retiring from service as a peace officer with 40809
that agency, the person was authorized to engage in or supervise 40810
the prevention, detection, investigation, or prosecution of, or 40811
the incarceration of any person for, any violation of law and the 40812
person had statutory powers of arrest. 40813

(iii) At the time of the person's retirement as a peace 40814
officer with that agency, the person was trained and qualified to 40815
carry firearms in the performance of the peace officer's duties. 40816

(iv) Before retiring from service as a peace officer with 40817
that agency, the person was regularly employed as a peace officer 40818

for an aggregate of fifteen years or more, or, in the alternative, 40819
the person retired from service as a peace officer with that 40820
agency, after completing any applicable probationary period of 40821
that service, due to a service-connected disability, as determined 40822
by the agency. 40823

(b) A retired peace officer identification card issued to a 40824
person under division (F)(2)(a) of this section shall identify the 40825
person by name, contain a photograph of the person, identify the 40826
public agency of this state or of the political subdivision of 40827
this state from which the person retired as a peace officer and 40828
that is issuing the identification card, and specify that the 40829
person retired in good standing from service as a peace officer 40830
with the issuing public agency and satisfies the criteria set 40831
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 40832
addition to the required content specified in this division, a 40833
retired peace officer identification card issued to a person under 40834
division (F)(2)(a) of this section may include the firearms 40835
requalification certification described in division (F)(3) of this 40836
section, and if the identification card includes that 40837
certification, the identification card shall serve as the firearms 40838
requalification certification for the retired peace officer. If 40839
the issuing public agency issues credentials to active law 40840
enforcement officers who serve the agency, the agency may comply 40841
with division (F)(2)(a) of this section by issuing the same 40842
credentials to persons who retired from service as a peace officer 40843
with the agency and who satisfy the criteria set forth in 40844
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 40845
credentials so issued to retired peace officers are stamped with 40846
the word "RETIRED." 40847

(c) A public agency of this state or of a political 40848
subdivision of this state may charge persons who retired from 40849
service as a peace officer with the agency a reasonable fee for 40850

issuing to the person a retired peace officer identification card 40851
pursuant to division (F)(2)(a) of this section. 40852

(3) If a person retired from service as a peace officer with 40853
a public agency of this state or of a political subdivision of 40854
this state and the person satisfies the criteria set forth in 40855
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 40856
may provide the retired peace officer with the opportunity to 40857
attend a firearms requalification program that is approved for 40858
purposes of firearms requalification required under section 40859
109.801 of the Revised Code. The retired peace officer may be 40860
required to pay the cost of the course. 40861

If a retired peace officer who satisfies the criteria set 40862
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 40863
firearms requalification program that is approved for purposes of 40864
firearms requalification required under section 109.801 of the 40865
Revised Code, the retired peace officer's successful completion of 40866
the firearms requalification program requalifies the retired peace 40867
officer for purposes of division (F) of this section for five 40868
years from the date on which the program was successfully 40869
completed, and the requalification is valid during that five-year 40870
period. If a retired peace officer who satisfies the criteria set 40871
forth in divisions (F)(2)(a)(i) to (iv) of this section 40872
satisfactorily completes such a firearms requalification program, 40873
the retired peace officer shall be issued a firearms 40874
requalification certification that identifies the retired peace 40875
officer by name, identifies the entity that taught the program, 40876
specifies that the retired peace officer successfully completed 40877
the program, specifies the date on which the course was 40878
successfully completed, and specifies that the requalification is 40879
valid for five years from that date of successful completion. The 40880
firearms requalification certification for a retired peace officer 40881
may be included in the retired peace officer identification card 40882

issued to the retired peace officer under division (F)(2) of this section. 40883
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A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code may be required to pay the cost of the program. 40885
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(G) As used in this section: 40889

(1) "Qualified retired peace officer" means a person who satisfies all of the following: 40890
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(a) The person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (v) of this section. 40892
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(b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance. 40894
40895

(c) The person is not prohibited by federal law from receiving firearms. 40896
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(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F)(2) of this section to a person who is a retired peace officer. 40898
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(3) "Government facility of this state or a political subdivision of this state" means any of the following: 40901
40902

(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision; 40903
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(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions. 40909
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Sec. 2925.03. (A) No person shall knowingly do any of the	40912
following:	40913
(1) Sell or offer to sell a controlled substance or a	40914
controlled substance analog;	40915
(2) Prepare for shipment, ship, transport, deliver, prepare	40916
for distribution, or distribute a controlled substance or a	40917
controlled substance analog, when the offender knows or has	40918
reasonable cause to believe that the controlled substance or a	40919
controlled substance analog is intended for sale or resale by the	40920
offender or another person.	40921
(B) This section does not apply to any of the following:	40922
(1) Manufacturers, licensed health professionals authorized	40923
to prescribe drugs, pharmacists, owners of pharmacies, and other	40924
persons whose conduct is in accordance with Chapters 3719., 4715.,	40925
4723., 4729., 4730., 4731., and 4741. of the Revised Code;	40926
(2) If the offense involves an anabolic steroid, any person	40927
who is conducting or participating in a research project involving	40928
the use of an anabolic steroid if the project has been approved by	40929
the United States food and drug administration;	40930
(3) Any person who sells, offers for sale, prescribes,	40931
dispenses, or administers for livestock or other nonhuman species	40932
an anabolic steroid that is expressly intended for administration	40933
through implants to livestock or other nonhuman species and	40934
approved for that purpose under the "Federal Food, Drug, and	40935
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended,	40936
and is sold, offered for sale, prescribed, dispensed, or	40937
administered for that purpose in accordance with that act.	40938
(C) Whoever violates division (A) of this section is guilty	40939
of one of the following:	40940
(1) If the drug involved in the violation is any compound,	40941

mixture, preparation, or substance included in schedule I or 40942
schedule II, with the exception of marihuana, cocaine, L.S.D., 40943
heroin, hashish, and controlled substance analogs, whoever 40944
violates division (A) of this section is guilty of aggravated 40945
trafficking in drugs. The penalty for the offense shall be 40946
determined as follows: 40947

(a) Except as otherwise provided in division (C)(1)(b), (c), 40948
(d), (e), or (f) of this section, aggravated trafficking in drugs 40949
is a felony of the fourth degree, and division (C) of section 40950
2929.13 of the Revised Code applies in determining whether to 40951
impose a prison term on the offender. 40952

(b) Except as otherwise provided in division (C)(1)(c), (d), 40953
(e), or (f) of this section, if the offense was committed in the 40954
vicinity of a school or in the vicinity of a juvenile, aggravated 40955
trafficking in drugs is a felony of the third degree, and division 40956
(C) of section 2929.13 of the Revised Code applies in determining 40957
whether to impose a prison term on the offender. 40958

(c) Except as otherwise provided in this division, if the 40959
amount of the drug involved equals or exceeds the bulk amount but 40960
is less than five times the bulk amount, aggravated trafficking in 40961
drugs is a felony of the third degree, and, except as otherwise 40962
provided in this division, there is a presumption for a prison 40963
term for the offense. If aggravated trafficking in drugs is a 40964
felony of the third degree under this division and if the offender 40965
two or more times previously has been convicted of or pleaded 40966
guilty to a felony drug abuse offense, the court shall impose as a 40967
mandatory prison term one of the prison terms prescribed for a 40968
felony of the third degree. If the amount of the drug involved is 40969
within that range and if the offense was committed in the vicinity 40970
of a school or in the vicinity of a juvenile, aggravated 40971
trafficking in drugs is a felony of the second degree, and the 40972
court shall impose as a mandatory prison term one of the prison 40973

terms prescribed for a felony of the second degree. 40974

(d) Except as otherwise provided in this division, if the 40975
amount of the drug involved equals or exceeds five times the bulk 40976
amount but is less than fifty times the bulk amount, aggravated 40977
trafficking in drugs is a felony of the second degree, and the 40978
court shall impose as a mandatory prison term one of the prison 40979
terms prescribed for a felony of the second degree. If the amount 40980
of the drug involved is within that range and if the offense was 40981
committed in the vicinity of a school or in the vicinity of a 40982
juvenile, aggravated trafficking in drugs is a felony of the first 40983
degree, and the court shall impose as a mandatory prison term one 40984
of the prison terms prescribed for a felony of the first degree. 40985

(e) If the amount of the drug involved equals or exceeds 40986
fifty times the bulk amount but is less than one hundred times the 40987
bulk amount and regardless of whether the offense was committed in 40988
the vicinity of a school or in the vicinity of a juvenile, 40989
aggravated trafficking in drugs is a felony of the first degree, 40990
and the court shall impose as a mandatory prison term one of the 40991
prison terms prescribed for a felony of the first degree. 40992

(f) If the amount of the drug involved equals or exceeds one 40993
hundred times the bulk amount and regardless of whether the 40994
offense was committed in the vicinity of a school or in the 40995
vicinity of a juvenile, aggravated trafficking in drugs is a 40996
felony of the first degree, the offender is a major drug offender, 40997
and the court shall impose as a mandatory prison term the maximum 40998
prison term prescribed for a felony of the first degree. 40999

(2) If the drug involved in the violation is any compound, 41000
mixture, preparation, or substance included in schedule III, IV, 41001
or V, whoever violates division (A) of this section is guilty of 41002
trafficking in drugs. The penalty for the offense shall be 41003
determined as follows: 41004

(a) Except as otherwise provided in division (C)(2)(b), (c), 41005
(d), or (e) of this section, trafficking in drugs is a felony of 41006
the fifth degree, and division (B) of section 2929.13 of the 41007
Revised Code applies in determining whether to impose a prison 41008
term on the offender. 41009

(b) Except as otherwise provided in division (C)(2)(c), (d), 41010
or (e) of this section, if the offense was committed in the 41011
vicinity of a school or in the vicinity of a juvenile, trafficking 41012
in drugs is a felony of the fourth degree, and division (C) of 41013
section 2929.13 of the Revised Code applies in determining whether 41014
to impose a prison term on the offender. 41015

(c) Except as otherwise provided in this division, if the 41016
amount of the drug involved equals or exceeds the bulk amount but 41017
is less than five times the bulk amount, trafficking in drugs is a 41018
felony of the fourth degree, and division (B) of section 2929.13 41019
of the Revised Code applies in determining whether to impose a 41020
prison term for the offense. If the amount of the drug involved is 41021
within that range and if the offense was committed in the vicinity 41022
of a school or in the vicinity of a juvenile, trafficking in drugs 41023
is a felony of the third degree, and there is a presumption for a 41024
prison term for the offense. 41025

(d) Except as otherwise provided in this division, if the 41026
amount of the drug involved equals or exceeds five times the bulk 41027
amount but is less than fifty times the bulk amount, trafficking 41028
in drugs is a felony of the third degree, and there is a 41029
presumption for a prison term for the offense. If the amount of 41030
the drug involved is within that range and if the offense was 41031
committed in the vicinity of a school or in the vicinity of a 41032
juvenile, trafficking in drugs is a felony of the second degree, 41033
and there is a presumption for a prison term for the offense. 41034

(e) Except as otherwise provided in this division, if the 41035
amount of the drug involved equals or exceeds fifty times the bulk 41036

amount, trafficking in drugs is a felony of the second degree, and 41037
the court shall impose as a mandatory prison term one of the 41038
prison terms prescribed for a felony of the second degree. If the 41039
amount of the drug involved equals or exceeds fifty times the bulk 41040
amount and if the offense was committed in the vicinity of a 41041
school or in the vicinity of a juvenile, trafficking in drugs is a 41042
felony of the first degree, and the court shall impose as a 41043
mandatory prison term one of the prison terms prescribed for a 41044
felony of the first degree. 41045

(3) If the drug involved in the violation is marihuana or a 41046
compound, mixture, preparation, or substance containing marihuana 41047
other than hashish, whoever violates division (A) of this section 41048
is guilty of trafficking in marihuana. The penalty for the offense 41049
shall be determined as follows: 41050

(a) Except as otherwise provided in division (C)(3)(b), (c), 41051
(d), (e), (f), (g), or (h) of this section, trafficking in 41052
marihuana is a felony of the fifth degree, and division (B) of 41053
section 2929.13 of the Revised Code applies in determining whether 41054
to impose a prison term on the offender. 41055

(b) Except as otherwise provided in division (C)(3)(c), (d), 41056
(e), (f), (g), or (h) of this section, if the offense was 41057
committed in the vicinity of a school or in the vicinity of a 41058
juvenile, trafficking in marihuana is a felony of the fourth 41059
degree, and division (B) of section 2929.13 of the Revised Code 41060
applies in determining whether to impose a prison term on the 41061
offender. 41062

(c) Except as otherwise provided in this division, if the 41063
amount of the drug involved equals or exceeds two hundred grams 41064
but is less than one thousand grams, trafficking in marihuana is a 41065
felony of the fourth degree, and division (B) of section 2929.13 41066
of the Revised Code applies in determining whether to impose a 41067
prison term on the offender. If the amount of the drug involved is 41068

within that range and if the offense was committed in the vicinity 41069
of a school or in the vicinity of a juvenile, trafficking in 41070
marihuana is a felony of the third degree, and division (C) of 41071
section 2929.13 of the Revised Code applies in determining whether 41072
to impose a prison term on the offender. 41073

(d) Except as otherwise provided in this division, if the 41074
amount of the drug involved equals or exceeds one thousand grams 41075
but is less than five thousand grams, trafficking in marihuana is 41076
a felony of the third degree, and division (C) of section 2929.13 41077
of the Revised Code applies in determining whether to impose a 41078
prison term on the offender. If the amount of the drug involved is 41079
within that range and if the offense was committed in the vicinity 41080
of a school or in the vicinity of a juvenile, trafficking in 41081
marihuana is a felony of the second degree, and there is a 41082
presumption that a prison term shall be imposed for the offense. 41083

(e) Except as otherwise provided in this division, if the 41084
amount of the drug involved equals or exceeds five thousand grams 41085
but is less than twenty thousand grams, trafficking in marihuana 41086
is a felony of the third degree, and there is a presumption that a 41087
prison term shall be imposed for the offense. If the amount of the 41088
drug involved is within that range and if the offense was 41089
committed in the vicinity of a school or in the vicinity of a 41090
juvenile, trafficking in marihuana is a felony of the second 41091
degree, and there is a presumption that a prison term shall be 41092
imposed for the offense. 41093

(f) Except as otherwise provided in this division, if the 41094
amount of the drug involved equals or exceeds twenty thousand 41095
grams but is less than forty thousand grams, trafficking in 41096
marihuana is a felony of the second degree, and the court shall 41097
impose a mandatory prison term of five, six, seven, or eight 41098
years. If the amount of the drug involved is within that range and 41099
if the offense was committed in the vicinity of a school or in the 41100

vicinity of a juvenile, trafficking in marihuana is a felony of 41101
the first degree, and the court shall impose as a mandatory prison 41102
term the maximum prison term prescribed for a felony of the first 41103
degree. 41104

(g) Except as otherwise provided in this division, if the 41105
amount of the drug involved equals or exceeds forty thousand 41106
grams, trafficking in marihuana is a felony of the second degree, 41107
and the court shall impose as a mandatory prison term the maximum 41108
prison term prescribed for a felony of the second degree. If the 41109
amount of the drug involved equals or exceeds forty thousand grams 41110
and if the offense was committed in the vicinity of a school or in 41111
the vicinity of a juvenile, trafficking in marihuana is a felony 41112
of the first degree, and the court shall impose as a mandatory 41113
prison term the maximum prison term prescribed for a felony of the 41114
first degree. 41115

(h) Except as otherwise provided in this division, if the 41116
offense involves a gift of twenty grams or less of marihuana, 41117
trafficking in marihuana is a minor misdemeanor upon a first 41118
offense and a misdemeanor of the third degree upon a subsequent 41119
offense. If the offense involves a gift of twenty grams or less of 41120
marihuana and if the offense was committed in the vicinity of a 41121
school or in the vicinity of a juvenile, trafficking in marihuana 41122
is a misdemeanor of the third degree. 41123

(4) If the drug involved in the violation is cocaine or a 41124
compound, mixture, preparation, or substance containing cocaine, 41125
whoever violates division (A) of this section is guilty of 41126
trafficking in cocaine. The penalty for the offense shall be 41127
determined as follows: 41128

(a) Except as otherwise provided in division (C)(4)(b), (c), 41129
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 41130
felony of the fifth degree, and division (B) of section 2929.13 of 41131
the Revised Code applies in determining whether to impose a prison 41132

term on the offender. 41133

(b) Except as otherwise provided in division (C)(4)(c), (d), 41134
(e), (f), or (g) of this section, if the offense was committed in 41135
the vicinity of a school or in the vicinity of a juvenile, 41136
trafficking in cocaine is a felony of the fourth degree, and 41137
division (C) of section 2929.13 of the Revised Code applies in 41138
determining whether to impose a prison term on the offender. 41139

(c) Except as otherwise provided in this division, if the 41140
amount of the drug involved equals or exceeds five grams but is 41141
less than ten grams of cocaine, trafficking in cocaine is a felony 41142
of the fourth degree, and division (B) of section 2929.13 of the 41143
Revised Code applies in determining whether to impose a prison 41144
term for the offense. If the amount of the drug involved is within 41145
that range and if the offense was committed in the vicinity of a 41146
school or in the vicinity of a juvenile, trafficking in cocaine is 41147
a felony of the third degree, and there is a presumption for a 41148
prison term for the offense. 41149

(d) Except as otherwise provided in this division, if the 41150
amount of the drug involved equals or exceeds ten grams but is 41151
less than twenty grams of cocaine, trafficking in cocaine is a 41152
felony of the third degree, and, except as otherwise provided in 41153
this division, there is a presumption for a prison term for the 41154
offense. If trafficking in cocaine is a felony of the third degree 41155
under this division and if the offender two or more times 41156
previously has been convicted of or pleaded guilty to a felony 41157
drug abuse offense, the court shall impose as a mandatory prison 41158
term one of the prison terms prescribed for a felony of the third 41159
degree. If the amount of the drug involved is within that range 41160
and if the offense was committed in the vicinity of a school or in 41161
the vicinity of a juvenile, trafficking in cocaine is a felony of 41162
the second degree, and the court shall impose as a mandatory 41163
prison term one of the prison terms prescribed for a felony of the 41164

second degree. 41165

(e) Except as otherwise provided in this division, if the 41166
amount of the drug involved equals or exceeds twenty grams but is 41167
less than twenty-seven grams of cocaine, trafficking in cocaine is 41168
a felony of the second degree, and the court shall impose as a 41169
mandatory prison term one of the prison terms prescribed for a 41170
felony of the second degree. If the amount of the drug involved is 41171
within that range and if the offense was committed in the vicinity 41172
of a school or in the vicinity of a juvenile, trafficking in 41173
cocaine is a felony of the first degree, and the court shall 41174
impose as a mandatory prison term one of the prison terms 41175
prescribed for a felony of the first degree. 41176

(f) If the amount of the drug involved equals or exceeds 41177
twenty-seven grams but is less than one hundred grams of cocaine 41178
and regardless of whether the offense was committed in the 41179
vicinity of a school or in the vicinity of a juvenile, trafficking 41180
in cocaine is a felony of the first degree, and the court shall 41181
impose as a mandatory prison term one of the prison terms 41182
prescribed for a felony of the first degree. 41183

(g) If the amount of the drug involved equals or exceeds one 41184
hundred grams of cocaine and regardless of whether the offense was 41185
committed in the vicinity of a school or in the vicinity of a 41186
juvenile, trafficking in cocaine is a felony of the first degree, 41187
the offender is a major drug offender, and the court shall impose 41188
as a mandatory prison term the maximum prison term prescribed for 41189
a felony of the first degree. 41190

(5) If the drug involved in the violation is L.S.D. or a 41191
compound, mixture, preparation, or substance containing L.S.D., 41192
whoever violates division (A) of this section is guilty of 41193
trafficking in L.S.D. The penalty for the offense shall be 41194
determined as follows: 41195

(a) Except as otherwise provided in division (C)(5)(b), (c), 41196
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 41197
felony of the fifth degree, and division (B) of section 2929.13 of 41198
the Revised Code applies in determining whether to impose a prison 41199
term on the offender. 41200

(b) Except as otherwise provided in division (C)(5)(c), (d), 41201
(e), (f), or (g) of this section, if the offense was committed in 41202
the vicinity of a school or in the vicinity of a juvenile, 41203
trafficking in L.S.D. is a felony of the fourth degree, and 41204
division (C) of section 2929.13 of the Revised Code applies in 41205
determining whether to impose a prison term on the offender. 41206

(c) Except as otherwise provided in this division, if the 41207
amount of the drug involved equals or exceeds ten unit doses but 41208
is less than fifty unit doses of L.S.D. in a solid form or equals 41209
or exceeds one gram but is less than five grams of L.S.D. in a 41210
liquid concentrate, liquid extract, or liquid distillate form, 41211
trafficking in L.S.D. is a felony of the fourth degree, and 41212
division (B) of section 2929.13 of the Revised Code applies in 41213
determining whether to impose a prison term for the offense. If 41214
the amount of the drug involved is within that range and if the 41215
offense was committed in the vicinity of a school or in the 41216
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 41217
third degree, and there is a presumption for a prison term for the 41218
offense. 41219

(d) Except as otherwise provided in this division, if the 41220
amount of the drug involved equals or exceeds fifty unit doses but 41221
is less than two hundred fifty unit doses of L.S.D. in a solid 41222
form or equals or exceeds five grams but is less than twenty-five 41223
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 41224
distillate form, trafficking in L.S.D. is a felony of the third 41225
degree, and, except as otherwise provided in this division, there 41226
is a presumption for a prison term for the offense. If trafficking 41227

in L.S.D. is a felony of the third degree under this division and 41228
if the offender two or more times previously has been convicted of 41229
or pleaded guilty to a felony drug abuse offense, the court shall 41230
impose as a mandatory prison term one of the prison terms 41231
prescribed for a felony of the third degree. If the amount of the 41232
drug involved is within that range and if the offense was 41233
committed in the vicinity of a school or in the vicinity of a 41234
juvenile, trafficking in L.S.D. is a felony of the second degree, 41235
and the court shall impose as a mandatory prison term one of the 41236
prison terms prescribed for a felony of the second degree. 41237

(e) Except as otherwise provided in this division, if the 41238
amount of the drug involved equals or exceeds two hundred fifty 41239
unit doses but is less than one thousand unit doses of L.S.D. in a 41240
solid form or equals or exceeds twenty-five grams but is less than 41241
one hundred grams of L.S.D. in a liquid concentrate, liquid 41242
extract, or liquid distillate form, trafficking in L.S.D. is a 41243
felony of the second degree, and the court shall impose as a 41244
mandatory prison term one of the prison terms prescribed for a 41245
felony of the second degree. If the amount of the drug involved is 41246
within that range and if the offense was committed in the vicinity 41247
of a school or in the vicinity of a juvenile, trafficking in 41248
L.S.D. is a felony of the first degree, and the court shall impose 41249
as a mandatory prison term one of the prison terms prescribed for 41250
a felony of the first degree. 41251

(f) If the amount of the drug involved equals or exceeds one 41252
thousand unit doses but is less than five thousand unit doses of 41253
L.S.D. in a solid form or equals or exceeds one hundred grams but 41254
is less than five hundred grams of L.S.D. in a liquid concentrate, 41255
liquid extract, or liquid distillate form and regardless of 41256
whether the offense was committed in the vicinity of a school or 41257
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 41258
of the first degree, and the court shall impose as a mandatory 41259

prison term one of the prison terms prescribed for a felony of the first degree. 41260
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(g) If the amount of the drug involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree. 41262
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(6) If the drug involved in the violation is heroin or a compound, mixture, preparation, or substance containing heroin, whoever violates division (A) of this section is guilty of trafficking in heroin. The penalty for the offense shall be determined as follows: 41271
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(a) Except as otherwise provided in division (C)(6)(b), (c), (d), (e), (f), or (g) of this section, trafficking in heroin is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 41276
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(b) Except as otherwise provided in division (C)(6)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 41281
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(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in heroin is a felony of the 41287
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fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than two thousand five hundred unit doses or equals or exceeds fifty grams but is less than two

hundred fifty grams and regardless of whether the offense was 41323
committed in the vicinity of a school or in the vicinity of a 41324
juvenile, trafficking in heroin is a felony of the first degree, 41325
and the court shall impose as a mandatory prison term one of the 41326
prison terms prescribed for a felony of the first degree. 41327

(g) If the amount of the drug involved equals or exceeds two 41328
thousand five hundred unit doses or equals or exceeds two hundred 41329
fifty grams and regardless of whether the offense was committed in 41330
the vicinity of a school or in the vicinity of a juvenile, 41331
trafficking in heroin is a felony of the first degree, the 41332
offender is a major drug offender, and the court shall impose as a 41333
mandatory prison term the maximum prison term prescribed for a 41334
felony of the first degree. 41335

(7) If the drug involved in the violation is hashish or a 41336
compound, mixture, preparation, or substance containing hashish, 41337
whoever violates division (A) of this section is guilty of 41338
trafficking in hashish. The penalty for the offense shall be 41339
determined as follows: 41340

(a) Except as otherwise provided in division (C)(7)(b), (c), 41341
(d), (e), (f), or (g) of this section, trafficking in hashish is a 41342
felony of the fifth degree, and division (B) of section 2929.13 of 41343
the Revised Code applies in determining whether to impose a prison 41344
term on the offender. 41345

(b) Except as otherwise provided in division (C)(7)(c), (d), 41346
(e), (f), or (g) of this section, if the offense was committed in 41347
the vicinity of a school or in the vicinity of a juvenile, 41348
trafficking in hashish is a felony of the fourth degree, and 41349
division (B) of section 2929.13 of the Revised Code applies in 41350
determining whether to impose a prison term on the offender. 41351

(c) Except as otherwise provided in this division, if the 41352
amount of the drug involved equals or exceeds ten grams but is 41353

less than fifty grams of hashish in a solid form or equals or 41354
exceeds two grams but is less than ten grams of hashish in a 41355
liquid concentrate, liquid extract, or liquid distillate form, 41356
trafficking in hashish is a felony of the fourth degree, and 41357
division (B) of section 2929.13 of the Revised Code applies in 41358
determining whether to impose a prison term on the offender. If 41359
the amount of the drug involved is within that range and if the 41360
offense was committed in the vicinity of a school or in the 41361
vicinity of a juvenile, trafficking in hashish is a felony of the 41362
third degree, and division (C) of section 2929.13 of the Revised 41363
Code applies in determining whether to impose a prison term on the 41364
offender. 41365

(d) Except as otherwise provided in this division, if the 41366
amount of the drug involved equals or exceeds fifty grams but is 41367
less than two hundred fifty grams of hashish in a solid form or 41368
equals or exceeds ten grams but is less than fifty grams of 41369
hashish in a liquid concentrate, liquid extract, or liquid 41370
distillate form, trafficking in hashish is a felony of the third 41371
degree, and division (C) of section 2929.13 of the Revised Code 41372
applies in determining whether to impose a prison term on the 41373
offender. If the amount of the drug involved is within that range 41374
and if the offense was committed in the vicinity of a school or in 41375
the vicinity of a juvenile, trafficking in hashish is a felony of 41376
the second degree, and there is a presumption that a prison term 41377
shall be imposed for the offense. 41378

(e) Except as otherwise provided in this division, if the 41379
amount of the drug involved equals or exceeds two hundred fifty 41380
grams but is less than one thousand grams of hashish in a solid 41381
form or equals or exceeds fifty grams but is less than two hundred 41382
grams of hashish in a liquid concentrate, liquid extract, or 41383
liquid distillate form, trafficking in hashish is a felony of the 41384
third degree, and there is a presumption that a prison term shall 41385

be imposed for the offense. If the amount of the drug involved is 41386
within that range and if the offense was committed in the vicinity 41387
of a school or in the vicinity of a juvenile, trafficking in 41388
hashish is a felony of the second degree, and there is a 41389
presumption that a prison term shall be imposed for the offense. 41390

(f) Except as otherwise provided in this division, if the 41391
amount of the drug involved equals or exceeds one thousand grams 41392
but is less than two thousand grams of hashish in a solid form or 41393
equals or exceeds two hundred grams but is less than four hundred 41394
grams of hashish in a liquid concentrate, liquid extract, or 41395
liquid distillate form, trafficking in hashish is a felony of the 41396
second degree, and the court shall impose a mandatory prison term 41397
of five, six, seven, or eight years. If the amount of the drug 41398
involved is within that range and if the offense was committed in 41399
the vicinity of a school or in the vicinity of a juvenile, 41400
trafficking in hashish is a felony of the first degree, and the 41401
court shall impose as a mandatory prison term the maximum prison 41402
term prescribed for a felony of the first degree. 41403

(g) Except as otherwise provided in this division, if the 41404
amount of the drug involved equals or exceeds two thousand grams 41405
of hashish in a solid form or equals or exceeds four hundred grams 41406
of hashish in a liquid concentrate, liquid extract, or liquid 41407
distillate form, trafficking in hashish is a felony of the second 41408
degree, and the court shall impose as a mandatory prison term the 41409
maximum prison term prescribed for a felony of the second degree. 41410
If the amount of the drug involved equals or exceeds two thousand 41411
grams of hashish in a solid form or equals or exceeds four hundred 41412
grams of hashish in a liquid concentrate, liquid extract, or 41413
liquid distillate form and if the offense was committed in the 41414
vicinity of a school or in the vicinity of a juvenile, trafficking 41415
in hashish is a felony of the first degree, and the court shall 41416
impose as a mandatory prison term the maximum prison term 41417

prescribed for a felony of the first degree. 41418

(8) If the drug involved in the violation is a controlled 41419
substance analog or compound, mixture, preparation, or substance 41420
that contains a controlled substance analog, whoever violates 41421
division (A) of this section is guilty of trafficking in a 41422
controlled substance analog. The penalty for the offense shall be 41423
determined as follows: 41424

(a) Except as otherwise provided in division (C)(8)(b), (c), 41425
(d), (e), (f), or (g) of this section, trafficking in a controlled 41426
substance analog is a felony of the fifth degree, and division (C) 41427
of section 2929.13 of the Revised Code applies in determining 41428
whether to impose a prison term on the offender. 41429

(b) Except as otherwise provided in division (C)(8)(c), (d), 41430
(e), (f), or (g) of this section, if the offense was committed in 41431
the vicinity of a school or in the vicinity of a juvenile, 41432
trafficking in a controlled substance analog is a felony of the 41433
fourth degree, and division (C) of section 2929.13 of the Revised 41434
Code applies in determining whether to impose a prison term on the 41435
offender. 41436

(c) Except as otherwise provided in this division, if the 41437
amount of the drug involved equals or exceeds ten grams but is 41438
less than twenty grams, trafficking in a controlled substance 41439
analog is a felony of the fourth degree, and division (B) of 41440
section 2929.13 of the Revised Code applies in determining whether 41441
to impose a prison term for the offense. If the amount of the drug 41442
involved is within that range and if the offense was committed in 41443
the vicinity of a school or in the vicinity of a juvenile, 41444
trafficking in a controlled substance analog is a felony of the 41445
third degree, and there is a presumption for a prison term for the 41446
offense. 41447

(d) Except as otherwise provided in this division, if the 41448

amount of the drug involved equals or exceeds twenty grams but is 41449
less than thirty grams, trafficking in a controlled substance 41450
analog is a felony of the third degree, and there is a presumption 41451
for a prison term for the offense. If the amount of the drug 41452
involved is within that range and if the offense was committed in 41453
the vicinity of a school or in the vicinity of a juvenile, 41454
trafficking in a controlled substance analog is a felony of the 41455
second degree, and there is a presumption for a prison term for 41456
the offense. 41457

(e) Except as otherwise provided in this division, if the 41458
amount of the drug involved equals or exceeds thirty grams but is 41459
less than forty grams, trafficking in a controlled substance 41460
analog is a felony of the second degree, and the court shall 41461
impose as a mandatory prison term one of the prison terms 41462
prescribed for a felony of the second degree. If the amount of the 41463
drug involved is within that range and if the offense was 41464
committed in the vicinity of a school or in the vicinity of a 41465
juvenile, trafficking in a controlled substance analog is a felony 41466
of the first degree, and the court shall impose as a mandatory 41467
prison term one of the prison terms prescribed for a felony of the 41468
first degree. 41469

(f) If the amount of the drug involved equals or exceeds 41470
forty grams but is less than fifty grams and regardless of whether 41471
the offense was committed in the vicinity of a school or in the 41472
vicinity of a juvenile, trafficking in a controlled substance 41473
analog is a felony of the first degree, and the court shall impose 41474
as a mandatory prison term one of the prison terms prescribed for 41475
a felony of the first degree. 41476

(g) If the amount of the drug involved equals or exceeds 41477
fifty grams and regardless of whether the offense was committed in 41478
the vicinity of a school or in the vicinity of a juvenile, 41479
trafficking in a controlled substance analog is a felony of the 41480

first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(D) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section shall do all of the following that are applicable regarding the offender:

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B)(1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. Except as otherwise provided in division (H)(1) of this section, a mandatory fine or any other fine imposed for a violation of this section is subject to division (F) of this section. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk of the court shall pay the forfeited bail pursuant to divisions (D)(1) and (F) of this section, as if the forfeited bail was a fine imposed for a violation of this section. If any amount of the forfeited bail remains after that payment and if a fine is imposed under division (H)(1) of this section, the clerk of the court shall pay the remaining amount of the forfeited bail pursuant to divisions (H)(2) and (3) of this section, as if that remaining amount was a fine imposed under division (H)(1) of this section.

(2) The court shall suspend the driver's or commercial driver's license or permit of the offender in accordance with

division (G) of this section. 41513

(3) If the offender is a professionally licensed person, the 41514
court immediately shall comply with section 2925.38 of the Revised 41515
Code. 41516

(E) When a person is charged with the sale of or offer to 41517
sell a bulk amount or a multiple of a bulk amount of a controlled 41518
substance, the jury, or the court trying the accused, shall 41519
determine the amount of the controlled substance involved at the 41520
time of the offense and, if a guilty verdict is returned, shall 41521
return the findings as part of the verdict. In any such case, it 41522
is unnecessary to find and return the exact amount of the 41523
controlled substance involved, and it is sufficient if the finding 41524
and return is to the effect that the amount of the controlled 41525
substance involved is the requisite amount, or that the amount of 41526
the controlled substance involved is less than the requisite 41527
amount. 41528

(F)(1) Notwithstanding any contrary provision of section 41529
3719.21 of the Revised Code and except as provided in division (H) 41530
of this section, the clerk of the court shall pay any mandatory 41531
fine imposed pursuant to division (D)(1) of this section and any 41532
fine other than a mandatory fine that is imposed for a violation 41533
of this section pursuant to division (A) or (B)(5) of section 41534
2929.18 of the Revised Code to the county, township, municipal 41535
corporation, park district, as created pursuant to section 511.18 41536
or 1545.04 of the Revised Code, or state law enforcement agencies 41537
in this state that primarily were responsible for or involved in 41538
making the arrest of, and in prosecuting, the offender. However, 41539
the clerk shall not pay a mandatory fine so imposed to a law 41540
enforcement agency unless the agency has adopted a written 41541
internal control policy under division (F)(2) of this section that 41542
addresses the use of the fine moneys that it receives. Each agency 41543
shall use the mandatory fines so paid to subsidize the agency's 41544

law enforcement efforts that pertain to drug offenses, in 41545
accordance with the written internal control policy adopted by the 41546
recipient agency under division (F)(2) of this section. 41547

(2)~~(a)~~ Prior to receiving any fine moneys under division 41548
(F)(1) of this section or division (B) of section 2925.42 of the 41549
Revised Code, a law enforcement agency shall adopt a written 41550
internal control policy that addresses the agency's use and 41551
disposition of all fine moneys so received and that provides for 41552
the keeping of detailed financial records of the receipts of those 41553
fine moneys, the general types of expenditures made out of those 41554
fine moneys, and the specific amount of each general type of 41555
expenditure. The policy shall not provide for or permit the 41556
identification of any specific expenditure that is made in an 41557
ongoing investigation. All financial records of the receipts of 41558
those fine moneys, the general types of expenditures made out of 41559
those fine moneys, and the specific amount of each general type of 41560
expenditure by an agency are public records open for inspection 41561
under section 149.43 of the Revised Code. Additionally, a written 41562
internal control policy adopted under this division is such a 41563
public record, and the agency that adopted it shall comply with 41564
it. 41565

~~(b) Each law enforcement agency that receives in any calendar 41566
year any fine moneys under division (F)(1) of this section or 41567
division (B) of section 2925.42 of the Revised Code shall prepare 41568
a report covering the calendar year that cumulates all of the 41569
information contained in all of the public financial records kept 41570
by the agency pursuant to division (F)(2)(a) of this section for 41571
that calendar year, and shall send a copy of the cumulative 41572
report, no later than the first day of March in the calendar year 41573
following the calendar year covered by the report, to the attorney 41574
general. Each report received by the attorney general is a public 41575
record open for inspection under section 149.43 of the Revised 41576~~

~~Code. Not later than the fifteenth day of April in the calendar year in which the reports are received, the attorney general shall send to the president of the senate and the speaker of the house of representatives a written notification that does all of the following:~~

~~(i) Indicates that the attorney general has received from law enforcement agencies reports of the type described in this division that cover the previous calendar year and indicates that the reports were received under this division;~~

~~(ii) Indicates that the reports are open for inspection under section 149.43 of the Revised Code;~~

~~(iii) Indicates that the attorney general will provide a copy of any or all of the reports to the president of the senate or the speaker of the house of representatives upon request.~~

(3) As used in division (F) of this section:

(a) "Law enforcement agencies" includes, but is not limited to, the state board of pharmacy and the office of a prosecutor.

(b) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(G) When required under division (D)(2) of this section or any other provision of this chapter, the court shall suspend for not less than six months or more than five years the driver's or commercial driver's license or permit of any person who is convicted of or pleads guilty to any violation of this section or any other specified provision of this chapter. If an offender's driver's or commercial driver's license or permit is suspended pursuant to this division, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed or from the day on which the offender finally was released from a prison term under the sentence, whichever is later, may file a motion with the sentencing court requesting

termination of the suspension; upon the filing of such a motion 41608
and the court's finding of good cause for the termination, the 41609
court may terminate the suspension. 41610

(H)(1) In addition to any prison term authorized or required 41611
by division (C) of this section and sections 2929.13 and 2929.14 41612
of the Revised Code, in addition to any other penalty or sanction 41613
imposed for the offense under this section or sections 2929.11 to 41614
2929.18 of the Revised Code, and in addition to the forfeiture of 41615
property in connection with the offense as prescribed in Chapter 41616
2981. of the Revised Code, the court that sentences an offender 41617
who is convicted of or pleads guilty to a violation of division 41618
(A) of this section may impose upon the offender an additional 41619
fine specified for the offense in division (B)(4) of section 41620
2929.18 of the Revised Code. A fine imposed under division (H)(1) 41621
of this section is not subject to division (F) of this section and 41622
shall be used solely for the support of one or more eligible 41623
~~alcohol and drug~~ community addiction programs services provider in 41624
accordance with divisions (H)(2) and (3) of this section. 41625

(2) The court that imposes a fine under division (H)(1) of 41626
this section shall specify in the judgment that imposes the fine 41627
one or more eligible ~~alcohol and drug~~ community addiction programs 41628
services provider for the support of which the fine money is to be 41629
used. No ~~alcohol and drug~~ community addiction program services 41630
provider shall receive or use money paid or collected in 41631
satisfaction of a fine imposed under division (H)(1) of this 41632
section unless the ~~program~~ services provider is specified in the 41633
judgment that imposes the fine. No ~~alcohol and drug~~ community 41634
~~addiction program~~ services provider shall be specified in the 41635
judgment unless the ~~program~~ services provider is an eligible 41636
~~alcohol and drug~~ community addiction program services provider 41637
and, except as otherwise provided in division (H)(2) of this 41638
section, unless the ~~program~~ services provider is located in the 41639

county in which the court that imposes the fine is located or in a 41640
county that is immediately contiguous to the county in which that 41641
court is located. If no eligible ~~alcohol and drug~~ community 41642
addiction ~~program~~ services provider is located in any of those 41643
counties, the judgment may specify an eligible ~~alcohol and drug~~ 41644
community addiction ~~program~~ services provider that is located 41645
anywhere within this state. 41646

(3) Notwithstanding any contrary provision of section 3719.21 41647
of the Revised Code, the clerk of the court shall pay any fine 41648
imposed under division (H)(1) of this section to the eligible 41649
~~alcohol and drug~~ community addiction ~~program~~ services provider 41650
specified pursuant to division (H)(2) of this section in the 41651
judgment. The eligible ~~alcohol and drug~~ community addiction 41652
~~program~~ services provider that receives the fine moneys shall use 41653
the moneys only for the alcohol and drug addiction services 41654
identified in the application for certification under section 41655
~~3793.06~~ 5119.36 of the Revised Code or in the application for a 41656
license under section ~~3793.11~~ 5119.39 of the Revised Code filed 41657
with the department of ~~alcohol and drug addiction services~~ mental 41658
health and addiction services by the ~~alcohol and drug~~ community 41659
addiction ~~program~~ services provider specified in the judgment. 41660

(4) Each ~~alcohol and drug~~ community addiction ~~program~~ 41661
services provider that receives in a calendar year any fine moneys 41662
under division (H)(3) of this section shall file an annual report 41663
covering that calendar year with the court of common pleas and the 41664
board of county commissioners of the county in which the ~~program~~ 41665
services provider is located, with the court of common pleas and 41666
the board of county commissioners of each county from which the 41667
~~program~~ services provider received the moneys if that county is 41668
different from the county in which the ~~program~~ services provider 41669
is located, and with the attorney general. The ~~alcohol and drug~~ 41670
community addiction ~~program~~ services provider shall file the 41671

report no later than the first day of March in the calendar year 41672
following the calendar year in which the ~~program services provider~~ 41673
received the fine moneys. The report shall include statistics on 41674
the number of persons served by the ~~alcohol and drug community~~ 41675
addiction ~~program services provider~~, identify the types of alcohol 41676
and drug addiction services provided to those persons, and include 41677
a specific accounting of the purposes for which the fine moneys 41678
received were used. No information contained in the report shall 41679
identify, or enable a person to determine the identity of, any 41680
person served by the ~~alcohol and drug community~~ addiction ~~program~~ 41681
~~services provider~~. Each report received by a court of common 41682
pleas, a board of county commissioners, or the attorney general is 41683
a public record open for inspection under section 149.43 of the 41684
Revised Code. 41685

(5) As used in divisions (H)(1) to (5) of this section: 41686

(a) "~~Alcohol and drug Community~~ addiction ~~program services~~ 41687
~~provider~~" and "alcohol and drug addiction services" have the same 41688
meanings as in section ~~3793.01~~ 5119.01 of the Revised Code. 41689

(b) "Eligible ~~alcohol and drug community~~ addiction ~~program~~ 41690
~~services provider~~" means ~~an alcohol and drug a community~~ addiction 41691
~~program services provider~~ that is certified under section ~~3793.06~~ 41692
5119.36 of the Revised Code or licensed under section ~~3793.11~~ 41693
5119.39 of the Revised Code by the department of ~~alcohol and drug~~ 41694
~~addiction services mental health and addiction services~~. 41695

(I) As used in this section, "drug" includes any substance 41696
that is represented to be a drug. 41697

(J) It is an affirmative defense to a charge of trafficking 41698
in a controlled substance analog under division (C)(8) of this 41699
section that the person charged with violating that offense sold 41700
or offered to sell, or prepared for shipment, shipped, 41701
transported, delivered, prepared for distribution, or distributed 41702

an item described in division (HH)(2)(a), (b), or (c) of section 41703
3719.01 of the Revised Code. 41704

Sec. 2929.13. (A) Except as provided in division (E), (F), or 41705
(G) of this section and unless a specific sanction is required to 41706
be imposed or is precluded from being imposed pursuant to law, a 41707
court that imposes a sentence upon an offender for a felony may 41708
impose any sanction or combination of sanctions on the offender 41709
that are provided in sections 2929.14 to 2929.18 of the Revised 41710
Code. 41711

If the offender is eligible to be sentenced to community 41712
control sanctions, the court shall consider the appropriateness of 41713
imposing a financial sanction pursuant to section 2929.18 of the 41714
Revised Code or a sanction of community service pursuant to 41715
section 2929.17 of the Revised Code as the sole sanction for the 41716
offense. Except as otherwise provided in this division, if the 41717
court is required to impose a mandatory prison term for the 41718
offense for which sentence is being imposed, the court also shall 41719
impose any financial sanction pursuant to section 2929.18 of the 41720
Revised Code that is required for the offense and may impose any 41721
other financial sanction pursuant to that section but may not 41722
impose any additional sanction or combination of sanctions under 41723
section 2929.16 or 2929.17 of the Revised Code. 41724

If the offender is being sentenced for a fourth degree felony 41725
OVI offense or for a third degree felony OVI offense, in addition 41726
to the mandatory term of local incarceration or the mandatory 41727
prison term required for the offense by division (G)(1) or (2) of 41728
this section, the court shall impose upon the offender a mandatory 41729
fine in accordance with division (B)(3) of section 2929.18 of the 41730
Revised Code and may impose whichever of the following is 41731
applicable: 41732

(1) For a fourth degree felony OVI offense for which sentence 41733

is imposed under division (G)(1) of this section, an additional 41734
community control sanction or combination of community control 41735
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 41736
the court imposes upon the offender a community control sanction 41737
and the offender violates any condition of the community control 41738
sanction, the court may take any action prescribed in division (B) 41739
of section 2929.15 of the Revised Code relative to the offender, 41740
including imposing a prison term on the offender pursuant to that 41741
division. 41742

(2) For a third or fourth degree felony OVI offense for which 41743
sentence is imposed under division (G)(2) of this section, an 41744
additional prison term as described in division (B)(4) of section 41745
2929.14 of the Revised Code or a community control sanction as 41746
described in division (G)(2) of this section. 41747

(B)(1)(a) Except as provided in division (B)(1)(b) of this 41748
section, if an offender is convicted of or pleads guilty to a 41749
felony of the fourth or fifth degree that is not an offense of 41750
violence or that is a qualifying assault offense, the court shall 41751
sentence the offender to a community control sanction of at least 41752
one year's duration if all of the following apply: 41753

(i) The offender previously has not been convicted of or 41754
pleaded guilty to a felony offense. 41755

(ii) The most serious charge against the offender at the time 41756
of sentencing is a felony of the fourth or fifth degree. 41757

(iii) If the court made a request of the department of 41758
rehabilitation and correction pursuant to division (B)(1)(c) of 41759
this section, the department, within the forty-five-day period 41760
specified in that division, provided the court with the names of, 41761
contact information for, and program details of one or more 41762
community control sanctions of at least one year's duration that 41763
are available for persons sentenced by the court. 41764

(iv) The offender previously has not been convicted of or
pleaded guilty to a misdemeanor offense of violence that the
offender committed within two years prior to the offense for which
sentence is being imposed.

(b) The court has discretion to impose a prison term upon an
offender who is convicted of or pleads guilty to a felony of the
fourth or fifth degree that is not an offense of violence or that
is a qualifying assault offense if any of the following apply:

(i) The offender committed the offense while having a firearm
on or about the offender's person or under the offender's control.

(ii) If the offense is a qualifying assault offense, the
offender caused serious physical harm to another person while
committing the offense, and, if the offense is not a qualifying
assault offense, the offender caused physical harm to another
person while committing the offense.

(iii) The offender violated a term of the conditions of bond
as set by the court.

(iv) The court made a request of the department of
rehabilitation and correction pursuant to division (B)(1)(c) of
this section, and the department, within the forty-five-day period
specified in that division, did not provide the court with the
name of, contact information for, and program details of any
community control sanction of at least one year's duration that is
available for persons sentenced by the court.

(v) The offense is a sex offense that is a fourth or fifth
degree felony violation of any provision of Chapter 2907. of the
Revised Code.

(vi) In committing the offense, the offender attempted to
cause or made an actual threat of physical harm to a person with a
deadly weapon.

(vii) In committing the offense, the offender attempted to 41795
cause or made an actual threat of physical harm to a person, and 41796
the offender previously was convicted of an offense that caused 41797
physical harm to a person. 41798

(viii) The offender held a public office or position of 41799
trust, and the offense related to that office or position; the 41800
offender's position obliged the offender to prevent the offense or 41801
to bring those committing it to justice; or the offender's 41802
professional reputation or position facilitated the offense or was 41803
likely to influence the future conduct of others. 41804

(ix) The offender committed the offense for hire or as part 41805
of an organized criminal activity. 41806

(x) The offender at the time of the offense was serving, or 41807
the offender previously had served, a prison term. 41808

(xi) The offender committed the offense while under a 41809
community control sanction, while on probation, or while released 41810
from custody on a bond or personal recognizance. 41811

(c) If a court that is sentencing an offender who is 41812
convicted of or pleads guilty to a felony of the fourth or fifth 41813
degree that is not an offense of violence or that is a qualifying 41814
assault offense believes that no community control sanctions are 41815
available for its use that, if imposed on the offender, will 41816
adequately fulfill the overriding principles and purposes of 41817
sentencing, the court shall contact the department of 41818
rehabilitation and correction and ask the department to provide 41819
the court with the names of, contact information for, and program 41820
details of one or more community control sanctions of at least one 41821
year's duration that are available for persons sentenced by the 41822
court. Not later than forty-five days after receipt of a request 41823
from a court under this division, the department shall provide the 41824
court with the names of, contact information for, and program 41825

details of one or more community control sanctions of at least one 41826
year's duration that are available for persons sentenced by the 41827
court, if any. Upon making a request under this division that 41828
relates to a particular offender, a court shall defer sentencing 41829
of that offender until it receives from the department the names 41830
of, contact information for, and program details of one or more 41831
community control sanctions of at least one year's duration that 41832
are available for persons sentenced by the court or for forty-five 41833
days, whichever is the earlier. 41834

If the department provides the court with the names of, 41835
contact information for, and program details of one or more 41836
community control sanctions of at least one year's duration that 41837
are available for persons sentenced by the court within the 41838
forty-five-day period specified in this division, the court shall 41839
impose upon the offender a community control sanction under 41840
division (B)(1)(a) of this section, except that the court may 41841
impose a prison term under division (B)(1)(b) of this section if a 41842
factor described in division (B)(1)(b)(i) or (ii) of this section 41843
applies. If the department does not provide the court with the 41844
names of, contact information for, and program details of one or 41845
more community control sanctions of at least one year's duration 41846
that are available for persons sentenced by the court within the 41847
forty-five-day period specified in this division, the court may 41848
impose upon the offender a prison term under division 41849
(B)(1)(b)(iv) of this section. 41850

(d) A sentencing court may impose an additional penalty under 41851
division (B) of section 2929.15 of the Revised Code upon an 41852
offender sentenced to a community control sanction under division 41853
(B)(1)(a) of this section if the offender violates the conditions 41854
of the community control sanction, violates a law, or leaves the 41855
state without the permission of the court or the offender's 41856
probation officer. 41857

(2) If division (B)(1) of this section does not apply, except 41858
as provided in division (E), (F), or (G) of this section, in 41859
determining whether to impose a prison term as a sanction for a 41860
felony of the fourth or fifth degree, the sentencing court shall 41861
comply with the purposes and principles of sentencing under 41862
section 2929.11 of the Revised Code and with section 2929.12 of 41863
the Revised Code. 41864

(C) Except as provided in division (D), (E), (F), or (G) of 41865
this section, in determining whether to impose a prison term as a 41866
sanction for a felony of the third degree or a felony drug offense 41867
that is a violation of a provision of Chapter 2925. of the Revised 41868
Code and that is specified as being subject to this division for 41869
purposes of sentencing, the sentencing court shall comply with the 41870
purposes and principles of sentencing under section 2929.11 of the 41871
Revised Code and with section 2929.12 of the Revised Code. 41872

(D)(1) Except as provided in division (E) or (F) of this 41873
section, for a felony of the first or second degree, for a felony 41874
drug offense that is a violation of any provision of Chapter 41875
2925., 3719., or 4729. of the Revised Code for which a presumption 41876
in favor of a prison term is specified as being applicable, and 41877
for a violation of division (A)(4) or (B) of section 2907.05 of 41878
the Revised Code for which a presumption in favor of a prison term 41879
is specified as being applicable, it is presumed that a prison 41880
term is necessary in order to comply with the purposes and 41881
principles of sentencing under section 2929.11 of the Revised 41882
Code. Division (D)(2) of this section does not apply to a 41883
presumption established under this division for a violation of 41884
division (A)(4) of section 2907.05 of the Revised Code. 41885

(2) Notwithstanding the presumption established under 41886
division (D)(1) of this section for the offenses listed in that 41887
division other than a violation of division (A)(4) or (B) of 41888
section 2907.05 of the Revised Code, the sentencing court may 41889

impose a community control sanction or a combination of community control sanctions instead of a prison term on an offender for a felony of the first or second degree or for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable if it makes both of the following findings:

(a) A community control sanction or a combination of community control sanctions would adequately punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a lesser likelihood of recidivism outweigh the applicable factors under that section indicating a greater likelihood of recidivism.

(b) A community control sanction or a combination of community control sanctions would not demean the seriousness of the offense, because one or more factors under section 2929.12 of the Revised Code that indicate that the offender's conduct was less serious than conduct normally constituting the offense are applicable, and they outweigh the applicable factors under that section that indicate that the offender's conduct was more serious than conduct normally constituting the offense.

(E)(1) Except as provided in division (F) of this section, for any drug offense that is a violation of any provision of Chapter 2925. of the Revised Code and that is a felony of the third, fourth, or fifth degree, the applicability of a presumption under division (D) of this section in favor of a prison term or of division (B) or (C) of this section in determining whether to impose a prison term for the offense shall be determined as specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code, whichever is applicable regarding the violation.

(2) If an offender who was convicted of or pleaded guilty to

a felony violates the conditions of a community control sanction 41922
imposed for the offense solely by reason of producing positive 41923
results on a drug test, the court, as punishment for the violation 41924
of the sanction, shall not order that the offender be imprisoned 41925
unless the court determines on the record either of the following: 41926

(a) The offender had been ordered as a sanction for the 41927
felony to participate in a drug treatment program, in a drug 41928
education program, or in narcotics anonymous or a similar program, 41929
and the offender continued to use illegal drugs after a reasonable 41930
period of participation in the program. 41931

(b) The imprisonment of the offender for the violation is 41932
consistent with the purposes and principles of sentencing set 41933
forth in section 2929.11 of the Revised Code. 41934

(3) A court that sentences an offender for a drug abuse 41935
offense that is a felony of the third, fourth, or fifth degree may 41936
require that the offender be assessed by a properly credentialed 41937
professional within a specified period of time. The court shall 41938
require the professional to file a written assessment of the 41939
offender with the court. If the offender is eligible for a 41940
community control sanction and after considering the written 41941
assessment, the court may impose a community control sanction that 41942
includes treatment and recovery support services authorized by 41943
section 3793.02 of the Revised Code. If the court imposes 41944
treatment and recovery support services as a community control 41945
sanction, the court shall direct the level and type of treatment 41946
and recovery support services after considering the assessment and 41947
recommendation of treatment and recovery support services 41948
providers. 41949

(F) Notwithstanding divisions (A) to (E) of this section, the 41950
court shall impose a prison term or terms under sections 2929.02 41951
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 41952
of the Revised Code and except as specifically provided in section 41953

2929.20, divisions (C) to (I) of section 2967.19, or section 41954
2967.191 of the Revised Code or when parole is authorized for the 41955
offense under section 2967.13 of the Revised Code shall not reduce 41956
the term or terms pursuant to section 2929.20, section 2967.19, 41957
section 2967.193, or any other provision of Chapter 2967. or 41958
Chapter 5120. of the Revised Code for any of the following 41959
offenses: 41960

(1) Aggravated murder when death is not imposed or murder; 41961

(2) Any rape, regardless of whether force was involved and 41962
regardless of the age of the victim, or an attempt to commit rape 41963
if, had the offender completed the rape that was attempted, the 41964
offender would have been guilty of a violation of division 41965
(A)(1)(b) of section 2907.02 of the Revised Code and would be 41966
sentenced under section 2971.03 of the Revised Code; 41967

(3) Gross sexual imposition or sexual battery, if the victim 41968
is less than thirteen years of age and if any of the following 41969
applies: 41970

(a) Regarding gross sexual imposition, the offender 41971
previously was convicted of or pleaded guilty to rape, the former 41972
offense of felonious sexual penetration, gross sexual imposition, 41973
or sexual battery, and the victim of the previous offense was less 41974
than thirteen years of age; 41975

(b) Regarding gross sexual imposition, the offense was 41976
committed on or after August 3, 2006, and evidence other than the 41977
testimony of the victim was admitted in the case corroborating the 41978
violation. 41979

(c) Regarding sexual battery, either of the following 41980
applies: 41981

(i) The offense was committed prior to August 3, 2006, the 41982
offender previously was convicted of or pleaded guilty to rape, 41983
the former offense of felonious sexual penetration, or sexual 41984

battery, and the victim of the previous offense was less than 41985
thirteen years of age. 41986

(ii) The offense was committed on or after August 3, 2006. 41987

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 41988
2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the Revised Code 41989
if the section requires the imposition of a prison term; 41990

(5) A first, second, or third degree felony drug offense for 41991
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 41992
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 41993
4729.99 of the Revised Code, whichever is applicable regarding the 41994
violation, requires the imposition of a mandatory prison term; 41995

(6) Any offense that is a first or second degree felony and 41996
that is not set forth in division (F)(1), (2), (3), or (4) of this 41997
section, if the offender previously was convicted of or pleaded 41998
guilty to aggravated murder, murder, any first or second degree 41999
felony, or an offense under an existing or former law of this 42000
state, another state, or the United States that is or was 42001
substantially equivalent to one of those offenses; 42002

(7) Any offense that is a third degree felony and either is a 42003
violation of section 2903.04 of the Revised Code or an attempt to 42004
commit a felony of the second degree that is an offense of 42005
violence and involved an attempt to cause serious physical harm to 42006
a person or that resulted in serious physical harm to a person if 42007
the offender previously was convicted of or pleaded guilty to any 42008
of the following offenses: 42009

(a) Aggravated murder, murder, involuntary manslaughter, 42010
rape, felonious sexual penetration as it existed under section 42011
2907.12 of the Revised Code prior to September 3, 1996, a felony 42012
of the first or second degree that resulted in the death of a 42013
person or in physical harm to a person, or complicity in or an 42014
attempt to commit any of those offenses; 42015

(b) An offense under an existing or former law of this state, 42016
another state, or the United States that is or was substantially 42017
equivalent to an offense listed in division (F)(7)(a) of this 42018
section that resulted in the death of a person or in physical harm 42019
to a person. 42020

(8) Any offense, other than a violation of section 2923.12 of 42021
the Revised Code, that is a felony, if the offender had a firearm 42022
on or about the offender's person or under the offender's control 42023
while committing the felony, with respect to a portion of the 42024
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 42025
of the Revised Code for having the firearm; 42026

(9) Any offense of violence that is a felony, if the offender 42027
wore or carried body armor while committing the felony offense of 42028
violence, with respect to the portion of the sentence imposed 42029
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 42030
Code for wearing or carrying the body armor; 42031

(10) Corrupt activity in violation of section 2923.32 of the 42032
Revised Code when the most serious offense in the pattern of 42033
corrupt activity that is the basis of the offense is a felony of 42034
the first degree; 42035

(11) Any violent sex offense or designated homicide, assault, 42036
or kidnapping offense if, in relation to that offense, the 42037
offender is adjudicated a sexually violent predator; 42038

(12) A violation of division (A)(1) or (2) of section 2921.36 42039
of the Revised Code, or a violation of division (C) of that 42040
section involving an item listed in division (A)(1) or (2) of that 42041
section, if the offender is an officer or employee of the 42042
department of rehabilitation and correction; 42043

(13) A violation of division (A)(1) or (2) of section 2903.06 42044
of the Revised Code if the victim of the offense is a peace 42045
officer, as defined in section 2935.01 of the Revised Code, or an 42046

investigator of the bureau of criminal identification and 42047
investigation, as defined in section 2903.11 of the Revised Code, 42048
with respect to the portion of the sentence imposed pursuant to 42049
division (B)(5) of section 2929.14 of the Revised Code; 42050

(14) A violation of division (A)(1) or (2) of section 2903.06 42051
of the Revised Code if the offender has been convicted of or 42052
pleaded guilty to three or more violations of division (A) or (B) 42053
of section 4511.19 of the Revised Code or an equivalent offense, 42054
as defined in section 2941.1415 of the Revised Code, or three or 42055
more violations of any combination of those divisions and 42056
offenses, with respect to the portion of the sentence imposed 42057
pursuant to division (B)(6) of section 2929.14 of the Revised 42058
Code; 42059

(15) Kidnapping, in the circumstances specified in section 42060
2971.03 of the Revised Code and when no other provision of 42061
division (F) of this section applies; 42062

(16) Kidnapping, abduction, compelling prostitution, 42063
promoting prostitution, engaging in a pattern of corrupt activity, 42064
illegal use of a minor in a nudity-oriented material or 42065
performance in violation of division (A)(1) or (2) of section 42066
2907.323 of the Revised Code, or endangering children in violation 42067
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 42068
the Revised Code, if the offender is convicted of or pleads guilty 42069
to a specification as described in section 2941.1422 of the 42070
Revised Code that was included in the indictment, count in the 42071
indictment, or information charging the offense; 42072

(17) A felony violation of division (A) or (B) of section 42073
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 42074
that section, and division (D)(6) of that section, require the 42075
imposition of a prison term; 42076

(18) A felony violation of section 2903.11, 2903.12, or 42077

2903.13 of the Revised Code, if the victim of the offense was a woman that the offender knew was pregnant at the time of the violation, with respect to a portion of the sentence imposed pursuant to division (B)(8) of section 2929.14 of the Revised Code.

(G) Notwithstanding divisions (A) to (E) of this section, if an offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, the court shall impose upon the offender a mandatory term of local incarceration or a mandatory prison term in accordance with the following:

(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G)(1)(d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility, and the offender shall serve the term in the type of facility specified by the court. A mandatory term of local incarceration imposed under division (G)(1) of this section is not subject to any other Revised Code provision that pertains to a prison term except as provided in division (A)(1) of this section.

(2) If the offender is being sentenced for a third degree felony OVI offense, or if the offender is being sentenced for a fourth degree felony OVI offense and the court does not impose a mandatory term of local incarceration under division (G)(1) of

this section, the court shall impose upon the offender a mandatory 42110
prison term of one, two, three, four, or five years if the 42111
offender also is convicted of or also pleads guilty to a 42112
specification of the type described in section 2941.1413 of the 42113
Revised Code or shall impose upon the offender a mandatory prison 42114
term of sixty days or one hundred twenty days as specified in 42115
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 42116
if the offender has not been convicted of and has not pleaded 42117
guilty to a specification of that type. Subject to divisions (C) 42118
to (I) of section 2967.19 of the Revised Code, the court shall not 42119
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 42120
any other provision of the Revised Code. The offender shall serve 42121
the one-, two-, three-, four-, or five-year mandatory prison term 42122
consecutively to and prior to the prison term imposed for the 42123
underlying offense and consecutively to any other mandatory prison 42124
term imposed in relation to the offense. In no case shall an 42125
offender who once has been sentenced to a mandatory term of local 42126
incarceration pursuant to division (G)(1) of this section for a 42127
fourth degree felony OVI offense be sentenced to another mandatory 42128
term of local incarceration under that division for any violation 42129
of division (A) of section 4511.19 of the Revised Code. In 42130
addition to the mandatory prison term described in division (G)(2) 42131
of this section, the court may sentence the offender to a 42132
community control sanction under section 2929.16 or 2929.17 of the 42133
Revised Code, but the offender shall serve the prison term prior 42134
to serving the community control sanction. The department of 42135
rehabilitation and correction may place an offender sentenced to a 42136
mandatory prison term under this division in an intensive program 42137
prison established pursuant to section 5120.033 of the Revised 42138
Code if the department gave the sentencing judge prior notice of 42139
its intent to place the offender in an intensive program prison 42140
established under that section and if the judge did not notify the 42141
department that the judge disapproved the placement. Upon the 42142

establishment of the initial intensive program prison pursuant to 42143
section 5120.033 of the Revised Code that is privately operated 42144
and managed by a contractor pursuant to a contract entered into 42145
under section 9.06 of the Revised Code, both of the following 42146
apply: 42147

(a) The department of rehabilitation and correction shall 42148
make a reasonable effort to ensure that a sufficient number of 42149
offenders sentenced to a mandatory prison term under this division 42150
are placed in the privately operated and managed prison so that 42151
the privately operated and managed prison has full occupancy. 42152

(b) Unless the privately operated and managed prison has full 42153
occupancy, the department of rehabilitation and correction shall 42154
not place any offender sentenced to a mandatory prison term under 42155
this division in any intensive program prison established pursuant 42156
to section 5120.033 of the Revised Code other than the privately 42157
operated and managed prison. 42158

(H) If an offender is being sentenced for a sexually oriented 42159
offense or child-victim oriented offense that is a felony 42160
committed on or after January 1, 1997, the judge shall require the 42161
offender to submit to a DNA specimen collection procedure pursuant 42162
to section 2901.07 of the Revised Code. 42163

(I) If an offender is being sentenced for a sexually oriented 42164
offense or a child-victim oriented offense committed on or after 42165
January 1, 1997, the judge shall include in the sentence a summary 42166
of the offender's duties imposed under sections 2950.04, 2950.041, 42167
2950.05, and 2950.06 of the Revised Code and the duration of the 42168
duties. The judge shall inform the offender, at the time of 42169
sentencing, of those duties and of their duration. If required 42170
under division (A)(2) of section 2950.03 of the Revised Code, the 42171
judge shall perform the duties specified in that section, or, if 42172
required under division (A)(6) of section 2950.03 of the Revised 42173
Code, the judge shall perform the duties specified in that 42174

division. 42175

(J)(1) Except as provided in division (J)(2) of this section, 42176
when considering sentencing factors under this section in relation 42177
to an offender who is convicted of or pleads guilty to an attempt 42178
to commit an offense in violation of section 2923.02 of the 42179
Revised Code, the sentencing court shall consider the factors 42180
applicable to the felony category of the violation of section 42181
2923.02 of the Revised Code instead of the factors applicable to 42182
the felony category of the offense attempted. 42183

(2) When considering sentencing factors under this section in 42184
relation to an offender who is convicted of or pleads guilty to an 42185
attempt to commit a drug abuse offense for which the penalty is 42186
determined by the amount or number of unit doses of the controlled 42187
substance involved in the drug abuse offense, the sentencing court 42188
shall consider the factors applicable to the felony category that 42189
the drug abuse offense attempted would be if that drug abuse 42190
offense had been committed and had involved an amount or number of 42191
unit doses of the controlled substance that is within the next 42192
lower range of controlled substance amounts than was involved in 42193
the attempt. 42194

(K) As used in this section: 42195

(1) "Drug abuse offense" has the same meaning as in section 42196
2925.01 of the Revised Code. 42197

(2) "Qualifying assault offense" means a violation of section 42198
2903.13 of the Revised Code for which the penalty provision in 42199
division (C)~~(7)~~(8)(b) or (C)~~(8)~~(9)(b) of that section applies. 42200

(L) At the time of sentencing an offender for any sexually 42201
oriented offense, if the offender is a tier III sex 42202
offender/child-victim offender relative to that offense and the 42203
offender does not serve a prison term or jail term, the court may 42204
require that the offender be monitored by means of a global 42205

positioning device. If the court requires such monitoring, the 42206
cost of monitoring shall be borne by the offender. If the offender 42207
is indigent, the cost of compliance shall be paid by the crime 42208
victims reparations fund. 42209

Sec. 2929.15. (A)(1) If in sentencing an offender for a 42210
felony the court is not required to impose a prison term, a 42211
mandatory prison term, or a term of life imprisonment upon the 42212
offender, the court may directly impose a sentence that consists 42213
of one or more community control sanctions authorized pursuant to 42214
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 42215
court is sentencing an offender for a fourth degree felony OVI 42216
offense under division (G)(1) of section 2929.13 of the Revised 42217
Code, in addition to the mandatory term of local incarceration 42218
imposed under that division and the mandatory fine required by 42219
division (B)(3) of section 2929.18 of the Revised Code, the court 42220
may impose upon the offender a community control sanction or 42221
combination of community control sanctions in accordance with 42222
sections 2929.16 and 2929.17 of the Revised Code. If the court is 42223
sentencing an offender for a third or fourth degree felony OVI 42224
offense under division (G)(2) of section 2929.13 of the Revised 42225
Code, in addition to the mandatory prison term or mandatory prison 42226
term and additional prison term imposed under that division, the 42227
court also may impose upon the offender a community control 42228
sanction or combination of community control sanctions under 42229
section 2929.16 or 2929.17 of the Revised Code, but the offender 42230
shall serve all of the prison terms so imposed prior to serving 42231
the community control sanction. 42232

The duration of all community control sanctions imposed upon 42233
an offender under this division shall not exceed five years. If 42234
the offender absconds or otherwise leaves the jurisdiction of the 42235
court in which the offender resides without obtaining permission 42236
from the court or the offender's probation officer to leave the 42237

jurisdiction of the court, or if the offender is confined in any 42238
institution for the commission of any offense while under a 42239
community control sanction, the period of the community control 42240
sanction ceases to run until the offender is brought before the 42241
court for its further action. If the court sentences the offender 42242
to one or more nonresidential sanctions under section 2929.17 of 42243
the Revised Code, the court shall impose as a condition of the 42244
nonresidential sanctions that, during the period of the sanctions, 42245
the offender must abide by the law and must not leave the state 42246
without the permission of the court or the offender's probation 42247
officer. The court may impose any other conditions of release 42248
under a community control sanction that the court considers 42249
appropriate, including, but not limited to, requiring that the 42250
offender not ingest or be injected with a drug of abuse and submit 42251
to random drug testing as provided in division (D) of this section 42252
to determine whether the offender ingested or was injected with a 42253
drug of abuse and requiring that the results of the drug test 42254
indicate that the offender did not ingest or was not injected with 42255
a drug of abuse. 42256

(2)(a) If a court sentences an offender to any community 42257
control sanction or combination of community control sanctions 42258
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 42259
Revised Code, the court shall place the offender under the general 42260
control and supervision of a department of probation in the county 42261
that serves the court for purposes of reporting to the court a 42262
violation of any condition of the sanctions, any condition of 42263
release under a community control sanction imposed by the court, a 42264
violation of law, or the departure of the offender from this state 42265
without the permission of the court or the offender's probation 42266
officer. Alternatively, if the offender resides in another county 42267
and a county department of probation has been established in that 42268
county or that county is served by a multicounty probation 42269
department established under section 2301.27 of the Revised Code, 42270

the court may request the court of common pleas of that county to 42271
receive the offender into the general control and supervision of 42272
that county or multicounty department of probation for purposes of 42273
reporting to the court a violation of any condition of the 42274
sanctions, any condition of release under a community control 42275
sanction imposed by the court, a violation of law, or the 42276
departure of the offender from this state without the permission 42277
of the court or the offender's probation officer, subject to the 42278
jurisdiction of the trial judge over and with respect to the 42279
person of the offender, and to the rules governing that department 42280
of probation. 42281

If there is no department of probation in the county that 42282
serves the court, the court shall place the offender, regardless 42283
of the offender's county of residence, under the general control 42284
and supervision of the adult parole authority for purposes of 42285
reporting to the court a violation of any of the sanctions, any 42286
condition of release under a community control sanction imposed by 42287
the court, a violation of law, or the departure of the offender 42288
from this state without the permission of the court or the 42289
offender's probation officer. 42290

(b) If the court imposing sentence upon an offender sentences 42291
the offender to any community control sanction or combination of 42292
community control sanctions authorized pursuant to section 42293
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 42294
offender violates any condition of the sanctions, any condition of 42295
release under a community control sanction imposed by the court, 42296
violates any law, or departs the state without the permission of 42297
the court or the offender's probation officer, the public or 42298
private person or entity that operates or administers the sanction 42299
or the program or activity that comprises the sanction shall 42300
report the violation or departure directly to the sentencing 42301
court, or shall report the violation or departure to the county or 42302

multicounty department of probation with general control and 42303
supervision over the offender under division (A)(2)(a) of this 42304
section or the officer of that department who supervises the 42305
offender, or, if there is no such department with general control 42306
and supervision over the offender under that division, to the 42307
adult parole authority. If the public or private person or entity 42308
that operates or administers the sanction or the program or 42309
activity that comprises the sanction reports the violation or 42310
departure to the county or multicounty department of probation or 42311
the adult parole authority, the department's or authority's 42312
officers may treat the offender as if the offender were on 42313
probation and in violation of the probation, and shall report the 42314
violation of the condition of the sanction, any condition of 42315
release under a community control sanction imposed by the court, 42316
the violation of law, or the departure from the state without the 42317
required permission to the sentencing court. 42318

(3) If an offender who is eligible for community control 42319
sanctions under this section admits to being drug addicted or the 42320
court has reason to believe that the offender is drug addicted, 42321
and if the offense for which the offender is being sentenced was 42322
related to the addiction, the court may require that the offender 42323
be assessed by a properly credentialed professional within a 42324
specified period of time and shall require the professional to 42325
file a written assessment of the offender with the court. If a 42326
court imposes treatment and recovery support services as a 42327
community control sanction, the court shall direct the level and 42328
type of treatment and recovery support services after 42329
consideration of the written assessment, if available at the time 42330
of sentencing, and recommendations of the professional and other 42331
treatment and recovery support services providers. 42332

(4) If an assessment completed pursuant to division (A)(3) of 42333
this section indicates that the offender is addicted to drugs or 42334

alcohol, the court may include in any community control sanction 42335
imposed for a violation of section 2925.02, 2925.03, 2925.04, 42336
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 42337
2925.37 of the Revised Code a requirement that the offender 42338
participate in a treatment and recovery support services program 42339
certified under section ~~3793.06~~ 5119.36 of the Revised Code or 42340
offered by another properly credentialed ~~program~~ community 42341
addiction services provider. 42342

(B)(1) If the conditions of a community control sanction are 42343
violated or if the offender violates a law or leaves the state 42344
without the permission of the court or the offender's probation 42345
officer, the sentencing court may impose upon the violator one or 42346
more of the following penalties: 42347

(a) A longer time under the same sanction if the total time 42348
under the sanctions does not exceed the five-year limit specified 42349
in division (A) of this section; 42350

(b) A more restrictive sanction under section 2929.16, 42351
2929.17, or 2929.18 of the Revised Code; 42352

(c) A prison term on the offender pursuant to section 2929.14 42353
of the Revised Code. 42354

(2) The prison term, if any, imposed upon a violator pursuant 42355
to this division shall be within the range of prison terms 42356
available for the offense for which the sanction that was violated 42357
was imposed and shall not exceed the prison term specified in the 42358
notice provided to the offender at the sentencing hearing pursuant 42359
to division (B)(2) of section 2929.19 of the Revised Code. The 42360
court may reduce the longer period of time that the offender is 42361
required to spend under the longer sanction, the more restrictive 42362
sanction, or a prison term imposed pursuant to this division by 42363
the time the offender successfully spent under the sanction that 42364
was initially imposed. 42365

(C) If an offender, for a significant period of time, 42366
fulfills the conditions of a sanction imposed pursuant to section 42367
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 42368
manner, the court may reduce the period of time under the sanction 42369
or impose a less restrictive sanction, but the court shall not 42370
permit the offender to violate any law or permit the offender to 42371
leave the state without the permission of the court or the 42372
offender's probation officer. 42373

(D)(1) If a court under division (A)(1) of this section 42374
imposes a condition of release under a community control sanction 42375
that requires the offender to submit to random drug testing, the 42376
department of probation or the adult parole authority that has 42377
general control and supervision of the offender under division 42378
(A)(2)(a) of this section may cause the offender to submit to 42379
random drug testing performed by a laboratory or entity that has 42380
entered into a contract with any of the governmental entities or 42381
officers authorized to enter into a contract with that laboratory 42382
or entity under section 341.26, 753.33, or 5120.63 of the Revised 42383
Code. 42384

(2) If no laboratory or entity described in division (D)(1) 42385
of this section has entered into a contract as specified in that 42386
division, the department of probation or the adult parole 42387
authority that has general control and supervision of the offender 42388
under division (A)(2)(a) of this section shall cause the offender 42389
to submit to random drug testing performed by a reputable public 42390
laboratory to determine whether the individual who is the subject 42391
of the drug test ingested or was injected with a drug of abuse. 42392

(3) A laboratory or entity that has entered into a contract 42393
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 42394
shall perform the random drug tests under division (D)(1) of this 42395
section in accordance with the applicable standards that are 42396
included in the terms of that contract. A public laboratory shall 42397

perform the random drug tests under division (D)(2) of this 42398
section in accordance with the standards set forth in the policies 42399
and procedures established by the department of rehabilitation and 42400
correction pursuant to section 5120.63 of the Revised Code. An 42401
offender who is required under division (A)(1) of this section to 42402
submit to random drug testing as a condition of release under a 42403
community control sanction and whose test results indicate that 42404
the offender ingested or was injected with a drug of abuse shall 42405
pay the fee for the drug test if the department of probation or 42406
the adult parole authority that has general control and 42407
supervision of the offender requires payment of a fee. A 42408
laboratory or entity that performs the random drug testing on an 42409
offender under division (D)(1) or (2) of this section shall 42410
transmit the results of the drug test to the appropriate 42411
department of probation or the adult parole authority that has 42412
general control and supervision of the offender under division 42413
(A)(2)(a) of this section. 42414

Sec. 2929.18. (A) Except as otherwise provided in this 42415
division and in addition to imposing court costs pursuant to 42416
section 2947.23 of the Revised Code, the court imposing a sentence 42417
upon an offender for a felony may sentence the offender to any 42418
financial sanction or combination of financial sanctions 42419
authorized under this section or, in the circumstances specified 42420
in section 2929.32 of the Revised Code, may impose upon the 42421
offender a fine in accordance with that section. Financial 42422
sanctions that may be imposed pursuant to this section include, 42423
but are not limited to, the following: 42424

(1) Restitution by the offender to the victim of the 42425
offender's crime or any survivor of the victim, in an amount based 42426
on the victim's economic loss. If the court imposes restitution, 42427
the court shall order that the restitution be made to the victim 42428
in open court, to the adult probation department that serves the 42429

county on behalf of the victim, to the clerk of courts, or to 42430
another agency designated by the court. If the court imposes 42431
restitution, at sentencing, the court shall determine the amount 42432
of restitution to be made by the offender. If the court imposes 42433
restitution, the court may base the amount of restitution it 42434
orders on an amount recommended by the victim, the offender, a 42435
presentence investigation report, estimates or receipts indicating 42436
the cost of repairing or replacing property, and other 42437
information, provided that the amount the court orders as 42438
restitution shall not exceed the amount of the economic loss 42439
suffered by the victim as a direct and proximate result of the 42440
commission of the offense. If the court decides to impose 42441
restitution, the court shall hold a hearing on restitution if the 42442
offender, victim, or survivor disputes the amount. All restitution 42443
payments shall be credited against any recovery of economic loss 42444
in a civil action brought by the victim or any survivor of the 42445
victim against the offender. 42446

If the court imposes restitution, the court may order that 42447
the offender pay a surcharge of not more than five per cent of the 42448
amount of the restitution otherwise ordered to the entity 42449
responsible for collecting and processing restitution payments. 42450

The victim or survivor may request that the prosecutor in the 42451
case file a motion, or the offender may file a motion, for 42452
modification of the payment terms of any restitution ordered. If 42453
the court grants the motion, it may modify the payment terms as it 42454
determines appropriate. 42455

(2) Except as provided in division (B)(1), (3), or (4) of 42456
this section, a fine payable by the offender to the state, to a 42457
political subdivision, or as described in division (B)(2) of this 42458
section to one or more law enforcement agencies, with the amount 42459
of the fine based on a standard percentage of the offender's daily 42460
income over a period of time determined by the court and based 42461

upon the seriousness of the offense. A fine ordered under this 42462
division shall not exceed the maximum conventional fine amount 42463
authorized for the level of the offense under division (A)(3) of 42464
this section. 42465

(3) Except as provided in division (B)(1), (3), or (4) of 42466
this section, a fine payable by the offender to the state, to a 42467
political subdivision when appropriate for a felony, or as 42468
described in division (B)(2) of this section to one or more law 42469
enforcement agencies, in the following amount: 42470

(a) For a felony of the first degree, not more than twenty 42471
thousand dollars; 42472

(b) For a felony of the second degree, not more than fifteen 42473
thousand dollars; 42474

(c) For a felony of the third degree, not more than ten 42475
thousand dollars; 42476

(d) For a felony of the fourth degree, not more than five 42477
thousand dollars; 42478

(e) For a felony of the fifth degree, not more than two 42479
thousand five hundred dollars. 42480

(4) A state fine or costs as defined in section 2949.111 of 42481
the Revised Code. 42482

(5)(a) Reimbursement by the offender of any or all of the 42483
costs of sanctions incurred by the government, including the 42484
following: 42485

(i) All or part of the costs of implementing any community 42486
control sanction, including a supervision fee under section 42487
2951.021 of the Revised Code; 42488

(ii) All or part of the costs of confinement under a sanction 42489
imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the 42490
Revised Code, provided that the amount of reimbursement ordered 42491

under this division shall not exceed the total amount of 42492
reimbursement the offender is able to pay as determined at a 42493
hearing and shall not exceed the actual cost of the confinement; 42494

(iii) All or part of the cost of purchasing and using an 42495
immobilizing or disabling device, including a certified ignition 42496
interlock device, or a remote alcohol monitoring device that a 42497
court orders an offender to use under section 4510.13 of the 42498
Revised Code. 42499

(b) If the offender is sentenced to a sanction of confinement 42500
pursuant to section 2929.14 or 2929.16 of the Revised Code that is 42501
to be served in a facility operated by a board of county 42502
commissioners, a legislative authority of a municipal corporation, 42503
or another local governmental entity, if, pursuant to section 42504
307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, 42505
or 2947.19 of the Revised Code and section 2929.37 of the Revised 42506
Code, the board, legislative authority, or other local 42507
governmental entity requires prisoners to reimburse the county, 42508
municipal corporation, or other entity for its expenses incurred 42509
by reason of the prisoner's confinement, and if the court does not 42510
impose a financial sanction under division (A)(5)(a)(ii) of this 42511
section, confinement costs may be assessed pursuant to section 42512
2929.37 of the Revised Code. In addition, the offender may be 42513
required to pay the fees specified in section 2929.38 of the 42514
Revised Code in accordance with that section. 42515

(c) Reimbursement by the offender for costs pursuant to 42516
section 2929.71 of the Revised Code. 42517

(B)(1) For a first, second, or third degree felony violation 42518
of any provision of Chapter 2925., 3719., or 4729. of the Revised 42519
Code, the sentencing court shall impose upon the offender a 42520
mandatory fine of at least one-half of, but not more than, the 42521
maximum statutory fine amount authorized for the level of the 42522
offense pursuant to division (A)(3) of this section. If an 42523

offender alleges in an affidavit filed with the court prior to 42524
sentencing that the offender is indigent and unable to pay the 42525
mandatory fine and if the court determines the offender is an 42526
indigent person and is unable to pay the mandatory fine described 42527
in this division, the court shall not impose the mandatory fine 42528
upon the offender. 42529

(2) Any mandatory fine imposed upon an offender under 42530
division (B)(1) of this section and any fine imposed upon an 42531
offender under division (A)(2) or (3) of this section for any 42532
fourth or fifth degree felony violation of any provision of 42533
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 42534
to law enforcement agencies pursuant to division (F) of section 42535
2925.03 of the Revised Code. 42536

(3) For a fourth degree felony OVI offense and for a third 42537
degree felony OVI offense, the sentencing court shall impose upon 42538
the offender a mandatory fine in the amount specified in division 42539
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 42540
is applicable. The mandatory fine so imposed shall be disbursed as 42541
provided in the division pursuant to which it is imposed. 42542

(4) Notwithstanding any fine otherwise authorized or required 42543
to be imposed under division (A)(2) or (3) or (B)(1) of this 42544
section or section 2929.31 of the Revised Code for a violation of 42545
section 2925.03 of the Revised Code, in addition to any penalty or 42546
sanction imposed for that offense under section 2925.03 or 42547
sections 2929.11 to 2929.18 of the Revised Code and in addition to 42548
the forfeiture of property in connection with the offense as 42549
prescribed in Chapter 2981. of the Revised Code, the court that 42550
sentences an offender for a violation of section 2925.03 of the 42551
Revised Code may impose upon the offender a fine in addition to 42552
any fine imposed under division (A)(2) or (3) of this section and 42553
in addition to any mandatory fine imposed under division (B)(1) of 42554
this section. The fine imposed under division (B)(4) of this 42555

section shall be used as provided in division (H) of section 42556
2925.03 of the Revised Code. A fine imposed under division (B)(4) 42557
of this section shall not exceed whichever of the following is 42558
applicable: 42559

(a) The total value of any personal or real property in which 42560
the offender has an interest and that was used in the course of, 42561
intended for use in the course of, derived from, or realized 42562
through conduct in violation of section 2925.03 of the Revised 42563
Code, including any property that constitutes proceeds derived 42564
from that offense; 42565

(b) If the offender has no interest in any property of the 42566
type described in division (B)(4)(a) of this section or if it is 42567
not possible to ascertain whether the offender has an interest in 42568
any property of that type in which the offender may have an 42569
interest, the amount of the mandatory fine for the offense imposed 42570
under division (B)(1) of this section or, if no mandatory fine is 42571
imposed under division (B)(1) of this section, the amount of the 42572
fine authorized for the level of the offense imposed under 42573
division (A)(3) of this section. 42574

(5) Prior to imposing a fine under division (B)(4) of this 42575
section, the court shall determine whether the offender has an 42576
interest in any property of the type described in division 42577
(B)(4)(a) of this section. Except as provided in division (B)(6) 42578
or (7) of this section, a fine that is authorized and imposed 42579
under division (B)(4) of this section does not limit or affect the 42580
imposition of the penalties and sanctions for a violation of 42581
section 2925.03 of the Revised Code prescribed under those 42582
sections or sections 2929.11 to 2929.18 of the Revised Code and 42583
does not limit or affect a forfeiture of property in connection 42584
with the offense as prescribed in Chapter 2981. of the Revised 42585
Code. 42586

(6) If the sum total of a mandatory fine amount imposed for a 42587

first, second, or third degree felony violation of section 2925.03 42588
of the Revised Code under division (B)(1) of this section plus the 42589
amount of any fine imposed under division (B)(4) of this section 42590
does not exceed the maximum statutory fine amount authorized for 42591
the level of the offense under division (A)(3) of this section or 42592
section 2929.31 of the Revised Code, the court may impose a fine 42593
for the offense in addition to the mandatory fine and the fine 42594
imposed under division (B)(4) of this section. The sum total of 42595
the amounts of the mandatory fine, the fine imposed under division 42596
(B)(4) of this section, and the additional fine imposed under 42597
division (B)(6) of this section shall not exceed the maximum 42598
statutory fine amount authorized for the level of the offense 42599
under division (A)(3) of this section or section 2929.31 of the 42600
Revised Code. The clerk of the court shall pay any fine that is 42601
imposed under division (B)(6) of this section to the county, 42602
township, municipal corporation, park district as created pursuant 42603
to section 511.18 or 1545.04 of the Revised Code, or state law 42604
enforcement agencies in this state that primarily were responsible 42605
for or involved in making the arrest of, and in prosecuting, the 42606
offender pursuant to division (F) of section 2925.03 of the 42607
Revised Code. 42608

(7) If the sum total of the amount of a mandatory fine 42609
imposed for a first, second, or third degree felony violation of 42610
section 2925.03 of the Revised Code plus the amount of any fine 42611
imposed under division (B)(4) of this section exceeds the maximum 42612
statutory fine amount authorized for the level of the offense 42613
under division (A)(3) of this section or section 2929.31 of the 42614
Revised Code, the court shall not impose a fine under division 42615
(B)(6) of this section. 42616

(8)(a) If an offender who is convicted of or pleads guilty to 42617
a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 42618
2923.32, division (A)(1) or (2) of section 2907.323, or division 42619

(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code also is convicted of or pleads guilty to a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking, the sentencing court shall sentence the offender to a financial sanction of restitution by the offender to the victim or any survivor of the victim, with the restitution including the costs of housing, counseling, and medical and legal assistance incurred by the victim as a direct result of the offense and the greater of the following:

(i) The gross income or value to the offender of the victim's labor or services;

(ii) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and state labor laws.

(b) If a court imposing sentence upon an offender for a felony is required to impose upon the offender a financial sanction of restitution under division (B)(8)(a) of this section, in addition to that financial sanction of restitution, the court may sentence the offender to any other financial sanction or combination of financial sanctions authorized under this section, including a restitution sanction under division (A)(1) of this section.

(9) In addition to any other fine that is or may be imposed under this section, the court imposing sentence upon an offender for a felony that is a sexually oriented offense or a child-victim oriented offense, as those terms are defined in section 2950.01 of the Revised Code, may impose a fine of not less than fifty nor more than five hundred dollars.

(C)(1) The offender shall pay reimbursements imposed upon the

offender pursuant to division (A)(5)(a) of this section to pay the 42651
costs incurred by the department of rehabilitation and correction 42652
in operating a prison or other facility used to confine offenders 42653
pursuant to sanctions imposed under section 2929.14, 2929.142, or 42654
2929.16 of the Revised Code to the treasurer of state. The 42655
treasurer of state shall deposit the reimbursements in the 42656
confinement cost reimbursement fund that is hereby created in the 42657
state treasury. The department of rehabilitation and correction 42658
shall use the amounts deposited in the fund to fund the operation 42659
of facilities used to confine offenders pursuant to sections 42660
2929.14, 2929.142, and 2929.16 of the Revised Code. 42661

(2) Except as provided in section 2951.021 of the Revised 42662
Code, the offender shall pay reimbursements imposed upon the 42663
offender pursuant to division (A)(5)(a) of this section to pay the 42664
costs incurred by a county pursuant to any sanction imposed under 42665
this section or section 2929.16 or 2929.17 of the Revised Code or 42666
in operating a facility used to confine offenders pursuant to a 42667
sanction imposed under section 2929.16 of the Revised Code to the 42668
county treasurer. The county treasurer shall deposit the 42669
reimbursements in the sanction cost reimbursement fund that each 42670
board of county commissioners shall create in its county treasury. 42671
The county shall use the amounts deposited in the fund to pay the 42672
costs incurred by the county pursuant to any sanction imposed 42673
under this section or section 2929.16 or 2929.17 of the Revised 42674
Code or in operating a facility used to confine offenders pursuant 42675
to a sanction imposed under section 2929.16 of the Revised Code. 42676

(3) Except as provided in section 2951.021 of the Revised 42677
Code, the offender shall pay reimbursements imposed upon the 42678
offender pursuant to division (A)(5)(a) of this section to pay the 42679
costs incurred by a municipal corporation pursuant to any sanction 42680
imposed under this section or section 2929.16 or 2929.17 of the 42681
Revised Code or in operating a facility used to confine offenders 42682

pursuant to a sanction imposed under section 2929.16 of the Revised Code to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in a special fund that shall be established in the treasury of each municipal corporation. The municipal corporation shall use the amounts deposited in the fund to pay the costs incurred by the municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(4) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed pursuant to division (A)(5)(a) of this section for the costs incurred by a private provider pursuant to a sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code to the provider.

(D) Except as otherwise provided in this division, a financial sanction imposed pursuant to division (A) or (B) of this section is a judgment in favor of the state or a political subdivision in which the court that imposed the financial sanction is located, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (A)(5)(a)(ii) of this section upon an offender who is incarcerated in a state facility or a municipal jail is a judgment in favor of the state or the municipal corporation, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed upon an offender pursuant to this section for costs incurred by a private provider of sanctions is a judgment in favor of the private provider, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of restitution imposed pursuant to division (A)(1) or (B)(8) of this section is an order in favor of the victim of the offender's

criminal act that can be collected through a certificate of 42715
judgment as described in division (D)(1) of this section, through 42716
execution as described in division (D)(2) of this section, or 42717
through an order as described in division (D)(3) of this section, 42718
and the offender shall be considered for purposes of the 42719
collection as the judgment debtor. Imposition of a financial 42720
sanction and execution on the judgment does not preclude any other 42721
power of the court to impose or enforce sanctions on the offender. 42722
Once the financial sanction is imposed as a judgment or order 42723
under this division, the victim, private provider, state, or 42724
political subdivision may do any of the following: 42725

(1) Obtain from the clerk of the court in which the judgment 42726
was entered a certificate of judgment that shall be in the same 42727
manner and form as a certificate of judgment issued in a civil 42728
action; 42729

(2) Obtain execution of the judgment or order through any 42730
available procedure, including: 42731

(a) An execution against the property of the judgment debtor 42732
under Chapter 2329. of the Revised Code; 42733

(b) An execution against the person of the judgment debtor 42734
under Chapter 2331. of the Revised Code; 42735

(c) A proceeding in aid of execution under Chapter 2333. of 42736
the Revised Code, including: 42737

(i) A proceeding for the examination of the judgment debtor 42738
under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 42739
of the Revised Code; 42740

(ii) A proceeding for attachment of the person of the 42741
judgment debtor under section 2333.28 of the Revised Code; 42742

(iii) A creditor's suit under section 2333.01 of the Revised 42743
Code. 42744

(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	42745 42746
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	42747 42748
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	42749 42750
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	42751 42752 42753 42754
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code.	42755 42756 42757 42758 42759 42760 42761 42762 42763 42764 42765 42766 42767
(G) If a court that imposes a financial sanction under division (A) or (B) of this section finds that an offender satisfactorily has completed all other sanctions imposed upon the offender and that all restitution that has been ordered has been paid as ordered, the court may suspend any financial sanctions imposed pursuant to this section or section 2929.32 of the Revised Code that have not been paid.	42768 42769 42770 42771 42772 42773 42774
(H) No financial sanction imposed under this section or	42775

section 2929.32 of the Revised Code shall preclude a victim from 42776
bringing a civil action against the offender. 42777

Sec. 2930.01. As used in this chapter: 42778

(A) "Crime" means any of the following: 42779

(1) A felony; 42780

(2) A violation of section 2903.05, 2903.06, 2903.13, 42781
2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the 42782
Revised Code, a violation of section 2903.07 of the Revised Code 42783
as it existed prior to March 23, 2000, or a violation of a 42784
substantially equivalent municipal ordinance; 42785

(3) A violation of division (A) or (B) of section 4511.19, 42786
division (A) or (B) of section 1547.11, or division (A)(3) of 42787
section 4561.15 of the Revised Code or of a municipal ordinance 42788
substantially similar to any of those divisions that is the 42789
proximate cause of a vehicle, streetcar, trackless trolley, 42790
aquatic device, or aircraft accident in which the victim receives 42791
injuries for which the victim receives medical treatment either at 42792
the scene of the accident by emergency medical services personnel 42793
or at a hospital, ambulatory care facility, physician's office, 42794
specialist's office, or other medical care facility. 42795

(4) A motor vehicle accident to which both of the following 42796
apply: 42797

(a) The motor vehicle accident is caused by a violation of a 42798
provision of the Revised Code that is a misdemeanor of the first 42799
degree or higher. 42800

(b) As a result of the motor vehicle accident, the victim 42801
receives injuries for which the victim receives medical treatment 42802
either at the scene of the accident by emergency medical services 42803
personnel or at a hospital, ambulatory care facility, physician's 42804
office, specialist's office, or other medical care facility. 42805

- (B) "Custodial agency" means one of the following: 42806
- (1) The entity that has custody of a defendant or an alleged 42807
juvenile offender who is incarcerated for a crime, is under 42808
detention for the commission of a specified delinquent act, or who 42809
is detained after a finding of incompetence to stand trial or not 42810
guilty by reason of insanity relative to a crime, including any of 42811
the following: 42812
- (a) The department of rehabilitation and correction or the 42813
adult parole authority; 42814
- (b) A county sheriff; 42815
- (c) The entity that administers a jail, as defined in section 42816
2929.01 of the Revised Code; 42817
- (d) The entity that administers a community-based 42818
correctional facility and program or a district community-based 42819
correctional facility and program; 42820
- (e) The department of ~~mental health~~ mental health and 42821
addiction services or other entity to which a defendant found 42822
incompetent to stand trial or not guilty by reason of insanity is 42823
committed. 42824
- (2) The entity that has custody of an alleged juvenile 42825
offender pursuant to an order of disposition of a juvenile court, 42826
including the department of youth services or a school, camp, 42827
institution, or other facility operated for the care of delinquent 42828
children. 42829
- (C) "Defendant" means a person who is alleged to be the 42830
perpetrator of a crime in a police report or in a complaint, 42831
indictment, or information that charges the commission of a crime 42832
and that provides the basis for the criminal prosecution and 42833
subsequent proceedings to which this chapter makes reference. 42834
- (D) "Member of the victim's family" means a spouse, child, 42835

stepchild, sibling, parent, stepparent, grandparent, or other 42836
relative of a victim but does not include a person who is charged 42837
with, convicted of, or adjudicated to be a delinquent child for 42838
the crime or specified delinquent act against the victim or 42839
another crime or specified delinquent act arising from the same 42840
conduct, criminal episode, or plan. 42841

(E) "Prosecutor" means one of the following: 42842

(1) With respect to a criminal case, it has the same meaning 42843
as in section 2935.01 of the Revised Code and also includes the 42844
attorney general and, when appropriate, the employees of any 42845
person listed in section 2935.01 of the Revised Code or of the 42846
attorney general. 42847

(2) With respect to a delinquency proceeding, it includes any 42848
person listed in division (C) of section 2935.01 of the Revised 42849
Code or an employee of a person listed in that division who 42850
prosecutes a delinquency proceeding. 42851

(F) "Public agency" means an office, agency, department, 42852
bureau, or other governmental entity of the state or of a 42853
political subdivision of the state. 42854

(G) "Public official" has the same meaning as in section 42855
2921.01 of the Revised Code. 42856

(H) "Victim" means either of the following: 42857

(1) A person who is identified as the victim of a crime or 42858
specified delinquent act in a police report or in a complaint, 42859
indictment, or information that charges the commission of a crime 42860
and that provides the basis for the criminal prosecution or 42861
delinquency proceeding and subsequent proceedings to which this 42862
chapter makes reference. 42863

(2) A person who receives injuries as a result of a vehicle, 42864
streetcar, trackless trolley, aquatic device, or aircraft accident 42865

that is proximately caused by a violation described in division 42866
(A)(3) of this section or a motor vehicle accident that is 42867
proximately caused by a violation described in division (A)(4) of 42868
this section and who receives medical treatment as described in 42869
division (A)(3) or (4) of this section, whichever is applicable. 42870

(I) "Victim's representative" means a member of the victim's 42871
family or another person who pursuant to the authority of section 42872
2930.02 of the Revised Code exercises the rights of a victim under 42873
this chapter. 42874

(J) "Court" means a court of common pleas, juvenile court, 42875
municipal court, or county court. 42876

(K) "Delinquency proceeding" means all proceedings in a 42877
juvenile court that are related to a case in which a complaint has 42878
been filed alleging that a child is a delinquent child. 42879

(L) "Case" means a delinquency proceeding and all related 42880
activity or a criminal prosecution and all related activity. 42881

(M) The "defense" means the defense against criminal charges 42882
in a criminal prosecution or the defense against a delinquent 42883
child complaint in a delinquency proceeding. 42884

(N) The "prosecution" means the prosecution of criminal 42885
charges in a criminal prosecution or the prosecution of a 42886
delinquent child complaint in a delinquency proceeding. 42887

(O) "Specified delinquent act" means any of the following: 42888

(1) An act committed by a child that if committed by an adult 42889
would be a felony; 42890

(2) An act committed by a child that is a violation of a 42891
section listed in division (A)(1) or (2) of this section or is a 42892
violation of a substantially equivalent municipal ordinance; 42893

(3) An act committed by a child that is described in division 42894
(A)(3) or (4) of this section. 42895

(P)(1) "Alleged juvenile offender" means a child who is 42896
alleged to have committed a specified delinquent act in a police 42897
report or in a complaint in juvenile court that charges the 42898
commission of a specified delinquent act and that provides the 42899
basis for the delinquency proceeding and all subsequent 42900
proceedings to which this chapter makes reference. 42901

(2) As used in divisions (O) and (P)(1) of this section, 42902
"child" has the same meaning as in section 2151.011 of the Revised 42903
Code. 42904

(Q) "Motor vehicle accident" means any accident involving a 42905
motor vehicle. 42906

(R) "Motor vehicle" has the same meaning as in section 42907
4509.01 of the Revised Code. 42908

(S) "Aircraft" has the same meaning as in section 4561.01 of 42909
the Revised Code. 42910

(T) "Aquatic device" means any vessel, or any water skis, 42911
aquaplane, or similar device. 42912

(U) "Vehicle," "streetcar," and "trackless trolley" have the 42913
same meanings as in section 4511.01 of the Revised Code. 42914

(V) "Vehicle, streetcar, trackless trolley, aquatic device, 42915
or aircraft accident" means any accident involving a vehicle, 42916
streetcar, trackless trolley, aquatic device, or aircraft. 42917

(W) "Vessel" has the same meaning as in section 1547.01 of 42918
the Revised Code. 42919

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 42920
deputy marshal, municipal police officer, township constable, 42921
police officer of a township or joint police district, member of a 42922
police force employed by a metropolitan housing authority under 42923
division (D) of section 3735.31 of the Revised Code, member of a 42924
police force employed by a regional transit authority under 42925

division (Y) of section 306.35 of the Revised Code, state 42926
university law enforcement officer appointed under section 3345.04 42927
of the Revised Code, veterans' home police officer appointed under 42928
section 5907.02 of the Revised Code, special police officer 42929
employed by a port authority under section 4582.04 or 4582.28 of 42930
the Revised Code, or a special police officer employed by a 42931
municipal corporation at a municipal airport, or other municipal 42932
air navigation facility, that has scheduled operations, as defined 42933
in section 119.3 of Title 14 of the Code of Federal Regulations, 42934
14 C.F.R. 119.3, as amended, and that is required to be under a 42935
security program and is governed by aviation security rules of the 42936
transportation security administration of the United States 42937
department of transportation as provided in Parts 1542. and 1544. 42938
of Title 49 of the Code of Federal Regulations, as amended, shall 42939
arrest and detain, until a warrant can be obtained, a person found 42940
violating, within the limits of the political subdivision, 42941
metropolitan housing authority housing project, regional transit 42942
authority facilities or areas of a municipal corporation that have 42943
been agreed to by a regional transit authority and a municipal 42944
corporation located within its territorial jurisdiction, college, 42945
university, veterans' home operated under Chapter 5907. of the 42946
Revised Code, port authority, or municipal airport or other 42947
municipal air navigation facility, in which the peace officer is 42948
appointed, employed, or elected, a law of this state, an ordinance 42949
of a municipal corporation, or a resolution of a township. 42950

(2) A peace officer of the department of natural resources, a 42951
state fire marshal law enforcement officer described in division 42952
(A)(23) of section 109.71 of the Revised Code, or an individual 42953
designated to perform law enforcement duties under section 42954
511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and 42955
detain, until a warrant can be obtained, a person found violating, 42956
within the limits of the peace officer's, state fire marshal law 42957
enforcement officer's, or individual's territorial jurisdiction, a 42958

law of this state. 42959

(3) The house sergeant at arms, if the house sergeant at arms 42960
has arrest authority pursuant to division (E)(1) of section 42961
101.311 of the Revised Code, and an assistant house sergeant at 42962
arms shall arrest and detain, until a warrant can be obtained, a 42963
person found violating, within the limits of the sergeant at 42964
arms's or assistant sergeant at arms's territorial jurisdiction 42965
specified in division (D)(1)(a) of section 101.311 of the Revised 42966
Code or while providing security pursuant to division (D)(1)(f) of 42967
section 101.311 of the Revised Code, a law of this state, an 42968
ordinance of a municipal corporation, or a resolution of a 42969
township. 42970

(4) The senate sergeant at arms and an assistant senate 42971
sergeant at arms shall arrest and detain, until a warrant can be 42972
obtained, a person found violating, within the limits of the 42973
sergeant at arms's or assistant sergeant at arms's territorial 42974
jurisdiction specified in division (B) of section 101.312 of the 42975
Revised Code, a law of this state, an ordinance of a municipal 42976
corporation, or a resolution of a township. 42977

(B)(1) When there is reasonable ground to believe that an 42978
offense of violence, the offense of criminal child enticement as 42979
defined in section 2905.05 of the Revised Code, the offense of 42980
public indecency as defined in section 2907.09 of the Revised 42981
Code, the offense of domestic violence as defined in section 42982
2919.25 of the Revised Code, the offense of violating a protection 42983
order as defined in section 2919.27 of the Revised Code, the 42984
offense of menacing by stalking as defined in section 2903.211 of 42985
the Revised Code, the offense of aggravated trespass as defined in 42986
section 2911.211 of the Revised Code, a theft offense as defined 42987
in section 2913.01 of the Revised Code, or a felony drug abuse 42988
offense as defined in section 2925.01 of the Revised Code, has 42989
been committed within the limits of the political subdivision, 42990

metropolitan housing authority housing project, regional transit 42991
authority facilities or those areas of a municipal corporation 42992
that have been agreed to by a regional transit authority and a 42993
municipal corporation located within its territorial jurisdiction, 42994
college, university, veterans' home operated under Chapter 5907. 42995
of the Revised Code, port authority, or municipal airport or other 42996
municipal air navigation facility, in which the peace officer is 42997
appointed, employed, or elected or within the limits of the 42998
territorial jurisdiction of the peace officer, a peace officer 42999
described in division (A) of this section may arrest and detain 43000
until a warrant can be obtained any person who the peace officer 43001
has reasonable cause to believe is guilty of the violation. 43002

(2) For purposes of division (B)(1) of this section, the 43003
execution of any of the following constitutes reasonable ground to 43004
believe that the offense alleged in the statement was committed 43005
and reasonable cause to believe that the person alleged in the 43006
statement to have committed the offense is guilty of the 43007
violation: 43008

(a) A written statement by a person alleging that an alleged 43009
offender has committed the offense of menacing by stalking or 43010
aggravated trespass; 43011

(b) A written statement by the administrator of the 43012
interstate compact on mental health appointed under section 43013
~~5119.51~~ 5119.71 of the Revised Code alleging that a person who had 43014
been hospitalized, institutionalized, or confined in any facility 43015
under an order made pursuant to or under authority of section 43016
2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 43017
2945.402 of the Revised Code has escaped from the facility, from 43018
confinement in a vehicle for transportation to or from the 43019
facility, or from supervision by an employee of the facility that 43020
is incidental to hospitalization, institutionalization, or 43021
confinement in the facility and that occurs outside of the 43022

facility, in violation of section 2921.34 of the Revised Code; 43023

(c) A written statement by the administrator of any facility 43024
in which a person has been hospitalized, institutionalized, or 43025
confined under an order made pursuant to or under authority of 43026
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 43027
2945.402 of the Revised Code alleging that the person has escaped 43028
from the facility, from confinement in a vehicle for 43029
transportation to or from the facility, or from supervision by an 43030
employee of the facility that is incidental to hospitalization, 43031
institutionalization, or confinement in the facility and that 43032
occurs outside of the facility, in violation of section 2921.34 of 43033
the Revised Code. 43034

(3)(a) For purposes of division (B)(1) of this section, a 43035
peace officer described in division (A) of this section has 43036
reasonable grounds to believe that the offense of domestic 43037
violence or the offense of violating a protection order has been 43038
committed and reasonable cause to believe that a particular person 43039
is guilty of committing the offense if any of the following 43040
occurs: 43041

(i) A person executes a written statement alleging that the 43042
person in question has committed the offense of domestic violence 43043
or the offense of violating a protection order against the person 43044
who executes the statement or against a child of the person who 43045
executes the statement. 43046

(ii) No written statement of the type described in division 43047
(B)(3)(a)(i) of this section is executed, but the peace officer, 43048
based upon the peace officer's own knowledge and observation of 43049
the facts and circumstances of the alleged incident of the offense 43050
of domestic violence or the alleged incident of the offense of 43051
violating a protection order or based upon any other information, 43052
including, but not limited to, any reasonably trustworthy 43053
information given to the peace officer by the alleged victim of 43054

the alleged incident of the offense or any witness of the alleged 43055
incident of the offense, concludes that there are reasonable 43056
grounds to believe that the offense of domestic violence or the 43057
offense of violating a protection order has been committed and 43058
reasonable cause to believe that the person in question is guilty 43059
of committing the offense. 43060

(iii) No written statement of the type described in division 43061
(B)(3)(a)(i) of this section is executed, but the peace officer 43062
witnessed the person in question commit the offense of domestic 43063
violence or the offense of violating a protection order. 43064

(b) If pursuant to division (B)(3)(a) of this section a peace 43065
officer has reasonable grounds to believe that the offense of 43066
domestic violence or the offense of violating a protection order 43067
has been committed and reasonable cause to believe that a 43068
particular person is guilty of committing the offense, it is the 43069
preferred course of action in this state that the officer arrest 43070
and detain that person pursuant to division (B)(1) of this section 43071
until a warrant can be obtained. 43072

If pursuant to division (B)(3)(a) of this section a peace 43073
officer has reasonable grounds to believe that the offense of 43074
domestic violence or the offense of violating a protection order 43075
has been committed and reasonable cause to believe that family or 43076
household members have committed the offense against each other, 43077
it is the preferred course of action in this state that the 43078
officer, pursuant to division (B)(1) of this section, arrest and 43079
detain until a warrant can be obtained the family or household 43080
member who committed the offense and whom the officer has 43081
reasonable cause to believe is the primary physical aggressor. 43082
There is no preferred course of action in this state regarding any 43083
other family or household member who committed the offense and 43084
whom the officer does not have reasonable cause to believe is the 43085
primary physical aggressor, but, pursuant to division (B)(1) of 43086

this section, the peace officer may arrest and detain until a warrant can be obtained any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor.

(c) If a peace officer described in division (A) of this section does not arrest and detain a person whom the officer has reasonable cause to believe committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state pursuant to division (B)(3)(b) of this section that the officer arrest that person, the officer shall articulate in the written report of the incident required by section 2935.032 of the Revised Code a clear statement of the officer's reasons for not arresting and detaining that person until a warrant can be obtained.

(d) In determining for purposes of division (B)(3)(b) of this section which family or household member is the primary physical aggressor in a situation in which family or household members have committed the offense of domestic violence or the offense of violating a protection order against each other, a peace officer described in division (A) of this section, in addition to any other relevant circumstances, should consider all of the following:

(i) Any history of domestic violence or of any other violent acts by either person involved in the alleged offense that the officer reasonably can ascertain;

(ii) If violence is alleged, whether the alleged violence was caused by a person acting in self-defense;

(iii) Each person's fear of physical harm, if any, resulting from the other person's threatened use of force against any person or resulting from the other person's use or history of the use of force against any person, and the reasonableness of that fear;

(iv) The comparative severity of any injuries suffered by the persons involved in the alleged offense.

(e)(i) A peace officer described in division (A) of this section shall not require, as a prerequisite to arresting or charging a person who has committed the offense of domestic violence or the offense of violating a protection order, that the victim of the offense specifically consent to the filing of charges against the person who has committed the offense or sign a complaint against the person who has committed the offense.

(ii) If a person is arrested for or charged with committing the offense of domestic violence or the offense of violating a protection order and if the victim of the offense does not cooperate with the involved law enforcement or prosecuting authorities in the prosecution of the offense or, subsequent to the arrest or the filing of the charges, informs the involved law enforcement or prosecuting authorities that the victim does not wish the prosecution of the offense to continue or wishes to drop charges against the alleged offender relative to the offense, the involved prosecuting authorities, in determining whether to continue with the prosecution of the offense or whether to dismiss charges against the alleged offender relative to the offense and notwithstanding the victim's failure to cooperate or the victim's wishes, shall consider all facts and circumstances that are relevant to the offense, including, but not limited to, the statements and observations of the peace officers who responded to the incident that resulted in the arrest or filing of the charges and of all witnesses to that incident.

(f) In determining pursuant to divisions (B)(3)(a) to (g) of this section whether to arrest a person pursuant to division (B)(1) of this section, a peace officer described in division (A) of this section shall not consider as a factor any possible shortage of cell space at the detention facility to which the

person will be taken subsequent to the person's arrest or any possibility that the person's arrest might cause, contribute to, or exacerbate overcrowding at that detention facility or at any other detention facility.

(g) If a peace officer described in division (A) of this section intends pursuant to divisions (B)(3)(a) to (g) of this section to arrest a person pursuant to division (B)(1) of this section and if the officer is unable to do so because the person is not present, the officer promptly shall seek a warrant for the arrest of the person.

(h) If a peace officer described in division (A) of this section responds to a report of an alleged incident of the offense of domestic violence or an alleged incident of the offense of violating a protection order and if the circumstances of the incident involved the use or threatened use of a deadly weapon or any person involved in the incident brandished a deadly weapon during or in relation to the incident, the deadly weapon that was used, threatened to be used, or brandished constitutes contraband, and, to the extent possible, the officer shall seize the deadly weapon as contraband pursuant to Chapter 2981. of the Revised Code. Upon the seizure of a deadly weapon pursuant to division (B)(3)(h) of this section, section 2981.12 of the Revised Code shall apply regarding the treatment and disposition of the deadly weapon. For purposes of that section, the "underlying criminal offense" that was the basis of the seizure of a deadly weapon under division (B)(3)(h) of this section and to which the deadly weapon had a relationship is any of the following that is applicable:

(i) The alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded;

(ii) Any offense that arose out of the same facts and

circumstances as the report of the alleged incident of the offense 43182
of domestic violence or the alleged incident of the offense of 43183
violating a protection order to which the officer who seized the 43184
deadly weapon responded. 43185

(4) If, in the circumstances described in divisions (B)(3)(a) 43186
to (g) of this section, a peace officer described in division (A) 43187
of this section arrests and detains a person pursuant to division 43188
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 43189
this section, a peace officer described in division (A) of this 43190
section seizes a deadly weapon, the officer, to the extent 43191
described in and in accordance with section 9.86 or 2744.03 of the 43192
Revised Code, is immune in any civil action for damages for 43193
injury, death, or loss to person or property that arises from or 43194
is related to the arrest and detention or the seizure. 43195

(C) When there is reasonable ground to believe that a 43196
violation of division (A)(1), (2), (3), (4), or (5) of section 43197
4506.15 or a violation of section 4511.19 of the Revised Code has 43198
been committed by a person operating a motor vehicle subject to 43199
regulation by the public utilities commission of Ohio under Title 43200
XLIX of the Revised Code, a peace officer with authority to 43201
enforce that provision of law may stop or detain the person whom 43202
the officer has reasonable cause to believe was operating the 43203
motor vehicle in violation of the division or section and, after 43204
investigating the circumstances surrounding the operation of the 43205
vehicle, may arrest and detain the person. 43206

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 43207
municipal police officer, member of a police force employed by a 43208
metropolitan housing authority under division (D) of section 43209
3735.31 of the Revised Code, member of a police force employed by 43210
a regional transit authority under division (Y) of section 306.35 43211
of the Revised Code, special police officer employed by a port 43212
authority under section 4582.04 or 4582.28 of the Revised Code, 43213

special police officer employed by a municipal corporation at a 43214
municipal airport or other municipal air navigation facility 43215
described in division (A) of this section, township constable, 43216
police officer of a township or joint police district, state 43217
university law enforcement officer appointed under section 3345.04 43218
of the Revised Code, peace officer of the department of natural 43219
resources, individual designated to perform law enforcement duties 43220
under section 511.232, 1545.13, or 6101.75 of the Revised Code, 43221
the house sergeant at arms if the house sergeant at arms has 43222
arrest authority pursuant to division (E)(1) of section 101.311 of 43223
the Revised Code, or an assistant house sergeant at arms is 43224
authorized by division (A) or (B) of this section to arrest and 43225
detain, within the limits of the political subdivision, 43226
metropolitan housing authority housing project, regional transit 43227
authority facilities or those areas of a municipal corporation 43228
that have been agreed to by a regional transit authority and a 43229
municipal corporation located within its territorial jurisdiction, 43230
port authority, municipal airport or other municipal air 43231
navigation facility, college, or university in which the officer 43232
is appointed, employed, or elected or within the limits of the 43233
territorial jurisdiction of the peace officer, a person until a 43234
warrant can be obtained, the peace officer, outside the limits of 43235
that territory, may pursue, arrest, and detain that person until a 43236
warrant can be obtained if all of the following apply: 43237

(1) The pursuit takes place without unreasonable delay after 43238
the offense is committed; 43239

(2) The pursuit is initiated within the limits of the 43240
political subdivision, metropolitan housing authority housing 43241
project, regional transit authority facilities or those areas of a 43242
municipal corporation that have been agreed to by a regional 43243
transit authority and a municipal corporation located within its 43244
territorial jurisdiction, port authority, municipal airport or 43245

other municipal air navigation facility, college, or university in 43246
which the peace officer is appointed, employed, or elected or 43247
within the limits of the territorial jurisdiction of the peace 43248
officer; 43249

(3) The offense involved is a felony, a misdemeanor of the 43250
first degree or a substantially equivalent municipal ordinance, a 43251
misdemeanor of the second degree or a substantially equivalent 43252
municipal ordinance, or any offense for which points are 43253
chargeable pursuant to section 4510.036 of the Revised Code. 43254

(E) In addition to the authority granted under division (A) 43255
or (B) of this section: 43256

(1) A sheriff or deputy sheriff may arrest and detain, until 43257
a warrant can be obtained, any person found violating section 43258
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 43259
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 43260
portion of any street or highway that is located immediately 43261
adjacent to the boundaries of the county in which the sheriff or 43262
deputy sheriff is elected or appointed. 43263

(2) A member of the police force of a township police 43264
district created under section 505.48 of the Revised Code, a 43265
member of the police force of a joint police district created 43266
under section 505.482 of the Revised Code, or a township constable 43267
appointed in accordance with section 509.01 of the Revised Code, 43268
who has received a certificate from the Ohio peace officer 43269
training commission under section 109.75 of the Revised Code, may 43270
arrest and detain, until a warrant can be obtained, any person 43271
found violating any section or chapter of the Revised Code listed 43272
in division (E)(1) of this section, other than sections 4513.33 43273
and 4513.34 of the Revised Code, on the portion of any street or 43274
highway that is located immediately adjacent to the boundaries of 43275
the township police district or joint police district, in the case 43276
of a member of a township police district or joint police district 43277

police force, or the unincorporated territory of the township, in 43278
the case of a township constable. However, if the population of 43279
the township that created the township police district served by 43280
the member's police force, or the townships and municipal 43281
corporations that created the joint police district served by the 43282
member's police force, or the township that is served by the 43283
township constable, is sixty thousand or less, the member of the 43284
township police district or joint police district police force or 43285
the township constable may not make an arrest under division 43286
(E)(2) of this section on a state highway that is included as part 43287
of the interstate system. 43288

(3) A police officer or village marshal appointed, elected, 43289
or employed by a municipal corporation may arrest and detain, 43290
until a warrant can be obtained, any person found violating any 43291
section or chapter of the Revised Code listed in division (E)(1) 43292
of this section on the portion of any street or highway that is 43293
located immediately adjacent to the boundaries of the municipal 43294
corporation in which the police officer or village marshal is 43295
appointed, elected, or employed. 43296

(4) A peace officer of the department of natural resources, a 43297
state fire marshal law enforcement officer described in division 43298
(A)(23) of section 109.71 of the Revised Code, or an individual 43299
designated to perform law enforcement duties under section 43300
511.232, 1545.13, or 6101.75 of the Revised Code may arrest and 43301
detain, until a warrant can be obtained, any person found 43302
violating any section or chapter of the Revised Code listed in 43303
division (E)(1) of this section, other than sections 4513.33 and 43304
4513.34 of the Revised Code, on the portion of any street or 43305
highway that is located immediately adjacent to the boundaries of 43306
the lands and waters that constitute the territorial jurisdiction 43307
of the peace officer or state fire marshal law enforcement 43308
officer. 43309

(F)(1) A department of ~~mental health~~ mental health and 43310
addiction services special police officer or a department of 43311
developmental disabilities special police officer may arrest 43312
without a warrant and detain until a warrant can be obtained any 43313
person found committing on the premises of any institution under 43314
the jurisdiction of the particular department a misdemeanor under 43315
a law of the state. 43316

A department of ~~mental health~~ mental health and addiction 43317
services special police officer or a department of developmental 43318
disabilities special police officer may arrest without a warrant 43319
and detain until a warrant can be obtained any person who has been 43320
hospitalized, institutionalized, or confined in an institution 43321
under the jurisdiction of the particular department pursuant to or 43322
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 43323
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 43324
found committing on the premises of any institution under the 43325
jurisdiction of the particular department a violation of section 43326
2921.34 of the Revised Code that involves an escape from the 43327
premises of the institution. 43328

(2)(a) If a department of ~~mental health~~ mental health and 43329
addiction services special police officer or a department of 43330
developmental disabilities special police officer finds any person 43331
who has been hospitalized, institutionalized, or confined in an 43332
institution under the jurisdiction of the particular department 43333
pursuant to or under authority of section 2945.37, 2945.371, 43334
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 43335
Code committing a violation of section 2921.34 of the Revised Code 43336
that involves an escape from the premises of the institution, or 43337
if there is reasonable ground to believe that a violation of 43338
section 2921.34 of the Revised Code has been committed that 43339
involves an escape from the premises of an institution under the 43340
jurisdiction of the department of ~~mental health~~ mental health and 43341

addiction services or the department of developmental disabilities 43342
and if a department of ~~mental health~~ mental health and addiction 43343
services special police officer or a department of developmental 43344
disabilities special police officer has reasonable cause to 43345
believe that a particular person who has been hospitalized, 43346
institutionalized, or confined in the institution pursuant to or 43347
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 43348
2945.40, 2945.401, or 2945.402 of the Revised Code is guilty of 43349
the violation, the special police officer, outside of the premises 43350
of the institution, may pursue, arrest, and detain that person for 43351
that violation of section 2921.34 of the Revised Code, until a 43352
warrant can be obtained, if both of the following apply: 43353

(i) The pursuit takes place without unreasonable delay after 43354
the offense is committed; 43355

(ii) The pursuit is initiated within the premises of the 43356
institution from which the violation of section 2921.34 of the 43357
Revised Code occurred. 43358

(b) For purposes of division (F)(2)(a) of this section, the 43359
execution of a written statement by the administrator of the 43360
institution in which a person had been hospitalized, 43361
institutionalized, or confined pursuant to or under authority of 43362
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 43363
2945.402 of the Revised Code alleging that the person has escaped 43364
from the premises of the institution in violation of section 43365
2921.34 of the Revised Code constitutes reasonable ground to 43366
believe that the violation was committed and reasonable cause to 43367
believe that the person alleged in the statement to have committed 43368
the offense is guilty of the violation. 43369

(G) As used in this section: 43370

(1) A "department of ~~mental health~~ mental health and 43371
addiction services special police officer" means a special police 43372

officer of the department of ~~mental health~~ mental health and 43373
addiction services designated under section ~~5119.14~~ 5119.08 of the 43374
Revised Code who is certified by the Ohio peace officer training 43375
commission under section 109.77 of the Revised Code as having 43376
successfully completed an approved peace officer basic training 43377
program. 43378

(2) A "department of developmental disabilities special 43379
police officer" means a special police officer of the department 43380
of developmental disabilities designated under section 5123.13 of 43381
the Revised Code who is certified by the Ohio peace officer 43382
training council under section 109.77 of the Revised Code as 43383
having successfully completed an approved peace officer basic 43384
training program. 43385

(3) "Deadly weapon" has the same meaning as in section 43386
2923.11 of the Revised Code. 43387

(4) "Family or household member" has the same meaning as in 43388
section 2919.25 of the Revised Code. 43389

(5) "Street" or "highway" has the same meaning as in section 43390
4511.01 of the Revised Code. 43391

(6) "Interstate system" has the same meaning as in section 43392
5516.01 of the Revised Code. 43393

(7) "Peace officer of the department of natural resources" 43394
means an employee of the department of natural resources who is a 43395
natural resources law enforcement staff officer designated 43396
pursuant to section 1501.013 of the Revised Code, a forest officer 43397
designated pursuant to section 1503.29 of the Revised Code, a 43398
preserve officer designated pursuant to section 1517.10 of the 43399
Revised Code, a wildlife officer designated pursuant to section 43400
1531.13 of the Revised Code, a park officer designated pursuant to 43401
section 1541.10 of the Revised Code, or a state watercraft officer 43402
designated pursuant to section 1547.521 of the Revised Code. 43403

(8) "Portion of any street or highway" means all lanes of the street or highway irrespective of direction of travel, including designated turn lanes, and any berm, median, or shoulder.

Sec. 2935.33. (A) If a person charged with a misdemeanor is taken before a judge of a court of record and if it appears to the judge that the person is an alcoholic or is suffering from acute alcohol intoxication and that the person would benefit from services provided by ~~an alcohol and drug~~ a community addiction program services provider certified under Chapter ~~3793.~~ 5119. of the Revised Code, the judge may place the person temporarily in a ~~program services provider~~ certified under that chapter in the area in which the court has jurisdiction for inpatient care and treatment for an indefinite period not exceeding five days. The commitment does not limit the right to release on bail. The judge may dismiss a charge of a violation of division (B) of section 2917.11 of the Revised Code or of a municipal ordinance substantially equivalent to that division if the defendant complies with all the conditions of treatment ordered by the court.

The court may order that any fines or court costs collected by the court from defendants who have received inpatient care from ~~an alcohol and drug~~ a community addiction program services provider be paid, for the benefit of the program, to the board of alcohol, drug addiction, and mental health services of the alcohol, drug addiction, and mental health service district in which the ~~program services provider~~ is located or to the director of ~~alcohol and drug addiction services~~ mental health and addiction services.

(B) If a person is being sentenced for a violation of division (B) of section 2917.11 or section 4511.19 of the Revised Code, a misdemeanor violation of section 2919.25 of the Revised

Code, a misdemeanor violation of section 2919.27 of the Revised Code involving a protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code, or a violation of a municipal ordinance substantially equivalent to that division or any of those sections and if it appears to the judge at the time of sentencing that the person is an alcoholic or is suffering from acute alcohol intoxication and that, in lieu of imprisonment, the person would benefit from services provided by ~~an alcohol and drug~~ a community addiction program services provider certified under Chapter ~~3793.~~ 5119. of the Revised Code, the court may commit the person to close supervision in any facility in the area in which the court has jurisdiction that is, or is operated by, such a ~~program services provider~~. Such close supervision may include outpatient services and part-time release, except that a person convicted of a violation of division (A) of section 4511.19 of the Revised Code shall be confined to the facility for at least three days and except that a person convicted of a misdemeanor violation of section 2919.25 of the Revised Code, a misdemeanor violation of section 2919.27 of the Revised Code involving a protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code, or a violation of a substantially equivalent municipal ordinance shall be confined to the facility in accordance with the order of commitment. A commitment of a person to a facility for purposes of close supervision shall not exceed the maximum term for which the person could be imprisoned.

(C) A law enforcement officer who finds a person subject to prosecution for violation of division (B) of section 2917.11 of the Revised Code or a municipal ordinance substantially equivalent to that division and who has reasonable cause to believe that the person is an alcoholic or is suffering from acute alcohol intoxication and would benefit from immediate treatment immediately may place the person in ~~an alcohol and drug~~ a

community addiction program services provider certified under 43468
Chapter ~~3793~~. 5119. of the Revised Code in the area in which the 43469
person is found, for emergency treatment, in lieu of other arrest 43470
procedures, for a maximum period of forty-eight hours. During that 43471
time, if the person desires to leave such custody, the person 43472
shall be released forthwith. 43473

(D) As used in this section: 43474

(1) "Alcoholic" has the same meaning as in section ~~3793.01~~ 43475
5119.01 of the Revised Code; 43476

(2) "Acute alcohol intoxication" means a heavy consumption of 43477
alcohol over a relatively short period of time, resulting in 43478
dysfunction of the brain centers controlling behavior, speech, and 43479
memory and causing characteristic withdrawal symptoms. 43480

Sec. 2945.37. (A) As used in sections 2945.37 to 2945.402 of 43481
the Revised Code: 43482

(1) "Prosecutor" means a prosecuting attorney or a city 43483
director of law, village solicitor, or similar chief legal officer 43484
of a municipal corporation who has authority to prosecute a 43485
criminal case that is before the court or the criminal case in 43486
which a defendant in a criminal case has been found incompetent to 43487
stand trial or not guilty by reason of insanity. 43488

(2) "Examiner" means either of the following: 43489

(a) A psychiatrist or a licensed clinical psychologist who 43490
satisfies the criteria of division (I)(1) of section 5122.01 of 43491
the Revised Code or is employed by a certified forensic center 43492
designated by the department of ~~mental health~~ mental health and 43493
addiction services to conduct examinations or evaluations. 43494

(b) For purposes of a separate mental retardation evaluation 43495
that is ordered by a court pursuant to division (H) of section 43496
2945.371 of the Revised Code, a psychologist designated by the 43497

director of developmental disabilities pursuant to that section to 43498
conduct that separate mental retardation evaluation. 43499

(3) "Nonsecured status" means any unsupervised, off-grounds 43500
movement or trial visit from a hospital or institution, or any 43501
conditional release, that is granted to a person who is found 43502
incompetent to stand trial and is committed pursuant to section 43503
2945.39 of the Revised Code or to a person who is found not guilty 43504
by reason of insanity and is committed pursuant to section 2945.40 43505
of the Revised Code. 43506

(4) "Unsupervised, off-grounds movement" includes only 43507
off-grounds privileges that are unsupervised and that have an 43508
expectation of return to the hospital or institution on a daily 43509
basis. 43510

(5) "Trial visit" means a patient privilege of a longer 43511
stated duration of unsupervised community contact with an 43512
expectation of return to the hospital or institution at designated 43513
times. 43514

(6) "Conditional release" means a commitment status under 43515
which the trial court at any time may revoke a person's 43516
conditional release and order the rehospitalization or 43517
reinstitutionalization of the person as described in division (A) 43518
of section 2945.402 of the Revised Code and pursuant to which a 43519
person who is found incompetent to stand trial or a person who is 43520
found not guilty by reason of insanity lives and receives 43521
treatment in the community for a period of time that does not 43522
exceed the maximum prison term or term of imprisonment that the 43523
person could have received for the offense in question had the 43524
person been convicted of the offense instead of being found 43525
incompetent to stand trial on the charge of the offense or being 43526
found not guilty by reason of insanity relative to the offense. 43527

(7) "Licensed clinical psychologist," "mentally ill person 43528

subject to hospitalization by court order," and "psychiatrist" 43529
have the same meanings as in section 5122.01 of the Revised Code. 43530

(8) "Mentally retarded person subject to institutionalization 43531
by court order" has the same meaning as in section 5123.01 of the 43532
Revised Code. 43533

(B) In a criminal action in a court of common pleas, a county 43534
court, or a municipal court, the court, prosecutor, or defense may 43535
raise the issue of the defendant's competence to stand trial. If 43536
the issue is raised before the trial has commenced, the court 43537
shall hold a hearing on the issue as provided in this section. If 43538
the issue is raised after the trial has commenced, the court shall 43539
hold a hearing on the issue only for good cause shown or on the 43540
court's own motion. 43541

(C) The court shall conduct the hearing required or 43542
authorized under division (B) of this section within thirty days 43543
after the issue is raised, unless the defendant has been referred 43544
for evaluation in which case the court shall conduct the hearing 43545
within ten days after the filing of the report of the evaluation 43546
or, in the case of a defendant who is ordered by the court 43547
pursuant to division (H) of section 2945.371 of the Revised Code 43548
to undergo a separate mental retardation evaluation conducted by a 43549
psychologist designated by the director of developmental 43550
disabilities, within ten days after the filing of the report of 43551
the separate mental retardation evaluation under that division. A 43552
hearing may be continued for good cause. 43553

(D) The defendant shall be represented by counsel at the 43554
hearing conducted under division (C) of this section. If the 43555
defendant is unable to obtain counsel, the court shall appoint 43556
counsel under Chapter 120. of the Revised Code or under the 43557
authority recognized in division (C) of section 120.06, division 43558
(E) of section 120.16, division (E) of section 120.26, or section 43559
2941.51 of the Revised Code before proceeding with the hearing. 43560

(E) The prosecutor and defense counsel may submit evidence on 43561
the issue of the defendant's competence to stand trial. A written 43562
report of the evaluation of the defendant may be admitted into 43563
evidence at the hearing by stipulation, but, if either the 43564
prosecution or defense objects to its admission, the report may be 43565
admitted under sections 2317.36 to 2317.38 of the Revised Code or 43566
any other applicable statute or rule. 43567

(F) The court shall not find a defendant incompetent to stand 43568
trial solely because the defendant is receiving or has received 43569
treatment as a voluntary or involuntary mentally ill patient under 43570
Chapter 5122. or a voluntary or involuntary mentally retarded 43571
resident under Chapter 5123. of the Revised Code or because the 43572
defendant is receiving or has received psychotropic drugs or other 43573
medication, even if the defendant might become incompetent to 43574
stand trial without the drugs or medication. 43575

(G) A defendant is presumed to be competent to stand trial. 43576
If, after a hearing, the court finds by a preponderance of the 43577
evidence that, because of the defendant's present mental 43578
condition, the defendant is incapable of understanding the nature 43579
and objective of the proceedings against the defendant or of 43580
assisting in the defendant's defense, the court shall find the 43581
defendant incompetent to stand trial and shall enter an order 43582
authorized by section 2945.38 of the Revised Code. 43583

(H) Municipal courts shall follow the procedures set forth in 43584
sections 2945.37 to 2945.402 of the Revised Code. Except as 43585
provided in section 2945.371 of the Revised Code, a municipal 43586
court shall not order an evaluation of the defendant's competence 43587
to stand trial or the defendant's mental condition at the time of 43588
the commission of the offense to be conducted at any hospital 43589
operated by the department of ~~mental health~~ mental health and 43590
addiction services. Those evaluations shall be performed through 43591
community resources including, but not limited to, certified 43592

forensic centers, court probation departments, and community 43593
mental health ~~agencies~~ services providers. All expenses of the 43594
evaluations shall be borne by the legislative authority of the 43595
municipal court, as defined in section 1901.03 of the Revised 43596
Code, and shall be taxed as costs in the case. If a defendant is 43597
found incompetent to stand trial or not guilty by reason of 43598
insanity, a municipal court may commit the defendant as provided 43599
in sections 2945.38 to 2945.402 of the Revised Code. 43600

Sec. 2945.371. (A) If the issue of a defendant's competence 43601
to stand trial is raised or if a defendant enters a plea of not 43602
guilty by reason of insanity, the court may order one or more 43603
evaluations of the defendant's present mental condition or, in the 43604
case of a plea of not guilty by reason of insanity, of the 43605
defendant's mental condition at the time of the offense charged. 43606
An examiner shall conduct the evaluation. 43607

(B) If the court orders more than one evaluation under 43608
division (A) of this section, the prosecutor and the defendant may 43609
recommend to the court an examiner whom each prefers to perform 43610
one of the evaluations. If a defendant enters a plea of not guilty 43611
by reason of insanity and if the court does not designate an 43612
examiner recommended by the defendant, the court shall inform the 43613
defendant that the defendant may have independent expert 43614
evaluation and that, if the defendant is unable to obtain 43615
independent expert evaluation, it will be obtained for the 43616
defendant at public expense if the defendant is indigent. 43617

(C) If the court orders an evaluation under division (A) of 43618
this section, the defendant shall be available at the times and 43619
places established by the examiners who are to conduct the 43620
evaluation. The court may order a defendant who has been released 43621
on bail or recognizance to submit to an evaluation under this 43622
section. If a defendant who has been released on bail or 43623

recognizance refuses to submit to a complete evaluation, the court 43624
may amend the conditions of bail or recognizance and order the 43625
sheriff to take the defendant into custody and deliver the 43626
defendant to a center, program, or facility operated or certified 43627
by the department of ~~mental health~~ mental health and addiction 43628
services or the department of developmental disabilities where the 43629
defendant may be held for evaluation for a reasonable period of 43630
time not to exceed twenty days. 43631

(D) A defendant who has not been released on bail or 43632
recognizance may be evaluated at the defendant's place of 43633
detention. Upon the request of the examiner, the court may order 43634
the sheriff to transport the defendant to a program or facility 43635
operated or certified by the department of ~~mental health~~ mental 43636
health and addiction services or the department of developmental 43637
disabilities, where the defendant may be held for evaluation for a 43638
reasonable period of time not to exceed twenty days, and to return 43639
the defendant to the place of detention after the evaluation. A 43640
municipal court may make an order under this division only upon 43641
the request of a certified forensic center examiner. 43642

(E) If a court orders the evaluation to determine a 43643
defendant's mental condition at the time of the offense charged, 43644
the court shall inform the examiner of the offense with which the 43645
defendant is charged. 43646

(F) In conducting an evaluation of a defendant's mental 43647
condition at the time of the offense charged, the examiner shall 43648
consider all relevant evidence. If the offense charged involves 43649
the use of force against another person, the relevant evidence to 43650
be considered includes, but is not limited to, any evidence that 43651
the defendant suffered, at the time of the commission of the 43652
offense, from the "battered woman syndrome." 43653

(G) The examiner shall file a written report with the court 43654
within thirty days after entry of a court order for evaluation, 43655

and the court shall provide copies of the report to the prosecutor 43656
and defense counsel. The report shall include all of the 43657
following: 43658

(1) The examiner's findings; 43659

(2) The facts in reasonable detail on which the findings are 43660
based; 43661

(3) If the evaluation was ordered to determine the 43662
defendant's competence to stand trial, all of the following 43663
findings or recommendations that are applicable: 43664

(a) Whether the defendant is capable of understanding the 43665
nature and objective of the proceedings against the defendant or 43666
of assisting in the defendant's defense; 43667

(b) If the examiner's opinion is that the defendant is 43668
incapable of understanding the nature and objective of the 43669
proceedings against the defendant or of assisting in the 43670
defendant's defense, whether the defendant presently is mentally 43671
ill or mentally retarded and, if the examiner's opinion is that 43672
the defendant presently is mentally retarded, whether the 43673
defendant appears to be a mentally retarded person subject to 43674
institutionalization by court order; 43675

(c) If the examiner's opinion is that the defendant is 43676
incapable of understanding the nature and objective of the 43677
proceedings against the defendant or of assisting in the 43678
defendant's defense, the examiner's opinion as to the likelihood 43679
of the defendant becoming capable of understanding the nature and 43680
objective of the proceedings against the defendant and of 43681
assisting in the defendant's defense within one year if the 43682
defendant is provided with a course of treatment; 43683

(d) If the examiner's opinion is that the defendant is 43684
incapable of understanding the nature and objective of the 43685
proceedings against the defendant or of assisting in the 43686

defendant's defense and that the defendant presently is mentally 43687
ill or mentally retarded, the examiner's recommendation as to the 43688
least restrictive placement or commitment alternative, consistent 43689
with the defendant's treatment needs for restoration to competency 43690
and with the safety of the community. 43691

(4) If the evaluation was ordered to determine the 43692
defendant's mental condition at the time of the offense charged, 43693
the examiner's findings as to whether the defendant, at the time 43694
of the offense charged, did not know, as a result of a severe 43695
mental disease or defect, the wrongfulness of the defendant's acts 43696
charged. 43697

(H) If the examiner's report filed under division (G) of this 43698
section indicates that in the examiner's opinion the defendant is 43699
incapable of understanding the nature and objective of the 43700
proceedings against the defendant or of assisting in the 43701
defendant's defense and that in the examiner's opinion the 43702
defendant appears to be a mentally retarded person subject to 43703
institutionalization by court order, the court shall order the 43704
defendant to undergo a separate mental retardation evaluation 43705
conducted by a psychologist designated by the director of 43706
developmental disabilities. Divisions (C) to (F) of this section 43707
apply in relation to a separate mental retardation evaluation 43708
conducted under this division. The psychologist appointed under 43709
this division to conduct the separate mental retardation 43710
evaluation shall file a written report with the court within 43711
thirty days after the entry of the court order requiring the 43712
separate mental retardation evaluation, and the court shall 43713
provide copies of the report to the prosecutor and defense 43714
counsel. The report shall include all of the information described 43715
in divisions (G)(1) to (4) of this section. If the court orders a 43716
separate mental retardation evaluation of a defendant under this 43717
division, the court shall not conduct a hearing under divisions 43718

(B) to (H) of section 2945.37 of the Revised Code regarding that 43719
defendant until a report of the separate mental retardation 43720
evaluation conducted under this division has been filed. Upon the 43721
filing of that report, the court shall conduct the hearing within 43722
the period of time specified in division (C) of section 2945.37 of 43723
the Revised Code. 43724

(I) An examiner appointed under divisions (A) and (B) of this 43725
section or under division (H) of this section to evaluate a 43726
defendant to determine the defendant's competence to stand trial 43727
also may be appointed to evaluate a defendant who has entered a 43728
plea of not guilty by reason of insanity, but an examiner of that 43729
nature shall prepare separate reports on the issue of competence 43730
to stand trial and the defense of not guilty by reason of 43731
insanity. 43732

(J) No statement that a defendant makes in an evaluation or 43733
hearing under divisions (A) to (H) of this section relating to the 43734
defendant's competence to stand trial or to the defendant's mental 43735
condition at the time of the offense charged shall be used against 43736
the defendant on the issue of guilt in any criminal action or 43737
proceeding, but, in a criminal action or proceeding, the 43738
prosecutor or defense counsel may call as a witness any person who 43739
evaluated the defendant or prepared a report pursuant to a 43740
referral under this section. Neither the appointment nor the 43741
testimony of an examiner appointed under this section precludes 43742
the prosecutor or defense counsel from calling other witnesses or 43743
presenting other evidence on competency or insanity issues. 43744

(K) Persons appointed as examiners under divisions (A) and 43745
(B) of this section or under division (H) of this section shall be 43746
paid a reasonable amount for their services and expenses, as 43747
certified by the court. The certified amount shall be paid by the 43748
county in the case of county courts and courts of common pleas and 43749
by the legislative authority, as defined in section 1901.03 of the 43750

Revised Code, in the case of municipal courts. 43751

Sec. 2945.38. (A) If the issue of a defendant's competence to stand trial is raised and if the court, upon conducting the hearing provided for in section 2945.37 of the Revised Code, finds that the defendant is competent to stand trial, the defendant shall be proceeded against as provided by law. If the court finds the defendant competent to stand trial and the defendant is receiving psychotropic drugs or other medication, the court may authorize the continued administration of the drugs or medication or other appropriate treatment in order to maintain the defendant's competence to stand trial, unless the defendant's attending physician advises the court against continuation of the drugs, other medication, or treatment. 43752
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(B)(1)(a) If, after taking into consideration all relevant reports, information, and other evidence, the court finds that the defendant is incompetent to stand trial and that there is a substantial probability that the defendant will become competent to stand trial within one year if the defendant is provided with a course of treatment, the court shall order the defendant to undergo treatment. If the defendant has been charged with a felony offense and if, after taking into consideration all relevant reports, information, and other evidence, the court finds that the defendant is incompetent to stand trial, but the court is unable at that time to determine whether there is a substantial probability that the defendant will become competent to stand trial within one year if the defendant is provided with a course of treatment, the court shall order continuing evaluation and treatment of the defendant for a period not to exceed four months to determine whether there is a substantial probability that the defendant will become competent to stand trial within one year if the defendant is provided with a course of treatment. 43764
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(b) The court order for the defendant to undergo treatment or continuing evaluation and treatment under division (B)(1)(a) of this section shall specify that the defendant, if determined to require mental health treatment or continuing evaluation and treatment, either shall be committed to the department of ~~mental health~~ mental health and addiction services for treatment or continuing evaluation and treatment at a hospital, facility, or agency, as determined to be clinically appropriate by the department of ~~mental health~~ mental health and addiction services or shall be committed to a facility certified by the department of ~~mental health~~ mental health and addiction services as being qualified to treat mental illness, to a public or community mental health facility, or to a psychiatrist or another mental health professional for treatment or continuing evaluation and treatment. Prior to placing the defendant, the department of ~~mental health~~ mental health and addiction services shall obtain court approval for that placement following a hearing. The court order for the defendant to undergo treatment or continuing evaluation and treatment under division (B)(1)(a) of this section shall specify that the defendant, if determined to require treatment or continuing evaluation and treatment for mental retardation, shall receive treatment or continuing evaluation and treatment at an institution or facility operated by the department of developmental disabilities, at a facility certified by the department of developmental disabilities as being qualified to treat mental retardation, at a public or private mental retardation facility, or by a psychiatrist or another mental retardation professional. In any case, the order may restrict the defendant's freedom of movement as the court considers necessary. The prosecutor in the defendant's case shall send to the chief clinical officer of the hospital, facility, or agency where the defendant is placed by the department of ~~mental health~~ mental health and addiction services, or to the managing officer of the

institution, the director of the program or facility, or the 43815
person to which the defendant is committed, copies of relevant 43816
police reports and other background information that pertains to 43817
the defendant and is available to the prosecutor unless the 43818
prosecutor determines that the release of any of the information 43819
in the police reports or any of the other background information 43820
to unauthorized persons would interfere with the effective 43821
prosecution of any person or would create a substantial risk of 43822
harm to any person. 43823

In determining the place of commitment, the court shall 43824
consider the extent to which the person is a danger to the person 43825
and to others, the need for security, and the type of crime 43826
involved and shall order the least restrictive alternative 43827
available that is consistent with public safety and treatment 43828
goals. In weighing these factors, the court shall give preference 43829
to protecting public safety. 43830

(c) If the defendant is found incompetent to stand trial, if 43831
the chief clinical officer of the hospital, facility, or agency 43832
where the defendant is placed, or the managing officer of the 43833
institution, the director of the program or facility, or the 43834
person to which the defendant is committed for treatment or 43835
continuing evaluation and treatment under division (B)(1)(b) of 43836
this section determines that medication is necessary to restore 43837
the defendant's competency to stand trial, and if the defendant 43838
lacks the capacity to give informed consent or refuses medication, 43839
the chief clinical officer of the hospital, facility, or agency 43840
where the defendant is placed, or the managing officer of the 43841
institution, the director of the program or facility, or the 43842
person to which the defendant is committed for treatment or 43843
continuing evaluation and treatment may petition the court for 43844
authorization for the involuntary administration of medication. 43845
The court shall hold a hearing on the petition within five days of 43846

the filing of the petition if the petition was filed in a 43847
municipal court or a county court regarding an incompetent 43848
defendant charged with a misdemeanor or within ten days of the 43849
filing of the petition if the petition was filed in a court of 43850
common pleas regarding an incompetent defendant charged with a 43851
felony offense. Following the hearing, the court may authorize the 43852
involuntary administration of medication or may dismiss the 43853
petition. 43854

(2) If the court finds that the defendant is incompetent to 43855
stand trial and that, even if the defendant is provided with a 43856
course of treatment, there is not a substantial probability that 43857
the defendant will become competent to stand trial within one 43858
year, the court shall order the discharge of the defendant, unless 43859
upon motion of the prosecutor or on its own motion, the court 43860
either seeks to retain jurisdiction over the defendant pursuant to 43861
section 2945.39 of the Revised Code or files an affidavit in the 43862
probate court for the civil commitment of the defendant pursuant 43863
to Chapter 5122. or 5123. of the Revised Code alleging that the 43864
defendant is a mentally ill person subject to hospitalization by 43865
court order or a mentally retarded person subject to 43866
institutionalization by court order. If an affidavit is filed in 43867
the probate court, the trial court shall send to the probate court 43868
copies of all written reports of the defendant's mental condition 43869
that were prepared pursuant to section 2945.371 of the Revised 43870
Code. 43871

The trial court may issue the temporary order of detention 43872
that a probate court may issue under section 5122.11 or 5123.71 of 43873
the Revised Code, to remain in effect until the probable cause or 43874
initial hearing in the probate court. Further proceedings in the 43875
probate court are civil proceedings governed by Chapter 5122. or 43876
5123. of the Revised Code. 43877

(C) No defendant shall be required to undergo treatment, 43878

including any continuing evaluation and treatment, under division 43879
(B)(1) of this section for longer than whichever of the following 43880
periods is applicable: 43881

(1) One year, if the most serious offense with which the 43882
defendant is charged is one of the following offenses: 43883

(a) Aggravated murder, murder, or an offense of violence for 43884
which a sentence of death or life imprisonment may be imposed; 43885

(b) An offense of violence that is a felony of the first or 43886
second degree; 43887

(c) A conspiracy to commit, an attempt to commit, or 43888
complicity in the commission of an offense described in division 43889
(C)(1)(a) or (b) of this section if the conspiracy, attempt, or 43890
complicity is a felony of the first or second degree. 43891

(2) Six months, if the most serious offense with which the 43892
defendant is charged is a felony other than a felony described in 43893
division (C)(1) of this section; 43894

(3) Sixty days, if the most serious offense with which the 43895
defendant is charged is a misdemeanor of the first or second 43896
degree; 43897

(4) Thirty days, if the most serious offense with which the 43898
defendant is charged is a misdemeanor of the third or fourth 43899
degree, a minor misdemeanor, or an unclassified misdemeanor. 43900

(D) Any defendant who is committed pursuant to this section 43901
shall not voluntarily admit the defendant or be voluntarily 43902
admitted to a hospital or institution pursuant to section 5122.02, 43903
5122.15, 5123.69, or 5123.76 of the Revised Code. 43904

(E) Except as otherwise provided in this division, a 43905
defendant who is charged with an offense and is committed by the 43906
court under this section to the department of ~~mental health~~ mental 43907
health and addiction services or is committed to an institution or 43908

facility for the treatment of mental retardation shall not be 43909
granted unsupervised on-grounds movement, supervised off-grounds 43910
movement, or nonsecured status except in accordance with the court 43911
order. The court may grant a defendant supervised off-grounds 43912
movement to obtain medical treatment or specialized habilitation 43913
treatment services if the person who supervises the treatment or 43914
the continuing evaluation and treatment of the defendant ordered 43915
under division (B)(1)(a) of this section informs the court that 43916
the treatment or continuing evaluation and treatment cannot be 43917
provided at the hospital or facility where the defendant is placed 43918
by the department of ~~mental health~~ mental health and addiction 43919
services or the institution or facility to which the defendant is 43920
committed. The chief clinical officer of the hospital or facility 43921
where the defendant is placed by the department of ~~mental health~~ 43922
mental health and addiction services or the managing officer of 43923
the institution or director of the facility to which the defendant 43924
is committed, or a designee of any of those persons, may grant a 43925
defendant movement to a medical facility for an emergency medical 43926
situation with appropriate supervision to ensure the safety of the 43927
defendant, staff, and community during that emergency medical 43928
situation. The chief clinical officer of the hospital or facility 43929
where the defendant is placed by the department of ~~mental health~~ 43930
mental health and addiction services or the managing officer of 43931
the institution or director of the facility to which the defendant 43932
is committed shall notify the court within twenty-four hours of 43933
the defendant's movement to the medical facility for an emergency 43934
medical situation under this division. 43935

(F) The person who supervises the treatment or continuing 43936
evaluation and treatment of a defendant ordered to undergo 43937
treatment or continuing evaluation and treatment under division 43938
(B)(1)(a) of this section shall file a written report with the 43939
court at the following times: 43940

(1) Whenever the person believes the defendant is capable of understanding the nature and objective of the proceedings against the defendant and of assisting in the defendant's defense;

(2) For a felony offense, fourteen days before expiration of the maximum time for treatment as specified in division (C) of this section and fourteen days before the expiration of the maximum time for continuing evaluation and treatment as specified in division (B)(1)(a) of this section, and, for a misdemeanor offense, ten days before the expiration of the maximum time for treatment, as specified in division (C) of this section;

(3) At a minimum, after each six months of treatment;

(4) Whenever the person who supervises the treatment or continuing evaluation and treatment of a defendant ordered under division (B)(1)(a) of this section believes that there is not a substantial probability that the defendant will become capable of understanding the nature and objective of the proceedings against the defendant or of assisting in the defendant's defense even if the defendant is provided with a course of treatment.

(G) A report under division (F) of this section shall contain the examiner's findings, the facts in reasonable detail on which the findings are based, and the examiner's opinion as to the defendant's capability of understanding the nature and objective of the proceedings against the defendant and of assisting in the defendant's defense. If, in the examiner's opinion, the defendant remains incapable of understanding the nature and objective of the proceedings against the defendant and of assisting in the defendant's defense and there is a substantial probability that the defendant will become capable of understanding the nature and objective of the proceedings against the defendant and of assisting in the defendant's defense if the defendant is provided with a course of treatment, if in the examiner's opinion the defendant remains mentally ill or mentally retarded, and if the

maximum time for treatment as specified in division (C) of this 43973
section has not expired, the report also shall contain the 43974
examiner's recommendation as to the least restrictive placement or 43975
commitment alternative that is consistent with the defendant's 43976
treatment needs for restoration to competency and with the safety 43977
of the community. The court shall provide copies of the report to 43978
the prosecutor and defense counsel. 43979

(H) If a defendant is committed pursuant to division (B)(1) 43980
of this section, within ten days after the treating physician of 43981
the defendant or the examiner of the defendant who is employed or 43982
retained by the treating facility advises that there is not a 43983
substantial probability that the defendant will become capable of 43984
understanding the nature and objective of the proceedings against 43985
the defendant or of assisting in the defendant's defense even if 43986
the defendant is provided with a course of treatment, within ten 43987
days after the expiration of the maximum time for treatment as 43988
specified in division (C) of this section, within ten days after 43989
the expiration of the maximum time for continuing evaluation and 43990
treatment as specified in division (B)(1)(a) of this section, 43991
within thirty days after a defendant's request for a hearing that 43992
is made after six months of treatment, or within thirty days after 43993
being advised by the treating physician or examiner that the 43994
defendant is competent to stand trial, whichever is the earliest, 43995
the court shall conduct another hearing to determine if the 43996
defendant is competent to stand trial and shall do whichever of 43997
the following is applicable: 43998

(1) If the court finds that the defendant is competent to 43999
stand trial, the defendant shall be proceeded against as provided 44000
by law. 44001

(2) If the court finds that the defendant is incompetent to 44002
stand trial, but that there is a substantial probability that the 44003
defendant will become competent to stand trial if the defendant is 44004

provided with a course of treatment, and the maximum time for 44005
treatment as specified in division (C) of this section has not 44006
expired, the court, after consideration of the examiner's 44007
recommendation, shall order that treatment be continued, may 44008
change the facility or program at which the treatment is to be 44009
continued, and shall specify whether the treatment is to be 44010
continued at the same or a different facility or program. 44011

(3) If the court finds that the defendant is incompetent to 44012
stand trial, if the defendant is charged with an offense listed in 44013
division (C)(1) of this section, and if the court finds that there 44014
is not a substantial probability that the defendant will become 44015
competent to stand trial even if the defendant is provided with a 44016
course of treatment, or if the maximum time for treatment relative 44017
to that offense as specified in division (C) of this section has 44018
expired, further proceedings shall be as provided in sections 44019
2945.39, 2945.401, and 2945.402 of the Revised Code. 44020

(4) If the court finds that the defendant is incompetent to 44021
stand trial, if the most serious offense with which the defendant 44022
is charged is a misdemeanor or a felony other than a felony listed 44023
in division (C)(1) of this section, and if the court finds that 44024
there is not a substantial probability that the defendant will 44025
become competent to stand trial even if the defendant is provided 44026
with a course of treatment, or if the maximum time for treatment 44027
relative to that offense as specified in division (C) of this 44028
section has expired, the court shall dismiss the indictment, 44029
information, or complaint against the defendant. A dismissal under 44030
this division is not a bar to further prosecution based on the 44031
same conduct. The court shall discharge the defendant unless the 44032
court or prosecutor files an affidavit in probate court for civil 44033
commitment pursuant to Chapter 5122. or 5123. of the Revised Code. 44034
If an affidavit for civil commitment is filed, the court may 44035
detain the defendant for ten days pending civil commitment. All of 44036

the following provisions apply to persons charged with a 44037
misdemeanor or a felony other than a felony listed in division 44038
(C)(1) of this section who are committed by the probate court 44039
subsequent to the court's or prosecutor's filing of an affidavit 44040
for civil commitment under authority of this division: 44041

(a) The chief clinical officer of the entity, hospital, or 44042
facility, the managing officer of the institution, the director of 44043
the program, or the person to which the defendant is committed or 44044
admitted shall do all of the following: 44045

(i) Notify the prosecutor, in writing, of the discharge of 44046
the defendant, send the notice at least ten days prior to the 44047
discharge unless the discharge is by the probate court, and state 44048
in the notice the date on which the defendant will be discharged; 44049

(ii) Notify the prosecutor, in writing, when the defendant is 44050
absent without leave or is granted unsupervised, off-grounds 44051
movement, and send this notice promptly after the discovery of the 44052
absence without leave or prior to the granting of the 44053
unsupervised, off-grounds movement, whichever is applicable; 44054

(iii) Notify the prosecutor, in writing, of the change of the 44055
defendant's commitment or admission to voluntary status, send the 44056
notice promptly upon learning of the change to voluntary status, 44057
and state in the notice the date on which the defendant was 44058
committed or admitted on a voluntary status. 44059

(b) Upon receiving notice that the defendant will be granted 44060
unsupervised, off-grounds movement, the prosecutor either shall 44061
re-indict the defendant or promptly notify the court that the 44062
prosecutor does not intend to prosecute the charges against the 44063
defendant. 44064

(I) If a defendant is convicted of a crime and sentenced to a 44065
jail or workhouse, the defendant's sentence shall be reduced by 44066
the total number of days the defendant is confined for evaluation 44067

to determine the defendant's competence to stand trial or 44068
treatment under this section and sections 2945.37 and 2945.371 of 44069
the Revised Code or by the total number of days the defendant is 44070
confined for evaluation to determine the defendant's mental 44071
condition at the time of the offense charged. 44072

Sec. 2945.39. (A) If a defendant who is charged with an 44073
offense described in division (C)(1) of section 2945.38 of the 44074
Revised Code is found incompetent to stand trial, after the 44075
expiration of the maximum time for treatment as specified in 44076
division (C) of that section or after the court finds that there 44077
is not a substantial probability that the defendant will become 44078
competent to stand trial even if the defendant is provided with a 44079
course of treatment, one of the following applies: 44080

(1) The court or the prosecutor may file an affidavit in 44081
probate court for civil commitment of the defendant in the manner 44082
provided in Chapter 5122. or 5123. of the Revised Code. If the 44083
court or prosecutor files an affidavit for civil commitment, the 44084
court may detain the defendant for ten days pending civil 44085
commitment. If the probate court commits the defendant subsequent 44086
to the court's or prosecutor's filing of an affidavit for civil 44087
commitment, the chief clinical officer of the entity, hospital, or 44088
facility, the managing officer of the institution, the director of 44089
the program, or the person to which the defendant is committed or 44090
admitted shall send to the prosecutor the notices described in 44091
divisions (H)(4)(a)(i) to (iii) of section 2945.38 of the Revised 44092
Code within the periods of time and under the circumstances 44093
specified in those divisions. 44094

(2) On the motion of the prosecutor or on its own motion, the 44095
court may retain jurisdiction over the defendant if, at a hearing, 44096
the court finds both of the following by clear and convincing 44097
evidence: 44098

(a) The defendant committed the offense with which the defendant is charged. 44099
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(b) The defendant is a mentally ill person subject to hospitalization by court order or a mentally retarded person subject to institutionalization by court order. 44101
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(B) In making its determination under division (A)(2) of this section as to whether to retain jurisdiction over the defendant, the court may consider all relevant evidence, including, but not limited to, any relevant psychiatric, psychological, or medical testimony or reports, the acts constituting the offense charged, and any history of the defendant that is relevant to the defendant's ability to conform to the law. 44104
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(C) If the court conducts a hearing as described in division (A)(2) of this section and if the court does not make both findings described in divisions (A)(2)(a) and (b) of this section by clear and convincing evidence, the court shall dismiss the indictment, information, or complaint against the defendant. Upon the dismissal, the court shall discharge the defendant unless the court or prosecutor files an affidavit in probate court for civil commitment of the defendant pursuant to Chapter 5122. or 5123. of the Revised Code. If the court or prosecutor files an affidavit for civil commitment, the court may order that the defendant be detained for up to ten days pending the civil commitment. If the probate court commits the defendant subsequent to the court's or prosecutor's filing of an affidavit for civil commitment, the chief clinical officer of the entity, hospital, or facility, the managing officer of the institution, the director of the program, or the person to which the defendant is committed or admitted shall send to the prosecutor the notices described in divisions (H)(4)(a)(i) to (iii) of section 2945.38 of the Revised Code within the periods of time and under the circumstances specified in those divisions. A dismissal of charges under this division is 44111
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not a bar to further criminal proceedings based on the same 44131
conduct. 44132

(D)(1) If the court conducts a hearing as described in 44133
division (A)(2) of this section and if the court makes the 44134
findings described in divisions (A)(2)(a) and (b) of this section 44135
by clear and convincing evidence, the court shall commit the 44136
defendant, if determined to require mental health treatment, 44137
either to the department of ~~mental health~~ mental health and 44138
addiction services for treatment at a hospital, facility, or 44139
agency as determined clinically appropriate by the department of 44140
~~mental health~~ mental health and addiction services or to another 44141
medical or psychiatric facility, as appropriate. Prior to placing 44142
the defendant, the department of ~~mental health~~ mental health and 44143
addiction services shall obtain court approval for that placement. 44144
If the court conducts such a hearing and if it makes those 44145
findings by clear and convincing evidence, the court shall commit 44146
the defendant, if determined to require treatment for mental 44147
retardation, to a facility operated by the department of 44148
developmental disabilities, or another facility, as appropriate. 44149
In determining the place of commitment, the court shall consider 44150
the extent to which the person is a danger to the person and to 44151
others, the need for security, and the type of crime involved and 44152
shall order the least restrictive alternative available that is 44153
consistent with public safety and the welfare of the defendant. In 44154
weighing these factors, the court shall give preference to 44155
protecting public safety. 44156

(2) If a court makes a commitment of a defendant under 44157
division (D)(1) of this section, the prosecutor shall send to the 44158
hospital, facility, or agency where the defendant is placed by the 44159
department of ~~mental health~~ mental health and addiction services 44160
or to the defendant's place of commitment all reports of the 44161
defendant's current mental condition and, except as otherwise 44162

provided in this division, any other relevant information, 44163
including, but not limited to, a transcript of the hearing held 44164
pursuant to division (A)(2) of this section, copies of relevant 44165
police reports, and copies of any prior arrest and conviction 44166
records that pertain to the defendant and that the prosecutor 44167
possesses. The prosecutor shall send the reports of the 44168
defendant's current mental condition in every case of commitment, 44169
and, unless the prosecutor determines that the release of any of 44170
the other relevant information to unauthorized persons would 44171
interfere with the effective prosecution of any person or would 44172
create a substantial risk of harm to any person, the prosecutor 44173
also shall send the other relevant information. Upon admission of 44174
a defendant committed under division (D)(1) of this section, the 44175
place of commitment shall send to the board of alcohol, drug 44176
addiction, and mental health services or the community mental 44177
health board serving the county in which the charges against the 44178
defendant were filed a copy of all reports of the defendant's 44179
current mental condition and a copy of the other relevant 44180
information provided by the prosecutor under this division, 44181
including, if provided, a transcript of the hearing held pursuant 44182
to division (A)(2) of this section, the relevant police reports, 44183
and the prior arrest and conviction records that pertain to the 44184
defendant and that the prosecutor possesses. 44185

(3) If a court makes a commitment under division (D)(1) of 44186
this section, all further proceedings shall be in accordance with 44187
sections 2945.401 and 2945.402 of the Revised Code. 44188

Sec. 2945.40. (A) If a person is found not guilty by reason 44189
of insanity, the verdict shall state that finding, and the trial 44190
court shall conduct a full hearing to determine whether the person 44191
is a mentally ill person subject to hospitalization by court order 44192
or a mentally retarded person subject to institutionalization by 44193
court order. Prior to the hearing, if the trial judge believes 44194

that there is probable cause that the person found not guilty by 44195
reason of insanity is a mentally ill person subject to 44196
hospitalization by court order or mentally retarded person subject 44197
to institutionalization by court order, the trial judge may issue 44198
a temporary order of detention for that person to remain in effect 44199
for ten court days or until the hearing, whichever occurs first. 44200

Any person detained pursuant to a temporary order of 44201
detention issued under this division shall be held in a suitable 44202
facility, taking into consideration the place and type of 44203
confinement prior to and during trial. 44204

(B) The court shall hold the hearing under division (A) of 44205
this section to determine whether the person found not guilty by 44206
reason of insanity is a mentally ill person subject to 44207
hospitalization by court order or a mentally retarded person 44208
subject to institutionalization by court order within ten court 44209
days after the finding of not guilty by reason of insanity. 44210
Failure to conduct the hearing within the ten-day period shall 44211
cause the immediate discharge of the respondent, unless the judge 44212
grants a continuance for not longer than ten court days for good 44213
cause shown or for any period of time upon motion of the 44214
respondent. 44215

(C) If a person is found not guilty by reason of insanity, 44216
the person has the right to attend all hearings conducted pursuant 44217
to sections 2945.37 to 2945.402 of the Revised Code. At any 44218
hearing conducted pursuant to one of those sections, the court 44219
shall inform the person that the person has all of the following 44220
rights: 44221

(1) The right to be represented by counsel and to have that 44222
counsel provided at public expense if the person is indigent, with 44223
the counsel to be appointed by the court under Chapter 120. of the 44224
Revised Code or under the authority recognized in division (C) of 44225
section 120.06, division (E) of section 120.16, division (E) of 44226

section 120.26, or section 2941.51 of the Revised Code; 44227

(2) The right to have independent expert evaluation and to 44228
have that independent expert evaluation provided at public expense 44229
if the person is indigent; 44230

(3) The right to subpoena witnesses and documents, to present 44231
evidence on the person's behalf, and to cross-examine witnesses 44232
against the person; 44233

(4) The right to testify in the person's own behalf and to 44234
not be compelled to testify; 44235

(5) The right to have copies of any relevant medical or 44236
mental health document in the custody of the state or of any place 44237
of commitment other than a document for which the court finds that 44238
the release to the person of information contained in the document 44239
would create a substantial risk of harm to any person. 44240

(D) The hearing under division (A) of this section shall be 44241
open to the public, and the court shall conduct the hearing in 44242
accordance with the Rules of Civil Procedure. The court shall make 44243
and maintain a full transcript and record of the hearing 44244
proceedings. The court may consider all relevant evidence, 44245
including, but not limited to, any relevant psychiatric, 44246
psychological, or medical testimony or reports, the acts 44247
constituting the offense in relation to which the person was found 44248
not guilty by reason of insanity, and any history of the person 44249
that is relevant to the person's ability to conform to the law. 44250

(E) Upon completion of the hearing under division (A) of this 44251
section, if the court finds there is not clear and convincing 44252
evidence that the person is a mentally ill person subject to 44253
hospitalization by court order or a mentally retarded person 44254
subject to institutionalization by court order, the court shall 44255
discharge the person, unless a detainer has been placed upon the 44256
person by the department of rehabilitation and correction, in 44257

which case the person shall be returned to that department. 44258

(F) If, at the hearing under division (A) of this section, 44259
the court finds by clear and convincing evidence that the person 44260
is a mentally ill person subject to hospitalization by court 44261
order, the court shall commit the person either to the department 44262
of ~~mental health~~ mental health and addiction services for 44263
treatment in a hospital, facility, or agency as determined 44264
clinically appropriate by the department of ~~mental health~~ mental 44265
health and addiction services or to another medical or psychiatric 44266
facility, as appropriate. Prior to placing the defendant, the 44267
department of ~~mental health~~ mental health and addiction services 44268
shall obtain court approval for that placement. If, at the hearing 44269
under division (A) of this section, the court determines by clear 44270
and convincing evidence that the person requires treatment for 44271
mental retardation, it shall commit the person to a facility 44272
operated by the department of developmental disabilities or 44273
another facility, as appropriate. Further proceedings shall be in 44274
accordance with sections 2945.401 and 2945.402 of the Revised 44275
Code. In determining the place of commitment, the court shall 44276
consider the extent to which the person is a danger to the person 44277
and to others, the need for security, and the type of crime 44278
involved and shall order the least restrictive alternative 44279
available that is consistent with public safety and the welfare of 44280
the person. In weighing these factors, the court shall give 44281
preference to protecting public safety. 44282

(G) If a court makes a commitment of a person under division 44283
(F) of this section, the prosecutor shall send to the hospital, 44284
facility, or agency where the person is placed by the department 44285
of ~~mental health~~ mental health and addiction services or to the 44286
defendant's place of commitment all reports of the person's 44287
current mental condition, and, except as otherwise provided in 44288
this division, any other relevant information, including, but not 44289

limited to, a transcript of the hearing held pursuant to division 44290
(A) of this section, copies of relevant police reports, and copies 44291
of any prior arrest and conviction records that pertain to the 44292
person and that the prosecutor possesses. The prosecutor shall 44293
send the reports of the person's current mental condition in every 44294
case of commitment, and, unless the prosecutor determines that the 44295
release of any of the other relevant information to unauthorized 44296
persons would interfere with the effective prosecution of any 44297
person or would create a substantial risk of harm to any person, 44298
the prosecutor also shall send the other relevant information. 44299
Upon admission of a person committed under division (F) of this 44300
section, the place of commitment shall send to the board of 44301
alcohol, drug addiction, and mental health services or the 44302
community mental health board serving the county in which the 44303
charges against the person were filed a copy of all reports of the 44304
person's current mental condition and a copy of the other relevant 44305
information provided by the prosecutor under this division, 44306
including, if provided, a transcript of the hearing held pursuant 44307
to division (A) of this section, the relevant police reports, and 44308
the prior arrest and conviction records that pertain to the person 44309
and that the prosecutor possesses. 44310

(H) A person who is committed pursuant to this section shall 44311
not voluntarily admit the person or be voluntarily admitted to a 44312
hospital or institution pursuant to section 5122.02, 5122.15, 44313
5123.69, or 5123.76 of the Revised Code. 44314

Sec. 2945.401. (A) A defendant found incompetent to stand 44315
trial and committed pursuant to section 2945.39 of the Revised 44316
Code or a person found not guilty by reason of insanity and 44317
committed pursuant to section 2945.40 of the Revised Code shall 44318
remain subject to the jurisdiction of the trial court pursuant to 44319
that commitment, and to the provisions of this section, until the 44320
final termination of the commitment as described in division 44321

(J)(1) of this section. If the jurisdiction is terminated under 44322
this division because of the final termination of the commitment 44323
resulting from the expiration of the maximum prison term or term 44324
of imprisonment described in division (J)(1)(b) of this section, 44325
the court or prosecutor may file an affidavit for the civil 44326
commitment of the defendant or person pursuant to Chapter 5122. or 44327
5123. of the Revised Code. 44328

(B) A hearing conducted under any provision of sections 44329
2945.37 to 2945.402 of the Revised Code shall not be conducted in 44330
accordance with Chapters 5122. and 5123. of the Revised Code. Any 44331
person who is committed pursuant to section 2945.39 or 2945.40 of 44332
the Revised Code shall not voluntarily admit the person or be 44333
voluntarily admitted to a hospital or institution pursuant to 44334
section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. 44335
All other provisions of Chapters 5122. and 5123. of the Revised 44336
Code regarding hospitalization or institutionalization shall apply 44337
to the extent they are not in conflict with this chapter. A 44338
commitment under section 2945.39 or 2945.40 of the Revised Code 44339
shall not be terminated and the conditions of the commitment shall 44340
not be changed except as otherwise provided in division (D)(2) of 44341
this section with respect to a mentally retarded person subject to 44342
institutionalization by court order or except by order of the 44343
trial court. 44344

(C) The department of ~~mental health~~ mental health and 44345
addiction services or the institution, facility, or program to 44346
which a defendant or person has been committed under section 44347
2945.39 or 2945.40 of the Revised Code shall report in writing to 44348
the trial court, at the times specified in this division, as to 44349
whether the defendant or person remains a mentally ill person 44350
subject to hospitalization by court order or a mentally retarded 44351
person subject to institutionalization by court order and, in the 44352
case of a defendant committed under section 2945.39 of the Revised 44353

Code, as to whether the defendant remains incompetent to stand 44354
trial. The department, institution, facility, or program shall 44355
make the reports after the initial six months of treatment and 44356
every two years after the initial report is made. The trial court 44357
shall provide copies of the reports to the prosecutor and to the 44358
counsel for the defendant or person. Within thirty days after its 44359
receipt pursuant to this division of a report from the department, 44360
institution, facility, or program, the trial court shall hold a 44361
hearing on the continued commitment of the defendant or person or 44362
on any changes in the conditions of the commitment of the 44363
defendant or person. The defendant or person may request a change 44364
in the conditions of confinement, and the trial court shall 44365
conduct a hearing on that request if six months or more have 44366
elapsed since the most recent hearing was conducted under this 44367
section. 44368

(D)(1) Except as otherwise provided in division (D)(2) of 44369
this section, when a defendant or person has been committed under 44370
section 2945.39 or 2945.40 of the Revised Code, at any time after 44371
evaluating the risks to public safety and the welfare of the 44372
defendant or person, the designee of the department of ~~mental~~ 44373
~~health~~ mental health and addiction services or the managing 44374
officer of the institution or director of the facility or program 44375
to which the defendant or person is committed may recommend a 44376
termination of the defendant's or person's commitment or a change 44377
in the conditions of the defendant's or person's commitment. 44378

Except as otherwise provided in division (D)(2) of this 44379
section, if the designee of the department of ~~mental health~~ mental 44380
health and addiction services recommends on-grounds unsupervised 44381
movement, off-grounds supervised movement, or nonsecured status 44382
for the defendant or person or termination of the defendant's or 44383
person's commitment, the following provisions apply: 44384

(a) If the department's designee recommends on-grounds 44385

unsupervised movement or off-grounds supervised movement, the 44386
department's designee shall file with the trial court an 44387
application for approval of the movement and shall send a copy of 44388
the application to the prosecutor. Within fifteen days after 44389
receiving the application, the prosecutor may request a hearing on 44390
the application and, if a hearing is requested, shall so inform 44391
the department's designee. If the prosecutor does not request a 44392
hearing within the fifteen-day period, the trial court shall 44393
approve the application by entering its order approving the 44394
requested movement or, within five days after the expiration of 44395
the fifteen-day period, shall set a date for a hearing on the 44396
application. If the prosecutor requests a hearing on the 44397
application within the fifteen-day period, the trial court shall 44398
hold a hearing on the application within thirty days after the 44399
hearing is requested. If the trial court, within five days after 44400
the expiration of the fifteen-day period, sets a date for a 44401
hearing on the application, the trial court shall hold the hearing 44402
within thirty days after setting the hearing date. At least 44403
fifteen days before any hearing is held under this division, the 44404
trial court shall give the prosecutor written notice of the date, 44405
time, and place of the hearing. At the conclusion of each hearing 44406
conducted under this division, the trial court either shall 44407
approve or disapprove the application and shall enter its order 44408
accordingly. 44409

(b) If the department's designee recommends termination of 44410
the defendant's or person's commitment at any time or if the 44411
department's designee recommends the first of any nonsecured 44412
status for the defendant or person, the department's designee 44413
shall send written notice of this recommendation to the trial 44414
court and to the local forensic center. The local forensic center 44415
shall evaluate the committed defendant or person and, within 44416
thirty days after its receipt of the written notice, shall submit 44417
to the trial court and the department's designee a written report 44418

of the evaluation. The trial court shall provide a copy of the 44419
department's designee's written notice and of the local forensic 44420
center's written report to the prosecutor and to the counsel for 44421
the defendant or person. Upon the local forensic center's 44422
submission of the report to the trial court and the department's 44423
designee, all of the following apply: 44424

(i) If the forensic center disagrees with the recommendation 44425
of the department's designee, it shall inform the department's 44426
designee and the trial court of its decision and the reasons for 44427
the decision. The department's designee, after consideration of 44428
the forensic center's decision, shall either withdraw, proceed 44429
with, or modify and proceed with the recommendation. If the 44430
department's designee proceeds with, or modifies and proceeds 44431
with, the recommendation, the department's designee shall proceed 44432
in accordance with division (D)(1)(b)(iii) of this section. 44433

(ii) If the forensic center agrees with the recommendation of 44434
the department's designee, it shall inform the department's 44435
designee and the trial court of its decision and the reasons for 44436
the decision, and the department's designee shall proceed in 44437
accordance with division (D)(1)(b)(iii) of this section. 44438

(iii) If the forensic center disagrees with the 44439
recommendation of the department's designee and the department's 44440
designee proceeds with, or modifies and proceeds with, the 44441
recommendation or if the forensic center agrees with the 44442
recommendation of the department's designee, the department's 44443
designee shall work with community mental health ~~agencies~~ services 44444
providers, programs, facilities, or boards of alcohol, drug 44445
addiction, and mental health services or community mental health 44446
boards to develop a plan to implement the recommendation. If the 44447
defendant or person is on medication, the plan shall include, but 44448
shall not be limited to, a system to monitor the defendant's or 44449
person's compliance with the prescribed medication treatment plan. 44450

The system shall include a schedule that clearly states when the defendant or person shall report for a medication compliance check. The medication compliance checks shall be based upon the effective duration of the prescribed medication, taking into account the route by which it is taken, and shall be scheduled at intervals sufficiently close together to detect a potential increase in mental illness symptoms that the medication is intended to prevent.

The department's designee, after consultation with the board of alcohol, drug addiction, and mental health services or the community mental health board serving the area, shall send the recommendation and plan developed under division (D)(1)(b)(iii) of this section, in writing, to the trial court, the prosecutor, and the counsel for the committed defendant or person. The trial court shall conduct a hearing on the recommendation and plan developed under division (D)(1)(b)(iii) of this section. Divisions (D)(1)(c) and (d) and (E) to (J) of this section apply regarding the hearing.

(c) If the department's designee's recommendation is for nonsecured status or termination of commitment, the prosecutor may obtain an independent expert evaluation of the defendant's or person's mental condition, and the trial court may continue the hearing on the recommendation for a period of not more than thirty days to permit time for the evaluation.

The prosecutor may introduce the evaluation report or present other evidence at the hearing in accordance with the Rules of Evidence.

(d) The trial court shall schedule the hearing on a department's designee's recommendation for nonsecured status or termination of commitment and shall give reasonable notice to the prosecutor and the counsel for the defendant or person. Unless continued for independent evaluation at the prosecutor's request

or for other good cause, the hearing shall be held within thirty 44483
days after the trial court's receipt of the recommendation and 44484
plan. 44485

(2)(a) Division (D)(1) of this section does not apply to 44486
on-grounds unsupervised movement of a defendant or person who has 44487
been committed under section 2945.39 or 2945.40 of the Revised 44488
Code, who is a mentally retarded person subject to 44489
institutionalization by court order, and who is being provided 44490
residential habilitation, care, and treatment in a facility 44491
operated by the department of developmental disabilities. 44492

(b) If, pursuant to section 2945.39 of the Revised Code, the 44493
trial court commits a defendant who is found incompetent to stand 44494
trial and who is a mentally retarded person subject to 44495
institutionalization by court order, if the defendant is being 44496
provided residential habilitation, care, and treatment in a 44497
facility operated by the department of developmental disabilities, 44498
if an individual who is conducting a survey for the department of 44499
health to determine the facility's compliance with the 44500
certification requirements of the medicaid program ~~under Chapter~~ 44501
~~5111. of the Revised Code and Title XIX of the "Social Security~~ 44502
~~Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ cites the 44503
defendant's receipt of the residential habilitation, care, and 44504
treatment in the facility as being inappropriate under the 44505
certification requirements, if the defendant's receipt of the 44506
residential habilitation, care, and treatment in the facility 44507
potentially jeopardizes the facility's continued receipt of 44508
federal medicaid moneys, and if as a result of the citation the 44509
chief clinical officer of the facility determines that the 44510
conditions of the defendant's commitment should be changed, the 44511
department of developmental disabilities may cause the defendant 44512
to be removed from the particular facility and, after evaluating 44513
the risks to public safety and the welfare of the defendant and 44514

after determining whether another type of placement is consistent 44515
with the certification requirements, may place the defendant in 44516
another facility that the department selects as an appropriate 44517
facility for the defendant's continued receipt of residential 44518
habilitation, care, and treatment and that is a no less secure 44519
setting than the facility in which the defendant had been placed 44520
at the time of the citation. Within three days after the 44521
defendant's removal and alternative placement under the 44522
circumstances described in division (D)(2)(b) of this section, the 44523
department of developmental disabilities shall notify the trial 44524
court and the prosecutor in writing of the removal and alternative 44525
placement. 44526

The trial court shall set a date for a hearing on the removal 44527
and alternative placement, and the hearing shall be held within 44528
twenty-one days after the trial court's receipt of the notice from 44529
the department of developmental disabilities. At least ten days 44530
before the hearing is held, the trial court shall give the 44531
prosecutor, the department of developmental disabilities, and the 44532
counsel for the defendant written notice of the date, time, and 44533
place of the hearing. At the hearing, the trial court shall 44534
consider the citation issued by the individual who conducted the 44535
survey for the department of health to be prima-facie evidence of 44536
the fact that the defendant's commitment to the particular 44537
facility was inappropriate under the certification requirements of 44538
the medicaid program ~~under Chapter 5111. of the Revised Code and~~ 44539
~~Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 44540
~~U.S.C.A. 301, as amended,~~ and potentially jeopardizes the 44541
particular facility's continued receipt of federal medicaid 44542
moneys. At the conclusion of the hearing, the trial court may 44543
approve or disapprove the defendant's removal and alternative 44544
placement. If the trial court approves the defendant's removal and 44545
alternative placement, the department of developmental 44546
disabilities may continue the defendant's alternative placement. 44547

If the trial court disapproves the defendant's removal and 44548
alternative placement, it shall enter an order modifying the 44549
defendant's removal and alternative placement, but that order 44550
shall not require the department of developmental disabilities to 44551
replace the defendant for purposes of continued residential 44552
habilitation, care, and treatment in the facility associated with 44553
the citation issued by the individual who conducted the survey for 44554
the department of health. 44555

(E) In making a determination under this section regarding 44556
nonsecured status or termination of commitment, the trial court 44557
shall consider all relevant factors, including, but not limited 44558
to, all of the following: 44559

(1) Whether, in the trial court's view, the defendant or 44560
person currently represents a substantial risk of physical harm to 44561
the defendant or person or others; 44562

(2) Psychiatric and medical testimony as to the current 44563
mental and physical condition of the defendant or person; 44564

(3) Whether the defendant or person has insight into the 44565
defendant's or person's condition so that the defendant or person 44566
will continue treatment as prescribed or seek professional 44567
assistance as needed; 44568

(4) The grounds upon which the state relies for the proposed 44569
commitment; 44570

(5) Any past history that is relevant to establish the 44571
defendant's or person's degree of conformity to the laws, rules, 44572
regulations, and values of society; 44573

(6) If there is evidence that the defendant's or person's 44574
mental illness is in a state of remission, the medically suggested 44575
cause and degree of the remission and the probability that the 44576
defendant or person will continue treatment to maintain the 44577
remissive state of the defendant's or person's illness should the 44578

defendant's or person's commitment conditions be altered. 44579

(F) At any hearing held pursuant to division (C) or (D)(1) or 44580
(2) of this section, the defendant or the person shall have all 44581
the rights of a defendant or person at a commitment hearing as 44582
described in section 2945.40 of the Revised Code. 44583

(G) In a hearing held pursuant to division (C) or (D)(1) of 44584
this section, the prosecutor has the burden of proof as follows: 44585

(1) For a recommendation of termination of commitment, to 44586
show by clear and convincing evidence that the defendant or person 44587
remains a mentally ill person subject to hospitalization by court 44588
order or a mentally retarded person subject to 44589
institutionalization by court order; 44590

(2) For a recommendation for a change in the conditions of 44591
the commitment to a less restrictive status, to show by clear and 44592
convincing evidence that the proposed change represents a threat 44593
to public safety or a threat to the safety of any person. 44594

(H) In a hearing held pursuant to division (C) or (D)(1) or 44595
(2) of this section, the prosecutor shall represent the state or 44596
the public interest. 44597

(I) At the conclusion of a hearing conducted under division 44598
(D)(1) of this section regarding a recommendation from the 44599
designee of the department of ~~mental health~~ mental health and 44600
addiction services, managing officer of the institution, or 44601
director of a facility or program, the trial court may approve, 44602
disapprove, or modify the recommendation and shall enter an order 44603
accordingly. 44604

(J)(1) A defendant or person who has been committed pursuant 44605
to section 2945.39 or 2945.40 of the Revised Code continues to be 44606
under the jurisdiction of the trial court until the final 44607
termination of the commitment. For purposes of division (J) of 44608
this section, the final termination of a commitment occurs upon 44609

the earlier of one of the following: 44610

(a) The defendant or person no longer is a mentally ill 44611
person subject to hospitalization by court order or a mentally 44612
retarded person subject to institutionalization by court order, as 44613
determined by the trial court; 44614

(b) The expiration of the maximum prison term or term of 44615
imprisonment that the defendant or person could have received if 44616
the defendant or person had been convicted of the most serious 44617
offense with which the defendant or person is charged or in 44618
relation to which the defendant or person was found not guilty by 44619
reason of insanity; 44620

(c) The trial court enters an order terminating the 44621
commitment under the circumstances described in division 44622
(J)(2)(a)(ii) of this section. 44623

(2)(a) If a defendant is found incompetent to stand trial and 44624
committed pursuant to section 2945.39 of the Revised Code, if 44625
neither of the circumstances described in divisions (J)(1)(a) and 44626
(b) of this section applies to that defendant, and if a report 44627
filed with the trial court pursuant to division (C) of this 44628
section indicates that the defendant presently is competent to 44629
stand trial or if, at any other time during the period of the 44630
defendant's commitment, the prosecutor, the counsel for the 44631
defendant, or the designee of the department of ~~mental health~~ 44632
mental health and addiction services or the managing officer of 44633
the institution or director of the facility or program to which 44634
the defendant is committed files an application with the trial 44635
court alleging that the defendant presently is competent to stand 44636
trial and requesting a hearing on the competency issue or the 44637
trial court otherwise has reasonable cause to believe that the 44638
defendant presently is competent to stand trial and determines on 44639
its own motion to hold a hearing on the competency issue, the 44640
trial court shall schedule a hearing on the competency of the 44641

defendant to stand trial, shall give the prosecutor, the counsel 44642
for the defendant, and the department's designee or the managing 44643
officer of the institution or the director of the facility to 44644
which the defendant is committed notice of the date, time, and 44645
place of the hearing at least fifteen days before the hearing, and 44646
shall conduct the hearing within thirty days of the filing of the 44647
application or of its own motion. If, at the conclusion of the 44648
hearing, the trial court determines that the defendant presently 44649
is capable of understanding the nature and objective of the 44650
proceedings against the defendant and of assisting in the 44651
defendant's defense, the trial court shall order that the 44652
defendant is competent to stand trial and shall be proceeded 44653
against as provided by law with respect to the applicable offenses 44654
described in division (C)(1) of section 2945.38 of the Revised 44655
Code and shall enter whichever of the following additional orders 44656
is appropriate: 44657

(i) If the trial court determines that the defendant remains 44658
a mentally ill person subject to hospitalization by court order or 44659
a mentally retarded person subject to institutionalization by 44660
court order, the trial court shall order that the defendant's 44661
commitment to the department of ~~mental health~~ mental health and 44662
addiction services or to an institution, facility, or program for 44663
the treatment of mental retardation be continued during the 44664
pendency of the trial on the applicable offenses described in 44665
division (C)(1) of section 2945.38 of the Revised Code. 44666

(ii) If the trial court determines that the defendant no 44667
longer is a mentally ill person subject to hospitalization by 44668
court order or a mentally retarded person subject to 44669
institutionalization by court order, the trial court shall order 44670
that the defendant's commitment to the department of ~~mental health~~ 44671
mental health and addiction services or to an institution, 44672
facility, or program for the treatment of mental retardation shall 44673

not be continued during the pendency of the trial on the 44674
applicable offenses described in division (C)(1) of section 44675
2945.38 of the Revised Code. This order shall be a final 44676
termination of the commitment for purposes of division (J)(1)(c) 44677
of this section. 44678

(b) If, at the conclusion of the hearing described in 44679
division (J)(2)(a) of this section, the trial court determines 44680
that the defendant remains incapable of understanding the nature 44681
and objective of the proceedings against the defendant or of 44682
assisting in the defendant's defense, the trial court shall order 44683
that the defendant continues to be incompetent to stand trial, 44684
that the defendant's commitment to the department of ~~mental health~~ 44685
mental health and addiction services or to an institution, 44686
facility, or program for the treatment of mental retardation shall 44687
be continued, and that the defendant remains subject to the 44688
jurisdiction of the trial court pursuant to that commitment, and 44689
to the provisions of this section, until the final termination of 44690
the commitment as described in division (J)(1) of this section. 44691

Sec. 2950.012. If a court sentences a person who commits a 44692
sexually oriented offense or a child-victim oriented offense to a 44693
community control sanction, the court may make payment of the 44694
registration fee required by section 311.172 of the Revised Code a 44695
condition of the community control sanction. 44696

Sec. 2951.041. (A)(1) If an offender is charged with a 44697
criminal offense, including but not limited to a violation of 44698
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 44699
the Revised Code, and the court has reason to believe that drug or 44700
alcohol usage by the offender was a factor leading to the criminal 44701
offense with which the offender is charged or that, at the time of 44702
committing that offense, the offender had a mental illness or was 44703
a person with intellectual disability and that the mental illness 44704

or status as a person with intellectual disability was a factor 44705
leading to the offender's criminal behavior, the court may accept, 44706
prior to the entry of a guilty plea, the offender's request for 44707
intervention in lieu of conviction. The request shall include a 44708
statement from the offender as to whether the offender is alleging 44709
that drug or alcohol usage by the offender was a factor leading to 44710
the criminal offense with which the offender is charged or is 44711
alleging that, at the time of committing that offense, the 44712
offender had a mental illness or was a person with intellectual 44713
disability and that the mental illness or status as a person with 44714
intellectual disability was a factor leading to the criminal 44715
offense with which the offender is charged. The request also shall 44716
include a waiver of the defendant's right to a speedy trial, the 44717
preliminary hearing, the time period within which the grand jury 44718
may consider an indictment against the offender, and arraignment, 44719
unless the hearing, indictment, or arraignment has already 44720
occurred. The court may reject an offender's request without a 44721
hearing. If the court elects to consider an offender's request, 44722
the court shall conduct a hearing to determine whether the 44723
offender is eligible under this section for intervention in lieu 44724
of conviction and shall stay all criminal proceedings pending the 44725
outcome of the hearing. If the court schedules a hearing, the 44726
court shall order an assessment of the offender for the purpose of 44727
determining the offender's eligibility for intervention in lieu of 44728
conviction and recommending an appropriate intervention plan. 44729

If the offender alleges that drug or alcohol usage by the 44730
offender was a factor leading to the criminal offense with which 44731
the offender is charged, the court may order that the offender be 44732
assessed by ~~a program~~ an addiction services provider certified 44733
pursuant to section ~~3793.06~~ 5119.36 of the Revised Code or a 44734
properly credentialed professional for the purpose of determining 44735
the offender's eligibility for intervention in lieu of conviction 44736
and recommending an appropriate intervention plan. The ~~program~~ 44737

addiction services provider or the properly credentialed 44738
professional shall provide a written assessment of the offender to 44739
the court. 44740

(2) The victim notification provisions of division (C) of 44741
section 2930.08 of the Revised Code apply in relation to any 44742
hearing held under division (A)(1) of this section. 44743

(B) An offender is eligible for intervention in lieu of 44744
conviction if the court finds all of the following: 44745

(1) The offender previously has not been convicted of or 44746
pleaded guilty to a felony offense of violence or previously has 44747
been convicted of or pleaded guilty to any felony that is not an 44748
offense of violence and the prosecuting attorney recommends that 44749
the offender be found eligible for participation in intervention 44750
in lieu of treatment under this section, previously has not been 44751
through intervention in lieu of conviction under this section or 44752
any similar regimen, and is charged with a felony for which the 44753
court, upon conviction, would impose a community control sanction 44754
on the offender under division (B)(2) of section 2929.13 of the 44755
Revised Code or with a misdemeanor. 44756

(2) The offense is not a felony of the first, second, or 44757
third degree, is not an offense of violence, is not a violation of 44758
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 44759
not a violation of division (A)(1) of section 2903.08 of the 44760
Revised Code, is not a violation of division (A) of section 44761
4511.19 of the Revised Code or a municipal ordinance that is 44762
substantially similar to that division, and is not an offense for 44763
which a sentencing court is required to impose a mandatory prison 44764
term, a mandatory term of local incarceration, or a mandatory term 44765
of imprisonment in a jail. 44766

(3) The offender is not charged with a violation of section 44767
2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged 44768

with a violation of section 2925.03 of the Revised Code that is a 44769
felony of the first, second, third, or fourth degree, and is not 44770
charged with a violation of section 2925.11 of the Revised Code 44771
that is a felony of the first, second, or third degree. 44772

(4) If an offender alleges that drug or alcohol usage by the 44773
offender was a factor leading to the criminal offense with which 44774
the offender is charged, the court has ordered that the offender 44775
be assessed by ~~a program~~ an addiction services provider certified 44776
pursuant to section ~~3793.06~~ 5119.36 of the Revised Code or a 44777
properly credentialed professional for the purpose of determining 44778
the offender's eligibility for intervention in lieu of conviction 44779
and recommending an appropriate intervention plan, the offender 44780
has been assessed by ~~a program~~ an addiction services provider of 44781
that nature or a properly credentialed professional in accordance 44782
with the court's order, and the ~~program~~ addiction services 44783
provider or properly credentialed professional has filed the 44784
written assessment of the offender with the court. 44785

(5) If an offender alleges that, at the time of committing 44786
the criminal offense with which the offender is charged, the 44787
offender had a mental illness or was a person with intellectual 44788
disability and that the mental illness or status as a person with 44789
intellectual disability was a factor leading to that offense, the 44790
offender has been assessed by a psychiatrist, psychologist, 44791
independent social worker, or professional clinical counselor for 44792
the purpose of determining the offender's eligibility for 44793
intervention in lieu of conviction and recommending an appropriate 44794
intervention plan. 44795

(6) The offender's drug usage, alcohol usage, mental illness, 44796
or intellectual disability, whichever is applicable, was a factor 44797
leading to the criminal offense with which the offender is 44798
charged, intervention in lieu of conviction would not demean the 44799
seriousness of the offense, and intervention would substantially 44800

reduce the likelihood of any future criminal activity. 44801

(7) The alleged victim of the offense was not sixty-five 44802
years of age or older, permanently and totally disabled, under 44803
thirteen years of age, or a peace officer engaged in the officer's 44804
official duties at the time of the alleged offense. 44805

(8) If the offender is charged with a violation of section 44806
2925.24 of the Revised Code, the alleged violation did not result 44807
in physical harm to any person, and the offender previously has 44808
not been treated for drug abuse. 44809

(9) The offender is willing to comply with all terms and 44810
conditions imposed by the court pursuant to division (D) of this 44811
section. 44812

(10) The offender is not charged with an offense that would 44813
result in the offender being disqualified under Chapter 4506. of 44814
the Revised Code from operating a commercial motor vehicle or 44815
would subject the offender to any other sanction under that 44816
chapter. 44817

(C) At the conclusion of a hearing held pursuant to division 44818
(A) of this section, the court shall enter its determination as to 44819
whether the offender is eligible for intervention in lieu of 44820
conviction and as to whether to grant the offender's request. If 44821
the court finds under division (B) of this section that the 44822
offender is eligible for intervention in lieu of conviction and 44823
grants the offender's request, the court shall accept the 44824
offender's plea of guilty and waiver of the defendant's right to a 44825
speedy trial, the preliminary hearing, the time period within 44826
which the grand jury may consider an indictment against the 44827
offender, and arraignment, unless the hearing, indictment, or 44828
arraignment has already occurred. In addition, the court then may 44829
stay all criminal proceedings and order the offender to comply 44830
with all terms and conditions imposed by the court pursuant to 44831

division (D) of this section. If the court finds that the offender 44832
is not eligible or does not grant the offender's request, the 44833
criminal proceedings against the offender shall proceed as if the 44834
offender's request for intervention in lieu of conviction had not 44835
been made. 44836

(D) If the court grants an offender's request for 44837
intervention in lieu of conviction, the court shall place the 44838
offender under the general control and supervision of the county 44839
probation department, the adult parole authority, or another 44840
appropriate local probation or court services agency, if one 44841
exists, as if the offender was subject to a community control 44842
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 44843
Revised Code. The court shall establish an intervention plan for 44844
the offender. The terms and conditions of the intervention plan 44845
shall require the offender, for at least one year from the date on 44846
which the court grants the order of intervention in lieu of 44847
conviction, to abstain from the use of illegal drugs and alcohol, 44848
to participate in treatment and recovery support services, and to 44849
submit to regular random testing for drug and alcohol use and may 44850
include any other treatment terms and conditions, or terms and 44851
conditions similar to community control sanctions, which may 44852
include community service or restitution, that are ordered by the 44853
court. 44854

(E) If the court grants an offender's request for 44855
intervention in lieu of conviction and the court finds that the 44856
offender has successfully completed the intervention plan for the 44857
offender, including the requirement that the offender abstain from 44858
using illegal drugs and alcohol for a period of at least one year 44859
from the date on which the court granted the order of intervention 44860
in lieu of conviction, the requirement that the offender 44861
participate in treatment and recovery support services, and all 44862
other terms and conditions ordered by the court, the court shall 44863

dismiss the proceedings against the offender. Successful 44864
completion of the intervention plan and period of abstinence under 44865
this section shall be without adjudication of guilt and is not a 44866
criminal conviction for purposes of any disqualification or 44867
disability imposed by law and upon conviction of a crime, and the 44868
court may order the sealing of records related to the offense in 44869
question in the manner provided in sections 2953.31 to 2953.36 of 44870
the Revised Code. 44871

(F) If the court grants an offender's request for 44872
intervention in lieu of conviction and the offender fails to 44873
comply with any term or condition imposed as part of the 44874
intervention plan for the offender, the supervising authority for 44875
the offender promptly shall advise the court of this failure, and 44876
the court shall hold a hearing to determine whether the offender 44877
failed to comply with any term or condition imposed as part of the 44878
plan. If the court determines that the offender has failed to 44879
comply with any of those terms and conditions, it shall enter a 44880
finding of guilty and shall impose an appropriate sanction under 44881
Chapter 2929. of the Revised Code. If the court sentences the 44882
offender to a prison term, the court, after consulting with the 44883
department of rehabilitation and correction regarding the 44884
availability of services, may order continued court-supervised 44885
activity and treatment of the offender during the prison term and, 44886
upon consideration of reports received from the department 44887
concerning the offender's progress in the program of activity and 44888
treatment, may consider judicial release under section 2929.20 of 44889
the Revised Code. 44890

(G) As used in this section: 44891

(1) "Community control sanction" has the same meaning as in 44892
section 2929.01 of the Revised Code. 44893

(2) "Intervention in lieu of conviction" means any 44894
court-supervised activity that complies with this section. 44895

(3) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	44896 44897
(4) "Mental illness" and "psychiatrist" have the same meanings as in section 5122.01 of the Revised Code.	44898 44899
(5) "Person with intellectual disability" means a person having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.	44900 44901 44902 44903
(6) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	44904 44905
(H) Whenever the term "mentally retarded person" is used in any statute, rule, contract, grant, or other document, the reference shall be deemed to include a "person with intellectual disability," as defined in this section.	44906 44907 44908 44909
Sec. 2967.22. Whenever it is brought to the attention of the adult parole authority or a department of probation that a parolee, person under a community control sanction, person under transitional control, or releasee appears to be a mentally ill person subject to hospitalization by court order, as defined in section 5122.01 of the Revised Code, or a mentally retarded person subject to institutionalization by court order, as defined in section 5123.01 of the Revised Code, the parole or probation officer, subject to the approval of the chief of the adult parole authority, the designee of the chief of the adult parole authority, or the chief probation officer, may file an affidavit under section 5122.11 or 5123.71 of the Revised Code. A parolee, person under a community control sanction, or releasee who is involuntarily detained under Chapter 5122. or 5123. of the Revised Code shall receive credit against the period of parole or community control or the term of post-release control for the period of involuntary detention.	44910 44911 44912 44913 44914 44915 44916 44917 44918 44919 44920 44921 44922 44923 44924 44925 44926

If a parolee, person under a community control sanction, 44927
person under transitional control, or releasee escapes from an 44928
institution or facility within the department of ~~mental health~~ 44929
mental health and addiction services or the department of 44930
developmental disabilities, the superintendent of the institution 44931
immediately shall notify the chief of the adult parole authority 44932
or the chief probation officer. Notwithstanding the provisions of 44933
section 5122.26 of the Revised Code, the procedure for the 44934
apprehension, detention, and return of the parolee, person under a 44935
community control sanction, person under transitional control, or 44936
releasee is the same as that provided for the apprehension, 44937
detention, and return of persons who escape from institutions 44938
operated by the department of rehabilitation and correction. If 44939
the escaped parolee, person under transitional control, or 44940
releasee is not apprehended and returned to the custody of the 44941
department of ~~mental health~~ mental health and addiction services 44942
or the department of developmental disabilities within ninety days 44943
after the escape, the parolee, person under transitional control, 44944
or releasee shall be discharged from the custody of the department 44945
of ~~mental health~~ mental health and addiction services or the 44946
department of developmental disabilities and returned to the 44947
custody of the department of rehabilitation and correction. If the 44948
escaped person under a community control sanction is not 44949
apprehended and returned to the custody of the department of 44950
~~mental health~~ mental health and addiction services or the 44951
department of developmental disabilities within ninety days after 44952
the escape, the person under a community control sanction shall be 44953
discharged from the custody of the department of ~~mental health~~ 44954
mental health and addiction services or the department of 44955
developmental disabilities and returned to the custody of the 44956
court that sentenced that person. 44957

Sec. 2981.01. (A) Forfeitures under this chapter shall be 44958

governed by all of the following purposes: 44959

(1) To provide economic disincentives and remedies to deter 44960
and offset the economic effect of offenses by seizing and 44961
forfeiting contraband, proceeds, and certain instrumentalities; 44962

(2) To ensure that seizures and forfeitures of 44963
instrumentalities are proportionate to the offense committed; 44964

(3) To protect third parties from wrongful forfeiture of 44965
their property; 44966

(4) To prioritize restitution for victims of offenses. 44967

(B) As used in this chapter: 44968

(1) "Aircraft" has the same meaning as in section 4561.01 of 44969
the Revised Code. 44970

(2) "Computers," "computer networks," "computer systems," 44971
"computer software," and "telecommunications device" have the same 44972
meanings as in section 2913.01 of the Revised Code. 44973

(3) "Financial institution" means a bank, credit union, 44974
savings and loan association, or a licensee or registrant under 44975
Chapter 1321. of the Revised Code. 44976

(4) "Firearm" and "dangerous ordnance" have the same meanings 44977
as in section 2923.11 of the Revised Code. 44978

(5) "Innocent person" includes any bona fide purchaser of 44979
property that is subject to forfeiture, including any person who 44980
establishes a valid claim to or interest in the property in 44981
accordance with section 2923.04 of the Revised Code, and any 44982
victim of an alleged offense. 44983

(6) "Instrumentality" means property otherwise lawful to 44984
possess that is used in or intended to be used in an offense. An 44985
"instrumentality" may include, but is not limited to, a firearm, a 44986
mobile instrumentality, a computer, a computer network, a computer 44987
system, computer software, a telecommunications device, money, and 44988

any other means of exchange. 44989

(7) "Law enforcement agency" includes, but is not limited to, 44990
the state board of pharmacy, the enforcement division of the 44991
department of taxation, the Ohio casino control commission, and 44992
the office of the prosecutor. 44993

(8) "Mobile instrumentality" means an instrumentality that is 44994
inherently mobile and used in the routine transport of persons. 44995
"Mobile instrumentality" includes, but is not limited to, any 44996
vehicle, any watercraft, and any aircraft. 44997

(9) "Money" has the same meaning as in section 1301.201 of 44998
the Revised Code. 44999

(10) "Offense" means any act or omission that could be 45000
charged as a criminal offense or a delinquent act, whether or not 45001
a formal criminal prosecution or delinquent child proceeding began 45002
at the time the forfeiture is initiated. Except as otherwise 45003
specified, an offense for which property may be forfeited includes 45004
any felony and any misdemeanor. The commission of an "offense" 45005
includes the commission of a delinquent act. 45006

(11) "Proceeds" means both of the following: 45007

(a) In cases involving unlawful goods, services, or 45008
activities, "proceeds" means any property derived directly or 45009
indirectly from an offense. "Proceeds" may include, but is not 45010
limited to, money or any other means of exchange. "Proceeds" is 45011
not limited to the net gain or profit realized from the offense. 45012

(b) In cases involving lawful goods or services that are sold 45013
or provided in an unlawful manner, "proceeds" means the amount of 45014
money or other means of exchange acquired through the illegal 45015
transactions resulting in the forfeiture, less the direct costs 45016
lawfully incurred in providing the goods or services. The lawful 45017
costs deduction does not include any part of the overhead expenses 45018
of, or income taxes paid by, the entity providing the goods or 45019

services. The alleged offender or delinquent child has the burden 45020
to prove that any costs are lawfully incurred. 45021

(12) "Property" means "property" as defined in section 45022
2901.01 of the Revised Code and any benefit, privilege, claim, 45023
position, interest in an enterprise, or right derived, directly or 45024
indirectly, from the offense. 45025

(13) "Property subject to forfeiture" includes contraband and 45026
proceeds and may include instrumentalities as provided in this 45027
chapter. 45028

(14) "Prosecutor" has the same meaning as in section 2935.01 45029
of the Revised Code. When relevant, "prosecutor" also includes the 45030
attorney general. 45031

(15) "Vehicle" has the same meaning as in section 4501.01 of 45032
the Revised Code. 45033

(16) "Watercraft" has the same meaning as in section 1547.01 45034
of the Revised Code. 45035

(C) The penalties and procedures under Chapters 2923., 2925., 45036
~~and~~ 2933., and 3772. of the Revised Code remain in effect to the 45037
extent that they do not conflict with this chapter. 45038

Sec. 2981.12. (A) Unclaimed or forfeited property in the 45039
custody of a law enforcement agency, other than property described 45040
in division (A)(2) of section 2981.11 of the Revised Code, shall 45041
be disposed of by order of any court of record that has 45042
territorial jurisdiction over the political subdivision that 45043
employs the law enforcement agency, as follows: 45044

(1) Drugs shall be disposed of pursuant to section 3719.11 of 45045
the Revised Code or placed in the custody of the secretary of the 45046
treasury of the United States for disposal or use for medical or 45047
scientific purposes under applicable federal law. 45048

(2) Firearms and dangerous ordnance suitable for police work 45049

may be given to a law enforcement agency for that purpose. 45050
Firearms suitable for sporting use or as museum pieces or 45051
collectors' items may be sold at public auction pursuant to 45052
division (B) of this section. The agency may sell other firearms 45053
and dangerous ordnance to a federally licensed firearms dealer in 45054
a manner that the court considers proper. The agency shall destroy 45055
any firearms or dangerous ordnance not given to a law enforcement 45056
agency or sold or shall send them to the bureau of criminal 45057
identification and investigation for destruction by the bureau. 45058

(3) Obscene materials shall be destroyed. 45059

(4) Beer, intoxicating liquor, or alcohol seized from a 45060
person who does not hold a permit issued under Chapters 4301. and 45061
4303. of the Revised Code or otherwise forfeited to the state for 45062
an offense under section 4301.45 or 4301.53 of the Revised Code 45063
shall be sold by the division of liquor control if the division 45064
determines that it is fit for sale or shall be placed in the 45065
custody of the investigations unit in the department of public 45066
safety and be used for training relating to law enforcement 45067
activities. The department, with the assistance of the division of 45068
liquor control, shall adopt rules in accordance with Chapter 119. 45069
of the Revised Code to provide for the distribution to state or 45070
local law enforcement agencies upon their request. If any tax 45071
imposed under Title XLIII of the Revised Code has not been paid in 45072
relation to the beer, intoxicating liquor, or alcohol, any moneys 45073
acquired from the sale shall first be used to pay the tax. All 45074
other money collected under this division shall be paid into the 45075
state treasury. Any beer, intoxicating liquor, or alcohol that the 45076
division determines to be unfit for sale shall be destroyed. 45077

(5) Money received by an inmate of a correctional institution 45078
from an unauthorized source or in an unauthorized manner shall be 45079
returned to the sender, if known, or deposited in the inmates' 45080
industrial and entertainment fund of the institution if the sender 45081

is not known. 45082

(6)(a) Any mobile instrumentality forfeited under this 45083
chapter may be given to the law enforcement agency that initially 45084
seized the mobile instrumentality for use in performing its 45085
duties, if the agency wants the mobile instrumentality. The agency 45086
shall take the mobile instrumentality subject to any security 45087
interest or lien on the mobile instrumentality. 45088

(b) Vehicles and vehicle parts forfeited under sections 45089
4549.61 to 4549.63 of the Revised Code may be given to a law 45090
enforcement agency for use in performing its duties. Those parts 45091
may be incorporated into any other official vehicle. Parts that do 45092
not bear vehicle identification numbers or derivatives of them may 45093
be sold or disposed of as provided by rules of the director of 45094
public safety. Parts from which a vehicle identification number or 45095
derivative of it has been removed, defaced, covered, altered, or 45096
destroyed and that are not suitable for police work or 45097
incorporation into an official vehicle shall be destroyed and sold 45098
as junk or scrap. 45099

(7) Computers, computer networks, computer systems, and 45100
computer software suitable for police work may be given to a law 45101
enforcement agency for that purpose or disposed of under division 45102
(B) of this section. 45103

(8) Money seized in connection with a violation of section 45104
2905.32, 2907.21, or 2907.22 of the Revised Code shall be 45105
deposited in the victims of human trafficking fund created by 45106
section 5101.87 of the Revised Code. 45107

(B) Unclaimed or forfeited property that is not described in 45108
division (A) of this section or division (A)(2) of section 2981.11 45109
of the Revised Code, with court approval, may be used by the law 45110
enforcement agency in possession of it. If it is not used by the 45111
agency, it may be sold without appraisal at a public auction to 45112

the highest bidder for cash or disposed of in another manner that 45113
the court considers proper. 45114

(C) Except as provided in divisions (A) and (F) of this 45115
section and after compliance with division (D) of this section 45116
when applicable, any moneys acquired from the sale of property 45117
disposed of pursuant to this section shall be placed in the 45118
general revenue fund of the state, or the general fund of the 45119
county, the township, or the municipal corporation of which the 45120
law enforcement agency involved is an agency. 45121

(D) If the property was in the possession of the law 45122
enforcement agency in relation to a delinquent child proceeding in 45123
a juvenile court, ten per cent of any moneys acquired from the 45124
sale of property disposed of under this section shall be applied 45125
to one or more ~~alcohol and drug~~ community addiction treatment 45126
~~programs~~ services providers that are certified by the department 45127
of ~~alcohol and drug addiction services~~ mental health and addiction 45128
services under section ~~3793.06~~ 5119.36 of the Revised Code. A 45129
juvenile court shall not specify a ~~program~~ services provider, 45130
except as provided in this division, unless the ~~program~~ services 45131
provider is in the same county as the court or in a contiguous 45132
county. If no certified ~~program~~ services provider is located in 45133
any of those counties, the juvenile court may specify a certified 45134
~~program~~ services provider anywhere in Ohio. The remaining ninety 45135
per cent of the proceeds or cash shall be applied as provided in 45136
division (C) of this section. 45137

Each ~~treatment program~~ services provider that receives in any 45138
calendar year forfeited money under this division shall file an 45139
annual report for that year with the attorney general and with the 45140
court of common pleas and board of county commissioners of the 45141
county in which the ~~program~~ services provider is located and of 45142
any other county from which the ~~program~~ services provider received 45143
forfeited money. The ~~program~~ services provider shall file the 45144

report on or before the first day of March in the calendar year 45145
following the calendar year in which the program services provider 45146
received the money. The report shall include statistics on the 45147
number of persons the program services provider served, identify 45148
the types of treatment services it provided to them, and include a 45149
specific accounting of the purposes for which it used the money so 45150
received. No information contained in the report shall identify, 45151
or enable a person to determine the identity of, any person served 45152
by the program services provider. 45153

(E) Each certified ~~alcohol and drug~~ community addiction 45154
~~treatment program services provider~~ that receives in any calendar 45155
year money under this section or under section 2981.13 of the 45156
Revised Code as the result of a juvenile forfeiture order shall 45157
file an annual report for that calendar year with the attorney 45158
general and with the court of common pleas and board of county 45159
commissioners of the county in which the program services provider 45160
is located and of any other county from which the program services 45161
provider received the money. The program services provider shall 45162
file the report on or before the first day of March in the 45163
calendar year following the year in which the program services 45164
provider received the money. The report shall include statistics 45165
on the number of persons served with the money, identify the types 45166
of treatment services provided, and specifically account for how 45167
the money was used. No information in the report shall identify or 45168
enable a person to determine the identity of anyone served by the 45169
program services provider. 45170

As used in this division, "juvenile-related forfeiture order" 45171
means any forfeiture order issued by a juvenile court under 45172
section 2981.04 or 2981.05 of the Revised Code and any disposal of 45173
property ordered by a court under section 2981.11 of the Revised 45174
Code regarding property that was in the possession of a law 45175
enforcement agency in relation to a delinquent child proceeding in 45176

a juvenile court. 45177

(F) Each board of county commissioners that recognizes a 45178
citizens' reward program under section 9.92 of the Revised Code 45179
shall notify each law enforcement agency of that county and of a 45180
township or municipal corporation wholly located in that county of 45181
the recognition by filing a copy of its resolution conferring that 45182
recognition with each of those agencies. When the board recognizes 45183
a citizens' reward program and the county includes a part, but not 45184
all, of the territory of a municipal corporation, the board shall 45185
so notify the law enforcement agency of that municipal corporation 45186
of the recognition of the citizens' reward program only if the 45187
county contains the highest percentage of the municipal 45188
corporation's population. 45189

Upon being so notified, each law enforcement agency shall pay 45190
twenty-five per cent of any forfeited proceeds or cash derived 45191
from each sale of property disposed of pursuant to this section to 45192
the citizens' reward program for use exclusively to pay rewards. 45193
No part of the funds may be used to pay expenses associated with 45194
the program. If a citizens' reward program that operates in more 45195
than one county or in another state in addition to this state 45196
receives funds under this section, the funds shall be used to pay 45197
rewards only for tips and information to law enforcement agencies 45198
concerning offenses committed in the county from which the funds 45199
were received. 45200

Receiving funds under this section or section 2981.11 of the 45201
Revised Code does not make the citizens' reward program a 45202
governmental unit or public office for purposes of section 149.43 45203
of the Revised Code. 45204

(G) Any property forfeited under this chapter shall not be 45205
used to pay any fine imposed upon a person who is convicted of or 45206
pleads guilty to an underlying criminal offense or a different 45207
offense arising out of the same facts and circumstances. 45208

(H) Any moneys acquired from the sale of personal effects, 45209
tools, or other property seized because the personal effects, 45210
tools, or other property were used in the commission of a 45211
violation of section 2905.32, 2907.21, or 2907.22 of the Revised 45212
Code or derived from the proceeds of the commission of a violation 45213
of section 2905.32, 2907.21, or 2907.22 of the Revised Code and 45214
disposed of pursuant to this section shall be placed in the 45215
victims of human trafficking fund created by section 5101.87 of 45216
the Revised Code. 45217

Sec. 2981.13. (A) Except as otherwise provided in this 45218
section, property ordered forfeited as contraband, proceeds, or an 45219
instrumentality pursuant to this chapter shall be disposed of, 45220
used, or sold pursuant to section 2981.12 of the Revised Code. If 45221
the property is to be sold under that section, the prosecutor 45222
shall cause notice of the proposed sale to be given in accordance 45223
with law. 45224

(B) If the contraband or instrumentality forfeited under this 45225
chapter is sold, any moneys acquired from a sale and any proceeds 45226
forfeited under this chapter shall be applied in the following 45227
order: 45228

(1) First, to pay costs incurred in the seizure, storage, 45229
maintenance, security, and sale of the property and in the 45230
forfeiture proceeding; 45231

(2) Second, in a criminal forfeiture case, to satisfy any 45232
restitution ordered to the victim of the offense or, in a civil 45233
forfeiture case, to satisfy any recovery ordered for the person 45234
harmful, unless paid from other assets; 45235

(3) Third, to pay the balance due on any security interest 45236
preserved under this chapter; 45237

(4) Fourth, apply the remaining amounts as follows: 45238

(a) If the forfeiture was ordered by a juvenile court, ten 45239
per cent to one or more certified alcohol and drug addiction 45240
treatment programs as provided in division (D) of section 2981.12 45241
of the Revised Code; 45242

(b) If the forfeiture was ordered in a juvenile court, ninety 45243
per cent, and if the forfeiture was ordered in a court other than 45244
a juvenile court, one hundred per cent to the law enforcement 45245
trust fund of the prosecutor and to the following fund supporting 45246
the law enforcement agency that substantially conducted the 45247
investigation: the law enforcement trust fund of the county 45248
sheriff, municipal corporation, township, or park district created 45249
under section 511.18 or 1545.01 of the Revised Code; the state 45250
highway patrol contraband, forfeiture, and other fund; the 45251
department of public safety investigative unit contraband, 45252
forfeiture, and other fund; the department of taxation enforcement 45253
fund; the board of pharmacy drug law enforcement fund created by 45254
division (B)(1) of section 4729.65 of the Revised Code; the 45255
medicaid fraud investigation and prosecution fund; the casino 45256
control commission enforcement fund created by section 3772.36 of 45257
the Revised Code; or the treasurer of state for deposit into the 45258
peace officer training commission fund if any other state law 45259
enforcement agency substantially conducted the investigation. In 45260
the case of property forfeited for medicaid fraud, any remaining 45261
amount shall be used by the attorney general to investigate and 45262
prosecute medicaid fraud offenses. 45263

If the prosecutor declines to accept any of the remaining 45264
amounts, the amounts shall be applied to the fund of the agency 45265
that substantially conducted the investigation. 45266

(c) If more than one law enforcement agency is substantially 45267
involved in the seizure of property forfeited under this chapter, 45268
the court ordering the forfeiture shall equitably divide the 45269
amounts, after calculating any distribution to the law enforcement 45270

trust fund of the prosecutor pursuant to division (B)(4) of this 45271
section, among the entities that the court determines were 45272
substantially involved in the seizure. 45273

(C)(1) A law enforcement trust fund shall be established by 45274
the prosecutor of each county who intends to receive any remaining 45275
amounts pursuant to this section, by the sheriff of each county, 45276
by the legislative authority of each municipal corporation, by the 45277
board of township trustees of each township that has a township 45278
police department, township or joint police district police force, 45279
or office of the constable, and by the board of park commissioners 45280
of each park district created pursuant to section 511.18 or 45281
1545.01 of the Revised Code that has a park district police force 45282
or law enforcement department, for the purposes of this section. 45283

There is hereby created in the state treasury the state 45284
highway patrol contraband, forfeiture, and other fund, the 45285
department of public safety investigative unit contraband, 45286
forfeiture, and other fund, the medicaid fraud investigation and 45287
prosecution fund, the department of taxation enforcement fund, and 45288
the peace officer training commission fund, for the purposes of 45289
this section. 45290

Amounts distributed to any municipal corporation, township, 45291
or park district law enforcement trust fund shall be allocated 45292
from the fund by the legislative authority only to the police 45293
department of the municipal corporation, by the board of township 45294
trustees only to the township police department, township police 45295
district police force, or office of the constable, by the joint 45296
police district board only to the joint police district, and by 45297
the board of park commissioners only to the park district police 45298
force or law enforcement department. 45299

(2)(a) No amounts shall be allocated to a fund created under 45300
this section or used by an agency unless the agency has adopted a 45301
written internal control policy that addresses the use of moneys 45302

received from the appropriate fund. The appropriate fund shall be 45303
expended only in accordance with that policy and, subject to the 45304
requirements specified in this section, only for the following 45305
purposes: 45306

(i) To pay the costs of protracted or complex investigations 45307
or prosecutions; 45308

(ii) To provide reasonable technical training or expertise; 45309

(iii) To provide matching funds to obtain federal grants to 45310
aid law enforcement, in the support of DARE programs or other 45311
programs designed to educate adults or children with respect to 45312
the dangers associated with the use of drugs of abuse; 45313

(iv) To pay the costs of emergency action taken under section 45314
3745.13 of the Revised Code relative to the operation of an 45315
illegal methamphetamine laboratory if the forfeited property or 45316
money involved was that of a person responsible for the operation 45317
of the laboratory; 45318

(v) For other law enforcement purposes that the 45319
superintendent of the state highway patrol, department of public 45320
safety, prosecutor, county sheriff, legislative authority, 45321
department of taxation, Ohio casino control commission, board of 45322
township trustees, or board of park commissioners determines to be 45323
appropriate. 45324

(b) The board of pharmacy drug law enforcement fund shall be 45325
expended only in accordance with the written internal control 45326
policy so adopted by the board and only in accordance with section 45327
4729.65 of the Revised Code, except that it also may be expended 45328
to pay the costs of emergency action taken under section 3745.13 45329
of the Revised Code relative to the operation of an illegal 45330
methamphetamine laboratory if the forfeited property or money 45331
involved was that of a person responsible for the operation of the 45332
laboratory. 45333

(c) The state highway patrol contraband, forfeiture, and 45334
other fund, the department of public safety investigative unit 45335
contraband, forfeiture, and other fund, the department of taxation 45336
enforcement fund, the board of pharmacy drug law enforcement fund, 45337
the casino control commission enforcement fund, and a law 45338
enforcement trust fund shall not be used to meet the operating 45339
costs of the state highway patrol, of the investigative unit of 45340
the department of public safety, of the state board of pharmacy, 45341
of any political subdivision, of the Ohio casino control 45342
commission, or of any office of a prosecutor or county sheriff 45343
that are unrelated to law enforcement. 45344

(d) Forfeited moneys that are paid into the state treasury to 45345
be deposited into the peace officer training commission fund shall 45346
be used by the commission only to pay the costs of peace officer 45347
training. 45348

(3) Any of the following offices or agencies that receive 45349
amounts under this section during any calendar year shall file a 45350
report with the specified entity, not later than the thirty-first 45351
day of January of the next calendar year, verifying that the 45352
moneys were expended only for the purposes authorized by this 45353
section or other relevant statute and specifying the amounts 45354
expended for each authorized purpose: 45355

(a) Any sheriff or prosecutor shall file the report with the 45356
county auditor. 45357

(b) Any municipal corporation police department shall file 45358
the report with the legislative authority of the municipal 45359
corporation. 45360

(c) Any township police department, township or joint police 45361
district police force, or office of the constable shall file the 45362
report with the board of township trustees of the township. 45363

(d) Any park district police force or law enforcement 45364

department shall file the report with the board of park commissioners of the park district.

(e) The superintendent of the state highway patrol and the tax commissioner shall file the report with the attorney general.

(f) The executive director of the state board of pharmacy shall file the report with the attorney general, verifying that cash and forfeited proceeds paid into the board of pharmacy drug law enforcement fund were used only in accordance with section 4729.65 of the Revised Code.

(g) The peace officer training commission shall file a report with the attorney general, verifying that cash and forfeited proceeds paid into the peace officer training commission fund pursuant to this section during the prior calendar year were used by the commission during the prior calendar year only to pay the costs of peace officer training.

(h) The executive director of the Ohio casino control commission shall file the report with the attorney general, verifying that cash and forfeited proceeds paid into the casino control commission enforcement fund were used only in accordance with section 3772.36 of the Revised Code.

(D) The written internal control policy of a county sheriff, prosecutor, municipal corporation police department, township police department, township or joint police district police force, office of the constable, or park district police force or law enforcement department shall provide that at least ten per cent of the first one hundred thousand dollars of amounts deposited during each calendar year in the agency's law enforcement trust fund under this section, and at least twenty per cent of the amounts exceeding one hundred thousand dollars that are so deposited, shall be used in connection with community preventive education programs. The manner of use shall be determined by the sheriff,

prosecutor, department, police force, or office of the constable 45396
after receiving and considering advice on appropriate community 45397
preventive education programs from the county's board of alcohol, 45398
drug addiction, and mental health services, from the county's 45399
alcohol and drug addiction services board, or through appropriate 45400
community dialogue. 45401

The financial records kept under the internal control policy 45402
shall specify the amount deposited during each calendar year in 45403
the portion of that amount that was used pursuant to this 45404
division, and the programs in connection with which the portion of 45405
that amount was so used. 45406

As used in this division, "community preventive education 45407
programs" include, but are not limited to, DARE programs and other 45408
programs designed to educate adults or children with respect to 45409
the dangers associated with using drugs of abuse. 45410

(E) Upon the sale, under this section or section 2981.12 of 45411
the Revised Code, of any property that is required by law to be 45412
titled or registered, the state shall issue an appropriate 45413
certificate of title or registration to the purchaser. If the 45414
state is vested with title and elects to retain property that is 45415
required to be titled or registered under law, the state shall 45416
issue an appropriate certificate of title or registration. 45417

(F) Any failure of a law enforcement officer or agency, 45418
prosecutor, court, or the attorney general to comply with this 45419
section in relation to any property seized does not affect the 45420
validity of the seizure and shall not be considered to be the 45421
basis for suppressing any evidence resulting from the seizure, 45422
provided the seizure itself was lawful. 45423

Sec. 3101.051. (A) Except as provided in division (B) of this 45424
section, a probate court shall make available to any person for 45425
inspection the records pertaining to the issuance of marriage 45426

licenses as provided under section 149.43 of the Revised Code. 45427

(B) Before it makes available to a person any records 45428
pertaining to the issuance of a marriage license as described in 45429
division (A) of this section, subject to division (C) of this 45430
section, a probate court shall delete or otherwise remove any 45431
social security numbers of the parties to a marriage so that they 45432
are not available to the person inspecting the records. 45433

(C) Division (B) of this section does not apply in any of the 45434
following circumstances: 45435

(1) If the records in question are inspected by authorized 45436
personnel of the division of child support in the department of 45437
job and family services under section ~~5101.31~~ 5101.37 of the 45438
Revised Code; 45439

(2) If the records in question are inspected by law 45440
enforcement personnel for purposes of a criminal investigation; 45441

(3) If the records in question with the social security 45442
numbers are necessary for use in a civil or criminal trial and the 45443
release of the records with the social security numbers is ordered 45444
by a court with jurisdiction over the trial; 45445

(4) If the records in question are inspected by either party 45446
to the marriage to which the records pertain; 45447

(5) If the court possessed the records in question prior to 45448
the effective date of this section. 45449

Sec. 3107.083. Not later than ninety days after June 20, 45450
1996, the director of job and family services shall do all of the 45451
following: 45452

(A)(1) For a parent of a child who, if adopted, will be an 45453
adopted person as defined in section 3107.45 of the Revised Code, 45454
prescribe a form that has the following six components: 45455

(a) A component the parent signs under section 3107.071, 45456
3107.081, or 5103.151 of the Revised Code to indicate the 45457
requirements of section 3107.082 or 5103.152 of the Revised Code 45458
have been met. The component shall be as follows: 45459

"Statement Concerning Ohio Law and Adoption Materials 45460

By signing this component of this form, I acknowledge that it 45461
has been explained to me, and I understand, that, if I check the 45462
space on the next component of this form that indicates that I 45463
authorize the release, the adoption file maintained by the Ohio 45464
Department of Health, which contains identifying information about 45465
me at the time of my child's birth, will be released, on request, 45466
to the adoptive parent when the adoptee is at least age eighteen 45467
but younger than age twenty-one and to the adoptee when he or she 45468
is age twenty-one or older. It has also been explained to me, and 45469
I understand, that I may prohibit the release of identifying 45470
information about me contained in the adoption file by checking 45471
the space on the next component of this form that indicates that I 45472
do not authorize the release of the identifying information. It 45473
has additionally been explained to me, and I understand, that I 45474
may change my mind regarding the decision I make on the next 45475
component of this form at any time and as many times as I desire 45476
by signing, dating, and having filed with the Ohio Department of 45477
Health a denial of release form or authorization of release form 45478
prescribed and provided by the Department of Health and providing 45479
the Department two items of identification. 45480

By signing this component of this form, I also acknowledge 45481
that I have been provided a copy of written materials about 45482
adoption prepared by the Ohio Department of Job and Family 45483
Services, the adoption process and ramifications of consenting to 45484
adoption or entering into a voluntary permanent custody surrender 45485
agreement have been discussed with me, and I have been provided 45486
the opportunity to review the materials and ask questions about 45487

the materials and discussion.	45488
Signature of biological parent:	45489
Signature of witness:	45490
Date:	45491
(b) A component the parent signs under section 3107.071,	45492
3107.081, or 5103.151 of the Revised Code regarding the parent's	45493
decision whether to allow identifying information about the parent	45494
contained in an adoption file maintained by the department of	45495
health to be released to the parent's child and adoptive parent	45496
pursuant to section 3107.47 of the Revised Code. The component	45497
shall be as follows:	45498
"Statement Regarding Release of Identifying Information	45499
The purpose of this component of this form is to allow a	45500
biological parent to decide whether to allow the Ohio Department	45501
of Health to provide an adoptee and adoptive parent identifying	45502
information about the adoptee's biological parent contained in an	45503
adoption file maintained by the Department. Please check one of	45504
the following spaces:	45505
..... YES, I authorize the Ohio Department of Health to	45506
release identifying information about me, on	
request, to the adoptive parent when the adoptee is	
at least age eighteen but younger than age	
twenty-one and to the adoptee when he or she is age	
twenty-one or older.	
..... NO, I do not authorize the release of identifying	45507
information about me to the adoptive parent or	
adoptee.	
Signature of biological parent:	45508
Signature of witness:	45509
Date:	45510
(c) A component the parent, if the mother of the child,	45511
completes and signs under section 3107.071, 3107.081, or 5103.151	45512

of the Revised Code to indicate, to the extent of the mother's 45513
knowledge, all of the following: 45514

(i) Whether the mother, during her pregnancy, was a recipient 45515
of the ~~medical assistance~~ medicaid program ~~established under~~ 45516
~~Chapter 5111. of the Revised Code~~ or other public health insurance 45517
program and, if so, the dates her eligibility began and ended; 45518

(ii) Whether the mother, during her pregnancy, was covered by 45519
private health insurance and, if so, the dates the coverage began 45520
and ended, the name of the insurance provider, the type of 45521
coverage, and the identification number of the coverage; 45522

(iii) The name and location of the hospital, freestanding 45523
~~birth~~ birthing center, or other place where the mother gave birth 45524
and, if different, received medical care immediately after giving 45525
birth; 45526

(iv) The expenses of the obstetrical and neonatal care; 45527

(v) Whether the mother has been informed that the adoptive 45528
parent or the agency or attorney arranging the adoption are to pay 45529
expenses involved in the adoption, including expenses the mother 45530
has paid and expects to receive or has received reimbursement, 45531
and, if so, what expenses are to be or have been paid and an 45532
estimate of the expenses; 45533

(vi) Any other information related to expenses the department 45534
determines appropriate to be included in this component. 45535

(d) A component the parent may sign to authorize the agency 45536
or attorney arranging the adoption to provide to the child or 45537
adoptive parent materials, other than photographs of the parent, 45538
that the parent requests be given to the child or adoptive parent 45539
pursuant to section 3107.68 of the Revised Code. 45540

(e) A component the parent may sign to authorize the agency 45541
or attorney arranging the adoption to provide to the child or 45542

adoptive parent photographs of the parent pursuant to section 45543
3107.68 of the Revised Code. 45544

(f) A component the parent may sign to authorize the agency 45545
or attorney arranging the adoption to provide to the child or 45546
adoptive parent the first name of the parent pursuant to section 45547
3107.68 of the Revised Code. 45548

(2) State at the bottom of the form that the parent is to 45549
receive a copy of the form the parent signed. 45550

(3) Provide copies of the form prescribed under this division 45551
to probate and juvenile courts, public children services agencies, 45552
private child placing agencies, private noncustodial agencies, 45553
attorneys, and persons authorized to take acknowledgments. 45554

(B)(1) For a parent of a child who, if adopted, will become 45555
an adopted person as defined in section 3107.39 of the Revised 45556
Code, prescribe a form that has the following five components: 45557

(a) A component the parent signs under section 3107.071, 45558
3107.081, or 5103.151 of the Revised Code to attest that the 45559
requirement of division (A) of section 3107.082 or division (A) of 45560
section 5103.152 of the Revised Code has been met; 45561

(b) A component the parent, if the mother of the child, 45562
completes and signs under section 3107.071, 3107.081, or 5103.151 45563
of the Revised Code to indicate, to the extent of the mother's 45564
knowledge, all of the following: 45565

(i) Whether the mother, during her pregnancy, was a recipient 45566
of the ~~medical assistance~~ medicaid program ~~established under~~ 45567
~~Chapter 5111. of the Revised Code~~ or other public health insurance 45568
program and, if so, the dates her eligibility began and ended; 45569

(ii) Whether the mother, during her pregnancy, was covered by 45570
private health insurance and, if so, the dates the coverage began 45571
and ended, the name of the insurance provider, the type of 45572

coverage, and the identification number of the coverage;	45573
(iii) The name and location of the hospital, freestanding	45574
birth <u>birthing</u> center, or other place where the mother gave birth	45575
and, if different, received medical care immediately after giving	45576
birth;	45577
(iv) The expenses of the obstetrical and neonatal care;	45578
(v) Whether the mother has been informed that the adoptive	45579
parent or the agency or attorney arranging the adoption are to pay	45580
expenses involved in the adoption, including expenses the mother	45581
has paid and expects to receive or has received reimbursement for,	45582
and, if so, what expenses are to be or have been paid and an	45583
estimate of the expenses;	45584
(vi) Any other information related to expenses the department	45585
determines appropriate to be included in the component.	45586
(c) A component the parent may sign to authorize the agency	45587
or attorney arranging the adoption to provide to the child or	45588
adoptive parent materials, other than photographs of the parent,	45589
that the parent requests be given to the child or adoptive parent	45590
pursuant to section 3107.68 of the Revised Code.	45591
(d) A component the parent may sign to authorize the agency	45592
or attorney arranging the adoption to provide to the child or	45593
adoptive parent photographs of the parent pursuant to section	45594
3107.68 of the Revised Code.	45595
(e) A component the parent may sign to authorize the agency	45596
or attorney arranging the adoption to provide to the child or	45597
adoptive parent the first name of the parent pursuant to section	45598
3107.68 of the Revised Code.	45599
(2) State at the bottom of the form that the parent is to	45600
receive a copy of the form the parent signed.	45601
(3) Provide copies of the form prescribed under this division	45602

to probate and juvenile courts, public children services agencies, 45603
private child placing agencies, private noncustodial agencies, and 45604
attorneys. 45605

(C) Prepare the written materials about adoption that are 45606
required to be given to parents under division (A) of section 45607
3107.082 and division (A) of section 5103.152 of the Revised Code. 45608
The materials shall provide information about the adoption 45609
process, including ramifications of a parent consenting to a 45610
child's adoption or entering into a voluntary permanent custody 45611
surrender agreement. The materials also shall include referral 45612
information for professional counseling and adoption support 45613
organizations. The director shall provide the materials to 45614
assessors. 45615

(D) Adopt rules in accordance with Chapter 119. of the 45616
Revised Code specifying the documents that must be filed with a 45617
probate court under divisions (B) and (D) of section 3107.081 of 45618
the Revised Code and a juvenile court under divisions (C) and (E) 45619
of section 5103.151 of the Revised Code. 45620

Sec. 3109.15. There is hereby created within the department 45621
of job and family services the children's trust fund board 45622
consisting of fifteen members. The directors of ~~alcohol and drug~~ 45623
~~addiction services~~ mental health and addiction services, health, 45624
and job and family services shall be members of the board. Eight 45625
public members shall be appointed by the governor. These members 45626
shall be persons with demonstrated knowledge in programs for 45627
children, shall be representative of the demographic composition 45628
of this state, and, to the extent practicable, shall be 45629
representative of the following categories: the educational 45630
community; the legal community; the social work community; the 45631
medical community; the voluntary sector; and professional 45632
providers of child abuse and child neglect services. Five of these 45633

members shall be residents of metropolitan statistical areas as 45634
defined by the United States office of management and budget where 45635
the population exceeds four hundred thousand; no two such members 45636
shall be residents of the same metropolitan statistical area. Two 45637
members of the board shall be members of the house of 45638
representatives appointed by the speaker of the house of 45639
representatives and shall be members of two different political 45640
parties. Two members of the board shall be members of the senate 45641
appointed by the president of the senate and shall be members of 45642
two different political parties. All members of the board 45643
appointed by the speaker of the house of representatives or the 45644
president of the senate shall serve until the expiration of the 45645
sessions of the general assembly during which they were appointed. 45646
They may be reappointed to an unlimited number of successive terms 45647
of two years at the pleasure of the speaker of the house of 45648
representatives or president of the senate. Public members shall 45649
serve terms of three years. Each member shall serve until the 45650
member's successor is appointed, or until a period of sixty days 45651
has elapsed, whichever occurs first. No public member may serve 45652
more than two consecutive full terms. All vacancies on the board 45653
shall be filled for the balance of the unexpired term in the same 45654
manner as the original appointment. 45655

Any member of the board may be removed by the member's 45656
appointing authority for misconduct, incompetency, or neglect of 45657
duty after first being given the opportunity to be heard in the 45658
member's own behalf. Pursuant to section 3.17 of the Revised Code, 45659
a member, except a member of the general assembly or a judge of 45660
any court in the state, who fails to attend at least three-fifths 45661
of the regular and special meetings held by the board during any 45662
two-year period forfeits the member's position on the board. 45663

Each member of the board shall serve without compensation but 45664
shall be reimbursed for all actual and necessary expenses incurred 45665

in the performance of official duties. 45666

At the beginning of the first year of each even-numbered 45667
general assembly, the chairperson of the board shall be appointed 45668
by the speaker of the house of representatives from among members 45669
of the board who are members of the house of representatives. At 45670
the beginning of the first year of each odd-numbered general 45671
assembly, the chairperson of the board shall be appointed by the 45672
president of the senate from among the members of the board who 45673
are senate members. 45674

The board shall biennially select a vice-chair from among its 45675
nonlegislative members. 45676

Sec. 3111.04. (A) An action to determine the existence or 45677
nonexistence of the father and child relationship may be brought 45678
by the child or the child's personal representative, the child's 45679
mother or her personal representative, a man alleged or alleging 45680
himself to be the child's father, the child support enforcement 45681
agency of the county in which the child resides if the child's 45682
mother, father, or alleged father is a recipient of public 45683
assistance or of services under Title IV-D of the "Social Security 45684
Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the 45685
alleged father's personal representative. 45686

(B) An agreement does not bar an action under this section. 45687

(C) If an action under this section is brought before the 45688
birth of the child and if the action is contested, all 45689
proceedings, except service of process and the taking of 45690
depositions to perpetuate testimony, may be stayed until after the 45691
birth. 45692

(D) A recipient of public assistance or of services under 45693
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 45694
U.S.C.A. 651, as amended, shall cooperate with the child support 45695

enforcement agency of the county in which a child resides to 45696
obtain an administrative determination pursuant to sections 45697
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 45698
determination pursuant to sections 3111.01 to 3111.18 of the 45699
Revised Code, of the existence or nonexistence of a parent and 45700
child relationship between the father and the child. If the 45701
recipient fails to cooperate, the agency may commence an action to 45702
determine the existence or nonexistence of a parent and child 45703
relationship between the father and the child pursuant to sections 45704
3111.01 to 3111.18 of the Revised Code. 45705

(E) As used in this section, "public assistance" means all of 45706
the following: 45707

(1) Medicaid ~~under Chapter 5111. of the Revised Code;~~ 45708

(2) Ohio works first under Chapter 5107. of the Revised Code; 45709

(3) Disability financial assistance under Chapter 5115. of 45710
the Revised Code. 45711

Sec. 3111.72. The contract between the department of job and 45712
family services and a local hospital shall require all of the 45713
following: 45714

(A) That the hospital provide a staff person to meet with 45715
each unmarried mother who gave birth in or en route to the 45716
hospital within twenty-four hours of the birth or before the 45717
mother is released from the hospital; 45718

(B) That the staff person attempt to meet with the father of 45719
the unmarried mother's child if possible; 45720

(C) That the staff person explain to the unmarried mother and 45721
the father, if he is present, the benefit to the child of 45722
establishing a parent and child relationship between the father 45723
and the child and the various proper procedures for establishing a 45724
parent and child relationship; 45725

(D) That the staff person present to the unmarried mother 45726
and, if possible, the father, the pamphlet or statement regarding 45727
the rights and responsibilities of a natural parent that is 45728
prepared and provided by the department of job and family services 45729
pursuant to section 3111.32 of the Revised Code; 45730

(E) That the staff person provide the mother and, if 45731
possible, the father, all forms and statements necessary to 45732
voluntarily establish a parent and child relationship, including, 45733
but not limited to, the acknowledgment of paternity affidavit 45734
prepared by the department of job and family services pursuant to 45735
section 3111.31 of the Revised Code; 45736

(F) That the staff person, at the request of both the mother 45737
and father, help the mother and father complete any form or 45738
statement necessary to establish a parent and child relationship; 45739

(G) That the hospital provide a notary public to notarize an 45740
acknowledgment of paternity affidavit signed by the mother and 45741
father; 45742

(H) That the staff person present to an unmarried mother who 45743
is not participating in the Ohio works first program established 45744
under Chapter 5107. of the Revised Code or receiving ~~medical~~ 45745
~~assistance under Chapter 5111. of the Revised Code~~ medicaid an 45746
application for Title IV-D services; 45747

(I) That the staff person forward any completed 45748
acknowledgment of paternity, no later than ten days after it is 45749
completed, to the office of child support in the department of job 45750
and family services; 45751

(J) That the department of job and family services pay the 45752
hospital twenty dollars for every correctly signed and notarized 45753
acknowledgment of paternity affidavit from the hospital. 45754

Sec. 3119.29. (A) As used in this section and sections 45755

3119.30 to 3119.56 of the Revised Code: 45756

(1) "Cash medical support" means an amount ordered to be paid 45757
in a child support order toward the cost of health insurance 45758
provided by a public entity, another parent, or person with whom 45759
the child resides, through employment or otherwise, or for other 45760
medical cost not covered by insurance. 45761

(2) "Federal poverty line" has the same meaning as defined in 45762
section 5104.01 of the Revised Code. 45763

(3) "Health care" means such medical support that includes 45764
coverage under a health insurance plan, payment of costs of 45765
premiums, ~~co-payments~~ copayments, and deductibles, or payment for 45766
medical expenses incurred on behalf of the child. 45767

(4) "Health insurance coverage" means accessible private 45768
health insurance that provides primary care services within thirty 45769
miles from the residence of the child subject to the child support 45770
order. 45771

(5) "Health plan administrator" means any entity authorized 45772
under Title XXXIX of the Revised Code to engage in the business of 45773
insurance in this state, any health insuring corporation, any 45774
legal entity that is self-insured and provides benefits to its 45775
employees or members, and the administrator of any such entity or 45776
corporation. 45777

(6) "National medical support notice" means a form required 45778
by the "Child Support Performance and Incentive Act of 1998," P.L. 45779
105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as amended, and 45780
jointly developed and promulgated by the secretary of health and 45781
human services and the secretary of labor in federal regulations 45782
adopted under that act as modified by the department of job and 45783
family services under section 3119.291 of the Revised Code. 45784

(7) "Person required to provide health insurance coverage" 45785
means the obligor, obligee, or both, required by the court under a 45786

court child support order or by the child support enforcement 45787
agency under an administrative child support order to provide 45788
health insurance coverage pursuant to section 3119.30 of the 45789
Revised Code. 45790

(8) Subject to division (B) of this section, "reasonable 45791
cost" means the contributing cost of private family health 45792
insurance to the person responsible for the health care of the 45793
children subject to the child support order that does not exceed 45794
an amount equal to five per cent of the annual gross income of 45795
that person. 45796

(9) "Title XIX" has the same meaning as ~~defined~~ in section 45797
~~5111.20~~ 5165.01 of the Revised Code. 45798

(B) If the United States secretary of health and human 45799
services issues a regulation defining "reasonable cost" or a 45800
similar term or phrase relevant to the provisions in child support 45801
orders relating to the provision of health care for children 45802
subject to the orders, and if that definition is substantively 45803
different from the meaning of "reasonable cost" as defined in 45804
division (A) of this section, "reasonable cost" as used in this 45805
section shall have the meaning as defined by the United States 45806
secretary of health and human services. 45807

Sec. 3119.54. A party to a child support order issued in 45808
accordance with section 3119.30 of the Revised Code shall notify 45809
any physician, hospital, or other provider of medical services 45810
that provides medical services to the child who is the subject of 45811
the child support order of the number of any health insurance or 45812
health care policy, contract, or plan that covers the child if the 45813
child is eligible for ~~medical assistance under Chapter 5111. of~~ 45814
~~the Revised Code~~ medicaid. The party shall include in the notice 45815
the name and address of the insurer. Any physician, hospital, or 45816
other provider of medical services ~~for which medical assistance is~~ 45817

~~available under Chapter 5111. of the Revised Code~~ covered by the 45818
medicaid program who is notified under this section of the 45819
existence of a health insurance or health care policy, contract, 45820
or plan with coverage for children who are eligible for ~~medical~~ 45821
~~assistance~~ medicaid shall first bill the insurer for any services 45822
provided for those children. If the insurer fails to pay all or 45823
any part of a claim filed under this section and the services for 45824
which the claim is filed are covered by ~~Chapter 5111. of the~~ 45825
~~Revised Code~~ the medicaid program, the physician, hospital, or 45826
other medical services provider shall bill the remaining unpaid 45827
costs of the services ~~in accordance with Chapter 5111. of the~~ 45828
~~Revised Code~~ to the medicaid program. 45829

Sec. 3121.441. (A) Notwithstanding the provisions of this 45830
chapter, Chapters 3119., 3123., and 3125., and sections 3770.071 45831
and 5107.20 of the Revised Code providing for the office of child 45832
support in the department of job and family services to collect, 45833
withhold, or deduct spousal support, when a court pursuant to 45834
section 3105.18 or 3105.65 of the Revised Code issues or modifies 45835
an order requiring an obligor to pay spousal support or grants or 45836
modifies a decree of dissolution of marriage incorporating a 45837
separation agreement that provides for spousal support, or at any 45838
time after the issuance, granting, or modification of an order or 45839
decree of that type, the court may permit the obligor to make the 45840
spousal support payments directly to the obligee instead of to the 45841
office if the obligee and the obligor have no minor children born 45842
as a result of their marriage and the obligee has not assigned the 45843
spousal support amounts to the department pursuant to section 45844
~~5101.59 or~~ 5107.20 or 5160.38 of the Revised Code. 45845

(B) A court that permits an obligor to make spousal support 45846
payments directly to the obligee pursuant to division (A) of this 45847
section shall order the obligor to make the spousal support 45848

payments as a check, as a money order, or in any other form that 45849
establishes a clear record of payment. 45850

(C) If a court permits an obligor to make spousal support 45851
payments directly to an obligee pursuant to division (A) of this 45852
section and the obligor is in default in making any spousal 45853
support payment to the obligee, the court, upon motion of the 45854
obligee or on its own motion, may rescind the permission granted 45855
under that division. After the rescission, the court shall 45856
determine the amount of arrearages in the spousal support payments 45857
and order the obligor to make to the office of child support in 45858
the department of job and family services any spousal support 45859
payments that are in arrears and any future spousal support 45860
payments. Upon the issuance of the order of the court under this 45861
division, the provisions of this chapter, Chapters 3119., 3123., 45862
and 3125., and sections 3770.071 and 5107.20 of the Revised Code 45863
apply with respect to the collection, withholding, or deduction of 45864
the obligor's spousal support payments that are the subject of 45865
that order of the court. 45866

Sec. 3121.89. As used in sections 3121.891 to 3121.8911 of 45867
the Revised Code: 45868

(A) "Contractor" means an individual who provides services to 45869
an employer as an independent contractor for compensation that is 45870
reported as income other than wages and who is an individual, the 45871
sole shareholder of a corporation, or the sole member of a limited 45872
liability company. "Contractor" does not include any of the 45873
following: 45874

(1) An individual performing intelligence or 45875
counterintelligence functions for a state agency if the head of 45876
the agency has determined that reporting pursuant to this section 45877
could endanger the safety of the individual or compromise an 45878
ongoing investigation or intelligence mission; 45879

(2) A professionally licensed person who is providing services to the employer under that license;	45880 45881
(3) An individual who will receive for the services provided under the contract compensation of less than two thousand five hundred dollars per year or a greater amount that the director of job and family services establishes by rule adopted under section 3121.896 of the Revised Code.	45882 45883 45884 45885 45886
(B) "Employee" means an individual who is employed to provide services to an employer for compensation that is reported as income from wages. "Employee" does not include an individual performing intelligence or counterintelligence functions for a state agency, if the head of the agency has determined that reporting pursuant to this section could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.	45887 45888 45889 45890 45891 45892 45893 45894
(C) "Employer" means any person or governmental entity other than the federal government for which an individual performs any service, of whatever nature, as the employee or contractor of such person, except that:	45895 45896 45897 45898
(1) If the person for whom the individual performs services does not have control of the payment of compensation for the services, "employer" means the person having control of the payment of the compensation.	45899 45900 45901 45902
(2) In the case of a person paying compensation on behalf of a nonresident alien individual, foreign partnership, or foreign corporation not engaged in trade or business within the United States, "employer" means the person paying the compensation.	45903 45904 45905 45906
(3) In the case of compensation paid to a contractor, "employer" does not include any person or entity that lacks a federal employer identification number.	45907 45908 45909
(D) <u>"Newly hired employee" means either of the following:</u>	45910

(1) An employee who has not previously been employed by the employer; 45911
45912

(2) An employee who was previously employed by an employer but has been separated from that prior employment for at least sixty consecutive days. 45913
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45915

(E) "Professionally licensed person" has the same meaning as in section 2925.01 of the Revised Code. 45916
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Sec. 3121.891. (A) Except as provided in division (B) or (C) of this section, every employer shall make a new hire report to the department of job and family services regarding ~~the hiring, rehiring, or return to work as an~~ a newly hired employee or a contractor of a person who resides, works, or will be assigned to work in this state to whom the employer anticipates paying compensation. 45918
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(B) An employer with employees or contractors in two or more states that transmits new hire reports magnetically or electronically may make the new hire report to another state if the employer does both of the following: 45925
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45927
45928

(1) Notifies the Ohio department of job and family services and the United States secretary of health and human services in writing that the employer has designated another state as the state to which the employer will transmit the report; 45929
45930
45931
45932

(2) Transmits the report to that state in compliance with federal law. 45933
45934

(C) The department may by rule exempt employers from making new hire reports on any classification of contractors if the department determines that exempting the employer will assist the administration of the new hire reporting requirement. 45935
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Sec. 3121.892. (A) An employer shall include all of the 45939

following in each new hire report: 45940

(1) For each employee, the employee's name, address, date of 45941
birth, social security number, and date of hire, ~~rehire, or return~~ 45942
~~to work;~~ 45943

(2) For each contractor, the contractor's name, address, 45944
social security or tax identification number, the date payments 45945
begin, and the length of time the contractor will be performing 45946
services for the employer; 45947

(3) The employer's name, address, and identification number. 45948

(B) The department of job and family services may by rule 45949
require that additional information, specified in the rule, be 45950
included in each new hire report. 45951

Sec. 3121.893. An employer shall make a new hire report for 45952
each newly hired employee or contractor in a manner prescribed by 45953
the department of job and family services. The department may 45954
require that the report include or consist of the submission of a 45955
copy of the United States internal revenue service form W-4 45956
(employee's withholding allowance certificate) for the employee, a 45957
form provided by the department, or any other hiring document or 45958
data storage device or mechanism the department authorizes. An 45959
employer may make the new hire report by mail, fax, magnetic or 45960
electronic means, or other means the department authorizes. If an 45961
employer makes a new hire report by mail, the date of making the 45962
report is the postmark date if the report is mailed in the United 45963
States with first class postage and is addressed as the department 45964
authorizes. An employer shall make the new hire report not later 45965
than twenty days after the date on which the employer hires ~~or~~ 45966
~~rehires~~ an employee ~~or the employee returns to work~~ or the date on 45967
which the employer engages or re-engages the contractor or the 45968
contractor resumes providing services under the contract. 45969

Sec. 3121.898. The department of job and family services 45970
shall use the new hire reports it receives for any of the 45971
following purposes set forth in 42 U.S.C. 653a, as amended, 45972
including: 45973

(A) To locate individuals for the purposes of establishing 45974
paternity and for establishing, modifying, and enforcing child 45975
support orders. 45976

(B) As used in this division, "state agency" means every 45977
department, bureau, board, commission, office, or other organized 45978
body established by the constitution or laws of this state for the 45979
exercise of state government; every entity of county government 45980
that is subject to the rules of a state agency; and every 45981
contractual agent of a state agency. 45982

To make available to any state agency responsible for 45983
administering any of the following programs for purposes of 45984
verifying program eligibility: 45985

(1) Any Title IV-A program as defined in section 5101.80 of 45986
the Revised Code; 45987

(2) The medicaid program ~~authorized by Chapter 5111. of the~~ 45988
~~Revised Code;~~ 45989

(3) The unemployment compensation program authorized by 45990
Chapter 4141. of the Revised Code; 45991

(4) The supplemental nutrition assistance program authorized 45992
by section 5101.54 of the Revised Code; 45993

(5) Any other program authorized in 42 U.S.C. 1320b-7(b), as 45994
amended. 45995

(C) The administration of the employment security program 45996
under the director of job and family services. 45997

Sec. 3123.958. The office of child support ~~shall~~ may publish 45998

and distribute ~~the first~~ a set of posters throughout the state ~~not~~ 45999
~~later than October 1, 1992. The office shall publish and~~ 46000
~~distribute subsequent sets of posters not less than twice~~ 46001
annually. 46002

Sec. 3125.18. A child support enforcement agency shall 46003
administer a Title IV-A program identified under division 46004
(A)(4)(c) or ~~(f)~~(g) of section 5101.80 of the Revised Code that 46005
the department of job and family services provides for the agency 46006
to administer under the department's supervision pursuant to 46007
section 5101.801 of the Revised Code. 46008

Sec. 3125.36. (A) Subject to division (B) of this section, 46009
all support orders that are administered by a child support 46010
enforcement agency designated under section 307.981 of the Revised 46011
Code or former section 2301.35 of the Revised Code and are 46012
eligible for Title IV-D services shall be Title IV-D cases under 46013
Title IV-D of the "Social Security Act." Subject to division (B) 46014
of this section, all obligees of support orders administered by 46015
the agency shall be considered to have filed a signed application 46016
for Title IV-D services. 46017

(B) Except as provided in division (D) of this section, a 46018
court that issues or modifies a support order shall require the 46019
obligee under the order to sign, at the time of the issuance or 46020
modification of the order, an application for Title IV-D services 46021
and to file, as soon as possible, the signed application with the 46022
child support enforcement agency that will administer the order. 46023
The application shall be on a form prescribed by the department of 46024
job and family services. Except as provided in division (D) of 46025
this section, a support order that is administered by a child 46026
support enforcement agency, and that is eligible for Title IV-D 46027
services shall be a Title IV-D case under Title IV-D of the 46028

"Social Security Act" only upon the filing of the signed 46029
application for Title IV-D services. 46030

(C) A child support enforcement agency shall make available 46031
an application for Title IV-D services to all persons requesting a 46032
child support enforcement agency's assistance in an action under 46033
sections 3111.01 to 3111.18 of the Revised Code or in an 46034
administrative proceeding brought to establish a parent and child 46035
relationship, to establish or modify an administrative support 46036
order, or to establish or modify an order to provide health 46037
insurance coverage for the children subject to a support order. 46038

(D) An obligee under a support order who has assigned the 46039
right to the support pursuant to section ~~5101.59~~ or 5107.20 or 46040
5160.38 of the Revised Code shall not be required to sign an 46041
application for Title IV-D services. The support order shall be 46042
considered a Title IV-D case. 46043

Sec. 3301.07. The state board of education shall exercise 46044
under the acts of the general assembly general supervision of the 46045
system of public education in the state. In addition to the powers 46046
otherwise imposed on the state board under the provisions of law, 46047
the board shall have the powers described in this section. 46048

(A) The state board shall exercise policy forming, planning, 46049
and evaluative functions for the public schools of the state 46050
except as otherwise provided by law. 46051

(B)(1) The state board shall exercise leadership in the 46052
improvement of public education in this state, and administer the 46053
educational policies of this state relating to public schools, and 46054
relating to instruction and instructional material, building and 46055
equipment, transportation of pupils, administrative 46056
responsibilities of school officials and personnel, and finance 46057
and organization of school districts, educational service centers, 46058
and territory. Consultative and advisory services in such matters 46059

shall be provided by the board to school districts and educational 46060
service centers of this state. 46061

(2) The state board also shall develop a standard of 46062
financial reporting which shall be used by each school district 46063
board of education and ~~educational service center~~ each governing 46064
board of an educational service center, each governing authority 46065
of a community school established under Chapter 3314., each 46066
governing body of a STEM school established under Chapter 3328., 46067
and each board of trustees of a college-preparatory boarding 46068
school established under Chapter 3328. of the Revised Code to make 46069
its financial information and annual budgets for each school 46070
building under its control available to the public in a format 46071
understandable by the average citizen. The format shall show, 46072
~~among other things,~~ both at the district ~~and educational service~~ 46073
~~center level or~~ and at the school building level, ~~as determined~~ 46074
~~appropriate by the department of education,~~ revenue by source; 46075
expenditures for salaries, wages, and benefits of employees, 46076
showing such amounts separately for classroom teachers, other 46077
employees required to hold licenses issued pursuant to sections 46078
3319.22 to 3319.31 of the Revised Code, and all other employees; 46079
expenditures other than for personnel, by category, including 46080
utilities, textbooks and other educational materials, equipment, 46081
permanent improvements, pupil transportation, extracurricular 46082
athletics, and other extracurricular activities; and per pupil 46083
expenditures. The format shall also include information on total 46084
revenue and expenditures, per pupil revenue, and expenditures for 46085
both classroom and nonclassroom purposes, as defined by the 46086
standards adopted under section 3302.20 of the Revised Code in the 46087
aggregate and for each subgroup of students, as defined by section 46088
3317.40 of the Revised Code, that receives services provided for 46089
by state or federal funding. 46090

(3) Each school district board, governing authority, 46091

governing body, or board of trustees, or its respective designee, 46092
shall annually report, to the department of education, all 46093
financial information required by the standards for financial 46094
reporting, as prescribed by division (B)(2) of this section and 46095
adopted by the state board. The department shall make all reports 46096
submitted pursuant to this division available in such a way that 46097
allows for comparison between financial information included in 46098
these reports and financial information included in reports 46099
produced prior to July 1, 2013. The department shall post these 46100
reports in a prominent location on its web site and shall notify 46101
each school when reports are made available. 46102

(C) The state board shall administer and supervise the 46103
allocation and distribution of all state and federal funds for 46104
public school education under the provisions of law, and may 46105
prescribe such systems of accounting as are necessary and proper 46106
to this function. It may require county auditors and treasurers, 46107
boards of education, educational service center governing boards, 46108
treasurers of such boards, teachers, and other school officers and 46109
employees, or other public officers or employees, to file with it 46110
such reports as it may prescribe relating to such funds, or to the 46111
management and condition of such funds. 46112

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 46113
XLVII, and LI of the Revised Code a reference is made to standards 46114
prescribed under this section or division (D) of this section, 46115
that reference shall be construed to refer to the standards 46116
prescribed under division (D)(2) of this section, unless the 46117
context specifically indicates a different meaning or intent. 46118

(2) The state board shall formulate and prescribe minimum 46119
standards to be applied to all elementary and secondary schools in 46120
this state for the purpose of ~~requiring~~ providing children access 46121
to a general education of high quality according to the learning 46122
needs of each individual, including students with disabilities, 46123

economically disadvantaged students, limited English proficient students, and students identified as gifted. Such standards shall provide adequately for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; the provision of safe buildings, grounds, health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will assure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary.

The state board shall base any standards governing the promotion of students or requirements for graduation on the ability of students, at any grade level, to earn credits or advance upon demonstration of mastery of knowledge and skills through competency-based learning models. Credits of grade level advancement shall not require a minimum number of days or hours in a classroom.

The state board shall base any standards governing the assignment of staff on ensuring each school has a sufficient number of teachers to ensure a student has an appropriate level of interaction to meet each student's personal learning goals.

In the formulation and administration of such standards for nonpublic schools the board shall also consider the particular needs, methods and objectives of those schools, provided they do not conflict with the provision of a general education of a high quality and provided that regular procedures shall be followed for promotion from grade to grade of pupils who have met the

educational requirements prescribed. 46156

~~In the formulation and administration of such standards as 46157
they relate to instructional materials and equipment in public 46158
schools, including library materials, the board shall require that 46159
the material and equipment be aligned with and promote skills 46160
expected under the statewide academic standards adopted under 46161
section 3301.079 of the Revised Code. 46162~~

(3) In addition to the minimum standards required by division 46163
(D)(2) of this section, the state board may formulate and 46164
prescribe the following additional minimum operating standards for 46165
school districts: 46166

(a) Standards for the effective and efficient organization, 46167
administration, and supervision of each school district ~~so that it 46168
becomes a thinking and learning organization according to 46169
principles of systems design and collaborative professional 46170
learning communities research as defined by the superintendent of 46171
public instruction, including a focus on the personalized and 46172
individualized needs of each student; a shared responsibility 46173
among school boards, administrators, faculty, and staff to develop 46174
a common vision, mission, and set of guiding principles; a shared 46175
responsibility among school boards, administrators, faculty, and 46176
staff to engage in a process of collective inquiry, action 46177
orientation, and experimentation to ensure the academic success of 46178
all students; commitment to teaching and learning strategies that 46179
utilize technological tools and emphasize inter-disciplinary, 46180
real world, project based, and technology oriented learning 46181
experiences to meet the individual needs of every student; with a 46182
commitment to high expectations for every student based on the 46183
learning needs of each individual, including students with 46184
disabilities, economically disadvantaged students, limited English 46185
proficient students, and students identified as gifted, and 46186
commitment to closing the achievement gap without suppressing the 46187~~

~~achievement levels of higher achieving students so that all 46188
students achieve core knowledge and skills in accordance with the 46189
statewide academic standards adopted under section 3301.079 of the 46190
Revised Code; commitment to the use of assessments to diagnose the 46191
needs of each student; effective connections and relationships 46192
with families and others that support student success; and 46193
commitment to the use of positive behavior intervention supports 46194
throughout a district to ensure a safe and secure learning 46195
environment for all students; 46196~~

(b) Standards for the establishment of business advisory 46197
councils under section 3313.82 of the Revised Code; 46198

(c) Standards for school district buildings that may require+ 46199

~~(i) The the effective and efficient organization, 46200
administration, and supervision of each school district building 46201
so that it becomes a thinking and learning organization according 46202
to principles of systems design and collaborative professional 46203
learning communities research as defined by the state 46204
superintendent, including a focus on the personalized and 46205
individualized needs of each student; a shared responsibility 46206
among building administrators, faculty, and staff to develop a 46207
common vision, mission, and set of guiding principles; a shared 46208
responsibility among building administrators, faculty, and staff 46209
to engage in a process of collective inquiry, action orientation, 46210
and experimentation to ensure the academic success of all 46211
students; commitment to job embedded professional development and 46212
professional mentoring and coaching; established periods of time 46213
for teachers to pursue planning time for the development of lesson 46214
plans, professional development, and shared learning; commitment 46215
to effective management strategies that allow administrators 46216
reasonable access to classrooms for observation and professional 46217
development experiences; commitment to teaching and learning 46218
strategies that utilize technological tools and emphasize 46219~~

~~inter disciplinary, real world, project based, and 46220
technology oriented learning experiences to meet the individual 46221
needs of every student; with a commitment to high expectations for 46222
every student based on the learning needs of each individual, 46223
including students with disabilities, economically disadvantaged 46224
students, limited English proficient students, and students 46225
identified as gifted, and commitment to closing the achievement 46226
gap without suppressing the achievement levels of higher achieving 46227
students so that all students achieve core knowledge and skills in 46228
accordance with the statewide academic standards adopted under 46229
section 3301.079 of the Revised Code; ~~commitment to the use of~~ 46230
~~assessments to diagnose the needs of each student; effective~~ 46231
~~connections and relationships with families and others that~~ 46232
~~support student success; commitment to the use of positive~~ 46233
~~behavior intervention supports throughout the building to ensure a~~ 46234
~~safe and secure learning environment for all students;~~ 46235~~

~~(ii) A school building leadership team to coordinate positive 46236
behavior intervention supports, learning environments, thinking 46237
and learning systems, collaborative planning, planning time, 46238
student academic interventions, student extended learning 46239
opportunities, and other activities identified by the team and 46240
approved by the district board of education. The team shall 46241
include the building principal, representatives from each 46242
collective bargaining unit, a classroom teacher, parents, business 46243
representatives, and others that support student success. 46244~~

~~(E) The state board may require as part of the health 46245
curriculum information developed under section 2108.34 of the 46246
Revised Code promoting the donation of anatomical gifts pursuant 46247
to Chapter 2108. of the Revised Code and may provide the 46248
information to high schools, educational service centers, and 46249
joint vocational school district boards of education; 46250~~

~~(F) The state board shall prepare and submit annually to the 46251~~

governor and the general assembly a report on the status, needs, 46252
and major problems of the public schools of the state, with 46253
recommendations for necessary legislative action and a ten-year 46254
projection of the state's public and nonpublic school enrollment, 46255
by year and by grade level. 46256

(G) The state board shall prepare and submit to the director 46257
of budget and management the biennial budgetary requests of the 46258
state board of education, for its agencies and for the public 46259
schools of the state. 46260

(H) The state board shall cooperate with federal, state, and 46261
local agencies concerned with the health and welfare of children 46262
and youth of the state. 46263

(I) The state board shall require such reports from school 46264
districts and educational service centers, school officers, and 46265
employees as are necessary and desirable. The superintendents and 46266
treasurers of school districts and educational service centers 46267
shall certify as to the accuracy of all reports required by law or 46268
state board or state department of education rules to be submitted 46269
by the district or educational service center and which contain 46270
information necessary for calculation of state funding. Any 46271
superintendent who knowingly falsifies such report shall be 46272
subject to license revocation pursuant to section 3319.31 of the 46273
Revised Code. 46274

(J) In accordance with Chapter 119. of the Revised Code, the 46275
state board shall adopt procedures, standards, and guidelines for 46276
the education of children with disabilities pursuant to Chapter 46277
3323. of the Revised Code, including procedures, standards, and 46278
guidelines governing programs and services operated by county 46279
boards of developmental disabilities pursuant to section 3323.09 46280
of the Revised Code. 46281

(K) For the purpose of encouraging the development of special 46282

programs of education for academically gifted children, the state 46283
board shall employ competent persons to analyze and publish data, 46284
promote research, advise and counsel with boards of education, and 46285
encourage the training of teachers in the special instruction of 46286
gifted children. The board may provide financial assistance out of 46287
any funds appropriated for this purpose to boards of education and 46288
educational service center governing boards for developing and 46289
conducting programs of education for academically gifted children. 46290

(L) The state board shall require that all public schools 46291
emphasize and encourage, within existing units of study, the 46292
teaching of energy and resource conservation as recommended to 46293
each district board of education by leading business persons 46294
involved in energy production and conservation, beginning in the 46295
primary grades. 46296

(M) The state board shall formulate and prescribe minimum 46297
standards requiring the use of phonics as a technique in the 46298
teaching of reading in grades kindergarten through three. In 46299
addition, the state board shall provide in-service training 46300
programs for teachers on the use of phonics as a technique in the 46301
teaching of reading in grades kindergarten through three. 46302

(N) The state board may adopt rules necessary for carrying 46303
out any function imposed on it by law, and may provide rules as 46304
are necessary for its government and the government of its 46305
employees, and may delegate to the superintendent of public 46306
instruction the management and administration of any function 46307
imposed on it by law. It may provide for the appointment of board 46308
members to serve on temporary committees established by the board 46309
for such purposes as are necessary. Permanent or standing 46310
committees shall not be created. 46311

(O) Upon application from the board of education of a school 46312
district, the superintendent of public instruction may issue a 46313
waiver exempting the district from compliance with the standards 46314

adopted under divisions (B)(2) and (D) of this section, as they 46315
relate to the operation of a school operated by the district. The 46316
state board shall adopt standards for the approval or disapproval 46317
of waivers under this division. The state superintendent shall 46318
consider every application for a waiver, and shall determine 46319
whether to grant or deny a waiver in accordance with the state 46320
board's standards. For each waiver granted, the state 46321
superintendent shall specify the period of time during which the 46322
waiver is in effect, which shall not exceed five years. A district 46323
board may apply to renew a waiver. 46324

Sec. 3301.0711. (A) The department of education shall: 46325

(1) Annually furnish to, grade, and score all assessments 46326
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 46327
the Revised Code to be administered by city, local, exempted 46328
village, and joint vocational school districts, except that each 46329
district shall score any assessment administered pursuant to 46330
division (B)(10) of this section. Each assessment so furnished 46331
shall include the data verification code of the student to whom 46332
the assessment will be administered, as assigned pursuant to 46333
division (D)(2) of section 3301.0714 of the Revised Code. In 46334
furnishing the practice versions of Ohio graduation tests 46335
prescribed by division (D) of section 3301.0710 of the Revised 46336
Code, the department shall make the tests available on its web 46337
site for reproduction by districts. In awarding contracts for 46338
grading assessments, the department shall give preference to 46339
Ohio-based entities employing Ohio residents. 46340

(2) Adopt rules for the ethical use of assessments and 46341
prescribing the manner in which the assessments prescribed by 46342
section 3301.0710 of the Revised Code shall be administered to 46343
students. 46344

(B) Except as provided in divisions (C) and (J) of this 46345

section, the board of education of each city, local, and exempted 46346
village school district shall, in accordance with rules adopted 46347
under division (A) of this section: 46348

(1) Administer the English language arts assessments 46349
prescribed under division (A)(1)(a) of section 3301.0710 of the 46350
Revised Code twice annually to all students in the third grade who 46351
have not attained the score designated for that assessment under 46352
division (A)(2)(c) of section 3301.0710 of the Revised Code. 46353

(2) Administer the mathematics assessment prescribed under 46354
division (A)(1)(a) of section 3301.0710 of the Revised Code at 46355
least once annually to all students in the third grade. 46356

(3) Administer the assessments prescribed under division 46357
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 46358
annually to all students in the fourth grade. 46359

(4) Administer the assessments prescribed under division 46360
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 46361
annually to all students in the fifth grade. 46362

(5) Administer the assessments prescribed under division 46363
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 46364
annually to all students in the sixth grade. 46365

(6) Administer the assessments prescribed under division 46366
(A)(1)(e) of section 3301.0710 of the Revised Code at least once 46367
annually to all students in the seventh grade. 46368

(7) Administer the assessments prescribed under division 46369
(A)(1)(f) of section 3301.0710 of the Revised Code at least once 46370
annually to all students in the eighth grade. 46371

(8) Except as provided in division (B)(9) of this section, 46372
administer any assessment prescribed under division (B)(1) of 46373
section 3301.0710 of the Revised Code as follows: 46374

(a) At least once annually to all tenth grade students and at 46375

least twice annually to all students in eleventh or twelfth grade 46376
who have not yet attained the score on that assessment designated 46377
under that division; 46378

(b) To any person who has successfully completed the 46379
curriculum in any high school or the individualized education 46380
program developed for the person by any high school pursuant to 46381
section 3323.08 of the Revised Code but has not received a high 46382
school diploma and who requests to take such assessment, at any 46383
time such assessment is administered in the district. 46384

(9) In lieu of the board of education of any city, local, or 46385
exempted village school district in which the student is also 46386
enrolled, the board of a joint vocational school district shall 46387
administer any assessment prescribed under division (B)(1) of 46388
section 3301.0710 of the Revised Code at least twice annually to 46389
any student enrolled in the joint vocational school district who 46390
has not yet attained the score on that assessment designated under 46391
that division. A board of a joint vocational school district may 46392
also administer such an assessment to any student described in 46393
division (B)(8)(b) of this section. 46394

(10) If the district has a three-year average graduation rate 46395
of not more than seventy-five per cent, administer each assessment 46396
prescribed by division (D) of section 3301.0710 of the Revised 46397
Code in September to all ninth grade students, beginning in the 46398
school year that starts July 1, 2005. 46399

Except as provided in section 3313.614 of the Revised Code 46400
for administration of an assessment to a person who has fulfilled 46401
the curriculum requirement for a high school diploma but has not 46402
passed one or more of the required assessments, the assessments 46403
prescribed under division (B)(1) of section 3301.0710 of the 46404
Revised Code and the practice assessments prescribed under 46405
division (D) of that section and required to be administered under 46406
divisions (B)(8), (9), and (10) of this section shall not be 46407

administered after the assessment system prescribed by division 46408
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 46409
Code is implemented under rule of the state board adopted under 46410
division (D)(1) of section 3301.0712 of the Revised Code. 46411

(11) Administer the assessments prescribed by division (B)(2) 46412
of section 3301.0710 and section 3301.0712 of the Revised Code in 46413
accordance with the timeline and plan for implementation of those 46414
assessments prescribed by rule of the state board adopted under 46415
division (D)(1) of section 3301.0712 of the Revised Code. 46416

(C)(1)(a) In the case of a student receiving special 46417
education services under Chapter 3323. of the Revised Code, the 46418
individualized education program developed for the student under 46419
that chapter shall specify the manner in which the student will 46420
participate in the assessments administered under this section. 46421
The individualized education program may excuse the student from 46422
taking any particular assessment required to be administered under 46423
this section if it instead specifies an alternate assessment 46424
method approved by the department of education as conforming to 46425
requirements of federal law for receipt of federal funds for 46426
disadvantaged pupils. To the extent possible, the individualized 46427
education program shall not excuse the student from taking an 46428
assessment unless no reasonable accommodation can be made to 46429
enable the student to take the assessment. 46430

(b) Any alternate assessment approved by the department for a 46431
student under this division shall produce measurable results 46432
comparable to those produced by the assessment it replaces in 46433
order to allow for the student's results to be included in the 46434
data compiled for a school district or building under section 46435
3302.03 of the Revised Code. 46436

(c) Any student enrolled in a chartered nonpublic school who 46437
has been identified, based on an evaluation conducted in 46438
accordance with section 3323.03 of the Revised Code or section 504 46439

of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 46440
794, as amended, as a child with a disability shall be excused 46441
from taking any particular assessment required to be administered 46442
under this section if a plan developed for the student pursuant to 46443
rules adopted by the state board excuses the student from taking 46444
that assessment. In the case of any student so excused from taking 46445
an assessment, the chartered nonpublic school shall not prohibit 46446
the student from taking the assessment. 46447

(2) A district board may, for medical reasons or other good 46448
cause, excuse a student from taking an assessment administered 46449
under this section on the date scheduled, but that assessment 46450
shall be administered to the excused student not later than nine 46451
days following the scheduled date. The district board shall 46452
annually report the number of students who have not taken one or 46453
more of the assessments required by this section to the state 46454
board of education not later than the thirtieth day of June. 46455

(3) As used in this division, "limited English proficient 46456
student" has the same meaning as in 20 U.S.C. 7801. 46457

No school district board shall excuse any limited English 46458
proficient student from taking any particular assessment required 46459
to be administered under this section, except that any limited 46460
English proficient student who has been enrolled in United States 46461
schools for less than one full school year shall not be required 46462
to take any reading, writing, or English language arts assessment. 46463
However, no board shall prohibit a limited English proficient 46464
student who is not required to take an assessment under this 46465
division from taking the assessment. A board may permit any 46466
limited English proficient student to take an assessment required 46467
to be administered under this section with appropriate 46468
accommodations, as determined by the department. For each limited 46469
English proficient student, each school district shall annually 46470
assess that student's progress in learning English, in accordance 46471

with procedures approved by the department. 46472

The governing authority of a chartered nonpublic school may 46473
excuse a limited English proficient student from taking any 46474
assessment administered under this section. However, no governing 46475
authority shall prohibit a limited English proficient student from 46476
taking the assessment. 46477

(D)(1) In the school year next succeeding the school year in 46478
which the assessments prescribed by division (A)(1) or (B)(1) of 46479
section 3301.0710 of the Revised Code or former division (A)(1), 46480
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 46481
existed prior to September 11, 2001, are administered to any 46482
student, the board of education of any school district in which 46483
the student is enrolled in that year shall provide to the student 46484
intervention services commensurate with the student's performance, 46485
including any intensive intervention required under section 46486
3313.608 of the Revised Code, in any skill in which the student 46487
failed to demonstrate at least a score at the proficient level on 46488
the assessment. 46489

(2) Following any administration of the assessments 46490
prescribed by division (D) of section 3301.0710 of the Revised 46491
Code to ninth grade students, each school district that has a 46492
three-year average graduation rate of not more than seventy-five 46493
per cent shall determine for each high school in the district 46494
whether the school shall be required to provide intervention 46495
services to any students who took the assessments. In determining 46496
which high schools shall provide intervention services based on 46497
the resources available, the district shall consider each school's 46498
graduation rate and scores on the practice assessments. The 46499
district also shall consider the scores received by ninth grade 46500
students on the English language arts and mathematics assessments 46501
prescribed under division (A)(1)(f) of section 3301.0710 of the 46502
Revised Code in the eighth grade in determining which high schools 46503

shall provide intervention services. 46504

Each high school selected to provide intervention services 46505
under this division shall provide intervention services to any 46506
student whose results indicate that the student is failing to make 46507
satisfactory progress toward being able to attain scores at the 46508
proficient level on the Ohio graduation tests. Intervention 46509
services shall be provided in any skill in which a student 46510
demonstrates unsatisfactory progress and shall be commensurate 46511
with the student's performance. Schools shall provide the 46512
intervention services prior to the end of the school year, during 46513
the summer following the ninth grade, in the next succeeding 46514
school year, or at any combination of those times. 46515

(E) Except as provided in section 3313.608 of the Revised 46516
Code and division (M) of this section, no school district board of 46517
education shall utilize any student's failure to attain a 46518
specified score on an assessment administered under this section 46519
as a factor in any decision to deny the student promotion to a 46520
higher grade level. However, a district board may choose not to 46521
promote to the next grade level any student who does not take an 46522
assessment administered under this section or make up an 46523
assessment as provided by division (C)(2) of this section and who 46524
is not exempt from the requirement to take the assessment under 46525
division (C)(3) of this section. 46526

(F) No person shall be charged a fee for taking any 46527
assessment administered under this section. 46528

(G)(1) Each school district board shall designate one 46529
location for the collection of assessments administered in the 46530
spring under division (B)(1) of this section and those 46531
administered under divisions (B)(2) to (7) of this section. Each 46532
district board shall submit the assessments to the entity with 46533
which the department contracts for the scoring of the assessments 46534
as follows: 46535

(a) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was less than two thousand five hundred, not later than the Friday after all of the assessments have been administered;

(b) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was two thousand five hundred or more, but less than seven thousand, not later than the Monday after all of the assessments have been administered;

(c) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was seven thousand or more, not later than the Tuesday after all of the assessments have been administered.

However, any assessment that a student takes during the make-up period described in division (C)(2) of this section shall be submitted not later than the Friday following the day the student takes the assessment.

(2) The department or an entity with which the department contracts for the scoring of the assessment shall send to each school district board a list of the individual scores of all persons taking an assessment prescribed by division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code within sixty days after its administration, but in no case shall the scores be returned later than the fifteenth day of June following the administration. For assessments administered under this section by a joint vocational school district, the department or entity shall also send to each city, local, or exempted village school district a list of the individual scores of any students of such city, local, or exempted village school district who are attending school in the joint vocational school district.

(H) Individual scores on any assessments administered under

this section shall be released by a district board only in 46567
accordance with section 3319.321 of the Revised Code and the rules 46568
adopted under division (A) of this section. No district board or 46569
its employees shall utilize individual or aggregate results in any 46570
manner that conflicts with rules for the ethical use of 46571
assessments adopted pursuant to division (A) of this section. 46572

(I) Except as provided in division (G) of this section, the 46573
department or an entity with which the department contracts for 46574
the scoring of the assessment shall not release any individual 46575
scores on any assessment administered under this section. The 46576
state board of education shall adopt rules to ensure the 46577
protection of student confidentiality at all times. The rules may 46578
require the use of the data verification codes assigned to 46579
students pursuant to division (D)(2) of section 3301.0714 of the 46580
Revised Code to protect the confidentiality of student scores. 46581

(J) Notwithstanding division (D) of section 3311.52 of the 46582
Revised Code, this section does not apply to the board of 46583
education of any cooperative education school district except as 46584
provided under rules adopted pursuant to this division. 46585

(1) In accordance with rules that the state board of 46586
education shall adopt, the board of education of any city, 46587
exempted village, or local school district with territory in a 46588
cooperative education school district established pursuant to 46589
divisions (A) to (C) of section 3311.52 of the Revised Code may 46590
enter into an agreement with the board of education of the 46591
cooperative education school district for administering any 46592
assessment prescribed under this section to students of the city, 46593
exempted village, or local school district who are attending 46594
school in the cooperative education school district. 46595

(2) In accordance with rules that the state board of 46596
education shall adopt, the board of education of any city, 46597
exempted village, or local school district with territory in a 46598

cooperative education school district established pursuant to 46599
section 3311.521 of the Revised Code shall enter into an agreement 46600
with the cooperative district that provides for the administration 46601
of any assessment prescribed under this section to both of the 46602
following: 46603

(a) Students who are attending school in the cooperative 46604
district and who, if the cooperative district were not 46605
established, would be entitled to attend school in the city, 46606
local, or exempted village school district pursuant to section 46607
3313.64 or 3313.65 of the Revised Code; 46608

(b) Persons described in division (B)(8)(b) of this section. 46609

Any assessment of students pursuant to such an agreement 46610
shall be in lieu of any assessment of such students or persons 46611
pursuant to this section. 46612

(K)(1) ~~As a condition of compliance with section 3313.612 of~~ 46613
~~the Revised Code, each chartered nonpublic school that educates~~ 46614
(a) Except as otherwise provided in division (K)(1)(a) of this 46615
section, each chartered nonpublic school for which at least 46616
sixty-five per cent of its total enrollment is made up of students 46617
who are participating in state scholarship programs shall 46618
administer the assessments prescribed by section 3301.0710 of the 46619
Revised Code. In accordance with procedures and deadlines 46620
prescribed by the department, the parent or guardian of a student 46621
enrolled in the school who is not participating in a state 46622
scholarship program may submit notice to the chief administrative 46623
officer of the school that the parent or guardian does not wish to 46624
have the student take the elementary assessments prescribed for 46625
the student's grade level under division (A) of section 3301.0710 46626
of the Revised Code. If a parent or guardian submits an opt-out 46627
notice, the school shall not administer the assessments to that 46628
student. This option does not apply to any assessment required for 46629
a high school diploma under section 3313.612 of the Revised Code. 46630

(b) If a chartered nonpublic school is not subject to 46631
division (K)(1)(a) of this section and is educating 46632
grades nine through twelve, it shall administer the assessments 46633
prescribed by divisions (B)(1) and (2) of section 3301.0710 of the 46634
Revised Code as a condition of compliance with section 3313.612 of 46635
the Revised Code. Any chartered nonpublic school that is not 46636
subject to division (K)(1)(a) of this section may participate in 46637
the assessment program by administering any of the assessments 46638
prescribed by division (A) of section 3301.0710 of the Revised 46639
Code. The chief administrator of the school shall specify which 46640
assessments the school will administer. Such specification shall 46641
be made in writing to the superintendent of public instruction 46642
prior to the first day of August of any school year in which 46643
assessments are administered and shall include a pledge that the 46644
nonpublic school will administer the specified assessments in the 46645
same manner as public schools are required to do under this 46646
section and rules adopted by the department. 46647

(2) The department of education shall furnish the assessments 46648
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 46649
to each chartered nonpublic school that is subject to division 46650
(K)(1)(a) of this section or participates under ~~this~~ division 46651
(K)(1)(b) of this section. 46652

(L)(1) The superintendent of the state school for the blind 46653
and the superintendent of the state school for the deaf shall 46654
administer the assessments described by sections 3301.0710 and 46655
3301.0712 of the Revised Code. Each superintendent shall 46656
administer the assessments in the same manner as district boards 46657
are required to do under this section and rules adopted by the 46658
department of education and in conformity with division (C)(1)(a) 46659
of this section. 46660

(2) The department of education shall furnish the assessments 46661
described by sections 3301.0710 and 3301.0712 of the Revised Code 46662

to each superintendent. 46663

(M) Notwithstanding division (E) of this section, a school 46664
district may use a student's failure to attain a score in at least 46665
the proficient range on the mathematics assessment described by 46666
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 46667
an assessment described by division (A)(1)(b), (c), (d), (e), or 46668
(f) of section 3301.0710 of the Revised Code as a factor in 46669
retaining that student in the current grade level. 46670

(N)(1) In the manner specified in divisions (N)(3) and (4) of 46671
this section, the assessments required by division (A)(1) of 46672
section 3301.0710 of the Revised Code shall become public records 46673
pursuant to section 149.43 of the Revised Code on the first day of 46674
July following the school year that the assessments were 46675
administered. 46676

(2) The department may field test proposed questions with 46677
samples of students to determine the validity, reliability, or 46678
appropriateness of questions for possible inclusion in a future 46679
year's assessment. The department also may use anchor questions on 46680
assessments to ensure that different versions of the same 46681
assessment are of comparable difficulty. 46682

Field test questions and anchor questions shall not be 46683
considered in computing scores for individual students. Field test 46684
questions and anchor questions may be included as part of the 46685
administration of any assessment required by division (A)(1) or 46686
(B)(1) of section 3301.0710 of the Revised Code. 46687

(3) Any field test question or anchor question administered 46688
under division (N)(2) of this section shall not be a public 46689
record. Such field test questions and anchor questions shall be 46690
redacted from any assessments which are released as a public 46691
record pursuant to division (N)(1) of this section. 46692

(4) This division applies to the assessments prescribed by 46693

division (A) of section 3301.0710 of the Revised Code. 46694

(a) The first administration of each assessment, as specified 46695
in former section 3301.0712 of the Revised Code, shall be a public 46696
record. 46697

(b) For subsequent administrations of each assessment prior 46698
to the 2011-2012 school year, not less than forty per cent of the 46699
questions on the assessment that are used to compute a student's 46700
score shall be a public record. The department shall determine 46701
which questions will be needed for reuse on a future assessment 46702
and those questions shall not be public records and shall be 46703
redacted from the assessment prior to its release as a public 46704
record. However, for each redacted question, the department shall 46705
inform each city, local, and exempted village school district of 46706
the statewide academic standard adopted by the state board of 46707
education under section 3301.079 of the Revised Code and the 46708
corresponding benchmark to which the question relates. The 46709
preceding sentence does not apply to field test questions that are 46710
redacted under division (N)(3) of this section. 46711

(c) The administrations of each assessment in the 2011-2012 46712
school year and later shall not be a public record. 46713

(5) Each assessment prescribed by division (B)(1) of section 46714
3301.0710 of the Revised Code shall not be a public record. 46715

(O) As used in this section: 46716

(1) "Three-year average" means the average of the most recent 46717
consecutive three school years of data. 46718

(2) "Dropout" means a student who withdraws from school 46719
before completing course requirements for graduation and who is 46720
not enrolled in an education program approved by the state board 46721
of education or an education program outside the state. "Dropout" 46722
does not include a student who has departed the country. 46723

(3) "Graduation rate" means the ratio of students receiving a diploma to the number of students who entered ninth grade four years earlier. Students who transfer into the district are added to the calculation. Students who transfer out of the district for reasons other than dropout are subtracted from the calculation. If a student who was a dropout in any previous year returns to the same school district, that student shall be entered into the calculation as if the student had entered ninth grade four years before the graduation year of the graduating class that the student joins.

(4) "State scholarship programs" means the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program established under section 3310.41 of the Revised Code, the Jon Peterson special needs scholarship program established under sections 3310.51 to 3310.64 of the Revised Code, and the pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code.

Sec. 3301.0712. (A) The state board of education, the superintendent of public instruction, and the chancellor of the Ohio board of regents shall develop a system of college and work ready assessments as described in divisions (B)(1) and (2) of this section to assess whether each student upon graduating from high school is ready to enter college or the workforce. The system shall replace the Ohio graduation tests prescribed in division (B)(1) of section 3301.0710 of the Revised Code as a measure of student academic performance and a prerequisite for eligibility for a high school diploma in the manner prescribed by rule of the state board adopted under division (D) of this section.

(B) The college and work ready assessment system shall consist of the following:

(1) A nationally standardized assessment that measures 46755
college and career readiness selected jointly by the state 46756
superintendent and the chancellor. 46757

(2) A series of end-of-course examinations in the areas of 46758
science, mathematics, English language arts, American history, and 46759
American government selected jointly by the state superintendent 46760
and the chancellor in consultation with faculty in the appropriate 46761
subject areas at institutions of higher education of the 46762
university system of Ohio. For each subject area, the state 46763
superintendent and chancellor shall select multiple assessments 46764
that school districts, public schools, and chartered nonpublic 46765
schools may use as end-of-course examinations. Subject to division 46766
(B)(3)(b) of this section, those assessments shall include 46767
nationally recognized subject area assessments, such as advanced 46768
placement examinations, SAT subject tests, international 46769
baccalaureate examinations, and other assessments of college and 46770
work readiness. 46771

(3)(a) Not later than July 1, 2013, each school district 46772
board of education shall adopt interim end-of-course examinations 46773
that comply with the requirements of divisions (B)(3)(b)(i) and 46774
(ii) of this section to assess mastery of American history and 46775
American government standards adopted under division (A)(1)(b) of 46776
section 3301.079 of the Revised Code and the topics required under 46777
division (M) of section 3313.603 of the Revised Code. Each high 46778
school of the district shall use the interim examinations until 46779
the state superintendent and chancellor select end-of-course 46780
examinations in American history and American government under 46781
division (B)(2) of this section. 46782

(b) Not later than July 1, 2014, the state superintendent and 46783
the chancellor shall select the end-of-course examinations in 46784
American history and American government. 46785

(i) The end-of-course examinations in American history and 46786

American government shall require demonstration of mastery of the American history and American government content for social studies standards adopted under division (A)(1)(b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code.

(ii) At least twenty per cent of the end-of-course examination in American government shall address the topics on American history and American government described in division (M) of section 3313.603 of the Revised Code.

(C) The state board shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations prescribed by this section.

(D) Upon completion of the development of the assessment system, the state board shall adopt rules prescribing all of the following:

(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the state board determines such a phase-in is warranted;

(2) The date after which a person entering ninth grade shall meet the requirements of the entire assessment system as a prerequisite for a high school diploma under section 3313.61, 3313.612, or 3325.08 of the Revised Code;

(3) The date after which a person shall meet the requirements of the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code;

(4) Whether and the extent to which a person may be excused from an American history end-of-course examination and an American government end-of-course examination under division (H) of section 3313.61 and division (B)~~(2)~~(3) of section 3313.612 of the Revised

Code; 46818

(5) The date after which a person who has fulfilled the 46819
curriculum requirement for a diploma but has not passed one or 46820
more of the required assessments at the time the person fulfilled 46821
the curriculum requirement shall meet the requirements of the 46822
entire assessment system as a prerequisite for a high school 46823
diploma under division (B) of section 3313.614 of the Revised 46824
Code; 46825

(6) The extent to which the assessment system applies to 46826
students enrolled in a dropout recovery and prevention program for 46827
purposes of division (F) of section 3313.603 and section 3314.36 46828
of the Revised Code. 46829

No rule adopted under this division shall be effective 46830
earlier than one year after the date the rule is filed in final 46831
form pursuant to Chapter 119. of the Revised Code. 46832

(E) Not later than forty-five days prior to the state board's 46833
adoption of a resolution directing the department of education to 46834
file the rules prescribed by division (D) of this section in final 46835
form under section 119.04 of the Revised Code, the superintendent 46836
of public instruction shall present the assessment system 46837
developed under this section to the respective committees of the 46838
house of representatives and senate that consider education 46839
legislation. 46840

Sec. 3301.0714. (A) The state board of education shall adopt 46841
rules for a statewide education management information system. The 46842
rules shall require the state board to establish guidelines for 46843
the establishment and maintenance of the system in accordance with 46844
this section and the rules adopted under this section. The 46845
guidelines shall include: 46846

(1) Standards identifying and defining the types of data in 46847

the system in accordance with divisions (B) and (C) of this section; 46848
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(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section; 46850
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(3) Procedures for annually compiling the data in accordance with division (G) of this section; 46853
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(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section. 46855
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(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following: 46857
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(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes: 46860
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46862

(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional 46863
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services used in determining cost units pursuant to division	46879
(C)(3) of this section.	46880
(b) The numbers of students receiving support or	46881
extracurricular services for each of the support services or	46882
extracurricular programs offered by the school district, such as	46883
counseling services, health services, and extracurricular sports	46884
and fine arts programs. The categories of services required by the	46885
guidelines under this division shall be the same as the categories	46886
of services used in determining cost units pursuant to division	46887
(C)(4)(a) of this section.	46888
(c) Average student grades in each subject in grades nine	46889
through twelve;	46890
(d) Academic achievement levels as assessed under sections	46891
3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	46892
(e) The number of students designated as having a disabling	46893
condition pursuant to division (C)(1) of section 3301.0711 of the	46894
Revised Code;	46895
(f) The numbers of students reported to the state board	46896
pursuant to division (C)(2) of section 3301.0711 of the Revised	46897
Code;	46898
(g) Attendance rates and the average daily attendance for the	46899
year. For purposes of this division, a student shall be counted as	46900
present for any field trip that is approved by the school	46901
administration.	46902
(h) Expulsion rates;	46903
(i) Suspension rates;	46904
(j) Dropout rates;	46905
(k) Rates of retention in grade;	46906
(l) For pupils in grades nine through twelve, the average	46907
number of carnegie units, as calculated in accordance with state	46908

board of education rules; 46909

(m) Graduation rates, to be calculated in a manner specified 46910
by the department of education that reflects the rate at which 46911
students who were in the ninth grade three years prior to the 46912
current year complete school and that is consistent with 46913
nationally accepted reporting requirements; 46914

(n) Results of diagnostic assessments administered to 46915
kindergarten students as required under section 3301.0715 of the 46916
Revised Code to permit a comparison of the academic readiness of 46917
kindergarten students. However, no district shall be required to 46918
report to the department the results of any diagnostic assessment 46919
administered to a kindergarten student if the parent of that 46920
student requests the district not to report those results. 46921

(2) Personnel and classroom enrollment data for each school 46922
district, including: 46923

(a) The total numbers of licensed employees and nonlicensed 46924
employees and the numbers of full-time equivalent licensed 46925
employees and nonlicensed employees providing each category of 46926
instructional service, instructional support service, and 46927
administrative support service used pursuant to division (C)(3) of 46928
this section. The guidelines adopted under this section shall 46929
require these categories of data to be maintained for the school 46930
district as a whole and, wherever applicable, for each grade in 46931
the school district as a whole, for each school building as a 46932
whole, and for each grade in each school building. 46933

(b) The total number of employees and the number of full-time 46934
equivalent employees providing each category of service used 46935
pursuant to divisions (C)(4)(a) and (b) of this section, and the 46936
total numbers of licensed employees and nonlicensed employees and 46937
the numbers of full-time equivalent licensed employees and 46938
nonlicensed employees providing each category used pursuant to 46939

division (C)(4)(c) of this section. The guidelines adopted under 46940
this section shall require these categories of data to be 46941
maintained for the school district as a whole and, wherever 46942
applicable, for each grade in the school district as a whole, for 46943
each school building as a whole, and for each grade in each school 46944
building. 46945

(c) The total number of regular classroom teachers teaching 46946
classes of regular education and the average number of pupils 46947
enrolled in each such class, in each of grades kindergarten 46948
through five in the district as a whole and in each school 46949
building in the school district. 46950

(d) The number of lead teachers employed by each school 46951
district and each school building. 46952

(3)(a) Student demographic data for each school district, 46953
including information regarding the gender ratio of the school 46954
district's pupils, the racial make-up of the school district's 46955
pupils, the number of limited English proficient students in the 46956
district, and an appropriate measure of the number of the school 46957
district's pupils who reside in economically disadvantaged 46958
households. The demographic data shall be collected in a manner to 46959
allow correlation with data collected under division (B)(1) of 46960
this section. Categories for data collected pursuant to division 46961
(B)(3) of this section shall conform, where appropriate, to 46962
standard practices of agencies of the federal government. 46963

(b) With respect to each student entering kindergarten, 46964
whether the student previously participated in a public preschool 46965
program, a private preschool program, or a head start program, and 46966
the number of years the student participated in each of these 46967
programs. 46968

(4) Any data required to be collected pursuant to federal 46969
law. 46970

(C) The education management information system shall include 46971
cost accounting data for each district as a whole and for each 46972
school building in each school district. The guidelines adopted 46973
under this section shall require the cost data for each school 46974
district to be maintained in a system of mutually exclusive cost 46975
units and shall require all of the costs of each school district 46976
to be divided among the cost units. The guidelines shall require 46977
the system of mutually exclusive cost units to include at least 46978
the following: 46979

(1) Administrative costs for the school district as a whole. 46980
The guidelines shall require the cost units under this division 46981
(C)(1) to be designed so that each of them may be compiled and 46982
reported in terms of average expenditure per pupil in formula ADM 46983
in the school district, as determined pursuant to section 3317.03 46984
of the Revised Code. 46985

(2) Administrative costs for each school building in the 46986
school district. The guidelines shall require the cost units under 46987
this division (C)(2) to be designed so that each of them may be 46988
compiled and reported in terms of average expenditure per 46989
full-time equivalent pupil receiving instructional or support 46990
services in each building. 46991

(3) Instructional services costs for each category of 46992
instructional service provided directly to students and required 46993
by guidelines adopted pursuant to division (B)(1)(a) of this 46994
section. The guidelines shall require the cost units under 46995
division (C)(3) of this section to be designed so that each of 46996
them may be compiled and reported in terms of average expenditure 46997
per pupil receiving the service in the school district as a whole 46998
and average expenditure per pupil receiving the service in each 46999
building in the school district and in terms of a total cost for 47000
each category of service and, as a breakdown of the total cost, a 47001
cost for each of the following components: 47002

(a) The cost of each instructional services category required 47003
by guidelines adopted under division (B)(1)(a) of this section 47004
that is provided directly to students by a classroom teacher; 47005

(b) The cost of the instructional support services, such as 47006
services provided by a speech-language pathologist, classroom 47007
aide, multimedia aide, or librarian, provided directly to students 47008
in conjunction with each instructional services category; 47009

(c) The cost of the administrative support services related 47010
to each instructional services category, such as the cost of 47011
personnel that develop the curriculum for the instructional 47012
services category and the cost of personnel supervising or 47013
coordinating the delivery of the instructional services category. 47014

(4) Support or extracurricular services costs for each 47015
category of service directly provided to students and required by 47016
guidelines adopted pursuant to division (B)(1)(b) of this section. 47017
The guidelines shall require the cost units under division (C)(4) 47018
of this section to be designed so that each of them may be 47019
compiled and reported in terms of average expenditure per pupil 47020
receiving the service in the school district as a whole and 47021
average expenditure per pupil receiving the service in each 47022
building in the school district and in terms of a total cost for 47023
each category of service and, as a breakdown of the total cost, a 47024
cost for each of the following components: 47025

(a) The cost of each support or extracurricular services 47026
category required by guidelines adopted under division (B)(1)(b) 47027
of this section that is provided directly to students by a 47028
licensed employee, such as services provided by a guidance 47029
counselor or any services provided by a licensed employee under a 47030
supplemental contract; 47031

(b) The cost of each such services category provided directly 47032
to students by a nonlicensed employee, such as janitorial 47033

services, cafeteria services, or services of a sports trainer; 47034

(c) The cost of the administrative services related to each 47035
services category in division (C)(4)(a) or (b) of this section, 47036
such as the cost of any licensed or nonlicensed employees that 47037
develop, supervise, coordinate, or otherwise are involved in 47038
administering or aiding the delivery of each services category. 47039

(D)(1) The guidelines adopted under this section shall 47040
require school districts to collect information about individual 47041
students, staff members, or both in connection with any data 47042
required by division (B) or (C) of this section or other reporting 47043
requirements established in the Revised Code. The guidelines may 47044
also require school districts to report information about 47045
individual staff members in connection with any data required by 47046
division (B) or (C) of this section or other reporting 47047
requirements established in the Revised Code. The guidelines shall 47048
not authorize school districts to request social security numbers 47049
of individual students. The guidelines shall prohibit the 47050
reporting under this section of a student's name, address, and 47051
social security number to the state board of education or the 47052
department of education. The guidelines shall also prohibit the 47053
reporting under this section of any personally identifiable 47054
information about any student, except for the purpose of assigning 47055
the data verification code required by division (D)(2) of this 47056
section, to any other person unless such person is employed by the 47057
school district or the information technology center operated 47058
under section 3301.075 of the Revised Code and is authorized by 47059
the district or technology center to have access to such 47060
information or is employed by an entity with which the department 47061
contracts for the scoring or the development of state assessments. 47062
The guidelines may require school districts to provide the social 47063
security numbers of individual staff members and the county of 47064
residence for a student. Nothing in this section prohibits the 47065

state board of education or department of education from providing 47066
a student's county of residence to the department of taxation to 47067
facilitate the distribution of tax revenue. 47068

(2)(a) The guidelines shall provide for each school district 47069
or community school to assign a data verification code that is 47070
unique on a statewide basis over time to each student whose 47071
initial Ohio enrollment is in that district or school and to 47072
report all required individual student data for that student 47073
utilizing such code. The guidelines shall also provide for 47074
assigning data verification codes to all students enrolled in 47075
districts or community schools on the effective date of the 47076
guidelines established under this section. The assignment of data 47077
verification codes for other entities, as described in division 47078
(D)(2)(c) of this section, the use of those codes, and the 47079
reporting and use of associated individual student data shall be 47080
coordinated by the department in accordance with state and federal 47081
law. 47082

School districts shall report individual student data to the 47083
department through the information technology centers utilizing 47084
the code. The entities described in division (D)(2)(c) of this 47085
section shall report individual student data to the department in 47086
the manner prescribed by the department. 47087

Except as provided in sections 3301.941, 3310.11, 3310.42, 47088
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 47089
shall the state board or the department have access to information 47090
that would enable any data verification code to be matched to 47091
personally identifiable student data. 47092

(b) Each school district and community school shall ensure 47093
that the data verification code is included in the student's 47094
records reported to any subsequent school district, community 47095
school, or state institution of higher education, as defined in 47096
section 3345.011 of the Revised Code, in which the student 47097

enrolls. Any such subsequent district or school shall utilize the 47098
same identifier in its reporting of data under this section. 47099

(c) The director of any state agency that administers a 47100
publicly funded program providing services to children who are 47101
younger than compulsory school age, as defined in section 3321.01 47102
of the Revised Code, including the directors of health, job and 47103
family services, ~~mental health~~ mental health and addiction 47104
services, and developmental disabilities, shall request and 47105
receive, pursuant to sections 3301.0723 and 3701.62 of the Revised 47106
Code, a data verification code for a child who is receiving those 47107
services. 47108

(E) The guidelines adopted under this section may require 47109
school districts to collect and report data, information, or 47110
reports other than that described in divisions (A), (B), and (C) 47111
of this section for the purpose of complying with other reporting 47112
requirements established in the Revised Code. The other data, 47113
information, or reports may be maintained in the education 47114
management information system but are not required to be compiled 47115
as part of the profile formats required under division (G) of this 47116
section or the annual statewide report required under division (H) 47117
of this section. 47118

(F) Beginning with the school year that begins July 1, 1991, 47119
the board of education of each school district shall annually 47120
collect and report to the state board, in accordance with the 47121
guidelines established by the board, the data required pursuant to 47122
this section. A school district may collect and report these data 47123
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 47124

(G) The state board shall, in accordance with the procedures 47125
it adopts, annually compile the data reported by each school 47126
district pursuant to division (D) of this section. The state board 47127
shall design formats for profiling each school district as a whole 47128
and each school building within each district and shall compile 47129

the data in accordance with these formats. These profile formats 47130
shall: 47131

(1) Include all of the data gathered under this section in a 47132
manner that facilitates comparison among school districts and 47133
among school buildings within each school district; 47134

(2) Present the data on academic achievement levels as 47135
assessed by the testing of student achievement maintained pursuant 47136
to division (B)(1)(d) of this section. 47137

(H)(1) The state board shall, in accordance with the 47138
procedures it adopts, annually prepare a statewide report for all 47139
school districts and the general public that includes the profile 47140
of each of the school districts developed pursuant to division (G) 47141
of this section. Copies of the report shall be sent to each school 47142
district. 47143

(2) The state board shall, in accordance with the procedures 47144
it adopts, annually prepare an individual report for each school 47145
district and the general public that includes the profiles of each 47146
of the school buildings in that school district developed pursuant 47147
to division (G) of this section. Copies of the report shall be 47148
sent to the superintendent of the district and to each member of 47149
the district board of education. 47150

(3) Copies of the reports received from the state board under 47151
divisions (H)(1) and (2) of this section shall be made available 47152
to the general public at each school district's offices. Each 47153
district board of education shall make copies of each report 47154
available to any person upon request and payment of a reasonable 47155
fee for the cost of reproducing the report. The board shall 47156
annually publish in a newspaper of general circulation in the 47157
school district, at least twice during the two weeks prior to the 47158
week in which the reports will first be available, a notice 47159
containing the address where the reports are available and the 47160

date on which the reports will be available. 47161

(I) Any data that is collected or maintained pursuant to this 47162
section and that identifies an individual pupil is not a public 47163
record for the purposes of section 149.43 of the Revised Code. 47164

(J) As used in this section: 47165

(1) "School district" means any city, local, exempted 47166
village, or joint vocational school district and, in accordance 47167
with section 3314.17 of the Revised Code, any community school. As 47168
used in division (L) of this section, "school district" also 47169
includes any educational service center or other educational 47170
entity required to submit data using the system established under 47171
this section. 47172

(2) "Cost" means any expenditure for operating expenses made 47173
by a school district excluding any expenditures for debt 47174
retirement except for payments made to any commercial lending 47175
institution for any loan approved pursuant to section 3313.483 of 47176
the Revised Code. 47177

(K) Any person who removes data from the information system 47178
established under this section for the purpose of releasing it to 47179
any person not entitled under law to have access to such 47180
information is subject to section 2913.42 of the Revised Code 47181
prohibiting tampering with data. 47182

(L)(1) In accordance with division (L)(2) of this section and 47183
the rules adopted under division (L)(10) of this section, the 47184
department of education may sanction any school district that 47185
reports incomplete or inaccurate data, reports data that does not 47186
conform to data requirements and descriptions published by the 47187
department, fails to report data in a timely manner, or otherwise 47188
does not make a good faith effort to report data as required by 47189
this section. 47190

(2) If the department decides to sanction a school district 47191

under this division, the department shall take the following sequential actions: 47192
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(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and submit corrected data by a deadline established by the department. The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures. 47194
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(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division; 47202
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(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year; 47207
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(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions: 47210
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(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity; 47214
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(ii) Conduct a site visit and evaluation of the district; 47216

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year; 47217
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(iv) Continue monitoring the district's data reporting; 47220

(v) Assign department staff to supervise the district's data 47221

management system; 47222

(vi) Conduct an investigation to determine whether to suspend 47223
or revoke the license of any district employee in accordance with 47224
division (N) of this section; 47225

(vii) If the district is issued a report card under section 47226
3302.03 of the Revised Code, indicate on the report card that the 47227
district has been sanctioned for failing to report data as 47228
required by this section; 47229

(viii) If the district is issued a report card under section 47230
3302.03 of the Revised Code and incomplete or inaccurate data 47231
submitted by the district likely caused the district to receive a 47232
higher performance rating than it deserved under that section, 47233
issue a revised report card for the district; 47234

(ix) Any other action designed to correct the district's data 47235
reporting problems. 47236

(3) Any time the department takes an action against a school 47237
district under division (L)(2) of this section, the department 47238
shall make a report of the circumstances that prompted the action. 47239
The department shall send a copy of the report to the district 47240
superintendent or chief administrator and maintain a copy of the 47241
report in its files. 47242

(4) If any action taken under division (L)(2) of this section 47243
resolves a school district's data reporting problems to the 47244
department's satisfaction, the department shall not take any 47245
further actions described by that division. If the department 47246
withheld funds from the district under that division, the 47247
department may release those funds to the district, except that if 47248
the department withheld funding under division (L)(2)(c) of this 47249
section, the department shall not release the funds withheld under 47250
division (L)(2)(b) of this section and, if the department withheld 47251
funding under division (L)(2)(d) of this section, the department 47252

shall not release the funds withheld under division (L)(2)(b) or 47253
(c) of this section. 47254

(5) Notwithstanding anything in this section to the contrary, 47255
the department may use its own staff or an outside entity to 47256
conduct an audit of a school district's data reporting practices 47257
any time the department has reason to believe the district has not 47258
made a good faith effort to report data as required by this 47259
section. If any audit conducted by an outside entity under 47260
division (L)(2)(d)(i) or (5) of this section confirms that a 47261
district has not made a good faith effort to report data as 47262
required by this section, the district shall reimburse the 47263
department for the full cost of the audit. The department may 47264
withhold state funds due to the district for this purpose. 47265

(6) Prior to issuing a revised report card for a school 47266
district under division (L)(2)(d)(viii) of this section, the 47267
department may hold a hearing to provide the district with an 47268
opportunity to demonstrate that it made a good faith effort to 47269
report data as required by this section. The hearing shall be 47270
conducted by a referee appointed by the department. Based on the 47271
information provided in the hearing, the referee shall recommend 47272
whether the department should issue a revised report card for the 47273
district. If the referee affirms the department's contention that 47274
the district did not make a good faith effort to report data as 47275
required by this section, the district shall bear the full cost of 47276
conducting the hearing and of issuing any revised report card. 47277

(7) If the department determines that any inaccurate data 47278
reported under this section caused a school district to receive 47279
excess state funds in any fiscal year, the district shall 47280
reimburse the department an amount equal to the excess funds, in 47281
accordance with a payment schedule determined by the department. 47282
The department may withhold state funds due to the district for 47283
this purpose. 47284

(8) Any school district that has funds withheld under 47285
division (L)(2) of this section may appeal the withholding in 47286
accordance with Chapter 119. of the Revised Code. 47287

(9) In all cases of a disagreement between the department and 47288
a school district regarding the appropriateness of an action taken 47289
under division (L)(2) of this section, the burden of proof shall 47290
be on the district to demonstrate that it made a good faith effort 47291
to report data as required by this section. 47292

(10) The state board of education shall adopt rules under 47293
Chapter 119. of the Revised Code to implement division (L) of this 47294
section. 47295

(M) No information technology center or school district shall 47296
acquire, change, or update its student administration software 47297
package to manage and report data required to be reported to the 47298
department unless it converts to a student software package that 47299
is certified by the department. 47300

(N) The state board of education, in accordance with sections 47301
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 47302
license as defined under division (A) of section 3319.31 of the 47303
Revised Code that has been issued to any school district employee 47304
found to have willfully reported erroneous, inaccurate, or 47305
incomplete data to the education management information system. 47306

(O) No person shall release or maintain any information about 47307
any student in violation of this section. Whoever violates this 47308
division is guilty of a misdemeanor of the fourth degree. 47309

(P) The department shall disaggregate the data collected 47310
under division (B)(1)(n) of this section according to the race and 47311
socioeconomic status of the students assessed. No data collected 47312
under that division shall be included on the report cards required 47313
by section 3302.03 of the Revised Code. 47314

(Q) If the department cannot compile any of the information 47315

required by division (H) of section 3302.03 of the Revised Code 47316
based upon the data collected under this section, the department 47317
shall develop a plan and a reasonable timeline for the collection 47318
of any data necessary to comply with that division. 47319

Sec. 3301.0715. (A) Except as otherwise required under 47320
division (B)(1) of section 3313.608 of the Revised Code, the board 47321
of education of each city, local, and exempted village school 47322
district shall administer each applicable diagnostic assessment 47323
developed and provided to the district in accordance with section 47324
3301.079 of the Revised Code to the following: 47325

(1) Any student who transfers into the district or to a 47326
different school within the district if each applicable diagnostic 47327
assessment was not administered by the district or school the 47328
student previously attended in the current school year, within 47329
thirty days after the date of transfer. If the district or school 47330
into which the student transfers cannot determine whether the 47331
student has taken any applicable diagnostic assessment in the 47332
current school year, the district or school may administer the 47333
diagnostic assessment to the student. 47334

(2) ~~Each~~ (a) Prior to July 1, 2014, each kindergarten 47335
student, not earlier than four weeks prior to the first day of 47336
school and not later than the first day of October. ~~For~~ 47337

(b) Beginning July 1, 2014, each kindergarten student, not 47338
earlier than the first day of the school year and not later than 47339
the first day of November, except that the language and reading 47340
skills portion of the assessment shall be administered by the 47341
thirtieth day of September to fulfill the requirements of division 47342
(B) of section 3313.608 of the Revised Code. 47343

For the purpose of division (A)(2) of this section, the 47344
district shall administer the kindergarten readiness assessment 47345
provided by the department of education. In no case shall the 47346

results of the readiness assessment be used to prohibit a student 47347
from enrolling in kindergarten. 47348

(3) Each student enrolled in first, second, or third grade. 47349

(B) Each district board shall administer each diagnostic 47350
assessment when the board deems appropriate, provided the 47351
administration complies with section 3313.608 of the Revised Code. 47352
However, the board shall administer any diagnostic assessment at 47353
least once annually to all students in the appropriate grade 47354
level. A district board may administer any diagnostic assessment 47355
in the fall and spring of a school year to measure the amount of 47356
academic growth attributable to the instruction received by 47357
students during that school year. 47358

(C) Any district that received an excellent or effective 47359
rating for the immediately preceding school year, pursuant to 47360
section 3302.03 of the Revised Code as it existed prior to ~~the~~ 47361
~~effective date of this amendment~~ March 22, 2013, or the equivalent 47362
of such rating as determined by the department of education, may 47363
use different diagnostic assessments from those adopted under 47364
division (D) of section 3301.079 of the Revised Code in order to 47365
satisfy the requirements of division (A)(2) of this section. 47366

(D) Each district board shall utilize and score any 47367
diagnostic assessment administered under division (A) of this 47368
section in accordance with rules established by the department. 47369
After the administration of any diagnostic assessment, each 47370
district shall provide a student's completed diagnostic 47371
assessment, the results of such assessment, and any other 47372
accompanying documents used during the administration of the 47373
assessment to the parent of that student, and shall include all 47374
such documents and information in any plan developed for the 47375
student under division (C) of section 3313.608 of the Revised 47376
Code. Each district shall submit to the department, in the manner 47377
the department prescribes, the results of the diagnostic 47378

assessments administered under this section, regardless of the 47379
type of assessment used under section 3313.608 of the Revised 47380
Code. The department may issue reports with respect to the data 47381
collected. 47382

(E) Each district board shall provide intervention services 47383
to students whose diagnostic assessments show that they are 47384
failing to make satisfactory progress toward attaining the 47385
academic standards for their grade level. 47386

Sec. 3301.0723. (A) The independent contractor engaged by the 47387
department of education to create and maintain for school 47388
districts and community schools the student data verification 47389
codes required by division (D)(2) of section 3301.0714 of the 47390
Revised Code, upon request of the director of any state agency 47391
that administers a publicly funded program providing services to 47392
children who are younger than compulsory school age, as defined in 47393
section 3321.01 of the Revised Code, including the directors of 47394
health, job and family services, ~~mental health~~ mental health and 47395
addiction services, and developmental disabilities, shall assign a 47396
data verification code to a child who is receiving such services 47397
and shall provide that code to the director. The contractor also 47398
shall provide that code to the department of education. 47399

(B) The director of a state agency that receives a child's 47400
data verification code under division (A) of this section shall 47401
use that code to submit information for that child to the 47402
department of education in accordance with section 3301.0714 of 47403
the Revised Code. 47404

(C) A public school that receives from the independent 47405
contractor the data verification code for a child assigned under 47406
division (A) of this section shall not request or assign to that 47407
child another data verification code under division (D)(2) of 47408
section 3301.0714 of the Revised Code. That school and any other 47409

public school in which the child subsequently enrolls shall use 47410
the data verification code assigned under division (A) of this 47411
section to report data relative to that student required under 47412
section 3301.0714 of the Revised Code. 47413

Sec. 3301.0725. A school district may employ certificated 47414
instructional personnel for ~~more days during a school year than~~ 47415
~~the district normally employs its regular classroom teachers~~ hours 47416
outside of the normal school day for the purpose of providing 47417
extended programming. Extended programming, as defined by rule of 47418
the state board of education, shall be based upon learner needs 47419
and, if applicable, business and industry validated standards and 47420
competencies and shall enhance student learning opportunities. 47421
Extended programming shall be subject to the requirements of 47422
sections 3313.6018 and 3313.6019 of the Revised Code. 47423

No rule of the state board shall require extended programming 47424
employment of certificated instructional personnel as a condition 47425
of eligibility for funding under any other section of the Revised 47426
Code. 47427

Sec. 3301.15. The state board of education or its authorized 47428
representatives may inspect all institutions under the control of 47429
the department of job and family services, the department of 47430
~~mental health~~ mental health and addiction services, the department 47431
of developmental disabilities, and the department of 47432
rehabilitation and correction which employ teachers, and may make 47433
a report on the teaching, discipline, and school equipment in 47434
these institutions to the director of job and family services, the 47435
director of ~~mental health~~ mental health and addiction services, 47436
the director of developmental disabilities, the director of 47437
rehabilitation and correction, and the governor. 47438

Sec. 3301.16. Pursuant to standards prescribed by the state 47439

board of education as provided in division (D) of section 3301.07 47440
of the Revised Code, the state board shall classify and charter 47441
school districts and individual schools within each district 47442
except that no charter shall be granted to a nonpublic school 47443
unless the school complies with division (K)(1)(a) of section 47444
3301.0711, if applicable, and section 3313.612 of the Revised 47445
Code. 47446

In the course of considering the charter of a new school 47447
district created under section 3311.26 or 3311.38 of the Revised 47448
Code, the state board shall require the party proposing creation 47449
of the district to submit to the board a map, certified by the 47450
county auditor of the county in which the proposed new district is 47451
located, showing the boundaries of the proposed new district. In 47452
the case of a proposed new district located in more than one 47453
county, the map shall be certified by the county auditor of each 47454
county in which the proposed district is located. 47455

The state board shall revoke the charter of any school 47456
district or school which fails to meet the standards for 47457
elementary and high schools as prescribed by the board. The state 47458
board shall also revoke the charter of any nonpublic school that 47459
does not comply with division (K)(1)(a) of section 3301.0711, if 47460
applicable, and section 3313.612 of the Revised Code. 47461

In the issuance and revocation of school district or school 47462
charters, the state board shall be governed by the provisions of 47463
Chapter 119. of the Revised Code. 47464

No school district, or individual school operated by a school 47465
district, shall operate without a charter issued by the state 47466
board under this section. 47467

In case a school district charter is revoked pursuant to this 47468
section, the state board may dissolve the school district and 47469
transfer its territory to one or more adjacent districts. An 47470

equitable division of the funds, property, and indebtedness of the 47471
school district shall be made by the state board among the 47472
receiving districts. The board of education of a receiving 47473
district shall accept such territory pursuant to the order of the 47474
state board. Prior to dissolving the school district, the state 47475
board shall notify the appropriate educational service center 47476
governing board and all adjacent school district boards of 47477
education of its intention to do so. Boards so notified may make 47478
recommendations to the state board regarding the proposed 47479
dissolution and subsequent transfer of territory. Except as 47480
provided in section 3301.161 of the Revised Code, the transfer 47481
ordered by the state board shall become effective on the date 47482
specified by the state board, but the date shall be at least 47483
thirty days following the date of issuance of the order. 47484

A high school is one of higher grade than an elementary 47485
school, in which instruction and training are given in accordance 47486
with sections 3301.07 and 3313.60 of the Revised Code and which 47487
also offers other subjects of study more advanced than those 47488
taught in the elementary schools and such other subjects as may be 47489
approved by the state board of education. 47490

An elementary school is one in which instruction and training 47491
are given in accordance with sections 3301.07 and 3313.60 of the 47492
Revised Code and which offers such other subjects as may be 47493
approved by the state board of education. In districts wherein a 47494
junior high school is maintained, the elementary schools in that 47495
district may be considered to include only the work of the first 47496
six school years inclusive, plus the kindergarten year. 47497

Sec. 3302.01. As used in this chapter: 47498

(A) "Performance index score" means the average of the totals 47499
derived from calculations for each subject area of English 47500
language arts, mathematics, science, and social studies of the 47501

weighted proportion of untested students and students scoring at 47502
each level of skill described in division (A)(2) of section 47503
3301.0710 of the Revised Code on the assessments prescribed by 47504
divisions (A) and (B)(1) of that section. The department of 47505
education shall assign weights such that students who do not take 47506
an assessment receive a weight of zero and students who take an 47507
assessment receive progressively larger weights dependent upon the 47508
level of skill attained on the assessment. The department shall 47509
assign additional weights to students who have been permitted to 47510
pass over a subject in accordance with a student acceleration 47511
policy adopted under section 3324.10 of the Revised Code. If such 47512
a student attains the proficient score prescribed under division 47513
(A)(2)(c) of section 3301.0710 of the Revised Code or higher on an 47514
assessment, the department shall assign the student the weight 47515
prescribed for the next higher scoring level. If such a student 47516
attains the advanced score, prescribed under division (A)(2)(a) of 47517
section 3301.0710 of the Revised Code, on an assessment, the 47518
department shall assign to the student an additional proportional 47519
weight, as approved by the state board. For each school year that 47520
such a student's score is included in the performance index score 47521
and the student attains the proficient score on an assessment, 47522
that additional weight shall be assigned to the student on a 47523
subject-by-subject basis. 47524

Students shall be included in the "performance index score" 47525
in accordance with division (K)(2) of section 3302.03 of the 47526
Revised Code. 47527

(B) "Subgroup" means a subset of the entire student 47528
population of the state, a school district, or a school building 47529
and includes each of the following: 47530

(1) Major racial and ethnic groups; 47531

(2) Students with disabilities; 47532

(3) Economically disadvantaged students;	47533
(4) Limited English proficient students;	47534
(5) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. For students who are gifted in specific academic ability fields, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field.	47535 47536 47537 47538 47539 47540 47541 47542
(6) Students in the lowest quintile for achievement statewide, as determined by a method prescribed by the state board of education.	47543 47544 47545
(C) "No Child Left Behind Act of 2001" includes the statutes codified at 20 U.S.C. 6301 et seq. and any amendments, <u>waivers, or both</u> thereto, rules and regulations promulgated pursuant to those statutes, guidance documents, and any other policy directives regarding implementation of that act issued by the United States department of education.	47546 47547 47548 47549 47550 47551
(D) "Adequate yearly progress" means a measure of annual academic performance as calculated in accordance with the "No Child Left Behind Act of 2001."	47552 47553 47554
(E) "Supplemental educational services" means additional academic assistance, such as tutoring, remediation, or other educational enrichment activities, that is conducted outside of the regular school day by a provider approved by the department in accordance with the "No Child Left Behind Act of 2001."	47555 47556 47557 47558 47559
(F) "Value-added progress dimension" means a measure of academic gain for a student or group of students over a specific period of time that is calculated by applying a statistical methodology to individual student achievement data derived from	47560 47561 47562 47563

the achievement assessments prescribed by section 3301.0710 of the Revised Code. The "value-added progress dimension" shall be developed and implemented in accordance with section 3302.021 of the Revised Code.

(G)(1) "Four-year adjusted cohort graduation rate" means the number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class.

(2) "Five-year adjusted cohort graduation rate" means the number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.

(H) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(I) "Annual measurable objectives" means a measure of student progress determined in accordance with an agreement between the department of education and the United States department of education.

Sec. 3302.03. Annually, not later than the fifteenth day of September or the preceding Friday when that day falls on a Saturday or Sunday, the department of education shall assign a letter grade for overall academic performance and for each separate performance measure for each school district, and each school building in a district, in accordance with this section. The state board shall adopt rules pursuant to Chapter 119. of the Revised Code to establish performance criteria for each letter grade and prescribe a method by which the department assigns each letter grade. For a school building to which any of the performance measures do not apply, due to grade levels served by the building, the state board shall designate the performance measures that are applicable to the building and that must be

calculated separately and used to calculate the building's overall 47595
grade. The department shall issue annual report cards reflecting 47596
the performance of each school district, each building within each 47597
district, and for the state as a whole using the performance 47598
measures and letter grade system described in this section. The 47599
department shall include on the report card for each district and 47600
each building within each district the most recent two-year trend 47601
data in student achievement for each subject and each grade. 47602

(A)(1) For the 2012-2013 school year, the department shall 47603
issue grades as described in division (E) of this section for each 47604
of the following performance measures: 47605

(a) Annual measurable objectives; 47606

(b) Performance index score for a school district or 47607
building. Grades shall be awarded as a percentage of the total 47608
possible points on the performance index system as adopted by the 47609
state board. In adopting benchmarks for assigning letter grades 47610
under division (A)(1)(b) of this section, the state board of 47611
education shall designate ninety per cent or higher for an "A," at 47612
least seventy per cent but not more than eighty per cent for a 47613
"C," and less than fifty per cent for an "F." 47614

(c) The extent to which the school district or building meets 47615
each of the applicable performance indicators established by the 47616
state board under section 3302.02 of the Revised Code and the 47617
percentage of applicable performance indicators that have been 47618
achieved. In adopting benchmarks for assigning letter grades under 47619
division (A)(1)(c) of this section, the state board shall 47620
designate ninety per cent or higher for an "A." 47621

(d) The four- and five-year adjusted cohort graduation rates. 47622

In adopting benchmarks for assigning letter grades under 47623
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 47624
department shall designate a four-year adjusted cohort graduation 47625

rate of ninety-three per cent or higher for an "A" and a five-year 47626
cohort graduation rate of ninety-five per cent or higher for an 47627
"A." 47628

(e) The overall score under the value-added progress 47629
dimension of a school district or building, for which the 47630
department shall use up to three years of value-added data as 47631
available. The letter grade assigned for this growth measure shall 47632
be as follows: 47633

(i) A score that is at least two standard errors of measure 47634
above the mean score shall be designated as an "A." 47635

(ii) A score that is at least one standard error of measure 47636
but less than two standard errors of measure above the mean score 47637
shall be designated as a "B." 47638

(iii) A score that is less than one standard error of measure 47639
above the mean score but greater than or equal to one standard 47640
error of measure below the mean score shall be designated as a 47641
"C." 47642

(iv) A score that is not greater than one standard error of 47643
measure below the mean score but is greater than or equal to two 47644
standard errors of measure below the mean score shall be 47645
designated as a "D." 47646

(v) A score that is not greater than two standard errors of 47647
measure below the mean score shall be designated as an "F." 47648

Whenever the value-added progress dimension is used as a 47649
graded performance measure, whether as an overall measure or as a 47650
measure of separate subgroups, the grades for the measure shall be 47651
calculated in the same manner as prescribed in division (A)(1)(e) 47652
of this section. 47653

(f) The value-added progress dimension score for a school 47654
district or building disaggregated for each of the following 47655

subgroups: students identified as gifted, students with 47656
disabilities, and students whose performance places them in the 47657
lowest quintile for achievement on a statewide basis. Each 47658
subgroup shall be a separate graded measure. 47659

(2) Not later than April 30, 2013, the state board of 47660
education shall adopt a resolution describing the performance 47661
measures, benchmarks, and grading system for the 2012-2013 school 47662
year and, not later than June 30, 2013, shall adopt rules in 47663
accordance with Chapter 119. of the Revised Code that prescribe 47664
the methods by which the performance measures under division 47665
(A)(1) of this section shall be assessed and assigned a letter 47666
grade, including performance benchmarks for each letter grade. 47667

At least forty-five days prior to the state board's adoption 47668
of rules to prescribe the methods by which the performance 47669
measures under division (A)(1) of this section shall be assessed 47670
and assigned a letter grade, the department shall conduct a public 47671
presentation before the standing committees of the house of 47672
representatives and the senate that consider education legislation 47673
describing such methods, including performance benchmarks. 47674

(3) There shall not be an overall letter grade for a school 47675
district or building for the 2012-2013 school year. 47676

(B)(1) For the 2013-2014 school year, the department shall 47677
issue grades as described in division (E) of this section for each 47678
of the following performance measures: 47679

(a) Annual measurable objectives; 47680

(b) Performance index score for a school district or 47681
building. Grades shall be awarded as a percentage of the total 47682
possible points on the performance index system as created by the 47683
department. In adopting benchmarks for assigning letter grades 47684
under division (B)(1)(b) of this section, the state board shall 47685
designate ninety per cent or higher for an "A," at least seventy 47686

per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to districts and buildings for purposes of division (B)(1)(~~j~~)(g) of this section. In adopting benchmarks for assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of this section, the state board shall determine progress made based on the reduction in the percentage of students scoring below grade

level, or below proficient, compared from year to year on the 47718
~~English language arts~~ reading and writing diagnostic assessments 47719
administered under section 3301.0715 of the Revised Code and the 47720
third grade English language arts assessment under section 47721
3301.0710 of the Revised Code, as applicable. The state board 47722
shall designate for a "C" grade a value that is not lower than the 47723
statewide average value for this measure. No grade shall be issued 47724
under divisions (B)(1)(g) and (C)(1)~~(j)~~(g) of this section for a 47725
district or building in which less than five per cent of students 47726
have scored below grade level on the diagnostic assessment 47727
administered to students in kindergarten under division (B)(1) of 47728
section 3313.608 of the Revised Code. 47729

(2) In addition to the graded measures in division (B)(1) of 47730
this section, the department shall include on a school district's 47731
or building's report card all of the following without an assigned 47732
letter grade: 47733

(a) The percentage of students enrolled in a district or 47734
building participating in advanced placement classes and the 47735
percentage of those students who received a score of three or 47736
better on advanced placement examinations; 47737

(b) The number of a district's or building's students who 47738
have earned at least three college credits through dual enrollment 47739
programs, such as the post-secondary enrollment options program 47740
under Chapter 3365. of the Revised Code and state-approved 47741
career-technical courses offered through dual enrollment or 47742
statewide articulation, that appear on a student's transcript or 47743
other official document, either of which is issued by the 47744
institution of higher education from which the student earned the 47745
college credit. The credits earned that are reported under 47746
divisions (B)(2)(b) and (C)(2)(c) of this section shall not 47747
include any that are remedial or developmental and shall include 47748
those that count toward the curriculum requirements established 47749

for completion of a degree. 47750

(c) The percentage of students enrolled in a district or 47751
building who have taken a national standardized test used for 47752
college admission determinations and the percentage of those 47753
students who are determined to be remediation-free in accordance 47754
with standards adopted under division (F) of section 3345.061 of 47755
the Revised Code; 47756

(d) The percentage of the district's or the building's 47757
students who receive industry credentials. The state board shall 47758
adopt criteria for acceptable industry credentials. 47759

(e) The percentage of students enrolled in a district or 47760
building who are participating in an international baccalaureate 47761
program and the percentage of those students who receive a score 47762
of four or better on the international baccalaureate examinations. 47763

(f) The percentage of the district's or building's students 47764
who receive an honors diploma under division (B) of section 47765
3313.61 of the Revised Code. 47766

(3) Not later than December 31, 2013, the state board shall 47767
adopt rules in accordance with Chapter 119. of the Revised Code 47768
that prescribe the methods by which the performance measures under 47769
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 47770
and assigned a letter grade, including performance benchmarks for 47771
each grade. 47772

At least forty-five days prior to the state board's adoption 47773
of rules to prescribe the methods by which the performance 47774
measures under division (B)(1) of this section shall be assessed 47775
and assigned a letter grade, the department shall conduct a public 47776
presentation before the standing committees of the house of 47777
representatives and the senate that consider education legislation 47778
describing such methods, including performance benchmarks. 47779

(4) There shall not be an overall letter grade for a school 47780

district or building for the 2013-2014 school year. 47781

(C)(1) For the 2014-2015 school year and each school year 47782
thereafter, the department shall issue grades as described in 47783
division (E) of this section for each of the following performance 47784
measures and an overall letter grade based on an aggregate of 47785
those measures: 47786

(a) Annual measurable objectives; 47787

(b) Performance index score for a school district or 47788
building. Grades shall be awarded as a percentage of the total 47789
possible points on the performance index system as created by the 47790
department. In adopting benchmarks for assigning letter grades 47791
under division (C)(1)(b) of this section, the state board shall 47792
designate ninety per cent or higher for an "A," at least seventy 47793
per cent but not more than eighty per cent for a "C," and less 47794
than fifty per cent for an "F." 47795

(c) The extent to which the school district or building meets 47796
each of the applicable performance indicators established by the 47797
state board under section 3302.03 of the Revised Code and the 47798
percentage of applicable performance indicators that have been 47799
achieved. In adopting benchmarks for assigning letter grades under 47800
division (C)(1)(c) of this section, the state board shall 47801
designate ninety per cent or higher for an "A." 47802

(d) The four- and five-year adjusted cohort graduation rates; 47803

(e) The overall score under the value-added progress 47804
dimension, or another measure of student academic progress if 47805
adopted by the state board, of a school district or building, for 47806
which the department shall use up to three years of value-added 47807
data as available. 47808

In adopting benchmarks for assigning letter grades for 47809
overall score on value-added progress dimension under division 47810
(C)(1)(e) of this section, the state board shall prohibit the 47811

assigning of a grade of "A" for that measure unless the district's 47812
or building's grade assigned for value-added progress dimension 47813
for all subgroups under division (C)(1)~~(i)~~(f) of this section is a 47814
"B" or higher. 47815

For the metric prescribed by division (C)(1)(e) of this 47816
section, the state board may adopt a student academic progress 47817
measure to be used instead of the value-added progress dimension. 47818
If the state board adopts such a measure, it also shall prescribe 47819
a method for assigning letter grades for the new measure that is 47820
comparable to the method prescribed in division (A)(1)(e) of this 47821
section. 47822

(f) The value-added progress dimension score of a school 47823
district or building disaggregated for each of the following 47824
subgroups: students identified as gifted in superior cognitive 47825
ability and specific academic ability fields under Chapter 3324. 47826
of the Revised Code, students with disabilities, and students 47827
whose performance places them in the lowest quintile for 47828
achievement on a statewide basis, as determined by a method 47829
prescribed by the state board. Each subgroup shall be a separate 47830
graded measure. 47831

The state board may adopt student academic progress measures 47832
to be used instead of the value-added progress dimension. If the 47833
state board adopts such measures, it also shall prescribe a method 47834
for assigning letter grades for the new measures that is 47835
comparable to the method prescribed in division (A)(1)(e) of this 47836
section. 47837

(g) Whether a school district or building is making progress 47838
in improving literacy in grades kindergarten through three, as 47839
determined using a method prescribed by the state board. The state 47840
board shall adopt rules to prescribe benchmarks and standards for 47841
assigning grades to a district or building for purposes of 47842
division (C)(1)~~(j)~~(g) of this section. The state board shall 47843

designate for a "C" grade a value that is not lower than the 47844
statewide average value for this measure. No grade shall be issued 47845
under division (C)(1)(g) of this section for a district or 47846
building in which less than five per cent of students have scored 47847
below grade level on the kindergarten diagnostic assessment under 47848
division (B)(1) of section 3313.608 of the Revised Code. 47849

(2) In addition to the graded measures in division (C)(1) of 47850
this section, the department shall include on a school district's 47851
or building's report card all of the following without an assigned 47852
letter grade: 47853

(a) The percentage of students enrolled in a district or 47854
building who have taken a national standardized test used for 47855
college admission determinations and the percentage of those 47856
students who are determined to be remediation-free in accordance 47857
with the standards adopted under division (F) of section 3345.061 47858
of the Revised Code; 47859

(b) The percentage of students enrolled in a district or 47860
building participating in advanced placement classes and the 47861
percentage of those students who received a score of three or 47862
better on advanced placement examinations; 47863

(c) The number of a district's or building's students who 47864
have earned at least three college credits through dual enrollment 47865
programs, such as the post-secondary enrollment options program 47866
under Chapter 3365. of the Revised Code and state-approved 47867
career-technical courses offered through dual enrollment or 47868
statewide articulation, that appear on a student's transcript or 47869
other official document, either of which is issued by the 47870
institution of higher education from which the student earned the 47871
college credit. The credits earned that are reported under 47872
divisions (B)(2)(b) and (C)(2)(c) of this section shall not 47873
include any that are remedial or developmental and shall include 47874
those that count toward the curriculum requirements established 47875

for completion of a degree. 47876

(d) The percentage of the district's or building's students 47877
who receive an honor's diploma under division (B) of section 47878
3313.61 of the Revised Code; 47879

(e) The percentage of the district's or building's students 47880
who receive industry credentials; 47881

(f) The percentage of students enrolled in a district or 47882
building who are participating in an international baccalaureate 47883
program and the percentage of those students who receive a score 47884
of four or better on the international baccalaureate examinations; 47885

(g) The results of the college and career-ready assessments 47886
administered under division (B)(1) of section 3301.0712 of the 47887
Revised Code. 47888

(3) The state board shall adopt rules pursuant to Chapter 47889
119. of the Revised Code that establish a method to assign an 47890
overall grade for a school district or school building for the 47891
2014-2015 school year and each school year thereafter. The rules 47892
shall group the performance measures in divisions (C)(1) and (2) 47893
of this section into the following components: 47894

(a) Gap closing, which shall include the performance measure 47895
in division (C)(1)(a) of this section; 47896

(b) Achievement, which shall include the performance measures 47897
in divisions (C)(1)(b) and (c) of this section; 47898

(c) Progress, which shall include the performance measures in 47899
divisions (C)(1)(e) and ~~(i)~~(f) of this section; 47900

(d) Graduation, which shall include the performance measure 47901
in division (C)(1)(d) of this section; 47902

(e) Kindergarten through third-grade literacy, which shall 47903
include the performance measure in division (C)(1)~~(k)~~(g) of this 47904
section; 47905

(f) Prepared for success, which shall include the performance 47906
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 47907
this section. The state board shall develop a method to determine 47908
a grade for the component in division (C)(3)(f) of this section 47909
using the performance measures in divisions (C)(2)(a), (b), (c), 47910
(d), (e), and (f) of this section. When available, the state board 47911
may incorporate the performance measure under division (C)(2)(g) 47912
of this section into the component under division (C)(3)(f) of 47913
this section. When determining the overall grade for the prepared 47914
for success component prescribed by division (C)(3)(f) of this 47915
section, no individual student shall be counted in more than one 47916
performance measure. However, if a student qualifies for more than 47917
one performance measure in the component, the state board may, in 47918
its method to determine a grade for the component, specify an 47919
additional weight for such a student that is not greater than or 47920
equal to 1.0. In determining the overall score under division 47921
(C)(3)(f) of this section, the state board shall ensure that the 47922
pool of students included in the performance measures aggregated 47923
under that division are all of the students included in the four- 47924
and five-year adjusted graduation cohort. 47925

In the rules adopted under division (C)(3) of this section, 47926
the state board shall adopt a method for determining a grade for 47927
each component in divisions (C)(3)(a) to (f) of this section. The 47928
state board also shall establish a method to assign an overall 47929
grade of "A," "B," "C," "D," or "F" using the grades assigned for 47930
each component. The method the state board adopts for assigning an 47931
overall grade shall give equal weight to the components in 47932
divisions (C)(3)(b) and (c) of this section. 47933

At least forty-five days prior to the state board's adoption 47934
of rules to prescribe the methods for calculating the overall 47935
grade for the report card, as required by this division, the 47936
department shall conduct a public presentation before the standing 47937

committees of the house of representatives and the senate that 47938
consider education legislation describing the format for the 47939
report card, weights that will be assigned to the components of 47940
the overall grade, and the method for calculating the overall 47941
grade. 47942

(D) Not later than July 1, 2015, the state board shall 47943
develop a measure of student academic progress for high school 47944
students. Beginning with the report card for the 2015-2016 school 47945
year, each school district and applicable school building shall be 47946
assigned a separate letter grade for this measure and the 47947
district's or building's grade for that measure shall be included 47948
in determining the district's or building's overall letter grade. 47949
This measure shall be included within the measure prescribed in 47950
division (C)~~(2)~~(3)(c) of this section in the calculation for the 47951
overall letter grade. 47952

(E) The letter grades assigned to a school district or 47953
building under this section shall be as follows: 47954

(1) "A" for a district or school making excellent progress; 47955

(2) "B" for a district or school making above average 47956
progress; 47957

(3) "C" for a district or school making average progress; 47958

(4) "D" for a district or school making below average 47959
progress; 47960

(5) "F" for a district or school failing to meet minimum 47961
progress. 47962

(F) When reporting data on student achievement and progress, 47963
the department shall disaggregate that data according to the 47964
following categories: 47965

(1) Performance of students by grade-level; 47966

(2) Performance of students by race and ethnic group; 47967

(3) Performance of students by gender;	47968
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	47969 47970
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	47971 47972 47973
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	47974 47975
(7) Performance of students grouped by those who are economically disadvantaged;	47976 47977
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	47978 47979 47980
(9) Performance of students grouped by those who are classified as limited English proficient;	47981 47982
(10) Performance of students grouped by those who have disabilities;	47983 47984
(11) Performance of students grouped by those who are classified as migrants;	47985 47986
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	47987 47988 47989 47990 47991 47992 47993 47994 47995
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as	47996 47997

determined by a method prescribed by the state board. 47998

The department may disaggregate data on student performance 47999
according to other categories that the department determines are 48000
appropriate. To the extent possible, the department shall 48001
disaggregate data on student performance according to any 48002
combinations of two or more of the categories listed in divisions 48003
(F)(1) to (13) of this section that it deems relevant. 48004

In reporting data pursuant to division (F) of this section, 48005
the department shall not include in the report cards any data 48006
statistical in nature that is statistically unreliable or that 48007
could result in the identification of individual students. For 48008
this purpose, the department shall not report student performance 48009
data for any group identified in division (F) of this section that 48010
contains less than ten students. If the department does not report 48011
student performance data for a group because it contains less than 48012
ten students, the department shall indicate on the report card 48013
that is why data was not reported. 48014

(G) The department may include with the report cards any 48015
additional education and fiscal performance data it deems 48016
valuable. 48017

(H) The department shall include on each report card a list 48018
of additional information collected by the department that is 48019
available regarding the district or building for which the report 48020
card is issued. When available, such additional information shall 48021
include student mobility data disaggregated by race and 48022
socioeconomic status, college enrollment data, and the reports 48023
prepared under section 3302.031 of the Revised Code. 48024

The department shall maintain a site on the world wide web. 48025
The report card shall include the address of the site and shall 48026
specify that such additional information is available to the 48027
public at that site. The department shall also provide a copy of 48028

each item on the list to the superintendent of each school 48029
district. The district superintendent shall provide a copy of any 48030
item on the list to anyone who requests it. 48031

(I) Division (I) of this section does not apply to conversion 48032
community schools that primarily enroll students between sixteen 48033
and twenty-two years of age who dropped out of high school or are 48034
at risk of dropping out of high school due to poor attendance, 48035
disciplinary problems, or suspensions. 48036

(1) For any district that sponsors a conversion community 48037
school under Chapter 3314. of the Revised Code, the department 48038
shall combine data regarding the academic performance of students 48039
enrolled in the community school with comparable data from the 48040
schools of the district for the purpose of determining the 48041
performance of the district as a whole on the report card issued 48042
for the district under this section or section 3302.033 of the 48043
Revised Code. 48044

(2) Any district that leases a building to a community school 48045
located in the district or that enters into an agreement with a 48046
community school located in the district whereby the district and 48047
the school endorse each other's programs may elect to have data 48048
regarding the academic performance of students enrolled in the 48049
community school combined with comparable data from the schools of 48050
the district for the purpose of determining the performance of the 48051
district as a whole on the district report card. Any district that 48052
so elects shall annually file a copy of the lease or agreement 48053
with the department. 48054

(3) Any municipal school district, as defined in section 48055
3311.71 of the Revised Code, that sponsors a community school 48056
located within the district's territory, or that enters into an 48057
agreement with a community school located within the district's 48058
territory whereby the district and the community school endorse 48059
each other's programs, may exercise either or both of the 48060

following elections: 48061

(a) To have data regarding the academic performance of 48062
students enrolled in that community school combined with 48063
comparable data from the schools of the district for the purpose 48064
of determining the performance of the district as a whole on the 48065
district's report card; 48066

(b) To have the number of students attending that community 48067
school noted separately on the district's report card. 48068

The election authorized under division (I)(3)(a) of this 48069
section is subject to approval by the governing authority of the 48070
community school. 48071

Any municipal school district that exercises an election to 48072
combine or include data under division (I)(3) of this section, by 48073
the first day of October of each year, shall file with the 48074
department documentation indicating eligibility for that election, 48075
as required by the department. 48076

(J) The department shall include on each report card the 48077
percentage of teachers in the district or building who are highly 48078
qualified, as defined by the "No Child Left Behind Act of 2001," 48079
and a comparison of that percentage with the percentages of such 48080
teachers in similar districts and buildings. 48081

(K)(1) In calculating English language arts, mathematics, 48082
social studies, or science assessment passage rates used to 48083
determine school district or building performance under this 48084
section, the department shall include all students taking an 48085
assessment with accommodation or to whom an alternate assessment 48086
is administered pursuant to division (C)(1) or (3) of section 48087
3301.0711 of the Revised Code. 48088

(2) In calculating performance index scores, rates of 48089
achievement on the performance indicators established by the state 48090
board under section 3302.02 of the Revised Code, and annual 48091

measurable objectives for determining adequate yearly progress for 48092
school districts and buildings under this section, the department 48093
shall do all of the following: 48094

(a) Include for each district or building only those students 48095
who are included in the ADM certified for the first full school 48096
week of October and are continuously enrolled in the district or 48097
building through the time of the spring administration of any 48098
assessment prescribed by division (A)(1) or (B)(1) of section 48099
3301.0710 of the Revised Code that is administered to the 48100
student's grade level; 48101

(b) Include cumulative totals from both the fall and spring 48102
administrations of the third grade English language arts 48103
achievement assessment; 48104

(c) Except as required by the "No Child Left Behind Act of 48105
2001," exclude for each district or building any limited English 48106
proficient student who has been enrolled in United States schools 48107
for less than one full school year. 48108

(L) Beginning with the 2015-2016 school year and at least 48109
once every three years thereafter, the state board of education 48110
shall review and may adjust the benchmarks for assigning letter 48111
grades to the performance measures and components prescribed under 48112
divisions (C)(3) and (D) of this section. 48113

Sec. 3302.20. (A) The department of education shall develop 48114
standards for determining, from the existing data reported in 48115
accordance with sections 3301.0714 and 3314.17 of the Revised 48116
Code, the amount of annual operating expenditures for classroom 48117
instructional purposes and for nonclassroom purposes for each 48118
city, exempted village, local, and joint vocational school 48119
district, each community school established under Chapter 3314. 48120
that is not an internet- or computer-based community school, each 48121
internet- or computer-based community school, and each STEM school 48122

established under Chapter 3326. of the Revised Code. The 48123
department shall present those standards to the state board of 48124
education for consideration. In developing the standards, the 48125
department shall adapt existing standards used by professional 48126
organizations, research organizations, and other state 48127
governments. The department also shall align the expenditure 48128
categories required for reporting under the standards with the 48129
categories that are required for reporting to the United States 48130
department of education under federal law. 48131

The state board shall consider the proposed standards and 48132
adopt a final set of standards not later than December 31, 2012. 48133
School districts, community schools, and STEM schools shall begin 48134
reporting data in accordance with the standards on June 30, 2013. 48135

(B)(1) The department shall categorize all city, exempted 48136
village, and local school districts into not less than three nor 48137
more than five groups based primarily on average daily student 48138
enrollment as reported on the most recent report card issued for 48139
each district under section 3302.03 of the Revised Code. 48140

(2) The department shall categorize all joint vocational 48141
school districts into not less than three nor more than five 48142
groups based primarily on average daily membership as reported 48143
under division (D) of section 3317.03 of the Revised Code rounded 48144
to the nearest whole number. 48145

(3) The department shall categorize all community schools 48146
that are not internet- or computer-based community schools into 48147
not less than three nor more than five groups based primarily on 48148
average daily student enrollment as reported on the most recent 48149
report card issued for each community school under sections 48150
3302.03 and 3314.012 of the Revised Code or, in the case of a 48151
school to which section 3314.017 of the Revised Code applies, on 48152
the total number of students reported under divisions (B)(2)(a) 48153

and (b) of section 3314.08 of the Revised Code. 48154

(4) The department shall categorize all internet- or 48155
computer-based community schools into a single category. 48156

(5) The department shall categorize all STEM schools into a 48157
single category. 48158

(C) Using the standards adopted under division (A) of this 48159
section and the data reported under sections 3301.0714 and 3314.17 48160
of the Revised Code, the department shall compute annually for 48161
each fiscal year, the following: 48162

(1) The percentage of each district's, community school's, or 48163
STEM school's total operating budget spent for classroom 48164
instructional purposes; 48165

(2) The statewide average percentage for all districts, 48166
community schools, and STEM schools combined spent for classroom 48167
instructional purposes; 48168

(3) The average percentage for each of the categories of 48169
districts and schools established under division (B) of this 48170
section spent for classroom instructional purposes; 48171

(4) The ranking of each district, community school, or STEM 48172
school within its respective category established under division 48173
(B) of this section according to the following: 48174

(a) From highest to lowest percentage spent for classroom 48175
instructional purposes; 48176

(b) From lowest to highest percentage spent for 48177
noninstructional purposes. 48178

(5) The total operating expenditures per pupil for each 48179
district, community school, and STEM school; 48180

(6) The total operating expenditure per equivalent pupils for 48181
each district, community school, and STEM school. 48182

(D) In its display of rankings within each category under 48183
division (C)(4) of this section, the department shall make the 48184
following notations: 48185

(1) Within each category of city, exempted village, and local 48186
school districts, the department shall denote each district that 48187
is: 48188

(a) Among the twenty per cent of all city, exempted village, 48189
and local school districts statewide with the lowest total 48190
operating ~~expenditures~~ expenditure per ~~pupil~~ equivalent pupils; 48191

(b) Among the twenty per cent of all city, exempted village, 48192
and local school districts statewide with the highest performance 48193
index scores. 48194

(2) Within each category of joint vocational school 48195
districts, the department shall denote each district that is: 48196

(a) Among the twenty per cent of all joint vocational school 48197
districts statewide with the lowest total operating ~~expenditures~~ 48198
expenditure per ~~pupil~~ equivalent pupils; 48199

(b) Among the twenty per cent of all joint vocational school 48200
districts statewide with the highest report card scores under 48201
section 3302.033 of the Revised Code. 48202

(3) Within each category of community schools that are not 48203
internet- or computer-based community schools, the department 48204
shall denote each school that is: 48205

(a) Among the twenty per cent of all such community schools 48206
statewide with the lowest total operating ~~expenditures~~ expenditure 48207
per ~~pupil~~ equivalent pupils; 48208

(b) Among the twenty per cent of all such community schools 48209
statewide with the highest performance index scores, excluding 48210
such community schools to which section 3314.017 of the Revised 48211
Code applies. 48212

(4) Within the category of internet- or computer-based 48213
community schools, the department shall denote each school that 48214
is: 48215

(a) Among the twenty per cent of all such community schools 48216
statewide with the lowest total operating ~~expenditures~~ expenditure 48217
per ~~pupil~~ equivalent pupils; 48218

(b) Among the twenty per cent of all such community schools 48219
statewide with the highest performance index scores, excluding 48220
such community schools to which section 3314.017 of the Revised 48221
Code applies. 48222

(5) Within the category of STEM schools, the department shall 48223
denote each school that is: 48224

(a) Among the twenty per cent of all STEM schools statewide 48225
with the lowest total operating ~~expenditures~~ expenditure per ~~pupil~~ 48226
equivalent pupils; 48227

(b) Among the twenty per cent of all STEM schools statewide 48228
with the highest performance index scores. 48229

For purposes of divisions (D)(3)(b) and (4)(b) of this 48230
section, the display shall note that, in accordance with section 48231
3314.017 of the Revised Code, a performance index score is not 48232
reported for some community schools that serve primarily students 48233
enrolled in dropout prevention and recovery programs. 48234

(E) The department shall post in a prominent location on its 48235
web site the information prescribed by divisions (C) and (D) of 48236
this section. The department also shall include on each 48237
district's, community school's, and STEM school's annual report 48238
card issued under section 3302.03 or 3314.017 of the Revised Code 48239
the respective information computed for the district or school 48240
under divisions (C)(1) and (4) of this section, the statewide 48241
information computed under division (C)(2) of this section, and 48242
the information computed for the district's or school's category 48243

under division (C)(3) of this section.	48244
(F) As used in this section:	48245
(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.	48246 48247
(2) A school district's, community school's, or STEM school's performance index score rank is its performance index score rank as computed under section 3302.21 of the Revised Code.	48248 48249 48250
<u>(3) "Expenditure per equivalent pupils" has the same meaning as in section 3302.26 of the Revised Code.</u>	48251 48252
Sec. 3302.21. (A) The department of education shall develop a system to rank order all city, exempted village, and local school districts, community schools established under Chapter 3314. of the Revised Code except those community schools to which section 3314.017 of the Revised Code applies, and STEM schools established under Chapter 3326. of the Revised Code according to the following measures:	48253 48254 48255 48256 48257 48258 48259
(1) Performance index score for each school district, community school, and STEM school and for each separate building of a district, community school, or STEM school. For districts, schools, or buildings to which the performance index score does not apply, the superintendent of public instruction may develop another measure of student academic performance based on similar data and performance measures if appropriate and use that measure to include those buildings in the ranking so that districts, schools, and buildings may be reliably compared to each other.	48260 48261 48262 48263 48264 48265 48266 48267 48268
(2) Student performance growth from year to year, using the value-added progress dimension, if applicable, and other measures of student performance growth designated by the superintendent of public instruction for subjects and grades not covered by the value-added progress dimension or the alternative student academic	48269 48270 48271 48272 48273

progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code;	48274 48275
(3) Current operating expenditures <u>expenditure</u> per pupil <u>equivalent pupils</u> as determined under standards adopted by the state board of education under <u>defined in</u> section 3302.20 <u>3302.26</u> of the Revised Code;	48276 48277 48278 48279
(4) Of total current operating expenditures, percentage spent for classroom instruction as determined under standards adopted by the state board under section 3302.20 of the Revised Code;	48280 48281 48282
(5) Performance of, and opportunities provided to, students identified as gifted using value-added progress dimensions, if applicable, and other relevant measures as designated by the superintendent of public instruction.	48283 48284 48285 48286
The department shall rank each district, each community school except a community school to which section 3314.017 of the Revised Code applies, and each STEM school annually in accordance with the system developed under this section.	48287 48288 48289 48290
(B) In addition to the reports required by sections 3302.03 and 3302.031 of the Revised Code, not later than the first day of September each year, the department shall issue a report for each city, exempted village, and local school district, each community school except a community school to which section 3314.017 of the Revised Code applies, and each STEM school indicating the district's or school's rank on each measure described in divisions (A)(1) to (4) of this section, including each separate building's rank among all public school buildings according to performance index score under division (A)(1) of this section.	48291 48292 48293 48294 48295 48296 48297 48298 48299 48300
Sec. 3302.22. (A) The governor's effective and efficient schools recognition program is hereby created. Each year, the governor shall recognize, in a manner deemed appropriate by the	48301 48302 48303

governor, the top ten per cent of all public schools in this 48304
state, including ~~schools of~~ city, exempted village, and local 48305
school districts, ~~or~~ joint vocational school districts, community 48306
schools established under Chapter 3314. ~~of the Revised Code~~, and 48307
STEM schools established under Chapter 3326. of the Revised Code. 48308

(B) The top ten per cent of schools shall be determined by 48309
the department of education according to standards established by 48310
the department, in consultation with the governor's office of 21st 48311
century education. The standards for recognition for each type of 48312
school may vary depending upon the unique characteristics of that 48313
type of school. The standards shall include, but need not be 48314
limited to, both of the following, provided that sufficient data 48315
is available for each school: 48316

(1) Student performance, as determined by factors ~~including~~ 48317
that may include, but not be limited to, performance indicators 48318
under section 3302.02 of the Revised Code, report cards issued 48319
under section 3302.03 of the Revised Code, performance index score 48320
rankings under section 3302.21 of the Revised Code, and any other 48321
statewide or national assessment or student performance 48322
recognition program the department selects; 48323

(2) Fiscal performance, ~~including~~ which may include 48324
cost-effective measures taken by the school. 48325

(C) If applicable, the standards under divisions (B)(1) and 48326
(2) of this section may be applied at the school building or 48327
district level, depending upon the quality and availability of 48328
data. 48329

Sec. 3302.26. (A) As used in this section: 48330

(1) "Expenditure per equivalent pupils" is the total 48331
operating expenditures of a school district divided by the measure 48332
of equivalent pupils. 48333

(2) "Measure of equivalent pupils" is the total number of students in a school district adjusted for the relative differences in costs associated with the unique characteristics and needs of each category of pupil. 48334
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(B) The department of education shall create a performance management section on the department's public web site. The performance management section shall include information on academic and financial performance metrics for each school district to assist schools and districts in providing an effective and efficient delivery of educational services. The section shall include, but not be limited to, all of the following: 48338
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(1) A graph that illustrates the relationship between a district's academic performance, as measured by the performance index score, and its expenditure per equivalent pupils as compared to similar districts; 48345
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(2) Each district's total operating expenditures per pupil; 48349

(3) Statistics of academic and financial performance measures for each district to allow for a comparison and benchmarking between districts. 48350
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(C) The department may contract with an independent organization to develop and host the performance management section of its web site. 48353
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Sec. 3303.41. There is hereby created the governor's council on people with disabilities. The council shall consist of twenty-one members of which the majority shall be people with disabilities as defined in this section, appointed by the governor for a term of three years except that for initial appointments, seven members shall be appointed for a term of one year, seven members shall be appointed for a term of two years, and seven members shall be appointed for a term of three years. Members may 48356
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succeed themselves not more than one time. The governor shall 48364
annually appoint a ~~chairman~~ chairperson who may succeed himself or 48365
herself not more than one time. Members of the council shall serve 48366
without compensation, but shall be paid the actual and necessary 48367
expenses they incur in the performance of their duties. 48368

The council shall meet at least six times annually at such 48369
times and places as may be designated by the ~~chairman~~ chairperson. 48370

The governor's council on people with disabilities shall be 48371
assigned to the ~~rehabilitation services commission~~ opportunities 48372
for Ohioans with disabilities agency for administrative purposes. 48373
The ~~administrator~~ executive director of the ~~rehabilitation~~ 48374
~~services commission~~ opportunities for Ohioans with disabilities 48375
agency shall assign one professional staff person to the council 48376
to serve as executive secretary and other personnel as determined 48377
advisable. 48378

The council shall have the following powers: 48379

(A) To cooperate with the president's committee on employment 48380
of the handicapped; 48381

(B) To cooperate with all employers both public and private 48382
in locating or developing employment opportunities for people with 48383
disabilities; 48384

(C) To encourage and assist in the creation of committees at 48385
the community level; 48386

(D) To assist local, state, and federal agencies to 48387
coordinate their activities for the purpose of securing maximum 48388
utilization of funds and efforts that benefit people with 48389
disabilities; 48390

(E) To encourage cooperation among public and private 48391
employers, unions, and rehabilitation agencies, bureaus, and 48392
organizations both public and private with a specific goal to 48393

facilitate employment of people with disabilities; 48394

(F) To serve in an advisory capacity to the governor's office 48395
directly and as needed to the general assembly on issues relating 48396
to the needs, problems, and other concerns of people with 48397
disabilities; 48398

(G) To conduct educational programs to acquaint the public 48399
with the abilities and accomplishments of people with 48400
disabilities; 48401

(H) To promote the elimination of architectural barriers to 48402
make buildings used by the public accessible and useable by 48403
persons with physical limitations; 48404

(I) To make such rules as it determines advisable for the 48405
conduct of its own business. 48406

The council shall annually report to the governor on council 48407
activities and on the state of ~~Ohio's~~ the people of this state 48408
with disabilities. This report may include any recommendations 48409
believed necessary or desirable to carry out the purposes of this 48410
section. 48411

As used in this section, "person with a disability" means any 48412
individual who has a disability or condition ~~which~~ that, 48413
regardless of its physical or mental origin, imposes a functional 48414
limitation. ~~It~~ 48415

It shall be lawful for any public employee or officer to 48416
serve as a member of the council. 48417

Sec. 3304.11. As used in sections 3304.11 to 3304.27~~7~~ 48418
~~inclusive~~, of the Revised Code: 48419

(A) ~~"Handicapped person" or "disabled person"~~ "Person with a 48420
disability" means any person with a physical or mental ~~disability~~ 48421
~~which impairment that~~ is a substantial handicap impediment to 48422
employment ~~and which is of a nature that~~ who can benefit in terms 48423

~~of an employment outcome from the provision of vocational 48424
rehabilitation services may reasonably be expected to render him 48425
fit to engage in a gainful occupation consistent with his 48426
capacities and abilities, and any person with a physical or mental 48427
disability that constitutes a substantial handicap to employment 48428
for whom vocational rehabilitation services are necessary to 48429
determine his rehabilitation potential. 48430~~

(B) "Physical or mental ~~disability~~ impairment" means a 48431
physical or mental condition that materially limits, contributes 48432
to limiting or, if not corrected, will probably result in limiting 48433
a person's activities or functioning. 48434

(C) "Substantial ~~handicap~~ impediment to employment" means a 48435
physical or mental disability that impedes a person's occupational 48436
performance, by preventing ~~his~~ the person's obtaining, retaining, 48437
or preparing for a gainful occupation consistent with ~~his~~ the 48438
person's capacities and abilities. 48439

(D) "Vocational rehabilitation" and "vocational 48440
rehabilitation services" means any activity or service calculated 48441
to enable a ~~handicapped~~ person with a disability or groups of 48442
~~handicapped~~ persons with disabilities to engage in gainful 48443
occupation and includes, but is not limited to, medical and 48444
vocational evaluation, including diagnostic and related services, 48445
vocational counseling, guidance and placement, including follow-up 48446
services, rehabilitation training, including books and other 48447
training materials, physical restoration, recruitment and training 48448
services designed to provide ~~handicapped~~ persons with disabilities 48449
new employment opportunities, maintenance, occupational tools, 48450
equipment, supplies, transportation, services to families of 48451
~~handicapped~~ persons which with disabilities that contribute 48452
substantially to the rehabilitation of these persons, and any 48453
other goods or service necessary to render a ~~handicapped~~ person 48454
with a disability employable. 48455

(E) "Establishment of a rehabilitation facility" means the expansion, remodeling, or alteration of an existing building, ~~which that~~ is necessary to adapt or to increase the effectiveness of that building for rehabilitation facility purposes, the acquisition of equipment for these purposes, and the initial staffing.

(F) "Construction" means the construction of new buildings, acquisition of land or existing buildings and their expansion, remodeling, alteration and renovation, and the initial staffing and equipment of any new, newly acquired, expanded, remodeled, altered, or renovated buildings.

(G) "Physical restoration services" means those services ~~which that~~ are necessary to correct or substantially modify within a reasonable period of time a physical or mental condition ~~which that~~ is stable or slowly progressive.

(H) "Occupational license" means any license, permit, or other written authority required by any governmental unit in order to engage in any occupation or business.

(I) "Maintenance" means money payments to ~~disabled~~ persons with disabilities who need financial assistance for their subsistence during their vocational rehabilitation.

Sec. 3304.12. (A) The governor, with the advice and consent of the senate, shall appoint ~~a rehabilitation services~~ the opportunities for Ohioans with disabilities commission ~~within the opportunities for Ohioans with disabilities agency~~ consisting of seven members, no more than four of whom shall be members of the same political party and who shall include at least three from rehabilitation professions, including at least one member from the field of services to the blind, and at least four ~~handicapped~~ individuals with disabilities, no less than two nor more than three of whom have received vocational rehabilitation services

offered by a state vocational rehabilitation agency or the 48487
veterans' administration. ~~Such handicapped~~ The members with 48488
disabilities shall be representative of several major categories 48489
of ~~handicapped~~ persons with disabilities served by the ~~commission~~ 48490
opportunities for Ohioans with disabilities agency. 48491

(B) ~~Of the members first appointed to the commission, one~~ 48492
~~shall be appointed for a term of seven years, one for a term of~~ 48493
~~six years, one for a term of five years, one for a term of four~~ 48494
~~years, one for a term of three years, one for a term of two years,~~ 48495
~~and one for a term of one year. Thereafter, terms~~ Terms of office 48496
shall be for seven years, commencing on the ninth day of September 48497
and ending on the eighth day of September, with no person eligible 48498
to serve more than two seven-year terms. Each member shall hold 48499
office from the date of ~~his~~ appointment until the end of the term 48500
for which ~~he~~ the member was appointed. Any member appointed to 48501
fill a vacancy occurring prior to the expiration of the term for 48502
which ~~his~~ the member's predecessor was appointed shall hold office 48503
for the remainder of ~~such~~ that term. Any member shall continue in 48504
office subsequent to the expiration date of ~~his~~ the member's term 48505
until ~~his~~ a successor takes office, or until a period of sixty 48506
days has elapsed, whichever occurs first. ~~Members appointed to the~~ 48507
~~commission after September 1, 1977, shall be handicapped~~ 48508
~~individuals representing those who have received vocational~~ 48509
~~rehabilitation services offered by a state vocational~~ 48510
~~rehabilitaion agency or the veterans' administration until the~~ 48511
~~commission membership includes at least four such individuals.~~ 48512
Members who fail to perform their duties or who are guilty of 48513
misconduct may be removed on written charges preferred by the 48514
governor or by a majority of the commission. 48515

(C) Members of the commission shall be reimbursed for travel 48516
and necessary expenses incurred in the conduct of their duties, 48517
and shall receive an amount fixed pursuant to division (J) of 48518

section 124.15 of the Revised Code while actually engaged in 48519
attendance at meetings or in the performance of their duties. 48520

Sec. 3304.13. The ~~rehabilitation services commission~~ 48521
opportunities for Ohioans with disabilities commission shall hold 48522
its first meeting at the call of the governor, and at that 48523
meeting, shall elect one of its members as ~~chairman~~ chairperson 48524
and adopt rules governing the time and place of regular meetings, 48525
which shall be held not less than once every four months. Special 48526
meetings shall be held at the call of the ~~chairman~~ chairperson or 48527
any three members of the commission. The ~~chairman~~ chairperson 48528
shall serve for four years, unless removed earlier by a majority 48529
vote of the commission, and shall be ineligible to serve as 48530
~~chairman~~ chairperson during the succeeding four years. Each member 48531
of the commission, before entering upon the duties of office, 48532
shall take and subscribe an oath to uphold the constitution and 48533
laws of the United States and this state and to perform the duties 48534
of office honestly, faithfully, and impartially. Each member shall 48535
give a bond of five thousand dollars, with a sufficient surety 48536
approved by the treasurer of state. After approval, the bond shall 48537
be filed with the secretary of state. If the bond is executed by a 48538
surety company, the premiums on it shall be paid from the funds 48539
appropriated for the expenses of the ~~rehabilitation services~~ 48540
~~commission~~ opportunities for Ohioans with disabilities agency. 48541

Sec. ~~3304.16~~ 3304.14. ~~In carrying out~~ For the purposes of 48542
sections 3304.11 to 3304.27 of the Revised Code, the 48543
~~rehabilitation services commission~~ opportunities for Ohioans with 48544
disabilities commission shall approve the state vocational 48545
rehabilitation plan, jointly approve the state plan for 48546
independent living with the Ohio state independent living council, 48547
appoint a consumer advisory committee, and, to the extent 48548
feasible, conduct a review and analysis of the effectiveness of 48549

and consumer satisfaction with all of the following: 48550

(A) ~~Shall develop all necessary rules~~ The functions performed 48551
by the opportunities for Ohioans with disabilities agency; 48552

(B) ~~Shall prepare and submit to the governor annual reports~~ 48553
~~of activities and expenditures and, prior to each first regular~~ 48554
~~session of the general assembly, an estimate of sums required to~~ 48555
~~carry out the commission's responsibilities~~ The vocational 48556
rehabilitation services provided by state agencies and other 48557
public and private entities responsible for providing vocational 48558
rehabilitation services to persons with disabilities under the 48559
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as 48560
amended; 48561

(C) ~~Shall certify any disbursement of funds available to the~~ 48562
~~commission for vocational rehabilitation activities;~~ 48563

(D) ~~Shall serve as the sole state agency designated to~~ 48564
~~administer the plan under the "Rehabilitation Act of 1973," 87~~ 48565
~~Stat. 355, 29 U.S.C. 701, as amended;~~ 48566

(E) ~~Shall take appropriate action to guarantee rights of and~~ 48567
~~services to handicapped persons;~~ 48568

(F) ~~Shall consult with and advise other state agencies to~~ 48569
~~assist them in meeting the needs of handicapped persons more~~ 48570
~~effectively and to achieve maximum coordination among programs for~~ 48571
~~the handicapped;~~ 48572

(G) ~~Shall establish an administrative division of consumer~~ 48573
~~affairs and advocacy within the commission to promote and help~~ 48574
~~guarantee the rights of handicapped persons;~~ 48575

(H) ~~Shall maintain an inventory of state services that are~~ 48576
~~available to handicapped persons;~~ 48577

(I) ~~Shall utilize, support, assist, and cooperate with the~~ 48578
~~governor's committee on employment of the handicapped;~~ 48579

~~(J) May delegate to any officer or employee of the commission any necessary powers and duties, except that the commission shall delegate to the administrator of the commission, as provided in section 3304.14 of the Revised Code, the power and duty to administer the daily operation and provision of vocational rehabilitation services;~~

~~(K) May take any other necessary or appropriate action for cooperation with public and private agencies and organizations which may include:~~

~~(1) Reciprocal agreements with other states to provide for the vocational rehabilitation of individuals within the states concerned;~~

~~(2) Contracts or other arrangements with public and other nonprofit agencies and organizations for the construction or establishment and operation of vocational rehabilitation programs and facilities;~~

~~(3) Cooperative arrangements with the federal government for carrying out sections 3304.11 to 3304.27 of the Revised Code, the "Vocational Rehabilitation Act," 41 Stat. 735 (1920), 29 U.S.C. 31, as amended, or other federal statutes pertaining to vocational rehabilitation, and to this end, may adopt plans and methods of administration found necessary by the federal government for the efficient operation of any joint arrangements or the efficient application of any federal statutes;~~

~~(4) Upon the designation of the governor, performing functions and services for the federal government relating to individuals under a physical or mental disability.~~

~~(L) May take any appropriate action necessary to obtain federal funds in the maximum amount and most advantageous proportion possible;~~

~~(M) May conduct research and demonstration projects,~~

~~including inquiries concerning the causes of blindness and its prevention, provide training and instruction, including the establishment and maintenance of research fellowships and traineeships along with all necessary stipends and allowances, disseminate information, and provide technical assistance relating to vocational rehabilitation;~~ 48611
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~~(N) May plan, establish, and operate programs, facilities, and services relating to vocational rehabilitation;~~ 48617
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~~(O) May accept and hold, invest, reinvest, or otherwise use gifts made for the purpose of furthering vocational rehabilitation;~~ 48619
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48621

~~(P) May ameliorate the condition of the aged blind or other severely disabled individuals by establishing a program of home visitation by commission employees for the purpose of instruction;~~ 48622
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48624

~~(Q) May establish and manage small business enterprises that are operated by persons with a substantial handicap to employment, including blind persons;~~ 48625
48626
48627

~~(R) May purchase from insurance companies licensed to do business in this state any insurance deemed necessary by the commission for the efficient operation of a suitable vending facility as defined in division (A) of section 3304.28 of the Revised Code;~~ 48628
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~~(S) May accept directly from any state agency, and any state agency may transfer directly to the commission, surplus computers and computer equipment to be used for any purposes the commission considers appropriate, notwithstanding sections 125.12 to 125.14 of the Revised Code The employment outcomes achieved by eligible individuals receiving services under sections 3304.11 to 3304.27 of the Revised Code, including the availability of health and other employment benefits in connection with those employment outcomes.~~ 48633
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48641

~~Sec. 3304.14~~ 3304.15. (A) There is hereby created the 48642
opportunities for Ohioans with disabilities agency. The agency is 48643
the designated state unit authorized under the "Rehabilitation Act 48644
of 1973," 87 Stat. 355, 29 U.S.C. 701, as amended, to provide 48645
vocational rehabilitation to eligible persons with disabilities. 48646

(B) The governor shall appoint an ~~administrator~~ executive 48647
director of the ~~rehabilitation services commission~~ opportunities 48648
for Ohioans with disabilities agency to serve at the pleasure of 48649
the governor and shall fix the ~~administrator's~~ executive 48650
director's compensation. The ~~administrator~~ executive director 48651
shall devote the ~~administrator's~~ executive director's entire time 48652
to the duties of the ~~administrator's~~ executive director's office, 48653
shall hold no other office or position of trust and profit, and 48654
shall engage in no other business during the ~~administrator's~~ 48655
executive director's term of office. The governor may grant the 48656
~~administrator~~ executive director the authority to appoint, remove, 48657
and discipline without regard to sex, race, creed, color, age, or 48658
national origin, such other professional, administrative, and 48659
clerical staff members as are necessary to carry out the functions 48660
and duties of the ~~commission~~ agency. 48661

~~(B)(1)~~ The executive director of the opportunities for 48662
Ohioans with disabilities agency is the executive and 48663
administrative officer of the agency. Whenever the Revised Code 48664
imposes a duty on or requires an action of the agency, the 48665
executive director shall perform the duty or action on behalf of 48666
the agency. The executive director may establish procedures for 48667
all of the following: 48668

(1) The governance of the agency; 48669

(2) The conduct of agency employees and officers; 48670

(3) The performance of agency business; 48671

<u>(4) The custody, use, and preservation of agency records,</u>	48672
<u>papers, books, documents, and property.</u>	48673
<u>(C) The administrator <u>executive director</u> shall have exclusive</u>	48674
<u>authority to administer the daily operation and provision of</u>	48675
<u>vocational rehabilitation services under this chapter. <u>In</u></u>	48676
<u>exercising that authority, the executive director may do all of</u>	48677
<u>the following:</u>	48678
<u>(1) Adopt rules in accordance with Chapter 119. of the</u>	48679
<u>Revised Code;</u>	48680
<u>(2) Prepare and submit an annual report to the governor;</u>	48681
<u>(3) Certify any disbursement of funds available to the agency</u>	48682
<u>for vocational rehabilitation activities;</u>	48683
<u>(4) Take appropriate action to guarantee rights of services</u>	48684
<u>to people with disabilities;</u>	48685
<u>(5) Consult with and advise other state agencies and</u>	48686
<u>coordinate programs for persons with disabilities;</u>	48687
<u>(6) Comply with the requirements for match as part of budget</u>	48688
<u>submission;</u>	48689
<u>(7) Establish research and demonstration projects;</u>	48690
<u>(8) Accept, hold, invest, reinvest, or otherwise use gifts to</u>	48691
<u>further vocational rehabilitation;</u>	48692
<u>(9) For the purposes of the business enterprise program</u>	48693
<u>administered under sections 3304.28 to 3304.35 of the Revised</u>	48694
<u>Code:</u>	48695
<u>(a) Establish and manage small business entities owned or</u>	48696
<u>operated by visually impaired persons;</u>	48697
<u>(b) Purchase insurance;</u>	48698
<u>(c) Accept computers.</u>	48699
<u>(10) Enter into contracts and other agreements for the</u>	48700

provision of services. 48701

(2)(D) The ~~administrator~~ executive director shall establish a 48702
fee schedule for vocational rehabilitation services in accordance 48703
with 34 C.F.R. 361.50. 48704

Sec. 3304.15 ~~3304.16~~. The ~~rehabilitation services commission~~ 48705
executive director of the opportunities for Ohioans with 48706
disabilities agency shall establish administrative subdivisions 48707
~~under its control~~ as it ~~determines~~ necessary or appropriate to 48708
carry out ~~its~~ the agency's functions and duties, but there shall 48709
be a bureau of services for the visually impaired and a bureau of 48710
vocational rehabilitation, each of which has as its head a deputy 48711
director appointed by the ~~administrator, subject to commission~~ 48712
~~approval~~ executive director. The ~~commission~~ executive director 48713
shall prescribe the budgets for the government of each division, 48714
and rules for the conduct of its employees, the performance of its 48715
business, and the custody, use, and preservation of the records, 48716
papers, books, documents, and property pertaining thereto. 48717

Sec. 3304.17. The ~~rehabilitation services commission~~ 48718
opportunities for Ohioans with disabilities agency shall provide 48719
vocational rehabilitation services to all eligible ~~handicapped~~ 48720
persons with disabilities, including any ~~handicapped~~ person with a 48721
disability who is eligible under the terms of an agreement or 48722
arrangement with another state or with the federal government. 48723

Sec. 3304.18. The treasurer of state shall be the custodian 48724
of all moneys received from the federal government for vocational 48725
rehabilitation programs and shall disburse the money upon the 48726
certification of the ~~rehabilitation services commission~~ executive 48727
director of the opportunities for Ohioans with disabilities 48728
agency. If federal funds are not available to the state for 48729
vocational rehabilitation purposes, the governor shall include as 48730

part of ~~his~~ the governor's biennial budget request to the general 48731
assembly a request for funds sufficient to support the activities 48732
of the ~~commission~~ agency. 48733

Sec. 3304.181. If the total of all funds available from 48734
nonfederal sources to support the activities of the ~~rehabilitation~~ 48735
~~services-commission~~ opportunities for Ohioans with disabilities 48736
agency does not comply with the expenditure requirements of 34 48737
C.F.R. 361.60 and 361.62 for those activities or would cause the 48738
state to lose an allotment or fail to receive a reallotment under 48739
34 C.F.R. 361.65, the ~~commission~~ agency may solicit additional 48740
funds from, and enter into agreements for the use of those funds 48741
with, private or public entities, including local government 48742
entities of this state. The ~~commission~~ agency may continue to 48743
solicit additional funds and enter into agreements until the total 48744
funding available is sufficient for the ~~commission~~ agency to 48745
receive federal funds at the maximum amount and in the most 48746
advantageous proportion possible. 48747

Any agreement entered into between the ~~commission~~ agency and 48748
a private or public entity to provide funds under this section 48749
shall be in accordance with 34 C.F.R. 361.28 and section 3304.182 48750
of the Revised Code. 48751

Sec. 3304.182. Any agreement between the ~~rehabilitation~~ 48752
~~services-commission~~ opportunities for Ohioans with disabilities 48753
agency and a private or public entity providing funds under 48754
section 3304.181 of the Revised Code may permit the ~~commission~~ 48755
agency to receive a specified percentage of the funds, but the 48756
percentage shall be not more than twenty-five per cent of the 48757
total funds available under the agreement. The ~~commission~~ agency 48758
may terminate an agreement at any time for just cause. It may 48759
terminate an agreement for any other reason by giving at least 48760
thirty days' notice to the public or private entity. 48761

Any services provided under an agreement entered into under 48762
section 3304.181 of the Revised Code shall be provided by a person 48763
or government entity that meets the accreditation standards 48764
established in rules adopted by the ~~commission~~ agency under 48765
section ~~3304.16~~ 3304.15 of the Revised Code. 48766

Sec. 3304.19. The right of a ~~handicapped~~ person with a 48767
disability to living maintenance under sections 3304.11 to 48768
3304.27, ~~inclusive~~, of the Revised Code, is not transferable or 48769
assignable at law or in equity, and none of the money paid or 48770
payable or rights existing under this ~~act~~ chapter are subject to 48771
execution, levy, attachment, garnishment, or other legal process, 48772
or to the operation of any bankruptcy or insolvency law. 48773

Sec. 3304.20. Any person applying for or receiving vocational 48774
rehabilitation services who is dissatisfied with regard to the 48775
furnishing or denial of services, may file a request for an 48776
administrative review and redetermination of that action in 48777
accordance with rules of the ~~rehabilitation services commission~~ 48778
opportunities for Ohioans with disabilities agency. When the 48779
person is dissatisfied with the finding of this administrative 48780
review, ~~he~~ the person is entitled, in accordance with ~~commission~~ 48781
agency rules and in accordance with Chapter 119. of the Revised 48782
Code, to a fair hearing before the ~~administrator~~ executive 48783
director of the ~~rehabilitation services commission~~ agency. 48784

Sec. 3304.21. No person shall, except for the purposes of 48785
sections 3304.11 to 3304.27, ~~inclusive~~, of the Revised Code, and 48786
in accordance with the rules established by the ~~rehabilitation~~ 48787
~~services commission~~ opportunities for Ohioans with disabilities 48788
agency, solicit, disclose, receive, make use of, authorize, 48789
knowingly permit, participate in, or acquiesce in the use of any 48790
list of names or information concerning persons applying for or 48791

receiving any services from the ~~commission~~ agency, which 48792
information is directly or indirectly derived from the records of 48793
the agency or is acquired in the performance of the person's 48794
official duties. 48795

Sec. 3304.22. No officer or employee of the ~~rehabilitation~~ 48796
~~services opportunities for Ohioans with disabilities~~ commission, 48797
the opportunities for Ohioans with disabilities agency, or any 48798
person engaged in the administration of a vocational 48799
rehabilitation program sponsored by or affiliated with the state 48800
shall use or permit the use of any vocational rehabilitation 48801
program for the purpose of interfering with an election for any 48802
partisan political purpose; solicit or receive money for a 48803
partisan political purpose; or require any other person to 48804
contribute any service or money for a partisan political purpose. 48805
Whoever violates this section shall be removed from ~~his~~ the 48806
officer's or employee's office or employment. 48807

Sec. 3304.25. The members of the ~~bureau~~ consumer advisory 48808
~~committees~~ committee appointed under section 3304.14 of the 48809
Revised Code shall receive no compensation for their services 48810
except their actual and necessary traveling and other expenses 48811
incurred in the performance of their official duties, which shall 48812
first be approved by the ~~administrator~~ executive director of the 48813
~~rehabilitation services commission~~ opportunities for Ohioans with 48814
disabilities agency. 48815

Sec. 3304.27. All vocational rehabilitation services made 48816
available under sections 3304.11 to 3304.27, ~~inclusive,~~ of the 48817
Revised Code, are made available subject to amendment or repeal of 48818
those sections 3304.11 to 3304.27, ~~inclusive,~~ of the Revised Code, 48819
and no ~~disabled~~ person with a disability shall have any claim by 48820
reason of ~~his~~ the person's vocational rehabilitation being 48821

affected in any way by such an amendment or repeal. 48822

Sec. 3304.28. As used in sections 3304.28 to 3304.34 of the 48823
Revised Code: 48824

(A) "Suitable vending facility" means automatic vending 48825
machines, cafeterias, snack bars, cart service shelters, counters, 48826
and other appropriate auxiliary food service equipment determined 48827
to be necessary by the bureau of services for the visually 48828
impaired for the automatic or manual dispensing of foods, 48829
beverages, and other such commodities for sale by persons, no 48830
fewer than one-half of whom are blind, under the supervision of a 48831
licensed blind vendor or an employee of the ~~commission~~ 48832
opportunities for Ohioans with disabilities agency. 48833

(B) "Blind" means either of the following: 48834

(1) Vision twenty/two hundred or less in the better eye with 48835
proper correction; 48836

(2) Field defect in the better eye with proper correction 48837
~~which~~ that contracts the peripheral field so that the diameter of 48838
the visual field subtends an angle no greater than twenty degrees. 48839

(C) "Governmental property" means any real property, 48840
building, or facility owned, leased, or rented by the state or any 48841
board, commission, department, division, or other unit or agency 48842
thereof, but does not include any institution under the management 48843
of the department of rehabilitation and correction pursuant to 48844
section 5120.05 of the Revised Code, or under the management of 48845
the department of youth services created pursuant to section 48846
5139.01 of the Revised Code. 48847

Sec. 3304.41. The ~~rehabilitation services commission~~ 48848
opportunities for Ohioans with disabilities agency shall establish 48849
and administer a program for the use of funds appropriated for 48850
that purpose to provide personal care assistance to enable 48851

eligible severely physically disabled persons to live 48852
independently or work, shall adopt rules in accordance with 48853
Chapter 119. of the Revised Code as necessary to carry out the 48854
purposes of this section, and shall apply to the controlling board 48855
for the release of the funds. 48856

Sec. 3305.03. (A) The Ohio board of regents shall designate 48857
the entities that are eligible to provide investment options under 48858
alternative retirement plans maintained by public institutions of 48859
higher education. The board shall accept and review applications 48860
from entities seeking designation as a vendor. The board shall not 48861
designate an entity as a vendor unless the entity meets the 48862
requirements described in division (B) of this section. 48863

(B) To be eligible for designation as a vendor, an entity 48864
must meet both of the following requirements: 48865

(1) The entity must be authorized to conduct business in this 48866
state with regard to the investment options to be offered under an 48867
alternative retirement plan maintained by a public institution of 48868
higher education. 48869

(2) The entity must ~~offer~~ meet one of the following 48870
requirements: 48871

(a) Have provided investment options for not less than ten 48872
years under alternative retirement plans maintained by public 48873
institutions of higher education in this state; 48874

(b) Offer the same or similar investment options under 48875
alternative retirement plans, optional retirement plans, or 48876
similar types of plans with respect to which all of the following 48877
apply: 48878

~~(a)~~(i) The plans are defined contribution plans that are 48879
qualified plans under Internal Revenue Code 401(a) or 403(b). 48880

~~(b)~~(ii) The plans are maintained by institutions of higher 48881

education in at least ten other states. 48882

~~(e)~~(iii) The plans are established as primary retirement 48883
plans that are alternatives to or a component of the applicable 48884
state retirement system. 48885

(C) In determining whether to designate an entity as a 48886
vendor, the board of regents shall identify, consider, and 48887
evaluate all of the following: 48888

(1) The experience of the entity in providing in this state 48889
or other states investment options under alternative retirement 48890
plans, optional retirement plans, or similar types of plans that 48891
meet the requirements of division (B)(2)(a) or (b) of this 48892
section, as applicable; 48893

(2) The potential effectiveness of the entity in recruiting 48894
eligible employees to select that entity for purposes of 48895
participating in an alternative retirement plan and in retaining 48896
those employees' accounts; 48897

(3) Whether the entity intends to offer a broad range of 48898
investment options to the electing employees; 48899

(4) The suitability of the investment options to the needs 48900
and interests of the electing employees and their beneficiaries; 48901

(5) The capability of the entity to offer sufficient 48902
information to the electing employees and their beneficiaries to 48903
make informed decisions with regard to investment options offered 48904
by the entity; 48905

(6) The capability of the entity to perform in a manner that 48906
is in the best interests of the electing employees and their 48907
beneficiaries; 48908

(7) The fees and expenses associated with the entity's 48909
investment options and the manner in which the entity intends to 48910
disclose those fees and expenses; 48911

(8) The rights and benefits to be provided under the investment options;	48912 48913
(9) The capability of the entity to provide the rights and benefits under the investment options;	48914 48915
(10) Comments submitted by a public institution of higher education under section 3305.031 of the Revised Code;	48916 48917
(11) Any other matters the board of regents considers relevant.	48918 48919
(D) The board of regents shall conduct periodic reviews of each entity designated as a vendor and the investment options being offered to ensure that the requirements and purposes of this chapter are being met. The reviews of a vendor shall occur not less frequently than once every three years.	48920 48921 48922 48923 48924
If it finds that the vendor is not in compliance with the requirements of this chapter or the vendor is not satisfactorily meeting the purposes of this chapter, the board shall rescind the vendor's designation.	48925 48926 48927 48928
(E) Notwithstanding sections 125.01 to 125.11 of the Revised Code, designation of a vendor or the execution of any agreement under this chapter is not subject to competitive bidding under those sections.	48929 48930 48931 48932
Sec. 3307.51. (A) The state teachers retirement board shall have prepared annually by or under the supervision of an actuary an actuarial valuation of the pension assets, liabilities, and funding requirements of the STRS defined benefit plan. The actuary shall complete the valuation in accordance with actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries and prepare a report of the valuation. The report shall include all of the following:	48933 48934 48935 48936 48937 48938 48939 48940
(1) A summary of the benefit provisions evaluated;	48941

(2) A summary of the census data and financial information used in the valuation;	48942 48943
(3) A description of the actuarial assumptions, actuarial cost method, and asset valuation method used in the valuation, including a statement of the assumed rate of payroll growth and assumed rate of growth or decline in the number of members contributing to the retirement system;	48944 48945 48946 48947 48948
(4) A summary of findings that includes a statement of the actuarial accrued pension liabilities and unfunded actuarial accrued pension liabilities;	48949 48950 48951
(5) A schedule showing the effect of any changes in the benefit provisions, actuarial assumptions, or cost methods since the last annual actuarial valuation;	48952 48953 48954
(6) A statement of whether contributions to the retirement system are expected to be sufficient to satisfy the funding objectives established by the board.	48955 48956 48957
The board shall submit the report to the Ohio retirement study council, <u>the director of budget and management</u> , and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation <u>immediately upon its availability and</u> not later than the first day of January following the year for which the valuation was made.	48958 48959 48960 48961 48962 48963
(B) At such times as the state teachers retirement board determines, and at least once in each quinquennial period, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the mortality, service, and other experience of the members, retirants, and beneficiaries of the system, and other system retirants as defined in section 3307.35 of the Revised Code to update the actuarial assumptions used in the actuarial valuation required by division (A) of this section. The actuary shall prepare a report of the actuarial	48964 48965 48966 48967 48968 48969 48970 48971 48972

investigation. The report shall be prepared and any recommended 48973
changes in actuarial assumptions shall be made in accordance with 48974
the actuarial standards of practice promulgated by the actuarial 48975
standards board of the American academy of actuaries. The report 48976
shall include all of the following: 48977

(1) A summary of relevant decrement and economic assumption 48978
experience observed over the period of the investigation; 48979

(2) Recommended changes in actuarial assumptions to be used 48980
in subsequent actuarial valuations required by division (A) of 48981
this section; 48982

(3) A measurement of the financial effect of the recommended 48983
changes in actuarial assumptions. 48984

The board shall submit the report to the Ohio retirement 48985
study council and the standing committees of the house of 48986
representatives and the senate with primary responsibility for 48987
retirement legislation not later than the first day of May 48988
following the last fiscal year of the period the report covers. 48989

(C) The board may at any time request the actuary to make any 48990
other studies or actuarial valuations to determine the adequacy of 48991
the normal and deficiency rates of contribution provided by 48992
section 3307.28 of the Revised Code, and those rates may be 48993
adjusted by the board, as recommended by the actuary, effective as 48994
of the first of any year thereafter. 48995

(D) The board shall have prepared by or under the supervision 48996
of an actuary an actuarial analysis of any introduced legislation 48997
expected to have a measurable financial impact on the retirement 48998
system. The actuarial analysis shall be completed in accordance 48999
with the actuarial standards of practice promulgated by the 49000
actuarial standards board of the American academy of actuaries. 49001
The actuary shall prepare a report of the actuarial analysis, 49002
which shall include all of the following: 49003

(1) A summary of the statutory changes that are being evaluated;	49004 49005
(2) A description of or reference to the actuarial assumptions and actuarial cost method used in the report;	49006 49007
(3) A description of the participant group or groups included in the report;	49008 49009
(4) A statement of the financial impact of the legislation, including the resulting increase, if any, in the employer normal cost percentage; the increase, if any, in actuarial accrued liabilities; and the per cent of payroll that would be required to amortize the increase in actuarial accrued liabilities as a level per cent of covered payroll for all active members over a period not to exceed thirty years;	49010 49011 49012 49013 49014 49015 49016
(5) A statement of whether the scheduled contributions to the system after the proposed change is enacted are expected to be sufficient to satisfy the funding objectives established by the board.	49017 49018 49019 49020
Not later than sixty days from the date of introduction of the legislation, the board shall submit a copy of the actuarial analysis to the legislative service commission, the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation, and the Ohio retirement study council.	49021 49022 49023 49024 49025 49026
(E) The board shall have prepared annually a report giving a full accounting of the revenues and costs relating to the provision of benefits under section 3307.39 of the Revised Code. The report shall be made as of June 30, 1997, and the thirtieth day of June of each year thereafter. The report shall include the following:	49027 49028 49029 49030 49031 49032
(1) A description of the statutory authority for the benefits provided;	49033 49034

(2) A summary of the benefits;	49035
(3) A summary of the eligibility requirements for the benefits;	49036 49037
(4) A statement of the number of participants eligible for the benefits;	49038 49039
(5) A description of the accounting, asset valuation, and funding method used to provide the benefits;	49040 49041
(6) A statement of the net assets available for the provisions of benefits as of the last day of the fiscal year;	49042 49043
(7) A statement of any changes in the net assets available for the provision of benefits, including participant and employer contributions, net investment income, administrative expenses, and benefits provided to participants, as of the last day of the fiscal year;	49044 49045 49046 49047 49048
(8) For the last six consecutive fiscal years, a schedule of the net assets available for the benefits, the annual cost of benefits, administrative expenses incurred, and annual employer contributions allocated for the provision of benefits;	49049 49050 49051 49052
(9) A description of any significant changes that affect the comparability of the report required under this division;	49053 49054
(10) A statement of the amount paid under division (B) of section 3307.39 of the Revised Code.	49055 49056
The board shall submit the report to the Ohio retirement study council, <u>the director of budget and management</u> , and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation <u>immediately upon its availability and</u> not later than the thirty-first day of December following the year for which the report was made.	49057 49058 49059 49060 49061 49062
Sec. 3309.21. (A) The school employees retirement board shall	49063

have prepared annually by or under the supervision of an actuary 49064
an actuarial valuation of the pension assets, liabilities, and 49065
funding requirements of the school employees retirement system as 49066
established pursuant to this chapter. The actuary shall complete 49067
the valuation in accordance with actuarial standards of practice 49068
promulgated by the actuarial standards board of the American 49069
academy of actuaries and prepare a report of the valuation. The 49070
report shall include all of the following: 49071

(1) A summary of the benefit provisions evaluated; 49072

(2) A summary of the census data and financial information 49073
used in the valuation; 49074

(3) A description of the actuarial assumptions, actuarial 49075
cost method, and asset valuation method used in the valuation, 49076
including a statement of the assumed rate of payroll growth and 49077
assumed rate of growth or decline in the number of members 49078
contributing to the retirement system; 49079

(4) A summary of findings that includes a statement of the 49080
actuarial accrued pension liabilities and unfunded actuarial 49081
accrued pension liabilities; 49082

(5) A schedule showing the effect of any changes in the 49083
benefit provisions, actuarial assumptions, or cost methods since 49084
the last annual actuarial valuation; 49085

(6) A statement of whether contributions to the retirement 49086
system are expected to be sufficient to satisfy the funding 49087
objectives established by the board. 49088

The board shall submit the report to the Ohio retirement 49089
study council, the director of budget and management, and the 49090
standing committees of the house of representatives and the senate 49091
with primary responsibility for retirement legislation immediately 49092
upon its availability and not later than the first day of May 49093
following the year for which the valuation was made. 49094

(B) At such times as the school employees retirement board determines, and at least once in each quinquennial period, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the mortality, service, and other experience of the members, retirants, and beneficiaries of the retirement system, and SERS retirants and other system retirants as defined in section 3309.341 of the Revised Code to update the actuarial assumptions used in the actuarial valuation required by division (A) of this section. The actuary shall prepare a report of the actuarial investigation. The report shall be prepared and any recommended changes in actuarial assumptions shall be made in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The report shall include all of the following:

(1) A summary of relevant decrement and economic assumption experience observed over the period of the investigation;

(2) Recommended changes in actuarial assumptions to be used in subsequent actuarial valuations required by division (A) of this section;

(3) A measurement of the financial effect of the recommended changes in actuarial assumptions.

The board shall submit the report to the Ohio retirement study council and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation not later than the first day of May following the last fiscal year of the period the report covers.

(C) The board may at any time request the actuary to make any studies or actuarial valuations to determine the adequacy of the rates of contribution as provided by section 3309.49 of the Revised Code, and those rates may be adjusted by the board, as

recommended by the actuary, effective as of the first of any year 49126
thereafter. 49127

(D) The board shall have prepared by or under the supervision 49128
of an actuary an actuarial analysis of any introduced legislation 49129
expected to have a measurable financial impact on the retirement 49130
system. The actuarial analysis shall be completed in accordance 49131
with the actuarial standards of practice promulgated by the 49132
actuarial standards board of the American academy of actuaries. 49133
The actuary shall prepare a report of the actuarial analysis, 49134
which shall include all of the following: 49135

(1) A summary of the statutory changes that are being 49136
evaluated; 49137

(2) A description of or reference to the actuarial 49138
assumptions and actuarial cost method used in the report; 49139

(3) A description of the participant group or groups included 49140
in the report; 49141

(4) A statement of the financial impact of the legislation, 49142
including the resulting increase, if any, in the employer normal 49143
cost percentage; the increase, if any, in actuarial accrued 49144
liabilities; and the per cent of payroll that would be required to 49145
amortize the increase in actuarial accrued liabilities as a level 49146
per cent of covered payroll for all active members over a period 49147
not to exceed thirty years; 49148

(5) A statement of whether the scheduled contributions to the 49149
system after the proposed change is enacted are expected to be 49150
sufficient to satisfy the funding objectives established by the 49151
board. 49152

Not later than sixty days from the date of introduction of 49153
the legislation, the board shall submit a copy of the actuarial 49154
analysis to the legislative service commission, the standing 49155
committees of the house of representatives and the senate with 49156

primary responsibility for retirement legislation, and the Ohio 49157
retirement study council. 49158

(E) The board shall have prepared annually a report giving a 49159
full accounting of the revenues and costs relating to the 49160
provision of benefits under sections 3309.375 and 3309.69 of the 49161
Revised Code. The report shall be made as of June 30, 1997, and 49162
the thirtieth day of June of each year thereafter. The report 49163
shall include the following: 49164

(1) A description of the statutory authority for the benefits 49165
provided; 49166

(2) A summary of the benefits; 49167

(3) A summary of the eligibility requirements for the 49168
benefits; 49169

(4) A statement of the number of participants eligible for 49170
the benefits; 49171

(5) A description of the accounting, asset valuation, and 49172
funding method used to provide the benefits; 49173

(6) A statement of the net assets available for the provision 49174
of the benefits as of the last day of the fiscal year; 49175

(7) A statement of any changes in the net assets available 49176
for the provision of benefits, including participant and employer 49177
contributions, net investment income, administrative expenses, and 49178
benefits provided to participants, as of the last day of the 49179
fiscal year; 49180

(8) For the last six consecutive fiscal years, a schedule of 49181
the net assets available for the benefits, the annual cost of 49182
benefits, administrative expenses incurred, and annual employer 49183
contributions allocated for the provision of benefits; 49184

(9) A description of any significant changes that affect the 49185
comparability of the report required under this division; 49186

(10) A statement of the amount paid under division (E) of 49187
section 3309.69 of the Revised Code. 49188

The board shall submit the report to the Ohio retirement 49189
study council, the director of budget and management, and the 49190
standing committees of the house of representatives and the senate 49191
with primary responsibility for retirement legislation immediately 49192
upon its availability and not later than the thirty-first day of 49193
December following the year for which the report was made. 49194

Sec. 3310.01. As used in sections 3310.01 to 3310.17 of the 49195
Revised Code: 49196

(A) "Chartered nonpublic school" means a nonpublic school 49197
that holds a valid charter issued by the state board of education 49198
under section 3301.16 of the Revised Code and meets the standards 49199
established for such schools in rules adopted by the state board. 49200

(B) An "eligible student" is a student who satisfies the 49201
conditions specified in section 3310.03 or 3310.032 of the Revised 49202
Code. 49203

(C) "Parent" has the same meaning as in section 3313.98 of 49204
the Revised Code. 49205

(D) "Resident district" means the school district in which a 49206
student is entitled to attend school under section 3313.64 or 49207
3313.65 of the Revised Code. 49208

(E) "School year" has the same meaning as in section 3313.62 49209
of the Revised Code. 49210

Sec. 3310.02. (A) The educational choice scholarship pilot 49211
program is hereby established. Under the program, the department 49212
of education annually shall pay scholarships to attend chartered 49213
nonpublic schools in accordance with section 3310.08 of the 49214
Revised Code for up to the following number of eligible students: 49215

(1) Thirty thousand in the 2011-2012 school year; 49216

(2) Sixty thousand in the 2012-2013 school year and 49217
thereafter. 49218

(B) If the number of students who apply for a scholarship 49219
exceeds the number of scholarships available under division (A) of 49220
this section for the applicable school year, the department shall 49221
award scholarships in the following order of priority: 49222

(1) First, to eligible students who received scholarships in 49223
the prior school year; 49224

(2) Second, to eligible students with family incomes at or 49225
below two hundred per cent of the federal poverty guidelines, as 49226
defined in section 5101.46 of the Revised Code, who qualify under 49227
division (A) of section 3310.03 of the Revised Code. If the number 49228
of students described in division (B)(2) of this section who apply 49229
for a scholarship exceeds the number of available scholarships 49230
after awards are made under division (B)(1) of this section, the 49231
department shall select students described in division (B)(2) of 49232
this section by lot to receive any remaining scholarships. 49233

(3) Third, to other eligible students who qualify under 49234
division (A) of section 3310.03 of the Revised Code. If the number 49235
of students described in division (B)(3) of this section who apply 49236
for a scholarship exceeds the number of available scholarships 49237
after awards are made under divisions (B)(1) and (2) of this 49238
section, the department shall select students described in 49239
division (B)(3) of this section by lot to receive any remaining 49240
scholarships. 49241

(4) Fourth, to eligible students with family incomes at or 49242
below two hundred per cent of the federal poverty guidelines who 49243
qualify under division ~~(B)~~(D) of section 3310.03 of the Revised 49244
Code. If the number of students described in division (B)(4) of 49245
this section who apply for a scholarship exceeds the number of 49246

available scholarships after awards are made under divisions 49247
(B)(1) to (3) of this section, the department shall select 49248
students described in division (B)(4) of this section by lot to 49249
receive any remaining scholarships. 49250

(5) Fifth, to other eligible students who qualify under 49251
division ~~(B)~~(D) of section 3310.03 of the Revised Code. If the 49252
number of students described in division (B)(5) of this section 49253
who apply for a scholarship exceeds the number of available 49254
scholarships after awards are made under divisions (B)(1) to (4) 49255
of this section, the department shall select students described in 49256
division (B)(5) of this section by lot to receive any remaining 49257
scholarships. 49258

(6) Sixth, to eligible students with family incomes at or 49259
below two hundred per cent of the federal poverty guidelines who 49260
qualify under division (B) of section 3310.03 of the Revised Code. 49261
If the number of students described in division (B)(6) of this 49262
section who apply for a scholarship exceeds the number of 49263
available scholarships after awards are made under divisions 49264
(B)(1) to (5) of this section, the department shall select 49265
students described in division (B)(6) of this section by lot to 49266
receive any remaining scholarships. 49267

(7) Seventh, to other eligible students who qualify under 49268
division (B) of section 3310.03 of the Revised Code. If the number 49269
of students described in division (B)(7) of this section who apply 49270
for a scholarship exceeds the number of available scholarships 49271
after awards are made under divisions (B)(1) to (6) of this 49272
section, the department shall select students described in 49273
division (B)(7) of this section by lot to receive any remaining 49274
scholarships. 49275

Sec. 3310.03. A student is an "eligible student" for purposes 49276
of the educational choice scholarship pilot program if the 49277

student's resident district is not a school district in which the 49278
pilot project scholarship program is operating under sections 49279
3313.974 to 3313.979 of the Revised Code and the student satisfies 49280
one of the conditions in division (A), (B), ~~or (C)~~, or (D) of this 49281
section: 49282

(A)(1) The student is enrolled in a school building operated 49283
by the student's resident district that, on the report card issued 49284
under section 3302.03 of the Revised Code published prior to the 49285
first day of July of the school year for which a scholarship is 49286
sought, did not receive a rating as described in division ~~(G)~~(H) 49287
of this section, and to which any or a combination of any of the 49288
following apply for two of the three most recent report cards 49289
published prior to the first day of July of the school year for 49290
which a scholarship is sought: 49291

(a) The building was declared to be in a state of academic 49292
emergency or academic watch under section 3302.03 of the Revised 49293
Code as that section existed prior to ~~the effective date of this~~ 49294
~~amendment~~ March 22, 2013. 49295

(b) The building received a grade of "D" or "F" for the 49296
performance index score under division (A)(1)(b) or (B)(1)(b) of 49297
section 3302.03 of the Revised Code and for the value-added 49298
progress dimension under division (A)(1)(e) or (B)(1)(e) of 49299
section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 49300
school year, or both; or if the building serves only grades ten 49301
through twelve, the building received a grade of "D" or "F" for 49302
the performance index score under division (A)(1)(b) or (B)(1)(b) 49303
of section 3302.03 of the Revised Code and had a four-year 49304
adjusted cohort graduation rate of less than seventy-five per 49305
cent. 49306

(c) The building received an overall grade of "D" or "F" 49307
under division (C)(3) of section 3302.03 of the Revised Code or a 49308

grade of "F" for the value-added progress dimension under division 49309
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 49310
school year or any school year thereafter. 49311

(2) The student ~~is eligible to enroll in kindergarten~~ will be 49312
enrolling in any of grades kindergarten through twelve in this 49313
state for the first time in the school year for which a 49314
scholarship is sought, will be at least five years of age by the 49315
first day of January of the school year for which a scholarship is 49316
sought, and otherwise would be assigned under section 3319.01 of 49317
the Revised Code in the school year for which a scholarship is 49318
sought, to a school building described in division (A)(1) of this 49319
section. 49320

(3) The student is enrolled in a community school established 49321
under Chapter 3314. of the Revised Code but otherwise would be 49322
assigned under section 3319.01 of the Revised Code to a building 49323
described in division (A)(1) of this section. 49324

(4) The student is enrolled in a school building operated by 49325
the student's resident district or in a community school 49326
established under Chapter 3314. of the Revised Code and otherwise 49327
would be assigned under section 3319.01 of the Revised Code to a 49328
school building described in division (A)(1) of this section in 49329
the school year for which the scholarship is sought. 49330

(5) The student ~~is eligible to enroll in kindergarten in~~ will 49331
be both enrolling in any of grades kindergarten through twelve in 49332
this state for the first time and at least five years of age by 49333
the first day of January of the school year for which a 49334
scholarship is sought, or is enrolled in a community school 49335
established under Chapter 3314. of the Revised Code, and all of 49336
the following apply to the student's resident district: 49337

(a) The district has in force an intradistrict open 49338
enrollment policy under which no student in ~~kindergarten~~ or the 49339

~~community school~~ student's grade level, ~~respectively,~~ is 49340
automatically assigned to a particular school building; 49341

(b) In the most recent rating published prior to the first 49342
day of July of the school year for which scholarship is sought, 49343
the district did not receive a rating described in division ~~(G)~~(H) 49344
of this section, and in at least two of the three most recent 49345
report cards published prior to the first day of July of that 49346
school year, any or a combination of the following apply to the 49347
district: 49348

(i) The district was declared to be in a state of academic 49349
emergency under section 3302.03 of the Revised Code as it existed 49350
prior to ~~the effective date of this amendment~~ March 22, 2013. 49351

(ii) The district received a grade of "D" or "F" for the 49352
performance index score under division (A)(1)(b) or (B)(1)(b) of 49353
section 3302.03 of the Revised Code and for the value-added 49354
progress dimension under division (A)(1)(e) or (B)(1)(e) of 49355
section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 49356
school year, or both. 49357

(c) The district received an overall grade of "D" or "F" 49358
under division (C)(3) of section 3302.03 of the Revised Code or a 49359
grade of "F" for the value-added progress dimension under division 49360
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 49361
school year or any school year thereafter. 49362

(B)(1) The student is enrolled in a school building operated 49363
by the student's resident district and to which both of the 49364
following apply: 49365

(a) The building was ranked, for at least two of the three 49366
most recent rankings published under section 3302.21 of the 49367
Revised Code prior to the first day of July of the school year for 49368
which a scholarship is sought, in the lowest ten per cent of all 49369
public school buildings according to performance index score under 49370

section 3302.21 of the Revised Code. 49371

(b) The building was not declared to be excellent or 49372
effective, or the equivalent of such ratings as determined by the 49373
department of education, under section 3302.03 of the Revised Code 49374
in the most recent rating published prior to the first day of July 49375
of the school year for which a scholarship is sought. 49376

(2) The student ~~is eligible to enroll in kindergarten will be~~ 49377
enrolling in any of grades kindergarten through twelve in this 49378
state for the first time in the school year for which a 49379
scholarship is sought, will be at least five years of age, as 49380
defined in section 3321.01 of the Revised Code, by the first day 49381
of January of the school year for which a scholarship is sought, 49382
and otherwise would be assigned under section 3319.01 of the 49383
Revised Code in the school year for which a scholarship is sought, 49384
to a school building described in division (B)(1) of this section. 49385

(3) The student is enrolled in a community school established 49386
under Chapter 3314. of the Revised Code but otherwise would be 49387
assigned under section 3319.01 of the Revised Code to a building 49388
described in division (B)(1) of this section. 49389

(4) The student is enrolled in a school building operated by 49390
the student's resident district or in a community school 49391
established under Chapter 3314. of the Revised Code and otherwise 49392
would be assigned under section 3319.01 of the Revised Code to a 49393
school building described in division (B)(1) of this section in 49394
the school year for which the scholarship is sought. 49395

(C) The student is enrolled in a nonpublic school at the time 49396
the school is granted a charter by the state board of education 49397
under section 3301.16 of the Revised Code and the student meets 49398
the standards of division (B) of section 3310.031 of the Revised 49399
Code. 49400

(D) For the 2016-2017 school year and each school year 49401

thereafter, the student is in any of grades kindergarten through 49402
three, is enrolled in a school building that is operated by the 49403
student's resident district or will be enrolling in any of grades 49404
kindergarten through twelve in this state for the first time in 49405
the school year for which a scholarship is sought, and to which 49406
both of the following apply: 49407

(1) The building, in at least two of the three most recent 49408
ratings of school buildings published prior to the first day of 49409
July of the school year for which a scholarship is sought, 49410
received a grade of "D" or "F" for making progress in improving 49411
literacy in grades kindergarten through three under division 49412
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 49413

(2) The building did not receive a grade of "A" for making 49414
progress in improving literacy in grades kindergarten through 49415
three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of 49416
the Revised Code in the most recent rating published prior to the 49417
first day of July of the school year for which a scholarship is 49418
sought. 49419

(E) A student who receives a scholarship under the 49420
educational choice scholarship pilot program remains an eligible 49421
student and may continue to receive scholarships in subsequent 49422
school years until the student completes grade twelve, so long as 49423
all of the following apply: 49424

(1) The student's resident district remains the same, or the 49425
student transfers to a new resident district and otherwise would 49426
be assigned in the new resident district to a school building 49427
described in division (A)(1) ~~or~~, (B)(1), or (D) of this section; 49428

(2) The student takes each assessment prescribed for the 49429
student's grade level under section 3301.0710 or 3301.0712 of the 49430
Revised Code while enrolled in a chartered nonpublic school; 49431

(3) In each school year that the student is enrolled in a 49432

chartered nonpublic school, the student is absent from school for 49433
not more than twenty days that the school is open for instruction, 49434
not including excused absences. 49435

~~(E)~~(F)(1) The department shall cease awarding first-time 49436
scholarships pursuant to divisions (A)(1) to (4) of this section 49437
with respect to a school building that, in the most recent ratings 49438
of school buildings published under section 3302.03 of the Revised 49439
Code prior to the first day of July of the school year, ceases to 49440
meet the criteria in division (A)(1) of this section. The 49441
department shall cease awarding first-time scholarships pursuant 49442
to division (A)(5) of this section with respect to a school 49443
district that, in the most recent ratings of school districts 49444
published under section 3302.03 of the Revised Code prior to the 49445
first day of July of the school year, ceases to meet the criteria 49446
in division (A)(5) of this section. 49447

(2) The department shall cease awarding first-time 49448
scholarships pursuant to divisions (B)(1) to (4) of this section 49449
with respect to a school building that, in the most recent ratings 49450
of school buildings under section 3302.03 of the Revised Code 49451
prior to the first day of July of the school year, ceases to meet 49452
the criteria in division (B)(1) of this section. 49453

(3) The department shall cease awarding first-time 49454
scholarships pursuant to division (D) of this section with respect 49455
to a school building that, in the most recent ratings of school 49456
buildings under section 3302.03 of the Revised Code prior to the 49457
first day of July of the school year, ceases to meet the criteria 49458
in division (D) of this section. 49459

(4) However, students who have received scholarships in the 49460
prior school year remain eligible students pursuant to division 49461
~~(D)~~(E) of this section. 49462

~~(F)~~(G) The state board of education shall adopt rules 49463

defining excused absences for purposes of division ~~(D)~~(E)(3) of 49464
this section. 49465

~~(G)~~(H)(1) A student who satisfies only the conditions 49466
prescribed in divisions (A)(1) to (4) of this section shall not be 49467
eligible for a scholarship if the student's resident building 49468
meets any of the following in the most recent rating under section 49469
3302.03 of the Revised Code published prior to the first day of 49470
July of the school year for which a scholarship is sought: 49471

(a) The building has an overall designation of excellent or 49472
effective under section 3302.03 of the Revised Code as it existed 49473
prior to ~~the effective date of this amendment~~ March 22, 2013. 49474

(b) For the 2012-2013 or 2013-2014 school year or both, the 49475
building has a grade of "A" or "B" for the performance index score 49476
under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the 49477
Revised Code and for the value-added progress dimension under 49478
division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised 49479
Code; or if the building serves only grades ten through twelve, 49480
the building received a grade of "A" or "B" for the performance 49481
index score under division (A)(1)(b) or (B)(1)(b) of section 49482
3302.03 of the Revised Code and had a four-year adjusted cohort 49483
graduation rate of greater than or equal to seventy-five per cent. 49484

(c) For the 2014-2015 school year or any school year 49485
thereafter, the building has a grade of "A" or "B" under division 49486
(C)(3) of section 3302.03 of the Revised Code and a grade of "A" 49487
for the value-added progress dimension under division (C)(1)(e) of 49488
section 3302.03 of the Revised Code; or if the building serves 49489
only grades ten through twelve, the building received a grade of 49490
"A" or "B" for the performance index score under division 49491
(C)(1)(b) of section 3302.03 of the Revised Code and had a 49492
four-year adjusted cohort graduation rate of greater than or equal 49493
to seventy-five per cent. 49494

(2) A student who satisfies only the conditions prescribed in 49495
division (A)(5) of this section shall not be eligible for a 49496
scholarship if the student's resident district meets any of the 49497
following in the most recent rating under section 3302.03 of the 49498
Revised Code published prior to the first day of July of the 49499
school year for which a scholarship is sought: 49500

(a) The district has an overall designation of excellent or 49501
effective under section 3302.03 of the Revised Code as it existed 49502
prior to ~~the effective date of this amendment~~ March 22, 2013. 49503

(b) The district has a grade of "A" or "B" for the 49504
performance index score under division (A)(1)(b) or (B)(1)(b) of 49505
section 3302.03 of the Revised Code and for the value-added 49506
progress dimension under division (A)(1)(e) or (B)(1)(e) of 49507
section 3302.03 of the Revised Code for the 2012-2013 and 49508
2013-2014 school years. 49509

(c) The district has an overall grade of "A" or "B" under 49510
division (C)(3) of section 3302.03 of the Revised Code and a grade 49511
of "A" for the value-added progress dimension under division 49512
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 49513
school year or any school year thereafter. 49514

Sec. 3310.032. (A) A student is an "eligible student" for 49515
purposes of the expansion of the educational choice scholarship 49516
pilot program under this section if the student's resident 49517
district is not a school district in which the pilot project 49518
scholarship program is operating under sections 3313.974 to 49519
3313.979 of the Revised Code, the student is not eligible for an 49520
educational choice scholarship under section 3310.03 of the 49521
Revised Code, and the student's family income is at or below two 49522
hundred per cent of the federal poverty guidelines, as defined in 49523
section 5101.46 of the Revised Code. 49524

(B) In each fiscal year for which the general assembly 49525

appropriates funds for purposes of this section, the department of 49526
education shall pay scholarships to attend chartered nonpublic 49527
schools in accordance with section 3310.08 of the Revised Code. 49528
The number of scholarships awarded under this section shall not 49529
exceed the number that can be funded with appropriations made by 49530
the general assembly for this purpose. 49531

(C) Scholarships under this section shall be awarded as 49532
follows: 49533

(1) For the 2013-2014 school year, to eligible students who 49534
are entering kindergarten in that school year for the first time; 49535

(2) For each subsequent school year, scholarships shall be 49536
awarded to eligible students in the next grade level above the 49537
highest grade level awarded in the preceding school year, in 49538
addition to the grade levels for which students received 49539
scholarships in the preceding school year. 49540

(D) If the number of eligible students who apply for a 49541
scholarship under this section exceeds the scholarships available 49542
based on the appropriation for this section, the department shall 49543
award scholarships in the following order of priority: 49544

(1) First, to eligible students who received scholarships 49545
under this section in the prior school year; 49546

(2) Second, to eligible students with family incomes at or 49547
below one hundred per cent of the federal poverty guidelines. If 49548
the number of students described in division (D)(2) of this 49549
section who apply for a scholarship exceeds the number of 49550
available scholarships after awards are made under division (D)(1) 49551
of this section, the department shall select students described in 49552
division (D)(2) of this section by lot to receive any remaining 49553
scholarships. 49554

(3) Third, to other eligible students who qualify under this 49555
section. If the number of students described in division (D)(3) of 49556

this section exceeds the number of available scholarships after awards are made under divisions (D)(1) and (2) of this section, the department shall select students described in division (D)(3) of this section by lot to receive any remaining scholarships. 49557
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(E) Subject to divisions (E)(1) to (3) of this section, a student who receives a scholarship under this section remains an eligible student and may continue to receive scholarships under this section in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions (E)(2) and (3) of section 3310.03 of the Revised Code. 49561
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Once a scholarship is awarded under this section, the student shall remain eligible for that scholarship for the current school year and subsequent school years even if the student's family income rises above the amount specified in division (A) of this section, provided the student remains enrolled in a chartered nonpublic school, however: 49568
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(1) If the student's family income is above two hundred per cent but at or below three hundred per cent of the federal poverty guidelines, the student shall receive a scholarship in the amount of seventy-five per cent of the full scholarship amount. 49574
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(2) If the student's family income is above three hundred per cent but at or below four hundred per cent of the federal poverty guidelines, the student shall receive a scholarship in the amount of fifty per cent of the full scholarship amount. 49578
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(3) If the student's family income is above four hundred per cent of the federal poverty guidelines, the student is no longer eligible to receive an educational choice scholarship. 49582
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Sec. 3310.035. (A) A student who is eligible for an educational choice scholarship under both sections 3310.03 and 49585
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3310.032 of the Revised Code, and applies for a scholarship for 49587
the first time after the effective date of this section shall 49588
receive a scholarship under section 3310.03 of the Revised Code. 49589

(B) A student who is eligible under both sections 3310.03 and 49590
3310.032 of the Revised Code and received a scholarship in the 49591
previous school year shall continue to receive the scholarship 49592
under the section from which the student received the scholarship 49593
in the previous school year, so long as: 49594

(1) The number of students who apply for a scholarship does 49595
not exceed the number of scholarships available under division (A) 49596
of section 3310.02 of the Revised Code. 49597

(2) A student who receives a scholarship under section 49598
3310.03 of the Revised Code satisfies with the conditions 49599
specified in divisions (E)(1) to (3) of that section, and a 49600
student who receives a scholarship under section 3310.032 49601
satisfies with the conditions specified in divisions (E)(2) and 49602
(3) of section 3310.03 of the Revised Code. 49603

Sec. 3310.05. A scholarship under the educational choice 49604
scholarship pilot program is not available for any student whose 49605
resident district is a school district in which the pilot project 49606
scholarship program is operating under sections 3313.974 to 49607
3313.979 of the Revised Code. The two pilot programs are separate 49608
and distinct, with differing eligibility criteria. The pilot 49609
project scholarship program operating under sections 3313.974 to 49610
3313.979 of the Revised Code is a district-wide program that may 49611
award scholarships to students who do not attend district schools 49612
that face academic challenges, whereas the educational choice 49613
scholarship pilot program established under sections 3310.01 to 49614
3310.17 of the Revised Code is limited to students of individual 49615
district school buildings that face academic challenges and to 49616

students from low-income families. 49617

Sec. 3310.06. It is the policy adopted by the general 49618
assembly that the educational choice scholarship pilot program 49619
shall be construed as one of several educational options available 49620
for students enrolled in persistently low-performing school 49621
buildings or for students from low-income families. Students may 49622
be enrolled in the schools of the student's resident district, in 49623
a community school established under Chapter 3314. of the Revised 49624
Code, in the schools of another school district pursuant to an 49625
open enrollment policy adopted under section 3313.98 of the 49626
Revised Code, in a chartered nonpublic school with or without a 49627
scholarship under the educational choice scholarship pilot 49628
program, or in other schools as the law may provide. 49629

Sec. 3310.08. (A) The amount paid for an eligible student 49630
under the educational choice scholarship pilot program shall be 49631
the lesser of the tuition of the chartered nonpublic school in 49632
which the student is enrolled or the maximum amount prescribed in 49633
section 3310.09 of the Revised Code. 49634

(B)(1) The department of education shall pay to the parent of 49635
each eligible student for whom a scholarship is awarded under the 49636
program, or to the student if at least eighteen years of age, 49637
periodic partial payments of the scholarship. 49638

(2) The department shall proportionately reduce or terminate 49639
the payments for any student who withdraws from a chartered 49640
nonpublic school prior to the end of the school year. 49641

(C)(1) The department shall deduct from the payments made to 49642
each school district under Chapter 3317., and if necessary, 49643
sections 321.24 and 323.156 of the Revised Code, the amount paid 49644
under division (B) of this section for each eligible student 49645
awarded who qualifies for a scholarship under the program section 49646

3310.03 of the Revised Code and who is entitled under section 49647
3313.64 or 3313.65 of the Revised Code to attend school in the 49648
district. In the case of a student entitled to attend school in a 49649
school district under division (B)(2)(a) of section 3313.64 or 49650
division (C) of section 3313.65 of the Revised Code, the 49651
department shall deduct the payments from the school district that 49652
includes the student in its average daily membership as reported 49653
to the department under section 3317.03 of the Revised Code, as 49654
determined by the department. 49655

(2) If the department reduces or terminates payments to a 49656
parent or a student, as prescribed in division (B)(2) of this 49657
section, and the student enrolls in the schools of the student's 49658
resident district or in a community school, established under 49659
Chapter 3314. of the Revised Code, before the end of the school 49660
year, the department shall proportionally restore to the resident 49661
district the amount deducted for that student under division 49662
(C)(1) of this section. 49663

Sec. 3310.14. ~~Notwithstanding division (K) of section~~ 49664
~~3301.0711 of the Revised Code, each~~ Each chartered nonpublic 49665
school that is not subject to division (K)(1)(a) of section 49666
3301.0711 of the Revised Code and enrolls students awarded 49667
scholarships under sections 3310.01 to 3310.17 of the Revised Code 49668
annually shall administer the assessments prescribed by section 49669
3301.0710 or 3301.0712 of the Revised Code to each scholarship 49670
student enrolled in the school in accordance with section 49671
3301.0711 of the Revised Code. Each chartered nonpublic school 49672
that is subject to this section shall report to the department of 49673
education the results of each assessment administered to each 49674
scholarship student under this section. 49675

Nothing in this section requires a chartered nonpublic school 49676
to administer any achievement assessment, except for an Ohio 49677

graduation test prescribed by division (B)(1) of section 3301.0710 49678
of the Revised Code, as required by section 3313.612 of the 49679
Revised Code, to any student enrolled in the school who is not a 49680
scholarship student. 49681

Sec. 3310.52. (A) The Jon Peterson special needs scholarship 49682
program is hereby established. Under the program, beginning with 49683
the 2012-2013 school year, subject to division (B) of this 49684
section, the department of education annually shall pay a 49685
scholarship to an eligible applicant for services provided by an 49686
alternative public provider or a registered private provider for a 49687
qualified special education child. The scholarship shall be used 49688
only to pay all or part of the fees for the child to attend the 49689
special education program operated by the alternative public 49690
provider or registered private provider to implement the child's 49691
individualized education program, in lieu of the child's attending 49692
the special education program operated by the school district in 49693
which the child is entitled to attend school, and other services 49694
agreed to by the provider and eligible applicant that are not 49695
included in the individualized education program but are 49696
associated with educating the child. Beginning in the 2014-2015 49697
school year, if the child is in category one as that term is 49698
defined in division (B)(1) of section 3310.56 of the Revised Code, 49699
the scholarship shall be used only to pay for related services 49700
that are included in the child's individualized education program. 49701
Upon agreement with the eligible applicant, the alternative public 49702
provider or registered private provider may modify the services 49703
provided to the child. 49704

(B) The number of scholarships awarded under the program in 49705
any fiscal year shall not exceed five per cent of the total number 49706
of students residing in the state identified as children with 49707
disabilities during the previous fiscal year. 49708

(C) No scholarship or renewal of a scholarship shall be 49709
awarded to an eligible applicant on behalf of a qualified special 49710
education child for the next school year, unless on or before the 49711
application deadline the eligible applicant completes the 49712
application for the scholarship or renewal, in the manner 49713
prescribed by the department, and notifies the school district in 49714
which the child is entitled to attend school that the eligible 49715
applicant has applied for the scholarship or renewal. 49716

The application deadline for academic terms that begin 49717
between the first day of July and the thirty-first day of December 49718
shall be the fifteenth day of April that precedes the first day of 49719
instruction. The application deadline for academic terms that 49720
begin between the first day of January and the thirtieth day of 49721
June shall be the fifteenth day of November that precedes the 49722
first day of instruction. 49723

Sec. 3310.522. In order to maintain eligibility for a 49724
scholarship under the program, a student shall take each 49725
assessment prescribed by sections 3301.0710 and 3301.0712 of the 49726
Revised Code, unless the student is excused from taking that 49727
assessment under federal law or the student's individualized 49728
education program. 49729

~~Notwithstanding division (K) of section 3301.0711 of the~~ 49730
~~Revised Code, each~~ Each registered private provider that is not 49731
subject to division (K)(1)(a) of section 3301.0711 of the Revised 49732
Code and enrolls a student who is awarded a scholarship under this 49733
section shall administer each assessment prescribed by sections 49734
3301.0710 and 3301.0712 of the Revised Code to that student, 49735
unless the student is excused from taking that assessment, and 49736
shall report to the department the results of each assessment so 49737
administered. 49738

Nothing in this section requires any chartered nonpublic 49739

school that is a registered private provider to administer any 49740
achievement assessment, except for an Ohio graduation test 49741
prescribed by division (B)(1) of section 3301.0710 of the Revised 49742
Code, as required by section 3313.612 of the Revised Code, to any 49743
student enrolled in the school who is not a scholarship student. 49744

Sec. 3310.56. (A) The amount of the scholarship awarded and 49745
paid to an eligible applicant for services for a qualified special 49746
education child under the Jon Peterson special needs scholarship 49747
program in each school year shall be the least of the amounts 49748
prescribed in divisions (A)(1), (2), ~~or~~ and (3) of this section, 49749
as follows: 49750

(1) The amount of fees charged for that school year by the 49751
alternative public provider or registered private provider; 49752

(2) The sum of the amounts calculated under divisions 49753
(A)(2)(a) and (b) of this section: 49754

(a) ~~The sum of the formula amount plus the per pupil amount~~ 49755
~~of the base funding supplements specified in divisions (C)(1) to~~ 49756
~~(4) of section 3317.012 of the Revised Code for fiscal year 2009;~~ 49757

(b) ~~An amount equal to \$5,732 times the following multiple~~ 49758
~~prescribed for the child's disability as follows:~~ 49759

(i) For a student in category one, ~~0.2892~~ the amount 49760
specified in division (A) of section 3317.013 of the Revised Code; 49761

(ii) For a student in category two, ~~0.3691~~ the amount 49762
specified in division (B) of section 3317.013 of the Revised Code; 49763

(iii) For a student in category three, ~~1.7695~~ the amount 49764
specified in division (C) of section 3317.013 of the Revised Code; 49765

(iv) For a student in category four, ~~2.3646~~ the amount 49766
specified in division (D) of section 3317.013 of the Revised Code; 49767

(v) For a student in category five, ~~3.1129~~ the amount 49768

specified in division (E) of section 3317.013 of the Revised Code; 49769

(vi) For a student in category six, ~~4.7342~~ the amount 49770
specified in division (F) of section 3317.013 of the Revised Code. 49771

~~Before applying the multiples specified in divisions~~ 49772
~~(A)(2)(b)(i) to (vi) of this section, they first shall be adjusted~~ 49773
~~by multiplying them by 0.90.~~ 49774

(3) Twenty thousand dollars. 49775

(B) As used in division (A)(2)(b) of this section, a child 49776
with a disability is in: 49777

(1) "Category one" if the ~~child's primary or only identified~~ 49778
~~disability is a speech and language disability, as this term is~~ 49779
~~defined pursuant to Chapter 3323. child is receiving special~~ 49780
education services for a disability specified in division (A) of 49781
section 3317.013 of the Revised Code; 49782

(2) "Category two" if the child is ~~identified as specific~~ 49783
~~learning disabled or developmentally disabled, as these terms are~~ 49784
~~defined pursuant to Chapter 3323. of the Revised Code, or as~~ 49785
~~having an other health impairment minor, as defined in section~~ 49786
3317.02 receiving special education services for a disability 49787
specified in division (B) of section 3317.013 of the Revised Code; 49788

(3) "Category three" if the child is ~~identified as vision~~ 49789
~~impaired, hearing disabled, or severe behavior disabled, as these~~ 49790
~~terms are defined pursuant to Chapter 3323. receiving special~~ 49791
education services for a disability specified in division (C) of 49792
section 3317.013 of the Revised Code; 49793

(4) "Category four" if the child is ~~identified as~~ 49794
~~orthopedically disabled, as this term is defined pursuant to~~ 49795
~~Chapter 3323. of the Revised Code, or as having an other health~~ 49796
~~impairment major, as defined in section 3317.02 receiving special~~ 49797
education services for a disability specified in division (D) of 49798

section 3317.013 of the Revised Code; 49799

(5) "Category five" if the child is ~~identified as having~~ 49800
~~multiple disabilities, as this term is defined pursuant to Chapter~~ 49801
~~3323- receiving special education services for a disability~~ 49802
specified in division (E) of section 3317.013 of the Revised Code; 49803

(6) "Category six" if the child is ~~identified as autistic,~~ 49804
~~having traumatic brain injuries, or both visually and hearing~~ 49805
~~impaired, as these terms are defined pursuant to Chapter 3323-~~ 49806
receiving special education services for a disability specified in 49807
division (F) of section 3317.013 of the Revised Code. 49808

Sec. 3311.0510. (A) If all of the client school districts of 49809
an educational service center have terminated their agreements 49810
with the service center under division (D) of section 3313.843 of 49811
the Revised Code, upon the latest effective date of the 49812
terminations, the governing board of that service center shall be 49813
abolished and such service center shall be dissolved by order of 49814
the superintendent of public instruction. The superintendent's 49815
order shall provide for the equitable division and disposition of 49816
the assets, property, debts, and obligations of the service center 49817
among the school districts that were client school districts of 49818
the service center for the service center's last fiscal year of 49819
operation. The superintendent's order shall provide that the tax 49820
duplicate of each of those school districts shall be bound for and 49821
assume the district's equitable share of the outstanding 49822
indebtedness of the service center. The superintendent's order is 49823
final and is not appealable. 49824

Immediately upon the abolishment of the service center 49825
governing board pursuant to this section, the superintendent of 49826
public instruction shall appoint a qualified individual to 49827
administer the dissolution of the service center and to implement 49828
the terms of the superintendent's dissolution order. 49829

Prior to distributing assets to any school district under 49830
this section, but after paying in full other debts and obligations 49831
of the service center under this section, the superintendent of 49832
public instruction may assess against the remaining assets of the 49833
service center the amount of the costs incurred by the department 49834
of education in performing the superintendent's duties under this 49835
division, including the fees, if any, owed to the individual 49836
appointed to administer the superintendent's dissolution order. 49837
Any excess cost incurred by the department under this division 49838
shall be divided equitably among the school districts that were 49839
client school districts of the service center for the service 49840
center's last fiscal year of operation. Each district's share of 49841
that excess cost shall be bound against the tax duplicate of that 49842
district. 49843

(B) A final audit of the former service center shall be 49844
performed in accordance with procedures established by the auditor 49845
of state. 49846

(C) The public records of an educational service center that 49847
is dissolved under this section shall be transferred in accordance 49848
with this division. Public records maintained by the service 49849
center in connection with services provided by the service center 49850
to local school districts of which the territory of the service 49851
center is or previously was made up shall be transferred to each 49852
of the respective local school districts. Public records 49853
maintained by the service center in connection with services 49854
provided to client school districts shall be transferred to each 49855
of the respective client school districts. All other public 49856
records maintained by the service center at the time the service 49857
center ceases operations shall be transferred to the Ohio 49858
historical society for analysis and disposition by the society in 49859
its capacity as archives administrator for the state and its 49860
political subdivisions pursuant to division (C) of section 149.30 49861

and section 149.31 of the Revised Code. 49862

(D) As used in this section, "client school district" ~~has the~~ 49863
~~same meaning as in section 3317.11 of the Revised Code~~ means a 49864
city, exempted village, or local school district that has entered 49865
into an agreement under section 3313.843 or 3313.845 of the 49866
Revised Code to receive any services from an educational service 49867
center. 49868

Sec. 3311.19. (A) The management and control of a joint 49869
vocational school district shall be vested in the joint vocational 49870
school district board of education. ~~Where a joint vocational~~ 49871
~~school district is composed only of two or more local school~~ 49872
~~districts located in one county, or when all the participating~~ 49873
~~districts are in one county and the boards of such participating~~ 49874
~~districts so choose, the educational service center governing~~ 49875
~~board of the county in which the joint vocational school district~~ 49876
~~is located shall serve as the joint vocational school district~~ 49877
~~board of education. Where a joint vocational school district is~~ 49878
~~composed of local school districts of more than one county, or of~~ 49879
~~any combination of city, local, or exempted village school~~ 49880
~~districts or educational service centers, unless administration by~~ 49881
~~the educational service center governing board has been chosen by~~ 49882
~~all the participating districts in one county pursuant to this~~ 49883
~~section, the board of education of the joint vocational school~~ 49884
~~district shall be composed of one or more persons who are members~~ 49885
~~of the boards of education from each of the city or exempted~~ 49886
~~village school districts or members of the educational service~~ 49887
~~centers' governing boards affected to be appointed by the boards~~ 49888
~~of education or governing boards of such school districts and~~ 49889
~~educational service centers. In such joint vocational school~~ 49890
~~districts the number and terms of members of the joint vocational~~ 49891
~~school district board of education and the allocation of a given~~ 49892
~~number of members to each of the city and exempted village~~ 49893

~~districts and educational service centers shall be determined in 49894
the plan for such district, provided that each such joint 49895
vocational school district board of education shall be composed of 49896
an odd number of members. 49897~~

~~(B) Notwithstanding division (A) of this section, a governing 49898
board of an educational service center that has members of its 49899
governing board serving on a joint vocational school district 49900
board of education may make a request to the joint vocational 49901
district board that the joint vocational school district plan be 49902
revised to provide for one or more members of boards of education 49903
of local school districts that are within the territory of the 49904
educational service district and within the joint vocational 49905
school district to serve in the place of or in addition to its 49906
educational service center governing board members. If agreement 49907
is obtained among a majority of the boards of education and 49908
governing boards that have a member serving on the joint 49909
vocational school district board of education and among a majority 49910
of the local school district boards of education included in the 49911
district and located within the territory of the educational 49912
service center whose board requests the substitution or addition, 49913
the state board of education may revise the joint vocational 49914
school district plan to conform with such agreement. 49915~~

~~(C) If the board of education of any school district or 49916
educational service center governing board included within a joint 49917
vocational district that has had its board or governing board 49918
membership revised under division (B) of this section requests the 49919
joint vocational school district board to submit to the state 49920
board of education a revised plan under which one or more joint 49921
vocational board members chosen in accordance with a plan revised 49922
under such division would again be chosen in the manner prescribed 49923
by division (A) of this section, the joint vocational board shall 49924
submit the revised plan to the state board of education, provided 49925~~

~~the plan is agreed to by a majority of the boards of education 49926
represented on the joint vocational board, a majority of the local 49927
school district boards included within the joint vocational 49928
district, and each educational service center governing board 49929
affected by such plan. The state board of education may revise the 49930
joint vocational school district plan to conform with the revised 49931
plan. which, beginning on the effective date of this amendment, 49932
shall be appointed under division (C) of this section. 49933~~

All members of a joint vocational school district board 49934
serving unexpired terms on the effective date of this amendment 49935
may continue in office until the expiration of their terms. If a 49936
member leaves office for any reason prior to the expiration of 49937
that member's term, the vacancy shall be filled only in the manner 49938
provided in division (C) of this section. 49939

(B) Members of the joint vocational school district board 49940
appointed on or after the effective date of this amendment shall 49941
serve for three year terms of office. No member shall hold office 49942
for a period of longer than two consecutive terms. Terms shall be 49943
considered consecutive unless separated by three or more years. 49944

Members of the board shall be selected based on the diversity 49945
of the employers from the geographical region of the state in 49946
which the territory of the joint vocational school district is 49947
located represented by the members. Not less than three-fifths of 49948
the members of the board shall reside in or be employed within the 49949
territory of the joint vocational school district board upon which 49950
the member serves. 49951

(C) The manner of appointment and the total number of members 49952
appointed to the joint vocational school district board shall be 49953
in accordance with the most recent plan for the joint vocational 49954
school district on file with the department of education. An 49955
individual shall not be a member of an appointing board, unless 49956
the individual meets the criteria in division (C)(2) of this 49957

section. 49958

(1) Appointments under this section shall be made as the 49959
terms of members of each joint vocational school district board 49960
who are serving unexpired terms on the effective date of this 49961
amendment expire or as those offices are otherwise vacated prior 49962
to the expiration date. 49963

(2) Members of the joint vocational board shall have 49964
experience as chief financial officers, chief executive officers, 49965
human resources managers, or other business, industry, or career 49966
counseling professionals who are qualified to discuss the labor 49967
needs of the region with respect to the regional economy. The 49968
appointing board shall appoint individuals who represent employers 49969
in the region served by the joint vocational school district who 49970
are qualified to consider the state's workforce needs with an 49971
understanding of the skills, training, and education needed for 49972
current and future employment opportunities in the state. The 49973
appointing board may give preference to individuals who have 49974
served as members on a joint vocational school business advisory 49975
committee who meet the qualifications in division (C)(2) of this 49976
section. 49977

(D) The vocational schools in ~~such~~ the joint vocational 49978
school district shall be available to all youth of school age 49979
within the joint vocational school district subject to the rules 49980
adopted by the joint vocational school district board of education 49981
in regard to the standards requisite to admission. A joint 49982
vocational school district board of education shall have the same 49983
powers, duties, and authority for the management and operation of 49984
such joint vocational school district as is granted by law, except 49985
by this chapter and Chapters 124., 3317., 3323., and 3331. of the 49986
Revised Code, to a board of education of a city school district, 49987
and shall be subject to all the provisions of law that apply to a 49988
city school district, except such provisions in this chapter and 49989

Chapters 124., 3317., 3323., and 3331. of the Revised Code. 49990

(E) ~~Where a governing board of an educational service center 49991
has been designated to serve as the joint vocational school 49992
district board of education, the educational service center 49993
superintendent shall be the executive officer for the joint 49994
vocational school district, and the governing board may provide 49995
for additional compensation to be paid to the educational service 49996
center superintendent by the joint vocational school district, but 49997
the educational service center superintendent shall have no 49998
continuing tenure other than that of educational service center 49999
superintendent. The superintendent of schools of a joint 50000
vocational school district shall exercise the duties and authority 50001
vested by law in a superintendent of schools pertaining to the 50002
operation of a school district and the employment and supervision 50003
of its personnel. The joint vocational school district board of 50004
education shall appoint a treasurer of the joint vocational school 50005
district who shall be the fiscal officer for such district and who 50006
shall have all the powers, duties, and authority vested by law in 50007
a treasurer of a board of education. ~~Where a governing board of an 50008
educational service center has been designated to serve as the 50009
joint vocational school district board of education, such board 50010
may appoint the educational service center superintendent as the 50011
treasurer of the joint vocational school district. 50012~~~~

(F) Each member of a joint vocational school district board 50013
of education may be paid such compensation as the board provides 50014
by resolution, but it shall not exceed one hundred twenty-five 50015
dollars per member for each meeting attended plus mileage, at the 50016
rate per mile provided by resolution of the board, to and from 50017
meetings of the board. 50018

The board may provide by resolution for the deduction of 50019
amounts payable for benefits under section 3313.202 of the Revised 50020
Code. 50021

Each member of a joint vocational school district board may 50022
be paid such compensation as the board provides by resolution for 50023
attendance at an approved training program, provided that such 50024
compensation shall not exceed sixty dollars per day for attendance 50025
at a training program three hours or fewer in length and one 50026
hundred twenty-five dollars a day for attendance at a training 50027
program longer than three hours in length. However, no board 50028
member shall be compensated for the same training program under 50029
this section and section 3313.12 of the Revised Code. 50030

Sec. 3311.22. A governing board of an educational service 50031
center may propose, by resolution adopted by majority vote of its 50032
full membership, or qualified electors of the area affected equal 50033
in number to at least fifty-five per cent of the qualified 50034
electors voting at the last general election residing within that 50035
portion of a school district, or districts proposed to be 50036
transferred may propose, by petition, the transfer of a part or 50037
all of one or more local school districts to another local school 50038
district or districts within the territory of the educational 50039
service center. Such transfers may be made only to local school 50040
districts adjoining the school district that is proposed to be 50041
transferred, unless the board of education of the district 50042
proposed to be transferred has entered into an agreement pursuant 50043
to section 3313.42 of the Revised Code, in which case such 50044
transfers may be made to any local school district within the 50045
territory of the educational service center. 50046

When a governing board of an educational service center 50047
adopts a resolution proposing a transfer of school territory it 50048
shall forthwith file a copy of such resolution, together with an 50049
accurate map of the territory described in the resolution, with 50050
the board of education of each school district whose boundaries 50051
would be altered by such proposal. A governing board of an 50052
educational service center proposing a transfer of territory under 50053

the provisions of this section shall at its next regular meeting 50054
that occurs not earlier than thirty days after the adoption by the 50055
governing board of a resolution proposing such transfer, adopt a 50056
resolution making the transfer effective at any time prior to the 50057
next succeeding first day of July, unless, prior to the expiration 50058
of such thirty-day period, qualified electors residing in the area 50059
proposed to be transferred, equal in number to a majority of the 50060
qualified electors voting at the last general election, file a 50061
petition of referendum against such transfer. 50062

Any petition of transfer or petition of referendum filed 50063
under the provisions of this section shall be filed at the office 50064
of the educational service center superintendent. The person 50065
presenting the petition shall be given a receipt containing 50066
thereon the time of day, the date, and the purpose of the 50067
petition. 50068

The educational service center superintendent shall cause the 50069
board of elections to check the sufficiency of signatures on any 50070
petition of transfer or petition of referendum filed under this 50071
section and, if found to be sufficient, the superintendent shall 50072
present the petition to the educational service center governing 50073
board at a meeting of the board which shall occur not later than 50074
thirty days following the filing of the petition. 50075

Upon presentation to the educational service center governing 50076
board of a proposal to transfer territory as requested by petition 50077
of fifty-five per cent of the qualified electors voting at the 50078
last general election or a petition of referendum against a 50079
proposal of the county board to transfer territory, the governing 50080
board shall promptly certify the proposal to the board of 50081
elections for the purpose of having the proposal placed on the 50082
ballot at the next general or primary election which occurs not 50083
less than ninety days after the date of such certification, or at 50084
a special election, the date of which shall be specified in the 50085

certification, which date shall not be less than ninety days after 50086
the date of such certification. Signatures on a petition of 50087
transfer or petition of referendum may be withdrawn up to and 50088
including the above mentioned meeting of the educational service 50089
center governing board only by order of the board upon testimony 50090
of the petitioner concerned under oath before the board that the 50091
petitioner's signature was obtained by fraud, duress, or 50092
misrepresentation. 50093

If a petition is filed with the educational service center 50094
governing board which proposes the transfer of a part or all of 50095
the territory included in a resolution of transfer previously 50096
adopted by the educational service center governing board, no 50097
action shall be taken on such petition if within the thirty-day 50098
period after the adoption of the resolution of transfer a 50099
referendum petition is filed. After the election, if the proposed 50100
transfer fails to receive a majority vote, action on such petition 50101
shall then be processed under this section as though originally 50102
filed under the provisions hereof. If no referendum petition is 50103
filed within the thirty-day period after the adoption of the 50104
resolution of transfer, no action shall be taken on such petition. 50105

If a petition is filed with the educational service center 50106
governing board which proposes the transfer of a part or all of 50107
the territory included in a petition previously filed by electors 50108
no action shall be taken on such new petition. 50109

Upon certification of a proposal to the board or boards of 50110
elections pursuant to this section, the board or boards of 50111
elections shall make the necessary arrangements for the submission 50112
of such question to the electors of the county or counties 50113
qualified to vote thereon, and the election shall be conducted and 50114
canvassed and the results shall be certified in the same manner as 50115
in regular elections for the election of members of a board of 50116
education. 50117

The persons qualified to vote upon a proposal are the 50118
electors residing in the district or districts containing 50119
territory that is proposed to be transferred. If the proposed 50120
transfer be approved by at least a majority of the electors voting 50121
on the proposal, the educational service center governing board 50122
shall make such transfer at any time prior to the next succeeding 50123
first day of July. If the proposed transfer is not approved by at 50124
least a majority of the electors voting on the proposal, the 50125
question of transferring any property included in the territory 50126
covered by the proposal shall not be submitted to electors at any 50127
election prior to the first general election the date of which is 50128
at least two years after the date of the original election, or the 50129
first primary election held in an even-numbered year the date of 50130
which is at least two years after the date of the original 50131
election. A transfer shall be subject to the approval of the 50132
receiving board or boards of education, unless the proposal was 50133
initiated by the educational service center governing board, in 50134
which case, if the transfer is opposed by the board of education 50135
offered the territory, the local board may, within thirty days, 50136
following the receipt of the notice of transfer, appeal to the 50137
state board of education which shall then either approve or 50138
disapprove the transfer. 50139

Following an election upon a proposed transfer initiated by a 50140
petition the board of education that is offered territory shall, 50141
within thirty days following receipt of the proposal, either 50142
accept or reject the transfer. 50143

When an entire school district is proposed to be transferred 50144
to two or more school districts and the offer is rejected by any 50145
one of the receiving boards of education, none of the territory 50146
included in the proposal shall be transferred. 50147

Upon the acceptance of territory by the receiving board or 50148
boards of education the educational service center governing board 50149

offering the territory shall file with the county auditor and with 50150
the state board of education an accurate map showing the 50151
boundaries of the territory transferred. 50152

Upon the making of such transfer, the net indebtedness of the 50153
former district from which territory was transferred shall be 50154
apportioned between the acquiring school district and that portion 50155
of the former school district remaining after the transfer in the 50156
ratio which the assessed valuation of the territory transferred to 50157
the acquiring school district bears to the assessed valuation of 50158
the original school district as of the effective date of the 50159
transfer. As used in this section "net indebtedness" means the 50160
difference between the par value of the outstanding and unpaid 50161
bonds and notes of the school district and the amount held in the 50162
sinking fund and other indebtedness retirement funds for their 50163
redemption. 50164

~~If an entire district is transferred, any indebtedness of the 50165
former district incurred as a result of a loan made under section 50166
3317.64 of the Revised Code is hereby canceled and such 50167
indebtedness shall not be apportioned among any districts 50168
acquiring the territory. 50169~~

Upon the making of any transfer under this section, the funds 50170
of the district from which territory was transferred shall be 50171
divided equitably by the educational service center governing 50172
board between the acquiring district and any part of the original 50173
district remaining after the transfer. 50174

If an entire district is transferred the board of education 50175
of such district is thereby abolished or if a member of the board 50176
of education lives in that part of a school district transferred 50177
the member becomes a nonresident of the school district from which 50178
the territory was transferred and such member ceases to be a 50179
member of the board of education of such district. 50180

The legal title of all property of the board of education in 50181
the territory transferred shall become vested in the board of 50182
education of the school district to which such territory is 50183
transferred. 50184

Subsequent to June 30, 1959, if an entire district is 50185
transferred, foundation program moneys accruing to a district 50186
accepting school territory under the provisions of this section or 50187
former section 3311.22 of the Revised Code, shall not be less, in 50188
any year during the next succeeding three years following the 50189
transfer, than the sum of the amounts received by the districts 50190
separately in the year in which the transfer was consummated. 50191

Sec. 3311.231. A governing board of an educational service 50192
center may propose, by resolution adopted by majority vote of its 50193
full membership, or qualified electors of the area affected equal 50194
in number to not less than fifty-five per cent of the qualified 50195
electors voting at the last general election residing within that 50196
portion of a school district proposed to be transferred may 50197
propose, by petition, the transfer of a part or all of one or more 50198
local school districts within the territory of the center to an 50199
adjoining educational service center or to an adjoining city or 50200
exempted village school district. 50201

A governing board of an educational service center adopting a 50202
resolution proposing a transfer of school territory under this 50203
section shall file a copy of such resolution together with an 50204
accurate map of the territory described in the resolution, with 50205
the board of education of each school district whose boundaries 50206
would be altered by such proposal. Where a transfer of territory 50207
is proposed by a governing board of an educational service center 50208
under this section, the governing board shall, at its next regular 50209
meeting that occurs not earlier than the thirtieth day after the 50210
adoption by the governing board of the resolution proposing such 50211

transfer, adopt a resolution making the transfer as originally 50212
proposed, effective at any time prior to the next succeeding first 50213
day of July, unless, prior to the expiration of such thirty-day 50214
period, qualified electors residing in the area proposed to be 50215
transferred, equal in number to a majority of the qualified 50216
electors voting at the last general election, file a petition of 50217
referendum against such transfer. 50218

Any petition of transfer or petition of referendum under the 50219
provisions of this section shall be filed at the office of the 50220
educational service center superintendent. The person presenting 50221
the petition shall be given a receipt containing thereon the time 50222
of day, the date, and the purpose of the petition. 50223

The educational service center superintendent shall cause the 50224
board of elections to check the sufficiency of signatures on any 50225
such petition, and, if found to be sufficient, the superintendent 50226
shall present the petition to the educational service center 50227
governing board at a meeting of said governing board which shall 50228
occur not later than thirty days following the filing of said 50229
petition. 50230

The educational service center governing board shall promptly 50231
certify the proposal to the board of elections of such counties in 50232
which school districts whose boundaries would be altered by such 50233
proposal are located for the purpose of having the proposal placed 50234
on the ballot at the next general or primary election which occurs 50235
not less than ninety days after the date of such certification or 50236
at a special election, the date of which shall be specified in the 50237
certification, which date shall not be less than ninety days after 50238
the date of such certification. 50239

Signatures on a petition of transfer or petition of 50240
referendum may be withdrawn up to and including the above 50241
mentioned meeting of the educational service center governing 50242
board only by order of the governing board upon testimony of the 50243

petitioner concerned under oath before the board that the 50244
petitioner's signature was obtained by fraud, duress, or 50245
misrepresentation. 50246

If a petition is filed with the educational service center 50247
governing board which proposes the transfer of a part or all of 50248
the territory included either in a petition previously filed by 50249
electors or in a resolution of transfer previously adopted by the 50250
educational service center governing board, no action shall be 50251
taken on such new petition as long as the previously initiated 50252
proposal is pending before the governing board or is subject to an 50253
election. 50254

Upon certification of a proposal to the board or boards of 50255
elections pursuant to this section, the board or boards of 50256
elections shall make the necessary arrangements for the submission 50257
of such question to the electors of the county or counties 50258
qualified to vote thereon, and the election shall be conducted and 50259
canvassed and the results shall be certified in the same manner as 50260
in regular elections for the election of members of a board of 50261
education. 50262

The persons qualified to vote upon a proposal are the 50263
electors residing in the district or districts containing 50264
territory that is proposed to be transferred. If the proposed 50265
transfer is approved by at least a majority of the electors voting 50266
on the proposal, the educational service center governing board 50267
shall make such transfer at any time prior to the next succeeding 50268
first day of July, subject to the approval of the receiving board 50269
of education in case of a transfer to a city or exempted village 50270
school district, and subject to the approval of the educational 50271
service center governing board of the receiving center, in case of 50272
a transfer to an educational service center. If the proposed 50273
transfer is not approved by at least a majority of the electors 50274
voting on the proposal, the question of transferring any property 50275

included in the territory covered by the proposal shall not be 50276
submitted to electors at any election prior to the first general 50277
election the date of which is at least two years after the date of 50278
the original election, or the first primary election held in an 50279
even-numbered year the date of which is at least two years after 50280
the date of the original election. 50281

Where a territory is transferred under this section to a city 50282
or exempted village school district, the board of education of 50283
such district shall, and where territory is transferred to an 50284
educational service center the governing board of such educational 50285
service center shall, within thirty days following receipt of the 50286
proposal, either accept or reject the transfer. 50287

Where a governing board of an educational service center 50288
adopts a resolution accepting territory transferred to the 50289
educational service center under the provisions of sections 50290
3311.231 and 3311.24 of the Revised Code, the governing board 50291
shall, at the time of the adoption of the resolution accepting the 50292
territory, designate the school district to which the accepted 50293
territory shall be annexed. 50294

When an entire school district is proposed to be transferred 50295
to two or more adjoining school districts and the offer is 50296
rejected by any one of the receiving boards of education, none of 50297
the territory included in the proposal shall be transferred. 50298

Upon the acceptance of territory by the receiving board or 50299
boards of education the educational service center governing board 50300
offering the territory shall file with the county auditor of each 50301
county affected by the transfer and with the state board of 50302
education an accurate map showing the boundaries of the territory 50303
transferred. 50304

Upon the making of such transfer, the net indebtedness of the 50305
former district from which territory was transferred shall be 50306

apportioned between the acquiring school district and the portion 50307
of the former school district remaining after the transfer in the 50308
ratio which the assessed valuation of the territory transferred to 50309
the acquiring school district bears to the assessed valuation of 50310
the original school district as of the effective date of the 50311
transfer. As used in this section "net indebtedness" means the 50312
difference between the par value of the outstanding and unpaid 50313
bonds and notes of the school district and the amount held in the 50314
sinking fund and other indebtedness retirement funds for their 50315
redemption. 50316

~~If an entire district is transferred, any indebtedness of the 50317
former district incurred as a result of a loan made under section 50318
3317.64 of the Revised Code is hereby canceled and such 50319
indebtedness shall not be apportioned among any districts 50320
acquiring the territory. 50321~~

Upon the making of any transfer under this section, the funds 50322
of the district from which territory was transferred shall be 50323
divided equitably by the educational service center governing 50324
board, between the acquiring district and any part of the original 50325
district remaining after the transfer. 50326

If an entire district is transferred the board of education 50327
of such district is thereby abolished or if a member of the board 50328
of education lives in that part of a school district transferred 50329
the member becomes a nonresident of the school district from which 50330
the territory was transferred and such member ceases to be a 50331
member of the board of education of such district. 50332

The legal title of all property of the board of education in 50333
the territory transferred shall become vested in the board of 50334
education of the school district to which such territory is 50335
transferred. 50336

If an entire district is transferred, foundation program 50337

moneys accruing to a district receiving school territory under the 50338
provisions of this section shall not be less, in any year during 50339
the next succeeding three years following the transfer, than the 50340
sum of the amounts received by the districts separately in the 50341
year in which the transfer was consummated. 50342

Sec. 3311.38. The state board of education may conduct, or 50343
may direct the superintendent of public instruction to conduct, 50344
studies where there is evidence of need for transfer of local, 50345
exempted village, or city school districts, or parts of any such 50346
districts, to contiguous or noncontiguous local, exempted village, 50347
or city school districts. Such studies shall include a study of 50348
the effect of any proposal upon any portion of a school district 50349
remaining after such proposed transfer. The state board, in 50350
conducting such studies and in making recommendations as a result 50351
thereof, shall consider the possibility of improving school 50352
district organization as well as the desires of the residents of 50353
the school districts which would be affected. 50354

(A) After the adoption of recommendations growing out of any 50355
such study, or upon receipt of a resolution adopted by majority 50356
vote of the full membership of the board of any city, local, or 50357
exempted village school district requesting that the entire 50358
district be transferred to another city, local, or exempted 50359
village school district, the state board may propose by resolution 50360
the transfer of territory, which may consist of part or all of the 50361
territory of a local, exempted village, or city school district to 50362
a contiguous local, exempted village, or city school district. 50363

The state board shall thereupon file a copy of such proposal 50364
with the board of education of each school district whose 50365
boundaries would be altered by the proposal and with the governing 50366
board of any educational service center in which such school 50367
district is located. 50368

The state board may, not less than thirty days following the adoption of the resolution proposing the transfer of territory, certify the proposal to the board of elections of the county or counties in which any of the territory of the proposed district is located, for the purpose of having the proposal placed on the ballot at the next general election or at a primary election occurring not less than ninety days after the adoption of such resolution.

If any proposal has been previously initiated pursuant to section 3311.22, 3311.231, or 3311.26 of the Revised Code which affects any of the territory affected by the proposal of the state board, the proposal of the state board shall not be placed on the ballot while the previously initiated proposal is subject to an election.

Upon certification of a proposal to the board of elections of any county pursuant to this section, the board of elections of such county shall make the necessary arrangements for the submission of such question to the electors of the county qualified to vote thereon, and the election shall be counted and canvassed and the results shall be certified in the same manner as in regular elections for the election of members of a board of education.

The electors qualified to vote upon a proposal are the electors residing in the local, exempted village, or city school districts, containing territory proposed to be transferred.

If the proposed transfer be approved by a majority of the electors voting on the proposal, the state board, subject to the approval of the board of education of the district to which the territory would be transferred, shall make such transfer prior to the next succeeding July 1.

(B) If a study conducted in accordance with this section

involves a school district with less than four thousand dollars of 50400
assessed value for each pupil in the total student count 50401
determined under section 3317.03 of the Revised Code, the state 50402
board of education, with the approval of the educational service 50403
center governing board, and upon recommendation by the state 50404
superintendent of public instruction, may by resolution transfer 50405
all or any part of such a school district to any city, exempted 50406
village, or local school district which has more than twenty-five 50407
thousand pupils in average daily membership. Such resolution of 50408
transfer shall be adopted only after the board of education of the 50409
receiving school district has adopted a resolution approving the 50410
proposed transfer. For the purposes of this division, the assessed 50411
value shall be as certified in accordance with section 3317.021 of 50412
the Revised Code. 50413

(C) Upon the making of a transfer of an entire school 50414
district pursuant to this section, the indebtedness of the 50415
district transferred shall be assumed in full by the acquiring 50416
district and the funds of the district transferred shall be paid 50417
over in full to the acquiring district, ~~except that any~~ 50418
~~indebtedness of the transferred district incurred as a result of a~~ 50419
~~loan made under section 3317.64 of the Revised Code is hereby~~ 50420
~~anceled and shall not be assumed by the acquiring district.~~ 50421

(D) Upon the making of a transfer pursuant to this section, 50422
when only part of a district is transferred, the net indebtedness 50423
of each original district of which only a part is taken by the 50424
acquiring district shall be apportioned between the acquiring 50425
district and the original district in the ratio which the assessed 50426
valuation of the part taken by the acquiring district bears to the 50427
assessed valuation of the original district as of the effective 50428
date of the transfer. As used in this section "net indebtedness" 50429
means the difference between the par value of the outstanding and 50430
unpaid bonds and notes of the school district and the amount held 50431

in the sinking fund and other indebtedness retirement funds for 50432
their redemption. 50433

(E) Upon the making of a transfer pursuant to this section, 50434
when only part of a district is transferred, the funds of the 50435
district from which territory was transferred shall be divided 50436
equitably by the state board between the acquiring district and 50437
that part of the former district remaining after the transfer. 50438

(F) If an entire school district is transferred, the board of 50439
education of such district is thereby abolished. If part of a 50440
school district is transferred, any member of the board of 50441
education who is a legal resident of that part which is 50442
transferred shall thereby cease to be a member of that board. 50443

If an entire school district is transferred, foundation 50444
program moneys accruing to a district accepting school territory 50445
under the provisions of this section shall not be less, in any 50446
year during the next succeeding three years following the 50447
transfer, than the sum of the amounts received by the districts 50448
separately in the year in which the transfer became effective. 50449

Sec. 3311.78. Notwithstanding any provision of the Revised 50450
Code to the contrary, a municipal school district shall be subject 50451
to this section instead of sections 3317.13, 3317.14, and 3317.141 50452
of the Revised Code. 50453

(A) As used in this section, "principal" includes an 50454
assistant principal. 50455

(B) The board of education of each municipal school district 50456
annually shall adopt a differentiated salary schedule for teachers 50457
based upon performance as described in division (D) of this 50458
section. The board also annually shall adopt a differentiated 50459
salary schedule for principals based upon performance as described 50460
in division (D) of this section. 50461

For each teacher or principal hired on or after ~~the effective~~ 50462
~~date of this section~~ October 1, 2012, the board shall determine 50463
the teacher's or principal's initial placement on the applicable 50464
salary schedule based on years of experience and area of licensure 50465
and any other factors the board considers appropriate. For each 50466
teacher hired prior to ~~the effective date of this section~~ October 50467
1, 2012, the board shall initially place the teacher on the 50468
applicable salary schedule so that the teacher's annual salary on 50469
the schedule is comparable to the teacher's annual salary for the 50470
school year immediately prior to the school year covered by the 50471
schedule. For each principal hired prior to ~~the effective date of~~ 50472
~~this section~~ October 1, 2012, the board shall initially place the 50473
principal on the applicable salary schedule consistent with the 50474
principal's employment contract. 50475

(C) The salary of a teacher shall not be reduced unless such 50476
reduction is accomplished as part of a negotiated collective 50477
bargaining agreement. The salary of a principal shall not be 50478
reduced during the term of the principal's employment contract 50479
unless such reduction is by mutual agreement of the board and the 50480
principal or is part of a uniform plan affecting the entire 50481
district. 50482

(D) For purposes of the schedules, the board shall measure a 50483
teacher's or principal's performance by considering all of the 50484
following: 50485

(1) The level of license issued under section 3319.22 of the 50486
Revised Code that the teacher or principal holds; 50487

(2) Whether the teacher or principal is a highly qualified 50488
teacher, as defined in section 3319.074 of the Revised Code; 50489

(3) Ratings received by the teacher or principal on 50490
performance evaluations conducted under section 3311.80 or 3311.84 50491
of the Revised Code; 50492

(4) Any specialized training and experience in the assigned position. 50493
50494

(E) The salary schedules adopted under this section may 50495
provide for additional compensation for teachers or principals who 50496
perform duties, not contracted for under a supplemental contract, 50497
that the board determines warrant additional compensation. Those 50498
duties may include, but are not limited to, assignment to a school 50499
building eligible for funding under Title I of the "Elementary and 50500
Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.; 50501
assignment to a building in "school improvement" status under the 50502
"No Child Left Behind Act of 2001," as defined in section 3302.01 50503
of the Revised Code; teaching in a grade level or subject area in 50504
which the board has determined there is a shortage within the 50505
district; assignment to a hard-to-staff school, as determined by 50506
the board; or teaching in a school with an extended school day or 50507
school year. 50508

(F) The chief executive officer of the district, or the chief 50509
executive officer's designee, annually shall review the salary of 50510
each teacher and principal and make a recommendation to the board. 50511
Based on the recommendation, the board may increase a teacher's or 50512
principal's salary based on the teacher's or principal's 50513
performance and duties as provided for in divisions (D) and (E) of 50514
this section. The performance-based increase for a teacher or 50515
principal rated as accomplished shall be greater than the 50516
performance-based increase for a teacher or principal rated as 50517
~~proficient~~ skilled. Notwithstanding division (C) of this section, 50518
division (C) of section 3319.02, and section 3319.12 of the 50519
Revised Code, the board may decrease the teacher's or principal's 50520
salary if the teacher or principal will perform fewer or different 50521
duties described in division (E) of this section in the school 50522
year for which the salary is decreased. 50523

(G) Notwithstanding any provision to the contrary in Chapter 50524

4117. of the Revised Code, the requirements of this section 50525
prevail over any conflicting provisions of a collective bargaining 50526
agreement entered into on or after ~~the effective date of this~~ 50527
~~section~~ October 1, 2012. However, the board and the teachers' 50528
labor organization shall negotiate the implementation of the 50529
differentiated salary schedule for teachers and may negotiate 50530
additional factors regarding teacher salaries, provided those 50531
factors are consistent with this section. 50532

Sec. 3311.83. Notwithstanding any provision of the Revised 50533
Code to the contrary, and except as otherwise specified in 50534
division (E) of this section, a municipal school district shall be 50535
subject to this section instead of section 3319.17 of the Revised 50536
Code with respect to suspension of teacher contracts, but sections 50537
3311.72, 3319.17, and 3319.171 of the Revised Code shall apply to 50538
the district with respect to suspension of contracts of other 50539
district employees who may be licensed by the state board of 50540
education. 50541

(A) When, for any of the following reasons that apply to a 50542
municipal school district, the district board of education decides 50543
that it will be necessary to reduce the number of teachers it 50544
employs, it may make a reasonable reduction: 50545

(1) Return to duty of regular teachers after leaves of 50546
absence, including leaves of absence provided pursuant to section 50547
3319.13 or 3319.14 of the Revised Code; 50548

(2) Decreased enrollment of students in the district; 50549

(3) Academic reasons resulting in consolidation of teaching 50550
positions, duties, or functions or resulting in changes in 50551
educational programs; 50552

(4) Financial reasons; 50553

(5) Territorial changes affecting the district. 50554

(B) In making any such reduction, the board shall proceed to suspend contracts in accordance with the recommendation of the district's chief executive officer and divisions (B)(1) and (2) and (E) of this section.

(1) Each teacher affected by the reduction, based on area of licensure, shall be placed in one of the following categories:

(a) Category 1A, which shall contain all teachers on limited or extended limited contracts with a composite evaluation rating of ineffective;

(b) Category 1B, which shall contain all teachers on continuing contracts with a composite evaluation rating of ineffective;

(c) Category 2A, which shall contain all teachers on limited or extended limited contracts with a composite evaluation rating of developing;

(d) Category 2B, which shall contain all teachers on continuing contracts with a composite evaluation rating of developing;

(e) Category 3A, which shall contain all teachers on limited or extended limited contracts with a composite evaluation rating of ~~proficient~~ skilled;

(f) Category 3B, which shall contain all teachers on continuing contracts with a composite evaluation rating of ~~proficient~~ skilled;

(g) Category 4A, which shall contain all teachers on limited or extended limited contracts with a composite evaluation rating of accomplished;

(h) Category 4B, which shall contain all teachers on continuing contracts with a composite evaluation rating of accomplished.

(2) Consistent with division (E) of this section, reductions 50585
in the affected area of licensure shall be made starting with 50586
teachers in category 1A and shall proceed sequentially through 50587
teachers in category 4B, until all necessary reductions have 50588
occurred. 50589

(3) The evaluation ratings specified in division (B)(1) of 50590
this section refer to composite evaluation ratings assigned to a 50591
teacher in accordance with the evaluation procedures adopted under 50592
section 3311.80 of the Revised Code. 50593

(C) On a case-by-case basis, in lieu of suspending a contract 50594
in whole, the board may suspend a contract in part, so that an 50595
individual is required to work a percentage of the time the 50596
employee otherwise is required to work under the contract and 50597
receives a commensurate percentage of the full compensation the 50598
employee otherwise would receive under the contract. 50599

(D) The teachers whose contracts are suspended by the board 50600
pursuant to this section shall have the right of restoration by 50601
the board if and when teaching positions become vacant or are 50602
created, for which the teachers are or become qualified within 50603
three years after the date of the suspension of contract. 50604
Consistent with division (E) of this section, the board shall 50605
rehire teachers in the affected area of licensure starting with 50606
teachers in category 4B and shall proceed sequentially through 50607
teachers in category 1A, until all vacant positions have been 50608
filled. No teacher whose contract has been suspended pursuant to 50609
this section shall lose the right of restoration by reason of 50610
having declined recall to a position that is less than full-time 50611
or, if the teacher was not employed full-time just prior to 50612
suspension of the teacher's continuing contract, to a position 50613
requiring a lesser percentage of full-time employment than the 50614
position the teacher last held while employed in the district. 50615

(E)(1) Notwithstanding any provision to the contrary in 50616

Chapter 4117. of the Revised Code, the requirements of this 50617
section prevail over any conflicting provisions of a collective 50618
bargaining agreement entered into on or after ~~the effective date~~ 50619
~~of this section~~ October 1, 2012. However, the board and the 50620
teachers' labor organization shall negotiate how specialized 50621
training and experience will be factored into reduction in force 50622
and recall decisions regardless of the categories prescribed by 50623
division (B) of this section. In addition, the board and the 50624
teachers' labor organization may negotiate additional factors to 50625
be considered in determining the order of reductions, which 50626
factors shall not be inconsistent with division (B) of this 50627
section. 50628

(2) After applying specialized training and experience and 50629
any other negotiated factors, teachers within the same category 50630
prescribed by division (B) of this section shall be given 50631
preference based on seniority. 50632

Sec. 3311.86. (A) As used in this section: 50633

(1) "Alliance" means a municipal school district 50634
transformation alliance established as a nonprofit corporation. 50635

(2) "Alliance municipal school district" means a municipal 50636
school district for which an alliance has been created under this 50637
section. 50638

(3) "Partnering community school" means a community school 50639
established under Chapter 3314. of the Revised Code that is 50640
located within the territory of a municipal school district and 50641
that either is sponsored by the district or is a party to an 50642
agreement with the district whereby the district and the community 50643
school endorse each other's programs. 50644

(4) "Transformation alliance education plan" means a plan 50645
prepared by the mayor, and confirmed by the alliance, to transform 50646

public education in the alliance municipal school district to a 50647
system of municipal school district schools and partnering 50648
community schools that will be held to the highest standards of 50649
school performance and student achievement. 50650

(B) If one or more partnering community schools are located 50651
in a municipal school district, the mayor may initiate proceedings 50652
to establish a municipal school district transformation alliance 50653
as a nonprofit corporation under Chapter 1702. of the Revised 50654
Code. The mayor shall have sole authority to appoint the directors 50655
of any alliance created under this section. The directors of the 50656
alliance shall include representatives of all of the following: 50657

(1) The municipal school district; 50658

(2) Partnering community schools; 50659

(3) Members of the community at large, including parents and 50660
educators; 50661

(4) The business community, including business leaders and 50662
foundation leaders. 50663

No one group listed in divisions (B)(1) to (4) of this 50664
section shall comprise a majority of the directors. The mayor 50665
shall be an ex officio director, and serve as the chairperson of 50666
the board of directors, of any alliance created under this 50667
section. If the proceedings are initiated, the mayor shall 50668
identify the directors in the articles of incorporation filed 50669
under section 1702.04 of the Revised Code. 50670

(C)(1) A majority of the members of the board of directors of 50671
the alliance shall constitute a quorum of the board. Any formal 50672
action taken by the board of directors shall take place at a 50673
meeting of the board and shall require the concurrence of a 50674
majority of the members of the board. Meetings of the board of 50675
directors shall be public meetings open to the public at all 50676
times, except that the board and its committees and subcommittees 50677

may hold an executive session, as if it were a public body with public employees, for any of the purposes for which an executive session of a public body is permitted under division (G) of section 121.22 of the Revised Code, notwithstanding that the alliance is not a public body as defined in that section, and its employees are not public employees as provided in division (F) of this section. The board of directors shall establish reasonable methods whereby any person may determine the time and place of all of the board's public meetings and by which any person, upon request, may obtain reasonable advance notification of the board's public meetings. Provisions for that advance notification may include, but are not limited to, mailing notices to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.

(2) All records of the alliance shall be organized and maintained by the alliance and also filed with the department of education. The alliance and the department shall make those records available to the public as though those records were public records for purposes of Chapter 149. of the Revised Code. The department shall promptly notify the alliance upon the department's receipt of any requests for records relating to the alliance pursuant to section 149.43 of the Revised Code.

(3) The board of directors of the alliance shall establish a conflicts of interest policy and shall adopt that policy, and any amendments to the policy, at a meeting of the board held in accordance with this section.

(D) If an alliance is created under this section, the alliance shall do all of the following:

(1) Report annually on the performance of all municipal school district schools and all community schools established under Chapter 3314. of the Revised Code and located in the district, using the criteria adopted under division (B) of section

3311.87 of the Revised Code; 50710

(2) Confirm and monitor implementation of the transformation 50711
alliance education plan; 50712

(3) Suggest national education models for and provide input 50713
in the development of new municipal school district schools and 50714
partnering community schools. 50715

(E) Divisions (E)(1) to (3) of this section apply to each 50716
community school sponsor that is subject to approval by the 50717
department of education under section 3314.015 of the Revised Code 50718
whose approval under that section is granted or renewed on or 50719
after ~~the effective date of this section~~ October 1, 2012. 50720
Divisions (E)(1) to (3) of this section do not apply to a sponsor 50721
that has been approved by the department prior to that date, until 50722
the sponsor's approval is renewed or granted anew on or after that 50723
date. 50724

(1) Before a sponsor to which this section applies may 50725
sponsor new community schools in an alliance municipal school 50726
district, the sponsor shall request recommendation from the 50727
alliance to sponsor community schools in the district. 50728

(2) The alliance shall review the sponsor's application and 50729
shall make a recommendation based on the standards for sponsors 50730
developed under division (A)(2) of section 3311.87 of the Revised 50731
Code. 50732

(3) The department shall use the standards developed under 50733
division (A)(2) of section 3311.87 of the Revised Code, in 50734
addition to any other requirements of the Revised Code, to review 50735
a sponsor's request and make a final determination, on 50736
recommendation of the alliance, of whether the sponsor may sponsor 50737
new community schools in the alliance municipal school district. 50738

No sponsor shall be required to receive authorization to 50739
sponsor new community schools under division (E)(3) of this 50740

section more than one time. 50741

(F) Directors, officers, and employees of an alliance are not 50742
public employees or public officials, are not subject to Chapters 50743
124., 145., and 4117. of the Revised Code, and are not "public 50744
officials" or "public servants" as defined in section 2921.01 of 50745
the Revised Code. Membership on the board of directors of an 50746
alliance does not constitute the holding of an incompatible public 50747
office or employment in violation of any statutory or common law 50748
prohibition against the simultaneous holding of more than one 50749
public office or employment. Members of the board of directors of 50750
an alliance are not disqualified from holding any public office by 50751
reason of that membership, and do not forfeit by reason of that 50752
membership the public office or employment held when appointed to 50753
the board, notwithstanding any contrary disqualification or 50754
forfeiture requirement under the Revised Code or the common law of 50755
this state. 50756

(G) The authority to establish an alliance under this section 50757
expires on January 1, 2018. Any alliance established under this 50758
section is terminated, and any related authority granted to the 50759
alliance under this section expires on that date. 50760

Sec. 3312.08. Each fiscal agent selected by the department of 50761
education pursuant to section 3312.07 of the Revised Code shall do 50762
all of the following: 50763

(A) Enter into performance contracts with the department in 50764
accordance with section 3312.09 of the Revised Code for the 50765
implementation of state and regional education initiatives and 50766
school improvement efforts; 50767

(B) Receive federal and state funds, including federal funds 50768
for the provision of special education and related services, as 50769
specified in the performance contracts, and disburse those funds 50770
as specified in the performance contracts to educational service 50771

centers, information technology centers, and other regional 50772
service providers. However, any funds owed to an educational 50773
service center in accordance with an agreement entered into under 50774
section ~~3317.11~~ 3313.843, 3313.844, or 3313.845 of the Revised 50775
Code shall be paid directly to the service center by the 50776
department ~~in accordance with that section~~ and any operating funds 50777
appropriated for an information technology center shall be paid 50778
directly to the information technology center by the department 50779
pursuant to section 3301.075 of the Revised Code. 50780

(C) Implement any expenditure of funds recommended by the 50781
advisory council for the region pursuant to section 3312.04 of the 50782
Revised Code or required by the terms of any performance contract, 50783
unless there are insufficient funds available to the region to pay 50784
for the expenditure or the expenditure violates a provision of the 50785
Revised Code, a rule of the state board of education regarding 50786
such expenditure, or the terms of a performance contract; 50787

(D) Exercise fiscal oversight of the implementation of state 50788
and regional education initiatives and school improvement efforts. 50789

Sec. 3313.372. (A) As used in this section, "energy 50790
conservation measure" means an installation or modification of an 50791
installation in, or remodeling of, a building, to reduce energy 50792
consumption. It includes: 50793

(1) Insulation of the building structure and systems within 50794
the building; 50795

(2) Storm windows and doors, multiglazed windows and doors, 50796
heat absorbing or heat reflective glazed and coated window and 50797
door systems, additional glazing, reductions in glass area, and 50798
other window and door system modifications that reduce energy 50799
consumption; 50800

(3) Automatic energy control systems; 50801

(4) Heating, ventilating, or air conditioning system	50802
modifications or replacements;	50803
(5) Caulking and weatherstripping;	50804
(6) Replacement or modification of lighting fixtures to	50805
increase the energy efficiency of the system without increasing	50806
the overall illumination of a facility, unless such increase in	50807
illumination is necessary to conform to the applicable state or	50808
local building code for the proposed lighting system;	50809
(7) Energy recovery systems;	50810
(8) Cogeneration systems that produce steam or forms of	50811
energy such as heat, as well as electricity, for use primarily	50812
within a building or complex of buildings;	50813
(9) Any other modification, installation, or remodeling	50814
approved by the Ohio school facilities commission as an energy	50815
conservation measure.	50816
(B) A board of education of a city, exempted village, local,	50817
or joint vocational school district may enter into an installment	50818
payment contract for the purchase and installation of energy	50819
conservation measures. The provisions of such installment payment	50820
contracts dealing with interest charges and financing terms shall	50821
not be subject to the competitive bidding requirements of section	50822
3313.46 of the Revised Code, and shall be on the following terms:	50823
(1) Not less than one-fifteenth of the costs thereof shall be	50824
paid within two years from the date of purchase.	50825
(2) The remaining balance of the costs thereof shall be paid	50826
within fifteen years from the date of purchase.	50827
<u>The provisions of any installment payment contract entered</u>	50828
<u>into pursuant to this section shall provide that all payments,</u>	50829
<u>except payments for repairs and obligations on termination of the</u>	50830
<u>contract prior to its expiration, be stated as a percentage of</u>	50831

calculated energy, water, or waste water cost savings, avoided 50832
operating costs, and avoided capital costs attributable to the one 50833
or more measures over a defined period of time. Those payments 50834
shall be made only to the extent that the savings described in 50835
this division actually occur. The contractor shall warrant and 50836
guarantee that the energy conservation measures shall realize 50837
guaranteed savings and shall be responsible to pay an amount equal 50838
to any savings shortfall. 50839

An installment payment contract entered into by a board of 50840
education under this section shall require the board to contract 50841
in accordance with division (A) of section 3313.46 of the Revised 50842
Code for the installation, modification, or remodeling of energy 50843
conservation measures unless division (A) of section 3313.46 of 50844
the Revised Code does not apply pursuant to division (B)(3) of 50845
that section. 50846

(C) The board may issue the notes of the school district 50847
signed by the president and the treasurer of the board and 50848
specifying the terms of the purchase and securing the deferred 50849
payments provided in this section, payable at the times provided 50850
and bearing interest at a rate not exceeding the rate determined 50851
as provided in section 9.95 of the Revised Code. The notes may 50852
contain an option for prepayment and shall not be subject to 50853
Chapter 133. of the Revised Code. In the resolution authorizing 50854
the notes, the board may provide, without the vote of the electors 50855
of the district, for annually levying and collecting taxes in 50856
amounts sufficient to pay the interest on and retire the notes, 50857
except that the total net indebtedness of the district without a 50858
vote of the electors incurred under this and all other sections of 50859
the Revised Code, except section 3318.052 of the Revised Code, 50860
shall not exceed one per cent of the district's tax valuation. 50861
Revenues derived from local taxes or otherwise, for the purpose of 50862
conserving energy or for defraying the current operating expenses 50863

of the district, may be applied to the payment of interest and the 50864
retirement of such notes. The notes may be sold at private sale or 50865
given to the contractor under the installment payment contract 50866
authorized by division (B) of this section. 50867

(D) Debt incurred under this section shall not be included in 50868
the calculation of the net indebtedness of a school district under 50869
section 133.06 of the Revised Code. 50870

(E) No school district board shall enter into an installment 50871
payment contract under division (B) of this section unless it 50872
first obtains a report of the costs of the energy conservation 50873
measures and the savings thereof as described under division (G) 50874
of section 133.06 of the Revised Code as a requirement for issuing 50875
energy securities, makes a finding that the amount spent on such 50876
measures is not likely to exceed the amount of money it would save 50877
in energy costs and resultant operational and maintenance costs as 50878
described in that division, except that that finding shall cover 50879
the ensuing fifteen years, and the Ohio school facilities 50880
commission determines that the district board's findings are 50881
reasonable and approves the contract as described in that 50882
division. 50883

The district board shall monitor the savings and maintain a 50884
report of those savings, which shall be submitted to the 50885
commission in the same manner as required by division (G) of 50886
section 133.06 of the Revised Code in the case of energy 50887
securities. 50888

Sec. 3313.376. As used in this section, "client school 50889
district" ~~has the same meaning as in section 3317.11 of the~~ 50890
~~Revised Code means a city, exempted village, or local school~~ 50891
district that has entered into an agreement under section 3313.843 50892
or 3313.845 of the Revised Code to receive any services from an 50893
educational service center. 50894

For the purpose of obtaining quantity discounts in purchasing 50895
textbooks; computer equipment, including computer software; school 50896
buses; and natural gas, electricity, and other utility services, 50897
the governing boards of two or more educational service centers 50898
may enter into agreements, including installment purchase and 50899
lease-purchase contracts, to jointly purchase such commodities to 50900
be utilized by client school districts of the educational service 50901
centers. 50902

Sec. 3313.48. (A) The board of education of each city, 50903
exempted village, local, and joint vocational school district 50904
shall provide for the free education of the youth of school age 50905
within the district under its jurisdiction, at such places as will 50906
be most convenient for the attendance of the largest number 50907
thereof. ~~Except as provided in section 3313.481 of the Revised~~ 50908
~~Code, each~~ Each school so provided and each chartered nonpublic 50909
school shall be open for instruction with pupils in attendance, 50910
including scheduled classes, supervised activities, and approved 50911
education options but excluding lunch and breakfast periods and 50912
extracurricular activities, for not less than ~~one hundred~~ 50913
~~eighty two days~~ four hundred fifty-five hours in the case of 50914
pupils in kindergarten unless such pupils are provided all-day 50915
kindergarten, as defined in section 3321.05 of the Revised Code, 50916
in which case the pupils shall be in attendance for nine hundred 50917
ten hours; nine hundred ten hours in the case of pupils in grades 50918
one through six; and one thousand one hours in the case of pupils 50919
in grades seven through twelve in each school year, which may 50920
include all of the following: 50921

~~(A)(1) Up to four~~ the equivalent of two school days per year 50922
~~in which classes are dismissed one half day early or the~~ 50923
~~equivalent amount of time during a different number of days during~~ 50924
~~which pupils would otherwise be in attendance but are not required~~ 50925
to attend for the purpose of individualized parent-teacher 50926

conferences and reporting periods; 50927

~~(B)(2) Up to the equivalent of two school days per year 50928~~
~~during which pupils would otherwise be in attendance but are not 50929~~
~~required to attend for professional meetings of teachers when such 50930~~
~~days occur during a regular school week and schools are not in 50931~~
~~session; 50932~~

~~(C) The number of days the school is closed as a result of 50933~~
~~public calamity, as provided in section 3317.01 of the Revised 50934~~
~~Code (3) Morning and afternoon recess periods of not more than 50935~~
~~fifteen minutes duration per period for pupils in grades 50936~~
~~kindergarten through six. 50937~~

~~The state board of education shall adopt standards for 50938~~
~~defining "school day" as used in sections 3313.48 and 3317.01 of 50939~~
~~the Revised Code. 50940~~

~~Except as otherwise provided in this section, each day for 50941~~
~~grades seven through twelve shall consist of not less than five 50942~~
~~clock hours with pupils in attendance, except in such emergency 50943~~
~~situations, including lack of classroom space, as are approved by 50944~~
~~the state board of education. Except as otherwise provided in this 50945~~
~~section, each day for grades one through six shall consist of not 50946~~
~~less than five clock hours with pupils in attendance which may 50947~~
~~include fifteen minute morning and afternoon recess periods, 50948~~
~~except in such emergency situations, including lack of classroom 50949~~
~~space, as are approved by the state board of education. 50950~~

~~(B) Not later than thirty days prior to adopting a school 50951~~
~~calendar, the board of education of each city, exempted village, 50952~~
~~and local school district shall hold a public hearing on the 50953~~
~~school calendar, addressing topics that include, but are not 50954~~
~~limited to, the total number of hours in a school year, length of 50955~~
~~school day, and beginning and end dates of instruction. 50956~~

~~(C) No school operated by a city, exempted village, local, or 50957~~

joint vocational school district shall reduce the number of hours 50958
in each school year that the school is scheduled to be open for 50959
instruction from the number of hours per year the school was open 50960
for instruction during the previous school year unless the 50961
reduction is approved by a resolution adopted by the district 50962
board of education. Any reduction so approved shall not result in 50963
fewer hours of instruction per school year than the applicable 50964
number of hours required under division (A) of this section. 50965

(D) Prior to making any change in the hours or days in which 50966
a high school under its jurisdiction is open for instruction, the 50967
board of education of each city, exempted village, and local 50968
school district shall consider the compatibility of the proposed 50969
change with the scheduling needs of any joint vocational school 50970
district in which any of the high school's students are also 50971
enrolled. The board shall consider the impact of the proposed 50972
change on student access to the instructional programs offered by 50973
the joint vocational school district, incentives for students to 50974
participate in career-technical education, transportation, and the 50975
timing of graduation. The board shall provide the joint vocational 50976
school district board with advance notice of the proposed change 50977
and the two boards shall enter into a written agreement 50978
prescribing reasonable accommodations to meet the scheduling needs 50979
of the joint vocational school district prior to implementation of 50980
the change. 50981

(E) Prior to making any change in the hours or days in which 50982
a school under its jurisdiction is open for instruction, the board 50983
of education of each city, exempted village, and local school 50984
district shall consider the compatibility of the proposed change 50985
with the scheduling needs of any community school established 50986
under Chapter 3314. of the Revised Code to which the district is 50987
required to transport students under sections 3314.09 and 3327.01 50988
of the Revised Code. The board shall consider the impact of the 50989

proposed change on student access to the instructional programs 50990
offered by the community school, transportation, and the timing of 50991
graduation. The board shall provide the sponsor, governing 50992
authority, and operator of the community school with advance 50993
notice of the proposed change, and the board and the governing 50994
authority, or operator if such authority is delegated to the 50995
operator, shall enter into a written agreement prescribing 50996
reasonable accommodations to meet the scheduling needs of the 50997
community school prior to implementation of the change. 50998

(F) Prior to making any change in the hours or days in which 50999
the schools under its jurisdiction are open for instruction, the 51000
board of education of each city, exempted village, and local 51001
school district shall consult with the chartered nonpublic schools 51002
to which the district is required to transport students under 51003
section 3327.01 of the Revised Code and shall consider the effect 51004
of the proposed change on the schedule for transportation of those 51005
students to their nonpublic schools. The governing authority of a 51006
chartered nonpublic school shall consult with each school district 51007
board of education that transports students to the chartered 51008
nonpublic school under section 3327.01 of the Revised Code prior 51009
to making any change in the hours or days in which the nonpublic 51010
school is open for instruction. 51011

(G) The state board of education shall not adopt or enforce 51012
any rule or standard that imposes on chartered nonpublic schools 51013
the procedural requirements imposed on school districts by 51014
divisions (B), (C), (D), and (E) of this section. 51015

Sec. 3313.481. Wherever in Title XXXIII of the Revised Code 51016
the term "school day" is used, unless otherwise specified, that 51017
term shall be construed to mean the time during a calendar day 51018
that a school is open for instruction pursuant to the schedule 51019
adopted by the board of education of the school district or the 51020

governing authority of the chartered nonpublic school in 51021
accordance with section 3313.48 of the Revised Code. 51022

Sec. 3313.483. (A) A board of education, upon the adoption of 51023
a resolution stating that it may be financially unable to open on 51024
the day or to remain open for instruction on all days set forth in 51025
its adopted school calendar and pay all obligated expenses, or the 51026
superintendent of public instruction upon the issuance of written 51027
notification under division (B) of section 3313.489 of the Revised 51028
Code, shall request the auditor of state to determine whether such 51029
situation exists. The auditor shall deliver a copy of each request 51030
from a board of education to the superintendent of public 51031
instruction. In the case of a school district not under a fiscal 51032
emergency pursuant to Chapter 3316. of the Revised Code the 51033
auditor shall not issue a finding under this section until written 51034
notification is received from the superintendent pursuant to 51035
section 3313.487 of the Revised Code. 51036

(B) If the auditor of state finds that the board of education 51037
has attempted to avail itself to the fullest extent authorized by 51038
law of all lawful revenue sources available to it except those 51039
authorized by section 5705.21 of the Revised Code, the auditor 51040
shall certify that finding to the superintendent of public 51041
instruction and the state board of education and shall certify the 51042
operating deficit the district will have at the end of the fiscal 51043
year if it commences or continues operating its instructional 51044
program in accordance with its adopted school calendar and pays 51045
all obligated expenses. 51046

(C) No board of education may delay the opening of its 51047
schools or close its schools for financial reasons. Upon the 51048
request of the superintendent of public instruction, the attorney 51049
general shall seek injunctive relief and any other relief required 51050
to enforce this prohibition in the court of common pleas of 51051

Franklin county. The court of common pleas of Franklin county has 51052
exclusive original jurisdiction over all such actions. 51053

(D) Upon the receipt of any certification of an operating 51054
deficit from the auditor of state, a board of education shall make 51055
application to a commercial bank, underwriter, or other 51056
prospective lender or purchaser of its obligations for a loan in 51057
an amount sufficient to enable the district to open or remain open 51058
for instruction on all days set forth in its adopted school 51059
calendar but not to exceed the amount of the deficit certified. 51060

(E)(1) Any board of education that has applied for and been 51061
denied a loan from a commercial bank, underwriter, or other 51062
prospective lender or purchaser of its obligations pursuant to 51063
division (D) of this section shall submit to the superintendent of 51064
public instruction a plan for implementing reductions in the 51065
school district's budget; apply for a loan from a commercial bank, 51066
underwriter, or other prospective lender or purchaser of its 51067
obligations in an amount not to exceed its certified deficit; and 51068
provide the superintendent such information as the superintendent 51069
requires concerning its application for such a loan. The board of 51070
education of a school district declared to be under a fiscal watch 51071
pursuant to division (A) of section 3316.03 of the Revised Code 51072
may, upon approval of the superintendent, utilize the financial 51073
plan required by section 3316.04 of the Revised Code, or 51074
applicable parts thereof, as the plan required under this 51075
division. The board of education of a school district declared to 51076
be under a fiscal emergency pursuant to division (B) of section 51077
3316.03 of the Revised Code may utilize the financial recovery 51078
plan for the district, or applicable parts thereof, as the plan 51079
required under this division. Except for the plan of a school 51080
district under a fiscal emergency, the superintendent shall 51081
evaluate, make recommendations concerning, and approve or 51082
disapprove each plan. When a plan is submitted, the superintendent 51083

shall immediately notify the members of the general assembly whose legislative districts include any or all of the territory of the school district submitting the plan.

(2) The superintendent shall submit to the controlling board a copy of each plan the superintendent approves, or each plan submitted by a district under a fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code, and the general terms of each proposed loan, and shall make recommendations regarding the plan and whether a proposed loan to the board of education should be approved for payment as provided in division (E)(3) of this section. The controlling board shall approve or disapprove the plan and the proposed loan presented to it by the superintendent. In the case of a district not under a fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code, the controlling board may require a board of education to implement the superintendent's recommendations for expenditure reductions or impose other requirements. Loan repayments shall be in accordance with a schedule approved by the superintendent, except that the principal amount of the loan shall be payable in monthly, semiannual, or annual installments of principal and interest that are substantially equal principal and interest installments. Except as otherwise provided in division (E)(2) of this section, repayment shall be made no later than the fifteenth day of June of the second fiscal year following the approval of the loan. A school district with a certified deficit in excess of either twenty-five million dollars or fifteen per cent of the general fund expenditures of the district during the fiscal year shall repay the loan no later than the fifteenth day of June of the tenth fiscal year following the approval of the loan. In deciding whether to approve or disapprove a proposed loan, the controlling board shall consider the deficit certified by the auditor of state pursuant to this section. A board of education that has an outstanding loan approved pursuant to this

section with a repayment date of more than two fiscal years after 51117
the date of approval of such loan may not apply for another loan 51118
with such a repayment date until the outstanding loan has been 51119
repaid. 51120

(3) If a board of education has submitted and received 51121
controlling board approval of a plan and proposed loan in 51122
accordance with this section, the superintendent of public 51123
instruction shall report to the controlling board the actual 51124
amounts loaned to the board of education. Such board of education 51125
shall request the superintendent to pay any funds the board of 51126
education would otherwise receive pursuant to Chapter 3306. of the 51127
Revised Code first directly to the holders of the board of 51128
education's notes, or an agent thereof, such amounts as are 51129
specified under the terms of the loan. Such payments shall be made 51130
only from and to the extent of money appropriated by the general 51131
assembly for purposes of such sections. No note or other 51132
obligation of the board of education under the loan constitutes an 51133
obligation nor a debt or a pledge of the faith, credit, or taxing 51134
power of the state, and the holder or owner of such note or 51135
obligation has no right to have taxes levied by the general 51136
assembly for the payment of such note or obligation, and such note 51137
or obligation shall contain a statement to that effect. 51138

(4) Pursuant to the terms of such a loan, a board of 51139
education may issue its notes in anticipation of the collection of 51140
its voted levies for current expenses or its receipt of such state 51141
funds or both. Such notes shall be issued in accordance with 51142
division (E) of section 133.10 of the Revised Code and constitute 51143
Chapter 133. securities to the extent such division and the 51144
otherwise applicable provisions of Chapter 133. of the Revised 51145
Code are not inconsistent with this section, provided that in any 51146
event sections 133.24 and 5705.21 and divisions (A), (B), (C), and 51147
(E)(2) of section 133.10 of the Revised Code do not apply to such 51148

notes. 51149

(5) Notwithstanding section 133.36 or 3313.17, any other 51150
section of the Revised Code, or any other provision of law, a 51151
board of education that has received a loan under this section may 51152
not declare bankruptcy, so long as any portion of such loan 51153
remains unpaid. 51154

(F) Under this section and ~~sections~~ section 3313.4810 ~~and~~ 51155
~~3313.4811~~, "board of education" or "district board" includes the 51156
financial planning and supervision commission of a school district 51157
under a fiscal emergency pursuant to Chapter 3316. of the Revised 51158
Code where such commission chooses to exercise the powers and 51159
duties otherwise required of the district board of education under 51160
this section and ~~sections~~ section 3313.4810 ~~and 3313.4811~~ of the 51161
Revised Code. 51162

Sec. 3313.484. No loan shall be approved under sections 51163
3313.483 to ~~3313.4811~~ 3313.4810 of the Revised Code after March 1, 51164
1998. 51165

By the last day of June each year, the department of 51166
education shall calculate and pay a subsidy to every school 51167
district that during the current fiscal year paid and was 51168
obligated to pay interest on a loan under sections 3313.483 to 51169
~~3313.4811~~ 3313.4810 of the Revised Code in excess of two per cent 51170
simple interest. The amount of the subsidy shall equal the 51171
difference between the amount of interest the district paid and 51172
was obligated to pay during the year and the interest that the 51173
district would have been obligated to pay if the interest rate on 51174
the loan had been two per cent per year. 51175

Sec. 3313.488. (A) Within fifteen days ~~of~~ after the date a 51176
~~board of education requests that its school district be made~~ 51177
~~subject to this section as authorized by section 3317.62 of the~~ 51178

~~Revised Code,~~ or the state board of education ~~has issued~~ issues an 51179
order under section 3313.487 of the Revised Code making a school 51180
district subject to this section, the district's board of 51181
education shall prepare a fiscal statement of expenses and 51182
expenditures for the remainder of the current fiscal year. The 51183
fiscal statement shall be submitted to the superintendent of 51184
public instruction and shall set forth all revenues to be received 51185
by the district during the remainder of the fiscal year and their 51186
sources, the expenses to be incurred by the district during the 51187
remainder of the fiscal year, the outstanding and unpaid expenses 51188
at the time the fiscal statement is prepared and the date or dates 51189
by which such expenses must be paid, and such other information as 51190
the superintendent requires to enable the superintendent to ensure 51191
that during the remainder of the fiscal year, the district will 51192
not incur any expenses that will further impair its ability to 51193
operate an instructional program that meets or exceeds the minimum 51194
standards of the state board of education and requirements of the 51195
Revised Code during the current and ensuing fiscal years with the 51196
revenue available to it from existing revenue sources. The fiscal 51197
statement shall be presented in such detail and form as the 51198
superintendent prescribes. Beginning the tenth day after the 51199
fiscal statement is submitted and for the remainder of the fiscal 51200
year, the board shall not make any expenditure of money, make any 51201
employment, purchase, or rental contract, give any order involving 51202
the expenditure of money, or increase any wage or salary schedule 51203
unless the superintendent of public instruction has approved the 51204
fiscal statement in writing and the expenditure, contract, order, 51205
or schedule has been approved in writing by the superintendent as 51206
being in conformity with the fiscal statement. 51207

Any contract or expenditure made, order given, or schedule 51208
adopted or put into effect without the written approval of the 51209
superintendent of public instruction is void, and no warrant shall 51210
be issued in payment of any amount due thereon. 51211

(B) A board of education subject to division (A) of this section shall prepare a fiscal statement of expenses and expenditures for the ensuing fiscal year. The fiscal statement shall be submitted to the superintendent of public instruction and shall set forth all revenues to be received by the district during such year and their source, the expenses to be incurred by the district during such year, the outstanding and unpaid expenses on the first day of such fiscal year, the date or dates by which such expenses must be paid, and such other information as the superintendent requires to enable the superintendent to ensure that during such year, the district will not incur any expenses that will further impair its ability to operate an instructional program that meets or exceeds the minimum standards of the state board of education and requirements of the Revised Code during such year with the revenue available to it from existing revenue sources. The fiscal statement shall be presented at the time and in such detail and form as the superintendent prescribes. During the fiscal year following the year in which a board of education first becomes subject to division (A) of this section it shall not make any expenditure of money, make any employment, purchase, or rental contract, give any order involving the expenditure of money, or increase any wage or salary schedule unless the superintendent of public instruction has approved the fiscal statement submitted under this division in writing and has approved the expenditure, contract, order, or schedule in writing as being in conformity with the fiscal statement.

Any contract or expenditure made, order given, or schedule adopted or put into effect without the written approval of the superintendent of public instruction is void, and no warrant shall be issued in payment of any amount due thereon.

(C) The state board of education shall examine any fiscal statement presented to and approved by the superintendent of

public instruction under division (B) of this section and shall 51244
determine whether the data set forth in the fiscal statement are 51245
factual and based upon assumptions that in its judgment are 51246
reasonable expectations consistent with acceptable governmental 51247
budget and accounting practices. If the state board so determines 51248
and finds that the revenues and expenditures in the fiscal 51249
statement are in balance for the fiscal year and the fiscal 51250
statement will enable the district to operate during such year 51251
without interrupting its school calendar, it shall certify its 51252
determination and finding to the district at least thirty days 51253
prior to the beginning of the fiscal year, and the district shall 51254
thereupon cease to be subject to this section. If the state board 51255
does not make such a determination and finding, the board of 51256
education and school district are subject to this division and 51257
division (B) of this section in the ensuing fiscal year and each 51258
fiscal year thereafter until the state board makes a 51259
determination, finding, and certification under this division. 51260

(D) Any officer, employee, or other person who knowingly 51261
expends or authorizes the expenditure of any public funds or 51262
knowingly authorizes or executes any contract, order, or schedule 51263
contrary to division (A) or (B) of this section or who knowingly 51264
expends or authorizes the expenditure of any public funds on any 51265
such void contract, order, or schedule is jointly and severally 51266
liable in person and upon any official bond that the officer, 51267
employee, or other person has given to such school district to the 51268
extent of any payments on the void claim, not to exceed twenty 51269
thousand dollars. The attorney general at the written request of 51270
the superintendent of public instruction shall enforce this 51271
liability by civil action brought in any court of appropriate 51272
jurisdiction in the name of and on behalf of the school district. 51273

(E) During each month that a board of education is subject to 51274
division (A), (B), or (C) of this section, the superintendent of 51275

public instruction shall submit a report to the speaker of the 51276
house of representatives and the president of the senate on the 51277
financial condition of the school district. The report shall 51278
contain the date by which the superintendent anticipates the 51279
district will cease to be subject to such divisions, the 51280
district's plans for becoming exempt from such section, and such 51281
other information the superintendent determines appropriate or the 51282
speaker of the house of representatives or president of the senate 51283
requests. 51284

In addition to the other reports required under this 51285
division, on the thirty-first day of each school district fiscal 51286
year following a fiscal year in which a school district first 51287
becomes subject to this section, the superintendent shall submit a 51288
written report to the speaker of the house of representatives and 51289
the president of the senate. The report shall include 51290
recommendations to the general assembly for strengthening the 51291
financial condition of school districts based upon the experiences 51292
of the superintendent and the state board in exercising their 51293
powers under this section and sections 3313.483 and 3313.487 of 51294
the Revised Code. 51295

(F) This section does not apply to a school district declared 51296
to be under a fiscal emergency pursuant to division (B) of section 51297
3316.03 of the Revised Code. 51298

Sec. 3313.4810. Any school district receiving a loan under 51299
section 3313.483 ~~or 3317.64~~ of the Revised Code in excess of seven 51300
per cent of the general fund expenditures of the district during 51301
the fiscal year in which the loan is received and that has 51302
received a loan under that section within the last five years is 51303
subject to section 3313.488 of the Revised Code for the duration 51304
of the fiscal year in which the district receives the loan and 51305
during the ensuing two fiscal years. The controlling board may not 51306

relieve a school district to which this section applies from any 51307
requirements imposed under section 3313.483 ~~or 3317.64~~ of the 51308
Revised Code to implement recommendations of the superintendent of 51309
public instruction for expenditure reduction and may not modify 51310
any other requirements imposed under such section upon such a 51311
district as a condition for receiving the loan unless expressly 51312
authorized to do so by law. The superintendent of public 51313
instruction shall, among any recommendations ~~he~~ the superintendent 51314
makes for expenditure reduction under section 3313.483 ~~or 3317.63~~ 51315
of the Revised Code affecting the number of employees of a school 51316
district to which this section applies, provide wherever possible 51317
for the retention of teachers who are actually involved in the 51318
daily teaching of students in the classroom. 51319

Sec. 3313.533. (A) The board of education of a city, exempted 51320
village, or local school district may adopt a resolution to 51321
establish and maintain an alternative school in accordance with 51322
this section. The resolution shall specify, but not necessarily be 51323
limited to, all of the following: 51324

(1) The purpose of the school, which purpose shall be to 51325
serve students who are on suspension, who are having truancy 51326
problems, who are experiencing academic failure, who have a 51327
history of class disruption, who are exhibiting other academic or 51328
behavioral problems specified in the resolution, or who have been 51329
discharged or released from the custody of the department of youth 51330
services under section 5139.51 of the Revised Code; 51331

(2) The grades served by the school, which may include any of 51332
grades kindergarten through twelve; 51333

(3) A requirement that the school be operated in accordance 51334
with this section. The board of education adopting the resolution 51335
under division (A) of this section shall be the governing board of 51336
the alternative school. The board shall develop and implement a 51337

plan for the school in accordance with the resolution establishing 51338
the school and in accordance with this section. Each plan shall 51339
include, but not necessarily be limited to, all of the following: 51340

(a) Specification of the reasons for which students will be 51341
accepted for assignment to the school and any criteria for 51342
admission that are to be used by the board to approve or 51343
disapprove the assignment of students to the school; 51344

(b) Specification of the criteria and procedures that will be 51345
used for returning students who have been assigned to the school 51346
back to the regular education program of the district; 51347

(c) An evaluation plan for assessing the effectiveness of the 51348
school and its educational program and reporting the results of 51349
the evaluation to the public. 51350

(B) Notwithstanding any provision of Title XXXIII of the 51351
Revised Code to the contrary, the alternative school plan may 51352
include any of the following: 51353

(1) A requirement that on each school day students must 51354
attend school or participate in other programs specified in the 51355
plan or by the chief administrative officer of the school for a 51356
period equal to the minimum school day set by the ~~state~~ board of 51357
education under section 3313.48 of the Revised Code plus any 51358
additional time required in the plan or by the chief 51359
administrative officer; 51360

(2) Restrictions on student participation in extracurricular 51361
or interscholastic activities; 51362

(3) A requirement that students wear uniforms prescribed by 51363
the district board of education. 51364

(C) In accordance with the alternative school plan, the 51365
district board of education may employ teachers and nonteaching 51366
employees necessary to carry out its duties and fulfill its 51367

responsibilities or may contract with a nonprofit or for profit 51368
entity to operate the alternative school, including the provision 51369
of personnel, supplies, equipment, or facilities. 51370

(D) An alternative school may be established in all or part 51371
of a school building. 51372

(E) If a district board of education elects under this 51373
section, or is required by section 3313.534 of the Revised Code, 51374
to establish an alternative school, the district board may join 51375
with the board of education of one or more other districts to form 51376
a joint alternative school by forming a cooperative education 51377
school district under section 3311.52 or 3311.521 of the Revised 51378
Code, or a joint educational program under section 3313.842 of the 51379
Revised Code. The authority to employ personnel or to contract 51380
with a nonprofit or for profit entity under division (C) of this 51381
section applies to any alternative school program established 51382
under this division. 51383

(F) Any individual employed as a teacher at an alternative 51384
school operated by a nonprofit or for profit entity under this 51385
section shall be licensed and shall be subject to background 51386
checks, as described in section 3319.39 of the Revised Code, in 51387
the same manner as an individual employed by a school district. 51388

(G) Division (G) of this section applies only to any 51389
alternative school that is operated by a nonprofit or for profit 51390
entity under contract with the school district. 51391

(1) In addition to the specifications authorized under 51392
division (B) of this section, any plan adopted under that division 51393
for an alternative school to which division (G) of this section 51394
also applies shall include the following: 51395

(a) A description of the educational program provided at the 51396
alternative school, which shall include: 51397

(i) Provisions for the school to be configured in clusters or 51398

small learning communities;	51399
(ii) Provisions for the incorporation of education technology into the curriculum;	51400 51401
(iii) Provisions for accelerated learning programs in reading and mathematics.	51402 51403
(b) A method to determine the reading and mathematics level of each student assigned to the alternative school and a method to continuously monitor each student's progress in those areas. The methods employed under this division shall be aligned with the curriculum adopted by the school district board of education under section 3313.60 of the Revised Code.	51404 51405 51406 51407 51408 51409
(c) A plan for social services to be provided at the alternative school, such as, but not limited to, counseling services, psychological support services, and enrichment programs;	51410 51411 51412
(d) A plan for a student's transition from the alternative school back to a school operated by the school district;	51413 51414
(e) A requirement that the alternative school maintain financial records in a manner that is compatible with the form prescribed for school districts by the auditor of state to enable the district to comply with any rules adopted by the auditor of state.	51415 51416 51417 51418 51419
(2) Notwithstanding division (A)(2) of this section, any alternative school to which division (G) of this section applies shall include only grades six through twelve.	51420 51421 51422
(3) Notwithstanding anything in division (A)(3)(a) of this section to the contrary, the characteristics of students who may be assigned to an alternative school to which division (G) of this section applies shall include only disruptive and low-performing students.	51423 51424 51425 51426 51427
(H) When any district board of education determines to	51428

contract with a nonprofit or for profit entity to operate an 51429
alternative school under this section, the board shall use the 51430
procedure set forth in this division. 51431

(1) The board shall publish notice of a request for proposals 51432
in a newspaper of general circulation in the district once each 51433
week for a period of two consecutive weeks, or as provided in 51434
section 7.16 of the Revised Code, prior to the date specified by 51435
the board for receiving proposals. Notices of requests for 51436
proposals shall contain a general description of the subject of 51437
the proposed contract and the location where the request for 51438
proposals may be obtained. The request for proposals shall include 51439
all of the following information: 51440

(a) Instructions and information to respondents concerning 51441
the submission of proposals, including the name and address of the 51442
office where proposals are to be submitted; 51443

(b) Instructions regarding communications, including at least 51444
the names, titles, and telephone numbers of persons to whom 51445
questions concerning a proposal may be directed; 51446

(c) A description of the performance criteria that will be 51447
used to evaluate whether a respondent to which a contract is 51448
awarded is meeting the district's educational standards or the 51449
method by which such performance criteria will be determined; 51450

(d) Factors and criteria to be considered in evaluating 51451
proposals, the relative importance of each factor or criterion, 51452
and a description of the evaluation procedures to be followed; 51453

(e) Any terms or conditions of the proposed contract, 51454
including any requirement for a bond and the amount of such bond; 51455

(f) Documents that may be incorporated by reference into the 51456
request for proposals, provided that the request for proposals 51457
specifies where such documents may be obtained and that such 51458
documents are readily available to all interested parties. 51459

(2) After the date specified for receiving proposals, the board shall evaluate the submitted proposals and may hold discussions with any respondent to ensure a complete understanding of the proposal and the qualifications of such respondent to execute the proposed contract. Such qualifications shall include, but are not limited to, all of the following:

(a) Demonstrated competence in performance of the required services as indicated by effective implementation of educational programs in reading and mathematics and at least three years of experience successfully serving a student population similar to the student population assigned to the alternative school;

(b) Demonstrated performance in the areas of cost containment, the provision of educational services of a high quality, and any other areas determined by the board;

(c) Whether the respondent has the resources to undertake the operation of the alternative school and to provide qualified personnel to staff the school;

(d) Financial responsibility.

(3) The board shall select for further review at least three proposals from respondents the board considers qualified to operate the alternative school in the best interests of the students and the district. If fewer than three proposals are submitted, the board shall select each proposal submitted. The board may cancel a request for proposals or reject all proposals at any time prior to the execution of a contract.

The board may hold discussions with any of the three selected respondents to clarify or revise the provisions of a proposal or the proposed contract to ensure complete understanding between the board and the respondent of the terms under which a contract will be entered. Respondents shall be accorded fair and equal treatment with respect to any opportunity for discussion regarding

clarifications or revisions. The board may terminate or 51491
discontinue any further discussion with a respondent upon written 51492
notice. 51493

(4) Upon further review of the three proposals selected by 51494
the board, the board shall award a contract to the respondent the 51495
board considers to have the most merit, taking into consideration 51496
the scope, complexity, and nature of the services to be performed 51497
by the respondent under the contract. 51498

(5) Except as provided in division (H)(6) of this section, 51499
the request for proposals, submitted proposals, and related 51500
documents shall become public records under section 149.43 of the 51501
Revised Code after the award of the contract. 51502

(6) Any respondent may request in writing that the board not 51503
disclose confidential or proprietary information or trade secrets 51504
contained in the proposal submitted by the respondent to the 51505
board. Any such request shall be accompanied by an offer of 51506
indemnification from the respondent to the board. The board shall 51507
determine whether to agree to the request and shall inform the 51508
respondent in writing of its decision. If the board agrees to 51509
nondisclosure of specified information in a proposal, such 51510
information shall not become a public record under section 149.43 51511
of the Revised Code. If the respondent withdraws its proposal at 51512
any time prior to the execution of a contract, the proposal shall 51513
not be a public record under section 149.43 of the Revised Code. 51514

(I) Upon a recommendation from the department and in 51515
accordance with section 3301.16 of the Revised Code, the state 51516
board of education may revoke the charter of any alternative 51517
school operated by a school district that violates this section. 51518

Sec. 3313.537. (A) As used in this section, "extracurricular 51519
activity" means a pupil activity program that a school or school 51520
district operates and is not included in the school district's 51521

graded course of study, including an interscholastic 51522
extracurricular activity that a school or school district sponsors 51523
or participates in and that has participants from more than one 51524
school or school district. 51525

(B)(1) A student in grades seven to twelve who is enrolled in 51526
a community school established under Chapter 3314. of the Revised 51527
Code that is sponsored by the city, local, or exempted village 51528
school district in which the student is entitled to attend school 51529
pursuant to section 3313.64 or 3313.65 of the Revised Code shall 51530
be afforded the opportunity to participate in any extracurricular 51531
activities offered at the traditional public school that is 51532
operated by the school district and to which the student otherwise 51533
would be assigned. If more than one such school operated by the 51534
school district serves the student's grade level, the student 51535
shall be afforded the opportunity to participate in any 51536
extracurricular activities offered at the school to which the 51537
student would be assigned by the district superintendent pursuant 51538
to section 3319.01 of the Revised Code. 51539

(2) A student who is enrolled in a science, technology, 51540
engineering, and mathematics school established under Chapter 51541
3326. of the Revised Code shall not be afforded the opportunity to 51542
~~participate~~ prohibited from participating in any extracurricular 51543
activities offered at the traditional public school that is 51544
operated by the school district in which the student is entitled 51545
to attend school pursuant to section 3313.64 or 3313.65 of the 51546
Revised Code and to which the student otherwise would be assigned. 51547
If more than one such school operated by the school district 51548
serves the student's grade level, the student shall be afforded 51549
the opportunity to participate in any extracurricular activities 51550
offered at the school to which the student would be assigned by 51551
the district superintendent pursuant to section 3319.01 of the 51552
Revised Code. 51553

(C) In order to participate in any extracurricular activity 51554
under this section, the student shall fulfill the same academic, 51555
nonacademic, and financial requirements as any other participant, 51556
including the rules and policies adopted by the school district 51557
under section 3313.535 of the Revised Code. The school district 51558
board of education may require a community school student to 51559
enroll and participate in no more than one academic course at the 51560
school offering the extracurricular activity as a condition to 51561
participating in the activity. In that case, the board shall admit 51562
students seeking to enroll in an academic course to fulfill the 51563
requirement as space allows after first enrolling students 51564
assigned to that school. 51565

(D) No school district board of education shall take any 51566
action contrary to the provisions of this section. 51567

(E) No school or school district shall impose fees for a 51568
student to participate under this section that exceed any fees 51569
charged to other students participating in the same 51570
extracurricular activity. 51571

~~(E)~~(F) No school district, interscholastic conference, or 51572
organization that regulates interscholastic conferences or events 51573
shall require a student who is eligible to participate in 51574
extracurricular activities under this section to meet eligibility 51575
requirements that conflict with this section. 51576

Sec. 3313.539. (A) As used in this section, ~~"physician":~~ 51577

"Physician" means a person authorized under Chapter 4731. of 51578
the Revised Code to practice medicine and surgery or osteopathic 51579
medicine and surgery. 51580

"Chiropractor" means a person licensed under Chapter 4734. of 51581
the Revised Code to practice chiropractic. 51582

(B) No school district board of education or governing 51583

authority of a chartered or nonchartered nonpublic school shall 51584
permit a student to practice for or compete in interscholastic 51585
athletics until the student has submitted, to a school official 51586
designated by the board or governing authority, a form signed by 51587
the parent, guardian, or other person having care or charge of the 51588
student stating that the student and the parent, guardian, or 51589
other person having care or charge of the student have received 51590
the concussion and head injury information sheet required by 51591
section 3707.52 of the Revised Code. A completed form shall be 51592
submitted each school year, as defined in section 3313.62 of the 51593
Revised Code, for each sport or other category of interscholastic 51594
athletics for or in which the student practices or competes. 51595

(C)(1) No school district board of education or governing 51596
authority of a chartered or nonchartered nonpublic school shall 51597
permit an individual to coach interscholastic athletics unless the 51598
individual holds a pupil-activity program permit issued under 51599
section 3319.303 of the Revised Code for coaching interscholastic 51600
athletics. 51601

(2) No school district board of education or governing 51602
authority of a chartered or nonchartered nonpublic school shall 51603
permit an individual to referee interscholastic athletics unless 51604
the individual holds a pupil-activity program permit issued under 51605
section 3319.303 of the Revised Code for coaching interscholastic 51606
athletics or presents evidence that the individual has 51607
successfully completed, within the previous three years, a 51608
training program in recognizing the symptoms of concussions and 51609
head injuries to which the department of health has provided a 51610
link on its internet web site under section 3707.52 of the Revised 51611
Code or a training program authorized and required by an 51612
organization that regulates interscholastic conferences or events. 51613

(D) If a student practicing for or competing in an 51614
interscholastic athletic event exhibits signs, symptoms, or 51615

behaviors consistent with having sustained a concussion or head injury while participating in the practice or competition, the student shall be removed from the practice or competition by either of the following:

(1) The individual who is serving as the student's coach during that practice or competition;

(2) An individual who is serving as a referee during that practice or competition.

(E)(1) If a student is removed from practice or competition under division (D) of this section, the coach or referee who removed the student shall not allow the student, on the same day the student is removed, to return to that practice or competition or to participate in any other practice or competition for which the coach or referee is responsible. Thereafter, the coach or referee shall not allow the student to return to that practice or competition or to participate in any other practice or competition for which the coach or referee is responsible until both of the following conditions are satisfied:

(a) The student's condition is assessed by ~~either~~ any of the following:

(i) A physician;

(ii) A chiropractor;

(iii) Any other licensed health care provider the school district board of education or governing authority of the chartered or nonchartered nonpublic school, pursuant to division (E)(2) of this section, authorizes to assess a student who has been removed from practice or competition under division (D) of this section.

(b) The student receives written clearance that it is safe for the student to return to practice or competition from a

physician, chiropractor, or ~~from~~ another licensed health care 51646
provider authorized pursuant to division (E)(2) of this section to 51647
grant the clearance. 51648

(2) A school district board of education or governing 51649
authority of a chartered or nonchartered nonpublic school may 51650
authorize a licensed health care provider who is not a physician 51651
or a chiropractor to make an assessment or grant a clearance for 51652
purposes of division (E)(1) of this section only if the provider 51653
is acting in accordance with one of the following, as applicable 51654
to the provider's authority to practice in this state: 51655

(a) In consultation with a physician; 51656

(b) Pursuant to the referral of a physician; 51657

(c) In collaboration with a physician; 51658

(d) Under the supervision of a physician. 51659

(3) A physician, chiropractor, or other licensed health care 51660
provider who makes an assessment or grants a clearance for 51661
purposes of division (E)(1) of this section may be a volunteer. 51662

(F) A school district board of education or governing 51663
authority of a chartered or nonchartered nonpublic school that is 51664
subject to the rules of an interscholastic conference or an 51665
organization that regulates interscholastic conferences or events 51666
shall be considered to be in compliance with divisions (B), (D), 51667
and (E) of this section, as long as the requirements of those 51668
rules are substantially similar to the requirements of divisions 51669
(B), (D), and (E) of this section. 51670

(G)(1) A school district, member of a school district board 51671
of education, or school district employee or volunteer, including 51672
a coach or referee, is not liable in damages in a civil action for 51673
injury, death, or loss to person or property allegedly arising 51674
from providing services or performing duties under this section, 51675

unless the act or omission constitutes willful or wanton 51676
misconduct. 51677

This section does not eliminate, limit, or reduce any other 51678
immunity or defense that a school district, member of a school 51679
district board of education, or school district employee or 51680
volunteer, including a coach or referee, may be entitled to under 51681
Chapter 2744. or any other provision of the Revised Code or under 51682
the common law of this state. 51683

(2) A chartered or nonchartered nonpublic school or any 51684
officer, director, employee, or volunteer of the school, including 51685
a coach or referee, is not liable in damages in a civil action for 51686
injury, death, or loss to person or property allegedly arising 51687
from providing services or performing duties under this section, 51688
unless the act or omission constitutes willful or wanton 51689
misconduct. 51690

Sec. 3313.5311. (A) As used in this section and in section 51691
3313.5312 of the Revised Code, "extracurricular activity" has the 51692
same meaning as in section 3313.537 of the Revised Code. 51693

(B) If the nonpublic school in which the student is enrolled 51694
does not offer the extracurricular activity, a student enrolled in 51695
a chartered or nonchartered nonpublic school shall be afforded, by 51696
the superintendent of the school district in which the student is 51697
entitled to attend school under section 3313.64 or 3313.65 of the 51698
Revised Code, the opportunity to participate in that 51699
extracurricular activity at the district school to which the 51700
student otherwise would be assigned during that school year. If 51701
more than one school operated by the school district serves the 51702
student's grade level, as determined by the district 51703
superintendent based on the student's age and academic 51704
performance, the student shall be afforded the opportunity to 51705
participate in that extracurricular activity at the school to 51706

which the student would be assigned by the superintendent under 51707
section 3319.01 of the Revised Code. 51708

(C) The superintendent of any school district may afford any 51709
student enrolled in a nonpublic school, and who is not entitled to 51710
attend school in the district under section 3313.64 or 3313.65 of 51711
the Revised Code, the opportunity to participate in an 51712
extracurricular activity offered by a school of the district, if 51713
both of the following apply: 51714

(1) The nonpublic school in which the student is enrolled 51715
does not offer the extracurricular activity; 51716

(2) The extracurricular activity is not interscholastic 51717
athletics or interscholastic contests or competition in music, 51718
drama, or forensics. 51719

(D) In order to participate in an extracurricular activity 51720
under this section, the student shall be of the appropriate age 51721
and grade level, as determined by the superintendent of the 51722
district, for the school that offers the extracurricular activity, 51723
and shall fulfill the same academic, nonacademic, and financial 51724
requirements as any other participant. 51725

(E) No school district shall impose additional rules on a 51726
student to participate under this section that do not apply to 51727
other students participating in the same extracurricular activity. 51728
No district shall impose additional fees for a student to 51729
participate under this section that exceed any fees charged to 51730
other students participating in the same extracurricular activity. 51731

(F) No school district, interscholastic conference, or 51732
organization that regulates interscholastic conferences or events 51733
shall require a student who is eligible to participate in 51734
interscholastic extracurricular activities under this section to 51735
meet eligibility requirements that conflict with this section. 51736

Sec. 3313.5312. (A) A student who is receiving home instruction in accordance with division (A)(2) of section 3321.04 of the Revised Code shall be afforded, by the superintendent of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the opportunity to participate in any extracurricular activity offered at the district school to which the student otherwise would be assigned during that school year. If more than one school operated by the school district serves the student's grade level, as determined by the district superintendent based on the student's age and academic performance, the student shall be afforded the opportunity to participate in extracurricular activities at the school to which the student would be assigned by the superintendent under section 3319.01 of the Revised Code. If a student who is afforded the opportunity to participate in extracurricular activities under division (A) of this section wishes to participate in an activity that is offered by the district, the student shall not participate in that activity at another school or school district to which the student is not entitled to attend.

(B) The superintendent of any school district may afford any student who receives home instruction under division (A)(2) of section 3321.04 of the Revised Code, and who is not entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code, the opportunity to participate in any extracurricular activity offered by a school of the district, if the district to which the student is entitled to attend does not offer that extracurricular activity.

(C) In order to participate in an extracurricular activity under this section, the student shall be of the appropriate age and grade level, as determined by the superintendent of the district, for the school that offers the extracurricular activity.

shall fulfill the same nonacademic and financial requirements as 51769
any other participant, and shall fulfill either of the following 51770
academic requirements: 51771

(1) If the student received home instruction in the preceding 51772
grading period, the student shall meet any academic requirements 51773
established by the state board of education for the continuation 51774
of home instruction. 51775

(2) If the student did not receive home instruction in the 51776
preceding grading period, the student's academic performance 51777
during the preceding grading period shall have met any academic 51778
standards for eligibility to participate in the program 51779
established by the school district. 51780

(D) Eligibility for a student who leaves a school district 51781
mid-year for home instruction shall be determined based on an 51782
interim academic assessment issued by the district in which the 51783
student was enrolled based on the student's work while enrolled in 51784
that district. 51785

(E) Any student who commences home instruction after the 51786
beginning of a school year and who is, at the time home 51787
instruction commences, ineligible to participate in an 51788
extracurricular activity due to failure to meet academic standards 51789
or any other requirements of the district shall not participate in 51790
the extracurricular activity under this section until the student 51791
meets the academic requirements established by the state board of 51792
education for continuation of home instruction as verified by the 51793
superintendent of the district. No student under this section 51794
shall be eligible to participate in the same semester in which the 51795
student was determined ineligible. 51796

(F) No school district shall impose additional rules on a 51797
student to participate under this section that do not apply to 51798
other students participating in the same extracurricular activity. 51799

No district shall impose fees for a student to participate under this section that exceed any fees charged to other students participating in the same extracurricular activity.

(G) No school district, interscholastic conference, or organization that regulates interscholastic conferences or events shall require a student who is eligible to participate in interscholastic extracurricular activities under this section to meet eligibility requirements that conflict with this section.

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 of the Revised Code, divisions (A) to (E) of this section do not apply to any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(A) The board of education of each city ~~and~~, exempted village, ~~and local~~ school district, ~~the governing board of each educational service center,~~ and the board of each cooperative education school district established, pursuant to section 3311.521 of the Revised Code, shall prescribe a curriculum for all schools under ~~their~~ its control. Except as provided in division (E) of this section, in any such curriculum there shall be included the study of the following subjects:

(1) The language arts, including reading, writing, spelling, oral and written English, and literature;

(2) Geography, the history of the United States and of Ohio, and national, state, and local government in the United States, including a balanced presentation of the relevant contributions to society of men and women of African, Mexican, Puerto Rican, and American Indian descent as well as other ethnic and racial groups in Ohio and the United States;

(3) Mathematics;

(4) Natural science, including instruction in the conservation of natural resources;	51830 51831
(5) Health education, which shall include instruction in:	51832
(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, and the use and effects of food additives;	51833 51834 51835
(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco;	51836 51837
(c) Venereal disease education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education;	51838 51839 51840
(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention;	51841 51842 51843 51844 51845
(e) In grades seven through twelve, age-appropriate instruction in dating violence prevention education, which shall include instruction in recognizing dating violence warning signs and characteristics of healthy relationships.	51846 51847 51848 51849
In order to assist school districts in developing a dating violence prevention education curriculum, the department of education shall provide on its web site links to free curricula addressing dating violence prevention.	51850 51851 51852 51853
If the parent or legal guardian of a student less than eighteen years of age submits to the principal of the student's school a written request to examine the dating violence prevention instruction materials used at that school, the principal, within a reasonable period of time after the request is made, shall allow the parent or guardian to examine those materials at that school.	51854 51855 51856 51857 51858 51859

(6) Physical education;	51860
(7) The fine arts, including music;	51861
(8) First aid, including a training program in cardiopulmonary resuscitation, safety, and fire prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in cardiopulmonary resuscitation.	51862 51863 51864 51865 51866
(B) Except as provided in division (E) of this section, every school or school district shall include in the requirements for promotion from the eighth grade to the ninth grade one year's course of study of American history. A board may waive this requirement for academically accelerated students who, in accordance with procedures adopted by the board, are able to demonstrate mastery of essential concepts and skills of the eighth grade American history course of study.	51867 51868 51869 51870 51871 51872 51873 51874
(C) As specified in divisions (B)(6) and (C)(6) of section 3313.603 of the Revised Code, except as provided in division (E) of this section, every high school shall include in the requirements for graduation from any curriculum one-half unit each of American history and government.	51875 51876 51877 51878 51879
(D) Except as provided in division (E) of this section, basic instruction or demonstrated mastery in geography, United States history, the government of the United States, the government of the state of Ohio, local government in Ohio, the Declaration of Independence, the United States Constitution, and the Constitution of the state of Ohio shall be required before pupils may participate in courses involving the study of social problems, economics, foreign affairs, United Nations, world government, socialism, and communism.	51880 51881 51882 51883 51884 51885 51886 51887 51888
(E) For each cooperative education school district established pursuant to section 3311.521 of the Revised Code and	51889 51890

each city, exempted village, and local school district that has 51891
territory within such a cooperative district, the curriculum 51892
adopted pursuant to divisions (A) to (D) of this section shall 51893
only include the study of the subjects that apply to the grades 51894
operated by each such school district. The curriculums for such 51895
schools, when combined, shall provide to each student of these 51896
districts all of the subjects required under divisions (A) to (D) 51897
of this section. 51898

(F) The board of education of any cooperative education 51899
school district established pursuant to divisions (A) to (C) of 51900
section 3311.52 of the Revised Code shall prescribe a curriculum 51901
for the subject areas and grade levels offered in any school under 51902
its control. 51903

(G) Upon the request of any parent or legal guardian of a 51904
student, the board of education of any school district shall 51905
permit the parent or guardian to promptly examine, with respect to 51906
the parent's or guardian's own child: 51907

(1) Any survey or questionnaire, prior to its administration 51908
to the child; 51909

(2) Any textbook, workbook, software, video, or other 51910
instructional materials being used by the district in connection 51911
with the instruction of the child; 51912

(3) Any completed and graded test taken or survey or 51913
questionnaire filled out by the child; 51914

(4) Copies of the statewide academic standards and each model 51915
curriculum developed pursuant to section 3301.079 of the Revised 51916
Code, which copies shall be available at all times during school 51917
hours in each district school building. 51918

Sec. 3313.603. (A) As used in this section: 51919

(1) "One unit" means a minimum of one hundred twenty hours of 51920

course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction. 51921
51922
51923

(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction. 51924
51925
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(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows: 51928
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51930
51931
51932

(1) English language arts, four units; 51933

(2) Health, one-half unit; 51934

(3) Mathematics, three units; 51935

(4) Physical education, one-half unit; 51936

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following: 51937
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51939

(a) Biological sciences, one unit; 51940

(b) Physical sciences, one unit. 51941

(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following: 51942
51943
51944

(a) American history, one-half unit; 51945

(b) American government, one-half unit. 51946

(7) Social studies, two units. 51947

(8) Elective units, seven units until September 15, 2003, and six units thereafter. 51948
51949

Each student's electives shall include at least one unit, or 51950
two half units, chosen from among the areas of 51951
business/technology, fine arts, and/or foreign language. 51952

(C) Beginning with students who enter ninth grade for the 51953
first time on or after July 1, 2010, except as provided in 51954
divisions (D) to (F) of this section, the requirements for 51955
graduation from every public and chartered nonpublic high school 51956
shall include twenty units that are designed to prepare students 51957
for the workforce and college. The units shall be distributed as 51958
follows: 51959

(1) English language arts, four units; 51960

(2) Health, one-half unit, which shall include instruction in 51961
nutrition and the benefits of nutritious foods and physical 51962
activity for overall health; 51963

(3) Mathematics, four units, which shall include one unit of 51964
algebra II or the equivalent of algebra II; 51965

(4) Physical education, one-half unit; 51966

(5) Science, three units with inquiry-based laboratory 51967
experience that engages students in asking valid scientific 51968
questions and gathering and analyzing information, which shall 51969
include the following, or their equivalent: 51970

(a) Physical sciences, one unit; 51971

(b) Life sciences, one unit; 51972

(c) Advanced study in one or more of the following sciences, 51973
one unit: 51974

(i) Chemistry, physics, or other physical science; 51975

(ii) Advanced biology or other life science; 51976

(iii) Astronomy, physical geology, or other earth or space 51977
science. 51978

(6) History and government, one unit, which shall comply with 51979
division (M) of this section and shall include both of the 51980
following: 51981

(a) American history, one-half unit; 51982

(b) American government, one-half unit. 51983

(7) Social studies, two units. 51984

Each school shall integrate the study of economics and 51985
financial literacy, as expressed in the social studies academic 51986
content standards adopted by the state board of education under 51987
division (A)(1) of section 3301.079 of the Revised Code and the 51988
academic content standards for financial literacy and 51989
entrepreneurship adopted under division (A)(2) of that section, 51990
into one or more existing social studies credits required under 51991
division (C)(7) of this section, or into the content of another 51992
class, so that every high school student receives instruction in 51993
those concepts. In developing the curriculum required by this 51994
paragraph, schools shall use available public-private partnerships 51995
and resources and materials that exist in business, industry, and 51996
through the centers for economics education at institutions of 51997
higher education in the state. 51998

(8) Five units consisting of one or any combination of 51999
foreign language, fine arts, business, career-technical education, 52000
family and consumer sciences, technology, agricultural education, 52001
a junior reserve officer training corps (JROTC) program approved 52002
by the congress of the United States under title 10 of the United 52003
States Code, or English language arts, mathematics, science, or 52004
social studies courses not otherwise required under division (C) 52005
of this section. 52006

Ohioans must be prepared to apply increased knowledge and 52007
skills in the workplace and to adapt their knowledge and skills 52008
quickly to meet the rapidly changing conditions of the 52009

twenty-first century. National studies indicate that all high 52010
school graduates need the same academic foundation, regardless of 52011
the opportunities they pursue after graduation. The goal of Ohio's 52012
system of elementary and secondary education is to prepare all 52013
students for and seamlessly connect all students to success in 52014
life beyond high school graduation, regardless of whether the next 52015
step is entering the workforce, beginning an apprenticeship, 52016
engaging in post-secondary training, serving in the military, or 52017
pursuing a college degree. 52018

The Ohio core curriculum is the standard expectation for all 52019
students entering ninth grade for the first time at a public or 52020
chartered nonpublic high school on or after July 1, 2010. A 52021
student may satisfy this expectation through a variety of methods, 52022
including, but not limited to, integrated, applied, 52023
career-technical, and traditional coursework. 52024

Whereas teacher quality is essential for student success in 52025
completing the Ohio core curriculum, the general assembly shall 52026
appropriate funds for strategic initiatives designed to strengthen 52027
schools' capacities to hire and retain highly qualified teachers 52028
in the subject areas required by the curriculum. Such initiatives 52029
are expected to require an investment of \$120,000,000 over five 52030
years. 52031

Stronger coordination between high schools and institutions 52032
of higher education is necessary to prepare students for more 52033
challenging academic endeavors and to lessen the need for academic 52034
remediation in college, thereby reducing the costs of higher 52035
education for Ohio's students, families, and the state. The state 52036
board and the chancellor of the Ohio board of regents shall 52037
develop policies to ensure that only in rare instances will 52038
students who complete the Ohio core curriculum require academic 52039
remediation after high school. 52040

School districts, community schools, and chartered nonpublic 52041

schools shall integrate technology into learning experiences 52042
across the curriculum in order to maximize efficiency, enhance 52043
learning, and prepare students for success in the 52044
technology-driven twenty-first century. Districts and schools 52045
shall use distance and web-based course delivery as a method of 52046
providing or augmenting all instruction required under this 52047
division, including laboratory experience in science. Districts 52048
and schools shall utilize technology access and electronic 52049
learning opportunities provided by the ~~eTech-Ohio~~ broadcast 52050
educational media commission, chancellor, the Ohio learning 52051
network, education technology centers, public television stations, 52052
and other public and private providers. 52053

(D) Except as provided in division (E) of this section, a 52054
student who enters ninth grade on or after July 1, 2010, and 52055
before July 1, 2014, may qualify for graduation from a public or 52056
chartered nonpublic high school even though the student has not 52057
completed the Ohio core curriculum prescribed in division (C) of 52058
this section if all of the following conditions are satisfied: 52059

(1) After the student has attended high school for two years, 52060
as determined by the school, the student and the student's parent, 52061
guardian, or custodian sign and file with the school a written 52062
statement asserting the parent's, guardian's, or custodian's 52063
consent to the student's graduating without completing the Ohio 52064
core curriculum and acknowledging that one consequence of not 52065
completing the Ohio core curriculum is ineligibility to enroll in 52066
most state universities in Ohio without further coursework. 52067

(2) The student and parent, guardian, or custodian fulfill 52068
any procedural requirements the school stipulates to ensure the 52069
student's and parent's, guardian's, or custodian's informed 52070
consent and to facilitate orderly filing of statements under 52071
division (D)(1) of this section. 52072

(3) The student and the student's parent, guardian, or 52073

custodian and a representative of the student's high school 52074
jointly develop an individual career plan for the student that 52075
specifies the student matriculating to a two-year degree program, 52076
acquiring a business and industry credential, or entering an 52077
apprenticeship. 52078

(4) The student's high school provides counseling and support 52079
for the student related to the plan developed under division 52080
(D)(3) of this section during the remainder of the student's high 52081
school experience. 52082

(5) The student successfully completes, at a minimum, the 52083
curriculum prescribed in division (B) of this section. 52084

The department of education, in collaboration with the 52085
chancellor, shall analyze student performance data to determine if 52086
there are mitigating factors that warrant extending the exception 52087
permitted by division (D) of this section to high school classes 52088
beyond those entering ninth grade before July 1, 2014. The 52089
department shall submit its findings and any recommendations not 52090
later than August 1, 2014, to the speaker and minority leader of 52091
the house of representatives, the president and minority leader of 52092
the senate, the chairpersons and ranking minority members of the 52093
standing committees of the house of representatives and the senate 52094
that consider education legislation, the state board of education, 52095
and the superintendent of public instruction. 52096

(E) Each school district and chartered nonpublic school 52097
retains the authority to require an even more rigorous minimum 52098
curriculum for high school graduation than specified in division 52099
(B) or (C) of this section. A school district board of education, 52100
through the adoption of a resolution, or the governing authority 52101
of a chartered nonpublic school may stipulate any of the 52102
following: 52103

(1) A minimum high school curriculum that requires more than 52104

twenty units of academic credit to graduate; 52105

(2) An exception to the district's or school's minimum high 52106
school curriculum that is comparable to the exception provided in 52107
division (D) of this section but with additional requirements, 52108
which may include a requirement that the student successfully 52109
complete more than the minimum curriculum prescribed in division 52110
(B) of this section; 52111

(3) That no exception comparable to that provided in division 52112
(D) of this section is available. 52113

(F) A student enrolled in a dropout prevention and recovery 52114
program, which program has received a waiver from the department, 52115
may qualify for graduation from high school by successfully 52116
completing a competency-based instructional program administered 52117
by the dropout prevention and recovery program in lieu of 52118
completing the Ohio core curriculum prescribed in division (C) of 52119
this section. The department shall grant a waiver to a dropout 52120
prevention and recovery program, within sixty days after the 52121
program applies for the waiver, if the program meets all of the 52122
following conditions: 52123

(1) The program serves only students not younger than sixteen 52124
years of age and not older than twenty-one years of age. 52125

(2) The program enrolls students who, at the time of their 52126
initial enrollment, either, or both, are at least one grade level 52127
behind their cohort age groups or experience crises that 52128
significantly interfere with their academic progress such that 52129
they are prevented from continuing their traditional programs. 52130

(3) The program requires students to attain at least the 52131
applicable score designated for each of the assessments prescribed 52132
under division (B)(1) of section 3301.0710 of the Revised Code or, 52133
to the extent prescribed by rule of the state board under division 52134
(D)(6) of section 3301.0712 of the Revised Code, division (B)(2) 52135

of that section. 52136

(4) The program develops an individual career plan for the 52137
student that specifies the student's matriculating to a two-year 52138
degree program, acquiring a business and industry credential, or 52139
entering an apprenticeship. 52140

(5) The program provides counseling and support for the 52141
student related to the plan developed under division (F)(4) of 52142
this section during the remainder of the student's high school 52143
experience. 52144

(6) The program requires the student and the student's 52145
parent, guardian, or custodian to sign and file, in accordance 52146
with procedural requirements stipulated by the program, a written 52147
statement asserting the parent's, guardian's, or custodian's 52148
consent to the student's graduating without completing the Ohio 52149
core curriculum and acknowledging that one consequence of not 52150
completing the Ohio core curriculum is ineligibility to enroll in 52151
most state universities in Ohio without further coursework. 52152

(7) Prior to receiving the waiver, the program has submitted 52153
to the department an instructional plan that demonstrates how the 52154
academic content standards adopted by the state board under 52155
section 3301.079 of the Revised Code will be taught and assessed. 52156

If the department does not act either to grant the waiver or 52157
to reject the program application for the waiver within sixty days 52158
as required under this section, the waiver shall be considered to 52159
be granted. 52160

(G) Every high school may permit students below the ninth 52161
grade to take advanced work. If a high school so permits, it shall 52162
award high school credit for successful completion of the advanced 52163
work and shall count such advanced work toward the graduation 52164
requirements of division (B) or (C) of this section if the 52165
advanced work was both: 52166

(1) Taught by a person who possesses a license or certificate issued under section 3301.071, 3319.22, or 3319.222 of the Revised Code that is valid for teaching high school;

(2) Designated by the board of education of the city, local, or exempted village school district, the board of the cooperative education school district, or the governing authority of the chartered nonpublic school as meeting the high school curriculum requirements.

Each high school shall record on the student's high school transcript all high school credit awarded under division (G) of this section. In addition, if the student completed a seventh- or eighth-grade fine arts course described in division (K) of this section and the course qualified for high school credit under that division, the high school shall record that course on the student's high school transcript.

(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses.

(I) Units earned in English language arts, mathematics, science, and social studies that are delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section.

(J) The state board, in consultation with the chancellor, shall adopt a statewide plan implementing methods for students to earn units of high school credit based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. The state board shall adopt the plan not later than March 31, 2009, and commence phasing in the plan during the 2009-2010 school year. The plan shall

include a standard method for recording demonstrated proficiency 52198
on high school transcripts. Each school district and community 52199
school shall comply with the state board's plan adopted under this 52200
division and award units of high school credit in accordance with 52201
the plan. The state board may adopt existing methods for earning 52202
high school credit based on a demonstration of subject area 52203
competency as necessary prior to the 2009-2010 school year. 52204

(K) This division does not apply to students who qualify for 52205
graduation from high school under division (D) or (F) of this 52206
section, or to students pursuing a career-technical instructional 52207
track as determined by the school district board of education or 52208
the chartered nonpublic school's governing authority. 52209
Nevertheless, the general assembly encourages such students to 52210
consider enrolling in a fine arts course as an elective. 52211

Beginning with students who enter ninth grade for the first 52212
time on or after July 1, 2010, each student enrolled in a public 52213
or chartered nonpublic high school shall complete two semesters or 52214
the equivalent of fine arts to graduate from high school. The 52215
coursework may be completed in any of grades seven to twelve. Each 52216
student who completes a fine arts course in grade seven or eight 52217
may elect to count that course toward the five units of electives 52218
required for graduation under division (C)(8) of this section, if 52219
the course satisfied the requirements of division (G) of this 52220
section. In that case, the high school shall award the student 52221
high school credit for the course and count the course toward the 52222
five units required under division (C)(8) of this section. If the 52223
course in grade seven or eight did not satisfy the requirements of 52224
division (G) of this section, the high school shall not award the 52225
student high school credit for the course but shall count the 52226
course toward the two semesters or the equivalent of fine arts 52227
required by this division. 52228

(L) Notwithstanding anything to the contrary in this section, 52229

the board of education of each school district and the governing 52230
authority of each chartered nonpublic school may adopt a policy to 52231
excuse from the high school physical education requirement each 52232
student who, during high school, has participated in 52233
interscholastic athletics, marching band, or cheerleading for at 52234
least two full seasons or in the junior reserve officer training 52235
corps for at least two full school years. If the board or 52236
authority adopts such a policy, the board or authority shall not 52237
require the student to complete any physical education course as a 52238
condition to graduate. However, the student shall be required to 52239
complete one-half unit, consisting of at least sixty hours of 52240
instruction, in another course of study. In the case of a student 52241
who has participated in the junior reserve officer training corps 52242
for at least two full school years, credit received for that 52243
participation may be used to satisfy the requirement to complete 52244
one-half unit in another course of study. 52245

(M) It is important that high school students learn and 52246
understand United States history and the governments of both the 52247
United States and the state of Ohio. Therefore, beginning with 52248
students who enter ninth grade for the first time on or after July 52249
1, 2012, the study of American history and American government 52250
required by divisions (B)(6) and (C)(6) of this section shall 52251
include the study of all of the following documents: 52252

(1) The Declaration of Independence; 52253

(2) The Northwest Ordinance; 52254

(3) The Constitution of the United States with emphasis on 52255
the Bill of Rights; 52256

(4) The Ohio Constitution. 52257

The study of each of the documents prescribed in divisions 52258
(M)(1) to (4) of this section shall include study of that document 52259
in its original context. 52260

The study of American history and government required by 52261
divisions (B)(6) and (C)(6) of this section shall include the 52262
historical evidence of the role of documents such as the 52263
Federalist Papers and the Anti-Federalist Papers to firmly 52264
establish the historical background leading to the establishment 52265
of the provisions of the Constitution and Bill of Rights. 52266

Sec. 3313.6013. (A) As used in this section, "dual enrollment 52267
program" means a program that enables a student to earn credit 52268
toward a degree from an institution of higher education while 52269
enrolled in high school or that enables a student to complete 52270
coursework while enrolled in high school that may earn credit 52271
toward a degree from an institution of higher education upon the 52272
student's attainment of a specified score on an examination 52273
covering the coursework. Dual enrollment programs may include any 52274
of the following: 52275

(1) The post-secondary enrollment options program established 52276
under Chapter 3365. of the Revised Code; 52277

(2) Advanced placement courses; 52278

(3) Any similar program established pursuant to an agreement 52279
between a school district or chartered nonpublic high school and 52280
an institution of higher education; 52281

(4) Early college high schools. 52282

(B) Each city, local, exempted village, and joint vocational 52283
school district and each chartered nonpublic high school shall 52284
provide students enrolled in grades nine through twelve with the 52285
opportunity to participate in a dual enrollment program. For this 52286
purpose, each school district and chartered nonpublic high school 52287
shall offer at least one dual enrollment program in accordance 52288
with division (B)(1) or (2) of this section, as applicable. 52289

(1) A city, local, or exempted village school district meets 52290

the requirements of this division through its mandatory 52291
participation in the post-secondary enrollment options program 52292
established under Chapter 3365. of the Revised Code. However, a 52293
city, local, or exempted village school district may offer any 52294
other dual enrollment program, in addition to the post-secondary 52295
enrollment options program, and each joint vocational school 52296
district shall offer at least one other dual enrollment program, 52297
to students in good standing, as defined by the partnership for 52298
continued learning under section 3301.42 of the Revised Code as it 52299
existed prior to October 16, 2009, or as subsequently defined by 52300
the department of education. 52301

(2) A chartered nonpublic high school that elects to 52302
participate in the post-secondary enrollment options program 52303
established under Chapter 3365. of the Revised Code meets the 52304
requirements of this division. Each chartered nonpublic high 52305
school that elects not to participate in the post-secondary 52306
enrollment options program instead shall offer at least one other 52307
dual enrollment program to students in good standing, as defined 52308
by the partnership for continued learning under section 3301.42 of 52309
the Revised Code as it existed prior to October 16, 2009, or as 52310
subsequently defined by the department of education. 52311

(C) Each school district and each chartered nonpublic high 52312
school shall provide information about the dual enrollment 52313
programs offered by the district or school to all students 52314
enrolled in grades eight through eleven. 52315

(D) No city, local, exempted village, and joint vocational 52316
school district shall charge an enrolled student an additional fee 52317
or tuition for participation in any dual enrollment program 52318
offered by the district. Students may be required to pay the costs 52319
associated with taking an advanced placement or international 52320
baccalaureate examination. 52321

Sec. 3313.6016. (A) Beginning in the 2011-2012 school year, 52322
the department of education shall administer a pilot program 52323
requiring daily physical activity for students. Any school 52324
district; community school established under Chapter 3314. of the 52325
Revised Code; science, technology, engineering, and mathematics 52326
school established under Chapter 3326. of the Revised Code; or 52327
chartered nonpublic school annually may elect to participate in 52328
the pilot program by notifying the department of its interest by a 52329
date established by the department. If a school district elects to 52330
participate in the pilot program, ~~each school building operated by~~ 52331
~~the district shall be required~~ the district shall select one or 52332
more school buildings to participate in the program. To the 52333
maximum extent possible, the department shall seek to include in 52334
the pilot program districts and schools that are located in urban, 52335
suburban, and rural areas distributed geographically throughout 52336
the state. The department shall administer the pilot program in 52337
accordance with this section. 52338

(B) Except as provided in division (C) of this section, each 52339
district or school participating in the pilot program shall 52340
require all students in ~~each of grades kindergarten through twelve~~ 52341
the school building selected under division (A) of this section to 52342
engage in at least thirty minutes of moderate to rigorous physical 52343
activity each school day or at least one hundred fifty minutes of 52344
moderate to rigorous physical activity each week, exclusive of 52345
recess. Physical activity engaged in during the following may 52346
count toward the daily requirement: 52347

(1) A physical education course; 52348

(2) A program or activity occurring before or after the 52349
regular school day, as defined in section 3313.814 of the Revised 52350
Code, that is sponsored or approved by the school of attendance, 52351
provided school officials are able to monitor students' 52352

participation to ensure compliance with the requirement. 52353

(C) None of the following shall be subject to the requirement 52354
of division (B) of this section: 52355

(1) Any student enrolled in the post-secondary enrollment 52356
options program established under Chapter 3365. of the Revised 52357
Code; 52358

(2) Any student enrolled in a career-technical education 52359
program operated by the district or school; 52360

(3) Any student enrolled in a dropout prevention and recovery 52361
program operated by the district or school. 52362

(D) For any period in which a student is participating in 52363
interscholastic athletics, marching band, cheerleading, or a 52364
junior reserve officer training corps program, the district or 52365
school may excuse the student from the requirement of division (B) 52366
of this section. 52367

(E) The district or school may excuse any kindergarten 52368
student who is not enrolled in all-day kindergarten, as defined in 52369
section 3321.05 of the Revised Code, from the requirement of 52370
division (B) of this section. 52371

(F) Each district or school annually shall report to the 52372
department, in the manner prescribed by the department, how the 52373
district or school implemented the thirty minutes of daily 52374
physical activity and the financial costs of implementation. The 52375
department shall issue an annual report of the data collected 52376
under this division. 52377

Sec. 3313.6018. (A) As used in this section and section 52378
3313.6019 of the Revised Code, "extended programming" means 52379
extended programming as described in section 3301.0725 of the 52380
Revised Code. 52381

(B) Except as provided in division (C) of section 3313.6019 52382

of the Revised Code, extended programming shall be used for 52383
activities that involve direct contact with students or are 52384
directly related to student programs and activities. 52385

(C) A licensed educator shall not provide more than eight 52386
hours of extended programming in a twenty-four-hour day. 52387

Sec. 3313.6019. (A) Not later than December 31, 2013, the 52388
department of education shall issue a report with recommendations 52389
for quality agricultural education programs. These recommendations 52390
shall be developed using both of the following: 52391

(1) The standards for exemplary agricultural education that 52392
are described in the national quality program standards for 52393
secondary (grades 9-12) agricultural education developed by the 52394
national council for agricultural education or a successor 52395
document developed by the national council for agricultural 52396
education or its successor; 52397

(2) The quality program standards for Ohio's agricultural and 52398
environmental systems career field programs or a successor 52399
document developed by the department, the Ohio association of 52400
agricultural educators, the Ohio state university, and wilmingon 52401
college of Ohio. 52402

The report shall include the appropriate use of extended 52403
programming in agricultural education programs and the recommended 52404
number of hours outside the normal school day that licensed 52405
educators may be permitted to provide extended programming 52406
instruction. Following the initial issuance of the report, the 52407
department may periodically review and update the report as it 52408
considers necessary. 52409

(B) All agricultural education instructors shall utilize a 52410
three-part model of agricultural education instruction of 52411
classroom instruction, FFA activities, and extended programming 52412

projects. 52413

(C) Professional development associated with agricultural education shall be considered an acceptable use of extended student programming funds. 52414
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(D) All agricultural education instructors shall submit a monthly time log to the principal of the school at which the extended programming is offered, or the principal's designee, for review. 52417
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Sec. 3313.612. (A) No nonpublic school chartered by the state board of education shall grant a high school diploma to any person unless, subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A)(1) or (2) of this section, as applicable. 52421
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(1) If the person entered the ninth grade prior to the date prescribed by rule of the state board under division (D)(2) of section 3301.0712 of the Revised Code, the person has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code. 52426
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(2) If the person entered the ninth grade on or after the date prescribed by rule of the state board under division (E)(2) of section 3301.0712 of the Revised Code, the person has met the requirements of the entire assessment system prescribed under division (B)(2) of section 3301.0710 of the Revised Code. 52433
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(B) This section does not apply to ~~either~~ any of the following: 52438
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(1) Any person with regard to any assessment from which the person was excused pursuant to division (C)(1)(c) of section 3301.0711 of the Revised Code; 52440
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(2) Any person that attends a nonpublic school accredited through the independent school association of the central states with regard to any end-of-course examination required under divisions (B)(2) and (3) of section 3301.0712 of the Revised Code; 52443
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(3) Any person with regard to the social studies assessment under division (B)(1) of section 3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination required under division (B)(2) of that section if such an exemption is prescribed by rule of the state board of education under division (D)(4) of section 3301.0712 of the Revised Code, or the citizenship test under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, if all of the following apply: 52447
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(a) The person is not a citizen of the United States; 52457

(b) The person is not a permanent resident of the United States; 52458
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(c) The person indicates no intention to reside in the United States after completion of high school. 52460
52461

(C) As used in this division, "limited English proficient student" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code. 52462
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Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no limited English proficient student who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirements of the assessments under division (B)(2) of that section, shall be awarded a diploma under this section. 52465
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Sec. 3313.615. This section shall apply to diplomas awarded 52472

after September 15, 2006, to students who are required to take the 52473
five Ohio graduation tests prescribed by division (B)(1) of 52474
section 3301.0710 of the Revised Code. 52475

(A) As an alternative to the requirement that a person attain 52476
the scores designated under division (B)(1) of section 3301.0710 52477
of the Revised Code on all the assessments required under that 52478
division in order to be eligible for a high school diploma or an 52479
honors diploma under sections 3313.61, 3313.612, or 3325.08 of the 52480
Revised Code or for a diploma of adult education under section 52481
3313.611 of the Revised Code, a person who has attained at least 52482
the applicable scores designated under division (B)(1) of section 52483
3301.0710 of the Revised Code on all but one of the assessments 52484
required by that division and from which the person was not 52485
excused or exempted, pursuant to division (L) of section 3313.61, 52486
division (B)(1) of section 3313.612, or section 3313.532 of the 52487
Revised Code, may be awarded a diploma or honors diploma if the 52488
person has satisfied all of the following conditions: 52489

(1) On the one assessment required under division (B)(1) of 52490
section 3301.0710 of the Revised Code for which the person failed 52491
to attain the designated score, the person missed that score by 52492
ten points or less; 52493

(2) Has a ninety-seven per cent school attendance rate in 52494
each of the last four school years, excluding any excused 52495
absences; 52496

(3) Has not been expelled from school under section 3313.66 52497
of the Revised Code in any of the last four school years; 52498

(4) Has a grade point average of at least 2.5 out of 4.0, or 52499
its equivalent as designated in rules adopted by the state board 52500
of education, in the subject area of the assessment required under 52501
division (B)(1) of section 3301.0710 of the Revised Code for which 52502
the person failed to attain the designated score; 52503

(5) Has completed the high school curriculum requirements 52504
prescribed in section 3313.603 of the Revised Code or has 52505
qualified under division (D) or (F) of that section; 52506

(6) Has taken advantage of any intervention programs provided 52507
by the school district or school in the subject area described in 52508
division (A)(4) of this section and has a ninety-seven per cent 52509
attendance rate, excluding any excused absences, in any of those 52510
programs that are provided at times beyond the normal school day, 52511
school week, or school year or has received comparable 52512
intervention services from a source other than the school district 52513
or school; 52514

(7) Holds a letter recommending graduation from each of the 52515
person's high school teachers in the subject area described in 52516
division (A)(4) of this section and from the person's high school 52517
principal. 52518

(B) The state board of education shall establish rules 52519
designating grade point averages equivalent to the average 52520
specified in division (A)(4) of this section for use by school 52521
districts and schools with different grading systems. 52522

(C) Any student who is exempt from attaining the applicable 52523
score designated under division (B)(1) of section 3301.0710 of the 52524
Revised Code on the Ohio graduation test in social studies 52525
pursuant to division (H) of section 3313.61 or division (B)~~(2)~~(3) 52526
of section 3313.612 of the Revised Code shall not qualify for a 52527
high school diploma under this section, unless, notwithstanding 52528
the exemption, the student attains the applicable score on that 52529
assessment. If the student attains the applicable score on that 52530
assessment, the student may qualify for a diploma under this 52531
section in the same manner as any other student who is required to 52532
take the five Ohio graduation tests prescribed by division (B)(1) 52533
of section 3301.0710 of the Revised Code. 52534

Sec. 3313.62. The school year shall begin on the first day of 52535
July of each calendar year and close on the thirtieth day of June 52536
of the succeeding calendar year. A school week shall consist of 52537
five days, ~~and a school month of four school weeks.~~ A chartered 52538
nonpublic school may be open for instruction with pupils in 52539
attendance on any day of the week, including Saturday or Sunday. 52540

Sec. 3313.64. (A) As used in this section and in section 52541
3313.65 of the Revised Code: 52542

(1)(a) Except as provided in division (A)(1)(b) of this 52543
section, "parent" means either parent, unless the parents are 52544
separated or divorced or their marriage has been dissolved or 52545
annulled, in which case "parent" means the parent who is the 52546
residential parent and legal custodian of the child. When a child 52547
is in the legal custody of a government agency or a person other 52548
than the child's natural or adoptive parent, "parent" means the 52549
parent with residual parental rights, privileges, and 52550
responsibilities. When a child is in the permanent custody of a 52551
government agency or a person other than the child's natural or 52552
adoptive parent, "parent" means the parent who was divested of 52553
parental rights and responsibilities for the care of the child and 52554
the right to have the child live with the parent and be the legal 52555
custodian of the child and all residual parental rights, 52556
privileges, and responsibilities. 52557

(b) When a child is the subject of a power of attorney 52558
executed under sections 3109.51 to 3109.62 of the Revised Code, 52559
"parent" means the grandparent designated as attorney in fact 52560
under the power of attorney. When a child is the subject of a 52561
caretaker authorization affidavit executed under sections 3109.64 52562
to 3109.73 of the Revised Code, "parent" means the grandparent 52563
that executed the affidavit. 52564

(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.

(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.

(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.

(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;

(c) Comparable agencies of other states or countries that

have complied with applicable requirements of section 2151.39 of 52595
the Revised Code or as applicable, sections 5103.20 to 5103.22 or 52596
5103.23 to 5103.237 of the Revised Code. 52597

(6) A child is placed for adoption if either of the following 52598
occurs: 52599

(a) An agency to which the child has been permanently 52600
committed or surrendered enters into an agreement with a person 52601
pursuant to section 5103.16 of the Revised Code for the care and 52602
adoption of the child. 52603

(b) The child's natural parent places the child pursuant to 52604
section 5103.16 of the Revised Code with a person who will care 52605
for and adopt the child. 52606

(7) "Preschool child with a disability" has the same meaning 52607
as in section 3323.01 of the Revised Code. 52608

(8) "Child," unless otherwise indicated, includes preschool 52609
children with disabilities. 52610

(9) "Active duty" means active duty pursuant to an executive 52611
order of the president of the United States, an act of the 52612
congress of the United States, or section 5919.29 or 5923.21 of 52613
the Revised Code. 52614

(B) Except as otherwise provided in section 3321.01 of the 52615
Revised Code for admittance to kindergarten and first grade, a 52616
child who is at least five but under twenty-two years of age and 52617
any preschool child with a disability shall be admitted to school 52618
as provided in this division. 52619

(1) A child shall be admitted to the schools of the school 52620
district in which the child's parent resides. 52621

(2) A Except as provided in division (B) of section 2151.362 52622
and section 3317.30 of the Revised Code, a child who does not 52623
reside in the district where the child's parent resides shall be 52624

admitted to the schools of the district in which the child resides 52625
if any of the following applies: 52626

(a) The child is in the legal or permanent custody of a 52627
government agency or a person other than the child's natural or 52628
adoptive parent. 52629

(b) The child resides in a home. 52630

(c) The child requires special education. 52631

(3) A child who is not entitled under division (B)(2) of this 52632
section to be admitted to the schools of the district where the 52633
child resides and who is residing with a resident of this state 52634
with whom the child has been placed for adoption shall be admitted 52635
to the schools of the district where the child resides unless 52636
either of the following applies: 52637

(a) The placement for adoption has been terminated. 52638

(b) Another school district is required to admit the child 52639
under division (B)(1) of this section. 52640

Division (B) of this section does not prohibit the board of 52641
education of a school district from placing a child with a 52642
disability who resides in the district in a special education 52643
program outside of the district or its schools in compliance with 52644
Chapter 3323. of the Revised Code. 52645

(C) A district shall not charge tuition for children admitted 52646
under division (B)(1) or (3) of this section. If the district 52647
admits a child under division (B)(2) of this section, tuition 52648
shall be paid to the district that admits the child as provided in 52649
divisions (C)(1) to (3) of this section, unless division (C)(4) of 52650
this section applies to the child: 52651

(1) If the child receives special education in accordance 52652
with Chapter 3323. of the Revised Code, the school district of 52653
residence, as defined in section 3323.01 of the Revised Code, 52654

shall pay tuition for the child in accordance with section 52655
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 52656
regardless of who has custody of the child or whether the child 52657
resides in a home. 52658

(2) For a child that does not receive special education in 52659
accordance with Chapter 3323. of the Revised Code, except as 52660
otherwise provided in division (C)(2)(d) of this section, if the 52661
child is in the permanent or legal custody of a government agency 52662
or person other than the child's parent, tuition shall be paid by: 52663

(a) The district in which the child's parent resided at the 52664
time the court removed the child from home or at the time the 52665
court vested legal or permanent custody of the child in the person 52666
or government agency, whichever occurred first; 52667

(b) If the parent's residence at the time the court removed 52668
the child from home or placed the child in the legal or permanent 52669
custody of the person or government agency is unknown, tuition 52670
shall be paid by the district in which the child resided at the 52671
time the child was removed from home or placed in legal or 52672
permanent custody, whichever occurred first; 52673

(c) If a school district cannot be established under division 52674
(C)(2)(a) or (b) of this section, tuition shall be paid by the 52675
district determined as required by section 2151.362 of the Revised 52676
Code by the court at the time it vests custody of the child in the 52677
person or government agency; 52678

(d) If at the time the court removed the child from home or 52679
vested legal or permanent custody of the child in the person or 52680
government agency, whichever occurred first, one parent was in a 52681
residential or correctional facility or a juvenile residential 52682
placement and the other parent, if living and not in such a 52683
facility or placement, was not known to reside in this state, 52684
tuition shall be paid by the district determined under division 52685

(D) of section 3313.65 of the Revised Code as the district 52686
required to pay any tuition while the parent was in such facility 52687
or placement; 52688

(e) If the department of education has determined, pursuant 52689
to division (A)(2) of section 2151.362 of the Revised Code, that a 52690
school district other than the one named in the court's initial 52691
order, or in a prior determination of the department, is 52692
responsible to bear the cost of educating the child, the district 52693
so determined shall be responsible for that cost. 52694

(3) If the child is not in the permanent or legal custody of 52695
a government agency or person other than the child's parent and 52696
the child resides in a home, tuition shall be paid by one of the 52697
following: 52698

(a) The school district in which the child's parent resides; 52699

(b) If the child's parent is not a resident of this state, 52700
the home in which the child resides. 52701

(4) Division (C)(4) of this section applies to any child who 52702
is admitted to a school district under division (B)(2) of this 52703
section, resides in a home that is not a foster home ~~or~~, a home 52704
maintained by the department of youth services, a detention 52705
facility established under section 2152.41 of the Revised Code, or 52706
a juvenile facility established under section 2151.65 of the 52707
Revised Code, receives educational services at the home or 52708
facility in which the child resides pursuant to a contract between 52709
the home or facility and the school district providing those 52710
services, and does not receive special education. 52711

In the case of a child to which division (C)(4) of this 52712
section applies, the total educational cost to be paid for the 52713
child shall be determined by a formula approved by the department 52714
of education, which formula shall be designed to calculate a per 52715
diem cost for the educational services provided to the child for 52716

each day the child is served and shall reflect the total actual 52717
cost incurred in providing those services. The department shall 52718
certify the total educational cost to be paid for the child to 52719
both the school district providing the educational services and, 52720
if different, the school district that is responsible to pay 52721
tuition for the child. The department shall deduct the certified 52722
amount from the state basic aid funds payable under Chapter 3317. 52723
of the Revised Code to the district responsible to pay tuition and 52724
shall pay that amount to the district providing the educational 52725
services to the child. 52726

(D) Tuition required to be paid under divisions (C)(2) and 52727
(3)(a) of this section shall be computed in accordance with 52728
section 3317.08 of the Revised Code. Tuition required to be paid 52729
under division (C)(3)(b) of this section shall be computed in 52730
accordance with section 3317.081 of the Revised Code. If a home 52731
fails to pay the tuition required by division (C)(3)(b) of this 52732
section, the board of education providing the education may 52733
recover in a civil action the tuition and the expenses incurred in 52734
prosecuting the action, including court costs and reasonable 52735
attorney's fees. If the prosecuting attorney or city director of 52736
law represents the board in such action, costs and reasonable 52737
attorney's fees awarded by the court, based upon the prosecuting 52738
attorney's, director's, or one of their designee's time spent 52739
preparing and presenting the case, shall be deposited in the 52740
county or city general fund. 52741

(E) A board of education may enroll a child free of any 52742
tuition obligation for a period not to exceed sixty days, on the 52743
sworn statement of an adult resident of the district that the 52744
resident has initiated legal proceedings for custody of the child. 52745

(F) In the case of any individual entitled to attend school 52746
under this division, no tuition shall be charged by the school 52747
district of attendance and no other school district shall be 52748

required to pay tuition for the individual's attendance. 52749

Notwithstanding division (B), (C), or (E) of this section: 52750

(1) All persons at least eighteen but under twenty-two years 52751
of age who live apart from their parents, support themselves by 52752
their own labor, and have not successfully completed the high 52753
school curriculum or the individualized education program 52754
developed for the person by the high school pursuant to section 52755
3323.08 of the Revised Code, are entitled to attend school in the 52756
district in which they reside. 52757

(2) Any child under eighteen years of age who is married is 52758
entitled to attend school in the child's district of residence. 52759

(3) A child is entitled to attend school in the district in 52760
which either of the child's parents is employed if the child has a 52761
medical condition that may require emergency medical attention. 52762
The parent of a child entitled to attend school under division 52763
(F)(3) of this section shall submit to the board of education of 52764
the district in which the parent is employed a statement from the 52765
child's physician certifying that the child's medical condition 52766
may require emergency medical attention. The statement shall be 52767
supported by such other evidence as the board may require. 52768

(4) Any child residing with a person other than the child's 52769
parent is entitled, for a period not to exceed twelve months, to 52770
attend school in the district in which that person resides if the 52771
child's parent files an affidavit with the superintendent of the 52772
district in which the person with whom the child is living resides 52773
stating all of the following: 52774

(a) That the parent is serving outside of the state in the 52775
armed services of the United States; 52776

(b) That the parent intends to reside in the district upon 52777
returning to this state; 52778

(c) The name and address of the person with whom the child is 52779

living while the parent is outside the state. 52780

(5) Any child under the age of twenty-two years who, after 52781
the death of a parent, resides in a school district other than the 52782
district in which the child attended school at the time of the 52783
parent's death is entitled to continue to attend school in the 52784
district in which the child attended school at the time of the 52785
parent's death for the remainder of the school year, subject to 52786
approval of that district board. 52787

(6) A child under the age of twenty-two years who resides 52788
with a parent who is having a new house built in a school district 52789
outside the district where the parent is residing is entitled to 52790
attend school for a period of time in the district where the new 52791
house is being built. In order to be entitled to such attendance, 52792
the parent shall provide the district superintendent with the 52793
following: 52794

(a) A sworn statement explaining the situation, revealing the 52795
location of the house being built, and stating the parent's 52796
intention to reside there upon its completion; 52797

(b) A statement from the builder confirming that a new house 52798
is being built for the parent and that the house is at the 52799
location indicated in the parent's statement. 52800

(7) A child under the age of twenty-two years residing with a 52801
parent who has a contract to purchase a house in a school district 52802
outside the district where the parent is residing and who is 52803
waiting upon the date of closing of the mortgage loan for the 52804
purchase of such house is entitled to attend school for a period 52805
of time in the district where the house is being purchased. In 52806
order to be entitled to such attendance, the parent shall provide 52807
the district superintendent with the following: 52808

(a) A sworn statement explaining the situation, revealing the 52809
location of the house being purchased, and stating the parent's 52810

intent to reside there; 52811

(b) A statement from a real estate broker or bank officer 52812
confirming that the parent has a contract to purchase the house, 52813
that the parent is waiting upon the date of closing of the 52814
mortgage loan, and that the house is at the location indicated in 52815
the parent's statement. 52816

The district superintendent shall establish a period of time 52817
not to exceed ninety days during which the child entitled to 52818
attend school under division (F)(6) or (7) of this section may 52819
attend without tuition obligation. A student attending a school 52820
under division (F)(6) or (7) of this section shall be eligible to 52821
participate in interscholastic athletics under the auspices of 52822
that school, provided the board of education of the school 52823
district where the student's parent resides, by a formal action, 52824
releases the student to participate in interscholastic athletics 52825
at the school where the student is attending, and provided the 52826
student receives any authorization required by a public agency or 52827
private organization of which the school district is a member 52828
exercising authority over interscholastic sports. 52829

(8) A child whose parent is a full-time employee of a city, 52830
local, or exempted village school district, or of an educational 52831
service center, may be admitted to the schools of the district 52832
where the child's parent is employed, or in the case of a child 52833
whose parent is employed by an educational service center, in the 52834
district that serves the location where the parent's job is 52835
primarily located, provided the district board of education 52836
establishes such an admission policy by resolution adopted by a 52837
majority of its members. Any such policy shall take effect on the 52838
first day of the school year and the effective date of any 52839
amendment or repeal may not be prior to the first day of the 52840
subsequent school year. The policy shall be uniformly applied to 52841
all such children and shall provide for the admission of any such 52842

child upon request of the parent. No child may be admitted under 52843
this policy after the first day of classes of any school year. 52844

(9) A child who is with the child's parent under the care of 52845
a shelter for victims of domestic violence, as defined in section 52846
3113.33 of the Revised Code, is entitled to attend school free in 52847
the district in which the child is with the child's parent, and no 52848
other school district shall be required to pay tuition for the 52849
child's attendance in that school district. 52850

The enrollment of a child in a school district under this 52851
division shall not be denied due to a delay in the school 52852
district's receipt of any records required under section 3313.672 52853
of the Revised Code or any other records required for enrollment. 52854
Any days of attendance and any credits earned by a child while 52855
enrolled in a school district under this division shall be 52856
transferred to and accepted by any school district in which the 52857
child subsequently enrolls. The state board of education shall 52858
adopt rules to ensure compliance with this division. 52859

(10) Any child under the age of twenty-two years whose parent 52860
has moved out of the school district after the commencement of 52861
classes in the child's senior year of high school is entitled, 52862
subject to the approval of that district board, to attend school 52863
in the district in which the child attended school at the time of 52864
the parental move for the remainder of the school year and for one 52865
additional semester or equivalent term. A district board may also 52866
adopt a policy specifying extenuating circumstances under which a 52867
student may continue to attend school under division (F)(10) of 52868
this section for an additional period of time in order to 52869
successfully complete the high school curriculum for the 52870
individualized education program developed for the student by the 52871
high school pursuant to section 3323.08 of the Revised Code. 52872

(11) As used in this division, "grandparent" means a parent 52873
of a parent of a child. A child under the age of twenty-two years 52874

who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to attend the schools of the district in which the child's grandparent resides, provided that, prior to such attendance in any school year, the board of education of the school district in which the child's grandparent resides and the board of education of the school district in which the child's parent resides enter into a written agreement specifying that good cause exists for such attendance, describing the nature of this good cause, and consenting to such attendance.

In lieu of a consent form signed by a parent, a board of education may request the grandparent of a child attending school in the district in which the grandparent resides pursuant to division (F)(11) of this section to complete any consent form required by the district, including any authorization required by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised Code. Upon request, the grandparent shall complete any consent form required by the district. A school district shall not incur any liability solely because of its receipt of a consent form from a grandparent in lieu of a parent.

Division (F)(11) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a school district, a member of a board of education, or an employee of a school district. This section does not affect, and shall not be construed as affecting, any immunities from defenses to tort liability created or recognized by Chapter 2744. of the Revised Code for a school district, member, or employee.

(12) A child under the age of twenty-two years is entitled to attend school in a school district other than the district in which the child is entitled to attend school under division (B), (C), or (E) of this section provided that, prior to such

attendance in any school year, both of the following occur: 52907

(a) The superintendent of the district in which the child is 52908
entitled to attend school under division (B), (C), or (E) of this 52909
section contacts the superintendent of another district for 52910
purposes of this division; 52911

(b) The superintendents of both districts enter into a 52912
written agreement that consents to the attendance and specifies 52913
that the purpose of such attendance is to protect the student's 52914
physical or mental well-being or to deal with other extenuating 52915
circumstances deemed appropriate by the superintendents. 52916

While an agreement is in effect under this division for a 52917
student who is not receiving special education under Chapter 3323. 52918
of the Revised Code and notwithstanding Chapter 3327. of the 52919
Revised Code, the board of education of neither school district 52920
involved in the agreement is required to provide transportation 52921
for the student to and from the school where the student attends. 52922

A student attending a school of a district pursuant to this 52923
division shall be allowed to participate in all student 52924
activities, including interscholastic athletics, at the school 52925
where the student is attending on the same basis as any student 52926
who has always attended the schools of that district while of 52927
compulsory school age. 52928

(13) All school districts shall comply with the 52929
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 52930
seq., for the education of homeless children. Each city, local, 52931
and exempted village school district shall comply with the 52932
requirements of that act governing the provision of a free, 52933
appropriate public education, including public preschool, to each 52934
homeless child. 52935

When a child loses permanent housing and becomes a homeless 52936
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 52937

such a homeless person changes temporary living arrangements, the 52938
child's parent or guardian shall have the option of enrolling the 52939
child in either of the following: 52940

(a) The child's school of origin, as defined in 42 U.S.C.A. 52941
11432(g)(3)(C); 52942

(b) The school that is operated by the school district in 52943
which the shelter where the child currently resides is located and 52944
that serves the geographic area in which the shelter is located. 52945

(14) A child under the age of twenty-two years who resides 52946
with a person other than the child's parent is entitled to attend 52947
school in the school district in which that person resides if both 52948
of the following apply: 52949

(a) That person has been appointed, through a military power 52950
of attorney executed under section 574(a) of the "National Defense 52951
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 52952
U.S.C. 1044b, or through a comparable document necessary to 52953
complete a family care plan, as the parent's agent for the care, 52954
custody, and control of the child while the parent is on active 52955
duty as a member of the national guard or a reserve unit of the 52956
armed forces of the United States or because the parent is a 52957
member of the armed forces of the United States and is on a duty 52958
assignment away from the parent's residence. 52959

(b) The military power of attorney or comparable document 52960
includes at least the authority to enroll the child in school. 52961

The entitlement to attend school in the district in which the 52962
parent's agent under the military power of attorney or comparable 52963
document resides applies until the end of the school year in which 52964
the military power of attorney or comparable document expires. 52965

(G) A board of education, after approving admission, may 52966
waive tuition for students who will temporarily reside in the 52967
district and who are either of the following: 52968

(1) Residents or domiciliaries of a foreign nation who 52969
request admission as foreign exchange students; 52970

(2) Residents or domiciliaries of the United States but not 52971
of Ohio who request admission as participants in an exchange 52972
program operated by a student exchange organization. 52973

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 52974
3327.04, and 3327.06 of the Revised Code, a child may attend 52975
school or participate in a special education program in a school 52976
district other than in the district where the child is entitled to 52977
attend school under division (B) of this section. 52978

(I)(1) Notwithstanding anything to the contrary in this 52979
section or section 3313.65 of the Revised Code, a child under 52980
twenty-two years of age may attend school in the school district 52981
in which the child, at the end of the first full week of October 52982
of the school year, was entitled to attend school as otherwise 52983
provided under this section or section 3313.65 of the Revised 52984
Code, if at that time the child was enrolled in the schools of the 52985
district but since that time the child or the child's parent has 52986
relocated to a new address located outside of that school district 52987
and within the same county as the child's or parent's address 52988
immediately prior to the relocation. The child may continue to 52989
attend school in the district, and at the school to which the 52990
child was assigned at the end of the first full week of October of 52991
the current school year, for the balance of the school year. 52992
Division (I)(1) of this section applies only if both of the 52993
following conditions are satisfied: 52994

(a) The board of education of the school district in which 52995
the child was entitled to attend school at the end of the first 52996
full week in October and of the district to which the child or 52997
child's parent has relocated each has adopted a policy to enroll 52998
children described in division (I)(1) of this section. 52999

(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.

(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division (H) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code.

(J) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to

division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. If the tuition rate credited to the district of attendance exceeds the rate deducted from the district required to pay tuition, the department of education shall pay the district of attendance the difference from amounts deducted from all districts' payments under division (C) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the superintendent of public instruction a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (C) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(K) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(L) Nothing in this section requires or authorizes, or shall
be construed to require or authorize, the admission to a public
school in this state of a pupil who has been permanently excluded
from public school attendance by the superintendent of public
instruction pursuant to sections 3301.121 and 3313.662 of the
Revised Code.

(M) In accordance with division (B)(1) of this section, a
child whose parent is a member of the national guard or a reserve
unit of the armed forces of the United States and is called to
active duty, or a child whose parent is a member of the armed
forces of the United States and is ordered to a temporary duty
assignment outside of the district, may continue to attend school
in the district in which the child's parent lived before being
called to active duty or ordered to a temporary duty assignment
outside of the district, as long as the child's parent continues
to be a resident of that district, and regardless of where the
child lives as a result of the parent's active duty status or
temporary duty assignment. However, the district is not
responsible for providing transportation for the child if the
child lives outside of the district as a result of the parent's
active duty status or temporary duty assignment.

Sec. 3313.646. (A) The board of education of a school
district, except a cooperative education district established
pursuant to section 3311.521 of the Revised Code, may establish
and operate a ~~preschool~~ program to provide services to
preschool-age children, provided the board has demonstrated a need
for the program. A board may use school funds in support of
preschool programs. The board shall maintain, operate, and admit
children to any such program pursuant to rules adopted by such
board and the rules of the state board of education adopted under
sections 3301.52 to 3301.57 of the Revised Code.

A board of education may establish fees or tuition, which may be graduated in proportion to family income, for participation in a preschool program. In cases where payment of fees or tuition would create a hardship for the child's parent or guardian, the board may waive any such fees or tuition.

(B) No board of education that is not receiving funds under the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on March 17, 1989, shall compete for funds under the "Head Start Act" with any grantee receiving funds under that act.

(C) A board of education may contract with any of the following preschool providers to provide ~~preschool programs~~ services to preschool-age children, other than ~~programs for units described by divisions (B) and (C) of those services for which the district is eligible to receive funding under section 3317.05~~ 3317.0213 of the Revised Code, ~~for children of the school district:~~

(1) Any organization receiving funds under the "Head Start Act";

(2) Any nonsectarian eligible nonpublic school as defined in division (H) of section 3301.52 of the Revised Code;

(3) Any child care provider licensed under Chapter 5104. of the Revised Code.

Boards may contract to provide ~~preschool programs~~ services to preschool-age children only with such organizations whose staff meet the requirements of rules adopted under section 3301.53 of the Revised Code or those of the child development associate credential established by the national association for the education of young children.

(D) A contract entered into under division (C) of this section may provide for the board of education to lease school facilities to the preschool provider or to furnish transportation,

utilities, or staff for the preschool program. 53125

(E) The treasurer of any board of education operating a 53126
preschool program pursuant to this section shall keep an account 53127
of all funds used to operate the program in the same manner as the 53128
treasurer would any other funds of the district pursuant to this 53129
chapter. 53130

Sec. 3313.65. (A) As used in this section and section 3313.64 53131
of the Revised Code: 53132

(1) A person is "in a residential facility" if the person is 53133
a resident or a resident patient of an institution, home, or other 53134
residential facility that is: 53135

(a) Licensed as a nursing home, residential care facility, or 53136
home for the aging by the director of health under section 3721.02 53137
of the Revised Code; 53138

(b) Maintained as a county home or district home by the board 53139
of county commissioners or a joint board of county commissioners 53140
under Chapter 5155. of the Revised Code; 53141

(c) Operated or administered by a board of alcohol, drug 53142
addiction, and mental health services under section 340.03 ~~or~~ 53143
~~340.06~~ of the Revised Code, or provides residential care pursuant 53144
to contracts made under section 340.03 ~~or 340.033~~ of the Revised 53145
Code; 53146

(d) Maintained as a state institution for the mentally ill 53147
under Chapter 5119. of the Revised Code; 53148

(e) Licensed by the department of ~~mental health~~ mental health 53149
and addiction services under section ~~5119.20~~ 5119.33 or ~~5119.22~~ 53150
5119.34 of the Revised Code; 53151

(f) Licensed as a residential facility by the department of 53152
developmental disabilities under section 5123.19 of the Revised 53153
Code; 53154

(g) Operated by the veteran's administration or another agency of the United States government;	53155 53156
(h) Operated by the Ohio veterans' home.	53157
(2) A person is "in a correctional facility" if any of the following apply:	53158 53159
(a) The person is an Ohio resident and is:	53160
(i) Imprisoned, as defined in section 1.05 of the Revised Code;	53161 53162
(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility;	53163 53164
(iii) Required, as a condition of parole, a post-release control sanction, a community control sanction, transitional control, or early release from imprisonment, as a condition of shock parole or shock probation granted under the law in effect prior to July 1, 1996, or as a condition of a furlough granted under the version of section 2967.26 of the Revised Code in effect prior to March 17, 1998, to reside in a halfway house or other community residential center licensed under section 2967.14 of the Revised Code or a similar facility designated by the court of common pleas that established the condition or by the adult parole authority.	53165 53166 53167 53168 53169 53170 53171 53172 53173 53174 53175
(b) The person is imprisoned in a state correctional institution of another state or a federal correctional institution but was an Ohio resident at the time the sentence was imposed for the crime for which the person is imprisoned.	53176 53177 53178 53179
(3) A person is "in a juvenile residential placement" if the person is an Ohio resident who is under twenty-one years of age and has been removed, by the order of a juvenile court, from the place the person resided at the time the person became subject to the court's jurisdiction in the matter that resulted in the	53180 53181 53182 53183 53184

person's removal. 53185

(4) "Community control sanction" has the same meaning as in 53186
section 2929.01 of the Revised Code. 53187

(5) "Post-release control sanction" has the same meaning as 53188
in section 2967.01 of the Revised Code. 53189

(B) If the circumstances described in division (C) of this 53190
section apply, the determination of what school district must 53191
admit a child to its schools and what district, if any, is liable 53192
for tuition shall be made in accordance with this section, rather 53193
than section 3313.64 of the Revised Code. 53194

(C) A child who does not reside in the school district in 53195
which the child's parent resides and for whom a tuition obligation 53196
previously has not been established under division (C)(2) of 53197
section 3313.64 of the Revised Code shall be admitted to the 53198
schools of the district in which the child resides if at least one 53199
of the child's parents is in a residential or correctional 53200
facility or a juvenile residential placement and the other parent, 53201
if living and not in such a facility or placement, is not known to 53202
reside in this state. 53203

(D) Regardless of who has custody or care of the child, 53204
whether the child resides in a home, or whether the child receives 53205
special education, if a district admits a child under division (C) 53206
of this section, tuition shall be paid to that district as 53207
follows: 53208

(1) If the child's parent is in a juvenile residential 53209
placement, by the district in which the child's parent resided at 53210
the time the parent became subject to the jurisdiction of the 53211
juvenile court; 53212

(2) If the child's parent is in a correctional facility, by 53213
the district in which the child's parent resided at the time the 53214
sentence was imposed; 53215

(3) If the child's parent is in a residential facility, by 53216
the district in which the parent resided at the time the parent 53217
was admitted to the residential facility, except that if the 53218
parent was transferred from another residential facility, tuition 53219
shall be paid by the district in which the parent resided at the 53220
time the parent was admitted to the facility from which the parent 53221
first was transferred; 53222

(4) In the event of a disagreement as to which school 53223
district is liable for tuition under division (C)(1), (2), or (3) 53224
of this section, the superintendent of public instruction shall 53225
determine which district shall pay tuition. 53226

(E) If a child covered by division (D) of this section 53227
receives special education in accordance with Chapter 3323. of the 53228
Revised Code, the tuition shall be paid in accordance with section 53229
3323.13 or 3323.14 of the Revised Code. Tuition for children who 53230
do not receive special education shall be paid in accordance with 53231
division (J) of section 3313.64 of the Revised Code. 53232

Sec. 3313.714. (A) As used in this section: 53233

(1) "Board of education" means the board of education of a 53234
city, local, exempted village, or joint vocational school 53235
district. 53236

(2) "Healthcheck" means the early and periodic screening, 53237
diagnosis, and treatment program, a component of the ~~medical~~ 53238
~~assistance~~ medicaid ~~program established under Title XIX of the~~ 53239
~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 302, as~~ 53240
~~amended, and Chapter 5111. of the Revised Code.~~ 53241

(3) "Pupil" means a person under age twenty-two enrolled in 53242
the schools of a city, local, exempted village, or joint 53243
vocational school district. 53244

(4) "Parent" means either parent with the following 53245

exceptions:	53246
(a) If one parent has custody by court order, "parent" means the parent with custody.	53247 53248
(b) If neither parent has legal custody, "parent" means the person or government entity with legal custody.	53249 53250
(c) The child's legal guardian or a person who has accepted responsibility for the health, safety, and welfare of the child.	53251 53252
(B) At the request of the department of job and family services <u>medicaid</u> , a board of education shall establish and conduct a healthcheck program for pupils enrolled in the schools of the district who are <u>medicaid</u> recipients of medical assistance under Chapter 5111. of the Revised Code . At the request of a board of education, the department may authorize the board to establish a healthcheck program. A board that establishes a healthcheck program shall enter into a medical assistance <u>medicaid</u> provider agreement with the department.	53253 53254 53255 53256 53257 53258 53259 53260 53261
A healthcheck program established by a board of education shall be conducted in accordance with rules adopted by the <u>medicaid</u> director of job and family services under division (F) of this section. The healthcheck program shall include all of the following components:	53262 53263 53264 53265 53266
(1) A comprehensive health and development history;	53267
(2) A comprehensive physical examination;	53268
(3) A developmental assessment;	53269
(4) A nutritional assessment;	53270
(5) A vision assessment;	53271
(6) A hearing assessment;	53272
(7) An immunization assessment;	53273
(8) Lead screening and laboratory tests ordered by a doctor	53274

of medicine or osteopathic medicine as part of one of the other 53275
components; 53276

(9) Such other assessment as may be required by the 53277
department of ~~job and family services~~ medicaid in accordance with 53278
the requirements of the healthcheck program. 53279

All services included in a board of education's healthcheck 53280
program that the board provided under sections 3313.67, 3313.673, 53281
3313.68, 3313.69, and 3313.71 of the Revised Code during the 53282
1990-1991 school year shall continue to be provided to ~~medical~~ 53283
~~assistance~~ medicaid recipients by the board pursuant to those 53284
sections. The services shall be considered part of the healthcheck 53285
program for medicaid recipients ~~of medical assistance~~, and the 53286
board shall be eligible for ~~reimbursement~~ payment from the state 53287
department in accordance with this division for providing the 53288
services. 53289

The department shall ~~reimburse~~ pay boards of education for 53290
healthcheck program services provided under this division at the 53291
rates paid under the ~~medical assistance~~ medicaid program to 53292
physicians, dentists, nurses, and other providers of healthcheck 53293
services. 53294

(C) Each board of education that conducts a healthcheck 53295
program shall determine for each pupil enrolled in the schools of 53296
the district whether the pupil is a ~~medical assistance~~ medicaid 53297
recipient. The department of ~~job and family services~~ medicaid and 53298
county departments of ~~human services~~ job and family services shall 53299
assist the board in making these determinations. Except as 53300
necessary to carry out the purposes of this section, all 53301
information received by a board under this division shall be 53302
confidential. 53303

Before the first day of October of each year, each board that 53304
conducts a healthcheck program shall send the parent of each pupil 53305

who is under age eighteen and a medicaid recipient ~~of medical~~ 53306
~~assistance~~ notice that the pupil will be examined under the 53307
district's healthcheck program unless the parent notifies the 53308
board that the parent denies consent for the examination. The 53309
notice shall include a form to be used by the parent to indicate 53310
that the parent denies consent. The denial shall be effective only 53311
if the form is signed by the parent and returned to the board or 53312
the school in which the pupil is enrolled. If the parent does not 53313
return a signed form indicating denial of consent within two weeks 53314
after the date the notice is sent, the school district and the 53315
department of ~~job and family services~~ medicaid shall deem the 53316
parent to have consented to examination of the parent's child 53317
under the healthcheck program. In the case of a pupil age eighteen 53318
or older, the notice shall be given to the pupil, and the school 53319
district and the department of ~~job and family services~~ medicaid 53320
shall deem the pupil to have consented to examination unless the 53321
pupil returns the signed form indicating the pupil's denial of 53322
consent. 53323

(D)(1) As used in this division: 53324

(a) "Nonfederal share" means the portion of expenditures for 53325
services that is required under the ~~medical assistance~~ medicaid 53326
program to be paid for with state or local government funds. 53327

(b) "Federal financial participation" means the portion of 53328
expenditures for services that is ~~reimbursed~~ payable under the 53329
~~medical assistance~~ medicaid program with federal funds. 53330

(2) At the request of a board of education, the state 53331
department may enter into an agreement with the board under which 53332
the board provides medical services to a medicaid recipient ~~of~~ 53333
~~medical assistance~~ that are ~~reimbursable~~ payable under the ~~medical~~ 53334
~~assistance~~ medicaid program but not under the healthcheck program. 53335
The agreement may be for a term specified in the agreement and 53336
renewable by mutual consent of the board and the department, or 53337

may continue in force as long as agreeable to the board and the 53338
department. 53339

The board shall use state or local funds of the district to 53340
pay the nonfederal share of expenditures for services provided 53341
under this division. Prior to entering into or renewing an 53342
agreement and at any other time requested by the department while 53343
the agreement is in force, the board shall certify to the 53344
department in accordance with the rules adopted under division (F) 53345
of this section that it will have sufficient state or local funds 53346
to pay the nonfederal share of expenditures under this division. 53347
If the board fails to make the certification, the department shall 53348
not enter into or renew the agreement. If an agreement has been 53349
entered into, it shall be void unless the board makes the 53350
certification not later than fifteen days after receiving notice 53351
from the department that the certification is due. The board shall 53352
report to the department, in accordance with the rules, the amount 53353
of state or local funds it spends to provide services under this 53354
division. 53355

The department shall ~~reimburse~~ pay the board the federal 53356
financial participation allowed for the board's expenditures for 53357
services under this division. The total of the nonfederal share 53358
spent by the board and the federal financial participation 53359
~~reimbursed~~ paid by the department for a service rendered under 53360
this division shall be an amount agreed to by the board and the 53361
department, but shall not exceed the maximum ~~reimbursable~~ payable 53362
amount for that service under rules adopted ~~by the director of job~~ 53363
~~and family services~~ under ~~Chapter 5111.~~ section 5164.02 of the 53364
Revised Code. The rules adopted under division (F) of this section 53365
shall include procedures under which the department will recover 53366
from a board overpayments and subsequent federal audit 53367
disallowances of federal financial participation ~~reimbursed~~ paid 53368
by the department. 53369

(E) A board of education shall provide services under 53370
division (D) of this section and under its healthcheck program as 53371
provided in division (E)(1), (2), or (3) of this section: 53372

(1) By having the services performed by physicians, dentists, 53373
and nurses employed by the board; 53374

(2) By contracting with physicians, dentists, nurses, and 53375
other providers of services who have ~~medical assistance~~ medicaid 53376
provider agreements with the department of ~~job and family services~~ 53377
medicaid; 53378

(3) By having some of the services performed by persons 53379
described in division (E)(1) of this section and others performed 53380
by persons described in division (E)(2) of this section. 53381

(F) The medicaid director ~~of job and family services~~ shall 53382
adopt rules in accordance with Chapter 119. of the Revised Code 53383
governing healthcheck programs conducted under this section and 53384
services provided under division (D) of this section. 53385

Sec. 3313.715. The board of education of a school district 53386
may request from the director of developmental disabilities the 53387
appropriate identification numbers for all students residing in 53388
the district who are ~~medical assistance~~ medicaid recipients ~~under~~ 53389
~~Chapter 5111. of the Revised Code.~~ The director shall furnish such 53390
numbers upon receipt of lists of student names furnished by the 53391
district board, in such form as the director may require. 53392

The medicaid director ~~of job and family services~~ shall 53393
provide the director of developmental disabilities with the data 53394
necessary for compliance with this section. 53395

Section 3319.321 of the Revised Code does not apply to the 53396
release of student names or other data to the director of 53397
developmental disabilities for the purposes of this section. 53398
Chapter 1347. of the Revised Code does not apply to information 53399

required to be kept by a school board or the departments of ~~job~~ 53400
~~and family services~~ medicaid or developmental disabilities to the 53401
extent necessary to comply with this section and section 3313.714 53402
of the Revised Code. However, any such information or data shall 53403
be used only for the specific legal purposes of such boards and 53404
departments and shall not be released to any unauthorized person. 53405

Sec. 3313.82. The board of education of each ~~city and~~ 53406
~~exempted village~~ school district and the governing board of each 53407
educational service center shall appoint a business advisory 53408
council, except that a school district that has entered into an 53409
agreement under section 3313.843 or 3313.845 of the Revised Code 53410
to receive any services from an educational service center is not 53411
required to appoint a council if the school district and 53412
educational service center agree that the educational service 53413
center's council will represent the business of the district. The 53414
council shall advise and provide recommendations to the board on 53415
matters specified by the board including, but not necessarily 53416
limited to, the delineation of employment skills and the 53417
development of curriculum to instill these skills; changes in the 53418
economy and in the job market, and the types of employment in 53419
which future jobs are most likely to be available; and suggestions 53420
for developing a working relationship among businesses, labor 53421
organizations, and educational personnel ~~in the district or in the~~ 53422
~~territory of the educational service center.~~ Each board shall 53423
determine the membership and organization of its council. 53424
Notwithstanding division (D) of section 3311.19 and division (D) 53425
of section 3311.52 of the Revised Code, this section shall not 53426
apply to the board of education of any joint vocational school 53427
district or any cooperative education school district created 53428
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 53429
Code. 53430

Sec. 3313.83. (A)(1) For the purpose of pooling resources, 53431
operating more cost effectively, minimizing administrative 53432
overhead, encouraging the sharing of resource development, and 53433
diminishing duplication, the boards of education of two or more 53434
city, local, or exempted village school districts each having a 53435
majority of its territory in a county with a population greater 53436
than one million two hundred thousand, by adopting identical 53437
resolutions, may enter into an agreement providing for the 53438
creation of a regional student education district for the purpose 53439
of funding the following for students enrolled in those school 53440
districts, including students diagnosed as autistic and students 53441
with special needs, and their immediate family members: 53442

(a) Special education services; 53443

(b) Behavioral health services for persons with special 53444
needs. 53445

If more than eight boards of education adopt resolutions to 53446
form a regional student education district, the boards may meet at 53447
facilities of the educational service center of the county to 53448
discuss membership in the district. 53449

(2) The territory of a regional student education district at 53450
any time shall be composed of the combined territories of the 53451
school districts that are parties to the agreement at that time. 53452
Services funded by a regional student education district shall be 53453
available to all individuals enrolled in a school district that is 53454
a part of the regional student education district and members of 53455
their immediate family. 53456

(3) The agreement may be amended pursuant to terms and 53457
procedures mutually agreed to by the boards of education that are 53458
parties to the agreement. 53459

(B) Each regional student education district shall be 53460

governed by a board of directors. The superintendent of each board 53461
of education that is a party to the agreement shall serve on the 53462
board of directors. The agreement shall provide for the terms of 53463
office of directors. Directors shall receive no compensation, but 53464
shall be reimbursed, from the special fund of the regional student 53465
education district, for the reasonable and necessary expenses they 53466
incur in the performance of their duties for the district. The 53467
agreement shall provide for the conduct of the board's initial 53468
organizational meeting and for the frequency of subsequent 53469
meetings and quorum requirements. At its first meeting, the board 53470
shall designate from among its members a president and secretary 53471
in the manner provided in the agreement. 53472

The board of directors of a regional student education 53473
district is a body corporate and politic, is capable of suing and 53474
being sued, is capable of contracting within the limits of this 53475
section and the agreement governing the district, and is capable 53476
of accepting gifts, donations, bequests, or other grants of money 53477
for use in paying its expenses. The district is a public office 53478
and its directors are public officials within the meaning of 53479
section 117.01 of the Revised Code, the board of directors is a 53480
public body within the meaning of section 121.22 of the Revised 53481
Code, and records of the board and of the district are public 53482
records within the meaning of section 149.43 of the Revised Code. 53483

The agreement shall require the board to designate a 53484
permanent location for its offices and meeting place, and may 53485
provide for the use of such facilities and property for the 53486
provision of services by the agencies with which the board 53487
contracts under division (C) of this section. 53488

(C)(1) To provide the services identified in division (A)(1) 53489
of this section, the board of directors of a regional student 53490
education district shall provide for the hiring of employees or 53491
shall contract with one or more entities. Except as provided in 53492

division (C)(2) of this section, any entity with which the board 53493
of directors contracts to provide the services identified in 53494
division (A)(1)(b) of this section shall be a qualified nonprofit, 53495
nationally accredited agency to which both of the following apply: 53496

(a) The agency is licensed or certified by the departments of 53497
~~mental health, mental health and addiction services and~~ job and 53498
family services, ~~and alcohol and drug addiction services.~~ 53499

(b) The agency provides school-based behavioral health 53500
services. 53501

(2) The board of directors may contract with an entity that 53502
does not meet the conditions stated in division (C)(1) of this 53503
section if the services to be provided by the entity are only 53504
incidental to the services identified in division (A)(1)(b) of 53505
this section. 53506

(3) The board of directors may levy a tax throughout the 53507
district as provided in section 5705.2111 of the Revised Code. The 53508
board of directors shall provide for the creation of a special 53509
fund to hold the proceeds of any tax levied under section 53510
5705.2111 of the Revised Code and any gifts, donations, bequests, 53511
or other grants of money coming into the possession of the 53512
district. A regional student education district is a subdivision, 53513
and the board of directors is a governing body, within the meaning 53514
of section 135.01 of the Revised Code. The board of directors may 53515
not issue securities or otherwise incur indebtedness. 53516

(4) The adoption or rejection by electors of a tax levy to 53517
fund a regional student education district pursuant to section 53518
5705.2111 of the Revised Code does not alter the duty of each 53519
school district member of the regional student education district 53520
to provide special education and related services as required 53521
under Chapter 3323. of the Revised Code. On the expiration of a 53522
regional student education district levy, the state, member school 53523

districts of the regional student education district, and any 53524
other governmental entity shall not be obligated to provide 53525
replacement funding for the revenues under the expired levy. The 53526
tax levy, in whole or in part, shall not be considered a levy for 53527
current operating expenses pursuant to division (A) of section 53528
3317.01 of the Revised Code for any of the school districts that 53529
are members of the regional student education district. 53530

(D)(1) The agreement shall provide for the manner of 53531
appointing an individual or entity to perform the duties of fiscal 53532
officer of the regional student education district. The agreement 53533
shall specify the length of time the individual or entity shall 53534
perform those duties and whether the individual or entity may be 53535
reappointed upon the completion of a term. The fiscal officer may 53536
receive compensation for performing the duties of the position and 53537
be reimbursed for reasonable expenses of performing those duties 53538
from the regional student education district's special fund. 53539

(2) The legal advisor of the board of directors of a regional 53540
student education district shall be the prosecuting attorney of 53541
the most populous county containing a school district that is a 53542
member of the regional student education district. The prosecuting 53543
attorney shall prosecute all actions against a member of the board 53544
of directors for malfeasance or misfeasance in office and shall be 53545
the legal counsel for the board and its members in all other 53546
actions brought by or against them and shall conduct those actions 53547
in the prosecuting attorney's official capacity. No compensation 53548
in addition to the prosecuting attorney's regular salary shall be 53549
allowed. 53550

(E) The board of directors of a regional student education 53551
district shall procure a policy or policies of insurance insuring 53552
the board, the fiscal officer, and the legal representative 53553
against liability on account of damage or injury to persons and 53554
property. Before procuring such insurance the board shall adopt a 53555

resolution setting forth the amount of insurance to be purchased, 53556
the necessity of the insurance, and a statement of its estimated 53557
premium cost. Insurance procured pursuant to this section shall be 53558
from one or more recognized insurance companies authorized to do 53559
business in this state. The cost of the insurance shall be paid 53560
from the district's special fund. 53561

A regional student education district is a political 53562
subdivision within the meaning of section 2744.01 of the Revised 53563
Code. 53564

(F)(1) The board of education of a school district having a 53565
majority of its territory in the county may join an existing 53566
regional student education district by adopting a resolution 53567
requesting to join as a party to the agreement and upon approval 53568
by the boards of education that currently are parties to the 53569
agreement. If a tax is levied in the regional student education 53570
district under section 5705.2111 of the Revised Code, a board of 53571
education may join the district only after a majority of qualified 53572
electors in the school district voting on the question vote in 53573
favor of levying the tax throughout the school district. A board 53574
of education joining an existing district shall have the same 53575
powers, rights, and obligations under the agreement as other 53576
boards of education that are parties to the agreement. 53577

(2) A board of education that is a party to an agreement 53578
under this section may withdraw the school district from a 53579
regional student education district by adopting a resolution. The 53580
withdrawal shall take effect on the date provided in the 53581
resolution. If a tax is levied in the regional student education 53582
district under section 5705.2111 of the Revised Code, the 53583
resolution shall take effect not later than the first day of 53584
January following adoption of the resolution. Beginning with the 53585
first day of January following adoption of the resolution, any tax 53586
levied under section 5705.2111 of the Revised Code shall not be 53587

levied within the territory of the withdrawing school district. 53588
Any collection of tax levied in the territory of the withdrawing 53589
school district under that section that has not been settled and 53590
distributed when the resolution takes effect shall be credited to 53591
the district's special fund. 53592

(G) An agreement entered into under this section shall 53593
provide for the manner of the regional student education 53594
district's dissolution. The district shall cease to exist when not 53595
more than one school district remains in the district, and the 53596
levy of any tax under section 5705.2111 of the Revised Code shall 53597
not be extended on the tax lists in any tax year beginning after 53598
the dissolution of the district. The agreement shall provide that, 53599
upon dissolution of the district, any unexpended balance in the 53600
district's special fund shall be divided among the school 53601
districts that are parties to the agreement immediately before 53602
dissolution in proportion to the taxable valuation of taxable 53603
property in the districts, and credited to their respective 53604
general funds. 53605

Sec. 3313.841. The boards of education and governing boards 53606
of two or more city, local, joint vocational, or exempted village 53607
school districts or educational service centers may contract in 53608
accordance with the terms of this section for the sharing on a 53609
cooperative basis of the services of supervisory teachers, special 53610
instruction teachers, special education teachers, and other 53611
licensed personnel necessary to conduct approved cooperative 53612
classes for special education and related services and gifted 53613
education. 53614

The boards of two or more districts or service centers 53615
desiring to enroll students in such classes shall each adopt 53616
resolutions indicating such desire and designating one of the 53617
participating districts or service centers as the funding agent 53618

for purposes of this section. The district or service center 53619
designated as the funding agent shall enter into an employment 53620
contract with each licensed teacher whose services are to be 53621
shared among the participating districts and service centers. In 53622
turn, the funding agent shall enter into contracts with each of 53623
the districts and service centers which have adopted resolutions 53624
agreeing to participate in the cooperative program upon terms 53625
agreed to by all parties to such contract. Such contracts between 53626
districts and service centers shall set forth the services to be 53627
provided by the licensed teacher employed by the funding agent 53628
whose services are to be shared by the participating districts and 53629
service centers and the basis for computing the amounts to be paid 53630
for such services to the funding agent by the participating 53631
districts and service centers. 53632

For purposes of ~~division (B) of section 3317.05~~ 3317.0213 of 53633
the Revised Code, the funding agent shall count all pupils 53634
enrolled in cooperative programs for pupils with disabilities as 53635
pupils enrolled in such programs in the funding agent district. 53636
Upon receipt of payment for such programs, the funding agent 53637
district shall credit the account of districts participating in 53638
the cooperative program for the amounts due under contracts 53639
entered into under the terms of this section in proportion to the 53640
number of resident students enrolled in the cooperative program 53641
from each participating district and service center. 53642

In determining the terms of the contract entered into by the 53643
funding agent district or service center and the participating 53644
districts and service centers, the superintendent of schools of 53645
each participating board of education and governing board shall 53646
serve as a committee which shall recommend such terms to such 53647
boards. 53648

Sec. 3313.843. (A) Notwithstanding division (D) of section 53649

3311.52 of the Revised Code, this section does not apply to any cooperative education school district.

(B)(1) The board of education of each city, exempted village, or local school district with an average daily student enrollment of sixteen thousand or less, reported for the district on the most recent report card issued under section 3302.03 of the Revised Code, shall enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district.

(2) The board of education of a city, exempted village, or local school district with an average daily student enrollment of more than sixteen thousand may enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district.

(3) Services provided under an agreement entered into under division (B)(1) or (2) of this section shall be specified in the agreement, and may include any of the following: supervisory teachers; in-service and continuing education programs for district personnel; curriculum services; research and development programs; academic instruction for which the governing board employs teachers pursuant to section 3319.02 of the Revised Code; assistance in the provision of special accommodations and classes for students with disabilities; or any other services the district board and service center governing board agree can be better provided by the service center and are not provided under an agreement entered into under section 3313.845 of the Revised Code. Services included in the agreement shall be provided to the district in the manner specified in the agreement. The district board of education shall reimburse the educational service center governing board pursuant to ~~section 3317.11 of the Revised Code~~ division (H) of this section.

~~Beginning with the 2012-2013 school year, the board of any district described in division (B)(2) of this section may elect not to receive the supervisory services for which supervisory units are paid under division (B) of section 3317.11 of the Revised Code, provided that election is specified in the agreement.~~

(C) Any agreement entered into pursuant to this section shall be filed with the department of education by the first day of July of the school year for which the agreement is in effect.

(D)(1) An agreement for services from an educational service center entered into under this section may be terminated by the school district board of education, at its option, by notifying the governing board of the service center by March 1, 2012, or by the first day of January of any odd-numbered year thereafter, that the district board intends to terminate the agreement in that year, and that termination shall be effective on the thirtieth day of June of that year. The failure of a district board to notify an educational service center of its intent to terminate an agreement by March 1, 2012, shall result in renewal of the existing agreement for the following school year. Thereafter, the failure of a district board to notify an educational service center of its intent to terminate an agreement by the first day of January of an odd-numbered year shall result in renewal of the existing agreement for the following two school years.

(2) If the school district that terminates an agreement for services under division (D)(1) of this section is also subject to the requirement of division (B)(1) of this section, the district board shall enter into a new agreement with any educational service center so that the new agreement is effective on the first day of July of that same year.

(3) If all moneys owed by a school district to an educational service center under an agreement for services terminated under

division (D)(1) of this section have been paid in full by the 53714
effective date of the termination, the governing board of the 53715
service center shall submit an affidavit to the department 53716
certifying that fact not later than fifteen days after the 53717
termination's effective date. Notwithstanding anything in the 53718
Revised Code to the contrary, until the department receives such 53719
an affidavit, it shall not make any payments to any other 53720
educational service center with which the district enters into an 53721
agreement under this section for services that the educational 53722
service center provides to the district. 53723

(E) An educational service center may apply to any state or 53724
federal agency for competitive grants. It may also apply to any 53725
private entity for additional funds. 53726

(F) Not later than January 1, 2014, each educational service 53727
center shall post on its web site a list of all of the services 53728
that it provides and the corresponding cost for each of those 53729
services. 53730

(G)(1) For purposes of calculating any state subsidy to be 53731
paid to an educational service center for services provided to a 53732
school district, the service center's student count shall be the 53733
sum of the total student counts of all the school districts with 53734
which the educational service center has entered into an agreement 53735
under this section. 53736

(2) When a district enters into a new agreement with a new 53737
educational service center, the department of education shall 53738
ensure that the state subsidy for services provided to the 53739
district is paid to the new educational service center and that 53740
the educational service center with which the district previously 53741
had an agreement is no longer paid a state subsidy for providing 53742
services to that district. 53743

(H) Pursuant to division (B) of section 3317.023 of the 53744

Revised Code, the department annually shall deduct from each 53745
school district that enters into an agreement with an educational 53746
service center under this section, and pay to the service center, 53747
an amount equal to six dollars and fifty cents times the school 53748
district's total student count. The district board of education, 53749
or the district superintendent acting on behalf of the district 53750
board, may agree to pay an amount in excess of six dollars and 53751
fifty cents per student in total student count. If a majority of 53752
the boards of education, or superintendents acting on behalf of 53753
the boards, of the districts that entered into an agreement under 53754
this section approve an amount in excess of six dollars and fifty 53755
cents per student in total student count, each district shall pay 53756
the excess amount to the service center. 53757

(I) For purposes of this section, a school district's "total 53758
student count" means the average daily student enrollment reported 53759
on the most recent report card issued for the district pursuant to 53760
section 3302.03 of the Revised Code. 53761

Sec. 3313.844. The governing authority of a community school 53762
established under Chapter 3314. of the Revised Code and the 53763
governing board of an educational service center may enter into an 53764
agreement, through adoption of identical resolutions, under which 53765
the service center board will provide services to the community 53766
school. Services provided under the agreement and the amount and 53767
manner in which the community school ~~board~~ will pay for such 53768
services shall be mutually agreed to by the school's governing 53769
~~board~~ authority and the service center board, and shall be 53770
specified in the service agreement. If specified in the agreement 53771
as the manner of payment, the department of education shall pay 53772
the service center the amount due to it under the agreement and 53773
shall deduct that amount from the payments made to the community 53774
school under Chapter 3314. of the Revised Code. Any agreement 53775
entered into under this section shall be valid only if a copy is 53776

filed with the department. 53777

Sec. 3313.845. The board of education of a city, exempted 53778
village, ~~or~~ local, or joint vocational school district and the 53779
governing board of an educational service center may enter into an 53780
agreement under which the educational service center will provide 53781
services to the school district. Services provided under the 53782
agreement and the amount to be paid for such services shall be 53783
mutually agreed to by the district board of education and the 53784
service center governing board, and shall be specified in the 53785
agreement. Payment for services specified in the agreement shall 53786
be made pursuant to ~~division (D) of section 3317.11 of the Revised~~ 53787
~~Code and shall not include any deduction under division (B), (C),~~ 53788
~~or (F) of that section~~ the terms of that agreement. If specified 53789
in the agreement as the manner of payment, the department of 53790
education shall pay the service center the amount due to it under 53791
the agreement and shall deduct that amount from the payments made 53792
to the city, exempted village, local, or joint vocational school 53793
district under Chapter 3317. of the Revised Code. Any agreement 53794
entered into pursuant to this section shall be valid only if a 53795
copy is filed with the department ~~of education.~~ 53796

The authority granted under this section to the boards of 53797
education of city, exempted village, and local school districts is 53798
in addition to the authority granted to such boards under section 53799
3313.843 of the Revised Code. 53800

Sec. 3313.848. (A) As used in this section: 53801

(1) "Client" means a city, local, or exempted village school 53802
district, community school established under Chapter 3314. of the 53803
Revised Code, STEM school established under Chapter 3326. of the 53804
Revised Code, or political subdivision. 53805

(2) "Governing body" means the board of education of a school 53806

district, governing authority of a community school, governing 53807
body of a STEM school, or governing body of a political 53808
subdivision. 53809

(3) "Political subdivision" has the same meaning as used in 53810
section 3313.846 of the Revised Code. 53811

(4) "Service agreement" means an agreement that a client has 53812
entered into with an educational service center under section 53813
3313.843, 3313.844, 3313.845, 3313.846, or 3326.45 of the Revised 53814
Code and any subsequent amendment to that agreement. 53815

(B) If at the end of a fiscal year for which a service 53816
agreement is in effect any of the funds paid directly by a client 53817
to the educational service center under the agreement are 53818
unexpended and unobligated, a client's governing body may elect to 53819
have the service center retain the unexpended and unobligated 53820
funds for the purpose of applying them toward any payment the 53821
client will owe to the service center under a service agreement 53822
for the next fiscal year. The treasurer or fiscal officer of the 53823
client shall indicate on the client's end-of-year financial report 53824
that unexpended funds have been retained by the service center and 53825
the amount of those funds. 53826

(C) A client shall expend its funds retained under division 53827
(B) of this section only for services specifically set forth under 53828
a service agreement. The treasurer of the educational service 53829
center shall keep a record of the client's expenditure and the 53830
service or services for which the expenditure was made. On at 53831
least an annual basis, or upon the request of the client's 53832
governing body or its treasurer or fiscal officer, the treasurer 53833
of the service center shall notify the client's treasurer or 53834
fiscal officer of the expenditures recorded under this division. 53835
The client's treasurer or fiscal officer shall include that 53836
information in the financial report made by the treasurer or 53837
fiscal officer at the next meeting of the client's governing body 53838

that occurs following receipt of the information. 53839

Sec. 3313.849. The governing bodies of two or more city, 53840
exempted village, local, or joint vocational school districts, 53841
community schools established under Chapter 3314. of the Revised 53842
Code, or STEM schools established under Chapter 3326. of the 53843
Revised Code, may mutually agree to share supervisory, curriculum, 53844
teaching, special education, professional development, or any 53845
other services offered by an educational service center and may 53846
pool their funding to pay the cost of receiving those services. 53847
Each of the governing bodies of the districts or schools 53848
participating in shared services pursuant to this section shall 53849
specify in its service agreement with the service center under 53850
section 3313.843, 3313.844, 3313.845, or 3326.45 of the Revised 53851
Code which services that the participants have agreed to share, 53852
any other districts or schools participating in the shared 53853
services, and the amount of funds that the governing body will 53854
contribute toward the total cost of the shared services. Each 53855
governing body's funding contribution shall be paid to the service 53856
center in accordance with section 3313.843, 3313.844, 3313.845, or 53857
3326.45 of the Revised Code, as applicable. 53858

The authority granted under this section is in addition to 53859
the authority granted to school district boards of education under 53860
section 3313.841 of the Revised Code. 53861

Sec. 3313.88. (A)(1) Prior to the first day of August of each 53862
school year, the board of education of any school district or the 53863
governing authority of any chartered nonpublic school may submit 53864
to the department of education a plan to require students to 53865
access and complete classroom lessons posted on the district's or 53866
nonpublic school's web portal or web site in order to make up days 53867
in that school year on which it is necessary to close schools for 53868
any of the reasons specified in division (B) of section 3317.01 of 53869

the Revised Code in excess of the number of days permitted under 53870
sections 3313.48, 3313.481, and 3317.01 of the Revised Code. 53871

53872

Prior to the first day of August of each school year, the 53873
governing authority of any community school established under 53874
Chapter 3314. that is not an internet- or computer-based community 53875
school, as defined in section 3314.02 of the Revised Code, may 53876
submit to the department a plan to require students to access and 53877
complete classroom lessons posted on the school's web portal or 53878
web site in order to make up days or hours in that school year on 53879
which it is necessary to close the school for any of the reasons 53880
specified in division ~~(L)~~(H)(4) of section 3314.08 of the Revised 53881
Code so that the school is in compliance with the minimum number 53882
of hours required under Chapter 3314. of the Revised Code. 53883

A plan submitted by a school district board or chartered 53884
nonpublic school governing authority shall provide for making up 53885
any number of days, up to a maximum of three days. A plan 53886
submitted by a community school governing authority shall provide 53887
for making up any number of hours, up to a maximum of the 53888
equivalent of three days. Provided the plan meets all requirements 53889
of this section, the department shall permit the board or 53890
governing authority to implement the plan for the applicable 53891
school year. 53892

(2) Each plan submitted under this section by a school 53893
district board of education shall include the written consent of 53894
the teachers' employee representative designated under division 53895
(B) of section 4117.04 of the Revised Code. 53896

(3) Each plan submitted under this section shall provide for 53897
the following: 53898

(a) Not later than the first day of November of the school 53899
year, each classroom teacher shall develop a sufficient number of 53900

lessons for each course taught by the teacher that school year to 53901
cover the number of make-up days or hours specified in the plan. 53902
The teacher shall designate the order in which the lessons are to 53903
be posted on the district's, community school's, or nonpublic 53904
school's web portal or web site in the event of a school closure. 53905
Teachers may be granted up to one professional development day to 53906
create lesson plans for those lessons. 53907

(b) To the extent possible and necessary, a classroom teacher 53908
shall update or replace, based on current instructional progress, 53909
one or more of the lesson plans developed under division (A)(3)(a) 53910
of this section before they are posted on the web portal or web 53911
site under division (A)(3)(c) of this section or distributed under 53912
division (B) of this section. 53913

(c) As soon as practicable after a school closure, a district 53914
or school employee responsible for web portal or web site 53915
operations shall make the designated lessons available to students 53916
on the district's, community school's, or nonpublic school's 53917
portal or site. A lesson shall be posted for each course that was 53918
scheduled to meet on the day or hours of the closure. 53919

(d) Each student enrolled in a course for which a lesson is 53920
posted on the portal or site shall be granted a two-week period 53921
from the date of posting to complete the lesson. The student's 53922
classroom teacher shall grade the lesson in the same manner as 53923
other lessons. The student may receive an incomplete or failing 53924
grade if the lesson is not completed on time. 53925

(e) If a student does not have access to a computer at the 53926
student's residence and the plan does not include blizzard bags 53927
under division (B) of this section, the student shall be permitted 53928
to work on the posted lessons at school after the student's school 53929
reopens. If the lessons were posted prior to the reopening, the 53930
student shall be granted a two-week period from the date of the 53931
reopening, rather than from the date of posting as otherwise 53932

required under division (A)(3)(d) of this section, to complete the 53933
lessons. The district board or community school or nonpublic 53934
school governing authority may provide the student access to a 53935
computer before, during, or after the regularly scheduled school 53936
day or may provide a substantially similar paper lesson in order 53937
to complete the lessons. 53938

(B)(1) In addition to posting classroom lessons online under 53939
division (A) of this section, the board of education of any school 53940
district or governing authority of any community or chartered 53941
nonpublic school may include in the plan distribution of "blizzard 53942
bags," which are paper copies of the lessons posted online. 53943

(2) If a school opts to use blizzard bags, teachers shall 53944
prepare paper copies in conjunction with the lessons to be posted 53945
online and update the paper copies whenever the teacher updates 53946
the online lesson plans. 53947

(3) The board of education of any school district or 53948
governing authority of any community or chartered nonpublic school 53949
that opts to use blizzard bags shall specify in the plan the 53950
method of distribution of blizzard bag lessons, which may include, 53951
but not be limited to, requiring distribution by a specific 53952
deadline or requiring distribution prior to anticipated school 53953
closure as directed by the superintendent of a school district or 53954
the principal, director, chief administrative officer, or the 53955
equivalent, of a school. 53956

(4) Students shall turn in completed lessons in accordance 53957
with division (A)(3)(d) of this section. 53958

(C)(1) No school district that implements a plan in 53959
accordance with this section shall be considered to have failed to 53960
comply with division (B) of section 3317.01 of the Revised Code 53961
with respect to the number of make-up days specified in the plan. 53962

(2) No community school that implements a plan in accordance 53963

with this section shall be considered to have failed to comply 53964
with the minimum number of hours required under Chapter 3314. of 53965
the Revised Code with respect to the number of make-up hours 53966
specified in the plan. 53967

Sec. 3313.911. The state board of education may adopt a 53968
resolution assigning a city, exempted village, or local school 53969
district that is not a part of a joint vocational school district 53970
to membership in a joint vocational school district. A copy of the 53971
resolution shall be certified to the board of education of the 53972
joint vocational school district and the board of education of the 53973
district proposed to be assigned. The board of education of the 53974
joint vocational school district shall advertise a copy of the 53975
resolution in a newspaper of general circulation in the district 53976
proposed to be assigned once each week for two weeks, or as 53977
provided in section 7.16 of the Revised Code, immediately 53978
following the certification of the resolution to the board. The 53979
assignment shall take effect on the ninety-first day after the 53980
state board adopts the resolution, unless prior to that date 53981
qualified electors residing in the school district proposed for 53982
assignment, equal in number to ten per cent of the qualified 53983
electors of that district voting at the last general election, 53984
file a petition against the assignment. 53985

The petition of referendum shall be filed with the treasurer 53986
of the board of education of the district proposed to be assigned 53987
to the joint vocational school district. The treasurer shall give 53988
the person presenting the petition a receipt showing the time of 53989
day, date, and purpose of the petition. The treasurer shall cause 53990
the board of elections to determine the sufficiency of signatures 53991
on the petition and if the signatures are found to be sufficient, 53992
shall present the petition to the board of education of the 53993
district. The board of education shall promptly certify the 53994
question to the board of elections for the purpose of having the 53995

question placed on the ballot at the next general, primary, or 53996
special election not earlier than sixty days after the date of the 53997
certification. 53998

Only those qualified electors residing in the district 53999
proposed for assignment to the joint vocational school district 54000
are qualified to vote on the question. If a majority of the 54001
electors voting on the question vote against the assignment, it 54002
shall not take place, and the state board of education shall 54003
require the district to contract with the joint vocational school 54004
district or another school district as authorized by section 54005
3313.91 of the Revised Code. 54006

If a majority of the electors voting on the question do not 54007
vote against the assignment, the assignment shall take immediate 54008
effect, and the board of education of the joint vocational school 54009
district shall notify the county auditor of the county in which 54010
the school district becoming a part of the joint vocational school 54011
district is located to have any outstanding levy of the joint 54012
vocational school district spread over the territory of the school 54013
district that has become a part of the joint vocational school 54014
district. 54015

The assignment of a school district to a joint vocational 54016
school district pursuant to this section is subject to any 54017
agreements made between the board of education of the assigned 54018
school district and the board of education of the joint vocational 54019
school district. Such an agreement may include provisions for a 54020
payment by the assigned school district to the joint vocational 54021
school district of an amount to be contributed toward the cost of 54022
the existing facilities of the joint vocational school district. 54023

~~On the assignment of a school district to a joint vocational 54024
school district pursuant to this section, the joint vocational 54025
school district's board of education shall submit a proposal to 54026
the state board of education to enlarge or reorganize the 54027~~

~~membership of the joint vocational school district's board of 54028
education if expansion or reorganization of the board is necessary 54029
in order to comply with section 3311.19 of the Revised Code. 54030~~

Sec. 3313.976. (A) No private school may receive scholarship 54031
payments from parents pursuant to section 3313.979 of the Revised 54032
Code until the chief administrator of the private school registers 54033
the school with the superintendent of public instruction. The 54034
state superintendent shall register any school that meets the 54035
following requirements: 54036

(1) The school is located within the boundaries of the pilot 54037
project school district; 54038

(2) The school indicates in writing its commitment to follow 54039
all requirements for a state-sponsored scholarship program 54040
specified under sections 3313.974 to 3313.979 of the Revised Code, 54041
including, but not limited to, the requirements for admitting 54042
students pursuant to section 3313.977 of the Revised Code; 54043

(3) The school meets all state minimum standards for 54044
chartered nonpublic schools in effect on July 1, 1992, except that 54045
the state superintendent at the superintendent's discretion may 54046
register nonchartered nonpublic schools meeting the other 54047
requirements of this division; 54048

(4) The school does not discriminate on the basis of race, 54049
religion, or ethnic background; 54050

(5) The school enrolls a minimum of ten students per class or 54051
a sum of at least twenty-five students in all the classes offered; 54052

(6) The school does not advocate or foster unlawful behavior 54053
or teach hatred of any person or group on the basis of race, 54054
ethnicity, national origin, or religion; 54055

(7) The school does not provide false or misleading 54056
information about the school to parents, students, or the general 54057

public; 54058

(8) For students in grades kindergarten through eight with 54059
family incomes at or below two hundred per cent of the federal 54060
poverty guidelines, as defined in section 5104.46 of the Revised 54061
Code, the school agrees not to charge any tuition in excess of the 54062
scholarship amount established pursuant to division (C)(1) of 54063
section 3313.978 of the Revised Code, excluding any increase 54064
described in division (C)(2) of that section. 54065

(9) For students in grades kindergarten through eight with 54066
family incomes above two hundred per cent of the federal poverty 54067
guidelines, whose scholarship amounts are less than the actual 54068
tuition charge of the school, the school agrees not to charge any 54069
tuition in excess of the difference between the actual tuition 54070
charge of the school and the scholarship amount established 54071
pursuant to division (C)(1) of section 3313.978 of the Revised 54072
Code, excluding any increase described in division (C)(2) of that 54073
section. The school shall permit such tuition, at the discretion 54074
of the parent, to be satisfied by the family's provision of 54075
in-kind contributions or services. 54076

(10) The school agrees not to charge any tuition to families 54077
of students in grades nine through twelve receiving a scholarship 54078
in excess of the actual tuition charge of the school less the 54079
scholarship amount established pursuant to division (C)(1) of 54080
section 3313.978 of the Revised Code, excluding any increase 54081
described in division (C)(2) of that section. 54082

(11) ~~Notwithstanding~~ If the school is not subject to division 54083
(K)(1)(a) of section 3301.0711 of the Revised Code, ~~the school~~ it 54084
annually administers the assessments prescribed by section 54085
3301.0710 of the Revised Code to each scholarship student enrolled 54086
in the school in accordance with section 3301.0711 of the Revised 54087
Code and reports to the department of education the results of 54088
each such assessment administered to each scholarship student. 54089

(B) The state superintendent shall revoke the registration of any school if, after a hearing, the superintendent determines that the school is in violation of any of the provisions of division (A) of this section.

(C) Any public school located in a school district adjacent to the pilot project district may receive scholarship payments on behalf of parents pursuant to section 3313.979 of the Revised Code if the superintendent of the district in which such public school is located notifies the state superintendent prior to the first day of March that the district intends to admit students from the pilot project district for the ensuing school year pursuant to section 3327.06 of the Revised Code.

(D) Any parent wishing to purchase tutorial assistance from any person or governmental entity pursuant to the pilot project program under sections 3313.974 to 3313.979 of the Revised Code shall apply to the state superintendent. The state superintendent shall approve providers who appear to possess the capability of furnishing the instructional services they are offering to provide.

Sec. 3313.978. (A) Annually by the first day of November, the superintendent of public instruction shall notify the pilot project school district of the number of initial scholarships that the state superintendent will be awarding in each of grades kindergarten through twelve.

The state superintendent shall provide information about the scholarship program to all students residing in the district, shall accept applications from any such students until such date as shall be established by the state superintendent as a deadline for applications, and shall establish criteria for the selection of students to receive scholarships from among all those applying prior to the deadline, which criteria shall give preference to

students from low-income families. The state superintendent shall 54121
notify students of their selection prior to the fifteenth day of 54122
January. 54123

(1) A student receiving a pilot project scholarship may 54124
utilize it at an alternative public school by notifying the 54125
district superintendent, at any time before the beginning of the 54126
school year, of the name of the public school in an adjacent 54127
school district to which the student has been accepted pursuant to 54128
section 3327.06 of the Revised Code. 54129

(2) A student may decide to utilize a pilot project 54130
scholarship at a registered private school in the district if all 54131
of the following conditions are met: 54132

(a) By the fifteenth day of February of the preceding school 54133
year, or at any time prior to the start of the school year, the 54134
parent makes an application on behalf of the student to a 54135
registered private school. 54136

(b) The registered private school notifies the parent and the 54137
state superintendent as follows that the student has been 54138
admitted: 54139

(i) By the fifteenth day of March of the preceding school 54140
year if the student filed an application by the fifteenth day of 54141
February and was admitted by the school pursuant to division (A) 54142
of section 3313.977 of the Revised Code; 54143

(ii) Within one week of the decision to admit the student if 54144
the student is admitted pursuant to division (C) of section 54145
3313.977 of the Revised Code. 54146

(c) The student actually enrolls in the registered private 54147
school to which the student was first admitted or in another 54148
registered private school in the district or in a public school in 54149
an adjacent school district. 54150

(B) The state superintendent shall also award in any school year tutorial assistance grants to a number of students equal to the number of students who receive scholarships under division (A) of this section. Tutorial assistance grants shall be awarded solely to students who are enrolled in the public schools of the district in a grade level covered by the pilot project. Tutorial assistance grants may be used solely to obtain tutorial assistance from a provider approved pursuant to division (D) of section 3313.976 of the Revised Code.

All students wishing to obtain tutorial assistance grants shall make application to the state superintendent by the first day of the school year in which the assistance will be used. The state superintendent shall award assistance grants in accordance with criteria the superintendent shall establish.

(C)(1) In the case of basic scholarships for students in grades kindergarten through eight, the scholarship amount shall not exceed the lesser of the net tuition charges of the alternative school the scholarship recipient attends or ~~three thousand dollars before fiscal year 2007, three thousand four hundred fifty dollars in fiscal year 2007 through fiscal year 2011, and~~ four thousand two hundred fifty dollars in fiscal year 2012 and thereafter.

In the case of basic scholarships for students in grades nine through twelve, the scholarship amount shall not exceed the lesser of the net tuition charges of the alternative school the scholarship recipient attends or ~~two thousand seven hundred dollars before fiscal year 2007, three thousand four hundred fifty dollars in fiscal year 2007 through fiscal year 2011, and~~ five thousand dollars in fiscal year 2012 and ~~thereafter~~ fiscal year 2013, and five thousand seven hundred dollars in fiscal year 2014 and thereafter.

The net tuition and fees charged to a student shall be the

tuition amount specified by the alternative school minus all other 54183
financial aid, discounts, and adjustments received for the 54184
student. In cases where discounts are offered for multiple 54185
students from the same family, and not all students in the same 54186
family are scholarship recipients, the net tuition amount 54187
attributable to the scholarship recipient shall be the lowest net 54188
tuition to which the family is entitled. 54189

(2) The state superintendent shall provide for an increase in 54190
the basic scholarship amount in the case of any student who is a 54191
mainstreamed student with a disability and shall further increase 54192
such amount in the case of any separately educated student with a 54193
disability. Such increases shall take into account the 54194
instruction, related services, and transportation costs of 54195
educating such students. 54196

(3) In the case of tutorial assistance grants, the grant 54197
amount shall not exceed the lesser of the provider's actual 54198
charges for such assistance or: 54199

(a) Before fiscal year 2007, a percentage established by the 54200
state superintendent, not to exceed twenty per cent, of the amount 54201
of the pilot project school district's average basic scholarship 54202
amount; 54203

(b) In fiscal year 2007 and thereafter, four hundred dollars. 54204

(D)(1) Annually by the first day of November, the state 54205
superintendent shall estimate the maximum per-pupil scholarship 54206
amounts for the ensuing school year. The state superintendent 54207
shall make this estimate available to the general public at the 54208
offices of the district board of education together with the forms 54209
required by division (D)(2) of this section. 54210

(2) Annually by the fifteenth day of January, the chief 54211
administrator of each registered private school located in the 54212
pilot project district and the principal of each public school in 54213

such district shall complete a parental information form and 54214
forward it to the president of the board of education. The 54215
parental information form shall be prescribed by the department of 54216
education and shall provide information about the grade levels 54217
offered, the numbers of students, tuition amounts, achievement 54218
test results, and any sectarian or other organizational 54219
affiliations. 54220

(E)(1) Only for the purpose of administering the pilot 54221
project scholarship program, the department may request from any 54222
of the following entities the data verification code assigned 54223
under division (D)(2) of section 3301.0714 of the Revised Code to 54224
any student who is seeking a scholarship under the program: 54225

(a) The school district in which the student is entitled to 54226
attend school under section 3313.64 or 3313.65 of the Revised 54227
Code; 54228

(b) If applicable, the community school in which the student 54229
is enrolled; 54230

(c) The independent contractor engaged to create and maintain 54231
data verification codes. 54232

(2) Upon a request by the department under division (E)(1) of 54233
this section for the data verification code of a student seeking a 54234
scholarship or a request by the student's parent for that code, 54235
the school district or community school shall submit that code to 54236
the department or parent in the manner specified by the 54237
department. If the student has not been assigned a code, because 54238
the student will be entering kindergarten during the school year 54239
for which the scholarship is sought, the district shall assign a 54240
code to that student and submit the code to the department or 54241
parent by a date specified by the department. If the district does 54242
not assign a code to the student by the specified date, the 54243
department shall assign a code to the student. 54244

The department annually shall submit to each school district the name and data verification code of each student residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division.

(3) The department shall not release any data verification code that it receives under division (E) of this section to any person except as provided by law.

(F) Any document relative to the pilot project scholarship program that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

(G)(1) The department annually shall compile the scores attained by scholarship students enrolled in registered private schools on the assessments administered to the students pursuant to division (A)(11) of section 3313.976 of the Revised Code. The scores shall be aggregated as follows:

(a) By school district, which shall include all scholarship students residing in the pilot project school district who are enrolled in a registered private school and were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code;

(b) By registered private school, which shall include all scholarship students enrolled in that school who were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code.

(2) The department shall disaggregate the student performance data described in division (G)(1) of this section according to the following categories:

(a) Grade level;

(b) Race and ethnicity;	54276
(c) Gender;	54277
(d) Students who have participated in the scholarship program for three or more years;	54278 54279
(e) Students who have participated in the scholarship program for more than one year and less than three years;	54280 54281
(f) Students who have participated in the scholarship program for one year or less;	54282 54283
(g) Economically disadvantaged students.	54284
(3) The department shall post the student performance data required under divisions (G)(1) and (2) of this section on its web site and shall include that data in the information about the scholarship program provided to students under division (A) of this section. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students.	54285 54286 54287 54288 54289 54290 54291 54292 54293 54294
(4) The department shall provide the parent of each scholarship student enrolled in a registered private school with information comparing the student's performance on the assessments administered pursuant to division (A)(11) of section 3313.976 of the Revised Code with the average performance of similar students enrolled in the building operated by the pilot project school district that the scholarship student would otherwise attend. In calculating the performance of similar students, the department shall consider age, grade, race and ethnicity, gender, and socioeconomic status.	54295 54296 54297 54298 54299 54300 54301 54302 54303 54304
Sec. 3313.98. Notwithstanding division (D) of section 3311.19	54305

and division (D) of section 3311.52 of the Revised Code, the 54306
provisions of this section and sections 3313.981 to 3313.983 of 54307
the Revised Code that apply to a city school district do not apply 54308
to a joint vocational or cooperative education school district 54309
unless expressly specified. 54310

(A) As used in this section and sections 3313.981 to 3313.983 54311
of the Revised Code: 54312

(1) "Parent" means either of the natural or adoptive parents 54313
of a student, except under the following conditions: 54314

(a) When the marriage of the natural or adoptive parents of 54315
the student has been terminated by a divorce, dissolution of 54316
marriage, or annulment or the natural or adoptive parents of the 54317
student are living separate and apart under a legal separation 54318
decree and the court has issued an order allocating the parental 54319
rights and responsibilities with respect to the student, "parent" 54320
means the residential parent as designated by the court except 54321
that "parent" means either parent when the court issues a shared 54322
parenting decree. 54323

(b) When a court has granted temporary or permanent custody 54324
of the student to an individual or agency other than either of the 54325
natural or adoptive parents of the student, "parent" means the 54326
legal custodian of the child. 54327

(c) When a court has appointed a guardian for the student, 54328
"parent" means the guardian of the student. 54329

(2) "Native student" means a student entitled under section 54330
3313.64 or 3313.65 of the Revised Code to attend school in a 54331
district adopting a resolution under this section. 54332

(3) "Adjacent district" means a city, exempted village, or 54333
local school district having territory that abuts the territory of 54334
a district adopting a resolution under this section. 54335

(4) "Adjacent district student" means a student entitled 54336
under section 3313.64 or 3313.65 of the Revised Code to attend 54337
school in an adjacent district. 54338

(5) "Adjacent district joint vocational student" means an 54339
adjacent district student who enrolls in a city, exempted village, 54340
or local school district pursuant to this section and who also 54341
enrolls in a joint vocational school district that does not 54342
contain the territory of the district for which that student is a 54343
native student and does contain the territory of the city, 54344
exempted village, or local district in which the student enrolls. 54345

(6) "Formula amount" has the same meaning as in section 54346
3317.02 of the Revised Code. 54347

~~(7) "Adjusted formula amount" means the sum of the formula 54348
amount plus the per pupil amount of the base funding supplements 54349
specified in divisions (C)(1) to (4) of section 3317.012 of the 54350
Revised Code for fiscal year 2009. 54351~~

~~(8)~~ "Poverty line" means the poverty line established by the 54352
director of the United States office of management and budget as 54353
revised by the ~~director~~ secretary of the ~~office of community 54354
health and human~~ services in accordance with section 673(2) of the 54355
"Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 54356
9902, as amended. 54357

~~(9)~~(8) "IEP" has the same meaning as in section 3323.01 of 54358
the Revised Code. 54359

~~(10)~~(9) "Other district" means a city, exempted village, or 54360
local school district having territory outside of the territory of 54361
a district adopting a resolution under this section. 54362

~~(11)~~(10) "Other district student" means a student entitled 54363
under section 3313.64 or 3313.65 of the Revised Code to attend 54364
school in an other district. 54365

~~(12)~~(11) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code.

(B)(1) The board of education of each city, local, and exempted village school district shall adopt a resolution establishing for the school district one of the following policies:

(a) A policy that entirely prohibits the enrollment of students from adjacent districts or other districts, other than students for whom tuition is paid in accordance with section 3317.08 of the Revised Code;

(b) A policy that permits enrollment of students from all adjacent districts in accordance with policy statements contained in the resolution;

(c) A policy that permits enrollment of students from all other districts in accordance with policy statements contained in the resolution.

(2) A policy permitting enrollment of students from adjacent or from other districts, as applicable, shall provide for all of the following:

(a) Application procedures, including deadlines for application and for notification of students and the superintendent of the applicable district whenever an adjacent or other district student's application is approved.

(b) Procedures for admitting adjacent or other district applicants free of any tuition obligation to the district's schools, including, but not limited to:

(i) The establishment of district capacity limits by grade level, school building, and education program;	54396 54397
(ii) A requirement that all native students wishing to be enrolled in the district will be enrolled and that any adjacent or other district students previously enrolled in the district shall receive preference over first-time applicants;	54398 54399 54400 54401
(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.	54402 54403
(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent or other district students, as applicable, shall not include:	54404 54405 54406
(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;	54407 54408
(2) Limitations on admitting applicants because of disability, except that a board may refuse to admit a student receiving services under Chapter 3323. of the Revised Code, if the services described in the student's IEP are not available in the district's schools;	54409 54410 54411 54412 54413
(3) A requirement that the student be proficient in the English language;	54414 54415
(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant.	54416 54417 54418 54419 54420 54421 54422
(D)(1) Each school board permitting only enrollment of adjacent district students shall provide information about the policy adopted under this section, including the application	54423 54424 54425

procedures and deadlines, to the superintendent and the board of education of each adjacent district and, upon request, to the parent of any adjacent district student.

(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state.

(E) Any school board shall accept all credits toward graduation earned in adjacent or other district schools by an adjacent or other district student or a native student.

(F)(1) No board of education may adopt a policy discouraging or prohibiting its native students from applying to enroll in the schools of an adjacent or any other district that has adopted a policy permitting such enrollment, except that:

(a) A district may object to the enrollment of a native student in an adjacent or other district in order to maintain an appropriate racial balance.

(b) The board of education of a district receiving funds under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, may adopt a resolution objecting to the enrollment of its native students in adjacent or other districts if at least ten per cent of its students are included in the determination of the United States secretary of education made under section 20 U.S.C.A. 238(a).

(2) If a board objects to enrollment of native students under this division, any adjacent or other district shall refuse to enroll such native students unless tuition is paid for the students in accordance with section 3317.08 of the Revised Code. An adjacent or other district enrolling such students may not receive funding for those students in accordance with section

3313.981 of the Revised Code. 54457

(G) The state board of education shall monitor school 54458
districts to ensure compliance with this section and the 54459
districts' policies. The board may adopt rules requiring uniform 54460
application procedures, deadlines for application, notification 54461
procedures, and record-keeping requirements for all school boards 54462
that adopt policies permitting the enrollment of adjacent or other 54463
district students, as applicable. If the state board adopts such 54464
rules, no school board shall adopt a policy that conflicts with 54465
those rules. 54466

(H) A resolution adopted by a board of education under this 54467
section that entirely prohibits the enrollment of students from 54468
adjacent and from other school districts does not abrogate any 54469
agreement entered into under section 3313.841 or 3313.92 of the 54470
Revised Code or any contract entered into under section 3313.90 of 54471
the Revised Code between the board of education adopting the 54472
resolution and the board of education of any adjacent or other 54473
district or prohibit these boards of education from entering into 54474
any such agreement or contract. 54475

(I) Nothing in this section shall be construed to permit or 54476
require the board of education of a city, exempted village, or 54477
local school district to exclude any native student of the 54478
district from enrolling in the district. 54479

Sec. 3313.981. (A) The state board of education shall adopt 54480
rules requiring all of the following: 54481

(1) The board of education of each city, exempted village, 54482
and local school district to annually report to the department of 54483
education all of the following: 54484

(a) The number of adjacent district or other district 54485
students, as applicable, and adjacent district or other district 54486

joint vocational students, as applicable, enrolled in the district 54487
and the number of native students enrolled in adjacent or other 54488
districts, in accordance with a policy adopted under division (B) 54489
of section 3313.98 of the Revised Code; 54490

(b) Each adjacent district or other district student's or 54491
adjacent district or other district joint vocational student's 54492
date of enrollment in the district; 54493

(c) The full-time equivalent number of adjacent district or 54494
other district students enrolled in ~~vocational~~ each of the 54495
categories of career-technical education programs or classes 54496
described in ~~division (A) of~~ section 3317.014 of the Revised Code 54497
and the full-time equivalent number of such students enrolled in 54498
~~vocational education programs or classes described in division (B)~~
~~of that section;~~ 54499
54500

(d) Each native student's date of enrollment in an adjacent 54501
or other district. 54502

(2) The board of education of each joint vocational school 54503
district to annually report to the department all of the 54504
following: 54505

(a) The number of adjacent district or other district joint 54506
vocational students, as applicable, enrolled in the district; 54507

(b) The full-time equivalent number of adjacent district or 54508
other district joint vocational students enrolled in ~~vocational~~ 54509
each category of career-technical education programs or classes 54510
described in ~~division (A) of~~ section 3317.014 of the Revised Code 54511
and the full-time equivalent number of such students enrolled in 54512
~~vocational education programs or classes described in division (B)~~
~~of that section;~~ 54513
54514

(c) For each adjacent district or other district joint 54515
vocational student, the city, exempted village, or local school 54516
district in which the student is also enrolled. 54517

(3) Prior to the first full school week in October each year, 54518
the superintendent of each city, local, or exempted village school 54519
district that admits adjacent district or other district students 54520
or adjacent district or other district joint vocational students 54521
in accordance with a policy adopted under division (B) of section 54522
3313.98 of the Revised Code to notify each adjacent or other 54523
district where those students are entitled to attend school under 54524
section 3313.64 or 3313.65 of the Revised Code of the number of 54525
the adjacent or other district's native students who are enrolled 54526
in the superintendent's district under the policy. 54527

The rules shall provide for the method of counting students 54528
who are enrolled for part of a school year in an adjacent or other 54529
district or as an adjacent district or other district joint 54530
vocational student. 54531

(B) From the payments made to a city, exempted village, or 54532
local school district under Chapter 3317. of the Revised Code and, 54533
if necessary, from the payments made to the district under 54534
sections 321.24 and 323.156 of the Revised Code, the department of 54535
education shall annually subtract both of the following: 54536

(1) An amount equal to the number of the district's native 54537
students reported under division (A)(1) of this section who are 54538
enrolled in adjacent or other school districts pursuant to 54539
policies adopted by such districts under division (B) of section 54540
3313.98 of the Revised Code multiplied by the ~~adjusted~~ formula 54541
amount; 54542

(2) The excess costs computed in accordance with division (E) 54543
of this section for any such native students receiving special 54544
education and related services in adjacent or other school 54545
districts or as an adjacent district or other district joint 54546
vocational student; 54547

(3) For the ~~full-time equivalent number~~ each of the 54548

district's native students reported under division (A)(1)(c) or 54549
(2)(b) of this section as enrolled in ~~vocational~~ career-technical 54550
education programs or classes described in section 3317.014 of the 54551
Revised Code, ~~an the per pupil amount equal to \$5,732 times the~~ 54552
~~applicable multiple~~ prescribed by that section for the student's 54553
respective career-technical category, on a full-time equivalency 54554
basis. 54555

(C) To the payments made to a city, exempted village, or 54556
local school district under Chapter 3317. of the Revised Code, the 54557
department of education shall annually add all of the following: 54558

(1) An amount equal to the ~~adjusted~~ formula amount multiplied 54559
by the remainder obtained by subtracting the number of adjacent 54560
district or other district joint vocational students from the 54561
number of adjacent district or other district students enrolled in 54562
the district, as reported under division (A)(1) of this section; 54563

(2) The excess costs computed in accordance with division (E) 54564
of this section for any adjacent district or other district 54565
students, except for any adjacent or other district joint 54566
vocational students, receiving special education and related 54567
services in the district; 54568

(3) For the ~~full-time equivalent number~~ each of the adjacent 54569
or other district students who are not adjacent district or other 54570
district joint vocational students and are reported under division 54571
(A)(1)(c) of this section as enrolled in ~~vocational~~ 54572
career-technical education programs or classes described in 54573
section 3317.014 of the Revised Code, ~~an the per pupil amount~~ 54574
~~equal to \$5,732 times the applicable multiple~~ prescribed by that 54575
section for the student's respective career-technical category, on 54576
a full-time equivalency basis; 54577

(4) An amount equal to the number of adjacent district or 54578
other district joint vocational students reported under division 54579

(A)(1) of this section multiplied by an amount equal to twenty per cent of the ~~adjusted~~ formula amount. 54580
54581

(D) To the payments made to a joint vocational school district under Chapter 3317. of the Revised Code, the department of education shall add, for each adjacent district or other district joint vocational student reported under division (A)(2) of this section, both of the following: 54582
54583
54584
54585
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(1) The ~~adjusted~~ formula amount; 54587

(2) ~~An~~ The per pupil amount ~~equal to the full-time equivalent number for each of the~~ students reported pursuant to division (A)(2)(b) of this section ~~times \$5,732 times the applicable multiple prescribed by section 3317.014 of the Revised Code for the student's respective career-technical category, on a full-time equivalency basis.~~ 54588
54589
54590
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(E)(1) A city, exempted village, or local school board providing special education and related services to an adjacent or other district student in accordance with an IEP shall, pursuant to rules of the state board, compute the excess costs to educate such student as follows: 54594
54595
54596
54597
54598

(a) Subtract the ~~adjusted~~ formula amount from the actual costs to educate the student; 54599
54600

(b) From the amount computed under division (E)(1)(a) of this section subtract the amount of any funds received by the district under Chapter 3317. of the Revised Code to provide special education and related services to the student. 54601
54602
54603
54604

(2) The board shall report the excess costs computed under this division to the department of education. 54605
54606

(3) If any student for whom excess costs are computed under division (E)(1) of this section is an adjacent or other district joint vocational student, the department of education shall add 54607
54608
54609

the amount of such excess costs to the payments made under Chapter 54610
3317. of the Revised Code to the joint vocational school district 54611
enrolling the student. 54612

(F) As provided in division (D)(1)(b) of section 3317.03 of 54613
the Revised Code, no joint vocational school district shall count 54614
any adjacent or other district joint vocational student enrolled 54615
in the district in its formula ADM certified under section 3317.03 54616
of the Revised Code. 54617

(G) No city, exempted village, or local school district shall 54618
receive a payment under division (C) of this section for a 54619
student, and no joint vocational school district shall receive a 54620
payment under division (D) of this section for a student, if for 54621
the same school year that student is counted in the district's 54622
formula ADM certified under section 3317.03 of the Revised Code. 54623

(H) Upon request of a parent, and provided the board offers 54624
transportation to native students of the same grade level and 54625
distance from school under section 3327.01 of the Revised Code, a 54626
city, exempted village, or local school board enrolling an 54627
adjacent or other district student shall provide transportation 54628
for the student within the boundaries of the board's district, 54629
except that the board shall be required to pick up and drop off a 54630
nonhandicapped student only at a regular school bus stop 54631
designated in accordance with the board's transportation policy. 54632
Pursuant to rules of the state board of education, such board may 54633
reimburse the parent from funds received for pupil transportation 54634
under section 3317.0212 of the Revised Code, or other provisions 54635
of law, for the reasonable cost of transportation from the 54636
student's home to the designated school bus stop if the student's 54637
family has an income below the federal poverty line. 54638

Sec. 3314.015. (A) The department of education shall be 54639
responsible for the oversight of any and all sponsors of the 54640

community schools established under this chapter and shall provide 54641
technical assistance to schools and sponsors in their compliance 54642
with applicable laws and the terms of the contracts entered into 54643
under section 3314.03 of the Revised Code and in the development 54644
and start-up activities of those schools. In carrying out its 54645
duties under this section, the department shall do all of the 54646
following: 54647

(1) In providing technical assistance to proposing parties, 54648
governing authorities, and sponsors, conduct training sessions and 54649
distribute informational materials; 54650

(2) Approve entities to be sponsors of community schools; 54651

(3) Monitor and evaluate, as required under section 3314.016 54652
of the Revised Code, the effectiveness of any and all sponsors in 54653
their oversight of the schools with which they have contracted; 54654

(4) By December thirty-first of each year, issue a report to 54655
the governor, the speaker of the house of representatives, the 54656
president of the senate, and the chairpersons of the house and 54657
senate committees principally responsible for education matters 54658
regarding the effectiveness of academic programs, operations, and 54659
legal compliance and of the financial condition of all community 54660
schools established under this chapter and on the performance of 54661
community school sponsors; 54662

(5) From time to time, make legislative recommendations to 54663
the general assembly designed to enhance the operation and 54664
performance of community schools. 54665

(B)(1) Except as provided in sections 3314.021 and 3314.027 54666
of the Revised Code, no entity listed in division (C)(1) of 54667
section 3314.02 of the Revised Code shall enter into a preliminary 54668
agreement under division (C)(2) of section 3314.02 of the Revised 54669
Code until it has received approval from the department of 54670
education to sponsor community schools under this chapter and has 54671

entered into a written agreement with the department regarding the 54672
manner in which the entity will conduct such sponsorship. The 54673

The initial term of a sponsor's agreement with the department 54674
shall be for up to seven years. For every year that the sponsor 54675
satisfies the conditions of division (B)(1)(a) or (b) of this 54676
section, as applicable, the department shall add one year to the 54677
agreement term, subject to divisions (C) and (F) of this section, 54678
unless the sponsor notifies the department that it does not wish 54679
to have the term of the agreement so extended. 54680

To qualify for the extension of the term of the sponsor's 54681
agreement, the sponsor shall satisfy one of the following, as 54682
applicable: 54683

(a) Prior to January 1, 2015, the sponsor is not in the 54684
lowest twenty per cent of sponsors statewide according to the 54685
composite performance index score as ranked under section 3314.016 54686
of the Revised Code, as that section exists prior to that date, 54687
and the sponsor continues to meet all the requirements of this 54688
chapter pertaining to community school sponsors. 54689

(b) On or after January 1, 2015, the sponsor is rated as 54690
"exemplary" or "effective" under section 3314.016 of the Revised 54691
Code, as that section exists on and after that date, and the 54692
sponsor continues to meet all the requirements of this chapter 54693
pertaining to community school sponsors. 54694

The department shall adopt in accordance with Chapter 119. of 54695
the Revised Code rules containing criteria, procedures, and 54696
deadlines for processing applications for ~~such~~ approval of 54697
sponsors, for oversight of sponsors, for notifying a sponsor of 54698
noncompliance with applicable laws and administrative rules under 54699
division (F) of this section, for revocation of the approval of 54700
sponsors under division (C) of this section, and for entering into 54701
written agreements with sponsors. The rules shall require an 54702

entity to submit evidence of the entity's ability and willingness 54703
to comply with the provisions of division (D) of section 3314.03 54704
of the Revised Code. The rules also shall require entities 54705
approved as sponsors on and after June 30, 2005, to demonstrate a 54706
record of financial responsibility and successful implementation 54707
of educational programs. If an entity seeking approval on or after 54708
June 30, 2005, to sponsor community schools in this state sponsors 54709
or operates schools in another state, at least one of the schools 54710
sponsored or operated by the entity must be comparable to or 54711
better than the performance of Ohio schools in need of continuous 54712
improvement under section 3302.03 of the Revised Code, as 54713
determined by the department. 54714

Subject to section 3314.016 of the Revised Code, an entity 54715
that sponsors community schools may enter into preliminary 54716
agreements and sponsor up to one hundred schools, provided each 54717
school and the contract for sponsorship meets the requirements of 54718
this chapter. 54719

(2) The state board of education shall determine, pursuant to 54720
criteria specified in rules adopted in accordance with Chapter 54721
119. of the Revised Code, whether the mission proposed to be 54722
specified in the contract of a community school to be sponsored by 54723
a state university board of trustees or the board's designee under 54724
division (C)(1)(e) of section 3314.02 of the Revised Code complies 54725
with the requirements of that division. Such determination of the 54726
state board is final. 54727

(3) The state board of education shall determine, pursuant to 54728
criteria specified in rules adopted in accordance with Chapter 54729
119. of the Revised Code, if any tax-exempt entity under section 54730
501(c)(3) of the Internal Revenue Code that is proposed to be a 54731
sponsor of a community school is an education-oriented entity for 54732
purpose of satisfying the condition prescribed in division 54733
(C)(1)(f)(iii) of section 3314.02 of the Revised Code. Such 54734

determination of the state board is final. 54735

(C) If at any time the state board of education finds that a 54736
sponsor is not in compliance or is no longer willing to comply 54737
with its contract with any community school or with the 54738
department's rules for sponsorship, the state board or designee 54739
shall conduct a hearing in accordance with Chapter 119. of the 54740
Revised Code on that matter. If after the hearing, the state board 54741
or designee has confirmed the original finding, the department of 54742
education may revoke the sponsor's approval to sponsor community 54743
schools. In that case, the department's office of Ohio school 54744
sponsorship, established under section 3314.029 of the Revised 54745
Code, may assume the sponsorship of any schools with which the 54746
sponsor has contracted until the earlier of the expiration of two 54747
school years or until a new sponsor as described in division 54748
(C)(1) of section 3314.02 of the Revised Code is secured by the 54749
school's governing authority. The office of Ohio school 54750
sponsorship may extend the term of the contract in the case of a 54751
school for which it has assumed sponsorship under this division as 54752
necessary to accommodate the term of the department's 54753
authorization to sponsor the school specified in this division. 54754
Community schools sponsored under this division shall not apply to 54755
the limit on directly authorized community schools under division 54756
(A)(3) of section 3314.029 of the Revised Code. However, nothing 54757
in this division shall preclude a community school affected by 54758
this division from applying for sponsorship under that section. 54759

(D) The decision of the department to disapprove an entity 54760
for sponsorship of a community school or to revoke approval for 54761
such sponsorship under division (C) of this section, may be 54762
appealed by the entity in accordance with section 119.12 of the 54763
Revised Code. 54764

(E) The department shall adopt procedures for use by a 54765
community school governing authority and sponsor when the school 54766

permanently closes and ceases operation, which shall include at least procedures for data reporting to the department, handling of student records, distribution of assets in accordance with section 3314.074 of the Revised Code, and other matters related to ceasing operation of the school.

(F)(1) In lieu of revoking a sponsor's authority to sponsor community schools under division (C) of this section, if the department finds that a sponsor is not in compliance with applicable laws and administrative rules, the department shall declare in a written notice to the sponsor the specific laws or rules, or both, for which the sponsor is noncompliant. A sponsor notified under division (F)(1) of this section shall respond to the department not later than fourteen days after the notification with a proposed plan to remedy the conditions for which the sponsor was found to be noncompliant. The department shall approve or disapprove the plan not later than fourteen days after receiving it. If the plan is disapproved, the sponsor may submit a revised plan to the department not later than fourteen days after receiving notification of disapproval from the department or not later than sixty days after the date the sponsor received notification of noncompliance from the department, whichever is earlier. The department shall approve or disapprove the revised plan not later than fourteen days after receiving it or not later than sixty days after the date the sponsor received notification of noncompliance from the department, whichever is earlier. A sponsor may continue to make revisions by the deadlines prescribed in division (F)(1) of this section to any revised plan that is disapproved by the department until the sixtieth day after the date the sponsor received notification of noncompliance from the department.

If a plan or a revised plan is approved, the sponsor shall implement it not later than sixty days after the date the sponsor

received notification of noncompliance from the department or not 54799
later than thirty days after the plan is approved, whichever is 54800
later. If a sponsor does not respond to the department or 54801
implement an approved compliance plan by the deadlines prescribed 54802
by division (F)(1) of this section, or if a sponsor does not 54803
receive approval of a compliance plan on or before the sixtieth 54804
day after the date the sponsor received notification of 54805
noncompliance from the department, the department shall declare in 54806
written notice to the sponsor that the sponsor is in probationary 54807
status, and may limit the sponsor's ability to sponsor additional 54808
schools. 54809

(2) A sponsor that has been placed on probationary status 54810
under division (F)(1) of this section may apply to the department 54811
for its probationary status to be lifted. The application for a 54812
sponsor's probationary status to be lifted shall include evidence, 54813
occurring after the initial notification of noncompliance, of the 54814
sponsor's compliance with applicable laws and administrative 54815
rules. Not later than fourteen days after receiving an application 54816
from the sponsor, the department shall decide whether or not to 54817
remove the sponsor's probationary status. 54818

(G) In carrying out its duties under this chapter, the 54819
department shall not impose requirements on community schools or 54820
their sponsors that are not permitted by law or duly adopted 54821
rules. 54822

(H) This section applies to entities that sponsor conversion 54823
community schools and new start-up schools. 54824

Sec. 3314.017. (A) The state board of education shall 54825
prescribe by rules, adopted in accordance with Chapter 119. of the 54826
Revised Code, an academic performance rating and report card 54827
system that satisfies the requirements of this section for 54828
community schools that primarily serve students enrolled in 54829

dropout prevention and recovery programs as described in division 54830
(A)(4)(a) of section 3314.35 of the Revised Code, to be used in 54831
lieu of the system prescribed under sections 3302.03 and 3314.012 54832
of the Revised Code beginning with the 2012-2013 school year. Each 54833
such school shall comply with the testing and reporting 54834
requirements of the system as prescribed by the state board. 54835

(B) Nothing in this section shall at any time relieve a 54836
school from its obligations under the "No Child Left Behind Act of 54837
2001" to make "adequate yearly progress," as both that act and 54838
that term are defined in section 3302.01 of the Revised Code, or a 54839
school's amenability to the provisions of section 3302.04 or 54840
3302.041 of the Revised Code. The department shall continue to 54841
report each school's performance as required by the act and to 54842
enforce applicable sanctions under section 3302.04 or 3302.041 of 54843
the Revised Code. 54844

(C) The rules adopted by the state board shall prescribe the 54845
following performance indicators for the rating and report card 54846
system required by this section: 54847

(1) Graduation rate for each of the following student 54848
cohorts: 54849

(a) The number of students who graduate in four years or less 54850
with a regular high school diploma divided by the number of 54851
students who form the adjusted cohort for the graduating class; 54852

(b) The number of students who graduate in five years with a 54853
regular high school diploma divided by the number of students who 54854
form the adjusted cohort for the four-year graduation rate; 54855

(c) The number of students who graduate in six years with a 54856
regular high school diploma divided by the number of students who 54857
form the adjusted cohort for the four-year graduation rate; 54858

(d) The number of students who graduate in seven years with a 54859

regular high school diploma divided by the number of students who 54860
form the adjusted cohort for the four-year graduation rate; 54861

(e) The number of students who graduate in eight years with a 54862
regular high school diploma divided by the number of students who 54863
form the adjusted cohort for the four-year graduation rate. 54864

(2) The percentage of twelfth-grade students currently 54865
enrolled in the school who have attained the designated passing 54866
score on all of the applicable state high school achievement 54867
assessments required under division (B)(1) or (2) of section 54868
3301.0710 of the Revised Code and other students enrolled in the 54869
school, regardless of grade level, who are within three months of 54870
their twenty-second birthday and have attained the designated 54871
passing score on all of the applicable state high school 54872
achievement assessments by their twenty-second birthday; 54873

(3) Annual measurable objectives as defined in section 54874
3302.01 of the Revised Code; 54875

(4) Growth in student achievement in reading, or mathematics, 54876
or both as measured by separate nationally norm-referenced 54877
assessments that have developed appropriate standards for students 54878
enrolled in dropout prevention and recovery programs, adopted or 54879
approved by the state board. 54880

(D)(1) The state board's rules shall prescribe the expected 54881
performance levels and benchmarks for each of the indicators 54882
prescribed by division (C) of this section based on the data 54883
gathered by the department under division (F) of this section. 54884
Based on a school's level of attainment or nonattainment of the 54885
expected performance levels and benchmarks for each of the 54886
indicators, the department shall rate each school in one of the 54887
following categories: 54888

(a) Exceeds standards; 54889

(b) Meets standards; 54890

(c) Does not meet standards.	54891
(2) The state board's rules shall establish all of the following:	54892 54893
(a) Not later than June 30, 2013, performance levels and benchmarks for the indicators described in divisions (C)(1) to (3) of this section;	54894 54895 54896
(b) Not later than December 31, 2014, both of the following:	54897
(i) Performance levels and benchmarks for the indicator described in division (C)(4) of this section;	54898 54899
(ii) Standards for awarding a community school described in division (A)(4)(a) of section 3314.35 of the Revised Code an overall designation, which shall be calculated as follows:	54900 54901 54902
(I) Thirty per cent of the score shall be based on the indicators described in division (C)(1) of this section that are applicable to the school year for which the overall designation is granted.	54903 54904 54905 54906
(II) Thirty per cent of the score shall be based on the indicators described in division (C)(4) of this section.	54907 54908
(III) Twenty per cent of the score shall be based on the indicators described in division (C)(2) of this section.	54909 54910
(IV) Twenty per cent of the score shall be based on the indicators described in division (C)(3) of this section.	54911 54912
(3) If both of the indicators described in divisions (C)(1) and (2) of this section improve by ten per cent for two consecutive years, a school shall be rated as <u>not less than</u> "meets standards."	54913 54914 54915 54916
The rating and the relevant performance data for each school shall be posted on the department's web site, and a copy of the rating and data shall be provided to the governing authority of the community school.	54917 54918 54919 54920

(E)(1) For the 2012-2013 school year, the department shall 54921
issue a report card including the following performance measures, 54922
but without a performance rating as described in divisions 54923
(D)(1)(a) to (c) of this section, for each community school 54924
described in division (A)(4)(a) of section 3314.35 of the Revised 54925
Code: 54926

(a) The graduation rates as described in divisions (C)(1)(a) 54927
to (c) of this section; 54928

(b) The percentage of twelfth-grade students and other 54929
students who have attained a designated passing score on high 54930
school achievement assessments as described in division (C)(2) of 54931
this section; 54932

(c) The statewide average for the graduation rates and 54933
assessment passage rates described in divisions (C)(1)(a) to (c) 54934
and (C)(2) of this section; 54935

(d) Annual measurable objectives described in division (C)(3) 54936
of this section. 54937

(2) For the 2013-2014 school year, the department shall issue 54938
a report card including the following performance measures for 54939
each community school described in division (A)(4) of section 54940
3314.35 of the Revised Code: 54941

(a) The graduation rates described in divisions (C)(1)(a) to 54942
(d) of this section, including a performance rating as described 54943
in divisions (D)(1)(a) to (c) of this section; 54944

(b) The percentage of twelfth-grade students and other 54945
students who have attained a designated passing score on high 54946
school achievement assessments as described in division (C)(2) of 54947
this section, including a performance rating as described in 54948
divisions (D)(1)(a) to (c) of this section; 54949

(c) Annual measurable objectives described in division (C)(3) 54950

of this section, including a performance rating as described in 54951
divisions (D)(1)(a) to (c) of this section; 54952

(d) Both of the following without an assigned rating: 54953

(i) Growth in annual student achievement in reading and 54954
mathematics described in division (C)(4) of this section, if 54955
available; 54956

(ii) Student outcome data, including postsecondary credit 54957
earned, nationally recognized career or technical certification, 54958
military enlistment, job placement, and attendance rate. 54959

(3) Beginning with the 2014-2015 school year, and annually 54960
thereafter, the department shall issue a report card for each 54961
community school described in division (A)(4)(a) of section 54962
3314.35 of the Revised Code that includes all of the following 54963
performance measures, including a performance rating for each 54964
measure as described in divisions (D)(1)(a) to (c) of this 54965
section: 54966

(a) The graduation rates as described in division (C)(1) of 54967
this section; 54968

(b) The percentage of twelfth-grade students and other 54969
students who have attained a designated passing score on high 54970
school achievement assessments as described in division (C)(2) of 54971
this section; 54972

(c) Annual measurable objectives described in division (C)(3) 54973
of this section, including a performance rating as described in 54974
divisions (D)(1)(a) to (c) of this section; 54975

(d) Growth in annual student achievement in reading and 54976
mathematics as described in division (C)(4) of this section; 54977

(e) An overall performance designation for the school 54978
calculated under rules adopted under division (D)(2) of this 54979
section. 54980

The department shall also include student outcome data, 54981
including postsecondary credit earned, nationally recognized 54982
career or technical certification, military enlistment, job 54983
placement, attendance rate, and progress on closing achievement 54984
gaps for each school. This information shall not be included in 54985
the calculation of a school's performance rating. 54986

(F) In developing the rating and report card system required 54987
by this section, during the 2012-2013 and 2013-2014 school years, 54988
the department shall gather and analyze data as determined 54989
necessary from each community school described in division 54990
(A)(4)(a) of section 3314.35 of the Revised Code. Each such school 54991
shall cooperate with the department by supplying requested data 54992
and administering required assessments, including sample 54993
assessments for purposes of measuring student achievement growth 54994
as described in division (C)(4) of this section. The department 54995
shall consult with stakeholder groups in performing its duties 54996
under this division. 54997

The department shall also identify one or more states that 54998
have established or are in the process of establishing similar 54999
academic performance rating systems for dropout prevention and 55000
recovery programs and consult with the departments of education of 55001
those states in developing the system required by this section. 55002

(G) Not later than December 31, 2014, the state board shall 55003
review the performance levels and benchmarks for performance 55004
indicators in the report card issued under this section and may 55005
revise them based on the data collected under division (F) of this 55006
section. 55007

Sec. 3314.027. Notwithstanding the requirement for initial 55008
approval of sponsorship by the department of education prescribed 55009
in divisions (A)(2) and (B)(1) of section 3314.015 of the Revised 55010
Code and any geographical restriction or mission requirement 55011

prescribed in division (C)(1) of section 3314.02 of the Revised Code, an entity that has entered into a contract to sponsor a community school on April 8, 2003, may continue to sponsor the school in conformance with the terms of that contract ~~as long as the entity complies with all other sponsorship provisions of this chapter.~~ Such an entity and also may enter into new contracts to sponsor community schools after April 8, 2003, ~~and need not be approved by the department for such sponsorship, as otherwise required under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code,~~ as long as the contracts conform to and the entity complies with all other provisions of this chapter.

Regardless of the entity's authority to sponsor community schools without the initial approval of the department, each entity described in this section is under the continuing oversight of the department in accordance with rules adopted under section 3314.015 of the Revised Code.

Sec. 3314.029. This section establishes the Ohio school sponsorship program. The department of education shall establish an office of Ohio school sponsorship to perform the department's duties prescribed by this section.

(A)(1) Notwithstanding anything to the contrary in this chapter, ~~but subject to section 3314.20 of the Revised Code,~~ any person, group of individuals, or entity may apply to the department for direct authorization to establish a community school and, upon approval of the application, may establish the school. Notwithstanding anything to the contrary in this chapter, the governing authority of an existing community school, upon the expiration or termination of its contract with the school's sponsor entered into under section 3314.03 of the Revised Code, may apply to the department for direct authorization to continue operating the school and, upon approval of the application, may

continue to operate the school. 55043

Each application submitted to the department shall include 55044
the following: 55045

(a) Evidence that the applicant will be able to comply with 55046
division (C) of this section; 55047

(b) A statement indicating that the applicant agrees to 55048
comply with all applicable provisions of this chapter, including 55049
the requirement to be established as a nonprofit corporation or 55050
public benefit corporation in accordance with division (A)(1) of 55051
section 3314.03 of the Revised Code; 55052

(c) A statement attesting that no unresolved finding of 55053
recovery has been issued by the auditor of state against any 55054
person, group of individuals, or entity that is a party to the 55055
application and that no person who is party to the application has 55056
been a member of the governing authority of any community school 55057
that has permanently closed and against which an unresolved 55058
finding of recovery has been issued by the auditor of state. In 55059
the case of an application submitted by the governing authority of 55060
an existing community school, a person who is party to the 55061
application shall include each individual member of that governing 55062
authority. 55063

(d) A statement that the school will be nonsectarian in its 55064
programs, admission policies, employment practices, and all other 55065
operations, and will not be operated by a sectarian school or 55066
religious institution; 55067

(e) A statement of whether the school is to be created by 55068
converting all or part of an existing public school or educational 55069
service center building or is to be a new start-up school. If it 55070
is a converted public school or service center building, the 55071
statement shall include a specification of any duties or 55072
responsibilities of an employer that the board of education or 55073

service center governing board that operated the school or 55074
building before conversion is delegating to the governing 55075
authority of the community school with respect to all or any 55076
specified group of employees, provided the delegation is not 55077
prohibited by a collective bargaining agreement applicable to such 55078
employees. 55079

(f) A statement that the school's teachers will be licensed 55080
in the manner prescribed by division (A)(10) of section 3314.03 of 55081
the Revised Code; 55082

(g) A statement that the school will comply with all of the 55083
provisions of law enumerated in divisions (A)(11)(d) and (e) of 55084
section 3314.03 of the Revised Code and of division (A)(11)(h) of 55085
that section, if applicable; 55086

(h) A statement that the school's graduation and curriculum 55087
requirements will comply with division (A)(11)(f) of section 55088
3314.03 of the Revised Code; 55089

(i) A description of each of the following: 55090

(i) The school's mission and educational program, the 55091
characteristics of the students the school is expected to attract, 55092
the ages and grade levels of students, and the focus of the 55093
curriculum; 55094

(ii) The school's governing authority, which shall be in 55095
compliance with division (E) of section 3314.02 of the Revised 55096
Code; 55097

(iii) The school's admission and dismissal policies, which 55098
shall be in compliance with divisions (A)(5) and (6) of section 55099
3314.03 of the Revised Code; 55100

(iv) The school's business plan, including a five-year 55101
financial forecast; 55102

(v) In the case of an application to establish a community 55103

school, the applicant's resources and capacity to establish and operate the school; 55104
55105

(vi) The school's academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 55106
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(vii) The facilities to be used by the school and their locations; 55110
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(viii) A description of the learning opportunities that will be offered to students including both classroom-based and nonclassroom-based learning opportunities that are in compliance with criteria for student participation established by the department under division ~~(L)~~(H)(2) of section 3314.08 of the Revised Code. 55112
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(2) Subject to division (A)(3) of this section, the department shall approve each application, unless, within thirty days after receipt of the application, the department determines that the application does not satisfy the requirements of division (A)(1) of this section and provides the applicant a written explanation of the reasons for the determination. In that case, the department shall grant the applicant thirty days to correct the insufficiencies in the application. If the department determines that the insufficiencies have been corrected, it shall approve the application. If the department determines that the insufficiencies have not been corrected, it shall deny the application and provide the applicant with a written explanation of the reasons for the denial. The denial of an application may be appealed in accordance with section 119.12 of the Revised Code. 55118
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(3) For each of five school years, beginning with the school year that begins in the calendar year in which this section takes effect, the department may approve up to twenty applications for 55132
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55134

community schools to be established or to continue operation under 55135
division (A) of this section; however, of the twenty applications 55136
that may be approved each school year, only up to five may be for 55137
the establishment of new schools. 55138

(4) Notwithstanding division (A)(2) of this section, the 55139
department may deny an application submitted by the governing 55140
authority of an existing community school, if a previous sponsor 55141
of that school did not renew its contract or terminated its 55142
contract with the school entered into under section 3314.03 of the 55143
Revised Code. 55144

(B) The department and the governing authority of each 55145
community school authorized under this section shall enter into a 55146
contract under section 3314.03 of the Revised Code. 55147
Notwithstanding division (A)(13) of that section, the contract 55148
with an existing community school may begin at any time during the 55149
academic year. The length of the initial contract of any community 55150
school under this section may be for any term up to five years. 55151
The contract may be renewed in accordance with division (E) of 55152
that section. The contract may provide for the school's governing 55153
authority to pay a fee for oversight and monitoring of the school 55154
that does not exceed three per cent of the total amount of 55155
payments for operating expenses that the school receives from the 55156
state. 55157

(C) The department may require a community school authorized 55158
under this section to post and file with the superintendent of 55159
public instruction a bond payable to the state or to file with the 55160
state superintendent a guarantee, which shall be used to pay the 55161
state any moneys owed by the community school in the event the 55162
school closes. 55163

(D) Except as otherwise provided in this section, a community 55164
school authorized under this section shall comply with all 55165
applicable provisions of this chapter. The department may take any 55166

action that a sponsor may take under this chapter to enforce the 55167
school's compliance with this division and the terms of the 55168
contract entered into under division (B) of this section. 55169

(E) Not later than December 31, 2012, and annually 55170
thereafter, the department shall issue a report on the program, 55171
including information about the number of community schools 55172
participating in the program and their compliance with the 55173
provisions of this chapter. In its fifth report, the department 55174
shall include a complete evaluation of the program and 55175
recommendations regarding the program's continuation. Each report 55176
shall be provided to the general assembly, in accordance with 55177
section 101.68 of the Revised Code, and to the governor. 55178

Sec. 3314.03. A copy of every contract entered into under 55179
this section shall be filed with the superintendent of public 55180
instruction. The department of education shall make available on 55181
its web site a copy of every approved, executed contract filed 55182
with the superintendent under this section. 55183

(A) Each contract entered into between a sponsor and the 55184
governing authority of a community school shall specify the 55185
following: 55186

(1) That the school shall be established as either of the 55187
following: 55188

(a) A nonprofit corporation established under Chapter 1702. 55189
of the Revised Code, if established prior to April 8, 2003; 55190

(b) A public benefit corporation established under Chapter 55191
1702. of the Revised Code, if established after April 8, 2003. 55192

(2) The education program of the school, including the 55193
school's mission, the characteristics of the students the school 55194
is expected to attract, the ages and grades of students, and the 55195
focus of the curriculum; 55196

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	55197 55198 55199
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	55200 55201
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	55202 55203
(6)(a) Dismissal procedures;	55204
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	55205 55206 55207 55208 55209 55210
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	55211 55212
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	55213 55214 55215 55216 55217 55218
(9) The facilities to be used and their locations;	55219
(10) Qualifications of teachers, including the following:	55220
(a) A <u>a</u> requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	55221 55222 55223 55224 55225
(b) A requirement that each classroom teacher initially hired	55226

~~by the school on or after July 1, 2013, and employed to provide 55227~~
~~instruction in physical education hold a valid license issued 55228~~
~~pursuant to section 3319.22 of the Revised Code for teaching 55229~~
~~physical education. 55230~~

(11) That the school will comply with the following 55231
requirements: 55232

(a) The school will provide learning opportunities to a 55233
minimum of twenty-five students for a minimum of nine hundred 55234
twenty hours per school year. 55235

(b) The governing authority will purchase liability 55236
insurance, or otherwise provide for the potential liability of the 55237
school. 55238

(c) The school will be nonsectarian in its programs, 55239
admission policies, employment practices, and all other 55240
operations, and will not be operated by a sectarian school or 55241
religious institution. 55242

(d) The school will comply with sections 9.90, 9.91, 109.65, 55243
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 55244
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.539, 55245
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 55246
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 55247
3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 55248
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.814, 55249
3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 55250
3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 55251
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 55252
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 55253
4123., 4141., and 4167. of the Revised Code as if it were a school 55254
district and will comply with section 3301.0714 of the Revised 55255
Code in the manner specified in section 3314.17 of the Revised 55256
Code. 55257

(e) The school shall comply with Chapter 102. and section 55258
2921.42 of the Revised Code. 55259

(f) The school will comply with sections 3313.61, 3313.611, 55260
and 3313.614 of the Revised Code, except that for students who 55261
enter ninth grade for the first time before July 1, 2010, the 55262
requirement in sections 3313.61 and 3313.611 of the Revised Code 55263
that a person must successfully complete the curriculum in any 55264
high school prior to receiving a high school diploma may be met by 55265
completing the curriculum adopted by the governing authority of 55266
the community school rather than the curriculum specified in Title 55267
XXXIII of the Revised Code or any rules of the state board of 55268
education. Beginning with students who enter ninth grade for the 55269
first time on or after July 1, 2010, the requirement in sections 55270
3313.61 and 3313.611 of the Revised Code that a person must 55271
successfully complete the curriculum of a high school prior to 55272
receiving a high school diploma shall be met by completing the 55273
Ohio core curriculum prescribed in division (C) of section 55274
3313.603 of the Revised Code, unless the person qualifies under 55275
division (D) or (F) of that section. Each school shall comply with 55276
the plan for awarding high school credit based on demonstration of 55277
subject area competency, adopted by the state board of education 55278
under division (J) of section 3313.603 of the Revised Code. 55279

(g) The school governing authority will submit within four 55280
months after the end of each school year a report of its 55281
activities and progress in meeting the goals and standards of 55282
divisions (A)(3) and (4) of this section and its financial status 55283
to the sponsor and the parents of all students enrolled in the 55284
school. 55285

(h) The school, unless it is an internet- or computer-based 55286
community school, will comply with section 3313.801 of the Revised 55287
Code as if it were a school district. 55288

(i) If the school is the recipient of moneys from a grant 55289

awarded under the federal race to the top program, Division (A), 55290
Title XIV, Sections 14005 and 14006 of the "American Recovery and 55291
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 55292
school will pay teachers based upon performance in accordance with 55293
section 3317.141 and will comply with section 3319.111 of the 55294
Revised Code as if it were a school district. 55295

(12) Arrangements for providing health and other benefits to 55296
employees; 55297

(13) The length of the contract, which shall begin at the 55298
beginning of an academic year. No contract shall exceed five years 55299
unless such contract has been renewed pursuant to division (E) of 55300
this section. 55301

(14) The governing authority of the school, which shall be 55302
responsible for carrying out the provisions of the contract; 55303

(15) A financial plan detailing an estimated school budget 55304
for each year of the period of the contract and specifying the 55305
total estimated per pupil expenditure amount for each such year. 55306
~~The plan shall specify for each year the base formula amount that 55307~~
~~will be used for purposes of funding calculations under section 55308~~
~~3314.08 of the Revised Code. This base formula amount for any year 55309~~
~~shall not exceed the formula amount defined under section 3317.02 55310~~
~~of the Revised Code. The plan may also specify for any year a 55311~~
~~percentage figure to be used for reducing the per pupil amount of 55312~~
~~the subsidy calculated pursuant to section 3317.029 of the Revised 55313~~
~~Code the school is to receive that year under section 3314.08 of 55314~~
~~the Revised Code. 55315~~

(16) Requirements and procedures regarding the disposition of 55316
employees of the school in the event the contract is terminated or 55317
not renewed pursuant to section 3314.07 of the Revised Code; 55318

(17) Whether the school is to be created by converting all or 55319
part of an existing public school or educational service center 55320

building or is to be a new start-up school, and if it is a 55321
converted public school or service center building, specification 55322
of any duties or responsibilities of an employer that the board of 55323
education or service center governing board that operated the 55324
school or building before conversion is delegating to the 55325
governing authority of the community school with respect to all or 55326
any specified group of employees provided the delegation is not 55327
prohibited by a collective bargaining agreement applicable to such 55328
employees; 55329

(18) Provisions establishing procedures for resolving 55330
disputes or differences of opinion between the sponsor and the 55331
governing authority of the community school; 55332

(19) A provision requiring the governing authority to adopt a 55333
policy regarding the admission of students who reside outside the 55334
district in which the school is located. That policy shall comply 55335
with the admissions procedures specified in sections 3314.06 and 55336
3314.061 of the Revised Code and, at the sole discretion of the 55337
authority, shall do one of the following: 55338

(a) Prohibit the enrollment of students who reside outside 55339
the district in which the school is located; 55340

(b) Permit the enrollment of students who reside in districts 55341
adjacent to the district in which the school is located; 55342

(c) Permit the enrollment of students who reside in any other 55343
district in the state. 55344

(20) A provision recognizing the authority of the department 55345
of education to take over the sponsorship of the school in 55346
accordance with the provisions of division (C) of section 3314.015 55347
of the Revised Code; 55348

(21) A provision recognizing the sponsor's authority to 55349
assume the operation of a school under the conditions specified in 55350
division (B) of section 3314.073 of the Revised Code; 55351

(22) A provision recognizing both of the following: 55352

(a) The authority of public health and safety officials to 55353
inspect the facilities of the school and to order the facilities 55354
closed if those officials find that the facilities are not in 55355
compliance with health and safety laws and regulations; 55356

(b) The authority of the department of education as the 55357
community school oversight body to suspend the operation of the 55358
school under section 3314.072 of the Revised Code if the 55359
department has evidence of conditions or violations of law at the 55360
school that pose an imminent danger to the health and safety of 55361
the school's students and employees and the sponsor refuses to 55362
take such action. 55363

(23) A description of the learning opportunities that will be 55364
offered to students including both classroom-based and 55365
non-classroom-based learning opportunities that is in compliance 55366
with criteria for student participation established by the 55367
department under division ~~(L)~~(H)(2) of section 3314.08 of the 55368
Revised Code; 55369

(24) The school will comply with sections 3302.04 and 55370
3302.041 of the Revised Code, except that any action required to 55371
be taken by a school district pursuant to those sections shall be 55372
taken by the sponsor of the school. However, the sponsor shall not 55373
be required to take any action described in division (F) of 55374
section 3302.04 of the Revised Code. 55375

(25) Beginning in the 2006-2007 school year, the school will 55376
open for operation not later than the thirtieth day of September 55377
each school year, unless the mission of the school as specified 55378
under division (A)(2) of this section is solely to serve dropouts. 55379
In its initial year of operation, if the school fails to open by 55380
the thirtieth day of September, or within one year after the 55381
adoption of the contract pursuant to division (D) of section 55382

3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	55413 55414
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	55415 55416 55417
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	55418 55419 55420 55421
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	55422 55423 55424
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;	55425 55426 55427 55428 55429 55430 55431
(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.	55432 55433 55434
(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of	55435 55436 55437 55438 55439 55440 55441 55442 55443

sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 55444

(F) If a community school fails to open for operation within 55445
one year after the contract entered into under this section is 55446
adopted pursuant to division (D) of section 3314.02 of the Revised 55447
Code or permanently closes prior to the expiration of the 55448
contract, the contract shall be void and the school shall not 55449
enter into a contract with any other sponsor. A school shall not 55450
be considered permanently closed because the operations of the 55451
school have been suspended pursuant to section 3314.072 of the 55452
Revised Code. 55453

Sec. 3314.042. The governing authority of each community 55454
school shall comply with the standards for financial reporting 55455
adopted under division (B)(2) of section 3301.07 of the Revised 55456
Code. 55457

Sec. 3314.05. (A) The contract between the community school 55458
and the sponsor shall specify the facilities to be used for the 55459
community school and the method of acquisition. Except as provided 55460
in divisions (B)(3) and (4) of this section, no community school 55461
shall be established in more than one school district under the 55462
same contract. 55463

(B) Division (B) of this section shall not apply to internet- 55464
or computer-based community schools. 55465

(1) A community school may be located in multiple facilities 55466
under the same contract only if the limitations on availability of 55467
space prohibit serving all the grade levels specified in the 55468
contract in a single facility or division (B)(2), (3), or (4) of 55469
this section applies to the school. The school shall not offer the 55470
same grade level classrooms in more than one facility. 55471

(2) A community school may be located in multiple facilities 55472
under the same contract and, notwithstanding division (B)(1) of 55473

this section, may assign students in the same grade level to multiple facilities, as long as all of the following apply:

~~(a) The governing authority of the community school filed a copy of its contract with the school's sponsor under section 3314.03 of the Revised Code with the superintendent of public instruction on or before May 15, 2008.~~

~~(b) The school was not open for operation prior to July 1, 2008.~~

~~(e)~~ The governing authority has entered into and maintains a contract with an operator of the type described in division (A)(8)(b) of section 3314.02 of the Revised Code.

~~(d)~~(b) The contract with that operator qualified the school to be established pursuant to division (A) of former section 3314.016 of the Revised Code.

~~(e)~~(c) The school's rating under section 3302.03 of the Revised Code does not fall below a combination of any of the following for two or more consecutive years:

(i) A rating of "in need of continuous improvement" under section 3302.03 of the Revised Code, as that section existed prior to ~~the effective date of this section~~ March 22, 2013;

(ii) For the 2012-2013 and 2013-2014 school years, a rating of "C" for both the performance index score under division (A)(1)(b) or (B)(1)(b) and the value-added dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "C" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code;

(iii) For the 2014-2015 school year and for any school year thereafter, an overall grade of "C" under division (C)(3) of

section 3302.03 of the Revised Code or an overall performance 55504
designation of "meets standards" under division (E)(3)(e) of 55505
section 3314.017 of the Revised Code. 55506

(3) A new start-up community school may be established in two 55507
school districts under the same contract if all of the following 55508
apply: 55509

(a) At least one of the school districts in which the school 55510
is established is a challenged school district; 55511

(b) The school operates not more than one facility in each 55512
school district and, in accordance with division (B)(1) of this 55513
section, the school does not offer the same grade level classrooms 55514
in both facilities; and 55515

(c) Transportation between the two facilities does not 55516
require more than thirty minutes of direct travel time as measured 55517
by school bus. 55518

In the case of a community school to which division (B)(3) of 55519
this section applies, if only one of the school districts in which 55520
the school is established is a challenged school district, that 55521
district shall be considered the school's primary location and the 55522
district in which the school is located for the purposes of 55523
division (A)(19) of section 3314.03 and divisions (C) and (H) of 55524
section 3314.06 of the Revised Code and for all other purposes of 55525
this chapter. If both of the school districts in which the school 55526
is established are challenged school districts, the school's 55527
governing authority shall designate one of those districts to be 55528
considered the school's primary location and the district in which 55529
the school is located for the purposes of those divisions and all 55530
other purposes of this chapter and shall notify the department of 55531
education of that designation. 55532

(4) A community school may be located in multiple facilities 55533
under the same contract and, notwithstanding division (B)(1) of 55534

this section, may assign students in the same grade level to 55535
multiple facilities, as long as both of the following apply: 55536

(a) The facilities are all located in the same county. 55537

(b) Either of the following conditions are satisfied: 55538

(i) The community school is sponsored by a board of education 55539
of a city, local, or exempted village school district having 55540
territory in the same county where the facilities of the community 55541
school are located; 55542

(ii) The community school is managed by an operator. 55543

In the case of a community school to which division (B)(4) of 55544
this section applies and that maintains facilities in more than 55545
one school district, the school's governing authority shall 55546
designate one of those districts to be considered the school's 55547
primary location and the district in which the school is located 55548
for the purposes of division (A)(19) of section 3314.03 and 55549
divisions (C) and (H) of section 3314.06 of the Revised Code and 55550
for all other purposes of this chapter and shall notify the 55551
department of that designation. 55552

(5) Any facility used for a community school shall meet all 55553
health and safety standards established by law for school 55554
buildings. 55555

(C) In the case where a community school is proposed to be 55556
located in a facility owned by a school district or educational 55557
service center, the facility may not be used for such community 55558
school unless the district or service center board owning the 55559
facility enters into an agreement for the community school to 55560
utilize the facility. Use of the facility may be under any terms 55561
and conditions agreed to by the district or service center board 55562
and the school. 55563

(D) Two or more separate community schools may be located in 55564

the same facility. 55565

(E) In the case of a community school that is located in 55566
multiple facilities, beginning July 1, 2012, the department shall 55567
assign a unique identification number to the school and to each 55568
facility maintained by the school. Each number shall be used for 55569
identification purposes only. Nothing in this division shall be 55570
construed to require the department to calculate the amount of 55571
funds paid under this chapter, or to compute any data required for 55572
the report cards issued under section 3314.012 of the Revised 55573
Code, for each facility separately. The department shall make all 55574
such calculations or computations for the school as a whole. 55575

Sec. 3314.06. The governing authority of each community 55576
school established under this chapter shall adopt admission 55577
procedures that specify the following: 55578

(A) That, except as otherwise provided in this section, 55579
admission to the school shall be open to any individual age five 55580
to twenty-two entitled to attend school pursuant to section 55581
3313.64 or 3313.65 of the Revised Code in a school district in the 55582
state. 55583

Additionally, except as otherwise provided in this section, 55584
admission to the school may be open on a tuition basis to any 55585
individual age five to twenty-two who is not a resident of this 55586
state. The school shall not receive state funds under section 55587
3314.08 of the Revised Code for any student who is not a resident 55588
of this state. 55589

An individual younger than five years of age may be admitted 55590
to the school in accordance with division (A)(2) of section 55591
3321.01 of the Revised Code. The school shall receive funds for an 55592
individual admitted under that division in the manner provided 55593
under section 3314.08 of the Revised Code. 55594

(B)(1) That admission to the school may be limited to 55595
students who have attained a specific grade level or are within a 55596
specific age group; to students that meet a definition of 55597
"at-risk," as defined in the contract; to residents of a specific 55598
geographic area within the district, as defined in the contract; 55599
or to separate groups of autistic students and nondisabled 55600
students, as authorized in section 3314.061 of the Revised Code 55601
and as defined in the contract. 55602

(2) For purposes of division (B)(1) of this section, 55603
"at-risk" students may include those students identified as gifted 55604
students under section 3324.03 of the Revised Code. 55605

(C) Whether enrollment is limited to students who reside in 55606
the district in which the school is located or is open to 55607
residents of other districts, as provided in the policy adopted 55608
pursuant to the contract. 55609

(D)(1) That there will be no discrimination in the admission 55610
of students to the school on the basis of race, creed, color, 55611
disability, or sex except that: 55612

(a) The governing authority may do either of the following 55613
for the purpose described in division (G) of this section: 55614

(i) Establish a single-gender school for either sex; 55615

(ii) Establish single-gender schools for each sex under the 55616
same contract, provided substantially equal facilities and 55617
learning opportunities are offered for both boys and girls. Such 55618
facilities and opportunities may be offered for each sex at 55619
separate locations. 55620

(b) The governing authority may establish a school that 55621
simultaneously serves a group of students identified as autistic 55622
and a group of students who are not disabled, as authorized in 55623
section 3314.061 of the Revised Code. However, unless the total 55624
capacity established for the school has been filled, no student 55625

with any disability shall be denied admission on the basis of that disability. 55626
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(2) That upon admission of any student with a disability, the community school will comply with all federal and state laws regarding the education of students with disabilities. 55628
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(E) That the school may not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability, except that a school may limit its enrollment to students as described in division (B) of this section. 55631
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(F) That the community school will admit the number of students that does not exceed the capacity of the school's programs, classes, grade levels, or facilities. 55636
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(G) That the purpose of single-gender schools that are established shall be to take advantage of the academic benefits some students realize from single-gender instruction and facilities and to offer students and parents residing in the district the option of a single-gender education. 55639
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(H) That, except as otherwise provided under division (B) of this section or section 3314.061 of the Revised Code, if the number of applicants exceeds the capacity restrictions of division (F) of this section, students shall be admitted by lot from all those submitting applications, except preference shall be given to students attending the school the previous year and to students who reside in the district in which the school is located. Preference may be given to siblings of students attending the school the previous year. 55644
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Notwithstanding divisions (A) to (H) of this section, in the event the racial composition of the enrollment of the community school is violative of a federal desegregation order, the community school shall take any and all corrective measures to 55653
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comply with the desegregation order. 55657

Sec. 3314.072. The provisions of this section are enacted to 55658
promote the public health, safety, and welfare by establishing 55659
procedures under which the governing authorities of community 55660
schools established under this chapter will be held accountable 55661
for their compliance with the terms of the contracts they enter 55662
into with their school's sponsors and the law relating to the 55663
school's operation. Suspension of the operation of a school 55664
imposed under this section is intended to encourage the governing 55665
authority's compliance with the terms of the school's contract and 55666
the law and is not intended to be an alteration of the terms of 55667
that contract. 55668

(A) If a sponsor of a community school established under this 55669
chapter suspends the operation of that school pursuant to 55670
procedures set forth in this section, the governing authority 55671
shall not operate that school while the suspension is in effect. 55672
Any such suspension shall remain in effect until the sponsor 55673
notifies the governing authority that it is no longer in effect. 55674
The contract of a school of which operation is suspended under 55675
this section also may be subject to termination or nonrenewal 55676
under section 3314.07 of the Revised Code. 55677

(B) If at any time conditions at the school do not comply 55678
with a health and safety standard established by law for school 55679
buildings, the sponsor shall immediately suspend the operation of 55680
the school pursuant to procedures set forth in division (D) of 55681
this section. If the sponsor fails to take action to suspend the 55682
operation of a school to which this division applies, the 55683
department of education may take such action. 55684

(C)(1) For any of the reasons prescribed in division 55685
(B)(1)(a) to (d) of section 3314.07 of the Revised Code, the 55686
sponsor of a community school established under this chapter may 55687

suspend the operation of the school only if it first issues to the governing authority notice of the sponsor's intent to suspend the operation of the contract. Such notice shall explain the reasons for the sponsor's intent to suspend operation of the contract and shall provide the school's governing authority with five business days to submit to the sponsor a proposal to remedy the conditions cited as reasons for the suspension.

(2) The sponsor shall promptly review any proposed remedy timely submitted by the governing authority and either approve or disapprove the remedy. If the sponsor disapproves the remedy proposed by the governing authority, if the governing authority fails to submit a proposed remedy in the manner prescribed by the sponsor, or if the governing authority fails to implement the remedy as approved by the sponsor, the sponsor may suspend operation of the school pursuant to procedures set forth in division (D) of this section.

(D)(1) If division (B) of this section applies or if the sponsor of a community school established under this chapter decides to suspend the operation of a school as permitted in division (C)(2) of this section, the sponsor shall promptly send written notice to the governing authority stating that the operation of the school is immediately suspended, and explaining the specific reasons for the suspension. The notice shall state that the governing authority has five business days to submit a proposed remedy to the conditions cited as reasons for the suspension or face potential contract termination.

(2) Upon receipt of the notice of suspension prescribed under division (D)(1) of this section, the governing authority shall immediately notify the employees of the school and the parents of the students enrolled in the school of the suspension and the reasons therefore, and shall cease all school operations on the next business day.

(E)(1) Beginning with the 2013-2014 school year, if the sponsor of a community school suspends the operation of that school pursuant to procedures set forth in this section, the school's contract with the sponsor under section 3314.03 of the Revised Code shall become void, if the governing authority of the school fails to provide a proposal to remedy the conditions cited by the sponsor as reasons for the suspension, to the satisfaction of the sponsor, by the thirtieth day of September of the school year immediately following the school year in which the operation of school was suspended.

(2) If, prior to the effective date of this amendment, the sponsor of a community school has suspended the operation of the school, the contract with the sponsor under section 3314.03 of the Revised Code shall become void if the governing authority of the school fails to provide by September 30, 2014, a proposal to remedy the conditions cited by the sponsor as reasons for the suspension, to the satisfaction of the sponsor.

Sec. 3314.074. Divisions (A) and (B) of this section apply only to the extent permitted under Chapter 1702. of the Revised Code.

(A) If any community school established under this chapter permanently closes and ceases its operation as a community school, the assets of that school shall be distributed first to the retirement funds of employees of the school, employees of the school, and private creditors who are owed compensation, and then any remaining funds shall be paid to the department of education for redistribution to the school districts in which the students who were enrolled in the school at the time it ceased operation were entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. The amount distributed to each school district shall be proportional to the district's share of the total

enrollment in the community school. 55751

(B) If a community school closes and ceases to operate as a 55752
community school and the school has received computer hardware or 55753
software from the former Ohio SchoolNet commission or the former 55754
eTech Ohio commission, such hardware or software shall be ~~returned~~ 55755
turned over to the ~~eTech Ohio commission~~ department of education, 55756
~~and the eTech Ohio commission~~ which shall redistribute the 55757
hardware and software, to the extent such redistribution is 55758
possible, to school districts in conformance with the provisions 55759
of the programs as they were operated and administered by the 55760
former eTech Ohio commission. 55761

(C) If the assets of the school are insufficient to pay all 55762
persons or entities to whom compensation is owed, the 55763
prioritization of the distribution of the assets to individual 55764
persons or entities within each class of payees may be determined 55765
by decree of a court in accordance with this section and Chapter 55766
1702. of the Revised Code. 55767

Sec. 3314.08. ~~The deductions under division (C) and the 55768
payments under division (D) of this section for fiscal years 2012 55769
and 2013 shall be made in accordance with section 3314.088 of the 55770
Revised Code.~~ 55771

(A) As used in this section: 55772

(1) ~~"Base formula amount" means the amount specified as such 55773
in a community school's financial plan for a school year pursuant 55774
to division (A)(15) of section 3314.03 of the Revised Code.~~ 55775

~~(2) "IEP" has the same meaning as in section 3323.01 of the 55776
Revised Code.~~ 55777

~~(3) "Applicable special education weight" means the multiple 55778
specified in section 3317.013 of the Revised Code for a disability 55779
described in that section.~~ 55780

- ~~(4) "Applicable vocational education weight" means:~~ 55781
- ~~(a) For a student enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code, the multiple specified in that division:~~ 55782
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- ~~(b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division.~~ 55785
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- ~~(5) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code.~~ 55788
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- ~~(6) A community school student is "included in the poverty student count" of a school district if the student is entitled to attend school in the district and the student's family receives assistance under the Ohio works first program.~~ 55791
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- ~~(7) "Poverty based assistance reduction factor" means the percentage figure, if any, for reducing the per pupil amount of poverty based assistance a community school is entitled to receive pursuant to divisions (D)(5) to (9) of this section in any year, as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code.~~ 55795
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- ~~(8) "All day kindergarten" has the same meaning as in section 3321.05 of the Revised Code.~~ 55801
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- ~~(9)(a) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code.~~ 55803
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- ~~(b) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) of section 3317.014 of the Revised Code.~~ 55807
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- ~~(c) "Category three career-technical student" means a student~~ 55810

who is receiving the career-technical education services described 55811
in division (C) of section 3317.014 of the Revised Code. 55812

(d) "Category four career-technical student" means a student 55813
who is receiving the career-technical education services described 55814
in division (D) of section 3317.014 of the Revised Code. 55815

(e) "Category five career-technical education student" means 55816
a student who is receiving the career-technical education services 55817
described in division (E) of section 3317.014 of the Revised Code. 55818

(2)(a) "Category one limited English proficient student" 55819
means a limited English proficient student described in division 55820
(A) of section 3317.016 of the Revised Code. 55821

(b) "Category two limited English proficient student" means a 55822
limited English proficient student described in division (B) of 55823
section 3317.016 of the Revised Code. 55824

(c) "Category three limited English proficient student" means 55825
a limited English proficient student described in division (C) of 55826
section 3317.016 of the Revised Code. 55827

(3)(a) "Category one special education student" means a 55828
student who is receiving special education services for a 55829
disability specified in division (A) of section 3317.013 of the 55830
Revised Code. 55831

(b) "Category two special education student" means a student 55832
who is receiving special education services for a disability 55833
specified in division (B) of section 3317.013 of the Revised Code. 55834

(c) "Category three special education student" means a 55835
student who is receiving special education services for a 55836
disability specified in division (C) of section 3317.013 of the 55837
Revised Code. 55838

(d) "Category four special education student" means a student 55839
who is receiving special education services for a disability 55840

specified in division (D) of section 3317.013 of the Revised Code. 55841

(e) "Category five special education student" means a student 55842
who is receiving special education services for a disability 55843
specified in division (E) of section 3317.013 of the Revised Code. 55844

(f) "Category six special education student" means a student 55845
who is receiving special education services for a disability 55846
specified in division (F) of section 3317.013 of the Revised Code. 55847

(4) "Formula amount" has the same meaning as in section 55848
3317.02 of the Revised Code. 55849

(5) "IEP" has the same meaning as in section 3323.01 of the 55850
Revised Code. 55851

(6) "Resident district" means the school district in which a 55852
student is entitled to attend school under section 3313.64 or 55853
3313.65 of the Revised Code. 55854

(7) "State education aid" has the same meaning as in section 55855
5751.20 of the Revised Code. 55856

(B) The state board of education shall adopt rules requiring 55857
both of the following: 55858

(1) The board of education of each city, exempted village, 55859
and local school district to annually report the number of 55860
students entitled to attend school in the district who are 55861
enrolled in ~~grades one~~ each grade kindergarten through twelve in a 55862
community school established under this chapter, ~~the number of~~ 55863
~~students entitled to attend school in the district who are~~ 55864
~~enrolled in kindergarten in a community school, the number of~~ 55865
~~those kindergartners who are enrolled in all day kindergarten in~~ 55866
~~their community school,~~ and for each child, the community school 55867
in which the child is enrolled. 55868

(2) The governing authority of each community school 55869
established under this chapter to annually report all of the 55870

following: 55871

(a) The number of students enrolled in grades one through 55872
twelve and the full-time equivalent number of students enrolled in 55873
kindergarten in the school who are not receiving special education 55874
and related services pursuant to an IEP; 55875

(b) The number of enrolled students in grades one through 55876
twelve and the full-time equivalent number of enrolled students in 55877
kindergarten, who are receiving special education and related 55878
services pursuant to an IEP; 55879

(c) The number of students reported under division (B)(2)(b) 55880
of this section receiving special education and related services 55881
pursuant to an IEP for a disability described in each of divisions 55882
(A) to (F) of section 3317.013 of the Revised Code; 55883

(d) The full-time equivalent number of students reported 55884
under divisions (B)(2)(a) and (b) of this section who are enrolled 55885
in ~~vocational~~ career-technical education programs or classes 55886
described in each of divisions (A) ~~and (B)~~ to (E) of section 55887
3317.014 of the Revised Code that are provided by the community 55888
school; 55889

(e) Twenty per cent of the number of students reported under 55890
divisions (B)(2)(a) and (b) of this section who are not reported 55891
under division (B)(2)(d) of this section but who are enrolled in 55892
~~vocational~~ career-technical education programs or classes 55893
described in each of divisions (A) ~~and (B)~~ to (E) of section 55894
3317.014 of the Revised Code at a joint vocational school district 55895
~~under a contract between the community school and the joint~~ 55896
~~vocational school district and are entitled to attend school in a~~ 55897
~~city, local, or exempted village school district whose territory~~ 55898
~~is part of the territory of the joint vocational school district~~ 55899
or another district in the career-technical planning district to 55900
which the school is assigned; 55901

~~(f) The number of enrolled preschool children with disabilities receiving special education services in a state-funded unit;~~ 55902
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~~(g) The community school's base formula amount;~~ 55905

~~(h) The number of students reported under divisions (B)(2)(a) and (b) of this section who are category one to three limited English proficient students described in each of divisions (A) to (C) of section 3317.016 of the Revised Code;~~ 55906
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~~(g) The number of students reported under divisions (B)(2)(a) and (b) who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B)(2)(g) of this section based on anything other than family income.~~ 55910
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~~(h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school;~~ 55915
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~~(i) Any poverty based assistance reduction factor that applies to a school year under section 3313.64 or 3313.65 of the Revised Code.~~ 55917
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A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A)(2) of section 3321.01 of the Revised Code. 55920
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A governing authority of a community school shall not include in its report under division (B)(2) of this section any student for whom tuition is charged under division (F) of this section. 55924
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~~(C) From the state education aid calculated for a city, exempted village, or local school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code, the department of education shall annually subtract the sum of the amounts described in divisions (C)(1) to~~ 55927
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~~(9) of this section. However, when deducting payments on behalf of students enrolled in internet or computer based community schools, the department shall deduct only those amounts described in divisions (C)(1) and (2) of this section. Furthermore, the aggregate amount deducted under this division shall not exceed the sum of the district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code.~~

~~(1) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the number of the district's students reported under divisions (B)(2)(a), (b), and (c) of this section who are enrolled in grades one through twelve, and one half the number of students reported under those divisions who are enrolled in kindergarten, in that community school is multiplied by the sum of the base formula amount of that community school plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code.~~

~~(2) The sum of the amounts calculated under divisions (C)(2)(a) and (b) of this section:~~

~~(a) For each of the district's students reported under division (B)(2)(c) of this section as enrolled in a community school in grades one through twelve and receiving special education and related services pursuant to an IEP for a disability described in section 3317.013 of the Revised Code, the product of the applicable special education weight times the community school's base formula amount;~~

~~(b) For each of the district's students reported under division (B)(2)(c) of this section as enrolled in kindergarten in a community school and receiving special education and related services pursuant to an IEP for a disability described in section 3317.013 of the Revised Code, one half of the amount calculated as prescribed in division (C)(2)(a) of this section.~~

~~(3) For each of the district's students reported under
division (B)(2)(d) of this section for whom payment is made under
division (D)(4) of this section, the amount of that payment;~~ 55964
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~~(4) An amount equal to the sum of the amounts obtained when,
for each community school where the district's students are
enrolled, the number of the district's students enrolled in that
community school who are included in the district's poverty
student count is multiplied by the per pupil amount of
poverty based assistance the school district receives that year
pursuant to division (C) of section 3317.029 of the Revised Code,
as adjusted by any poverty based assistance reduction factor of
that community school. The per pupil amount of that aid for the
district shall be calculated by the department.~~ 55967
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~~(5) An amount equal to the sum of the amounts obtained when,
for each community school where the district's students are
enrolled, the district's per pupil amount of aid received under
division (E) of section 3317.029 of the Revised Code, as adjusted
by any poverty based assistance reduction factor of the community
school, is multiplied by the sum of the following:~~ 55977
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~~(a) The number of the district's students reported under
division (B)(2)(a) of this section who are enrolled in grades one
to three in that community school and who are not receiving
special education and related services pursuant to an IEP;~~ 55983
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~~(b) One half of the district's students who are enrolled in
all day or any other kindergarten class in that community school
and who are not receiving special education and related services
pursuant to an IEP;~~ 55987
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~~(c) One half of the district's students who are enrolled in
all day kindergarten in that community school and who are not
receiving special education and related services pursuant to an
IEP.~~ 55991
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~~The district's per pupil amount of aid under division (E) of section 3317.029 of the Revised Code is the quotient of the amount the district received under that division divided by the district's kindergarten through third grade ADM, as defined in that section.~~

~~(6) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount received under division (F) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of that community school, is multiplied by the number of the district's students enrolled in the community school who are identified as limited English proficient.~~

~~(7) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount received under division (G) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of that community school, is multiplied by the sum of the following:~~

~~(a) The number of the district's students enrolled in grades one through twelve in that community school;~~

~~(b) One half of the number of the district's students enrolled in kindergarten in that community school.~~

~~The district's per pupil amount under division (G) of section 3317.029 of the Revised Code is the district's amount per teacher calculated under division (G)(1) or (2) of that section divided by 17.~~

~~(8) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount received under divisions (H) and (I) of section 3317.029 of the Revised Code, as adjusted~~

~~by any poverty based assistance reduction factor of that community school, is multiplied by the sum of the following:~~ 56026
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~~(a) The number of the district's students enrolled in grades one through twelve in that community school;~~ 56028
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~~(b) One half of the number of the district's students enrolled in kindergarten in that community school.~~ 56030
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~~The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code is the amount calculated under each division divided by the district's formula ADM, as defined in section 3317.02 of the Revised Code.~~ 56032
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~~(9) An amount equal to the per pupil state parity aid funding calculated for the school district under either division (C) or (D) of section 3317.0217 of the Revised Code multiplied by the sum of the number of students in grades one through twelve, and one half of the number of students in kindergarten, who are entitled to attend school in the district and are enrolled in a community school as reported under division (B)(1) of this section.~~ 56036
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~~(D) The department shall annually pay to a community school established under this chapter the sum of the amounts described in divisions (D)(1) to (10) of this section. However, the department shall calculate and pay to each internet or computer based community school only the amounts described in divisions (D)(1) to (3) of this section. Furthermore, the sum of the payments to all community schools under divisions (D)(1), (2), and (4) to (10) of this section for the students entitled to attend school in any particular school district shall not exceed the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code. If the sum of the payments calculated under those divisions for the students entitled to attend school in a particular school district exceeds the sum of~~ 56044
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~~that district's state education aid and its payment under sections 56057
321.24 and 323.156 of the Revised Code, the department shall 56058
calculate and apply a proration factor to the payments to all 56059
community schools under those divisions for the students entitled 56060
to attend school in that district. 56061~~

~~(1) An amount equal to the sum of the amounts obtained when 56062
the number of students enrolled in grades one through twelve, plus 56063
one half of the kindergarten students in the school, reported 56064
under divisions (B)(2)(a), (b), and (c) of this section who are 56065
not receiving special education and related services pursuant to 56066
an IEP for a disability described in section 3317.013 of the 56067
Revised Code is multiplied by the sum of the community school's 56068
base formula amount plus the per pupil amount of the base funding 56069
supplements specified in divisions (C)(1) to (4) of section 56070
3317.012 of the Revised Code. 56071~~

~~(2) The sum of the following amounts: 56072~~

~~(a) For each student reported under division (B)(2)(c) of 56073
this section as enrolled in the school in grades one through 56074
twelve and receiving special education and related services 56075
pursuant to an IEP for a disability described in section 3317.013 56076
of the Revised Code, the following amount: 56077~~

~~(the school's base formula amount plus 56078
the per pupil amount of the base funding supplements specified in 56079
divisions (C)(1) to (4) of section 3317.012 of the Revised Code) 56080
+ (the applicable special education weight X the 56081
community school's base formula amount); 56082~~

~~(b) For each student reported under division (B)(2)(c) of 56083
this section as enrolled in kindergarten and receiving special 56084
education and related services pursuant to an IEP for a disability 56085
described in section 3317.013 of the Revised Code, one half of the 56086
amount calculated under the formula prescribed in division 56087
(D)(2)(a) of this section. 56088~~

~~(3) An amount received from federal funds to provide special education and related services to students in the community school, as determined by the superintendent of public instruction.~~

~~(4) For each student reported under division (B)(2)(d) of this section as enrolled in vocational education programs or classes that are described in section 3317.014 of the Revised Code, are provided by the community school, and are comparable as determined by the superintendent of public instruction to school district vocational education programs and classes eligible for state weighted funding under section 3317.014 of the Revised Code, an amount equal to the applicable vocational education weight times the community school's base formula amount times the percentage of time the student spends in the vocational education programs or classes.~~

~~(5) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the number of that district's students enrolled in the community school who are included in the district's poverty student count is multiplied by the per pupil amount of poverty based assistance that school district receives that year pursuant to division (C) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of the community school. The per pupil amount of aid shall be determined as described in division (C)(4) of this section.~~

~~(6) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount of aid received under division (E) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of the community school, is multiplied by the sum of the following:~~

~~(a) The number of the district's students reported under
division (B)(2)(a) of this section who are enrolled in grades one
to three in that community school and who are not receiving
special education and related services pursuant to an IEP;~~

~~(b) One half of the district's students who are enrolled in
all day or any other kindergarten class in that community school
and who are not receiving special education and related services
pursuant to an IEP;~~

~~(c) One half of the district's students who are enrolled in
all day kindergarten in that community school and who are not
receiving special education and related services pursuant to an
IEP.~~

~~The district's per pupil amount of aid under division (E) of
section 3317.029 of the Revised Code shall be determined as
described in division (C)(5) of this section.~~

~~(7) An amount equal to the sum of the amounts obtained when,
for each school district where the community school's students are
entitled to attend school, the number of that district's students
enrolled in the community school who are identified as
limited English proficient is multiplied by the district's per
pupil amount received under division (F) of section 3317.029 of
the Revised Code, as adjusted by any poverty based assistance
reduction factor of the community school.~~

~~(8) An amount equal to the sum of the amounts obtained when,
for each school district where the community school's students are
entitled to attend school, the district's per pupil amount
received under division (G) of section 3317.029 of the Revised
Code, as adjusted by any poverty based assistance reduction factor
of the community school, is multiplied by the sum of the
following:~~

~~(a) The number of the district's students enrolled in grades~~

~~one through twelve in that community school;~~ 56152

~~(b) One half of the number of the district's students enrolled in kindergarten in that community school.~~ 56153
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~~The district's per pupil amount under division (C) of section 3317.029 of the Revised Code shall be determined as described in division (C)(7) of this section.~~ 56155
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~~(9) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount received under divisions (H) and (I) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of the community school, is multiplied by the sum of the following:~~ 56158
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~~(a) The number of the district's students enrolled in grades one through twelve in that community school;~~ 56165
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~~(b) One half of the number of the district's students enrolled in kindergarten in that community school.~~ 56167
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~~The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code shall be determined as described in division (C)(8) of this section.~~ 56169
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~~(10) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount of state parity aid funding calculated under either division (C) or (D) of section 3317.0217 of the Revised Code is multiplied by the sum of the number of that district's students enrolled in grades one through twelve, and one half of the number of that district's students enrolled in kindergarten, in the community school as reported under divisions (B)(2)(a) and (b) of this section.~~ 56172
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~~(E)(1) If a community school's costs for a fiscal year for a~~ 56181

~~student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (C)(3)(b) of section 3317.022 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs.~~

~~(2) The community school shall only report under division (E)(1) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.~~

~~(F) A community school may apply to the department of education for preschool children with disabilities unit funding the school would receive if it were a school district. Upon request of its governing authority, a community school that received such unit funding as a school district operated school before it became a community school shall retain any units awarded to it as a school district operated school provided the school continues to meet eligibility standards for the unit.~~

~~A community school shall be considered a school district and its governing authority shall be considered a board of education for the purpose of applying to any state or federal agency for grants that a school district may receive under federal or state law or any appropriations act of the general assembly. The governing authority of a community school may apply to any private~~

~~entity for additional funds.~~ 56214

(G)(1) Except as provided in division (C)(2) of this section, 56215
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 56216
section, on a full-time equivalency basis, for each student 56217
enrolled in a community school established under this chapter, the 56218
department of education annually shall deduct from the state 56219
education aid of a student's resident district and, if necessary, 56220
from the payment made to the district under sections 321.24 and 56221
323.156 of the Revised Code and pay to the community school the 56222
sum of the following: 56223

(a) An opportunity grant in an amount equal to the formula 56224
amount; 56225

(b) The per pupil amount of targeted assistance funds 56226
calculated under division (A) of section 3317.0217 of the Revised 56227
Code for the student's resident district, as determined by the 56228
department, X 0.25; 56229

(c) Additional state aid for special education and related 56230
services provided under Chapter 3323. of the Revised Code as 56231
follows: 56232

(i) If the student is a category one special education 56233
student, the amount specified in division (A) of section 3317.013 56234
of the Revised Code; 56235

(ii) If the student is a category two special education 56236
student, the amount specified in division (B) of section 3317.013 56237
of the Revised Code; 56238

(iii) If the student is a category three special education 56239
student, the amount specified in division (C) of section 3317.013 56240
of the Revised Code; 56241

(iv) If the student is a category four special education 56242
student, the amount specified in division (D) of section 3317.013 56243

<u>of the Revised Code;</u>	56244
<u>(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013</u>	56245
<u>of the Revised Code;</u>	56246
<u>(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013</u>	56247
<u>of the Revised Code.</u>	56248
<u>(d) If the student is in kindergarten through third grade, an additional amount of \$211, in fiscal year 2014, and \$290, in fiscal year 2015;</u>	56249
<u>(e) If the student is economically disadvantaged, an additional amount equal to the following:</u>	56250
<u>(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X</u>	56251
<u>(the resident district's economically disadvantaged index)</u>	56252
<u>(f) Limited English proficiency funds as follows:</u>	56253
<u>(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;</u>	56254
<u>(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;</u>	56255
<u>(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.</u>	56256
<u>(g) Career-technical education funds as follows:</u>	56257
<u>(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;</u>	56258
<u>(ii) If the student is a category two career-technical</u>	56259

education student, the amount specified in division (B) of section 3317.014 of the Revised Code; 56273
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(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code; 56275
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(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code; 56278
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(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code. 56281
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Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code. 56284
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(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a), (c), and (g) of this section. 56288
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No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b), (d), (e), or (f) of this section. 56294
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(3)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the superintendent of public instruction documentation, 56297
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as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs. 56304
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(b) The community school shall report under division (C)(3)(a) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount. 56309
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(4) In any fiscal year, a community school receiving funds under division (C)(1)(g) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school to report data annually so that the department may monitor the school's compliance with the requirements regarding the manner in which funding received under division (C)(1)(g) of this section may be spent. 56316
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(5) All funds received under division (C)(1)(g) of this section shall be spent in the following manner: 56327
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(a) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional 56329
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development; and other costs directly associated with 56336
career-technical education programs including development of new 56337
programs. 56338

(b) Not more than twenty-five per cent of the funds shall be 56339
used for personnel expenditures. 56340

(6) A community school shall spend the funds it receives 56341
under division (C)(1)(e) of this section in accordance with 56342
section 3317.25 of the Revised Code. 56343

(7) If the sum of the payments computed under division (C)(1) 56344
of this section for the students entitled to attend school in a 56345
particular school district under sections 3313.64 and 3313.65 of 56346
the Revised Code exceeds the sum of that district's state 56347
education aid and its payment under sections 321.24 and 323.156 of 56348
the Revised Code, the department shall calculate and apply a 56349
proration factor to the payments to all community schools under 56350
that division for the students entitled to attend school in that 56351
district. 56352

(D) A board of education sponsoring a community school may 56353
utilize local funds to make enhancement grants to the school or 56354
may agree, either as part of the contract or separately, to 56355
provide any specific services to the community school at no cost 56356
to the school. 56357

~~(H)~~(E) A community school may not levy taxes or issue bonds 56358
secured by tax revenues. 56359

~~(I)~~(F) No community school shall charge tuition for the 56360
enrollment of any student who is a resident of this state. A 56361
community school may charge tuition for the enrollment of any 56362
student who is not a resident of this state. 56363

~~(J)~~(G)(1)(a) A community school may borrow money to pay any 56364
necessary and actual expenses of the school in anticipation of the 56365
receipt of any portion of the payments to be received by the 56366

school pursuant to division ~~(D)~~(C) of this section. The school may 56367
issue notes to evidence such borrowing. The proceeds of the notes 56368
shall be used only for the purposes for which the anticipated 56369
receipts may be lawfully expended by the school. 56370

(b) A school may also borrow money for a term not to exceed 56371
fifteen years for the purpose of acquiring facilities. 56372

(2) Except for any amount guaranteed under section 3318.50 of 56373
the Revised Code, the state is not liable for debt incurred by the 56374
governing authority of a community school. 56375

~~(K) For purposes of determining the number of students for 56376
which divisions (D)(5) and (6) of this section applies in any 56377
school year, a community school may submit to the department of 56378
job and family services, no later than the first day of March, a 56379
list of the students enrolled in the school. For each student on 56380
the list, the community school shall indicate the student's name, 56381
address, and date of birth and the school district where the 56382
student is entitled to attend school. Upon receipt of a list under 56383
this division, the department of job and family services shall 56384
determine, for each school district where one or more students on 56385
the list is entitled to attend school, the number of students 56386
residing in that school district who were included in the 56387
department's report under section 3317.10 of the Revised Code. The 56388
department shall make this determination on the basis of 56389
information readily available to it. Upon making this 56390
determination and no later than ninety days after submission of 56391
the list by the community school, the department shall report to 56392
the state department of education the number of students on the 56393
list who reside in each school district who were included in the 56394
department's report under section 3317.10 of the Revised Code. In 56395
complying with this division, the department of job and family 56396
services shall not report to the state department of education any 56397
personally identifiable information on any student. 56398~~

~~(L)~~(H) The department of education shall adjust the amounts 56399
subtracted and paid under ~~divisions~~ division (C) and ~~(D)~~ of this 56400
section to reflect any enrollment of students in community schools 56401
for less than the equivalent of a full school year. The state 56402
board of education within ninety days after April 8, 2003, shall 56403
adopt in accordance with Chapter 119. of the Revised Code rules 56404
governing the payments to community schools under this section ~~and~~ 56405
~~section 3314.13 of the Revised Code~~ including initial payments in 56406
a school year and adjustments and reductions made in subsequent 56407
periodic payments to community schools and corresponding 56408
deductions from school district accounts as provided under 56409
~~divisions~~ division (C) and ~~(D)~~ of this section and ~~section 3314.13~~ 56410
~~of the Revised Code~~. For purposes of this section and ~~section~~ 56411
~~3314.13 of the Revised Code~~: 56412

(1) A student shall be considered enrolled in the community 56413
school for any portion of the school year the student is 56414
participating at a college under Chapter 3365. of the Revised 56415
Code. 56416

(2) A student shall be considered to be enrolled in a 56417
community school for the period of time beginning on the later of 56418
the date on which the school both has received documentation of 56419
the student's enrollment from a parent and the student has 56420
commenced participation in learning opportunities as defined in 56421
the contract with the sponsor, or thirty days prior to the date on 56422
which the student is entered into the education management 56423
information system established under section 3301.0714 of the 56424
Revised Code. For purposes of applying this division and divisions 56425
~~(L)~~(H)(3) and (4) of this section to a community school student, 56426
"learning opportunities" shall be defined in the contract, which 56427
shall describe both classroom-based and non-classroom-based 56428
learning opportunities and shall be in compliance with criteria 56429
and documentation requirements for student participation which 56430

shall be established by the department. Any student's instruction 56431
time in non-classroom-based learning opportunities shall be 56432
certified by an employee of the community school. A student's 56433
enrollment shall be considered to cease on the date on which any 56434
of the following occur: 56435

(a) The community school receives documentation from a parent 56436
terminating enrollment of the student. 56437

(b) The community school is provided documentation of a 56438
student's enrollment in another public or private school. 56439

(c) The community school ceases to offer learning 56440
opportunities to the student pursuant to the terms of the contract 56441
with the sponsor or the operation of any provision of this 56442
chapter. 56443

Except as otherwise specified in this paragraph, beginning in 56444
the 2011-2012 school year, any student who completed the prior 56445
school year in an internet- or computer-based community school 56446
shall be considered to be enrolled in the same school in the 56447
subsequent school year until the student's enrollment has ceased 56448
as specified in division ~~(L)~~(H)(2) of this section. The department 56449
shall continue subtracting and paying amounts for the student 56450
under ~~divisions~~ division (C) and ~~(D)~~ of this section without 56451
interruption at the start of the subsequent school year. However, 56452
if the student without a legitimate excuse fails to participate in 56453
the first one hundred five consecutive hours of learning 56454
opportunities offered to the student in that subsequent school 56455
year, the student shall be considered not to have re-enrolled in 56456
the school for that school year and the department shall 56457
recalculate the payments to the school for that school year to 56458
account for the fact that the student is not enrolled. 56459

(3) The department shall determine each community school 56460
student's percentage of full-time equivalency based on the 56461

percentage of learning opportunities offered by the community 56462
school to that student, reported either as number of hours or 56463
number of days, is of the total learning opportunities offered by 56464
the community school to a student who attends for the school's 56465
entire school year. However, no internet- or computer-based 56466
community school shall be credited for any time a student spends 56467
participating in learning opportunities beyond ten hours within 56468
any period of twenty-four consecutive hours. Whether it reports 56469
hours or days of learning opportunities, each community school 56470
shall offer not less than nine hundred twenty hours of learning 56471
opportunities during the school year. 56472

(4) With respect to the calculation of full-time equivalency 56473
under division ~~(L)~~(H)(3) of this section, the department shall 56474
waive the number of hours or days of learning opportunities not 56475
offered to a student because the community school was closed 56476
during the school year due to disease epidemic, hazardous weather 56477
conditions, law enforcement emergencies, inoperability of school 56478
buses or other equipment necessary to the school's operation, 56479
damage to a school building, or other temporary circumstances due 56480
to utility failure rendering the school building unfit for school 56481
use, so long as the school was actually open for instruction with 56482
students in attendance during that school year for not less than 56483
the minimum number of hours required by this chapter. The 56484
department shall treat the school as if it were open for 56485
instruction with students in attendance during the hours or days 56486
waived under this division. 56487

~~(M)~~(I) The department of education shall reduce the amounts 56488
paid under ~~division (D)~~ of this section to reflect payments made 56489
to colleges under division (B) of section 3365.07 of the Revised 56490
Code or through alternative funding agreements entered into under 56491
rules adopted under section 3365.12 of the Revised Code. 56492

~~(N)~~(J)(1) No student shall be considered enrolled in any 56493

internet- or computer-based community school or, if applicable to 56494
the student, in any community school that is required to provide 56495
the student with a computer pursuant to division (C) of section 56496
3314.22 of the Revised Code, unless both of the following 56497
conditions are satisfied: 56498

(a) The student possesses or has been provided with all 56499
required hardware and software materials and all such materials 56500
are operational so that the student is capable of fully 56501
participating in the learning opportunities specified in the 56502
contract between the school and the school's sponsor as required 56503
by division (A)(23) of section 3314.03 of the Revised Code; 56504

(b) The school is in compliance with division (A) of section 56505
3314.22 of the Revised Code, relative to such student. 56506

(2) In accordance with policies adopted jointly by the 56507
superintendent of public instruction and the auditor of state, the 56508
department shall reduce the amounts otherwise payable under 56509
division ~~(D)~~(C) of this section to any community school that 56510
includes in its program the provision of computer hardware and 56511
software materials to any student, if such hardware and software 56512
materials have not been delivered, installed, and activated for 56513
each such student in a timely manner or other educational 56514
materials or services have not been provided according to the 56515
contract between the individual community school and its sponsor. 56516

The superintendent of public instruction and the auditor of 56517
state shall jointly establish a method for auditing any community 56518
school to which this division pertains to ensure compliance with 56519
this section. 56520

The superintendent, auditor of state, and the governor shall 56521
jointly make recommendations to the general assembly for 56522
legislative changes that may be required to assure fiscal and 56523
academic accountability for such schools. 56524

~~(O)~~(K)(1) If the department determines that a review of a community school's enrollment is necessary, such review shall be completed and written notice of the findings shall be provided to the governing authority of the community school and its sponsor within ninety days of the end of the community school's fiscal year, unless extended for a period not to exceed thirty additional days for one of the following reasons:

(a) The department and the community school mutually agree to the extension.

(b) Delays in data submission caused by either a community school or its sponsor.

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to

the state, the department shall deduct such amount from the 56555
school's future payments in accordance with guidelines issued by 56556
the superintendent of public instruction. 56557

~~(P)~~(L) The department shall not subtract from a school 56558
district's state aid account ~~under division (C) of this section~~ 56559
and shall not pay to a community school under division ~~(D)~~(C) of 56560
this section any amount for any of the following: 56561

(1) Any student who has graduated from the twelfth grade of a 56562
public or nonpublic high school; 56563

(2) Any student who is not a resident of the state; 56564

(3) Any student who was enrolled in the community school 56565
during the previous school year when assessments were administered 56566
under section 3301.0711 of the Revised Code but did not take one 56567
or more of the assessments required by that section and was not 56568
excused pursuant to division (C)(1) or (3) of that section, unless 56569
the superintendent of public instruction grants the student a 56570
waiver from the requirement to take the assessment and a parent is 56571
not paying tuition for the student pursuant to section 3314.26 of 56572
the Revised Code. The superintendent may grant a waiver only for 56573
good cause in accordance with rules adopted by the state board of 56574
education. 56575

(4) Any student who has attained the age of twenty-two years, 56576
except for veterans of the armed services whose attendance was 56577
interrupted before completing the recognized twelve-year course of 56578
the public schools by reason of induction or enlistment in the 56579
armed forces and who apply for enrollment in a community school 56580
not later than four years after termination of war or their 56581
honorable discharge. If, however, any such veteran elects to 56582
enroll in special courses organized for veterans for whom tuition 56583
is paid under federal law, or otherwise, the department shall not 56584
subtract from a school district's state aid account ~~under division~~ 56585

~~(C)~~ of this section and shall not pay to a community school under 56586
division ~~(D)~~(C) of this section any amount for that veteran. 56587

Sec. 3314.082. A community school shall be considered a 56588
school district and its governing authority shall be considered a 56589
board of education for the purpose of applying to any state or 56590
federal agency for grants that a school district may receive under 56591
federal or state law or any appropriations act of the general 56592
assembly. The governing authority of a community school may apply 56593
to any private entity for additional funds. 56594

Sec. 3314.083. If the department of education pays a joint 56595
vocational school district under division ~~(G)~~(4)(C)(3) of section 56596
3317.16 of the Revised Code for excess costs of providing special 56597
education and related services to a student with a disability who 56598
is enrolled in a community school, as calculated under division 56599
~~(G)~~(2)(C)(1) of that section, the department shall deduct the 56600
amount of that payment from the amount calculated for payment to 56601
the community school under section 3314.08 of the Revised Code. 56602

Sec. 3314.084. (A) As used in this section: 56603

(1) "Formula ADM" has the same meaning as in section 3317.03 56604
of the Revised Code. 56605

(2) "Home" has the same meaning as in section 3313.64 of the 56606
Revised Code. 56607

(3) "School district of residence" has the same meaning as in 56608
section 3323.01 of the Revised Code; however, a community school 56609
established under this chapter is not a "school district of 56610
residence" for purposes of this section. 56611

(B) Notwithstanding anything to the contrary in section 56612
3314.08 or 3317.03 of the Revised Code, all of the following apply 56613
in the case of a child who is enrolled in a community school and 56614

is also living in a home: 56615

(1) For purposes of the report required under division (B)(1) 56616
of section 3314.08 of the Revised Code, the child's school 56617
district of residence, and not the school district in which the 56618
home that the child is living in is located, shall be considered 56619
to be the school district in which the child is entitled to attend 56620
school. That school district of residence, therefore, shall make 56621
the report required under division (B)(1) of section 3314.08 of 56622
the Revised Code with respect to the child. 56623

(2) For purposes of the report required under division (B)(2) 56624
of section 3314.08 of the Revised Code, the community school shall 56625
report the name of the child's school district of residence. 56626

(3) The child's school district of residence shall count the 56627
child in that district's formula ADM. 56628

(4) The school district in which the home that the child is 56629
living in is located shall not count the child in that district's 56630
formula ADM. 56631

(5) The ~~Department~~ department of ~~Education~~ education shall 56632
deduct the applicable amounts prescribed under division (C) of 56633
section 3314.08 ~~and division (D) of section 3314.13~~ of the Revised 56634
Code from the child's school district of residence and shall not 56635
deduct those amounts from the school district in which the home 56636
that the child is living in is located. 56637

(6) The ~~Department~~ department shall make the payments 56638
prescribed in ~~divisions (D) and (E)~~ division (C) of section 56639
3314.08 ~~and section 3314.13~~ of the Revised Code, as applicable, to 56640
the community school. 56641

Sec. 3314.086. A community school established under this 56642
chapter, including an internet- or computer-based community 56643
school, may provide career-technical education in the manner 56644

prescribed by section 3313.90 of the Revised Code. The community 56645
school may contract with any public agency, board, or bureau or 56646
with any private individual or firm for the purchase of any 56647
career-technical education or vocational rehabilitation service 56648
for any student enrolled in the community school and may pay for 56649
such services with funds received under section 3314.08 of the 56650
Revised Code. 56651

Sec. 3314.087. (A) As used in this section: 56652

(1) "Career-technical program" means ~~vocational~~ 56653
career-technical programs or classes described in division (A) ~~or~~, 56654
(B), (C), (D), or (E) of section 3317.014 of the Revised Code in 56655
which a student is enrolled. 56656

(2) "Formula ADM," "category one ~~or two~~ vocational through 56657
five career-technical education ADM," and "FTE basis" have the 56658
same meanings as in section 3317.02 of the Revised Code. 56659

(3) "Resident school district" means the city, exempted 56660
village, or local school district in which a student is entitled 56661
to attend school under section 3313.64 or 3313.65 of the Revised 56662
Code. 56663

(B) Notwithstanding anything to the contrary in this chapter 56664
or Chapter 3317. of the Revised Code, a student enrolled in a 56665
community school may simultaneously enroll in the career-technical 56666
program operated by the ~~student's resident school district~~ 56667
career-technical planning district to which the student's resident 56668
district belongs. On an FTE basis, the student's resident school 56669
district shall count the student in the category one ~~or two~~ 56670
~~vocational through five career-technical~~ education ADM for the 56671
proportion of the time the student is enrolled in ~~the district's a~~ 56672
career-technical program of the career-technical planning district 56673
to which the student's resident district belongs and, accordingly, 56674

the department of education shall calculate funds under Chapter 56675
3317. for the resident district attributable to the student for 56676
the proportion of time the student attends the career-technical 56677
program. The community school shall count the student in its 56678
enrollment report under section 3314.08 of the Revised Code and 56679
shall report to the department the proportion of time that the 56680
student attends classes at the community school. The department 56681
shall pay the community school and deduct from the student's 56682
resident school district the amount computed for the student under 56683
section 3314.08 of the Revised Code in proportion to the fraction 56684
of the time on an FTE basis that the student attends classes at 56685
the community school. "Full-time equivalency" for a community 56686
school student, as defined in division ~~(L)~~(H) of section 3314.08 56687
of the Revised Code, does not apply to the student. 56688

Sec. 3314.091. (A) A school district is not required to 56689
provide transportation for any native student enrolled in a 56690
community school if the district board of education has entered 56691
into an agreement with the community school's governing authority 56692
that designates the community school as responsible for providing 56693
or arranging for the transportation of the district's native 56694
students to and from the community school. For any such agreement 56695
to be effective, it must be certified by the superintendent of 56696
public instruction as having met all of the following 56697
requirements: 56698

(1) It is submitted to the department of education by a 56699
deadline which shall be established by the department. 56700

(2) In accordance with divisions (C)(1) and (2) of this 56701
section, it specifies qualifications, such as residing a minimum 56702
distance from the school, for students to have their 56703
transportation provided or arranged. 56704

(3) The transportation provided by the community school is 56705

subject to all provisions of the Revised Code and all rules 56706
adopted under the Revised Code pertaining to pupil transportation. 56707

(4) The sponsor of the community school also has signed the 56708
agreement. 56709

(B)(1) For the school year that begins on July 1, 2007, a 56710
school district is not required to provide transportation for any 56711
native student enrolled in a community school, if the community 56712
school during the previous school year transported the students 56713
enrolled in the school or arranged for the students' 56714
transportation, even if that arrangement consisted of having 56715
parents transport their children to and from the school, but did 56716
not enter into an agreement to transport or arrange for 56717
transportation for those students under division (A) of this 56718
section, and if the governing authority of the community school by 56719
July 15, 2007, submits written notification to the district board 56720
of education stating that the governing authority is accepting 56721
responsibility for providing or arranging for the transportation 56722
of the district's native students to and from the community 56723
school. 56724

(2) ~~For~~ Except as provided in division (B)(4) of this 56725
section, for any school year subsequent to the school year that 56726
begins on July 1, 2007, a school district is not required to 56727
provide transportation for any native student enrolled in a 56728
community school if the governing authority of the community 56729
school, by the thirty-first day of January of the previous school 56730
year, submits written notification to the district board of 56731
education stating that the governing authority is accepting 56732
responsibility for providing or arranging for the transportation 56733
of the district's native students to and from the community 56734
school. If the governing authority of the community school has 56735
previously accepted responsibility for providing or arranging for 56736
the transportation of a district's native students to and from the 56737

community school, under division (B)(1) or (2) of this section, 56738
and has since relinquished that responsibility under division 56739
(B)(3) of this section, the governing authority shall not accept 56740
that responsibility again unless the district board consents to 56741
the governing authority's acceptance of that responsibility. 56742

(3) A governing authority's acceptance of responsibility 56743
under division (B)(1) or (2) of this section shall cover an entire 56744
school year, and shall remain in effect for subsequent school 56745
years unless the governing authority submits written notification 56746
to the district board that the governing authority is 56747
relinquishing the responsibility. However, a governing authority 56748
shall not relinquish responsibility for transportation before the 56749
end of a school year, and shall submit the notice relinquishing 56750
responsibility by the thirty-first day of January, in order to 56751
allow the school district reasonable time to prepare 56752
transportation for its native students enrolled in the school. 56753

(4)(a) For any school year that begins on or after July 1, 56754
2014, a school district is not required to provide transportation 56755
for any native student enrolled in a community school scheduled to 56756
open for operation in the current school year, if the governing 56757
authority of the community school, by the fifteenth day of April 56758
of the previous school year, submits written notification to the 56759
district board of education stating that the governing authority 56760
is accepting responsibility for providing or arranging for the 56761
transportation of the district's native students to and from the 56762
community school. 56763

(b) The governing authority of a community school that 56764
accepts responsibility for transporting its students under 56765
division (4)(a) of this section shall comply with divisions (B)(2) 56766
and (3) of this section to renew or relinquish that authority for 56767
subsequent school years. 56768

(C)(1) A community school governing authority that enters 56769

into an agreement under division (A) of this section, or that 56770
accepts responsibility under division (B) of this section, shall 56771
provide or arrange transportation free of any charge for each of 56772
its enrolled students who is required to be transported under 56773
section 3327.01 of the Revised Code or who would otherwise be 56774
transported by the school district under the district's 56775
transportation policy. The governing authority shall report to the 56776
department of education the number of students transported or for 56777
whom transportation is arranged under this section in accordance 56778
with rules adopted by the state board of education. 56779

(2) The governing authority may provide or arrange 56780
transportation for any other enrolled student who is not eligible 56781
for transportation in accordance with division (C)(1) of this 56782
section and may charge a fee for such service up to the actual 56783
cost of the service. 56784

(3) Notwithstanding anything to the contrary in division 56785
(C)(1) or (2) of this section, a community school governing 56786
authority shall provide or arrange transportation free of any 56787
charge for any disabled student enrolled in the school for whom 56788
the student's individualized education program developed under 56789
Chapter 3323. of the Revised Code specifies transportation. 56790

(D)(1) If a school district board and a community school 56791
governing authority elect to enter into an agreement under 56792
division (A) of this section, the department of education shall 56793
make payments to the community school according to the terms of 56794
the agreement for each student actually transported under division 56795
(C)(1) of this section. 56796

If a community school governing authority accepts 56797
transportation responsibility under division (B) of this section, 56798
the department shall make payments to the community school for 56799
each student actually transported or for whom transportation is 56800
arranged by the community school under division (C)(1) of this 56801

section, calculated as follows: 56802

(a) For any fiscal year which the general assembly has 56803
specified that transportation payments to school districts be 56804
based on an across-the-board percentage of the district's payment 56805
for the previous school year, the per pupil payment to the 56806
community school shall be the following quotient: 56807

(i) The total amount calculated for the school district in 56808
which the child is entitled to attend school for student 56809
transportation other than transportation of children with 56810
disabilities; divided by 56811

(ii) The number of students included in the district's 56812
transportation ADM for the current fiscal year, as reported under 56813
division (B)~~(13)~~(19) of section 3317.03 of the Revised Code, plus 56814
the number of students enrolled in the community school not 56815
counted in the district's transportation ADM who are transported 56816
under division (B)(1) or (2) of this section. 56817

(b) For any fiscal year which the general assembly has 56818
specified that the transportation payments to school districts be 56819
calculated in accordance with section 3317.0212 of the Revised 56820
Code and any rules of the state board of education implementing 56821
that section, the payment to the community school shall be the 56822
amount so calculated that otherwise would be paid to the school 56823
district in which the student is entitled to attend school by the 56824
method of transportation the district would have used. The 56825
community school, however, is not required to use the same method 56826
to transport that student. 56827

(c) Divisions (D)(1)(a) and (b) of this section do not apply 56828
to fiscal years 2012 and 2013. Rather, for each of those fiscal 56829
years, the per pupil payment to a community school for 56830
transporting a student shall be the total amount paid under former 56831
section 3306.12 of the Revised Code for fiscal year 2011 to the 56832

school district in which the child is entitled to attend school 56833
divided by that district's "qualifying ridership," as defined in 56834
that section for fiscal year 2011. 56835

As used in this division "entitled to attend school" means 56836
entitled to attend school under section 3313.64 or 3313.65 of the 56837
Revised Code. 56838

(2) The department shall deduct the payment under division 56839
(D)(1) of this section from the state education aid, as defined in 56840
section 3314.08 of the Revised Code, and, if necessary, the 56841
payment under sections 321.14 and 323.156 of the Revised Code, 56842
that is otherwise paid to the school district in which the student 56843
enrolled in the community school is entitled to attend school. The 56844
department shall include the number of the district's native 56845
students for whom payment is made to a community school under 56846
division (D)(1) of this section in the calculation of the 56847
district's transportation payment under section 3317.0212 of the 56848
Revised Code and the operating appropriations act. 56849

(3) A community school shall be paid under division (D)(1) of 56850
this section only for students who are eligible as specified in 56851
section 3327.01 of the Revised Code and division (C)(1) of this 56852
section, and whose transportation to and from school is actually 56853
provided, who actually utilized transportation arranged, or for 56854
whom a payment in lieu of transportation is made by the community 56855
school's governing authority. To qualify for the payments, the 56856
community school shall report to the department, in the form and 56857
manner required by the department, data on the number of students 56858
transported or whose transportation is arranged, the number of 56859
miles traveled, cost to transport, and any other information 56860
requested by the department. 56861

(4) A community school shall use payments received under this 56862
section solely to pay the costs of providing or arranging for the 56863
transportation of students who are eligible as specified in 56864

section 3327.01 of the Revised Code and division (C)(1) of this 56865
section, which may include payments to a parent, guardian, or 56866
other person in charge of a child in lieu of transportation. 56867

(E) Except when arranged through payment to a parent, 56868
guardian, or person in charge of a child, transportation provided 56869
or arranged for by a community school pursuant to an agreement 56870
under this section is subject to all provisions of the Revised 56871
Code, and all rules adopted under the Revised Code, pertaining to 56872
the construction, design, equipment, and operation of school buses 56873
and other vehicles transporting students to and from school. The 56874
drivers and mechanics of the vehicles are subject to all 56875
provisions of the Revised Code, and all rules adopted under the 56876
Revised Code, pertaining to drivers and mechanics of such 56877
vehicles. The community school also shall comply with sections 56878
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 56879
of section 3327.16 of the Revised Code and, subject to division 56880
(C)(1) of this section, sections 3327.01 and 3327.02 of the 56881
Revised Code, as if it were a school district. 56882

Sec. 3314.092. The governing authority or operator of a 56883
community school established under this chapter shall consult with 56884
each school district board of education that transports students 56885
to the community school under sections 3314.09 and 3327.01 of the 56886
Revised Code prior to making any change in the hours or days in 56887
which the community school is open for instruction. 56888

Sec. 3314.11. (A) The board of education of each city, 56889
exempted village, and local school district monthly shall review 56890
enrollment for students enrolled in community schools established 56891
under this chapter and entitled to attend school in the district 56892
under section 3313.64 or 3313.65 of the Revised Code. For each 56893
student, the district shall verify to the department of education 56894
both of the following: 56895

(1) The community school in which the student is enrolled;	56896
(2) That the student is entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code.	56897 56898
(B) For purposes of its initial reporting of the school districts its students are entitled to attend, the governing authority of a community school may adopt a policy that prescribes the number of documents listed in division (E) of this section required to verify a student's residency. This policy, if adopted, shall supersede any policy concerning the number of documents for initial residency verification adopted by the district the student is entitled to attend. If a community school does not adopt a policy under this division, the policy of the school district in which the student is entitled to attend shall prevail.	56899 56900 56901 56902 56903 56904 56905 56906 56907 56908
(C) In making the determinations under this section, the school district in which a parent or child resides is the location the parent or student has established as the primary residence and where substantial family activity takes place.	56909 56910 56911 56912
(D) If a district's determination under division (A) of this section of the school district a student is entitled to attend under section 3313.64 or 3313.65 of the Revised Code differs from a community school's determination under division (B) of this section, the community school shall provide the school district that made the determination under division (A) of this section with documentation of the student's residency and shall make a good faith effort to accurately identify the correct residence of the student.	56913 56914 56915 56916 56917 56918 56919 56920 56921
(E) For purposes of this section, the following documents may serve as evidence of primary residence:	56922 56923
(1) A deed, mortgage, lease, current home owner's or renter's insurance declaration page, or current real property tax bill;	56924 56925
(2) A utility bill or receipt of utility installation issued	56926

within ninety days of enrollment; 56927

(3) A paycheck or paystub issued to the parent or student 56928
within ninety days of the date of enrollment that includes the 56929
address of the parent's or student's primary residence; 56930

(4) The most current available bank statement issued to the 56931
parent or student that includes the address of the parent's or 56932
student's primary residence; 56933

(5) Any other official document issued to the parent or 56934
student that includes the address of the parent's or student's 56935
primary residence. The superintendent of public instruction shall 56936
develop guidelines for determining what qualifies as an "official 56937
document" under this division. 56938

(F) When a student loses permanent housing and becomes a 56939
homeless child or youth, as defined in 42 U.S.C. 11434a, or when a 56940
child who is such a homeless child or youth changes temporary 56941
living arrangements, the district in which the student is entitled 56942
to attend school shall be determined in accordance with division 56943
(F)(13) of section 3313.64 of the Revised Code and the 56944
"McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et seq. 56945

(G) In the event of a disagreement as to which school 56946
district a student is entitled to attend, the community school, 56947
after complying with division (D) of this section, but not more 56948
than sixty days after the monthly deadline established by the 56949
department of education for reporting of community school 56950
enrollment, may present the matter to the superintendent of public 56951
instruction. Not later than thirty days after the community school 56952
presents the matter, the state superintendent, or the state 56953
superintendent's designee, shall determine which district the 56954
student is entitled to attend and shall direct any necessary 56955
adjustments to payments and deductions under ~~sections~~ section 56956
3314.08 ~~and 3314.13~~ of the Revised Code based on that 56957

determination.	56958
<u>Sec. 3314.20. (A) As used in this section:</u>	56959
<u>(1) "Base enrollment" for an internet- or computer-based</u>	56960
<u>community school means either of the following:</u>	56961
<u>(a) If the school was open for instruction on the effective</u>	56962
<u>date of this section, the number of students enrolled in the</u>	56963
<u>school at the end of the 2012-2013 school year;</u>	56964
<u>(b) If the school opens for instruction after the effective</u>	56965
<u>date of this section, one thousand students.</u>	56966
<u>(2) "Enrollment limit" for an internet- or computer-based</u>	56967
<u>community school means the following:</u>	56968
<u>(a) For the 2014-2015 school year, the base enrollment</u>	56969
<u>increased by the prescribed annual rate of growth, as calculated</u>	56970
<u>by the department of education.</u>	56971
<u>(b) For the 2015-2016 school year and each school year</u>	56972
<u>thereafter, the previous school year's enrollment limit increased</u>	56973
<u>by the prescribed annual rate of growth, as calculated by the</u>	56974
<u>department.</u>	56975
<u>(3) "Prescribed annual rate of growth" for an internet- or</u>	56976
<u>computer-based community school means either of the following:</u>	56977
<u>(a) For a school with an enrollment limit equal to or greater</u>	56978
<u>than three thousand students, fifteen per cent.</u>	56979
<u>(b) For a school with an enrollment limit of less than three</u>	56980
<u>thousand students, twenty-five per cent.</u>	56981
<u>(B) Beginning in the 2014-2015 school year, no internet- or</u>	56982
<u>computer-based community school shall enroll more students than</u>	56983
<u>the number permitted by its enrollment limit.</u>	56984
<u>(C) If, in any school year, an internet- or computer-based</u>	56985
<u>community school enrolls more students than permitted under the</u>	56986

enrollment limit, the department shall deduct from the community 56987
school the amount of state funds credited to the community school 56988
attributable to each student enrolled in excess of the enrollment 56989
limit, as determined by the department. The department shall 56990
distribute the deducted amounts to the school districts to which 56991
the students enrolled in the community school are entitled to 56992
attend school under section 3313.64 or 3313.65 of the Revised 56993
Code. Such amounts shall be distributed on a pro rata basis 56994
according to each district's share of the total enrollment in the 56995
community school. 56996

Sec. 3314.26. (A) Each internet- or computer-based community 56997
school shall withdraw from the school any student who, for two 56998
consecutive school years, has failed to participate in the spring 56999
administration of any assessment prescribed under section 57000
3301.0710 or 3301.0712 of the Revised Code for the student's grade 57001
level and was not excused from the assessment pursuant to division 57002
(C)(1) or (3) of section 3301.0711 of the Revised Code, regardless 57003
of whether a waiver was granted for the student under division 57004
~~(P)~~(L)(3) of section 3314.08 of the Revised Code. The school shall 57005
report any such student's data verification code, as assigned 57006
pursuant to section 3301.0714 of the Revised Code, to the 57007
department of education. The department shall maintain a list of 57008
all data verification codes reported under this division and 57009
section 3313.6410 of the Revised Code and provide that list to 57010
each internet- or computer-based community school and to each 57011
school to which section 3313.6410 of the Revised Code applies. 57012

(B) No internet- or computer-based community school shall 57013
receive any state funds under this chapter for any enrolled 57014
student whose data verification code appears on the list 57015
maintained by the department under division (A) of this section. 57016

Notwithstanding any provision of the Revised Code to the 57017

contrary, the parent of any such student shall pay tuition to the 57018
internet- or computer-based community school in an amount equal to 57019
the state funds the school otherwise would receive for that 57020
student, as determined by the department. An internet- or 57021
computer-based community school may withdraw any student for whom 57022
the parent does not pay tuition as required by this division. 57023

Sec. 3314.35. (A)(1) Except as provided in division (A)(4) of 57024
this section, this section applies to any community school that 57025
meets one of the following criteria after July 1, 2009, but before 57026
July 1, 2011: 57027

(a) The school does not offer a grade level higher than three 57028
and has been declared to be in a state of academic emergency under 57029
section 3302.03 of the Revised Code for three of the four most 57030
recent school years. 57031

(b) The school satisfies all of the following conditions: 57032

(i) The school offers any of grade levels four to eight but 57033
does not offer a grade level higher than nine. 57034

(ii) The school has been declared to be in a state of 57035
academic emergency under section 3302.03 of the Revised Code for 57036
two of the three most recent school years. 57037

(iii) In at least two of the three most recent school years, 57038
the school showed less than one standard year of academic growth 57039
in either reading or mathematics, as determined by the department 57040
of education in accordance with rules adopted under division (A) 57041
of section 3302.021 of the Revised Code. 57042

(c) The school offers any of grade levels ten to twelve and 57043
has been declared to be in a state of academic emergency under 57044
section 3302.03 of the Revised Code for three of the four most 57045
recent school years. 57046

(2) Except as provided in division (A)(4) of this section, 57047

this section applies to any community school that meets one of the 57048
following criteria after July 1, 2011, but before July 1, 2013: 57049

(a) The school does not offer a grade level higher than three 57050
and has been declared to be in a state of academic emergency under 57051
section 3302.03 of the Revised Code for two of the three most 57052
recent school years. 57053

(b) The school satisfies all of the following conditions: 57054

(i) The school offers any of grade levels four to eight but 57055
does not offer a grade level higher than nine. 57056

(ii) The school has been declared to be in a state of 57057
academic emergency under section 3302.03 of the Revised Code for 57058
two of the three most recent school years. 57059

(iii) In at least two of the three most recent school years, 57060
the school showed less than one standard year of academic growth 57061
in either reading or mathematics, as determined by the department 57062
in accordance with rules adopted under division (A) of section 57063
3302.021 of the Revised Code. 57064

(c) The school offers any of grade levels ten to twelve and 57065
has been declared to be in a state of academic emergency under 57066
section 3302.03 of the Revised Code for two of the three most 57067
recent school years. 57068

(3) Except as provided in division (A)(4) of this section, 57069
this section applies to any community school that meets one of the 57070
following criteria on or after July 1, 2013: 57071

(a) The school does not offer a grade level higher than three 57072
and, for two of the three most recent school years, satisfies any 57073
of the following criteria: 57074

(i) The school has been declared to be in a state of academic 57075
emergency under section 3302.03 of the Revised Code, as it existed 57076
prior to ~~the effective date of this amendment~~ March 22, 2013; 57077

(ii) The school has received a grade of "F" in improving literacy in grades kindergarten through three under division (B)(1)(j) or (C)(1)(k) of section 3302.03 of the Revised Code; (ii) The school has received a grade of "F" under division (C) of section 3302.03 of the Revised Code.

(b) The school offers any of grade levels four to eight but does not offer a grade level higher than nine and, for two of the three most recent school years, satisfies any of the following criteria:

(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to ~~the effective date of this amendment~~ March 22, 2013, and the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code;

(ii) The school has received a grade of "F" for the performance index score under division (A)(1)(b), (B)(1)(b), or (C)(1)(b) and a grade of "F" for the value-added progress dimension under division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code;

(iii) The school has received an overall grade of "F" under division (C) and a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code.

(c) The school offers any of grade levels ten to twelve and, for two of the three most recent school years, satisfies any of the following criteria:

(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to ~~the effective date of this amendment~~ March 22, 2013;

(ii) The school has received a grade of "F" for the performance index score under division (A)(1)(b), (B)(1)(b), or (C)(1)(b) and has not met annual measurable objectives under division (A)(1)(a), (B)(1)(a), or (C)(1)(a) of section 3302.03 of the Revised Code;

(iii) The school has received an overall grade of "F" under division (C) and a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code.

For purposes of division (A)(3) of this section only, the value-added progress dimension for a community school shall be calculated using assessment scores for only those students to whom the school has administered the achievement assessments prescribed by section 3301.0710 of the Revised Code for at least the two most recent school years.

(4) This section does not apply to either of the following:

(a) Any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school. Rather, such schools shall be subject to closure only as provided in section 3314.351 of the Revised Code. However, prior to July 1, 2014, a community school in which a majority of the students are enrolled in a dropout prevention and recovery program shall be exempt from this section only if it has been granted a waiver under section 3314.36 of the Revised Code.

(b) Any community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code.

(B) Any community school to which this section applies shall permanently close at the conclusion of the school year in which the school first becomes subject to this section. The sponsor and

governing authority of the school shall comply with all procedures 57140
for closing a community school adopted by the department under 57141
division (E) of section 3314.015 of the Revised Code. The 57142
governing authority of the school shall not enter into a contract 57143
with any other sponsor under section 3314.03 of the Revised Code 57144
after the school closes. 57145

(C) In accordance with division (B) of section 3314.012 of 57146
the Revised Code, the department shall not consider the 57147
performance ratings assigned to a community school for its first 57148
two years of operation when determining whether the school meets 57149
the criteria prescribed by division (A)(1) or (2) of this section. 57150

Sec. 3315.07. (A) The board of education of each ~~city and~~ 57151
~~exempted village~~ school district may provide an instructional 57152
program for the employees of the district. The board may provide 57153
the necessary bulletins and instructional material in connection 57154
with the program and pay the cost of meetings held for the purpose 57155
of carrying out the program. 57156

(B) The board of any district or educational service center 57157
may provide bulletins or other materials necessary for the 57158
effective administration of the schools of ~~such the~~ district or 57159
programs of the educational service center and may compile, make 57160
available, or publish any of the following materials not 57161
inconsistent with division (C) of this section: student handbooks, 57162
dress codes, curriculum guides, school policy bulletins, 57163
newsletters, board meeting summaries or minutes, financial 57164
reports, annual reports, and other reports concerning the 57165
operation of the schools of the district or programs of the 57166
service center. Such materials shall be published for the purpose 57167
of furthering public awareness of all aspects of the board's 57168
educational program and operation including: 57169

(1) Board policies and actions, procedures, administration 57170

and finance, and state and federal requirements; 57171

(2) The board's programs, activities, and plans; 57172

(3) Student achievements and information concerning 57173
employees; 57174

(4) Any other information the board considers helpful in 57175
keeping students, parents, employees, and residents aware of the 57176
operation of the school district. The board may assign to 57177
employees the duty of producing the information authorized by this 57178
division as a part or all of their jobs. 57179

(C)(1) Except as otherwise provided in division (C)(2) of 57180
this section, no board of education shall use public funds to 57181
support or oppose the passage of a school levy or bond issue or to 57182
compensate any school district employee for time spent on any 57183
activity intended to influence the outcome of a school levy or 57184
bond issue election. 57185

(2) A board of education may permit any of its employees to 57186
attend a public meeting during ~~his~~ the employee's regular working 57187
hours for the purpose of presenting information about school 57188
finances and activities and board actions, even if the purpose of 57189
the meeting is to discuss or debate the passage of a school levy 57190
or bond issue. 57191

(D) ~~Boards~~ The board of education of ~~local a school districts~~ 57192
~~and, subject to approval by the educational service center~~ 57193
~~governing board, boards of city and exempted village school~~ 57194
~~districts located in whole or in part in the territory of~~ district 57195
that has entered into an agreement under section 3313.843 or 57196
3313.845 of the Revised Code to receive any services from an 57197
educational service center may authorize ~~educational~~ the service 57198
center ~~governing boards~~ to purchase or to accept upon donation 57199
supplies and equipment for such school ~~districts~~ district and to 57200
pay the transportation, handling, and storage charges involved in 57201

securing such supplies and equipment. Upon such authorization, the 57202
governing board may make such purchases or accept such donations 57203
and pay from the service center fund the cost of such supplies and 57204
equipment and the transportation, handling, and storage charges 57205
involved. ~~Boards~~ The district board shall reimburse in full the 57206
service center governing board for all such expenditures on ~~their~~ 57207
its behalf. 57208

Sec. 3315.33. There is hereby established a fund to be known 57209
as the Ohio scholarship fund for teacher trainees for the public 57210
purpose of relieving the existing teacher shortage in public 57211
schools, to be administered and expended as prescribed in sections 57212
3315.33 to 3315.35 of the Revised Code. Appropriations by the 57213
general assembly for the purpose of scholarships for teacher 57214
trainees shall be paid into this fund. 57215

Each scholarship for a teacher trainee shall have a maximum 57216
value of five hundred dollars annually and shall be awarded as 57217
follows: 57218

(A) The state board of education shall prescribe standards 57219
and requirements which shall be met by persons who are eligible 57220
for such scholarships. Scholarships shall be allocated among the 57221
counties of the state on an equitable basis by the state board of 57222
education, provided that not less than three such scholarships 57223
shall be available annually to residents of each county of the 57224
state. If, on the first day of September in each year, the state 57225
board of education finds that the number of eligible persons 57226
recommended from any county is less than the number of 57227
scholarships allocated to that county, it may reallocate the 57228
remaining scholarships among the counties in which the number of 57229
eligible persons exceeds the number of scholarships allocated. 57230
Such reallocation as may affect a county in one year shall not 57231
prejudice in any way the allocation to it in succeeding years. 57232

(B) In accordance with the requirements of sections 3315.33, 57233
3315.34, and 3315.35 of the Revised Code, the educational service 57234
center superintendent in each educational service center as 57235
committee chairperson shall appoint a committee consisting of one 57236
~~city or exempted village~~ high school principal, one elementary 57237
school principal, and one ~~city or exempted village~~ classroom 57238
teacher. This committee shall select and recommend, on the basis 57239
of merit, a number of high school graduates, not to exceed the 57240
number allocated to each county by the state board of education, 57241
who are interested in teaching and whose work and qualifications 57242
are such as to indicate that they possess the qualities which 57243
should be possessed by a successful teacher. Such persons shall 57244
not have previously been enrolled in any college of education or 57245
have majored in education in any college or university. Such other 57246
college training shall be considered in determining such person's 57247
qualifications to become a successful teacher. 57248

(C) The scholarship fund for teacher trainees shall be 57249
disbursed to scholarship holders upon their application as 57250
approved by the state board of education upon vouchers for that 57251
purpose. Such scholarships shall be paid in equal installments at 57252
the beginning of each quarter or semester while college is in 57253
session to each person who has been awarded such a scholarship 57254
when the following requirements are met: 57255

(1) Such person shall be a bona fide student in the college 57256
of education or department of teacher training in an Ohio 57257
institution of higher learning. 57258

(2) Such person shall pursue a course of study in elementary 57259
education in said college of education or department of teacher 57260
training approved by the state board of education. 57261

Sec. 3315.40. The board of education of a city, local, 57262
exempted village, or joint vocational school district or the 57263

governing board of any educational service center may establish an 57264
education foundation fund. Moneys in the fund shall consist of 57265
proceeds paid into the fund under division (B) of section 3313.36 57266
of the Revised Code. In addition, by resolution adopted by a 57267
majority of its members, a city, local, exempted village, or joint 57268
vocational board may annually direct the school district treasurer 57269
to pay into the education foundation fund an amount from the 57270
school district general fund not to exceed one-half of one per 57271
cent of the total appropriations of the school district as 57272
estimated by the board at the time the resolution is adopted or as 57273
set forth in the annual appropriation measure as most recently 57274
amended or supplemented; and any governing board, by resolution 57275
adopted by a majority of its members, may annually direct the 57276
service center treasurer to pay into the education foundation fund 57277
an amount not to exceed one-half of one per cent of the funds 57278
received by the governing board pursuant to an agreement entered 57279
into under section ~~3317.11~~ 3313.843 or 3313.845 of the Revised 57280
Code. 57281

Income from the investment of moneys in the fund shall be 57282
paid into the fund. A board, by resolution adopted by a majority 57283
of its members, may accept a trust created under section 3315.41 57284
of the Revised Code for the investment of money in the educational 57285
foundation fund and direct the school district or service center 57286
treasurer to pay to the trustee, the initial trust principal 57287
contemplated by the instrument creating the trust. A board that 57288
has accepted a trust created under section 3315.41 of the Revised 57289
Code may do any of the following by resolution adopted by a 57290
majority of its members: direct the school district or service 57291
center treasurer to pay additional amounts to the trust principal, 57292
amend the trust, revoke the trust, or provide for payment of 57293
compensation to the trustee. 57294

Moneys in the fund shall be expended only by resolution 57295

adopted by a majority of the members of the board for operating or 57296
capital costs of any existing or new and innovative program 57297
designed to enhance or promote education within the district or 57298
service center, such as scholarships for students or teachers. 57299

A board of education or governing board may appoint a 57300
committee of administrators to administer the education foundation 57301
fund and to make recommendations for the use of the fund. Members 57302
of the committee shall serve at the discretion of the appointing 57303
board. Members shall receive no compensation, but may be 57304
reimbursed for actual and necessary expenses incurred in the 57305
performance of their official duties. 57306

Sec. 3315.42. Sections 3315.40 and 3315.41 of the Revised 57307
Code do not apply to either of the following: 57308

(A) A school district that has received funds for a project 57309
under Chapter 3318. of the Revised Code, so long as the purchase 57310
price to be paid by the board for the state's interest in the 57311
project has not been paid; 57312

(B) A school district that has an outstanding loan under 57313
section 3313.483 ~~or sections 3317.62 to 3317.64~~ of the Revised 57314
Code. 57315

Sec. 3316.041. (A) Notwithstanding any provision of Chapter 57316
133. or sections 3313.483 to ~~3313.4811~~ 3313.4810 of the Revised 57317
Code, and subject to the approval of the superintendent of public 57318
instruction, a school district that is in a state of fiscal watch 57319
declared under section 3316.03 of the Revised Code may restructure 57320
or refinance loans obtained or in the process of being obtained 57321
under section 3313.483 of the Revised Code if all of the following 57322
requirements are met: 57323

(1) The operating deficit certified for the school district 57324
for the current or preceding fiscal year under section 3313.483 of 57325

the Revised Code exceeds fifteen per cent of the district's 57326
general revenue fund for the fiscal year preceding the year for 57327
which the certification of the operating deficit is made. 57328

(2) The school district voters have, during the period of the 57329
fiscal watch, approved the levy of a tax under section 718.09, 57330
718.10, 5705.194, 5705.21, 5748.02, or 5748.09 of the Revised Code 57331
that is not a renewal or replacement levy, or a levy under section 57332
5705.199 of the Revised Code, and that will provide new operating 57333
revenue. 57334

(3) The board of education of the school district has adopted 57335
or amended the financial plan required by section 3316.04 of the 57336
Revised Code to reflect the restructured or refinanced loans, and 57337
sets forth the means by which the district will bring projected 57338
operating revenues and expenditures, and projected debt service 57339
obligations, into balance for the life of any such loan. 57340

(B) Subject to the approval of the superintendent of public 57341
instruction, the school district may issue securities to evidence 57342
the restructuring or refinancing authorized by this section. Such 57343
securities may extend the original period for repayment not to 57344
exceed ten years, and may alter the frequency and amount of 57345
repayments, interest or other financing charges, and other terms 57346
or agreements under which the loans were originally contracted, 57347
provided the loans received under sections 3313.483 of the Revised 57348
Code are repaid from funds the district would otherwise receive 57349
under Chapter 3317. of the Revised Code, as required under 57350
division (E)(3) of section 3313.483 of the Revised Code. 57351
Securities issued for the purpose of restructuring or refinancing 57352
under this section shall be repaid in equal payments and at equal 57353
intervals over the term of the debt and are not eligible to be 57354
included in any subsequent proposal to restructure or refinance. 57355

(C) Unless the district is declared to be in a state of 57356
fiscal emergency under division (D) of section 3316.04 of the 57357

Revised Code, a school district shall remain in a state of fiscal 57358
watch for the duration of the repayment period of any loan 57359
restructured or refinanced under this section. 57360

Sec. 3316.06. (A) Within one hundred twenty days after the 57361
first meeting of a school district financial planning and 57362
supervision commission, the commission shall adopt a financial 57363
recovery plan regarding the school district for which the 57364
commission was created. During the formulation of the plan, the 57365
commission shall seek appropriate input from the school district 57366
board and from the community. This plan shall contain the 57367
following: 57368

(1) Actions to be taken to: 57369

(a) Eliminate all fiscal emergency conditions declared to 57370
exist pursuant to division (B) of section 3316.03 of the Revised 57371
Code; 57372

(b) Satisfy any judgments, past-due accounts payable, and all 57373
past-due and payable payroll and fringe benefits; 57374

(c) Eliminate the deficits in all deficit funds, except that 57375
any prior year deficits in the capital and maintenance fund 57376
established pursuant to section 3315.18 of the Revised Code shall 57377
be forgiven; 57378

(d) Restore to special funds any moneys from such funds that 57379
were used for purposes not within the purposes of such funds, or 57380
borrowed from such funds by the purchase of debt obligations of 57381
the school district with the moneys of such funds, or missing from 57382
the special funds and not accounted for, if any; 57383

(e) Balance the budget, avoid future deficits in any funds, 57384
and maintain on a current basis payments of payroll, fringe 57385
benefits, and all accounts; 57386

(f) Avoid any fiscal emergency condition in the future; 57387

(g) Restore the ability of the school district to market 57388
long-term general obligation bonds under provisions of law 57389
applicable to school districts generally. 57390

(2) The management structure that will enable the school 57391
district to take the actions enumerated in division (A)(1) of this 57392
section. The plan shall specify the level of fiscal and management 57393
control that the commission will exercise within the school 57394
district during the period of fiscal emergency, and shall 57395
enumerate respectively, the powers and duties of the commission 57396
and the powers and duties of the school board during that period. 57397
The commission may elect to assume any of the powers and duties of 57398
the school board it considers necessary, including all powers 57399
related to personnel, curriculum, and legal issues in order to 57400
successfully implement the actions described in division (A)(1) of 57401
this section. 57402

(3) The target dates for the commencement, progress upon, and 57403
completion of the actions enumerated in division (A)(1) of this 57404
section and a reasonable period of time expected to be required to 57405
implement the plan. The commission shall prepare a reasonable time 57406
schedule for progress toward and achievement of the requirements 57407
for the plan, and the plan shall be consistent with that time 57408
schedule. 57409

(4) The amount and purpose of any issue of debt obligations 57410
that will be issued, together with assurances that any such debt 57411
obligations that will be issued will not exceed debt limits 57412
supported by appropriate certifications by the fiscal officer of 57413
the school district and the county auditor. Debt obligations 57414
issued pursuant to section 133.301 of the Revised Code shall 57415
include assurances that such debt shall be in an amount not to 57416
exceed the amount certified under division (B) of such section. If 57417
the commission considers it necessary in order to maintain or 57418
improve educational opportunities of pupils in the school 57419

district, the plan may include a proposal to restructure or 57420
refinance outstanding debt obligations incurred by the board under 57421
section 3313.483 of the Revised Code contingent upon the approval, 57422
during the period of the fiscal emergency, by district voters of a 57423
tax levied under section 718.09, 718.10, 5705.194, 5705.21, 57424
5748.02, 5748.08, or 5748.09 of the Revised Code that is not a 57425
renewal or replacement levy, or a levy under section 5705.199 of 57426
the Revised Code, and that will provide new operating revenue. 57427
Notwithstanding any provision of Chapter 133. or sections 3313.483 57428
to ~~3313.4811~~ 3313.4810 of the Revised Code, following the required 57429
approval of the district voters and with the approval of the 57430
commission, the school district may issue securities to evidence 57431
the restructuring or refinancing. Those securities may extend the 57432
original period for repayment, not to exceed ten years, and may 57433
alter the frequency and amount of repayments, interest or other 57434
financing charges, and other terms of agreements under which the 57435
debt originally was contracted, at the discretion of the 57436
commission, provided that any loans received pursuant to section 57437
3313.483 of the Revised Code shall be paid from funds the district 57438
would otherwise receive under Chapter 3317. of the Revised Code, 57439
as required under division (E)(3) of section 3313.483 of the 57440
Revised Code. The securities issued for the purpose of 57441
restructuring or refinancing the debt shall be repaid in equal 57442
payments and at equal intervals over the term of the debt and are 57443
not eligible to be included in any subsequent proposal for the 57444
purpose of restructuring or refinancing debt under this section. 57445

(5) An evaluation of the feasibility of entering into shared 57446
services agreements with other political subdivisions for the 57447
joint exercise of any power, performance of any function, or 57448
rendering of any service, if so authorized by statute. 57449

(B) Any financial recovery plan may be amended subsequent to 57450
its adoption. Each financial recovery plan shall be updated 57451

annually. 57452

(C) Each school district financial planning and supervision 57453
commission shall submit the financial recovery plan it adopts or 57454
updates under this section to the state superintendent of public 57455
instruction for approval immediately following its adoption or 57456
updating. The state superintendent shall evaluate the plan and 57457
either approve or disapprove it within thirty calendar days from 57458
the date of its submission. If the plan is disapproved, the state 57459
superintendent shall recommend modifications that will render it 57460
acceptable. No financial planning and supervision commission shall 57461
implement a financial recovery plan that is adopted or updated on 57462
or after April 10, 2001, unless the state superintendent has 57463
approved it. 57464

Sec. 3317.01. As used in this section, "school district," 57465
unless otherwise specified, means any city, local, exempted 57466
village, joint vocational, or cooperative education school 57467
district and any educational service center. 57468

This chapter shall be administered by the state board of 57469
education. The superintendent of public instruction shall 57470
calculate the amounts payable to each school district and shall 57471
certify the amounts payable to each eligible district to the 57472
treasurer of the district as provided by this chapter. As soon as 57473
possible after such amounts are calculated, the superintendent 57474
shall certify to the treasurer of each school district the 57475
district's adjusted charge-off increase, as defined in section 57476
5705.211 of the Revised Code. Certification of moneys pursuant to 57477
this section shall include the amounts payable to each school 57478
building, at a frequency determined by the superintendent, for 57479
each subgroup of students, as defined in section 3317.40 of the 57480
Revised Code, receiving services, provided for by state funding, 57481
from the district or school. No moneys shall be distributed 57482

pursuant to this chapter without the approval of the controlling board. 57483
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The state board of education shall, in accordance with appropriations made by the general assembly, meet the financial obligations of this chapter. 57485
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Moneys distributed pursuant to this chapter shall be calculated and paid on a fiscal year basis, beginning with the first day of July and extending through the thirtieth day of June. The moneys appropriated for each fiscal year shall be distributed periodically to each school district unless otherwise provided for. The state board, in June of each year, shall submit to the controlling board the state board's year-end distributions pursuant to this chapter. 57488
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Except as otherwise provided, payments under this chapter shall be made only to those school districts in which: 57496
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(A) The school district, except for any educational service center and any joint vocational or cooperative education school district, levies for current operating expenses at least twenty mills. Levies for joint vocational or cooperative education school districts or county school financing districts, limited to or to the extent apportioned to current expenses, shall be included in this qualification requirement. School district income tax levies under Chapter 5748. of the Revised Code, limited to or to the extent apportioned to current operating expenses, shall be included in this qualification requirement to the extent determined by the tax commissioner under division (D) of section 3317.021 of the Revised Code. 57498
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(B) The school year next preceding the fiscal year for which such payments are authorized meets the requirement of section 3313.48 or 3313.481 of the Revised Code, with regard to the minimum number of days or hours school must be open for 57510
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instruction with pupils in attendance, for individualized 57514
parent-teacher conference and reporting periods, and for 57515
professional meetings of teachers. This requirement shall be 57516
waived by the superintendent of public instruction if it had been 57517
necessary for a school to be closed because of disease epidemic, 57518
hazardous weather conditions, law enforcement emergencies, 57519
inoperability of school buses or other equipment necessary to the 57520
school's operation, damage to a school building, or other 57521
temporary circumstances due to utility failure rendering the 57522
school building unfit for school use, provided that for those 57523
school districts operating pursuant to section 3313.48 of the 57524
Revised Code the number of days the school was actually open for 57525
instruction with pupils in attendance and for individualized 57526
parent-teacher conference and reporting periods is not less than 57527
one hundred seventy-five, or for those school districts operating 57528
on a trimester plan the number of days the school was actually 57529
open for instruction with pupils in attendance not less than 57530
seventy-nine days in any trimester, for those school districts 57531
operating on a quarterly plan the number of days the school was 57532
actually open for instruction with pupils in attendance not less 57533
than fifty-nine days in any quarter, or for those school districts 57534
operating on a pentamester plan the number of days the school was 57535
actually open for instruction with pupils in attendance not less 57536
than forty-four days in any pentamester. 57537

A school district shall not be considered to have failed to 57538
comply with this division or section 3313.481 of the Revised Code 57539
because schools were open for instruction but either twelfth grade 57540
students were excused from attendance for up to three days or only 57541
a portion of the kindergarten students were in attendance for up 57542
to three days in order to allow for the gradual orientation to 57543
school of such students. 57544

The superintendent of public instruction shall waive the 57545

requirements of this section with reference to the minimum number 57546
of days or hours school must be in session with pupils in 57547
attendance for the school year succeeding the school year in which 57548
a board of education initiates a plan of operation pursuant to 57549
section 3313.481 of the Revised Code. The minimum requirements of 57550
this section shall again be applicable to such a district 57551
beginning with the school year commencing the second July 57552
succeeding the initiation of one such plan, and for each school 57553
year thereafter. 57554

A school district shall not be considered to have failed to 57555
comply with this division or section 3313.48 or 3313.481 of the 57556
Revised Code because schools were open for instruction but the 57557
length of the regularly scheduled school day, for any number of 57558
days during the school year, was reduced by not more than two 57559
hours due to hazardous weather conditions. 57560

A board of education or governing board of an educational 57561
service center which has not conformed with other law and the 57562
rules pursuant thereto, shall not participate in the distribution 57563
of funds authorized by this chapter, except for good and 57564
sufficient reason established to the satisfaction of the state 57565
board of education and the state controlling board. 57566

All funds allocated to school districts under this chapter, 57567
except those specifically allocated for other purposes, shall be 57568
used to pay current operating expenses only. 57569

~~Sec. 3317.013. Except for a preschool child with a disability 57570
for whom a scholarship has been awarded under section 3310.41 of 57571
the Revised Code, this section does not apply to preschool 57572
children with disabilities. 57573~~

~~Analysis of special education cost data has resulted in a 57574
finding that the average special education additional cost per 57575
pupil, including the costs of related services, can be expressed 57576~~

~~as a multiple of the formula amount.~~ The ~~multiples~~ amounts for the 57577
following categories of special education programs, as these 57578
programs are defined for purposes of Chapter 3323. of the Revised 57579
Code, ~~and adjusted as provided in this section,~~ are as follows: 57580

(A) ~~A multiple of 0.2906~~ An amount of \$1,503, in fiscal year 57581
2014, or \$1,517, in fiscal year 2015, for ~~students~~ each student 57582
whose primary or only identified disability is a speech and 57583
language disability, as this term is defined pursuant to Chapter 57584
3323. of the Revised Code; 57585

(B) ~~A multiple of 0.7374~~ An amount of \$3,813, in fiscal year 57586
2014, or \$3,849, in fiscal year 2015, for ~~students~~ each student 57587
identified as specific learning disabled or developmentally 57588
disabled, as these terms are defined pursuant to Chapter 3323. of 57589
the Revised Code, ~~or~~ identified as having an other health 57590
impairment-minor, or identified as a preschool child who is 57591
developmentally delayed; 57592

(C) ~~A multiple of 1.7716~~ An amount of \$9,160, in fiscal year 57593
2014, or \$9,248, in fiscal year 2015, for ~~students~~ each student 57594
identified as hearing disabled or severe behavior disabled, as 57595
these terms are defined pursuant to Chapter 3323. of the Revised 57596
Code; 57597

(D) ~~A multiple of 2.3643~~ An amount of \$12,225, in fiscal year 57598
2014, or \$12,342, in fiscal year 2015, for ~~students~~ each student 57599
identified as vision impaired, as this term is defined pursuant to 57600
Chapter 3323. of the Revised Code, or as having an other health 57601
impairment-major; 57602

(E) ~~A multiple of 3.2022~~ An amount of \$16,557, in fiscal year 57603
2014, or \$16,715, in fiscal year 2015, for ~~students~~ each student 57604
identified as orthopedically disabled or as having multiple 57605
disabilities, as these terms are defined pursuant to Chapter 3323. 57606
of the Revised Code; 57607

(F) ~~A multiple of 4.7205~~ An amount of \$24,407, in fiscal year 57608
2014, or \$24,641, in fiscal year 2015, for ~~students~~ each student 57609
identified as autistic, having traumatic brain injuries, or as 57610
both visually and hearing impaired, as these terms are defined 57611
pursuant to Chapter 3323. of the Revised Code. 57612

~~In fiscal years 2008, 2009, 2010, 2011, 2012, and 2013, the~~ 57613
~~multiples specified in divisions (A) to (F) of this section shall~~ 57614
~~be adjusted by multiplying them by 0.90.~~ 57615

Sec. 3317.014. The career-technical education additional 57616
amount per pupil for each student enrolled in career-technical 57617
education programs approved by the department of education under 57618
section 3317.161 of the Revised Code shall be as follows: 57619

(A) An amount of \$4,750, in fiscal year 2014, or \$4,800, in 57620
fiscal year 2015, for each student enrolled in career-technical 57621
education workforce development programs in agricultural and 57622
environmental systems, construction technologies, engineering and 57623
science technologies, finance, health science, information 57624
technology, and manufacturing technologies, each of which shall be 57625
defined by the department in consultation with the governor's 57626
office of workforce transformation; 57627

(B) An amount of \$4,500, in fiscal year 2014, or \$4,550, in 57628
fiscal year 2015, for each student enrolled in workforce 57629
development programs in business and administration, hospitality 57630
and tourism, human services, law and public safety, transportation 57631
systems, and arts and communications, each of which shall be 57632
defined by the department in consultation with the governor's 57633
office of workforce transformation; 57634

(C) An amount of \$1,650, in fiscal year 2014, or \$1,660, in 57635
fiscal year 2015, for students enrolled in career-based 57636
intervention programs, which shall be defined by the department in 57637
consultation with the governor's office of workforce 57638

transformation; 57639

(D) An amount of \$1,400, in fiscal year 2014, or \$1,410, in 57640
fiscal year 2015, for students enrolled in workforce development 57641
programs in education and training, marketing, workforce 57642
development academics, public administration, and career 57643
development, each of which shall be defined by the department of 57644
education in consultation with the governor's office of workforce 57645
transformation; 57646

(E) An amount of \$1,200, in fiscal year 2014, or \$1,210, in 57647
fiscal year 2015, for students enrolled in family and consumer 57648
science programs, which shall be defined by the department of 57649
education in consultation with the governor's office of workforce 57650
transformation. 57651

The amount for career-technical education associated 57652
services, as defined by the department, shall be \$225, in fiscal 57653
year 2014, or \$227, in fiscal year 2015. 57654

Sec. 3317.016. The amounts for limited English proficient 57655
students shall be as follows: 57656

(A) An amount of \$1,500, in fiscal year 2014, and \$1,515, in 57657
fiscal year 2015, for each student who has been enrolled in 57658
schools in the United States for 180 school days or less and was 57659
not previously exempted from taking the spring administration of 57660
either of the state's English language arts assessments prescribed 57661
by section 3301.0710 of the Revised Code (reading or writing). 57662

(B) An amount of \$1,125, in fiscal year 2014, and \$1,136, in 57663
fiscal year 2015, for each student who has been enrolled in 57664
schools in the United States for more than 180 school days or was 57665
previously exempted from taking the spring administration of 57666
either of the state's English language arts assessments prescribed 57667
by section 3301.0710 of the Revised Code (reading or writing). 57668

(C) An amount of \$750, in fiscal year 2014, and \$758, in fiscal year 2015, for each student who does not qualify for inclusion under division (A) or (B) of this section and is in a trial-mainstream period, as defined by the department. 57669
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Sec. 3317.017. The department of education shall compute a school district's state share index as follows: 57673
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(A) Calculate the district's valuation index, which equals the following quotient: 57675
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(The district's three-year average valuation / the district's total ADM) / (the statewide three-year average valuation for school districts with a total ADM greater than zero / the statewide total ADM) 57677
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(B) Calculate the district's median income index, which equals the following quotient: 57681
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(The district's median Ohio adjusted gross income / the median of the median Ohio adjusted gross income of all districts statewide) 57683
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(C) Determine the district's wealth index as follows: 57686

(1) If the district's median income index is less than the district's valuation index, then the district's wealth index shall be equal to [(1/3 X the district's median income index) + (2/3 X the district's valuation index)]. 57687
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(2) If the district's median income index is greater than or equal to the district's valuation index, then the district's wealth index shall be equal to the district's valuation index. 57691
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(D) Determine the district's state share index as follows: 57694

(1) If the district's wealth index is less than or equal to 0.35, then the district's state share index shall be equal to 0.90. 57695
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(2) If the district's wealth index is greater than 0.35 but less than or equal to 0.90, then the district's state share index shall be equal to {0.40 X [(0.90 - the district's wealth index) / 0.55]} + 0.50. 57698
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(3) If the district's wealth index is greater than 0.90 but less than 1.8, then the district's state share index shall be equal to {0.45 X [(1.8 - the district's wealth index) / 0.9]} + 0.05. 57702
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(4) If the district's wealth index is greater than or equal to 1.8, then the district's state share index shall be equal to 0.05. 57706
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(E)(1) For each school district for which the tax-exempt value of the district, as certified under division (A)(4) of section 3317.021 of the Revised Code, equals or exceeds thirty per cent of the potential value of the district, the department shall calculate the difference between the district's tax-exempt value and thirty per cent of the district's potential value. For this purpose, the "potential value" of a school district is the three-year average valuation of the district plus the tax-exempt value of the district. 57709
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(2) For each school district to which division (E)(1) of this section applies, the department shall adjust the three-year average valuation used in the calculation under division (A) of this section by subtracting from it the amount calculated under division (E)(1) of this section. 57718
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(F) When performing the calculations required under this section, the department shall not round to fewer than four decimal places. 57723
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For purposes of these calculations for fiscal years 2014 and 2015, "three-year average valuation" means the average of total taxable value for fiscal years 2012, 2013, and 2014; "total ADM" 57726
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means the total ADM for fiscal year 2014; "median Ohio adjusted gross income" means the median Ohio adjusted gross income for tax year 2011; and "tax-exempt value" means the tax-exempt value for fiscal year 2014.

Sec. 3317.02. As used in this chapter:

(A)(1) "Category one career-technical education ADM" means the average daily membership of students receiving career-technical education services described in division (A) of section 3317.014 of the Revised Code and reported under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code.

(2) "Category two career-technical education ADM" means the average daily membership of students receiving career-technical education services described in division (B) of section 3317.014 of the Revised Code and reported under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code.

(3) "Category three career-technical education ADM" means the average daily membership of students receiving career-technical education services described in division (C) of section 3317.014 of the Revised Code and reported under division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised Code.

(4) "Category four career-technical education ADM" means the average daily membership of students receiving career-technical education services described in division (D) of section 3317.014 of the Revised Code and reported under division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised Code.

(5) "Category five career-technical education ADM" means the average daily membership of students receiving career-technical education services described in division (E) of section 3317.014 of the Revised Code and reported under division (B)(15) or (D)(2)(l) of section 3317.03 of the Revised Code.

(B)(1) "Category one limited English proficient ADM" means 57759
the average daily membership of limited English proficient 57760
students described in division (A) of section 3317.016 of the 57761
Revised Code and reported under division (B)(16) or (D)(2)(m) of 57762
section 3317.03 of the Revised Code. 57763

(2) "Category two limited English proficient ADM" means the 57764
average daily membership of limited English proficient students 57765
described in division (B) of section 3317.016 of the Revised Code 57766
and reported under division (B)(17) or (D)(2)(n) of section 57767
3317.03 of the Revised Code. 57768

(3) "Category three limited English proficient ADM" means the 57769
average daily membership of limited English proficient students 57770
described in division (C) of section 3317.016 of the Revised Code 57771
and reported under division (B)(18) or (D)(2)(o) of section 57772
3317.03 of the Revised Code. 57773

(C)(1) "Category one special education ADM" means the average 57774
daily membership of children with disabilities receiving special 57775
education services for the disability specified in division (A) of 57776
section 3317.013 of the Revised Code and reported under division 57777
(B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 57778

(2) "Category two special education ADM" means the average 57779
daily membership of children with disabilities receiving special 57780
education services for those disabilities specified in division 57781
(B) of section 3317.013 of the Revised Code and reported under 57782
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 57783
Code. 57784

(3) "Category three special education ADM" means the average 57785
daily membership of students receiving special education services 57786
for those disabilities specified in division (C) of section 57787
3317.013 of the Revised Code, and reported under division (B)(7) 57788
or (D)(2)(d) of section 3317.03 of the Revised Code. 57789

(4) "Category four special education ADM" means the average 57790
daily membership of students receiving special education services 57791
for those disabilities specified in division (D) of section 57792
3317.013 of the Revised Code and reported under division (B)(8) or 57793
(D)(2)(e) of section 3317.03 of the Revised Code. 57794

(5) "Category five special education ADM" means the average 57795
daily membership of students receiving special education services 57796
for the disabilities specified in division (E) of section 3317.013 57797
of the Revised Code and reported under division (B)(9) or 57798
(D)(2)(f) of section 3317.03 of the Revised Code. 57799

(6) "Category six special education ADM" means the average 57800
daily membership of students receiving special education services 57801
for the disabilities specified in division (F) of section 3317.013 57802
of the Revised Code and reported under division (B)(10) or 57803
(D)(2)(g) of section 3317.03 of the Revised Code. 57804

(D) "County DD board" means a county board of developmental 57805
disabilities. 57806

(E) "Economically disadvantaged index for a school district" 57807
means the square of the quotient of that district's percentage of 57808
students in its total ADM who are identified as economically 57809
disadvantaged as defined by the department of education, divided 57810
by the statewide percentage of students identified as economically 57811
disadvantaged. 57812

(F)(1) "Formula ADM" means, for a city, local, or exempted 57813
village school district, the average daily membership described in 57814
division (A) of section 3317.03 of the Revised Code, as verified 57815
by the superintendent of public instruction and adjusted if so 57816
ordered under division (K) of that section, and as further 57817
adjusted by counting only twenty per cent of the number of joint 57818
vocational school district students counted under division (A)(3) 57819
of section 3317.03 of the Revised Code. 57820

(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the number reported pursuant to division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section. 57821
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(G) "Formula amount" means \$5,745, for fiscal year 2014, and \$5,800, for fiscal year 2015. 57826
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(H) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career technical education ADM in the same proportion the student is counted in formula ADM. 57828
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(I) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code. 57836
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(J) "Medically fragile child" means a child to whom all of the following apply: 57838
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(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition. 57840
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(2) The child requires the services of a registered nurse on a daily basis. 57843
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(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities. 57845
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(K)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by 57848
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the state board of education and if either of the following apply: 57851

(a) The child is identified as having a medical condition 57852
that is among those listed by the superintendent of public 57853
instruction as conditions where a substantial majority of cases 57854
fall within the definition of "medically fragile child." 57855

(b) The child is determined by the superintendent of public 57856
instruction to be a medically fragile child. A school district 57857
superintendent may petition the superintendent of public 57858
instruction for a determination that a child is a medically 57859
fragile child. 57860

(2) A child may be identified as having an "other health 57861
impairment-minor" if the child's condition meets the definition of 57862
"other health impaired" established in rules previously adopted by 57863
the state board of education but the child's condition does not 57864
meet either of the conditions specified in division (K)(1)(a) or 57865
(b) of this section. 57866

(L) "Preschool child with a disability" means a child with a 57867
disability, as defined in section 3323.01 of the Revised Code, who 57868
is at least age three but is not of compulsory school age, as 57869
defined in section 3321.01 of the Revised Code, and who is not 57870
currently enrolled in kindergarten. 57871

(M) "Preschool scholarship ADM" means the number of preschool 57872
children with disabilities reported under division (B)(3)(h) of 57873
section 3317.03 of the Revised Code. 57874

(N) "Related services" includes: 57875

(1) Child study, special education supervisors and 57876
coordinators, speech and hearing services, adaptive physical 57877
development services, occupational or physical therapy, teacher 57878
assistants for children with disabilities whose disabilities are 57879
described in division (B) of section 3317.013 or division (B)(3) 57880
of this section, behavioral intervention, interpreter services, 57881

<u>work study, nursing services, and specialized integrative services</u>	57882
<u>as those terms are defined by the department;</u>	57883
<u>(2) Speech and language services provided to any student with</u>	57884
<u>a disability, including any student whose primary or only</u>	57885
<u>disability is a speech and language disability;</u>	57886
<u>(3) Any related service not specifically covered by other</u>	57887
<u>state funds but specified in federal law, including but not</u>	57888
<u>limited to, audiology and school psychological services;</u>	57889
<u>(4) Any service included in units funded under former</u>	57890
<u>division (O)(1) of section 3317.024 of the Revised Code;</u>	57891
<u>(5) Any other related service needed by children with</u>	57892
<u>disabilities in accordance with their individualized education</u>	57893
<u>programs.</u>	57894
<u>(O) "School district," unless otherwise specified, means</u>	57895
<u>city, local, and exempted village school districts.</u>	57896
<u>(P) "State education aid" has the same meaning as in section</u>	57897
<u>5751.20 of the Revised Code.</u>	57898
<u>(Q) "State share index" means the state share index</u>	57899
<u>calculated for a district under section 3317.017 of the Revised</u>	57900
<u>Code.</u>	57901
<u>(R) "Taxes charged and payable" means the taxes charged and</u>	57902
<u>payable against real and public utility property after making the</u>	57903
<u>reduction required by section 319.301 of the Revised Code, plus</u>	57904
<u>the taxes levied against tangible personal property.</u>	57905
<u>(S) "Total ADM" means, for a city, local, or exempted village</u>	57906
<u>school district, the average daily membership described in</u>	57907
<u>division (A) of section 3317.03 of the Revised Code, as verified</u>	57908
<u>by the superintendent of public instruction and adjusted if so</u>	57909
<u>ordered under division (K) of that section.</u>	57910
<u>(T) "Total special education ADM" means the sum of categories</u>	57911

one through six special education ADM. 57912

(U) "Total taxable value" means the sum of the amounts 57913
certified for a city, local, exempted village, or joint vocational 57914
school district under divisions (A)(1) and (2) of section 3317.021 57915
of the Revised Code. 57916

Sec. 3317.021. (A) On or before the first day of June of each 57917
year, the tax commissioner shall certify to the department of 57918
education and the office of budget and management the information 57919
described in divisions (A)(1) to ~~(7)~~(5) of this section for each 57920
city, exempted village, and local school district, and the 57921
information required by divisions (A)(1) and (2) of this section 57922
for each joint vocational school district, and it shall be used, 57923
along with the information certified under division (B) of this 57924
section, in making the computations for the district under this 57925
chapter. 57926

(1) The taxable value of real and public utility real 57927
property in the school district subject to taxation in the 57928
preceding tax year, by class and by county of location. 57929

(2) The taxable value of tangible personal property, 57930
including public utility personal property, subject to taxation by 57931
the district for the preceding tax year. 57932

(3)(a) The total property tax rate and total taxes charged 57933
and payable for the current expenses for the preceding tax year 57934
and the total property tax rate and the total taxes charged and 57935
payable to a joint vocational district for the preceding tax year 57936
that are limited to or to the extent apportioned to current 57937
expenses. 57938

(b) The portion of the amount of taxes charged and payable 57939
reported for each city, local, and exempted village school 57940
district under division (A)(3)(a) of this section attributable to 57941

a joint vocational school district. 57942

(4) The value of all real and public utility real property in 57943
the school district exempted from taxation minus both of the 57944
following: 57945

(a) The value of real and public utility real property in the 57946
district owned by the United States government and used 57947
exclusively for a public purpose; 57948

(b) The value of real and public utility real property in the 57949
district exempted from taxation under Chapter 725. or 1728. or 57950
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 57951
5709.73, or 5709.78 of the Revised Code. 57952

(5) The total federal adjusted gross income of the residents 57953
of the school district, based on tax returns filed by the 57954
residents of the district, for the most recent year for which this 57955
information is available, and the median Ohio adjusted gross 57956
income of the residents of the school district determined on the 57957
basis of tax returns filed for the second preceding tax year by 57958
the residents of the district. 57959

~~(6) The sum of the school district compensation value as 57960~~
~~indicated on the list of exempted property for the preceding tax 57961~~
~~year under section 5713.08 of the Revised Code as if such property 57962~~
~~had been assessed for taxation that year and the other 57963~~
~~compensation value for the school district, minus the amounts 57964~~
~~described in divisions (A)(6)(c) to (i) of this section. The 57965~~
~~portion of school district compensation value or other 57966~~
~~compensation value attributable to an incentive district exemption 57967~~
~~may be subtracted only once even if that incentive district 57968~~
~~satisfies more than one of the criteria in divisions (A)(6)(c) to 57969~~
~~(i) of this section.~~ 57970

~~(a) "School district compensation value" means the aggregate 57971~~
~~value of real property in the school district exempted from 57972~~

~~taxation pursuant to an ordinance or resolution adopted under 57973
division (C) of section 5709.40, division (C) of section 5709.73, 57974
or division (B) of section 5709.78 of the Revised Code to the 57975
extent that the exempted value results in the charging of payments 57976
in lieu of taxes required to be paid to the school district under 57977
division (D)(1) or (2) of section 5709.40, division (D) of section 57978
5709.73, or division (C) of section 5709.78 of the Revised Code. 57979~~

~~(b) "Other compensation value" means the quotient that 57980
results from dividing (i) the dollar value of compensation 57981
received by the school district during the preceding tax year 57982
pursuant to division (B), (C), or (D) of section 5709.82 of the 57983
Revised Code and the amounts received pursuant to an agreement as 57984
specified in division (D)(2) of section 5709.40, division (D) of 57985
section 5709.73, or division (C) of section 5709.78 of the Revised 57986
Code to the extent those amounts were not previously reported or 57987
included in division (A)(6)(a) of this section, and so that any 57988
such amount is reported only once under division (A)(6)(b) of this 57989
section, in relation to exemptions from taxation granted pursuant 57990
to an ordinance or resolution adopted under division (C) of 57991
section 5709.40, division (C) of section 5709.73, or division (B) 57992
of section 5709.78 of the Revised Code, by (ii) the real property 57993
tax rate in effect for the preceding tax year for 57994
nonresidential/agricultural real property after making the 57995
reductions required by section 319.301 of the Revised Code. 57996~~

~~(c) The portion of school district compensation value or 57997
other compensation value that was exempted from taxation pursuant 57998
to such an ordinance or resolution for the preceding tax year, if 57999
the ordinance or resolution is adopted prior to January 1, 2006, 58000
and the legislative authority or board of township trustees or 58001
county commissioners, prior to January 1, 2006, executes a 58002
contract or agreement with a developer, whether for profit or 58003
not for profit, with respect to the development of a project 58004~~

~~undertaken or to be undertaken and identified in the ordinance or resolution, and upon which parcels such project is being, or will be, undertaken;~~ 58005
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~~(d) The portion of school district compensation value that was exempted from taxation for the preceding tax year and for which payments in lieu of taxes for the preceding tax year were provided to the school district under division (D)(1) of section 5709.40 of the Revised Code.~~ 58008
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~~(e) The portion of school district compensation value that was exempted from taxation for the preceding tax year pursuant to such an ordinance or resolution, if and to the extent that, on or before April 1, 2006, the fiscal officer of the municipal corporation that adopted the ordinance, or of the township or county that adopted the resolution, certifies and provides appropriate supporting documentation to the tax commissioner and the director of development that, based on hold harmless provisions in any agreement between the school district and the legislative authority of the municipal corporation, board of township trustees, or board of county commissioners that was entered into on or before June 1, 2005, the ability or obligation of the municipal corporation, township, or county to repay bonds, notes, or other financial obligations issued or entered into prior to January 1, 2006, will be impaired, including obligations to or of any other body corporate and politic with whom the legislative authority of the municipal corporation or board of township trustees or county commissioners has entered into an agreement pertaining to the use of service payments derived from the improvements exempted;~~ 58013
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~~(f) The portion of school district compensation value that was exempted from taxation for the preceding tax year pursuant to such an ordinance or resolution, if the ordinance or resolution is adopted prior to January 1, 2006, in a municipal corporation with~~ 58033
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~~a population that exceeds one hundred thousand, as shown by the most recent federal decennial census, that includes a major employment center and that is adjacent to historically distressed neighborhoods, if the legislative authority of the municipal corporation that exempted the property prepares an economic analysis that demonstrates that all taxes generated within the incentive district accruing to the state by reason of improvements constructed within the district during its existence exceed the amount the state pays the school district under section 3317.022 of the Revised Code attributable to such property exemption from the school district's recognized valuation. The analysis shall be submitted to and approved by the department of development prior to January 1, 2006, and the department shall not unreasonably withhold approval.~~

~~(g) The portion of school district compensation value that was exempted from taxation for the preceding tax year under such an ordinance or resolution, if the ordinance or resolution is adopted prior to January 1, 2006, and if service payments have been pledged to be used for mixed use riverfront entertainment development in any county with a population that exceeds six hundred thousand, as shown by the most recent federal decennial census;~~

~~(h) The portion of school district compensation value that was exempted from taxation for the preceding tax year under such an ordinance or resolution, if, prior to January 1, 2006, the legislative authority of a municipal corporation, board of township trustees, or board of county commissioners has pledged service payments for a designated transportation capacity project approved by the transportation review advisory council under Chapter 5512. of the Revised Code;~~

~~(i) The portion of school district compensation value that was exempted from taxation for the preceding tax year under such~~

~~an ordinance or resolution if the legislative authority of a 58069
municipal corporation, board of township trustees, or board of 58070
county commissioners have, by January 1, 2006, pledged proceeds 58071
for designated transportation improvement projects that involve 58072
federal funds for which the proceeds are used to meet a local 58073
share match requirement for such funding. 58074~~

~~As used in division (A)(6) of this section, "project" has the 58075
same meaning as in section 5709.40 of the Revised Code. 58076~~

~~(7) The aggregate value of real property in the school 58077
district for which an exemption from taxation is granted by an 58078
ordinance or resolution adopted on or after January 1, 2006, under 58079
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 58080
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 58081
Code, as indicated on the list of exempted property for the 58082
preceding tax year under section 5713.08 of the Revised Code and 58083
as if such property had been assessed for taxation that year, 58084
minus the product determined by multiplying (a) the aggregate 58085
value of the real property in the school district exempted from 58086
taxation for the preceding tax year under any of the chapters or 58087
sections specified in this division, by (b) a fraction, the 58088
numerator of which is the difference between (i) the amount of 58089
anticipated revenue such school district would have received for 58090
the preceding tax year if the real property exempted from taxation 58091
had not been exempted from taxation and (ii) the aggregate amount 58092
of payments in lieu of taxes on the exempt real property for the 58093
preceding tax year and other compensation received for the 58094
preceding tax year by the school district pursuant to any 58095
agreements entered into on or after January 1, 2006, under section 58096
5709.82 of the Revised Code between the school district and the 58097
legislative authority of a political subdivision that acted under 58098
the authority of a chapter or statute specified in this division, 58099
that were entered into in relation to such exemption, and the 58100~~

~~denominator of which is the amount of anticipated revenue such 58101
school district would have received in the preceding fiscal year 58102
if the real property exempted from taxation had not been exempted. 58103~~

(B) On or before the first day of May each year, the tax 58104
commissioner shall certify to the department of education and the 58105
office of budget and management the total taxable real property 58106
value of railroads and, separately, the total taxable tangible 58107
personal property value of all public utilities for the preceding 58108
tax year, by school district and by county of location. 58109

(C) If a public utility has properly and timely filed a 58110
petition for reassessment under section 5727.47 of the Revised 58111
Code with respect to an assessment issued under section 5727.23 of 58112
the Revised Code affecting taxable property apportioned by the tax 58113
commissioner to a school district, the taxable value of public 58114
utility tangible personal property included in the certification 58115
under divisions (A)(2) and (B) of this section for the school 58116
district shall include only the amount of taxable value on the 58117
basis of which the public utility paid tax for the preceding year 58118
as provided in division (B)(1) or (2) of section 5727.47 of the 58119
Revised Code. 58120

(D) If on the basis of the information certified under 58121
division (A) of this section, the department determines that any 58122
district fails in any year to meet the qualification requirement 58123
specified in division (A) of section 3317.01 of the Revised Code, 58124
the department shall immediately request the tax commissioner to 58125
determine the extent to which any school district income tax 58126
levied by the district under Chapter 5748. of the Revised Code 58127
shall be included in meeting that requirement. Within five days of 58128
receiving such a request from the department, the tax commissioner 58129
shall make the determination required by this division and report 58130
the quotient obtained under division (D)(3) of this section to the 58131
department and the office of budget and management. This quotient 58132

represents the number of mills that the department shall include 58133
in determining whether the district meets the qualification 58134
requirement of division (A) of section 3317.01 of the Revised 58135
Code. 58136

The tax commissioner shall make the determination required by 58137
this division as follows: 58138

(1) Multiply one mill times the total taxable value of the 58139
district as determined in divisions (A)(1) and (2) of this 58140
section; 58141

(2) Estimate the total amount of tax liability for the 58142
current tax year under taxes levied by Chapter 5748. of the 58143
Revised Code that are apportioned to current operating expenses of 58144
the district, excluding any income tax receipts allocated for the 58145
project cost, debt service, or maintenance set-aside associated 58146
with a state-assisted classroom facilities project as authorized 58147
by section 3318.052 of the Revised Code; 58148

(3) Divide the amount estimated under division (D)(2) of this 58149
section by the product obtained under division (D)(1) of this 58150
section. 58151

~~(E)(1) On or before June 1, 2006, and the first day of April 58152
of each year thereafter, the director of development shall report 58153
to the department of education, the tax commissioner, and the 58154
director of budget and management the total amounts of payments 58155
received by each city, local, exempted village, or joint 58156
vocational school district for the preceding tax year pursuant to 58157
division (D) of section 5709.40, division (D) of section 5709.73, 58158
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 58159
or (D) of section 5709.82 of the Revised Code in relation to 58160
exemptions from taxation granted pursuant to an ordinance adopted 58161
by the legislative authority of a municipal corporation under 58162
division (C) of section 5709.40 of the Revised Code, or a 58163~~

~~resolution adopted by a board of township trustees or board of 58164
county commissioners under division (C) of section 5709.73 or 58165
division (B) of section 5709.78 of the Revised Code, respectively. 58166
On or before April 1, 2006, and the first day of March of each 58167
year thereafter, the treasurer of each city, local, exempted 58168
village, or joint vocational school district that has entered into 58169
such an agreement shall report to the director of development the 58170
total amounts of such payments the district received for the 58171
preceding tax year as provided in this section. The state board of 58172
education, in accordance with sections 3319.31 and 3319.311 of the 58173
Revised Code, may suspend or revoke the license of a treasurer 58174
found to have willfully reported erroneous, inaccurate, or 58175
incomplete data under this division. 58176~~

~~(2) On or before April 1, 2007, and the first day of April of 58177
each year thereafter, the director of development shall report to 58178
the department of education, the tax commissioner, and the 58179
director of budget and management the total amounts of payments 58180
received by each city, local, exempted village, or joint 58181
vocational school district for the preceding tax year pursuant to 58182
divisions (B), (C), and (D) of section 5709.82 of the Revised Code 58183
in relation to exemptions from taxation granted pursuant to 58184
ordinances or resolutions adopted on or after January 1, 2006, 58185
under Chapter 725. or 1728., sections 3735.65 to 3735.70, or 58186
section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the 58187
Revised Code. On or before March 1, 2007, and the first day of 58188
March of each year thereafter, the treasurer of each city, local, 58189
exempted village, or joint vocational school district that has 58190
entered into such an agreement shall report to the director of 58191
development the total amounts of such payments the district 58192
received for the preceding tax year as provided by this section. 58193
The state board of education, in accordance with sections 3319.31 58194
and 3319.311 of the Revised Code, may suspend or revoke the 58195
license of a treasurer found to have willfully reported erroneous, 58196~~

~~inaccurate, or incomplete data under this division.~~ 58197

Sec. 3317.022. (A) The department of education shall compute 58198
and distribute state core foundation funding to each eligible 58199
school district for the fiscal year, using the information 58200
obtained under section 3317.021 of the Revised Code in the 58201
calendar year in which the fiscal year begins, as prescribed in 58202
the following divisions: 58203

(1) An opportunity grant calculated according to the 58204
following formula: 58205

The formula amount X (formula ADM + preschool scholarship 58206
ADM) X the district's state share index 58207

(2) Targeted assistance funds calculated under divisions (A) 58208
and (B) of section 3317.0217 of the Revised Code; 58209

(3) Additional state aid for special education and related 58210
services provided under Chapter 3323. of the Revised Code 58211
calculated as the sum of the following: 58212

(a) The district's category one special education ADM X the 58213
amount specified in division (A) of section 3317.013 of the 58214
Revised Code X the district's state share index; 58215

(b) The district's category two special education ADM X the 58216
amount specified in division (B) of section 3317.013 of the 58217
Revised Code X the district's state share index; 58218

(c) The district's category three special education ADM X the 58219
amount specified in division (C) of section 3317.013 of the 58220
Revised Code X the district's state share index; 58221

(d) The district's category four special education ADM X the 58222
amount specified in division (D) of section 3317.013 of the 58223
Revised Code X the district's state share index; 58224

(e) The district's category five special education ADM X the 58225

<u>amount specified in division (E) of section 3317.013 of the</u>	58226
<u>Revised Code X the district's state share index;</u>	58227
<u>(f) The district's category six special education ADM X the</u>	58228
<u>amount specified in division (F) of section 3317.013 of the</u>	58229
<u>Revised Code X the district's state share index.</u>	58230
<u>(4) Kindergarten through third grade literacy funds</u>	58231
<u>calculated according to the following formula:</u>	58232
<u>[(\$125, in fiscal year 2014, or \$175, in fiscal year 2015) X</u>	58233
<u>formula ADM for grades kindergarten through three X the district's</u>	58234
<u>state share index] + [(\$86, in fiscal year 2014, or \$115, in</u>	58235
<u>fiscal year 2015) X formula ADM for grades kindergarten through</u>	58236
<u>three]</u>	58237
<u>For purposes of this calculation, the department shall</u>	58238
<u>subtract from a district's formula ADM for grades kindergarten</u>	58239
<u>through three the number of students reported under division</u>	58240
<u>(B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an</u>	58241
<u>internet- or computer-based community school who are in grades</u>	58242
<u>kindergarten through three.</u>	58243
<u>(5) Economically disadvantaged funds calculated according to</u>	58244
<u>the following formula:</u>	58245
<u>(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X</u>	58246
<u>(the district's economically disadvantaged index) X the number of</u>	58247
<u>students who are economically disadvantaged as reported under</u>	58248
<u>division (B)(21) of section 3317.03 of the Revised Code</u>	58249
<u>(6) Limited English proficiency funds calculated as the sum</u>	58250
<u>of the following:</u>	58251
<u>(a) The district's category one limited English proficient</u>	58252
<u>ADM X the amount specified in division (A) of section 3317.016 of</u>	58253
<u>the Revised Code X the district's state share index;</u>	58254
<u>(b) The district's category two limited English proficient</u>	58255

<u>ADM X the amount specified in division (B) of section 3317.016 of</u>	58256
<u>the Revised Code X the district's state share index;</u>	58257
<u>(c) The district's category three limited English proficient</u>	58258
<u>ADM X the amount specified in division (C) of section 3317.016 of</u>	58259
<u>the Revised Code X the district's state share index.</u>	58260
<u>(7)(a) Gifted identification funds calculated according to</u>	58261
<u>the following formula:</u>	58262
<u>(\$5, in fiscal year 2014, or \$5.05, in fiscal year 2015) X the</u>	58263
<u>district's formula ADM</u>	58264
<u>(b) Gifted unit funding calculated under section 3317.051 of</u>	58265
<u>the Revised Code.</u>	58266
<u>(8) Career-technical education funds calculated as the sum of</u>	58267
<u>the following:</u>	58268
<u>(a) The district's category one career-technical education</u>	58269
<u>ADM X the amount specified in division (A) of section 3317.014 of</u>	58270
<u>the Revised Code X the district's state share index;</u>	58271
<u>(b) The district's category two career-technical education</u>	58272
<u>ADM X the amount specified in division (B) of section 3317.014 of</u>	58273
<u>the Revised Code X the district's state share index;</u>	58274
<u>(c) The district's category three career-technical education</u>	58275
<u>ADM X the amount specified in division (C) of section 3317.014 of</u>	58276
<u>the Revised Code X the district's state share index;</u>	58277
<u>(d) The district's category four career-technical education</u>	58278
<u>ADM X the amount specified in division (D) of section 3317.014 of</u>	58279
<u>the Revised Code X the district's state share index;</u>	58280
<u>(e) The district's category five career-technical education</u>	58281
<u>ADM X the amount specified in division (E) of section 3317.014 of</u>	58282
<u>the Revised Code X the district's state share index.</u>	58283
<u>Payment of funds under division (A)(8) of this section is</u>	58284
<u>subject to approval under section 3317.161 of the Revised Code.</u>	58285

(9) Career-technical education associated services funds 58286
calculated according to the following formula: 58287
The district's state share index X the amount for career-technical 58288
education associated services specified in section 3317.014 of the 58289
Revised Code X the sum of categories one through five 58290
career-technical education ADM 58291

(B) In any fiscal year, a school district shall spend for 58292
purposes that the department designates as approved for special 58293
education and related services expenses at least the amount 58294
calculated as follows: 58295

(The formula amount X the total special education ADM) + (the 58296
district's category one special education ADM X the amount 58297
specified in division (A) of section 3317.013 of the Revised Code) 58298
+ (the district's category two special education ADM X the amount 58299
specified in division (B) of section 3317.013 of the Revised Code) 58300
+ (the district's category three special education ADM X the 58301
amount specified in division (C) of section 3317.013 of the 58302
Revised Code) + (the district's category four special education 58303
ADM X the amount specified in division (D) of section 3317.013 of 58304
the Revised Code) + (the district's category five special 58305
education ADM X the amount specified in division (E) of section 58306
3317.013 of the Revised Code) + (the district's category six 58307
special education ADM X the amount specified in division (F) of 58308
section 3317.013 of the Revised Code) 58309

The purposes approved by the department for special education 58310
expenses shall include, but shall not be limited to, 58311
identification of children with disabilities, compliance with 58312
state rules governing the education of children with disabilities 58313
and prescribing the continuum of program options for children with 58314
disabilities, provision of speech language pathology services, and 58315
the portion of the school district's overall administrative and 58316
overhead costs that are attributable to the district's special 58317

education student population. 58318

The scholarships deducted from the school district's account 58319
under sections 3310.41 and 3310.55 of the Revised Code shall be 58320
considered to be an approved special education and related 58321
services expense for the purpose of the school district's 58322
compliance with this division. 58323

(C) In any fiscal year, a school district receiving funds 58324
under division (A)(8) of this section shall spend those funds only 58325
for the purposes that the department designates as approved for 58326
career-technical education expenses. Career-technical educational 58327
expenses approved by the department shall include only expenses 58328
connected to the delivery of career-technical programming to 58329
career-technical students. The department shall require the school 58330
district to report data annually so that the department may 58331
monitor the district's compliance with the requirements regarding 58332
the manner in which funding received under division (A)(8) of this 58333
section may be spent. 58334

(D) In any fiscal year, a school district receiving funds 58335
under division (A)(9) of this section, or through a transfer of 58336
funds pursuant to division (I) of section 3317.023 of the Revised 58337
Code, shall spend those funds only for the purposes that the 58338
department designates as approved for career-technical education 58339
associated services expenses, which may include such purposes as 58340
apprenticeship coordinators, coordinators for other 58341
career-technical education services, career-technical evaluation, 58342
and other purposes designated by the department. The department 58343
may deny payment under division (A)(9) of this section to any 58344
district that the department determines is not operating those 58345
services or is using funds paid under division (A)(9) of this 58346
section, or through a transfer of funds pursuant to division (I) 58347
of section 3317.023 of the Revised Code, for other purposes. 58348

(E) All funds received under division (A)(8) of this section 58349

shall be spent in the following manner: 58350

(1) At least seventy-five per cent of the funds shall be 58351
spent on curriculum development, purchase, and implementation; 58352
instructional resources and supplies; industry-based program 58353
certification; student assessment, credentialing, and placement; 58354
curriculum specific equipment purchases and leases; 58355
career-technical student organization fees and expenses; home and 58356
agency linkages; work-based learning experiences; professional 58357
development; and other costs directly associated with 58358
career-technical education programs including development of new 58359
programs. 58360

(2) Not more than twenty-five per cent of the funds shall be 58361
used for personnel expenditures. 58362

(F) A school district shall spend the funds it receives under 58363
division (A)(5) of this section in accordance with section 3317.25 58364
of the Revised Code. 58365

Sec. 3317.023. (A) The amounts required to be paid to a 58366
district under this chapter shall be adjusted by the amount of the 58367
computations made under divisions (B) to (K) of this section. 58368

As used in this section: 58369

(1) "~~VEPD~~ CTPD" means a school district or group of school 58370
districts designated by the department of education as being 58371
responsible for the planning for and provision of ~~vocational~~ 58372
career-technical education services to students within the 58373
district or group. A community school established under Chapter 58374
3314. of the Revised Code or a STEM school established under 58375
Chapter 3326. of the Revised Code that is serving students in any 58376
of grades seven through twelve shall be assigned to a 58377
career-technical planning district by the department. 58378

(2) "Lead district" means a school district, including a 58379

joint vocational school district, designated by the department as 58380
a ~~VEPD CTPD~~, or designated to provide primary ~~vocational~~ 58381
career-technical education leadership within a ~~VEPD CTPD~~ composed 58382
of a group of districts, community schools assigned to the CTPD, 58383
and STEM schools assigned to the CTPD. 58384

(B) If a local ~~school district, or a~~ city, or exempted 58385
village school district to which a governing board of an 58386
educational service center provides services pursuant to an 58387
agreement entered into under section 3313.843 of the Revised Code, 58388
deduct the amount of the payment required for the reimbursement of 58389
the governing board under that section ~~3317.11 of the Revised~~ 58390
Code. 58391

(C)(1) If the district is required to pay to or entitled to 58392
receive tuition from another school district under division (C)(2) 58393
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 58394
or if the superintendent of public instruction is required to 58395
determine the correct amount of tuition and make a deduction or 58396
credit under section 3317.08 of the Revised Code, deduct and 58397
credit such amounts as provided in division (J) of section 3313.64 58398
or section 3317.08 of the Revised Code. 58399

(2) For each child for whom the district is responsible for 58400
tuition or payment under division (A)(1) of section 3317.082 or 58401
section 3323.091 of the Revised Code, deduct the amount of tuition 58402
or payment for which the district is responsible. 58403

(D) If the district has been certified by the superintendent 58404
of public instruction under section 3313.90 of the Revised Code as 58405
not in compliance with the requirements of that section, deduct an 58406
amount equal to ten per cent of the amount computed for the 58407
district under this chapter. 58408

(E) If the district has received a loan from a commercial 58409
lending institution for which payments are made by the 58410

superintendent of public instruction pursuant to division (E)(3) 58411
of section 3313.483 of the Revised Code, deduct an amount equal to 58412
such payments. 58413

(F)(1) If the district is a party to an agreement entered 58414
into under division (D), (E), or (F) of section 3311.06 or 58415
division (B) of section 3311.24 of the Revised Code and is 58416
obligated to make payments to another district under such an 58417
agreement, deduct an amount equal to such payments if the district 58418
school board notifies the department in writing that it wishes to 58419
have such payments deducted. 58420

(2) If the district is entitled to receive payments from 58421
another district that has notified the department to deduct such 58422
payments under division (F)(1) of this section, add the amount of 58423
such payments. 58424

(G) If the district is required to pay an amount of funds to 58425
a cooperative education district pursuant to a provision described 58426
by division (B)(4) of section 3311.52 or division (B)(8) of 58427
section 3311.521 of the Revised Code, deduct such amounts as 58428
provided under that provision and credit those amounts to the 58429
cooperative education district for payment to the district under 58430
division (B)(1) of section 3317.19 of the Revised Code. 58431

(H)(1) If a district is educating a student entitled to 58432
attend school in another district pursuant to a shared education 58433
contract, compact, or cooperative education agreement other than 58434
an agreement entered into pursuant to section 3313.842 of the 58435
Revised Code, credit to that educating district on an FTE basis 58436
both of the following: 58437

(a) An amount equal to the formula amount. 58438

(b) ~~An Any amount equal to \$5,732 times the state share~~ 58439
~~percentage times any multiple applicable to the student for fiscal~~ 58440
~~year 2009~~ pursuant to section 3317.013 or 3317.014 of the Revised 58441

Code, ~~as those sections existed for that fiscal year.~~ 58442

(2) Deduct any amount credited pursuant to division (H)(1) of 58443
this section from amounts paid to the school district in which the 58444
student is entitled to attend school pursuant to section 3313.64 58445
or 3313.65 of the Revised Code. 58446

(3) If the district is required by a shared education 58447
contract, compact, or cooperative education agreement to make 58448
payments to an educational service center, deduct the amounts from 58449
payments to the district and add them to the amounts paid to the 58450
service center pursuant to section 3317.11 of the Revised Code. 58451

(I)(1) If a district, including a joint vocational school 58452
district, is a lead district of a ~~VEPD~~ CTPD, credit to that 58453
district the ~~following amounts~~ amount calculated for all the each 58454
school ~~districts~~ district within that ~~VEPD~~: 58455

~~(a) In any fiscal year except fiscal year 2012 or 2013, the~~ 58456
~~amount computed under division (D)(2) of section 3317.022 of the~~ 58457
~~Revised Code:~~ 58458

~~(b) In fiscal years 2012 and 2013, an amount equal to the~~ 58459
~~following:~~ 58460

~~state share percentage X .05 X \$5,732 X~~ 58461

~~the sum of categories one~~ 58462

~~and two vocational education ADM~~ CTPD under division (A)(9) of 58463
section 3317.022 of the Revised Code or division (A)(6) of section 58464
3317.16 of the Revised Code, as applicable. 58465

(2) Deduct from each appropriate district that is not a lead 58466
district, the amount attributable to that district that is 58467
credited to a lead district under division (I)(1) of this section. 58468

(J) If the department pays a joint vocational school district 58469
under division ~~(G)(4)~~ (C)(3) of section 3317.16 of the Revised Code 58470
for excess costs of providing special education and related 58471
services to a student with a disability, as calculated under 58472

division ~~(G)~~(2)(C)(1) of that section, the department shall deduct 58473
the amount of that payment from the city, local, or exempted 58474
village school district that is responsible as specified in that 58475
section for the excess costs. 58476

(K)(1) If the district reports an amount of excess cost for 58477
special education services for a child under division (C) of 58478
section 3323.14 of the Revised Code, the department shall pay that 58479
amount to the district. 58480

(2) If the district reports an amount of excess cost for 58481
special education services for a child under division (C) of 58482
section 3323.14 of the Revised Code, the department shall deduct 58483
that amount from the district of residence of that child. 58484

Sec. 3317.0212. ~~The department of education shall make no 58485
payments under this section for fiscal year 2012 or 2013.~~ 58486

(A) As used in this section: 58487

(1) ~~"Assigned bus" means a school bus used to transport 58488
qualifying riders.~~ 58489

~~(2) "Nontraditional ridership" means the average number of 58490
qualifying riders who are enrolled in a community school 58491
established under Chapter 3314. of the Revised Code, in a STEM 58492
school established under Chapter 3326. of the Revised Code, or in 58493
a nonpublic school and are provided school bus service by a school 58494
district during the first full week of October.~~ 58495

~~(3) "Qualifying riders" means resident students enrolled in 58496
regular education in grades kindergarten to twelve who are 58497
provided school bus service by a school district and who live more 58498
than one mile from the school they attend, including students with 58499
dual enrollment in a joint vocational school district or a 58500
cooperative education school district, and students enrolled in a 58501
community school, STEM school, or nonpublic school.~~ 58502

~~(4)~~(2) "Qualifying ridership" means the average number of 58503
qualifying riders who are provided school bus service by a school 58504
district during the first full week of October. 58505

~~(5)~~(3) "Rider density" means the ~~number of qualifying riders~~ 58506
total ADM per square mile of a school district. 58507

~~(6)~~(4) "School bus service" means a school district's 58508
transportation of qualifying riders in any of the following types 58509
of vehicles: 58510

(a) School buses owned or leased by the district; 58511

(b) School buses operated by a private contractor hired by 58512
the district; 58513

(c) School buses operated by another school district or 58514
entity with which the district has contracted, either as part of a 58515
consortium for the provision of transportation or otherwise. 58516

(B) Not later than the fifteenth day of October each year, 58517
each city, local, and exempted village school district shall 58518
report to the department of education its qualifying ridership, ~~7~~ 58519
~~nontraditional ridership, number of qualifying riders per assigned~~ 58520
~~bus,~~ and any other information requested by the department. 58521
Subsequent adjustments to the reported numbers shall be made only 58522
in accordance with rules adopted by the department. 58523

(C) The department shall calculate the statewide 58524
transportation cost per student as follows: 58525

(1) Determine each city, local, and exempted village school 58526
district's transportation cost per student by dividing the 58527
district's total costs for school bus service in the previous 58528
fiscal year by its qualifying ridership in the previous fiscal 58529
year. 58530

(2) After excluding districts that do not provide school bus 58531
service and the ten districts with the highest transportation 58532

costs per student and the ten districts with the lowest 58533
transportation costs per student, divide the aggregate cost for 58534
school bus service for the remaining districts in the previous 58535
fiscal year by the aggregate qualifying ridership of those 58536
districts in the previous fiscal year. 58537

(D) The department shall calculate the statewide 58538
transportation cost per mile as follows: 58539

(1) Determine each city, local, and exempted village school 58540
district's transportation cost per mile by dividing the district's 58541
total costs for school bus service in the previous fiscal year by 58542
its total number of miles driven for school bus service in the 58543
previous fiscal year. 58544

(2) After excluding districts that do not provide school bus 58545
service and the ten districts with the highest transportation 58546
costs per mile and the ten districts with the lowest 58547
transportation costs per mile, divide the aggregate cost for 58548
school bus service for the remaining districts in the previous 58549
fiscal year by the aggregate miles driven for school bus service 58550
in those districts in the previous fiscal year. 58551

(E) The department shall calculate each city, local, and 58552
exempted village school district's transportation ~~base~~ payment as 58553
follows: 58554

(1) Multiply the statewide transportation cost per student by 58555
the district's qualifying ridership for the current fiscal year. 58556

(2) Multiply the statewide transportation cost per mile by 58557
the district's total number of miles driven for school bus service 58558
in the current fiscal year. 58559

(3) Multiply the greater of the amounts calculated under 58560
divisions (E)(1) and (2) of this section by the greater of sixty 58561
per cent or the district's state share ~~percentage~~ index, as 58562
defined in section 3317.02 of the Revised Code. 58563

(F) ~~The department shall calculate each city, local, and
exempted village school district's nontraditional ridership
adjustment according to the following formula:~~ 58564
58565
~~(nontraditional ridership for the current fiscal year /
qualifying ridership for the current fiscal year) X 0.1 X
transportation base payment~~ 58566
58567
58568
58569

(G) ~~If a city, local, or exempted village school district
offers school bus service to all resident students who are
enrolled in regular education in district schools in grades nine
to twelve and who live more than one mile from the school they
attend, the department shall calculate the district's high school
ridership adjustment according to the following formula:~~ 58570
58571
58572
58573
58574
58575
~~0.025 X transportation base payment~~ 58576

(H) ~~If a city, local, or exempted village school district
offers school bus service to students enrolled in grades
kindergarten to eight who live more than one mile, but two miles
or less, from the school they attend, the department shall
calculate an additional adjustment according to the following
formula:~~ 58577
58578
58579
58580
58581
58582
~~0.025 X transportation base payment~~ 58583

(I)(1) ~~The department annually shall establish a target
number of qualifying riders per assigned bus for each city, local,
and exempted village school district. The department shall use the
most recently available data in establishing the target number.
The target number shall be based on the statewide median number of
qualifying riders per assigned bus as adjusted to reflect the
district's rider density in comparison to the rider density of all
other districts. The department shall post on the department's web
site each district's target number of qualifying riders per
assigned bus and a description of how the target number was
determined.~~ 58584
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(2) ~~The department shall determine each school district's~~ 58595

~~efficiency index by dividing the district's median number of 58596
qualifying riders per assigned bus by its target number of 58597
qualifying riders per assigned bus. 58598~~

~~(3) The department shall determine each city, local, and 58599
exempted village school district's efficiency adjustment as 58600
follows: 58601~~

~~(a) If the district's efficiency index is equal to or greater 58602
than 1.5, the efficiency adjustment shall be calculated according 58603
to the following formula: 58604~~

~~$0.1 \times$ transportation base payment 58605~~

~~(b) If the district's efficiency index is less than 1.5 but 58606
equal to or greater than 1.0, the efficiency adjustment shall be 58607
calculated according to the following formula: 58608~~

~~$\{(\text{efficiency index} - 1) / 5\} \times$ transportation base payment 58609~~

~~(c) If the district's efficiency index is less than 1.0, the 58610
efficiency adjustment shall be zero. 58611~~

~~(J) The department shall pay each city, local, and exempted 58612
village school district the lesser of the following: 58613~~

~~(1) The sum of the amounts calculated under divisions (E) to 58614
(H) and (I)(3) of this section: 58615~~

~~(2) The district's total costs for school bus service for the 58616
prior fiscal year. 58617~~

~~(K) In addition to funds paid under division (J)(E) of this 58618
section, each city, local, and exempted village district shall 58619
receive in accordance with rules adopted by the state board of 58620
education a payment for students transported by means other than 58621
school bus service and whose transportation is not funded under 58622
division (C) of section 3317.024 of the Revised Code. The rules 58623
shall include provisions for school district reporting of such 58624
students. 58625~~

(G)(1) In fiscal years 2014 and 2015, the department shall 58626
pay each district a pro rata portion of the amounts calculated 58627
under division (E) of this section and described in division (F) 58628
of this section, based on state appropriations. 58629

(2) In addition to the prorated payment under division (G)(1) 58630
of this section, in fiscal years 2014 and 2015, the department 58631
shall pay each school district that meets the conditions 58632
prescribed in division (G)(3) of this section an additional amount 58633
equal to the difference of (a) the amounts calculated under 58634
division (E) of this section and prescribed in division (F) of 58635
this section minus (b) that prorated payment. 58636

(3) Division (G)(2) of this section applies to each school 58637
district that meets all of the following conditions: 58638

(a) The district qualifies for the calculation of a payment 58639
under division (E) of this section because it transports students 58640
on board-owned or contractor-owned school buses. 58641

(b) The district's state share index is greater than or equal 58642
to 0.50. 58643

(c) The district's rider density is at or below the median 58644
rider density of all districts that qualify for calculation of a 58645
payment under division (E) of this section. 58646

(H) Each city, local, and exempted village school district 58647
shall report all data used to calculate funding for transportation 58648
under this section through the education management information 58649
system pursuant to section 3301.0714 of the Revised Code. 58650

Sec. 3317.0213. (A) The department of education shall compute 58651
and pay in accordance with this section additional state aid for 58652
preschool special education children to each city, local, and 58653
exempted village school district and to each institution, as 58654
defined in section 3323.091 of the Revised Code. Funding shall be 58655

provided for children who are not enrolled in kindergarten and who 58656
are under age six on the thirtieth day of September of the 58657
academic year, or on the first day of August of the academic year 58658
if the school district in which the child is enrolled has adopted 58659
a resolution under division (A)(3) of section 3321.01 of the 58660
Revised Code, but not less than age three on the first day of 58661
December of the academic year. 58662

The additional state aid shall be calculated under the 58663
following formula: 58664

(\$4,000 X the number of preschool special education children) 58665
+ the sum of the following: 58666

(1) The district's or institution's category one special 58667
education preschool students X the amount specified in division 58668
(A) of section 3317.013 of the Revised Code X the district's state 58669
share index X 0.50; 58670

(2) The district's or institution's category two special 58671
education preschool students X the amount specified in division 58672
(B) of section 3317.013 of the Revised Code X the district's state 58673
share index X 0.50; 58674

(3) The district's or institution's category three special 58675
education preschool students X the amount specified in division 58676
(C) of section 3317.013 of the Revised Code X the district's state 58677
share index X 0.50; 58678

(4) The district's or institution's category four special 58679
education preschool students X the amount specified in division 58680
(D) of section 3317.013 of the Revised Code X the district's state 58681
share index X 0.50; 58682

(5) The district's or institution's category five special 58683
education preschool students X the amount specified in division 58684
(E) of section 3317.013 of the Revised Code X the district's state 58685

share index X 0.50; 58686

(6) The district's or institution's category six special 58687
education preschool students X the amount specified in division 58688
(F) of section 3317.013 of the Revised Code X the district's state 58689
share index X 0.50. 58690

The special education disability categories for preschool 58691
children used in this section are the same categories prescribed 58692
in section 3317.013 of the Revised Code. 58693

As used in division (A) of this section, the state share 58694
index of a student enrolled in an institution is the state share 58695
index of the school district in which the student is entitled to 58696
attend school under section 3313.64 or 3313.65 of the Revised 58697
Code. 58698

(B) If an educational service center is providing services to 58699
preschool special education students under agreement with the 58700
city, local, or exempted village school district in which the 58701
students are entitled to attend school, that district may 58702
authorize the department to transfer funds computed under this 58703
section to the service center providing those services. 58704

(C) If a county DD board is providing services to preschool 58705
special education students under agreement with the city, local, 58706
or exempted village school district in which the students are 58707
entitled to attend school, the department shall deduct from the 58708
district's payment computed under division (A) of this section the 58709
total amount of those funds that are attributable to the students 58710
served by the county DD board and pay that amount to that board. 58711

Sec. 3317.0214. (A) The department shall compute and pay in 58712
accordance with this section additional state aid to school 58713
districts for students in categories two through six special 58714
education ADM. If a district's costs for the fiscal year for a 58715

student in its categories two through six special education ADM 58716
exceed the threshold catastrophic cost for serving the student, 58717
the district may submit to the superintendent of public 58718
instruction documentation, as prescribed by the superintendent, of 58719
all its costs for that student. Upon submission of documentation 58720
for a student of the type and in the manner prescribed, the 58721
department shall pay to the district an amount equal to the sum of 58722
the following: 58723

(1) One-half of the district's costs for the student in 58724
excess of the threshold catastrophic cost; 58725

(2) The product of one-half of the district's costs for the 58726
student in excess of the threshold catastrophic cost multiplied by 58727
the district's state share index. 58728

(B) For purposes of division (A) of this section, the 58729
threshold catastrophic cost for serving a student equals: 58730

(1) For a student in the school district's category two, 58731
three, four, or five special education ADM, twenty-seven thousand 58732
three hundred seventy-five dollars; 58733

(2) For a student in the district's category six special 58734
education ADM, thirty-two thousand eight hundred fifty dollars. 58735

(C) The district shall report under division (A) of this 58736
section, and the department shall pay for, only the costs of 58737
educational expenses and the related services provided to the 58738
student in accordance with the student's individualized education 58739
program. Any legal fees, court costs, or other costs associated 58740
with any cause of action relating to the student may not be 58741
included in the amount. 58742

Sec. 3317.0217. Payment of the amount calculated for a school 58743
district under this section shall be made under division (A) of 58744
section 3317.022 of the Revised Code. 58745

(A) The department of education shall annually compute 58746
targeted assistance funds to school districts, as follows: 58747

(1) Calculate the local wealth per pupil of each school 58748
district, which equals the following sum: 58749

(a) One-half times the quotient of (i) the district's 58750
three-year average valuation divided by (ii) its formula ADM; plus 58751

(b) One-half times the quotient of (i) the average of the 58752
total federal adjusted gross income of the school district's 58753
residents for the three years most recently reported under section 58754
3317.021 of the Revised Code divided by (ii) its formula ADM. 58755

(2) Rank all school districts in order of local wealth per 58756
pupil, from the district with the lowest local wealth per pupil to 58757
the district with the highest local wealth per pupil. 58758

(3) Compute the statewide wealth per pupil, which equals the 58759
following sum: 58760

(a) One-half times the quotient of (i) the sum of the 58761
three-year average valuations for all school districts divided by 58762
(ii) the sum of formula ADM counts for all schools districts; plus 58763

(b) One-half times the quotient of (i) the sum of the 58764
three-year average total federal adjusted gross incomes for all 58765
school districts divided by (ii) the sum of formula ADM counts for 58766
all school districts. 58767

(4) Compute each district's wealth index by dividing the 58768
statewide wealth per pupil by the district's local wealth per 58769
pupil. 58770

(5) Compute the per pupil targeted assistance for each 58771
eligible school district in accordance with the following formula: 58772

(Threshold local wealth per pupil - the district's local wealth 58773
per pupil) 58774

X target millage X the district's wealth index 58775

Where: 58776

(a) An "eligible school district" means a school district with a local wealth per pupil less than that of the school district with the 490th lowest local wealth per pupil. 58777
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58779

(b) "Threshold local wealth per pupil" means the local wealth per pupil of the school district with the 490th lowest local wealth per pupil. 58780
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(c) "Target millage" means 0.006. 58783

If the result of the calculation for a school district under division (A)(5) of this section is less than zero, the district's targeted assistance shall be zero. 58784
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(6) Calculate the aggregate amount to be paid as targeted assistance funds to each school district under division (A) of section 3317.022 of the Revised Code by multiplying the per pupil targeted assistance computed under division (A)(5) of this section by the district's net formula ADM. 58787
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As used in this division, a district's "net formula ADM" means its formula ADM minus the number of community school students reported under division (B)(3)(d) of section 3317.03 of the Revised Code X 0.75, the number of internet- and computer-based community school students reported under division (B)(3)(e) of that section, and the number of scholarship students reported under divisions (B)(3)(f), (g), and (l) of that section. 58792
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(B) The department shall annually compute supplemental targeted assistance funds to school districts, as follows: 58799
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(1) Compute each district's agricultural percentage as the quotient of (a) the three-year average tax valuation of real property in the district that is classified as agricultural property divided by (b) the three-year average tax valuation of all of the real property in the district. For purposes of this 58801
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computation, a district's "three-year average tax valuation" means 58806
the average of a district's tax valuation for fiscal years 2012, 58807
2013, and 2014. 58808

(2) Determine each district's agricultural targeted 58809
percentage as follows: 58810

(a) If a district's agricultural percentage is greater than 58811
or equal to 0.10, then the district's agricultural targeted 58812
percentage shall be equal to 0.40. 58813

(b) If a district's agricultural percentage is less than 58814
0.10, then the district's agricultural targeted percentage shall 58815
be equal to 4 X the district's agricultural percentage. 58816

(3) Calculate the aggregate amount to be paid as supplemental 58817
targeted assistance funds to each school district under division 58818
(A) of section 3317.022 of the Revised Code by multiplying the 58819
district's agricultural targeted percentage by the amount 58820
calculated for the district under division (A)(6) of this section. 58821

Sec. 3317.03. (A) The superintendent of each city, local, and 58822
exempted village school district ~~and of each educational service~~ 58823
~~center shall, for the schools under the superintendent's~~ 58824
~~supervision,~~ certify to the state board of education on or before 58825
the fifteenth day of October in each year for the first full 58826
school week in October the average daily membership of students 58827
receiving services from schools under the superintendent's 58828
supervision, and the numbers of other students entitled to attend 58829
school in the district under section 3313.64 or 3313.65 of the 58830
Revised Code the superintendent is required to report under this 58831
section, so that the department of education can calculate the 58832
district's formula ADM. If a school under the superintendent's 58833
supervision is closed for one or more days during that week due to 58834
hazardous weather conditions or other circumstances described in 58835
the first paragraph of division (B) of section 3317.01 of the 58836

Revised Code, the superintendent may apply to the superintendent 58837
of public instruction for a waiver, under which the superintendent 58838
of public instruction may exempt the district superintendent from 58839
certifying the average daily membership for that school for that 58840
week and specify an alternate week for certifying the average 58841
daily membership of that school. 58842

The average daily membership during such week shall consist 58843
of the sum of the following: 58844

(1) On an FTE basis, the number of students in grades 58845
kindergarten through twelve receiving any educational services 58846
from the district, except that the following categories of 58847
students shall not be included in the determination: 58848

(a) Students enrolled in adult education classes; 58849

(b) Adjacent or other district students enrolled in the 58850
district under an open enrollment policy pursuant to section 58851
3313.98 of the Revised Code; 58852

(c) Students receiving services in the district pursuant to a 58853
compact, cooperative education agreement, or a contract, but who 58854
are entitled to attend school in another district pursuant to 58855
section 3313.64 or 3313.65 of the Revised Code; 58856

(d) Students for whom tuition is payable pursuant to sections 58857
3317.081 and 3323.141 of the Revised Code; 58858

(e) Students receiving services in the district through a 58859
scholarship awarded under either section 3310.41 or sections 58860
3310.51 to 3310.64 of the Revised Code. 58861

(2) On an FTE basis, the number of students entitled to 58862
attend school in the district pursuant to section 3313.64 or 58863
3313.65 of the Revised Code, but receiving educational services in 58864
grades kindergarten through twelve from one or more of the 58865
following entities: 58866

(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	58867 58868 58869 58870
(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	58871 58872 58873
(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;	58874 58875 58876 58877 58878
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	58879 58880 58881
(e) An educational service center or cooperative education district;	58882 58883
(f) Another school district under a cooperative education agreement, compact, or contract;	58884 58885
(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code, <u>if the students qualified for the scholarship under section 3310.03 of the Revised Code;</u>	58886 58887 58888 58889
(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.	58890 58891 58892
As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable.	58893 58894 58895
(i) A science, technology, engineering, and mathematics	58896

school established under Chapter 3326. of the Revised Code, 58897
including any participation in a college pursuant to Chapter 3365. 58898
of the Revised Code while enrolled in the school; 58899

(j) A college-preparatory boarding school established under 58900
Chapter 3328. of the Revised Code. 58901

(3) The number of students enrolled in a joint vocational 58902
school district or under a ~~vocational~~ career-technical education 58903
compact, excluding any students entitled to attend school in the 58904
district under section 3313.64 or 3313.65 of the Revised Code who 58905
are enrolled in another school district through an open enrollment 58906
policy as reported under division (A)(2)(d) of this section and 58907
then enroll in a joint vocational school district or under a 58908
~~vocational~~ career-technical education compact+ 58909

~~(4) The number of children with disabilities, other than 58910
preschool children with disabilities, entitled to attend school in 58911
the district pursuant to section 3313.64 or 3313.65 of the Revised 58912
Code who are placed by the district with a county DD board, minus 58913
the number of such children placed with a county DD board in 58914
fiscal year 1998. If this calculation produces a negative number, 58915
the number reported under division (A)(4) of this section shall be 58916
zero. 58917~~

(B) To enable the department of education to obtain the data 58918
needed to complete the calculation of payments pursuant to this 58919
chapter, in addition to the average daily membership, each 58920
superintendent shall report separately the following student 58921
counts for the same week for which average daily membership is 58922
certified: 58923

(1) The total average daily membership in regular learning 58924
day classes included in the report under division (A)(1) or (2) of 58925
this section for each of the individual grades kindergarten 58926
through twelve in schools under the superintendent's supervision; 58927

(2) The number of all preschool children with disabilities 58928
enrolled as of the first day of December in classes in the 58929
district ~~that are~~ for whom the district is eligible for approval 58930
to receive funding under division (B) of section 3317.05 3317.0213 58931
of the Revised Code and the number of those classes, which shall 58932
be reported not later than the fifteenth day of December, in 58933
accordance with ~~rules adopted under that~~ the disability categories 58934
prescribed in section 3317.013 of the Revised Code; 58935

(3) The number of children entitled to attend school in the 58936
district pursuant to section 3313.64 or 3313.65 of the Revised 58937
Code who are: 58938

(a) Participating in a pilot project scholarship program 58939
established under sections 3313.974 to 3313.979 of the Revised 58940
Code as described in division (I)(2)(a) or (b) of this section; 58941

(b) Enrolled in a college under Chapter 3365. of the Revised 58942
Code, except when the student is enrolled in the college while 58943
also enrolled in a community school pursuant to Chapter 3314. or a 58944
science, technology, engineering, and mathematics school 58945
established under Chapter 3326. of the Revised Code; 58946

(c) Enrolled in an adjacent or other school district under 58947
section 3313.98 of the Revised Code; 58948

(d) Enrolled in a community school established under Chapter 58949
3314. of the Revised Code that is not an internet- or 58950
computer-based community school as defined in section 3314.02 of 58951
the Revised Code, including any participation in a college 58952
pursuant to Chapter 3365. of the Revised Code while enrolled in 58953
such community school; 58954

(e) Enrolled in an internet- or computer-based community 58955
school, as defined in section 3314.02 of the Revised Code, 58956
including any participation in a college pursuant to Chapter 3365. 58957
of the Revised Code while enrolled in the school; 58958

(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code <u>and who qualified for the scholarship under section 3310.03 of the Revised Code;</u>	58959 58960 58961 58962
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	58963 58964 58965
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	58966 58967 58968
(i) Participating in a program operated by a county DD board or a state institution;	58969 58970
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	58971 58972 58973 58974
(k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code;	58975 58976
<u>(l) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code.</u>	58977 58978 58979
(4) The number of pupils enrolled in joint vocational schools;	58980 58981
(5) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51	58982 58983 58984 58985 58986 58987 58988

to 3310.64 of the Revised Code; 58989

(6) The combined average daily membership of children with 58990
disabilities reported under division (A)(1) or (2) of this section 58991
receiving special education services for category two disabilities 58992
described in division (B) of section 3317.013 of the Revised Code, 58993
including children attending a special education program operated 58994
by an alternative public provider or a registered private provider 58995
with a scholarship awarded under sections 3310.51 to 3310.64 of 58996
the Revised Code; 58997

(7) The combined average daily membership of children with 58998
disabilities reported under division (A)(1) or (2) of this section 58999
receiving special education services for category three 59000
disabilities described in division (C) of section 3317.013 of the 59001
Revised Code, including children attending a special education 59002
program operated by an alternative public provider or a registered 59003
private provider with a scholarship awarded under sections 3310.51 59004
to 3310.64 of the Revised Code; 59005

(8) The combined average daily membership of children with 59006
disabilities reported under division (A)(1) or (2) of this section 59007
receiving special education services for category four 59008
disabilities described in division (D) of section 3317.013 of the 59009
Revised Code, including children attending a special education 59010
program operated by an alternative public provider or a registered 59011
private provider with a scholarship awarded under sections 3310.51 59012
to 3310.64 of the Revised Code; 59013

(9) The combined average daily membership of children with 59014
disabilities reported under division (A)(1) or (2) of this section 59015
receiving special education services for the category five 59016
disabilities described in division (E) of section 3317.013 of the 59017
Revised Code, including children attending a special education 59018
program operated by an alternative public provider or a registered 59019
private provider with a scholarship awarded under sections 3310.51 59020

to 3310.64 of the Revised Code; 59021

(10) The combined average daily membership of children with 59022
disabilities reported under division (A)(1) or (2) and under 59023
division (B)(3)(h) of this section receiving special education 59024
services for category six disabilities described in division (F) 59025
of section 3317.013 of the Revised Code, including children 59026
attending a special education program operated by an alternative 59027
public provider or a registered private provider with a 59028
scholarship awarded under either section 3310.41 or sections 59029
3310.51 to 3310.64 of the Revised Code; 59030

(11) The average daily membership of pupils reported under 59031
division (A)(1) or (2) of this section enrolled in category one 59032
~~vocational~~ career-technical education programs or classes, 59033
described in division (A) of section 3317.014 of the Revised Code, 59034
operated by the school district or by another district that is a 59035
member of the district's career-technical planning district, other 59036
than a joint vocational school district, or by an educational 59037
service center, ~~excluding any student reported under division~~ 59038
~~(B)(3)(e) of this section as enrolled in an internet or~~ 59039
~~computer based community school~~, notwithstanding division ~~(C)(H)~~ 59040
of section 3317.02 of the Revised Code and division (C)(3) of this 59041
section; 59042

(12) The average daily membership of pupils reported under 59043
division (A)(1) or (2) of this section enrolled in category two 59044
~~vocational~~ career-technical education programs or services, 59045
described in division (B) of section 3317.014 of the Revised Code, 59046
operated by the school district or another school district that is 59047
a member of the district's career-technical planning district, 59048
other than a joint vocational school district, or by an 59049
educational service center, ~~excluding any student reported under~~ 59050
~~division (B)(3)(e) of this section as enrolled in an internet or~~ 59051
~~computer based community school~~, notwithstanding division ~~(C)(H)~~ 59052

of section 3317.02 of the Revised Code and division (C)(3) of this section; 59053
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~~Beginning with fiscal year 2010, vocational education ADM shall not be used to calculate a district's funding but shall be reported under divisions (B)(11) and (12) of this section for statistical purposes.~~ 59055
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(13) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category three career-technical education programs or services, described in division (C) of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division (H) of section 3317.02 of the Revised Code and division (C)(3) of this section; 59059
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(14) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category four career-technical education programs or services, described in division (D) of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division (H) of section 3317.02 of the Revised Code and division (C)(3) of this section; 59068
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(15) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category five career-technical education programs or services, described in division (E) of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division (H) of section 3317.02 of the 59077
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<u>Revised Code and division (C)(3) of this section;</u>	59085
<u>(16) The average daily membership of pupils reported under</u>	59086
<u>division (A)(1) or (2) of this section who are limited English</u>	59087
<u>proficient students described in division (A) of section 3317.016</u>	59088
<u>of the Revised Code, excluding any student reported under division</u>	59089
<u>(B)(3)(e) of this section as enrolled in an internet- or</u>	59090
<u>computer-based community school;</u>	59091
<u>(17) The average daily membership of pupils reported under</u>	59092
<u>division (A)(1) or (2) of this section who are limited English</u>	59093
<u>proficient students described in division (B) of section 3317.016</u>	59094
<u>of the Revised Code, excluding any student reported under division</u>	59095
<u>(B)(3)(e) of this section as enrolled in an internet- or</u>	59096
<u>computer-based community school;</u>	59097
<u>(18) The average daily membership of pupils reported under</u>	59098
<u>division (A)(1) or (2) of this section who are limited English</u>	59099
<u>proficient students described in division (C) of section 3317.016</u>	59100
<u>of the Revised Code, excluding any student reported under division</u>	59101
<u>(B)(3)(e) of this section as enrolled in an internet- or</u>	59102
<u>computer-based community school;</u>	59103
<u>(19) The average number of children transported by the school</u>	59104
<u>district on board-owned or contractor-owned and -operated buses,</u>	59105
<u>reported in accordance with rules adopted by the department of</u>	59106
<u>education;</u>	59107
(14) <u>(20)(a) The number of children, other than preschool</u>	59108
<u>children with disabilities, the district placed with a county DD</u>	59109
<u>board in fiscal year 19987. Division (B)(20)(a) of this section</u>	59110
<u>does not apply after fiscal year 2013.</u>	59111
<u>(b) The number of children with disabilities, other than</u>	59112
<u>preschool children with disabilities, placed with a county DD</u>	59113
<u>board in the current fiscal year to receive special education</u>	59114
<u>services for the category one disability described in division (A)</u>	59115

of section 3317.013 of the Revised Code;	59116
(c) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code;	59117 59118 59119 59120 59121
(d) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	59122 59123 59124 59125 59126
(e) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	59127 59128 59129 59130 59131
(f) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	59132 59133 59134 59135 59136
(g) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code.	59137 59138 59139 59140 59141
<u>(21) The number of students who are economically disadvantaged, as defined by the department, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school. A student shall not be categorically excluded from the number reported under</u>	59142 59143 59144 59145 59146

division (B)(21) of this section based on anything other than 59147
family income. 59148

(C)(1) The average daily membership in divisions (B)(1) to 59149
(12) of this section shall be based upon the number of full-time 59150
equivalent students. The state board of education shall adopt 59151
rules defining full-time equivalent students and for determining 59152
the average daily membership therefrom for the purposes of 59153
divisions (A), (B), and (D) of this section. ~~Each student enrolled~~ 59154
~~in kindergarten shall be counted as one full-time equivalent~~ 59155
~~student regardless of whether the student is enrolled in a~~ 59156
~~part day or all day kindergarten class.~~ 59157

(2) A student enrolled in a community school established 59158
under Chapter 3314., a science, technology, engineering, and 59159
mathematics school established under Chapter 3326., or a 59160
college-preparatory boarding school established under Chapter 59161
3328. of the Revised Code shall be counted in the formula ADM and, 59162
if applicable, the category one, two, three, four, five, or six 59163
special education ADM of the school district in which the student 59164
is entitled to attend school under section 3313.64 or 3313.65 of 59165
the Revised Code for the same proportion of the school year that 59166
the student is counted in the enrollment of the community school, 59167
the science, technology, engineering, and mathematics school, or 59168
the college-preparatory boarding school for purposes of section 59169
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 59170
the number of students reported pursuant to division (B)(3)(d), 59171
(e), (j), or (k) of this section, the department may adjust the 59172
formula ADM of a school district to account for students entitled 59173
to attend school in the district under section 3313.64 or 3313.65 59174
of the Revised Code who are enrolled in a community school, a 59175
science, technology, engineering, and mathematics school, or a 59176
college-preparatory boarding school for only a portion of the 59177
school year. 59178

(3) No child shall be counted as more than a total of one 59179
child in the sum of the average daily memberships of a school 59180
district under division (A), divisions (B)(1) to ~~(12)~~(22), or 59181
division (D) of this section, except as follows: 59182

(a) A child with a disability described in section 3317.013 59183
of the Revised Code may be counted both in formula ADM and in 59184
category one, two, three, four, five, or six special education ADM 59185
and, if applicable, in category one ~~or~~, ~~two vocational~~, ~~three,~~ 59186
~~four, or five career-technical~~ education ADM. As provided in 59187
division ~~(C)~~(H) of section 3317.02 of the Revised Code, such a 59188
child shall be counted in category one, two, three, four, five, or 59189
six special education ADM in the same proportion that the child is 59190
counted in formula ADM. 59191

(b) A child enrolled in ~~vocational~~ career-technical education 59192
programs or classes described in section 3317.014 of the Revised 59193
Code may be counted both in formula ADM and category one ~~or~~, two 59194
~~vocational~~, ~~three, four, or five career-technical~~ education ADM 59195
and, if applicable, in category one, two, three, four, five, or 59196
six special education ADM. Such a child shall be counted in 59197
category one ~~or~~, ~~two vocational~~, ~~three, four, or five~~ 59198
career-technical education ADM in the same proportion as the 59199
percentage of time that the child spends in the ~~vocational~~ 59200
career-technical education programs or classes. 59201

(4) Based on the information reported under this section, the 59202
department of education shall determine the total student count, 59203
as defined in section 3301.011 of the Revised Code, for each 59204
school district. 59205

(D)(1) The superintendent of each joint vocational school 59206
district shall certify to the superintendent of public instruction 59207
on or before the fifteenth day of October in each year for the 59208
first full school week in October ~~the formula ADM, for purposes of~~ 59209
~~section 3318.42 of the Revised Code and for any other purpose~~ 59210

~~prescribed by law for which "formula ADM" of the joint vocational district is a factor~~ the average daily membership. If a school operated by the joint vocational school district is closed for one or more days during that week due to hazardous weather conditions or other circumstances described in the first paragraph of division (B) of section 3317.01 of the Revised Code, the superintendent may apply to the superintendent of public instruction for a waiver, under which the superintendent of public instruction may exempt the district superintendent from certifying the ~~formula ADM~~ average daily membership for that school for that week and specify an alternate week for certifying the ~~formula ADM~~ average daily membership of that school.

The ~~formula ADM~~ average daily membership, except as otherwise provided in this division, shall consist of the average daily membership during such week, on an FTE basis, of the number of students receiving any educational services from the district, including students enrolled in a community school established under Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code who are attending the joint vocational district ~~under an agreement between the district board of education and the governing authority of the community school or the governing body of the science, technology, engineering, and mathematics school~~ and are entitled to attend school in a city, local, or exempted village school district whose territory is part of the territory of the joint vocational district.

The following categories of students shall not be included in the determination made under division (D)(1) of this section:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district joint vocational students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

(2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the ~~formula~~ ADM, each superintendent shall report separately the average daily membership included in the report under division (D)(1) of this section for each of the following categories of students for the same week for which ~~formula~~ ADM is certified:

(a) Students enrolled in each individual grade included in the joint vocational district schools;

(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;

(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code;

(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;

(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;

(f) Children with disabilities receiving special education services for the category five disabilities described in division

(E) of section 3317.013 of the Revised Code;	59273
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	59274 59275 59276
(h) Students receiving category one vocational <u>career-technical</u> education services, described in division (A) of section 3317.014 of the Revised Code;	59277 59278 59279
(i) Students receiving category two vocational <u>career-technical</u> education services, described in division (B) of section 3317.014 of the Revised Code;	59280 59281 59282
<u>(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;</u>	59283 59284 59285
<u>(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;</u>	59286 59287 59288
<u>(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;</u>	59289 59290 59291
<u>(m) Limited English proficient students described in division (A) of section 3317.016 of the Revised Code;</u>	59292 59293
<u>(n) Limited English proficient students described in division (B) of section 3317.016 of the Revised Code;</u>	59294 59295
<u>(o) Limited English proficient students described in division (C) of section 3317.016 of the Revised Code;</u>	59296 59297
<u>(p) Students who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (D)(2)(p) of this section based on anything other than family income.</u>	59298 59299 59300 59301
The superintendent of each joint vocational school district	59302

shall also indicate the city, local, or exempted village school 59303
district in which each joint vocational district pupil is entitled 59304
to attend school pursuant to section 3313.64 or 3313.65 of the 59305
Revised Code. 59306

(E) In each school of each city, local, exempted village, 59307
joint vocational, and cooperative education school district there 59308
shall be maintained a record of school membership, which record 59309
shall accurately show, for each day the school is in session, the 59310
actual membership enrolled in regular day classes. For the purpose 59311
of determining average daily membership, the membership figure of 59312
any school shall not include any pupils except those pupils 59313
described by division (A) of this section. The record of 59314
membership for each school shall be maintained in such manner that 59315
no pupil shall be counted as in membership prior to the actual 59316
date of entry in the school and also in such manner that where for 59317
any cause a pupil permanently withdraws from the school that pupil 59318
shall not be counted as in membership from and after the date of 59319
such withdrawal. There shall not be included in the membership of 59320
any school any of the following: 59321

(1) Any pupil who has graduated from the twelfth grade of a 59322
public or nonpublic high school; 59323

(2) Any pupil who is not a resident of the state; 59324

(3) Any pupil who was enrolled in the schools of the district 59325
during the previous school year when assessments were administered 59326
under section 3301.0711 of the Revised Code but did not take one 59327
or more of the assessments required by that section and was not 59328
excused pursuant to division (C)(1) or (3) of that section; 59329

(4) Any pupil who has attained the age of twenty-two years, 59330
except for veterans of the armed services whose attendance was 59331
interrupted before completing the recognized twelve-year course of 59332
the public schools by reason of induction or enlistment in the 59333

armed forces and who apply for reenrollment in the public school 59334
system of their residence not later than four years after 59335
termination of war or their honorable discharge. 59336

If, however, any veteran described by division (E)(4) of this 59337
section elects to enroll in special courses organized for veterans 59338
for whom tuition is paid under the provisions of federal laws, or 59339
otherwise, that veteran shall not be included in average daily 59340
membership. 59341

Notwithstanding division (E)(3) of this section, the 59342
membership of any school may include a pupil who did not take an 59343
assessment required by section 3301.0711 of the Revised Code if 59344
the superintendent of public instruction grants a waiver from the 59345
requirement to take the assessment to the specific pupil and a 59346
parent is not paying tuition for the pupil pursuant to section 59347
3313.6410 of the Revised Code. The superintendent may grant such a 59348
waiver only for good cause in accordance with rules adopted by the 59349
state board of education. 59350

Except as provided in divisions (B)(2) and (F) of this 59351
section, the average daily membership figure of any local, city, 59352
exempted village, or joint vocational school district shall be 59353
determined by dividing the figure representing the sum of the 59354
number of pupils enrolled during each day the school of attendance 59355
is actually open for instruction during the week for which the 59356
average daily membership is being certified by the total number of 59357
days the school was actually open for instruction during that 59358
week. For purposes of state funding, "enrolled" persons are only 59359
those pupils who are attending school, those who have attended 59360
school during the current school year and are absent for 59361
authorized reasons, and those children with disabilities currently 59362
receiving home instruction. 59363

The average daily membership figure of any cooperative 59364
education school district shall be determined in accordance with 59365

rules adopted by the state board of education. 59366

~~(F)(1) If the formula ADM for the first full school week in February is at least three per cent greater than that certified for the first full school week in the preceding October, the superintendent of schools of any city, exempted village, or joint vocational school district or educational service center shall certify such increase to the superintendent of public instruction. Such certification shall be submitted no later than the fifteenth day of February. For the balance of the fiscal year, beginning with the February payments, the superintendent of public instruction shall use the increased formula ADM in calculating or recalculating the amounts to be allocated in accordance with section 3317.022 or 3317.16 of the Revised Code. In no event shall the superintendent use an increased membership certified to the superintendent after the fifteenth day of February. Division (F)(1) of this section does not apply after fiscal year 2006.~~ 59367
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~~(2) If on the first school day of April the total number of classes or units for preschool children with disabilities that are eligible for approval under division (B) of section 3317.05 of the Revised Code exceeds the number of units that have been approved for the year under that division, the superintendent of schools of any city, exempted village, or cooperative education school district or educational service center shall make the certifications required by this section for that day. If the department determines additional units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of such units, the department shall approve additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department shall pay an amount computed in the manner prescribed in section 3317.052 or 3317.19 and section 3317.053 of the Revised Code.~~ 59382
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~~(3)~~ If a student attending a community school under Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code is not included in the formula ADM certified for the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the department of education shall adjust the formula ADM of that school district to include the student in accordance with division (C)(2) of this section, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM. This requirement applies regardless of whether the student was enrolled, as defined in division (E) of this section, in the community school, the science, technology, engineering, and mathematics school, or the college-preparatory boarding school during the week for which the formula ADM is being certified.

~~(4)~~(2) If a student awarded an educational choice scholarship is not included in the formula ADM of the school district from which the department deducts funds for the scholarship under section 3310.08 of the Revised Code, the department shall adjust the formula ADM of that school district to include the student to the extent necessary to account for the deduction, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM. This requirement applies regardless of whether the student was enrolled, as defined in division (E) of this section, in the chartered nonpublic school, the school district, or a community school during the week for which the formula ADM is being certified.

~~(5)~~(3) If a student awarded a scholarship under the Jon Peterson special needs scholarship program is not included in the

formula ADM of the school district from which the department 59430
deducts funds for the scholarship under section 3310.55 of the 59431
Revised Code, the department shall adjust the formula ADM of that 59432
school district to include the student to the extent necessary to 59433
account for the deduction, and shall recalculate the school 59434
district's payments under this chapter for the entire fiscal year 59435
on the basis of that adjusted formula ADM. This requirement 59436
applies regardless of whether the student was enrolled, as defined 59437
in division (E) of this section, in an alternative public 59438
provider, a registered private provider, or the school district 59439
during the week for which the formula ADM is being certified. 59440

(G)(1)(a) The superintendent of an institution operating a 59441
special education program pursuant to section 3323.091 of the 59442
Revised Code shall, for the programs under such superintendent's 59443
supervision, certify to the state board of education, in the 59444
manner prescribed by the superintendent of public instruction, 59445
both of the following: 59446

(i) The average daily membership of all children with 59447
disabilities other than preschool children with disabilities 59448
receiving services at the institution for each category of 59449
disability described in divisions (A) to (F) of section 3317.013 59450
of the Revised Code; 59451

(ii) The average daily membership of all preschool children 59452
with disabilities in classes or programs ~~approved annually by the~~ 59453
~~department of education for unit~~ for whom the district is eligible 59454
to receive funding under section ~~3317.05~~ 3317.0213 of the Revised 59455
Code, reported according to the categories prescribed in section 59456
3317.013 of the Revised Code. 59457

(b) The superintendent of an institution with ~~vocational~~ 59458
career-technical education units approved under ~~division (A) of~~ 59459
section 3317.05 of the Revised Code shall, for the units under the 59460
superintendent's supervision, certify to the state board of 59461

education the average daily membership in those units, in the 59462
manner prescribed by the superintendent of public instruction. 59463

(2) The superintendent of each county DD board that maintains 59464
special education classes under section 3317.20 of the Revised 59465
Code or ~~units approved~~ provides services to preschool children 59466
with disabilities pursuant to ~~section 3317.05 of the Revised Code~~ 59467
an agreement between the DD board and the appropriate school 59468
district shall do both of the following: 59469

(a) Certify to the state board, in the manner prescribed by 59470
the board, the average daily membership in classes under section 59471
3317.20 of the Revised Code for each school district that has 59472
placed children in the classes; 59473

(b) Certify to the state board, in the manner prescribed by 59474
the board, the number of all preschool children with disabilities 59475
enrolled as of the first day of December in classes for which the 59476
DD board is eligible for approval to receive funding under 59477
~~division (B) of section 3317.05~~ 3317.0213 of the Revised Code, 59478
reported according to the categories prescribed in section 59479
3317.013 of the Revised Code, and the number of those classes. 59480

~~(3)(a) If on the first school day of April the number of~~ 59481
~~classes or units maintained for preschool children with~~ 59482
~~disabilities by the county DD board that are eligible for approval~~ 59483
~~under division (B) of section 3317.05 of the Revised Code is~~ 59484
~~greater than the number of units approved for the year under that~~ 59485
~~division, the superintendent shall make the certification required~~ 59486
~~by this section for that day.~~ 59487

~~(b) If the department determines that additional classes or~~ 59488
~~units can be approved for the fiscal year within any limitations~~ 59489
~~set forth in the acts appropriating moneys for the funding of the~~ 59490
~~classes and units described in division (C)(3)(a) of this section,~~ 59491
~~the department shall approve and fund additional units for the~~ 59492

~~fiscal year on the basis of such average daily membership. For 59493
each unit so approved, the department shall pay an amount computed 59494
in the manner prescribed in sections 3317.052 and 3317.053 of the 59495
Revised Code. 59496~~

(H) Except as provided in division (I) of this section, when 59497
any city, local, or exempted village school district provides 59498
instruction for a nonresident pupil whose attendance is 59499
unauthorized attendance as defined in section 3327.06 of the 59500
Revised Code, that pupil's membership shall not be included in 59501
that district's membership figure used in the calculation of that 59502
district's formula ADM or included in the determination of any 59503
~~unit funding~~ approved for the district under section ~~3317.05~~ 59504
3317.0213 of the Revised Code. The reporting official shall report 59505
separately the average daily membership of all pupils whose 59506
attendance in the district is unauthorized attendance, and the 59507
membership of each such pupil shall be credited to the school 59508
district in which the pupil is entitled to attend school under 59509
division (B) of section 3313.64 or section 3313.65 of the Revised 59510
Code as determined by the department of education. 59511

(I)(1) A city, local, exempted village, or joint vocational 59512
school district admitting a scholarship student of a pilot project 59513
district pursuant to division (C) of section 3313.976 of the 59514
Revised Code may count such student in its average daily 59515
membership. 59516

(2) In any year for which funds are appropriated for pilot 59517
project scholarship programs, a school district implementing a 59518
state-sponsored pilot project scholarship program that year 59519
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 59520
count in average daily membership: 59521

(a) All children residing in the district and utilizing a 59522
scholarship to attend kindergarten in any alternative school, as 59523
defined in section 3313.974 of the Revised Code; 59524

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend an alternative school.

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable average daily memberships for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(K) If the superintendent of public instruction determines that a component of the average daily membership certified or reported by a district superintendent, or other reporting entity, is not correct, the superintendent of public instruction may order that the formula ADM used for the purposes of payments under any section of Title XXXVIII of the Revised Code be adjusted in the amount of the error.

Sec. 3317.032. ~~(A)~~ Each city, local, exempted village, and cooperative education school district, each educational service center, each county DD board, and each institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, in accordance with procedures adopted by the state board of education, maintain a record of district membership of ~~both of the following:~~

~~(1) All preschool children with disabilities in units approved under division (B) of section 3317.05 of the Revised Code;~~

~~(2) All all preschool children with disabilities who are not in units approved under division (B) of section 3317.05 of the Revised Code but who are otherwise served by a special education~~

program. 59556

~~(B) The superintendent of each district, board, or 59557
institution subject to division (A) of this section shall certify 59558
to the state board of education, in accordance with procedures 59559
adopted by that board, membership figures of all preschool 59560
children with disabilities whose membership is maintained under 59561
division (A)(2) of this section. The figures certified under this 59562
division shall be used in the determination of the ADM used to 59563
compute funds for educational service center governing boards 59564
under section 3317.11 of the Revised Code. 59565~~

Sec. 3317.05. ~~(A) For the purpose of calculating payments 59566
under sections 3317.052 and 3317.053 of the Revised Code, the The 59567
department of education shall determine for each institution, by 59568
the last day of January of each year and based on information 59569
certified under section 3317.03 of the Revised Code, the number of 59570
vocational career-technical education units or fractions of units 59571
approved by the department on the basis of standards and rules 59572
adopted by the state board of education. As used in this ~~division~~ 59573
section, "institution" means an institution operated by a 59574
department specified in section 3323.091 of the Revised Code and 59575
that provides ~~vocational~~ vocational career-technical education programs under 59576
the supervision of the division of ~~vocational~~ vocational career-technical 59577
education of the department that meet the standards and rules for 59578
these programs, including licensure of professional staff involved 59579
in the programs, as established by the state board. 59580~~

~~(B) For the purpose of calculating payments under sections 59581
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 59582
department shall determine, based on information certified under 59583
section 3317.03 of the Revised Code, the following by the last day 59584
of January of each year for each educational service center, for 59585
each school district, including each cooperative education school 59586~~

~~district, for each institution eligible for payment under section 3323.091 of the Revised Code, and for each county DD board: the number of classes operated by the school district, service center, institution, or county DD board for preschool children with disabilities, or fraction thereof, including in the case of a district or service center that is a funding agent, classes taught by a licensed teacher employed by that district or service center under section 3313.841 of the Revised Code, approved annually by the department on the basis of standards and rules adopted by the state board.~~

~~(C) For the purpose of calculating payments under sections 3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the department shall determine, based on information certified under section 3317.03 of the Revised Code, the following by the last day of January of each year for each school district, including each cooperative education school district, for each institution eligible for payment under section 3323.091 of the Revised Code, and for each county DD board: the number of units for related services, as defined in section 3323.01 of the Revised Code, for preschool children with disabilities approved annually by the department on the basis of standards and rules adopted by the state board.~~

~~(D) All of the arithmetical calculations made under this section shall be carried to the second decimal place. The total number of units for school districts, service centers, and institutions approved annually under this section shall not exceed the number of units included in the estimate of cost for these units and appropriations made for them by the general assembly.~~

~~In the case of units for preschool children with disabilities described in division (B) of this section, the department shall approve only preschool units for children who are under age six on the thirtieth day of September of the academic year, or on the~~

~~first day of August of the academic year if the school district in which the child is enrolled has adopted a resolution under division (A)(3) of section 3321.01 of the Revised Code, but not less than age three on the first day of December of the academic year, except that such a unit may include one or more children who are under age three or are age six or over on the applicable date, as reported under division (B)(2) or (C)(2)(b) of section 3317.03 of the Revised Code, if such children have been admitted to the unit pursuant to rules of the state board. The number of units for county DD boards and institutions eligible for payment under section 3323.091 of the Revised Code approved under this section shall not exceed the number that can be funded with appropriations made for such purposes by the general assembly.~~

~~No unit shall be approved under divisions (B) and (C) of this section unless a plan has been submitted and approved under Chapter 3323. of the Revised Code.~~

(C) The department shall pay each institution approved for career-technical education units under division (A) of this section an amount for the total of all the units approved under that division. The amount for each unit shall be the sum of the minimum salary for the teacher of the unit, calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to July 1, 2001, plus fifteen per cent of that minimum salary amount, and nine thousand five hundred ten dollars. Each institution that receives unit funds under this division annually shall report to the department on the delivery of services and the performance of students and any other information required by the department to evaluate the institution's career-technical education program.

(D) For each unit allocated to an institution pursuant to division (A) of this section, the department, in addition to the

amount specified in division (B) of this section, shall pay a 59651
supplemental unit allowance of \$7,227. 59652

Sec. 3317.051. (A) As used in this section, "gifted unit ADM" 59653
means a school district's formula ADM minus the number of students 59654
reported by a district under divisions (A)(2)(a) and (i) of 59655
section 3317.03 of the Revised Code. 59656

(B) The department of education shall compute and pay to a 59657
school district funds based on units for services to students 59658
identified as gifted under Chapter 3324. of the Revised Code as 59659
prescribed by this section. 59660

(C) The department shall allocate gifted units for a school 59661
district as follows: 59662

(1) One gifted coordinator unit shall be allocated for every 59663
3,300 students in a district's gifted unit ADM, with a minimum of 59664
0.5 units and a maximum of 8 units allocated for the district. 59665

(2) One gifted intervention specialist unit shall be 59666
allocated for every 1,100 students in a district's gifted unit 59667
ADM, with a minimum of 0.3 units allocated for the district. 59668

(D) The department shall pay the following amount to a school 59669
district for gifted units: 59670

(1) In fiscal year 2014, \$37,000 multiplied by the number of 59671
units allocated to a school district under division (C) of this 59672
section; 59673

(2) In fiscal year 2015, \$37,370 multiplied by the number of 59674
units allocated to a school district under division (C) of this 59675
section. 59676

A school district shall use the funds it receives for units 59677
allocated under division (C)(1) of this section only for gifted 59678
coordinator services as prescribed by the department. Qualified 59679
personnel shall be employed by the district for this purpose on a 59680

full-time equivalency basis that corresponds to the number of 59681
units allocated to the district under division (C)(1) of this 59682
section. 59683

A school district shall use the funds it receives for units 59684
allocated under division (C)(2) of this section only for gifted 59685
intervention specialist services as prescribed by the department. 59686
Qualified personnel shall be employed by the district for this 59687
purpose on a full-time equivalency basis that corresponds to the 59688
number of units allocated to the district under division (C)(2) of 59689
this section. 59690

(E) A school district may assign gifted unit funding that it 59691
receives under division (D) of this section to another school 59692
district, an educational service center, a community school, or a 59693
STEM school as part of an arrangement to provide services to the 59694
district as follows: 59695

(1) Funds received for units allocated under division (C)(1) 59696
of this section may be assigned to a district, service center, or 59697
school that employs qualified gifted coordinators; 59698

(2) Funds received for units allocated under division (C)(2) 59699
of this section may be assigned to a district, service center, or 59700
school that employs qualified gifted intervention specialists. 59701

Sec. 3317.06. Moneys paid to school districts under division 59702
(E) of section 3317.024 of the Revised Code shall be used for the 59703
following independent and fully severable purposes: 59704

(A) To purchase such secular textbooks or ~~electronic~~ 59705
~~textbooks~~ digital texts as have been approved by the 59706
superintendent of public instruction for use in public schools in 59707
the state and to loan such textbooks or ~~electronic textbooks~~ 59708
digital texts to pupils attending nonpublic schools within the 59709
district or to their parents and to hire clerical personnel to 59710

administer such lending program. Such loans shall be based upon 59711
individual requests submitted by such nonpublic school pupils or 59712
parents. Such requests shall be submitted to the school district 59713
in which the nonpublic school is located. Such individual requests 59714
for the loan of textbooks or ~~electronic textbooks~~ digital texts 59715
shall, for administrative convenience, be submitted by the 59716
nonpublic school pupil or the pupil's parent to the nonpublic 59717
school, which shall prepare and submit collective summaries of the 59718
individual requests to the school district. As used in this 59719
section: 59720

(1) "Textbook" means any book or book substitute that a pupil 59721
uses as a consumable or nonconsumable text, text substitute, or 59722
text supplement in a particular class or program in the school the 59723
pupil regularly attends. 59724

(2) ~~"Electronic textbook"~~ "Digital text" means ~~any a~~ 59725
consumable book or book substitute that a student accesses through 59726
the use of a computer or other electronic medium or that is 59727
available through an internet-based provider of course content, or 59728
any other material that contributes to the learning process 59729
through electronic means. 59730

(B) To provide speech and hearing diagnostic services to 59731
pupils attending nonpublic schools within the district. Such 59732
service shall be provided in the nonpublic school attended by the 59733
pupil receiving the service. 59734

(C) To provide physician, nursing, dental, and optometric 59735
services to pupils attending nonpublic schools within the 59736
district. Such services shall be provided in the school attended 59737
by the nonpublic school pupil receiving the service. 59738

(D) To provide diagnostic psychological services to pupils 59739
attending nonpublic schools within the district. Such services 59740
shall be provided in the school attended by the pupil receiving 59741

the service. 59742

(E) To provide therapeutic psychological and speech and 59743
hearing services to pupils attending nonpublic schools within the 59744
district. Such services shall be provided in the public school, in 59745
nonpublic schools, in public centers, or in mobile units located 59746
on or off of the nonpublic premises. If such services are provided 59747
in the public school or in public centers, transportation to and 59748
from such facilities shall be provided by the school district in 59749
which the nonpublic school is located. 59750

(F) To provide guidance, counseling, and social work services 59751
to pupils attending nonpublic schools within the district. Such 59752
services shall be provided in the public school, in nonpublic 59753
schools, in public centers, or in mobile units located on or off 59754
of the nonpublic premises. If such services are provided in the 59755
public school or in public centers, transportation to and from 59756
such facilities shall be provided by the school district in which 59757
the nonpublic school is located. 59758

(G) To provide remedial services to pupils attending 59759
nonpublic schools within the district. Such services shall be 59760
provided in the public school, in nonpublic schools, in public 59761
centers, or in mobile units located on or off of the nonpublic 59762
premises. If such services are provided in the public school or in 59763
public centers, transportation to and from such facilities shall 59764
be provided by the school district in which the nonpublic school 59765
is located. 59766

(H) To supply for use by pupils attending nonpublic schools 59767
within the district such standardized tests and scoring services 59768
as are in use in the public schools of the state; 59769

(I) To provide programs for children who attend nonpublic 59770
schools within the district and are children with disabilities as 59771
defined in section 3323.01 of the Revised Code or gifted children. 59772

Such programs shall be provided in the public school, in nonpublic 59773
schools, in public centers, or in mobile units located on or off 59774
of the nonpublic premises. If such programs are provided in the 59775
public school or in public centers, transportation to and from 59776
such facilities shall be provided by the school district in which 59777
the nonpublic school is located. 59778

(J) To hire clerical personnel to assist in the 59779
administration of programs pursuant to divisions (B), (C), (D), 59780
(E), (F), (G), and (I) of this section and to hire supervisory 59781
personnel to supervise the providing of services and textbooks 59782
pursuant to this section. 59783

(K) To purchase or lease any secular, neutral, and 59784
nonideological computer application software designed to assist 59785
students in performing a single task or multiple related tasks, 59786
device management software, learning management software, 59787
site-licensing, digital video on demand (DVD), wide area 59788
connectivity and related technology as it relates to internet 59789
access, mathematics or science equipment and materials, 59790
instructional materials, and school library materials that are in 59791
general use in the public schools of the state and loan such items 59792
to pupils attending nonpublic schools within the district or to 59793
their parents, and to hire clerical personnel to administer the 59794
lending program. Only such items that are incapable of diversion 59795
to religious use and that are susceptible of loan to individual 59796
pupils and are furnished for the use of individual pupils shall be 59797
purchased and loaned under this division. As used in this section, 59798
"instructional materials" means prepared learning materials that 59799
are secular, neutral, and nonideological in character and are of 59800
benefit to the instruction of school children, ~~and may include~~ 59801
~~educational resources and services developed by the eTech Ohio~~ 59802
~~commission.~~ 59803

Mobile applications that are secular, neutral, and 59804

nonideological in character and that are purchased for less than 59805
ten dollars for instructional use shall be considered to be 59806
consumable and shall be distributed to students without the 59807
expectation that the applications must be returned. 59808

(L) To purchase or lease instructional equipment, including 59809
computer hardware and related equipment in general use in the 59810
public schools of the state, for use by pupils attending nonpublic 59811
schools within the district and to loan such items to pupils 59812
attending nonpublic schools within the district or to their 59813
parents, and to hire clerical personnel to administer the lending 59814
program. "Computer hardware and related equipment" includes 59815
desktop computers and workstations; laptop computers, computer 59816
tablets, and other mobile handheld devices; and their operating 59817
systems and accessories. 59818

(M) To purchase mobile units to be used for the provision of 59819
services pursuant to divisions (E), (F), (G), and (I) of this 59820
section and to pay for necessary repairs and operating costs 59821
associated with these units. 59822

(N) To reimburse costs the district incurred to store the 59823
records of a chartered nonpublic school that closes. 59824
Reimbursements under this division shall be made one time only for 59825
each chartered nonpublic school that closes. 59826

(O) To purchase life-saving medical or other emergency 59827
equipment for placement in nonpublic schools within the district 59828
or to maintain such equipment. 59829

Clerical and supervisory personnel hired pursuant to division 59830
(J) of this section shall perform their services in the public 59831
schools, in nonpublic schools, public centers, or mobile units 59832
where the services are provided to the nonpublic school pupil, 59833
except that such personnel may accompany pupils to and from the 59834
service sites when necessary to ensure the safety of the children 59835

receiving the services. 59836

All services provided pursuant to this section may be 59837
provided under contract with educational service centers, the 59838
department of health, city or general health districts, or private 59839
agencies whose personnel are properly licensed by an appropriate 59840
state board or agency. 59841

Transportation of pupils provided pursuant to divisions (E), 59842
(F), (G), and (I) of this section shall be provided by the school 59843
district from its general funds and not from moneys paid to it 59844
under division (E) of section 3317.024 of the Revised Code unless 59845
a special transportation request is submitted by the parent of the 59846
child receiving service pursuant to such divisions. If such an 59847
application is presented to the school district, it may pay for 59848
the transportation from moneys paid to it under division (E) of 59849
section 3317.024 of the Revised Code. 59850

No school district shall provide health or remedial services 59851
to nonpublic school pupils as authorized by this section unless 59852
such services are available to pupils attending the public schools 59853
within the district. 59854

Materials, equipment, computer hardware or software, 59855
textbooks, ~~electronic textbooks~~ digital texts, and health and 59856
remedial services provided for the benefit of nonpublic school 59857
pupils pursuant to this section and the admission of pupils to 59858
such nonpublic schools shall be provided without distinction as to 59859
race, creed, color, or national origin of such pupils or of their 59860
teachers. 59861

No school district shall provide services, materials, or 59862
equipment that contain religious content for use in religious 59863
courses, devotional exercises, religious training, or any other 59864
religious activity. 59865

As used in this section, "parent" includes a person standing 59866

in loco parentis to a child. 59867

Notwithstanding section 3317.01 of the Revised Code, payments 59868
shall be made under this section to any city, local, or exempted 59869
village school district within which is located one or more 59870
nonpublic elementary or high schools and any payments made to 59871
school districts under division (E) of section 3317.024 of the 59872
Revised Code for purposes of this section may be disbursed without 59873
submission to and approval of the controlling board. 59874

The allocation of payments for materials, equipment, 59875
textbooks, ~~electronic textbooks~~ digital texts, health services, 59876
and remedial services to city, local, and exempted village school 59877
districts shall be on the basis of the state board of education's 59878
estimated annual average daily membership in nonpublic elementary 59879
and high schools located in the district. 59880

Payments made to city, local, and exempted village school 59881
districts under this section shall be equal to specific 59882
appropriations made for the purpose. All interest earned by a 59883
school district on such payments shall be used by the district for 59884
the same purposes and in the same manner as the payments may be 59885
used. 59886

The department of education shall adopt guidelines and 59887
procedures under which such programs and services shall be 59888
provided, under which districts shall be reimbursed for 59889
administrative costs incurred in providing such programs and 59890
services, and under which any unexpended balance of the amounts 59891
appropriated by the general assembly to implement this section may 59892
be transferred to the auxiliary services personnel unemployment 59893
compensation fund established pursuant to section 4141.47 of the 59894
Revised Code. The department shall also adopt guidelines and 59895
procedures limiting the purchase and loan of the items described 59896
in division (K) of this section to items that are in general use 59897
in the public schools of the state, that are incapable of 59898

diversion to religious use, and that are susceptible to individual 59899
use rather than classroom use. Within thirty days after the end of 59900
each biennium, each board of education shall remit to the 59901
department all moneys paid to it under division (E) of section 59902
3317.024 of the Revised Code and any interest earned on those 59903
moneys that are not required to pay expenses incurred under this 59904
section during the biennium for which the money was appropriated 59905
and during which the interest was earned. If a board of education 59906
subsequently determines that the remittal of moneys leaves the 59907
board with insufficient money to pay all valid expenses incurred 59908
under this section during the biennium for which the remitted 59909
money was appropriated, the board may apply to the department of 59910
education for a refund of money, not to exceed the amount of the 59911
insufficiency. If the department determines the expenses were 59912
lawfully incurred and would have been lawful expenditures of the 59913
refunded money, it shall certify its determination and the amount 59914
of the refund to be made to the director of job and family 59915
services who shall make a refund as provided in section 4141.47 of 59916
the Revised Code. 59917

Each school district shall label materials, equipment, 59918
computer hardware or software, textbooks, and ~~electronic textbooks~~ 59919
digital texts purchased or leased for loan to a nonpublic school 59920
under this section, acknowledging that they were purchased or 59921
leased with state funds under this section. However, a district 59922
need not label materials, equipment, computer hardware or 59923
software, textbooks, or ~~electronic textbooks~~ digital texts that 59924
the district determines are consumable in nature or have a value 59925
of less than two hundred dollars. 59926

Sec. 3317.063. The superintendent of public instruction, in 59927
accordance with rules adopted by the department of education, 59928
shall annually reimburse each chartered nonpublic school for the 59929
actual mandated service administrative and clerical costs incurred 59930

by such school during the preceding school year in preparing, 59931
maintaining, and filing reports, forms, and records, and in 59932
providing such other administrative and clerical services that are 59933
not an integral part of the teaching process as may be required by 59934
state law or rule or by requirements duly promulgated by city, 59935
exempted village, or local school districts. The mandated service 59936
costs reimbursed pursuant to this section shall include, but are 59937
not limited to, the preparation, filing and maintenance of forms, 59938
reports, or records and other clerical and administrative services 59939
relating to state chartering or approval of the nonpublic school, 59940
pupil attendance, pupil health and health testing, transportation 59941
of pupils, federally funded education programs, pupil appraisal, 59942
pupil progress, educator licensure, unemployment and workers' 59943
compensation, transfer of pupils, and such other education related 59944
data which are now or hereafter shall be required of such 59945
nonpublic school by state law or rule, or by requirements of the 59946
state department of education, other state agencies, or city, 59947
exempted village, or local school districts. 59948

The reimbursement required by this section shall be for 59949
school years beginning on or after July 1, 1981. 59950

Each nonpublic school which seeks reimbursement pursuant to 59951
this section shall submit to the superintendent of public 59952
instruction an application together with such additional reports 59953
and documents as the department of education may require. Such 59954
application, reports, and documents shall contain such information 59955
as the department of education may prescribe in order to carry out 59956
the purposes of this section. No payment shall be made until the 59957
superintendent of public instruction has approved such 59958
application. 59959

Each nonpublic school which applies for reimbursement 59960
pursuant to this section shall maintain a separate account or 59961
system of accounts for the expenses incurred in rendering the 59962

required services for which reimbursement is sought. Such accounts 59963
shall contain such information as is required by the department of 59964
education and shall be maintained in accordance with rules adopted 59965
by the department of education. 59966

Reimbursement payments to a nonpublic school pursuant to this 59967
section shall not exceed an amount for each school year equal to 59968
three hundred ~~twenty-five~~ sixty dollars per pupil enrolled in that 59969
nonpublic school. 59970

The superintendent of public instruction may, from time to 59971
time, examine any and all accounts and records of a nonpublic 59972
school which have been maintained pursuant to this section in 59973
support of an application for reimbursement, for the purpose of 59974
determining the costs to such school of rendering the services for 59975
which reimbursement is sought. If after such audit it is 59976
determined that any school has received funds in excess of the 59977
actual cost of providing such services, said school shall 59978
immediately reimburse the state in such excess amount. 59979

Any payments made to chartered nonpublic schools under this 59980
section may be disbursed without submission to and approval of the 59981
controlling board. 59982

Sec. 3317.08. A board of education may admit to its schools a 59983
child it is not required by section 3313.64 or 3313.65 of the 59984
Revised Code to admit, if tuition is paid for the child. 59985

Unless otherwise provided by law, tuition shall be computed 59986
in accordance with this section. A district's tuition charge for a 59987
school year shall be one of the following: 59988

(A) For any child, except a preschool child with a disability 59989
described in division (B) of this section, the quotient obtained 59990
by dividing the sum of the amounts described in divisions (A)(1) 59991
and (2) of this section by the district's formula ADM. 59992

(1) The district's total taxes charged and payable for 59993
current expenses for the tax year preceding the tax year in which 59994
the school year begins as certified under division (A)(3) of 59995
section 3317.021 of the Revised Code. 59996

(2) The district's total taxes collected for current expenses 59997
under a school district income tax adopted pursuant to section 59998
5748.03, 5748.08, or 5748.09 of the Revised Code that are 59999
disbursed to the district during the fiscal year, excluding any 60000
income tax receipts allocated for the project cost, debt service, 60001
or maintenance set-aside associated with a state-assisted 60002
classroom facilities project as authorized by section 3318.052 of 60003
the Revised Code. On or before the first day of June of each year, 60004
the tax commissioner shall certify the amount to be used in the 60005
calculation under this division for the next fiscal year to the 60006
department of education and the office of budget and management 60007
for each city, local, and exempted village school district that 60008
levies a school district income tax. 60009

(B) For any preschool child with a disability ~~not included in~~ 60010
~~a unit approved under division (B) of section 3317.05 of the~~ 60011
~~Revised Code~~, an amount computed for the school year as follows: 60012

(1) For each type of special education service provided to 60013
the child for whom tuition is being calculated, determine the 60014
amount of the district's operating expenses in providing that type 60015
of service to all preschool children with disabilities ~~not~~ 60016
~~included in units approved under division (B) of section 3317.05~~ 60017
~~of the Revised Code;~~ 60018

(2) For each type of special education service for which 60019
operating expenses are determined under division (B)(1) of this 60020
section, determine the amount of such operating expenses that was 60021
paid from any state funds received under this chapter; 60022

(3) For each type of special education service for which 60023

operating expenses are determined under division (B)(1) of this 60024
section, divide the difference between the amount determined under 60025
division (B)(1) of this section and the amount determined under 60026
division (B)(2) of this section by the total number of preschool 60027
children with disabilities ~~not included in units approved under~~ 60028
~~division (B) of section 3317.05 of the Revised Code~~ who received 60029
that type of service; 60030

(4) Determine the sum of the quotients obtained under 60031
division (B)(3) of this section for all types of special education 60032
services provided to the child for whom tuition is being 60033
calculated. 60034

The state board of education shall adopt rules defining the 60035
types of special education services and specifying the operating 60036
expenses to be used in the computation under this section. 60037

If any child for whom a tuition charge is computed under this 60038
section for any school year is enrolled in a district for only 60039
part of that school year, the amount of the district's tuition 60040
charge for the child for the school year shall be computed in 60041
proportion to the number of school days the child is enrolled in 60042
the district during the school year. 60043

Except as otherwise provided in division (J) of section 60044
3313.64 of the Revised Code, whenever a district admits a child to 60045
its schools for whom tuition computed in accordance with this 60046
section is an obligation of another school district, the amount of 60047
the tuition shall be certified by the treasurer of the board of 60048
education of the district of attendance, to the board of education 60049
of the district required to pay tuition for its approval and 60050
payment. If agreement as to the amount payable or the district 60051
required to pay the tuition cannot be reached, or the board of 60052
education of the district required to pay the tuition refuses to 60053
pay that amount, the board of education of the district of 60054
attendance shall notify the superintendent of public instruction. 60055

The superintendent shall determine the correct amount and the district required to pay the tuition and shall deduct that amount, if any, under division (D) of section 3317.023 of the Revised Code, from the district required to pay the tuition and add that amount to the amount allocated to the district attended under such division. The superintendent of public instruction shall send to the district required to pay the tuition an itemized statement showing such deductions at the time of such deduction.

When a political subdivision owns and operates an airport, welfare, or correctional institution or other project or facility outside its corporate limits, the territory within which the facility is located is exempt from taxation by the school district within which such territory is located, and there are school age children residing within such territory, the political subdivision owning such tax exempt territory shall pay tuition to the district in which such children attend school. The tuition for these children shall be computed as provided for in this section.

Sec. 3317.10. (A) On or before the first day of March of each year, the department of job and family services shall certify to the state board of education the unduplicated number of children ages five through seventeen residing in each school district and living in a family that, during the preceding October, participated in Ohio works first.

The department of job and family services shall certify this information according to the school district of residence for each child. ~~Except as provided under division (B) of this section, the number of children so certified in any year shall be used by the department of education in calculating the distribution of moneys for the ensuing fiscal year as provided in section 3317.029 of the Revised Code.~~

(B) Upon the transfer of part of the territory of one school

district to the territory of one or more other school districts, 60087
the department of education may adjust the number of children 60088
certified under division (A) of this section for any district 60089
gaining or losing territory in such a transfer in order to take 60090
into account the effect of the transfer on the number of such 60091
children who reside in the district. Within sixty days of receipt 60092
of a request for information from the department of education, the 60093
department of job and family services shall provide any 60094
information the department of education determines is necessary to 60095
make such adjustments. ~~The department of education may use the~~ 60096
~~adjusted number for any district for the applicable fiscal year,~~ 60097
~~in lieu of the number certified for the district for that fiscal~~ 60098
~~year under division (A) of this section, in the calculation of the~~ 60099
~~distribution of moneys provided in section 3317.029 of the Revised~~ 60100
~~Code.~~ 60101

Sec. 3317.14. Any school district board of education or 60102
educational service center governing board participating in funds 60103
distributed under Chapter 3317. of the Revised Code shall annually 60104
adopt a teachers' salary schedule with provision for increments 60105
based upon training and years of service. Notwithstanding sections 60106
3317.13 and 3319.088 of the Revised Code, the board may establish 60107
its own service requirements and may grant service credit for such 60108
activities as teaching in public or nonpublic schools in this 60109
state or in another state, for service as an educational assistant 60110
other than as a classroom aide employed in accordance with section 60111
5107.541 of the Revised Code, and for service in the military or 60112
in an appropriate state or federal governmental agency, provided 60113
no teacher receives less than the amount required to be paid 60114
pursuant to section 3317.13 of the Revised Code and provided full 60115
credit for a minimum of five years of actual teaching and military 60116
experience as defined in division (A) of section 3317.13 of the 60117
Revised Code is given to each teacher. 60118

~~On the fifteenth day of October of each year, a copy of the salary schedule in effect on that date shall be filed by the board of education of each local school district with the educational service center superintendent, who thereupon shall certify to the treasurer of such local district the correct salary to be paid to each teacher in accordance with the adopted schedule.~~

Each teacher who has completed training which would qualify such teacher for a higher salary bracket pursuant to this section shall file by the fifteenth day of September with the treasurer of the board of education or educational service center satisfactory evidence of the completion of such additional training. The treasurer shall then immediately place the teacher, pursuant to this section and section 3317.13 of the Revised Code, in the proper salary bracket in accordance with training and years of service before certifying such salary, training, and years of service to the superintendent of public instruction. No teacher shall be paid less than the salary to which such teacher is entitled pursuant to section 3317.13 of the Revised Code.

Sec. 3317.141. The board of education of any city, exempted village, local, or joint vocational school district that is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, shall comply with this section in accordance with the timeline contained in the board's scope of work, as approved by the superintendent of public instruction, and shall not be subject to sections 3317.13 and 3317.14 of the Revised Code. The board of education of any other school district, and the governing board of each educational service center, shall comply with either this section or sections 3317.13 and 3317.14 of the Revised Code.

(A) The board annually shall adopt a salary schedule for teachers based upon performance as described in division (B) of this section.

(B) For purposes of the schedule, a board shall measure a teacher's performance by considering all of the following:

(1) The level of license issued under section 3319.22 of the Revised Code that the teacher holds;

(2) Whether the teacher is a highly qualified teacher, as defined in section 3319.074 of the Revised Code;

(3) Ratings received by the teacher on performance evaluations conducted under section 3319.111 of the Revised Code.

(C) The schedule shall provide for annual adjustments based on performance on the evaluations conducted under section 3319.111 of the Revised Code. The annual performance-based adjustment for a teacher rated as accomplished shall be greater than the annual performance-based adjustment for a teacher rated as ~~proficient~~ skilled.

(D) The salary schedule adopted under this section may provide for additional compensation for teachers who agree to perform duties, not contracted for under a supplemental contract, that the employing board determines warrant additional compensation. Those duties may include, but are not limited to, assignment to a school building eligible for funding under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.; assignment to a building in "school improvement" status under the "No Child Left Behind Act of 2001," as defined in section 3302.01 of the Revised Code; teaching in a grade level or subject area in which the board has determined there is a shortage within the district or service center; or assignment to a hard-to-staff school, as determined by the board.

Sec. 3317.16. (A) The department of education shall compute and distribute state core foundation funding to each joint vocational school district for the fiscal year as prescribed in the following divisions:

(1) An opportunity grant calculated according to the following formula:

(The formula amount X formula ADM) - (0.0005 X the district's three-year average valuation)

If the result of the calculation for a joint vocational school district under division (A)(1) of this section is less than zero, the joint vocational school district's opportunity grant shall be zero.

(2) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following:

(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share percentage;

(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share percentage;

(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage;

(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage;

(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage;

(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage. 60210
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(3) Economically disadvantaged funds calculated according to the following formula: 60213
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(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as reported under division (D)(2)(p) of section 3317.03 of the Revised Code 60215
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(4) Limited English proficiency funds calculated as the sum of the following: 60219
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(a) The district's category one limited English proficient ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage; 60221
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(b) The district's category two limited English proficient ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share percentage; 60224
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(c) The district's category three limited English proficient ADM X the amount specified in division (C) of section 3317.016 of the Revised Code X the district's state share percentage. 60227
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(5) Career-technical education funds calculated as the sum of the following: 60230
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(a) The district's category one career-technical education ADM X the amount specified in division (A) of section 3317.014 of the Revised Code X the district's state share percentage; 60232
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(b) The district's category two career-technical education ADM X the amount specified in division (B) of section 3317.014 of the Revised Code X the district's state share percentage; 60235
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(c) The district's category three career-technical education ADM X the amount specified in division (C) of section 3317.014 of 60238
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the Revised Code X the district's state share percentage; 60240

(d) The district's category four career-technical education 60241

ADM X the amount specified in division (D) of section 3317.014 of 60242

the Revised Code X the district's state share percentage; 60243

(e) The district's category five career-technical education 60244

ADM X the amount specified in division (E) of section 3317.014 of 60245

the Revised Code X the district's state share percentage. 60246

Payment of funds under division (A)(5) of this section is 60247

subject to approval under section 3317.161 of the Revised Code. 60248

(6) Career-technical education associated services funds 60249

calculated under the following formula: 60250

The district's state share percentage X the 60251

amount for career-technical education associated services 60252

specified in section 3317.014 of the Revised Code X the sum of 60253

categories one through five career-technical 60254

education ADM 60255

(B)(1) If a joint vocational school district's costs for a 60256

fiscal year for a student in its categories two through six 60257

special education ADM exceed the threshold catastrophic cost for 60258

servicing the student, as specified in division (B) of section 60259

3317.0214 of the Revised Code, the district may submit to the 60260

superintendent of public instruction documentation, as prescribed 60261

by the superintendent, of all of its costs for that student. Upon 60262

submission of documentation for a student of the type and in the 60263

manner prescribed, the department shall pay to the district an 60264

amount equal to the sum of the following: 60265

(a) One-half of the district's costs for the student in 60266

excess of the threshold catastrophic cost; 60267

(b) The product of one-half of the district's costs for the 60268

student in excess of the threshold catastrophic cost multiplied by 60269

the district's state share percentage. 60270

(2) The district shall report under division (B)(1) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount. 60271
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(C)(1) For each student with a disability receiving special education and related services under an individualized education program, as defined in section 3323.01 of the Revised Code, at a joint vocational district, the resident district or, if the student is enrolled in a community school, the community school shall be responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under division (A) of this section. 60278
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Those excess costs shall be calculated by subtracting the sum of the following from the actual cost to provide special education and related services to the student: 60287
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(a) The formula amount; 60290

(b) The amount specified in section 3317.013 of the Revised Code that is applicable to the student; 60291
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(c) Any funds paid under section 3317.0214 for the student. 60293

(2) The board of education of the joint vocational school district may report the excess costs calculated under division (C)(1) of this section to the department of education. 60294
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(3) If the board of education of the joint vocational school district reports excess costs under division (C)(2) of this section, the department shall pay the amount of excess cost calculated under division (C)(2) of this section to the joint vocational school district and shall deduct that amount as 60297
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provided in division (C)(3)(a) or (b) of this section, as 60302
applicable: 60303

(a) If the student is not enrolled in a community school, the 60304
department shall deduct the amount from the account of the 60305
student's resident district pursuant to division (J) of section 60306
3317.023 of the Revised Code. 60307

(b) If the student is enrolled in a community school, the 60308
department shall deduct the amount from the account of the 60309
community school pursuant to section 3314.083 of the Revised Code. 60310

(D)(1) In any fiscal year, a school district receiving funds 60311
under division (A)(5) of this section shall spend those funds only 60312
for the purposes that the department designates as approved for 60313
career-technical education expenses. Career-technical educational 60314
expenses approved by the department shall include only expenses 60315
connected to the delivery of career-technical programming to 60316
career-technical students. The department shall require the school 60317
district to report data annually so that the department may 60318
monitor the district's compliance with the requirements regarding 60319
the manner in which funding received under division (A)(5) of this 60320
section may be spent. 60321

(2) All funds received under division (A)(5) of this section 60322
shall be spent in the following manner: 60323

(a) At least seventy-five per cent of the funds shall be 60324
spent on curriculum development, purchase, and implementation; 60325
instructional resources and supplies; industry-based program 60326
certification; student assessment, credentialing, and placement; 60327
curriculum specific equipment purchases and leases; 60328
career-technical student organization fees and expenses; home and 60329
agency linkages; work-based learning experiences; professional 60330
development; and other costs directly associated with 60331
career-technical education programs including development of new 60332

<u>programs.</u>	60333
<u>(b) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.</u>	60334 60335
<u>(E) In any fiscal year, a school district receiving funds under division (A)(6) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for career-technical education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career-technical education services, career-technical evaluation, and other purposes designated by the department. The department may deny payment under division (A)(6) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(6) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes.</u>	60336 60337 60338 60339 60340 60341 60342 60343 60344 60345 60346 60347 60348 60349
<u>(F) A joint vocational school district shall spend the funds it receives under division (A)(3) of this section in accordance with section 3317.25 of the Revised Code.</u>	60350 60351 60352
<u>(G) As used in this section:</u>	60353
<u>(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.</u>	60354 60355
<u>(2) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.</u>	60356 60357 60358
<u>(3) "State share percentage" is equal to the following: The amount computed under division (A)(1) of this section / (the formula amount X formula ADM)</u>	60359 60360 60361
<u>Sec. 3317.161. (A) As used in this section, "lead district"</u>	60362

has the same meaning as in section 3317.023 of the Revised Code. 60363

(B)(1) A career-technical education program of a city, local, or exempted village school district, community school, or STEM school shall be subject to approval under this section in order for the district or school to qualify for state funding for the program. Approval granted under this section shall be valid for the five fiscal years following the fiscal year in which the program is approved and may be renewed. Approval shall be subject to annual review under division (E) of this section. 60364
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(2) If a district or school becomes a new member of a career-technical planning district, its career-technical education programs shall be approved or disapproved by the lead district of the career-technical planning district during the fiscal year in which the district or school becomes a member of the career-technical planning district. Any program of the district or school that was approved by the department of education for an approval period that includes the fiscal year in which the district or school becomes a new member of the career-technical planning district shall retain its approved status during that fiscal year. 60372
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(3) If an existing member of a career-technical planning district develops a new career-technical education program, that program shall be approved or disapproved by the lead district of the career-technical planning district prior to the first fiscal year for which the district or school is seeking funding for the program. 60383
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(4) Except as provided in division (B)(2) of this section, if a career-technical education program was approved by the department prior to the effective date of this section, that approval remains valid for the unexpired remainder of the approval period specified by the department. Approval of that program may 60389
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then be renewed in accordance with this section on a date prior to 60394
the expiration of the approval period. 60395

(C)(1) The lead district of a career-technical planning 60396
district shall approve or disapprove for a five-year period each 60397
career-technical education program of the city, local, and 60398
exempted village school districts, community schools, and STEM 60399
schools that are assigned by the department to the 60400
career-technical planning district. The lead district's decision 60401
to approve or disapprove a program shall be based on requirements 60402
for career-technical education programs that are specified in 60403
rules adopted by the department. These requirements shall include, 60404
but are not limited to, all of the following: 60405

(a) Demand for the career-technical education program by 60406
industries in the state; 60407

(b) Quality of the program; 60408

(c) Potential for a student enrolled in the program to 60409
receive the training that will qualify the student for industry 60410
credentials or post-secondary education; 60411

(d) Admission requirements of the lead district; 60412

(e) Past performance of the district or school that is 60413
offering the program; 60414

(f) Traveling distance; 60415

(g) Sustainability; 60416

(h) Capacity; 60417

(i) Availability of the program within the career-technical 60418
planning district; 60419

(j) In the case of a new program, the cost to begin the 60420
program. 60421

(2) The lead district shall approve or disapprove each 60422

program not later than the first day of March prior to the first 60423
fiscal year for which the district or school is seeking funding 60424
for the program. If a program is approved, the lead district shall 60425
notify the department of its decision. If a program is 60426
disapproved, the lead district shall notify the district or school 60427
of its decision. 60428

If the lead district disapproves the program or does not take 60429
any action to approve or disapprove the program by the first day 60430
of March, the district or school may appeal the lead district's 60431
decision or failure to take action to the department by the 60432
fifteenth day of March. 60433

(D)(1) Upon receiving notification of a lead district's 60434
approval of a district's or school's career-technical education 60435
program, the department shall review the lead district's decision 60436
and determine whether to approve or disapprove the program not 60437
later than the fifteenth day of May prior to the first fiscal year 60438
for which the district or school is seeking funding for the 60439
program. The department shall notify the district or school and 60440
the lead district of the district's or school's career-technical 60441
planning district of its determination. 60442

(2) Upon receiving an appeal from a district or school of a 60443
lead district's disapproval of a career-technical education 60444
program or failure to take action to approve or disapprove the 60445
program, the department shall review the lead district's 60446
disapproval or failure to take action. The department shall decide 60447
whether to approve or disapprove the program as a result of this 60448
review not later than the fifteenth day of May prior to the first 60449
fiscal year for which the district or school is seeking funding 60450
for the program. The department shall notify the lead district and 60451
the appealing district or school of its determination. 60452

(3) In conducting a review under division (D)(1) or (2) of 60453
this section, the department shall consider the criteria 60454

prescribed under division (C)(1) of this section. 60455

(4) If the department approves a program under division (D)(1) or (2) of this section, it shall authorize the payment to the district, or the deduction from the state education aid of a district and payment to a community school or STEM school, of the funds attributed to the career-technical students enrolled in that program in the next fiscal year according to a payment schedule prescribed by the department. 60456
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(5) The department's decisions under divisions (D)(1) and (2) of this section shall be final and not appealable. 60463
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(E) The department and the lead district of each career-technical planning district shall conduct an annual review of each career-technical education program in the lead district's career-technical planning district that receives approval under this section. Continued funding of the program during the five-year approval period shall be subject to the school's compliance with any directives for performance improvement that are issued by the department or the lead district as a result of any review conducted under this section. 60465
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Sec. 3317.18. (A) As used in this section, the terms "Chapter 133. securities," "credit enhancement facilities," "debt charges," "general obligation," "legislation," "public obligations," and "securities" have the same meanings as in section 133.01 of the Revised Code. 60474
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(B) The board of education of any school district authorizing the issuance of securities under section 133.10, ~~133.301~~, or 3313.372 of the Revised Code or general obligation Chapter 133. securities may adopt legislation requesting the state department of education to approve, and enter into an agreement with the school district and the primary paying agent or fiscal agent for such securities providing for, the withholding and deposit of 60479
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funds, otherwise due the district under Chapter 3317. of the 60486
Revised Code, for the payment of debt service charges on such 60487
securities. 60488

The board of education shall deliver to the state department 60489
a copy of such resolution and any additional pertinent information 60490
the state department may require. 60491

The department of education and the office of budget and 60492
management shall evaluate each request received from a school 60493
district under this section and the department, with the advice 60494
and consent of the director of budget and management, shall 60495
approve or deny each request based on all of the following: 60496

(1) Whether approval of the request will enhance the 60497
marketability of the securities for which the request is made; 60498

(2) Any other pertinent factors or limitations established in 60499
rules made under division (I) of this section, including: 60500

(a) Current and projected obligations of funds due to the 60501
requesting school district under Chapter 3317. of the Revised Code 60502
including obligations of those funds to public obligations or 60503
relevant credit enhancement facilities under this section, Chapter 60504
133. and section 3313.483 of the Revised Code, and under any other 60505
similar provisions of law; 60506

(b) Whether the department of education or the office of 60507
budget and management has any reason to believe the requesting 60508
school district will be unable to pay when due the debt charges on 60509
the securities for which the request is made. 60510

The department may require a school district to establish 60511
schedules for the payment of all debt charges that take into 60512
account the amount and timing of anticipated distributions of 60513
funds to the district under Chapter 3317. of the Revised Code. 60514

(C) If the department approves the request of a school 60515

district to withhold and deposit funds pursuant to this section, 60516
the department shall enter into a written agreement with the 60517
district and the primary paying agent or fiscal agent for the 60518
securities which shall provide for the withholding of funds 60519
pursuant to this section for the payment of debt charges on those 60520
securities, and may include both of the following: 60521

(1) Provisions for certification by the district to the 60522
department, at a time prior to any date for the payment of 60523
applicable debt charges, whether the district is able to pay those 60524
debt charges when due; 60525

(2) Requirements that the district deposit amounts for the 60526
payment of debt charges on the securities with the primary paying 60527
agent or fiscal agent for the securities prior to the date on 60528
which those debt charge payments are due to the owners or holders 60529
of the securities. 60530

(D) Whenever a district notifies the department of education 60531
that it will be unable to pay debt charges when they are due, 60532
subject to the withholding provisions of this section, or whenever 60533
the applicable paying agent or fiscal agent notifies the 60534
department that it has not timely received from a school district 60535
the full amount needed for the payment when due of those debt 60536
charges to the holders or owners of such securities, the 60537
department shall immediately contact the school district and the 60538
paying agent or fiscal agent to confirm or determine whether the 60539
district is unable to make the required payment by the date on 60540
which it is due. 60541

Upon demand of the treasurer of state while holding a school 60542
district obligation purchased under division (G)(1) of section 60543
135.143 of the Revised Code, the state department of education, 60544
without a request of the school district, shall withhold and 60545
deposit funds pursuant to this section for payment of debt service 60546
charges on that obligation. 60547

If the department confirms or determines that the district will be unable to make such payment and payment will not be made pursuant to a credit enhancement facility, the department shall promptly pay to the applicable primary paying agent or fiscal agent the lesser of the amount due for debt charges or the amount due the district for the remainder of the fiscal year under Chapter 3317. of the Revised Code. If this amount is insufficient to pay the total amount then due the agent for the payment of debt charges, the department shall pay to the agent each fiscal year thereafter, and until the full amount due the agent for unpaid debt charges is paid in full, the lesser of the remaining amount due the agent for debt charges or the amount due the district for the fiscal year under Chapter 3317. of the Revised Code.

(E) The state department may make any payments under this division by direct deposit of funds by electronic transfer.

Any amount received by a paying agent or fiscal agent under this section shall be applied only to the payment of debt charges on the securities of the school district subject to this section or to the reimbursement to the provider of a credit enhancement facility that has paid such debt charges.

(F) To the extent a school district whose securities are subject to this section is unable to pay applicable debt charges because of the failure to collect property taxes levied for the payment of those debt charges, the district may transfer to or deposit into any fund that would have received payments under Chapter 3317. of the Revised Code that were withheld under this section any such delinquent property taxes when later collected, provided that transfer or deposit shall be limited to the amounts withheld from that fund under this section.

(G) The department may make payments under this section to paying agents or fiscal agents only from and to the extent that money is appropriated by the general assembly for Chapter 3317. of

the Revised Code or for the purposes of this section. No 60580
securities of a school district to which this section is made 60581
applicable constitute an obligation or a debt or a pledge of the 60582
faith, credit, or taxing power of the state, and the holders or 60583
owners of such securities have no right to have taxes levied or 60584
appropriations made by the general assembly for the payment of 60585
debt charges on those securities, and those securities, if the 60586
department requires, shall contain a statement to that effect. The 60587
agreement for or the actual withholding and payment of moneys 60588
under this section does not constitute the assumption by the state 60589
of any debt of a school district. 60590

(H) In the case of securities subject to the withholding 60591
provisions of this section, the issuing board of education shall 60592
appoint a paying agent or fiscal agent who is not an officer or 60593
employee of the school district. 60594

(I) The department of education, with the advice of the 60595
office of budget and management, may adopt reasonable rules not 60596
inconsistent with this section for the implementation of this 60597
section and division (B) of section 133.25 of the Revised Code as 60598
it relates to the withholding and depositing of payments under 60599
Chapter 3317. of the Revised Code to secure payment of debt 60600
charges on school district securities. Those rules shall include 60601
criteria for the evaluation and approval or denial of school 60602
district requests for withholding under this section and limits on 60603
the obligation for the purpose of paying debt charges or 60604
reimbursing credit enhancement facilities of funds otherwise to be 60605
paid to school districts under Chapter 3317. of the Revised Code. 60606

(J) The authority granted by this section is in addition to 60607
and not a limitation on any other authorizations granted by or 60608
pursuant to law for the same or similar purposes. 60609

Sec. 3317.19. ~~(A) As used in this section, "total unit~~ 60610

~~allowance" means an amount equal to the sum of the following:~~ 60611

~~(1) The total of the salary allowances for the teachers employed in the cooperative education school district for all units approved under division (B) or (C) of section 3317.05 of the Revised Code. The salary allowance for each unit shall equal the minimum salary for the teacher of the unit calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to July 1, 2001.~~ 60612
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~~(2) Fifteen per cent of the total computed under division (A)(1) of this section;~~ 60620
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~~(3) The total of the unit operating allowances for all approved units. The amount of each allowance shall equal one of the following:~~ 60622
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~~(a) Eight thousand twenty three dollars times the number of units for preschool children with disabilities or fraction thereof approved for the year under division (B) of section 3317.05 of the Revised Code;~~ 60625
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~~(b) Two thousand one hundred thirty two dollars times the number of units or fraction thereof approved for the year under division (C) of section 3317.05 of the Revised Code.~~ 60629
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~~(B) The state board of education shall compute and distribute to each cooperative education school district for each fiscal year an amount equal to the sum of the following:~~ 60632
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60634

~~(1)(A) An amount equal to the total of the amounts credited to the cooperative education school district pursuant to division (H) of section 3317.023 of the Revised Code;~~ 60635
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~~(2) The total unit allowance;~~ 60638

~~(3)(B) An amount for assisting in providing free lunches to needy children pursuant to division (D) of section 3317.024 of the~~ 60639
60640

Revised Code. 60641

~~(C) If a cooperative education school district has had 60642
additional special education units approved for the year under 60643
division (F)(2) of section 3317.03 of the Revised Code, the 60644
district shall receive an additional amount during the last half 60645
of the fiscal year. For each unit, the additional amount shall 60646
equal fifty per cent of the amount computed under division (A) of 60647
this section for a unit approved under division (B) of section 60648
3317.05 of the Revised Code. 60649~~

Sec. 3317.20. This section does not apply to preschool 60650
children with disabilities. 60651

(A) As used in this section: 60652

(1) "Applicable ~~weight~~ special education amount" means the 60653
~~multiple~~ amount specified in section 3317.013 of the Revised Code 60654
for a disability described in that section. 60655

(2) "Child's school district" means the school district in 60656
which a child is entitled to attend school pursuant to section 60657
3313.64 or 3313.65 of the Revised Code. 60658

(3) "State share ~~percentage~~ index" means the state share 60659
~~percentage~~ index of the child's school district. 60660

(B) ~~Except as provided in division (C) of this section, the~~ 60661
The department shall annually pay each county DD board for each 60662
child with a disability, other than a preschool child with a 60663
disability, for whom the county DD board provides special 60664
education and related services an amount equal to the formula 60665
amount + (state share ~~percentage~~ ~~X formula amount~~ index X the 60666
applicable ~~weight~~ special education amount). 60667

~~(C) If any school district places with a county DD board more 60668
children with disabilities than it had placed with a county DD 60669
board in fiscal year 1998, the department shall not make a payment 60670~~

~~under division (B) of this section for the number of children exceeding the number placed in fiscal year 1998. The department instead shall deduct from the district's payments under this chapter, and pay to the county DD board, an amount calculated in accordance with the formula prescribed in division (B) of this section for each child over the number of children placed in fiscal year 1998.~~

~~(D) The department shall calculate for each county DD board receiving payments under divisions (B) and (C) of this section the following amounts:~~

~~(1) The amount received by the county DD board for approved special education and related services units, other than units for preschool children with disabilities, in fiscal year 1998, divided by the total number of children served in the units that year;~~

~~(2) The product of the quotient calculated under division (D)(1) of this section times the number of children for whom payments are made under divisions (B) and (C) of this section.~~

~~If the amount calculated under division (D)(2) of this section is greater than the total amount calculated under divisions (B) and (C) of this section, the department shall pay the county DD board one hundred per cent of the difference in addition to the payments under divisions (B) and (C) of this section.~~

~~(E)(C) Each county DD board shall report to the department, in the manner specified by the department, the name of each child for whom the county DD board provides special education and related services and the child's school district.~~

~~(F)(D)(1) For the purpose of verifying the accuracy of the payments under this section, the department may request from either of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised~~

Code to any child who is placed with a county DD board: 60702

(a) The child's school district; 60703

(b) The independent contractor engaged to create and maintain data verification codes. 60704
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(2) Upon a request by the department under division ~~(F)~~(D)(1) 60706
of this section for the data verification code of a child, the 60707
child's school district shall submit that code to the department 60708
in the manner specified by the department. If the child has not 60709
been assigned a code, the district shall assign a code to that 60710
child and submit the code to the department by a date specified by 60711
the department. If the district does not assign a code to the 60712
child by the specified date, the department shall assign a code to 60713
the child. 60714

The department annually shall submit to each school district 60715
the name and data verification code of each child residing in the 60716
district for whom the department has assigned a code under this 60717
division. 60718

(3) The department shall not release any data verification 60719
code that it receives under division ~~(F)~~(D) of this section to any 60720
person except as provided by law. 60721

~~(G)~~(E) Any document relative to special education and related 60722
services provided by a county DD board that the department holds 60723
in its files that contains both a student's name or other 60724
personally identifiable information and the student's data 60725
verification code shall not be a public record under section 60726
149.43 of the Revised Code. 60727

Sec. 3317.201. This section does not apply to preschool 60728
children with disabilities. 60729

(A) As used in this section, the "total special education 60730
~~weight~~ amount" for an institution means the sum of the following 60731

amounts: 60732

(1) The number of children reported by the institution under 60733
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 60734
receiving services for a disability described in division (A) of 60735
section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 60736
amount specified in that division; 60737

(2) The number of children reported by the institution under 60738
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 60739
receiving services for a disability described in division (B) of 60740
section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 60741
amount specified in that division; 60742

(3) The number of children reported by the institution under 60743
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 60744
receiving services for a disability described in division (C) of 60745
section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 60746
amount specified in that division; 60747

(4) The number of children reported by the institution under 60748
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 60749
receiving services for a disability described in division (D) of 60750
section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 60751
amount specified in that division; 60752

(5) The number of children reported by the institution under 60753
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 60754
receiving services for a disability described in division (E) of 60755
section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 60756
amount specified in that division; 60757

(6) The number of children reported by the institution under 60758
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 60759
receiving services for a disability described in division (F) of 60760
section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 60761
amount specified in that division. 60762

(B) For each fiscal year, the department of education shall pay each state institution required to provide special education services under division (A) of section 3323.091 of the Revised Code an amount equal to the ~~greater of:~~

~~(1) The formula amount times the institution's total special education weight;~~

~~(2) The aggregate amount of special education and related services unit funding the institution received for all children with disabilities other than preschool children with disabilities in fiscal year 2005 under sections 3317.052 and 3317.053 of the Revised Code, as those sections existed prior to June 30, 2005 amount.~~

Sec. 3317.25. (A) As used in this section, "economically disadvantaged funds" means the following:

(1) For a city, local, or exempted village school district, the funds received under division (A)(5) of section 3317.022 of the Revised Code;

(2) For a joint vocational school district, the funds received under division (A)(3) of section 3317.16 of the Revised Code;

(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under division (C)(1)(e) of section 3314.08 of the Revised Code;

(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under division (E) of section 3326.33 of the Revised Code.

(B) In any fiscal year, a city, local, exempted village, or joint vocational school district, community school, or STEM school shall spend the economically disadvantaged funds it receives for any of the following initiatives or a combination of any of the

<u>following initiatives:</u>	60793
<u>(1) Extended school day and school year;</u>	60794
<u>(2) Reading improvement and intervention;</u>	60795
<u>(3) Instructional technology or blended learning;</u>	60796
<u>(4) Professional development in reading instruction for</u> <u>teachers of students in kindergarten through third grade;</u>	60797 60798
<u>(5) Dropout prevention;</u>	60799
<u>(6) School safety and security measures;</u>	60800
<u>(7) Community learning centers that address barriers to</u> <u>learning;</u>	60801 60802
<u>(8) Academic interventions for students in any of grades six</u> <u>through twelve.</u>	60803 60804
<u>(C) At the end of each fiscal year, each city, local,</u> <u>exempted village, or joint vocational school district, community</u> <u>school, and STEM school shall submit a report to the department of</u> <u>education describing the initiative or initiatives on which the</u> <u>district's or school's economically disadvantaged funds were spent</u> <u>during that fiscal year.</u>	60805 60806 60807 60808 60809 60810
<u>(D) Starting in 2015, the department shall submit a report of</u> <u>the information it receives under division (C) of this section to</u> <u>the General Assembly not later than the first day of December of</u> <u>each odd-numbered year in accordance with section 101.68 of the</u> <u>Revised Code.</u>	60811 60812 60813 60814 60815
Sec. 3313.847 3317.30. <u>(A) In the case of a child placed in</u> <u>the custody of a juvenile facility established under section</u> <u>2151.65 or a detention facility established under section 2152.41</u> <u>of the Revised Code, if payment for the child's education services</u> <u>shall be administered by one of the following methods:</u>	60816 60817 60818 60819 60820
<u>(1) If the facility educates the child, the facility, or the</u>	60821

chartered nonpublic school it operates, may submit its request for 60822
payment directly to the school district that is to bear the cost 60823
of educating the child, as determined under section 2151.362 of 60824
the Revised Code. That district shall pay the facility or the 60825
chartered nonpublic school directly for those services. 60826

(2) If the facility contracts directly with a school district 60827
in which the facility is located for services for that child, the 60828
school district may submit its request for payment directly to the 60829
school district that is to bear the cost of educating the child, 60830
as determined under section 2151.362 of the Revised Code. That 60831
district shall pay the school district where the facility is 60832
located directly for those services. 60833

(3) If that facility contracts directly with an educational 60834
service center for services for that child, the service center may 60835
submit its request for payment for services for the child directly 60836
to the school district that is responsible to bear the cost of 60837
educating the child, as determined under section 2151.362 of the 60838
Revised Code. That district shall pay the service center directly 60839
for those services. ~~Notwithstanding~~ 60840

(B) ~~Notwithstanding~~ anything to the contrary in section 60841
3317.03 of the Revised Code, the district that pays a service 60842
center, facility or chartered nonpublic school the facility 60843
operates, or other school district for services for a particular 60844
child under this section shall include that child in the 60845
district's average daily membership as reported under division (A) 60846
of section 3317.03 of the Revised Code. No other district shall 60847
include the child in its average daily membership. 60848

Payments made for a child under this section shall be 60849
determined in accordance with division (C)(4) of section 3313.64 60850
of the Revised Code. 60851

Sec. 3317.40. (A) As used in this section, "subgroup" means 60852

one of the following subsets of the entire student population of a school district or a school building: 60853
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(1) Students with disabilities; 60855

(2) Economically disadvantaged students; 60856

(3) Limited English proficient students; 60857

(4) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. 60858
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(B) It is the intent of the general assembly that funds provided under this chapter shall be used for the provision of a system of common schools and the advancement of the knowledge of all students. As such, school districts and schools shall be held accountable for those funds to ensure that all students are provided an opportunity to graduate from high school prepared for a career or for post-secondary education. 60861
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(C) When funds are provided under this chapter specifically for services for a subgroup of students, the general assembly has determined that these students experience unique challenges requiring additional resources and intends that the funds so provided be used for services that will allow students in those subgroups to master the knowledge base required for high school graduation. 60868
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(D) If a district or school fails to show satisfactory achievement and progress, as determined by the state board of education, for any subgroup of students based on performance measures reported or graded under section 3302.03 of the Revised Code, the district or school shall submit an improvement plan to the department for approval. The plan may be included in any other improvement plan required of the district or school under state or federal law. The department may require that a plan required under 60875
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division (C) of this section include an agreement to partner with 60883
another organization that has demonstrated the ability to improve 60884
the educational outcome for that subgroup of students to provide 60885
services to those students. The partner organization may be 60886
another school, district, or other education provider. 60887

Not later than December 31, 2014, the state board of 60888
education shall establish measures of satisfactory achievement and 60889
progress, which include, but are not limited to, performance 60890
measures under section 3302.03 of the Revised Code. The department 60891
shall make the initial determination of satisfactory achievement 60892
and progress under this section using those measures not later 60893
than September 1, 2015, and then make determinations under this 60894
section annually thereafter. 60895

The department shall publish a list of schools, school 60896
districts, and other educational providers that have demonstrated 60897
an ability to serve each subgroup of students. 60898

Sec. 3317.50. The ~~eTech Ohio~~ telecommunity education fund is 60899
hereby created in the state treasury. The fund shall consist of 60900
certain excess local exchange telephone company contributions 60901
transferred from the reserve fund of the Ohio telecommunications 60902
advisory board pursuant to an agreement between the public 60903
utilities commission of Ohio and the Ohio department of education. 60904
The fund shall be used by the chancellor of the Ohio board of 60905
regents, in the amounts appropriated, to finance technology grants 60906
to state-chartered elementary and secondary schools. Investment 60907
earnings of the fund shall be credited to the fund. 60908

Sec. 3317.51. (A) The distance learning fund is hereby 60909
created in the state treasury. The fund shall consist of moneys 60910
paid ~~to the eTech Ohio commission~~ by any telephone company as a 60911
part of a settlement agreement between such company and the public 60912

utilities commission in fiscal year 1995 in part to establish 60913
distance learning throughout the state. The ~~commission~~ chancellor 60914
of the Ohio board of regents shall administer the fund and expend 60915
moneys from it to finance technology grants to eligible schools 60916
chartered by the state board of education to establish distance 60917
learning in those schools. Chartered schools are eligible for 60918
funds if they are within the service area of the telephone 60919
company. Investment earnings of the fund shall be credited to the 60920
fund. 60921

(B) For purposes of this section, "distance learning" means 60922
the creation of a learning environment involving a school setting 60923
and at least one other location outside of the school which allows 60924
for information available at one site to be accessed at the other 60925
through the use of such educational applications as one-way or 60926
two-way transmission of data, voice, and video, singularly or in 60927
appropriate combinations. 60928

Sec. 3318.011. For purposes of providing assistance under 60929
sections 3318.01 to 3318.20 of the Revised Code, the department of 60930
education shall annually do all of the following: 60931

(A) Calculate the adjusted valuation per pupil of each city, 60932
local, and exempted village school district according to the 60933
following formula: 60934

The district's valuation per pupil - 60935
[\$30,000 X (1 - the district's income factor)]. 60936

For purposes of this calculation: 60937

(1) Except for a district with an open enrollment net gain 60938
that is ten per cent or more of its formula ADM, "valuation per 60939
pupil" for a district means its average taxable value, divided by 60940
its formula ADM for the previous fiscal year. "Valuation per 60941
pupil," for a district with an open enrollment net gain that is 60942
ten per cent or more of its formula ADM, means its average taxable 60943

value, divided by the sum of its formula ADM for the previous 60944
fiscal year plus its open enrollment net gain for the previous 60945
fiscal year. 60946

(2) "Average taxable value" means the average of the sum of 60947
the amounts certified for a district under divisions (A)(1) and 60948
(2) of section 3317.021 of the Revised Code in the second, third, 60949
and fourth preceding fiscal years. 60950

(3) "Entitled to attend school" means entitled to attend 60951
school in a city, local, or exempted village school district under 60952
section 3313.64 or 3313.65 of the Revised Code. 60953

(4) "Formula ADM" ~~and "income factor"~~ have has the same 60954
~~meanings~~ meaning as in section 3317.02 of the Revised Code. 60955

(5) "Native student" has the same meaning as in section 60956
3313.98 of the Revised Code. 60957

(6) "Open enrollment net gain" for a district means (a) the 60958
number of the students entitled to attend school in another 60959
district but who are enrolled in the schools of the district under 60960
its open enrollment policy minus (b) the number of the district's 60961
native students who are enrolled in the schools of another 60962
district under the other district's open enrollment policy, both 60963
numbers as certified to the department under section 3313.981 of 60964
the Revised Code. If the difference is a negative number, the 60965
district's "open enrollment net gain" is zero. 60966

(7) "Open enrollment policy" means an interdistrict open 60967
enrollment policy adopted under section 3313.98 of the Revised 60968
Code. 60969

(8) "District median income" means the median Ohio adjusted 60970
gross income certified for a school district under section 60971
3317.021 of the Revised Code. 60972

(9) "Statewide median income" means the median district 60973

median income of all city, exempted village, and local school districts in the state. 60974
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(10) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income. 60976
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(B) Calculate for each district the three-year average of the adjusted valuations per pupil calculated for the district for the current and two preceding fiscal years; 60979
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(C) Rank all such districts in order of adjusted valuation per pupil from the district with the lowest three-year average adjusted valuation per pupil to the district with the highest three-year average adjusted valuation per pupil; 60982
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(D) Divide such ranking into percentiles with the first percentile containing the one per cent of school districts having the lowest three-year average adjusted valuations per pupil and the one-hundredth percentile containing the one per cent of school districts having the highest three-year average adjusted valuations per pupil; 60986
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(E) Determine the school districts that have three-year average adjusted valuations per pupil that are greater than the median three-year average adjusted valuation per pupil for all school districts in the state; 60992
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(F) On or before the first day of September, certify the information described in divisions (A) to (E) of this section to the Ohio school facilities commission. 60996
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60998

Sec. 3318.031. (A) The Ohio school facilities commission shall consider student and staff safety and health when reviewing design plans for classroom facility construction projects proposed under this chapter. After consulting with appropriate education, health, and law enforcement personnel, the commission may require 60999
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61001
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61003

as a condition of project approval under either section 3318.03 or 61004
division (B)(1) of section 3318.41 of the Revised Code such 61005
changes in the design plans as the commission believes will 61006
advance or improve student and staff safety and health in the 61007
proposed classroom facility. 61008

To carry out its duties under this division, the commission 61009
shall review and, if necessary, amend any construction and design 61010
standards used in its project approval process, including 61011
standards for location and number of exits, standards for lead 61012
safety in classroom facilities constructed before 1978 in which 61013
services are provided to children under six years of age, and 61014
location of restrooms, with a focus on advancing student and staff 61015
safety and health. 61016

(B) When reviewing design standards for classroom facility 61017
construction projects proposed under this chapter, the commission 61018
shall also consider the extent to which the design standards 61019
support the following: 61020

(1) ~~Support and facilitation of smaller classes and the trend~~ 61021
~~toward smaller schools~~ Trends in educational delivery methods, 61022
including digital access and blended learning; 61023

(2) Provision of sufficient space for training new teachers 61024
and promotion of collaboration among teaching candidates, 61025
experienced teachers, and teacher educators; 61026

(3) Provision of adequate space for teacher planning and 61027
collaboration; 61028

(4) Provision of adequate space for parent involvement 61029
activities; 61030

(5) Provision of sufficient space for innovative partnerships 61031
between schools and health and social service agencies. 61032

Sec. 3318.08. Except in the case of a joint vocational school 61033

district that receives assistance under sections 3318.40 to 61034
3318.45 of the Revised Code, if the requisite favorable vote on 61035
the election is obtained, or if the school district board has 61036
resolved to apply the proceeds of a property tax levy or the 61037
proceeds of an income tax, or a combination of proceeds from such 61038
taxes, as authorized in section 3318.052 of the Revised Code, the 61039
Ohio school facilities commission, upon certification to it of 61040
either the results of the election or the resolution under section 61041
3318.052 of the Revised Code, shall enter into a written agreement 61042
with the school district board for the construction and sale of 61043
the project. In the case of a joint vocational school district 61044
that receives assistance under sections 3318.40 to 3318.45 of the 61045
Revised Code, if the school district board of education and the 61046
school district electors have satisfied the conditions prescribed 61047
in division (D)(1) of section 3318.41 of the Revised Code, the 61048
commission shall enter into an agreement with the school district 61049
board for the construction and sale of the project. In either 61050
case, the agreement shall include, but need not be limited to, the 61051
following provisions: 61052

(A) The sale and issuance of bonds or notes in anticipation 61053
thereof, as soon as practicable after the execution of the 61054
agreement, in an amount equal to the school district's portion of 61055
the basic project cost, including any securities authorized under 61056
division (J) of section 133.06 of the Revised Code and dedicated 61057
by the school district board to payment of the district's portion 61058
of the basic project cost of the project; provided, that if at 61059
that time the county treasurer of each county in which the school 61060
district is located has not commenced the collection of taxes on 61061
the general duplicate of real and public utility property for the 61062
year in which the controlling board approved the project, the 61063
school district board shall authorize the issuance of a first 61064
installment of bond anticipation notes in an amount specified by 61065
the agreement, which amount shall not exceed an amount necessary 61066

to raise the net bonded indebtedness of the school district as of 61067
the date of the controlling board's approval to within five 61068
thousand dollars of the required level of indebtedness for the 61069
preceding year. In the event that a first installment of bond 61070
anticipation notes is issued, the school district board shall, as 61071
soon as practicable after the county treasurer of each county in 61072
which the school district is located has commenced the collection 61073
of taxes on the general duplicate of real and public utility 61074
property for the year in which the controlling board approved the 61075
project, authorize the issuance of a second and final installment 61076
of bond anticipation notes or a first and final issue of bonds. 61077

The combined value of the first and second installment of 61078
bond anticipation notes or the value of the first and final issue 61079
of bonds shall be equal to the school district's portion of the 61080
basic project cost. The proceeds of any such bonds shall be used 61081
first to retire any bond anticipation notes. Otherwise, the 61082
proceeds of such bonds and of any bond anticipation notes, except 61083
the premium and accrued interest thereon, shall be deposited in 61084
the school district's project construction fund. In determining 61085
the amount of net bonded indebtedness for the purpose of fixing 61086
the amount of an issue of either bonds or bond anticipation notes, 61087
gross indebtedness shall be reduced by moneys in the bond 61088
retirement fund only to the extent of the moneys therein on the 61089
first day of the year preceding the year in which the controlling 61090
board approved the project. Should there be a decrease in the tax 61091
valuation of the school district so that the amount of 61092
indebtedness that can be incurred on the tax duplicates for the 61093
year in which the controlling board approved the project is less 61094
than the amount of the first installment of bond anticipation 61095
notes, there shall be paid from the school district's project 61096
construction fund to the school district's bond retirement fund to 61097
be applied against such notes an amount sufficient to cause the 61098
net bonded indebtedness of the school district, as of the first 61099

day of the year following the year in which the controlling board 61100
approved the project, to be within five thousand dollars of the 61101
required level of indebtedness for the year in which the 61102
controlling board approved the project. The maximum amount of 61103
indebtedness to be incurred by any school district board as its 61104
share of the cost of the project is either an amount that will 61105
cause its net bonded indebtedness, as of the first day of the year 61106
following the year in which the controlling board approved the 61107
project, to be within five thousand dollars of the required level 61108
of indebtedness, or an amount equal to the required percentage of 61109
the basic project costs, whichever is greater. All bonds and bond 61110
anticipation notes shall be issued in accordance with Chapter 133. 61111
of the Revised Code, and notes may be renewed as provided in 61112
section 133.22 of the Revised Code. 61113

(B) The transfer of such funds of the school district board 61114
available for the project, together with the proceeds of the sale 61115
of the bonds or notes, except premium, accrued interest, and 61116
interest included in the amount of the issue, to the school 61117
district's project construction fund; 61118

(C) For all school districts except joint vocational school 61119
districts that receive assistance under sections 3318.40 to 61120
3318.45 of the Revised Code, the following provisions as 61121
applicable: 61122

(1) If section 3318.052 of the Revised Code applies, the 61123
earmarking of the proceeds of a tax levied under section 5705.21 61124
of the Revised Code for general permanent improvements or under 61125
section 5705.218 of the Revised Code for the purpose of permanent 61126
improvements, or the proceeds of a school district income tax 61127
levied under Chapter 5748. of the Revised Code, or the proceeds 61128
from a combination of those two taxes, in an amount to pay all or 61129
part of the service charges on bonds issued to pay the school 61130
district portion of the project and an amount equivalent to all or 61131

part of the tax required under division (B) of section 3318.05 of the Revised Code; 61132
61133

(2) If section 3318.052 of the Revised Code does not apply, 61134
one of the following: 61135

(a) The levy of the tax authorized at the election for the 61136
payment of maintenance costs, as specified in division (B) of 61137
section 3318.05 of the Revised Code; 61138

(b) If the school district electors have approved a 61139
continuing tax for general permanent improvements under section 61140
5705.21 of the Revised Code and that tax can be used for 61141
maintenance, the earmarking of an amount of the proceeds from such 61142
tax for maintenance of classroom facilities as specified in 61143
division (B) of section 3318.05 of the Revised Code; 61144

(c) If, in lieu of the tax otherwise required under division 61145
(B) of section 3318.05 of the Revised Code, the commission has 61146
approved the transfer of money to the maintenance fund in 61147
accordance with section 3318.051 of the Revised Code, a 61148
requirement that the district board comply with the provisions of 61149
that section. The district board may rescind the provision 61150
prescribed under division (C)(2)(c) of this section only so long 61151
as the electors of the district have approved, in accordance with 61152
section 3318.063 of the Revised Code, the levy of a tax for the 61153
maintenance of the classroom facilities acquired under the 61154
district's project and that levy continues to be collected as 61155
approved by the electors. 61156

(D) For joint vocational school districts that receive 61157
assistance under sections 3318.40 to 3318.45 of the Revised Code, 61158
provision for deposit of school district moneys dedicated to 61159
maintenance of the classroom facilities acquired under those 61160
sections as prescribed in section 3318.43 of the Revised Code; 61161

(E) Dedication of any local donated contribution as provided 61162

for under section 3318.084 of the Revised Code, including a 61163
schedule for depositing such moneys applied as an offset of the 61164
district's obligation to levy the tax described in division (B) of 61165
section 3318.05 of the Revised Code as required under division 61166
(D)(2) of section 3318.084 of the Revised Code; 61167

(F) Ownership of or interest in the project during the period 61168
of construction, which shall be divided between the commission and 61169
the school district board in proportion to their respective 61170
contributions to the school district's project construction fund; 61171

(G) Maintenance of the state's interest in the project until 61172
any obligations issued for the project under section 3318.26 of 61173
the Revised Code are no longer outstanding; 61174

(H) The insurance of the project by the school district from 61175
the time there is an insurable interest therein and so long as the 61176
state retains any ownership or interest in the project pursuant to 61177
division (F) of this section, in such amounts and against such 61178
risks as the commission shall require; provided, that the cost of 61179
any required insurance until the project is completed shall be a 61180
part of the basic project cost; 61181

(I) The certification by the director of budget and 61182
management that funds are available and have been set aside to 61183
meet the state's share of the basic project cost as approved by 61184
the controlling board pursuant to either section 3318.04 or 61185
division (B)(1) of section 3318.41 of the Revised Code; 61186

(J) Authorization of the school district board to advertise 61187
for and receive construction bids for the project, for and on 61188
behalf of the commission, and to award contracts in the name of 61189
the state subject to approval by the commission; 61190

(K) Provisions for the disbursement of moneys from the school 61191
district's project account upon issuance by the commission or the 61192
commission's designated representative of vouchers for work done 61193

to be certified to the commission by the treasurer of the school district board;	61194 61195
(L) Disposal of any balance left in the school district's project construction fund upon completion of the project;	61196 61197
(M) Limitations upon use of the project or any part of it so long as any obligations issued to finance the project under section 3318.26 of the Revised Code are outstanding;	61198 61199 61200
(N) Provision for vesting the state's interest in the project to the school district board when the obligations issued to finance the project under section 3318.26 of the Revised Code are outstanding;	61201 61202 61203 61204
(O) Provision for deposit of an executed copy of the agreement in the office of the commission;	61205 61206
(P) Provision for termination of the contract and release of the funds encumbered at the time of the conditional approval, if the proceeds of the sale of the bonds of the school district board are not paid into the school district's project construction fund and if bids for the construction of the project have not been taken within such period after the execution of the agreement as may be fixed by the commission;	61207 61208 61209 61210 61211 61212 61213
(Q) Provision for the school district to maintain the project in accordance with a plan approved by the commission;	61214 61215
(R) Provision that all state funds reserved and encumbered to pay the state share of the cost of the project and the funds provided by the school district to pay for its share of the project cost, including the respective shares of the cost of a segment if the project is divided into segments, be spent on the construction and acquisition of the project or segment simultaneously in proportion to the state's and the school district's respective shares of that basic project cost as determined under section 3318.032 of the Revised Code or, if the	61216 61217 61218 61219 61220 61221 61222 61223 61224

district is a joint vocational school district, under section 61225
3318.42 of the Revised Code. However, if the school district 61226
certifies to the commission that expenditure by the school 61227
district is necessary to maintain the federal tax status or 61228
tax-exempt status of notes or bonds issued by the school district 61229
to pay for its share of the project cost or to comply with 61230
applicable temporary investment periods or spending exceptions to 61231
rebate as provided for under federal law in regard to those notes 61232
or bonds, the school district may commit to spend, or spend, a 61233
greater portion of the funds it provides during any specific 61234
period than would otherwise be required under this division. 61235

(S) A provision stipulating that the commission may prohibit 61236
the district from proceeding with any project if the commission 61237
determines that the site is not suitable for construction 61238
purposes. The commission may perform soil tests in its 61239
determination of whether a site is appropriate for construction 61240
purposes. 61241

(T) A provision stipulating that, unless otherwise authorized 61242
by the commission, any contingency reserve portion of the 61243
construction budget prescribed by the commission shall be used 61244
only to pay costs resulting from unforeseen job conditions, to 61245
comply with rulings regarding building and other codes, to pay 61246
costs related to design clarifications or corrections to contract 61247
documents, and to pay the costs of settlements or judgments 61248
related to the project as provided under section 3318.086 of the 61249
Revised Code; 61250

(U) ~~Provision~~ A provision stipulating that for continued 61251
release of project funds the school district board shall comply 61252
with ~~section~~ sections 3313.41 and 3313.411 of the Revised Code 61253
throughout the project and shall notify the department of 61254
education and the Ohio community school association when the board 61255
plans to dispose of facilities by sale under that section; 61256

(V) ~~Provision~~ A provision stipulating that the commission 61257
shall not approve a contract for demolition of a facility until 61258
the school district board has complied with ~~section~~ sections 61259
3313.41 and 3313.411 of the Revised Code relative to that 61260
facility, unless demolition of that facility is to clear a site 61261
for construction of a replacement facility included in the 61262
district's project; 61263

(W) A requirement for the school district to adhere to a 61264
facilities maintenance plan approved by the commission. 61265

Sec. 3318.31. (A) The Ohio school facilities commission may 61266
perform any act and ensure the performance of any function 61267
necessary or appropriate to carry out the purposes of, and 61268
exercise the powers granted under, Chapter 3318. of the Revised 61269
Code, including any of the following: 61270

(1) Adopt, amend, and rescind, pursuant to section 111.15 of 61271
the Revised Code, rules for the administration of programs 61272
authorized under Chapter 3318. of the Revised Code. 61273

(2) Contract with, retain the services of, or designate, and 61274
fix the compensation of, such agents, accountants, consultants, 61275
advisers, and other independent contractors as may be necessary or 61276
desirable to carry out the programs authorized under Chapter 3318. 61277
of the Revised Code, or authorize the executive director to 61278
perform such powers and duties. 61279

(3) Receive and accept any gifts, grants, donations, and 61280
pledges, and receipts therefrom, to be used for the programs 61281
authorized under Chapter 3318. of the Revised Code. 61282

(4) Make and enter into all contracts, commitments, and 61283
agreements, and execute all instruments, necessary or incidental 61284
to the performance of its duties and the execution of its rights 61285
and powers under Chapter 3318. of the Revised Code, or authorize 61286

the executive director or the Ohio facilities construction 61287
commission to perform such powers and duties. 61288

(5) Request the Ohio facilities construction commission to 61289
debar a contractor as provided in section 153.02 of the Revised 61290
Code. 61291

(B) ~~The Ohio school facilities commission shall appoint and~~ 61292
~~fix the compensation of an~~ executive director who of the Ohio 61293
facilities construction commission, as appointed under division 61294
(B) of section 123.21 of the Revised Code, shall also serve at the 61295
~~pleasure of~~ as the executive director for the Ohio school 61296
facilities commission. The executive director shall exercise all 61297
powers that the Ohio school facilities commission possesses, 61298
supervise the operations of the Ohio school facilities commission 61299
and perform such other duties as delegated by the Ohio school 61300
facilities commission. The executive director also shall employ 61301
and fix the compensation of such employees as will facilitate the 61302
activities and purposes of the Ohio school facilities commission, 61303
who shall serve at the pleasure of the executive director. The 61304
employees of the Ohio school facilities commission shall be exempt 61305
from Chapter 4117. of the Revised Code and shall not be public 61306
employees as defined in section 4117.01 of the Revised Code. Any 61307
agreement entered into prior to July 1, 2012, between the office 61308
of collective bargaining and the exclusive representative for 61309
employees of the commission is binding and shall continue to have 61310
effect. 61311

(C) The attorney general shall serve as the legal 61312
representative for the Ohio school facilities commission and may 61313
appoint other counsel as necessary for that purpose in accordance 61314
with section 109.07 of the Revised Code. 61315

Sec. 3318.36. (A)(1) As used in this section: 61316

(a) "Ohio school facilities commission," "classroom 61317

facilities," "school district," "school district board," "net 61318
bonded indebtedness," "required percentage of the basic project 61319
costs," "basic project cost," "valuation," and "percentile" have 61320
the same meanings as in section 3318.01 of the Revised Code. 61321

(b) "Required level of indebtedness" means five per cent of 61322
the school district's valuation for the year preceding the year in 61323
which the commission and school district enter into an agreement 61324
under division (B) of this section, plus [two one-hundredths of 61325
one per cent multiplied by (the percentile in which the district 61326
ranks minus one)]. 61327

(c) "Local resources" means any moneys generated in any 61328
manner permitted for a school district board to raise the school 61329
district portion of a project undertaken with assistance under 61330
sections 3318.01 to 3318.20 of the Revised Code. 61331

(d) "Tangible personal property phase-out impacted district" 61332
means a school district for which the taxable value of its 61333
tangible personal property certified under division (A)(2) of 61334
section 3317.021 of the Revised Code for tax year 2005, excluding 61335
the taxable value of public utility personal property, made up 61336
eighteen per cent or more of its total taxable value for tax year 61337
2005 as certified under that section. 61338

(2) For purposes of determining the required level of 61339
indebtedness, the required percentage of the basic project costs 61340
under division (C)(1) of this section, and priority for assistance 61341
under sections 3318.01 to 3318.20 of the Revised Code, the 61342
percentile ranking of a school district with which the commission 61343
has entered into an agreement under this section between the first 61344
day of July and the thirty-first day of August in each fiscal year 61345
is the percentile ranking calculated for that district for the 61346
immediately preceding fiscal year, and the percentile ranking of a 61347
school district with which the commission has entered into such 61348
agreement between the first day of September and the thirtieth day 61349

of June in each fiscal year is the percentile ranking calculated 61350
for that district for the current fiscal year. However, in the 61351
case of a tangible personal property phase-out impacted district, 61352
the district's priority for assistance under sections 3318.01 to 61353
3318.20 of the Revised Code and its portion of the basic project 61354
cost under those sections shall be determined in the manner 61355
prescribed, respectively, in divisions (B)(3)(b) and (E)(1)(b) of 61356
this section. 61357

(B)(1) There is hereby established the school building 61358
assistance expedited local partnership program. Under the program, 61359
the Ohio school facilities commission may enter into an agreement 61360
with the board of any school district under which the board may 61361
proceed with the new construction or major repairs of a part of 61362
the district's classroom facilities needs, as determined under 61363
sections 3318.01 to 3318.20 of the Revised Code, through the 61364
expenditure of local resources prior to the school district's 61365
eligibility for state assistance under those sections, and may 61366
apply that expenditure toward meeting the school district's 61367
portion of the basic project cost of the total of the district's 61368
classroom facilities needs, as recalculated under division (E) of 61369
this section, when the district becomes eligible for state 61370
assistance under sections 3318.01 to 3318.20 or section 3318.364 61371
of the Revised Code. Any school district that is reasonably 61372
expected to receive assistance under sections 3318.01 to 3318.20 61373
of the Revised Code within two fiscal years from the date the 61374
school district adopts its resolution under division (B) of this 61375
section shall not be eligible to participate in the program 61376
established under this section. 61377

(2) To participate in the program, a school district board 61378
shall first adopt a resolution certifying to the commission the 61379
board's intent to participate in the program. 61380

The resolution shall specify the approximate date that the 61381

board intends to seek elector approval of any bond or tax measures 61382
or to apply other local resources to use to pay the cost of 61383
classroom facilities to be constructed under this section. The 61384
resolution may specify the application of local resources or 61385
elector-approved bond or tax measures after the resolution is 61386
adopted by the board, and in such case the board may proceed with 61387
a discrete portion of its project under this section as soon as 61388
the commission and the controlling board have approved the basic 61389
project cost of the district's classroom facilities needs as 61390
specified in division (D) of this section. The board shall submit 61391
its resolution to the commission not later than ten days after the 61392
date the resolution is adopted by the board. 61393

The commission shall not consider any resolution that is 61394
submitted pursuant to division (B)(2) of this section, as amended 61395
by this amendment, sooner than September 14, 2000. 61396

(3) For purposes of determining when a district that enters 61397
into an agreement under this section becomes eligible for 61398
assistance under sections 3318.01 to 3318.20 of the Revised Code 61399
or priority for assistance under section 3318.364 of the Revised 61400
Code, the commission shall use one of the following as applicable: 61401

(a) Except for a tangible personal property phase-out 61402
impacted district, the district's percentile ranking determined at 61403
the time the district entered into the agreement under this 61404
section, as prescribed by division (A)(2) of this section; 61405

(b) For a tangible personal property phase-out impacted 61406
district, the lesser of (i) the district's percentile ranking 61407
determined at the time the district entered into the agreement 61408
under this section, as prescribed by division (A)(2) of this 61409
section, or (ii) the district's current percentile ranking under 61410
section 3318.011 of the Revised Code. 61411

(4) Any project under this section shall comply with section 61412

3318.03 of the Revised Code and with any specifications for plans 61413
and materials for classroom facilities adopted by the commission 61414
under section 3318.04 of the Revised Code. 61415

(5) If a school district that enters into an agreement under 61416
this section has not begun a project applying local resources as 61417
provided for under that agreement at the time the district is 61418
notified by the commission that it is eligible to receive state 61419
assistance under sections 3318.01 to 3318.20 of the Revised Code, 61420
all assessment and agreement documents entered into under this 61421
section are void. 61422

(6) Only construction of or repairs to classroom facilities 61423
that have been approved by the commission and have been therefore 61424
included as part of a district's basic project cost qualify for 61425
application of local resources under this section. 61426

(C) Based on the results of on-site visits and assessment, 61427
the commission shall determine the basic project cost of the 61428
school district's classroom facilities needs. The commission shall 61429
determine the school district's portion of such basic project 61430
cost, which shall be the greater of: 61431

(1) The required percentage of the basic project costs, 61432
determined based on the school district's percentile ranking; 61433

(2) An amount necessary to raise the school district's net 61434
bonded indebtedness, as of the fiscal year the commission and the 61435
school district enter into the agreement under division (B) of 61436
this section, to within five thousand dollars of the required 61437
level of indebtedness. 61438

(D)(1) When the commission determines the basic project cost 61439
of the classroom facilities needs of a school district and the 61440
school district's portion of that basic project cost under 61441
division (C) of this section, the project shall be conditionally 61442
approved. Such conditional approval shall be submitted to the 61443

controlling board for approval thereof. The controlling board 61444
shall forthwith approve or reject the commission's determination, 61445
conditional approval, and the amount of the state's portion of the 61446
basic project cost; however, no state funds shall be encumbered 61447
under this section. Upon approval by the controlling board, the 61448
school district board may identify a discrete part of its 61449
classroom facilities needs, which shall include only new 61450
construction of or additions or major repairs to a particular 61451
building, to address with local resources. Upon identifying a part 61452
of the school district's basic project cost to address with local 61453
resources, the school district board may allocate any available 61454
school district moneys to pay the cost of that identified part, 61455
including the proceeds of an issuance of bonds if approved by the 61456
electors of the school district. 61457

All local resources utilized under this division shall first 61458
be deposited in the project construction account required under 61459
section 3318.08 of the Revised Code. 61460

(2) Unless the school district board exercises its option 61461
under division (D)(3) of this section, for a school district to 61462
qualify for participation in the program authorized under this 61463
section, one of the following conditions shall be satisfied: 61464

(a) The electors of the school district by a majority vote 61465
shall approve the levy of taxes outside the ten-mill limitation 61466
for a period of twenty-three years at the rate of not less than 61467
one-half mill for each dollar of valuation to be used to pay the 61468
cost of maintaining the classroom facilities included in the basic 61469
project cost as determined by the commission. The form of the 61470
ballot to be used to submit the question whether to approve the 61471
tax required under this division to the electors of the school 61472
district shall be the form for an additional levy of taxes 61473
prescribed in section 3318.361 of the Revised Code, which may be 61474
combined in a single ballot question with the questions prescribed 61475

under section 5705.218 of the Revised Code. 61476

(b) As authorized under division (C) of section 3318.05 of 61477
the Revised Code, the school district board shall earmark from the 61478
proceeds of a permanent improvement tax levied under section 61479
5705.21 of the Revised Code, an amount equivalent to the 61480
additional tax otherwise required under division (D)(2)(a) of this 61481
section for the maintenance of the classroom facilities included 61482
in the basic project cost as determined by the commission. 61483

(c) As authorized under section 3318.051 of the Revised Code, 61484
the school district board shall, if approved by the commission, 61485
annually transfer into the maintenance fund required under section 61486
3318.05 of the Revised Code the amount prescribed in section 61487
3318.051 of the Revised Code in lieu of the tax otherwise required 61488
under division (D)(2)(a) of this section for the maintenance of 61489
the classroom facilities included in the basic project cost as 61490
determined by the commission. 61491

(d) If the school district board has rescinded the agreement 61492
to make transfers under section 3318.051 of the Revised Code, as 61493
provided under division (F) of that section, the electors of the 61494
school district, in accordance with section 3318.063 of the 61495
Revised Code, first shall approve the levy of taxes outside the 61496
ten-mill limitation for the period specified in that section at a 61497
rate of not less than one-half mill for each dollar of valuation. 61498

(e) The school district board shall apply the proceeds of a 61499
tax to leverage bonds as authorized under section 3318.052 of the 61500
Revised Code or dedicate a local donated contribution in the 61501
manner described in division (B) of section 3318.084 of the 61502
Revised Code in an amount equivalent to the additional tax 61503
otherwise required under division (D)(2)(a) of this section for 61504
the maintenance of the classroom facilities included in the basic 61505
project cost as determined by the commission. 61506

(3) A school district board may opt to delay taking any of 61507
the actions described in division (D)(2) of this section until the 61508
school district becomes eligible for state assistance under 61509
sections 3318.01 to 3318.20 of the Revised Code. In order to 61510
exercise this option, the board shall certify to the commission a 61511
resolution indicating the board's intent to do so prior to 61512
entering into an agreement under division (B) of this section. 61513

(4) If pursuant to division (D)(3) of this section a district 61514
board opts to delay levying an additional tax until the district 61515
becomes eligible for state assistance, it shall submit the 61516
question of levying that tax to the district electors as follows: 61517

(a) In accordance with section 3318.06 of the Revised Code if 61518
it will also be necessary pursuant to division (E) of this section 61519
to submit a proposal for approval of a bond issue; 61520

(b) In accordance with section 3318.361 of the Revised Code 61521
if it is not necessary to also submit a proposal for approval of a 61522
bond issue pursuant to division (E) of this section. 61523

(5) No state assistance under sections 3318.01 to 3318.20 of 61524
the Revised Code shall be released until a school district board 61525
that adopts and certifies a resolution under division (D) of this 61526
section also demonstrates to the satisfaction of the commission 61527
compliance with the provisions of division (D)(2) of this section. 61528

Any amount required for maintenance under division (D)(2) of 61529
this section shall be deposited into a separate fund as specified 61530
in division (B) of section 3318.05 of the Revised Code. 61531

(E)(1) If the school district becomes eligible for state 61532
assistance under sections 3318.01 to 3318.20 of the Revised Code 61533
based on its percentile ranking under division (B)(3) of this 61534
section or is offered assistance under section 3318.364 of the 61535
Revised Code, the commission shall conduct a new assessment of the 61536
school district's classroom facilities needs and shall recalculate 61537

the basic project cost based on this new assessment. The basic 61538
project cost recalculated under this division shall include the 61539
amount of expenditures made by the school district board under 61540
division (D)(1) of this section. The commission shall then 61541
recalculate the school district's portion of the new basic project 61542
cost, which shall be one of the following as applicable: 61543

(a) Except for a tangible personal property phase-out 61544
impacted district, the percentage of the original basic project 61545
cost assigned to the school district as its portion under division 61546
(C) of this section; 61547

(b) For a tangible personal property phase-out impacted 61548
district, the lesser of (i) the percentage of the original basic 61549
project cost assigned to the school district as its portion under 61550
division (C) of this section, or (ii) the percentage of the new 61551
basic project cost determined under section 3318.032 of the 61552
Revised Code using the district's current percentile ranking under 61553
section 3318.011 of the Revised Code. The 61554

The commission shall deduct the expenditure of school 61555
district moneys made under division (D)(1) of this section from 61556
the school district's portion of the basic project cost as 61557
recalculated under this division. If the amount of school district 61558
resources applied by the school district board to the school 61559
district's portion of the basic project cost under this section is 61560
less than the total amount of such portion as recalculated under 61561
this division, the school district board by a majority vote of all 61562
of its members shall, if it desires to seek state assistance under 61563
sections 3318.01 to 3318.20 of the Revised Code, adopt a 61564
resolution as specified in section 3318.06 of the Revised Code to 61565
submit to the electors of the school district the question of 61566
approval of a bond issue in order to pay any additional amount of 61567
school district portion required for state assistance. Any tax 61568
levy approved under division (D) of this section satisfies the 61569

requirements to levy the additional tax under section 3318.06 of 61570
the Revised Code. 61571

(2) If the amount of school district resources applied by the 61572
school district board to the school district's portion of the 61573
basic project cost under this section is more than the total 61574
amount of such portion as recalculated under ~~this~~ division (E)(1) 61575
of this section, within one year after the school district's 61576
portion is so recalculated ~~under division (E)(1) of this section~~ 61577
the commission may grant to the school district the difference 61578
between the two calculated portions, but at no time shall the 61579
commission expend any state funds on a project in an amount 61580
greater than the state's portion of the basic project cost as 61581
recalculated under ~~this~~ division (E)(1) of this section. 61582

Any reimbursement under this division shall be only for local 61583
resources the school district has applied toward construction cost 61584
expenditures for the classroom facilities approved by the 61585
commission, which shall not include any financing costs associated 61586
with that construction. 61587

The school district board shall use any moneys reimbursed to 61588
the district under this division to pay off any debt service the 61589
district owes for classroom facilities constructed under its 61590
project under this section before such moneys are applied to any 61591
other purpose. However, the district board first may deposit 61592
moneys reimbursed under this division into the district's general 61593
fund or a permanent improvement fund to replace local resources 61594
the district withdrew from those funds, as long as, and to the 61595
extent that, those local resources were used by the district for 61596
constructing classroom facilities included in the district's basic 61597
project cost. 61598

(3) A tangible personal property phase-out impacted district 61599
shall receive credit under division (E) of this section for the 61600
expenditure of local resources pursuant to any prior agreement 61601

authorized by this section, notwithstanding any recalculation of 61602
its average taxable value. 61603

Sec. 3318.363. (A) This section applies beginning in fiscal 61604
year 2003 and only to a school district participating in the 61605
school building assistance expedited local partnership program 61606
under section 3318.36 of the Revised Code. 61607

(B) If there is a decrease in the tax valuation of a school 61608
district to which this section applies by ten per cent or greater 61609
from one tax year to the next due to a decrease in the assessment 61610
rate of the taxable property of an electric company that owns 61611
property in the district, as provided for in section 5727.111 of 61612
the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd 61613
General Assembly, the Ohio school facilities commission shall 61614
calculate or recalculate the state and school district portions of 61615
the basic project cost of the school district's project by 61616
determining the percentile rank in which the district would be 61617
located if such ranking were made using the adjusted valuation per 61618
pupil calculated under division (C) of this section rather than 61619
the three-year average adjusted valuation per pupil, calculated 61620
under division (B) of section 3318.011 of the Revised Code. For 61621
such district, the required percentage of the basic project cost 61622
used to determine the state and school district shares of that 61623
cost under division (C) of section 3318.36 of the Revised Code 61624
shall be based on the percentile rank as calculated under this 61625
section rather than as otherwise provided in division (C)(1) of 61626
section 3318.36 of the Revised Code. If the commission has 61627
determined the state and school district portion of the basic 61628
project cost of such a district's project under section 3318.36 of 61629
the Revised Code prior to that decrease in tax valuation, the 61630
commission shall adjust the state and school district shares of 61631
the basic project cost of such project in accordance with this 61632
section. 61633

(C)(1) As used in divisions (C) and (D) of this section, 61634
"total taxable value," and "formula ADM," ~~and "income factor"~~ have 61635
the same meanings as in section 3317.02 of the Revised Code, and 61636
"income factor" has the same meaning as in section 3318.011 of the 61637
Revised Code. 61638

(2) The adjusted valuation per pupil for a school district to 61639
which this section applies shall be calculated using the following 61640
formula: 61641

(The district's total taxable value for the tax year 61642
preceding the calendar year in which the current fiscal year 61643
begins / the district's formula ADM for the previous fiscal year) 61644
- [\$30,000 x (1 - the district's income factor)]. 61645

(D) At the request of the Ohio school facilities commission, 61646
the department of education shall report a district's total 61647
taxable value for the tax year preceding the calendar year in 61648
which the current fiscal year begins for any district to which 61649
this section applies as that information has been certified to the 61650
department by the tax commissioner pursuant to section 3317.021 of 61651
the Revised Code. 61652

Sec. 3319.031. Notwithstanding any provision of the Revised 61653
Code to the contrary, if the board of education of a city, local, 61654
or exempted village school district does not appoint a business 61655
manager under section 3319.03 of the Revised Code, the board may 61656
assign powers and duties specified in section 3319.04 of the 61657
Revised Code to one or more employees or officers of the board, 61658
including the treasurer, and may give the employees or officers 61659
any title recognizing the assignment of the powers and duties. The 61660
prohibition, in section 3319.04 of the Revised Code, against a 61661
business manager having possession of moneys does not prevent a 61662
board from assigning powers and duties specified in that section 61663
to the treasurer and does not prevent a treasurer who is assigned 61664

those powers and duties from exercising the powers and duties of treasurer. If the board assigns the duties of a business manager under section 3319.04 of the Revised Code to the treasurer, the treasurer shall not have the authority to make recommendations to appoint or discharge noneducational employees, except as provided under section 3313.31 of the Revised Code. Instead, the district superintendent shall be responsible for making recommendations, subject to confirmation by the board, for the appointment or discharge of noneducational employees.

Sec. 3319.07. (A) The board of education of each city, exempted village, local, and joint vocational school district shall employ the teachers of the public schools of their respective districts.

The governing board of each educational service center may employ special instruction teachers, special education teachers, and teachers of academic courses in which there are too few students in each of the school districts entering into agreements pursuant to section 3313.843 of the Revised Code to warrant each district's employing teachers for those courses.

When any board makes appointments of teachers, the teachers in the employ of the board shall be considered before new teachers are chosen in their stead. In all school districts and in service centers, no teacher shall be employed unless such person is nominated by the superintendent of such district or center, or by another individual designated by the board in the event that the superintendent's nomination would be a violation of section 2921.42 of the Revised Code. Such board, by a three-fourths vote of its full membership, may re-employ any teacher whom the superintendent refuses to appoint.

(B) The board of education of any school district may

contract with the governing board of the educational service 61695
center from which it otherwise receives services to conduct 61696
searches and recruitment of candidates for teacher positions. 61697

Sec. 3319.073. (A) The board of education of each city and 61698
exempted village school district and the governing board of each 61699
educational service center shall adopt or adapt the curriculum 61700
developed by the department of education for, or shall develop in 61701
consultation with public or private agencies or persons involved 61702
in child abuse prevention or intervention programs, a program of 61703
in-service training in the prevention of child abuse, violence, 61704
and substance abuse and the promotion of positive youth 61705
development. Each person employed by any school district or 61706
service center to work in a school as a nurse, teacher, counselor, 61707
school psychologist, or administrator shall complete at least four 61708
hours of the in-service training within two years of commencing 61709
employment with the district or center, and every five years 61710
thereafter. A person who is employed by any school district or 61711
service center to work in an elementary school as a nurse, 61712
teacher, counselor, school psychologist, or administrator on March 61713
30, 2007, shall complete at least four hours of the in-service 61714
training not later than March 30, 2009, and every five years 61715
thereafter. A person who is employed by any school district or 61716
service center to work in a middle or high school as a nurse, 61717
teacher, counselor, school psychologist, or administrator on 61718
October 16, 2009, shall complete at least four hours of the 61719
in-service training not later than October 16, 2011, and every 61720
five years thereafter. 61721

(B) Each board shall incorporate training in school safety 61722
and violence prevention, including human trafficking content, into 61723
the in-service training required by division (A) of this section. 61724
For this purpose, the board shall adopt or adapt the curriculum 61725
developed by the department or shall develop its own curriculum in 61726

consultation with public or private agencies or persons involved 61727
in school safety and violence prevention programs. 61728

(C) Each board shall incorporate training on the board's 61729
harassment, intimidation, or bullying policy adopted under section 61730
3313.666 of the Revised Code into the in-service training required 61731
by division (A) of this section. Each board also shall incorporate 61732
training in the prevention of dating violence into the in-service 61733
training required by that division for middle and high school 61734
employees. The board shall develop its own curricula for these 61735
purposes. 61736

(D) Each board shall incorporate training in youth suicide 61737
awareness and prevention into the in-service training required by 61738
division (A) of this section for each person employed by a school 61739
district or service center to work in a school as a nurse, 61740
teacher, counselor, school psychologist, or administrator, and any 61741
other personnel that the board determines appropriate. For this 61742
purpose, the board shall adopt or adapt the curriculum developed 61743
by the department or shall develop its own curriculum in 61744
consultation with public or private agencies or persons involved 61745
in youth suicide awareness and prevention programs. 61746

The training completed under this division shall count toward 61747
the satisfaction of requirements for professional development 61748
required by the school district or service center board, and the 61749
training may be accomplished through self-review of suitable 61750
suicide prevention materials approved by the board. 61751

Sec. 3319.112. (A) Not later than December 31, 2011, the 61752
state board of education shall develop a standards-based state 61753
framework for the evaluation of teachers. The state board may 61754
update the framework periodically by adoption of a resolution. The 61755
framework shall establish an evaluation system that does the 61756
following: 61757

(1) Provides for multiple evaluation factors. One factor shall be student academic growth which shall account for fifty per cent of each evaluation. When applicable to the grade level or subject area taught by a teacher, the value-added progress dimension established under section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code shall be used in the student academic growth portion of an evaluation in proportion to the part of a teacher's schedule of courses or subjects for which the value-added progress dimension is applicable.

If a teacher's schedule is comprised only of courses or subjects for which the value-added progress dimension is applicable, one of the following applies:

(a) Beginning with ~~the effective date of this amendment~~ March 22, 2013, until June 30, 2014, the majority of the student academic growth factor of the evaluation shall be based on the value-added progress dimension.

(b) On or after July 1, 2014, the entire student academic growth factor of the evaluation shall be based on the value-added progress dimension. In calculating student academic growth for an evaluation, a student shall not be included if the student has ~~sixty~~ forty-five or more excused or unexcused absences ~~for the school~~ during the full academic year.

(2) Is aligned with the standards for teachers adopted under section 3319.61 of the Revised Code;

(3) Requires observation of the teacher being evaluated, including at least two formal observations by the evaluator of at least thirty minutes each and classroom walkthroughs;

(4) Assigns a rating on each evaluation in accordance with division (B) of this section;

(5) Requires each teacher to be provided with a written report of the results of the teacher's evaluation;	61789 61790
(6) Identifies measures of student academic growth for grade levels and subjects for which the value-added progress dimension prescribed by section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code does not apply;	61791 61792 61793 61794 61795 61796
(7) Implements a classroom-level, value-added program developed by a nonprofit organization described in division (B) of section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code;	61797 61798 61799 61800 61801
(8) Provides for professional development to accelerate and continue teacher growth and provide support to poorly performing teachers;	61802 61803 61804
(9) Provides for the allocation of financial resources to support professional development.	61805 61806
(B) For purposes of the framework developed under this section, the state board also shall do the following:	61807 61808
(1) Develop specific standards and criteria that distinguish between the following levels of performance for teachers and principals for the purpose of assigning ratings on the evaluations conducted under sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code:	61809 61810 61811 61812 61813
(a) Accomplished;	61814
(b) Proficient <u>Skilled</u> ;	61815
(c) Developing;	61816
(d) Ineffective.	61817
(2) For grade levels and subjects for which the assessments	61818

prescribed under sections 3301.0710 and 3301.0712 of the Revised Code and the value-added progress dimension prescribed by section 3302.021 of the Revised Code, or alternative student academic progress measure, do not apply, develop a list of student assessments that measure mastery of the course content for the appropriate grade level, which may include nationally normed standardized assessments, industry certification examinations, or end-of-course examinations.

(C) The state board shall consult with experts, teachers and principals employed in public schools, and representatives of stakeholder groups in developing the standards and criteria required by division (B)(1) of this section.

(D) To assist school districts in developing evaluation policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code, the department shall do both of the following:

(1) Serve as a clearinghouse of promising evaluation procedures and evaluation models that districts may use;

(2) Provide technical assistance to districts in creating evaluation policies.

(E) Not later than June 30, 2013, the state board, in consultation with state agencies that employ teachers, shall develop a standards-based framework for the evaluation of teachers employed by those agencies. Each state agency that employs teachers shall adopt a standards-based teacher evaluation policy that conforms with the framework developed under this division. The policy shall become operative at the expiration of any collective bargaining agreement covering teachers employed by the agency that is in effect on September 24, 2012, and shall be included in any renewal or extension of such an agreement. However, this division does not apply to any person who is employed as a substitute teacher or as an instructor of adult

education. 61850

Sec. 3319.17. (A) As used in this section, "interdistrict 61851
contract" means any contract or agreement entered into by an 61852
educational service center governing board and another board or 61853
other public entity pursuant to section 3313.17, 3313.841, 61854
3313.842, 3313.843, 3313.844, 3313.845, 3313.91, or 3323.08 of the 61855
Revised Code, including any such contract or agreement for the 61856
provision of services funded under division (E) of section 61857
3317.024 of the Revised Code ~~or provided in any unit approved~~ 61858
~~under section 3317.05 of the Revised Code.~~ 61859

(B) When, for any of the following reasons that apply to any 61860
city, exempted village, local, or joint vocational school district 61861
or any educational service center, the board decides that it will 61862
be necessary to reduce the number of teachers it employs, it may 61863
make a reasonable reduction: 61864

(1) In the case of any district or service center, return to 61865
duty of regular teachers after leaves of absence including 61866
suspension of schools, territorial changes affecting the district 61867
or center, or financial reasons; 61868

(2) In the case of any city, exempted village, local, or 61869
joint vocational school district, decreased enrollment of pupils 61870
in the district; 61871

(3) In the case of any governing board of a service center 61872
providing any particular service directly to pupils pursuant to 61873
one or more interdistrict contracts requiring such service, 61874
reduction in the total number of pupils the governing board is 61875
required to provide with the service under all interdistrict 61876
contracts as a result of the termination or nonrenewal of one or 61877
more of these interdistrict contracts; 61878

(4) In the case of any governing board providing any 61879

particular service that it does not provide directly to pupils 61880
pursuant to one or more interdistrict contracts requiring such 61881
service, reduction in the total level of the service the governing 61882
board is required to provide under all interdistrict contracts as 61883
a result of the termination or nonrenewal of one or more of these 61884
interdistrict contracts. 61885

(C) In making any such reduction, any city, exempted village, 61886
local, or joint vocational school board shall proceed to suspend 61887
contracts in accordance with the recommendation of the 61888
superintendent of schools who shall, within each teaching field 61889
affected, give preference to teachers on continuing contracts. The 61890
board shall not give preference to any teacher based on seniority, 61891
except when making a decision between teachers who have comparable 61892
evaluations. 61893

On a case-by-case basis, in lieu of suspending a contract in 61894
whole, a board may suspend a contract in part, so that an 61895
individual is required to work a percentage of the time the 61896
employee otherwise is required to work under the contract and 61897
receives a commensurate percentage of the full compensation the 61898
employee otherwise would receive under the contract. 61899

The teachers whose continuing contracts are suspended by any 61900
board pursuant to this section shall have the right of restoration 61901
to continuing service status by that board if and when teaching 61902
positions become vacant or are created for which any of such 61903
teachers are or become qualified. No teacher whose continuing 61904
contract has been suspended pursuant to this section shall lose 61905
that right of restoration to continuing service status by reason 61906
of having declined recall to a position that is less than 61907
full-time or, if the teacher was not employed full-time just prior 61908
to suspension of the teacher's continuing contract, to a position 61909
requiring a lesser percentage of full-time employment than the 61910
position the teacher last held while employed in the district or 61911

service center. Seniority shall not be the basis for rehiring a 61912
teacher, except when making a decision between teachers who have 61913
comparable evaluations. 61914

(D) Notwithstanding any provision to the contrary in Chapter 61915
4117. of the Revised Code: 61916

(1) The requirements of this section, as it existed prior to 61917
~~the effective date of this amendment September 29, 2011~~, prevail 61918
over any conflicting provisions of agreements between employee 61919
organizations and public employers entered into between September 61920
29, 2005, and ~~that effective date September 29, 2011~~; 61921

(2) The requirements of this section, as it exists on and 61922
~~after the effective date of this amendment September 29, 2011~~, 61923
prevail over any conflicting provisions of agreements between 61924
employee organizations and public employers entered into on or 61925
after ~~that effective date September 29, 2011~~. 61926

Sec. 3319.22. (A)(1) The state board of education shall issue 61927
the following educator licenses: 61928

(a) A resident educator license, which shall be valid for 61929
four years, except that the state board, on a case-by-case basis, 61930
may extend the license's duration as necessary to enable the 61931
license holder to complete the Ohio teacher residency program 61932
established under section 3319.223 of the Revised Code; 61933

(b) A professional educator license, which shall be valid for 61934
five years and shall be renewable; 61935

(c) A senior professional educator license, which shall be 61936
valid for five years and shall be renewable; 61937

(d) A lead professional educator license, which shall be 61938
valid for five years and shall be renewable. 61939

(2) The state board may issue any additional educator 61940
licenses of categories, types, and levels the board elects to 61941

provide. 61942

(3) The state board shall adopt rules establishing the 61943
standards and requirements for obtaining each educator license 61944
issued under this section. 61945

(B) The rules adopted under this section shall require at 61946
least the following standards and qualifications for the educator 61947
licenses described in division (A)(1) of this section: 61948

(1) An applicant for a resident educator license shall hold 61949
at least a bachelor's degree from an accredited teacher 61950
preparation program or be a participant in the teach for America 61951
program and meet the qualifications required under section 61952
3319.227 of the Revised Code. 61953

(2) An applicant for a professional educator license shall: 61954

(a) Hold at least a bachelor's degree from an institution of 61955
higher education accredited by a regional accrediting 61956
organization; 61957

(b) Have successfully completed the Ohio teacher residency 61958
program established under section 3319.223 of the Revised Code, if 61959
the applicant's current or most recently issued license is a 61960
resident educator license issued under this section or an 61961
alternative resident educator license issued under section 3319.26 61962
of the Revised Code. 61963

(3) An applicant for a senior professional educator license 61964
shall: 61965

(a) Hold at least a master's degree from an institution of 61966
higher education accredited by a regional accrediting 61967
organization; 61968

(b) Have previously held a professional educator license 61969
issued under this section or section 3319.222 or under former 61970
section 3319.22 of the Revised Code; 61971

(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.	61972 61973 61974 61975
(4) An applicant for a lead professional educator license shall:	61976 61977
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	61978 61979 61980
(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;	61981 61982 61983 61984
(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;	61985 61986 61987
(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code.	61988 61989 61990 61991 61992
(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code.	61993 61994 61995 61996
(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of the Ohio board of regents, in the manner and to the extent permitted by state and federal law.	61997 61998 61999 62000 62001

(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows:

(1) Notwithstanding division (D) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, in the case of the adoption of any rule or the amendment or rescission of any rule that necessitates institutions' offering preparation programs for educators and other school personnel that are approved by the chancellor of the Ohio board of regents under section 3333.048 of the Revised Code to revise the curriculum of those programs, the effective date shall not be as prescribed in division (D) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code. Instead, the effective date of such rules, or the amendment or rescission of such rules, shall be the date prescribed by section 3333.048 of the Revised Code.

(2) Notwithstanding the authority to adopt, amend, or rescind emergency rules in division (F) of section 119.03 of the Revised Code, this authority shall not apply to the state board of education with regard to rules for educator licenses.

(F)(1) The rules adopted under this section establishing standards requiring additional coursework for the renewal of any educator license shall require a school district and a chartered nonpublic school to establish local professional development committees. In a nonpublic school, the chief administrative officer shall establish the committees in any manner acceptable to such officer. The committees established under this division shall determine whether coursework that a district or chartered nonpublic school teacher proposes to complete meets the requirement of the rules. The department of education shall provide technical assistance and support to committees as the

committees incorporate the professional development standards 62034
adopted by the state board of education pursuant to section 62035
3319.61 of the Revised Code into their review of coursework that 62036
is appropriate for license renewal. The rules shall establish a 62037
procedure by which a teacher may appeal the decision of a local 62038
professional development committee. 62039

(2) In any school district in which there is no exclusive 62040
representative established under Chapter 4117. of the Revised 62041
Code, the professional development committees shall be established 62042
as described in division (F)(2) of this section. 62043

Not later than the effective date of the rules adopted under 62044
this section, the board of education of each school district shall 62045
establish the structure for one or more local professional 62046
development committees to be operated by such school district. The 62047
committee structure so established by a district board shall 62048
remain in effect unless within thirty days prior to an anniversary 62049
of the date upon which the current committee structure was 62050
established, the board provides notice to all affected district 62051
employees that the committee structure is to be modified. 62052
Professional development committees may have a district-level or 62053
building-level scope of operations, and may be established with 62054
regard to particular grade or age levels for which an educator 62055
license is designated. 62056

Each professional development committee shall consist of at 62057
least three classroom teachers employed by the district, one 62058
principal employed by the district, and one other employee of the 62059
district appointed by the district superintendent. For committees 62060
with a building-level scope, the teacher and principal members 62061
shall be assigned to that building, and the teacher members shall 62062
be elected by majority vote of the classroom teachers assigned to 62063
that building. For committees with a district-level scope, the 62064
teacher members shall be elected by majority vote of the classroom 62065

teachers of the district, and the principal member shall be 62066
elected by a majority vote of the principals of the district, 62067
unless there are two or fewer principals employed by the district, 62068
in which case the one or two principals employed shall serve on 62069
the committee. If a committee has a particular grade or age level 62070
scope, the teacher members shall be licensed to teach such grade 62071
or age levels, and shall be elected by majority vote of the 62072
classroom teachers holding such a license and the principal shall 62073
be elected by all principals serving in buildings where any such 62074
teachers serve. The district superintendent shall appoint a 62075
replacement to fill any vacancy that occurs on a professional 62076
development committee, except in the case of vacancies among the 62077
elected classroom teacher members, which shall be filled by vote 62078
of the remaining members of the committee so selected. 62079

Terms of office on professional development committees shall 62080
be prescribed by the district board establishing the committees. 62081
The conduct of elections for members of professional development 62082
committees shall be prescribed by the district board establishing 62083
the committees. A professional development committee may include 62084
additional members, except that the majority of members on each 62085
such committee shall be classroom teachers employed by the 62086
district. Any member appointed to fill a vacancy occurring prior 62087
to the expiration date of the term for which a predecessor was 62088
appointed shall hold office as a member for the remainder of that 62089
term. 62090

The initial meeting of any professional development 62091
committee, upon election and appointment of all committee members, 62092
shall be called by a member designated by the district 62093
superintendent. At this initial meeting, the committee shall 62094
select a chairperson and such other officers the committee deems 62095
necessary, and shall adopt rules for the conduct of its meetings. 62096
Thereafter, the committee shall meet at the call of the 62097

chairperson or upon the filing of a petition with the district 62098
superintendent signed by a majority of the committee members 62099
calling for the committee to meet. 62100

(3) In the case of a school district in which an exclusive 62101
representative has been established pursuant to Chapter 4117. of 62102
the Revised Code, professional development committees shall be 62103
established in accordance with any collective bargaining agreement 62104
in effect in the district that includes provisions for such 62105
committees. 62106

If the collective bargaining agreement does not specify a 62107
different method for the selection of teacher members of the 62108
committees, the exclusive representative of the district's 62109
teachers shall select the teacher members. 62110

If the collective bargaining agreement does not specify a 62111
different structure for the committees, the board of education of 62112
the school district shall establish the structure, including the 62113
number of committees and the number of teacher and administrative 62114
members on each committee; the specific administrative members to 62115
be part of each committee; whether the scope of the committees 62116
will be district levels, building levels, or by type of grade or 62117
age levels for which educator licenses are designated; the lengths 62118
of terms for members; the manner of filling vacancies on the 62119
committees; and the frequency and time and place of meetings. 62120
However, in all cases, except as provided in division (F)(4) of 62121
this section, there shall be a majority of teacher members of any 62122
professional development committee, there shall be at least five 62123
total members of any professional development committee, and the 62124
exclusive representative shall designate replacement members in 62125
the case of vacancies among teacher members, unless the collective 62126
bargaining agreement specifies a different method of selecting 62127
such replacements. 62128

(4) Whenever an administrator's coursework plan is being 62129

discussed or voted upon, the local professional development 62130
committee shall, at the request of one of its administrative 62131
members, cause a majority of the committee to consist of 62132
administrative members by reducing the number of teacher members 62133
voting on the plan. 62134

(G)(1) The department of education, educational service 62135
centers, county boards of developmental disabilities, regional 62136
professional development centers, special education regional 62137
resource centers, college and university departments of education, 62138
head start programs, ~~the eTech Ohio commission~~, and the Ohio 62139
education computer network may establish local professional 62140
development committees to determine whether the coursework 62141
proposed by their employees who are licensed or certificated under 62142
this section or section 3319.222 of the Revised Code, or under the 62143
former version of either section as it existed prior to October 62144
16, 2009, meet the requirements of the rules adopted under this 62145
section. They may establish local professional development 62146
committees on their own or in collaboration with a school district 62147
or other agency having authority to establish them. 62148

Local professional development committees established by 62149
county boards of developmental disabilities shall be structured in 62150
a manner comparable to the structures prescribed for school 62151
districts in divisions (F)(2) and (3) of this section, as shall 62152
the committees established by any other entity specified in 62153
division (G)(1) of this section that provides educational services 62154
by employing or contracting for services of classroom teachers 62155
licensed or certificated under this section or section 3319.222 of 62156
the Revised Code, or under the former version of either section as 62157
it existed prior to October 16, 2009. All other entities specified 62158
in division (G)(1) of this section shall structure their 62159
committees in accordance with guidelines which shall be issued by 62160
the state board. 62161

(2) Any public agency that is not specified in division 62162
(G)(1) of this section but provides educational services and 62163
employs or contracts for services of classroom teachers licensed 62164
or certificated under this section or section 3319.222 of the 62165
Revised Code, or under the former version of either section as it 62166
existed prior to October 16, 2009, may establish a local 62167
professional development committee, subject to the approval of the 62168
department of education. The committee shall be structured in 62169
accordance with guidelines issued by the state board. 62170

Sec. 3319.235. (A) The standards for the preparation of 62171
teachers adopted under section 3333.048 of the Revised Code shall 62172
require any institution that provides a course of study for the 62173
training of teachers to ensure that graduates of such course of 62174
study are skilled at integrating educational technology in the 62175
instruction of children, as evidenced by the graduate having 62176
either demonstrated proficiency in such skills in a manner 62177
prescribed by the department of education or completed a course 62178
that includes training in such skills. 62179

(B) The ~~eTech Ohio commission~~ chancellor of the Ohio board of 62180
regents, in consultation with the department of education, shall 62181
establish model professional development programs to assist 62182
teachers who completed their teacher preparation prior to the 62183
effective date of division (A) of this section to become skilled 62184
at integrating educational technology in the instruction of 62185
children. The ~~commission~~ chancellor shall provide technical 62186
assistance to school districts wishing to establish such programs. 62187

Sec. 3319.57. (A) A grant program is hereby established under 62188
which the department of education shall award grants to assist 62189
certain schools in a city, exempted village, local, or joint 62190
vocational school district in implementing one of the following 62191
innovations: 62192

(1) The use of instructional specialists to mentor and support classroom teachers;	62193 62194
(2) The use of building managers to supervise the administrative functions of school operation so that a school principal can focus on supporting instruction, providing instructional leadership, and engaging teachers as part of the instructional leadership team;	62195 62196 62197 62198 62199
(3) The reconfiguration of school leadership structure in a manner that allows teachers to serve in leadership roles so that teachers may share the responsibility for making and implementing school decisions;	62200 62201 62202 62203
(4) The adoption of new models for restructuring the school day or school year, such as including teacher planning and collaboration time as part of the school day;	62204 62205 62206
(5) The creation of smaller schools or smaller units within larger schools for the purpose of facilitating teacher collaboration to improve and advance the professional practice of teaching;	62207 62208 62209 62210
(6) The implementation of "grow your own" recruitment strategies that are designed to assist individuals who show a commitment to education become licensed teachers, to assist experienced teachers obtain licensure in subject areas for which there is need, and to assist teachers in becoming principals;	62211 62212 62213 62214 62215
(7) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size;	62216 62217
(8) The provision of incentives to attract qualified mathematics, science, or special education teachers;	62218 62219
(9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas;	62220 62221 62222

(10) The implementation of a program to increase the cultural competency of both new and veteran teachers; 62223
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(11) The implementation of a program to increase the subject matter competency of veteran teachers. 62225
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(B) To qualify for a grant to implement one of the innovations described in division (A) of this section, a school must meet both of the following criteria: 62227
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(1) Be hard to staff, as defined by the department. 62230

(2) Use existing school district funds for the implementation of the innovation in an amount equal to the grant amount multiplied by (1 - the district's state share percentage index for the fiscal year in which the grant is awarded). 62231
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For purposes of division (B)(2) of this section, "state share percentage index" has the same meaning as in section 3317.02 of the Revised Code. 62235
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(C) The amount and number of grants awarded under this section shall be determined by the department based on any appropriations made by the general assembly for grants under this section. 62238
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(D) The state board of education shall adopt rules for the administration of this grant program. 62242
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Sec. 3319.58. (A) As used in this section, "core subject area" has the same meaning as in section 3319.074 of the Revised Code. 62244
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(B) Each year, beginning with the 2015-2016 school year, the board of education of each city, exempted village, local, and joint vocational school district shall require each classroom teacher who is currently teaching in a core subject area and has received a rating of ineffective on the evaluations conducted under section 3319.111 of the Revised Code for two of the three 62247
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most recent school years to register for and take all written 62253
examinations of content knowledge selected by the department of 62254
education as appropriate to determine expertise to teach that core 62255
subject area and the grade level to which the teacher is assigned. 62256

(C) Each year, beginning with the 2015-2016 school year, the 62257
governing authority of each community school established under 62258
Chapter 3314. of the Revised Code, except a community school to 62259
which section 3314.017 of the Revised Code applies or a community 62260
school described in division (A)(4)(b) of section 3314.35 of the 62261
Revised Code, and governing body of each STEM school established 62262
under Chapter 3326. of the Revised Code with a building ranked in 62263
the lowest ten per cent of all public school buildings according 62264
to performance index score, under section 3302.21 of the Revised 62265
Code, shall require each classroom teacher currently teaching in a 62266
core subject area in such a building to register for and take all 62267
written examinations of content knowledge selected by the 62268
department as appropriate to determine expertise to teach that 62269
core subject area and the grade level to which the teacher is 62270
assigned. 62271

(D) If a teacher who takes an examination under division (B) 62272
of this section passes that examination and provides proof of that 62273
passage to the teacher's employer, the employer shall require the 62274
teacher, at the teacher's expense, to complete professional 62275
development that is targeted to the deficiencies identified in the 62276
teacher's evaluations conducted under section 3319.111 of the 62277
Revised Code. The receipt by the teacher of a rating of 62278
ineffective on the teacher's next evaluation after completion of 62279
the professional development, or the failure of the teacher to 62280
complete the professional development, shall be grounds for 62281
termination of the teacher under section 3319.16 of the Revised 62282
Code. 62283

(E) If a teacher who takes an examination under this section 62284

passes that examination and provides proof of that passage to the 62285
teacher's employer, the teacher shall not be required to take the 62286
examination again for three years, regardless of the teacher's 62287
evaluation ratings or the performance index score ranking of the 62288
building in which the teacher teaches. No teacher shall be 62289
responsible for the cost of taking an examination under this 62290
section. 62291

(F) Each district board of education, each community school 62292
governing authority, and each STEM school governing body may use 62293
the results of a teacher's examinations required under division 62294
(B) or (C) of this section in developing and revising professional 62295
development plans and in deciding whether or not to continue 62296
employing the teacher in accordance with the provisions of this 62297
chapter or Chapter 3314. or 3326. of the Revised Code. However, no 62298
decision to terminate or not to renew a teacher's employment 62299
contract shall be made solely on the basis of the results of a 62300
teacher's examination under this section until and unless the 62301
teacher has not attained a passing score on the same required 62302
examination for at least three consecutive administrations of that 62303
examination. 62304

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 62305
"guardian," or "other person having charge or care of a child" 62306
means either parent unless the parents are separated or divorced 62307
or their marriage has been dissolved or annulled, in which case 62308
"parent" means the parent who is the residential parent and legal 62309
custodian of the child. If the child is in the legal or permanent 62310
custody of a person or government agency, "parent" means that 62311
person or government agency. When a child is a resident of a home, 62312
as defined in section 3313.64 of the Revised Code, and the child's 62313
parent is not a resident of this state, "parent," "guardian," or 62314
"other person having charge or care of a child" means the head of 62315
the home. 62316

A child between six and eighteen years of age is "of compulsory school age" for the purpose of sections 3321.01 to 3321.13 of the Revised Code. A child under six years of age who has been enrolled in kindergarten also shall be considered "of compulsory school age" for the purpose of sections 3321.01 to 3321.13 of the Revised Code unless at any time the child's parent or guardian, at the parent's or guardian's discretion and in consultation with the child's teacher and principal, formally withdraws the child from kindergarten. The compulsory school age of a child shall not commence until the beginning of the term of such schools, or other time in the school year fixed by the rules of the board of the district in which the child resides.

(2) ~~No child shall be admitted to a kindergarten or a first grade of a public school in~~ In a district in which all children are admitted to kindergarten and the first grade in August or September ~~unless, a child shall be admitted if~~ the child is five or six years of age, respectively, by the thirtieth day of September of the year of admittance, or by the first day of a term or semester other than one beginning in August or September in school districts granting admittance at the beginning of such term or semester, ~~unless the child has been recommended for early admittance in accordance with the district's acceleration policy adopted under section 3324.10 of the Revised Code.~~ A child who does not meet the age ~~requirement~~ requirements of this section for admittance to kindergarten or first grade, but who will be five or six years old, respective, prior to the first day of January of the school year in which admission is requested, shall be evaluated for early admittance in accordance with district policy upon referral by the child's parent or guardian, an educator employed by the district, a preschool educator who knows the child, or a pediatrician or psychologist who knows the child. Following an evaluation in accordance with a referral under this section, the district board shall decide whether to admit the

child. If a child for whom admission to kindergarten or first grade is requested will not be five or six years of age, respectively, prior to the first day of January of the school year in which admission is requested, the child shall be admitted only in accordance with the district's acceleration policy adopted under section 3324.10 of the Revised Code.

(3) Notwithstanding division (A)(2) of this section, beginning with the school year that starts in 2001 and continuing thereafter the board of education of any district may adopt a resolution establishing the first day of August in lieu of the thirtieth day of September as the required date by which students must have attained the age specified in that division.

(4) After a student has been admitted to kindergarten in a school district or chartered nonpublic school, no board of education of a school district to which the student transfers shall deny that student admission based on the student's age.

(B) As used in division (C) of this section, "successfully completed kindergarten" means that the child has completed the kindergarten requirements at one of the following:

(1) A public or chartered nonpublic school;

(2) A kindergarten class that is both of the following:

(a) Offered by a day-care provider licensed under Chapter 5104. of the Revised Code;

(b) If offered after July 1, 1991, is directly taught by a teacher who holds one of the following:

(i) A valid educator license issued under section 3319.22 of the Revised Code;

(ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;

(iii) Certification determined under division (F) of this section to be equivalent to that described in division (B)(2)(b)(ii) of this section; 62380
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(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code. 62383
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(C)(1) Except as provided in division (A)(2) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten. 62385
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(2) Notwithstanding division (A)(2) of this section, any student who has successfully completed kindergarten in accordance with section (B) of this section shall be admitted to first grade. 62388
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(D) The scheduling of times for kindergarten classes and length of the school day for kindergarten shall be determined by the board of education of a city, exempted village, or local school district. 62391
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(E) Any kindergarten class offered by a day-care provider or school described by division (B)(1) or (B)(2)(a) of this section shall be developmentally appropriate. 62395
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(F) Upon written request of a day-care provider described by division (B)(2)(a) of this section, the department of education shall determine whether certification held by a teacher employed by the provider meets the requirement of division (B)(2)(b)(iii) of this section and, if so, shall furnish the provider a statement to that effect. 62398
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(G) As used in this division, "all-day kindergarten" has the same meaning as in section 3321.05 of the Revised Code. 62404
62405

(1) ~~Any A school district that did not receive for fiscal year 2009 poverty based assistance for~~ is offering all-day kindergarten ~~under division (D) of section 3317.029 of the Revised Code~~ for the first time or that charged fees or tuition for 62406
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all-day kindergarten in the 2012-2013 school year may charge fees 62410
or tuition for ~~students~~ a student enrolled in all-day kindergarten 62411
in any school year following the 2012-2013 school year. The 62412
department shall adjust the district's average daily membership 62413
certification under section 3317.03 of the Revised Code by 62414
one-half of the full-time equivalency for each student charged 62415
fees or tuition for all-day kindergarten under this division. If a 62416
district charges fees or tuition for all-day kindergarten under 62417
this division, the district shall develop a sliding fee scale 62418
based on family incomes. 62419

(2) The department of education shall conduct an annual 62420
survey of each school district described in division (G)(1) of 62421
this section to determine the following: 62422

(a) Whether the district charges fees or tuition for students 62423
enrolled in all-day kindergarten; 62424

(b) The amount of the fees or tuition charged; 62425

(c) How many of the students for whom tuition is charged are 62426
eligible for free lunches under the "National School Lunch Act," 62427
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 62428
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 62429
and how many of the students for whom tuition is charged are 62430
eligible for reduced price lunches under those acts; 62431

(d) How many students are enrolled in traditional half-day 62432
kindergarten rather than all-day kindergarten. 62433

Each district shall report to the department, in the manner 62434
prescribed by the department, the information described in 62435
divisions (G)(2)(a) to (d) of this section. 62436

The department shall issue an annual report on the results of 62437
the survey and shall post the report on its web site. The 62438
department shall issue the first report not later than April 30, 62439
2008, and shall issue a report not later than the thirtieth day of 62440

April each year thereafter. 62441

Sec. 3321.04. Notwithstanding division (D) of section 3311.19 62442
and division (D) of section 3311.52 of the Revised Code, this 62443
section does not apply to any joint vocational or cooperative 62444
education school district or its superintendent. 62445

Every parent of any child of compulsory school age who is not 62446
employed under an age and schooling certificate must send such 62447
child to a school or a special education program that conforms to 62448
the minimum standards prescribed by the state board of education, 62449
for the full time the school or program attended is in session, 62450
which shall not be for less than thirty-two weeks per school year. 62451
Such attendance must begin within the first week of the school 62452
term or program or within one week of the date on which the child 62453
begins to reside in the district or within one week after ~~his~~ the 62454
child's withdrawal from employment. 62455

For the purpose of operating a school or program on a 62456
trimester plan, "full time the school attended is in session," as 62457
used in this section means the two trimesters to which the child 62458
is assigned by the board of education. For the purpose of 62459
operating a school or program on a quarterly plan, "full time the 62460
school attended is in session," as used in this section, means the 62461
three quarters to which the child is assigned by the board of 62462
education. For the purpose of operating a school or program on a 62463
pentamester plan, "full time the school is in session," as used in 62464
this section, means the four pentamesters to which the child is 62465
assigned by the board of education. 62466

Excuses from future attendance at or past absence from school 62467
or a special education program may be granted for the causes, by 62468
the authorities, and under the following conditions: 62469

(A) The superintendent of the ~~city or exempted village~~ school 62470
district ~~or the educational service center~~ in which the child 62471

resides may excuse the child from attendance for any part of the 62472
remainder of the current school year upon satisfactory showing of 62473
either of the following facts: 62474

(1) That the child's bodily or mental condition does not 62475
permit attendance at school or a special education program during 62476
such period; this fact is certified in writing by a licensed 62477
physician or, in the case of a mental condition, by a licensed 62478
physician, a licensed psychologist, licensed school psychologist 62479
or a certificated school psychologist; and provision is made for 62480
appropriate instruction of the child, in accordance with Chapter 62481
3323. of the Revised Code; 62482

(2) That the child is being instructed at home by a person 62483
qualified to teach the branches in which instruction is required, 62484
and such additional branches, as the advancement and needs of the 62485
child may, in the opinion of such superintendent, require. In each 62486
such case the issuing superintendent shall file in ~~his~~ the 62487
superintendent's office, with a copy of the excuse, papers showing 62488
how the inability of the child to attend school or a special 62489
education program or the qualifications of the person instructing 62490
the child at home were determined. All such excuses shall become 62491
void and subject to recall upon the removal of the disability of 62492
the child or the cessation of proper home instruction; and 62493
thereupon the child or the child's parents may be proceeded 62494
against after due notice whether such excuse be recalled or not. 62495

(B) The state board of education may adopt rules authorizing 62496
the superintendent of schools of the district in which the child 62497
resides to excuse a child over fourteen years of age from 62498
attendance for a future limited period for the purpose of 62499
performing necessary work directly and exclusively for the child's 62500
parents or legal guardians. 62501

All excuses provided for in divisions (A) and (B) of this 62502
section shall be in writing and shall show the reason for excusing 62503

the child. A copy thereof shall be sent to the person in charge of 62504
the child. 62505

(C) The board of education of the ~~city or exempted village~~ 62506
school district ~~or the governing board of the educational service~~ 62507
~~center in which a public school is located~~ or the governing 62508
authorities of a private or parochial school may in the rules 62509
governing the discipline in such schools, prescribe the authority 62510
by which and the manner in which any child may be excused for 62511
absence from such school for good and sufficient reasons. 62512

The state board of education may by rule prescribe conditions 62513
governing the issuance of excuses, which shall be binding upon the 62514
authorities empowered to issue them. 62515

Sec. 3321.05. (A) As used in this section, "all-day 62516
kindergarten" means a kindergarten class that is in session ~~five~~ 62517
~~days per week~~ for not less than the same number of clock hours 62518
each ~~day~~ week as for students in grades one through six. 62519

(B) Any school district may operate all-day kindergarten or 62520
extended kindergarten, but no district shall require any student 62521
to attend kindergarten for more than the number of clock hours 62522
required each day for traditional kindergarten by the minimum 62523
standards adopted under division (D) of section 3301.07 of the 62524
Revised Code. Each school district that operates all-day or 62525
extended kindergarten shall accommodate kindergarten students 62526
whose parents or guardians elect to enroll them for the minimum 62527
number of hours. 62528

(C) A school district may use space in child day-care centers 62529
licensed under Chapter 5104. of the Revised Code to provide 62530
all-day kindergarten under this section. 62531

Sec. 3321.13. (A) Whenever any child of compulsory school age 62532
withdraws from school the teacher of that child shall ascertain 62533

the reason for withdrawal. The fact of the withdrawal and the 62534
reason for it shall be immediately transmitted by the teacher to 62535
the superintendent ~~of schools~~ of the city, local, or exempted 62536
village school district ~~or the educational service center as the~~ 62537
~~ease may be~~. If the child who has withdrawn from school has done 62538
so because of change of residence, the next residence shall be 62539
ascertained and shall be included in the notice thus transmitted. 62540
The superintendent shall thereupon forward a card showing the 62541
essential facts regarding the child and stating the place of the 62542
child's new residence to the superintendent of schools of the 62543
district to which the child has moved. 62544

The superintendent of public instruction may prescribe the 62545
forms to be used in the operation of this division. 62546

(B)(1) Upon receipt of information that a child of compulsory 62547
school age has withdrawn from school for a reason other than 62548
because of change of residence and is not enrolled in and 62549
attending in accordance with school policy an approved program to 62550
obtain a diploma or its equivalent, the superintendent shall 62551
notify the registrar of motor vehicles and the juvenile judge of 62552
the county in which the district is located of the withdrawal and 62553
failure to enroll in and attend an approved program to obtain a 62554
diploma or its equivalent. A notification to the registrar 62555
required by this division shall be given in the manner the 62556
registrar by rule requires and a notification to the juvenile 62557
judge required by this division shall be given in writing. Each 62558
notification shall be given within two weeks after the withdrawal 62559
and failure to enroll in and attend an approved program or its 62560
equivalent. 62561

(2) The board of education of a school district may adopt a 62562
resolution providing that the provisions of division (B)(2) of 62563
this section apply within the district. The provisions of division 62564
(B)(2) of this section do not apply within any school district, 62565

and no superintendent of a school district shall send a 62566
notification of the type described in division (B)(2) of this 62567
section to the registrar of motor vehicles or the juvenile judge 62568
of the county in which the district is located, unless the board 62569
of education of the district has adopted such a resolution. If the 62570
board of education of a school district adopts a resolution 62571
providing that the provisions of division (B)(2) of this section 62572
apply within the district, and if the superintendent of schools of 62573
that district receives information that, during any semester or 62574
term, a child of compulsory school age has been absent without 62575
legitimate excuse from the school the child is supposed to attend 62576
for more than ten consecutive school days or for at least fifteen 62577
total school days, the superintendent shall notify the child and 62578
the child's parent, guardian, or custodian, in writing, that the 62579
information has been provided to the superintendent, that as a 62580
result of that information the child's temporary instruction 62581
permit or driver's license will be suspended or the opportunity to 62582
obtain such a permit or license will be denied, and that the child 62583
and the child's parent, guardian, or custodian may appear in 62584
person at a scheduled date, time, and place before the 62585
superintendent or a designee to challenge the information provided 62586
to the superintendent. 62587

The notification to the child and the child's parent, 62588
guardian, or custodian required by division (B)(2) of this section 62589
shall set forth the information received by the superintendent and 62590
shall inform the child and the child's parent, guardian, or 62591
custodian of the scheduled date, time, and place of the appearance 62592
that they may have before the superintendent or a designee. The 62593
date scheduled for the appearance shall be no earlier than three 62594
and no later than five days after the notification is given, 62595
provided that an extension may be granted upon request of the 62596
child or the child's parent, guardian, or custodian. If an 62597
extension is granted, the superintendent shall schedule a new 62598

date, time, and place for the appearance and shall inform the 62599
child and the child's parent, guardian, or custodian of the new 62600
date, time, and place. 62601

If the child and the child's parent, guardian, or custodian 62602
do not appear before the superintendent or a designee on the 62603
scheduled date and at the scheduled time and place, or if the 62604
child and the child's parent, guardian, or custodian appear before 62605
the superintendent or a designee on the scheduled date and at the 62606
scheduled time and place but the superintendent or a designee 62607
determines that the information the superintendent received 62608
indicating that, during the semester or term, the child had been 62609
absent without legitimate excuse from the school the child was 62610
supposed to attend for more than ten consecutive school days or 62611
for at least fifteen total school days, the superintendent shall 62612
notify the registrar of motor vehicles and the juvenile judge of 62613
the county in which the district is located that the child has 62614
been absent for that period of time and that the child does not 62615
have any legitimate excuse for the habitual absence. A 62616
notification to the registrar required by this division shall be 62617
given in the manner the registrar by rule requires and a 62618
notification to the juvenile judge required by this division shall 62619
be given in writing. Each notification shall be given within two 62620
weeks after the receipt of the information of the habitual absence 62621
from school without legitimate excuse, or, if the child and the 62622
child's parent, guardian, or custodian appear before the 62623
superintendent or a designee to challenge the information, within 62624
two weeks after the appearance. 62625

For purposes of division (B)(2) of this section, a legitimate 62626
excuse for absence from school includes, but is not limited to, 62627
the fact that the child in question has enrolled in another school 62628
or school district in this or another state, the fact that the 62629
child in question was excused from attendance for any of the 62630

reasons specified in section 3321.04 of the Revised Code, or the 62631
fact that the child in question has received an age and schooling 62632
certificate in accordance with section 3331.01 of the Revised 62633
Code. 62634

(3) Whenever a pupil is suspended or expelled from school 62635
pursuant to section 3313.66 of the Revised Code and the reason for 62636
the suspension or expulsion is the use or possession of alcohol, a 62637
drug of abuse, or alcohol and a drug of abuse, the superintendent 62638
of schools of that district may notify the registrar and the 62639
juvenile judge of the county in which the district is located of 62640
such suspension or expulsion. Any such notification of suspension 62641
or expulsion shall be given to the registrar, in the manner the 62642
registrar by rule requires and shall be given to the juvenile 62643
judge in writing. The notifications shall be given within two 62644
weeks after the suspension or expulsion. 62645

(4) Whenever a pupil is suspended, expelled, removed, or 62646
permanently excluded from a school for misconduct included in a 62647
policy that the board of education of a city, exempted village, or 62648
local school district has adopted under division (A) of section 62649
3313.661 of the Revised Code, and the misconduct involves a 62650
firearm or a knife or other weapon as defined in that policy, the 62651
superintendent of schools of that district shall notify the 62652
registrar and the juvenile judge of the county in which the 62653
district is located of the suspension, expulsion, removal, or 62654
permanent exclusion. The notification shall be given to the 62655
registrar in the manner the registrar, by rule, requires and shall 62656
be given to the juvenile judge in writing. The notifications shall 62657
be given within two weeks after the suspension, expulsion, 62658
removal, or permanent exclusion. 62659

(C) A notification of withdrawal, habitual absence without 62660
legitimate excuse, suspension, or expulsion given to the registrar 62661
or a juvenile judge under division (B)(1), (2), (3), or (4) of 62662

this section shall contain the name, address, date of birth, 62663
school, and school district of the child. If the superintendent 62664
finds, after giving a notification of withdrawal, habitual absence 62665
without legitimate excuse, suspension, or expulsion to the 62666
registrar and the juvenile judge under division (B)(1), (2), (3), 62667
or (4) of this section, that the notification was given in error, 62668
the superintendent immediately shall notify the registrar and the 62669
juvenile judge of that fact. 62670

Sec. 3321.14. Notwithstanding division (D) of section 3311.19 62671
and division (D) of section 3311.52 of the Revised Code, the 62672
provisions of this section and sections 3321.15 to 3321.21 of the 62673
Revised Code that apply to a city school district or its 62674
superintendent do not apply to any joint vocational or cooperative 62675
education school district or its superintendent unless otherwise 62676
specified. 62677

The board of education of every city ~~school district and of~~ 62678
~~every~~, exempted village, or local school district shall either 62679
employ an attendance officer, and may employ or appoint any 62680
assistants that the board deems advisable, or shall obtain such 62681
services from the educational service center with which the 62682
district has entered into an agreement under section 3313.843 or 62683
3313.845 of the Revised Code, in accordance with the terms 62684
prescribed in that agreement. ~~In~~ 62685

In cities of one hundred thousand population or over, the 62686
board may appoint, subject to the nomination of the district 62687
superintendent ~~of schools~~, one or more pupil-personnel workers and 62688
make provision for the traveling expenses within the school 62689
district of those employees. 62690

Sec. 3321.15. Every governing board of an educational service 62691
center ~~shall~~ may employ an educational service center attendance 62692

officer, and may employ or appoint such assistants as the board 62693
deems advisable. The decision to employ an attendance officer 62694
shall be based on consultation with the districts that have 62695
entered into agreements with the educational service center under 62696
section 3313.843 or 3313.845 of the Revised Code and the services 62697
outlined in the agreements. The compensation and necessary 62698
traveling expenses of such attendance officer and assistants shall 62699
be paid out of the educational service center governing board 62700
fund. With the consent and approval of the judge of the juvenile 62701
court, a probation officer of the court may be designated as the 62702
service center attendance officer or as an assistant. The 62703
compensation of the probation officers of the juvenile court so 62704
designated shall be fixed and paid in the same manner as salaries 62705
of other probation officers of the juvenile court; their traveling 62706
expenses as attendance officers which would not be incurred as 62707
probation officers shall be paid out of the educational service 62708
center governing board fund. In addition to the compensation 62709
provided in this section the board may pay such additional 62710
compensation as it deems advisable, to any probation officer 62711
designated as attendance officer and such additional amount shall 62712
be paid from the educational service center governing board fund. 62713
The attendance officer and assistants shall work under the 62714
direction of the educational service center superintendent. The 62715
authority of such attendance officer and assistants ~~shall~~ may 62716
extend to all the ~~local~~ school districts served by the service 62717
center pursuant to any agreements entered into under section 62718
3313.843 or 3313.845 of the Revised Code. This section does not 62719
confine their authority to investigate ~~employment~~ attendance to 62720
that within the territory of the service center. 62721

Sec. 3323.021. As used in this section, "participating county 62722
DD board" means a county board of developmental disabilities 62723
electing to participate in the provision of or contracting for 62724

educational services for children under division (D) of section 62725
5126.05 of the Revised Code. 62726

(A) When a school district, educational service center, or 62727
participating county DD board enters into an agreement or contract 62728
with another school district, educational service center, or 62729
participating county DD board to provide educational services to a 62730
disabled child during a school year, both of the following shall 62731
apply: 62732

(1) Beginning with fiscal year 1999, if the provider of the 62733
services intends to increase the amount it charges for some or all 62734
of those services during the next school year or if the provider 62735
intends to cease offering all or part of those services during the 62736
next school year, the provider shall notify the entity for which 62737
the services are provided of these intended changes no later than 62738
the first day of March of the current fiscal year. 62739

(2) Beginning with fiscal year 1999, if the entity for which 62740
services are provided intends to cease obtaining those services 62741
from the provider for the next school year or intends to change 62742
the type or amount of services it obtains from the provider for 62743
the next school year, the entity shall notify the service provider 62744
of these intended changes no later than the first day of March of 62745
the current fiscal year. 62746

(B) School districts, educational service centers, 62747
participating county DD boards, and other applicable governmental 62748
entities shall collaborate where possible to maximize federal 62749
sources of revenue to provide additional funds for special 62750
education related services for disabled children. Annually, each 62751
school district shall report to the department of education any 62752
amounts of ~~money~~ such federal revenue the district received 62753
~~through such medical assistance program.~~ 62754

(C) The state board of education, the department of 62755

developmental disabilities, and the department of ~~job and family~~ 62756
~~services~~ medicaid shall develop working agreements for pursuing 62757
additional funds for services for disabled children. 62758

Sec. 3323.03. The state board of education shall, in 62759
consultation with the department of health, the department of 62760
~~mental health~~ mental health and addiction services, and the 62761
department of developmental disabilities, establish standards and 62762
procedures for the identification, location, and evaluation of all 62763
children with disabilities residing in the state, including 62764
children with disabilities who are homeless children or are wards 62765
of the state and children with disabilities attending nonpublic 62766
schools, regardless of the severity of their disabilities, and who 62767
are in need of special education and related services. The state 62768
board shall develop and implement a practical method to determine 62769
which children with disabilities are currently receiving needed 62770
special education and related services. 62771

In conducting the evaluation, the board of education of each 62772
school district shall use a variety of assessment tools and 62773
strategies to gather relevant functional, developmental, and 62774
academic information about the child, including information 62775
provided by the child's parent. The board of education of each 62776
school district, in consultation with the county DD board, the 62777
county family and children first council, and the board of 62778
alcohol, drug addiction, and mental health services of each county 62779
in which the school district has territory, shall identify, 62780
locate, and evaluate all children with disabilities residing 62781
within the district to determine which children with disabilities 62782
are not receiving appropriate special education and related 62783
services. In addition, the board of education of each school 62784
district, in consultation with such county boards or council, 62785
shall identify, locate, and evaluate all children with 62786
disabilities who are enrolled by their parents in nonpublic 62787

elementary and secondary schools located within the public school district, without regard to where those children reside in accordance with rules of the state board of education or guidelines of the superintendent of public instruction.

Each county DD board, county family and children first council, and board of alcohol, drug addiction, and mental health services and the board's or council's contract agencies may transmit to boards of education the names and addresses of children with disabilities who are not receiving appropriate special education and related services.

Sec. 3323.04. The state board of education, in consultation with the department of ~~mental health~~ mental health and addiction services and the department of developmental disabilities, shall establish procedures and standards for the development of individualized education programs for children with disabilities.

The state board shall require the board of education of each school district to develop an individualized education program for each child with a disability who is at least three years of age and less than twenty-two years of age residing in the district in a manner that is in accordance with rules of the state board.

Prior to the placement of a child with a disability in a program operated under section 3323.09 of the Revised Code, the district board of education shall consult the county DD board of the county in which the child resides regarding the proposed placement.

A child with a disability enrolled in a nonpublic school or facility shall be provided special education and related services, in accordance with an individualized education program, at no cost for those services, if the child is placed in, or referred to, that nonpublic school or facility by the department of education or a school district.

The IEP team shall review the individualized education program of each child with a disability periodically, but at least annually, to determine whether the annual goals for the child are being achieved, and shall revise the individualized education program as appropriate.

The state board shall establish procedures and standards to assure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are not disabled. Special classes, separate schools, or other removal of children with disabilities from the regular educational environment shall be used only when the nature or severity of a child's disability is such that education in regular classes with supplementary aids and services cannot be achieved satisfactorily.

If an agency directly affected by a placement decision objects to such decision, an impartial hearing officer, appointed by the department of education from a list prepared by the department, shall conduct a hearing to review the placement decision. The agencies that are parties to a hearing shall divide the costs of such hearing equally. The decision of the hearing officer shall be final, except that any party to the hearing who is aggrieved by the findings or the decision of the hearing officer may appeal the findings or decision in accordance with division (H) of section 3323.05 of the Revised Code or the parent of any child affected by such decision may present a complaint in accordance with that section.

Sec. 3323.07. The state board of education shall authorize the establishment and maintenance of special education and related services for all children with disabilities who are at least three years of age and less than twenty-two years of age, including children with disabilities who have been suspended or expelled

from school, and may authorize special education and related 62850
services for children with disabilities who are less than three 62851
years of age in accordance with rules adopted by the state board. 62852
The state board shall require the boards of education of school 62853
districts, shall authorize the department of ~~mental health~~ mental 62854
health and addiction services and the department of developmental 62855
disabilities, and may authorize any other educational agency, to 62856
establish and maintain such special education and related services 62857
in accordance with standards adopted by the state board. 62858

Sec. 3323.08. (A) Each school district shall submit a plan to 62859
the superintendent of public instruction that provides assurances 62860
that the school district will provide for the education of 62861
children with disabilities within its jurisdiction and has in 62862
effect policies, procedures, and programs that are consistent with 62863
the policies and procedures adopted by the state board of 62864
education in accordance with section 612 of the "Individuals with 62865
Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412, 62866
and that meet the conditions applicable to school districts under 62867
section 613 of that act, 20 U.S.C. 1413. 62868

Each district's plan shall do all of the following: 62869

(1) Provide, as specified in section 3323.11 of the Revised 62870
Code and in accordance with standards established by the state 62871
board, for an organizational structure and necessary and qualified 62872
staffing and supervision for the identification of and provision 62873
of special education and related services for children with 62874
disabilities; 62875

(2) Provide, as specified by section 3323.03 of the Revised 62876
Code and in accordance with standards established by the state 62877
board, for the identification, location, and evaluation of all 62878
children with disabilities residing in the district, including 62879
children with disabilities who are homeless children or are wards 62880

of the state and children with disabilities attending private 62881
schools and who are in need of special education and related 62882
services. A practical method shall be developed and implemented to 62883
determine which children with disabilities are currently receiving 62884
needed special education and related services. 62885

(3) Provide, as specified by section 3323.07 of the Revised 62886
Code and standards established by the state board, for the 62887
establishment and maintenance of special education and related 62888
services for children with disabilities who are at least three 62889
years of age and less than twenty-two years of age, including 62890
children with disabilities who have been suspended or expelled 62891
from school. 62892

(4) Provide, as specified by section 3323.04 of the Revised 62893
Code and in accordance with standards adopted by the state board, 62894
for an individualized education program for each child with a 62895
disability who is at least three years of age and less than 62896
twenty-two years of age residing within the district; 62897

(5) Provide, as specified by section 3323.02 of the Revised 62898
Code and in accordance with standards established by the state 62899
board, for special education and related services and a free 62900
appropriate public education for every child with a disability who 62901
is at least three years of age and less than twenty-two years of 62902
age, including children with disabilities who have been suspended 62903
or expelled from school; 62904

(6) Provide procedural safeguards and prior written notice as 62905
required under section 3323.05 of the Revised Code and the 62906
standards established by the state board; 62907

(7) Outline the steps that have been or are being taken to 62908
comply with standards established by the state board. 62909

(B)(1) A school district may arrange, by a cooperative 62910
agreement or contract with one or more school districts or with a 62911

cooperative education or joint vocational school district or an 62912
educational service center, to provide for the identification, 62913
location, and evaluation of children with disabilities, and to 62914
provide special education and related services for such children 62915
that meet the standards established by the state board. A school 62916
district may arrange, by a cooperative agreement or contract, for 62917
the provision of related services for children with disabilities 62918
that meet the standards established by the state board. 62919

(2) A school district shall arrange by interagency agreement 62920
with one or more school districts or with a cooperative education 62921
or joint vocational school district or an educational service 62922
center or other providers of early learning services to provide 62923
for the identification, location, evaluation of children with 62924
disabilities of ages birth through five years of age and for the 62925
transition of children with disabilities at age three in 62926
accordance with the standards established by the state board. A 62927
school district may arrange by interagency agreement with 62928
providers of early learning services to provide special education 62929
and related services for such children that meet the standards 62930
established by the state board. 62931

(3) If at the time an individualized education program is 62932
developed for a child a school district is not providing special 62933
education and related services required by that individualized 62934
education program, the school district may arrange by contract 62935
with a nonpublic entity for the provision of the special education 62936
and related services, provided the special education and related 62937
services meet the standards for special education and related 62938
services established by the state board and is provided within the 62939
state. 62940

(4) Any cooperative agreement or contract under division 62941
(B)(1) or (2) of this section involving a local school district 62942
shall be approved by the governing board of the educational 62943

service center which serves that district. 62944

(C) No plan of a local school district shall be submitted to 62945
the superintendent of public instruction until it has been 62946
approved by the superintendent of the educational service center 62947
which serves that district. 62948

(D) Upon approval of a school district's plan by the 62949
superintendent of public instruction, the district shall 62950
immediately certify students for state funds under section 3317.03 62951
of the Revised Code to implement and maintain such plan. The 62952
~~district also shall request approval of classroom units under~~ 62953
~~division (B) of section 3317.05 of the Revised Code for which the~~ 62954
~~district has adequately identified preschool children with~~ 62955
~~disabilities and shall, in accordance with procedures adopted by~~ 62956
~~the state board, request approval of units under division (C) of~~ 62957
~~section 3317.05 of the Revised Code.~~ The district shall, in 62958
accordance with guidelines adopted by the state board, identify 62959
problems relating to the provision of qualified personnel and 62960
adequate facilities, and indicate the extent to which the cost of 62961
programs required under the plan will exceed anticipated state 62962
reimbursement. Each school district shall immediately implement 62963
the identification, location, and evaluation of children with 62964
disabilities in accordance with this chapter, and shall implement 62965
those parts of the plan involving placement and provision of 62966
special education and related services. 62967

Sec. 3323.09. (A) As used in this section: 62968

(1) "Home" has the meaning given in section 3313.64 of the 62969
Revised Code. 62970

(2) "Preschool child" means a child who is at least age three 62971
but under age six on the thirtieth day of September of an academic 62972
year. 62973

(B) Each county DD board shall establish special education 62974
programs for all children with disabilities who in accordance with 62975
section 3323.04 of the Revised Code have been placed in special 62976
education programs operated by the county board and for preschool 62977
children who are developmentally delayed or at risk of being 62978
developmentally delayed. The board annually shall submit to the 62979
department of education a plan for the provision of these programs 62980
and, ~~if applicable, a request for approval of units under section~~ 62981
~~3317.05 of the Revised Code.~~ The superintendent of public 62982
instruction shall review the plan and approve or modify it in 62983
accordance with rules adopted by the state board of education 62984
under section 3301.07 of the Revised Code. The superintendent of 62985
public instruction shall compile the plans submitted by county 62986
boards and shall submit a comprehensive plan to the state board. 62987

A county DD board may combine transportation for children 62988
enrolled in classes funded under ~~section~~ sections 3317.0213 or 62989
3317.20 ~~or units approved under section 3317.05~~ with 62990
transportation for children and adults enrolled in programs and 62991
services offered by the board under Chapter 5126. of the Revised 62992
Code. 62993

(C) A county DD board that during the school year provided 62994
special education pursuant to this section for any child with 62995
mental disabilities under twenty-two years of age shall prepare 62996
and submit the following reports and statements: 62997

(1) The board shall prepare a statement for each child who at 62998
the time of receiving such special education was a resident of a 62999
home and was not in the legal or permanent custody of an Ohio 63000
resident or a government agency in this state, and whose natural 63001
or adoptive parents are not known to have been residents of this 63002
state subsequent to the child's birth. The statement shall contain 63003
the child's name, the name of the child's school district of 63004
residence, the name of the county board providing the special 63005

education, and the number of months, including any fraction of a 63006
month, it was provided. Not later than the thirtieth day of June, 63007
the board shall forward a certified copy of such statement to both 63008
the director of developmental disabilities and to the home. 63009

Within thirty days after its receipt of a statement, the home 63010
shall pay tuition to the county board computed in the manner 63011
prescribed by section 3323.141 of the Revised Code. 63012

(2) The board shall prepare a report for each school district 63013
that is the school district of residence of one or more of such 63014
children for whom statements are not required by division (C)(1) 63015
of this section. The report shall contain the name of the county 63016
board providing special education, the name of each child 63017
receiving special education, the number of months, including 63018
fractions of a month, that the child received it, and the name of 63019
the child's school district of residence. Not later than the 63020
thirtieth day of June, the board shall forward certified copies of 63021
each report to the school district named in the report, the 63022
superintendent of public instruction, and the director of 63023
developmental disabilities. 63024

Sec. 3323.091. (A) The department of ~~mental health~~ mental 63025
health and addiction services, the department of developmental 63026
disabilities, the department of youth services, and the department 63027
of rehabilitation and correction shall establish and maintain 63028
special education programs for children with disabilities in 63029
institutions under their jurisdiction according to standards 63030
adopted by the state board of education. 63031

(B) ~~The superintendent of each state institution required to~~ 63032
~~provide services under division (A) of this section, and each~~ 63033
~~county DD board, providing special education for preschool~~ 63034
~~children with disabilities under this chapter may apply to the~~ 63035
~~state department of education for unit funding, which shall be~~ 63036

~~paid in accordance with sections 3317.052 and 3317.053 of the Revised Code.~~ 63037
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The superintendent of each state institution required to provide services under division (A) of this section may apply to the department of education for special education and related services ~~weighted~~ funding for children with disabilities other than preschool children with disabilities, calculated in accordance with section 3317.201 of the Revised Code. 63039
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Each county DD board providing special education for children with disabilities other than preschool children with disabilities may apply to the department of education for ~~base cost and opportunity funds and~~ special education and related services ~~weighted~~ funding calculated in accordance with section 3317.20 of the Revised Code. 63045
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(C) In addition to the authorization to apply for state funding described in division (B) of this section, each state institution required to provide services under division (A) of this section is entitled to tuition payments calculated in the manner described in division (C) of this section. 63051
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On or before the thirtieth day of June of each year, the superintendent of each institution that during the school year provided special education pursuant to this section shall prepare a statement for each child with a disability under twenty-two years of age who has received special education. The statement shall contain the child's data verification code assigned pursuant to division (D)(2) of section 3301.0714 of the Revised Code and the name of the child's school district of residence. Within sixty days after receipt of such statement, the department of education shall perform one of the following: 63056
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(1) For any child except a preschool child with a disability described in division (C)(2) of this section, pay to the 63066
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institution submitting the statement an amount equal to the 63068
tuition calculated under division (A) of section 3317.08 of the 63069
Revised Code for the period covered by the statement, and deduct 63070
the same from the amount of state funds, if any, payable under 63071
Chapter 3317. of the Revised Code, to the child's school district 63072
of residence or, if the amount of such state funds is 63073
insufficient, require the child's school district of residence to 63074
pay the institution submitting the statement an amount equal to 63075
the amount determined under this division. 63076

(2) For any preschool child with a disability ~~not included in~~ 63077
~~a unit approved under division (B) of section 3317.05 of the~~ 63078
~~Revised Code~~, perform the following: 63079

(a) Pay to the institution submitting the statement an amount 63080
equal to the tuition calculated under division (B) of section 63081
3317.08 of the Revised Code for the period covered by the 63082
statement, except that in calculating the tuition under that 63083
section the operating expenses of the institution submitting the 63084
statement under this section shall be used instead of the 63085
operating expenses of the school district of residence; 63086

(b) Deduct from the amount of state funds, if any, payable 63087
under Chapter 3317. of the Revised Code to the child's school 63088
district of residence an amount equal to the amount paid under 63089
division (C)(2)(a) of this section. 63090

Sec. 3323.13. (A) If a child who is a school resident of one 63091
school district receives special education from another district, 63092
the board of education of the district providing the education, 63093
subject to division (C) of this section, may require the payment 63094
by the board of education of the district of residence of a sum 63095
not to exceed one of the following, as applicable: 63096

(1) For any child except a preschool child with a disability 63097
described in division (A)(2) of this section, the tuition of the 63098

district providing the education for a child of normal needs of 63099
the same school grade. The determination of the amount of such 63100
tuition shall be in the manner provided for by division (A) of 63101
section 3317.08 of the Revised Code. 63102

(2) For any preschool child with a disability ~~not included in~~ 63103
~~a unit approved under division (B) of section 3317.05 of the~~ 63104
~~Revised Code~~, the tuition of the district providing the education 63105
for the child as calculated under division (B) of section 3317.08 63106
of the Revised Code, multiplied by 0.50. 63107

(B) The board of the district of residence may contract with 63108
the board of another district for the transportation of such child 63109
into any school in such other district, on terms agreed upon by 63110
such boards. Upon direction of the state board of education, the 63111
board of the district of residence shall pay for the child's 63112
transportation and the tuition. 63113

(C) The board of education of a district providing the 63114
education for a child shall be entitled to require payment from 63115
the district of residence under this section or section 3323.14 of 63116
the Revised Code only if the district providing the education has 63117
done at least one of the following: 63118

(1) Invited the district of residence to send representatives 63119
to attend the meetings of the team developing the child's 63120
individualized education program; 63121

(2) Received from the district of residence a copy of the 63122
individualized education program or a multifactored evaluation 63123
developed for the child by the district of residence; 63124

(3) Informed the district of residence in writing that the 63125
district is providing the education for the child. 63126

As used in division (C)(2) of this section, "multifactored 63127
evaluation" means an evaluation, conducted by a multidisciplinary 63128
team, of more than one area of the child's functioning so that no 63129

single procedure shall be the sole criterion for determining an 63130
appropriate educational program placement for the child. 63131

~~Sec. 3323.14. This section does not apply to any preschool 63132
child with a disability except if included in a unit approved 63133
under division (B) of section 3317.05 of the Revised Code. 63134~~

(A) Where a child who is a school resident of one school 63135
district receives special education from another district and the 63136
per capita cost to the educating district for that child exceeds 63137
the sum of the amount received by the educating district for that 63138
child under division (A) of section 3317.08 of the Revised Code 63139
and the amount received by the district from the state board of 63140
education for that child, then the board of education of the 63141
district of residence shall pay to the board of the school 63142
district that is providing the special education such excess cost 63143
as is determined by using a formula approved by the department of 63144
education and agreed upon in contracts entered into by the boards 63145
of the districts concerned at the time the district providing such 63146
special education accepts the child for enrollment. The department 63147
shall certify the amount of the payments under Chapter 3317. of 63148
the Revised Code for such pupils with disabilities for each school 63149
year ending on the thirtieth day of July. 63150

(B) In the case of a child described in division (A) of this 63151
section who has been placed in a home, as defined in section 63152
3313.64 of the Revised Code, pursuant to the order of a court and 63153
who is not subject to section 3323.141 of the Revised Code, the 63154
district providing the child with special education and related 63155
services may charge to the child's district of residence the 63156
excess cost determined by formula approved by the department, 63157
regardless of whether the district of residence has entered into a 63158
contract with the district providing the services. If the district 63159
providing the services chooses to charge excess costs, the 63160

district may report the amount calculated under this division to 63161
the department. 63162

(C) If a district providing special education for a child 63163
reports an amount for the excess cost of those services, as 63164
authorized and calculated under division (A) or (B) of this 63165
section, the department shall pay that amount of excess cost to 63166
the district providing the services and shall deduct that amount 63167
from the child's district of residence in accordance with division 63168
(K) of section 3317.023 of the Revised Code. 63169

Sec. 3323.141. (A) When a child who is not in the legal or 63170
permanent custody of an Ohio resident or a government agency in 63171
this state and whose natural or adoptive parents are not known to 63172
have been residents of this state subsequent to the child's birth 63173
is a resident of a home as defined in section 3313.64 of the 63174
Revised Code and receives special education and related services 63175
from a school district or county ~~MR/DD~~ DD board, the home shall 63176
pay tuition to the board providing the special education. 63177

(B) In the case of a child described in division (A) of this 63178
section who receives special education and related services from a 63179
school district, tuition shall be the amount determined under 63180
division (B)(1) or (2) of this section. 63181

(1) For a child other than a child described in division 63182
(B)(2) of this section the tuition shall be an amount equal to the 63183
sum of the following: 63184

(a) Tuition as determined in the manner provided for by 63185
division (B) of section 3317.081 of the Revised Code for the 63186
district that provides the special education; 63187

(b) Such excess cost as is determined by using a formula 63188
established by rule of the department of education. The excess 63189
cost computed in this section shall not be used as excess cost 63190

computed under section 3323.14 of the Revised Code. 63191

(2) For a child who is a preschool child with a disability 63192
~~not included in a unit approved under division (B) of section~~ 63193
~~3317.05 of the Revised Code~~, the tuition shall be computed as 63194
follows: 63195

(a) Determine the amount of the tuition of the district 63196
providing the education for the child as calculated under division 63197
(B) of section 3317.08 of the Revised Code; 63198

(b) For each type of special education service included in 63199
the computation of the amount of tuition under division (B)(2)(a) 63200
of this section, divide the amount determined for that computation 63201
under division (B)(2) of section 3317.08 of the Revised Code by 63202
the total number of preschool children with disabilities used for 63203
that computation under division (B)(3) of section 3317.08 of the 63204
Revised Code; 63205

(c) Determine the sum of the quotients obtained under 63206
division (B)(2)(b) of this section; 63207

(d) Determine the sum of the amounts determined under 63208
divisions (B)(2)(a) and (c) of this section. 63209

(C) In the case of a child described in division (A) of this 63210
section who receives special education and related services from a 63211
county ~~MR/DD~~ DD board, tuition shall be the amount determined 63212
under division (C)(1) or (2) of this section. 63213

(1) For a child other than a child described in division 63214
(C)(2) of this section, the tuition shall be an amount equal to 63215
such board's per capita cost of providing special education and 63216
related services for children at least three but less than 63217
twenty-two years of age as determined by using a formula 63218
established by rule of the department of developmental 63219
disabilities. 63220

(2) For a child who is a preschool child with a disability 63221
~~not included in a unit approved under division (B) of section~~ 63222
~~3317.05 of the Revised Code,~~ the tuition shall equal the sum of 63223
the amounts of each such board's per capita cost of providing each 63224
of the special education or related service that the child 63225
receives. The calculation of tuition shall be made by using a 63226
formula established by rule of the department of developmental 63227
disabilities. The formula for the calculation of per capita costs 63228
under division (C)(2) of this section shall be based only on each 63229
such ~~MR/DD~~ DD board's cost of providing each type of special 63230
education or related service to preschool children with 63231
disabilities ~~not included in a unit approved under division (B) of~~ 63232
~~section 3317.05 of the Revised Code.~~ 63233

(D) If a home fails to pay the tuition required under this 63234
section, the board of education or county ~~MR/DD~~ DD board providing 63235
the education may recover in a civil action the tuition and the 63236
expenses incurred in prosecuting the action, including court costs 63237
and reasonable attorney's fees. If the prosecuting attorney or 63238
city director of law represents the board in such action, costs 63239
and reasonable attorney's fees awarded by the court, based upon 63240
the time spent preparing and presenting the case by the 63241
prosecuting attorney, director, or a designee of either, shall be 63242
deposited in the county or city general fund. 63243

Sec. 3323.142. ~~This section does not apply to any preschool~~ 63244
~~child with a disability except if included in a unit approved~~ 63245
~~under division (B) of section 3317.05 of the Revised Code.~~ 63246

As used in this section, "per pupil amount" for a preschool 63247
child with a disability included in such an approved unit means 63248
the amount determined by dividing the amount received for the 63249
classroom unit in which the child has been placed by the number of 63250
children in the unit. For any other child, "per pupil amount" 63251

means the amount paid for the child under section 3317.20 of the Revised Code. 63252
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When a school district places or has placed a child with a county DD board for special education, but another district is responsible for tuition under section 3313.64 or 3313.65 of the Revised Code and the child is not a resident of the territory served by the county DD board, the board may charge the district responsible for tuition with the educational costs in excess of the per pupil amount received by the board under Chapter 3317. of the Revised Code. The amount of the excess cost shall be determined by the formula established by rule of the department of education under section 3323.14 of the Revised Code, and the payment for such excess cost shall be made by the school district directly to the county DD board. 63254
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A school district board of education and the county DD board that serves the school district may negotiate and contract, at or after the time of placement, for payments by the board of education to the county DD board for additional services provided to a child placed with the county DD board and whose individualized education program established pursuant to section 3323.08 of the Revised Code requires additional services that are not routinely provided children in the county DD board's program but are necessary to maintain the child's enrollment and participation in the program. Additional services may include, but are not limited to, specialized supplies and equipment for the benefit of the child and instruction, training, or assistance provided by staff members other than staff members for which funding is received under Chapter 3317. of the Revised Code. 63266
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Sec. 3325.13. The state school for the blind employees food service fund is hereby created in the state treasury. The fund shall consist of payments received from employees who make 63280
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purchases from the school's food service program. Notwithstanding 63283
section 3325.01 of the Revised Code, the approval of the state 63284
board of education is not required to designate money for deposit 63285
into the fund. The school for the blind shall use money in the 63286
fund to pay costs associated with the school's food service 63287
program. 63288

Sec. 3325.14. The state school for the deaf employees food 63289
service fund is hereby created in the state treasury. The fund 63290
shall consist of payments received from employees who make 63291
purchases from the school's food service program. Notwithstanding 63292
section 3325.01 of the Revised Code, the approval of the state 63293
board of education is not required to designate money for deposit 63294
into the fund. The school for the deaf shall use money in the fund 63295
to pay costs associated with the school's food service program. 63296

Sec. 3326.07. Each science, technology, engineering, and 63297
mathematics school established under this chapter is a public 63298
school, is part of the state's program of education, may contract 63299
for any services necessary for the operation of the school, and 63300
may continue in operation for as long as the school is in 63301
compliance with the provisions of this chapter and with the 63302
proposal for its establishment as approved by the STEM committee. 63303
If the school closes for any reason, its assets shall be 63304
distributed in the manner provided in the proposal for its 63305
establishment as required by division (C)(9) of section 3326.03 of 63306
the Revised Code. 63307

Sec. 3326.08. (A) The governing body of each science, 63308
technology, engineering, and mathematics school shall ~~employ and~~ 63309
~~fix the compensation for the~~ engage the services of administrative 63310
officers, teachers, and nonteaching employees of the STEM school 63311
necessary for the school to carry out its mission and shall 63312

oversee the operations of the school. The governing body of each 63313
STEM school shall ~~employ~~ engage the services of a chief 63314
administrative officer to serve as the school's instructional and 63315
administrative leader. The chief administrative officer shall be 63316
granted the authority to oversee the recruitment, retention, and 63317
employment of teachers and nonteaching employees. 63318

(B) The department of education shall monitor the oversight 63319
of each STEM school exercised by the school's governing body and 63320
shall monitor the school's compliance with this chapter and with 63321
the proposal for the establishment of the school as it was 63322
approved by the STEM committee under section 3326.04 of the 63323
Revised Code. If the department finds that the school is not in 63324
compliance with this chapter or with the proposal, the department 63325
shall consult with the STEM committee, and the committee may order 63326
the school to close on the last day of the school year in which 63327
the committee issues its order. 63328

(C) The governing body of each STEM school shall comply with 63329
sections 121.22 and 149.43 of the Revised Code. 63330

Sec. 3326.11. Each science, technology, engineering, and 63331
mathematics school established under this chapter and its 63332
governing body shall comply with sections 9.90, 9.91, 109.65, 63333
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 63334
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 63335
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 63336
3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 3313.6014, 63337
3313.6015, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 63338
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 63339
3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 63340
3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 63341
3313.816, 3313.817, 3313.86, ~~3313.88~~, 3313.96, 3319.073, 3319.21, 63342
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 63343

3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 63344
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 63345
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 63346
4123., 4141., and 4167. of the Revised Code as if it were a school 63347
district. 63348

Sec. 3326.112. The governing body of each STEM school shall 63349
comply with the standards for financial reporting adopted under 63350
division (B)(2) of section 3301.07 of the Revised Code. 63351

Sec. 3326.31. As used in sections 3326.31 to 3326.50 of the 63352
Revised Code: 63353

(A) ~~"Applicable special education weight" means the multiple~~ 63354
~~specified in section 3317.013 of the Revised Code for a disability~~ 63355
~~described in that section.~~ 63356

~~(B) "Applicable vocational education weight" means the~~ 63357
~~multiple specified in section 3317.014 of the Revised Code for~~ 63358
~~vocational education programs or classes described in that section~~ 63359

(1) "Category one career-technical education student" means a 63360
student who is receiving the career-technical education services 63361
described in division (A) of section 3317.014 of the Revised Code. 63362

(2) "Category two career-technical student" means a student 63363
who is receiving the career-technical education services described 63364
in division (B) of section 3317.014 of the Revised Code. 63365

(3) "Category three career-technical student" means a student 63366
who is receiving the career-technical education services described 63367
in division (C) of section 3317.014 of the Revised Code. 63368

(4) "Category four career-technical student" means a student 63369
who is receiving the career-technical education services described 63370
in division (D) of section 3317.014 of the Revised Code. 63371

(5) "Category five career-technical education student" means 63372

a student who is receiving the career-technical education services described in division (E) of section 3317.014 of the Revised Code. 63373
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(B)(1) "Category one limited English proficient student" means a limited English proficient student described in division (A) of section 3317.016 of the Revised Code. 63375
63376
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(2) "Category two limited English proficient student" means a limited English proficient student described in division (B) of section 3317.016 of the Revised Code. 63378
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(3) "Category three limited English proficient student" means a limited English proficient student described in division (C) of section 3317.016 of the Revised Code. 63381
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(C)(1) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code. 63384
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(2) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code. 63388
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(3) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code. 63391
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(4) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code. 63395
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(5) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code. 63398
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(6) "Category six special education student" means a student who is receiving special education services for a disability 63401
63402

specified in division (F) of section 3317.013 of the Revised Code. 63403

~~(C)~~(D) "Formula amount" has the same meaning as in section 63404
3317.02 of the Revised Code. 63405

~~(D)~~(E) "IEP" means an individualized education program as 63406
defined in section 3323.01 of the Revised Code. 63407

~~(E) A student is "included in the poverty student count of~~ 63408
~~the student's resident district" if the student's family receives~~ 63409
~~assistance under the Ohio works first program.~~ 63410

(F) "Resident district" means the school district in which a 63411
student is entitled to attend school under section 3313.64 or 63412
3313.65 of the Revised Code. 63413

(G) "State education aid" has the same meaning as in section 63414
5751.20 of the Revised Code. 63415

Sec. 3326.32. Each science, technology, engineering, and 63416
mathematics school shall report to the department of education, in 63417
the form and manner required by the department, all of the 63418
following information: 63419

(A) The total number of students enrolled in the school; 63420

(B) The number of students who are receiving special 63421
education and related services pursuant to an IEP; 63422

(C) For each student reported under division (B) of this 63423
section, which category specified in divisions (A) to (F) of 63424
section 3317.013 of the Revised Code applies to the student; 63425

(D) The full-time equivalent number of students who are 63426
enrolled in ~~vocational~~ career-technical education programs or 63427
classes described in each of divisions (A) ~~and~~, (B), (C), (D), and 63428
(E) of section 3317.014 of the Revised Code that are provided by 63429
the STEM school; 63430

(E) The number of students who are limited English proficient 63431

students and which category specified in divisions (A) to (C) of 63432
section 3317.016 of the Revised Code applies to each student; 63433

(F) The number of students reported under division (A) of 63434
this section who are economically disadvantaged, as defined by the 63435
department. A student shall not be categorically excluded from the 63436
number reported under division (F) of this section based on 63437
anything other than family income. 63438

(G) The resident district of each student; 63439

~~(F)~~(H) Any additional information the department determines 63440
necessary to make payments under this chapter. 63441

~~Sec. 3326.33. Payments and deductions under this section for~~ 63442
~~fiscal years 2012 and 2013 shall be made in accordance with~~ 63443
~~section 3326.39 of the Revised Code.~~ 63444

For each student enrolled in a science, technology, 63445
engineering, and mathematics school established under this 63446
chapter, on a full-time equivalency basis, the department of 63447
education annually shall deduct from the state education aid of a 63448
student's resident school district and, if necessary, from the 63449
payment made to the district under sections 321.24 and 323.156 of 63450
the Revised Code and pay to the school the sum of the following: 63451

~~(A) The sum of the formula amount plus the per pupil amount~~ 63452
~~of the base funding supplements specified in divisions (C)(1) to~~ 63453
~~(4) of section 3317.012 of the Revised Code.~~ 63454

~~(B) If the student is receiving special education and related~~ 63455
~~services pursuant to an IEP, the product of the applicable special~~ 63456
~~education weight times the formula amount;~~ 63457

~~(C) If the student is enrolled in vocational education~~ 63458
~~programs or classes that are described in section 3317.014 of the~~ 63459
~~Revised Code, are provided by the school, and are comparable as~~ 63460
~~determined by the superintendent of public instruction to school~~ 63461

~~district vocational education programs and classes eligible for 63462
state weighted funding under section 3317.014 of the Revised Code, 63463
the product of the applicable vocational education weight times 63464
the formula amount times the percentage of time the student spends 63465
in the vocational education programs or classes; 63466~~

~~(D) If the student is included in the poverty student count 63467
of the student's resident district, the per pupil amount of the 63468
district's payment under division (C) of section 3317.029 of the 63469
Revised Code; 63470~~

~~(E) If the student is identified as limited English 63471
proficient and the student's resident district receives a payment 63472
for services to limited English proficient students under division 63473
(F) of section 3317.029 of the Revised Code, the per pupil amount 63474
of the district's payment under that division, calculated in the 63475
same manner as per pupil payments are calculated under division 63476
(C)(6) of section 3314.08 of the Revised Code; 63477~~

~~(F) If the student's resident district receives a payment 63478
under division (G), (H), or (I) of section 3317.029 of the Revised 63479
Code, the per pupil amount of the district's payments under each 63480
division, calculated in the same manner as per pupil payments are 63481
calculated under divisions (C)(7) and (8) of section 3314.08 of 63482
the Revised Code; 63483~~

~~(G) If the student's resident district receives a parity aid 63484
payment under section 3317.0217 of the Revised Code, the per pupil 63485
amount calculated for the district under division (C) or (D) of 63486
that section An opportunity grant in an amount equal to the 63487
formula amount; 63488~~

~~(B) The per pupil amount of targeted assistance funds 63489
calculated under division (A) of section 3317.0217 of the Revised 63490
Code for the student's resident district, as determined by the 63491
department, X 0.25; 63492~~

<u>(C) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:</u>	63493
	63494
	63495
<u>(1) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;</u>	63496
	63497
	63498
<u>(2) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;</u>	63499
	63500
	63501
<u>(3) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;</u>	63502
	63503
	63504
<u>(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;</u>	63505
	63506
	63507
<u>(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;</u>	63508
	63509
	63510
<u>(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.</u>	63511
	63512
	63513
<u>(D) If the student is in kindergarten through third grade, \$211, in fiscal year 2014, or \$290, in fiscal year 2015;</u>	63514
	63515
<u>(E) If the student is economically disadvantaged, an amount equal to the following:</u>	63516
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<u>(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X (the resident district's economically disadvantaged index)</u>	63518
	63519
<u>(F) Limited English proficiency funds, as follows:</u>	63520
<u>(1) If the student is a category one limited English proficient student, the amount specified in division (A) of</u>	63521
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<u>section 3317.016 of the Revised Code;</u>	63523
<u>(2) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;</u>	63524 63525 63526
<u>(3) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.</u>	63527 63528 63529
<u>(G) Career-technical education funds as follows:</u>	63530
<u>(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;</u>	63531 63532 63533
<u>(2) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;</u>	63534 63535 63536
<u>(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;</u>	63537 63538 63539
<u>(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;</u>	63540 63541 63542
<u>(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.</u>	63543 63544 63545
<u>Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code.</u>	63546 63547 63548
Sec. 3326.34. If a science, technology, engineering, and mathematics school established under this chapter incurs costs for a fiscal year for a student receiving special education and	63549 63550 63551

related services pursuant to an IEP for a disability described in 63552
divisions (B) to (F) of section 3317.013 of the Revised Code that 63553
exceed the threshold catastrophic cost for serving the student as 63554
specified in division ~~(C)(3)(b)~~(B) of section ~~3317.022~~ 3317.0214 63555
of the Revised Code, the STEM school may submit to the 63556
superintendent of public instruction documentation, as prescribed 63557
by the superintendent, of all its costs for that student. Upon 63558
submission of documentation for a student of the type and in the 63559
manner prescribed, the department of education shall pay to the 63560
school an amount equal to the school's costs for the student in 63561
excess of the threshold catastrophic costs. 63562

The school shall only report under this section, and the 63563
department shall only pay for, the costs of educational expenses 63564
and the related services provided to the student in accordance 63565
with the student's IEP. Any legal fees, court costs, or other 63566
costs associated with any cause of action relating to the student 63567
may not be included in the amount. 63568

Sec. 3326.38. A science, technology, engineering, and 63569
mathematics school may do ~~all~~ both of the following: 63570

(A) ~~Apply to the department of education for gifted unit~~ 63571
~~funding;~~ 63572

~~(B)~~ Apply to any state or federal agency for grants that a 63573
school district or public school may receive under federal or 63574
state law or any appropriations act of the general assembly; 63575

~~(C)~~(B) Apply to any private entity or foundation for 63576
additional funds. 63577

Sec. 3326.39. (A) In any fiscal year, a STEM school receiving 63578
funds under division (G) of section 3326.33 of the Revised Code 63579
shall spend those funds only for the purposes that the department 63580
designates as approved for career-technical education expenses. 63581

Career-technical educational expenses approved by the department 63582
shall include only expenses connected to the delivery of 63583
career-technical programming to career-technical students. The 63584
department shall require the school to report data annually so 63585
that the department may monitor the school's compliance with the 63586
requirements regarding the manner in which funding received under 63587
division (G) of section 3326.33 of the Revised Code may be spent. 63588

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(B) All funds received under division (G) of section 3326.33 63590
of the Revised Code shall be spent in the following manner: 63591

(1) At least seventy-five per cent of the funds shall be 63592
spent on curriculum development, purchase, and implementation; 63593
instructional resources and supplies; industry-based program 63594
certification; student assessment, credentialing, and placement; 63595
curriculum specific equipment purchases and leases; 63596
career-technical student organization fees and expenses; home and 63597
agency linkages; work-based learning experiences; professional 63598
development; and other costs directly associated with 63599
career-technical education programs including development of new 63600
programs. 63601

(2) Not more than twenty-five per cent of the funds shall be 63602
used for personnel expenditures. 63603

Sec. 3326.40. A STEM school shall spend the funds it receives 63604
under division (E) of section 3326.33 of the Revised Code in 63605
accordance with section 3317.25 of the Revised Code. 63606

Sec. 3326.45. (A) The governing body of a science, 63607
technology, engineering, and mathematics school may contract with 63608
the governing board of an educational service center or the board 63609
of education of a joint vocational school district for the 63610
provision of services to the STEM school or to any student 63611

enrolled in the school. Services provided under the contract and 63612
the amount to be paid for those services shall be mutually agreed 63613
to by the parties to the contract, and shall be specified in the 63614
contract. 63615

(B) A contract entered into under this section may require an 63616
educational service center to provide any one or a combination of 63617
the following services to a STEM school: 63618

(1) Supervisory teachers; 63619

(2) In-service and continuing education programs for 63620
personnel of the STEM school; 63621

(3) Curriculum services as provided to the client school 63622
districts of the service center; 63623

(4) Research and development programs; 63624

(5) Academic instruction for which the service center 63625
governing board employs teachers; 63626

(6) Assistance in the provision of special accommodations and 63627
classes for students with disabilities. 63628

Services described in division (B) of this section shall be 63629
provided to the STEM school in the same manner they are provided 63630
to client school districts of the service center, unless otherwise 63631
specified in the contract. The contract shall specify whether the 63632
service center will receive a per-pupil payment from the 63633
department of education for the provision of these services and, 63634
if so, the amount of the per-pupil payment, ~~which shall not exceed~~ 63635
~~the per pupil amount paid to the service center under division (F)~~ 63636
~~of section 3317.11 of the Revised Code for each student in the~~ 63637
~~service center ADM.~~ 63638

(C) For each contract entered into under this section, the 63639
department shall deduct the amount owed by the STEM school from 63640
the state funds due to the STEM school under this chapter and 63641

shall pay that amount to the educational service center or joint vocational school district that is party to the contract. ~~In the case of a contract with an educational service center that specifies per pupil payments for the provision of services described in division (B) of this section, the department also shall pay the service center the amount calculated under division (H) of section 3317.11 of the Revised Code.~~

(D) No contract entered into under this section shall be valid unless a copy is filed with the department by the first day of the school year for which the contract is in effect.

(E) As used in this section, "client school district" ~~has the same meaning as in section 3317.11 of the Revised Code~~ means a city, exempted village, or local school district that has entered into an agreement under section 3313.843 or 3313.845 of the Revised Code to receive any services from an educational service center.

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and sections 3327.011, 3327.012, and 3327.02 of the Revised Code do not apply to any joint vocational or cooperative education school district.

In all city, local, and exempted village school districts where resident school pupils in grades kindergarten through eight live more than two miles from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community school which they attend, the board of education shall provide transportation for such pupils to and from ~~such~~ that school except as provided in section 3327.02 of the Revised Code.

In all city, local, and exempted village school districts 63673
where pupil transportation is required under a career-technical 63674
plan approved by the state board of education under section 63675
3313.90 of the Revised Code, for any student attending a 63676
career-technical program operated by another school district, 63677
including a joint vocational school district, as prescribed under 63678
that section, the board of education of the student's district of 63679
residence shall provide transportation from the public high school 63680
operated by that district to which the student is assigned to the 63681
career-technical program. 63682

In all city, local, and exempted village school districts, 63683
the board may provide transportation for resident school pupils in 63684
grades nine through twelve to and from the high school to which 63685
they are assigned by the board of education of the district of 63686
residence or to and from the nonpublic or community high school 63687
which they attend for which the state board of education 63688
prescribes minimum standards pursuant to division (D) of section 63689
3301.07 of the Revised Code. 63690

A board of education shall not be required to transport 63691
elementary or high school pupils to and from a nonpublic or 63692
community school where such transportation would require more than 63693
thirty minutes of direct travel time as measured by school bus 63694
from the public school building to which the pupils would be 63695
assigned if attending the public school designated by the district 63696
of residence. 63697

Where it is impractical to transport a pupil by school 63698
conveyance, a board of education may offer payment, in lieu of 63699
providing such transportation in accordance with section 3327.02 63700
of the Revised Code. 63701

A board of education shall not be required to transport 63702
elementary or high school pupils to and from a nonpublic or 63703
community school on Saturday or Sunday, unless a board of 63704

education and a nonpublic or community school have an agreement in place to do so before July 1, 2014. 63705
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In all city, local, and exempted village school districts, the board shall provide transportation for all children who are so disabled that they are unable to walk to and from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and which they attend. In case of dispute whether the child is able to walk to and from the school, the health commissioner shall be the judge of such ability. In all city, exempted village, and local school districts, the board shall provide transportation to and from school or special education classes for ~~educable~~ mentally retarded disabled children in accordance with standards adopted by the state board of education. 63707
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When transportation of pupils is provided the conveyance shall be run on a time schedule that shall be adopted and put in force by the board not later than ten days after the beginning of the school term. 63719
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The cost of any transportation service authorized by this section shall be paid first out of federal funds, if any, available for the purpose of pupil transportation, and secondly out of state appropriations, in accordance with regulations adopted by the state board of education. 63723
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No transportation of any pupils shall be provided by any board of education to or from any school which in the selection of pupils, faculty members, or employees, practices discrimination against any person on the grounds of race, color, religion, or national origin. 63728
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Sec. 3327.02. (A) After considering each of the following factors, the board of education of a city, exempted village, or local school district may determine that it is impractical to 63733
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transport a pupil who is eligible for transportation to and from a school under section 3327.01 of the Revised Code:	63736 63737
(1) The time and distance required to provide the transportation;	63738 63739
(2) The number of pupils to be transported;	63740
(3) The cost of providing transportation in terms of equipment, maintenance, personnel, and administration;	63741 63742
(4) Whether similar or equivalent service is provided to other pupils eligible for transportation;	63743 63744
(5) Whether and to what extent the additional service unavoidably disrupts current transportation schedules;	63745 63746
(6) Whether other reimbursable types of transportation are available.	63747 63748
(B)(1) Based on its consideration of the factors established in division (A) of this section, the board may pass a resolution declaring the impracticality of transportation. The resolution shall include each pupil's name and the reason for impracticality.	63749 63750 63751 63752
(2) The board shall report its determination to the state board of education in a manner determined by the state board.	63753 63754
(3) The board of education of a local school district additionally shall submit the resolution for concurrence to the educational service center that contains the local district's territory. If the educational service center governing board considers transportation by school conveyance practicable, it shall so inform the local board and transportation shall be provided by such local board. If the educational service center board agrees with the view of the local board, the local board may offer payment in lieu of transportation as provided in this section.	63755 63756 63757 63758 63759 63760 63761 63762 63763 63764
(C) After passing the resolution declaring the impracticality	63765

of transportation, the district board shall offer to provide 63766
payment in lieu of transportation by doing the following: 63767

(1) In accordance with guidelines established by the 63768
department of education, informing the pupil's parent, guardian, 63769
or other person in charge of the pupil of both of the following: 63770

(a) The board's resolution; 63771

(b) The right of the pupil's parent, guardian, or other 63772
person in charge of the pupil to accept the offer of payment in 63773
lieu of transportation or to reject the offer and instead request 63774
the department to initiate mediation procedures. 63775

(2) Issuing the pupil's parent, guardian, or other person in 63776
charge of the pupil a contract or other form on which the parent, 63777
guardian, or other person in charge of the pupil is given the 63778
option to accept or reject the board's offer of payment in lieu of 63779
transportation. 63780

(D) If the parent, guardian, or other person in charge of the 63781
pupil accepts the offer of payment in lieu of providing 63782
transportation, the board shall pay the parent, guardian, or other 63783
person in charge of the pupil an amount that shall be not less 63784
than the amount determined by the ~~department of education~~ general 63785
assembly as the minimum for payment in lieu of transportation, and 63786
not more than the amount determined by the department of education 63787
as the average cost of pupil transportation for the previous 63788
school year. Payment may be prorated if the time period involved 63789
is only a part of the school year. 63790

(E)(1)(a) Upon the request of a parent, guardian, or other 63791
person in charge of the pupil who rejected the payment in lieu of 63792
transportation, the department shall conduct mediation procedures. 63793

(b) If the mediation does not resolve the dispute, the state 63794
board of education shall conduct a hearing in accordance with 63795
Chapter 119. of the Revised Code. The state board may approve the 63796

payment in lieu of transportation or may order the board of 63797
education to provide transportation. The decision of the state 63798
board is binding in subsequent years and on future parties in 63799
interest provided the facts of the determination remain 63800
comparable. 63801

(2) The school district shall provide transportation for the 63802
pupil from the time the parent, guardian, or other person in 63803
charge of the pupil requests mediation until the matter is 63804
resolved under division (E)(1)(a) or (b) of this section. 63805

(F)(1) If the department determines that a school district 63806
board has failed or is failing to provide transportation as 63807
required by division (E)(2) of this section or as ordered by the 63808
state board under division (E)(1)(b) of this section, the 63809
department shall order the school district board to pay to the 63810
pupil's parent, guardian, or other person in charge of the pupil, 63811
an amount equal to the state average daily cost of transportation 63812
as determined by the state board of education for the previous 63813
year. The school district board shall make payments on a schedule 63814
ordered by the department. 63815

(2) If the department subsequently finds that a school 63816
district board is not in compliance with an order issued under 63817
division (F)(1) of this section and the affected pupils are 63818
enrolled in a nonpublic or community school, the department shall 63819
deduct the amount that the board is required to pay under that 63820
order from any pupil transportation payments the department makes 63821
to the school district board under section 3317.0212 of the 63822
Revised Code or other provisions of law. The department shall use 63823
the moneys so deducted to make payments to the nonpublic or 63824
community school attended by the pupil. The department shall 63825
continue to make the deductions and payments required under this 63826
division until the school district board either complies with the 63827
department's order issued under division (F)(1) of this section or 63828

begins providing transportation. 63829

(G) A nonpublic or community school that receives payments 63830
from the department under division (F)(2) of this section shall do 63831
either of the following: 63832

(1) Disburse the entire amount of the payments to the parent, 63833
guardian, or other person in charge of the pupil affected by the 63834
failure of the school district of residence to provide 63835
transportation; 63836

(2) Use the entire amount of the payments to provide 63837
acceptable transportation for the affected pupil. 63838

Sec. 3327.07. (A) The governing authority of a chartered 63839
nonpublic school that transports a student enrolled in the school 63840
to and from school may charge the parent or guardian of the 63841
student a fee for the transportation, if the governing authority 63842
purchased the vehicle that transports the student using no state 63843
or federal funds. The fee shall not exceed the per student cost of 63844
the transportation, as determined by the governing authority. 63845

(B) The parent or guardian of a student who is enrolled in a 63846
chartered nonpublic school and is eligible for transportation by a 63847
school district under section 3327.01 of the Revised Code may 63848
decline that transportation and accept transportation from the 63849
chartered nonpublic school. The governing authority of a chartered 63850
nonpublic school may charge a fee under division (A) of this 63851
section regardless of whether a student is eligible for 63852
transportation under section 3327.01 of the Revised Code. 63853

(C) The offering by the governing authority of a chartered 63854
nonpublic school of transportation to and from the school does not 63855
relieve any school district board of education from any duty 63856
imposed by sections 3327.01 and 3327.02 of the Revised Code with 63857
respect to the chartered nonpublic school's students. 63858

Sec. 3327.10. (A) No person shall be employed as driver of a 63859
school bus or motor van, owned and operated by any school district 63860
or educational service center or privately owned and operated 63861
under contract with any school district or service center in this 63862
state, who has not received a certificate from either the 63863
educational service center governing board ~~in case such person is~~ 63864
~~employed by a service center or by a local school district under~~ 63865
~~the supervision of the service center governing board,~~ that has 63866
entered into an agreement with the school district under section 63867
3313.843 or 3313.845 of the Revised Code or ~~by~~ the superintendent 63868
of ~~schools,~~ in case such person is employed by the board of a city 63869
~~or exempted village~~ the school district, certifying that such 63870
person is at least eighteen years of age and is of good moral 63871
character and is qualified physically and otherwise for such 63872
position. The service center governing board or the 63873
superintendent, as the case may be, shall provide for an annual 63874
physical examination that conforms with rules adopted by the state 63875
board of education of each driver to ascertain the driver's 63876
physical fitness for such employment. Any certificate may be 63877
revoked by the authority granting the same on proof that the 63878
holder has been guilty of failing to comply with division (D)(1) 63879
of this section, or upon a conviction or a guilty plea for a 63880
violation, or any other action, that results in a loss or 63881
suspension of driving rights. Failure to comply with such division 63882
may be cause for disciplinary action or termination of employment 63883
under division (C) of section 3319.081, or section 124.34 of the 63884
Revised Code. 63885

(B) No person shall be employed as driver of a school bus or 63886
motor van not subject to the rules of the department of education 63887
pursuant to division (A) of this section who has not received a 63888
certificate from the school administrator or contractor certifying 63889
that such person is at least eighteen years of age, is of good 63890

moral character, and is qualified physically and otherwise for 63891
such position. Each driver shall have an annual physical 63892
examination which conforms to the state highway patrol rules, 63893
ascertaining the driver's physical fitness for such employment. 63894
The examination shall be performed by one of the following: 63895

(1) A person licensed under Chapter 4731. of the Revised Code 63896
or by another state to practice medicine and surgery or 63897
osteopathic medicine and surgery; 63898

(2) A physician assistant; 63899

(3) A certified nurse practitioner; 63900

(4) A clinical nurse specialist; 63901

(5) A certified nurse-midwife. 63902

Any written documentation of the physical examination shall 63903
be completed by the individual who performed the examination. 63904

Any certificate may be revoked by the authority granting the 63905
same on proof that the holder has been guilty of failing to comply 63906
with division (D)(2) of this section. 63907

(C) Any person who drives a school bus or motor van must give 63908
satisfactory and sufficient bond except a driver who is an 63909
employee of a school district and who drives a bus or motor van 63910
owned by the school district. 63911

(D) No person employed as driver of a school bus or motor van 63912
under this section who is convicted of a traffic violation or who 63913
has had the person's commercial driver's license suspended shall 63914
drive a school bus or motor van until the person has filed a 63915
written notice of the conviction or suspension, as follows: 63916

(1) If the person is employed under division (A) of this 63917
section, the person shall file the notice with the superintendent, 63918
or a person designated by the superintendent, of the school 63919
district for which the person drives a school bus or motor van as 63920

an employee or drives a privately owned and operated school bus or motor van under contract.

(2) If employed under division (B) of this section, the person shall file the notice with the employing school administrator or contractor, or a person designated by the administrator or contractor.

(E) In addition to resulting in possible revocation of a certificate as authorized by divisions (A) and (B) of this section, violation of division (D) of this section is a minor misdemeanor.

(F)(1) Not later than thirty days after June 30, 2007, each owner of a school bus or motor van shall obtain the complete driving record for each person who is currently employed or otherwise authorized to drive the school bus or motor van. An owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for the first time before the owner has obtained the person's complete driving record. Thereafter, the owner of a school bus or motor van shall obtain the person's driving record not less frequently than semiannually if the person remains employed or otherwise authorized to drive the school bus or motor van. An owner of a school bus or motor van shall not permit a person to resume operating a school bus or motor van, after an interruption of one year or longer, before the owner has obtained the person's complete driving record.

(2) The owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for six years after the date on which the person pleads guilty to or is convicted of a violation of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance.

(3) An owner of a school bus or motor van shall not permit any person to operate such a vehicle unless the person meets all

other requirements contained in rules adopted by the state board 63952
of education prescribing qualifications of drivers of school buses 63953
and other student transportation. 63954

(G) No superintendent of a school district, educational 63955
service center, community school, or public or private employer 63956
shall permit the operation of a vehicle used for pupil 63957
transportation within this state by an individual unless both of 63958
the following apply: 63959

(1) Information pertaining to that driver has been submitted 63960
to the department of education, pursuant to procedures adopted by 63961
that department. Information to be reported shall include the name 63962
of the employer or school district, name of the driver, driver 63963
license number, date of birth, date of hire, status of physical 63964
evaluation, and status of training. 63965

(2) The most recent criminal records check required by 63966
division (J) of this section has been completed and received by 63967
the superintendent or public or private employer. 63968

(H) A person, school district, educational service center, 63969
community school, nonpublic school, or other public or nonpublic 63970
entity that owns a school bus or motor van, or that contracts with 63971
another entity to operate a school bus or motor van, may impose 63972
more stringent restrictions on drivers than those prescribed in 63973
this section, in any other section of the Revised Code, and in 63974
rules adopted by the state board. 63975

(I) For qualified drivers who, on July 1, 2007, are employed 63976
by the owner of a school bus or motor van to drive the school bus 63977
or motor van, any instance in which the driver was convicted of or 63978
pleaded guilty to a violation of section 4511.19 of the Revised 63979
Code or a substantially equivalent municipal ordinance prior to 63980
two years prior to July 1, 2007, shall not be considered a 63981
disqualifying event with respect to division (F) of this section. 63982

(J)(1) This division applies to persons hired by a school 63983
district, educational service center, community school, chartered 63984
nonpublic school, or science, technology, engineering, and 63985
mathematics school established under Chapter 3326. of the Revised 63986
Code to operate a vehicle used for pupil transportation. 63987

For each person to whom this division applies who is hired on 63988
or after November 14, 2007, the employer shall request a criminal 63989
records check in accordance with section 3319.39 of the Revised 63990
Code and every six years thereafter. For each person to whom this 63991
division applies who is hired prior to that date, the employer 63992
shall request a criminal records check by a date prescribed by the 63993
department of education and every six years thereafter. 63994

(2) This division applies to persons hired by a public or 63995
private employer not described in division (J)(1) of this section 63996
to operate a vehicle used for pupil transportation. 63997

For each person to whom this division applies who is hired on 63998
or after November 14, 2007, the employer shall request a criminal 63999
records check prior to the person's hiring and every six years 64000
thereafter. For each person to whom this division applies who is 64001
hired prior to that date, the employer shall request a criminal 64002
records check by a date prescribed by the department and every six 64003
years thereafter. 64004

(3) Each request for a criminal records check under division 64005
(J) of this section shall be made to the superintendent of the 64006
bureau of criminal identification and investigation in the manner 64007
prescribed in section 3319.39 of the Revised Code, except that if 64008
both of the following conditions apply to the person subject to 64009
the records check, the employer shall request the superintendent 64010
only to obtain any criminal records that the federal bureau of 64011
investigation has on the person: 64012

(a) The employer previously requested the superintendent to 64013

determine whether the bureau of criminal identification and 64014
investigation has any information, gathered pursuant to division 64015
(A) of section 109.57 of the Revised Code, on the person in 64016
conjunction with a criminal records check requested under section 64017
3319.39 of the Revised Code or under division (J) of this section. 64018

(b) The person presents proof that the person has been a 64019
resident of this state for the five-year period immediately prior 64020
to the date upon which the person becomes subject to a criminal 64021
records check under this section. 64022

Upon receipt of a request, the superintendent shall conduct 64023
the criminal records check in accordance with section 109.572 of 64024
the Revised Code as if the request had been made under section 64025
3319.39 of the Revised Code. However, as specified in division 64026
(B)(2) of section 109.572 of the Revised Code, if the employer 64027
requests the superintendent only to obtain any criminal records 64028
that the federal bureau of investigation has on the person for 64029
whom the request is made, the superintendent shall not conduct the 64030
review prescribed by division (B)(1) of that section. 64031

(K)(1) Until the effective date of the amendments to rule 64032
3301-83-23 of the Ohio Administrative Code required by the second 64033
paragraph of division (E) of section 3319.39 of the Revised Code, 64034
any person who is the subject of a criminal records check under 64035
division (J) of this section and has been convicted of or pleaded 64036
guilty to any offense described in division (B)(1) of section 64037
3319.39 of the Revised Code shall not be hired or shall be 64038
released from employment, as applicable, unless the person meets 64039
the rehabilitation standards prescribed for nonlicensed school 64040
personnel by rule 3301-20-03 of the Ohio Administrative Code. 64041

(2) Beginning on the effective date of the amendments to rule 64042
3301-83-23 of the Ohio Administrative Code required by the second 64043
paragraph of division (E) of section 3319.39 of the Revised Code, 64044
any person who is the subject of a criminal records check under 64045

division (J) of this section and has been convicted of or pleaded 64046
guilty to any offense that, under the rule, disqualifies a person 64047
for employment to operate a vehicle used for pupil transportation 64048
shall not be hired or shall be released from employment, as 64049
applicable, unless the person meets the rehabilitation standards 64050
prescribed by the rule. 64051

Sec. 3328.27. The board of trustees of each 64052
college-preparatory boarding school shall comply with the 64053
standards for financial reporting adopted under division (B)(2) of 64054
section 3301.07 of the Revised Code. 64055

Sec. 3333.041. (A) On or before the last day of December of 64056
each year, the chancellor of the Ohio board of regents shall 64057
submit to the governor and, in accordance with section 101.68 of 64058
the Revised Code, the general assembly a report or reports 64059
concerning all of the following: 64060

(1) The status of graduates of Ohio school districts at state 64061
institutions of higher education during the twelve-month period 64062
ending on the thirtieth day of September of the current calendar 64063
year. The report shall list, by school district, the number of 64064
graduates of each school district who attended a state institution 64065
of higher education and the percentage of each district's 64066
graduates enrolled in a state institution of higher education 64067
during the reporting period who were required during such period 64068
by the college or university, as a prerequisite to enrolling in 64069
those courses generally required for first-year students, to 64070
enroll in a remedial course in English, including composition or 64071
reading, mathematics, and any other area designated by the 64072
chancellor. The chancellor also shall make the information 64073
described in division (A)(1) of this section available to the 64074
board of education of each city, exempted village, and local 64075
school district. 64076

Each state institution of higher education shall, by the 64077
first day of November of each year, submit to the chancellor in 64078
the form specified by the chancellor the information the 64079
chancellor requires to compile the report. 64080

(2) Aggregate academic growth data for students assigned to 64081
graduates of teacher preparation programs approved under section 64082
3333.048 of the Revised Code who teach English language arts or 64083
mathematics in any of grades four to eight in a public school in 64084
Ohio. For this purpose, the chancellor shall use the value-added 64085
progress dimension prescribed by section 3302.021 of the Revised 64086
Code or the alternative student academic progress measure if 64087
adopted under division (C)(1)(e) of section 3302.03 of the Revised 64088
Code. The chancellor shall aggregate the data by graduating class 64089
for each approved teacher preparation program, except that if a 64090
particular class has ten or fewer graduates to which this section 64091
applies, the chancellor shall report the data for a group of 64092
classes over a three-year period. In no case shall the report 64093
identify any individual graduate. The department of education 64094
shall share any data necessary for the report with the chancellor. 64095

(3) The following information with respect to the Ohio 64096
tuition trust authority: 64097

(a) The name of each investment manager that is a minority 64098
business enterprise or a women's business enterprise with which 64099
the chancellor contracts; 64100

(b) The amount of assets managed by investment managers that 64101
are minority business enterprises or women's business enterprises, 64102
expressed as a percentage of assets managed by investment managers 64103
with which the chancellor has contracted; 64104

(c) Efforts by the chancellor to increase utilization of 64105
investment managers that are minority business enterprises or 64106
women's business enterprises. 64107

~~(4) The status of implementation of faculty improvement programs under section 3345.28 of the Revised Code. The report shall include, but need not be limited to, the following: the number of professional leave grants made by each institution; the purpose of each professional leave; and a statement of the cost to the institution of each professional leave, to the extent that the cost exceeds the salary of the faculty member on professional leave.~~ 64108
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~~(5) The number and types of biobased products purchased under section 125.092 of the Revised Code and the amount of money spent by state institutions of higher education for those biobased products as that information is provided to the chancellor under division (A) of section 3345.692 of the Revised Code.~~ 64116
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~~(6) A description of dual enrollment programs, as defined in section 3313.6013 of the Revised Code, that are offered by school districts, community schools established under Chapter 3314. of the Revised Code, STEM schools established under Chapter 3326. of the Revised Code, college-preparatory boarding schools established under Chapter 3328. of the Revised Code, and chartered nonpublic high schools. The chancellor also shall post the information on the chancellor's web site.~~ 64121
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~~(7) The academic and economic impact of the Ohio innovation partnership established under section 3333.61 of the Revised Code. At a minimum, the report shall include the following:~~ 64129
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~~(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year;~~ 64132
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~~(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy;~~ 64134
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~~(e)(5) The chancellor's strategy in assigning choose Ohio first scholarships, as established under section 3333.61 of the~~ 64137
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Revised Code, among state universities and colleges and how the actual awards fit that strategy.

~~(8)~~(6) The academic and economic impact of the Ohio co-op/internship program established under section 3333.72 of the Revised Code. At a minimum, the report shall include the following:

(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year;

(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy;

(c) The chancellor's strategy in allocating awards among state institutions of higher education and how the actual awards fit that strategy.

(B) As used in this section:

(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.

(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code.

(3) "State university or college" has the same meaning as in section 3345.12 of the Revised Code.

(4) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state.

Sec. 3333.0412. No nonprofit institution that holds a certificate of authorization issued under Chapter 1713. of the Revised Code shall be liable for a breach of confidentiality

arising from the institution's submission of student data or 64168
records to the board of regents or any other state agency in 64169
compliance with any law, rule, or regulation, provided that the 64170
breach occurs as a result of one of the following: 64171

(A) An action by a third party during and after the 64172
transmission of the data or records by the institution but prior 64173
to receipt of the data or records by the board of regents or other 64174
state agency; 64175

(B) An action by the board of regents or the state agency. 64176

This provision shall apply to the submission of any student 64177
data or records that are subject to any laws of this state or, to 64178
the extent permitted, any federal law, including the "Family 64179
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 64180
U.S.C. 1232g. 64181

Sec. 3333.124. There is hereby created in the state treasury 64182
the Ohio college opportunity grant program reserve fund. Not later 64183
than the first day of July of each fiscal year, the chancellor of 64184
the Ohio board of regents shall certify to the director of budget 64185
and management the unencumbered balance of the general revenue 64186
fund appropriations made in the immediately preceding fiscal year 64187
for purposes of the Ohio college opportunity grant program created 64188
in section 3333.122 of the Revised Code. Upon receipt of the 64189
certification, the director may transfer an amount not exceeding 64190
the certified amount from the general revenue fund to the Ohio 64191
college opportunity grant program reserve fund. Moneys in the Ohio 64192
college opportunity grant program reserve fund shall be used to 64193
pay grant obligations in excess of the general revenue fund 64194
appropriations made for that purpose. 64195

The director may transfer any unencumbered balance from the 64196
Ohio college opportunity grant program reserve fund to the general 64197

revenue fund. 64198

Sec. 3333.342. (A) The chancellor of the Ohio board of regents may designate a "certificate of value" for a certificate program at any adult career-technical education institution or state institution of higher education, as defined under section 3345.011 of the Revised Code, based on the standards adopted under division (B) of this section. 64199
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(B) The chancellor shall develop standards for designation of the certificates of value for certificate programs at adult career-technical education institutions and state institutions of higher education. The standards shall include at least the following considerations: 64205
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(1) The quality of the certificate program; 64210

(2) The ability to transfer agreed-upon technical courses completed through an adult career-technical education institution to a state institution of higher education without unnecessary duplication or institutional barriers; 64211
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(3) The extent to which the certificate program encourages a student to obtain an associate's or bachelor's degree; 64215
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(4) The extent to which the certificate program increases a student's likelihood to complete other certificate programs or an associate's or bachelor's degree; 64217
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(5) The ability of the certificate program to meet the expectations of the workplace and higher education; 64220
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(6) The extent to which the certificate program is aligned with the strengths of the regional economy; 64222
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(7) The extent to which the certificate program increases the amount of individuals who remain in or enter the state's workforce; 64224
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<u>(8) The extent of a certificate program's relationship with private companies in the state to fill potential job growth.</u>	64227 64228
<u>(C) The designation of a certificate of value under this section shall expire six years after its designation date.</u>	64229 64230
<u>(D) The chancellor may revoke a designation prior to its expiration date if the chancellor determines that the program no longer complies with the standards developed under division (B) of this section.</u>	64231 64232 64233 64234
<u>(E) Any revocation of a certificate of value under this section shall become effective one hundred eighty days after the date the revocation was declared by the chancellor.</u>	64235 64236 64237
<u>(F) Any adult career-technical education institution or state institution of higher education that desires to be eligible to receive a designation of certificate of value for one or more of its certificate programs shall comply with all records and data requests required by the chancellor.</u>	64238 64239 64240 64241 64242
Sec. 3333.90 <u>3333.59</u>. (A) As used in this section:	64243
(1) "Allocated state share of instruction" means, for any fiscal year, the amount of the state share of instruction appropriated to the Ohio board of regents by the general assembly that is allocated to a community or technical college or community or technical college district for such fiscal year.	64244 64245 64246 64247 64248
(2) "Issuing authority" has the same meaning as in section 154.01 of the Revised Code.	64249 64250
(3) "Bond service charges" has the same meaning as in section 154.01 of the Revised Code.	64251 64252
(4) "Chancellor" means the chancellor of the Ohio board of regents.	64253 64254
(5) "Community or technical college" or "college" means any	64255

of the following state-supported or state-assisted institutions of higher education:	64256 64257
(a) A community college as defined in section 3354.01 of the Revised Code;	64258 64259
(b) A technical college as defined in section 3357.01 of the Revised Code;	64260 64261
(c) A state community college as defined in section 3358.01 of the Revised Code.	64262 64263
(6) "Community or technical college district" or "district" means any of the following institutions of higher education that are state-supported or state-assisted:	64264 64265 64266
(a) A community college district as defined in section 3354.01 of the Revised Code;	64267 64268
(b) A technical college district as defined in section 3357.01 of the Revised Code;	64269 64270
(c) A state community college district as defined in section 3358.01 of the Revised Code.	64271 64272
(7) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code.	64273 64274
(8) "Obligations" has the meaning as in section 154.01 or 3345.12 of the Revised Code, as the context requires.	64275 64276
(B) The board of trustees of any community or technical college district authorizing the issuance of obligations under section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the Revised Code, or for whose benefit and on whose behalf the issuing authority proposes to issue obligations under section 154.25 of the Revised Code, may adopt a resolution requesting the chancellor to enter into an agreement with the community or technical college district and the primary paying agent or fiscal agent for such obligations, providing for the withholding and deposit of funds	64277 64278 64279 64280 64281 64282 64283 64284 64285

otherwise due the district or the community or technical college 64286
it operates in respect of its allocated state share of 64287
instruction, for the payment of bond service charges on such 64288
obligations. 64289

The board of trustees shall deliver to the chancellor a copy 64290
of the resolution and any additional pertinent information the 64291
chancellor may require. 64292

The chancellor and the office of budget and management, and 64293
the issuing authority in the case of obligations to be issued by 64294
the issuing authority, shall evaluate each request received from a 64295
community or technical college district under this section. The 64296
chancellor, with the advice and consent of the director of budget 64297
and management and the issuing authority in the case of 64298
obligations to be issued by the issuing authority, shall approve 64299
each request if all of the following conditions are met: 64300

(1) Approval of the request will enhance the marketability of 64301
the obligations for which the request is made; 64302

(2) The chancellor and the office of budget and management, 64303
and the issuing authority in the case of obligations to be issued 64304
by the issuing authority, have no reason to believe the requesting 64305
community or technical college district or the community or 64306
technical college it operates will be unable to pay when due the 64307
bond service charges on the obligations for which the request is 64308
made, and bond service charges on those obligations are therefore 64309
not anticipated to be paid pursuant to this section from the 64310
allocated state share of instruction for purposes of Section 17 of 64311
Article VIII, Ohio Constitution. 64312

(3) Any other pertinent conditions established in rules 64313
adopted under division (H) of this section. 64314

(C) If the chancellor approves the request of a community or 64315
technical college district to withhold and deposit funds pursuant 64316

to this section, the chancellor shall enter into a written 64317
agreement with the district and the primary paying agent or fiscal 64318
agent for the obligations, which agreement shall provide for the 64319
withholding of funds pursuant to this section for the payment of 64320
bond service charges on those obligations. The agreement may also 64321
include both of the following: 64322

(1) Provisions for certification by the district to the 64323
chancellor, prior to the deadline for payment of the applicable 64324
bond service charges, whether the district and the community or 64325
technical college it operates are able to pay those bond service 64326
charges when due; 64327

(2) Requirements that the district or the community or 64328
technical college it operates deposits amounts for the payment of 64329
those bond service charges with the primary paying agent or fiscal 64330
agent for the obligations prior to the date on which the bond 64331
service charges are due to the owners or holders of the 64332
obligations. 64333

(D) Whenever a district or the community or technical college 64334
it operates notifies the chancellor that it will not be able to 64335
pay the bond service charges when they are due, subject to the 64336
withholding provisions of this section, or whenever the applicable 64337
paying agent or fiscal agent notifies the chancellor that it has 64338
not timely received from a district or from the college it 64339
operates the full amount needed for payment of the bond service 64340
charges when due to the holders or owners of such obligations, the 64341
chancellor shall immediately contact the district or college and 64342
the paying agent or fiscal agent to confirm that the district and 64343
the college are not able to make the required payment by the date 64344
on which it is due. 64345

If the chancellor confirms that the district and the college 64346
are not able to make the payment and the payment will not be made 64347
pursuant to a credit enhancement facility, the chancellor shall 64348

promptly pay to the applicable primary paying agent or fiscal 64349
agent the lesser of the amount due for bond service charges or the 64350
amount of the next periodic distribution scheduled to be made to 64351
the district or to the college in respect of its allocated state 64352
share of instruction. If this amount is insufficient to pay the 64353
total amount then due the agent for the payment of bond service 64354
charges, the chancellor shall continue to pay to the agent from 64355
each periodic distribution thereafter, and until the full amount 64356
due the agent for unpaid bond service charges is paid in full, the 64357
lesser of the remaining amount due the agent for bond service 64358
charges or the amount of the next periodic distribution scheduled 64359
to be made to the district or college in respect of its allocated 64360
state share of instruction. 64361

(E) The chancellor may make any payments under this section 64362
by direct deposit of funds by electronic transfer. 64363

Any amount received by a paying agent or fiscal agent under 64364
this section shall be applied only to the payment of bond service 64365
charges on the obligations of the community or technical college 64366
district or community or technical college subject to this section 64367
or to the reimbursement of the provider of a credit enhancement 64368
facility that has paid the bond service charges. 64369

(F) The chancellor may make payments under this section to 64370
paying agents or fiscal agents during any fiscal biennium of the 64371
state only from and to the extent that money is appropriated to 64372
the board of regents by the general assembly for distribution 64373
during such biennium for the state share of instruction and only 64374
to the extent that a portion of the state share of instruction has 64375
been allocated to the community or technical college district or 64376
community or technical college. Obligations of the issuing 64377
authority or of a community or technical college district to which 64378
this section is made applicable do not constitute an obligation or 64379
a debt or a pledge of the faith, credit, or taxing power of the 64380

state, and the holders or owners of those obligations have no 64381
right to have excises or taxes levied or appropriations made by 64382
the general assembly for the payment of bond service charges on 64383
the obligations, and the obligations shall contain a statement to 64384
that effect. The agreement for or the actual withholding and 64385
payment of money under this section does not constitute the 64386
assumption by the state of any debt of a community or technical 64387
college district or a community or technical college, and bond 64388
service charges on the related obligations are not anticipated to 64389
be paid from the state general revenue fund for purposes of 64390
Section 17 of Article VIII, Ohio Constitution. 64391

(G) In the case of obligations subject to the withholding 64392
provisions of this section, the issuing community or technical 64393
college district, or the issuing authority in the case of 64394
obligations issued by the issuing authority, shall appoint a 64395
paying agent or fiscal agent who is not an officer or employee of 64396
the district or college. 64397

(H) The chancellor, with the advice and consent of the office 64398
of budget and management, may adopt reasonable rules not 64399
inconsistent with this section for the implementation of this 64400
section to secure payment of bond service charges on obligations 64401
issued by a community or technical college district or by the 64402
issuing authority for the benefit of a community or technical 64403
college district or the community or technical college it 64404
operates. Those rules shall include criteria for the evaluation 64405
and approval or denial of community or technical college district 64406
requests for withholding under this section. 64407

(I) The authority granted by this section is in addition to 64408
and not a limitation on any other authorizations granted by or 64409
pursuant to law for the same or similar purposes. 64410

Sec. 3333.613. There is hereby created in the state treasury 64411

the choose Ohio first scholarship reserve fund. Not later than the 64412
first day of July of each fiscal year, the chancellor of the Ohio 64413
board of regents shall certify to the director of budget and 64414
management the unencumbered balance of the general revenue fund 64415
appropriations made in the immediately preceding fiscal year for 64416
purposes of the choose Ohio first scholarship program created in 64417
section 3333.61 of the Revised Code. Upon receipt of the 64418
certification, the director may transfer an amount not exceeding 64419
the certified amount from the general revenue fund to the choose 64420
Ohio first scholarship reserve fund. Moneys in the choose Ohio 64421
first scholarship reserve fund shall be used to pay scholarship 64422
obligations in excess of the general revenue fund appropriations 64423
made for that purpose. 64424

The director may transfer any unencumbered balance from the 64425
choose Ohio first scholarship reserve fund to the general revenue 64426
fund. 64427

Sec. 3333.73. The chancellor of the Ohio board of regents 64428
shall establish a competitive process for making awards under the 64429
Ohio co-op/internship program. The chancellor, on completion of 64430
that process, shall make a recommendation to the controlling board 64431
asking for approval of each award selected by the chancellor. 64432

The state institution of higher education shall submit a 64433
proposal and other documentation required by the chancellor, in 64434
the form and manner prescribed by the chancellor, for each award 64435
it seeks. A proposal may propose an initiative to be implemented 64436
solely by the state institution of higher education or in 64437
collaboration with other state institutions of higher education or 64438
nonpublic Ohio universities or colleges. 64439

The chancellor shall determine which proposals will receive 64440
awards each fiscal year, and the amount of each award, on the 64441

basis of the merit of each proposal, which the chancellor, subject to approval by the controlling board, shall determine based on one or more of the following criteria:

(A) The extent to which the proposal will keep Ohio students in Ohio institutions of higher education;

(B) The extent to which the proposal will attract Ohio residents who left Ohio to attend out-of-state institutions of higher education to return to Ohio institutions of higher education;

(C) The extent to which the proposal will increase the number of Ohio graduates who remain in Ohio and enter Ohio's workforce;

(D) The quality of the program that is the subject of the proposal and the extent to which additional resources will enhance its quality;

(E) The extent to which the proposal is integrated with the strengths of the regional economy;

(F) The extent to which the proposal ~~is aligned with the report submitted by the chancellor pursuant to Section 4 of Sub. H.B. 2 of the 127th general assembly, as amended~~ supports the workforce policies of the governor's office of workforce transformation to meet the workforce needs of the state and to provide a student participating in the program with the skills needed for workplace success;

(G) The extent to which the proposal facilitates the development of high quality academic programs with a cooperative education program or a significant internship program at state institutions of higher education;

(H) The extent to which the proposal is integrated with supporting private companies to fill potential job growth, is responsive to the needs of employers, aligns with the skills

<u>identified by employers as necessary to fill high-demand job</u>	64472
<u>openings, particularly job openings in targeted industry sectors</u>	64473
<u>as identified by the governor's office of workforce</u>	64474
<u>transformation;</u>	64475
(I) The amount of other institutional, public, or private	64476
resources, whether monetary or nonmonetary, the proposal pledges	64477
to leverage that are in addition to the monetary cost-sharing	64478
requirement prescribed in section 3333.74 of the Revised Code;	64479
(J) The extent to which the proposal is collaborative with	64480
other Ohio institutions of higher education;	64481
(K) The extent to which the proposal is integrated with the	64482
institution's mission;	64483
(L) The extent to which the proposal meets a statewide	64484
educational need at the undergraduate or graduate level;	64485
(M) The demonstrated productivity or future capacity of the	64486
students to be recruited;	64487
(N) The extent to which the proposal will create additional	64488
capacity in a high quality academic program with a cooperative	64489
education program or significant internship program;	64490
(O) The extent to which the proposal will encourage students	64491
who received degrees from two-year institutions to pursue	64492
baccalaureate degrees;	64493
(P) The extent to which the proposal facilitates the	64494
completion of a baccalaureate degree in a cost-effective manner;	64495
(Q) The extent to which other institutional, public, or	64496
private resources that are pledged to the proposal, in addition to	64497
the monetary cost-sharing requirement prescribed in section	64498
3333.74 of the Revised Code, will be deployed to assist in	64499
sustaining the academic program of excellence;	64500
(R) The extent to which the proposal increases the likelihood	64501

that students will successfully complete their degree programs or certificate programs; 64502
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(S) The extent to which the proposal ensures that a student participating in the high quality academic program funded by the Ohio co-op/internship program is appropriately qualified and prepared to successfully transition into professions in Ohio's growing companies and industries. 64504
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Sec. 3333.81. As used in sections 3333.81 to 3333.88 of the Revised Code: 64509
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(A) "Clearinghouse" means the clearinghouse established under section 3333.82 of the Revised Code. 64511
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(B) "Community school" means a community school established under Chapter 3314. of the Revised Code. 64513
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(C) "Common statewide platform" means a software program that facilitates the delivery of courses via computers from multiple course providers to multiple end users, tracks the progress of the end user, and includes an integrated searchable database of standards-based course content. 64515
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(D) "Course provider" means a school district, community school, STEM school, state institution of higher education, private college or university, or nonprofit or for-profit private entity that creates or is an agent of the creator of original course content for a course offered through the clearinghouse. 64520
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(E) "Instructor" means an individual who holds a license issued by the state board of education, as defined in section 3319.31 of the Revised Code, or an individual employed as an instructor or professor by a state institution of higher education or a private college or university. 64525
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(F) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 64530
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(G) "STEM school" means a science, technology, engineering, 64532
and mathematics school established under Chapter 3326. of the 64533
Revised Code. 64534

(H) A "student's community school" means the community school 64535
in which the student is enrolled instead of being enrolled in a 64536
school operated by a school district. 64537

(I) A "student's school district" means the school district 64538
operating the school in which the student is lawfully enrolled. 64539

(J) "A "student's STEM school" means the STEM school in which 64540
the student is enrolled instead of being enrolled in a school 64541
operated by a school district. 64542

(K) "School district" means a city, exempted village, local, 64543
or joint vocational school district. 64544

(L) "Digital texts" has the same meaning as defined in 64545
section 3317.06 of the Revised Code. 64546

Sec. 3333.82. (A) The chancellor of the Ohio board of regents 64547
shall establish a clearinghouse of digital texts, interactive 64548
distance learning courses, and other distance learning courses 64549
delivered via a computer-based method offered by school districts, 64550
community schools, STEM schools, state institutions of higher 64551
education, private colleges and universities, and other nonprofit 64552
and for-profit course providers for sharing with other school 64553
districts, community schools, STEM schools, state institutions of 64554
higher education, private colleges and universities, and 64555
individuals for the fee set pursuant to section 3333.84 of the 64556
Revised Code. The chancellor shall not be responsible for the 64557
content of digital texts or courses offered through the 64558
clearinghouse; however, all such digital texts and courses shall 64559
be delivered only in accordance with technical specifications 64560
approved by the chancellor and on a common statewide platform 64561

administered by the chancellor. The chancellor may provide 64562
professional development and training on the use of the distance 64563
learning clearinghouse. 64564

The clearinghouse's distance learning program for students in 64565
grades kindergarten to twelve shall be based on the following 64566
principles: 64567

(1) All Ohio students shall have access to high quality 64568
digital texts and distance learning courses at any point in their 64569
educational careers. 64570

(2) All students shall be able to customize their education 64571
using digital texts and distance learning courses offered through 64572
the clearinghouse and no student shall be denied access to any 64573
digital text or course in the clearinghouse in which the student 64574
is eligible to enroll. 64575

(3) Students may take distance learning courses for all or 64576
any portion of their curriculum requirements and may utilize a 64577
combination of digital texts and distance learning courses and 64578
courses taught in a traditional classroom setting. 64579

(4) Students may earn an unlimited number of academic credits 64580
through distance learning courses. 64581

(5) Students may take distance learning courses at any time 64582
of the calendar year. 64583

(6) Student advancement to higher coursework shall be based 64584
on a demonstration of subject area competency instead of 64585
completion of any particular number of hours of instruction. 64586

(B) To offer digital texts or a course through the 64587
clearinghouse, a ~~course~~ provider shall apply to the chancellor in 64588
a form and manner prescribed by the chancellor. The application 64589
for each digital text or course shall describe the digital text or 64590
course of study in as much detail as required by the chancellor, 64591

whether an instructor is provided, the qualification and 64592
credentials of the instructor, the number of hours of instruction, 64593
and any other information required by the chancellor. The 64594
chancellor may require course providers to include in their 64595
applications information recommended by the state board of 64596
education under former section 3353.30 of the Revised Code. 64597

(C) The chancellor shall review the technical specifications 64598
of each application submitted under division (B) of this section. 64599
In reviewing applications, the chancellor may consult with the 64600
department of education; however, the responsibility to either 64601
approve or not approve a digital text or course for the 64602
clearinghouse belongs to the chancellor. The chancellor may 64603
request additional information from a ~~course~~ provider that submits 64604
an application under division (B) of this section, if the 64605
chancellor determines that such information is necessary. The 64606
chancellor may negotiate changes in the proposal to offer a 64607
digital text or course, if the chancellor determines that changes 64608
are necessary in order to approve the digital text or course. 64609

(D) The chancellor shall catalog each digital text or course 64610
approved for the clearinghouse, through a print or electronic 64611
medium, displaying the following: 64612

(1) Information necessary for a student and the student's 64613
parent, guardian, or custodian and the student's school district, 64614
community school, STEM school, college, or university to decide 64615
whether to enroll in or subscribe to the course; 64616

(2) Instructions for enrolling in that digital text or 64617
course, including deadlines for enrollment. 64618

(E) Any expenses related to the installation of a course into 64619
the common statewide platform shall be borne by the course 64620
provider. 64621

~~(F) The eTech Ohio commission, in consultation with the 64622~~

~~chancellor and the state board, shall distribute information to~~ 64623
~~students and parents describing the clearinghouse. The information~~ 64624
~~shall be provided in an easily understandable format~~ The 64625
chancellor may contract with an entity to perform any or all of 64626
the chancellor's duties under sections 3333.81 to 3333.88 of the 64627
Revised Code. 64628

Sec. 3333.84. (A) The fee charged for any digital texts or 64629
course offered through the clearinghouse shall be set by the 64630
~~course~~ provider. 64631

(B) The chancellor of the Ohio board of regents shall 64632
prescribe the manner in which the fee for a digital texts or 64633
course shall be collected or deducted from the school district, 64634
school, college or university, or individual subscribing to the 64635
digital texts or course and in which manner the fee shall be paid 64636
to the ~~course~~ provider. 64637

(C) The chancellor may retain a percentage of the fee charged 64638
for a digital texts or course to offset the cost of maintaining 64639
and operating the clearinghouse, including the payment of 64640
compensation for an entity or a private entity that is under 64641
contract with the chancellor under division (F) of section 3333.82 64642
of the Revised Code. The percentage retained shall be determined 64643
by the chancellor. 64644

(D) Nothing in this section shall be construed to require the 64645
school district, community school, or STEM school in which a 64646
student is enrolled to pay the fee charged for a digital texts or 64647
course taken by the student. 64648

Sec. 3335.35. There is hereby created the "~~Ohio cooperative~~ 64649
OSU extension service fund," which shall be under the custody and 64650
control of the board of trustees of the Ohio state university and 64651
shall consist of all moneys appropriated, given, granted, or 64652

bequeathed to the university for the use of ~~the Ohio cooperative~~ 64653
OSU extension service by the United States, this state, any 64654
political subdivision of this state, or any person. The board 64655
shall have responsibility for expenditure of all moneys in the 64656
fund in accordance with state and federal law and memoranda of 64657
agreement between the university and the United States department 64658
of agriculture. 64659

Sec. 3335.36. The board of trustees of the Ohio state 64660
university may employ such employees as it considers appropriate 64661
for the conduct of educational programs of ~~the Ohio cooperative~~ 64662
OSU extension service and may provide for the payment from the 64663
~~Ohio cooperative~~ OSU extension service fund created by section 64664
3335.35 of the Revised Code of reasonable compensation to such 64665
employees and of reasonable expenses incurred by them in the 64666
discharge of their duties, including expenses of travel and of 64667
maintaining, equipping, and supplying their offices. 64668

The employees shall cooperate with the department of 64669
agriculture, the Ohio agricultural research and development 64670
center, the department of education, and the United States 64671
department of agriculture, for the purpose of making available the 64672
educational materials of ~~the OSU extension service~~. ~~Such~~ The 64673
employees shall represent the university and shall conduct 64674
educational activities related to agriculture, natural resources, 64675
~~home economics~~ community development, family ~~living~~ and consumer 64676
sciences, and 4-H programs for the citizens of this state through 64677
personal instruction, bulletins, practical demonstrations, mass 64678
media, and otherwise, subject to such rules as may be prescribed 64679
by the board of trustees of the university. ~~Such~~ The employees 64680
shall have offices provided by the county or other political 64681
subdivision in which they serve in which bulletins and other 64682
educational materials of value to the people may be consulted and 64683
through which the employees may be reached. 64684

The board of trustees of the Ohio state university may hire 64685
or use employees of ~~the Ohio cooperative~~ OSU extension ~~service~~ to 64686
carry out the functions and duties of a director of economic 64687
development under division (B) of section 307.07 of the Revised 64688
Code pursuant to any agreement with a county under division (A)(2) 64689
of section 307.07 of the Revised Code. 64690

Sec. 3335.37. The board of county commissioners of any county 64691
may levy a tax, within the limitations prescribed by law, and 64692
appropriate money from the proceeds thereof or from the general 64693
fund of the county to be paid to the Ohio state university to the 64694
credit of the ~~Ohio cooperative~~ OSU extension ~~service~~ fund created 64695
by section 3335.35 of the Revised Code and expended for the 64696
purposes prescribed in section 3335.36 of the Revised Code for the 64697
benefit of the citizens of ~~such~~ that county. Any money paid into 64698
the fund under this section that aggregates more than ten per cent 64699
of the county appropriation in the preceding year and that remains 64700
unexpended for two years from the time of ~~such~~ the payment shall 64701
be returned to the county from which it came unless the board of 64702
county commissioners determines by resolution to contribute it to 64703
~~the Ohio cooperative~~ OSU extension ~~service~~ for general purposes. 64704
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Sec. 3335.38. The board of trustees of the Ohio state 64706
university shall establish a farm financial management institute 64707
in ~~the Ohio cooperative~~ OSU extension ~~service~~ to train interested 64708
and qualified persons to assist farmers needing help with farm 64709
financial management problems. 64710

Participation shall be open to all interested persons, but 64711
the following persons shall be given priority as to enrollment: 64712
employees or representatives of banks and other farm credit 64713
agencies, agricultural teachers, and faculty and employees of the 64714
Ohio state university and ~~the Ohio cooperative~~ OSU extension 64715

~~service~~ who agree to assist Ohio farmers in completing and 64716
understanding the coordinated financial statement and other 64717
subjects. A fee may be charged participants, as determined by ~~the~~ 64718
OSU extension service, but may be waived for those participants 64719
granted priority status at enrollment. 64720

Sec. ~~3304.23~~ 3335.60. (A) There is hereby created in the 64721
~~rehabilitation services commission~~ Ohio state university college 64722
of medicine a brain injury program consisting of a program 64723
director and at least one support staff person. 64724

(B) To the extent that funds are available, the brain injury 64725
program may do the following: 64726

(1) Identify existing services in this state to assist 64727
survivors and families of survivors of brain injury; 64728

(2) Promote the coordination of services for survivors and 64729
families of survivors of brain injury; 64730

(3) Explore options for delivery of services to survivors and 64731
families of survivors of brain injury; 64732

(4) Explore the establishment of a traumatic brain injury 64733
incidence reporting system to collect information on the incidence 64734
and character of traumatic brain injury in this state; 64735

(5) Promote practices that will reduce the incidence of brain 64736
injury; 64737

(6) Develop training programs on dealing with brain injury 64738
and the special needs of survivors of brain injury; 64739

(7) Identify sources of available funds for services for 64740
survivors and families of survivors of brain injury; 64741

(8) Explore options for the delivery of case management 64742
services to residents of this state who are survivors of brain 64743
injury; 64744

(9) Provide assistance to assure that services for survivors and families of survivors of brain injury are all of the following: 64745
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(a) Designed to enhance the survivor's ability to lead an independent and productive life; 64748
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(b) Available within close proximity of the survivor's home; 64750

(c) Provided in the least restrictive environment; 64751

(d) Appropriate to the unique needs of the survivor. 64752

(C) The staff of the brain injury program shall prepare a biennial report on the incidence of brain injury in this state that. ~~The report shall be submitted to the administrator of the rehabilitation services commission on or before December 15, 1992, completed not later than two years after the effective date of this amendment~~ and every two years thereafter. ~~A copy of the report shall be and~~ submitted to the brain injury advisory committee created under section ~~3304.231~~ 3335.61 of the Revised Code. 64753
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Sec. ~~3304.231~~ 3335.61. There is hereby created a brain injury advisory committee, which shall advise the ~~administrator of the rehabilitation services commission and the~~ brain injury program with regard to unmet needs of survivors of brain injury, development of programs for survivors and their families, establishment of training programs for health care professionals, and any other matter within the province of the brain injury program. The committee shall consist of not fewer than ~~twenty~~ nineteen and not more than ~~twenty-two~~ twenty-one members as follows: 64762
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(A) Not fewer than ten and not more than twelve members appointed by the ~~administrator of the rehabilitation services commission~~ dean of the college of medicine of the Ohio state 64772
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university, including all of the following: a survivor of brain 64775
injury, a relative of a survivor of brain injury, a licensed 64776
physician recommended by the Ohio chapter of the American college 64777
of emergency physicians, a licensed physician recommended by the 64778
Ohio state medical association, one other health care 64779
professional, a rehabilitation professional, an individual who 64780
represents the brain injury association of Ohio, and not fewer 64781
than three nor more than five individuals who shall represent the 64782
public; 64783

(B) The directors of the departments of health, ~~alcohol and~~ 64784
~~drug addiction services~~ mental health and drug addiction services, 64785
developmental disabilities, ~~mental health, job and family~~ 64786
~~services~~, aging, and public safety; the medicaid director; the 64787
administrator of workers' compensation; the superintendent of 64788
public instruction; and the ~~administrator~~ executive director of 64789
the ~~rehabilitation services commission~~ opportunities for Ohioans 64790
with disabilities agency. Any of the officials specified in this 64791
division may designate an individual to serve in the official's 64792
place as a member of the committee. 64793

Terms of office of the appointed members shall be two years. 64794
Members may be reappointed. Vacancies shall be filled in the 64795
manner provided for original appointments. Any member appointed to 64796
fill a vacancy occurring prior to the expiration date of the term 64797
for which the member's predecessor was appointed shall hold office 64798
as a member for the remainder of that term. 64799

Members of the committee shall serve without compensation, 64800
but shall be reimbursed for actual and necessary expenses incurred 64801
in the performance of their duties. 64802

Sec. 3337.16. (A) The president of Ohio university may create 64803
an advisory committee to do both of the following: 64804

(1) Review the comprehensive land use plans and any updates 64805

of those land use plans prepared by Ohio university for the 64806
property conveyed to the university in Sub. H.B. 576 of the 117th 64807
general assembly; 64808

(2) Comment on and periodically review the progress on the 64809
implementation of the comprehensive land use plans described in 64810
division (A)(1) of this section. 64811

(B) The advisory committee created under division (A) of this 64812
section shall consist of the following members: 64813

(1) The president of Ohio university or the president's 64814
designee, who shall serve as chairperson of the advisory 64815
committee; 64816

(2) The mayor of the city of Athens or the mayor's designee; 64817

(3) The following members appointed by the president of Ohio 64818
university: 64819

(a) One Athens county commissioner; 64820

(b) One to three individuals who reside in Athens county and 64821
have special knowledge and experience in land use planning, 64822
preservation, or economic development. 64823

Vacancies on the committee shall be filled in the same manner 64824
as the original appointments. 64825

Sec. 3345.05. (A) All registration fees, nonresident tuition 64826
fees, academic fees for the support of off-campus instruction, 64827
laboratory and course fees when so assessed and collected, student 64828
health fees for the support of a student health service, all other 64829
fees, deposits, charges, receipts, and income from all or part of 64830
the students, all subsidy or other payments from state 64831
appropriations, and all other fees, deposits, charges, receipts, 64832
income, and revenue received by each state institution of higher 64833
education, the Ohio state university hospitals and their ancillary 64834
facilities, the Ohio agricultural research and development center, 64835

and ~~the Ohio state university cooperative~~ OSU extension ~~service~~ 64836
shall be held and administered by the respective boards of 64837
trustees of the state institution of higher education; provided, 64838
that such fees, deposits, charges, receipts, income and revenue, 64839
to the extent required by resolutions, trust agreements, 64840
indentures, leases, and agreements adopted, made, or entered into 64841
under Chapter 154. or section 3345.07, 3345.11, or 3345.12 of the 64842
Revised Code, shall be held, administered, transferred, and 64843
applied in accordance therewith. 64844

(B) The Ohio board of regents shall require annual reporting 64845
by the Ohio agricultural research and development center and by 64846
each university and college receiving state aid in such form and 64847
detail as determined by the board in consultation with such 64848
center, universities and colleges, and the director of budget and 64849
management. 64850

(C) Notwithstanding any provision of the Revised Code to the 64851
contrary, the title to investments made by the board of trustees 64852
of a state institution of higher education with funds derived from 64853
any of the sources described in division (A) of this section shall 64854
not be vested in the state or the political subdivision but shall 64855
be held in trust by the board. Such investments shall be made 64856
pursuant to an investment policy adopted by the board in public 64857
session that requires all fiduciaries to discharge their duties 64858
with the care, skill, prudence, and diligence under the 64859
circumstances then prevailing that a prudent person acting in like 64860
capacity and familiar with such matters would use in the conduct 64861
of an enterprise of a like character and with like aims. The 64862
policy also shall require at least the following: 64863

(1) A stipulation that investment of at least twenty-five per 64864
cent of the average amount of the investment portfolio over the 64865
course of the previous fiscal year be invested in securities of 64866
the United States government or of its agencies or 64867

instrumentalities, the treasurer of state's pooled investment 64868
program, obligations of this state or any political subdivision of 64869
this state, certificates of deposit of any national bank located 64870
in this state, written repurchase agreements with any eligible 64871
Ohio financial institution that is a member of the federal reserve 64872
system or federal home loan bank, money market funds, or bankers 64873
acceptances maturing in two hundred seventy days or less which are 64874
eligible for purchase by the federal reserve system, as a reserve; 64875

(2) Eligible funds above those that meet the conditions of 64876
division (C)(1) of this section may be pooled with other 64877
institutional funds and invested in accordance with section 64878
1715.52 of the Revised Code. 64879

(3) The establishment of an investment committee. 64880

(D) The investment committee established under division 64881
(C)(3) of this section shall meet at least quarterly. The 64882
committee shall review and recommend revisions to the board's 64883
investment policy and shall advise the board on its investments 64884
made under division (C) of this section in an effort to assist it 64885
in meeting its obligations as a fiduciary as described in division 64886
(C) of this section. The committee shall be authorized to retain 64887
the services of an investment advisor who meets both of the 64888
following qualifications: 64889

(1) The advisor is either: 64890

(a) Licensed by the division of securities under section 64891
1707.141 of the Revised Code; 64892

(b) Registered with the securities and exchange commission. 64893

(2) The advisor either: 64894

(a) Has experience in the management of investments of public 64895
funds, especially in the investment of state-government investment 64896
portfolios; 64897

(b) Is an eligible institution referenced in section 135.03 64898
of the Revised Code. 64899

(E) As used in this section, "state institution of higher 64900
education" means a state institution of higher education as 64901
defined in section 3345.011 of the Revised Code. 64902

Sec. 3345.06. (A) Subject to divisions (B) and (C) of this 64903
section, a graduate of the twelfth grade shall be entitled to 64904
admission without examination to any college or university which 64905
is supported wholly or in part by the state, but for unconditional 64906
admission may be required to complete such units not included in 64907
the graduate's high school course as may be prescribed, not less 64908
than two years prior to the graduate's entrance, by the faculty of 64909
the institution. 64910

(B) Beginning with the 2014-2015 academic year, each state 64911
university listed in section 3345.011 of the Revised Code, except 64912
for Central state university, Shawnee state university, and 64913
Youngstown state university, shall permit a resident of this state 64914
who entered ninth grade for the first time on or after July 1, 64915
2010, to begin undergraduate coursework at the university only if 64916
the person has successfully completed the Ohio core curriculum for 64917
high school graduation prescribed in division (C) of section 64918
3313.603 of the Revised Code, unless one of the following applies: 64919

(1) The person has earned at least ten semester hours, or the 64920
equivalent, at a community college, state community college, 64921
university branch, technical college, or another post-secondary 64922
institution except a state university to which division (B) of 64923
this section applies, in courses that are college-credit-bearing 64924
and may be applied toward the requirements for a degree. The 64925
university shall grant credit for successful completion of those 64926
courses pursuant to any applicable articulation and transfer 64927
policy of the Ohio board of regents or any agreements the 64928

university has entered into in accordance with policies and 64929
procedures adopted under section 3333.16, 3313.161, or 3333.162 of 64930
the Revised Code. The university may count college credit that the 64931
student earned while in high school through the post-secondary 64932
enrollment options program under Chapter 3365. of the Revised 64933
Code, or through other dual enrollment programs, toward the 64934
requirements of division (B)(1) of this section if the credit may 64935
be applied toward a degree. 64936

(2) The person qualified to graduate from high school under 64937
division (D) or (F) of section 3313.603 of the Revised Code and 64938
has successfully completed the topics or courses that the person 64939
lacked to graduate under division (C) of that section at any 64940
post-secondary institution or at a summer program at the state 64941
university. A state university may admit a person for enrollment 64942
contingent upon completion of such topics or courses or summer 64943
program. 64944

(3) The person met the high school graduation requirements by 64945
successfully completing the person's individualized education 64946
program developed under section 3323.08 of the Revised Code. 64947

~~(3)~~(4) The person is receiving or has completed the final 64948
year of instruction at home as authorized under section 3321.04 of 64949
the Revised Code, or has graduated from a nonchartered, nonpublic 64950
school in Ohio, and demonstrates mastery of the academic content 64951
and skills in reading, writing, and mathematics needed to 64952
successfully complete introductory level coursework at an 64953
institution of higher education and to avoid remedial coursework. 64954

~~(4)~~(5) The person is a high school student participating in 64955
the post-secondary enrollment options program under Chapter 3365. 64956
of the Revised Code or another dual enrollment program. 64957

(C) A state university subject to division (B) of this 64958
section may delay admission for or admit conditionally an 64959

undergraduate student who has successfully completed the Ohio core 64960
curriculum if the university determines the student requires 64961
academic remedial or developmental coursework. The university may 64962
delay admission pending, or make admission conditional upon, the 64963
student's successful completion of the academic remedial or 64964
developmental coursework at a university branch, community 64965
college, state community college, or technical college. 64966

(D) This section does not deny the right of a college of law, 64967
medicine, or other specialized education to require college 64968
training for admission, or the right of a department of music or 64969
other art to require particular preliminary training or talent. 64970

Sec. 3345.12. (A) As used in this section and sections 64971
3345.07 and 3345.11 of the Revised Code, in other sections of the 64972
Revised Code that make reference to this section unless the 64973
context does not permit, and in related bond proceedings unless 64974
otherwise expressly provided: 64975

(1) "State university or college" means each of the state 64976
universities identified in section 3345.011 of the Revised Code 64977
and the northeast Ohio medical university, and includes its board 64978
of trustees. 64979

(2) "Institution of higher education" or "institution" means 64980
a state university or college, or a community college district, 64981
technical college district, university branch district, or state 64982
community college, and includes the applicable board of trustees 64983
or, in the case of a university branch district, any other 64984
managing authority. 64985

(3) "Housing and dining facilities" means buildings, 64986
structures, and other improvements, and equipment, real estate, 64987
and interests in real estate therefor, to be used for or in 64988
connection with dormitories or other living quarters and 64989
accommodations, or related dining halls or other food service and 64990

preparation facilities, for students, members of the faculty, 64991
officers, or employees of the institution of higher education, and 64992
their spouses and families. 64993

(4) "Auxiliary facilities" means buildings, structures, and 64994
other improvements, and equipment, real estate, and interests in 64995
real estate therefor, to be used for or in connection with student 64996
activity or student service facilities, housing and dining 64997
facilities, dining halls, and other food service and preparation 64998
facilities, vehicular parking facilities, bookstores, athletic and 64999
recreational facilities, faculty centers, auditoriums, assembly 65000
and exhibition halls, hospitals, infirmaries and other medical and 65001
health facilities, research, and continuing education facilities. 65002

(5) "Education facilities" means buildings, structures, and 65003
other improvements, and equipment, real estate, and interests in 65004
real estate therefor, to be used for or in connection with, 65005
classrooms or other instructional facilities, libraries, 65006
administrative and office facilities, and other facilities, other 65007
than auxiliary facilities, to be used directly or indirectly for 65008
or in connection with the conduct of the institution of higher 65009
education. 65010

(6) "Facilities" means housing and dining facilities, 65011
auxiliary facilities, or education facilities, and includes any 65012
one, part of, or any combination of such facilities, and further 65013
includes site improvements, utilities, machinery, furnishings, and 65014
any separate or connected buildings, structures, improvements, 65015
sites, open space and green space areas, utilities or equipment to 65016
be used in, or in connection with the operation or maintenance of, 65017
or supplementing or otherwise related to the services or 65018
facilities to be provided by, such facilities. 65019

(7) "Obligations" means bonds or notes or other evidences of 65020
obligation, including interest coupons pertaining thereto, 65021
authorized to be issued under this section or section 3345.07, 65022

3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised Code. 65023
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(8) "Bond service charges" means principal, including any mandatory sinking fund or redemption requirements for the retirement of obligations or assurances, interest, or interest equivalent and other accreted amounts, and any call premium required to be paid on obligations or assurances. 65025
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(9) "Bond proceedings" means the resolutions, trust agreement, indenture, and other agreements and credit enhancement facilities, and amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing, awarding, or providing for the terms and conditions applicable to, or providing for the security or liquidity of, obligations or assurances, and the provisions contained in those obligations or assurances. 65030
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(10) "Costs of facilities" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, equipping, or furnishing facilities, and the financing thereof, including the cost of clearance and preparation of the site and of any land to be used in connection with facilities, the cost of any indemnity and surety bonds and premiums on insurance, all related direct administrative expenses and allocable portions of direct costs of the institution of higher education or state agency, cost of engineering, architectural services, design, plans, specifications and surveys, estimates of cost, legal fees, fees and expenses of trustees, depositories, bond registrars, and paying agents for the obligations, cost of issuance of the obligations and financing costs and fees and expenses of financial advisers and consultants in connection therewith, interest on the obligations from the date thereof to the time when interest is to be covered by available receipts or other sources other than proceeds of the obligations, amounts necessary to establish reserves as required by the bond 65037
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proceedings, costs of audits, the reimbursements of all moneys 65055
advanced or applied by or borrowed from the institution or others, 65056
from whatever source provided, including any temporary advances 65057
from state appropriations, for the payment of any item or items of 65058
cost of facilities, and all other expenses necessary or incident 65059
to planning or determining feasibility or practicability with 65060
respect to facilities, and such other expenses as may be necessary 65061
or incident to the acquisition, construction, reconstruction, 65062
rehabilitation, remodeling, renovation, enlargement, improvement, 65063
equipment, and furnishing of facilities, the financing thereof and 65064
the placing of them in use and operation, including any one, part 65065
of, or combination of such classes of costs and expenses. 65066

(11) "Available receipts" means all moneys received by the 65067
institution of higher education, including income, revenues, and 65068
receipts from the operation, ownership, or control of facilities 65069
or entrepreneurial projects, grants, gifts, donations, and pledges 65070
and receipts therefrom, receipts from fees and charges, and the 65071
proceeds of the sale of obligations or assurances, including 65072
proceeds of obligations or assurances issued to refund obligations 65073
or assurances previously issued, but excluding any special fee, 65074
and receipts therefrom, charged pursuant to division (D) of 65075
section 154.21 of the Revised Code. 65076

(12) "Credit enhancement facilities" has the meaning given in 65077
division (H) of section 133.01 of the Revised Code. 65078

(13) "Financing costs" has the meaning given in division (K) 65079
of section 133.01 of the Revised Code. 65080

(14) "Interest" or "interest equivalent" has the meaning 65081
given in division (R) of section 133.01 of the Revised Code. 65082

(15) "Assurances" means bonds, notes, or other evidence of 65083
indebtedness, including interest coupons pertaining thereto, 65084
authorized to be issued under section 3345.36 of the Revised Code. 65085

(16) "Entrepreneurial project" has the same meaning as in section 3345.36 of the Revised Code. 65086
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(17) "Costs of entrepreneurial projects" means any costs related to the establishment or development of entrepreneurial projects pursuant to a resolution adopted under section 3345.36 of the Revised Code. 65088
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(B) Obligations issued under section 3345.07 or 3345.11 of the Revised Code by a state university or college shall be authorized by resolution of its board of trustees. Obligations issued by any other institution of higher education shall be authorized by resolution of its board of trustees, or managing directors in the case of certain university branch districts, as applicable. Sections 9.96 and 9.98 to 9.983 of the Revised Code apply to obligations and assurances. Obligations and assurances may be issued to pay costs of facilities or entrepreneurial projects even if the institution anticipates the possibility of a future state appropriation to pay all or a portion of such costs. 65092
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(C) Obligations and assurances shall be secured by a pledge of and lien on all or such part of the available receipts of the institution of higher education as it provides for in the bond proceedings, excluding moneys raised by taxation and state appropriations except as permitted by section ~~3333.90~~ 3333.59 of the Revised Code. Such pledge and lien may be made prior to all other expenses, claims, or payments, excepting any pledge of such available receipts previously made to the contrary and except as provided by any existing restrictions on the use thereof, or such pledge and lien may be made subordinate to such other expenses, claims, or payments, as provided in the bond proceedings. Obligations or assurances may be additionally secured by covenants of the institution to make, fix, adjust, collect, and apply such charges, rates, fees, rentals, and other items of available receipts as will produce pledged available receipts sufficient to 65103
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meet bond service charges, reserve, and other requirements 65118
provided for in the bond proceedings. Notwithstanding this and any 65119
other sections of the Revised Code, the holders or owners of the 65120
obligations or assurances shall not be given the right and shall 65121
have no right to have excises or taxes levied by the general 65122
assembly for the payment of bond service charges thereon, and each 65123
such obligation or assurance shall bear on its face a statement to 65124
that effect and to the effect that the right to such payment is 65125
limited to the available receipts and special funds pledged to 65126
such purpose under the bond proceedings. 65127

All pledged available receipts and funds and the proceeds of 65128
obligations or assurances are trust funds and, subject to the 65129
provisions of this section and the applicable bond proceedings, 65130
shall be held, deposited, invested, reinvested, disbursed, 65131
applied, and used to such extent, in such manner, at such times, 65132
and for such purposes, as are provided in the bond proceedings. 65133

(D) The bond proceedings for obligations or assurances shall 65134
provide for the purpose thereof and the principal amount or 65135
maximum principal amount, and provide for or authorize the manner 65136
of determining the principal maturity or maturities, the sale 65137
price including any permitted discount, the interest rate or 65138
rates, which may be a variable rate or rates, or the maximum 65139
interest rate, the date of the obligations or assurances and the 65140
date or dates of payment of interest thereon, their denominations, 65141
the manner of sale thereof, and the establishment within or 65142
without the state of a place or places of payment of bond service 65143
charges. The bond proceedings also shall provide for a pledge of 65144
and lien on available receipts of the institution of higher 65145
education as provided in division (C) of this section, and a 65146
pledge of and lien on such fund or funds provided in the bond 65147
proceedings arising from available receipts, which pledges and 65148
liens may provide for parity with obligations or assurances 65149

theretofore or thereafter issued by the institution. The available 65150
receipts so pledged and thereafter received by the institution and 65151
the funds so pledged are immediately subject to the lien of such 65152
pledge without any physical delivery thereof or further act, and 65153
the lien of any such pledge is valid and binding against all 65154
parties having claims of any kind against the institution, 65155
irrespective of whether such parties have notice thereof, and 65156
shall create a perfected security interest for all purposes of 65157
Chapter 1309. of the Revised Code, without the necessity for 65158
separation or delivery of funds or for the filing or recording of 65159
the bond proceedings by which such pledge is created or any 65160
certificate, statement, or other document with respect thereto; 65161
and the pledge of such available receipts and funds shall be 65162
effective and the money therefrom and thereof may be applied to 65163
the purposes for which pledged without necessity for any act of 65164
appropriation. 65165

(E) The bond proceedings may contain additional provisions 65166
customary or appropriate to the financing or to the obligations or 65167
assurances or to particular obligations and assurances, including: 65168

(1) The acquisition, construction, reconstruction, equipment, 65169
furnishing, improvement, operation, alteration, enlargement, 65170
maintenance, insurance, and repair of facilities or 65171
entrepreneurial projects, and the duties of the institution of 65172
higher education with reference thereto; 65173

(2) The terms of the obligations or assurances, including 65174
provisions for their redemption prior to maturity at the option of 65175
the institution of higher education at such price or prices and 65176
under such terms and conditions as are provided in the bond 65177
proceedings; 65178

(3) Limitations on the purposes to which the proceeds of the 65179
obligations or assurances may be applied; 65180

(4) The rates or rentals or other charges for the use of or 65181
right to use the facilities or entrepreneurial projects financed 65182
by the obligations or assurances, or other properties the revenues 65183
or receipts from which are pledged to the obligations or 65184
assurances, and rules for assuring any applicable use and 65185
occupancy thereof, including limitations upon the right to modify 65186
such rates, rentals, other charges, or regulations; 65187

(5) The use and expenditure of the pledged available receipts 65188
in such manner and to such extent as shall be determined, which 65189
may include provision for the payment of the expenses of 65190
operation, maintenance, and repair of facilities or 65191
entrepreneurial projects so that such expenses, or part thereof, 65192
shall be paid or provided as a charge prior or subsequent to the 65193
payment of bond service charges and any other payments required to 65194
be made by the bond proceedings; 65195

(6) Limitations on the issuance of additional obligations or 65196
assurances; 65197

(7) The terms of any trust agreement or indenture securing 65198
the obligations or assurances or under which the same may be 65199
issued; 65200

(8) The deposit, investment, and application of funds, and 65201
the safeguarding of funds on hand or on deposit without regard to 65202
Chapter 131. or 135. of the Revised Code, and any bank or trust 65203
company or other financial institution that acts as depository of 65204
any moneys under the bond proceedings shall furnish such 65205
indemnifying bonds or pledge such securities as required by the 65206
bond proceedings or otherwise by the institution of higher 65207
education; 65208

(9) The binding effect of any or every provision of the bond 65209
proceedings upon such officer, board, commission, authority, 65210
agency, department, or other person or body as may from time to 65211

time have the authority under law to take such actions as may be 65212
necessary to perform all or any part of the duty required by such 65213
provision; 65214

(10) Any provision that may be made in a trust agreement or 65215
indenture; 65216

(11) Any other or additional agreements with respect to the 65217
facilities of the institution of higher education or its 65218
entrepreneurial projects, their operation, the available receipts 65219
and funds pledged, and insurance of facilities or entrepreneurial 65220
projects and of the institution, its officers and employees. 65221

(F) Such obligations or assurances may have the seal of the 65222
institution of higher education or a facsimile thereof affixed 65223
thereto or printed thereon and shall be executed by such officers 65224
as are designated in the bond proceedings, which execution may be 65225
by facsimile signatures. Any obligations or assurances may be 65226
executed by an officer who, on the date of execution, is the 65227
proper officer although on the date of such obligations or 65228
assurances such person was not the proper officer. In case any 65229
officer whose signature or a facsimile of whose signature appears 65230
on any such obligation or assurance ceases to be such officer 65231
before delivery thereof, such signature or facsimile is 65232
nevertheless valid and sufficient for all purposes as if the 65233
person had remained such officer until such delivery; and in case 65234
the seal of the institution has been changed after a facsimile of 65235
the seal has been imprinted on such obligations or assurances, 65236
such facsimile seal continues to be sufficient as to such 65237
obligations or assurances and obligations or assurances issued in 65238
substitution or exchange therefor. 65239

(G) All such obligations or assurances are negotiable 65240
instruments and securities under Chapter 1308. of the Revised 65241
Code, subject to the provisions of the bond proceedings as to 65242
registration. The obligations or assurances may be issued in 65243

coupon or in registered form, or both. Provision may be made for 65244
the registration of any obligations or assurances with coupons 65245
attached thereto as to principal alone or as to both principal and 65246
interest, their exchange for obligations or assurances so 65247
registered, and for the conversion or reconversion into 65248
obligations or assurances with coupons attached thereto of any 65249
obligations or assurances registered as to both principal and 65250
interest, and for reasonable charges for such registration, 65251
exchange, conversion, and reconversion. 65252

(H) Pending preparation of definitive obligations or 65253
assurances, the institution of higher education may issue interim 65254
receipts or certificates which shall be exchanged for such 65255
definitive obligations or assurances. 65256

(I) Such obligations or assurances may be secured 65257
additionally by a trust agreement or indenture between the 65258
institution of higher education and a corporate trustee, which may 65259
be any trust company or bank having the powers of a trust company 65260
within or without this state but authorized to exercise trust 65261
powers within this state. Any such agreement or indenture may 65262
contain the resolution authorizing the issuance of the obligations 65263
or assurances, any provisions that may be contained in the bond 65264
proceedings as authorized by this section, and other provisions 65265
which are customary or appropriate in an agreement or indenture of 65266
such type, including: 65267

(1) Maintenance of each pledge, trust agreement, and 65268
indenture, or other instrument comprising part of the bond 65269
proceedings until the institution of higher education has fully 65270
paid the bond service charges on the obligations or assurances 65271
secured thereby, or provision therefor has been made; 65272

(2) In the event of default in any payments required to be 65273
made by the bond proceedings, or any other agreement of the 65274
institution of higher education made as a part of the contract 65275

under which the obligations or assurances were issued, enforcement 65276
of such payments or agreement by mandamus, the appointment of a 65277
receiver, suit in equity, action at law, or any combination of the 65278
foregoing; 65279

(3) The rights and remedies of the holders of obligations or 65280
assurances and of the trustee, and provisions for protecting and 65281
enforcing them, including limitations on rights of individual 65282
holders of obligations or assurances; 65283

(4) The replacement of any obligations or assurances that 65284
become mutilated or are destroyed, lost, or stolen; 65285

(5) Such other provisions as the trustee and the institution 65286
of higher education agree upon, including limitations, conditions, 65287
or qualifications relating to any of the foregoing. 65288

(J) Each duty of the institution of higher education and its 65289
officers or employees, undertaken pursuant to the bond proceedings 65290
or any related agreement or lease made under authority of law, is 65291
hereby established as a duty of such institution, and of each such 65292
officer or employee having authority to perform such duty, 65293
specially enjoined by law resulting from an office, trust, or 65294
station within the meaning of section 2731.01 of the Revised Code. 65295
The persons who are at the time the members of the board of 65296
trustees or the managing directors of the institution or its 65297
officers or employees are not liable in their personal capacities 65298
on such obligations or assurances, or lease, or other agreement of 65299
the institution. 65300

(K) The authority to issue obligations or assurances includes 65301
authority to: 65302

(1) Issue obligations or assurances in the form of bond 65303
anticipation notes and to renew them from time to time by the 65304
issuance of new notes. Such notes are payable solely from the 65305
available receipts and funds that may be pledged to the payment of 65306

such bonds, or from the proceeds of such bonds or renewal notes, 65307
or both, as the institution of higher education provides in its 65308
resolution authorizing such notes. Such notes may be additionally 65309
secured by covenants of the institution to the effect that it will 65310
do such or all things necessary for the issuance of such bonds or 65311
renewal notes in appropriate amount, and either exchange such 65312
bonds or renewal notes therefor or apply the proceeds thereof to 65313
the extent necessary, to make full payment of the bond service 65314
charges on such notes at the time or times contemplated, as 65315
provided in such resolution. Subject to the provisions of this 65316
division, all references to obligations or assurances in this 65317
section apply to such anticipation notes. 65318

(2) Issue obligations or assurances to refund, including 65319
funding and retirement of, obligations or assurances previously 65320
issued to pay costs of facilities or entrepreneurial projects. 65321
Such obligations or assurances may be issued in amounts sufficient 65322
for payment of the principal amount of the obligations or 65323
assurances to be so refunded, any redemption premiums thereon, 65324
principal maturities of any obligations or assurances maturing 65325
prior to the redemption of any other obligations or assurances on 65326
a parity therewith to be so refunded, interest accrued or to 65327
accrue to the maturity date or dates of redemption of such 65328
obligations or assurances, and any expenses incurred or to be 65329
incurred in connection with such refunding or the issuance of the 65330
obligations or assurances. 65331

(L) Obligations and assurances are lawful investments for 65332
banks, societies for savings, savings and loan associations, 65333
deposit guarantee associations, trust companies, trustees, 65334
fiduciaries, insurance companies, including domestic for life and 65335
domestic not for life, trustees or other officers having charge of 65336
sinking and bond retirement or other special funds of political 65337
subdivisions and taxing districts of this state, the commissioners 65338

of the sinking fund, the administrator of workers' compensation in 65339
accordance with the investment policy approved by the bureau of 65340
workers' compensation board of directors pursuant to section 65341
4121.12 of the Revised Code, the state teachers retirement system, 65342
the public employees retirement system, the school employees 65343
retirement system, and the Ohio police and fire pension fund, 65344
notwithstanding any other provisions of the Revised Code or rules 65345
adopted pursuant thereto by any state agency with respect to 65346
investments by them, and are also acceptable as security for the 65347
deposit of public moneys. 65348

(M) All facilities or entrepreneurial projects purchased, 65349
acquired, constructed, or owned by an institution of higher 65350
education, or financed in whole or in part by obligations or 65351
assurances issued by an institution, and used for the purposes of 65352
the institution or other publicly owned and controlled college or 65353
university, is public property used exclusively for a public 65354
purpose, and such property and the income therefrom is exempt from 65355
all taxation and assessment within this state, including ad 65356
valorem and excise taxes. The obligations or assurances, the 65357
transfer thereof, and the income therefrom, including any profit 65358
made on the sale thereof, are at all times free from taxation 65359
within the state. The transfer of tangible personal property by 65360
lease under authority of this section or section 3345.07, 3345.11, 65361
3345.36, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 65362
Code is not a sale as used in Chapter 5739. of the Revised Code. 65363

(N) The authority granted by this section is cumulative with 65364
the authority granted to institutions of higher education under 65365
Chapter 154. of the Revised Code, and nothing in this section 65366
impairs or limits the authority granted by Chapter 154. of the 65367
Revised Code. In any lease, agreement, or commitment made by an 65368
institution of higher education under Chapter 154. of the Revised 65369
Code, it may agree to restrict or subordinate any pledge it may 65370

thereafter make under authority of this section. 65371

(O) Title to lands acquired under this section and sections 65372
3345.07 and 3345.11 of the Revised Code by a state university or 65373
college shall be taken in the name of the state. 65374

(P) Except where costs of facilities or entrepreneurial 65375
projects are to be paid in whole or in part from funds 65376
appropriated by the general assembly, section 125.81 of the 65377
Revised Code and the requirement for certification with respect 65378
thereto under section 153.04 of the Revised Code do not apply to 65379
such facilities or entrepreneurial projects. 65380

(Q) A state university or college may sell or lease lands or 65381
interests in land owned by it or by the state for its use, or 65382
facilities authorized to be acquired or constructed by it under 65383
section 3345.07 or 3345.11 of the Revised Code, to permit the 65384
purchasers or lessees thereof to acquire, construct, equip, 65385
furnish, reconstruct, alter, enlarge, remodel, renovate, 65386
rehabilitate, improve, maintain, repair, or maintain and operate 65387
thereon and to provide by lease or otherwise to such institution, 65388
facilities authorized in section 3345.07 or 3345.11 of the Revised 65389
Code or entrepreneurial projects authorized under section 3345.36 65390
of the Revised Code. Such land or interests therein shall be sold 65391
for such appraised value, or leased, and on such terms as the 65392
board of trustees determines. All deeds or other instruments 65393
relating to such sales or leases shall be executed by such officer 65394
of the state university or college as the board of trustees 65395
designates. The state university or college shall hold, invest, or 65396
use the proceeds of such sales or leases for the same purposes for 65397
which proceeds of borrowings may be used under sections 3345.07 65398
and 3345.11 of the Revised Code or, if the proceeds relate to the 65399
sale or lease of entrepreneurial projects, for purposes of section 65400
3345.36 of the Revised Code. 65401

(R) An institution of higher education may pledge available 65402

receipts, to the extent permitted by division (C) of this section 65403
with respect to obligations, to secure the payments to be made by 65404
it under any lease, lease with option to purchase, or 65405
lease-purchase agreement authorized under this section or section 65406
3345.07, 3345.11, 3345.36, 3354.121, 3355.091, 3357.112, or 65407
3358.10 of the Revised Code. 65408

Sec. 3345.48. (A) As used in this section: 65409

(1) "Cohort" means a group of students who will complete 65410
their bachelor's degree requirements and graduate from a state 65411
university at the same time. A cohort may include transfer 65412
students and other selected undergraduate student academic 65413
programs as determined by the board of trustees of a state 65414
university. 65415

(2) "Eligible student" means an undergraduate student who: 65416

(a) Is enrolled full-time in a bachelor's degree program at a 65417
state university; 65418

(b) Is a resident of this state, as defined by the chancellor 65419
of the Ohio board of regents under section 3333.31 of the Revised 65420
Code. 65421

(3) "State university" has the same meaning as in section 65422
3345.011 of the Revised Code. 65423

(B) The board of trustees of a state university may establish 65424
an undergraduate tuition guarantee program that allows eligible 65425
students in the same cohort to pay a fixed rate for general and 65426
instructional fees for four years. A board of trustees may include 65427
room and board and any additional fees in the program. 65428

If the board of trustees chooses to establish such a program, 65429
the board shall adopt rules for the program that include, but are 65430
not limited to, all of the following: 65431

(1) The number of credit hours required to earn an 65432

undergraduate degree in each major; 65433

(2) A guarantee that the general and instructional fees for 65434
each student in the cohort shall remain constant for four years so 65435
long as the student complies with the requirements of the program, 65436
except that, notwithstanding any law to the contrary, the board 65437
may increase the guaranteed amount by up to six per cent above 65438
what has been charged in the previous academic year one time for 65439
the first cohort enrolled under the tuition guarantee program. If 65440
the board of trustees determines that economic conditions or other 65441
circumstances require an increase for the first cohort of above 65442
six per cent, the board shall submit a request to increase the 65443
amount by a specified percentage to the chancellor. The 65444
chancellor, based on information the chancellor requires from the 65445
board of trustees, shall approve or disapprove such a request. 65446
Thereafter, the board of trustees may increase the guaranteed 65447
amount by up to the sum of the following above what has been 65448
charged in the previous academic year one time per subsequent 65449
cohort: 65450

(a) The average rate of inflation, as measured by the 65451
consumer price index prepared by the bureau of labor statistics of 65452
the United States department of labor (all urban consumers, all 65453
items), for the previous sixty-month period; and 65454

(b) The percentage amount the general assembly restrains 65455
increases on in-state undergraduate instructional and general fees 65456
for the applicable fiscal year. If the general assembly does not 65457
enact a limit on the increase of in-state undergraduate 65458
instructional and general fees, then no limit shall apply under 65459
this division for the cohort that first enrolls in any academic 65460
year for which the general assembly does not prescribe a limit. 65461

If, beginning with the academic year that starts four years 65462
after the effective date of this section, the board of trustees 65463
determines that the general and instructional fees charged under 65464

the tuition guarantee have fallen significantly lower than those 65465
of other state universities, the board of trustees may submit a 65466
request to increase the amount charged to a cohort by a specified 65467
percentage to the chancellor, who shall approve or disapprove such 65468
a request. 65469

(3) A benchmark by which the board sets annual increases in 65470
general and instructional fees. This benchmark and any subsequent 65471
change to the benchmark shall be subject to approval of the 65472
chancellor. 65473

(4) Eligibility requirements for students to participate in 65474
the program; 65475

(5) Student rights and privileges under the program; 65476

(6) Consequences to the university for students unable to 65477
complete a degree program within four years, as follows: 65478

(a) For a student who could not complete the program in four 65479
years due to a lack of available classes or space in classes 65480
provided by the university, the university shall provide the 65481
necessary course or courses for completion to the student free of 65482
charge. 65483

(b) For a student who could not complete the program in four 65484
years due to military service or other circumstances beyond a 65485
student's control, as determined by the board of trustees, the 65486
university shall provide the necessary course or courses for 65487
completion to the student at the student's initial cohort rate. 65488

(c) For a student who did not complete the program in four 65489
years for any other reason, as determined by the board of 65490
trustees, the university shall provide the necessary course or 65491
courses for completion to the student at a rate determined through 65492
a method established by the board under division (B)(7) of this 65493
section. 65494

(7) Guidelines for adjusting a student's annual charges if the student, due to circumstances under the student's control, is unable to complete a degree program within four years; 65495
65496
65497

(8) A requirement that the rules adopted under division (B) of this section be published or posted in the university handbook, course catalog, and web site. 65498
65499
65500

(C) If a board of trustees implements a program under this section, the board shall submit the rules adopted under division (B) of this section to the chancellor for approval before beginning implementation of the program. 65501
65502
65503
65504

The chancellor shall not unreasonably withhold approval of a program if the program conforms in principle with the parameters and guidelines of this section. 65505
65506
65507

(D) A board of trustees of a state university may establish an undergraduate tuition guarantee program for nonresident students. 65508
65509
65510

(E) Within five years after the effective date of this section, the chancellor shall publish on the board of regents web site a report that includes all of the following: 65511
65512
65513

(1) The state universities that have adopted an undergraduate tuition guarantee program under this section; 65514
65515

(2) The details of each undergraduate tuition guarantee program established under this section; 65516
65517

(3) Comparative data, including general and instructional fees, room and board, graduation rates, and retention rates, from all state universities. 65518
65519
65520

Sec. 3345.81. Not later than June 30, 2014, the board of trustees of each institution of higher education, as defined by section 3345.12 of the Revised Code, shall adopt an institution-specific strategic completion plan designed to 65521
65522
65523
65524

increase the number of degrees and certificates awarded to 65525
students. The plan shall be consistent with the mission and 65526
strategic priorities of the institution, include measureable 65527
student completion goals, and align with the state's workforce 65528
development priorities. Upon adoption by the board of trustees, 65529
each institution of higher education shall provide a copy of its 65530
plan to the chancellor of the Ohio board of regents. 65531

The board of trustees of each institution of higher education 65532
shall update its plan at least once every two years and provide a 65533
copy of their updated plan to the chancellor upon adoption. 65534

Sec. 3350.15. The northeast Ohio medical university may enter 65535
into a partnership with Cleveland state university to establish 65536
the northeast Ohio medical university academic campus at Cleveland 65537
state university, to enable fifty per cent or more of the medical 65538
curriculum taught to students enrolled under this partnership to 65539
be based in Cleveland at Cleveland state university, local 65540
hospitals, and community- and neighborhood-based primary care 65541
clinics. Cleveland state university shall not receive state 65542
capital appropriations to pay for facilities for the academic 65543
campus. 65544

Sec. 3353.01. As used in this chapter: 65545

(A) "Educational television or radio" means television or 65546
radio programs which serve the educational needs of the community 65547
and which meet the requirements of the federal communications 65548
commission for noncommercial educational television or radio. 65549

(B) "Educational telecommunications network" means a system 65550
of connected educational television, radio, or radio reading 65551
service facilities and coordinated programs established and 65552
operated or controlled by the ~~eTech Ohio~~ broadcast educational 65553
media commission, pursuant to this chapter. 65554

(C) "Transmission" means the sending out of television, radio, or radio reading service programs, either directly to the public, or to broadcasting stations or services for simultaneous broadcast or rebroadcast.

(D) "Transmission facilities" means structures, equipment, material, and services used in the transmission of educational television, radio, or radio reading service programs.

(E) "Interconnection facilities" means the equipment, material, and services used to link one location to another location or to several locations by means of telephone line, coaxial cable, microwave relays, or other available technologies.

(F) "Broadcasting station" means a properly licensed noncommercial educational television or radio station, appropriately staffed and equipped to produce programs or lessons and to broadcast programs.

(G) "Radio reading service" means a nonprofit organization that disseminates news and other information to blind and physically handicapped persons.

(H) "Affiliate" means an educational telecommunication entity, including a television or radio broadcasting station or radio reading service.

Sec. 3353.02. (A) There is hereby created the ~~eTech Ohio~~ broadcast educational media commission as an independent agency to advance education and accelerate the learning of the citizens of this state through ~~technology~~ public educational broadcasting services. The commission shall provide leadership and support in extending the knowledge of the citizens of this state by promoting access to and use of ~~all forms of educational technology~~ broadcasting services, including educational television and radio, ~~and radio reading services, broadband networks, videotapes,~~

~~compact discs, digital video on demand (DVD), and the internet.~~ 65585
The commission also shall administer programs to provide financial 65586
and other assistance to ~~school districts and other educational~~ 65587
~~institutions for the acquisition and utilization of educational~~ 65588
~~technology~~ television and radio and radio reading services. 65589

The commission is a body corporate and politic, an agency of 65590
the state performing essential governmental functions of the 65591
state. 65592

(B) The commission shall consist of ~~thirteen~~ fifteen members, 65593
~~nine~~ eleven of whom shall be voting members. ~~Six~~ Nine of the 65594
voting members shall be representatives of the public selected 65595
from among leading citizens in the state who have demonstrated 65596
interest in educational broadcast media through service on boards 65597
or advisory councils of educational television stations, 65598
educational radio stations, educational technology agencies, or 65599
radio reading services. Of the representatives of the public, ~~four~~ 65600
three shall be appointed by the governor with the advice and 65601
consent of the senate, ~~one~~ three shall be appointed by the speaker 65602
of the house of representatives, and ~~one~~ three shall be appointed 65603
by the president of the senate. Not more than two members 65604
appointed by the speaker of the house of representatives and not 65605
more than two members appointed by the president of the senate 65606
shall be of the same political party. The superintendent of public 65607
instruction or a designee of the superintendent, and the 65608
chancellor of the Ohio board of regents or a designee of the 65609
chancellor, ~~and the state chief information officer or a designee~~ 65610
~~of the officer~~ shall be ex officio voting members. Of the 65611
nonvoting members, two shall be members of the house of 65612
representatives appointed by the speaker of the house of 65613
representatives and two shall be members of the senate appointed 65614
by the president of the senate. The members appointed from each 65615
chamber shall not be members of the same political party. 65616

(C) Initial terms of office for appointed voting members 65617
~~appointed by the governor~~ shall be ~~one year for~~ as follows: 65618

(1) For one member, two years for one member, three years for 65619
one member, and four years for one member appointed by each of the 65620
governor, speaker of the house of representatives, and president 65621
of the senate, one year; 65622

(2) For one member appointed by each of the governor, speaker 65623
of the house of representatives, and president of the senate, two 65624
years; 65625

(3) For one member appointed by each of the governor, speaker 65626
of the house of representatives, and president of the senate, 65627
three years. At the first meeting of the commission, such members 65628
~~appointed by the governor~~ shall draw lots to determine the length 65629
of the term each member will serve. Thereafter, terms of office 65630
for such members ~~appointed by the governor~~ shall be for four 65631
years. ~~Terms of office for voting members appointed by the speaker~~ 65632
~~of the house of representatives and the president of the senate~~ 65633
~~shall be for four years.~~ Any member who is a representative of the 65634
public may be reappointed by the member's respective appointing 65635
authority, but no such member may serve more than two consecutive 65636
four-year terms. Such a member may be removed by the member's 65637
respective appointing authority for cause. 65638

Any legislative member appointed by the speaker of the house 65639
of representatives or the president of the senate who ceases to be 65640
a member of the legislative chamber from which the member was 65641
appointed shall cease to be a member of the commission. The 65642
speaker of the house of representatives and the president of the 65643
senate may remove their respective appointments to the commission 65644
at any time. 65645

(D) Vacancies among appointed members shall be filled in the 65646
manner provided for original appointments. Any member appointed to 65647

fill a vacancy occurring prior to the expiration of the term for 65648
which the member's predecessor was appointed shall hold office for 65649
the remainder of that term. Any appointed member shall continue in 65650
office subsequent to the expiration of that member's term until 65651
the member's successor takes office or until a period of sixty 65652
days has elapsed, whichever occurs first. 65653

(E) Members of the commission shall serve without 65654
compensation. The members who are representatives of the public 65655
shall be reimbursed, pursuant to office of budget and management 65656
guidelines, for actual and necessary expenses incurred in the 65657
performance of official duties. 65658

(F) The governor shall appoint the chairperson of the 65659
commission from among the commission's public voting members. The 65660
chairperson shall serve a term of two years and may be 65661
reappointed. The commission shall elect other officers as 65662
necessary from among its voting members and shall prescribe its 65663
rules of procedure. 65664

~~(G) The commission shall establish advisory groups as needed 65665
to address topics of interest and to provide guidance to the 65666
commission regarding educational technology issues and the 65667
technology needs of educators, learners, and the public. Members 65668
of each advisory group shall be appointed by the commission and 65669
shall include representatives of individuals or organizations with 65670
an interest in the topic addressed by the advisory group. 65671~~

Sec. 3353.03. (A) The ~~eTech Ohio~~ broadcast educational media 65672
commission shall appoint an executive director, who shall serve at 65673
the pleasure of the commission. The executive director shall have 65674
no authority other than that provided by law or delegated to the 65675
executive director by the commission. The executive director shall 65676
do all of the following: 65677

(1) Direct ~~commission employees~~ in the administration of all 65678

programs of the commission; 65679

(2) Provide leadership and support in extending the knowledge 65680
of the citizens of this state by promoting equal access to and use 65681
of ~~all forms of~~ educational ~~technology~~ broadcast media, as 65682
directed by the commission; 65683

(3) Provide financial and other assistance to ~~school~~ 65684
~~districts~~, educational television and radio stations, radio 65685
reading services, ~~educational technology organizations, and other~~ 65686
~~educational institutions for the acquisition and utilization of~~ 65687
~~educational technology~~ and related organizations and activities; 65688

(4) Implement policies and directives issued by the 65689
commission; 65690

(5) Perform other duties authorized by the commission. 65691

(B) The commission shall fix the compensation of the 65692
executive director. The executive director shall employ and fix 65693
the compensation for such employees as necessary to facilitate the 65694
activities and purposes of the commission. The employees shall 65695
serve at the pleasure of the executive director. 65696

(C) The employees of the commission shall be placed in the 65697
unclassified service. 65698

(D)(1) Except as provided in division (D)(2) of this section, 65699
the employees of the commission shall be exempt from Chapter 4117. 65700
of the Revised Code and shall not be public employees as defined 65701
in section 4117.01 of the Revised Code. 65702

(2) All employees of the commission who transferred to the 65703
commission from one of the commission's predecessor agencies upon 65704
the commission's creation and, when employed by the predecessor 65705
agency were included in a bargaining unit established under 65706
Chapter 4117. of the Revised Code, shall continue to be included 65707
in that bargaining unit, are public employees as defined in 65708

section 4117.01 of the Revised Code, and may collectively bargain 65709
with the commission in accordance with that chapter. Otherwise, 65710
any employee hired by the commission after July 1, 2005, either to 65711
fill vacancies or to fill new positions, shall be exempt from 65712
Chapter 4117. of the Revised Code and shall not be public 65713
employees as defined in section 4117.10 of the Revised Code. 65714

Sec. 3353.04. (A) ~~The eTech Ohio broadcast educational media~~ 65715
commission may perform any act necessary to carry out the 65716
functions of this chapter, including any of the following: 65717

~~(1) Make grants to institutions and other organizations as 65718
prescribed by the general assembly for the provision of technical 65719
assistance, professional development, and other support services 65720
to enable school districts, community schools established under 65721
Chapter 3314. of the Revised Code, other educational institutions, 65722
and affiliates to utilize educational technology; 65723~~

~~(2) Establish a reporting system for school districts, 65724
community schools, other educational institutions, affiliates, and 65725
educational technology organizations that receive financial 65726
assistance from the commission. The system may require the 65727
reporting of information regarding the manner in which the 65728
assistance was expended, the manner in which the equipment or 65729
services purchased with the assistance is being utilized, the 65730
results or outcome of the utilization, the manner in which the 65731
utilization is compatible with the statewide academic standards 65732
adopted by the state board of education pursuant to section 65733
3301.079 of the Revised Code, and any other information determined 65734
by the commission. 65735~~

~~(3) Ensure that, where appropriate, products produced by any 65736
entity to which the commission provides financial assistance for 65737
use in elementary and secondary education are aligned with the 65738
statewide academic standards adopted by the state board pursuant 65739~~

~~to section 3301.079 of the Revised Code;~~ 65740

~~(4)~~ Promote accessibility ~~to~~ through broadcasting services of 65741
educational products aligned with the statewide academic 65742
standards, adopted by the state board pursuant to section 3301.079 65743
of the Revised Code, for school districts, community schools, and 65744
other entities serving grades kindergarten through twelve; 65745

~~(5)~~(2) Own or operate transmission facilities and 65746
interconnection facilities, or contract for transmission 65747
facilities and interconnection facilities, for an educational 65748
television, radio, or radio reading service network; 65749

~~(6)~~(3) Establish standards for interconnection facilities 65750
used by the commission in the transmission of educational 65751
television, radio, or radio reading service programming; 65752

~~(7)~~(4) Enter into agreements with noncommercial educational 65753
television or radio broadcasting stations or radio reading 65754
services for the operation of the interconnection; 65755

~~(8)~~(5) Enter into agreements with noncommercial educational 65756
television or radio broadcasting stations or radio reading 65757
services for the production and use of educational television, 65758
radio, or radio reading service programs to be transmitted by the 65759
educational telecommunications network; 65760

~~(9)~~(6) Execute contracts and other agreements necessary and 65761
desirable to carry out the purposes of this chapter and other 65762
duties prescribed to the commission by law or authorize the 65763
executive director of the commission to execute such contracts and 65764
agreements on the commission's behalf; 65765

~~(10)~~(7) Act as consultant with educational television and 65766
educational radio stations and radio reading services toward 65767
coordination within the state of the distribution of federal funds 65768
that may become available for equipment for educational 65769
broadcasting or radio reading services; 65770

~~(11)~~(8) Make payments to noncommercial Ohio educational television or radio broadcasting stations or radio reading services to sustain the operation of such stations or services; 65771
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~~(12)~~(9) In consultation with participants in programs administered by the commission, establish guidelines governing purchasing and procurement that facilitate the timely and effective implementation of such programs; 65774
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~~(13)~~(10) In consultation with participants in programs administered by the commission, consider the efficiency and cost savings of statewide procurement prior to allocating and releasing funds for such programs; 65778
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~~(14)~~(11) In consultation with participants in programs administered by the commission, establish a systems support network to facilitate the timely implementation of the programs and other projects and activities for which the commission provides assistance. 65782
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(B) Chapters 123., 124., 125., and 153. of the Revised Code and sections 9.331 to 9.335 of the Revised Code do not apply to contracts, programs, projects, or activities of the commission. 65787
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Sec. 3353.06. (A) The affiliates services fund is hereby created in the state treasury. The ~~eTech-Ohio~~ broadcast educational media commission shall deposit any money it receives for services provided to affiliates to the credit of the fund, including: 65790
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(1) Reimbursements for services provided to stations; 65795

(2) Charges levied for maintenance of telecommunications, broadcasting, or transmission equipment; 65796
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(3) Contract or grant payments from affiliates. 65798

(B) The commission shall use money credited to the affiliates services fund for any commission operating purposes, including: 65799
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- (1) The purchase, repair, or maintenance of telecommunications, broadcasting, or transmission equipment; 65801
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- (2) The purchase or lease of educational programming; 65803
- (3) The purchase of tape and digital media storage and maintenance of a media library; 65804
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- (4) ~~Professional development programs and services;~~ 65806
- ~~(5) Administrative expenses.~~ 65807

Sec. 3353.07. (A) There is hereby created the Ohio government telecommunications service. The Ohio government telecommunications service shall provide the state government and affiliated organizations with multimedia support including audio, visual, and internet services, multimedia streaming, and hosting multimedia programs. 65808
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Services relating to the official activities of the general assembly and the executive offices provided by the Ohio government telecommunications service shall be funded through grants to a ~~public~~ an educational television broadcasting station that will manage the staff and provide the services of the Ohio government telecommunications service. The Ohio educational television stations shall select a member station to manage the Ohio government telecommunications service. The Ohio government telecommunications service shall receive grants from, or contract with, any of the three branches of Ohio government, and their affiliates, to provide additional services. Services provided by the Ohio government telecommunications service shall not be used for political purposes included in campaign materials, or otherwise used to influence an election, legislation, issue, judicial decision, or other policy of state government. 65814
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(B)(1) There is hereby created the legislative programming committee of the Ohio government telecommunications service that 65829
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shall consist of the president of the senate, speaker of the house 65831
of representatives, minority leader of the senate, and minority 65832
leader of the house of representatives, or their designees, and 65833
the clerks of the senate and house of representatives as 65834
nonvoting, ex officio members. By a vote of a majority of its 65835
members, the program committee may add additional members to the 65836
committee. 65837

(2) The legislative programming committee shall adopt rules 65838
that govern the operation of the Ohio government 65839
telecommunications service relating to the general assembly and 65840
any affiliated organizations. 65841

Sec. 3365.01. As used in this chapter: 65842

(A) "College" means any state-assisted college or university 65843
described in section 3333.041 of the Revised Code, any nonprofit 65844
institution holding a certificate of authorization pursuant to 65845
Chapter 1713. of the Revised Code, any private institution exempt 65846
from regulation under Chapter 3332. of the Revised Code as 65847
prescribed in section 3333.046 of the Revised Code, and any 65848
institution holding a certificate of registration from the state 65849
board of career colleges and schools and program authorization for 65850
an associate or bachelor's degree program issued under section 65851
3332.05 of the Revised Code. 65852

(B) "School district," except as specified in division (G) of 65853
this section, means any school district to which a student is 65854
admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 65855
the Revised Code and does not include a joint vocational or 65856
cooperative education school district. 65857

(C) "Parent" has the same meaning as in section 3313.64 of 65858
the Revised Code. 65859

(D) "Participant" means a student enrolled in a college under 65860

the post-secondary enrollment options program established by this 65861
chapter, including a student who has been excused from the 65862
compulsory attendance law for the purpose of home instruction 65863
under section 3321.04 of the Revised Code. 65864

(E) "Secondary grade" means the ninth through twelfth grades. 65865

(F) "School foundation payments" means the amount required to 65866
be paid to a school district for a fiscal year under Chapter 3317. 65867
of the Revised Code. 65868

(G) "Tuition base" means, ~~with respect to a participant's~~ 65869
~~school district, the sum of the formula amount plus the per pupil~~ 65870
~~amount of the base funding supplements specified in divisions~~ 65871
~~(C)(1) to (4) of section 3317.012~~ 3317.02 of the Revised Code for 65872
the applicable fiscal year 2009. 65873

~~The participant's "school district" in the case of a~~ 65874
~~participant enrolled in a community school shall be the school~~ 65875
~~district in which the student is entitled to attend school under~~ 65876
~~section 3313.64 or 3313.65 of the Revised Code.~~ 65877

(H) "Educational program" means enrollment in one or more 65878
school districts, in a nonpublic school, or in a college under 65879
division (B) of section 3365.04 of the Revised Code. 65880

(I) "Nonpublic school" means a chartered or nonchartered 65881
school for which minimum standards are prescribed by the state 65882
board of education pursuant to division (D) of section 3301.07 of 65883
the Revised Code. 65884

(J) "School year" means the year beginning on the first day 65885
of July and ending on the thirtieth day of June. 65886

(K) "Community school" means any school established pursuant 65887
to Chapter 3314. of the Revised Code that includes secondary 65888
grades. 65889

(L) "STEM school" means a science, technology, engineering, 65890

and mathematics school established under Chapter 3326. of the 65891
Revised Code. 65892

Sec. 3365.02. There is hereby established the post-secondary 65893
enrollment options program under which a secondary grade student 65894
who is a resident of this state may enroll at a college, on a 65895
full- or part-time basis, and complete nonsectarian courses for 65896
high school and college credit. 65897

Secondary grade students in a nonpublic school may 65898
participate in the post-secondary enrollment options program if 65899
the chief administrator of such school notifies the department of 65900
education by the first day of April prior to the school year in 65901
which the school's students will participate. 65902

The state board of education, after consulting with the board 65903
of regents, shall adopt rules governing the program. The rules 65904
shall include: 65905

(A) Requirements for school districts, community schools, or 65906
participating nonpublic schools to provide information about the 65907
program prior to the first day of March of each year to all 65908
students enrolled in grades eight through eleven; 65909

(B) A requirement that a student or the student's parent 65910
inform the district board of education, the governing authority of 65911
a community school, the STEM school chief administrative officer, 65912
or the nonpublic school administrator by the thirtieth day of 65913
March of the student's intent to participate in the program during 65914
the following school year. The rule shall provide that any student 65915
who fails to provide the notification by the required date may not 65916
participate in the program during the following school year 65917
without the written consent of the district superintendent, the 65918
governing authority of a community school, the STEM school chief 65919
administrative officer, or the nonpublic school administrator. 65920

(C) Requirements that school districts, community schools,	65921
and STEM schools provide counseling services to students in grades	65922
eight through eleven and to their parents before the students	65923
participate in the program under this chapter to ensure that	65924
students and parents are fully aware of the possible risks and	65925
consequences of participation. Counseling information shall	65926
include without limitation:	65927
(1) Program eligibility;	65928
(2) The process for granting academic credits;	65929
(3) Financial arrangements for tuition, books, materials, and	65930
fees;	65931
(4) Criteria for any transportation aid;	65932
(5) Available support services;	65933
(6) Scheduling;	65934
(7) The consequences of failing or not completing a course in	65935
which the student enrolls and the effect of the grade attained in	65936
the course being included in the student's grade point average, if	65937
applicable;	65938
(8) The effect of program participation on the student's	65939
ability to complete the district's or school's graduation	65940
requirements;	65941
(9) The academic and social responsibilities of students and	65942
parents under the program;	65943
(10) Information about and encouragement to use the	65944
counseling services of the college in which the student intends to	65945
enroll.	65946
<u>(11) A list of all institutions of higher education that</u>	65947
<u>currently participate in the program or in another dual enrollment</u>	65948
<u>program, as defined in section 3313.6013 of the Revised Code,</u>	65949
<u>compiled and distributed by the department of education pursuant</u>	65950

to division (G) of this section. 65951

(D) A requirement that the student and the student's parent 65952
sign a form, provided by the school district or school, stating 65953
that they have received the counseling required by division (C) of 65954
this section and that they understand the responsibilities they 65955
must assume in the program; 65956

(E) The options required by section 3365.04 of the Revised 65957
Code; 65958

~~(F) A requirement that a student may not enroll in any 65959
specific college course through the program if the student has 65960
taken high school courses in the same subject area as that college 65961
course and has failed to attain a cumulative grade point average 65962
of at least 3.0 on a 4.0 scale, or the equivalent, in such 65963
completed high school courses~~ A requirement that student 65964
participation in the program be based solely on a participating 65965
college's established placement standards for college-level 65966
courses for which credit is awarded. 65967

(G) A requirement that the department of education annually 65968
compile a list of all institutions of higher education that 65969
currently participate in the program or in another dual enrollment 65970
program as defined in section 3313.6013 of the Revised Code and, 65971
not later than the thirty-first day of December of each school 65972
year, distribute this list to all school districts, community 65973
schools, STEM schools, and chartered nonpublic schools in the 65974
state. 65975

Sec. 3365.021. The chief administrator of any nonpublic 65976
school notifying the department of education that students of the 65977
school will participate in the post-secondary enrollment options 65978
program shall provide counseling to students in grades eight 65979
through eleven and to their parents before the students 65980
participate in the program to ensure that students and parents are 65981

fully aware of the possible risks and consequences of 65982
participation. Such counseling shall include explaining the fact 65983
that funding may be limited and that not all students who wish to 65984
participate may be able to do so. 65985

The chief administrator also shall provide students and 65986
parents with a list of all institutions of higher education that 65987
currently participate in the program or in another dual enrollment 65988
program as defined in section 3313.6013 of the Revised Code, 65989
compiled and distributed by the department of education pursuant 65990
to division (G) of section 3365.02 of the Revised Code. 65991

Sec. 3365.022. (A) Beginning July 1, 2013, a student who has 65992
been excused from the compulsory attendance law for the purpose of 65993
home instruction under section 3321.04 of the Revised Code, and is 65994
the equivalent of a ninth, tenth, eleventh, or twelfth grader may 65995
participate in the post-secondary enrollment options program 65996
established under this chapter. 65997

(B)(1) If a student meets the criteria established in 65998
division (A) of this section and wishes to participate in the 65999
post-secondary enrollment options program, the parent or guardian 66000
of that student shall notify the department of education by the 66001
first day of April prior to the school year in which the student 66002
wishes to participate. 66003

(2) For the 2013-2014 school year, the department may accept 66004
applications at a later date if that student wishes to participate 66005
in the program during the 2013-2014 school year. 66006

(C) Pursuant to rules adopted by the state board of education 66007
under section 3365.02 of the Revised Code, payments to a 66008
participating college, in which home-instructed students enrolled 66009
pursuant to this section, shall be made in the same manner as 66010
payments made for participating students from nonpublic secondary 66011
schools, pursuant to section 3365.07 of the Revised Code. 66012

Sec. 3365.07. (A) The rules adopted under section 3365.02 of the Revised Code shall specify a method for each of the following:

(1) Determining, with respect to any participant, the percentage of a full-time educational program constituted by the participant's total educational program. That percentage shall be the participant's full-time equivalency percentage for purposes of the computation required by division (B)(1) of this section.

(2) In the case of a participant who is not enrolled in a participating nonpublic school, determining the percentage of a participant's school day during which the participant is participating in each of the following:

(a) Programs provided by the city, local, or exempted village school district, a community school, or a STEM school;

(b) Programs provided by a joint vocational school district;

(c) Programs provided by a college under division (B) of section 3365.04 of the Revised Code.

The sum of divisions (A)(2)(a) to (c) of this section shall equal one hundred per cent.

(3) In the case of a participant who is not enrolled in a participating nonpublic school, determining the percentage of a participant's enrollment that shall be deemed to be enrollment in a joint vocational school district and the percentage that shall be deemed to be enrollment in a city, local, or exempted village school district. The sum of such percentages shall equal one hundred per cent.

(4) In the case of a participant who is enrolled in a participating nonpublic school, determining the percentage of a participant's school day during which the participant is participating in programs provided by a college under division (B) of section 3365.04 of the Revised Code.

(B) Each July, unless provided otherwise in an alternative funding agreement entered into under rules adopted under section 3365.12 of the Revised Code, the department of education shall pay each college for any participant enrolled in the college in the prior school year under division (B) of section 3365.04 of the Revised Code an amount computed as follows:

(1) Multiply the tuition base by the participant's full-time equivalency percentage and multiply the resulting amount by a percentage equal to the percentage of the participant's school day apportioned to the college under division (A)(2)(c) or (4) of this section, as applicable.

(2) Pay the college the lesser of:

(a) The amount computed under division (B)(1) of this section;

(b) The actual costs that would have been the responsibility of the participant had the participant elected to enroll under division (A) of section 3365.04 of the Revised Code, as verified by the department, of tuition, textbooks, materials, and fees directly related to any courses elected by the participant during the prior school year under division (B) of section 3365.04 of the Revised Code.

(C) The department shall not reimburse ~~any~~ a college for any of the following:

(1) A college course taken by a participant under division (A) of section 3365.04 of the Revised Code;

(2) A remedial college course taken by a participant.

(D) If the participant was not enrolled in a participating nonpublic school, the amount paid under division (B) of this section for each participant shall be subtracted from the school foundation payments made to the participant's school district or,

if the participant was enrolled in a community school or a STEM 66073
school, from the payments made to the participant's school under 66074
section 3314.08 or 3326.33 of the Revised Code. If the participant 66075
was enrolled in a joint vocational school district, a portion of 66076
the amount shall be subtracted from the payments to the joint 66077
vocational school district and a portion shall be subtracted from 66078
the payments to the participant's city, local, or exempted village 66079
school district. The amount of the payment subtracted from the 66080
city, local, or exempted village school district shall be computed 66081
as follows: 66082

(1) Add the following: 66083

(a) The percentage of the participant's enrollment in the 66084
school district, determined under division (A)(3) of this section; 66085
and 66086

(b) Twenty-five per cent times the percentage of the 66087
participant's enrollment in the joint vocational school district, 66088
determined under division (A)(3) of this section. 66089

(2) Multiply the sum obtained under division (D)(1) of this 66090
section by the amount computed under division (B)(2) of this 66091
section. 66092

The balance of the payment shall be subtracted from the joint 66093
vocational district's school foundation payments. 66094

(E) If the participant was enrolled in a participating 66095
nonpublic school, the amount paid under division (B) of this 66096
section shall be subtracted from moneys set aside by the general 66097
assembly for such purpose from funds appropriated for the purposes 66098
of section 3317.06 of the Revised Code. 66099

Sec. 3365.12. The superintendent of public instruction and 66100
the chancellor of the Ohio board of regents jointly may adopt 66101
rules in accordance with Chapter 119. of the Revised Code 66102

permitting a board of education of a school district or joint 66103
vocational school district, governing authority of a community 66104
school, governing body of a STEM school, or governing authority of 66105
a participating nonpublic school to enter into an agreement with a 66106
college or university to use an alternate funding formula to 66107
calculate, or an alternate method to transmit, the amount the 66108
college or university would be paid for a student participating in 66109
a program under this chapter, including the program known as 66110
seniors to sophomores. 66111

Rules adopted under this section may include, but need not be 66112
limited to, any of the following alternative funding options: 66113

(A) Direct payment of funds necessary to support students 66114
participating in a program under this chapter, including the 66115
seniors to sophomores program, by the school district, joint 66116
vocational school district, community school, STEM school, or any 66117
combination thereof, to the college or university in which the 66118
student enrolled; 66119

(B) Alternate funding formulas to calculate the amount of 66120
money to be paid to colleges for participants; 66121

(C) A negotiated amount to be paid, as agreed by the school 66122
district, joint vocational school district, community school, or 66123
STEM school and the college or university. 66124

Rules adopted under this section shall prohibit any 66125
alternative funding option to include charging a student 66126
participating in the program under this chapter any tuition or 66127
fees. 66128

Sec. 3501.01. As used in the sections of the Revised Code 66129
relating to elections and political communications: 66130

(A) "General election" means the election held on the first 66131
Tuesday after the first Monday in each November. 66132

(B) "Regular municipal election" means the election held on 66133
the first Tuesday after the first Monday in November in each 66134
odd-numbered year. 66135

(C) "Regular state election" means the election held on the 66136
first Tuesday after the first Monday in November in each 66137
even-numbered year. 66138

(D) "Special election" means any election other than those 66139
elections defined in other divisions of this section. A special 66140
election may be held only on the first Tuesday after the first 66141
Monday in February, May, August, or November, or on the day 66142
authorized by a particular municipal or county charter for the 66143
holding of a primary election, except that in any year in which a 66144
presidential primary election is held, no special election shall 66145
be held in February or May, except as authorized by a municipal or 66146
county charter, but may be held on the first Tuesday after the 66147
first Monday in March. 66148

(E)(1) "Primary" or "primary election" means an election held 66149
for the purpose of nominating persons as candidates of political 66150
parties for election to offices, and for the purpose of electing 66151
persons as members of the controlling committees of political 66152
parties and as delegates and alternates to the conventions of 66153
political parties. Primary elections shall be held on the first 66154
Tuesday after the first Monday in May of each year except in years 66155
in which a presidential primary election is held. 66156

(2) "Presidential primary election" means a primary election 66157
as defined by division (E)(1) of this section at which an election 66158
is held for the purpose of choosing delegates and alternates to 66159
the national conventions of the major political parties pursuant 66160
to section 3513.12 of the Revised Code. Unless otherwise 66161
specified, presidential primary elections are included in 66162
references to primary elections. In years in which a presidential 66163
primary election is held, all primary elections shall be held on 66164

the first Tuesday after the first Monday in March except as 66165
otherwise authorized by a municipal or county charter. 66166

(F) "Political party" means any group of voters meeting the 66167
requirements set forth in section 3517.01 of the Revised Code for 66168
the formation and existence of a political party. 66169

(1) "Major political party" means any political party 66170
organized under the laws of this state whose candidate for 66171
governor or nominees for presidential electors received no less 66172
than twenty per cent of the total vote cast for such office at the 66173
most recent regular state election. 66174

(2) "Intermediate political party" means any political party 66175
organized under the laws of this state whose candidate for 66176
governor or nominees for presidential electors received less than 66177
twenty per cent but not less than ten per cent of the total vote 66178
cast for such office at the most recent regular state election. 66179

(3) "Minor political party" means any political party 66180
organized under the laws of this state whose candidate for 66181
governor or nominees for presidential electors received less than 66182
ten per cent but not less than five per cent of the total vote 66183
cast for such office at the most recent regular state election or 66184
which has filed with the secretary of state, subsequent to any 66185
election in which it received less than five per cent of such 66186
vote, a petition signed by qualified electors equal in number to 66187
at least one per cent of the total vote cast for such office in 66188
the last preceding regular state election, except that a newly 66189
formed political party shall be known as a minor political party 66190
until the time of the first election for governor or president 66191
which occurs not less than twelve months subsequent to the 66192
formation of such party, after which election the status of such 66193
party shall be determined by the vote for the office of governor 66194
or president. 66195

(G) "Dominant party in a precinct" or "dominant political party in a precinct" means that political party whose candidate for election to the office of governor at the most recent regular state election at which a governor was elected received more votes than any other person received for election to that office in such precinct at such election.

(H) "Candidate" means any qualified person certified in accordance with the provisions of the Revised Code for placement on the official ballot of a primary, general, or special election to be held in this state, or any qualified person who claims to be a write-in candidate, or who knowingly assents to being represented as a write-in candidate by another at either a primary, general, or special election to be held in this state.

(I) "Independent candidate" means any candidate who claims not to be affiliated with a political party, and whose name has been certified on the office-type ballot at a general or special election through the filing of a statement of candidacy and nominating petition, as prescribed in section 3513.257 of the Revised Code.

(J) "Nonpartisan candidate" means any candidate whose name is required, pursuant to section 3505.04 of the Revised Code, to be listed on the nonpartisan ballot, including all candidates for judicial office, for member of any board of education, for municipal or township offices in which primary elections are not held for nominating candidates by political parties, and for offices of municipal corporations having charters that provide for separate ballots for elections for these offices.

(K) "Party candidate" means any candidate who claims to be a member of a political party, whose name has been certified on the office-type ballot at a general or special election through the filing of a declaration of candidacy and petition of candidate, and who has won the primary election of the candidate's party for

the public office the candidate seeks or is selected by party 66228
committee in accordance with section 3513.31 of the Revised Code. 66229

(L) "Officer of a political party" includes, but is not 66230
limited to, any member, elected or appointed, of a controlling 66231
committee, whether representing the territory of the state, a 66232
district therein, a county, township, a city, a ward, a precinct, 66233
or other territory, of a major, intermediate, or minor political 66234
party. 66235

(M) "Question or issue" means any question or issue certified 66236
in accordance with the Revised Code for placement on an official 66237
ballot at a general or special election to be held in this state. 66238

(N) "Elector" or "qualified elector" means a person having 66239
the qualifications provided by law to be entitled to vote. 66240

(O) "Voter" means an elector who votes at an election. 66241

(P) "Voting residence" means that place of residence of an 66242
elector which shall determine the precinct in which the elector 66243
may vote. 66244

(Q) "Precinct" means a district within a county established 66245
by the board of elections of such county within which all 66246
qualified electors having a voting residence therein may vote at 66247
the same polling place. 66248

(R) "Polling place" means that place provided for each 66249
precinct at which the electors having a voting residence in such 66250
precinct may vote. 66251

(S) "Board" or "board of elections" means the board of 66252
elections appointed in a county pursuant to section 3501.06 of the 66253
Revised Code. 66254

(T) "Political subdivision" means a county, township, city, 66255
village, or school district. 66256

(U) "Election officer" or "election official" means any of 66257

the following:	66258
(1) Secretary of state;	66259
(2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;	66260 66261 66262 66263
(3) Director of a board of elections;	66264
(4) Deputy director of a board of elections;	66265
(5) Member of a board of elections;	66266
(6) Employees of a board of elections;	66267
(7) Precinct polling place judges;	66268
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	66269 66270
(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.	66271 66272 66273 66274 66275 66276 66277
(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.	66278 66279 66280 66281
(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or	66282 66283 66284 66285 66286 66287

any other public or government office or agency that implements a 66288
program designed and administered by the secretary of state for 66289
registering voters, including the department of job and family 66290
services, the program administered under section 3701.132 of the 66291
Revised Code by the department of health, the department of ~~mental~~ 66292
~~health~~ mental health and addiction services, the department of 66293
developmental disabilities, the ~~rehabilitation services commission~~ 66294
opportunities for Ohioans with disabilities agency, and any other 66295
agency the secretary of state designates. "Designated agency" does 66296
not include public high schools and vocational schools, public 66297
libraries, or the office of a county treasurer. 66298

(Y) "National Voter Registration Act of 1993" means the 66299
"National Voter Registration Act of 1993," 107 Stat. 77, 42 66300
U.S.C.A. 1973gg. 66301

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 66302
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 66303

(AA) "Photo identification" means a document that meets each 66304
of the following requirements: 66305

(1) It shows the name of the individual to whom it was 66306
issued, which shall conform to the name in the poll list or 66307
signature pollbook. 66308

(2) It shows the current address of the individual to whom it 66309
was issued, which shall conform to the address in the poll list or 66310
signature pollbook, except for a driver's license or a state 66311
identification card issued under section 4507.50 of the Revised 66312
Code, which may show either the current or former address of the 66313
individual to whom it was issued, regardless of whether that 66314
address conforms to the address in the poll list or signature 66315
pollbook. 66316

(3) It shows a photograph of the individual to whom it was 66317
issued. 66318

(4) It includes an expiration date that has not passed. 66319

(5) It was issued by the government of the United States or 66320
this state. 66321

Sec. 3517.01. (A)(1) A political party within the meaning of 66322
Title XXXV of the Revised Code is any group of voters that, at the 66323
most recent regular state election, polled for its candidate for 66324
governor in the state or nominees for presidential electors at 66325
least five per cent of the entire vote cast for that office or 66326
that filed with the secretary of state, subsequent to any election 66327
in which it received less than five per cent of that vote, a 66328
petition signed by qualified electors equal in number to at least 66329
one per cent of the total vote for governor or nominees for 66330
presidential electors at the most recent election, declaring their 66331
intention of organizing a political party, the name of which shall 66332
be stated in the declaration, and of participating in the 66333
succeeding primary election, held in even-numbered years, that 66334
occurs more than one hundred twenty days after the date of filing. 66335
No such group of electors shall assume a name or designation that 66336
is similar, in the opinion of the secretary of state, to that of 66337
an existing political party as to confuse or mislead the voters at 66338
an election. If any political party fails to cast five per cent of 66339
the total vote cast at an election for the office of governor or 66340
president, it shall cease to be a political party. 66341

(2) A campaign committee shall be legally liable for any 66342
debts, contracts, or expenditures incurred or executed in its 66343
name. 66344

(B) Notwithstanding the definitions found in section 3501.01 66345
of the Revised Code, as used in this section and sections 3517.08 66346
to 3517.14, 3517.99, and 3517.992 of the Revised Code: 66347

(1) "Campaign committee" means a candidate or a combination 66348
of two or more persons authorized by a candidate under section 66349

3517.081 of the Revised Code to receive contributions and make expenditures. 66350
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(2) "Campaign treasurer" means an individual appointed by a candidate under section 3517.081 of the Revised Code. 66352
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(3) "Candidate" has the same meaning as in division (H) of section 3501.01 of the Revised Code and also includes any person who, at any time before or after an election, receives contributions or makes expenditures or other use of contributions, has given consent for another to receive contributions or make expenditures or other use of contributions, or appoints a campaign treasurer, for the purpose of bringing about the person's nomination or election to public office. When two persons jointly seek the offices of governor and lieutenant governor, "candidate" means the pair of candidates jointly. "Candidate" does not include candidates for election to the offices of member of a county or state central committee, presidential elector, and delegate to a national convention or conference of a political party. 66354
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(4) "Continuing association" means an association, other than a campaign committee, political party, legislative campaign fund, political contributing entity, or labor organization, that is intended to be a permanent organization that has a primary purpose other than supporting or opposing specific candidates, political parties, or ballot issues, and that functions on a regular basis throughout the year. "Continuing association" includes organizations that are determined to be not organized for profit under subsection 501 and that are described in subsection 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code. 66367
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(5) "Contribution" means a loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, or transfer of funds or anything of value, including a transfer of funds from an inter vivos or testamentary trust or decedent's estate, and the payment by any person other than the person to whom the services are 66377
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rendered for the personal services of another person, which 66382
contribution is made, received, or used for the purpose of 66383
influencing the results of an election. Any loan, gift, deposit, 66384
forgiveness of indebtedness, donation, advance, payment, or 66385
transfer of funds or of anything of value, including a transfer of 66386
funds from an inter vivos or testamentary trust or decedent's 66387
estate, and the payment by any campaign committee, political 66388
action committee, legislative campaign fund, political party, 66389
political contributing entity, or person other than the person to 66390
whom the services are rendered for the personal services of 66391
another person, that is made, received, or used by a state or 66392
county political party, other than moneys a state or county 66393
political party receives from the Ohio political party fund 66394
pursuant to section 3517.17 of the Revised Code and the moneys a 66395
~~state or county political party~~ an entity may receive under 66396
sections 3517.101, 3517.1012, and 3517.1013 of the Revised Code, 66397
shall be considered to be a "contribution" for the purpose of 66398
section 3517.10 of the Revised Code and shall be included on a 66399
statement of contributions filed under that section. 66400

"Contribution" does not include any of the following: 66401

(a) Services provided without compensation by individuals 66402
volunteering a portion or all of their time on behalf of a person; 66403

(b) Ordinary home hospitality; 66404

(c) The personal expenses of a volunteer paid for by that 66405
volunteer campaign worker; 66406

(d) Any gift given to a ~~state or county political party~~ an 66407
entity pursuant to section 3517.101 of the Revised Code. ~~As used~~ 66408
~~in division (B)(5)(d) of this section, "political party" means~~ 66409
~~only a major political party;~~ 66410

(e) Any contribution as defined in section 3517.1011 of the 66411
Revised Code that is made, received, or used to pay the direct 66412

costs of producing or airing an electioneering communication; 66413

(f) Any gift given to a state or county political party for 66414
the party's restricted fund under division (A)(2) of section 66415
3517.1012 of the Revised Code; 66416

(g) Any gift given to a state political party for deposit in 66417
a Levin account pursuant to section 3517.1013 of the Revised Code. 66418
As used in this division, "Levin account" has the same meaning as 66419
in that section. 66420

(h) Any donation given to a transition fund under section 66421
3517.1014 of the Revised Code. 66422

(6) "Expenditure" means the disbursement or use of a 66423
contribution for the purpose of influencing the results of an 66424
election or of making a charitable donation under division (G) of 66425
section 3517.08 of the Revised Code. Any disbursement or use of a 66426
contribution by a state or county political party is an 66427
expenditure and shall be considered either to be made for the 66428
purpose of influencing the results of an election or to be made as 66429
a charitable donation under division (G) of section 3517.08 of the 66430
Revised Code and shall be reported on a statement of expenditures 66431
filed under section 3517.10 of the Revised Code. During the thirty 66432
days preceding a primary or general election, any disbursement to 66433
pay the direct costs of producing or airing a broadcast, cable, or 66434
satellite communication that refers to a clearly identified 66435
candidate shall be considered to be made for the purpose of 66436
influencing the results of that election and shall be reported as 66437
an expenditure or as an independent expenditure under section 66438
3517.10 or 3517.105 of the Revised Code, as applicable, except 66439
that the information required to be reported regarding 66440
contributors for those expenditures or independent expenditures 66441
shall be the same as the information required to be reported under 66442
divisions (D)(1) and (2) of section 3517.1011 of the Revised Code. 66443

As used in this division, "broadcast, cable, or satellite communication" and "refers to a clearly identified candidate" have the same meanings as in section 3517.1011 of the Revised Code.

(7) "Personal expenses" includes, but is not limited to, ordinary expenses for accommodations, clothing, food, personal motor vehicle or airplane, and home telephone.

(8) "Political action committee" means a combination of two or more persons, the primary or major purpose of which is to support or oppose any candidate, political party, or issue, or to influence the result of any election through express advocacy, and that is not a political party, a campaign committee, a political contributing entity, or a legislative campaign fund. "Political action committee" does not include either of the following:

(a) A continuing association that makes disbursements for the direct costs of producing or airing electioneering communications and that does not engage in express advocacy;

(b) A political club that is formed primarily for social purposes and that consists of one hundred members or less, has officers and periodic meetings, has less than two thousand five hundred dollars in its treasury at all times, and makes an aggregate total contribution of one thousand dollars or less per calendar year.

(9) "Public office" means any state, county, municipal, township, or district office, except an office of a political party, that is filled by an election and the offices of United States senator and representative.

(10) "Anything of value" has the same meaning as in section 1.03 of the Revised Code.

(11) "Beneficiary of a campaign fund" means a candidate, a public official or employee for whose benefit a campaign fund exists, and any other person who has ever been a candidate or

public official or employee and for whose benefit a campaign fund 66475
exists. 66476

(12) "Campaign fund" means money or other property, including 66477
contributions. 66478

(13) "Public official or employee" has the same meaning as in 66479
section 102.01 of the Revised Code. 66480

(14) "Caucus" means all of the members of the house of 66481
representatives or all of the members of the senate of the general 66482
assembly who are members of the same political party. 66483

(15) "Legislative campaign fund" means a fund that is 66484
established as an auxiliary of a state political party and 66485
associated with one of the houses of the general assembly. 66486

(16) "In-kind contribution" means anything of value other 66487
than money that is used to influence the results of an election or 66488
is transferred to or used in support of or in opposition to a 66489
candidate, campaign committee, legislative campaign fund, 66490
political party, political action committee, or political 66491
contributing entity and that is made with the consent of, in 66492
coordination, cooperation, or consultation with, or at the request 66493
or suggestion of the benefited candidate, committee, fund, party, 66494
or entity. The financing of the dissemination, distribution, or 66495
republication, in whole or part, of any broadcast or of any 66496
written, graphic, or other form of campaign materials prepared by 66497
the candidate, the candidate's campaign committee, or their 66498
authorized agents is an in-kind contribution to the candidate and 66499
an expenditure by the candidate. 66500

(17) "Independent expenditure" means an expenditure by a 66501
person advocating the election or defeat of an identified 66502
candidate or candidates, that is not made with the consent of, in 66503
coordination, cooperation, or consultation with, or at the request 66504
or suggestion of any candidate or candidates or of the campaign 66505

committee or agent of the candidate or candidates. As used in 66506
division (B)(17) of this section: 66507

(a) "Person" means an individual, partnership, unincorporated 66508
business organization or association, political action committee, 66509
political contributing entity, separate segregated fund, 66510
association, or other organization or group of persons, but not a 66511
labor organization or a corporation unless the labor organization 66512
or corporation is a political contributing entity. 66513

(b) "Advocating" means any communication containing a message 66514
advocating election or defeat. 66515

(c) "Identified candidate" means that the name of the 66516
candidate appears, a photograph or drawing of the candidate 66517
appears, or the identity of the candidate is otherwise apparent by 66518
unambiguous reference. 66519

(d) "Made in coordination, cooperation, or consultation with, 66520
or at the request or suggestion of, any candidate or the campaign 66521
committee or agent of the candidate" means made pursuant to any 66522
arrangement, coordination, or direction by the candidate, the 66523
candidate's campaign committee, or the candidate's agent prior to 66524
the publication, distribution, display, or broadcast of the 66525
communication. An expenditure is presumed to be so made when it is 66526
any of the following: 66527

(i) Based on information about the candidate's plans, 66528
projects, or needs provided to the person making the expenditure 66529
by the candidate, or by the candidate's campaign committee or 66530
agent, with a view toward having an expenditure made; 66531

(ii) Made by or through any person who is, or has been, 66532
authorized to raise or expend funds, who is, or has been, an 66533
officer of the candidate's campaign committee, or who is, or has 66534
been, receiving any form of compensation or reimbursement from the 66535
candidate or the candidate's campaign committee or agent; 66536

(iii) Except as otherwise provided in division (D) of section 66537
3517.105 of the Revised Code, made by a political party in support 66538
of a candidate, unless the expenditure is made by a political 66539
party to conduct voter registration or voter education efforts. 66540

(e) "Agent" means any person who has actual oral or written 66541
authority, either express or implied, to make or to authorize the 66542
making of expenditures on behalf of a candidate, or means any 66543
person who has been placed in a position with the candidate's 66544
campaign committee or organization such that it would reasonably 66545
appear that in the ordinary course of campaign-related activities 66546
the person may authorize expenditures. 66547

(18) "Labor organization" means a labor union; an employee 66548
organization; a federation of labor unions, groups, locals, or 66549
other employee organizations; an auxiliary of a labor union, 66550
employee organization, or federation of labor unions, groups, 66551
locals, or other employee organizations; or any other bona fide 66552
organization in which employees participate and that exists for 66553
the purpose, in whole or in part, of dealing with employers 66554
concerning grievances, labor disputes, wages, hours, and other 66555
terms and conditions of employment. 66556

(19) "Separate segregated fund" means a separate segregated 66557
fund established pursuant to the Federal Election Campaign Act. 66558

(20) "Federal Election Campaign Act" means the "Federal 66559
Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 431, et 66560
seq., as amended. 66561

(21) "Restricted fund" means the fund a state or county 66562
political party must establish under division (A)(1) of section 66563
3517.1012 of the Revised Code. 66564

(22) "Electioneering communication" has the same meaning as 66565
in section 3517.1011 of the Revised Code. 66566

(23) "Express advocacy" means a communication that contains 66567

express words advocating the nomination, election, or defeat of a candidate or that contains express words advocating the adoption or defeat of a question or issue, as determined by a final judgment of a court of competent jurisdiction.

(24) "Political committee" has the same meaning as in section 3517.1011 of the Revised Code.

(25) "Political contributing entity" means any entity, including a corporation or labor organization, that may lawfully make contributions and expenditures and that is not an individual or a political action committee, continuing association, campaign committee, political party, legislative campaign fund, designated state campaign committee, or state candidate fund. For purposes of this division, "lawfully" means not prohibited by any section of the Revised Code, or authorized by a final judgment of a court of competent jurisdiction.

Sec. 3517.10. (A) Except as otherwise provided in this division, every campaign committee, political action committee, legislative campaign fund, political party, and political contributing entity that made or received a contribution or made an expenditure in connection with the nomination or election of any candidate or in connection with any ballot issue or question at any election held or to be held in this state shall file, on a form prescribed under this section or by electronic means of transmission as provided in this section and section 3517.106 of the Revised Code, a full, true, and itemized statement, made under penalty of election falsification, setting forth in detail the contributions and expenditures, not later than four p.m. of the following dates:

(1) The twelfth day before the election to reflect contributions received and expenditures made from the close of business on the last day reflected in the last previously filed

statement, if any, to the close of business on the twentieth day 66599
before the election; 66600

(2) The thirty-eighth day after the election to reflect the 66601
contributions received and expenditures made from the close of 66602
business on the last day reflected in the last previously filed 66603
statement, if any, to the close of business on the seventh day 66604
before the filing of the statement; 66605

(3) The last business day of January of every year to reflect 66606
the contributions received and expenditures made from the close of 66607
business on the last day reflected in the last previously filed 66608
statement, if any, to the close of business on the last day of 66609
December of the previous year; 66610

(4) The last business day of July of every year to reflect 66611
the contributions received and expenditures made from the close of 66612
business on the last day reflected in the last previously filed 66613
statement, if any, to the close of business on the last day of 66614
June of that year. 66615

A campaign committee shall only be required to file the 66616
statements prescribed under divisions (A)(1) and (2) of this 66617
section in connection with the nomination or election of the 66618
committee's candidate. 66619

The statement required under division (A)(1) of this section 66620
shall not be required of any campaign committee, political action 66621
committee, legislative campaign fund, political party, or 66622
political contributing entity that has received contributions of 66623
less than one thousand dollars and has made expenditures of less 66624
than one thousand dollars at the close of business on the 66625
twentieth day before the election. Those contributions and 66626
expenditures shall be reported in the statement required under 66627
division (A)(2) of this section. 66628

If an election to select candidates to appear on the general 66629

election ballot is held within sixty days before a general 66630
election, the campaign committee of a successful candidate in the 66631
earlier election may file the statement required by division 66632
(A)(1) of this section for the general election instead of the 66633
statement required by division (A)(2) of this section for the 66634
earlier election if the pregeneral election statement reflects the 66635
status of contributions and expenditures for the period twenty 66636
days before the earlier election to twenty days before the general 66637
election. 66638

If a person becomes a candidate less than twenty days before 66639
an election, the candidate's campaign committee is not required to 66640
file the statement required by division (A)(1) of this section. 66641

No statement under division (A)(3) of this section shall be 66642
required for any year in which a campaign committee, political 66643
action committee, legislative campaign fund, political party, or 66644
political contributing entity is required to file a postgeneral 66645
election statement under division (A)(2) of this section. However, 66646
a statement under division (A)(3) of this section may be filed, at 66647
the option of the campaign committee, political action committee, 66648
legislative campaign fund, political party, or political 66649
contributing entity. 66650

No campaign committee of a candidate for the office of chief 66651
justice or justice of the supreme court, and no campaign committee 66652
of a candidate for the office of judge of any court in this state, 66653
shall be required to file a statement under division (A)(4) of 66654
this section. 66655

Except as otherwise provided in this paragraph and in the 66656
next paragraph of this section, the only campaign committees 66657
required to file a statement under division (A)(4) of this section 66658
are the campaign committee of a statewide candidate and the 66659
campaign committee of a candidate for county office. The campaign 66660
committee of a candidate for any other nonjudicial office is 66661

required to file a statement under division (A)(4) of this section 66662
if that campaign committee receives, during that period, 66663
contributions exceeding ten thousand dollars. 66664

No statement under division (A)(4) of this section shall be 66665
required of a campaign committee, a political action committee, a 66666
legislative campaign fund, a political party, or a political 66667
contributing entity for any year in which the campaign committee, 66668
political action committee, legislative campaign fund, political 66669
party, or political contributing entity is required to file a 66670
postprimary election statement under division (A)(2) of this 66671
section. However, a statement under division (A)(4) of this 66672
section may be filed at the option of the campaign committee, 66673
political action committee, legislative campaign fund, political 66674
party, or political contributing entity. 66675

No statement under division (A)(3) or (4) of this section 66676
shall be required if the campaign committee, political action 66677
committee, legislative campaign fund, political party, or 66678
political contributing entity has no contributions that it has 66679
received and no expenditures that it has made since the last date 66680
reflected in its last previously filed statement. However, the 66681
campaign committee, political action committee, legislative 66682
campaign fund, political party, or political contributing entity 66683
shall file a statement to that effect, on a form prescribed under 66684
this section and made under penalty of election falsification, on 66685
the date required in division (A)(3) or (4) of this section, as 66686
applicable. 66687

The campaign committee of a statewide candidate shall file a 66688
monthly statement of contributions received during each of the 66689
months of July, August, and September in the year of the general 66690
election in which the candidate seeks office. The campaign 66691
committee of a statewide candidate shall file the monthly 66692
statement not later than three business days after the last day of 66693

the month covered by the statement. During the period beginning on 66694
the nineteenth day before the general election in which a 66695
statewide candidate seeks election to office and extending through 66696
the day of that general election, each time the campaign committee 66697
of the joint candidates for the offices of governor and lieutenant 66698
governor or of a candidate for the office of secretary of state, 66699
auditor of state, treasurer of state, or attorney general receives 66700
a contribution from a contributor that causes the aggregate amount 66701
of contributions received from that contributor during that period 66702
to equal or exceed ten thousand dollars and each time the campaign 66703
committee of a candidate for the office of chief justice or 66704
justice of the supreme court receives a contribution from a 66705
contributor that causes the aggregate amount of contributions 66706
received from that contributor during that period to exceed ten 66707
thousand dollars, the campaign committee shall file a 66708
two-business-day statement reflecting that contribution. ~~During~~ 66709
~~the period beginning on the nineteenth day before a primary~~ 66710
~~election in which a candidate for statewide office seeks~~ 66711
~~nomination to office and extending through the day of that primary~~ 66712
~~election, each time either the campaign committee of a statewide~~ 66713
~~candidate in that primary election that files a notice under~~ 66714
~~division (C)(1) of section 3517.103 of the Revised Code or the~~ 66715
~~campaign committee of a statewide candidate in that primary~~ 66716
~~election to which, in accordance with division (D) of section~~ 66717
~~3517.103 of the Revised Code, the contribution limitations~~ 66718
~~prescribed in section 3517.102 of the Revised Code no longer apply~~ 66719
~~receives a contribution from a contributor that causes the~~ 66720
~~aggregate amount of contributions received from that contributor~~ 66721
~~during that period to exceed ten thousand dollars, the campaign~~ 66722
~~committee shall file a two-business-day statement reflecting that~~ 66723
~~contribution.~~ Contributions reported on a two-business-day 66724
statement required to be filed by a campaign committee of a 66725
statewide candidate in a primary election shall also be included 66726

in the postprimary election statement required to be filed by that 66727
campaign committee under division (A)(2) of this section. A 66728
two-business-day statement required by this paragraph shall be 66729
filed not later than two business days after receipt of the 66730
contribution. The statements required by this paragraph shall be 66731
filed in addition to any other statements required by this 66732
section. 66733

Subject to the secretary of state having implemented, tested, 66734
and verified the successful operation of any system the secretary 66735
of state prescribes pursuant to divisions (C)(6)(b) and (D)(6) of 66736
this section and division (H)(1) of section 3517.106 of the 66737
Revised Code for the filing of campaign finance statements by 66738
electronic means of transmission, a campaign committee of a 66739
statewide candidate shall file a two-business-day statement under 66740
the preceding paragraph by electronic means of transmission if the 66741
campaign committee is required to file a pre-election, 66742
postelection, or monthly statement of contributions and 66743
expenditures by electronic means of transmission under this 66744
section or section 3517.106 of the Revised Code. 66745

If a campaign committee or political action committee has no 66746
balance on hand and no outstanding obligations and desires to 66747
terminate itself, it shall file a statement to that effect, on a 66748
form prescribed under this section and made under penalty of 66749
election falsification, with the official with whom it files a 66750
statement under division (A) of this section after filing a final 66751
statement of contributions and a final statement of expenditures, 66752
if contributions have been received or expenditures made since the 66753
period reflected in its last previously filed statement. 66754

(B) Except as otherwise provided in division (C)(7) of this 66755
section, each statement required by division (A) of this section 66756
shall contain the following information: 66757

(1) The full name and address of each campaign committee, 66758

political action committee, legislative campaign fund, political party, or political contributing entity, including any treasurer of the committee, fund, party, or entity, filing a contribution and expenditure statement; 66759
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(2)(a) In the case of a campaign committee, the candidate's full name and address; 66763
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(b) In the case of a political action committee, the registration number assigned to the committee under division (D)(1) of this section. 66765
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(3) The date of the election and whether it was or will be a general, primary, or special election; 66768
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(4) A statement of contributions received, which shall include the following information: 66770
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(a) The month, day, and year of the contribution; 66772

(b)(i) The full name and address of each person, political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity from whom contributions are received and the registration number assigned to the political action committee under division (D)(1) of this section. The requirement of filing the full address does not apply to any statement filed by a state or local committee of a political party, to a finance committee of such committee, or to a committee recognized by a state or local committee as its fund-raising auxiliary. Notwithstanding division (F) of this section, the requirement of filing the full address shall be considered as being met if the address filed is the same address the contributor provided under division (E)(1) of this section. 66773
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(ii) If a political action committee, political contributing entity, legislative campaign fund, or political party that is required to file campaign finance statements by electronic means of transmission under section 3517.106 of the Revised Code or a 66786
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campaign committee of a statewide candidate or candidate for the 66790
office of member of the general assembly receives a contribution 66791
from an individual that exceeds one hundred dollars, the name of 66792
the individual's current employer, if any, or, if the individual 66793
is self-employed, the individual's occupation and the name of the 66794
individual's business, if any; 66795

(iii) If a campaign committee of a statewide candidate or 66796
candidate for the office of member of the general assembly 66797
receives a contribution transmitted pursuant to section 3599.031 66798
of the Revised Code from amounts deducted from the wages and 66799
salaries of two or more employees that exceeds in the aggregate 66800
one hundred dollars during any one filing period under division 66801
(A)(1), (2), (3), or (4) of this section, the full name of the 66802
employees' employer and the full name of the labor organization of 66803
which the employees are members, if any. 66804

(c) A description of the contribution received, if other than 66805
money; 66806

(d) The value in dollars and cents of the contribution; 66807

(e) A separately itemized account of all contributions and 66808
expenditures regardless of the amount, except a receipt of a 66809
contribution from a person in the sum of twenty-five dollars or 66810
less at one social or fund-raising activity and a receipt of a 66811
contribution transmitted pursuant to section 3599.031 of the 66812
Revised Code from amounts deducted from the wages and salaries of 66813
employees if the contribution from the amount deducted from the 66814
wages and salary of any one employee is twenty-five dollars or 66815
less aggregated in a calendar year. An account of the total 66816
contributions from each social or fund-raising activity shall 66817
include a description of and the value of each in-kind 66818
contribution received at that activity from any person who made 66819
one or more such contributions whose aggregate value exceeded two 66820
hundred fifty dollars and shall be listed separately, together 66821

with the expenses incurred and paid in connection with that 66822
activity. A campaign committee, political action committee, 66823
legislative campaign fund, political party, or political 66824
contributing entity shall keep records of contributions from each 66825
person in the amount of twenty-five dollars or less at one social 66826
or fund-raising activity and contributions from amounts deducted 66827
under section 3599.031 of the Revised Code from the wages and 66828
salary of each employee in the amount of twenty-five dollars or 66829
less aggregated in a calendar year. No continuing association that 66830
is recognized by a state or local committee of a political party 66831
as an auxiliary of the party and that makes a contribution from 66832
funds derived solely from regular dues paid by members of the 66833
auxiliary shall be required to list the name or address of any 66834
members who paid those dues. 66835

Contributions that are other income shall be itemized 66836
separately from all other contributions. The information required 66837
under division (B)(4) of this section shall be provided for all 66838
other income itemized. As used in this paragraph, "other income" 66839
means a loan, investment income, or interest income. 66840

(f) In the case of a campaign committee of a state elected 66841
officer, if a person doing business with the state elected officer 66842
in the officer's official capacity makes a contribution to the 66843
campaign committee of that officer, the information required under 66844
division (B)(4) of this section in regard to that contribution, 66845
which shall be filed together with and considered a part of the 66846
committee's statement of contributions as required under division 66847
(A) of this section but shall be filed on a separate form provided 66848
by the secretary of state. As used in this division: 66849

(i) "State elected officer" has the same meaning as in 66850
section 3517.092 of the Revised Code. 66851

(ii) "Person doing business" means a person or an officer of 66852
an entity who enters into one or more contracts with a state 66853

elected officer or anyone authorized to enter into contracts on 66854
behalf of that officer to receive payments for goods or services, 66855
if the payments total, in the aggregate, more than five thousand 66856
dollars during a calendar year. 66857

(5) A statement of expenditures which shall include the 66858
following information: 66859

(a) The month, day, and year of the expenditure; 66860

(b) The full name and address of each person, political 66861
party, campaign committee, legislative campaign fund, political 66862
action committee, or political contributing entity to whom the 66863
expenditure was made and the registration number assigned to the 66864
political action committee under division (D)(1) of this section; 66865

(c) The object or purpose for which the expenditure was made; 66866

(d) The amount of each expenditure. 66867

(C)(1) The statement of contributions and expenditures shall 66868
be signed by the person completing the form. If a statement of 66869
contributions and expenditures is filed by electronic means of 66870
transmission pursuant to this section or section 3517.106 of the 66871
Revised Code, the electronic signature of the person who executes 66872
the statement and transmits the statement by electronic means of 66873
transmission, as provided in division (H) of section 3517.106 of 66874
the Revised Code, shall be attached to or associated with the 66875
statement and shall be binding on all persons and for all purposes 66876
under the campaign finance reporting law as if the signature had 66877
been handwritten in ink on a printed form. 66878

(2) The person filing the statement, under penalty of 66879
election falsification, shall include with it a list of each 66880
anonymous contribution, the circumstances under which it was 66881
received, and the reason it cannot be attributed to a specific 66882
donor. 66883

(3) Each statement of a campaign committee of a candidate who holds public office shall contain a designation of each contributor who is an employee in any unit or department under the candidate's direct supervision and control. In a space provided in the statement, the person filing the statement shall affirm that each such contribution was voluntarily made.

(4) A campaign committee that did not receive contributions or make expenditures in connection with the nomination or election of its candidate shall file a statement to that effect, on a form prescribed under this section and made under penalty of election falsification, on the date required in division (A)(2) of this section.

(5) The campaign committee of any person who attempts to become a candidate and who, for any reason, does not become certified in accordance with Title XXXV of the Revised Code for placement on the official ballot of a primary, general, or special election to be held in this state, and who, at any time prior to or after an election, receives contributions or makes expenditures, or has given consent for another to receive contributions or make expenditures, for the purpose of bringing about the person's nomination or election to public office, shall file the statement or statements prescribed by this section and a termination statement, if applicable. Division (C)(5) of this section does not apply to any person with respect to an election to the offices of member of a county or state central committee, presidential elector, or delegate to a national convention or conference of a political party.

(6)(a) The statements required to be filed under this section shall specify the balance in the hands of the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity and the disposition intended to be made of that balance.

(b) The secretary of state shall prescribe the form for all 66916
statements required to be filed under this section and shall 66917
furnish the forms to the boards of elections in the several 66918
counties. The boards of elections shall supply printed copies of 66919
those forms without charge. The secretary of state shall prescribe 66920
the appropriate methodology, protocol, and data file structure for 66921
statements required or permitted to be filed by electronic means 66922
of transmission under division (A) of this section, divisions (E), 66923
(F), and (G) of section 3517.106, division (D) of section 66924
3517.1011, division (B) of section 3517.1012, division (C) of 66925
section 3517.1013, and divisions (D) and (I) of section 3517.1014 66926
of the Revised Code. Subject to division (A) of this section, 66927
divisions (E), (F), and (G) of section 3517.106, division (D) of 66928
section 3517.1011, division (B) of section 3517.1012, division (C) 66929
of section 3517.1013, and divisions (D) and (I) of section 66930
3517.1014 of the Revised Code, the statements required to be 66931
stored on computer by the secretary of state under division (B) of 66932
section 3517.106 of the Revised Code shall be filed in whatever 66933
format the secretary of state considers necessary to enable the 66934
secretary of state to store the information contained in the 66935
statements on computer. Any such format shall be of a type and 66936
nature that is readily available to whoever is required to file 66937
the statements in that format. 66938

(c) The secretary of state shall assess the need for training 66939
regarding the filing of campaign finance statements by electronic 66940
means of transmission and regarding associated technologies for 66941
candidates, campaign committees, political action committees, 66942
legislative campaign funds, political parties, or political 66943
contributing entities, for individuals, partnerships, or other 66944
entities, for persons making disbursements to pay the direct costs 66945
of producing or airing electioneering communications, or for 66946
treasurers of transition funds, required or permitted to file 66947
statements by electronic means of transmission under this section 66948

or section 3517.105, 3517.106, 3517.1011, 3517.1012, 3517.1013, or 66949
3517.1014 of the Revised Code. If, in the opinion of the secretary 66950
of state, training in these areas is necessary, the secretary of 66951
state shall arrange for the provision of voluntary training 66952
programs for candidates, campaign committees, political action 66953
committees, legislative campaign funds, political parties, or 66954
political contributing entities, for individuals, partnerships, 66955
and other entities, for persons making disbursements to pay the 66956
direct costs of producing or airing electioneering communications, 66957
or for treasurers of transition funds, as appropriate. 66958

(7) Each monthly statement and each two-business-day 66959
statement required by division (A) of this section shall contain 66960
the information required by divisions (B)(1) to (4), (C)(2), and, 66961
if appropriate, (C)(3) of this section. Each statement shall be 66962
signed as required by division (C)(1) of this section. 66963

(D)(1) Prior to receiving a contribution or making an 66964
expenditure, every campaign committee, political action committee, 66965
legislative campaign fund, political party, or political 66966
contributing entity shall appoint a treasurer and shall file, on a 66967
form prescribed by the secretary of state, a designation of that 66968
appointment, including the full name and address of the treasurer 66969
and of the campaign committee, political action committee, 66970
legislative campaign fund, political party, or political 66971
contributing entity. That designation shall be filed with the 66972
official with whom the campaign committee, political action 66973
committee, legislative campaign fund, political party, or 66974
political contributing entity is required to file statements under 66975
section 3517.11 of the Revised Code. The name of a campaign 66976
committee shall include at least the last name of the campaign 66977
committee's candidate. If two or more candidates are the 66978
beneficiaries of a single campaign committee under division (B) of 66979
section 3517.081 of the Revised Code, the name of the campaign 66980

committee shall include at least the last name of each candidate 66981
who is a beneficiary of that campaign committee. The secretary of 66982
state shall assign a registration number to each political action 66983
committee that files a designation of the appointment of a 66984
treasurer under this division if the political action committee is 66985
required by division (A)(1) of section 3517.11 of the Revised Code 66986
to file the statements prescribed by this section with the 66987
secretary of state. 66988

(2) The treasurer appointed under division (D)(1) of this 66989
section shall keep a strict account of all contributions, from 66990
whom received and the purpose for which they were disbursed. 66991

(3)(a) Except as otherwise provided in section 3517.108 of 66992
the Revised Code, a campaign committee shall deposit all monetary 66993
contributions received by the committee into an account separate 66994
from a personal or business account of the candidate or campaign 66995
committee. 66996

(b) A political action committee shall deposit all monetary 66997
contributions received by the committee into an account separate 66998
from all other funds. 66999

(c) A state or county political party may establish a state 67000
candidate fund that is separate from an account that contains the 67001
public moneys received from the Ohio political party fund under 67002
section 3517.17 of the Revised Code and from all other funds. A 67003
state or county political party may deposit into its state 67004
candidate fund any amounts of monetary contributions that are made 67005
to or accepted by the political party subject to the applicable 67006
limitations, if any, prescribed in section 3517.102 of the Revised 67007
Code. A state or county political party shall deposit all other 67008
monetary contributions received by the party into one or more 67009
accounts that are separate from its state candidate fund and from 67010
its account that contains the public moneys received from the Ohio 67011
political party fund under section 3517.17 of the Revised Code. 67012

(d) Each state political party shall have only one 67013
legislative campaign fund for each house of the general assembly. 67014
Each such fund shall be separate from any other funds or accounts 67015
of that state party. A legislative campaign fund is authorized to 67016
receive contributions and make expenditures for the primary 67017
purpose of furthering the election of candidates who are members 67018
of that political party to the house of the general assembly with 67019
which that legislative campaign fund is associated. Each 67020
legislative campaign fund shall be administered and controlled in 67021
a manner designated by the caucus. As used in this division, 67022
"caucus" has the same meaning as in section 3517.01 of the Revised 67023
Code and includes, as an ex officio member, the chairperson of the 67024
state political party with which the caucus is associated or that 67025
chairperson's designee. 67026

(4) Every expenditure in excess of twenty-five dollars shall 67027
be vouched for by a receipted bill, stating the purpose of the 67028
expenditure, that shall be filed with the statement of 67029
expenditures. A canceled check with a notation of the purpose of 67030
the expenditure is a receipted bill for purposes of division 67031
(D)(4) of this section. 67032

(5) The secretary of state or the board of elections, as the 67033
case may be, shall issue a receipt for each statement filed under 67034
this section and shall preserve a copy of the receipt for a period 67035
of at least six years. All statements filed under this section 67036
shall be open to public inspection in the office where they are 67037
filed and shall be carefully preserved for a period of at least 67038
six years after the year in which they are filed. 67039

(6) The secretary of state, by rule adopted pursuant to 67040
section 3517.23 of the Revised Code, shall prescribe both of the 67041
following: 67042

(a) The manner of immediately acknowledging, with date and 67043
time received, and preserving the receipt of statements that are 67044

transmitted by electronic means of transmission to the secretary 67045
of state pursuant to this section or section 3517.106, 3517.1011, 67046
3517.1012, 3517.1013, or 3517.1014 of the Revised Code; 67047

(b) The manner of preserving the contribution and 67048
expenditure, contribution and disbursement, deposit and 67049
disbursement, gift and disbursement, or donation and disbursement 67050
information in the statements described in division (D)(6)(a) of 67051
this section. The secretary of state shall preserve the 67052
contribution and expenditure, contribution and disbursement, 67053
deposit and disbursement, gift and disbursement, or donation and 67054
disbursement information in those statements for at least ten 67055
years after the year in which they are filed by electronic means 67056
of transmission. 67057

(7) The secretary of state, pursuant to division (I) of 67058
section 3517.106 of the Revised Code, shall make available online 67059
to the public through the internet the contribution and 67060
expenditure, contribution and disbursement, deposit and 67061
disbursement, gift and disbursement, or donation and disbursement 67062
information in all statements, all addenda, amendments, or other 67063
corrections to statements, and all amended statements filed with 67064
the secretary of state by electronic or other means of 67065
transmission under this section, division (B)(2)(b) or (C)(2)(b) 67066
of section 3517.105, or section 3517.106, 3517.1011, 3517.1012, 67067
3517.1013, 3517.1014, or 3517.11 of the Revised Code. The 67068
secretary of state may remove the information from the internet 67069
after a reasonable period of time. 67070

(E)(1) Any person, political party, campaign committee, 67071
legislative campaign fund, political action committee, or 67072
political contributing entity that makes a contribution in 67073
connection with the nomination or election of any candidate or in 67074
connection with any ballot issue or question at any election held 67075
or to be held in this state shall provide its full name and 67076

address to the recipient of the contribution at the time the 67077
contribution is made. The political action committee also shall 67078
provide the registration number assigned to the committee under 67079
division (D)(1) of this section to the recipient of the 67080
contribution at the time the contribution is made. 67081

(2) Any individual who makes a contribution that exceeds one 67082
hundred dollars to a political action committee, political 67083
contributing entity, legislative campaign fund, or political party 67084
or to a campaign committee of a statewide candidate or candidate 67085
for the office of member of the general assembly shall provide the 67086
name of the individual's current employer, if any, or, if the 67087
individual is self-employed, the individual's occupation and the 67088
name of the individual's business, if any, to the recipient of the 67089
contribution at the time the contribution is made. Sections 67090
3599.39 and 3599.40 of the Revised Code do not apply to division 67091
(E)(2) of this section. 67092

(3) If a campaign committee shows that it has exercised its 67093
best efforts to obtain, maintain, and submit the information 67094
required under divisions (B)(4)(b)(ii) and (iii) of this section, 67095
that committee is considered to have met the requirements of those 67096
divisions. A campaign committee shall not be considered to have 67097
exercised its best efforts unless, in connection with written 67098
solicitations, it regularly includes a written request for the 67099
information required under division (B)(4)(b)(ii) of this section 67100
from the contributor or the information required under division 67101
(B)(4)(b)(iii) of this section from whoever transmits the 67102
contribution. 67103

(4) Any check that a political action committee uses to make 67104
a contribution or an expenditure shall contain the full name and 67105
address of the committee and the registration number assigned to 67106
the committee under division (D)(1) of this section. 67107

(F) As used in this section: 67108

(1)(a) Except as otherwise provided in division (F)(1) of 67109
this section, "address" means all of the following if they exist: 67110
apartment number, street, road, or highway name and number, rural 67111
delivery route number, city or village, state, and zip code as 67112
used in a person's post-office address, but not post-office box. 67113

(b) Except as otherwise provided in division (F)(1) of this 67114
section, if an address is required in this section, a post-office 67115
box and office, room, or suite number may be included in addition 67116
to, but not in lieu of, an apartment, street, road, or highway 67117
name and number. 67118

(c) If an address is required in this section, a campaign 67119
committee, political action committee, legislative campaign fund, 67120
political party, or political contributing entity may use the 67121
business or residence address of its treasurer or deputy 67122
treasurer. The post-office box number of the campaign committee, 67123
political action committee, legislative campaign fund, political 67124
party, or political contributing entity may be used in addition to 67125
that address. 67126

(d) For the sole purpose of a campaign committee's reporting 67127
of contributions on a statement of contributions received under 67128
division (B)(4) of this section, "address" has one of the 67129
following meanings at the option of the campaign committee: 67130

(i) The same meaning as in division (F)(1)(a) of this 67131
section; 67132

(ii) All of the following, if they exist: the contributor's 67133
post-office box number and city or village, state, and zip code as 67134
used in the contributor's post-office address. 67135

(e) As used with regard to the reporting under this section 67136
of any expenditure, "address" means all of the following if they 67137
exist: apartment number, street, road, or highway name and number, 67138
rural delivery route number, city or village, state, and zip code 67139

as used in a person's post-office address, or post-office box. If 67140
an address concerning any expenditure is required in this section, 67141
a campaign committee, political action committee, legislative 67142
campaign fund, political party, or political contributing entity 67143
may use the business or residence address of its treasurer or 67144
deputy treasurer or its post-office box number. 67145

(2) "Statewide candidate" means the joint candidates for the 67146
offices of governor and lieutenant governor or a candidate for the 67147
office of secretary of state, auditor of state, treasurer of 67148
state, attorney general, member of the state board of education, 67149
chief justice of the supreme court, or justice of the supreme 67150
court. 67151

(3) "Candidate for county office" means a candidate for the 67152
office of county auditor, county treasurer, clerk of the court of 67153
common pleas, judge of the court of common pleas, sheriff, county 67154
recorder, county engineer, county commissioner, prosecuting 67155
attorney, or coroner. 67156

(G) An independent expenditure shall be reported whenever and 67157
in the same manner that an expenditure is required to be reported 67158
under this section and shall be reported pursuant to division 67159
(B)(2)(a) or (C)(2)(a) of section 3517.105 of the Revised Code. 67160

(H)(1) Except as otherwise provided in division (H)(2) of 67161
this section, if, during the combined pre-election and 67162
postelection reporting periods for an election, a campaign 67163
committee has received contributions of five hundred dollars or 67164
less and has made expenditures in the total amount of five hundred 67165
dollars or less, it may file a statement to that effect, under 67166
penalty of election falsification, in lieu of the statement 67167
required by division (A)(2) of this section. The statement shall 67168
indicate the total amount of contributions received and the total 67169
amount of expenditures made during those combined reporting 67170
periods. 67171

(2) In the case of a successful candidate at a primary election, if either the total contributions received by or the total expenditures made by the candidate's campaign committee during the preprimary, postprimary, pregeneral, and postgeneral election periods combined equal more than five hundred dollars, the campaign committee may file the statement under division (H)(1) of this section only for the primary election. The first statement that the campaign committee files in regard to the general election shall reflect all contributions received and all expenditures made during the preprimary and postprimary election periods.

(3) Divisions (H)(1) and (2) of this section do not apply if a campaign committee receives contributions or makes expenditures prior to the first day of January of the year of the election at which the candidate seeks nomination or election to office or if the campaign committee does not file a termination statement with its postprimary election statement in the case of an unsuccessful primary election candidate or with its postgeneral election statement in the case of other candidates.

(I) In the case of a contribution made by a partner of a partnership or an owner or a member of another unincorporated business from any funds of the partnership or other unincorporated business, all of the following apply:

(1) The recipient of the contribution shall report the contribution by listing both the partnership or other unincorporated business and the name of the partner, owner, or member making the contribution.

(2) In reporting the contribution, the recipient of the contribution shall be entitled to conclusively rely upon the information provided by the partnership or other unincorporated business, provided that the information includes one of the following:

(a) The name of each partner, owner, or member as of the date 67204
of the contribution or contributions, and a statement that the 67205
total contributions are to be allocated equally among all of the 67206
partners, owners, or members; or 67207

(b) The name of each partner, owner, or member as of the date 67208
of the contribution or contributions who is participating in the 67209
contribution or contributions, and a statement that the 67210
contribution or contributions are to be allocated to those 67211
individuals in accordance with the information provided by the 67212
partnership or other unincorporated business to the recipient of 67213
the contribution. 67214

(3) For purposes of section 3517.102 of the Revised Code, the 67215
contribution shall be considered to have been made by the partner, 67216
owner, or member reported under division (I)(1) of this section. 67217

(4) No contribution from a partner of a partnership or an 67218
owner or a member of another unincorporated business shall be 67219
accepted from any funds of the partnership or other unincorporated 67220
business unless the recipient reports the contribution under 67221
division (I)(1) of this section together with the information 67222
provided under division (I)(2) of this section. 67223

(5) No partnership or other unincorporated business shall 67224
make a contribution or contributions solely in the name of the 67225
partnership or other unincorporated business. 67226

(6) As used in division (I) of this section, "partnership or 67227
other unincorporated business" includes, but is not limited to, a 67228
cooperative, a sole proprietorship, a general partnership, a 67229
limited partnership, a limited partnership association, a limited 67230
liability partnership, and a limited liability company. 67231

(J) A candidate shall have only one campaign committee at any 67232
given time for all of the offices for which the person is a 67233
candidate or holds office. 67234

(K)(1) In addition to filing a designation of appointment of a treasurer under division (D)(1) of this section, the campaign committee of any candidate for an elected municipal office that pays an annual amount of compensation of five thousand dollars or less, the campaign committee of any candidate for member of a board of education except member of the state board of education, or the campaign committee of any candidate for township trustee or township fiscal officer may sign, under penalty of election falsification, a certificate attesting that the committee will not accept contributions during an election period that exceed in the aggregate two thousand dollars from all contributors and one hundred dollars from any one individual, and that the campaign committee will not make expenditures during an election period that exceed in the aggregate two thousand dollars.

The certificate shall be on a form prescribed by the secretary of state and shall be filed not later than ten days after the candidate files a declaration of candidacy and petition, a nominating petition, or a declaration of intent to be a write-in candidate.

(2) Except as otherwise provided in division (K)(3) of this section, a campaign committee that files a certificate under division (K)(1) of this section is not required to file the statements required by division (A) of this section.

(3) If, after filing a certificate under division (K)(1) of this section, a campaign committee exceeds any of the limitations described in that division during an election period, the certificate is void and thereafter the campaign committee shall file the statements required by division (A) of this section. If the campaign committee has not previously filed a statement, then on the first statement the campaign committee is required to file under division (A) of this section after the committee's certificate is void, the committee shall report all contributions

received and expenditures made from the time the candidate filed 67267
the candidate's declaration of candidacy and petition, nominating 67268
petition, or declaration of intent to be a write-in candidate. 67269

(4) As used in division (K) of this section, "election 67270
period" means the period of time beginning on the day a person 67271
files a declaration of candidacy and petition, nominating 67272
petition, or declaration of intent to be a write-in candidate 67273
through the day of the election at which the person seeks 67274
nomination to office if the person is not elected to office, or, 67275
if the candidate was nominated in a primary election, the day of 67276
the election at which the candidate seeks office. 67277

(L) A political contributing entity that receives 67278
contributions from the dues, membership fees, or other assessments 67279
of its members or from its officers, shareholders, and employees 67280
may report the aggregate amount of contributions received from 67281
those contributors and the number of individuals making those 67282
contributions, for each filing period under divisions (A)(1), (2), 67283
(3), and (4) of this section, rather than reporting information as 67284
required under division (B)(4) of this section, including, when 67285
applicable, the name of the current employer, if any, of a 67286
contributor whose contribution exceeds one hundred dollars or, if 67287
such a contributor is self-employed, the contributor's occupation 67288
and the name of the contributor's business, if any. Division 67289
(B)(4) of this section applies to a political contributing entity 67290
with regard to contributions it receives from all other 67291
contributors. 67292

Sec. 3517.101. (A) As used in this section: 67293

(1) "Gift" means a gift, subscription, loan, advance, or 67294
deposit of money or anything of value, given to ~~a state or county~~ 67295
~~political party~~ an entity described in division (C) of this 67296
section, that is specifically designated and used to defray any 67297

cost incurred on or after the effective date of this ~~section~~ 67298
~~amendment~~ for any of the construction, renovation, or purchase of 67299
~~any office facility~~ following purposes, and that is not used 67300
solely for the purpose of directly influencing the election of any 67301
individual candidate in any particular election for any office: 67302

(a) The construction, renovation, purchase, or lease of an 67303
office facility and any real property taxes associated with the 67304
facility; 67305

(b) Furniture and fixtures to be installed in an office 67306
facility; 67307

(c) Equipment and supplies to be used in an office facility, 67308
including telecommunications and computer hardware and software; 67309

(d) The operating costs, maintenance, and repair of an office 67310
facility, other than personnel costs. 67311

(2) "Address" has the meaning given in division (F) of 67312
section 3517.10 of the Revised Code. 67313

(3) "Person" means an individual, partnership, unincorporated 67314
business organization or association, political action committee, 67315
political contributing entity, separate segregated fund, 67316
association, labor organization, corporation, or other 67317
organization or group of persons, other than a public utility as 67318
defined in section 4905.02 of the Revised Code. 67319

(4) "Political party" means only a major political party. 67320

(B) Any person, ~~including a corporation engaged in business~~ 67321
~~in this state but not including a public utility,~~ may make a gift 67322
to a ~~state or county political party~~ an entity described in 67323
division (C) of this section if the gift is specifically 67324
designated and used to defray any cost incurred on or after the 67325
effective date of this ~~section~~ amendment for the ~~construction,~~ 67326
~~renovation, or purchase of any office facility that is not used~~ 67327

~~solely for the purpose of directly influencing the election of any individual candidate in any particular election for any office and, if it purposes described in division (A)(1) of this section. is a A gift of money from a corporation engaged in business in this state, if the gift does shall not exceed ten per cent of the cost of the construction, renovation, or purchase thousand dollars per calendar year, as adjusted under section 3517.104 of the Revised Code. Such gift shall not be considered a contribution or expenditure prohibited by any section of the Revised Code.~~ 67328
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(C) Any of the following entities may receive a gift under this section: 67337
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(1) A state political party; 67339

(2) A county political party; 67340

(3) A legislative campaign fund. 67341

(D)(1) Each state or county political party entity that receives a gift pursuant to this section shall file on a form prescribed by the secretary of state, a full, true, and itemized statement describing the gift received and how it was disbursed. The statement shall be made under penalty of election falsification and shall be filed not later than four p.m. of the last day of January of every year to reflect gifts received and disbursed during the immediately preceding calendar year. 67342
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(2) Each statement required under division ~~(C)~~(D)(1) of this section shall contain all of the following information: 67350
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(a) The full name and address of the ~~state or county political party entity~~ filing the statement, including its treasurer; 67352
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(b) A description of each gift received, which shall include: 67355

(i) The month, day, and year on which the gift was received; 67356

(ii) The full name and address of each person from whom or 67357

from which the gift was received; 67358

(iii) The nature of the gift, if other than money; 67359

(iv) The value of the gift in dollars and cents. 67360

Each gift received shall be itemized separately regardless of 67361
its amount or value. 67362

(c) An itemization of how each gift was disbursed; 67363

(d) The total value of gifts received and gifts disbursed 67364
during each reporting period; 67365

(e) The total ~~cost~~ of costs incurred for the construction, 67366
~~renovation, or purchase of any office facility~~ purposes for which 67367
a gift is used. 67368

~~(D)~~(E)(1) All monetary gifts and all income from the lease or 67369
rental of an office facility for which a gift is used shall be 67370
deposited in an account separate from other funds and maintained 67371
in that separate account. ~~Except as provided in division (D)(2) of~~ 67372
~~this section, moneys~~ Moneys in the account shall be used only for 67373
the ~~construction, renovation, or purchase of an office facility as~~ 67374
purposes described in division ~~(B)~~(A)(1) of this section. 67375

(2) ~~Any moneys remaining in an account under division (D)(1)~~ 67376
~~of this section after the construction, renovation, or purchase of~~ 67377
~~an office facility shall be used only for the maintenance and~~ 67378
~~repair of the facility or for the construction, renovation, or~~ 67379
~~purchase of another office facility as described in division (B)~~ 67380
~~of this section and shall not be used for operating costs of the~~ 67381
~~facility or for any other purpose.~~ 67382

~~(3)~~ When a ~~state or county political party~~ an entity 67383
described in division (C) of this section sells an office facility 67384
that was constructed, renovated, or purchased in whole or in part 67385
from monetary gifts or sells furniture, fixtures, equipment, or 67386
supplies that were purchased in whole or in part from monetary 67387

gifts, the ~~party entity~~ shall deposit in the account under 67388
division ~~(D)~~(E)(1) of this section an amount that is the same 67389
percentage of the total proceeds of the sale as the monetary gifts 67390
~~used in the construction, renovation, or purchase of the facility~~ 67391
~~were of the total cost of that construction, renovation, or~~ 67392
~~purchase those goods or services.~~ Proceeds deposited in the 67393
account shall be used only for the ~~construction, renovation, or~~ 67394
~~purchase of another office facility as~~ purposes described in 67395
division ~~(B)~~(A)(1) of this section. 67396

~~(E)~~(F) A state political party or a legislative campaign fund 67397
shall file a statement required under this section with the 67398
secretary of state and a county political party shall file a 67399
statement required under this section with the board of elections 67400
of the county in which the party is located. 67401

~~(F)~~(G)(1) No ~~state or county political party entity~~ shall 67402
fail to file a statement required to be filed under this section. 67403

(2) No ~~state or county political party entity~~ shall knowingly 67404
fail to report, or shall knowingly misrepresent, a gift required 67405
to be reported on a statement required to be filed under this 67406
section. 67407

~~(G)~~(H) No ~~state or county political party entity~~ shall expend 67408
or use a gift for a purpose other than ~~to defray any cost incurred~~ 67409
~~on or after the effective date of this section for the~~ 67410
~~construction, renovation, or purchase of an office facility as~~ the 67411
purposes described in division ~~(B)~~(A)(1) of this section ~~or for~~ 67412
~~the maintenance and repair of such a facility as provided in~~ 67413
~~division (D)(2) of this section.~~ 67414

~~(H)~~(I) Prior to receiving any gift under this section, every 67415
~~political party entity~~ shall appoint a treasurer and file, on a 67416
form prescribed by the secretary of state, a designation of the 67417
appointment, including the full name and address of the ~~political~~ 67418

~~party~~ entity. The designation shall be filed with the official 67419
with whom the ~~political-party~~ entity is required to file 67420
statements under division (E) of this section. The treasurer shall 67421
keep a strict account of all gifts required to be reported under 67422
this section. The secretary of state or board of elections, as the 67423
case may be, shall, if requested, issue a receipt for each 67424
statement filed under this section and preserve a record of the 67425
filing for at least six years. All such statements shall be open 67426
to public inspection in the office where they are filed, and shall 67427
be carefully preserved for a period of at least six years after 67428
the year in which they are filed. 67429

Sec. 3517.102. (A) Except as otherwise provided in section 67430
3517.103 of the Revised Code, as used in this section and sections 67431
3517.103 and 3517.104 of the Revised Code: 67432

(1) "Candidate" has the same meaning as in section 3517.01 of 67433
the Revised Code but includes only candidates for the offices of 67434
governor, lieutenant governor, secretary of state, auditor of 67435
state, treasurer of state, attorney general, member of the state 67436
board of education, member of the general assembly, chief justice 67437
of the supreme court, and justice of the supreme court. 67438

(2) "Statewide candidate" or "any one statewide candidate" 67439
means the joint candidates for the offices of governor and 67440
lieutenant governor or a candidate for the office of secretary of 67441
state, auditor of state, treasurer of state, attorney general, 67442
member of the state board of education, chief justice of the 67443
supreme court, or justice of the supreme court. 67444

(3) "Senate candidate" means a candidate for the office of 67445
state senator. 67446

(4) "House candidate" means a candidate for the office of 67447
state representative. 67448

(5)(a) "Primary election period" for a candidate begins on 67449
the beginning date of the candidate's pre-filing period specified 67450
in division (A)(9) of section 3517.109 of the Revised Code and 67451
ends on the day of the primary election. 67452

(b) In regard to any candidate, the "general election period" 67453
begins on the day after the primary election immediately preceding 67454
the general election at which the candidate seeks an office 67455
specified in division (A)(1) of this section and ends on the 67456
thirty-first day of December following that general election. 67457

(6) "State candidate fund" means the state candidate fund 67458
established by a state or county political party under division 67459
(D)(3)(c) of section 3517.10 of the Revised Code. 67460

(7) "Postgeneral election statement" means the statement 67461
filed under division (A)(2) of section 3517.10 of the Revised Code 67462
by the campaign committee of a candidate after the general 67463
election in which the candidate ran for office or filed by 67464
legislative campaign fund after the general election in an 67465
even-numbered year. 67466

(8) "Contribution" means any contribution that is required to 67467
be reported in the statement of contributions under section 67468
3517.10 of the Revised Code. 67469

(9)(a) Except as otherwise provided in division (A)(9)(b) of 67470
this section ~~and in division (F) of section 3517.103 and division~~ 67471
~~(B)(3)(b) of section 3517.1010 of the Revised Code~~, "designated 67472
state campaign committee" means: 67473

(i) In the case of contributions to or from a state political 67474
party, a campaign committee of a statewide candidate, statewide 67475
officeholder, senate candidate, house candidate, or member of the 67476
general assembly. 67477

(ii) In the case of contributions to or from a county 67478
political party, a campaign committee of a senate candidate or 67479

house candidate whose candidacy is to be submitted to some or all 67480
of the electors in that county, or member of the general assembly 67481
whose district contains all or part of that county. 67482

(iii) In the case of contributions to or from a legislative 67483
campaign fund, a campaign committee of any of the following: 67484

(I) A senate or house candidate who, if elected, will be a 67485
member of the same party that established the legislative campaign 67486
fund and the same house with which the legislative campaign fund 67487
is associated; 67488

(II) A state senator or state representative who is a member 67489
of the same party that established the legislative campaign fund 67490
and the same house with which the legislative campaign fund is 67491
associated. 67492

(b) A campaign committee is no longer a "designated state 67493
campaign committee" after the campaign committee's candidate 67494
changes the designation of treasurer required to be filed under 67495
division (D)(1) of section 3517.10 of the Revised Code to indicate 67496
that the person intends to be a candidate for, or becomes a 67497
candidate for nomination or election to, any office that, if 67498
elected, would not qualify that candidate's campaign committee as 67499
a "designated state campaign committee" under division (A)(9)(a) 67500
of this section. 67501

(B)(1)(a) No individual who is seven years of age or older 67502
shall make a contribution or contributions aggregating more than: 67503

(i) Ten thousand dollars to the campaign committee of any one 67504
statewide candidate in a primary election period or in a general 67505
election period; 67506

(ii) Ten thousand dollars to the campaign committee of any 67507
one senate candidate in a primary election period or in a general 67508
election period; 67509

(iii) Ten thousand dollars to the campaign committee of any one house candidate in a primary election period or in a general election period;	67510 67511 67512
(iv) Ten thousand dollars to a county political party of the county in which the individual's designated Ohio residence is located for the party's state candidate fund in a calendar year;	67513 67514 67515
(v) Fifteen thousand dollars to any one legislative campaign fund in a calendar year;	67516 67517
(vi) Thirty thousand dollars to any one state political party for the party's state candidate fund in a calendar year;	67518 67519
(vii) Ten thousand dollars to any one political action committee in a calendar year;	67520 67521
(viii) Ten thousand dollars to any one political contributing entity in a calendar year.	67522 67523
(b) No individual shall make a contribution or contributions to the state candidate fund of a county political party of any county other than the county in which the individual's designated Ohio residence is located.	67524 67525 67526 67527
(c) No individual who is under seven years of age shall make any contribution.	67528 67529
(2)(a) Subject to division (D)(1) of this section, no political action committee shall make a contribution or contributions aggregating more than:	67530 67531 67532
(i) Ten thousand dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period;	67533 67534 67535
(ii) Ten thousand dollars to the campaign committee of any one senate candidate in a primary election period or in a general election period;	67536 67537 67538
(iii) Ten thousand dollars to the campaign committee of any	67539

one house candidate in a primary election period or in a general election period; 67540
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(iv) Fifteen thousand dollars to any one legislative campaign fund in a calendar year; 67542
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(v) Thirty thousand dollars to any one state political party for the party's state candidate fund in a calendar year; 67544
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(vi) Ten thousand dollars to another political action committee or to a political contributing entity in a calendar year. This division does not apply to a political action committee that makes a contribution to a political action committee or a political contributing entity affiliated with it. For purposes of this division, a political action committee is affiliated with another political action committee or with a political contributing entity if they are both established, financed, maintained, or controlled by, or if they are, the same corporation, organization, labor organization, continuing association, or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, continuing association, or other person. 67546
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(b) No political action committee shall make a contribution or contributions to a county political party for the party's state candidate fund. 67559
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(3) No campaign committee shall make a contribution or contributions aggregating more than: 67562
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(a) Ten thousand dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period; 67564
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(b) Ten thousand dollars to the campaign committee of any one senate candidate in a primary election period or in a general election period; 67567
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(c) Ten thousand dollars to the campaign committee of any one house candidate in a primary election period or in a general election period;

(d) Ten thousand dollars to any one political action committee in a calendar year;

(e) Ten thousand dollars to any one political contributing entity in a calendar year.

(4)(a) Subject to division (D)(3) of this section, no political party shall make a contribution or contributions aggregating more than ten thousand dollars to any one political action committee or to any one political contributing entity in a calendar year.

(b) No county political party shall make a contribution or contributions to another county political party.

(5)(a) Subject to division (B)(5)(b) of this section, no campaign committee, other than a designated state campaign committee, shall make a contribution or contributions aggregating in a calendar year more than:

(i) Thirty thousand dollars to any one state political party for the party's state candidate fund;

(ii) Fifteen thousand dollars to any one legislative campaign fund;

(iii) Ten thousand dollars to any one county political party for the party's state candidate fund.

(b) No campaign committee shall make a contribution or contributions to a county political party for the party's state candidate fund unless one of the following applies:

(i) The campaign committee's candidate will appear on a ballot in that county.

(ii) The campaign committee's candidate is the holder of an

elected public office that represents all or part of the 67600
population of that county at the time the contribution is made. 67601

(6)(a) No state candidate fund of a county political party 67602
shall make a contribution or contributions, except a contribution 67603
or contributions to a designated state campaign committee, in a 67604
primary election period or a general election period, aggregating 67605
more than: 67606

(i) Two hundred fifty thousand dollars to the campaign 67607
committee of any one statewide candidate; 67608

(ii) Ten thousand dollars to the campaign committee of any 67609
one senate candidate; 67610

(iii) Ten thousand dollars to the campaign committee of any 67611
one house candidate. 67612

(b)(i) No state candidate fund of a state or county political 67613
party shall make a transfer or a contribution or transfers or 67614
contributions of cash or cash equivalents to a designated state 67615
campaign committee in a primary election period or in a general 67616
election period aggregating more than: 67617

(I) Five hundred thousand dollars to the campaign committee 67618
of any one statewide candidate; 67619

(II) One hundred thousand dollars to the campaign committee 67620
of any one senate candidate; 67621

(III) Fifty thousand dollars to the campaign committee of any 67622
one house candidate. 67623

(ii) No legislative campaign fund shall make a transfer or a 67624
contribution or transfers or contributions of cash or cash 67625
equivalents to a designated state campaign committee aggregating 67626
more than: 67627

(I) Fifty thousand dollars in a primary election period or 67628
one hundred thousand dollars in a general election period to the 67629

campaign committee of any one senate candidate; 67630

(II) Twenty-five thousand dollars in a primary election 67631
period or fifty thousand dollars in a general election period to 67632
the campaign committee of any one house candidate. 67633

(iii) As used in divisions (B)(6)(b) and (C)(6) of this 67634
section, "transfer or contribution of cash or cash equivalents" 67635
does not include any in-kind contributions. 67636

(c) A county political party that has no state candidate fund 67637
and that is located in a county having a population of less than 67638
one hundred fifty thousand may make one or more contributions from 67639
other accounts to any one statewide candidate or to any one 67640
designated state campaign committee that do not exceed, in the 67641
aggregate, two thousand five hundred dollars in any primary 67642
election period or general election period. As used in this 67643
division, "other accounts" does not include an account that 67644
contains the public moneys received from the Ohio political party 67645
fund under section 3517.17 of the Revised Code. 67646

(d) No legislative campaign fund shall make a contribution, 67647
other than to a designated state campaign committee or to the 67648
state candidate fund of a political party. 67649

(7)(a) Subject to division (D)(1) of this section, no 67650
political contributing entity shall make a contribution or 67651
contributions aggregating more than: 67652

(i) Ten thousand dollars to the campaign committee of any one 67653
statewide candidate in a primary election period or in a general 67654
election period; 67655

(ii) Ten thousand dollars to the campaign committee of any 67656
one senate candidate in a primary election period or in a general 67657
election period; 67658

(iii) Ten thousand dollars to the campaign committee of any 67659

one house candidate in a primary election period or in a general election period; 67660
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(iv) Fifteen thousand dollars to any one legislative campaign fund in a calendar year; 67662
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(v) Thirty thousand dollars to any one state political party for the party's state candidate fund in a calendar year; 67664
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(vi) Ten thousand dollars to another political contributing entity or to a political action committee in a calendar year. This division does not apply to a political contributing entity that makes a contribution to a political contributing entity or a political action committee affiliated with it. For purposes of this division, a political contributing entity is affiliated with another political contributing entity or with a political action committee if they are both established, financed, maintained, or controlled by, or if they are, the same corporation, organization, labor organization, continuing association, or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, continuing association, or other person. 67666
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(b) No political contributing entity shall make a contribution or contributions to a county political party for the party's state candidate fund. 67679
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(C)(1)(a) Subject to division (D)(1) of this section, no campaign committee of a statewide candidate shall do any of the following: 67682
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(i) Knowingly accept a contribution or contributions from any individual who is under seven years of age; 67685
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(ii) Accept a contribution or contributions aggregating more than ten thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, or from any one other 67687
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campaign committee in a primary election period or in a general 67691
election period; 67692

(iii) Accept a contribution or contributions aggregating more 67693
than two hundred fifty thousand dollars from any one or 67694
combination of state candidate funds of county political parties 67695
in a primary election period or in a general election period. 67696

(b) No campaign committee of a statewide candidate shall 67697
accept a contribution or contributions aggregating more than two 67698
thousand five hundred dollars in a primary election period or in a 67699
general election period from a county political party that has no 67700
state candidate fund and that is located in a county having a 67701
population of less than one hundred fifty thousand. 67702

(2)(a) Subject to division (D)(1) of this section and except 67703
for a designated state campaign committee, no campaign committee 67704
of a senate candidate shall do either of the following: 67705

(i) Knowingly accept a contribution or contributions from any 67706
individual who is under seven years of age; 67707

(ii) Accept a contribution or contributions aggregating more 67708
than ten thousand dollars from any one individual who is seven 67709
years of age or older, from any one political action committee, 67710
from any one political contributing entity, from any one state 67711
candidate fund of a county political party, or from any one other 67712
campaign committee in a primary election period or in a general 67713
election period. 67714

(b) No campaign committee of a senate candidate shall accept 67715
a contribution or contributions aggregating more than two thousand 67716
five hundred dollars in a primary election period or in a general 67717
election period from a county political party that has no state 67718
candidate fund and that is located in a county having a population 67719
of less than one hundred fifty thousand. 67720

(3)(a) Subject to division (D)(1) of this section and except 67721

for a designated state campaign committee, no campaign committee 67722
of a house candidate shall do either of the following: 67723

(i) Knowingly accept a contribution or contributions from any 67724
individual who is under seven years of age; 67725

(ii) Accept a contribution or contributions aggregating more 67726
than ten thousand dollars from any one individual who is seven 67727
years of age or older, from any one political action committee, 67728
from any one political contributing entity, from any one state 67729
candidate fund of a county political party, or from any one other 67730
campaign committee in a primary election period or in a general 67731
election period. 67732

(b) No campaign committee of a house candidate shall accept a 67733
contribution or contributions aggregating more than two thousand 67734
five hundred dollars in a primary election period or in a general 67735
election period from a county political party that has no state 67736
candidate fund and that is located in a county having a population 67737
of less than one hundred fifty thousand. 67738

(4)(a)(i) Subject to division (C)(4)(a)(ii) of this section 67739
and except for a designated state campaign committee, no county 67740
political party shall knowingly accept a contribution or 67741
contributions from any individual who is under seven years of age, 67742
or accept a contribution or contributions for the party's state 67743
candidate fund aggregating more than ten thousand dollars from any 67744
one individual whose designated Ohio residence is located within 67745
that county and who is seven years of age or older or from any one 67746
campaign committee in a calendar year. 67747

(ii) Subject to division (D)(1) of this section, no county 67748
political party shall accept a contribution or contributions for 67749
the party's state candidate fund from any individual whose 67750
designated Ohio residence is located outside of that county and 67751
who is seven years of age or older, from any campaign committee 67752

unless the campaign committee's candidate will appear on a ballot 67753
in that county or unless the campaign committee's candidate is the 67754
holder of an elected public office that represents all or part of 67755
the population of that county at the time the contribution is 67756
accepted, or from any political action committee or any political 67757
contributing entity. 67758

(iii) No county political party shall accept a contribution 67759
or contributions from any other county political party. 67760

(b) Subject to division (D)(1) of this section, no state 67761
political party shall do either of the following: 67762

(i) Knowingly accept a contribution or contributions from any 67763
individual who is under seven years of age; 67764

(ii) Accept a contribution or contributions for the party's 67765
state candidate fund aggregating more than thirty thousand dollars 67766
from any one individual who is seven years of age or older, from 67767
any one political action committee, from any one political 67768
contributing entity, or from any one campaign committee, other 67769
than a designated state campaign committee, in a calendar year. 67770

(5) Subject to division (D)(1) of this section, no 67771
legislative campaign fund shall do either of the following: 67772

(a) Knowingly accept a contribution or contributions from any 67773
individual who is under seven years of age; 67774

(b) Accept a contribution or contributions aggregating more 67775
than fifteen thousand dollars from any one individual who is seven 67776
years of age or older, from any one political action committee, 67777
from any one political contributing entity, or from any one 67778
campaign committee, other than a designated state campaign 67779
committee, in a calendar year. 67780

(6)(a) No designated state campaign committee shall accept a 67781
transfer or contribution of cash or cash equivalents from a state 67782

candidate fund of a state political party aggregating in a primary 67783
election period or a general election period more than: 67784

(i) Five hundred thousand dollars, in the case of a campaign 67785
committee of a statewide candidate; 67786

(ii) One hundred thousand dollars, in the case of a campaign 67787
committee of a senate candidate; 67788

(iii) Fifty thousand dollars, in the case of a campaign 67789
committee of a house candidate. 67790

(b) No designated state campaign committee shall accept a 67791
transfer or contribution of cash or cash equivalents from a 67792
legislative campaign fund aggregating more than: 67793

(i) Fifty thousand dollars in a primary election period or 67794
one hundred thousand dollars in a general election period, in the 67795
case of a campaign committee of a senate candidate; 67796

(ii) Twenty-five thousand dollars in a primary election 67797
period or fifty thousand dollars in a general election period, in 67798
the case of a campaign committee of a house candidate. 67799

(c) No campaign committee of a candidate for the office of 67800
member of the general assembly, including a designated state 67801
campaign committee, shall accept a transfer or contribution of 67802
cash or cash equivalents from any one or combination of state 67803
candidate funds of county political parties aggregating in a 67804
primary election period or a general election period more than: 67805

(i) One hundred thousand dollars, in the case of a campaign 67806
committee of a senate candidate; 67807

(ii) Fifty thousand dollars, in the case of a campaign 67808
committee of a house candidate. 67809

(7)(a) Subject to division (D)(3) of this section, no 67810
political action committee and no political contributing entity 67811
shall do either of the following: 67812

(i) Knowingly accept a contribution or contributions from any individual who is under seven years of age; 67813
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(ii) Accept a contribution or contributions aggregating more than ten thousand dollars from any one individual who is seven years of age or older, from any one campaign committee, or from any one political party in a calendar year. 67815
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(b) Subject to division (D)(1) of this section, no political action committee shall accept a contribution or contributions aggregating more than ten thousand dollars from another political action committee or from a political contributing entity in a calendar year. Subject to division (D)(1) of this section, no political contributing entity shall accept a contribution or contributions aggregating more than ten thousand dollars from another political contributing entity or from a political action committee in a calendar year. This division does not apply to a political action committee or political contributing entity that accepts a contribution from a political action committee or political contributing entity affiliated with it. For purposes of this division, a political action committee is affiliated with another political action committee or with a political contributing entity if they are both established, financed, maintained, or controlled by the same corporation, organization, labor organization, continuing association, or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, continuing association, or other person. 67819
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(D)(1)(a) For purposes of the limitations prescribed in division (B)(2) of this section and the limitations prescribed in divisions (C)(1), (2), (3), (4), (5), and (7)(b) of this section, whichever is applicable, all contributions made by and all contributions accepted from political action committees that are established, financed, maintained, or controlled by, or that are, 67839
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the same corporation, organization, labor organization, continuing 67845
association, or other person, including any parent, subsidiary, 67846
division, or department of that corporation, organization, labor 67847
organization, continuing association, or other person, are 67848
considered to have been made by or accepted from a single 67849
political action committee. 67850

(b) For purposes of the limitations prescribed in division 67851
(B)(7) of this section and the limitations prescribed in divisions 67852
(C)(1), (2), (3), (4), (5), and (7)(b) of this section, whichever 67853
is applicable, all contributions made by and all contributions 67854
accepted from political contributing entities that are 67855
established, financed, maintained, or controlled by, or that are, 67856
the same corporation, organization, labor organization, continuing 67857
association, or other person, including any parent, subsidiary, 67858
division, or department of that corporation, organization, labor 67859
organization, continuing association, or other person, are 67860
considered to have been made by or accepted from a single 67861
political contributing entity. 67862

(2) As used in divisions (B)(1)(a)(vii), (B)(3)(d), 67863
(B)(4)(a), and (C)(7) of this section, "political action 67864
committee" does not include a political action committee that is 67865
organized to support or oppose a ballot issue or question and that 67866
makes no contributions to or expenditures on behalf of a political 67867
party, campaign committee, legislative campaign fund, political 67868
action committee, or political contributing entity. As used in 67869
divisions (B)(1)(a)(viii), (B)(3)(e), (B)(4)(a), and (C)(7) of 67870
this section, "political contributing entity" does not include a 67871
political contributing entity that is organized to support or 67872
oppose a ballot issue or question and that makes no contributions 67873
to or expenditures on behalf of a political party, campaign 67874
committee, legislative campaign fund, political action committee, 67875
or political contributing entity. 67876

(3) For purposes of the limitations prescribed in divisions 67877
(B)(4) and (C)(7)(a) of this section, all contributions made by 67878
and all contributions accepted from a national political party, a 67879
state political party, and a county political party are considered 67880
to have been made by or accepted from a single political party and 67881
shall be combined with each other to determine whether the 67882
limitations have been exceeded. 67883

(E)(1) If a legislative campaign fund has kept a total amount 67884
of contributions exceeding one hundred fifty thousand dollars at 67885
the close of business on the seventh day before the postgeneral 67886
election statement is required to be filed under section 3517.10 67887
of the Revised Code, the legislative campaign fund shall comply 67888
with division (E)(2) of this section. 67889

(2)(a) Any legislative campaign fund that has kept a total 67890
amount of contributions in excess of the amount specified in 67891
division (E)(1) of this section at the close of business on the 67892
seventh day before the postgeneral election statement is required 67893
to be filed under section 3517.10 of the Revised Code shall 67894
dispose of the excess amount in the manner prescribed in division 67895
(E)(2)(b)(i), (ii), or (iii) of this section not later than ninety 67896
days after the day the postgeneral election statement is required 67897
to be filed under section 3517.10 of the Revised Code. Any 67898
legislative campaign fund that is required to dispose of an excess 67899
amount of contributions under this division shall file a statement 67900
on the ninetieth day after the postgeneral election statement is 67901
required to be filed under section 3517.10 of the Revised Code 67902
indicating the total amount of contributions the fund has at the 67903
close of business on the seventh day before the postgeneral 67904
election statement is required to be filed under section 3517.10 67905
of the Revised Code and that the excess contributions were 67906
disposed of pursuant to this division and division (E)(2)(b) of 67907
this section. The statement shall be on a form prescribed by the 67908

secretary of state and shall contain any additional information 67909
the secretary of state considers necessary. 67910

(b) Any legislative campaign fund that is required to dispose 67911
of an excess amount of contributions under division (E)(2) of this 67912
section shall dispose of that excess amount by doing any of the 67913
following: 67914

(i) Giving the amount to the treasurer of state for deposit 67915
into the state treasury to the credit of the Ohio elections 67916
commission fund created by division (I) of section 3517.152 of the 67917
Revised Code; 67918

(ii) Giving the amount to individuals who made contributions 67919
to that legislative campaign fund as a refund of all or part of 67920
their contributions; 67921

(iii) Giving the amount to a corporation that is exempt from 67922
federal income taxation under subsection 501(a) and described in 67923
subsection 501(c) of the Internal Revenue Code. 67924

(F)(1) No legislative campaign fund shall fail to file a 67925
statement required by division (E) of this section. 67926

(2) No legislative campaign fund shall fail to dispose of 67927
excess contributions as required by division (E) of this section. 67928

(G) Nothing in this section shall affect, be used in 67929
determining, or supersede a limitation on campaign contributions 67930
as provided for in the Federal Election Campaign Act. 67931

Sec. 3517.103. (A)~~(1)~~ For purposes of this section: 67932

~~(a)~~(1) "Statewide candidate" means the joint candidates for 67933
the offices of governor and lieutenant governor or a candidate for 67934
the office of secretary of state, auditor of state, treasurer of 67935
state, attorney general, or member of the state board of 67936
education. 67937

~~(b)(i)(2)(a)~~ "Personal funds" means contributions to the 67938
campaign committee of a candidate by the candidate ~~or by the~~ 67939
~~candidate's spouse, parents, children, sons in law,~~ 67940
~~daughters in law, brothers, sisters, grandparents, mother in law,~~ 67941
~~father in law, brothers in law, sisters in law, or grandparents by~~ 67942
~~marriage.~~ 67943

~~(ii)(b)~~ A loan obtained by, guaranteed by, or for the benefit 67944
of a statewide candidate, senate candidate, or house candidate 67945
shall be considered "personal funds" subject to the provisions of 67946
this section ~~and section 3517.1010 of the Revised Code~~ to the 67947
extent that the loan is obtained or guaranteed by the candidate ~~or~~ 67948
~~is for the benefit of the candidate and is obtained or guaranteed~~ 67949
~~by the candidate's spouse, parents, children, sons in law,~~ 67950
~~daughters in law, brothers, sisters, grandparents, mother in law,~~ 67951
~~father in law, brothers in law, sisters in law, or grandparents by~~ 67952
~~marriage.~~ A loan that is obtained or guaranteed and that is for 67953
the benefit of a statewide candidate, senate candidate, or house 67954
candidate shall not be considered "personal funds" for the 67955
purposes of this section ~~and section 3517.1010 of the Revised Code~~ 67956
but shall be considered to be a "contribution" for the purposes of 67957
this chapter if the loan is obtained or guaranteed by anyone other 67958
than the candidate ~~or the candidate's spouse, parents, children,~~ 67959
~~sons in law, daughters in law, brothers, sisters, grandparents,~~ 67960
~~mother in law, father in law, brothers in law, sisters in law, or~~ 67961
~~grandparents by marriage.~~ 67962

~~(iii)(c)~~ When a debt or other obligation incurred by a 67963
committee or by a candidate on behalf of the candidate's committee 67964
~~described in division (C)(1) or (2) of this section~~ is to be paid 67965
from "personal funds," those funds are considered to be expended 67966
when the debt or other obligation is incurred, regardless of when 67967
it is paid. 67968

~~(2) For purposes of this chapter, a candidate is an~~ 67969

~~"opponent" when the candidate has indicated on the candidate's most recently filed designation of treasurer that the candidate seeks the same office at the same primary or general election as another candidate whose campaign committee has filed a personal funds notice required by division (C)(1) or (2) of this section.~~

(B)(1) Except as otherwise provided in division (B)(2) of this section, no statewide candidate or candidate for the office of member of the general assembly shall make an expenditure of personal funds to influence the results of an election for that candidate's nomination or election to office unless the personal funds are first deposited into the campaign fund of that candidate's campaign committee.

(2) A statewide candidate or candidate for the office of member of the general assembly may make an expenditure of personal funds without first depositing those funds into the campaign committee's funds as long as the aggregate total of those expenditures does not exceed five hundred dollars at any time during an election period. After the candidate's campaign committee reimburses the candidate for any direct expenditure of personal funds, the amount that was reimbursed is no longer included in the aggregate total of expenditures of personal funds subject to the five-hundred-dollar limit.

~~(C)(1) If the campaign committee of any statewide candidate has received or expended or expects to expend more than one hundred thousand dollars of personal funds during a primary election period or one hundred fifty thousand dollars of personal funds during a general election period, the campaign committee shall file a personal funds notice in the manner provided in division (C)(3) of this section indicating that the committee has received or expended or expects to expend more than that amount. For the purpose of this division, a joint team of candidates for governor and lieutenant governor shall be considered a single~~

~~candidate and their personal funds shall be combined.~~ 68002

~~(2) If the campaign committee of any senate candidate or
house candidate has received or expended or expects to expend more
than twenty five thousand dollars of personal funds during a
primary election period or twenty five thousand dollars of
personal funds during a general election period, the campaign
committee shall file a personal funds notice in the manner
provided in division (C)(3) of this section indicating that the
committee has received or expended or expects to expend more than
that amount.~~ 68003
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~~(3) The personal funds notice required in divisions (C)(1)
and (2) of this section and the declaration of no limits required
under division (D)(2) of this section shall be on a form
prescribed by the secretary of state. The personal funds notice
required in divisions (C)(1) and (2) of this section shall be
filed not later than the earlier of the following times:~~ 68012
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~~(a) One hundred twenty days before a primary election, in the
case of personal funds received, expended, or expected to be
expended during a primary election period, or not later than one
hundred twenty days before a general election, in the case of
personal funds received, expended, or expected to be expended
during a general election period;~~ 68018
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~~(b) Two business days after the candidate's campaign
committee receives or makes an expenditure of personal funds or
the candidate makes an expenditure of personal funds on behalf of
the candidate's campaign committee during that election period
that exceed, in the aggregate, the amount specified in division
(C)(1) or (2) of this section.~~ 68024
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~~The personal funds notice required under divisions (C)(1) and
(2) of this section and the declaration of no limits required
under division (D)(2) of this section shall be filed wherever the~~ 68030
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~~campaign committee files statements of contributions and 68033
expenditures under section 3517.11 of the Revised Code. The board 68034
of elections shall send to the secretary of state a copy of any 68035
personal funds notice or declaration of no limits filed by the 68036
campaign committee of a senate candidate or house candidate under 68037
division (C)(3) or (D)(2) of this section. 68038~~

~~(D)(1) Whenever a campaign committee files a notice under 68039
division (C)(1) or (2) of this section, and the campaign committee 68040
of an opponent files a declaration of no limits pursuant to 68041
division (D)(2) of this section within thirty days of the filing 68042
of the personal funds notice under division (C)(1) or (2) of this 68043
section, the contribution limitations prescribed in section 68044
3517.102 of the Revised Code no longer apply to the campaign 68045
committee of the candidate's opponent. 68046~~

~~(2) No campaign committee of a candidate described in 68047
division (D)(1) of this section shall accept any contribution or 68048
contributions from a contributor that exceed the limitations 68049
prescribed in section 3517.102 of the Revised Code until the 68050
committee files a declaration that the committee will accept 68051
contributions that exceed those limitations. This declaration 68052
shall be filed not later than thirty days after a candidate's 68053
opponent has filed a personal funds notice pursuant to division 68054
(C)(1) or (2) of section 3517.103 of the Revised Code, shall be 68055
referred to as the "declaration of no limits," and shall list all 68056
of the following: 68057~~

~~(a) The amount of cash on hand in the candidate's campaign 68058
fund at the end of the day immediately preceding the day on which 68059
the candidate's campaign committee files the declaration of no 68060
limits: 68061~~

~~(b) The value and description of all campaign assets worth 68062
five hundred dollars or more available to the candidate at the end 68063
of the day immediately preceding the day on which the candidate's 68064~~

~~campaign committee files the declaration of no limits.~~ 68065

~~(3) A candidate who was not an opponent of a candidate who
filed the personal funds notice required under division (C)(3) of
this section on the date the personal funds notice was filed may
file the declaration of no limits pursuant to division (D)(2) of
this section within thirty days after becoming an opponent of the
candidate who filed the personal funds notice.~~ 68066
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~~(4) If the candidate whose campaign committee filed a
personal funds notice under division (C)(1) or (2) of this section
fails to file a declaration of candidacy for the office listed on
the designation of treasurer filed under division (D) of section
3517.10 of the Revised Code or files a declaration of candidacy or
nominating petition for that office and dies or withdraws, both of
the following apply to the campaign committee of that candidate's
opponent if the opponent has filed a declaration of no limits
pursuant to division (D) of this section:~~ 68072
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~~(a) No contribution from a contributor may thereafter be
accepted that, when added to the aggregate total of all
contributions received by that committee from that contributor
during the primary election period or general election period,
whichever is applicable, would cause that committee to exceed the
contribution limitations prescribed in section 3517.102 of the
Revised Code for the applicable election period.~~ 68081
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~~(b) The statement of primary day finances or the year end
statement required to be filed under division (E) of section
3517.1010 of the Revised Code shall be filed not later than
fourteen days after the date the candidate's opponent fails to
file a declaration of candidacy or nominating petition by the
appropriate filing deadline, or dies or withdraws. For purposes of
calculating permitted funds under division (A)(4) of section
3517.1010 of the Revised Code, the primary or general election
period, whichever is applicable, shall be considered to have ended~~ 68088
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~~on the filing deadline, in the case of an opponent who fails to 68097
file a declaration of candidacy or nominating petition, or on the 68098
date of the opponent's death or withdrawal. In such an event, the 68099
filing of a statement of primary day finances or year end finances 68100
and the disposing of any excess funds as required under division 68101
(B) of section 3517.1010 of the Revised Code satisfies the 68102
candidate's obligation to file such a statement for that election 68103
period. 68104~~

~~(E)(1) No campaign committee shall fail to file a personal 68105
funds notice as required under division (C)(1) or (2) of this 68106
section. 68107~~

~~(2) No campaign committee shall accept any contribution in 68108
excess of the contribution limitations prescribed in section 68109
3517.102 of the Revised Code. 68110~~

~~(a) Unless a declaration of no limits has been filed under 68111
division (D)(2) of this section; 68112~~

~~(b) In violation of division (D)(4) of this section once the 68113
candidate who filed a personal funds notice under division (C)(3) 68114
of this section fails to file a declaration of candidacy or 68115
nominating petition or that candidate dies or withdraws. 68116~~

~~(3) No campaign committee that violates division (E)(1) of 68117
this section shall expend any personal funds in excess of the 68118
amount specified in division (C)(1) or (2) of this section, 68119
whichever is appropriate to the committee. 68120~~

~~(4) The candidate of any campaign committee that violates 68121
division (E) of this section shall forfeit the candidate's 68122
nomination, if the candidate was nominated, or the office to which 68123
the candidate was elected, if the candidate was elected to office. 68124~~

~~(F)(1) Whenever a campaign committee files a notice under 68125
division (C)(1) or (2) of this section or whenever the 68126
contribution limitations prescribed in section 3517.102 of the 68127~~

~~Revised Code do not apply to a campaign committee under division 68128
(D)(1) of this section, that committee is not a designated state 68129
campaign committee for the purpose of the limitations prescribed 68130
in section 3517.102 of the Revised Code with regard to 68131
contributions made by that campaign committee to a legislative 68132
campaign fund or to a state candidate fund of a state or county 68133
political party. 68134~~

~~(2) Division (F)(1) of this section no longer applies to a 68135
campaign committee after both of the following occur: 68136~~

~~(a) The primary or general election period during which the 68137
contribution limitations prescribed in section 3517.102 of the 68138
Revised Code did not apply after being removed pursuant to 68139
division (D) of this section has expired; 68140~~

~~(b) When the campaign committee has disposed of all excess 68141
funds and excess aggregate contributions as required under section 68142
3517.1010 of the Revised Code. 68143~~

Sec. 3517.104. (A) In January of each odd-numbered year, the 68144
secretary of state, in accordance with this division and division 68145
(B) of this section, shall adjust each amount specified in section 68146
3517.102 ~~and~~, in division (B)(4)(e) of section 3517.10, and in 68147
division (B) of section 3517.101 of the Revised Code. The 68148
adjustment shall be based on the yearly average of the previous 68149
two years of the Consumer Price Index for All Urban Consumers or 68150
its successive equivalent, as determined by the United States 68151
department of labor, bureau of labor statistics, or its successor 68152
in responsibility, for all items, Series A. Using the 1996 yearly 68153
average as the base year, the secretary of state shall compare the 68154
most current average consumer price index with that determined in 68155
the preceding odd-numbered year, and shall determine the 68156
percentage increase or decrease. The percentage increase or 68157
decrease shall be multiplied by the actual dollar figure for each 68158

office or entity specified in section 3517.102 of the Revised Code 68159
and by each actual dollar figure specified in division (B)(4)(e) 68160
of section 3517.10 and in division (B) of section 3517.101 of the 68161
Revised Code as determined in the previous odd-numbered year, and 68162
the product shall be added to or subtracted from its corresponding 68163
actual dollar figure, as necessary, for that previous odd-numbered 68164
year. 68165

The resulting amount shall be rounded to the nearest 68166
twenty-five dollars if the calculations are made regarding the 68167
amounts specified in division (B)(4)(e) of section 3517.10 of the 68168
Revised Code. 68169

If the calculations are made regarding the amounts specified 68170
in section 3517.101 or 3517.102 of the Revised Code, the resulting 68171
amount shall not be rounded. If that resulting amount is less than 68172
one hundred dollars, the secretary of state shall retain a record 68173
of the resulting amount and the manner in which it was calculated, 68174
but shall not make an adjustment unless the resulting amount, when 68175
added to the resulting amount calculated in each prior 68176
odd-numbered year since the last adjustment was made, equals or 68177
exceeds one hundred dollars. 68178

(B)(1) The secretary of state shall calculate the adjustment 68179
under division (A) of this section and shall report the 68180
calculations and necessary materials to the auditor of state, on 68181
or before the thirty-first day of January of each odd-numbered 68182
year. The secretary of state shall base the adjustment on the most 68183
current consumer price index that is described in division (A) of 68184
this section and that is in effect as of the first day of January 68185
of each odd-numbered year. 68186

(2) The calculations made by the secretary of state under 68187
divisions (A) and (B)(1) of this section shall be certified by the 68188
auditor of state on or before the fifteenth day of February of 68189
each odd-numbered year. 68190

(3) On or before the twenty-fifth day of February of each 68191
odd-numbered year, the secretary of state shall prepare a report 68192
setting forth the maximum contribution limitations under section 68193
3517.102 of the Revised Code, the maximum amounts, if any, of 68194
contributions permitted to be kept under that section, ~~and~~ the 68195
amounts required under division (B)(4)(e) of section 3517.10 of 68196
the Revised Code for reporting contributions and in-kind 68197
contributions at social or fund-raising activities and 68198
contributions from amounts deducted from an employee's wages and 68199
salary, and the maximum office facility gift limitations under 68200
section 3517.101 of the Revised Code, as calculated and certified 68201
pursuant to divisions (A) and (B)(1) and (2) of this section. The 68202
report and all documents relating to the calculations contained in 68203
the report are public records. The report shall contain an 68204
indication of the period in which the limitations, the maximum 68205
contribution or gift amounts, and the reporting amounts apply, a 68206
summary of how the limitations, the maximum contribution or gift 68207
amounts, and the reporting amounts were calculated, and a 68208
statement that the report and all related documents are available 68209
for inspection and copying at the office of the secretary of 68210
state. 68211

(4) On or before the twenty-fifth day of February of each 68212
odd-numbered year, the secretary of state shall transmit the 68213
report to the general assembly and shall send the report by mail 68214
to the board of elections of each county. 68215

(5) The secretary of state shall send the report by mail to 68216
each person who files a declaration of candidacy or nominating 68217
petition with the secretary of state for the office of governor, 68218
lieutenant governor, secretary of state, auditor of state, 68219
treasurer of state, attorney general, member of the state board of 68220
education, chief justice of the supreme court, or justice of the 68221
supreme court. The report shall be mailed on or before the tenth 68222

day after the filing. 68223

(6) A board of elections shall send the report by mail to 68224
each person who files a declaration of candidacy or nominating 68225
petition with the board for the office of state representative or 68226
state senator. The report shall be mailed on or before the tenth 68227
day after the filing. 68228

Sec. 3517.153. (A) Upon the filing of a complaint with the 68229
Ohio elections commission, which shall be made by affidavit of any 68230
person, on personal knowledge, and subject to the penalties for 68231
perjury, or upon the filing of a complaint made by the secretary 68232
of state or an official at the board of elections, setting forth a 68233
failure to comply with or a violation of any provision in sections 68234
3517.08 to 3517.13, 3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, 68235
or 3599.031 of the Revised Code, the commission shall proceed in 68236
accordance with sections 3517.154 to 3517.157 of the Revised Code. 68237

(B) The commission shall prescribe the form for complaints 68238
made under division (A) of this section. The secretary of state 68239
and boards of elections shall furnish the information that the 68240
commission requests. The commission or a member of the commission 68241
may administer oaths, and the commission may issue subpoenas to 68242
any person in the state compelling the attendance of witnesses and 68243
the production of relevant papers, books, accounts, and reports. 68244
Section 101.42 of the Revised Code governs the issuance of 68245
subpoenas insofar as applicable. Upon the refusal of any person to 68246
obey a subpoena or to be sworn or to answer as a witness, the 68247
commission may apply to the court of common pleas of Franklin 68248
county under section 2705.03 of the Revised Code. The court shall 68249
hold proceedings in accordance with Chapter 2705. of the Revised 68250
Code. 68251

(C) No prosecution shall commence for a violation of a 68252
provision in sections 3517.08 to 3517.13, 3517.17, 3517.18, 68253

3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code 68254
unless a complaint has been filed with the commission under this 68255
section and all proceedings of the commission or a panel of the 68256
commission, as appropriate, under sections 3517.154 to 3517.157 of 68257
the Revised Code are completed. 68258

(D) The commission may recommend legislation and render 68259
advisory opinions concerning sections 3517.08, 3517.082, 3517.092, 68260
3517.102, ~~3517.103~~, 3517.105, 3517.1014, 3517.13, 3517.18, 3517.20 68261
to 3517.22, 3599.03, and 3599.031 of the Revised Code for persons 68262
over whose acts it has or may have jurisdiction. When the 68263
commission renders an advisory opinion relating to a specific set 68264
of circumstances involving any of those sections stating that 68265
there is no violation of a provision in those sections, the person 68266
to whom the opinion is directed or a person who is similarly 68267
situated may reasonably rely on the opinion and is immune from 68268
criminal prosecution and a civil action, including, without 68269
limitation, a civil action for removal from public office or 68270
employment, based on facts and circumstances covered by the 68271
opinion. 68272

(E) The commission shall establish a web site on which it 68273
shall post, at a minimum, all decisions and advisory opinions 68274
issued by the commission and copies of each election law as it is 68275
amended by the general assembly. The commission shall update the 68276
web site regularly to reflect any changes to those decisions and 68277
advisory opinions and any new decisions and advisory opinions. 68278

Sec. 3517.154. (A)(1) The full-time attorney for the Ohio 68279
elections commission shall review each complaint filed with the 68280
commission under section 3517.153 of the Revised Code, shall 68281
determine the nature of the complaint, and, unless division 68282
(A)(2)(a) of this section requires that the complaint receive an 68283
automatic expedited hearing, shall make a recommendation to the 68284

commission for its disposition, in accordance with this section. 68285
The attorney shall make the determination and the recommendation, 68286
if required, not later than one business day after the complaint 68287
is filed. 68288

(2)(a) If the attorney determines that the complaint sets 68289
forth a violation of division (B) of section 3517.21 or division 68290
(B) of section 3517.22 of the Revised Code and that the complaint 68291
is filed during one of the periods of time specified in division 68292
(B)(1) of section 3517.156 of the Revised Code, ~~or that the~~ 68293
~~complaint sets forth a violation of section 3517.103 of the~~ 68294
~~Revised Code or a violation described in division (D) of section~~ 68295
~~3517.1010 of the Revised Code,~~ the complaint shall receive an 68296
automatic expedited hearing under section 3517.156 of the Revised 68297
Code. 68298

(b) If the attorney determines that the complaint sets forth 68299
a failure to comply with or a violation of division (G), (I), (J), 68300
(O), (P), or (Q) of section 3517.13, division (A) of section 68301
3517.21, or division (A) of section 3517.22 of the Revised Code 68302
and that the complaint is filed during one of the periods of time 68303
specified in division (B)(1) of section 3517.156 of the Revised 68304
Code, the attorney shall recommend to the commission that the 68305
complaint receive an expedited hearing under section 3517.156 of 68306
the Revised Code, and the complaint shall receive such a hearing. 68307

(c) If the attorney determines that the complaint sets forth 68308
a failure to comply with or a violation of a section of the 68309
Revised Code over which the commission has jurisdiction to hear 68310
complaints other than the sections described in divisions 68311
(A)(2)(a) and (b) of this section, and unless the attorney makes a 68312
determination as provided for in division (A)(3) of this section, 68313
the attorney shall recommend to the commission that the complaint 68314
be submitted to the commission under section 3517.155 of the 68315
Revised Code. After the attorney makes that recommendation, the 68316

attorney shall notify all parties to the complaint of the attorney's recommendation.

(3)(a) If a complaint sets forth a failure to comply with or a violation of a section of the Revised Code over which the commission has jurisdiction to hear complaints other than the sections described in divisions (A)(2)(a) and (b) of this section and if the complaint is filed during one of the periods of time specified in division (B)(1) of section 3517.156 of the Revised Code, the attorney may determine that the complaint should receive an expedited hearing under that section. The attorney shall make that determination by considering one or more of the following:

(i) The number of prior failures to comply with or violations of Title XXXV of the Revised Code that the person or entity against whom the complaint has been brought has committed and any prior penalties the commission has imposed on the person or entity;

(ii) If the complaint involves a statement required to be filed under section 3517.10, division (E) of section 3517.102, or section ~~3517.103~~, 3517.105, 3517.107, 3517.108, 3517.109, 3517.1011, 3517.1012, or 3517.1014 of the Revised Code or an addendum required to be filed under section 3517.11 of the Revised Code that is filed late, how late the filing is and how much time has elapsed between the deadline for filing the statement or addendum and the filing of the complaint;

(iii) If the complaint involves contributions and expenditures, contributions and disbursements, deposits and disbursements, gifts and disbursements, or donations and disbursements required to be reported under section 3517.10, division (E) of section 3517.102, or section 3517.105, 3517.107, 3517.108, 3517.109, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the Revised Code that are either not reported or reported late, the number of contributions and expenditures, contributions and

disbursements, deposits and disbursements, gifts and 68349
disbursements, or donations and disbursements not reported or how 68350
late they were reported; 68351

(iv) If the complaint involves contributions required to be 68352
reported by a campaign committee under section 3517.10, division 68353
(E) of section 3517.102, or section 3517.105, 3517.107, 3517.108, 68354
or 3517.109 of the Revised Code that are not reported, whether any 68355
of the contributors of the contributions not reported have a 68356
personal or professional relationship with the campaign 68357
committee's candidate; 68358

(v) If the complaint involves a statement required to be 68359
filed under section 3517.10, division (E) of section 3517.102, or 68360
section ~~3517.103~~, 3517.105, 3517.107, 3517.108, 3517.109, 68361
3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the Revised Code 68362
that is incomplete, the degree to which it is incomplete; 68363

(vi) If the complaint involves the receipt of contributions 68364
in violation of section 3599.03 of the Revised Code, the dollar 68365
amount and number of contributions received in violation of that 68366
section; 68367

(vii) If the complaint involves a failure to make the 68368
identification or a misstatement of the identification required 68369
under section 3517.105 or 3517.20 of the Revised Code, whether the 68370
failure or misstatement was purposely made; 68371

(viii) If the complaint sets forth a failure to comply with 68372
or a violation of a section of the Revised Code described in 68373
division (A)(2)(c) of this section, whether the person or entity 68374
against whom the complaint has been made has committed more than 68375
one such failure or violation within a reasonable amount of time, 68376
or whether the cumulative nature of the failures or violations 68377
indicates a systematic disregard for the law. 68378

(b) Prior to making a determination under division (A)(3)(a) 68379

of this section that the complaint should receive an expedited 68380
hearing under section 3517.156 of the Revised Code, the attorney 68381
shall take into consideration the number of panels of the 68382
commission that have cases pending before them and the number of 68383
cases pending before the panels and shall not make a determination 68384
that will place an undue burden on a panel of the commission. 68385

(c) If the attorney determines that the complaint should 68386
receive an expedited hearing under section 3517.156 of the Revised 68387
Code, the attorney shall recommend to the commission that the 68388
complaint receive an expedited hearing, and, if a majority of the 68389
members of the commission agrees with the recommendation, the 68390
complaint shall receive an expedited hearing under that section. 68391

(4) The attorney may join two or more complaints if the 68392
attorney determines that the allegations in each complaint are of 68393
the same or similar character, are based on the same act or 68394
failure to act, or are based on two or more acts or failures to 68395
act constituting parts of a common scheme or plan. If one 68396
complaint contains two or more allegations, the attorney may 68397
separate the allegations if they are not of the same or similar 68398
character, if they are not based on the same act or failure to 68399
act, or if they are not based on two or more acts or failures to 68400
act constituting parts of a common scheme or plan. If the attorney 68401
separates the allegations in a complaint, the attorney may make 68402
separate recommendations under division (A)(2) or (3) of this 68403
section for each allegation. 68404

(B) Whenever a person or other entity files a complaint with 68405
the commission setting forth a failure to comply with or a 68406
violation of a section of the Revised Code as described in 68407
division (A)(2)(c) of this section and the complaint is filed 68408
during one of the periods of time specified in division (B)(1) of 68409
section 3517.156 of the Revised Code, the person or entity may 68410
request an expedited hearing under that section at the time the 68411

complaint is filed. The attorney for the commission shall inform 68412
the members of the commission of that request at the time the 68413
attorney makes a recommendation under division (A) of this 68414
section. The commission may grant the request for an expedited 68415
hearing under this division if it determines that an expedited 68416
hearing is practicable. 68417

Sec. 3517.155. (A)(1) Except as otherwise provided in 68418
division (B) of this section, the Ohio elections commission shall 68419
hold its first hearing on a complaint filed with it, other than a 68420
complaint that receives an expedited hearing under section 68421
3517.156 of the Revised Code, not later than ninety business days 68422
after the complaint is filed unless the commission has good cause 68423
to hold the hearing after that time, in which case it shall hold 68424
the hearing not later than one hundred eighty business days after 68425
the complaint is filed. At the hearing, the commission shall 68426
determine whether or not the failure to act or the violation 68427
alleged in the complaint has occurred and shall do only one of the 68428
following, except as otherwise provided in division (B) of this 68429
section or in division (B) of section 3517.151 of the Revised 68430
Code: 68431

(a) Enter a finding that good cause has been shown not to 68432
impose a fine or not to refer the matter to the appropriate 68433
prosecutor; 68434

(b) Impose a fine under section 3517.993 of the Revised Code; 68435

(c) Refer the matter to the appropriate prosecutor; 68436

~~(d) Direct the secretary of state or appropriate board of 68437
elections with the authority to certify a candidate to the ballot 68438
to remove a candidate's name from the ballot if the candidate is 68439
barred from the ballot under division (D) of section 3517.1010 of 68440
the Revised Code. 68441~~

(2) As used in division (A) of this section, "appropriate prosecutor" means a prosecutor as defined in section 2935.01 of the Revised Code and either of the following:

(a) In the case of a failure to comply with or a violation of law involving a campaign committee or the committee's candidate, a political party, a legislative campaign fund, a political action committee, or a political contributing entity, that is required to file a statement of contributions and expenditures with the secretary of state under division (A) of section 3517.11 of the Revised Code, the prosecutor of Franklin county;

(b) In the case of a failure to comply with or a violation of law involving any other campaign committee or committee's candidate, or any other political party, political action committee, or political contributing entity either of the following as determined by the commission:

(i) The prosecutor of Franklin county;

(ii) The prosecutor of the county in which the candidacy or ballot question or issue is submitted to the electors or, if it is submitted in more than one county, the most populous of those counties.

(B) If the commission decides that the evidence is insufficient for it to determine whether or not the failure to act or the violation alleged in the complaint has occurred, the commission, by the affirmative vote of five members, may request that an investigatory attorney investigate the complaint. Upon that request, an investigatory attorney shall make an investigation in order to produce sufficient evidence for the commission to decide the matter. If the commission requests an investigation under this division, for good cause shown by the investigatory attorney, the commission may extend by sixty days the deadline for holding its first hearing on the complaint as

required in division (A) of this section. 68473

(C) The commission shall take one of the actions required 68474
under division (A) of this section not later than thirty days 68475
after the close of all the evidence presented. 68476

(D)(1) The commission shall make any finding of a failure to 68477
comply with or a violation of law in regard to a complaint that 68478
alleges a violation of ~~division (D) of section 3517.1010~~, division 68479
(A) or (B) of section 3517.21, or division (A) or (B) of section 68480
3517.22 of the Revised Code by clear and convincing evidence. The 68481
commission shall make any finding of a failure to comply with or a 68482
violation of law in regard to any other complaint by a 68483
preponderance of the evidence. 68484

(2) If the commission finds a violation of division (B) of 68485
section 3517.21 or division (B) of section 3517.22 of the Revised 68486
Code, it shall refer the matter to the appropriate prosecutor 68487
under division (A)(1)(c) of this section and shall not impose a 68488
fine under division (A)(1)(b) of this section or section 3517.993 68489
of the Revised Code. 68490

(E) In an action before the commission or a panel of the 68491
commission, if the allegations of the complainant are not proved, 68492
and the commission takes the action described in division 68493
(A)(1)(a) of this section or a panel of the commission takes the 68494
action described in division (C)(1) of section 3517.156 of the 68495
Revised Code, the commission or a panel of the commission may find 68496
that the complaint is frivolous, and, if the commission or panel 68497
so finds, the commission shall order the complainant to pay 68498
reasonable attorney's fees and to pay the costs of the commission 68499
or panel as determined by a majority of the members of the 68500
commission. The costs paid to the commission or panel under this 68501
division shall be deposited into the Ohio elections commission 68502
fund. 68503

- Sec. 3517.20.** (A)(1) As used in this section: 68504
- (a) "Political publication for or against a candidate" means 68505
a notice, placard, advertisement, sample ballot, brochure, flyer, 68506
direct mailer, or other form of general publication that is 68507
designed to promote the nomination, election, or defeat of a 68508
candidate. 68509
- (b) "Political publication for or against an issue" means a 68510
notice, placard, advertisement, sample ballot, brochure, flyer, 68511
direct mailer, or other form of general publication that is 68512
designed to promote the adoption or defeat of a ballot issue or 68513
question or to influence the voters in an election. 68514
- (c) "Public political advertising" means newspapers, 68515
magazines, outdoor advertising facilities, direct mailings, or 68516
other similar types of general public political advertising, or 68517
flyers, handbills, or other nonperiodical printed matter. 68518
- (d) "Statewide candidate" has the same meaning as in section 68519
3517.102 of the Revised Code. 68520
- (e) "Legislative candidate" means a candidate for the office 68521
of member of the general assembly. 68522
- (f) "Local candidate" means a candidate for an elective 68523
office of a political subdivision of this state. 68524
- (g) "Legislative campaign fund" has the same meaning as in 68525
section 3517.01 of the Revised Code. 68526
- (h) "Limited political action committee" means a political 68527
action committee of fewer than ten members. 68528
- (i) "Limited political contributing entity" means a political 68529
contributing entity of fewer than ten members. 68530
- (j) "Designated amount" means one hundred dollars in the case 68531
of a local candidate or a local ballot issue, two hundred fifty 68532

dollars in the case of a legislative candidate, or five hundred 68533
dollars in the case of a statewide candidate or a statewide ballot 68534
issue. 68535

(k) "To issue" includes to print, post, distribute, reproduce 68536
for distribution, or cause to be issued, printed, posted, 68537
distributed, or reproduced for distribution. 68538

(l) "Telephone bank" means more than five hundred telephone 68539
calls of an identical or substantially similar nature within any 68540
thirty-day period, whether those telephone calls are made by 68541
individual callers or by recording. 68542

(2)(a) No ~~candidate, legislative campaign fund,~~ political 68543
party, or other entity, except a political action committee, a 68544
political contributing entity, a candidate, a legislative campaign 68545
fund, or a campaign committee, shall issue a form of political 68546
publication for or against a candidate, or shall make an 68547
expenditure for the purpose of financing political communications 68548
in support of or opposition to a candidate through public 68549
political advertising, unless the name and residence or business 68550
address of the candidate or the chairperson, treasurer, or 68551
secretary of the legislative campaign fund, political party, or 68552
other entity that issues or otherwise is responsible for that 68553
political publication or that makes an expenditure for that 68554
political communication appears in a conspicuous place on that 68555
political publication or is contained within that political 68556
communication. 68557

(b) No candidate, legislative campaign fund, or campaign 68558
committee shall issue a form of political publication for or 68559
against a candidate, or shall make an expenditure for the purpose 68560
of financing political communications in support of or opposition 68561
to a candidate through public political advertising, unless the 68562
name of the ~~campaign committee~~ entity appears in a conspicuous 68563
place on that political publication or is contained within that 68564

political communication. 68565

(3) No limited political action committee or limited 68566
political contributing entity shall do either of the following 68567
unless the name and residence or business address of the 68568
chairperson, treasurer, or secretary of the limited political 68569
action committee or limited political contributing entity involved 68570
appears in a conspicuous place in the political publication for or 68571
against a candidate described in division (A)(3)(a) of this 68572
section or is contained within the political communication 68573
described in division (A)(3)(b) of this section: 68574

(a) Issue a form of political publication for or against a 68575
candidate that costs in excess of the designated amount or that is 68576
issued in cooperation, consultation, or concert with, or at the 68577
request or suggestion of, a candidate, a campaign committee, a 68578
legislative campaign fund, a political party, a political action 68579
committee with ten or more members, a political contributing 68580
entity with ten or more members, or a limited political action 68581
committee or limited political contributing entity that spends in 68582
excess of the designated amount on a related or the same or 68583
similar political publication for or against a candidate; 68584

(b) Make an expenditure in excess of the designated amount in 68585
support of or opposition to a candidate or make an expenditure in 68586
cooperation, consultation, or concert with, or at the request or 68587
suggestion of, a candidate, a campaign committee, a legislative 68588
campaign fund, a political party, a political action committee 68589
with ten or more members, a political contributing entity with ten 68590
or more members, or a limited political action committee or 68591
limited political contributing entity that spends in excess of the 68592
designated amount in support of or opposition to the same 68593
candidate, for the purpose of financing political communications 68594
in support of or opposition to that candidate through public 68595
political advertising. 68596

(4) No political action committee with ten or more members 68597
and no political contributing entity with ten or more members 68598
shall issue a form of political publication for or against a 68599
candidate, or shall make an expenditure for the purpose of 68600
financing political communications in support of or opposition to 68601
a candidate through public political advertising, unless the name 68602
and residence or business address of the chairperson, treasurer, 68603
or secretary of the political action committee or political 68604
contributing entity that issues or otherwise is responsible for 68605
that political publication or that makes an expenditure for that 68606
political communication through public political advertising 68607
appears in a conspicuous place in that political publication or is 68608
contained within that political communication. 68609

(5)(a) No corporation, labor organization, ~~legislative~~ 68610
~~campaign fund~~, political party, or other entity, except a 68611
political action committee, a legislative campaign fund, or a 68612
campaign committee, shall issue a form of political publication 68613
for or against an issue, or shall make an expenditure for the 68614
purpose of financing political communications in support of or 68615
opposition to a ballot issue or question through public political 68616
advertising, unless the name and residence or business address of 68617
the chairperson, treasurer, or secretary of the corporation, labor 68618
organization, ~~legislative campaign fund~~, political party, or other 68619
entity that issues or otherwise is responsible for that political 68620
publication or that makes an expenditure for that political 68621
communication through public political advertising appears in a 68622
conspicuous place in that political publication or is contained 68623
within that political communication. 68624

(b) No campaign committee or legislative campaign fund shall 68625
issue a form of political publication for or against an issue, or 68626
shall make an expenditure for the purpose of financing political 68627
communications in support of or opposition to a ballot issue or 68628

question through public political advertising, unless the name of 68629
the campaign committee or legislative campaign fund appears in a 68630
conspicuous place in that political publication or is contained 68631
within that political communication. 68632

(6) No limited political action committee shall do either of 68633
the following unless the name and residence or business address of 68634
the chairperson, treasurer, or secretary of the limited political 68635
action committee involved appears in a conspicuous place in the 68636
political publication for or against a ballot issue described in 68637
division (A)(6)(a) of this section or is contained within the 68638
political communication described in division (A)(6)(b) of this 68639
section: 68640

(a) Issue a form of political publication for or against a 68641
ballot issue that costs in excess of the designated amount or that 68642
is issued in cooperation, consultation, or concert with, or at the 68643
request or suggestion of, a candidate, a campaign committee, a 68644
legislative campaign fund, a political party, a political action 68645
committee with ten or more members, or a limited political action 68646
committee that spends in excess of the designated amount for a 68647
related or the same or similar political publication for or 68648
against an issue; 68649

(b) Make an expenditure in excess of the designated amount in 68650
support of or opposition to a ballot issue or make an expenditure 68651
in cooperation, consultation, or concert with, or at the request 68652
or suggestion of, a candidate, a campaign committee, a legislative 68653
campaign fund, a political party, a political action committee 68654
with ten or more members, or a limited political action committee 68655
that spends in excess of the designated amount in support of or 68656
opposition to the same ballot issue, for the purpose of financing 68657
political communications in support of or opposition to that 68658
ballot issue through public political advertising. 68659

(7) No political action committee with ten or more members 68660

shall issue a form of political publication for or against an 68661
issue, or shall make an expenditure for the purpose of financing 68662
political communications in support of or opposition to a ballot 68663
issue or question through public political advertising, unless the 68664
name and residence or business address of the chairperson, 68665
treasurer, or secretary of the political action committee that 68666
issues or otherwise is responsible for that political publication 68667
or that makes an expenditure for that political communication 68668
appears in a conspicuous place in that political publication or is 68669
contained within that political communication. 68670

(8) The disclaimer "paid political advertisement" is not 68671
sufficient to meet the requirements of this section. 68672

(9) If the political publication described in division (A) of 68673
this section is issued by the regularly constituted central or 68674
executive committee of a political party that is organized as 68675
provided in this chapter, it shall be sufficiently identified if 68676
it bears the name of the committee and its chairperson or 68677
treasurer. 68678

(10) If more than one piece of printed matter or printed 68679
political communications are mailed as a single packet, the 68680
requirements of division (A) of this section are met if one of the 68681
pieces of printed matter or printed political communications in 68682
the packet contains the name and residence or business address of 68683
the chairperson, treasurer, or secretary of the organization or 68684
entity that issues or is responsible for the printed matter or 68685
other printed political communications, except that if a campaign 68686
committee or legislative campaign fund mails more than one piece 68687
of printed matter or printed political communications as a single 68688
packet, the requirements of division (A) of this section are met 68689
if one of the pieces of printed matter or printed political 68690
communications in the packet contains the name of the campaign 68691
committee or legislative campaign fund. 68692

(11) This section does not apply to the transmittal of 68693
personal correspondence that is not reproduced by machine for 68694
general distribution. 68695

(12) The secretary of state, by rule, may exempt from the 68696
requirements of this section, printed matter and certain other 68697
kinds of printed communications such as campaign buttons, 68698
balloons, pencils, or similar items, the size or nature of which 68699
makes it unreasonable to add an identification or disclaimer. 68700

(13) The disclaimer or identification described in division 68701
(A) of this section, when paid for by a candidate, legislative 68702
campaign fund, or campaign committee, shall be identified by the 68703
words "paid for by" followed by the name of the ~~campaign committee~~ 68704
~~and the appropriate officer of the committee, identified by name~~ 68705
~~and title~~ entity. The identification or disclaimer may use 68706
reasonable abbreviations for common terms such as ~~"treasurer" or~~ 68707
"committee". 68708

(B)(1) No candidate, campaign committee, legislative campaign 68709
fund, political party, political action committee, limited 68710
political action committee, political contributing entity, limited 68711
political contributing entity, or other entity shall utter or 68712
cause to be uttered, over the broadcasting facilities of any radio 68713
or television station within this state, any communication that is 68714
designed to promote the nomination, election, or defeat of a 68715
candidate, or the adoption or defeat of an issue or to influence 68716
the voters in an election, unless the speaker identifies the 68717
speaker with the speaker's name and residence address or unless 68718
the communication identifies the chairperson, treasurer, or 68719
secretary of the organization responsible for the communication 68720
with the name and residence or business address of that officer, 68721
except that communications by radio need not broadcast the 68722
residence or business address of the officer. However, a radio 68723
station, for a period of at least six months, shall keep the 68724

residence or business address on file and divulge it to any person 68725
upon request. 68726

No person operating a broadcast station or an organ of 68727
printed media shall broadcast or print a paid political 68728
communication that does not contain the identification required by 68729
this section. 68730

(2) Division (B) of this section does not apply to any 68731
communications made on behalf of a radio or television station or 68732
network by any employee of such radio or television station or 68733
network while acting in the course of the employee's employment. 68734

(3) No candidate or entity described in division (B)(1) of 68735
this section shall use or cause to be used a false, fictitious, or 68736
fraudulent name or address in the making or issuing of a 68737
publication or communication included within the provisions of 68738
this section. 68739

(C) No candidate, campaign committee, legislative campaign 68740
fund, political party, political action committee, limited 68741
political action committee, political contributing entity, limited 68742
political contributing entity, or other person or entity shall 68743
conduct a telephone bank for the purpose of promoting the 68744
nomination, election, or defeat of a candidate or the adoption or 68745
defeat of an issue or to influence the voters in an election, 68746
unless the call includes a disclaimer that identifies the name of 68747
the candidate, campaign committee, legislative campaign fund, 68748
political party, political action committee, limited political 68749
action committee, political contributing entity, limited political 68750
contributing entity, or other person or entity paying for the 68751
telephone bank. 68752

(D) Before a prosecution may commence under this section, a 68753
complaint shall be filed with the Ohio elections commission under 68754
section 3517.153 of the Revised Code. After the complaint is 68755

filed, the commission shall proceed in accordance with sections 68756
3517.154 to 3517.157 of the Revised Code. 68757

Sec. 3517.992. This section establishes penalties only with 68758
respect to acts or failures to act that occur on and after August 68759
24, 1995. 68760

(A)(1) A candidate whose campaign committee violates division 68761
(A), (B), (C), (D), or (V) of section 3517.13 of the Revised Code, 68762
or a treasurer of a campaign committee who violates any of those 68763
divisions, shall be fined not more than one hundred dollars for 68764
each day of violation. 68765

(2) Whoever violates division (E) or (X)(5) of section 68766
3517.13 or division (E)(1) of section 3517.1014 of the Revised 68767
Code shall be fined not more than one hundred dollars for each day 68768
of violation. 68769

(B) ~~A political party~~ An entity that violates division 68770
~~(F)~~(G)(1) of section 3517.101 of the Revised Code shall be fined 68771
not more than one hundred dollars for each day of violation. 68772

(C) Whoever violates division ~~(F)~~(G)(2) of section 3517.101, 68773
division (G) of section 3517.13, or division (E)(2) or (3) of 68774
section 3517.1014 of the Revised Code shall be fined not more than 68775
ten thousand dollars or, if the offender is a person who was 68776
nominated or elected to public office, shall forfeit the 68777
nomination or the office to which the offender was elected, or 68778
both. 68779

(D) Whoever violates division (F) of section 3517.13 of the 68780
Revised Code shall be fined not more than three times the amount 68781
contributed. 68782

(E) Whoever violates division (H) of section 3517.13 of the 68783
Revised Code shall be fined not more than one hundred dollars. 68784

(F) Whoever violates division (O), (P), or (Q) of section 68785

3517.13 of the Revised Code is guilty of a misdemeanor of the first degree. 68786
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(G) A state or county committee of a political party that violates division (B)(1) of section 3517.18 of the Revised Code shall be fined not more than twice the amount of the improper expenditure. 68788
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(H) ~~A state or county political party~~ An entity that violates division ~~(G)~~(H) of section 3517.101 of the Revised Code shall be fined not more than twice the amount of the improper expenditure or use. 68792
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(I)(1) Any individual who violates division (B)(1) of section 3517.102 of the Revised Code and knows that the contribution the individual makes violates that division shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division. 68796
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(2) Any political action committee that violates division (B)(2) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division. 68801
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(3) Any campaign committee that violates division (B)(3) or (5) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division. 68805
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(4)(a) Any legislative campaign fund that violates division (B)(6) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount transferred or contributed in excess of the amount permitted by that division, as applicable. 68809
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(b) Any state political party, county political party, or state candidate fund of a state political party or county political party that violates division (B)(6) of section 3517.102 of the Revised Code shall be fined an amount equal to three times 68813
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the amount transferred or contributed in excess of the amount 68817
permitted by that division, as applicable. 68818

(c) Any political contributing entity that violates division 68819
(B)(7) of section 3517.102 of the Revised Code shall be fined an 68820
amount equal to three times the amount contributed in excess of 68821
the amount permitted by that division. 68822

(5) Any political party that violates division (B)(4) of 68823
section 3517.102 of the Revised Code shall be fined an amount 68824
equal to three times the amount contributed in excess of the 68825
amount permitted by that division. 68826

(6) Notwithstanding divisions (I)(1), (2), (3), (4), and (5) 68827
of this section, no violation of division (B) of section 3517.102 68828
of the Revised Code occurs, and the secretary of state shall not 68829
refer parties to the Ohio elections commission, if the amount 68830
transferred or contributed in excess of the amount permitted by 68831
that division meets either of the following conditions: 68832

(a) It is completely refunded within five business days after 68833
it is accepted. 68834

(b) It is completely refunded on or before the tenth business 68835
day after notification to the recipient of the excess transfer or 68836
contribution by the board of elections or the secretary of state 68837
that a transfer or contribution in excess of the permitted amount 68838
has been received. 68839

(J)(1) Any campaign committee that violates division (C)(1), 68840
(2), (3), or (6) of section 3517.102 of the Revised Code shall be 68841
fined an amount equal to three times the amount accepted in excess 68842
of the amount permitted by that division. 68843

(2)(a) Any county political party that violates division 68844
(C)(4)(a)(ii) or (iii) of section 3517.102 of the Revised Code 68845
shall be fined an amount equal to three times the amount accepted. 68846

(b) Any county political party that violates division 68847
(C)(4)(a)(i) of section 3517.102 of the Revised Code shall be 68848
fined an amount from its state candidate fund equal to three times 68849
the amount accepted in excess of the amount permitted by that 68850
division. 68851

(c) Any state political party that violates division 68852
(C)(4)(b) of section 3517.102 of the Revised Code shall be fined 68853
an amount from its state candidate fund equal to three times the 68854
amount accepted in excess of the amount permitted by that 68855
division. 68856

(3) Any legislative campaign fund that violates division 68857
(C)(5) of section 3517.102 of the Revised Code shall be fined an 68858
amount equal to three times the amount accepted in excess of the 68859
amount permitted by that division. 68860

(4) Any political action committee or political contributing 68861
entity that violates division (C)(7) of section 3517.102 of the 68862
Revised Code shall be fined an amount equal to three times the 68863
amount accepted in excess of the amount permitted by that 68864
division. 68865

(5) Notwithstanding divisions (J)(1), (2), (3), and (4) of 68866
this section, no violation of division (C) of section 3517.102 of 68867
the Revised Code occurs, and the secretary of state shall not 68868
refer parties to the Ohio elections commission, if the amount 68869
transferred or contributed in excess of the amount permitted to be 68870
accepted by that division meets either of the following 68871
conditions: 68872

(a) It is completely refunded within five business days after 68873
its acceptance. 68874

(b) It is completely refunded on or before the tenth business 68875
day after notification to the recipient of the excess transfer or 68876
contribution by the board of elections or the secretary of state 68877

that a transfer or contribution in excess of the permitted amount 68878
has been received. 68879

(K)(1) Any legislative campaign fund that violates division 68880
(F)(1) of section 3517.102 of the Revised Code shall be fined 68881
twenty-five dollars for each day of violation. 68882

(2) Any legislative campaign fund that violates division 68883
(F)(2) of section 3517.102 of the Revised Code shall give to the 68884
treasurer of state for deposit into the state treasury to the 68885
credit of the Ohio elections commission fund all excess 68886
contributions not disposed of as required by division (E) of 68887
section 3517.102 of the Revised Code. 68888

(L) Whoever violates section 3517.105 of the Revised Code 68889
shall be fined one thousand dollars. 68890

(M)(1) Whoever solicits a contribution in violation of 68891
section 3517.092 or violates division (B) of section 3517.09 of 68892
the Revised Code is guilty of a misdemeanor of the first degree. 68893

(2) Whoever knowingly accepts a contribution in violation of 68894
division (B) or (C) of section 3517.092 of the Revised Code shall 68895
be fined an amount equal to three times the amount accepted in 68896
violation of either of those divisions and shall return to the 68897
contributor any amount so accepted. Whoever unknowingly accepts a 68898
contribution in violation of division (B) or (C) of section 68899
3517.092 of the Revised Code shall return to the contributor any 68900
amount so accepted. 68901

(N) Whoever violates division (S) of section 3517.13 of the 68902
Revised Code shall be fined an amount equal to three times the 68903
amount of funds transferred or three times the value of the assets 68904
transferred in violation of that division. 68905

(O) Any campaign committee that accepts a contribution or 68906
contributions in violation of section 3517.108 of the Revised 68907
Code, uses a contribution in violation of that section, or fails 68908

to dispose of excess contributions in violation of that section 68909
shall be fined an amount equal to three times the amount accepted, 68910
used, or kept in violation of that section. 68911

(P) Any political party, state candidate fund, legislative 68912
candidate fund, or campaign committee that violates division (T) 68913
of section 3517.13 of the Revised Code shall be fined an amount 68914
equal to three times the amount contributed or accepted in 68915
violation of that section. 68916

(Q) A treasurer of a committee or another person who violates 68917
division (U) of section 3517.13 of the Revised Code shall be fined 68918
not more than two hundred fifty dollars. 68919

(R) Whoever violates division (I) or (J) of section 3517.13 68920
of the Revised Code shall be fined not more than one thousand 68921
dollars. Whenever a person is found guilty of violating division 68922
(I) or (J) of section 3517.13 of the Revised Code, the contract 68923
awarded in violation of either of those divisions shall be 68924
rescinded if its terms have not yet been performed. 68925

(S) A candidate whose campaign committee violates or a 68926
treasurer of a campaign committee who violates section 3517.081 of 68927
the Revised Code, and a candidate whose campaign committee 68928
violates or a treasurer of a campaign committee or another person 68929
who violates division (C) of section 3517.10 of the Revised Code, 68930
shall be fined not more than five hundred dollars. 68931

(T) A candidate whose campaign committee violates or a 68932
treasurer of a committee who violates division (B) of section 68933
3517.09 of the Revised Code, or a candidate whose campaign 68934
committee violates or a treasurer of a campaign committee or 68935
another person who violates division (C) of section 3517.09 of the 68936
Revised Code shall be fined not more than one thousand dollars. 68937

(U) Whoever violates section 3517.20 of the Revised Code 68938
shall be fined not more than five hundred dollars. 68939

(V) Whoever violates section 3517.21 or 3517.22 of the Revised Code shall be imprisoned for not more than six months or fined not more than five thousand dollars, or both.

(W) A campaign committee that is required to file a declaration of no limits under division (D)(2) of section 3517.103 of the Revised Code that, before filing that declaration, accepts a contribution or contributions that exceed the limitations prescribed in section 3517.102 of the Revised Code, shall return that contribution or those contributions to the contributor.

(X) Any campaign committee that fails to file the declaration of filing-day finances required by division (F) of section 3517.109 ~~or the declaration of primary day finances or declaration of year end finances required by division (E) of section 3517.1010~~ of the Revised Code shall be fined twenty-five dollars for each day of violation.

(Y)(1) Any campaign committee that fails to dispose of excess funds or excess aggregate contributions under division (B) of section 3517.109 of the Revised Code in the manner required by division (C) of that section ~~or under division (B) of section 3517.1010 of the Revised Code in the manner required by division (C) of that section~~ shall give to the treasurer of state for deposit into the Ohio elections commission fund created under division (I) of section 3517.152 of the Revised Code all funds not disposed of pursuant to ~~those divisions~~ that division.

(2) Any treasurer of a transition fund that fails to dispose of assets remaining in the transition fund as required under division (H)(1) or (2) of section 3517.1014 of the Revised Code shall give to the treasurer of state for deposit into the Ohio elections commission fund all assets not disposed of pursuant to that division.

(Z) Any individual, campaign committee, political action

committee, political contributing entity, legislative campaign 68971
fund, political party, treasurer of a transition fund, or other 68972
entity that violates any provision of sections 3517.09 to 3517.12 68973
of the Revised Code for which no penalty is provided for under any 68974
other division of this section shall be fined not more than one 68975
thousand dollars. 68976

(AA)(1) Whoever knowingly violates division (W)(1) of section 68977
3517.13 of the Revised Code shall be fined an amount equal to 68978
three times the amount contributed, expended, or promised in 68979
violation of that division or ten thousand dollars, whichever 68980
amount is greater. 68981

(2) Whoever knowingly violates division (W)(2) of section 68982
3517.13 of the Revised Code shall be fined an amount equal to 68983
three times the amount solicited or accepted in violation of that 68984
division or ten thousand dollars, whichever amount is greater. 68985

(BB) Whoever knowingly violates division (C) or (D) of 68986
section 3517.1011 of the Revised Code shall be fined not more than 68987
ten thousand dollars plus not more than one thousand dollars for 68988
each day of violation. 68989

(CC)(1) Subject to division (CC)(2) of this section, whoever 68990
violates division (H) of section 3517.1011 of the Revised Code 68991
shall be fined an amount up to three times the amount disbursed 68992
for the direct costs of airing the communication made in violation 68993
of that division. 68994

(2) Whoever has been ordered by the Ohio elections commission 68995
or by a court of competent jurisdiction to cease making 68996
communications in violation of division (H) of section 3517.1011 68997
of the Revised Code who again violates that division shall be 68998
fined an amount equal to three times the amount disbursed for the 68999
direct costs of airing the communication made in violation of that 69000
division. 69001

(DD)(1) Any corporation or labor organization that violates 69002
division (X)(3)(a) of section 3517.13 of the Revised Code shall be 69003
fined an amount equal to three times the amount given in excess of 69004
the amount permitted by that division. 69005

(2) Any state or county political party that violates 69006
division (X)(3)(b) of section 3517.13 of the Revised Code shall be 69007
fined an amount equal to three times the amount accepted in excess 69008
of the amount permitted by that division. 69009

(EE)(1) Any campaign committee or person who violates 69010
division (C)(1)(b) or (c) of section 3517.1014 of the Revised Code 69011
shall be fined an amount equal to three times the amount donated 69012
in excess of the amount permitted by that division. 69013

(2) Any officeholder or treasurer of a transition fund who 69014
violates division (C)(3)(a) or (b) of section 3517.1014 of the 69015
Revised Code shall be fined an amount equal to three times the 69016
amount accepted in excess of the amount permitted by that 69017
division. 69018

Sec. 3599.03. (A)(1) Except to carry on activities specified 69019
in sections 3517.082, 3517.101, and 3517.1011, division (A)(2) of 69020
section 3517.1012, division (B) of section 3517.1013, division 69021
(C)(1) of section 3517.1014, and section 3599.031 of the Revised 69022
Code and except as provided in divisions (D), (E), and (F) of this 69023
section, no corporation, no nonprofit corporation, and no labor 69024
organization, directly or indirectly, shall pay or use, or offer, 69025
advise, consent, or agree to pay or use, the corporation's money 69026
or property, or the labor organization's money, including dues, 69027
initiation fees, or other assessments paid by members, or 69028
property, for or in aid of or opposition to a political party, a 69029
candidate for election or nomination to public office, a political 69030
action committee including a political action committee of the 69031
corporation or labor organization, a legislative campaign fund, or 69032

any organization that supports or opposes any such candidate, or 69033
for any partisan political purpose, shall violate any law 69034
requiring the filing of an affidavit or statement respecting such 69035
use of those funds, or shall pay or use the corporation's or labor 69036
organization's money for the expenses of a social fund-raising 69037
event for its political action committee if an employee's or labor 69038
organization member's right to attend such an event is predicated 69039
on the employee's or member's contribution to the corporation's or 69040
labor organization's political action committee. 69041

(2) Whoever violates division (A)(1) of this section shall be 69042
fined not less than five hundred nor more than five thousand 69043
dollars. 69044

(B)(1) No officer, stockholder, attorney, or agent of a 69045
corporation or nonprofit corporation, no member, including an 69046
officer, attorney, or agent, of a labor organization, and no 69047
candidate, political party official, or other individual shall 69048
knowingly aid, advise, solicit, or receive money or other property 69049
in violation of division (A)(1) of this section. 69050

(2) Whoever violates division (B)(1) of this section shall be 69051
fined not more than one thousand dollars, or imprisoned not more 69052
than one year, or both. 69053

(C) A corporation, a nonprofit corporation, or a labor 69054
organization may use its funds or property for or in aid of or 69055
opposition to a proposed or certified ballot issue. Such use of 69056
funds or property shall be reported on a form prescribed by the 69057
secretary of state. Reports of contributions in connection with 69058
statewide ballot issues shall be filed with the secretary of 69059
state. Reports of contributions in connection with local issues 69060
shall be filed with the board of elections of the most populous 69061
county of the district in which the issue is submitted or to be 69062
submitted to the electors. Reports made pursuant to this division 69063
shall be filed by the times specified in divisions (A)(1) and (2) 69064

of section 3517.10 of the Revised Code. 69065

(D)(1) Any gift made pursuant to section 3517.101 of the 69066
Revised Code does not constitute a violation of this section or of 69067
any other section of the Revised Code. 69068

(2) Any gift made pursuant to division (A)(2) of section 69069
3517.1012 of the Revised Code does not constitute a violation of 69070
this section. 69071

(3) Any gift made pursuant to division (B) of section 69072
3517.1013 of the Revised Code does not constitute a violation of 69073
this section. 69074

(4) Any donation made pursuant to division (C)(1) of section 69075
3517.1014 of the Revised Code does not constitute a violation of 69076
this section. 69077

(E) Any compensation or fees paid by a financial institution 69078
to a state political party for services rendered pursuant to 69079
division (B) of section 3517.19 of the Revised Code do not 69080
constitute a violation of this section or of any other section of 69081
the Revised Code. 69082

(F)(1) The use by a nonprofit corporation of its money or 69083
property for communicating information for a purpose specified in 69084
division (A) of this section is not a violation of that division 69085
if the stockholders, members, donors, trustees, or officers of the 69086
nonprofit corporation are the predominant recipients of the 69087
communication. 69088

(2) The placement of a campaign sign on the property of a 69089
corporation, nonprofit corporation, or labor organization is not a 69090
use of property in violation of division (A) of this section by 69091
that corporation, nonprofit corporation, or labor organization. 69092

(3) The use by a corporation or labor organization of its 69093
money or property for communicating information for a purpose 69094

specified in division (A) of this section is not a violation of 69095
that division if it is not a communication made by mass broadcast 69096
such as radio or television or made by advertising in a newspaper 69097
of general circulation but is a communication sent exclusively to 69098
members, employees, officers, or trustees of that labor 69099
organization or shareholders, employees, officers, or directors of 69100
that corporation or to members of the immediate families of any 69101
such individuals or if the communication intended to be so sent 69102
exclusively is unintentionally sent as well to a de minimis number 69103
of other individuals. 69104

(G) In addition to the laws listed in division (A) of section 69105
4117.10 of the Revised Code that prevail over conflicting 69106
agreements between employee organizations and public employers, 69107
this section prevails over any conflicting provisions of 69108
agreements between labor organizations and public employers that 69109
are entered into on or after March 31, 2005, pursuant to Chapter 69110
4117. of the Revised Code. 69111

(H) As used in this section, "labor organization" has the 69112
same meaning as in section 3517.01 of the Revised Code. 69113

Sec. 3599.45. (A) As used in this section: 69114

"Candidate," "campaign committee," and "contribution" have 69115
the same meanings as in section 3517.01 of the Revised Code. 69116

"Medicaid provider" has the same meaning as in section 69117
5164.01 of the Revised Code. 69118

(B) No candidate for the office of attorney general or county 69119
prosecutor or such a candidate's campaign committee shall 69120
knowingly accept any contribution from a medicaid provider ~~of~~ 69121
~~services or goods under contract with the department of job and 69122~~
~~family services pursuant to the medicaid program of Title XIX of 69123~~
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 69124

~~amended~~, or from any person having an ownership interest in the 69125
medicaid provider. 69126

~~As used in this section "candidate," "campaign committee,"~~ 69127
~~and "contribution" have the same meaning as in section 3517.01 of~~ 69128
~~the Revised Code.~~ 69129

~~(B)~~(C) Whoever violates this section is guilty of a 69130
misdemeanor of the first degree. 69131

Sec. 3701.023. (A) The department of health shall review 69132
applications for eligibility for the program for medically 69133
handicapped children that are submitted to the department by city 69134
and general health districts and physician providers approved in 69135
accordance with division (C) of this section. The department shall 69136
determine whether the applicants meet the medical and financial 69137
eligibility requirements established by the director of health 69138
pursuant to division (A)(1) of section 3701.021 of the Revised 69139
Code, and by the department in the manual of operational 69140
procedures and guidelines for the program for medically 69141
handicapped children developed pursuant to division (B) of that 69142
section. Referrals of potentially eligible children for the 69143
program may be submitted to the department on behalf of the child 69144
by parents, guardians, public health nurses, or any other 69145
interested person. The department of health may designate other 69146
agencies to refer applicants to the department of health. 69147

(B) In accordance with the procedures established in rules 69148
adopted under division (A)(4) of section 3701.021 of the Revised 69149
Code, the department of health shall authorize a provider or 69150
providers to provide to any Ohio resident under twenty-one years 69151
of age, without charge to the resident or the resident's family 69152
and without restriction as to the economic status of the resident 69153
or the resident's family, diagnostic services necessary to 69154
determine whether the resident has a medically handicapping or 69155

potentially medically handicapping condition. 69156

(C) The department of health shall review the applications of 69157
health professionals, hospitals, medical equipment suppliers, and 69158
other individuals, groups, or agencies that apply to become 69159
providers. The department shall enter into a written agreement 69160
with each applicant who is determined, pursuant to the 69161
requirements set forth in rules adopted under division (A)(2) of 69162
section 3701.021 of the Revised Code, to be eligible to be a 69163
provider in accordance with the provider agreement required by the 69164
~~medical assistance~~ medicaid ~~program established under section~~ 69165
~~5111.01 of the Revised Code~~. No provider shall charge a medically 69166
handicapped child or the child's parent or guardian for services 69167
authorized by the department under division (B) or (D) of this 69168
section. 69169

The department, in accordance with rules adopted under 69170
division (A)(3) of section 3701.021 of the Revised Code, may 69171
disqualify any provider from further participation in the program 69172
for violating any requirement set forth in rules adopted under 69173
division (A)(2) of that section. The disqualification shall not 69174
take effect until a written notice, specifying the requirement 69175
violated and describing the nature of the violation, has been 69176
delivered to the provider and the department has afforded the 69177
provider an opportunity to appeal the disqualification under 69178
division (H) of this section. 69179

(D) The department of health shall evaluate applications from 69180
city and general health districts and approved physician providers 69181
for authorization to provide treatment services, service 69182
coordination, and related goods to children determined to be 69183
eligible for the program for medically handicapped children 69184
pursuant to division (A) of this section. The department shall 69185
authorize necessary treatment services, service coordination, and 69186
related goods for each eligible child in accordance with an 69187

individual plan of treatment for the child. As an alternative, the 69188
department may authorize payment of health insurance premiums on 69189
behalf of eligible children when the department determines, in 69190
accordance with criteria set forth in rules adopted under division 69191
(A)(9) of section 3701.021 of the Revised Code, that payment of 69192
the premiums is cost-effective. 69193

(E) The department of health shall pay, from appropriations 69194
to the department, any necessary expenses, including but not 69195
limited to, expenses for diagnosis, treatment, service 69196
coordination, supportive services, transportation, and accessories 69197
and their upkeep, provided to medically handicapped children, 69198
provided that the provision of the goods or services is authorized 69199
by the department under division (B) or (D) of this section. Money 69200
appropriated to the department of health may also be expended for 69201
reasonable administrative costs incurred by the program. The 69202
department of health also may purchase liability insurance 69203
covering the provision of services under the program for medically 69204
handicapped children by physicians and other health care 69205
professionals. 69206

Payments made to providers by the department of health 69207
pursuant to this division for inpatient hospital care, outpatient 69208
care, and all other medical assistance furnished to eligible 69209
recipients shall be made in accordance with rules adopted by the 69210
director of health pursuant to division (A) of section 3701.021 of 69211
the Revised Code. 69212

The departments of health and ~~job and family services~~ 69213
medicaid shall jointly implement procedures to ensure that 69214
duplicate payments are not made under the program for medically 69215
handicapped children and the ~~medical assistance~~ medicaid program 69216
~~established under section 5111.01 of the Revised Code~~ and to 69217
identify and recover duplicate payments. 69218

(F) At the time of applying for participation in the program 69219

for medically handicapped children, a medically handicapped child 69220
or the child's parent or guardian shall disclose the identity of 69221
any third party against whom the child or the child's parent or 69222
guardian has or may have a right of recovery for goods and 69223
services provided under division (B) or (D) of this section. The 69224
department of health shall require a medically handicapped child 69225
who receives services from the program or the child's parent or 69226
guardian to apply for all third-party benefits for which the child 69227
may be eligible and require the child, parent, or guardian to 69228
apply all third-party benefits received to the amount determined 69229
under division (E) of this section as the amount payable for goods 69230
and services authorized under division (B) or (D) of this section. 69231
The department is the payer of last resort and shall pay for 69232
authorized goods or services, up to the amount determined under 69233
division (E) of this section for the authorized goods or services, 69234
only to the extent that payment for the authorized goods or 69235
services is not made through third-party benefits. When a third 69236
party fails to act on an application or claim for benefits by a 69237
medically handicapped child or the child's parent or guardian, the 69238
department shall pay for the goods or services only after ninety 69239
days have elapsed since the date the child, parents, or guardians 69240
made an application or claim for all third-party benefits. 69241
Third-party benefits received shall be applied to the amount 69242
determined under division (E) of this section. Third-party 69243
payments for goods and services not authorized under division (B) 69244
or (D) of this section shall not be applied to payment amounts 69245
determined under division (E) of this section. Payment made by the 69246
department shall be considered payment in full of the amount 69247
determined under division (E) of this section. Medicaid payments 69248
for persons eligible for the ~~medical assistance~~ medicaid program 69249
~~established under section 5111.01 of the Revised Code~~ shall be 69250
considered payment in full of the amount determined under division 69251
(E) of this section. 69252

(G) The department of health shall administer a program to 69253
provide services to Ohio residents who are twenty-one or more 69254
years of age who have cystic fibrosis and who meet the eligibility 69255
requirements established in rules adopted by the director of 69256
health pursuant to division (A)(7) of section 3701.021 of the 69257
Revised Code, subject to all provisions of this section, but not 69258
subject to section 3701.024 of the Revised Code. 69259

(H) The department of health shall provide for appeals, in 69260
accordance with rules adopted under section 3701.021 of the 69261
Revised Code, of denials of applications for the program for 69262
medically handicapped children under division (A) or (D) of this 69263
section, disqualification of providers, or amounts paid under 69264
division (E) of this section. Appeals under this division are not 69265
subject to Chapter 119. of the Revised Code. 69266

The department may designate ombudspersons to assist 69267
medically handicapped children or their parents or guardians, upon 69268
the request of the children, parents, or guardians, in filing 69269
appeals under this division and to serve as children's, parents', 69270
or guardians' advocates in matters pertaining to the 69271
administration of the program for medically handicapped children 69272
and eligibility for program services. The ombudspersons shall 69273
receive no compensation but shall be reimbursed by the department, 69274
in accordance with rules of the office of budget and management, 69275
for their actual and necessary travel expenses incurred in the 69276
performance of their duties. 69277

(I) The department of health, and city and general health 69278
districts providing service coordination pursuant to division 69279
(A)(2) of section 3701.024 of the Revised Code, shall provide 69280
service coordination in accordance with the standards set forth in 69281
the rules adopted under section 3701.021 of the Revised Code, 69282
without charge, and without restriction as to economic status. 69283

(J)(1) The department of health may establish a manufacturer 69284

discount program under which a manufacturer of a drug or 69285
nutritional formula is permitted to enter into an agreement with 69286
the department to provide a discount on the price of the drug or 69287
nutritional formula distributed to medically handicapped children 69288
participating in the program for medically handicapped children. 69289
The program shall be administered in accordance with rules adopted 69290
under section 3701.021 of the Revised Code. 69291

(2) If a manufacturer enters into an agreement with the 69292
department as described in division (J)(1) of this section, the 69293
manufacturer and the department may negotiate the amount and terms 69294
of the discount. 69295

(3) In lieu of establishing a discount program as described 69296
in division (J)(1) of this section, the department and a 69297
manufacturer of a drug or nutritional formula may discuss a 69298
donation of drugs, nutritional formulas, or money by the 69299
manufacturer to the department. 69300

Sec. 3701.024. (A)(1) Under a procedure established in rules 69301
adopted under section 3701.021 of the Revised Code, the department 69302
of health shall determine the amount each county shall provide 69303
annually for the program for medically handicapped children, based 69304
on a proportion of the county's total general property tax 69305
duplicate, not to exceed one-tenth of a mill, and charge the 69306
county for any part of expenses incurred under the program for 69307
treatment services on behalf of medically handicapped children 69308
having legal settlement in the county that is not paid from 69309
federal funds or through the ~~medical assistance~~ medicaid program 69310
~~established under section 5111.01 of the Revised Code.~~ The 69311
department shall not charge the county for expenses exceeding the 69312
difference between the amount determined under division (A)(1) of 69313
this section and any amounts retained under divisions (A)(2) and 69314
(3) of this section. 69315

All amounts collected by the department under division (A)(1) of this section shall be deposited into the state treasury to the credit of the medically handicapped children-county assessment fund, which is hereby created. The fund shall be used by the department to comply with sections 3701.021 to 3701.028 of the Revised Code.

(2) The department, in accordance with rules adopted under section 3701.021 of the Revised Code, may allow each county to retain up to ten per cent of the amount determined under division (A)(1) of this section to provide funds to city or general health districts of the county with which the districts shall provide service coordination, public health nursing, or transportation services for medically handicapped children.

(3) In addition to any amount retained under division (A)(2) of this section, the department, in accordance with rules adopted under section 3701.021 of the Revised Code, may allow counties that it determines have significant numbers of potentially eligible medically handicapped children to retain an amount equal to the difference between:

(a) Twenty-five per cent of the amount determined under division (A)(1) of this section;

(b) Any amount retained under division (A)(2) of this section.

Counties shall use amounts retained under division (A)(3) of this section to provide funds to city or general health districts of the county with which the districts shall conduct outreach activities to increase participation in the program for medically handicapped children.

(4) Prior to any increase in the millage charged to a county, the director of health shall hold a public hearing on the proposed increase and shall give notice of the hearing to each board of

county commissioners that would be affected by the increase at 69347
least thirty days prior to the date set for the hearing. Any 69348
county commissioner may appear and give testimony at the hearing. 69349
Any increase in the millage any county is required to provide for 69350
the program for medically handicapped children shall be 69351
determined, and notice of the amount of the increase shall be 69352
provided to each affected board of county commissioners, no later 69353
than the first day of June of the fiscal year next preceding the 69354
fiscal year in which the increase will take effect. 69355

(B) Each board of county commissioners shall establish a 69356
medically handicapped children's fund and shall appropriate 69357
thereto an amount, determined in accordance with division (A)(1) 69358
of this section, for the county's share in providing medical, 69359
surgical, and other aid to medically handicapped children residing 69360
in such county and for the purposes specified in divisions (A)(2) 69361
and (3) of this section. Each county shall use money retained 69362
under divisions (A)(2) and (3) of this section only for the 69363
purposes specified in those divisions. 69364

Sec. 3701.027. The department of health shall administer 69365
funds received from the "Maternal and Child Health Block Grant," 69366
Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 69367
U.S.C.A. 701, as amended, for programs including the program for 69368
medically handicapped children, and to provide technical 69369
assistance and consultation to city and general health districts 69370
and local health planning organizations in implementing local, 69371
community-based, family-centered, coordinated systems of care for 69372
medically handicapped children. The department may make grants to 69373
persons and other entities for the provision of services with the 69374
funds. In addition, the department may use the funds to purchase 69375
liability insurance covering the provision of services under the 69376
programs by physicians and other health care professionals, and to 69377
pay health insurance premiums on behalf of medically handicapped 69378

children participating in the program for medically handicapped 69379
children when the department determines, in accordance with 69380
criteria set forth in rules adopted under division (A)(9) of 69381
section 3701.021 of the Revised Code, that payment of the premiums 69382
is cost effective. 69383

In determining eligibility for services provided with funds 69384
received from the "Maternal and Child Health Block Grant," the 69385
department may use the application form established under section 69386
~~5111.013~~ 5163.40 of the Revised Code. The department may require 69387
applicants to furnish their social security numbers. Funds from 69388
the "Maternal and Child Health Block Grant" that are administered 69389
for the purpose of providing family planning services shall be 69390
distributed in accordance with section 3701.033 of the Revised 69391
Code. 69392

Sec. 3701.033. (A) This section establishes the order of 69393
priority to be followed by the department of health when 69394
distributing funds for the purpose of providing family planning 69395
services, including funds the department receives through the 69396
"Maternal and Child Health Block Grant," Title V of the "Social 69397
Security Act," 95 Stat. 818 (1981), 42 U.S.C. 701, as amended, and 69398
funds the department receives through Title X of the "Public 69399
Health Service Act," 84 Stat. 1504 (1970), 42 U.S.C. 300a, as 69400
amended. This section does not apply to grants awarded by the 69401
department under section 3701.046 of the Revised Code. 69402

(B) With respect to each period during which funds from a 69403
particular source are distributed for the purpose of providing 69404
family planning services, the department is subject to both of the 69405
following when distributing the funds to applicants seeking those 69406
funds: 69407

(1) Foremost priority shall be given to public entities that 69408
are operated by state or local government entities and that 69409

provide or are able to provide family planning services. 69410

(2) If any funds remain after the department distributes funds to public entities under division (B)(1) of this section, the department may distribute funds to nonpublic entities. If funds are distributed to nonpublic entities, the department shall distribute the funds in the following order of descending priority: 69411
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(a) Nonpublic entities that are federally qualified health centers or federally qualified health center look-alikes, both as defined in section 3701.047 of the Revised Code, or community action agencies, as defined in section 122.66 of the Revised Code; 69417
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(b) Nonpublic entities that provide comprehensive primary and preventive care services in addition to family planning services; 69421
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(c) Nonpublic entities that provide family planning services, but do not provide comprehensive primary and preventive care services. 69423
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Sec. 3701.13. The department of health shall have supervision of all matters relating to the preservation of the life and health of the people and have ultimate authority in matters of quarantine and isolation, which it may declare and enforce, when neither exists, and modify, relax, or abolish, when either has been established. The department may approve methods of immunization against the diseases specified in section 3313.671 of the Revised Code for the purpose of carrying out the provisions of that section and take such actions as are necessary to encourage vaccination against those diseases. 69426
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The department may make special or standing orders or rules for preventing the use of fluoroscopes for nonmedical purposes ~~which~~ that emit doses of radiation likely to be harmful to any person, for preventing the spread of contagious or infectious 69436
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diseases, for governing the receipt and conveyance of remains of 69440
deceased persons, and for such other sanitary matters as are best 69441
controlled by a general rule. Whenever possible, the department 69442
shall work in cooperation with the health commissioner of a 69443
general or city health district. ~~The~~ The department may make and 69444
enforce orders in local matters or reassign substantive authority 69445
for mandatory programs from a general or city health district to 69446
another general or city health district when an emergency exists, 69447
or when the board of health of a general or city health district 69448
has neglected or refused to act with sufficient promptness or 69449
efficiency, or when such board has not been established as 69450
provided by sections 3709.02, 3709.03, 3709.05, 3709.06, 3709.11, 69451
3709.12, and 3709.14 of the Revised Code. In such cases, the 69452
necessary expense incurred shall be paid by the general health 69453
district or city for which the services are rendered. 69454

The department of health may require general or city health 69455
districts to enter into agreements for shared services under 69456
section 9.482 of the Revised Code. The department shall prepare 69457
and offer to boards of health a model contract and memorandum of 69458
understanding that are easily adaptable for use by boards of 69459
health when entering into shared services agreements. The 69460
department also may offer financial and other technical assistance 69461
to boards of health to encourage the sharing of services. 69462

As a condition precedent to receiving funding from the 69463
department of health, the director of health may require general 69464
or city health districts to apply for accreditation by July 1, 69465
2018, and be accredited by July 1, 2020, by an accreditation body 69466
approved by the director. The director of health, by July 1, 2016, 69467
shall conduct an evaluation of general and city health district 69468
preparation for accreditation, including an evaluation of each 69469
district's reported public health quality indicators as provided 69470
for in section 3701.98 of the Revised Code. 69471

The department may make evaluative studies of the nutritional 69472
status of Ohio residents, and of the food and nutrition-related 69473
programs operating within the state. Every agency of the state, at 69474
the request of the department, shall provide information and 69475
otherwise assist in the execution of such studies. 69476

Sec. 3701.139. (A) The hope for a smile program is hereby 69477
established as a collaboration between the department of health 69478
and the following entities: 69479

(1) The Ohio dental association; 69480

(2) The Ohio dental hygienists association; 69481

(3) The Ohio state university college of dentistry and the 69482
dental hygiene program at that college; 69483

(4) Case western reserve university school of dental 69484
medicine; 69485

(5) Shawnee state university; 69486

(6) James A. Rhodes state college; 69487

(7) Columbus state community college; 69488

(8) Cuyahoga community college, metropolitan campus; 69489

(9) Youngstown state university; 69490

(10) Lorain county community college; 69491

(11) Lakeland community college; 69492

(12) University of Cincinnati; 69493

(13) Sinclair community college; 69494

(14) Owens community college; 69495

(15) Stark state college. 69496

The primary objective of the program is to improve the oral 69497
health of school-age children, which the general assembly declares 69498

to be one of the most unmet health care needs of this state. 69499
Services provided under the program shall be targeted at 69500
school-age children who are indigent and uninsured, although other 69501
children may be served. The advisory council appointed under 69502
division (H) of this section may recommend additional populations 69503
to be targeted. 69504

(B) With assistance from the director of administrative 69505
services and using the state's purchasing power, the director of 69506
health shall use money from any one or more of the following 69507
sources to purchase or secure the use of, maintain, and operate 69508
three buses equipped as mobile dental units: the economic 69509
development programs fund created in section 3772.17 of the 69510
Revised Code, the hope for a smile program fund created in 69511
division (F) of this section, and other public funds. 69512

(C) The director of health shall divide the state into three 69513
regions (northern, central, and southern) and assign one bus to 69514
each region. Dentists, dental hygienists, and faculty and staff of 69515
the dental and dental hygiene programs of this state shall staff 69516
each bus and travel to schools in their assigned regions, with 69517
priority given to schools attended by high numbers of children in 69518
the program's targeted population. Services shall be provided in 69519
accordance with Chapter 4715. of the Revised Code. 69520

(D) The director of health shall apply on the program's 69521
behalf to the department of medicaid for a medicaid provider 69522
agreement. The director also shall arrange with private insurance 69523
companies in this state for the program to be reimbursed for 69524
services provided to children who have coverage through those 69525
companies. 69526

(E) Service to the program by students of dental and dental 69527
hygiene programs whose faculty and staff participate in the 69528
program as described in division (C) of this section shall be 69529
recognized by the governor and general assembly as a workforce and 69530

economic development initiative. 69531

(F) The program may accept grants, donations, and awards. The 69532
program may seek reimbursement from the medicaid program for 69533
services provided to children who are medicaid recipients and from 69534
private insurance companies for services provided to children 69535
covered by policies issued by those companies. The program may 69536
apply for money allocated by the United States department of labor 69537
or other entities for workforce or economic development 69538
initiatives. 69539

Any funds received from a source described in this division 69540
shall be deposited into the hope for a smile program fund, which 69541
is hereby created. Any interest earned on money in the fund shall 69542
be credited to the fund. 69543

(G) Dentists and dental hygienists who provide services free 69544
of charge under the program may deduct the fair market value of 69545
such services in computing Ohio adjusted gross income under 69546
section 5747.01 of the Revised Code. 69547

(H) The director of health shall appoint the hope for a smile 69548
advisory council to advise the director in the adoption of rules 69549
under division (I) of this section. The council's membership shall 69550
consist of representatives of the Ohio dental association, the 69551
Ohio dental hygienists association, the Ohio state university 69552
college of dentistry, the case western reserve university school 69553
of dental medicine, the Ohio council of dental hygiene directors, 69554
and other members considered appropriate by the director. 69555

(I) In consultation with the advisory council, the director 69556
of health shall adopt rules as necessary to implement and 69557
administer this section. The rules shall be adopted in accordance 69558
with Chapter 119. of the Revised Code. 69559

(J) Not later than the first day of July each year, the 69560
director of health, with input from the advisory council, shall 69561

submit to the governor, president and minority leader of the 69562
senate, and the speaker and minority leader of the house of 69563
representatives a report on progress the program has made in 69564
achieving the objective expressed in division (A) of this section, 69565
saving money for the medicaid program and other safety net 69566
programs, and promoting workforce and economic development in this 69567
state. 69568

Sec. 3701.243. (A) Except as provided in this section or 69569
section 3701.248 of the Revised Code, no person or agency of state 69570
or local government that acquires the information while providing 69571
any health care service or while in the employ of a health care 69572
facility or health care provider shall disclose or compel another 69573
to disclose any of the following: 69574

(1) The identity of any individual on whom an HIV test is 69575
performed; 69576

(2) The results of an HIV test in a form that identifies the 69577
individual tested; 69578

(3) The identity of any individual diagnosed as having AIDS 69579
or an AIDS-related condition. 69580

(B)(1) Except as provided in divisions (B)(2), (C), (D), and 69581
(F) of this section, the results of an HIV test or the identity of 69582
an individual on whom an HIV test is performed or who is diagnosed 69583
as having AIDS or an AIDS-related condition may be disclosed only 69584
to the following: 69585

(a) The individual who was tested or the individual's legal 69586
guardian, and the individual's spouse or any sexual partner; 69587

(b) A person to whom disclosure is authorized by a written 69588
release, executed by the individual tested or by the individual's 69589
legal guardian and specifying to whom disclosure of the test 69590
results or diagnosis is authorized and the time period during 69591

which the release is to be effective; 69592

(c) The individual's physician; 69593

(d) The department of health or a health commissioner to 69594
which reports are made under section 3701.24 of the Revised Code; 69595

(e) A health care facility or provider that procures, 69596
processes, distributes, or uses a human body part from a deceased 69597
individual, donated for a purpose specified in Chapter 2108. of 69598
the Revised Code, and that needs medical information about the 69599
deceased individual to ensure that the body part is medically 69600
acceptable for its intended purpose; 69601

(f) Health care facility staff committees or accreditation or 69602
oversight review organizations conducting program monitoring, 69603
program evaluation, or service reviews; 69604

(g) A health care provider, emergency medical services 69605
worker, or peace officer who sustained a significant exposure to 69606
the body fluids of another individual, if that individual was 69607
tested pursuant to division (E)(6) of section 3701.242 of the 69608
Revised Code, except that the identity of the individual tested 69609
shall not be revealed; 69610

(h) To law enforcement authorities pursuant to a search 69611
warrant or a subpoena issued by or at the request of a grand jury, 69612
a prosecuting attorney, a city director of law or similar chief 69613
legal officer of a municipal corporation, or a village solicitor, 69614
in connection with a criminal investigation or prosecution. 69615

(2) The results of an HIV test or a diagnosis of AIDS or an 69616
AIDS-related condition may be disclosed to a health care provider, 69617
or an authorized agent or employee of a health care facility or a 69618
health care provider, if the provider, agent, or employee has a 69619
medical need to know the information and is participating in the 69620
diagnosis, care, or treatment of the individual on whom the test 69621
was performed or who has been diagnosed as having AIDS or an 69622

AIDS-related condition. 69623

This division does not impose a standard of disclosure 69624
different from the standard for disclosure of all other specific 69625
information about a patient to health care providers and 69626
facilities. Disclosure may not be requested or made solely for the 69627
purpose of identifying an individual who has a positive HIV test 69628
result or has been diagnosed as having AIDS or an AIDS-related 69629
condition in order to refuse to treat the individual. Referral of 69630
an individual to another health care provider or facility based on 69631
reasonable professional judgment does not constitute refusal to 69632
treat the individual. 69633

(3) Not later than ninety days after November 1, 1989, each 69634
health care facility in this state shall establish a protocol to 69635
be followed by employees and individuals affiliated with the 69636
facility in making disclosures authorized by division (B)(2) of 69637
this section. A person employed by or affiliated with a health 69638
care facility who determines in accordance with the protocol 69639
established by the facility that a disclosure is authorized by 69640
division (B)(2) of this section is immune from liability to any 69641
person in a civil action for damages for injury, death, or loss to 69642
person or property resulting from the disclosure. 69643

(C)(1) Any person or government agency may seek access to or 69644
authority to disclose the HIV test records of an individual in 69645
accordance with the following provisions: 69646

(a) The person or government agency shall bring an action in 69647
a court of common pleas requesting disclosure of or authority to 69648
disclose the results of an HIV test of a specific individual, who 69649
shall be identified in the complaint by a pseudonym but whose name 69650
shall be communicated to the court confidentially, pursuant to a 69651
court order restricting the use of the name. The court shall 69652
provide the individual with notice and an opportunity to 69653
participate in the proceedings if the individual is not named as a 69654

party. Proceedings shall be conducted in chambers unless the individual agrees to a hearing in open court.

(b) The court may issue an order granting the plaintiff access to or authority to disclose the test results only if the court finds by clear and convincing evidence that the plaintiff has demonstrated a compelling need for disclosure of the information that cannot be accommodated by other means. In assessing compelling need, the court shall weigh the need for disclosure against the privacy right of the individual tested and against any disservice to the public interest that might result from the disclosure, such as discrimination against the individual or the deterrence of others from being tested.

(c) If the court issues an order, it shall guard against unauthorized disclosure by specifying the persons who may have access to the information, the purposes for which the information shall be used, and prohibitions against future disclosure.

(2) A person or government agency that considers it necessary to disclose the results of an HIV test of a specific individual in an action in which it is a party may seek authority for the disclosure by filing an in camera motion with the court in which the action is being heard. In hearing the motion, the court shall employ procedures for confidentiality similar to those specified in division (C)(1) of this section. The court shall grant the motion only if it finds by clear and convincing evidence that a compelling need for the disclosure has been demonstrated.

(3) Except for an order issued in a criminal prosecution or an order under division (C)(1) or (2) of this section granting disclosure of the result of an HIV test of a specific individual, a court shall not compel a blood bank, hospital blood center, or blood collection facility to disclose the result of HIV tests performed on the blood of voluntary donors in a way that reveals the identity of any donor.

(4) In a civil action in which the plaintiff seeks to recover damages from an individual defendant based on an allegation that the plaintiff contracted the HIV virus as a result of actions of the defendant, the prohibitions against disclosure in this section do not bar discovery of the results of any HIV test given to the defendant or any diagnosis that the defendant suffers from AIDS or an AIDS-related condition.

(D) The results of an HIV test or the identity of an individual on whom an HIV test is performed or who is diagnosed as having AIDS or an AIDS-related condition may be disclosed to a federal, state, or local government agency, or the official representative of such an agency, for purposes of the ~~medical assistance~~ medicaid program established under section 5111.01 of the Revised Code, the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935) 42 U.S.C.A. 301, as amended, or any other public assistance program.

(E) Any disclosure pursuant to this section shall be in writing and accompanied by a written statement that includes the following or substantially similar language: "This information has been disclosed to you from confidential records protected from disclosure by state law. You shall make no further disclosure of this information without the specific, written, and informed release of the individual to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is not sufficient for the purpose of the release of HIV test results or diagnoses."

(F) An individual who knows that the individual has received a positive result on an HIV test or has been diagnosed as having AIDS or an AIDS-related condition shall disclose this information to any other person with whom the individual intends to make common use of a hypodermic needle or engage in sexual conduct as defined in section 2907.01 of the Revised Code. An individual's

compliance with this division does not prohibit a prosecution of 69719
the individual for a violation of division (B) of section 2903.11 69720
of the Revised Code. 69721

(G) Nothing in this section prohibits the introduction of 69722
evidence concerning an HIV test of a specific individual in a 69723
criminal proceeding. 69724

Sec. 3701.261. (A) As used in this section, "state 69725
university" has the same meaning as in section 3345.011 of the 69726
Revised Code. 69727

(B) The director of health shall: 69728

(1) Establish a population-based cancer registry, which shall 69729
be known as the Ohio cancer incidence surveillance system, to 69730
monitor the incidence of various types of malignant diseases in 69731
Ohio, make appropriate epidemiologic studies to determine any 69732
causal relations of such diseases with occupational, nutritional, 69733
environmental, or infectious conditions, and alleviate or 69734
eliminate any such conditions; 69735

(2) Advise, consult, cooperate with, and assist, by contract 69736
or otherwise, agencies of the state and federal government, 69737
agencies of the governments of other states, agencies of political 69738
subdivisions of this state, universities, private organizations, 69739
corporations, and associations for the purposes of division 69740
~~(A)~~(B)(1) of this section; 69741

(3) Accept and administer grants from the federal government 69742
or other sources, public or private, for carrying out any of the 69743
functions enumerated in divisions ~~(A)~~(B)(1) and (2) of this 69744
section. 69745

~~(B)~~(C) The Ohio cancer incidence surveillance system shall 69746
follow a model of cancer data collection as set forth by the 69747
survey epidemiology and end results system (SEERS). 69748

(D) The department may, by contract, designate a state university as an agent to implement some or all of this section and section 3701.262 of the Revised Code and the rules adopted under those sections. 69749
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Sec. 3701.262. (A) As used in this section ~~and section 3701.263 of the Revised Code:~~ 69753
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(1) "Physician" means a person who holds a valid certificate issued under Chapter 4731. of the Revised Code authorizing the person to practice medicine ~~or~~ and surgery or osteopathic medicine and surgery. 69755
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(2) "Dentist" means a person who is licensed under Chapter 4715. of the Revised Code to practice dentistry. 69759
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(3) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 69761
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(4) "Cancer" includes those diseases specified by rule of the director of health under division (B)(2) of this section. 69763
69764

(B) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following: 69765
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(1) Establish the Ohio cancer incidence surveillance system required by section 3701.261 of the Revised Code; 69767
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(2) Specify the types of cancer and other tumorous and precancerous diseases to be reported to the department of health under division (D) of this section; 69769
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(3) Establish reporting requirements for information concerning diagnosed cancer cases as the director considers necessary to conduct epidemiologic surveys of cancer in this state; 69772
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(4) Establish standards that must be met by research projects to be eligible to receive information concerning individual cancer 69776
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~~patients from the department of health under division (B) of
section 3701.263 of the Revised Code.~~ 69778
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(C) The department of health shall record in the registry all 69780
reports of cancer received by it. In the development and 69781
administration of the cancer registry the department may use 69782
information compiled by public or private cancer registries and 69783
may contract for the collection and analysis of, and research 69784
related to, the information recorded under this section. 69785

(D)(1) Each physician, dentist, hospital, or person providing 69786
diagnostic or treatment services to patients with cancer shall 69787
report each case of cancer to the department. Any person required 69788
to report pursuant to this section may elect to report to the 69789
department through an existing cancer registry if the registry 69790
meets the reporting standards established by the director and 69791
reports to the department. 69792

(2) No person shall fail to make the cancer reports required 69793
by division (D)(1) of this section. 69794

(E) All physicians, dentists, hospitals, or persons providing 69795
diagnostic or treatment services to patients with cancer shall 69796
grant to the department or its authorized representative access to 69797
all records that identify cases of cancer or establish 69798
characteristics of cancer, the treatment of cancer, or the medical 69799
status of any identified cancer patient. 69800

(F) The Arthur G. James cancer hospital and Richard J. Solove 69801
research institute of the Ohio state university, shall analyze and 69802
evaluate the cancer reports collected pursuant to this section. 69803
The department shall publish and make available to the public 69804
reports summarizing the information collected. Reports shall be 69805
made on a calendar year basis and published not later than ninety 69806
days after the end of each calendar year. 69807

(G) Furnishing information, including records, reports, 69808

statements, notes, memoranda, or other information, to the 69809
department of health, either voluntarily or as required by this 69810
section, or to a person or governmental entity designated as a 69811
medical research project by the department, does not subject a 69812
physician, dentist, hospital, or person providing diagnostic or 69813
treatment services to patients with cancer to liability in an 69814
action for damages or other relief for furnishing the information. 69815

(H) This section does not affect the authority of any person 69816
or facility providing diagnostic or treatment services to patients 69817
with cancer to maintain facility-based tumor registries, in 69818
addition to complying with the reporting requirements of this 69819
section. 69820

~~(I) No person shall fail to make the cancer reports required 69821
by division (D) of this section. 69822~~

Sec. 3701.264. There is hereby created the Ohio cancer 69823
incidence surveillance system advisory board. The board shall 69824
consist of the director of health, who shall serve as chair of the 69825
board, and one representative, appointed by the governor, from 69826
each medical school accredited by the liaison committee on medical 69827
education and each osteopathic medical school accredited by the 69828
American osteopathic association in Ohio. In addition, the 69829
director of health shall appoint up to three additional members of 69830
the board. Vacancies on the board shall be filled in the same 69831
manner as the initial appointments. Members shall serve without 69832
compensation. 69833

The board shall provide oversight of the collection and 69834
analysis of data by the Ohio cancer incidence surveillance system 69835
to the director of health and the Arthur G. James cancer hospital 69836
and Richard J. Solove research institute of the Ohio state 69837
university and advise in the implementation of sections 3701.261 69838
~~to 3701.263~~ and 3701.262 of the Revised Code. The board shall meet 69839

and conduct its business as directed by the chair. 69840

~~The board shall report to the finance committees of both 69841
houses of the general assembly, not later than March 1, 2001, on 69842
the progress made in implementing sections 3701.261 to 3701.263 of 69843
the Revised Code. 69844~~

The board is not subject to sections 101.82 to 101.87 of the 69845
Revised Code. 69846

~~Sec. 3701.342. After consultation with the public health 69847
standards task force established under section 3701.343 of the 69848
Revised Code, the The director of health shall adopt rules 69849
establishing minimum standards and optimum achievable standards 69850
for boards of health and local health departments. The minimum 69851
standards shall assure that boards of health and local health 69852
departments provide for: 69853~~

(A) Analysis and prevention of communicable disease; 69854

(B) Analysis of the causes of, and appropriate treatment for, 69855
the leading causes of morbidity and mortality; 69856

(C) The administration and management of the local health 69857
department; 69858

(D) Access to primary health care by medically underserved 69859
individuals; 69860

(E) Environmental health management programs; 69861

(F) Health promotion services designed to encourage 69862
individual and community wellness; 69863

(G) Annual completion of two hours of continuing education by 69864
each member of a board of health. The minimum standards shall 69865
provide that continuing education credits shall pertain to ethics, 69866
public health principles, and a member's responsibilities. Credits 69867
may be earned in these topics at pertinent presentations that may 69868

occur during regularly scheduled board meetings throughout the 69869
calendar year or at other programs available for continuing 69870
education credit. The director of health may assist local boards 69871
of health of general and city health districts in coordinating 69872
approved continuing education programs sponsored by health care 69873
licensing boards, commissions, or associations. The minimum 69874
standards also shall provide that continuing education credits 69875
earned for the purpose of license renewal or certification by 69876
licensed health professionals serving on boards of health may be 69877
counted to fulfill the two-hour continuing education requirement. 69878

The director shall adopt rules establishing a formula for 69879
distribution of state health district subsidy funds to boards of 69880
health and local health departments. The formula shall provide no 69881
subsidy funds to a board or department unless it meets minimum 69882
standards and shall provide higher funding levels for boards and 69883
districts that meet optimum achievable standards. 69884

Notwithstanding section 119.03 of the Revised Code, rules 69885
adopted under this section shall not take effect unless approved 69886
by concurrent resolution of the general assembly. 69887

Sec. 3701.344. As used in this section and sections 3701.345, 69888
3701.346, and 3701.347 of the Revised Code: 69889

(A) "Private water system" means any water system for the 69890
provision of water for human consumption, if such system has fewer 69891
than fifteen service connections and does not regularly serve an 69892
average of at least twenty-five individuals daily at least sixty 69893
days out of the year. A private water system includes any well, 69894
spring, cistern, pond, or hauled water and any equipment for the 69895
collection, transportation, filtration, disinfection, treatment, 69896
or storage of such water extending from and including the source 69897
of the water to the point of discharge from any pressure tank or 69898
other storage vessel; to the point of discharge from the water 69899

pump where no pressure tank or other storage vessel is present; 69900
or, in the case of multiple service connections serving more than 69901
one dwelling, to the point of discharge from each service 69902
connection. "Private water system" does not include the water 69903
service line extending from the point of discharge to a structure. 69904

(B) Notwithstanding section 3701.347 of the Revised Code and 69905
subject to division (C) of this section, rules adopted by the 69906
director of health regarding private water systems shall provide 69907
for the following: 69908

(1) Except as otherwise provided in this division, boards of 69909
health of city or general health districts shall be given the 69910
exclusive power to establish fees in accordance with section 69911
3709.09 of the Revised Code for administering and enforcing such 69912
rules. Such fees shall establish a different rate for 69913
administering and enforcing the rules relative to private water 69914
systems serving single-family dwelling houses and nonsingle-family 69915
dwelling houses. Except for an amount established by the director, 69916
pursuant to division (B)(5) of this section, for each new private 69917
water system installation, no portion of any fee for administering 69918
and enforcing such rules shall be returned to the department of 69919
health. If the director of health determines that a board of 69920
health of a city or general health district is unable to 69921
administer and enforce a private water system program in the 69922
district, the director shall administer and enforce such a program 69923
in the district and establish fees for such administration and 69924
enforcement. 69925

(2) Boards of health of city or general health districts 69926
shall be given the exclusive power to determine the number of 69927
inspections necessary for determining the safe drinking 69928
characteristics of a private water system. 69929

(3) Private water systems contractors, as a condition of 69930
doing business in this state, shall annually register with, and 69931

comply with surety bonding requirements of, the department of 69932
health. No such contractor shall be permitted to register if the 69933
contractor fails to comply with all applicable rules adopted by 69934
the director and the board of health of the city or general health 69935
district. The annual registration fee for private water systems 69936
contractors shall be sixty-five dollars. The director, by rule 69937
adopted in accordance with Chapter 119. of the Revised Code, may 69938
increase the annual registration fee. 69939

(4) Subject to rules adopted by the director, boards of 69940
health of city or general health districts shall have the option 69941
of determining whether bacteriological examinations shall be 69942
performed at approved laboratories of the state or at approved 69943
private laboratories. 69944

(5) The director may establish fees for each new private 69945
water system installation, which shall be collected by the 69946
appropriate board of health and transmitted to the director 69947
pursuant to section 3709.092 of the Revised Code. 69948

(6) All fees received by the director of health under 69949
divisions (B)(1), (3), and (5) of this section shall be deposited 69950
in the state treasury to the credit of the general operations fund 69951
created in section 3701.83 of the Revised Code for use in the 69952
administration and enforcement of sections 3701.344 to 3701.347 of 69953
the Revised Code and the rules pertaining to private water systems 69954
adopted under those sections. 69955

(C) To the extent that rules adopted under division (B) of 69956
this section require health districts to follow specific 69957
procedures or use prescribed forms, no such procedure or form 69958
shall be implemented until it is approved by majority vote of an 69959
approval board of health commissioners, hereby created. Members of 69960
the board shall be the officers of the association of Ohio health 69961
commissioners, or any successor organization, and membership on 69962
the board shall be coterminous with holding an office of the 69963

association. No health district is required to follow a procedure 69964
or use a form required by a rule adopted under division (B) of 69965
this section without the approval of the board. 69966

(D) A board of health shall collect well log filing fees on 69967
behalf of the division of soil and water resources in the 69968
department of natural resources in accordance with section 1521.05 69969
of the Revised Code and rules adopted under it. The fees shall be 69970
submitted to the division quarterly as provided in those rules. 69971

(E) A water system that will be used in agriculture and that 69972
does not provide water for human consumption shall not be required 69973
to obtain a permit or license issued under, pay any fees assessed 69974
or levied under, or comply with any rule adopted under sections 69975
3701.34 to 3701.347 of the Revised Code. 69976

Sec. 3701.507. (A) To assist in implementing sections 69977
3701.503 to 3701.509 of the Revised Code, the medically 69978
handicapped children's medical advisory council created in section 69979
3701.025 of the Revised Code shall appoint a permanent infant 69980
hearing screening subcommittee. The subcommittee shall consist of 69981
the following members: 69982

(1) One otolaryngologist; 69983

(2) One neonatologist; 69984

(3) One pediatrician; 69985

(4) One neurologist; 69986

(5) One hospital administrator; 69987

(6) Two or more audiologists who are experienced in infant 69988
hearing screening and evaluation; 69989

(7) One speech-language pathologist licensed under section 69990
4753.07 of the Revised Code; 69991

(8) Two persons who are each a parent of a hearing-impaired 69992

child;	69993
(9) One geneticist;	69994
(10) One epidemiologist;	69995
(11) One adult who is deaf or hearing impaired;	69996
(12) One representative from an organization for the deaf or hearing impaired;	69997 69998
(13) One family advocate;	69999
(14) One nurse from a well-baby neonatal nursery;	70000
(15) One nurse from a special care neonatal nursery;	70001
(16) One teacher of the deaf who works with infants and toddlers;	70002 70003
(17) One representative of the health insurance industry;	70004
(18) One representative of the bureau for children with medical handicaps;	70005 70006
(19) One representative of the department of education;	70007
(20) One representative of the Ohio department of job and family services who has responsibilities regarding medicaid;	70008 70009
(21) Any other person the advisory council appoints.	70010
(B) The infant hearing subcommittee shall:	70011
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	70012 70013 70014
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code;	70015 70016 70017
(3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including	70018 70019 70020

all of the following:	70021
(a) Establishment under section 3701.504 of the Revised Code	70022
of the statewide hearing screening, tracking, and early	70023
intervention program to identify newborn and infant hearing	70024
impairment;	70025
(b) Identification of locations where hearing evaluations may	70026
be conducted;	70027
(c) Recommendations for methods and techniques of hearing	70028
screening and hearing evaluation;	70029
(d) Referral, data recording and compilation, and procedures	70030
to encourage follow-up hearing care;	70031
(e) Maintenance of a register of newborns and infants who do	70032
not pass the hearing screening;	70033
(f) Preparation of the information required by section	70034
3701.506 of the Revised Code.	70035
Sec. 3701.74. (A) As used in this section and section	70036
3701.741 of the Revised Code:	70037
(1) "Ambulatory care facility" means a facility that provides	70038
medical, diagnostic, or surgical treatment to patients who do not	70039
require hospitalization, including a dialysis center, ambulatory	70040
surgical facility, cardiac catheterization facility, diagnostic	70041
imaging center, extracorporeal shock wave lithotripsy center, home	70042
health agency, inpatient hospice, birthing center, radiation	70043
therapy center, emergency facility, and an urgent care center.	70044
"Ambulatory care facility" does not include the private office of	70045
a physician or dentist, whether the office is for an individual or	70046
group practice.	70047
(2) "Chiropractor" means an individual licensed under Chapter	70048
4734. of the Revised Code to practice chiropractic.	70049

(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	70050 70051 70052
(4) "Health care practitioner" means all of the following:	70053
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	70054 70055
(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	70056 70057
(c) An optometrist licensed under Chapter 4725. of the Revised Code;	70058 70059
(d) A dispensing optician, spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	70060 70061 70062 70063
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	70064 70065
(f) A physician;	70066
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	70067 70068
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	70069 70070
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	70071 70072
(j) A chiropractor;	70073
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	70074 70075
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	70076 70077
(m) An occupational therapist or occupational therapy	70078

assistant licensed under Chapter 4755. of the Revised Code; 70079

(n) A physical therapist or physical therapy assistant 70080
licensed under Chapter 4755. of the Revised Code; 70081

(o) A professional clinical counselor, professional 70082
counselor, social worker, or independent social worker licensed, 70083
or a social work assistant registered, under Chapter 4757. of the 70084
Revised Code; 70085

(p) A dietitian licensed under Chapter 4759. of the Revised 70086
Code; 70087

(q) A respiratory care professional licensed under Chapter 70088
4761. of the Revised Code; 70089

(r) An emergency medical technician-basic, emergency medical 70090
technician-intermediate, or emergency medical technician-paramedic 70091
certified under Chapter 4765. of the Revised Code. 70092

(5) "Health care provider" means a hospital, ambulatory care 70093
facility, long-term care facility, pharmacy, emergency facility, 70094
or health care practitioner. 70095

(6) "Hospital" has the same meaning as in section 3727.01 of 70096
the Revised Code. 70097

(7) "Long-term care facility" means a nursing home, 70098
residential care facility, or home for the aging, as those terms 70099
are defined in section 3721.01 of the Revised Code; a residential 70100
facility licensed under section ~~5119.22~~ 5119.34 of the Revised 70101
Code that provides accommodations, supervision, and personal care 70102
services for three to sixteen unrelated adults; a nursing facility 70103
~~or intermediate care facility for the mentally retarded, as those~~ 70104
~~terms are defined in section 5111.20~~ 5165.01 of the Revised Code; 70105
~~a facility or portion of a facility certified as a skilled nursing~~ 70106
~~facility under Title XVIII of the "Social Security Act," 49 Stat.~~ 70107
~~286 (1965), 42 U.S.C.A. 1395, as amended, as defined in section~~ 70108

5165.01 of the Revised Code; and an intermediate care facility for 70109
individuals with intellectual disabilities, as defined in section 70110
5124.01 of the Revised Code. 70111

(8) "Medical record" means data in any form that pertains to 70112
a patient's medical history, diagnosis, prognosis, or medical 70113
condition and that is generated and maintained by a health care 70114
provider in the process of the patient's health care treatment. 70115

(9) "Medical records company" means a person who stores, 70116
locates, or copies medical records for a health care provider, or 70117
is compensated for doing so by a health care provider, and charges 70118
a fee for providing medical records to a patient or patient's 70119
representative. 70120

(10) "Patient" means either of the following: 70121

(a) An individual who received health care treatment from a 70122
health care provider; 70123

(b) A guardian, as defined in section 1337.11 of the Revised 70124
Code, of an individual described in division (A)(10)(a) of this 70125
section. 70126

(11) "Patient's personal representative" means a minor 70127
patient's parent or other person acting in loco parentis, a 70128
court-appointed guardian, or a person with durable power of 70129
attorney for health care for a patient, the executor or 70130
administrator of the patient's estate, or the person responsible 70131
for the patient's estate if it is not to be probated. "Patient's 70132
personal representative" does not include an insurer authorized 70133
under Title XXXIX of the Revised Code to do the business of 70134
sickness and accident insurance in this state, a health insuring 70135
corporation holding a certificate of authority under Chapter 1751. 70136
of the Revised Code, or any other person not named in this 70137
division. 70138

(12) "Pharmacy" has the same meaning as in section 4729.01 of 70139

the Revised Code. 70140

(13) "Physician" means a person authorized under Chapter 70141
4731. of the Revised Code to practice medicine and surgery, 70142
osteopathic medicine and surgery, or podiatric medicine and 70143
surgery. 70144

(14) "Authorized person" means a person to whom a patient has 70145
given written authorization to act on the patient's behalf 70146
regarding the patient's medical record. 70147

(B) A patient, a patient's personal representative or an 70148
authorized person who wishes to examine or obtain a copy of part 70149
or all of a medical record shall submit to the health care 70150
provider a written request signed by the patient, personal 70151
representative, or authorized person dated not more than one year 70152
before the date on which it is submitted. The request shall 70153
indicate whether the copy is to be sent to the requestor, 70154
physician or chiropractor, or held for the requestor at the office 70155
of the health care provider. Within a reasonable time after 70156
receiving a request that meets the requirements of this division 70157
and includes sufficient information to identify the record 70158
requested, a health care provider that has the patient's medical 70159
records shall permit the patient to examine the record during 70160
regular business hours without charge or, on request, shall 70161
provide a copy of the record in accordance with section 3701.741 70162
of the Revised Code, except that if a physician or chiropractor 70163
who has treated the patient determines for clearly stated 70164
treatment reasons that disclosure of the requested record is 70165
likely to have an adverse effect on the patient, the health care 70166
provider shall provide the record to a physician or chiropractor 70167
designated by the patient. The health care provider shall take 70168
reasonable steps to establish the identity of the person making 70169
the request to examine or obtain a copy of the patient's record. 70170

(C) If a health care provider fails to furnish a medical 70171

record as required by division (B) of this section, the patient, 70172
personal representative, or authorized person who requested the 70173
record may bring a civil action to enforce the patient's right of 70174
access to the record. 70175

(D)(1) This section does not apply to medical records whose 70176
release is covered by section 173.20 or 3721.13 of the Revised 70177
Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. 70178
part 2, "Confidentiality of Alcohol and Drug Abuse Patient 70179
Records," or by 42 C.F.R. 483.10. 70180

(2) Nothing in this section is intended to supersede the 70181
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 70182
and 2305.252 of the Revised Code. 70183

Sec. 3701.741. (A) Each health care provider and medical 70184
records company shall provide copies of medical records in 70185
accordance with this section. 70186

(B) Except as provided in divisions (C) and (E) of this 70187
section, a health care provider or medical records company that 70188
receives a request for a copy of a patient's medical record shall 70189
charge not more than the amounts set forth in this section. 70190

(1) If the request is made by the patient or the patient's 70191
personal representative, total costs for copies and all services 70192
related to those copies shall not exceed the sum of the following: 70193

(a) Except as provided in division (B)(1)(b) of this section, 70194
with respect to data recorded on paper or electronically, the 70195
following amounts adjusted in accordance with section 3701.742 of 70196
the Revised Code: 70197

(i) Two dollars and seventy-four cents per page for the first 70198
ten pages; 70199

(ii) Fifty-seven cents per page for pages eleven through 70200
fifty; 70201

(iii) Twenty-three cents per page for pages fifty-one and higher; 70202
70203

(b) With respect to data resulting from an x-ray, magnetic resonance imaging (MRI), or computed axial tomography (CAT) scan and recorded on paper or film, one dollar and eighty-seven cents per page; 70204
70205
70206
70207

(c) The actual cost of any related postage incurred by the health care provider or medical records company. 70208
70209

(2) If the request is made other than by the patient or the patient's personal representative, total costs for copies and all services related to those copies shall not exceed the sum of the following: 70210
70211
70212
70213

(a) An initial fee of sixteen dollars and eighty-four cents adjusted in accordance with section 3701.742 of the Revised Code, which shall compensate for the records search; 70214
70215
70216

(b) Except as provided in division (B)(2)(c) of this section, with respect to data recorded on paper or electronically, the following amounts adjusted in accordance with section 3701.742 of the Revised Code: 70217
70218
70219
70220

(i) One dollar and eleven cents per page for the first ten pages; 70221
70222

(ii) Fifty-seven cents per page for pages eleven through fifty; 70223
70224

(iii) Twenty-three cents per page for pages fifty-one and higher. 70225
70226

(c) With respect to data resulting from an x-ray, magnetic resonance imaging (MRI), or computed axial tomography (CAT) scan and recorded on paper or film, one dollar and eighty-seven cents per page; 70227
70228
70229
70230

(d) The actual cost of any related postage incurred by the 70231

health care provider or medical records company. 70232

(C)(1) On request, a health care provider or medical records 70233
company shall provide one copy of the patient's medical record and 70234
one copy of any records regarding treatment performed subsequent 70235
to the original request, not including copies of records already 70236
provided, without charge to the following: 70237

(a) The bureau of workers' compensation, in accordance with 70238
Chapters 4121. and 4123. of the Revised Code and the rules adopted 70239
under those chapters; 70240

(b) The industrial commission, in accordance with Chapters 70241
4121. and 4123. of the Revised Code and the rules adopted under 70242
those chapters; 70243

(c) The department of ~~job and family services~~ medicaid or a 70244
county department of job and family services, in accordance with 70245
Chapters ~~5101.~~ 5160., 5161., 5162., 5163., 5164., 5165., 5166., 70246
and ~~5111.~~ 5167. of the Revised Code and the rules adopted under 70247
those chapters; 70248

(d) The attorney general, in accordance with sections 2743.51 70249
to 2743.72 of the Revised Code and any rules that may be adopted 70250
under those sections; 70251

(e) A patient, patient's personal representative, or 70252
authorized person if the medical record is necessary to support a 70253
claim under Title II or Title XVI of the "Social Security Act," 49 70254
Stat. 620 (1935), 42 U.S.C.A. 401 and 1381, as amended, and the 70255
request is accompanied by documentation that a claim has been 70256
filed. 70257

(2) Nothing in division (C)(1) of this section requires a 70258
health care provider or medical records company to provide a copy 70259
without charge to any person or entity not listed in division 70260
(C)(1) of this section. 70261

(D) Division (C) of this section shall not be construed to 70262
supersede any rule of the bureau of workers' compensation, the 70263
industrial commission, or the department of ~~job and family~~ 70264
~~services~~ medicaid. 70265

(E) A health care provider or medical records company may 70266
enter into a contract with either of the following for the copying 70267
of medical records at a fee other than as provided in division (B) 70268
of this section: 70269

(1) A patient, a patient's personal representative, or an 70270
authorized person; 70271

(2) An insurer authorized under Title XXXIX of the Revised 70272
Code to do the business of sickness and accident insurance in this 70273
state or health insuring corporations holding a certificate of 70274
authority under Chapter 1751. of the Revised Code. 70275

(F) This section does not apply to medical records the 70276
copying of which is covered by section 173.20 of the Revised Code 70277
or by 42 C.F.R. 483.10. 70278

Sec. 3701.742. ~~Not later than January 31, 2006, the~~ The 70279
amounts specified in division (B) of section 3701.741 of the 70280
Revised Code ~~and, not later than the first day of January of each~~ 70281
~~year thereafter,~~ shall be adjusted annually in accordance with 70282
this section. These amounts plus any amounts previously 70283
computed by annual adjustments made under this section, shall be increased 70284
or decreased by the average percentage of increase or decrease in 70285
the consumer price index for all urban consumers (United States 70286
city average, all items), prepared by the United States department 70287
of labor, bureau of labor statistics, for the 70288
~~twelve calendar month period prior to the~~ immediately preceding 70289
~~first day of January~~ calendar year over the calendar year 70290
immediately preceding ~~twelve calendar month period~~ that year, as 70291
reported by the bureau. The director of health shall make this 70292

determination and adjust the amounts accordingly. The director 70293
shall ~~provide a list of the adjusted amounts to any party upon~~ 70294
~~request and the department of health shall make the~~ a list of the 70295
adjusted amounts available to the public on ~~its~~ the internet web 70296
site maintained by the department of health. 70297

Sec. 3701.78. (A) There is hereby created the commission on 70298
minority health, consisting of twenty-one members. The governor 70299
shall appoint to the commission nine members from among health 70300
researchers, health planners, and health professionals. The 70301
governor also shall appoint two members who are representatives of 70302
the lupus awareness and education program. The speaker of the 70303
house of representatives shall appoint to the commission two 70304
members of the house of representatives, not more than one of whom 70305
is a member of the same political party, and the president of the 70306
senate shall appoint to the commission two members of the senate, 70307
not more than one of whom is a member of the same political party. 70308
The following shall be members of the commission: the directors of 70309
health, ~~mental health~~ mental health and addiction services, 70310
developmental disabilities, ~~alcohol and drug addiction services,~~ 70311
and job and family services, or their designees; the medicaid 70312
director, or the director's designee; and the superintendent of 70313
public instruction, or the superintendent's designee, ~~shall be~~ 70314
~~members of the commission.~~ The 70315

The commission shall elect a chairperson from among its 70316
members. ~~Of~~ 70317

Of the members appointed by the governor, five shall be 70318
appointed to initial terms of one year, and four shall be 70319
appointed to initial terms of two years. Thereafter, all members 70320
appointed by the governor shall be appointed to terms of two 70321
years. All members of the commission appointed by the speaker of 70322
the house of representatives or the president of the senate shall 70323

be nonvoting members of the commission and be appointed within 70324
thirty days after the commencement of the first regular session of 70325
each general assembly, and shall serve until the expiration of the 70326
session of the general assembly during which they were appointed. 70327

~~Members~~ 70328

Members of the commission shall serve without compensation, 70329
but shall be reimbursed for the actual and necessary expenses they 70330
incur in the performance of their official duties. 70331

(B) The commission shall promote health and the prevention of 70332
disease among members of minority groups. Each year the commission 70333
shall distribute grants from available funds to community-based 70334
health groups to be used to promote health and the prevention of 70335
disease among members of minority groups. As used in this 70336
division, "minority group" means any of the following economically 70337
disadvantaged groups: Blacks, American Indians, Hispanics, and 70338
Orientals. The commission shall adopt and maintain rules pursuant 70339
to Chapter 119. of the Revised Code to provide for the 70340
distribution of these grants. No group shall qualify to receive a 70341
grant from the commission unless it receives at least twenty per 70342
cent of its funds from sources other than grants distributed under 70343
this section. 70344

(C) The commission may appoint such employees as it considers 70345
necessary to carry out its duties under this section. The 70346
department of health shall provide office space for the 70347
commission. 70348

(D) The commission shall meet at the call of its chairperson 70349
to conduct its official business. A majority of the voting members 70350
of the commission constitute a quorum. The votes of at least eight 70351
voting members of the commission are necessary for the commission 70352
to take any official action or to approve the distribution of 70353
grants under this section. 70354

Sec. 3701.83. (A) There is hereby created in the state treasury the general operations fund. Moneys in the fund shall be used for the purposes specified in sections 3701.04, 3701.344, 3702.20, 3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 4747.04, ~~4751.04~~, and 4769.09 of the Revised Code.

(B) The alcohol testing program fund is hereby created in the state treasury. The director of health shall use the fund to administer and enforce the alcohol testing and permit program authorized by section 3701.143 of the Revised Code.

The fund shall receive transfers from the liquor control fund created under section 4301.12 of the Revised Code. All investment earnings of the alcohol testing program fund shall be credited to the fund.

Sec. 3701.832. There is created in the state treasury the department of health medicaid fund. All funds the department of health receives for the purpose of paying the expenses the department incurs under the medicaid program shall be deposited into the fund. The department shall use the money in the fund to pay the expenses the department incurs under the medicaid program.

Sec. 3701.881. (A) As used in this section:

(1) "Applicant" means a person who is under final consideration for employment with a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual or is referred to a home health agency by an employment service for such a position.

(2) "Community-based long-term care agency provider" ~~has the same meaning~~ means a provider as defined in section 173.39 of the

Revised Code. 70384

(3) "Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code. 70385
70386

(4) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 70387
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~~(4)~~(5) "Direct care" means any of the following: 70389

(a) Any service identified in divisions (A)~~(7)~~(8)(a) to (f) of this section that is provided in a patient's place of residence used as the patient's home; 70390
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(b) Any activity that requires the person performing the activity to be routinely alone with a patient or to routinely have access to a patient's personal property or financial documents regarding a patient; 70393
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(c) For each home health agency individually, any other routine service or activity that the chief administrator of the home health agency designates as direct care. 70397
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~~(5)~~(6) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 70400
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~~(6)~~(7) "Employee" means a person employed by a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual and a person who works in such a position due to being referred to a home health agency by an employment service. 70403
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~~(7)~~(8) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, hospice care program, or pediatric respite care program, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home: 70408
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(a) Skilled nursing care; 70413

(b) Physical therapy;	70414
(c) Speech-language pathology;	70415
(d) Occupational therapy;	70416
(e) Medical social services;	70417
(f) Home health aide services.	70418
(8) <u>(9)</u> "Home health aide services" means any of the following	70419
services provided by an employee of a home health agency:	70420
(a) Hands-on bathing or assistance with a tub bath or shower;	70421
(b) Assistance with dressing, ambulation, and toileting;	70422
(c) Catheter care but not insertion;	70423
(d) Meal preparation and feeding.	70424
(9) <u>(10)</u> "Hospice care program" and "pediatric respite care	70425
program" have the same meanings as in section 3712.01 of the	70426
Revised Code.	70427
(10) <u>(11)</u> "Medical social services" means services provided by	70428
a social worker under the direction of a patient's attending	70429
physician.	70430
(11) <u>(12)</u> "Minor drug possession offense" has the same meaning	70431
as in section 2925.01 of the Revised Code.	70432
(12) <u>(13)</u> "Nursing home," "residential care facility," and	70433
"skilled nursing care" have the same meanings as in section	70434
3721.01 of the Revised Code.	70435
(13) <u>(14)</u> "Occupational therapy" has the same meaning as in	70436
section 4755.04 of the Revised Code.	70437
(14) <u>(15)</u> "Physical therapy" has the same meaning as in	70438
section 4755.40 of the Revised Code.	70439
(15) <u>(16)</u> "Social worker" means a person licensed under	70440
Chapter 4757. of the Revised Code to practice as a social worker	70441

or independent social worker. 70442

~~(16)~~(17) "Speech-language pathology" has the same meaning as 70443
in section 4753.01 of the Revised Code. 70444

~~(17)~~(18) "Waiver agency" has the same meaning as in section 70445
~~5111.033~~ 5164.342 of the Revised Code. 70446

(B) No home health agency shall employ an applicant or 70447
continue to employ an employee in a position that involves 70448
providing direct care to an individual if any of the following 70449
apply: 70450

(1) A review of the databases listed in division (D) of this 70451
section reveals any of the following: 70452

(a) That the applicant or employee is included in one or more 70453
of the databases listed in divisions (D)(1) to (5) of this 70454
section; 70455

(b) That there is in the state nurse aide registry 70456
established under section 3721.32 of the Revised Code a statement 70457
detailing findings by the director of health that the applicant or 70458
employee neglected or abused a long-term care facility or 70459
residential care facility resident or misappropriated property of 70460
such a resident; 70461

(c) That the applicant or employee is included in one or more 70462
of the databases, if any, specified in rules adopted under this 70463
section and the rules prohibit the home health agency from 70464
employing an applicant or continuing to employ an employee 70465
included in such a database in a position that involves providing 70466
direct care to an individual. 70467

(2) After the applicant or employee is provided, pursuant to 70468
division (E)(2)(a) of this section, a copy of the form prescribed 70469
pursuant to division (C)(1) of section 109.572 of the Revised Code 70470
and the standard impression sheet prescribed pursuant to division 70471

(C)(2) of that section, the applicant or employee fails to 70472
complete the form or provide the applicant's or employee's 70473
fingerprint impressions on the standard impression sheet. 70474

(3) Except as provided in rules adopted under this section, 70475
the applicant or employee is found by a criminal records check 70476
required by this section to have been convicted of, pleaded guilty 70477
to, or been found eligible for intervention in lieu of conviction 70478
for a disqualifying offense. 70479

(C) Except as provided by division (F) of this section, the 70480
chief administrator of a home health agency shall inform each 70481
applicant of both of the following at the time of the applicant's 70482
initial application for employment or referral to the home health 70483
agency by an employment service for a position that involves 70484
providing direct care to an individual: 70485

(1) That a review of the databases listed in division (D) of 70486
this section will be conducted to determine whether the home 70487
health agency is prohibited by division (B)(1) of this section 70488
from employing the applicant in the position; 70489

(2) That, unless the database review reveals that the 70490
applicant may not be employed in the position, a criminal records 70491
check of the applicant will be conducted and the applicant is 70492
required to provide a set of the applicant's fingerprint 70493
impressions as part of the criminal records check. 70494

(D) As a condition of employing any applicant in a position 70495
that involves providing direct care to an individual, the chief 70496
administrator of a home health agency shall conduct a database 70497
review of the applicant in accordance with rules adopted under 70498
this section. If rules adopted under this section so require, the 70499
chief administrator of a home health agency shall conduct a 70500
database review of an employee in accordance with the rules as a 70501
condition of continuing to employ the employee in a position that 70502

involves providing direct care to an individual. However, the 70503
chief administrator is not required to conduct a database review 70504
of an applicant or employee if division (F) of this section 70505
applies. A database review shall determine whether the applicant 70506
or employee is included in any of the following: 70507

(1) The excluded parties list system that is maintained by 70508
the United States general services administration pursuant to 70509
subpart 9.4 of the federal acquisition regulation and available at 70510
the federal web site known as the system for award management; 70511

(2) The list of excluded individuals and entities maintained 70512
by the office of inspector general in the United States department 70513
of health and human services pursuant to ~~section 1128 of the~~ 70514
"Social Security Act," ~~94 Stat. 2619 (1980)~~ sections 1128 and 70515
1156, 42 U.S.C. 1320a-7, ~~as amended, and section 1156 of the~~ 70516
~~"Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. and 1320c-5,~~ 70517
~~as amended;~~ 70518

(3) The registry of MR/DD employees established under section 70519
5123.52 of the Revised Code; 70520

(4) The internet-based sex offender and child-victim offender 70521
database established under division (A)(11) of section 2950.13 of 70522
the Revised Code; 70523

(5) The internet-based database of inmates established under 70524
section 5120.66 of the Revised Code; 70525

(6) The state nurse aide registry established under section 70526
3721.32 of the Revised Code; 70527

(7) Any other database, if any, specified in rules adopted 70528
under this section. 70529

(E)(1) As a condition of employing any applicant in a 70530
position that involves providing direct care to an individual, the 70531
chief administrator of a home health agency shall request the 70532

superintendent of the bureau of criminal identification and 70533
investigation to conduct a criminal records check of the 70534
applicant. If rules adopted under this section so require, the 70535
chief administrator of a home health agency shall request the 70536
superintendent to conduct a criminal records check of an employee 70537
at times specified in the rules as a condition of continuing to 70538
employ the employee in a position that involves providing direct 70539
care to an individual. However, the chief administrator is not 70540
required to request the criminal records check of the applicant or 70541
the employee if division (F) of this section applies or the home 70542
health agency is prohibited by division (B)(1) of this section 70543
from employing the applicant or continuing to employ the employee 70544
in a position that involves providing direct care to an 70545
individual. If an applicant or employee for whom a criminal 70546
records check request is required by this section does not present 70547
proof of having been a resident of this state for the five-year 70548
period immediately prior to the date upon which the criminal 70549
records check is requested or does not provide evidence that 70550
within that five-year period the superintendent has requested 70551
information about the applicant from the federal bureau of 70552
investigation in a criminal records check, the chief administrator 70553
shall request that the superintendent obtain information from the 70554
federal bureau of investigation as a part of the criminal records 70555
check. Even if an applicant or employee for whom a criminal 70556
records check request is required by this section presents proof 70557
that the applicant or employee has been a resident of this state 70558
for that five-year period, the chief administrator may request 70559
that the superintendent include information from the federal 70560
bureau of investigation in the criminal records check. 70561

(2) The chief administrator shall do all of the following: 70562

(a) Provide to each applicant and employee for whom a 70563
criminal records check request is required by this section a copy 70564

of the form prescribed pursuant to division (C)(1) of section 70565
109.572 of the Revised Code and a standard impression sheet 70566
prescribed pursuant to division (C)(2) of that section; 70567

(b) Obtain the completed form and standard impression sheet 70568
from each applicant and employee; 70569

(c) Forward the completed form and standard impression sheet 70570
to the superintendent at the time the chief administrator requests 70571
the criminal records check. 70572

(3) A home health agency shall pay to the bureau of criminal 70573
identification and investigation the fee prescribed pursuant to 70574
division (C)(3) of section 109.572 of the Revised Code for each 70575
criminal records check the agency requests under this section. A 70576
home health agency may charge an applicant a fee not exceeding the 70577
amount the agency pays to the bureau under this section if both of 70578
the following apply: 70579

(a) The home health agency notifies the applicant at the time 70580
of initial application for employment of the amount of the fee and 70581
that, unless the fee is paid, the applicant will not be considered 70582
for employment. 70583

(b) The medicaid program ~~established under Chapter 5111. of~~ 70584
~~the Revised Code~~ does not reimburse the home health agency for the 70585
fee it pays to the bureau under this section. 70586

(F) Divisions (C) to (E) of this section do not apply with 70587
regard to an applicant or employee if the applicant or employee is 70588
referred to a home health agency by an employment service that 70589
supplies full-time, part-time, or temporary staff for positions 70590
that involve providing direct care to an individual and both of 70591
the following apply: 70592

(1) The chief administrator of the home health agency 70593
receives from the employment service confirmation that a review of 70594
the databases listed in division (D) of this section was conducted 70595

with regard to the applicant or employee. 70596

(2) The chief administrator of the home health agency 70597
receives from the employment service, applicant, or employee a 70598
report of the results of a criminal records check of the applicant 70599
or employee that has been conducted by the superintendent within 70600
the one-year period immediately preceding the following: 70601

(a) In the case of an applicant, the date of the applicant's 70602
referral by the employment service to the home health agency; 70603

(b) In the case of an employee, the date by which the home 70604
health agency would otherwise have to request a criminal records 70605
check of the employee under division (E) of this section. 70606

(G)(1) A home health agency may employ conditionally an 70607
applicant for whom a criminal records check request is required by 70608
this section before obtaining the results of the criminal records 70609
check if the agency is not prohibited by division (B) of this 70610
section from employing the applicant in a position that involves 70611
providing direct care to an individual and either of the following 70612
applies: 70613

(a) The chief administrator of the home health agency 70614
requests the criminal records check in accordance with division 70615
(E) of this section not later than five business days after the 70616
applicant begins conditional employment. 70617

(b) The applicant is referred to the home health agency by an 70618
employment service, the employment service or the applicant 70619
provides the chief administrator of the agency a letter that is on 70620
the letterhead of the employment service, the letter is dated and 70621
signed by a supervisor or another designated official of the 70622
employment service, and the letter states all of the following: 70623

(i) That the employment service has requested the 70624
superintendent to conduct a criminal records check regarding the 70625
applicant; 70626

(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;

(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter;

(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief administrator of the home health agency when the employment service receives the results.

(2) If a home health agency employs an applicant conditionally pursuant to division (G)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the agency.

(3) A home health agency that employs an applicant conditionally pursuant to division (G)(1)(a) or (b) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, the home health agency shall terminate the applicant's employment unless circumstances specified in rules adopted under this section that permit the agency to employ the applicant exist and the agency chooses to employ the applicant. Termination of employment under this division shall be considered just cause for discharge

for purposes of division (D)(2) of section 4141.29 of the Revised Code if the applicant makes any attempt to deceive the home health agency about the applicant's criminal record.

(H) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The applicant or employee who is the subject of the criminal records check or the applicant's or employee's representative;

(2) The home health agency requesting the criminal records check or its representative;

(3) The administrator of any other facility, agency, or program that provides direct care to individuals that is owned or operated by the same entity that owns or operates the home health agency that requested the criminal records check;

(4) The employment service that requested the criminal records check;

(5) The director of health and the staff of the department of health who monitor a home health agency's compliance with this section;

(6) The director of aging or the director's designee if either of the following apply:

(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a community-based long-term care ~~agency~~ provider or community-based long-term care subcontractor;

(b) In the case of a criminal records check requested by an

employment service, the employment service makes the request for 70689
an applicant or employee the employment service refers to a home 70690
health agency that also is a community-based long-term care ~~agency~~ 70691
provider or community-based long-term care subcontractor. 70692

(7) The medicaid director ~~of job and family services~~ and the 70693
staff of the department of ~~job and family services~~ medicaid who 70694
are involved in the administration of the medicaid program if 70695
either of the following apply: 70696

(a) In the case of a criminal records check requested by a 70697
home health agency, the home health agency also is a waiver 70698
agency; 70699

(b) In the case of a criminal records check requested by an 70700
employment service, the employment service makes the request for 70701
an applicant or employee the employment service refers to a home 70702
health agency that also is a waiver agency. 70703

(8) Any court, hearing officer, or other necessary individual 70704
involved in a case dealing with any of the following: 70705

(a) A denial of employment of the applicant or employee; 70706

(b) Employment or unemployment benefits of the applicant or 70707
employee; 70708

(c) A civil or criminal action regarding the medicaid 70709
program. 70710

(I) In a tort or other civil action for damages that is 70711
brought as the result of an injury, death, or loss to person or 70712
property caused by an applicant or employee who a home health 70713
agency employs in a position that involves providing direct care 70714
to an individual, all of the following shall apply: 70715

(1) If the home health agency employed the applicant or 70716
employee in good faith and reasonable reliance on the report of a 70717
criminal records check requested under this section, the agency 70718

shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the home health agency employed the applicant in good faith on a conditional basis pursuant to division (G) of this section, the agency shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the home health agency in good faith employed the applicant or employee according to the personal character standards established in rules adopted under this section, the agency shall not be found negligent solely because the applicant or employee had been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(J) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require employees to undergo database

reviews and criminal records checks under this section, the times 70749
at which the database reviews and criminal records checks are to 70750
be conducted; 70751

(c) If the rules specify other databases to be checked as 70752
part of the database reviews, the circumstances under which a home 70753
health agency is prohibited from employing an applicant or 70754
continuing to employ an employee who is found by a database review 70755
to be included in one or more of those databases; 70756

(d) Circumstances under which a home health agency may employ 70757
an applicant or employee who is found by a criminal records check 70758
required by this section to have been convicted of, pleaded guilty 70759
to, or been found eligible for intervention in lieu of conviction 70760
for a disqualifying offense but meets personal character 70761
standards. 70762

Sec. 3701.921. There is hereby established the patient 70763
centered medical home education program in the department of 70764
health. For the purpose of advancing education in the patient 70765
centered medical home model of care, the director of health may 70766
implement and administer the program pursuant to sections 3701.922 70767
to 3701.929 of the Revised Code. The patient centered medical home 70768
model of care is an enhanced model of primary care in which care 70769
teams attend to the multifaceted needs of patients, providing 70770
whole person comprehensive and coordinate patient centered care. 70771

To the extent that funds are available, the program shall 70772
include the patient centered medical home education pilot project 70773
and may include any other ~~pilot~~ projects the director establishes 70774
pursuant to division (A)(3) of section 3701.922 of the Revised 70775
Code. 70776

Sec. 3701.922. (A) The director of health may do any of the 70777
following to implement and administer the patient centered medical 70778

home education program: 70779

(1) Develop and implement programs of education or training 70780
on the patient centered medical home model of care or other 70781
similar enhanced models of coordinated patient centered care that 70782
are intended to address the multifaceted needs of patients and 70783
provide whole person comprehensive and coordinated patient 70784
centered care; 70785

(2) Advise, consult, cooperate with, and assist, by contract 70786
or other arrangement, government agencies or institutions or 70787
private organizations, corporations, or associations in the 70788
development and promotion of programs pertaining to the evaluation 70789
and implementation of the patient centered medical home model of 70790
care or other similar enhanced models of coordinated patient 70791
centered care; 70792

(3) Establish ~~pilot~~ projects that ~~do any of the following:~~ 70793

~~(a) Evaluate or implement the patient centered medical home 70794
model of care or other similar enhanced models of coordinated 70795
patient centered care;~~ 70796

~~(b) Provide provide education or training on the patient 70797
centered medical home model of care or other similar enhanced 70798
models of coordinated patient centered care. 70799~~

(4) Seek and administer state funds or grants from other 70800
sources to carry out any functions of the patient centered medical 70801
home education program. 70802

Any funds or grants received by the director for purposes of 70803
the program shall be used for the program. 70804

(B) The director may adopt rules as necessary to implement 70805
and administer the patient centered medical home education 70806
program, including rules that define what constitutes a "patient 70807
centered medical home" for purposes of an entity authorized to 70808

provide care coordination services. The rules shall be adopted in 70809
accordance with Chapter 119. of the Revised Code. 70810

Sec. 3701.94. There is hereby established the patient 70811
centered medical home program in the department of health. The 70812
patient centered medical home model of care is an advanced model 70813
of primary care in which care teams attend to the multifaceted 70814
needs of patients, providing whole person comprehensive and 70815
coordinated patient centered care. 70816

Sec. 3701.941. (A) As part of the patient centered medical 70817
home program established under section 3701.94 of the Revised 70818
Code, the department of health shall establish a voluntary patient 70819
centered medical home certification program. 70820

(B) Each primary care practice, that seeks a patient centered 70821
medical home certificate shall submit an application on a form 70822
prepared by the department. The department may require an 70823
application fee and annual renewal fee as determined by the 70824
department. If the department establishes a fee under this 70825
section, the fee shall be in an amount that is sufficient to cover 70826
the cost of any on-site evaluations conducted by the department or 70827
an entity under contract with the department pursuant to section 70828
3701.942 of the Revised Code. 70829

(C) A practice certified under this section shall do all of 70830
the following: 70831

(1) Meet any standards developed by national independent 70832
accrediting and medical home organizations, as determined by the 70833
department; 70834

(2) Develop a systematic follow-up procedure for patients, 70835
including the use of health information technology and patient 70836
registries; 70837

(3) Implement and maintain health information technology that 70838

<u>meets the requirements of 42 U.S.C. 300jj;</u>	70839
<u>(4) Comply with the reporting requirements of section</u>	70840
<u>3701.942 of the Revised Code;</u>	70841
<u>(5) Meet any process, outcome, and quality standards</u>	70842
<u>specified by the department of health;</u>	70843
<u>(6) Meet any other requirements established by the</u>	70844
<u>department.</u>	70845
<u>(D) The department shall seek to do all of the following</u>	70846
<u>through the certification of patient centered medical homes:</u>	70847
<u>(1) Expand, enhance, and encourage the use of primary care</u>	70848
<u>providers, including primary care physicians, advanced practice</u>	70849
<u>registered nurses, and physician assistants, as personal</u>	70850
<u>clinicians;</u>	70851
<u>(2) Develop a focus on delivering high-quality, efficient,</u>	70852
<u>and effective health care services;</u>	70853
<u>(3) Encourage patient centered care and the provision of care</u>	70854
<u>that is appropriate for a patient's race, ethnicity, and language;</u>	70855
<u>(4) Encourage the education and active participation of</u>	70856
<u>patients and patients' families or legal guardians, as</u>	70857
<u>appropriate, in decision making and care plan development;</u>	70858
<u>(5) Provide patients with consistent, ongoing contact with a</u>	70859
<u>personal clinician or team of clinical professionals to ensure</u>	70860
<u>continuous and appropriate care;</u>	70861
<u>(6) Ensure that patient centered medical homes develop and</u>	70862
<u>maintain appropriate comprehensive care plans for patients with</u>	70863
<u>complex or chronic conditions, including an assessment of health</u>	70864
<u>risks and chronic conditions;</u>	70865
<u>(7) Ensure that patient centered medical homes plan for</u>	70866
<u>transition of care from youth to adult to senior;</u>	70867

(8) Enable and encourage use of a range of qualified health care professionals, including dedicated care coordinators, in a manner that enables those professionals to practice to the fullest extent of their professional licenses. 70868
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Sec. 3701.942. (A) Each certified patient centered medical home shall report health care quality and performance information to the department of health, including any data necessary for monitoring compliance with certification standards and for evaluating the impact of patient centered medical homes on health care quality, cost, and outcomes. 70872
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(B) The department may contract with a private entity to evaluate the effectiveness of certified patient centered medical homes. The department may provide the entity with data collected under division (A) of this section. 70878
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(C) The department may contract with national independent accrediting and medical home organizations to provide on-site evaluation of primary care practices and verification of data collected under division (A) of this section. 70882
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(D) Data collected under this section is not a public record under section 149.43 of the Revised Code. 70886
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Sec. 3701.943. (A) The department of health shall submit a report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly, evaluating the patient centered medical home program not later than three years after rules adopted pursuant to section 3701.944 of the Revised Code first become effective. The department shall submit a second report not later than five years after those rules first become effective. 70888
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(B) The reports submitted under division (A) of this section shall include all of the following: 70896
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<u>(1) The number of patients receiving primary care services</u>	70898
<u>from certified patient centered medical homes and the number and</u>	70899
<u>characteristics of those patients with complex or chronic</u>	70900
<u>conditions. To the extent available, information regarding the</u>	70901
<u>income, race, ethnicity, and language of patients shall be</u>	70902
<u>included in the reports;</u>	70903
<u>(2) The number and geographic distribution of certified</u>	70904
<u>patient centered medical homes;</u>	70905
<u>(3) Performance of and quality of care measures implemented</u>	70906
<u>by certified patient centered medical homes;</u>	70907
<u>(4) Preventive care measures implemented by certified patient</u>	70908
<u>centered medical homes;</u>	70909
<u>(5) Payment arrangements of certified patient centered</u>	70910
<u>medical homes;</u>	70911
<u>(6) Costs related to implementation of the patient centered</u>	70912
<u>medical home program and payment of care coordination fees;</u>	70913
<u>(7) The estimated effect of certified patient centered</u>	70914
<u>medical homes on health disparities;</u>	70915
<u>(8) The estimated savings from establishing the patient</u>	70916
<u>centered medical home program, as those savings apply to the fee</u>	70917
<u>for service, managed care, and state-based purchasing sectors.</u>	70918
<u>Sec. 3701.944. The department of health shall adopt rules in</u>	70919
<u>accordance with Chapter 119. of the Revised Code to do all of the</u>	70920
<u>following:</u>	70921
<u>(A) Considering the goals set forth in section 3701.941 of</u>	70922
<u>the Revised Code, establish standards and procedures for</u>	70923
<u>certifying a primary care practice as a patient centered medical</u>	70924
<u>home;</u>	70925
<u>(B) Specify the types of medical practices that constitute</u>	70926

primary care practices for the purpose of certifying patient 70927
centered medical homes; 70928

(C) Specify the health care quality and performance 70929
information that certified patient centered medical homes must 70930
report to the department pursuant to section 3701.942 of the 70931
Revised Code. 70932

Sec. 3701.96. As used in this section, "board of health" 70933
means a board of health of a city or general health district or an 70934
authority having the duties of a board of health under section 70935
3709.05 of the Revised Code. 70936

If a zoonotic disease program is administered by the 70937
department of health, the director of health may charge a board of 70938
health a fee for each service the program provides to the board. 70939
The fee amount shall be determined by the director and be 70940
commensurate with the department's cost to provide the service. 70941
The board shall pay the fee associated with a service at the time 70942
the service is provided. 70943

Sec. 3701.98. Not later than July 1, 2014, the director of 70944
health shall establish both of the following by rule adopted under 70945
Chapter 119. of the Revised Code: 70946

(A) A standardized process by which all general and city 70947
health districts shall collect and report to the director 70948
information regarding public health quality indicators. 70949

(B) A policy and procedures for the sharing of health data 70950
reported under this section with payers, providers, general and 70951
city health districts, and public health professionals. 70952

The rules shall identify the public health quality indicators 70953
that are to be a priority for general and city health districts 70954
and the information to be collected and reported regarding those 70955
indicators. The director of health shall work in conjunction with 70956

the association of county health commissioners in identifying the 70957
public health quality indicators. 70958

Sec. 3701.99. (A) Whoever violates division (C) of section 70959
3701.23, division (C) of section 3701.232, division (C) of section 70960
3701.24, division (B) of section 3701.25, division ~~(I)~~(D)(2) of 70961
section 3701.262, ~~division (D) of section 3701.263,~~ or sections 70962
3701.46 to 3701.55 of the Revised Code is guilty of a minor 70963
misdemeanor on a first offense; on each subsequent offense, the 70964
person is guilty of a misdemeanor of the fourth degree. 70965

(B) Whoever violates section 3701.82 of the Revised Code is 70966
guilty of a misdemeanor of the first degree. 70967

(C) Whoever violates section 3701.352 or 3701.81 of the 70968
Revised Code is guilty of a misdemeanor of the second degree. 70969

Sec. 3702.30. (A) As used in this section: 70970

(1) "Ambulatory surgical facility" means a facility, whether 70971
or not part of the same organization as a hospital, that is 70972
located in a building distinct from another in which inpatient 70973
care is provided, and to which any of the following apply: 70974

(a) Outpatient surgery is routinely performed in the 70975
facility, and the facility functions separately from a hospital's 70976
inpatient surgical service and from the offices of private 70977
physicians, podiatrists, and dentists. 70978

(b) Anesthesia is administered in the facility by an 70979
anesthesiologist or certified registered nurse anesthetist, and 70980
the facility functions separately from a hospital's inpatient 70981
surgical service and from the offices of private physicians, 70982
podiatrists, and dentists. 70983

(c) The facility applies to be certified by the United States 70984
centers for medicare and medicaid services as an ambulatory 70985

surgical center for purposes of reimbursement under Part B of the 70986
medicare program, Part B of Title XVIII of the "Social Security 70987
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 70988

(d) The facility applies to be certified by a national 70989
accrediting body approved by the centers for medicare and medicaid 70990
services for purposes of deemed compliance with the conditions for 70991
participating in the medicare program as an ambulatory surgical 70992
center. 70993

(e) The facility bills or receives from any third-party 70994
payer, governmental health care program, or other person or 70995
government entity any ambulatory surgical facility fee that is 70996
billed or paid in addition to any fee for professional services. 70997

(f) The facility is held out to any person or government 70998
entity as an ambulatory surgical facility or similar facility by 70999
means of signage, advertising, or other promotional efforts. 71000

"Ambulatory surgical facility" does not include a hospital 71001
emergency department. 71002

(2) "Ambulatory surgical facility fee" means a fee for 71003
certain overhead costs associated with providing surgical services 71004
in an outpatient setting. A fee is an ambulatory surgical facility 71005
fee only if it directly or indirectly pays for costs associated 71006
with any of the following: 71007

(a) Use of operating and recovery rooms, preparation areas, 71008
and waiting rooms and lounges for patients and relatives; 71009

(b) Administrative functions, record keeping, housekeeping, 71010
utilities, and rent; 71011

(c) Services provided by nurses, orderlies, technical 71012
personnel, and others involved in patient care related to 71013
providing surgery. 71014

"Ambulatory surgical facility fee" does not include any 71015

additional payment in excess of a professional fee that is 71016
provided to encourage physicians, podiatrists, and dentists to 71017
perform certain surgical procedures in their office or their group 71018
practice's office rather than a health care facility, if the 71019
purpose of the additional fee is to compensate for additional cost 71020
incurred in performing office-based surgery. 71021

(3) "Governmental health care program" has the same meaning 71022
as in section 4731.65 of the Revised Code. 71023

(4) "Health care facility" means any of the following: 71024

(a) An ambulatory surgical facility; 71025

(b) A freestanding dialysis center; 71026

(c) A freestanding inpatient rehabilitation facility; 71027

(d) A freestanding birthing center; 71028

(e) A freestanding radiation therapy center; 71029

(f) A freestanding or mobile diagnostic imaging center. 71030

(5) "Third-party payer" has the same meaning as in section 71031
3901.38 of the Revised Code. 71032

(B) By rule adopted in accordance with sections 3702.12 and 71033
3702.13 of the Revised Code, the director of health shall 71034
establish quality standards for health care facilities. The 71035
standards may incorporate accreditation standards or other quality 71036
standards established by any entity recognized by the director. 71037

In the case of an ambulatory surgical facility, the standards 71038
shall require the ambulatory surgical facility to maintain an 71039
infection control program. The purposes of the program are to 71040
minimize infections and communicable diseases and facilitate a 71041
functional and sanitary environment consistent with standards of 71042
professional practice. To achieve these purposes, ambulatory 71043
surgical facility staff managing the program shall create and 71044
administer a plan designed to prevent, identify, and manage 71045

infections and communicable diseases; ensure that the program is 71046
directed by a qualified professional trained in infection control; 71047
ensure that the program is an integral part of the ambulatory 71048
surgical facility's quality assessment and performance improvement 71049
program; and implement in an expeditious manner corrective and 71050
preventive measures that result in improvement. 71051

(C) Every ambulatory surgical facility shall require that 71052
each physician who practices at the facility comply with all 71053
relevant provisions in the Revised Code that relate to the 71054
obtaining of informed consent from a patient. 71055

(D) The director shall issue a license to each health care 71056
facility that makes application for a license and demonstrates to 71057
the director that it meets the quality standards established by 71058
the rules adopted under division (B) of this section and satisfies 71059
the informed consent compliance requirements specified in division 71060
(C) of this section. 71061

(E)(1) Except as provided in division (H) of this section and 71062
in section 3702.301 of the Revised Code, no health care facility 71063
shall operate without a license issued under this section. 71064

(2) If the department of health finds that a physician who 71065
practices at a health care facility is not complying with any 71066
provision of the Revised Code related to the obtaining of informed 71067
consent from a patient, the department shall report its finding to 71068
the state medical board, the physician, and the health care 71069
facility. 71070

(3) This division does not create, and shall not be construed 71071
as creating, a new cause of action or substantive legal right 71072
against a health care facility and in favor of a patient who 71073
allegedly sustains harm as a result of the failure of the 71074
patient's physician to obtain informed consent from the patient 71075
prior to performing a procedure on or otherwise caring for the 71076

patient in the health care facility.	71077
(F) The rules adopted under division (B) of this section shall include all of the following:	71078 71079
(1) Provisions governing application for, renewal, suspension, and revocation of a license under this section;	71080 71081
(2) Provisions governing orders issued pursuant to section 3702.32 of the Revised Code for a health care facility to cease its operations or to prohibit certain types of services provided by a health care facility;	71082 71083 71084 71085
(3) Provisions governing the imposition under section 3702.32 of the Revised Code of civil penalties for violations of this section or the rules adopted under this section, including a scale for determining the amount of the penalties;	71086 71087 71088 71089
<u>(4) Provisions specifying the form inspectors must use when conducting inspections of ambulatory surgical facilities.</u>	71090 71091
(G) An ambulatory surgical facility that performs or induces abortions shall comply with section 3701.791 of the Revised Code.	71092 71093
(H) The following entities are not required to obtain a license as a freestanding diagnostic imaging center issued under this section:	71094 71095 71096
(1) A hospital registered under section 3701.07 of the Revised Code that provides diagnostic imaging;	71097 71098
(2) An entity that is reviewed as part of a hospital accreditation or certification program and that provides diagnostic imaging;	71099 71100 71101
(3) An ambulatory surgical facility that provides diagnostic imaging in conjunction with or during any portion of a surgical procedure.	71102 71103 71104
<u>Sec. 3702.302. In the case of an ambulatory surgical facility</u>	71105

not certified by the centers for medicare and medicaid services as 71106
an ambulatory surgical center, the director of health shall 71107
conduct an inspection of the facility each time the facility 71108
submits an application for license renewal. The director shall not 71109
renew the license unless all of the following conditions are met: 71110

(A) The inspector conducting the inspection completes each 71111
item on the following, as applicable: 71112

(1) Until the director adopts rules under division (F) of 71113
section 3702.30 of the Revised Code, the form approved by the 71114
director on the effective date of this section; 71115

(2) The form specified by the director pursuant to rules 71116
adopted under division (F) of section 3702.30 of the Revised Code. 71117

(B) The inspection demonstrates that the ambulatory surgical 71118
facility complies with all quality standards established by the 71119
director in rules adopted under division (B) of section 3702.30 of 71120
the Revised Code. 71121

(C) The director determines that the most recent version of 71122
the updated written transfer agreement filed in accordance with 71123
division (B) of section 3702.303 of the Revised Code is 71124
satisfactory, unless the director has granted a variance from the 71125
written transfer agreement requirement as permitted by section 71126
3702.304 of the Revised Code. 71127

Sec. 3702.303. (A) Except as provided in division (C) of this 71128
section, an ambulatory surgical facility shall have a written 71129
transfer agreement with a local hospital that specifies an 71130
effective procedure for the safe and immediate transfer of 71131
patients from the facility to the hospital when medical care 71132
beyond the care that can be provided at the ambulatory surgical 71133
facility is necessary, including when emergency situations occur 71134
or medical complications arise. A copy of the agreement shall be 71135

filed with the director of health. 71136

(B) An ambulatory surgical facility shall update a written transfer agreement every two years and file a copy of the updated agreement with the director. 71137
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(C) The requirement for a written transfer agreement between an ambulatory surgical facility and a hospital does not apply if either of the following is the case: 71140
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(1) The facility is a provider-based entity, as defined in 42 C.F.R. 413.65(a)(2), of a hospital and the facility's policies and procedures to address situations when care beyond the care that can be provided at the ambulatory surgical facility are approved by the governing body of the facility's parent hospital and implemented; 71143
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(2) The director of health has, pursuant to the procedure specified in section 3702.304 of the Revised Code, granted the facility a variance from the requirement. 71149
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Sec. 3702.304. (A) The director of health may grant a variance from the written transfer agreement requirement of section 3702.303 of the Revised Code if the ambulatory surgical facility submits to the director a complete variance application, prescribed by the director, and the director determines after reviewing the application that the facility is capable of achieving the purpose of a written transfer agreement in the absence of one. The director's determination is final. 71152
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(B) A variance application is complete for purposes of division (A) of this section if it contains or includes as attachments all of the following: 71160
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(1) A statement explaining why application of the requirement would cause the facility undue hardship and why the variance will not jeopardize the health and safety of any patient; 71163
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(2) A letter, contract, or memorandum of understanding signed 71166
by the facility and one or more consulting physicians who have 71167
admitting privileges at a minimum of one local hospital, 71168
memorializing the physician or physicians' agreement to provide 71169
back-up coverage when medical care beyond the level the facility 71170
can provide is necessary; 71171

(3) For each consulting physician described in division 71172
(B)(2) of this section: 71173

(a) A signed statement in which the physician attests that 71174
the physician is familiar with the facility and its operations, 71175
and agrees to provide notice to the facility of any changes in the 71176
physician's ability to provide back-up coverage; 71177

(b) The estimated travel time from the physician's main 71178
residence or office to each local hospital where the physician has 71179
admitting privileges; 71180

(c) Written verification that the facility has a record of 71181
the name, telephone numbers, and practice specialties of the 71182
physician; 71183

(d) Written verification from the state medical board that 71184
the physician possesses a valid certificate to practice medicine 71185
and surgery or osteopathic medicine and surgery issued under 71186
Chapter 4731. of the Revised Code; 71187

(e) Documented verification that each hospital at which the 71188
physician has admitting privileges has been informed in writing by 71189
the physician that the physician is a consulting physician for the 71190
ambulatory surgical facility and has agreed to provide back-up 71191
coverage for the facility when medical care beyond the care the 71192
facility can provide is necessary. 71193

(4) A copy of the facility's operating procedures or 71194
protocols that, at a minimum, do all of the following: 71195

(a) Address how back-up coverage by consulting physicians is to occur, including how back-up coverage is to occur when consulting physicians are temporarily unavailable; 71196
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(b) Specify that each consulting physician is required to notify the facility, without delay, when the physician is unable to expeditiously admit patients to a local hospital and provide for continuity of patient care; 71199
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(c) Specify that a patient's medical record maintained by the facility must be transferred contemporaneously with the patient when the patient is transferred from the facility to a hospital. 71203
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(5) Any other information the director considers necessary. 71206

(C) The director's decision to grant, refuse, or rescind a variance is final. 71207
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(D) The director shall consider each application for a variance independently without regard to any decision the director may have made on a prior occasion to grant or deny a variance to that ambulatory surgical facility or any other facility. 71209
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Sec. 3702.305. The director of health may impose conditions on any variance the director has granted under section 3702.304 of the Revised Code. The director may, at any time, rescind the variance for any reason, including a determination by the director that the facility is failing to meet one or more of the conditions or no longer adequately protects public health and safety. The director's decision to rescind a variance is final. 71213
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Sec. 3702.306. A variance the director of health grants under section 3702.304 of the Revised Code is effective for the period of time specified by the director, except that it shall not be effective beyond the date the ambulatory surgical facility's license expires. If a variance is to expire on the date the facility's license expires, the facility may submit to the 71220
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director an application for a new variance with its next license 71226
renewal application. 71227

Sec. 3702.307. An ambulatory surgical facility shall notify 71228
the director of health when any of the following occurs: 71229

(A) The facility modifies any provision of its most recent 71230
written transfer agreement filed with the director under section 71231
3702.303 of the Revised Code. Notification under these 71232
circumstances shall occur not later than the business day after 71233
the modification is finalized. As used in this division, "business 71234
day" means a day of the week excluding Saturday, Sunday, and a 71235
legal holiday as defined in section 1.14 of the Revised Code. 71236

(B) The facility modifies its operating procedures or 71237
protocols described in division (B)(4) of section 3702.304 of the 71238
Revised Code. Notification under these circumstances shall occur 71239
not later than forty-eight hours after the modification is made. 71240

(C) The ambulatory surgical facility becomes aware of an 71241
event, including disciplinary action by the state medical board 71242
pursuant to section 4731.22 of the Revised Code, that may affect a 71243
consulting physician's certificate to practice medicine and 71244
surgery or osteopathic medicine and surgery or the physician's 71245
ability to admit patients to a hospital identified in a variance 71246
application, as described in division (B)(3)(e) of section 71247
3702.304 of the Revised Code. Notification under these 71248
circumstances shall occur not later than one week after the 71249
facility becomes aware of the event's occurrence. 71250

Sec. 3702.308. If any provision in sections 3702.302 to 71251
3702.307 of the Revised Code is enjoined, the injunction does not 71252
affect any remaining provision of those sections, any provision of 71253
section 3702.30 of the Revised Code, or any provision of the rules 71254
adopted under that section. 71255

Sec. 3702.51. As used in sections 3702.51 to 3702.62 of the Revised Code:

(A) "Applicant" means any person that submits an application for a certificate of need and who is designated in the application as the applicant.

(B) "Person" means any individual, corporation, business trust, estate, firm, partnership, association, joint stock company, insurance company, government unit, or other entity.

(C) "Certificate of need" means a written approval granted by the director of health to an applicant to authorize conducting a reviewable activity.

(D) "Service area" means the current and projected primary and secondary service areas to which the long-term care facility is, or will be, providing long-term care services.

(E) "Primary service area" means the geographic region, usually comprised of the Ohio zip code in which the long-term care facility is located and contiguous zip codes, from which approximately seventy-five to eighty per cent of the facility's residents currently originate or are expected to originate.

(F) "Secondary service area" means the geographic region, usually comprised of Ohio zip codes not included in the primary service area, excluding isolated exceptions, from which the facility's remaining residents currently originate or are expected to originate.

(G) "Third-party payer" means a health insuring corporation licensed under Chapter 1751. of the Revised Code, a health maintenance organization as defined in division (I) of this section, an insurance company that issues sickness and accident insurance in conformity with Chapter 3923. of the Revised Code, a state-financed health insurance program under Chapter 3701.7 or

4123., ~~or 5111.~~ of the Revised Code, the medicaid program, or any self-insurance plan. 71286
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(H) "Government unit" means the state and any county, municipal corporation, township, or other political subdivision of the state, or any department, division, board, or other agency of the state or a political subdivision. 71288
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(I) "Health maintenance organization" means a public or private organization organized under the law of any state that is qualified under section 1310(d) of Title XIII of the "Public Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9. 71292
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(J) "Existing long-term care facility" means either of the following: 71296
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(1) A long-term care facility that is licensed or otherwise authorized to operate in this state in accordance with applicable law, including a county home or a county nursing home that is certified under Title XVIII or Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, is staffed and equipped to provide long-term care services, and is actively providing long-term care services; 71298
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(2) A long-term care facility that is licensed or otherwise authorized to operate in this state in accordance with applicable law, including a county home or a county nursing home that is certified under Title XVIII or Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or that has beds registered under section 3701.07 of the Revised Code as skilled nursing beds or long-term care beds and has provided long-term care services for at least three hundred sixty-five consecutive days within the twenty-four months immediately preceding the date a certificate of need application is filed with the director of health. 71305
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(K) "State" means the state of Ohio, including, but not 71316

limited to, the general assembly, the supreme court, the offices 71317
of all elected state officers, and all departments, boards, 71318
offices, commissions, agencies, institutions, and other 71319
instrumentalities of the state of Ohio. "State" does not include 71320
political subdivisions. 71321

(L) "Political subdivision" means a municipal corporation, 71322
township, county, school district, and all other bodies corporate 71323
and politic responsible for governmental activities only in 71324
geographic areas smaller than that of the state to which the 71325
sovereign immunity of the state attaches. 71326

(M) "Affected person" means: 71327

(1) An applicant for a certificate of need, including an 71328
applicant whose application was reviewed comparatively with the 71329
application in question; 71330

(2) The person that requested the reviewability ruling in 71331
question; 71332

(3) Any person that resides or regularly uses long-term care 71333
facilities within the service area served or to be served by the 71334
long-term care services that would be provided under the 71335
certificate of need or reviewability ruling in question; 71336

(4) Any long-term care facility that is located in the 71337
service area where the long-term care services would be provided 71338
under the certificate of need or reviewability ruling in question; 71339

(5) Third-party payers that reimburse long-term care 71340
facilities for services in the service area where the long-term 71341
care services would be provided under the certificate of need or 71342
reviewability ruling in question. 71343

(N) "Long-term care facility" means any of the following: 71344

(1) A nursing home licensed under section 3721.02 of the 71345
Revised Code or by a political subdivision certified under section 71346

3721.09 of the Revised Code; 71347

(2) The portion of any facility, including a county home or 71348
county nursing home, that is certified as a skilled nursing 71349
facility or a nursing facility under Title XVIII or XIX of the 71350
"Social Security Act"; 71351

(3) The portion of any hospital that contains beds registered 71352
under section 3701.07 of the Revised Code as skilled nursing beds 71353
or long-term care beds. 71354

(0) "Long-term care bed" or "bed" means a bed that is 71355
categorized as one of the following: 71356

(1) A bed that is located in a facility that is a nursing 71357
home licensed under section 3721.02 of the Revised Code or a 71358
facility licensed by a political subdivision certified under 71359
section 3721.09 of the Revised Code and is included in the 71360
authorized maximum licensed capacity of the facility; 71361

(2) A bed that is located in the portion of any facility, 71362
including a county home or county nursing home, that is certified 71363
as a skilled nursing facility under the medicare program or a 71364
nursing facility under the medicaid program and is included in the 71365
authorized maximum certified capacity of that portion of the 71366
facility; 71367

(3) A bed that is registered under section 3701.07 of the 71368
Revised Code as a skilled nursing bed, a long-term care bed, or a 71369
special skilled nursing bed; 71370

(4) A bed in a county home or county nursing home that has 71371
been certified under section 5155.38 of the Revised Code as having 71372
been in operation on July 1, 1993, and is eligible for licensure 71373
as a nursing home bed; 71374

(5) A bed held as an approved bed under a certificate of need 71375
approved by the director. 71376

A bed cannot simultaneously be both a bed described in
division (O)(1), (2), (3), or (4) of this section and a bed
described in division (O)(5) of this section.

(P) "Reviewability ruling" means a ruling issued by the
director of health under division (A) of section 3702.52 of the
Revised Code as to whether a particular proposed project is or is
not a reviewable activity.

(Q) "County nursing home" has the same meaning as in section
5155.31 of the Revised Code.

(R) "Principal participant" means both of the following:

(1) A person who has an ownership or controlling interest of
at least five per cent in an applicant, in a long-term care
facility that is the subject of an application for a certificate
of need, or in the owner or operator of the applicant or such a
facility;

(2) An officer, director, trustee, or general partner of an
applicant, of a long-term care facility that is the subject of an
application for a certificate of need, or of the owner or operator
of the applicant or such a facility.

(S) "Actual harm but not immediate jeopardy deficiency" means
a deficiency that, under 42 C.F.R. 488.404, either constitutes a
pattern of deficiencies resulting in actual harm that is not
immediate jeopardy or represents widespread deficiencies resulting
in actual harm that is not immediate jeopardy.

(T) "Immediate jeopardy deficiency" means a deficiency that,
under 42 C.F.R. 488.404, either constitutes a pattern of
deficiencies resulting in immediate jeopardy to resident health or
safety or represents widespread deficiencies resulting in
immediate jeopardy to resident health or safety.

(U) "Existing bed" or "existing long-term care bed" means a

bed from an existing long-term care facility, a bed described in 71407
division (0)(5) of this section, or a bed correctly reported as a 71408
long-term care bed pursuant to section 5155.38 of the Revised 71409
Code. 71410

Sec. 3702.521. (A) Reviews of applications for certificates 71411
of need to recategorize hospital beds to skilled nursing beds 71412
shall be conducted in accordance with this division and rules 71413
adopted by the director of health. 71414

(1) No hospital recategorizing beds shall apply for a 71415
certificate of need for more than twenty skilled nursing beds. 71416

(2) No beds for which a certificate of need is requested 71417
under this division shall be reviewed under or counted in any 71418
formula developed under rules adopted by the director for the 71419
purpose of determining the number of long-term care beds that may 71420
be needed within the state. 71421

(3) No beds shall be approved under this division unless the 71422
hospital certifies and demonstrates in the application that the 71423
beds will be dedicated to patients with a length of stay of no 71424
more than thirty days. 71425

(4) No beds shall be approved under this division unless the 71426
hospital can satisfactorily demonstrate in the application that it 71427
is routinely unable to place the patients planned for the beds in 71428
accessible skilled nursing facilities. 71429

(5) In developing rules to implement this division, the 71430
director shall give special attention to the required 71431
documentation of the need for such beds, including the efforts 71432
made by the hospital to place patients in suitable skilled nursing 71433
facilities, and special attention to the appropriate size of units 71434
with such beds given the historical pattern of the applicant 71435
hospital's documented difficulty in placing skilled nursing 71436

patients. 71437

(B) For assistance in monitoring the use of hospital beds 71438
recategorized as skilled nursing beds after August 5, 1989, the 71439
director shall adopt rules specifying appropriate quarterly 71440
procedures for reporting to the department of health. 71441

(C) A patient may stay in a hospital bed that, after August 71442
5, 1989, has been recategorized as a skilled nursing bed for more 71443
than thirty days if the hospital is able to demonstrate that it 71444
made a good faith effort to place the patient in an accessible 71445
skilled nursing facility acceptable to the patient within the 71446
thirty-day period, but was unable to do so. 71447

(D) No hospital bed recategorized after August 5, 1989, as a 71448
skilled nursing bed shall be covered by a provider agreement under 71449
the ~~medical assistance~~ medicaid program ~~established under Chapter~~ 71450
~~5111. of the Revised Code.~~ 71451

(E) Nothing in this section requires a hospital to place a 71452
patient in any nursing home if the patient does not wish to be 71453
placed in the nursing home. Nothing in this section limits the 71454
ability of a hospital to file a certificate of need application 71455
for the addition of long-term care beds that meet the definition 71456
of "home" in section 3721.01 of the Revised Code. Nothing in this 71457
section limits the ability of the director to grant certificates 71458
of need necessary for hospitals to engage in demonstration 71459
projects authorized by the federal government for the purpose of 71460
enhancing long-term quality of care and cost containment. Nothing 71461
in this section limits the ability of hospitals to develop swing 71462
bed programs in accordance with federal regulations. 71463

No hospital that is granted a certificate of need after 71464
August 5, 1989, to recategorize hospital beds as skilled nursing 71465
beds is subject to sections 3721.01 to 3721.09 of the Revised 71466
Code. If the portion of the hospital in which the recategorized 71467

beds are located is certified as a skilled nursing facility under 71468
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 71469
U.S.C.A. 301, as amended, that portion of the hospital is subject 71470
to sections 3721.10 to 3721.17 and sections 3721.21 to 3721.34 of 71471
the Revised Code. If the beds are registered pursuant to section 71472
3701.07 of the Revised Code as long-term care beds, the beds are 71473
subject to sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the 71474
Revised Code. 71475

Sec. 3702.55. A person that the director of health determines 71476
has violated section 3702.53 of the Revised Code shall cease 71477
conducting the activity that constitutes the violation or 71478
utilizing the facility resulting from the violation not later than 71479
thirty days after the person receives the notice mailed under 71480
section 3702.532 of the Revised Code or, if the person appeals the 71481
director's determination under section 3702.60 of the Revised 71482
Code, thirty days after the person receives an order upholding the 71483
director's determination that is not subject to further appeal. 71484

If any person determined to have violated section 3702.53 of 71485
the Revised Code fails to cease conducting an activity or using a 71486
facility as required by this section or if the person continues to 71487
seek payment or reimbursement for services rendered or costs 71488
incurred in conducting the activity as prohibited by section 71489
3702.56 of the Revised Code, in addition to the penalties imposed 71490
under section 3702.54 or 3702.541 of the Revised Code: 71491

(A) The director of health may refuse to include any beds 71492
involved in the activity in the bed capacity of a hospital for 71493
purposes of registration under section 3701.07 of the Revised 71494
Code; 71495

(B) The director of health may refuse to license, or may 71496
revoke a license or reduce bed capacity previously granted to, a 71497
hospice care program under section 3712.04 of the Revised Code; a 71498

nursing home, residential care facility, or home for the aging 71499
under section 3721.02 of the Revised Code; or any beds within any 71500
of those facilities that are involved in the activity; 71501

(C) A political subdivision certified under section 3721.09 71502
of the Revised Code may refuse to license, or may revoke a license 71503
or reduce bed capacity previously granted to, a nursing home, 71504
residential care facility, or home for the aging, or any beds 71505
within any of those facilities that are involved in the activity; 71506

(D) The director of ~~mental health~~ mental health and addiction 71507
services may refuse to license under section ~~5119.20~~ 5119.33 of 71508
the Revised Code, or may revoke a license or reduce bed capacity 71509
previously granted to, a hospital receiving mentally ill persons 71510
or beds within such a hospital that are involved in the activity; 71511

(E) The department of ~~job and family services~~ medicaid may 71512
refuse to enter into a provider agreement that includes a 71513
facility, beds, or services that result from the activity. 71514

Sec. 3702.62. Sections 3702.51 to 3702.61 of the Revised Code 71515
do not apply to any part of a long-term care facility's campus 71516
that is certified as an intermediate care facility for ~~the~~ 71517
~~mentally retarded under Title XIX of the "Social Security Act," 79~~ 71518
~~Stat. 343 (1965), 42 U.S.C. 1396 et seq., as amended~~individuals 71519
with intellectual disabilities, as defined in section 5124.01 of 71520
the Revised Code. 71521

Sec. 3702.74. (A) A primary care physician who has signed a 71522
letter of intent under section 3702.73 of the Revised Code and the 71523
director of health may enter into a contract for the physician's 71524
participation in the physician loan repayment program. The 71525
physician's employer or other funding source may also be a party 71526
to the contract. 71527

(B) The contract shall include all of the following 71528

obligations: 71529

(1) The primary care physician agrees to provide primary care 71530
services in the health resource shortage area identified in the 71531
letter of intent for at least two years; 71532

(2) When providing primary care services in the health 71533
resource shortage area, the primary care physician agrees to do 71534
all of the following: 71535

(a) Provide primary care services for a minimum of forty 71536
hours per week, of which at least twenty-one hours will be spent 71537
providing patient care in an outpatient or ambulatory setting; 71538

(b) Provide primary care services without regard to a 71539
patient's ability to pay; 71540

(c) Meet the ~~conditions prescribed by the "Social Security~~ 71541
~~Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the~~ 71542
~~department of job and family services requirements for~~ 71543
~~participation in the a medicaid program established under Chapter~~ 71544
~~5111. of the Revised Code provider agreement~~ and enter into a 71545
~~contract~~ the agreement with the department of medicaid to provide 71546
primary care services to medicaid recipients ~~of the medical~~ 71547
~~assistance program.~~ 71548

(3) The department of health agrees, as provided in section 71549
3702.75 of the Revised Code, to repay, so long as the primary care 71550
physician performs the service obligation agreed to under division 71551
(B)(1) of this section, all or part of the principal and interest 71552
of a government or other educational loan taken by the primary 71553
care physician for expenses described in section 3702.75 of the 71554
Revised Code; 71555

(4) The primary care physician agrees to pay the department 71556
of health an amount established by rules adopted under section 71557
3702.79 of the Revised Code if the physician fails to complete the 71558
service obligation agreed to under division (B)(1) of this 71559

section. 71560

(C) The contract may include any other terms agreed upon by 71561
the parties. 71562

Sec. 3702.91. (A) An individual who has signed a letter of 71563
intent under section 3702.90 of the Revised Code may enter into a 71564
contract with the director of health for participation in the 71565
dentist loan repayment program. The dentist's employer or other 71566
funding source may also be a party to the contract. 71567

(B) The contract shall include all of the following 71568
obligations: 71569

(1) The individual agrees to provide dental services in the 71570
dental health resource shortage area identified in the letter of 71571
intent for at least two years. 71572

(2) When providing dental services in the dental health 71573
resource shortage area, the individual agrees to do all of the 71574
following: 71575

(a) Provide dental services for a minimum of forty hours per 71576
week; 71577

(b) Provide dental services without regard to a patient's 71578
ability to pay; 71579

(c) Meet the ~~conditions prescribed by the "Social Security~~ 71580
~~Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the~~ 71581
~~department of job and family services requirements for~~ 71582
~~participation in the a medicaid program established under Chapter~~ 71583
~~5111. of the Revised Code provider agreement~~ and enter into a 71584
~~contract~~ the agreement with the department of medicaid to provide 71585
dental services to medicaid recipients. 71586

(3) The department of health agrees, as provided in section 71587
3702.85 of the Revised Code, to repay, so long as the individual 71588
performs the service obligation agreed to under division (B)(1) of 71589

this section, all or part of the principal and interest of a 71590
government or other educational loan taken by the individual for 71591
expenses described in section 3702.85 of the Revised Code. 71592

(4) The individual agrees to pay the department of health an 71593
amount established by rules adopted under section 3702.86 of the 71594
Revised Code, if the individual fails to complete the service 71595
obligation agreed to under division (B)(1) of this section. 71596

(C) The contract may include any other terms agreed upon by 71597
the parties. 71598

(D) Not later than the thirty-first day of January of each 71599
year, the department of health shall mail to each individual to 71600
whom or on whose behalf repayment is made under the dentist loan 71601
repayment program a statement showing the amount of principal and 71602
interest repaid by the department pursuant to the contract in the 71603
preceding year. The statement shall be sent by ordinary mail with 71604
address correction and forwarding requested in the manner 71605
prescribed by the United States postal service. 71606

Sec. 3704.144. (A) Gifts, grants, and contributions for the 71607
purpose of adding pollution control equipment to diesel-powered 71608
school buses and converting diesel-powered school buses to 71609
alternative fuels, including contributions that are made pursuant 71610
to the settlement of an administrative action or civil action that 71611
is brought at the request of the director of environmental 71612
protection pursuant to Chapter 3704., 3714., 3734., 6109., or 71613
6111. of the Revised Code, shall be credited to the clean diesel 71614
school bus fund, which is hereby created in the state treasury. 71615
The director shall use money credited to the fund to make grants 71616
to school districts in the state and to county boards of 71617
developmental disabilities for the purpose of adding pollution 71618
control equipment to diesel-powered school buses and converting 71619
diesel-powered school buses to alternative fuels by means of 71620

certified engine configurations and verified technologies that are 71621
consistent with the requirements of section 793 and any 71622
regulations adopted under that section and to pay the 71623
environmental protection agency's costs incurred in administering 71624
this section. In addition, the director may use money credited to 71625
the fund to make grants to school districts and to county boards 71626
of developmental disabilities for the purpose of maintaining 71627
pollution control equipment that is installed on diesel-powered 71628
school buses ~~and to pay the additional cost incurred by a school~~ 71629
~~district or a county board for using ultra low sulfur diesel fuel~~ 71630
~~instead of diesel fuel for the operation of diesel powered school~~ 71631
~~buses.~~ 71632

(B) In making grants under this section, the director shall 71633
give priority to school districts and to county boards of 71634
developmental disabilities that are located in a county that is 71635
designated as nonattainment by the United States environmental 71636
protection agency for the fine particulate national ambient air 71637
quality standard under the federal Clean Air Act. In addition, the 71638
director may give a higher priority to a school district or a 71639
county board of developmental disabilities that employs additional 71640
measures that reduce air pollution from the district's or the 71641
county board's school bus fleet. 71642

(C) The director shall adopt rules establishing procedures 71643
and requirements that are necessary to implement this section, 71644
including procedures and requirements governing applications for 71645
grants. 71646

(D) As used in this section: 71647

(1) "Alternative fuel" has the same meaning as in section 71648
125.831 of the Revised Code. 71649

(2) "Certified engine configuration" and "section 793" have 71650
the same meanings as in section 122.861 of the Revised Code. 71651

(3) "Verified technology" means a pollution control 71652
technology, including retrofit technology and auxiliary power 71653
unit, that has been verified by the administrator of the United 71654
States environmental protection agency or the California air 71655
resources board. 71656

Sec. 3706.01. As used in this chapter: 71657

(A) "Governmental agency" means a department, division, or 71658
other unit of state government, a municipal corporation, county, 71659
township, and other political subdivision, or any other public 71660
corporation or agency having the power to acquire, construct, or 71661
operate air quality facilities, the United States or any agency 71662
thereof, and any agency, commission, or authority established 71663
pursuant to an interstate compact or agreement. 71664

(B) "Person" means any individual, firm, partnership, 71665
association, or corporation, or any combination thereof. 71666

(C) "Air contaminant" means particulate matter, dust, fumes, 71667
gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or 71668
odorous substance, or any combination thereof. 71669

(D) "Air pollution" means the presence in the ambient air of 71670
one or more air contaminants in sufficient quantity and of such 71671
characteristics and duration as to injure human health or welfare, 71672
plant or animal life, or property, or that unreasonably interferes 71673
with the comfortable enjoyment of life or property. 71674

(E) "Ambient air" means that portion of the atmosphere 71675
outside of buildings and other enclosures, stacks, or ducts that 71676
surrounds human, plant, or animal life, or property. 71677

(F) "Emission" means the release into the outdoor atmosphere 71678
of an air contaminant. 71679

(G) "Air quality facility" means any of the following: 71680

(1) Any method, modification or replacement of property, 71681

process, device, structure, or equipment that removes, reduces, 71682
prevents, contains, alters, conveys, stores, disperses, or 71683
disposes of air contaminants or substances containing air 71684
contaminants, or that renders less noxious or reduces the 71685
concentration of air contaminants in the ambient air, including, 71686
without limitation, facilities and expenditures that qualify as 71687
air pollution control facilities under section 103 (C)(4)(F) of 71688
the Internal Revenue Code of 1954, as amended, and regulations 71689
adopted thereunder; 71690

(2) Motor vehicle inspection stations operated in accordance 71691
with, and any equipment used for motor vehicle inspections 71692
conducted under, section 3704.14 of the Revised Code and rules 71693
adopted under it; 71694

(3) Ethanol or other biofuel facilities, including any 71695
equipment used at the ethanol or other biofuel facility for the 71696
production of ethanol or other biofuels; 71697

(4) Any property or portion thereof used for the collection, 71698
storage, treatment, utilization, processing, or final disposal of 71699
a by-product or solid waste resulting from any method, process, 71700
device, structure, or equipment that removes, reduces, prevents, 71701
contains, alters, conveys, stores, disperses, or disposes of air 71702
contaminants, or that renders less noxious or reduces the 71703
concentration of air contaminants in the ambient air; 71704

(5) Any property, device, or equipment that promotes the 71705
reduction of emissions of air contaminants into the ambient air 71706
through improvements in the efficiency of energy utilization or 71707
energy conservation; 71708

(6) Any coal research and development project conducted under 71709
Chapter 1555. of the Revised Code; 71710

(7) As determined by the director of the Ohio coal 71711
development office, any property or portion thereof that is used 71712

for the collection, storage, treatment, utilization, processing, 71713
or final disposal of a by-product resulting from a coal research 71714
and development project as defined in section 1555.01 of the 71715
Revised Code or from the use of clean coal technology, excluding 71716
any property or portion thereof that is used primarily for other 71717
subsequent commercial purposes; 71718

(8) Any property or portion thereof that is part of the 71719
FutureGen project of the United States department of energy or 71720
related to the siting of the FutureGen project; 71721

(9) Any property, device, or equipment that promotes the 71722
reduction of emissions of air contaminants into the ambient air 71723
through the generation of clean, renewable energy with renewable 71724
energy resources or advanced energy resources as defined in 71725
section 3706.25 of the Revised Code; 71726

(10) Any property, device, structure or equipment necessary 71727
for the manufacture and production of equipment described as an 71728
air quality facility under this chapter; 71729

(11) Any property, device, or equipment related to the 71730
recharging or refueling of vehicles that promotes the reduction of 71731
emissions of air contaminants into the ambient air through the use 71732
of an alternative fuel as defined in section 125.831 of the 71733
Revised Code or the use of a renewable energy resource as defined 71734
in section 3706.25 of the Revised Code. 71735

"Air quality facility" further includes any property or 71736
system to be used in whole or in part for any of the purposes in 71737
divisions (G)(1) to ~~(10)~~(11) of this section, whether another 71738
purpose is also served, and any property or system incidental to 71739
or that has to do with, or the end purpose of which is, any of the 71740
foregoing. Air quality facilities that are defined in this 71741
division for industry, commerce, distribution, or research, 71742
including public utility companies, are hereby determined to be 71743

those that qualify as facilities for the control of air pollution 71744
and thermal pollution related to air under Section 13 of Article 71745
VIII, Ohio Constitution. 71746

(H) "Project" or "air quality project" means any air quality 71747
facility, including undivided or other interests therein, acquired 71748
or to be acquired or constructed or to be constructed by the Ohio 71749
air quality development authority under this chapter, or acquired 71750
or to be acquired or constructed or to be constructed by a 71751
governmental agency or person with all or a part of the cost 71752
thereof being paid from a loan or grant from the authority under 71753
this chapter or otherwise paid from the proceeds of air quality 71754
revenue bonds, including all buildings and facilities that the 71755
authority determines necessary for the operation of the project, 71756
together with all property, rights, easements, and interests that 71757
may be required for the operation of the project. 71758

(I) "Cost" as applied to an air quality project means the 71759
cost of acquisition and construction, the cost of acquisition of 71760
all land, rights-of-way, property rights, easements, franchise 71761
rights, and interests required for such acquisition and 71762
construction, the cost of demolishing or removing any buildings or 71763
structures on land so acquired, including the cost of acquiring 71764
any lands to which such buildings or structures may be moved, the 71765
cost of acquiring or constructing and equipping a principal office 71766
and sub-offices of the authority, the cost of diverting highways, 71767
interchange of highways, and access roads to private property, 71768
including the cost of land or easements for such access roads, the 71769
cost of public utility and common carrier relocation or 71770
duplication, the cost of all machinery, furnishings, and 71771
equipment, financing charges, interest prior to and during 71772
construction and for no more than eighteen months after completion 71773
of construction, engineering, expenses of research and development 71774
with respect to air quality facilities, the cost of any commodity 71775

contract, including fees and expenses related thereto, legal 71776
expenses, plans, specifications, surveys, studies, estimates of 71777
cost and revenues, working capital, other expenses necessary or 71778
incident to determining the feasibility or practicability of 71779
acquiring or constructing such project, administrative expense, 71780
and such other expense as may be necessary or incident to the 71781
acquisition or construction of the project, the financing of such 71782
acquisition or construction, including the amount authorized in 71783
the resolution of the authority providing for the issuance of air 71784
quality revenue bonds to be paid into any special funds from the 71785
proceeds of such bonds, and the financing of the placing of such 71786
project in operation. Any obligation, cost, or expense incurred by 71787
any governmental agency or person for surveys, borings, 71788
preparation of plans and specifications, and other engineering 71789
services, or any other cost described above, in connection with 71790
the acquisition or construction of a project may be regarded as a 71791
part of the cost of that project and may be reimbursed out of the 71792
proceeds of air quality revenue bonds as authorized by this 71793
chapter. 71794

(J) "Owner" includes an individual, copartnership, 71795
association, or corporation having any title or interest in any 71796
property, rights, easements, or interests authorized to be 71797
acquired by this chapter. 71798

(K) "Revenues" means all rentals and other charges received 71799
by the authority for the use or services of any air quality 71800
project, any gift or grant received with respect to any air 71801
quality project, any moneys received with respect to the lease, 71802
sublease, sale, including installment sale or conditional sale, or 71803
other disposition of an air quality project, moneys received in 71804
repayment of and for interest on any loans made by the authority 71805
to a person or governmental agency, whether from the United States 71806
or any department, administration, or agency thereof, or 71807

otherwise, proceeds of such bonds to the extent that use thereof 71808
for payment of principal of, premium, if any, or interest on the 71809
bonds is authorized by the authority, amounts received or 71810
otherwise derived from a commodity contract or from the sale of 71811
the related commodity under such a contract, proceeds from any 71812
insurance, condemnation, or guaranty pertaining to a project or 71813
property mortgaged to secure bonds or pertaining to the financing 71814
of the project, and income and profit from the investment of the 71815
proceeds of air quality revenue bonds or of any revenues. 71816

(L) "Public roads" includes all public highways, roads, and 71817
streets in the state, whether maintained by the state, county, 71818
city, township, or other political subdivision. 71819

(M) "Public utility facilities" includes tracks, pipes, 71820
mains, conduits, cables, wires, towers, poles, and other equipment 71821
and appliances of any public utility. 71822

(N) "Construction," unless the context indicates a different 71823
meaning or intent, includes reconstruction, enlargement, 71824
improvement, or providing furnishings or equipment. 71825

(O) "Air quality revenue bonds," unless the context indicates 71826
a different meaning or intent, includes air quality revenue notes, 71827
air quality revenue renewal notes, and air quality revenue 71828
refunding bonds, except that notes issued in anticipation of the 71829
issuance of bonds shall have a maximum maturity of five years as 71830
provided in section 3706.05 of the Revised Code and notes or 71831
renewal notes issued as the definitive obligation may be issued 71832
maturing at such time or times with a maximum maturity of forty 71833
years from the date of issuance of the original note. 71834

(P) "Solid waste" means any garbage; refuse; sludge from a 71835
waste water treatment plant, water supply treatment plant, or air 71836
pollution control facility; and other discarded material, 71837
including solid, liquid, semisolid, or contained gaseous material 71838

resulting from industrial, commercial, mining, and agricultural 71839
operations, and from community activities, but not including solid 71840
or dissolved material in domestic sewage, or solid or dissolved 71841
material in irrigation return flows or industrial discharges that 71842
are point sources subject to permits under section 402 of the 71843
"Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 71844
880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or 71845
byproduct material as defined by the "Atomic Energy Act of 1954," 71846
68 Stat. 921, 42 U.S.C.A. 2011, as amended. 71847

(Q) "Sludge" means any solid, semisolid, or liquid waste, 71848
other than a recyclable by-product, generated from a municipal, 71849
commercial, or industrial waste water treatment plant, water 71850
supply plant, or air pollution control facility or any other such 71851
wastes having similar characteristics and effects. 71852

(R) "Ethanol or other biofuel facility" means a plant at 71853
which ethanol or other biofuel is produced. 71854

(S) "Ethanol" means fermentation ethyl alcohol derived from 71855
agricultural products, including potatoes, cereal, grains, cheese 71856
whey, and sugar beets; forest products; or other renewable or 71857
biomass resources, including residue and waste generated from the 71858
production, processing, and marketing of agricultural products, 71859
forest products, and other renewable or biomass resources, that 71860
meets all of the specifications in the American society for 71861
testing and materials (ASTM) specification D 4806-88 and is 71862
denatured as specified in Parts 20 and 21 of Title 27 of the Code 71863
of Federal Regulations. 71864

(T) "Biofuel" means any fuel that is made from cellulosic 71865
biomass resources, including renewable organic matter, crop waste 71866
residue, wood, aquatic plants and other crops, animal waste, solid 71867
waste, or sludge, and that is used for the production of energy 71868
for transportation or other purposes. 71869

(U) "FutureGen project" means the buildings, equipment, and 71870
real property and functionally related buildings, equipment, and 71871
real property, including related research projects that support 71872
the development and operation of the buildings, equipment, and 71873
real property, designated by the United States department of 71874
energy and the FutureGen industrial alliance, inc., as the 71875
coal-fueled, zero-emissions power plant designed to prove the 71876
technical and economic feasibility of producing electricity and 71877
hydrogen from coal and nearly eliminating carbon dioxide emissions 71878
through capture and permanent storage. 71879

(V) "Commodity contract" means a contract or series of 71880
contracts entered into in connection with the acquisition or 71881
construction of air quality facilities for the purchase or sale of 71882
a commodity that is eligible for prepayment with the proceeds of 71883
federally tax exempt bonds under sections 103, 141, and 148 of the 71884
Internal Revenue Code of 1986, as amended, and regulations adopted 71885
under it. 71886

Sec. 3707.511. (A) As used in this section, ~~"physician":~~ 71887

"Physician" means a person authorized under Chapter 4731. of 71888
the Revised Code to practice medicine and surgery or osteopathic 71889
medicine and surgery. 71890

"Chiropractor" means a person licensed under Chapter 4734. of 71891
the Revised Code to practice chiropractic. 71892

(B) A youth sports organization shall provide to the parent, 71893
guardian, or other person having care or charge of an individual 71894
who wishes to practice for or compete in an athletic activity 71895
organized by a youth sports organization the concussion and head 71896
injury information sheet required by section 3707.52 of the 71897
Revised Code. The organization shall provide the information sheet 71898
annually for each sport or other category of athletic activity for 71899
or in which the individual practices or competes. 71900

(C)(1) No individual shall act as a coach or referee for a youth sports organization unless the individual holds a pupil-activity program permit issued under section 3319.303 of the Revised Code for coaching interscholastic athletics or presents evidence that the individual has successfully completed, within the previous three years, a training program in recognizing the symptoms of concussions and head injuries to which the department of health has provided a link on its internet web site under section 3707.52 of the Revised Code.

(2) The youth sports organization for which the individual intends to act as a coach or referee shall inform the individual of the requirement described in division (C)(1) of this section.

(D) If an individual practicing for or competing in an athletic event organized by a youth sports organization exhibits signs, symptoms, or behaviors consistent with having sustained a concussion or head injury while participating in the practice or competition, the individual shall be removed from the practice or competition by one of the following:

(1) The individual who is serving as the individual's coach during that practice or competition;

(2) An individual who is serving as a referee during that practice or competition;

(3) An official of the youth sports organization who is supervising that practice or competition.

(E)(1) If an individual is removed from practice or competition under division (D) of this section, the coach, referee, or official who removed the individual shall not allow the individual, on the same day the individual is removed, to return to that practice or competition or to participate in any other practice or competition for which the coach, referee, or official is responsible. Thereafter, the coach, referee, or

official shall not allow the student to return to that practice or 71932
competition or to participate in any other practice or competition 71933
for which the coach, referee, or official is responsible until 71934
both of the following conditions are satisfied: 71935

(a) The individual's condition is assessed by ~~either~~ any of 71936
the following: 71937

(i) A physician; 71938

(ii) A chiropractor; 71939

(iii) Any other licensed health care provider the youth 71940
sports organization, pursuant to division (E)(2) of this section, 71941
authorizes to assess an individual who has been removed from 71942
practice or competition under division (D) of this section. 71943

(b) The individual receives written clearance that it is safe 71944
for the individual to return to practice or competition from a 71945
physician, chiropractor, or ~~from~~ another licensed health care 71946
provider authorized pursuant to division (E)(2) of this section to 71947
grant the clearance. 71948

(2) A youth sports organization may authorize a licensed 71949
health care provider who is not a physician or a chiropractor to 71950
make an assessment or grant a clearance for purposes of division 71951
(E)(1) of this section only if the provider is acting in 71952
accordance with one of the following, as applicable to the 71953
provider's authority to practice in this state: 71954

(a) In consultation with a physician; 71955

(b) Pursuant to the referral of a physician; 71956

(c) In collaboration with a physician; 71957

(d) Under the supervision of a physician. 71958

(3) A physician, chiropractor, or other licensed health care 71959
provider who makes an assessment or grants a clearance for 71960
purposes of division (E)(1) of this section may be a volunteer. 71961

(F)(1) A youth sports organization or official, employee, or volunteer of a youth sports organization, including a coach or referee, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct.

(2) This section does not eliminate, limit, or reduce any other immunity or defense that a public entity, public official, or public employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

Sec. 3709.01. The state shall be divided into health districts. Each city constitutes a health district and shall be known as a "city health district."

The townships and villages in each county shall be combined into a health district and shall be known as a "general health district."

As provided for in sections 3709.051, 3709.07, ~~3709.071~~, and 3709.10 of the Revised Code, there may be a union of two or more ~~contiguous~~ general health districts, ~~not to exceed five~~, a union of two or more ~~contiguous~~ city health districts to form a single city health district, or a union of a general health district and one or more city health districts located within or partially within such general health district.

Sec. 3709.051. Two or more ~~contiguous~~ city health districts may be united to form a single city health district by a majority affirmative vote of the legislative authority of each city affected by the union.

If at least three per cent of the qualified electors residing within each of two or more ~~contiguous~~ city health districts sign a

petition proposing a union into a single city health district, an 71992
election shall be held as provided in this section to determine 71993
whether a single city health district shall be formed. The 71994
petition for union may specify regarding the board of health of 71995
the new district: 71996

(A) The qualifications for membership; 71997

(B) The term of office; 71998

(C) The number of members or a method by which the number may 71999
be determined from time to time; 72000

(D) The method of appointment. 72001

Such petition shall be filed with the boards of county 72002
commissioners of the respective counties affected, subject to 72003
approval of the director of health, and such boards shall promptly 72004
certify the text of the proposal to the boards of election for the 72005
purpose of having the proposal placed on the ballot at the next 72006
general election occurring more than ninety days after such 72007
certification. The election procedures provided in Chapter 3505. 72008
of the Revised Code for questions and issues shall apply to the 72009
election. If a majority of the electors voting on the proposal in 72010
each of the health districts affected vote in favor thereof, the 72011
union of such districts into a single city health district shall 72012
be established on the second succeeding first day of January. 72013

Sec. 3709.10. When it is proposed that two or more ~~contiguous~~ 72014
general health districts, ~~not to exceed five,~~ unite in the 72015
formation of one general health district, the district advisory 72016
council of each general health district shall meet and vote on the 72017
question of union. An affirmative majority vote of the district 72018
advisory council shall be required for approval. When the district 72019
advisory councils have voted affirmatively on the question, they 72020
shall meet in joint session and shall elect a board of health for 72021

the combined districts. Each original general health district 72022
shall be entitled to at least one member on the board of health of 72023
the combined districts. 72024

When such union is completed, ~~such~~ the district shall 72025
constitute a general health district and shall be governed in the 72026
manner provided for general health districts. When two or more 72027
general health districts unite to form one district, the office of 72028
the board of health shall be located at the county seat of the 72029
county selected by the joint board of district advisory councils. 72030

When two or more general health districts have been combined 72031
into a single district, the county auditor of the county selected 72032
by the joint board of district advisory councils as the location 72033
of the central office of the board of health shall be the auditor 72034
of such district and the county treasurer of such county shall be 72035
the custodian of the health funds of such district. When the 72036
budget of such combined general health district is a matter for 72037
consideration, the members of the budget commissions of the 72038
counties constituting the district shall sit as a joint board for 72039
considering and acting on such budget. 72040

Sec. 3712.051. (A) As used in this division, "person" does 72041
not include a member of an interdisciplinary team, as defined in 72042
section 3712.01 of the Revised Code, or any individual who is 72043
employed by a person or public agency licensed under section 72044
3712.041 of the Revised Code. 72045

Except as provided in division (B) of this section, no person 72046
or public agency, other than a person or public agency licensed 72047
pursuant to section 3712.041 of the Revised Code, shall hold 72048
itself out as providing a pediatric respite care program, or 72049
provide a pediatric respite care program, or use the term 72050
"pediatric respite care program" or any term containing "pediatric 72051
respite care" to describe or refer to a health program, facility, 72052

or agency. 72053

(B) Division (A) of this section does not apply to any of the 72054
following: 72055

(1) A hospital; 72056

(2) A nursing home or residential care facility, as those 72057
terms are defined in section 3721.01 of the Revised Code; 72058

(3) A home health agency, if it provides services under 72059
contract with a person or public agency providing a pediatric 72060
respite care program licensed under section 3712.041 of the 72061
Revised Code; 72062

(4) A regional, state, or national nonprofit organization 72063
whose members are providers of pediatric respite care programs, 72064
individuals interested in pediatric respite care programs, or 72065
both, as long as the organization does not provide or represent 72066
that it provides pediatric respite care programs; 72067

(5) A person or government entity certified under section 72068
5123.161 of the Revised Code as a supported living provider; 72069

(6) A residential facility licensed under section 5123.19 of 72070
the Revised Code; 72071

(7) A respite care home certified under section 5126.05 of 72072
the Revised Code; 72073

(8) A person providing respite care under a family support 72074
services program established under section 5126.11 of the Revised 72075
Code; 72076

(9) A person or government entity providing respite care 72077
under a medicaid waiver component that the department of 72078
developmental disabilities administers pursuant to section 72079
~~5111.871~~ 5166.21 of the Revised Code. 72080

(C) The department of health shall petition the court of 72081
common pleas of any county in which a person or public agency, 72082

without a license granted under section 3712.041 of the Revised Code, is holding itself out as providing a pediatric respite care program, is providing a pediatric respite care program, or is representing a health program, facility, or agency as a pediatric respite care program, for an order enjoining that person or public agency from conducting those activities without a license. The court has jurisdiction to grant injunctive relief upon a showing that the respondent named in the petition is conducting those activities without a license.

Any person or public agency may request the department to petition the court for injunctive relief under this division, and the department shall do so if it determines that the person or public agency named in the request is violating division (A) of this section.

Sec. 3712.07. (A) As used in this section, "terminal care facility for the homeless" means a facility that provides accommodations to homeless individuals who are terminally ill.

(B) A person or public agency licensed under this chapter to provide a hospice care program may enter into an agreement with a terminal care facility for the homeless under which hospice care program services may be provided to individuals residing at the facility, if all of the following apply:

(1) Each resident of the facility has been diagnosed by a physician as having a terminal condition and an anticipated life expectancy of six months or less;

(2) No resident of the facility has a relative or other person willing or capable of providing the care necessary to cope with ~~his~~ the resident's terminal illness or is financially capable of hiring a person to provide such care;

(3) Each resident of the facility is under the direct care of

a physician; 72113

(4) No resident of the facility requires the staff of the facility to administer medication by injection; 72114
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(5) The facility does not receive any remuneration, directly or indirectly, from the residents; 72116
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(6) The facility does not receive any remuneration, directly or indirectly, from the ~~medical assistance~~ medicaid program established under ~~section 5111.01 of the Revised Code~~ or the medicare program established under ~~Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;~~ 72118
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(7) The facility meets all applicable state and federal health and safety standards, including standards for fire prevention, maintenance of safe and sanitary conditions, and proper preparation and storage of foods. 72123
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(C) Hospice care program services may be provided at a terminal care facility for the homeless only by the personnel of the person or public agency that has entered into an agreement with the facility under this section. 72127
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(D) A terminal care facility for the homeless that has entered into an agreement under this section may assist its residents with the self-administration of medication if the medication has been prescribed by a physician and is not administered by injection. In the event that a resident has entered the final stages of dying and is no longer mentally alert, the facility may administer medication to that resident if the medication has been prescribed by a physician and is not administered by injection. Determinations of whether an individual has entered the final stages of dying and is no longer mentally alert shall be based on directions from the personnel who provide hospice care program services at the facility. 72131
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Sec. 3712.09. (A) As used in this section: 72143

(1) "Applicant" means a person who is under final 72144
consideration for employment with a hospice care program or 72145
pediatric respite care program in a full-time, part-time, or 72146
temporary position that involves providing direct care to an older 72147
adult or pediatric respite care patient. "Applicant" does not 72148
include a person who provides direct care as a volunteer without 72149
receiving or expecting to receive any form of remuneration other 72150
than reimbursement for actual expenses. 72151

(2) "Criminal records check" has the same meaning as in 72152
section 109.572 of the Revised Code. 72153

(3) "Older adult" means a person age sixty or older. 72154

(B)(1) Except as provided in division (I) of this section, 72155
the chief administrator of a hospice care program or pediatric 72156
respite care program shall request that the superintendent of the 72157
bureau of criminal identification and investigation conduct a 72158
criminal records check of each applicant. If an applicant for whom 72159
a criminal records check request is required under this division 72160
does not present proof of having been a resident of this state for 72161
the five-year period immediately prior to the date the criminal 72162
records check is requested or provide evidence that within that 72163
five-year period the superintendent has requested information 72164
about the applicant from the federal bureau of investigation in a 72165
criminal records check, the chief administrator shall request that 72166
the superintendent obtain information from the federal bureau of 72167
investigation as part of the criminal records check of the 72168
applicant. Even if an applicant for whom a criminal records check 72169
request is required under this division presents proof of having 72170
been a resident of this state for the five-year period, the chief 72171
administrator may request that the superintendent include 72172
information from the federal bureau of investigation in the 72173

criminal records check. 72174

(2) A person required by division (B)(1) of this section to 72175
request a criminal records check shall do both of the following: 72176

(a) Provide to each applicant for whom a criminal records 72177
check request is required under that division a copy of the form 72178
prescribed pursuant to division (C)(1) of section 109.572 of the 72179
Revised Code and a standard fingerprint impression sheet 72180
prescribed pursuant to division (C)(2) of that section, and obtain 72181
the completed form and impression sheet from the applicant; 72182

(b) Forward the completed form and impression sheet to the 72183
superintendent of the bureau of criminal identification and 72184
investigation. 72185

(3) An applicant provided the form and fingerprint impression 72186
sheet under division (B)(2)(a) of this section who fails to 72187
complete the form or provide fingerprint impressions shall not be 72188
employed in any position for which a criminal records check is 72189
required by this section. 72190

(C)(1) Except as provided in rules adopted by the director of 72191
health in accordance with division (F) of this section and subject 72192
to division (C)(2) of this section, no hospice care program or 72193
pediatric respite care program shall employ a person in a position 72194
that involves providing direct care to an older adult or pediatric 72195
respite care patient if the person has been convicted of or 72196
pleaded guilty to any of the following: 72197

(a) A violation of section 2903.01, 2903.02, 2903.03, 72198
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 72199
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 72200
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 72201
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 72202
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 72203
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 72204

2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 72205
2925.22, 2925.23, or 3716.11 of the Revised Code. 72206

(b) A violation of an existing or former law of this state, 72207
any other state, or the United States that is substantially 72208
equivalent to any of the offenses listed in division (C)(1)(a) of 72209
this section. 72210

(2)(a) A hospice care program or pediatric respite care 72211
program may employ conditionally an applicant for whom a criminal 72212
records check request is required under division (B) of this 72213
section prior to obtaining the results of a criminal records check 72214
regarding the individual, provided that the program shall request 72215
a criminal records check regarding the individual in accordance 72216
with division (B)(1) of this section not later than five business 72217
days after the individual begins conditional employment. In the 72218
circumstances described in division (I)(2) of this section, a 72219
hospice care program or pediatric respite care program may employ 72220
conditionally an applicant who has been referred to the hospice 72221
care program or pediatric respite care program by an employment 72222
service that supplies full-time, part-time, or temporary staff for 72223
positions involving the direct care of older adults or pediatric 72224
respite care patients and for whom, pursuant to that division, a 72225
criminal records check is not required under division (B) of this 72226
section. 72227

(b) A hospice care program or pediatric respite care program 72228
that employs an individual conditionally under authority of 72229
division (C)(2)(a) of this section shall terminate the 72230
individual's employment if the results of the criminal records 72231
check requested under division (B) of this section or described in 72232
division (I)(2) of this section, other than the results of any 72233
request for information from the federal bureau of investigation, 72234
are not obtained within the period ending thirty days after the 72235
date the request is made. Regardless of when the results of the 72236

criminal records check are obtained, if the results indicate that 72237
the individual has been convicted of or pleaded guilty to any of 72238
the offenses listed or described in division (C)(1) of this 72239
section, the program shall terminate the individual's employment 72240
unless the program chooses to employ the individual pursuant to 72241
division (F) of this section. Termination of employment under this 72242
division shall be considered just cause for discharge for purposes 72243
of division (D)(2) of section 4141.29 of the Revised Code if the 72244
individual makes any attempt to deceive the program about the 72245
individual's criminal record. 72246

(D)(1) Each hospice care program or pediatric respite care 72247
program shall pay to the bureau of criminal identification and 72248
investigation the fee prescribed pursuant to division (C)(3) of 72249
section 109.572 of the Revised Code for each criminal records 72250
check conducted pursuant to a request made under division (B) of 72251
this section. 72252

(2) A hospice care program or pediatric respite care program 72253
may charge an applicant a fee not exceeding the amount the program 72254
pays under division (D)(1) of this section. A program may collect 72255
a fee only if both of the following apply: 72256

(a) The program notifies the person at the time of initial 72257
application for employment of the amount of the fee and that, 72258
unless the fee is paid, the person will not be considered for 72259
employment; 72260

(b) The ~~medical assistance~~ medicaid program ~~established under~~ 72261
~~Chapter 5111. of the Revised Code~~ does not reimburse the program 72262
the fee it pays under division (D)(1) of this section. 72263

(E) The report of a criminal records check conducted pursuant 72264
to a request made under this section is not a public record for 72265
the purposes of section 149.43 of the Revised Code and shall not 72266
be made available to any person other than the following: 72267

- (1) The individual who is the subject of the criminal records check or the individual's representative; 72268
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- (2) The chief administrator of the program requesting the criminal records check or the administrator's representative; 72270
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- (3) The administrator of any other facility, agency, or program that provides direct care to older adults or pediatric respite care patients that is owned or operated by the same entity that owns or operates the hospice care program or pediatric respite care program; 72272
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- (4) A court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of the applicant; 72277
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- (5) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1) or (2) of this section. 72281
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- (F) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which a hospice care program or pediatric respite care program may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the director. 72283
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- (G) The chief administrator of a hospice care program or pediatric respite care program shall inform each individual, at the time of initial application for a position that involves providing direct care to an older adult or pediatric respite care patient, that the individual is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the individual comes under final consideration for employment. 72290
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- (H) In a tort or other civil action for damages that is 72298

brought as the result of an injury, death, or loss to person or 72299
property caused by an individual who a hospice care program or 72300
pediatric respite care program employs in a position that involves 72301
providing direct care to older adults or pediatric respite care 72302
patients, all of the following shall apply: 72303

(1) If the program employed the individual in good faith and 72304
reasonable reliance on the report of a criminal records check 72305
requested under this section, the program shall not be found 72306
negligent solely because of its reliance on the report, even if 72307
the information in the report is determined later to have been 72308
incomplete or inaccurate; 72309

(2) If the program employed the individual in good faith on a 72310
conditional basis pursuant to division (C)(2) of this section, the 72311
program shall not be found negligent solely because it employed 72312
the individual prior to receiving the report of a criminal records 72313
check requested under this section; 72314

(3) If the program in good faith employed the individual 72315
according to the personal character standards established in rules 72316
adopted under division (F) of this section, the program shall not 72317
be found negligent solely because the individual prior to being 72318
employed had been convicted of or pleaded guilty to an offense 72319
listed or described in division (C)(1) of this section. 72320

(I)(1) The chief administrator of a hospice care program or 72321
pediatric respite care program is not required to request that the 72322
superintendent of the bureau of criminal identification and 72323
investigation conduct a criminal records check of an applicant if 72324
the applicant has been referred to the program by an employment 72325
service that supplies full-time, part-time, or temporary staff for 72326
positions involving the direct care of older adults or pediatric 72327
respite care patients and both of the following apply: 72328

(a) The chief administrator receives from the employment 72329

service or the applicant a report of the results of a criminal 72330
records check regarding the applicant that has been conducted by 72331
the superintendent within the one-year period immediately 72332
preceding the applicant's referral; 72333

(b) The report of the criminal records check demonstrates 72334
that the person has not been convicted of or pleaded guilty to an 72335
offense listed or described in division (C)(1) of this section, or 72336
the report demonstrates that the person has been convicted of or 72337
pleaded guilty to one or more of those offenses, but the hospice 72338
care program or pediatric respite care program chooses to employ 72339
the individual pursuant to division (F) of this section. 72340

(2) The chief administrator of a hospice care program or 72341
pediatric respite care program is not required to request that the 72342
superintendent of the bureau of criminal identification and 72343
investigation conduct a criminal records check of an applicant and 72344
may employ the applicant conditionally as described in this 72345
division, if the applicant has been referred to the program by an 72346
employment service that supplies full-time, part-time, or 72347
temporary staff for positions involving the direct care of older 72348
adults or pediatric respite care patients and if the chief 72349
administrator receives from the employment service or the 72350
applicant a letter from the employment service that is on the 72351
letterhead of the employment service, dated, and signed by a 72352
supervisor or another designated official of the employment 72353
service and that states that the employment service has requested 72354
the superintendent to conduct a criminal records check regarding 72355
the applicant, that the requested criminal records check will 72356
include a determination of whether the applicant has been 72357
convicted of or pleaded guilty to any offense listed or described 72358
in division (C)(1) of this section, that, as of the date set forth 72359
on the letter, the employment service had not received the results 72360
of the criminal records check, and that, when the employment 72361

service receives the results of the criminal records check, it 72362
promptly will send a copy of the results to the hospice care 72363
program or pediatric respite care program. If a hospice care 72364
program or pediatric respite care program employs an applicant 72365
conditionally in accordance with this division, the employment 72366
service, upon its receipt of the results of the criminal records 72367
check, promptly shall send a copy of the results to the hospice 72368
care program or pediatric respite care program, and division 72369
(C)(2)(b) of this section applies regarding the conditional 72370
employment. 72371

Sec. 3713.06. (A) Any person required to register under 72372
division (A) of section 3713.02 of the Revised Code who imports 72373
bedding or stuffed toys into this state for retail sale or use in 72374
this state and any person required to register under division (A) 72375
of section 3713.02 of the Revised Code who manufactures bedding or 72376
stuffed toys in this state for retail sale or use in this state 72377
shall submit a report to the superintendent of industrial 72378
compliance, in a form and manner prescribed by the superintendent. 72379
The form shall be submitted once ~~every six months~~ per year and 72380
shall show the total number of items of bedding or stuffed toys 72381
imported into this state or manufactured in this state. Each 72382
report shall be accompanied by a fee of four cents for each item 72383
of bedding or stuffed toy imported into this state or manufactured 72384
in this state. 72385

(B) Every importer, manufacturer, or wholesaler of stuffed 72386
toys or articles of bedding, and every mobile home and 72387
recreational vehicle dealer, conversion van dealer, secondhand 72388
dealer, and auction house shall retain records, designated by the 72389
superintendent in rule, for the time period established in rule. 72390

(C) Every importer, manufacturer, or wholesaler of stuffed 72391
toys or articles of bedding, and every mobile home and 72392

recreational vehicle dealer, conversion van dealer, secondhand 72393
dealer, and auction house shall make sufficient investigation of 72394
its records to ensure that the information reported to the 72395
superintendent under division (A) of this section is accurate. 72396

Sec. 3714.03. (A) As used in this section: 72397

(1) "Aquifer system" means one or more geologic units or 72398
formations that are wholly or partially saturated with water and 72399
are capable of storing, transmitting, and yielding significant 72400
amounts of water to wells or springs. 72401

(2) "Category 3 wetland" means a wetland that supports 72402
superior habitat or hydrological or recreational functions as 72403
determined by an appropriate wetland evaluation methodology 72404
acceptable to the director of environmental protection. "Category 72405
3 wetland" includes a wetland with high levels of diversity, a 72406
high proportion of native species, and high functional values and 72407
includes, but is not limited to, a wetland that contains or 72408
provides habitat for threatened or endangered species. "Category 3 72409
wetland" may include high quality forested wetlands, including old 72410
growth forested wetlands, mature forested riparian wetlands, 72411
vernal pools, bogs, fens, and wetlands that are scarce regionally. 72412

(3) "Natural area" means either of the following: 72413

(a) An area designated by the director of natural resources 72414
as a wild, scenic, or recreational river under section 1547.81 of 72415
the Revised Code; 72416

(b) An area designated by the United States department of the 72417
interior as a national wild, scenic, or recreational river. 72418

(4) "Occupied dwelling" means a residential dwelling and also 72419
includes a place of worship as defined in section 5104.01 of the 72420
Revised Code, a child day-care center as defined in that section, 72421
a hospital as defined in section 3727.01 of the Revised Code, a 72422

nursing home as defined in that section, a school, and a 72423
restaurant or other eating establishment. "Occupied dwelling" does 72424
not include a dwelling owned or controlled by the owner or 72425
operator of a construction and demolition debris facility to which 72426
the siting criteria established under this section are being 72427
applied. 72428

(5) "Residential dwelling" means a building used or intended 72429
to be used in whole or in part as a personal residence by the 72430
owner, part-time owner, or lessee of the building or any person 72431
authorized by the owner, part-time owner, or lessee to use the 72432
building as a personal residence. 72433

(B) Neither the director of environmental protection nor any 72434
board of health shall issue a permit to install under section 72435
3714.051 of the Revised Code to establish a new construction and 72436
demolition debris facility when any portion of the facility is 72437
proposed to be located in either of the following locations: 72438

(1) Within the boundaries of a one-hundred-year flood plain, 72439
as those boundaries are shown on the applicable maps prepared 72440
under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 72441
U.S.C.A. 4001, as amended, unless the owner or operator has 72442
obtained an exemption from division (B)(1) of this section in 72443
accordance with section 3714.04 of the Revised Code. If no such 72444
maps have been prepared, the boundaries of a one-hundred-year 72445
flood plain shall be determined by the applicant for a permit 72446
based upon standard methodologies set forth in "urban hydrology 72447
for small watersheds" (soil conservation service technical release 72448
number 55) and section 4 of the "national engineering hydrology 72449
handbook" of the soil conservation service of the United States 72450
department of agriculture. 72451

(2) Within the boundaries of a sole source aquifer designated 72452
by the administrator of the United States environmental protection 72453
agency under the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 72454

42 U.S.C.A. 300f, as amended. 72455

(C) Neither the director nor any board shall issue a permit 72456
to install under section 3714.051 of the Revised Code to establish 72457
a new construction and demolition debris facility when the 72458
horizontal limits of construction and demolition debris placement 72459
at the new facility are proposed to be located in any of the 72460
following locations: 72461

(1) Within one hundred feet of a perennial stream as defined 72462
by the United States geological survey seven and one-half minute 72463
quadrangle map or a category 3 wetland; 72464

(2) Within one hundred feet of the facility's property line; 72465

(3)(a) Except as provided in division (C)(3)(b) of this 72466
section, within five hundred feet of a residential or public water 72467
supply well. 72468

(b) Division (C)(3)(a) of this section does not apply to a 72469
residential well under any of the circumstances specified in 72470
divisions (C)(3)(b)(i) to (iii) of this section as follows: 72471

(i) The well is controlled by the owner or operator of the 72472
construction and demolition debris facility. 72473

(ii) The well is hydrologically separated from the horizontal 72474
limits of construction and demolition debris placement. 72475

(iii) The well is at least three hundred feet upgradient from 72476
the horizontal limits of construction and demolition debris 72477
placement and division (D) of this section does not prohibit the 72478
issuance of the permit to install. 72479

(4) Within five hundred feet of a park created or operated 72480
pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 72481
of the Revised Code, a state park established or dedicated under 72482
Chapter 1541. of the Revised Code, a state park purchase area 72483
established under section 1541.02 of the Revised Code, a national 72484

recreation area, any unit of the national park system, or any 72485
property that lies within the boundaries of a national park or 72486
recreation area, but that has not been acquired or is not 72487
administered by the secretary of the United States department of 72488
the interior, located in this state, or any area located in this 72489
state that is recommended by the secretary for study for potential 72490
inclusion in the national park system in accordance with "The Act 72491
of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended; 72492

(5) Within five hundred feet of a natural area, any area 72493
established by the department of natural resources as a state 72494
wildlife area under Chapter 1531. of the Revised Code and rules 72495
adopted under it, any area that is formally dedicated as a nature 72496
preserve under section 1517.05 of the Revised Code, or any area 72497
designated by the United States department of the interior as a 72498
national wildlife refuge; 72499

(6) Within five hundred feet of a lake or reservoir of one 72500
acre or more that is hydrogeologically connected to ground water. 72501
For purposes of division (C)(6) of this section, a lake or 72502
reservoir does not include a body of water constructed and used 72503
for purposes of surface water drainage or sediment control. 72504

(7) Within five hundred feet of a state forest purchased or 72505
otherwise acquired under Chapter 1503. of the Revised Code; 72506

~~(8) Within five hundred feet of land that is placed on the 72507
state registry of historic landmarks under section 149.55 of the 72508
Revised Code;~~ 72509

~~(9) Within five hundred feet of an occupied dwelling unless 72510
written permission is given by the owner of the dwelling. 72511~~

(D) Neither the director nor any board shall issue a permit 72512
to install under section 3714.051 of the Revised Code to establish 72513
a new construction and demolition debris facility when the limits 72514
of construction and demolition debris placement at the new 72515

facility are proposed to have an isolation distance of less than 72516
five feet from the uppermost aquifer system that consists of 72517
material that has a maximum hydraulic conductivity of 1×10^{-5} 72518
cm/sec and all of the geologic material comprising the isolation 72519
distance has a hydraulic conductivity equivalent to or less than 1 72520
 $\times 10^{-6}$ cm/sec. 72521

(E) Neither the director nor any board shall issue a permit 72522
to install under section 3714.051 of the Revised Code to establish 72523
a new construction and demolition debris facility when the road 72524
that is designated by the owner or operator as the main hauling 72525
road at the facility to and from the limits of construction and 72526
demolition debris placement is proposed to be located within five 72527
hundred feet of an occupied dwelling unless written permission is 72528
given by the owner of the occupied dwelling. 72529

(F) Neither the director nor any board shall issue a permit 72530
to install under section 3714.051 of the Revised Code to establish 72531
a new construction and demolition debris facility unless the new 72532
facility will have all of the following: 72533

(1) Access roads that shall be constructed in a manner that 72534
allows use in all weather conditions and will withstand the 72535
anticipated degree of use and minimize erosion and generation of 72536
dust; 72537

(2) Surface water drainage and sediment controls that are 72538
required by the director; 72539

(3) If the facility is proposed to be located in an area in 72540
which an applicable zoning resolution allows residential 72541
construction, vegetated earthen berms or an equivalent barrier 72542
with a minimum height of six feet separating the facility from 72543
adjoining property. 72544

(G)(1) The siting criteria established in this section shall 72545
be applied to an application for a permit to install at the time 72546

that the application is submitted to the director or a board of health, as applicable. Circumstances related to the siting criteria that change after the application is submitted shall not be considered in approving or disapproving the application.

(2) The siting criteria established in this section by this amendment do not apply to an expansion of a construction and demolition debris facility that was in operation prior to December 22, 2005, onto property within the property boundaries identified in the application for the initial license for that facility or any subsequent license issued for that facility up to and including the license issued for that facility for calendar year 2005. The siting criteria established in this section prior to December 22, 2005, apply to such an expansion.

Sec. 3714.07. (A)(1) For the purpose of assisting boards of health and the environmental protection agency in administering and enforcing this chapter and rules adopted under it, there is hereby levied a fee of thirty cents per cubic yard or sixty cents per ton, as applicable, on both of the following:

(a) The disposal of construction and demolition debris at a construction and demolition debris facility that is licensed under this chapter or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code;

(b) The disposal of asbestos or asbestos-containing materials or products at a construction and demolition debris facility that is licensed under this chapter or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code.

(2) The owner or operator of a construction and demolition debris facility or a solid waste facility shall determine if cubic yards or tons will be used as the unit of measurement. If basing the fee on cubic yards, the owner or operator shall utilize either the maximum cubic yard capacity of the container, or the hauling

volume of the vehicle, that transports the construction and 72578
demolition debris to the facility or the cubic yards actually 72579
logged for disposal by the owner or operator in accordance with 72580
rules adopted under section 3714.02 of the Revised Code. If basing 72581
the fee on tonnage, the owner or operator shall use certified 72582
scales to determine the tonnage of construction and demolition 72583
debris that is disposed of. 72584

(3) The owner or operator of a construction and demolition 72585
debris facility or a solid waste facility shall calculate the 72586
amount of money generated from the fee levied under division 72587
(A)(1) of this section and shall hold that amount as a trustee for 72588
the health district having jurisdiction over the facility, if that 72589
district is on the approved list under section 3714.09 of the 72590
Revised Code, or for the state. The owner or operator shall 72591
prepare and file with the appropriate board of health or the 72592
director of environmental protection monthly returns indicating 72593
the total volume or weight, as applicable, of construction and 72594
demolition debris and asbestos or asbestos-containing materials or 72595
products disposed of at the facility and the total amount of money 72596
generated during that month from the fee levied under division 72597
(A)(1) of this section on the disposal of construction and 72598
demolition debris and asbestos or asbestos-containing materials or 72599
products. Not later than thirty days after the last day of the 72600
month to which the return applies, the owner or operator shall 72601
mail to the board of health or the director the return for that 72602
month together with the amount of money calculated under division 72603
(A)(3) of this section on the disposal of construction and 72604
demolition debris and asbestos or asbestos-containing materials or 72605
products during that month or may submit the return and money 72606
electronically in a manner approved by the director. The owner or 72607
operator may request, in writing, an extension of not more than 72608
thirty days after the last day of the month to which the return 72609
applies. A request for extension may be denied. If the owner or 72610

operator submits the money late, the owner or operator shall pay a 72611
penalty of ten per cent of the amount of the money due for each 72612
month that it is late. 72613

(4) Of the money that is submitted by a construction and 72614
demolition debris facility or a solid waste facility on a per 72615
cubic yard or per ton basis under this section, a board of health 72616
shall transmit three cents per cubic yard or six cents per ton, as 72617
applicable, to the director not later than forty-five days after 72618
the receipt of the money. The money retained by a board of health 72619
under this section shall be paid into a special fund, which is 72620
hereby created in each health district, and used solely ~~to~~ for the 72621
following purposes: 72622

(a) To administer and enforce this chapter and rules adopted 72623
under it; 72624

(b) To abate abandoned accumulations of construction and 72625
demolition debris as provided in section 3714.074 of the Revised 72626
Code. 72627

The director shall transmit all money received under this 72628
section to the treasurer of state to be credited to the 72629
construction and demolition debris facility oversight fund, which 72630
is hereby created in the state treasury. The fund shall be 72631
administered by the director, and money credited to the fund shall 72632
be used exclusively for the administration and enforcement of this 72633
chapter and rules adopted under it. 72634

(B) The board of health of a health district or the director 72635
may enter into an agreement with the owner or operator of a 72636
construction and demolition debris facility or a solid waste 72637
facility for the quarterly payment of money generated from the 72638
disposal fee as calculated in division (A)(3) of this section. The 72639
board of health shall notify the director of any such agreement. 72640
Not later than forty-five days after receipt of the quarterly 72641

payment, the board of health shall transmit the amount established 72642
in division (A)(4) of this section to the director. The money 72643
retained by the board of health shall be deposited in the special 72644
fund of the district as required under that division. Upon receipt 72645
of the money from a board of health, the director shall transmit 72646
the money to the treasurer of state to be credited to the 72647
construction and demolition debris facility oversight fund. 72648

(C) If a construction and demolition debris facility or a 72649
solid waste facility is located within the territorial boundaries 72650
of a municipal corporation or the unincorporated area of a 72651
township, the municipal corporation or township may appropriate up 72652
to four cents per cubic yard or up to eight cents per ton of the 72653
disposal fee required to be paid by the facility under division 72654
(A)(1) of this section for the same purposes that a municipal 72655
corporation or township may levy a fee under division (C) of 72656
section 3734.57 of the Revised Code. 72657

The legislative authority of the municipal corporation or 72658
township may appropriate the money from the fee by enacting an 72659
ordinance or adopting a resolution establishing the amount of the 72660
fee to be appropriated. Upon doing so, the legislative authority 72661
shall mail a certified copy of the ordinance or resolution to the 72662
board of health of the health district in which the construction 72663
and demolition debris facility or the solid waste facility is 72664
located or, if the facility is located in a health district that 72665
is not on the approved list under section 3714.09 of the Revised 72666
Code, to the director. Upon receipt of the copy of the ordinance 72667
or resolution and not later than forty-five days after receipt of 72668
money generated from the fee, the board or the director, as 72669
applicable, shall transmit to the treasurer or other appropriate 72670
officer of the municipal corporation or clerk of the township that 72671
portion of the money generated from the disposal fee by the owner 72672
or operator of the facility that is required by the ordinance or 72673

resolution to be paid to that municipal corporation or township. 72674

Money received by the treasurer or other appropriate officer 72675
of a municipal corporation under this division shall be paid into 72676
the general fund of the municipal corporation. Money received by 72677
the clerk of a township under this division shall be paid into the 72678
general fund of the township. The treasurer or other officer of 72679
the municipal corporation or the clerk of the township, as 72680
appropriate, shall maintain separate records of the money received 72681
under this division. 72682

The legislative authority of a municipal corporation or 72683
township may cease appropriating money under this division by 72684
repealing the ordinance or resolution that was enacted or adopted 72685
under this division. 72686

The director shall adopt rules in accordance with Chapter 72687
119. of the Revised Code establishing requirements for prorating 72688
the amount of the fee that may be appropriated under this division 72689
by a municipal corporation or township in which only a portion of 72690
a construction and demolition debris facility is located within 72691
the territorial boundaries of the municipal corporation or 72692
township. 72693

(D) The board of county commissioners of a county in which a 72694
construction and demolition debris facility or a solid waste 72695
facility is located may appropriate up to three cents per cubic 72696
yard or up to six cents per ton of the disposal fee required to be 72697
paid by the facility under division (A)(1) of this section for the 72698
same purposes that a solid waste management district may levy a 72699
fee under division (B) of section 3734.57 of the Revised Code. 72700

The board of county commissioners may appropriate the money 72701
from the fee by adopting a resolution establishing the amount of 72702
the fee to be appropriated. Upon doing so, the board of county 72703
commissioners shall mail a certified copy of the resolution to the 72704

board of health of the health district in which the construction 72705
and demolition debris facility or the solid waste facility is 72706
located or, if the facility is located in a health district that 72707
is not on the approved list under section 3714.09 of the Revised 72708
Code, to the director. Upon receipt of the copy of the resolution 72709
and not later than forty-five days after receipt of money 72710
generated from the fee, the board of health or the director, as 72711
applicable, shall transmit to the treasurer of the county that 72712
portion of the money generated from the disposal fee by the owner 72713
or operator of the facility that is required by the resolution to 72714
be paid to that county. 72715

Money received by a county treasurer under this division 72716
shall be paid into the general fund of the county. The county 72717
treasurer shall maintain separate records of the money received 72718
under this division. 72719

A board of county commissioners may cease appropriating money 72720
under this division by repealing the resolution that was adopted 72721
under this division. 72722

(E)(1) This section does not apply to the disposal of 72723
construction and demolition debris at a solid waste facility that 72724
is licensed under Chapter 3734. of the Revised Code if there is no 72725
construction and demolition debris facility licensed under this 72726
chapter within thirty-five miles of the solid waste facility as 72727
determined by a facility's property boundaries. 72728

(2) This section does not apply to the disposal of 72729
construction and demolition debris at a solid waste facility that 72730
is licensed under Chapter 3734. of the Revised Code if the owner 72731
or operator of the facility chooses to collect fees on the 72732
disposal of the construction and demolition debris and asbestos or 72733
asbestos-containing materials or products that are identical to 72734
the fees that are collected under Chapters 343. and 3734. of the 72735
Revised Code on the disposal of solid wastes at that facility. 72736

(3) This section does not apply to the disposal of source 72737
separated materials that are exclusively composed of reinforced or 72738
nonreinforced concrete, asphalt, clay tile, building or paving 72739
brick, or building or paving stone at a construction and 72740
demolition debris facility that is licensed under this chapter 72741
when either of the following applies: 72742

(a) The materials are placed within the limits of 72743
construction and demolition debris placement at the facility as 72744
specified in the license issued to the facility under section 72745
3714.06 of the Revised Code, are not placed within the unloading 72746
zone of the facility, and are used as a fire prevention measure in 72747
accordance with rules adopted by the director under section 72748
3714.02 of the Revised Code. 72749

(b) The materials are not placed within the unloading zone of 72750
the facility or within the limits of construction and demolition 72751
debris placement at the facility as specified in the license 72752
issued to the facility under section 3714.06 of the Revised Code, 72753
but are used as fill material, either alone or in conjunction with 72754
clean soil, sand, gravel, or other clean aggregates, in legitimate 72755
fill operations for construction purposes at the facility or to 72756
bring the facility up to a consistent grade. 72757

Sec. 3714.074. (A) A board of health may use money in the 72758
board's special fund created in section 3714.07 of the Revised 72759
Code for the purpose specified in division (B) of this section if 72760
both of the following apply: 72761

(1) It is the end of the fiscal year. 72762

(2) The board determines that it has more money in the fund 72763
than is necessary for the board to administer and enforce this 72764
chapter and rules adopted under it for the following fiscal year. 72765

(B) A board of health may use excess money as described in 72766

division (A) of this section to abate abandoned accumulations of 72767
construction and demolition debris at a location for which a 72768
license has not been issued pursuant to section 3714.05 of the 72769
Revised Code if the board has reason to believe that there is a 72770
substantial threat to public health or safety or the environment 72771
and all of the following apply to the property on which the 72772
accumulations are located: 72773

(1) The construction and demolition debris was placed on the 72774
property under either of the following circumstances: 72775

(a) After the owner of the property acquired title to it; 72776

(b) Before the owner of the property acquired title to it if 72777
the owner acquired title to the property by bequest or devise. 72778

(2) The owner of the property did not have knowledge that the 72779
construction and demolition debris was being placed on the 72780
property, or the owner posted on the property signs prohibiting 72781
dumping or took other action to prevent the placing of 72782
construction and demolition debris on the property. 72783

(3) The owner of the property did not participate in or 72784
consent to the placement of the construction and demolition debris 72785
on the property. 72786

(4) The owner of the property did not receive any financial 72787
benefit from the placement of the construction and demolition 72788
debris on the property or from having the construction and 72789
demolition debris on the property. 72790

(5) Title to the property was not transferred to the owner of 72791
that property for the purpose of avoiding liability for violations 72792
of this chapter or rules adopted under it. 72793

(6) The person responsible for the placement of the 72794
construction and demolition debris on the property, in placing the 72795
construction and demolition debris on the property, was not acting 72796

as an agent for the owner of the property. 72797

Sec. 3717.08. (A) The director of agriculture and director of 72798
health shall strive to increase consumer confidence in the state's 72799
food supply by promoting food safety awareness and education. The 72800
efforts of the director of agriculture and director of health 72801
shall be made, when appropriate and available, through 72802
partnerships with representatives of retail food establishments, 72803
representatives of food service operations, and representatives of 72804
the academic community, including ~~the Ohio state university~~ OSU 72805
extension ~~service~~. 72806

(B) As part of their promotion of food safety awareness, the 72807
director of agriculture and the director of health shall do the 72808
following: 72809

(1) Develop training programs regarding the Ohio uniform food 72810
safety code. The directors may offer the training programs 72811
separately but shall coordinate the content of the programs to the 72812
greatest extent practicable. The training programs shall be made 72813
available to the employees of the department of agriculture, 72814
employees of the department of health, representatives of boards 72815
of health and the health officials employed by the boards, 72816
representatives of retail food establishments, and representatives 72817
of food service operations. 72818

(2) Co-sponsor a biennial statewide food safety conference. 72819
Additional statewide food safety conferences may be held as 72820
considered appropriate by the director of agriculture and director 72821
of health. 72822

Sec. 3718.06. (A) A board of health shall establish fees in 72823
accordance with section 3709.09 of the Revised Code for the 72824
purpose of carrying out its duties under this chapter and rules 72825
adopted under it, including fees for installation permits, 72826

operation permits, and alteration permits issued by the board. All 72827
fees so established and collected by the board shall be deposited 72828
in a special fund of the district to be used exclusively by the 72829
board in carrying out those duties. 72830

(B) In accordance with Chapter 119. of the Revised Code, the 72831
director of health may establish by rule a fee to be collected 72832
from applicants for installation permits and alteration permits 72833
issued under rules adopted under this chapter. The director of 72834
health shall use not more than ~~seventy-five~~ ninety per cent of the 72835
proceeds from that fee for administering and enforcing this 72836
chapter and the rules adopted under it by the director. The 72837
director shall use not less than ~~twenty-five~~ ten per cent of the 72838
proceeds from that fee to establish a program in cooperation with 72839
boards of health to fund installation and evaluation of sewage 72840
treatment system new technology pilot projects through grants or 72841
other agreements. In the selection of pilot projects, the director 72842
shall consult with the sewage treatment system technical advisory 72843
committee. A board of health shall collect and transmit the fee to 72844
the director pursuant to section 3709.092 of the Revised Code. 72845

Sec. 3719.61. Nothing in the laws dealing with drugs of abuse 72846
shall be construed to prohibit treatment of narcotic drug 72847
dependent persons by the continuing maintenance of their 72848
dependence through the administration of methadone in accordance 72849
with the rules adopted by the department of ~~alcohol and drug~~ 72850
~~addiction services~~ mental health and addiction services under 72851
section ~~3793.11~~ 5119.39 of the Revised Code, when all of the 72852
following apply: 72853

(A) The likelihood that any person undergoing maintenance 72854
treatment will be cured of dependence on narcotic drugs is remote, 72855
the treatment is prescribed for the purpose of alleviating or 72856
controlling the patient's drug dependence, and the patient's 72857

prognosis while undergoing treatment is at least a partial 72858
improvement in the patient's asocial or antisocial behavior 72859
patterns; 72860

(B) In the case of an inpatient in a hospital or clinic, the 72861
amount of the maintenance drug dispensed at any one time does not 72862
exceed the quantity necessary for a single dose, and the dose is 72863
administered to the patient immediately; 72864

(C) In the case of an outpatient, the amount of the 72865
maintenance drug dispensed at any one time shall be determined by 72866
the patient's treatment provider taking into account the patient's 72867
progress in the treatment program and the patient's needs for 72868
gainful employment, education, and responsible homemaking, except 72869
that in no event shall the dosage be greater than the amount 72870
permitted by federal law and rules adopted by the department 72871
pursuant to section ~~3793.11~~ 5119.39 of the Revised Code; 72872

(D) The drug is not dispensed in any case to replace or 72873
supplement any part of a supply of the drug previously dispensed, 72874
or when there is reasonable cause to believe it will be used or 72875
disposed of unlawfully; 72876

(E) The drug is dispensed through a program licensed and 72877
operated in accordance with section ~~3793.11~~ 5119.39 of the Revised 72878
Code. 72879

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 and 72880
3721.99 of the Revised Code: 72881

(1)(a) "Home" means an institution, residence, or facility 72882
that provides, for a period of more than twenty-four hours, 72883
whether for a consideration or not, accommodations to three or 72884
more unrelated individuals who are dependent upon the services of 72885
others, including a nursing home, residential care facility, home 72886
for the aging, and a veterans' home operated under Chapter 5907. 72887

of the Revised Code. 72888

(b) "Home" also means both of the following: 72889

(i) Any facility that a person, as defined in section 3702.51 72890
of the Revised Code, proposes for certification as a skilled 72891
nursing facility or nursing facility under Title XVIII or XIX of 72892
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 72893
as amended, and for which a certificate of need, other than a 72894
certificate to recategorize hospital beds as described in section 72895
3702.521 of the Revised Code or division (R)(7)(d) of the version 72896
of section 3702.51 of the Revised Code in effect immediately prior 72897
to April 20, 1995, has been granted to the person under sections 72898
3702.51 to 3702.62 of the Revised Code after August 5, 1989; 72899

(ii) A county home or district home that is or has been 72900
licensed as a residential care facility. 72901

(c) "Home" does not mean any of the following: 72902

(i) Except as provided in division (A)(1)(b) of this section, 72903
a public hospital or hospital as defined in section 3701.01 or 72904
5122.01 of the Revised Code; 72905

(ii) A residential facility as defined in section ~~5119.22~~ 72906
5119.34 of the Revised Code; 72907

(iii) A residential facility as defined in section 5123.19 of 72908
the Revised Code; 72909

(iv) ~~An alcohol or drug~~ A community addiction ~~program~~ 72910
services provider as defined in section ~~3793.01~~ 5119.01 of the 72911
Revised Code; 72912

(v) A facility licensed to provide methadone treatment under 72913
section ~~3793.11~~ 5119.39 of the Revised Code; 72914

(vi) A facility providing services under contract with the 72915
department of developmental disabilities under section 5123.18 of 72916
the Revised Code; 72917

(vii) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;

(viii) A facility operated by a pediatric respite care program licensed under section 3712.041 of the Revised Code that is used exclusively for care of pediatric respite care patients;

(ix) A facility, infirmary, or other entity that is operated by a religious order, provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related, and does not participate in the medicare program ~~established under Title XVIII of the "Social Security Act"~~ or the medical assistance medicaid program ~~established under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act,"~~ if on January 1, 1994, the facility, infirmary, or entity was providing care exclusively to members of the religious order;

(x) A county home or district home that has never been licensed as a residential care facility.

(2) "Unrelated individual" means one who is not related to the owner or operator of a home or to the spouse of the owner or operator as a parent, grandparent, child, grandchild, brother, sister, niece, nephew, aunt, uncle, or as the child of an aunt or uncle.

(3) "Mental impairment" does not mean mental illness as defined in section 5122.01 of the Revised Code or mental retardation as defined in section 5123.01 of the Revised Code.

(4) "Skilled nursing care" means procedures that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental, and emotional needs of the ill or otherwise incapacitated. "Skilled nursing care" includes, but is not limited

to, the following: 72949

(a) Irrigations, catheterizations, application of dressings, 72950
and supervision of special diets; 72951

(b) Objective observation of changes in the patient's 72952
condition as a means of analyzing and determining the nursing care 72953
required and the need for further medical diagnosis and treatment; 72954

(c) Special procedures contributing to rehabilitation; 72955

(d) Administration of medication by any method ordered by a 72956
physician, such as hypodermically, rectally, or orally, including 72957
observation of the patient after receipt of the medication; 72958

(e) Carrying out other treatments prescribed by the physician 72959
that involve a similar level of complexity and skill in 72960
administration. 72961

(5)(a) "Personal care services" means services including, but 72962
not limited to, the following: 72963

(i) Assisting residents with activities of daily living; 72964

(ii) Assisting residents with self-administration of 72965
medication, in accordance with rules adopted under section 3721.04 72966
of the Revised Code; 72967

(iii) Preparing special diets, other than complex therapeutic 72968
diets, for residents pursuant to the instructions of a physician 72969
or a licensed dietitian, in accordance with rules adopted under 72970
section 3721.04 of the Revised Code. 72971

(b) "Personal care services" does not include "skilled 72972
nursing care" as defined in division (A)(4) of this section. A 72973
facility need not provide more than one of the services listed in 72974
division (A)(5)(a) of this section to be considered to be 72975
providing personal care services. 72976

(6) "Nursing home" means a home used for the reception and 72977
care of individuals who by reason of illness or physical or mental 72978

impairment require skilled nursing care and of individuals who 72979
require personal care services but not skilled nursing care. A 72980
nursing home is licensed to provide personal care services and 72981
skilled nursing care. 72982

(7) "Residential care facility" means a home that provides 72983
either of the following: 72984

(a) Accommodations for seventeen or more unrelated 72985
individuals and supervision and personal care services for three 72986
or more of those individuals who are dependent on the services of 72987
others by reason of age or physical or mental impairment; 72988

(b) Accommodations for three or more unrelated individuals, 72989
supervision and personal care services for at least three of those 72990
individuals who are dependent on the services of others by reason 72991
of age or physical or mental impairment, and, to at least one of 72992
those individuals, any of the skilled nursing care authorized by 72993
section 3721.011 of the Revised Code. 72994

(8) "Home for the aging" means a home that provides services 72995
as a residential care facility and a nursing home, except that the 72996
home provides its services only to individuals who are dependent 72997
on the services of others by reason of both age and physical or 72998
mental impairment. 72999

The part or unit of a home for the aging that provides 73000
services only as a residential care facility is licensed as a 73001
residential care facility. The part or unit that may provide 73002
skilled nursing care beyond the extent authorized by section 73003
3721.011 of the Revised Code is licensed as a nursing home. 73004

(9) "County home" and "district home" mean a county home or 73005
district home operated under Chapter 5155. of the Revised Code. 73006

(B) The director of health may further classify homes. For 73007
the purposes of this chapter, any residence, institution, hotel, 73008
congregate housing project, or similar facility that meets the 73009

definition of a home under this section is such a home regardless 73010
of how the facility holds itself out to the public. 73011

(C) For purposes of this chapter, personal care services or 73012
skilled nursing care shall be considered to be provided by a 73013
facility if they are provided by a person employed by or 73014
associated with the facility or by another person pursuant to an 73015
agreement to which neither the resident who receives the services 73016
nor the resident's sponsor is a party. 73017

(D) Nothing in division (A)(4) of this section shall be 73018
construed to permit skilled nursing care to be imposed on an 73019
individual who does not require skilled nursing care. 73020

Nothing in division (A)(5) of this section shall be construed 73021
to permit personal care services to be imposed on an individual 73022
who is capable of performing the activity in question without 73023
assistance. 73024

(E) Division (A)(1)(c)(ix) of this section does not prohibit 73025
a facility, infirmary, or other entity described in that division 73026
from seeking licensure under sections 3721.01 to 3721.09 of the 73027
Revised Code or certification under Title XVIII or XIX of the 73028
"Social Security Act." However, such a facility, infirmary, or 73029
entity that applies for licensure or certification must meet the 73030
requirements of those sections or titles and the rules adopted 73031
under them and obtain a certificate of need from the director of 73032
health under section 3702.52 of the Revised Code. 73033

(F) Nothing in this chapter, or rules adopted pursuant to it, 73034
shall be construed as authorizing the supervision, regulation, or 73035
control of the spiritual care or treatment of residents or 73036
patients in any home who rely upon treatment by prayer or 73037
spiritual means in accordance with the creed or tenets of any 73038
recognized church or religious denomination. 73039

Sec. 3721.011. (A) In addition to providing accommodations, supervision, and personal care services to its residents, a residential care facility may do the following:

(1) Provide the following skilled nursing care to its residents:

(a) Supervision of special diets;

(b) Application of dressings, in accordance with rules adopted under section 3721.04 of the Revised Code;

(c) Subject to division (B)(1) of this section, administration of medication.

(2) Subject to division (C) of this section, provide other skilled nursing care on a part-time, intermittent basis for not more than a total of one hundred twenty days in a twelve-month period;

(3) Provide skilled nursing care for more than one hundred twenty days in a twelve-month period to a resident when the requirements of division (D) of this section are met.

A residential care facility may not admit or retain an individual requiring skilled nursing care that is not authorized by this section. A residential care facility may not provide skilled nursing care beyond the limits established by this section.

(B)(1) A residential care facility may admit or retain an individual requiring medication, including biologicals, only if the individual's personal physician has determined in writing that the individual is capable of self-administering the medication or the facility provides for the medication to be administered to the individual by a home health agency certified under Title XVIII of the "Social Security Act," 79 Stat. 620 (1965), 42 U.S.C. 1395, as amended; a hospice care program licensed under Chapter 3712. of

the Revised Code; or a member of the staff of the residential care facility who is qualified to perform medication administration. Medication may be administered in a residential care facility only by the following persons authorized by law to administer medication:

(a) A registered nurse licensed under Chapter 4723. of the Revised Code;

(b) A licensed practical nurse licensed under Chapter 4723. of the Revised Code who holds proof of successful completion of a course in medication administration approved by the board of nursing and who administers the medication only at the direction of a registered nurse or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(c) A medication aide certified under Chapter 4723. of the Revised Code;

(d) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(2) In assisting a resident with self-administration of medication, any member of the staff of a residential care facility may do the following:

(a) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container;

(b) Assist a resident by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to section 3721.04 of the Revised Code, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.

(c) Assist a physically impaired but mentally alert resident,

such as a resident with arthritis, cerebral palsy, or Parkinson's 73100
disease, in removing oral or topical medication from containers 73101
and in consuming or applying the medication, upon request by or 73102
with the consent of the resident. If a resident is physically 73103
unable to place a dose of medicine to the resident's mouth without 73104
spilling it, a staff member may place the dose in a container and 73105
place the container to the mouth of the resident. 73106

(C) Except as provided in division (D) of this section, a 73107
residential care facility may admit or retain individuals who 73108
require skilled nursing care beyond the supervision of special 73109
diets, application of dressings, or administration of medication, 73110
only if the care will be provided on a part-time, intermittent 73111
basis for not more than a total of one hundred twenty days in any 73112
twelve-month period. In accordance with Chapter 119. of the 73113
Revised Code, the director of health shall adopt rules specifying 73114
what constitutes the need for skilled nursing care on a part-time, 73115
intermittent basis. The director shall adopt rules that are 73116
consistent with rules pertaining to home health care adopted by 73117
the medicaid director ~~of job and family services~~ for the medicaid 73118
program ~~established under Chapter 5111. of the Revised Code.~~ 73119
Skilled nursing care provided pursuant to this division may be 73120
provided by a home health agency certified ~~under Title XVIII of~~ 73121
~~the "Social Security Act for participation in the medicare~~ 73122
program, a hospice care program licensed under Chapter 3712. of 73123
the Revised Code, or a member of the staff of a residential care 73124
facility who is qualified to perform skilled nursing care. 73125

A residential care facility that provides skilled nursing 73126
care pursuant to this division shall do both of the following: 73127

(1) Evaluate each resident receiving the skilled nursing care 73128
at least once every seven days to determine whether the resident 73129
should be transferred to a nursing home; 73130

(2) Meet the skilled nursing care needs of each resident 73131

receiving the care. 73132

(D)(1) A residential care facility may admit or retain an 73133
individual who requires skilled nursing care for more than one 73134
hundred twenty days in any twelve-month period only if the 73135
facility has entered into a written agreement with each of the 73136
following: 73137

(a) The individual or individual's sponsor; 73138

(b) The individual's personal physician; 73139

(c) Unless the individual's personal physician oversees the 73140
skilled nursing care, the provider of the skilled nursing care; 73141

(d) If the individual is a hospice patient as defined in 73142
section 3712.01 of the Revised Code, a hospice care program 73143
licensed under Chapter 3712. of the Revised Code. 73144

(2) The agreement required by division (D)(1) of this section 73145
shall include all of the following provisions: 73146

(a) That the individual will be provided skilled nursing care 73147
in the facility only if a determination has been made that the 73148
individual's needs can be met at the facility; 73149

(b) That the individual will be retained in the facility only 73150
if periodic redeterminations are made that the individual's needs 73151
are being met at the facility; 73152

(c) That the redeterminations will be made according to a 73153
schedule specified in the agreement; 73154

(d) If the individual is a hospice patient, that the 73155
individual has been given an opportunity to choose the hospice 73156
care program that best meets the individual's needs; 73157

(e) Unless the individual is a hospice patient, that the 73158
individual's personal physician has determined that the skilled 73159
nursing care the individual needs is routine. 73160

(E) Notwithstanding any other provision of this chapter, a residential care facility in which residents receive skilled nursing care pursuant to this section is not a nursing home.

Sec. 3721.02. (A) As used in this section, "residential facility" means a residential facility licensed under section ~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults.

(B) The director of health shall license homes and establish procedures to be followed in inspecting and licensing homes. The director may inspect a home at any time. Each home shall be inspected by the director at least once prior to the issuance of a license and at least once every fifteen months thereafter. The state fire marshal or a township, municipal, or other legally constituted fire department approved by the marshal shall also inspect a home prior to issuance of a license, at least once every fifteen months thereafter, and at any other time requested by the director. A home does not have to be inspected prior to issuance of a license by the director, state fire marshal, or a fire department if ownership of the home is assigned or transferred to a different person and the home was licensed under this chapter immediately prior to the assignment or transfer. The director may enter at any time, for the purposes of investigation, any institution, residence, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is operating as a nursing home, residential care facility, or home for the aging without a valid license required by section 3721.05 of the Revised Code or, in the case of a county home or district home, is operating despite the revocation of its residential care facility license. The director may delegate the director's authority and duties under this chapter to any division, bureau, agency, or official of the department of health.

(C) A single facility may be licensed both as a nursing home 73193
pursuant to this chapter and as a residential facility pursuant to 73194
section ~~5119.22~~ 5119.34 of the Revised Code if the director 73195
determines that the part or unit to be licensed as a nursing home 73196
can be maintained separate and discrete from the part or unit to 73197
be licensed as a residential facility. 73198

(D) In determining the number of residents in a home for the 73199
purpose of licensing, the director shall consider all the 73200
individuals for whom the home provides accommodations as one group 73201
unless one of the following is the case: 73202

(1) The home is a home for the aging, in which case all the 73203
individuals in the part or unit licensed as a nursing home shall 73204
be considered as one group, and all the individuals in the part or 73205
unit licensed as a rest home shall be considered as another group. 73206

(2) The home is both a nursing home and a residential 73207
facility. In that case, all the individuals in the part or unit 73208
licensed as a nursing home shall be considered as one group, and 73209
all the individuals in the part or unit licensed as an adult care 73210
facility shall be considered as another group. 73211

(3) The home maintains, in addition to a nursing home or 73212
residential care facility, a separate and discrete part or unit 73213
that provides accommodations to individuals who do not require or 73214
receive skilled nursing care and do not receive personal care 73215
services from the home, in which case the individuals in the 73216
separate and discrete part or unit shall not be considered in 73217
determining the number of residents in the home if the separate 73218
and discrete part or unit is in compliance with the Ohio basic 73219
building code established by the board of building standards under 73220
Chapters 3781. and 3791. of the Revised Code and the home permits 73221
the director, on request, to inspect the separate and discrete 73222
part or unit and speak with the individuals residing there, if 73223
they consent, to determine whether the separate and discrete part 73224

or unit meets the requirements of this division. 73225

(E)(1) The director of health shall charge the following 73226
application fee and annual renewal licensing and inspection fee 73227
for each fifty persons or part thereof of a home's licensed 73228
capacity: 73229

(a) For state fiscal year 2010, two hundred twenty dollars; 73230

(b) For state fiscal year 2011, two hundred seventy dollars; 73231

(c) For each state fiscal year thereafter, three hundred 73232
twenty dollars. 73233

(2) All fees collected by the director for the issuance or 73234
renewal of licenses shall be deposited into the state treasury to 73235
the credit of the general operations fund created in section 73236
3701.83 of the Revised Code for use only in administering and 73237
enforcing this chapter and rules adopted under it. 73238

(F)(1) Except as otherwise provided in this section, the 73239
results of an inspection or investigation of a home that is 73240
conducted under this section, including any statement of 73241
deficiencies and all findings and deficiencies cited in the 73242
statement on the basis of the inspection or investigation, shall 73243
be used solely to determine the home's compliance with this 73244
chapter or another chapter of the Revised Code in any action or 73245
proceeding other than an action commenced under division (I) of 73246
section 3721.17 of the Revised Code. Those results of an 73247
inspection or investigation, that statement of deficiencies, and 73248
the findings and deficiencies cited in that statement shall not be 73249
used in any court or in any action or proceeding that is pending 73250
in any court and are not admissible in evidence in any action or 73251
proceeding unless that action or proceeding is an appeal of an 73252
action by the department of health under this chapter or is an 73253
action by any department or agency of the state to enforce this 73254
chapter or another chapter of the Revised Code. 73255

(2) Nothing in division (E)(1) of this section prohibits the results of an inspection or investigation conducted under this section from being used in a criminal investigation or prosecution.

Sec. 3721.022. (A) As used in this section:

(1) "Nursing facility" has the same meaning as in section ~~5111.20~~ 5165.01 of the Revised Code.

(2) "Deficiency" and "survey" have the same meanings as in section ~~5111.35~~ 5165.60 of the Revised Code.

(3) "Title XIX" and "Title XVIII" have the same meanings as in section 5165.01 of the Revised Code.

(B) The department of health is hereby designated the state agency responsible for establishing and maintaining health standards and serving as the state survey agency for the purposes of ~~Titles Title XVIII and Title XIX of the "Social Security Act,"~~ Title XVIII and Title XIX 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended. The department shall carry out these functions in accordance with the regulations, guidelines, and procedures issued under ~~Titles Title XVIII and Title XIX~~ Title XVIII and Title XIX by the United States secretary of health and human services and with sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. The director of health shall enter into agreements with regard to these functions with the department of ~~job and family services~~ medicaid and the United States department of health and human services. The director may also enter into agreements with the department of ~~job and family services~~ medicaid under which the department of health is designated to perform functions under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code.

The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to implement the survey and

certification requirements for skilled nursing facilities and 73286
nursing facilities established by the United States secretary of 73287
health and human services under ~~Titles~~ Title XVIII and Title XIX 73288
~~of the "Social Security Act,"~~ and the survey requirements 73289
established under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of 73290
the Revised Code. The rules shall include an informal process by 73291
which a facility may obtain up to two reviews of any deficiencies 73292
that have been cited on a statement of deficiencies made by the 73293
department of health under 42 C.F.R. Part 488 and cause the 73294
facility to be in noncompliance as defined in 42 C.F.R. 488.301. 73295
The first review shall be conducted by an employee of the 73296
department who did not participate in and was not otherwise 73297
involved in any way with the survey. A facility that is not 73298
satisfied with the results of a first review may receive a second 73299
review on payment of a fee to the department. The amount of the 73300
fee shall be specified in rules adopted under this section. The 73301
fee shall be deposited into the state treasury to the credit of 73302
the general operations fund created in section 3701.83 of the 73303
Revised Code for use in the implementation of this section. The 73304
second review shall be conducted by either of the following as 73305
selected by the facility: a hearing officer employed by the 73306
department or a hearing officer included on a list the department 73307
shall provide the facility. A final determination that any 73308
deficiency citation is unjustified shall be reflected clearly in 73309
all records relating to the survey. 73310

The director need not adopt as rules any of the regulations, 73311
guidelines, or procedures issued under ~~Titles~~ Title XVIII and 73312
Title XIX ~~of the "Social Security Act"~~ by the United States 73313
secretary of health and human services. 73314

Sec. 3721.024. As used in this section, "nursing facility" 73315
has the same meaning as in section ~~5111.20~~ 5165.01 of the Revised 73316
Code. 73317

The department of health may establish a program of 73318
recognition of nursing facilities that provide the highest quality 73319
care to residents who are medicaid recipients ~~of medical~~ 73320
~~assistance under Chapter 5111. of the Revised Code.~~ The program 73321
may be funded with public funds appropriated by the general 73322
assembly for the purpose of the program or any funds appropriated 73323
for nursing home licensure. 73324

Sec. 3721.027. (A) As used in this section, "survey" has the 73325
same meaning as in section 5165.60 of the Revised Code. 73326

(B) The department of health shall investigate within ten 73327
working days after referral, in accordance with procedures and 73328
criteria to be established by the department of health and the 73329
department of aging, any unresolved complaint that the office of 73330
the state long-term care ~~ombudsman~~ ombudsman has investigated 73331
and found to be valid and refers to the department of health. This 73332
requirement does not supersede federal requirements for survey 73333
agency complaint investigations. 73334

Sec. 3721.042. The director of health may not deny a nursing 73335
home license to a facility seeking a license under this chapter as 73336
a nursing home on the grounds that the facility does not satisfy a 73337
requirement established in rules adopted under section 3721.04 of 73338
the Revised Code regarding the toilet rooms and dining and 73339
recreational areas of nursing homes if all of the following 73340
requirements are met: 73341

(A) The facility seeks a license under this chapter because 73342
it is a county home or district home being sold under section 73343
5155.31 of the Revised Code to a person who may not operate the 73344
facility without a nursing home license under this chapter. 73345

(B) The requirement would not have applied to the facility 73346
had the facility been a nursing home first licensed under this 73347

chapter before October 20, 2001. 73348

(C) The facility was a nursing facility, as defined in 73349
section ~~5111.20~~ 5165.01 of the Revised Code, on the date 73350
immediately preceding the date the facility is sold to the person 73351
seeking the license. 73352

Sec. 3721.071. The buildings in which a home is housed shall 73353
be equipped with both an automatic fire extinguishing system and 73354
fire alarm system. Such systems shall conform to standards set 73355
forth in the regulations of the board of building standards and 73356
the state fire marshal. 73357

The time for compliance with the requirements imposed by this 73358
section shall be January 1, 1975, except that the date for 73359
compliance with the automatic fire extinguishing requirements is 73360
extended to January 1, 1976, provided the buildings of the home 73361
are otherwise in compliance with fire safety laws and regulations 73362
and: 73363

(A) The home within thirty days after August 4, 1975, files a 73364
written plan with the state fire marshal's office that: 73365

(1) Outlines the interim safety procedures which shall be 73366
carried out to reduce the possibility of a fire; 73367

(2) Provides evidence that the home has entered into an 73368
agreement for a fire safety inspection to be conducted not less 73369
than monthly by a qualified independent safety engineer consultant 73370
or a township, municipal, or other legally constituted fire 73371
department, or by a township or municipal fire prevention officer; 73372

(3) Provides verification that the home has entered into a 73373
valid contract for the installation of an automatic fire 73374
extinguishing system or fire alarm system, or both, as required to 73375
comply with this section; 73376

(4) Includes a statement regarding the expected date for the 73377

completion of the fire extinguishing system or fire alarm system, 73378
or both. 73379

(B) Inspections by a qualified independent safety engineer 73380
consultant or a township, municipal, or other legally constituted 73381
fire department, or by a township or municipal fire prevention 73382
officer are initiated no later than sixty days after August 4, 73383
1975, and are conducted no less than monthly thereafter, and 73384
reports of the consultant, fire department, or fire prevention 73385
officer identifying existing hazards and recommended corrective 73386
actions are submitted to the state fire marshal, the division of 73387
industrial compliance in the department of commerce, and the 73388
department of health. 73389

It is the express intent of the general assembly that the 73390
department of ~~job and family services~~ medicaid shall terminate 73391
~~payments under Title XIX of the "Social Security Act," 49 Stat.~~ 73392
~~620 (1935), 42 U.S.C. 301, as amended, to~~ the medicaid provider 73393
agreements of those homes ~~which~~ that do not comply with the 73394
requirements of this section for the submission of a written fire 73395
safety plan and the deadline for entering into contracts for the 73396
installation of systems. 73397

Sec. 3721.072. (A) As used in this section: 73398

(1) "Advance care planning" means providing an opportunity to 73399
discuss the goals that may be met through the care provided by a 73400
nursing home. 73401

(2) "Overhead paging" means sending audible announcements 73402
through an electronic sound amplification and distribution system 73403
throughout part or all of a nursing home to staff, residents, 73404
residents' families, or others. 73405

(B) Beginning July 1, 2013, each nursing home shall 73406
participate every two years in at least one of the quality 73407

improvement projects included on the list made available by the 73408
department of aging under the nursing home quality initiative 73409
established under section 173.60 of the Revised Code. 73410

(C) Beginning July 1, 2015, each nursing home shall 73411
participate in advance care planning with each resident or the 73412
resident's sponsor if the resident is unable to participate. For 73413
each resident, the advance care planning shall be provided on 73414
admission to the nursing home or, in the case of an individual 73415
residing in a nursing home on July 1, 2015, as soon as 73416
practicable. Thereafter, for each resident, the advance care 73417
planning shall be provided quarterly each year. 73418

(D) Beginning July 1, 2015, each nursing home shall prohibit 73419
the use of overhead paging within the nursing home, except that 73420
the nursing home may permit the use of overhead paging for matters 73421
of urgent public safety or urgent clinical operations. The nursing 73422
home shall develop a written policy regarding its use of overhead 73423
paging and make the policy available to staff, residents, and 73424
residents' families. 73425

Sec. 3721.08. (A) As used in this section, "real and present 73426
danger" means imminent danger of serious physical or 73427
life-threatening harm to one or more occupants of a home. 73428

(B) The director of health may petition the court of common 73429
pleas of the county in which the home is located for an order 73430
enjoining any person from operating a home without a license or 73431
enjoining a county home or district home that has had its license 73432
revoked from continuing to operate. The court shall have 73433
jurisdiction to grant such injunctive relief upon a showing that 73434
the respondent named in the petition is operating a home without a 73435
license or that the county home or district home named in the 73436
petition is operating despite the revocation of its license. The 73437
court shall have jurisdiction to grant such injunctive relief 73438

against the operation of a home without a valid license regardless 73439
of whether the home meets essential licensing requirements. 73440

(C) Unless the department of ~~job and family services~~ medicaid 73441
or contracting agency has taken action under section ~~5111.51~~ 73442
5165.77 of the Revised Code to appoint a temporary manager or seek 73443
injunctive relief, if, in the judgment of the director of health, 73444
real and present danger exists at any home, the director may 73445
petition the court of common pleas of the county in which the home 73446
is located for such injunctive relief as is necessary to close the 73447
home, transfer one or more occupants to other homes or other 73448
appropriate care settings, or otherwise eliminate the real and 73449
present danger. The court shall have the jurisdiction to grant 73450
such injunctive relief upon a showing that there is real and 73451
present danger. 73452

(D)(1) If the director determines that real and present 73453
danger exists at a home and elects not to immediately seek 73454
injunctive relief under division (C) of this section, the director 73455
may give written notice of proposed action to the home. The notice 73456
shall specify all of the following: 73457

(a) The nature of the conditions giving rise to the real and 73458
present danger; 73459

(b) The measures that the director determines the home must 73460
take to respond to the conditions; 73461

(c) The date on which the director intends to seek injunctive 73462
relief under division (C) of this section if the director 73463
determines that real and present danger exists at the home. 73464

(2) If the home notifies the director, within the time 73465
specified pursuant to division (D)(1)(c) of this section, that it 73466
believes the conditions giving rise to the real and present danger 73467
have been substantially corrected, the director shall conduct an 73468
inspection to determine whether real and present danger exists. If 73469

the director determines on the basis of the inspection that real and present danger exists, the director may petition under division (C) of this section for injunctive relief.

(E)(1) If in the judgment of the director of health conditions exist at a home that will give rise to real and present danger if not corrected, the director shall give written notice of proposed action to the home. The notice shall specify all of the following:

(a) The nature of the conditions giving rise to the director's judgment;

(b) The measures that the director determines the home must take to respond to the conditions;

(c) The date, which shall be no less than ten days after the notice is delivered, on which the director intends to seek injunctive relief under division (C) of this section if the conditions are not substantially corrected and the director determines that a real and present danger exists.

(2) If the home notifies the director, within the period of time specified pursuant to division (E)(1)(c) of this section, that the conditions giving rise to the director's determination have been substantially corrected, the director shall conduct an inspection. If the director determines on the basis of the inspection that the conditions have not been corrected and a real and present danger exists, the director may petition under division (C) of this section for injunctive relief.

(F)(1) A court that grants injunctive relief under division (C) of this section may also appoint a special master who, subject to division (F)(2) of this section, shall have such powers and authority over the home and length of appointment as the court considers necessary. Subject to division (F)(2) of this section, the salary of a special master and any costs incurred by a special

master shall be the obligation of the home. 73501

(2) No special master shall enter into any employment 73502
contract on behalf of a home, or purchase with the home's funds 73503
any capital goods totaling more than ten thousand dollars, unless 73504
the special master has obtained approval for the contract or 73505
purchase from the home's operator or the court. 73506

(G) If the director takes action under division (C), (D), or 73507
(E) of this section, the director may also appoint employees of 73508
the department of health to conduct on-site monitoring of the 73509
home. Appointment of monitors is not subject to appeal under 73510
Chapter 119. or any other section of the Revised Code. No employee 73511
of a home for which monitors are appointed, no person employed by 73512
the home within the previous two years, and no person who 73513
currently has a consulting contract with the department or a home, 73514
shall be appointed under this division. Every monitor shall have 73515
the professional qualifications necessary to monitor correction of 73516
the conditions that give rise to or, in the director's judgment, 73517
will give rise to real and present danger. The number of monitors 73518
present at a home at any given time shall not exceed one for every 73519
fifty residents, or fraction thereof. 73520

(H) On finding that the real and present danger for which 73521
injunctive relief was granted under division (C) of this section 73522
has been eliminated and that the home's operator has demonstrated 73523
the capacity to prevent the real and present danger from 73524
recurring, the court shall terminate its jurisdiction over the 73525
home and return control and management of the home to the 73526
operator. If the real and present danger cannot be eliminated 73527
practicably within a reasonable time following appointment of a 73528
special master, the court may order the special master to close 73529
the home and transfer all residents to other homes or other 73530
appropriate care settings. 73531

(I) The director of health shall give notice of proposed 73532

action under divisions (D) and (E) of this section to both of the 73533
following: 73534

(1) The home's administrator; 73535

(2) If the home is operated by an organization described in 73536
subsection 501(c)(3) and tax exempt under subsection 501(a) of the 73537
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 73538
amended, the board of trustees of the organization; or, if the 73539
home is not operated by such an organization, the owner of the 73540
home. 73541

Notices shall be delivered by certified mail or hand 73542
delivery. If notices are mailed, they shall be addressed to the 73543
persons specified in divisions (I)(1) and (2) of this section, as 73544
indicated in the department of health's records. If they are hand 73545
delivered, they shall be delivered to persons who would reasonably 73546
appear to the average prudent person to have authority to accept 73547
them. 73548

(J) If ownership of a home is assigned or transferred to a 73549
different person, the new owner is responsible and liable for 73550
compliance with any notice of proposed action or order issued 73551
under this section prior to the effective date of the assignment 73552
or transfer. 73553

Sec. 3721.10. As used in sections 3721.10 to 3721.18 of the 73554
Revised Code: 73555

(A) "Home" means all of the following: 73556

(1) A home as defined in section 3721.01 of the Revised Code; 73557

(2) Any facility or part of a facility not defined as a home 73558
under section 3721.01 of the Revised Code that is ~~certified as a~~ 73559
skilled nursing facility ~~under Title XVIII of the "Social Security~~ 73560
~~Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395 and 1396, as amended,~~ 73561
~~or as a~~ or nursing facility, both as defined in section ~~5111.20~~ 73562

<u>5165.01</u> of the Revised Code;	73563
(3) A county home or district home operated pursuant to Chapter 5155. of the Revised Code.	73564 73565
(B) "Resident" means a resident or a patient of a home.	73566
(C) "Administrator" means all of the following:	73567
(1) With respect to a home as defined in section 3721.01 of the Revised Code, a nursing home administrator as defined in section 4751.01 of the Revised Code;	73568 73569 73570
(2) With respect to a facility or part of a facility not defined as a home in section 3721.01 of the Revised Code that is authorized to provide skilled nursing facility or nursing facility services, the administrator of the facility or part of a facility;	73571 73572 73573 73574
(3) With respect to a county home or district home, the superintendent appointed under Chapter 5155. of the Revised Code.	73575 73576
(D) "Sponsor" means an adult relative, friend, or guardian of a resident who has an interest or responsibility in the resident's welfare.	73577 73578 73579
(E) "Residents' rights advocate" means:	73580
(1) An employee or representative of any state or local government entity that has a responsibility regarding residents and that has registered with the department of health under division (B) of section 3701.07 of the Revised Code;	73581 73582 73583 73584
(2) An employee or representative of any private nonprofit corporation or association that qualifies for tax-exempt status under section 501(a) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, and that has registered with the department of health under division (B) of section 3701.07 of the Revised Code and whose purposes include educating and counseling residents, assisting residents in resolving problems and complaints concerning their care and treatment, and	73585 73586 73587 73588 73589 73590 73591 73592

assisting them in securing adequate services to meet their needs; 73593

(3) A member of the general assembly. 73594

(F) "Physical restraint" means, but is not limited to, any 73595
article, device, or garment that interferes with the free movement 73596
of the resident and that the resident is unable to remove easily, 73597
a geriatric chair, or a locked room door. 73598

(G) "Chemical restraint" means any medication bearing the 73599
American hospital formulary service therapeutic class ~~4-00~~ 4:00, 73600
28:16:08, 28:24:08, or 28:24:92 that alters the functioning of the 73601
central nervous system in a manner that limits physical and 73602
cognitive functioning to the degree that the resident cannot 73603
attain the resident's highest practicable physical, mental, and 73604
psychosocial well-being. 73605

(H) "Ancillary service" means, but is not limited to, 73606
podiatry, dental, hearing, vision, physical therapy, occupational 73607
therapy, speech therapy, and psychological and social services. 73608

(I) "Facility" means a facility, or part of a facility, 73609
certified as a nursing facility or skilled nursing facility ~~under~~ 73610
~~Title XVIII or Title XIX of the "Social Security Act, both as~~ 73611
defined in section 5165.01 of the Revised Code." "Facility" does 73612
not include an intermediate care facility for ~~the mentally~~ 73613
~~retarded~~ individuals with intellectual disabilities, as defined in 73614
section ~~5111.20~~ 5124.01 of the Revised Code. 73615

~~(J) "Medicare" means the program established by Title XVIII~~ 73616
~~of the "Social Security Act."~~ 73617

~~(K) "Medicaid" means the program established by Title XIX of~~ 73618
~~the "Social Security Act" and Chapter 5111. of the Revised Code.~~ 73619

Sec. 3721.12. (A) The administrator of a home shall: 73620

(1) With the advice of residents, their sponsors, or both, 73621
establish and review at least annually, written policies regarding 73622

the applicability and implementation of residents' rights under 73623
sections 3721.10 to 3721.17 of the Revised Code, the 73624
responsibilities of residents regarding the rights, and the home's 73625
grievance procedure established under division (A)(2) of this 73626
section. The administrator is responsible for the development of, 73627
and adherence to, procedures implementing the policies. 73628

(2) Establish a grievance committee for review of complaints 73629
by residents. The grievance committee shall be comprised of the 73630
home's staff and residents, sponsors, or outside representatives 73631
in a ratio of not more than one staff member to every two 73632
residents, sponsors, or outside representatives. 73633

(3) Furnish to each resident and sponsor prior to or at the 73634
time of admission, and to each member of the home's staff, at 73635
least one of each of the following: 73636

(a) A copy of the rights established under sections 3721.10 73637
to 3721.17 of the Revised Code; 73638

(b) A written explanation of the provisions of sections 73639
3721.16 to 3721.162 of the Revised Code; 73640

(c) A copy of the home's policies and procedures established 73641
under this section; 73642

(d) A copy of the home's rules; 73643

(e) A copy of the addresses and telephone numbers of the 73644
board of health of the health district of the county in which the 73645
home is located, the county department of job and family services 73646
of the county in which the home is located, the state departments 73647
of health and ~~job and family services~~ medicaid, the state and 73648
local offices of the department of aging, and any Ohio nursing 73649
home ~~ombudsman~~ ombudsman program. 73650

(B) Written acknowledgment of the receipt of copies of the 73651
materials listed in this section shall be made part of the 73652

resident's record and the staff member's personnel record. 73653

(C) The administrator shall post all of the following 73654
prominently within the home: 73655

(1) A copy of the rights of residents as listed in division 73656
(A) of section 3721.13 of the Revised Code; 73657

(2) A copy of the home's rules and its policies and 73658
procedures regarding the rights and responsibilities of residents; 73659

(3) A notice that a copy of this chapter, rules of the 73660
department of health applicable to the home, and federal 73661
regulations adopted under the medicare and medicaid programs, and 73662
the materials required to be available in the home under section 73663
3721.021 of the Revised Code, are available for inspection in the 73664
home at reasonable hours; 73665

(4) A list of residents' rights advocates; 73666

(5) A notice that the following are available in a place 73667
readily accessible to residents: 73668

(a) If the home is licensed under section 3721.02 of the 73669
Revised Code, a copy of the most recent licensure inspection 73670
report prepared for the home under that section; 73671

(b) If the home is a facility, a copy of the most recent 73672
statement of deficiencies issued to the home under section ~~5111.42~~ 73673
5165.68 of the Revised Code. 73674

(D) The administrator of a home may, with the advice of 73675
residents, their sponsors, or both, establish written policies 73676
regarding the applicability and administration of any additional 73677
residents' rights beyond those set forth in sections 3721.10 to 73678
3721.17 of the Revised Code, and the responsibilities of residents 73679
regarding the rights. Policies established under this division 73680
shall be reviewed, and procedures developed and adhered to as in 73681
division (A)(1) of this section. 73682

Sec. 3721.121. (A) As used in this section: 73683

(1) "Adult day-care program" means a program operated 73684
pursuant to rules adopted by the director of health under section 73685
3721.04 of the Revised Code and provided by and on the same site 73686
as homes licensed under this chapter. 73687

(2) "Applicant" means a person who is under final 73688
consideration for employment with a home or adult day-care program 73689
in a full-time, part-time, or temporary position that involves 73690
providing direct care to an older adult. "Applicant" does not 73691
include a person who provides direct care as a volunteer without 73692
receiving or expecting to receive any form of remuneration other 73693
than reimbursement for actual expenses. 73694

(3) "Community-based long-term care services provider" means 73695
a provider as defined in section 173.39 of the Revised Code. 73696

(4) "Criminal records check" has the same meaning as in 73697
section 109.572 of the Revised Code. 73698

~~(4)~~(5) "Home" means a home as defined in section 3721.10 of 73699
the Revised Code. 73700

~~(5)~~(6) "Older adult" means a person age sixty or older. 73701

(B)(1) Except as provided in division (I) of this section, 73702
the chief administrator of a home or adult day-care program shall 73703
request that the superintendent of the bureau of criminal 73704
identification and investigation conduct a criminal records check 73705
of each applicant. If an applicant for whom a criminal records 73706
check request is required under this division does not present 73707
proof of having been a resident of this state for the five-year 73708
period immediately prior to the date the criminal records check is 73709
requested or provide evidence that within that five-year period 73710
the superintendent has requested information about the applicant 73711
from the federal bureau of investigation in a criminal records 73712

check, the chief administrator shall request that the 73713
superintendent obtain information from the federal bureau of 73714
investigation as part of the criminal records check of the 73715
applicant. Even if an applicant for whom a criminal records check 73716
request is required under this division presents proof of having 73717
been a resident of this state for the five-year period, the chief 73718
administrator may request that the superintendent include 73719
information from the federal bureau of investigation in the 73720
criminal records check. 73721

(2) A person required by division (B)(1) of this section to 73722
request a criminal records check shall do both of the following: 73723

(a) Provide to each applicant for whom a criminal records 73724
check request is required under that division a copy of the form 73725
prescribed pursuant to division (C)(1) of section 109.572 of the 73726
Revised Code and a standard fingerprint impression sheet 73727
prescribed pursuant to division (C)(2) of that section, and obtain 73728
the completed form and impression sheet from the applicant; 73729

(b) Forward the completed form and impression sheet to the 73730
superintendent of the bureau of criminal identification and 73731
investigation. 73732

(3) An applicant provided the form and fingerprint impression 73733
sheet under division (B)(2)(a) of this section who fails to 73734
complete the form or provide fingerprint impressions shall not be 73735
employed in any position for which a criminal records check is 73736
required by this section. 73737

(C)(1) Except as provided in rules adopted by the director of 73738
health in accordance with division (F) of this section and subject 73739
to division (C)(2) of this section, no home or adult day-care 73740
program shall employ a person in a position that involves 73741
providing direct care to an older adult if the person has been 73742
convicted of or pleaded guilty to any of the following: 73743

(a) A violation of section 2903.01, 2903.02, 2903.03, 73744
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 73745
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 73746
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 73747
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 73748
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 73749
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 73750
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 73751
2925.22, 2925.23, or 3716.11 of the Revised Code. 73752

(b) A violation of an existing or former law of this state, 73753
any other state, or the United States that is substantially 73754
equivalent to any of the offenses listed in division (C)(1)(a) of 73755
this section. 73756

(2)(a) A home or an adult day-care program may employ 73757
conditionally an applicant for whom a criminal records check 73758
request is required under division (B) of this section prior to 73759
obtaining the results of a criminal records check regarding the 73760
individual, provided that the home or program shall request a 73761
criminal records check regarding the individual in accordance with 73762
division (B)(1) of this section not later than five business days 73763
after the individual begins conditional employment. In the 73764
circumstances described in division (I)(2) of this section, a home 73765
or adult day-care program may employ conditionally an applicant 73766
who has been referred to the home or adult day-care program by an 73767
employment service that supplies full-time, part-time, or 73768
temporary staff for positions involving the direct care of older 73769
adults and for whom, pursuant to that division, a criminal records 73770
check is not required under division (B) of this section. 73771

(b) A home or adult day-care program that employs an 73772
individual conditionally under authority of division (C)(2)(a) of 73773
this section shall terminate the individual's employment if the 73774
results of the criminal records check requested under division (B) 73775

of this section or described in division (I)(2) of this section, 73776
other than the results of any request for information from the 73777
federal bureau of investigation, are not obtained within the 73778
period ending thirty days after the date the request is made. 73779
Regardless of when the results of the criminal records check are 73780
obtained, if the results indicate that the individual has been 73781
convicted of or pleaded guilty to any of the offenses listed or 73782
described in division (C)(1) of this section, the home or program 73783
shall terminate the individual's employment unless the home or 73784
program chooses to employ the individual pursuant to division (F) 73785
of this section. Termination of employment under this division 73786
shall be considered just cause for discharge for purposes of 73787
division (D)(2) of section 4141.29 of the Revised Code if the 73788
individual makes any attempt to deceive the home or program about 73789
the individual's criminal record. 73790

(D)(1) Each home or adult day-care program shall pay to the 73791
bureau of criminal identification and investigation the fee 73792
prescribed pursuant to division (C)(3) of section 109.572 of the 73793
Revised Code for each criminal records check conducted pursuant to 73794
a request made under division (B) of this section. 73795

(2) A home or adult day-care program may charge an applicant 73796
a fee not exceeding the amount the home or program pays under 73797
division (D)(1) of this section. A home or program may collect a 73798
fee only if both of the following apply: 73799

(a) The home or program notifies the person at the time of 73800
initial application for employment of the amount of the fee and 73801
that, unless the fee is paid, the person will not be considered 73802
for employment; 73803

(b) The ~~medical assistance~~ medicaid program established under 73804
~~Chapter 5111. of the Revised Code~~ does not reimburse the home or 73805
program the fee it pays under division (D)(1) of this section. 73806

(E) The report of any criminal records check conducted 73807
pursuant to a request made under this section is not a public 73808
record for the purposes of section 149.43 of the Revised Code and 73809
shall not be made available to any person other than the 73810
following: 73811

(1) The individual who is the subject of the criminal records 73812
check or the individual's representative; 73813

(2) The chief administrator of the home or program requesting 73814
the criminal records check or the administrator's representative; 73815

(3) The administrator of any other facility, agency, or 73816
program that provides direct care to older adults that is owned or 73817
operated by the same entity that owns or operates the home or 73818
program; 73819

(4) A court, hearing officer, or other necessary individual 73820
involved in a case dealing with a denial of employment of the 73821
applicant or dealing with employment or unemployment benefits of 73822
the applicant; 73823

(5) Any person to whom the report is provided pursuant to, 73824
and in accordance with, division (I)(1) or (2) of this section; 73825

(6) The board of nursing for purposes of accepting and 73826
processing an application for a medication aide certificate issued 73827
under Chapter 4723. of the Revised Code; 73828

(7) The director of aging or the director's designee if the 73829
criminal records check is requested by the chief administrator of 73830
a home that is also a community-based long-term care services 73831
provider. 73832

(F) In accordance with section 3721.11 of the Revised Code, 73833
the director of health shall adopt rules to implement this 73834
section. The rules shall specify circumstances under which a home 73835
or adult day-care program may employ a person who has been 73836

convicted of or pleaded guilty to an offense listed or described 73837
in division (C)(1) of this section but meets personal character 73838
standards set by the director. 73839

(G) The chief administrator of a home or adult day-care 73840
program shall inform each individual, at the time of initial 73841
application for a position that involves providing direct care to 73842
an older adult, that the individual is required to provide a set 73843
of fingerprint impressions and that a criminal records check is 73844
required to be conducted if the individual comes under final 73845
consideration for employment. 73846

(H) In a tort or other civil action for damages that is 73847
brought as the result of an injury, death, or loss to person or 73848
property caused by an individual who a home or adult day-care 73849
program employs in a position that involves providing direct care 73850
to older adults, all of the following shall apply: 73851

(1) If the home or program employed the individual in good 73852
faith and reasonable reliance on the report of a criminal records 73853
check requested under this section, the home or program shall not 73854
be found negligent solely because of its reliance on the report, 73855
even if the information in the report is determined later to have 73856
been incomplete or inaccurate; 73857

(2) If the home or program employed the individual in good 73858
faith on a conditional basis pursuant to division (C)(2) of this 73859
section, the home or program shall not be found negligent solely 73860
because it employed the individual prior to receiving the report 73861
of a criminal records check requested under this section; 73862

(3) If the home or program in good faith employed the 73863
individual according to the personal character standards 73864
established in rules adopted under division (F) of this section, 73865
the home or program shall not be found negligent solely because 73866
the individual prior to being employed had been convicted of or 73867

pleaded guilty to an offense listed or described in division 73868
(C)(1) of this section. 73869

(I)(1) The chief administrator of a home or adult day-care 73870
program is not required to request that the superintendent of the 73871
bureau of criminal identification and investigation conduct a 73872
criminal records check of an applicant if the applicant has been 73873
referred to the home or program by an employment service that 73874
supplies full-time, part-time, or temporary staff for positions 73875
involving the direct care of older adults and both of the 73876
following apply: 73877

(a) The chief administrator receives from the employment 73878
service or the applicant a report of the results of a criminal 73879
records check regarding the applicant that has been conducted by 73880
the superintendent within the one-year period immediately 73881
preceding the applicant's referral; 73882

(b) The report of the criminal records check demonstrates 73883
that the person has not been convicted of or pleaded guilty to an 73884
offense listed or described in division (C)(1) of this section, or 73885
the report demonstrates that the person has been convicted of or 73886
pleaded guilty to one or more of those offenses, but the home or 73887
adult day-care program chooses to employ the individual pursuant 73888
to division (F) of this section. 73889

(2) The chief administrator of a home or adult day-care 73890
program is not required to request that the superintendent of the 73891
bureau of criminal identification and investigation conduct a 73892
criminal records check of an applicant and may employ the 73893
applicant conditionally as described in this division, if the 73894
applicant has been referred to the home or program by an 73895
employment service that supplies full-time, part-time, or 73896
temporary staff for positions involving the direct care of older 73897
adults and if the chief administrator receives from the employment 73898
service or the applicant a letter from the employment service that 73899

is on the letterhead of the employment service, dated, and signed 73900
by a supervisor or another designated official of the employment 73901
service and that states that the employment service has requested 73902
the superintendent to conduct a criminal records check regarding 73903
the applicant, that the requested criminal records check will 73904
include a determination of whether the applicant has been 73905
convicted of or pleaded guilty to any offense listed or described 73906
in division (C)(1) of this section, that, as of the date set forth 73907
on the letter, the employment service had not received the results 73908
of the criminal records check, and that, when the employment 73909
service receives the results of the criminal records check, it 73910
promptly will send a copy of the results to the home or adult 73911
day-care program. If a home or adult day-care program employs an 73912
applicant conditionally in accordance with this division, the 73913
employment service, upon its receipt of the results of the 73914
criminal records check, promptly shall send a copy of the results 73915
to the home or adult day-care program, and division (C)(2)(b) of 73916
this section applies regarding the conditional employment. 73917

Sec. 3721.13. (A) The rights of residents of a home shall 73918
include, but are not limited to, the following: 73919

(1) The right to a safe and clean living environment pursuant 73920
to the medicare and medicaid programs and applicable state laws 73921
and rules adopted by the director of health; 73922

(2) The right to be free from physical, verbal, mental, and 73923
emotional abuse and to be treated at all times with courtesy, 73924
respect, and full recognition of dignity and individuality; 73925

(3) Upon admission and thereafter, the right to adequate and 73926
appropriate medical treatment and nursing care and to other 73927
ancillary services that comprise necessary and appropriate care 73928
consistent with the program for which the resident contracted. 73929
This care shall be provided without regard to considerations such 73930

as race, color, religion, national origin, age, or source of 73931
payment for care. 73932

(4) The right to have all reasonable requests and inquiries 73933
responded to promptly; 73934

(5) The right to have clothes and bed sheets changed as the 73935
need arises, to ensure the resident's comfort or sanitation; 73936

(6) The right to obtain from the home, upon request, the name 73937
and any specialty of any physician or other person responsible for 73938
the resident's care or for the coordination of care; 73939

(7) The right, upon request, to be assigned, within the 73940
capacity of the home to make the assignment, to the staff 73941
physician of the resident's choice, and the right, in accordance 73942
with the rules and written policies and procedures of the home, to 73943
select as the attending physician a physician who is not on the 73944
staff of the home. If the cost of a physician's services is to be 73945
met under a federally supported program, the physician shall meet 73946
the federal laws and regulations governing such services. 73947

(8) The right to participate in decisions that affect the 73948
resident's life, including the right to communicate with the 73949
physician and employees of the home in planning the resident's 73950
treatment or care and to obtain from the attending physician 73951
complete and current information concerning medical condition, 73952
prognosis, and treatment plan, in terms the resident can 73953
reasonably be expected to understand; the right of access to all 73954
information in the resident's medical record; and the right to 73955
give or withhold informed consent for treatment after the 73956
consequences of that choice have been carefully explained. When 73957
the attending physician finds that it is not medically advisable 73958
to give the information to the resident, the information shall be 73959
made available to the resident's sponsor on the resident's behalf, 73960
if the sponsor has a legal interest or is authorized by the 73961

resident to receive the information. The home is not liable for a 73962
violation of this division if the violation is found to be the 73963
result of an act or omission on the part of a physician selected 73964
by the resident who is not otherwise affiliated with the home. 73965

(9) The right to withhold payment for physician visitation if 73966
the physician did not visit the resident; 73967

(10) The right to confidential treatment of personal and 73968
medical records, and the right to approve or refuse the release of 73969
these records to any individual outside the home, except in case 73970
of transfer to another home, hospital, or health care system, as 73971
required by law or rule, or as required by a third-party payment 73972
contract; 73973

(11) The right to privacy during medical examination or 73974
treatment and in the care of personal or bodily needs; 73975

(12) The right to refuse, without jeopardizing access to 73976
appropriate medical care, to serve as a medical research subject; 73977

(13) The right to be free from physical or chemical 73978
restraints or prolonged isolation except to the minimum extent 73979
necessary to protect the resident from injury to self, others, or 73980
to property and except as authorized in writing by the attending 73981
physician for a specified and limited period of time and 73982
documented in the resident's medical record. Prior to authorizing 73983
the use of a physical or chemical restraint on any resident, the 73984
attending physician shall make a personal examination of the 73985
resident and an individualized determination of the need to use 73986
the restraint on that resident. 73987

Physical or chemical restraints or isolation may be used in 73988
an emergency situation without authorization of the attending 73989
physician only to protect the resident from injury to self or 73990
others. Use of the physical or chemical restraints or isolation 73991
shall not be continued for more than twelve hours after the onset 73992

of the emergency without personal examination and authorization by 73993
the attending physician. The attending physician or a staff 73994
physician may authorize continued use of physical or chemical 73995
restraints for a period not to exceed thirty days, and at the end 73996
of this period and any subsequent period may extend the 73997
authorization for an additional period of not more than thirty 73998
days. The use of physical or chemical restraints shall not be 73999
continued without a personal examination of the resident and the 74000
written authorization of the attending physician stating the 74001
reasons for continuing the restraint. 74002

If physical or chemical restraints are used under this 74003
division, the home shall ensure that the restrained resident 74004
receives a proper diet. In no event shall physical or chemical 74005
restraints or isolation be used for punishment, incentive, or 74006
convenience. 74007

(14) The right to the pharmacist of the resident's choice and 74008
the right to receive pharmaceutical supplies and services at 74009
reasonable prices not exceeding applicable and normally accepted 74010
prices for comparably packaged pharmaceutical supplies and 74011
services within the community; 74012

(15) The right to exercise all civil rights, unless the 74013
resident has been adjudicated incompetent pursuant to Chapter 74014
2111. of the Revised Code and has not been restored to legal 74015
capacity, as well as the right to the cooperation of the home's 74016
administrator in making arrangements for the exercise of the right 74017
to vote; 74018

(16) The right of access to opportunities that enable the 74019
resident, at the resident's own expense or at the expense of a 74020
third-party payer, to achieve the resident's fullest potential, 74021
including educational, vocational, social, recreational, and 74022
habilitation programs; 74023

(17) The right to consume a reasonable amount of alcoholic beverages at the resident's own expense, unless not medically advisable as documented in the resident's medical record by the attending physician or unless contradictory to written admission policies; 74024
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(18) The right to use tobacco at the resident's own expense under the home's safety rules and under applicable laws and rules of the state, unless not medically advisable as documented in the resident's medical record by the attending physician or unless contradictory to written admission policies; 74029
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(19) The right to retire and rise in accordance with the resident's reasonable requests, if the resident does not disturb others or the posted meal schedules and upon the home's request remains in a supervised area, unless not medically advisable as documented by the attending physician; 74034
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(20) The right to observe religious obligations and participate in religious activities; the right to maintain individual and cultural identity; and the right to meet with and participate in activities of social and community groups at the resident's or the group's initiative; 74039
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(21) The right upon reasonable request to private and unrestricted communications with the resident's family, social worker, and any other person, unless not medically advisable as documented in the resident's medical record by the attending physician, except that communications with public officials or with the resident's attorney or physician shall not be restricted. Private and unrestricted communications shall include, but are not limited to, the right to: 74044
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(a) Receive, send, and mail sealed, unopened correspondence; 74052

(b) Reasonable access to a telephone for private communications; 74053
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- (c) Private visits at any reasonable hour. 74055
- (22) The right to assured privacy for visits by the spouse, 74056
or if both are residents of the same home, the right to share a 74057
room within the capacity of the home, unless not medically 74058
advisable as documented in the resident's medical record by the 74059
attending physician; 74060
- (23) The right upon reasonable request to have room doors 74061
closed and to have them not opened without knocking, except in the 74062
case of an emergency or unless not medically advisable as 74063
documented in the resident's medical record by the attending 74064
physician; 74065
- (24) The right to retain and use personal clothing and a 74066
reasonable amount of possessions, in a reasonably secure manner, 74067
unless to do so would infringe on the rights of other residents or 74068
would not be medically advisable as documented in the resident's 74069
medical record by the attending physician; 74070
- (25) The right to be fully informed, prior to or at the time 74071
of admission and during the resident's stay, in writing, of the 74072
basic rate charged by the home, of services available in the home, 74073
and of any additional charges related to such services, including 74074
charges for services not covered under the medicare or medicaid 74075
program. The basic rate shall not be changed unless thirty days' 74076
notice is given to the resident or, if the resident is unable to 74077
understand this information, to the resident's sponsor. 74078
- (26) The right of the resident and person paying for the care 74079
to examine and receive a bill at least monthly for the resident's 74080
care from the home that itemizes charges not included in the basic 74081
rates; 74082
- (27)(a) The right to be free from financial exploitation; 74083
- (b) The right to manage the resident's own personal financial 74084
affairs, or, if the resident has delegated this responsibility in 74085

writing to the home, to receive upon written request at least a 74086
quarterly accounting statement of financial transactions made on 74087
the resident's behalf. The statement shall include: 74088

(i) A complete record of all funds, personal property, or 74089
possessions of a resident from any source whatsoever, that have 74090
been deposited for safekeeping with the home for use by the 74091
resident or the resident's sponsor; 74092

(ii) A listing of all deposits and withdrawals transacted, 74093
which shall be substantiated by receipts which shall be available 74094
for inspection and copying by the resident or sponsor. 74095

(28) The right of the resident to be allowed unrestricted 74096
access to the resident's property on deposit at reasonable hours, 74097
unless requests for access to property on deposit are so 74098
persistent, continuous, and unreasonable that they constitute a 74099
nuisance; 74100

(29) The right to receive reasonable notice before the 74101
resident's room or roommate is changed, including an explanation 74102
of the reason for either change. 74103

(30) The right not to be transferred or discharged from the 74104
home unless the transfer is necessary because of one of the 74105
following: 74106

(a) The welfare and needs of the resident cannot be met in 74107
the home. 74108

(b) The resident's health has improved sufficiently so that 74109
the resident no longer needs the services provided by the home. 74110

(c) The safety of individuals in the home is endangered. 74111

(d) The health of individuals in the home would otherwise be 74112
endangered. 74113

(e) The resident has failed, after reasonable and appropriate 74114
notice, to pay or to have the medicare or medicaid program pay on 74115

the resident's behalf, for the care provided by the home. A 74116
resident shall not be considered to have failed to have the 74117
resident's care paid for if the resident has applied for medicaid, 74118
unless both of the following are the case: 74119

(i) The resident's application, or a substantially similar 74120
previous application, has been denied ~~by the county department of~~ 74121
~~job and family services.~~ 74122

(ii) If the resident appealed the denial ~~pursuant to division~~ 74123
~~(C) of section 5101.35 of the Revised Code, the director of job~~ 74124
~~and family services has upheld~~ the denial was upheld. 74125

(f) The home's license has been revoked, the home is being 74126
closed pursuant to section 3721.08, sections ~~5111.35~~ 5165.60 to 74127
~~5111.62~~ 5165.89, or section 5155.31 of the Revised Code, or the 74128
home otherwise ceases to operate. 74129

(g) The resident is a recipient of medicaid, and the home's 74130
participation in the medicaid program is involuntarily terminated 74131
or denied. 74132

(h) The resident is a beneficiary under the medicare program, 74133
and the home's participation in the medicare program is 74134
involuntarily terminated or denied. 74135

(31) The right to voice grievances and recommend changes in 74136
policies and services to the home's staff, to employees of the 74137
department of health, or to other persons not associated with the 74138
operation of the home, of the resident's choice, free from 74139
restraint, interference, coercion, discrimination, or reprisal. 74140
This right includes access to a residents' rights advocate, and 74141
the right to be a member of, to be active in, and to associate 74142
with persons who are active in organizations of relatives and 74143
friends of nursing home residents and other organizations engaged 74144
in assisting residents. 74145

(32) The right to have any significant change in the 74146

resident's health status reported to the resident's sponsor. As 74147
soon as such a change is known to the home's staff, the home shall 74148
make a reasonable effort to notify the sponsor within twelve 74149
hours. 74150

(B) A sponsor may act on a resident's behalf to assure that 74151
the home does not deny the residents' rights under sections 74152
3721.10 to 3721.17 of the Revised Code. 74153

(C) Any attempted waiver of the rights listed in division (A) 74154
of this section is void. 74155

Sec. 3721.14. To assist in the implementation of the rights 74156
granted in division (A) of section 3721.13 of the Revised Code, 74157
each home shall provide: 74158

(A) Appropriate staff training to implement each resident's 74159
rights under division (A) of section 3721.13 of the Revised Code, 74160
including, but not limited to, explaining: 74161

(1) The resident's rights and the staff's responsibility in 74162
the implementation of the rights; 74163

(2) The staff's obligation to provide all residents who have 74164
similar needs with comparable service. 74165

(B) Arrangements for a resident's needed ancillary services; 74166

(C) Protected areas outside the home for residents to enjoy 74167
outdoor activity, within the capacity of the facility, consistent 74168
with applicable laws and rules; 74169

(D) Adequate indoor space, which need not be dedicated to 74170
that purpose, for families of residents to meet privately with 74171
families of other residents; 74172

(E) Access to the following persons to enter the home during 74173
reasonable hours, except where such access would interfere with 74174
resident care or the privacy of residents: 74175

(1) Employees of the department of health, department of	74176
mental health <u>mental health and addiction services</u> , department of	74177
developmental disabilities, department of aging, department of job	74178
and family services, and county departments of job and family	74179
services;	74180
(2) Prospective residents and their sponsors;	74181
(3) A resident's sponsors;	74182
(4) Residents' rights advocates;	74183
(5) A resident's attorney;	74184
(6) A minister, priest, rabbi, or other person ministering to	74185
a resident's religious needs.	74186
(F) In writing, a description of the home's grievance	74187
procedures.	74188
Sec. 3721.15. (A) Authorization from a resident or a sponsor	74189
with a power of attorney for a home to manage the resident's	74190
financial affairs shall be in writing and shall be attested to by	74191
a witness who is not connected in any manner whatsoever with the	74192
home or its administrator. The home shall maintain accounts	74193
pursuant to division (A)(27) of section 3721.13 of the Revised	74194
Code. Upon the resident's transfer, discharge, or death, the	74195
account shall be closed and a final accounting made. All remaining	74196
funds shall be returned to the resident or resident's sponsor,	74197
except in the case of death, when all remaining funds shall be	74198
transferred or used in accordance with section 5111.113 <u>5162.22</u> of	74199
the Revised Code.	74200
(B) A home that manages a resident's financial affairs shall	74201
deposit the resident's funds in excess of one hundred <u>thousand</u>	74202
dollars, and may deposit the resident's funds that are one hundred	74203
<u>thousand</u> dollars or less, in an interest-bearing account separate	74204
from any of the home's operating accounts. Interest earned on the	74205

resident's funds shall be credited to the resident's account. A 74206
resident's funds that are one ~~hundred~~ thousand dollars or less and 74207
have not been deposited in an interest-bearing account may be 74208
deposited in a noninterest-bearing account or petty cash fund. 74209

(C) Each resident whose financial affairs are managed by a 74210
home shall be promptly notified by the home when the total of the 74211
amount of funds in the resident's accounts and the petty cash fund 74212
plus other nonexempt resources reaches two hundred dollars less 74213
than the maximum amount permitted a recipient of medicaid. The 74214
notice shall include an explanation of the potential effect on the 74215
resident's eligibility for medicaid if the amount in the 74216
resident's accounts and the petty cash fund, plus the value of 74217
other nonexempt resources, exceeds the maximum assets a medicaid 74218
recipient may retain. 74219

(D) Each home that manages the financial affairs of residents 74220
shall purchase a surety bond or otherwise provide assurance 74221
satisfactory to the director of health, or, in the case of a home 74222
that participates in the medicaid program, to the medicaid 74223
~~director of job and family services~~, to assure the security of all 74224
residents' funds managed by the home. 74225

Sec. 3721.16. For each resident of a home, notice of a 74226
proposed transfer or discharge shall be in accordance with this 74227
section. 74228

(A)(1) The administrator of a home shall notify a resident in 74229
writing, and the resident's sponsor in writing by certified mail, 74230
return receipt requested, in advance of any proposed transfer or 74231
discharge from the home. The administrator shall send a copy of 74232
the notice to the state department of health. The notice shall be 74233
provided at least thirty days in advance of the proposed transfer 74234
or discharge, unless any of the following applies: 74235

(a) The resident's health has improved sufficiently to allow 74236

a more immediate discharge or transfer to a less skilled level of care; 74237
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(b) The resident has resided in the home less than thirty days; 74239
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(c) An emergency arises in which the safety of individuals in the home is endangered; 74241
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(d) An emergency arises in which the health of individuals in the home would otherwise be endangered; 74243
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(e) An emergency arises in which the resident's urgent medical needs necessitate a more immediate transfer or discharge. 74245
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In any of the circumstances described in divisions (A)(1)(a) to (e) of this section, the notice shall be provided as many days in advance of the proposed transfer or discharge as is practicable. 74247
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(2) The notice required under division (A)(1) of this section shall include all of the following: 74251
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(a) The reasons for the proposed transfer or discharge; 74253

(b) The proposed date the resident is to be transferred or discharged; 74254
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(c) Subject to division (A)(3) of this section, a proposed location to which the resident may relocate and a notice that the resident and resident's sponsor may choose another location to which the resident will relocate; 74256
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(d) Notice of the right of the resident and the resident's sponsor to an impartial hearing at the home on the proposed transfer or discharge, and of the manner in which and the time within which the resident or sponsor may request a hearing pursuant to section 3721.161 of the Revised Code; 74260
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(e) A statement that the resident will not be transferred or discharged before the date specified in the notice unless the home 74265
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and the resident or, if the resident is not competent to make a decision, the home and the resident's sponsor, agree to an earlier date;

(f) The address of the legal services office of the department of health;

(g) The name, address, and telephone number of a representative of the state long-term care ~~ombuds~~ombudsman program and, if the resident or patient has a developmental disability or mental illness, the name, address, and telephone number of the Ohio protection and advocacy system.

(3) The proposed location to which a resident may relocate as specified pursuant to division (A)(2)(c) of this section in the proposed transfer or discharge notice shall be capable of meeting the resident's health-care and safety needs. The proposed location for relocation need not have accepted the resident at the time the notice is issued to the resident and resident's sponsor.

(B) No home shall transfer or discharge a resident before the date specified in the notice required by division (A) of this section unless the home and the resident or, if the resident is not competent to make a decision, the home and the resident's sponsor, agree to an earlier date.

(C) Transfer or discharge actions shall be documented in the resident's medical record by the home if there is a medical basis for the action.

(D) A resident or resident's sponsor may challenge a transfer or discharge by requesting an impartial hearing pursuant to section 3721.161 of the Revised Code, unless the transfer or discharge is required because of one of the following reasons:

(1) The home's license has been revoked under this chapter;

(2) The home is being closed pursuant to section 3721.08,

sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89, or section 5155.31 of the Revised Code; 74297
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(3) The resident is a recipient of medicaid and the home's participation in the medicaid program has been involuntarily terminated or denied by the federal government; 74299
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(4) The resident is a beneficiary under the medicare program and the home's certification under the medicare program has been involuntarily terminated or denied by the federal government. 74302
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(E) If a resident is transferred or discharged pursuant to this section, the home from which the resident is being transferred or discharged shall provide the resident with adequate preparation prior to the transfer or discharge to ensure a safe and orderly transfer or discharge from the home, and the home or alternative setting to which the resident is to be transferred or discharged shall have accepted the resident for transfer or discharge. 74305
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(F) At the time of a transfer or discharge of a resident who is a recipient of medicaid from a home to a hospital or for therapeutic leave, the home shall provide notice in writing to the resident and in writing by certified mail, return receipt requested, to the resident's sponsor, specifying the number of days, if any, during which the resident will be permitted under the medicaid program to return and resume residence in the home and specifying the medicaid program's coverage of the days during which the resident is absent from the home. An individual who is absent from a home for more than the number of days specified in the notice and continues to require the services provided by the facility shall be given priority for the first available bed in a semi-private room. 74313
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Sec. 3721.17. (A) Any resident who believes that the resident's rights under sections 3721.10 to 3721.17 of the Revised 74326
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Code have been violated may file a grievance under procedures 74328
adopted pursuant to division (A)(2) of section 3721.12 of the 74329
Revised Code. 74330

When the grievance committee determines a violation of 74331
sections 3721.10 to 3721.17 of the Revised Code has occurred, it 74332
shall notify the administrator of the home. If the violation 74333
cannot be corrected within ten days, or if ten days have elapsed 74334
without correction of the violation, the grievance committee shall 74335
refer the matter to the department of health. 74336

(B) Any person who believes that a resident's rights under 74337
sections 3721.10 to 3721.17 of the Revised Code have been violated 74338
may report or cause reports to be made of the information directly 74339
to the department of health. No person who files a report is 74340
liable for civil damages resulting from the report. 74341

(C)(1) Within thirty days of receiving a complaint under this 74342
section, the department of health shall investigate any complaint 74343
referred to it by a home's grievance committee and any complaint 74344
from any source that alleges that the home provided substantially 74345
less than adequate care or treatment, or substantially unsafe 74346
conditions, or, within seven days of receiving a complaint, refer 74347
it to the attorney general, if the attorney general agrees to 74348
investigate within thirty days. 74349

(2) Within thirty days of receiving a complaint under this 74350
section, the department of health may investigate any alleged 74351
violation of sections 3721.10 to 3721.17 of the Revised Code, or 74352
of rules, policies, or procedures adopted pursuant to those 74353
sections, not covered by division (C)(1) of this section, or it 74354
may, within seven days of receiving a complaint, refer the 74355
complaint to the grievance committee at the home where the alleged 74356
violation occurred, or to the attorney general if the attorney 74357
general agrees to investigate within thirty days. 74358

(D) If, after an investigation, the department of health 74359
finds probable cause to believe that a violation of sections 74360
3721.10 to 3721.17 of the Revised Code, or of rules, policies, or 74361
procedures adopted pursuant to those sections, has occurred at a 74362
home that is certified under the medicare or medicaid program, it 74363
shall cite one or more findings or deficiencies under sections 74364
~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. If the 74365
home is not so certified, the department shall hold an 74366
adjudicative hearing within thirty days under Chapter 119. of the 74367
Revised Code. 74368

(E) Upon a finding at an adjudicative hearing under division 74369
(D) of this section that a violation of sections 3721.10 to 74370
3721.17 of the Revised Code, or of rules, policies, or procedures 74371
adopted pursuant thereto, has occurred, the department of health 74372
shall make an order for compliance, set a reasonable time for 74373
compliance, and assess a fine pursuant to division (F) of this 74374
section. The fine shall be paid to the general revenue fund only 74375
if compliance with the order is not shown to have been made within 74376
the reasonable time set in the order. The department of health may 74377
issue an order prohibiting the continuation of any violation of 74378
sections 3721.10 to 3721.17 of the Revised Code. 74379

Findings at the hearings conducted under this section may be 74380
appealed pursuant to Chapter 119. of the Revised Code, except that 74381
an appeal may be made to the court of common pleas of the county 74382
in which the home is located. 74383

The department of health shall initiate proceedings in court 74384
to collect any fine assessed under this section that is unpaid 74385
thirty days after the violator's final appeal is exhausted. 74386

(F) Any home found, pursuant to an adjudication hearing under 74387
division (D) of this section, to have violated sections 3721.10 to 74388
3721.17 of the Revised Code, or rules, policies, or procedures 74389
adopted pursuant to those sections may be fined not less than one 74390

hundred nor more than five hundred dollars for a first offense. 74391
For each subsequent offense, the home may be fined not less than 74392
two hundred nor more than one thousand dollars. 74393

A violation of sections 3721.10 to 3721.17 of the Revised 74394
Code is a separate offense for each day of the violation and for 74395
each resident who claims the violation. 74396

(G) No home or employee of a home shall retaliate against any 74397
person who: 74398

(1) Exercises any right set forth in sections 3721.10 to 74399
3721.17 of the Revised Code, including, but not limited to, filing 74400
a complaint with the home's grievance committee or reporting an 74401
alleged violation to the department of health; 74402

(2) Appears as a witness in any hearing conducted under this 74403
section or section 3721.162 of the Revised Code; 74404

(3) Files a civil action alleging a violation of sections 74405
3721.10 to 3721.17 of the Revised Code, or notifies a county 74406
prosecuting attorney or the attorney general of a possible 74407
violation of sections 3721.10 to 3721.17 of the Revised Code. 74408

If, under the procedures outlined in this section, a home or 74409
its employee is found to have retaliated, the violator may be 74410
fined up to one thousand dollars. 74411

(H) When legal action is indicated, any evidence of criminal 74412
activity found in an investigation under division (C) of this 74413
section shall be given to the prosecuting attorney in the county 74414
in which the home is located for investigation. 74415

(I)(1)(a) Any resident whose rights under sections 3721.10 to 74416
3721.17 of the Revised Code are violated has a cause of action 74417
against any person or home committing the violation. 74418

(b) An action under division (I)(1)(a) of this section may be 74419
commenced by the resident or by the resident's legal guardian or 74420

other legally authorized representative on behalf of the resident 74421
or the resident's estate. If the resident or the resident's legal 74422
guardian or other legally authorized representative is unable to 74423
commence an action under that division on behalf of the resident, 74424
the following persons in the following order of priority have the 74425
right to and may commence an action under that division on behalf 74426
of the resident or the resident's estate: 74427

(i) The resident's spouse; 74428

(ii) The resident's parent or adult child; 74429

(iii) The resident's guardian if the resident is a minor 74430
child; 74431

(iv) The resident's brother or sister; 74432

(v) The resident's niece, nephew, aunt, or uncle. 74433

(c) Notwithstanding any law as to priority of persons 74434
entitled to commence an action, if more than one eligible person 74435
within the same level of priority seeks to commence an action on 74436
behalf of a resident or the resident's estate, the court shall 74437
determine, in the best interest of the resident or the resident's 74438
estate, the individual to commence the action. A court's 74439
determination under this division as to the person to commence an 74440
action on behalf of a resident or the resident's estate shall bar 74441
another person from commencing the action on behalf of the 74442
resident or the resident's estate. 74443

(d) The result of an action commenced pursuant to division 74444
(I)(1)(a) of this section by a person authorized under division 74445
(I)(1)(b) of this section shall bind the resident or the 74446
resident's estate that is the subject of the action. 74447

(e) A cause of action under division (I)(1)(a) of this 74448
section shall accrue, and the statute of limitations applicable to 74449
that cause of action shall begin to run, based upon the violation 74450

of a resident's rights under sections 3721.10 to 3721.17 of the Revised Code, regardless of the party commencing the action on behalf of the resident or the resident's estate as authorized under divisions (I)(1)(b) and (c) of this section.

(2)(a) The plaintiff in an action filed under division (I)(1) of this section may obtain injunctive relief against the violation of the resident's rights. The plaintiff also may recover compensatory damages based upon a showing, by a preponderance of the evidence, that the violation of the resident's rights resulted from a negligent act or omission of the person or home and that the violation was the proximate cause of the resident's injury, death, or loss to person or property.

(b) If compensatory damages are awarded for a violation of the resident's rights, section 2315.21 of the Revised Code shall apply to an award of punitive or exemplary damages for the violation.

(c) The court, in a case in which only injunctive relief is granted, may award to the prevailing party reasonable attorney's fees limited to the work reasonably performed.

(3) Division (I)(2) (b) of this section shall be considered to be purely remedial in operation and shall be applied in a remedial manner in any civil action in which this section is relevant, whether the action is pending in court or commenced on or after July 9, 1998.

(4) Within thirty days after the filing of a complaint in an action for damages brought against a home under division (I)(1)(a) of this section by or on behalf of a resident or former resident of the home, the plaintiff or plaintiff's counsel shall send written notice of the filing of the complaint to the department of ~~job and family services~~ medicaid if the department has a right of recovery under section ~~5101.58~~ 5160.37 of the Revised Code against

the liability of the home for the cost of ~~medical~~ medicaid 74482
services ~~and care~~ arising out of injury, disease, or disability of 74483
the resident or former resident. 74484

Sec. 3721.19. (A) As used in this section: 74485

(1) "Home" and "residential care facility" have the same 74486
meanings as in section 3721.01 of the Revised Code; 74487

(2) "Provider agreement" has the same meaning as in section 74488
5165.01 of the Revised Code. 74489

(3) "Sponsor" and "residents' rights advocate" have the same 74490
meanings as in section 3721.10 of the Revised Code. 74491

A home licensed under this chapter that is not a party to a 74492
provider agreement, ~~as defined in section 5111.20 of the Revised~~ 74493
~~Code,~~ shall provide each prospective resident, before admission, 74494
with the following information, orally and in a separate written 74495
notice on which is printed in a conspicuous manner: "This home is 74496
not a participant in the ~~medical assistance~~ medicaid program 74497
administered by the Ohio department of ~~job and family services~~ 74498
medicaid. Consequently, you may be discharged from this home if 74499
you are unable to pay for the services provided by this home." 74500

If the prospective resident has a sponsor whose identity is 74501
made known to the home, the home shall also inform the sponsor, 74502
before admission of the resident, of the home's status relative to 74503
the ~~medical assistance~~ medicaid program. Written acknowledgement 74504
of the receipt of the information shall be provided by the 74505
resident and, if the prospective resident has a sponsor who has 74506
been identified to the home, by the sponsor. The written 74507
acknowledgement shall be made part of the resident's record by the 74508
home. 74509

No home shall terminate its ~~status as a provider under the~~ 74510
~~medicaid program agreement~~ unless it has complied with section 74511

~~5111.66~~ 5165.50 of the Revised Code and, at least ninety days 74512
prior to such termination, provided written notice to the 74513
residents of the home and their sponsors of such action. This 74514
requirement shall not apply in cases where the department of ~~job~~ 74515
~~and family services~~ medicaid terminates a home's provider 74516
agreement or provider status. 74517

(B) A home licensed under this chapter as a residential care 74518
facility shall provide notice to each prospective resident or the 74519
individual's sponsor of the services offered by the facility and 74520
the types of skilled nursing care that the facility may provide. A 74521
residential care facility that, pursuant to section 3721.012 of 74522
the Revised Code, has a policy of entering into risk agreements 74523
with residents or their sponsors shall provide each prospective 74524
resident or the individual's sponsor a written explanation of the 74525
policy and the provisions that may be contained in a risk 74526
agreement. At the time the information is provided, the facility 74527
shall obtain a statement signed by the individual receiving the 74528
information acknowledging that the individual received the 74529
information. The facility shall maintain on file the individual's 74530
signed statement. 74531

(C) A resident has a cause of action against a home for 74532
breach of any duty imposed by this section. The action may be 74533
commenced by the resident, or on the resident's behalf by the 74534
resident's sponsor or a residents' rights advocate, by the filing 74535
of a civil action in the court of common pleas of the county in 74536
which the home is located, or in the court of common pleas of 74537
Franklin county. 74538

If the court finds that a breach of any duty imposed by this 74539
section has occurred, the court shall enjoin the home from 74540
discharging the resident from the home until arrangements 74541
satisfactory to the court are made for the orderly transfer of the 74542
resident to another mode of health care including, but not limited 74543

to, another home, and may award the resident and a person or 74544
public agency that brings an action on behalf of a resident 74545
reasonable attorney's fees. If a home discharges a resident to 74546
whom or to whose sponsor information concerning its status 74547
relative to the ~~medical assistance~~ medicaid program was not 74548
provided as required under this section, the court shall grant any 74549
appropriate relief including, but not limited to, actual damages, 74550
reasonable attorney's fees, and costs. 74551

Sec. 3727.01. (A) As used in this section, "health 74552
maintenance organization" means a public or private organization 74553
organized under the law of any state that is qualified under 74554
section 1310(d) of Title XIII of the "Public Health Service Act," 74555
87 Stat. 931 (1973), 42 U.S.C. 300e-9, or that does all of the 74556
following: 74557

(1) Provides or otherwise makes available to enrolled 74558
participants health care services including at least the following 74559
basic health care services: usual physician services, 74560
hospitalization, laboratory, x-ray, emergency and preventive 74561
service, and out-of-area coverage; 74562

(2) Is compensated, except for copayments, for the provision 74563
of basic health care services to enrolled participants by a 74564
payment that is paid on a periodic basis without regard to the 74565
date the health care services are provided and that is fixed 74566
without regard to the frequency, extent, or kind of health service 74567
actually provided; 74568

(3) Provides physician services primarily in either of the 74569
following ways: 74570

(a) Directly through physicians who are either employees or 74571
partners of the organization; 74572

(b) Through arrangements with individual physicians or one or 74573

more groups of physicians organized on a group-practice or 74574
individual-practice basis. 74575

(B) As used in this chapter: 74576

(1) "Children's hospital" means any of the following: 74577

(a) A hospital registered under section 3701.07 of the 74578
Revised Code that provides general pediatric medical and surgical 74579
care, and in which at least seventy-five per cent of annual 74580
inpatient discharges for the preceding two calendar years were 74581
individuals less than eighteen years of age; 74582

(b) A distinct portion of a hospital registered under section 74583
3701.07 of the Revised Code that provides general pediatric 74584
medical and surgical care, has a total of at least one hundred 74585
fifty registered pediatric special care and pediatric acute care 74586
beds, and in which at least seventy-five per cent of annual 74587
inpatient discharges for the preceding two calendar years were 74588
individuals less than eighteen years of age; 74589

(c) A distinct portion of a hospital, if the hospital is 74590
registered under section 3701.07 of the Revised Code as a 74591
children's hospital and the children's hospital meets all the 74592
requirements of division (B)(1)(a) of this section. 74593

(2) "Hospital" means an institution classified as a hospital 74594
under section 3701.07 of the Revised Code in which are provided to 74595
inpatients diagnostic, medical, surgical, obstetrical, 74596
psychiatric, or rehabilitation care for a continuous period longer 74597
than twenty-four hours or a hospital operated by a health 74598
maintenance organization. "Hospital" does not include a facility 74599
licensed under Chapter 3721. of the Revised Code, a health care 74600
facility operated by the department of ~~mental health~~ mental health 74601
and addiction services or the department of developmental 74602
disabilities, a health maintenance organization that does not 74603
operate a hospital, the office of any private licensed health care 74604

professional, whether organized for individual or group practice, 74605
or a clinic that provides ambulatory patient services and where 74606
patients are not regularly admitted as inpatients. "Hospital" also 74607
does not include an institution for the sick that is operated 74608
exclusively for patients who use spiritual means for healing and 74609
for whom the acceptance of medical care is inconsistent with their 74610
religious beliefs, accredited by a national accrediting 74611
organization, exempt from federal income taxation under section 74612
501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 74613
U.S.C.A. 1, as amended, and providing twenty-four hour nursing 74614
care pursuant to the exemption in division (E) of section 4723.32 74615
of the Revised Code from the licensing requirements of Chapter 74616
4723. of the Revised Code. 74617

(3) "Joint commission" means the commission formerly known as 74618
the joint commission on accreditation of healthcare organizations 74619
or the joint commission on accreditation of hospitals. 74620

Sec. 3727.60. (A) As used in this section: 74621

(1) "Ambulatory surgical facility" has the same meaning as in 74622
section 3702.30 of the Revised Code. 74623

(2) "Nontherapeutic abortion" has the same meaning as in 74624
section 9.04 of the Revised Code. 74625

(3) "Political subdivision" means any body corporate and 74626
politic that is responsible for governmental activities in a 74627
geographic area smaller than the state. 74628

(4) "Public hospital" means a hospital registered with the 74629
department of health under section 3701.07 of the Revised Code 74630
that is owned, leased, or controlled by this state or any agency, 74631
institution, instrumentality, or political subdivision of this 74632
state. "Public hospital" includes any state university hospital, 74633
state medical college hospital, joint hospital, or public hospital 74634

<u>agency.</u>	74635
<u>(5) "Written transfer agreement" means an agreement described in section 3702.303 of the Revised Code.</u>	74636 74637
<u>(B) No public hospital shall do either of the following:</u>	74638
<u>(1) Enter into a written transfer agreement with an ambulatory surgical facility in which nontherapeutic abortions are performed or induced;</u>	74639 74640 74641
<u>(2) Authorize a physician who has been granted staff membership or professional privileges at the public hospital to use that membership or those privileges as a substitution for, or alternative to, a written transfer agreement for purposes of a variance application described in section 3702.304 of the Revised Code that is submitted to the director of health by an ambulatory surgical facility in which nontherapeutic abortions are performed or induced.</u>	74642 74643 74644 74645 74646 74647 74648 74649
Sec. 3734.01. As used in this chapter:	74650
(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code.	74651 74652 74653 74654
(B) "Director" means the director of environmental protection.	74655 74656
(C) "Health district" means a city or general health district as created by or under authority of Chapter 3709. of the Revised Code.	74657 74658 74659
(D) "Agency" means the environmental protection agency.	74660
(E) "Solid wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or	74661 74662 74663

material from construction, mining, or demolition operations, or 74664
other waste materials of the type that normally would be included 74665
in demolition debris, nontoxic fly ash and bottom ash, including 74666
at least ash that results from the combustion of coal and ash that 74667
results from the combustion of coal in combination with scrap 74668
tires where scrap tires comprise not more than fifty per cent of 74669
heat input in any month, spent nontoxic foundry sand, and slag and 74670
other substances that are not harmful or inimical to public 74671
health, and includes, but is not limited to, garbage, scrap tires, 74672
combustible and noncombustible material, street dirt, and debris. 74673
"Solid wastes" does not include any material that is an infectious 74674
waste or a hazardous waste. 74675

(F) "Disposal" means the discharge, deposit, injection, 74676
dumping, spilling, leaking, emitting, or placing of any solid 74677
wastes or hazardous waste into or on any land or ground or surface 74678
water or into the air, except if the disposition or placement 74679
constitutes storage or treatment or, if the solid wastes consist 74680
of scrap tires, the disposition or placement constitutes a 74681
beneficial use or occurs at a scrap tire recovery facility 74682
licensed under section 3734.81 of the Revised Code. 74683

(G) "Person" includes the state, any political subdivision 74684
and other state or local body, the United States and any agency or 74685
instrumentality thereof, and any legal entity defined as a person 74686
under section 1.59 of the Revised Code. 74687

(H) "Open burning" means the burning of solid wastes in an 74688
open area or burning of solid wastes in a type of chamber or 74689
vessel that is not approved or authorized in rules adopted by the 74690
director under section 3734.02 of the Revised Code or, if the 74691
solid wastes consist of scrap tires, in rules adopted under 74692
division (V) of this section or section 3734.73 of the Revised 74693
Code, or the burning of treated or untreated infectious wastes in 74694
an open area or in a type of chamber or vessel that is not 74695

approved in rules adopted by the director under section 3734.021 74696
of the Revised Code. 74697

(I) "Open dumping" means the depositing of solid wastes into 74698
a body or stream of water or onto the surface of the ground at a 74699
site that is not licensed as a solid waste facility under section 74700
3734.05 of the Revised Code or, if the solid wastes consist of 74701
scrap tires, as a scrap tire collection, storage, monocell, 74702
monofill, or recovery facility under section 3734.81 of the 74703
Revised Code; the depositing of solid wastes that consist of scrap 74704
tires onto the surface of the ground at a site or in a manner not 74705
specifically identified in divisions (C)(2) to (5), (7), or (10) 74706
of section 3734.85 of the Revised Code; the depositing of 74707
untreated infectious wastes into a body or stream of water or onto 74708
the surface of the ground; or the depositing of treated infectious 74709
wastes into a body or stream of water or onto the surface of the 74710
ground at a site that is not licensed as a solid waste facility 74711
under section 3734.05 of the Revised Code. 74712

(J) "Hazardous waste" means any waste or combination of 74713
wastes in solid, liquid, semisolid, or contained gaseous form that 74714
in the determination of the director, because of its quantity, 74715
concentration, or physical or chemical characteristics, may do 74716
either of the following: 74717

(1) Cause or significantly contribute to an increase in 74718
mortality or an increase in serious irreversible or incapacitating 74719
reversible illness; 74720

(2) Pose a substantial present or potential hazard to human 74721
health or safety or to the environment when improperly stored, 74722
treated, transported, disposed of, or otherwise managed. 74723

"Hazardous waste" includes any substance identified by 74724
regulation as hazardous waste under the "Resource Conservation and 74725
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 74726

amended, and does not include any substance that is subject to the 74727
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 74728
amended. 74729

(K) "Treat" or "treatment," when used in connection with 74730
hazardous waste, means any method, technique, or process designed 74731
to change the physical, chemical, or biological characteristics or 74732
composition of any hazardous waste; to neutralize the waste; to 74733
recover energy or material resources from the waste; to render the 74734
waste nonhazardous or less hazardous, safer to transport, store, 74735
or dispose of, or amenable for recovery, storage, further 74736
treatment, or disposal; or to reduce the volume of the waste. When 74737
used in connection with infectious wastes, "treat" or "treatment" 74738
means any method, technique, or process that renders the wastes 74739
noninfectious so that it is no longer an infectious waste and is 74740
no longer an infectious substance as defined in applicable federal 74741
law, including, without limitation, steam sterilization and 74742
incineration, and, in the instance of wastes identified in 74743
division (R)(7) of this section, to substantially reduce or 74744
eliminate the potential for the wastes to cause lacerations or 74745
puncture wounds. 74746

(L) "Manifest" means the form used for identifying the 74747
quantity, composition, origin, routing, and destination of 74748
hazardous waste during its transportation from the point of 74749
generation to the point of disposal, treatment, or storage. 74750

(M) "Storage," when used in connection with hazardous waste, 74751
means the holding of hazardous waste for a temporary period in 74752
such a manner that it remains retrievable and substantially 74753
unchanged physically and chemically and, at the end of the period, 74754
is treated; disposed of; stored elsewhere; or reused, recycled, or 74755
reclaimed in a beneficial manner. When used in connection with 74756
solid wastes that consist of scrap tires, "storage" means the 74757
holding of scrap tires for a temporary period in such a manner 74758

that they remain retrievable and, at the end of that period, are 74759
beneficially used; stored elsewhere; placed in a scrap tire 74760
monocell or monofill facility licensed under section 3734.81 of 74761
the Revised Code; processed at a scrap tire recovery facility 74762
licensed under that section or a solid waste incineration or 74763
energy recovery facility subject to regulation under this chapter; 74764
or transported to a scrap tire monocell, monofill, or recovery 74765
facility, any other solid waste facility authorized to dispose of 74766
scrap tires, or a facility that will beneficially use the scrap 74767
tires, that is located in another state and is operating in 74768
compliance with the laws of the state in which the facility is 74769
located. 74770

(N) "Facility" means any site, location, tract of land, 74771
installation, or building used for incineration, composting, 74772
sanitary landfilling, or other methods of disposal of solid wastes 74773
or, if the solid wastes consist of scrap tires, for the 74774
collection, storage, or processing of the solid wastes; for the 74775
transfer of solid wastes; for the treatment of infectious wastes; 74776
or for the storage, treatment, or disposal of hazardous waste. 74777

(O) "Closure" means the time at which a hazardous waste 74778
facility will no longer accept hazardous waste for treatment, 74779
storage, or disposal, the time at which a solid waste facility 74780
will no longer accept solid wastes for transfer or disposal or, if 74781
the solid wastes consist of scrap tires, for storage or 74782
processing, or the effective date of an order revoking the permit 74783
for a hazardous waste facility or the registration certificate, 74784
permit, or license for a solid waste facility, as applicable. 74785
"Closure" includes measures performed to protect public health or 74786
safety, to prevent air or water pollution, or to make the facility 74787
suitable for other uses, if any, including, but not limited to, 74788
the removal of processing residues resulting from solid wastes 74789
that consist of scrap tires; the establishment and maintenance of 74790

a suitable cover of soil and vegetation over cells in which 74791
hazardous waste or solid wastes are buried; minimization of 74792
erosion, the infiltration of surface water into such cells, the 74793
production of leachate, and the accumulation and runoff of 74794
contaminated surface water; the final construction of facilities 74795
for the collection and treatment of leachate and contaminated 74796
surface water runoff, except as otherwise provided in this 74797
division; the final construction of air and water quality 74798
monitoring facilities, except as otherwise provided in this 74799
division; the final construction of methane gas extraction and 74800
treatment systems; or the removal and proper disposal of hazardous 74801
waste or solid wastes from a facility when necessary to protect 74802
public health or safety or to abate or prevent air or water 74803
pollution. With regard to a solid waste facility that is a scrap 74804
tire facility, "closure" includes the final construction of 74805
facilities for the collection and treatment of leachate and 74806
contaminated surface water runoff and the final construction of 74807
air and water quality monitoring facilities only if those actions 74808
are determined to be necessary. 74809

(P) "Premises" means either of the following: 74810

(1) Geographically contiguous property owned by a generator; 74811

(2) Noncontiguous property that is owned by a generator and 74812
connected by a right-of-way that the generator controls and to 74813
which the public does not have access. Two or more pieces of 74814
property that are geographically contiguous and divided by public 74815
or private right-of-way or rights-of-way are a single premises. 74816

(Q) "Post-closure" means that period of time following 74817
closure during which a hazardous waste facility is required to be 74818
monitored and maintained under this chapter and rules adopted 74819
under it, including, without limitation, operation and maintenance 74820
of methane gas extraction and treatment systems, or the period of 74821
time after closure during which a scrap tire monocell or monofill 74822

facility licensed under section 3734.81 of the Revised Code is 74823
required to be monitored and maintained under this chapter and 74824
rules adopted under it. 74825

(R) "Infectious wastes" means any wastes or combination of 74826
wastes that include cultures and stocks of infectious agents and 74827
associated biologicals, human blood and blood products, and 74828
substances that were or are likely to have been exposed to or 74829
contaminated with or are likely to transmit an infectious agent or 74830
zoonotic agent, including all of the following: 74831

(1) Laboratory wastes; 74832

(2) Pathological wastes; 74833

(3) Animal blood and blood products; 74834

(4) Animal carcasses and parts; 74835

(5) Waste materials from the rooms of humans, or the 74836
enclosures of animals, that have been isolated because of 74837
diagnosed communicable disease that are likely to transmit 74838
infectious agents. Such waste materials from the rooms of humans 74839
do not include any wastes of patients who have been placed on 74840
blood and body fluid precautions under the universal precaution 74841
system established by the centers for disease control in the 74842
public health service of the United States department of health 74843
and human services, except to the extent specific wastes generated 74844
under the universal precautions system have been identified as 74845
infectious wastes by rules adopted under division (R)(7) of this 74846
section. 74847

(6) Sharp wastes used in the treatment, diagnosis, or 74848
inoculation of human beings or animals; 74849

(7) Any other waste materials generated in the diagnosis, 74850
treatment, or immunization of human beings or animals, in research 74851
pertaining thereto, or in the production or testing of 74852

biologicals, that the director of health, by rules adopted in 74853
accordance with Chapter 119. of the Revised Code, identifies as 74854
infectious wastes after determining that the wastes present a 74855
substantial threat to human health when improperly managed because 74856
they are contaminated with, or are likely to be contaminated with, 74857
infectious agents. 74858

As used in this division, "blood products" does not include 74859
patient care waste such as bandages or disposable gowns that are 74860
lightly soiled with blood or other body fluids unless those wastes 74861
are soiled to the extent that the generator of the wastes 74862
determines that they should be managed as infectious wastes. 74863

(S) "Infectious agent" means a type of microorganism, 74864
pathogen, virus, or proteinaceous infectious particle that can 74865
cause or significantly contribute to disease in or death of human 74866
beings. 74867

(T) "Zoonotic agent" means a type of microorganism, pathogen, 74868
or virus that causes disease in vertebrate animals, is 74869
transmissible to human beings, and can cause or significantly 74870
contribute to disease in or death of human beings. 74871

(U) "Solid waste transfer facility" means any site, location, 74872
tract of land, installation, or building that is used or intended 74873
to be used primarily for the purpose of transferring solid wastes 74874
that were generated off the premises of the facility from vehicles 74875
or containers into other vehicles for transportation to a solid 74876
waste disposal facility. "Solid waste transfer facility" does not 74877
include any facility that consists solely of portable containers 74878
that have an aggregate volume of fifty cubic yards or less nor any 74879
facility where legitimate recycling activities are conducted. 74880

(V) "Beneficially use" ~~means~~ includes: 74881

(1) With regard to scrap tires, to use a scrap tire in a 74882
manner that results in a commodity for sale or exchange or in any 74883

other manner authorized as a beneficial use in rules adopted by 74884
the director in accordance with Chapter 119. of the Revised Code; 74885

(2) With regard to material from a horizontal well that has 74886
come in contact with a refined oil-based substance and that is not 74887
technologically enhanced naturally occurring radioactive material, 74888
to use the material in any manner authorized as a beneficial use 74889
in rules adopted by the director under section 3734.125 of the 74890
Revised Code. 74891

(W) "Commercial car," "commercial tractor," "farm machinery," 74892
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 74893
the same meanings as in section 4501.01 of the Revised Code. 74894

(X) "Construction equipment" means road rollers, traction 74895
engines, power shovels, power cranes, and other equipment used in 74896
construction work, or in mining or producing or processing 74897
aggregates, and not designed for or used in general highway 74898
transportation. 74899

(Y) "Motor vehicle salvage dealer" has the same meaning as in 74900
section 4738.01 of the Revised Code. 74901

(Z) "Scrap tire" means an unwanted or discarded tire. 74902

(AA) "Scrap tire collection facility" means any facility that 74903
meets all of the following qualifications: 74904

(1) The facility is used for the receipt and storage of whole 74905
scrap tires from the public prior to their transportation to a 74906
scrap tire storage, monocell, monofill, or recovery facility 74907
licensed under section 3734.81 of the Revised Code; a solid waste 74908
incineration or energy recovery facility subject to regulation 74909
under this chapter; a premises within the state where the scrap 74910
tires will be beneficially used; or a scrap tire storage, 74911
monocell, monofill, or recovery facility, any other solid waste 74912
disposal facility authorized to dispose of scrap tires, or a 74913
facility that will beneficially use the scrap tires, that is 74914

located in another state, and that is operating in compliance with 74915
the laws of the state in which the facility is located. 74916

(2) The facility exclusively stores scrap tires in portable 74917
containers. 74918

(3) The aggregate storage of the portable containers in which 74919
the scrap tires are stored does not exceed five thousand cubic 74920
feet. 74921

(BB) "Scrap tire monocell facility" means an individual site 74922
within a solid waste landfill that is used exclusively for the 74923
environmentally sound storage or disposal of whole scrap tires or 74924
scrap tires that have been shredded, chipped, or otherwise 74925
mechanically processed. 74926

(CC) "Scrap tire monofill facility" means an engineered 74927
facility used or intended to be used exclusively for the storage 74928
or disposal of scrap tires, including at least facilities for the 74929
submergence of whole scrap tires in a body of water. 74930

(DD) "Scrap tire recovery facility" means any facility, or 74931
portion thereof, for the processing of scrap tires for the purpose 74932
of extracting or producing usable products, materials, or energy 74933
from the scrap tires through a controlled combustion process, 74934
mechanical process, or chemical process. "Scrap tire recovery 74935
facility" includes any facility that uses the controlled 74936
combustion of scrap tires in a manufacturing process to produce 74937
process heat or steam or any facility that produces usable heat or 74938
electric power through the controlled combustion of scrap tires in 74939
combination with another fuel, but does not include any solid 74940
waste incineration or energy recovery facility that is designed, 74941
constructed, and used for the primary purpose of incinerating 74942
mixed municipal solid wastes and that burns scrap tires in 74943
conjunction with mixed municipal solid wastes, or any tire 74944
retreading business, tire manufacturing finishing center, or tire 74945

adjustment center having on the premises of the business a single, 74946
covered scrap tire storage area at which not more than four 74947
thousand scrap tires are stored. 74948

(EE) "Scrap tire storage facility" means any facility where 74949
whole scrap tires are stored prior to their transportation to a 74950
scrap tire monocell, monofill, or recovery facility licensed under 74951
section 3734.81 of the Revised Code; a solid waste incineration or 74952
energy recovery facility subject to regulation under this chapter; 74953
a premises within the state where the scrap tires will be 74954
beneficially used; or a scrap tire storage, monocell, monofill, or 74955
recovery facility, any other solid waste disposal facility 74956
authorized to dispose of scrap tires, or a facility that will 74957
beneficially use the scrap tires, that is located in another 74958
state, and that is operating in compliance with the laws of the 74959
state in which the facility is located. 74960

(FF) "Used oil" means any oil that has been refined from 74961
crude oil, or any synthetic oil, that has been used and, as a 74962
result of that use, is contaminated by physical or chemical 74963
impurities. "Used oil" includes only those substances identified 74964
as used oil by the United States environmental protection agency 74965
under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 74966
U.S.C.A. 6901a, as amended. 74967

(GG) "Accumulated speculatively" has the same meaning as in 74968
rules adopted by the director under section 3734.12 of the Revised 74969
Code. 74970

(HH) "Horizontal well" has the same meaning as in section 74971
1509.01 of the Revised Code. 74972

(II) "Technologically enhanced naturally occurring 74973
radioactive material" has the same meaning as in section 3748.01 74974
of the Revised Code. 74975

Sec. 3734.02. (A) The director of environmental protection, 74976
in accordance with Chapter 119. of the Revised Code, shall adopt 74977
and may amend, suspend, or rescind rules having uniform 74978
application throughout the state governing solid waste facilities 74979
and the inspections of and issuance of permits and licenses for 74980
all solid waste facilities in order to ensure that the facilities 74981
will be located, maintained, and operated, and will undergo 74982
closure and post-closure care, in a sanitary manner so as not to 74983
create a nuisance, cause or contribute to water pollution, create 74984
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 74985
257.3-8, as amended. The rules may include, without limitation, 74986
financial assurance requirements for closure and post-closure care 74987
and corrective action and requirements for taking corrective 74988
action in the event of the surface or subsurface discharge or 74989
migration of explosive gases or leachate from a solid waste 74990
facility, or of ground water contamination resulting from the 74991
transfer or disposal of solid wastes at a facility, beyond the 74992
boundaries of any area within a facility that is operating or is 74993
undergoing closure or post-closure care where solid wastes were 74994
disposed of or are being disposed of. The rules shall not concern 74995
or relate to personnel policies, salaries, wages, fringe benefits, 74996
or other conditions of employment of employees of persons owning 74997
or operating solid waste facilities. The director, in accordance 74998
with Chapter 119. of the Revised Code, shall adopt and may amend, 74999
suspend, or rescind rules governing the issuance, modification, 75000
revocation, suspension, or denial of variances from the director's 75001
solid waste rules, including, without limitation, rules adopted 75002
under this chapter governing the management of scrap tires. 75003

Variances shall be issued, modified, revoked, suspended, or 75004
rescinded in accordance with this division, rules adopted under 75005
it, and Chapter 3745. of the Revised Code. The director may order 75006
the person to whom a variance is issued to take such action within 75007

such time as the director may determine to be appropriate and 75008
reasonable to prevent the creation of a nuisance or a hazard to 75009
the public health or safety or the environment. Applications for 75010
variances shall contain such detail plans, specifications, and 75011
information regarding objectives, procedures, controls, and other 75012
pertinent data as the director may require. The director shall 75013
grant a variance only if the applicant demonstrates to the 75014
director's satisfaction that construction and operation of the 75015
solid waste facility in the manner allowed by the variance and any 75016
terms or conditions imposed as part of the variance will not 75017
create a nuisance or a hazard to the public health or safety or 75018
the environment. In granting any variance, the director shall 75019
state the specific provision or provisions whose terms are to be 75020
varied and also shall state specific terms or conditions imposed 75021
upon the applicant in place of the provision or provisions. The 75022
director may hold a public hearing on an application for a 75023
variance or renewal of a variance at a location in the county 75024
where the operations that are the subject of the application for 75025
the variance are conducted. The director shall give not less than 75026
twenty days' notice of the hearing to the applicant by certified 75027
mail or by another type of mail accompanied by a receipt and shall 75028
publish at least one notice of the hearing in a newspaper with 75029
general circulation in the county where the hearing is to be held. 75030
The director shall make available for public inspection at the 75031
principal office of the environmental protection agency a current 75032
list of pending applications for variances and a current schedule 75033
of pending variance hearings. The director shall make a complete 75034
stenographic record of testimony and other evidence submitted at 75035
the hearing. Within ten days after the hearing, the director shall 75036
make a written determination to issue, renew, or deny the variance 75037
and shall enter the determination and the basis for it into the 75038
record of the hearing. The director shall issue, renew, or deny an 75039
application for a variance or renewal of a variance within six 75040

months of the date upon which the director receives a complete 75041
application with all pertinent information and data required. No 75042
variance shall be issued, revoked, modified, or denied until the 75043
director has considered the relative interests of the applicant, 75044
other persons and property affected by the variance, and the 75045
general public. Any variance granted under this division shall be 75046
for a period specified by the director and may be renewed from 75047
time to time on such terms and for such periods as the director 75048
determines to be appropriate. No application shall be denied and 75049
no variance shall be revoked or modified without a written order 75050
stating the findings upon which the denial, revocation, or 75051
modification is based. A copy of the order shall be sent to the 75052
applicant or variance holder by certified mail or by another type 75053
of mail accompanied by a receipt. 75054

(B) The director shall prescribe and furnish the forms 75055
necessary to administer and enforce this chapter. The director may 75056
cooperate with and enter into agreements with other state, local, 75057
or federal agencies to carry out the purposes of this chapter. The 75058
director may exercise all incidental powers necessary to carry out 75059
the purposes of this chapter. 75060

The director may use moneys in the infectious waste 75061
management fund created in section 3734.021 of the Revised Code 75062
exclusively for administering and enforcing the provisions of this 75063
chapter governing the management of infectious wastes. 75064

(C) Except as provided in this division and divisions (N)(2) 75065
and (3) of this section, no person shall establish a new solid 75066
waste facility or infectious waste treatment facility, or modify 75067
an existing solid waste facility or infectious waste treatment 75068
facility, without submitting an application for a permit with 75069
accompanying detail plans, specifications, and information 75070
regarding the facility and method of operation and receiving a 75071
permit issued by the director, except that no permit shall be 75072

required under this division to install or operate a solid waste 75073
facility for sewage sludge treatment or disposal when the 75074
treatment or disposal is authorized by a current permit issued 75075
under Chapter 3704. or 6111. of the Revised Code. 75076

No person shall continue to operate a solid waste facility 75077
for which the director has denied a permit for which an 75078
application was required under division (A)(3) of section 3734.05 75079
of the Revised Code, or for which the director has disapproved 75080
plans and specifications required to be filed by an order issued 75081
under division (A)(5) of that section, after the date prescribed 75082
for commencement of closure of the facility in the order issued 75083
under division (A)(6) of section 3734.05 of the Revised Code 75084
denying the permit application or approval. 75085

On and after the effective date of the rules adopted under 75086
division (A) of this section and division (D) of section 3734.12 75087
of the Revised Code governing solid waste transfer facilities, no 75088
person shall establish a new, or modify an existing, solid waste 75089
transfer facility without first submitting an application for a 75090
permit with accompanying engineering detail plans, specifications, 75091
and information regarding the facility and its method of operation 75092
to the director and receiving a permit issued by the director. 75093

No person shall establish a new compost facility or continue 75094
to operate an existing compost facility that accepts exclusively 75095
source separated yard wastes without submitting a completed 75096
registration for the facility to the director in accordance with 75097
rules adopted under divisions (A) and (N)(3) of this section. 75098

This division does not apply to a generator of infectious 75099
wastes that does any of the following: 75100

(1) Treats, by methods, techniques, and practices established 75101
by rules adopted under division (B)(2)(a) of section 3734.021 of 75102
the Revised Code, any of the following: 75103

(a) Infectious wastes that are generated on any premises that are owned or operated by the generator; 75104
75105

(b) Infectious wastes that are generated by a generator who has staff privileges at a hospital as defined in section 3727.01 of the Revised Code; 75106
75107
75108

(c) Infectious wastes that are generated in providing care to a patient by an emergency medical services organization as defined in section 4765.01 of the Revised Code. 75109
75110
75111

(2) Holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717. and a permit issued under Chapter 3704. of the Revised Code; 75112
75113
75114

(3) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following: 75115
75116

(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 75117
75118

(b) Chapter 918. of the Revised Code; 75119

(c) Chapter 953. of the Revised Code. 75120

(D) Neither this chapter nor any rules adopted under it apply to single-family residential premises; to infectious wastes generated by individuals for purposes of their own care or treatment; to the temporary storage of solid wastes, other than scrap tires, prior to their collection for disposal; to the storage of one hundred or fewer scrap tires unless they are stored in such a manner that, in the judgment of the director or the board of health of the health district in which the scrap tires are stored, the storage causes a nuisance, a hazard to public health or safety, or a fire hazard; or to the collection of solid wastes, other than scrap tires, by a political subdivision or a person holding a franchise or license from a political subdivision of the state; to composting, as defined in section 1511.01 of the 75121
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Revised Code, conducted in accordance with section 1511.022 of the Revised Code; or to any person who is licensed to transport raw rendering material to a compost facility pursuant to section 953.23 of the Revised Code.

(E)(1) As used in this division:

(a) "On-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated on the premises of the facility.

(b) "Off-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated off the premises of the facility and includes such a facility that is also an on-site facility.

(c) "Satellite facility" means any of the following:

(i) An on-site facility that also receives hazardous waste from other premises owned by the same person who generates the waste on the facility premises;

(ii) An off-site facility operated so that all of the hazardous waste it receives is generated on one or more premises owned by the person who owns the facility;

(iii) An on-site facility that also receives hazardous waste that is transported uninterruptedly and directly to the facility through a pipeline from a generator who is not the owner of the facility.

(2) Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with section 3734.05 of the Revised Code and subject to the payment of an application fee not to exceed one thousand five hundred

dollars, payable upon application for a hazardous waste facility 75164
 installation and operation permit and upon application for a 75165
 renewal permit issued under division (H) of section 3734.05 of the 75166
 Revised Code, to be credited to the hazardous waste facility 75167
 management fund created in section 3734.18 of the Revised Code. 75168
 The term of a hazardous waste facility installation and operation 75169
 permit shall not exceed ten years. 75170

In addition to the application fee, there is hereby levied an 75171
 annual permit fee to be paid by the permit holder upon the 75172
 anniversaries of the date of issuance of the hazardous waste 75173
 facility installation and operation permit and of any subsequent 75174
 renewal permits and to be credited to the hazardous waste facility 75175
 management fund. Annual permit fees totaling forty thousand 75176
 dollars or more for any one facility may be paid on a quarterly 75177
 basis with the first quarterly payment each year being due on the 75178
 anniversary of the date of issuance of the hazardous waste 75179
 facility installation and operation permit and of any subsequent 75180
 renewal permits. The annual permit fee shall be determined for 75181
 each permit holder by the director in accordance with the 75182
 following schedule: 75183

TYPE OF BASIC				75184
MANAGEMENT UNIT	TYPE OF FACILITY		FEE	75185
Storage facility using: 75186				
Containers	On-site, off-site, and			75187
	satellite		\$ 500	75188
Tanks	On-site, off-site, and			75189
	satellite		500	75190
Waste pile	On-site, off-site, and			75191
	satellite		3,000	75192
Surface impoundment	On-site and satellite		8,000	75193
	Off-site		10,000	75194
Disposal facility using: 75195				

Deep well injection	On-site and satellite	15,000	75196
	Off-site	25,000	75197
Landfill	On-site and satellite	25,000	75198
	Off-site	40,000	75199
Land application	On-site and satellite	2,500	75200
	Off-site	5,000	75201
Surface impoundment	On-site and satellite	10,000	75202
	Off-site	20,000	75203
Treatment facility using:			75204
Tanks	On-site, off-site, and		75205
	satellite	700	75206
Surface impoundment	On-site and satellite	8,000	75207
	Off-site	10,000	75208
Incinerator	On-site and satellite	5,000	75209
	Off-site	10,000	75210
Other forms			75211
of treatment	On-site, off-site, and		75212
	satellite	1,000	75213

A hazardous waste disposal facility that disposes of hazardous waste by deep well injection and that pays the annual permit fee established in section 6111.046 of the Revised Code is not subject to the permit fee established in this division for disposal facilities using deep well injection unless the director determines that the facility is not in compliance with applicable requirements established under this chapter and rules adopted under it.

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage and treatment. A facility using more than one method of storage, treatment, or disposal shall pay the permit fee indicated by the schedule for each such method.

The director shall not require the payment of that portion of 75229
an annual permit fee of any permit holder that would apply to a 75230
hazardous waste management unit for which a permit has been 75231
issued, but for which construction has not yet commenced. Once 75232
construction has commenced, the director shall require the payment 75233
of a part of the appropriate fee indicated by the schedule that 75234
bears the same relationship to the total fee that the number of 75235
days remaining until the next anniversary date at which payment of 75236
the annual permit fee is due bears to three hundred sixty-five. 75237

The director, by rules adopted in accordance with Chapters 75238
119. and 3745. of the Revised Code, shall prescribe procedures for 75239
collecting the annual permit fee established by this division and 75240
may prescribe other requirements necessary to carry out this 75241
division. 75242

(3) The prohibition against establishing or operating a 75243
hazardous waste facility without a hazardous waste facility 75244
installation and operation permit does not apply to either of the 75245
following: 75246

(a) A facility that is operating in accordance with a permit 75247
renewal issued under division (H) of section 3734.05 of the 75248
Revised Code, a revision issued under division (I) of that section 75249
as it existed prior to August 20, 1996, or a modification issued 75250
by the director under division (I) of that section on and after 75251
August 20, 1996; 75252

(b) Except as provided in division (J) of section 3734.05 of 75253
the Revised Code, a facility that will operate or is operating in 75254
accordance with a permit by rule, or that is not subject to permit 75255
requirements, under rules adopted by the director. In accordance 75256
with Chapter 119. of the Revised Code, the director shall adopt, 75257
and subsequently may amend, suspend, or rescind, rules for the 75258
purposes of division (E)(3)(b) of this section. Any rules so 75259
adopted shall be consistent with and equivalent to regulations 75260

pertaining to interim status adopted under the "Resource
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A.
6921, as amended, except as otherwise provided in this chapter.

If a modification is requested or proposed for a facility
described in division (E)(3)(a) or (b) of this section, division
(I)(7) of section 3734.05 of the Revised Code applies.

(F) No person shall store, treat, or dispose of hazardous
waste identified or listed under this chapter and rules adopted
under it, regardless of whether generated on or off the premises
where the waste is stored, treated, or disposed of, or transport
or cause to be transported any hazardous waste identified or
listed under this chapter and rules adopted under it to any other
premises, except at or to any of the following:

(1) A hazardous waste facility operating under a permit
issued in accordance with this chapter;

(2) A facility in another state operating under a license or
permit issued in accordance with the "Resource Conservation and
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as
amended;

(3) A facility in another nation operating in accordance with
the laws of that nation;

(4) A facility holding a permit issued pursuant to Title I of
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86
Stat. 1052, 33 U.S.C.A. 1401, as amended;

(5) A hazardous waste facility as described in division
(E)(3)(a) or (b) of this section.

(G) The director, by order, may exempt any person generating,
collecting, storing, treating, disposing of, or transporting solid
wastes, infectious wastes, or hazardous waste, or processing solid
wastes that consist of scrap tires, in such quantities or under

such circumstances that, in the determination of the director, are 75291
unlikely to adversely affect the public health or safety or the 75292
environment from any requirement to obtain a registration 75293
certificate, permit, or license or comply with the manifest system 75294
or other requirements of this chapter. Such an exemption shall be 75295
consistent with and equivalent to any regulations adopted by the 75296
administrator of the United States environmental protection agency 75297
under the "Resource Conservation and Recovery Act of 1976," 90 75298
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 75299
provided in this chapter. 75300

(H) No person shall engage in filling, grading, excavating, 75301
building, drilling, or mining on land where a hazardous waste 75302
facility, or a solid waste facility, was operated without prior 75303
authorization from the director, who shall establish the procedure 75304
for granting such authorization by rules adopted in accordance 75305
with Chapter 119. of the Revised Code. 75306

A public utility that has main or distribution lines above or 75307
below the land surface located on an easement or right-of-way 75308
across land where a solid waste facility was operated may engage 75309
in any such activity within the easement or right-of-way without 75310
prior authorization from the director for purposes of performing 75311
emergency repair or emergency replacement of its lines; of the 75312
poles, towers, foundations, or other structures supporting or 75313
sustaining any such lines; or of the appurtenances to those 75314
structures, necessary to restore or maintain existing public 75315
utility service. A public utility may enter upon any such easement 75316
or right-of-way without prior authorization from the director for 75317
purposes of performing necessary or routine maintenance of those 75318
portions of its existing lines; of the existing poles, towers, 75319
foundations, or other structures sustaining or supporting its 75320
lines; or of the appurtenances to any such supporting or 75321
sustaining structure, located on or above the land surface on any 75322

such easement or right-of-way. Within twenty-four hours after 75323
commencing any such emergency repair, replacement, or maintenance 75324
work, the public utility shall notify the director or the 75325
director's authorized representative of those activities and shall 75326
provide such information regarding those activities as the 75327
director or the director's representative may request. Upon 75328
completion of the emergency repair, replacement, or maintenance 75329
activities, the public utility shall restore any land of the solid 75330
waste facility disturbed by those activities to the condition 75331
existing prior to the commencement of those activities. 75332

(I) No owner or operator of a hazardous waste facility, in 75333
the operation of the facility, shall cause, permit, or allow the 75334
emission therefrom of any particulate matter, dust, fumes, gas, 75335
mist, smoke, vapor, or odorous substance that, in the opinion of 75336
the director, unreasonably interferes with the comfortable 75337
enjoyment of life or property by persons living or working in the 75338
vicinity of the facility, or that is injurious to public health. 75339
Any such action is hereby declared to be a public nuisance. 75340

(J) Notwithstanding any other provision of this chapter, in 75341
the event the director finds an imminent and substantial danger to 75342
public health or safety or the environment that creates an 75343
emergency situation requiring the immediate treatment, storage, or 75344
disposal of hazardous waste, the director may issue a temporary 75345
emergency permit to allow the treatment, storage, or disposal of 75346
the hazardous waste at a facility that is not otherwise authorized 75347
by a hazardous waste facility installation and operation permit to 75348
treat, store, or dispose of the waste. The emergency permit shall 75349
not exceed ninety days in duration and shall not be renewed. The 75350
director shall adopt, and may amend, suspend, or rescind, rules in 75351
accordance with Chapter 119. of the Revised Code governing the 75352
issuance, modification, revocation, and denial of emergency 75353
permits. 75354

(K) Except for infectious wastes generated by a person who produces fewer than fifty pounds of infectious wastes at a premises during any one month, no owner or operator of a sanitary landfill shall knowingly accept for disposal, or dispose of, any infectious wastes that have not been treated to render them noninfectious.

(L) The director, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend, suspend, or rescind, rules having uniform application throughout the state establishing a training and certification program that shall be required for employees of boards of health who are responsible for enforcing the solid waste and infectious waste provisions of this chapter and rules adopted under them and for persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities. The rules shall provide all of the following, without limitation:

(1) The program shall be administered by the director and shall consist of a course on new solid waste and infectious waste technologies, enforcement procedures, and rules;

(2) The course shall be offered on an annual basis;

(3) Those persons who are required to take the course under division (L) of this section shall do so triennially;

(4) Persons who successfully complete the course shall be certified by the director;

(5) Certification shall be required for all employees of boards of health who are responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and for all persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities;

(6)(a) All employees of a board of health who, on the

effective date of the rules adopted under this division, are 75386
responsible for enforcing the solid waste or infectious waste 75387
provisions of this chapter and the rules adopted under them shall 75388
complete the course and be certified by the director not later 75389
than January 1, 1995; 75390

(b) All employees of a board of health who, after the 75391
effective date of the rules adopted under division (L) of this 75392
section, become responsible for enforcing the solid waste or 75393
infectious waste provisions of this chapter and rules adopted 75394
under them and who do not hold a current and valid certification 75395
from the director at that time shall complete the course and be 75396
certified by the director within two years after becoming 75397
responsible for performing those activities. 75398

No person shall fail to obtain the certification required 75399
under this division. 75400

(M) The director shall not issue a permit under section 75401
3734.05 of the Revised Code to establish a solid waste facility, 75402
or to modify a solid waste facility operating on December 21, 75403
1988, in a manner that expands the disposal capacity or geographic 75404
area covered by the facility, that is or is to be located within 75405
the boundaries of a state park established or dedicated under 75406
Chapter 1541. of the Revised Code, a state park purchase area 75407
established under section 1541.02 of the Revised Code, any unit of 75408
the national park system, or any property that lies within the 75409
boundaries of a national park or recreation area, but that has not 75410
been acquired or is not administered by the secretary of the 75411
United States department of the interior, located in this state, 75412
or any candidate area located in this state and identified for 75413
potential inclusion in the national park system in the edition of 75414
the "national park system plan" submitted under paragraph (b) of 75415
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 75416
U.S.C.A. 1a-5, as amended, current at the time of filing of the 75417

application for the permit, unless the facility or proposed 75418
facility is or is to be used exclusively for the disposal of solid 75419
wastes generated within the park or recreation area and the 75420
director determines that the facility or proposed facility will 75421
not degrade any of the natural or cultural resources of the park 75422
or recreation area. The director shall not issue a variance under 75423
division (A) of this section and rules adopted under it, or issue 75424
an exemption order under division (G) of this section, that would 75425
authorize any such establishment or expansion of a solid waste 75426
facility within the boundaries of any such park or recreation 75427
area, state park purchase area, or candidate area, other than a 75428
solid waste facility exclusively for the disposal of solid wastes 75429
generated within the park or recreation area when the director 75430
determines that the facility will not degrade any of the natural 75431
or cultural resources of the park or recreation area. 75432

(N)(1) The rules adopted under division (A) of this section, 75433
other than those governing variances, do not apply to scrap tire 75434
collection, storage, monocell, monofill, and recovery facilities. 75435
Those facilities are subject to and governed by rules adopted 75436
under sections 3734.70 to 3734.73 of the Revised Code, as 75437
applicable. 75438

(2) Division (C) of this section does not apply to scrap tire 75439
collection, storage, monocell, monofill, and recovery facilities. 75440
The establishment and modification of those facilities are subject 75441
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 75442
Code, as applicable. 75443

(3) The director may adopt, amend, suspend, or rescind rules 75444
under division (A) of this section creating an alternative system 75445
for authorizing the establishment, operation, or modification of a 75446
solid waste compost facility in lieu of the requirement that a 75447
person seeking to establish, operate, or modify a solid waste 75448
compost facility apply for and receive a permit under division (C) 75449

of this section and section 3734.05 of the Revised Code and a 75450
license under division (A)(1) of that section. The rules may 75451
include requirements governing, without limitation, the 75452
classification of solid waste compost facilities, the submittal of 75453
operating records for solid waste compost facilities, and the 75454
creation of a registration or notification system in lieu of the 75455
issuance of permits and licenses for solid waste compost 75456
facilities. The rules shall specify the applicability of divisions 75457
(A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised 75458
Code to a solid waste compost facility. 75459

(O)(1) As used in this division, "secondary aluminum waste" 75460
means waste material or byproducts, when disposed of, containing 75461
aluminum generated from secondary aluminum smelting operations and 75462
consisting of dross, salt cake, baghouse dust associated with 75463
aluminum recycling furnace operations, or dry-milled wastes. 75464

(2) The owner or operator of a sanitary landfill shall not 75465
dispose of municipal solid waste that has been commingled with 75466
secondary aluminum waste. 75467

(3) The owner or operator of a sanitary landfill may dispose 75468
of secondary aluminum waste, but only in a monocell or monofill 75469
that has been permitted for that purpose in accordance with this 75470
chapter and rules adopted under it. 75471

(P)(1) As used in divisions (P) and (O) of this section: 75472

(a) "Natural background" means two picocuries per gram or the 75473
actual number of picocuries per gram as measured at an individual 75474
solid waste facility, subject to verification by the director of 75475
health. 75476

(b) "Drilling operation" includes a production operation as 75477
defined in section 1509.01 of the Revised Code. 75478

(2) The owner or operator of a solid waste facility shall not 75479
accept for transfer or disposal technologically enhanced naturally 75480

occurring radioactive material if that material contains or is 75481
contaminated with radium-226, radium-228, or any combination of 75482
radium-226 and radium-228 at concentrations equal to or greater 75483
than five picocuries per gram above natural background. 75484

(3) The owner or operator of a solid waste facility may 75485
receive and process for purposes other than transfer or disposal 75486
technologically enhanced naturally occurring radioactive material 75487
that contains or is contaminated with radium-226, radium-228, or 75488
any combination of radium-226 and radium-228 at concentrations 75489
equal to or greater than five picocuries per gram above natural 75490
background, provided that the owner or operator has obtained and 75491
maintains all other necessary authorizations, including any 75492
authorization required by rules adopted by the director of health 75493
under section 3748.04 of the Revised Code. 75494

(4) The director of environmental protection may adopt rules 75495
in accordance with Chapter 119. of the Revised Code governing the 75496
receipt, acceptance, processing, handling, management, and 75497
disposal by solid waste facilities of material that contains or is 75498
contaminated with radioactive material, including, without 75499
limitation, technologically enhanced naturally occurring 75500
radioactive material that contains or is contaminated with 75501
radium-226, radium-228, or any combination of radium-226 and 75502
radium-228 at concentrations less than five picocuries per gram 75503
above natural background. Rules adopted by the director may 75504
include at a minimum both of the following: 75505

(a) Requirements in accordance with which the owner or 75506
operator of a solid waste facility must monitor leachate and 75507
ground water for radium-226, radium-228, and other radionuclides; 75508

(b) Requirements in accordance with which the owner or 75509
operator of a solid waste facility must develop procedures to 75510
ensure that technologically enhanced naturally occurring 75511
radioactive material accepted at the facility neither contains nor 75512

is contaminated with radium-226, radium-228, or any combination of 75513
radium-226 and radium-228 at concentrations equal to or greater 75514
than five picocuries per gram above natural background. 75515

(Q) Notwithstanding any other provision of this section, the 75516
owner or operator of a solid waste facility shall not receive, 75517
accept, process, handle, manage, or dispose of technologically 75518
enhanced naturally occurring radioactive material associated with 75519
drilling operations without first obtaining representative 75520
analytical results to determine compliance with divisions (P)(2) 75521
and (3) of this section and rules adopted under it. 75522

Sec. 3734.125. The director of environmental protection may 75523
adopt rules in accordance with Chapter 119. of the Revised Code 75524
establishing requirements governing the beneficial use of material 75525
from a horizontal well that has come in contact with a refined 75526
oil-based substance and that is not technologically enhanced 75527
naturally occurring radioactive material. 75528

Sec. 3734.28. Except as otherwise provided in sections 75529
3734.281 and 3734.282 of the Revised Code, moneys collected under 75530
sections 3734.122, 3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 75531
of the Revised Code and under the "Comprehensive Environmental 75532
Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 75533
42 U.S.C.A. 9601, et seq., as amended, including moneys recovered 75534
under division (B)(1) of this section, shall be paid into the 75535
state treasury to the credit of the hazardous waste clean-up fund, 75536
which is hereby created. In addition, both of the following shall 75537
be credited to the fund: 75538

(A) Moneys recovered for costs paid from the fund for 75539
activities described in divisions (A)(1) and (2) of section 75540
3745.12 of the Revised Code; 75541

(B) Natural resource damage assessment costs recovered under 75542

any of the following: 75543

(1) The "Comprehensive Environmental Response, Compensation, 75544
and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C. 9601, et 75545
seq., as amended; 75546

(2) The "Oil Pollution Act of 1990," 104 Stat. 484, 33 U.S.C. 75547
2701, et seq., as amended; 75548

(3) The ~~Federal Water Pollution Control Act as defined in~~ 75549
~~section 6111.01 of the Revised Code~~ "Clean Water Act of 1977," 91 75550
Stat. 1566, 33 U.S.C. 1321, et seq., as amended; 75551

(4) Any other applicable federal or state law. 75552

The environmental protection agency shall use the moneys in 75553
the fund for the purposes set forth in division (D) of section 75554
3734.122, sections 3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 75555
3734.26, and 3734.27, divisions (A)(1) and (2) of section 3745.12, 75556
and Chapter 3746. of the Revised Code, including any related 75557
enforcement expenses and administrative expenses of any related 75558
closure or corrective action program. In addition, the agency 75559
shall use the moneys in the fund to pay the state's long-term 75560
operation and maintenance costs or matching share for actions 75561
taken under the "Comprehensive Environmental Response, 75562
Compensation, and Liability Act of 1980," as amended. If those 75563
moneys are reimbursed by grants or other moneys from the United 75564
States or any other person, the moneys shall be placed in the fund 75565
and not in the general revenue fund. 75566

The director of environmental protection may enter into 75567
contracts and grant agreements with federal, state, or local 75568
government agencies, nonprofit organizations, and colleges and 75569
universities for the purpose of carrying out the responsibilities 75570
of the environmental protection agency for which money may be 75571
expended from the fund. 75572

Sec. 3734.57. (A) The following fees are hereby levied on the 75573
transfer or disposal of solid wastes in this state: 75574

(1) One dollar per ton through June 30, ~~2014~~ 2016, ~~one-half~~ 75575
thirty per cent of the proceeds of which shall be deposited in the 75576
state treasury to the credit of the hazardous waste facility 75577
management fund created in section 3734.18 of the Revised Code and 75578
~~one-half~~ seventy per cent of the proceeds of which shall be 75579
deposited in the state treasury to the credit of the hazardous 75580
waste clean-up fund created in section 3734.28 of the Revised 75581
Code; 75582

(2) An additional one dollar per ton through June 30, ~~2014~~ 75583
2016, the proceeds of which shall be deposited in the state 75584
treasury to the credit of the solid waste fund, which is hereby 75585
created. The environmental protection agency shall use money in 75586
the solid waste fund to pay the costs of administering and 75587
enforcing the laws pertaining to solid wastes, infectious wastes, 75588
and construction and demolition debris, including, without 75589
limitation, ground water evaluations related to solid wastes, 75590
infectious wastes, and construction and demolition debris, under 75591
this chapter and Chapter 3714. of the Revised Code and any rules 75592
adopted under them, providing compliance assistance to small 75593
businesses, and paying a share of the administrative costs of the 75594
environmental protection agency pursuant to section 3745.014 of 75595
the Revised Code. 75596

(3) An additional two dollars and fifty cents per ton through 75597
June 30, ~~2014~~ 2016, the proceeds of which shall be deposited in 75598
the state treasury to the credit of the environmental protection 75599
fund created in section 3745.015 of the Revised Code; 75600

(4) An additional twenty-five cents per ton through June 30, 75601
~~2013~~ 2016, the proceeds of which shall be deposited in the state 75602
treasury to the credit of the soil and water conservation district 75603

assistance fund created in section 1515.14 of the Revised Code. 75604

In the case of solid wastes that are taken to a solid waste 75605
transfer facility located in this state prior to being transported 75606
for disposal at a solid waste disposal facility located in this 75607
state or outside of this state, the fees levied under this 75608
division shall be collected by the owner or operator of the 75609
transfer facility as a trustee for the state. The amount of fees 75610
required to be collected under this division at such a transfer 75611
facility shall equal the total tonnage of solid wastes received at 75612
the facility multiplied by the fees levied under this division. In 75613
the case of solid wastes that are not taken to a solid waste 75614
transfer facility located in this state prior to being transported 75615
to a solid waste disposal facility, the fees shall be collected by 75616
the owner or operator of the solid waste disposal facility as a 75617
trustee for the state. The amount of fees required to be collected 75618
under this division at such a disposal facility shall equal the 75619
total tonnage of solid wastes received at the facility that was 75620
not previously taken to a solid waste transfer facility located in 75621
this state multiplied by the fees levied under this division. Fees 75622
levied under this division do not apply to materials separated 75623
from a mixed waste stream for recycling by a generator or 75624
materials removed from the solid waste stream through recycling, 75625
as "recycling" is defined in rules adopted under section 3734.02 75626
of the Revised Code. 75627

The owner or operator of a solid waste transfer facility or 75628
disposal facility, as applicable, shall prepare and file with the 75629
director of environmental protection each month a return 75630
indicating the total tonnage of solid wastes received at the 75631
facility during that month and the total amount of the fees 75632
required to be collected under this division during that month. In 75633
addition, the owner or operator of a solid waste disposal facility 75634
shall indicate on the return the total tonnage of solid wastes 75635

received from transfer facilities located in this state during 75636
that month for which the fees were required to be collected by the 75637
transfer facilities. The monthly returns shall be filed on a form 75638
prescribed by the director. Not later than thirty days after the 75639
last day of the month to which a return applies, the owner or 75640
operator shall mail to the director the return for that month 75641
together with the fees required to be collected under this 75642
division during that month as indicated on the return or may 75643
submit the return and fees electronically in a manner approved by 75644
the director. If the return is filed and the amount of the fees 75645
due is paid in a timely manner as required in this division, the 75646
owner or operator may retain a discount of three-fourths of one 75647
per cent of the total amount of the fees that are required to be 75648
paid as indicated on the return. 75649

The owner or operator may request an extension of not more 75650
than thirty days for filing the return and remitting the fees, 75651
provided that the owner or operator has submitted such a request 75652
in writing to the director together with a detailed description of 75653
why the extension is requested, the director has received the 75654
request not later than the day on which the return is required to 75655
be filed, and the director has approved the request. If the fees 75656
are not remitted within thirty days after the last day of the 75657
month to which the return applies or are not remitted by the last 75658
day of an extension approved by the director, the owner or 75659
operator shall not retain the three-fourths of one per cent 75660
discount and shall pay an additional ten per cent of the amount of 75661
the fees for each month that they are late. For purposes of 75662
calculating the late fee, the first month in which fees are late 75663
begins on the first day after the deadline has passed for timely 75664
submitting the return and fees, and one additional month shall be 75665
counted every thirty days thereafter. 75666

The owner or operator of a solid waste facility may request a 75667

refund or credit of fees levied under this division and remitted 75668
to the director that have not been paid to the owner or operator. 75669
Such a request shall be made only if the fees have not been 75670
collected by the owner or operator, have become a debt that has 75671
become worthless or uncollectable for a period of six months or 75672
more, and may be claimed as a deduction, including a deduction 75673
claimed if the owner or operator keeps accounts on an accrual 75674
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 75675
U.S.C. 166, as amended, and regulations adopted under it. Prior to 75676
making a request for a refund or credit, an owner or operator 75677
shall make reasonable efforts to collect the applicable fees. A 75678
request for a refund or credit shall not include any costs 75679
resulting from those efforts to collect unpaid fees. 75680

A request for a refund or credit of fees shall be made in 75681
writing, on a form prescribed by the director, and shall be 75682
supported by evidence that may be required in rules adopted by the 75683
director under this chapter. After reviewing the request, and if 75684
the request and evidence submitted with the request indicate that 75685
a refund or credit is warranted, the director shall grant a refund 75686
to the owner or operator or shall permit a credit to be taken by 75687
the owner or operator on a subsequent monthly return submitted by 75688
the owner or operator. The amount of a refund or credit shall not 75689
exceed an amount that is equal to ninety days' worth of fees owed 75690
to an owner or operator by a particular debtor of the owner or 75691
operator. A refund or credit shall not be granted by the director 75692
to an owner or operator more than once in any twelve-month period 75693
for fees owed to the owner or operator by a particular debtor. 75694

If, after receiving a refund or credit from the director, an 75695
owner or operator receives payment of all or part of the fees, the 75696
owner or operator shall remit the fees with the next monthly 75697
return submitted to the director together with a written 75698
explanation of the reason for the submittal. 75699

For purposes of computing the fees levied under this division 75700
or division (B) of this section, any solid waste transfer or 75701
disposal facility that does not use scales as a means of 75702
determining gate receipts shall use a conversion factor of three 75703
cubic yards per ton of solid waste or one cubic yard per ton for 75704
baled waste, as applicable. 75705

The fees levied under this division and divisions (B) and (C) 75706
of this section are in addition to all other applicable fees and 75707
taxes and shall be paid by the customer or a political subdivision 75708
to the owner or operator of a solid waste transfer or disposal 75709
facility. In the alternative, the fees shall be paid by a customer 75710
or political subdivision to a transporter of waste who 75711
subsequently transfers the fees to the owner or operator of such a 75712
facility. The fees shall be paid notwithstanding the existence of 75713
any provision in a contract that the customer or a political 75714
subdivision may have with the owner or operator or with a 75715
transporter of waste to the facility that would not require or 75716
allow such payment regardless of whether the contract was entered 75717
prior to or after October 16, 2009. For those purposes, "customer" 75718
means a person who contracts with, or utilizes the solid waste 75719
services of, the owner or operator of a solid waste transfer or 75720
disposal facility or a transporter of solid waste to such a 75721
facility. 75722

(B) For the purposes specified in division (G) of this 75723
section, the solid waste management policy committee of a county 75724
or joint solid waste management district may levy fees upon the 75725
following activities: 75726

(1) The disposal at a solid waste disposal facility located 75727
in the district of solid wastes generated within the district; 75728

(2) The disposal at a solid waste disposal facility within 75729
the district of solid wastes generated outside the boundaries of 75730
the district, but inside this state; 75731

(3) The disposal at a solid waste disposal facility within 75732
the district of solid wastes generated outside the boundaries of 75733
this state. 75734

The solid waste management plan of the county or joint 75735
district approved under section 3734.521 or 3734.55 of the Revised 75736
Code and any amendments to it, or the resolution adopted under 75737
this division, as appropriate, shall establish the rates of the 75738
fees levied under divisions (B)(1), (2), and (3) of this section, 75739
if any, and shall specify whether the fees are levied on the basis 75740
of tons or cubic yards as the unit of measurement. A solid waste 75741
management district that levies fees under this division on the 75742
basis of cubic yards shall do so in accordance with division (A) 75743
of this section. 75744

The fee levied under division (B)(1) of this section shall be 75745
not less than one dollar per ton nor more than two dollars per 75746
ton, the fee levied under division (B)(2) of this section shall be 75747
not less than two dollars per ton nor more than four dollars per 75748
ton, and the fee levied under division (B)(3) of this section 75749
shall be not more than the fee levied under division (B)(1) of 75750
this section. 75751

Prior to the approval of the solid waste management plan of a 75752
district under section 3734.55 of the Revised Code, the solid 75753
waste management policy committee of a district may levy fees 75754
under this division by adopting a resolution establishing the 75755
proposed amount of the fees. Upon adopting the resolution, the 75756
committee shall deliver a copy of the resolution to the board of 75757
county commissioners of each county forming the district and to 75758
the legislative authority of each municipal corporation and 75759
township under the jurisdiction of the district and shall prepare 75760
and publish the resolution and a notice of the time and location 75761
where a public hearing on the fees will be held. Upon adopting the 75762
resolution, the committee shall deliver written notice of the 75763

adoption of the resolution; of the amount of the proposed fees; 75764
and of the date, time, and location of the public hearing to the 75765
director and to the fifty industrial, commercial, or institutional 75766
generators of solid wastes within the district that generate the 75767
largest quantities of solid wastes, as determined by the 75768
committee, and to their local trade associations. The committee 75769
shall make good faith efforts to identify those generators within 75770
the district and their local trade associations, but the 75771
nonprovision of notice under this division to a particular 75772
generator or local trade association does not invalidate the 75773
proceedings under this division. The publication shall occur at 75774
least thirty days before the hearing. After the hearing, the 75775
committee may make such revisions to the proposed fees as it 75776
considers appropriate and thereafter, by resolution, shall adopt 75777
the revised fee schedule. Upon adopting the revised fee schedule, 75778
the committee shall deliver a copy of the resolution doing so to 75779
the board of county commissioners of each county forming the 75780
district and to the legislative authority of each municipal 75781
corporation and township under the jurisdiction of the district. 75782
Within sixty days after the delivery of a copy of the resolution 75783
adopting the proposed revised fees by the policy committee, each 75784
such board and legislative authority, by ordinance or resolution, 75785
shall approve or disapprove the revised fees and deliver a copy of 75786
the ordinance or resolution to the committee. If any such board or 75787
legislative authority fails to adopt and deliver to the policy 75788
committee an ordinance or resolution approving or disapproving the 75789
revised fees within sixty days after the policy committee 75790
delivered its resolution adopting the proposed revised fees, it 75791
shall be conclusively presumed that the board or legislative 75792
authority has approved the proposed revised fees. The committee 75793
shall determine if the resolution has been ratified in the same 75794
manner in which it determines if a draft solid waste management 75795
plan has been ratified under division (B) of section 3734.55 of 75796

the Revised Code. 75797

The committee may amend the schedule of fees levied pursuant 75798
to a resolution adopted and ratified under this division by 75799
adopting a resolution establishing the proposed amount of the 75800
amended fees. The committee may repeal the fees levied pursuant to 75801
such a resolution by adopting a resolution proposing to repeal 75802
them. Upon adopting such a resolution, the committee shall proceed 75803
to obtain ratification of the resolution in accordance with this 75804
division. 75805

Not later than fourteen days after declaring the new fees to 75806
be ratified or the fees to be repealed under this division, the 75807
committee shall notify by certified mail the owner or operator of 75808
each solid waste disposal facility that is required to collect the 75809
fees of the ratification and the amount of the fees or of the 75810
repeal of the fees. Collection of any fees shall commence or 75811
collection of repealed fees shall cease on the first day of the 75812
second month following the month in which notification is sent to 75813
the owner or operator. 75814

Fees levied under this division also may be established, 75815
amended, or repealed by a solid waste management policy committee 75816
through the adoption of a new district solid waste management 75817
plan, the adoption of an amended plan, or the amendment of the 75818
plan or amended plan in accordance with sections 3734.55 and 75819
3734.56 of the Revised Code or the adoption or amendment of a 75820
district plan in connection with a change in district composition 75821
under section 3734.521 of the Revised Code. 75822

Not later than fourteen days after the director issues an 75823
order approving a district's solid waste management plan, amended 75824
plan, or amendment to a plan or amended plan that establishes, 75825
amends, or repeals a schedule of fees levied by the district, the 75826
committee shall notify by certified mail the owner or operator of 75827
each solid waste disposal facility that is required to collect the 75828

fees of the approval of the plan or amended plan, or the amendment 75829
to the plan, as appropriate, and the amount of the fees, if any. 75830
In the case of an initial or amended plan approved under section 75831
3734.521 of the Revised Code in connection with a change in 75832
district composition, other than one involving the withdrawal of a 75833
county from a joint district, the committee, within fourteen days 75834
after the change takes effect pursuant to division (G) of that 75835
section, shall notify by certified mail the owner or operator of 75836
each solid waste disposal facility that is required to collect the 75837
fees that the change has taken effect and of the amount of the 75838
fees, if any. Collection of any fees shall commence or collection 75839
of repealed fees shall cease on the first day of the second month 75840
following the month in which notification is sent to the owner or 75841
operator. 75842

If, in the case of a change in district composition involving 75843
the withdrawal of a county from a joint district, the director 75844
completes the actions required under division (G)(1) or (3) of 75845
section 3734.521 of the Revised Code, as appropriate, forty-five 75846
days or more before the beginning of a calendar year, the policy 75847
committee of each of the districts resulting from the change that 75848
obtained the director's approval of an initial or amended plan in 75849
connection with the change, within fourteen days after the 75850
director's completion of the required actions, shall notify by 75851
certified mail the owner or operator of each solid waste disposal 75852
facility that is required to collect the district's fees that the 75853
change is to take effect on the first day of January immediately 75854
following the issuance of the notice and of the amount of the fees 75855
or amended fees levied under divisions (B)(1) to (3) of this 75856
section pursuant to the district's initial or amended plan as so 75857
approved or, if appropriate, the repeal of the district's fees by 75858
that initial or amended plan. Collection of any fees set forth in 75859
such a plan or amended plan shall commence on the first day of 75860
January immediately following the issuance of the notice. If such 75861

an initial or amended plan repeals a schedule of fees, collection 75862
of the fees shall cease on that first day of January. 75863

If, in the case of a change in district composition involving 75864
the withdrawal of a county from a joint district, the director 75865
completes the actions required under division (G)(1) or (3) of 75866
section 3734.521 of the Revised Code, as appropriate, less than 75867
forty-five days before the beginning of a calendar year, the 75868
director, on behalf of each of the districts resulting from the 75869
change that obtained the director's approval of an initial or 75870
amended plan in connection with the change proceedings, shall 75871
notify by certified mail the owner or operator of each solid waste 75872
disposal facility that is required to collect the district's fees 75873
that the change is to take effect on the first day of January 75874
immediately following the mailing of the notice and of the amount 75875
of the fees or amended fees levied under divisions (B)(1) to (3) 75876
of this section pursuant to the district's initial or amended plan 75877
as so approved or, if appropriate, the repeal of the district's 75878
fees by that initial or amended plan. Collection of any fees set 75879
forth in such a plan or amended plan shall commence on the first 75880
day of the second month following the month in which notification 75881
is sent to the owner or operator. If such an initial or amended 75882
plan repeals a schedule of fees, collection of the fees shall 75883
cease on the first day of the second month following the month in 75884
which notification is sent to the owner or operator. 75885

If the schedule of fees that a solid waste management 75886
district is levying under divisions (B)(1) to (3) of this section 75887
is amended or repealed, the fees in effect immediately prior to 75888
the amendment or repeal shall continue to be collected until 75889
collection of the amended fees commences or collection of the 75890
repealed fees ceases, as applicable, as specified in this 75891
division. In the case of a change in district composition, money 75892
so received from the collection of the fees of the former 75893

districts shall be divided among the resulting districts in 75894
accordance with division (B) of section 343.012 of the Revised 75895
Code and the agreements entered into under division (B) of section 75896
343.01 of the Revised Code to establish the former and resulting 75897
districts and any amendments to those agreements. 75898

For the purposes of the provisions of division (B) of this 75899
section establishing the times when newly established or amended 75900
fees levied by a district are required to commence and the 75901
collection of fees that have been amended or repealed is required 75902
to cease, "fees" or "schedule of fees" includes, in addition to 75903
fees levied under divisions (B)(1) to (3) of this section, those 75904
levied under section 3734.573 or 3734.574 of the Revised Code. 75905

(C) For the purposes of defraying the added costs to a 75906
municipal corporation or township of maintaining roads and other 75907
public facilities and of providing emergency and other public 75908
services, and compensating a municipal corporation or township for 75909
reductions in real property tax revenues due to reductions in real 75910
property valuations resulting from the location and operation of a 75911
solid waste disposal facility within the municipal corporation or 75912
township, a municipal corporation or township in which such a 75913
solid waste disposal facility is located may levy a fee of not 75914
more than twenty-five cents per ton on the disposal of solid 75915
wastes at a solid waste disposal facility located within the 75916
boundaries of the municipal corporation or township regardless of 75917
where the wastes were generated. 75918

The legislative authority of a municipal corporation or 75919
township may levy fees under this division by enacting an 75920
ordinance or adopting a resolution establishing the amount of the 75921
fees. Upon so doing the legislative authority shall mail a 75922
certified copy of the ordinance or resolution to the board of 75923
county commissioners or directors of the county or joint solid 75924
waste management district in which the municipal corporation or 75925

township is located or, if a regional solid waste management 75926
authority has been formed under section 343.011 of the Revised 75927
Code, to the board of trustees of that regional authority, the 75928
owner or operator of each solid waste disposal facility in the 75929
municipal corporation or township that is required to collect the 75930
fee by the ordinance or resolution, and the director of 75931
environmental protection. Although the fees levied under this 75932
division are levied on the basis of tons as the unit of 75933
measurement, the legislative authority, in its ordinance or 75934
resolution levying the fees under this division, may direct that 75935
the fees be levied on the basis of cubic yards as the unit of 75936
measurement based upon a conversion factor of three cubic yards 75937
per ton generally or one cubic yard per ton for baled wastes. 75938

Not later than five days after enacting an ordinance or 75939
adopting a resolution under this division, the legislative 75940
authority shall so notify by certified mail the owner or operator 75941
of each solid waste disposal facility that is required to collect 75942
the fee. Collection of any fee levied on or after March 24, 1992, 75943
shall commence on the first day of the second month following the 75944
month in which notification is sent to the owner or operator. 75945

(D)(1) The fees levied under divisions (A), (B), and (C) of 75946
this section do not apply to the disposal of solid wastes that: 75947

(a) Are disposed of at a facility owned by the generator of 75948
the wastes when the solid waste facility exclusively disposes of 75949
solid wastes generated at one or more premises owned by the 75950
generator regardless of whether the facility is located on a 75951
premises where the wastes are generated; 75952

(b) Are generated from the combustion of coal, or from the 75953
combustion of primarily coal, regardless of whether the disposal 75954
facility is located on the premises where the wastes are 75955
generated; 75956

(c) Are asbestos or asbestos-containing materials or products 75957
disposed of at a construction and demolition debris facility that 75958
is licensed under Chapter 3714. of the Revised Code or at a solid 75959
waste facility that is licensed under this chapter. 75960

(2) Except as provided in section 3734.571 of the Revised 75961
Code, any fees levied under division (B)(1) of this section apply 75962
to solid wastes originating outside the boundaries of a county or 75963
joint district that are covered by an agreement for the joint use 75964
of solid waste facilities entered into under section 343.02 of the 75965
Revised Code by the board of county commissioners or board of 75966
directors of the county or joint district where the wastes are 75967
generated and disposed of. 75968

(3) When solid wastes, other than solid wastes that consist 75969
of scrap tires, are burned in a disposal facility that is an 75970
incinerator or energy recovery facility, the fees levied under 75971
divisions (A), (B), and (C) of this section shall be levied upon 75972
the disposal of the fly ash and bottom ash remaining after burning 75973
of the solid wastes and shall be collected by the owner or 75974
operator of the sanitary landfill where the ash is disposed of. 75975

(4) When solid wastes are delivered to a solid waste transfer 75976
facility, the fees levied under divisions (B) and (C) of this 75977
section shall be levied upon the disposal of solid wastes 75978
transported off the premises of the transfer facility for disposal 75979
and shall be collected by the owner or operator of the solid waste 75980
disposal facility where the wastes are disposed of. 75981

(5) The fees levied under divisions (A), (B), and (C) of this 75982
section do not apply to sewage sludge that is generated by a waste 75983
water treatment facility holding a national pollutant discharge 75984
elimination system permit and that is disposed of through 75985
incineration, land application, or composting or at another 75986
resource recovery or disposal facility that is not a landfill. 75987

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.

(8) The director of environmental protection may issue an order exempting from the fees levied under this section solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the United States environmental protection agency, the director of environmental protection, or the director of administrative services on behalf of the director of environmental protection for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the director of environmental protection has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination. An order issued by the director of environmental protection under division (D)(8) of this section shall include a

determination that the amount of the fees not received by a solid waste management district as a result of the order will not adversely impact the implementation and financing of the district's approved solid waste management plan and any approved amendments to the plan. Such an order is a final action of the director of environmental protection.

(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer or to the fiscal officer of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the fiscal officer of the township under that division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the township fiscal officer, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in

a similar capacity under a county charter, in a county district or 76052
to the county treasurer or other official designated by the board 76053
of directors in a joint district and kept in a separate and 76054
distinct fund to the credit of the district. If a regional solid 76055
waste management authority has been formed under section 343.011 76056
of the Revised Code, moneys received by the board of trustees of 76057
that regional authority under division (E) of this section shall 76058
be kept by the board in a separate and distinct fund to the credit 76059
of the district. Moneys in the special fund of the county or joint 76060
district arising from the fees levied under division (B) of this 76061
section and the fee levied under division (A) of section 3734.573 76062
of the Revised Code shall be expended by the board of county 76063
commissioners or directors of the district in accordance with the 76064
district's solid waste management plan or amended plan approved 76065
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 76066
exclusively for the following purposes: 76067

(1) Preparation of the solid waste management plan of the 76068
district under section 3734.54 of the Revised Code, monitoring 76069
implementation of the plan, and conducting the periodic review and 76070
amendment of the plan required by section 3734.56 of the Revised 76071
Code by the solid waste management policy committee; 76072

(2) Implementation of the approved solid waste management 76073
plan or amended plan of the district, including, without 76074
limitation, the development and implementation of solid waste 76075
recycling or reduction programs; 76076

(3) Providing financial assistance to boards of health within 76077
the district, if solid waste facilities are located within the 76078
district, for enforcement of this chapter and rules, orders, and 76079
terms and conditions of permits, licenses, and variances adopted 76080
or issued under it, other than the hazardous waste provisions of 76081
this chapter and rules adopted and orders and terms and conditions 76082
of permits issued under those provisions; 76083

(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan;

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal

corporations and townships within the district to defray their 76115
added costs of maintaining roads and other public facilities and 76116
of providing emergency and other public services resulting from 76117
the location and operation within their boundaries of a 76118
composting, energy or resource recovery, incineration, or 76119
recycling facility that either is owned by the district or is 76120
furnishing solid waste management facility or recycling services 76121
to the district pursuant to a contract or agreement with the board 76122
of county commissioners or directors of the district; 76123

(10) Payment of any expenses that are agreed to, awarded, or 76124
ordered to be paid under section 3734.35 of the Revised Code and 76125
of any administrative costs incurred pursuant to that section. In 76126
the case of a joint solid waste management district, if the board 76127
of county commissioners of one of the counties in the district is 76128
negotiating on behalf of affected communities, as defined in that 76129
section, in that county, the board shall obtain the approval of 76130
the board of directors of the district in order to expend moneys 76131
for administrative costs incurred. 76132

Prior to the approval of the district's solid waste 76133
management plan under section 3734.55 of the Revised Code, moneys 76134
in the special fund of the district arising from the fees shall be 76135
expended for those purposes in the manner prescribed by the solid 76136
waste management policy committee by resolution. 76137

Notwithstanding division (G)(6) of this section as it existed 76138
prior to October 29, 1993, or any provision in a district's solid 76139
waste management plan prepared in accordance with division 76140
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 76141
prior to that date, any moneys arising from the fees levied under 76142
division (B)(3) of this section prior to January 1, 1994, may be 76143
expended for any of the purposes authorized in divisions (G)(1) to 76144
(10) of this section. 76145

(H) The director shall adopt rules in accordance with Chapter 76146

119. of the Revised Code prescribing procedures for collecting and 76147
forwarding the fees levied under divisions (B) and (C) of this 76148
section to the boards of county commissioners or directors of 76149
county or joint solid waste management districts and to the 76150
treasurers or other officers of municipal corporations and the 76151
fiscal officers of townships. The rules also shall prescribe the 76152
dates for forwarding the fees to the boards and officials and may 76153
prescribe any other requirements the director considers necessary 76154
or appropriate to implement and administer divisions (A), (B), and 76155
(C) of this section. 76156

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 76157
defray the cost of administering and enforcing the scrap tire 76158
provisions of this chapter, rules adopted under those provisions, 76159
and terms and conditions of orders, variances, and licenses issued 76160
under those provisions; to abate accumulations of scrap tires; to 76161
make grants supporting market development activities for scrap 76162
tires and synthetic rubber from tire manufacturing processes and 76163
tire recycling processes and to support scrap tire amnesty and 76164
cleanup events; to make loans to promote the recycling or recovery 76165
of energy from scrap tires; and to defray the costs of 76166
administering and enforcing sections 3734.90 to 3734.9014 of the 76167
Revised Code, a fee of fifty cents per tire is hereby levied on 76168
the sale of tires. The proceeds of the fee shall be deposited in 76169
the state treasury to the credit of the scrap tire management fund 76170
created in section 3734.82 of the Revised Code. The fee is levied 76171
from the first day of the calendar month that begins next after 76172
thirty days from October 29, 1993, through June 30, ~~2013~~ 2016. 76173

(2) Beginning on July 1, 2011, and ending on June 30, ~~2013~~ 76174
2016, there is hereby levied an additional fee of fifty cents per 76175
tire on the sale of tires the proceeds of which shall be deposited 76176
in the state treasury to the credit of the soil and water 76177
conservation district assistance fund created in section 1515.14 76178

of the Revised Code. 76179

(B) Only one sale of the same article shall be used in 76180
computing the amount of the fee due. 76181

Sec. 3734.907. (A) Any person required to pay the fee imposed 76182
by section 3734.901 of the Revised Code is personally liable for 76183
the fee. The tax commissioner may make an assessment, based upon 76184
any information in the commissioner's possession, against any 76185
person who fails to file a return or pay any fee, interest, or 76186
additional charge as required by sections 3734.90 to 3734.9014 of 76187
the Revised Code. The commissioner shall give the person assessed 76188
written notice of the assessment in the manner provided in section 76189
5703.37 of the Revised Code. With the notice, the commissioner 76190
shall provide instructions on how to petition for reassessment and 76191
request a hearing on the petition. 76192

(B) When the information in the possession of the tax 76193
commissioner indicates that a person liable for the fee imposed by 76194
section 3734.901 of the Revised Code has not paid the full amount 76195
of fee due, the commissioner may audit a representative sample of 76196
the person's business and may issue an assessment based on the 76197
audit. 76198

(C) A penalty of up to fifteen per cent may be added to all 76199
amounts assessed under this section. The commissioner may adopt 76200
rules providing for the imposition and remission of the penalties. 76201

(D) Unless the person assessed files with the tax 76202
commissioner within sixty days after service of the notice of 76203
assessment, either personally or by certified mail, a written 76204
petition for reassessment signed by the person assessed or that 76205
person's authorized agent having knowledge of the facts, the 76206
assessment becomes final and the amount of the assessment is due 76207
and payable from the person assessed to the treasurer of state. 76208
The petition shall indicate the objections of the person assessed, 76209

but additional objections may be raised in writing if received by 76210
the commissioner prior to the date shown on the final 76211
determination. If the petition has been properly filed, the 76212
commissioner shall proceed under section 5703.60 of the Revised 76213
Code. 76214

(E) After an assessment becomes final, if any portion of the 76215
assessment, including accrued interest, remains unpaid, a 76216
certified copy of the tax commissioner's entry making the 76217
assessment final may be filed in the office of the clerk of the 76218
court of common pleas in the county in which the person assessed 76219
resides or in which the person's business is conducted. If the 76220
person assessed maintains no place of business in this state and 76221
is not a resident of this state, the certified copy of the entry 76222
may be filed in the office of the clerk of the court of common 76223
pleas of Franklin county. 76224

Immediately upon the filing of the entry, the clerk shall 76225
enter a judgment for the state against the person assessed in the 76226
amount shown on the entry. The judgment may be filed by the clerk 76227
in a loose-leaf book entitled "special judgments for state tire 76228
fee," and shall have the same effect as other judgments. Execution 76229
shall issue upon the judgment upon the request of the tax 76230
commissioner, and all laws applicable to sales on execution shall 76231
apply to sales made under the judgment. 76232

~~The portion of~~ If the assessment is not paid in its entirety 76233
within sixty days after the day the assessment was issued, the 76234
portion of the assessment consisting of the fee due shall bear 76235
interest at the rate per annum prescribed by section 5703.47 of 76236
the Revised Code from the day the commissioner issues the 76237
assessment until the day the assessment is paid or until it is 76238
certified to the attorney general for collection under section 76239
131.02 of the Revised Code, whichever comes first. If the unpaid 76240
portion of the assessment is certified to the attorney general for 76241

collection, the entire unpaid portion of the assessment shall bear 76242
interest at the rate per annum prescribed by section 5703.47 of 76243
the Revised Code from the date of certification until the date it 76244
is paid in its entirety. Interest shall be paid in the same manner 76245
as the fee and may be collected by the issuance of an assessment 76246
under this section. 76247

(F) If the tax commissioner believes that collection of the 76248
fee will be jeopardized unless proceedings to collect or secure 76249
collection of the fee are instituted without delay, the 76250
commissioner may issue a jeopardy assessment against the person 76251
liable for the fee. Immediately upon the issuance of the jeopardy 76252
assessment, the commissioner shall file an entry with the clerk of 76253
the court of common pleas in the manner prescribed by division (E) 76254
of this section. Notice of the jeopardy assessment shall be served 76255
on the person assessed or the person's legal representative, as 76256
provided in section 5703.37 of the Revised Code, within five days 76257
of the filing of the entry with the clerk. The total amount 76258
assessed is immediately due and payable, unless the person 76259
assessed files a petition for reassessment in accordance with 76260
division (D) of this section and provides security in a form 76261
satisfactory to the commissioner and in an amount sufficient to 76262
satisfy the unpaid balance of the assessment. Full or partial 76263
payment of the assessment does not prejudice the commissioner's 76264
consideration of the petition for reassessment. 76265

(G) All money collected by the tax commissioner under this 76266
section shall be paid to the treasurer of state as revenue arising 76267
from the fee imposed by section 3734.901 of the Revised Code. 76268

Sec. 3735.58. (A) The director of ~~mental health~~ mental health 76269
and addiction services, the director of developmental 76270
disabilities, or the director of rehabilitation and correction may 76271
enter into contracts for the sale of land not needed by their 76272

departments and under their jurisdiction or supervision to 76273
metropolitan housing authorities for use by such an authority for 76274
a housing project or projects. Such contract may contain such 76275
conditions and terms as are, in the discretion of the directors, 76276
in the best interests of the state and the welfare of the 76277
residents of the state. 76278

(B) The director may, upon receipt of a request from a 76279
metropolitan housing authority, request the approval of the 76280
governor to sell and convey land not needed by the director's 76281
department and under the director's jurisdiction or supervision to 76282
an authority, subject to such terms and conditions consistent with 76283
the public interest and welfare of the residents of the state as 76284
the director considers necessary. The governor, with the approval 76285
of the controlling board, may approve the request. Such property 76286
shall be appraised at its fair market value before it is conveyed. 76287
The director of administrative services shall cause it to be 76288
appraised by three disinterested persons and shall determine the 76289
fee which each appraiser shall receive, not to exceed fifty 76290
dollars. All appraisal fees shall be paid by the authority which 76291
shall deposit with the director one hundred fifty dollars before 76292
the appraisal is made. If the deposit exceeds the appraisal fee, 76293
the balance shall be returned to the authority. The appraisal 76294
value, when approved by the director, is the purchase price. If 76295
the purchase price is not paid within ninety days after notice to 76296
the authority of the approved appraisal value, the director shall 76297
withdraw approval of the appraisal value and no deed shall be 76298
delivered to the authority without the written approval of the 76299
director of the purchase price. If the purchase price is paid 76300
within ninety days, a deed shall be prepared and recorded pursuant 76301
to section 5301.13 of the Revised Code. 76302

(C) Moneys received from sales of land to a metropolitan 76303
housing authority shall be placed in the state treasury in special 76304

funds, to be used for such purposes of the department of ~~mental~~ 76305
~~health~~ mental health and addiction services, the department of 76306
developmental disabilities, or the department of rehabilitation 76307
and correction as is appropriate. 76308

Sec. 3735.661. (A) For the purpose of determining the "first 76309
two amendments" referenced in division (B) of Section 3 of Am. 76310
Sub. S.B. 19 of the 120th general assembly, an amendment means any 76311
modification to an ordinance or resolution adopted under section 76312
3735.66 of the Revised Code that does any of the following: 76313

(1) Expands the geographic size of a community reinvestment 76314
area; 76315

(2) Increases a property's or category of property's exempted 76316
percentage of assessed valuation, notwithstanding the requirements 76317
of section 3735.66 of the Revised Code as that section existed on 76318
July 21, 1994. Division (A)(2) of this section does not authorize 76319
a municipal corporation or county to increase a property's or 76320
category of property's exempted percentage of assessed valuation 76321
pursuant to that section. 76322

(3) Increases the term of any tax exemption or category of 76323
tax exemptions; 76324

(4) Extends the duration of a community reinvestment area; 76325

(5) Changes eligibility requirements for receiving tax 76326
exemptions. 76327

(B) For the purpose of determining the "first two amendments" 76328
in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th 76329
general assembly, an amendment does not include any modification 76330
to an ordinance or resolution adopted under section 3735.66 of the 76331
Revised Code that does any of the following: 76332

(1) Restricts the availability of tax exemptions, including 76333
any of the following: 76334

<u>(a) Removes area from or decreases the geographic size of a community reinvestment area;</u>	76335 76336
<u>(b) Decreases a property's or category of property's exempted percentage of assessed valuation, notwithstanding the requirements of section 3735.66 of the Revised Code as that section existed on July 21, 1994. Division (B)(1)(b) of this section does not authorize a municipal corporation or county to decrease a property's or category of property's exempted percentage of assessed valuation pursuant to that section.</u>	76337 76338 76339 76340 76341 76342 76343
<u>(c) Decreases the term of any tax exemption or category of exemption;</u>	76344 76345
<u>(d) Shortens the period of time after which the granting of tax exemptions may be terminated.</u>	76346 76347
<u>(2) Recognizes or confirms the continuing existence of a community reinvestment area, including by providing a date after which the area may be terminated;</u>	76348 76349 76350
<u>(3) Recognizes or confirms a previously granted tax exemption;</u>	76351 76352
<u>(4) Clarifies ambiguities or corrects defects in previously enacted ordinances or resolutions;</u>	76353 76354
<u>(5) Makes modifications that are procedural or administrative, including changing the designation of a housing officer, the process for approving or appealing a tax exemption, or the amount of any application fee, or modifying a community reinvestment area housing council created under section 3735.69 of the Revised Code or a tax incentive review council under section 5709.85 of the Revised Code.</u>	76355 76356 76357 76358 76359 76360 76361
Sec. 3737.02. (A) The fire marshal may collect fees to cover the costs of performing inspections and other duties that the fire marshal is authorized or required by law to perform. Except as	76362 76363 76364

provided in division (B) of this section, all fees collected by 76365
the fire marshal shall be deposited to the credit of the fire 76366
marshal's fund. 76367

(B) All of the following shall be credited to the underground 76368
storage tank administration fund, which is hereby created in the 76369
state treasury: 76370

(1) Fees collected under sections 3737.88 and 3737.881 of the 76371
Revised Code for operation of the underground storage tank and 76372
underground storage tank installer certification programs, ~~moneys;~~ 76373

(2) Moneys recovered under section 3737.89 of the Revised 76374
Code for the state's costs of undertaking corrective or 76375
enforcement actions under that section or section 3737.882 of the 76376
Revised Code, ~~and fines;~~ 76377

(3) Fines and penalties collected under section 3737.882 of 76378
the Revised Code ~~shall be credited to the underground storage tank 76379
administration fund, which is hereby created in the state 76380
treasury. All;~~ 76381

(4) Amounts repaid for underground storage tank revolving 76382
loans under section 3737.883 of the Revised Code. 76383

(C) All interest earned on moneys credited to the underground 76384
storage tank administration fund shall be credited to the fund. 76385
Moneys credited to the underground storage tank administration 76386
fund shall be used by the fire marshal for implementation and 76387
enforcement of underground storage tank, corrective action, and 76388
installer certification programs under sections 3737.88 to 3737.89 76389
of the Revised Code. Only moneys described in divisions (B)(3) and 76390
(4) of this section may be used by the fire marshal to make 76391
underground storage tank revolving loans under section 3737.883 of 76392
the Revised Code, and no other moneys may be used to make those 76393
loans. 76394

~~(C)~~(D) The fire marshal shall take all actions necessary to 76395

obtain any federal funding available to carry out the fire 76396
marshal's responsibilities under sections 3737.88 to 3737.89 of 76397
the Revised Code and federal laws regarding the cleaning up of 76398
releases of petroleum, as "release" is defined in section 3737.87 76399
of the Revised Code, including, without limitation, any federal 76400
funds that are available to reimburse the state for the costs of 76401
undertaking corrective actions for such releases of petroleum. The 76402
state may, when appropriate, return to the United States any 76403
federal funds recovered under sections 3737.882 and 3737.89 of the 76404
Revised Code. 76405

Sec. 3737.83. The fire marshal shall, as part of the state 76406
fire code, adopt rules to: 76407

(A) Establish minimum standards of performance for fire 76408
protection equipment and fire fighting equipment; 76409

(B) Establish minimum standards of training, fix minimum 76410
qualifications, and require certificates for all persons who 76411
engage in the business for profit of installing, testing, 76412
repairing, or maintaining fire protection equipment; 76413

(C) Provide for the issuance of certificates required under 76414
division (B) of this section and establish the fees to be charged 76415
for such certificates. A certificate shall be granted, renewed, or 76416
revoked according to rules the fire marshal shall adopt. 76417

(D) Establish minimum standards of flammability for consumer 76418
goods in any case where the federal government or any department 76419
or agency thereof has established, or may from time to time 76420
establish standards of flammability for consumer goods. The 76421
standards established by the fire marshal shall be identical to 76422
the minimum federal standards. 76423

In any case where the federal government or any department or 76424
agency thereof, establishes standards of flammability for consumer 76425

goods subsequent to the adoption of a flammability standard by the fire marshal, standards previously adopted by the fire marshal shall not continue in effect to the extent such standards are not identical to the minimum federal standards.

With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code.

(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in child day-care centers and in type A family day-care homes, as defined in section 5104.01 of the Revised Code.

(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section ~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The fire marshal shall adopt the rules under this division in consultation with the director of ~~mental health~~ mental health and addiction services and interested parties designated by the director of ~~mental health~~ mental health and addiction services.

Sec. 3737.841. As used in this section and section 3737.842 of the Revised Code:

(A) "Public occupancy" means all of the following:

(1) Any state correctional institution as defined in section 2967.01 of the Revised Code and any county, multicounty, municipal, or municipal-county jail or workhouse;

(2) Any hospital as defined in section 3727.01 of the Revised Code, any hospital licensed by the department of ~~mental health~~ mental health and addiction services under section ~~5119.20~~ 5119.33 of the Revised Code, and any institution, hospital, or other place

established, controlled, or supervised by the department of ~~mental~~ 76456
~~health~~ mental health and addiction services under Chapter 5119. of 76457
the Revised Code; 76458

(3) Any nursing home, residential care facility, or home for 76459
the aging as defined in section 3721.01 of the Revised Code and 76460
any residential facility licensed under section ~~5119.22~~ 5119.34 of 76461
the Revised Code that provides accommodations, supervision, and 76462
personal care services for three to sixteen unrelated adults; 76463

(4) Any child day-care center and any type A family day-care 76464
home as defined in section 5104.01 of the Revised Code; 76465

(5) Any public auditorium or stadium; 76466

(6) Public assembly areas of hotels and motels containing 76467
more than ten articles of seating furniture. 76468

(B) "Sell" includes sell, offer or expose for sale, barter, 76469
trade, deliver, give away, rent, consign, lease, possess for sale, 76470
or dispose of in any other commercial manner. 76471

(C) Except as provided in division (D) of this section, 76472
"seating furniture" means any article of furniture, including 76473
children's furniture, that can be used as a support for an 76474
individual, or an individual's limbs or feet, when sitting or 76475
resting in an upright or reclining position and that either: 76476

(1) Is made with loose or attached cushions or pillows; 76477

(2) Is stuffed or filled in whole or in part with any filling 76478
material; 76479

(3) Is or can be stuffed or filled in whole or in part with 76480
any substance or material, concealed by fabric or any other 76481
covering. 76482

"Seating furniture" includes the cushions or pillows 76483
belonging to or forming a part of the furniture, the structural 76484
unit, and the filling material and its container or covering. 76485

(D) "Seating furniture" does not include, except if intended for use by children or in facilities designed for the care or treatment of humans, any of the following:

(1) Cushions or pads intended solely for outdoor use;

(2) Any article with a smooth surface that contains no more than one-half inch of filling material, if that article does not have an upholstered horizontal surface meeting an upholstered vertical surface;

(3) Any article manufactured solely for recreational use or physical fitness purposes, including weight-lifting benches, gymnasium mats or pads, and sidehorses.

(E) "Filling material" means cotton, wool, kapok, feathers, down, hair, liquid, or any other natural or artificial material or substance that is used or can be used as stuffing in seating furniture.

Sec. 3737.88. (A)(1) The fire marshal shall have responsibility for implementation of the underground storage tank program and corrective action program for releases of petroleum from underground storage tanks established by the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 6901, as amended. To implement the programs, the fire marshal may adopt, amend, and rescind such rules, conduct such inspections, require annual registration of underground storage tanks, issue such citations and orders to enforce those rules, enter into environmental covenants in accordance with sections 5301.80 to 5301.92 of the Revised Code, and perform such other duties, as are consistent with those programs. The fire marshal, by rule, may delegate the authority to conduct inspections of underground storage tanks to certified fire safety inspectors.

(2) In the place of any rules regarding release containment

and release detection for underground storage tanks adopted under 76516
division (A)(1) of this section, the fire marshal, by rule, shall 76517
designate areas as being sensitive for the protection of human 76518
health and the environment and adopt alternative rules regarding 76519
release containment and release detection methods for new and 76520
upgraded underground storage tank systems located in those areas. 76521
In designating such areas, the fire marshal shall take into 76522
consideration such factors as soil conditions, hydrogeology, water 76523
use, and the location of public and private water supplies. Not 76524
later than July 11, 1990, the fire marshal shall file the rules 76525
required under this division with the secretary of state, director 76526
of the legislative service commission, and joint committee on 76527
agency rule review in accordance with divisions (B) and (H) of 76528
section 119.03 of the Revised Code. 76529

(3) Notwithstanding sections 3737.87 to 3737.89 of the 76530
Revised Code, a person who is not a responsible person, as 76531
determined by the fire marshal pursuant to this chapter, may 76532
conduct a voluntary action in accordance with Chapter 3746. of the 76533
Revised Code and rules adopted under it for either of the 76534
following: 76535

(a) A class C release; 76536

(b) A release, other than a class C release, that is subject 76537
to the rules adopted by the fire marshal under division (B) of 76538
section 3737.882 of the Revised Code pertaining to a corrective 76539
action, provided that both of the following apply: 76540

(i) The voluntary action also addresses hazardous substances 76541
or petroleum that is not subject to the rules adopted under 76542
division (B) of section 3737.882 of the Revised Code pertaining to 76543
a corrective action. 76544

(ii) The fire marshal has not issued an administrative order 76545
concerning the release or referred the release to the attorney 76546

general for enforcement. 76547

The director of environmental protection, pursuant to section 76548
3746.12 of the Revised Code, may issue a covenant not to sue to 76549
any person who properly completes a voluntary action with respect 76550
to any such release in accordance with Chapter 3746. of the 76551
Revised Code and rules adopted under it. 76552

(B) Before adopting any rule under this section or section 76553
3737.881 or 3737.882 of the Revised Code, the fire marshal shall 76554
file written notice of the proposed rule with the chairperson of 76555
the state fire council, and, within sixty days after notice is 76556
filed, the council may file responses to or comments on and may 76557
recommend alternative or supplementary rules to the fire marshal. 76558
At the end of the sixty-day period or upon the filing of 76559
responses, comments, or recommendations by the council, the fire 76560
marshal may adopt the rule filed with the council or any 76561
alternative or supplementary rule recommended by the council. 76562

(C) The state fire council may recommend courses of action to 76563
be taken by the fire marshal in carrying out the fire marshal's 76564
duties under this section. The council shall file its 76565
recommendations in the office of the fire marshal, and, within 76566
sixty days after the recommendations are filed, the fire marshal 76567
shall file with the chairperson of the council comments on, and 76568
proposed action in response to, the recommendations. 76569

(D) For the purpose of sections 3737.87 to 3737.89 of the 76570
Revised Code, the fire marshal shall adopt, and may amend and 76571
rescind, rules identifying or listing hazardous substances. The 76572
rules shall be consistent with and equivalent in scope, coverage, 76573
and content to regulations identifying or listing hazardous 76574
substances adopted under the "Comprehensive Environmental 76575
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 76576
42 U.S.C.A. 9602, as amended, except that the fire marshal shall 76577
not identify or list as a hazardous substance any hazardous waste 76578

identified or listed in rules adopted under division (A) of 76579
section 3734.12 of the Revised Code. 76580

(E) Except as provided in division (A)(3) of this section, 76581
the fire marshal shall have exclusive jurisdiction to regulate the 76582
storage, treatment, and disposal of petroleum contaminated soil 76583
generated from corrective actions undertaken in response to 76584
releases of petroleum from underground storage tank systems. The 76585
fire marshal may adopt, amend, or rescind such rules as the fire 76586
marshal considers to be necessary or appropriate to regulate the 76587
storage, treatment, or disposal of petroleum contaminated soil so 76588
generated. 76589

(F) The fire marshal shall adopt, amend, and rescind rules 76590
under sections 3737.88 to ~~3737.882~~ 3737.883 of the Revised Code in 76591
accordance with Chapter 119. of the Revised Code. 76592

Sec. 3737.882. (A) If, after an examination or inspection, 76593
the fire marshal or an assistant fire marshal finds that a release 76594
of petroleum is suspected, the fire marshal shall take such action 76595
as the fire marshal considers necessary to ensure that a suspected 76596
release is confirmed or disproved and, if the occurrence of a 76597
release is confirmed, to correct the release. These actions may 76598
include one or more of the following: 76599

(1) Issuance of a citation and order requiring the 76600
responsible person to undertake, in a manner consistent with the 76601
requirements of section 9003 of the "Resource Conservation and 76602
Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, as 76603
amended, applicable regulations adopted thereunder, and rules 76604
adopted under division (B) of this section, such actions as are 76605
necessary to protect human health and the environment, including, 76606
without limitation, the investigation of a suspected release; 76607

(2) Requesting the attorney general to bring a civil action 76608
for appropriate relief, including a temporary restraining order or 76609

preliminary or permanent injunction, in the court of common pleas 76610
of the county in which a suspected release is located or in which 76611
the release occurred, to obtain the corrective action necessary to 76612
protect human health and the environment. In granting any such 76613
relief, the court shall ensure that the terms of the temporary 76614
restraining order or injunction are sufficient to provide 76615
comprehensive corrective action to protect human health and the 76616
environment. 76617

(3) Entry onto premises and undertaking corrective action 76618
with respect to a release of petroleum if, in the fire marshal's 76619
judgment, such action is necessary to protect human health and the 76620
environment. Any corrective action undertaken by the fire marshal 76621
or assistant fire marshal under division (A)(3) of this section 76622
shall be consistent with the requirements of sections 9003 and 76623
9005 of the "Resource Conservation and Recovery Act of 1976," 98 76624
Stat. 3279, 42 U.S.C.A. 6991b, and 98 Stat. 3284, 42 U.S.C.A. 76625
6991e, respectively, as amended, applicable regulations adopted 76626
thereunder, and rules adopted under division (B) of this section. 76627

(B) The fire marshal shall adopt, and may amend and rescind, 76628
such rules as the fire marshal considers necessary to establish 76629
standards for corrective actions for suspected and confirmed 76630
releases of petroleum and standards for the recovery of costs 76631
incurred for undertaking corrective or enforcement actions with 76632
respect to such releases. The rules also shall include 76633
requirements for financial responsibility for the cost of 76634
corrective actions for and compensation of bodily injury and 76635
property damage incurred by third parties that are caused by 76636
releases of petroleum. Rules regarding financial responsibility 76637
shall, without limitation, require responsible persons to provide 76638
evidence that the parties guaranteeing payment of the deductible 76639
amount established under division (E) or (F) of section 3737.91 of 76640
the Revised Code are, at a minimum, secondarily liable for all 76641

corrective action and third-party liability costs incurred within 76642
the scope of the deductible amount. The rules shall be consistent 76643
with sections 9003 and 9005 of the "Resource Conservation and 76644
Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, and 98 76645
Stat. 3284, 42 U.S.C.A. 6991e, respectively, as amended, and 76646
applicable regulations adopted thereunder. 76647

(C)(1) No person shall violate or fail to comply with a rule 76648
adopted under division (A) of section 3737.88 of the Revised Code 76649
or division (B) of this section, and no person shall violate or 76650
fail to comply with the terms of any order issued under division 76651
(A) of section 3737.88 of the Revised Code or division (A)(1) of 76652
this section. 76653

(2) Whoever violates division (C)(1) of this section or 76654
division (F) of section 3737.881 of the Revised Code shall pay a 76655
civil penalty of not more than ten thousand dollars for each day 76656
that the violation continues. The fire marshal may, by order, 76657
assess a civil penalty under this division, or the fire marshal 76658
may request the attorney general to bring a civil action for 76659
imposition of the civil penalty in the court of common pleas of 76660
the county in which the violation occurred. If the fire marshal 76661
determines that a responsible person is in violation of division 76662
(C)(1) of this section or division (F) of section 3737.881 of the 76663
Revised Code, the fire marshal may request the attorney general to 76664
bring a civil action for appropriate relief, including a temporary 76665
restraining order or preliminary or permanent injunction, in the 76666
court of common pleas of the county in which the underground 76667
storage tank or, in the case of a violation of division (F)(3) of 76668
section 3737.881 of the Revised Code, the training program that is 76669
the subject of the violation is located. The court shall issue a 76670
temporary restraining order or an injunction upon a demonstration 76671
that a violation of division (C)(1) of this section or division 76672
(F) of section 3737.881 of the Revised Code has occurred or is 76673

occurring. 76674

Any action brought by the attorney general under this 76675
division is a civil action, governed by the Rules of Civil 76676
Procedure and other rules of practice and procedure applicable to 76677
civil actions. 76678

Nothing in section 3737.883 of the Revised Code limits the 76679
powers of the fire marshal or the attorney general under this 76680
division. 76681

(D) Orders issued under division (A) of section 3737.88 of 76682
the Revised Code and divisions (A)(1) and (C) of this section, and 76683
appeals thereof, are subject to and governed by Chapter 3745. of 76684
the Revised Code. Such orders shall be issued without the 76685
necessity for issuance of a proposed action under that chapter. 76686
For purposes of appeals of any such orders, the term "director" as 76687
used in Chapter 3745. of the Revised Code includes the fire 76688
marshal and an assistant fire marshal. 76689

(E) Any restrictions on the use of real property for the 76690
purpose of the achievement by an owner or operator of applicable 76691
standards pursuant to rules adopted under division (B) of this 76692
section shall be contained in a deed or in another instrument that 76693
is signed and acknowledged by the property owner in the same 76694
manner as a deed or an environmental covenant that is entered into 76695
in accordance with sections 5301.80 to 5301.92 of the Revised 76696
Code. The deed, other instrument containing the restrictions, or 76697
environmental covenant shall be filed and recorded in the office 76698
of the county recorder of the county in which the property is 76699
located. Pursuant to Chapter 5309. of the Revised Code, if the use 76700
restrictions or environmental covenant are connected with 76701
registered land, as defined in section 5309.01 of the Revised 76702
Code, the restrictions or environmental covenant shall be entered 76703
as a memorial on the page of the register where the title of the 76704
owner is registered. 76705

(F) Any restrictions on the use of real property for the purpose of the achievement by a person that is not a responsible person, or by a person undertaking a voluntary action of applicable standards pursuant to rules adopted under division (B) of this section shall be contained in an environmental covenant that is entered into in accordance with sections 5301.80 to 5301.92 of the Revised Code. The environmental covenant shall be filed and recorded in the office of the county recorder of the county in which the property is located. Pursuant to Chapter 5309. of the Revised Code, if the environmental covenant is connected with registered land, as defined in section 5309.01 of the Revised Code, the environmental covenant shall be entered as a memorial on the page of the register where the title of the owner is registered.

Sec. 3737.883. (A) As used in this section, "political subdivision" has the same meaning as in section 2744.01 of the Revised Code, but includes a community improvement corporation as that term is defined in section 1724.01 of the Revised Code.

(B)(1) A political subdivision may do any of the following for an underground storage tank located within its territorial boundaries if the political subdivision is the tank owner but not the operator:

(a) Initiate, continue, or properly complete the closure in place or removal of an underground storage tank system;

(b) Initiate, continue, or properly complete an assessment of the site of an underground storage tank or the site of an underground storage tank system;

(c) Initiate, continue, or properly complete a corrective action.

(2) A political subdivision may take any of the actions

described in divisions (B)(1)(a) to (c) of this section for the 76736
site of a previously existing release to which all of the 76737
following apply: 76738

(a) The political subdivision is not the responsible person. 76739

(b) The release has not received a no-further-action 76740
determination from the state fire marshal. 76741

(c) The site of the release is located within the political 76742
subdivision's territorial boundaries. 76743

(d) The responsible person is not identifiable or the state 76744
fire marshal determines that an identified responsible person is 76745
unable to pay the costs of the action to be taken by the political 76746
subdivision. 76747

(C) The state fire marshal or the state fire marshal's 76748
designee shall administer an underground storage tank revolving 76749
loan program under which the state fire marshal issues loans to 76750
assist with the costs of actions taken under divisions (B)(1) and 76751
(2) of this section. The state fire marshal shall issue a loan 76752
under the program to a political subdivision that meets the 76753
application requirements of division (D) of this section and 76754
agrees to written terms and conditions of the loan with the state 76755
fire marshal. 76756

(D) A political subdivision shall apply to the state fire 76757
marshal for a loan under this section on a form prescribed by the 76758
state fire marshal. In the application, the political subdivision 76759
shall do all of the following: 76760

(1) Describe the action for which it is requesting a loan; 76761

(2) State the requested loan amount; 76762

(3) Explain how the political subdivision plans to spend, of 76763
its own funds, in undertaking the action for which the loan is 76764
requested, an amount equal to at least five per cent of the 76765

requested loan amount; 76766

(4) Provide any other information requested by the state fire marshal. 76767
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(E) The state fire marshal shall consult with the director of development services before issuing any loan under this section. 76769
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(F) A loan issued under this section shall not carry interest. No loan issued under this section shall have a term of more than ten years. The political subdivision shall repay a loan issued under this section to the state fire marshal. 76771
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(G) If, at any time after the expenditure of loan funds by a political subdivision under division (B)(2) of this section, the state fire marshal or any law enforcement agency identifies the responsible person or determines, for any reason, that the previously identified responsible person was or is able to pay the costs of the action for which the loan was issued, the political subdivision may bring any appropriate proceedings against the responsible person to recover the costs incurred by the political subdivision. The proceedings may be brought in either the court of common pleas having jurisdiction where the underground storage tank is located or the court of common pleas of Franklin county. 76775
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(H)(1) The state fire marshal shall adopt and may amend and rescind rules as necessary for the administration and operation of the underground storage tank revolving loan program. The rules may do any of the following: 76786
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(a) Further define the entities considered "political subdivisions" eligible to receive loans; 76790
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(b) Establish qualifying criteria for loan recipients; 76792

(c) Establish criteria for awarding loans, loan amounts, loan payment terms, and permissible expenditures of loan funds, including methods that the state fire marshal may use to verify 76793
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the proper use of loan funds or to obtain reimbursement for or the 76796
return of improperly used loan funds. 76797

(2) The state fire marshal may adopt and may amend and 76798
rescind rules for the issuance of emergency underground storage 76799
tank revolving loans to qualifying entities during a natural 76800
disaster or another similar event as defined in the rules. 76801

Sec. ~~3737.883~~ 3737.884. On receipt of a notice pursuant to 76802
section 3123.43 of the Revised Code, the state fire marshal shall 76803
comply with sections 3123.41 to 3123.50 of the Revised Code and 76804
any applicable rules adopted under section 3123.63 of the Revised 76805
Code with respect to a certificate issued pursuant to section 76806
3737.34, 3737.65, 3737.83, or 3737.881 of the Revised Code. 76807

Sec. 3742.30. Each child at risk of lead poisoning shall 76808
undergo a blood lead screening test to determine whether the child 76809
has lead poisoning. The at-risk children shall undergo the test at 76810
times determined by rules the director of health shall adopt in 76811
accordance with Chapter 119. of the Revised Code that are 76812
consistent with the guidelines established by the centers for 76813
disease control and prevention in the public health service of the 76814
United States department of health and human services. The rules 76815
shall specify which children are at risk of lead poisoning. 76816

Neither this section nor the rules adopted under it affect 76817
the coverage of blood lead screening tests by any publicly funded 76818
health program, including the medicaid program ~~established by~~ 76819
~~Chapter 5111. of the Revised Code.~~ Neither this section nor the 76820
rules adopted under it apply to a child if a parent of the child 76821
objects to the test on the grounds that the test conflicts with 76822
the parent's religious tenets and practices. 76823

Sec. 3742.31. (A) The director of health shall establish, 76824
promote, and maintain a child lead poisoning prevention program. 76825

The program shall provide statewide coordination of screening, 76826
diagnosis, and treatment services for children under age six, 76827
including both of the following: 76828

(1) Collecting the social security numbers of all children 76829
screened, diagnosed, or treated as part of the program's case 76830
management system; 76831

(2) Disclosing to the ~~office of medical assistance in the~~ 76832
department of ~~job and family services~~ medicaid on at least an 76833
annual basis the identity and lead screening test results of each 76834
child screened pursuant to section 3742.30 of the Revised Code. 76835
The director shall collect and disseminate information relating to 76836
child lead poisoning and controlling lead hazards. 76837

(B) The director of health shall operate the child lead 76838
poisoning prevention program in accordance with rules adopted 76839
under section 3742.50 of the Revised Code. The director may enter 76840
into an interagency agreement with one or more other state 76841
agencies to perform one or more of the program's duties. The 76842
director shall supervise and direct an agency's performance of 76843
such a duty. 76844

Sec. 3742.32. (A) The director of health shall appoint an 76845
advisory council to assist in the ongoing development and 76846
implementation of the child lead poisoning prevention program 76847
created under section 3742.31 of the Revised Code. The advisory 76848
council shall consist of the following members: 76849

(1) A representative of the ~~office of medical assistance in~~ 76850
~~the~~ department of ~~job and family services~~ medicaid; 76851

(2) A representative of the bureau of child care in the 76852
department of job and family services; 76853

(3) A representative of the department of environmental 76854
protection; 76855

(4) A representative of the department of education;	76856
(5) A representative of the department of development <u>services agency</u> ;	76857 76858
(6) A representative of the Ohio apartment owner's association;	76859 76860
(7) A representative of the Ohio help end lead poisoning coalition;	76861 76862
(8) A representative of the Ohio environmental health association;	76863 76864
(9) An Ohio representative of the national paint and coatings association.	76865 76866
(B) The advisory council shall do both of the following:	76867
(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;	76868 76869 76870 76871
(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.	76872 76873 76874
(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code.	76875 76876
Sec. 3742.51. (A) There is hereby created in the state treasury the lead poisoning prevention fund. The fund shall include all moneys appropriated to the department of health for the administration and enforcement of sections 3742.31 to 3742.50 of the Revised Code and the rules adopted under those sections. Any grants, contributions, or other moneys collected by the department for purposes of preventing lead poisoning shall be deposited in the state treasury to the credit of the fund.	76877 76878 76879 76880 76881 76882 76883 76884

(B) Moneys in the fund shall be used solely for the purposes of the child lead poisoning prevention program established under section 3742.31 of the Revised Code, including providing financial assistance to individuals who are unable to pay for the following:

(1) Costs associated with obtaining lead tests and lead poisoning treatment for children under six years of age who are not covered by private medical insurance or are underinsured, are not eligible for the medicaid program ~~established under Chapter 5111. of the Revised Code~~ or any other government health program, and do not have access to another source of funds to cover the cost of lead tests and any indicated treatments;

(2) Costs associated with having lead abatement performed or having the preventive treatments specified in section 3742.41 of the Revised Code performed.

Sec. 3745.11. (A) Applicants for and holders of permits, licenses, variances, plan approvals, and certifications issued by the director of environmental protection pursuant to Chapters 3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee to the environmental protection agency for each such issuance and each application for an issuance as provided by this section. No fee shall be charged for any issuance for which no application has been submitted to the director.

(B) Except as otherwise provided in division (C)(2) of this section, beginning July 1, 1994, each person who owns or operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay the fees set forth in this division. For the purposes of this division, total emissions of air contaminants may be calculated using engineering calculations, emissions factors, material balance calculations, or performance testing procedures, as authorized by the director.

The following fees shall be assessed on the total actual 76916
emissions from a source in tons per year of the regulated 76917
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 76918
organic compounds, and lead: 76919

(1) Fifteen dollars per ton on the total actual emissions of 76920
each such regulated pollutant during the period July through 76921
December 1993, to be collected no sooner than July 1, 1994; 76922

(2) Twenty dollars per ton on the total actual emissions of 76923
each such regulated pollutant during calendar year 1994, to be 76924
collected no sooner than April 15, 1995; 76925

(3) Twenty-five dollars per ton on the total actual emissions 76926
of each such regulated pollutant in calendar year 1995, and each 76927
subsequent calendar year, to be collected no sooner than the 76928
fifteenth day of April of the year next succeeding the calendar 76929
year in which the emissions occurred. 76930

The fees levied under this division do not apply to that 76931
portion of the emissions of a regulated pollutant at a facility 76932
that exceed four thousand tons during a calendar year. 76933

(C)(1) The fees assessed under division (B) of this section 76934
are for the purpose of providing funding for the Title V permit 76935
program. 76936

(2) The fees assessed under division (B) of this section do 76937
not apply to emissions from any electric generating unit 76938
designated as a Phase I unit under Title IV of the federal Clean 76939
Air Act prior to calendar year 2000. Those fees shall be assessed 76940
on the emissions from such a generating unit commencing in 76941
calendar year 2001 based upon the total actual emissions from the 76942
generating unit during calendar year 2000 and shall continue to be 76943
assessed each subsequent calendar year based on the total actual 76944
emissions from the generating unit during the preceding calendar 76945
year. 76946

(3) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (B) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice.

(D)(1) Except as provided in division (D)(3) of this section, from January 1, 1994, through December 31, 2003, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility
More than 0, but less than 50	\$ 75
50 or more, but less than 100	300
100 or more	700

(2) Except as provided in division (D)(3) of this section, beginning January 1, 2004, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay

a single fee based upon the sum of the actual annual emissions 76979
from the facility of the regulated pollutants particulate matter, 76980
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 76981
accordance with the following schedule: 76982

Total tons per year		76983
of regulated pollutants	Annual fee	76984
emitted	per facility	76985
More than 0, but less than 10	\$ 100	76986
10 or more, but less than 50	200	76987
50 or more, but less than 100	300	76988
100 or more	700	76989

(3)(a) As used in division (D) of this section, "synthetic 76990
minor facility" means a facility for which one or more permits to 76991
install or permits to operate have been issued for the air 76992
contaminant sources at the facility that include terms and 76993
conditions that lower the facility's potential to emit air 76994
contaminants below the major source thresholds established in 76995
rules adopted under section 3704.036 of the Revised Code. 76996

(b) Beginning January 1, 2000, through June 30, ~~2014~~ 2016, 76997
each person who owns or operates a synthetic minor facility shall 76998
pay an annual fee based on the sum of the actual annual emissions 76999
from the facility of particulate matter, sulfur dioxide, nitrogen 77000
dioxide, organic compounds, and lead in accordance with the 77001
following schedule: 77002

Combined total tons		77003
per year of all regulated	Annual fee	77004
pollutants emitted	per facility	77005
Less than 10	\$ 170	77006
10 or more, but less than 20	340	77007
20 or more, but less than 30	670	77008
30 or more, but less than 40	1,010	77009
40 or more, but less than 50	1,340	77010

50 or more, but less than 60	1,680	77011
60 or more, but less than 70	2,010	77012
70 or more, but less than 80	2,350	77013
80 or more, but less than 90	2,680	77014
90 or more, but less than 100	3,020	77015
100 or more	3,350	77016

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(3) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees

assessed under that division and to the public. 77044

(2) For the purposes of division (E)(1) of this section: 77045

(a) The consumer price index for any year is the average of 77046
the consumer price index for all urban consumers published by the 77047
United States department of labor as of the close of the 77048
twelve-month period ending on the thirty-first day of August of 77049
that year. 77050

(b) If the 1989 consumer price index is revised, the director 77051
shall use the revision of the consumer price index that is most 77052
consistent with that for calendar year 1989. 77053

(F) Each person who is issued a permit to install pursuant to 77054
rules adopted under division (F) of section 3704.03 of the Revised 77055
Code on or after July 1, 2003, shall pay the fees specified in the 77056
following schedules: 77057

(1) Fuel-burning equipment (boilers, furnaces, or process 77058
heaters used in the process of burning fuel for the primary 77059
purpose of producing heat or power by indirect heat transfer) 77060

Input capacity (maximum) 77061

(million British thermal units per hour) Permit to install 77062

Greater than 0, but less than 10 \$ 200 77063

10 or more, but less than 100 400 77064

100 or more, but less than 300 1000 77065

300 or more, but less than 500 2250 77066

500 or more, but less than 1000 3750 77067

1000 or more, but less than 5000 6000 77068

5000 or more 9000 77069

Units burning exclusively natural gas, number two fuel oil, 77070
or both shall be assessed a fee that is one-half the applicable 77071
amount shown in division (F)(1) of this section. 77072

(2) Combustion turbines and stationary internal combustion 77073
engines designed to generate electricity 77074

Generating capacity (mega watts)	Permit to install	77075
0 or more, but less than 10	\$ 25	77076
10 or more, but less than 25	150	77077
25 or more, but less than 50	300	77078
50 or more, but less than 100	500	77079
100 or more, but less than 250	1000	77080
250 or more	2000	77081
(3) Incinerators		77082
Input capacity (pounds per hour)	Permit to install	77083
0 to 100	\$ 100	77084
101 to 500	500	77085
501 to 2000	1000	77086
2001 to 20,000	1500	77087
more than 20,000	3750	77088
(4)(a) Process		77089
Process weight rate (pounds per hour)	Permit to install	77090
0 to 1000	\$ 200	77091
1001 to 5000	500	77092
5001 to 10,000	750	77093
10,001 to 50,000	1000	77094
more than 50,000	1250	77095
In any process where process weight rate cannot be		77096
ascertained, the minimum fee shall be assessed. A boiler, furnace,		77097
combustion turbine, stationary internal combustion engine, or		77098
process heater designed to provide direct heat or power to a		77099
process not designed to generate electricity shall be assessed a		77100
fee established in division (F)(4)(a) of this section. A		77101
combustion turbine or stationary internal combustion engine		77102
designed to generate electricity shall be assessed a fee		77103
established in division (F)(2) of this section.		77104
(b) Notwithstanding division (F)(4)(a) of this section, any		77105
person issued a permit to install pursuant to rules adopted under		77106

division (F) of section 3704.03 of the Revised Code shall pay the 77107
fees set forth in division (F)(4)(c) of this section for a process 77108
used in any of the following industries, as identified by the 77109
applicable two-digit, three-digit, or four-digit standard 77110
industrial classification code according to the Standard 77111
Industrial Classification Manual published by the United States 77112
office of management and budget in the executive office of the 77113
president, 1987, as revised: 77114

Major group 10, metal mining; 77115

Major group 12, coal mining; 77116

Major group 14, mining and quarrying of nonmetallic minerals; 77117

Industry group 204, grain mill products; 77118

2873 Nitrogen fertilizers; 77119

2874 Phosphatic fertilizers; 77120

3281 Cut stone and stone products; 77121

3295 Minerals and earth, ground or otherwise treated; 77122

4221 Grain elevators (storage only); 77123

5159 Farm related raw materials; 77124

5261 Retail nurseries and lawn and garden supply stores. 77125

(c) The fees set forth in the following schedule apply to the 77126
issuance of a permit to install pursuant to rules adopted under 77127
division (F) of section 3704.03 of the Revised Code for a process 77128
identified in division (F)(4)(b) of this section: 77129

Process weight rate (pounds per hour)	Permit to install	
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0 to 10,000	\$ 200	77131
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10,001 to 50,000	400	77132
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50,001 to 100,000	500	77133
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100,001 to 200,000	600	77134
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200,001 to 400,000	750	77135
400,001 or more	900	77136
(5) Storage tanks		77137
Gallons (maximum useful capacity)	Permit to install	77138
0 to 20,000	\$ 100	77139
20,001 to 40,000	150	77140
40,001 to 100,000	250	77141
100,001 to 500,000	400	77142
500,001 or greater	750	77143
(6) Gasoline/fuel dispensing facilities		77144
For each gasoline/fuel		77145
dispensing facility (includes all	Permit to install	77146
units at the facility)	\$ 100	77147
(7) Dry cleaning facilities		77148
For each dry cleaning		77149
facility (includes all units	Permit to install	77150
at the facility)	\$ 100	77151
(8) Registration status		77152
For each source covered	Permit to install	77153
by registration status	\$ 75	77154
(G) An owner or operator who is responsible for an asbestos		77155
demolition or renovation project pursuant to rules adopted under		77156
section 3704.03 of the Revised Code shall pay the fees set forth		77157
in the following schedule:		77158
Action	Fee	77159
Each notification	\$75	77160
Asbestos removal	\$3/unit	77161
Asbestos cleanup	\$4/cubic yard	77162
For purposes of this division, "unit" means any combination of		77163
linear feet or square feet equal to fifty.		77164
(H) A person who is issued an extension of time for a permit		77165

to install an air contaminant source pursuant to rules adopted 77166
under division (F) of section 3704.03 of the Revised Code shall 77167
pay a fee equal to one-half the fee originally assessed for the 77168
permit to install under this section, except that the fee for such 77169
an extension shall not exceed two hundred dollars. 77170

(I) A person who is issued a modification to a permit to 77171
install an air contaminant source pursuant to rules adopted under 77172
section 3704.03 of the Revised Code shall pay a fee equal to 77173
one-half of the fee that would be assessed under this section to 77174
obtain a permit to install the source. The fee assessed by this 77175
division only applies to modifications that are initiated by the 77176
owner or operator of the source and shall not exceed two thousand 77177
dollars. 77178

(J) Notwithstanding division (F) of this section, a person 77179
who applies for or obtains a permit to install pursuant to rules 77180
adopted under division (F) of section 3704.03 of the Revised Code 77181
after the date actual construction of the source began shall pay a 77182
fee for the permit to install that is equal to twice the fee that 77183
otherwise would be assessed under the applicable division unless 77184
the applicant received authorization to begin construction under 77185
division (W) of section 3704.03 of the Revised Code. This division 77186
only applies to sources for which actual construction of the 77187
source begins on or after July 1, 1993. The imposition or payment 77188
of the fee established in this division does not preclude the 77189
director from taking any administrative or judicial enforcement 77190
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 77191
of the Revised Code, or a rule adopted under any of them, in 77192
connection with a violation of rules adopted under division (F) of 77193
section 3704.03 of the Revised Code. 77194

As used in this division, "actual construction of the source" 77195
means the initiation of physical on-site construction activities 77196
in connection with improvements to the source that are permanent 77197

in nature, including, without limitation, the installation of 77198
building supports and foundations and the laying of underground 77199
pipework. 77200

(K)(1) Money received under division (B) of this section 77201
shall be deposited in the state treasury to the credit of the 77202
Title V clean air fund created in section 3704.035 of the Revised 77203
Code. Annually, fifty cents per ton of each fee assessed under 77204
division (B) of this section on actual emissions from a source and 77205
received by the environmental protection agency pursuant to that 77206
division shall be transferred using an interstate transfer voucher 77207
to the state treasury to the credit of the small business 77208
assistance fund created in section 3706.19 of the Revised Code. In 77209
addition, annually, the amount of money necessary for the 77210
operation of the office of ombudsperson as determined under 77211
division (B) of that section shall be transferred to the state 77212
treasury to the credit of the small business ombudsperson fund 77213
created by that section. 77214

(2) Money received by the agency pursuant to divisions (D), 77215
(F), (G), (H), (I), and (J) of this section shall be deposited in 77216
the state treasury to the credit of the non-Title V clean air fund 77217
created in section 3704.035 of the Revised Code. 77218

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 77219
or (c) of this section, a person issued a water discharge permit 77220
or renewal of a water discharge permit pursuant to Chapter 6111. 77221
of the Revised Code shall pay a fee based on each point source to 77222
which the issuance is applicable in accordance with the following 77223
schedule: 77224

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	77226
1,001 to 5000	100	77227
5,001 to 50,000	200	77228
50,001 to 100,000	300	77229

100,001 to 300,000	525	77230
over 300,000	750	77231

(b) Notwithstanding the fee schedule specified in division 77232
(L)(1)(a) of this section, the fee for a water discharge permit 77233
that is applicable to coal mining operations regulated under 77234
Chapter 1513. of the Revised Code shall be two hundred fifty 77235
dollars per mine. 77236

(c) Notwithstanding the fee schedule specified in division 77237
(L)(1)(a) of this section, the fee for a water discharge permit 77238
for a public discharger identified by I in the third character of 77239
the permittee's NPDES permit number shall not exceed seven hundred 77240
fifty dollars. 77241

(2) A person applying for a plan approval for a wastewater 77242
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 77243
of the Revised Code shall pay a fee of one hundred dollars plus 77244
sixty-five one-hundredths of one per cent of the estimated project 77245
cost through June 30, ~~2014~~ 2016, and one hundred dollars plus 77246
two-tenths of one per cent of the estimated project cost on and 77247
after July 1, ~~2014~~ 2016, except that the total fee shall not 77248
exceed fifteen thousand dollars through June 30, ~~2014~~ 2016, and 77249
five thousand dollars on and after July 1, ~~2014~~ 2016. The fee 77250
shall be paid at the time the application is submitted. 77251

(3) A person issued a modification of a water discharge 77252
permit shall pay a fee equal to one-half the fee that otherwise 77253
would be charged for a water discharge permit, except that the fee 77254
for the modification shall not exceed four hundred dollars. 77255

(4) A person who has entered into an agreement with the 77256
director under section 6111.14 of the Revised Code shall pay an 77257
administrative service fee for each plan submitted under that 77258
section for approval that shall not exceed the minimum amount 77259
necessary to pay administrative costs directly attributable to 77260
processing plan approvals. The director annually shall calculate 77261

the fee and shall notify all persons who have entered into 77262
agreements under that section, or who have applied for agreements, 77263
of the amount of the fee. 77264

(5)(a)(i) Not later than January 30, ~~2012~~ 2014, and January 77265
30, ~~2013~~ 2015, a person holding an NPDES discharge permit issued 77266
pursuant to Chapter 6111. of the Revised Code with an average 77267
daily discharge flow of five thousand gallons or more shall pay a 77268
nonrefundable annual discharge fee. Any person who fails to pay 77269
the fee at that time shall pay an additional amount that equals 77270
ten per cent of the required annual discharge fee. 77271

(ii) The billing year for the annual discharge fee 77272
established in division (L)(5)(a)(i) of this section shall consist 77273
of a twelve-month period beginning on the first day of January of 77274
the year preceding the date when the annual discharge fee is due. 77275
In the case of an existing source that permanently ceases to 77276
discharge during a billing year, the director shall reduce the 77277
annual discharge fee, including the surcharge applicable to 77278
certain industrial facilities pursuant to division (L)(5)(c) of 77279
this section, by one-twelfth for each full month during the 77280
billing year that the source was not discharging, but only if the 77281
person holding the NPDES discharge permit for the source notifies 77282
the director in writing, not later than the first day of October 77283
of the billing year, of the circumstances causing the cessation of 77284
discharge. 77285

(iii) The annual discharge fee established in division 77286
(L)(5)(a)(i) of this section, except for the surcharge applicable 77287
to certain industrial facilities pursuant to division (L)(5)(c) of 77288
this section, shall be based upon the average daily discharge flow 77289
in gallons per day calculated using first day of May through 77290
thirty-first day of October flow data for the period two years 77291
prior to the date on which the fee is due. In the case of NPDES 77292
discharge permits for new sources, the fee shall be calculated 77293

using the average daily design flow of the facility until actual 77294
average daily discharge flow values are available for the time 77295
period specified in division (L)(5)(a)(iii) of this section. The 77296
annual discharge fee may be prorated for a new source as described 77297
in division (L)(5)(a)(ii) of this section. 77298

(b) An NPDES permit holder that is a public discharger shall 77299
pay the fee specified in the following schedule: 77300

Average daily	Fee due by	
discharge flow	January 30,	
	2012 <u>2014</u> , and	
	January 30, 2013	
	<u>2015</u>	
5,000 to 49,999	\$ 200	77305
50,000 to 100,000	500	77306
100,001 to 250,000	1,050	77307
250,001 to 1,000,000	2,600	77308
1,000,001 to 5,000,000	5,200	77309
5,000,001 to 10,000,000	10,350	77310
10,000,001 to 20,000,000	15,550	77311
20,000,001 to 50,000,000	25,900	77312
50,000,001 to 100,000,000	41,400	77313
100,000,001 or more	62,100	77314

Public dischargers owning or operating two or more publicly 77315
owned treatment works serving the same political subdivision, as 77316
"treatment works" is defined in section 6111.01 of the Revised 77317
Code, and that serve exclusively political subdivisions having a 77318
population of fewer than one hundred thousand shall pay an annual 77319
discharge fee under division (L)(5)(b) of this section that is 77320
based on the combined average daily discharge flow of the 77321
treatment works. 77322

(c) An NPDES permit holder that is an industrial discharger, 77323
other than a coal mining operator identified by P in the third 77324

character of the permittee's NPDES permit number, shall pay the		77325
fee specified in the following schedule:		77326
Average daily	Fee due by	77327
discharge flow	January 30,	77328
	2012 <u>2014</u> , and	77329
	January 30, 2013	77330
	<u>2015</u>	
5,000 to 49,999	\$ 250	77331
50,000 to 250,000	1,200	77332
250,001 to 1,000,000	2,950	77333
1,000,001 to 5,000,000	5,850	77334
5,000,001 to 10,000,000	8,800	77335
10,000,001 to 20,000,000	11,700	77336
20,000,001 to 100,000,000	14,050	77337
100,000,001 to 250,000,000	16,400	77338
250,000,001 or more	18,700	77339

In addition to the fee specified in the above schedule, an 77340
NPDES permit holder that is an industrial discharger classified as 77341
a major discharger during all or part of the annual discharge fee 77342
billing year specified in division (L)(5)(a)(ii) of this section 77343
shall pay a nonrefundable annual surcharge of seven thousand five 77344
hundred dollars not later than January 30, ~~2012~~ 2014, and not 77345
later than January 30, ~~2013~~ 2015. Any person who fails to pay the 77346
surcharge at that time shall pay an additional amount that equals 77347
ten per cent of the amount of the surcharge. 77348

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 77349
section, a public discharger identified by I in the third 77350
character of the permittee's NPDES permit number and an industrial 77351
discharger identified by I, J, L, V, W, X, Y, or Z in the third 77352
character of the permittee's NPDES permit number shall pay a 77353
nonrefundable annual discharge fee of one hundred eighty dollars 77354
not later than January 30, ~~2012~~ 2014, and not later than January 77355

30, ~~2013~~ 2015. Any person who fails to pay the fee at that time 77356
shall pay an additional amount that equals ten per cent of the 77357
required fee. 77358

(6) Each person obtaining a national pollutant discharge 77359
elimination system general or individual permit for municipal 77360
storm water discharge shall pay a nonrefundable storm water 77361
discharge fee of one hundred dollars per square mile of area 77362
permitted. The fee shall not exceed ten thousand dollars and shall 77363
be payable on or before January 30, 2004, and the thirtieth day of 77364
January of each year thereafter. Any person who fails to pay the 77365
fee on the date specified in division (L)(6) of this section shall 77366
pay an additional amount per year equal to ten per cent of the 77367
annual fee that is unpaid. 77368

(7) The director shall transmit all moneys collected under 77369
division (L) of this section to the treasurer of state for deposit 77370
into the state treasury to the credit of the surface water 77371
protection fund created in section 6111.038 of the Revised Code. 77372

(8) As used in division (L) of this section: 77373

(a) "NPDES" means the federally approved national pollutant 77374
discharge elimination system program for issuing, modifying, 77375
revoking, reissuing, terminating, monitoring, and enforcing 77376
permits and imposing and enforcing pretreatment requirements under 77377
Chapter 6111. of the Revised Code and rules adopted under it. 77378

(b) "Public discharger" means any holder of an NPDES permit 77379
identified by P in the second character of the NPDES permit number 77380
assigned by the director. 77381

(c) "Industrial discharger" means any holder of an NPDES 77382
permit identified by I in the second character of the NPDES permit 77383
number assigned by the director. 77384

(d) "Major discharger" means any holder of an NPDES permit 77385
classified as major by the regional administrator of the United 77386

States environmental protection agency in conjunction with the 77387
director. 77388

(M) Through June 30, ~~2014~~ 2016, a person applying for a 77389
license or license renewal to operate a public water system under 77390
section 6109.21 of the Revised Code shall pay the appropriate fee 77391
established under this division at the time of application to the 77392
director. Any person who fails to pay the fee at that time shall 77393
pay an additional amount that equals ten per cent of the required 77394
fee. The director shall transmit all moneys collected under this 77395
division to the treasurer of state for deposit into the drinking 77396
water protection fund created in section 6109.30 of the Revised 77397
Code. 77398

Except as provided in ~~division~~ divisions (M)(4) and (5) of 77399
this section, fees required under this division shall be 77400
calculated and paid in accordance with the following schedule: 77401

(1) For the initial license required under section 6109.21 of 77402
the Revised Code for any public water system that is a community 77403
water system as defined in section 6109.01 of the Revised Code, 77404
and for each license renewal required for such a system prior to 77405
January 31, ~~2014~~ 2016, the fee is: 77406

Number of service connections	Fee amount	
Not more than 49	\$ 112	77408
50 to 99	176	77409
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	77411
2,500 to 4,999	1.48	77412
5,000 to 7,499	1.42	77413
7,500 to 9,999	1.34	77414
10,000 to 14,999	1.16	77415
15,000 to 24,999	1.10	77416
25,000 to 49,999	1.04	77417
50,000 to 99,999	.92	77418

100,000 to 149,999	.86	77419
150,000 to 199,999	.80	77420
200,000 or more	.76	77421

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2014~~ 2016, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	77436
150 to 299	176	77437
300 to 749	384	77438
750 to 1,499	628	77439
1,500 to 2,999	1,268	77440
3,000 to 7,499	2,816	77441
7,500 to 14,999	5,510	77442
15,000 to 22,499	9,048	77443
22,500 to 29,999	12,430	77444
30,000 or more	16,820	77445

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of

three individuals per service connection. 77451

(3) For the initial license required under section 6109.21 of 77452
the Revised Code for any public water system that is not a 77453
community water system and serves a transient population, and for 77454
each license renewal required for such a system prior to January 77455
31, ~~2014~~ 2016, the fee is: 77456

Number of wells or sources, other 77457 than surface water, supplying system	Fee amount	
1	\$112	77458
2	112	77459
3	176	77460
4	278	77461
5	568	77462
System designated as using a 77463 surface water source	792	77464

As used in division (M)(3) of this section, "number of wells 77465
or sources, other than surface water, supplying system" means 77466
those wells or sources that are physically connected to the 77467
plumbing system serving the public water system. 77468

(4) A public water system designated as using a surface water 77469
source shall pay a fee of seven hundred ninety-two dollars or the 77470
amount calculated under division (M)(1) or (2) of this section, 77471
whichever is greater. 77472

(5) An applicant for an initial license who is proposing to 77473
operate a new public water supply system shall submit a fee that 77474
equals a prorated amount of the appropriate fee for the remainder 77475
of the licensing year. 77476

(N)(1) A person applying for a plan approval for a public 77477
water supply system under section 6109.07 of the Revised Code 77478
shall pay a fee of one hundred fifty dollars plus thirty-five 77479
hundredths of one per cent of the estimated project cost, except 77480

that the total fee shall not exceed twenty thousand dollars 77481
through June 30, ~~2014~~ 2016, and fifteen thousand dollars on and 77482
after July 1, ~~2014~~ 2016. The fee shall be paid at the time the 77483
application is submitted. 77484

(2) A person who has entered into an agreement with the 77485
director under division (A)(2) of section 6109.07 of the Revised 77486
Code shall pay an administrative service fee for each plan 77487
submitted under that section for approval that shall not exceed 77488
the minimum amount necessary to pay administrative costs directly 77489
attributable to processing plan approvals. The director annually 77490
shall calculate the fee and shall notify all persons that have 77491
entered into agreements under that division, or who have applied 77492
for agreements, of the amount of the fee. 77493

(3) Through June 30, ~~2014~~ 2016, the following fee, on a per 77494
survey basis, shall be charged any person for services rendered by 77495
the state in the evaluation of laboratories and laboratory 77496
personnel for compliance with accepted analytical techniques and 77497
procedures established pursuant to Chapter 6109. of the Revised 77498
Code for determining the qualitative characteristics of water: 77499

microbiological		77500
MMO-MUG	\$2,000	77501
MF	2,100	77502
MMO-MUG and MF	2,550	77503
organic chemical	5,400	77504
trace metals	5,400	77505
standard chemistry	2,800	77506
limited chemistry	1,550	77507

On and after July 1, ~~2014~~ 2016, the following fee, on a per 77508
survey basis, shall be charged any such person: 77509

microbiological	\$ 1,650	77510
organic chemicals	3,500	77511
trace metals	3,500	77512

standard chemistry	1,800	77513
limited chemistry	1,000	77514

The fee for those services shall be paid at the time the request 77515
for the survey is made. Through June 30, ~~2014~~ 2016, an individual 77516
laboratory shall not be assessed a fee under this division more 77517
than once in any three-year period unless the person requests the 77518
addition of analytical methods or analysts, in which case the 77519
person shall pay eighteen hundred dollars for each additional 77520
survey requested. 77521

As used in division (N)(3) of this section: 77522

(a) "MF" means microfiltration. 77523

(b) "MMO" means minimal medium ONPG. 77524

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 77525

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 77526

The director shall transmit all moneys collected under this 77527
division to the treasurer of state for deposit into the drinking 77528
water protection fund created in section 6109.30 of the Revised 77529
Code. 77530

(O) Any person applying to the director to take an 77531
examination for certification as an operator of a water supply 77532
system or wastewater system under Chapter 6109. or 6111. of the 77533
Revised Code that is administered by the director, at the time the 77534
application is submitted, shall pay a fee in accordance with the 77535
following schedule through November 30, ~~2014~~ 2016: 77536

Class A operator	\$ 80	77537
Class I operator	105	77538
Class II operator	120	77539
Class III operator	130	77540
Class IV operator	145	77541

On and after December 1, ~~2014~~ 2016, the applicant shall pay a 77542

fee in accordance with the following schedule: 77543

Class A operator	\$ 50	77544
Class I operator	70	77545
Class II operator	80	77546
Class III operator	90	77547
Class IV operator	100	77548

Any person applying to the director for certification as an 77549
operator of a water supply system or wastewater system who has 77550
passed an examination administered by an examination provider 77551
approved by the director shall pay a certification fee of 77552
forty-five dollars. 77553

A person shall pay a biennial certification renewal fee for 77554
each applicable class of certification in accordance with the 77555
following schedule: 77556

Class A operator	\$25	77557
Class I operator	35	77558
Class II operator	45	77559
Class III operator	55	77560
Class IV operator	65	77561

If a certification renewal fee is received by the director 77562
more than thirty days, but not more than one year after the 77563
expiration date of the certification, the person shall pay a 77564
certification renewal fee in accordance with the following 77565
schedule: 77566

Class A operator	\$45	77567
Class I operator	55	77568
Class II operator	65	77569
Class III operator	75	77570
Class IV operator	85	77571

A person who requests a replacement certificate shall pay a 77572
fee of twenty-five dollars at the time the request is made. 77573

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of the fees that the provider assesses and collects for administering water supply system or wastewater treatment system certification examinations in this state for the calendar year. The fee shall be paid not later than forty-five days after the end of a calendar year.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an

incineration facility, or a modification of such an existing 77606
facility that includes an increase in the total disposal or 77607
treatment capacity of the facility pursuant to Chapter 3734. of 77608
the Revised Code shall pay a fee of ten dollars per thousand cubic 77609
yards of disposal or treatment capacity, or one thousand dollars, 77610
whichever is greater, except that the total fee for any such 77611
permit shall not exceed eighty thousand dollars. A person issued a 77612
modification of a permit for a solid waste disposal facility or an 77613
infectious waste treatment facility that does not involve an 77614
increase in the total disposal or treatment capacity of the 77615
facility shall pay a fee of one thousand dollars. A person issued 77616
a permit to install a new, or modify an existing, solid waste 77617
transfer facility under that chapter shall pay a fee of two 77618
thousand five hundred dollars. A person issued a permit to install 77619
a new or to modify an existing solid waste incineration or 77620
composting facility, or an existing infectious waste treatment 77621
facility using incineration as its principal method of treatment, 77622
under that chapter shall pay a fee of one thousand dollars. The 77623
increases in the permit fees under this division resulting from 77624
the amendments made by Amended Substitute House Bill 592 of the 77625
117th general assembly do not apply to any person who submitted an 77626
application for a permit to install a new, or modify an existing, 77627
solid waste disposal facility under that chapter prior to 77628
September 1, 1987; any such person shall pay the permit fee 77629
established in this division as it existed prior to June 24, 1988. 77630
In addition to the applicable permit fee under this division, a 77631
person issued a permit to install or modify a solid waste facility 77632
or an infectious waste treatment facility under that chapter who 77633
fails to pay the permit fee to the director in compliance with 77634
division (V) of this section shall pay an additional ten per cent 77635
of the amount of the fee for each week that the permit fee is 77636
late. 77637

Permit and late payment fees paid to the director under this 77638

division shall be credited to the general revenue fund. 77639

(R)(1) A person issued a registration certificate for a scrap 77640
tire collection facility under section 3734.75 of the Revised Code 77641
shall pay a fee of two hundred dollars, except that if the 77642
facility is owned or operated by a motor vehicle salvage dealer 77643
licensed under Chapter 4738. of the Revised Code, the person shall 77644
pay a fee of twenty-five dollars. 77645

(2) A person issued a registration certificate for a new 77646
scrap tire storage facility under section 3734.76 of the Revised 77647
Code shall pay a fee of three hundred dollars, except that if the 77648
facility is owned or operated by a motor vehicle salvage dealer 77649
licensed under Chapter 4738. of the Revised Code, the person shall 77650
pay a fee of twenty-five dollars. 77651

(3) A person issued a permit for a scrap tire storage 77652
facility under section 3734.76 of the Revised Code shall pay a fee 77653
of one thousand dollars, except that if the facility is owned or 77654
operated by a motor vehicle salvage dealer licensed under Chapter 77655
4738. of the Revised Code, the person shall pay a fee of fifty 77656
dollars. 77657

(4) A person issued a permit for a scrap tire monocell or 77658
monofill facility under section 3734.77 of the Revised Code shall 77659
pay a fee of ten dollars per thousand cubic yards of disposal 77660
capacity or one thousand dollars, whichever is greater, except 77661
that the total fee for any such permit shall not exceed eighty 77662
thousand dollars. 77663

(5) A person issued a registration certificate for a scrap 77664
tire recovery facility under section 3734.78 of the Revised Code 77665
shall pay a fee of one hundred dollars. 77666

(6) A person issued a permit for a scrap tire recovery 77667
facility under section 3734.78 of the Revised Code shall pay a fee 77668
of one thousand dollars. 77669

(7) In addition to the applicable registration certificate or permit fee under divisions (R)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment fees paid to the director under divisions (R)(1) to (7) of this section shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

(S)(1) Except as provided by divisions (L), (M), (N), (O), (P), and (S)(2) of this section, division (A)(2) of section 3734.05 of the Revised Code, section 3734.79 of the Revised Code, and rules adopted under division (T)(1) of this section, any person applying for a registration certificate under section 3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, variance, or plan approval under Chapter 3734. of the Revised Code shall pay a nonrefundable fee of fifteen dollars at the time the application is submitted.

Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable fee of one hundred dollars at the time the application is submitted through June 30, ~~2014~~ 2016, and a nonrefundable fee of fifteen dollars at the time the application is submitted on and after July 1, ~~2014~~ 2016. Except as provided in division (S)(3) of this section, through June 30, ~~2014~~ 2016, any person applying for a national pollutant discharge elimination system permit under Chapter 6111. of the Revised Code shall pay a nonrefundable fee of two hundred dollars at the time of application for the permit. On and after July 1, ~~2014~~ 2016, such a person shall pay a nonrefundable fee of fifteen

dollars at the time of application. 77702

In addition to the application fee established under division 77703
(S)(1) of this section, any person applying for a national 77704
pollutant discharge elimination system general storm water 77705
construction permit shall pay a nonrefundable fee of twenty 77706
dollars per acre for each acre that is permitted above five acres 77707
at the time the application is submitted. However, the per acreage 77708
fee shall not exceed three hundred dollars. In addition, any 77709
person applying for a national pollutant discharge elimination 77710
system general storm water industrial permit shall pay a 77711
nonrefundable fee of one hundred fifty dollars at the time the 77712
application is submitted. 77713

The director shall transmit all moneys collected under 77714
division (S)(1) of this section pursuant to Chapter 6109. of the 77715
Revised Code to the treasurer of state for deposit into the 77716
drinking water protection fund created in section 6109.30 of the 77717
Revised Code. 77718

The director shall transmit all moneys collected under 77719
division (S)(1) of this section pursuant to Chapter 6111. of the 77720
Revised Code and under division (S)(3) of this section to the 77721
treasurer of state for deposit into the surface water protection 77722
fund created in section 6111.038 of the Revised Code. 77723

If a registration certificate is issued under section 77724
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 77725
the application fee paid shall be deducted from the amount of the 77726
registration certificate fee due under division (R)(1), (2), or 77727
(5) of this section, as applicable. 77728

If a person submits an electronic application for a 77729
registration certificate, permit, variance, or plan approval for 77730
which an application fee is established under division (S)(1) of 77731
this section, the person shall pay the applicable application fee 77732

as expeditiously as possible after the submission of the 77733
electronic application. An application for a registration 77734
certificate, permit, variance, or plan approval for which an 77735
application fee is established under division (S)(1) of this 77736
section shall not be reviewed or processed until the applicable 77737
application fee, and any other fees established under this 77738
division, are paid. 77739

(2) Division (S)(1) of this section does not apply to an 77740
application for a registration certificate for a scrap tire 77741
collection or storage facility submitted under section 3734.75 or 77742
3734.76 of the Revised Code, as applicable, if the owner or 77743
operator of the facility or proposed facility is a motor vehicle 77744
salvage dealer licensed under Chapter 4738. of the Revised Code. 77745

(3) A person applying for coverage under a national pollutant 77746
discharge elimination system general discharge permit for 77747
household sewage treatment systems shall pay the following fees: 77748

(a) A nonrefundable fee of two hundred dollars at the time of 77749
application for initial permit coverage; 77750

(b) A nonrefundable fee of one hundred dollars at the time of 77751
application for a renewal of permit coverage. 77752

(T) The director may adopt, amend, and rescind rules in 77753
accordance with Chapter 119. of the Revised Code that do all of 77754
the following: 77755

(1) Prescribe fees to be paid by applicants for and holders 77756
of any license, permit, variance, plan approval, or certification 77757
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 77758
the Revised Code that are not specifically established in this 77759
section. The fees shall be designed to defray the cost of 77760
processing, issuing, revoking, modifying, denying, and enforcing 77761
the licenses, permits, variances, plan approvals, and 77762
certifications. 77763

The director shall transmit all moneys collected under rules 77764
adopted under division (T)(1) of this section pursuant to Chapter 77765
6109. of the Revised Code to the treasurer of state for deposit 77766
into the drinking water protection fund created in section 6109.30 77767
of the Revised Code. 77768

The director shall transmit all moneys collected under rules 77769
adopted under division (T)(1) of this section pursuant to Chapter 77770
6111. of the Revised Code to the treasurer of state for deposit 77771
into the surface water protection fund created in section 6111.038 77772
of the Revised Code. 77773

(2) Exempt the state and political subdivisions thereof, 77774
including education facilities or medical facilities owned by the 77775
state or a political subdivision, or any person exempted from 77776
taxation by section 5709.07 or 5709.12 of the Revised Code, from 77777
any fee required by this section; 77778

(3) Provide for the waiver of any fee, or any part thereof, 77779
otherwise required by this section whenever the director 77780
determines that the imposition of the fee would constitute an 77781
unreasonable cost of doing business for any applicant, class of 77782
applicants, or other person subject to the fee; 77783

(4) Prescribe measures that the director considers necessary 77784
to carry out this section. 77785

(U) When the director reasonably demonstrates that the direct 77786
cost to the state associated with the issuance of a permit to 77787
install, license, variance, plan approval, or certification 77788
exceeds the fee for the issuance or review specified by this 77789
section, the director may condition the issuance or review on the 77790
payment by the person receiving the issuance or review of, in 77791
addition to the fee specified by this section, the amount, or any 77792
portion thereof, in excess of the fee specified under this 77793
section. The director shall not so condition issuances for which a 77794

fee is prescribed in division (L)(1)(b) of this section. 77795

(V) Except as provided in divisions (L), (M), and (P) of this 77796
section or unless otherwise prescribed by a rule of the director 77797
adopted pursuant to Chapter 119. of the Revised Code, all fees 77798
required by this section are payable within thirty days after the 77799
issuance of an invoice for the fee by the director or the 77800
effective date of the issuance of the license, permit, variance, 77801
plan approval, or certification. If payment is late, the person 77802
responsible for payment of the fee shall pay an additional ten per 77803
cent of the amount due for each month that it is late. 77804

(W) As used in this section, "fuel-burning equipment," 77805
"fuel-burning equipment input capacity," "incinerator," 77806
"incinerator input capacity," "process," "process weight rate," 77807
"storage tank," "gasoline dispensing facility," "dry cleaning 77808
facility," "design flow discharge," and "new source treatment 77809
works" have the meanings ascribed to those terms by applicable 77810
rules or standards adopted by the director under Chapter 3704. or 77811
6111. of the Revised Code. 77812

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 77813
(J) of this section, and in any other provision of this section 77814
pertaining to fees paid pursuant to Chapter 3704. of the Revised 77815
Code: 77816

(1) "Facility," "federal Clean Air Act," "person," and "Title 77817
V permit" have the same meanings as in section 3704.01 of the 77818
Revised Code. 77819

(2) "Title V permit program" means the following activities 77820
as necessary to meet the requirements of Title V of the federal 77821
Clean Air Act and 40 C.F.R. part 70, including at least: 77822

(a) Preparing and adopting, if applicable, generally 77823
applicable rules or guidance regarding the permit program or its 77824
implementation or enforcement; 77825

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal;	77826 77827 77828 77829
(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;	77830 77831 77832
(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;	77833 77834 77835
(e) Emission and ambient monitoring;	77836
(f) Modeling, analyses, or demonstrations;	77837
(g) Preparing inventories and tracking emissions;	77838
(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.	77839 77840 77841 77842 77843 77844 77845
<u>(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.</u>	77846 77847 77848
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage	77849 77850 77851 77852 77853 77854 77855

sludge facility shall be calculated using the first day of January 77856
through the thirty-first day of December of the calendar year 77857
preceding the date on which payment of the fee is due. 77858

(2)(a) Except as provided in division (Y)(2)(d) of this 77859
section, each sewage sludge facility shall pay a minimum annual 77860
sewage sludge fee of one hundred dollars. 77861

(b) The annual sludge fee required to be paid by a sewage 77862
sludge facility that treats or disposes of exceptional quality 77863
sludge in this state shall be thirty-five per cent less per dry 77864
ton of exceptional quality sludge than the fee assessed under 77865
division (Y)(1) of this section, subject to the following 77866
exceptions: 77867

(i) Except as provided in division (Y)(2)(d) of this section, 77868
a sewage sludge facility that treats or disposes of exceptional 77869
quality sludge shall pay a minimum annual sewage sludge fee of one 77870
hundred dollars. 77871

(ii) A sewage sludge facility that treats or disposes of 77872
exceptional quality sludge shall not be required to pay the annual 77873
sludge fee for treatment or disposal in this state of exceptional 77874
quality sludge generated outside of this state and contained in 77875
bags or other containers not greater than one hundred pounds in 77876
capacity. 77877

A thirty-five per cent reduction for exceptional quality 77878
sludge applies to the maximum annual fees established under 77879
division (Y)(3) of this section. 77880

(c) A sewage sludge facility that transfers sewage sludge to 77881
another sewage sludge facility in this state for further treatment 77882
prior to disposal in this state shall not be required to pay the 77883
annual sludge fee for the tons of sewage sludge that have been 77884
transferred. In such a case, the sewage sludge facility that 77885
disposes of the sewage sludge shall pay the annual sludge fee. 77886

However, the facility transferring the sewage sludge shall pay the 77887
one-hundred-dollar minimum fee required under division (Y)(2)(a) 77888
of this section. 77889

In the case of a sewage sludge facility that treats sewage 77890
sludge in this state and transfers it out of this state to another 77891
entity for disposal, the sewage sludge facility in this state 77892
shall be required to pay the annual sludge fee for the tons of 77893
sewage sludge that have been transferred. 77894

(d) A sewage sludge facility that generates sewage sludge 77895
resulting from an average daily discharge flow of less than five 77896
thousand gallons per day is not subject to the fees assessed under 77897
division (Y) of this section. 77898

(3) No sewage sludge facility required to pay the annual 77899
sludge fee shall be required to pay more than the maximum annual 77900
fee for each disposal method that the sewage sludge facility uses. 77901
The maximum annual fee does not include the additional amount that 77902
may be charged under division (Y)(5) of this section for late 77903
payment of the annual sludge fee. The maximum annual fee for the 77904
following methods of disposal of sewage sludge is as follows: 77905

(a) Incineration: five thousand dollars; 77906

(b) Preexisting land reclamation project or disposal in a 77907
landfill: five thousand dollars; 77908

(c) Land application, land reclamation, surface disposal, or 77909
any other disposal method not specified in division (Y)(3)(a) or 77910
(b) of this section: twenty thousand dollars. 77911

(4)(a) In the case of an entity that generates sewage sludge 77912
or a sewage sludge facility that treats sewage sludge and 77913
transfers the sewage sludge to an incineration facility for 77914
disposal, the incineration facility, and not the entity generating 77915
the sewage sludge or the sewage sludge facility treating the 77916
sewage sludge, shall pay the annual sludge fee for the tons of 77917

sewage sludge that are transferred. However, the entity or 77918
facility generating or treating the sewage sludge shall pay the 77919
one-hundred-dollar minimum fee required under division (Y)(2)(a) 77920
of this section. 77921

(b) In the case of an entity that generates sewage sludge and 77922
transfers the sewage sludge to a landfill for disposal or to a 77923
sewage sludge facility for land reclamation or surface disposal, 77924
the entity generating the sewage sludge, and not the landfill or 77925
sewage sludge facility, shall pay the annual sludge fee for the 77926
tons of sewage sludge that are transferred. 77927

(5) Not later than the first day of April of the calendar 77928
year following March 17, 2000, and each first day of April 77929
thereafter, the director shall issue invoices to persons who are 77930
required to pay the annual sludge fee. The invoice shall identify 77931
the nature and amount of the annual sludge fee assessed and state 77932
the first day of May as the deadline for receipt by the director 77933
of objections regarding the amount of the fee and the first day of 77934
July as the deadline for payment of the fee. 77935

Not later than the first day of May following receipt of an 77936
invoice, a person required to pay the annual sludge fee may submit 77937
objections to the director concerning the accuracy of information 77938
regarding the number of dry tons of sewage sludge used to 77939
calculate the amount of the annual sludge fee or regarding whether 77940
the sewage sludge qualifies for the exceptional quality sludge 77941
discount established in division (Y)(2)(b) of this section. The 77942
director may consider the objections and adjust the amount of the 77943
fee to ensure that it is accurate. 77944

If the director does not adjust the amount of the annual 77945
sludge fee in response to a person's objections, the person may 77946
appeal the director's determination in accordance with Chapter 77947
119. of the Revised Code. 77948

Not later than the first day of June, the director shall 77949
notify the objecting person regarding whether the director has 77950
found the objections to be valid and the reasons for the finding. 77951
If the director finds the objections to be valid and adjusts the 77952
amount of the annual sludge fee accordingly, the director shall 77953
issue with the notification a new invoice to the person 77954
identifying the amount of the annual sludge fee assessed and 77955
stating the first day of July as the deadline for payment. 77956

Not later than the first day of July, any person who is 77957
required to do so shall pay the annual sludge fee. Any person who 77958
is required to pay the fee, but who fails to do so on or before 77959
that date shall pay an additional amount that equals ten per cent 77960
of the required annual sludge fee. 77961

(6) The director shall transmit all moneys collected under 77962
division (Y) of this section to the treasurer of state for deposit 77963
into the surface water protection fund created in section 6111.038 77964
of the Revised Code. The moneys shall be used to defray the costs 77965
of administering and enforcing provisions in Chapter 6111. of the 77966
Revised Code and rules adopted under it that govern the use, 77967
storage, treatment, or disposal of sewage sludge. 77968

(7) Beginning in fiscal year 2001, and every two years 77969
thereafter, the director shall review the total amount of moneys 77970
generated by the annual sludge fees to determine if that amount 77971
exceeded six hundred thousand dollars in either of the two 77972
preceding fiscal years. If the total amount of moneys in the fund 77973
exceeded six hundred thousand dollars in either fiscal year, the 77974
director, after review of the fee structure and consultation with 77975
affected persons, shall issue an order reducing the amount of the 77976
fees levied under division (Y) of this section so that the 77977
estimated amount of moneys resulting from the fees will not exceed 77978
six hundred thousand dollars in any fiscal year. 77979

If, upon review of the fees under division (Y)(7) of this 77980

section and after the fees have been reduced, the director 77981
determines that the total amount of moneys collected and 77982
accumulated is less than six hundred thousand dollars, the 77983
director, after review of the fee structure and consultation with 77984
affected persons, may issue an order increasing the amount of the 77985
fees levied under division (Y) of this section so that the 77986
estimated amount of moneys resulting from the fees will be 77987
approximately six hundred thousand dollars. Fees shall never be 77988
increased to an amount exceeding the amount specified in division 77989
(Y)(7) of this section. 77990

Notwithstanding section 119.06 of the Revised Code, the 77991
director may issue an order under division (Y)(7) of this section 77992
without the necessity to hold an adjudicatory hearing in 77993
connection with the order. The issuance of an order under this 77994
division is not an act or action for purposes of section 3745.04 77995
of the Revised Code. 77996

(8) As used in division (Y) of this section: 77997

(a) "Sewage sludge facility" means an entity that performs 77998
treatment on or is responsible for the disposal of sewage sludge. 77999

(b) "Sewage sludge" means a solid, semi-solid, or liquid 78000
residue generated during the treatment of domestic sewage in a 78001
treatment works as defined in section 6111.01 of the Revised Code. 78002
"Sewage sludge" includes, but is not limited to, scum or solids 78003
removed in primary, secondary, or advanced wastewater treatment 78004
processes. "Sewage sludge" does not include ash generated during 78005
the firing of sewage sludge in a sewage sludge incinerator, grit 78006
and screenings generated during preliminary treatment of domestic 78007
sewage in a treatment works, animal manure, residue generated 78008
during treatment of animal manure, or domestic septage. 78009

(c) "Exceptional quality sludge" means sewage sludge that 78010
meets all of the following qualifications: 78011

(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);	78012 78013
(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	78014 78015
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	78016 78017
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	78018 78019
(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	78020 78021 78022
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	78023 78024 78025
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	78026 78027 78028 78029 78030
(g) "Land reclamation" means the returning of disturbed land to productive use.	78031 78032
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	78033 78034 78035 78036
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	78037 78038 78039 78040
(j) "Incineration facility" includes all incinerators owned	78041

or operated by the same entity and located on a contiguous tract 78042
of land. Areas of land are considered to be contiguous even if 78043
they are separated by a public road or highway. 78044

(k) "Annual sludge fee" means the fee assessed under division 78045
(Y)(1) of this section. 78046

(l) "Landfill" means a sanitary landfill facility, as defined 78047
in rules adopted under section 3734.02 of the Revised Code, that 78048
is licensed under section 3734.05 of the Revised Code. 78049

(m) "Preexisting land reclamation project" means a 78050
property-specific land reclamation project that has been in 78051
continuous operation for not less than five years pursuant to 78052
approval of the activity by the director and includes the 78053
implementation of a community outreach program concerning the 78054
activity. 78055

Sec. 3745.113. (A) A person that applies for a state isolated 78056
wetland permit under Chapter 6111. of the Revised Code and rules 78057
adopted under it shall pay an application fee of two hundred 78058
dollars at the time of application. 78059

In addition, that person shall pay, at the time of 78060
application, a review fee of five hundred dollars per acre of the 78061
wetlands to be impacted. 78062

However, the review fee shall not exceed five thousand 78063
dollars per application. In addition, if an application is denied, 78064
the director of environmental protection shall refund to the 78065
applicant one-half of the amount of the review fee paid by the 78066
applicant under division (A) of this section. 78067

(B) If a person conducts any activities for which an 78068
individual state isolated wetland permit is required under Chapter 78069
6111. of the Revised Code and rules adopted under it without first 78070
obtaining such a permit, the person shall pay twice the amount of 78071

the application and review fees that the person otherwise would 78072
have been required to pay under division (A) of this section, not 78073
to exceed ten thousand dollars. 78074

(C) All moneys collected under this section shall be 78075
deposited in the state treasury to the credit of the ~~dredge and~~ 78076
~~fill~~ surface water protection fund created in section ~~6111.029~~ 78077
6111.038 of the Revised Code. 78078

(D) Fees established under this section shall not apply to 78079
any agency or department of the state or to any county, township, 78080
or municipal corporation in this state. 78081

Sec. 3745.72. (A) The owner or operator of a facility or 78082
property who conducts an environmental audit of the facility or 78083
property and promptly and voluntarily discloses information 78084
contained in or derived from an audit report that is based on the 78085
audit and concerns an alleged violation of environmental laws to 78086
the director of the state agency that has jurisdiction over the 78087
alleged violation is immune from any administrative and civil 78088
penalties for the specific violation disclosed, except that where 78089
the disclosed violation has resulted in significant economic 78090
benefit to the owner or operator of the facility or property, 78091
there is no immunity for the economic benefit component of the 78092
administrative and civil penalties for that violation. An owner or 78093
operator asserting entitlement to such immunity has the burden of 78094
proving that entitlement by a preponderance of the evidence. 78095

(B) For the purposes of this section, a disclosure of 78096
information is voluntary with respect to an alleged violation of 78097
environmental laws only if all of the following apply: 78098

(1) The disclosure is made promptly after the information is 78099
obtained through the environmental audit by the owner or operator 78100
who conducts the environmental audit. 78101

(2) A reasonable, good faith effort is made to achieve 78102
compliance as quickly as practicable with environmental laws 78103
applicable to the information disclosed. 78104

(3) Compliance with environmental laws applicable to the 78105
information disclosed is achieved as quickly as practicable or 78106
within such period as is reasonably ordered by the director of the 78107
state agency that has jurisdiction over the alleged violation. 78108

(4) The owner or operator cooperates with the director of the 78109
state agency that has jurisdiction over the alleged violation in 78110
investigating the cause, nature, extent, and effects of the 78111
noncompliance. 78112

(5) The disclosure is not required by law, prior litigation, 78113
or an order by a court or a government agency. 78114

(6) The owner or operator who makes the disclosure does not 78115
know or have reason to know that a government agency charged with 78116
enforcing environmental laws has commenced an investigation or 78117
enforcement action that concerns a violation of such laws 78118
involving the activity. 78119

(C) For the purposes of this section, a disclosure shall be 78120
in writing, dated, and hand delivered or sent by certified mail to 78121
the director of the state agency that has jurisdiction over the 78122
alleged violation, and shall contain all of the following in a 78123
printed letter attached to the front of the disclosure: 78124

(1) The name, address, and telephone number of the owner or 78125
operator making the disclosure; 78126

(2) The name, title, address, and telephone number of one or 78127
more persons associated with the owner or operator who may be 78128
contacted regarding the disclosure; 78129

(3) A brief summary of the alleged violation of environmental 78130
laws, including, without limitation, the nature, date, and 78131

location of the alleged violation to the extent that the 78132
information is known by the owner or operator; 78133

(4) A statement that the information is part of an 78134
environmental audit report and is being disclosed under section 78135
3745.72 of the Revised Code in order to obtain the immunity 78136
provided by that section. 78137

(D) This section does not provide immunity from the payment 78138
of damages for harm to persons, property, or the environment; the 78139
payment of reasonable costs incurred by a government agency in 78140
responding to a disclosure; or responsibility for the remediation 78141
or cleanup of environmental harm under environmental laws. 78142

(E) The immunity provided by this section does not apply 78143
under any of the following circumstances: 78144

(1) Within the three-year period prior to disclosure, the 78145
owner or operator of a facility or property has committed 78146
significant violations that constitute a pattern of continuous or 78147
repeated violations of environmental laws, environmental related 78148
settlement agreements, or environmental related judicial orders 78149
and that arose from separate and distinct events. For the purposes 78150
of division (E)(1) of this section, a pattern of continuous or 78151
repeated violations also may be demonstrated by multiple 78152
settlement agreements related to substantially the same alleged 78153
significant violations that occurred within the three-year period 78154
immediately prior to the voluntary disclosure. Determination of 78155
whether a person has a pattern of continuous or repeated 78156
violations under division (E)(1) of this section shall be based on 78157
the compliance history of the property or specific facility at 78158
issue. 78159

(2) With respect to a specific violation, the violation 78160
resulted in serious harm or in imminent and substantial 78161
endangerment to human health or the environment. 78162

(3) With respect to a specific violation, the violation is of a specific requirement of an administrative or judicial order. 78163
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(F) The immunity provided by this section applies only to disclosures made concerning environmental audits initiated after March 13, 1997, ~~and completed before January 1, 2014,~~ in accordance with the time frames specified in division (A) of section 3745.70 of the Revised Code. 78165
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(G) The immunity provided by this section applies to a person who makes a good faith disclosure to a state agency under this section even though another state agency is determined to have jurisdiction over an alleged violation of environmental laws indicated in the disclosure. 78170
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(H) Each state agency that receives a disclosure under this section promptly shall record receipt of the disclosure, determine whether it has jurisdiction over the alleged violation of environmental laws indicated in the disclosure, and, if it does not have such jurisdiction, deliver the disclosure documents to the director of a state agency that has jurisdiction over the alleged violation. If a disclosure indicates alleged violations of environmental laws that are under the jurisdiction of more than one state agency, the state agency that first receives the disclosure and has jurisdiction over any of the alleged violations promptly shall notify the director of each state agency that has jurisdiction over any of such alleged violations. The director of each state agency that receives a disclosure under this section, or is notified by another state agency that the director's agency has jurisdiction over an alleged violation of environmental laws indicated in the disclosure, promptly shall deliver written notice of that fact by certified mail to the owner or operator who made the disclosure. The notice shall identify the state agency that sends the notice; state the name, title, address, and telephone number of a person in the agency whom the owner or operator may 78175
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contact regarding the disclosure; and state the name, address, and 78195
telephone number of the director of any other state agency 78196
notified about the disclosure because that agency has jurisdiction 78197
over an alleged violation of environmental laws indicated in the 78198
disclosure. 78199

Sec. 3748.01. As used in this chapter: 78200

(A) "Byproduct material" means either of the following: 78201

(1) Any radioactive material, except special nuclear 78202
material, yielded in or made radioactive by exposure to radiation 78203
incident to the process of producing or utilizing special nuclear 78204
material; 78205

(2) The tailings or wastes produced by the extraction or 78206
concentration of uranium or thorium from any ore processed 78207
primarily for its source material content. 78208

(B) "Certified radiation expert" means an individual who has 78209
complied with all of the following: 78210

(1) Applied to the director of health for certification as a 78211
radiation expert under section 3748.12 of the Revised Code; 78212

(2) Met minimum education and experience requirements 78213
established in rules adopted under division (C) of section 3748.04 78214
of the Revised Code; 78215

(3) Been granted a certificate as a radiation expert by the 78216
director under section 3748.12 of the Revised Code. 78217

(C) "Closure" or "site closure" refers to a facility for the 78218
disposal of low-level radioactive waste or a byproduct material 78219
site, as "byproduct material" is defined in division (A)(2) of 78220
this section, and means all activities performed at a licensed 78221
operation, such as stabilization and contouring, to ensure that 78222
the site where the operation occurred is in a stable condition so 78223
that only minor custodial care, surveillance, and monitoring are 78224

necessary at the site following the termination of the licensed operation. 78225
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(D) "Decommissioning" means to safely remove any licensed operation from service and reduce residual radioactivity to a level that permits release of the licensee's property for unrestricted use. With regard to a facility for the disposal of low-level radioactive waste or a byproduct material site, as "byproduct material" is defined in division (A)(2) of this section, "decommissioning" does not include the reduction of residual radioactivity to a level that permits release of the facility for unrestricted use. 78227
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(E) "Director of health" includes a designee or authorized representative of the director. 78236
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(F) "Disposal," with regard to low-level radioactive waste, means the permanent isolation of that waste in accordance with requirements established by the United States nuclear regulatory commission or the licensing agreement state. 78238
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(G) "Disposal site" means that portion of a facility that is used for the disposal of low-level radioactive waste and that consists of disposal units and a buffer zone. "Disposal unit" means a discrete portion of such a facility into which low-level radioactive waste is placed for disposal. 78242
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(H)(1) Except as provided in division (H)(2) of this section, "facility" means the state, any political subdivision, person, public or private institution, or group, or any unit of one of those entities, but does not include the federal government or any of its agencies. 78247
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(2) For the purposes of the disposal of low-level radioactive waste, "facility" has the same meaning as in section 3747.01 of the Revised Code. 78252
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(I) "Handle" means receive, possess, use, store, transfer, 78255

install, service, or dispose of sources of radiation unless 78256
possession is solely for the purpose of transportation. 78257

(J) "Handler" means a facility that handles sources of 78258
radiation unless possession is solely for the purpose of 78259
transportation. 78260

(K) "Inspection" means an official review, examination, or 78261
observation, including, without limitation, tests, surveys, and 78262
monitoring, that is used to determine compliance with rules, 78263
orders, requirements, and conditions of the department of health 78264
and that is conducted by the director of health. 78265

(L) "Low-level radioactive waste" has the same meaning as in 78266
section 3747.01 of the Revised Code with regard to the disposal of 78267
low-level radioactive waste. In regard to regulatory control at 78268
locations other than a disposal facility, "low-level radioactive 78269
waste" has the same meaning as in 42 U.S.C.A. 2021b. 78270

(M) "Quality assurance program" means a program providing for 78271
verification by written procedures such as testing, auditing, and 78272
inspection to ensure that deficiencies, deviations, defective 78273
equipment, or unsafe practices, or a combination thereof, relating 78274
to the use, disposal, management, or manufacture of radiation 78275
sources are identified, promptly corrected, and reported to the 78276
appropriate regulatory authorities. 78277

(N) "Radiation" means ionizing and nonionizing radiation. 78278

(1) "Ionizing radiation" means gamma rays and X-rays, alpha 78279
and beta particles, high-speed electrons, neutrons, protons, and 78280
other nuclear particles, but does not include sound or radio waves 78281
or visible, infrared, or ultraviolet light. 78282

(2) "Nonionizing radiation" means any electromagnetic 78283
radiation, other than ionizing electromagnetic radiation, or any 78284
sonic, ultrasonic, or infrasonic wave. 78285

(O) "Radioactive material" means any solid, liquid, or 78286
gaseous material that emits ionizing radiation spontaneously. 78287
"Radioactive material" includes accelerator-produced and naturally 78288
occurring materials and byproduct, source, and special nuclear 78289
material. 78290

(P) "Radiation-generating equipment" means any manufactured 78291
product or device, or component of such a product or device, or 78292
any machine or system that during operation can generate or emit 78293
radiation, except those that emit radiation only from radioactive 78294
material. "Radiation-generating equipment" does not include either 78295
of the following: 78296

(1) Diathermy machines; 78297

(2) Microwave ovens, including food service microwave ovens 78298
used for commercial and industrial uses, television receivers, 78299
electric lamps, and other household appliances and products that 78300
generate very low levels of radiation. 78301

(Q) "Source material" means uranium, thorium, or any 78302
combination thereof in any physical or chemical form, or any ores 78303
that contain by weight at least one-twentieth of one per cent of 78304
uranium, thorium, or any combination thereof. "Source material" 78305
does not include special nuclear material. 78306

(R) "Source of radiation" means radioactive material or 78307
radiation-generating equipment. 78308

(S) "Special nuclear material" means either of the following: 78309

(1) Plutonium, uranium 233, uranium enriched in the isotope 78310
233 or in the isotope 235, and any other material that the United 78311
States nuclear regulatory commission determines to be special 78312
nuclear material, but does not include source material pursuant to 78313
section 51 of the "Atomic Energy Act of 1954," 68 Stat. 919, 42 78314
U.S.C.A. 2071. 78315

(2) Except for any source material, any material artificially enriched by any of the materials identified in division (S)(1) of this section. 78316
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(T) "Storage" means the retention of radioactive materials, including low-level radioactive waste, prior to disposal in a manner that allows for surveillance, control, and subsequent retrieval. 78319
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(U) "Medical practitioner" means a person who is authorized pursuant to Chapter 4715. of the Revised Code to practice dentistry; pursuant to Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; or pursuant to Chapter 4734. of the Revised Code to practice chiropractic. 78323
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(V) "Medical-practitioner group" means a corporation, partnership, or other business entity, other than a hospital as defined in section 3727.01 of the Revised Code, consisting of medical practitioners. 78329
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(W) "Naturally occurring radioactive material" means material that contains any nuclide that is radioactive in its natural physical state. "Naturally occurring radioactive material" does not include source material, byproduct material, or special nuclear material. 78333
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(X) "Technologically enhanced naturally occurring radioactive material" means naturally occurring radioactive material with radionuclide concentrations that are increased by or as a result of past or present human activities. "Technologically enhanced naturally occurring radioactive material" does not include drill cuttings, natural background radiation, byproduct material, or source material. 78338
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(Y) "Drill cuttings" means the soil, rock fragments, and pulverized material that are removed from a borehole and that may 78345
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include a de minimus amount of fluid that results from a drilling process. 78347
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Sec. 3748.04. The director of health, in accordance with 78349
Chapter 119. of the Revised Code, shall adopt and may amend or 78350
rescind rules doing all of the following: 78351

(A) Listing types of radioactive material for which licensure 78352
by its handler is required and types of radiation-generating 78353
equipment for which registration by its handler is required, and 78354
establishing requirements governing them. Rules adopted under 78355
division (A) of this section shall be compatible with applicable 78356
federal regulations and shall establish all of the following, 78357
without limitation: 78358

(1) Requirements governing both of the following: 78359

(a) The licensing and inspection of handlers of radioactive 78360
material. Standards established in rules adopted under division 78361
(A)(1)(a) of this section regarding byproduct material or any 78362
activity that results in the production of that material, to the 78363
extent practicable, shall be equivalent to or more stringent than 78364
applicable standards established by the United States nuclear 78365
regulatory commission. 78366

(b) The registration and inspection of handlers of 78367
radiation-generating equipment. Standards established in rules 78368
adopted under division (A)(1)(b) of this section, to the extent 78369
practicable, shall be equivalent to applicable standards 78370
established by the food and drug administration in the United 78371
States department of health and human services. 78372

(2) Identification of and requirements governing possession 78373
and use of specifically licensed and generally licensed quantities 78374
of radioactive material as either sealed sources or unsealed 78375
sources; 78376

(3) A procedure for the issuance of and the frequency of renewal of the licenses of handlers of radioactive material, other than a license for a facility for the disposal of low-level radioactive waste, and of the certificates of registration of handlers of radiation-generating equipment;	78377 78378 78379 78380 78381
(4) Procedures for suspending and revoking the licenses of handlers of radioactive material and the certificates of registration of handlers of radiation-generating equipment;	78382 78383 78384
(5) Criteria to be used by the director of health in amending the license of a handler of radioactive material or the certificate of registration of a handler of radiation-generating equipment subsequent to its issuance;	78385 78386 78387 78388
(6) Criteria for achieving and maintaining compliance with this chapter and rules adopted under it by licensees and registrants;	78389 78390 78391
(7) Criteria governing environmental monitoring of licensed and registered activities to assess compliance with this chapter and rules adopted under it;	78392 78393 78394
(8) Fees for both of the following:	78395
(a) The licensing of handlers, other than facilities for the disposal of low-level radioactive waste, of radioactive material;	78396 78397
(b) The registration of handlers, other than facilities that are, or are operated by, medical practitioners or medical-practitioner groups, of radiation-generating equipment.	78398 78399 78400
(9) A fee schedule for both of the following that includes fees for reviews, conducted during an inspection, of shielding plans or the adequacy of shielding:	78401 78402 78403
(a) The inspection of handlers of radioactive material;	78404
(b) The inspection of handlers, other than facilities that are, or are operated by, medical practitioners or	78405 78406

medical-practitioner groups, of radiation-generating equipment. 78407

(B)(1) Identifying sources of radiation, circumstances of 78408
possession, use, or disposal of sources of radiation, and levels 78409
of radiation that constitute an unreasonable or unnecessary risk 78410
to human health or the environment; 78411

(2) Establishing requirements for the achievement and 78412
maintenance of compliance with standards for the receipt, 78413
possession, use, storage, installation, transfer, servicing, and 78414
disposal of sources of radiation to prevent levels of radiation 78415
that constitute an unreasonable or unnecessary risk to human 78416
health or the environment; 78417

(3) Requiring the maintenance of records on the receipt, use, 78418
storage, transfer, and disposal of radioactive material, including 78419
technologically enhanced naturally occurring radioactive material, 78420
and on the radiological safety aspects of the use and maintenance 78421
of radiation-generating equipment. The rules adopted under 78422
division (B)(3) of this section shall not require maintenance of 78423
records regarding naturally occurring radioactive material. 78424

In adopting rules under divisions (A) and (B) of this 78425
section, the director shall use standards no less stringent than 78426
the "suggested state regulations for control of radiation" 78427
prepared by the conference of radiation control program directors, 78428
inc., and regulations adopted by the United States nuclear 78429
regulatory commission, the United States environmental protection 78430
agency, and the United States department of health and human 78431
services and shall consider reports of the national council on 78432
radiation protection and measurement and the relevant standards of 78433
the American national standards institute. 78434

(C) Establishing fees, procedures, and requirements for 78435
certification as a radiation expert, including all of the 78436
following, without limitation: 78437

(1) Minimum training and experience requirements;	78438
(2) Procedures for applying for certification;	78439
(3) Procedures for review of applications and issuance of certificates;	78440 78441
(4) Procedures for suspending and revoking certification.	78442
(D) Establishing a schedule for inspection of sources of radiation and their shielding and surroundings;	78443 78444
(E) Establishing the responsibilities of a radiation expert;	78445
(F) Establishing criteria for quality assurance programs for licensees of radioactive material and registrants of radiation-generating equipment;	78446 78447 78448
(G) Establishing fees to be paid by any facility that, on September 8, 1995, holds a license from the United States nuclear regulatory commission in order to provide moneys necessary for the transfer of licensing and other regulatory authority from the commission to the state pursuant to section 3748.03 of the Revised Code. Rules adopted under this division shall stipulate that fees so established do not apply to any functions dealing specifically with a facility for the disposal of low-level radioactive waste. Fees collected under this division shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code. The fees shall be used solely to administer and enforce this chapter and rules adopted under it.	78449 78450 78451 78452 78453 78454 78455 78456 78457 78458 78459 78460 78461
(H) Establishing fees to be collected annually from generators of low-level radioactive waste, which shall be based upon the volume and radioactivity of the waste generated and the costs of administering low-level radioactive waste management activities under this chapter and rules adopted under it. All fees collected under this division shall be deposited into the state	78462 78463 78464 78465 78466 78467

treasury to the credit of the general operations fund created in 78468
section 3701.83 of the Revised Code. The fees shall be used solely 78469
to administer and enforce this chapter and rules adopted under it. 78470
Any fee required under this division that remains unpaid on the 78471
ninety-first day after the original invoice date shall be assessed 78472
an additional amount equal to ten per cent of the original fee. 78473

(I) Establishing requirements governing closure, 78474
decontamination, decommissioning, reclamation, and long-term 78475
surveillance and care of a facility licensed under this chapter 78476
and rules adopted under it. Rules adopted under division (I) of 78477
this section shall include, without limitation, all of the 78478
following: 78479

(1) Standards and procedures to ensure that a licensee 78480
prepares a decommissioning funding plan that provides an adequate 78481
financial guaranty to permit the completion of all requirements 78482
governing the closure, decontamination, decommissioning, and 78483
reclamation of sites, structures, and equipment used in 78484
conjunction with a licensed activity; 78485

(2) For licensed activities where radioactive material that 78486
will require surveillance or care is likely to remain at the site 78487
after the licensed activities cease, as indicated in the 78488
application for the license submitted under section 3748.07 of the 78489
Revised Code, standards and procedures to ensure that the licensee 78490
prepares an additional decommissioning funding plan for long-term 78491
surveillance and care, before termination of the license, that 78492
provides an additional adequate financial guaranty as necessary to 78493
provide for that surveillance and care; 78494

(3) For the purposes of the decommissioning funding plans 78495
required in rules adopted under divisions (I)(1) and (2) of this 78496
section, the types of acceptable financial guaranties, which shall 78497
include bonds issued by fidelity or surety companies authorized to 78498
do business in the state, certificates of deposit, deposits of 78499

government securities, irrevocable letters or lines of credit, 78500
trust funds, escrow accounts, or other similar types of 78501
arrangements, but shall not include any arrangement that 78502
constitutes self-insurance; 78503

(4) A requirement that the decommissioning funding plans 78504
required in rules adopted under divisions (I)(1) and (2) of this 78505
section contain financial guaranties in amounts sufficient to 78506
ensure compliance with any standards established by the United 78507
States nuclear regulatory commission, or by the state if it has 78508
become an agreement state pursuant to section 3748.03 of the 78509
Revised Code, pertaining to closure, decontamination, 78510
decommissioning, reclamation, and long-term surveillance and care 78511
of licensed activities and sites of licensees. 78512

Standards established in rules adopted under division (I) of 78513
this section regarding any activity that resulted in the 78514
production of byproduct material, as defined in division (A)(2) of 78515
section 3748.01 of the Revised Code, to the extent practicable, 78516
shall be equivalent to or more stringent than standards 78517
established by the United States nuclear regulatory commission for 78518
sites at which ores were processed primarily for their source 78519
material content and at which byproduct material, as defined in 78520
division (A)(2) of section 3748.01 of the Revised Code, is 78521
deposited. 78522

(J) Establishing criteria governing inspections of a facility 78523
for the disposal of low-level radioactive waste, including, 78524
without limitation, the establishment of a resident inspector 78525
program at such a facility; 78526

(K) Establishing requirements and procedures governing the 78527
filing of complaints under section 3748.16 of the Revised Code, 78528
including, without limitation, those governing intervention in a 78529
hearing held under division (B)(3) of that section; 78530

(L) Establishing requirements governing technologically enhanced naturally occurring radioactive material. Rules adopted under this division shall not apply to naturally occurring radioactive material.

Sec. 3769.08. (A) Any person holding a permit to conduct a horse-racing meeting may provide a place in the race meeting grounds or enclosure at which the permit holder may conduct and supervise the pari-mutuel system of wagering by patrons of legal age on the live racing programs and simulcast racing programs conducted by the permit holder.

The pari-mutuel method of wagering upon the live racing programs and simulcast racing programs held at or conducted within such race track, and at the time of such horse-racing meeting, or at other times authorized by the state racing commission, shall not be unlawful. No other place, except that provided and designated by the permit holder and except as provided in section 3769.26 of the Revised Code, nor any other method or system of betting or wagering on live racing programs and simulcast racing programs, except the pari-mutuel system, shall be used or permitted by the permit holder; nor, except as provided in section 3769.089 or 3769.26 of the Revised Code, shall the pari-mutuel system of wagering be conducted by the permit holder on any races except the races at the race track, grounds, or enclosure for which the person holds a permit. Each permit holder may retain as a commission an amount not to exceed eighteen per cent of the total of all moneys wagered on live racing programs and simulcast racing programs.

The pari-mutuel wagering authorized by this section is subject to sections 3769.25 to 3769.28 of the Revised Code.

(B) At the close of each racing day, each permit holder authorized to conduct thoroughbred racing, out of the amount

retained on that day by the permit holder, shall pay ~~by check,~~ 78562
~~draft, or money order to the tax commissioner in the manner~~ 78563
prescribed under section 3769.103 of the Revised Code, as a tax, a 78564
sum equal to the following percentages of the total of all moneys 78565
wagered on live racing programs on that day and shall separately 78566
compute and pay ~~by check, draft, or money order to the tax~~ 78567
~~commissioner in the manner prescribed under section 3769.103 of~~ 78568
the Revised Code, as a tax, a sum equal to the following 78569
percentages of the total of all money wagered on simulcast racing 78570
programs on that day: 78571

(1) One per cent of the first two hundred thousand dollars 78572
wagered, or any part of that amount; 78573

(2) Two per cent of the next one hundred thousand dollars 78574
wagered, or any part of that amount; 78575

(3) Three per cent of the next one hundred thousand dollars 78576
wagered, or any part of that amount; 78577

(4) Four per cent of all sums over four hundred thousand 78578
dollars wagered. 78579

Except as otherwise provided in section 3769.089 of the 78580
Revised Code, each permit holder authorized to conduct 78581
thoroughbred racing shall use for purse money a sum equal to fifty 78582
per cent of the pari-mutuel revenues retained by the permit holder 78583
as a commission after payment of the state tax. This fifty per 78584
cent payment shall be in addition to the purse distribution from 78585
breakage specified in this section. 78586

Subject to division (M) of this section, from the moneys paid 78587
to the tax commissioner by thoroughbred racing permit holders, 78588
one-half of one per cent of the total of all moneys so wagered on 78589
a racing day shall be paid into the Ohio fairs fund created by 78590
section 3769.082 of the Revised Code, one and one-eighth per cent 78591
of the total of all moneys so wagered on a racing day shall be 78592

paid into the Ohio thoroughbred race fund created by section 78593
3769.083 of the Revised Code, and one-quarter of one per cent of 78594
the total of all moneys wagered on a racing day by each permit 78595
holder shall be paid into the state racing commission operating 78596
fund created by section 3769.03 of the Revised Code. The required 78597
payment to the state racing commission operating fund does not 78598
apply to county and independent fairs and agricultural societies. 78599
The remaining moneys may be retained by the permit holder, except 78600
as provided in this section with respect to the odd cents 78601
redistribution. Amounts paid into the nursing home franchise 78602
permit fee fund pursuant to this section and section 3769.26 of 78603
the Revised Code shall be used solely for the support of the 78604
PASSPORT program as determined in appropriations made by the 78605
general assembly. If the PASSPORT program is abolished, the amount 78606
that would have been paid to the nursing home franchise permit fee 78607
fund under this chapter shall be paid to the general revenue fund 78608
of the state. As used in this chapter, "PASSPORT program" ~~means~~ 78609
~~the PASSPORT program created under~~ has the same meaning as in 78610
section ~~173.40~~ 173.51 of the Revised Code. 78611

The total amount paid to the Ohio thoroughbred race fund 78612
under this section and division (A) of section 3769.087 of the 78613
Revised Code shall not exceed by more than six per cent the total 78614
amount paid to this fund under this section and division (A) of 78615
that section during the immediately preceding calendar year. 78616

Each year, the total amount calculated for payment into the 78617
Ohio fairs fund under this division, division (C) of this section, 78618
and division (A) of section 3769.087 of the Revised Code shall be 78619
an amount calculated using the percentages specified in this 78620
division, division (C) of this section, and division (A) of 78621
section 3769.087 of the Revised Code. 78622

A permit holder may contract with a thoroughbred horsemen's 78623
organization for the organization to act as a representative of 78624

all thoroughbred owners and trainers participating in a 78625
horse-racing meeting conducted by the permit holder. A 78626
"thoroughbred horsemen's organization" is any corporation or 78627
association that represents, through membership or otherwise, more 78628
than one-half of the aggregate of all thoroughbred owners and 78629
trainers who were licensed and actively participated in racing 78630
within this state during the preceding calendar year. Except as 78631
otherwise provided in this paragraph, any moneys received by a 78632
thoroughbred horsemen's organization shall be used exclusively for 78633
the benefit of thoroughbred owners and trainers racing in this 78634
state through the administrative purposes of the organization, 78635
benevolent activities on behalf of the horsemen, promotion of the 78636
horsemen's rights and interests, and promotion of equine research. 78637
A thoroughbred horsemen's organization may expend not more than an 78638
aggregate of five per cent of its annual gross receipts, or a 78639
larger amount as approved by the organization, for dues, 78640
assessments, and other payments to all other local, national, or 78641
international organizations having as their primary purposes the 78642
promotion of thoroughbred horse racing, thoroughbred horsemen's 78643
rights, and equine research. 78644

(C) Except as otherwise provided in division (B) of this 78645
section, at the close of each racing day, each permit holder 78646
authorized to conduct harness or quarter horse racing, out of the 78647
amount retained that day by the permit holder, shall pay ~~by check,~~ 78648
~~draft, or money order to the tax commissioner~~ in the manner 78649
prescribed under section 3769.103 of the Revised Code, as a tax, a 78650
sum equal to the following percentages of the total of all moneys 78651
wagered on live racing programs and shall separately compute and 78652
pay ~~by check, draft, or money order to the tax commissioner~~ in the 78653
manner prescribed under section 3769.103 of the Revised Code, as a 78654
tax, a sum equal to the following percentages of the total of all 78655
money wagered on simulcast racing programs on that day: 78656

(1) One per cent of the first two hundred thousand dollars 78657
wagered, or any part of that amount; 78658

(2) Two per cent of the next one hundred thousand dollars 78659
wagered, or any part of that amount; 78660

(3) Three per cent of the next one hundred thousand dollars 78661
wagered, or any part of that amount; 78662

(4) Four per cent of all sums over four hundred thousand 78663
dollars wagered. 78664

Except as otherwise provided in division (B) and subject to 78665
division (M) of this section, from the moneys paid to the tax 78666
commissioner by permit holders authorized to conduct harness or 78667
quarter horse racing, one-half of one per cent of all moneys 78668
wagered on that racing day shall be paid into the Ohio fairs fund; 78669
from the moneys paid to the tax commissioner by permit holders 78670
authorized to conduct harness racing, five-eighths of one per cent 78671
of all moneys wagered on that racing day shall be paid into the 78672
Ohio standardbred development fund; and from the moneys paid to 78673
the tax commissioner by permit holders authorized to conduct 78674
quarter horse racing, five-eighths of one per cent of all moneys 78675
wagered on that racing day shall be paid into the Ohio quarter 78676
horse development fund. 78677

(D) In addition, subject to division (M) of this section, 78678
beginning on January 1, 1996, from the money paid to the tax 78679
commissioner as a tax under this section and division (A) of 78680
section 3769.087 of the Revised Code by harness horse permit 78681
holders, one-half of one per cent of the amount wagered on a 78682
racing day shall be paid into the Ohio standardbred development 78683
fund. Beginning January 1, 1998, the payment to the Ohio 78684
standardbred development fund required under this division does 78685
not apply to county agricultural societies or independent 78686
agricultural societies. 78687

The total amount paid to the Ohio standardbred development fund under this division, division (C) of this section, and division (A) of section 3769.087 of the Revised Code and the total amount paid to the Ohio quarter horse development fund under this division and division (A) of that section shall not exceed by more than six per cent the total amount paid into the fund under this division, division (C) of this section, and division (A) of section 3769.087 of the Revised Code in the immediately preceding calendar year.

(E) Subject to division (M) of this section, from the money paid as a tax under this chapter by harness and quarter horse permit holders, one-quarter of one per cent of the total of all moneys wagered on a racing day by each permit holder shall be paid into the state racing commission operating fund created by section 3769.03 of the Revised Code. This division does not apply to county and independent fairs and agricultural societies.

(F) Except as otherwise provided in section 3769.089 of the Revised Code, each permit holder authorized to conduct harness racing shall pay to the harness horsemen's purse pool a sum equal to fifty per cent of the pari-mutuel revenues retained by the permit holder as a commission after payment of the state tax. This fifty per cent payment is to be in addition to the purse distribution from breakage specified in this section.

(G) In addition, each permit holder authorized to conduct harness racing shall be allowed to retain the odd cents of all redistribution to be made on all mutual contributions exceeding a sum equal to the next lowest multiple of ten.

Forty per cent of that portion of that total sum of such odd cents shall be used by the permit holder for purse money for Ohio sired, bred, and owned colts, for purse money for Ohio bred horses, and for increased purse money for horse races. Upon the formation of the corporation described in section 3769.21 of the

Revised Code to establish a harness horsemen's health and 78720
retirement fund, twenty-five per cent of that portion of that 78721
total sum of odd cents shall be paid at the close of each racing 78722
day by the permit holder to that corporation to establish and fund 78723
the health and retirement fund. Until that corporation is formed, 78724
that twenty-five per cent shall be paid at the close of each 78725
racing day by the permit holder to the tax commissioner or the tax 78726
commissioner's agent in the county seat of the county in which the 78727
permit holder operates race meetings. The remaining thirty-five 78728
per cent of that portion of that total sum of odd cents shall be 78729
retained by the permit holder. 78730

(H) In addition, each permit holder authorized to conduct 78731
thoroughbred racing shall be allowed to retain the odd cents of 78732
all redistribution to be made on all mutuel contributions 78733
exceeding a sum equal to the next lowest multiple of ten. Twenty 78734
per cent of that portion of that total sum of such odd cents shall 78735
be used by the permit holder for increased purse money for horse 78736
races. Upon the formation of the corporation described in section 78737
3769.21 of the Revised Code to establish a thoroughbred horsemen's 78738
health and retirement fund, forty-five per cent of that portion of 78739
that total sum of odd cents shall be paid at the close of each 78740
racing day by the permit holder to that corporation to establish 78741
and fund the health and retirement fund. Until that corporation is 78742
formed, that forty-five per cent shall be paid by the permit 78743
holder to the tax commissioner or the tax commissioner's agent in 78744
the county seat of the county in which the permit holder operates 78745
race meetings, at the close of each racing day. The remaining 78746
thirty-five per cent of that portion of that total sum of odd 78747
cents shall be retained by the permit holder. 78748

(I) In addition, each permit holder authorized to conduct 78749
quarter horse racing shall be allowed to retain the odd cents of 78750
all redistribution to be made on all mutuel contributions 78751

exceeding a sum equal to the next lowest multiple of ten, subject 78752
to a tax of twenty-five per cent on that portion of the total sum 78753
of such odd cents that is in excess of two thousand dollars during 78754
a calendar year, which tax shall be paid at the close of each 78755
racing day by the permit holder to the tax commissioner or the tax 78756
commissioner's agent in the county seat of the county within which 78757
the permit holder operates race meetings. Forty per cent of that 78758
portion of that total sum of such odd cents shall be used by the 78759
permit holder for increased purse money for horse races. The 78760
remaining thirty-five per cent of that portion of that total sum 78761
of odd cents shall be retained by the permit holder. 78762

(J)(1) To encourage the improvement of racing facilities for 78763
the benefit of the public, breeders, and horse owners, and to 78764
increase the revenue to the state from the increase in pari-mutuel 78765
wagering resulting from those improvements, the taxes paid by a 78766
permit holder to the state as provided for in this chapter shall 78767
be reduced by three-fourths of one per cent of the total amount 78768
wagered for those permit holders who make capital improvements to 78769
existing race tracks or construct new race tracks. The percentage 78770
of the reduction that may be taken each racing day shall equal 78771
seventy-five per cent of the taxes levied under divisions (B) and 78772
(C) of this section and section 3769.087 of the Revised Code, and 78773
division (F)(2) of section 3769.26 of the Revised Code, as 78774
applicable, divided by the calculated amount each fund should 78775
receive under divisions (B) and (C) of this section and section 78776
3769.087 of the Revised Code, and division (F)(2) of section 78777
3769.26 of the Revised Code and the reduction provided for in this 78778
division. If the resulting percentage is less than one, that 78779
percentage shall be multiplied by the amount of the reduction 78780
provided for in this division. Otherwise, the permit holder shall 78781
receive the full reduction provided for in this division. The 78782
amount of the allowable reduction not received shall be carried 78783
forward and applied against future tax liability. After any 78784

reductions expire, any reduction carried forward shall be treated 78785
as a reduction as provided for in this division. 78786

If more than one permit holder is authorized to conduct 78787
racing at the facility that is being built or improved, the cost 78788
of the new race track or capital improvement shall be allocated 78789
between or among all the permit holders in the ratio that the 78790
permit holders' number of racing days bears to the total number of 78791
racing days conducted at the facility. 78792

A reduction for a new race track or a capital improvement 78793
shall start from the day racing is first conducted following the 78794
date actual construction of the new race track or each capital 78795
improvement is completed and the construction cost has been 78796
approved by the racing commission, unless otherwise provided in 78797
this section. A reduction for a new race track or a capital 78798
improvement shall continue for a period of twenty-five years for 78799
new race tracks and for fifteen years for capital improvements if 78800
the construction of the capital improvement or new race track 78801
commenced prior to March 29, 1988, and for a period of ten years 78802
for new race tracks or capital improvements if the construction of 78803
the capital improvement or new race track commenced on or after 78804
March 29, 1988, but before June 6, 2001, or until the total tax 78805
reduction reaches seventy per cent of the approved cost of the new 78806
race track or capital improvement, as allocated to each permit 78807
holder, whichever occurs first. A reduction for a new race track 78808
or a capital improvement approved after June 6, 2001, shall 78809
continue until the total tax reduction reaches one hundred per 78810
cent of the approved cost of the new race track or capital 78811
improvement, as allocated to each permit holder. 78812

A reduction granted for a new race track or a capital 78813
improvement, the application for which was approved by the racing 78814
commission after March 29, 1988, but before June 6, 2001, shall 78815
not commence nor shall the ten-year period begin to run until all 78816

prior tax reductions with respect to the same race track have 78817
ended. The total tax reduction because of capital improvements 78818
shall not during any one year exceed for all permit holders using 78819
any one track three-fourths of one per cent of the total amount 78820
wagered, regardless of the number of capital improvements made. 78821
Several capital improvements to a race track may be consolidated 78822
in an application if the racing commission approved the 78823
application prior to March 29, 1988. No permit holder may receive 78824
a tax reduction for a capital improvement approved by the racing 78825
commission on or after March 29, 1988, at a race track until all 78826
tax reductions have ended for all prior capital improvements 78827
approved by the racing commission under this section or section 78828
3769.20 of the Revised Code at that race track. If there are two 78829
or more permit holders operating meetings at the same track, they 78830
may consolidate their applications. The racing commission shall 78831
notify the tax commissioner when the reduction of tax begins and 78832
when it ends. 78833

Each fiscal year the racing commission shall submit a report 78834
to the tax commissioner, the office of budget and management, and 78835
the legislative service commission. The report shall identify each 78836
capital improvement project undertaken under this division and in 78837
progress at each race track, indicate the total cost of each 78838
project, state the tax reduction that resulted from each project 78839
during the immediately preceding fiscal year, estimate the tax 78840
reduction that will result from each project during the current 78841
fiscal year, state the total tax reduction that resulted from all 78842
such projects at all race tracks during the immediately preceding 78843
fiscal year, and estimate the total tax reduction that will result 78844
from all such projects at all race tracks during the current 78845
fiscal year. 78846

(2) In order to qualify for the reduction in tax, a permit 78847
holder shall apply to the racing commission in such form as the 78848

commission may require and shall provide full details of the new 78849
race track or capital improvement, including a schedule for its 78850
construction and completion, and set forth the costs and expenses 78851
incurred in connection with it. The racing commission shall not 78852
approve an application unless the permit holder shows that a 78853
contract for the new race track or capital improvement has been 78854
let under an unrestricted competitive bidding procedure, unless 78855
the contract is exempted by the controlling board because of its 78856
unusual nature. In determining whether to approve an application, 78857
the racing commission shall consider whether the new race track or 78858
capital improvement will promote the safety, convenience, and 78859
comfort of the racing public and horse owners and generally tend 78860
towards the improvement of racing in this state. 78861

(3) If a new race track or capital improvement is approved by 78862
the racing commission and construction has started, the tax 78863
reduction may be authorized by the commission upon presentation of 78864
copies of paid bills in excess of one hundred thousand dollars or 78865
ten per cent of the approved cost, whichever is greater. After the 78866
initial authorization, the permit holder shall present copies of 78867
paid bills. If the permit holder is in substantial compliance with 78868
the schedule for construction and completion of the new race track 78869
or capital improvement, the racing commission may authorize the 78870
continuation of the tax reduction upon the presentation of the 78871
additional paid bills. The total amount of the tax reduction 78872
authorized shall not exceed the percentage of the approved cost of 78873
the new race track or capital improvement specified in division 78874
(J)(1) of this section. The racing commission may terminate any 78875
tax reduction immediately if a permit holder fails to complete the 78876
new race track or capital improvement, or to substantially comply 78877
with the schedule for construction and completion of the new race 78878
track or capital improvement. If a permit holder fails to complete 78879
a new race track or capital improvement, the racing commission 78880
shall order the permit holder to repay to the state the total 78881

amount of tax reduced. The normal tax paid by the permit holder 78882
shall be increased by three-fourths of one per cent of the total 78883
amount wagered until the total amount of the additional tax 78884
collected equals the total amount of tax reduced. 78885

(4) As used in this section: 78886

(a) "Capital improvement" means an addition, replacement, or 78887
remodeling of a structural unit of a race track facility costing 78888
at least one hundred thousand dollars, including, but not limited 78889
to, the construction of barns used exclusively for the race track 78890
facility, backstretch facilities for horsemen, paddock facilities, 78891
new pari-mutuel and totalizator equipment and appurtenances to 78892
that equipment purchased by the track, new access roads, new 78893
parking areas, the complete reconstruction, reshaping, and 78894
leveling of the racing surface and appurtenances, the installation 78895
of permanent new heating or air conditioning, roof replacement or 78896
restoration, installations of a permanent nature forming a part of 78897
the track structure, and construction of buildings that are 78898
located on a permit holder's premises. "Capital improvement" does 78899
not include the cost of replacement of equipment that is not 78900
permanently installed, ordinary repairs, painting, and maintenance 78901
required to keep a race track facility in ordinary operating 78902
condition. 78903

(b) "New race track" includes the reconstruction of a race 78904
track damaged by fire or other cause that has been declared by the 78905
racing commission, as a result of the damage, to be an inadequate 78906
facility for the safe operation of horse racing. 78907

(c) "Approved cost" includes all debt service and interest 78908
costs that are associated with a capital improvement or new race 78909
track and that the racing commission approves for a tax reduction 78910
under division (J) of this section. 78911

(5) The racing commission shall not approve an application 78912

for a tax reduction under this section if it has reasonable cause 78913
to believe that the actions or negligence of the permit holder 78914
substantially contributed to the damage suffered by the track due 78915
to fire or other cause. The racing commission shall obtain any 78916
data or information available from a fire marshal, law enforcement 78917
official, or insurance company concerning any fire or other damage 78918
suffered by a track, prior to approving an application for a tax 78919
reduction. 78920

(6) The approved cost to which a tax reduction applies shall 78921
be determined by generally accepted accounting principles and 78922
verified by an audit of the permit holder's records upon 78923
completion of the project by the racing commission, or by an 78924
independent certified public accountant selected by the permit 78925
holder and approved by the commission. 78926

(K) No other license or excise tax or fee, except as provided 78927
in sections 3769.01 to 3769.14 of the Revised Code, shall be 78928
assessed or collected from such licensee by any county, township, 78929
district, municipal corporation, or other body having power to 78930
assess or collect a tax or fee. That portion of the tax paid under 78931
this section by permit holders for racing conducted at and during 78932
the course of an agricultural exposition or fair, and that portion 78933
of the tax that would have been paid by eligible permit holders 78934
into the nursing home franchise permit fee fund as a result of 78935
racing conducted at and during the course of an agricultural 78936
exposition or fair, shall be deposited into the state treasury to 78937
the credit of the horse racing tax fund, which is hereby created 78938
for the use of the agricultural societies of the several counties 78939
in which the taxes originate. The state racing commission shall 78940
determine eligible permit holders for purposes of the preceding 78941
sentence, taking into account the breed of horse, the racing 78942
dates, the geographic proximity to the fair, and the best 78943
interests of Ohio racing. On the first day of any month on which 78944

there is money in the fund, the tax commissioner shall provide for 78945
payment to the treasurer of each agricultural society the amount 78946
of the taxes collected under this section upon racing conducted at 78947
and during the course of any exposition or fair conducted by the 78948
society. 78949

(L) From the tax paid under this section by harness track 78950
permit holders, the tax commissioner shall pay into the Ohio 78951
thoroughbred race fund a sum equal to a percentage of the amount 78952
wagered upon which the tax is paid. The percentage shall be 78953
determined by the tax commissioner and shall be rounded to the 78954
nearest one-hundredth. The percentage shall be such that, when 78955
multiplied by the amount wagered upon which tax was paid by the 78956
harness track permit holders in the most recent year for which 78957
final figures are available, it results in a sum that 78958
substantially equals the same amount of tax paid by the tax 78959
commissioner during that year into the Ohio fairs fund from taxes 78960
paid by thoroughbred permit holders. This division does not apply 78961
to county and independent fairs and agricultural societies. 78962

(M) Twenty-five per cent of the taxes levied on thoroughbred 78963
racing permit holders, harness racing permit holders, and quarter 78964
horse racing permit holders under this section, division (A) of 78965
section 3769.087 of the Revised Code, and division (F)(2) of 78966
section 3769.26 of the Revised Code shall be paid into the nursing 78967
home franchise permit fee fund. The tax commissioner shall pay any 78968
money remaining, after the payment into the nursing home franchise 78969
permit fee fund and the reductions provided for in division (J) of 78970
this section and in section 3769.20 of the Revised Code, into the 78971
Ohio fairs fund, Ohio thoroughbred race fund, Ohio standardbred 78972
development fund, Ohio quarter horse fund, and state racing 78973
commission operating fund as prescribed in this section and 78974
division (A) of section 3769.087 of the Revised Code. The tax 78975
commissioner shall thereafter use and apply the balance of the 78976

money paid as a tax by any permit holder to cover any shortage in 78977
the accounts of such funds resulting from an insufficient payment 78978
as a tax by any other permit holder. ~~The~~ Subject to section 78979
3769.101 of the Revised Code, the moneys received by the tax 78980
commissioner shall be deposited ~~weekly~~ monthly and paid by the tax 78981
commissioner into the funds to cover the total aggregate amount 78982
due from all permit holders to the funds, as calculated under this 78983
section and division (A) of section 3769.087 of the Revised Code, 78984
as applicable. If, after the payment into the nursing home 78985
franchise permit fee fund, sufficient funds are not available from 78986
the tax deposited by the tax commissioner to pay the required 78987
amounts into the Ohio fairs fund, Ohio standardbred development 78988
fund, Ohio thoroughbred race fund, Ohio quarter horse fund, and 78989
the state racing commission operating fund, the tax commissioner 78990
shall prorate on a proportional basis the amount paid to each of 78991
the funds. Any shortage to the funds as a result of a proration 78992
shall be applied against future deposits for the same calendar 78993
year when funds are available. After this application, the tax 78994
commissioner shall pay any remaining money paid as a tax by all 78995
permit holders into the nursing home franchise permit fee fund. 78996
This division does not apply to permit holders conducting racing 78997
at the course of an agricultural exposition or fair as described 78998
in division (K) of this section. 78999

Sec. 3769.087. (A) In addition to the commission of eighteen 79000
per cent retained by each permit holder as provided in section 79001
3769.08 of the Revised Code, each permit holder shall retain an 79002
additional amount equal to four per cent of the total of all 79003
moneys wagered on each racing day on all wagering pools other than 79004
win, place, and show, of which amount retained an amount equal to 79005
three per cent of the total of all moneys wagered on each racing 79006
day on those pools shall be paid ~~by check, draft, or money order~~ 79007
~~to the tax commissioner~~ in the manner prescribed under section 79008

3769.103 of the Revised Code, as a tax. Subject to the 79009
restrictions contained in divisions (B), (C), and (M) of section 79010
3769.08 of the Revised Code, from such additional moneys paid to 79011
the tax commissioner: 79012

(1) Four-sixths shall be allocated to fund distribution as 79013
provided in division (M) of section 3769.08 of the Revised Code. 79014

(2) One-twelfth shall be paid into the Ohio fairs fund 79015
created by section 3769.082 of the Revised Code. 79016

(3) One-twelfth of the additional moneys paid to the tax 79017
commissioner by thoroughbred racing permit holders shall be paid 79018
into the Ohio thoroughbred race fund created by section 3769.083 79019
of the Revised Code. 79020

(4) One-twelfth of the additional moneys paid to the tax 79021
commissioner by harness horse racing permit holders shall be paid 79022
to the Ohio standardbred development fund created by section 79023
3769.085 of the Revised Code. 79024

(5) One-twelfth of the additional moneys paid to the tax 79025
commissioner by quarter horse racing permit holders shall be paid 79026
to the Ohio quarter horse development fund created by section 79027
3769.086 of the Revised Code. 79028

(6) One-sixth shall be paid into the state racing commission 79029
operating fund created by section 3769.03 of the Revised Code. 79030

The remaining one per cent that is retained of the total of 79031
all moneys wagered on each racing day on all pools other than win, 79032
place, and show, shall be retained by racing permit holders, and, 79033
except as otherwise provided in section 3769.089 of the Revised 79034
Code, racing permit holders shall use one-half for purse money and 79035
retain one-half. 79036

(B) In addition to the commission of eighteen per cent 79037
retained by each permit holder as provided in section 3769.08 of 79038

the Revised Code and the additional amount retained by each permit 79039
holder as provided in division (A) of this section, each permit 79040
holder shall retain an additional amount equal to one-half of one 79041
per cent of the total of all moneys wagered on each racing day on 79042
all wagering pools other than win, place, and show. The additional 79043
amount retained under this division shall be paid ~~by check, draft,~~ 79044
~~or money order to the tax commissioner in the manner prescribed~~ 79045
under section 3769.103 of the Revised Code, as a tax. The tax 79046
commissioner shall pay the amount of the tax received under this 79047
division to the state racing commission operating fund created by 79048
section 3769.03 of the Revised Code. 79049

(C) Unless otherwise agreed to by the video lottery sales 79050
agent and the applicable horsemen's association recognized by the 79051
state racing commission to represent such persons, within ninety 79052
days after the effective date of this amendment for video lottery 79053
sales agents operating as such on the effective date of this 79054
amendment or within six months after the date a video lottery 79055
sales agent begins operating as such for video lottery sales 79056
agents not operating as such on the effective date of this 79057
amendment, the state racing commission ~~may~~ shall direct through 79058
rule that a percentage of the lottery sales agent's commission as 79059
determined by the state lottery commission for conducting video 79060
lottery terminal gaming on behalf of the state be paid to the 79061
state racing commission for the benefit of breeding and racing in 79062
this state. The percentage so determined shall not be less than 79063
nine per cent or more than eleven per cent of the video lottery 79064
terminal income, and shall be a sliding scale based upon capital 79065
expenditures necessary to build the video lottery sales agent's 79066
facility. The aggregate of one hundred per cent of video lottery 79067
terminal income minus the lottery sales agent's commission 79068
percentage as determined by the state lottery commission plus the 79069
percentage of the lottery sale agent's commission, as determined 79070
by the state racing commission or otherwise agreed to by the video 79071

lottery sales agent and the applicable horsemen's association 79072
recognized by the state racing commission to represent such 79073
persons, for the benefit of breeding and racing in this state 79074
shall not exceed forty-five per cent of the video lottery terminal 79075
income. In addition, beginning July 1, 2013, the state lottery 79076
commission shall adopt a rule to require the lottery sales agent 79077
conducting video lottery terminal gaming on behalf of the state to 79078
disperse to the state lottery commission one-half of one per cent 79079
of such a lottery sales agent's commission for the purpose of 79080
providing funding support to appropriate state agencies for 79081
programs that provide for gambling addiction and other related 79082
addiction services. The state lottery commission's rule also may 79083
require the lottery sales agent conducting video lottery terminal 79084
gaming on behalf of the state to disperse to the state lottery 79085
commission an additional amount up to one-half of one per cent of 79086
such a lottery sales agent's commission for that purpose. 79087

Sec. 3769.088. (A)(1) If any permit holder required by this 79088
chapter to pay the taxes levied by sections 3769.08, 3769.087, 79089
3769.26, and 3769.28 of the Revised Code fails to pay the taxes as 79090
required, the tax commissioner may make an assessment against the 79091
permit holder based upon any information in the commissioner's 79092
possession. 79093

(2) If a permit holder required to remit taxes or file a 79094
report electronically in the manner prescribed under section 79095
3769.103 of the Revised Code fails to do so, the tax commissioner 79096
may impose an additional penalty of fifty dollars or ten per cent 79097
of the tax due as shown on the report, whichever is greater. 79098

(3) A penalty of up to fifteen per cent may be added to the 79099
amount of every assessment made under this section. ~~The~~ 79100

(4) ~~The~~ commissioner may adopt rules providing for the 79101
imposition and remission of penalties added to assessments made 79102

under this section. 79103

(5) The commissioner shall give the party assessed written 79104
notice of the assessment in the manner provided in section 5703.37 79105
of the Revised Code. With the notice, the commissioner shall 79106
provide instructions on how to petition for reassessment and 79107
request a hearing on the petition. 79108

(B) Unless the party assessed files with the tax commissioner 79109
within sixty days after service of the notice of assessment, 79110
either personally or by certified mail, a written petition for 79111
reassessment signed by the party assessed or that party's 79112
authorized agent having knowledge of the facts, the assessment 79113
becomes final and the amount of the assessment is due and payable 79114
from the party assessed to the commissioner. The petition shall 79115
indicate the objections of the party assessed, but additional 79116
objections may be raised in writing if received by the 79117
commissioner prior to the date shown on the final determination. 79118
If the petition has been properly filed, the commissioner shall 79119
proceed under section 5703.60 of the Revised Code. 79120

(C) After an assessment becomes final, if any portion of the 79121
assessment remains unpaid, including accrued interest, a certified 79122
copy of the tax commissioner's entry making the assessment final 79123
may be filed in the office of the clerk of the court of common 79124
pleas in the county in which the place, track, or enclosure for 79125
which the permit was issued is located or the county in which the 79126
party assessed resides or has its principal place of business. If 79127
the party assessed maintains no place of business in this state 79128
and is not a resident of this state, the certified copy of the 79129
entry may be filed in the office of the clerk of the court of 79130
common pleas of Franklin county. 79131

Immediately upon the filing of the entry, the clerk shall 79132
enter a judgment for the state against the party assessed in the 79133
amount shown on the entry. The judgment may be filed by the clerk 79134

in a loose-leaf book entitled "special judgments for state horse racing tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

~~The portion of~~ If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issues the assessment until the day the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) All money collected by the tax commissioner under this section shall be treated as revenue arising from the taxes imposed by sections 3769.08, 3769.087, 3769.26, and 3769.28 of the Revised Code.

Sec. 3769.089. (A) As used in this chapter:

(1) "Racing day" means any day authorized under a permit holder's permit on which, at a simulcast host, either a live racing program is conducted as authorized under section 3769.07 of the Revised Code or a simulcast racing program is conducted as authorized under this section.

(2) "Live racing day" means a racing day on which a live

racing program is conducted by the permit holder along with 79166
simulcasts of all other available racing programs from within this 79167
state and simulcast racing programs from outside this state as 79168
authorized under this section. 79169

(3) "Live racing program" means a racing program consisting 79170
of no fewer than seven live horse races at thoroughbred tracks and 79171
nine live races at standardbred tracks and additional horse races 79172
simulcast from other facilities located either inside or outside 79173
this state, in which not more than two horse races on which 79174
pari-mutuel wagering is conducted are simulcast from facilities 79175
located outside this state. If only one racing meeting of a 79176
particular breed of horse is being held, no fewer than nine live 79177
horse races shall be held on a live racing day. If, during the 79178
course of a racing meeting at a standardbred track, the racing 79179
secretary of the permit holder determines that there is an 79180
insufficient number of entries to have a full field of eight 79181
horses for each of nine races on a live racing program, then the 79182
racing secretary of the permit holder, after consultation with the 79183
Ohio harness horsemens association, may reduce the number of live 79184
races on that live racing program, as the racing secretary may 79185
determine. The racing secretary shall not reduce the live racing 79186
program to less than seven live races. If during the course of a 79187
meeting at a thoroughbred track, the racing secretary of a permit 79188
holder determines that there is an insufficient number of entries 79189
to have a full field of eight horses for each of nine races on a 79190
live racing program, then the racing secretary of the permit 79191
holder, with the consent of the thoroughbred horsemens 79192
association, may reduce the number of live races on that live 79193
racing program, as the racing secretary may determine. The racing 79194
secretary shall not reduce the live racing program to less than 79195
seven live races. No more than seventeen races on which 79196
pari-mutuel wagering is conducted, including both live races and 79197
races simulcast from other facilities located either inside or 79198

outside this state, shall be part of a live racing program. 79199

(4) "Simulcast host" means a track or enclosure in this state 79200
where, on a racing day, a permit holder is doing one or both of 79201
the following: 79202

(a) Conducting a live racing program and offering this 79203
program for simulcasting to one or more simulcast guests and 79204
satellite facilities in this state; 79205

(b) Receiving a simulcast racing program for simulcasting to 79206
one or more simulcast guests and satellite facilities in this 79207
state. 79208

(5) "Simulcast guest" means any track or enclosure that is 79209
receiving from a simulcast host, on a day other than a racing day, 79210
a live racing program or a simulcast racing program. 79211

(6) "Simulcast racing program" means all simulcasts of horse 79212
races to a simulcast host or simulcast guest on a racing day or on 79213
any other day on which pari-mutuel wagering is conducted, but does 79214
not include any simulcast horse races from inside or outside this 79215
state that are included in a simulcast host's live racing program. 79216

(7) "Satellite facility" has the same meaning as in section 79217
3769.25 of the Revised Code. 79218

(8) "Collection and settlement agent" has the same meaning as 79219
in section 3769.0810 of the Revised Code. 79220

(9) "Special racing event" means individual races in live 79221
racing programs or simulcast racing programs, and simulcast racing 79222
programs on special event days under division (C) of this section, 79223
conducted at facilities located outside this state for which the 79224
track, racing association, or state regulatory agency conducting 79225
such races charges a simulcast host a fee for the privilege of 79226
receiving a simulcast of such races into this state that is higher 79227
than the customary and regular fee charged for simulcast races 79228

because of the status or popularity of such races. 79229

(B)(1)(a) The state racing commission shall, upon request by 79230
any permit holder, permit electronically televised simulcasts of 79231
horse races at the permit holder's track or enclosure on racing 79232
days authorized by the permit holder's permit. Except as provided 79233
in division (B) of this section, the commission shall not permit 79234
the simulcast of any simulcast racing program conducted at tracks 79235
or facilities located outside this state unless the out-of-state 79236
simulcast racing program is available at the same signal rate to 79237
all permit holders, whether serving as simulcast hosts or 79238
simulcast guests, and all satellite facilities, in this state open 79239
and operating on that day. A permit holder or satellite facility 79240
may inform the commission that it waives the right to receive the 79241
simulcast of a simulcast racing program or a race in a simulcast 79242
racing program on that day and in this event the simulcast racing 79243
program or simulcast race shall be available to all other 79244
simulcast hosts, simulcast guests, and satellite facilities open 79245
and operating in this state on that day. 79246

(b) In order for a permit holder to offer simulcasts of horse 79247
races conducted at facilities located outside this state, the 79248
permit holder shall have conducted live racing programs during the 79249
immediately preceding calendar year on a number of days that is 79250
not less than the number of regular live racing days it conducted 79251
in calendar year 1991, not including additional racing days 79252
conducted in calendar year 1991 by the permit holder at a 79253
winterized facility under a permit issued under section 3769.07 of 79254
the Revised Code, as certified by the commission. In satisfying 79255
the foregoing requirement for live racing days during the 79256
immediately preceding calendar year, a permit holder may include 79257
the number of days on which live racing programs were conducted 79258
under a permit issued under section 3769.07 of the Revised Code 79259
for additional racing days at a winterized facility. In addition, 79260

in order for a permit holder to offer simulcasts of horse races 79261
conducted at facilities located outside this state, the permit 79262
holder shall offer all simulcasts of horse races conducted in this 79263
state made available to it. 79264

In order for a permit holder to offer simulcasts of races 79265
conducted at race tracks located outside this state at the same 79266
time and during the hours in which the live races of a live racing 79267
program are being conducted at its track, a permit holder 79268
conducting a thoroughbred live racing program shall obtain the 79269
consent of the thoroughbred horsemens association and a permit 79270
holder conducting a harness live racing program shall obtain the 79271
consent of the Ohio harness horsemens association. The consent of 79272
the horsemen's organization shall not be unreasonably withheld, 79273
and shall be consistent with the interest of preserving live 79274
racing in this state. If a horsemen's organization withholds its 79275
consent, the permit holder may file an objection with the 79276
commission, which shall promptly consider the objection and 79277
determine whether the horsemen's organization's action in 79278
withholding consent is without substantial merit and, if the 79279
commission so determines, shall authorize the permit holder to 79280
simulcast the simulcast racing programs. The determination of the 79281
commission is final. A permit holder, as a simulcast host, may 79282
offer simulcast racing programs at its track or enclosure of races 79283
conducted at tracks and facilities located outside this state 79284
prior to the commencement of, and following the conclusion of, its 79285
live races without obtaining the consent of a horsemen's 79286
organization under this division. 79287

(c) Division (B)(1)(b) of this section remains in effect for 79288
each permit holder until the calendar year after that permit 79289
holder first receives a commission as a lottery sales agent for 79290
conducting video lottery terminal gaming on behalf of the state. 79291

(2) Notwithstanding section 3769.07 of the Revised Code and 79292

unless otherwise agreed to by the applicable horsemen's 79293
association and the permit holder, beginning in the calendar year 79294
after the permit holder first receives video lottery terminal 79295
income, one of the following applies as determined on a yearly 79296
basis: 79297

(a) If eleven per cent of the gross gaming revenue from video 79298
lottery terminals at the permit holder's facilities (either 79299
existing or relocated) in the previous calendar year exceeds 79300
fifteen million dollars, a permit holder shall conduct a minimum 79301
of one hundred twenty-five live racing days. 79302

(b) If eleven per cent of the gross gaming revenue from video 79303
lottery terminals at the permit holder's facilities (either 79304
existing or relocated) in the previous calendar year exceeds 79305
eleven million dollars, but is less than or equal to fifteen 79306
million dollars, a permit holder shall conduct a minimum of one 79307
hundred live racing days or the number of racing days applied for 79308
by the permit holder in calendar year 2012, whichever is greater. 79309

(c) If eleven per cent of the gross gaming revenue from video 79310
lottery terminals at the permit holder's facilities (either 79311
existing or relocated) in the previous calendar year is less than 79312
or equal to eleven million dollars, a permit holder shall conduct 79313
a minimum of seventy-five racing days or the number of racing days 79314
applied for by the permit holder for calendar year 2012, whichever 79315
is greater. 79316

In no case shall the minimum number of racing days for any 79317
permit holder exceed one hundred twenty-five racing days or the 79318
maximum number of racing days for any permit holder exceed two 79319
hundred ten racing days. 79320

(3) For the purposes of division (B)(2) of this section, for 79321
live racing conducted at a track with more than one permit, the 79322
minimum and maximum live racing days shall apply to those permits 79323

collectively and not as a single permit. 79324

(4) In addition to the required live racing days, a permit 79325
holder shall simulcast a simulcast racing program on a minimum of 79326
three hundred sixty days each calendar year. The permit holder 79327
shall simulcast all simulcast racing programs conducted in this 79328
state and made available to the permit holder and simulcast racing 79329
programs conducted outside this state. 79330

(5) The commission may make exception to the required minimum 79331
number of live racing days or simulcast racing program days in 79332
instances of natural disaster or other unexpected circumstances as 79333
defined by the commission, in its sole discretion. For any 79334
calendar year, the horsemen's association at each track may 79335
negotiate an agreement with the permit holder for that track to 79336
reduce the number of live racing days at that track to less than 79337
the minimum live racing days required by division (B)(2)(a), (b), 79338
or (c) of this section, as applicable, or to increase the number 79339
of live racing days at that track to a number that is greater than 79340
the maximum live racing days permitted by division (B)(2)(c) of 79341
this section, subject to the approval of the commission. These 79342
negotiations shall not reduce the number of live racing days to 79343
less than fifty days per calendar year. 79344

(6) To satisfy the requirement of live racing days, a permit 79345
holder may include the number of days on which live racing 79346
programs were conducted under a permit issued under section 79347
3769.07 of the Revised Code for racing days authorized at a 79348
winterized facility. 79349

(C) The commission shall allocate to each track one racing 79350
day for each permit holder during each calendar year for the 79351
conduct of a live racing program on which a permit holder may 79352
conduct as few as one live horse race, with the remainder of the 79353
horse races on that racing day on which pari-mutuel wagering is 79354
conducted as part of the live racing program being simulcast from 79355

other tracks and facilities located either inside or outside this 79356
state. In addition, the commission may allocate to each permit 79357
holder racing days on which it may as part of a live racing 79358
program simulcast more than two horse races from facilities 79359
located outside this state if the horse races involve a national 79360
wagering pool and pari-mutuel wagering is conducted on the 79361
national wagering pool, but on such a racing day there shall in no 79362
event be more than two horse races simulcast from facilities 79363
located outside this state included in a live racing program on 79364
which separate pari-mutuel wagering is conducted. As used in this 79365
division, "national wagering pool" means an interstate or 79366
intrastate common pari-mutuel wagering pool involving two or more 79367
selections covering two or more horse races conducted at tracks 79368
located inside or outside this state. 79369

In emergency situations, the commission may authorize a live 79370
racing day at a track in which all horse races on that racing day 79371
on which pari-mutuel wagering is conducted are simulcast from 79372
tracks and facilities located either inside or outside this state 79373
with the consent of the thoroughbred horsemens association for a 79374
track conducting a thoroughbred live racing program and with the 79375
consent of the Ohio harness horsemens association for a track 79376
conducting a harness live racing program. If a horsemen's 79377
organization withholds its consent, the permit holder may file an 79378
objection with the commission, which shall promptly consider the 79379
objection and determine whether the horsemen's organization's 79380
action in withholding consent is without substantial merit and, if 79381
the commission so determines, shall authorize the permit holder to 79382
simulcast the simulcast racing programs. The determination of the 79383
commission is final. 79384

(D) On any day that a racing day has been applied for at any 79385
track in this state, each track in this state may operate as 79386
either a simulcast host or a simulcast guest and may conduct, with 79387

the approval of the state racing commission, pari-mutuel wagering 79388
on all simulcasts of races conducted inside this state made 79389
available to it plus all simulcasts of races conducted at 79390
facilities located outside this state as determined by the 79391
simulcast hosts. Except as otherwise provided in this section, any 79392
simulcast host or simulcast guest may receive and conduct 79393
simulcast racing programs that feature any breed of horse at any 79394
time of day, as authorized by the commission. Those persons 79395
holding state fair, county fair, or other fair permits shall not 79396
receive a simulcast racing program on which pari-mutuel wagering 79397
is conducted, except that a holder of a permit issued under 79398
section 3769.07 of the Revised Code that has been authorized by 79399
the commission to conduct races of the state fair, a county fair, 79400
or other fair at a commercial track may receive and conduct 79401
simulcast racing programs as a simulcast host or simulcast guest 79402
at the same time in conjunction with the live racing program of 79403
the state fair, county fair, or other fair permit holder conducted 79404
at its track. 79405

The simulcast hosts, with the approval of the state racing 79406
commission, shall determine which simulcast racing programs 79407
offered by race tracks located outside this state will be 79408
simulcast at their tracks and at all simulcast hosts, simulcast 79409
guests, and satellite facilities in this state that are open and 79410
operating during the hours that the simulcast hosts are operating. 79411
Simulcast guests and satellite facilities shall receive all 79412
approved simulcast racing programs offered by simulcast hosts. In 79413
addition, a simulcast host and simulcast guest, with the approval 79414
of the commission, may also receive simulcast horse races and 79415
simulcast racing programs not agreed to by simulcast hosts. 79416

A simulcast host that normally operates during the day only 79417
may serve as a simulcast host for only day-simulcast racing 79418
programs, which include all simulcast racing programs that 79419

commence at a track located outside this state on or before four 79420
p.m. A simulcast host that normally operates during the evening 79421
only may serve as a simulcast host for only evening-simulcast 79422
racing programs, which include all simulcast racing programs that 79423
commence at a track located outside this state on or after three 79424
p.m. A simulcast host that normally operates during the evening, 79425
but that under its permit conducts live racing programs during the 79426
day, may serve as a simulcast host for day-simulcast racing 79427
programs. A permit holder that is offering at its track simulcast 79428
racing programs that commence at a track located outside this 79429
state on or before four p.m. and simulcast racing programs that 79430
commence at a track located outside this state on or after three 79431
p.m. may serve as a simulcast host for both the day-simulcast 79432
racing program and the evening-simulcast racing program only if no 79433
other permit holder is serving as a simulcast host for the other 79434
simulcast racing programs. The times listed in this and the 79435
immediately following paragraphs are standard time as described in 79436
section 1.04 of the Revised Code and in the "Uniform Time Act of 79437
1966," 80 Stat. 107, 15 U.S.C. 260 to 265. 79438

If a simulcast host is conducting a racing program that 79439
features thoroughbred or quarter horses on the same day that 79440
another simulcast host is conducting a live racing program that 79441
features harness horses at a track located in the same county as, 79442
or within twenty miles of, the track of the first simulcast host, 79443
the first simulcast host shall not conduct pari-mutuel wagering on 79444
simulcast racing programs that commence after four p.m. on that 79445
day and the second simulcast host shall not conduct wagering on 79446
simulcast racing programs that commence before three p.m. on that 79447
day. 79448

A simulcast host that is conducting a live racing program and 79449
is simulcasting that program to other simulcast hosts and 79450
simulcast guests in this state shall receive from each simulcast 79451

host and each simulcast guest receiving the simulcast an 79452
intrastate simulcast fee of one and three-eighths per cent of the 79453
amounts wagered on such simulcast racing program at its 79454
facilities. The simulcast hosts and simulcast guests receiving 79455
such simulcast racing program shall pay the intrastate simulcast 79456
fee to the collection and settlement agent, and the fee shall be 79457
disbursed by the agent, at the time and in the manner provided in 79458
section 3769.0810 of the Revised Code. 79459

(E)(1) The moneys wagered on simulcast racing programs on a 79460
racing day shall be separated from the moneys wagered on the live 79461
racing program on that racing day. From the moneys wagered on the 79462
simulcast races, each permit holder may retain as a commission the 79463
percentage of the amount wagered as specified in sections 3769.08 79464
and 3769.087 of the Revised Code, as applicable, and shall pay, ~~by~~ 79465
~~check, draft, or money order to the state tax commissioner in the~~ 79466
manner prescribed under section 3769.103 of the Revised Code, as a 79467
tax, the tax specified in sections 3769.08 and 3769.087 of the 79468
Revised Code, as applicable. From the tax collected, the tax 79469
commissioner shall make the distributions to the respective funds, 79470
and in the proper amounts, as required by sections 3769.08 and 79471
3769.087 of the Revised Code, as applicable. Except as provided in 79472
division (E)(2) of this section, from the amount remaining after 79473
the payment of state taxes on the moneys wagered on live racing 79474
programs and on the moneys wagered on simulcast racing programs, a 79475
permit holder shall retain an amount equal to two and 79476
three-eighths per cent of the amount wagered on live racing 79477
programs and on intrastate and interstate simulcast racing 79478
programs simulcast at its track and on the amount wagered on the 79479
live racing programs and simulcast racing programs at a satellite 79480
facility allocated to it under section 3769.26 of the Revised 79481
Code, as a fee to pay for those costs associated with the 79482
reception and transmission of simulcasts and the administrative 79483
cost of the conduct of live racing programs and simulcast racing 79484

programs. From the remaining balance, one-half shall be retained 79485
by the permit holder for purses. On a day when a permit holder 79486
conducts a live racing program, all purse money generated from 79487
wagering on live racing programs and on simulcast racing programs 79488
at its track shall be used for that permit holder's purse account. 79489
On a day when a permit holder operates as a simulcast host with no 79490
live racing program, or operates as a simulcast guest, all purse 79491
money generated from wagering on intrastate and interstate 79492
simulcast racing programs shall be paid to the state racing 79493
commission for deposit into the Ohio combined simulcast horse 79494
racing purse fund created under this section. In addition, on a 79495
day when a permit holder serves as a simulcast host for a 79496
satellite facility, all purse money generated from amounts wagered 79497
at the satellite facility allocated to the permit holder under 79498
section 3769.26 of the Revised Code shall be paid to the 79499
commission for deposit into the Ohio simulcast horse racing purse 79500
fund. 79501

(2) If there are not four satellite facilities in operation 79502
in this state within one year after September 19, 1996, or if 79503
there are not seven satellite facilities in operation in this 79504
state within two years after September 19, 1996, or if there are 79505
not ten satellite facilities in operation in this state within 79506
three years after September 19, 1996, then in any such event the 79507
amount to be retained as a fee by the permit holder under division 79508
(E)(1) of this section shall be one and seven-eighths per cent 79509
until such time as the number of satellite facilities specified in 79510
division (E)(2) of this section are in operation. For good cause 79511
shown, the thoroughbred horsemens association and Ohio harness 79512
horsemens association may waive the requirements of division 79513
(E)(2) of this section or extend the date for compliance as to any 79514
year by filing a written notification with the state racing 79515
commission. 79516

(3) If a simulcast racing program simulcast by a simulcast host at its track or enclosure and to other simulcast hosts, simulcast guests, and satellite facilities in this state is a special racing event, the permit holder offering the special racing event and other simulcast hosts, simulcast guests, and satellite facilities receiving the special racing event shall not retain the fee provided under division (E)(1) or (2) of this section but shall retain from the moneys wagered on the special racing event an amount equal to the fee charged by the track, racing association, or state regulatory agency simulcasting the special racing event to the simulcast host. From the remaining balance, one-half shall be retained by the permit holder for purses in the manner provided in division (E)(1) of this section.

A permit holder proposing to simulcast a special racing event as a simulcast host shall advise its horsemen's organization of the proposed schedule of the special racing event and obtain its consent to this schedule. The consent of the horsemen's organization shall not be unreasonably withheld and shall be consistent with the interest of preserving live racing in this state. If the horsemen's organization withholds its consent, the permit holder may file an objection with the state racing commission, which shall promptly consider the objection and determine whether the organization's action in withholding consent is without substantial merit and, if the commission so determines, shall authorize the permit holder to simulcast the special racing event. The determination of the commission is final.

(F) There is hereby created in the state treasury the Ohio combined simulcast horse racing purse fund, to consist of moneys paid into it by permit holders pursuant to division (E) of this section and by satellite facilities pursuant to division (F) of section 3769.26 of the Revised Code. Moneys to the credit of the fund, including interest earned thereon, may be used by the

commission for the costs of administering this division and the 79549
balance shall be distributed among permit holders no less 79550
frequently than monthly to each permit holder's purse account on 79551
order of the commission. 79552

For each calendar year, permit holders at each track shall 79553
receive a share of each distribution of the Ohio combined 79554
simulcast horse racing purse fund in the same percentage, rounded 79555
to the nearest one-hundredth of the amount of each distribution, 79556
as the average total amount wagered at the track on racing days at 79557
which live racing programs were conducted, including the amount 79558
allocated to the track under section 3769.26 of the Revised Code 79559
for live races, during the five calendar years immediately 79560
preceding the year for which the distribution is made bears to the 79561
average annual total amount wagered at all tracks in the state 79562
operating under permits issued by the state racing commission 79563
under section 3769.07, 3769.071, or 3769.072 of the Revised Code 79564
on all racing days at which live racing programs were conducted, 79565
including the amount allocated to the tracks under section 3769.26 79566
of the Revised Code for live races, during the five calendar years 79567
immediately preceding the year for which the distribution is made. 79568
By the thirty-first day of January of each year the commission 79569
shall calculate the share of the permit holders at each track for 79570
that year, shall enter the share percentages in its official 79571
records, and shall notify all permit holders of the share 79572
percentages of all tracks for that calendar year. 79573

The permit holders at each track, with the approval of the 79574
commission, shall allocate their share of the fund as distributed 79575
to the purse account of each permit holder for each race meeting. 79576

The commission shall cause to be kept accurate records of its 79577
administration of the fund, including all administrative expenses 79578
incurred by it and charged to the fund, and of distributions to 79579
permit holders. These records are public records available for 79580

inspection at any time during the regular business hours of the 79581
commission by any permit holder or horsemen's organization, by an 79582
authorized agent of the permit holder or horsemen's organization, 79583
or by any other person. 79584

(G) Upon the approval of the commission, a permit holder 79585
conducting live racing programs may transmit electronically 79586
televised simulcasts of horse races conducted at the permit 79587
holder's track to racing associations, tracks, and facilities 79588
located outside this state for the conduct of pari-mutuel wagering 79589
thereon, at the times, on the terms, and for the fee agreed upon 79590
by the permit holder and the receiving racing association, track, 79591
or facility. From the fees paid to the permit holder for such 79592
simulcasts, a permit holder shall retain for the costs of 79593
administration a fee in an amount equal to one per cent of the 79594
amount wagered on the races simulcast by the permit holder. From 79595
the remaining balance of the fee, one-half shall be retained by 79596
the permit holder for purses, except that notwithstanding the fee 79597
arrangement between the permit holder and the receiving racing 79598
association, track, or facility, the permit holder shall deposit 79599
into its purse account not less than an amount equal to 79600
three-fourths of one per cent of the amount wagered at racing 79601
associations, tracks, and facilities located outside the state on 79602
the races simulcast by the permit holder. 79603

All televised simulcasts of horse races conducted in this 79604
state to racing associations, tracks, and facilities located 79605
outside this state shall comply with the "Interstate Horse Racing 79606
Act of 1978," 92 Stat. 1811, 15 U.S.C.A. 3001 to 3007. The consent 79607
of the horsemen's organization at the track of the permit holder 79608
applying to the commission to simulcast horse races conducted at 79609
the permit holder's track to racing associations, tracks, and 79610
facilities located outside this state shall be consistent with the 79611
interest of preserving live racing. 79612

(H)(1) The state racing commission may authorize any permit holder that is authorized to conduct live horse racing on racing days and that conducts pari-mutuel wagering on simulcasts of horse races under this section that are conducted at race tracks either inside or outside this state to conduct, supervise, and participate in interstate and intrastate common pari-mutuel wagering pools on those races in the manner provided in division (H) of this section. Except as otherwise expressly provided in division (H) of this section or in the rules of the state racing commission, the provisions of this chapter that govern pari-mutuel wagering apply to interstate or intrastate common pari-mutuel wagering pools.

(2) Subject to the approval of the state racing commission, the types of wagering, calculation of the commission retained by the permit holder, tax rates, distribution of winnings, and rules of racing in effect for pari-mutuel wagering pools at the host track may govern wagers placed at a receiving track in this state and merged into an interstate or intrastate common pari-mutuel wagering pool. Breakage from interstate or intrastate common pari-mutuel wagering pools shall be calculated in accordance with the rules that govern the host track and shall be distributed among the tracks participating in the interstate or intrastate common wagering pool in a manner agreed to by the participating tracks and the host track. An interstate common pari-mutuel wagering pool formed under division (H)(3) of this section is subject to that division rather than to division (H)(2) of this section.

(3) Subject to the approval of the state racing commission, an interstate common pari-mutuel wagering pool may be formed between a permit holder and one or more receiving tracks located in states other than the state in which the host track is located. The commission may approve types of wagering, calculation of the

commission retained by the permit holder, tax rates, distribution 79645
of winnings, rules of racing, and calculation of breakage for such 79646
an interstate common pari-mutuel wagering pool that differ from 79647
those that would otherwise be applied in this state under this 79648
chapter but that are consistent for all tracks participating in 79649
the interstate common pari-mutuel wagering pool formed under 79650
division (H)(3) of this section. 79651

(4) As used in division (H) of this section: 79652

(a) "Host track" means a track where live horse races are 79653
conducted and offered for simulcasting to receiving tracks. 79654

(b) "Receiving track" means a track where simulcasts of races 79655
from a host track are displayed and wagered on. 79656

(I) Each permit holder is responsible for paying all costs 79657
associated with the up-link for, and reception of, simulcasts, and 79658
the conduct and operation of simulcast racing programs, for all 79659
fees and costs associated with serving as a simulcast host or 79660
simulcast guest, and for any required fees payable to the tracks, 79661
racing associations, or state regulatory agencies where simulcast 79662
racing is conducted at tracks located outside this state. 79663

(J) No license, fee, or excise tax, other than as specified 79664
in division (E) of this section, shall be assessed upon or 79665
collected from a permit holder or the owners of a permit holder in 79666
connection with, or pertaining to, the operation and conduct of 79667
simulcast racing programs in this state, by any county, township, 79668
municipal corporation, district, or other body having the 79669
authority to assess or collect a tax or fee. 79670

(K)(1) Permit holders operating tracks within the same county 79671
or adjacent counties that are conducting simulcast racing programs 79672
under this section may enter into agreements regarding the conduct 79673
of simulcast racing programs at their respective tracks and the 79674
sharing of the retained commissions therefrom, for such periods of 79675

time, upon such terms and conditions, and subject to such rights 79676
and obligations, as the contracting permit holders consider 79677
appropriate under the circumstances. Permit holders shall notify 79678
the state racing commission of their entry into an agreement 79679
pursuant to this division, the names of the permit holders that 79680
are parties to the agreement, and the length of time the agreement 79681
shall be in effect. 79682

(2) Permit holders and the thoroughbred horsemens association 79683
and Ohio harness horsemens association may agree to do any of the 79684
following: 79685

(a) Increase or reduce the fees and amounts to be retained by 79686
the permit holders under this section; 79687

(b) Increase or reduce the fees and amounts to be allocated 79688
to the purse accounts of permit holders under this section; 79689

(c) Increase or reduce the fees to be paid between and among 79690
simulcast hosts and simulcast guests under this section and under 79691
division (C) of section 3769.0810 of the Revised Code; 79692

(d) Modify, suspend, or waive the requirements set forth in 79693
division (B) of this section as to any permit holder or as to all 79694
permit holders. 79695

All permit holders and both horsemen's organizations shall 79696
approve such agreement. Any agreement entered into under division 79697
(K)(2) of this section shall set forth the effective date of any 79698
such increase or reduction, and the terms and provisions of the 79699
agreement, and a copy of the agreement shall be filed with the 79700
state racing commission. 79701

Sec. 3769.10. The state racing commission and the tax 79702
commissioner shall enforce this chapter and may incur such 79703
expenses as are necessary; provided, that the power of the tax 79704
commissioner shall extend only to enforcement and administration 79705

of the taxes levied by sections 3769.08, 3769.087, 3769.26, and 79706
3769.28 of the Revised Code as provided in those sections and in 79707
sections 3769.088, 3769.101, 3769.102, 3769.103, 5703.05, 5703.17 79708
to 5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The 79709
commissioner may adopt, in accordance with section 5703.14 of the 79710
Revised Code, such rules as the commissioner considers necessary 79711
to administer sections 3769.08, 3769.087, 3769.088, 3769.101, 79712
3769.102, 3769.103, 3769.26, and 3769.28 of the Revised Code. 79713

Except as otherwise provided in section 3769.03 of the 79714
Revised Code, all taxes, fees, and moneys due the state under 79715
sections 3769.01 to 3769.071 and 3769.09 to 3769.14 of the Revised 79716
Code shall be paid to, and receipted for by, the secretary of the 79717
state racing commission, and shall be paid by the secretary weekly 79718
into the state treasury to the credit of the general revenue fund. 79719
All taxes due the state under sections 3769.08, 3769.087, and 79720
3769.26 of the Revised Code shall be paid to, and receipted for 79721
by, the tax commissioner, and shall be paid by the commissioner 79722
~~weekly~~ monthly into the proper funds. 79723

All vouchers of the commission shall be approved by the 79724
commission chairperson or secretary, or both, as authorized by the 79725
commission. 79726

Sec. 3769.101. (A) For the purposes of receiving, 79727
distributing, and accounting for revenue received from the taxes 79728
levied by sections 3769.08, 3769.087, and 3769.26 of the Revised 79729
Code, there is hereby created in the state treasury the 79730
horse-racing tax revenue fund. 79731

(B) All moneys collected from the taxes imposed by sections 79732
3769.08, 3769.087, and 3769.26 of the Revised Code shall be 79733
deposited into the horse-racing tax revenue fund. 79734

(C) On or before the fifteenth day of each month, the tax 79735
commissioner shall pay into the nursing home franchise permit fee 79736

fund, Ohio fairs fund, Ohio thoroughbred race fund, Ohio standardbred development fund, Ohio quarter horse fund, and state racing commission operating fund created under this chapter the amounts required by sections 3769.08, 3769.087, and 3769.26 of the Revised Code based on amounts received in the preceding month.

Sec. 3769.102. (A) For the purpose of receiving, distributing, and accounting for revenue received from the tax levied by section 3769.28 of the Revised Code, there is hereby created in the state treasury the horse-racing tax municipality fund.

(B) All moneys collected from the tax imposed by section 3769.28 of the Revised Code shall be deposited into the horse-racing tax municipality fund.

(C) On or before the fifteenth day of each month, the tax commissioner shall provide for payments from the horse-racing tax municipality fund to municipal corporations or townships in which a permit holder's horse-racing meeting took place and in which any facilities or accessory uses therefor were located based on amounts received in the preceding month from the permit holder. The amount collected from a permit holder pursuant to section 3769.28 of the Revised Code shall be divided equally between the municipal corporations or townships in which a permit holder's horse-racing meeting took place and in which any facilities or accessory uses therefor were located. Such municipal corporations or townships may distribute a portion of the moneys so received to any adjoining political subdivision that incurs increased expenses because of such a horse-racing meeting.

Sec. 3769.103. (A) On each day on which banks are open for business, or not later than noon of the calendar day following a racing day on which banks are not open for business, a permit

holder shall remit the amount of tax due under sections 3769.08, 3769.087, and 3769.26 of the Revised Code in the manner required by the commissioner. The permit holder shall file with the tax due a report in the form required by the commissioner. The report shall reflect the activity of the previous racing day and include any other information the commissioner considers necessary to administer the taxes imposed under sections 3769.08, 3769.087, and 3769.26 of the Revised Code.

(B) Within ten days after the close of a horse-racing meeting, a permit holder shall remit the amount of tax due under section 3769.28 of the Revised Code in the manner required by the commissioner. The permit holder shall file with the tax due the final report required pursuant to section 3769.28 of the Revised Code in the form required by the commissioner. The report shall include any information the commissioner considers necessary to administer the tax imposed by section 3769.28 of the Revised Code.

(C) The commissioner may require permit holders to use the Ohio business gateway to file reports and remit the tax, or may provide for another means for taxpayers to file and remit the tax electronically.

Sec. 3769.26. (A)(1) Except as otherwise provided in division (B) of this section, each track in existence on September 27, 1994, regardless of the number of permit holders authorized to conduct race meetings at the track, may establish, with the approval of the state racing commission and the appropriate local legislative authority, not more than two satellite facilities at which it may conduct pari-mutuel wagering on horse races conducted either inside or outside this state and simulcast by a simulcast host to the satellite facilities.

(2) Prior to a track's establishing satellite facilities

under this section, the permit holders at that track shall agree 79797
among themselves regarding their respective rights and obligations 79798
with respect to those satellite facilities. 79799

(3)(a) Any track that desires to establish a satellite 79800
facility shall provide written notification of its intent to the 79801
state racing commission and to the appropriate local legislative 79802
authority that is required to approve the satellite facility, 79803
together with detailed plans and specifications for the satellite 79804
facility. The commission shall deliver copies of this notification 79805
to all other tracks in this state, and the commission shall, 79806
within forty-five days after receiving the notification, hold a 79807
hearing on the track's intent to establish a satellite facility. 79808
At this hearing the commission shall consider the evidence 79809
presented and determine whether the request for establishment of a 79810
satellite facility shall be approved. 79811

The commission shall not approve a track's request to 79812
establish a satellite facility if the owner of the premises where 79813
the satellite facility is proposed to be located or if the 79814
proposed operator of the satellite facility has been convicted of 79815
or has pleaded guilty to a gambling offense that is a felony or 79816
any other felony under the laws of this state, any other state, or 79817
the United States that the commission determines to be related to 79818
fitness to be the owner of such a premises or to be the operator 79819
of a satellite facility. As used in division (A)(3)(a) of this 79820
section, "gambling offense" has the same meaning as in section 79821
2915.01 of the Revised Code and "operator" means the individual 79822
who is responsible for the day-to-day operations of a satellite 79823
facility. The commission shall conduct a background investigation 79824
on each person who is the owner of a premises where a satellite 79825
facility is proposed to be located or who is proposed to be the 79826
operator or an employee of a satellite facility. The commission 79827
shall adopt rules in accordance with Chapter 119. of the Revised 79828

Code that specify the specific information the commission shall 79829
collect in conducting such a background investigation. 79830

No track shall knowingly contract with a person as the owner 79831
of the premises where a satellite facility is located, or 79832
knowingly employ a person as the operator or an employee of a 79833
satellite facility, who has been convicted of or pleaded guilty to 79834
a gambling offense that is a felony or any other felony under the 79835
laws of this state, any other state, or the United States that the 79836
commission determines to be related to fitness to be the owner of 79837
such a premises or to be the operator or an employee of a 79838
satellite facility. The commission may impose a fine in an amount 79839
not to exceed ten thousand dollars on any track that violates any 79840
of these prohibitions. 79841

(b) Each track that receives the notification described in 79842
division (A)(3)(a) of this section shall notify the commission and 79843
the track that desires to establish the satellite facility, within 79844
thirty days after receiving the notification from the commission, 79845
indicating whether or not it desires to participate in the joint 79846
ownership of the facility. Ownership shall be distributed equally 79847
among the tracks that choose to participate in the joint ownership 79848
of the facility unless the participating tracks agree to and 79849
contract otherwise. Tracks that fail to respond to the commission 79850
and the track that desires to establish the satellite facility 79851
within this thirty-day period regarding the ownership of the 79852
particular satellite facility are not eligible to participate in 79853
its ownership. 79854

(B) If, within three years after September 27, 1994, a track 79855
in existence on September 27, 1994, does not establish both of the 79856
satellite facilities it is authorized to establish under division 79857
(A) of this section, another track, with the approval of the 79858
racing commission, may establish in accordance with this section a 79859
number of additional satellite facilities that does not exceed the 79860

number of satellite facilities that the first track did not 79861
establish. However, no more than fourteen satellite facilities may 79862
be established in this state. 79863

(C) Except as otherwise provided in this division, each 79864
permit holder in this state shall allow the races that it 79865
conducts, and the races conducted outside this state that it 79866
receives as a simulcast host, to be simulcast to all satellite 79867
facilities operating in this state and shall take all action 79868
necessary to supply its simulcast and wagering information to 79869
these satellite facilities. A permit holder at a track where the 79870
average daily amount wagered for all race meetings during calendar 79871
year 1990 did not exceed two hundred fifty thousand dollars may 79872
elect not to simulcast its races to the satellite facilities. If a 79873
permit holder at such a track chooses to simulcast its races to 79874
satellite facilities, it shall allow its races to be simulcast to 79875
all satellite facilities operating in this state. Except as 79876
otherwise provided in this division, each satellite facility shall 79877
receive simulcasts of and conduct pari-mutuel wagering on all live 79878
racing programs being conducted at any track in this state and on 79879
all agreed simulcast racing programs, as provided in division (D) 79880
of section 3769.089 of the Revised Code, conducted in other states 79881
that are received by simulcast in this state, without regard to 79882
the breed of horse competing in the race or the time of day of the 79883
race. 79884

No satellite facility may receive simulcasts of horse races 79885
during the same hours that a county fair or independent fair 79886
located within the same county as the satellite facility is 79887
conducting pari-mutuel wagering on horse races at that county or 79888
independent fair. 79889

Except as otherwise provided in this division, the commission 79890
shall not approve the establishment of a satellite facility within 79891
a radius of fifty miles of any track. The commission may approve 79892

the establishment of a satellite facility at a location within a 79893
radius of at least thirty-five but not more than fifty miles from 79894
one or more tracks if all of the holders of permits issued for 79895
those tracks consent in writing to the establishment of the 79896
satellite facility. The commission may approve the establishment 79897
of a satellite facility at a location within a radius of 79898
thirty-five miles of more than one race track if all holders of 79899
permits issued for those tracks consent in writing to the 79900
establishment of the satellite facility and, if the tracks are 79901
located completely within one county and the proposed satellite 79902
facility will be located within that county, if both the 79903
legislative authority of the municipal corporation in that county 79904
with the largest population, and the appropriate legislative 79905
authority that is required to approve the satellite facility under 79906
division (A)(1) of this section, approve the establishment of the 79907
new satellite facility. The commission may approve the 79908
establishment of a satellite facility at a location within a 79909
radius of less than twenty miles from an existing satellite 79910
facility if the owner of the existing satellite facility consents 79911
in writing to the establishment of the new satellite facility. 79912

A satellite facility shall not receive simulcasts of horse 79913
races conducted outside this state on any day when no simulcast 79914
host is operating. 79915

(D) Each simulcast host is responsible for paying all costs 79916
associated with the up-link for simulcasts. Each satellite 79917
facility is responsible for paying all costs associated with the 79918
reception of simulcasts and the operation of the satellite 79919
facility. 79920

(E) All money wagered at the simulcast host, and all money 79921
wagered at all satellite facilities on races simulcast from the 79922
simulcast host, shall be included in a common pari-mutuel pool at 79923
the simulcast host. Except as otherwise provided in division 79924

(F)(6) of this section, the payment shall be the same for all 79925
winning tickets whether a wager is placed at a simulcast host or a 79926
satellite facility. Wagers placed at a satellite facility shall 79927
conform in denomination, character, terms, conditions, and in all 79928
other respects to wagers placed at the simulcast host for the same 79929
race. 79930

(F)(1) As used in division (F) of this section, "effective 79931
rate" means the effective gross tax percentage applicable at the 79932
simulcast host, determined in accordance with sections 3769.08 and 79933
3769.087 of the Revised Code, after combining the money wagered at 79934
the simulcast host with the money wagered at satellite facilities 79935
on races simulcast from the host track. 79936

(2) For the purposes of calculating the amount of taxes to be 79937
paid and the amount of commissions to be retained by permit 79938
holders, fifty per cent of the amount wagered at satellite 79939
facilities on a live racing program simulcast from a simulcast 79940
host shall be allocated to the permit holder's live race wagering 79941
at that simulcast host that conducts the live racing program, and 79942
fifty per cent of the amount wagered at satellite facilities on 79943
simulcast racing programs conducted outside this state shall be 79944
allocated to, and apportioned equally among, the permit holders 79945
acting as simulcast hosts for the out-of-state simulcast racing 79946
programs. The remainder of the amount wagered at a satellite 79947
facility on races simulcast from a simulcast host shall be 79948
allocated to the satellite facility. In computing the tax due on 79949
the amount allocated to the satellite facility, if there is more 79950
than one simulcast host for out-of-state simulcast racing 79951
programs, the effective rate applied by the satellite facility 79952
shall be the tax rate applicable to the simulcast host that pays 79953
the highest effective rate under section 3769.08 of the Revised 79954
Code on such simulcast racing programs. 79955

(3) The portion of the amount wagered that is allocated to a 79956

simulcast host under division (F)(2) of this section shall be 79957
treated, for the purposes of calculating the amount of taxes to be 79958
paid and commissions to be retained, as having been wagered at the 79959
simulcast host on a live racing program or on a simulcast racing 79960
program. The permit holder at the simulcast host shall pay, ~~by~~ 79961
~~check, draft, or money order to the state tax commissioner in the~~ 79962
manner prescribed under section 3769.103 of the Revised Code, as a 79963
tax, the tax specified in sections 3769.08 and 3769.087 of the 79964
Revised Code, as applicable, except that the tax shall be 79965
calculated using the effective rate, and the permit holder may 79966
retain as a commission the percentage of the amount wagered as 79967
specified in those sections. From the tax collected, the tax 79968
commissioner shall make distributions to the respective funds, and 79969
in the proper amounts, as required by sections 3769.08 and 79970
3769.087 of the Revised Code, as applicable. 79971

(4) From the portion of the amount wagered that is allocated 79972
to a satellite facility under division (F)(2) of this section, the 79973
satellite facility may retain as a commission the amount specified 79974
in section 3769.08 or 3769.087 of the Revised Code, as applicable. 79975
The portion of the amount wagered that is allocated to a satellite 79976
facility shall be subject to tax at the effective rate as follows: 79977

(a) One per cent of such amount allocated to the satellite 79978
facility shall be paid as a tax each racing day to the tax 79979
commissioner for deposit into the nursing home franchise permit 79980
fee fund. 79981

(b) The remaining balance of the taxes calculated at the 79982
effective rate, after payment of the tax specified in division 79983
(F)(4)(a) of this section, shall be retained by the satellite 79984
facility to pay for those costs associated with the reception of 79985
the simulcasts. 79986

(5) From the commission retained by a satellite facility 79987
after the deduction of the tax paid at the effective rate under 79988

division (F)(4) of this section, the satellite facility shall 79989
retain an amount equal to two and three-eighths per cent of the 79990
amount wagered that day on simulcast racing programs and the 79991
balance shall be divided as follows: 79992

(a) One-half shall be paid to the owner of the satellite 79993
facility; 79994

(b) One-half shall be paid to the state racing commission for 79995
deposit into the Ohio combined simulcast horse racing purse fund. 79996

(6) In addition to the commission retained under this 79997
section, a satellite facility shall retain two and one-half per 79998
cent of the amount that would otherwise be paid on each winning 79999
wager unless the retention of this amount would either cause or 80000
add to a minus pool. As used in division (F)(6) of this section, 80001
"minus pool" means a wagering pool in which a winning wager is 80002
paid off at less than one hundred ten per cent of the amount of 80003
the wager. The amount retained shall be paid each racing day to 80004
the tax commissioner for deposit into the nursing home franchise 80005
permit fee fund. 80006

(7) At the close of each day, each satellite facility shall 80007
pay, by check, draft, or money order, or by wire transfer of 80008
funds, out of the money retained on that day to the collection and 80009
settlement agent the required fee to be paid by the simulcast host 80010
to the tracks, racing associations, or state regulatory agencies 80011
located outside this state for simulcasts into this state computed 80012
and based on one-half of the amount wagered at the satellite 80013
facility that day on interstate simulcast racing programs. 80014

(G) No license, fee, or excise tax, other than as specified 80015
in division (F)(6) of this section, shall be assessed upon or 80016
collected from a satellite facility, the owners of a satellite 80017
facility, or the holders of permits issued for a track that has 80018
established a satellite facility by any county, township, 80019

municipal corporation, district, or other body having the 80020
authority to assess or collect a tax or fee. 80021

(H) In no case shall that portion of the commissions 80022
designated for purses from satellite facilities be less than that 80023
portion of those commissions designated for purses at the 80024
simulcast host. 80025

(I) It is the intention of the general assembly in enacting 80026
this section not to adversely affect the amounts paid into the 80027
Ohio thoroughbred race fund created under section 3769.083 of the 80028
Revised Code. Therefore, each track that acts as a simulcast host 80029
under this section shall calculate, on a semi-annual basis during 80030
calendar years 1994, 1995, and 1996, its average daily 80031
contribution to the Ohio thoroughbred race fund created under 80032
section 3769.083 of the Revised Code on those days on which the 80033
track conducted live horse racing. If this average daily 80034
contribution to the fund is less than the average daily 80035
contribution from the same track to the fund during the same 80036
six-month period of calendar year 1992, there shall be contributed 80037
to the fund an amount equal to the average daily shortfall 80038
multiplied by the number of days of live racing conducted during 80039
the six-month period in calendar year 1994, 1995, or 1996, as 80040
applicable. The amount of such contribution shall be allocated 80041
among the simulcast host, the purse program at the simulcast host, 80042
and the satellite facilities for which the track served as the 80043
simulcast host, on a pro rata basis in proportion to the amounts 80044
contributed by them to the fund during such six-month period in 80045
calendar year 1994, 1995, or 1996, as applicable. 80046

Sec. 3769.28. ~~The tax commissioner shall collect from~~ Within 80047
ten days after the close of a horse-racing meeting, each permit 80048
holder who conducts a pari-mutuel system of wagering where the 80049
wagering is less than five million dollars shall remit, in the 80050

manner prescribed under section 3769.103 of the Revised Code, a 80051
sum of money equal to one-tenth of one per cent of the total 80052
amount wagered and where the wagering is five million dollars or 80053
more a sum of money equal to fifteen hundredths of one per cent of 80054
the total amount wagered during any horse-racing meeting for the 80055
purpose of providing operating revenue for the political 80056
subdivisions wherein such meetings are held. Within ten days after 80057
the close of a meeting, the permit holder shall also prepare and 80058
transmit, in the manner prescribed under section 3769.103 of the 80059
Revised Code, to the tax commissioner a final report showing the 80060
total amount wagered during the horse-racing meeting and any other 80061
information required by the commissioner relative to the tax 80062
levied by this section. ~~The final report shall be signed by the~~ 80063
~~permit holder or an authorized agent of the permit holder. The~~ 80064
~~commissioner shall prescribe the form of the final report.~~ 80065

~~The commissioner shall collect the tax due under this section~~ 80066
~~on amounts wagered during a horse-racing meeting within ten days~~ 80067
~~after the close of the meeting. The amount collected by the~~ 80068
~~commissioner shall be made payable to the chief fiscal officers of~~ 80069
~~the municipal corporations or townships in which such horse racing~~ 80070
~~meeting took place and in which any such facilities or accessory~~ 80071
~~uses therefor were located. The commissioner shall then~~ 80072
~~immediately forward the amount collected to such chief fiscal~~ 80073
~~officers. The amount collected shall be divided equally between~~ 80074
~~the municipal corporations or townships in which such horse racing~~ 80075
~~meeting took place and in which any facilities or accessory uses~~ 80076
~~therefor were located. Such municipal corporations or townships~~ 80077
~~may distribute a portion of the moneys so received to any~~ 80078
~~adjoining political subdivision which incurs increased expenses~~ 80079
~~because of such horse racing meeting.~~ 80080

This section shall not apply to any agricultural society 80081
which holds a horse-racing permit. 80082

The amount collected under this section from any one permit holder shall not exceed fifteen thousand dollars from any one horse-racing meeting in any calendar year.

Sec. 3770.02. (A) Subject to the advice and consent of the senate, the governor shall appoint a director of the state lottery commission who shall serve at the pleasure of the governor. The director shall devote full time to the duties of the office and shall hold no other office or employment. The director shall meet all requirements for appointment as a member of the commission and shall, by experience and training, possess management skills that equip the director to administer an enterprise of the nature of a state lottery. The director shall receive an annual salary in accordance with pay range 48 of section 124.152 of the Revised Code.

(B)(1) The director shall attend all meetings of the commission and shall act as its secretary. The director shall keep a record of all commission proceedings and shall keep the commission's records, files, and documents at the commission's principal office. All records of the commission's meetings shall be available for inspection by any member of the public, upon a showing of good cause and prior notification to the director.

(2) The director shall be the commission's executive officer and shall be responsible for keeping all commission records and supervising and administering the state lottery in accordance with this chapter, and carrying out all commission rules adopted under section 3770.03 of the Revised Code.

(C)(1) The director shall appoint an assistant director, deputy directors of marketing, operations, sales, finance, public relations, security, and administration, and as many regional managers as are required. The director may also appoint necessary professional, technical, and clerical assistants. All such

officers and employees shall be appointed and compensated pursuant 80114
to Chapter 124. of the Revised Code. Regional and assistant 80115
regional managers, sales representatives, and any lottery 80116
executive account representatives shall remain in the unclassified 80117
service. 80118

(2) The director, in consultation with the director of 80119
administrative services, may establish standards of proficiency 80120
and productivity for commission field representatives. 80121

(D) The director shall request the bureau of criminal 80122
identification and investigation, the department of public safety, 80123
or any other state, local, or federal agency to supply the 80124
director with the criminal records of any job applicant and may 80125
periodically request the criminal records of commission employees. 80126
At or prior to the time of making such a request, the director 80127
shall require a job applicant or commission employee to obtain 80128
fingerprint cards prescribed by the superintendent of the bureau 80129
of criminal identification and investigation at a qualified law 80130
enforcement agency, and the director shall cause these fingerprint 80131
cards to be forwarded to the bureau of criminal identification and 80132
investigation and the federal bureau of investigation. The 80133
commission shall assume the cost of obtaining the fingerprint 80134
cards and shall pay to each agency supplying criminal records for 80135
each investigation under this division a reasonable fee, as 80136
determined by the agency. 80137

(E) The director shall license lottery sales agents pursuant 80138
to section 3770.05 of the Revised Code and, when it is considered 80139
necessary, may revoke or suspend the license of any lottery sales 80140
agent. The director may license video lottery technology 80141
providers, independent testing laboratories, and gaming employees, 80142
and promulgate rules relating thereto. When the director considers 80143
it necessary, the director may suspend or revoke the license of a 80144
video lottery technology provider, independent testing laboratory, 80145

or gaming employee, including suspension or revocation without 80146
affording an opportunity for a prior hearing under section 119.07 80147
of the Revised Code when the public safety, convenience, or trust 80148
requires immediate action. 80149

(F) The director shall confer at least once each month with 80150
the commission, at which time the director shall advise it 80151
regarding the operation and administration of the lottery. The 80152
director shall make available at the request of the commission all 80153
documents, files, and other records pertaining to the operation 80154
and administration of the lottery. The director shall prepare and 80155
make available to the commission each month a complete and 80156
accurate accounting of lottery revenues, prize money disbursements 80157
and the cost of goods and services awarded as prizes, operating 80158
expenses, and all other relevant financial information, including 80159
an accounting of all transfers made from any lottery funds in the 80160
custody of the treasurer of state to benefit education. 80161

(G) The director may enter into contracts for the operation 80162
or promotion of the lottery pursuant to Chapter 125. of the 80163
Revised Code. 80164

(H)(1) Pursuant to rules adopted by the commission under 80165
section 3770.03 of the Revised Code, the director shall require 80166
any lottery sales agents to ~~either mail directly to the commission~~ 80167
~~or~~ deposit to the credit of the state lottery fund, in banking 80168
institutions designated by the treasurer of state, net proceeds 80169
due the commission as determined by the director, ~~and to file with~~ 80170
~~the director or the director's designee reports of their receipts~~ 80171
~~and transactions in the sale of lottery tickets in the form~~ 80172
~~required by the director.~~ 80173

(2) Pursuant to rules adopted by the commission under Chapter 80174
119. of the Revised Code, the director may impose penalties for 80175
the failure of a sales agent to transfer funds to the commission 80176
in a timely manner. Penalties may include monetary penalties, 80177

immediate suspension or revocation of a license, or any other 80178
penalty the commission adopts by rule. 80179

(I) The director may arrange for any person, or any banking 80180
institution, to perform functions and services in connection with 80181
the operation of the lottery as the director may consider 80182
necessary to carry out this chapter. 80183

(J)(1) As used in this chapter, "statewide joint lottery 80184
game" means a lottery game that the commission sells solely within 80185
this state under an agreement with other lottery jurisdictions to 80186
sell the same lottery game solely within their statewide or other 80187
jurisdictional boundaries. 80188

(2) If the governor directs the director to do so, the 80189
director shall enter into an agreement with other lottery 80190
jurisdictions to conduct statewide joint lottery games. If the 80191
governor signs the agreement personally or by means of an 80192
authenticating officer pursuant to section 107.15 of the Revised 80193
Code, the director then may conduct statewide joint lottery games 80194
under the agreement. 80195

(3) The entire net proceeds from any statewide joint lottery 80196
games shall be used to fund elementary, secondary, vocational, and 80197
special education programs in this state. 80198

(4) The commission shall conduct any statewide joint lottery 80199
games in accordance with rules it adopts under division (B)(5) of 80200
section 3770.03 of the Revised Code. 80201

(K)(1) The director shall enter into an agreement with the 80202
department of ~~alcohol and drug addiction services~~ mental health 80203
and addiction services under which the department shall provide a 80204
program of gambling addiction services on behalf of the 80205
commission. The commission shall pay the costs of the program 80206
provided pursuant to the agreement. 80207

(2) As used in this section, "gambling addiction services" 80208

has the same meaning as in section ~~3793.01~~ 5119.01 of the Revised Code. 80209
80210

Sec. 3770.06. (A) There is hereby created the state lottery 80211
gross revenue fund, which shall be in the custody of the treasurer 80212
of state but shall not be part of the state treasury. All gross 80213
revenues received from sales of lottery tickets, fines, fees, and 80214
related proceeds in connection with the statewide lottery and all 80215
gross proceeds from statewide joint lottery games shall be 80216
deposited into the fund. The treasurer of state shall invest any 80217
portion of the fund not needed for immediate use in the same 80218
manner as, and subject to all provisions of law with respect to 80219
the investment of, state funds. The treasurer of state shall 80220
disburse money from the fund on order of the director of the state 80221
lottery commission or the director's designee. 80222

Except for gross proceeds from statewide joint lottery games, 80223
all revenues of the state lottery gross revenue fund that are not 80224
paid to holders of winning lottery tickets, that are not required 80225
to meet short-term prize liabilities, that are not credited to 80226
lottery sales agents in the form of bonuses, commissions, or 80227
reimbursements, that are not paid to financial institutions to 80228
reimburse those institutions for sales agent nonsufficient funds, 80229
and that are collected from sales agents for remittance to 80230
insurers under contract to provide sales agent bonding services 80231
shall be transferred to the state lottery fund, which is hereby 80232
created in the state treasury. In addition, all revenues of the 80233
state lottery gross revenue fund that represent the gross proceeds 80234
from the statewide joint lottery games and that are not paid to 80235
holders of winning lottery tickets, that are not required to meet 80236
short-term prize liabilities, that are not credited to lottery 80237
sales agents in the form of bonuses, commissions, or 80238
reimbursements, and that are not necessary to cover operating 80239
expenses associated with those games or to otherwise comply with 80240

the agreements signed by the governor that the director enters 80241
into under division (J) of section 3770.02 of the Revised Code or 80242
the rules the commission adopts under division (B)(5) of section 80243
3770.03 of the Revised Code shall be transferred to the state 80244
lottery fund. All investment earnings of the fund shall be 80245
credited to the fund. Moneys shall be disbursed from the fund 80246
pursuant to vouchers approved by the director. Total disbursements 80247
for monetary prize awards to holders of winning lottery tickets in 80248
connection with the statewide lottery and purchases of goods and 80249
services awarded as prizes to holders of winning lottery tickets 80250
shall be of an amount equal to at least fifty per cent of the 80251
total revenue accruing from the sale of lottery tickets. 80252

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 80253
there is hereby established in the state treasury the lottery 80254
profits education fund. Whenever, in the judgment of the director 80255
of the state lottery commission, the amount to the credit of the 80256
state lottery fund that does not represent proceeds from statewide 80257
joint lottery games is in excess of that needed to meet the 80258
maturing obligations of the commission and as working capital for 80259
its further operations, the director of the state lottery 80260
commission shall recommend the amount of the excess to be 80261
transferred to the lottery profits education fund, and the 80262
director of budget and management may transfer the excess to the 80263
lottery profits education fund in connection with the statewide 80264
lottery. In addition, whenever, in the judgment of the director of 80265
the state lottery commission, the amount to the credit of the 80266
state lottery fund that represents proceeds from statewide joint 80267
lottery games equals the entire net proceeds of those games as 80268
described in division (B)(5) of section 3770.03 of the Revised 80269
Code and the rules adopted under that division, the director of 80270
the state lottery commission shall recommend the amount of the 80271
proceeds to be transferred to the lottery profits education fund, 80272
and the director of budget and management may transfer those 80273

proceeds to the lottery profits education fund. Investment 80274
earnings of the lottery profits education fund shall be credited 80275
to the fund. 80276

The lottery profits education fund shall be used solely for 80277
the support of elementary, secondary, vocational, and special 80278
education programs as determined in appropriations made by the 80279
general assembly, or as provided in applicable bond proceedings 80280
for the payment of debt service on obligations issued to pay costs 80281
of capital facilities, including those for a system of common 80282
schools throughout the state pursuant to section 2n of Article 80283
VIII, Ohio Constitution. When determining the availability of 80284
money in the lottery profits education fund, the director of 80285
budget and management may consider all balances and estimated 80286
revenues of the fund. 80287

(C) There is hereby established in the state treasury the 80288
deferred prizes trust fund. With the approval of the director of 80289
budget and management, an amount sufficient to fund annuity prizes 80290
shall be transferred from the state lottery fund and credited to 80291
the trust fund. The treasurer of state shall credit all earnings 80292
arising from investments purchased under this division to the 80293
trust fund. Within sixty days after the end of each fiscal year, 80294
the treasurer of state shall certify to the director of budget and 80295
management whether the actuarial amount of the trust fund is 80296
sufficient over the fund's life for continued funding of all 80297
remaining deferred prize liabilities as of the last day of the 80298
fiscal year just ended. Also, within that sixty days, the director 80299
of budget and management shall certify the amount of investment 80300
earnings necessary to have been credited to the trust fund during 80301
the fiscal year just ending to provide for such continued funding 80302
of deferred prizes. Any earnings credited in excess of the latter 80303
certified amount shall be transferred to the lottery profits 80304
education fund. 80305

To provide all or a part of the amounts necessary to fund 80306
deferred prizes awarded by the commission in connection with the 80307
statewide lottery, the treasurer of state, in consultation with 80308
the commission, may invest moneys contained in the deferred prizes 80309
trust fund which represents proceeds from the statewide lottery in 80310
obligations of the type permitted for the investment of state 80311
funds but whose maturities are thirty years or less. 80312
Notwithstanding the requirements of any other section of the 80313
Revised Code, to provide all or part of the amounts necessary to 80314
fund deferred prizes awarded by the commission in connection with 80315
statewide joint lottery games, the treasurer of state, in 80316
consultation with the commission, may invest moneys in the trust 80317
fund which represent proceeds derived from the statewide joint 80318
lottery games in accordance with the rules the commission adopts 80319
under division (B)(5) of section 3770.03 of the Revised Code. 80320
Investments of the trust fund are not subject to the provisions of 80321
division (A)(10) of section 135.143 of the Revised Code limiting 80322
to twenty-five per cent the amount of the state's total average 80323
portfolio that may be invested in debt interests and limiting to 80324
one-half of one per cent the amount that may be invested in debt 80325
interests of a single issuer. 80326

All purchases made under this division shall be effected on a 80327
delivery versus payment method and shall be in the custody of the 80328
treasurer of state. 80329

The treasurer of state may retain an investment advisor, if 80330
necessary. The commission shall pay any costs incurred by the 80331
treasurer of state in retaining an investment advisor. 80332

(D) The auditor of state shall conduct annual audits of all 80333
funds and any other audits as the auditor of state or the general 80334
assembly considers necessary. The auditor of state may examine all 80335
records, files, and other documents of the commission, and records 80336
of lottery sales agents that pertain to their activities as 80337

agents, for purposes of conducting authorized audits. 80338

(E) The state lottery commission shall establish an internal 80339
audit ~~program~~ plan before the beginning of each fiscal year, 80340
subject to the approval of the ~~auditor office~~ of ~~state internal~~
audit in the office of budget and management. At the end of each 80341
fiscal year, the commission shall prepare and submit an annual 80342
report to the ~~auditor office~~ of ~~state internal audit~~ for the 80343
~~auditor of state's office's~~ review and approval, specifying the 80344
internal audit work completed by the end of that fiscal year and 80345
reporting on compliance with the annual internal audit ~~program~~. 80346
~~The form and content of the report shall be prescribed by the~~ 80347
~~auditor of state under division (C) of section 117.20 of the~~ 80348
~~Revised Code~~ plan. 80349
80350

~~(E)~~(F) Whenever, in the judgment of the director of budget 80351
and management, an amount of net state lottery proceeds is 80352
necessary to be applied to the payment of debt service on 80353
obligations, all as defined in sections 151.01 and 151.03 of the 80354
Revised Code, the director shall transfer that amount directly 80355
from the state lottery fund or from the lottery profits education 80356
fund to the bond service fund defined in those sections. The 80357
provisions of this division are subject to any prior pledges or 80358
obligation of those amounts to the payment of bond service charges 80359
as defined in division (C) of section 3318.21 of the Revised Code, 80360
as referred to in division (B) of this section. 80361

Sec. 3772.062. (A) The executive director of the commission 80362
shall enter into an agreement with the department of ~~alcohol and~~ 80363
~~drug addiction services~~ mental health and addiction services under 80364
which the department provides a program of gambling and addiction 80365
services on behalf of the commission. 80366

(B) The executive director of the commission, in conjunction 80367
with the department of ~~alcohol and drug addiction services~~ mental 80368

health and addiction services and the state lottery commission, 80369
shall establish, operate, and publicize an in-state, toll-free 80370
telephone number Ohio residents may call to obtain basic 80371
information about problem gambling, the gambling addiction 80372
services available to problem gamblers, and how a problem gambler 80373
may obtain help. The telephone number shall be staffed twenty-four 80374
hours per day, seven days a week, to respond to inquiries and 80375
provide that information. The costs of establishing, operating, 80376
and publicizing the telephone number shall be paid for with money 80377
in the problem casino gambling and addictions fund. 80378

Sec. 3772.24. (A) An employee of a casino facility who is 80379
between eighteen and twenty-one years of age may be present in the 80380
area of a casino facility where casino gaming is being conducted, 80381
as long as the employee's duties are related solely to nongaming 80382
activities. An individual who is less than twenty-one years of age 80383
may enter a designated area of a casino facility where casino 80384
gaming is being conducted, as established by the commission, to 80385
pass to another area where casino gaming is not being conducted, 80386
but only if the individual is personally escorted by licensed 80387
casino personnel, as approved by the commission, who at all times 80388
remain in close proximity to the individual. An individual who is 80389
less than twenty-one years of age shall not make a wager under 80390
this chapter. 80391

(B) Casino operators shall notify the commission of the days 80392
and hours during which casino gaming will be conducted. 80393

Sec. 3772.36. (A) There is hereby created in the state 80394
treasury the casino control commission enforcement fund. All 80395
moneys that are derived from any fines, mandatory fines, or 80396
forfeited bail to which the commission may be entitled under this 80397
chapter and all moneys that are derived from forfeitures of 80398
property to which the commission may be entitled under this 80399

chapter or Chapter 2981. of the Revised Code, any other provision 80400
of the Revised Code, or federal law shall be deposited into the 80401
fund. Subject to division (B) of this section and divisions (B), 80402
(C), and (D) of section 2981.13 of the Revised Code, the moneys in 80403
the fund shall be used solely to subsidize the commission's 80404
division of enforcement and its efforts to ensure the integrity of 80405
casino gaming. 80406

(B) Notwithstanding any contrary provision in the Revised 80407
Code, moneys that are derived from forfeitures of property under 80408
federal law and that are deposited into the casino control 80409
commission enforcement fund in accordance with division (A) of 80410
this section shall be used and accounted for in accordance with 80411
the applicable federal law, and the commission otherwise shall 80412
comply with federal law in connection with that money. 80413

Sec. 3781.112. (A) As used in this section, "secured 80414
facility" means any of the following: 80415

(1) A maternity unit, newborn care nursery, or maternity home 80416
licensed under Chapter 3711. of the Revised Code; 80417

(2) A pediatric intensive care unit subject to rules adopted 80418
by the director of health pursuant to section 3702.11 of the 80419
Revised Code; 80420

(3) A children's hospital, as defined in section 3727.01 of 80421
the Revised Code; 80422

(4) A hospital that is licensed under section ~~5119.20~~ 5119.33 80423
of the Revised Code to receive mentally ill persons; 80424

(5) The portion of a nursing home licensed under section 80425
3721.02 of the Revised Code or in accordance with section 3721.09 80426
of the Revised Code in which specialized care is provided to 80427
residents of the nursing home who have physical or mental 80428
conditions that require a resident to be restricted in the 80429

resident's freedom of movement for the health and safety of the 80430
resident, the staff attending the resident, or the general public. 80431

(B) A secured facility may take reasonable steps in 80432
accordance with rules the board of building standards adopts under 80433
division (A) of section 3781.10 of the Revised Code and in 80434
accordance with the state fire code the fire marshal adopts under 80435
section 3737.82 of the Revised Code, to deny egress to confine and 80436
protect patients or residents of the secured facility who are not 80437
capable of self-preservation. A secured facility that wishes to 80438
deny egress to those patients or residents may use delayed-egress 80439
doors and electronically coded doors to deny egress, on the 80440
condition that those doors are installed and used in accordance 80441
with rules the board of building standards adopts under division 80442
(A) of section 3781.10 of the Revised Code and in accordance with 80443
the state fire code the fire marshal adopts under section 3737.82 80444
of the Revised Code. A secured facility also may install 80445
controlled-egress locks, in compliance with rules the board of 80446
building standards adopts under division (A) of section 3781.10 of 80447
the Revised Code and in compliance with the state fire code the 80448
fire marshal adopts under section 3737.82 of the Revised Code, in 80449
areas of the secured facility where patients or residents who have 80450
physical or mental conditions that would endanger the patients or 80451
residents, the staff attending the patients or residents, or the 80452
general public if those patients or residents are not restricted 80453
in their freedom of movement. A secured facility that uses 80454
delayed-egress doors and electronically coded doors, 80455
controlled-egress locks, or both, shall do both of the following: 80456

(1) Provide continuous, twenty-four-hour custodial care to 80457
the patients or residents of the facility; 80458

(2) Establish a system to evacuate patients or residents in 80459
the event of fire or other emergency. 80460

Sec. 3795.01. As used in sections 3795.01, 3795.02, and 80461
3795.03 of the Revised Code: 80462

(A) "Assist suicide" or "assisting suicide" means knowingly 80463
doing either of the following, with the purpose of helping another 80464
person to commit or attempt suicide: 80465

(1) Providing the physical means by which the person commits 80466
or attempts to commit suicide; 80467

(2) Participating in a physical act by which the person 80468
commits or attempts to commit suicide. 80469

(B) "Certified nurse practitioner," "certified 80470
nurse-midwife," and "clinical nurse specialist" have the same 80471
meanings as in section 4723.01 of the Revised Code. 80472

(C) "CPR" has the same meaning as in section 2133.21 of the 80473
Revised Code. 80474

(D) "Health care" means any care, treatment, service, or 80475
procedure to maintain, diagnose, or treat a person's physical or 80476
mental condition. 80477

(E) "Health care decision" means informed consent, refusal to 80478
give informed consent, or withdrawal of informed consent to health 80479
care. 80480

(F) "Health care facility" means any of the following: 80481

(1) A hospital; 80482

(2) A hospice care program or pediatric respite care program 80483
as defined in section 3712.01 of the Revised Code; 80484

(3) A nursing home; 80485

(4) A home health agency; 80486

(5) An intermediate care facility for ~~the mentally retarded~~ 80487
individuals with intellectual disabilities. 80488

(G) "Health care personnel" means physicians, nurses, 80489
physician assistants, emergency medical technicians-basic, 80490
emergency medical technicians-intermediate, emergency medical 80491
technicians-paramedic, medical technicians, dietitians, other 80492
authorized persons acting under the direction of an attending 80493
physician, and administrators of health care facilities. 80494

(H) "Physician" means a person who is authorized under 80495
Chapter 4731. of the Revised Code to practice medicine and surgery 80496
or osteopathic medicine and surgery. 80497

Sec. 3798.01. As used in this chapter: 80498

(A) "Administrative safeguards," "physical safeguards," and 80499
"technical safeguards" have the same meanings as in 45 C.F.R. 80500
164.304. 80501

(B) "Approved health information exchange" means a health 80502
information exchange that has been approved or reapproved by the 80503
medicaid director ~~of job and family services~~ pursuant to the 80504
approval or reapproval process, as applicable, the director 80505
establishes in rules adopted under division (A) of section 3798.15 80506
of the Revised Code or that has been certified by the office of 80507
the national coordinator for health information technology in the 80508
United States department of health and human services. 80509

(C) "Covered entity," "disclosure," "health care provider," 80510
"health information," "individually identifiable health 80511
information," "protected health information," and "use" have the 80512
same meanings as in 45 C.F.R. 160.103. 80513

(D) "Designated record set" has the same meaning as in 45 80514
C.F.R. 164.501. 80515

(E) "Direct exchange" means the activity of electronic 80516
transmission of health information through a direct connection 80517
between the electronic record systems of health care providers 80518

without the use of a health information exchange. 80519

(F) "Health care component" and "hybrid entity" have the same 80520
meanings as in 45 C.F.R. 164.103. 80521

(G) "Health information exchange" means any person or 80522
governmental entity that provides in this state a technical 80523
infrastructure to connect computer systems or other electronic 80524
devices used by covered entities to facilitate the secure 80525
transmission of health information. "Health information exchange" 80526
excludes health care providers engaged in direct exchange, 80527
including direct exchange through the use of a health information 80528
service provider. 80529

(H) "HIPAA privacy rule" means the standards for privacy of 80530
individually identifiable health information in 45 C.F.R. part 160 80531
and in 45 C.F.R. part 164, subparts A and E. 80532

(I) "Interoperability" means the capacity of two or more 80533
information systems to exchange information in an accurate, 80534
effective, secure, and consistent manner. 80535

(J) "Minor" means an unemancipated person under eighteen 80536
years of age or a mentally or physically disabled person under 80537
twenty-one years of age who meets criteria specified in rules 80538
adopted by the medicaid director ~~of job and family services~~ under 80539
section 3798.13 of the Revised Code. 80540

(K) "More stringent" has the same meaning as in 45 C.F.R. 80541
160.202. 80542

(L) "Office of health transformation" means the office of 80543
health transformation created by executive order 2011-02K or a 80544
successor governmental entity responsible for health system 80545
oversight in this state. 80546

(M) "Personal representative" means a person who has 80547
authority under applicable law to make decisions related to health 80548

care on behalf of an adult or emancipated minor, or the parent, 80549
legal guardian, or other person acting in loco parentis who is 80550
authorized under law to make health care decisions on behalf of an 80551
unemancipated minor. "Personal representative" does not include 80552
the parent or legal guardian of, or another person acting in loco 80553
parentis to, a minor who consents to the minor's own receipt of 80554
health care or a minor who makes medical decisions on the minor's 80555
own behalf pursuant to law, court approval, or because the minor's 80556
parent, legal guardian, or other person acting in loco parentis 80557
has assented to an agreement of confidentiality between the 80558
provider and the minor. 80559

(N) "Political subdivision" means a municipal corporation, 80560
township, county, school district, or other body corporate and 80561
politic responsible for governmental activities in a geographic 80562
area smaller than that of the state. 80563

(O) "State agency" means any one or more of the following: 80564

(1) The department of administrative services; 80565

~~(2)~~ The department of aging; 80566

~~(2)~~~~(3)~~ The department of ~~alcohol and drug addiction services~~ 80567
mental health and addiction services; 80568

~~(3)~~~~(4)~~ The department of developmental disabilities; 80569

~~(4)~~~~(5)~~ The department of education; 80570

~~(5)~~~~(6)~~ The department of health; 80571

~~(6)~~~~(7)~~ The department of insurance; 80572

~~(7)~~~~(8)~~ The department of job and family services; 80573

~~(8)~~~~(9)~~ The department of ~~mental health~~ medicaid; 80574

~~(9)~~~~(10)~~ The department of rehabilitation and correction; 80575

~~(10)~~~~(11)~~ The department of youth services; 80576

~~(11)~~~~(12)~~ The bureau of workers' compensation; 80577

~~(12)~~(13) The ~~rehabilitation services commission~~ opportunities 80578
for Ohioans with disabilities agency; 80579

~~(13)~~(14) The office of the attorney general; 80580

~~(14)~~(15) A health care licensing board created under Title 80581
XLVII of the Revised Code that possesses individually identifiable 80582
health information. 80583

Sec. 3798.10. (A) Not later than six months after ~~the~~ 80584
~~effective date of this section~~ September 10, 2012, the medicaid 80585
~~director of job and family services~~, in consultation with the 80586
office of health transformation, shall prescribe by rules adopted 80587
in accordance with Chapter 119. of the Revised Code a standard 80588
authorization form for the use and disclosure of protected health 80589
information by covered entities in this state. The form shall meet 80590
all requirements specified in 45 C.F.R. 164.508 and, where 80591
applicable, 42 C.F.R. part 2. 80592

(B) If a form the medicaid director prescribes under division 80593
(A) of this section is properly executed by an individual or the 80594
individual's personal representative, it shall be accepted by any 80595
person or governmental entity in this state as valid authorization 80596
for the use or disclosure of the individual's protected health 80597
information to the persons or governmental entities specified in 80598
the form. 80599

(C) This section does not preclude a person or governmental 80600
entity from accepting as valid authorization for the use or 80601
disclosure of protected health information a form other than the 80602
form prescribed under division (A) of this section if the other 80603
form meets all requirements specified in 45 C.F.R. 164.508 and, if 80604
applicable, 42 C.F.R. part 2. 80605

Sec. 3798.13. The medicaid director ~~of job and family~~ 80606
~~services~~ shall adopt rules for purposes of specifying the criteria 80607

a person who is mentally or physically disabled and who is under 80608
twenty-one years of age must meet to be considered a minor for 80609
purposes of sections 3798.07 and 3798.12 of the Revised Code. 80610

Sec. 3798.14. (A) The medicaid director ~~of job and family~~ 80611
~~services~~, in consultation with the office of health 80612
transformation, shall adopt rules in accordance with Chapter 119. 80613
of the Revised Code for the purpose of establishing standards the 80614
director must use to approve health information exchanges 80615
operating in this state. The rules shall not be adopted until the 80616
earlier of sixty days following the adoption of a federal 80617
certification process for health information exchanges by the 80618
office of the national coordinator for health information 80619
technology in the United States department of health and human 80620
services or January 1, 2013. Subject to division (B) of this 80621
section, the rules may include standards and procedures to be 80622
followed by a health information exchange regarding the following: 80623

(1) Access to and use and disclosure of protected health 80624
information maintained by or on an approved health information 80625
exchange; 80626

(2) Demonstration of adequate financial resources to sustain 80627
continued operations in compliance with the rules adopted under 80628
this section; 80629

(3) Participation in outreach activities for individuals and 80630
covered entities; 80631

(4) Conduct of operations in a transparent manner to promote 80632
consumer confidence; 80633

(5) Implementation of security breach notification 80634
procedures. 80635

(B) The rules the medicaid director adopts pursuant to 80636
division (A) of this section shall be consistent with 80637

certification standards for health information exchanges 80638
established in federal statutes and regulations, including 80639
nationally recognized standards for interoperability. 80640

Sec. 3798.15. (A) The medicaid director ~~of job and family~~ 80641
~~services~~, in consultation with the office of health 80642
transformation, shall adopt rules in accordance with Chapter 119. 80643
of the Revised Code for the purpose of establishing processes for 80644
all of the following: 80645

(1) A health information exchange to obtain approval to 80646
operate as an approved health information exchange in this state 80647
and, at times specified by the director, obtain reapproval of such 80648
status; 80649

(2) The director to investigate and resolve concerns and 80650
complaints submitted to the director regarding an approved health 80651
information exchange; 80652

(3) A health information exchange to apply for 80653
reconsideration of a decision the director makes under a process 80654
established under division (A)(1) or (2) of this section; 80655

(4) Covered entities and approved health information 80656
exchanges to enter into participation agreements and enforce the 80657
terms of such agreements. 80658

(B) Any decision the medicaid director makes in relation to a 80659
request for reconsideration made in accordance with rules adopted 80660
under division (A)(3) of this section is not subject to appeal 80661
under Chapter 119. of the Revised Code. 80662

Sec. 3798.16. (A) The medicaid director of job and family 80663
services, in consultation with the office of health 80664
transformation, shall adopt rules in accordance with Chapter 119. 80665
of the Revised Code for the purpose of specifying the content of 80666
agreements governing covered entities' participation in approved 80667

health information exchanges. At a minimum, the rules shall 80668
require the content of such participation agreements to include 80669
all of the following: 80670

(1) Procedures for a covered entity to disclose an 80671
individual's protected health information to an approved health 80672
information exchange; 80673

(2) Procedures for a covered entity to access an individual's 80674
protected health information from an approved health information 80675
exchange; 80676

(3) Subject to division (B) of this section, a written notice 80677
to be provided by a covered entity to an individual or the 80678
individual's personal representative prior to the covered entity's 80679
disclosure of the individual's protected health information to an 80680
approved health information exchange; 80681

(4) Documentation the covered entity must use to verify that 80682
a notice described in division (A)(3) of this section has been 80683
provided by the covered entity to an individual or the 80684
individual's personal representative prior to the disclosure of 80685
the individual's protected health information to an approved 80686
health information exchange; 80687

(5) Procedures for an individual or the individual's personal 80688
representative to submit to the covered entity a written request 80689
to place restrictions on the covered entity's disclosure of 80690
protected health information to the approved health information 80691
exchange; 80692

(6) The standards a covered entity must use to determine 80693
whether, and to what extent, to comply with a written request 80694
described in division (A)(5) of this section; 80695

(7) The purposes for which a covered entity may access and 80696
use protected health information from the approved health 80697

information exchange. 80698

(B) With respect to the written notice described in division 80699
(A)(3) of this section, the rules may specify that the notice can 80700
be incorporated into the covered entity's notice of privacy 80701
practices required by 45 C.F.R. 164.520 and shall specify that the 80702
notice include the following statements: 80703

(1) The individual's protected health information will be 80704
disclosed to the approved health information exchange to 80705
facilitate the provision of health care to the individual. 80706

(2) The approved health information exchange maintains 80707
appropriate administrative, physical, and technical safeguards to 80708
protect the privacy and security of protected health information. 80709

(3) Only authorized individuals may access and use protected 80710
health information from the approved health information exchange. 80711

(4) The individual or the individual's personal 80712
representative has the right to request in writing that the 80713
covered entity do either or both of the following: 80714

(a) Not disclose any of the individual's protected health 80715
information to the approved health information exchange; 80716

(b) Not disclose specific categories of the individual's 80717
protected health information to the approved health information 80718
exchange. 80719

(5) Any restrictions on the disclosure of protected health 80720
information an individual requests as described in either division 80721
(B)(4)(a) or (b) of this section may result in a health care 80722
provider not having access to information that is necessary for 80723
the provider to render appropriate care to the individual. 80724

(6) Any restrictions on the disclosure of protected health 80725
information an individual requests as described in division 80726
(B)(4)(a) of this section must be honored by the covered entity. 80727

(7) Any restrictions on the disclosure of protected health information an individual requests as described in division (B)(4)(b) of this section must be honored if the restriction is consistent with rules adopted under this chapter.

(C) In adopting standards under division (A)(6) of this section, the medicaid director shall take into consideration the technical capabilities of software available to health information exchanges."

Sec. 3901.3814. Sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code do not apply to the following:

(A) Policies offering coverage that is regulated under Chapters 3935. and 3937. of the Revised Code;

(B) An employer's self-insurance plan and any of its administrators, as defined in section 3959.01 of the Revised Code, to the extent that federal law supersedes, preempts, prohibits, or otherwise precludes the application of any provisions of those sections to the plan and its administrators;

(C) A third-party payer for coverage provided under the medicare advantage program operated under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;

(D) A third-party payer for coverage provided under the medicaid program ~~operated under Title XIX of the "Social Security Act,"~~ except that if a federal waiver applied for under section ~~5111.178~~ 5167.25 of the Revised Code is granted or the medicaid director ~~of job and family services~~ determines that this provision can be implemented without a waiver, sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code apply to claims submitted electronically or non-electronically that are made with respect to coverage of medicaid recipients by health insuring corporations

licensed under Chapter 1751. of the Revised Code, instead of the 80758
prompt payment requirements of 42 C.F.R. 447.46; 80759

(E) A third-party payer for coverage provided under the 80760
tricare program offered by the United States department of 80761
defense. 80762

Sec. 3903.14. (A) The superintendent of insurance as 80763
rehabilitator may appoint one or more special deputies, who shall 80764
have all the powers and responsibilities of the rehabilitator 80765
granted under this section, and the superintendent may employ such 80766
clerks and assistants as considered necessary. The compensation of 80767
the special deputies, clerks, and assistants and all expenses of 80768
taking possession of the insurer and of conducting the proceedings 80769
shall be fixed by the superintendent, with the approval of the 80770
court and shall be paid out of the funds or assets of the insurer. 80771
The persons appointed under this section shall serve at the 80772
pleasure of the superintendent. In the event that the property of 80773
the insurer does not contain sufficient cash or liquid assets to 80774
defray the costs incurred, the superintendent may advance the 80775
costs so incurred out of any appropriation for the maintenance of 80776
the department of insurance. Any amounts so advanced for expenses 80777
of administration shall be repaid to the superintendent for the 80778
use of the department out of the first available money of the 80779
insurer. 80780

(B) The rehabilitator may take such action as the 80781
rehabilitator considers necessary or appropriate to reform and 80782
revitalize the insurer. The rehabilitator shall have all the 80783
powers of the directors, officers, and managers, whose authority 80784
shall be suspended, except as they are redelegated by the 80785
rehabilitator. The rehabilitator shall have full power to direct 80786
and manage, to hire and discharge employees subject to any 80787
contract rights they may have, and to deal with the property and 80788

business of the insurer. 80789

(C) If it appears to the rehabilitator that there has been 80790
criminal or tortious conduct, or breach of any contractual or 80791
fiduciary obligation detrimental to the insurer by any officer, 80792
manager, agent, director, trustee, broker, employee, or other 80793
person, the rehabilitator may pursue all appropriate legal 80794
remedies on behalf of the insurer. 80795

(D) If the rehabilitator determines that reorganization, 80796
consolidation, conversion, reinsurance, merger, or other 80797
transformation of the insurer is appropriate, the rehabilitator 80798
shall prepare a plan to effect such changes. Upon application of 80799
the rehabilitator for approval of the plan, and after such notice 80800
and hearings as the court may prescribe, the court may either 80801
approve or disapprove the plan proposed, or may modify it and 80802
approve it as modified. Any plan approved under this section shall 80803
be, in the judgment of the court, fair and equitable to all 80804
parties concerned. If the plan is approved, the rehabilitator 80805
shall carry out the plan. In the case of a life insurer, the plan 80806
proposed may include the imposition of liens upon the policies of 80807
the company, if all rights of shareholders are first relinquished. 80808
A plan for a life insurer may also propose imposition of a 80809
moratorium upon loan and cash surrender rights under policies, for 80810
such period and to such an extent as may be necessary. 80811

(E) In the case of a medicaid health insuring corporation 80812
that has posted a bond or deposited securities in accordance with 80813
section 1751.271 of the Revised Code, the plan proposed under 80814
division (D) of this section may include the use of the proceeds 80815
of the bond or securities to first pay the claims of contracted 80816
providers for covered health care services provided to medicaid 80817
recipients, then next to pay other claimants with any remaining 80818
funds, consistent with the priorities set forth in sections 80819
3903.421 and 3903.42 of the Revised Code. 80820

(F) The rehabilitator shall have the power under sections 80821
3903.26 and 3903.27 of the Revised Code to avoid fraudulent 80822
transfers. 80823

(G) As used in this section: 80824

(1) "Contracted provider" means a provider with a contract 80825
with a medicaid health insuring corporation to provide covered 80826
health care services to medicaid recipients. 80827

(2) "Medicaid recipient" means a person ~~eligible for~~ 80828
~~assistance under enrolled in~~ the medicaid program ~~operated~~ 80829
~~pursuant to Chapter 5111. of the Revised Code.~~ 80830

Sec. 3905.40. There shall be paid to the superintendent of 80831
insurance the following fees: 80832

(A) Each insurance company doing business in this state shall 80833
pay: 80834

(1) For filing a copy of its charter or deed of settlement, 80835
two hundred fifty dollars; 80836

(2) For filing each statement, one hundred seventy-five 80837
dollars; 80838

(3) For each certificate of authority or license, one hundred 80839
seventy-five, and for each certified copy thereof, five dollars; 80840

(4) For each copy of a paper filed in the superintendent's 80841
office, twenty cents per page; 80842

(5) For issuing certificates of deposits or certified copies 80843
thereof, five dollars for the first certificate or copy and one 80844
dollar for each additional certificate or copy; 80845

(6) For issuing certificates of compliance or certified 80846
copies thereof, sixty dollars; 80847

(7) For affixing the seal of office and certifying documents, 80848
other than those enumerated herein, two dollars; 80849

(8) For each agent appointment and each annual renewal of an agent appointment, not more than twenty dollars+ 80850
80851

~~(9) For each termination of an agent appointment, five 80852
dollars. 80853~~

(B) Each domestic life insurance company doing business in 80854
this state shall pay for annual valuation of its policies, one 80855
cent on every one thousand dollars of insurance. 80856

(C) Each applicant for licensure as an insurance agent except 80857
applicants for licensure as surety bail bond agents, surplus line 80858
brokers, and portable electronics insurance vendors shall pay ten 80859
dollars for each line of authority requested. Fees collected under 80860
this division shall be credited to the department of insurance 80861
operating fund created in section 3901.021 of the Revised Code. 80862

(D) Each domestic mutual life insurance company shall pay for 80863
verifying that any amendment to its articles of incorporation was 80864
regularly adopted, two hundred fifty dollars with each application 80865
for verification. Any such amendment shall be considered to have 80866
been regularly adopted when approved by the affirmative vote of 80867
two-thirds of the policyholders present in person or by proxy at 80868
any annual meeting of policyholders or at a special meeting of 80869
policyholders called for that purpose. 80870

(E) Each insurance agent doing business in this state shall 80871
pay a biennial license renewal fee of twenty-five dollars, except 80872
the following insurance agents are not required to pay that 80873
license renewal fee: 80874

(1) Individual resident agents who have met their continuing 80875
education requirements under section 3905.481 of the Revised Code; 80876

(2) Surety bail bond agents; 80877

(3) Surplus line brokers; 80878

(4) Portable electronics insurance vendors. 80879

(F) Each applicant for licensure as a portable electronics insurance vendor with a portable electronics insurance limited lines license and each licensed vendor doing business in this state shall pay the following fees prescribed by the superintendent:

(1) For vendors engaged in portable electronic transactions at more than ten locations in this state, an application fee not to exceed five thousand dollars for an initial license and a biennial license renewal fee not to exceed two thousand five hundred dollars for each renewal thereafter;

(2) For vendors engaged in portable electronic transactions at ten or fewer locations in this state, an application fee not to exceed three thousand dollars for an initial license and a biennial license renewal fee not to exceed one thousand dollars for each renewal thereafter.

(G) All fees collected by the superintendent under this section except any fees collected under divisions (A)(2), (3), and (6) of this section shall be credited to the department of insurance operating fund created under section 3901.021 of the Revised Code.

Sec. 3905.483. (A) There is hereby created the insurance agent education advisory council to advise the superintendent of insurance in carrying out the duties imposed under sections 3905.04 and 3905.481 to 3905.486 of the Revised Code.

(B) The council shall be composed of the superintendent, or the superintendent's designee, and twelve members appointed by the superintendent, as follows:

(1) One representative of the association of Ohio life insurance companies;

(2) One representative of the independent insurance agents of

Ohio;	80910
(3) One representative of the Ohio association of health underwriters;	80911 80912
(4) One representative of the national association of insurance and financial advisors-Ohio;	80913 80914
(5) One representative of the Ohio insurance institute;	80915
(6) One representative of the professional insurance agents association of Ohio;	80916 80917
(7) One representative of the Ohio land title association;	80918
(8) Two insurance agents each of whom has been licensed continuously during the five-year period immediately preceding the agent's appointment;	80919 80920 80921
(9) One representative of an insurance company admitted to transact business in this state;	80922 80923
(10) Two representatives of consumers, one of whom shall be at least sixty <u>fifty</u> years of age.	80924 80925
(C)(1) Of the initial eleven appointments made by the superintendent, three shall be for terms ending December 31, 1994, four shall be for terms ending December 31, 1995, and four shall be for terms ending December 31, 1996. Thereafter, terms of office shall be for three years, each term ending on the thirty-first day of December of the third year.	80926 80927 80928 80929 80930 80931
(2) The initial appointment of the twelfth member made by the superintendent under division (B)(7) of this section, pursuant to Am. Sub. S.B. 129 of the 124th general assembly, shall be for a term ending December 31, 2003. Thereafter, the term of office shall be for three years, ending on the thirty-first day of December of the third year.	80932 80933 80934 80935 80936 80937
(D) Each member shall hold office from the date of appointment until the end of the term for which the member was	80938 80939

appointed. Any member appointed to fill a vacancy occurring prior 80940
to the expiration of the term for which the member's predecessor 80941
was appointed shall hold office for the remainder of such term. 80942
Any member shall continue in office subsequent to the expiration 80943
date of the member's term until the member's successor takes 80944
office, or until a period of sixty days has elapsed, whichever 80945
occurs first. A vacancy shall be filled in the same manner as the 80946
original appointment. 80947

(E) Initial appointments to the council shall be made no 80948
later than thirty days after April 16, 1993. The initial 80949
appointment of the twelfth member to the council under division 80950
(B)(7) of this section, pursuant to Am. Sub. S.B. 129 of the 124th 80951
general assembly, shall be made no later than December 31, 2002. 80952

(F) Any member is eligible for reappointment. The 80953
superintendent, after notice and opportunity for a hearing, may 80954
remove for cause any member the superintendent appoints. 80955

(G) The superintendent or the superintendent's designee shall 80956
serve as chairperson of the council. Meetings shall be held upon 80957
the call of the chairperson and as may be provided by procedures 80958
adopted by the superintendent. Seven members of the council 80959
constitute a quorum. 80960

(H) Each member shall receive mileage and necessary and 80961
actual expenses while engaged in the business of the council. 80962

Sec. 3905.862. Upon the expiration or cancellation of a 80963
surety bail bond agent's appointment, the agent shall not engage 80964
or attempt to engage in any activity requiring such an 80965
appointment. However, an insurer that cancels the appointment of a 80966
surety bail bond agent may authorize the agent to continue to 80967
attempt the arrest and surrender of a defendant for whom a bail 80968
bond had been written prior to the cancellation and to seek 80969
discharge of forfeitures and judgments. 80970

~~An insurer that cancels the appointment of a surety bail bond agent or allows that appointment to expire shall pay to the superintendent of insurance a fee pursuant to division (A)(9) of section 3905.40 of the Revised Code.~~

Sec. 3916.06. (A)(1) With each application for a viatical settlement, a viatical settlement provider or viatical settlement broker shall disclose at least the following to a viator no later than the time all parties sign the application for the viatical settlement contract:

(a) That there are possible alternatives to viatical settlement contracts, including any accelerated death benefits offered under the viator's policy;

(b) That some or all of the proceeds of the viatical settlement may be subject to federal income taxation and state franchise and income taxation, and that assistance should be sought from a professional tax advisor;

(c) That the proceeds of the viatical settlement could be subject to the claims of creditors;

(d) That receipt of the proceeds of the viatical settlement may adversely affect the viator's eligibility for ~~medical assistance under Chapter 5111. of the Revised Code~~ the medicaid program or other government benefits or entitlements, and that advice should be obtained from the appropriate government agencies;

(e) That the viator has a right to rescind the viatical settlement contract for at least fifteen calendar days after the viator receives the viatical settlement proceeds, as provided in section 3916.08 of the Revised Code. If the insured dies during the rescission period, the viatical settlement contract shall be deemed to have been rescinded, subject to repayment of all

viatical settlement proceeds to the viatical settlement company. 81001

(f) That funds will be sent to the viator within three 81002
business days after the viatical settlement provider has received 81003
written acknowledgment from the insurer or group administrator 81004
that ownership of the policy or interest in the certificate has 81005
been transferred and that the beneficiary has been designated 81006
pursuant to the viatical settlement contract; 81007

(g) That entering into a viatical settlement contract may 81008
cause other rights or benefits, including conversion rights and 81009
waiver of premium benefits that may exist under the policy, to be 81010
forfeited by the viator and that assistance should be sought from 81011
a financial advisor. 81012

(h) That following execution of the viatical settlement 81013
contract, the viatical settlement provider or the authorized 81014
representative of the viatical settlement provider may contact the 81015
insured for the purpose of determining the insured's health status 81016
and to confirm the insured's residential or business address and 81017
telephone number or for other purposes permitted by law. Any such 81018
contact shall be limited to once in any three-month period if the 81019
insured has a life expectancy of more than one year or to once per 81020
month if the insured has a life expectancy of one year or less. 81021

(2) The viatical settlement provider or viatical settlement 81022
broker shall provide the disclosures under division (A)(1) of this 81023
section in a separate document that is signed by the viator and 81024
the viatical settlement provider or viatical settlement broker. 81025

(3) Disclosure to a viator under division (A)(1) of this 81026
section shall include distribution of a brochure describing the 81027
process of viatical settlements. The viatical settlement provider 81028
or viatical settlement broker shall use the NAIC's form for the 81029
brochure unless another form is developed or approved by the 81030
superintendent. 81031

(4) The disclosure document under division (A)(1) of this section shall contain the following language:

"All medical, financial, or personal information solicited or obtained by a viatical settlement provider or viatical settlement broker about an insured, including the insured's identity or the identity of family members, a spouse, or a significant other may be disclosed as necessary to effect the viatical settlement between the viator and the viatical settlement provider. If you are asked to provide this information, you will be asked to consent to the disclosure. The information may be provided to someone who buys the policy or provides funds for the purchase. You may be asked to renew your permission to share information every two years."

(B)(1) A viatical settlement provider shall disclose at least the following to a viator prior to the date the viatical settlement contract is signed by all the necessary parties:

(a) The affiliation, if any, between the viatical settlement provider and the issuer of the policy to be viaticated;

(b) The name, business address, and telephone number of the viatical settlement provider;

(c) Regarding a viatical settlement broker, the amount and method of calculating the broker's compensation. As used in this division, "compensation" includes anything of value paid or given to a viatical settlement broker for the placement of a policy or certificate.

(d) Any affiliations or contractual arrangements between the viatical settlement provider and the viatical settlement broker;

(e) If a policy to be viaticated has been issued as a joint policy or involves family riders or any coverage of a life other than the insured under the policy to be viaticated, the possible loss of coverage on the other lives under the policy and that

advice should be sought from the viator's insurance agent or the 81063
company issuing the policy; 81064

(f) The dollar amount of the current death benefit payable to 81065
the viatical settlement provider under the policy, and, if known, 81066
the availability of any additional guaranteed insurance benefits, 81067
the dollar amount of any accidental death and dismemberment 81068
benefits under the policy, and the extent to which the viator's 81069
interest in those benefits will be transferred as a result of the 81070
viatical settlement contract. 81071

(g) That an escrow agent shall provide escrow services to the 81072
parties pursuant to a written agreement, signed by the viatical 81073
settlement provider, the viatical settlement broker, and the 81074
viator. At the close of escrow, the escrow agent will distribute 81075
the proceeds of the sale to the viator, minus any compensation to 81076
be paid to any other persons who provided services and to whom the 81077
viator has agreed to compensate out of the gross amount offered by 81078
the viatical settlement purchaser. All persons receiving any form 81079
of compensation under the escrow agreement shall be clearly 81080
identified, including name, business address, telephone number, 81081
and tax identification number. 81082

(2) The viatical settlement broker shall disclose at least 81083
the following to a viator prior to the execution of the viatical 81084
settlement contract: 81085

(a) The name, business address, and telephone number of the 81086
viatical settlement broker; 81087

(b) A full, complete, and accurate description of all offers, 81088
counteroffers, acceptances, and rejections relating to the 81089
proposed viatical settlement contract; 81090

(c) Any affiliations or contractual agreements between the 81091
viatical settlement broker and any person making an offer in 81092
connection with the proposed viatical settlement contract; 81093

(d) The amount and method of calculating the viatical settlement broker's compensation and, if any portion of the viatical settlement broker's compensation is taken from the viatical settlement offer, the total amount of the viatical settlement offer and the viatical settlement broker's compensation as a percentage of that total. As used in this division, "compensation" includes anything of value paid or given to a viatical settlement broker related to the settlement of a policy.

(3) The viatical settlement provider or viatical settlement broker shall conspicuously display the disclosures required under divisions (B)(1) and (2) of this section in the viatical settlement contract or in a separate document signed by the viator and the viatical settlement provider or viatical settlement broker, as appropriate.

(C) If the viatical settlement provider transfers ownership or changes the beneficiary of the policy, the viatical settlement provider shall communicate in writing the change in ownership or beneficiary to the insured within twenty days after the change.

Sec. 3923.24. (A) Notwithstanding section 3901.71 of the Revised Code, every certificate furnished by an insurer in connection with, or pursuant to any provision of, any group sickness and accident insurance policy delivered, issued for delivery, renewed, or used in this state on or after January 1, 1972, every policy of sickness and accident insurance delivered, issued for delivery, renewed, or used in this state on or after January 1, 1972, and every multiple employer welfare arrangement offering an insurance program, which provides that coverage of an unmarried dependent child of a parent or legal guardian will terminate upon attainment of the limiting age for dependent children specified in the contract shall also provide in substance both of the following:

(1) Once an unmarried child has attained the limiting age for dependent children, as provided in the policy, upon the request of the insured, the insurer shall offer to cover the unmarried child until the child attains twenty-eight years of age if all of the following are true:

(a) The child is the natural child, stepchild, or adopted child of the insured.

(b) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education.

(c) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage.

(d) The child is not eligible for ~~coverage under~~ the medicaid program ~~established under Chapter 5111. of the Revised Code~~ or the medicare program ~~established under Title XVIII of the "Social Security Act," 42 U.S.C. 1395.~~

(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following:

(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap;

(b) Primarily dependent upon the policyholder or certificate holder for support and maintenance.

(B) Proof of such incapacity and dependence for purposes of division (A)(2) of this section shall be furnished by the policyholder or by the certificate holder to the insurer within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually after the

two-year period following the child's attainment of the limiting 81155
age, the insurer may require proof satisfactory to it of the 81156
continuance of such incapacity and dependency. 81157

(C) Nothing in this section shall require an insurer to cover 81158
a dependent child who is mentally retarded or physically 81159
handicapped if the contract is underwritten on evidence of 81160
insurability based on health factors set forth in the application, 81161
or if such dependent child does not satisfy the conditions of the 81162
contract as to any requirement for evidence of insurability or 81163
other provision of the contract, satisfaction of which is required 81164
for coverage thereunder to take effect. In any such case, the 81165
terms of the contract shall apply with regard to the coverage or 81166
exclusion of the dependent from such coverage. Nothing in this 81167
section shall apply to accidental death or dismemberment benefits 81168
provided by any such policy of sickness and accident insurance. 81169

(D) Nothing in this section shall do any of the following: 81170

(1) Require that any policy offer coverage for dependent 81171
children or provide coverage for an unmarried dependent child's 81172
children as dependents on the policy; 81173

(2) Require an employer to pay for any part of the premium 81174
for an unmarried dependent child that has attained the limiting 81175
age for dependents, as provided in the policy; 81176

(3) Require an employer to offer health insurance coverage to 81177
the dependents of any employee. 81178

(E) This section does not apply to any policies or 81179
certificates covering only accident, credit, dental, disability 81180
income, long-term care, hospital indemnity, medicare supplement, 81181
specified disease, or vision care; coverage under a 81182
one-time-limited-duration policy of not longer than six months; 81183
coverage issued as a supplement to liability insurance; insurance 81184
arising out of a workers' compensation or similar law; automobile 81185

medical-payment insurance; or insurance under which benefits are 81186
payable with or without regard to fault and that is statutorily 81187
required to be contained in any liability insurance policy or 81188
equivalent self-insurance. 81189

(F) As used in this section, "health benefit plan" has the 81190
same meaning as in section 3924.01 of the Revised Code and also 81191
includes both of the following: 81192

(1) A public employee benefit plan; 81193

(2) A health benefit plan as regulated under the "Employee 81194
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 81195

Sec. 3923.241. (A) Notwithstanding section 3901.71 of the 81196
Revised Code, any public employee benefit plan that provides that 81197
coverage of an unmarried dependent child will terminate upon 81198
attainment of the limiting age for dependent children specified in 81199
the plan shall also provide in substance both of the following: 81200

(1) Once an unmarried child has attained the limiting age for 81201
dependent children, as provided in the plan, upon the request of 81202
the employee, the public employee benefit plan shall offer to 81203
cover the unmarried child until the child attains twenty-eight 81204
years of age if all of the following are true: 81205

(a) The child is the natural child, stepchild, or adopted 81206
child of the employee. 81207

(b) The child is a resident of this state or a full-time 81208
student at an accredited public or private institution of higher 81209
education. 81210

(c) The child is not employed by an employer that offers any 81211
health benefit plan under which the child is eligible for 81212
coverage. 81213

(d) The child is not eligible for ~~coverage under~~ the medicaid 81214
~~program established under Chapter 5111. of the Revised Code~~ or the 81215

medicare program established under Title XVIII of the "Social Security Act," 42 U.S.C. 1395.	81216
	81217
(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following:	81218
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	81221
(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap;	81222
	81223
(b) Primarily dependent upon the plan member for support and maintenance.	81224
	81225
(B) Proof of incapacity and dependence for purposes of division (A)(2) of this section shall be furnished to the public employee benefit plan within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually, the public employee benefit plan may require proof satisfactory to it of the continuance of such incapacity and dependency.	81226
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(C) Nothing in this section shall do any of the following:	81233
(1) Require that any public employee benefit plan offer coverage for dependent children or provide coverage for an unmarried dependent child's children as dependents on the public employee benefit plan;	81234
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(2) Require an employer to pay for any part of the premium for an unmarried dependent child that has attained the limiting age for dependents, as provided in the plan;	81238
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(3) Require an employer to offer health insurance coverage to the dependents of any employee.	81241
	81242
(D) This section does not apply to any public employee benefit plan covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement,	81243
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specified disease, or vision care; coverage under a 81246
one-time-limited-duration policy of not longer than six months; 81247
coverage issued as a supplement to liability insurance; insurance 81248
arising out of a workers' compensation or similar law; automobile 81249
medical-payment insurance; or insurance under which benefits are 81250
payable with or without regard to fault and which is statutorily 81251
required to be contained in any liability insurance policy or 81252
equivalent self-insurance. 81253

(E) As used in this section, "health benefit plan" has the 81254
same meaning as in section 3924.01 of the Revised Code and also 81255
includes both of the following: 81256

(1) A public employee benefit plan; 81257

(2) A health benefit plan as regulated under the "Employee 81258
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 81259

Sec. 3923.281. (A) As used in this section: 81260

(1) "Biologically based mental illness" means schizophrenia, 81261
schizoaffective disorder, major depressive disorder, bipolar 81262
disorder, paranoia and other psychotic disorders, 81263
obsessive-compulsive disorder, and panic disorder, as these terms 81264
are defined in the most recent edition of the diagnostic and 81265
statistical manual of mental disorders published by the American 81266
psychiatric association. 81267

(2) "Policy of sickness and accident insurance" has the same 81268
meaning as in section 3923.01 of the Revised Code, but excludes 81269
any hospital indemnity, medicare supplement, long-term care, 81270
disability income, one-time-limited-duration policy of not longer 81271
than six months, supplemental benefit, or other policy that 81272
provides coverage for specific diseases or accidents only; any 81273
policy that provides coverage for workers' compensation claims 81274
compensable pursuant to Chapters 4121. and 4123. of the Revised 81275

Code; and any policy that provides coverage to beneficiaries 81276
~~enrolled in Title XIX of the "Social Security Act," 49 Stat. 620~~ 81277
~~(1935), 42 U.S.C.A. 301, as amended, known as the medical~~ 81278
~~assistance program or medicaid, as provided by the Ohio department~~ 81279
~~of job and family services under Chapter 5111. of the Revised Code~~ 81280
recipients. 81281

(B) Notwithstanding section 3901.71 of the Revised Code, and 81282
subject to division (E) of this section, every policy of sickness 81283
and accident insurance shall provide benefits for the diagnosis 81284
and treatment of biologically based mental illnesses on the same 81285
terms and conditions as, and shall provide benefits no less 81286
extensive than, those provided under the policy of sickness and 81287
accident insurance for the treatment and diagnosis of all other 81288
physical diseases and disorders, if both of the following apply: 81289

(1) The biologically based mental illness is clinically 81290
diagnosed by a physician authorized under Chapter 4731. of the 81291
Revised Code to practice medicine and surgery or osteopathic 81292
medicine and surgery; a psychologist licensed under Chapter 4732. 81293
of the Revised Code; a professional clinical counselor, 81294
professional counselor, or independent social worker licensed 81295
under Chapter 4757. of the Revised Code; or a clinical nurse 81296
specialist licensed under Chapter 4723. of the Revised Code whose 81297
nursing specialty is mental health. 81298

(2) The prescribed treatment is not experimental or 81299
investigational, having proven its clinical effectiveness in 81300
accordance with generally accepted medical standards. 81301

(C) Division (B) of this section applies to all coverages and 81302
terms and conditions of the policy of sickness and accident 81303
insurance, including, but not limited to, coverage of inpatient 81304
hospital services, outpatient services, and medication; maximum 81305
lifetime benefits; copayments; and individual and family 81306
deductibles. 81307

(D) Nothing in this section shall be construed as prohibiting a sickness and accident insurance company from taking any of the following actions:

(1) Negotiating separately with mental health care providers with regard to reimbursement rates and the delivery of health care services;

(2) Offering policies that provide benefits solely for the diagnosis and treatment of biologically based mental illnesses;

(3) Managing the provision of benefits for the diagnosis or treatment of biologically based mental illnesses through the use of pre-admission screening, by requiring beneficiaries to obtain authorization prior to treatment, or through the use of any other mechanism designed to limit coverage to that treatment determined to be necessary;

(4) Enforcing the terms and conditions of a policy of sickness and accident insurance.

(E) An insurer that offers any policy of sickness and accident insurance is not required to provide benefits for the diagnosis and treatment of biologically based mental illnesses pursuant to division (B) of this section if all of the following apply:

(1) The insurer submits documentation certified by an independent member of the American academy of actuaries to the superintendent of insurance showing that incurred claims for diagnostic and treatment services for biologically based mental illnesses for a period of at least six months independently caused the insurer's costs for claims and administrative expenses for the coverage of all other physical diseases and disorders to increase by more than one per cent per year.

(2) The insurer submits a signed letter from an independent member of the American academy of actuaries to the superintendent

of insurance opining that the increase described in division 81339
(E)(1) of this section could reasonably justify an increase of 81340
more than one per cent in the annual premiums or rates charged by 81341
the insurer for the coverage of all other physical diseases and 81342
disorders. 81343

(3) The superintendent of insurance makes the following 81344
determinations from the documentation and opinion submitted 81345
pursuant to divisions (E)(1) and (2) of this section: 81346

(a) Incurred claims for diagnostic and treatment services for 81347
biologically based mental illnesses for a period of at least six 81348
months independently caused the insurer's costs for claims and 81349
administrative expenses for the coverage of all other physical 81350
diseases and disorders to increase by more than one per cent per 81351
year. 81352

(b) The increase in costs reasonably justifies an increase of 81353
more than one per cent in the annual premiums or rates charged by 81354
the insurer for the coverage of all other physical diseases and 81355
disorders. 81356

Any determination made by the superintendent under this 81357
division is subject to Chapter 119. of the Revised Code. 81358

Sec. 3923.443. (A)(1) No agent shall sell, solicit, or 81359
negotiate long-term care insurance on or after September 1, 2008, 81360
without completing an initial eight-hour partnership program 81361
training course as described in division (B) of this section. 81362

(2)(a) Any agent that sells, solicits, or negotiates any 81363
long-term care insurance shall complete at least four hours of 81364
continuing education in every twenty-four-month period commencing 81365
on the first day of January of the year immediately following the 81366
year of the issuance of the agent's license. 81367

(b) No agent shall fail to complete the continuing education 81368

requirements in division (A)(2)(a) of this section in the 81369
twenty-four-month period described in that division. 81370

(B) The initial training course and continuing education 81371
required under division (A) of this section may be approved by the 81372
superintendent of insurance as continuing education courses under 81373
sections 3905.481 to 3905.486 of the Revised Code and shall 81374
consist of combined topics related to long-term care insurance, 81375
long-term care services, and state long-term care insurance 81376
partnership programs, including all of the following: 81377

(1) State and federal regulations and requirements and the 81378
relationship between state long-term care insurance partnership 81379
programs and other public and private coverage of long-term care 81380
services, including medicaid; 81381

(2) Available long-term care services and providers; 81382

(3) Changes or improvements in long-term care services or 81383
providers; 81384

(4) Alternatives to the purchase of private long-term care 81385
insurance; 81386

(5) The effect of inflation on benefits and the importance of 81387
inflation protection; 81388

(6) Consumer suitability standards and guidelines; 81389

(7) Any other topics required by the superintendent. 81390

(C) The initial training and continuing education required by 81391
division (A) of this section shall not include training that is 81392
specific to a particular insurer or company product or that 81393
includes any sales or marketing information, materials, or 81394
training other than those required by state or federal law. 81395

(D) A resident agent shall satisfy the training and 81396
continuing education required by division (A) of this section by 81397
completing long-term care courses that are approved by the 81398

superintendent. A nonresident agent may satisfy the training and 81399
continuing education required by division (A) of this section by 81400
completing the training requirements in any other state, provided 81401
that the course is approved for credit by the insurance department 81402
of that state prior to the agent taking the course. 81403

(E) Each insurer shall obtain records of the initial training 81404
and continuing education completed by agents of that insurer 81405
pursuant to division (A) of this section as well as the training 81406
completed by the insurer's agents concerning the distribution of 81407
the insurer's partnership program policies and shall make those 81408
records available to the superintendent upon request. 81409

(F) Each insurer shall maintain records with respect to the 81410
training of its agents concerning the distribution of the 81411
insurer's partnership program policies. Each insurer shall provide 81412
documentation to the superintendent that will allow the 81413
superintendent to provide assurance to the medicaid director ~~of~~ 81414
~~job and family services~~ that agents have received the training 81415
required by this section and that agents have demonstrated an 81416
understanding of the partnership program policies and their 81417
relationship to public and private coverage of long-term care in 81418
this state, including medicaid. The superintendent may audit each 81419
insurer's records annually to verify that the insurer is 81420
maintaining the records required by this division. The 81421
superintendent shall make the records provided to the 81422
superintendent pursuant to division (E) of this section available 81423
to the director. 81424

Sec. 3923.49. The department of insurance shall establish an 81425
outreach program to educate consumers about the following: 81426

(A) The need for long-term care insurance; 81427

(B) Mechanisms for financing long-term care; 81428

(C) The availability of long-term care insurance;	81429
(D) The resource protection provided by the Ohio long-term care insurance program under section 5111.18 <u>5164.86</u> of the Revised Code;	81430 81431 81432
(E) That a consumer who purchased a long-term care insurance policy that does not meet the requirements of section 3923.50 of the Revised Code may purchase a policy that meets those requirements.	81433 81434 81435 81436
The department shall develop and make available to consumers information to assist them in choosing long-term care insurance coverage.	81437 81438 81439
Sec. 3923.50. For the purposes of the Ohio long-term care insurance program established under section 5111.18 <u>5164.86</u> of the Revised Code, the department of insurance shall notify the department of job and family services <u>medicaid</u> of all long-term care insurance policies that meet all of the following requirements:	81440 81441 81442 81443 81444 81445
(A) Comply with sections 3923.41 to 3923.48 of the Revised Code and the rules adopted under section 3923.47 of the Revised Code;	81446 81447 81448
(B) Provide benefits for home and community-based services in addition to nursing home care;	81449 81450
(C) Include case management services in its coverage of home and community-based services;	81451 81452
(D) Provide five per cent inflation protection compounded annually;	81453 81454
(E) Provide for the keeping of records and explanation-of-benefit reports on insurance payments that count toward resource exclusion for the medical assistance <u>medicaid</u> program;	81455 81456 81457 81458

(F) Provide the information the medicaid director ~~of job and family services~~ determines is necessary to document the extent of resource exclusion and to evaluate the Ohio long-term care insurance program; 81459
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(G) Comply with other requirements established in rules adopted under this section. 81463
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The superintendent of insurance shall adopt rules in accordance with Chapter 119. of the Revised Code establishing requirements under division (G) of this section that policies must meet to qualify under the Ohio long-term care insurance program. The superintendent shall consult with the departments of aging and ~~job and family services~~ medicaid in adopting those rules. 81465
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Sec. 3923.601. (A)(1) This section applies to both of the following: 81471
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(a) A sickness and accident insurer that issues or requires the use of a standardized identification card or an electronic technology for submission and routing of prescription drug claims pursuant to a policy, contract, or agreement for health care services; 81473
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(b) A person that a sickness and accident insurer contracts with to issue a standardized identification card or an electronic technology described in division (A)(1)(a) of this section. 81478
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(2) Notwithstanding division (A)(1) of this section, this section does not apply to the issuance or required use of a standardized identification card or an electronic technology for the submission and routing of prescription drug claims in connection with any of the following: 81481
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(a) Any individual or group policy of sickness and accident insurance covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement, 81486
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medicare, tricare, specified disease, or vision care; coverage 81489
under a one-time-limited-duration policy of not longer than six 81490
months; coverage issued as a supplement to liability insurance; 81491
insurance arising out of workers' compensation or similar law; 81492
automobile medical payment insurance; or insurance under which 81493
benefits are payable with or without regard to fault and which is 81494
statutorily required to be contained in any liability insurance 81495
policy or equivalent self-insurance. 81496

(b) Coverage provided under the medicaid, ~~as defined in~~ 81497
~~section 5111.01 of the Revised Code~~ program. 81498

(c) Coverage provided under an employer's self-insurance plan 81499
or by any of its administrators, as defined in section 3959.01 of 81500
the Revised Code, to the extent that federal law supersedes, 81501
preempts, prohibits, or otherwise precludes the application of 81502
this section to the plan and its administrators. 81503

(B) A standardized identification card or an electronic 81504
technology issued or required to be used as provided in division 81505
(A)(1) of this section shall contain uniform prescription drug 81506
information in accordance with either division (B)(1) or (2) of 81507
this section. 81508

(1) The standardized identification card or the electronic 81509
technology shall be in a format and contain information fields 81510
approved by the national council for prescription drug programs or 81511
a successor organization, as specified in the council's or 81512
successor organization's pharmacy identification card 81513
implementation guide in effect on the first day of October most 81514
immediately preceding the issuance or required use of the 81515
standardized identification card or the electronic technology. 81516

(2) If the insurer or person under contract with the insurer 81517
to issue a standardized identification card or an electronic 81518
technology requires the information for the submission and routing 81519

of a claim, the standardized identification card or the electronic 81520
technology shall contain any of the following information: 81521

(a) The insurer's name; 81522

(b) The insured's name, group number, and identification 81523
number; 81524

(c) A telephone number to inquire about pharmacy-related 81525
issues; 81526

(d) The issuer's international identification number, labeled 81527
as "ANSI BIN" or "RxBIN"; 81528

(e) The processor's control number, labeled as "RxPCN"; 81529

(f) The insured's pharmacy benefits group number if different 81530
from the insured's medical group number, labeled as "RxGrp." 81531

(C) If the standardized identification card or the electronic 81532
technology issued or required to be used as provided in division 81533
(A)(1) of this section is also used for submission and routing of 81534
nonpharmacy claims, the designation "Rx" is required to be 81535
included as part of the labels identified in divisions (B)(2)(d) 81536
and (e) of this section if the issuer's international 81537
identification number or the processor's control number is 81538
different for medical and pharmacy claims. 81539

(D) Each sickness and accident insurer described in division 81540
(A) of this section shall annually file a certificate with the 81541
superintendent of insurance certifying that it or any person it 81542
contracts with to issue a standardized identification card or 81543
electronic technology for submission and routing of prescription 81544
drug claims complies with this section. 81545

(E)(1) Except as provided in division (E)(2) of this section, 81546
if there is a change in the information contained in the 81547
standardized identification card or the electronic technology 81548
issued to an insured, the insurer or person under contract with 81549

the insurer to issue a standardized identification card or an 81550
electronic technology shall issue a new card or electronic 81551
technology to the insured. 81552

(2) An insurer or person under contract with the insurer is 81553
not required under division (E)(1) of this section to issue a new 81554
card or electronic technology to an insured more than once during 81555
a twelve-month period. 81556

(F) Nothing in this section shall be construed as requiring 81557
an insurer to produce more than one standardized identification 81558
card or one electronic technology for use by insureds accessing 81559
health care benefits provided under a policy of sickness and 81560
accident insurance. 81561

Sec. 3923.83. (A)(1) This section applies to both of the 81562
following: 81563

(a) A public employee benefit plan that issues or requires 81564
the use of a standardized identification card or an electronic 81565
technology for submission and routing of prescription drug claims 81566
pursuant to a policy, contract, or agreement for health care 81567
services; 81568

(b) A person or entity that a public employee benefit plan 81569
contracts with to issue a standardized identification card or an 81570
electronic technology described in division (A)(1)(a) of this 81571
section. 81572

(2) Notwithstanding division (A)(1) of this section, this 81573
section does not apply to the issuance or required use of a 81574
standardized identification card or an electronic technology for 81575
the submission and routing of prescription drug claims in 81576
connection with either of the following: 81577

(a) Any individual or group policy of insurance covering only 81578
accident, credit, dental, disability income, long-term care, 81579

hospital indemnity, medicare supplement, medicare, tricare, 81580
specified disease, or vision care; coverage under a 81581
one-time-limited-duration policy of not longer than six months; 81582
coverage issued as a supplement to liability insurance; insurance 81583
arising out of workers' compensation or similar law; automobile 81584
medical payment insurance; or insurance under which benefits are 81585
payable with or without regard to fault and which is statutorily 81586
required to be contained in any liability insurance policy or 81587
equivalent self-insurance. 81588

(b) Coverage provided under the medicaid,~~as defined in~~ 81589
~~section 5111.01 of the Revised Code~~ program. 81590

(B) A standardized identification card or an electronic 81591
technology issued or required to be used as provided in division 81592
(A)(1) of this section shall contain uniform prescription drug 81593
information in accordance with either division (B)(1) or (2) of 81594
this section. 81595

(1) The standardized identification card or the electronic 81596
technology shall be in a format and contain information fields 81597
approved by the national council for prescription drug programs or 81598
a successor organization, as specified in the council's or 81599
successor organization's pharmacy identification card 81600
implementation guide in effect on the first day of October most 81601
immediately preceding the issuance or required use of the 81602
standardized identification card or the electronic technology. 81603

(2) If the public employee benefit plan or person under 81604
contract with the plan to issue a standardized identification card 81605
or an electronic technology requires the information for the 81606
submission and routing of a claim, the standardized identification 81607
card or the electronic technology shall contain any of the 81608
following information: 81609

(a) The plan's name; 81610

(b) The insured's name, group number, and identification number; 81611
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(c) A telephone number to inquire about pharmacy-related issues; 81613
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(d) The issuer's international identification number, labeled as "ANSI BIN" or "RxBIN"; 81615
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(e) The processor's control number, labeled as "RxPCN"; 81617

(f) The insured's pharmacy benefits group number if different from the insured's medical group number, labeled as "RxGrp." 81618
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(C) If the standardized identification card or the electronic technology issued or required to be used as provided in division (A)(1) of this section is also used for submission and routing of nonpharmacy claims, the designation "Rx" is required to be included as part of the labels identified in divisions (B)(2)(d) and (e) of this section if the issuer's international identification number or the processor's control number is different for medical and pharmacy claims. 81620
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(D)(1) Except as provided in division (D)(2) of this section, if there is a change in the information contained in the standardized identification card or the electronic technology issued to an insured, the public employee benefit plan or person under contract with the plan to issue a standardized identification card or electronic technology shall issue a new card or electronic technology to the insured. 81628
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(2) A public employee benefit plan or person under contract with the plan is not required under division (D)(1) of this section to issue a new card or electronic technology to an insured more than once during a twelve-month period. 81635
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~~(F)~~(E) Nothing in this section shall be construed as requiring a public employee benefit plan to produce more than one 81639
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standardized identification card or one electronic technology for 81641
use by insureds accessing health care benefits provided under a 81642
health benefit plan. 81643

Sec. 3924.41. (A) As used in sections 3924.41 and 3924.42 of 81644
the Revised Code, "health insurer" means any sickness and accident 81645
insurer or health insuring corporation. "Health insurer" also 81646
includes any group health plan as defined in section 607 of the 81647
federal "Employee Retirement Income Security Act of 1974," 88 81648
Stat. 832, 29 U.S.C.A. 1167. 81649

(B) Notwithstanding any other provision of the Revised Code, 81650
no health insurer shall take into consideration the availability 81651
of, or eligibility for, ~~medical assistance~~ the medicaid program in 81652
this state ~~under Chapter 5111. of the Revised Code~~ or in any other 81653
state ~~pursuant to Title XIX of the "Social Security Act," 49 Stat.~~ 81654
~~620 (1935), 42 U.S.C.A. 301, as amended,~~ when determining an 81655
individual's eligibility for coverage or when making payments to 81656
or on behalf of an enrollee, subscriber, policyholder, or 81657
certificate holder. 81658

Sec. 3924.42. No health insurer shall impose requirements on 81659
the department of ~~job and family services~~ medicaid, when it has 81660
been assigned the rights of an individual who is eligible for 81661
~~medical assistance under Chapter 5111. of the Revised Code~~ 81662
medicaid and who is covered under a health care policy, contract, 81663
or plan issued by the health insurer, that are different from the 81664
requirements applicable to an agent or assignee of any other 81665
individual so covered. 81666

Sec. 3963.01. As used in this chapter: 81667

(A) "Affiliate" means any person or entity that has ownership 81668
or control of a contracting entity, is owned or controlled by a 81669
contracting entity, or is under common ownership or control with a 81670

contracting entity. 81671

(B) "Basic health care services" has the same meaning as in 81672
division (A) of section 1751.01 of the Revised Code, except that 81673
it does not include any services listed in that division that are 81674
provided by a pharmacist or nursing home. 81675

(C) "Contracting entity" means any person that has a primary 81676
business purpose of contracting with participating providers for 81677
the delivery of health care services. 81678

(D) "Credentialing" means the process of assessing and 81679
validating the qualifications of a provider applying to be 81680
approved by a contracting entity to provide basic health care 81681
services, specialty health care services, or supplemental health 81682
care services to enrollees. 81683

(E) "Edit" means adjusting one or more procedure codes billed 81684
by a participating provider on a claim for payment or a practice 81685
that results in any of the following: 81686

(1) Payment for some, but not all of the procedure codes 81687
originally billed by a participating provider; 81688

(2) Payment for a different procedure code than the procedure 81689
code originally billed by a participating provider; 81690

(3) A reduced payment as a result of services provided to an 81691
enrollee that are claimed under more than one procedure code on 81692
the same service date. 81693

(F) "Electronic claims transport" means to accept and 81694
digitize claims or to accept claims already digitized, to place 81695
those claims into a format that complies with the electronic 81696
transaction standards issued by the United States department of 81697
health and human services pursuant to the "Health Insurance 81698
Portability and Accountability Act of 1996," 110 Stat. 1955, 42 81699
U.S.C. 1320d, et seq., as those electronic standards are 81700

applicable to the parties and as those electronic standards are 81701
updated from time to time, and to electronically transmit those 81702
claims to the appropriate contracting entity, payer, or 81703
third-party administrator. 81704

(G) "Enrollee" means any person eligible for health care 81705
benefits under a health benefit plan, including an eligible 81706
recipient of medicaid ~~under Chapter 5111. of the Revised Code~~, and 81707
includes all of the following terms: 81708

(1) "Enrollee" and "subscriber" as defined by section 1751.01 81709
of the Revised Code; 81710

(2) "Member" as defined by section 1739.01 of the Revised 81711
Code; 81712

(3) "Insured" and "plan member" pursuant to Chapter 3923. of 81713
the Revised Code; 81714

(4) "Beneficiary" as defined by section 3901.38 of the 81715
Revised Code. 81716

(H) "Health care contract" means a contract entered into, 81717
materially amended, or renewed between a contracting entity and a 81718
participating provider for the delivery of basic health care 81719
services, specialty health care services, or supplemental health 81720
care services to enrollees. 81721

(I) "Health care services" means basic health care services, 81722
specialty health care services, and supplemental health care 81723
services. 81724

(J) "Material amendment" means an amendment to a health care 81725
contract that decreases the participating provider's payment or 81726
compensation, changes the administrative procedures in a way that 81727
may reasonably be expected to significantly increase the 81728
provider's administrative expenses, or adds a new product. A 81729
material amendment does not include any of the following: 81730

(1) A decrease in payment or compensation resulting solely from a change in a published fee schedule upon which the payment or compensation is based and the date of applicability is clearly identified in the contract;	81731 81732 81733 81734
(2) A decrease in payment or compensation that was anticipated under the terms of the contract, if the amount and date of applicability of the decrease is clearly identified in the contract;	81735 81736 81737 81738
(3) An administrative change that may significantly increase the provider's administrative expense, the specific applicability of which is clearly identified in the contract;	81739 81740 81741
(4) Changes to an existing prior authorization, precertification, notification, or referral program that do not substantially increase the provider's administrative expense;	81742 81743 81744
(5) Changes to an edit program or to specific edits if the participating provider is provided notice of the changes pursuant to division (A)(1) of section 3963.04 of the Revised Code and the notice includes information sufficient for the provider to determine the effect of the change;	81745 81746 81747 81748 81749
(6) Changes to a health care contract described in division (B) of section 3963.04 of the Revised Code.	81750 81751
(K) "Participating provider" means a provider that has a health care contract with a contracting entity and is entitled to reimbursement for health care services rendered to an enrollee under the health care contract.	81752 81753 81754 81755
(L) "Payer" means any person that assumes the financial risk for the payment of claims under a health care contract or the reimbursement for health care services provided to enrollees by participating providers pursuant to a health care contract.	81756 81757 81758 81759
(M) "Primary enrollee" means a person who is responsible for	81760

making payments for participation in a health care plan or an 81761
enrollee whose employment or other status is the basis of 81762
eligibility for enrollment in a health care plan. 81763

(N) "Procedure codes" includes the American medical 81764
association's current procedural terminology code, the American 81765
dental association's current dental terminology, and the centers 81766
for medicare and medicaid services health care common procedure 81767
coding system. 81768

(O) "Product" means one of the following types of categories 81769
of coverage for which a participating provider may be obligated to 81770
provide health care services pursuant to a health care contract: 81771

(1) A health maintenance organization or other product 81772
provided by a health insuring corporation; 81773

(2) A preferred provider organization; 81774

(3) Medicare; 81775

(4) Medicaid; 81776

(5) Workers' compensation. 81777

(P) "Provider" means a physician, podiatrist, dentist, 81778
chiropractor, optometrist, psychologist, physician assistant, 81779
advanced practice registered nurse, occupational therapist, 81780
massage therapist, physical therapist, professional counselor, 81781
professional clinical counselor, hearing aid dealer, orthotist, 81782
prosthetist, home health agency, hospice care program, pediatric 81783
respite care program, or hospital, or a provider organization or 81784
physician-hospital organization that is acting exclusively as an 81785
administrator on behalf of a provider to facilitate the provider's 81786
participation in health care contracts. "Provider" does not mean a 81787
pharmacist, pharmacy, nursing home, or a provider organization or 81788
physician-hospital organization that leases the provider 81789
organization's or physician-hospital organization's network to a 81790

third party or contracts directly with employers or health and 81791
welfare funds. 81792

(Q) "Specialty health care services" has the same meaning as 81793
in section 1751.01 of the Revised Code, except that it does not 81794
include any services listed in division (B) of section 1751.01 of 81795
the Revised Code that are provided by a pharmacist or a nursing 81796
home. 81797

(R) "Supplemental health care services" has the same meaning 81798
as in division (B) of section 1751.01 of the Revised Code, except 81799
that it does not include any services listed in that division that 81800
are provided by a pharmacist or nursing home. 81801

Sec. 3963.04. (A)(1) If an amendment to a health care 81802
contract is not a material amendment, the contracting entity shall 81803
provide the participating provider notice of the amendment at 81804
least fifteen days prior to the effective date of the amendment. 81805
The contracting entity shall provide all other notices to the 81806
participating provider pursuant to the health care contract. 81807

(2) A material amendment to a health care contract shall 81808
occur only if the contracting entity provides to the participating 81809
provider the material amendment in writing and notice of the 81810
material amendment not later than ninety days prior to the 81811
effective date of the material amendment. The notice shall be 81812
conspicuously entitled "Notice of Material Amendment to Contract." 81813

(3) If within fifteen days after receiving the material 81814
amendment and notice described in division (A)(2) of this section, 81815
the participating provider objects in writing to the material 81816
amendment, and there is no resolution of the objection, either 81817
party may terminate the health care contract upon written notice 81818
of termination provided to the other party not later than sixty 81819
days prior to the effective date of the material amendment. 81820

(4) If the participating provider does not object to the material amendment in the manner described in division (A)(3) of this section, the material amendment shall be effective as specified in the notice described in division (A)(2) of this section.

(B)(1) Division (A) of this section does not apply if the delay caused by compliance with that division could result in imminent harm to an enrollee, if the material amendment of a health care contract is required by state or federal law, rule, or regulation, or if the provider affirmatively accepts the material amendment in writing and agrees to an earlier effective date than otherwise required by division (A)(2) of this section.

(2) This section does not apply under any of the following circumstances:

(a) The participating provider's payment or compensation is based on the current medicaid or medicare physician fee schedule, and the change in payment or compensation results solely from a change in that physician fee schedule.

(b) A routine change or update of the health care contract is made in response to any addition, deletion, or revision of any service code, procedure code, or reporting code, or a pricing change is made by any third party source.

For purposes of division (B)(2)(b) of this section:

(i) "Service code, procedure code, or reporting code" means the current procedural terminology (CPT), current dental terminology (CDT), the healthcare common procedure coding system (HCPCS), the international classification of diseases (ICD), or the drug topics redbook average wholesale price (AWP).

(ii) "Third party source" means the American medical association, American dental association, the centers for medicare and medicaid services, the national center for health statistics,

the department of health and human services office of the 81852
inspector general, the Ohio department of insurance, or the Ohio 81853
department of ~~job and family services~~ medicaid. 81854

(C) Notwithstanding divisions (A) and (B) of this section, a 81855
health care contract may be amended by operation of law as 81856
required by any applicable state or federal law, rule, or 81857
regulation. Nothing in this section shall be construed to require 81858
the renegotiation of a health care contract that is in existence 81859
before ~~the effective date of this section~~ June 25, 2008, until the 81860
time that the contract is renewed or materially amended. 81861

Sec. 4104.33. There is hereby created the historical boilers 81862
licensing board consisting of seven members, three of whom shall 81863
be appointed by the governor with the advice and consent of the 81864
senate. The governor shall make initial appointments to the board 81865
within ninety days after October 24, 2002. Of the initial members 81866
appointed by the governor, one shall be for a term ending three 81867
years after October 24, 2002, one shall be for a term ending four 81868
years after October 24, 2002, and one shall be for a term ending 81869
five years after October 24, 2002. Thereafter, terms of office 81870
shall be for five years, each term ending on the same day of the 81871
same month of the year as did the term that it succeeds. Of the 81872
three members the governor appoints, one member shall be an 81873
employee of the division of boiler inspection in the department of 81874
commerce; one member shall be an independent mechanical engineer 81875
who is not involved in selling or inspecting historical boilers; 81876
and one shall be an active member of an association that 81877
represents managers of fairs or festivals. 81878

Two members of the board shall be appointed by the president 81879
of the senate and two members of the board shall be appointed by 81880
the speaker of the house of representatives. The president and 81881
speaker shall make initial appointments to the board within ninety 81882

days after October 24, 2002. Of the initial members appointed by 81883
the president, one shall be for a term ending four years after 81884
October 24, 2002 and one shall be for a term ending five years 81885
after October 24, 2002. Of the initial members appointed by the 81886
speaker, one shall be for a term ending three years after October 81887
24, 2002 and one shall be for a term ending five years after 81888
October 24, 2002. Thereafter, terms of office shall be for five 81889
years, each term ending on the same day of the same month of the 81890
year as did the term that it succeeds. Of the four members 81891
appointed by the president and speaker, each shall own a 81892
historical boiler and also have at least ten years of experience 81893
in the operation of historical boilers, and each of these four 81894
members shall reside in a different region of the state. 81895

Each member shall hold office from the date of the member's 81896
appointment until the end of the term for which the member was 81897
appointed. Members may be reappointed. Vacancies shall be filled 81898
~~in the manner provided for initial appointments by the director of~~ 81899
commerce, and shall not require the advice and consent of the 81900
senate. Any member appointed to fill a vacancy occurring prior to 81901
the expiration date of the term for which the member's predecessor 81902
was appointed shall hold office as a member for the remainder of 81903
that term. A member shall continue in office subsequent to the 81904
expiration date of the member's term until the successor takes 81905
office or until a period of sixty days has elapsed, whichever 81906
occurs first. 81907

The members of the board, annually, shall elect, by majority 81908
vote, a chairperson from among their members. The board shall meet 81909
at least once annually and at other times at the call of the 81910
chairperson. Board members shall receive their actual and 81911
necessary expenses incurred in the discharge of their duties as 81912
board members. 81913

The superintendent of industrial compliance shall furnish 81914

office space, staff, and supplies to the board as the 81915
superintendent determines are necessary for the board to carry out 81916
its official duties under sections 4104.33 to 4104.37 of the 81917
Revised Code. 81918

Sec. 4112.02. It shall be an unlawful discriminatory 81919
practice: 81920

(A) For any employer, because of the race, color, religion, 81921
sex, military status, national origin, disability, age, or 81922
ancestry of any person, to discharge without just cause, to refuse 81923
to hire, or otherwise to discriminate against that person with 81924
respect to hire, tenure, terms, conditions, or privileges of 81925
employment, or any matter directly or indirectly related to 81926
employment. 81927

(B) For an employment agency or personnel placement service, 81928
because of race, color, religion, sex, military status, national 81929
origin, disability, age, or ancestry, to do any of the following: 81930

(1) Refuse or fail to accept, register, classify properly, or 81931
refer for employment, or otherwise discriminate against any 81932
person; 81933

(2) Comply with a request from an employer for referral of 81934
applicants for employment if the request directly or indirectly 81935
indicates that the employer fails to comply with the provisions of 81936
sections 4112.01 to 4112.07 of the Revised Code. 81937

(C) For any labor organization to do any of the following: 81938

(1) Limit or classify its membership on the basis of race, 81939
color, religion, sex, military status, national origin, 81940
disability, age, or ancestry; 81941

(2) Discriminate against, limit the employment opportunities 81942
of, or otherwise adversely affect the employment status, wages, 81943
hours, or employment conditions of any person as an employee 81944

because of race, color, religion, sex, military status, national origin, disability, age, or ancestry. 81945
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(D) For any employer, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person because of race, color, religion, sex, military status, national origin, disability, or ancestry in admission to, or employment in, any program established to provide apprentice training. 81947
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(E) Except where based on a bona fide occupational qualification certified in advance by the commission, for any employer, employment agency, personnel placement service, or labor organization, prior to employment or admission to membership, to do any of the following: 81953
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(1) Elicit or attempt to elicit any information concerning the race, color, religion, sex, military status, national origin, disability, age, or ancestry of an applicant for employment or membership; 81958
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(2) Make or keep a record of the race, color, religion, sex, military status, national origin, disability, age, or ancestry of any applicant for employment or membership; 81962
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(3) Use any form of application for employment, or personnel or membership blank, seeking to elicit information regarding race, color, religion, sex, military status, national origin, disability, age, or ancestry; but an employer holding a contract containing a nondiscrimination clause with the government of the United States, or any department or agency of that government, may require an employee or applicant for employment to furnish documentary proof of United States citizenship and may retain that proof in the employer's personnel records and may use photographic or fingerprint identification for security purposes; 81965
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(4) Print or publish or cause to be printed or published any 81975

notice or advertisement relating to employment or membership 81976
indicating any preference, limitation, specification, or 81977
discrimination, based upon race, color, religion, sex, military 81978
status, national origin, disability, age, or ancestry; 81979

(5) Announce or follow a policy of denying or limiting, 81980
through a quota system or otherwise, employment or membership 81981
opportunities of any group because of the race, color, religion, 81982
sex, military status, national origin, disability, age, or 81983
ancestry of that group; 81984

(6) Utilize in the recruitment or hiring of persons any 81985
employment agency, personnel placement service, training school or 81986
center, labor organization, or any other employee-referring source 81987
known to discriminate against persons because of their race, 81988
color, religion, sex, military status, national origin, 81989
disability, age, or ancestry. 81990

(F) For any person seeking employment to publish or cause to 81991
be published any advertisement that specifies or in any manner 81992
indicates that person's race, color, religion, sex, military 81993
status, national origin, disability, age, or ancestry, or 81994
expresses a limitation or preference as to the race, color, 81995
religion, sex, military status, national origin, disability, age, 81996
or ancestry of any prospective employer. 81997

(G) For any proprietor or any employee, keeper, or manager of 81998
a place of public accommodation to deny to any person, except for 81999
reasons applicable alike to all persons regardless of race, color, 82000
religion, sex, military status, national origin, disability, age, 82001
or ancestry, the full enjoyment of the accommodations, advantages, 82002
facilities, or privileges of the place of public accommodation. 82003

(H) For any person to do any of the following: 82004

(1) Refuse to sell, transfer, assign, rent, lease, sublease, 82005
or finance housing accommodations, refuse to negotiate for the 82006

sale or rental of housing accommodations, or otherwise deny or 82007
make unavailable housing accommodations because of race, color, 82008
religion, sex, military status, familial status, ancestry, 82009
disability, or national origin; 82010

(2) Represent to any person that housing accommodations are 82011
not available for inspection, sale, or rental, when in fact they 82012
are available, because of race, color, religion, sex, military 82013
status, familial status, ancestry, disability, or national origin; 82014

(3) Discriminate against any person in the making or 82015
purchasing of loans or the provision of other financial assistance 82016
for the acquisition, construction, rehabilitation, repair, or 82017
maintenance of housing accommodations, or any person in the making 82018
or purchasing of loans or the provision of other financial 82019
assistance that is secured by residential real estate, because of 82020
race, color, religion, sex, military status, familial status, 82021
ancestry, disability, or national origin or because of the racial 82022
composition of the neighborhood in which the housing 82023
accommodations are located, provided that the person, whether an 82024
individual, corporation, or association of any type, lends money 82025
as one of the principal aspects or incident to the person's 82026
principal business and not only as a part of the purchase price of 82027
an owner-occupied residence the person is selling nor merely 82028
casually or occasionally to a relative or friend; 82029

(4) Discriminate against any person in the terms or 82030
conditions of selling, transferring, assigning, renting, leasing, 82031
or subleasing any housing accommodations or in furnishing 82032
facilities, services, or privileges in connection with the 82033
ownership, occupancy, or use of any housing accommodations, 82034
including the sale of fire, extended coverage, or homeowners 82035
insurance, because of race, color, religion, sex, military status, 82036
familial status, ancestry, disability, or national origin or 82037
because of the racial composition of the neighborhood in which the 82038

housing accommodations are located; 82039

(5) Discriminate against any person in the terms or 82040
conditions of any loan of money, whether or not secured by 82041
mortgage or otherwise, for the acquisition, construction, 82042
rehabilitation, repair, or maintenance of housing accommodations 82043
because of race, color, religion, sex, military status, familial 82044
status, ancestry, disability, or national origin or because of the 82045
racial composition of the neighborhood in which the housing 82046
accommodations are located; 82047

(6) Refuse to consider without prejudice the combined income 82048
of both husband and wife for the purpose of extending mortgage 82049
credit to a married couple or either member of a married couple; 82050

(7) Print, publish, or circulate any statement or 82051
advertisement, or make or cause to be made any statement or 82052
advertisement, relating to the sale, transfer, assignment, rental, 82053
lease, sublease, or acquisition of any housing accommodations, or 82054
relating to the loan of money, whether or not secured by mortgage 82055
or otherwise, for the acquisition, construction, rehabilitation, 82056
repair, or maintenance of housing accommodations, that indicates 82057
any preference, limitation, specification, or discrimination based 82058
upon race, color, religion, sex, military status, familial status, 82059
ancestry, disability, or national origin, or an intention to make 82060
any such preference, limitation, specification, or discrimination; 82061

(8) Except as otherwise provided in division (H)(8) or (17) 82062
of this section, make any inquiry, elicit any information, make or 82063
keep any record, or use any form of application containing 82064
questions or entries concerning race, color, religion, sex, 82065
military status, familial status, ancestry, disability, or 82066
national origin in connection with the sale or lease of any 82067
housing accommodations or the loan of any money, whether or not 82068
secured by mortgage or otherwise, for the acquisition, 82069
construction, rehabilitation, repair, or maintenance of housing 82070

accommodations. Any person may make inquiries, and make and keep 82071
records, concerning race, color, religion, sex, military status, 82072
familial status, ancestry, disability, or national origin for the 82073
purpose of monitoring compliance with this chapter. 82074

(9) Include in any transfer, rental, or lease of housing 82075
accommodations any restrictive covenant, or honor or exercise, or 82076
attempt to honor or exercise, any restrictive covenant; 82077

(10) Induce or solicit, or attempt to induce or solicit, a 82078
housing accommodations listing, sale, or transaction by 82079
representing that a change has occurred or may occur with respect 82080
to the racial, religious, sexual, military status, familial 82081
status, or ethnic composition of the block, neighborhood, or other 82082
area in which the housing accommodations are located, or induce or 82083
solicit, or attempt to induce or solicit, a housing accommodations 82084
listing, sale, or transaction by representing that the presence or 82085
anticipated presence of persons of any race, color, religion, sex, 82086
military status, familial status, ancestry, disability, or 82087
national origin, in the block, neighborhood, or other area will or 82088
may have results including, but not limited to, the following: 82089

(a) The lowering of property values; 82090

(b) A change in the racial, religious, sexual, military 82091
status, familial status, or ethnic composition of the block, 82092
neighborhood, or other area; 82093

(c) An increase in criminal or antisocial behavior in the 82094
block, neighborhood, or other area; 82095

(d) A decline in the quality of the schools serving the 82096
block, neighborhood, or other area. 82097

(11) Deny any person access to or membership or participation 82098
in any multiple-listing service, real estate brokers' 82099
organization, or other service, organization, or facility relating 82100
to the business of selling or renting housing accommodations, or 82101

discriminate against any person in the terms or conditions of that 82102
access, membership, or participation, on account of race, color, 82103
religion, sex, military status, familial status, national origin, 82104
disability, or ancestry; 82105

(12) Coerce, intimidate, threaten, or interfere with any 82106
person in the exercise or enjoyment of, or on account of that 82107
person's having exercised or enjoyed or having aided or encouraged 82108
any other person in the exercise or enjoyment of, any right 82109
granted or protected by division (H) of this section; 82110

(13) Discourage or attempt to discourage the purchase by a 82111
prospective purchaser of housing accommodations, by representing 82112
that any block, neighborhood, or other area has undergone or might 82113
undergo a change with respect to its religious, racial, sexual, 82114
military status, familial status, or ethnic composition; 82115

(14) Refuse to sell, transfer, assign, rent, lease, sublease, 82116
or finance, or otherwise deny or withhold, a burial lot from any 82117
person because of the race, color, sex, military status, familial 82118
status, age, ancestry, disability, or national origin of any 82119
prospective owner or user of the lot; 82120

(15) Discriminate in the sale or rental of, or otherwise make 82121
unavailable or deny, housing accommodations to any buyer or renter 82122
because of a disability of any of the following: 82123

(a) The buyer or renter; 82124

(b) A person residing in or intending to reside in the 82125
housing accommodations after they are sold, rented, or made 82126
available; 82127

(c) Any individual associated with the person described in 82128
division (H)(15)(b) of this section. 82129

(16) Discriminate in the terms, conditions, or privileges of 82130
the sale or rental of housing accommodations to any person or in 82131

the provision of services or facilities to any person in 82132
connection with the housing accommodations because of a disability 82133
of any of the following: 82134

(a) That person; 82135

(b) A person residing in or intending to reside in the 82136
housing accommodations after they are sold, rented, or made 82137
available; 82138

(c) Any individual associated with the person described in 82139
division (H)(16)(b) of this section. 82140

(17) Except as otherwise provided in division (H)(17) of this 82141
section, make an inquiry to determine whether an applicant for the 82142
sale or rental of housing accommodations, a person residing in or 82143
intending to reside in the housing accommodations after they are 82144
sold, rented, or made available, or any individual associated with 82145
that person has a disability, or make an inquiry to determine the 82146
nature or severity of a disability of the applicant or such a 82147
person or individual. The following inquiries may be made of all 82148
applicants for the sale or rental of housing accommodations, 82149
regardless of whether they have disabilities: 82150

(a) An inquiry into an applicant's ability to meet the 82151
requirements of ownership or tenancy; 82152

(b) An inquiry to determine whether an applicant is qualified 82153
for housing accommodations available only to persons with 82154
disabilities or persons with a particular type of disability; 82155

(c) An inquiry to determine whether an applicant is qualified 82156
for a priority available to persons with disabilities or persons 82157
with a particular type of disability; 82158

(d) An inquiry to determine whether an applicant currently 82159
uses a controlled substance in violation of section 2925.11 of the 82160
Revised Code or a substantively comparable municipal ordinance; 82161

(e) An inquiry to determine whether an applicant at any time 82162
has been convicted of or pleaded guilty to any offense, an element 82163
of which is the illegal sale, offer to sell, cultivation, 82164
manufacture, other production, shipment, transportation, delivery, 82165
or other distribution of a controlled substance. 82166

(18)(a) Refuse to permit, at the expense of a person with a 82167
disability, reasonable modifications of existing housing 82168
accommodations that are occupied or to be occupied by the person 82169
with a disability, if the modifications may be necessary to afford 82170
the person with a disability full enjoyment of the housing 82171
accommodations. This division does not preclude a landlord of 82172
housing accommodations that are rented or to be rented to a 82173
disabled tenant from conditioning permission for a proposed 82174
modification upon the disabled tenant's doing one or more of the 82175
following: 82176

(i) Providing a reasonable description of the proposed 82177
modification and reasonable assurances that the proposed 82178
modification will be made in a workerlike manner and that any 82179
required building permits will be obtained prior to the 82180
commencement of the proposed modification; 82181

(ii) Agreeing to restore at the end of the tenancy the 82182
interior of the housing accommodations to the condition they were 82183
in prior to the proposed modification, but subject to reasonable 82184
wear and tear during the period of occupancy, if it is reasonable 82185
for the landlord to condition permission for the proposed 82186
modification upon the agreement; 82187

(iii) Paying into an interest-bearing escrow account that is 82188
in the landlord's name, over a reasonable period of time, a 82189
reasonable amount of money not to exceed the projected costs at 82190
the end of the tenancy of the restoration of the interior of the 82191
housing accommodations to the condition they were in prior to the 82192
proposed modification, but subject to reasonable wear and tear 82193

during the period of occupancy, if the landlord finds the account 82194
reasonably necessary to ensure the availability of funds for the 82195
restoration work. The interest earned in connection with an escrow 82196
account described in this division shall accrue to the benefit of 82197
the disabled tenant who makes payments into the account. 82198

(b) A landlord shall not condition permission for a proposed 82199
modification upon a disabled tenant's payment of a security 82200
deposit that exceeds the customarily required security deposit of 82201
all tenants of the particular housing accommodations. 82202

(19) Refuse to make reasonable accommodations in rules, 82203
policies, practices, or services when necessary to afford a person 82204
with a disability equal opportunity to use and enjoy a dwelling 82205
unit, including associated public and common use areas; 82206

(20) Fail to comply with the standards and rules adopted 82207
under division (A) of section 3781.111 of the Revised Code; 82208

(21) Discriminate against any person in the selling, 82209
brokering, or appraising of real property because of race, color, 82210
religion, sex, military status, familial status, ancestry, 82211
disability, or national origin; 82212

(22) Fail to design and construct covered multifamily 82213
dwellings for first occupancy on or after June 30, 1992, in 82214
accordance with the following conditions: 82215

(a) The dwellings shall have at least one building entrance 82216
on an accessible route, unless it is impractical to do so because 82217
of the terrain or unusual characteristics of the site. 82218

(b) With respect to dwellings that have a building entrance 82219
on an accessible route, all of the following apply: 82220

(i) The public use areas and common use areas of the 82221
dwellings shall be readily accessible to and usable by persons 82222
with a disability. 82223

(ii) All the doors designed to allow passage into and within all premises shall be sufficiently wide to allow passage by persons with a disability who are in wheelchairs.

(iii) All premises within covered multifamily dwelling units shall contain an accessible route into and through the dwelling; all light switches, electrical outlets, thermostats, and other environmental controls within such units shall be in accessible locations; the bathroom walls within such units shall contain reinforcements to allow later installation of grab bars; and the kitchens and bathrooms within such units shall be designed and constructed in a manner that enables an individual in a wheelchair to maneuver about such rooms.

For purposes of division (H)(22) of this section, "covered multifamily dwellings" means buildings consisting of four or more units if such buildings have one or more elevators and ground floor units in other buildings consisting of four or more units.

(I) For any person to discriminate in any manner against any other person because that person has opposed any unlawful discriminatory practice defined in this section or because that person has made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under sections 4112.01 to 4112.07 of the Revised Code.

(J) For any person to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, to obstruct or prevent any person from complying with this chapter or any order issued under it, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful discriminatory practice.

(K)(1) Nothing in division (H) of this section shall bar any religious or denominational institution or organization, or any nonprofit charitable or educational organization that is operated,

supervised, or controlled by or in connection with a religious 82255
organization, from limiting the sale, rental, or occupancy of 82256
housing accommodations that it owns or operates for other than a 82257
commercial purpose to persons of the same religion, or from giving 82258
preference in the sale, rental, or occupancy of such housing 82259
accommodations to persons of the same religion, unless membership 82260
in the religion is restricted on account of race, color, or 82261
national origin. 82262

(2) Nothing in division (H) of this section shall bar any 82263
bona fide private or fraternal organization that, incidental to 82264
its primary purpose, owns or operates lodgings for other than a 82265
commercial purpose, from limiting the rental or occupancy of the 82266
lodgings to its members or from giving preference to its members. 82267

(3) Nothing in division (H) of this section limits the 82268
applicability of any reasonable local, state, or federal 82269
restrictions regarding the maximum number of occupants permitted 82270
to occupy housing accommodations. Nothing in that division 82271
prohibits the owners or managers of housing accommodations from 82272
implementing reasonable occupancy standards based on the number 82273
and size of sleeping areas or bedrooms and the overall size of a 82274
dwelling unit, provided that the standards are not implemented to 82275
circumvent the purposes of this chapter and are formulated, 82276
implemented, and interpreted in a manner consistent with this 82277
chapter and any applicable local, state, or federal restrictions 82278
regarding the maximum number of occupants permitted to occupy 82279
housing accommodations. 82280

(4) Nothing in division (H) of this section requires that 82281
housing accommodations be made available to an individual whose 82282
tenancy would constitute a direct threat to the health or safety 82283
of other individuals or whose tenancy would result in substantial 82284
physical damage to the property of others. 82285

(5) Nothing in division (H) of this section pertaining to 82286

discrimination on the basis of familial status shall be construed 82287
to apply to any of the following: 82288

(a) Housing accommodations provided under any state or 82289
federal program that have been determined under the "Fair Housing 82290
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 82291
amended, to be specifically designed and operated to assist 82292
elderly persons; 82293

(b) Housing accommodations intended for and solely occupied 82294
by persons who are sixty-two years of age or older; 82295

(c) Housing accommodations intended and operated for 82296
occupancy by at least one person who is fifty-five years of age or 82297
older per unit, as determined under the "Fair Housing Amendments 82298
Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as amended. 82299

(L) Nothing in divisions (A) to (E) of this section shall be 82300
construed to require a person with a disability to be employed or 82301
trained under circumstances that would significantly increase the 82302
occupational hazards affecting either the person with a 82303
disability, other employees, the general public, or the facilities 82304
in which the work is to be performed, or to require the employment 82305
or training of a person with a disability in a job that requires 82306
the person with a disability routinely to undertake any task, the 82307
performance of which is substantially and inherently impaired by 82308
the person's disability. 82309

(M) Nothing in divisions (H)(1) to (18) of this section shall 82310
be construed to require any person selling or renting property to 82311
modify the property in any way or to exercise a higher degree of 82312
care for a person with a disability, to relieve any person with a 82313
disability of any obligation generally imposed on all persons 82314
regardless of disability in a written lease, rental agreement, or 82315
contract of purchase or sale, or to forbid distinctions based on 82316
the inability to fulfill the terms and conditions, including 82317

financial obligations, of the lease, agreement, or contract. 82318

(N) An aggrieved individual may enforce the individual's 82319
rights relative to discrimination on the basis of age as provided 82320
for in this section by instituting a civil action, within one 82321
hundred eighty days after the alleged unlawful discriminatory 82322
practice occurred, in any court with jurisdiction for any legal or 82323
equitable relief that will effectuate the individual's rights. 82324

A person who files a civil action under this division is 82325
barred, with respect to the practices complained of, from 82326
instituting a civil action under section 4112.14 of the Revised 82327
Code and from filing a charge with the commission under section 82328
4112.05 of the Revised Code. 82329

(O) With regard to age, it shall not be an unlawful 82330
discriminatory practice and it shall not constitute a violation of 82331
division (A) of section 4112.14 of the Revised Code for any 82332
employer, employment agency, joint labor-management committee 82333
controlling apprenticeship training programs, or labor 82334
organization to do any of the following: 82335

(1) Establish bona fide employment qualifications reasonably 82336
related to the particular business or occupation that may include 82337
standards for skill, aptitude, physical capability, intelligence, 82338
education, maturation, and experience; 82339

(2) Observe the terms of a bona fide seniority system or any 82340
bona fide employee benefit plan, including, but not limited to, a 82341
retirement, pension, or insurance plan, that is not a subterfuge 82342
to evade the purposes of this section. However, no such employee 82343
benefit plan shall excuse the failure to hire any individual, and 82344
no such seniority system or employee benefit plan shall require or 82345
permit the involuntary retirement of any individual, because of 82346
the individual's age except as provided for in the "Age 82347
Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 82348

29 U.S.C.A. 623, as amended by the "Age Discrimination in 82349
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 82350
623, as amended. 82351

(3) Retire an employee who has attained sixty-five years of 82352
age who, for the two-year period immediately before retirement, is 82353
employed in a bona fide executive or a high policymaking position, 82354
if the employee is entitled to an immediate nonforfeitable annual 82355
retirement benefit from a pension, profit-sharing, savings, or 82356
deferred compensation plan, or any combination of those plans, of 82357
the employer of the employee, which equals, in the aggregate, at 82358
least forty-four thousand dollars, in accordance with the 82359
conditions of the "Age Discrimination in Employment Act Amendment 82360
of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age 82361
Discrimination in Employment Act Amendments of 1986," 100 Stat. 82362
3342, 29 U.S.C.A. 631, as amended; 82363

(4) Observe the terms of any bona fide apprenticeship program 82364
if the program is registered with the Ohio apprenticeship council 82365
pursuant to sections 4139.01 to 4139.06 of the Revised Code and is 82366
approved by the federal committee on apprenticeship of the United 82367
States department of labor. 82368

(P) Nothing in this chapter prohibiting age discrimination 82369
and nothing in division (A) of section 4112.14 of the Revised Code 82370
shall be construed to prohibit the following: 82371

(1) The designation of uniform age the attainment of which is 82372
necessary for public employees to receive pension or other 82373
retirement benefits pursuant to Chapter 145., 742., 3307., 3309., 82374
or 5505. of the Revised Code; 82375

(2) The mandatory retirement of uniformed patrol officers of 82376
the state highway patrol as provided in section 5505.16 of the 82377
Revised Code; 82378

(3) The maximum age requirements for appointment as a patrol 82379

officer in the state highway patrol established by section 5503.01 82380
of the Revised Code; 82381

(4) The maximum age requirements established for original 82382
appointment to a police department or fire department in sections 82383
124.41 and 124.42 of the Revised Code; 82384

(5) Any maximum age not in conflict with federal law that may 82385
be established by a municipal charter, municipal ordinance, or 82386
resolution of a board of township trustees for original 82387
appointment as a police officer or firefighter; 82388

(6) Any mandatory retirement provision not in conflict with 82389
federal law of a municipal charter, municipal ordinance, or 82390
resolution of a board of township trustees pertaining to police 82391
officers and firefighters; 82392

(7) Until January 1, 1994, the mandatory retirement of any 82393
employee who has attained seventy years of age and who is serving 82394
under a contract of unlimited tenure, or similar arrangement 82395
providing for unlimited tenure, at an institution of higher 82396
education as defined in the "Education Amendments of 1980," 94 82397
Stat. 1503, 20 U.S.C.A. 1141(a). 82398

(Q)(1)(a) Except as provided in division (Q)(1)(b) of this 82399
section, for purposes of divisions (A) to (E) of this section, a 82400
disability does not include any physiological disorder or 82401
condition, mental or psychological disorder, or disease or 82402
condition caused by an illegal use of any controlled substance by 82403
an employee, applicant, or other person, if an employer, 82404
employment agency, personnel placement service, labor 82405
organization, or joint labor-management committee acts on the 82406
basis of that illegal use. 82407

(b) Division (Q)(1)(a) of this section does not apply to an 82408
employee, applicant, or other person who satisfies any of the 82409
following: 82410

(i) The employee, applicant, or other person has successfully completed a supervised drug rehabilitation program and no longer is engaging in the illegal use of any controlled substance, or the employee, applicant, or other person otherwise successfully has been rehabilitated and no longer is engaging in that illegal use.

(ii) The employee, applicant, or other person is participating in a supervised drug rehabilitation program and no longer is engaging in the illegal use of any controlled substance.

(iii) The employee, applicant, or other person is erroneously regarded as engaging in the illegal use of any controlled substance, but the employee, applicant, or other person is not engaging in that illegal use.

(2) Divisions (A) to (E) of this section do not prohibit an employer, employment agency, personnel placement service, labor organization, or joint labor-management committee from doing any of the following:

(a) Adopting or administering reasonable policies or procedures, including, but not limited to, testing for the illegal use of any controlled substance, that are designed to ensure that an individual described in division (Q)(1)(b)(i) or (ii) of this section no longer is engaging in the illegal use of any controlled substance;

(b) Prohibiting the illegal use of controlled substances and the use of alcohol at the workplace by all employees;

(c) Requiring that employees not be under the influence of alcohol or not be engaged in the illegal use of any controlled substance at the workplace;

(d) Requiring that employees behave in conformance with the requirements established under "The Drug-Free Workplace Act of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended;

(e) Holding an employee who engages in the illegal use of any 82441
controlled substance or who is an alcoholic to the same 82442
qualification standards for employment or job performance, and the 82443
same behavior, to which the employer, employment agency, personnel 82444
placement service, labor organization, or joint labor-management 82445
committee holds other employees, even if any unsatisfactory 82446
performance or behavior is related to an employee's illegal use of 82447
a controlled substance or alcoholism; 82448

(f) Exercising other authority recognized in the "Americans 82449
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, 82450
as amended, including, but not limited to, requiring employees to 82451
comply with any applicable federal standards. 82452

(3) For purposes of this chapter, a test to determine the 82453
illegal use of any controlled substance does not include a medical 82454
examination. 82455

(4) Division (Q) of this section does not encourage, 82456
prohibit, or authorize, and shall not be construed as encouraging, 82457
prohibiting, or authorizing, the conduct of testing for the 82458
illegal use of any controlled substance by employees, applicants, 82459
or other persons, or the making of employment decisions based on 82460
the results of that type of testing. 82461

(R) This section does not apply to a religious corporation, 82462
association, educational institution, or society with respect to 82463
the employment of an individual of a particular religion to 82464
perform work connected with the carrying on by that religious 82465
corporation, association, educational institution, or society of 82466
its activities. 82467

The unlawful discriminatory practices defined in this section 82468
do not make it unlawful for a person or an appointing authority 82469
administering an examination under section 124.23 of the Revised 82470
Code to obtain information about an applicant's military status 82471

for the purpose of determining if the applicant is eligible for 82472
the additional credit that is available under that section. 82473

Sec. 4112.12. (A) There is hereby created the commission on 82474
African-American males, which shall consist of not more than 82475
twenty-five members as follows: the directors or their designees 82476
of the departments of health, development, ~~alcohol and drug~~ 82477
~~addiction services~~ mental health and addiction services, and job 82478
and family services; the equal employment opportunity officer of 82479
the department of administrative services or the equal employment 82480
opportunity officer's designee; the executive director or the 82481
executive director's designee of the Ohio civil rights commission; 82482
the executive director or the executive director's designee of the 82483
division of criminal justice services in the department of public 82484
safety; the superintendent of public instruction; the chancellor 82485
or the chancellor's designee of the Ohio board of regents; two 82486
members of the house of representatives appointed by the speaker 82487
of the house of representatives each of whom shall be members of 82488
different political parties; and two members of the senate 82489
appointed by the president of the senate each of whom shall be 82490
members of different political parties. The members who are 82491
members of the general assembly shall be nonvoting members. The 82492
Ohio state university African American and African studies 82493
community extension center, in consultation with the governor, 82494
shall appoint four members from the private corporate sector, at 82495
least four members from the public sector, and two members from 82496
the nonprofit sector. 82497

(B) Terms of office shall be for three years, except that 82498
members of the general assembly appointed to the commission shall 82499
be members only so long as they are members of the general 82500
assembly. Each term ends on the same day of the same month as did 82501
the term that it succeeds. Each member shall hold office from the 82502
date of appointment until the end of the term for which the member 82503

was appointed. Members may be reappointed. Vacancies shall be 82504
filled in the manner provided for original appointments. Any 82505
member appointed to fill a vacancy occurring prior to the 82506
expiration date of the term for which the member's predecessor was 82507
appointed shall hold office as a member for the remainder of that 82508
term. A member shall continue in office subsequent to the 82509
expiration date of the member's term until the member's successor 82510
takes office or until a period of sixty days has elapsed, 82511
whichever occurs first. 82512

The commission annually shall elect a chairperson from among 82513
its members. 82514

(C) Members of the commission and members of subcommittees 82515
appointed under division (B) of section 4112.13 of the Revised 82516
Code shall not be compensated, but shall be reimbursed for their 82517
necessary and actual expenses incurred in the performance of their 82518
official duties. 82519

(D) The Ohio state university African American and African 82520
studies community extension center, in consultation with the 82521
governor, shall appoint an executive director of the commission on 82522
African-American males, who shall be in the unclassified civil 82523
service. The executive director shall supervise the commission's 82524
activities and report to the commission and to the Ohio state 82525
university African American and African studies community 82526
extension center on the progress of those activities. The 82527
executive director shall do all things necessary for the efficient 82528
and effective implementation of the duties of the commission. 82529

The responsibilities assigned to the executive director do 82530
not relieve the members of the commission from final 82531
responsibility for the proper performance of the requirements of 82532
this division. 82533

(E) The commission on African-American males shall do all of 82534

the following: 82535

(1) Employ, promote, supervise, and remove all employees, as 82536
needed, in connection with the performance of its duties under 82537
this section; 82538

(2) Maintain its office in Columbus; 82539

(3) Acquire facilities, equipment, and supplies necessary to 82540
house the commission, its employees, and files and records under 82541
its control, and to discharge any duty imposed upon it by law. The 82542
expense of these acquisitions shall be audited and paid for in the 82543
same manner as other state expenses. 82544

(4) Establish the overall policy and management of the 82545
commission in accordance with this chapter; 82546

(5) Follow all state procurement requirements; 82547

(6) Implement the policies and plans of the Ohio state 82548
university African American and African studies community 82549
extension center as those policies and plans are formulated and 82550
adopted by the Ohio state university African American and African 82551
studies community extension center; 82552

(7) Report to the Ohio state university African American and 82553
African studies community extension center on the progress of the 82554
commission on African-American males in implementing the policies 82555
and plans of the Ohio state university African American and 82556
African studies community extension center. 82557

(F) The commission on African-American males may: 82558

(1) Hold sessions at any place within the state, except that 82559
the commission on African-American males shall meet at least 82560
quarterly; 82561

(2) Establish, change, or abolish positions, and assign and 82562
reassign duties and responsibilities of any employee of the 82563
commission on African-American males as necessary to achieve the 82564

most efficient performance of its functions. 82565

(G) The Ohio state university African American and African 82566
studies community extension center shall establish the overall 82567
policy and management of the commission on African-American males 82568
and shall direct, manage, and oversee the commission. The Ohio 82569
state university African American and African studies community 82570
extension center shall develop overall policies and plans, and the 82571
commission on African-American males shall implement those 82572
policies and plans. The commission on African-American males, 82573
through its executive director, shall keep the Ohio state 82574
university African American and African studies community 82575
extension center informed as to the activities of the commission 82576
on African-American males in such manner and at such times as the 82577
Ohio state university African American and African studies 82578
community extension center shall determine. 82579

The Ohio state university African American and African 82580
studies community extension center may prescribe duties and 82581
responsibilities of the commission on African-American males in 82582
addition to those prescribed in section 4112.13 of the Revised 82583
Code. 82584

(H) The Ohio state university African American and African 82585
studies community extension center annually shall contract for a 82586
report on the status of African Americans in this state. Issues to 82587
be evaluated in the report shall include the criminal justice 82588
system, education, employment, health care, and housing, and such 82589
other issues as the Ohio state university African American and 82590
African studies community extension center may specify. The report 82591
shall include policy recommendations relating to the issues 82592
covered in the report. 82593

Sec. 4112.31. The new African immigrants commission shall do 82594
all of the following: 82595

(A) Gather and disseminate information and conduct hearings, conferences, investigations, and special studies on problems and programs concerning sub-Saharan African people;	82596 82597 82598
(B) Secure appropriate recognition of the accomplishments and contributions of sub-Saharan African people to this state;	82599 82600
(C) Stimulate public awareness of the problems of sub-Saharan African people by conducting a program of public education;	82601 82602
(D) Develop, coordinate, and assist other public and private organizations that serve sub-Saharan African people, including the conducting of training programs for community leadership and service project staff;	82603 82604 82605 82606
(E) Advise the governor, general assembly, and state departments and agencies of the nature, magnitude, and priorities of the problems of sub-Saharan African people;	82607 82608 82609
(F) Advise the governor, general assembly, and state departments and agencies on, and assist in the development and implementation of, comprehensive and coordinated policies, programs, and procedures focusing on the special problems and needs of sub-Saharan African people, especially in the fields of education, employment, energy, health, housing, welfare, and recreation;	82610 82611 82612 82613 82614 82615 82616
(G) Propose new programs concerning sub-Saharan African people to public and private agencies and evaluate for such agencies existing programs or prospective legislation concerning sub-Saharan African people;	82617 82618 82619 82620
(H) Review and approve grants to be made from federal, state, or private funds that are administered or subcontracted by the commission;	82621 82622 82623
(I) Prepare, review, and approve an annual report;	82624
(J) Serve as a clearinghouse to review and comment on all	82625

proposals to meet the needs of sub-Saharan African people that are 82626
submitted to it by public and private agencies; 82627

(K) Apply for and accept grants and gifts from governmental 82628
and private sources to be administered by the commission or 82629
subcontracted to local agencies; 82630

(L) Monitor and evaluate all programs subcontracted to local 82631
agencies by the commission; 82632

(M) Endeavor to assure that sub-Saharan African people have 82633
access to decision-making bodies in all state and local 82634
governmental departments and agencies; 82635

(N) Establish advisory committees on special subjects as 82636
needed to facilitate and maximize community participation in the 82637
operation of the commission; 82638

(O) Establish with state and local governments and private 82639
business and industry relationships that promote and assure equal 82640
opportunity for sub-Saharan African people in government, 82641
education, and employment. 82642

(P) Create an interagency council consisting of the following 82643
persons or their authorized representatives: one member of the 82644
senate appointed by the president of the senate; one member of the 82645
house of representatives appointed by the speaker of the house of 82646
representatives; the directors of administrative services, 82647
agriculture, education, development services, health, highway 82648
safety, job and family services, liquor control, ~~mental health~~ 82649
mental health and addiction services, ~~mental retardation~~ and 82650
developmental disabilities, natural resources, rehabilitation and 82651
correction, youth services, transportation, environmental 82652
protection, and budget and management; the chairperson of the Ohio 82653
civil rights commission, the ~~administrators~~ administrator of the 82654
bureau of workers' compensation ~~and~~, the ~~rehabilitation services~~ 82655
~~commission~~ executive director of the opportunities for Ohioans 82656

with disabilities agency, and an additional member of the 82657
governor's cabinet appointed by the governor. The new African 82658
immigrants commission, by rule, may designate other state officers 82659
or their representatives to be members of the council. The 82660
director of the commission shall be the chairperson of the 82661
council. 82662

The interagency council shall provide and coordinate the 82663
exchange of information relative to the needs of sub-Saharan 82664
African people and promote the delivery of state services to such 82665
people. The council shall meet at the call of the chairperson. 82666

Advisory committees shall be composed of persons representing 82667
community organizations and charitable institutions, public 82668
officials, and such other persons as the commission determines. 82669

Sec. 4115.034. On January 1, 1996, and the first day of 82670
January of every even-numbered year thereafter, the director of 82671
commerce shall adjust the threshold levels for which public 82672
improvement projects are subject to sections 4115.03 to 4115.16 of 82673
the Revised Code as set forth in divisions (B)(3) and (4) of 82674
section 4115.03 of the Revised Code. The director shall adjust 82675
those amounts according to the average increase or decrease for 82676
each of the two years immediately preceding the adjustment as set 82677
forth in ~~the United States department of commerce, bureau of the~~ 82678
~~census implicit price deflator for the~~ construction cost index 82679
published by the engineering news-record or, should that index 82680
cease to be published, a similar recognized industry index chosen 82681
by the director, provided that no increase or decrease for any 82682
year shall exceed three per cent of the threshold level in 82683
existence at the time of the adjustment. 82684

Sec. 4115.32. (A) Subject to section 4115.36 of the Revised 82685
Code, there is hereby created the state committee for the purchase 82686

of products and services provided by persons with severe 82687
disabilities. The committee shall be composed ex officio of the 82688
following persons, or their designees: 82689

(1) The directors of administrative services, ~~mental health~~ 82690
mental health and addiction services, developmental disabilities, 82691
transportation, natural resources, and commerce; 82692

(2) The ~~administrators~~ administrator of the ~~rehabilitation~~ 82693
~~services commission and the~~ bureau of workers' compensation and 82694
the executive director of the opportunities for Ohioans with 82695
disabilities agency; 82696

(3) The secretary of state; 82697

(4) One representative of a purchasing department of a 82698
political subdivision who is designated by the governor. 82699

The governor shall appoint two representatives of a qualified 82700
nonprofit agency for persons with severe disabilities, and a 82701
person with a severe disability to the committee. 82702

(B) Within thirty days after September 29, 1995, the governor 82703
shall appoint the representatives of a qualified nonprofit agency 82704
for persons with severe disabilities to the committee for a term 82705
ending August 31, 1996. Thereafter, terms for such representatives 82706
are for three years, each term ending on the same day of the same 82707
month of the year as did the term that it succeeds. Each committee 82708
member shall serve from the date of the member's appointment until 82709
the end of the term for which the member was appointed. Vacancies 82710
shall be filled in the same manner provided for original 82711
appointments. Any member appointed to fill a vacancy occurring 82712
prior to the expiration date of the term for which the member's 82713
predecessor was appointed shall serve as a member for the 82714
remainder of that term. A member shall serve subsequent to the 82715
expiration of the member's term and shall continue to serve until 82716
the member's successor takes office. 82717

(C) Members of the committee shall serve without 82718
compensation. Except as otherwise provided in divisions (C)(1) and 82719
(2) of this section, members shall be reimbursed for actual and 82720
necessary expenses, including travel expenses, incurred while away 82721
from their homes or regular places of business and incurred while 82722
performing services for the committee. 82723

(1) The members listed in divisions (A)(1) to (3) of this 82724
section, or their designees, shall not be reimbursed for any 82725
expenses. 82726

(2) No member of the committee who is entitled to receive 82727
reimbursement for the performance of services for the committee 82728
from another agency or entity shall receive reimbursement from the 82729
committee. 82730

(D) The committee shall elect from among its members a 82731
chairperson. The committee may request from any agency of the 82732
state, political subdivision, or instrumentality of the state any 82733
information necessary to enable it to carry out the intent of 82734
sections 4115.31 to 4115.35 of the Revised Code. Upon request of 82735
the committee, the agency, subdivision, or instrumentality shall 82736
furnish the information to the chairperson of the committee. 82737

(E) The committee shall not later than one hundred eighty 82738
days following the close of each fiscal year transmit to the 82739
governor, the general assembly, and each qualified nonprofit 82740
agency for persons with severe disabilities a report that includes 82741
the names of the committee members serving during the preceding 82742
fiscal year, the dates of committee meetings in that year, and any 82743
recommendations for changes in sections 4115.31 to 4115.35 of the 82744
Revised Code that the committee determines are necessary. 82745

(F) The director of administrative services shall designate a 82746
subordinate to act as executive director of the committee and 82747
shall furnish other staff and clerical assistance, office space, 82748

and supplies required by the committee. 82749

Sec. 4117.06. (A) The state employment relations board shall 82750
decide in each case the unit appropriate for the purposes of 82751
collective bargaining. The determination is final and conclusive 82752
and not appealable to the court. 82753

(B) The board shall determine the appropriateness of each 82754
bargaining unit and shall consider among other relevant factors: 82755
the desires of the employees; the community of interest; wages, 82756
hours, and other working conditions of the public employees; the 82757
effect of over-fragmentation; the efficiency of operations of the 82758
public employer; the administrative structure of the public 82759
employer; and the history of collective bargaining. 82760

(C) The board may determine a unit to be the appropriate unit 82761
in a particular case, even though some other unit might also be 82762
appropriate. 82763

(D) In addition, in determining the appropriate unit, the 82764
board shall not: 82765

(1) Decide that any unit is appropriate if the unit includes 82766
both professional and nonprofessional employees, unless a majority 82767
of the professional employees and a majority of the 82768
nonprofessional employees first vote for inclusion in the unit; 82769

(2) Include guards or correction officers at correctional or 82770
mental institutions, special police officers appointed in 82771
accordance with sections ~~5119.14~~ 5119.08 and 5123.13 of the 82772
Revised Code, psychiatric attendants employed at mental health 82773
forensic facilities, youth leaders employed at juvenile correction 82774
facilities, or any public employee employed as a guard to enforce 82775
against other employees rules to protect property of the employer 82776
or to protect the safety of persons on the employer's premises in 82777
a unit with other employees; 82778

(3) Include members of a police or fire department or members of the state highway patrol in a unit with other classifications of public employees of the department;

(4) Designate as appropriate a bargaining unit that contains more than one institution of higher education; nor shall it within any such institution of higher education designate as appropriate a unit where such designation would be inconsistent with the accreditation standards or interpretations of such standards, governing such institution of higher education or any department, school, or college thereof. For the purposes of this division, any branch or regional campus of a public institution of higher education is part of that institution of higher education.

(5) Designate as appropriate a bargaining unit that contains employees within the jurisdiction of more than one elected county office holder, unless the county-elected office holder and the board of county commissioners agree to such other designation;

(6) With respect to members of a police department, designate as appropriate a unit that includes rank and file members of the department with members who are of the rank of sergeant or above;

(7) Except as otherwise provided by division (A)(3) of section 3314.10 or division (B) of section 3326.18 of the Revised Code, designate as appropriate a bargaining unit that contains employees from multiple community schools established under Chapter 3314. or multiple science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code. For purposes of this division, more than one unit may be designated within a single community school or science, technology, engineering, and mathematics school.

This section shall not be deemed to prohibit multiunit bargaining.

Sec. 4117.14. (A) The procedures contained in this section 82809
govern the settlement of disputes between an exclusive 82810
representative and a public employer concerning the termination or 82811
modification of an existing collective bargaining agreement or 82812
negotiation of a successor agreement, or the negotiation of an 82813
initial collective bargaining agreement. 82814

(B)(1) In those cases where there exists a collective 82815
bargaining agreement, any public employer or exclusive 82816
representative desiring to terminate, modify, or negotiate a 82817
successor collective bargaining agreement shall: 82818

(a) Serve written notice upon the other party of the proposed 82819
termination, modification, or successor agreement. The party must 82820
serve the notice not less than sixty days prior to the expiration 82821
date of the existing agreement or, in the event the existing 82822
collective bargaining agreement does not contain an expiration 82823
date, not less than sixty days prior to the time it is proposed to 82824
make the termination or modifications or to make effective a 82825
successor agreement. 82826

(b) Offer to bargain collectively with the other party for 82827
the purpose of modifying or terminating any existing agreement or 82828
negotiating a successor agreement; 82829

(c) Notify the state employment relations board of the offer 82830
by serving upon the board a copy of the written notice to the 82831
other party and a copy of the existing collective bargaining 82832
agreement. 82833

(2) In the case of initial negotiations between a public 82834
employer and an exclusive representative, where a collective 82835
bargaining agreement has not been in effect between the parties, 82836
any party may serve notice upon the board and the other party 82837
setting forth the names and addresses of the parties and offering 82838
to meet, for a period of ninety days, with the other party for the 82839

purpose of negotiating a collective bargaining agreement. 82840

If the settlement procedures specified in divisions (B), (C), 82841
and (D) of this section govern the parties, where those procedures 82842
refer to the expiration of a collective bargaining agreement, it 82843
means the expiration of the sixty-day period to negotiate a 82844
collective bargaining agreement referred to in this subdivision, 82845
or in the case of initial negotiations, it means the ninety-day 82846
period referred to in this subdivision. 82847

(3) The parties shall continue in full force and effect all 82848
the terms and conditions of any existing collective bargaining 82849
agreement, without resort to strike or lock-out, for a period of 82850
sixty days after the party gives notice or until the expiration 82851
date of the collective bargaining agreement, whichever occurs 82852
later, or for a period of ninety days where applicable. 82853

(4) Upon receipt of the notice, the parties shall enter into 82854
collective bargaining. 82855

(C) In the event the parties are unable to reach an 82856
agreement, they may submit, at any time prior to forty-five days 82857
before the expiration date of the collective bargaining agreement, 82858
the issues in dispute to any mutually agreed upon dispute 82859
settlement procedure which supersedes the procedures contained in 82860
this section. 82861

(1) The procedures may include: 82862

(a) Conventional arbitration of all unsettled issues; 82863

(b) Arbitration confined to a choice between the last offer 82864
of each party to the agreement as a single package; 82865

(c) Arbitration confined to a choice of the last offer of 82866
each party to the agreement on each issue submitted; 82867

(d) The procedures described in division (C)(1)(a), (b), or 82868
(c) of this section and including among the choices for the 82869

arbitrator, the recommendations of the fact finder, if there are 82870
recommendations, either as a single package or on each issue 82871
submitted; 82872

(e) Settlement by a citizens' conciliation council composed 82873
of three residents within the jurisdiction of the public employer. 82874
The public employer shall select one member and the exclusive 82875
representative shall select one member. The two members selected 82876
shall select the third member who shall chair the council. If the 82877
two members cannot agree upon a third member within five days 82878
after their appointments, the board shall appoint the third 82879
member. Once appointed, the council shall make a final settlement 82880
of the issues submitted to it pursuant to division (G) of this 82881
section. 82882

(f) Any other dispute settlement procedure mutually agreed to 82883
by the parties. 82884

(2) If, fifty days before the expiration date of the 82885
collective bargaining agreement, the parties are unable to reach 82886
an agreement, any party may request the state employment relations 82887
board to intervene. The request shall set forth the names and 82888
addresses of the parties, the issues involved, and, if applicable, 82889
the expiration date of any agreement. 82890

The board shall intervene and investigate the dispute to 82891
determine whether the parties have engaged in collective 82892
bargaining. 82893

If an impasse exists or forty-five days before the expiration 82894
date of the collective bargaining agreement if one exists, the 82895
board shall appoint a mediator to assist the parties in the 82896
collective bargaining process. 82897

(3) Any time after the appointment of a mediator, either 82898
party may request the appointment of a fact-finding panel. Within 82899
fifteen days after receipt of a request for a fact-finding panel, 82900

the board shall appoint a fact-finding panel of not more than 82901
three members who have been selected by the parties in accordance 82902
with rules established by the board, from a list of qualified 82903
persons maintained by the board. 82904

(a) The fact-finding panel shall, in accordance with rules 82905
and procedures established by the board that include the 82906
regulation of costs and expenses of fact-finding, gather facts and 82907
make recommendations for the resolution of the matter. The board 82908
shall by its rules require each party to specify in writing the 82909
unresolved issues and its position on each issue to the 82910
fact-finding panel. The fact-finding panel shall make final 82911
recommendations as to all the unresolved issues. 82912

(b) The board may continue mediation, order the parties to 82913
engage in collective bargaining until the expiration date of the 82914
agreement, or both. 82915

(4) The following guidelines apply to fact-finding: 82916

(a) The fact-finding panel may establish times and place of 82917
hearings which shall be, where feasible, in the jurisdiction of 82918
the state. 82919

(b) The fact-finding panel shall conduct the hearing pursuant 82920
to rules established by the board. 82921

(c) Upon request of the fact-finding panel, the board shall 82922
issue subpoenas for hearings conducted by the panel. 82923

(d) The fact-finding panel may administer oaths. 82924

(e) The board shall prescribe guidelines for the fact-finding 82925
panel to follow in making findings. In making its recommendations, 82926
the fact-finding panel shall take into consideration the factors 82927
listed in divisions (G)(7)(a) to (f) of this section. 82928

(f) The fact-finding panel may attempt mediation at any time 82929
during the fact-finding process. From the time of appointment 82930

until the fact-finding panel makes a final recommendation, it 82931
shall not discuss the recommendations for settlement of the 82932
dispute with parties other than the direct parties to the dispute. 82933

(5) The fact-finding panel, acting by a majority of its 82934
members, shall transmit its findings of fact and recommendations 82935
on the unresolved issues to the public employer and employee 82936
organization involved and to the board no later than fourteen days 82937
after the appointment of the fact-finding panel, unless the 82938
parties mutually agree to an extension. The parties shall share 82939
the cost of the fact-finding panel in a manner agreed to by the 82940
parties. 82941

(6)(a) Not later than seven days after the findings and 82942
recommendations are sent, the legislative body, by a three-fifths 82943
vote of its total membership, and in the case of the public 82944
employee organization, the membership, by a three-fifths vote of 82945
the total membership, may reject the recommendations; if neither 82946
rejects the recommendations, the recommendations shall be deemed 82947
agreed upon as the final resolution of the issues submitted and a 82948
collective bargaining agreement shall be executed between the 82949
parties, including the fact-finding panel's recommendations, 82950
except as otherwise modified by the parties by mutual agreement. 82951
If either the legislative body or the public employee organization 82952
rejects the recommendations, the board shall publicize the 82953
findings of fact and recommendations of the fact-finding panel. 82954
The board shall adopt rules governing the procedures and methods 82955
for public employees to vote on the recommendations of the 82956
fact-finding panel. 82957

(b) As used in division (C)(6)(a) of this section, 82958
"legislative body" means the controlling board when the state or 82959
any of its agencies, authorities, commissions, boards, or other 82960
branch of public employment is party to the fact-finding process. 82961

(D) If the parties are unable to reach agreement within seven 82962

days after the publication of findings and recommendations from 82963
the fact-finding panel or the collective bargaining agreement, if 82964
one exists, has expired, then the: 82965

(1) Public employees, who are members of a police or fire 82966
department, members of the state highway patrol, deputy sheriffs, 82967
dispatchers employed by a police, fire, or sheriff's department or 82968
the state highway patrol or civilian dispatchers employed by a 82969
public employer other than a police, fire, or sheriff's department 82970
to dispatch police, fire, sheriff's department, or emergency 82971
medical or rescue personnel and units, an exclusive nurse's unit, 82972
employees of the state school for the deaf or the state school for 82973
the blind, employees of any public employee retirement system, 82974
corrections officers, guards at penal or mental institutions, 82975
special police officers appointed in accordance with sections 82976
~~5119.14~~ 5119.08 and 5123.13 of the Revised Code, psychiatric 82977
attendants employed at mental health forensic facilities, youth 82978
leaders employed at juvenile correctional facilities, or members 82979
of a law enforcement security force that is established and 82980
maintained exclusively by a board of county commissioners and 82981
whose members are employed by that board, shall submit the matter 82982
to a final offer settlement procedure pursuant to a board order 82983
issued forthwith to the parties to settle by a conciliator 82984
selected by the parties. The parties shall request from the board 82985
a list of five qualified conciliators and the parties shall select 82986
a single conciliator from the list by alternate striking of names. 82987
If the parties cannot agree upon a conciliator within five days 82988
after the board order, the board shall on the sixth day after its 82989
order appoint a conciliator from a list of qualified persons 82990
maintained by the board or shall request a list of qualified 82991
conciliators from the American arbitration association and appoint 82992
therefrom. 82993

(2) Public employees other than those listed in division 82994

(D)(1) of this section have the right to strike under Chapter 82995
4117. of the Revised Code provided that the employee organization 82996
representing the employees has given a ten-day prior written 82997
notice of an intent to strike to the public employer and to the 82998
board, and further provided that the strike is for full, 82999
consecutive work days and the beginning date of the strike is at 83000
least ten work days after the ending date of the most recent prior 83001
strike involving the same bargaining unit; however, the board, at 83002
its discretion, may attempt mediation at any time. 83003

(E) Nothing in this section shall be construed to prohibit 83004
the parties, at any time, from voluntarily agreeing to submit any 83005
or all of the issues in dispute to any other alternative dispute 83006
settlement procedure. An agreement or statutory requirement to 83007
arbitrate or to settle a dispute pursuant to a final offer 83008
settlement procedure and the award issued in accordance with the 83009
agreement or statutory requirement is enforceable in the same 83010
manner as specified in division (B) of section 4117.09 of the 83011
Revised Code. 83012

(F) Nothing in this section shall be construed to prohibit a 83013
party from seeking enforcement of a collective bargaining 83014
agreement or a conciliator's award as specified in division (B) of 83015
section 4117.09 of the Revised Code. 83016

(G) The following guidelines apply to final offer settlement 83017
proceedings under division (D)(1) of this section: 83018

(1) The parties shall submit to final offer settlement those 83019
issues that are subject to collective bargaining as provided by 83020
section 4117.08 of the Revised Code and upon which the parties 83021
have not reached agreement and other matters mutually agreed to by 83022
the public employer and the exclusive representative; except that 83023
the conciliator may attempt mediation at any time. 83024

(2) The conciliator shall hold a hearing within thirty days 83025

of the board's order to submit to a final offer settlement 83026
procedure, or as soon thereafter as is practicable. 83027

(3) The conciliator shall conduct the hearing pursuant to 83028
rules developed by the board. The conciliator shall establish the 83029
hearing time and place, but it shall be, where feasible, within 83030
the jurisdiction of the state. Not later than five calendar days 83031
before the hearing, each of the parties shall submit to the 83032
conciliator, to the opposing party, and to the board, a written 83033
report summarizing the unresolved issues, the party's final offer 83034
as to the issues, and the rationale for that position. 83035

(4) Upon the request by the conciliator, the board shall 83036
issue subpoenas for the hearing. 83037

(5) The conciliator may administer oaths. 83038

(6) The conciliator shall hear testimony from the parties and 83039
provide for a written record to be made of all statements at the 83040
hearing. The board shall submit for inclusion in the record and 83041
for consideration by the conciliator the written report and 83042
recommendation of the fact-finders. 83043

(7) After hearing, the conciliator shall resolve the dispute 83044
between the parties by selecting, on an issue-by-issue basis, from 83045
between each of the party's final settlement offers, taking into 83046
consideration the following: 83047

(a) Past collectively bargained agreements, if any, between 83048
the parties; 83049

(b) Comparison of the issues submitted to final offer 83050
settlement relative to the employees in the bargaining unit 83051
involved with those issues related to other public and private 83052
employees doing comparable work, giving consideration to factors 83053
peculiar to the area and classification involved; 83054

(c) The interests and welfare of the public, the ability of 83055

the public employer to finance and administer the issues proposed, 83056
and the effect of the adjustments on the normal standard of public 83057
service; 83058

(d) The lawful authority of the public employer; 83059

(e) The stipulations of the parties; 83060

(f) Such other factors, not confined to those listed in this 83061
section, which are normally or traditionally taken into 83062
consideration in the determination of the issues submitted to 83063
final offer settlement through voluntary collective bargaining, 83064
mediation, fact-finding, or other impasse resolution procedures in 83065
the public service or in private employment. 83066

(8) Final offer settlement awards made under Chapter 4117. of 83067
the Revised Code are subject to Chapter 2711. of the Revised Code. 83068

(9) If more than one conciliator is used, the determination 83069
must be by majority vote. 83070

(10) The conciliator shall make written findings of fact and 83071
promulgate a written opinion and order upon the issues presented 83072
to the conciliator, and upon the record made before the 83073
conciliator and shall mail or otherwise deliver a true copy 83074
thereof to the parties and the board. 83075

(11) Increases in rates of compensation and other matters 83076
with cost implications awarded by the conciliator may be effective 83077
only at the start of the fiscal year next commencing after the 83078
date of the final offer settlement award; provided that if a new 83079
fiscal year has commenced since the issuance of the board order to 83080
submit to a final offer settlement procedure, the awarded 83081
increases may be retroactive to the commencement of the new fiscal 83082
year. The parties may, at any time, amend or modify a 83083
conciliator's award or order by mutual agreement. 83084

(12) The parties shall bear equally the cost of the final 83085

offer settlement procedure. 83086

(13) Conciliators appointed pursuant to this section shall be 83087
residents of the state. 83088

(H) All final offer settlement awards and orders of the 83089
conciliator made pursuant to Chapter 4117. of the Revised Code are 83090
subject to review by the court of common pleas having jurisdiction 83091
over the public employer as provided in Chapter 2711. of the 83092
Revised Code. If the public employer is located in more than one 83093
court of common pleas district, the court of common pleas in which 83094
the principal office of the chief executive is located has 83095
jurisdiction. 83096

(I) The issuance of a final offer settlement award 83097
constitutes a binding mandate to the public employer and the 83098
exclusive representative to take whatever actions are necessary to 83099
implement the award. 83100

Sec. 4117.15. (A) Whenever a strike by members of a police or 83101
fire department, members of the state highway patrol, deputy 83102
sheriffs, dispatchers employed by a police, fire, or sheriff's 83103
department or the state highway patrol or civilian dispatchers 83104
employed by a public employer other than a police, fire, or 83105
sheriff's department to dispatch police, fire, sheriff's 83106
department, or emergency medical or rescue personnel and units, an 83107
exclusive nurse's unit, employees of the state school for the deaf 83108
or the state school for the blind, employees of any public 83109
employee retirement system, correction officers, guards at penal 83110
or mental institutions, or special police officers appointed in 83111
accordance with sections ~~5119.14~~ 5119.08 and 5123.13 of the 83112
Revised Code, psychiatric attendants employed at mental health 83113
forensic facilities, youth leaders employed at juvenile 83114
correctional facilities, or members of a law enforcement security 83115
force that is established and maintained exclusively by a board of 83116

county commissioners and whose members are employed by that board, 83117
a strike by other public employees during the pendency of the 83118
settlement procedures set forth in section 4117.14 of the Revised 83119
Code, or a strike during the term or extended term of a collective 83120
bargaining agreement occurs, the public employer may seek an 83121
injunction against the strike in the court of common pleas of the 83122
county in which the strike is located. 83123

(B) An unfair labor practice by a public employer is not a 83124
defense to the injunction proceeding noted in division (A) of this 83125
section. Allegations of unfair labor practices during the 83126
settlement procedures set forth in section 4117.14 of the Revised 83127
Code shall receive priority by the state employment relations 83128
board. 83129

(C) No public employee is entitled to pay or compensation 83130
from the public employer for the period engaged in any strike. 83131

Sec. 4121.44. (A) The administrator of workers' compensation 83132
shall oversee the implementation of the Ohio workers' compensation 83133
qualified health plan system as established under section 4121.442 83134
of the Revised Code. 83135

(B) The administrator shall direct the implementation of the 83136
health partnership program administered by the bureau as set forth 83137
in section 4121.441 of the Revised Code. To implement the health 83138
partnership program and to ensure the efficiency and effectiveness 83139
of the public services provided through the program, the bureau: 83140

(1) Shall certify one or more external vendors, which shall 83141
be known as "managed care organizations," to provide medical 83142
management and cost containment services in the health partnership 83143
program for a period of two years beginning on the date of 83144
certification, consistent with the standards established under 83145
this section; 83146

(2) May recertify ~~external vendors~~ managed care organizations 83147
for additional periods of two years; and 83148

(3) May integrate the certified ~~vendors~~ managed care 83149
organizations with bureau staff and existing bureau services for 83150
purposes of operation and training to allow the bureau to assume 83151
operation of the health partnership program at the conclusion of 83152
the certification periods set forth in division (B)(1) or (2) of 83153
this section; 83154

(4) May enter into a contract with any managed care 83155
organization that is certified by the bureau, pursuant to division 83156
(B)(1) or (2) of this section, to provide medical management and 83157
cost containment services in the health partnership program. 83158

(C) A contract entered into pursuant to division (B)(4) of 83159
this section shall include both of the following: 83160

(1) Incentives that may be awarded by the administrator, at 83161
the administrator's discretion, based on compliance and 83162
performance of the managed care organization; 83163

(2) Penalties that may be imposed by the administrator, at 83164
the administrator's discretion, based on the failure of the 83165
managed care organization to reasonably comply with or perform 83166
terms of the contract, which may include termination of the 83167
contract. 83168

(D) Notwithstanding section 119.061 of the Revised Code, a 83169
contract entered into pursuant to division (B)(4) of this section 83170
may include provisions limiting, restricting, or regulating any 83171
marketing or advertising by the managed care organization, or by 83172
any individual or entity that is affiliated with or acting on 83173
behalf of the managed care organization, under the health 83174
partnership program. 83175

(E) No managed care organization shall receive compensation 83176
under the health partnership program unless the managed care 83177

<u>organization has entered into a contract with the bureau pursuant</u>	83178
<u>to division (B)(4) of this section.</u>	83179
<u>(F) Any vendor managed care organization</u> selected shall	83180
demonstrate all of the following:	83181
(1) Arrangements and reimbursement agreements with a	83182
substantial number of the medical, professional and pharmacy	83183
providers currently being utilized by claimants.	83184
(2) Ability to accept a common format of medical bill data in	83185
an electronic fashion from any provider who wishes to submit	83186
medical bill data in that form.	83187
(3) A computer system able to handle the volume of medical	83188
bills and willingness to customize that system to the bureau's	83189
needs and to be operated by the vendor's <u>managed care</u>	83190
<u>organization's</u> staff, bureau staff, or some combination of both	83191
staffs.	83192
(4) A prescription drug system where pharmacies on a	83193
statewide basis have access to the eligibility and pricing, at a	83194
discounted rate, of all prescription drugs.	83195
(5) A tracking system to record all telephone calls from	83196
claimants and providers regarding the status of submitted medical	83197
bills so as to be able to track each inquiry.	83198
(6) Data processing capacity to absorb all of the bureau's	83199
medical bill processing or at least that part of the processing	83200
which the bureau arranges to delegate.	83201
(7) Capacity to store, retrieve, array, simulate, and model	83202
in a relational mode all of the detailed medical bill data so that	83203
analysis can be performed in a variety of ways and so that the	83204
bureau and its governing authority can make informed decisions.	83205
(8) Wide variety of software programs which translate medical	83206
terminology into standard codes, and which reveal if a provider is	83207

manipulating the procedures codes, commonly called "unbundling." 83208

(9) Necessary professional staff to conduct, at a minimum, 83209
authorizations for treatment, medical necessity, utilization 83210
review, concurrent review, post-utilization review, and have the 83211
attendant computer system which supports such activity and 83212
measures the outcomes and the savings. 83213

(10) Management experience and flexibility to be able to 83214
react quickly to the needs of the bureau in the case of required 83215
change in federal or state requirements. 83216

~~(D)~~(G)(1) The administrator may decertify a managed care 83217
organization if the managed care organization does any of the 83218
following: 83219

(a) Fails to maintain any of the requirements set forth in 83220
division (F) of this section; 83221

(b) Fails to reasonably comply with or to perform in 83222
accordance with the terms of a contract entered into under 83223
division (B)(4) of this section; 83224

(c) Violates a rule adopted under section 4121.441 of the 83225
Revised Code. 83226

(2) The administrator shall provide each managed care 83227
organization that is being decertified pursuant to division (G)(1) 83228
of this section with written notice of the pending decertification 83229
and an opportunity for a hearing pursuant to rules adopted by the 83230
administrator. 83231

(H)(1) Information contained in a ~~vendor's~~ managed care 83232
organization's application for certification in the health 83233
partnership program, and other information furnished to the bureau 83234
by a ~~vendor~~ managed care organization for purposes of obtaining 83235
certification or to comply with performance and financial auditing 83236
requirements established by the administrator, is for the 83237

exclusive use and information of the bureau in the discharge of 83238
its official duties, and shall not be open to the public or be 83239
used in any court in any proceeding pending therein, unless the 83240
bureau is a party to the action or proceeding, but the information 83241
may be tabulated and published by the bureau in statistical form 83242
for the use and information of other state departments and the 83243
public. No employee of the bureau, except as otherwise authorized 83244
by the administrator, shall divulge any information secured by the 83245
employee while in the employ of the bureau in respect to a 83246
~~vendor's~~ managed care organization's application for certification 83247
or in respect to the business or other trade processes of any 83248
~~vendor~~ managed care organization to any person other than the 83249
administrator or to the employee's superior. 83250

(2) Notwithstanding the restrictions imposed by division 83251
~~(D)~~(H)(1) of this section, the governor, members of select or 83252
standing committees of the senate or house of representatives, the 83253
auditor of state, the attorney general, or their designees, 83254
pursuant to the authority granted in this chapter and Chapter 83255
4123. of the Revised Code, may examine any ~~vendor~~ managed care 83256
organization application or other information furnished to the 83257
bureau by the ~~vendor~~ managed care organization. None of those 83258
individuals shall divulge any information secured in the exercise 83259
of that authority in respect to a ~~vendor's~~ managed care 83260
organization's application for certification or in respect to the 83261
business or other trade processes of any ~~vendor~~ managed care 83262
organization to any person. 83263

~~(E)~~(I) On and after January 1, 2001, a ~~vendor~~ managed care 83264
organization shall not be ~~any~~ an insurance company holding a 83265
certificate of authority issued pursuant to Title XXXIX of the 83266
Revised Code or ~~any~~ a health insuring corporation holding a 83267
certificate of authority under Chapter 1751. of the Revised Code. 83268

~~(F)~~(J) The administrator may limit freedom of choice of 83269

health care provider or supplier by requiring, beginning with the 83270
period set forth in division (B)(1) or (2) of this section, that 83271
claimants shall pay an appropriate out-of-plan copayment for 83272
selecting a medical provider not within the health partnership 83273
program as provided for in this section. 83274

~~(G)~~(K) The administrator, six months prior to the expiration 83275
of the bureau's certification or recertification of the ~~vendor or~~ 83276
~~vendors~~ managed care organizations as set forth in division (B)(1) 83277
or (2) of this section, may certify and provide evidence to the 83278
governor, the speaker of the house of representatives, and the 83279
president of the senate that the existing bureau staff is able to 83280
match or exceed the performance and outcomes of the ~~external~~ 83281
~~vendor or vendors~~ managed care organizations and that the bureau 83282
should be permitted to internally administer the health 83283
partnership program upon the expiration of the certification or 83284
recertification as set forth in division (B)(1) or (2) of this 83285
section. 83286

~~(H)~~(L) The administrator shall establish and operate a bureau 83287
of workers' compensation health care data program. The 83288
administrator shall develop reporting requirements from all 83289
employees, employers ~~and~~, medical providers, ~~medical vendors~~ 83290
managed care organizations, and plans that participate in the 83291
workers' compensation system. The administrator shall do all of 83292
the following: 83293

(1) Utilize the collected data to measure and perform 83294
comparison analyses of costs, quality, appropriateness of medical 83295
care, and effectiveness of medical care delivered by all 83296
components of the workers' compensation system. 83297

(2) Compile data to support activities of the selected ~~vendor~~ 83298
~~or vendors~~ managed care organizations and to measure the outcomes 83299
and savings of the health partnership program. 83300

(3) Publish and report compiled data on the measures of 83301
outcomes and savings of the health partnership program and submit 83302
the report to the president of the senate, the speaker of the 83303
house of representatives, and the governor with the annual report 83304
prepared under division (F)(3) of section 4121.12 of the Revised 83305
Code. The administrator shall protect the confidentiality of all 83306
proprietary pricing data. 83307

~~(I)~~(M) Any rehabilitation facility the bureau operates is 83308
eligible for inclusion in the Ohio workers' compensation qualified 83309
health plan system or the health partnership program under the 83310
same terms as other providers within health care plans or the 83311
program. 83312

~~(J)~~(N) In areas outside the state or within the state where 83313
no qualified health plan or an inadequate number of providers 83314
within the health partnership program exist, the administrator 83315
shall permit employees to use a nonplan or nonprogram health care 83316
provider and shall pay the provider for the services or supplies 83317
provided to or on behalf of an employee for an injury or 83318
occupational disease that is compensable under this chapter or 83319
Chapter 4123., 4127., or 4131. of the Revised Code on a fee 83320
schedule the administrator adopts. 83321

~~(K)~~(O) No health care provider, whether certified or not, 83322
shall charge, assess, or otherwise attempt to collect from an 83323
employee, employer, a managed care organization, or the bureau any 83324
amount for covered services or supplies that is in excess of the 83325
allowed amount paid by a managed care organization, the bureau, or 83326
a qualified health plan. 83327

~~(L)~~(P) The administrator shall permit any employer or group 83328
of employers who agree to abide by the rules adopted under this 83329
section and sections 4121.441 and 4121.442 of the Revised Code to 83330
provide services or supplies to or on behalf of an employee for an 83331
injury or occupational disease that is compensable under this 83332

chapter or Chapter 4123., 4127., or 4131. of the Revised Code 83333
through qualified health plans of the Ohio workers' compensation 83334
qualified health plan system pursuant to section 4121.442 of the 83335
Revised Code or through the health partnership program pursuant to 83336
section 4121.441 of the Revised Code. No amount paid under the 83337
qualified health plan system pursuant to section 4121.442 of the 83338
Revised Code by an employer who is a state fund employer shall be 83339
charged to the employer's experience or otherwise be used in 83340
merit-rating or determining the risk of that employer for the 83341
purpose of the payment of premiums under this chapter, and if the 83342
employer is a self-insuring employer, the employer shall not 83343
include that amount in the paid compensation the employer reports 83344
under section 4123.35 of the Revised Code. 83345

Sec. 4121.441. (A) The administrator of workers' 83346
compensation, with the advice and consent of the bureau of 83347
workers' compensation board of directors, shall adopt rules under 83348
Chapter 119. of the Revised Code for the health care partnership 83349
program administered by the bureau of workers' compensation to 83350
provide medical, surgical, nursing, drug, hospital, and 83351
rehabilitation services and supplies to an employee for an injury 83352
or occupational disease that is compensable under this chapter or 83353
Chapter 4123., 4127., or 4131. of the Revised Code, and to 83354
regulate contracts with managed care organizations pursuant to 83355
this chapter. 83356

(1) The rules shall include, but are not limited to, the 83357
following: 83358

~~(1)~~(a) Procedures for the resolution of medical disputes 83359
between an employer and an employee, an employee and a provider, 83360
or an employer and a provider, prior to an appeal under section 83361
4123.511 of the Revised Code. Rules the administrator adopts 83362
pursuant to division (A)(1)(a) of this section may specify that 83363

the resolution procedures shall not be used to resolve disputes 83364
concerning medical services rendered that have been approved 83365
through standard treatment guidelines, pathways, or presumptive 83366
authorization guidelines. 83367

~~(2)~~(b) Prohibitions against discrimination against any 83368
category of health care providers; 83369

~~(3)~~(c) Procedures for reporting injuries to employers and the 83370
bureau by providers; 83371

~~(4)~~(d) Appropriate financial incentives to reduce service 83372
cost and insure proper system utilization without sacrificing the 83373
quality of service; 83374

~~(5)~~(e) Adequate methods of peer review, utilization review, 83375
quality assurance, and dispute resolution to prevent, and provide 83376
sanctions for, inappropriate, excessive or not medically necessary 83377
treatment; 83378

~~(6)~~(f) A timely and accurate method of collection of 83379
necessary information regarding medical and health care service 83380
and supply costs, quality, and utilization to enable the 83381
administrator to determine the effectiveness of the program; 83382

~~(7)~~(g) Provisions for necessary emergency medical treatment 83383
for an injury or occupational disease provided by a health care 83384
provider who is not part of the program; 83385

~~(8)~~(h) Discounted pricing for all in-patient and out-patient 83386
medical services, all professional services, and all 83387
pharmaceutical services; 83388

~~(9)~~(i) Provisions for provider referrals, pre-admission and 83389
post-admission approvals, second surgical opinions, and other cost 83390
management techniques; 83391

~~(10)~~(j) Antifraud mechanisms; 83392

~~(11)~~(k) Standards and criteria for the bureau to utilize in 83393

certifying or recertifying a health care provider or a ~~vendor~~ 83394
managed care organization for participation in the health 83395
partnership program; 83396

~~(12)(1)~~ Standards ~~and criteria~~ for the bureau to utilize in 83397
penalizing or decertifying a health care provider ~~or a vendor~~ from 83398
participation in the health partnership program. 83399

(2) Notwithstanding section 119.061 of the Revised Code, the 83400
rules may include provisions limiting, restricting, or regulating 83401
any marketing or advertising by a managed care organization, or by 83402
any individual or entity that is affiliated with or acting on 83403
behalf of the managed care organization, under the health 83404
partnership program. 83405

(B) The administrator shall implement the health partnership 83406
program according to the rules the administrator adopts under this 83407
section for the provision and payment of medical, surgical, 83408
nursing, drug, hospital, and rehabilitation services and supplies 83409
to an employee for an injury or occupational disease that is 83410
compensable under this chapter or Chapter 4123., 4127., or 4131. 83411
of the Revised Code." 83412

Sec. 4121.50. Not later than July 1, 2012, the administrator 83413
of workers' compensation shall adopt rules in accordance with 83414
Chapter 119. of the Revised Code to implement a coordinated 83415
services program for claimants under this chapter or Chapter 83416
4123., 4127., or 4131. of the Revised Code who are found to have 83417
obtained prescription drugs that were reimbursed pursuant to an 83418
order of the administrator or of the industrial commission or by a 83419
self-insuring employer but were obtained at a frequency or in an 83420
amount that is not medically necessary. The program shall be 83421
implemented in a manner that is substantially similar to the 83422
coordinated services programs established for the medicaid program 83423
under ~~section 5111.085~~ sections 5164.758 and 5111.179 5167.13 of 83424

the Revised Code. 83425

Sec. 4121.69. (A) The administrator of workers' compensation 83426
may establish compensation plans, including schedules of hourly 83427
rates, for the compensation of professional, administrative, and 83428
managerial employees who are employed to fulfill the duties placed 83429
upon the bureau of workers' compensation pursuant to sections 83430
4121.61 to 4121.69 of the Revised Code. The administrator may 83431
establish rules or policies for the administration of the 83432
respective compensation plans. 83433

This division does not apply to employees for whom the state 83434
employment relations board establishes appropriate bargaining 83435
units pursuant to section 4117.06 of the Revised Code. 83436

(B) The administrator may employ the services and resources 83437
of any public entity or private person, business, or association 83438
in fulfilling the duties placed upon the bureau of workers' 83439
compensation by sections 4121.61 to 4121.69 of the Revised Code. 83440
The ~~rehabilitation services commission~~ opportunities for Ohioans
with disabilities agency, the director of job and family services, 83441
and any other public officer, employee, or agency shall give to 83442
the bureau of workers' compensation full cooperation and, at the 83443
request of the administrator, enter into a written agreement 83444
stating the procedures and criteria for referring, accepting, and 83445
providing services to claimants in the job placement and 83446
rehabilitation efforts of the bureau of workers' compensation on 83447
behalf of a claimant when referred by the bureau of workers' 83448
compensation. 83449
83450

(C) In appropriate cases, the bureau may refer a candidate to 83451
the ~~rehabilitation services commission~~ opportunities for Ohioans
with disabilities agency for participation in a program of the 83452
~~commission~~ agency. For that purpose, the bureau of workers' 83453
compensation shall compensate the ~~commission~~ agency for the 83454
83455

nonfederal portion of its services. 83456

Sec. 4123.32. The administrator of workers' compensation, 83457
with the advice and consent of the bureau of workers' compensation 83458
board of directors, shall adopt rules with respect to the 83459
collection, maintenance, and disbursements of the state insurance 83460
fund including all of the following: 83461

(A) A rule providing that the premium security deposit 83462
collected from any employer entitles the employer to the benefits 83463
of this chapter for the remainder of the six months and also for 83464
an additional adjustment period of two months, and, thereafter, if 83465
the employer pays the premium due at the close of any six-month 83466
period, coverage shall be extended for an additional eight-month 83467
period beginning from the end of the six-month period for which 83468
the employer pays the premium due; 83469

(B) A rule providing for ascertaining the correctness of any 83470
employer's report of estimated or actual expenditure of wages and 83471
the determination and adjustment of proper premiums and the 83472
payment of those premiums by the employer for or during any period 83473
less than eight months and notwithstanding any payment or 83474
determination of premium made when exceptional conditions or 83475
circumstances in the judgment of the administrator justify the 83476
action; 83477

(C) Such special rules as the administrator considers 83478
necessary to safeguard the fund and that are just in the 83479
circumstances, covering the rates to be applied where one employer 83480
takes over the occupation or industry of another or where an 83481
employer first makes application for state insurance, and the 83482
administrator may require that if any employer transfers a 83483
business in whole or in part or otherwise reorganizes the 83484
business, the successor in interest shall assume, in proportion to 83485
the extent of the transfer, as determined by the administrator, 83486

the employer's account and shall continue the payment of all 83487
contributions due under this chapter; 83488

(D) A rule providing that an employer who employs an employee 83489
covered under the federal "Longshore and Harbor Workers'
Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et seq., and this 83490
chapter and Chapter 4121. of the Revised Code shall be assessed a 83491
premium in accordance with the expenditure of wages, payroll, or 83492
both attributable to only labor performed and services provided by 83493
such an employee when the employee performs labor and provides 83494
services for which the employee is not eligible to receive 83495
compensation and benefits under that federal act. 83496
83497

(E) A rule providing for all of the following: 83498

(1) If, within two months immediately after the expiration of 83499
the six-month period, an employer fails to file a report of the 83500
employer's actual payroll expenditures for the period, the premium 83501
found to be due from the employer for the period shall be 83502
increased in an amount equal to one per cent of the premium, but 83503
the increase shall not be less than three nor more than fifteen 83504
dollars; 83505

(2) The premium determined by the administrator to be due 83506
from an employer shall be payable on or before the end of the 83507
coverage period established by the premium security deposit, or 83508
within the time specified by the administrator if the period for 83509
which the advance premium has been paid is less than eight months. 83510
If an employer fails to pay the premium when due, the 83511
administrator may add a late fee penalty of not more than thirty 83512
dollars to the premium plus an additional penalty amount as 83513
follows: 83514

(a) For a premium from sixty-one to ninety days past due, the 83515
prime interest rate, multiplied by the premium due; 83516

(b) For a premium from ninety-one to one hundred twenty days 83517

past due, the prime interest rate plus two per cent, multiplied by 83518
the premium due; 83519

(c) For a premium from one hundred twenty-one to one hundred 83520
fifty days past due, the prime interest rate plus four per cent, 83521
multiplied by the premium due; 83522

(d) For a premium from one hundred fifty-one to one hundred 83523
eighty days past due, the prime interest rate plus six per cent, 83524
multiplied by the premium due; 83525

(e) For a premium from one hundred eighty-one to two hundred 83526
ten days past due, the prime interest rate plus eight per cent, 83527
multiplied by the premium due; 83528

(f) For each additional thirty-day period or portion thereof 83529
that a premium remains past due after it has remained past due for 83530
more than two hundred ten days, the prime interest rate plus eight 83531
per cent, multiplied by the premium due. 83532

(3) Notwithstanding the interest rates specified in division 83533
(E)(2) of this section, at no time shall the additional penalty 83534
amount assessed under division (E)(2) of this section exceed 83535
fifteen per cent of the premium due. 83536

(4) An employer may appeal a late fee penalty or additional 83537
penalty to an adjudicating committee pursuant to section 4123.291 83538
of the Revised Code. 83539

For purposes of division (E) of this section, "prime interest 83540
rate" means the average bank prime rate, and the administrator 83541
shall determine the prime interest rate in the same manner as a 83542
county auditor determines the average bank prime rate under 83543
section 929.02 of the Revised Code. 83544

(5) If the employer files an appropriate payroll report, 83545
within the time provided by law or within the time specified by 83546
the administrator if the period for which the employer paid an 83547

estimated premium is less than eight months, the employer shall 83548
not be in default and division (E)(2) of this section shall not 83549
apply if the employer pays the premiums within fifteen days after 83550
being first notified by the administrator of the amount due. 83551

(6) Any deficiencies in the amounts of the premium security 83552
deposit paid by an employer for any period shall be subject to an 83553
interest charge of six per cent per annum from the date the 83554
premium obligation is incurred. In determining the interest due on 83555
deficiencies in premium security deposit payments, a charge in 83556
each case shall be made against the employer in an amount equal to 83557
interest at the rate of six per cent per annum on the premium 83558
security deposit due but remaining unpaid sixty days after notice 83559
by the administrator. 83560

(7) Any interest charges or penalties provided for in 83561
divisions (E)(2) and (6) of this section shall be credited to the 83562
employer's account for rating purposes in the same manner as 83563
premiums. 83564

(F) A rule providing that each employer, on the occasion of 83565
instituting coverage under this chapter, shall submit a premium 83566
security deposit. The deposit shall be calculated equivalent to 83567
thirty per cent of the semiannual premium obligation of the 83568
employer based upon the employer's estimated expenditure for wages 83569
for the ensuing six-month period plus thirty per cent of an 83570
additional adjustment period of two months but only up to a 83571
maximum of one thousand dollars and not less than ten dollars. The 83572
administrator shall review the security deposit of every employer 83573
who has submitted a deposit which is less than the 83574
one-thousand-dollar maximum. The administrator may require any 83575
such employer to submit additional money up to the maximum of one 83576
thousand dollars that, in the administrator's opinion, reflects 83577
the employer's current payroll expenditure for an eight-month 83578
period. 83579

(G) A rule providing that each employer, on the occasion of instituting coverage under this chapter, shall submit an application for coverage that completely provides all of the information required for the administrator to establish coverage for that employer, and that the employer's failure to provide all of the information completely may be grounds for the administrator to deny coverage for that employer.

(H) A rule providing that, in addition to any other remedies permitted in this chapter, the administrator may discontinue an employer's coverage if the employer fails to pay the premium due on or before the premium's due date.

(I) A rule providing that if after a final adjudication it is determined that an employer has failed to pay an obligation, billing, account, or assessment that is greater than one thousand dollars on or before its due date, the administrator may discontinue the employer's coverage in addition to any other remedies permitted in this chapter, and that the administrator shall not discontinue an employer's coverage pursuant to this division prior to a final adjudication regarding the employer's failure to pay such obligation, billing, account, or assessment on or before its due date.

(J) As used in divisions (H) and (I) of this section:

(1) "Employer" has the same meaning as in division (B) of section 4123.01 of the Revised Code except that "employer" does not include the state, a state hospital, or a state university or college.

(2) "State university or college" has the same meaning as in section 3345.12 of the Revised Code and also includes the Ohio agricultural research and development center and ~~the Ohio state university cooperative~~ OSU extension service.

(3) "State hospital" means the Ohio state university hospital

and its ancillary facilities and the medical university of Ohio at 83611
Toledo hospital. 83612

Sec. 4123.322. (A) Notwithstanding any provision to the 83613
contrary in section 4123.32 or 4123.41 of the Revised Code, the 83614
administrator of workers' compensation, with the advice and 83615
consent of the bureau of workers' compensation board of directors, 83616
may adopt rules with respect to the collection, maintenance, and 83617
disbursements of the state insurance fund to provide for a system 83618
of prospective payment of workers' compensation premiums. If the 83619
administrator elects to adopt rules establishing a prospective 83620
payment system, those rules shall include all of the following: 83621

(1) A requirement that, notwithstanding section 4123.26 of 83622
the Revised Code, on or before the thirtieth day of June of each 83623
year, or such other date as the administrator establishes, every 83624
employer mentioned in division (B)(2) of section 4123.01 of the 83625
Revised Code shall file with the bureau of workers' compensation 83626
an estimate of the employer's payroll for the immediately 83627
following twelve-month period or other period as the administrator 83628
establishes; 83629

(2) A requirement that upon an initial application for 83630
coverage, an employer mentioned in division (B)(2) of section 83631
4123.01 of the Revised Code shall file with the application an 83632
estimate of the employer's payroll for the unexpired period from 83633
the date of application to the period ending on the following 83634
thirtieth day of June or other date as established by the 83635
administrator pursuant to division (A)(1) of this section, and 83636
shall pay the amount the administrator determines by rule in order 83637
to establish coverage for the employer as described in division 83638
(B)(12) of section 4121.121 of the Revised Code; 83639

(3) A requirement that, notwithstanding section 4123.26 or 83640
4123.41 of the Revised Code, on or before the first day of January 83641

of each year, or such other date as the administrator establishes, 83642
every employer mentioned in division (B)(1) of section 4123.01 of 83643
the Revised Code, except for a state agency or a state university 83644
or college, shall file with the bureau an estimate of the 83645
employer's payroll for the immediately following twelve-month 83646
period or other period as the administrator establishes; 83647

(4) A requirement that upon an initial application for 83648
coverage, an employer mentioned in division (B)(1) of section 83649
4123.01 of the Revised Code, except for a state agency or state 83650
university or college, shall file with the application an estimate 83651
of the employer's payroll for the unexpired period from the date 83652
of application to the period ending on the following thirty-first 83653
day of December or other date as established by the administrator 83654
pursuant to division (A)(3) of this section, and shall pay the 83655
amount the administrator determines by rule in order to establish 83656
coverage for the employer as described in division (B)(12) of 83657
section 4121.121 of the Revised Code; 83658

(5) The assessment of a penalty if an employer fails to 83659
timely file the estimates of payroll required by the rules adopted 83660
pursuant to this section; 83661

(6) A requirement that an employer complete periodic payroll 83662
reports of actual expenditures for previous coverage periods for 83663
reconciliation with estimated payroll reports; 83664

(7) The assessment of a penalty for late payroll 83665
reconciliation reports and for late payment of any reconciliation 83666
premium; 83667

(8) The establishment of a transition period during which 83668
time the bureau shall determine the adequacy of existing premium 83669
security deposits of employers, the establishment of provisions 83670
for additional premium payments during that transition, the 83671
provision of a credit of those deposits toward the first premium 83672

due from an employer under the rules adopted under divisions 83673
(A)(1) to (7) of this section, and the establishment of penalties 83674
for late payment or failure to comply with the rules. 83675

(B) For purposes of division (A)(6) of this section, an 83676
employer shall make timely payment of any premium owed when actual 83677
payroll expenditures exceeded estimated payroll, and the employer 83678
shall receive premium credit when the estimated payroll exceeded 83679
the actual payroll. 83680

(C) For purposes of division (A)(7) of this section, if the 83681
employer's actual payroll substantially exceeds the estimated 83682
payroll, the administrator may assess additional penalties 83683
specified in rules the administrator adopts on the reconciliation 83684
premium. 83685

(D) As used in this section, "state university or college" 83686
has the same meaning as in section 4123.32 of the Revised Code. 83687

Sec. 4123.35. (A) Except as provided in this section, every 83688
employer mentioned in division (B)(2) of section 4123.01 of the 83689
Revised Code, and every publicly owned utility shall pay 83690
semiannually in the months of January and July into the state 83691
insurance fund the amount of annual premium the administrator of 83692
workers' compensation fixes for the employment or occupation of 83693
the employer, the amount of which premium to be paid by each 83694
employer to be determined by the classifications, rules, and rates 83695
made and published by the administrator. The employer shall pay 83696
semiannually a further sum of money into the state insurance fund 83697
as may be ascertained to be due from the employer by applying the 83698
rules of the administrator, and a receipt or certificate 83699
certifying that payment has been made, along with a written notice 83700
as is required in section 4123.54 of the Revised Code, shall be 83701
mailed immediately to the employer by the bureau of workers' 83702
compensation. The receipt or certificate is prima-facie evidence 83703

of the payment of the premium, and the proper posting of the 83704
notice constitutes the employer's compliance with the notice 83705
requirement mandated in section 4123.54 of the Revised Code. 83706

If the administrator adopts rules to establish a prospective 83707
payment of premium under section 4123.322 of the Revised Code, 83708
every employer mentioned in division (B)(2) of section 4123.01 of 83709
the Revised Code and every publicly owned utility shall pay into 83710
the state insurance fund the amount of premium the administrator 83711
fixes for the employment or occupation of the employer, the amount 83712
of which premium to be paid by each employer to be determined by 83713
the classifications, rules, and rates made and published by the 83714
administrator and based upon the estimates and reconciliations 83715
required by the rules the administrator adopts under section 83716
4123.322 of the Revised Code. 83717

The bureau of workers' compensation shall verify with the 83718
secretary of state the existence of all corporations and 83719
organizations making application for workers' compensation 83720
coverage and shall require every such application to include the 83721
employer's federal identification number. 83722

An employer as defined in division (B)(2) of section 4123.01 83723
of the Revised Code who has contracted with a subcontractor is 83724
liable for the unpaid premium due from any subcontractor with 83725
respect to that part of the payroll of the subcontractor that is 83726
for work performed pursuant to the contract with the employer. 83727

Division (A) of this section providing for the payment of 83728
premiums semiannually does not apply to any employer who was a 83729
subscriber to the state insurance fund prior to January 1, 1914, 83730
or who may first become a subscriber to the fund in any month 83731
other than January or July. Instead, the semiannual premiums shall 83732
be paid by those employers from time to time upon the expiration 83733
of the respective periods for which payments into the fund have 83734
been made by them. 83735

The administrator shall adopt rules to permit employers to 83736
make periodic payments of the semiannual premium due under this 83737
division. The rules shall include provisions for the assessment of 83738
interest charges, where appropriate, and for the assessment of 83739
penalties when an employer fails to make timely premium payments. 83740
An employer who timely pays the amounts due under this division is 83741
entitled to all of the benefits and protections of this chapter. 83742
Upon receipt of payment, the bureau immediately shall mail a 83743
receipt or certificate to the employer certifying that payment has 83744
been made, which receipt is prima-facie evidence of payment. 83745
Workers' compensation coverage under this chapter continues 83746
uninterrupted upon timely receipt of payment under this division. 83747

Every public employer, except public employers that are 83748
self-insuring employers under this section, shall comply with 83749
sections 4123.38 to 4123.41, and 4123.48 of the Revised Code in 83750
regard to the contribution of moneys to the public insurance fund. 83751

(B) Employers who will abide by the rules of the 83752
administrator and who may be of sufficient financial ability to 83753
render certain the payment of compensation to injured employees or 83754
the dependents of killed employees, and the furnishing of medical, 83755
surgical, nursing, and hospital attention and services and 83756
medicines, and funeral expenses, equal to or greater than is 83757
provided for in sections 4123.52, 4123.55 to 4123.62, and 4123.64 83758
to 4123.67 of the Revised Code, and who do not desire to insure 83759
the payment thereof or indemnify themselves against loss sustained 83760
by the direct payment thereof, upon a finding of such facts by the 83761
administrator, may be granted the privilege to pay individually 83762
compensation, and furnish medical, surgical, nursing, and hospital 83763
services and attention and funeral expenses directly to injured 83764
employees or the dependents of killed employees, thereby being 83765
granted status as a self-insuring employer. The administrator may 83766
charge employers who apply for the status as a self-insuring 83767

employer a reasonable application fee to cover the bureau's costs 83768
in connection with processing and making a determination with 83769
respect to an application. 83770

All employers granted status as self-insuring employers shall 83771
demonstrate sufficient financial and administrative ability to 83772
assure that all obligations under this section are promptly met. 83773
The administrator shall deny the privilege where the employer is 83774
unable to demonstrate the employer's ability to promptly meet all 83775
the obligations imposed on the employer by this section. 83776

(1) The administrator shall consider, but is not limited to, 83777
the following factors, where applicable, in determining the 83778
employer's ability to meet all of the obligations imposed on the 83779
employer by this section: 83780

(a) The employer employs a minimum of five hundred employees 83781
in this state; 83782

(b) The employer has operated in this state for a minimum of 83783
two years, provided that an employer who has purchased, acquired, 83784
or otherwise succeeded to the operation of a business, or any part 83785
thereof, situated in this state that has operated for at least two 83786
years in this state, also shall qualify; 83787

(c) Where the employer previously contributed to the state 83788
insurance fund or is a successor employer as defined by bureau 83789
rules, the amount of the buyout, as defined by bureau rules; 83790

(d) The sufficiency of the employer's assets located in this 83791
state to insure the employer's solvency in paying compensation 83792
directly; 83793

(e) The financial records, documents, and data, certified by 83794
a certified public accountant, necessary to provide the employer's 83795
full financial disclosure. The records, documents, and data 83796
include, but are not limited to, balance sheets and profit and 83797
loss history for the current year and previous four years. 83798

(f) The employer's organizational plan for the administration of the workers' compensation law; 83799
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(g) The employer's proposed plan to inform employees of the change from a state fund insurer to a self-insuring employer, the procedures the employer will follow as a self-insuring employer, and the employees' rights to compensation and benefits; and 83801
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(h) The employer has either an account in a financial institution in this state, or if the employer maintains an account with a financial institution outside this state, ensures that workers' compensation checks are drawn from the same account as payroll checks or the employer clearly indicates that payment will be honored by a financial institution in this state. 83805
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The administrator may waive the requirements of divisions (B)(1)(a) and (b) of this section and the requirement of division (B)(1)(e) of this section that the financial records, documents, and data be certified by a certified public accountant. The administrator shall adopt rules establishing the criteria that an employer shall meet in order for the administrator to waive the ~~requirement~~ requirements of division divisions (B)(1)(a), (b), and (e) of this section. Such rules may require additional security of that employer pursuant to division (E) of section 4123.351 of the Revised Code. 83811
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The administrator shall not grant the status of self-insuring employer to the state, except that the administrator may grant the status of self-insuring employer to a state institution of higher education, including its hospitals, that meets the requirements of division (B)(2) of this section. 83821
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(2) When considering the application of a public employer, except for a board of county commissioners described in division (G) of section 4123.01 of the Revised Code, a board of a county hospital, or a publicly owned utility, the administrator shall 83826
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verify that the public employer satisfies all of the following 83830
requirements as the requirements apply to that public employer: 83831

(a) For the two-year period preceding application under this 83832
section, the public employer has maintained an unvoted debt 83833
capacity equal to at least two times the amount of the current 83834
annual premium established by the administrator under this chapter 83835
for that public employer for the year immediately preceding the 83836
year in which the public employer makes application under this 83837
section. 83838

(b) For each of the two fiscal years preceding application 83839
under this section, the unreserved and undesignated year-end fund 83840
balance in the public employer's general fund is equal to at least 83841
five per cent of the public employer's general fund revenues for 83842
the fiscal year computed in accordance with generally accepted 83843
accounting principles. 83844

(c) For the five-year period preceding application under this 83845
section, the public employer, to the extent applicable, has 83846
complied fully with the continuing disclosure requirements 83847
established in rules adopted by the United States securities and 83848
exchange commission under 17 C.F.R. 240.15c 2-12. 83849

(d) For the five-year period preceding application under this 83850
section, the public employer has not had its local government fund 83851
distribution withheld on account of the public employer being 83852
indebted or otherwise obligated to the state. 83853

(e) For the five-year period preceding application under this 83854
section, the public employer has not been under a fiscal watch or 83855
fiscal emergency pursuant to section 118.023, 118.04, or 3316.03 83856
of the Revised Code. 83857

(f) For the public employer's fiscal year preceding 83858
application under this section, the public employer has obtained 83859
an annual financial audit as required under section 117.10 of the 83860

Revised Code, which has been released by the auditor of state 83861
within seven months after the end of the public employer's fiscal 83862
year. 83863

(g) On the date of application, the public employer holds a 83864
debt rating of Aa3 or higher according to Moody's investors 83865
service, inc., or a comparable rating by an independent rating 83866
agency similar to Moody's investors service, inc. 83867

(h) The public employer agrees to generate an annual 83868
accumulating book reserve in its financial statements reflecting 83869
an actuarially generated reserve adequate to pay projected claims 83870
under this chapter for the applicable period of time, as 83871
determined by the administrator. 83872

(i) For a public employer that is a hospital, the public 83873
employer shall submit audited financial statements showing the 83874
hospital's overall liquidity characteristics, and the 83875
administrator shall determine, on an individual basis, whether the 83876
public employer satisfies liquidity standards equivalent to the 83877
liquidity standards of other public employers. 83878

(j) Any additional criteria that the administrator adopts by 83879
rule pursuant to division (E) of this section. 83880

The administrator may adopt rules establishing the criteria 83881
that a public employer shall satisfy in order for the 83882
administrator to waive any of the requirements listed in divisions 83883
(B)(2)(a) to (j) of this section. The rules may require additional 83884
security from that employer pursuant to division (E) of section 83885
4123.351 of the Revised Code. The administrator shall not waive 83886
any of the requirements listed in divisions (B)(2)(a) to (j) of 83887
this section for a public employer who does not satisfy the 83888
criteria established in the rules the administrator adopts. 83889

(C) A board of county commissioners described in division (G) 83890
of section 4123.01 of the Revised Code, as an employer, that will 83891

abide by the rules of the administrator and that may be of 83892
sufficient financial ability to render certain the payment of 83893
compensation to injured employees or the dependents of killed 83894
employees, and the furnishing of medical, surgical, nursing, and 83895
hospital attention and services and medicines, and funeral 83896
expenses, equal to or greater than is provided for in sections 83897
4123.52, 4123.55 to 4123.62, and 4123.64 to 4123.67 of the Revised 83898
Code, and that does not desire to insure the payment thereof or 83899
indemnify itself against loss sustained by the direct payment 83900
thereof, upon a finding of such facts by the administrator, may be 83901
granted the privilege to pay individually compensation, and 83902
furnish medical, surgical, nursing, and hospital services and 83903
attention and funeral expenses directly to injured employees or 83904
the dependents of killed employees, thereby being granted status 83905
as a self-insuring employer. The administrator may charge a board 83906
of county commissioners described in division (G) of section 83907
4123.01 of the Revised Code that applies for the status as a 83908
self-insuring employer a reasonable application fee to cover the 83909
bureau's costs in connection with processing and making a 83910
determination with respect to an application. All employers 83911
granted such status shall demonstrate sufficient financial and 83912
administrative ability to assure that all obligations under this 83913
section are promptly met. The administrator shall deny the 83914
privilege where the employer is unable to demonstrate the 83915
employer's ability to promptly meet all the obligations imposed on 83916
the employer by this section. The administrator shall consider, 83917
but is not limited to, the following factors, where applicable, in 83918
determining the employer's ability to meet all of the obligations 83919
imposed on the board as an employer by this section: 83920

(1) The board as an employer employs a minimum of five 83921
hundred employees in this state; 83922

(2) The board has operated in this state for a minimum of two 83923

years;	83924
(3) Where the board previously contributed to the state insurance fund or is a successor employer as defined by bureau rules, the amount of the buyout, as defined by bureau rules;	83925 83926 83927
(4) The sufficiency of the board's assets located in this state to insure the board's solvency in paying compensation directly;	83928 83929 83930
(5) The financial records, documents, and data, certified by a certified public accountant, necessary to provide the board's full financial disclosure. The records, documents, and data include, but are not limited to, balance sheets and profit and loss history for the current year and previous four years.	83931 83932 83933 83934 83935
(6) The board's organizational plan for the administration of the workers' compensation law;	83936 83937
(7) The board's proposed plan to inform employees of the proposed self-insurance, the procedures the board will follow as a self-insuring employer, and the employees' rights to compensation and benefits;	83938 83939 83940 83941
(8) The board has either an account in a financial institution in this state, or if the board maintains an account with a financial institution outside this state, ensures that workers' compensation checks are drawn from the same account as payroll checks or the board clearly indicates that payment will be honored by a financial institution in this state;	83942 83943 83944 83945 83946 83947
(9) The board shall provide the administrator a surety bond in an amount equal to one hundred twenty-five per cent of the projected losses as determined by the administrator.	83948 83949 83950
(D) The administrator shall require a surety bond from all self-insuring employers, issued pursuant to section 4123.351 of the Revised Code, that is sufficient to compel, or secure to	83951 83952 83953

injured employees, or to the dependents of employees killed, the 83954
payment of compensation and expenses, which shall in no event be 83955
less than that paid or furnished out of the state insurance fund 83956
in similar cases to injured employees or to dependents of killed 83957
employees whose employers contribute to the fund, except when an 83958
employee of the employer, who has suffered the loss of a hand, 83959
arm, foot, leg, or eye prior to the injury for which compensation 83960
is to be paid, and thereafter suffers the loss of any other of the 83961
members as the result of any injury sustained in the course of and 83962
arising out of the employee's employment, the compensation to be 83963
paid by the self-insuring employer is limited to the disability 83964
suffered in the subsequent injury, additional compensation, if 83965
any, to be paid by the bureau out of the surplus created by 83966
section 4123.34 of the Revised Code. 83967

(E) In addition to the requirements of this section, the 83968
administrator shall make and publish rules governing the manner of 83969
making application and the nature and extent of the proof required 83970
to justify a finding of fact by the administrator as to granting 83971
the status of a self-insuring employer, which rules shall be 83972
general in their application, one of which rules shall provide 83973
that all self-insuring employers shall pay into the state 83974
insurance fund such amounts as are required to be credited to the 83975
surplus fund in division (B) of section 4123.34 of the Revised 83976
Code. The administrator may adopt rules establishing requirements 83977
in addition to the requirements described in division (B)(2) of 83978
this section that a public employer shall meet in order to qualify 83979
for self-insuring status. 83980

Employers shall secure directly from the bureau central 83981
offices application forms upon which the bureau shall stamp a 83982
designating number. Prior to submission of an application, an 83983
employer shall make available to the bureau, and the bureau shall 83984
review, the information described in division (B)(1) of this 83985

section, and public employers shall make available, and the bureau 83986
shall review, the information necessary to verify whether the 83987
public employer meets the requirements listed in division (B)(2) 83988
of this section. An employer shall file the completed application 83989
forms with an application fee, which shall cover the costs of 83990
processing the application, as established by the administrator, 83991
by rule, with the bureau at least ninety days prior to the 83992
effective date of the employer's new status as a self-insuring 83993
employer. The application form is not deemed complete until all 83994
the required information is attached thereto. The bureau shall 83995
only accept applications that contain the required information. 83996

(F) The bureau shall review completed applications within a 83997
reasonable time. If the bureau determines to grant an employer the 83998
status as a self-insuring employer, the bureau shall issue a 83999
statement, containing its findings of fact, that is prepared by 84000
the bureau and signed by the administrator. If the bureau 84001
determines not to grant the status as a self-insuring employer, 84002
the bureau shall notify the employer of the determination and 84003
require the employer to continue to pay its full premium into the 84004
state insurance fund. The administrator also shall adopt rules 84005
establishing a minimum level of performance as a criterion for 84006
granting and maintaining the status as a self-insuring employer 84007
and fixing time limits beyond which failure of the self-insuring 84008
employer to provide for the necessary medical examinations and 84009
evaluations may not delay a decision on a claim. 84010

(G) The administrator shall adopt rules setting forth 84011
procedures for auditing the program of self-insuring employers. 84012
The bureau shall conduct the audit upon a random basis or whenever 84013
the bureau has grounds for believing that a self-insuring employer 84014
is not in full compliance with bureau rules or this chapter. 84015

The administrator shall monitor the programs conducted by 84016
self-insuring employers, to ensure compliance with bureau 84017

requirements and for that purpose, shall develop and issue to 84018
self-insuring employers standardized forms for use by the 84019
self-insuring employer in all aspects of the self-insuring 84020
employers' direct compensation program and for reporting of 84021
information to the bureau. 84022

The bureau shall receive and transmit to the self-insuring 84023
employer all complaints concerning any self-insuring employer. In 84024
the case of a complaint against a self-insuring employer, the 84025
administrator shall handle the complaint through the 84026
self-insurance division of the bureau. The bureau shall maintain a 84027
file by employer of all complaints received that relate to the 84028
employer. The bureau shall evaluate each complaint and take 84029
appropriate action. 84030

The administrator shall adopt as a rule a prohibition against 84031
any self-insuring employer from harassing, dismissing, or 84032
otherwise disciplining any employee making a complaint, which rule 84033
shall provide for a financial penalty to be levied by the 84034
administrator payable by the offending self-insuring employer. 84035

(H) For the purpose of making determinations as to whether to 84036
grant status as a self-insuring employer, the administrator may 84037
subscribe to and pay for a credit reporting service that offers 84038
financial and other business information about individual 84039
employers. The costs in connection with the bureau's subscription 84040
or individual reports from the service about an applicant may be 84041
included in the application fee charged employers under this 84042
section. 84043

(I) The administrator, notwithstanding other provisions of 84044
this chapter, may permit a self-insuring employer to resume 84045
payment of premiums to the state insurance fund with appropriate 84046
credit modifications to the employer's basic premium rate as such 84047
rate is determined pursuant to section 4123.29 of the Revised 84048
Code. 84049

(J) On the first day of July of each year, the administrator shall calculate separately each self-insuring employer's assessments for the safety and hygiene fund, administrative costs pursuant to section 4123.342 of the Revised Code, and for the portion of the surplus fund under division (B) of section 4123.34 of the Revised Code that is not used for handicapped reimbursement, on the basis of the paid compensation attributable to the individual self-insuring employer according to the following calculation:

(1) The total assessment against all self-insuring employers as a class for each fund and for the administrative costs for the year that the assessment is being made, as determined by the administrator, divided by the total amount of paid compensation for the previous calendar year attributable to all amenable self-insuring employers;

(2) Multiply the quotient in division (J)(1) of this section by the total amount of paid compensation for the previous calendar year that is attributable to the individual self-insuring employer for whom the assessment is being determined. Each self-insuring employer shall pay the assessment that results from this calculation, unless the assessment resulting from this calculation falls below a minimum assessment, which minimum assessment the administrator shall determine on the first day of July of each year with the advice and consent of the bureau of workers' compensation board of directors, in which event, the self-insuring employer shall pay the minimum assessment.

In determining the total amount due for the total assessment against all self-insuring employers as a class for each fund and the administrative assessment, the administrator shall reduce proportionately the total for each fund and assessment by the amount of money in the self-insurance assessment fund as of the date of the computation of the assessment.

The administrator shall calculate the assessment for the 84082
portion of the surplus fund under division (B) of section 4123.34 84083
of the Revised Code that is used for handicapped reimbursement in 84084
the same manner as set forth in divisions (J)(1) and (2) of this 84085
section except that the administrator shall calculate the total 84086
assessment for this portion of the surplus fund only on the basis 84087
of those self-insuring employers that retain participation in the 84088
handicapped reimbursement program and the individual self-insuring 84089
employer's proportion of paid compensation shall be calculated 84090
only for those self-insuring employers who retain participation in 84091
the handicapped reimbursement program. The administrator, as the 84092
administrator determines appropriate, may determine the total 84093
assessment for the handicapped portion of the surplus fund in 84094
accordance with sound actuarial principles. 84095

The administrator shall calculate the assessment for the 84096
portion of the surplus fund under division (B) of section 4123.34 84097
of the Revised Code that under division (D) of section 4121.66 of 84098
the Revised Code is used for rehabilitation costs in the same 84099
manner as set forth in divisions (J)(1) and (2) of this section, 84100
except that the administrator shall calculate the total assessment 84101
for this portion of the surplus fund only on the basis of those 84102
self-insuring employers who have not made the election to make 84103
payments directly under division (D) of section 4121.66 of the 84104
Revised Code and an individual self-insuring employer's proportion 84105
of paid compensation only for those self-insuring employers who 84106
have not made that election. 84107

The administrator shall calculate the assessment for the 84108
portion of the surplus fund under division (B) of section 4123.34 84109
of the Revised Code that is used for reimbursement to a 84110
self-insuring employer under division (H) of section 4123.512 of 84111
the Revised Code in the same manner as set forth in divisions 84112
(J)(1) and (2) of this section except that the administrator shall 84113

calculate the total assessment for this portion of the surplus 84114
fund only on the basis of those self-insuring employers that 84115
retain participation in reimbursement to the self-insuring 84116
employer under division (H) of section 4123.512 of the Revised 84117
Code and the individual self-insuring employer's proportion of 84118
paid compensation shall be calculated only for those self-insuring 84119
employers who retain participation in reimbursement to the 84120
self-insuring employer under division (H) of section 4123.512 of 84121
the Revised Code. 84122

An employer who no longer is a self-insuring employer in this 84123
state or who no longer is operating in this state, shall continue 84124
to pay assessments for administrative costs and for the portion of 84125
the surplus fund under division (B) of section 4123.34 of the 84126
Revised Code that is not used for handicapped reimbursement, based 84127
upon paid compensation attributable to claims that occurred while 84128
the employer was a self-insuring employer within this state. 84129

(K) There is hereby created in the state treasury the 84130
self-insurance assessment fund. All investment earnings of the 84131
fund shall be deposited in the fund. The administrator shall use 84132
the money in the self-insurance assessment fund only for 84133
administrative costs as specified in section 4123.341 of the 84134
Revised Code. 84135

(L) Every self-insuring employer shall certify, in affidavit 84136
form subject to the penalty for perjury, to the bureau the amount 84137
of the self-insuring employer's paid compensation for the previous 84138
calendar year. In reporting paid compensation paid for the 84139
previous year, a self-insuring employer shall exclude from the 84140
total amount of paid compensation any reimbursement the 84141
self-insuring employer receives in the previous calendar year from 84142
the surplus fund pursuant to section 4123.512 of the Revised Code 84143
for any paid compensation. The self-insuring employer also shall 84144
exclude from the paid compensation reported any amount recovered 84145

under section 4123.931 of the Revised Code and any amount that is 84146
determined not to have been payable to or on behalf of a claimant 84147
in any final administrative or judicial proceeding. The 84148
self-insuring employer shall exclude such amounts from the paid 84149
compensation reported in the reporting period subsequent to the 84150
date the determination is made. The administrator shall adopt 84151
rules, in accordance with Chapter 119. of the Revised Code, that 84152
provide for all of the following: 84153

(1) Establishing the date by which self-insuring employers 84154
must submit such information and the amount of the assessments 84155
provided for in division (J) of this section for employers who 84156
have been granted self-insuring status within the last calendar 84157
year; 84158

(2) If an employer fails to pay the assessment when due, the 84159
administrator may add a late fee penalty of not more than five 84160
hundred dollars to the assessment plus an additional penalty 84161
amount as follows: 84162

(a) For an assessment from sixty-one to ninety days past due, 84163
the prime interest rate, multiplied by the assessment due; 84164

(b) For an assessment from ninety-one to one hundred twenty 84165
days past due, the prime interest rate plus two per cent, 84166
multiplied by the assessment due; 84167

(c) For an assessment from one hundred twenty-one to one 84168
hundred fifty days past due, the prime interest rate plus four per 84169
cent, multiplied by the assessment due; 84170

(d) For an assessment from one hundred fifty-one to one 84171
hundred eighty days past due, the prime interest rate plus six per 84172
cent, multiplied by the assessment due; 84173

(e) For an assessment from one hundred eighty-one to two 84174
hundred ten days past due, the prime interest rate plus eight per 84175
cent, multiplied by the assessment due; 84176

(f) For each additional thirty-day period or portion thereof 84177
that an assessment remains past due after it has remained past due 84178
for more than two hundred ten days, the prime interest rate plus 84179
eight per cent, multiplied by the assessment due. 84180

(3) An employer may appeal a late fee penalty and penalty 84181
assessment to the administrator. 84182

For purposes of division (L)(2) of this section, "prime 84183
interest rate" means the average bank prime rate, and the 84184
administrator shall determine the prime interest rate in the same 84185
manner as a county auditor determines the average bank prime rate 84186
under section 929.02 of the Revised Code. 84187

The administrator shall include any assessment and penalties 84188
that remain unpaid for previous assessment periods in the 84189
calculation and collection of any assessments due under this 84190
division or division (J) of this section. 84191

(M) As used in this section, "paid compensation" means all 84192
amounts paid by a self-insuring employer for living maintenance 84193
benefits, all amounts for compensation paid pursuant to sections 84194
4121.63, 4121.67, 4123.56, 4123.57, 4123.58, 4123.59, 4123.60, and 84195
4123.64 of the Revised Code, all amounts paid as wages in lieu of 84196
such compensation, all amounts paid in lieu of such compensation 84197
under a nonoccupational accident and sickness program fully funded 84198
by the self-insuring employer, and all amounts paid by a 84199
self-insuring employer for a violation of a specific safety 84200
standard pursuant to Section 35 of Article II, Ohio Constitution 84201
and section 4121.47 of the Revised Code. 84202

(N) Should any section of this chapter or Chapter 4121. of 84203
the Revised Code providing for self-insuring employers' 84204
assessments based upon compensation paid be declared 84205
unconstitutional by a final decision of any court, then that 84206
section of the Revised Code declared unconstitutional shall revert 84207

back to the section in existence prior to November 3, 1989, 84208
providing for assessments based upon payroll. 84209

(O) The administrator may grant a self-insuring employer the 84210
privilege to self-insure a construction project entered into by 84211
the self-insuring employer that is scheduled for completion within 84212
six years after the date the project begins, and the total cost of 84213
which is estimated to exceed one hundred million dollars or, for 84214
employers described in division (R) of this section, if the 84215
construction project is estimated to exceed twenty-five million 84216
dollars. The administrator may waive such cost and time criteria 84217
and grant a self-insuring employer the privilege to self-insure a 84218
construction project regardless of the time needed to complete the 84219
construction project and provided that the cost of the 84220
construction project is estimated to exceed fifty million dollars. 84221
A self-insuring employer who desires to self-insure a construction 84222
project shall submit to the administrator an application listing 84223
the dates the construction project is scheduled to begin and end, 84224
the estimated cost of the construction project, the contractors 84225
and subcontractors whose employees are to be self-insured by the 84226
self-insuring employer, the provisions of a safety program that is 84227
specifically designed for the construction project, and a 84228
statement as to whether a collective bargaining agreement 84229
governing the rights, duties, and obligations of each of the 84230
parties to the agreement with respect to the construction project 84231
exists between the self-insuring employer and a labor 84232
organization. 84233

A self-insuring employer may apply to self-insure the 84234
employees of either of the following: 84235

(1) All contractors and subcontractors who perform labor or 84236
work or provide materials for the construction project; 84237

(2) All contractors and, at the administrator's discretion, a 84238
substantial number of all the subcontractors who perform labor or 84239

work or provide materials for the construction project. 84240

Upon approval of the application, the administrator shall 84241
mail a certificate granting the privilege to self-insure the 84242
construction project to the self-insuring employer. The 84243
certificate shall contain the name of the self-insuring employer 84244
and the name, address, and telephone number of the self-insuring 84245
employer's representatives who are responsible for administering 84246
workers' compensation claims for the construction project. The 84247
self-insuring employer shall post the certificate in a conspicuous 84248
place at the site of the construction project. 84249

The administrator shall maintain a record of the contractors 84250
and subcontractors whose employees are covered under the 84251
certificate issued to the self-insured employer. A self-insuring 84252
employer immediately shall notify the administrator when any 84253
contractor or subcontractor is added or eliminated from inclusion 84254
under the certificate. 84255

Upon approval of the application, the self-insuring employer 84256
is responsible for the administration and payment of all claims 84257
under this chapter and Chapter 4121. of the Revised Code for the 84258
employees of the contractor and subcontractors covered under the 84259
certificate who receive injuries or are killed in the course of 84260
and arising out of employment on the construction project, or who 84261
contract an occupational disease in the course of employment on 84262
the construction project. For purposes of this chapter and Chapter 84263
4121. of the Revised Code, a claim that is administered and paid 84264
in accordance with this division is considered a claim against the 84265
self-insuring employer listed in the certificate. A contractor or 84266
subcontractor included under the certificate shall report to the 84267
self-insuring employer listed in the certificate, all claims that 84268
arise under this chapter and Chapter 4121. of the Revised Code in 84269
connection with the construction project for which the certificate 84270
is issued. 84271

A self-insuring employer who complies with this division is 84272
entitled to the protections provided under this chapter and 84273
Chapter 4121. of the Revised Code with respect to the employees of 84274
the contractors and subcontractors covered under a certificate 84275
issued under this division for death or injuries that arise out 84276
of, or death, injuries, or occupational diseases that arise in the 84277
course of, those employees' employment on that construction 84278
project, as if the employees were employees of the self-insuring 84279
employer, provided that the self-insuring employer also complies 84280
with this section. No employee of the contractors and 84281
subcontractors covered under a certificate issued under this 84282
division shall be considered the employee of the self-insuring 84283
employer listed in that certificate for any purposes other than 84284
this chapter and Chapter 4121. of the Revised Code. Nothing in 84285
this division gives a self-insuring employer authority to control 84286
the means, manner, or method of employment of the employees of the 84287
contractors and subcontractors covered under a certificate issued 84288
under this division. 84289

The contractors and subcontractors included under a 84290
certificate issued under this division are entitled to the 84291
protections provided under this chapter and Chapter 4121. of the 84292
Revised Code with respect to the contractor's or subcontractor's 84293
employees who are employed on the construction project which is 84294
the subject of the certificate, for death or injuries that arise 84295
out of, or death, injuries, or occupational diseases that arise in 84296
the course of, those employees' employment on that construction 84297
project. 84298

The contractors and subcontractors included under a 84299
certificate issued under this division shall identify in their 84300
payroll records the employees who are considered the employees of 84301
the self-insuring employer listed in that certificate for purposes 84302
of this chapter and Chapter 4121. of the Revised Code, and the 84303

amount that those employees earned for employment on the 84304
construction project that is the subject of that certificate. 84305
Notwithstanding any provision to the contrary under this chapter 84306
and Chapter 4121. of the Revised Code, the administrator shall 84307
exclude the payroll that is reported for employees who are 84308
considered the employees of the self-insuring employer listed in 84309
that certificate, and that the employees earned for employment on 84310
the construction project that is the subject of that certificate, 84311
when determining those contractors' or subcontractors' premiums or 84312
assessments required under this chapter and Chapter 4121. of the 84313
Revised Code. A self-insuring employer issued a certificate under 84314
this division shall include in the amount of paid compensation it 84315
reports pursuant to division (L) of this section, the amount of 84316
paid compensation the self-insuring employer paid pursuant to this 84317
division for the previous calendar year. 84318

Nothing in this division shall be construed as altering the 84319
rights of employees under this chapter and Chapter 4121. of the 84320
Revised Code as those rights existed prior to September 17, 1996. 84321
Nothing in this division shall be construed as altering the rights 84322
devolved under sections 2305.31 and 4123.82 of the Revised Code as 84323
those rights existed prior to September 17, 1996. 84324

As used in this division, "privilege to self-insure a 84325
construction project" means privilege to pay individually 84326
compensation, and to furnish medical, surgical, nursing, and 84327
hospital services and attention and funeral expenses directly to 84328
injured employees or the dependents of killed employees. 84329

(P) A self-insuring employer whose application is granted 84330
under division (O) of this section shall designate a safety 84331
professional to be responsible for the administration and 84332
enforcement of the safety program that is specifically designed 84333
for the construction project that is the subject of the 84334
application. 84335

A self-insuring employer whose application is granted under 84336
division (O) of this section shall employ an ombudsperson for the 84337
construction project that is the subject of the application. The 84338
ombudsperson shall have experience in workers' compensation or the 84339
construction industry, or both. The ombudsperson shall perform all 84340
of the following duties: 84341

(1) Communicate with and provide information to employees who 84342
are injured in the course of, or whose injury arises out of 84343
employment on the construction project, or who contract an 84344
occupational disease in the course of employment on the 84345
construction project; 84346

(2) Investigate the status of a claim upon the request of an 84347
employee to do so; 84348

(3) Provide information to claimants, third party 84349
administrators, employers, and other persons to assist those 84350
persons in protecting their rights under this chapter and Chapter 84351
4121. of the Revised Code. 84352

A self-insuring employer whose application is granted under 84353
division (O) of this section shall post the name of the safety 84354
professional and the ombudsperson and instructions for contacting 84355
the safety professional and the ombudsperson in a conspicuous 84356
place at the site of the construction project. 84357

(Q) The administrator may consider all of the following when 84358
deciding whether to grant a self-insuring employer the privilege 84359
to self-insure a construction project as provided under division 84360
(O) of this section: 84361

(1) Whether the self-insuring employer has an organizational 84362
plan for the administration of the workers' compensation law; 84363

(2) Whether the safety program that is specifically designed 84364
for the construction project provides for the safety of employees 84365
employed on the construction project, is applicable to all 84366

contractors and subcontractors who perform labor or work or 84367
provide materials for the construction project, and has as a 84368
component, a safety training program that complies with standards 84369
adopted pursuant to the "Occupational Safety and Health Act of 84370
1970," 84 Stat. 1590, 29 U.S.C.A. 651, and provides for continuing 84371
management and employee involvement; 84372

(3) Whether granting the privilege to self-insure the 84373
construction project will reduce the costs of the construction 84374
project; 84375

(4) Whether the self-insuring employer has employed an 84376
ombudsperson as required under division (P) of this section; 84377

(5) Whether the self-insuring employer has sufficient surety 84378
to secure the payment of claims for which the self-insuring 84379
employer would be responsible pursuant to the granting of the 84380
privilege to self-insure a construction project under division (O) 84381
of this section. 84382

(R) As used in divisions (O), (P), and (Q), "self-insuring 84383
employer" includes the following employers, whether or not they 84384
have been granted the status of being a self-insuring employer 84385
under division (B) of this section: 84386

(1) A state institution of higher education; 84387

(2) A school district; 84388

(3) A county school financing district; 84389

(4) An educational service center; 84390

(5) A community school established under Chapter 3314. of the 84391
Revised Code; 84392

(6) A municipal power agency as defined in section 3734.058 84393
of the Revised Code. 84394

(S) As used in this section: 84395

(1) "Unvoted debt capacity" means the amount of money that a public employer may borrow without voter approval of a tax levy;

(2) "State institution of higher education" means the state universities listed in section 3345.011 of the Revised Code, community colleges created pursuant to Chapter 3354. of the Revised Code, university branches created pursuant to Chapter 3355. of the Revised Code, technical colleges created pursuant to Chapter 3357. of the Revised Code, and state community colleges created pursuant to Chapter 3358. of the Revised Code.

Sec. 4123.41. (A) By the first day of January of each year, the bureau of workers' compensation shall furnish to the county auditor of each county and the chief fiscal officer of each taxing district in a county and of each district activity and institution mentioned in section 4123.39 of the Revised Code forms containing the premium rates applicable to the county, district, district activity, or institution as an employer, on which to report the amount of money expended by the county, district, district activity, or institution during the previous twelve calendar months for the services of employees under this chapter.

(B) Each county auditor and each fiscal officer of a district, district activity, and institution shall calculate on the form it receives from the bureau under division (A) of this section the premium due as its proper contribution to the public insurance fund and issue a warrant in favor of the bureau for the amount due from the county, district, district activity, or institution to the public insurance fund according to the following schedule:

(1) On or before the fifteenth day of May of each year, no less than forty-five per cent of the amount due;

(2) On or before the first day of September of each year, no less than the total amount due.

(C) The legislative body of any county, district, district activity, or institution may reimburse the fund from which the workers' compensation payments are made by transferring to the fund from any other fund of the county, district, district activity, or institution, the proportionate amount of the payments that should be chargeable to the fund, whether the fund is derived from taxation or otherwise. The proportionate amount of the payments chargeable to the fund may be based on payroll, relative exposure, relative loss experience, or any combination of these factors, as determined by the legislative body.

(1) The workers' compensation program payments of any county, district, district activity, or institution may include all payments required by any bureau of workers' compensation rating plan.

(2) The workers' compensation program payments of any county, district, district activity, or institution, except for a county board of developmental disabilities, a board of alcohol, drug addiction, and mental health services, a board of mental health services, and a board of alcohol and drug addiction services, also may include any of the following:

(a) Direct administrative costs incurred in the management of the county, district, district activity, or institution's workers' compensation program;

(b) Indirect costs that are necessary and reasonable for the proper and efficient administration of the workers' compensation program as documented in a cost allocation plan. The indirect cost plan shall conform to the United States office of management and budget circular A-87 "cost principles for state and local governments," 2 C.F.R. 225, as most recently amended on May 10, 2004. The plan shall not authorize payment from the fund of any general government expense required to carry out the overall governmental responsibilities.

(3) Within sixty days before a legislative body changes the method used for calculating the proportionate amount of the payments chargeable to the fund, it shall notify, consult with, and give information supporting the change to any elected official affected by the change. A transfer made pursuant to division (B)(2) of this section is not subject to section 5705.16 of the Revised Code.

(D) Any county board of developmental disabilities, board of alcohol, drug addiction, and mental health services, board of mental health services, or board of alcohol and drug addiction services whose workers' compensation payments, on or before ~~the effective date of this section~~ September 28, 2012, includes costs referred to in division (C)(2) of this section may continue to do so on and after ~~the effective date of this amendment~~ September 28, 2012.

(E) The bureau may investigate the correctness of the information provided by the county auditor and chief fiscal officer under division (B) of this section, and if the bureau determines at any time that the county, district, district activity, or institution has not reported the correct information, the administrator of workers' compensation may make deductions or additions as the facts warrant and take those facts into consideration in determining the current or future contributions to be made by the county, district, district activity, or institution. If the county, district, district activity, or institution does not furnish the report in the time required by this section, the administrator may fix the amount of contribution the county, district, district activity, or institution must make and certify that amount for payment.

(F) The administrator shall provide a discount to any county, district, district activity, or institution that pays its total amount due to the public insurance fund on or before the fifteenth

day of May of each year as its proper contribution for premiums. 84491
The administrator shall base the discount provided under this 84492
division on the savings generated by the early payment to the 84493
public insurance fund. The administrator may provide the discount 84494
through a refund to the county, district, district activity, or 84495
institution or an offset against the future contributions due to 84496
the public insurance fund from the county, district, district 84497
activity, or institution. 84498

(G) The administrator may impose an interest penalty for late 84499
payment of any amount due from a county, district, district 84500
activity, and institution at the interest rate established by the 84501
state tax commissioner pursuant to section 5703.47 of the Revised 84502
Code. 84503

(H) If the administrator adopts rules for the prospective 84504
payment of premium as permitted under section 4123.322 of the 84505
Revised Code, every employer mentioned in division (B)(1) of 84506
section 4123.01 of the Revised Code, except for a state agency or 84507
a state university or college as defined in section 4123.32 of the 84508
Revised Code, shall pay into the state insurance fund the amount 84509
of premium the administrator fixes for the employment or 84510
occupation of the employer, the amount of which premium to be paid 84511
by each employer to be determined by the classifications, rules, 84512
and rates made and published by the administrator and based upon 84513
the estimates and reconciliations required by the rules the 84514
administrator adopts under section 4123.322 of the Revised Code. 84515

Sec. 4123.57. Partial disability compensation shall be paid 84516
as follows. 84517

Except as provided in this section, not earlier than 84518
twenty-six weeks after the date of termination of the latest 84519
period of payments under section 4123.56 of the Revised Code, or 84520
not earlier than twenty-six weeks after the date of the injury or 84521

contraction of an occupational disease in the absence of payments 84522
under section 4123.56 of the Revised Code, the employee may file 84523
an application with the bureau of workers' compensation for the 84524
determination of the percentage of the employee's permanent 84525
partial disability resulting from an injury or occupational 84526
disease. 84527

Whenever the application is filed, the bureau shall send a 84528
copy of the application to the employee's employer or the 84529
employer's representative and shall schedule the employee for a 84530
medical examination by the bureau medical section. The bureau 84531
shall send a copy of the report of the medical examination to the 84532
employee, the employer, and their representatives. Thereafter, the 84533
administrator of workers' compensation shall review the employee's 84534
claim file and make a tentative order as the evidence before the 84535
administrator at the time of the making of the order warrants. If 84536
the administrator determines that there is a conflict of evidence, 84537
the administrator shall send the application, along with the 84538
claimant's file, to the district hearing officer who shall set the 84539
application for a hearing. 84540

The administrator shall notify the employee, the employer, 84541
and their representatives, in writing, of the tentative order and 84542
of the parties' right to request a hearing. Unless the employee, 84543
the employer, or their representative notifies the administrator, 84544
in writing, of an objection to the tentative order within twenty 84545
days after receipt of the notice thereof, the tentative order 84546
shall go into effect and the employee shall receive the 84547
compensation provided in the order. In no event shall there be a 84548
reconsideration of a tentative order issued under this division. 84549

If the employee, the employer, or their representatives 84550
timely notify the administrator of an objection to the tentative 84551
order, the matter shall be referred to a district hearing officer 84552
who shall set the application for hearing with written notices to 84553

all interested persons. Upon referral to a district hearing officer, the employer may obtain a medical examination of the employee, pursuant to rules of the industrial commission.

(A) The district hearing officer, upon the application, shall determine the percentage of the employee's permanent disability, except as is subject to division (B) of this section, based upon that condition of the employee resulting from the injury or occupational disease and causing permanent impairment evidenced by medical or clinical findings reasonably demonstrable. The employee shall receive sixty-six and two-thirds per cent of the employee's average weekly wage, but not more than a maximum of thirty-three and one-third per cent of the statewide average weekly wage as defined in division (C) of section 4123.62 of the Revised Code, per week regardless of the average weekly wage, for the number of weeks which equals the percentage of two hundred weeks. Except on application for reconsideration, review, or modification, which is filed within ten days after the date of receipt of the decision of the district hearing officer, in no instance shall the former award be modified unless it is found from medical or clinical findings that the condition of the claimant resulting from the injury has so progressed as to have increased the percentage of permanent partial disability. A staff hearing officer shall hear an application for reconsideration filed and the staff hearing officer's decision is final. An employee may file an application for a subsequent determination of the percentage of the employee's permanent disability. If such an application is filed, the bureau shall send a copy of the application to the employer or the employer's representative. No sooner than sixty days from the date of the mailing of the application to the employer or the employer's representative, the administrator shall review the application. The administrator may require a medical examination or medical review of the employee. The administrator shall issue a tentative order based upon the evidence before the administrator,

provided that if the administrator requires a medical examination 84587
or medical review, the administrator shall not issue the tentative 84588
order until the completion of the examination or review. 84589

The employer may obtain a medical examination of the employee 84590
and may submit medical evidence at any stage of the process up to 84591
a hearing before the district hearing officer, pursuant to rules 84592
of the commission. The administrator shall notify the employee, 84593
the employer, and their representatives, in writing, of the nature 84594
and amount of any tentative order issued on an application 84595
requesting a subsequent determination of the percentage of an 84596
employee's permanent disability. An employee, employer, or their 84597
representatives may object to the tentative order within twenty 84598
days after the receipt of the notice thereof. If no timely 84599
objection is made, the tentative order shall go into effect. In no 84600
event shall there be a reconsideration of a tentative order issued 84601
under this division. If an objection is timely made, the 84602
application for a subsequent determination shall be referred to a 84603
district hearing officer who shall set the application for a 84604
hearing with written notice to all interested persons. No 84605
application for subsequent percentage determinations on the same 84606
claim for injury or occupational disease shall be accepted for 84607
review by the district hearing officer unless supported by 84608
substantial evidence of new and changed circumstances developing 84609
since the time of the hearing on the original or last 84610
determination. 84611

No award shall be made under this division based upon a 84612
percentage of disability which, when taken with all other 84613
percentages of permanent disability, exceeds one hundred per cent. 84614
If the percentage of the permanent disability of the employee 84615
equals or exceeds ninety per cent, compensation for permanent 84616
partial disability shall be paid for two hundred weeks. 84617

Compensation payable under this division accrues and is 84618

payable to the employee from the date of last payment of 84619
compensation, or, in cases where no previous compensation has been 84620
paid, from the date of the injury or the date of the diagnosis of 84621
the occupational disease. 84622

When an award under this division has been made prior to the 84623
death of an employee, all unpaid installments accrued or to accrue 84624
under the provisions of the award are payable to the surviving 84625
spouse, or if there is no surviving spouse, to the dependent 84626
children of the employee, and if there are no children surviving, 84627
then to other dependents as the administrator determines. 84628

(B) For purposes of this division, "payable per week" means 84629
the seven-consecutive-day period in which compensation is paid in 84630
installments according to the schedule associated with the 84631
applicable injury as set forth in this division. 84632

Compensation paid in weekly installments according to the 84633
schedule described in this division may only be commuted to one or 84634
more ~~lump sum~~ lump sum payments pursuant to the procedure set 84635
forth in section 4123.64 of the Revised Code. 84636

In cases included in the following schedule the compensation 84637
payable per week to the employee is the statewide average weekly 84638
wage as defined in division (C) of section 4123.62 of the Revised 84639
Code per week and shall be paid in installments according to the 84640
following schedule: 84641

For the loss of a first finger, commonly known as a thumb, 84642
sixty weeks. 84643

For the loss of a second finger, commonly called index 84644
finger, thirty-five weeks. 84645

For the loss of a third finger, thirty weeks. 84646

For the loss of a fourth finger, twenty weeks. 84647

For the loss of a fifth finger, commonly known as the little 84648

finger, fifteen weeks. 84649

The loss of a second, or distal, phalange of the thumb is 84650
considered equal to the loss of one half of such thumb; the loss 84651
of more than one half of such thumb is considered equal to the 84652
loss of the whole thumb. 84653

The loss of the third, or distal, phalange of any finger is 84654
considered equal to the loss of one-third of the finger. 84655

The loss of the middle, or second, phalange of any finger is 84656
considered equal to the loss of two-thirds of the finger. 84657

The loss of more than the middle and distal phalanges of any 84658
finger is considered equal to the loss of the whole finger. In no 84659
case shall the amount received for more than one finger exceed the 84660
amount provided in this schedule for the loss of a hand. 84661

For the loss of the metacarpal bone (bones of the palm) for 84662
the corresponding thumb, or fingers, add ten weeks to the number 84663
of weeks under this division. 84664

For ankylosis (total stiffness of) or contractures (due to 84665
scars or injuries) which makes any of the fingers, thumbs, or 84666
parts of either useless, the same number of weeks apply to the 84667
members or parts thereof as given for the loss thereof. 84668

If the claimant has suffered the loss of two or more fingers 84669
by amputation or ankylosis and the nature of the claimant's 84670
employment in the course of which the claimant was working at the 84671
time of the injury or occupational disease is such that the 84672
handicap or disability resulting from the loss of fingers, or loss 84673
of use of fingers, exceeds the normal handicap or disability 84674
resulting from the loss of fingers, or loss of use of fingers, the 84675
administrator may take that fact into consideration and increase 84676
the award of compensation accordingly, but the award made shall 84677
not exceed the amount of compensation for loss of a hand. 84678

For the loss of a hand, one hundred seventy-five weeks.	84679
For the loss of an arm, two hundred twenty-five weeks.	84680
For the loss of a great toe, thirty weeks.	84681
For the loss of one of the toes other than the great toe, ten weeks.	84682 84683
The loss of more than two-thirds of any toe is considered equal to the loss of the whole toe.	84684 84685
The loss of less than two-thirds of any toe is considered no loss, except as to the great toe; the loss of the great toe up to the interphalangeal joint is co-equal to the loss of one-half of the great toe; the loss of the great toe beyond the interphalangeal joint is considered equal to the loss of the whole great toe.	84686 84687 84688 84689 84690 84691
For the loss of a foot, one hundred fifty weeks.	84692
For the loss of a leg, two hundred weeks.	84693
For the loss of the sight of an eye, one hundred twenty-five weeks.	84694 84695
For the permanent partial loss of sight of an eye, the portion of one hundred twenty-five weeks as the administrator in each case determines, based upon the percentage of vision actually lost as a result of the injury or occupational disease, but, in no case shall an award of compensation be made for less than twenty-five per cent loss of uncorrected vision. "Loss of uncorrected vision" means the percentage of vision actually lost as the result of the injury or occupational disease.	84696 84697 84698 84699 84700 84701 84702 84703
For the permanent and total loss of hearing of one ear, twenty-five weeks; but in no case shall an award of compensation be made for less than permanent and total loss of hearing of one ear.	84704 84705 84706 84707
For the permanent and total loss of hearing, one hundred	84708

twenty-five weeks; but, except pursuant to the next preceding 84709
paragraph, in no case shall an award of compensation be made for 84710
less than permanent and total loss of hearing. 84711

In case an injury or occupational disease results in serious 84712
facial or head disfigurement which either impairs or may in the 84713
future impair the opportunities to secure or retain employment, 84714
the administrator shall make an award of compensation as it deems 84715
proper and equitable, in view of the nature of the disfigurement, 84716
and not to exceed the sum of ten thousand dollars. For the purpose 84717
of making the award, it is not material whether the employee is 84718
gainfully employed in any occupation or trade at the time of the 84719
administrator's determination. 84720

When an award under this division has been made prior to the 84721
death of an employee all unpaid installments accrued or to accrue 84722
under the provisions of the award shall be payable to the 84723
surviving spouse, or if there is no surviving spouse, to the 84724
dependent children of the employee and if there are no such 84725
children, then to such dependents as the administrator determines. 84726

When an employee has sustained the loss of a member by 84727
severance, but no award has been made on account thereof prior to 84728
the employee's death, the administrator shall make an award in 84729
accordance with this division for the loss which shall be payable 84730
to the surviving spouse, or if there is no surviving spouse, to 84731
the dependent children of the employee and if there are no such 84732
children, then to such dependents as the administrator determines. 84733

(C) Compensation for partial impairment under divisions (A) 84734
and (B) of this section is in addition to the compensation paid 84735
the employee pursuant to section 4123.56 of the Revised Code. A 84736
claimant may receive compensation under divisions (A) and (B) of 84737
this section. 84738

In all cases arising under division (B) of this section, if 84739

it is determined by any one of the following: (1) the amputee 84740
clinic at University hospital, Ohio state university; (2) the 84741
~~rehabilitation services commission~~ opportunities for Ohioans with 84742
disabilities agency; (3) an amputee clinic or prescribing 84743
physician approved by the administrator or the administrator's 84744
designee, that an injured or disabled employee is in need of an 84745
artificial appliance, or in need of a repair thereof, regardless 84746
of whether the appliance or its repair will be serviceable in the 84747
vocational rehabilitation of the injured employee, and regardless 84748
of whether the employee has returned to or can ever again return 84749
to any gainful employment, the bureau shall pay the cost of the 84750
artificial appliance or its repair out of the surplus created by 84751
division (B) of section 4123.34 of the Revised Code. 84752

In those cases where a ~~rehabilitation services commission~~ an 84753
opportunities for Ohioans with disabilities agency recommendation 84754
that an injured or disabled employee is in need of an artificial 84755
appliance would conflict with their state plan, adopted pursuant 84756
to the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 84757
701, the administrator or the administrator's designee or the 84758
bureau may obtain a recommendation from an amputee clinic or 84759
prescribing physician that they determine appropriate. 84760

(D) If an employee of a state fund employer makes application 84761
for a finding and the administrator finds that the employee has 84762
contracted silicosis as defined in division (X), or coal miners' 84763
pneumoconiosis as defined in division (Y), or asbestosis as 84764
defined in division (AA) of section 4123.68 of the Revised Code, 84765
and that a change of such employee's occupation is medically 84766
advisable in order to decrease substantially further exposure to 84767
silica dust, asbestos, or coal dust and if the employee, after the 84768
finding, has changed or shall change the employee's occupation to 84769
an occupation in which the exposure to silica dust, asbestos, or 84770
coal dust is substantially decreased, the administrator shall 84771

allow to the employee an amount equal to fifty per cent of the 84772
statewide average weekly wage per week for a period of thirty 84773
weeks, commencing as of the date of the discontinuance or change, 84774
and for a period of one hundred weeks immediately following the 84775
expiration of the period of thirty weeks, the employee shall 84776
receive sixty-six and two-thirds per cent of the loss of wages 84777
resulting directly and solely from the change of occupation but 84778
not to exceed a maximum of an amount equal to fifty per cent of 84779
the statewide average weekly wage per week. No such employee is 84780
entitled to receive more than one allowance on account of 84781
discontinuance of employment or change of occupation and benefits 84782
shall cease for any period during which the employee is employed 84783
in an occupation in which the exposure to silica dust, asbestos, 84784
or coal dust is not substantially less than the exposure in the 84785
occupation in which the employee was formerly employed or for any 84786
period during which the employee may be entitled to receive 84787
compensation or benefits under section 4123.68 of the Revised Code 84788
on account of disability from silicosis, asbestosis, or coal 84789
miners' pneumoconiosis. An award for change of occupation for a 84790
coal miner who has contracted coal miners' pneumoconiosis may be 84791
granted under this division even though the coal miner continues 84792
employment with the same employer, so long as the coal miner's 84793
employment subsequent to the change is such that the coal miner's 84794
exposure to coal dust is substantially decreased and a change of 84795
occupation is certified by the claimant as permanent. The 84796
administrator may accord to the employee medical and other 84797
benefits in accordance with section 4123.66 of the Revised Code. 84798

(E) If a firefighter or police officer makes application for 84799
a finding and the administrator finds that the firefighter or 84800
police officer has contracted a cardiovascular and pulmonary 84801
disease as defined in division (W) of section 4123.68 of the 84802
Revised Code, and that a change of the firefighter's or police 84803
officer's occupation is medically advisable in order to decrease 84804

substantially further exposure to smoke, toxic gases, chemical 84805
fumes, and other toxic vapors, and if the firefighter, or police 84806
officer, after the finding, has changed or changes occupation to 84807
an occupation in which the exposure to smoke, toxic gases, 84808
chemical fumes, and other toxic vapors is substantially decreased, 84809
the administrator shall allow to the firefighter or police officer 84810
an amount equal to fifty per cent of the statewide average weekly 84811
wage per week for a period of thirty weeks, commencing as of the 84812
date of the discontinuance or change, and for a period of 84813
seventy-five weeks immediately following the expiration of the 84814
period of thirty weeks the administrator shall allow the 84815
firefighter or police officer sixty-six and two-thirds per cent of 84816
the loss of wages resulting directly and solely from the change of 84817
occupation but not to exceed a maximum of an amount equal to fifty 84818
per cent of the statewide average weekly wage per week. No such 84819
firefighter or police officer is entitled to receive more than one 84820
allowance on account of discontinuance of employment or change of 84821
occupation and benefits shall cease for any period during which 84822
the firefighter or police officer is employed in an occupation in 84823
which the exposure to smoke, toxic gases, chemical fumes, and 84824
other toxic vapors is not substantially less than the exposure in 84825
the occupation in which the firefighter or police officer was 84826
formerly employed or for any period during which the firefighter 84827
or police officer may be entitled to receive compensation or 84828
benefits under section 4123.68 of the Revised Code on account of 84829
disability from a cardiovascular and pulmonary disease. The 84830
administrator may accord to the firefighter or police officer 84831
medical and other benefits in accordance with section 4123.66 of 84832
the Revised Code. 84833

(F) An order issued under this section is appealable pursuant 84834
to section 4123.511 of the Revised Code but is not appealable to 84835
court under section 4123.512 of the Revised Code. 84836

Sec. 4123.93. As used in sections 4123.93 and 4123.931 of the Revised Code:

(A) "Claimant" means a person who is eligible to receive compensation, medical benefits, or death benefits under this chapter or Chapter 4121., 4127., or 4131. of the Revised Code.

(B) "Statutory subrogee" means the administrator of workers' compensation, a self-insuring employer, or an employer that contracts for the direct payment of medical services pursuant to division ~~(L)~~(P) of section 4121.44 of the Revised Code.

(C) "Third party" means an individual, private insurer, public or private entity, or public or private program that is or may be liable to make payments to a person without regard to any statutory duty contained in this chapter or Chapter 4121., 4127., or 4131. of the Revised Code.

(D) "Subrogation interest" includes past, present, and estimated future payments of compensation, medical benefits, rehabilitation costs, or death benefits, and any other costs or expenses paid to or on behalf of the claimant by the statutory subrogee pursuant to this chapter or Chapter 4121., 4127., or 4131. of the Revised Code.

(E) "Net amount recovered" means the amount of any award, settlement, compromise, or recovery by a claimant against a third party, minus the attorney's fees, costs, or other expenses incurred by the claimant in securing the award, settlement, compromise, or recovery. "Net amount recovered" does not include any punitive damages that may be awarded by a judge or jury.

(F) "Uncompensated damages" means the claimant's demonstrated or proven damages minus the statutory subrogee's subrogation interest.

Sec. 4131.03. (A) For the relief of persons who are entitled

to receive benefits by virtue of the federal act, there is hereby 84867
established a coal-workers pneumoconiosis fund, which shall be 84868
separate from the funds established and administered pursuant to 84869
Chapter 4123. of the Revised Code. The fund shall consist of 84870
premiums and other payments thereto by subscribers who elect to 84871
subscribe to the fund to insure the payment of benefits required 84872
by the federal act. 84873

(B)~~(1)~~ The coal-workers pneumoconiosis fund shall be in the 84874
custody of the treasurer of state. The bureau of workers' 84875
compensation shall make disbursements from the fund to those 84876
persons entitled to payment therefrom and in the amounts required 84877
pursuant to sections 4131.01 to 4131.06 of the Revised Code. All 84878
investment earnings of the fund shall be credited to the fund. 84879

~~(2) Beginning July 1, 2011, and ending June 30, 2013, the 84880
director of natural resources annually may request the 84881
administrator of workers' compensation to transfer a portion of 84882
the investment earnings credited to the coal workers 84883
pneumoconiosis fund as provided in this division. If the 84884
administrator receives a request from the director, the 84885
administrator, on the first day of July, or as soon as possible 84886
after that date, shall transfer from the investment earnings 84887
credited to the coal workers pneumoconiosis fund an amount not to 84888
exceed three million dollars to the mine safety fund created in 84889
section 1561.24 of the Revised Code for the purposes specified in 84890
that section and an amount not to exceed one million five hundred 84891
thousand dollars to the coal mining administration and reclamation 84892
reserve fund created in section 1513.181 of the Revised Code for 84893
the purposes specified in that section. The administrator, with 84894
the advice and consent of the bureau of workers' compensation 84895
board of directors, shall adopt rules governing the transfer in 84896
order to ensure the solvency of the coal workers pneumoconiosis 84897
fund. For that purpose, the rules may establish tests based on 84898~~

~~measures of net assets, liabilities, expenses, interest, dividend 84899
income, or other factors that the administrator determines 84900
appropriate that may be applied prior to a transfer. 84901~~

(C) The administrator shall have the same powers to invest 84902
any of the surplus or reserve belonging to the coal-workers 84903
pneumoconiosis fund as are delegated to the administrator under 84904
section 4123.44 of the Revised Code with respect to the state 84905
insurance fund. 84906

(D) If the administrator determines that reinsurance of the 84907
risks of the coal-workers pneumoconiosis fund is necessary to 84908
assure solvency of the fund, the administrator may: 84909

(1) Enter into contracts for the purchase of reinsurance 84910
coverage of the risks of the fund with any company or agency 84911
authorized by law to issue contracts of reinsurance; 84912

(2) Pay the cost of reinsurance from the fund; 84913

(3) Include the costs of reinsurance as a liability and 84914
estimated liability of the fund. 84915

Sec. 4141.162. (A) The director of job and family services 84916
shall establish an income and eligibility verification system that 84917
complies with section 1137 of the "Social Security Act." The 84918
programs included in the system are all of the following: 84919

(1) Unemployment compensation pursuant to section 3304 of the 84920
"Internal Revenue Code of 1954"; 84921

(2) The state programs funded in part under part A of Title 84922
IV of the "Social Security Act" and administered under Chapters 84923
5107. and 5108. of the Revised Code; 84924

~~(3) Medicaid pursuant to Title XIX of the "Social Security 84925
Act" The medicaid program; 84926~~

(4) The supplemental nutrition assistance program pursuant to 84927

the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.;

(5) Any Ohio program under a plan approved under Title I, X, XIV, or XVI of the "Social Security Act."

Wage information provided by employers to the director shall be furnished to the income and eligibility verification system. Such information shall be used by the director to determine eligibility of individuals for unemployment compensation benefits and the amount of those benefits and used by the agencies that administer the programs identified in divisions (A)(2) to (5) of this section to determine or verify eligibility for or the amount of benefits under those programs.

The director shall fully implement the use of wage information to determine eligibility for and the amount of unemployment compensation benefits by September 30, 1988.

Information furnished under the system shall also be made available to the appropriate state or local child support enforcement agency for the purposes of an approved plan under Title IV-D of the "Social Security Act" and to the appropriate federal agency for the purposes of Titles II and XVI of the "Social Security Act."

(B) The director shall adopt rules as necessary under which the department of job and family services and other state agencies that the director determines must participate in order to ensure compliance with section 1137 of the "Social Security Act" exchange information with each other or authorized federal agencies about individuals who are applicants for or recipients of benefits under any of the programs enumerated in division (A) of this section. The rules shall extend to all of the following:

(1) A requirement for standardized formats and procedures for a participating agency to request and receive information about an individual, which information shall include the individual's

social security number; 84959

(2) A requirement that all applicants for and recipients of 84960
benefits under any program enumerated in division (A) of this 84961
section be notified at the time of application, and periodically 84962
thereafter, that information available through the system may be 84963
shared with agencies that administer other benefit programs and 84964
utilized in establishing or verifying eligibility or benefit 84965
amounts under the other programs enumerated in division (A) of 84966
this section; 84967

(3) A requirement that information is made available only to 84968
the extent necessary to assist in the valid administrative needs 84969
of the program receiving the information and is targeted for use 84970
in ways which are most likely to be productive in identifying and 84971
preventing ineligibility and incorrect payments; 84972

(4) A requirement that information is adequately protected 84973
against unauthorized disclosures for purposes other than to 84974
establish or verify eligibility or benefit amounts under the 84975
programs enumerated in division (A) of this section; 84976

(5) A requirement that a program providing information is 84977
reimbursed by the program using the information for the actual 84978
costs of furnishing the information and that the director be 84979
reimbursed by the participating programs for any actual costs 84980
incurred in operating the system; 84981

(6) Requirements for any other matters necessary to ensure 84982
the effective, efficient, and timely exchange of necessary 84983
information or that the director determines must be addressed in 84984
order to ensure compliance with the requirements of section 1137 84985
of the "Social Security Act." 84986

(C) Each participating agency shall furnish to the income and 84987
eligibility verification system established in division (A) of 84988
this section that information, which the director, by rule, 84989

determines is necessary in order to comply with section 1137 of 84990
the "Social Security Act." 84991

(D) Notwithstanding the information disclosure requirements 84992
of this section and section 4141.21 and division (A) of section 84993
4141.284 of the Revised Code, the director shall administer those 84994
provisions of law so as to comply with section 1137 of the "Social 84995
Security Act." 84996

(E) Requirements in section 4141.21 of the Revised Code with 84997
respect to confidentiality of information obtained in the 84998
administration of Chapter 4141. of the Revised Code and any 84999
sanctions imposed for improper disclosure of such information 85000
shall apply to the redisclosure of information disclosed under 85001
this section. 85002

(F) The director of job and family services shall consult 85003
with the medicaid director and the director of administrative 85004
services regarding the implementation of this section. 85005

Sec. 4301.01. (A) As used in the Revised Code: 85006

(1) "Intoxicating liquor" and "liquor" include all liquids 85007
and compounds, other than beer, containing one-half of one per 85008
cent or more of alcohol by volume which are fit to use for 85009
beverage purposes, from whatever source and by whatever process 85010
produced, by whatever name called, and whether they are medicated, 85011
proprietary, or patented. "Intoxicating liquor" and "liquor" 85012
include ~~wine even if it contains less than four per cent of~~ 85013
~~alcohol by volume, mixed beverages even if they contain less than~~ 85014
~~four per cent of alcohol by volume, cider, and~~ alcohol, and all 85015
solids and confections which contain ~~any alcohol~~ one-half of one 85016
per cent or more of alcohol by volume. 85017

(2) Except as used in sections 4301.01 to 4301.20, 4301.22 to 85018
4301.52, 4301.56, 4301.70, 4301.72, and 4303.01 to 4303.36 of the 85019

Revised Code, "sale" and "sell" include exchange, barter, gift, 85020
offer for sale, sale, distribution and delivery of any kind, and 85021
the transfer of title or possession of beer and intoxicating 85022
liquor either by constructive or actual delivery by any means or 85023
devices whatever, including the sale of beer or intoxicating 85024
liquor by means of a controlled access alcohol and beverage 85025
cabinet pursuant to section 4301.21 of the Revised Code. "Sale" 85026
and "sell" do not include the mere solicitation of orders for beer 85027
or intoxicating liquor from the holders of permits issued by the 85028
division of liquor control authorizing the sale of the beer or 85029
intoxicating liquor, but no solicitor shall solicit any such 85030
orders until the solicitor has been registered with the division 85031
pursuant to section 4303.25 of the Revised Code. 85032

(3) "Vehicle" includes all means of transportation by land, 85033
by water, or by air, and everything made use of in any way for 85034
such transportation. 85035

(B) As used in this chapter: 85036

(1) "Alcohol" means ethyl alcohol, whether rectified or 85037
diluted with water or not, whatever its origin may be, and 85038
includes synthetic ethyl alcohol. "Alcohol" does not include 85039
denatured alcohol and wood alcohol. 85040

(2) "Beer" includes all beverages brewed or fermented wholly 85041
or in part from malt products and containing one-half of one per 85042
cent or more, but not more than twelve per cent, of alcohol by 85043
volume. 85044

(3) "Wine" includes all liquids fit to use for beverage 85045
purposes containing not less than one-half of one per cent of 85046
alcohol by volume and not more than twenty-one per cent of alcohol 85047
by volume, which is made from the fermented juices of grapes, 85048
fruits, or other agricultural products, except that as used in 85049
sections 4301.13, 4301.421, 4301.422, 4301.432, and 4301.44 of the 85050

Revised Code, and, for purposes of determining the rate of the tax 85051
that applies, division (B) of section 4301.43 of the Revised Code, 85052
"wine" does not include cider. 85053

(4) "Mixed beverages," ~~such as~~ include bottled and prepared 85054
cordials, cocktails, ~~and~~ highballs, and solids and confections 85055
that are ~~products~~ obtained by mixing any type of whiskey, neutral 85056
spirits, brandy, gin, or other distilled spirits with, or over, 85057
carbonated or plain water, pure juices from flowers and plants, 85058
and other flavoring materials. The completed product shall contain 85059
not less than one-half of one per cent of alcohol by volume and 85060
not more than twenty-one per cent of alcohol by volume. 85061

(5) "Spirituous liquor" includes all intoxicating liquors 85062
containing more than twenty-one per cent of alcohol by volume. 85063

(6) "Sealed container" means any container having a capacity 85064
of not more than one hundred twenty-eight fluid ounces, the 85065
opening of which is closed to prevent the entrance of air. 85066

(7) "Person" includes firms and corporations. 85067

(8) "Manufacture" includes all processes by which beer or 85068
intoxicating liquor is produced, whether by distillation, 85069
rectifying, fortifying, blending, fermentation, or brewing, or in 85070
any other manner. 85071

(9) "Manufacturer" means any person engaged in the business 85072
of manufacturing beer or intoxicating liquor. 85073

(10) "Wholesale distributor" and "distributor" means a person 85074
engaged in the business of selling to retail dealers for purposes 85075
of resale. 85076

(11) "Hotel" has the same meaning as in section 3731.01 of 85077
the Revised Code, subject to the exceptions mentioned in section 85078
3731.03 of the Revised Code. 85079

(12) "Restaurant" means a place located in a permanent 85080

building provided with space and accommodations wherein, in 85081
consideration of the payment of money, hot meals are habitually 85082
prepared, sold, and served at noon and evening, as the principal 85083
business of the place. "Restaurant" does not include pharmacies, 85084
confectionery stores, lunch stands, night clubs, and filling 85085
stations. 85086

(13) "Club" means a corporation or association of individuals 85087
organized in good faith for social, recreational, benevolent, 85088
charitable, fraternal, political, patriotic, or athletic purposes, 85089
which is the owner, lessor, or occupant of a permanent building or 85090
part of a permanent building operated solely for those purposes, 85091
membership in which entails the prepayment of regular dues, and 85092
includes the place so operated. 85093

(14) "Night club" means a place operated for profit, where 85094
food is served for consumption on the premises and one or more 85095
forms of amusement are provided or permitted for a consideration 85096
that may be in the form of a cover charge or may be included in 85097
the price of the food and beverages, or both, purchased by 85098
patrons. 85099

(15) "At retail" means for use or consumption by the 85100
purchaser and not for resale. 85101

(16) "Pharmacy" means an establishment, as defined in section 85102
4729.01 of the Revised Code, that is under the management or 85103
control of a licensed pharmacist in accordance with section 85104
4729.27 of the Revised Code. 85105

(17) "Enclosed shopping center" means a group of retail sales 85106
and service business establishments that face into an enclosed 85107
mall, share common ingress, egress, and parking facilities, and 85108
are situated on a tract of land that contains an area of not less 85109
than five hundred thousand square feet. "Enclosed shopping center" 85110
also includes not more than one business establishment that is 85111

located within a free-standing building on such a tract of land, 85112
so long as the sale of beer and intoxicating liquor on the tract 85113
of land was approved in an election held under former section 85114
4301.353 of the Revised Code. 85115

(18) "Controlled access alcohol and beverage cabinet" means a 85116
closed container, either refrigerated, in whole or in part, or 85117
nonrefrigerated, access to the interior of which is restricted by 85118
means of a device that requires the use of a key, magnetic card, 85119
or similar device and from which beer, intoxicating liquor, other 85120
beverages, or food may be sold. 85121

(19) "Community facility" means either of the following: 85122

(a) Any convention, sports, or entertainment facility or 85123
complex, or any combination of these, that is used by or 85124
accessible to the general public and that is owned or operated in 85125
whole or in part by the state, a state agency, or a political 85126
subdivision of the state or that is leased from, or located on 85127
property owned by or leased from, the state, a state agency, a 85128
political subdivision of the state, or a convention facilities 85129
authority created pursuant to section 351.02 of the Revised Code; 85130

(b) An area designated as a community entertainment district 85131
pursuant to section 4301.80 of the Revised Code. 85132

(20) "Low-alcohol beverage" means any brewed or fermented 85133
malt product, or any product made from the fermented juices of 85134
grapes, fruits, or other agricultural products, that contains 85135
either no alcohol or less than one-half of one per cent of alcohol 85136
by volume. The beverages described in division (B)(20) of this 85137
section do not include a soft drink such as root beer, birch beer, 85138
or ginger beer. 85139

(21) "Cider" means all liquids fit to use for beverage 85140
purposes that contain one-half of one per cent of alcohol by 85141
volume, but not more than six per cent of alcohol by weight, and 85142

that are made through the normal alcoholic fermentation of the juice of sound, ripe apples, including, without limitation, flavored, sparkling, or carbonated cider and cider made from pure condensed apple must.

(22) "Sales area or territory" means an exclusive geographic area or territory that is assigned to a particular A or B permit holder and that either has one or more political subdivisions as its boundaries or consists of an area of land with readily identifiable geographic boundaries. "Sales area or territory" does not include, however, any particular retail location in an exclusive geographic area or territory that had been assigned to another A or B permit holder before April 9, 2001.

Sec. 4301.10. (A) The division of liquor control shall do all of the following:

(1) Control the traffic in beer and intoxicating liquor in this state, including the manufacture, importation, and sale of beer and intoxicating liquor;

(2) Grant or refuse permits for the manufacture, distribution, transportation, and sale of beer and intoxicating liquor and the sale of alcohol, as authorized or required by this chapter and Chapter 4303. of the Revised Code. A certificate, signed by the superintendent of liquor control and to which is affixed the official seal of the division, stating that it appears from the records of the division that no permit has been issued to the person specified in the certificate, or that a permit, if issued, has been revoked, canceled, or suspended, shall be received as prima-facie evidence of the facts recited in the certificate in any court or before any officer of this state.

(3) Put into operation, manage, and control a system of state liquor stores for the sale of spirituous liquor at retail and to holders of permits authorizing the sale of spirituous liquor;

however, the division shall not establish any drive-in state 85174
liquor stores; and by means of those types of stores, and any 85175
manufacturing plants, distributing and bottling plants, 85176
warehouses, and other facilities that it considers expedient, 85177
establish and maintain a state monopoly of the distribution of 85178
spirituous liquor and its sale in packages or containers; and for 85179
that purpose, manufacture, buy, import, possess, and sell 85180
spirituous liquors as provided in this chapter and Chapter 4303. 85181
of the Revised Code, and in the rules promulgated by the 85182
superintendent of liquor control pursuant to those chapters; lease 85183
or in any manner acquire the use of any land or building required 85184
for any of those purposes; purchase any equipment that is 85185
required; and borrow money to carry on its business, and issue, 85186
sign, endorse, and accept notes, checks, and bills of exchange; 85187
but all obligations of the division created under authority of 85188
this division shall be a charge only upon the moneys received by 85189
the division from the sale of spirituous liquor and its other 85190
business transactions in connection with the sale of spirituous 85191
liquor, and shall not be general obligations of the state; 85192

(4) Enforce the administrative provisions of this chapter and 85193
Chapter 4303. of the Revised Code, and the rules and orders of the 85194
liquor control commission and the superintendent relating to the 85195
manufacture, importation, transportation, distribution, and sale 85196
of beer or intoxicating liquor. The attorney general, any 85197
prosecuting attorney, and any prosecuting officer of a municipal 85198
corporation or a municipal court shall, at the request of the 85199
division of liquor control or the department of public safety, 85200
prosecute any person charged with the violation of any provision 85201
in those chapters or of any section of the Revised Code relating 85202
to the manufacture, importation, transportation, distribution, and 85203
sale of beer or intoxicating liquor. 85204

(5) Determine the locations of all state liquor stores and 85205

manufacturing, distributing, and bottling plants required in 85206
connection with those stores, subject to this chapter and Chapter 85207
4303. of the Revised Code; 85208

(6) Conduct inspections of liquor permit premises to 85209
determine compliance with the administrative provisions of this 85210
chapter and Chapter 4303. of the Revised Code and the rules 85211
adopted under those provisions by the liquor control commission. 85212

Except as otherwise provided in division (A)(6) of this 85213
section, those inspections may be conducted only during those 85214
hours in which the permit holder is open for business and only by 85215
authorized agents or employees of the division or by any peace 85216
officer, as defined in section 2935.01 of the Revised Code. 85217
Inspections may be conducted at other hours only to determine 85218
compliance with laws or commission rules that regulate the hours 85219
of sale of beer or intoxicating liquor and only if the 85220
investigator has reasonable cause to believe that those laws or 85221
rules are being violated. Any inspection conducted pursuant to 85222
division (A)(6) of this section is subject to all of the following 85223
requirements: 85224

(a) The only property that may be confiscated is contraband, 85225
as defined in section 2901.01 of the Revised Code, or property 85226
that is otherwise necessary for evidentiary purposes. 85227

(b) A complete inventory of all property confiscated from the 85228
premises shall be given to the permit holder or the permit 85229
holder's agent or employee by the confiscating agent or officer at 85230
the conclusion of the inspection. At that time, the inventory 85231
shall be signed by the confiscating agent or officer, and the 85232
agent or officer shall give the permit holder or the permit 85233
holder's agent or employee the opportunity to sign the inventory. 85234

(c) Inspections conducted pursuant to division (A)(6) of this 85235
section shall be conducted in a reasonable manner. A finding by 85236

any court of competent jurisdiction that an inspection was not 85237
conducted in a reasonable manner in accordance with this section 85238
or any rules adopted by the commission may be considered grounds 85239
for suppression of evidence. A finding by the commission that an 85240
inspection was not conducted in a reasonable manner in accordance 85241
with this section or any rules adopted by it may be considered 85242
grounds for dismissal of the commission case. 85243

If any court of competent jurisdiction finds that property 85244
confiscated as the result of an administrative inspection is not 85245
necessary for evidentiary purposes and is not contraband, as 85246
defined in section 2901.01 of the Revised Code, the court shall 85247
order the immediate return of the confiscated property, provided 85248
that property is not otherwise subject to forfeiture, to the 85249
permit holder. However, the return of this property is not grounds 85250
for dismissal of the case. The commission likewise may order the 85251
return of confiscated property if no criminal prosecution is 85252
pending or anticipated. 85253

(7) Delegate to any of its agents or employees any power of 85254
investigation that the division possesses with respect to the 85255
enforcement of any of the administrative laws relating to beer or 85256
intoxicating liquor, provided that this division does not 85257
authorize the division to designate any agent or employee to serve 85258
as an enforcement agent. The employment and designation of 85259
enforcement agents shall be within the exclusive authority of the 85260
director of public safety pursuant to sections 5502.13 to 5502.19 85261
of the Revised Code. 85262

(8) Collect the following fees: 85263

(a) A biennial fifty-dollar registration fee for each agent, 85264
solicitor, trade marketing professional, or salesperson, 85265
registered pursuant to section 4303.25 of the Revised Code, of a 85266
beer or intoxicating liquor manufacturer, supplier, broker, trade 85267
marketing company, or wholesale distributor doing business in this 85268

state; 85269

(b) A fifty-dollar product registration fee for each new beer 85270
or intoxicating liquor product sold in this state. The product 85271
registration fee also applies to products sold in this state by 85272
B-2a and S permit holders. The product registration fee shall be 85273
accompanied by a copy of the federal label and product approval 85274
for the new product. 85275

(c) An annual three-hundred-dollar supplier registration fee 85276
from each manufacturer or supplier that produces and ships into 85277
this state, or ships into this state, intoxicating liquor or beer, 85278
in addition to an initial application fee of one hundred dollars. 85279
A manufacturer that produces and ships beer or wine into this 85280
state and that holds only an S permit is exempt from the supplier 85281
registration fee. A manufacturer that produces and ships wine into 85282
this state and that holds a B-2a permit shall pay an annual 85283
seventy-six-dollar supplier registration fee. A manufacturer that 85284
produces and ships wine into this state and that does not hold 85285
either an S or a B-2a permit, but that produces less than two 85286
hundred fifty thousand gallons of wine per year and that is 85287
entitled to a tax credit under 27 C.F.R. 24.278 shall pay an 85288
annual seventy-six-dollar supplier registration fee. A B-2a or S 85289
permit holder that does not sell its wine to wholesale 85290
distributors of wine in this state and an S permit holder that 85291
does not sell its beer to wholesale distributors of beer in this 85292
state shall not be required to submit to the division territory 85293
designation forms. 85294

Each supplier, agent, solicitor, trade marketing 85295
professional, or salesperson registration issued under this 85296
division shall authorize the person named to carry on the activity 85297
specified in the registration. Each agent, solicitor, trade 85298
marketing professional, or salesperson registration is valid for 85299
two years or for the unexpired portion of a two-year registration 85300

period. Each supplier registration is valid for one year or for 85301
the unexpired portion of a one-year registration period. 85302
Registrations shall end on their respective uniform expiration 85303
date, which shall be designated by the division, and are subject 85304
to suspension, revocation, cancellation, or fine as authorized by 85305
this chapter and Chapter 4303. of the Revised Code. 85306

As used in this division, "trade marketing company" and 85307
"trade marketing professional" have the same meanings as in 85308
section 4301.171 of the Revised Code. 85309

(9) Establish a system of electronic data interchange within 85310
the division and regulate the electronic transfer of information 85311
and funds among persons and governmental entities engaged in the 85312
manufacture, distribution, and retail sale of alcoholic beverages; 85313

(10) Notify all holders of retail permits of the forms of 85314
permissible identification for purposes of division (A) of section 85315
4301.639 of the Revised Code; 85316

(11) Exercise all other powers expressly or by necessary 85317
implication conferred upon the division by this chapter and 85318
Chapter 4303. of the Revised Code, and all powers necessary for 85319
the exercise or discharge of any power, duty, or function 85320
expressly conferred or imposed upon the division by those 85321
chapters. 85322

(B) The division may do all of the following: 85323

(1) Sue, but may be sued only in connection with the 85324
execution of leases of real estate and the purchases and contracts 85325
necessary for the operation of the state liquor stores that are 85326
made under this chapter and Chapter 4303. of the Revised Code; 85327

(2) Enter into leases and contracts of all descriptions and 85328
acquire and transfer title to personal property with regard to the 85329
sale, distribution, and storage of spirituous liquor within the 85330
state; 85331

(3) Terminate at will any lease entered into pursuant to 85332
division (B)(2) of this section upon first giving ninety days' 85333
notice in writing to the lessor of its intention to do so; 85334

(4) Fix the wholesale and retail prices at which the various 85335
classes, varieties, and brands of spirituous liquor shall be sold 85336
by the division. Those retail prices shall be the same at all 85337
state liquor stores, except to the extent that a price 85338
differential is required to collect a county sales tax levied 85339
pursuant to section 5739.021 of the Revised Code and for which tax 85340
the tax commissioner has authorized prepayment pursuant to section 85341
5739.05 of the Revised Code. In fixing selling prices, the 85342
division shall compute an anticipated gross profit at least 85343
sufficient to provide in each calendar year all costs and expenses 85344
of the division and also an adequate working capital reserve for 85345
the division. The gross profit shall not exceed forty per cent of 85346
the retail selling price based on costs of the division, and in 85347
addition the sum required by section 4301.12 of the Revised Code 85348
to be paid into the state treasury. An amount equal to one and 85349
one-half per cent of that gross profit shall be paid into the 85350
statewide treatment and prevention fund created by section 4301.30 85351
of the Revised Code and be appropriated by the general assembly 85352
from the fund to the department of ~~alcohol and drug addiction~~ 85353
~~services~~ mental health and addiction services as provided in 85354
section 4301.30 of the Revised Code. 85355

On spirituous liquor manufactured in this state from the 85356
juice of grapes or fruits grown in this state, the division shall 85357
compute an anticipated gross profit of not to exceed ten per cent. 85358

The wholesale prices fixed under this division shall be at a 85359
discount of not less than six per cent of the retail selling 85360
prices as determined by the division in accordance with this 85361
section. 85362

(C) The division may approve the expansion or diminution of a 85363

premises to which a liquor permit has been issued and may adopt 85364
standards governing such an expansion or diminution. 85365

Sec. 4301.30. (A) All fees collected by the division of 85366
liquor control shall be deposited in the state treasury to the 85367
credit of the undivided liquor permit fund, which is hereby 85368
created, at the time prescribed under section 4301.12 of the 85369
Revised Code. Each payment shall be accompanied by a statement 85370
showing separately the amount collected for each class of permits 85371
in each municipal corporation and in each township outside the 85372
limits of any municipal corporation in such township. 85373

(B)(1) An amount equal to forty-five per cent of the fund 85374
shall be paid from the fund into the state liquor regulatory fund, 85375
which is hereby created in the state treasury. The state liquor 85376
regulatory fund shall be used to pay the operating expenses of the 85377
division of liquor control in administering and enforcing Title 85378
XLIII of the Revised Code and the operating expenses of the liquor 85379
control commission. Investment earnings of the fund shall be 85380
credited to the fund. 85381

(2) Whenever, in the judgment of the director of budget and 85382
management, the amount of money that is in the state liquor 85383
regulatory fund is in excess of the amount that is needed to pay 85384
the operating expenses of the division in administering and 85385
enforcing Title XLIII of the Revised Code and the operating 85386
expenses of the commission, the director shall credit the excess 85387
amount to the general revenue fund. 85388

(C) Twenty per cent of the undivided liquor permit fund shall 85389
be paid into the statewide treatment and prevention fund, which is 85390
hereby created in the state treasury. This amount shall be 85391
appropriated by the general assembly, together with an amount 85392
equal to one and one-half per cent of the gross profit of the 85393
division of liquor control derived under division (B)(4) of 85394

section 4301.10 of the Revised Code, to the department of ~~alcohol~~ 85395
~~and drug addiction services~~ mental health and addiction services. 85396
In planning for the allocation of and in allocating these amounts 85397
for the purposes of Chapter ~~3793~~. 5119. of the Revised Code, the 85398
department of ~~alcohol and drug addiction services~~ shall comply 85399
with the nondiscrimination provisions of Title VI of the Civil 85400
Rights Act of 1964, and any rules adopted under that act. 85401

(D) Thirty-five per cent of the undivided liquor permit fund 85402
shall be distributed by the superintendent of liquor control at 85403
quarterly calendar periods as follows: 85404

(1) To each municipal corporation, the aggregate amount shown 85405
by the statements to have been collected from permits in the 85406
municipal corporation, for the use of the general fund of the 85407
municipal corporation; 85408

(2) To each township, the aggregate amount shown by the 85409
statements to have been collected from permits in its territory, 85410
outside the limits of any municipal corporation located in the 85411
township, for the use of the general fund of the township, or for 85412
fire protection purposes, including buildings and equipment in the 85413
township or in an established fire district within the township, 85414
to the extent that the funds are derived from liquor permits 85415
within the territory comprising such fire district. 85416

(E) For the purpose of the distribution required by this 85417
section, E, H, and D permits covering boats or vessels are deemed 85418
to have been issued in the municipal corporation or township 85419
wherein the owner or operator of the vehicle, boat, vessel, or 85420
dining car equipment to which the permit relates has the owner's 85421
or operator's principal office or place of business within the 85422
state. 85423

(F) If the liquor control commission determines that the 85424
police or other officers of any municipal corporation or township 85425

entitled to share in distributions under this section are refusing 85426
or culpably neglecting to enforce this chapter and Chapter 4303. 85427
of the Revised Code, or the penal laws of this state relating to 85428
the manufacture, importation, transportation, distribution, and 85429
sale of beer and intoxicating liquors, or if the prosecuting 85430
officer of a municipal corporation or a municipal court fails to 85431
comply with the request of the commission authorized by division 85432
(A)(4) of section 4301.10 of the Revised Code, the commission, by 85433
certified mail, may notify the chief executive officer of the 85434
municipal corporation or the board of township trustees of the 85435
township of the failure and require the immediate cooperation of 85436
the responsible officers of the municipal corporation or township 85437
with the division of liquor control in the enforcement of those 85438
chapters and penal laws. Within thirty days after the notice is 85439
served, the commission shall determine whether the requirement has 85440
been complied with. If the commission determines that the 85441
requirement has not been complied with, it may issue an order to 85442
the superintendent to withhold the distributive share of the 85443
municipal corporation or township until further order of the 85444
commission. This action of the commission is reviewable within 85445
thirty days thereafter in the court of common pleas of Franklin 85446
county. 85447

(G) All fees collected by the division of liquor control from 85448
the issuance or renewal of B-2a and S permits, and paid by B-2a 85449
and S permit holders who do not also hold A-2 permits, shall be 85450
deposited in the state treasury to the credit of the state liquor 85451
regulatory fund. Once during each fiscal year, an amount equal to 85452
fifty per cent of the fees collected shall be paid from the state 85453
liquor regulatory fund into the general revenue fund. 85454

Sec. 4301.421. (A) For the purposes of section 307.696 of the 85455
Revised Code, to pay the expenses of administering the tax, and to 85456
pay any or all of the charge the board of elections makes against 85457

the county to hold the election on the question of levying the 85458
tax, or for those purposes and to provide revenues to the county 85459
for permanent improvements, the board of county commissioners may 85460
levy a tax on the sale of beer at a rate not to exceed sixteen 85461
cents per gallon, on the sale of cider at a rate not to exceed 85462
twenty-four cents per gallon, and on the sale of wine and mixed 85463
beverages at a rate not to exceed thirty-two cents per gallon. The 85464
tax shall be imposed on all beer, cider, wine, and mixed beverages 85465
sold for resale at retail in the county, and on all beer, cider, 85466
wine, and mixed beverages sold at retail in the county by the 85467
manufacturer, bottler, importer, or other person upon which the 85468
tax has not been paid. The tax shall not be levied on the sale of 85469
wine to be used for known sacramental purposes. The tax may be 85470
levied for any number of years not exceeding twenty. The tax shall 85471
be in addition to the taxes imposed by sections 4301.42, 4301.43, 85472
4301.432, and 4305.01 of the Revised Code. The tax shall not be 85473
considered a cost in any computation required under rules of the 85474
liquor control commission regulating minimum prices or mark-ups. 85475

85476

Only one sale of the same article shall be used in computing, 85477
reporting, and paying the amount of tax due. 85478

The tax shall be levied pursuant to a resolution of the 85479
county commissioners approved by a majority of the electors in the 85480
county voting on the question of levying the tax, which resolution 85481
shall specify the rate of the tax, the number of years the tax 85482
will be levied, and the purposes for which the tax is levied. The 85483
election may be held on the date of a general election or special 85484
election held not sooner than ninety days after the date the board 85485
certifies its resolution to the board of elections. If approved by 85486
the electors, the tax shall take effect on the first day of the 85487
month specified in the resolution but not sooner than the first 85488
day of the month that is at least sixty days after the 85489

certification of the election results by the board of elections. A 85490
copy of the resolution levying the tax and the certification of 85491
the board of elections shall be certified to the tax commissioner 85492
at least sixty days prior to the date on which the tax is to 85493
become effective. 85494

A resolution under this section may be joined on the ballot 85495
as a single question with a resolution adopted under section 85496
307.697 or 5743.024 of the Revised Code to levy a tax for the same 85497
purposes and for the purpose of paying the expenses of 85498
administering the tax. The form of the ballot in an election held 85499
pursuant to this section shall be as prescribed in section 307.697 85500
of the Revised Code. 85501

(B) The board of county commissioners of a county in which a 85502
tax is imposed under this section on ~~July 19, 1995, the effective~~ 85503
date of the amendment of this section by H.B. 59 of the 130th 85504
general assembly may levy a tax for the purpose of section 307.673 85505
of the Revised Code regardless of whether or not the cooperative 85506
agreement authorized under that section has been entered into 85507
prior to the day the resolution adopted under division (B)(1) or 85508
(2) of this section is adopted, ~~and~~ for the purpose of reimbursing 85509
a county for costs incurred in the construction of a sports 85510
facility pursuant to an agreement entered into by the county under 85511
section 307.696 of the Revised Code, or for the purpose of paying 85512
the costs of capital repairs of and improvements to a sports 85513
facility. The tax shall be levied and approved in one of the 85514
manners prescribed by division (B)(1) or (2) of this section. 85515

(1) The tax may be levied pursuant to a resolution adopted by 85517
a majority of the members of the board of county commissioners not 85518
later than September 2, 1995. A board of county commissioners 85519
approving a tax under division (B)(1) of this section may approve 85520
a tax under division (D)(1) of section 307.697 or division (C)(1) 85521

of section 5743.024 of the Revised Code at the same time. Subject 85522
to the resolution being submitted to a referendum under sections 85523
305.31 to 305.41 of the Revised Code, the resolution shall take 85524
effect immediately, but the tax levied pursuant to the resolution 85525
shall not be levied prior to the day following the last day ~~the~~ 85526
that any tax previously levied pursuant to this division ~~(A) of~~ 85527
~~this section~~ may be levied. 85528

(2) The tax may be levied pursuant to a resolution adopted by 85529
a majority of the members of the board of county commissioners not 85530
later than September ~~2, 1995~~ 1, 2015, and approved by a majority 85531
of the electors of the county voting on the question of levying 85532
the tax ~~at the next succeeding general election following July 19,~~ 85533
~~1995~~. The board of county commissioners shall certify a copy of 85534
the resolution to the board of elections immediately upon adopting 85535
a resolution under division (D)(2) of this section, ~~and the board~~ 85536
~~of elections shall place the question of levying the tax on the~~ 85537
~~ballot at that election.~~ The election may be held on the date of a 85538
general or special election held not sooner than ninety days after 85539
the date the board certifies its resolution to the board of 85540
elections. The form of the ballot shall be as prescribed by 85541
division (C) of section 307.697 of the Revised Code, except that 85542
the phrase "paying not more than one-half of the costs of 85543
providing a sports facility together with related redevelopment 85544
and economic development projects" shall be replaced by the phrase 85545
"paying the costs of constructing ~~or~~, renovating, improving, or 85546
repairing a sports facility and reimbursing a county for costs 85547
incurred by the county in the construction of a sports facility," 85548
and the phrase ", beginning" (here insert the earliest 85549
date the tax would take effect)" shall be appended after "years." 85550
A board of county commissioners submitting the question of a tax 85551
under division (B)(2) of this section may submit the question of a 85552
tax under division (D)(2) of section 307.697 or division (C)(2) of 85553
section 5743.024 of the Revised Code as a single question, and the 85554

form of the ballot shall include each of the proposed taxes. 85555

If approved by a majority of electors voting on the question, 85556
the tax shall take effect on the day specified on the ballot, 85557
which shall not be earlier than the day following the last day ~~the~~ 85558
~~that any tax previously~~ levied pursuant to this division ~~(A) of~~ 85559
~~this section~~ may be levied. 85560

The rate of a tax levied pursuant to division (B)(1) or (2) 85561
of this section shall not exceed the rate specified in division 85562
(A) of this section. A tax levied pursuant to division (B)(1) or 85563
(2) of this section may be levied for any number of years not 85564
exceeding twenty. 85565

A board of county commissioners adopting a resolution under 85566
division (B)(1) or (2) of this section shall certify a copy of the 85567
resolution to the tax commissioner immediately upon adoption of 85568
the resolution. 85569

(C) No tax shall be levied under division (A) of this section 85570
on or after September 23, 2008. This division does not apply to a 85571
tax levied under division (B) of this section, and does not 85572
prevent the collection of any tax levied under this section before 85573
~~that date~~ September 23, 2008, so long as that tax remains 85574
effective. 85575

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 85576
the Revised Code: 85577

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 85578
fluid ounces. 85579

(2) "Sale" or "sell" includes exchange, barter, gift, 85580
distribution, and, except with respect to A-4 permit holders, 85581
offer for sale. 85582

(B) For the purposes of providing revenues for the support of 85583
the state and encouraging the grape industries in the state, a tax 85584

is hereby levied on the sale or distribution of wine in Ohio, 85585
except for known sacramental purposes, at the rate of thirty cents 85586
per wine gallon for wine containing not less than four per cent of 85587
alcohol by volume and not more than fourteen per cent of alcohol 85588
by volume, ninety-eight cents per wine gallon for wine containing 85589
more than fourteen per cent but not more than twenty-one per cent 85590
of alcohol by volume, one dollar and eight cents per wine gallon 85591
for vermouth, and one dollar and forty-eight cents per wine gallon 85592
for sparkling and carbonated wine and champagne, the tax to be 85593
paid by the holders of A-2 and B-5 permits or by any other person 85594
selling or distributing wine upon which no tax has been paid. From 85595
the tax paid under this section on wine, vermouth, and sparkling 85596
and carbonated wine and champagne, the treasurer of state shall 85597
credit to the Ohio grape industries fund created under section 85598
924.54 of the Revised Code a sum equal to one cent per gallon for 85599
each gallon upon which the tax is paid. 85600

(C) For the purpose of providing revenues for the support of 85601
the state, there is hereby levied a tax on prepared and bottled 85602
highballs, cocktails, cordials, and other mixed beverages at the 85603
rate of one dollar and twenty cents per wine gallon to be paid by 85604
holders of A-4 permits or by any other person selling or 85605
distributing those products upon which no tax has been paid. Only 85606
one sale of the same article shall be used in computing the amount 85607
of tax due. The tax on mixed beverages to be paid by holders of 85608
A-4 permits under this section shall not attach until the 85609
ownership of the mixed beverage is transferred for valuable 85610
consideration to a wholesaler or retailer, and no payment of the 85611
tax shall be required prior to that time. 85612

(D) During the period of July 1, ~~2011~~ 2013, through June 30, 85613
~~2013~~ 2015, from the tax paid under this section on wine, vermouth, 85614
and sparkling and carbonated wine and champagne, the treasurer of 85615
state shall credit to the Ohio grape industries fund created under 85616

section 924.54 of the Revised Code a sum equal to two cents per 85617
gallon upon which the tax is paid. The amount credited under this 85618
division is in addition to the amount credited to the Ohio grape 85619
industries fund under division (B) of this section. 85620

(E) For the purpose of providing revenues for the support of 85621
the state, there is hereby levied a tax on cider at the rate of 85622
twenty-four cents per wine gallon to be paid by the holders of A-2 85623
and B-5 permits or by any other person selling or distributing 85624
cider upon which no tax has been paid. Only one sale of the same 85625
article shall be used in computing the amount of the tax due. 85626

Sec. 4301.62. (A) As used in this section: 85627

(1) "Chauffeured limousine" means a vehicle registered under 85628
section 4503.24 of the Revised Code. 85629

(2) "Street," "highway," and "motor vehicle" have the same 85630
meanings as in section 4511.01 of the Revised Code. 85631

(B) No person shall have in the person's possession an opened 85632
container of beer or intoxicating liquor in any of the following 85633
circumstances: 85634

(1) Except as provided in division (C)(1)(e) of this section, 85635
in an agency store; 85636

(2) Except as provided in division (C) of this section, on 85637
the premises of the holder of any permit issued by the division of 85638
liquor control; 85639

(3) In any other public place; 85640

(4) Except as provided in division (D) or (E) of this 85641
section, while operating or being a passenger in or on a motor 85642
vehicle on any street, highway, or other public or private 85643
property open to the public for purposes of vehicular travel or 85644
parking; 85645

(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(C)(1) A person may have in the person's possession an opened container of any of the following:

(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or F-8 permit;

(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;

(c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in section 4303.201 of the Revised Code;

(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the liquor control commission;

(e) Spirituous liquor to be consumed for purposes of a tasting sample, as defined in section 4301.171 of the Revised Code.

(2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this division, "music festival" means

a series of outdoor live musical performances, extending for a 85677
period of at least three consecutive days and located on an area 85678
of land of at least forty acres. 85679

(3)(a) A person may have in the person's possession on a D-2 85680
liquor permit premises an opened or unopened container of wine 85681
that was not purchased from the holder of the D-2 permit if the 85682
premises for which the D-2 permit is issued is an outdoor 85683
performing arts center, the person is attending an orchestral 85684
performance, and the holder of the D-2 permit grants permission 85685
for the possession and consumption of wine in certain 85686
predesignated areas of the premises during the period for which 85687
the D-2 permit is issued. 85688

(b) As used in division (C)(3)(a) of this section: 85689

(i) "Orchestral performance" means a concert comprised of a 85690
group of not fewer than forty musicians playing various musical 85691
instruments. 85692

(ii) "Outdoor performing arts center" means an outdoor 85693
performing arts center that is located on not less than one 85694
hundred fifty acres of land and that is open for performances from 85695
the first day of April to the last day of October of each year. 85696

(4) A person may have in the person's possession an opened or 85697
unopened container of beer or intoxicating liquor at an outdoor 85698
location at which the person is attending an orchestral 85699
performance as defined in division (C)(3)(b)(i) of this section if 85700
the person with supervision and control over the performance 85701
grants permission for the possession and consumption of beer or 85702
intoxicating liquor in certain predesignated areas of that outdoor 85703
location. 85704

(5) A person may have in the person's possession on an F-9 85705
liquor permit premises an opened or unopened container of beer or 85706
intoxicating liquor that was not purchased from the holder of the 85707

F-9 permit if the person is attending an orchestral performance 85708
and the holder of the F-9 permit grants permission for the 85709
possession and consumption of beer or intoxicating liquor in 85710
certain predesignated areas of the premises during the period for 85711
which the F-9 permit is issued. 85712

As used in division (C)(5) of this section, "orchestral 85713
performance" has the same meaning as in division (C)(3)(b) of this 85714
section. 85715

(6)(a) A person may have in the person's possession on the 85716
property of an outdoor motorsports facility an opened or unopened 85717
container of beer or intoxicating liquor that was not purchased 85718
from the owner of the facility if both of the following apply: 85719

(i) The person is attending a racing event at the facility; 85720
and 85721

(ii) The owner of the facility grants permission for the 85722
possession and consumption of beer or intoxicating liquor on the 85723
property of the facility. 85724

(b) As used in division (C)(6)(a) of this section: 85725

(i) "Racing event" means a motor vehicle racing event 85726
sanctioned by one or more motor racing sanctioning organizations. 85727

(ii) "Outdoor motorsports facility" means an outdoor 85728
racetrack to which all of the following apply: 85729

(I) It is two and four-tenths miles or more in length. 85730

(II) It is located on two hundred acres or more of land. 85731

(III) The primary business of the owner of the facility is 85732
the hosting and promoting of racing events. 85733

(IV) The holder of a D-1, D-2, or D-3 permit is located on 85734
the property of the facility. 85735

(D) This section does not apply to a person who pays all or a 85736

portion of the fee imposed for the use of a chauffeured limousine 85737
pursuant to a prearranged contract, or the guest of the person, 85738
when all of the following apply: 85739

(1) The person or guest is a passenger in the limousine. 85740

(2) The person or guest is located in the limousine, but is 85741
not occupying a seat in the front compartment of the limousine 85742
where the operator of the limousine is located. 85743

(3) The limousine is located on any street, highway, or other 85744
public or private property open to the public for purposes of 85745
vehicular travel or parking. 85746

(E) An opened bottle of wine that was purchased from the 85747
holder of a permit that authorizes the sale of wine for 85748
consumption on the premises where sold is not an opened container 85749
for the purposes of this section if both of the following apply: 85750

(1) The opened bottle of wine is securely resealed by the 85751
permit holder or an employee of the permit holder before the 85752
bottle is removed from the premises. The bottle shall be secured 85753
in such a manner that it is visibly apparent if the bottle has 85754
been subsequently opened or tampered with. 85755

(2) The opened bottle of wine that is resealed in accordance 85756
with division (E)(1) of this section is stored in the trunk of a 85757
motor vehicle or, if the motor vehicle does not have a trunk, 85758
behind the last upright seat or in an area not normally occupied 85759
by the driver or passengers and not easily accessible by the 85760
driver. 85761

Sec. 4303.181. (A) Permit D-5a may be issued either to the 85762
owner or operator of a hotel or motel that is required to be 85763
licensed under section 3731.03 of the Revised Code, that contains 85764
at least fifty rooms for registered transient guests or is owned 85765
by a state institution of higher education as defined in section 85766

3345.011 of the Revised Code or a private college or university, 85767
and that qualifies under the other requirements of this section, 85768
or to the owner or operator of a restaurant specified under this 85769
section, to sell beer and any intoxicating liquor at retail, only 85770
by the individual drink in glass and from the container, for 85771
consumption on the premises where sold, and to registered guests 85772
in their rooms, which may be sold by means of a controlled access 85773
alcohol and beverage cabinet in accordance with division (B) of 85774
section 4301.21 of the Revised Code; and to sell the same products 85775
in the same manner and amounts not for consumption on the premises 85776
as may be sold by holders of D-1 and D-2 permits. The premises of 85777
the hotel or motel shall include a retail food establishment or a 85778
food service operation licensed pursuant to Chapter 3717. of the 85779
Revised Code that operates as a restaurant for purposes of this 85780
chapter and that is affiliated with the hotel or motel and within 85781
or contiguous to the hotel or motel, and that serves food within 85782
the hotel or motel, but the principal business of the owner or 85783
operator of the hotel or motel shall be the accommodation of 85784
transient guests. In addition to the privileges authorized in this 85785
division, the holder of a D-5a permit may exercise the same 85786
privileges as the holder of a D-5 permit. 85787

The owner or operator of a hotel, motel, or restaurant who 85788
qualified for and held a D-5a permit on August 4, 1976, may, if 85789
the owner or operator held another permit before holding a D-5a 85790
permit, either retain a D-5a permit or apply for the permit 85791
formerly held, and the division of liquor control shall issue the 85792
permit for which the owner or operator applies and formerly held, 85793
notwithstanding any quota. 85794

A D-5a permit shall not be transferred to another location. 85795
No quota restriction shall be placed on the number of D-5a permits 85796
that may be issued. 85797

The fee for this permit is two thousand three hundred 85798

forty-four dollars. 85799

(B) Permit D-5b may be issued to the owner, operator, tenant, 85800
lessee, or occupant of an enclosed shopping center to sell beer 85801
and intoxicating liquor at retail, only by the individual drink in 85802
glass and from the container, for consumption on the premises 85803
where sold; and to sell the same products in the same manner and 85804
amount not for consumption on the premises as may be sold by 85805
holders of D-1 and D-2 permits. In addition to the privileges 85806
authorized in this division, the holder of a D-5b permit may 85807
exercise the same privileges as a holder of a D-5 permit. 85808

A D-5b permit shall not be transferred to another location. 85809

One D-5b permit may be issued at an enclosed shopping center 85810
containing at least two hundred twenty-five thousand, but less 85811
than four hundred thousand, square feet of floor area. 85812

Two D-5b permits may be issued at an enclosed shopping center 85813
containing at least four hundred thousand square feet of floor 85814
area. No more than one D-5b permit may be issued at an enclosed 85815
shopping center for each additional two hundred thousand square 85816
feet of floor area or fraction of that floor area, up to a maximum 85817
of five D-5b permits for each enclosed shopping center. The number 85818
of D-5b permits that may be issued at an enclosed shopping center 85819
shall be determined by subtracting the number of D-3 and D-5 85820
permits issued in the enclosed shopping center from the number of 85821
D-5b permits that otherwise may be issued at the enclosed shopping 85822
center under the formulas provided in this division. Except as 85823
provided in this section, no quota shall be placed on the number 85824
of D-5b permits that may be issued. Notwithstanding any quota 85825
provided in this section, the holder of any D-5b permit first 85826
issued in accordance with this section is entitled to its renewal 85827
in accordance with section 4303.271 of the Revised Code. 85828

The holder of a D-5b permit issued before April 4, 1984, 85829

whose tenancy is terminated for a cause other than nonpayment of 85830
rent, may return the D-5b permit to the division of liquor 85831
control, and the division shall cancel that permit. Upon 85832
cancellation of that permit and upon the permit holder's payment 85833
of taxes, contributions, premiums, assessments, and other debts 85834
owing or accrued upon the date of cancellation to this state and 85835
its political subdivisions and a filing with the division of a 85836
certification of that payment, the division shall issue to that 85837
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 85838
that person requests. The division shall issue the D-5 permit, or 85839
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 85840
D-3, or D-5 permits currently issued in the municipal corporation 85841
or in the unincorporated area of the township where that person's 85842
proposed premises is located equals or exceeds the maximum number 85843
of such permits that can be issued in that municipal corporation 85844
or in the unincorporated area of that township under the 85845
population quota restrictions contained in section 4303.29 of the 85846
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 85847
be transferred to another location. If a D-5b permit is canceled 85848
under the provisions of this paragraph, the number of D-5b permits 85849
that may be issued at the enclosed shopping center for which the 85850
D-5b permit was issued, under the formula provided in this 85851
division, shall be reduced by one if the enclosed shopping center 85852
was entitled to more than one D-5b permit under the formula. 85853

The fee for this permit is two thousand three hundred 85854
forty-four dollars. 85855

(C) Permit D-5c may be issued to the owner or operator of a 85856
retail food establishment or a food service operation licensed 85857
pursuant to Chapter 3717. of the Revised Code that operates as a 85858
restaurant for purposes of this chapter and that qualifies under 85859
the other requirements of this section to sell beer and any 85860
intoxicating liquor at retail, only by the individual drink in 85861

glass and from the container, for consumption on the premises 85862
where sold, and to sell the same products in the same manner and 85863
amounts not for consumption on the premises as may be sold by 85864
holders of D-1 and D-2 permits. In addition to the privileges 85865
authorized in this division, the holder of a D-5c permit may 85866
exercise the same privileges as the holder of a D-5 permit. 85867

To qualify for a D-5c permit, the owner or operator of a 85868
retail food establishment or a food service operation licensed 85869
pursuant to Chapter 3717. of the Revised Code that operates as a 85870
restaurant for purposes of this chapter, shall have operated the 85871
restaurant at the proposed premises for not less than twenty-four 85872
consecutive months immediately preceding the filing of the 85873
application for the permit, have applied for a D-5 permit no later 85874
than December 31, 1988, and appear on the division's quota waiting 85875
list for not less than six months immediately preceding the filing 85876
of the application for the permit. In addition to these 85877
requirements, the proposed D-5c permit premises shall be located 85878
within a municipal corporation and further within an election 85879
precinct that, at the time of the application, has no more than 85880
twenty-five per cent of its total land area zoned for residential 85881
use. 85882

A D-5c permit shall not be transferred to another location. 85883
No quota restriction shall be placed on the number of such permits 85884
that may be issued. 85885

Any person who has held a D-5c permit for at least two years 85886
may apply for a D-5 permit, and the division of liquor control 85887
shall issue the D-5 permit notwithstanding the quota restrictions 85888
contained in section 4303.29 of the Revised Code or in any rule of 85889
the liquor control commission. 85890

The fee for this permit is one thousand five hundred 85891
sixty-three dollars. 85892

(D) Permit D-5d may be issued to the owner or operator of a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located at an airport operated by a board of county commissioners pursuant to section 307.20 of the Revised Code, at an airport operated by a port authority pursuant to Chapter 4582. of the Revised Code, or at an airport operated by a regional airport authority pursuant to Chapter 308. of the Revised Code. The holder of a D-5d permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized in this division, the holder of a D-5d permit may exercise the same privileges as the holder of a D-5 permit.

A D-5d permit shall not be transferred to another location. No quota restrictions shall be placed on the number of such permits that may be issued.

The fee for this permit is two thousand three hundred forty-four dollars.

(E) Permit D-5e may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, or that is a charitable organization under any chapter of the Revised Code, and that owns or operates a riverboat that meets all of the following:

- (1) Is permanently docked at one location;
- (2) Is designated as an historical riverboat by the Ohio historical society;

(3) Contains not less than fifteen hundred square feet of floor area;	85924 85925
(4) Has a seating capacity of fifty or more persons.	85926
The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.	85927 85928 85929
A D-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.	85930 85931 85932 85933 85934 85935 85936 85937 85938 85939
The fee for this permit is one thousand two hundred nineteen dollars.	85940 85941
(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following:	85942 85943 85944 85945 85946
(1) It contains not less than twenty-five hundred square feet of floor area.	85947 85948
(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river.	85949 85950
(3) It provides docking space for twenty-five boats.	85951
(4) It provides entertainment and recreation, provided that not less than fifty per cent of the business on the permit	85952 85953

premises shall be preparing and serving meals for a consideration. 85954

In addition, each application for a D-5f permit shall be 85955
accompanied by a certification from the local legislative 85956
authority that the issuance of the D-5f permit is not inconsistent 85957
with that political subdivision's comprehensive development plan 85958
or other economic development goal as officially established by 85959
the local legislative authority. 85960

The holder of a D-5f permit may sell beer and intoxicating 85961
liquor at retail, only by the individual drink in glass and from 85962
the container, for consumption on the premises where sold. 85963

A D-5f permit shall not be transferred to another location. 85964

The division of liquor control shall not issue a D-5f permit 85965
if the permit premises or proposed permit premises are located 85966
within an area in which the sale of spirituous liquor by the glass 85967
is prohibited. 85968

A fee for this permit is two thousand three hundred 85969
forty-four dollars. 85970

As used in this division, "navigable river" means a river 85971
that is also a "navigable water" as defined in the "Federal Power 85972
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 85973

(G) Permit D-5g may be issued to a nonprofit corporation that 85974
is either the owner or the operator of a national professional 85975
sports museum. The holder of a D-5g permit may sell beer and any 85976
intoxicating liquor at retail, only by the individual drink in 85977
glass and from the container, for consumption on the premises 85978
where sold. The holder of a D-5g permit shall sell no beer or 85979
intoxicating liquor for consumption on the premises where sold 85980
after two-thirty a.m. A D-5g permit shall not be transferred to 85981
another location. No quota restrictions shall be placed on the 85982
number of D-5g permits that may be issued. The fee for this permit 85983
is one thousand eight hundred seventy-five dollars. 85984

(H)(1) Permit D-5h may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, that owns or operates any of the following:

(a) A fine arts museum, provided that the nonprofit organization has no less than one thousand five hundred bona fide members possessing full membership privileges;

(b) A community arts center. As used in division (H)(1)(b) of this section, "community arts center" means a facility that provides arts programming to the community in more than one arts discipline, including, but not limited to, exhibits of works of art and performances by both professional and amateur artists.

(c) A community theater, provided that the nonprofit organization is a member of the Ohio arts council and the American community theatre association and has been in existence for not less than ten years. As used in division (H)(1)(c) of this section, "community theater" means a facility that contains at least one hundred fifty seats and has a primary function of presenting live theatrical performances and providing recreational opportunities to the community.

(2) The holder of a D-5h permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. The holder of a D-5h permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after one a.m. A D-5h permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5h permits that may be issued.

(3) The fee for a D-5h permit is one thousand eight hundred seventy-five dollars.

(I) Permit D-5i may be issued to the owner or operator of a

retail food establishment or a food service operation licensed 86016
under Chapter 3717. of the Revised Code that operates as a 86017
restaurant for purposes of this chapter and that meets all of the 86018
following requirements: 86019

(1) It is located in a municipal corporation or a township 86020
with a population of one hundred thousand or less. 86021

(2) It has inside seating capacity for at least one hundred 86022
forty persons. 86023

(3) It has at least four thousand square feet of floor area. 86024

(4) It offers full-course meals, appetizers, and sandwiches. 86025

(5) Its receipts from beer and liquor sales, excluding wine 86026
sales, do not exceed twenty-five per cent of its total gross 86027
receipts. 86028

(6) It has at least one of the following characteristics: 86029

(a) The value of its real and personal property exceeds seven 86030
hundred twenty-five thousand dollars. 86031

(b) It is located on property that is owned or leased by the 86032
state or a state agency, and its owner or operator has 86033
authorization from the state or the state agency that owns or 86034
leases the property to obtain a D-5i permit. 86035

The holder of a D-5i permit may sell beer and any 86036
intoxicating liquor at retail, only by the individual drink in 86037
glass and from the container, for consumption on the premises 86038
where sold, and may sell the same products in the same manner and 86039
amounts not for consumption on the premises where sold as may be 86040
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 86041
permit shall sell no beer or intoxicating liquor for consumption 86042
on the premises where sold after two-thirty a.m. In addition to 86043
the privileges authorized in this division, the holder of a D-5i 86044
permit may exercise the same privileges as the holder of a D-5 86045

permit. 86046

A D-5i permit shall not be transferred to another location. 86047
The division of liquor control shall not renew a D-5i permit 86048
unless the retail food establishment or food service operation for 86049
which it is issued continues to meet the requirements described in 86050
divisions (I)(1) to (6) of this section. No quota restrictions 86051
shall be placed on the number of D-5i permits that may be issued. 86052
The fee for the D-5i permit is two thousand three hundred 86053
forty-four dollars. 86054

(J) Permit D-5j may be issued to the owner or the operator of 86055
a retail food establishment or a food service operation licensed 86056
under Chapter 3717. of the Revised Code to sell beer and 86057
intoxicating liquor at retail, only by the individual drink in 86058
glass and from the container, for consumption on the premises 86059
where sold and to sell beer and intoxicating liquor in the same 86060
manner and amounts not for consumption on the premises where sold 86061
as may be sold by the holders of D-1 and D-2 permits. The holder 86062
of a D-5j permit may exercise the same privileges, and shall 86063
observe the same hours of operation, as the holder of a D-5 86064
permit. 86065

The D-5j permit shall be issued only within a community 86066
entertainment district that is designated under section 4301.80 of 86067
the Revised Code and that meets one of the following 86068
qualifications: 86069

(1) It is located in a municipal corporation with a 86070
population of at least one hundred thousand. 86071

(2) It is located in a municipal corporation with a 86072
population of at least twenty thousand, and either of the 86073
following applies: 86074

(a) It contains an amusement park the rides of which have 86075
been issued a permit by the department of agriculture under 86076

Chapter 1711. of the Revised Code.	86077
(b) Not less than fifty million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation.	86078 86079 86080
(3) It is located in a township with a population of at least forty thousand.	86081 86082
(4) It is located in a township with a population of at least twenty thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the township.	86083 86084 86085 86086
(5) It is located in a municipal corporation with a population between ten thousand and twenty thousand, and both of the following apply:	86087 86088 86089
(a) The municipal corporation was incorporated as a village prior to calendar year 1840 <u>1860</u> and currently has a historic downtown business district.	86090 86091 86092
(b) The municipal corporation is located in the same county as another municipal corporation with at least one community entertainment district.	86093 86094 86095
(6) It is located in a municipal corporation with a population of at least ten thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation.	86096 86097 86098 86099 86100
(7) It is located in a municipal corporation with a population of at least five thousand, and not less than one hundred million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation.	86101 86102 86103 86104 86105
The location of a D-5j permit may be transferred only within	86106

the geographic boundaries of the community entertainment district 86107
in which it was issued and shall not be transferred outside the 86108
geographic boundaries of that district. 86109

Not more than one D-5j permit shall be issued within each 86110
community entertainment district for each five acres of land 86111
located within the district. Not more than fifteen D-5j permits 86112
may be issued within a single community entertainment district. 86113
Except as otherwise provided in division (J)(4) of this section, 86114
no quota restrictions shall be placed upon the number of D-5j 86115
permits that may be issued. 86116

The fee for a D-5j permit is two thousand three hundred 86117
forty-four dollars. 86118

(K)(1) Permit D-5k may be issued to any nonprofit 86119
organization that is exempt from federal income taxation under the 86120
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 86121
501(c)(3), as amended, that is the owner or operator of a 86122
botanical garden recognized by the American association of 86123
botanical gardens and arboreta, and that has not less than 86124
twenty-five hundred bona fide members. 86125

(2) The holder of a D-5k permit may sell beer and any 86126
intoxicating liquor at retail, only by the individual drink in 86127
glass and from the container, on the premises where sold. 86128

(3) The holder of a D-5k permit shall sell no beer or 86129
intoxicating liquor for consumption on the premises where sold 86130
after one a.m. 86131

(4) A D-5k permit shall not be transferred to another 86132
location. 86133

(5) No quota restrictions shall be placed on the number of 86134
D-5k permits that may be issued. 86135

(6) The fee for the D-5k permit is one thousand eight hundred 86136

seventy-five dollars. 86137

(L)(1) Permit D-51 may be issued to the owner or the operator 86138
of a retail food establishment or a food service operation 86139
licensed under Chapter 3717. of the Revised Code to sell beer and 86140
intoxicating liquor at retail, only by the individual drink in 86141
glass and from the container, for consumption on the premises 86142
where sold and to sell beer and intoxicating liquor in the same 86143
manner and amounts not for consumption on the premises where sold 86144
as may be sold by the holders of D-1 and D-2 permits. The holder 86145
of a D-51 permit may exercise the same privileges, and shall 86146
observe the same hours of operation, as the holder of a D-5 86147
permit. 86148

(2) The D-51 permit shall be issued only to a premises to 86149
which all of the following apply: 86150

(a) The premises has gross annual receipts from the sale of 86151
food and meals that constitute not less than seventy-five per cent 86152
of its total gross annual receipts. 86153

(b) The premises is located within a revitalization district 86154
that is designated under section 4301.81 of the Revised Code. 86155

(c) The premises is located in a municipal corporation or 86156
township in which the number of D-5 permits issued equals or 86157
exceeds the number of those permits that may be issued in that 86158
municipal corporation or township under section 4303.29 of the 86159
Revised Code. 86160

(d) The premises meets any of the following qualifications: 86161

(i) It is located in a county with a population of one 86162
hundred twenty-five thousand or less according to the population 86163
estimates certified by the development services agency for 86164
calendar year 2006. 86165

(ii) It is located in the municipal corporation that has the 86166

largest population in a county when the county has a population 86167
between two hundred fifteen thousand and two hundred twenty-five 86168
thousand according to the population estimates certified by the 86169
development services agency for calendar year 2006. Division 86170
(L)(2)(d)(ii) of this section applies only to a municipal 86171
corporation that is wholly located in a county. 86172

(iii) It is located in the municipal corporation that has the 86173
largest population in a county when the county has a population 86174
between one hundred forty thousand and one hundred forty-one 86175
thousand according to the population estimates certified by the 86176
development services agency for calendar year 2006. Division 86177
(L)(2)(d)(iii) of this section applies only to a municipal 86178
corporation that is wholly located in a county. 86179

(3) The location of a D-51 permit may be transferred only 86180
within the geographic boundaries of the revitalization district in 86181
which it was issued and shall not be transferred outside the 86182
geographic boundaries of that district. 86183

(4) Not more than one D-51 permit shall be issued within each 86184
revitalization district for each five acres of land located within 86185
the district. Not more than fifteen D-51 permits may be issued 86186
within a single revitalization district. Except as otherwise 86187
provided in division (L)(4) of this section, no quota restrictions 86188
shall be placed upon the number of D-51 permits that may be 86189
issued. 86190

(5) No D-51 permit shall be issued to an adult entertainment 86191
establishment as defined in section 2907.39 of the Revised Code. 86192

(6) The fee for a D-51 permit is two thousand three hundred 86193
forty-four dollars. 86194

(M) Permit D-5m may be issued to either the owner or the 86195
operator of a retail food establishment or food service operation 86196
licensed under Chapter 3717. of the Revised Code that operates as 86197

a restaurant for purposes of this chapter and that is located in, 86198
or affiliated with, a center for the preservation of wild animals 86199
as defined in section 4301.404 of the Revised Code, to sell beer 86200
and any intoxicating liquor at retail, only by the glass and from 86201
the container, for consumption on the premises where sold, and to 86202
sell the same products in the same manner and amounts not for 86203
consumption on the premises as may be sold by the holders of D-1 86204
and D-2 permits. In addition to the privileges authorized by this 86205
division, the holder of a D-5m permit may exercise the same 86206
privileges as the holder of a D-5 permit. 86207

A D-5m permit shall not be transferred to another location. 86208
No quota restrictions shall be placed on the number of D-5m 86209
permits that may be issued. The fee for a permit D-5m is two 86210
thousand three hundred forty-four dollars. 86211

(N) Permit D-5n shall be issued to either a casino operator 86212
or a casino management company licensed under Chapter 3772. of the 86213
Revised Code that operates a casino facility under that chapter, 86214
to sell beer and any intoxicating liquor at retail, only by the 86215
individual drink in glass and from the container, for consumption 86216
on the premises where sold, and to sell the same products in the 86217
same manner and amounts not for consumption on the premises as may 86218
be sold by the holders of D-1 and D-2 permits. In addition to the 86219
privileges authorized by this division, the holder of a D-5n 86220
permit may exercise the same privileges as the holder of a D-5 86221
permit. A D-5n permit shall not be transferred to another 86222
location. Only one D-5n permit may be issued per casino facility 86223
and not more than four D-5n permits shall be issued in this state. 86224
The fee for a permit D-5n shall be twenty thousand dollars. The 86225
holder of a D-5n permit may conduct casino gaming on the permit 86226
premises notwithstanding any provision of the Revised Code or 86227
Administrative Code. 86228

(O) Permit D-5o may be issued to the owner or operator of a 86229

retail food establishment or a food service operation licensed 86230
under Chapter 3717. of the Revised Code that operates as a 86231
restaurant for purposes of this chapter and that is located within 86232
a casino facility for which a D-5n permit has been issued. The 86233
holder of a D-5o permit may sell beer and any intoxicating liquor 86234
at retail, only by the individual drink in glass and from the 86235
container, for consumption on the premises where sold, and may 86236
sell the same products in the same manner and amounts not for 86237
consumption on the premises where sold as may be sold by the 86238
holders of D-1 and D-2 permits. In addition to the privileges 86239
authorized by this division, the holder of a D-5o permit may 86240
exercise the same privileges as the holder of a D-5 permit. A D-5o 86241
permit shall not be transferred to another location. No quota 86242
restrictions shall be placed on the number of such permits that 86243
may be issued. The fee for this permit is two thousand three 86244
hundred forty-four dollars. 86245

Sec. 4303.29. (A) No permit, other than an H permit, shall be 86246
issued to a firm or partnership unless all the members of the firm 86247
or partnership are citizens of the United States. No permit, other 86248
than an H permit, shall be issued to an individual who is not a 86249
citizen of the United States. No permit, other than an E or H 86250
permit, shall be issued to any corporation organized under the 86251
laws of any country, territory, or state other than this state 86252
until it has furnished the division of liquor control with 86253
evidence that it has complied with the laws of this state relating 86254
to the transaction of business in this state. 86255

The division may refuse to issue any permit to or refuse to 86256
renew any permit of any person convicted of any felony that is 86257
reasonably related to the person's fitness to operate a liquor 86258
permit business in this state. No holder of a permit shall sell, 86259
assign, transfer, or pledge the permit without the written consent 86260
of the division. 86261

(B)(1) No D-3 permit shall be issued to any club unless the club has been continuously engaged in the activity specified in section 4303.15 of the Revised Code, as a qualification for that class of permit, for two years at the time the permit is issued.

(2)(a) Subject to division (B)(2)(b) of this section, upon application by properly qualified persons, one C-1 and C-2 permit shall be issued for each one thousand population or part of that population, and one D-1 and D-2 permit shall be issued for each two thousand population or part of that population, in each municipal corporation and in the unincorporated area of each township.

Subject to division (B)(2)(b) of this section, not more than one D-3, D-4, or D-5 permit shall be issued for each two thousand population or part of that population in any municipal corporation and in the unincorporated area of any township, except that, in any city of a population of fifty-five thousand or more, one D-3 permit may be issued for each fifteen hundred population or part of that population.

(b)(i) Division (B)(2)(a) of this section does not prohibit the transfer of location or the transfer of ownership and location of a C-1, C-2, D-1, D-2, D-3, or D-5 permit from a municipal corporation or the unincorporated area of a township to an economic development project located in another municipal corporation or the unincorporated area of another township in which no additional permits of that class may be issued to the applicant under division (B)(2)(a) of this section. However, the transfer may occur only if the applicant notifies the municipal corporation or township to which the location of the permit will be transferred regarding the transfer and the municipal corporation or township acknowledges in writing to the division of liquor control that the transfer will be to an economic development project. The municipal corporation or township shall

submit the acknowledgment at the time the application for the 86294
transfer is filed with the division. 86295

The acknowledgment by the municipal corporation or township 86296
does not prohibit it from requesting a hearing under section 86297
4303.26 of the Revised Code. The applicant is eligible to apply 86298
for and receive the transfer of location of the permit under 86299
division (B)(2)(b) of this section if permits of that class that 86300
may be issued under division (B)(2)(a) of this section in the 86301
applicable municipal corporation or unincorporated area of the 86302
township have already been issued or if the number of applications 86303
filed for permits of that class in that municipal corporation or 86304
the unincorporated area of that township exceed the number of 86305
permits of that class that may be issued there under division 86306
(B)(2)(a) of this section. 86307

A permit transferred under division (B)(2)(b) of this section 86308
may be subsequently transferred to a different owner at the same 86309
location, or to the same owner or a different owner at a different 86310
location in the same municipal corporation or in the 86311
unincorporated area of the same township. 86312

(ii) Factors that may be used to determine the designation of 86313
an economic development project include, but are not limited to, 86314
architectural certification of the plans and the cost of the 86315
project, the number of jobs that will be created by the project, 86316
projected earnings of the project, projected tax revenues for the 86317
political subdivisions in which the project will be located, and 86318
the amount of financial investment in the project. The 86319
superintendent of liquor control shall determine whether the 86320
existing or proposed business that is seeking a permit described 86321
in division (B)(2)(b) of this section qualifies as an economic 86322
development project and, if the superintendent determines that it 86323
so qualifies, shall designate the business as an economic 86324
development project. 86325

(3) Nothing in this section shall be construed to restrict the issuance of a permit to a municipal corporation for use at a municipally owned airport at which commercial airline companies operate regularly scheduled flights on which space is available to the public. A municipal corporation applying for a permit for such a municipally owned airport is exempt, in regard to that application, from all of the following:

(a) The population quota restrictions contained in this section;

(b) The population quota restrictions contained in any rule of the liquor control commission;

(c) Section 4303.31 of the Revised Code.

(4) Nothing in this section shall be construed to prohibit the issuance of a D permit to the board of trustees of a soldiers' memorial for a premises located at a soldiers' memorial established pursuant to Chapter 345. of the Revised Code. An application for a D permit by the board for those premises is exempt from the population restrictions contained in this section and from the population quota restrictions contained in any rule of the liquor control commission. The location of a D permit issued to the board for those premises shall not be transferred. A board of trustees of a soldiers' memorial applying for a D-1, D-2, D-3, D-4, or D-5 permit for the soldiers' memorial is subject to section 4303.31 of the Revised Code.

(5) Nothing in this section shall be construed to restrict the issuance of a permit for a premises located at a golf course owned by a municipal corporation, township, or county, owned by a park district created under Chapter 1545. of the Revised Code, or owned by the state. The location of such a permit issued on or after September 26, 1984, for a premises located at such a golf course shall not be transferred. Any application for such a permit

is exempt from all of the following: 86357

(a) The population quota restrictions contained in this 86358
section; 86359

(b) The population quota restrictions contained in any rule 86360
of the liquor control commission; 86361

(c) Section 4303.31 of the Revised Code. 86362

(6) As used in division (B)(6) of this section, "fair" has 86363
the same meaning as in section 991.01 of the Revised Code; "state 86364
fairgrounds" means the property that is held by the state for the 86365
purpose of conducting fairs, expositions, and exhibits and that is 86366
maintained and managed by the Ohio expositions commission under 86367
section 991.03 of the Revised Code; "capitol square" has the same 86368
meaning as in section 105.41 of the Revised Code; and "Ohio 86369
judicial center" means the site of the Ohio supreme court and its 86370
grounds. 86371

Nothing in this section shall be construed to restrict the 86372
issuance of one or more D permits to one or more applicants for 86373
all or a part of the state fairgrounds, capitol square, or the 86374
Ohio judicial center. An application for a D permit for the state 86375
fairgrounds, capitol square, or the Ohio judicial center is exempt 86376
from the population quota restrictions contained in this section 86377
and from the population quota restrictions contained in any rule 86378
of the liquor control commission. The location of a D permit 86379
issued for the state fairgrounds, capitol square, or the Ohio 86380
judicial center shall not be transferred. An applicant for a D-1, 86381
D-2, D-3, or D-5 permit for the state fairgrounds is not subject 86382
to section 4303.31 of the Revised Code. 86383

Pursuant to section 1711.09 of the Revised Code, the holder 86384
of a D permit issued for the state fairgrounds shall not deal in 86385
spirituous liquor at the state fairgrounds during, or for one week 86386
before or for three days after, any fair held at the state 86387

fairgrounds. 86388

(7) Nothing in this section shall be construed to prohibit 86389
the issuance of a D permit for a premises located at a zoological 86390
park at which sales have been approved in an election held under 86391
former section 4301.356 of the Revised Code. An application for a 86392
D permit for such a premises is exempt from the population 86393
restrictions contained in this section, from the population quota 86394
restrictions contained in any rule of the liquor control 86395
commission, and from section 4303.31 of the Revised Code. The 86396
location of a D permit issued for a premises at such a zoological 86397
park shall not be transferred, and no quota or other restrictions 86398
shall be placed on the number of D permits that may be issued for 86399
a premises at such a zoological park. 86400

(8) As used in division (B)(8) of this section, "park 86401
district" means a park district that is created under Chapter 86402
1545. of the Revised Code consisting of not less than twenty-two 86403
thousand acres of land, a portion of which is adjacent to Lake 86404
Erie. 86405

Nothing in this section shall be construed to restrict the 86406
issuance of a D permit for a premises located in a park district. 86407
An application for a D permit for such a premises is exempt from 86408
the population quota restrictions contained in this section and in 86409
any rule of the liquor control commission. The location of a D 86410
permit issued for a premises in a park district shall not be 86411
transferred. An applicant for a D-1, D-2, D-3, or D-5 permit for a 86412
premises located in a park district is not subject to section 86413
4303.31 of the Revised Code. 86414

(C)(1) No D-3, D-4, D-5, or D-5a permit shall be issued in 86415
any election precinct in any municipal corporation or in any 86416
election precinct in the unincorporated area of any township, in 86417
which at the November, 1933, election a majority of the electors 86418
voting thereon in the municipal corporation or in the 86419

unincorporated area of the township voted against the repeal of 86420
Section 9 of Article XV, Ohio Constitution, unless the sale of 86421
spirituous liquor by the glass is authorized by a majority vote of 86422
the electors voting on the question in the precinct at an election 86423
held pursuant to this section or by a majority vote of the 86424
electors of the precinct voting on question (C) at a special local 86425
option election held in the precinct pursuant to section 4301.35 86426
of the Revised Code. Upon the request of an elector, the board of 86427
elections of the county that encompasses the precinct shall 86428
furnish the elector with a copy of the instructions prepared by 86429
the secretary of state under division (P) of section 3501.05 of 86430
the Revised Code and, within fifteen days after the request, a 86431
certificate of the number of signatures required for a valid 86432
petition under this section. 86433

Upon the petition of thirty-five per cent of the total number 86434
of voters voting in any such precinct for the office of governor 86435
at the preceding general election, filed with the board of 86436
elections of the county in which such precinct is located not 86437
later than ninety days before a general election, the board shall 86438
prepare ballots and hold an election at such general election upon 86439
the question of allowing spirituous liquor to be sold by the glass 86440
in such precinct. The ballots shall be approved in form by the 86441
secretary of state. The results of the election shall be certified 86442
by the board to the secretary of state, who shall certify the 86443
results to the division. 86444

(2) No holder of a class D-3 permit issued for a boat or 86445
vessel shall sell spirituous liquor in any precinct, in which the 86446
election provided for in this section may be held, unless the sale 86447
of spirituous liquor by the drink has been authorized by vote of 86448
the electors as provided in this section or in section 4301.35 of 86449
the Revised Code. 86450

(D) Any holder of a C or D permit whose permit premises were 86451

purchased in 1986 or 1987 by the state or any state agency for 86452
highway purposes shall be issued the same permit at another 86453
location notwithstanding any quota restrictions contained in this 86454
chapter or in any rule of the liquor control commission. 86455

Sec. 4305.131. (A) If any permit holder fails to pay the 86456
taxes levied by section 4301.42, 4301.43, 4301.432, or 4305.01 of 86457
the Revised Code in the manner prescribed by section 4303.33 of 86458
the Revised Code, or by section 4301.421 or 4301.424 of the 86459
Revised Code in the manner prescribed in section 4301.422 of the 86460
Revised Code, and by the rules of the tax commissioner, the 86461
commissioner may make an assessment against the permit holder 86462
based upon any information in the commissioner's possession. 86463

No assessment shall be made against any permit holder for any 86464
taxes imposed by section 4301.42, 4301.421, 4301.424, 4301.43, 86465
4301.432, or 4305.01 of the Revised Code more than three years 86466
after the last day of the calendar month in which the sale was 86467
made or more than three years after the return for that period is 86468
filed, whichever is later. This section does not bar an assessment 86469
against any permit holder or registrant as provided in section 86470
4303.331 of the Revised Code who fails to file a return as 86471
required by section 4301.422 or 4303.33 of the Revised Code, or 86472
who files a fraudulent return. 86473

A penalty of up to thirty per cent may be added to the amount 86474
of every assessment made under this section. The commissioner may 86475
adopt rules providing for the imposition and remission of 86476
penalties added to assessments made under this section. 86477

The commissioner shall give the party assessed written notice 86478
of the assessment in the manner provided in section 5703.37 of the 86479
Revised Code. With the notice, the commissioner shall provide 86480
instructions on how to petition for reassessment and request a 86481
hearing on the petition. 86482

(B) Unless the party assessed files with the tax commissioner 86483
within sixty days after service of the notice of assessment, 86484
either personally or by certified mail, a written petition for 86485
reassessment, signed by the party assessed or that party's 86486
authorized agent having knowledge of the facts, the assessment 86487
becomes final and the amount of the assessment is due and payable 86488
from the party assessed to the treasurer of state. The petition 86489
shall indicate the objections of the party assessed, but 86490
additional objections may be raised in writing if received by the 86491
commissioner prior to the date shown on the final determination. 86492
If the petition has been properly filed, the commissioner shall 86493
proceed under section 5703.60 of the Revised Code. 86494

(C) After an assessment becomes final, if any portion of the 86495
assessment remains unpaid, including accrued interest, a certified 86496
copy of the tax commissioner's entry making the assessment final 86497
may be filed in the office of the clerk of the court of common 86498
pleas in the county in which the permit holder's place of business 86499
is located or the county in which the party assessed resides. If 86500
the party assessed maintains no place of business in this state 86501
and is not a resident of this state, the certified copy of the 86502
entry may be filed in the office of the clerk of the court of 86503
common pleas of Franklin county. 86504

Immediately upon the filing of the entry, the clerk shall 86505
enter a judgment for the state against the party assessed in the 86506
amount shown on the entry. The judgment may be filed by the clerk 86507
in a loose-leaf book entitled "special judgments for state beer 86508
and liquor sales taxes," and shall have the same effect as other 86509
judgments. Execution shall issue upon the judgment upon the 86510
request of the commissioner, and all laws applicable to sales on 86511
execution shall apply to sales made under the judgment, except as 86512
otherwise provided in this chapter and Chapters 4301. and 4307. of 86513
the Revised Code. 86514

~~The portion of~~ If the assessment is not paid in its entirety 86515
within sixty days after the day the assessment was issued, the 86516
portion of the assessment consisting of tax due shall bear 86517
interest at the rate per annum prescribed by section 5703.47 of 86518
the Revised Code from the day the commissioner issues the 86519
assessment until it is paid or until it is certified to the 86520
attorney general for collection under section 131.02 of the 86521
Revised Code, whichever comes first. If the unpaid portion of the 86522
assessment is certified to the attorney general for collection, 86523
the entire unpaid portion of the assessment shall bear interest at 86524
the rate per annum prescribed by section 5703.47 of the Revised 86525
Code from the date of certification until the date it is paid in 86526
its entirety. Interest shall be paid in the same manner as the tax 86527
and may be collected by the issuance of an assessment under this 86528
section. 86529

(D) All money collected under this section shall be 86530
considered as revenue arising from the taxes imposed by sections 86531
4301.42, 4301.421, 4301.424, 4301.43, 4301.432, and 4305.01 of the 86532
Revised Code. 86533

Sec. 4501.01. As used in this chapter and Chapters 4503., 86534
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 86535
Revised Code, and in the penal laws, except as otherwise provided: 86536

(A) "Vehicles" means everything on wheels or runners, 86537
including motorized bicycles, but does not mean electric personal 86538
assistive mobility devices, vehicles that are operated exclusively 86539
on rails or tracks or from overhead electric trolley wires, and 86540
vehicles that belong to any police department, municipal fire 86541
department, or volunteer fire department, or that are used by such 86542
a department in the discharge of its functions. 86543

(B) "Motor vehicle" means any vehicle, including mobile homes 86544
and recreational vehicles, that is propelled or drawn by power 86545

other than muscular power or power collected from overhead 86546
electric trolley wires. "Motor vehicle" does not include utility 86547
vehicles as defined in division (VV) of this section, motorized 86548
bicycles, road rollers, traction engines, power shovels, power 86549
cranes, and other equipment used in construction work and not 86550
designed for or employed in general highway transportation, 86551
well-drilling machinery, ditch-digging machinery, farm machinery, 86552
and trailers that are designed and used exclusively to transport a 86553
boat between a place of storage and a marina, or in and around a 86554
marina, when drawn or towed on a public road or highway for a 86555
distance of no more than ten miles and at a speed of twenty-five 86556
miles per hour or less. 86557

(C) "Agricultural tractor" and "traction engine" mean any 86558
self-propelling vehicle that is designed or used for drawing other 86559
vehicles or wheeled machinery, but has no provisions for carrying 86560
loads independently of such other vehicles, and that is used 86561
principally for agricultural purposes. 86562

(D) "Commercial tractor," except as defined in division (C) 86563
of this section, means any motor vehicle that has motive power and 86564
either is designed or used for drawing other motor vehicles, or is 86565
designed or used for drawing another motor vehicle while carrying 86566
a portion of the other motor vehicle or its load, or both. 86567

(E) "Passenger car" means any motor vehicle that is designed 86568
and used for carrying not more than nine persons and includes any 86569
motor vehicle that is designed and used for carrying not more than 86570
fifteen persons in a ridesharing arrangement. 86571

(F) "Collector's vehicle" means any motor vehicle or 86572
agricultural tractor or traction engine that is of special 86573
interest, that has a fair market value of one hundred dollars or 86574
more, whether operable or not, and that is owned, operated, 86575
collected, preserved, restored, maintained, or used essentially as 86576
a collector's item, leisure pursuit, or investment, but not as the 86577

owner's principal means of transportation. "Licensed collector's vehicle" means a collector's vehicle, other than an agricultural tractor or traction engine, that displays current, valid license tags issued under section 4503.45 of the Revised Code, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

(G) "Historical motor vehicle" means any motor vehicle that is over twenty-five years old and is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, but that in no event is used for general transportation.

(H) "Noncommercial motor vehicle" means any motor vehicle, including a farm truck as defined in section 4503.04 of the Revised Code, that is designed by the manufacturer to carry a load of no more than one ton and is used exclusively for purposes other than engaging in business for profit.

(I) "Bus" means any motor vehicle that has motor power and is designed and used for carrying more than nine passengers, except any motor vehicle that is designed and used for carrying not more than fifteen passengers in a ridesharing arrangement.

(J) "Commercial car" or "truck" means any motor vehicle that has motor power and is designed and used for carrying merchandise or freight, or that is used as a commercial tractor.

(K) "Bicycle" means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two or more wheels, any of which is more than fourteen inches in diameter.

(L) "Motorized bicycle" means any vehicle that either has two tandem wheels or one wheel in the front and two wheels in the

rear, that is capable of being pedaled, and that is equipped with 86609
a helper motor of not more than fifty cubic centimeters piston 86610
displacement that produces no more than one brake horsepower and 86611
is capable of propelling the vehicle at a speed of no greater than 86612
twenty miles per hour on a level surface. 86613

(M) "Trailer" means any vehicle without motive power that is 86614
designed or used for carrying property or persons wholly on its 86615
own structure and for being drawn by a motor vehicle, and includes 86616
any such vehicle that is formed by or operated as a combination of 86617
a semitrailer and a vehicle of the dolly type such as that 86618
commonly known as a trailer dolly, a vehicle used to transport 86619
agricultural produce or agricultural production materials between 86620
a local place of storage or supply and the farm when drawn or 86621
towed on a public road or highway at a speed greater than 86622
twenty-five miles per hour, and a vehicle that is designed and 86623
used exclusively to transport a boat between a place of storage 86624
and a marina, or in and around a marina, when drawn or towed on a 86625
public road or highway for a distance of more than ten miles or at 86626
a speed of more than twenty-five miles per hour. "Trailer" does 86627
not include a manufactured home or travel trailer. 86628

(N) "Noncommercial trailer" means any trailer, except a 86629
travel trailer or trailer that is used to transport a boat as 86630
described in division (B) of this section, but, where applicable, 86631
includes a vehicle that is used to transport a boat as described 86632
in division (M) of this section, that has a gross weight of no 86633
more than ten thousand pounds, and that is used exclusively for 86634
purposes other than engaging in business for a profit, such as the 86635
transportation of personal items for personal or recreational 86636
purposes. 86637

(O) "Mobile home" means a building unit or assembly of closed 86638
construction that is fabricated in an off-site facility, is more 86639
than thirty-five body feet in length or, when erected on site, is 86640

three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code.

(P) "Semitrailer" means any vehicle of the trailer type that does not have motive power and is so designed or used with another and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by the other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this division, and includes, for the purpose only of registration and taxation under those chapters, any vehicle of the dolly type, such as a trailer dolly, that is designed or used for the conversion of a semitrailer into a trailer.

(Q) "Recreational vehicle" means a vehicular portable structure that meets all of the following conditions:

(1) It is designed for the sole purpose of recreational travel.

(2) It is not used for the purpose of engaging in business for profit.

(3) It is not used for the purpose of engaging in intrastate commerce.

(4) It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended.

(5) It is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923. of the Revised Code.

(6) It is classed as one of the following:

(a) "Travel trailer" means a nonself-propelled recreational

vehicle that does not exceed an overall length of thirty-five 86671
feet, exclusive of bumper and tongue or coupling, and contains 86672
less than three hundred twenty square feet of space when erected 86673
on site. "Travel trailer" includes a tent-type fold-out camping 86674
trailer as defined in section 4517.01 of the Revised Code. 86675

(b) "Motor home" means a self-propelled recreational vehicle 86676
that has no fifth wheel and is constructed with permanently 86677
installed facilities for cold storage, cooking and consuming of 86678
food, and for sleeping. 86679

(c) "Truck camper" means a nonself-propelled recreational 86680
vehicle that does not have wheels for road use and is designed to 86681
be placed upon and attached to a motor vehicle. "Truck camper" 86682
does not include truck covers that consist of walls and a roof, 86683
but do not have floors and facilities enabling them to be used as 86684
a dwelling. 86685

(d) "Fifth wheel trailer" means a vehicle that is of such 86686
size and weight as to be movable without a special highway permit, 86687
that has a gross trailer area of four hundred square feet or less, 86688
that is constructed with a raised forward section that allows a 86689
bi-level floor plan, and that is designed to be towed by a vehicle 86690
equipped with a fifth-wheel hitch ordinarily installed in the bed 86691
of a truck. 86692

(e) "Park trailer" means a vehicle that is commonly known as 86693
a park model recreational vehicle, meets the American national 86694
standard institute standard A119.5 (1988) for park trailers, is 86695
built on a single chassis, has a gross trailer area of four 86696
hundred square feet or less when set up, is designed for seasonal 86697
or temporary living quarters, and may be connected to utilities 86698
necessary for the operation of installed features and appliances. 86699

(R) "Pneumatic tires" means tires of rubber and fabric or 86700
tires of similar material, that are inflated with air. 86701

(S) "Solid tires" means tires of rubber or similar elastic material that are not dependent upon confined air for support of the load. 86702
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(T) "Solid tire vehicle" means any vehicle that is equipped with two or more solid tires. 86705
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(U) "Farm machinery" means all machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm, agricultural tractors, threshing machinery, hay-baling machinery, corn shellers, hammermills, and machinery used in the production of horticultural, agricultural, and vegetable products. 86707
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(V) "Owner" includes any person or firm, other than a manufacturer or dealer, that has title to a motor vehicle, except that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" includes in addition manufacturers and dealers. 86715
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(W) "Manufacturer" and "dealer" include all persons and firms that are regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles, at an established place of business that is used exclusively for the purpose of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. A place of business that is used for manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles shall be deemed to be used exclusively for those purposes even though snowmobiles or all-purpose vehicles are sold or displayed for sale thereat, even though farm machinery is sold or displayed for sale thereat, or even though repair, accessory, gasoline and oil, storage, parts, service, or paint departments are maintained thereat, or, in any county having a population of less than seventy-five thousand at the last federal census, even though a department in a place of 86719
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business is used to dismantle, salvage, or rebuild motor vehicles 86734
by means of used parts, if such departments are operated for the 86735
purpose of furthering and assisting in the business of 86736
manufacturing, selling, displaying, offering for sale, or dealing 86737
in motor vehicles. Places of business or departments in a place of 86738
business used to dismantle, salvage, or rebuild motor vehicles by 86739
means of using used parts are not considered as being maintained 86740
for the purpose of assisting or furthering the manufacturing, 86741
selling, displaying, and offering for sale or dealing in motor 86742
vehicles. 86743

(X) "Operator" includes any person who drives or operates a 86744
motor vehicle upon the public highways. 86745

(Y) "Chauffeur" means any operator who operates a motor 86746
vehicle, other than a taxicab, as an employee for hire; or any 86747
operator whether or not the owner of a motor vehicle, other than a 86748
taxicab, who operates such vehicle for transporting, for gain, 86749
compensation, or profit, either persons or property owned by 86750
another. Any operator of a motor vehicle who is voluntarily 86751
involved in a ridesharing arrangement is not considered an 86752
employee for hire or operating such vehicle for gain, 86753
compensation, or profit. 86754

(Z) "State" includes the territories and federal districts of 86755
the United States, and the provinces of Canada. 86756

(AA) "Public roads and highways" for vehicles includes all 86757
public thoroughfares, bridges, and culverts. 86758

(BB) "Manufacturer's number" means the manufacturer's 86759
original serial number that is affixed to or imprinted upon the 86760
chassis or other part of the motor vehicle. 86761

(CC) "Motor number" means the manufacturer's original number 86762
that is affixed to or imprinted upon the engine or motor of the 86763
vehicle. 86764

(DD) "Distributor" means any person who is authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed motor vehicle dealers at an established place of business that is used exclusively for the purpose of distributing new motor vehicles to licensed motor vehicle dealers, except when the distributor also is a new motor vehicle dealer, in which case the distributor may distribute at the location of the distributor's licensed dealership.

(EE) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.

(FF) "Apportionable vehicle" means any vehicle that is used or intended for use in two or more international registration plan member jurisdictions that allocate or proportionally register vehicles, that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and that meets any of the following qualifications:

(1) Is a power unit having a gross vehicle weight in excess of twenty-six thousand pounds;

(2) Is a power unit having three or more axles, regardless of the gross vehicle weight;

(3) Is a combination vehicle with a gross vehicle weight in excess of twenty-six thousand pounds.

"Apportionable vehicle" does not include recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, buses used for the transportation of chartered parties, or vehicles owned and operated by the United States, this state, or any political subdivisions thereof.

(GG) "Chartered party" means a group of persons who contract as a group to acquire the exclusive use of a passenger-carrying

motor vehicle at a fixed charge for the vehicle in accordance with 86796
the carrier's tariff, lawfully on file with the United States 86797
department of transportation, for the purpose of group travel to a 86798
specified destination or for a particular itinerary, either agreed 86799
upon in advance or modified by the chartered group after having 86800
left the place of origin. 86801

(HH) "International registration plan" means a reciprocal 86802
agreement of member jurisdictions that is endorsed by the American 86803
association of motor vehicle administrators, and that promotes and 86804
encourages the fullest possible use of the highway system by 86805
authorizing apportioned registration of fleets of vehicles and 86806
recognizing registration of vehicles apportioned in member 86807
jurisdictions. 86808

(II) "Restricted plate" means a license plate that has a 86809
restriction of time, geographic area, mileage, or commodity, and 86810
includes license plates issued to farm trucks under division (J) 86811
of section 4503.04 of the Revised Code. 86812

(JJ) "Gross vehicle weight," with regard to any commercial 86813
car, trailer, semitrailer, or bus that is taxed at the rates 86814
established under section 4503.042 or 4503.65 of the Revised Code, 86815
means the unladen weight of the vehicle fully equipped plus the 86816
maximum weight of the load to be carried on the vehicle. 86817

(KK) "Combined gross vehicle weight" with regard to any 86818
combination of a commercial car, trailer, and semitrailer, that is 86819
taxed at the rates established under section 4503.042 or 4503.65 86820
of the Revised Code, means the total unladen weight of the 86821
combination of vehicles fully equipped plus the maximum weight of 86822
the load to be carried on that combination of vehicles. 86823

(LL) "Chauffeured limousine" means a motor vehicle that is 86824
designed to carry nine or fewer passengers and is operated for 86825
hire ~~on an hourly basis~~ pursuant to a prearranged contract for the 86826

transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an agreement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine ~~at a fixed rate per hour or trip~~. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing.

(MM) "Manufactured home" has the same meaning as in division (C)(4) of section 3781.06 of the Revised Code.

(NN) "Acquired situs," with respect to a manufactured home or a mobile home, means to become located in this state by the placement of the home on real property, but does not include the placement of a manufactured home or a mobile home in the inventory of a new motor vehicle dealer or the inventory of a manufacturer, remanufacturer, or distributor of manufactured or mobile homes.

(OO) "Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

(PP) "Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

(QQ) "Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record.

(RR) "Financial transaction device" has the same meaning as in division (A) of section 113.40 of the Revised Code.

(SS) "Electronic motor vehicle dealer" means a motor vehicle dealer licensed under Chapter 4517. of the Revised Code whom the registrar of motor vehicles determines meets the criteria

designated in section 4503.035 of the Revised Code for electronic 86858
motor vehicle dealers and designates as an electronic motor 86859
vehicle dealer under that section. 86860

(TT) "Electric personal assistive mobility device" means a 86861
self-balancing two non-tandem wheeled device that is designed to 86862
transport only one person, has an electric propulsion system of an 86863
average of seven hundred fifty watts, and when ridden on a paved 86864
level surface by an operator who weighs one hundred seventy pounds 86865
has a maximum speed of less than twenty miles per hour. 86866

(UU) "Limited driving privileges" means the privilege to 86867
operate a motor vehicle that a court grants under section 4510.021 86868
of the Revised Code to a person whose driver's or commercial 86869
driver's license or permit or nonresident operating privilege has 86870
been suspended. 86871

(VV) "Utility vehicle" means a self-propelled vehicle 86872
designed with a bed, principally for the purpose of transporting 86873
material or cargo in connection with construction, agricultural, 86874
forestry, grounds maintenance, lawn and garden, materials 86875
handling, or similar activities. "Utility vehicle" includes a 86876
vehicle with a maximum attainable speed of twenty miles per hour 86877
or less that is used exclusively within the boundaries of state 86878
parks by state park employees or volunteers for the operation or 86879
maintenance of state park facilities. 86880

Sec. 4501.21. (A) There is hereby created in the state 86881
treasury the license plate contribution fund. The fund shall 86882
consist of all contributions paid by motor vehicle registrants and 86883
collected by the registrar of motor vehicles pursuant to sections 86884
4503.491, 4503.493, 4503.494, 4503.496, 4503.498, 4503.499, 86885
4503.50, 4503.501, 4503.502, 4503.505, 4503.51, 4503.522, 86886
4503.523, 4503.524, 4503.526, 4503.531, 4503.545, 4503.55, 86887
4503.551, 4503.552, 4503.553, 4503.561, 4503.562, 4503.564, 86888

4503.591, 4503.67, 4503.68, 4503.69, 4503.701, 4503.71, 4503.711, 86889
4503.712, 4503.713, 4503.72, 4503.73, 4503.732, 4503.74, 4503.75, 86890
4503.751, 4503.85, 4503.89, 4503.92, and 4503.94 of the Revised 86891
Code. 86892

(B) The registrar shall pay the contributions the registrar 86893
collects in the fund as follows: 86894

The registrar shall pay the contributions received pursuant 86895
to section 4503.491 of the Revised Code to the breast cancer fund 86896
of Ohio, which shall use that money only to pay for programs that 86897
provide assistance and education to Ohio breast cancer patients 86898
and that improve access for such patients to quality health care 86899
and clinical trials and shall not use any of the money for 86900
abortion information, counseling, services, or other 86901
abortion-related activities. 86902

The registrar shall pay the contributions received pursuant 86903
to section 4503.493 of the Revised Code to the autism society of 86904
Ohio, which shall use the contributions for programs and autism 86905
awareness efforts throughout the state. 86906

The registrar shall pay the contributions the registrar 86907
receives pursuant to section 4503.494 of the Revised Code to the 86908
national multiple sclerosis society for distribution in equal 86909
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 86910
chapters of the national multiple sclerosis society. These 86911
chapters shall use the money they receive under this section to 86912
assist in paying the expenses they incur in providing services 86913
directly to their clients. 86914

The registrar shall pay the contributions the registrar 86915
receives pursuant to section 4503.496 of the Revised Code to the 86916
Ohio sickle cell and health association, which shall use the 86917
contributions to help support educational, clinical, and social 86918
support services for adults who have sickle cell disease. 86919

The registrar shall pay the contributions the registrar receives pursuant to section 4503.498 of the Revised Code to special olympics Ohio, inc., which shall use the contributions for its programs, charitable efforts, and other activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.499 of the Revised Code to the children's glioma cancer foundation, which shall use the contributions for its research and other programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.50 of the Revised Code to the future farmers of America foundation, which shall deposit the contributions into its general account to be used for educational and scholarship purposes of the future farmers of America foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.501 of the Revised Code to the 4-H youth development program of the Ohio state university extension program, which shall use those contributions to pay the expenses it incurs in conducting its educational activities.

The registrar shall pay the contributions received pursuant to section 4503.502 of the Revised Code to the Ohio cattlemen's foundation, which shall use those contributions for scholarships and other educational activities.

The registrar shall pay the contributions received pursuant to section 4503.505 of the Revised Code to the organization Ohio region phi theta kappa, which shall use those contributions for scholarships for students who are members of that organization.

The registrar shall pay each contribution the registrar receives pursuant to section 4503.51 of the Revised Code to the university or college whose name or marking or design appears on collegiate license plates that are issued to a person under that

section. A university or college that receives contributions from 86951
the fund shall deposit the contributions into its general 86952
scholarship fund. 86953

The registrar shall pay the contributions the registrar 86954
receives pursuant to section 4503.522 of the Revised Code to the 86955
"friends of Perry's victory and international peace memorial, 86956
incorporated," a nonprofit corporation organized under the laws of 86957
this state, to assist that organization in paying the expenses it 86958
incurs in sponsoring or holding charitable, educational, and 86959
cultural events at the monument. 86960

The registrar shall pay the contributions the registrar 86961
receives pursuant to section 4503.523 of the Revised Code to the 86962
fairport lights foundation, which shall use the money to pay for 86963
the restoration, maintenance, and preservation of the lighthouses 86964
of fairport harbor. 86965

The registrar shall pay the contributions the registrar 86966
receives pursuant to section 4503.524 of the Revised Code to the 86967
Massillon tiger football booster club, which shall use the 86968
contributions only to promote and support the football team of 86969
Washington high school of the Massillon city school district. 86970

The registrar shall pay the contributions the registrar 86971
receives pursuant to section 4503.526 of the Revised Code to the 86972
Ohio district Kiwanis foundation of the Ohio district of Kiwanis 86973
international, which shall use the money it receives under this 86974
section to pay the costs of its educational and humanitarian 86975
activities. 86976

The registrar shall pay the contributions the registrar 86977
receives pursuant to section 4503.531 of the Revised Code to the 86978
thank you foundation, incorporated, a nonprofit corporation 86979
organized under the laws of this state, to assist that 86980
organization in paying for the charitable activities and programs 86981

it sponsors in support of United States military personnel, 86982
veterans, and their families. 86983

The registrar shall pay the contributions the registrar 86984
receives pursuant to section 4503.55 of the Revised Code to the 86985
pro football hall of fame, which shall deposit the contributions 86986
into a special bank account that it establishes and which shall be 86987
separate and distinct from any other account the pro football hall 86988
of fame maintains, to be used exclusively for the purpose of 86989
promoting the pro football hall of fame as a travel destination. 86990

The registrar shall pay the contributions that are paid to 86991
the registrar pursuant to section 4503.545 of the Revised Code to 86992
the national rifle association foundation, which shall use the 86993
money to pay the costs of the educational activities and programs 86994
the foundation holds or sponsors in this state. 86995

The registrar shall pay to the Ohio pet fund the 86996
contributions the registrar receives pursuant to section 4503.551 86997
of the Revised Code and any other money from any other source, 86998
including donations, gifts, and grants, that is designated by the 86999
source to be paid to the Ohio pet fund. The Ohio pet fund shall 87000
use the moneys it receives under this section to support programs 87001
for the sterilization of dogs and cats and for educational 87002
programs concerning the proper veterinary care of those animals, 87003
and for expenses of the Ohio pet fund that are reasonably 87004
necessary for it to obtain and maintain its tax-exempt status and 87005
to perform its duties. 87006

The registrar shall pay the contributions the registrar 87007
receives pursuant to section 4503.552 of the Revised Code to the 87008
rock and roll hall of fame and museum, incorporated. 87009

The registrar shall pay the contributions the registrar 87010
receives pursuant to section 4503.553 of the Revised Code to the 87011
Ohio coalition for animals, incorporated, a nonprofit corporation. 87012

Except as provided in division (B) of this section, the coalition 87013
shall distribute the money to its members, and the members shall 87014
use the money only to pay for educational, charitable, and other 87015
programs of each coalition member that provide care for unwanted, 87016
abused, and neglected horses. The Ohio coalition for animals may 87017
use a portion of the money to pay for reasonable marketing costs 87018
incurred in the design and promotion of the license plate and for 87019
administrative costs incurred in the disbursement and management 87020
of funds received under this section. 87021

The registrar shall pay the contributions the registrar 87022
receives pursuant to section 4503.561 of the Revised Code to the 87023
state of Ohio chapter of ducks unlimited, inc., which shall 87024
deposit the contributions into a special bank account that it 87025
establishes. The special bank account shall be separate and 87026
distinct from any other account the state of Ohio chapter of ducks 87027
unlimited, inc., maintains and shall be used exclusively for the 87028
purpose of protecting, enhancing, restoring, and managing wetlands 87029
and conserving wildlife habitat. The state of Ohio chapter of 87030
ducks unlimited, inc., annually shall notify the registrar in 87031
writing of the name, address, and account to which such payments 87032
are to be made. 87033

The registrar shall pay the contributions the registrar 87034
receives pursuant to section 4503.562 of the Revised Code to the 87035
Mahoning river consortium, which shall use the money to pay the 87036
expenses it incurs in restoring and maintaining the Mahoning river 87037
watershed. 87038

The registrar shall pay the contributions the registrar 87039
receives pursuant to section 4503.564 of the Revised Code to 87040
Antioch college for the use of the Glen Helen ecology institute to 87041
pay expenses related to the Glen Helen nature preserve. 87042

The registrar shall pay to a sports commission created 87043
pursuant to section 4503.591 of the Revised Code each contribution 87044

the registrar receives under that section that an applicant pays 87045
to obtain license plates that bear the logo of a professional 87046
sports team located in the county of that sports commission and 87047
that is participating in the license plate program pursuant to 87048
division (E) of that section, irrespective of the county of 87049
residence of an applicant. 87050

The registrar shall pay to a community charity each 87051
contribution the registrar receives under section 4503.591 of the 87052
Revised Code that an applicant pays to obtain license plates that 87053
bear the logo of a professional sports team that is participating 87054
in the license plate program pursuant to division (G) of that 87055
section. 87056

The registrar shall pay the contributions the registrar 87057
receives pursuant to section 4503.67 of the Revised Code to the 87058
Dan Beard council of the boy scouts of America. The council shall 87059
distribute all contributions in an equitable manner throughout the 87060
state to regional councils of the boy scouts. 87061

The registrar shall pay the contributions the registrar 87062
receives pursuant to section 4503.68 of the Revised Code to the 87063
great river council of the girl scouts of the United States of 87064
America. The council shall distribute all contributions in an 87065
equitable manner throughout the state to regional councils of the 87066
girl scouts. 87067

The registrar shall pay the contributions the registrar 87068
receives pursuant to section 4503.69 of the Revised Code to the 87069
Dan Beard council of the boy scouts of America. The council shall 87070
distribute all contributions in an equitable manner throughout the 87071
state to regional councils of the boy scouts. 87072

The registrar shall pay the contributions the registrar 87073
receives pursuant to section 4503.701 of the Revised Code to the 87074
Prince Hall grand lodge of free and accepted masons of Ohio, which 87075

shall use the contributions for scholarship purposes. 87076

The registrar shall pay the contributions the registrar 87077
receives pursuant to section 4503.71 of the Revised Code to the 87078
fraternal order of police of Ohio, incorporated, which shall 87079
deposit the fees into its general account to be used for purposes 87080
of the fraternal order of police of Ohio, incorporated. 87081

The registrar shall pay the contributions the registrar 87082
receives pursuant to section 4503.711 of the Revised Code to the 87083
fraternal order of police of Ohio, incorporated, which shall 87084
deposit the contributions into an account that it creates to be 87085
used for the purpose of advancing and protecting the law 87086
enforcement profession, promoting improved law enforcement 87087
methods, and teaching respect for law and order. 87088

The registrar shall pay the contributions received pursuant 87089
to section 4503.712 of the Revised Code to Ohio concerns of police 87090
survivors, which shall use those contributions to provide whatever 87091
assistance may be appropriate to the families of Ohio law 87092
enforcement officers who are killed in the line of duty. 87093

The registrar shall pay the contributions received pursuant 87094
to section 4503.713 of the Revised Code to the greater Cleveland 87095
peace officers memorial society, which shall use those 87096
contributions to honor law enforcement officers who have died in 87097
the line of duty and support its charitable purposes. 87098

The registrar shall pay the contributions the registrar 87099
receives pursuant to section 4503.72 of the Revised Code to the 87100
organization known on March 31, 2003, as the Ohio CASA/GAL 87101
association, a private, nonprofit corporation organized under 87102
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 87103
shall use these contributions to pay the expenses it incurs in 87104
administering a program to secure the proper representation in the 87105
courts of this state of abused, neglected, and dependent children, 87106

and for the training and supervision of persons participating in 87107
that program. 87108

The registrar shall pay the contributions the registrar 87109
receives pursuant to section 4503.73 of the Revised Code to Wright 87110
B. Flyer, incorporated, which shall deposit the contributions into 87111
its general account to be used for purposes of Wright B. Flyer, 87112
incorporated. 87113

The registrar shall pay the contributions the registrar 87114
receives pursuant to section 4503.732 of the Revised Code to the 87115
Siegel & Shuster society, a nonprofit organization dedicated to 87116
commemorating and celebrating the creation of Superman in 87117
Cleveland, Ohio. 87118

The registrar shall pay the contributions the registrar 87119
receives pursuant to section 4503.74 of the Revised Code to the 87120
Columbus zoological park association, which shall disburse the 87121
moneys to Ohio's major metropolitan zoos, as defined in section 87122
4503.74 of the Revised Code, in accordance with a written 87123
agreement entered into by the major metropolitan zoos. 87124

The registrar shall pay the contributions the registrar 87125
receives pursuant to section 4503.75 of the Revised Code to the 87126
rotary foundation, located on March 31, 2003, in Evanston, 87127
Illinois, to be placed in a fund known as the permanent fund and 87128
used to endow educational and humanitarian programs of the rotary 87129
foundation. 87130

The registrar shall pay the contributions the registrar 87131
receives pursuant to section 4503.751 of the Revised Code to the 87132
Ohio association of realtors, which shall deposit the 87133
contributions into a property disaster relief fund maintained 87134
under the Ohio realtors charitable and education foundation. 87135

The registrar shall pay the contributions the registrar 87136
receives pursuant to section 4503.85 of the Revised Code to the 87137

Ohio sea grant college program to be used for Lake Erie area 87138
research projects. 87139

The registrar shall pay the contributions the registrar 87140
receives pursuant to section 4503.89 of the Revised Code to the 87141
American red cross of greater Columbus on behalf of the Ohio 87142
chapters of the American red cross, which shall use the 87143
contributions for disaster readiness, preparedness, and response 87144
programs on a statewide basis. 87145

The registrar shall pay the contributions received pursuant 87146
to section 4503.92 of the Revised Code to support our troops, 87147
incorporated, a national nonprofit corporation, which shall use 87148
those contributions in accordance with its articles of 87149
incorporation and for the benefit of servicemembers of the armed 87150
forces of the United States and their families when they are in 87151
financial need. 87152

The registrar shall pay the contributions the registrar 87153
receives pursuant to section 4503.94 of the Revised Code to the 87154
Michelle's leading star foundation, which shall use the money 87155
solely to fund the rental, lease, or purchase of the simulated 87156
driving curriculum of the Michelle's leading star foundation by 87157
boards of education of city, exempted village, local, and joint 87158
vocational school districts. 87159

(C) All investment earnings of the license plate contribution 87160
fund shall be credited to the fund. Not later than the first day 87161
of May of every year, the registrar shall distribute to each 87162
entity described in division (B) of this section the investment 87163
income the fund earned the previous calendar year. The amount of 87164
such a distribution paid to an entity shall be proportionate to 87165
the amount of money the entity received from the fund during the 87166
previous calendar year. 87167

Sec. 4503.03. (A)(1)(a) The Except as provided in division 87168

~~(B) of this section, the registrar of motor vehicles may designate the county auditor in each county one or more of the following persons to act as a deputy registrar. If the population of a county is forty thousand or less according to the last federal census and if the county auditor is designated by the registrar as a deputy registrar, no other person need be designated in the county to act as a deputy registrar in each county:~~

~~(i) The county auditor in any county, subject to division (A)(1)(b)(i) of this section;~~

~~(ii) The clerk of a court of common pleas in any county, subject to division (A)(1)(b)(ii) of this section;~~

~~(iii) An individual;~~

~~(iv) A nonprofit corporation as defined in division (C) of section 1702.01 of the Revised Code.~~

~~(b)(i) If the population of a county is forty thousand or less according to the most recent federal decennial census and if the county auditor is designated by the registrar as a deputy registrar, no other person need be designated in the county to act as a deputy registrar.~~

~~(ii) The registrar may designate a clerk of a court of common pleas as a deputy registrar if the population of the county is forty thousand or less according to the last federal census. In a county with a population greater than forty thousand but not more than fifty thousand according to the last federal census, the clerk of a court of common pleas is eligible to act as a deputy registrar and may participate in the competitive selection process for the award of a deputy registrar contract by applying in the same manner as any other person. All fees collected and retained by a clerk for conducting deputy registrar services shall be paid into the county treasury to the credit of the certificate of title administration fund created under section 325.33 of the Revised~~

Code. 87200

~~(c) In all other instances, the registrar shall contract with
one or more other persons in each county to act as deputy
registrars. As part of the selection process in awarding a deputy
registrar contract, the registrar shall consider the customer
service performance record of any person previously awarded a
deputy registrar contract.~~ 87201
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Notwithstanding the county population restrictions in 87207
division (A)(1)(b) of this section, if no person applies to act 87208
under contract as a deputy registrar in a county and the county 87209
auditor is not designated as a deputy registrar, the registrar may 87210
ask the clerk of a court of common pleas to serve as the deputy 87211
registrar for that county. 87212

(c) As part of the selection process in awarding a deputy 87213
registrar contract, the registrar shall consider the customer 87214
service performance record of any person previously awarded a 87215
deputy registrar contract pursuant to division (A)(1) of this 87216
section. 87217

(2) Deputy registrars shall accept applications for the 87218
annual license tax for any vehicle not taxed under section 4503.63 87219
of the Revised Code and shall assign distinctive numbers in the 87220
same manner as the registrar. Such deputies shall be located in 87221
such locations in the county as the registrar sees fit. There 87222
shall be at least one deputy registrar in each county. 87223

Deputy registrar contracts are subject to the provisions of 87224
division (B) of section 125.081 of the Revised Code. 87225

(B)(1) The registrar shall not ~~contract with~~ designate any 87226
person to act as a deputy registrar under division (A)(1) of this 87227
section if the person or, where applicable, the person's spouse or 87228
a member of the person's immediate family has made, within the 87229
current calendar year or any one of the previous three calendar 87230

years, one or more contributions totaling in excess of one hundred 87231
dollars to any person or entity included in division (A)(2) of 87232
section 4503.033 of the Revised Code. As used in this division, 87233
"immediate family" has the same meaning as in division (D) of 87234
section 102.01 of the Revised Code, and "entity" includes any 87235
political party and any "continuing association" as defined in 87236
division (B)(4) of section 3517.01 of the Revised Code or 87237
"political action committee" as defined in division (B)(8) of that 87238
section that is primarily associated with that political party. 87239
For purposes of this division, contributions to any continuing 87240
association or any political action committee that is primarily 87241
associated with a political party shall be aggregated with 87242
contributions to that political party. 87243

The contribution limitations contained in this division do 87244
not apply to any county auditor or clerk of a court of common 87245
pleas. A county auditor or clerk of a court of common pleas is not 87246
required to file the disclosure statement or pay the filing fee 87247
required under section 4503.033 of the Revised Code. The 87248
limitations of this division also do not apply to a deputy 87249
registrar who, subsequent to being awarded a deputy registrar 87250
contract, is elected to an office of a political subdivision. 87251

(2) The registrar shall not ~~contract with~~ designate either of 87252
the following to act as a deputy registrar: 87253

~~(1)~~(a) Any elected public official other than a county 87254
auditor or, as authorized by division (A)(1)(b) of this section, a 87255
clerk of a court of common pleas, acting in an official capacity, 87256
except that, the registrar shall continue and may renew a contract 87257
with any deputy registrar who, subsequent to being awarded a 87258
deputy registrar contract, is elected to an office of a political 87259
subdivision; 87260

~~(2)~~(b) Any person holding a current, valid contract to 87261
conduct motor vehicle inspections under section 3704.14 of the 87262

Revised Code. 87263

(3) As used in division (B) of this section, "political 87264
subdivision" has the same meaning as in section 3501.01 of the 87265
Revised Code. 87266

(C)(1) Except as provided in division (C)(2) of this section, 87267
deputy registrars are independent contractors and neither they nor 87268
their employees are employees of this state, except that nothing 87269
in this section shall affect the status of county auditors or 87270
clerks of courts of common pleas as public officials, nor the 87271
status of their employees as employees of any of the counties of 87272
this state, which are political subdivisions of this state. Each 87273
deputy registrar shall be responsible for the payment of all 87274
unemployment compensation premiums, all workers' compensation 87275
premiums, social security contributions, and any and all taxes for 87276
which the deputy registrar is legally responsible. Each deputy 87277
registrar shall comply with all applicable federal, state, and 87278
local laws requiring the withholding of income taxes or other 87279
taxes from the compensation of the deputy registrar's employees. 87280
Each deputy registrar shall maintain during the entire term of the 87281
deputy registrar's contract a policy of business liability 87282
insurance satisfactory to the registrar and shall hold the 87283
department of public safety, the director of public safety, the 87284
bureau of motor vehicles, and the registrar harmless upon any and 87285
all claims for damages arising out of the operation of the deputy 87286
registrar agency. 87287

(2) For purposes of Chapter 4141. of the Revised Code, 87288
determinations concerning the employment of deputy registrars and 87289
their employees shall be made under Chapter 4141. of the Revised 87290
Code. 87291

(D)(1) With the approval of the director, the registrar shall 87292
adopt rules governing the deputy registrars. The rules shall do 87293
all of the following: 87294

(a) Establish requirements governing the terms of the 87295
contract between the registrar and each deputy registrar and 87296
~~specifications for the services to be performed. The rules shall~~ 87297
~~include specifications relating to the;~~ 87298

(b) Establish requirements governing the amount of bond to be 87299
given as provided in this section; ~~the~~ 87300

(c) Establish requirements governing the size and location of 87301
the deputy's office; ~~and~~ 87302

(d) Establish requirements governing the leasing of equipment 87303
necessary to conduct the vision screenings required under section 87304
4507.12 of the Revised Code and training in the use of the 87305
equipment. ~~The specifications shall permit and encourage;~~ 87306

(e) Encourage every deputy registrar to inform the public of 87307
the location of the deputy registrar's office and hours of 87308
operation by means of public service announcements ~~and allow;~~ 87309

(f) Allow any deputy registrar to advertise in regard to the 87310
operation of the deputy registrar's office. ~~The rules also shall~~ 87311
~~include specifications for;~~ 87312

(g) Specify the hours the deputy's office is to be open to 87313
the public and ~~shall~~ require as a minimum that one deputy's office 87314
in each county be open to the public for at least four hours each 87315
weekend, provided that if only one deputy's office is located 87316
within the boundary of the county seat, that office is the office 87317
that shall be open for the four-hour period each weekend. ~~The~~ 87318
~~rules also shall include specifications providing;~~ 87319

(h) Specify that every deputy ~~in each county~~ registrar, upon 87320
request, provide any person with information about the location 87321
and office hours of all deputy registrars in the county ~~and that~~ 87322
~~every deputy prominently display within the deputy's office, the~~ 87323
~~toll-free telephone number of the bureau. The rules shall not~~ 87324
~~prohibit the award of;~~ 87325

(i) Allow a deputy registrar contract to be awarded to a 87326
nonprofit corporation formed under the laws of this state. The 87327
rules shall; 87328

(j) Except as provided in division (D)(2) of this section, 87329
prohibit any deputy registrar from operating more than one ~~such~~ 87330
deputy registrar's office at any time, ~~except that the rules may~~ 87331
~~permit a nonprofit corporation formed for the purposes of~~ 87332
~~providing automobile related services to its members or the public~~ 87333
~~and that provides such services from more than one location in~~ 87334
~~this state to operate a deputy registrar office at any such~~ 87335
~~location, provided that the nonprofit corporation operates no more~~ 87336
~~than one deputy registrar office in any one county. The rules may~~ 87337
~~include such other specifications as the registrar and director~~ 87338
~~consider necessary to provide a high level of service.~~ 87339

~~The rules shall establish;~~ 87340

(k) For the duration of any deputy registrar contract, 87341
require that the deputy registrar occupy a primary residence in a 87342
location that is within a one-hour commute time from the deputy 87343
registrar's office or offices. The rules shall require the 87344
registrar to determine commute time by using multiple established 87345
internet-based mapping services. 87346

(l) Establish procedures for a deputy registrar ~~who requests~~ 87347
~~such~~ to request the authority to collect reinstatement fees under 87348
sections 4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 87349
4510.72, and 4511.191 of the Revised Code and to transmit the 87350
reinstatement fees and two dollars of the service fee collected 87351
under those sections. The registrar shall ensure that, not later 87352
than January 1, 2012, at least one deputy registrar in each county 87353
has the necessary equipment and is able to accept reinstatement 87354
fees. The registrar shall deposit the service fees received from a 87355
deputy registrar under those sections into the state bureau of 87356
motor vehicles fund created in section 4501.25 of the Revised Code 87357

and shall use the money for deputy registrar equipment necessary 87358
in connection with accepting reinstatement fees. 87359

(m) Establish such other requirements as the registrar and 87360
director consider necessary to provide a high level of service. 87361

(2) Notwithstanding division (D)(1)(j) of this section, the 87362
rules may allow both of the following: 87363

(a) The registrar to award a contract to a deputy registrar 87364
to operate more than one deputy registrar's office if determined 87365
by the registrar to be practical; 87366

(b) A nonprofit corporation formed for the purposes of 87367
providing automobile-related services to its members or the public 87368
and that provides such services from more than one location in 87369
this state to operate a deputy registrar office at any location. 87370

(3) As a daily adjustment, the bureau of motor vehicles shall 87371
credit to a deputy registrar three dollars and fifty cents for 87372
each damaged license plate or validation sticker the deputy 87373
registrar replaces as a service to a member of the public. 87374

~~(3)~~(4)(a) With the prior approval of the registrar, each 87375
deputy registrar may conduct at the location of the deputy 87376
registrar's office any business that is consistent with the 87377
functions of a deputy registrar and that is not specifically 87378
mandated or authorized by this or another chapter of the Revised 87379
Code or by implementing rules of the registrar. 87380

(b) In accordance with guidelines the director of public 87381
safety shall establish, a deputy registrar may operate or contract 87382
for the operation of a vending machine at a deputy registrar 87383
location if products of the vending machine are consistent with 87384
the functions of a deputy registrar. 87385

(c) A deputy registrar may enter into an agreement with the 87386
Ohio turnpike and infrastructure commission pursuant to division 87387

(A)(11) of section 5537.04 of the Revised Code for the purpose of 87388
allowing the general public to acquire from the deputy registrar 87389
the electronic toll collection devices that are used under the 87390
multi-jurisdiction electronic toll collection agreement between 87391
the Ohio turnpike and infrastructure commission and any other 87392
entities or agencies that participate in such an agreement. The 87393
approval of the registrar is not necessary if a deputy registrar 87394
engages in this activity. 87395

~~(4)~~(5) As used in this section and in section 4507.01 of the 87396
Revised Code, "nonprofit corporation" has the same meaning as in 87397
section 1702.01 of the Revised Code. 87398

(E)(1) Unless otherwise terminated and except for interim 87399
contracts ~~of less lasting not longer~~ than one year, contracts with 87400
deputy registrars shall be ~~for a term of at least two years, but~~ 87401
~~no more than three years, and all contracts effective on or after~~ 87402
entered into through a competitive selection process and shall be 87403
limited in duration as follows: 87404

(a) For contracts entered into between July 1, 1996, shall be 87405
for a term of more and June 29, 2014, for a period of not less 87406
than two years, but not more than three years. ~~All;~~ 87407

(b) For contracts entered into on or after June 29, 2014, for 87408
a period of five years, unless the registrar determines that a 87409
shorter contract term is appropriate for a particular deputy 87410
registrar. 87411

(2) All contracts with deputy registrars shall expire on the 87412
last Saturday of June in the year of their expiration. ~~The Prior~~ 87413
to the expiration of any deputy registrar contract, the registrar, 87414
with the approval of the director, may award a one-year contract 87415
extension to any deputy registrar who has provided exemplary 87416
service based upon objective performance evaluations. 87417

(3)(a) The auditor of state may examine the accounts, 87418

reports, systems, and other data of each deputy registrar at least 87419
every two years. The registrar, with the approval of the director, 87420
shall immediately remove a deputy who violates any provision of 87421
the Revised Code related to the duties as a deputy, any rule 87422
adopted by the registrar, or a term of the deputy's contract with 87423
the registrar. The registrar also may remove a deputy who, in the 87424
opinion of the registrar, has engaged in any conduct that is 87425
either unbecoming to one representing this state or is 87426
inconsistent with the efficient operation of the deputy's office. 87427

(b) If the registrar, with the approval of the director, 87428
determines that there is good cause to believe that a deputy 87429
registrar or a person proposing for a deputy registrar contract 87430
has engaged in any conduct that would require the denial or 87431
termination of the deputy registrar contract, the registrar may 87432
require the production of books, records, and papers as the 87433
registrar determines are necessary, and may take the depositions 87434
of witnesses residing within or outside the state in the same 87435
manner as is prescribed by law for the taking of depositions in 87436
civil actions in the court of common pleas, and for that purpose 87437
the registrar may issue a subpoena for any witness or a subpoena 87438
duces tecum to compel the production of any books, records, or 87439
papers, directed to the sheriff of the county where the witness 87440
resides or is found. Such a subpoena shall be served and returned 87441
in the same manner as a subpoena in a criminal case is served and 87442
returned. The fees of the sheriff shall be the same as that 87443
allowed in the court of common pleas in criminal cases. Witnesses 87444
shall be paid the fees and mileage provided for under section 87445
119.094 of the Revised Code. The fees and mileage shall be paid 87446
from the fund in the state treasury for the use of the agency in 87447
the same manner as other expenses of the agency are paid. 87448

In any case of disobedience or neglect of any subpoena served 87449
on any person or the refusal of any witness to testify to any 87450

matter regarding which the witness lawfully may be interrogated, 87451
the court of common pleas of any county where the disobedience, 87452
neglect, or refusal occurs or any judge of that court, on 87453
application by the registrar, shall compel obedience by attachment 87454
proceedings for contempt, as in the case of disobedience of the 87455
requirements of a subpoena issued from that court, or a refusal to 87456
testify in that court. 87457

(4) Nothing in ~~this~~ division (E) of this section shall be 87458
construed to require a hearing of any nature prior to the 87459
termination of any deputy registrar contract by the registrar, 87460
with the approval of the director, for cause. 87461

(F) Except as provided in section 2743.03 of the Revised 87462
Code, no court, other than the court of common pleas of Franklin 87463
county, has jurisdiction of any action against the department of 87464
public safety, the director, the bureau, or the registrar to 87465
restrain the exercise of any power or authority, or to entertain 87466
any action for declaratory judgment, in the selection and 87467
appointment of, or contracting with, deputy registrars. Neither 87468
the department, the director, the bureau, nor the registrar is 87469
liable in any action at law for damages sustained by any person 87470
because of any acts of the department, the director, the bureau, 87471
or the registrar, or of any employee of the department or bureau, 87472
in the performance of official duties in the selection and 87473
appointment of, and contracting with, deputy registrars. 87474

(G) The registrar shall assign to each deputy registrar a 87475
series of numbers sufficient to supply the demand at all times in 87476
the area the deputy registrar serves, and the registrar shall keep 87477
a record in the registrar's office of the numbers within the 87478
series assigned. Each deputy shall be required to give bond in the 87479
amount of at least twenty-five thousand dollars, or in such higher 87480
amount as the registrar determines necessary, based on a uniform 87481
schedule of bond amounts established by the registrar and 87482

determined by the volume of registrations handled by the deputy. 87483
The form of the bond shall be prescribed by the registrar. The 87484
bonds required of deputy registrars, in the discretion of the 87485
registrar, may be individual or schedule bonds or may be included 87486
in any blanket bond coverage carried by the department. 87487

(H) Each deputy registrar shall keep a file of each 87488
application received by the deputy and shall register that motor 87489
vehicle with the name and address of its owner. 87490

(I) Upon request, a deputy registrar shall make the physical 87491
inspection of a motor vehicle and issue the physical inspection 87492
certificate required in section 4505.061 of the Revised Code. 87493

(J) Each deputy registrar shall file a report semiannually 87494
with the registrar of motor vehicles listing the number of 87495
applicants for licenses the deputy has served, the number of voter 87496
registration applications the deputy has completed and transmitted 87497
to the board of elections, and the number of voter registration 87498
applications declined. 87499

Sec. 4503.064. As used in sections 4503.064 to 4503.069 of 87500
the Revised Code: 87501

(A) "Sixty-five years of age or older" means a person who 87502
will be age sixty-five or older in the calendar year following the 87503
year of application for reduction in the assessable value of the 87504
person's manufactured or mobile home. 87505

(B) "Permanently and totally disabled" means a person who, on 87506
the first day of January of the year of application, including 87507
late application, for reduction in the assessable value of a 87508
manufactured or mobile home, has some impairment in body or mind 87509
that makes the person unable to work at any substantially 87510
remunerative employment which the person is reasonably able to 87511
perform and which will, with reasonable probability, continue for 87512

an indefinite period of at least twelve months without any present 87513
indication of recovery therefrom or has been certified as 87514
permanently and totally disabled by a state or federal agency 87515
having the function of so classifying persons. 87516

(C) "Homestead exemption" means the reduction in taxes 87517
allowed under division (A) of section 323.152 of the Revised Code 87518
for the year in which an application is filed under section 87519
4503.066 of the Revised Code. 87520

(D) "Manufactured home" has the meaning given in division 87521
(C)(4) of section 3781.06 of the Revised Code, and includes a 87522
structure consisting of two manufactured homes that were purchased 87523
either together or separately and are combined to form a single 87524
dwelling, but does not include a manufactured home that is taxed 87525
as real property pursuant to division (B) of section 4503.06 of 87526
the Revised Code. 87527

(E) "Mobile home" has the meaning given in division (O) of 87528
section 4501.01 of the Revised Code and includes a structure 87529
consisting of two mobile homes that were purchased together or 87530
separately and combined to form a single dwelling, but does not 87531
include a mobile home that is taxed as real property pursuant to 87532
division (B) of section 4503.06 of the Revised Code. 87533

(F) "Late application" means an application filed with an 87534
original application under division (A)(3) of section 4503.066 of 87535
the Revised Code. 87536

(G) "Total income" has the same meaning as in section 323.151 87537
of the Revised Code. 87538

Sec. 4503.065. (A) This section applies to any of the 87539
following persons: 87540

(1) An individual who is permanently and totally disabled; 87541

(2) An individual who is sixty-five years of age or older; 87542

(3) An individual who is the surviving spouse of a deceased person who was permanently and totally disabled or sixty-five years of age or older and who applied and qualified for a reduction in assessable value under this section in the year of death, provided the surviving spouse is at least fifty-nine but not sixty-five or more years of age on the date the deceased spouse dies.

(B) The manufactured home tax on a manufactured or mobile home that is paid pursuant to division (C) of section 4503.06 of the Revised Code and that is owned and occupied as a home by an individual whose domicile is in this state and to whom this section applies, shall be reduced for any tax year for which an application for such reduction has been approved, provided the individual did not acquire ownership from a person, other than the individual's spouse, related by consanguinity or affinity for the purpose of qualifying for the reduction. An owner includes a settlor of a revocable or irrevocable inter vivos trust holding the title to a manufactured or mobile home occupied by the settlor as of right under the trust.

(1) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(2) of that section, the reduction shall equal ~~the greater of the reduction granted for the tax year preceding the first tax year to which this section applies pursuant to Section 803.06 of Am. Sub. H.B. 119 of the 127th general assembly, if the taxpayer received a reduction for that preceding tax year, or one of the following amounts, as applicable to the person:~~

(a) If the person received a reduction under this section for tax year 2007, the greater of the reduction for that tax year or the amount computed under division (B)(2) of this section;

(b) If the person received a reduction under this section for tax year 2014 or under division (A) of section 323.152 of the

Revised Code for tax year 2013, the amount computed under division (B)(2) of this section. For purposes of divisions (B)(1)(b) and (c) of this section, a person receives a reduction under this section or division (A) of section 323.152 of the Revised Code for tax year 2014 or 2013, respectively, if the person files a late application for that respective tax year that is approved by the county auditor under section 4503.066 or 323.153 of the Revised Code.

(c) If the person did not receive a reduction under this section for tax year 2014 or under division (A) of section 323.152 of the Revised Code for tax year 2013 and the person's total income does not exceed thirty thousand dollars, as adjusted under division (B)(5) of this section, the amount computed under division (B)(2) of this section.

(2) The amount of the reduction under division (B)(2) of this section equals the product of the following:

(a) Twenty-five thousand dollars of the true value of the property in money;

(b) The assessment percentage established by the tax commissioner under division (B) of section 5715.01 of the Revised Code, not to exceed thirty-five per cent;

(c) The effective tax rate used to calculate the taxes charged against the property for the current year, where "effective tax rate" is defined as in section 323.08 of the Revised Code;

(d) The quantity equal to one minus the sum of the percentage reductions in taxes received by the property for the current tax year under section 319.302 of the Revised Code and division (B) of section 323.152 of the Revised Code.

~~(2)~~(3) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under

division (D)(1) of that section, the reduction shall equal the 87606
~~greater of the reduction granted for the tax year preceding the~~ 87607
~~first tax year to which this section applies pursuant to Section~~ 87608
~~803.06 of Am. Sub. H.B. 119 of the 127th general assembly, if the~~ 87609
~~taxpayer received a reduction for that preceding tax year, or one~~ 87610
~~of the following amounts, as applicable to the person:~~ 87611

(a) If the person received a reduction under this section for 87612
tax year 2007, the greater of the reduction for that tax year or 87613
the amount computed under division (B)(4) of this section; 87614

(b) If the person received a reduction under this section for 87615
tax year 2014 or under division (A) of section 323.152 of the 87616
Revised Code for tax year 2013, the amount computed under division 87617
(B)(4) of this section. For purposes of divisions (B)(3)(b) and 87618
(c) of this section, a person receives a reduction under this 87619
section or under division (A) of section 323.152 of the Revised 87620
Code for tax year 2014 or 2013, respectively, if the person files 87621
a late application for a refund of overpayments for that 87622
respective tax year that is approved by the county auditor under 87623
section 4503.066 of the Revised Code. 87624

(c) If the person did not receive a reduction under this 87625
section for tax year 2014 or under division (A) of section 323.152 87626
of the Revised Code for tax year 2013 and the person's total 87627
income does not exceed thirty thousand dollars, as adjusted under 87628
division (B)(5) of this section, the amount computed under 87629
division (B)(4) of this section. 87630

(4) The amount of the reduction under division (B)(4) of this 87631
section equals the product of the following: 87632

(a) Twenty-five thousand dollars of the cost to the owner, or 87633
the market value at the time of purchase, whichever is greater, as 87634
those terms are used in division (D)(1) of section 4503.06 of the 87635
Revised Code; 87636

(b) The percentage from the appropriate schedule in division	87637
(D)(1)(b) of section 4503.06 of the Revised Code;	87638
(c) The assessment percentage of forty per cent used in	87639
division (D)(1)(b) of section 4503.06 of the Revised Code;	87640
(d) The tax rate of the taxing district in which the home has	87641
its situs.	87642
<u>(5) Each calendar year, the tax commissioner shall adjust the</u>	87643
<u>income threshold described in divisions (B)(1)(c) and (B)(3)(c) of</u>	87644
<u>this section by completing the following calculations in September</u>	87645
<u>of each year:</u>	87646
<u>(a) Determine the percentage increase in the gross domestic</u>	87647
<u>product deflator determined by the bureau of economic analysis of</u>	87648
<u>the United States department of commerce from the first day of</u>	87649
<u>January of the preceding calendar year to the last day of December</u>	87650
<u>of the preceding calendar year;</u>	87651
<u>(b) Multiply that percentage increase by the total income</u>	87652
<u>threshold for the ensuing tax year;</u>	87653
<u>(c) Add the resulting product to the total income threshold</u>	87654
<u>for the ensuing tax year;</u>	87655
<u>(d) Round the resulting sum to the nearest multiple of one</u>	87656
<u>hundred dollars.</u>	87657
<u>The commissioner shall certify the amount resulting from the</u>	87658
<u>adjustment to each county auditor not later than the first day of</u>	87659
<u>December each year. The certified amount applies to the second</u>	87660
<u>ensuing tax year. The commissioner shall not make the adjustment</u>	87661
<u>in any calendar year in which the amount resulting from the</u>	87662
<u>adjustment would be less than the total income threshold for the</u>	87663
<u>ensuing tax year.</u>	87664
(C) If the owner or the spouse of the owner of a manufactured	87665
or mobile home is eligible for a homestead exemption on the land	87666

upon which the home is located, the reduction to which the owner 87667
or spouse is entitled under this section shall not exceed the 87668
difference between the reduction to which the owner or spouse is 87669
entitled under division (B) of this section and the amount of the 87670
reduction under the homestead exemption. 87671

(D) No reduction shall be made with respect to the home of 87672
any person convicted of violating division (C) or (D) of section 87673
4503.066 of the Revised Code for a period of three years following 87674
the conviction. 87675

Sec. 4503.066. (A)(1) To obtain a tax reduction under section 87676
4503.065 of the Revised Code, the owner of the home shall file an 87677
application with the county auditor of the county in which the 87678
home is located. An application for reduction in taxes based upon 87679
a physical disability shall be accompanied by a certificate signed 87680
by a physician, and an application for reduction in taxes based 87681
upon a mental disability shall be accompanied by a certificate 87682
signed by a physician or psychologist licensed to practice in this 87683
state. The certificate shall attest to the fact that the applicant 87684
is permanently and totally disabled, shall be in a form that the 87685
department of taxation requires, and shall include the definition 87686
of totally and permanently disabled as set forth in section 87687
4503.064 of the Revised Code. An application for reduction in 87688
taxes based upon a disability certified as permanent and total by 87689
a state or federal agency having the function of so classifying 87690
persons shall be accompanied by a certificate from that agency. 87691

(2) Each application shall constitute a continuing 87693
application for a reduction in taxes for each year in which the 87694
manufactured or mobile home is occupied by the applicant. Failure 87695
to receive a new application or notification under division (B) of 87696
this section after an application for reduction has been approved 87697

is prima-facie evidence that the original applicant is entitled to 87698
the reduction calculated on the basis of the information contained 87699
in the original application. The original application and any 87700
subsequent application shall be in the form of a signed statement 87701
and shall be filed not later than the first Monday in June. The 87702
statement shall be on a form, devised and supplied by the tax 87703
commissioner, that shall require no more information than is 87704
necessary to establish the applicant's eligibility for the 87705
reduction in taxes and the amount of the reduction to which the 87706
applicant is entitled. The form shall contain a statement that 87707
signing such application constitutes a delegation of authority by 87708
the applicant to the tax commissioner or the county auditor, 87709
individually or in consultation with each other, to examine any 87710
tax or financial records that relate to the income of the 87711
applicant as stated on the application for the purpose of 87712
determining eligibility under, or possible violation of, division 87713
(C) or (D) of this section. The form also shall contain a 87714
statement that conviction of willfully falsifying information to 87715
obtain a reduction in taxes or failing to comply with division (B) 87716
of this section shall result in the revocation of the right to the 87717
reduction for a period of three years. 87718

(3) A late application for a reduction in taxes for the year 87719
preceding the year for which an original application is filed may 87720
be filed with an original application. If the auditor determines 87721
that the information contained in the late application is correct, 87722
the auditor shall determine both the amount of the reduction in 87723
taxes to which the applicant would have been entitled for the 87724
current tax year had the application been timely filed and 87725
approved in the preceding year, and the amount the taxes levied 87726
under section 4503.06 of the Revised Code for the current year 87727
would have been reduced as a result of the reduction. When an 87728
applicant is permanently and totally disabled on the first day of 87729
January of the year in which the applicant files a late 87730

application, the auditor, in making the determination of the 87731
amounts of the reduction in taxes under division (A)(3) of this 87732
section, is not required to determine that the applicant was 87733
permanently and totally disabled on the first day of January of 87734
the preceding year. 87735

The amount of the reduction in taxes pursuant to a late 87736
application shall be treated as an overpayment of taxes by the 87737
applicant. The auditor shall credit the amount of the overpayment 87738
against the amount of the taxes or penalties then due from the 87739
applicant, and, at the next succeeding settlement, the amount of 87740
the credit shall be deducted from the amount of any taxes or 87741
penalties distributable to the county or any taxing unit in the 87742
county that has received the benefit of the taxes or penalties 87743
previously overpaid, in proportion to the benefits previously 87744
received. If, after the credit has been made, there remains a 87745
balance of the overpayment, or if there are no taxes or penalties 87746
due from the applicant, the auditor shall refund that balance to 87747
the applicant by a warrant drawn on the county treasurer in favor 87748
of the applicant. The treasurer shall pay the warrant from the 87749
general fund of the county. If there is insufficient money in the 87750
general fund to make the payment, the treasurer shall pay the 87751
warrant out of any undivided manufactured or mobile home taxes 87752
subsequently received by the treasurer for distribution to the 87753
county or taxing district in the county that received the benefit 87754
of the overpaid taxes, in proportion to the benefits previously 87755
received, and the amount paid from the undivided funds shall be 87756
deducted from the money otherwise distributable to the county or 87757
taxing district in the county at the next or any succeeding 87758
distribution. At the next or any succeeding distribution after 87759
making the refund, the treasurer shall reimburse the general fund 87760
for any payment made from that fund by deducting the amount of 87761
that payment from the money distributable to the county or other 87762
taxing unit in the county that has received the benefit of the 87763

taxes, in proportion to the benefits previously received. On the 87764
second Monday in September of each year, the county auditor shall 87765
certify the total amount of the reductions in taxes made in the 87766
current year under division (A)(3) of this section to the tax 87767
commissioner who shall treat that amount as a reduction in taxes 87768
for the current tax year and shall make reimbursement to the 87769
county of that amount in the manner prescribed in section 4503.068 87770
of the Revised Code, from moneys appropriated for that purpose. 87771

(B) If in any year for which an application for reduction in 87772
taxes has been approved the owner no longer qualifies for the 87773
reduction, the owner shall notify the county auditor that the 87774
owner is not qualified for a reduction in taxes. 87775

During January of each year, the county auditor shall furnish 87776
each person whose application for reduction has been approved, by 87777
ordinary mail, a form on which to report any changes in total 87778
income, ownership, occupancy, disability, and other information 87779
earlier furnished the auditor relative to the application. The 87780
form shall be completed and returned to the auditor not later than 87781
the first Monday in June if the changes would affect the person's 87782
eligibility for the reduction. 87783

(C) No person shall knowingly make a false statement for the 87784
purpose of obtaining a reduction in taxes under section 4503.065 87785
of the Revised Code. 87786

(D) No person shall knowingly fail to notify the county 87787
auditor of any change required by division (B) of this section 87788
that has the effect of maintaining or securing a reduction in 87789
taxes under section 4503.065 of the Revised Code. 87790

(E) No person shall knowingly make a false statement or 87791
certification attesting to any person's physical or mental 87792
condition for purposes of qualifying such person for tax relief 87793
pursuant to sections 4503.064 to 4503.069 of the Revised Code. 87794

(F) Whoever violates division (C), (D), or (E) of this section is guilty of a misdemeanor of the fourth degree.

Sec. 4503.44. (A) As used in this section and in section 4511.69 of the Revised Code:

(1) "Person with a disability that limits or impairs the ability to walk" means any person who, as determined by a health care provider, meets any of the following criteria:

(a) Cannot walk two hundred feet without stopping to rest;

(b) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;

(c) Is restricted by a lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty millimeters of mercury on room air at rest;

(d) Uses portable oxygen;

(e) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American heart association;

(f) Is severely limited in the ability to walk due to an arthritic, neurological, or orthopedic condition;

(g) Is blind.

(2) "Organization" means any private organization or corporation, or any governmental board, agency, department, division, or office, that, as part of its business or program, transports persons with disabilities that limit or impair the ability to walk on a regular basis in a motor vehicle that has not

been altered for the purpose of providing it with special 87824
equipment for use by ~~handicapped~~ persons with disabilities. This 87825
definition does not apply to division (J) of this section. 87826

(3) "Health care provider" means a physician, physician 87827
assistant, advanced practice registered nurse, or chiropractor as 87828
defined in this section. 87829

(4) "Physician" means a person licensed to practice medicine 87830
or surgery or osteopathic medicine and surgery under Chapter 4731. 87831
of the Revised Code. 87832

(5) "Chiropractor" means a person licensed to practice 87833
chiropractic under Chapter 4734. of the Revised Code. 87834

(6) "Advanced practice registered nurse" means a certified 87835
nurse practitioner, clinical nurse specialist, certified 87836
registered nurse anesthetist, or certified nurse-midwife who holds 87837
a certificate of authority issued by the board of nursing under 87838
Chapter 4723. of the Revised Code. 87839

(7) "Physician assistant" means a person who holds a 87840
certificate to practice as a physician assistant issued under 87841
Chapter 4730. of the Revised Code. 87842

(B) Any organization or person with a disability that limits 87843
or impairs the ability to walk may apply to the registrar of motor 87844
vehicles for a removable windshield placard or, if the person owns 87845
or leases a motor vehicle, the person may apply for the 87846
registration of any motor vehicle the person owns or leases. In 87847
addition to one or more sets of license plates or one placard, a 87848
person with a disability that limits or impairs the ability to 87849
walk is entitled to one additional placard, but only if the person 87850
applies separately for the additional placard, states the reasons 87851
why the additional placard is needed, and the registrar, in the 87852
registrar's discretion, determines that good and justifiable cause 87853
exists to approve the request for the additional placard. When a 87854

motor vehicle has been altered for the purpose of providing it 87855
with special equipment for a person with a disability that limits 87856
or impairs the ability to walk, but is owned or leased by someone 87857
other than such a person, the owner or lessee may apply to the 87858
registrar or a deputy registrar for registration under this 87859
section. The application for registration of a motor vehicle owned 87860
or leased by a person with a disability that limits or impairs the 87861
ability to walk shall be accompanied by a signed statement from 87862
the applicant's health care provider certifying that the applicant 87863
meets at least one of the criteria contained in division (A)(1) of 87864
this section and that the disability is expected to continue for 87865
more than six consecutive months. The application for a removable 87866
windshield placard made by a person with a disability that limits 87867
or impairs the ability to walk shall be accompanied by a 87868
prescription from the applicant's health care provider prescribing 87869
such a placard for the applicant, provided that the applicant 87870
meets at least one of the criteria contained in division (A)(1) of 87871
this section. The health care provider shall state on the 87872
prescription the length of time the health care provider expects 87873
the applicant to have the disability that limits or impairs the 87874
applicant's ability to walk. The application for a removable 87875
windshield placard made by an organization shall be accompanied by 87876
such documentary evidence of regular transport of persons with 87877
disabilities that limit or impair the ability to walk by the 87878
organization as the registrar may require by rule and shall be 87879
completed in accordance with procedures that the registrar may 87880
require by rule. The application for registration of a motor 87881
vehicle that has been altered for the purpose of providing it with 87882
special equipment for a person with a disability that limits or 87883
impairs the ability to walk but is owned by someone other than 87884
such a person shall be accompanied by such documentary evidence of 87885
vehicle alterations as the registrar may require by rule. 87886

(C) When an organization, a person with a disability that 87887

limits or impairs the ability to walk, or a person who does not 87888
have a disability that limits or impairs the ability to walk but 87889
owns a motor vehicle that has been altered for the purpose of 87890
providing it with special equipment for a person with a disability 87891
that limits or impairs the ability to walk first submits an 87892
application for registration of a motor vehicle under this section 87893
and every fifth year thereafter, the organization or person shall 87894
submit a signed statement from the applicant's health care 87895
provider, a completed application, and any required documentary 87896
evidence of vehicle alterations as provided in division (B) of 87897
this section, and also a power of attorney from the owner of the 87898
motor vehicle if the applicant leases the vehicle. Upon submission 87899
of these items, the registrar or deputy registrar shall issue to 87900
the applicant appropriate vehicle registration and a set of 87901
license plates and validation stickers, or validation stickers 87902
alone when required by section 4503.191 of the Revised Code. In 87903
addition to the letters and numbers ordinarily inscribed thereon, 87904
the license plates shall be imprinted with the international 87905
symbol of access. The license plates and validation stickers shall 87906
be issued upon payment of the regular license fee as prescribed 87907
under section 4503.04 of the Revised Code and any motor vehicle 87908
tax levied under Chapter 4504. of the Revised Code, and the 87909
payment of a service fee equal to the amount specified in division 87910
(D) or (G) of section 4503.10 of the Revised Code. 87911

(D)(1) Upon receipt of a completed and signed application for 87912
a removable windshield placard, a prescription as described in 87913
division (B) of this section, documentary evidence of regular 87914
transport of persons with disabilities that limit or impair the 87915
ability to walk, if required, and payment of a service fee equal 87916
to the amount specified in division (D) or (G) of section 4503.10 87917
of the Revised Code, the registrar or deputy registrar shall issue 87918
to the applicant a removable windshield placard, which shall bear 87919
the date of expiration on both sides of the placard and shall be 87920

valid until expired, revoked, or surrendered. Every removable 87921
windshield placard expires as described in division (D)(2) of this 87922
section, but in no case shall a removable windshield placard be 87923
valid for a period of less than sixty days. Removable windshield 87924
placards shall be renewable upon application as provided in 87925
division (B) of this section, and a service fee equal to the 87926
amount specified in division (D) or (G) of section 4503.10 of the 87927
Revised Code shall be charged for the renewal of a removable 87928
windshield placard. The registrar shall provide the application 87929
form and shall determine the information to be included thereon. 87930
The registrar also shall determine the form and size of the 87931
removable windshield placard, the material of which it is to be 87932
made, and any other information to be included thereon, and shall 87933
adopt rules relating to the issuance, expiration, revocation, 87934
surrender, and proper display of such placards. Any placard issued 87935
after October 14, 1999, shall be manufactured in a manner that 87936
allows the expiration date of the placard to be indicated on it 87937
through the punching, drilling, boring, or creation by any other 87938
means of holes in the placard. 87939

(2) At the time a removable windshield placard is issued to a 87940
person with a disability that limits or impairs the ability to 87941
walk, the registrar or deputy registrar shall enter into the 87942
records of the bureau of motor vehicles the last date on which the 87943
person will have that disability, as indicated on the accompanying 87944
prescription. Not less than thirty days prior to that date and all 87945
removable windshield placard renewal dates, the bureau shall send 87946
a renewal notice to that person at the person's last known address 87947
as shown in the records of the bureau, informing the person that 87948
the person's removable windshield placard will expire on the 87949
indicated date not to exceed five years from the date of issuance, 87950
and that the person is required to renew the placard by submitting 87951
to the registrar or a deputy registrar another prescription, as 87952
described in division (B) of this section, and by complying with 87953

the renewal provisions prescribed in division (D)(1) of this 87954
section. If such a prescription is not received by the registrar 87955
or a deputy registrar by that date, the placard issued to that 87956
person expires and no longer is valid, and this fact shall be 87957
recorded in the records of the bureau. 87958

(3) At least once every year, on a date determined by the 87959
registrar, the bureau shall examine the records of the office of 87960
vital statistics, located within the department of health, that 87961
pertain to deceased persons, and also the bureau's records of all 87962
persons who have been issued removable windshield placards and 87963
temporary removable windshield placards. If the records of the 87964
office of vital statistics indicate that a person to whom a 87965
removable windshield placard or temporary removable windshield 87966
placard has been issued is deceased, the bureau shall cancel that 87967
placard, and note the cancellation in its records. 87968

The office of vital statistics shall make available to the 87969
bureau all information necessary to enable the bureau to comply 87970
with division (D)(3) of this section. 87971

(4) Nothing in this section shall be construed to require a 87972
person or organization to apply for a removable windshield placard 87973
or special license plates if the parking card or special license 87974
plates issued to the person or organization under prior law have 87975
not expired or been surrendered or revoked. 87976

(E)(1)(a) Any person with a disability that limits or impairs 87977
the ability to walk may apply to the registrar or a deputy 87978
registrar for a temporary removable windshield placard. The 87979
application for a temporary removable windshield placard shall be 87980
accompanied by a prescription from the applicant's health care 87981
provider prescribing such a placard for the applicant, provided 87982
that the applicant meets at least one of the criteria contained in 87983
division (A)(1) of this section and that the disability is 87984
expected to continue for six consecutive months or less. The 87985

health care provider shall state on the prescription the length of 87986
time the health care provider expects the applicant to have the 87987
disability that limits or impairs the applicant's ability to walk, 87988
which cannot exceed six months from the date of the prescription. 87989
Upon receipt of an application for a temporary removable 87990
windshield placard, presentation of the prescription from the 87991
applicant's health care provider, and payment of a service fee 87992
equal to the amount specified in division (D) or (G) of section 87993
4503.10 of the Revised Code, the registrar or deputy registrar 87994
shall issue to the applicant a temporary removable windshield 87995
placard. 87996

(b) Any active-duty member of the armed forces of the United 87997
States, including the reserve components of the armed forces and 87998
the national guard, who has an illness or injury that limits or 87999
impairs the ability to walk may apply to the registrar or a deputy 88000
registrar for a temporary removable windshield placard. With the 88001
application, the person shall present evidence of the person's 88002
active-duty status and the illness or injury. Evidence of the 88003
illness or injury may include a current department of defense 88004
convalescent leave statement, any department of defense document 88005
indicating that the person currently has an ill or injured 88006
casualty status or has limited duties, or a prescription from any 88007
health care provider prescribing the placard for the applicant. 88008
Upon receipt of the application and the necessary evidence, the 88009
registrar or deputy registrar shall issue the applicant the 88010
temporary removable windshield placard without the payment of any 88011
service fee. 88012

(2) The temporary removable windshield placard shall be of 88013
the same size and form as the removable windshield placard, shall 88014
be printed in white on a red-colored background, and shall bear 88015
the word "temporary" in letters of such size as the registrar 88016
shall prescribe. A temporary removable windshield placard also 88017

shall bear the date of expiration on the front and back of the placard, and shall be valid until expired, surrendered, or revoked, but in no case shall such a placard be valid for a period of less than sixty days. The registrar shall provide the application form and shall determine the information to be included on it, provided that the registrar shall not require a health care provider's prescription or certification for a person applying under division (E)(1)(b) of this section. The registrar also shall determine the material of which the temporary removable windshield placard is to be made and any other information to be included on the placard and shall adopt rules relating to the issuance, expiration, surrender, revocation, and proper display of those placards. Any temporary removable windshield placard issued after October 14, 1999, shall be manufactured in a manner that allows for the expiration date of the placard to be indicated on it through the punching, drilling, boring, or creation by any other means of holes in the placard.

(F) If an applicant for a removable windshield placard is a veteran of the armed forces of the United States whose disability, as defined in division (A)(1) of this section, is service-connected, the registrar or deputy registrar, upon receipt of the application, presentation of a signed statement from the applicant's health care provider certifying the applicant's disability, and presentation of such documentary evidence from the department of veterans affairs that the disability of the applicant meets at least one of the criteria identified in division (A)(1) of this section and is service-connected as the registrar may require by rule, but without the payment of any service fee, shall issue the applicant a removable windshield placard that is valid until expired, surrendered, or revoked.

(G) Upon a conviction of a violation of division (I), (J), or (K) of this section, the court shall report the conviction, and

send the placard or parking card, if available, to the registrar, 88050
who thereupon shall revoke the privilege of using the placard or 88051
parking card and send notice in writing to the placardholder or 88052
cardholder at that holder's last known address as shown in the 88053
records of the bureau, and the placardholder or cardholder shall 88054
return the placard or card if not previously surrendered to the 88055
court, to the registrar within ten days following mailing of the 88056
notice. 88057

Whenever a person to whom a removable windshield placard or 88058
parking card has been issued moves to another state, the person 88059
shall surrender the placard or card to the registrar; and whenever 88060
an organization to which a placard or card has been issued changes 88061
its place of operation to another state, the organization shall 88062
surrender the placard or card to the registrar. 88063

(H) Subject to division (F) of section 4511.69 of the Revised 88064
Code, the operator of a motor vehicle displaying a removable 88065
windshield placard, temporary removable windshield placard, 88066
parking card, or the special license plates authorized by this 88067
section is entitled to park the motor vehicle in any special 88068
parking location reserved for persons with disabilities that limit 88069
or impair the ability to walk, also known as handicapped parking 88070
spaces or disability parking spaces. 88071

(I) No person or organization that is not eligible under 88072
division (B) or (E) of this section shall willfully and falsely 88073
represent that the person or organization is so eligible. 88074

No person or organization shall display license plates issued 88075
under this section unless the license plates have been issued for 88076
the vehicle on which they are displayed and are valid. 88077

(J) No person or organization to which a removable windshield 88078
placard or temporary removable windshield placard is issued shall 88079
do either of the following: 88080

(1) Display or permit the display of the placard on any motor vehicle when having reasonable cause to believe the motor vehicle is being used in connection with an activity that does not include providing transportation for persons with disabilities that limit or impair the ability to walk;

(2) Refuse to return or surrender the placard, when required.

(K)(1) No person or organization to which a parking card is issued shall do either of the following:

(a) Display or permit the display of the parking card on any motor vehicle when having reasonable cause to believe the motor vehicle is being used in connection with an activity that does not include providing transportation for a ~~handicapped~~ person with a disability;

(b) Refuse to return or surrender the parking card, when required.

(2) As used in division (K) of this section:

(a) "~~Handicapped person~~ Person with a disability" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely ~~handicapped~~ disabled as to be unable to move about without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other ~~handicapping~~ disabling condition.

(b) "Organization" means any private organization or corporation, or any governmental board, agency, department, division, or office, that, as part of its business or program, transports ~~handicapped~~ persons with disabilities on a regular basis in a motor vehicle that has not been altered for the purposes of providing it with special equipment for use by ~~handicapped~~ persons with disabilities.

(L) If a removable windshield placard, temporary removable
windshield placard, or parking card is lost, destroyed, or
mutilated, the placardholder or cardholder may obtain a duplicate
by doing both of the following:

(1) Furnishing suitable proof of the loss, destruction, or
mutilation to the registrar;

(2) Paying a service fee equal to the amount specified in
division (D) or (G) of section 4503.10 of the Revised Code.

Any placardholder or cardholder who loses a placard or card
and, after obtaining a duplicate, finds the original, immediately
shall surrender the original placard or card to the registrar.

(M) The registrar shall pay all fees received under this
section for the issuance of removable windshield placards or
temporary removable windshield placards or duplicate removable
windshield placards or cards into the state treasury to the credit
of the state bureau of motor vehicles fund created in section
4501.25 of the Revised Code.

(N) In addition to the fees collected under this section, the
registrar or deputy registrar shall ask each person applying for a
removable windshield placard or temporary removable windshield
placard or duplicate removable windshield placard or license plate
issued under this section, whether the person wishes to make a
two-dollar voluntary contribution to support rehabilitation
employment services. The registrar shall transmit the
contributions received under this division to the treasurer of
state for deposit into the rehabilitation employment fund, which
is hereby created in the state treasury. A deputy registrar shall
transmit the contributions received under this division to the
registrar in the time and manner prescribed by the registrar. The
contributions in the fund shall be used by the ~~rehabilitation~~
~~services commission~~ opportunities for Ohioans with disabilities

agency to purchase services related to vocational evaluation, work 88142
adjustment, personal adjustment, job placement, job coaching, and 88143
community-based assessment from accredited community 88144
rehabilitation program facilities. 88145

(O) For purposes of enforcing this section, every peace 88146
officer is deemed to be an agent of the registrar. Any peace 88147
officer or any authorized employee of the bureau of motor vehicles 88148
who, in the performance of duties authorized by law, becomes aware 88149
of a person whose placard or parking card has been revoked 88150
pursuant to this section, may confiscate that placard or parking 88151
card and return it to the registrar. The registrar shall prescribe 88152
any forms used by law enforcement agencies in administering this 88153
section. 88154

No peace officer, law enforcement agency employing a peace 88155
officer, or political subdivision or governmental agency employing 88156
a peace officer, and no employee of the bureau is liable in a 88157
civil action for damages or loss to persons arising out of the 88158
performance of any duty required or authorized by this section. As 88159
used in this division, "peace officer" has the same meaning as in 88160
division (B) of section 2935.01 of the Revised Code. 88161

(P) All applications for registration of motor vehicles, 88162
removable windshield placards, and temporary removable windshield 88163
placards issued under this section, all renewal notices for such 88164
items, and all other publications issued by the bureau that relate 88165
to this section shall set forth the criminal penalties that may be 88166
imposed upon a person who violates any provision relating to 88167
special license plates issued under this section, the parking of 88168
vehicles displaying such license plates, and the issuance, 88169
procurement, use, and display of removable windshield placards and 88170
temporary removable windshield placards issued under this section. 88171

(Q) Whoever violates this section is guilty of a misdemeanor 88172
of the fourth degree. 88173

Sec. 4503.524. (A) The owner or lessee of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar of motor vehicles may apply to the registrar for the registration of the vehicle and issuance of "Massillon tiger football booster club" license plates. The application for "Massillon tiger football booster club" license plates may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance with division (B) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of "Massillon tiger football booster club" license plates with a validation sticker or a validation sticker alone when required by section 4503.191 of the Revised Code. In addition to the letters and numbers ordinarily inscribed thereon, "Massillon tiger football booster club" license plates shall be inscribed with words and markings selected and designed by the Massillon tiger football booster club and approved by the registrar. "Massillon tiger football booster club" license plates shall bear county identification stickers that identify the county of registration by name or number.

(B) "Massillon tiger football booster club" license plates and validation stickers shall be issued upon payment of the regular license tax as prescribed under section 4503.04 of the Revised Code, any applicable motor vehicle tax levied under Chapter 4504. of the Revised Code, a bureau of motor vehicles administrative fee of ten dollars, the contribution specified in division (C) of this section, and compliance with all other applicable laws relating to the registration of motor vehicles. If the application for "Massillon tiger football booster club" license plates is combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised

Code, the license plates and validation sticker shall be issued 88206
upon payment of the contribution, fees, and taxes contained in 88207
this division and the additional fee prescribed under section 88208
4503.40 or 4503.42 of the Revised Code. 88209

(C) For each application for registration and registration 88210
renewal submitted under this section, the registrar shall collect 88211
a contribution of twenty-five dollars. The registrar shall 88212
transmit this contribution to the treasurer of state for deposit 88213
into the license plate contribution fund created in section 88214
4501.21 of the Revised Code. 88215

The registrar shall deposit the ten-dollar bureau 88216
administrative fee, the purpose of which is to compensate the 88217
bureau for additional services required in issuing "Massillon 88218
tiger football booster club" license plates, into the state bureau 88219
of motor vehicles fund created in section 4501.25 of the Revised 88220
Code. 88221

Sec. 4503.526. (A) The owner or lessee of any passenger car, 88222
noncommercial motor vehicle, recreational vehicle, or other 88223
vehicle of a class approved by the registrar of motor vehicles may 88224
apply to the registrar for the registration of the vehicle and 88225
issuance of Kiwanis club license plates. The application for 88226
Kiwanis club license plates may be combined with a request for a 88227
special reserved license plate under section 4503.40 or 4503.42 of 88228
the Revised Code. Upon receipt of the completed application and 88229
compliance with division (B) of this section, the registrar shall 88230
issue to the applicant the appropriate vehicle registration and a 88231
set of Kiwanis club license plates with a validation sticker or a 88232
validation sticker alone when required by section 4503.191 of the 88233
Revised Code. 88234

In addition to the letters and numbers ordinarily inscribed 88235
thereon, Kiwanis club license plates shall be inscribed with words 88236

and markings selected and designed by the Ohio district of Kiwanis international. The registrar shall approve the final design. Kiwanis club license plates shall bear county identification stickers that identify the county of registration by name or number. 88237
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(B) Kiwanis club license plates and validation stickers shall be issued upon payment of the regular license tax as prescribed under section 4503.04 of the Revised Code, any applicable motor vehicle tax levied under Chapter 4504. of the Revised Code, a bureau of motor vehicles administrative fee of ten dollars, the contribution specified under division (C) of this section, and compliance with all other applicable laws relating to the registration of motor vehicles. If the application for Kiwanis club license plates is combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code, the license plates and validation sticker shall be issued upon payment of the fees and taxes contained in this division and the additional fee prescribed by section 4503.40 or 4503.42 of the Revised Code. 88242
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(C) For each application for registration and registration renewal received under this section, the registrar shall collect a contribution of twenty-five dollars. The registrar shall pay this contribution into the state treasury to the credit of the license plate contribution fund created in section 4501.21 of the Revised Code. 88256
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The registrar shall deposit the ten-dollar bureau administrative fee, the purpose of which is to compensate the bureau for the additional services required in issuing Kiwanis club license plates, into the state treasury to the credit of the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code. 88262
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Sec. 4503.62. (A) Application for the registration of an 88268
apportionable vehicle shall be made to the registrar of motor 88269
vehicles in accordance with division (J) of section 4503.10 of the 88270
Revised Code. 88271

(B) Any person applying to register a vehicle or combination 88272
vehicle that has a gross vehicle weight of twenty-six thousand 88273
pounds or less or two axles, or that is a bus used in charter 88274
party service, also may register the vehicle in accordance with 88275
division (J) of section 4503.10 of the Revised Code if the vehicle 88276
is used or intended for use in two or more international 88277
registration plan member jurisdictions. 88278

(C) No later than December 31, 2011, the registrar shall 88279
adopt rules under Chapter 119. of the Revised Code to establish a 88280
program to accept applications for vehicle registration 88281
transactions of apportionable vehicles electronically over the 88282
internet. The program also may provide for vehicle registration 88283
transactions of nonapportionable commercial motor vehicles over 88284
the internet. 88285

(D) The internet registration program shall provide an option 88286
for the payment of all registration taxes and fees by use of a 88287
financial transaction device. In providing for payment by the use 88288
of a financial transaction device, the registrar ~~may, but is not~~ 88289
~~required to, shall~~ comply with section 113.40 of the Revised Code. 88290
~~The registrar, with the approval of the director of public safety,~~ 88291
~~may contract with a third party to accept and process payments~~ 88292
~~made by use of a financial transaction device on behalf of the~~ 88293
~~bureau of motor vehicles.~~ All fees associated with payment by use 88294
of a financial transaction device shall be borne by the applicants 88295
seeking the registration of apportionable or other vehicles under 88296
the program established pursuant to division (C) of this section. 88297
The bureau shall not pay any costs, and shall not retain any 88298

additional fees, associated with the use of a financial 88299
transaction device. 88300

(E) As used in this section, "financial transaction device" 88301
has the same meaning as in section 113.40 of the Revised Code. 88302

Sec. 4503.732. (A) The owner or lessee of any passenger car, 88303
noncommercial motor vehicle, recreational vehicle, or other 88304
vehicle of a class approved by the registrar of motor vehicles may 88305
apply to the registrar for the registration of the vehicle and 88306
issuance of "Truth, Justice, and the American Way" license plates. 88307
The application may be combined with a request for a special 88308
reserved license plate under section 4503.40 or 4503.42 of the 88309
Revised Code. Upon receipt of an application for registration of a 88310
motor vehicle under this section, the registrar shall issue to the 88311
applicant the appropriate motor vehicle registration and a set of 88312
"Truth, Justice, and the American Way" license plates and a 88313
validation sticker, or a validation sticker alone when required by 88314
section 4503.191 of the Revised Code. 88315

In addition to the letters and numbers ordinarily inscribed 88316
on the license plates, "Truth, Justice, and the American Way" 88317
license plates shall be inscribed with the words "Truth, Justice, 88318
and the American Way" and a design, logo, or marking selected by 88319
the entity that owns the Superman name. The registrar shall 88320
approve the final design after entering into a license agreement 88321
with that entity for appropriate use of the Superman name and 88322
associated logo or marking, as applicable. The license plates 88323
shall bear county identification stickers that identify the county 88324
of registration by name or number. 88325

(B) "Truth, Justice, and the American Way" license plates and 88326
validation stickers shall be issued upon receipt of a contribution 88327
as provided in division (C)(1) of this section and upon payment of 88328
the regular license tax as prescribed under section 4503.04 of the 88329

Revised Code, any applicable motor vehicle license tax levied 88330
under Chapter 4504. of the Revised Code, and a bureau of motor 88331
vehicles administrative fee of ten dollars. The applicant shall 88332
comply with all other applicable laws relating to the registration 88333
of motor vehicles. If the application for "Truth, Justice, and the 88334
American Way" license plates is combined with a request for a 88335
special reserved license plate under section 4503.40 or 4503.42 of 88336
the Revised Code, the license plates and validation sticker shall 88337
be issued upon payment of the fees and taxes specified in this 88338
division and the additional fee prescribed under section 4503.40 88339
or 4503.42 of the Revised Code. 88340

(C)(1) For each application for registration and registration 88341
renewal notice the registrar receives under this section, the 88342
registrar shall collect a contribution of ten dollars. The 88343
registrar shall pay this contribution into the state treasury to 88344
the credit of the license plate contribution fund created in 88345
section 4501.21 of the Revised Code. 88346

(2) The registrar shall pay into the state treasury the 88347
ten-dollar bureau administrative fee, the purpose of which is to 88348
compensate the bureau for additional services required in issuing 88349
"Truth, Justice, and the American Way" license plates, to the 88350
credit of the state bureau of motor vehicles fund created in 88351
section 4501.25 of Revised Code. 88352

Sec. 4503.95. (A) The owner or lessee of any passenger car, 88353
noncommercial motor vehicle, recreational vehicle, or other 88354
vehicle of a class approved by the registrar of motor vehicles may 88355
apply to the registrar for the registration of the vehicle and 88356
issuance of "Ohio history" license plates. The application for 88357
"Ohio history" license plates may be combined with a request for a 88358
special reserved license plate under section 4503.40 or 4503.42 of 88359
the Revised Code. Upon receipt of the completed application and 88360

compliance with division (B) of this section, the registrar shall 88361
issue to the applicant the appropriate vehicle registration and a 88362
set of "Ohio history" license plates with a validation sticker or 88363
a validation sticker alone when required by section 4503.191 of 88364
the Revised Code. In addition to the letters and numbers 88365
ordinarily inscribed thereon, "Ohio history" license plates shall 88366
be inscribed with words and markings selected and designed by the 88367
Ohio historical society and approved by the registrar. "Ohio 88368
history" license plates shall bear county identification stickers 88369
that identify the county of registration by name or number. 88370

(B) "Ohio history" license plates and validation stickers 88371
shall be issued upon payment of the regular license tax as 88372
prescribed under section 4503.04 of the Revised Code, any 88373
applicable motor vehicle tax levied under Chapter 4504. of the 88374
Revised Code, a bureau of motor vehicles administrative fee of ten 88375
dollars, the contribution specified in division (C) of this 88376
section, and compliance with all other applicable laws relating to 88377
the registration of motor vehicles. If the application for "Ohio 88378
history" license plates is combined with a request for a special 88379
reserved license plate under section 4503.40 or 4503.42 of the 88380
Revised Code, the license plates and validation sticker shall be 88381
issued upon payment of the contribution, fees, and taxes contained 88382
in this division and the additional fee prescribed under section 88383
4503.40 or 4503.42 of the Revised Code. 88384

(C) For each application for registration and registration 88385
renewal submitted under this section, the registrar shall collect 88386
a contribution of twenty dollars. The registrar shall transmit 88387
this contribution to the treasurer of state for deposit in the 88388
Ohio history license plate contribution fund created in section 88389
149.307 of the Revised Code. 88390

The registrar shall deposit the ten-dollar bureau 88391

administrative fee, the purpose of which is to compensate the 88392
bureau for additional services required in issuing "Ohio history" 88393
license plates, in the state bureau of motor vehicles fund created 88394
in section 4501.25 of the Revised Code. 88395

Sec. 4503.96. (A) The owner or lessee of any passenger car, 88396
noncommercial motor vehicle, recreational vehicle, or other 88397
vehicle of a class approved by the registrar of motor vehicles may 88398
apply to the registrar for the registration of the vehicle and 88399
issuance of Ohio coal license plates. An application made under 88400
this section may be combined with a request for a special reserved 88401
license plate under section 4503.40 or 4503.42 of the Revised 88402
Code. Upon receipt of the completed application and compliance by 88403
the applicant with divisions (B) and (C) of this section, the 88404
registrar shall issue to the applicant the appropriate vehicle 88405
registration and a set of Ohio coal license plates and a 88406
validation sticker, or a validation sticker alone when required by 88407
section 4503.191 of the Revised Code. 88408

In addition to the letters and numbers ordinarily inscribed 88409
on the license plates, Ohio coal license plates shall be inscribed 88410
with identifying words or markings that are designed by the Ohio 88411
coal association and approved by the registrar. Ohio coal license 88412
plates shall display county identification stickers that identify 88413
the county of registration by name or number. 88414

(B) Ohio coal license plates and validation stickers shall be 88415
issued upon payment of the regular license tax as prescribed under 88416
section 4503.04 of the Revised Code, any applicable motor vehicle 88417
license tax levied under Chapter 4504. of the Revised Code, and a 88418
bureau of motor vehicles administrative fee of ten dollars. The 88419
applicant shall comply with all other applicable laws relating to 88420
the registration of motor vehicles. If the application for Ohio 88421
coal license plates is combined with a request for a special 88422

reserved license plate under section 4503.40 or 4503.42 of the 88423
Revised Code, the license plates and validation sticker shall be 88424
issued upon payment of the fees and taxes specified in this 88425
division and the additional fee prescribed under section 4503.40 88426
or 4503.42 of the Revised Code. 88427

(C) The registrar shall deposit into the state treasury the 88428
ten-dollar bureau administrative fee, the purpose of which is to 88429
compensate the bureau for additional services required in issuing 88430
Ohio coal license plates, to the credit of the state bureau of 88431
motor vehicles fund created in section 4501.25 of Revised Code. 88432

Sec. 4505.02. The registrar of motor vehicles shall issue 88433
rules as the registrar determines necessary to ensure uniform and 88434
orderly operation of this chapter and to ensure that the 88435
identification of each applicant for a certificate of title is 88436
reasonably accurate. The clerks of the courts of common pleas 88437
shall conform thereto. The clerks shall provide the forms as 88438
prescribed by the registrar, except the manufacturers' or 88439
importers' certificates. The clerks shall provide, from moneys in 88440
the automated title processing fund, certificates of title and 88441
ribbons, cartridges, or other devices necessary for the operation 88442
of the certificate of title processing equipment as determined by 88443
the automated title processing board pursuant to division (C) of 88444
section 4505.09 of the Revised Code. All other automated title 88445
processing system supplies shall be provided by the clerks. 88446

If it appears that any certificate of title has been 88447
improperly issued, the registrar shall cancel the certificate. 88448
Upon the cancellation of any certificate of title, the registrar 88449
shall notify the clerk who issued it, and the clerk thereupon 88450
shall enter the cancellation upon the clerk's records. The 88451
registrar also shall notify the person to whom such certificate of 88452
title was issued, as well as any lienholders appearing thereon, of 88453

the cancellation and shall demand the surrender of the certificate 88454
of title immediately, but the cancellation shall not affect the 88455
validity of any lien noted thereon. The holder of such certificate 88456
of title immediately shall return it to the registrar. If a 88457
certificate of registration has been issued to the holder of a 88458
certificate of title so canceled the registrar immediately shall 88459
cancel it and demand the return of such certificate of 88460
registration and license plates, and the holder of such 88461
certificate of registration and license plates shall return the 88462
same to the registrar forthwith. The clerks shall keep on hand a 88463
sufficient supply of blank forms, which, except for certificate of 88464
title and memorandum certificate forms, shall be furnished and 88465
distributed without charge to registered manufacturers or dealers, 88466
or other persons residing within the county. 88467

Sec. 4505.09. (A)(1) The clerk of a court of common pleas 88468
shall charge and retain fees as follows: 88469

(a) Five dollars for each certificate of title that is not 88470
applied for within thirty days after the later of the assignment 88471
or delivery of the motor vehicle described in it. The entire fee 88472
shall be retained by the clerk. 88473

(b) Fifteen dollars for each certificate of title or 88474
duplicate certificate of title including the issuance of a 88475
memorandum certificate of title, or authorization to print a 88476
non-negotiable evidence of ownership described in division (G) of 88477
section 4505.08 of the Revised Code, non-negotiable evidence of 88478
ownership printed by the clerk under division (H) of that section, 88479
and notation of any lien on a certificate of title that is applied 88480
for at the same time as the certificate of title. The clerk shall 88481
retain eleven dollars and fifty cents of that fee for each 88482
certificate of title when there is a notation of a lien or 88483
security interest on the certificate of title, twelve dollars and 88484

twenty-five cents when there is no lien or security interest noted 88485
on the certificate of title, and eleven dollars and fifty cents 88486
for each duplicate certificate of title. 88487

(c) Four dollars and fifty cents for each certificate of 88488
title with no security interest noted that is issued to a licensed 88489
motor vehicle dealer for resale purposes and, in addition, a 88490
separate fee of fifty cents. The clerk shall retain two dollars 88491
and twenty-five cents of that fee. 88492

(d) Five dollars for each memorandum certificate of title or 88493
non-negotiable evidence of ownership that is applied for 88494
separately. The clerk shall retain that entire fee. 88495

(2) The fees that are not retained by the clerk shall be paid 88496
to the registrar of motor vehicles by monthly returns, which shall 88497
be forwarded to the registrar not later than the fifth day of the 88498
month next succeeding that in which the certificate is issued or 88499
that in which the registrar is notified of a lien or cancellation 88500
of a lien. 88501

(B)(1) The registrar shall pay twenty-five cents of the 88502
amount received for each certificate of title issued to a motor 88503
vehicle dealer for resale, one dollar for certificates of title 88504
issued with a lien or security interest noted on the certificate 88505
of title, and twenty-five cents for each certificate of title with 88506
no lien or security interest noted on the certificate of title 88507
into the state bureau of motor vehicles fund established in 88508
section 4501.25 of the Revised Code. 88509

(2) Fifty cents of the amount received for each certificate 88510
of title shall be paid by the registrar as follows: 88511

(a) Four cents shall be paid into the state treasury to the 88512
credit of the motor vehicle dealers board fund, which is hereby 88513
created. All investment earnings of the fund shall be credited to 88514
the fund. The moneys in the motor vehicle dealers board fund shall 88515

be used by the motor vehicle dealers board created under section 88516
4517.30 of the Revised Code, together with other moneys 88517
appropriated to it, in the exercise of its powers and the 88518
performance of its duties under Chapter 4517. of the Revised Code, 88519
except that the director of budget and management may transfer 88520
excess money from the motor vehicle dealers board fund to the 88521
bureau of motor vehicles fund if the registrar determines that the 88522
amount of money in the motor vehicle dealers board fund, together 88523
with other moneys appropriated to the board, exceeds the amount 88524
required for the exercise of its powers and the performance of its 88525
duties under Chapter 4517. of the Revised Code and requests the 88526
director to make the transfer. 88527

(b) Twenty-one cents shall be paid into the highway operating 88528
fund. 88529

(c) Twenty-five cents shall be paid into the state treasury 88530
to the credit of the motor vehicle sales audit fund, which is 88531
hereby created. The moneys in the fund shall be used by the tax 88532
commissioner together with other funds available to the 88533
commissioner to conduct a continuing investigation of sales and 88534
use tax returns filed for motor vehicles in order to determine if 88535
sales and use tax liability has been satisfied. The commissioner 88536
shall refer cases of apparent violations of section 2921.13 of the 88537
Revised Code made in connection with the titling or sale of a 88538
motor vehicle and cases of any other apparent violations of the 88539
sales or use tax law to the appropriate county prosecutor whenever 88540
the commissioner considers it advisable. 88541

(3) Two dollars of the amount received by the registrar under 88542
divisions (A)(1)(a), (b), and (d) of this section and one dollar 88543
and fifty cents of the amount received by the registrar under 88544
division (A)(1)(c) of this section for each certificate of title 88545
shall be paid into the state treasury to the credit of the 88546
automated title processing fund, which is hereby created and which 88547

shall consist of moneys collected under division (B)(3) of this 88548
section and under sections 1548.10 and 4519.59 of the Revised 88549
Code. All investment earnings of the fund shall be credited to the 88550
fund. The moneys in the fund shall be used as follows: 88551

(a) Except for moneys collected under section 1548.10 of the 88552
Revised Code and as provided in division (B)(3)(c) of this 88553
section, moneys collected under division (B)(3) of this section 88554
shall be used to implement and maintain an automated title 88555
processing system for the issuance of motor vehicle, off-highway 88556
motorcycle, and all-purpose vehicle certificates of title in the 88557
offices of the clerks of the courts of common pleas. 88558

(b) Moneys collected under section 1548.10 of the Revised 88559
Code shall be used to issue marine certificates of title in the 88560
offices of the clerks of the courts of common pleas as provided in 88561
Chapter 1548. of the Revised Code. 88562

(c) Moneys collected under division (B)(3) of this section 88563
shall be used in accordance with section 4505.25 of the Revised 88564
Code to implement Sub. S.B. 59 of the 124th general assembly. 88565

(4) The registrar shall pay the fifty-cent separate fee 88566
collected from a licensed motor vehicle dealer under division 88567
(A)(1)(c) of this section into the title defect recision fund 88568
created by section 1345.52 of the Revised Code. 88569

(C)(1) The automated title processing board is hereby created 88570
consisting of the registrar or the registrar's representative, a 88571
person selected by the registrar, the president of the Ohio clerks 88572
of court association or the president's representative, and two 88573
clerks of courts of common pleas appointed by the governor. The 88574
director of budget and management or the director's designee, the 88575
chief of the division of watercraft in the department of natural 88576
resources or the chief's designee, and the tax commissioner or the 88577
commissioner's designee shall be nonvoting members of the board. 88578

The purpose of the board is to facilitate the operation and 88579
maintenance of an automated title processing system and approve 88580
the procurement of automated title processing system equipment and 88581
ribbons, cartridges, or other devices necessary for the operation 88582
of that equipment. Voting members of the board, excluding the 88583
registrar or the registrar's representative, shall serve without 88584
compensation, but shall be reimbursed for travel and other 88585
necessary expenses incurred in the conduct of their official 88586
duties. The registrar or the registrar's representative shall 88587
receive neither compensation nor reimbursement as a board member. 88588

(2) The automated title processing board shall determine each 88589
of the following: 88590

(a) The automated title processing equipment and certificates 88591
of title requirements for each county; 88592

(b) The payment of expenses that may be incurred by the 88593
counties in implementing an automated title processing system; 88594

(c) The repayment to the counties for existing title 88595
processing equipment. 88596

(3) The registrar shall purchase, lease, or otherwise acquire 88597
any automated title processing equipment and certificates of title 88598
that the board determines are necessary from moneys in the 88599
automated title processing fund established by division (B)(3) of 88600
this section. 88601

(D) All counties shall conform to the requirements of the 88602
registrar regarding the operation of their automated title 88603
processing system for motor vehicle titles, certificates of title 88604
for off-highway motorcycles and all-purpose vehicles, and 88605
certificates of title for watercraft and outboard motors. 88606

Sec. 4506.07. (A) Every application for a commercial driver's 88607
license, restricted commercial driver's license, or a commercial 88608

driver's temporary instruction permit, or a duplicate of such a 88609
license, shall be made upon a form approved and furnished by the 88610
registrar of motor vehicles. Except as provided in section 4506.24 88611
of the Revised Code in regard to a restricted commercial driver's 88612
license, the application shall be signed by the applicant and 88613
shall contain the following information: 88614

(1) The applicant's name, date of birth, social security 88615
account number, sex, general description including height, weight, 88616
and color of hair and eyes, current residence, duration of 88617
residence in this state, country of citizenship, and occupation; 88618

(2) Whether the applicant previously has been licensed to 88619
operate a commercial motor vehicle or any other type of motor 88620
vehicle in another state or a foreign jurisdiction and, if so, 88621
when, by what state, and whether the license or driving privileges 88622
currently are suspended or revoked in any jurisdiction, or the 88623
applicant otherwise has been disqualified from operating a 88624
commercial motor vehicle, or is subject to an out-of-service order 88625
issued under this chapter or any similar law of another state or a 88626
foreign jurisdiction and, if so, the date of, locations involved, 88627
and reason for the suspension, revocation, disqualification, or 88628
out-of-service order; 88629

(3) Whether the applicant is afflicted with or suffering from 88630
any physical or mental disability or disease that prevents the 88631
applicant from exercising reasonable and ordinary control over a 88632
motor vehicle while operating it upon a highway or is or has been 88633
subject to any condition resulting in episodic impairment of 88634
consciousness or loss of muscular control and, if so, the nature 88635
and extent of the disability, disease, or condition, and the names 88636
and addresses of the physicians attending the applicant; 88637

(4) Whether the applicant has obtained a medical examiner's 88638
certificate as required by this chapter and, beginning January 30, 88639
2012, the applicant, prior to or at the time of applying, has 88640

self-certified to the registrar the applicable status of the 88641
applicant under division (A)(2) of section 4506.10 of the Revised 88642
Code; 88643

(5) Whether the applicant has pending a citation for 88644
violation of any motor vehicle law or ordinance except a parking 88645
violation and, if so, a description of the citation, the court 88646
having jurisdiction of the offense, and the date when the offense 88647
occurred; 88648

(6) ~~Whether~~ If an applicant has not certified the applicant's 88649
willingness to make an anatomical gift under section 2108.05 of 88650
the Revised Code, whether the applicant wishes to certify 88651
willingness to make such an anatomical gift ~~under section 2108.05~~ 88652
~~of the Revised Code~~, which shall be given no consideration in the 88653
issuance of a license; 88654

(7) On and after May 1, 1993, whether the applicant has 88655
executed a valid durable power of attorney for health care 88656
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 88657
executed a declaration governing the use or continuation, or the 88658
withholding or withdrawal, of life-sustaining treatment pursuant 88659
to sections 2133.01 to 2133.15 of the Revised Code and, if the 88660
applicant has executed either type of instrument, whether the 88661
applicant wishes the license issued to indicate that the applicant 88662
has executed the instrument; 88663

(8) On and after October 7, 2009, whether the applicant is a 88664
veteran, active duty, or reservist of the armed forces of the 88665
United States and, if the applicant is such, whether the applicant 88666
wishes the license issued to indicate that the applicant is a 88667
veteran, active duty, or reservist of the armed forces of the 88668
United States by a military designation on the license. 88669

(B) Every applicant shall certify, on a form approved and 88670
furnished by the registrar, all of the following: 88671

(1) That the motor vehicle in which the applicant intends to 88672
take the driving skills test is representative of the type of 88673
motor vehicle that the applicant expects to operate as a driver; 88674

(2) That the applicant is not subject to any disqualification 88675
or out-of-service order, or license suspension, revocation, or 88676
cancellation, under the laws of this state, of another state, or 88677
of a foreign jurisdiction and does not have more than one driver's 88678
license issued by this or another state or a foreign jurisdiction; 88679

(3) Any additional information, certification, or evidence 88680
that the registrar requires by rule in order to ensure that the 88681
issuance of a commercial driver's license to the applicant is in 88682
compliance with the law of this state and with federal law. 88683

(C) Every applicant shall execute a form, approved and 88684
furnished by the registrar, under which the applicant consents to 88685
the release by the registrar of information from the applicant's 88686
driving record. 88687

(D) The registrar or a deputy registrar, in accordance with 88688
section 3503.11 of the Revised Code, shall register as an elector 88689
any applicant for a commercial driver's license or for a renewal 88690
or duplicate of such a license under this chapter, if the 88691
applicant is eligible and wishes to be registered as an elector. 88692
The decision of an applicant whether to register as an elector 88693
shall be given no consideration in the decision of whether to 88694
issue the applicant a license or a renewal or duplicate. 88695

(E) The registrar or a deputy registrar, in accordance with 88696
section 3503.11 of the Revised Code, shall offer the opportunity 88697
of completing a notice of change of residence or change of name to 88698
any applicant for a commercial driver's license or for a renewal 88699
or duplicate of such a license who is a resident of this state, if 88700
the applicant is a registered elector who has changed the 88701
applicant's residence or name and has not filed such a notice. 88702

(F) In considering any application submitted pursuant to this section, the bureau of motor vehicles may conduct any inquiries necessary to ensure that issuance or renewal of a commercial driver's license would not violate any provision of the Revised Code or federal law.

(G) In addition to any other information it contains, on and after October 7, 2009, the form approved and furnished by the registrar of motor vehicles for an application for a commercial driver's license, restricted commercial driver's license, or a commercial driver's temporary instruction permit or an application for a duplicate of such a license shall inform applicants that the applicant must present a copy of the applicant's DD-214 or an equivalent document in order to qualify to have the license or duplicate indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States based on a request made pursuant to division (A)(8) of this section.

Sec. 4507.06. (A)(1) Every application for a driver's license or motorcycle operator's license or endorsement, or duplicate of any such license or endorsement, shall be made upon the approved form furnished by the registrar of motor vehicles and shall be signed by the applicant.

Every application shall state the following:

(a) The applicant's name, date of birth, social security number if such has been assigned, sex, general description, including height, weight, color of hair, and eyes, residence address, including county of residence, duration of residence in this state, and country of citizenship;

(b) Whether the applicant previously has been licensed as an operator, chauffeur, driver, commercial driver, or motorcycle operator and, if so, when, by what state, and whether such license is suspended or canceled at the present time and, if so, the date

of and reason for the suspension or cancellation; 88734

(c) Whether the applicant is now or ever has been afflicted 88735
with epilepsy, or whether the applicant now is suffering from any 88736
physical or mental disability or disease and, if so, the nature 88737
and extent of the disability or disease, giving the names and 88738
addresses of physicians then or previously in attendance upon the 88739
applicant; 88740

(d) Whether an applicant for a duplicate driver's license, or 88741
duplicate license containing a motorcycle operator endorsement has 88742
pending a citation for violation of any motor vehicle law or 88743
ordinance, a description of any such citation pending, and the 88744
date of the citation; 88745

(e) ~~Whether~~ If an applicant has not certified the applicant's 88746
willingness to make an anatomical gift under section 2108.05 of 88747
the Revised Code, whether the applicant wishes to certify 88748
willingness to make such an anatomical gift ~~under section 2108.05~~ 88749
~~of the Revised Code~~, which shall be given no consideration in the 88750
issuance of a license or endorsement; 88751

(f) Whether the applicant has executed a valid durable power 88752
of attorney for health care pursuant to sections 1337.11 to 88753
1337.17 of the Revised Code or has executed a declaration 88754
governing the use or continuation, or the withholding or 88755
withdrawal, of life-sustaining treatment pursuant to sections 88756
2133.01 to 2133.15 of the Revised Code and, if the applicant has 88757
executed either type of instrument, whether the applicant wishes 88758
the applicant's license to indicate that the applicant has 88759
executed the instrument; 88760

(g) On and after October 7, 2009, whether the applicant is a 88761
veteran, active duty, or reservist of the armed forces of the 88762
United States and, if the applicant is such, whether the applicant 88763
wishes the applicant's license to indicate that the applicant is a 88764

veteran, active duty, or reservist of the armed forces of the 88765
United States by a military designation on the license. 88766

(2) Every applicant for a driver's license shall be 88767
photographed in color at the time the application for the license 88768
is made. The application shall state any additional information 88769
that the registrar requires. 88770

(B) The registrar or a deputy registrar, in accordance with 88771
section 3503.11 of the Revised Code, shall register as an elector 88772
any person who applies for a driver's license or motorcycle 88773
operator's license or endorsement under division (A) of this 88774
section, or for a renewal or duplicate of the license or 88775
endorsement, if the applicant is eligible and wishes to be 88776
registered as an elector. The decision of an applicant whether to 88777
register as an elector shall be given no consideration in the 88778
decision of whether to issue the applicant a license or 88779
endorsement, or a renewal or duplicate. 88780

(C) The registrar or a deputy registrar, in accordance with 88781
section 3503.11 of the Revised Code, shall offer the opportunity 88782
of completing a notice of change of residence or change of name to 88783
any applicant for a driver's license or endorsement under division 88784
(A) of this section, or for a renewal or duplicate of the license 88785
or endorsement, if the applicant is a registered elector who has 88786
changed the applicant's residence or name and has not filed such a 88787
notice. 88788

(D) In addition to any other information it contains, on and 88789
after October 7, 2009, the approved form furnished by the 88790
registrar of motor vehicles for an application for a driver's 88791
license or motorcycle operator's license or endorsement or an 88792
application for a duplicate of any such license or endorsement 88793
shall inform applicants that the applicant must present a copy of 88794
the applicant's DD-214 or an equivalent document in order to 88795
qualify to have the license or duplicate indicate that the 88796

applicant is a veteran, active duty, or reservist of the armed 88797
forces of the United States based on a request made pursuant to 88798
division (A)(1)(g) of this section. 88799

Sec. 4507.51. (A)(1) Every application for an identification 88800
card or duplicate shall be made on a form furnished by the 88801
registrar of motor vehicles, shall be signed by the applicant, and 88802
by the applicant's parent or guardian if the applicant is under 88803
eighteen years of age, and shall contain the following information 88804
pertaining to the applicant: name, date of birth, sex, general 88805
description including the applicant's height, weight, hair color, 88806
and eye color, address, and social security number. The 88807
application also shall ~~state~~ include, for an applicant who has not 88808
already certified the applicant's willingness to make an 88809
anatomical gift under section 2108.05 of the Revised Code, whether 88810
~~an~~ the applicant wishes to certify willingness to make such an 88811
anatomical gift ~~under section 2108.05 of the Revised Code~~ and 88812
shall include information about the requirements of sections 88813
2108.01 to 2108.29 of the Revised Code that apply to persons who 88814
are less than eighteen years of age. The statement regarding 88815
willingness to make such a donation shall be given no 88816
consideration in the decision of whether to issue an 88817
identification card. Each applicant shall be photographed in color 88818
at the time of making application. 88819

(2)(a) The application also shall state whether the applicant 88820
has executed a valid durable power of attorney for health care 88821
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 88822
executed a declaration governing the use or continuation, or the 88823
withholding or withdrawal, of life-sustaining treatment pursuant 88824
to sections 2133.01 to 2133.15 of the Revised Code and, if the 88825
applicant has executed either type of instrument, whether the 88826
applicant wishes the identification card issued to indicate that 88827
the applicant has executed the instrument. 88828

(b) On and after October 7, 2009, the application also shall 88829
state whether the applicant is a veteran, active duty, or 88830
reservist of the armed forces of the United States and, if the 88831
applicant is such, whether the applicant wishes the identification 88832
card issued to indicate that the applicant is a veteran, active 88833
duty, or reservist of the armed forces of the United States by a 88834
military designation on the identification card. 88835

(3) The registrar or deputy registrar, in accordance with 88836
section 3503.11 of the Revised Code, shall register as an elector 88837
any person who applies for an identification card or duplicate if 88838
the applicant is eligible and wishes to be registered as an 88839
elector. The decision of an applicant whether to register as an 88840
elector shall be given no consideration in the decision of whether 88841
to issue the applicant an identification card or duplicate. 88842

(B) The application for an identification card or duplicate 88843
shall be filed in the office of the registrar or deputy registrar. 88844
Each applicant shall present documentary evidence as required by 88845
the registrar of the applicant's age and identity, and the 88846
applicant shall swear that all information given is true. An 88847
identification card issued by the department of rehabilitation and 88848
correction under section 5120.59 of the Revised Code or an 88849
identification card issued by the department of youth services 88850
under section 5139.511 of the Revised Code shall be sufficient 88851
documentary evidence under this division upon verification of the 88852
applicant's social security number by the registrar or a deputy 88853
registrar. Upon issuing an identification card under this section 88854
for a person who has been issued an identification card under 88855
section 5120.59 or section 5139.511 of the Revised Code, the 88856
registrar or deputy registrar shall destroy the identification 88857
card issued under section 5120.59 or section 5139.511 of the 88858
Revised Code. 88859

All applications for an identification card or duplicate 88860

shall be filed in duplicate, and if submitted to a deputy registrar, a copy shall be forwarded to the registrar. The registrar shall prescribe rules for the manner in which a deputy registrar is to file and maintain applications and other records. The registrar shall maintain a suitable, indexed record of all applications denied and cards issued or canceled.

(C) In addition to any other information it contains, on and after the date that is fifteen months after April 7, 2009, the form furnished by the registrar of motor vehicles for an application for an identification card or duplicate shall inform applicants that the applicant must present a copy of the applicant's DD-214 or an equivalent document in order to qualify to have the card or duplicate indicate that the applicant is an honorably discharged veteran of the armed forces of the United States based on a request made pursuant to division (A)(2)(b) of this section.

Sec. 4510.038. (A) Any person whose driver's or commercial driver's license or permit is suspended or who is granted limited driving privileges under section 4510.037, under division (H) of section 4511.19, or under section 4510.07 of the Revised Code for a violation of a municipal ordinance that is substantially equivalent to division (B) of section 4511.19 of the Revised Code is not eligible to retain the license, or to have the driving privileges reinstated, until each of the following has occurred:

(1) The person successfully completes a course of remedial driving instruction approved by the director of public safety. A minimum of twenty-five per cent of the number of hours of instruction included in the course shall be devoted to instruction on driver attitude.

The course also shall devote a number of hours to instruction in the area of alcohol and drugs and the operation of vehicles.

The instruction shall include, but not be limited to, a review of the laws governing the operation of a vehicle while under the influence of alcohol, drugs, or a combination of them, the dangers of operating a vehicle while under the influence of alcohol, drugs, or a combination of them, and other information relating to the operation of vehicles and the consumption of alcoholic beverages and use of drugs. The director, in consultation with the director of ~~alcohol and drug addiction services~~ mental health and addiction services, shall prescribe the content of the instruction. The number of hours devoted to the area of alcohol and drugs and the operation of vehicles shall comprise a minimum of twenty-five per cent of the number of hours of instruction included in the course.

(2) The person is examined in the manner provided for in section 4507.20 of the Revised Code, and found by the registrar of motor vehicles to be qualified to operate a motor vehicle;

(3) The person gives and maintains proof of financial responsibility, in accordance with section 4509.45 of the Revised Code.

(B)(1) Except as provided in division (B)(2) of this section, any course of remedial driving instruction the director of public safety approves under this section shall require its students to attend at least fifty per cent of the course in person and the director shall not approve any course of remedial driving instruction that permits its students to take more than fifty per cent of the course in any other manner, including via video teleconferencing or the internet.

(2) The director may approve a course of remedial instruction that permits students to take the entire course via video teleconferencing or the internet.

Sec. 4510.45. (A)(1) A manufacturer of ignition interlock

devices that desires for its devices to be certified under section 88923
4510.43 of the Revised Code and then to be included on the list of 88924
certified devices that the department of public safety compiles 88925
and makes available to courts pursuant to that section first shall 88926
obtain a license from the department under this section. The 88927
department, in accordance with Chapter 119. of the Revised Code, 88928
shall adopt any rules that are necessary to implement this 88929
licensing requirement. 88930

(2) A manufacturer shall apply to the department for the 88931
license and shall include all information the department may 88932
require by rule. Each application, including an application for 88933
license renewal, shall be accompanied by an application fee of one 88934
hundred dollars, which the department shall deposit into the state 88935
treasury to the credit of the indigent drivers alcohol treatment 88936
fund created by section 4511.191 of the Revised Code. 88937

(3) Upon receipt of a completed application, if the 88938
department finds that a manufacturer has complied with all 88939
application requirements, the department shall issue a license to 88940
the manufacturer. A manufacturer that has been issued a license 88941
under this section is eligible immediately to have the models of 88942
ignition interlock devices it produces certified under section 88943
4510.43 of the Revised Code and then included on the list of 88944
certified devices that the department compiles and makes available 88945
to courts pursuant to that section. 88946

(4)(a) A license issued under this section shall expire 88947
annually on a date selected by the department. The department 88948
shall reject the license application of a manufacturer if any of 88949
the following apply: 88950

(i) The application is not accompanied by the application 88951
fee. 88952

(ii) The department finds that the manufacturer has not 88953

complied with all application requirements. 88954

(iii) The license application is a renewal application and 88955
the manufacturer failed to file the annual report or failed to pay 88956
the fee as required by division (B) of this section. 88957

(b) A manufacturer whose license application is rejected by 88958
the department may appeal the decision to the director of public 88959
safety. The director or the director's designee shall hold a 88960
hearing on the matter not more than thirty days from the date of 88961
the manufacturer's appeal. If the director or the director's 88962
designee upholds the denial of the manufacturer's application for 88963
a license, the manufacturer may appeal the decision to the 88964
Franklin county court of common pleas. If the director or the 88965
director's designee reverses the denial of the manufacturer's 88966
application for a license, the director or the director's designee 88967
shall issue a written order directing that the department issue a 88968
license to the manufacturer. 88969

(B) Every manufacturer of ignition interlock devices that is 88970
issued a license under this section shall file an annual report 88971
with the department on a form the department prescribes on or 88972
before a date the department prescribes. The annual report shall 88973
state the amount of net profit the manufacturer earned during a 88974
twelve-month period specified by the department that is 88975
attributable to the sales of that manufacturer's certified 88976
ignition interlock devices to purchasers in this state. Each 88977
manufacturer shall pay a fee equal to five per cent of the amount 88978
of the net profit described in this division. 88979

The department may permit annual reports to be filed via 88980
electronic means. 88981

(C) The department shall deposit all fees it receives from 88982
manufacturers under this section into the state treasury to the 88983
credit of the indigent drivers alcohol treatment fund created by 88984

section 4511.191 of the Revised Code. All money so deposited into 88985
that fund that is paid by the department of ~~alcohol and drug~~ 88986
~~addiction services~~ mental health and addiction services to county 88987
indigent drivers alcohol treatment funds, county juvenile indigent 88988
drivers alcohol treatment funds, and municipal indigent drivers 88989
alcohol treatment funds shall be used only as described in 88990
division (H)(3) of section 4511.191 of the Revised Code. 88991

(D)(1) The director may make an assessment, based on any 88992
information in the director's possession, against any manufacturer 88993
that fails to file an annual report or pay the fee required by 88994
division (B) of this section. The director, in accordance with 88995
Chapter 119. of the Revised Code, shall adopt rules governing 88996
assessments and assessment procedures and related provisions. In 88997
adopting these rules, the director shall incorporate the 88998
provisions of section 5751.09 of the Revised Code to the greatest 88999
extent possible, except that the director is not required to 89000
incorporate any provisions of that section that by their nature 89001
are not applicable, appropriate, or necessary to assessments made 89002
by the director under this section. 89003

(2) A manufacturer may appeal the final determination of the 89004
director regarding an assessment made by the director under this 89005
section. The director, in accordance with Chapter 119. of the 89006
Revised Code, shall adopt rules governing such appeals. In 89007
adopting these rules, the director shall incorporate the 89008
provisions of section 5717.02 of the Revised Code to the greatest 89009
extent possible, except that the director is not required to 89010
incorporate any provisions of that section that by their nature 89011
are not applicable, appropriate, or necessary to appeals of 89012
assessments made by the director under this section. 89013

(E) The director, in accordance with Chapter 119. of the 89014
Revised Code, shall adopt a penalty schedule setting forth the 89015
monetary penalties to be imposed upon a manufacturer that is 89016

issued a license under this section and fails to file an annual 89017
report or pay the fee required by division (B) of this section in 89018
a timely manner. The penalty amounts shall not exceed the maximum 89019
penalty amounts established in section 5751.06 of the Revised Code 89020
for similar or equivalent facts or circumstances. 89021

(F)(1) No manufacturer of ignition interlock devices that is 89022
required by division (B) of this section to file an annual report 89023
with the department or to pay a fee shall fail to do so as 89024
required by that division. 89025

(2) No manufacturer of ignition interlock devices that is 89026
required by division (B) of this section to file an annual report 89027
with the department shall file a report that contains incorrect or 89028
erroneous information. 89029

(G) Whoever violates division (F)(2) of this section is 89030
guilty of a misdemeanor of the first degree. The department shall 89031
remove from the list of certified devices described in division 89032
(A)(1) of this section the ignition interlock devices manufactured 89033
by a manufacturer that violates division (F)(1) or (2) of this 89034
section. 89035

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 89036
streetcar, or trackless trolley within this state, if, at the time 89037
of the operation, any of the following apply: 89038

(a) The person is under the influence of alcohol, a drug of 89039
abuse, or a combination of them. 89040

(b) The person has a concentration of eight-hundredths of one 89041
per cent or more but less than seventeen-hundredths of one per 89042
cent by weight per unit volume of alcohol in the person's whole 89043
blood. 89044

(c) The person has a concentration of ninety-six-thousandths 89045
of one per cent or more but less than two hundred four-thousandths 89046

of one per cent by weight per unit volume of alcohol in the 89047
person's blood serum or plasma. 89048

(d) The person has a concentration of eight-hundredths of one 89049
gram or more but less than seventeen-hundredths of one gram by 89050
weight of alcohol per two hundred ten liters of the person's 89051
breath. 89052

(e) The person has a concentration of eleven-hundredths of 89053
one gram or more but less than two hundred 89054
thirty-eight-thousandths of one gram by weight of alcohol per one 89055
hundred milliliters of the person's urine. 89056

(f) The person has a concentration of seventeen-hundredths of 89057
one per cent or more by weight per unit volume of alcohol in the 89058
person's whole blood. 89059

(g) The person has a concentration of two hundred 89060
four-thousandths of one per cent or more by weight per unit volume 89061
of alcohol in the person's blood serum or plasma. 89062

(h) The person has a concentration of seventeen-hundredths of 89063
one gram or more by weight of alcohol per two hundred ten liters 89064
of the person's breath. 89065

(i) The person has a concentration of two hundred 89066
thirty-eight-thousandths of one gram or more by weight of alcohol 89067
per one hundred milliliters of the person's urine. 89068

(j) Except as provided in division (K) of this section, the 89069
person has a concentration of any of the following controlled 89070
substances or metabolites of a controlled substance in the 89071
person's whole blood, blood serum or plasma, or urine that equals 89072
or exceeds any of the following: 89073

(i) The person has a concentration of amphetamine in the 89074
person's urine of at least five hundred nanograms of amphetamine 89075
per milliliter of the person's urine or has a concentration of 89076

amphetamine in the person's whole blood or blood serum or plasma 89077
of at least one hundred nanograms of amphetamine per milliliter of 89078
the person's whole blood or blood serum or plasma. 89079

(ii) The person has a concentration of cocaine in the 89080
person's urine of at least one hundred fifty nanograms of cocaine 89081
per milliliter of the person's urine or has a concentration of 89082
cocaine in the person's whole blood or blood serum or plasma of at 89083
least fifty nanograms of cocaine per milliliter of the person's 89084
whole blood or blood serum or plasma. 89085

(iii) The person has a concentration of cocaine metabolite in 89086
the person's urine of at least one hundred fifty nanograms of 89087
cocaine metabolite per milliliter of the person's urine or has a 89088
concentration of cocaine metabolite in the person's whole blood or 89089
blood serum or plasma of at least fifty nanograms of cocaine 89090
metabolite per milliliter of the person's whole blood or blood 89091
serum or plasma. 89092

(iv) The person has a concentration of heroin in the person's 89093
urine of at least two thousand nanograms of heroin per milliliter 89094
of the person's urine or has a concentration of heroin in the 89095
person's whole blood or blood serum or plasma of at least fifty 89096
nanograms of heroin per milliliter of the person's whole blood or 89097
blood serum or plasma. 89098

(v) The person has a concentration of heroin metabolite 89099
(6-monoacetyl morphine) in the person's urine of at least ten 89100
nanograms of heroin metabolite (6-monoacetyl morphine) per 89101
milliliter of the person's urine or has a concentration of heroin 89102
metabolite (6-monoacetyl morphine) in the person's whole blood or 89103
blood serum or plasma of at least ten nanograms of heroin 89104
metabolite (6-monoacetyl morphine) per milliliter of the person's 89105
whole blood or blood serum or plasma. 89106

(vi) The person has a concentration of L.S.D. in the person's 89107

urine of at least twenty-five nanograms of L.S.D. per milliliter 89108
of the person's urine or a concentration of L.S.D. in the person's 89109
whole blood or blood serum or plasma of at least ten nanograms of 89110
L.S.D. per milliliter of the person's whole blood or blood serum 89111
or plasma. 89112

(vii) The person has a concentration of marihuana in the 89113
person's urine of at least ten nanograms of marihuana per 89114
milliliter of the person's urine or has a concentration of 89115
marihuana in the person's whole blood or blood serum or plasma of 89116
at least two nanograms of marihuana per milliliter of the person's 89117
whole blood or blood serum or plasma. 89118

(viii) Either of the following applies: 89119

(I) The person is under the influence of alcohol, a drug of 89120
abuse, or a combination of them, and, as measured by gas 89121
chromatography mass spectrometry, the person has a concentration 89122
of marihuana metabolite in the person's urine of at least fifteen 89123
nanograms of marihuana metabolite per milliliter of the person's 89124
urine or has a concentration of marihuana metabolite in the 89125
person's whole blood or blood serum or plasma of at least five 89126
nanograms of marihuana metabolite per milliliter of the person's 89127
whole blood or blood serum or plasma. 89128

(II) As measured by gas chromatography mass spectrometry, the 89129
person has a concentration of marihuana metabolite in the person's 89130
urine of at least thirty-five nanograms of marihuana metabolite 89131
per milliliter of the person's urine or has a concentration of 89132
marihuana metabolite in the person's whole blood or blood serum or 89133
plasma of at least fifty nanograms of marihuana metabolite per 89134
milliliter of the person's whole blood or blood serum or plasma. 89135

(ix) The person has a concentration of methamphetamine in the 89136
person's urine of at least five hundred nanograms of 89137
methamphetamine per milliliter of the person's urine or has a 89138

concentration of methamphetamine in the person's whole blood or 89139
blood serum or plasma of at least one hundred nanograms of 89140
methamphetamine per milliliter of the person's whole blood or 89141
blood serum or plasma. 89142

(x) The person has a concentration of phencyclidine in the 89143
person's urine of at least twenty-five nanograms of phencyclidine 89144
per milliliter of the person's urine or has a concentration of 89145
phencyclidine in the person's whole blood or blood serum or plasma 89146
of at least ten nanograms of phencyclidine per milliliter of the 89147
person's whole blood or blood serum or plasma. 89148

(xi) The state board of pharmacy has adopted a rule pursuant 89149
to section 4729.041 of the Revised Code that specifies the amount 89150
of salvia divinorum and the amount of salvinorin A that constitute 89151
concentrations of salvia divinorum and salvinorin A in a person's 89152
urine, in a person's whole blood, or in a person's blood serum or 89153
plasma at or above which the person is impaired for purposes of 89154
operating any vehicle, streetcar, or trackless trolley within this 89155
state, the rule is in effect, and the person has a concentration 89156
of salvia divinorum or salvinorin A of at least that amount so 89157
specified by rule in the person's urine, in the person's whole 89158
blood, or in the person's blood serum or plasma. 89159

(2) No person who, within twenty years of the conduct 89160
described in division (A)(2)(a) of this section, previously has 89161
been convicted of or pleaded guilty to a violation of this 89162
division, a violation of division (A)(1) or (B) of this section, 89163
or any other equivalent offense shall do both of the following: 89164

(a) Operate any vehicle, streetcar, or trackless trolley 89165
within this state while under the influence of alcohol, a drug of 89166
abuse, or a combination of them; 89167

(b) Subsequent to being arrested for operating the vehicle, 89168
streetcar, or trackless trolley as described in division (A)(2)(a) 89169

of this section, being asked by a law enforcement officer to 89170
submit to a chemical test or tests under section 4511.191 of the 89171
Revised Code, and being advised by the officer in accordance with 89172
section 4511.192 of the Revised Code of the consequences of the 89173
person's refusal or submission to the test or tests, refuse to 89174
submit to the test or tests. 89175

(B) No person under twenty-one years of age shall operate any 89176
vehicle, streetcar, or trackless trolley within this state, if, at 89177
the time of the operation, any of the following apply: 89178

(1) The person has a concentration of at least two-hundredths 89179
of one per cent but less than eight-hundredths of one per cent by 89180
weight per unit volume of alcohol in the person's whole blood. 89181

(2) The person has a concentration of at least 89182
three-hundredths of one per cent but less than 89183
ninety-six-thousandths of one per cent by weight per unit volume 89184
of alcohol in the person's blood serum or plasma. 89185

(3) The person has a concentration of at least two-hundredths 89186
of one gram but less than eight-hundredths of one gram by weight 89187
of alcohol per two hundred ten liters of the person's breath. 89188

(4) The person has a concentration of at least twenty-eight 89189
one-thousandths of one gram but less than eleven-hundredths of one 89190
gram by weight of alcohol per one hundred milliliters of the 89191
person's urine. 89192

(C) In any proceeding arising out of one incident, a person 89193
may be charged with a violation of division (A)(1)(a) or (A)(2) 89194
and a violation of division (B)(1), (2), or (3) of this section, 89195
but the person may not be convicted of more than one violation of 89196
these divisions. 89197

(D)(1)(a) In any criminal prosecution or juvenile court 89198
proceeding for a violation of division (A)(1)(a) of this section 89199
or for an equivalent offense that is vehicle-related, the result 89200

of any test of any blood or urine withdrawn and analyzed at any 89201
health care provider, as defined in section 2317.02 of the Revised 89202
Code, may be admitted with expert testimony to be considered with 89203
any other relevant and competent evidence in determining the guilt 89204
or innocence of the defendant. 89205

(b) In any criminal prosecution or juvenile court proceeding 89206
for a violation of division (A) or (B) of this section or for an 89207
equivalent offense that is vehicle-related, the court may admit 89208
evidence on the concentration of alcohol, drugs of abuse, 89209
controlled substances, metabolites of a controlled substance, or a 89210
combination of them in the defendant's whole blood, blood serum or 89211
plasma, breath, urine, or other bodily substance at the time of 89212
the alleged violation as shown by chemical analysis of the 89213
substance withdrawn within three hours of the time of the alleged 89214
violation. The three-hour time limit specified in this division 89215
regarding the admission of evidence does not extend or affect the 89216
two-hour time limit specified in division (A) of section 4511.192 89217
of the Revised Code as the maximum period of time during which a 89218
person may consent to a chemical test or tests as described in 89219
that section. The court may admit evidence on the concentration of 89220
alcohol, drugs of abuse, or a combination of them as described in 89221
this division when a person submits to a blood, breath, urine, or 89222
other bodily substance test at the request of a law enforcement 89223
officer under section 4511.191 of the Revised Code or a blood or 89224
urine sample is obtained pursuant to a search warrant. Only a 89225
physician, a registered nurse, an emergency medical 89226
technician-intermediate, an emergency medical 89227
technician-paramedic, or a qualified technician, chemist, or 89228
phlebotomist shall withdraw a blood sample for the purpose of 89229
determining the alcohol, drug, controlled substance, metabolite of 89230
a controlled substance, or combination content of the whole blood, 89231
blood serum, or blood plasma. This limitation does not apply to 89232
the taking of breath or urine specimens. A person authorized to 89233

withdraw blood under this division may refuse to withdraw blood 89234
under this division, if in that person's opinion, the physical 89235
welfare of the person would be endangered by the withdrawing of 89236
blood. 89237

The bodily substance withdrawn under division (D)(1)(b) of 89238
this section shall be analyzed in accordance with methods approved 89239
by the director of health by an individual possessing a valid 89240
permit issued by the director pursuant to section 3701.143 of the 89241
Revised Code. 89242

(c) As used in division (D)(1)(b) of this section, "emergency 89243
medical technician-intermediate" and "emergency medical 89244
technician-paramedic" have the same meanings as in section 4765.01 89245
of the Revised Code. 89246

(2) In a criminal prosecution or juvenile court proceeding 89247
for a violation of division (A) of this section or for an 89248
equivalent offense that is vehicle-related, if there was at the 89249
time the bodily substance was withdrawn a concentration of less 89250
than the applicable concentration of alcohol specified in 89251
divisions (A)(1)(b), (c), (d), and (e) of this section or less 89252
than the applicable concentration of a listed controlled substance 89253
or a listed metabolite of a controlled substance specified for a 89254
violation of division (A)(1)(j) of this section, that fact may be 89255
considered with other competent evidence in determining the guilt 89256
or innocence of the defendant. This division does not limit or 89257
affect a criminal prosecution or juvenile court proceeding for a 89258
violation of division (B) of this section or for an equivalent 89259
offense that is substantially equivalent to that division. 89260

(3) Upon the request of the person who was tested, the 89261
results of the chemical test shall be made available to the person 89262
or the person's attorney, immediately upon the completion of the 89263
chemical test analysis. 89264

If the chemical test was obtained pursuant to division 89265
(D)(1)(b) of this section, the person tested may have a physician, 89266
a registered nurse, or a qualified technician, chemist, or 89267
phlebotomist of the person's own choosing administer a chemical 89268
test or tests, at the person's expense, in addition to any 89269
administered at the request of a law enforcement officer. If the 89270
person was under arrest as described in division (A)(5) of section 89271
4511.191 of the Revised Code, the arresting officer shall advise 89272
the person at the time of the arrest that the person may have an 89273
independent chemical test taken at the person's own expense. If 89274
the person was under arrest other than described in division 89275
(A)(5) of section 4511.191 of the Revised Code, the form to be 89276
read to the person to be tested, as required under section 89277
4511.192 of the Revised Code, shall state that the person may have 89278
an independent test performed at the person's expense. The failure 89279
or inability to obtain an additional chemical test by a person 89280
shall not preclude the admission of evidence relating to the 89281
chemical test or tests taken at the request of a law enforcement 89282
officer. 89283

(4)(a) As used in divisions (D)(4)(b) and (c) of this 89284
section, "national highway traffic safety administration" means 89285
the national highway traffic safety administration established as 89286
an administration of the United States department of 89287
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 89288

(b) In any criminal prosecution or juvenile court proceeding 89289
for a violation of division (A) or (B) of this section, of a 89290
municipal ordinance relating to operating a vehicle while under 89291
the influence of alcohol, a drug of abuse, or alcohol and a drug 89292
of abuse, or of a municipal ordinance relating to operating a 89293
vehicle with a prohibited concentration of alcohol, a controlled 89294
substance, or a metabolite of a controlled substance in the whole 89295
blood, blood serum or plasma, breath, or urine, if a law 89296

enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the national highway traffic safety administration, all of the following apply:

(i) The officer may testify concerning the results of the field sobriety test so administered.

(ii) The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

(iii) If testimony is presented or evidence is introduced under division (D)(4)(b)(i) or (ii) of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

(c) Division (D)(4)(b) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (D)(4)(b) of this section.

(E)(1) Subject to division (E)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) or (B)(1), (2), (3), or (4) of this section or for an equivalent

offense that is substantially equivalent to any of those 89328
divisions, a laboratory report from any laboratory personnel 89329
issued a permit by the department of health authorizing an 89330
analysis as described in this division that contains an analysis 89331
of the whole blood, blood serum or plasma, breath, urine, or other 89332
bodily substance tested and that contains all of the information 89333
specified in this division shall be admitted as prima-facie 89334
evidence of the information and statements that the report 89335
contains. The laboratory report shall contain all of the 89336
following: 89337

(a) The signature, under oath, of any person who performed 89338
the analysis; 89339

(b) Any findings as to the identity and quantity of alcohol, 89340
a drug of abuse, a controlled substance, a metabolite of a 89341
controlled substance, or a combination of them that was found; 89342

(c) A copy of a notarized statement by the laboratory 89343
director or a designee of the director that contains the name of 89344
each certified analyst or test performer involved with the report, 89345
the analyst's or test performer's employment relationship with the 89346
laboratory that issued the report, and a notation that performing 89347
an analysis of the type involved is part of the analyst's or test 89348
performer's regular duties; 89349

(d) An outline of the analyst's or test performer's 89350
education, training, and experience in performing the type of 89351
analysis involved and a certification that the laboratory 89352
satisfies appropriate quality control standards in general and, in 89353
this particular analysis, under rules of the department of health. 89354

(2) Notwithstanding any other provision of law regarding the 89355
admission of evidence, a report of the type described in division 89356
(E)(1) of this section is not admissible against the defendant to 89357
whom it pertains in any proceeding, other than a preliminary 89358

hearing or a grand jury proceeding, unless the prosecutor has 89359
served a copy of the report on the defendant's attorney or, if the 89360
defendant has no attorney, on the defendant. 89361

(3) A report of the type described in division (E)(1) of this 89362
section shall not be prima-facie evidence of the contents, 89363
identity, or amount of any substance if, within seven days after 89364
the defendant to whom the report pertains or the defendant's 89365
attorney receives a copy of the report, the defendant or the 89366
defendant's attorney demands the testimony of the person who 89367
signed the report. The judge in the case may extend the seven-day 89368
time limit in the interest of justice. 89369

(F) Except as otherwise provided in this division, any 89370
physician, registered nurse, emergency medical 89371
technician-intermediate, emergency medical technician-paramedic, 89372
or qualified technician, chemist, or phlebotomist who withdraws 89373
blood from a person pursuant to this section or section 4511.191 89374
or 4511.192 of the Revised Code, and any hospital, first-aid 89375
station, or clinic at which blood is withdrawn from a person 89376
pursuant to this section or section 4511.191 or 4511.192 of the 89377
Revised Code, is immune from criminal liability and civil 89378
liability based upon a claim of assault and battery or any other 89379
claim that is not a claim of malpractice, for any act performed in 89380
withdrawing blood from the person. The immunity provided in this 89381
division also extends to an emergency medical service organization 89382
that employs an emergency medical technician-intermediate or 89383
emergency medical technician-paramedic who withdraws blood under 89384
this section. The immunity provided in this division is not 89385
available to a person who withdraws blood if the person engages in 89386
willful or wanton misconduct. 89387

As used in this division, "emergency medical 89388
technician-intermediate" and "emergency medical 89389
technician-paramedic" have the same meanings as in section 4765.01 89390

of the Revised Code. 89391

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 89392
to (i) or (A)(2) of this section is guilty of operating a vehicle 89393
under the influence of alcohol, a drug of abuse, or a combination 89394
of them. Whoever violates division (A)(1)(j) of this section is 89395
guilty of operating a vehicle while under the influence of a 89396
listed controlled substance or a listed metabolite of a controlled 89397
substance. The court shall sentence the offender for either 89398
offense under Chapter 2929. of the Revised Code, except as 89399
otherwise authorized or required by divisions (G)(1)(a) to (e) of 89400
this section: 89401

(a) Except as otherwise provided in division (G)(1)(b), (c), 89402
(d), or (e) of this section, the offender is guilty of a 89403
misdemeanor of the first degree, and the court shall sentence the 89404
offender to all of the following: 89405

(i) If the sentence is being imposed for a violation of 89406
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 89407
mandatory jail term of three consecutive days. As used in this 89408
division, three consecutive days means seventy-two consecutive 89409
hours. The court may sentence an offender to both an intervention 89410
program and a jail term. The court may impose a jail term in 89411
addition to the three-day mandatory jail term or intervention 89412
program. However, in no case shall the cumulative jail term 89413
imposed for the offense exceed six months. 89414

The court may suspend the execution of the three-day jail 89415
term under this division if the court, in lieu of that suspended 89416
term, places the offender under a community control sanction 89417
pursuant to section 2929.25 of the Revised Code and requires the 89418
offender to attend, for three consecutive days, a drivers' 89419
intervention program certified under section ~~3793.10~~ 5119.38 of 89420
the Revised Code. The court also may suspend the execution of any 89421
part of the three-day jail term under this division if it places 89422

the offender under a community control sanction pursuant to 89423
section 2929.25 of the Revised Code for part of the three days, 89424
requires the offender to attend for the suspended part of the term 89425
a drivers' intervention program so certified, and sentences the 89426
offender to a jail term equal to the remainder of the three 89427
consecutive days that the offender does not spend attending the 89428
program. The court may require the offender, as a condition of 89429
community control and in addition to the required attendance at a 89430
drivers' intervention program, to attend and satisfactorily 89431
complete any treatment or education programs that comply with the 89432
minimum standards adopted pursuant to Chapter ~~3793.~~ 5119. of the 89433
Revised Code by the director of ~~alcohol and drug addiction~~ 89434
~~services~~ mental health and addiction services that the operators 89435
of the drivers' intervention program determine that the offender 89436
should attend and to report periodically to the court on the 89437
offender's progress in the programs. The court also may impose on 89438
the offender any other conditions of community control that it 89439
considers necessary. 89440

(ii) If the sentence is being imposed for a violation of 89441
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 89442
section, except as otherwise provided in this division, a 89443
mandatory jail term of at least three consecutive days and a 89444
requirement that the offender attend, for three consecutive days, 89445
a drivers' intervention program that is certified pursuant to 89446
section ~~3793.10~~ 5119.38 of the Revised Code. As used in this 89447
division, three consecutive days means seventy-two consecutive 89448
hours. If the court determines that the offender is not conducive 89449
to treatment in a drivers' intervention program, if the offender 89450
refuses to attend a drivers' intervention program, or if the jail 89451
at which the offender is to serve the jail term imposed can 89452
provide a driver's intervention program, the court shall sentence 89453
the offender to a mandatory jail term of at least six consecutive 89454
days. 89455

The court may require the offender, under a community control 89456
sanction imposed under section 2929.25 of the Revised Code, to 89457
attend and satisfactorily complete any treatment or education 89458
programs that comply with the minimum standards adopted pursuant 89459
to Chapter ~~3793~~. 5119. of the Revised Code by the director of 89460
~~alcohol and drug addiction services~~ mental health and addiction
services, in addition to the required attendance at drivers' 89461
intervention program, that the operators of the drivers' 89462
intervention program determine that the offender should attend and 89463
to report periodically to the court on the offender's progress in 89464
the programs. The court also may impose any other conditions of 89465
community control on the offender that it considers necessary. 89466
89467

(iii) In all cases, a fine of not less than three hundred 89468
seventy-five and not more than one thousand seventy-five dollars; 89469

(iv) In all cases, a class five license suspension of the 89470
offender's driver's or commercial driver's license or permit or 89471
nonresident operating privilege from the range specified in 89472
division (A)(5) of section 4510.02 of the Revised Code. The court 89473
may grant limited driving privileges relative to the suspension 89474
under sections 4510.021 and 4510.13 of the Revised Code. 89475

(b) Except as otherwise provided in division (G)(1)(e) of 89476
this section, an offender who, within six years of the offense, 89477
previously has been convicted of or pleaded guilty to one 89478
violation of division (A) or (B) of this section or one other 89479
equivalent offense is guilty of a misdemeanor of the first degree. 89480
The court shall sentence the offender to all of the following: 89481

(i) If the sentence is being imposed for a violation of 89482
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 89483
mandatory jail term of ten consecutive days. The court shall 89484
impose the ten-day mandatory jail term under this division unless, 89485
subject to division (G)(3) of this section, it instead imposes a 89486
sentence under that division consisting of both a jail term and a 89487

term of house arrest with electronic monitoring, with continuous 89488
alcohol monitoring, or with both electronic monitoring and 89489
continuous alcohol monitoring. The court may impose a jail term in 89490
addition to the ten-day mandatory jail term. The cumulative jail 89491
term imposed for the offense shall not exceed six months. 89492

In addition to the jail term or the term of house arrest with 89493
electronic monitoring or continuous alcohol monitoring or both 89494
types of monitoring and jail term, the court shall require the 89495
offender to be assessed by ~~an alcohol and drug treatment program a~~ 89496
community addiction services provider that is authorized by 89497
section ~~3793.02~~ 5119.21 of the Revised Code, subject to division 89498
(I) of this section, and shall order the offender to follow the 89499
treatment recommendations of the ~~program~~ services provider. The 89500
purpose of the assessment is to determine the degree of the 89501
offender's alcohol usage and to determine whether or not treatment 89502
is warranted. Upon the request of the court, the ~~program~~ services 89503
provider shall submit the results of the assessment to the court, 89504
including all treatment recommendations and clinical diagnoses 89505
related to alcohol use. 89506

(ii) If the sentence is being imposed for a violation of 89507
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 89508
section, except as otherwise provided in this division, a 89509
mandatory jail term of twenty consecutive days. The court shall 89510
impose the twenty-day mandatory jail term under this division 89511
unless, subject to division (G)(3) of this section, it instead 89512
imposes a sentence under that division consisting of both a jail 89513
term and a term of house arrest with electronic monitoring, with 89514
continuous alcohol monitoring, or with both electronic monitoring 89515
and continuous alcohol monitoring. The court may impose a jail 89516
term in addition to the twenty-day mandatory jail term. The 89517
cumulative jail term imposed for the offense shall not exceed six 89518
months. 89519

In addition to the jail term or the term of house arrest with 89520
electronic monitoring or continuous alcohol monitoring or both 89521
types of monitoring and jail term, the court shall require the 89522
offender to be assessed by ~~an alcohol and drug treatment program~~ a 89523
community addiction service provider that is authorized by section 89524
~~3793.02~~ 5119.21 of the Revised Code, subject to division (I) of 89525
this section, and shall order the offender to follow the treatment 89526
recommendations of the ~~program~~ services provider. The purpose of 89527
the assessment is to determine the degree of the offender's 89528
alcohol usage and to determine whether or not treatment is 89529
warranted. Upon the request of the court, the ~~program~~ services 89530
provider shall submit the results of the assessment to the court, 89531
including all treatment recommendations and clinical diagnoses 89532
related to alcohol use. 89533

(iii) In all cases, notwithstanding the fines set forth in 89534
Chapter 2929. of the Revised Code, a fine of not less than five 89535
hundred twenty-five and not more than one thousand six hundred 89536
twenty-five dollars; 89537

(iv) In all cases, a class four license suspension of the 89538
offender's driver's license, commercial driver's license, 89539
temporary instruction permit, probationary license, or nonresident 89540
operating privilege from the range specified in division (A)(4) of 89541
section 4510.02 of the Revised Code. The court may grant limited 89542
driving privileges relative to the suspension under sections 89543
4510.021 and 4510.13 of the Revised Code. 89544

(v) In all cases, if the vehicle is registered in the 89545
offender's name, immobilization of the vehicle involved in the 89546
offense for ninety days in accordance with section 4503.233 of the 89547
Revised Code and impoundment of the license plates of that vehicle 89548
for ninety days. 89549

(c) Except as otherwise provided in division (G)(1)(e) of 89550
this section, an offender who, within six years of the offense, 89551

previously has been convicted of or pleaded guilty to two 89552
violations of division (A) or (B) of this section or other 89553
equivalent offenses is guilty of a misdemeanor. The court shall 89554
sentence the offender to all of the following: 89555

(i) If the sentence is being imposed for a violation of 89556
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 89557
mandatory jail term of thirty consecutive days. The court shall 89558
impose the thirty-day mandatory jail term under this division 89559
unless, subject to division (G)(3) of this section, it instead 89560
imposes a sentence under that division consisting of both a jail 89561
term and a term of house arrest with electronic monitoring, with 89562
continuous alcohol monitoring, or with both electronic monitoring 89563
and continuous alcohol monitoring. The court may impose a jail 89564
term in addition to the thirty-day mandatory jail term. 89565
Notwithstanding the jail terms set forth in sections 2929.21 to 89566
2929.28 of the Revised Code, the additional jail term shall not 89567
exceed one year, and the cumulative jail term imposed for the 89568
offense shall not exceed one year. 89569

(ii) If the sentence is being imposed for a violation of 89570
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 89571
section, a mandatory jail term of sixty consecutive days. The 89572
court shall impose the sixty-day mandatory jail term under this 89573
division unless, subject to division (G)(3) of this section, it 89574
instead imposes a sentence under that division consisting of both 89575
a jail term and a term of house arrest with electronic monitoring, 89576
with continuous alcohol monitoring, or with both electronic 89577
monitoring and continuous alcohol monitoring. The court may impose 89578
a jail term in addition to the sixty-day mandatory jail term. 89579
Notwithstanding the jail terms set forth in sections 2929.21 to 89580
2929.28 of the Revised Code, the additional jail term shall not 89581
exceed one year, and the cumulative jail term imposed for the 89582
offense shall not exceed one year. 89583

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Revised Code, a fine of not less than eight hundred fifty and not more than two thousand seven hundred fifty dollars;

(iv) In all cases, a class three license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(3) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, the court shall order the offender to participate ~~in an alcohol and drug~~ with a community addiction program services provider authorized by section ~~3793.02~~ 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the ~~program services provider~~. The operator of the ~~program services provider~~ shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the ~~program services provider~~ shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(d) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to three or

four violations of division (A) or (B) of this section or other 89616
equivalent offenses or an offender who, within twenty years of the 89617
offense, previously has been convicted of or pleaded guilty to 89618
five or more violations of that nature is guilty of a felony of 89619
the fourth degree. The court shall sentence the offender to all of 89620
the following: 89621

(i) If the sentence is being imposed for a violation of 89622
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 89623
mandatory prison term of one, two, three, four, or five years as 89624
required by and in accordance with division (G)(2) of section 89625
2929.13 of the Revised Code if the offender also is convicted of 89626
or also pleads guilty to a specification of the type described in 89627
section 2941.1413 of the Revised Code or, in the discretion of the 89628
court, either a mandatory term of local incarceration of sixty 89629
consecutive days in accordance with division (G)(1) of section 89630
2929.13 of the Revised Code or a mandatory prison term of sixty 89631
consecutive days in accordance with division (G)(2) of that 89632
section if the offender is not convicted of and does not plead 89633
guilty to a specification of that type. If the court imposes a 89634
mandatory term of local incarceration, it may impose a jail term 89635
in addition to the sixty-day mandatory term, the cumulative total 89636
of the mandatory term and the jail term for the offense shall not 89637
exceed one year, and, except as provided in division (A)(1) of 89638
section 2929.13 of the Revised Code, no prison term is authorized 89639
for the offense. If the court imposes a mandatory prison term, 89640
notwithstanding division (A)(4) of section 2929.14 of the Revised 89641
Code, it also may sentence the offender to a definite prison term 89642
that shall be not less than six months and not more than thirty 89643
months and the prison terms shall be imposed as described in 89644
division (G)(2) of section 2929.13 of the Revised Code. If the 89645
court imposes a mandatory prison term or mandatory prison term and 89646
additional prison term, in addition to the term or terms so 89647
imposed, the court also may sentence the offender to a community 89648

control sanction for the offense, but the offender shall serve all 89649
of the prison terms so imposed prior to serving the community 89650
control sanction. 89651

(ii) If the sentence is being imposed for a violation of 89652
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 89653
section, a mandatory prison term of one, two, three, four, or five 89654
years as required by and in accordance with division (G)(2) of 89655
section 2929.13 of the Revised Code if the offender also is 89656
convicted of or also pleads guilty to a specification of the type 89657
described in section 2941.1413 of the Revised Code or, in the 89658
discretion of the court, either a mandatory term of local 89659
incarceration of one hundred twenty consecutive days in accordance 89660
with division (G)(1) of section 2929.13 of the Revised Code or a 89661
mandatory prison term of one hundred twenty consecutive days in 89662
accordance with division (G)(2) of that section if the offender is 89663
not convicted of and does not plead guilty to a specification of 89664
that type. If the court imposes a mandatory term of local 89665
incarceration, it may impose a jail term in addition to the one 89666
hundred twenty-day mandatory term, the cumulative total of the 89667
mandatory term and the jail term for the offense shall not exceed 89668
one year, and, except as provided in division (A)(1) of section 89669
2929.13 of the Revised Code, no prison term is authorized for the 89670
offense. If the court imposes a mandatory prison term, 89671
notwithstanding division (A)(4) of section 2929.14 of the Revised 89672
Code, it also may sentence the offender to a definite prison term 89673
that shall be not less than six months and not more than thirty 89674
months and the prison terms shall be imposed as described in 89675
division (G)(2) of section 2929.13 of the Revised Code. If the 89676
court imposes a mandatory prison term or mandatory prison term and 89677
additional prison term, in addition to the term or terms so 89678
imposed, the court also may sentence the offender to a community 89679
control sanction for the offense, but the offender shall serve all 89680
of the prison terms so imposed prior to serving the community 89681

control sanction. 89682

(iii) In all cases, notwithstanding section 2929.18 of the 89683
Revised Code, a fine of not less than one thousand three hundred 89684
fifty nor more than ten thousand five hundred dollars; 89685

(iv) In all cases, a class two license suspension of the 89686
offender's driver's license, commercial driver's license, 89687
temporary instruction permit, probationary license, or nonresident 89688
operating privilege from the range specified in division (A)(2) of 89689
section 4510.02 of the Revised Code. The court may grant limited 89690
driving privileges relative to the suspension under sections 89691
4510.021 and 4510.13 of the Revised Code. 89692

(v) In all cases, if the vehicle is registered in the 89693
offender's name, criminal forfeiture of the vehicle involved in 89694
the offense in accordance with section 4503.234 of the Revised 89695
Code. Division (G)(6) of this section applies regarding any 89696
vehicle that is subject to an order of criminal forfeiture under 89697
this division. 89698

(vi) In all cases, the court shall order the offender to 89699
participate ~~in an alcohol and drug~~ with a community addiction 89700
~~program~~ services provider authorized by section ~~3793.02~~ 5119.21 of 89701
the Revised Code, subject to division (I) of this section, and 89702
shall order the offender to follow the treatment recommendations 89703
of the ~~program~~ services provider. The operator of the ~~program~~ 89704
services provider shall determine and assess the degree of the 89705
offender's alcohol dependency and shall make recommendations for 89706
treatment. Upon the request of the court, the ~~program~~ services 89707
provider shall submit the results of the assessment to the court, 89708
including all treatment recommendations and clinical diagnoses 89709
related to alcohol use. 89710

(vii) In all cases, if the court sentences the offender to a 89711
mandatory term of local incarceration, in addition to the 89712

mandatory term, the court, pursuant to section 2929.17 of the Revised Code, may impose a term of house arrest with electronic monitoring. The term shall not commence until after the offender has served the mandatory term of local incarceration.

(e) An offender who previously has been convicted of or pleaded guilty to a violation of division (A) of this section that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony of the third degree. The court shall sentence the offender to all of the following:

(i) If the offender is being sentenced for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or a mandatory prison term of sixty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender is not convicted of and does not plead guilty to a specification of that type. The court may impose a prison term in addition to the mandatory prison term. The cumulative total of a sixty-day mandatory prison term and the additional prison term for the offense shall not exceed five years. In addition to the mandatory prison term or mandatory prison term and additional prison term the court imposes, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, a mandatory prison term of one, two, three, four, or five

years as required by and in accordance with division (G)(2) of 89745
section 2929.13 of the Revised Code if the offender also is 89746
convicted of or also pleads guilty to a specification of the type 89747
described in section 2941.1413 of the Revised Code or a mandatory 89748
prison term of one hundred twenty consecutive days in accordance 89749
with division (G)(2) of section 2929.13 of the Revised Code if the 89750
offender is not convicted of and does not plead guilty to a 89751
specification of that type. The court may impose a prison term in 89752
addition to the mandatory prison term. The cumulative total of a 89753
one hundred twenty-day mandatory prison term and the additional 89754
prison term for the offense shall not exceed five years. In 89755
addition to the mandatory prison term or mandatory prison term and 89756
additional prison term the court imposes, the court also may 89757
sentence the offender to a community control sanction for the 89758
offense, but the offender shall serve all of the prison terms so 89759
imposed prior to serving the community control sanction. 89760

(iii) In all cases, notwithstanding section 2929.18 of the 89761
Revised Code, a fine of not less than one thousand three hundred 89762
fifty nor more than ten thousand five hundred dollars; 89763

(iv) In all cases, a class two license suspension of the 89764
offender's driver's license, commercial driver's license, 89765
temporary instruction permit, probationary license, or nonresident 89766
operating privilege from the range specified in division (A)(2) of 89767
section 4510.02 of the Revised Code. The court may grant limited 89768
driving privileges relative to the suspension under sections 89769
4510.021 and 4510.13 of the Revised Code. 89770

(v) In all cases, if the vehicle is registered in the 89771
offender's name, criminal forfeiture of the vehicle involved in 89772
the offense in accordance with section 4503.234 of the Revised 89773
Code. Division (G)(6) of this section applies regarding any 89774
vehicle that is subject to an order of criminal forfeiture under 89775
this division. 89776

(vi) In all cases, the court shall order the offender to participate in ~~an alcohol and drug~~ with a community addiction program services provider authorized by section ~~3793.02~~ 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the ~~program services provider~~. The operator of the ~~program services provider~~ shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the ~~program services provider~~ shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(2) An offender who is convicted of or pleads guilty to a violation of division (A) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F)(2) of section 4511.191 of the Revised Code.

(3) If an offender is sentenced to a jail term under division (G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative sentence under this division that includes a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring.

As an alternative to a mandatory jail term of ten consecutive days required by division (G)(1)(b)(i) of this section, the court,

under this division, may sentence the offender to five consecutive 89809
days in jail and not less than eighteen consecutive days of house 89810
arrest with electronic monitoring, with continuous alcohol 89811
monitoring, or with both electronic monitoring and continuous 89812
alcohol monitoring. The cumulative total of the five consecutive 89813
days in jail and the period of house arrest with electronic 89814
monitoring, continuous alcohol monitoring, or both types of 89815
monitoring shall not exceed six months. The five consecutive days 89816
in jail do not have to be served prior to or consecutively to the 89817
period of house arrest. 89818

As an alternative to the mandatory jail term of twenty 89819
consecutive days required by division (G)(1)(b)(ii) of this 89820
section, the court, under this division, may sentence the offender 89821
to ten consecutive days in jail and not less than thirty-six 89822
consecutive days of house arrest with electronic monitoring, with 89823
continuous alcohol monitoring, or with both electronic monitoring 89824
and continuous alcohol monitoring. The cumulative total of the ten 89825
consecutive days in jail and the period of house arrest with 89826
electronic monitoring, continuous alcohol monitoring, or both 89827
types of monitoring shall not exceed six months. The ten 89828
consecutive days in jail do not have to be served prior to or 89829
consecutively to the period of house arrest. 89830

As an alternative to a mandatory jail term of thirty 89831
consecutive days required by division (G)(1)(c)(i) of this 89832
section, the court, under this division, may sentence the offender 89833
to fifteen consecutive days in jail and not less than fifty-five 89834
consecutive days of house arrest with electronic monitoring, with 89835
continuous alcohol monitoring, or with both electronic monitoring 89836
and continuous alcohol monitoring. The cumulative total of the 89837
fifteen consecutive days in jail and the period of house arrest 89838
with electronic monitoring, continuous alcohol monitoring, or both 89839
types of monitoring shall not exceed one year. The fifteen 89840

consecutive days in jail do not have to be served prior to or 89841
consecutively to the period of house arrest. 89842

As an alternative to the mandatory jail term of sixty 89843
consecutive days required by division (G)(1)(c)(ii) of this 89844
section, the court, under this division, may sentence the offender 89845
to thirty consecutive days in jail and not less than one hundred 89846
ten consecutive days of house arrest with electronic monitoring, 89847
with continuous alcohol monitoring, or with both electronic 89848
monitoring and continuous alcohol monitoring. The cumulative total 89849
of the thirty consecutive days in jail and the period of house 89850
arrest with electronic monitoring, continuous alcohol monitoring, 89851
or both types of monitoring shall not exceed one year. The thirty 89852
consecutive days in jail do not have to be served prior to or 89853
consecutively to the period of house arrest. 89854

(4) If an offender's driver's or occupational driver's 89855
license or permit or nonresident operating privilege is suspended 89856
under division (G) of this section and if section 4510.13 of the 89857
Revised Code permits the court to grant limited driving 89858
privileges, the court may grant the limited driving privileges in 89859
accordance with that section. If division (A)(7) of that section 89860
requires that the court impose as a condition of the privileges 89861
that the offender must display on the vehicle that is driven 89862
subject to the privileges restricted license plates that are 89863
issued under section 4503.231 of the Revised Code, except as 89864
provided in division (B) of that section, the court shall impose 89865
that condition as one of the conditions of the limited driving 89866
privileges granted to the offender, except as provided in division 89867
(B) of section 4503.231 of the Revised Code. 89868

(5) Fines imposed under this section for a violation of 89869
division (A) of this section shall be distributed as follows: 89870

(a) Twenty-five dollars of the fine imposed under division 89871
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 89872

division (G)(1)(b)(iii), one hundred twenty-three dollars of the 89873
fine imposed under division (G)(1)(c)(iii), and two hundred ten 89874
dollars of the fine imposed under division (G)(1)(d)(iii) or 89875
(e)(iii) of this section shall be paid to an enforcement and 89876
education fund established by the legislative authority of the law 89877
enforcement agency in this state that primarily was responsible 89878
for the arrest of the offender, as determined by the court that 89879
imposes the fine. The agency shall use this share to pay only 89880
those costs it incurs in enforcing this section or a municipal OVI 89881
ordinance and in informing the public of the laws governing the 89882
operation of a vehicle while under the influence of alcohol, the 89883
dangers of the operation of a vehicle under the influence of 89884
alcohol, and other information relating to the operation of a 89885
vehicle under the influence of alcohol and the consumption of 89886
alcoholic beverages. 89887

(b) Fifty dollars of the fine imposed under division 89888
(G)(1)(a)(iii) of this section shall be paid to the political 89889
subdivision that pays the cost of housing the offender during the 89890
offender's term of incarceration. If the offender is being 89891
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 89892
(e), or (j) of this section and was confined as a result of the 89893
offense prior to being sentenced for the offense but is not 89894
sentenced to a term of incarceration, the fifty dollars shall be 89895
paid to the political subdivision that paid the cost of housing 89896
the offender during that period of confinement. The political 89897
subdivision shall use the share under this division to pay or 89898
reimburse incarceration or treatment costs it incurs in housing or 89899
providing drug and alcohol treatment to persons who violate this 89900
section or a municipal OVI ordinance, costs of any immobilizing or 89901
disabling device used on the offender's vehicle, and costs of 89902
electronic house arrest equipment needed for persons who violate 89903
this section. 89904

(c) Twenty-five dollars of the fine imposed under division 89905
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 89906
division (G)(1)(b)(iii) of this section shall be deposited into 89907
the county or municipal indigent drivers' alcohol treatment fund 89908
under the control of that court, as created by the county or 89909
municipal corporation under division (F) of section 4511.191 of 89910
the Revised Code. 89911

(d) One hundred fifteen dollars of the fine imposed under 89912
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 89913
fine imposed under division (G)(1)(c)(iii), and four hundred forty 89914
dollars of the fine imposed under division (G)(1)(d)(iii) or 89915
(e)(iii) of this section shall be paid to the political 89916
subdivision that pays the cost of housing the offender during the 89917
offender's term of incarceration. The political subdivision shall 89918
use this share to pay or reimburse incarceration or treatment 89919
costs it incurs in housing or providing drug and alcohol treatment 89920
to persons who violate this section or a municipal OVI ordinance, 89921
costs for any immobilizing or disabling device used on the 89922
offender's vehicle, and costs of electronic house arrest equipment 89923
needed for persons who violate this section. 89924

(e) Fifty dollars of the fine imposed under divisions 89925
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 89926
and (G)(1)(e)(iii) of this section shall be deposited into the 89927
special projects fund of the court in which the offender was 89928
convicted and that is established under division (E)(1) of section 89929
2303.201, division (B)(1) of section 1901.26, or division (B)(1) 89930
of section 1907.24 of the Revised Code, to be used exclusively to 89931
cover the cost of immobilizing or disabling devices, including 89932
certified ignition interlock devices, and remote alcohol 89933
monitoring devices for indigent offenders who are required by a 89934
judge to use either of these devices. If the court in which the 89935
offender was convicted does not have a special projects fund that 89936

is established under division (E)(1) of section 2303.201, division 89937
(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 89938
of the Revised Code, the fifty dollars shall be deposited into the 89939
indigent drivers interlock and alcohol monitoring fund under 89940
division (I) of section 4511.191 of the Revised Code. 89941

(f) Seventy-five dollars of the fine imposed under division 89942
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 89943
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 89944
of the fine imposed under division (G)(1)(c)(iii), and five 89945
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 89946
or (e)(iii) of this section shall be transmitted to the treasurer 89947
of state for deposit into the indigent defense support fund 89948
established under section 120.08 of the Revised Code. 89949

(g) The balance of the fine imposed under division 89950
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 89951
section shall be disbursed as otherwise provided by law. 89952

(6) If title to a motor vehicle that is subject to an order 89953
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 89954
this section is assigned or transferred and division (B)(2) or (3) 89955
of section 4503.234 of the Revised Code applies, in addition to or 89956
independent of any other penalty established by law, the court may 89957
fine the offender the value of the vehicle as determined by 89958
publications of the national automobile dealers association. The 89959
proceeds of any fine so imposed shall be distributed in accordance 89960
with division (C)(2) of that section. 89961

(7) In all cases in which an offender is sentenced under 89962
division (G) of this section, the offender shall provide the court 89963
with proof of financial responsibility as defined in section 89964
4509.01 of the Revised Code. If the offender fails to provide that 89965
proof of financial responsibility, the court, in addition to any 89966
other penalties provided by law, may order restitution pursuant to 89967
section 2929.18 or 2929.28 of the Revised Code in an amount not 89968

exceeding five thousand dollars for any economic loss arising from 89969
an accident or collision that was the direct and proximate result 89970
of the offender's operation of the vehicle before, during, or 89971
after committing the offense for which the offender is sentenced 89972
under division (G) of this section. 89973

(8) As used in division (G) of this section, "electronic 89974
monitoring," "mandatory prison term," and "mandatory term of local 89975
incarceration" have the same meanings as in section 2929.01 of the 89976
Revised Code. 89977

(H) Whoever violates division (B) of this section is guilty 89978
of operating a vehicle after underage alcohol consumption and 89979
shall be punished as follows: 89980

(1) Except as otherwise provided in division (H)(2) of this 89981
section, the offender is guilty of a misdemeanor of the fourth 89982
degree. In addition to any other sanction imposed for the offense, 89983
the court shall impose a class six suspension of the offender's 89984
driver's license, commercial driver's license, temporary 89985
instruction permit, probationary license, or nonresident operating 89986
privilege from the range specified in division (A)(6) of section 89987
4510.02 of the Revised Code. 89988

(2) If, within one year of the offense, the offender 89989
previously has been convicted of or pleaded guilty to one or more 89990
violations of division (A) or (B) of this section or other 89991
equivalent offenses, the offender is guilty of a misdemeanor of 89992
the third degree. In addition to any other sanction imposed for 89993
the offense, the court shall impose a class four suspension of the 89994
offender's driver's license, commercial driver's license, 89995
temporary instruction permit, probationary license, or nonresident 89996
operating privilege from the range specified in division (A)(4) of 89997
section 4510.02 of the Revised Code. 89998

(3) If the offender also is convicted of or also pleads 89999

guilty to a specification of the type described in section 90000
2941.1416 of the Revised Code and if the court imposes a jail term 90001
for the violation of division (B) of this section, the court shall 90002
impose upon the offender an additional definite jail term pursuant 90003
to division (E) of section 2929.24 of the Revised Code. 90004

(4) The offender shall provide the court with proof of 90005
financial responsibility as defined in section 4509.01 of the 90006
Revised Code. If the offender fails to provide that proof of 90007
financial responsibility, then, in addition to any other penalties 90008
provided by law, the court may order restitution pursuant to 90009
section 2929.28 of the Revised Code in an amount not exceeding 90010
five thousand dollars for any economic loss arising from an 90011
accident or collision that was the direct and proximate result of 90012
the offender's operation of the vehicle before, during, or after 90013
committing the violation of division (B) of this section. 90014

(I)(1) No court shall sentence an offender to an alcohol 90015
treatment program under this section unless the treatment program 90016
complies with the minimum standards for alcohol treatment programs 90017
adopted under Chapter ~~3793~~, 5119, of the Revised Code by the 90018
director of ~~alcohol and drug addiction services~~ mental health and 90019
addiction services. 90020

(2) An offender who stays in a drivers' intervention program 90021
or in an alcohol treatment program under an order issued under 90022
this section shall pay the cost of the stay in the program. 90023
However, if the court determines that an offender who stays in an 90024
alcohol treatment program under an order issued under this section 90025
is unable to pay the cost of the stay in the program, the court 90026
may order that the cost be paid from the court's indigent drivers' 90027
alcohol treatment fund. 90028

(J) If a person whose driver's or commercial driver's license 90029
or permit or nonresident operating privilege is suspended under 90030
this section files an appeal regarding any aspect of the person's 90031

trial or sentence, the appeal itself does not stay the operation of the suspension. 90032
90033

(K) Division (A)(1)(j) of this section does not apply to a person who operates a vehicle, streetcar, or trackless trolley while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply: 90034
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(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs. 90041
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(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions. 90044
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(L) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in division (A)(1)(j) of this section also apply in a prosecution of a violation of division (D) of section 2923.16 of the Revised Code in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol. 90046
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(M) All terms defined in section 4510.01 of the Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Revised Code conflicts with the meaning of the same term as defined in section 4501.01 or 4511.01 of the Revised Code, the term as defined in section 4510.01 of the Revised Code applies to this section. 90052
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(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, as adopted by the supreme court under authority of section 2937.46 of the Revised Code, do not apply to felony violations of this section. Subject to division (N)(2) of this section, the Rules of Criminal Procedure apply to felony violations of this section. 90058
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(2) If, on or after January 1, 2004, the supreme court
modifies the Ohio Traffic Rules to provide procedures to govern
felony violations of this section, the modified rules shall apply
to felony violations of this section.

Sec. 4511.191. (A)(1) As used in this section:

(a) "Physical control" has the same meaning as in section
4511.194 of the Revised Code.

(b) "Alcohol monitoring device" means any device that
provides for continuous alcohol monitoring, any ignition interlock
device, any immobilizing or disabling device other than an
ignition interlock device that is constantly available to monitor
the concentration of alcohol in a person's system, or any other
device that provides for the automatic testing and periodic
reporting of alcohol consumption by a person and that a court
orders a person to use as a sanction imposed as a result of the
person's conviction of or plea of guilty to an offense.

(2) Any person who operates a vehicle, streetcar, or
trackless trolley upon a highway or any public or private property
used by the public for vehicular travel or parking within this
state or who is in physical control of a vehicle, streetcar, or
trackless trolley shall be deemed to have given consent to a
chemical test or tests of the person's whole blood, blood serum or
plasma, breath, or urine to determine the alcohol, drug of abuse,
controlled substance, metabolite of a controlled substance, or
combination content of the person's whole blood, blood serum or
plasma, breath, or urine if arrested for a violation of division
(A) or (B) of section 4511.19 of the Revised Code, section
4511.194 of the Revised Code or a substantially equivalent
municipal ordinance, or a municipal OVI ordinance.

(3) The chemical test or tests under division (A)(2) of this
section shall be administered at the request of a law enforcement

officer having reasonable grounds to believe the person was 90094
operating or in physical control of a vehicle, streetcar, or 90095
trackless trolley in violation of a division, section, or 90096
ordinance identified in division (A)(2) of this section. The law 90097
enforcement agency by which the officer is employed shall 90098
designate which of the tests shall be administered. 90099

(4) Any person who is dead or unconscious, or who otherwise 90100
is in a condition rendering the person incapable of refusal, shall 90101
be deemed to have consented as provided in division (A)(2) of this 90102
section, and the test or tests may be administered, subject to 90103
sections 313.12 to 313.16 of the Revised Code. 90104

(5)(a) If a law enforcement officer arrests a person for a 90105
violation of division (A) or (B) of section 4511.19 of the Revised 90106
Code, section 4511.194 of the Revised Code or a substantially 90107
equivalent municipal ordinance, or a municipal OVI ordinance and 90108
if the person if convicted would be required to be sentenced under 90109
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 90110
Code, the law enforcement officer shall request the person to 90111
submit, and the person shall submit, to a chemical test or tests 90112
of the person's whole blood, blood serum or plasma, breath, or 90113
urine for the purpose of determining the alcohol, drug of abuse, 90114
controlled substance, metabolite of a controlled substance, or 90115
combination content of the person's whole blood, blood serum or 90116
plasma, breath, or urine. A law enforcement officer who makes a 90117
request pursuant to this division that a person submit to a 90118
chemical test or tests is not required to advise the person of the 90119
consequences of submitting to, or refusing to submit to, the test 90120
or tests and is not required to give the person the form described 90121
in division (B) of section 4511.192 of the Revised Code, but the 90122
officer shall advise the person at the time of the arrest that if 90123
the person refuses to take a chemical test the officer may employ 90124
whatever reasonable means are necessary to ensure that the person 90125

submits to a chemical test of the person's whole blood or blood 90126
serum or plasma. The officer shall also advise the person at the 90127
time of the arrest that the person may have an independent 90128
chemical test taken at the person's own expense. Divisions (A)(3) 90129
and (4) of this section apply to the administration of a chemical 90130
test or tests pursuant to this division. 90131

(b) If a person refuses to submit to a chemical test upon a 90132
request made pursuant to division (A)(5)(a) of this section, the 90133
law enforcement officer who made the request may employ whatever 90134
reasonable means are necessary to ensure that the person submits 90135
to a chemical test of the person's whole blood or blood serum or 90136
plasma. A law enforcement officer who acts pursuant to this 90137
division to ensure that a person submits to a chemical test of the 90138
person's whole blood or blood serum or plasma is immune from 90139
criminal and civil liability based upon a claim for assault and 90140
battery or any other claim for the acts, unless the officer so 90141
acted with malicious purpose, in bad faith, or in a wanton or 90142
reckless manner. 90143

(B)(1) Upon receipt of the sworn report of a law enforcement 90144
officer who arrested a person for a violation of division (A) or 90145
(B) of section 4511.19 of the Revised Code, section 4511.194 of 90146
the Revised Code or a substantially equivalent municipal 90147
ordinance, or a municipal OVI ordinance that was completed and 90148
sent to the registrar of motor vehicles and a court pursuant to 90149
section 4511.192 of the Revised Code in regard to a person who 90150
refused to take the designated chemical test, the registrar shall 90151
enter into the registrar's records the fact that the person's 90152
driver's or commercial driver's license or permit or nonresident 90153
operating privilege was suspended by the arresting officer under 90154
this division and that section and the period of the suspension, 90155
as determined under this section. The suspension shall be subject 90156
to appeal as provided in section 4511.197 of the Revised Code. The 90157

suspension shall be for whichever of the following periods 90158
applies: 90159

(a) Except when division (B)(1)(b), (c), or (d) of this 90160
section applies and specifies a different class or length of 90161
suspension, the suspension shall be a class C suspension for the 90162
period of time specified in division (B)(3) of section 4510.02 of 90163
the Revised Code. 90164

(b) If the arrested person, within six years of the date on 90165
which the person refused the request to consent to the chemical 90166
test, had refused one previous request to consent to a chemical 90167
test or had been convicted of or pleaded guilty to one violation 90168
of division (A) or (B) of section 4511.19 of the Revised Code or 90169
one other equivalent offense, the suspension shall be a class B 90170
suspension imposed for the period of time specified in division 90171
(B)(2) of section 4510.02 of the Revised Code. 90172

(c) If the arrested person, within six years of the date on 90173
which the person refused the request to consent to the chemical 90174
test, had refused two previous requests to consent to a chemical 90175
test, had been convicted of or pleaded guilty to two violations of 90176
division (A) or (B) of section 4511.19 of the Revised Code or 90177
other equivalent offenses, or had refused one previous request to 90178
consent to a chemical test and also had been convicted of or 90179
pleaded guilty to one violation of division (A) or (B) of section 90180
4511.19 of the Revised Code or other equivalent offenses, which 90181
violation or offense arose from an incident other than the 90182
incident that led to the refusal, the suspension shall be a class 90183
A suspension imposed for the period of time specified in division 90184
(B)(1) of section 4510.02 of the Revised Code. 90185

(d) If the arrested person, within six years of the date on 90186
which the person refused the request to consent to the chemical 90187
test, had refused three or more previous requests to consent to a 90188
chemical test, had been convicted of or pleaded guilty to three or 90189

more violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses, or had refused a number of previous requests to consent to a chemical test and also had been convicted of or pleaded guilty to a number of violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses that cumulatively total three or more such refusals, convictions, and guilty pleas, the suspension shall be for five years.

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (B)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial.

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

(C)(1) Upon receipt of the sworn report of the law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the

person's whole blood, blood serum or plasma, breath, or urine 90222
contained at least the concentration of alcohol specified in 90223
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 90224
Revised Code or at least the concentration of a listed controlled 90225
substance or a listed metabolite of a controlled substance 90226
specified in division (A)(1)(j) of section 4511.19 of the Revised 90227
Code, the registrar shall enter into the registrar's records the 90228
fact that the person's driver's or commercial driver's license or 90229
permit or nonresident operating privilege was suspended by the 90230
arresting officer under this division and section 4511.192 of the 90231
Revised Code and the period of the suspension, as determined under 90232
divisions (C)(1)(a) to (d) of this section. The suspension shall 90233
be subject to appeal as provided in section 4511.197 of the 90234
Revised Code. The suspension described in this division does not 90235
apply to, and shall not be imposed upon, a person arrested for a 90236
violation of section 4511.194 of the Revised Code or a 90237
substantially equivalent municipal ordinance who submits to a 90238
designated chemical test. The suspension shall be for whichever of 90239
the following periods applies: 90240

(a) Except when division (C)(1)(b), (c), or (d) of this 90241
section applies and specifies a different period, the suspension 90242
shall be a class E suspension imposed for the period of time 90243
specified in division (B)(5) of section 4510.02 of the Revised 90244
Code. 90245

(b) The suspension shall be a class C suspension for the 90246
period of time specified in division (B)(3) of section 4510.02 of 90247
the Revised Code if the person has been convicted of or pleaded 90248
guilty to, within six years of the date the test was conducted, 90249
one violation of division (A) or (B) of section 4511.19 of the 90250
Revised Code or one other equivalent offense. 90251

(c) If, within six years of the date the test was conducted, 90252
the person has been convicted of or pleaded guilty to two 90253

violations of a statute or ordinance described in division 90254
(C)(1)(b) of this section, the suspension shall be a class B 90255
suspension imposed for the period of time specified in division 90256
(B)(2) of section 4510.02 of the Revised Code. 90257

(d) If, within six years of the date the test was conducted, 90258
the person has been convicted of or pleaded guilty to more than 90259
two violations of a statute or ordinance described in division 90260
(C)(1)(b) of this section, the suspension shall be a class A 90261
suspension imposed for the period of time specified in division 90262
(B)(1) of section 4510.02 of the Revised Code. 90263

(2) The registrar shall terminate a suspension of the 90264
driver's or commercial driver's license or permit of a resident or 90265
of the operating privilege of a nonresident, or a denial of a 90266
driver's or commercial driver's license or permit, imposed 90267
pursuant to division (C)(1) of this section upon receipt of notice 90268
that the person has entered a plea of guilty to, or that the 90269
person has been convicted after entering a plea of no contest to, 90270
operating a vehicle in violation of section 4511.19 of the Revised 90271
Code or in violation of a municipal OVI ordinance, if the offense 90272
for which the conviction is had or the plea is entered arose from 90273
the same incident that led to the suspension or denial. 90274

The registrar shall credit against any judicial suspension of 90275
a person's driver's or commercial driver's license or permit or 90276
nonresident operating privilege imposed pursuant to section 90277
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 90278
Revised Code for a violation of a municipal OVI ordinance, any 90279
time during which the person serves a related suspension imposed 90280
pursuant to division (C)(1) of this section. 90281

(D)(1) A suspension of a person's driver's or commercial 90282
driver's license or permit or nonresident operating privilege 90283
under this section for the time described in division (B) or (C) 90284
of this section is effective immediately from the time at which 90285

the arresting officer serves the notice of suspension upon the 90286
arrested person. Any subsequent finding that the person is not 90287
guilty of the charge that resulted in the person being requested 90288
to take the chemical test or tests under division (A) of this 90289
section does not affect the suspension. 90290

(2) If a person is arrested for operating a vehicle, 90291
streetcar, or trackless trolley in violation of division (A) or 90292
(B) of section 4511.19 of the Revised Code or a municipal OVI 90293
ordinance, or for being in physical control of a vehicle, 90294
streetcar, or trackless trolley in violation of section 4511.194 90295
of the Revised Code or a substantially equivalent municipal 90296
ordinance, regardless of whether the person's driver's or 90297
commercial driver's license or permit or nonresident operating 90298
privilege is or is not suspended under division (B) or (C) of this 90299
section or Chapter 4510. of the Revised Code, the person's initial 90300
appearance on the charge resulting from the arrest shall be held 90301
within five days of the person's arrest or the issuance of the 90302
citation to the person, subject to any continuance granted by the 90303
court pursuant to section 4511.197 of the Revised Code regarding 90304
the issues specified in that division. 90305

(E) When it finally has been determined under the procedures 90306
of this section and sections 4511.192 to 4511.197 of the Revised 90307
Code that a nonresident's privilege to operate a vehicle within 90308
this state has been suspended, the registrar shall give 90309
information in writing of the action taken to the motor vehicle 90310
administrator of the state of the person's residence and of any 90311
state in which the person has a license. 90312

(F) At the end of a suspension period under this section, 90313
under section 4511.194, section 4511.196, or division (G) of 90314
section 4511.19 of the Revised Code, or under section 4510.07 of 90315
the Revised Code for a violation of a municipal OVI ordinance and 90316
upon the request of the person whose driver's or commercial 90317

driver's license or permit was suspended and who is not otherwise 90318
subject to suspension, cancellation, or disqualification, the 90319
registrar shall return the driver's or commercial driver's license 90320
or permit to the person upon the occurrence of all of the 90321
conditions specified in divisions (F)(1) and (2) of this section: 90322

(1) A showing that the person has proof of financial 90323
responsibility, a policy of liability insurance in effect that 90324
meets the minimum standards set forth in section 4509.51 of the 90325
Revised Code, or proof, to the satisfaction of the registrar, that 90326
the person is able to respond in damages in an amount at least 90327
equal to the minimum amounts specified in section 4509.51 of the 90328
Revised Code. 90329

(2) Subject to the limitation contained in division (F)(3) of 90330
this section, payment by the person to the registrar or an 90331
eligible deputy registrar of a license reinstatement fee of four 90332
hundred seventy-five dollars, which fee shall be deposited in the 90333
state treasury and credited as follows: 90334

(a) One hundred twelve dollars and fifty cents shall be 90335
credited to the statewide treatment and prevention fund created by 90336
section 4301.30 of the Revised Code. Money credited to the fund 90337
under this section shall be used for purposes identified ~~in the~~ 90338
~~comprehensive statewide alcohol and drug addiction services plan~~ 90339
~~developed~~ under section ~~3793.04~~ 5119.22 of the Revised Code. 90340

(b) Seventy-five dollars shall be credited to the reparations 90341
fund created by section 2743.191 of the Revised Code. 90342

(c) Thirty-seven dollars and fifty cents shall be credited to 90343
the indigent drivers alcohol treatment fund, which is hereby 90344
established in the state treasury. Except as otherwise provided in 90345
division (F)(2)(c) of this section, moneys in the fund shall be 90346
distributed by the department of ~~alcohol and drug addiction~~ 90347
~~services~~ mental health and addiction services to the county 90348

indigent drivers alcohol treatment funds, the county juvenile 90349
indigent drivers alcohol treatment funds, and the municipal 90350
indigent drivers alcohol treatment funds that are required to be 90351
established by counties and municipal corporations pursuant to 90352
division (H) of this section, and shall be used only to pay the 90353
cost of an alcohol and drug addiction treatment program attended 90354
by an offender or juvenile traffic offender who is ordered to 90355
attend an alcohol and drug addiction treatment program by a 90356
county, juvenile, or municipal court judge and who is determined 90357
by the county, juvenile, or municipal court judge not to have the 90358
means to pay for the person's attendance at the program or to pay 90359
the costs specified in division (H)(4) of this section in 90360
accordance with that division. In addition, a county, juvenile, or 90361
municipal court judge may use moneys in the county indigent 90362
drivers alcohol treatment fund, county juvenile indigent drivers 90363
alcohol treatment fund, or municipal indigent drivers alcohol 90364
treatment fund to pay for the cost of the continued use of an 90365
alcohol monitoring device as described in divisions (H)(3) and (4) 90366
of this section. Moneys in the fund that are not distributed to a 90367
county indigent drivers alcohol treatment fund, a county juvenile 90368
indigent drivers alcohol treatment fund, or a municipal indigent 90369
drivers alcohol treatment fund under division (H) of this section 90370
because the director of ~~alcohol and drug addiction services~~ mental 90371
health and addiction services does not have the information 90372
necessary to identify the county or municipal corporation where 90373
the offender or juvenile offender was arrested may be transferred 90374
by the director of budget and management to the statewide 90375
treatment and prevention fund created by section 4301.30 of the 90376
Revised Code, upon certification of the amount by the director of 90377
~~alcohol and drug addiction services~~ mental health and addiction 90378
services. 90379

(d) Seventy-five dollars shall be credited to the ~~Ohio~~ 90380
~~rehabilitation services commission~~ opportunities for Ohioans with 90381

disabilities agency established by section ~~3304.12~~ 3304.15 of the 90382
Revised Code, to the services for rehabilitation fund, which is 90383
hereby established. The fund shall be used to match available 90384
federal matching funds where appropriate, and for any other 90385
purpose or program of the ~~commission~~ agency to rehabilitate ~~people~~ 90386
persons with disabilities to help them become employed and 90387
independent. 90388

(e) Seventy-five dollars shall be deposited into the state 90389
treasury and credited to the drug abuse resistance education 90390
programs fund, which is hereby established, to be used by the 90391
attorney general for the purposes specified in division (F)(4) of 90392
this section. 90393

(f) Thirty dollars shall be credited to the state bureau of 90394
motor vehicles fund created by section 4501.25 of the Revised 90395
Code. 90396

(g) Twenty dollars shall be credited to the trauma and 90397
emergency medical services fund created by section 4513.263 of the 90398
Revised Code. 90399

(h) Fifty dollars shall be credited to the indigent drivers 90400
interlock and alcohol monitoring fund, which is hereby established 90401
in the state treasury. Moneys in the fund shall be distributed by 90402
the department of public safety to the county indigent drivers 90403
interlock and alcohol monitoring funds, the county juvenile 90404
indigent drivers interlock and alcohol monitoring funds, and the 90405
municipal indigent drivers interlock and alcohol monitoring funds 90406
that are required to be established by counties and municipal 90407
corporations pursuant to this section, and shall be used only to 90408
pay the cost of an immobilizing or disabling device, including a 90409
certified ignition interlock device, or an alcohol monitoring 90410
device used by an offender or juvenile offender who is ordered to 90411
use the device by a county, juvenile, or municipal court judge and 90412
who is determined by the county, juvenile, or municipal court 90413

judge not to have the means to pay for the person's use of the 90414
device. 90415

(3) If a person's driver's or commercial driver's license or 90416
permit is suspended under this section, under section 4511.196 or 90417
division (G) of section 4511.19 of the Revised Code, under section 90418
4510.07 of the Revised Code for a violation of a municipal OVI 90419
ordinance or under any combination of the suspensions described in 90420
division (F)(3) of this section, and if the suspensions arise from 90421
a single incident or a single set of facts and circumstances, the 90422
person is liable for payment of, and shall be required to pay to 90423
the registrar or an eligible deputy registrar, only one 90424
reinstatement fee of four hundred seventy-five dollars. The 90425
reinstatement fee shall be distributed by the bureau in accordance 90426
with division (F)(2) of this section. 90427

(4) The attorney general shall use amounts in the drug abuse 90428
resistance education programs fund to award grants to law 90429
enforcement agencies to establish and implement drug abuse 90430
resistance education programs in public schools. Grants awarded to 90431
a law enforcement agency under this section shall be used by the 90432
agency to pay for not more than fifty per cent of the amount of 90433
the salaries of law enforcement officers who conduct drug abuse 90434
resistance education programs in public schools. The attorney 90435
general shall not use more than six per cent of the amounts the 90436
attorney general's office receives under division (F)(2)(e) of 90437
this section to pay the costs it incurs in administering the grant 90438
program established by division (F)(2)(e) of this section and in 90439
providing training and materials relating to drug abuse resistance 90440
education programs. 90441

The attorney general shall report to the governor and the 90442
general assembly each fiscal year on the progress made in 90443
establishing and implementing drug abuse resistance education 90444
programs. These reports shall include an evaluation of the 90445

effectiveness of these programs. 90446

(5) In addition to the reinstatement fee under this section, 90447
if the person pays the reinstatement fee to a deputy registrar, 90448
the deputy registrar shall collect a service fee of ten dollars to 90449
compensate the deputy registrar for services performed under this 90450
section. The deputy registrar shall retain eight dollars of the 90451
service fee and shall transmit the reinstatement fee, plus two 90452
dollars of the service fee, to the registrar in the manner the 90453
registrar shall determine. 90454

(G) Suspension of a commercial driver's license under 90455
division (B) or (C) of this section shall be concurrent with any 90456
period of disqualification under section 3123.611 or 4506.16 of 90457
the Revised Code or any period of suspension under section 3123.58 90458
of the Revised Code. No person who is disqualified for life from 90459
holding a commercial driver's license under section 4506.16 of the 90460
Revised Code shall be issued a driver's license under Chapter 90461
4507. of the Revised Code during the period for which the 90462
commercial driver's license was suspended under division (B) or 90463
(C) of this section. No person whose commercial driver's license 90464
is suspended under division (B) or (C) of this section shall be 90465
issued a driver's license under Chapter 4507. of the Revised Code 90466
during the period of the suspension. 90467

(H)(1) Each county shall establish an indigent drivers 90468
alcohol treatment fund, each county shall establish a juvenile 90469
indigent drivers alcohol treatment fund, and each municipal 90470
corporation in which there is a municipal court shall establish an 90471
indigent drivers alcohol treatment fund. All revenue that the 90472
general assembly appropriates to the indigent drivers alcohol 90473
treatment fund for transfer to a county indigent drivers alcohol 90474
treatment fund, a county juvenile indigent drivers alcohol 90475
treatment fund, or a municipal indigent drivers alcohol treatment 90476
fund, all portions of fees that are paid under division (F) of 90477

this section and that are credited under that division to the 90478
indigent drivers alcohol treatment fund in the state treasury for 90479
a county indigent drivers alcohol treatment fund, a county 90480
juvenile indigent drivers alcohol treatment fund, or a municipal 90481
indigent drivers alcohol treatment fund, all portions of 90482
additional costs imposed under section 2949.094 of the Revised 90483
Code that are specified for deposit into a county, county 90484
juvenile, or municipal indigent drivers alcohol treatment fund by 90485
that section, and all portions of fines that are specified for 90486
deposit into a county or municipal indigent drivers alcohol 90487
treatment fund by section 4511.193 of the Revised Code shall be 90488
deposited into that county indigent drivers alcohol treatment 90489
fund, county juvenile indigent drivers alcohol treatment fund, or 90490
municipal indigent drivers alcohol treatment fund. The portions of 90491
the fees paid under division (F) of this section that are to be so 90492
deposited shall be determined in accordance with division (H)(2) 90493
of this section. Additionally, all portions of fines that are paid 90494
for a violation of section 4511.19 of the Revised Code or of any 90495
prohibition contained in Chapter 4510. of the Revised Code, and 90496
that are required under section 4511.19 or any provision of 90497
Chapter 4510. of the Revised Code to be deposited into a county 90498
indigent drivers alcohol treatment fund or municipal indigent 90499
drivers alcohol treatment fund shall be deposited into the 90500
appropriate fund in accordance with the applicable division of the 90501
section or provision. 90502

(2) That portion of the license reinstatement fee that is 90503
paid under division (F) of this section and that is credited under 90504
that division to the indigent drivers alcohol treatment fund shall 90505
be deposited into a county indigent drivers alcohol treatment 90506
fund, a county juvenile indigent drivers alcohol treatment fund, 90507
or a municipal indigent drivers alcohol treatment fund as follows: 90508

(a) Regarding a suspension imposed under this section, that 90509

portion of the fee shall be deposited as follows: 90510

(i) If the fee is paid by a person who was charged in a 90511
county court with the violation that resulted in the suspension or 90512
in the imposition of the court costs, the portion shall be 90513
deposited into the county indigent drivers alcohol treatment fund 90514
under the control of that court; 90515

(ii) If the fee is paid by a person who was charged in a 90516
juvenile court with the violation that resulted in the suspension 90517
or in the imposition of the court costs, the portion shall be 90518
deposited into the county juvenile indigent drivers alcohol 90519
treatment fund established in the county served by the court; 90520

(iii) If the fee is paid by a person who was charged in a 90521
municipal court with the violation that resulted in the suspension 90522
or in the imposition of the court costs, the portion shall be 90523
deposited into the municipal indigent drivers alcohol treatment 90524
fund under the control of that court. 90525

(b) Regarding a suspension imposed under section 4511.19 of 90526
the Revised Code or under section 4510.07 of the Revised Code for 90527
a violation of a municipal OVI ordinance, that portion of the fee 90528
shall be deposited as follows: 90529

(i) If the fee is paid by a person whose license or permit 90530
was suspended by a county court, the portion shall be deposited 90531
into the county indigent drivers alcohol treatment fund under the 90532
control of that court; 90533

(ii) If the fee is paid by a person whose license or permit 90534
was suspended by a municipal court, the portion shall be deposited 90535
into the municipal indigent drivers alcohol treatment fund under 90536
the control of that court. 90537

(3) Expenditures from a county indigent drivers alcohol 90538
treatment fund, a county juvenile indigent drivers alcohol 90539
treatment fund, or a municipal indigent drivers alcohol treatment 90540

fund shall be made only upon the order of a county, juvenile, or municipal court judge and only for payment of the cost of an assessment or the cost of the attendance at an alcohol and drug addiction treatment program of a person who is convicted of, or found to be a juvenile traffic offender by reason of, a violation of division (A) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend the alcohol and drug addiction treatment program, and who is determined by the court to be unable to pay the cost of the assessment or the cost of attendance at the treatment program or for payment of the costs specified in division (H)(4) of this section in accordance with that division. The alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code and serving the alcohol, drug addiction, and mental health service district in which the court is located shall administer the indigent drivers alcohol treatment program of the court. When a court orders an offender or juvenile traffic offender to obtain an assessment or attend an alcohol and drug addiction treatment program, the board shall determine which program is suitable to meet the needs of the offender or juvenile traffic offender, and when a suitable program is located and space is available at the program, the offender or juvenile traffic offender shall attend the program designated by the board. A reasonable amount not to exceed five per cent of the amounts credited to and deposited into the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund serving every court whose program is administered by that board shall be paid to the board to cover the costs it incurs in administering those indigent drivers alcohol treatment programs.

In addition, upon exhaustion of moneys in the indigent

drivers interlock and alcohol monitoring fund for the use of an 90574
alcohol monitoring device, a county, juvenile, or municipal court 90575
judge may use moneys in the county indigent drivers alcohol 90576
treatment fund, county juvenile indigent drivers alcohol treatment 90577
fund, or municipal indigent drivers alcohol treatment fund in the 90578
following manners: 90579

(a) If the source of the moneys was an appropriation of the 90580
general assembly, a portion of a fee that was paid under division 90581
(F) of this section, a portion of a fine that was specified for 90582
deposit into the fund by section 4511.193 of the Revised Code, or 90583
a portion of a fine that was paid for a violation of section 90584
4511.19 of the Revised Code or of a provision contained in Chapter 90585
4510. of the Revised Code that was required to be deposited into 90586
the fund, to pay for the continued use of an alcohol monitoring 90587
device by an offender or juvenile traffic offender, in conjunction 90588
with a treatment program approved by the department of ~~alcohol and~~ 90589
~~drug addiction services~~ mental health and addiction services, when 90590
such use is determined clinically necessary by the treatment 90591
program and when the court determines that the offender or 90592
juvenile traffic offender is unable to pay all or part of the 90593
daily monitoring or cost of the device; 90594

(b) If the source of the moneys was a portion of an 90595
additional court cost imposed under section 2949.094 of the 90596
Revised Code, to pay for the continued use of an alcohol 90597
monitoring device by an offender or juvenile traffic offender when 90598
the court determines that the offender or juvenile traffic 90599
offender is unable to pay all or part of the daily monitoring or 90600
cost of the device. The moneys may be used for a device as 90601
described in this division if the use of the device is in 90602
conjunction with a treatment program approved by the department of 90603
~~alcohol and drug addiction services~~ mental health and addiction 90604
services, when the use of the device is determined clinically 90605

necessary by the treatment program, but the use of a device is not 90606
required to be in conjunction with a treatment program approved by 90607
the department in order for the moneys to be used for the device 90608
as described in this division. 90609

(4) If a county, juvenile, or municipal court determines, in 90610
consultation with the alcohol and drug addiction services board or 90611
the board of alcohol, drug addiction, and mental health services 90612
established pursuant to section 340.02 or 340.021 of the Revised 90613
Code and serving the alcohol, drug addiction, and mental health 90614
district in which the court is located, that the funds in the 90615
county indigent drivers alcohol treatment fund, the county 90616
juvenile indigent drivers alcohol treatment fund, or the municipal 90617
indigent drivers alcohol treatment fund under the control of the 90618
court are more than sufficient to satisfy the purpose for which 90619
the fund was established, as specified in divisions (H)(1) to (3) 90620
of this section, the court may declare a surplus in the fund. If 90621
the court declares a surplus in the fund, the court may expend the 90622
amount of the surplus in the fund for: 90623

(a) Alcohol and drug abuse assessment and treatment of 90624
persons who are charged in the court with committing a criminal 90625
offense or with being a delinquent child or juvenile traffic 90626
offender and in relation to whom both of the following apply: 90627

(i) The court determines that substance abuse was a 90628
contributing factor leading to the criminal or delinquent activity 90629
or the juvenile traffic offense with which the person is charged. 90630

(ii) The court determines that the person is unable to pay 90631
the cost of the alcohol and drug abuse assessment and treatment 90632
for which the surplus money will be used. 90633

(b) All or part of the cost of purchasing alcohol monitoring 90634
devices to be used in conjunction with division (H)(3) of this 90635
section, upon exhaustion of moneys in the indigent drivers 90636

interlock and alcohol monitoring fund for the use of an alcohol 90637
monitoring device. 90638

(5) For the purpose of determining as described in division 90639
(F)(2)(c) of this section whether an offender does not have the 90640
means to pay for the offender's attendance at an alcohol and drug 90641
addiction treatment program or whether an alleged offender or 90642
delinquent child is unable to pay the costs specified in division 90643
(H)(4) of this section, the court shall use the indigent client 90644
eligibility guidelines and the standards of indigency established 90645
by the state public defender to make the determination. 90646

(6) The court shall identify and refer any ~~alcohol and drug~~ 90647
community addiction program services provider that is not 90648
certified under section ~~3793.06~~ 5119.36 of the Revised Code and 90649
that is interested in receiving amounts from the surplus in the 90650
fund declared under division (H)(4) of this section to the 90651
department of ~~alcohol and drug addiction services~~ mental health
and addiction services in order for the ~~program services provider~~ 90652
to become a certified ~~alcohol and drug~~ community addiction program
services provider. The department shall keep a record of applicant 90653
referrals received pursuant to this division and shall submit a 90654
report on the referrals each year to the general assembly. If a 90655
~~program services provider~~ interested in becoming certified makes 90656
an application to become certified pursuant to section ~~3793.06~~ 90657
5119.36 of the Revised Code, the ~~program services provider~~ is 90658
eligible to receive surplus funds as long as the application is 90659
pending with the department. The department of ~~alcohol and drug~~ 90660
~~addiction services~~ mental health and addiction services must offer 90661
technical assistance to the applicant. If the interested ~~program~~ 90662
services provider withdraws the certification application, the 90663
department must notify the court, and the court shall not provide 90664
the interested ~~program services provider~~ with any further surplus 90665
funds. 90666
90667
90668

(7)(a) Each alcohol and drug addiction services board and 90669
board of alcohol, drug addiction, and mental health services 90670
established pursuant to section 340.02 or 340.021 of the Revised 90671
Code shall submit to the department of ~~alcohol and drug addiction~~ 90672
~~services~~ mental health and addiction services an annual report for 90673
each indigent drivers alcohol treatment fund in that board's area. 90674

(b) The report, which shall be submitted not later than sixty 90675
days after the end of the state fiscal year, shall provide the 90676
total payment that was made from the fund, including the number of 90677
indigent consumers that received treatment services and the number 90678
of indigent consumers that received an alcohol monitoring device. 90679
The report shall identify the treatment program and expenditure 90680
for an alcohol monitoring device for which that payment was made. 90681
The report shall include the fiscal year balance of each indigent 90682
drivers alcohol treatment fund located in that board's area. In 90683
the event that a surplus is declared in the fund pursuant to 90684
division (H)(4) of this section, the report also shall provide the 90685
total payment that was made from the surplus moneys and identify 90686
the treatment program and expenditure for an alcohol monitoring 90687
device for which that payment was made. ~~The department may require~~ 90688
~~additional information necessary to complete the comprehensive~~ 90689
~~statewide alcohol and drug addiction services plan as required by~~ 90690
~~section 3793.04 of the Revised Code.~~ 90691

(c) If a board is unable to obtain adequate information to 90692
develop the report to submit to the department for a particular 90693
indigent drivers alcohol treatment fund, the board shall submit a 90694
report detailing the effort made in obtaining the information. 90695

(I)(1) Each county shall establish an indigent drivers 90696
interlock and alcohol monitoring fund and a juvenile indigent 90697
drivers interlock and alcohol treatment fund, and each municipal 90698
corporation in which there is a municipal court shall establish an 90699
indigent drivers interlock and alcohol monitoring fund. All 90700

revenue that the general assembly appropriates to the indigent 90701
drivers interlock and alcohol monitoring fund for transfer to a 90702
county indigent drivers interlock and alcohol monitoring fund, a 90703
county juvenile indigent drivers interlock and alcohol monitoring 90704
fund, or a municipal indigent drivers interlock and alcohol 90705
monitoring fund, all portions of license reinstatement fees that 90706
are paid under division (F)(2) of this section and that are 90707
credited under that division to the indigent drivers interlock and 90708
alcohol monitoring fund in the state treasury, and all portions of 90709
fines that are paid under division (G) of section 4511.19 of the 90710
Revised Code and that are credited by division (G)(5)(e) of that 90711
section to the indigent drivers interlock and alcohol monitoring 90712
fund in the state treasury shall be deposited in the appropriate 90713
fund in accordance with division (I)(2) of this section. 90714

(2) That portion of the license reinstatement fee that is 90715
paid under division (F) of this section and that portion of the 90716
fine paid under division (G) of section 4511.19 of the Revised 90717
Code and that is credited under either division to the indigent 90718
drivers interlock and alcohol monitoring fund shall be deposited 90719
into a county indigent drivers interlock and alcohol monitoring 90720
fund, a county juvenile indigent drivers interlock and alcohol 90721
monitoring fund, or a municipal indigent drivers interlock and 90722
alcohol monitoring fund as follows: 90723

(a) If the fee or fine is paid by a person who was charged in 90724
a county court with the violation that resulted in the suspension 90725
or fine, the portion shall be deposited into the county indigent 90726
drivers interlock and alcohol monitoring fund under the control of 90727
that court. 90728

(b) If the fee or fine is paid by a person who was charged in 90729
a juvenile court with the violation that resulted in the 90730
suspension or fine, the portion shall be deposited into the county 90731
juvenile indigent drivers interlock and alcohol monitoring fund 90732

established in the county served by the court. 90733

(c) If the fee or fine is paid by a person who was charged in 90734
a municipal court with the violation that resulted in the 90735
suspension, the portion shall be deposited into the municipal 90736
indigent drivers interlock and alcohol monitoring fund under the 90737
control of that court. 90738

Sec. 4511.21. (A) No person shall operate a motor vehicle, 90739
trackless trolley, or streetcar at a speed greater or less than is 90740
reasonable or proper, having due regard to the traffic, surface, 90741
and width of the street or highway and any other conditions, and 90742
no person shall drive any motor vehicle, trackless trolley, or 90743
streetcar in and upon any street or highway at a greater speed 90744
than will permit the person to bring it to a stop within the 90745
assured clear distance ahead. 90746

(B) It is prima-facie lawful, in the absence of a lower limit 90747
declared or established pursuant to this section by the director 90748
of transportation or local authorities, for the operator of a 90749
motor vehicle, trackless trolley, or streetcar to operate the same 90750
at a speed not exceeding the following: 90751

(1)(a) Twenty miles per hour in school zones during school 90752
recess and while children are going to or leaving school during 90753
the opening or closing hours, and when twenty miles per hour 90754
school speed limit signs are erected; except that, on 90755
controlled-access highways and expressways, if the right-of-way 90756
line fence has been erected without pedestrian opening, the speed 90757
shall be governed by division (B)(4) of this section and on 90758
freeways, if the right-of-way line fence has been erected without 90759
pedestrian opening, the speed shall be governed by divisions 90760
(B)(9) and (10) of this section. The end of every school zone may 90761
be marked by a sign indicating the end of the zone. Nothing in 90762
this section or in the manual and specifications for a uniform 90763

system of traffic control devices shall be construed to require 90764
school zones to be indicated by signs equipped with flashing or 90765
other lights, or giving other special notice of the hours in which 90766
the school zone speed limit is in effect. 90767

(b) As used in this section and in section 4511.212 of the 90768
Revised Code, "school" means any school chartered under section 90769
3301.16 of the Revised Code and any nonchartered school that 90770
during the preceding year filed with the department of education 90771
in compliance with rule 3301-35-08 of the Ohio Administrative 90772
Code, a copy of the school's report for the parents of the 90773
school's pupils certifying that the school meets Ohio minimum 90774
standards for nonchartered, nontax-supported schools and presents 90775
evidence of this filing to the jurisdiction from which it is 90776
requesting the establishment of a school zone. "School" also 90777
includes a special elementary school that in writing requests the 90778
county engineer of the county in which the special elementary 90779
school is located to create a school zone at the location of that 90780
school. Upon receipt of such a written request, the county 90781
engineer shall create a school zone at that location by erecting 90782
the appropriate signs. 90783

(c) As used in this section, "school zone" means that portion 90784
of a street or highway passing a school fronting upon the street 90785
or highway that is encompassed by projecting the school property 90786
lines to the fronting street or highway, and also includes that 90787
portion of a state highway. Upon request from local authorities 90788
for streets and highways under their jurisdiction and that portion 90789
of a state highway under the jurisdiction of the director of 90790
transportation or a request from a county engineer in the case of 90791
a school zone for a special elementary school, the director may 90792
extend the traditional school zone boundaries. The distances in 90793
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 90794
exceed three hundred feet per approach per direction and are 90795

bounded by whichever of the following distances or combinations 90796
thereof the director approves as most appropriate: 90797

(i) The distance encompassed by projecting the school 90798
building lines normal to the fronting highway and extending a 90799
distance of three hundred feet on each approach direction; 90800

(ii) The distance encompassed by projecting the school 90801
property lines intersecting the fronting highway and extending a 90802
distance of three hundred feet on each approach direction; 90803

(iii) The distance encompassed by the special marking of the 90804
pavement for a principal school pupil crosswalk plus a distance of 90805
three hundred feet on each approach direction of the highway. 90806

Nothing in this section shall be construed to invalidate the 90807
director's initial action on August 9, 1976, establishing all 90808
school zones at the traditional school zone boundaries defined by 90809
projecting school property lines, except when those boundaries are 90810
extended as provided in divisions (B)(1)(a) and (c) of this 90811
section. 90812

(d) As used in this division, "crosswalk" has the meaning 90813
given that term in division (LL)(2) of section 4511.01 of the 90814
Revised Code. 90815

The director may, upon request by resolution of the 90816
legislative authority of a municipal corporation, the board of 90817
trustees of a township, or a county board of developmental 90818
disabilities created pursuant to Chapter 5126. of the Revised 90819
Code, and upon submission by the municipal corporation, township, 90820
or county board of such engineering, traffic, and other 90821
information as the director considers necessary, designate a 90822
school zone on any portion of a state route lying within the 90823
municipal corporation, lying within the unincorporated territory 90824
of the township, or lying adjacent to the property of a school 90825
that is operated by such county board, that includes a crosswalk 90826

customarily used by children going to or leaving a school during 90827
recess and opening and closing hours, whenever the distance, as 90828
measured in a straight line, from the school property line nearest 90829
the crosswalk to the nearest point of the crosswalk is no more 90830
than one thousand three hundred twenty feet. Such a school zone 90831
shall include the distance encompassed by the crosswalk and 90832
extending three hundred feet on each approach direction of the 90833
state route. 90834

(e) As used in this section, "special elementary school" 90835
means a school that meets all of the following criteria: 90836

(i) It is not chartered and does not receive tax revenue from 90837
any source. 90838

(ii) It does not educate children beyond the eighth grade. 90839

(iii) It is located outside the limits of a municipal 90840
corporation. 90841

(iv) A majority of the total number of students enrolled at 90842
the school are not related by blood. 90843

(v) The principal or other person in charge of the special 90844
elementary school annually sends a report to the superintendent of 90845
the school district in which the special elementary school is 90846
located indicating the total number of students enrolled at the 90847
school, but otherwise the principal or other person in charge does 90848
not report any other information or data to the superintendent. 90849

(2) Twenty-five miles per hour in all other portions of a 90850
municipal corporation, except on state routes outside business 90851
districts, through highways outside business districts, and 90852
alleys; 90853

(3) Thirty-five miles per hour on all state routes or through 90854
highways within municipal corporations outside business districts, 90855
except as provided in divisions (B)(4) and (6) of this section; 90856

- (4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations; 90857
90858
- (5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B)(8) of this section, highways as provided in division (B)(9) of this section, and highways, expressways, and freeways as provided in divisions (B)(12), (13), (14), and (16)-~~and (17)~~ of this section; 90859
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- (6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section; 90865
90866
90867
- (7) Fifteen miles per hour on all alleys within the municipal corporation; 90868
90869
- (8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction; 90870
90871
- (9) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H)(2) of this section. 90872
90873
90874
- (10) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B)~~(13)~~, (14) and (16),~~and (17)~~ of this section; 90875
90876
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90878
- (11) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in divisions (B)~~(13)~~, (14) and (16),~~and (17)~~ of this section; 90879
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90881
- (12) ~~Fifty-five~~ Sixty miles per hour for operators of any motor vehicle at all times on all portions of freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system for operators of any motor vehicle 90882
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90886

~~weighing in excess of eight thousand pounds empty weight and any~~ 90887
~~noncommercial bus rural divided highways;~~ 90888

(13) ~~Fifty-five~~ Sixty-five miles per hour for operators of 90889
any motor vehicle ~~weighing eight thousand pounds or less empty~~ 90890
~~weight and any commercial bus at all times on all portions of~~ 90891
~~freeways that are not part of the interstate system, but are built~~ 90892
~~to the standards and specifications that are applicable to~~ 90893
~~freeways that are part of the interstate system and that had such~~ 90894
~~a speed limit established prior to October 1, 1995, unless a~~ 90895
~~higher speed limit is established under division (L) of this~~ 90896
~~section at all times on all rural expressways without traffic~~ 90897
~~control signals;~~ 90898

(14) ~~Sixty-five~~ Seventy miles per hour for operators of any 90899
motor vehicle ~~weighing eight thousand pounds or less empty weight~~ 90900
~~and any commercial bus at all times on all portions of the~~ 90901
~~following:~~ 90902

(a) ~~Freeways that are not part of the interstate system, but~~ 90903
~~are built to the standards and specifications that are applicable~~ 90904
~~to freeways that are part of the interstate system and that had~~ 90905
~~such a speed limit established prior to October 1, 1995;~~ 90906

(b) ~~Freeways that are not part of the interstate system but~~ 90907
~~are built to the standards and specifications that are applicable~~ 90908
~~to freeways that are part of the interstate system, and that had~~ 90909
~~such a speed limit established under division (L) of this section;~~ 90910

(c) ~~Rural, divided, multi-lane highways that are designated~~ 90911
~~as part of the national highway system under the "National Highway~~ 90912
~~System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103,~~ 90913
~~and that had such a speed limit established under division (M) of~~ 90914
~~this section. rural freeways;~~ 90915

(15) Fifty-five miles per hour for operators of any motor 90916
vehicle at all times on all portions of freeways in congested 90917

areas as determined by the director and that are part of the 90918
interstate system and are located within a municipal corporation 90919
or within an interstate freeway outerbelt; 90920

(16) Sixty-five miles per hour for operators of any motor 90921
vehicle at all times on all portions of freeways in urban areas as 90922
determined by the director and that are part of the interstate 90923
system and are part of an interstate freeway outerbelt; 90924

~~(17) Seventy miles per hour at all times on all portions of 90925
freeways that are part of the interstate system and are outside 90926
urbanized areas, as designated in accordance with 23 U.S.C. 101, 90927
for operators of all motor vehicles. 90928~~

(C) It is prima-facie unlawful for any person to exceed any 90929
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 90930
(6), (7), and (8) of this section, or any declared or established 90931
pursuant to this section by the director or local authorities and 90932
it is unlawful for any person to exceed any of the speed 90933
limitations in division (D) of this section. No person shall be 90934
convicted of more than one violation of this section for the same 90935
conduct, although violations of more than one provision of this 90936
section may be charged in the alternative in a single affidavit. 90937

(D) No person shall operate a motor vehicle, trackless 90938
trolley, or streetcar upon a street or highway as follows: 90939

(1) At a speed exceeding fifty-five miles per hour, except 90940
upon a two-lane state route as provided in division (B)(9) of this 90941
section and upon a highway, expressway, or freeway as provided in 90942
divisions (B)~~(12)~~, (13), ~~(14)~~, and (16), ~~and (17)~~ of this section; 90943
90944

(2) At a speed exceeding sixty miles per hour upon a two-lane 90945
state route as provided in division (B)(9) of this section ~~and~~ 90946
upon a highway as provided in division (B)(12) of this section; 90947

(3) At a speed exceeding sixty-five miles per hour upon an 90948

expressway as provided in division (B)(13) or upon a freeway as 90949
provided in division (B)(16) of this section, except upon a 90950
freeway as provided in division (B)~~(17)~~(14) of this section; 90951

(4) At a speed exceeding seventy miles per hour upon a 90952
freeway as provided in division (B)~~(17)~~(14) of this section; 90953

~~(5) If a motor vehicle weighing in excess of eight thousand~~ 90954
~~pounds empty weight or a noncommercial bus as prescribed in~~ 90955
~~division (B)(11) of this section, at a speed exceeding fifty five~~ 90956
~~miles per hour, except upon a freeway as provided in divisions~~ 90957
~~(B)(16) and (17) of this section;~~ 90958

~~(6) At a speed exceeding the posted speed limit upon a~~ 90959
~~freeway for which the director has determined and declared a speed~~ 90960
~~limit of not more than sixty five miles per hour pursuant to~~ 90961
~~division (L)(2) or (M) of this section;~~ 90962

~~(7) At a speed exceeding sixty five miles per hour upon a~~ 90963
~~freeway for which such a speed limit has been established through~~ 90964
~~the operation of division (L)(3) of this section;~~ 90965

~~(8)~~ At a speed exceeding the posted speed limit upon a 90966
highway, expressway, or freeway for which the director has 90967
determined and declared a speed limit pursuant to division (I)(2) 90968
or (L)(2) of this section. 90969

(E) In every charge of violation of this section the 90970
affidavit and warrant shall specify the time, place, and speed at 90971
which the defendant is alleged to have driven, and in charges made 90972
in reliance upon division (C) of this section also the speed which 90973
division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit 90974
declared or established pursuant to, this section declares is 90975
prima-facie lawful at the time and place of such alleged 90976
violation, except that in affidavits where a person is alleged to 90977
have driven at a greater speed than will permit the person to 90978
bring the vehicle to a stop within the assured clear distance 90979

ahead the affidavit and warrant need not specify the speed at 90980
which the defendant is alleged to have driven. 90981

(F) When a speed in excess of both a prima-facie limitation 90982
and a limitation in division (D) of this section is alleged, the 90983
defendant shall be charged in a single affidavit, alleging a 90984
single act, with a violation indicated of both division (B)(1)(a), 90985
(2), (3), (4), (6), (7), or (8) of this section, or of a limit 90986
declared or established pursuant to this section by the director 90987
or local authorities, and of the limitation in division (D) of 90988
this section. If the court finds a violation of division 90989
(B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared 90990
or established pursuant to, this section has occurred, it shall 90991
enter a judgment of conviction under such division and dismiss the 90992
charge under division (D) of this section. If it finds no 90993
violation of division (B)(1)(a), (2), (3), (4), (6), (7), or (8) 90994
of, or a limit declared or established pursuant to, this section, 90995
it shall then consider whether the evidence supports a conviction 90996
under division (D) of this section. 90997

(G) Points shall be assessed for violation of a limitation 90998
under division (D) of this section in accordance with section 90999
4510.036 of the Revised Code. 91000

(H)(1) Whenever the director determines upon the basis of a 91001
geometric and traffic characteristic study that any speed limit 91002
set forth in divisions (B)(1)(a) to (D) of this section is greater 91003
or less than is reasonable or safe under the conditions found to 91004
exist at any portion of a street or highway under the jurisdiction 91005
of the director, the director shall determine and declare a 91006
reasonable and safe prima-facie speed limit, which shall be 91007
effective when appropriate signs giving notice of it are erected 91008
at the location. 91009

(2) Whenever the director determines upon the basis of a 91010
geometric and traffic characteristic study that the speed limit of 91011

fifty-five miles per hour on a two-lane state route outside a 91012
municipal corporation is less than is reasonable or safe under the 91013
conditions found to exist at that portion of the state route, the 91014
director may determine and declare a speed limit of sixty miles 91015
per hour for that portion of the state route, which shall be 91016
effective when appropriate signs giving notice of it are erected 91017
at the location. 91018

(I)(1) Except as provided in divisions (I)(2) and (K) of this 91019
section, whenever local authorities determine upon the basis of an 91020
engineering and traffic investigation that the speed permitted by 91021
divisions (B)(1)(a) to (D) of this section, on any part of a 91022
highway under their jurisdiction, is greater than is reasonable 91023
and safe under the conditions found to exist at such location, the 91024
local authorities may by resolution request the director to 91025
determine and declare a reasonable and safe prima-facie speed 91026
limit. Upon receipt of such request the director may determine and 91027
declare a reasonable and safe prima-facie speed limit at such 91028
location, and if the director does so, then such declared speed 91029
limit shall become effective only when appropriate signs giving 91030
notice thereof are erected at such location by the local 91031
authorities. The director may withdraw the declaration of a 91032
prima-facie speed limit whenever in the director's opinion the 91033
altered prima-facie speed becomes unreasonable. Upon such 91034
withdrawal, the declared prima-facie speed shall become 91035
ineffective and the signs relating thereto shall be immediately 91036
removed by the local authorities. 91037

(2) A local authority may determine on the basis of a 91038
geometric and traffic characteristic study that the speed limit of 91039
sixty-five miles per hour on a portion of a freeway under its 91040
jurisdiction that was established through the operation of 91041
division (L)(3) of this section is greater than is reasonable or 91042
safe under the conditions found to exist at that portion of the 91043

freeway. If the local authority makes such a determination, the 91044
local authority by resolution may request the director to 91045
determine and declare a reasonable and safe speed limit of not 91046
less than fifty-five miles per hour for that portion of the 91047
freeway. If the director takes such action, the declared speed 91048
limit becomes effective only when appropriate signs giving notice 91049
of it are erected at such location by the local authority. 91050

(J) Local authorities in their respective jurisdictions may 91051
authorize by ordinance higher prima-facie speeds than those stated 91052
in this section upon through highways, or upon highways or 91053
portions thereof where there are no intersections, or between 91054
widely spaced intersections, provided signs are erected giving 91055
notice of the authorized speed, but local authorities shall not 91056
modify or alter the basic rule set forth in division (A) of this 91057
section or in any event authorize by ordinance a speed in excess 91058
of fifty miles per hour. 91059

Alteration of prima-facie limits on state routes by local 91060
authorities shall not be effective until the alteration has been 91061
approved by the director. The director may withdraw approval of 91062
any altered prima-facie speed limits whenever in the director's 91063
opinion any altered prima-facie speed becomes unreasonable, and 91064
upon such withdrawal, the altered prima-facie speed shall become 91065
ineffective and the signs relating thereto shall be immediately 91066
removed by the local authorities. 91067

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 91068
section, "unimproved highway" means a highway consisting of any of 91069
the following: 91070

(a) Unimproved earth; 91071

(b) Unimproved graded and drained earth; 91072

(c) Gravel. 91073

(2) Except as otherwise provided in divisions (K)(4) and (5) 91074

of this section, whenever a board of township trustees determines 91075
upon the basis of an engineering and traffic investigation that 91076
the speed permitted by division (B)(5) of this section on any part 91077
of an unimproved highway under its jurisdiction and in the 91078
unincorporated territory of the township is greater than is 91079
reasonable or safe under the conditions found to exist at the 91080
location, the board may by resolution declare a reasonable and 91081
safe prima-facie speed limit of fifty-five but not less than 91082
twenty-five miles per hour. An altered speed limit adopted by a 91083
board of township trustees under this division becomes effective 91084
when appropriate traffic control devices, as prescribed in section 91085
4511.11 of the Revised Code, giving notice thereof are erected at 91086
the location, which shall be no sooner than sixty days after 91087
adoption of the resolution. 91088

(3)(a) Whenever, in the opinion of a board of township 91089
trustees, any altered prima-facie speed limit established by the 91090
board under this division becomes unreasonable, the board may 91091
adopt a resolution withdrawing the altered prima-facie speed 91092
limit. Upon the adoption of such a resolution, the altered 91093
prima-facie speed limit becomes ineffective and the traffic 91094
control devices relating thereto shall be immediately removed. 91095

(b) Whenever a highway ceases to be an unimproved highway and 91096
the board has adopted an altered prima-facie speed limit pursuant 91097
to division (K)(2) of this section, the board shall, by 91098
resolution, withdraw the altered prima-facie speed limit as soon 91099
as the highway ceases to be unimproved. Upon the adoption of such 91100
a resolution, the altered prima-facie speed limit becomes 91101
ineffective and the traffic control devices relating thereto shall 91102
be immediately removed. 91103

(4)(a) If the boundary of two townships rests on the 91104
centerline of an unimproved highway in unincorporated territory 91105
and both townships have jurisdiction over the highway, neither of 91106

the boards of township trustees of such townships may declare an altered prima-facie speed limit pursuant to division (K)(2) of this section on the part of the highway under their joint jurisdiction unless the boards of township trustees of both of the townships determine, upon the basis of an engineering and traffic investigation, that the speed permitted by division (B)(5) of this section is greater than is reasonable or safe under the conditions found to exist at the location and both boards agree upon a reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both boards so agree, each shall follow the procedure specified in division (K)(2) of this section for altering the prima-facie speed limit on the highway. Except as otherwise provided in division (K)(4)(b) of this section, no speed limit altered pursuant to division (K)(4)(a) of this section may be withdrawn unless the boards of township trustees of both townships determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each board adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in division (K)(3)(a) of this section.

(b) Whenever a highway described in division (K)(4)(a) of this section ceases to be an unimproved highway and two boards of township trustees have adopted an altered prima-facie speed limit pursuant to division (K)(4)(a) of this section, both boards shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon the adoption of the resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(5) As used in division (K)(5) of this section:

(a) "Commercial subdivision" means any platted territory outside the limits of a municipal corporation and fronting a

highway where, for a distance of three hundred feet or more, the frontage is improved with buildings in use for commercial purposes, or where the entire length of the highway is less than three hundred feet long and the frontage is improved with buildings in use for commercial purposes.

(b) "Residential subdivision" means any platted territory outside the limits of a municipal corporation and fronting a highway, where, for a distance of three hundred feet or more, the frontage is improved with residences or residences and buildings in use for business, or where the entire length of the highway is less than three hundred feet long and the frontage is improved with residences or residences and buildings in use for business.

Whenever a board of township trustees finds upon the basis of an engineering and traffic investigation that the prima-facie speed permitted by division (B)(5) of this section on any part of a highway under its jurisdiction that is located in a commercial or residential subdivision, except on highways or portions thereof at the entrances to which vehicular traffic from the majority of intersecting highways is required to yield the right-of-way to vehicles on such highways in obedience to stop or yield signs or traffic control signals, is greater than is reasonable and safe under the conditions found to exist at the location, the board may by resolution declare a reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour at the location. An altered speed limit adopted by a board of township trustees under this division shall become effective when appropriate signs giving notice thereof are erected at the location by the township. Whenever, in the opinion of a board of township trustees, any altered prima-facie speed limit established by it under this division becomes unreasonable, it may adopt a resolution withdrawing the altered prima-facie speed, and upon such withdrawal, the altered prima-facie speed shall become

ineffective, and the signs relating thereto shall be immediately removed by the township. 91171
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~~(L)(1) Within one hundred twenty days of February 29, 1996, the director of transportation, based upon a geometric and traffic characteristic study of a freeway that is part of the interstate system or that is not part of the interstate system, but is built to the standards and specifications that are applicable to freeways that are part of the interstate system, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over a portion of such freeway, may determine and declare that the speed limit of less than sixty five miles per hour established on such freeway or portion of freeway either is reasonable and safe or is less than that which is reasonable and safe.~~ 91173
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~~(2) If the established speed limit for such a freeway or portion of freeway is determined to be less than that which is reasonable and safe, the director of transportation, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over the portion of freeway, shall determine and declare a reasonable and safe speed limit of not more than sixty five miles per hour for that freeway or portion of freeway.~~ 91185
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~~The director of transportation or local authority having jurisdiction over the freeway or portion of freeway shall erect appropriate signs giving notice of the speed limit at such location within one hundred fifty days of February 29, 1996. Such speed limit becomes effective only when such signs are erected at the location.~~ 91193
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~~(3) If, within one hundred twenty days of February 29, 1996, the director of transportation does not make a determination and declaration of a reasonable and safe speed limit for a freeway or portion of freeway that is part of the interstate system or that~~ 91199
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~~is not part of the interstate system, but is built to the standards and specifications that are applicable to freeways that are part of the interstate system and that has a speed limit of less than sixty five miles per hour, the speed limit on that freeway or portion of a freeway shall be sixty five miles per hour. The director of transportation or local authority having jurisdiction over the freeway or portion of the freeway shall erect appropriate signs giving notice of the speed limit of sixty five miles per hour at such location within one hundred fifty days of February 29, 1996. Such speed limit becomes effective only when such signs are erected at the location. A speed limit established through the operation of division (L)(3) of this section is subject to reduction under division (I)(2) of this section.~~

~~(M) Within three hundred sixty days after February 29, 1996, the director of transportation, based upon a geometric and traffic characteristic study of a rural, divided, multi-lane highway that has been designated as part of the national highway system under the "National Highway System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over a portion of the highway, may determine and declare that the speed limit of less than sixty five miles per hour established on the highway or portion of highway either is reasonable and safe or is less than that which is reasonable and safe.~~

~~If the established speed limit for the highway or portion of highway is determined to be less than that which is reasonable and safe, the director of transportation, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over the portion of highway, shall determine and declare a reasonable and safe speed limit of not more than sixty five miles per hour for that highway or portion of highway.~~

~~The director of transportation or local authority having jurisdiction over the highway or portion of highway shall erect appropriate signs giving notice of the speed limit at such location within three hundred ninety days after February 29, 1996. The speed limit becomes effective only when such signs are erected at the location. On the effective date of this amendment, the director of transportation, based upon an engineering study of a highway, expressway, or freeway described in division (B)(12), (13), (14), (15), or (16) of this section, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over the studied highway, expressway, or freeway, may determine and declare that the speed limit established on such highway, expressway, or freeway under division (B)(12), (13), (14), (15), or (16) of this section either is reasonable and safe or is more or less than that which is reasonable and safe.~~

(2) If the established speed limit for a highway, expressway, or freeway studied pursuant to division (L)(1) of this section is determined to be more or less than that which is reasonable and safe, the director of transportation, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over the studied highway, expressway, or freeway, shall determine and declare a reasonable and safe speed limit for that highway, expressway, or freeway.

(N)(1)(a) If the boundary of two local authorities rests on the centerline of a highway and both authorities have jurisdiction over the highway, the speed limit for the part of the highway within their joint jurisdiction shall be either one of the following as agreed to by both authorities:

(i) Either prima-facie speed limit permitted by division (B) of this section;

(ii) An altered speed limit determined and posted in

accordance with this section. 91267

(b) If the local authorities are unable to reach an 91268
agreement, the speed limit shall remain as established and posted 91269
under this section. 91270

(2) Neither local authority may declare an altered 91271
prima-facie speed limit pursuant to this section on the part of 91272
the highway under their joint jurisdiction unless both of the 91273
local authorities determine, upon the basis of an engineering and 91274
traffic investigation, that the speed permitted by this section is 91275
greater than is reasonable or safe under the conditions found to 91276
exist at the location and both authorities agree upon a uniform 91277
reasonable and safe prima-facie speed limit of less than 91278
fifty-five but not less than twenty-five miles per hour for that 91279
location. If both authorities so agree, each shall follow the 91280
procedure specified in this section for altering the prima-facie 91281
speed limit on the highway, and the speed limit for the part of 91282
the highway within their joint jurisdiction shall be uniformly 91283
altered. No altered speed limit may be withdrawn unless both local 91284
authorities determine that the altered prima-facie speed limit 91285
previously adopted becomes unreasonable and each adopts a 91286
resolution withdrawing the altered prima-facie speed limit 91287
pursuant to the procedure specified in this section. 91288

(0) As used in this section: 91289

(1) "Interstate system" has the same meaning as in 23 91290
U.S.C.A. 101. 91291

(2) "Commercial bus" means a motor vehicle designed for 91292
carrying more than nine passengers and used for the transportation 91293
of persons for compensation. 91294

(3) "Noncommercial bus" includes but is not limited to a 91295
school bus or a motor vehicle operated solely for the 91296
transportation of persons associated with a charitable or 91297

nonprofit organization. 91298

(4) "Outerbelt" means a portion of a freeway that is part of 91299
the interstate system and is located in the outer vicinity of a 91300
major municipal corporation or group of municipal corporations, as 91301
designated by the director. 91302

(5) "Rural" means outside urbanized areas, as designated in 91303
accordance with 23 U.S.C. 101, and outside of a business or urban 91304
district. 91305

(P)(1) A violation of any provision of this section is one of 91306
the following: 91307

(a) Except as otherwise provided in divisions (P)(1)(b), 91308
(1)(c), (2), and (3) of this section, a minor misdemeanor; 91309

(b) If, within one year of the offense, the offender 91310
previously has been convicted of or pleaded guilty to two 91311
violations of any provision of this section or of any provision of 91312
a municipal ordinance that is substantially similar to any 91313
provision of this section, a misdemeanor of the fourth degree; 91314

(c) If, within one year of the offense, the offender 91315
previously has been convicted of or pleaded guilty to three or 91316
more violations of any provision of this section or of any 91317
provision of a municipal ordinance that is substantially similar 91318
to any provision of this section, a misdemeanor of the third 91319
degree. 91320

(2) If the offender has not previously been convicted of or 91321
pleaded guilty to a violation of any provision of this section or 91322
of any provision of a municipal ordinance that is substantially 91323
similar to this section and operated a motor vehicle faster than 91324
thirty-five miles an hour in a business district of a municipal 91325
corporation, faster than fifty miles an hour in other portions of 91326
a municipal corporation, or faster than thirty-five miles an hour 91327
in a school zone during recess or while children are going to or 91328

leaving school during the school's opening or closing hours, a 91329
misdemeanor of the fourth degree. 91330

(3) Notwithstanding division (P)(1) of this section, if the 91331
offender operated a motor vehicle in a construction zone where a 91332
sign was then posted in accordance with section 4511.98 of the 91333
Revised Code, the court, in addition to all other penalties 91334
provided by law, shall impose upon the offender a fine of two 91335
times the usual amount imposed for the violation. No court shall 91336
impose a fine of two times the usual amount imposed for the 91337
violation upon an offender if the offender alleges, in an 91338
affidavit filed with the court prior to the offender's sentencing, 91339
that the offender is indigent and is unable to pay the fine 91340
imposed pursuant to this division and if the court determines that 91341
the offender is an indigent person and unable to pay the fine. 91342

Sec. 4511.69. (A) Every vehicle stopped or parked upon a 91343
roadway where there is an adjacent curb shall be stopped or parked 91344
with the right-hand wheels of the vehicle parallel with and not 91345
more than twelve inches from the right-hand curb, unless it is 91346
impossible to approach so close to the curb; in such case the stop 91347
shall be made as close to the curb as possible and only for the 91348
time necessary to discharge and receive passengers or to load or 91349
unload merchandise. Local authorities by ordinance may permit 91350
angle parking on any roadway under their jurisdiction, except that 91351
angle parking shall not be permitted on a state route within a 91352
municipal corporation unless an unoccupied roadway width of not 91353
less than twenty-five feet is available for free-moving traffic. 91354

(B) Local authorities by ordinance may permit parking of 91355
vehicles with the left-hand wheels adjacent to and within twelve 91356
inches of the left-hand curb of a one-way roadway. 91357

(C)(1)(a) Except as provided in division (C)~~(2)~~(1)(b) of this 91358
section, no vehicle or trackless trolley shall be stopped or 91359

parked on a road or highway with the vehicle or trackless trolley 91360
facing in a direction other than the direction of travel on that 91361
side of the road or highway. 91362

~~(2)(b)~~ The operator of a motorcycle may back the motorcycle 91363
into an angled parking space so that when the motorcycle is parked 91364
it is facing in a direction other than the direction of travel on 91365
the side of the road or highway. 91366

(2) The operator of a motorcycle may back the motorcycle into 91367
a parking space that is located on the side of, and parallel to, a 91368
road or highway. The motorcycle may face any direction when so 91369
parked. Not more than two motorcycles at a time shall be parked in 91370
a parking space as described in division (C)(2) of this section 91371
irrespective of whether or not the space is metered. 91372

(D) Notwithstanding any statute or any rule, resolution, or 91373
ordinance adopted by any local authority, air compressors, 91374
tractors, trucks, and other equipment, while being used in the 91375
construction, reconstruction, installation, repair, or removal of 91376
facilities near, on, over, or under a street or highway, may stop, 91377
stand, or park where necessary in order to perform such work, 91378
provided a flagperson is on duty or warning signs or lights are 91379
displayed as may be prescribed by the director of transportation. 91380

(E) Special parking locations and privileges for persons with 91381
disabilities that limit or impair the ability to walk, also known 91382
as handicapped parking spaces or disability parking spaces, shall 91383
be provided and designated by all political subdivisions and by 91384
the state and all agencies and instrumentalities thereof at all 91385
offices and facilities, where parking is provided, whether owned, 91386
rented, or leased, and at all publicly owned parking garages. The 91387
locations shall be designated through the posting of an elevated 91388
sign, whether permanently affixed or movable, imprinted with the 91389
international symbol of access and shall be reasonably close to 91390
exits, entrances, elevators, and ramps. All elevated signs posted 91391

in accordance with this division and division (C) of section 91392
3781.111 of the Revised Code shall be mounted on a fixed or 91393
movable post, and the distance from the ground to the bottom edge 91394
of the sign shall measure not less than five feet. If a new sign 91395
or a replacement sign designating a special parking location is 91396
posted on or after October 14, 1999, there also shall be affixed 91397
upon the surface of that sign or affixed next to the designating 91398
sign a notice that states the fine applicable for the offense of 91399
parking a motor vehicle in the special designated parking location 91400
if the motor vehicle is not legally entitled to be parked in that 91401
location. 91402

(F)(1) No person shall stop, stand, or park any motor vehicle 91403
at special parking locations provided under division (E) of this 91404
section or at special clearly marked parking locations provided in 91405
or on privately owned parking lots, parking garages, or other 91406
parking areas and designated in accordance with that division, 91407
unless one of the following applies: 91408

(a) The motor vehicle is being operated by or for the 91409
transport of a person with a disability that limits or impairs the 91410
ability to walk and is displaying a valid removable windshield 91411
placard or special license plates; 91412

(b) The motor vehicle is being operated by or for the 91413
transport of a handicapped person and is displaying a parking card 91414
or special handicapped license plates. 91415

(2) Any motor vehicle that is parked in a special marked 91416
parking location in violation of division (F)(1)(a) or (b) of this 91417
section may be towed or otherwise removed from the parking 91418
location by the law enforcement agency of the political 91419
subdivision in which the parking location is located. A motor 91420
vehicle that is so towed or removed shall not be released to its 91421
owner until the owner presents proof of ownership of the motor 91422
vehicle and pays all towing and storage fees normally imposed by 91423

that political subdivision for towing and storing motor vehicles. 91424
If the motor vehicle is a leased vehicle, it shall not be released 91425
to the lessee until the lessee presents proof that that person is 91426
the lessee of the motor vehicle and pays all towing and storage 91427
fees normally imposed by that political subdivision for towing and 91428
storing motor vehicles. 91429

(3) If a person is charged with a violation of division 91430
(F)(1)(a) or (b) of this section, it is an affirmative defense to 91431
the charge that the person suffered an injury not more than 91432
seventy-two hours prior to the time the person was issued the 91433
ticket or citation and that, because of the injury, the person 91434
meets at least one of the criteria contained in division (A)(1) of 91435
section 4503.44 of the Revised Code. 91436

(G) When a motor vehicle is being operated by or for the 91437
transport of a person with a disability that limits or impairs the 91438
ability to walk and is displaying a removable windshield placard 91439
or a temporary removable windshield placard or special license 91440
plates, or when a motor vehicle is being operated by or for the 91441
transport of a handicapped person and is displaying a parking card 91442
or special handicapped license plates, the motor vehicle is 91443
permitted to park for a period of two hours in excess of the legal 91444
parking period permitted by local authorities, except where local 91445
ordinances or police rules provide otherwise or where the vehicle 91446
is parked in such a manner as to be clearly a traffic hazard. 91447

(H) No owner of an office, facility, or parking garage where 91448
special parking locations are required to be designated in 91449
accordance with division (E) of this section shall fail to 91450
properly mark the special parking locations in accordance with 91451
that division or fail to maintain the markings of the special 91452
locations, including the erection and maintenance of the fixed or 91453
movable signs. 91454

(I) Nothing in this section shall be construed to require a 91455

person or organization to apply for a removable windshield placard 91456
or special license plates if the parking card or special license 91457
plates issued to the person or organization under prior law have 91458
not expired or been surrendered or revoked. 91459

(J)(1) Whoever violates division (A) or (C) of this section 91460
is guilty of a minor misdemeanor. 91461

(2)(a) Whoever violates division (F)(1)(a) or (b) of this 91462
section is guilty of a misdemeanor and shall be punished as 91463
provided in division (J)(2)(a) and (b) of this section. Except as 91464
otherwise provided in division (J)(2)(a) of this section, an 91465
offender who violates division (F)(1)(a) or (b) of this section 91466
shall be fined not less than two hundred fifty nor more than five 91467
hundred dollars. An offender who violates division (F)(1)(a) or 91468
(b) of this section shall be fined not more than one hundred 91469
dollars if the offender, prior to sentencing, proves either of the 91470
following to the satisfaction of the court: 91471

(i) At the time of the violation of division (F)(1)(a) of 91472
this section, the offender or the person for whose transport the 91473
motor vehicle was being operated had been issued a removable 91474
windshield placard that then was valid or special license plates 91475
that then were valid but the offender or the person neglected to 91476
display the placard or license plates as described in division 91477
(F)(1)(a) of this section. 91478

(ii) At the time of the violation of division (F)(1)(b) of 91479
this section, the offender or the person for whose transport the 91480
motor vehicle was being operated had been issued a parking card 91481
that then was valid or special handicapped license plates that 91482
then were valid but the offender or the person neglected to 91483
display the card or license plates as described in division 91484
(F)(1)(b) of this section. 91485

(b) In no case shall an offender who violates division 91486

(F)(1)(a) or (b) of this section be sentenced to any term of imprisonment. 91487
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An arrest or conviction for a violation of division (F)(1)(a) or (b) of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness. 91489
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The clerk of the court shall pay every fine collected under division (J)(2) of this section to the political subdivision in which the violation occurred. Except as provided in division (J)(2) of this section, the political subdivision shall use the fine moneys it receives under division (J)(2) of this section to pay the expenses it incurs in complying with the signage and notice requirements contained in division (E) of this section. The political subdivision may use up to fifty per cent of each fine it receives under division (J)(2) of this section to pay the costs of educational, advocacy, support, and assistive technology programs for persons with disabilities, and for public improvements within the political subdivision that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs. 91495
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(3) Whoever violates division (H) of this section shall be punished as follows: 91509
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(a) Except as otherwise provided in division (J)(3) of this section, the offender shall be issued a warning. 91511
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(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (H) of this section or of a municipal ordinance that is substantially similar to that division, the offender shall not be issued a warning but shall be fined not more than twenty-five dollars for each parking location 91513
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that is not properly marked or whose markings are not properly 91518
maintained. 91519

(K) As used in this section: 91520

(1) "Handicapped person" means any person who has lost the 91521
use of one or both legs or one or both arms, who is blind, deaf, 91522
or so severely handicapped as to be unable to move without the aid 91523
of crutches or a wheelchair, or whose mobility is restricted by a 91524
permanent cardiovascular, pulmonary, or other handicapping 91525
condition. 91526

(2) "Person with a disability that limits or impairs the 91527
ability to walk" has the same meaning as in section 4503.44 of the 91528
Revised Code. 91529

(3) "Special license plates" and "removable windshield 91530
placard" mean any license plates or removable windshield placard 91531
or temporary removable windshield placard issued under section 91532
4503.41 or 4503.44 of the Revised Code, and also mean any 91533
substantially similar license plates or removable windshield 91534
placard or temporary removable windshield placard issued by a 91535
state, district, country, or sovereignty. 91536

Sec. 4511.85. (A) The operator of a chauffeured limousine 91537
shall accept passengers only on the basis of prearranged 91538
contracts, as defined in division (LL) of section 4501.01 of the 91539
Revised Code, and shall not cruise in search of patronage unless 91540
the limousine is in compliance with any statute or ordinance 91541
governing the operation of taxicabs or other similar vehicles for 91542
hire. 91543

(B) The operator of a chauffeured limousine may provide 91544
transportation to passengers who arrange for the transportation 91545
through an intermediary, including a digital dispatching service. 91546
Notwithstanding any law to the contrary, when providing 91547

transportation arranged through an intermediary, the operator of a 91548
chauffeured limousine may establish the fare and method of fare 91549
calculation, so long as the method of fare calculation is provided 91550
to the passenger upon request. 91551

(C) No person shall advertise or hold self out as doing 91552
business as a limousine service or livery service or other similar 91553
designation unless each vehicle used by the person to provide the 91554
service is registered in accordance with section 4503.24 of the 91555
Revised Code and is in compliance with section 4509.80 of the 91556
Revised Code. 91557

~~(C)~~(D) Whoever violates this section is guilty of a 91558
misdemeanor of the first degree. 91559

Sec. 4513.34. (A)(1) The director of transportation with 91560
respect to all highways that are a part of the state highway 91561
system and local authorities with respect to highways under their 91562
jurisdiction, upon application in writing, shall issue a special 91563
regional heavy hauling permit authorizing the applicant to operate 91564
or move a vehicle or combination of vehicles as follows: 91565

(a) At a size or weight of vehicle or load exceeding the 91566
maximum specified in sections 5577.01 to 5577.09 of the Revised 91567
Code, or otherwise not in conformity with sections 4513.01 to 91568
4513.37 of the Revised Code; 91569

(b) Upon any highway under the jurisdiction of the authority 91570
granting the permit except those highways with a condition 91571
insufficient to bear the weight of the vehicle or combination of 91572
vehicles as stated in the application; 91573

(c) For regional trips at distances of one hundred fifty 91574
miles or less from a facility stated on the application as the 91575
applicant's point of origin. 91576

Issuance of a special regional heavy hauling permit is 91577

subject to the payment of a fee established by the director or 91578
local authority in accordance with this section. 91579

(2) In circumstances where a person is not eligible to 91580
receive a permit under division (A)(1) of this section, the 91581
director of transportation with respect to all highways that are a 91582
part of the state highway system and local authorities with 91583
respect to highways under their jurisdiction, upon application in 91584
writing and for good cause shown, may issue a special permit in 91585
writing authorizing the applicant to operate or move a vehicle or 91586
combination of vehicles of a size or weight of vehicle or load 91587
exceeding the maximum specified in sections 5577.01 to 5577.09 of 91588
the Revised Code, or otherwise not in conformity with sections 91589
4513.01 to 4513.37 of the Revised Code, upon any highway under the 91590
jurisdiction of the authority granting the permit. 91591

(3) For purposes of this section, the director may designate 91592
certain state highways or portions of state highways as special 91593
economic development highways. If an application submitted to the 91594
director under this section involves travel of a nonconforming 91595
vehicle or combination of vehicles upon a special economic 91596
development highway, the director, in determining whether good 91597
cause has been shown that issuance of a permit is justified, shall 91598
consider the effect the travel of the vehicle or combination of 91599
vehicles will have on the economic development in the area in 91600
which the designated highway or portion of highway is located. 91601

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 91602
Code, the holder of a permit issued by the director under this 91603
section may move the vehicle or combination of vehicles described 91604
in the permit on any highway that is a part of the state highway 91605
system when the movement is partly within and partly without the 91606
corporate limits of a municipal corporation. No local authority 91607
shall require any other permit or license or charge any license 91608
fee or other charge against the holder of a permit for the 91609

movement of a vehicle or combination of vehicles on any highway 91610
that is a part of the state highway system. The director shall not 91611
require the holder of a permit issued by a local authority to 91612
obtain a special permit for the movement of vehicles or 91613
combination of vehicles on highways within the jurisdiction of the 91614
local authority. Permits may be issued for any period of time not 91615
to exceed one year, as the director in the director's discretion 91616
or a local authority in its discretion determines advisable, or 91617
for the duration of any public construction project. 91618

(C)(1) The application for a permit issued under this section 91619
shall be in the form that the director or local authority 91620
prescribes. The director or local authority may prescribe a permit 91621
fee to be imposed and collected when any permit described in this 91622
section is issued. The permit fee may be in an amount sufficient 91623
to reimburse the director or local authority for the 91624
administrative costs incurred in issuing the permit, and also to 91625
cover the cost of the normal and expected damage caused to the 91626
roadway or a street or highway structure as the result of the 91627
operation of the nonconforming vehicle or combination of vehicles. 91628
The director, in accordance with Chapter 119. of the Revised Code, 91629
shall establish a schedule of fees for permits issued by the 91630
director under this section; however, the fee to operate a triple 91631
trailer unit, at locations authorized under federal law, shall be 91632
one hundred dollars. 91633

(2) For the purposes of this section and of rules adopted by 91634
the director under this section, milk transported in bulk by 91635
vehicle is deemed a nondivisible load. 91636

(3) For purposes of this section and of rules adopted by the 91637
director under this section, three or fewer aluminum coils, 91638
transported by a vehicle, are deemed a nondivisible load. The 91639
director shall adopt rules establishing requirements for an 91640
aluminum coil permit that are substantially similar to the 91641

requirements for a steel coil permit under Chapter 5501:2-1 of the 91642
Administrative Code. 91643

(D) The director or a local authority shall issue a special 91644
regional heavy hauling permit under division (A)(1) of this 91645
section upon application and payment of the applicable fee. 91646
However, the director or local authority may issue or withhold a 91647
special permit specified in division (A)(2) of this section. If a 91648
permit is to be issued, the director or local authority may limit 91649
or prescribe conditions of operation for the vehicle and may 91650
require the posting of a bond or other security conditioned upon 91651
the sufficiency of the permit fee to compensate for damage caused 91652
to the roadway or a street or highway structure. In addition, a 91653
local authority, as a condition of issuance of an overweight 91654
permit, may require the applicant to develop and enter into a 91655
mutual agreement with the local authority to compensate for or to 91656
repair excess damage caused to the roadway by travel under the 91657
permit. 91658

For a permit that will allow travel of a nonconforming 91659
vehicle or combination of vehicles on a special economic 91660
development highway, the director, as a condition of issuance, may 91661
require the applicant to agree to make periodic payments to the 91662
department to compensate for damage caused to the roadway by 91663
travel under the permit. 91664

(E) Every permit issued under this section shall be carried 91665
in the vehicle or combination of vehicles to which it refers and 91666
shall be open to inspection by any police officer or authorized 91667
agent of any authority granting the permit. No person shall 91668
violate any of the terms of a permit. 91669

(F) The director may debar an applicant from applying for a 91670
permit under this section upon a finding based on a reasonable 91671
belief that the applicant has done any of the following: 91672

(1) Abused the process by repeatedly submitting false information or false travel plans or by using another company or individual's name, insurance, or escrow account without proper authorization;	91673 91674 91675 91676
(2) Failed to comply with or substantially perform under a previously issued permit according to its terms, conditions, and specifications within specified time limits;	91677 91678 91679
(3) Failed to cooperate in the application process for the permit or in any other procedures that are related to the issuance of the permit by refusing to provide information or documents required in a permit or by failing to respond to and correct matters related to the permit;	91680 91681 91682 91683 91684
(4) Accumulated repeated justified complaints regarding performance under a permit that was previously issued to the applicant or previously failed to obtain a permit when such a permit was required;	91685 91686 91687 91688
(5) Attempted to influence a public employee to breach ethical conduct standards;	91689 91690
(6) Been convicted of a criminal offense related to the application for, or performance under, a permit, including, but not limited to, bribery, falsification, fraud or destruction of records, receiving stolen property, and any other offense that directly reflects on the applicant's integrity or commercial driver's license;	91691 91692 91693 91694 91695 91696
(7) Accumulated repeated convictions under a state or federal safety law governing commercial motor vehicles or a rule or regulation adopted under such a law;	91697 91698 91699
(8) Accumulated repeated convictions under a law, rule, or regulation governing the movement of traffic over the public streets and highways;	91700 91701 91702

(9) Failed to pay any fees associated with any permitted operation or move; 91703
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(10) Deliberately or willfully submitted false or misleading information in connection with the application for, or performance under, a permit issued under this section. 91705
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If the applicant is a partnership, association, or corporation, the director also may debar from consideration for permits any partner of the partnership, or the officers, directors, or employees of the association or corporation being debarred. 91708
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The director may adopt rules in accordance with Chapter 119. of the Revised Code governing the debarment of an applicant. 91713
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(G) When the director reasonably believes that grounds for debarment exist, the director shall send the person that is subject to debarment a notice of the proposed debarment. A notice of proposed debarment shall indicate the grounds for the debarment of the person and the procedure for requesting a hearing. The notice and hearing shall be in accordance with Chapter 119. of the Revised Code. If the person does not respond with a request for a hearing in the manner specified in that chapter, the director shall issue the debarment decision without a hearing and shall notify the person of the decision by certified mail, return receipt requested. The debarment period may be of any length determined by the director, and the director may modify or rescind the debarment at any time. During the period of debarment, the director shall not issue, or consider issuing, a permit under this section to any partnership, association, or corporation that is affiliated with a debarred person. After the debarment period expires, the person, and any partnership, association, or corporation affiliated with the person, may reapply for a permit. 91715
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(H)(1) No person shall violate the terms of a permit issued 91733

under this section that relate to gross load limits. 91734

(2) No person shall violate the terms of a permit issued 91735
under this section that relate to axle load by more than two 91736
thousand pounds per axle or group of axles. 91737

(3) No person shall violate the terms of a permit issued 91738
under this section that relate to an approved route except upon 91739
order of a law enforcement officer or authorized agent of the 91740
issuing authority. 91741

(I) Whoever violates division (H) of this section shall be 91742
punished as provided in section 4513.99 of the Revised Code. 91743

(J) A permit issued by the department of transportation or a 91744
local authority under this section for the operation of a vehicle 91745
or combination of vehicles is valid for the purposes of the 91746
vehicle operation in accordance with the conditions and 91747
limitations specified on the permit. Such a permit is voidable by 91748
law enforcement only for operation of a vehicle or combination of 91749
vehicles in violation of the weight, dimension, or route 91750
provisions of the permit. However, a permit is not voidable for 91751
operation in violation of a route provision of a permit if the 91752
operation is upon the order of a law enforcement officer. 91753

Sec. 4701.03. (A) The accountancy board annually shall elect 91754
a president, secretary, and treasurer from its members. The board 91755
may adopt and amend rules for the orderly conduct of its affairs 91756
and for the administration of this chapter. The board may adopt 91757
and amend rules defining the practice of public accounting, rules 91758
of professional conduct appropriate to establish and maintain a 91759
high standard of integrity and dignity in registrants and 91760
certificate holders under this chapter, and rules regulating the 91761
sole proprietorship, partnership, limited liability company, 91762
professional association, corporation-for-profit, or other legal 91763
entity practice of public accounting. A majority of the board 91764

shall constitute a quorum for the transaction of business. 91765

(B) The board shall keep and hold open for public inspection 91766
all records of its proceedings. 91767

(C) The board may employ any clerks that are necessary to 91768
assist it in the performance of its duties and the keeping of its 91769
records. If the board employs an executive director, the board 91770
shall pay the executive director ~~shall be paid~~ in accordance with 91771
~~pay range 18 of schedule E 1 of section 124.152 of the Revised~~ 91772
~~Code, or, if the director was employed and being paid on June 28,~~ 91773
~~2003, in accordance with step 7 in pay range 18 of schedule E 1 of~~ 91774
~~former section 124.152 of the Revised Code and continued to be so~~ 91775
~~paid on June 29, 2003, the executive director shall be paid in~~ 91776
~~accordance with pay range 18 of salary schedule E 1 for step seven~~ 91777
~~only of section 124.152 of the Revised Code.~~ 91778

Sec. 4707.02. (A) No person shall act as an auction firm, 91779
auctioneer, apprentice auctioneer, or special auctioneer within 91780
this state without a license issued by the department of 91781
agriculture. No auction shall be conducted in this state except by 91782
an auctioneer licensed by the department. 91783

The department shall not issue or renew a license if the 91784
applicant or licensee has been convicted of a felony or crime 91785
involving fraud or theft in this or another state at any time 91786
during the ten years immediately preceding application or renewal. 91787

(B) Division (A) of this section does not apply to any of the 91788
following: 91789

(1) Sales at auction that either are required by law to be at 91790
auction, other than sales pursuant to a judicial order or decree, 91791
or are conducted by or under the direction of a public authority; 91792

(2) The owner of any real or personal property desiring to 91793
sell the property at auction, provided that the property was not 91794

acquired for the purpose of resale;	91795
(3) An auction mediation company;	91796
(4) An auction that is conducted in a course of study for auctioneers that is approved by the state auctioneers commission created under section 4707.03 of the Revised Code for purposes of student training and is supervised by a licensed auctioneer;	91797 91798 91799 91800
(5)(a) An auction that is sponsored by a nonprofit or charitable organization that is registered in this state under Chapter 1702. or Chapter 1716. of the Revised Code, respectively, if the auction only involves the property of the members of the organization and the auction is part of a fair that is organized by an agricultural society under Chapter 1711. of the Revised Code or by the Ohio expositions commission under Chapter 991. of the Revised Code at which an auctioneer who is licensed under this chapter physically conducts the auction; or	91801 91802 91803 91804 91805 91806 91807 91808 91809
(b) Sales at an auction sponsored by a charitable, religious, or civic organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code, or by a public school, chartered nonpublic school, or community school, if no person in the business of organizing, arranging, or conducting an auction for compensation and no consignor of consigned items sold at the auction, except such organization or school, receives compensation from the proceeds of the auction. As used in division (B)(5)(b) of this section, "compensation" means money, a thing of value other than participation in a charitable event, or a financial benefit.	91810 91811 91812 91813 91814 91815 91816 91817 91818 91819
(6) A person licensed as a livestock dealer under Chapter 943. of the Revised Code who exclusively sells livestock and uses an auctioneer who is licensed under this chapter to conduct the auction;	91820 91821 91822 91823
(7) A person licensed as a motor vehicle auction owner under Chapter 4517. of the Revised Code who exclusively sells motor	91824 91825

vehicles to a person licensed under Chapter 4517. of the Revised 91826
Code and who uses an auctioneer who is licensed under this chapter 91827
to conduct the auction; 91828

(8) A person who sells real or personal property by means of 91829
the internet; 91830

(9) A bid calling contest that is approved by the commission 91831
and that is conducted for the purposes of the advancement or 91832
promotion of the auction profession in this state, provided that 91833
no compensation is paid to the sponsor of or participants in the 91834
contest other than a prize or award for winning the contest; 91835

(10) An auction at which the champion of a national or 91836
international bid calling contest appears, provided that both of 91837
the following apply: 91838

(a) The champion is not paid a commission. 91839

(b) The auction is conducted under the direct supervision of 91840
an auctioneer licensed under this chapter in order to ensure that 91841
the champion complies with this chapter and rules adopted under 91842
it. 91843

(C)(1) No person shall advertise or hold oneself out as an 91844
auction firm, auctioneer, apprentice auctioneer, or special 91845
auctioneer without a license issued by the department of 91846
agriculture. 91847

(2) Division (C)(1) of this section does not apply to an 91848
individual who is the subject of an advertisement regarding an 91849
auction conducted under division (B)(5)(b) of this section. 91850

Sec. 4707.073. (A) No corporation, limited liability company, 91851
general or limited partnership, or unincorporated association 91852
shall act or hold itself out as an auctioneer without a valid 91853
auctioneer's license issued under this section. This section does 91854
not apply to a person who is issued a license under section 91855

4707.071 of the Revised Code. 91856

(B) The department of agriculture may grant an auctioneer's license to a corporation, limited liability company, general or limited partnership, or unincorporated association that is determined to be qualified by the department. Every applicant for a license under this section shall furnish to the department, on forms provided by the department, satisfactory proof that the applicant:

(1) Is in good standing with the secretary of state if the applicant is a corporation;

(2) Is of trustworthy character;

(3) Has provided proof of financial responsibility as required in section 4707.11 of the Revised Code;

(4) Is registered with the secretary of state or a local authority, as applicable, to do business in this state;

(5) Has complied with any other requirement that the director establishes in rules adopted under section 4707.19 of the Revised Code.

(C) An application submitted under this section shall list the names of all of the owners, directors, partners, or members of the applicant, as applicable, and shall indicate those that have an auctioneer's license issued under section 4707.07 of the Revised Code.

(D)~~(1)~~ The department shall not issue a license under this section unless one of the following applies, as applicable:

~~(a)~~(1) If the applicant is a limited liability company or a general or limited partnership, not less than fifty per cent of the members or general partners have a current license issued under section 4707.07 of the Revised Code.

~~(b)(2)~~ If the applicant is a corporation, not less than fifty per cent of the directors and the president or chief executive have a current license issued under section 4707.07 of the Revised Code. 91885
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~~(e)(3)~~ If the applicant is an unincorporated association, not less than fifty per cent of the members have a current license issued under section 4707.07 of the Revised Code. 91889
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Failure of a corporation, limited liability company, partnership, or unincorporated association to maintain the applicable requirements of this division after the issuance of a license under this section may be sufficient cause for the revocation of the license under section 4707.15 of the Revised Code. 91892
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~~(2) Not later than two years after the effective date of this section, a corporation, partnership, or unincorporated association that was issued a license under section 4707.07 of the Revised Code on or before the effective date of this section shall comply with the requirements established in division (D)(1) of this section. If such a corporation, partnership, or unincorporated association fails to comply with those requirements, the license of the corporation, partnership, or unincorporated association immediately shall terminate.~~ 91898
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(E) Upon the issuance of a license under this section, a corporation, limited liability company, partnership, or unincorporated association shall designate an individual from among its directors, partners, or members who is licensed under section 4707.07 of the Revised Code as its agent for purposes of communication with the department. If that individual ceases to be the agent, the corporation, limited liability company, partnership, or unincorporated association shall notify the department not later than ten days after the day on which the individual ceases to be the agent. Upon notification to the 91907
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department, the license of the corporation, limited liability 91917
company, partnership, or unincorporated association, as 91918
applicable, immediately shall terminate. If the corporation, 91919
limited liability company, partnership, or unincorporated 91920
association notifies the department of the designation of a new 91921
agent in accordance with the requirements of this division and 91922
pays a fee in the amount of ten dollars, the department shall 91923
issue the corporation, limited liability company, partnership, or 91924
unincorporated association a new license. 91925

(F) This section does not preclude a corporation, limited 91926
liability company, partnership, or unincorporated association from 91927
selling real property at auction, provided that the requirements 91928
of this section and section 4707.021 and Chapter 4735. of the 91929
Revised Code are satisfied. 91930

(G) A person licensed as a real estate broker under Chapter 91931
4735. of the Revised Code shall not be required to obtain a 91932
license under this section if the person complies with sections 91933
4707.021 and 4707.22 of the Revised Code. 91934

Sec. 4707.10. (A) The fee for each apprentice auctioneer's or 91935
auction firm license issued by the department of agriculture is 91936
one hundred dollars, and the annual renewal fee for any such 91937
license is one hundred dollars. All licenses expire annually on 91938
the last day of June of each year and shall be renewed according 91939
to the standard renewal procedures of Chapter 4745. of the Revised 91940
Code, or the procedures of this section. Any licensee under this 91941
chapter who wishes to renew the licensee's license, but fails to 91942
do so before the first day of July shall reapply for licensure in 91943
the same manner and pursuant to the same requirements as for 91944
initial licensure, unless before the first day of September of the 91945
year of expiration, the former licensee pays to the department, in 91946
addition to the regular renewal fee, a late renewal penalty of one 91947

hundred dollars. 91948

(B)(1) Each person to whom the department issues an 91949
auctioneer's license or special auctioneer's license shall pay a 91950
licensure fee. Those licenses are biennial and expire in 91951
accordance with the schedule established in division (B)(2) of 91952
this section. If such a license is issued during the first year of 91953
a biennium, the licensee shall pay a fee in the amount of two 91954
hundred dollars. If the license is issued during the second year 91955
of a biennium, the licensee shall pay a fee in the amount of one 91956
hundred dollars. With respect to an auctioneer's license, the fees 91957
apply regardless of whether the license is issued to an individual 91958
under section 4707.07 of the Revised Code or to a corporation, 91959
limited liability company, partnership, or association under 91960
section 4707.073 of the Revised Code. 91961

All auctioneer's licenses and special auctioneer's licenses 91962
expire on the last day of June of the biennium. The licenses shall 91963
be renewed in accordance with the standard renewal procedures of 91964
Chapter 4745. of the Revised Code or the procedures in this 91965
section and upon the licensee's payment to the department of a 91966
renewal fee of two hundred dollars. A licensee who wishes to renew 91967
the licensee's license, but who fails to do so before the first 91968
day of July following the license's expiration, shall reapply for 91969
licensure in the same manner and pursuant to the same requirements 91970
as for the initial licensure unless before the first day of 91971
September following the expiration, the former licensee pays to 91972
the department, in addition to the regular renewal fee, a late 91973
renewal penalty of one hundred dollars. 91974

(2) The biennial expiration of an auctioneer's license or 91975
special auctioneer's license shall occur in accordance with the 91976
following schedule: 91977

(a) The license shall expire in odd-numbered years if the 91978
business name or last name, as applicable, of the licensee begins 91979

with the letters "A" through "J" or with the letters "X" through "Z." 91980
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(b) The license shall expire in even-numbered years if the 91982
business name or last name, as applicable, of the licensee begins 91983
with the letters "K" through "W." 91984

(C) Any person who fails to renew the person's license before 91985
the first day of July is prohibited from engaging in any activity 91986
specified or comprehended in section 4707.01 of the Revised Code 91987
until such time as the person's license is renewed or a new 91988
license is issued. Renewal of a license between the first day of 91989
July and the first day of September does not relieve any person 91990
from complying with this division. The department may refuse to 91991
renew the license of or issue a new license to any person who 91992
violates this division. 91993

(D) The department shall prepare and deliver to each licensee 91994
a permanent license certificate and an identification card, the 91995
appropriate portion of which shall be carried on the person of the 91996
licensee at all times when engaged in any type of auction 91997
activity, and part of which shall be posted with the permanent 91998
certificate in a conspicuous location at the licensee's place of 91999
business. 92000

(E) Notice in writing shall be given to the department by 92001
each auctioneer or apprentice auctioneer licensee of any change of 92002
principal business location or any change or addition to the name 92003
or names under which business is conducted, whereupon the 92004
department shall issue a new license for the unexpired period. Any 92005
change of business location or change or addition of names without 92006
notification to the department shall automatically cancel any 92007
license previously issued. For each new ~~auctioneer~~ auctioneer's or 92008
apprentice ~~auctioneer~~ auctioneer's license issued upon the 92009
occasion of a change in business location or a change in or an 92010
addition of names under which business is conducted, the 92011

department may collect a fee of ten dollars for each change in 92012
location, or name or each added name unless the notification of 92013
the change occurs concurrently with the renewal application or 92014
unless otherwise provided in section 4707.07 of the Revised Code. 92015

Sec. 4709.11. Every license issued pursuant to this chapter 92016
expires on the thirty-first day of August of each even-numbered 92017
year. Each licensee desiring to do so shall, on or before the 92018
first day of September of each even-numbered year, renew ~~his~~ the 92019
licensee's license pursuant to the standard renewal procedure of 92020
Chapter 4745. of the Revised Code. Any holder of an expired 92021
license shall restore ~~his~~ the holder's license before continuing 92022
the practice of barbering or the activity for which ~~he~~ the holder 92023
is licensed under this chapter and pay the appropriate restoration 92024
fee. If the person fails to restore ~~his~~ the person's license 92025
within ~~three~~ six years, ~~he~~ the person shall pay any required 92026
restoration fee and take any examination required for the license 92027
under this chapter. 92028

Sec. 4713.08. (A) The state board of cosmetology shall adopt 92029
rules in accordance with Chapter 119. of the Revised Code as 92030
necessary to implement this chapter. The rules shall do all of the 92031
following: 92032

(1) Govern the practice of the branches of cosmetology and 92033
management of salons; 92034

(2) Specify conditions a person must satisfy to qualify for a 92035
temporary pre-examination work permit under section 4713.22 of the 92036
Revised Code and the conditions and method of renewing a temporary 92037
pre-examination work permit under that section; 92038

(3) Provide for the conduct of examinations under section 92039
4713.24 of the Revised Code; 92040

(4) Specify conditions under which the board will take into 92041

account, under section 4713.32 of the Revised Code, instruction an 92042
applicant for a license under section 4713.28, 4713.30, or 4713.31 92043
of the Revised Code received more than five years before the date 92044
of application for the license; 92045

(5) Provide for the granting of waivers under section 4713.29 92046
of the Revised Code; 92047

(6) Specify conditions an applicant must satisfy for the 92048
board to issue the applicant a license under section 4713.34 of 92049
the Revised Code without the applicant taking an examination 92050
conducted under section 4713.24 of the Revised Code; 92051

(7) Specify locations in which glamour photography services 92052
in which a branch of cosmetology is practiced may be provided; 92053

(8) Establish conditions and the fee for a temporary special 92054
occasion work permit under section 4713.37 of the Revised Code and 92055
specify the amount of time such a permit is valid; 92056

(9) Specify conditions an applicant must satisfy for the 92057
board to issue the applicant an independent contractor license 92058
under section 4713.39 of the Revised Code and the fee for issuance 92059
and renewal of the license; 92060

(10) Establish conditions under which food may be sold at a 92061
salon; 92062

(11) Specify which professions regulated by a professional 92063
regulatory board of this state may be practiced in a salon under 92064
section 4713.42 of the Revised Code; 92065

(12) Establish standards for the provision of cosmetic 92066
therapy, massage therapy, or other professional service in a salon 92067
pursuant to section 4713.42 of the Revised Code; 92068

(13) Establish standards for board approval of, and the 92069
granting of credits for, training in branches of cosmetology at 92070
schools of cosmetology licensed in this state; 92071

(14) <u>Establish the manner in which a school of cosmetology licensed under section 4713.44 of the Revised Code may offer post-secondary and advanced practice programs;</u>	92072
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(15) Establish sanitary standards for the practice of the branches of cosmetology, salons, and schools of cosmetology;	92075
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(15) (16) Establish the application process for obtaining a tanning facility permit under section 4713.48 of the Revised Code, including the amount of the fee for an initial or renewed permit;	92077
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(16) (17) Establish standards for installing and operating a tanning facility in a manner that ensures the health and safety of consumers, including standards that do all of the following:	92080
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(a) Establish a maximum safe time of exposure to radiation and a maximum safe temperature at which sun lamps may be operated;	92083
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(b) Require consumers to wear protective eyeglasses and be supervised as to the length of time consumers use the facility;	92085
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(c) Require the operator to prohibit consumers from standing too close to sun lamps and to post signs warning consumers of the potential effects of radiation on persons taking certain medications and of the possible relationship of the radiation to skin cancer;	92087
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(d) Require the installation of protective shielding for sun lamps and handrails for consumers;	92092
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(e) Require floors to be dry during operation of lamps;	92094
(f) Require a consumer who is under the age of eighteen to obtain written consent from the consumer's parent or legal guardian prior to receiving tanning services.	92095
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(17) (18)(a) If the board, under section 4713.61 of the Revised Code, develops a procedure for classifying licenses inactive, do both of the following:	92098
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(i) Establish a fee for having a license classified inactive	92101

that reflects the cost to the board of providing the inactive license service; 92102
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(ii) Specify the continuing education that a person whose license has been classified inactive must complete to have the license restored. The continuing education shall be sufficient to ensure the minimum competency in the use or administration of a new procedure or product required by a licensee necessary to protect public health and safety. The requirement shall not exceed the cumulative number of hours of continuing education that the person would have been required to complete had the person retained an active license. 92104
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(b) In addition, the board may specify the conditions and method for granting a temporary work permit to practice a branch of cosmetology to a person whose license has been classified inactive. 92113
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~~(18)~~(19) Establish a fee for approval of a continuing education program under section 4713.62 of the Revised Code that is adequate to cover any expense the board incurs in the approval process; 92117
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~~(19)~~(20) Anything else necessary to implement this chapter. 92121

(B)(1) The rules adopted under division (A)(2) of this section may establish additional conditions for a temporary pre-examination work permit under section 4713.22 of the Revised Code that are applicable to persons who practice a branch of cosmetology in another state or country. 92122
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(2) The rules adopted under division (A)~~(17)~~(18)(b) of this section may establish additional conditions for a temporary work permit that are applicable to persons who practice a branch of cosmetology in another state. 92127
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(C) The conditions specified in rules adopted under division (A)(6) of this section may include that an applicant is applying 92131
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for a license to practice a branch of cosmetology for which the 92133
board determines an examination is unnecessary. 92134

(D) The rules adopted under division (A)(11) of this section 92135
shall not include a profession if practice of the profession in a 92136
salon is a violation of a statute or rule governing the 92137
profession. 92138

(E) The sanitary standards established under division 92139
(A)~~(14)~~(15) of this section shall focus in particular on 92140
precautions to be employed to prevent infectious or contagious 92141
diseases being created or spread. The board shall consult with the 92142
Ohio department of health when establishing the sanitary 92143
standards. 92144

(F) The fee established by rules adopted under division 92145
(A)~~(15)~~(16) of this section shall cover the cost the board incurs 92146
in inspecting tanning facilities and enforcing the board's rules 92147
but may not exceed one hundred dollars per location of such 92148
facilities. 92149

Sec. 4713.44. (A) The state board of cosmetology shall issue 92150
a license to operate a school of cosmetology to an applicant who 92151
pays the applicable fee and satisfies all of the following 92152
requirements: 92153

~~(A)~~(1) Maintains a course of practical training and technical 92154
instruction for the branch or branches of cosmetology to be taught 92155
at the school equal to the requirements for admission to an 92156
examination under section 4713.24 of the Revised Code that a 92157
person must pass to obtain a license to practice that branch or 92158
those branches of cosmetology; 92159

~~(B)~~(2) Possesses or makes available apparatus and equipment 92160
sufficient for the ready and full teaching of all subjects of the 92161
curriculum; 92162

~~(C)~~(3) Maintains persons licensed under section 4713.31 or 4713.34 of the Revised Code to teach the theory and practice of the branches of cosmetology;

~~(D)~~(4) Notifies the board of the enrollment of each new student, keeps a record devoted to the different practices, establishes grades, and holds examinations in order to certify the students' completion of the prescribed course of study before the issuance of certificates of completion;

~~(E)~~(5) In the case of a school of cosmetology that offers clock hours for the purpose of satisfying minimum hours of training and instruction, keeps a daily record of the attendance of each student;

~~(F)~~(6) On the date that an apprentice cosmetology instructor begins cosmetology instructor training at the school, certifies the name of the apprentice cosmetology instructor to the board along with the date on which the apprentice's instructor training began;

~~(G)~~(7) Instructs not more than six apprentice cosmetology instructors at any one time;

~~(H)~~(8) Files with the board a good and sufficient surety bond executed by the person, firm, or corporation operating the school of cosmetology as principal and by a surety company as surety in the amount of ten thousand dollars; provided, that this requirement does not apply to a vocational program conducted by a city, exempted village, local, or joint vocational school district. The bond shall be in the form prescribed by the board and be conditioned upon the school's continued instruction in the theory and practice of the branches of cosmetology. Every bond shall continue in effect until notice of its termination is given to the board by registered mail and every bond shall so provide.

(9) Establishes and maintains an internal procedure for

processing complaints filed against the school and for providing 92194
students with instructions on how to file a complaint directly 92195
with the board pursuant to section 4713.641 of the Revised Code. 92196

(B) A school of cosmetology holding a license issued under 92197
division (A) of this section is an educational institution and is 92198
authorized to offer educational programs beyond secondary 92199
education, advanced practice programs, or both in accordance with 92200
rules adopted by the board pursuant to section 4713.08 of the 92201
Revised Code. 92202

(C) A school of cosmetology holding a license to operate a 92203
school of cosmetology on the effective date of this amendment 92204
shall establish and maintain an internal procedure for processing 92205
complaints filed against the school and shall provide each of the 92206
school's students with instructions on how to file a complaint 92207
directly with the board pursuant to section 4713.641 of the 92208
Revised Code. 92209

Sec. 4713.641. Any student or former student of a school of 92210
cosmetology licensed under division (A) of section 4713.44 of the 92211
Revised Code may file a complaint with the state board of 92212
cosmetology alleging that the school has violated division (A) of 92213
section 4713.64 of the Revised Code. The complaint shall be in 92214
writing and signed by the person bringing the complaint. Upon 92215
receiving a complaint, the board shall initiate a preliminary 92216
investigation to determine whether it is probable that a violation 92217
was committed. If the board determines after preliminary 92218
investigation that it is not probable that a violation was 92219
committed, the board shall notify the person who filed the 92220
complaint of the board's findings and that the board will not 92221
issue a formal complaint in the matter. If the board determines 92222
after a preliminary investigation that it is probable that a 92223
violation was committed, the board shall proceed against the 92224

school pursuant to the board's authority under section 4713.64 of 92225
the Revised Code and in accordance with the hearing and notice 92226
requirements prescribed in Chapter 119. of the Revised Code. 92227

Sec. 4715.22. (A)(1) This section applies only when a 92228
licensed dental hygienist is not practicing under a permit issued 92229
pursuant to section 4715.363 of the Revised Code authorizing 92230
practice under the oral health access supervision of a dentist. 92231

(2) As used in this section, "health care facility" means 92232
either of the following: 92233

(a) A hospital registered under section 3701.07 of the 92234
Revised Code; 92235

(b) A "home" as defined in section 3721.01 of the Revised 92236
Code. 92237

(B) A licensed dental hygienist shall practice under the 92238
supervision, order, control, and full responsibility of a dentist 92239
licensed under this chapter. A dental hygienist may practice in a 92240
dental office, public or private school, health care facility, 92241
dispensary, or public institution. Except as provided in division 92242
(C) or (D) of this section, a dental hygienist may not provide 92243
dental hygiene services to a patient when the supervising dentist 92244
is not physically present at the location where the dental 92245
hygienist is practicing. 92246

(C) A dental hygienist may provide, for not more than fifteen 92247
consecutive business days, dental hygiene services to a patient 92248
when the supervising dentist is not physically present at the 92249
location at which the services are provided if all of the 92250
following requirements are met: 92251

(1) The dental hygienist has at least two years and a minimum 92252
of three thousand hours of experience in the practice of dental 92253
hygiene. 92254

- (2) The dental hygienist has successfully completed a course approved by the state dental board in the identification and prevention of potential medical emergencies. 92255
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- (3) The dental hygienist complies with written protocols for emergencies the supervising dentist establishes. 92258
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- (4) The dental hygienist does not perform, while the supervising dentist is absent from the location, procedures while the patient is anesthetized, definitive root planing, definitive subgingival curettage, or other procedures identified in rules the state dental board adopts. 92260
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- (5) The supervising dentist has evaluated the dental hygienist's skills. 92265
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- (6) The supervising dentist examined the patient not more than seven months prior to the date the dental hygienist provides the dental hygiene services to the patient. 92267
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- (7) The dental hygienist complies with written protocols or written standing orders that the supervising dentist establishes. 92270
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- (8) The supervising dentist completed and evaluated a medical and dental history of the patient not more than one year prior to the date the dental hygienist provides dental hygiene services to the patient and, except when the dental hygiene services are provided in a health care facility, the supervising dentist determines that the patient is in a medically stable condition. 92272
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- (9) If the dental hygiene services are provided in a health care facility, a doctor of medicine and surgery or osteopathic medicine and surgery who holds a current certificate issued under Chapter 4731. of the Revised Code or a registered nurse licensed under Chapter 4723. of the Revised Code is present in the health care facility when the services are provided. 92278
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- (10) In advance of the appointment for dental hygiene 92284

services, the patient is notified that the supervising dentist 92285
will be absent from the location and that the dental hygienist 92286
cannot diagnose the patient's dental health care status. 92287

(11) The dental hygienist is employed by, or under contract 92288
with, one of the following: 92289

(a) The supervising dentist; 92290

(b) A dentist licensed under this chapter who is one of the 92291
following: 92292

(i) The employer of the supervising dentist; 92293

(ii) A shareholder in a professional association formed under 92294
Chapter 1785. of the Revised Code of which the supervising dentist 92295
is a shareholder; 92296

(iii) A member or manager of a limited liability company 92297
formed under Chapter 1705. of the Revised Code of which the 92298
supervising dentist is a member or manager; 92299

(iv) A shareholder in a corporation formed under division (B) 92300
of section 1701.03 of the Revised Code of which the supervising 92301
dentist is a shareholder; 92302

(v) A partner or employee of a partnership or a limited 92303
liability partnership formed under Chapter 1775. or 1776. of the 92304
Revised Code of which the supervising dentist is a partner or 92305
employee. 92306

(c) A government entity that employs the dental hygienist to 92307
provide dental hygiene services in a public school or in 92308
connection with other programs the government entity administers. 92309

(D) A dental hygienist may provide dental hygiene services to 92310
a patient when the supervising dentist is not physically present 92311
at the location at which the services are provided if the services 92312
are provided as part of a dental hygiene program that is approved 92313
by the state dental board and all of the following requirements 92314

are met: 92315

(1) The program is operated through a school district board 92316
of education or the governing board of an educational service 92317
center; the board of health of a city or general health district 92318
or the authority having the duties of a board of health under 92319
section 3709.05 of the Revised Code; a national, state, district, 92320
or local dental association; or any other public or private entity 92321
recognized by the state dental board. 92322

(2) The supervising dentist is employed by or a volunteer 92323
for, and the patients are referred by, the entity through which 92324
the program is operated. 92325

(3) The (a) Except as provided in division (D)(3)(b) of this 92326
section, the services are performed after examination and 92327
diagnosis by the dentist and in accordance with the dentist's 92328
written treatment plan. 92329

(b) The requirement in division (D)(3)(a) of this section 92330
does not apply when the only service to be provided by the dental 92331
hygienist is the placement of pit and fissure sealants. 92332

(E) No person shall do either of the following: 92333

(1) Practice dental hygiene in a manner that is separate or 92334
otherwise independent from the dental practice of a supervising 92335
dentist; 92336

(2) Establish or maintain an office or practice that is 92337
primarily devoted to the provision of dental hygiene services. 92338

(F) The state dental board shall adopt rules under division 92339
(C) of section 4715.03 of the Revised Code identifying procedures 92340
a dental hygienist may not perform when practicing in the absence 92341
of the supervising dentist pursuant to division (C) or (D) of this 92342
section. 92343

Sec. 4715.36. As used in this section and sections 4715.361 92344

to 4715.374 of the Revised Code:	92345
(A) "Accredited dental hygiene school" means a dental hygiene school accredited by the American dental association commission on dental accreditation or a dental hygiene school whose educational standards are recognized by the American dental association commission on dental accreditation and approved by the state dental board.	92346 92347 92348 92349 92350 92351
(B) "Authorizing dentist" means a dentist who authorizes a dental hygienist to perform dental hygiene services under section 4715.365 of the Revised Code.	92352 92353 92354
(C) "Clinical evaluation" means a diagnosis and treatment plan formulated for an individual patient by a dentist.	92355 92356
(D) "Dentist" means an individual licensed under this chapter to practice dentistry.	92357 92358
(E) "Dental hygienist" means an individual licensed under this chapter to practice as a dental hygienist.	92359 92360
(F) "Dental hygiene services" means the prophylactic, preventive, and other procedures that dentists are authorized by this chapter and rules of the state dental board to assign to dental hygienists, except for procedures while a patient is anesthetized, definitive root planing, definitive subgingival curettage, the administration of local anesthesia, and the procedures specified in rules adopted by the board as described in division (C)(4) of section 4715.22 of the Revised Code.	92361 92362 92363 92364 92365 92366 92367 92368
(G) "Facility" means any of the following:	92369
(1) A health care facility, as defined in section 4715.22 of the Revised Code;	92370 92371
(2) A state correctional institution, as defined in section 2967.01 of the Revised Code;	92372 92373
(3) A comprehensive child development program that receives	92374

funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 92375
42 U.S.C. 9831, as amended, and is licensed as a child day-care 92376
center; 92377

(4) A residential facility licensed under section 5123.19 of 92378
the Revised Code; 92379

(5) A public school, as defined in section 3701.93 of the 92380
Revised Code, located in an area designated as a dental health 92381
resource shortage area pursuant to section 3702.87 of the Revised 92382
Code; 92383

(6) A nonpublic school, as defined in section 3701.93 of the 92384
Revised Code, located in an area designated as a dental health 92385
resource shortage area pursuant to section 3702.87 of the Revised 92386
Code; 92387

(7) A federally qualified health center or federally 92388
qualified health center look-alike, as defined in section 3701.047 92389
of the Revised Code; 92390

(8) A shelter for victims of domestic violence, as defined in 92391
section 3113.33 of the Revised Code; 92392

(9) A facility operated by the department of youth services 92393
under Chapter 5139. of the Revised Code; 92394

~~(10) A shelter for runaways, as defined in section 5119.64 of~~ 92395
~~the Revised Code;~~ 92396

~~(11)~~ A foster home, as defined in section 5103.02 of the 92397
Revised Code; 92398

~~(12)~~(11) A nonprofit clinic, as defined in section 3715.87 of 92399
the Revised Code; 92400

~~(13)~~(12) The residence of one or more individuals receiving 92401
services provided by a home health agency, as defined in section 92402
5101.61 of the Revised Code; 92403

~~(14)~~(13) A dispensary; 92404

(15) (14) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;	92405 92406
(16) (15) The residence of one or more individuals enrolled in a home and community-based services medicaid waiver component, as defined in section 5111.851 <u>5166.01</u> of the Revised Code;	92407 92408 92409
(17) (16) A facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	92410 92411 92412
(18) (17) A women, infants, and children clinic;	92413
(19) (18) A mobile dental unit located at any location listed in divisions (G)(1) to (18) (17) of this section;	92414 92415
(20) (19) Any other location, as specified by the state dental board in rules adopted under section 4715.372 of the Revised Code, that is in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code and provides health care services to individuals who are <u>medicaid</u> recipients of medical assistance under the medicaid program established pursuant to Chapter 5111. of the Revised Code and to indigent and uninsured persons, as defined in section 2305.234 of the Revised Code.	92416 92417 92418 92419 92420 92421 92422 92423
Sec. 4715.372. (A) The state dental board shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement the oral health access supervision program, including rules that do all of the following:	92424 92425 92426 92427
(1) For the purpose of division (G) (20) (19) of section 4715.36 of the Revised Code, designate additional facilities at which a dental hygienist may be authorized to perform dental hygiene services under the oral health access supervision program;	92428 92429 92430 92431
(2) For the purpose of section 4715.362 of the Revised Code, prescribe the application form and requirements for obtaining an oral health access supervision permit;	92432 92433 92434

(3) For the purpose of section 4715.363 of the Revised Code, 92435
prescribe the application form for a permit to practice as a 92436
dental hygienist under the oral health access supervision of a 92437
dentist; 92438

(4) For the purpose of division (B)(3) of section 4715.363 of 92439
the Revised Code and subject to division (B) of this section, 92440
establish standards for the course in the practice of dental 92441
hygiene under oral health access supervision; 92442

(5) For the purpose of section 4715.369 of the Revised Code, 92443
prescribe the form for renewal of an oral health access 92444
supervision permit; 92445

(6) For the purpose of section 4715.37 of the Revised Code, 92446
prescribe the form for renewal of a permit to practice as a dental 92447
hygienist under the oral health access supervision of a dentist. 92448

(B) The course in the practice of dental hygiene under oral 92449
health access supervision for which the board establishes 92450
standards under division (A)(4) of this section shall meet all of 92451
the following requirements: 92452

(1) Be eight hours in length; 92453

(2) Include, at a minimum, instruction in both of the 92454
following: 92455

(a) The treatment of geriatric patients, medically 92456
compromised patients, developmentally disabled patients, and 92457
pediatric patients; 92458

(b) Recordkeeping practices. 92459

(3) Be developed and offered by an institution accredited by 92460
the American dental association commission on dental accreditation 92461
or a program provided by a sponsor of continuing education 92462
approved by the board; 92463

(4) Include content that is separate and independent from the 92464

course content required for the completion of dental hygiene 92465
education from an accredited dental hygiene school. 92466

Sec. 4717.03. (A) Members of the board of embalmers and 92467
funeral directors shall annually in July, or within thirty days 92468
after the senate's confirmation of the new members appointed in 92469
that year, meet and organize by selecting from among its members a 92470
president, vice-president, and secretary-treasurer. The board may 92471
hold other meetings as it determines necessary. A quorum of the 92472
board consists of four members, of whom at least three shall be 92473
members who are embalmers and funeral directors. The concurrence 92474
of at least four members is necessary for the board to take any 92475
action. The president and secretary-treasurer shall sign all 92476
licenses issued under this chapter and affix the board's seal to 92477
each license. 92478

(B) The board may appoint an individual who is not a member 92479
of the board to serve as executive director of the board. The 92480
executive director serves at the pleasure of the board and shall 92481
do all of the following: 92482

(1) Serve as the board's chief administrative officer; 92483

(2) Act as custodian of the board's records; 92484

(3) Execute all of the board's orders; 92485

(4) Employ staff who are not members of the board and who 92486
serve at the pleasure of the executive director to provide any 92487
assistance that the board considers necessary. 92488

(C) In executing the board's orders as required by division 92489
(B)(3) of this section, the executive director may enter the 92490
premises, establishment, office, or place of business of any 92491
embalmer, funeral director, or operator of a crematory facility in 92492
this state. The executive director may serve and execute any 92493
process issued by any court under this chapter. 92494

~~(C) The board may employ clerical or technical staff who are~~ 92495
~~not members of the board and who serve at the pleasure of the~~ 92496
~~board to provide any clerical or technical assistance the board~~ 92497
~~considers necessary. (D) The board executive director may employ~~ 92498
necessary inspectors, who shall be licensed embalmers and funeral 92499
directors. ~~Any~~ An inspector employed by the ~~board~~ executive 92500
director may enter the premises, establishment, office, or place 92501
of business of any embalmer, funeral director, or operator of a 92502
crematory facility in this state, for the purposes of inspecting 92503
the facility and premises; the license and registration of 92504
embalmers and funeral directors operating in the facility; and the 92505
license of the funeral home, embalming facility, or crematory. ~~The~~ 92506
~~inspector shall serve and execute any process issued by any court~~ 92507
~~under this chapter, serve and execute any papers or process issued~~ 92508
~~by the board or any officer or member of the board, facility and~~ 92509
perform any other duties delegated to the inspector by the board 92510
or assigned to the inspector by the executive director. The 92511
executive director may enter the facility or premises of a funeral 92512
home, embalming facility, or crematory for the purpose of an 92513
inspection if accompanied by an inspector or, if an inspector is 92514
not available, when a situation presents a danger of immediate and 92515
serious harm to the public. 92516

~~(D)~~(E) The president of the board shall designate three of 92517
~~its~~ the board's members to serve on the crematory review board, 92518
which is hereby created, for such time as the president finds 92519
appropriate to carry out the provisions of this chapter. Those 92520
members of the crematory review board designated by the president 92521
to serve and three members designated by the cemetery dispute 92522
resolution commission shall designate, by a majority vote, one 92523
person who is experienced in the operation of a crematory facility 92524
and who is not affiliated with a cemetery or a funeral home to 92525
serve on the crematory review board for such time as the crematory 92526
review board finds appropriate. Members serving on the crematory 92527

review board shall not receive any additional compensation for 92528
serving on the board, but may be reimbursed for their actual and 92529
necessary expenses incurred in the performance of official duties 92530
as members of the board. Members of the crematory review board 92531
shall designate one from among its members to serve as a 92532
chairperson for such time as the board finds appropriate. Costs 92533
associated with conducting an adjudicatory hearing in accordance 92534
with division ~~(E)~~(F) of this section shall be paid from funds 92535
available to the board of embalmers and funeral directors. 92536

~~(E)~~(F) Upon receiving written notice from the board of 92537
embalmers and funeral directors of any of the following, the 92538
crematory review board shall conduct an adjudicatory hearing on 92539
the matter in accordance with Chapter 119. of the Revised Code, 92540
except as otherwise provided in this section or division (C) of 92541
section 4717.14 of the Revised Code: 92542

(1) Notice provided under division ~~(H)~~(I) of this section of 92543
an alleged violation of any provision of this chapter or any rules 92544
adopted under this chapter governing or in connection with 92545
crematory facilities or cremation; 92546

(2) Notice provided under division (B) of section 4717.14 of 92547
the Revised Code that the board of embalmers and funeral directors 92548
proposes to refuse to grant or renew, or to suspend or revoke, a 92549
license to operate a crematory facility; 92550

(3) Notice provided under division (C) of section 4717.14 of 92551
the Revised Code that the board of embalmers and funeral directors 92552
has issued an order summarily suspending a license to operate a 92553
crematory facility; 92554

(4) Notice provided under division (B) of section 4717.15 of 92555
the Revised Code that the board of embalmers and funeral directors 92556
proposes to issue a notice of violation and order requiring 92557
payment of a forfeiture for any violation described in divisions 92558

(A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in 92559
connection with a crematory facility or cremation. 92560

Nothing in division ~~(E)~~(F) of this section precludes the 92561
crematory review board from appointing an independent examiner in 92562
accordance with section 119.09 of the Revised Code to conduct any 92563
adjudication hearing required under division ~~(E)~~(F) of this 92564
section. 92565

The crematory review board shall submit a written report of 92566
findings and advisory recommendations, and a written transcript of 92567
its proceedings, to the board of embalmers and funeral directors. 92568
The board of embalmers and funeral directors shall serve a copy of 92569
the written report of the crematory review board's findings and 92570
advisory recommendations on the party to the adjudication or the 92571
party's attorney, by certified mail, within five days after 92572
receiving the report and advisory recommendations. A party may 92573
file objections to the written report with the board of embalmers 92574
and funeral directors within ten days after receiving the report. 92575
No written report is final or appealable until it is issued as a 92576
final order by the board of embalmers and funeral directors and 92577
entered on the record of the proceedings. The board of embalmers 92578
and funeral directors shall consider objections filed by the party 92579
prior to issuing a final order. After reviewing the findings and 92580
advisory recommendations of the crematory review board, the 92581
written transcript of the crematory review board's proceedings, 92582
and any objections filed by a party, the board of embalmers and 92583
funeral directors shall issue a final order in the matter. Any 92584
party may appeal the final order issued by the board of embalmers 92585
and funeral directors in a matter described in divisions ~~(E)~~(F)(1) 92586
to (4) of this section in accordance with section 119.12 of the 92587
Revised Code, except that the appeal may be made to the court of 92588
common pleas in the county in which is located the crematory 92589
facility to which the final order pertains, or in the county in 92590

which the party resides. 92591

~~(F)~~(G) On its own initiative or on receiving a written 92592
complaint from any person whose identity is made known to the 92593
board of embalmers and funeral directors, the board shall 92594
investigate the acts or practices of any person holding or 92595
claiming to hold a license or registration under this chapter 92596
that, if proven to have occurred, would violate this chapter or 92597
any rules adopted under it. The board may compel witnesses by 92598
subpoena to appear and testify in relation to investigations 92599
conducted under this chapter and may require by subpoena duces 92600
tecum the production of any book, paper, or document pertaining to 92601
an investigation. If a person does not comply with a subpoena or 92602
subpoena duces tecum, the board may apply to the court of common 92603
pleas of any county in this state for an order compelling the 92604
person to comply with the subpoena or subpoena duces tecum, or for 92605
failure to do so, to be held in contempt of court. 92606

~~(G)~~(H) If, as a result of its investigation conducted under 92607
division ~~(F)~~(G) of this section, the board of embalmers and 92608
funeral directors has reasonable cause to believe that the person 92609
investigated is violating any provision of this chapter or any 92610
rules adopted under this chapter governing or in connection with 92611
embalming, funeral directing, funeral homes, embalming facilities, 92612
or the operation of funeral homes or embalming facilities, it may, 92613
after providing the opportunity for an adjudicatory hearing, issue 92614
an order directing the person to cease the acts or practices that 92615
constitute the violation. The board shall conduct the adjudicatory 92616
hearing in accordance with Chapter 119. of the Revised Code except 92617
that, notwithstanding the provisions of that chapter, the 92618
following shall apply: 92619

(1) The board shall send the notice informing the person of 92620
the person's right to a hearing by certified mail. 92621

(2) The person is entitled to a hearing only if the person 92622

requests a hearing and if the board receives the request within 92623
thirty days after the mailing of the notice described in division 92624
~~(G)~~(H)(1) of this section. 92625

(3) A stenographic record shall be taken, in the manner 92626
prescribed in section 119.09 of the Revised Code, at every 92627
adjudicatory hearing held under this section, regardless of 92628
whether the record may be the basis of an appeal to a court. 92629

~~(H)~~(I) If, as a result of its investigation conducted under 92630
division ~~(F)~~(G) of this section, the board of embalmers and 92631
funeral directors has reasonable cause to believe that the person 92632
investigated is violating any provision of this chapter or any 92633
rules adopted under this chapter governing or in connection with 92634
crematory facilities or cremation, the board shall send written 92635
notice of the alleged violation to the crematory review board. If, 92636
after the conclusion of the adjudicatory hearing in the matter 92637
conducted under division ~~(E)~~(F) of this section, the board of 92638
embalmers and funeral directors finds that a person is in 92639
violation of any provision of this chapter or any rules adopted 92640
under this chapter governing or in connection with crematory 92641
facilities or cremation, the board may issue a final order under 92642
that division directing the person to cease the acts or practices 92643
that constitute the violation. 92644

~~(I)~~(J) The board of embalmers and funeral directors may bring 92645
a civil action to enjoin any violation or threatened violation of 92646
sections 4717.01 to 4717.15 of the Revised Code or a rule adopted 92647
under any of those sections; division (A) or (B) of section 92648
4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or 92649
(F)(1) or (2), or divisions (H) to (K) of section 4717.26; 92650
division (D)(1) of section 4717.27; divisions (A) to (C) of 92651
section 4717.28, or division (D) or (E) of section 4717.31 of the 92652
Revised Code. The action shall be brought in the county where the 92653
violation occurred or the threatened violation is expected to 92654

occur. At the request of the board, the attorney general shall 92655
represent the board in any matter arising under this chapter. 92656

~~(J)~~(K) The board of embalmers and funeral directors and the 92657
crematory review board may issue subpoenas for funeral directors 92658
and embalmers or persons holding themselves out as such, for 92659
operators of crematory facilities or persons holding themselves 92660
out as such, or for any other person whose testimony, in the 92661
opinion of either board, is necessary. The subpoena shall require 92662
the person to appear before the appropriate board or any 92663
designated member of either board, upon any hearing conducted 92664
under this chapter. The penalty for disobedience to the command of 92665
such a subpoena is the same as for refusal to answer such a 92666
process issued under authority of the court of common pleas. 92667

~~(K)~~(L) All moneys received by the board of embalmers and 92668
funeral directors from any source shall be deposited in the state 92669
treasury to the credit of the occupational licensing and 92670
regulatory fund created in section 4743.05 of the Revised Code. 92671

~~(L)~~(M) The board of embalmers and funeral directors shall 92672
submit a written report to the governor on or before the first 92673
Monday of July of each year. This report shall contain a detailed 92674
statement of the nature and amount of the board's receipts and the 92675
amount and manner of its expenditures. 92676

Sec. 4717.06. (A)(1) Any person who desires to obtain a 92677
license to operate a funeral home, embalming facility, or 92678
crematory facility shall apply to the board of embalmers and 92679
funeral directors on a form provided by the board. The application 92680
shall include the initial license fee set forth in section 4717.07 92681
of the Revised Code and proof satisfactory to the board that the 92682
funeral home, embalming facility, or crematory facility is in 92683
compliance with rules adopted by the board under section 4717.04 92684
of the Revised Code, rules adopted by the board of building 92685

standards under Chapter 3781. of the Revised Code, and all other 92686
federal, state, and local requirements relating to the safety of 92687
the premises. 92688

(2) If the funeral home, embalming facility, or crematory 92689
facility to which the license application pertains is owned by a 92690
corporation or limited liability company, the application shall 92691
include the name and address of the corporation's or limited 92692
liability company's statutory agent appointed under section 92693
1701.07 or 1705.06 of the Revised Code or, in the case of a 92694
foreign corporation, the corporation's designated agent appointed 92695
under section 1703.041 of the Revised Code. If the funeral home, 92696
embalming facility, or crematory facility to which the application 92697
pertains is owned by a partnership, the application shall include 92698
the name and address of each of the partners. If, at any time 92699
after the submission of a license application or issuance of a 92700
license, the statutory or designated agent of a corporation or 92701
limited liability company owning a funeral home, embalming 92702
facility, or crematory facility or the address of the statutory or 92703
designated agent changes or, in the case of a partnership, any of 92704
the partners of the funeral home, embalming facility, or crematory 92705
facility or the address of any of the partners changes, the 92706
applicant for or holder of the license to operate the funeral 92707
home, embalming facility, or crematory facility shall submit 92708
written notice to the board, within thirty days after the change, 92709
informing the board of the change and of any name or address of a 92710
statutory or designated agent or partner that has changed from 92711
that contained in the application for the license or the most 92712
recent notice submitted under division (A)(2) of this section. 92713

(B)(1) The board shall issue a license to operate a funeral 92714
home only for the address at which the funeral home is operated. 92715
The funeral home license and licenses of the embalmers and funeral 92716
directors employed by the funeral home shall be displayed in a 92717

conspicuous place within the funeral home. 92718

(2) The funeral home shall have on the premises one of the 92719
following: 92720

(a) If embalming will take place at the funeral home, an 92721
embalming room that is adequately equipped and maintained. The 92722
embalming room shall be kept in a clean and sanitary manner and 92723
used only for the embalming, preparation, or holding of dead human 92724
bodies. The embalming room shall contain only the articles, 92725
facilities, and instruments necessary for those purposes. 92726

(b) If embalming will not take place at the funeral home, a 92727
holding room that is adequately equipped and maintained. The 92728
holding room shall be kept in a clean and sanitary manner and used 92729
only for the preparation, other than embalming, and holding of 92730
dead human bodies. The holding room shall contain only the 92731
articles and facilities necessary for those purposes. 92732

(3) Except as provided in division (B) of section 4717.11 of 92733
the Revised Code, a funeral home shall be established and operated 92734
only under the name of a holder of a funeral director's license 92735
issued by the board who is actually in charge of and ultimately 92736
responsible for the funeral home, and a funeral home license shall 92737
not include directional or geographical references in the name of 92738
the funeral home. The holder of the funeral home license shall be 92739
a funeral director licensed under this chapter who is actually in 92740
charge of and ultimately responsible for the funeral home. Nothing 92741
in division (B)(3) of this section prohibits the holder of a 92742
funeral home license from including directional or geographical 92743
references in promotional or advertising materials identifying the 92744
location of the funeral home. 92745

(4) Each funeral home shall be directly supervised by a 92746
funeral director licensed under this chapter, who ~~shall~~ may 92747
supervise ~~only~~ more than one funeral home. 92748

(C)(1) The board shall issue a license to operate an 92749
embalming facility only for the address at which the embalming 92750
facility is operated. The license shall be displayed in a 92751
conspicuous place within the facility. 92752

(2) The embalming facility shall be adequately equipped and 92753
maintained in a sanitary manner. The embalming room at such a 92754
facility shall contain only the articles, facilities, and 92755
instruments necessary for its stated purpose. The embalming room 92756
shall be kept in a clean and sanitary condition and used only for 92757
the care and preparation of dead human bodies. 92758

(3) An embalming facility license shall be issued only to an 92759
embalmer licensed under division (B) of section 4717.05 of the 92760
Revised Code, who is actually in charge of the facility. 92761

(D)(1) The board shall issue a license to operate a crematory 92762
facility only for the address at which the crematory facility is 92763
located and operated. The license shall be displayed in a 92764
conspicuous place within the crematory facility. 92765

(2) The crematory facility shall be adequately equipped and 92766
maintained in a clean and sanitary manner. The crematory facility 92767
may be located in a funeral home, embalming facility, cemetery 92768
building, or other building in which the crematory facility may 92769
lawfully operate. If a crematory facility engages in the cremation 92770
of animals, the crematory facility shall cremate animals in a 92771
cremation chamber that also is not used to cremate dead human 92772
bodies or human body parts and shall not cremate animals in a 92773
cremation chamber used for the cremation of dead human bodies and 92774
human body parts. Cremation chambers that are used for the 92775
cremation of dead human bodies or human body parts and cremation 92776
chambers used for the cremation of animals may be located in the 92777
same area. 92778

(3) A license to operate a crematory facility shall be issued 92779

to the person actually in charge of the crematory facility. This 92780
section does not require the individual who is actually in charge 92781
of the crematory facility to be an embalmer or funeral director 92782
licensed under this chapter. 92783

(4) Nothing in this section or rules adopted under section 92784
4717.04 of the Revised Code precludes the establishment and 92785
operation of a crematory facility on or adjacent to the property 92786
on which a cemetery, funeral home, or embalming facility is 92787
located. 92788

Sec. 4717.07. (A) The board of embalmers and funeral 92789
directors shall charge and collect the following fees: 92790

(1) For the initial issuance or biennial renewal of an 92791
embalmer's or funeral director's license, one hundred ~~forty~~ fifty 92792
dollars; 92793

(2) For the issuance of an embalmer or funeral director 92794
registration, twenty-five dollars; 92795

(3) For filing an embalmer or funeral director certificate of 92796
apprenticeship, ten dollars; 92797

(4) For the application to take the examination for a license 92798
to practice as an embalmer or funeral director, or to retake a 92799
section of the examination, thirty-five dollars; 92800

(5) For the initial issuance of a license to operate a 92801
funeral home, ~~two~~ three hundred fifty dollars and biennial renewal 92802
of a license to operate a funeral home, ~~two~~ three hundred fifty 92803
dollars; 92804

(6) For the reinstatement of a lapsed embalmer's or funeral 92805
director's license, the renewal fee prescribed in division (A)(1) 92806
of this section plus fifty dollars for each month or portion of a 92807
month the license is lapsed until reinstatement, but not more than 92808
one thousand dollars; 92809

(7) For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A)(5) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;

(8) For the initial issuance of a license to operate an embalming facility, ~~two~~ three hundred fifty dollars and biennial renewal of a license to operate an embalming facility, ~~two~~ three hundred fifty dollars;

(9) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A)(8) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;

(10) For the initial issuance of a license to operate a crematory facility, ~~two~~ three hundred fifty dollars and biennial renewal of a license to operate a crematory facility, ~~two~~ three hundred fifty dollars;

(11) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A)(10) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;

(12) For the issuance of a duplicate of a license issued under this chapter, ~~four~~ ten dollars.

(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section of an examination required under this chapter.

(C) Subject to the approval of the controlling board, the board of embalmers and funeral directors may establish fees in excess of the amounts set forth in this section, provided that these fees do not exceed the amounts set forth in this section by more than fifty per cent.

Sec. 4717.10. (A) The board of embalmers and funeral 92841
directors may recognize licenses issued to embalmers and funeral 92842
directors by other states, and upon presentation of such licenses, 92843
may issue to the holder an embalmer's or funeral director's 92844
license under this chapter. The board shall charge the same fee as 92845
prescribed in section 4717.07 of the Revised Code to issue or 92846
renew such an embalmer's or funeral director's license. Such 92847
licenses shall be renewed ~~annually~~ biennially as provided in 92848
section 4717.08 of the Revised Code. The board shall not issue a 92849
license to any person under this section unless the applicant 92850
proves that the applicant, in the state in which the applicant is 92851
licensed, has complied with requirements substantially equal to 92852
those established in section 4717.05 of the Revised Code. 92853

(B) The board of embalmers and funeral directors may issue 92854
courtesy cards. A courtesy cardholder shall be authorized to 92855
undertake both the following acts in this state: 92856

(1) Prepare and complete those sections of a death 92857
certificate and other permits needed for disposition of deceased 92858
human remains in this state and sign and file such death 92859
certificates and permits; 92860

(2) Supervise and conduct funeral ceremonies and interments 92861
in this state. 92862

(C) The board of embalmers and funeral directors may 92863
determine under what conditions a courtesy card may be issued to 92864
funeral directors in bordering states after taking into account 92865
whether and under what conditions and fees such border states 92866
issue similar courtesy cards to funeral directors licensed in this 92867
state. Applicants for courtesy cards shall apply on forms 92868
prescribed by the board, pay ~~an annual~~ a biennial fee set by the 92869
board for initial applications and renewals, and adhere to such 92870
other requirements imposed by the board on courtesy cardholders. 92871

(D) No courtesy cardholder shall be authorized to undertake any of the following activities in this state:	92872 92873
(1) Arranging funerals or disposition services with members of the public in this state;	92874 92875
(2) Be employed by or under contract to a funeral home licensed in this state to perform funeral services in this state;	92876 92877
(3) Advertise funeral or disposition services in this state;	92878
(4) Enter into or execute funeral or disposition contracts in this state;	92879 92880
(5) Prepare or embalm deceased human remains in this state;	92881
(6) Arrange for or carry out the disinterment of human remains in this state.	92882 92883
(E) As used in this section, "courtesy card" means a special permit that may be issued to a funeral director licensed in a state that borders this state and who does not hold a funeral director's license under this chapter.	92884 92885 92886 92887
Sec. 4717.14. (A) The board of embalmers and funeral directors may refuse to grant or renew, or may suspend or revoke, any license issued under this chapter or may require the holder of a license to take corrective action courses for any of the following reasons:	92888 92889 92890 92891 92892
(1) The license was obtained by fraud or misrepresentation either in the application or in passing the examination.	92893 92894
(2) The applicant or licensee has been convicted of or has pleaded guilty to a felony or of any crime involving moral turpitude.	92895 92896 92897
(3) The applicant or licensee has purposely violated any provision of sections 4717.01 to 4717.15 or a rule adopted under any of those sections; division (A) or (B) of section 4717.23;	92898 92899 92900

division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), 92901
or divisions (H) to (K) of section 4717.26; division (D)(1) of 92902
section 4717.27; or divisions (A) to (C) of section 4717.28 of the 92903
Revised Code; any rule or order of the department of health or a 92904
board of health of a health district governing the disposition of 92905
dead human bodies; or any other rule or order applicable to the 92906
applicant or licensee. 92907

(4) The applicant or licensee has committed immoral or 92908
unprofessional conduct. 92909

(5) The applicant or licensee knowingly permitted an 92910
unlicensed person, other than a person serving an apprenticeship, 92911
to engage in the profession or business of embalming or funeral 92912
directing under the applicant's or licensee's supervision. 92913

(6) The applicant or licensee has been habitually 92914
intoxicated, or is addicted to the use of morphine, cocaine, or 92915
other habit-forming or illegal drugs. 92916

(7) The applicant or licensee has refused to promptly submit 92917
the custody of a dead human body upon the express order of the 92918
person legally entitled to the body. 92919

(8) The licensee loaned the licensee's own license, or the 92920
applicant or licensee borrowed or used the license of another 92921
person, or knowingly aided or abetted the granting of an improper 92922
license. 92923

(9) The applicant or licensee transferred a license to 92924
operate a funeral home, embalming facility, or crematory from one 92925
owner or operator to another, or from one location to another, 92926
without notifying the board. 92927

(10) The applicant or licensee misled the public by using 92928
false or deceptive advertising. 92929

(B)(1) The board of embalmers and funeral directors shall 92930

refuse to grant or renew, or shall suspend or revoke, an 92931
embalmer's, funeral director's, funeral home, or embalming 92932
facility license only in accordance with Chapter 119. of the 92933
Revised Code. 92934

(2) The board shall send to the crematory review board 92935
written notice that it proposes to refuse to issue or renew, or 92936
proposes to suspend or revoke, a license to operate a crematory 92937
facility. If, after the conclusion of the adjudicatory hearing on 92938
the matter conducted under division ~~(E)~~(F) of section 4717.03 of 92939
the Revised Code, the board of embalmers and funeral directors 92940
finds that any of the circumstances described in divisions (A)(1) 92941
to (10) of this section apply to the person named in its proposed 92942
action, the board may issue a final order under division ~~(E)~~(F) of 92943
section 4717.03 of the Revised Code refusing to issue or renew, or 92944
suspending or revoking, the person's license to operate a 92945
crematory facility. 92946

(C) If the board of embalmers and funeral directors 92947
determines that there is clear and convincing evidence that any of 92948
the circumstances described in divisions (A)(1) to (10) of this 92949
section apply to the holder of a license issued under this chapter 92950
and that the licensee's continued practice presents a danger of 92951
immediate and serious harm to the public, the board may suspend 92952
the licensee's license without a prior adjudicatory hearing. The 92953
executive director of the board shall prepare written allegations 92954
for consideration by the board. 92955

The board, after reviewing the written allegations, may 92956
suspend a license without a prior hearing. 92957

The board shall issue a written order of suspension by a 92958
delivery system or in person in accordance with section 119.07 of 92959
the Revised Code. Such an order is not subject to suspension by 92960
the court during the pendency of any appeal filed under section 92961
119.12 of the Revised Code. If the holder of an embalmer's, 92962

funeral director's, funeral home, or embalming facility license 92963
requests an adjudicatory hearing by the board, the date set for 92964
the hearing shall be within fifteen days, but not earlier than 92965
seven days, after the licensee has requested a hearing, unless the 92966
board and the licensee agree to a different time for holding the 92967
hearing. 92968

Upon issuing a written order of suspension to the holder of a 92969
license to operate a crematory facility, the board of embalmers 92970
and funeral directors shall send written notice of the issuance of 92971
the order to the crematory review board. The crematory review 92972
board shall hold an adjudicatory hearing on the order under 92973
division ~~(E)~~(F) of section 4717.03 of the Revised Code within 92974
fifteen days, but not earlier than seven days, after the issuance 92975
of the order, unless the crematory review board and the licensee 92976
agree to a different time for holding the adjudicatory hearing. 92977

Any summary suspension imposed under this division shall 92978
remain in effect, unless reversed on appeal, until a final 92979
adjudicatory order issued by the board of embalmers and funeral 92980
directors pursuant to this division and Chapter 119. of the 92981
Revised Code, or division ~~(E)~~(F) of section 4717.03 of the Revised 92982
Code, as applicable, becomes effective. The board of embalmers and 92983
funeral directors shall issue its final adjudicatory order within 92984
sixty days after the completion of its hearing or, in the case of 92985
the summary suspension of a license to operate a crematory 92986
facility, within sixty days after completion of the adjudicatory 92987
hearing by the crematory review board. A failure to issue the 92988
order within that time results in the dissolution of the summary 92989
suspension order, but does not invalidate any subsequent final 92990
adjudicatory order. 92991

(D) If the board of embalmers and funeral directors suspends 92992
or revokes a license held by a funeral director or a funeral home 92993
for any reason identified in division (A) of this section, the 92994

board may file a complaint with the court of common pleas in the 92995
county where the violation occurred requesting appointment of a 92996
receiver and the sequestration of the assets of the funeral home 92997
that held the suspended or revoked license or the licensed funeral 92998
home that employs the funeral director that held the suspended or 92999
revoked license. If the court of common pleas is satisfied with 93000
the application for a receivership, the court may appoint a 93001
receiver. 93002

The board or a receiver may employ and procure whatever 93003
assistance or advice is necessary in the receivership or 93004
liquidation and distribution of the assets of the funeral home, 93005
and, for that purpose, may retain officers or employees of the 93006
funeral home as needed. All expenses of the receivership or 93007
liquidation shall be paid from the assets of the funeral home and 93008
shall be a lien on those assets, and that lien shall be a priority 93009
to any other lien. 93010

(E) Any holder of a license issued under this chapter who has 93011
pleaded guilty to, has been found by a judge or jury to be guilty 93012
of, or has had a judicial finding of eligibility for treatment in 93013
lieu of conviction entered against the individual in this state 93014
for aggravated murder, murder, voluntary manslaughter, felonious 93015
assault, kidnapping, rape, sexual battery, gross sexual 93016
imposition, aggravated arson, aggravated robbery, or aggravated 93017
burglary, or who has pleaded guilty to, has been found by a judge 93018
or jury to be guilty of, or has had a judicial finding of 93019
eligibility for treatment in lieu of conviction entered against 93020
the individual in another jurisdiction for any substantially 93021
equivalent criminal offense, is hereby suspended from practice 93022
under this chapter by operation of law, and any license issued to 93023
the individual under this chapter is hereby suspended by operation 93024
of law as of the date of the guilty plea, verdict or finding of 93025
guilt, or judicial finding of eligibility for treatment in lieu of 93026

conviction, regardless of whether the proceedings are brought in 93027
this state or another jurisdiction. The board shall notify the 93028
suspended individual of the suspension of the individual's license 93029
by the operation of this division by a delivery system or in 93030
person in accordance with section 119.07 of the Revised Code. If 93031
an individual whose license is suspended under this division fails 93032
to make a timely request for an adjudicatory hearing, the board 93033
shall enter a final order revoking the license. 93034

(F) No person whose license has been suspended or revoked 93035
under or by the operation of this section shall practice embalming 93036
or funeral directing or operate a funeral home, embalming 93037
facility, or crematory facility until the board has reinstated the 93038
person's license. 93039

Sec. 4717.15. (A) The board of embalmers and funeral 93040
directors, without the necessity for conducting a prior 93041
adjudication hearing, may issue a notice of violation to the 93042
holder of an embalmer's, funeral director's, funeral home, or 93043
embalming facility license issued under this chapter who the board 93044
finds has committed any of the violations described in divisions 93045
(A)(9)(a) to (g) of section 4717.04 of the Revised Code. The 93046
notice shall set forth the specific violation committed by the 93047
licensee and shall be sent by certified mail. The notice shall be 93048
accompanied by an order requiring the payment of the appropriate 93049
forfeiture prescribed in rules adopted under division (A)(9) of 93050
section 4717.04 of the Revised Code and by a notice informing the 93051
licensee that the licensee is entitled to an adjudicatory hearing 93052
on the notice of violation and order if the licensee requests a 93053
hearing and if the board receives the request within thirty days 93054
after the mailing of the notice of violation and order. The board 93055
shall conduct any such adjudicatory hearing in accordance with 93056
Chapter 119. of the Revised Code, except as otherwise provided in 93057
this division. 93058

A licensee who receives a notice of violation and order under this division shall pay to the executive director of the board the full amount of the forfeiture by certified check within thirty days after the notice of violation and order were mailed to the licensee unless, within that time, the licensee submits a request for an adjudicatory hearing on the notice of violation and order. If such a request for an adjudicatory hearing is timely filed, the licensee need not pay the forfeiture to the executive director until after a final, nonappealable administrative or judicial decision is rendered on the order requiring payment of the forfeiture. If a final nonappealable administrative or judicial decision is rendered affirming the board's order, the licensee shall pay to the executive director of the board the full amount of the forfeiture by certified check within thirty days after notice of the decision was sent to the licensee. A forfeiture is considered to be paid when the licensee's certified check is received by the executive director in Columbus. If the licensee fails to so pay the full amount of the forfeiture to the executive director within that time, the board shall issue an order suspending or revoking the individual's license, as the board considers appropriate.

(B) The board shall send to the crematory review board written notice that it proposes to issue to the holder of a license to operate a crematory facility issued under this chapter a notice of violation and order requiring payment of a forfeiture specified in rules adopted under division (A)(9) of section 4717.04 of the Revised Code. If, after the conclusion of the adjudicatory hearing on the matter conducted under division ~~(E)~~(F) of section 4717.03 of the Revised Code, the board of embalmers and funeral directors finds that the licensee has committed any of the violations described in divisions (A)(9)(a) to (g) of section 4717.04 of the Revised Code in connection with the operation of a crematory facility or cremation, the board of embalmers and

funeral directors may issue a final order under division ~~(E)~~(F) of 93092
section 4717.03 of the Revised Code requiring payment of the 93093
appropriate forfeiture specified in rules adopted under division 93094
(A)(9) of section 4717.04 of the Revised Code. A licensee who 93095
receives such an order shall pay the full amount of the forfeiture 93096
to the executive director by certified check within thirty days 93097
after the order was sent to the licensee unless, within that time, 93098
the licensee files a notice of appeal in accordance with division 93099
~~(E)~~(F) of section 4717.03 and section 119.12 of the Revised Code. 93100
If such a notice of appeal is timely filed, the licensee need not 93101
pay the forfeiture to the executive director until after a final, 93102
nonappealable judicial decision is rendered in the appeal. If a 93103
final, nonappealable judicial decision is rendered affirming the 93104
board's order, the licensee shall pay to the executive director 93105
the full amount of the forfeiture by certified check within thirty 93106
days after notice of the decision was sent to the licensee. A 93107
forfeiture is considered paid when the licensee's certified check 93108
is received by the executive director in Columbus. If the licensee 93109
fails to so pay the full amount of the forfeiture to the executive 93110
director within that time, the board shall issue an order 93111
suspending or revoking the individual's license, as the board 93112
considers appropriate. 93113

Sec. 4719.01. (A) As used in sections 4719.01 to 4719.18 of 93114
the Revised Code: 93115

(1) "Affiliate" means a business entity that is owned by, 93116
operated by, controlled by, or under common control with another 93117
business entity. 93118

(2) "Communication" means a written or oral notification or 93119
advertisement that meets both of the following criteria, as 93120
applicable: 93121

(a) The notification or advertisement is transmitted by or on 93122

behalf of the seller of goods or services and by or through any 93123
printed, audio, video, cinematic, telephonic, or electronic means. 93124

(b) In the case of a notification or advertisement other than 93125
by telephone, either of the following conditions is met: 93126

(i) The notification or advertisement is followed by a 93127
telephone call from a telephone solicitor or salesperson. 93128

(ii) The notification or advertisement invites a response by 93129
telephone, and, during the course of that response, a telephone 93130
solicitor or salesperson attempts to make or makes a sale of goods 93131
or services. As used in division (A)(2)(b)(ii) of this section, 93132
"invites a response by telephone" excludes the mere listing or 93133
inclusion of a telephone number in a notification or 93134
advertisement. 93135

(3) "Gift, award, or prize" means anything of value that is 93136
offered or purportedly offered, or given or purportedly given by 93137
chance, at no cost to the receiver and with no obligation to 93138
purchase goods or services. As used in this division, "chance" 93139
includes a situation in which a person is guaranteed to receive an 93140
item and, at the time of the offer or purported offer, the 93141
telephone solicitor does not identify the specific item that the 93142
person will receive. 93143

(4) "Goods or services" means any real property or any 93144
tangible or intangible personal property, or services of any kind 93145
provided or offered to a person. "Goods or services" includes, but 93146
is not limited to, advertising; labor performed for the benefit of 93147
a person; personal property intended to be attached to or 93148
installed in any real property, regardless of whether it is so 93149
attached or installed; timeshare estates or licenses; and extended 93150
service contracts. 93151

(5) "Purchaser" means a person that is solicited to become or 93152
does become financially obligated as a result of a telephone 93153

solicitation. 93154

(6) "Salesperson" means an individual who is employed, 93155
appointed, or authorized by a telephone solicitor to make 93156
telephone solicitations but does not mean any of the following: 93157

(a) An individual who comes within one of the exemptions in 93158
division (B) of this section; 93159

(b) An individual employed, appointed, or authorized by a 93160
person who comes within one of the exemptions in division (B) of 93161
this section; 93162

(c) An individual under a written contract with a person who 93163
comes within one of the exemptions in division (B) of this 93164
section, if liability for all transactions with purchasers is 93165
assumed by the person so exempted. 93166

(7) "Telephone solicitation" means a communication to a 93167
person that meets both of the following criteria: 93168

(a) The communication is initiated by or on behalf of a 93169
telephone solicitor or by a salesperson. 93170

(b) The communication either represents a price or the 93171
quality or availability of goods or services or is used to induce 93172
the person to purchase goods or services, including, but not 93173
limited to, inducement through the offering of a gift, award, or 93174
prize. 93175

(8) "Telephone solicitor" means a person that engages in 93176
telephone solicitation directly or through one or more 93177
salespersons either from a location in this state, or from a 93178
location outside this state to persons in this state. "Telephone 93179
solicitor" includes, but is not limited to, any such person that 93180
is an owner, operator, officer, or director of, partner in, or 93181
other individual engaged in the management activities of, a 93182
business. 93183

(B) A telephone solicitor is exempt from the provisions of 93184
sections 4719.02 to 4719.18 and section 4719.99 of the Revised 93185
Code if the telephone solicitor is any one of the following: 93186

(1) A person engaging in a telephone solicitation that is a 93187
one-time or infrequent transaction not done in the course of a 93188
pattern of repeated transactions of a like nature; 93189

(2) A person engaged in telephone solicitation solely for 93190
religious or political purposes; a charitable organization, 93191
fund-raising counsel, or professional solicitor in compliance with 93192
the registration and reporting requirements of Chapter 1716. of 93193
the Revised Code; or any person or other entity exempt under 93194
section 1716.03 of the Revised Code from filing a registration 93195
statement under section 1716.02 of the Revised Code; 93196

(3) A person, making a telephone solicitation involving a 93197
home solicitation sale as defined in section 1345.21 of the 93198
Revised Code, that makes the sales presentation and completes the 93199
sale at a later, face-to-face meeting between the seller and the 93200
purchaser rather than during the telephone solicitation. However, 93201
if the person, following the telephone solicitation, causes 93202
another person to collect the payment of any money, this exemption 93203
does not apply. 93204

(4) A licensed securities, commodities, or investment broker, 93205
dealer, investment advisor, or associated person when making a 93206
telephone solicitation within the scope of the person's license. 93207
As used in division (B)(4) of this section, "licensed securities, 93208
commodities, or investment broker, dealer, investment advisor, or 93209
associated person" means a person subject to licensure or 93210
registration as such by the securities and exchange commission; 93211
the National Association of Securities Dealers or other 93212
self-regulatory organization, as defined by 15 U.S.C.A. 78c; by 93213
the division of securities under Chapter 1707. of the Revised 93214
Code; or by an official or agency of any other state of the United 93215

States.	93216
(5)(a) A person primarily engaged in soliciting the sale of a newspaper of general circulation;	93217 93218
(b) As used in division (B)(5)(a) of this section, "newspaper of general circulation" includes, but is not limited to, both of the following:	93219 93220 93221
(i) A newspaper that is a daily law journal designated as an official publisher of court calendars pursuant to section 2701.09 of the Revised Code;	93222 93223 93224
(ii) A newspaper or publication that has at least twenty-five per cent editorial, non-advertising content, exclusive of inserts, measured relative to total publication space, and an audited circulation to at least fifty per cent of the households in the newspaper's retail trade zone as defined by the audit.	93225 93226 93227 93228 93229
(6)(a) An issuer, or its subsidiary, that has a class of securities to which all of the following apply:	93230 93231
(i) The class of securities is subject to section 12 of the "Securities Exchange Act of 1934," 15 U.S.C.A. 781, and is registered or is exempt from registration under 15 U.S.C.A. 781(g)(2)(A), (B), (C), (E), (F), (G), or (H);	93232 93233 93234 93235
(ii) The class of securities is listed on the New York stock exchange, the American stock exchange, or the NASDAQ national market system;	93236 93237 93238
(iii) The class of securities is a reported security as defined in 17 C.F.R. 240.11Aa3-1(a)(4).	93239 93240
(b) An issuer, or its subsidiary, that formerly had a class of securities that met the criteria set forth in division (B)(6)(a) of this section if the issuer, or its subsidiary, has a net worth in excess of one hundred million dollars, files or its parent files with the securities and exchange commission an S.E.C.	93241 93242 93243 93244 93245

form 10-K, and has continued in substantially the same business 93246
since it had a class of securities that met the criteria in 93247
division (B)(6)(a) of this section. As used in division (B)(6)(b) 93248
of this section, "issuer" and "subsidiary" include the successor 93249
to an issuer or subsidiary. 93250

(7) A person soliciting a transaction regulated by the 93251
commodity futures trading commission, if the person is registered 93252
or temporarily registered for that activity with the commission 93253
under 7 U.S.C.A. 1 et. seq. and the registration or temporary 93254
registration has not expired or been suspended or revoked; 93255

(8) A person soliciting the sale of any book, record, audio 93256
tape, compact disc, or video, if the person allows the purchaser 93257
to review the merchandise for at least seven days and provides a 93258
full refund within thirty days to a purchaser who returns the 93259
merchandise or if the person solicits the sale on behalf of a 93260
membership club operating in compliance with regulations adopted 93261
by the federal trade commission in 16 C.F.R. 425; 93262

(9) A supervised financial institution or its subsidiary. As 93263
used in division (B)(9) of this section, "supervised financial 93264
institution" means a bank, trust company, savings and loan 93265
association, savings bank, credit union, industrial loan company, 93266
consumer finance lender, commercial finance lender, or institution 93267
described in section 2(c)(2)(F) of the "Bank Holding Company Act 93268
of 1956," 12 U.S.C.A. 1841(c)(2)(F), as amended, supervised by an 93269
official or agency of the United States, this state, or any other 93270
state of the United States; or a licensee or registrant under 93271
sections 1321.01 to 1321.19, 1321.51 to 1321.60, or 1321.71 to 93272
1321.83 of the Revised Code. 93273

(10)(a) An insurance company, association, or other 93274
organization that is licensed or authorized to conduct business in 93275
this state by the superintendent of insurance pursuant to Title 93276
XXXIX of the Revised Code or Chapter 1751. of the Revised Code, 93277

when soliciting within the scope of its license or authorization. 93278

(b) A licensed insurance broker, agent, or solicitor when 93279
soliciting within the scope of the person's license. As used in 93280
division (B)(10)(b) of this section, "licensed insurance broker, 93281
agent, or solicitor" means any person licensed as an insurance 93282
broker, agent, or solicitor by the superintendent of insurance 93283
pursuant to Title XXXIX of the Revised Code. 93284

(11) A person soliciting the sale of services provided by a 93285
cable television system operating under authority of a 93286
governmental franchise or permit; 93287

(12) A person soliciting a business-to-business sale under 93288
which any of the following conditions are met: 93289

(a) The telephone solicitor has been operating continuously 93290
for at least three years under the same business name under which 93291
it solicits purchasers, and at least fifty-one per cent of its 93292
gross dollar volume of sales consists of repeat sales to existing 93293
customers to whom it has made sales under the same business name. 93294

(b) The purchaser business intends to resell the goods 93295
purchased. 93296

(c) The purchaser business intends to use the goods or 93297
services purchased in a recycling, reuse, manufacturing, or 93298
remanufacturing process. 93299

(d) The telephone solicitor is a publisher of a periodical or 93300
of magazines distributed as controlled circulation publications as 93301
defined in division (CC) of section 5739.01 of the Revised Code 93302
and is soliciting sales of advertising, subscriptions, reprints, 93303
lists, information databases, conference participation or 93304
sponsorships, trade shows or media products related to the 93305
periodical or magazine, or other publishing services provided by 93306
the controlled circulation publication. 93307

- (13) A person that, not less often than once each year, publishes and delivers to potential purchasers a catalog that complies with both of the following:
- (a) It includes all of the following:
 - (i) The business address of the seller;
 - (ii) A written description or illustration of each good or service offered for sale;
 - (iii) A clear and conspicuous disclosure of the sale price of each good or service; shipping, handling, and other charges; and return policy.
 - (b) One of the following applies:
 - (i) The catalog includes at least twenty-four pages of written material and illustrations, is distributed in more than one state, and has an annual postage-paid mail circulation of not less than two hundred fifty thousand households;
 - (ii) The catalog includes at least ten pages of written material or an equivalent amount of material in electronic form on the internet or an on-line computer service, the person does not solicit customers by telephone but solely receives telephone calls made in response to the catalog, and during the calls the person takes orders but does not engage in further solicitation of the purchaser. As used in division (B)(13)(b)(ii) of this section, "further solicitation" does not include providing the purchaser with information about, or attempting to sell, any other item in the catalog that prompted the purchaser's call or in a substantially similar catalog issued by the seller.
- (14) A political subdivision or instrumentality of the United States, this state, or any state of the United States;
- (15) A college or university or any other public or private institution of higher education in this state;

(16) A public utility as defined in section 4905.02 of the Revised Code or a retail natural gas supplier as defined in section 4929.01 of the Revised Code, if the utility or supplier is subject to regulation by the public utilities commission, or the affiliate of the utility or supplier;

(17) A person that solicits sales through a television program or advertisement that is presented in the same market area no fewer than twenty days per month or offers for sale no fewer than ten distinct items of goods or services; and offers to the purchaser an unconditional right to return any good or service purchased within a period of at least seven days and to receive a full refund within thirty days after the purchaser returns the good or cancels the service;

(18)(a) A person that, for at least one year, has been operating a retail business under the same name as that used in connection with telephone solicitation and both of the following occur on a continuing basis:

(i) The person either displays goods and offers them for retail sale at the person's business premises or offers services for sale and provides them at the person's business premises.

(ii) At least fifty-one per cent of the person's gross dollar volume of retail sales involves purchases of goods or services at the person's business premises.

(b) An affiliate of a person that meets the requirements in division (B)(18)(a) of this section if the affiliate meets all of the following requirements:

(i) The affiliate has operated a retail business for a period of less than one year;

(ii) The affiliate either displays goods and offers them for retail sale at the affiliate's business premises or offers services for sale and provides them at the affiliate's business

premises;	93369
(iii) At least fifty-one per cent of the affiliate's gross dollar volume of retail sales involves purchases of goods or services at the affiliate's business premises.	93370 93371 93372
(c) A person that, for a period of less than one year, has been operating a retail business in this state under the same name as that used in connection with telephone solicitation, as long as all of the following requirements are met:	93373 93374 93375 93376
(i) The person either displays goods and offers them for retail sale at the person's business premises or offers services for sale and provides them at the person's business premises;	93377 93378 93379
(ii) The goods or services that are the subject of telephone solicitation are sold at the person's business premises, and at least sixty-five per cent of the person's gross dollar volume of retail sales involves purchases of goods or services at the person's business premises;	93380 93381 93382 93383 93384
(iii) The person conducts all telephone solicitation activities according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rule adopted by the federal trade commission in 16 C.F.R. part 310.	93385 93386 93387 93388
(19) A person who performs telephone solicitation sales services on behalf of other persons and to whom one of the following applies:	93389 93390 93391
(a) The person has operated under the same ownership, control, and business name for at least five years, and the person receives at least seventy-five per cent of its gross revenues from written telephone solicitation contracts with persons who come within one of the exemptions in division (B) of this section.	93392 93393 93394 93395 93396
(b) The person is an affiliate of one or more exempt persons and makes telephone solicitations on behalf of only the exempt	93397 93398

persons of which it is an affiliate. 93399

(c) The person makes telephone solicitations on behalf of 93400
only exempt persons, the person and each exempt person on whose 93401
behalf telephone solicitations are made have entered into a 93402
written contract that specifies the manner in which the telephone 93403
solicitations are to be conducted and that at a minimum requires 93404
compliance with the telemarketing sales rule adopted by the 93405
federal trade commission in 16 C.F.R. part 310, and the person 93406
conducts the telephone solicitations in the manner specified in 93407
the written contract. 93408

(d) The person performs telephone solicitation for religious 93409
or political purposes, a charitable organization, a fund-raising 93410
council, or a professional solicitor in compliance with the 93411
registration and reporting requirements of Chapter 1716. of the 93412
Revised Code; and meets all of the following requirements: 93413

(i) The person has operated under the same ownership, 93414
control, and business name for at least five years, and the person 93415
receives at least fifty-one per cent of its gross revenues from 93416
written telephone solicitation contracts with persons who come 93417
within the exemption in division (B)(2) of this section; 93418

(ii) The person does not conduct a prize promotion or offer 93419
the sale of an investment opportunity; 93420

(iii) The person conducts all telephone solicitation 93421
activities according to sections 310.3, 310.4, and 310.5 of the 93422
telemarketing sales rules adopted by the federal trade commission 93423
in 16 C.F.R. part 310. 93424

(20) A person that is a licensed real estate salesperson or 93425
broker under Chapter 4735. of the Revised Code when soliciting 93426
within the scope of the person's license; 93427

(21)(a) Either of the following: 93428

(i) A publisher that solicits the sale of the publisher's 93429
periodical or magazine of general, paid circulation, or a person 93430
that solicits a sale of that nature on behalf of a publisher under 93431
a written agreement directly between the publisher and the person. 93432

(ii) A publisher that solicits the sale of the publisher's 93433
periodical or magazine of general, paid circulation, or a person 93434
that solicits a sale of that nature as authorized by a publisher 93435
under a written agreement directly with a publisher's 93436
clearinghouse provided the person is a resident of Ohio for more 93437
than three years and initiates all telephone solicitations from 93438
Ohio and the person conducts the solicitation and sale in 93439
compliance with 16 C.F.R. part 310, as adopted by the federal 93440
trade commission. 93441

(b) As used in division (B)(21) of this section, "periodical 93442
or magazine of general, paid circulation" excludes a periodical or 93443
magazine circulated only as part of a membership package or given 93444
as a free gift or prize from the publisher or person. 93445

(22) A person that solicits the sale of food, as defined in 93446
section 3715.01 of the Revised Code, or the sale of products of 93447
horticulture, as defined in section 5739.01 of the Revised Code, 93448
if the person does not intend the solicitation to result in, or 93449
the solicitation actually does not result in, a sale that costs 93450
the purchaser an amount greater than five hundred dollars. 93451

(23) A funeral director licensed pursuant to Chapter 4717. of 93452
the Revised Code when soliciting within the scope of that license, 93453
if both of the following apply: 93454

(a) The solicitation and sale are conducted in compliance 93455
with 16 C.F.R. part 453, as adopted by the federal trade 93456
commission, and with sections 1107.33 and 1345.21 to 1345.28 of 93457
the Revised Code; 93458

(b) The person provides to the purchaser of any preneed 93459

funeral contract a notice that clearly and conspicuously sets 93460
forth the cancellation rights specified in division (G) of section 93461
1107.33 of the Revised Code, and retains a copy of the notice 93462
signed by the purchaser. 93463

(24) A person, or affiliate thereof, licensed to sell or 93464
issue Ohio instruments designated as travelers checks pursuant to 93465
sections 1315.01 to 1315.18 of the Revised Code. 93466

(25) A person that solicits sales from its previous 93467
purchasers and meets all of the following requirements: 93468

(a) The solicitation is made under the same business name 93469
that was previously used to sell goods or services to the 93470
purchaser; 93471

(b) The person has, for a period of not less than three 93472
years, operated a business under the same business name as that 93473
used in connection with telephone solicitation; 93474

(c) The person does not conduct a prize promotion or offer 93475
the sale of an investment opportunity; 93476

(d) The person conducts all telephone solicitation activities 93477
according to sections 310.3, 310.4, and 310.5 of the telemarketing 93478
sales rules adopted by the federal trade commission in 16 C.F.R. 93479
part 310; 93480

(e) Neither the person nor any of its principals has been 93481
convicted of, pleaded guilty to, or has entered a plea of no 93482
contest for a felony or a theft offense as defined in sections 93483
2901.02 and 2913.01 of the Revised Code or similar law of another 93484
state or of the United States; 93485

(f) Neither the person nor any of its principals has had 93486
entered against them an injunction or a final judgment or order, 93487
including an agreed judgment or order, an assurance of voluntary 93488
compliance, or any similar instrument, in any civil or 93489

administrative action involving engaging in a pattern of corrupt 93490
practices, fraud, theft, embezzlement, fraudulent conversion, or 93491
misappropriation of property; the use of any untrue, deceptive, or 93492
misleading representation; or the use of any unfair, unlawful, 93493
deceptive, or unconscionable trade act or practice. 93494

(26) An institution defined as a home health agency in 93495
section 3701.881 of the Revised Code, that conducts all telephone 93496
solicitation activities according to sections 310.3, 310.4, and 93497
310.5 of the telemarketing sales rules adopted by the federal 93498
trade commission in 16 C.F.R. part 310, and engages in telephone 93499
solicitation only within the scope of the institution's 93500
certification, accreditation, contract with the department of 93501
aging, or status as a home health agency; and that meets one of 93502
the following requirements: 93503

(a) The institution is certified as a provider of home health 93504
services under Title XVIII of the Social Security Act, 49 Stat. 93505
620, 42 U.S.C. 301, as amended; 93506

(b) The institution is accredited by either the joint 93507
commission on accreditation of health care organizations or the 93508
community health accreditation program; 93509

(c) The institution is providing ~~passport~~ PASSPORT services 93510
under the direction of the ~~Ohio~~ department of aging under ~~section~~ 93511
~~173.40~~ sections 173.52 to 173.523 of the Revised Code; 93512

(d) An affiliate of an institution that meets the 93513
requirements of division (B)(26)(a), (b), or (c) of this section 93514
when offering for sale substantially the same goods and services 93515
as those that are offered by the institution that meets the 93516
requirements of division (B)(26)(a), (b), or (c) of this section. 93517

(27) A person licensed by the department of health pursuant 93518
to section 3712.04 or 3712.041 of the Revised Code to provide a 93519
hospice care program or pediatric respite care program when 93520

conducting telephone solicitations within the scope of the 93521
person's license and according to sections 310.3, 310.4, and 310.5 93522
of the telemarketing sales rules adopted by the federal trade 93523
commission in 16 C.F.R. part 310. 93524

Sec. 4723.18. (A) The board of nursing shall authorize a 93525
licensed practical nurse to administer to an adult intravenous 93526
therapy if the nurse supplies evidence satisfactory to the board 93527
that all of the following are the case: 93528

(1) The nurse holds a current, valid license issued under 93529
this chapter to practice nursing as a licensed practical nurse. 93530

(2) The nurse has been authorized under section 4723.18 of 93531
the Revised Code to administer medications. 93532

(3) The nurse successfully completed a course of study in the 93533
safe performance of intravenous therapy approved by the board 93534
pursuant to section 4723.19 of the Revised Code or by an agency in 93535
another jurisdiction that regulates the practice of nursing and 93536
has requirements for intravenous therapy course approval that are 93537
substantially similar to the requirements in division (B) of 93538
section 4723.19 of the Revised Code, as determined by the board. 93539

(4) The nurse has successfully completed a minimum of forty 93540
hours of training that includes all of the following: 93541

(a) The curriculum established by rules adopted by the board; 93542

(b) Training in the anatomy and physiology of the 93543
cardiovascular system, signs and symptoms of local and systemic 93544
complications in the administration of fluids and antibiotic 93545
additives, and guidelines for management of these complications; 93546

(c) Any other training or instruction the board considers 93547
appropriate; 93548

(d) A testing component that requires the nurse to perform a 93549
successful demonstration of the intravenous procedures, including 93550

all skills needed to perform them safely. 93551

(B) Except as provided in section 4723.181 of the Revised 93552
Code and subject to the restrictions in division (D) of this 93553
section, a licensed practical nurse may perform intravenous 93554
therapy on an adult patient only if authorized by the board 93555
pursuant to division (A) of this section and only at the direction 93556
of one of the following: 93557

(1) A licensed physician, dentist, optometrist, or podiatrist 93558
who, except as provided in division (C)(2) of this section, is 93559
present and readily available at the facility where the 93560
intravenous therapy procedure is performed; 93561

(2) A registered nurse in accordance with division (C) of 93562
this section. 93563

(C)(1) Except as provided in division (C)(2) of this section 93564
and section 4723.181 of the Revised Code, when a licensed 93565
practical nurse authorized by the board to perform intravenous 93566
therapy performs an intravenous therapy procedure at the direction 93567
of a registered nurse, the registered nurse or another registered 93568
nurse shall be readily available at the site where the intravenous 93569
therapy is performed, and before the licensed practical nurse 93570
initiates the intravenous therapy, the registered nurse shall 93571
personally perform an on-site assessment of the adult patient who 93572
is to receive the intravenous therapy. 93573

(2) When a licensed practical nurse authorized by the board 93574
to perform intravenous therapy performs an intravenous therapy 93575
procedure in a home as defined in section 3721.10 of the Revised 93576
Code, or in an intermediate care facility for ~~the mentally~~ 93577
~~retarded~~ individuals with intellectual disabilities as defined in 93578
section ~~5111.20~~ 5124.01 of the Revised Code, at the direction of a 93579
registered nurse or licensed physician, dentist, optometrist, or 93580
podiatrist, a registered nurse shall be on the premises of the 93581

home or facility or accessible by some form of telecommunication. 93582

(D) No licensed practical nurse shall perform any of the 93583
following intravenous therapy procedures: 93584

(1) Initiating or maintaining any of the following: 93585

(a) Blood or blood components; 93586

(b) Solutions for total parenteral nutrition; 93587

(c) Any cancer therapeutic medication including, but not 93588
limited to, cancer chemotherapy or an anti-neoplastic agent; 93589

(d) Solutions administered through any central venous line or 93590
arterial line or any other line that does not terminate in a 93591
peripheral vein, except that a licensed practical nurse authorized 93592
by the board to perform intravenous therapy may maintain the 93593
solutions specified in division (D)(6)(a) of this section that are 93594
being administered through a central venous line or peripherally 93595
inserted central catheter; 93596

(e) Any investigational or experimental medication. 93597

(2) Initiating intravenous therapy in any vein, except that a 93598
licensed practical nurse authorized by the board to perform 93599
intravenous therapy may initiate intravenous therapy in accordance 93600
with this section in a vein of the hand, forearm, or antecubital 93601
fossa; 93602

(3) Discontinuing a central venous, arterial, or any other 93603
line that does not terminate in a peripheral vein; 93604

(4) Initiating or discontinuing a peripherally inserted 93605
central catheter; 93606

(5) Mixing, preparing, or reconstituting any medication for 93607
intravenous therapy, except that a licensed practical nurse 93608
authorized by the board to perform intravenous therapy may prepare 93609
or reconstitute an antibiotic additive; 93610

(6) Administering medication via the intravenous route,	93611
including all of the following activities:	93612
(a) Adding medication to an intravenous solution or to an	93613
existing infusion, except that a licensed practical nurse	93614
authorized by the board to perform intravenous therapy may do any	93615
of the following:	93616
(i) Initiate an intravenous infusion containing one or more	93617
of the following elements: dextrose 5%, normal saline, lactated	93618
ringers, sodium chloride .45%, sodium chloride 0.2%, sterile	93619
water;	93620
(ii) Hang subsequent containers of the intravenous solutions	93621
specified in division (D)(6)(a)(i) of this section that contain	93622
vitamins or electrolytes, if a registered nurse initiated the	93623
infusion of that same intravenous solution;	93624
(iii) Initiate or maintain an intravenous infusion containing	93625
an antibiotic additive.	93626
(b) Injecting medication via a direct intravenous route,	93627
except that a licensed practical nurse authorized by the board to	93628
perform intravenous therapy may inject heparin or normal saline to	93629
flush an intermittent infusion device or heparin lock including,	93630
but not limited to, bolus or push.	93631
(7) Changing tubing on any line including, but not limited	93632
to, an arterial line or a central venous line, except that a	93633
licensed practical nurse authorized by the board to perform	93634
intravenous therapy may change tubing on an intravenous line that	93635
terminates in a peripheral vein;	93636
(8) Programming or setting any function of a patient	93637
controlled infusion pump.	93638
(E) Notwithstanding divisions (A) and (D) of this section, at	93639
the direction of a physician or a registered nurse, a licensed	93640

practical nurse authorized by the board to perform intravenous 93641
therapy may perform the following activities for the purpose of 93642
performing dialysis: 93643

(1) The routine administration and regulation of saline 93644
solution for the purpose of maintaining an established fluid plan; 93645

(2) The administration of a heparin dose intravenously; 93646

(3) The administration of a heparin dose peripherally via a 93647
fistula needle; 93648

(4) The loading and activation of a constant infusion pump; 93649

(5) The intermittent injection of a dose of medication that 93650
is administered via the hemodialysis blood circuit and through the 93651
patient's venous access. 93652

(F) No person shall employ or direct a licensed practical 93653
nurse to perform an intravenous therapy procedure without first 93654
verifying that the licensed practical nurse is authorized by the 93655
board to perform intravenous therapy. 93656

Sec. 4723.35. (A) As used in this section, "chemical 93657
dependency" means either of the following: 93658

(1) The chronic and habitual use of alcoholic beverages to 93659
the extent that the user no longer can control the use of alcohol 93660
or endangers the user's health, safety, or welfare or that of 93661
others; 93662

(2) The use of a controlled substance as defined in section 93663
3719.01 of the Revised Code, a harmful intoxicant as defined in 93664
section 2925.01 of the Revised Code, or a dangerous drug as 93665
defined in section 4729.01 of the Revised Code, to the extent that 93666
the user becomes physically or psychologically dependent on the 93667
substance, intoxicant, or drug or endangers the user's health, 93668
safety, or welfare or that of others. 93669

(B) The board of nursing may abstain from taking disciplinary action under section 4723.28 or 4723.86 of the Revised Code against an individual with a chemical dependency if it finds that the individual can be treated effectively and there is no impairment of the individual's ability to practice according to acceptable and prevailing standards of safe care. The board shall establish a chemical dependency monitoring program to monitor the registered nurses, licensed practical nurses, dialysis technicians, and certified community health workers against whom the board has abstained from taking action. The board shall develop the program, select the program's name, and designate a coordinator to administer the program.

(C) Determinations regarding an individual's eligibility for admission to, continued participation in, and successful completion of the monitoring program shall be made by the board's supervising member for disciplinary matters in accordance with rules adopted under division (D) of this section.

(D) The board shall adopt rules in accordance with Chapter 119. of the Revised Code that establish the following:

(1) Eligibility requirements for admission to and continued participation in the monitoring program;

(2) Terms and conditions that must be met to participate in and successfully complete the program;

(3) Procedures for keeping confidential records regarding participants;

(4) Any other requirements or procedures necessary to establish and administer the program.

(E)(1) As a condition of being admitted to the monitoring program, an individual shall surrender to the program coordinator the license or certificate that the individual holds. While the surrender is in effect, the individual is prohibited from engaging

in the practice of nursing, engaging in the provision of dialysis 93701
care, or engaging in the provision of services that were being 93702
provided as a certified community health worker. 93703

If the board's supervising member for disciplinary matters 93704
determines that a participant is capable of resuming practice 93705
according to acceptable and prevailing standards of safe care, the 93706
program coordinator shall return the participant's license or 93707
certificate. If the participant violates the terms and conditions 93708
of resumed practice, the coordinator shall require the participant 93709
to surrender the license or certificate as a condition of 93710
continued participation in the program. The coordinator may 93711
require the surrender only on the approval of the board's 93712
supervising member for disciplinary matters. 93713

The surrender of a license or certificate on admission to the 93714
monitoring program or while participating in the program does not 93715
constitute an action by the board under section 4723.28 or 4723.86 93716
of the Revised Code. The participant may rescind the surrender at 93717
any time and the board may proceed by taking action under section 93718
4723.28 or 4723.86 of the Revised Code. 93719

(2) If the program coordinator determines that a participant 93720
is significantly out of compliance with the terms and conditions 93721
for participation, the coordinator shall notify the board's 93722
supervising member for disciplinary matters and the supervising 93723
member shall determine whether to temporarily suspend the 93724
participant's license or certificate. The board shall notify the 93725
participant of the suspension by certified mail sent to the 93726
participant's last known address and shall refer the matter to the 93727
board for formal action under section 4723.28 or 4723.86 of the 93728
Revised Code. 93729

(F) All of the following apply with respect to the receipt, 93730
release, and maintenance of records and information by the 93731
monitoring program: 93732

(1) The program coordinator shall maintain all program records in the board's office, and for each participant, shall retain the records for a period of two years following the participant's date of successful completion of the program.

(2) When applying to participate in the monitoring program, the applicant shall sign a waiver permitting the board to receive and release information necessary to determine whether the individual is eligible for admission. After being admitted, the participant shall sign a waiver permitting the board to receive and release information necessary to determine whether the individual is eligible for continued participation in the program. Information that may be necessary for the board's supervising member for disciplinary matters to determine eligibility for admission or continued participation in the monitoring program includes, but is not limited to, information provided to and by employers, probation officers, law enforcement agencies, peer assistance programs, health professionals, and treatment providers. No entity with knowledge that the information has been provided to the monitoring program shall divulge that knowledge to any other person.

(3) Except as provided in division (F)(4) of this section, all records pertaining to an individual's application for or participation in the monitoring program, including medical records, treatment records, and mental health records, shall be confidential. The records are not public records for the purposes of section 149.43 of the Revised Code and are not subject to discovery by subpoena or admissible as evidence in any judicial proceeding.

(4) The board may disclose information regarding a participant's progress in the program to any person or government entity that the participant authorizes in writing to be given the information. In disclosing information under this division, the

board shall not include any information that is protected under 93765
section ~~3793.13~~ 5119.27 of the Revised Code or any federal statute 93766
or regulation that provides for the confidentiality of medical, 93767
mental health, or substance abuse records. 93768

(G) In the absence of fraud or bad faith, the board as a 93769
whole, its individual members, and its employees and 93770
representatives are not liable for damages in any civil action as 93771
a result of disclosing information in accordance with division 93772
(F)(4) of this section. In the absence of fraud or bad faith, any 93773
person reporting to the program with regard to an individual's 93774
chemical dependence, or the progress or lack of progress of that 93775
individual with regard to treatment, is not liable for damages in 93776
any civil action as a result of the report. 93777

Sec. 4723.481. This section establishes standards and 93778
conditions regarding the authority of a clinical nurse specialist, 93779
certified nurse-midwife, or certified nurse practitioner to 93780
prescribe drugs and therapeutic devices under a certificate to 93781
prescribe issued under section ~~4723.481~~ 4723.48 of the Revised 93782
Code. 93783

(A) A clinical nurse specialist, certified nurse-midwife, or 93784
certified nurse practitioner shall not prescribe any drug or 93785
therapeutic device that is not included in the types of drugs and 93786
devices listed on the formulary established in rules adopted under 93787
section 4723.50 of the Revised Code. 93788

(B) The prescriptive authority of a clinical nurse 93789
specialist, certified nurse-midwife, or certified nurse 93790
practitioner shall not exceed the prescriptive authority of the 93791
collaborating physician or podiatrist, including the collaborating 93792
physician's authority to treat chronic pain with controlled 93793
substances and products containing tramadol as described in 93794
section 4731.052 of the Revised Code. 93795

(C)(1) Except as provided in division (C)(2) or (3) of this section, a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may prescribe to a patient a schedule II controlled substance only if all of the following are the case:

(a) The patient has a terminal condition, as defined in section 2133.01 of the Revised Code.

(b) The collaborating physician of the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner initially prescribed the substance for the patient.

(c) The prescription is for an amount that does not exceed the amount necessary for the patient's use in a single, twenty-four-hour period.

(2) The restrictions on prescriptive authority in division (C)(1) of this section do not apply if a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner issues the prescription to the patient from any of the following locations:

(a) A hospital registered under section 3701.07 of the Revised Code;

(b) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;

(c) A health care facility operated by the department of ~~mental health~~ mental health and addiction services or the department of developmental disabilities;

(d) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;

(e) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or

medicaid program;	93826
(f) A hospice care program, as defined in section 3712.01 of the Revised Code;	93827 93828
(g) A community mental health agency <u>services provider</u> , as defined in section 5122.01 of the Revised Code;	93829 93830
(h) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;	93831 93832
(i) A freestanding birthing center, as defined in section 3702.51 <u>3702.141</u> of the Revised Code;	93833 93834
(j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	93835 93836
(k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	93837 93838
(l) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	93839 93840 93841 93842
(m) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner providing services at the site has a standard care arrangement and collaborates with at least one of the physician owners who practices primarily at that site.	93843 93844 93845 93846 93847 93848 93849 93850
(3) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall not issue to a patient a prescription for a schedule II controlled substance from a convenience care clinic even if the clinic is owned or operated by an entity specified in division (C)(2) of this section.	93851 93852 93853 93854 93855

(D) A pharmacist who acts in good faith reliance on a prescription issued by a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner under division (C)(2) of this section is not liable for or subject to any of the following for relying on the prescription: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action by the state board of pharmacy under Chapter 4729. of the Revised Code.

(E) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may personally furnish to a patient a sample of any drug or therapeutic device included in the types of drugs and devices listed on the formulary, except that all of the following conditions apply:

(1) The amount of the sample furnished shall not exceed a seventy-two-hour supply, except when the minimum available quantity of the sample is packaged in an amount that is greater than a seventy-two-hour supply, in which case the packaged amount may be furnished.

(2) No charge may be imposed for the sample or for furnishing it.

(3) Samples of controlled substances may not be personally furnished.

(F) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may personally furnish to a patient a complete or partial supply of a drug or therapeutic device included in the types of drugs and devices listed on the formulary, except that all of the following conditions apply:

(1) The clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall personally furnish only antibiotics, antifungals, scabicides, contraceptives, prenatal vitamins, antihypertensives, drugs and devices used in the

treatment of diabetes, drugs and devices used in the treatment of 93887
asthma, and drugs used in the treatment of dyslipidemia. 93888

(2) The clinical nurse specialist, certified nurse-midwife, 93889
or certified nurse practitioner shall not furnish the drugs and 93890
devices in locations other than a health department operated by 93891
the board of health of a city or general health district or the 93892
authority having the duties of a board of health under section 93893
3709.05 of the Revised Code, a federally funded comprehensive 93894
primary care clinic, or a nonprofit health care clinic or program. 93895

(3) The clinical nurse specialist, certified nurse-midwife, 93896
or certified nurse practitioner shall comply with all safety 93897
standards for personally furnishing supplies of drugs and devices, 93898
as established in rules adopted under section 4723.50 of the 93899
Revised Code. 93900

Sec. 4725.03. The governor, with the advice and consent of 93901
the senate, shall appoint a state board of optometry consisting of 93902
six nonmedical residents of this state, five of whom shall be 93903
persons actually engaged in the practice of optometry for five 93904
years preceding appointment and one of whom shall be a member of 93905
the public at least ~~sixty~~ fifty years of age. Terms of office 93906
shall be five years, commencing on the twenty-sixth day of 93907
September and ending on the twenty-fifth day of September. Each 93908
member shall hold office from the date of appointment until the 93909
end of the term for which appointed. Any member appointed to fill 93910
a vacancy occurring prior to the expiration of the term for which 93911
the member's predecessor was appointed shall hold office for the 93912
remainder of the term. A member shall continue in office 93913
subsequent to the expiration date of the member's term until the 93914
member's successor takes office, or until a period of sixty days 93915
has elapsed, whichever occurs first. No person shall serve as a 93916
member for more than two terms. 93917

Sec. 4725.16. (A) Each certificate of licensure, topical 93918
ocular pharmaceutical agents certificate, and therapeutic 93919
pharmaceutical agents certificate issued by the state board of 93920
optometry shall expire annually on the last day of December, and 93921
may be renewed in accordance with this section and the standard 93922
renewal procedure established under Chapter 4745. of the Revised 93923
Code. 93924

An optometrist seeking to continue to practice optometry 93925
shall file with the board an application for license renewal. The 93926
application shall be in such form and require such pertinent 93927
professional biographical data as the board may require. 93928

(B) All licensed optometrists shall annually complete 93929
continuing education in subjects relating to the practice of 93930
optometry, to the end that the utilization and application of new 93931
techniques, scientific and clinical advances, and the achievements 93932
of research will assure comprehensive care to the public. The 93933
board shall prescribe by rule the continuing optometric education 93934
that licensed optometrists must complete. The length of study 93935
shall be twenty-five clock hours each year, including ten clock 93936
hours of instruction in pharmacology to be completed by all 93937
licensed optometrists. 93938

Unless the continuing education required under this division 93939
is waived or deferred under division (D) of this section, the 93940
continuing education must be completed during the twelve-month 93941
period beginning on the first day of October and ending on the 93942
last day of September. If the board receives notice from a 93943
continuing education program indicating that an optometrist 93944
completed the program after the last day of September, and the 93945
optometrist wants to use the continuing education completed after 93946
that day to renew the license that expires on the last day of 93947
December of that year, the optometrist shall pay the penalty 93948

specified under section 4725.34 of the Revised Code for late 93949
completion of continuing education. 93950

At least once annually, the board shall post on its web site 93951
and shall mail, or send by electronic mail, to each licensed 93952
optometrist a list of courses approved in accordance with 93953
standards prescribed by board rule. Upon the request of a licensed 93954
optometrist, the executive director of the board shall supply a 93955
list of additional courses that the board has approved subsequent 93956
to the most recent web site posting, electronic mail transmission, 93957
or mailing of the list of approved courses. 93958

(C)(1) Annually, not later than the first day of November, 93959
the board shall mail or send by electronic mail a notice regarding 93960
license renewal to each licensed optometrist who may be eligible 93961
for renewal. The notice shall be sent to the optometrist's ~~last~~ 93962
most recent electronic mail or mailing address shown in the 93963
board's records. If the board knows that the optometrist has 93964
completed the required continuing optometric education for the 93965
year, the board may include with the notice an application for 93966
license renewal. 93967

(2) Filing a license renewal application with the board shall 93968
serve as notice by the optometrist that the continuing optometric 93969
education requirement has been successfully completed. If the 93970
board finds that an optometrist has not completed the required 93971
continuing optometric education, the board shall disapprove the 93972
optometrist's application. The board's disapproval of renewal is 93973
effective without a hearing, unless a hearing is requested 93974
pursuant to Chapter 119. of the Revised Code. 93975

(3) The board shall refuse to accept an application for 93976
renewal from any applicant whose license is not in good standing 93977
or who is under disciplinary review pursuant to section 4725.19 of 93978
the Revised Code. 93979

(4) Notice of an applicant's failure to qualify for renewal shall be served upon the applicant by mail. The notice shall be sent not later than the fifteenth day of November to the applicant's last address shown in the board's records.

(D) In cases of certified illness or undue hardship, the board may waive or defer for up to twelve months the requirement of continuing optometric education, except that in such cases the board may not waive or defer the continuing education in pharmacology required to be completed by optometrists who hold topical ocular pharmaceutical agents certificates or therapeutic pharmaceutical agents certificates. The board shall waive the requirement of continuing optometric education for any optometrist who is serving in the armed forces of the United States or who has received an initial certificate of licensure during the nine-month period which ended on the last day of September.

(E) An optometrist whose renewal application has been approved may renew each certificate held by paying to the treasurer of state the fees for renewal specified under section 4725.34 of the Revised Code. On payment of all applicable fees, the board shall issue a renewal of the optometrist's certificate of licensure, topical ocular pharmaceutical agents certificate, and therapeutic pharmaceutical agents certificate, as appropriate.

(F) Not later than the fifteenth day of December, the board shall mail or send by electronic mail a second notice regarding license renewal to each licensed optometrist who may be eligible for renewal but did not respond to the notice sent under division (C)(1) of this section. The notice shall be sent to the optometrist's ~~last~~ most recent electronic mail or mailing address shown in the board's records. If an optometrist fails to file a renewal application after the second notice is sent, the board shall send a third notice regarding license renewal prior to any action under division (I) of this section to classify the

optometrist's certificates as delinquent. 94012

(G) The failure of an optometrist to apply for license 94013
renewal or the failure to pay the applicable annual renewal fees 94014
on or before the date of expiration, shall automatically work a 94015
forfeiture of the optometrist's authority to practice optometry in 94016
this state. 94017

(H) The board shall accept renewal applications and renewal 94018
fees that are submitted from the first day of January to the last 94019
day of April of the year next succeeding the date of expiration. 94020
An individual who submits such a late renewal application or fee 94021
shall pay the late renewal fee specified in section 4725.34 of the 94022
Revised Code. 94023

(I)(1) If the certificates issued by the board to an 94024
individual have expired and the individual has not filed a 94025
complete application during the late renewal period, the 94026
individual's certificates shall be classified in the board's 94027
records as delinquent. 94028

(2) Any optometrist subject to delinquent classification may 94029
submit a written application to the board for reinstatement. For 94030
reinstatement to occur, the applicant must meet all of the 94031
following conditions: 94032

(a) Submit to the board evidence of compliance with board 94033
rules requiring continuing optometric education in a sufficient 94034
number of hours to make up for any delinquent compliance; 94035

(b) Pay the renewal fees for the year in which application 94036
for reinstatement is made and the reinstatement fee specified 94037
under division (A)(8) of section 4725.34 of the Revised Code; 94038

(c) Pass all or part of the licensing examination accepted by 94039
the board under section 4725.11 of the Revised Code as the board 94040
considers appropriate to determine whether the application for 94041
reinstatement should be approved; 94042

(d) If the applicant has been practicing optometry in another state or country, submit evidence that the applicant's license to practice optometry in the other state or country is in good standing. 94043
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(3) The board shall approve an application for reinstatement if the conditions specified in division (I)(2) of this section are met. An optometrist who receives reinstatement is subject to the continuing education requirements specified under division (B) of this section for the year in which reinstatement occurs. 94047
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Sec. 4729.69. (A) The state board of pharmacy, in collaboration with the director of ~~alcohol and drug addiction services~~ mental health and addiction services and attorney general, shall establish and administer a drug take-back program under which drugs are collected from the community for the purpose of destruction or disposal of the drugs. 94052
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(B) The program shall be established and administered in such a manner that it does both of the following: 94058
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(1) Complies with any state or federal laws regarding the collection, destruction, or disposal of drugs; 94060
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(2) Maintains the confidentiality of individuals who submit or otherwise provide drugs under the program. 94062
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(C) In consultation with the director of ~~alcohol and drug addiction services~~ mental health and addiction services and attorney general, the board shall adopt rules governing the program. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. In adopting the rules, the board shall specify all of the following: 94064
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(1) The entities that may participate; 94070

(2) Guidelines and responsibilities for accepting drugs by participating entities; 94071
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(3) Drugs that may be collected;	94073
(4) Record-keeping requirements;	94074
(5) Proper methods to destroy unused drugs;	94075
(6) Privacy protocols and security standards;	94076
(7) Drug transportation procedures;	94077
(8) The schedule, duration, and frequency of the collections	94078
of drugs, except that the first collection shall occur not later	94079
than one year after the effective date of this section <u>May 20,</u>	94080
<u>2011</u> ;	94081
(9) Any other standards and procedures the board considers	94082
necessary for purposes of governing the program.	94083
(D) In accordance with state and federal law, the board may	94084
adopt rules to allow an entity participating in the program to	94085
return any unused drugs to the pharmacy that originally dispensed	94086
the drug. The rules shall include procedures to be followed to	94087
maintain the confidentiality of the person for whom the drug was	94088
dispensed.	94089
(E) Rules adopted under this section may not do any of the	94090
following:	94091
(1) Require any entity to establish, fund, or operate a drug	94092
take-back program;	94093
(2) Establish any new licensing requirement or fee to	94094
participate in the program;	94095
(3) Require any entity to compile data on drugs collected.	94096
(F) The board may compile data on the amount and type of	94097
drugs collected under the program. For purposes of this division,	94098
the board may cooperate with a public or private entity in	94099
obtaining assistance in the compilation of data. An entity	94100
providing the assistance shall not be reimbursed under the program	94101

for any costs incurred in providing the assistance.	94102
(G) If the board compiles data under division (F) of this section, the board shall submit a report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly. The report, to the extent possible, shall include the following information:	94103 94104 94105 94106 94107
(1) Total weight of drugs collected, both with and without packaging;	94108 94109
(2) The weight of controlled substances;	94110
(3) The amount of all of the following as a per cent of total drugs collected:	94111 94112
(a) Controlled substances;	94113
(b) Brand name drugs;	94114
(c) Generic drugs;	94115
(d) Prescription drugs;	94116
(e) Non-prescription drugs.	94117
(4) The amount of vitamins, herbal supplements, and personal care products collected;	94118 94119
(5) If provided by the person who submitted or otherwise donated drugs to the program, the reasons why the drugs were returned or unused.	94120 94121 94122
(H) No entity is required to participate in a drug take-back program established under this section, and no entity shall be subject to civil liability or professional disciplinary action for declining to participate.	94123 94124 94125 94126
(I) The board may accept grants, gifts, or donations for purposes of the program. Money received under this division shall be deposited into the drug take-back program fund established under section 109.90 of the Revised Code.	94127 94128 94129 94130

Sec. 4729.80. (A) If the state board of pharmacy establishes 94131
and maintains a drug database pursuant to section 4729.75 of the 94132
Revised Code, the board is authorized or required to provide 94133
information from the database in accordance with the following: 94134

(1) On receipt of a request from a designated representative 94135
of a government entity responsible for the licensure, regulation, 94136
or discipline of health care professionals with authority to 94137
prescribe, administer, or dispense drugs, the board may provide to 94138
the representative information from the database relating to the 94139
professional who is the subject of an active investigation being 94140
conducted by the government entity. 94141

(2) On receipt of a request from a federal officer, or a 94142
state or local officer of this or any other state, whose duties 94143
include enforcing laws relating to drugs, the board shall provide 94144
to the officer information from the database relating to the 94145
person who is the subject of an active investigation of a drug 94146
abuse offense, as defined in section 2925.01 of the Revised Code, 94147
being conducted by the officer's employing government entity. 94148

(3) Pursuant to a subpoena issued by a grand jury, the board 94149
shall provide to the grand jury information from the database 94150
relating to the person who is the subject of an investigation 94151
being conducted by the grand jury. 94152

(4) Pursuant to a subpoena, search warrant, or court order in 94153
connection with the investigation or prosecution of a possible or 94154
alleged criminal offense, the board shall provide information from 94155
the database as necessary to comply with the subpoena, search 94156
warrant, or court order. 94157

(5) On receipt of a request from a prescriber or the 94158
prescriber's delegate approved by the board, the board may provide 94159
to the prescriber information from the database relating to a 94160
patient who is either of the following, if the prescriber 94161

certifies in a form specified by the board that it is for the 94162
purpose of providing medical treatment to the patient who is the 94163
subject of the request. 94164

(a) A current patient of the prescriber; 94165

(b) A potential patient of the prescriber based on a referral 94166
of the patient to the prescriber. 94167

(6) On receipt of a request from a pharmacist or the 94168
pharmacist's delegate approved by the board, the board may provide 94169
to the pharmacist information from the database relating to a 94170
current patient of the pharmacist, if the pharmacist certifies in 94171
a form specified by the board that it is for the purpose of the 94172
pharmacist's practice of pharmacy involving the patient who is the 94173
subject of the request. 94174

(7) On receipt of a request from an individual seeking the 94175
individual's own database information in accordance with the 94176
procedure established in rules adopted under section 4729.84 of 94177
the Revised Code, the board may provide to the individual the 94178
individual's own database information. 94179

(8) On receipt of a request from the medical director of a 94180
managed care organization that has entered into a data security 94181
agreement with the board required by section ~~5111.1710~~ 5167.14 of 94182
the Revised Code, the board ~~may~~ shall provide to the medical 94183
director information from the database relating to a medicaid 94184
recipient enrolled in the managed care organization, including 94185
information in the database related to prescriptions for the 94186
recipient that were not covered or reimbursed under a program 94187
administered by the department of medicaid. 94188

(9) On receipt of a request from the medicaid director ~~of job~~ 94189
~~and family services~~, the board ~~may~~ shall provide to the director 94190
information from the database relating to a recipient of a program 94191
administered by the department of ~~job and family services~~ 94192

medicaid, including information in the database related to 94193
prescriptions for the recipient that were not covered or paid by a 94194
program administered by the department. 94195

(10) On receipt of a request from the administrator of 94196
workers' compensation, the board may provide to the administrator 94197
information from the database relating to a claimant under Chapter 94198
4121., 4123., 4127., or 4131. of the Revised Code. 94199

(11) On receipt of a request from a requestor described in 94200
division (A)(1), (2), (5), or (6) of this section who is from or 94201
participating with another state's prescription monitoring 94202
program, the board may provide to the requestor information from 94203
the database, but only if there is a written agreement under which 94204
the information is to be used and disseminated according to the 94205
laws of this state. 94206

(B) The state board of pharmacy shall maintain a record of 94207
each individual or entity that requests information from the 94208
database pursuant to this section. In accordance with rules 94209
adopted under section 4729.84 of the Revised Code, the board may 94210
use the records to document and report statistics and law 94211
enforcement outcomes. 94212

The board may provide records of an individual's requests for 94213
database information to the following: 94214

(1) A designated representative of a government entity that 94215
is responsible for the licensure, regulation, or discipline of 94216
health care professionals with authority to prescribe, administer, 94217
or dispense drugs who is involved in an active investigation being 94218
conducted by the government entity of the individual who submitted 94219
the requests for database information; 94220

(2) A federal officer, or a state or local officer of this or 94221
any other state, whose duties include enforcing laws relating to 94222
drugs and who is involved in an active investigation being 94223

conducted by the officer's employing government entity of the 94224
individual who submitted the requests for database information. 94225

(C) Information contained in the database and any information 94226
obtained from it is not a public record. Information contained in 94227
the records of requests for information from the database is not a 94228
public record. Information that does not identify a person may be 94229
released in summary, statistical, or aggregate form. 94230

(D) A pharmacist or prescriber shall not be held liable in 94231
damages to any person in any civil action for injury, death, or 94232
loss to person or property on the basis that the pharmacist or 94233
prescriber did or did not seek or obtain information from the 94234
database. 94235

Sec. 4729.81. If the state board of pharmacy establishes and 94236
maintains a drug database pursuant to section 4729.75 of the 94237
Revised Code, the board shall review the information in the drug 94238
database. If the board determines from the review that a violation 94239
of law may have occurred, it shall notify the appropriate law 94240
enforcement agency or a government entity responsible for the 94241
licensure, regulation, or discipline of licensed health 94242
professionals authorized to prescribe drugs and supply information 94243
required by the agency or entity for an investigation of the 94244
violation of law that may have occurred. The board also shall 94245
notify the medicaid director if the board determines that the 94246
violation may have been committed by a provider of services under 94247
a program administered by the department of medicaid. 94248

Sec. 4730.411. (A) Except as provided in division (B) or (C) 94249
of this section, a physician assistant may prescribe to a patient 94250
a schedule II controlled substance only if all of the following 94251
are the case: 94252

(1) The patient is in a terminal condition, as defined in 94253

section 2133.01 of the Revised Code. 94254

(2) The physician assistant's supervising physician initially 94255
prescribed the substance for the patient. 94256

(3) The prescription is for an amount that does not exceed 94257
the amount necessary for the patient's use in a single, 94258
twenty-four-hour period. 94259

(B) The restrictions on prescriptive authority in division 94260
(A) of this section do not apply if a physician assistant issues 94261
the prescription to the patient from any of the following 94262
locations: 94263

(1) A hospital registered under section 3701.07 of the 94264
Revised Code; 94265

(2) An entity owned or controlled, in whole or in part, by a 94266
hospital or by an entity that owns or controls, in whole or in 94267
part, one or more hospitals; 94268

(3) A health care facility operated by the department of 94269
~~mental health~~ mental health and addiction services or the 94270
department of developmental disabilities; 94271

(4) A nursing home licensed under section 3721.02 of the 94272
Revised Code or by a political subdivision certified under section 94273
3721.09 of the Revised Code; 94274

(5) A county home or district home operated under Chapter 94275
5155. of the Revised Code that is certified under the medicare or 94276
medicaid program; 94277

(6) A hospice care program, as defined in section 3712.01 of 94278
the Revised Code; 94279

(7) A community mental health ~~agency~~ services provider, as 94280
defined in section 5122.01 of the Revised Code; 94281

(8) An ambulatory surgical facility, as defined in section 94282
3702.30 of the Revised Code; 94283

(9) A freestanding birthing center, as defined in section	94284
3702.51 <u>3702.141</u> of the Revised Code;	94285
(10) A federally qualified health center, as defined in	94286
section 3701.047 of the Revised Code;	94287
(11) A federally qualified health center look-alike, as	94288
defined in section 3701.047 of the Revised Code;	94289
(12) A health care office or facility operated by the board	94290
of health of a city or general health district or the authority	94291
having the duties of a board of health under section 3709.05 of	94292
the Revised Code;	94293
(13) A site where a medical practice is operated, but only if	94294
the practice is comprised of one or more physicians who also are	94295
owners of the practice; the practice is organized to provide	94296
direct patient care; and the physician assistant has entered into	94297
a supervisory agreement with at least one of the physician owners	94298
who practices primarily at that site.	94299
(C) A physician assistant shall not issue to a patient a	94300
prescription for a schedule II controlled substance from a	94301
convenience care clinic even if the convenience care clinic is	94302
owned or operated by an entity specified in division (B) of this	94303
section.	94304
(D) A pharmacist who acts in good faith reliance on a	94305
prescription issued by a physician assistant under division (B) of	94306
this section is not liable for or subject to any of the following	94307
for relying on the prescription: damages in any civil action,	94308
prosecution in any criminal proceeding, or professional	94309
disciplinary action by the state board of pharmacy under Chapter	94310
4729. of the Revised Code.	94311
Sec. 4731.05. (A) The state medical board shall adopt rules	94312
in accordance with Chapter 119. of the Revised Code to carry out	94313

the purposes of this chapter. All adjudicative proceedings of the state medical board shall be conducted in accordance with Chapter 119. of the Revised Code.

(B) The state medical board shall appoint an executive director who shall be in the unclassified service of the state. The board may appoint other employees of the board as are necessary and shall prescribe their titles and duties.

(C) The state medical board shall develop requirements for and provide appropriate initial and continuing training for investigators employed by the board to carry out its duties under Chapter 4731. of the Revised Code. The training and continuing education may include enrollment in courses operated or approved by the Ohio peace officer training commission that the board considers appropriate under conditions set forth in section 109.79 of the Revised Code.

(D)(1) The state medical board shall adopt internal management rules pursuant to section 111.15 of the Revised Code. The rules shall set forth criteria for assessing the board's accomplishments, activities, and performance data, including metrics detailing the board's revenues and reimbursements; budget distribution; investigation and licensing activity, including processing time frames; and enforcement data, including processing time frames. The board shall include the assessment in the annual report required by section 149.01 of the Revised Code.

(2) The state medical board shall cause the internal management rules and annual report described in division (D)(1) of this section to be publicly accessible on the state medical board's web site.

Sec. 4731.151. (A) Naprapaths who received a certificate to practice from the board prior to March 2, 1992, may continue to practice naprapathy, as defined in rules adopted by the board.

Such naprapaths shall practice in accordance with rules adopted by the board. 94345
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(B)(1) As used in this division: 94347

(a) "Mechanotherapy" means all of the following: 94348

(i) Examining patients by verbal inquiry; 94349

(ii) Examination of the musculoskeletal system by hand; 94350

(iii) Visual inspection and observation; 94351

(iv) Diagnosing a patient's condition only as to whether the patient has a disorder of the musculoskeletal system; 94352
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(v) In the treatment of patients, employing the techniques of advised or supervised exercise; electrical neuromuscular stimulation; massage or manipulation; or air, water, heat, cold, sound, or infrared ray therapy only to those disorders of the musculoskeletal system that are amenable to treatment by such techniques and that are identifiable by examination performed in accordance with division (B)(1)(a)(i) of this section and diagnosable in accordance with division (B)(1)(a)(ii) of this section. 94354
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(b) "Educational requirements" means the completion of a course of study appropriate for certification to practice mechanotherapy on or before November 3, 1985, as determined by rules adopted under this chapter. 94363
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(2) Mechanotherapists who received a certificate to practice from the board prior to March 2, 1992, may continue to practice mechanotherapy, as defined in rules adopted by the board. Such mechanotherapists shall practice in accordance with rules adopted by the board. 94367
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A person authorized by this division to practice as a mechanotherapist may examine, diagnose, and assume responsibility for the care of patients with due regard for first aid and the 94372
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hygienic and nutritional care of the patients. Roentgen rays shall 94375
be used by a mechanotherapist only for diagnostic purposes. 94376

(3) A person who holds a certificate to practice 94377
mechanotherapy and completed educational requirements in 94378
mechanotherapy on or before November 3, 1985, is entitled to use 94379
the title "doctor of mechanotherapy" and is a "physician" who 94380
performs "medical services" for the purposes of Chapters 4121. and 94381
4123. of the Revised Code and the medicaid program ~~established~~ 94382
~~under section 5111.01 of the Revised Code~~, and shall receive 94383
payment or reimbursement as provided under those chapters and that 94384
~~section~~ program. 94385

Sec. 4731.22. (A) The state medical board, by an affirmative 94386
vote of not fewer than six of its members, may limit, revoke, or 94387
suspend an individual's certificate to practice, refuse to grant a 94388
certificate to an individual, refuse to register an individual, 94389
refuse to reinstate a certificate, or reprimand or place on 94390
probation the holder of a certificate if the individual or 94391
certificate holder is found by the board to have committed fraud 94392
during the administration of the examination for a certificate to 94393
practice or to have committed fraud, misrepresentation, or 94394
deception in applying for or securing any certificate to practice 94395
or certificate of registration issued by the board. 94396

(B) The board, by an affirmative vote of not fewer than six 94397
members, shall, to the extent permitted by law, limit, revoke, or 94398
suspend an individual's certificate to practice, refuse to 94399
register an individual, refuse to reinstate a certificate, or 94400
reprimand or place on probation the holder of a certificate for 94401
one or more of the following reasons: 94402

(1) Permitting one's name or one's certificate to practice or 94403
certificate of registration to be used by a person, group, or 94404
corporation when the individual concerned is not actually 94405

directing the treatment given;	94406
(2) Failure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;	94407 94408 94409 94410
(3) Selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug;	94411 94412 94413 94414 94415 94416
(4) Willfully betraying a professional confidence.	94417
For purposes of this division, "willfully betraying a professional confidence" does not include providing any information, documents, or reports to a child fatality review board under sections 307.621 to 307.629 of the Revised Code and does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.	94418 94419 94420 94421 94422 94423 94424 94425 94426 94427 94428 94429 94430 94431
(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any	94432 94433 94434 94435 94436

certificate to practice or certificate of registration issued by 94437
the board. 94438

As used in this division, "false, fraudulent, deceptive, or 94439
misleading statement" means a statement that includes a 94440
misrepresentation of fact, is likely to mislead or deceive because 94441
of a failure to disclose material facts, is intended or is likely 94442
to create false or unjustified expectations of favorable results, 94443
or includes representations or implications that in reasonable 94444
probability will cause an ordinarily prudent person to 94445
misunderstand or be deceived. 94446

(6) A departure from, or the failure to conform to, minimal 94447
standards of care of similar practitioners under the same or 94448
similar circumstances, whether or not actual injury to a patient 94449
is established; 94450

(7) Representing, with the purpose of obtaining compensation 94451
or other advantage as personal gain or for any other person, that 94452
an incurable disease or injury, or other incurable condition, can 94453
be permanently cured; 94454

(8) The obtaining of, or attempting to obtain, money or 94455
anything of value by fraudulent misrepresentations in the course 94456
of practice; 94457

(9) A plea of guilty to, a judicial finding of guilt of, or a 94458
judicial finding of eligibility for intervention in lieu of 94459
conviction for, a felony; 94460

(10) Commission of an act that constitutes a felony in this 94461
state, regardless of the jurisdiction in which the act was 94462
committed; 94463

(11) A plea of guilty to, a judicial finding of guilt of, or 94464
a judicial finding of eligibility for intervention in lieu of 94465
conviction for, a misdemeanor committed in the course of practice; 94466

(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	94467 94468 94469
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	94470 94471 94472
(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	94473 94474 94475
(15) Violation of the conditions of limitation placed by the board upon a certificate to practice;	94476 94477
(16) Failure to pay license renewal fees specified in this chapter;	94478 94479
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	94480 94481 94482 94483
(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession.	94484 94485 94486 94487 94488 94489 94490 94491 94492 94493 94494
For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision that would preclude the making of a report by a	94495 94496 94497

physician of an employee's use of a drug of abuse, or of a 94498
condition of an employee other than one involving the use of a 94499
drug of abuse, to the employer of the employee as described in 94500
division (B) of section 2305.33 of the Revised Code. Nothing in 94501
this division affects the immunity from civil liability conferred 94502
by that section upon a physician who makes either type of report 94503
in accordance with division (B) of that section. As used in this 94504
division, "employee," "employer," and "physician" have the same 94505
meanings as in section 2305.33 of the Revised Code. 94506

(19) Inability to practice according to acceptable and 94507
prevailing standards of care by reason of mental illness or 94508
physical illness, including, but not limited to, physical 94509
deterioration that adversely affects cognitive, motor, or 94510
perceptive skills. 94511

In enforcing this division, the board, upon a showing of a 94512
possible violation, may compel any individual authorized to 94513
practice by this chapter or who has submitted an application 94514
pursuant to this chapter to submit to a mental examination, 94515
physical examination, including an HIV test, or both a mental and 94516
a physical examination. The expense of the examination is the 94517
responsibility of the individual compelled to be examined. Failure 94518
to submit to a mental or physical examination or consent to an HIV 94519
test ordered by the board constitutes an admission of the 94520
allegations against the individual unless the failure is due to 94521
circumstances beyond the individual's control, and a default and 94522
final order may be entered without the taking of testimony or 94523
presentation of evidence. If the board finds an individual unable 94524
to practice because of the reasons set forth in this division, the 94525
board shall require the individual to submit to care, counseling, 94526
or treatment by physicians approved or designated by the board, as 94527
a condition for initial, continued, reinstated, or renewed 94528
authority to practice. An individual affected under this division 94529

shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's certificate. For the purpose of this division, any individual who applies for or receives a certificate to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(20) Except when civil penalties are imposed under section 4731.225 or 4731.281 of the Revised Code, and subject to section 4731.226 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board.

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(21) The violation of section 3701.79 of the Revised Code or of any abortion rule adopted by the public health council pursuant

to section 3701.341 of the Revised Code; 94562

(22) Any of the following actions taken by an agency 94563
responsible for authorizing, certifying, or regulating an 94564
individual to practice a health care occupation or provide health 94565
care services in this state or another jurisdiction, for any 94566
reason other than the nonpayment of fees: the limitation, 94567
revocation, or suspension of an individual's license to practice; 94568
acceptance of an individual's license surrender; denial of a 94569
license; refusal to renew or reinstate a license; imposition of 94570
probation; or issuance of an order of censure or other reprimand; 94571

(23) The violation of section 2919.12 of the Revised Code or 94572
the performance or inducement of an abortion upon a pregnant woman 94573
with actual knowledge that the conditions specified in division 94574
(B) of section 2317.56 of the Revised Code have not been satisfied 94575
or with a heedless indifference as to whether those conditions 94576
have been satisfied, unless an affirmative defense as specified in 94577
division (H)(2) of that section would apply in a civil action 94578
authorized by division (H)(1) of that section; 94579

(24) The revocation, suspension, restriction, reduction, or 94580
termination of clinical privileges by the United States department 94581
of defense or department of veterans affairs or the termination or 94582
suspension of a certificate of registration to prescribe drugs by 94583
the drug enforcement administration of the United States 94584
department of justice; 94585

(25) Termination or suspension from participation in the 94586
medicare or medicaid programs by the department of health and 94587
human services or other responsible agency for any act or acts 94588
that also would constitute a violation of division (B)(2), (3), 94589
(6), (8), or (19) of this section; 94590

(26) Impairment of ability to practice according to 94591
acceptable and prevailing standards of care because of habitual or 94592

excessive use or abuse of drugs, alcohol, or other substances that 94593
impair ability to practice. 94594

For the purposes of this division, any individual authorized 94595
to practice by this chapter accepts the privilege of practicing in 94596
this state subject to supervision by the board. By filing an 94597
application for or holding a certificate to practice under this 94598
chapter, an individual shall be deemed to have given consent to 94599
submit to a mental or physical examination when ordered to do so 94600
by the board in writing, and to have waived all objections to the 94601
admissibility of testimony or examination reports that constitute 94602
privileged communications. 94603

If it has reason to believe that any individual authorized to 94604
practice by this chapter or any applicant for certification to 94605
practice suffers such impairment, the board may compel the 94606
individual to submit to a mental or physical examination, or both. 94607
The expense of the examination is the responsibility of the 94608
individual compelled to be examined. Any mental or physical 94609
examination required under this division shall be undertaken by a 94610
treatment provider or physician who is qualified to conduct the 94611
examination and who is chosen by the board. 94612

Failure to submit to a mental or physical examination ordered 94613
by the board constitutes an admission of the allegations against 94614
the individual unless the failure is due to circumstances beyond 94615
the individual's control, and a default and final order may be 94616
entered without the taking of testimony or presentation of 94617
evidence. If the board determines that the individual's ability to 94618
practice is impaired, the board shall suspend the individual's 94619
certificate or deny the individual's application and shall require 94620
the individual, as a condition for initial, continued, reinstated, 94621
or renewed certification to practice, to submit to treatment. 94622

Before being eligible to apply for reinstatement of a 94623
certificate suspended under this division, the impaired 94624

practitioner shall demonstrate to the board the ability to resume 94625
practice in compliance with acceptable and prevailing standards of 94626
care under the provisions of the practitioner's certificate. The 94627
demonstration shall include, but shall not be limited to, the 94628
following: 94629

(a) Certification from a treatment provider approved under 94630
section 4731.25 of the Revised Code that the individual has 94631
successfully completed any required inpatient treatment; 94632

(b) Evidence of continuing full compliance with an aftercare 94633
contract or consent agreement; 94634

(c) Two written reports indicating that the individual's 94635
ability to practice has been assessed and that the individual has 94636
been found capable of practicing according to acceptable and 94637
prevailing standards of care. The reports shall be made by 94638
individuals or providers approved by the board for making the 94639
assessments and shall describe the basis for their determination. 94640

The board may reinstate a certificate suspended under this 94641
division after that demonstration and after the individual has 94642
entered into a written consent agreement. 94643

When the impaired practitioner resumes practice, the board 94644
shall require continued monitoring of the individual. The 94645
monitoring shall include, but not be limited to, compliance with 94646
the written consent agreement entered into before reinstatement or 94647
with conditions imposed by board order after a hearing, and, upon 94648
termination of the consent agreement, submission to the board for 94649
at least two years of annual written progress reports made under 94650
penalty of perjury stating whether the individual has maintained 94651
sobriety. 94652

(27) A second or subsequent violation of section 4731.66 or 94653
4731.69 of the Revised Code; 94654

(28) Except as provided in division (N) of this section: 94655

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.

(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's file;

(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;

(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;

(33) Failure to comply with the terms of a consult agreement

entered into with a pharmacist pursuant to section 4729.39 of the Revised Code; 94687
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(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; 94689
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(35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision; 94699
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(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant; 94702
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(37) Assisting suicide as defined in section 3795.01 of the Revised Code; 94705
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(38) Failure to comply with the requirements of section 2317.561 of the Revised Code; 94707
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(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants; 94709
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(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code; 94712
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(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code 94715
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for the operation of or the provision of care at a pain management 94717
clinic; 94718

(42) Failure to comply with the standards and procedures 94719
established in rules under section 4731.054 of the Revised Code 94720
for providing supervision, direction, and control of individuals 94721
at a pain management clinic; 94722

(43) Failure to comply with the requirements of section 94723
4729.79 of the Revised Code, unless the state board of pharmacy no 94724
longer maintains a drug database pursuant to section 4729.75 of 94725
the Revised Code; 94726

(44) Failure to comply with the requirements of section 94727
2919.171 of the Revised Code or failure to submit to the 94728
department of health in accordance with a court order a complete 94729
report as described in section 2919.171 of the Revised Code; 94730

(45) Practicing at a facility that is subject to licensure as 94731
a category III terminal distributor of dangerous drugs with a pain 94732
management clinic classification unless the person operating the 94733
facility has obtained and maintains the license with the 94734
classification; 94735

(46) Owning a facility that is subject to licensure as a 94736
category III terminal distributor of dangerous drugs with a pain 94737
management clinic classification unless the facility is licensed 94738
with the classification; 94739

(47) Failure to comply with the requirement regarding 94740
maintaining notes described in division (B) of section 2919.191 of 94741
the Revised Code or failure to satisfy the requirements of section 94742
2919.191 of the Revised Code prior to performing or inducing an 94743
abortion upon a pregnant woman. 94744

(C) Disciplinary actions taken by the board under divisions 94745
(A) and (B) of this section shall be taken pursuant to an 94746
adjudication under Chapter 119. of the Revised Code, except that 94747

in lieu of an adjudication, the board may enter into a consent 94748
agreement with an individual to resolve an allegation of a 94749
violation of this chapter or any rule adopted under it. A consent 94750
agreement, when ratified by an affirmative vote of not fewer than 94751
six members of the board, shall constitute the findings and order 94752
of the board with respect to the matter addressed in the 94753
agreement. If the board refuses to ratify a consent agreement, the 94754
admissions and findings contained in the consent agreement shall 94755
be of no force or effect. 94756

A telephone conference call may be utilized for ratification 94757
of a consent agreement that revokes or suspends an individual's 94758
certificate to practice. The telephone conference call shall be 94759
considered a special meeting under division (F) of section 121.22 94760
of the Revised Code. 94761

If the board takes disciplinary action against an individual 94762
under division (B) of this section for a second or subsequent plea 94763
of guilty to, or judicial finding of guilt of, a violation of 94764
section 2919.123 of the Revised Code, the disciplinary action 94765
shall consist of a suspension of the individual's certificate to 94766
practice for a period of at least one year or, if determined 94767
appropriate by the board, a more serious sanction involving the 94768
individual's certificate to practice. Any consent agreement 94769
entered into under this division with an individual that pertains 94770
to a second or subsequent plea of guilty to, or judicial finding 94771
of guilt of, a violation of that section shall provide for a 94772
suspension of the individual's certificate to practice for a 94773
period of at least one year or, if determined appropriate by the 94774
board, a more serious sanction involving the individual's 94775
certificate to practice. 94776

(D) For purposes of divisions (B)(10), (12), and (14) of this 94777
section, the commission of the act may be established by a finding 94778
by the board, pursuant to an adjudication under Chapter 119. of 94779

the Revised Code, that the individual committed the act. The board 94780
does not have jurisdiction under those divisions if the trial 94781
court renders a final judgment in the individual's favor and that 94782
judgment is based upon an adjudication on the merits. The board 94783
has jurisdiction under those divisions if the trial court issues 94784
an order of dismissal upon technical or procedural grounds. 94785

(E) The sealing of conviction records by any court shall have 94786
no effect upon a prior board order entered under this section or 94787
upon the board's jurisdiction to take action under this section 94788
if, based upon a plea of guilty, a judicial finding of guilt, or a 94789
judicial finding of eligibility for intervention in lieu of 94790
conviction, the board issued a notice of opportunity for a hearing 94791
prior to the court's order to seal the records. The board shall 94792
not be required to seal, destroy, redact, or otherwise modify its 94793
records to reflect the court's sealing of conviction records. 94794

(F)(1) The board shall investigate evidence that appears to 94795
show that a person has violated any provision of this chapter or 94796
any rule adopted under it. Any person may report to the board in a 94797
signed writing any information that the person may have that 94798
appears to show a violation of any provision of this chapter or 94799
any rule adopted under it. In the absence of bad faith, any person 94800
who reports information of that nature or who testifies before the 94801
board in any adjudication conducted under Chapter 119. of the 94802
Revised Code shall not be liable in damages in a civil action as a 94803
result of the report or testimony. Each complaint or allegation of 94804
a violation received by the board shall be assigned a case number 94805
and shall be recorded by the board. 94806

(2) Investigations of alleged violations of this chapter or 94807
any rule adopted under it shall be supervised by the supervising 94808
member elected by the board in accordance with section 4731.02 of 94809
the Revised Code and by the secretary as provided in section 94810
4731.39 of the Revised Code. The president may designate another 94811

member of the board to supervise the investigation in place of the 94812
supervising member. No member of the board who supervises the 94813
investigation of a case shall participate in further adjudication 94814
of the case. 94815

(3) In investigating a possible violation of this chapter or 94816
any rule adopted under this chapter, or in conducting an 94817
inspection under division (E) of section 4731.054 of the Revised 94818
Code, the board may question witnesses, conduct interviews, 94819
administer oaths, order the taking of depositions, inspect and 94820
copy any books, accounts, papers, records, or documents, issue 94821
subpoenas, and compel the attendance of witnesses and production 94822
of books, accounts, papers, records, documents, and testimony, 94823
except that a subpoena for patient record information shall not be 94824
issued without consultation with the attorney general's office and 94825
approval of the secretary and supervising member of the board. 94826

(a) Before issuance of a subpoena for patient record 94827
information, the secretary and supervising member shall determine 94828
whether there is probable cause to believe that the complaint 94829
filed alleges a violation of this chapter or any rule adopted 94830
under it and that the records sought are relevant to the alleged 94831
violation and material to the investigation. The subpoena may 94832
apply only to records that cover a reasonable period of time 94833
surrounding the alleged violation. 94834

(b) On failure to comply with any subpoena issued by the 94835
board and after reasonable notice to the person being subpoenaed, 94836
the board may move for an order compelling the production of 94837
persons or records pursuant to the Rules of Civil Procedure. 94838

(c) A subpoena issued by the board may be served by a 94839
sheriff, the sheriff's deputy, or a board employee designated by 94840
the board. Service of a subpoena issued by the board may be made 94841
by delivering a copy of the subpoena to the person named therein, 94842
reading it to the person, or leaving it at the person's usual 94843

place of residence, usual place of business, or address on file 94844
with the board. When serving a subpoena to an applicant for or the 94845
holder of a certificate issued under this chapter, service of the 94846
subpoena may be made by certified mail, return receipt requested, 94847
and the subpoena shall be deemed served on the date delivery is 94848
made or the date the person refuses to accept delivery. If the 94849
person being served refuses to accept the subpoena or is not 94850
located, service may be made to an attorney who notifies the board 94851
that the attorney is representing the person. 94852

(d) A sheriff's deputy who serves a subpoena shall receive 94853
the same fees as a sheriff. Each witness who appears before the 94854
board in obedience to a subpoena shall receive the fees and 94855
mileage provided for under section 119.094 of the Revised Code. 94856

(4) All hearings, investigations, and inspections of the 94857
board shall be considered civil actions for the purposes of 94858
section 2305.252 of the Revised Code. 94859

(5) A report required to be submitted to the board under this 94860
chapter, a complaint, or information received by the board 94861
pursuant to an investigation or pursuant to an inspection under 94862
division (E) of section 4731.054 of the Revised Code is 94863
confidential and not subject to discovery in any civil action. 94864

The board shall conduct all investigations or inspections and 94865
proceedings in a manner that protects the confidentiality of 94866
patients and persons who file complaints with the board. The board 94867
shall not make public the names or any other identifying 94868
information about patients or complainants unless proper consent 94869
is given or, in the case of a patient, a waiver of the patient 94870
privilege exists under division (B) of section 2317.02 of the 94871
Revised Code, except that consent or a waiver of that nature is 94872
not required if the board possesses reliable and substantial 94873
evidence that no bona fide physician-patient relationship exists. 94874

The board may share any information it receives pursuant to 94875
an investigation or inspection, including patient records and 94876
patient record information, with law enforcement agencies, other 94877
licensing boards, and other governmental agencies that are 94878
prosecuting, adjudicating, or investigating alleged violations of 94879
statutes or administrative rules. An agency or board that receives 94880
the information shall comply with the same requirements regarding 94881
confidentiality as those with which the state medical board must 94882
comply, notwithstanding any conflicting provision of the Revised 94883
Code or procedure of the agency or board that applies when it is 94884
dealing with other information in its possession. In a judicial 94885
proceeding, the information may be admitted into evidence only in 94886
accordance with the Rules of Evidence, but the court shall require 94887
that appropriate measures are taken to ensure that confidentiality 94888
is maintained with respect to any part of the information that 94889
contains names or other identifying information about patients or 94890
complainants whose confidentiality was protected by the state 94891
medical board when the information was in the board's possession. 94892
Measures to ensure confidentiality that may be taken by the court 94893
include sealing its records or deleting specific information from 94894
its records. 94895

(6) On a quarterly basis, the board shall prepare a report 94896
that documents the disposition of all cases during the preceding 94897
three months. The report shall contain the following information 94898
for each case with which the board has completed its activities: 94899

(a) The case number assigned to the complaint or alleged 94900
violation; 94901

(b) The type of certificate to practice, if any, held by the 94902
individual against whom the complaint is directed; 94903

(c) A description of the allegations contained in the 94904
complaint; 94905

(d) The disposition of the case. 94906

The report shall state how many cases are still pending and 94907
shall be prepared in a manner that protects the identity of each 94908
person involved in each case. The report shall be a public record 94909
under section 149.43 of the Revised Code. 94910

(G) If the secretary and supervising member determine both of 94911
the following, they may recommend that the board suspend an 94912
individual's certificate to practice without a prior hearing: 94913

(1) That there is clear and convincing evidence that an 94914
individual has violated division (B) of this section; 94915

(2) That the individual's continued practice presents a 94916
danger of immediate and serious harm to the public. 94917

Written allegations shall be prepared for consideration by 94918
the board. The board, upon review of those allegations and by an 94919
affirmative vote of not fewer than six of its members, excluding 94920
the secretary and supervising member, may suspend a certificate 94921
without a prior hearing. A telephone conference call may be 94922
utilized for reviewing the allegations and taking the vote on the 94923
summary suspension. 94924

The board shall issue a written order of suspension by 94925
certified mail or in person in accordance with section 119.07 of 94926
the Revised Code. The order shall not be subject to suspension by 94927
the court during pendency of any appeal filed under section 119.12 94928
of the Revised Code. If the individual subject to the summary 94929
suspension requests an adjudicatory hearing by the board, the date 94930
set for the hearing shall be within fifteen days, but not earlier 94931
than seven days, after the individual requests the hearing, unless 94932
otherwise agreed to by both the board and the individual. 94933

Any summary suspension imposed under this division shall 94934
remain in effect, unless reversed on appeal, until a final 94935
adjudicative order issued by the board pursuant to this section 94936

and Chapter 119. of the Revised Code becomes effective. The board 94937
shall issue its final adjudicative order within seventy-five days 94938
after completion of its hearing. A failure to issue the order 94939
within seventy-five days shall result in dissolution of the 94940
summary suspension order but shall not invalidate any subsequent, 94941
final adjudicative order. 94942

(H) If the board takes action under division (B)(9), (11), or 94943
(13) of this section and the judicial finding of guilt, guilty 94944
plea, or judicial finding of eligibility for intervention in lieu 94945
of conviction is overturned on appeal, upon exhaustion of the 94946
criminal appeal, a petition for reconsideration of the order may 94947
be filed with the board along with appropriate court documents. 94948
Upon receipt of a petition of that nature and supporting court 94949
documents, the board shall reinstate the individual's certificate 94950
to practice. The board may then hold an adjudication under Chapter 94951
119. of the Revised Code to determine whether the individual 94952
committed the act in question. Notice of an opportunity for a 94953
hearing shall be given in accordance with Chapter 119. of the 94954
Revised Code. If the board finds, pursuant to an adjudication held 94955
under this division, that the individual committed the act or if 94956
no hearing is requested, the board may order any of the sanctions 94957
identified under division (B) of this section. 94958

(I) The certificate to practice issued to an individual under 94959
this chapter and the individual's practice in this state are 94960
automatically suspended as of the date of the individual's second 94961
or subsequent plea of guilty to, or judicial finding of guilt of, 94962
a violation of section 2919.123 of the Revised Code, or the date 94963
the individual pleads guilty to, is found by a judge or jury to be 94964
guilty of, or is subject to a judicial finding of eligibility for 94965
intervention in lieu of conviction in this state or treatment or 94966
intervention in lieu of conviction in another jurisdiction for any 94967
of the following criminal offenses in this state or a 94968

substantially equivalent criminal offense in another jurisdiction: 94969
aggravated murder, murder, voluntary manslaughter, felonious 94970
assault, kidnapping, rape, sexual battery, gross sexual 94971
imposition, aggravated arson, aggravated robbery, or aggravated 94972
burglary. Continued practice after suspension shall be considered 94973
practicing without a certificate. 94974

The board shall notify the individual subject to the 94975
suspension by certified mail or in person in accordance with 94976
section 119.07 of the Revised Code. If an individual whose 94977
certificate is automatically suspended under this division fails 94978
to make a timely request for an adjudication under Chapter 119. of 94979
the Revised Code, the board shall do whichever of the following is 94980
applicable: 94981

(1) If the automatic suspension under this division is for a 94982
second or subsequent plea of guilty to, or judicial finding of 94983
guilt of, a violation of section 2919.123 of the Revised Code, the 94984
board shall enter an order suspending the individual's certificate 94985
to practice for a period of at least one year or, if determined 94986
appropriate by the board, imposing a more serious sanction 94987
involving the individual's certificate to practice. 94988

(2) In all circumstances in which division (I)(1) of this 94989
section does not apply, enter a final order permanently revoking 94990
the individual's certificate to practice. 94991

(J) If the board is required by Chapter 119. of the Revised 94992
Code to give notice of an opportunity for a hearing and if the 94993
individual subject to the notice does not timely request a hearing 94994
in accordance with section 119.07 of the Revised Code, the board 94995
is not required to hold a hearing, but may adopt, by an 94996
affirmative vote of not fewer than six of its members, a final 94997
order that contains the board's findings. In that final order, the 94998
board may order any of the sanctions identified under division (A) 94999
or (B) of this section. 95000

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a certificate made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a certificate of

registration in accordance with this chapter shall not remove or 95032
limit the board's jurisdiction to take any disciplinary action 95033
under this section against the individual. 95034

(4) At the request of the board, a certificate holder shall 95035
immediately surrender to the board a certificate that the board 95036
has suspended, revoked, or permanently revoked. 95037

(N) Sanctions shall not be imposed under division (B)(28) of 95038
this section against any person who waives deductibles and 95039
copayments as follows: 95040

(1) In compliance with the health benefit plan that expressly 95041
allows such a practice. Waiver of the deductibles or copayments 95042
shall be made only with the full knowledge and consent of the plan 95043
purchaser, payer, and third-party administrator. Documentation of 95044
the consent shall be made available to the board upon request. 95045

(2) For professional services rendered to any other person 95046
authorized to practice pursuant to this chapter, to the extent 95047
allowed by this chapter and rules adopted by the board. 95048

(O) Under the board's investigative duties described in this 95049
section and subject to division (F) of this section, the board 95050
shall develop and implement a quality intervention program 95051
designed to improve through remedial education the clinical and 95052
communication skills of individuals authorized under this chapter 95053
to practice medicine and surgery, osteopathic medicine and 95054
surgery, and podiatric medicine and surgery. In developing and 95055
implementing the quality intervention program, the board may do 95056
all of the following: 95057

(1) Offer in appropriate cases as determined by the board an 95058
educational and assessment program pursuant to an investigation 95059
the board conducts under this section; 95060

(2) Select providers of educational and assessment services, 95061
including a quality intervention program panel of case reviewers; 95062

(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.

Sec. 4731.23. (A)(1)(a) The state medical board shall designate one or more attorneys at law who have been admitted to the practice of law, and who are classified as either administrative law attorney examiners or as administrative law attorney examiner administrators under the state job classification plan adopted under section 124.14 of the Revised Code, as hearing examiners, subject to Chapter 119. of the Revised Code, to conduct any hearing which the medical board is empowered to hold or undertake pursuant to Chapter 119. of the Revised Code.

(b) Notwithstanding the requirement of division (A)(1)(a) of this section that the board designate as a hearing examiner an attorney who is classified as either an administrative law attorney examiner or an administrative law attorney examiner administrator, the board may, subject to ~~controlling board approval~~ section 127.16 of the Revised Code, enter into a personal service contract with an attorney admitted to the practice of law

in this state to serve on a temporary basis as a hearing examiner. 95094

(2) The hearing examiner shall hear and consider the oral and 95095
documented evidence introduced by the parties and issue in writing 95096
proposed findings of fact and conclusions of law to the board for 95097
their consideration within thirty days following the close of the 95098
hearing. 95099

(B) The board shall be given copies of the transcript of the 95100
record hearing and all exhibits and documents presented by the 95101
parties at the hearing. 95102

(C) The board shall, upon the favorable vote of three 95103
members, allow the parties or their counsel the opportunity to 95104
present oral arguments on the proposed findings of fact and 95105
conclusions of law of the hearing examiner prior to the board's 95106
final action. 95107

(D) The board shall render a decision and take action within 95108
sixty days following the receipt of the hearing examiner's 95109
proposed findings of fact and conclusions of law or within any 95110
longer period mutually agreed upon by the board and the 95111
certificate holder. 95112

(E) The final decision of the board in any hearing which the 95113
board is empowered to undertake shall be in writing and contain 95114
findings of fact and conclusions of law. Copies of the decision 95115
shall be delivered to the parties personally or by certified mail. 95116
The decision shall be final upon delivery or mailing, except that 95117
the certificate holder may appeal in the manner provided by 95118
Chapter 119. of the Revised Code. 95119

Sec. 4731.299. (A) The state medical board may issue, without 95120
examination, to an applicant who meets all of the requirements of 95121
this section an expedited certificate to practice medicine and 95122
surgery or osteopathic medicine and surgery by endorsement. 95123

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(B) An individual who seeks an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement shall file with the board a written application on a form prescribed and supplied by the board. The application shall include all of the information the board considers necessary to process it.

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(C) To be eligible to receive an expedited certificate by endorsement, an applicant shall do both of the following:

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(1) Provide evidence satisfactory to the board that the applicant meets all of the following requirements:

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(a) Has passed one of the following:

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(i) Steps one, two, and three of the United States medical licensing examination;

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(ii) Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States;

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(iii) Any other medical licensing examination recognized by the board.

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(b) For at least five years immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province;

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(c) For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting;

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(d) Is in compliance with the medical education and training requirements in sections 4731.091 and 4731.14 of the Revised Code.

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(2) Certify to the board that all of the following are the case:

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(a) Not more than two malpractice claims have been filed against the applicant within a period of ten years and no malpractice claim against the applicant has resulted in total payment of more than five hundred thousand dollars. 95153
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(b) The applicant does not have a criminal record according to the criminal records check required by section 4731.081 of the Revised Code. 95157
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(c) The applicant does not have a medical condition that could affect the applicant's ability to practice according to acceptable and prevailing standards of care. 95160
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(d) No adverse action has been taken against the applicant by a health care institution. 95163
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(e) To the applicant's knowledge, no federal agency, medical society, medical association, or branch of the United States military has investigated or taken action against the applicant. 95165
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(f) No professional licensing or regulatory authority has filed a complaint against, investigated, or taken action against the applicant and the applicant has not withdrawn a professional license application. 95168
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(g) The applicant has not been suspended or expelled from any institution of higher education or school, including a medical school. 95172
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(D) An applicant for an expedited certificate by endorsement shall comply with section 4731.081 of the Revised Code. 95175
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(E) At the time of application, the applicant shall pay to the board a fee of one thousand dollars, no part of which shall be returned. No application shall be considered filed until the board receives the fee. 95177
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(F) The board shall review all applications received under this section. If the board determines that an applicant meets the 95181
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requirements for an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement, the board shall issue the certificate to the applicant. Each certificate issued by the board under this section shall be signed by the president and secretary of the board and attested by its seal.

(G) Within sixty days after the effective date of this section, the board shall approve acceptable means of demonstrating compliance with sections 4731.091 and 4731.14 of the Revised Code as required by division (C)(1)(d) of this section.

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the Revised Code:

(A)(1) "Clinical laboratory services" means either of the following:

(a) Any examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment or for the assessment of health;

(b) Procedures to determine, measure, or otherwise describe the presence or absence of various substances or organisms in the body.

(2) "Clinical laboratory services" does not include the mere collection or preparation of specimens.

(B) "Designated health services" means any of the following:

(1) Clinical laboratory services;

(2) Home health care services;

(3) Outpatient prescription drugs.

(C) "Fair market value" means the value in arms-length transactions, consistent with general market value and:

(1) With respect to rentals or leases, the value of rental 95212
property for general commercial purposes, not taking into account 95213
its intended use; 95214

(2) With respect to a lease of space, not adjusted to reflect 95215
the additional value the prospective lessee or lessor would 95216
attribute to the proximity or convenience to the lessor if the 95217
lessor is a potential source of referrals to the lessee. 95218

(D) "Governmental health care program" means any program 95219
providing health care benefits that is administered by the federal 95220
government, this state, or a political subdivision of this state, 95221
including the medicare program ~~established under Title XVIII of~~ 95222
~~the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301,~~ 95223
~~as amended,~~ health care coverage for public employees, health care 95224
benefits administered by the bureau of workers' compensation, and 95225
the medicaid program ~~established under Chapter 5111. of the~~ 95226
~~Revised Code.~~ 95227

(E)(1) "Group practice" means a group of two or more holders 95228
of certificates under this chapter legally organized as a 95229
partnership, professional corporation or association, limited 95230
liability company, foundation, nonprofit corporation, faculty 95231
practice plan, or similar group practice entity, including an 95232
organization comprised of a nonprofit medical clinic that 95233
contracts with a professional corporation or association of 95234
physicians to provide medical services exclusively to patients of 95235
the clinic in order to comply with section 1701.03 of the Revised 95236
Code and including a corporation, limited liability company, 95237
partnership, or professional association described in division (B) 95238
of section 4731.226 of the Revised Code formed for the purpose of 95239
providing a combination of the professional services of 95240
optometrists who are licensed, certificated, or otherwise legally 95241
authorized to practice optometry under Chapter 4725. of the 95242
Revised Code, chiropractors who are licensed, certificated, or 95243

otherwise legally authorized to practice chiropractic or 95244
acupuncture under Chapter 4734. of the Revised Code, psychologists 95245
who are licensed, certificated, or otherwise legally authorized to 95246
practice psychology under Chapter 4732. of the Revised Code, 95247
registered or licensed practical nurses who are licensed, 95248
certificated, or otherwise legally authorized to practice nursing 95249
under Chapter 4723. of the Revised Code, pharmacists who are 95250
licensed, certificated, or otherwise legally authorized to 95251
practice pharmacy under Chapter 4729. of the Revised Code, 95252
physical therapists who are licensed, certificated, or otherwise 95253
legally authorized to practice physical therapy under sections 95254
4755.40 to 4755.56 of the Revised Code, occupational therapists 95255
who are licensed, certificated, or otherwise legally authorized to 95256
practice occupational therapy under sections 4755.04 to 4755.13 of 95257
the Revised Code, mechanotherapists who are licensed, 95258
certificated, or otherwise legally authorized to practice 95259
mechanotherapy under section 4731.151 of the Revised Code, and 95260
doctors of medicine and surgery, osteopathic medicine and surgery, 95261
or podiatric medicine and surgery who are licensed, certificated, 95262
or otherwise legally authorized for their respective practices 95263
under this chapter, to which all of the following apply: 95264

(a) Each physician who is a member of the group practice 95265
provides substantially the full range of services that the 95266
physician routinely provides, including medical care, 95267
consultation, diagnosis, or treatment, through the joint use of 95268
shared office space, facilities, equipment, and personnel. 95269

(b) Substantially all of the services of the members of the 95270
group are provided through the group and are billed in the name of 95271
the group and amounts so received are treated as receipts of the 95272
group. 95273

(c) The overhead expenses of and the income from the practice 95274
are distributed in accordance with methods previously determined 95275

by members of the group. 95276

(d) The group practice meets any other requirements that the 95277
state medical board applies in rules adopted under section 4731.70 95278
of the Revised Code. 95279

(2) In the case of a faculty practice plan associated with a 95280
hospital with a medical residency training program in which 95281
physician members may provide a variety of specialty services and 95282
provide professional services both within and outside the group, 95283
as well as perform other tasks such as research, the criteria in 95284
division (E)(1) of this section apply only with respect to 95285
services rendered within the faculty practice plan. 95286

(F) "Home health care services" and "immediate family" have 95287
the same meanings as in the rules adopted under section 4731.70 of 95288
the Revised Code. 95289

(G) "Hospital" has the same meaning as in section 3727.01 of 95290
the Revised Code. 95291

(H) A "referral" includes both of the following: 95292

(1) A request by a holder of a certificate under this chapter 95293
for an item or service, including a request for a consultation 95294
with another physician and any test or procedure ordered by or to 95295
be performed by or under the supervision of the other physician; 95296

(2) A request for or establishment of a plan of care by a 95297
certificate holder that includes the provision of designated 95298
health services. 95299

(I) "Third-party payer" has the same meaning as in section 95300
3901.38 of the Revised Code. 95301

Sec. 4731.71. The auditor of state may implement procedures 95302
to detect violations of section 4731.66 or 4731.69 of the Revised 95303
Code within governmental health care programs administered by the 95304
state. The auditor of state shall report any violation of either 95305

section to the state medical board and shall certify to the 95306
attorney general in accordance with section 131.02 of the Revised 95307
Code the amount of any refund owed to a state-administered 95308
governmental health care program under section 4731.69 of the 95309
Revised Code as a result of a violation. If a refund is owed to 95310
the medicaid program ~~established under Chapter 5111. of the~~ 95311
~~Revised Code~~, the auditor of state also shall report the amount to 95312
the department of ~~job and family services~~ medicaid. 95313

The state medical board also may implement procedures to 95314
detect violations of section 4731.66 or 4731.69 of the Revised 95315
Code. 95316

Sec. 4732.06. The principal office of the state board of 95317
psychology shall be in Columbus, but it may meet or conduct 95318
business at any place in this state. The board may empower any one 95319
or more of its members to conduct any proceeding, hearing, or 95320
investigation necessary to its purposes, including the 95321
administration and enforcement of Chapter 4783. of the Revised 95322
Code. The board shall meet at least twice annually and at such 95323
other times as it determines. Special meetings may be called by 95324
the president and shall be called by the secretary upon the 95325
written request of two members. 95326

The board shall make such rules as are necessary to conduct 95327
its business. 95328

The board may employ such assistants and clerical help as are 95329
necessary to administer and enforce this chapter and Chapter 4783. 95330
of the Revised Code. 95331

Sec. 4732.07. The state board of psychology shall keep a 95332
record of its proceedings and a register of applicants for 95333
licenses under this chapter and applicants for certificates under 95334
Chapter 4783. of the Revised Code. The books and records of the 95335

board shall be prima-facie evidence of the matters therein 95336
contained. ~~Such records~~ The records regarding licensure 95337
applications shall include applicants' written examination papers. 95338

Sec. 4732.08. All receipts of the state board of psychology 95339
from any source, including moneys collected under Chapter 4783. of 95340
the Revised Code, shall be deposited in the state treasury to the 95341
credit of the occupational licensing and regulatory fund." 95342

Sec. 4734.41. (A) As used in this section: 95343

(1) "Chemical dependency" means either of the following: 95344

(a) The chronic and habitual use of alcoholic beverages to 95345
the extent that the user no longer can control the use of alcohol 95346
or endangers the user's health, safety, or welfare or that of 95347
others; 95348

(b) The use of a controlled substance as defined in section 95349
3719.01 of the Revised Code, a harmful intoxicant as defined in 95350
section 2925.01 of the Revised Code, or a dangerous drug as 95351
defined in section 4729.01 of the Revised Code, to the extent that 95352
the user becomes physically or psychologically dependent on the 95353
substance, intoxicant, or drug or endangers the user's health, 95354
safety, or welfare or that of others. 95355

(2) "Mental illness" means a recognized psychiatric or 95356
psychological condition, disorder, or syndrome that has been 95357
diagnosed by a psychiatrist, psychologist, professional clinical 95358
counselor, or independent social worker as a condition, disorder, 95359
or syndrome that may pose a danger to the person diagnosed or 95360
others or may prevent the person from practicing the person's 95361
profession according to acceptable and prevailing standards of 95362
care. 95363

(B) The state chiropractic board shall establish a chemical 95364
dependency and mental illness monitoring program. The program 95365

shall be made available to any individual under the board's 95366
jurisdiction who has a chemical dependency or mental illness and 95367
meets the board's eligibility requirements for admission to and 95368
continued participation in the program. The board shall develop 95369
the program and may designate a coordinator to administer it or 95370
enter into a contract for the program to be administered by 95371
another entity through a coordinator. The board shall adopt rules 95372
in accordance with Chapter 119. of the Revised Code that establish 95373
standards and procedure for operating the program. 95374

(C) Except as provided in division (D) of this section, all 95375
records of an individual's participation in the monitoring 95376
program, including medical records, chemical dependency records, 95377
and mental health records, shall be confidential, are not public 95378
records for the purposes of section 149.43 of the Revised Code, 95379
and are not subject to discovery by subpoena or ~~admissible~~ 95380
admissible as evidence in any judicial proceeding. The program 95381
coordinator shall maintain all records as directed by the board. 95382

(D) The monitoring program's coordinator may disclose records 95383
or information regarding an individual's progress and status of 95384
participation in the program to the disciplinary section of the 95385
board and to any person or government entity that the program 95386
participant authorizes in writing to be given the records or 95387
information. 95388

In disclosing records or information under this division, the 95389
coordinator shall not include any record or information that is 95390
protected under section ~~3793.13~~ 5119.27 of the Revised Code or any 95391
federal statute or regulation that provides for the 95392
confidentiality of mental health or substance abuse records. 95393

(E) In the absence of fraud or bad faith, the monitoring 95394
program's coordinator, the board and the board's employees and 95395
representatives are not liable for damages in any civil action as 95396
a result of disclosing records or information in accordance with 95397

division (D) of this section. In the absence of fraud or bad 95398
faith, any person reporting to the program an individual's 95399
chemical dependency or mental illness, or the progress or lack of 95400
progress of that individual with regard to treatment, is not 95401
liable for damages in any civil action as a result of the report. 95402

(F) The board may abstain from taking formal disciplinary 95403
action under section 4734.31 of the Revised Code against an 95404
individual because of the individual's chemical dependency or 95405
mental illness, if the individual meets the eligibility 95406
requirements for admission into the monitoring program and all of 95407
the following occur: 95408

(1) The individual enters into a monitoring agreement with 95409
the coordinator of the program; 95410

(2) The individual complies with the terms and conditions for 95411
continued participation in the program, as specified in the 95412
monitoring agreement; 95413

(3) The individual successfully completes the terms and 95414
conditions of the monitoring agreement, including the condition 95415
that the individual attain the ability to practice in accordance 95416
with acceptable and prevailing standards of care applicable to the 95417
practice of chiropractic. 95418

Sec. 4735.07. (A) The superintendent of real estate, with the 95419
consent of the Ohio real estate commission, may enter into 95420
agreements with recognized national testing services to administer 95421
the real estate broker's examination under the superintendent's 95422
supervision and control, consistent with the requirements of this 95423
chapter as to the contents of such examination. 95424

(B) No applicant for a real estate broker's license shall 95425
take the broker's examination who has not established to the 95426
satisfaction of the superintendent that the applicant: 95427

(1) Is honest, truthful, and of good reputation;	95428
(2)(a) Has not been convicted of a felony or crime of moral turpitude, or if the applicant has been so convicted, the superintendent has disregarded the conviction because the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's activities and employment record since the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant again will violate the laws involved;	95429 95430 95431 95432 95433 95434 95435 95436 95437
(b) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that the applicant's activities and employment record since the adjudication show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant will again violate the laws involved.	95438 95439 95440 95441 95442 95443 95444 95445 95446 95447 95448
(3) Has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to, this chapter, or, if the applicant has violated any such provision or rule, has established to the satisfaction of the superintendent that the applicant will not again violate such provision or rule;	95449 95450 95451 95452 95453 95454
(4) Is at least eighteen years of age;	95455
(5) Has been a licensed real estate broker or salesperson for at least two years; during at least two of the five years preceding the person's application, has worked as a licensed real	95456 95457 95458

estate broker or salesperson for an average of at least thirty 95459
hours per week; and has completed one of the following: 95460

(a) At least twenty real estate transactions, in which 95461
property was sold for another by the applicant while acting in the 95462
capacity of a real estate broker or salesperson; 95463

(b) Such equivalent experience as is defined by rules adopted 95464
by the commission. 95465

(6)(a) If licensed as a real estate salesperson prior to 95466
August 1, 2001, successfully has completed at an institution of 95467
higher education all of the following: 95468

(i) Thirty hours of classroom instruction in real estate 95469
practice; 95470

(ii) Thirty hours of classroom instruction that includes the 95471
subjects of Ohio real estate law, municipal, state, and federal 95472
civil rights law, new case law on housing discrimination, 95473
desegregation issues, and methods of eliminating the effects of 95474
prior discrimination. If feasible, the classroom instruction in 95475
Ohio real estate law shall be taught by a member of the faculty of 95476
an accredited law school. If feasible, the classroom instruction 95477
in municipal, state, and federal civil rights law, new case law on 95478
housing discrimination, desegregation issues, and methods of 95479
eliminating the effects of prior discrimination shall be taught by 95480
a staff member of the Ohio civil rights commission who is 95481
knowledgeable with respect to those subjects. The requirements of 95482
this division do not apply to an applicant who is admitted to 95483
practice before the supreme court. 95484

(iii) Thirty hours of classroom instruction in real estate 95485
appraisal; 95486

(iv) Thirty hours of classroom instruction in real estate 95487
finance; 95488

(v) Three quarter hours, or its equivalent in semester hours, in financial management;	95489 95490
(vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management;	95491 95492
(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;	95493 95494
(viii) Three quarter hours, or its equivalent in semester hours, in business law.	95495 95496
(b) If licensed as a real estate salesperson on or after August 1, 2001, successfully has completed at an institution of higher education all of the following:	95497 95498 95499
(i) Forty hours of classroom instruction in real estate practice;	95500 95501
(ii) Forty hours of classroom instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the classroom instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the classroom instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.	95502 95503 95504 95505 95506 95507 95508 95509 95510 95511 95512 95513 95514 95515
(iii) Twenty hours of classroom instruction in real estate appraisal;	95516 95517
(iv) Twenty hours of classroom instruction in real estate	95518

finance; 95519

(v) The training in the amount of hours specified under 95520
divisions (B)(6)(a)(v), (vi), (vii), and (viii) of this section. 95521

(c) Division (B)(6)(a) or (b) of this section does not apply 95522
to any applicant who holds a valid real estate salesperson's 95523
license issued prior to January 2, 1972. Divisions (B)(6)(a)(v), 95524
(vi), (vii), and (viii) or division (B)(6)(b)(v) of this section 95525
do not apply to any applicant who holds a valid real estate 95526
salesperson's license issued prior to January 3, 1984. 95527

(d) Divisions (B)(6)(a)(iii) and (B)(6)(b)(iii) of this 95528
section do not apply to any new applicant who holds a valid Ohio 95529
real estate appraiser license or certificate issued prior to the 95530
date of application for a real estate broker's license. 95531

(7) If licensed as a real estate salesperson on or after 95532
January 3, 1984, satisfactorily has completed a minimum of two 95533
years of post-secondary education, or its equivalent in semester 95534
or quarter hours, at an institution of higher education, and has 95535
fulfilled the requirements of division (B)(6)(a) or (b) of this 95536
section. The requirements of division (B)(6)(a) or (b) of this 95537
section may be included in the two years of post-secondary 95538
education, or its equivalent in semester or quarter hours, that is 95539
required by this division. 95540

(C) Each applicant for a broker's license shall be examined 95541
in the principles of real estate practice, Ohio real estate law, 95542
and financing and appraisal, and as to the duties of real estate 95543
brokers and real estate salespersons, the applicant's knowledge of 95544
real estate transactions and instruments relating to them, and the 95545
canons of business ethics pertaining to them. The commission from 95546
time to time shall promulgate such canons and cause them to be 95547
published in printed form. 95548

(D) Examinations shall be administered with reasonable 95549

accommodations in accordance with the requirements of the 95550
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 95551
U.S.C. 12101. The contents of an examination shall be consistent 95552
with the requirements of division (B)(6) of this section and with 95553
the other specific requirements of this section. An applicant who 95554
has completed the requirements of division (B)(6) of this section 95555
at the time of application shall be examined no later than twelve 95556
months after the applicant is notified of admission to the 95557
examination. 95558

(E) The superintendent may waive one or more of the 95559
requirements of this section in the case of an application from a 95560
nonresident real estate broker pursuant to a reciprocity agreement 95561
with the licensing authority of the state from which the 95562
nonresident applicant holds a valid real estate broker license. 95563

(F) There shall be no limit placed on the number of times an 95564
applicant may retake the examination. 95565

(G)(1) Not earlier than the date of issue of a real estate 95566
broker's license to a licensee, but not later than twelve months 95567
after the date of issue of a real estate broker's license to a 95568
licensee, the licensee shall submit proof satisfactory to the 95569
superintendent, on forms made available by the superintendent, of 95570
the completion of ten hours of classroom instruction that shall be 95571
completed in schools, seminars, and educational institutions that 95572
are approved by the commission. Approval of the curriculum and 95573
providers shall be granted according to rules adopted pursuant to 95574
section 4735.10 of the Revised Code. 95575

If the required proof of completion is not submitted to the 95576
superintendent within twelve months of the date a license is 95577
issued under this section, the license of the real estate broker 95578
is suspended automatically without the taking of any action by the 95579
superintendent. The broker's license shall not be reactivated by 95580
the superintendent until it is established, to the satisfaction of 95581

the superintendent, that the requirements of this division have 95582
been met and that the licensee is in compliance with this chapter. 95583
A licensee's license is revoked automatically without the taking 95584
of any action by the superintendent if the licensee fails to 95585
submit proof of completion of the education requirements specified 95586
under division (G)(1) of this section within twelve months of the 95587
date the license is suspended. 95588

(2) If the license of a real estate broker is suspended 95589
pursuant to division (G)(1) of this section, the license of a real 95590
estate salesperson associated with that broker correspondingly is 95591
suspended pursuant to division (H) of section 4735.20 of the 95592
Revised Code. However, the suspended license of the associated 95593
real estate salesperson shall be reactivated and no fee shall be 95594
charged or collected for that reactivation if all of the following 95595
occur: 95596

(a) That broker subsequently submits satisfactory proof to 95597
the superintendent that the broker has complied with the 95598
requirements of division (G)(1) of this section and requests that 95599
the broker's license as a real estate broker be reactivated; 95600

(b) The superintendent then reactivates the broker's license 95601
as a real estate broker; 95602

(c) The associated real estate salesperson intends to 95603
continue to be associated with that broker and otherwise is in 95604
compliance with this chapter. 95605

Sec. 4735.09. (A) Application for a license as a real estate 95606
salesperson shall be made to the superintendent of real estate on 95607
forms furnished by the superintendent and signed by the applicant. 95608
The application shall be in the form prescribed by the 95609
superintendent and shall contain such information as is required 95610
by this chapter and the rules of the Ohio real estate commission. 95611
The application shall be accompanied by the recommendation of the 95612

real estate broker with whom the applicant is associated or with 95613
whom the applicant intends to be associated, certifying that the 95614
applicant is honest, truthful, and of good reputation, has not 95615
been convicted of a felony or a crime involving moral turpitude, 95616
and has not been finally adjudged by a court to have violated any 95617
municipal, state, or federal civil rights laws relevant to the 95618
protection of purchasers or sellers of real estate, which 95619
conviction or adjudication the applicant has not disclosed to the 95620
superintendent, and recommending that the applicant be admitted to 95621
the real estate salesperson examination. 95622

(B) A fee of sixty dollars shall accompany the application, 95623
which fee includes the fee for the initial year of the licensing 95624
period, if a license is issued. The initial year of the licensing 95625
period commences at the time the license is issued and ends on the 95626
applicant's first birthday thereafter. The application fee shall 95627
be nonrefundable. A fee of sixty dollars shall be charged by the 95628
superintendent for each successive application made by the 95629
applicant. One dollar of each application fee shall be credited to 95630
the real estate education and research fund. 95631

(C) There shall be no limit placed on the number of times an 95632
applicant may retake the examination. 95633

(D) The superintendent, with the consent of the commission, 95634
may enter into an agreement with a recognized national testing 95635
service to administer the real estate salesperson's examination 95636
under the superintendent's supervision and control, consistent 95637
with the requirements of this chapter as to the contents of the 95638
examination. 95639

If the superintendent, with the consent of the commission, 95640
enters into an agreement with a national testing service to 95641
administer the real estate salesperson's examination, the 95642
superintendent may require an applicant to pay the testing 95643
service's examination fee directly to the testing service. If the 95644

superintendent requires the payment of the examination fee 95645
directly to the testing service, each applicant shall submit to 95646
the superintendent a processing fee in an amount determined by the 95647
Ohio real estate commission pursuant to division (A)(1) of section 95648
4735.10 of the Revised Code. 95649

(E) The superintendent shall issue a real estate 95650
salesperson's license when satisfied that the applicant has 95651
received a passing score on each portion of the salesperson's 95652
examination as determined by rule by the real estate commission, 95653
except that the superintendent may waive one or more of the 95654
requirements of this section in the case of an applicant who is a 95655
licensed real estate salesperson in another state pursuant to a 95656
reciprocity agreement with the licensing authority of the state 95657
from which the applicant holds a valid real estate salesperson's 95658
license. 95659

(F) No applicant for a salesperson's license shall take the 95660
salesperson's examination who has not established to the 95661
satisfaction of the superintendent that the applicant: 95662

(1) Is honest, truthful, and of good reputation; 95663

(2)(a) Has not been convicted of a felony or crime of moral 95664
turpitude or, if the applicant has been so convicted, the 95665
superintendent has disregarded the conviction because the 95666
applicant has proven to the superintendent, by a preponderance of 95667
the evidence, that the applicant's activities and employment 95668
record since the conviction show that the applicant is honest, 95669
truthful, and of good reputation, and there is no basis in fact 95670
for believing that the applicant again will violate the laws 95671
involved; 95672

(b) Has not been finally adjudged by a court to have violated 95673
any municipal, state, or federal civil rights laws relevant to the 95674
protection of purchasers or sellers of real estate or, if the 95675

applicant has been so adjudged, at least two years have passed 95676
since the court decision and the superintendent has disregarded 95677
the adjudication because the applicant has proven, by a 95678
preponderance of the evidence, that the applicant is honest, 95679
truthful, and of good reputation, and there is no basis in fact 95680
for believing that the applicant again will violate the laws 95681
involved. 95682

(3) Has not, during any period in which the applicant was 95683
licensed under this chapter, violated any provision of, or any 95684
rule adopted pursuant to this chapter, or, if the applicant has 95685
violated such provision or rule, has established to the 95686
satisfaction of the superintendent that the applicant will not 95687
again violate such provision or rule; 95688

(4) Is at least eighteen years of age; 95689

(5) If born after the year 1950, has a high school diploma or 95690
its equivalent as recognized by the state department of education; 95691

(6) Has successfully completed at an institution of higher 95692
education all of the following: 95693

(a) Forty hours of classroom instruction in real estate 95694
practice; 95695

(b) Forty hours of classroom instruction that includes the 95696
subjects of Ohio real estate law, municipal, state, and federal 95697
civil rights law, new case law on housing discrimination, 95698
desegregation issues, and methods of eliminating the effects of 95699
prior discrimination. If feasible, the classroom instruction in 95700
Ohio real estate law shall be taught by a member of the faculty of 95701
an accredited law school. If feasible, the classroom instruction 95702
in municipal, state, and federal civil rights law, new case law on 95703
housing discrimination, desegregation issues, and methods of 95704
eliminating the effects of prior discrimination shall be taught by 95705
a staff member of the Ohio civil rights commission who is 95706

knowledgeable with respect to those subjects. The requirements of 95707
this division do not apply to an applicant who is admitted to 95708
practice before the supreme court. 95709

(c) Twenty hours of classroom instruction in real estate 95710
appraisal; 95711

(d) Twenty hours of classroom instruction in real estate 95712
finance. 95713

(G) Division (F)(6)(c) of this section does not apply to any 95714
new applicant who holds a valid Ohio real estate appraiser license 95715
or certificate issued prior to the date of application for a real 95716
estate salesperson's license. 95717

(H) Any person who has not been licensed as a real estate 95718
salesperson or broker within a four-year period immediately 95719
preceding the person's current application for the salesperson's 95720
examination shall have successfully completed the prelicensure 95721
classroom instruction required by division (F)(6) of this section 95722
within a ten-year period immediately preceding the person's 95723
current application for the salesperson's examination. 95724

~~(H)~~(I) Not earlier than the date of issue of a real estate 95725
salesperson's license to a licensee, but not later than twelve 95726
months after the date of issue of a real estate salesperson 95727
license to a licensee, the licensee shall submit proof 95728
satisfactory to the superintendent, on forms made available by the 95729
superintendent, of the completion of ten hours of classroom 95730
instruction that shall be completed in schools, seminars, and 95731
educational institutions approved by the commission. Approval of 95732
the curriculum and providers shall be granted according to rules 95733
adopted pursuant to section 4735.10 of the Revised Code. 95734

If proof of completion of the required instruction is not 95735
submitted within twelve months of the date a license is issued 95736
under this section, the licensee's license is suspended 95737

automatically without the taking of any action by the 95738
superintendent. The superintendent immediately shall notify the 95739
broker with whom such salesperson is associated of the suspension 95740
of the salesperson's license. A salesperson whose license has been 95741
suspended under this division shall have twelve months after the 95742
date of the suspension of the salesperson's license to submit 95743
proof of successful completion of the instruction required under 95744
this division. No such license shall be reactivated by the 95745
superintendent until it is established, to the satisfaction of the 95746
superintendent, that the requirements of this division have been 95747
met and that the licensee is in compliance with this chapter. A 95748
licensee's license is revoked automatically without the taking of 95749
any action by the superintendent when the licensee fails to submit 95750
the required proof of completion of the education requirements 95751
under division ~~(H)~~(I) of this section within twelve months of the 95752
date the license is suspended. 95753

~~(I)~~(J) Examinations shall be administered with reasonable 95754
accommodations in accordance with the requirements of the 95755
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 95756
U.S.C. 12189. The contents of an examination shall be consistent 95757
with the classroom instructional requirements of division (F)(6) 95758
of this section. An applicant who has completed the classroom 95759
instructional requirements of division (F)(6) of this section at 95760
the time of application shall be examined no later than twelve 95761
months after the applicant is notified of the applicant's 95762
admission to the examination. 95763

Sec. 4735.10. (A)(1) The Ohio real estate commission may 95764
adopt reasonable rules in accordance with Chapter 119. of the 95765
Revised Code, necessary for implementing the provisions of this 95766
chapter relating, but not limited to, the following: 95767

(a) The form and manner of filing applications for licensure; 95768

(b) Times and form of examination for license;	95769
(c) Placing an existing broker's license on deposit or a salesperson's license on an inactive status for an indefinite period;	95770 95771 95772
(d) Specifying the process by which a licensee may resign the licensee's license;	95773 95774
(e) Defining any additional license status that the commission determines is necessary and that is not otherwise defined in this chapter and establishing the process by which a licensee places the licensee's license in a status defined by the commission in the rules the commission adopts;	95775 95776 95777 95778 95779
(f) Clarification of the activities that require a license under this chapter.	95780 95781
(2) The commission shall adopt reasonable rules in accordance with Chapter 119. of the Revised Code, for implementing the provisions of this chapter relating to the following:	95782 95783 95784
(a) The issuance, renewal, suspension, and revocation of licenses, other sanctions that may be imposed for violations of this chapter, the conduct of hearings related to these actions, and the process of reactivating a license;	95785 95786 95787 95788
(b) A three-year license and a three-year license renewal system;	95789 95790
(c) Standards for the approval of the ten-hour postlicensure courses as required by division (G) of section 4735.07 and division (H) <u>(I)</u> of section 4735.09 of the Revised Code, courses of study required for licenses, courses offered in preparation for license examinations, or courses required as continuing education for licenses.	95791 95792 95793 95794 95795 95796
(d) Guidelines to ensure that continuing education classes are open to all persons licensed under this chapter. The rules	95797 95798

shall specify that an organization that sponsors a continuing education class may offer its members a reasonable reduction in the fees charged for the class. 95799
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(e) Requirements for trust accounts and property management accounts. The rules shall specify that: 95802
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(i) Brokerages engaged in the management of property for another may, pursuant to a written contract with the property owner, exercise signatory authority for withdrawals from property management accounts maintained in the name of the property owner. 95804
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The exercise of authority for withdrawals does not constitute a violation of any provision of division (A) of section 4735.18 of the Revised Code. 95808
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(ii) The interest earned on property management trust accounts maintained in the name of the property owner or the broker shall be payable to the property owner unless otherwise specified in a written contract. 95811
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(f) Notice of renewal forms and filing deadlines; 95815

(g) Special assessments under division (A) of section 4735.12 of the Revised Code. 95816
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(B) The commission may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and guidelines with which the superintendent of real estate shall comply in the exercise of the following powers: 95818
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(1) Appointment and recommendation of ancillary trustees under section 4735.05 of the Revised Code; 95822
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(2) Rejection of names proposed to be used by partnerships, associations, limited liability companies, limited liability partnerships, and corporations, under division (A) of section 4735.06 of the Revised Code; 95824
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(3) Acceptance and rejection of applications to take the 95828

broker and salesperson examinations and licensure, with	95829
appropriate waivers pursuant to division (E) of section 4735.07	95830
and section 4735.09 of the Revised Code;	95831
(4) Approval of applications of brokers to place their	95832
licenses in an inactive status and to become salespersons under	95833
section 4735.13 of the Revised Code;	95834
(5) Appointment of hearing examiners under section 119.09 of	95835
the Revised Code;	95836
(6) Acceptance and rejection of applications to take the	95837
foreign real estate dealer and salesperson examinations and	95838
licensure, with waiver of examination, under sections 4735.27 and	95839
4735.28 of the Revised Code;	95840
(7) Qualification of foreign real estate under section	95841
4735.25 of the Revised Code.	95842
If at any time there is no rule in effect establishing a	95843
guideline or standard required by this division, the	95844
superintendent may adopt a rule in accordance with Chapter 119. of	95845
the Revised Code for such purpose.	95846
(C) The commission or superintendent may hear testimony in	95847
matters relating to the duties imposed upon them, and the	95848
president of the commission and superintendent may administer	95849
oaths. The commission or superintendent may require other proof of	95850
the honesty, truthfulness, and good reputation of any person named	95851
in an application for a real estate broker's or real estate	95852
salesperson's license before admitting the applicant to the	95853
examination or issuing a license.	95854
Sec. 4735.142. (A) Any person licensed under section 4735.07	95855
or 4735.09 of the Revised Code, at any time prior to the date the	95856
licensee is required to file a notice of renewal pursuant to	95857
division (B) of section 4735.14 of the Revised Code may apply to	95858

the superintendent of real estate and professional licensing to 95859
place the licensee's license in a permanently resigned status. 95860

(B) A licensee, at any time during which a license has been 95861
suspended pursuant to division (G) of section 4735.07, division 95862
~~(H)~~(I) of section 4735.09, division (E) of section 4735.12, 95863
division (C) of section 4735.14, division (C) of section 4735.141, 95864
or section 4735.182 of the Revised Code, may apply to the 95865
superintendent on a form prescribed by the superintendent to 95866
permanently resign the licensee's license voluntarily. The 95867
resignation of a license is considered to be final without the 95868
taking of any action by the superintendent. 95869

(C) If a person whose license is in a permanently resigned 95870
status pursuant to a request made under this section wishes to 95871
obtain an active or inactive license, the person shall apply for 95872
such a license in accordance with the requirements specified in 95873
section 4735.07 or 4735.09 of the Revised Code, as applicable, or 95874
in the rules adopted by the commission pursuant to division (A) of 95875
section 4735.10 of the Revised Code. 95876

(D) If placing a broker's license in a permanently resigned 95877
status will result in the closure of the broker's brokerage, the 95878
broker, within three days after applying to the superintendent to 95879
place the license in a permanently resigned status, shall provide 95880
to each salesperson associated with that broker a written notice 95881
stating that fact. 95882

(E) This section does not apply to any licensee whose license 95883
has been suspended pursuant to division (F) of section 4735.181 of 95884
the Revised Code or due to disciplinary action ordered by the 95885
commission pursuant to section 4735.051 of the Revised Code. 95886

Sec. 4735.56. (A) Each brokerage shall develop a written 95887
brokerage policy on agency to be given to prospective sellers and 95888

purchasers in accordance with divisions (C) and (D) of this section. 95889
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(B) The brokerage policy on agency described in division (A) of this section shall include all of the following information: 95891
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(1) An explanation of the permissible agency relationships available under section 4735.53 of the Revised Code and the duties that the agent owes the agent's client; 95893
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(2) The brokerage's policy on representation of purchasers or sellers; 95896
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(3) Whether at some time during the agency relationship the brokerage and its licensee may act as a dual agent, and the options and consequences for the client if a dual agency situation arises including the right of the client to terminate the agency relationship and seek representation from another source; 95898
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(4) Whether at some time during the agency relationship, another licensee affiliated with the same brokerage as the licensee may become the exclusive agent for the other party in the transaction and whether each licensee will represent only the interests of that licensee's client; 95903
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(5) The brokerage's policy on cooperation with other brokerages, including whether the brokerage offers compensation to other brokerages or will seek compensation from other brokerages; 95908
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(6) That a brokerage that has a purchaser as a client represents the purchaser's interests even though the seller's agent or the seller may compensate that purchaser's brokerage; 95911
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(7) That the signature of the purchaser or the seller indicates acknowledgement of receipt of the brokerage policy on agency. 95914
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(C) A licensee acting as a seller's agent shall provide the seller with the brokerage policy on agency described in this 95917
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section prior to marketing or showing the seller's real estate and 95919
shall obtain a signature from the seller acknowledging receipt 95920
unless the seller refuses to provide a signature. If the seller 95921
refuses to provide a signature, the licensee shall note this on 95922
the policy. 95923

(D) A licensee working directly with a purchaser in a real 95924
estate transaction, whether as the purchaser's agent, the seller's 95925
agent, or the seller's subagent, shall provide the purchaser with 95926
the brokerage policy on agency described in this section and 95927
obtain a signature from the purchaser acknowledging receipt of the 95928
policy unless the purchaser refuses to provide a signature. If the 95929
purchaser refuses to provide a signature, the licensee shall note 95930
this on the policy. Except as provided in division (E) of this 95931
section, the licensee shall provide the brokerage policy on agency 95932
to a purchaser prior to the earliest of the following actions of 95933
the licensee: 95934

(1) Initiating a prequalification evaluation to determine 95935
whether the purchaser has the financial ability to purchase or 95936
lease a particular real estate property; 95937

(2) Requesting specific financial information from the 95938
purchaser to determine the purchaser's ability to purchase or 95939
finance real estate in a particular price range; 95940

(3) Showing the real estate to the purchaser other than at an 95941
open house; 95942

(4) Discussing, with the purchaser, the making of an offer to 95943
purchase or lease real estate; 95944

(5) Submitting an offer to purchase or lease real estate on 95945
behalf of the purchaser. 95946

(E) If the earliest event described in division (D) of this 95947
section is by telephone or electronic mail, the licensee shall 95948
disclose by that same medium the nature of the agency relationship 95949

that the licensee has with both the seller and the purchaser. The 95950
licensee shall provide the purchaser with the brokerage policy on 95951
agency described in this section at the first meeting with the 95952
purchaser following this disclosure of the agency relationship. 95953

(F) A licensee acting as a seller's agent is not required to 95954
provide a purchaser with the brokerage policy on agency described 95955
in this section except in the case of an event described in 95956
division (D) of this section. 95957

(G) The requirements of this section regarding provision of a 95958
brokerage policy on agency ~~do not~~ apply only in ~~any of~~ the 95959
following situations: 95960

(1) The sale or lease of vacant land; 95961

(2) The sale of a parcel of real estate containing one to 95962
four residential units; 95963

(3) ~~The rental or~~ leasing of residential premises as defined 95964
in section 5321.01 of the Revised Code, if the rental or lease 95965
agreement ~~can be performed in~~ is for a term of more than eighteen 95966
months ~~or less;~~ 95967

~~(2) The referral of a prospective purchaser or seller to 95968
another licensee;~~ 95969

~~(3) Transactions involving the sale, lease, or exchange of 95970
foreign real estate as defined in division (E) of section 4735.01 95971
of the Revised Code;~~ 95972

~~(4) Transactions involving the sale of a cemetery lot or a 95973
cemetery interment right.~~ 95974

Sec. 4742.01. As used in this chapter: 95975

(A) "Emergency service provider" has the same meaning as in 95976
section ~~5507.01~~ 128.01 of the Revised Code. 95977

(B) "Emergency service telecommunicator" means an individual 95978

employed by an emergency service provider, whose primary 95979
responsibility is to be an operator for the receipt or processing 95980
of calls for emergency services made by telephone, radio, or other 95981
electronic means. 95982

Sec. 4751.01. As used in sections 4751.01 to ~~4751.11~~ 4751.13 95983
of the Revised Code: 95984

(A) "Long-term services and supports settings" means any 95985
institutional or community-based setting in which medical, health, 95986
psycho-social, habilitative, rehabilitative, or personal care 95987
services are provided to individuals on a post-acute care basis. 95988

(B) "Nursing home administrator" means any individual 95989
responsible for planning, organizing, directing, and managing the 95990
operation of a nursing home, or who in fact performs such 95991
function, whether or not such functions and duties are shared by 95992
one or more other persons. 95993

~~(B)~~(C) "Nursing home" means a nursing home as defined by or 95994
under the authority of section 3721.01 of the Revised Code, or a 95995
nursing home operated by a governmental agency. 95996

~~(C)~~(D) "Temporary license" means a license for a period not 95997
to exceed one hundred eighty days issued pursuant to division (B) 95998
of section 4751.06 of the Revised Code. 95999

~~(D)~~(E) "Valid license" means a license which is current and 96000
in good standing. 96001

Sec. 4751.02. (A) No person shall operate a nursing home 96002
unless it is under the supervision of an administrator whose 96003
principal occupation is nursing home administration or hospital 96004
administration and who holds a valid nursing home administrator's 96005
license and registration, or a temporary license, issued pursuant 96006
to Chapter 4751. of the Revised Code. 96007

(B) No person other than a licensed and registered nursing home administrator or person holding a temporary license as required by Chapter 4751. of the Revised Code shall practice or offer to practice nursing home administration in this state. All nursing home administrators and temporary licensees shall comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder.

(C) Every operator of a nursing home shall report to the board of ~~examiners~~ executives of ~~nursing home administrators~~ long-term services and supports the name and license number of each nursing home administrator for said home within ten days after the operator engages a nursing home administrator, and within ten days after a nursing home administrator is no longer engaged as such by such operator for said home.

(D) Each individual who holds a nursing home administrator license or temporary license shall report ~~his~~ the individual's residence mailing address and the name and address of each place of employment to the board within ten days after any change.

Sec. 4751.03. (A) There is hereby established in the department of health aging a board of ~~examiners~~ executives of ~~nursing home administrators~~ long-term services and supports, which board shall be composed of ~~nine~~ the following eleven members, ~~eight of whom shall be representative of the professions and institutions concerned with care and treatment of chronically ill or infirm aged patients, and one of whom shall be a public member at least sixty years of age, provided that less than a majority of the board members shall be representative of a single profession or institutional category, and provided further that a person appointed as a noninstitutional member shall neither have nor acquire any direct financial interest in a nursing home. For purposes of this section, nursing home administrators are~~

~~considered representatives of institutions.~~ 96039

~~Four members shall be nursing home administrators, owners of
nursing homes or an officer of a corporation owning a nursing
home. The director of health or his designated representative
shall be a member. All:~~ 96040
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(1) Four members who are nursing home administrators, owners
of nursing homes, or officers of corporations owning nursing
homes, and who shall have an understanding of person-centered
care, and experience with a range of long-term services and
supports settings; 96044
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(2)(a) Three members who work in long-term services and
supports settings that are not nursing homes, and who shall have
an understanding of person-centered care, and experience with a
range of long-term services and supports settings; 96049
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(b) At least one of the members described in division
(A)(2)(a) of this section shall be a home health administrator, an
owner of a home health agency, or an officer of a home health
agency. 96053
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(3) One member who is a member of the academic community; 96057

(4) One member who is a consumer of services offered in a
long-term services and supports setting; 96058
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(5) One member who is a representative of the department of
health, designated by the director of health, who is involved in
the nursing home survey and certification process; 96060
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(6) One member who is a representative of the office of the
state long-term care ombudsman, designated by the state long-term
care ombudsman. 96063
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All members of the board shall be citizens of the United
States and residents of this state. No member of the board who is
appointed under divisions (A)(3) to (6) of this section may have 96066
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or acquire any direct financial interest in a nursing home or 96069
long-term services and supports settings. 96070

(B) The term of office for each appointed member of the board 96071
shall be for three years, commencing on the twenty-eighth day of 96072
May and ending on the twenty-seventh day of May. Each member shall 96073
serve from the date of ~~his~~ appointment until the end of the term 96074
for which ~~he was~~ appointed. No member shall serve more than two 96075
consecutive full terms. 96076

(C) Appointments to the board shall be made by the governor. 96077
Any member appointed to fill a vacancy occurring prior to the 96078
expiration of the term for which ~~his~~ the member's predecessor was 96079
appointed shall hold office for the remainder of such term. Any 96080
appointed member shall continue in office subsequent to the 96081
expiration date of ~~his~~ the member's term until ~~his~~ the member's 96082
successor takes office, or until a period of sixty days has 96083
elapsed, whichever occurs first. 96084

(D) The governor may remove any member of the board for 96085
misconduct, incapacity, incompetence, or neglect of duty after the 96086
member so charged has been served with a written statement of 96087
charges and has been given an opportunity to be heard. 96088

(E) Each member of the board, except the member designated by 96089
the director of health ~~or his~~ and the member designated 96090
~~representative by the ombudsman~~, shall be paid in accordance with 96091
section 124.15 of the Revised Code and each member shall be 96092
reimbursed for ~~his~~ the member's actual and necessary expenses 96093
incurred in the discharge of such duties. 96094

(F) The board shall elect annually from its membership a 96095
~~chairman~~ chairperson and a ~~vice-chairman~~ vice-chairperson. 96096

(G) The board shall hold and conduct meetings quarterly and 96097
at such other times as its business requires. A majority of the 96098
board shall constitute a quorum. The affirmative vote of a 96099

majority of the members of the board is necessary for the board to act. 96100
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(H) The board shall appoint a secretary who has no financial interest in a ~~nursing home~~ long-term services and supports setting, and may employ and prescribe the powers and duties of such employees and consultants as are necessary to carry out this chapter and the rules adopted under it. ~~Administrative, technical, or other services shall be performed, insofar as practicable, by personnel of the department of health.~~ 96102
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Sec. 4751.04. (A) The board of ~~examiners~~ executives of ~~nursing home administrators~~ long-term services and supports shall: 96109
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(1) Develop, adopt, impose, and enforce regulations prescribing standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to ensure that nursing home administrators are of good character and are otherwise suitable, and who, by training and experience, are qualified to serve as nursing home administrators; 96111
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(2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards; 96118
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(3) Issue licenses and registrations to individuals determined, after application of such techniques, to meet such standards, and revoke or suspend licenses or registrations previously issued by the board in any case where the individual holding such license or registration is determined to have failed substantially to conform to the requirements of such standards; 96121
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(4) Develop, adopt, impose, and enforce regulations and procedures designed to ensure that individuals holding a temporary license, or licensed as nursing home administrators will, during 96127
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any period that they serve as such, comply with Chapter 4751. of 96130
the Revised Code and the regulations adopted thereunder; 96131

(5) Receive, investigate, and take appropriate action with 96132
respect to any charge or complaint filed with the board to the 96133
effect that any individual licensed as a nursing home 96134
administrator has failed to comply with Chapter 4751. of the 96135
Revised Code and the regulations adopted thereunder; 96136

(6) Take such other actions as may be necessary to enable the 96137
state to meet the requirements set forth in the "Social Security 96138
Amendments of 1967," 81 Stat. 908 (1968), 42 U.S.C. 1396 g; 96139

(7) Pay all license and registration fees collected under 96140
Chapter 4751. of the Revised Code into the ~~general operations~~ 96141
board of executives of long-term services and supports fund 96142
created by section ~~3701.83~~ 4751.14 of the Revised Code to be used 96143
in administering and enforcing this chapter and the rules adopted 96144
under it; 96145

(8) Administer, or contract with a government or private 96146
entity to administer, examinations for licensure as a nursing home 96147
administrator. If the board contracts with a government or private 96148
entity to administer the examinations, the contract may authorize 96149
the entity to collect and keep, as all or part of the entity's 96150
compensation under the contract, any fee an applicant for 96151
licensure pays to take an examination. The entity is not required 96152
to deposit the fee into the state treasury; 96153

(9) Enter into a contract with the department of aging as 96154
required under section 4751.042 of the Revised Code; 96155

(10) Create opportunities for the education, training, and 96156
credentialing of nursing home administrators and others in 96157
leadership positions who practice in long-term services and 96158
supports settings or who direct the practices of others in those 96159
settings. In carrying out this function, the board shall do the 96160

following: 96161

(a) Identify core competencies and areas of knowledge that are appropriate for nursing home administrators and others working within the long-term services and supports settings system, with an emphasis on all of the following: 96162
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(i) Leadership; 96166

(ii) Person-centered care; 96167

(iii) Principles of management within both the business and regulatory environments; 96168
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(iv) An understanding of all post-acute settings, including transitions from acute settings and between post-acute settings. 96170
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(b) Assist in the development of a strong, competitive market in Ohio for training, continuing education, and degree programs in long-term services and supports settings administration. 96172
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(B) In the administration and enforcement of Chapter 4751. of the Revised Code, and the regulations adopted thereunder, the board is subject to Chapter 119. of the Revised Code and sections 4743.01 and 4743.02 of the Revised Code except that a notice of appeal of an order of the board adopting, amending, or rescinding a rule or regulation does not operate as a stay of the effective date of such order as provided in section 119.11 of the Revised Code. The court, at its discretion, may grant a stay of any regulation in its application against the person filing the notice of appeal. 96175
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Sec. 4751.041. Except when the board of ~~examiners~~ executives of ~~nursing home administrators~~ long-term services and supports considers it necessary, the board shall not disclose test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board administers under section 4751.04 of the Revised Code or 96185
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contracts under that section with a private or government entity 96191
to administer. 96192

Sec. 4751.042. (A) The board of executives of long-term 96193
services and supports shall enter into a written agreement with 96194
the department of aging for the department to serve as the board's 96195
fiscal agent. The fiscal agent shall be responsible for all the 96196
board's fiscal matters and financial transactions, as specified in 96197
the agreement. The written agreement shall specify the fees that 96198
the board shall pay to the fiscal agent for services performed 96199
under the agreement, and such fees shall be in proportion to the 96200
services performed for the board. 96201

(1) The agreement shall require the fiscal agent to provide 96202
the following services: 96203

(a) Preparation and processing of payroll and other personnel 96204
documents that the board approves; 96205

(b) Maintenance of ledgers of accounts and reports of account 96206
balances, and monitoring of budgets and allotment plans in 96207
consultation with the board; 96208

(c) Performance of other routine support services, specified 96209
in the agreement, that the fiscal agent considers appropriate to 96210
achieve efficiency. 96211

(2) The agreement may require the fiscal agent to provide the 96212
following services: 96213

(a) Any shared services between the board and the fiscal 96214
agent; 96215

(b) Any other services agreed to by the board and the 96216
department, including administrative or technical services. 96217

(B) The board, in conjunction and consultation with the 96218
fiscal agent, has the following authority and responsibility 96219
relative to fiscal matters: 96220

<u>(1) Sole authority to expend funds from the board's accounts</u>	96221
<u>for programs and any other necessary expenses the board may incur;</u>	96222
<u>(2) Responsibility to cooperate with and inform the fiscal</u>	96223
<u>agent fully of all financial transactions.</u>	96224
<u>(C) The board shall follow all state procurement, fiscal,</u>	96225
<u>human resources, information technology, statutory, and</u>	96226
<u>administrative rule requirements.</u>	96227
<u>(D) In its role as fiscal agent for the board, the department</u>	96228
<u>shall serve as a contractor of the board, and does not assume</u>	96229
<u>responsibility for the debts or fiscal obligations of the board.</u>	96230
Sec. 4751.05. (A) The board of examiners <u>executives</u> of	96231
nursing home administrators <u>long-term services and supports</u> , or a	96232
government or private entity under contract with the board to	96233
administer examinations for licensure as a nursing home	96234
administrator, shall admit to an examination any candidate who:	96235
(1) Pays the application fee of fifty dollars;	96236
(2) Submits evidence of good moral character and suitability;	96237
(3) Is at least eighteen years of age;	96238
(4) Has completed educational requirements and work	96239
experience satisfactory to the board;	96240
(5) Submits an application on forms prescribed by the board;	96241
(6) Pays the examination fee charged by the board or	96242
government or private entity.	96243
(B) Nothing in Chapter 4751. of the Revised Code or the rules	96244
adopted thereunder shall be construed to require an applicant for	96245
licensure or a temporary license, who is employed by an	96246
institution for the care and treatment of the sick to demonstrate	96247
proficiency in any medical techniques or to meet any medical	96248
educational qualifications or medical standards not in accord with	96249

the remedial care and treatment provided by the institution if the institution is all of the following:

(1) Operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs;

(2) Accredited by a national accrediting organization;

(3) Exempt from federal income taxation under section 501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C.A. 1, as amended;

(4) Providing twenty-four hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code.

(C) If a person fails three times to attain a passing grade on the examination, said person, before the person may again be admitted to examination, shall meet such additional education or experience requirements, or both, as may be prescribed by the board.

Sec. 4751.06. (A) An applicant for licensure as a nursing home administrator who has successfully completed the requirements of section 4751.05 of the Revised Code, passed the examination administered by the board of ~~examiners~~ executives of ~~nursing home administrators~~ long-term services and supports or a government or private entity under contract with the board, and paid to the board an original license fee of two hundred fifty dollars shall be issued a license on a form provided by the board. Such license shall certify that the applicant has met the licensure requirements of Chapter 4751. of the Revised Code and is entitled to practice as a licensed nursing home administrator.

(B) A temporary license for a period not to exceed one

hundred eighty days may be issued to an individual temporarily 96280
filling the position of a nursing home administrator vacated by 96281
reason of death, illness, or other unexpected cause, pursuant to 96282
regulations adopted by the board. 96283

(C) The fee for a temporary license is one hundred dollars. 96284
Said fee must accompany the application for the temporary license. 96285

(D) Any license or temporary license issued by the board 96286
pursuant to this section shall be under the hand of the 96287
chairperson and the secretary of the board. 96288

(E) A duplicate of the original certificate of registration 96289
or license may be secured to replace one that has been lost or 96290
destroyed by submitting to the board a notarized statement 96291
explaining the conditions of the loss, mutilation, or destruction 96292
of the certificate or license and by paying a fee of twenty-five 96293
dollars. 96294

(F) A duplicate certificate of registration and license may 96295
be issued in the event of a legal change of name by submitting to 96296
the board a certified copy of the court order or marriage license 96297
establishing the change of name, by returning at the same time the 96298
original license and certificate of registration, and by paying a 96299
fee of twenty-five dollars. 96300

Sec. 4751.07. (A) Every individual who holds a valid license 96301
as a nursing home administrator issued under division (A) of 96302
section 4751.06 of the Revised Code, shall immediately upon 96303
issuance thereof be registered with the board of ~~examiners~~ 96304
executives of nursing home administrators long-term services and 96305
supports and be issued a certificate of registration. Such 96306
individual shall annually apply to the board for a new certificate 96307
of registration on forms provided for such purpose prior to the 96308
expiration of the certificate of registration and shall at the 96309
same time submit satisfactory evidence to the board of having 96310

attended such continuing education programs or courses of study as 96311
may be prescribed in rules adopted by the board. 96312

(B) Upon making an application for a new certificate of 96313
registration such individual shall pay the annual registration fee 96314
of three hundred dollars. 96315

(C) Upon receipt of such application for registration and the 96316
registration fee required by divisions (A) and (B) of this 96317
section, the board shall issue a certificate of registration to 96318
such nursing home administrator. 96319

(D) The license of a nursing home administrator who fails to 96320
comply with this section shall automatically lapse. 96321

(E) A nursing home administrator who has been licensed and 96322
registered in this state who determines to temporarily abandon the 96323
practice of nursing home administration shall notify the board in 96324
writing immediately; provided, that such individual may thereafter 96325
register to resume the practice of nursing home administration 96326
within the state upon complying with the requirements of this 96327
section regarding annual registration. 96328

(F) Only an individual who has qualified as a licensed and 96329
registered nursing home administrator under Chapter 4751. of the 96330
Revised Code and the rules adopted thereunder, and who holds a 96331
valid current registration certificate pursuant to this section, 96332
may use the title "nursing home administrator," or the 96333
abbreviation "N.H.A." after the individual's name. No other person 96334
shall use such title or such abbreviation or any other words, 96335
letters, sign, card, or device tending to indicate or to imply 96336
that the person is a licensed and registered nursing home 96337
administrator. 96338

(G) Every person holding a valid license entitling the person 96339
to practice nursing home administration in this state shall 96340
display said license in the nursing home which is the person's 96341

principal place of employment, and while engaged in the practice 96342
of nursing home administration shall have at hand the current 96343
registration certificate. 96344

(H) Every person holding a valid temporary license shall have 96345
such license at hand while engaged in the practice of nursing home 96346
administration. 96347

Sec. 4751.08. The board of ~~examiners~~ executives of ~~nursing~~ 96348
~~home administrators~~ long-term services and supports, in its 96349
discretion, and otherwise subject to Chapter 4751. of the Revised 96350
Code and the rules adopted by the board thereunder prescribing the 96351
qualifications for a nursing home administrator license, may 96352
license a nursing home administrator without examination if ~~he~~ the 96353
nursing home administrator has a valid license issued by the 96354
proper authorities of any other state, upon payment of a fee of 96355
one hundred fifty dollars, and upon submission of evidence 96356
satisfactory to the board both: 96357

(A) That such other state maintained a system and standard of 96358
qualifications and examinations for a nursing home administrator 96359
license which were substantially equivalent to those required in 96360
this state at the time such other license was issued by such other 96361
state; 96362

(B) That such other state gives similar recognition to 96363
nursing home administrators licensed in this state. 96364

Sec. 4751.10. The license or registration, or both, or the 96365
temporary license of any person practicing or offering to practice 96366
nursing home administration, shall be revoked or suspended by the 96367
board of ~~examiners~~ executives of ~~nursing home administrators~~ 96368
long-term services and supports if such licensee or temporary 96369
licensee: 96370

(A) Is unfit or incompetent by reason of negligence, habits, 96371

or other causes; 96372

(B) Has willfully or repeatedly violated any of the 96373
provisions of Chapter 4751. of the Revised Code or the regulations 96374
adopted thereunder; or willfully or repeatedly acted in a manner 96375
inconsistent with the health and safety of the patients of the 96376
nursing home in which ~~he~~ the licensee or temporary licensee is the 96377
administrator; 96378

(C) Is guilty of fraud or deceit in the practice of nursing 96379
home administration or in ~~his~~ the licensee's or temporary
licensee's admission to such practice; 96380
96381

(D) Has been convicted in a court of competent jurisdiction, 96382
either within or without this state, of a felony. 96383

Proceedings under this section shall be instituted by the 96384
board or shall be begun by filing with the board charges in 96385
writing and under oath. 96386

Sec. 4751.11. (A) The board of ~~examiners~~ executives of 96387
~~nursing home administrators~~ long-term services and supports may, 96388
in its discretion, reissue a license or registration, or both, to 96389
any person whose license or registration, or both, has been 96390
revoked. 96391

(B) Application for the reissuance of a license or 96392
registration, or both, shall not be made prior to one year after 96393
revocation and shall be made in such manner as the board may 96394
direct. 96395

(C) If a person convicted of a felony is subsequently 96396
pardoned by the governor of the state where such conviction was 96397
had or by the president of the United States, or receives a final 96398
release granted by the adult parole authority of this state or its 96399
equivalent agency of another state, the board may, in its 96400
discretion, on application of such person and on the submission of 96401

evidence satisfactory to the board restore to such person the 96402
nursing home administrator's license or registration, or both. 96403

Sec. 4751.12. On receipt of a notice pursuant to section 96404
3123.43 of the Revised Code, the board of ~~examiners~~ executives of 96405
~~nursing home administrators~~ long-term services and supports shall 96406
comply with sections 3123.41 to 3123.50 of the Revised Code and 96407
any applicable rules adopted under section 3123.63 of the Revised 96408
Code with respect to a license issued pursuant to this chapter. 96409

Sec. 4751.13. The board of ~~examiners~~ executives of ~~nursing~~ 96410
~~home administrators~~ long-term services and supports shall comply 96411
with section 4776.20 of the Revised Code. 96412

Sec. 4751.14. There is hereby created in the state treasury 96413
the board of executives of long-term services and supports fund. 96414
The fund shall consist of license and registration fees collected 96415
under this chapter. Money in the fund shall be used by the board 96416
of executives of long-term services and supports to administer and 96417
enforce this chapter and the rules adopted under it. Investment 96418
earnings of the fund shall be credited to the fund. 96419

Sec. 4753.071. A person who is required to meet the 96420
supervised professional experience requirement of division (F) of 96421
section 4753.06 of the Revised Code shall submit to the board of 96422
speech-language pathology and audiology an application for a 96423
conditional license. The application shall include a plan for the 96424
content of the supervised professional experience on a form the 96425
board shall prescribe. The board shall issue the conditional 96426
license to the applicant if the applicant meets the requirements 96427
of section 4753.06 of the Revised Code, other than the requirement 96428
to have obtained the supervised professional experience, and pays 96429
to the board the appropriate fee for a conditional license. An 96430

applicant may not begin employment until the conditional license 96431
has been issued. 96432

A conditional license authorizes an individual to practice 96433
speech-language pathology or audiology while completing the 96434
supervised professional experience as required by division (F) of 96435
section 4753.06 of the Revised Code. A person holding a 96436
conditional license may practice speech-language pathology or 96437
audiology while working under the supervision of a person fully 96438
licensed in accordance with this chapter. A conditional license is 96439
valid for eighteen months unless suspended or revoked pursuant to 96440
section 3123.47 or 4753.10 of the Revised Code. 96441

A person holding a conditional license may perform services 96442
for which ~~reimbursement~~ payment will be sought under the medicare 96443
program ~~established under Title XVIII of the "Social Security~~ 96444
~~Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended,~~ or the 96445
medicaid program ~~established under Chapter 5111. of the Revised~~ 96446
~~Code~~ but all requests for ~~reimbursement~~ payment for such services 96447
shall be made by the person who supervises the person performing 96448
the services. 96449

Sec. 4755.11. (A) In accordance with Chapter 119. of the 96450
Revised Code, the occupational therapy section of the Ohio 96451
occupational therapy, physical therapy, and athletic trainers 96452
board may suspend, revoke, or refuse to issue or renew an 96453
occupational therapist license, occupational therapy assistant 96454
license, occupational therapist limited permit, occupational 96455
therapy assistant limited permit, or reprimand, fine, place a 96456
license or limited permit holder on probation, or require the 96457
license or limited permit holder to take corrective action 96458
courses, for any of the following: 96459

(1) Conviction of an offense involving moral turpitude or a 96460

felony, regardless of the state or country in which the conviction occurred;	96461 96462
(2) Violation of any provision of sections 4755.04 to 4755.13 of the Revised Code;	96463 96464
(3) Violation of any lawful order or rule of the occupational therapy section;	96465 96466
(4) Obtaining or attempting to obtain a license or limited permit issued by the occupational therapy section by fraud or deception, including the making of a false, fraudulent, deceptive, or misleading statements in relation to these activities;	96467 96468 96469 96470
(5) Negligence, unprofessional conduct, or gross misconduct in the practice of the profession of occupational therapy;	96471 96472
(6) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;	96473 96474
(7) Communicating, without authorization, information received in professional confidence;	96475 96476
(8) Using controlled substances, habit forming drugs, or alcohol to an extent that it impairs the ability to perform the work of an occupational therapist, occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder;	96477 96478 96479 96480 96481
(9) Practicing in an area of occupational therapy for which the individual is untrained or incompetent;	96482 96483
(10) Failing the licensing or Ohio jurisprudence examination;	96484
(11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy;	96485 96486
(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	96487 96488 96489 96490

(13) Except as provided in division (B) of this section:	96491
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	96492 96493 96494 96495 96496 96497
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay.	96498 96499 96500 96501 96502
(14) Working or representing oneself as an occupational therapist, occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder without a current and valid license or limited permit issued by the occupational therapy section;	96503 96504 96505 96506 96507
(15) Engaging in a deceptive trade practice, as defined in section 4165.02 of the Revised Code;	96508 96509
(16) Violation of the standards of ethical conduct in the practice of occupational therapy as identified by the occupational therapy section;	96510 96511 96512
(17) A departure from, or the failure to conform to, minimal standards of care required of licensees or limited permit holders, whether or not actual injury to a patient is established;	96513 96514 96515
(18) An adjudication by a court that the applicant, licensee, or limited permit holder is incompetent for the purpose of holding a license or limited permit and has not thereafter been restored to legal capacity for that purpose;	96516 96517 96518 96519
(19)(a) Except as provided in division (A)(19)(b) of this	96520

section, failure to cooperate with an investigation conducted by 96521
the occupational therapy section, including failure to comply with 96522
a subpoena or orders issued by the section or failure to answer 96523
truthfully a question presented by the section at a deposition or 96524
in written interrogatories. 96525

(b) Failure to cooperate with an investigation does not 96526
constitute grounds for discipline under this section if a court of 96527
competent jurisdiction issues an order that either quashes a 96528
subpoena or permits the individual to withhold the testimony or 96529
evidence at issue. 96530

(20) Conviction of a misdemeanor reasonably related to the 96531
practice of occupational therapy, regardless of the state or 96532
country in which the conviction occurred; 96533

(21) Inability to practice according to acceptable and 96534
prevailing standards of care because of mental or physical 96535
illness, including physical deterioration that adversely affects 96536
cognitive, motor, or perception skills; 96537

(22) Violation of conditions, limitations, or agreements 96538
placed by the occupational therapy section on a license or limited 96539
permit to practice; 96540

(23) Making a false, fraudulent, deceptive, or misleading 96541
statement in the solicitation of or advertising for patients in 96542
relation to the practice of occupational therapy; 96543

(24) Failure to complete continuing education requirements as 96544
prescribed in rules adopted by the occupational therapy section 96545
under section 4755.06 of the Revised Code. 96546

(B) Sanctions shall not be imposed under division (A)(13) of 96547
this section against any individual who waives deductibles and 96548
copayments as follows: 96549

(1) In compliance with the health benefit plan that expressly 96550

allows such a practice. Waiver of the deductibles or copayments 96551
shall be made only with the full knowledge and consent of the plan 96552
purchaser, payer, and third-party administrator. Documentation of 96553
the consent shall be made available to the section upon request. 96554

(2) For professional services rendered to any other person 96555
licensed pursuant to sections 4755.04 to 4755.13 of the Revised 96556
Code to the extent allowed by those sections and the rules of the 96557
occupational therapy section. 96558

(C) Except as provided in division (D) of this section, the 96559
suspension or revocation of a license or limited permit under this 96560
section is not effective until either the order for suspension or 96561
revocation has been affirmed following an adjudication hearing, or 96562
the time for requesting a hearing has elapsed. 96563

When a license or limited permit is revoked under this 96564
section, application for reinstatement may not be made sooner than 96565
one year after the date of revocation. The occupational therapy 96566
section may accept or refuse an application for reinstatement and 96567
may require that the applicant pass an examination as a condition 96568
of reinstatement. 96569

When a license or limited permit holder is placed on 96570
probation under this section, the occupational therapy section's 96571
probation order shall be accompanied by a statement of the 96572
conditions under which the individual may be removed from 96573
probation and restored to unrestricted practice. 96574

(D) On receipt of a complaint that a person who holds a 96575
license or limited permit issued by the occupational therapy 96576
section has committed any of the prohibited actions listed in 96577
division (A) of this section, the section may immediately suspend 96578
the license or limited permit prior to holding a hearing in 96579
accordance with Chapter 119. of the Revised Code if it determines, 96580
based on the complaint, that the licensee or limited permit holder 96581

poses an immediate threat to the public. The section may review 96582
the allegations and vote on the suspension by telephone conference 96583
call. If the section votes to suspend a license or limited permit 96584
under this division, the section shall ~~notify~~ issue a written 96585
order of summary suspension to the licensee or limited permit 96586
holder ~~of the suspension~~ in accordance with section 119.07 of the 96587
Revised Code. If the individual whose license or limited permit is 96588
suspended fails to make a timely request for an adjudication under 96589
Chapter 119. of the Revised Code, the section shall enter a final 96590
order permanently revoking the individual's license or limited 96591
permit. Notwithstanding section 119.12 of the Revised Code, a 96592
court of common pleas shall not grant a suspension of the 96593
section's order of summary suspension pending the determination of 96594
an appeal filed under that section. Any order of summary 96595
suspension issued under this division shall remain in effect, 96596
unless reversed on appeal, until a final adjudication order issued 96597
by the section pursuant to division (A) of this section becomes 96598
effective. The section shall issue its final adjudication order 96599
regarding an order of summary suspension issued under this 96600
division not later than ninety days after completion of its 96601
hearing. Failure to issue the order within ninety days shall 96602
result in immediate dissolution of the suspension order, but shall 96603
not invalidate any subsequent, final adjudication order. 96604

(E) If any person other than a person who holds a license or 96605
limited permit issued under section 4755.08 of the Revised Code 96606
has engaged in any practice that is prohibited under sections 96607
4755.04 to 4755.13 of the Revised Code or the rules of the 96608
occupational therapy section, the section may apply to the court 96609
of common pleas of the county in which the violation occurred, for 96610
an injunction or other appropriate order restraining this conduct, 96611
and the court shall issue this order. 96612

Sec. 4755.47. (A) In accordance with Chapter 119. of the 96613

Revised Code, the physical therapy section of the Ohio 96614
occupational therapy, physical therapy, and athletic trainers 96615
board may refuse to grant a license to an applicant for an initial 96616
or renewed license as a physical therapist or physical therapist 96617
assistant or, by an affirmative vote of not less than five 96618
members, may limit, suspend, or revoke the license of a physical 96619
therapist or physical therapist assistant or reprimand, fine, 96620
place a license holder on probation, or require the license holder 96621
to take corrective action courses, on any of the following 96622
grounds: 96623

(1) Habitual indulgence in the use of controlled substances, 96624
other habit-forming drugs, or alcohol to an extent that affects 96625
the individual's professional competency; 96626

(2) Conviction of a felony or a crime involving moral 96627
turpitude, regardless of the state or country in which the 96628
conviction occurred; 96629

(3) Obtaining or attempting to obtain a license issued by the 96630
physical therapy section by fraud or deception, including the 96631
making of a false, fraudulent, deceptive, or misleading statement; 96632

(4) An adjudication by a court, as provided in section 96633
5122.301 of the Revised Code, that the applicant or licensee is 96634
incompetent for the purpose of holding the license and has not 96635
thereafter been restored to legal capacity for that purpose; 96636

(5) Subject to section 4755.471 of the Revised Code, 96637
violation of the code of ethics adopted by the physical therapy 96638
section; 96639

(6) Violating or attempting to violate, directly or 96640
indirectly, or assisting in or abetting the violation of or 96641
conspiring to violate sections 4755.40 to 4755.56 of the Revised 96642
Code or any order issued or rule adopted under those sections; 96643

(7) Failure of one or both of the examinations required under 96644

section 4755.43 or 4755.431 of the Revised Code; 96645

(8) Permitting the use of one's name or license by a person, 96646
group, or corporation when the one permitting the use is not 96647
directing the treatment given; 96648

(9) Denial, revocation, suspension, or restriction of 96649
authority to practice a health care occupation, including physical 96650
therapy, for any reason other than a failure to renew, in Ohio or 96651
another state or jurisdiction; 96652

(10) Failure to maintain minimal standards of practice in the 96653
administration or handling of drugs, as defined in section 4729.01 96654
of the Revised Code, or failure to employ acceptable scientific 96655
methods in the selection of drugs, as defined in section 4729.01 96656
of the Revised Code, or other modalities for treatment; 96657

(11) Willful betrayal of a professional confidence; 96658

(12) Making a false, fraudulent, deceptive, or misleading 96659
statement in the solicitation of or advertising for patients in 96660
relation to the practice of physical therapy; 96661

(13) A departure from, or the failure to conform to, minimal 96662
standards of care required of licensees when under the same or 96663
similar circumstances, whether or not actual injury to a patient 96664
is established; 96665

(14) Obtaining, or attempting to obtain, money or anything of 96666
value by fraudulent misrepresentations in the course of practice; 96667

(15) Violation of the conditions of limitation or agreements 96668
placed by the physical therapy section on a license to practice; 96669

(16) Failure to renew a license in accordance with section 96670
4755.46 of the Revised Code; 96671

(17) Except as provided in section 4755.471 of the Revised 96672
Code, engaging in the division of fees for referral of patients or 96673
receiving anything of value in return for a specific referral of a 96674

patient to utilize a particular service or business; 96675

(18) Inability to practice according to acceptable and 96676
prevailing standards of care because of mental illness or physical 96677
illness, including physical deterioration that adversely affects 96678
cognitive, motor, or perception skills; 96679

(19) The revocation, suspension, restriction, or termination 96680
of clinical privileges by the United States department of defense 96681
or department of veterans affairs; 96682

(20) Termination or suspension from participation in the 96683
medicare or medicaid program established under Title XVIII and 96684
Title XIX, respectively, of the "Social Security Act," 49 Stat. 96685
620 (1935), 42 U.S.C. 301, as amended, for an act or acts that 96686
constitute a violation of sections 4755.40 to 4755.56 of the 96687
Revised Code; 96688

(21) Failure of a physical therapist to maintain supervision 96689
of a student, physical therapist assistant, unlicensed support 96690
personnel, other assistant personnel, or a license applicant in 96691
accordance with the requirements of sections 4755.40 to 4755.56 of 96692
the Revised Code and rules adopted under those sections; 96693

(22) Failure to complete continuing education requirements as 96694
prescribed in section 4755.51 or 4755.511 of the Revised Code or 96695
to satisfy any rules applicable to continuing education 96696
requirements that are adopted by the physical therapy section; 96697

(23) Conviction of a misdemeanor when the act that 96698
constitutes the misdemeanor occurs during the practice of physical 96699
therapy; 96700

(24)(a) Except as provided in division (A)(24)(b) of this 96701
section, failure to cooperate with an investigation conducted by 96702
the physical therapy section, including failure to comply with a 96703
subpoena or orders issued by the section or failure to answer 96704
truthfully a question presented by the section at a deposition or 96705

in written interrogatories. 96706

(b) Failure to cooperate with an investigation does not 96707
constitute grounds for discipline under this section if a court of 96708
competent jurisdiction issues an order that either quashes a 96709
subpoena or permits the individual to withhold the testimony or 96710
evidence at issue. 96711

(25) Regardless of whether the contact or verbal behavior is 96712
consensual, engaging with a patient other than the spouse of the 96713
physical therapist or physical therapist assistant, in any of the 96714
following: 96715

(a) Sexual contact, as defined in section 2907.01 of the 96716
Revised Code; 96717

(b) Verbal behavior that is sexually demeaning to the patient 96718
or may be reasonably interpreted by the patient as sexually 96719
demeaning. 96720

(26) Failure to notify the physical therapy section of a 96721
change in name, business address, or home address within thirty 96722
days after the date of change; 96723

(27) Except as provided in division (B) of this section: 96724

(a) Waiving the payment of all or any part of a deductible or 96725
copayment that a patient, pursuant to a health insurance or health 96726
care policy, contract, or plan that covers physical therapy, would 96727
otherwise be required to pay if the waiver is used as an 96728
enticement to a patient or group of patients to receive health 96729
care services from that provider; 96730

(b) Advertising that the individual will waive the payment of 96731
all or any part of a deductible or copayment that a patient, 96732
pursuant to a health insurance or health care policy, contract, or 96733
plan that covers physical therapy, would otherwise be required to 96734
pay; 96735

(28) Violation of any section of this chapter or rule adopted under it. 96736
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(B) Sanctions shall not be imposed under division (A)(27) of this section against any individual who waives deductibles and copayments as follows: 96738
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(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the physical therapy section upon request. 96741
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(2) For professional services rendered to any other person licensed pursuant to sections 4755.40 to 4755.56 of the Revised Code to the extent allowed by those sections and the rules of the physical therapy section. 96747
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(C) When a license is revoked under this section, application for reinstatement may not be made sooner than one year after the date of revocation. The physical therapy section may accept or refuse an application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement. 96751
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When a license holder is placed on probation under this section, the physical therapy section's order for placement on probation shall be accompanied by a statement of the conditions under which the individual may be removed from probation and restored to unrestricted practice. 96756
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(D) When an application for an initial or renewed license is refused under this section, the physical therapy section shall notify the applicant in writing of the section's decision to refuse issuance of a license and the reason for its decision. 96761
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(E) On receipt of a complaint that a person licensed by the physical therapy section has committed any of the actions listed 96765
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in division (A) of this section, the physical therapy section may 96767
immediately suspend the license of the physical therapist or 96768
physical therapist assistant prior to holding a hearing in 96769
accordance with Chapter 119. of the Revised Code if it determines, 96770
based on the complaint, that the person poses an immediate threat 96771
to the public. The physical therapy section may review the 96772
allegations and vote on the suspension by telephone conference 96773
call. If the physical therapy section votes to suspend a license 96774
under this division, the physical therapy section shall ~~notify~~ 96775
issue a written order of summary suspension to the person ~~of the~~ 96776
suspension in accordance with section 119.07 of the Revised Code. 96777
If the person fails to make a timely request for an adjudication 96778
under Chapter 119. of the Revised Code, the physical therapy 96779
section shall enter a final order permanently revoking the 96780
person's license. Notwithstanding section 119.12 of the Revised 96781
Code, a court of common pleas shall not grant a suspension of the 96782
physical therapy section's order of summary suspension pending the 96783
determination of an appeal filed under that section. Any order of 96784
summary suspension issued under this division shall remain in 96785
effect, unless reversed on appeal, until a final adjudication 96786
order issued by the physical therapy section pursuant to division 96787
(A) of this section becomes effective. The physical therapy 96788
section shall issue its final adjudication order regarding an 96789
order of summary suspension issued under this division not later 96790
than ninety days after completion of its hearing. Failure to issue 96791
the order within ninety days shall result in immediate dissolution 96792
of the suspension order, but shall not invalidate any subsequent, 96793
final adjudication order. 96794

Sec. 4755.481. (A) If a physical therapist evaluates and 96795
treats a patient without the prescription of, or the referral of 96796
the patient by, a person described in division (G)(1) of section 96797
4755.48 of the Revised Code, all of the following apply: 96798

(1) The physical therapist shall, upon consent of the patient, inform the relevant person described in division (G)(1) of section 4755.48 of the Revised Code of the evaluation not later than five business days after the evaluation is made.

(2) If the physical therapist determines, based on reasonable evidence, that no substantial progress has been made with respect to that patient during the thirty-day period immediately following the date of the patient's initial visit with the physical therapist, the physical therapist shall consult with or refer the patient to a person described in division (G)(1) of section 4755.48 of the Revised Code, unless either of the following applies:

(a) The evaluation, treatment, or services are being provided for fitness, wellness, or prevention purposes.

(b) The patient previously was diagnosed with chronic, neuromuscular, or developmental conditions and the evaluation, treatment, or services are being provided for problems or symptoms associated with one or more of those previously diagnosed conditions.

(3) If the physical therapist determines that orthotic devices are necessary to treat the patient, the physical therapist shall be limited to the application of the following orthotic devices:

(a) Upper extremity adaptive equipment used to facilitate the activities of daily living;

(b) Finger splints;

(c) Wrist splints;

(d) Prefabricated elastic or fabric abdominal supports with or without metal or plastic reinforcing stays and other prefabricated soft goods requiring minimal fitting;

(e) Nontherapeutic accommodative inlays;	96829
(f) Shoes that are not manufactured or modified for a particular individual;	96830 96831
(g) Prefabricated foot care products;	96832
(h) Custom foot orthotics;	96833
(i) Durable medical equipment.	96834
(4) If, at any time, the physical therapist has reason to believe that the patient has symptoms or conditions that require treatment or services beyond the scope of practice of a physical therapist, the physical therapist shall refer the patient to a licensed health care practitioner acting within the practitioner's scope of practice.	96835 96836 96837 96838 96839 96840
(B) Nothing in sections 4755.40 to 4755.56 of the Revised Code shall be construed to require reimbursement under any health insuring corporation policy, contract, or agreement, any sickness and accident insurance policy, the medical assistance <u>medicaid</u> program as defined in section 5111.01 of the Revised Code , or the health partnership program or qualified health plans established pursuant to sections 4121.44 to 4121.442 of the Revised Code, for any physical therapy service rendered without the prescription of, or the referral of the patient by, a person described in division (G)(1) of section 4755.48 of the Revised Code.	96841 96842 96843 96844 96845 96846 96847 96848 96849 96850
(C) For purposes of this section, "business day" means any calendar day that is not a Saturday, Sunday, or legal holiday. "Legal holiday" has the same meaning as in section 1.14 of the Revised Code.	96851 96852 96853 96854
Sec. 4755.64. (A) In accordance with Chapter 119. of the Revised Code, the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board may suspend, revoke, or refuse to issue or renew an athletic	96855 96856 96857 96858

trainers license, or reprimand, fine, or place a licensee on 96859
probation, for any of the following: 96860

(1) Conviction of a felony or offense involving moral 96861
turpitude, regardless of the state or country in which the 96862
conviction occurred; 96863

(2) Violation of sections 4755.61 to 4755.65 of the Revised 96864
Code or any order issued or rule adopted thereunder; 96865

(3) Obtaining a license through fraud, false or misleading 96866
representation, or concealment of material facts; 96867

(4) Negligence or gross misconduct in the practice of 96868
athletic training; 96869

(5) Violating the standards of ethical conduct in the 96870
practice of athletic training as adopted by the athletic trainers 96871
section under section 4755.61 of the Revised Code; 96872

(6) Using any controlled substance or alcohol to the extent 96873
that the ability to practice athletic training at a level of 96874
competency is impaired; 96875

(7) Practicing in an area of athletic training for which the 96876
individual is untrained, incompetent, or practicing without the 96877
referral of a practitioner licensed under Chapter 4731. of the 96878
Revised Code, a dentist licensed under Chapter 4715. of the 96879
Revised Code, a chiropractor licensed under Chapter 4734. of the 96880
Revised Code, or a physical therapist licensed under this chapter; 96881

(8) Employing, directing, or supervising a person in the 96882
performance of athletic training procedures who is not authorized 96883
to practice as a licensed athletic trainer under this chapter; 96884

(9) Misrepresenting educational attainments or the functions 96885
the individual is authorized to perform for the purpose of 96886
obtaining some benefit related to the individual's athletic 96887
training practice; 96888

(10) Failing the licensing examination; 96889

(11) Aiding or abetting the unlicensed practice of athletic 96890
training; 96891

(12) Denial, revocation, suspension, or restriction of 96892
authority to practice a health care occupation, including athletic 96893
training, for any reason other than a failure to renew, in Ohio or 96894
another state or jurisdiction. 96895

(B) If the athletic trainers section places a licensee on 96896
probation under division (A) of this section, the section's order 96897
for placement on probation shall be accompanied by a written 96898
statement of the conditions under which the person may be removed 96899
from probation and restored to unrestricted practice. 96900

(C) A licensee whose license has been revoked under division 96901
(A) of this section may apply to the athletic trainers section for 96902
reinstatement of the license one year following the date of 96903
revocation. The athletic trainers section may accept or deny the 96904
application for reinstatement and may require that the applicant 96905
pass an examination as a condition for reinstatement. 96906

(D) On receipt of a complaint that a person licensed by the 96907
athletic trainers section has committed any of the prohibited 96908
actions listed in division (A) of this section, the section may 96909
immediately suspend the license of a licensed athletic trainer 96910
prior to holding a hearing in accordance with Chapter 119. of the 96911
Revised Code if it determines, based on the complaint, that the 96912
licensee poses an immediate threat to the public. The section may 96913
review the allegations and vote on the suspension by telephone 96914
conference call. If the section votes to suspend a license under 96915
this division, the section shall ~~notify~~ issue a written order of 96916
summary suspension to the licensed athletic trainer ~~of the~~ 96917
suspension in accordance with section 119.07 of the Revised Code. 96918
If the individual whose license is suspended fails to make a 96919

timely request for an adjudication under Chapter 119. of the 96920
Revised Code, the section shall enter a final order permanently 96921
revoking the individual's license. Notwithstanding section 119.12 96922
of the Revised Code, a court of common pleas shall not grant a 96923
suspension of the section's order of summary suspension pending 96924
the determination of an appeal filed under that section. Any order 96925
of summary suspension issued under this division shall remain in 96926
effect, unless reversed on appeal, until a final adjudication 96927
order issued by the section pursuant to division (A) of this 96928
section becomes effective. The section shall issue its final 96929
adjudication order regarding an order of summary suspension issued 96930
under this division not later than ninety days after completion of 96931
its hearing. Failure to issue the order within ninety days shall 96932
result in immediate dissolution of the suspension order, but shall 96933
not invalidate any subsequent, final adjudication order. 96934

Sec. 4758.10. (A) There is hereby created the chemical 96935
dependency professionals board. 96936

(B) The governor shall appoint all of the following voting 96937
members of the board with the advice and consent of the senate: 96938

(1) Four individuals who hold a valid independent chemical 96939
dependency counselor-clinical supervisor license or independent 96940
chemical dependency counselor license issued under this chapter, 96941
including at least two of whom have received at least a master's 96942
degree in a field related to chemical dependency counseling from 96943
an accredited educational institution; 96944

(2) Two individuals who hold a valid chemical dependency 96945
counselor III license issued under this chapter; 96946

(3) One individual who holds a valid chemical dependency 96947
counselor II license issued under this chapter; 96948

(4) Two individuals who hold a valid prevention specialist II 96949

certificate or prevention specialist I certificate issued under 96950
this chapter; 96951

(5) One individual who is authorized under Chapter 4731. of 96952
the Revised Code to practice medicine and surgery or osteopathic 96953
medicine and surgery and has experience practicing in a field 96954
related to chemical dependency counseling; 96955

(6) Two individuals who represent the public and have not 96956
practiced chemical dependency counseling or alcohol and other drug 96957
prevention services and have not been involved in the delivery of 96958
chemical dependency counseling services or alcohol and other drug 96959
prevention services. At least one of these individuals shall be at 96960
least ~~sixty~~ fifty years of age. During their terms, the public 96961
members shall not practice chemical dependency counseling or 96962
alcohol and other drug prevention services or be involved in the 96963
delivery of chemical dependency counseling services or alcohol and 96964
other drug prevention services. 96965

(C) Not later than ninety days after December 23, 2002, the 96966
director of ~~alcohol and drug addiction services~~ mental health and 96967
addiction services shall appoint an individual who represents the 96968
department of ~~alcohol and drug addiction services~~ mental health 96969
and addiction services to serve as an ex officio member of the 96970
chemical dependency professionals board. 96971

(D) Not more than one-half of the voting members of the board 96972
may be of the same gender or members of the same political party. 96973
At least two voting members of the board shall be of African, 96974
Native American, Hispanic, or Asian descent. 96975

Sec. 4758.11. Of the initial appointees to the chemical 96976
dependency professionals board appointed by the governor under 96977
division (B) of section 4758.10 of the Revised Code, four shall be 96978
appointed for terms ending one year after ~~the effective date of~~ 96979
~~this section~~ December 23, 2002, four shall be appointed for terms 96980

ending two years after ~~the effective date of this section~~ December 96981
23, 2002, and four shall be appointed for terms ending three years 96982
after ~~the effective date of this section~~ December 23, 2002. After 96983
the initial appointments, terms of office shall be three years, 96984
each term ending on the same day of the same month of the year as 96985
the term it succeeds. 96986

A voting member of the board shall hold office from the date 96987
of appointment until the end of the term for which the member was 96988
appointed. A voting member appointed to fill a vacancy occurring 96989
prior to the expiration of the term for which the member's 96990
predecessor was appointed shall hold office for the remainder of 96991
that term. A voting member shall continue in office after the 96992
expiration date of the member's term until the member's successor 96993
takes office or until a period of sixty days has elapsed, 96994
whichever occurs first. Voting members may be reappointed, except 96995
that an individual who has held office for two consecutive full 96996
terms shall not be reappointed sooner than one year after the 96997
expiration of the second full term. 96998

The ex officio member of the board appointed by the director 96999
of ~~alcohol and drug addiction services~~ mental health and addiction 97000
services under division (C) of section 4758.10 of the Revised Code 97001
shall serve at the pleasure of the director. 97002

Sec. 4761.01. As used in this chapter: 97003

(A) "Respiratory care" means rendering or offering to render 97004
to individuals, groups, organizations, or the public any service 97005
involving the evaluation of cardiopulmonary function, the 97006
treatment of cardiopulmonary impairment, the assessment of 97007
treatment effectiveness, and the care of patients with 97008
deficiencies and abnormalities associated with the cardiopulmonary 97009
system. The practice of respiratory care includes: 97010

(1) Obtaining, analyzing, testing, measuring, and monitoring 97011

blood and gas samples in the determination of cardiopulmonary 97012
parameters and related physiologic data, including flows, 97013
pressures, and volumes, and the use of equipment employed for this 97014
purpose; 97015

(2) Administering, monitoring, recording the results of, and 97016
instructing in the use of medical gases, aerosols, and 97017
bronchopulmonary hygiene techniques, including drainage, 97018
aspiration, and sampling, and applying, maintaining, and 97019
instructing in the use of artificial airways, ventilators, and 97020
other life support equipment employed in the treatment of 97021
cardiopulmonary impairment and provided in collaboration with 97022
other licensed health care professionals responsible for providing 97023
care; 97024

(3) Performing cardiopulmonary resuscitation and respiratory 97025
rehabilitation techniques; 97026

(4) Administering medications for the testing or treatment of 97027
cardiopulmonary impairment. 97028

(B) "Respiratory care professional" means a person who is 97029
licensed under this chapter to practice the full range of 97030
respiratory care services as defined in division (A) of this 97031
section. 97032

(C) "Physician" means an individual authorized under Chapter 97033
4731. of the Revised Code to practice medicine and surgery or 97034
osteopathic medicine and surgery. 97035

(D) "Registered nurse" means an individual licensed under 97036
Chapter 4723. of the Revised Code to engage in the practice of 97037
nursing as a registered nurse. 97038

(E) "Hospital" means a facility that meets the operating 97039
standards of section 3727.02 of the Revised Code. 97040

(F) "Nursing facility" has the same meaning as in section 97041

~~5111.20~~ 5165.01 of the Revised Code. 97042

Sec. 4776.01. As used in this chapter: 97043

(A) "License" means an authorization evidenced by a license, 97044
certificate, registration, permit, card, or other authority that 97045
is issued or conferred by a licensing agency to a licensee or to 97046
an applicant for an initial license by which the licensee or 97047
initial license applicant has or claims the privilege to engage in 97048
a profession, occupation, or occupational activity, or, except in 97049
the case of the state dental board, to have control of and operate 97050
certain specific equipment, machinery, or premises, over which the 97051
licensing agency has jurisdiction. 97052

(B) Except as provided in section 4776.20 of the Revised 97053
Code, "licensee" means the person to whom the license is issued by 97054
a licensing agency. 97055

(C) Except as provided in section 4776.20 of the Revised 97056
Code, "licensing agency" means any of the following: 97057

(1) The board authorized by Chapters 4701., 4717., 4725., 97058
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 97059
4759., 4760., 4761., 4762., ~~and~~ 4779., and 4783. of the Revised 97060
Code to issue a license to engage in a specific profession, 97061
occupation, or occupational activity, or to have charge of and 97062
operate certain specified equipment, machinery, or premises. 97063

(2) The state dental board, relative to its authority to 97064
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 97065
4715.27 of the Revised Code. 97066

(D) "Applicant for an initial license" includes persons 97067
seeking a license for the first time and persons seeking a license 97068
by reciprocity, endorsement, or similar manner of a license issued 97069
in another state. 97070

(E) "Applicant for a restored license" includes persons 97071

seeking restoration of a certificate under section 4730.14, 97072
4731.281, 4760.06, or 4762.06 of the Revised Code. 97073

(F) "Criminal records check" has the same meaning as in 97074
section 109.572 of the Revised Code. 97075

Sec. 4778.02. (A)(1) Except as provided in division (B) of 97076
this section, no person shall practice as a genetic counselor 97077
unless the person holds a current, valid license to practice as a 97078
genetic counselor issued under this chapter. 97079

(2) No person shall use the title "genetic counselor," or 97080
otherwise hold the person out as a genetic counselor, unless the 97081
person holds a current, valid license to practice as a genetic 97082
counselor issued under this chapter. 97083

(B) Division (A)(1) of this section does not apply to either 97084
of the following: 97085

(1) A student performing an activity as part of a genetic 97086
counseling graduate program described in division (B)~~(2)~~(1)(b) of 97087
section 4778.03 of the Revised Code; 97088

(2) A person who is authorized pursuant to another provision 97089
of the Revised Code to perform any of the activities that a 97090
genetic counselor is authorized to perform. 97091

Sec. 4778.03. (A) An individual seeking a license to practice 97092
as a genetic counselor shall file with the state medical board an 97093
application in a manner prescribed by the board. The application 97094
shall include all the information the board considers necessary to 97095
process the application, including evidence satisfactory to the 97096
board that the applicant meets the requirements specified in 97097
division (B) of this section. 97098

At the time an application is submitted, the applicant shall 97099
pay the board an application fee of two hundred dollars. No part 97100

of the fee shall be returned to the applicant or transferred for 97101
purposes of another application. 97102

(B)(1) To be eligible to receive a license to practice as a 97103
genetic counselor, an applicant shall demonstrate to the board 97104
that the applicant meets all of the following requirements: 97105

~~(1)~~(a) Is at least eighteen years of age and of good moral 97106
character; 97107

~~(2)~~ ~~Has~~ (b) Except as provided in division (B)(2) of this 97108
section, has attained a master's degree or higher degree from a 97109
genetic counseling graduate program accredited by the American 97110
board of genetic counseling, inc.; 97111

~~(3)~~(c) Is a certified genetic counselor; 97112

~~(4)~~(d) Has satisfied any other requirements established by 97113
the board in rules adopted under section 4778.12 of the Revised 97114
Code. 97115

(2) In the case of an applicant who files an application not 97116
later than December 31, 2013, and meets all eligibility 97117
requirements other than the requirement specified in division 97118
(B)(1)(b) of this section, the applicant is eligible for a license 97119
to practice as a genetic counselor if the applicant has attained a 97120
master's or higher degree in education or in a field that the 97121
state medical board considers to be closely related to genetic 97122
counseling. 97123

(C) The board shall review all applications received under 97124
this section. Not later than sixty days after receiving an 97125
application it considers complete, the board shall determine 97126
whether the applicant meets the requirements for a license to 97127
practice as a genetic counselor. The affirmative vote of not fewer 97128
than six members of the board is required to determine that the 97129
applicant meets the requirements for the license. 97130

Sec. 4781.28. The manufactured homes commission may charge a fee for an annual license to operate a manufactured home park. The fee for a license shall be determined in accordance with section ~~4781.26~~ 4781.27 of the Revised Code and shall include the cost of licensing and all inspections.

Any fees collected shall be transmitted to the treasurer of state and shall be credited to the manufactured homes commission regulatory fund created in section 4781.54 of the Revised Code and used only for the purpose of administering and enforcing sections 4781.26 to 4781.35 of the Revised Code and the rules adopted thereunder.

Sec. 4783.01. As used in this chapter:

(A) "Certified Ohio behavior analyst" means an individual holding a current, valid certificate issued under section 4783.04 of the Revised Code.

(B)(1) "Practice of applied behavior analysis" means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior and includes the following:

(a) The empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis;

(b) Interventions based on scientific research and the direct observation and measurement of behavior and the environment;

(c) Utilization of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop new behaviors, increase or decrease existing behaviors, and emit behaviors under specific environmental conditions.

(2) "Practice of applied behavior analysis" does not include 97160
psychological testing, diagnosis of a mental or physical disorder, 97161
neuropsychology, psychotherapy, cognitive therapy, sex therapy, 97162
psychoanalysis, hypnotherapy, and long-term counseling as 97163
treatment modalities. 97164

Sec. 4783.02. (A) Except as otherwise provided in division 97165
(B) of this section, no person shall do either of the following: 97166

(1) Engage in the practice of applied behavior analysis in 97167
this state without holding a certificate issued under section 97168
4783.04 of the Revised Code; 97169

(2) Hold the person's self out to be a certified Ohio 97170
behavior analyst unless the person holds a certificate issued 97171
under section 4783.04 of the Revised Code. 97172

(B) This chapter does not apply to any of the following: 97173

(1) An individual licensed under Chapter 4732. of the Revised 97174
Code to practice psychology, if the practice of applied behavior 97175
analysis engaged in by the licensed psychologist is within the 97176
licensed psychologist's education, training, and experience; 97177

(2) An individual licensed under Chapter 4757. of the Revised 97178
Code to practice counseling, social work, or marriage and family 97179
therapy, if the practice of applied behavior analysis engaged in 97180
by the licensed professional counselor, licensed professional 97181
clinical counselor, licensed social worker, or licensed marriage 97182
and family therapist is within the licensee's education, training, 97183
and experience; 97184

(3) An individual acting under the authority and direction of 97185
an individual described in division (B)(1) or (2) of this section; 97186

(4) An individual practicing applied behavior analysis who is 97187
supervised by a certified Ohio behavior analyst and acting under 97188
the authority and direction of that certified Ohio behavior 97189

<u>analyst;</u>	97190
<u>(5) The delivery of interventions by a direct care provider</u>	97191
<u>or family member to implement components of an applied behavior</u>	97192
<u>analysis treatment plan.</u>	97193
<u>(6) A behavior analyst who practices with nonhuman or</u>	97194
<u>nonpatient clients or consumers, including applied animal</u>	97195
<u>behaviorists and practitioners of organizational behavior</u>	97196
<u>management;</u>	97197
<u>(7) A licensed professional authorized to practice in this</u>	97198
<u>state who, in the offering or rendering of services, does not</u>	97199
<u>represent oneself in any printed materials or verbally by</u>	97200
<u>incorporating the term "applied behavior analyst," if the services</u>	97201
<u>of the licensed professional are within the scope of practice of</u>	97202
<u>the licensing law governing the licensed professional and the</u>	97203
<u>services performed are commensurate with the licensed</u>	97204
<u>professional's education, training, and experience;</u>	97205
<u>(8) A matriculated graduate student or postdoctoral trainee</u>	97206
<u>whose activities are part of a defined program of study or</u>	97207
<u>professional training;</u>	97208
<u>(9) An individual employed by the department of developmental</u>	97209
<u>disabilities, a county board of developmental disabilities, or a</u>	97210
<u>council of government consisting of county boards of developmental</u>	97211
<u>disabilities, when the individual is acting in the scope of that</u>	97212
<u>employment;</u>	97213
<u>(10) A professional employed in a school or other setting</u>	97214
<u>that falls under the regulation of the state board of education</u>	97215
<u>when the professional is acting within the scope of that</u>	97216
<u>employment.</u>	97217
<u>(C) For purposes of division (B)(3) or (4) of this section,</u>	97218
<u>an individual is not subject to this chapter only if the licensed</u>	97219
<u>psychologist, the licensed professional counselor, the licensed</u>	97220

professional clinical counselor, the licensed social worker, the 97221
licensed marriage and family therapist, or the certified Ohio 97222
behavior analyst under whose authority and direction the 97223
individual is acting pursuant to division (B)(3) or (4) of this 97224
section signs an attestation stating that the licensed 97225
psychologist, licensed professional counselor, licensed 97226
professional clinical counselor, licensed social worker, licensed 97227
marriage and family therapist, or certified Ohio behavior analyst 97228
is responsible for the care provided by the individual. 97229

Sec. 4783.03. (A) The state board of psychology shall 97230
administer and enforce this chapter. The board shall adopt rules 97231
under Chapter 119. of the Revised Code establishing all of the 97232
following: 97233

(1) Procedures and requirements for applying for a 97234
certificate issued under section 4783.04 of the Revised Code; 97235

(2) Fees for issuance of a certificate; 97236

(3) Reductions of the hours of continuing education required 97237
by section 4783.05 of the Revised Code for persons in their first 97238
certificate period. 97239

(B) The board may adopt additional rules in accordance with 97240
Chapter 119. of the Revised Code as the board determines are 97241
necessary to implement and enforce this chapter. 97242

Sec. 4783.04. (A) An individual seeking a certificate to 97243
practice as a certified Ohio behavior analyst shall file with the 97244
state board of psychology a written application on a form 97245
prescribed and supplied by the board. To be eligible for a 97246
certificate, the individual shall do all of the following: 97247

(1) Demonstrate that the applicant is of good moral character 97248
and conducts the applicant's professional activities in accordance 97249
with accepted professional and ethical standards; 97250

<u>(2) Comply with sections 4776.01 to 4776.04 of the Revised Code;</u>	97251
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<u>(3) Demonstrate an understanding of the law regarding behavioral health practice;</u>	97253
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<u>(4) Demonstrate current certification as a board certified behavior analyst by the behavior analyst certification board or its successor organization or demonstrate completion of equivalent requirements and passage of a psychometrically valid examination administered by a nationally accredited credentialing organization;</u>	97255
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<u>(5) Pay the fee established by the state board of psychology.</u>	97261
<u>(B) The state board of psychology shall review all applications received under this section. The state board of psychology shall not grant a certificate to an applicant for an initial certificate unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the state board of psychology, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section 4783.09 of the Revised Code. If the state board of psychology determines that an applicant satisfies the requirements for a certificate to practice as a certified Ohio behavior analyst, the state board of psychology shall issue the applicant a certificate.</u>	97262
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<u>Sec. 4783.05. (A)(1) Except as otherwise provided in this division, a certificate issued under this chapter is valid for a period of two years. On or before the thirty-first day of August of each even-numbered year, each certified Ohio behavior analyst shall do both of the following:</u>	97274
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<u>(a) Register with the state board of psychology on a form prescribed by the board, giving the certified Ohio behavior</u>	97279
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analyst's name, address, certificate number, the continuing 97281
education information required under division (B) of this section, 97282
and any other reasonable information as the board requires; 97283

(b) Pay to the board secretary a biennial registration fee in 97284
an amount of one hundred fifty dollars. 97285

(2) An individual who is issued a certificate under section 97286
4783.04 of the Revised Code for the first time on or before the 97287
thirty-first day of August of an even-numbered year shall next be 97288
required to register on or before the thirty-first day of August 97289
of the next even-numbered year. 97290

(B) Every two years a certified Ohio behavior analyst who 97291
wishes to renew the certified Ohio behavior analyst's certificate 97292
issued under this chapter shall produce proof of not less than 97293
twenty-three hours of continuing education, including not less 97294
than four hours in ethics, professional conduct, or cultural 97295
competency. Continuing education hours may be earned through 97296
providers of continuing education approved by the behavior analyst 97297
certification board or its successor organization or other 97298
organizations approved by the state board of psychology as 97299
providers of continuing education. 97300

Sec. 4783.09. (A) The state board of psychology may refuse to 97301
issue a certificate to any applicant, may issue a reprimand, or 97302
suspend or revoke the certificate of any certified Ohio behavior 97303
analyst, on any of the following grounds: 97304

(1) Conviction of a felony, or of any offense involving moral 97305
turpitude, in a court of this or any other state or in a federal 97306
court; 97307

(2) Using fraud or deceit in the procurement of the 97308
certificate to practice applied behavior analysis or knowingly 97309
assisting another in the procurement of such a certificate through 97310

<u>fraud or deceit;</u>	97311
<u>(3) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;</u>	97312
<u>(4) Willful, unauthorized communication of information received in professional confidence;</u>	97313
<u>(5) Being negligent in the practice of applied behavior analysis;</u>	97314
<u>(6) Using any controlled substance or alcoholic beverage to an extent that such use impairs the person's ability to perform the work of a certified Ohio behavior analyst with safety to the public;</u>	97315
<u>(7) Violating any rule of professional conduct promulgated by the board;</u>	97316
<u>(8) Practicing in an area of applied behavior analysis for which the person is clearly untrained or incompetent;</u>	97317
<u>(9) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the certificate;</u>	97318
<u>(10) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers applied behavior analysis services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;</u>	97319
<u>(11) Advertising that the person will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers applied behavior analysis services, would otherwise be required to pay.</u>	97320
<u>(B) For purposes of division (A)(9) of this section, a person</u>	97321
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may have the person's certificate issued or restored only upon 97341
determination by a court that the person is competent for the 97342
purpose of holding the certificate and upon the decision by the 97343
board that the certificate be issued or restored. The board may 97344
require an examination prior to such issuance or restoration. 97345

(C) Notwithstanding divisions (A)(10) and (11) of this 97346
section, sanctions shall not be imposed against any certificate 97347
holder who waives deductibles and copayments: 97348

(1) In compliance with the health benefit plan that expressly 97349
allows such a practice. Waiver of the deductibles or copays shall 97350
be made only with the full knowledge and consent of the plan 97351
purchaser, payer, and third-party administrator. Such consent 97352
shall be made available to the board upon request. 97353

(2) For professional services rendered to any other person 97354
holding a certificate issued pursuant to this chapter to the 97355
extent allowed by this chapter and the rules of the board. 97356

(D) Except as provided in section 4783.10 of the Revised 97357
Code, before the board may deny, suspend, or revoke a certificate 97358
under this section, or otherwise discipline the holder of a 97359
certificate, written charges shall be filed with the board by the 97360
secretary and a hearing shall be had thereon in accordance with 97361
Chapter 119. of the Revised Code. 97362

Sec. 4783.10. On receipt of a complaint that any of the 97363
grounds listed in division (A) of section 4783.09 of the Revised 97364
Code exist, the state board of psychology may suspend the 97365
certificate of the certified Ohio behavior analyst prior to 97366
holding a hearing in accordance with Chapter 119. of the Revised 97367
Code if it determines, based on the complaint, that an immediate 97368
threat to the public exists. 97369

After suspending a certificate pursuant to this section, the 97370

board shall notify the certified Ohio behavior analyst of the 97371
suspension in accordance with section 119.07 of the Revised Code. 97372
If the individual whose certificate is suspended fails to make a 97373
timely request for an adjudication under Chapter 119. of the 97374
Revised Code, the board shall enter a final order permanently 97375
revoking the individual's certificate. 97376

Sec. 4783.11. (A) Except as provided in division (B) of this 97377
section, if, at the conclusion of a hearing required by section 97378
4783.09 of the Revised Code, the state board of psychology 97379
determines that a certified Ohio behavior analyst has engaged in 97380
sexual conduct or had sexual contact with the certified Ohio 97381
behavior analyst's patient or client in violation of any 97382
prohibition contained in Chapter 2907. of the Revised Code, the 97383
board shall do one of the following: 97384

(1) Suspend the certified Ohio behavior analyst's 97385
certificate; 97386

(2) Permanently revoke the certified Ohio behavior analyst's 97387
certificate. 97388

(B) If the board determines at the conclusion of the hearing 97389
that neither of the sanctions described in division (A) of this 97390
section is appropriate, the board shall impose another sanction it 97391
considers appropriate and issue a written finding setting forth 97392
the reasons for the sanction imposed and the reason that neither 97393
of the sanctions described in division (A) of this section is 97394
appropriate. 97395

Sec. 4783.12. On receipt of a notice pursuant to section 97396
3123.43 of the Revised Code, the state board of psychology shall 97397
comply with sections 3123.41 to 3123.50 of the Revised Code and 97398
any applicable rules adopted under section 3123.63 of the Revised 97399
Code with respect to a certificate issued pursuant to this 97400

chapter. 97401

Sec. 4783.13. The state board of psychology shall comply with 97402
section 4776.20 of the Revised Code. 97403

Sec. 4783.99. Whoever violates division (A) of section 97404
4783.02 of the Revised Code shall be fined not less than one 97405
hundred dollars nor more than five hundred dollars or imprisoned 97406
for not less than six months nor more than one year, or both. Each 97407
violation shall be a separate offense. 97408

Sec. 4906.20. (A) No person shall commence to construct an 97409
economically significant wind farm in this state without first 97410
having obtained a certificate from the power siting board. An 97411
economically significant wind farm with respect to which such a 97412
certificate is required shall be constructed, operated, and 97413
maintained in conformity with that certificate and any terms, 97414
conditions, and modifications it contains. A certificate shall be 97415
issued only pursuant to this section. The certificate may be 97416
transferred, subject to the approval of the board, to a person 97417
that agrees to comply with those terms, conditions, and 97418
modifications. 97419

(B) The board shall adopt rules governing the certificating 97420
of economically significant wind farms under this section. Initial 97421
rules shall be adopted within one hundred twenty days after June 97422
24, 2008. 97423

(1) The rules shall provide for an application process for 97424
certificating economically significant wind farms that is 97425
identical to the extent practicable to the process applicable to 97426
certificating major utility facilities under sections 4906.06, 97427
4906.07, 4906.08, 4906.09, 4906.10, 4906.11, and 4906.12 of the 97428
Revised Code and shall prescribe a reasonable schedule of 97429

application filing fees structured in the manner of the schedule 97430
of filing fees required for major utility facilities. 97431

(2) Additionally, the rules shall prescribe reasonable 97432
regulations regarding any wind turbines and associated facilities 97433
of an economically significant wind farm, including, but not 97434
limited to, their location, erection, construction, 97435
reconstruction, change, alteration, maintenance, removal, use, or 97436
enlargement and including erosion control, aesthetics, 97437
recreational land use, wildlife protection, interconnection with 97438
power lines and with regional transmission organizations, 97439
independent transmission system operators, or similar 97440
organizations, ice throw, sound and noise levels, blade shear, 97441
shadow flicker, decommissioning, and necessary cooperation for 97442
site visits and enforcement investigations. The rules also shall 97443
prescribe a minimum setback for a wind turbine of an economically 97444
significant wind farm. That minimum shall be equal to a horizontal 97445
distance, from the turbine's base to the property line of the wind 97446
farm property, equal to one and one-tenth times the total height 97447
of the turbine structure as measured from its base to the tip of 97448
its highest blade and be at least ~~seven~~ one thousand one hundred 97449
fifty twenty-five feet in horizontal distance from the tip of the 97450
turbine's nearest blade at ninety degrees to the exterior of the 97451
nearest, habitable, residential structure, if any, located on 97452
adjacent property at the time of the certification application. 97453
For any existing certificates and amendments thereto, and existing 97454
certification applications that have been found by the chairperson 97455
to be in compliance with division (A) of section 4906.06 of the 97456
Revised Code before the effective date of the amendment of this 97457
section by H.B. 59 of the 130th general assembly, the distance 97458
shall be seven hundred fifty feet instead of one thousand one 97459
hundred twenty-five feet. The setback shall apply in all cases 97460
except those in which all owners of property adjacent to the wind 97461
farm property waive application of the setback to that property 97462

pursuant to a procedure the board shall establish by rule and 97463
except in which, in a particular case, the board determines that a 97464
setback greater than the minimum is necessary. 97465

Sec. 4906.201. An electric generating plant that consists of 97466
wind turbines and associated facilities with a single 97467
interconnection to the electrical grid that is designed for, or 97468
capable of, operation at an aggregate capacity of fifty megawatts 97469
or more is subject to the minimum setback requirements established 97470
in rules adopted by the power siting board under division (B)(2) 97471
of section 4906.20 of the Revised Code. For any existing 97472
certificates and amendments thereto, and existing certification 97473
applications that have been found by the chairperson to be in 97474
compliance with division (A) of section 4906.06 of the Revised 97475
Code before the effective date of the amendment of this section by 97476
H.B. 59 of the 130th general assembly, the distance shall be seven 97477
hundred fifty feet instead of one thousand one hundred twenty-five 97478
feet. 97479

Sec. 4909.157. (A) The public utilities commission may 97480
authorize a natural gas company or gas company to recover 97481
environmental remediation costs to which both of the following 97482
apply: 97483

(1) They are prudently incurred before January 1, 2025. 97484

(2) They are related to real property that, at the time 97485
recovery is authorized, is or was used for the provision of public 97486
utility service. 97487

(B) Recovery under division (A) of this section may be 97488
provided for through the establishment of a mechanism by the 97489
commission. Any such mechanism shall set forth the specific terms 97490
of the recovery. 97491

(C) If the commission authorizes recovery under this section, 97492

the company, upon the sale of the property described in division 97493
(A)(2) of this section, shall return to the company's customers 97494
the difference between the sale price of the property, minus any 97495
reasonable expenses related to the sale, and the fair market value 97496
of the property prior to remediation. 97497

(D) Divisions (A)(1) and (4) of section 4909.15 of the 97498
Revised Code do not preclude the recovery of environmental 97499
remediation costs as described in this section. 97500

Sec. 4955.32. ~~(A) Every company shall attach to each~~ 97501
~~locomotive engine passing upon its railroad a bell of the ordinary~~ 97502
~~size in use on such engines and a steam or compressed air whistle~~ 97503
As used in this section, "lite locomotive consist" means a consist 97504
of locomotives not attached to any piece of equipment or attached 97505
only to a caboose. 97506

~~(B) When an engine~~ the locomotive in motion and the lead of a 97507
train, when a lite locomotive consist, or when an individual 97508
locomotive is approaching a turnpike, public highway, or street 97509
crossing or private a grade crossing where the view of such 97510
crossing is obstructed by embankment, trees, curve, or other 97511
obstruction to view, upon the same line with the crossing, and in 97512
like manner where the railroad crosses any other traveled place, 97513
by bridge or otherwise, either of the following shall occur: 97514

(1) The engineer or person in charge of ~~such engine~~ the 97515
locomotive shall sound ~~such whistle at a distance of at least~~ 97516
~~eighty and not further than one hundred rods from such crossing~~ 97517
~~and ring such bell continuously until the engine passes the~~ 97518
crossing the locomotive horn in accordance with 49 C.F.R. part 97519
222; 97520

(2) An alternative audible warning system approved by the 97521
public utilities commission under section 4955.321 of the Revised 97522
Code shall be activated in accordance with guidelines established 97523

by the ~~public utilities~~ commission. 97524

(C) ~~This section shall not interfere with the proper~~ 97525
~~observance of an ordinance passed by the legislative authority of~~ 97526
~~a municipal corporation regulating the management of railroads,~~ 97527
~~locomotives, and steam whistles on locomotives, within the limits~~ 97528
~~of such municipal corporation.~~ 97529

~~(D)~~ The establishment of an alternative audible warning 97530
system does not preclude the sounding of a ~~whistle~~ locomotive horn 97531
by an engineer or other person in charge of ~~an engine~~ a locomotive 97532
in an emergency situation, as determined by the sole judgment of 97533
the engineer or other person. 97534

Sec. 4955.321. The public utilities commission may evaluate 97535
alternative systems for providing an audible warning of an 97536
approaching locomotive ~~engine~~. The commission may approve the use 97537
of an audible warning system as an alternative to the ~~whistle and~~ 97538
~~bell~~ horn sounding required under division (B)(1) of section 97539
4955.32 of the Revised Code only if it determines that the 97540
alternative audible warning system complies with applicable 97541
federal requirements for an audible warning of an approaching 97542
train and only if train-activated warning devices also are present 97543
at any public highway or grade crossing at which the alternative 97544
audible warning system is installed. The commission shall 97545
establish guidelines for the use and operation of any alternative 97546
audible warning system it approves. 97547

Sec. 4955.322. The sounding of a locomotive horn at a private 97548
crossing or the failure to sound a locomotive horn at a private 97549
crossing is not a basis for a civil action against the railroad 97550
company that operated the locomotive, a board of county 97551
commissioners, or any local authority, or against the employees or 97552
agents of the company, board, or authority. 97553

Sec. 4955.34. Every engineer or person in charge of ~~an engine~~ a locomotive who fails to comply with section 4955.32 of the Revised Code is personally liable to a penalty of not less than fifty nor more than one hundred dollars, to be recovered by civil action at the suit of the state in the court of common pleas of a county in which the public highway or grade crossing is located.

The company in whose employ such engineer or person in charge of ~~an engine~~ a locomotive is, as well as the engineer or person himself in charge, is liable in damages to a person or company injured in person or property by such neglect or act of such engineer or person in charge.

Sec. 4955.44. (A) On and after the date of first operation of a railroad quiet zone established pursuant to section 4955.42 of the Revised Code, divisions (B)(1) and (2) of section 4955.32 ~~and division (A)(2) of section 4999.04~~ of the Revised Code do not apply with respect to a ~~public or private grade crossing included in~~ the zone.

(B) The establishment of a railroad quiet zone pursuant to sections 4955.41 to 4955.47 of the Revised Code does not preclude the sounding of a locomotive whistle, horn, bell, or other audible device by an engineer or other person in charge of the locomotive to address a perceived potential for injury, death, or loss to person or property, as determined by the sole judgment of the engineer or other person.

(C) The commission may suspend summarily the operation of a quiet zone established pursuant to section 4955.42 of the Revised Code if the commission, through any source, obtains sufficient, credible evidence showing that a condition at a public grade crossing located within a quiet zone has changed to such an extent

that, even with the continuing existence of the supplemental 97584
safety measures at the crossing, the quiet zone no longer 97585
qualifies as such under federal law or the commission determines 97586
that public safety is otherwise compromised at the crossing. 97587
Within fifteen days following the quiet zone suspension date 97588
described in this division, the commission shall hold a hearing in 97589
the general vicinity of the quiet zone in question to determine 97590
whether the quiet zone suspension should be lifted or continued, 97591
or whether commission approval of the quiet zone should be 97592
rescinded and the quiet zone eliminated. 97593

Sec. 4955.47. No railroad company and no employee or agent of 97594
the company shall be charged, or is liable in damages to person or 97595
property, for any failure to sound an audible warning by whistle, 97596
horn, bell, or other audible warning device at a ~~public or private~~ 97597
railroad grade crossing to which any of the following apply: 97598

(A) The crossing is equipped in accordance with division 97599
(B)(2) of section 4955.32 of the Revised Code ~~or~~. 97600

(B) The crossing is located in a railroad quiet zone 97601
established pursuant to section 4955.42 of the Revised Code ~~or~~. 97602

(C) The crossing is located in a jurisdiction in which such 97603
sounding is restricted or prohibited by law. 97604

Sec. 4999.04. (A) No person in charge of a locomotive shall 97605
~~do the following:~~ 97606

~~(1) Fail~~ fail to bring the locomotive to a full stop at least 97607
two hundred feet before arriving at a crossing with another track, 97608
or proceed through the crossing before signaled to do so or before 97609
the way is clear. 97610

~~(2) When approaching a grade crossing, fail to sound the~~ 97611
~~locomotive whistle at frequent intervals, beginning not less than~~ 97612
~~thirteen hundred twenty feet from such crossing and continuing~~ 97613

until the locomotive has passed the crossing. 97614

(B)(1) Whoever violates this section or fails to comply with 97615
division (B)(1) of section 4955.32 of the Revised Code is guilty 97616
of a misdemeanor of the fourth degree. If the violation of this 97617
section or failure to comply causes physical harm to any person, 97618
whoever violates this section or fails to comply with division 97619
(B)(1) of section 4955.32 of the Revised Code is guilty of a 97620
misdemeanor of the third degree. 97621

(2) With respect to a charge of violating division (B)(1) of 97622
this section for a failure to comply with division (B)(1) of 97623
section 4955.32 of the Revised Code, it is an affirmative defense 97624
that an alternative audible warning system described in division 97625
(B)(2) of that section was activated. 97626

Sec. 5101.01. (A) As used in the Revised Code, the 97627
"department of public welfare" and the "department of human 97628
services" mean the department of job and family services and the 97629
"director of public welfare" and the "director of human services" 97630
mean the director of job and family services. ~~Whenever~~ Except as 97631
provided in section 5160.011 of the Revised Code, whenever the 97632
department or director of public welfare or the department or 97633
director of human services is referred to or designated in any 97634
statute, rule, contract, grant, or other document, the reference 97635
or designation shall be deemed to refer to the department or 97636
director of job and family services, as the case may be. 97637

(B) As used in this chapter: 97638

(1) References to a county department of job and family 97639
services include a joint county department of job and family 97640
services established under section 329.40 of the Revised Code. 97641

(2) References to a board of county commissioners include the 97642
board of directors of a joint county department of job and family 97643

services established under section 329.40 of the Revised Code. 97644

Sec. 5101.101. (A) This section establishes the order of 97645
priority to be followed by the department of job and family 97646
services when distributing funds for the purpose of providing 97647
family planning services, including funds the department receives 97648
through Title XX of the "Social Security Act," 88 Stat. 2337 97649
(1974), 42 U.S.C. 1397, as amended, and funds the department 97650
receives through Title IV-A of the "Social Security Act," 110 97651
Stat. 2113 (1996), 42 U.S.C. 601, as amended, to be used for 97652
purposes of providing Title XX social services. This section does 97653
not apply to payments made under the medicaid program. 97654

(B) With respect to each period during which funds from a 97655
particular source are distributed for the purpose of providing 97656
family planning services, the department is subject to both of the 97657
following when distributing the funds to applicants seeking those 97658
funds: 97659

(1) Foremost priority shall be given to public entities that 97660
are operated by state or local government entities and that 97661
provide or are able to provide family planning services. 97662

(2) If any funds remain after the department distributes 97663
funds to public entities under division (B)(1) of this section, 97664
the department may distribute funds to nonpublic entities. If 97665
funds are distributed to nonpublic entities, the department shall 97666
distribute the funds in the following order of descending 97667
priority: 97668

(a) Nonpublic entities that are federally qualified health 97669
centers or federally qualified health center look-alikes, both as 97670
defined in section 3701.047 of the Revised Code, or community 97671
action agencies, as defined in section 122.66 of the Revised Code; 97672

(b) Nonpublic entities that provide comprehensive primary and 97673

preventive care services in addition to family planning services; 97674

(c) Nonpublic entities that provide family planning services, 97675
but do not provide comprehensive primary and preventive care 97676
services. 97677

~~Sec. 5101.11. This section does not apply to contracts~~ 97678
~~entered into under section 5111.90 or 5111.91 of the Revised Code.~~ 97679

(A) As used in this section: 97680

(1) "Entity" includes an agency, board, commission, or 97681
department of the state or a political subdivision of the state; a 97682
private, nonprofit entity; a school district; a private school; or 97683
a public or private institution of higher education. 97684

(2) "Federal financial participation" means the federal 97685
government's share of expenditures made by an entity in 97686
implementing a program administered by the department of job and 97687
family services. 97688

(B) At the request of any public entity having authority to 97689
implement a program administered by the department of job and 97690
family services or any private entity under contract with a public 97691
entity to implement a program administered by the department, the 97692
department may seek to obtain federal financial participation for 97693
costs incurred by the entity. Federal financial participation may 97694
be sought from programs operated pursuant to Title IV-A, of the 97695
"Social Security Act," 42 U.S.C. 601 et seq.; Title IV-E, ~~and~~ 97696
~~Title XIX of the "Social Security Act," 49 Stat. 620 (1935),~~ 42 97697
U.S.C. 301, ~~as amended~~ 670 et seq.; the Food and Nutrition Act of 97698
2008 (7 U.S.C. 2011 et seq.); and any other statute or regulation 97699
under which federal financial participation may be available, 97700
except that federal financial participation may be sought only for 97701
expenditures made with funds for which federal financial 97702
participation is available under federal law. 97703

(C) All funds collected by the department of ~~job and family services~~ pursuant to division (B) of this section shall be distributed to the entities that incurred the costs, except for any amounts retained by the department pursuant to division (D)(3) of this section.

(D) In distributing federal financial participation pursuant to this section, the department may either enter into an agreement with the entity that is to receive the funds or distribute the funds in accordance with rules adopted under division (F) of this section. If the department decides to enter into an agreement to distribute the funds, the agreement may include terms that do any of the following:

(1) Provide for the whole or partial reimbursement of any cost incurred by the entity in implementing the program;

(2) In the event that federal financial participation is disallowed or otherwise unavailable for any expenditure, require the department of ~~job and family services~~ or the entity, whichever party caused the disallowance or unavailability of federal financial participation, to assume responsibility for the expenditures;

(3) Permit the department to retain not more than five per cent of the amount of the federal financial participation to be distributed to the entity;

(4) Require the public entity to certify the availability of sufficient unencumbered funds to match the federal financial participation it receives under this section;

(5) Establish the length of the agreement, which may be for a fixed or a continuing period of time;

(6) Establish any other requirements determined by the department to be necessary for the efficient administration of the agreement.

(E) An entity that receives federal financial participation 97735
pursuant to this section for a program aiding children and their 97736
families shall establish a process for collaborative planning with 97737
the department ~~of job and family services~~ for the use of the funds 97738
to improve and expand the program. 97739

(F) The director of job and family services shall adopt rules 97740
as necessary to implement this section, including rules for the 97741
distribution of federal financial participation pursuant to this 97742
section. The rules shall be adopted in accordance with Chapter 97743
119. of the Revised Code. The director may adopt or amend any 97744
statewide plan required by the federal government for a program 97745
administered by the department, as necessary to implement this 97746
section. 97747

(G) Federal financial participation received pursuant to this 97748
section shall not be included in any calculation made under 97749
section 5101.16 or 5101.161 of the Revised Code. 97750

Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1410 97751
of the Revised Code, "Title IV-E" means Title IV-E of the "Social 97752
Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 97753

(B) The department of job and family services shall act as 97754
the single state agency to administer federal payments for foster 97755
care and adoption assistance made pursuant to Title IV-E. The 97756
director of job and family services shall adopt rules to implement 97757
this authority. Rules governing financial and administrative 97758
requirements applicable to public children services agencies and 97759
government entities that provide Title IV-E reimbursable placement 97760
services to children shall be adopted in accordance with section 97761
111.15 of the Revised Code, as if they were internal management 97762
rules. Rules governing requirements applicable to private child 97763
placing agencies and private noncustodial agencies and rules 97764
establishing eligibility, program participation, and other 97765

requirements concerning Title IV-E shall be adopted in accordance 97766
with Chapter 119. of the Revised Code. A public children services 97767
agency to which the department distributes Title IV-E funds shall 97768
administer the funds in accordance with those rules. 97769

(C)(1) The county, on behalf of each child eligible for 97770
foster care maintenance payments under Title IV-E, shall make 97771
payments to cover the cost of providing all of the following: 97772

(a) The child's food, clothing, shelter, daily supervision, 97773
and school supplies; 97774

(b) The child's personal incidentals; 97775

(c) Reasonable travel to the child's home for visitation. 97776

(2) In addition to payments made under division (C)(1) of 97777
this section, the county may, on behalf of each child eligible for 97778
foster care maintenance payments under Title IV-E, make payments 97779
to cover the cost of providing the following: 97780

(a) Liability insurance with respect to the child; 97781

(b) If the county is participating in the demonstration 97782
project established under division (A) of section 5101.142 of the 97783
Revised Code, services provided under the project. 97784

(3) With respect to a child who is in a child-care 97785
institution, including any type of group home designed for the 97786
care of children or any privately operated program consisting of 97787
two or more certified foster homes operated by a common 97788
administrative unit, the foster care maintenance payments made by 97789
the county on behalf of the child shall include the reasonable 97790
cost of the administration and operation of the institution, group 97791
home, or program, as necessary to provide the items described in 97792
divisions (C)(1) and (2) of this section. 97793

(D) To the extent that either foster care maintenance 97794
payments under division (C) of this section or Title IV-E adoption 97795

assistance payments for maintenance costs require the expenditure 97796
of county funds, the board of county commissioners shall report 97797
the nature and amount of each expenditure of county funds to the 97798
department. 97799

(E) The department shall distribute to public children 97800
services agencies that incur and report expenditures of the type 97801
described in division (D) of this section federal financial 97802
participation received for administrative and training costs 97803
incurred in the operation of foster care maintenance and adoption 97804
assistance programs. The department may withhold not more than 97805
three per cent of the federal financial participation received. 97806
The funds withheld may be used only to fund the following: 97807

(1) The Ohio child welfare training program established under 97808
section 5103.30 of the Revised Code; 97809

(2) The university partnership program for college and 97810
university students majoring in social work who have committed to 97811
work for a public children services agency upon graduation; 97812

(3) Efforts supporting organizational excellence, including 97813
voluntary activities to be accredited by a nationally recognized 97814
accreditation organization. 97815

The funds withheld shall be in addition to any administration 97816
and training cost for which the department is reimbursed through 97817
its own cost allocation plan. 97818

(F) All federal financial participation funds received by a 97819
county pursuant to this section shall be deposited into the 97820
county's children services fund created pursuant to section 97821
5101.144 of the Revised Code. 97822

(G) The department shall periodically publish and distribute 97823
the maximum amounts that the department will reimburse public 97824
children services agencies for making payments on behalf of 97825
children eligible for foster care maintenance payments. 97826

(H) The department, by and through its director, is hereby 97827
authorized to develop, participate in the development of, 97828
negotiate, and enter into one or more interstate compacts on 97829
behalf of this state with agencies of any other states, for the 97830
provision of ~~medical assistance and other~~ social services to 97831
children in relation to whom all of the following apply: 97832

(1) They have special needs. 97833

(2) This state or another state that is a party to the 97834
interstate compact is providing adoption assistance on their 97835
behalf. 97836

(3) They move into this state from another state or move out 97837
of this state to another state. 97838

Sec. 5101.16. (A) As used in this section and sections 97839
5101.161 and 5101.162 of the Revised Code: 97840

(1) "Disability financial assistance" means the financial 97841
assistance program established under Chapter 5115. of the Revised 97842
Code. 97843

(2) "Supplemental nutrition assistance program" means the 97844
program administered by the department of job and family services 97845
pursuant to section 5101.54 of the Revised Code. 97846

(3) ~~"Medicaid" means the medical assistance program~~ 97847
~~established by Chapter 5111. of the Revised Code, excluding~~ 97848
~~transportation services provided under that chapter.~~ 97849

~~(4)~~ "Ohio works first" means the program established by 97850
Chapter 5107. of the Revised Code. 97851

~~(5)~~(4) "Prevention, retention, and contingency" means the 97852
program established by Chapter 5108. of the Revised Code. 97853

~~(6)~~(5) "Public assistance expenditures" means expenditures 97854
for all of the following: 97855

(a) Ohio works first;	97856
(b) County administration of Ohio works first;	97857
(c) Prevention, retention, and contingency;	97858
(d) County administration of prevention, retention, and contingency;	97859 97860
(e) Disability financial assistance;	97861
(f) County administration of disability financial assistance;	97862
(g) County administration of the supplemental nutrition assistance program;	97863 97864
(h) County administration of medicaid, <u>excluding</u> <u>administrative expenditures for transportation services covered by</u> <u>the medicaid program.</u>	97865 97866 97867
(7) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code.	97868 97869
(B) Each board of county commissioners shall pay the county share of public assistance expenditures in accordance with section 5101.161 of the Revised Code. Except as provided in division (C) of this section, a county's share of public assistance expenditures is the sum of all of the following for state fiscal year 1998 and each state fiscal year thereafter:	97870 97871 97872 97873 97874 97875
(1) The amount that is twenty-five per cent of the county's total expenditures for disability financial assistance and county administration of that program during the state fiscal year ending in the previous calendar year that the department of job and family services determines are allowable.	97876 97877 97878 97879 97880
(2) The amount that is ten per cent, or other percentage determined under division (D) of this section, of the county's total expenditures for county administration of the supplemental nutrition assistance program and medicaid (<u>excluding</u> <u>administrative expenditures for transportation services covered by</u>	97881 97882 97883 97884 97885

the medicaid program) during the state fiscal year ending in the 97886
previous calendar year that the department determines are 97887
allowable, less the amount of federal reimbursement credited to 97888
the county under division (E) of this section for the state fiscal 97889
year ending in the previous calendar year; 97890

(3) A percentage of the actual amount of the county share of 97891
program and administrative expenditures during federal fiscal year 97892
1994 for assistance and services, other than child care, provided 97893
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 97894
620 (1935), 42 U.S.C. 301, as those titles existed prior to the 97895
enactment of the "Personal Responsibility and Work Opportunity 97896
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 97897
and family services shall determine the actual amount of the 97898
county share from expenditure reports submitted to the United 97899
States department of health and human services. The percentage 97900
shall be the percentage established in rules adopted under 97901
division (F) of this section. 97902

(C)(1) If a county's share of public assistance expenditures 97903
determined under division (B) of this section for a state fiscal 97904
year exceeds one hundred five per cent of the county's share for 97905
those expenditures for the immediately preceding state fiscal 97906
year, the department of job and family services shall reduce the 97907
county's share for expenditures under divisions (B)(1) and (2) of 97908
this section so that the total of the county's share for 97909
expenditures under division (B) of this section equals one hundred 97910
five per cent of the county's share of those expenditures for the 97911
immediately preceding state fiscal year. 97912

(2) A county's share of public assistance expenditures 97913
determined under division (B) of this section may be increased 97914
pursuant to section 5101.163 of the Revised Code and a sanction 97915
under section 5101.24 of the Revised Code. An increase made 97916
pursuant to section 5101.163 of the Revised Code may cause the 97917

county's share to exceed the limit established by division (C)(1) 97918
of this section. 97919

(D)(1) If the per capita tax duplicate of a county is less 97920
than the per capita tax duplicate of the state as a whole and 97921
division (D)(2) of this section does not apply to the county, the 97922
percentage to be used for the purpose of division (B)(2) of this 97923
section is the product of ten multiplied by a fraction of which 97924
the numerator is the per capita tax duplicate of the county and 97925
the denominator is the per capita tax duplicate of the state as a 97926
whole. The department of job and family services shall compute the 97927
per capita tax duplicate for the state and for each county by 97928
dividing the tax duplicate for the most recent available year by 97929
the current estimate of population prepared by the ~~department of~~ 97930
development services agency. 97931

(2) If the percentage of families in a county with an annual 97932
income of less than three thousand dollars is greater than the 97933
percentage of such families in the state and division (D)(1) of 97934
this section does not apply to the county, the percentage to be 97935
used for the purpose of division (B)(2) of this section is the 97936
product of ten multiplied by a fraction of which the numerator is 97937
the percentage of families in the state with an annual income of 97938
less than three thousand dollars a year and the denominator is the 97939
percentage of such families in the county. The department of job 97940
and family services shall compute the percentage of families with 97941
an annual income of less than three thousand dollars for the state 97942
and for each county by multiplying the most recent estimate of 97943
such families published by the ~~department of~~ development services 97944
agency, by a fraction, the numerator of which is the estimate of 97945
average annual personal income published by the bureau of economic 97946
analysis of the United States department of commerce for the year 97947
on which the census estimate is based and the denominator of which 97948
is the most recent such estimate published by the bureau. 97949

(3) If the per capita tax duplicate of a county is less than 97950
the per capita tax duplicate of the state as a whole and the 97951
percentage of families in the county with an annual income of less 97952
than three thousand dollars is greater than the percentage of such 97953
families in the state, the percentage to be used for the purpose 97954
of division (B)(2) of this section shall be determined as follows: 97955

(a) Multiply ten by the fraction determined under division 97956
(D)(1) of this section; 97957

(b) Multiply the product determined under division (D)(3)(a) 97958
of this section by the fraction determined under division (D)(2) 97959
of this section. 97960

(4) The department of job and family services shall 97961
determine, for each county, the percentage to be used for the 97962
purpose of division (B)(2) of this section not later than the 97963
first day of July of the year preceding the state fiscal year for 97964
which the percentage is used. 97965

(E) The department of job and family services shall credit to 97966
a county the amount of federal reimbursement the department 97967
receives from the United States departments of agriculture and 97968
health and human services for the county's expenditures for 97969
administration of the supplemental nutrition assistance program 97970
and medicaid (excluding administrative expenditures for 97971
transportation services covered by the medicaid program) that the 97972
department determines are allowable administrative expenditures. 97973

(F)(1) The director of job and family services shall adopt 97974
rules in accordance with section 111.15 of the Revised Code to 97975
establish all of the following: 97976

(a) The method the department is to use to change a county's 97977
share of public assistance expenditures determined under division 97978
(B) of this section as provided in division (C) of this section; 97979

(b) The allocation methodology and formula the department 97980

will use to determine the amount of funds to credit to a county 97981
under this section; 97982

(c) The method the department will use to change the payment 97983
of the county share of public assistance expenditures from a 97984
calendar-year basis to a state fiscal year basis; 97985

(d) The percentage to be used for the purpose of division 97986
(B)(3) of this section, which shall, except as provided in section 97987
5101.163 of the Revised Code, meet both of the following 97988
requirements: 97989

(i) The percentage shall not be less than seventy-five per 97990
cent nor more than eighty-two per cent; 97991

(ii) The percentage shall not exceed the percentage that the 97992
state's qualified state expenditures is of the state's historic 97993
state expenditures as those terms are defined in 42 U.S.C. 97994
609(a)(7). 97995

(e) Other procedures and requirements necessary to implement 97996
this section. 97997

(2) The director of job and family services may amend the 97998
rule adopted under division (F)(1)(d) of this section to modify 97999
the percentage on determination that the amount the general 98000
assembly appropriates for Title IV-A programs makes the 98001
modification necessary. The rule shall be adopted and amended as 98002
if an internal management rule and in consultation with the 98003
director of budget and management. 98004

Sec. 5101.162. Subject to available federal funds and 98005
appropriations made by the general assembly, the department of job 98006
and family services may, at its sole discretion, use available 98007
federal funds to reimburse county expenditures for county 98008
administration of the supplemental nutrition assistance program or 98009
medicaid (excluding administrative expenditures for transportation 98010

services covered by the medicaid program) even though the county 98011
expenditures meet or exceed the maximum allowable reimbursement 98012
amount established by rules adopted under section 5101.161 of the 98013
Revised Code. The director of job and family services may adopt 98014
internal management rules in accordance with section 111.15 of the 98015
Revised Code to implement this section. 98016

Sec. 5101.18. ~~(A)~~ When the director of job and family 98017
services adopts rules under section 5107.05 regarding income 98018
requirements for the Ohio works first program and under section 98019
5115.03 of the Revised Code regarding income and resource 98020
requirements for the disability financial assistance program, the 98021
director shall determine what payments shall be regarded or 98022
disregarded. In making this determination, the director shall 98023
consider: 98024

~~(1)~~(A) The source of the payment; 98025

~~(2)~~(B) The amount of the payment; 98026

~~(3)~~(C) The purpose for which the payment was made; 98027

~~(4)~~(D) Whether regarding the payment as income would be in 98028
the public interest; 98029

~~(5)~~(E) Whether treating the payment as income would be 98030
detrimental to any of the programs administered in whole or in 98031
part by the department of job and family services and whether such 98032
determination would jeopardize the receipt of any federal grant or 98033
payment by the state or any receipt of aid under Chapter 5107. of 98034
the Revised Code. 98035

~~(B) Any recipient of aid under Title XVI of the "Social 98036
Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, 98037
whose money payment is discontinued as the result of a general 98038
increase in old age, survivors, and disability insurance benefits 98039
under such act, shall remain a recipient for the purpose of 98040~~

~~receiving medical assistance through the medical assistance 98041
program established under section 5111.01 of the Revised Code. 98042~~

Sec. 5101.181. (A) As used in this section and section 98043
5101.182 of the Revised Code: 98044

~~(1) "Public, "public assistance" means any or all of the 98045
following: 98046~~

~~(a)(1) Ohio works first; 98047~~

~~(b)(2) Prevention, retention, and contingency; 98048~~

~~(c)(3) Disability financial assistance; 98049~~

~~(d)(4) General assistance provided prior to July 17, 1995, 98050
under former Chapter 5113. of the Revised Code. 98051~~

~~(2) "Medical assistance" means medical assistance provided 98052
pursuant to, or under programs established by, section 5101.49, 98053
sections 5101.50 to 5101.529, Chapter 5111., or any other 98054
provision of the Revised Code. 98055~~

(B) As part of the procedure for the determination of 98056
overpayment to a recipient of public assistance under Chapter 98057
5107., 5108., or 5115. of the Revised Code, the director of job 98058
and family services may furnish quarterly the name and social 98059
security number of each individual who receives public assistance 98060
to the director of administrative services, the administrator of 98061
the bureau of workers' compensation, and each of the state's 98062
retirement boards. Within fourteen days after receiving the name 98063
and social security number of an individual who receives public 98064
assistance, the director of administrative services, 98065
administrator, or board shall inform the auditor of state as to 98066
whether such individual is receiving wages or benefits, the amount 98067
of any wages or benefits being received, the social security 98068
number, and the address of the individual. The director of 98069
administrative services, administrator, boards, and any agent or 98070

employee of those officials and boards shall comply with the rules 98071
of the director of job and family services restricting the 98072
disclosure of information regarding recipients of public 98073
assistance. Any person who violates this provision shall 98074
thereafter be disqualified from acting as an agent or employee or 98075
in any other capacity under appointment or employment of any state 98076
board, commission, or agency. 98077

(C) The auditor of state may enter into a reciprocal 98078
agreement with the director of job and family services or 98079
comparable officer of any other state for the exchange of names, 98080
current or most recent addresses, or social security numbers of 98081
persons receiving public assistance under Title IV-A of the 98082
"Social Security Act," ~~49 Stat. 620 (1935)~~, 42 U.S.C. 301, ~~as~~ 98083
~~amended 601 et seq.~~ 98084

(D) The auditor of state shall retain, for not less than two 98085
years, at least one copy of all information received under this 98086
section and sections 145.27, 742.41, 3307.20, 3309.22, 4123.27, 98087
5101.182, and 5505.04 of the Revised Code. 98088

~~(E) On the request of the director of job and family 98089
services, the auditor of state may conduct an audit of an 98090
individual who receives medical assistance. If the auditor decides 98091
to conduct an audit, the auditor shall enter into an interagency 98092
agreement with the department of job and family services that 98093
specifies that the auditor agrees to comply with section 5101.271 98094
of the Revised Code with respect to any information the auditor 98095
receives pursuant to the audit. 98096~~

~~(F)~~ The auditor shall review the information described in 98097
division (D) of this section to determine whether overpayments 98098
were made to recipients of public assistance under Chapters 5107., 98099
5108., and 5115. of the Revised Code. The auditor of state shall 98100
initiate action leading to prosecution, where warranted, of 98101
recipients who received overpayments by forwarding the name of 98102

each recipient who received overpayment, together with other 98103
pertinent information, to the director of job and family services, 98104
the attorney general, and the county director of job and family 98105
services and county prosecutor of the county through which public 98106
assistance was received. 98107

~~(G)~~(F) The auditor of state and the attorney general or their 98108
designees may examine any records, whether in computer or printed 98109
format, in the possession of the director of job and family 98110
services or any county director of job and family services. They 98111
shall provide safeguards which restrict access to such records to 98112
purposes directly connected with an audit or investigation, 98113
prosecution, or criminal or civil proceeding conducted in 98114
connection with the administration of the programs and shall 98115
comply with ~~sections~~ section 5101.27 ~~and 5101.271~~ of the Revised 98116
Code and ~~adopts~~ rules ~~of~~ adopted by the director of job and family 98117
services restricting the disclosure of information regarding 98118
recipients of public assistance ~~or medical assistance~~. Any person 98119
who violates this provision shall thereafter be disqualified from 98120
acting as an agent or employee or in any other capacity under 98121
appointment or employment of any state board, commission, or 98122
agency. 98123

~~(H)~~(G) Costs incurred by the auditor of state in carrying out 98124
the auditor of state's duties under this section shall be borne by 98125
the auditor of state. 98126

Sec. 5101.183. (A) ~~Except as provided in section 5111.12 of~~ 98127
~~the Revised Code, the~~ The director of job and family services, in 98128
accordance with section 111.15 of the Revised Code, may adopt 98129
rules under which county family services agencies shall take 98130
action to recover the cost of the following benefits and services 98131
available under programs administered by the department of job and 98132
family services: 98133

(1) Benefits or services provided to any of the following: 98134

(a) Persons who were not eligible for the benefits or 98135
services but who secured the benefits or services through fraud or 98136
misrepresentation; 98137

(b) Persons who were eligible for the benefits or services 98138
but who intentionally diverted the benefits or services to other 98139
persons who were not eligible for the benefits or services. 98140

(2) Any benefits or services provided by a county family 98141
services agency for which recovery is required or permitted by 98142
federal law for the federal programs administered by the agency. 98143

(B) A county family services agency may bring a civil action 98144
against a recipient of benefits or services to recover any costs 98145
described in division (A) of this section. 98146

(C) A county family services agency shall retain any money it 98147
recovers under division (A) of this section and shall use the 98148
money to meet a family services duty, except that, if federal law 98149
requires the department of job and family services to return any 98150
portion of the money so recovered to the federal government, the 98151
county family services agency shall pay that portion to the 98152
department of job and family services. 98153

Sec. 5101.184. (A) The director of job and family services 98154
shall work with the tax commissioner to collect overpayments of 98155
assistance under Chapter 5107., ~~5111.~~, or 5115., former Chapter 98156
5113., or section 5101.54 of the Revised Code from refunds of 98157
state income taxes for taxable year 1992 and thereafter that are 98158
payable to the recipients of such overpayments. 98159

Any overpayment of assistance, whether obtained by fraud or 98160
misrepresentation, as the result of an error by the recipient or 98161
by the agency making the payment, or in any other manner, may be 98162
collected under this section. Any reduction under section 5747.12 98163

or 5747.121 of the Revised Code to an income tax refund shall be 98164
made before a reduction under this section. No reduction shall be 98165
made under this section if the amount of the refund is less than 98166
twenty-five dollars after any reduction under section 5747.12 of 98167
the Revised Code. A reduction under this section shall be made 98168
before any part of the refund is contributed under section 98169
5747.113 of the Revised Code, or is credited under section 5747.12 98170
of the Revised Code against tax due in any subsequent year. 98171

The director and the tax commissioner, by rules adopted in 98172
accordance with Chapter 119. of the Revised Code, shall establish 98173
procedures to implement this division. The procedures shall 98174
provide for notice to a recipient of assistance and an opportunity 98175
for the recipient to be heard before the recipient's income tax 98176
refund is reduced. 98177

(B) The director of job and family services may enter into 98178
agreements with the federal government to collect overpayments of 98179
assistance from refunds of federal income taxes that are payable 98180
to recipients of the overpayments. 98181

Sec. 5101.26. As used in this section and in sections 5101.27 98182
to 5101.30 of the Revised Code: 98183

(A) "County agency" means a county department of job and 98184
family services or a public children services agency. 98185

(B) "Fugitive felon" means an individual who is fleeing to 98186
avoid prosecution, or custody or confinement after conviction, 98187
under the laws of the place from which the individual is fleeing, 98188
for a crime or an attempt to commit a crime that is a felony under 98189
the laws of the place from which the individual is fleeing or, in 98190
the case of New Jersey, a high misdemeanor, regardless of whether 98191
the individual has departed from the individual's usual place of 98192
residence. 98193

(C) "Information" means records as defined in section 149.011 98194
of the Revised Code, any other documents in any format, and data 98195
derived from records and documents that are generated, acquired, 98196
or maintained by the department of job and family services, a 98197
county agency, or an entity performing duties on behalf of the 98198
department or a county agency. 98199

(D) "Law enforcement agency" means the state highway patrol, 98200
an agency that employs peace officers as defined in section 109.71 98201
of the Revised Code, the adult parole authority, a county 98202
department of probation, a prosecuting attorney, the attorney 98203
general, similar agencies of other states, federal law enforcement 98204
agencies, and postal inspectors. "Law enforcement agency" includes 98205
the peace officers and other law enforcement officers employed by 98206
the agency. 98207

~~(E) "Medical assistance" means medical assistance provided 98208
pursuant to, or under programs established by, section 5101.49, 98209
sections 5101.50 to 5101.529, Chapter 5111., or any other 98210
provision of the Revised Code. 98211~~

~~(F) "Medical assistance recipient" means an applicant for or 98212
recipient or former recipient of medical assistance. 98213~~

~~(G)~~ "Public assistance" means financial assistance or social 98214
services that are ~~not medical assistance~~ provided under a program 98215
administered by the department of job and family services or a 98216
county agency pursuant to Chapter 329., 5101., 5104., 5107., 98217
5108., or 5115. of the Revised Code or an executive order issued 98218
under section 107.17 of the Revised Code. "Public assistance" does 98219
not mean medical assistance provided under a medical assistance 98220
program, as defined in section 5160.01 of the Revised Code. 98221

~~(H)~~(F) "Public assistance recipient" means an applicant for 98222
or recipient or former recipient of public assistance. 98223

Sec. 5101.272. (A) For the purposes of ~~sections~~ section 98224
5101.27 and ~~5101.271~~ of the Revised Code, an authorization shall 98225
be made on a form that uses language understandable to the average 98226
person and contains all of the following: 98227

(1) A description of the information to be used or disclosed 98228
that identifies the information in a specific and meaningful 98229
fashion; 98230

(2) The name or other specific identification of the person 98231
or class of persons authorized to make the requested use or 98232
disclosure; 98233

(3) The name or other specific identification of the person 98234
or governmental entity to which the information may be released; 98235

(4) A description of each purpose of the requested use or 98236
disclosure of the information; 98237

(5) The date on which the authorization expires or an event 98238
related either to the individual who is the subject of the request 98239
or to the purposes of the requested use or disclosure, the 98240
occurrence of which will cause the authorization to expire; 98241

(6) A statement that the information used or disclosed 98242
pursuant to the authorization may be disclosed by the recipient of 98243
the information and may no longer be protected from disclosure; 98244

(7) The signature of the individual or the individual's 98245
authorized representative and the date on which the authorization 98246
was signed; 98247

(8) If signed by an authorized representative, a description 98248
of the representative's authority to act for the individual; 98249

(9) A statement of the individual or authorized 98250
representative's right to prospectively revoke the written 98251
authorization in writing, along with one of the following: 98252

(a) A description of how the individual or authorized representative may revoke the authorization; 98253
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(b) If the department of job and family services' privacy notice contains a description of how the individual or authorized representative may revoke the authorization, a reference to that privacy notice. 98255
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(10) A statement that treatment, payment, enrollment, or eligibility for public assistance ~~or medical assistance~~ cannot be conditioned on signing the authorization unless the authorization is necessary for determining eligibility for the public assistance ~~or medical assistance~~ program. 98259
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~~(B) An authorization for the release of information regarding a medical assistance recipient to the recipient's attorney under division (C)(3) of section 5101.271 of the Revised Code may include a provision specifically authorizing the release of the recipient's electronic health records, if any, in accordance with rules the director of job and family services adopts under section 5101.30 of the Revised Code.~~ 98264
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~~(C)~~ When an individual requests information pursuant to section 5101.27 ~~or 5101.271~~ of the Revised Code regarding the individual's receipt of public assistance ~~or medical assistance~~ and does not wish to provide a statement of purpose, the statement "at request of the individual" is a sufficient description for purposes of division (A)(4) of this section. 98271
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Sec. 5101.273. The department of job and family services shall enter into any necessary agreements with the United States department of health and human services and neighboring states to join and participate as an active member in the public assistance reporting information system. The department may disclose information regarding a public assistance recipient ~~or medical assistance recipient~~ to the extent necessary to participate as an 98277
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active member in the public assistance reporting information 98284
system. 98285

Sec. 5101.30. (A) The director of job and family services 98286
shall adopt rules in accordance with Chapter 119. of the Revised 98287
Code implementing sections 5101.26 to 5101.30 of the Revised Code 98288
and governing the custody, use, disclosure, and preservation of 98289
the information generated or received by the department of job and 98290
family services, county agencies, other state and county entities, 98291
contractors, grantees, private entities, or officials 98292
participating in the administration of public assistance ~~or~~ 98293
~~medical assistance~~ programs. The rules shall comply with 98294
applicable federal statutes and regulations. 98295

(1) The rules shall specify conditions and procedures for the 98296
release of information which may include, among other conditions 98297
and procedures, both of the following: 98298

(a) Permitting providers of services or assistance under 98299
public assistance programs limited access to information that is 98300
essential for the providers to render services or assistance or to 98301
bill for services or assistance rendered. The department of aging, 98302
when investigating a complaint under section 173.20 of the Revised 98303
Code, shall be granted any limited access permitted in the rules 98304
pursuant to division (A)(1) of this section. 98305

(b) Permitting a contractor, grantee, or other state or 98306
county entity limited access to information that is essential for 98307
the contractor, grantee, or entity to perform administrative or 98308
other duties on behalf of the department or county agency. A 98309
contractor, grantee, or entity given access to information 98310
pursuant to division (A)(2) of this section is bound by the 98311
director's rules, and disclosure of the information by the 98312
contractor, grantee, or entity in a manner not authorized by the 98313
rules is a violation of section 5101.27 of the Revised Code. 98314

(2) The rules may define who is an "authorized representative" for purposes of sections 5101.27, ~~5101.271~~, and 5101.272 of the Revised Code.

(B) Whenever names, addresses, or other information relating to public assistance recipients is held by any agency other than the department or a county agency, that other agency shall adopt rules consistent with sections 5101.26 to 5101.30 of the Revised Code to prevent the publication or disclosure of names, lists, or other information concerning those recipients.

Sec. 5101.34. (A) There is hereby created in the department of job and family services the Ohio commission on fatherhood. The commission shall consist of the following members:

(1)(a) Four members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party. Two of the members must be from legislative districts that include a county or part of a county that is among the one-third of counties in this state with the highest number per capita of households headed by females.

(b) Two members of the senate appointed by the president of the senate, each from a different political party. One of the members must be from a legislative district that includes a county or part of a county that is among the one-third of counties in this state with the highest number per capita of households headed by females.

(2) The governor, or the governor's designee;

(3) One representative of the judicial branch of government appointed by the chief justice of the supreme court;

(4) The directors of health, job and family services, rehabilitation and correction, ~~alcohol and drug addiction services~~ mental health and addiction services, and youth services and the

superintendent of public instruction, or their designees; 98345

(5) One representative of the Ohio family and children first 98346
cabinet council created under section 121.37 of the Revised Code 98347
appointed by the chairperson of the council; 98348

(6) Five representatives of the general public appointed by 98349
the governor. These members shall have extensive experience in 98350
issues related to fatherhood. 98351

(B) The appointing authorities of the Ohio commission on 98352
fatherhood shall make initial appointments to the commission 98353
within thirty days after September 29, 1999. Of the initial 98354
appointments to the commission made pursuant to divisions (A)(3), 98355
(5), and (6) of this section, three of the members shall serve a 98356
term of one year and four shall serve a term of two years. Members 98357
so appointed subsequently shall serve two-year terms. A member 98358
appointed pursuant to division (A)(1) of this section shall serve 98359
on the commission until the end of the general assembly from which 98360
the member was appointed or until the member ceases to serve in 98361
the chamber of the general assembly in which the member serves at 98362
the time of appointment, whichever occurs first. The governor or 98363
the governor's designee shall serve on the commission until the 98364
governor ceases to be governor. The directors and superintendent 98365
or their designees shall serve on the commission until they cease, 98366
or the director or superintendent a designee represents ceases, to 98367
be director or superintendent. Each member shall serve on the 98368
commission from the date of appointment until the end of the term 98369
for which the member was appointed. Members may be reappointed. 98370

Vacancies shall be filled in the manner provided for original 98371
appointments. Any member appointed to fill a vacancy occurring 98372
prior to the expiration date of the term for which the member's 98373
predecessor was appointed shall serve on the commission for the 98374
remainder of that term. A member shall continue to serve on the 98375
commission subsequent to the expiration date of the member's term 98376

until the member's successor is appointed or until a period of 98377
sixty days has elapsed, whichever occurs first. Members shall 98378
serve without compensation but shall be reimbursed for necessary 98379
expenses. 98380

Sec. 5101.35. (A) As used in this section: 98381

(1)(a) "Agency" means the following entities that administer 98382
a family services program: 98383

~~(a)~~(i) The department of job and family services; 98384

~~(b)~~(ii) A county department of job and family services; 98385

~~(c)~~(iii) A public children services agency; 98386

~~(d)~~(iv) A private or government entity administering, in 98387
whole or in part, a family services program for or on behalf of 98388
the department of job and family services or a county department 98389
of job and family services or public children services agency. 98390

(b) If the department of medicaid contracts with the 98391
department of job and family services to hear appeals authorized 98392
by section 5160.31 of the Revised Code regarding medical 98393
assistance programs, "agency" includes the department of medicaid. 98394

(2) "Appellant" means an applicant, participant, former 98395
participant, recipient, or former recipient of a family services 98396
program who is entitled by federal or state law to a hearing 98397
regarding a decision or order of the agency that administers the 98398
program. 98399

(3)(a) "Family services program" means ~~assistance provided 98400
under a~~ all of the following: 98401

(i) A Title IV-A program as defined in section 5101.80 of the 98402
Revised Code ~~or;~~ 98403

(ii) Programs that provide assistance under Chapter 5104.7 98404
5111.7 or 5115. ~~or~~ of the Revised Code; 98405

(iii) Programs that provide assistance under section 5119.69, 98406
5101.141, ~~5101.46,~~ 5101.461, 5101.54, 5119.41, 5153.163, or 98407
5153.165 of the Revised Code~~;~~i 98408

(iv) Title XX social services provided under section 5101.46 98409
of the Revised Code, other than assistance such services provided 98410
~~under section 5101.46 of the Revised Code~~ by the department of 98411
~~mental health~~ mental health and addiction services, the department 98412
of developmental disabilities, a board of alcohol, drug addiction, 98413
and mental health services, or a county board of developmental 98414
disabilities. 98415

(b) If the department of medicaid contracts with the 98416
department of job and family services to hear appeals authorized 98417
by section 5160.31 of the Revised Code regarding medical 98418
assistance programs, "family services program" includes medical 98419
assistance programs. 98420

(4) "Medical assistance program" has the same meaning as in 98421
section 5160.01 of the Revised Code. 98422

(B) Except as provided by divisions (G) and (H) of this 98423
section, an appellant who appeals under federal or state law a 98424
decision or order of an agency administering a family services 98425
program shall, at the appellant's request, be granted a state 98426
hearing by the department of job and family services. This state 98427
hearing shall be conducted in accordance with rules adopted under 98428
this section. The state hearing shall be recorded, but neither the 98429
recording nor a transcript of the recording shall be part of the 98430
official record of the proceeding. ~~A~~ Except as provided in section 98431
5160.31 of the Revised Code, a state hearing decision is binding 98432
upon the agency and department, unless it is reversed or modified 98433
on appeal to the director of job and family services or a court of 98434
common pleas. 98435

(C) Except as provided by division (G) of this section, an 98436

appellant who disagrees with a state hearing decision may make an 98437
administrative appeal to the director of job and family services 98438
in accordance with rules adopted under this section. This 98439
administrative appeal does not require a hearing, but the director 98440
or the director's designee shall review the state hearing decision 98441
and previous administrative action and may affirm, modify, remand, 98442
or reverse the state hearing decision. An administrative appeal 98443
decision is the final decision of the department and, except as 98444
provided in section 5160.31 of the Revised Code, is binding upon 98445
the department and agency, unless it is reversed or modified on 98446
appeal to the court of common pleas. 98447

(D) An agency shall comply with a decision issued pursuant to 98448
division (B) or (C) of this section within the time limits 98449
established by rules adopted under this section. If a county 98450
department of job and family services or a public children 98451
services agency fails to comply within these time limits, the 98452
department may take action pursuant to section 5101.24 of the 98453
Revised Code. If another agency, other than the department of 98454
medicaid, fails to comply within the time limits, the department 98455
may force compliance by withholding funds due the agency or 98456
imposing another sanction established by rules adopted under this 98457
section. 98458

(E) An appellant who disagrees with an administrative appeal 98459
decision of the director of job and family services or the 98460
director's designee issued under division (C) of this section may 98461
appeal from the decision to the court of common pleas pursuant to 98462
section 119.12 of the Revised Code. The appeal shall be governed 98463
by section 119.12 of the Revised Code except that: 98464

(1) The person may appeal to the court of common pleas of the 98465
county in which the person resides, or to the court of common 98466
pleas of Franklin county if the person does not reside in this 98467
state. 98468

(2) The person may apply to the court for designation as an indigent and, if the court grants this application, the appellant shall not be required to furnish the costs of the appeal.

(3) The appellant shall mail the notice of appeal to the department of job and family services and file notice of appeal with the court within thirty days after the department mails the administrative appeal decision to the appellant. For good cause shown, the court may extend the time for mailing and filing notice of appeal, but such time shall not exceed six months from the date the department mails the administrative appeal decision. Filing notice of appeal with the court shall be the only act necessary to vest jurisdiction in the court.

(4) The department shall be required to file a transcript of the testimony of the state hearing with the court only if the court orders the department to file the transcript. The court shall make such an order only if it finds that the department and the appellant are unable to stipulate to the facts of the case and that the transcript is essential to a determination of the appeal. The department shall file the transcript not later than thirty days after the day such an order is issued.

(F) The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules governing the following:

(1) State hearings under division (B) of this section. The rules shall include provisions regarding notice of eligibility termination and the opportunity of an appellant appealing a decision or order of a county department of job and family services to request a county conference with the county department before the state hearing is held.

(2) Administrative appeals under division (C) of this section;

(3) Time limits for complying with a decision issued under 98500
division (B) or (C) of this section; 98501

(4) Sanctions that may be applied against an agency under 98502
division (D) of this section. 98503

(G) The department of job and family services may adopt rules 98504
in accordance with Chapter 119. of the Revised Code establishing 98505
an appeals process for an appellant who appeals a decision or 98506
order regarding a Title IV-A program identified under division 98507
(A)(4)(c), (d), (e), ~~or (f)~~, or (g) of section 5101.80 of the 98508
Revised Code that is different from the appeals process 98509
established by this section. The different appeals process may 98510
include having a state agency that administers the Title IV-A 98511
program pursuant to an interagency agreement entered into under 98512
section 5101.801 of the Revised Code administer the appeals 98513
process. 98514

(H) If an appellant receiving medicaid through a health 98515
insuring corporation that holds a certificate of authority under 98516
Chapter 1751. of the Revised Code is appealing a denial of 98517
medicaid services based on lack of medical necessity or other 98518
clinical issues regarding coverage by the health insuring 98519
corporation, the person hearing the appeal may order an 98520
independent medical review if that person determines that a review 98521
is necessary. The review shall be performed by a health care 98522
professional with appropriate clinical expertise in treating the 98523
recipient's condition or disease. The department shall pay the 98524
costs associated with the review. 98525

A review ordered under this division shall be part of the 98526
record of the hearing and shall be given appropriate evidentiary 98527
consideration by the person hearing the appeal. 98528

(I) The requirements of Chapter 119. of the Revised Code 98529
apply to a state hearing or administrative appeal under this 98530

section only to the extent, if any, specifically provided by rules 98531
adopted under this section. 98532

Sec. 5101.36. Any application for public assistance gives a 98533
right of subrogation to the department of job and family services 98534
for any workers' compensation benefits payable to a person who is 98535
subject to a support order, as defined in section 3119.01 of the 98536
Revised Code, on behalf of the applicant, to the extent of any 98537
public assistance payments made on the applicant's behalf. If the 98538
director of job and family services, in consultation with a child 98539
support enforcement agency and the administrator of the bureau of 98540
workers' compensation, determines that a person responsible for 98541
support payments to a recipient of public assistance is receiving 98542
workers' compensation, the director shall notify the administrator 98543
of the amount of the benefit to be paid to the department of job 98544
and family services. 98545

For purposes of this section, "public assistance" means 98546
~~medical assistance provided through the medical assistance program~~ 98547
~~established under section 5111.01 of the Revised Code;~~ Ohio works 98548
first provided under Chapter 5107. of the Revised Code; 98549
prevention, retention, and contingency benefits and services 98550
provided under Chapter 5108. of the Revised Code; or disability 98551
financial assistance provided under Chapter 5115. of the Revised 98552
Code. 98553

Sec. 5101.46. (A) As used in this section: 98554

(1) "Title XX" means Title XX of the "Social Security Act," 98555
88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended. 98556

(2) "Respective local agency" means, with respect to the 98557
department of job and family services, a county department of job 98558
and family services; with respect to the department of ~~mental~~ 98559
~~health~~ mental health and addiction services, a board of alcohol, 98560

drug addiction, and mental health services; and with respect to 98561
the department of developmental disabilities, a county board of 98562
developmental disabilities. 98563

(3) "Federal poverty guidelines" means the poverty guidelines 98564
as revised annually by the United States department of health and 98565
human services in accordance with section 673(2) of the "Omnibus 98566
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 98567
9902, as amended, for a family size equal to the size of the 98568
family of the person whose income is being determined. 98569

(B) The departments of job and family services, mental 98570
health, and developmental disabilities, with their respective 98571
local agencies, shall administer the provision of social services 98572
funded through grants made under Title XX. The social services 98573
furnished with Title XX funds shall be directed at the following 98574
goals: 98575

(1) Achieving or maintaining economic self-support to 98576
prevent, reduce, or eliminate dependency; 98577

(2) Achieving or maintaining self-sufficiency, including 98578
reduction or prevention of dependency; 98579

(3) Preventing or remedying neglect, abuse, or exploitation 98580
of children and adults unable to protect their own interests, or 98581
preserving, rehabilitating, or reuniting families; 98582

(4) Preventing or reducing inappropriate institutional care 98583
by providing for community-based care, home-based care, or other 98584
forms of less intensive care; 98585

(5) Securing referral or admission for institutional care 98586
when other forms of care are not appropriate, or providing 98587
services to individuals in institutions. 98588

(C)(1) All federal funds received under Title XX shall be 98589
appropriated as follows: 98590

- (a) Seventy-two and one-half per cent to the department of job and family services; 98591
98592
- (b) Twelve and ninety-three one-hundredths per cent to the department of ~~mental health~~ mental health and addiction services; 98593
98594
- (c) Fourteen and fifty-seven one-hundredths per cent to the department of developmental disabilities. 98595
98596
- (2) Each of the state departments shall, subject to the approval of the controlling board, develop a formula for the distribution of the Title XX funds appropriated to the department to its respective local agencies. The formula developed by each state department shall take into account all of the following for each of its respective local agencies: 98597
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98600
98601
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- (a) The total population of the area that is served by the respective local agency; 98603
98604
- (b) The percentage of the population in the area served that falls below the federal poverty guidelines; 98605
98606
- (c) The respective local agency's history of and ability to utilize Title XX funds. 98607
98608
- (3) Each of the state departments shall expend for state administrative costs not more than three per cent of the Title XX funds appropriated to the department. 98609
98610
98611
- Each state department shall establish for each of its respective local agencies the maximum percentage of the Title XX funds distributed to the respective local agency that the respective local agency may expend for local administrative costs. The percentage shall be established by rule and shall comply with federal law governing the use of Title XX funds. The rules shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. 98612
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- (4) The department of job and family services shall expend 98620

for the training of the following not more than two per cent of 98621
the Title XX funds appropriated to the department: 98622

(a) Employees of county departments of job and family 98623
services; 98624

(b) Providers of services under contract with the state 98625
departments' respective local agencies; 98626

(c) Employees of a public children services agency directly 98627
engaged in providing Title XX services. 98628

(5) Title XX funds distributed for the purpose of providing 98629
family planning services shall be distributed by the respective 98630
local agencies according to the same order of priority that 98631
applies to the department of job and family services under section 98632
5101.101 of the Revised Code. 98633

(D) The department of job and family services shall prepare 98634
an annual comprehensive Title XX social services plan on the 98635
intended use of Title XX funds. The department shall develop a 98636
method for obtaining public comment during the development of the 98637
plan and following its completion. 98638

For each federal fiscal year, the department of job and 98639
family services shall prepare a report on the actual use of Title 98640
XX funds. The department shall make the annual report available 98641
for public inspection. 98642

The departments of ~~mental health~~ mental health and addiction 98643
services and developmental disabilities shall prepare and submit 98644
to the department of job and family services the portions of each 98645
annual plan and report that apply to services for mental health 98646
and mental retardation and developmental disabilities. Each 98647
respective local agency of the three state departments shall 98648
submit information as necessary for the preparation of annual 98649
plans and reports. 98650

(E) Each county department of job and family services shall 98651
adopt a county profile for the administration and provision of 98652
Title XX social services in the county. In developing its county 98653
profile, the county department shall take into consideration the 98654
comments and recommendations received from the public by the 98655
county family services planning committee pursuant to section 98656
329.06 of the Revised Code. As part of its preparation of the 98657
county profile, the county department may prepare a local needs 98658
report analyzing the need for Title XX social services. 98659

The county department shall submit the county profile to the 98660
board of county commissioners for its review. Once the county 98661
profile has been approved by the board, the county department 98662
shall file a copy of the county profile with the department of job 98663
and family services. The department shall approve the county 98664
profile if the department determines the profile provides for the 98665
Title XX social services to meet the goals specified in division 98666
(B) of this section. 98667

(F) Any of the three state departments and their respective 98668
local agencies may require that an entity under contract to 98669
provide social services with Title XX funds submit to an audit on 98670
the basis of alleged misuse or improper accounting of funds. If an 98671
audit is required, the social services provider shall reimburse 98672
the state department or respective local agency for the cost it 98673
incurred in conducting the audit or having the audit conducted. 98674

If an audit demonstrates that a social services provider is 98675
responsible for one or more adverse findings, the provider shall 98676
reimburse the appropriate state department or its respective local 98677
agency the amount of the adverse findings. The amount shall not be 98678
reimbursed with Title XX funds received under this section. The 98679
three state departments and their respective local agencies may 98680
terminate or refuse to enter into a Title XX contract with a 98681
social services provider if there are adverse findings in an audit 98682

that are the responsibility of the provider. 98683

(G) Except with respect to the matters for which each of the 98684
state departments must adopt rules under division (C)(3) of this 98685
section, the department of job and family services may adopt any 98686
rules it considers necessary to implement and carry out the 98687
purposes of this section. Rules governing financial and 98688
operational matters of the department or matters between the 98689
department and county departments of job and family services shall 98690
be adopted as internal management rules in accordance with section 98691
111.15 of the Revised Code. Rules governing eligibility for 98692
services, program participation, and other matters pertaining to 98693
applicants and participants shall be adopted in accordance with 98694
Chapter 119. of the Revised Code. 98695

Sec. 5101.461. (A) As used in this section: 98696

(1) "Title IV-A" means Title IV-A of the "Social Security 98697
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 98698

(2) "Title XX" has the same meaning as in section 5101.46 of 98699
the Revised Code. 98700

(B) To the extent authorized by federal law, the department 98701
of job and family services may use funds received through the 98702
Title IV-A temporary assistance for needy families block grant for 98703
purposes of providing Title XX social services. The amount used 98704
under this section shall not exceed the maximum amount permitted 98705
by federal law. The funds and provision of Title XX social 98706
services with the funds are not subject to section 5101.46 of the 98707
Revised Code. 98708

Funds distributed under this section for the purpose of 98709
providing family planning services shall be distributed by a 98710
county department of job and family services according to the same 98711
order of priority that applies to the department of job and family 98712

services under section 5101.101 of the Revised Code. 98713

(C) The department and any county department of job and 98714
family services may require an entity under contract to provide 98715
Title XX social services with funds used under this section to 98716
submit to an audit on the basis of alleged misuse or improper 98717
accounting of funds. If an audit is required, the social services 98718
provider shall reimburse the state department or county department 98719
for the cost it incurred in conducting the audit or having the 98720
audit conducted. 98721

If an audit demonstrates that a social services provider is 98722
responsible for one or more adverse findings, the provider shall 98723
reimburse the state department or county department the amount of 98724
the adverse findings. The amount shall not be reimbursed with 98725
funds received under this section. The state department and county 98726
departments may terminate or refuse to enter into a contract with 98727
a social services provider to provide services with funds 98728
available pursuant to this section if there are adverse findings 98729
in an audit that are the responsibility of the provider. 98730

(D) The state department of job and family services may adopt 98731
rules to implement and carry out the purposes of this section. 98732
Rules governing financial and operational matters of the 98733
department or matters between the department and county 98734
departments of job and family services shall be adopted as 98735
internal management rules in accordance with section 111.15 of the 98736
Revised Code. Rules governing eligibility for services, program 98737
participation, and other matters pertaining to applicants and 98738
participants shall be adopted in accordance with Chapter 119. of 98739
the Revised Code. 98740

Sec. 5101.47. (A) Except as provided in divisions (B) and (C) 98741
of this section, the department of job and family services may 98742
accept applications, determine eligibility, redetermine 98743

eligibility, and perform related administrative activities for one 98744
or more of the following: 98745

~~(1) The medicaid program established by Chapter 5111. of the~~ 98746
~~Revised Code;~~ 98747

~~(2) The children's health insurance program parts I, II, and~~ 98748
~~III provided for under sections 5101.50 to 5101.529 of the Revised~~ 98749
~~Code;~~ 98750

~~(3)~~ Publicly funded child care provided under Chapter 5104. 98751
of the Revised Code; 98752

~~(4)~~(2) The supplemental nutrition assistance program 98753
administered by the department pursuant to section 5101.54 of the 98754
Revised Code; 98755

~~(5)~~(3) Other programs administered by the department that the 98756
director of job and family services determines are supportive of 98757
children, adults, or families; 98758

~~(6)~~(4) Other programs administered by the department 98759
regarding which the director determines administrative cost 98760
savings and efficiency may be achieved through the department 98761
accepting applications, determining eligibility, redetermining 98762
eligibility, or performing related administrative activities. 98763

~~(B) To the extent permitted by federal law, the department~~ 98764
~~may enter into agreements with one or more other state agencies,~~ 98765
~~local government entities, or political subdivisions to accept~~ 98766
~~applications, determine eligibility, redetermine eligibility, and~~ 98767
~~perform related administrative activities on behalf of the~~ 98768
~~department with respect to the medicaid program and the children's~~ 98769
~~health insurance program.~~ 98770

~~(C)~~ If federal law requires a face-to-face interview to 98771
complete an eligibility determination for a program specified in 98772
or pursuant to division (A) of this section, the face-to-face 98773

interview shall not be conducted by the department of job and family services. 98774
98775

~~(D)~~(C) Subject to division ~~(C)~~(B) of this section, if the 98776
department elects to accept applications, determine eligibility, 98777
redetermine eligibility, and perform related administrative 98778
activities for a program specified in or pursuant to division (A) 98779
of this section, both of the following apply: 98780

(1) An individual seeking services under the program may 98781
apply for the program to the department or to the entity that 98782
state law governing the program authorizes to accept applications 98783
for the program. 98784

(2) The department is subject to federal statutes and 98785
regulations and state statutes and rules that require, permit, or 98786
prohibit an action regarding accepting applications, determining 98787
or redetermining eligibility, and performing related 98788
administrative activities for the program. 98789

~~(E)~~(D) The director may adopt rules as necessary to implement 98790
this section. 98791

Sec. 5101.49. The department of job and family services shall 98792
administer funds received under the "Refugee Act of 1980," 94 98793
Stat. 102, 8 U.S.C.A. 1521, as amended. In administering the 98794
funds, the department may establish a refugee cash assistance 98795
program and a state legalization impact assistance program. The 98796
director of job and family services may adopt rules in accordance 98797
with section 111.15 of the Revised Code and issue appropriate 98798
orders as necessary for administration of these funds and 98799
programs. 98800

Sec. 5101.60. As used in sections 5101.60 to 5101.71 of the 98801
Revised Code: 98802

(A) "Abuse" means the infliction upon an adult by self or 98803

others of injury, unreasonable confinement, intimidation, or cruel 98804
punishment with resulting physical harm, pain, or mental anguish. 98805

(B) "Adult" means any person sixty years of age or older 98806
within this state who is handicapped by the infirmities of aging 98807
or who has a physical or mental impairment which prevents the 98808
person from providing for the person's own care or protection, and 98809
who resides in an independent living arrangement. An "independent 98810
living arrangement" is a domicile of a person's own choosing, 98811
including, but not limited to, a private home, apartment, trailer, 98812
or rooming house. An "independent living arrangement" includes a 98813
residential facility licensed under section ~~5119.22~~ 5119.34 of the 98814
Revised Code that provides accommodations, supervision, and 98815
personal care services for three to sixteen unrelated adults, but 98816
does not include other institutions or facilities licensed by the 98817
state or facilities in which a person resides as a result of 98818
voluntary, civil, or criminal commitment. 98819

(C) "Caretaker" means the person assuming the responsibility 98820
for the care of an adult on a voluntary basis, by contract, 98821
through receipt of payment for care, as a result of a family 98822
relationship, or by order of a court of competent jurisdiction. 98823

(D) "Court" means the probate court in the county where an 98824
adult resides. 98825

(E) "Emergency" means that the adult is living in conditions 98826
which present a substantial risk of immediate and irreparable 98827
physical harm or death to self or any other person. 98828

(F) "Emergency services" means protective services furnished 98829
to an adult in an emergency. 98830

(G) "Exploitation" means the unlawful or improper act of a 98831
caretaker using an adult or an adult's resources for monetary or 98832
personal benefit, profit, or gain. 98833

(H) "In need of protective services" means an adult known or 98834

suspected to be suffering from abuse, neglect, or exploitation to 98835
an extent that either life is endangered or physical harm, mental 98836
anguish, or mental illness results or is likely to result. 98837

(I) "Incapacitated person" means a person who is impaired for 98838
any reason to the extent that the person lacks sufficient 98839
understanding or capacity to make and carry out reasonable 98840
decisions concerning the person's self or resources, with or 98841
without the assistance of a caretaker. Refusal to consent to the 98842
provision of services shall not be the sole determinative that the 98843
person is incapacitated. "Reasonable decisions" are decisions made 98844
in daily living which facilitate the provision of food, shelter, 98845
clothing, and health care necessary for life support. 98846

(J) "Mental illness" means a substantial disorder of thought, 98847
mood, perception, orientation, or memory that grossly impairs 98848
judgment, behavior, capacity to recognize reality, or ability to 98849
meet the ordinary demands of life. 98850

(K) "Neglect" means the failure of an adult to provide for 98851
self the goods or services necessary to avoid physical harm, 98852
mental anguish, or mental illness or the failure of a caretaker to 98853
provide such goods or services. 98854

(L) "Peace officer" means a peace officer as defined in 98855
section 2935.01 of the Revised Code. 98856

(M) "Physical harm" means bodily pain, injury, impairment, or 98857
disease suffered by an adult. 98858

(N) "Protective services" means services provided by the 98859
county department of job and family services or its designated 98860
agency to an adult who has been determined by evaluation to 98861
require such services for the prevention, correction, or 98862
discontinuance of an act of as well as conditions resulting from 98863
abuse, neglect, or exploitation. Protective services may include, 98864
but are not limited to, case work services, medical care, mental 98865

health services, legal services, fiscal management, home health 98866
care, homemaker services, housing-related services, guardianship 98867
services, and placement services as well as the provision of such 98868
commodities as food, clothing, and shelter. 98869

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, 98870
and Friday, except when such day is a holiday as defined in 98871
section 1.14 of the Revised Code. 98872

Sec. 5101.61. (A) As used in this section: 98873

(1) "Senior service provider" means any person who provides 98874
care or services to a person who is an adult as defined in 98875
division (B) of section 5101.60 of the Revised Code. 98876

(2) "Ambulatory health facility" means a nonprofit, public or 98877
proprietary freestanding organization or a unit of such an agency 98878
or organization that: 98879

(a) Provides preventive, diagnostic, therapeutic, 98880
rehabilitative, or palliative items or services furnished to an 98881
outpatient or ambulatory patient, by or under the direction of a 98882
physician or dentist in a facility which is not a part of a 98883
hospital, but which is organized and operated to provide medical 98884
care to outpatients; 98885

(b) Has health and medical care policies which are developed 98886
with the advice of, and with the provision of review of such 98887
policies, an advisory committee of professional personnel, 98888
including one or more physicians, one or more dentists, if dental 98889
care is provided, and one or more registered nurses; 98890

(c) Has a medical director, a dental director, if dental care 98891
is provided, and a nursing director responsible for the execution 98892
of such policies, and has physicians, dentists, nursing, and 98893
ancillary staff appropriate to the scope of services provided; 98894

(d) Requires that the health care and medical care of every 98895

patient be under the supervision of a physician, provides for 98896
medical care in a case of emergency, has in effect a written 98897
agreement with one or more hospitals and other centers or clinics, 98898
and has an established patient referral system to other resources, 98899
and a utilization review plan and program; 98900

(e) Maintains clinical records on all patients; 98901

(f) Provides nursing services and other therapeutic services 98902
in accordance with programs and policies, with such services 98903
supervised by a registered professional nurse, and has a 98904
registered professional nurse on duty at all times of clinical 98905
operations; 98906

(g) Provides approved methods and procedures for the 98907
dispensing and administration of drugs and biologicals; 98908

(h) Has established an accounting and record keeping system 98909
to determine reasonable and allowable costs; 98910

(i) "Ambulatory health facilities" also includes an 98911
alcoholism treatment facility approved by the joint commission on 98912
accreditation of healthcare organizations as an alcoholism 98913
treatment facility or certified by the department of ~~alcohol and~~ 98914
~~drug addiction services~~ mental health and addiction services, and 98915
such facility shall comply with other provisions of this division 98916
not inconsistent with such accreditation or certification. 98917

(3) "Community mental health facility" means a facility which 98918
provides community mental health services and is included in the 98919
comprehensive mental health plan for the alcohol, drug addiction, 98920
and mental health service district in which it is located. 98921

(4) "Community mental health service" means services, other 98922
than inpatient services, provided by a community mental health 98923
facility. 98924

(5) "Home health agency" means an institution or a distinct 98925

part of an institution operated in this state which: 98926

(a) Is primarily engaged in providing home health services; 98927

(b) Has home health policies which are established by a group 98928
of professional personnel, including one or more duly licensed 98929
doctors of medicine or osteopathy and one or more registered 98930
professional nurses, to govern the home health services it 98931
provides and which includes a requirement that every patient must 98932
be under the care of a duly licensed doctor of medicine or 98933
osteopathy; 98934

(c) Is under the supervision of a duly licensed doctor of 98935
medicine or doctor of osteopathy or a registered professional 98936
nurse who is responsible for the execution of such home health 98937
policies; 98938

(d) Maintains comprehensive records on all patients; 98939

(e) Is operated by the state, a political subdivision, or an 98940
agency of either, or is operated not for profit in this state and 98941
is licensed or registered, if required, pursuant to law by the 98942
appropriate department of the state, county, or municipality in 98943
which it furnishes services; or is operated for profit in this 98944
state, meets all the requirements specified in divisions (A)(5)(a) 98945
to (d) of this section, and is certified under Title XVIII of the 98946
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 98947
amended. 98948

(6) "Home health service" means the following items and 98949
services, provided, except as provided in division (A)(6)(g) of 98950
this section, on a visiting basis in a place of residence used as 98951
the patient's home: 98952

(a) Nursing care provided by or under the supervision of a 98953
registered professional nurse; 98954

(b) Physical, occupational, or speech therapy ordered by the 98955

patient's attending physician;	98956
(c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;	98957 98958 98959
(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;	98960 98961 98962
(e) Medical supplies and the use of medical appliances;	98963
(f) Medical services of interns and residents-in-training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;	98964 98965 98966 98967
(g) Any of the foregoing items and services which:	98968
(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;	98969 98970 98971
(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment.	98972 98973 98974 98975 98976
Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of a residential facility licensed under section 5119.22 <u>5119.34</u> of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, any employee of a nursing home, residential care	98977 98978 98979 98980 98981 98982 98983 98984 98985

facility, or home for the aging, as defined in section 3721.01 of 98986
the Revised Code, any senior service provider, any peace officer, 98987
coroner, member of the clergy, any employee of a community mental 98988
health facility, and any person engaged in social work or 98989
counseling having reasonable cause to believe that an adult is 98990
being abused, neglected, or exploited, or is in a condition which 98991
is the result of abuse, neglect, or exploitation shall immediately 98992
report such belief to the county department of job and family 98993
services. This section does not apply to employees of any hospital 98994
or public hospital as defined in section 5122.01 of the Revised 98995
Code. 98996

(B) Any person having reasonable cause to believe that an 98997
adult has suffered abuse, neglect, or exploitation may report, or 98998
cause reports to be made of such belief to the department. 98999

(C) The reports made under this section shall be made orally 99000
or in writing except that oral reports shall be followed by a 99001
written report if a written report is requested by the department. 99002
Written reports shall include: 99003

(1) The name, address, and approximate age of the adult who 99004
is the subject of the report; 99005

(2) The name and address of the individual responsible for 99006
the adult's care, if any individual is, and if the individual is 99007
known; 99008

(3) The nature and extent of the alleged abuse, neglect, or 99009
exploitation of the adult; 99010

(4) The basis of the reporter's belief that the adult has 99011
been abused, neglected, or exploited. 99012

(D) Any person with reasonable cause to believe that an adult 99013
is suffering abuse, neglect, or exploitation who makes a report 99014
pursuant to this section or who testifies in any administrative or 99015
judicial proceeding arising from such a report, or any employee of 99016

the state or any of its subdivisions who is discharging 99017
responsibilities under section 5101.62 of the Revised Code shall 99018
be immune from civil or criminal liability on account of such 99019
investigation, report, or testimony, except liability for perjury, 99020
unless the person has acted in bad faith or with malicious 99021
purpose. 99022

(E) No employer or any other person with the authority to do 99023
so shall discharge, demote, transfer, prepare a negative work 99024
performance evaluation, or reduce benefits, pay, or work 99025
privileges, or take any other action detrimental to an employee or 99026
in any way retaliate against an employee as a result of the 99027
employee's having filed a report under this section. 99028

(F) Neither the written or oral report provided for in this 99029
section nor the investigatory report provided for in section 99030
5101.62 of the Revised Code shall be considered a public record as 99031
defined in section 149.43 of the Revised Code. Information 99032
contained in the report shall upon request be made available to 99033
the adult who is the subject of the report, to agencies authorized 99034
by the department to receive information contained in the report, 99035
and to legal counsel for the adult. 99036

Sec. 5101.80. (A) As used in this section and in section 99037
5101.801 of the Revised Code: 99038

(1) "County family services agency" has the same meaning as 99039
in section 307.981 of the Revised Code. 99040

(2) "State agency" has the same meaning as in section 9.82 of 99041
the Revised Code. 99042

(3) "Title IV-A administrative agency" means both of the 99043
following: 99044

(a) A county family services agency or state agency 99045
administering a Title IV-A program under the supervision of the 99046

department of job and family services; 99047

(b) A government agency or private, not-for-profit entity 99048
administering a project funded in whole or in part with funds 99049
provided under the Title IV-A demonstration program created under 99050
section 5101.803 of the Revised Code. 99051

(4) "Title IV-A program" means all of the following that are 99052
funded in part with funds provided under the temporary assistance 99053
for needy families block grant established by Title IV-A of the 99054
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 99055
amended: 99056

(a) The Ohio works first program established under Chapter 99057
5107. of the Revised Code; 99058

(b) The prevention, retention, and contingency program 99059
established under Chapter 5108. of the Revised Code; 99060

(c) A program established by the general assembly or an 99061
executive order issued by the governor that is administered or 99062
supervised by the department of job and family services pursuant 99063
to section 5101.801 of the Revised Code; 99064

(d) The kinship permanency incentive program created under 99065
section 5101.802 of the Revised Code; 99066

(e) The Title IV-A demonstration program created under 99067
section 5101.803 of the Revised Code; 99068

(f) The Ohio parenting and pregnancy program created under 99069
section 5101.804 of the Revised Code; 99070

(g) A component of a Title IV-A program identified under 99071
divisions (A)(4)(a) to ~~(e)~~(f) of this section that the Title IV-A 99072
state plan prepared under division (C)(1) of this section 99073
identifies as a component. 99074

(B) The department of job and family services shall act as 99075
the single state agency to administer and supervise the 99076

administration of Title IV-A programs. The Title IV-A state plan 99077
and amendments to the plan prepared under division (C) of this 99078
section are binding on Title IV-A administrative agencies. No 99079
Title IV-A administrative agency may establish, by rule or 99080
otherwise, a policy governing a Title IV-A program that is 99081
inconsistent with a Title IV-A program policy established, in rule 99082
or otherwise, by the director of job and family services. 99083

(C) The department of job and family services shall do all of 99084
the following: 99085

(1) Prepare and submit to the United States secretary of 99086
health and human services a Title IV-A state plan for Title IV-A 99087
programs; 99088

(2) Prepare and submit to the United States secretary of 99089
health and human services amendments to the Title IV-A state plan 99090
that the department determines necessary, including amendments 99091
necessary to implement Title IV-A programs identified in divisions 99092
(A)(4)(c) to ~~(f)~~(g) of this section; 99093

(3) Prescribe forms for applications, certificates, reports, 99094
records, and accounts of Title IV-A administrative agencies, and 99095
other matters related to Title IV-A programs; 99096

(4) Make such reports, in such form and containing such 99097
information as the department may find necessary to assure the 99098
correctness and verification of such reports, regarding Title IV-A 99099
programs; 99100

(5) Require reports and information from each Title IV-A 99101
administrative agency as may be necessary or advisable regarding a 99102
Title IV-A program; 99103

(6) Afford a fair hearing in accordance with section 5101.35 99104
of the Revised Code to any applicant for, or participant or former 99105
participant of, a Title IV-A program aggrieved by a decision 99106
regarding the program; 99107

(7) Administer and expend, pursuant to Chapters 5104., 5107., 99108
and 5108. of the Revised Code and sections 5101.801, 5101.802, ~~and~~ 99109
5101.803, and 5101.804 of the Revised Code, any sums appropriated 99110
by the general assembly for the purpose of those chapters and 99111
sections and all sums paid to the state by the secretary of the 99112
treasury of the United States as authorized by Title IV-A of the 99113
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 99114
amended; 99115

(8) Conduct investigations and audits as are necessary 99116
regarding Title IV-A programs; 99117

(9) Enter into reciprocal agreements with other states 99118
relative to the provision of Ohio works first and prevention, 99119
retention, and contingency to residents and nonresidents; 99120

(10) Contract with a private entity to conduct an independent 99121
on-going evaluation of the Ohio works first program and the 99122
prevention, retention, and contingency program. The contract must 99123
require the private entity to do all of the following: 99124

(a) Examine issues of process, practice, impact, and 99125
outcomes; 99126

(b) Study former participants of Ohio works first who have 99127
not participated in Ohio works first for at least one year to 99128
determine whether they are employed, the type of employment in 99129
which they are engaged, the amount of compensation they are 99130
receiving, whether their employer provides health insurance, 99131
whether and how often they have received benefits or services 99132
under the prevention, retention, and contingency program, and 99133
whether they are successfully self sufficient; 99134

(c) Provide the department with reports at times the 99135
department specifies. 99136

(11) Not later than the last day of each January and July, 99137
prepare a report containing information on the following: 99138

(a) Individuals exhausting the time limits for participation 99139
in Ohio works first set forth in section 5107.18 of the Revised 99140
Code. 99141

(b) Individuals who have been exempted from the time limits 99142
set forth in section 5107.18 of the Revised Code and the reasons 99143
for the exemption. 99144

(D) The department shall provide copies of the reports it 99145
receives under division (C)(10) of this section and prepares under 99146
division (C)(11) of this section to the governor, the president 99147
and minority leader of the senate, and the speaker and minority 99148
leader of the house of representatives. The department shall 99149
provide copies of the reports to any private or government entity 99150
on request. 99151

(E) An authorized representative of the department or a 99152
county family services agency or state agency administering a 99153
Title IV-A program shall have access to all records and 99154
information bearing thereon for the purposes of investigations 99155
conducted pursuant to this section. An authorized representative 99156
of a government entity or private, not-for-profit entity 99157
administering a project funded in whole or in part with funds 99158
provided under the Title IV-A demonstration program shall have 99159
access to all records and information bearing on the project for 99160
the purpose of investigations conducted pursuant to this section. 99161

Sec. 5101.801. (A) Except as otherwise provided by the law 99162
enacted by the general assembly or executive order issued by the 99163
governor establishing the Title IV-A program, a Title IV-A program 99164
identified under division (A)(4)(c), (d), (e), ~~or (f)~~, or (g) of 99165
section 5101.80 of the Revised Code shall provide benefits and 99166
services that are not "assistance" as defined in 45 C.F.R. 99167
260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) 99168
excludes from the definition of assistance. 99169

(B)(1) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, the department of job and family services shall do either of the following regarding a Title IV-A program identified under division (A)(4)(c), (d), (e), ~~or~~ (f), or (g) of section 5101.80 of the Revised Code:

(a) Administer the program or supervise a county family services agency's administration of the program;

(b) Enter into an interagency agreement with a state agency for the state agency to administer the program under the department's supervision.

(2) The department may enter into an agreement with a government entity and, to the extent permitted by federal law, a private, not-for-profit entity for the entity to receive funding for a project under the Title IV-A demonstration program created under section 5101.803 of the Revised Code.

(3) To the extent permitted by federal law, the department may enter into an agreement with a private, not-for-profit entity for the entity to receive funds under the Ohio parenting and pregnancy program created under section 5101.804 of the Revised Code.

(C) The department may adopt rules governing Title IV-A programs identified under divisions (A)(4)(c), (d), (e), ~~and~~ (f), and (g) of section 5101.80 of the Revised Code. Rules governing financial and operational matters of the department or between the department and county family services agencies shall be adopted as internal management rules adopted in accordance with section 111.15 of the Revised Code. All other rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(D) If the department enters into an agreement regarding a Title IV-A program identified under division (A)(4)(c), (e), ~~or~~

(f), or (g) of section 5101.80 of the Revised Code pursuant to 99201
division (B)(1)(b) or (2) of this section, the agreement shall 99202
include at least all of the following: 99203

(1) A requirement that the state agency or entity comply with 99204
the requirements for the program or project, including all of the 99205
following requirements established by federal statutes and 99206
regulations, state statutes and rules, the United States office of 99207
management and budget, and the Title IV-A state plan prepared 99208
under section 5101.80 of the Revised Code: 99209

(a) Eligibility; 99210

(b) Reports; 99211

(c) Benefits and services; 99212

(d) Use of funds; 99213

(e) Appeals for applicants for, and recipients and former 99214
recipients of, the benefits and services; 99215

(f) Audits. 99216

(2) A complete description of all of the following: 99217

(a) The benefits and services that the program or project is 99218
to provide; 99219

(b) The methods of program or project administration; 99220

(c) The appeals process under section 5101.35 of the Revised 99221
Code for applicants for, and recipients and former recipients of, 99222
the program or project's benefits and services; 99223

(d) Other requirements that the department requires be 99224
included. 99225

(3) Procedures for the department to approve a policy, 99226
established by rule or otherwise, that the state agency or entity 99227
establishes for the program or project before the policy is 99228
established; 99229

(4) Provisions regarding how the department is to reimburse 99230
the state agency or entity for allowable expenditures under the 99231
program or project that the department approves, including all of 99232
the following: 99233

(a) Limitations on administrative costs; 99234

(b) The department, at its discretion, doing either of the 99235
following: 99236

(i) Withholding no more than five per cent of the funds that 99237
the department would otherwise provide to the state agency or 99238
entity for the program or project; 99239

(ii) Charging the state agency or entity for the costs to the 99240
department of performing, or contracting for the performance of, 99241
audits and other administrative functions associated with the 99242
program or project. 99243

(5) If the state agency or entity arranges by contract, 99244
grant, or other agreement for another entity to perform a function 99245
the state agency or entity would otherwise perform regarding the 99246
program or project, the state agency or entity's responsibilities 99247
for both of the following: 99248

(a) Ensuring that the other entity complies with the 99249
agreement between the state agency or entity and department and 99250
federal statutes and regulations and state statutes and rules 99251
governing the use of funds for the program or project; 99252

(b) Auditing the other entity in accordance with requirements 99253
established by the United States office of management and budget. 99254

(6) The state agency or entity's responsibilities regarding 99255
the prompt payment, including any interest assessed, of any 99256
adverse audit finding, final disallowance of federal funds, or 99257
other sanction or penalty imposed by the federal government, 99258
auditor of state, department, a court, or other entity regarding 99259

funds for the program or project;	99260
(7) Provisions for the department to terminate the agreement	99261
or withhold reimbursement from the state agency or entity if	99262
either of the following occur:	99263
(a) The federal government disapproves the program or project	99264
or reduces federal funds for the program or project;	99265
(b) The state agency or entity fails to comply with the terms	99266
of the agreement.	99267
(8) Provisions for both of the following:	99268
(a) The department and state agency or entity determining the	99269
performance outcomes expected for the program or project;	99270
(b) An evaluation of the program or project to determine its	99271
success in achieving the performance outcomes determined under	99272
division (D)(8)(a) of this section.	99273
(E) To the extent consistent with the law enacted by the	99274
general assembly or executive order issued by the governor	99275
establishing the Title IV-A program and subject to the approval of	99276
the director of budget and management, the director of job and	99277
family services may terminate a Title IV-A program identified	99278
under division (A)(4)(c), (d), (e), or (f), <u>or (g)</u> of section	99279
5101.80 of the Revised Code or reduce funding for the program if	99280
the director of job and family services determines that federal or	99281
state funds are insufficient to fund the program. If the director	99282
of budget and management approves the termination or reduction in	99283
funding for such a program, the director of job and family	99284
services shall issue instructions for the termination or funding	99285
reduction. If a Title IV-A administrative agency is administering	99286
the program, the agency is bound by the termination or funding	99287
reduction and shall comply with the director's instructions.	99288
(F) The director of job and family services may adopt	99289

internal management rules in accordance with section 111.15 of the Revised Code as necessary to implement this section. The rules are binding on each Title IV-A administrative agency.

Sec. 5101.803. (A) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the Title IV-A demonstration program to provide funding for innovative and promising prevention and intervention projects that meet one or more of the four purposes of the temporary assistance for needy families block grant as specified in 42 U.S.C. 601 and are for individuals with specific and multiple barriers to achieving or maintaining self-sufficiency and personal responsibility. The department of job and family services may provide funding for such projects to government entities and, to the extent permitted by federal law, private, not-for-profit entities with which the department enters into agreements under division (B)(2) of section 5101.801 of the Revised Code.

In accordance with criteria the department develops, the department may solicit proposals ~~for~~ from entities seeking to enter into an agreement with the department under division (B)(2) of section 5101.801 of the Revised Code. The department may enter into such agreements with entities that do both of the following:

(1) Meet the proposals' criteria;

(2) If the entity's proposed project does not potentially affect persons in each county of the state, provides the department evidence that the entity has notified, in writing, the county department of job and family services of each county where persons may be affected by the implementation of the project.

(B) In developing the criteria, soliciting the proposals, and entering in the agreements, the department shall comply with all applicable federal and state laws, the Title IV-A state plan submitted to the United States secretary of health and human

services under section 5101.80 of the Revised Code, amendments to 99321
the Title IV-A state plan submitted to the United States secretary 99322
under that section, and federal waivers the United States 99323
secretary grants. 99324

(C) The department shall begin implementation of the Title 99325
IV-A demonstration program no later than January 1, 2006. 99326

Sec. 5101.804. (A) Subject to division (E) of section 99327
5101.801 of the Revised Code, there is hereby created the Ohio 99328
parenting and pregnancy program to provide services for pregnant 99329
women and parents or other relatives caring for children twelve 99330
months of age or younger that do both of the following: 99331

(1) Promote childbirth, parenting, and alternatives to 99332
abortion; 99333

(2) Meet one or more of the four purposes of the temporary 99334
assistance for needy families block grant as specified in 42 99335
U.S.C. 601. 99336

(B) To the extent permitted by federal law, the department of 99337
job and family services may provide funds under the program to 99338
entities with which the department enters into agreements under 99339
division (B)(3) of section 5101.801 of the Revised Code. In 99340
accordance with criteria the department develops, the department 99341
may solicit proposals from entities seeking to provide services 99342
under the program. The department may enter into an agreement with 99343
an entity only if it meets all of the following conditions: 99344

(1) Is a private, not-for-profit entity; 99345

(2) Is an entity whose primary purpose is to promote 99346
childbirth, rather than abortion, through counseling and other 99347
services, including parenting and adoption support; 99348

(3) Provides services to pregnant women and parents or other 99349
relatives caring for children twelve months of age or younger, 99350

including clothing, counseling, diapers, food, furniture, health care, parenting classes, postpartum recovery, shelter, and any other supportive services, programs, or related outreach; 99351
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(4) Does not charge pregnant women and parents or other relatives caring for children twelve months of age or younger a fee for any services received; 99354
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(5) Is not involved in or associated with any abortion activities, including providing abortion counseling or referrals to abortion clinics, performing abortion-related medical procedures, or engaging in pro-abortion advertising; 99357
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(6) Does not discriminate in its provision of services on the basis of race, religion, color, age, marital status, national origin, disability, or gender. 99361
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(C) An entity that has entered into an agreement with the department under division (B)(3) of section 5101.801 of the Revised Code may enter into a subcontract with another entity under which the other entity provides all or part of the services described in division (B)(3) of this section. A subcontract may be entered into with another entity only if that entity meets all of the following conditions: 99364
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(1) Is a private, not-for-profit entity; 99371

(2) Is physically and financially separate from any entity, or component of an entity, that engages in abortion activities; 99372
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(3) Is not involved in or associated with any abortion activities, including providing abortion counseling or referrals to abortion clinics, performing abortion-related medical procedures, or engaging in pro-abortion advertising. 99374
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(D) The director of job and family services shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement the Ohio parenting and pregnancy program. 99378
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Sec. 5103.02. As used in sections 5103.03 to 5103.17 of the Revised Code:

(A)(1) "Association" or "institution" includes ~~any~~ all of the following:

(a) Any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks; ~~any~~

(b) Any individual, including the operator of a foster home, who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage; ~~and any~~

(c) Any individual not in the regular employ of a court, or of an institution or association certified in accordance with section 5103.03 of the Revised Code, who in any manner becomes a party to the placing of children in foster homes, unless the individual is related to such children by blood or marriage, or is the appointed guardian of such children; ~~provided, that any.~~

(2) "Association" or "institution" does not include any of the following:

(a) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education, a local board of education, the department of youth services, the department of ~~mental health~~ mental health and addiction services, or the department of developmental disabilities; ~~or any;~~

(b) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody, ~~shall not be considered as being within the purview of~~

these sections;	99411
<u>(c) A therapeutic wilderness camp.</u>	99412
(B) "Family foster home" means a foster home that is not a specialized foster home.	99413 99414
(C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code.	99415 99416
(D) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and specialized foster homes are types of foster homes.	99417 99418 99419 99420 99421 99422 99423 99424 99425
(E) "Medically fragile foster home" means a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria:	99426 99427 99428 99429
(1) Under rules adopted by the department of job and family services <u>medicaid director</u> governing payment under Chapter 5111 of the Revised Code <u>medicaid payments</u> for long-term care services, the children require a skilled level of care.	99430 99431 99432 99433
(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions.	99434 99435 99436
(3) The children require the services of a registered nurse on a daily basis.	99437 99438
(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility	99439 99440

for ~~the mentally retarded~~ individuals with intellectual 99441
disabilities. 99442

(F) "Recommending agency" means a public children services 99443
agency, private child placing agency, or private noncustodial 99444
agency that recommends that the department of job and family 99445
services take any of the following actions under section 5103.03 99446
of the Revised Code regarding a foster home: 99447

(1) Issue a certificate; 99448

(2) Deny a certificate; 99449

(3) Renew a certificate; 99450

(4) Deny renewal of a certificate; 99451

(5) Revoke a certificate. 99452

(G) "Specialized foster home" means a medically fragile 99453
foster home or a treatment foster home. 99454

(H) "Treatment foster home" means a foster home that 99455
incorporates special rehabilitative services designed to treat the 99456
specific needs of the children received in the foster home and 99457
that receives and cares for children who are emotionally or 99458
behaviorally disturbed, chemically dependent, mentally retarded, 99459
developmentally disabled, or who otherwise have exceptional needs. 99460

(I) "Therapeutic wilderness camp" means a structured, 99461
alternative residential setting for children who are experiencing 99462
emotional, behavioral, moral, social, or learning difficulties at 99463
home or school in which both of the following are the case: 99464

(1) The children spend the majority of their time, including 99465
overnight, either outdoors or in a primitive structure; 99466

(2) The children have been placed there by their parents or 99467
another relative having custody. 99468

Sec. 5103.0323. (A) As used in this section, "~~government~~" 99469

~~auditing standards" means the government auditing standards~~ 99470
~~published by the comptroller general of the United States general~~ 99471
~~accounting office "American institute of certified public~~ 99472
~~accountants auditing standards" and "AICPA auditing standards"~~ 99473
~~mean the auditing standards published by the American institute of~~ 99474
~~certified public accountants.~~ 99475

(B) The first time that a private child placing agency or 99476
private noncustodial agency seeks renewal of a certificate issued 99477
under section 5103.03 of the Revised Code, it shall provide the 99478
department of job and family services, as a condition of renewal, 99479
evidence of an independent financial statement audit ~~of its first~~ 99480
~~year of certification, unless the auditor of state has audited the~~ 99481
~~agency during that year and the audit sets forth that no money has~~ 99482
~~been illegally expended, converted, misappropriated, or is~~ 99483
~~unaccounted for or sets forth findings that are inconsequential,~~ 99484
~~as defined by government performed by a licensed public accounting~~ 99485
firm following applicable AICPA auditing standards for the most 99486
recent fiscal year. Thereafter, when an agency seeks renewal of 99487
its certificate, it shall provide the department evidence of an 99488
independent financial statement audit performed by a licensed 99489
public accounting firm following applicable AICPA auditing 99490
standards for the two most recent previous fiscal years it is 99491
possible for an independent audit to have been conducted, ~~unless~~ 99492
~~the auditor of state has audited the agency during those years and~~ 99493
~~the audit sets forth that no money has been illegally expended,~~ 99494
~~converted, misappropriated, or is unaccounted for or sets forth~~ 99495
~~findings that are inconsequential, as defined by government~~ 99496
~~auditing standards.~~ 99497

(C) For an agency to be eligible for renewal, the independent 99498
audits must demonstrate that the agency operated in a fiscally 99499
accountable manner ~~in accordance with state laws and rules and any~~ 99500
~~agreement between the agency and a public children services~~ 99501

~~agency.~~ 99502

~~All audits required by this section shall be conducted in accordance with generally accepted government auditing standards as determined by the department of job and family services.~~ 99503
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(D) The director of job and family services may adopt rules as necessary to implement this section. The director shall adopt the rules in accordance with section 111.15 of the Revised Code. 99506
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Sec. 5103.05. (A) A therapeutic wilderness camp annually shall certify in a report to the parents of the children attending the camp that the camp meets the minimum standards for such camps specified in division (B) of this section. The camp shall file a copy of each report with the department of job and family services. 99509
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(B) The camp shall comply with the criminal records check requirements that apply to residential camps pursuant to section 2151.86 of the Revised Code. 99515
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The camp shall comply with the requirements established in rules adopted by the department of health that apply to camps. 99518
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Sec. 5103.13. (A) As used in this section and section 5103.131 of the Revised Code: 99520
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(1)(a) "Children's crisis care facility" means a facility that has as its primary purpose the provision of residential and other care to either or both of the following: 99522
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(i) One or more preteens voluntarily placed in the facility by the preteen's parent or other caretaker who is facing a crisis that causes the parent or other caretaker to seek temporary care for the preteen and referral for support services; 99525
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(ii) One or more preteens placed in the facility by a public children services agency or private child placing agency that has 99529
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legal custody or permanent custody of the preteen and determines 99531
that an emergency situation exists necessitating the preteen's 99532
placement in the facility rather than an institution certified 99533
under section 5103.03 of the Revised Code or elsewhere. 99534

(b) "Children's crisis care facility" does not include either 99535
of the following: 99536

(i) Any organization, society, association, school, agency, 99537
child guidance center, detention or rehabilitation facility, or 99538
children's clinic licensed, regulated, approved, operated under 99539
the direction of, or otherwise certified by the department of 99540
education, a local board of education, the department of youth 99541
services, the department of ~~mental health~~ mental health and 99542
addiction services, or the department of developmental 99543
disabilities; 99544

(ii) Any individual who provides care for only a 99545
single-family group, placed there by their parents or other 99546
relative having custody. 99547

(2) "Legal custody" and "permanent custody" have the same 99548
meanings as in section 2151.011 of the Revised Code. 99549

(3) "Preteen" means an individual under thirteen years of 99550
age. 99551

(B) No person shall operate a children's crisis care facility 99552
or hold a children's crisis care facility out as a certified 99553
children's crisis care facility unless there is a valid children's 99554
crisis care facility certificate issued under this section for the 99555
facility. 99556

(C) A person seeking to operate a children's crisis care 99557
facility shall apply to the director of job and family services to 99558
obtain a certificate for the facility. The director shall certify 99559
the person's children's crisis care facility if the facility meets 99560
all of the certification standards established in rules adopted 99561

under division (F) of this section and the person complies with 99562
all of the rules governing the certification of children's crisis 99563
care facilities adopted under that division. The issuance of a 99564
children's crisis care facility certificate does not exempt the 99565
facility from a requirement to obtain another certificate or 99566
license mandated by law. 99567

(D)(1) No certified children's crisis care facility shall do 99568
any of the following: 99569

(a) Provide residential care to a preteen for more than one 99570
hundred twenty days in a calendar year; 99571

(b) Subject to division (D)(1)(c) of this section and except 99572
as provided in division (D)(2) of this section, provide 99573
residential care to a preteen for more than sixty consecutive 99574
days; 99575

(c) Except as provided in division (D)(3) of this section, 99576
provide residential care to a preteen for more than seventy-two 99577
consecutive hours if a public children services agency or private 99578
child placing agency placed the preteen in the facility; 99579

(d) Fail to comply with section 2151.86 of the Revised Code. 99580

(2) A certified children's crisis care facility may provide 99581
residential care to a preteen for up to ninety consecutive days, 99582
other than a preteen placed in the facility by a public children 99583
services agency or private child placing agency, if any of the 99584
following are the case: 99585

(a) The preteen's parent or other caretaker is enrolled in an 99586
alcohol and drug addiction ~~program certified under section 3793.06~~ 99587
~~of the Revised Code~~ service or a community mental health service 99588
certified under section ~~5119.611~~ 5119.36 of the Revised Code; 99589

(b) The preteen's parent or other caretaker is an inpatient 99590
in a hospital; 99591

(c) The preteen's parent or other caretaker is incarcerated; 99592

(d) A physician has diagnosed the preteen's parent or other 99593
caretaker as medically incapacitated. 99594

(3) A certified children's crisis care facility may provide 99595
residential care to a preteen placed in the facility by a public 99596
children services agency or private child placing agency for more 99597
than seventy-two consecutive hours if the director of job and 99598
family services or the director's designee issues the agency a 99599
waiver of the seventy-two consecutive hour limitation. The waiver 99600
may authorize the certified children's crisis care facility to 99601
provide residential care to the preteen for up to fourteen 99602
consecutive days. 99603

(E) The director of job and family services may suspend or 99604
revoke a children's crisis care facility's certificate pursuant to 99605
Chapter 119. of the Revised Code if the facility violates division 99606
(D) of this section or ceases to meet any of the certification 99607
standards established in rules adopted under division (F) of this 99608
section or the facility's operator ceases to comply with any of 99609
the rules governing the certification of children's crisis care 99610
facilities adopted under that division. 99611

(F) Not later than ninety days after September 21, 2006, the 99612
director of job and family services shall adopt rules pursuant to 99613
Chapter 119. of the Revised Code for the certification of 99614
children's crisis care facilities. The rules shall specify that a 99615
certificate shall not be issued to an applicant if the conditions 99616
at the children's crisis care facility would jeopardize the health 99617
or safety of the preteens placed in the facility. 99618

Sec. 5103.42. Prior to the beginning of the fiscal biennium 99619
that first follows October 5, 2000, the public children services 99620
agencies of Athens, Cuyahoga, Franklin, Greene, Guernsey, 99621
~~Hamilton~~, Lucas, and Summit counties shall each establish and 99622

maintain a regional training center. Prior to the beginning of the 99623
fiscal biennium that first follows the effective date of this 99624
amendment, the public children services agency of Butler county 99625
shall establish and maintain a regional training center. At any 99626
time after the beginning of ~~that~~ the specified biennium, the 99627
department of job and family services, on the recommendation of 99628
the Ohio child welfare training program steering committee, may 99629
direct a public children services agency to establish and maintain 99630
a training center to replace the center established by an agency 99631
under this section. There may be no more and no less than eight 99632
centers in existence at any time. The department may make a grant 99633
to a public children services agency that establishes and 99634
maintains a regional training center under this section for the 99635
purpose of wholly or partially subsidizing the operation of the 99636
center. The department shall specify in the grant all of the 99637
center's duties, including the duties specified in section 99638
5103.422 of the Revised Code. 99639

The regional training center established by the public 99640
children services agency of Butler county under this section 99641
replaces the regional training center previously established by 99642
the public children services agency of Hamilton county under this 99643
section. 99644

Sec. 5104.012. (A)(1) At the times specified in this 99645
division, the administrator of a child day-care center or a type A 99646
family day-care home shall request the superintendent of the 99647
bureau of criminal identification and investigation to conduct a 99648
criminal records check with respect to any applicant who has 99649
applied to the center or type A home for employment as a person 99650
responsible for the care, custody, or control of a child. 99651

The administrator shall request a criminal records check 99652
pursuant to this division at the time of the applicant's initial 99653

application for employment and every ~~four~~ five years thereafter. 99654
When the administrator requests pursuant to this division a 99655
criminal records check for an applicant at the time of the 99656
applicant's initial application for employment, the administrator 99657
shall request that the superintendent obtain information from the 99658
federal bureau of investigation as a part of the criminal records 99659
check for the applicant, including fingerprint-based checks of 99660
national crime information databases as described in 42 U.S.C. 99661
671, for the person subject to the criminal records check. In all 99662
other cases in which the administrator requests a criminal records 99663
check for an applicant pursuant to this division, the 99664
administrator may request that the superintendent include 99665
information from the federal bureau of investigation in the 99666
criminal records check, including fingerprint-based checks of 99667
national crime information databases as described in 42 U.S.C. 99668
671. 99669

(2) A person required by division (A)(1) of this section to 99670
request a criminal records check shall provide to each applicant a 99671
copy of the form prescribed pursuant to division (C)(1) of section 99672
109.572 of the Revised Code, provide to each applicant a standard 99673
impression sheet to obtain fingerprint impressions prescribed 99674
pursuant to division (C)(2) of section 109.572 of the Revised 99675
Code, obtain the completed form and impression sheet from each 99676
applicant, and forward the completed form and impression sheet to 99677
the superintendent of the bureau of criminal identification and 99678
investigation at the time the person requests a criminal records 99679
check pursuant to division (A)(1) of this section. On and after 99680
August 14, 2008, the administrator of a child day-care center or a 99681
type A family day-care home shall review the results of the 99682
criminal records check before the applicant has sole 99683
responsibility for the care, custody, or control of any child. 99684

(3) An applicant who receives pursuant to division (A)(2) of 99685

this section a copy of the form prescribed pursuant to division 99686
(C)(1) of section 109.572 of the Revised Code and a copy of an 99687
impression sheet prescribed pursuant to division (C)(2) of that 99688
section and who is requested to complete the form and provide a 99689
set of fingerprint impressions shall complete the form or provide 99690
all the information necessary to complete the form and shall 99691
provide the impression sheet with the impressions of the 99692
applicant's fingerprints. If an applicant, upon request, fails to 99693
provide the information necessary to complete the form or fails to 99694
provide impressions of the applicant's fingerprints, the center or 99695
type A home shall not employ that applicant for any position for 99696
which a criminal records check is required by division (A)(1) of 99697
this section. 99698

(B)(1) Except as provided in rules adopted under division (E) 99699
of this section, no child day-care center or type A family 99700
day-care home shall employ or contract with another entity for the 99701
services of a person as a person responsible for the care, 99702
custody, or control of a child if the person previously has been 99703
convicted of or pleaded guilty to any of the violations described 99704
in division (A)(5) of section 109.572 of the Revised Code. 99705

(2) A child day-care center or type A family day-care home 99706
may employ an applicant conditionally until the criminal records 99707
check required by this section is completed and the center or home 99708
receives the results of the criminal records check. If the results 99709
of the criminal records check indicate that, pursuant to division 99710
(B)(1) of this section, the applicant does not qualify for 99711
employment, the center or home shall release the applicant from 99712
employment. 99713

(C)(1) Each child day-care center and type A family day-care 99714
home shall pay to the bureau of criminal identification and 99715
investigation the fee prescribed pursuant to division (C)(3) of 99716
section 109.572 of the Revised Code for each criminal records 99717

check conducted in accordance with that section upon the request 99718
pursuant to division (A)(1) of this section of the administrator 99719
or provider of the center or home. 99720

(2) A child day-care center and type A family day-care home 99721
may charge an applicant a fee for the costs it incurs in obtaining 99722
a criminal records check under this section. A fee charged under 99723
this division shall not exceed the amount of fees the center or 99724
home pays under division (C)(1) of this section. If a fee is 99725
charged under this division, the center or home shall notify the 99726
applicant at the time of the applicant's initial application for 99727
employment of the amount of the fee and that, unless the fee is 99728
paid, the center or type A home will not consider the applicant 99729
for employment. 99730

(D) The report of any criminal records check conducted by the 99731
bureau of criminal identification and investigation in accordance 99732
with section 109.572 of the Revised Code and pursuant to a request 99733
under division (A)(1) of this section is not a public record for 99734
the purposes of section 149.43 of the Revised Code and shall not 99735
be made available to any person other than the applicant who is 99736
the subject of the criminal records check or the applicant's 99737
representative; the center or type A home requesting the criminal 99738
records check or its representative; the department of job and 99739
family services or a county department of job and family services; 99740
and any court, hearing officer, or other necessary individual 99741
involved in a case dealing with the denial of employment to the 99742
applicant. 99743

(E) The director of job and family services shall adopt rules 99744
pursuant to Chapter 119. of the Revised Code to implement this 99745
section, including rules specifying circumstances under which a 99746
center or home may hire a person who has been convicted of an 99747
offense listed in division (B)(1) of this section but who meets 99748
standards in regard to rehabilitation set by the department. 99749

(F) Any person required by division (A)(1) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment, that the person is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that position.

(G) As used in this section:

(1) "Applicant" means a person who is under final consideration for appointment to or employment in a position with a child day-care center or a type A family day-care home as a person responsible for the care, custody, or control of a child; an in-home aide certified pursuant to section 5104.12 of the Revised Code; or any person who would serve in any position with a child day-care center or a type A family day-care home as a person responsible for the care, custody, or control of a child pursuant to a contract with another entity.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

Sec. 5104.013. (A)(1) At the times specified in division (A)(3) of this section, the director of job and family services, as part of the process of licensure of child day-care centers and type A family day-care homes, shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to the following persons:

(a) Any owner, licensee, or administrator of a child day-care center;

(b) Any owner, licensee, or administrator of a type A family

day-care home and any person eighteen years of age or older who 99780
resides in a type A family day-care home. 99781

(2) At the times specified in division (A)(3) of this 99782
section, the director of a county department of job and family 99783
services, as part of the process of certification of type B family 99784
day-care homes, shall request the superintendent of the bureau of 99785
criminal identification and investigation to conduct a criminal 99786
records check with respect to any authorized provider of a 99787
certified type B family day-care home and any person eighteen 99788
years of age or older who resides in a certified type B family 99789
day-care home. 99790

(3) The director of job and family services shall request a 99791
criminal records check pursuant to division (A)(1) of this section 99792
at the time of the initial application for licensure and every 99793
~~four~~ five years thereafter. The director of a county department of 99794
job and family services shall request a criminal records check 99795
pursuant to division (A)(2) of this section at the time of the 99796
initial application for certification and every ~~four~~ five years 99797
thereafter at the time of a certification renewal. When the 99798
director of job and family services or the director of a county 99799
department of job and family services requests pursuant to 99800
division (A)(1) or (2) of this section a criminal records check 99801
for a person at the time of the person's initial application for 99802
licensure or certification, the director shall request that the 99803
superintendent of the bureau of criminal identification and 99804
investigation obtain information from the federal bureau of 99805
investigation as a part of the criminal records check for the 99806
person, including fingerprint-based checks of national crime 99807
information databases as described in 42 U.S.C. 671 for the person 99808
subject to the criminal records check. In all other cases in which 99809
the director of job and family services or the director of a 99810
county department of job and family services requests a criminal 99811

records check for an applicant pursuant to division (A)(1) or (2) 99812
of this section, the director may request that the superintendent 99813
include information from the federal bureau of investigation in 99814
the criminal records check, including fingerprint-based checks of 99815
national crime information databases as described in 42 U.S.C. 99816
671. 99817

(4) The director of job and family services shall review the 99818
results of a criminal records check subsequent to a request made 99819
pursuant to divisions (A)(1) and (3) of this section prior to 99820
approval of a license. The director of a county department of job 99821
and family services shall review the results of a criminal records 99822
check subsequent to a request made pursuant to divisions (A)(2) 99823
and (3) of this section prior to approval of certification. 99824

(B) The director of job and family services or the director 99825
of a county department of job and family services shall provide to 99826
each person for whom a criminal records check is required under 99827
this section a copy of the form prescribed pursuant to division 99828
(C)(1) of section 109.572 of the Revised Code and a standard 99829
impression sheet to obtain fingerprint impressions prescribed 99830
pursuant to division (C)(2) of that section, obtain the completed 99831
form and impression sheet from that person, and forward the 99832
completed form and impression sheet to the superintendent of the 99833
bureau of criminal identification and investigation. 99834

(C) A person who receives pursuant to division (B) of this 99835
section a copy of the form and standard impression sheet described 99836
in that division and who is requested to complete the form and 99837
provide a set of fingerprint impressions shall complete the form 99838
or provide all the information necessary to complete the form and 99839
shall provide the impression sheet with the impressions of the 99840
person's fingerprints. If the person, upon request, fails to 99841
provide the information necessary to complete the form or fails to 99842
provide impressions of the person's fingerprints, the director may 99843

consider the failure as a reason to deny licensure or certification. 99844
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(D) Except as provided in rules adopted under division (G) of this section, the director of job and family services shall not grant a license to a child day-care center or type A family day-care home and a county director of job and family services shall not certify a type B family day-care home if a person for whom a criminal records check was required in connection with the center or home previously has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code. 99846
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(E) Each child day-care center, type A family day-care home, and type B family day-care home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (A) of this section. 99855
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(F) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of job and family services, the director of a county department of job and family services, the center, type A home, or type B home involved, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial of licensure or certification related to the criminal records check. 99862
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(G) The director of job and family services shall adopt rules 99875

pursuant to Chapter 119. of the Revised Code to implement this 99876
section, including rules specifying exceptions to the prohibition 99877
in division (D) of this section for persons who have been 99878
convicted of an offense listed in that division but who meet 99879
standards in regard to rehabilitation set by the director. 99880

(H) As used in this section, "criminal records check" has the 99881
same meaning as in section 109.572 of the Revised Code. 99882

Sec. 5104.02. (A) The director of job and family services is 99883
responsible for the licensing of child day-care centers and type A 99884
family day-care homes. Each entity operating a head start program 99885
shall meet the criteria for, and be licensed as, a child day-care 99886
center. The director is responsible for the enforcement of this 99887
chapter and of rules promulgated pursuant to this chapter. 99888

No person, firm, organization, institution, or agency shall 99889
operate, establish, manage, conduct, or maintain a child day-care 99890
center or type A family day-care home without a license issued 99891
under section 5104.03 of the Revised Code. The current license 99892
shall be posted in a conspicuous place in the center or type A 99893
home that is accessible to parents, custodians, or guardians and 99894
employees of the center or type A home at all times when the 99895
center or type A home is in operation. 99896

(B) A person, firm, institution, organization, or agency 99897
operating any of the following programs is exempt from the 99898
requirements of this chapter: 99899

(1) A program of child care that operates for two or less 99900
consecutive weeks; 99901

(2) Child care in places of worship during religious 99902
activities during which children are cared for while at least one 99903
parent, guardian, or custodian of each child is participating in 99904
such activities and is readily available; 99905

(3) Religious activities which do not provide child care;	99906
(4) Supervised training, instruction, or activities of children in specific areas, including, but not limited to: art; drama; dance; music; gymnastics, swimming, or another athletic skill or sport; computers; or an educational subject conducted on an organized or periodic basis no more than one day a week and for no more than six hours duration;	99907 99908 99909 99910 99911 99912
(5) Programs in which the director determines that at least one parent, custodian, or guardian of each child is on the premises of the facility offering child care and is readily accessible at all times, except that child care provided on the premises at which a parent, custodian, or guardian is employed more than two and one-half hours a day shall be licensed in accordance with division (A) of this section;	99913 99914 99915 99916 99917 99918 99919
(6)(a) Programs that provide child care funded and regulated or operated and regulated by state departments other than the department of job and family services or the state board of education when the director of job and family services has determined that the rules governing the program are equivalent to or exceed the rules promulgated pursuant to this chapter.	99920 99921 99922 99923 99924 99925
Notwithstanding any exemption from regulation under this chapter, each state department shall submit to the director of job and family services a copy of the rules that govern programs that provide child care and are regulated or operated and regulated by the department. Annually, each state department shall submit to the director a report for each such program it regulates or operates and regulates that includes the following information:	99926 99927 99928 99929 99930 99931 99932
(i) The site location of the program;	99933
(ii) The maximum number of infants, toddlers, preschool-age children, or school-age children served by the program at one time;	99934 99935 99936

(iii) The number of adults providing child care for the 99937
number of infants, toddlers, preschool-age children, or school-age 99938
children; 99939

(iv) Any changes in the rules made subsequent to the time 99940
when the rules were initially submitted to the director. 99941

The director shall maintain a record of the child care 99942
information submitted by other state departments and shall provide 99943
this information upon request to the general assembly or the 99944
public. 99945

(b) Child care programs conducted by boards of education or 99946
by chartered nonpublic schools that are conducted in school 99947
buildings and that provide child care to school-age children only 99948
shall be exempt from meeting or exceeding rules promulgated 99949
pursuant to this chapter. 99950

(7) Any preschool program or school child program, except a 99951
head start program, that is subject to licensure by the department 99952
of education under sections 3301.52 to 3301.59 of the Revised 99953
Code. 99954

(8) Any program providing child care that meets all of the 99955
following requirements and, on October 20, 1987, was being 99956
operated by a nonpublic school that holds a charter issued by the 99957
state board of education for kindergarten only: 99958

(a) The nonpublic school has given the notice to the state 99959
board and the director of job and family services required by 99960
Section 4 of Substitute House Bill No. 253 of the 117th general 99961
assembly; 99962

(b) The nonpublic school continues to be chartered by the 99963
state board for kindergarten, or receives and continues to hold a 99964
charter from the state board for kindergarten through grade five; 99965

(c) The program is conducted in a school building; 99966

(d) The program is operated in accordance with rules 99967
promulgated by the state board under sections 3301.52 to 3301.57 99968
of the Revised Code. 99969

(9) A youth development program operated outside of school 99970
hours by a community-based center to which all of the following 99971
apply: 99972

(a) The children enrolled in the program are under nineteen 99973
years of age and enrolled in or eligible to be enrolled in a grade 99974
of kindergarten or above. 99975

(b) The program provides informal child care ~~and at least~~ 99976
two, which is child care that does not require parental signature, 99977
permission, or notice for the child receiving the care to enter or 99978
leave the program; 99979

(c) The program provides any of the following supervised 99980
activities: educational, recreational, culturally enriching, 99981
social, and personal development activities. 99982

~~(e)~~(d) The program is eligible for participation in the child 99983
and adult care food program as an outside-school-hours care center 99984
pursuant to standards established under section 3313.813 of the 99985
Revised Code. 99986

~~(d)~~(e) The community-based center operating the program is 99987
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 99988
and (c)(3). 99989

(10) A preschool program operated by a nonchartered, 99990
nontax-supported school if the preschool program meets all of the 99991
following conditions: 99992

(a) The program complies with state and local health, fire, 99993
and safety laws. 99994

(b) The program annually certifies in a report to the parents 99995
of its pupils that the school is in compliance with division 99996

(B)(10)(a) of this section and files a copy of the report with the 99997
department of job and family services on or before the thirtieth 99998
day of September of each year. 99999

(c) The program complies with all applicable reporting 100000
requirements in the same manner as required by the state board of 100001
education for nonchartered, nonpublic primary and secondary 100002
schools. 100003

(d) The program is associated with a nonchartered, 100004
nontax-supported primary or secondary school. 100005

Sec. 5104.021. The director of job and family services may 100006
~~not~~ issue a child day-care center or type A family day-care home 100007
license to a youth development program that is exempted by 100008
division (B)(9) of section 5104.02 of the Revised Code from the 100009
requirements of this chapter if the youth development program 100010
applies for and meets all of the requirements for the license. 100011

Sec. 5104.03. (A) Any person, firm, organization, 100012
institution, or agency desiring to establish a child day-care 100013
center or type A family day-care home shall apply for a license to 100014
the director of job and family services on such form as the 100015
director prescribes. The director shall provide at no charge to 100016
each applicant for licensure a copy of the child care license 100017
requirements in this chapter and a copy of the rules adopted 100018
pursuant to this chapter. The copies may be provided in paper or 100019
electronic form. 100020

Fees shall be set by the director pursuant to section 100021
5104.011 of the Revised Code and shall be paid at the time of 100022
application for a license to operate a center or type A home. Fees 100023
collected under this section shall be paid into the state treasury 100024
to the credit of the general revenue fund. 100025

(B) Upon filing of the application for a license, the 100026

director shall investigate and inspect the center or type A home 100027
to determine the license capacity for each age category of 100028
children of the center or type A home and to determine whether the 100029
center or type A home complies with this chapter and rules adopted 100030
pursuant to this chapter. When, after investigation and 100031
inspection, the director is satisfied that this chapter and rules 100032
adopted pursuant to it are complied with, subject to division (G) 100033
of this section, a provisional license shall be issued as soon as 100034
practicable in such form and manner as prescribed by the director. 100035
The provisional license shall be valid for twelve months from the 100036
date of issuance unless revoked. 100037

(C) The director shall investigate and inspect the center or 100038
type A home at least once during operation under the provisional 100039
license. If after the investigation and inspection the director 100040
determines that the requirements of this chapter and rules adopted 100041
pursuant to this chapter are met, subject to division (G) of this 100042
section, the director shall issue a license to the center or home. 100043

(D) The license or provisional license shall state the name 100044
of the licensee, the name of the administrator, the address of the 100045
center or type A home, and the license capacity for each age 100046
category of children. The license or provisional license shall 100047
include thereon, in accordance with section 5104.011 of the 100048
Revised Code, the toll-free telephone number to be used by persons 100049
suspecting that the center or type A home has violated a provision 100050
of this chapter or rules adopted pursuant to this chapter. A 100051
license or provisional license is valid only for the licensee, 100052
administrator, address, and license capacity for each age category 100053
of children designated on the license. The license capacity 100054
specified on the license or provisional license is the maximum 100055
number of children in each age category that may be cared for in 100056
the center or type A home at one time. 100057

The center or type A home licensee shall notify the director 100058

when the administrator of the center or home changes. The director 100059
shall amend the current license or provisional license to reflect 100060
a change in an administrator, if the administrator meets the 100061
requirements of Chapter 5104. of the Revised Code and rules 100062
adopted pursuant to Chapter 5104. of the Revised Code, or a change 100063
in license capacity for any age category of children as determined 100064
by the director of job and family services. 100065

(E) If the director revokes the license of a center or a type 100066
A home, the director shall not issue another license to the owner 100067
of the center or type A home until five years have elapsed from 100068
the date the license is revoked. 100069

If the director denies an application for a license, the 100070
director shall not accept another application from the applicant 100071
until five years have elapsed from the date the application is 100072
denied. 100073

(F) If during the application for licensure process the 100074
director determines that the license of the owner has been 100075
revoked, the investigation of the center or type A home shall 100076
cease. This action does not constitute denial of the application 100077
and may not be appealed under division (G) of this section. 100078

(G) All actions of the director with respect to licensing 100079
centers or type A homes, refusal to license, and revocation of a 100080
license shall be in accordance with Chapter 119. of the Revised 100081
Code. Any applicant who is denied a license or any owner whose 100082
license is revoked may appeal in accordance with section 119.12 of 100083
the Revised Code. 100084

(H) In no case shall the director issue a license or 100085
provisional license under this section for a type A home or center 100086
if the director, based on documentation provided by the 100087
appropriate county department of job and family services, 100088
determines that the applicant previously had been certified as a 100089

type B family day-care home, that the county department revoked 100090
that certification within the immediately preceding five years, 100091
that the revocation was based on the applicant's refusal or 100092
inability to comply with the criteria for certification, and that 100093
the refusal or inability resulted in a risk to the health or 100094
safety of children. 100095

Sec. 5104.08. (A) There is hereby created in the department 100096
of job and family services a child care advisory council to advise 100097
and assist the department in the administration of this chapter 100098
and in the development of child care. The council shall consist of 100099
twenty-two voting members appointed by the director of job and 100100
family services with the approval of the governor. The director of 100101
job and family services, the director of developmental 100102
disabilities, the director of ~~mental health~~ mental health and 100103
addiction services, the superintendent of public instruction, the 100104
director of health, the director of commerce, and the state fire 100105
marshal shall serve as nonvoting members of the council. 100106

Six members shall be representatives of child care centers 100107
subject to licensing, the members to represent a variety of 100108
centers, including nonprofit and proprietary, from different 100109
geographical areas of the state. At least three members shall be 100110
parents, guardians, or custodians of children receiving child care 100111
or publicly funded child care in the child's own home, a center, a 100112
type A home, a head start program, a certified type B home, or a 100113
type B home at the time of appointment. Three members shall be 100114
representatives of in-home aides, type A homes, certified type B 100115
homes, or type B homes or head start programs. At least six 100116
members shall represent county departments of job and family 100117
services. The remaining members shall be representatives of the 100118
teaching, child development, and health professions, and other 100119
individuals interested in the welfare of children. At least six 100120
members of the council shall not be employees or licensees of a 100121

child day-care center, head start program, or type A home, or 100122
providers operating a certified type B home or type B home, or 100123
in-home aides. 100124

Appointments shall be for three-year terms. Vacancies shall 100125
be filled for the unexpired terms. A member of the council is 100126
subject to removal by the director of job and family services for 100127
a willful and flagrant exercise of authority or power that is not 100128
authorized by law, for a refusal or willful neglect to perform any 100129
official duty as a member of the council imposed by law, or for 100130
being guilty of misfeasance, malfeasance, nonfeasance, or gross 100131
neglect of duty as a member of the council. 100132

There shall be two co-chairpersons of the council. One 100133
co-chairperson shall be the director of job and family services or 100134
the director's designee, and one co-chairperson shall be elected 100135
by the members of the council. The council shall meet as often as 100136
is necessary to perform its duties, provided that it shall meet at 100137
least once in each quarter of each calendar year and at the call 100138
of the co-chairpersons. The co-chairpersons or their designee 100139
shall send to each member a written notice of the date, time, and 100140
place of each meeting. 100141

Members of the council shall serve without compensation, but 100142
shall be reimbursed for necessary expenses. 100143

(B) The child care advisory council shall advise the director 100144
on matters affecting the licensing of centers and type A homes and 100145
the certification of type B homes and in-home aides. The council 100146
shall make an annual report to the director of job and family 100147
services that addresses the availability, affordability, 100148
accessibility, and quality of child care and that summarizes the 100149
recommendations and plans of action that the council has proposed 100150
to the director during the preceding fiscal year. The director of 100151
job and family services shall provide copies of the report to the 100152
governor, speaker and minority leader of the house of 100153

representatives, and the president and minority leader of the senate and, on request, shall make copies available to the public.

(C) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section.

Sec. 5104.11. (A)(1) Every person desiring to receive certification for a type B family day-care home to provide publicly funded child care shall apply for certification to the county director of job and family services on such forms as the director of job and family services prescribes. The county director shall provide at no charge to each applicant a copy of rules for certifying type B family day-care homes adopted pursuant to this chapter.

(2) Except as provided in division (G)(1) of section 5104.011 of the Revised Code, after receipt of an application for certification from a type B family day-care home, the county director of job and family services shall inspect the home. If it complies with this chapter and any applicable rules adopted under this chapter, the county department shall certify the type B family day-care home to provide publicly funded child care pursuant to this chapter and any rules adopted under it. The director of job and family services or a county director of job and family services may contract with a government entity or a private nonprofit entity for that entity to inspect and certify type B family day-care homes pursuant to this section. The county department of job and family services, government entity, or nonprofit entity shall conduct the inspection prior to the issuance of a certificate for the type B home and, as part of that inspection, ensure that the type B home is safe and sanitary.

(3)(a) On receipt of an application for certification for a type B family day-care home to provide publicly funded child care

or for renewal of such certification, the county department shall 100185
request from ~~both of the following~~ the public children services 100186
agency information concerning any abuse or neglect report made 100187
pursuant to section 2151.421 of the Revised Code of which the 100188
applicant, any other adult residing in the applicant's home, or a 100189
person designated by the applicant to be an emergency or 100190
substitute caregiver for the applicant is the subject: 100191

~~(i) The public children services agency, until the county 100192
department is notified by the department of job and family 100193
services that the uniform statewide automated child welfare 100194
information system has been finalized statewide; 100195~~

~~(ii) Upon receipt of notification under division (D) of 100196
section 5101.13 of the Revised Code that the uniform statewide 100197
automated child welfare information system has been implemented 100198
statewide, the uniform statewide automated child welfare 100199
information system via the department. 100200~~

(b) The county department shall consider any information 100201
provided by the agency ~~or the department~~ pursuant to section 100202
5153.175 of the Revised Code. If the county department determines 100203
that the information, when viewed within the totality of the 100204
circumstances, reasonably leads to the conclusion that the 100205
applicant may directly or indirectly endanger the health, safety, 100206
or welfare of children, the county department shall deny the 100207
application for certification or renewal of certification, or 100208
revoke the certification of an authorized provider. 100209

(c) As used in division (A)(3) of this section, "public 100210
children services agency" means either an entity separate from the 100211
county department or the part of the county department that serves 100212
as the county's public children services agency, as appropriate. 100213

(4) Except as provided in division (A)(5) of this section, an 100214
authorized provider of a type B family day-care home that receives 100215

a certificate pursuant to this section to provide publicly funded 100216
child care is an independent contractor and is not an employee of 100217
the county department of job and family services that issues the 100218
certificate. 100219

(5) For purposes of Chapter 4141. of the Revised Code, 100220
determinations concerning the employment of an authorized provider 100221
of a type B family day-care home that receives a certificate 100222
pursuant to this section shall be determined under Chapter 4141. 100223
of the Revised Code. 100224

(B)(1) If the county director of job and family services 100225
determines that the type B family day-care home complies with this 100226
chapter and any rules adopted under it, the county director shall 100227
issue to the provider a certificate to provide publicly funded 100228
child care, ~~which. The~~ certificate is valid for twelve months, 100229
unless revoked earlier. ~~The county director may revoke the~~ 100230
~~certificate after determining that revocation is necessary.~~ The 100231
authorized provider shall post the certificate in a conspicuous 100232
place in the certified type B home that is accessible to parents, 100233
custodians, or guardians at all times. The certificate shall state 100234
the name and address of the authorized provider, the maximum 100235
number of children who may be cared for at any one time in the 100236
certified type B home, the expiration date of the certification, 100237
and the name and telephone number of the county director who 100238
issued the certificate. 100239

(2) The county director may revoke a certificate to provide 100240
publicly funded child care in either of the following 100241
circumstances: 100242

(a) The county director determines, pursuant to rules adopted 100243
under Chapter 119. of the Revised Code, that revocation is 100244
necessary; 100245

(b) The authorized provider does not comply with division 100246

(D)(2) of section 5104.32 of the Revised Code. 100247

(C)(1) The county director shall inspect every certified type B family day-care home at least twice within each twelve-month period of the operation of the certified type B home. A minimum of one inspection shall be unannounced and all inspections may be unannounced. Upon receipt of a complaint, the county director shall investigate the certified type B home, and division (C)(2) of this section applies regarding the complaint. The authorized provider shall permit the county director to inspect any part of the certified type B home. The county director shall prepare a written inspection report and furnish one copy to the authorized provider within a reasonable time after the inspection. 100248
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(2) Upon receipt of a complaint as described in division (C)(1) of this section, in addition to the investigation that is required under that division, both of the following apply: 100259
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(a) If the complaint alleges that a child suffered physical harm while receiving child care at the certified type B family day-care home or that the noncompliance with law or act alleged in the complaint involved, resulted in, or poses a substantial risk of physical harm to a child receiving child care at the home, the county director shall inspect the home. 100262
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(b) If division (C)(2)(a) of this section does not apply regarding the complaint, the county director may inspect the certified type B family day-care home. 100268
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(3) Division (C)(2) of this section does not limit, restrict, or negate any duty of the county director to inspect a certified type B family day-care home that otherwise is imposed under this section, or any authority of the county director to inspect a home that otherwise is granted under this section when the county director believes the inspection is necessary and it is permitted under the grant. 100271
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(D) The county director of job and family services, in 100278
accordance with rules adopted pursuant to section 5104.052 of the 100279
Revised Code regarding fire safety and fire prevention, shall 100280
inspect each type B home that applies to be certified that is 100281
providing or is to provide publicly funded child care. 100282

(E) All materials that are supplied by the department of job 100283
and family services to type A family day-care home providers, type 100284
B family day-care home providers, in-home aides, persons who 100285
desire to be type A family day-care home providers, type B family 100286
day-care home providers, or in-home aides, and caretaker parents 100287
shall be written at no higher than the sixth grade reading level. 100288
The department may employ a readability expert to verify its 100289
compliance with this division. 100290

Sec. 5104.12. (A) The county director of job and family 100291
services may certify in-home aides to provide publicly funded 100292
child care pursuant to this chapter and any rules adopted under 100293
it. Any in-home aide who receives a certificate pursuant to this 100294
section to provide publicly funded child care is an independent 100295
contractor and is not an employee of the county department of job 100296
and family services that issues the certificate. 100297

(B) Every person desiring to receive certification as an 100298
in-home aide shall apply for certification to the county director 100299
of job and family services on such forms as the director of job 100300
and family services prescribes. The county director shall provide 100301
at no charge to each applicant a copy of rules for certifying 100302
in-home aides adopted pursuant to this chapter. 100303

(C)(1) If the county director of job and family services 100304
determines that public funds are available and that the person 100305
complies with this chapter and any rules adopted under it, the 100306
county director shall certify the person as an in-home aide and 100307
issue the person a certificate to provide publicly funded child 100308

care for twelve months. ~~The county director may revoke the~~ 100309
~~certificate after determining that revocation is necessary.~~ The 100310
county director shall furnish a copy of the certificate to the 100311
parent, custodian, or guardian. The certificate shall state the 100312
name and address of the in-home aide, the expiration date of the 100313
certification, and the name and telephone number of the county 100314
director who issued the certificate. 100315

(2) The county director may revoke the certificate in either 100316
of the following circumstances: 100317

(a) The county director determines, pursuant to rules adopted 100318
under Chapter 119. of the Revised Code, that revocation is 100319
necessary; 100320

(b) The in-home aide does not comply with division (D)(2) of 100321
section 5104.32 of the Revised Code. 100322

(D)(1) The county director of job and family services shall 100323
inspect every home of a child who is receiving publicly funded 100324
child care in the child's own home while the in-home aide is 100325
providing the services. Inspections may be unannounced. Upon 100326
receipt of a complaint, the county director shall investigate the 100327
in-home aide, shall investigate the home of a child who is 100328
receiving publicly funded child care in the child's own home, and 100329
division (D)(2) of this section applies regarding the complaint. 100330
The caretaker parent shall permit the county director to inspect 100331
any part of the child's home. The county director shall prepare a 100332
written inspection report and furnish one copy each to the in-home 100333
aide and the caretaker parent within a reasonable time after the 100334
inspection. 100335

(2) Upon receipt of a complaint as described in division 100336
(D)(1) of this section, in addition to the investigations that are 100337
required under that division, both of the following apply: 100338

(a) If the complaint alleges that a child suffered physical 100339

harm while receiving publicly funded child care in the child's own home from an in-home aide or that the noncompliance with law or act alleged in the complaint involved, resulted in, or poses a substantial risk of physical harm to a child receiving publicly funded child care in the child's own home from an in-home aide, the county director shall inspect the home of the child.

(b) If division (D)(2)(a) of this section does not apply regarding the complaint, the county director may inspect the home of the child.

(3) Division (D)(2) of this section does not limit, restrict, or negate any duty of the county director to inspect a home of a child who is receiving publicly funded child care from an in-home aide that otherwise is imposed under this section, or any authority of the county director to inspect such a home that otherwise is granted under this section when the county director believes the inspection is necessary and it is permitted under the grant.

Sec. 5104.32. (A) Except as provided in division (C) of this section, all purchases of publicly funded child care shall be made under a contract entered into by a licensed child day-care center, licensed type A family day-care home, certified type B family day-care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of job and family services. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that

regulates state contracts or contracts involving the expenditure 100371
of state or federal funds, all contracts for publicly funded child 100372
care shall be entered into in accordance with the provisions of 100373
this chapter and are exempt from any other provision of the 100374
Revised Code that regulates state contracts or contracts involving 100375
the expenditure of state or federal funds. 100376

(B) Each contract for publicly funded child care shall 100377
specify at least the following: 100378

(1) That the provider of publicly funded child care agrees to 100379
be paid for rendering services at the lower of the rate 100380
customarily charged by the provider for children enrolled for 100381
child care or the reimbursement ceiling or rate of payment 100382
established pursuant to section 5104.30 of the Revised Code; 100383

(2) That, if a provider provides child care to an individual 100384
potentially eligible for publicly funded child care who is 100385
subsequently determined to be eligible, the department agrees to 100386
pay for all child care provided between the date the county 100387
department of job and family services receives the individual's 100388
completed application and the date the individual's eligibility is 100389
determined; 100390

(3) Whether the county department of job and family services, 100391
the provider, or a child care resource and referral service 100392
organization will make eligibility determinations, whether the 100393
provider or a child care resource and referral service 100394
organization will be required to collect information to be used by 100395
the county department to make eligibility determinations, and the 100396
time period within which the provider or child care resource and 100397
referral service organization is required to complete required 100398
eligibility determinations or to transmit to the county department 100399
any information collected for the purpose of making eligibility 100400
determinations; 100401

(4) That the provider, other than a border state child care provider, shall continue to be licensed, approved, or certified pursuant to this chapter and shall comply with all standards and other requirements in this chapter and in rules adopted pursuant to this chapter for maintaining the provider's license, approval, or certification;

(5) That, in the case of a border state child care provider, the provider shall continue to be licensed, certified, or otherwise approved by the state in which the provider is located and shall comply with all standards and other requirements established by that state for maintaining the provider's license, certificate, or other approval;

(6) Whether the provider will be paid by the state department of job and family services or in some other manner as prescribed by rules adopted under section 5104.42 of the Revised Code;

(7) That the contract is subject to the availability of state and federal funds.

(C) Unless specifically prohibited by federal law or by rules adopted under section 5104.42 of the Revised Code, the county department of job and family services shall give individuals eligible for publicly funded child care the option of obtaining certificates that the individual may use to purchase services from any provider qualified to provide publicly funded child care under section 5104.31 of the Revised Code. Providers of publicly funded child care may present these certificates for payment in accordance with rules that the director of job and family services shall adopt. Only providers may receive payment for certificates. The value of the certificate shall be based on the lower of the rate customarily charged by the provider or the rate of payment established pursuant to section 5104.30 of the Revised Code. The county department may provide the certificates to the individuals or may contract with child care providers or child care resource

and referral service organizations that make determinations of 100434
eligibility for publicly funded child care pursuant to contracts 100435
entered into under section 5104.34 of the Revised Code for the 100436
providers or resource and referral service organizations to 100437
provide the certificates to individuals whom they determine are 100438
eligible for publicly funded child care. 100439

For each six-month period a provider of publicly funded child 100440
care provides publicly funded child care to the child of an 100441
individual given certificates, the individual shall provide the 100442
provider certificates for days the provider would have provided 100443
publicly funded child care to the child had the child been 100444
present. The maximum number of days providers shall be provided 100445
certificates shall not exceed ten days in a six-month period 100446
during which publicly funded child care is provided to the child 100447
regardless of the number of providers that provide publicly funded 100448
child care to the child during that period. 100449

(D)(1) The department shall establish the Ohio electronic 100450
child care system to track attendance and calculate payments for 100451
publicly funded child care. The system shall include issuing an 100452
electronic child care card to each caretaker parent to swipe 100453
through a point-of-service device issued to an eligible provider, 100454
as described in section 5104.31 of the Revised Code. 100455

(2) Each eligible provider that provides publicly funded 100456
child care shall participate in the Ohio electronic child care 100457
system. A provider participating in the system shall not do any of 100458
the following: 100459

(a) Use or have possession of an electronic child care card 100460
issued to a caretaker parent; 100461

(b) Falsify attendance records; 100462

(c) Knowingly seek payment for publicly funded child care 100463
that was not provided; 100464

(d) Knowingly accept reimbursement for publicly funded child 100465
care that was not provided. 100466

Sec. 5107.10. (A) As used in this section: 100467

(1) "Countable income," "gross earned income," and "gross 100468
unearned income" have the meanings established in rules adopted 100469
under section 5107.05 of the Revised Code. 100470

(2) "Federal poverty guidelines" has the same meaning as in 100471
section 5101.46 of the Revised Code, except that references to a 100472
person's family in the definition shall be deemed to be references 100473
to the person's assistance group. 100474

(3) "Gross income" means gross earned income and gross 100475
unearned income. 100476

(4) "Strike" means continuous concerted action in failing to 100477
report to duty; willful absence from one's position; or stoppage 100478
of work in whole from the full, faithful, and proper performance 100479
of the duties of employment, for the purpose of inducing, 100480
influencing, or coercing a change in wages, hours, terms, and 100481
other conditions of employment. "Strike" does not include a 100482
stoppage of work by employees in good faith because of dangerous 100483
or unhealthful working conditions at the place of employment that 100484
are abnormal to the place of employment. 100485

(B) Under the Ohio works first program, an assistance group 100486
shall receive, except as otherwise provided by this chapter, 100487
time-limited cash assistance. In the case of an assistance group 100488
that includes a minor head of household or adult, assistance shall 100489
be provided in accordance with the self-sufficiency contract 100490
entered into under section 5107.14 of the Revised Code. 100491

(C) To be eligible to participate in Ohio works first, an 100492
assistance group must meet all of the following requirements: 100493

(1) The assistance group, except as provided in division (E) 100494

of this section, must include at least one of the following: 100495

(a) A minor child who, except as provided in section 5107.24 100496
of the Revised Code, resides with a parent, or specified relative 100497
caring for the child, or, to the extent permitted by Title IV-A 100498
and federal regulations adopted until Title IV-A, resides with a 100499
guardian or custodian caring for the child; 100500

(b) A parent residing with and caring for the parent's minor 100501
child who receives supplemental security income under Title XVI of 100502
the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 100503
as amended, or federal, state, or local adoption assistance; 100504

(c) A specified relative residing with and caring for a minor 100505
child who is related to the specified relative in a manner that 100506
makes the specified relative a specified relative and receives 100507
supplemental security income or federal, state, or local foster 100508
care or adoption assistance; 100509

(d) A woman at least six months pregnant. 100510

(2) The assistance group must meet the income requirements 100511
established by division (D) of this section. 100512

(3) No member of the assistance group may be involved in a 100513
strike. 100514

(4) The assistance group must satisfy the requirements for 100515
Ohio works first established by this chapter and ~~sections 5101.58,~~ 100516
~~5101.59,~~ and section 5101.83 of the Revised Code. 100517

(5) The assistance group must meet requirements for Ohio 100518
works first established by rules adopted under section 5107.05 of 100519
the Revised Code. 100520

(D)(1) Except as provided in division (D)(4) of this section, 100521
to determine whether an assistance group is initially eligible to 100522
participate in Ohio works first, a county department of job and 100523
family services shall do the following: 100524

(a) Determine whether the assistance group's gross income exceeds fifty per cent of the federal poverty guidelines. In making this determination, the county department shall disregard amounts that federal statutes or regulations and sections 5101.17 and 5117.10 of the Revised Code require be disregarded. The assistance group is ineligible to participate in Ohio works first if the assistance group's gross income, less the amounts disregarded, exceeds fifty per cent of the federal poverty guidelines.

(b) If the assistance group's gross income, less the amounts disregarded pursuant to division (D)(1)(a) of this section, does not exceed fifty per cent of the federal poverty guidelines, determine whether the assistance group's countable income is less than the payment standard. The assistance group is ineligible to participate in Ohio works first if the assistance group's countable income equals or exceeds the payment standard.

(2) For the purpose of determining whether an assistance group meets the income requirement established by division (D)(1)(a) of this section, the annual revision that the United States department of health and human services makes to the federal poverty guidelines shall go into effect on the first day of July of the year for which the revision is made.

(3) To determine whether an assistance group participating in Ohio works first continues to be eligible to participate, a county department of job and family services shall determine whether the assistance group's countable income continues to be less than the payment standard. In making this determination, the county department shall disregard the first two hundred fifty dollars and fifty per cent of the remainder of the assistance group's gross earned income. No amounts shall be disregarded from the assistance group's gross unearned income. The assistance group ceases to be eligible to participate in Ohio works first if its countable

income, less the amounts disregarded, equals or exceeds the 100557
payment standard. 100558

(4) If an assistance group reapplies to participate in Ohio 100559
works first not more than four months after ceasing to 100560
participate, a county department of job and family services shall 100561
use the income requirement established by division (D)(3) of this 100562
section to determine eligibility for resumed participation rather 100563
than the income requirement established by division (D)(1) of this 100564
section. 100565

(E)(1) An assistance group may continue to participate in 100566
Ohio works first even though a public children services agency 100567
removes the assistance group's minor children from the assistance 100568
group's home due to abuse, neglect, or dependency if the agency 100569
does both of the following: 100570

(a) Notifies the county department of job and family services 100571
at the time the agency removes the children that it believes the 100572
children will be able to return to the assistance group within six 100573
months; 100574

(b) Informs the county department at the end of each of the 100575
first five months after the agency removes the children that the 100576
parent, guardian, custodian, or specified relative of the children 100577
is cooperating with the case plans prepared for the children under 100578
section 2151.412 of the Revised Code and that the agency is making 100579
reasonable efforts to return the children to the assistance group. 100580

(2) An assistance group may continue to participate in Ohio 100581
works first pursuant to division (E)(1) of this section for not 100582
more than six payment months. This division does not affect the 100583
eligibility of an assistance group that includes a woman at least 100584
six months pregnant. 100585

Sec. 5107.14. (A) An assistance group is ineligible to 100586

participate in Ohio works first unless the following enter into a written self-sufficiency contract with the county department of job and family services:

(1) Each adult member of the assistance group;

(2) The assistance group's minor head of household.

(B) A self-sufficiency contract shall set forth the rights and responsibilities of the assistance group as applicants for and participants of Ohio works first. Each self-sufficiency contract shall include, based on appraisals conducted under section 5107.41 of the Revised Code and assessments conducted under section 5107.70 of the Revised Code, the following:

(1) The assistance group's plan, developed under section 5107.41 of the Revised Code, to achieve the goal of self sufficiency and personal responsibility through unsubsidized employment within the time limit for participating in Ohio works first established by section 5107.18 of the Revised Code;

(2) Work activities, developmental activities, and alternative work activities to which members of the assistance group are assigned under sections 5107.40 to 5107.69 of the Revised Code;

(3) The responsibility of a caretaker member of the assistance group to cooperate in establishing a minor child's paternity and establishing, modifying, and enforcing a support order for the child in accordance with section 5107.22 of the Revised Code;

(4) Other responsibilities that members of the assistance group must satisfy to participate in Ohio works first and the consequences for failure or refusal to satisfy the responsibilities;

(5) An agreement that, except as otherwise provided in a

waiver issued under section 5107.714 of the Revised Code, the 100617
assistance group will comply with the conditions of participating 100618
in Ohio works first established by this chapter and ~~sections~~ 100619
~~5101.58, 5101.59, and~~ section 5101.83 of the Revised Code; 100620

(6) Assistance and services the county department will 100621
provide to the assistance group; 100622

(7) Assistance and services the child support enforcement 100623
agency and public children services agency will provide to the 100624
assistance group pursuant to a plan of cooperation entered into 100625
under section 307.983 of the Revised Code; 100626

(8) Other provisions designed to assist the assistance group 100627
in achieving self sufficiency and personal responsibility; 100628

(9) Procedures for assessing whether responsibilities are 100629
being satisfied and whether the contract should be amended; 100630

(10) Procedures for amending the contract. 100631

(C) No self-sufficiency contract shall include provisions 100632
regarding the LEAP program. 100633

(D) The county department shall provide without charge a copy 100634
of the self-sufficiency contract to each assistance group member 100635
who signs it. 100636

Sec. 5107.16. (A) If a member of an assistance group fails or 100637
refuses, without good cause, to comply in full with a provision of 100638
a self-sufficiency contract entered into under section 5107.14 of 100639
the Revised Code, a county department of job and family services 100640
shall sanction the assistance group as follows: 100641

(1) For a first failure or refusal, the county department 100642
shall deny or terminate the assistance group's eligibility to 100643
participate in Ohio works first for one payment month or until the 100644
failure or refusal ceases, whichever is longer; 100645

(2) For a second failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for three payment months or until the failure or refusal ceases, whichever is longer;

(3) For a third or subsequent failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for six payment months or until the failure or refusal ceases, whichever is longer.

(B) The director of job and family services shall establish standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract in rules adopted under section 5107.05 of the Revised Code.

(C) An assistance group member who fails or refuses, without good cause, to comply in full with a provision of a self-sufficiency contract must complete all compliance activities specified in rules adopted under section 5107.05 of the Revised Code in order for the failure or refusal to be considered to have ceased.

(D) After sanctioning an assistance group under division (A) of this section, a county department of job and family services shall continue to work with the assistance group.

(E) An adult eligible for medicaid pursuant to division ~~(C)(1)(a) of section 5111.01 of the Revised Code~~ who is sanctioned under division (A)(3) of this section for a failure or refusal, without good cause, to comply in full with a provision of a self-sufficiency contract related to work responsibilities under sections 5107.40 to 5107.69 of the Revised Code loses eligibility for medicaid unless the adult is otherwise eligible for medicaid pursuant to ~~another division of section 5111.01 of the Revised~~

Code an eligibility category other than the category associated 100677
with Title IV-A. 100678

An assistance group that would be participating in Ohio works 100679
first if not for a sanction under this section shall continue to 100680
be eligible for all of the following: 100681

(1) Publicly funded child care in accordance with division 100682
(A)(3) of section 5104.30 of the Revised Code; 100683

(2) Support services in accordance with section 5107.66 of 100684
the Revised Code; 100685

(3) To the extent permitted by the "Fair Labor Standards Act 100686
of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended, to participate 100687
in work activities, developmental activities, and alternative work 100688
activities in accordance with sections 5107.40 to 5107.69 of the 100689
Revised Code. 100690

Sec. 5107.20. As used in this section, "support" means child 100691
support, spousal support, and support for a spouse or a former 100692
spouse. 100693

Participation in Ohio works first constitutes an assignment 100694
to the department of job and family services of any rights members 100695
of an assistance group have to support from any other person, 100696
~~excluding medical support assigned pursuant to section 5101.59 of~~ 100697
~~the Revised Code.~~ The rights to support assigned to the department 100698
pursuant to this section constitute an obligation of the person 100699
who is responsible for providing the support to the state for the 100700
amount of cash assistance provided to the assistance group. 100701

The office of child support in the department of job and 100702
family services shall collect and distribute support payments owed 100703
to Ohio works first participants, whether assigned to the 100704
department or unassigned, in accordance with 42 U.S.C. 654 B and 100705
657 and regulations adopted under those statutes, state statutes, 100706

and rules adopted under section 5107.05 of the Revised Code. 100707

Upon implementation of centralized collection and 100708
disbursement under Chapter 3121. of the Revised Code, in 100709
accordance with 42 U.S.C. 654 B and 657 and regulations adopted 100710
under those statutes, the department shall deposit support 100711
payments it receives pursuant to this section into the state 100712
treasury to the credit of the child support collections fund or 100713
the child support administrative fund, both of which are hereby 100714
created. Money credited to the funds shall be used to make cash 100715
assistance payments under Ohio works first. 100716

Sec. 5107.24. (A) As used in this section: 100717

(1) "Adult-supervised living arrangement" means a family 100718
setting approved, licensed, or certified by the department of job 100719
and family services, the department of ~~mental health~~ mental health 100720
and addiction services, the department of developmental 100721
disabilities, the department of youth services, a public children 100722
services agency, a private child placing agency, or a private 100723
noncustodial agency that is maintained by a person age eighteen or 100724
older who assumes responsibility for the care and control of a 100725
minor parent, pregnant minor, or child of a minor parent or 100726
provides the minor parent, pregnant minor, or child of a minor 100727
parent supportive services, including counseling, guidance, and 100728
supervision. "Adult-supervised living arrangement" does not mean a 100729
public institution. 100730

(2) "Child of a minor parent" means a child born to a minor 100731
parent, except that the child ceases to be considered a child of 100732
minor parent when the minor parent attains age eighteen. 100733

(3) "Minor parent" means a parent who is under age eighteen 100734
and is not married. 100735

(4) "Pregnant minor" means a pregnant person who is under age 100736

eighteen and not married. 100737

(B)(1) Except as provided in division (B)(2) of this section 100738
and to the extent permitted by Title IV-A and federal regulations 100739
adopted under Title IV-A, a pregnant minor, minor parent, or child 100740
of a minor parent must reside in a place of residence maintained 100741
by a parent, guardian, custodian, or specified relative of the 100742
pregnant minor or minor parent as the parent's, guardian's, 100743
custodian's, or specified relative's own home to be eligible to 100744
participate in Ohio works first. 100745

(2) To the extent permitted by Title IV-A and federal 100746
regulations adopted under it, a pregnant minor, minor parent, or 100747
child of a minor parent is exempt from the requirement of division 100748
(B)(1) of this section if any of the following apply: 100749

(a) The minor parent or pregnant minor does not have a 100750
parent, guardian, custodian, or specified relative living or whose 100751
whereabouts are known. 100752

(b) No parent, guardian, custodian, or specified relative of 100753
the minor parent or pregnant minor will allow the pregnant minor, 100754
minor parent, or minor parent's child to live in the parent's, 100755
guardian's, custodian's, or specified relative's home. 100756

(c) The department of job and family services, a county 100757
department of job and family services, or a public children 100758
services agency determines that the physical or emotional health 100759
or safety of the pregnant minor, minor parent, or minor parent's 100760
child would be in jeopardy if the pregnant minor, minor parent, or 100761
minor parent's child lived in the same home as the parent, 100762
guardian, custodian, or specified relative. 100763

(d) The department of job and family services, a county 100764
department of job and family services, or a public children 100765
services agency otherwise determines that it is in the best 100766
interest of the pregnant minor, minor parent, or minor parent's 100767

child to waive the requirement of division (B)(1) of this section. 100768

(C) A pregnant minor, minor parent, or child of a minor 100769
parent exempt from the requirement of division (B)(1) of this 100770
section must reside in an adult-supervised living arrangement to 100771
be eligible to participate in Ohio works first. 100772

(D) The department of job and family services, whenever 100773
possible and to the extent permitted by Title IV-A and federal 100774
regulations adopted under it, shall provide cash assistance under 100775
Ohio works first to the parent, guardian, custodian, or specified 100776
relative of a pregnant minor or minor parent on behalf of the 100777
pregnant minor, minor parent, or minor parent's child. 100778

Sec. 5107.26. (A) As used in this section+ 100779

~~(1) "Transitional, "transitional~~ child care" means publicly 100780
funded child care provided under division (A)(3) of section 100781
5104.34 of the Revised Code. 100782

~~(2) "Transitional medicaid" means the medical assistance 100783
provided under section 5111.0115 of the Revised Code. 100784~~

(B) Except as provided in division (C) of this section, ~~each:~~ 100785

(1) Each member of an assistance group participating in Ohio 100786
works first is ineligible to participate in the program for six 100787
payment months if a county department of job and family services 100788
determines that a member of the assistance group terminated the 100789
member's employment ~~and each.~~ 100790

(2) Each person who, on the day prior to the day a recipient 100791
begins to receive transitional child care ~~or transitional~~ 100792
~~medicaid~~, was a member of the recipient's assistance group is 100793
ineligible to participate in Ohio works first for six payment 100794
months if a county department determines that the recipient 100795
terminated the recipient's employment. 100796

(C) No assistance group member shall lose or be denied 100797

eligibility to participate in Ohio works first pursuant to 100798
division (B) of this section if the termination of employment was 100799
because an assistance group member or recipient of transitional 100800
child care ~~or transitional medicaid~~ secured comparable or better 100801
employment or the county department of job and family services 100802
certifies that the member or recipient terminated the employment 100803
with just cause. 100804

Just cause includes the following: 100805

(1) Discrimination by an employer based on age, race, sex, 100806
color, handicap, religious beliefs, or national origin; 100807

(2) Work demands or conditions that render continued 100808
employment unreasonable, such as working without being paid on 100809
schedule; 100810

(3) Employment that has become unsuitable due to any of the 100811
following: 100812

(a) The wage is less than the federal minimum wage; 100813

(b) The work is at a site subject to a strike or lockout, 100814
unless the strike has been enjoined under section 208 of the 100815
"Labor-Management Relations Act," 61 Stat. 155 (1947), 29 U.S.C.A. 100816
178, as amended, an injunction has been issued under section 10 of 100817
the "Railway Labor Act," 44 Stat. 586 (1926), 45 U.S.C.A. 160, as 100818
amended, or an injunction has been issued under section 4117.16 of 100819
the Revised Code; 100820

(c) The documented degree of risk to the member or 100821
recipient's health and safety is unreasonable; 100822

(d) The member or recipient is physically or mentally unfit 100823
to perform the employment, as documented by medical evidence or by 100824
reliable information from other sources. 100825

(4) Documented illness of the member or recipient or of 100826
another assistance group member of the member or recipient 100827

requiring the presence of the member or recipient; 100828

(5) A documented household emergency; 100829

(6) Lack of adequate child care for children of the member or 100830
recipient who are under six years of age. 100831

Sec. 5107.42. (A) Except as provided in divisions (B) and (C) 100832
of this section, county departments of job and family services 100833
shall assign each minor head of household and adult participating 100834
in Ohio works first, other than a minor head of household 100835
participating in the LEAP program, to one or more work activities 100836
and developmental activities. 100837

If a county department assigns a minor head of household or 100838
adult to the work activity established under division (H) of 100839
section 5107.60 of the Revised Code, the county department shall 100840
make reasonable efforts to assign the minor head of household or 100841
adult to at least one other work activity at the same time. If a 100842
county department assigns a minor head of household or adult to 100843
the work activity established under section 5107.58 of the Revised 100844
Code, the county department shall assign the minor head of 100845
household or adult to at least one other work activity at the same 100846
time. 100847

A county department may not assign a minor head of household 100848
or adult to a work activity established under division (D) of 100849
section 5107.60 of the Revised Code for more than twelve months. 100850

(B) If a county department determines that a minor head of 100851
household or adult has a temporary or permanent barrier to 100852
participation in a work activity, it may assign the minor head of 100853
household or adult to one or more alternative work activities 100854
instead of assigning the minor head of household or adult to one 100855
or more work activities or developmental activities. A county 100856
department may not assign more than twenty per cent of minor heads 100857

of household and adults participating in Ohio works first to an alternative work activity.

County departments shall establish standards for determining whether a minor head of household or adult has a temporary or permanent barrier to participating in a work activity. The following are examples of circumstances that a county department may consider when it develops its standards:

(1) A minor head of household or adult provides the county department documented evidence that one or more members of the assistance group have been the victim of domestic violence and are in imminent danger of suffering continued domestic violence;

(2) A minor head of household or adult is actively participating in ~~an alcohol or drug~~ a community addiction program services provider certified by the department of ~~alcohol and drug addiction services~~ mental health and addiction services under section ~~3793.06~~ 5119.36 of the Revised Code;

(3) An assistance group is homeless.

(C) A county department may exempt a minor head of household or adult who is unmarried and caring for a minor child under twelve months of age from the work requirements of sections 5107.40 to 5107.69 of the Revised Code for not more than twelve months. While exempt, the minor head of household or adult shall be disregarded in determining whether the county department is meeting the requirement of section 5107.44 of the Revised Code. The county department shall assign the exempt minor head of household or adult to at least one developmental activity for a number of hours a week the county department determines. The county department may assign the exempt minor head of household or adult to one or more work activities, in addition to developmental activities, for a number of hours the county department determines. Division (B) of section 5107.43 of the Revised Code

does not apply to the exempt minor head of household or adult. 100889

(D) A county department may reassign a minor head of 100890
household or adult when the county department determines 100891
reassignment will aid the assistance group in achieving self 100892
sufficiency and personal responsibility and shall make 100893
reassignments when circumstances requiring reassignment occur, 100894
including when a temporary barrier to participating in a work 100895
activity is eliminated. 100896

A county department shall include assignments in the 100897
self-sufficiency contract entered into under section 5107.14 of 100898
the Revised Code and shall amend the contract when a reassignment 100899
is made to include the reassignment in the contract. 100900

Sec. 5107.64. County departments of job and family services 100901
shall establish and administer alternative work activities for 100902
minor heads of households and adults participating in Ohio works 100903
first. In establishing alternative work activities, county 100904
departments are not limited by the restrictions Title IV-A imposes 100905
on work activities. The following are examples of alternative work 100906
activities that a county department may establish: 100907

(A) Parenting classes and life-skills training; 100908

(B) Participation in ~~an alcohol or drug~~ a community addiction 100909
~~program services provider~~ certified by the department of ~~alcohol~~ 100910
~~and drug addiction services~~ mental health and addiction services 100911
under section ~~3793.06~~ 5119.36 of the Revised Code; 100912

(C) In the case of a homeless assistance group, finding a 100913
home; 100914

(D) In the case of a minor head of household or adult with a 100915
disability, active work in an individual written rehabilitation 100916
plan with the ~~rehabilitation services commission~~ opportunities for 100917
Ohioans with disabilities agency; 100918

(E) In the case of a minor head of household or adult who has
been the victim of domestic violence, residing in a domestic
violence shelter, receiving counseling or treatment related to the
domestic violence, or participating in criminal justice activities
against the domestic violence offender;

(F) An education program under which a participant who does
not speak English attends English as a second language course.

Sec. 5115.20. (A) The department of job and family services
shall establish a disability advocacy program and each county
department of job and family services shall establish a disability
advocacy program unit or join with other county departments of job
and family services to establish a joint county disability
advocacy program unit. Through the program the department and
county departments shall cooperate in efforts to assist applicants
for and recipients of assistance under the disability financial
assistance program, who might be eligible for supplemental
security income benefits under Title XVI of the "Social Security
Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended, in
applying for those benefits.

As part of their disability advocacy programs, the state
department and county departments may enter into contracts for the
services of persons and government entities that in the judgment
of the department or county department have demonstrated expertise
in representing persons seeking supplemental security income
benefits. Each contract shall require the person or entity with
which a department contracts to assess each person referred to it
by the department to determine whether the person appears to be
eligible for supplemental security income benefits, and, if the
person appears to be eligible, assist the person in applying and
represent the person in any proceeding of the social security
administration, including any appeal or reconsideration of a

denial of benefits. The department or county department shall 100950
provide to the person or entity with which it contracts all 100951
records in its possession relevant to the application for 100952
supplemental security income benefits. The department shall 100953
require a county department with relevant records to submit them 100954
to the person or entity. 100955

(B) Each applicant for or recipient of disability financial 100956
assistance who, in the judgment of the department of job and 100957
family services or a county department of job and family services 100958
might be eligible for supplemental security benefits, shall, as a 100959
condition of eligibility for assistance, apply for such benefits 100960
if directed to do so by the department or county department. 100961

(C) With regard to applicants for and recipients of 100962
disability financial assistance, each county department of job and 100963
family services shall do all of the following: 100964

(1) Identify applicants and recipients who might be eligible 100965
for supplemental security income benefits; 100966

(2) Assist applicants and recipients in securing 100967
documentation of disabling conditions or refer them for such 100968
assistance to a person or government entity with which the 100969
department of job and family services or county department has 100970
contracted under division (A) of this section; 100971

(3) Inform applicants and recipients of available sources of 100972
representation, which may include a person or government entity 100973
with which the department or county department has contracted 100974
under division (A) of this section, and of their right to 100975
represent themselves in reconsiderations and appeals of social 100976
security administration decisions that deny them supplemental 100977
security income benefits. The county department may require the 100978
applicants and recipients, as a condition of eligibility for 100979
assistance, to pursue reconsiderations and appeals of social 100980

security administration decisions that deny them supplemental 100981
security income benefits, and shall assist applicants and 100982
recipients as necessary to obtain such benefits or refer them to a 100983
person or government entity with which the department or county 100984
department has contracted under division (A) of this section. 100985

(4) Require applicants and recipients who, in the judgment of 100986
the county department, are or may be aged, blind, or disabled, to 100987
apply for ~~medical assistance under Chapter 5111. of the Revised~~ 100988
~~Code~~ the medicaid program, make determinations when appropriate as 100989
to eligibility for ~~medical assistance~~ medicaid, and refer their 100990
applications when necessary to the disability determination unit 100991
established in accordance with division (F) of this section for 100992
expedited review; 100993

(5) Require each applicant and recipient who in the judgment 100994
of the department or the county department might be eligible for 100995
supplemental security income benefits, as a condition of 100996
eligibility for disability financial assistance, to execute a 100997
written authorization for the secretary of health and human 100998
services to withhold benefits due that individual and pay to the 100999
director of job and family services or the director's designee an 101000
amount sufficient to reimburse the state and county shares of 101001
interim assistance furnished to the individual. For the purposes 101002
of division (C)(5) of this section, "benefits" and "interim 101003
assistance" have the meanings given in Title XVI of the "Social 101004
Security Act." 101005

(D) The director of job and family services shall adopt rules 101006
in accordance with section 111.15 of the Revised Code for the 101007
effective administration of the disability advocacy program. The 101008
rules shall include all of the following: 101009

(1) Methods to be used in collecting information from and 101010
disseminating it to county departments, including the following: 101011

(a) The number of individuals in the county who are disabled recipients of disability financial assistance; 101012
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(b) The final decision made either by the social security administration or by a court for each application or reconsideration in which an individual was assisted pursuant to this section. 101014
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(2) The type and process of training to be provided by the department of job and family services to the employees of the county department of job and family services who perform duties under this section; 101018
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(3) Requirements for the written authorization required by division (C)(5) of this section. 101022
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(E) The department of job and family services shall provide basic and continuing training to employees of the county department of job and family services who perform duties under this section. Training shall include but not be limited to all processes necessary to obtain federal disability benefits, and methods of advocacy. 101024
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(F) The department of medicaid shall establish a disability determination unit and develop guidelines for expediting reviews of applications for ~~medical assistance under Chapter 5111. of the Revised Code~~ the medicaid program for persons who have been referred to the unit under division (C)(4) of this section. The department of medicaid shall make determinations of eligibility for ~~medical assistance~~ medicaid for any such person within the time prescribed by federal regulations. 101030
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(G) The department of job and family services may, under rules the director of job and family services adopts in accordance with section 111.15 of the Revised Code, pay a portion of the federal reimbursement described in division (C)(5) of this section to persons or government entities that assist or represent 101038
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assistance recipients in reconsiderations and appeals of social 101043
security administration decisions denying them supplemental 101044
security income benefits. 101045

(H) The director of job and family services shall conduct 101046
investigations to determine whether disability advocacy programs 101047
are being administered in compliance with the Revised Code and the 101048
rules adopted by the director pursuant to this section. 101049

Sec. 5117.10. (A) On or before the fifteenth day of January, 101050
the director of development shall pay each applicant determined 101051
eligible for a payment under divisions (A) and (B) of section 101052
5117.07 of the Revised Code one hundred twenty-five dollars. 101053

(B) The director may withhold from any payment to which a 101054
person would otherwise be entitled under division (A) of this 101055
section any amount that the director determines was erroneously 101056
received by such person in a preceding year under this or the 101057
program established under Am. Sub. H.B. 230, as amended by Am. 101058
H.B. 937, Am. Sub. H.B. 1073, Am. Sub. S.B. 493, and Am. Sub. S.B. 101059
523 of the 112th general assembly, provided the director has 101060
employed all other legal methods reasonably available to obtain 101061
reimbursement for the erroneous payment or credit prior to the 101062
commencement of the current program year. 101063

(C) Payments made under this section and credits granted 101064
under section 5117.09 of the Revised Code shall not be considered 101065
income for the purpose of determining eligibility or the level of 101066
benefits or assistance under section 329.042 or Chapters 5107.7 101067
~~5111.7~~ and 5115. of the Revised Code; the medicaid program; 101068
supplemental security income payments under Title XVI of the 101069
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 101070
amended; or any other program under which eligibility or the level 101071
of benefits or assistance is based upon need measured by income. 101072

Sec. 3793.01 <u>5119.01</u> . (A) As used in this chapter:	101073
(1) <u>"Addiction" means the chronic and habitual use of alcoholic beverages, the use of a drug of abuse as defined in section 3719.011 of the Revised Code, or the use of gambling by an individual to the extent that the individual no longer can control the individual's use of alcohol, the individual becomes physically or psychologically dependent on the drug, the individual's use of alcohol or drugs endangers the health, safety, or welfare of the individual or others, or the individual's gambling causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.</u>	101074 101075 101076 101077 101078 101079 101080 101081 101082 101083 101084
(2) <u>"Addiction services" means services, including intervention, for the treatment of persons with alcohol, drug, or gambling addictions, and for the prevention of such addictions.</u>	101085 101086 101087
(3) <u>"Alcohol and drug addiction services" means services, including intervention, for the treatment of alcoholics or persons who abuse drugs of abuse and for the prevention of alcoholism and drug addiction.</u>	101088 101089 101090 101091
(4) <u>"Alcoholic" means a person suffering from alcoholism.</u>	101092
(5) <u>"Alcoholism" means the chronic and habitual use of alcoholic beverages by an individual to the extent that the individual no longer can control the individual's use of alcohol or endangers the health, safety, or welfare of the individual or others.</u>	101093 101094 101095 101096 101097
(2) "Alcoholic" means a person suffering from alcoholism.	101098
(3) (6) <u>"Community addiction services provider" means an agency, association, corporation, individual, or program that provides community alcohol, drug addiction, or gambling addiction services that are certified by the department of mental health and</u>	101099 101100 101101 101102

addiction services under section 5119.36 of the Revised Code. 101103

(7) "Community mental health services provider" means an 101104
agency, association, corporation, individual, or program that 101105
provides community mental health services that are certified by 101106
the department of mental health and addiction services under 101107
section 5119.36 of the Revised Code. 101108

(8) "Drug addiction" means the use of a drug of abuse, as 101109
defined in section 3719.011 of the Revised Code, by an individual 101110
to the extent that the individual becomes physically or 101111
psychologically dependent on the drug or endangers the health, 101112
safety, or welfare of the individual or others. 101113

~~(4) "Alcohol and drug addiction services" means services,~~ 101114
~~including intervention, for the treatment of alcoholics or persons~~ 101115
~~who abuse drugs of abuse and for the prevention of alcoholism and~~ 101116
~~drug addiction.~~ 101117

~~(5) "Alcohol and drug addiction program" means a program that~~ 101118
~~provides alcohol or drug addiction services and includes a~~ 101119
~~facility or entity that operates such a program.~~ 101120

~~(6)~~(9) "Gambling addiction" means the use of gambling by an 101121
individual to the extent that it causes psychological, financial, 101122
emotional, marital, legal, or other difficulties endangering the 101123
health, safety, or welfare of the individual or others. 101124

~~(7)~~(10) "Gambling addiction services" means services for the 101125
treatment of persons who have a gambling addiction and for the 101126
prevention of gambling addiction. 101127

(11) "Hospital" means a hospital or inpatient unit licensed 101128
by the department of mental health and addiction services under 101129
section 5119.33 of the Revised Code, and any institution, 101130
hospital, or other place established, controlled, or supervised by 101131
the department under Chapter 5119. of the Revised Code. 101132

(12) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life. 101133
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(13) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness as defined in this section. 101137
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(14)(a) "Residence" means a person's physical presence in a county with intent to remain there, except in either of the following circumstances: 101140
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(i) If a person is receiving a mental health service at a facility that includes nighttime sleeping accommodations, "residence" means that county in which the person maintained the person's primary place of residence at the time the person entered the facility; 101143
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(ii) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, "residence" means the county where the criminal charges were filed. 101148
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(b) When the residence of a person is disputed, the matter of residence shall be referred to the department of mental health and addiction services for investigation and determination. Residence shall not be a basis for a board of alcohol, drug addiction, and mental health services to deny services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation. 101152
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(B) Any reference in this chapter to a board of alcohol, drug addiction, and mental health services also refers to an alcohol and drug addiction services board or a community mental health board in a service district in which an alcohol and drug addiction 101160
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services board or a community mental health board has been 101164
established under section 340.021 or former section 340.02 of the 101165
Revised Code. 101166

Sec. 5119.04. The department of ~~mental health~~ mental health 101167
and addiction services and any institutions under its supervision 101168
or jurisdiction shall, where applicable, be in substantial 101169
compliance with standards set forth for psychiatric facilities by 101170
the joint commission ~~on accreditation of healthcare organizations~~ 101171
or medical assistance standards under Title XIX of the "Social 101172
Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or 101173
other applicable standards, ~~except that the department and any~~ 101174
~~institution under its supervision or jurisdiction shall be in~~ 101175
~~substantial compliance with standards for physical facilities and~~ 101176
~~equipment by July 1, 1989. The requirements of this section do not~~ 101177
~~apply to any facility designated by the director of mental health~~ 101178
~~for use as a psychiatric rehabilitation center.~~ 101179

The requirements of this section are in addition to any other 101180
requirements established by the Revised Code and nothing in this 101181
section shall be construed to limit any rights, privileges, 101182
protections, or immunities which may exist under the constitution 101183
and laws of the United States or this state. 101184

Sec. ~~5119.27~~ 5119.05. Subject to the rules of the director of 101185
~~mental health~~ mental health and addiction services, each 101186
institution under the jurisdiction of the department shall be 101187
under the management and control of a managing officer to be known 101188
as a ~~superintendent~~ chief executive officer or by another 101189
appropriate title. Such managing officer shall be appointed by the 101190
director of ~~mental health~~ mental health and addiction services, 101191
and shall be in the unclassified service and serve at the pleasure 101192
of the director. Each managing officer shall be of good moral 101193
character and have skill, ability, and experience in ~~his~~ the 101194

~~managing officer's profession. Appointment to this position may be~~ 101195
~~made from persons holding positions in the classified service in~~ 101196
~~the department.~~ 101197

The managing officer, under the director, shall ~~have entire~~ 101198
~~executive charge~~ serve as the appointing authority of the 101199
institution ~~for~~ to which such managing officer is appointed. 101200
Subject to civil service rules, the managing officer shall have 101201
the power to appoint the necessary and remove employees and ~~he or~~ 101202
~~the director may remove such employees for cause of the~~ 101203
institution. On behalf of the institution, the managing officer 101204
has the authority and responsibility for entering into contracts 101205
and other agreements for the efficient operations of the 101206
institution. 101207

Sec. ~~5119.44~~ 5119.051. The department of ~~mental health~~ mental 101208
health and addiction services shall keep in its office a proper 101209
and complete set of books and accounts with each institution, 101210
which shall clearly show the nature and amount of every 101211
expenditure authorized and made at such institution, and which 101212
shall contain an account of all appropriations made by the general 101213
assembly and of all other funds, together with the disposition of 101214
such funds. 101215

The department shall prescribe the form of vouchers, records, 101216
and methods of keeping accounts at each of the institutions, which 101217
shall be as nearly uniform as possible. The department may examine 101218
the records of each institution at any time. 101219

The department may authorize any of its ~~bookkeepers~~ 101220
bookkeepers, accountants, or employees to examine and check the 101221
records, accounts, and vouchers or take an inventory of the 101222
property of any institution, or do whatever is necessary, and pay 101223
the actual and reasonable expenses incurred in such service when 101224
an itemized account is filed and approved. 101225

Sec. ~~5119.43~~ 5119.06. The department of ~~mental health~~ mental health and addiction services shall keep in its office, accessible only to its employees, except by the consent of the department or the order of the judge of a court of record, a record showing the name, residence, sex, age, nativity, occupation, condition, and date of entrance or commitment of every patient in the institutions governed by it, the date, cause, and terms of discharge and the condition of such person at the time of leaving, and also a record of all transfers from one institution to another, and, if such person dies while in the care or custody of the department, the date and cause of death. These and such other facts as the department requires shall be furnished by the managing officer of each institution within twenty-four hours after the commitment, entrance, death, or discharge of a patient.

In case of an accident or injury or peculiar death of a patient the managing officer shall make a special report to the department within twenty-four hours thereafter, giving the circumstances as fully as possible.

Sec. ~~5119.42~~ 5119.07. A person, firm, or corporation may file a petition in the court of common pleas of the county in which a benevolent institution of the department of mental health and addiction services is located, in which petition the desire to erect or carry on at a less distance than that prescribed in section 3767.19 of the Revised Code shall be set forth, the business prohibited, the precise point of its establishment, and the reasons and circumstances, in its opinion, why the erection or carrying on ~~thereof~~ of the business would not annoy or endanger the health, convenience, or recovery of the patients of such institution. The petitioner shall give notice in a newspaper of general circulation in the county of the pendency and prayer of the petition for at least six consecutive weeks before the day set

for hearing the petition and serve a written notice upon the 101257
~~superintendent~~ managing officer of the institution at least thirty 101258
days before the day set for hearing the petition. 101259

If, upon the hearing of the petition, it appears that the 101260
notice has been given as required and the court is of the opinion 101261
that no good reason exists why such establishment may not be 101262
erected or such business carried on and that by the erection or 101263
carrying on ~~thereof~~ of the business at the point named, the 101264
institution will sustain no detriment, the court may issue an 101265
order granting the prayer of the petitioner. Thereafter the 101266
petitioner may locate such establishment or carry on such business 101267
at the point named in the petition. 101268

Sec. ~~5119.14~~ 5119.08. (A) As used in this section, "felony" 101269
has the same meaning as in section 109.511 of the Revised Code. 101270

(B)(1) Subject to division (C) of this section, upon the 101271
recommendation of the director of ~~mental health~~ mental health and 101272
addiction services, the managing officer of an institution under 101273
the jurisdiction of the department of ~~mental health~~ mental health 101274
and addiction services may designate one or more employees to be 101275
special police officers of the department. The special police 101276
officers shall take an oath of office, wear the badge of office, 101277
and give bond for the proper and faithful discharge of their 101278
duties in an amount that the director requires. 101279

(2) In accordance with section 109.77 of the Revised Code, 101280
the special police officers shall be required to complete 101281
successfully a peace officer basic training program approved by 101282
the Ohio peace officer training commission and to be certified by 101283
the commission. The cost of the training shall be paid by the 101284
department of ~~mental health~~ mental health and addiction services. 101285

(3) Special police officers, on the premises of institutions 101286
under the jurisdiction of the department of ~~mental health~~ mental 101287

health and addiction services and subject to the rules of the 101288
department, shall protect the property of the institutions and the 101289
persons and property of patients in the institutions, suppress 101290
riots, disturbances, and breaches of the peace, and enforce the 101291
laws of the state and the rules of the department for the 101292
preservation of good order. They may arrest any person without a 101293
warrant and detain the person until a warrant can be obtained 101294
under the circumstances described in division (F) of section 101295
2935.03 of the Revised Code. 101296

(C)(1) The managing officer of an institution under the 101297
jurisdiction of the department of ~~mental health~~ mental health and 101298
addiction services shall not designate an employee as a special 101299
police officer of the department pursuant to division (B)(1) of 101300
this section on a permanent basis, on a temporary basis, for a 101301
probationary term, or on other than a permanent basis if the 101302
employee previously has been convicted of or has pleaded guilty to 101303
a felony. 101304

(2)(a) The managing officer of an institution under the 101305
jurisdiction of the department of ~~mental health~~ mental health and 101306
addiction services shall terminate the employment as a special 101307
police officer of the department of an employee designated as a 101308
special police officer under division (B)(1) of this section if 101309
that employee does either of the following: 101310

(i) Pleads guilty to a felony; 101311

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 101312
plea agreement as provided in division (D) of section 2929.43 of 101313
the Revised Code in which the employee agrees to surrender the 101314
certificate awarded to that employee under section 109.77 of the 101315
Revised Code. 101316

(b) The managing officer shall suspend from employment as a 101317
special police officer of the department an employee designated as 101318

a special police officer under division (B)(1) of this section if 101319
that employee is convicted, after trial, of a felony. If the 101320
special police officer files an appeal from that conviction and 101321
the conviction is upheld by the highest court to which the appeal 101322
is taken or if the special police officer does not file a timely 101323
appeal, the managing officer shall terminate the employment of 101324
that special police officer. If the special police officer files 101325
an appeal that results in that special police officer's acquittal 101326
of the felony or conviction of a misdemeanor, or in the dismissal 101327
of the felony charge against that special police officer, the 101328
managing officer shall reinstate that special police officer. A 101329
special police officer of the department who is reinstated under 101330
division (C)(2)(b) of this section shall not receive any back pay 101331
unless that special police officer's conviction of the felony was 101332
reversed on appeal, or the felony charge was dismissed, because 101333
the court found insufficient evidence to convict the special 101334
police officer of the felony. 101335

(3) Division (C) of this section does not apply regarding an 101336
offense that was committed prior to January 1, 1997. 101337

(4) The suspension from employment, or the termination of the 101338
employment, of a special police officer under division (C)(2) of 101339
this section shall be in accordance with ~~Chapter 119. of the~~ 101340
~~Revised Code~~ applicable collective bargaining agreements. 101341

Sec. ~~5119.30~~ 5119.09. The attorney general shall attend to 101342
all ~~suits~~ claims instituted on behalf of or against the department 101343
of mental health and addiction services or any institution under 101344
the jurisdiction of the department ~~of mental health~~ and the 101345
managing officer thereof, except such institutions as are 101346
privately owned or operated under a license from the department of 101347
~~mental health~~ mental health and addiction services, and shall 101348
represent the public hospital in proceedings under section 5122.15 101349

of the Revised Code. The department of ~~mental health~~ mental health 101350
and addiction services shall reimburse the attorney general for 101351
the compensation of assistant attorneys general required to 101352
represent the public hospital in proceedings under section 5122.15 101353
of the Revised code and shall also pay the costs of litigation 101354
incurred by the attorney general under that section. 101355

If a writ of habeas corpus is applied for, the clerk of the 101356
court shall give notice of the time and place of hearing to the 101357
attorney general. 101358

Sec. ~~5119.01~~ 5119.10. (A) The director of ~~mental health~~ 101359
mental health and addiction services is the chief executive and 101360
~~administrative officer~~ appointing authority of the department of 101361
~~mental health~~ mental health and addiction services. The director 101362
may organize the department for its efficient operation, including 101363
creating divisions or offices as necessary. The director may 101364
establish procedures for the governance of the department, conduct 101365
of its employees and officers, performance of its business, and 101366
custody, use, and preservation of departmental records, papers, 101367
books, documents, and property. Whenever the Revised Code imposes 101368
a duty upon or requires an action of the department or any of its 101369
institutions, the director or the director's designee shall 101370
perform the action or duty in the name of the department, except 101371
that the medical director appointed pursuant to section ~~5119.07~~ 101372
5119.11 of the Revised Code shall be responsible for decisions 101373
relating to medical diagnosis, treatment, rehabilitation, quality 101374
assurance, and the clinical aspects of the following: licensure of 101375
hospitals and residential facilities, research, community 101376
addiction and mental health services plans, and certification and 101377
delivery of mental health and addiction services. 101378

(B) The director shall: 101379

~~(A)~~(1) Adopt rules for the proper execution of the powers and 101380

duties of the department with respect to the institutions under 101381
its control, and require the performance of additional duties by 101382
the officers of the institutions as necessary to fully meet the 101383
requirements, intents, and purposes of this chapter. In case of an 101384
apparent conflict between the powers conferred upon any managing 101385
officer and those conferred by such sections upon the department, 101386
the presumption shall be conclusive in favor of the department. 101387

~~(B)~~(2) Adopt rules for the nonpartisan management of the 101388
institutions under the department's control. An officer or 101389
employee of the department or any officer or employee of any 101390
institution under its control who, by solicitation or otherwise, 101391
exerts influence directly or indirectly to induce any other 101392
officer or employee of the department or any of its institutions 101393
to adopt the exerting officer's or employee's political views or 101394
to favor any particular person, issue, or candidate for office 101395
shall be removed from the exerting officer's or employee's office 101396
or position, by the department in case of an officer or employee, 101397
and by the governor in case of the director. 101398

~~(C)~~(3) Appoint such employees, including the medical 101399
director, as are necessary for the efficient conduct of the 101400
department, and prescribe their titles and duties; 101401

~~(D)~~(4) Prescribe the forms of affidavits, applications, 101402
medical certificates, orders of hospitalization and release, and 101403
all other forms, reports, and records that are required in the 101404
hospitalization or admission and release of all persons to the 101405
institutions under the control of the department, or are otherwise 101406
required under this chapter or Chapter 5122. of the Revised Code; 101407

~~(E) Contract with hospitals licensed by the department under 101408
section 5119.20 of the Revised Code for the care and treatment of 101409
mentally ill patients, or with persons, organizations, or agencies 101410
for the custody, evaluation, supervision, care, or treatment of 101411
mentally ill persons receiving services elsewhere than within the 101412~~

~~enclosure of a hospital operated under section 5119.02 of the Revised Code;~~ 101413
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~~(F)(5) Exercise the powers and perform the duties relating to community addiction and mental health facilities and services that are assigned to the director under this chapter and Chapter 340. of the Revised Code;~~ 101415
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~~(G)(6) Develop and implement clinical evaluation and monitoring of services that are operated by the department;~~ 101419
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~~(H)(7) Adopt rules establishing standards for the performance of evaluations by a forensic center or other psychiatric program or facility of the mental condition of defendants ordered by the court under section 2919.271, or 2945.371 of the Revised Code, and for the treatment of defendants who have been found incompetent to stand trial and ordered by the court under section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised Code to receive treatment in facilities;~~ 101421
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~~(I)(8) On behalf of the department, have the authority and responsibility for entering into contracts and other agreements with providers, agencies, institutions, and other entities, both public and private, as necessary for the department to carry out its duties under this chapter and Chapters 340., 2919., 2945., and 5122. of the Revised Code. Chapter 125. of the Revised Code does not apply to contracts the director enters into under this section for services provided to individuals with mental illness by providers, agencies, institutions, and other entities not owned or operated by the department.~~ 101429
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~~(J) Prepare and publish regularly a state mental health plan that describes the department's philosophy, current activities, and long term and short term goals and activities;~~ 101439
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~~(K)(9) Adopt rules in accordance with Chapter 119. of the Revised Code specifying the supplemental services that may be~~ 101442
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provided through a trust authorized by section 5815.28 of the Revised Code; 101444
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~~(L)~~(10) Adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for the maintenance and distribution to a beneficiary of assets of a trust authorized by section 5815.28 of the Revised Code. 101446
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(C) The director may contract with hospitals licensed by the department under section 5119.33 of the Revised Code for the care and treatment of mentally ill patients, or with persons, organizations, or agencies for the custody, evaluation, supervision, care, or treatment of mentally ill persons receiving services elsewhere than within the enclosure of a hospital operated under section 5119.14 of the Revised Code. 101450
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Sec. ~~5119.07~~ 5119.11. (A) The director of ~~mental health~~ mental health and addiction services shall appoint a medical director who is a psychiatrist as defined in division (E) of section ~~5122.01~~ of the Revised Code, is eligible or certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry, and has at least five years of clinical and two years of administrative experience. The medical director shall also have certification or substantial training and experience in the field of addiction medicine or addiction psychiatry. The medical director shall be responsible for decisions relating to medical diagnosis, treatment, prevention, rehabilitation, quality assurance, and the clinical aspects of mental health and addiction services involving all of the following: licensure 101457
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(1) Licensure of hospitals and, residential facilities, research, community mental health and outpatient facilities; 101471
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(2) Research; 101473

(3) Community addiction and mental health services plans;i 101474

(4) Certification and delivery of mental health and addiction 101475
services. ~~The~~ 101476

(B) The medical director shall also exercise clinical 101477
supervision of the chief clinical officers of hospitals and 101478
institutions under the jurisdiction of the department and shall 101479
review and approve decisions relating to the employment of the 101480
chief clinical officers. The medical director or ~~his~~ the medical 101481
director's designee shall advise the director on matters relating 101482
to licensure, research, ~~community mental health plans,~~ and the 101483
certification and delivery of mental health and addiction services 101484
and community plans. The medical director shall participate in the 101485
development of guidelines for community addiction and mental 101486
health services plans. The director of ~~mental health~~ mental health 101487
and addiction services may establish other duties of the medical 101488
director. ~~The medical director shall participate in the~~ 101489
~~development of guidelines for community mental health plans.~~ 101490

Sec. ~~5119.02~~ 5119.14. (A) The department of ~~mental health~~ 101491
mental health and addiction services shall maintain, operate, 101492
manage, and govern state institutions and other services for the 101493
care and treatment of mentally ill persons. 101494

(B)(1) The department of ~~mental health~~ mental health and 101495
addiction services may, with the approval of the governor, 101496
designate ~~all~~ the name and purpose of any institutions under its 101497
jurisdiction ~~by appropriate respective names, regardless of~~ 101498
~~present statutory designation~~ and may change, with the approval of 101499
the governor, the designation and name when necessary. 101500

(C)(2) The department shall divide the state into districts 101501
for the purpose of designating the institution in which mentally 101502
ill persons are hospitalized and may change the districts. 101503

(3) Subject to section 5139.08 and pursuant to Chapter 5122. 101504
of the Revised Code and on the agreement of the departments of 101505
~~mental health~~ mental health and addiction services and youth 101506
services, the department of ~~mental health~~ mental health and 101507
addiction services may receive from the department of youth 101508
services for psychiatric observation, diagnosis, or treatment any 101509
person eighteen years of age or older in the custody of the 101510
department of youth services. The departments ~~shall~~ may enter into 101511
a written agreement specifying the procedures necessary to 101512
implement this division. 101513

~~(D)~~(C) The department of ~~mental health~~ mental health and 101514
addiction services shall designate hospitals, facilities, and 101515
community mental health ~~agencies~~ services providers for the 101516
custody, care, and special treatment of, and authorize payment for 101517
such custody, care, and special treatment provided to, persons who 101518
are charged with a crime and who are found incompetent to stand 101519
trial or not guilty by reason of insanity. 101520

~~(E)~~(D) The department of ~~mental health~~ mental health and 101521
addiction services may do ~~all~~ any of the following: 101522

(1) Require reports from the managing officer of any 101523
institution under the department's jurisdiction, relating to the 101524
admission, examination, comprehensive evaluation, diagnosis, 101525
release, or discharge of any patient; 101526

(2) Visit each institution regularly to review its operations 101527
and to investigate complaints made by any patient or by any person 101528
on behalf of a patient, provided these duties may be performed by 101529
a person designated by the director. 101530

~~(F) The department of mental health shall divide the state~~ 101531
~~into districts for the purpose of designating the institution in~~ 101532
~~which mentally ill persons are hospitalized, and may change the~~ 101533
~~districts.~~ 101534

~~(G)(E) The department of mental health and addiction services~~ 101535
~~may provide or contract to provide addiction services for~~ 101536
~~offenders incarcerated in the state prison system.~~ 101537

(F) In addition to the powers expressly conferred, the 101538
department of ~~mental health~~ mental health and addiction services 101539
shall have all powers and authority necessary for the full and 101540
efficient exercise of the executive, administrative, and fiscal 101541
supervision over the state institutions described in this section. 101542

~~(H) The department of mental health may provide for the~~ 101543
~~eustody, supervision, control, treatment, and training of mentally~~ 101544
~~ill persons hospitalized elsewhere than within the enclosure of a~~ 101545
~~hospital, if the department so determines with respect to any~~ 101546
~~individual or group of individuals. In all such cases, the~~ 101547
~~department shall ensure adequate and proper supervision for the~~ 101548
~~protection of such persons and of the public.~~ 101549

Sec. 5119.012 5119.141. The department of ~~mental health~~ 101550
mental health and addiction services has all the authority 101551
necessary to carry out its powers and duties under this chapter 101552
and Chapters 340., 2919., 2945., and 5122. of the Revised Code, 101553
including the authority to adopt rules pursuant to Chapter 119. of 101554
the Revised Code that may be necessary to carry out the purposes 101555
of this chapter and Chapters 340., 2919., 2945., and 5122. of the 101556
Revised Code. 101557

Sec. 5119.24 5119.15. The department of ~~mental health~~ mental 101558
health and addiction services may make such investigations as are 101559
necessary in the performance of its duties and to that end the 101560
director of ~~mental health~~ mental health and addiction services 101561
shall have the same power as a judge of a county court to 101562
administer oaths and to enforce the attendance and testimony of 101563
witnesses and the production of books or papers. 101564

The department shall keep a record of such investigations 101565
stating the time, place, charges or subject, witnesses summoned 101566
and examined, and its conclusions. 101567

In matters involving the conduct of an officer, a 101568
stenographic report of the evidence shall be taken and a copy of 101569
such report, with all documents introduced, kept on file at the 101570
office of the department. 101571

The fees of witnesses for attendance and travel shall be the 101572
same as in the court of common pleas, but no officer or employee 101573
of the institution under investigation is entitled to such fees. 101574

Any judge of the probate court or of the court of common 101575
pleas, upon application of the department, may compel the 101576
attendance of witnesses, the production of books or papers, and 101577
the giving of testimony before the department, by a judgment for 101578
contempt or otherwise, in the same manner as in cases before such 101579
courts. 101580

The department of ~~mental health~~ mental health and addiction 101581
services may appoint and commission any competent agency or 101582
person, to serve without compensation, as a special agent, 101583
investigator, or representative to perform a designated duty for 101584
the department. Specific credentials shall be given by the 101585
department to each person so designated. Each credential shall 101586
state the: 101587

(A) Name of the agent, investigator, or representative; 101588

(B) Agency with which such person is connected; 101589

(C) Purpose of appointment; 101590

(D) Date of expiration of appointment; 101591

(E) Such information as the department considers proper. 101592

Sec. ~~3793.051~~ 5119.161. The department of ~~alcohol and drug~~ 101593

~~addiction services~~ mental health and addiction services, in 101594
conjunction with the department of job and family services, shall 101595
develop a joint state plan to improve the accessibility and 101596
timeliness of alcohol and drug addiction services for individuals 101597
identified by a public children services agency as in need of 101598
those services. The plan shall address the fact that Ohio works 101599
first participants may be among the persons receiving services 101600
under section 340.15 of the Revised Code and shall require the 101601
department of job and family services to seek federal funds 101602
available under Title IV-A of the "Social Security Act," 49 Stat. 101603
620 (1935), 42 U.S.C.A. 301, as amended, for the provision of the 101604
services to Ohio works first participants who are receiving 101605
services under section 340.15 of the Revised Code. 101606

The plan shall address the need and manner for sharing 101607
information and include a request for the general assembly to 101608
appropriate an amount of funds specified in the report to be used 101609
by the departments to pay for services under section 340.15 of the 101610
Revised Code. The departments shall review and amend the plan as 101611
necessary. 101612

Not later than the first day of July of each even-numbered 101613
year, the departments shall submit a report on the progress made 101614
under the joint state plan to the governor, president of the 101615
senate, and speaker of the house of representatives. The report 101616
shall include information on treatment capacity, needs 101617
assessments, and number of individuals who received services 101618
pursuant to section 340.15 of the Revised Code. 101619

Sec. ~~3793.15~~ 5119.17. (A) The department of ~~alcohol and drug~~ 101620
~~addiction services~~ mental health and addiction services, in 101621
accordance with division (B) of this section, shall give priority 101622
to developing, and promptly shall develop, with available public 101623
and private resources a program that does all of the following: 101624

- (1) Provides a manner of identifying the aggregate number of pregnant women in this state who are addicted to a drug of abuse; 101625
101626
- (2) Provides for an effective means of intervention to eliminate the addiction of pregnant women to drugs of abuse prior to the birth of their children; 101627
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- (3) Provides for the continued monitoring of women who were addicted to a drug of abuse during their pregnancies, after the birth of their children, and for the availability of treatment and rehabilitation for those women; 101630
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- (4) Provides a manner of determining the aggregate number of children who are born in this state to women who are addicted, at the time of birth, to a drug of abuse, and of children who are born in this state with an addiction to or a dependency on a drug of abuse; 101634
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- (5) Provides for the continued monitoring of children who are born in this state to women who are addicted, at the time of birth, to a drug of abuse, or who are born in this state with an addiction to or dependency on a drug of abuse, after their birth; 101639
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- (6) Provides for the treatment and rehabilitation of any child who is born to a woman who is addicted, at the time of birth, to a drug of abuse, and of any child who is born with an addiction to or dependency on a drug of abuse. 101643
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- (B) In developing the program described in division (A) of this section, the department may obtain information from the department of health and the department of job and family services, and those departments shall cooperate with the department of ~~alcohol and drug addiction services~~ mental health and addiction services in its development and implementation of the program. 101647
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- (C) Immediately upon its development of the program described in division (A) of this section, the department shall implement 101654
101655

the program. 101656

(D) Any record or information that is obtained or maintained 101657
by the department in connection with the program described in 101658
division (A) of this section and could enable the identification 101659
of any woman or child described in division (A)(1) or (4) of this 101660
section is not a public record subject to inspection or copying 101661
under section 149.43 of the Revised Code. 101662

Sec. ~~5119.071~~ 5119.18. An appointing authority may appoint a 101663
person who holds a certified or permanent position in the 101664
classified service within the department of ~~mental health~~ mental 101665
health and addiction services to a position in the unclassified 101666
service within the department. A person appointed pursuant to this 101667
section to a position in the unclassified service shall retain the 101668
right to resume the position and status held by the person in the 101669
classified service immediately prior to the person's appointment 101670
to the position in the unclassified service, ~~regardless of the~~ 101671
~~number of positions the person held in the unclassified service.~~ 101672
~~An employee's right to resume a position in the classified service~~ 101673
~~may only be exercised when an appointing authority demotes the~~ 101674
~~employee to a pay range lower than the employee's current pay~~ 101675
~~range or revokes the employee's appointment to the unclassified~~ 101676
~~service. An employee forfeits the right to resume a position in~~ 101677
~~the classified service when the employee is removed from the~~ 101678
~~position in the unclassified service due to incompetence,~~ 101679
~~inefficiency, dishonesty, drunkenness, immoral conduct,~~ 101680
~~insubordination, discourteous treatment of the public, neglect of~~ 101681
~~duty, violation of this chapter or Chapter 124. of the Revised~~ 101682
~~Code, violation of the rules of the director of administrative~~ 101683
~~services or the director of mental health, any other failure of~~ 101684
~~good behavior, any other acts of misfeasance, malfeasance, or~~ 101685
~~nonfeasance in office, or conviction of a felony. An employee also~~ 101686
~~forfeits the right to resume a position in the classified service~~ 101687

~~upon transfer to a different agency.~~ 101688

~~Reinstatement to a position in the classified service shall 101689
be to a position substantially equal to that position in the 101690
classified service held previously, as certified by the director 101691
of administrative services. If the position the person previously 101692
held in the classified service has been placed in the unclassified 101693
service or is otherwise unavailable, the person shall be appointed 101694
to a position in the classified service within the department that 101695
the director of administrative services certifies is comparable in 101696
compensation to the position the person previously held in the 101697
classified service. Service in the position in the unclassified 101698
service shall be counted as service in the position in the 101699
classified service held by the person immediately prior to the 101700
person's appointment to the position in the unclassified service. 101701
When a person is reinstated to a position in the classified 101702
service as provided in this section, the person is entitled to all 101703
rights, status, and benefits accruing to the position in the 101704
classified service during the person's time of service in the 101705
position in the unclassified service pursuant to division (D) of 101706
section 124.11 of the Revised Code. 101707~~

Sec. ~~5119.072~~ 5119.181. (A) No appointing officer shall 101708
appoint a person to fill a position in either the classified or 101709
unclassified service of the department of ~~mental health~~ mental 101710
health and addiction services if the person has been convicted of 101711
or pleaded guilty to a violation of the following: 101712

(1) Any felony contained in the Revised Code, if the felony 101713
bears a direct and substantial relationship to the position being 101714
filled; 101715

(2) Any crime contained in the Revised Code constituting a 101716
misdemeanor of the first degree on the first offense and a felony 101717
on subsequent offenses, if the crime bears a direct and 101718

substantial relationship to the position being filled; 101719

(3) An existing or former law of this state, any other state, 101720
or the United States, if the law violated is substantially 101721
equivalent to any of the offenses described in division (A)(1) or 101722
(2) of this section. 101723

(B) The director of ~~mental health~~ mental health and addiction 101724
services shall adopt rules, in accordance with Chapter 119. of the 101725
Revised Code, to implement this section. 101726

(C) The director or an appointing officer shall request the 101727
bureau of criminal identification and investigation created by 101728
section 109.51 of the Revised Code or, at ~~his~~ the director's or 101729
appointing officer's discretion, any other state or federal 101730
agency, to supply ~~him~~ the director or appointing officer with a 101731
written report regarding the criminal records of any applicant. 101732
For each investigation undertaken at the department's request 101733
under this section, the department shall pay a reasonable fee to 101734
the bureau or other state or federal agency conducting the 101735
investigation. The amount of the fee shall be determined by the 101736
bureau or other state or federal agency conducting the 101737
investigation and shall be sufficient to cover the costs of 101738
conducting the investigation. The report made by the bureau or 101739
other state or federal agency is not a public record for purposes 101740
of section 149.43 of the Revised Code and shall not be made 101741
available to any person, except the applicant, the director, the 101742
appointing officer or ~~his designee~~ the appointing officer's 101743
designees, or any hearing officer involved in a case denying 101744
employment. 101745

(D) As used in this section, "applicant" means a person who 101746
is under final consideration for appointment to a position in the 101747
classified or unclassified service of the department of ~~mental~~ 101748
~~health~~ mental health and addiction services. 101749

Sec. ~~5119.08~~ 5119.182. The department of ~~mental health shall~~ 101750
mental health and addiction services may require any of its 101751
employees and each officer and employee of every institution under 101752
its control who may be charged with custody or control of any 101753
money or property belonging to the state or who is required to 101754
give bond, to give a surety company bond, properly conditioned, in 101755
a sum to be fixed by the department which when approved by the 101756
department, shall be filed in the office of the secretary of 101757
state. The cost of such bonds, when approved by the department, 101758
shall be paid from funds available for the department. The bonds 101759
required or authorized by this section may, in the discretion of 101760
the director of ~~mental health~~ mental health and addiction 101761
services, be individual, schedule, or blanket bonds. 101762

Sec. ~~5119.10~~ 5119.184. The department of ~~mental health~~ mental 101763
health and addiction services may provide educational grants or 101764
tuition reimbursements to upgrade the education, training, and 101765
professional achievement of its employees, whenever it determines 101766
that provision of such grants or reimbursements is essential to 101767
the achievement of its goals. The department may enter into 101768
agreements with its employees for the purposes of this section. 101769
The agreements may require, as a condition of each grant or 101770
reimbursement, that the employee continue employment with the 101771
department or with another federal, state, or local public agency 101772
designated by the department for a period of time stated in the 101773
agreement. If an employee does not fulfill the employment 101774
requirement stated in the agreement, the department may take 101775
action to recover the amount of all educational grants or tuition 101776
reimbursements paid to the employee under this section, plus 101777
interest at the rate of ten per cent per year calculated from the 101778
date of payment of each grant or reimbursement. 101779

Sec. ~~5119.101~~ 5119.185. (A) As used in this section, 101780
"physician" means an individual authorized under Chapter 4731. of 101781
the Revised Code to practice medicine and surgery or osteopathic 101782
medicine and surgery. 101783

(B) The department of ~~mental health~~ mental health and 101784
addiction services may establish a physician recruitment program 101785
under which the department agrees to repay all or part of the 101786
principal and interest of a government or other educational loan 101787
incurred by a physician who agrees to provide services to 101788
inpatients and outpatients of institutions under the department's 101789
administration. To be eligible to participate in the program, a 101790
physician must have attended a school that was, at the time of 101791
attendance, a medical school or osteopathic medical school in this 101792
country accredited by the liason committee on medical education or 101793
the American osteopathic association, or a medical school or 101794
osteopathic medical school located outside this country that was 101795
acknowledged by the world health organization and verified by a 101796
member state of that organization as operating within that state's 101797
jurisdiction. 101798

(C) The department shall enter into a contract with each 101799
physician it recruits under this section. Each contract shall 101800
include at least the following terms: 101801

(1) The physician agrees to provide a specified scope of 101802
medical or osteopathic medical services for a specified number of 101803
hours per week and a specified number of years to patients of one 101804
or more specified institutions administered by the department. 101805

(2) The department agrees to repay all or a specified portion 101806
of the principal and interest of a government or other educational 101807
loan taken by the physician for the following expenses if the 101808
physician meets the service obligation agreed to and the expenses 101809
were incurred while the physician was enrolled in, for up to a 101810

maximum of four years, a school that qualifies the physician to	101811
participate in the program:	101812
(a) Tuition;	101813
(b) Other educational expenses for specific purposes,	101814
including fees, books, and laboratory expenses, in amounts	101815
determined to be reasonable in accordance with rules adopted under	101816
division (D) of this section;	101817
(c) Room and board, in an amount determined to be reasonable	101818
in accordance with rules adopted under division (D) of this	101819
section.	101820
(3) The physician agrees to pay the department a specified	101821
amount, which shall be not less than the amount already paid by	101822
the department pursuant to its agreement, as damages if he <u>the</u>	101823
<u>physician</u> fails to complete the service obligation agreed to or	101824
fails to comply with other specified terms of the contract. The	101825
contract may vary the amount of damages based on the portion of	101826
the physician's service obligation that remains uncompleted as	101827
determined by the department.	101828
(4) Other terms agreed upon by the parties.	101829
(D) If the department elects to implement the physician	101830
recruitment program, it shall adopt rules in accordance with	101831
Chapter 119. of the Revised Code that establish all of the	101832
following:	101833
(1) Criteria for designating institutions for which	101834
physicians will be recruited;	101835
(2) Criteria for selecting physicians for participation in	101836
the program;	101837
(3) Criteria for determining the portion of a physician's	101838
loan that the department will agree to repay;	101839
(4) Criteria for determining reasonable amounts of the	101840

expenses described in divisions (C)(2)(b) and (c) of this section; 101841

(5) Procedures for monitoring compliance by physicians with 101842
the terms of their contracts; 101843

(6) Any other criteria or procedures necessary to implement 101844
the program. 101845

Sec. ~~5119.11~~ 5119.186. (A) The director of ~~mental health~~ 101846
mental health and addiction services or the managing officer of an 101847
institution of the department may enter into an agreement with 101848
boards of trustees or boards of directors of one or more 101849
institutions of higher education or hospitals licensed pursuant to 101850
section ~~5119.20~~ 5119.33 of the Revised Code to establish, manage, 101851
and conduct collaborative training efforts for students enrolled 101852
in courses of studies for occupations or professions ~~which may be~~ 101853
~~determined by the director upon the approval of the medical~~ 101854
~~director to be in occupations or professions needed to provide~~ 101855
adequate that involve the care and treatment for persons receiving 101856
mental health or addiction services. 101857

(B) Such collaborative training efforts may include but are 101858
not limited to programs in psychiatry, psychology, nursing, social 101859
work, counseling professions, and others considered appropriate by 101860
the director of ~~mental health~~ mental health and addiction 101861
services. Any such program shall be approved or accredited by its 101862
respective professional organization or state board having 101863
jurisdiction over the profession. 101864

(1) The department shall require that the following be 101865
provided for in agreements between the department and institutions 101866
of higher education or hospitals licensed pursuant to section 101867
~~5119.20~~ 5119.33 of the Revised Code: 101868

(a) Establishment of inter-disciplinary committees to advise 101869
persons responsible for training programs. Each committee shall 101870

have representation drawn from the geographical community the 101871
institution of higher education or hospital serves and shall 101872
include representatives of agencies, boards, targeted populations 101873
as determined by the department, racial and ethnic minority 101874
groups, and publicly funded programs; 101875

(b) Funding procedures; 101876

(c) Specific outcomes and accomplishments that are expected 101877
or required of a program under such agreement; 101878

(d) The types of services to be provided under such 101879
agreement. 101880

(2) The department may require that the following be provided 101881
for in agreements between the department and institutions of 101882
higher education or hospitals licensed pursuant to section ~~5119.20~~ 101883
5119.33 of the Revised Code: 101884

(a) Special arrangements for individual residents or trainees 101885
to encourage their employment in publicly funded settings upon 101886
completion of their training; 101887

(b) Procedures for the selection of residents or trainees to 101888
promote the admission, retention, and graduation of women, 101889
minorities, and ~~handicapped~~ disabled persons; 101890

(c) Cross-cultural training and other subjects considered 101891
necessary to enhance training efforts and the care and treatment 101892
of patients and clients; 101893

(d) Funding of faculty positions oriented toward meeting the 101894
needs of publicly funded programs. 101895

Subject to appropriations by the general assembly, the 101896
director of ~~mental health~~ mental health and addiction services has 101897
final approval of the funding of these collaborative training 101898
efforts. 101899

Sec. ~~5119.12~~ 5119.187. The courses of study for the 101900
instruction and training of all persons in institutions under the 101901
control of the department of ~~mental health~~ mental health and 101902
addiction services shall be subject to the approval of the 101903
superintendent of public instruction. 101904

All teachers employed in institutions under the control of 101905
the department of ~~mental health~~ mental health and addiction 101906
services shall possess such educator licenses or have such 101907
qualifications and approval as the superintendent of public 101908
instruction, after consulting with the officers in charge of the 101909
institutions, prescribes for the various types of service in the 101910
institutions. 101911

Sec. ~~3793.16~~ 5119.188. (A) As used in this section, "state 101912
correctional institution" has the same meaning as in section 101913
2967.01 of the Revised Code. 101914

(B) The department of ~~alcohol and drug addiction services~~ 101915
mental health and addiction services shall develop a program that 101916
is designed to educate and train the employees of each state 101917
correctional institution, the employees of each department of 101918
youth services institution, and other persons associated by 101919
contract or otherwise with each state correctional institution or 101920
each department of youth services institution, who will be 101921
responsible for the conduct of, or otherwise providing treatment 101922
or rehabilitation services pursuant to, a substance abuse 101923
treatment or rehabilitation program offered in the institution to 101924
adult prisoners or juvenile offenders. Upon the development of the 101925
educational and training program, the department of ~~alcohol and~~ 101926
~~drug addiction services~~ mental health and addiction services 101927
promptly shall commence its implementation. The department of 101928
~~alcohol and drug addiction services~~ mental health and addiction 101929
services may charge to the department of rehabilitation and 101930

correction and to the department of youth services a reasonable 101931
annual fee that reflects the expenses incurred by it during the 101932
immediately preceding calendar year in preparing and offering the 101933
educational and training program during that year to the 101934
respective employees and other associated persons described in 101935
this division. 101936

The director of rehabilitation and correction and the 101937
director of youth services shall require the respective employees 101938
and other associated persons described in this division to attend 101939
and successfully complete the educational and training program 101940
developed pursuant to this division as a condition of their 101941
continuing to have responsibility for the conduct of, or their 101942
continuing to provide treatment or rehabilitation services 101943
pursuant to, any treatment or rehabilitation program that is 101944
offered in a state correctional institution or in a department of 101945
youth services institution to adult prisoners or juvenile 101946
offenders. If the department of ~~alcohol and drug addiction~~ 101947
~~services~~ mental health and addiction services charges a reasonable 101948
annual fee as described in this division, the director involved 101949
shall cause that fee to be paid from any available funds of the 101950
department of rehabilitation and correction or any available funds 101951
of the department of youth services. 101952

(C) The department of rehabilitation and correction and the 101953
department of ~~alcohol and drug addiction services~~ mental health 101954
and addiction services jointly shall develop program 101955
specifications for the alcohol and drug addiction treatment 101956
programs offered in state correctional institutions. 101957

Sec. ~~3793.031~~ 5119.201. (A) The director of ~~alcohol and drug~~ 101958
~~addiction services~~ mental health and addiction services may 101959
acquire by purchase, lease, or otherwise such real and personal 101960
property rights in the name of the state as are necessary for the 101961

purposes of the department. The 101962

(B) When it is necessary for a state institution under the 101963
jurisdiction of the department to acquire any real estate, 101964
right-of-way, or easement in real estate in order to accomplish 101965
the purposes for which it was organized or is being conducted, and 101966
the department is unable to agree with the owner of such property 101967
upon the price to be paid for the property, such property may be 101968
appropriated in the manner provided for the appropriation of 101969
property for other state purposes. 101970

(C) The director, with the approval of the governor and the 101971
attorney general, may work with the department of administrative 101972
services to sell, lease, or exchange portions of real and personal 101973
property of the department when the sale, lease, or exchange is 101974
advantageous to the state. Money received from such sales, leases, 101975
or exchanges shall be credited to the general revenue the 101976
department of mental health and addiction services trust fund, 101977
created in section 5119.46 of the Revised Code. 101978

(D) Any instrument by which real property is acquired 101979
pursuant to this section shall identify the agency of the state 101980
that has the use and benefit of the real property as specified in 101981
section 5301.012 of the Revised Code. 101982

Sec. ~~5119.06~~ 5119.21. (A) The department of mental health 101983
mental health and addiction services shall: 101984

~~(A)(1)~~ (1) To the extent the department has available resources 101985
and in consultation with boards of alcohol, drug addiction, and 101986
mental health services, support a ~~community support system~~ 101987
continuum of care in accordance with ~~section 340.03~~ Chapter 340. 101988
of the Revised Code on a district or multi-district basis. The 101989
department shall define the essential elements of a ~~community~~ 101990
~~support system~~ continuum of care, shall assist in identifying 101991
resources, and may prioritize support for one or more of the 101992

elements.	101993
(B) Operate inpatient and other mental health services;	101994
(C)(2) Provide training, consultation, and technical	101995
assistance regarding mental health programs and <u>addiction</u> services	101996
and appropriate prevention, <u>recovery</u> , and mental health promotion	101997
activities, including those that are culturally sensitive	101998
<u>competent</u> , to employees of the department, community mental health	101999
agencies and <u>addiction services providers, boards of alcohol, drug</u>	102000
<u>addiction, and mental health services</u> , and other agencies	102001
providing mental health <u>and addiction</u> services;	102002
(D)(3) To the extent the department has available resources,	102003
promote and support a full range of mental health <u>and addiction</u>	102004
services that are available and accessible to all residents of	102005
this state, especially for severely mentally disabled children,	102006
adolescents, and adults, <u>pregnant women, parents, guardians or</u>	102007
<u>custodians of children at risk of abuse or neglect</u> , and other	102008
special target populations, including racial and ethnic	102009
minorities, as determined by the department;	102010
(E)(4) Develop standards and measures for evaluating the	102011
<u>effectiveness of mental health and addiction services, including</u>	102012
<u>services that use methadone treatment, of gambling addiction</u>	102013
<u>services, and for increasing the accountability of mental health</u>	102014
<u>and alcohol and addiction services providers and of gambling</u>	102015
<u>addiction services providers;</u>	102016
<u>(5) Design and set criteria for the determination of severe</u>	102017
<u>mental disability priority populations;</u>	102018
(F) Establish standards for evaluation of mental health	102019
programs;	102020
(G)(6) Promote, direct, conduct, and coordinate scientific	102021
research, taking ethnic and racial differences into consideration,	102022
concerning the causes and prevention of mental illness <u>and</u>	102023

addiction, methods of providing effective services and treatment, 102024
and means of enhancing the mental health of and recovery from 102025
addiction of all residents of this state; 102026

~~(H)~~(7) Foster the establishment and availability of 102027
vocational rehabilitation services and the creation of employment 102028
opportunities for consumers of mental health and addiction 102029
services, including members of racial and ethnic minorities; 102030

~~(I)~~(8) Establish a program to protect and promote the rights 102031
of persons receiving mental health and addiction services, 102032
including the issuance of guidelines on informed consent and other 102033
rights; 102034

~~(J)~~ Establish, in consultation with board of alcohol, drug 102035
addiction, and mental health services representatives and after 102036
~~consideration of the recommendations of the medical director,~~ 102037
~~guidelines for the development of community mental health plans~~ 102038
~~and the review and approval or disapproval of such plans submitted~~ 102039
~~pursuant to section 340.03 of the Revised Code;~~ 102040

~~(K)~~(9) Promote the involvement of persons who are receiving 102041
or have received mental health or addiction services, including 102042
families and other persons having a close relationship to a person 102043
receiving ~~mental health~~ those services, in the planning, 102044
evaluation, delivery, and operation of mental health and addiction 102045
services; 102046

~~(L)~~(10) Notify and consult with the relevant constituencies 102047
that may be affected by rules, standards, and guidelines issued by 102048
the department of ~~mental health~~ mental health and addiction 102049
services. These constituencies shall include consumers of mental 102050
health and addiction services and their families, and may include 102051
public and private providers, employee organizations, and others 102052
when appropriate. Whenever the department proposes the adoption, 102053
amendment, or rescission of rules under Chapter 119. of the 102054

Revised Code, the notification and consultation required by this 102055
division shall occur prior to the commencement of proceedings 102056
under Chapter 119. The department shall adopt rules under Chapter 102057
119. of the Revised Code that establish procedures for the 102058
notification and consultation required by this division. 102059

~~(M) In cooperation with board of alcohol, drug addiction, and 102060
mental health services representatives, provide training regarding 102061
the provision of community based mental health services to those 102062
department employees who are utilized in state operated, 102063
community based mental health services; 102064~~

~~(N)(11) Provide consultation to the department of 102065
rehabilitation and correction concerning the delivery of mental 102066
health and addiction services in state correctional institutions. 102067~~

(12) Promote and coordinate efforts in the provision of 102068
alcohol and drug addiction services and of gambling addiction 102069
services by other state agencies, as defined in section 1.60 of 102070
the Revised Code; courts; hospitals; clinics; physicians in 102071
private practice; public health authorities; boards of alcohol, 102072
drug addiction, and mental health services; alcohol and drug 102073
addiction services providers; law enforcement agencies; gambling 102074
addiction services providers; and related groups; 102075

(13) Provide to each court of record, and biennially update, 102076
a list of the treatment and education programs within that court's 102077
jurisdiction that the court may require an offender, sentenced 102078
pursuant to section 4511.19 of the Revised Code, to attend; 102079

(14) Make the warning sign described in sections 3313.752, 102080
3345.41, and 3707.50 of the Revised Code available on the 102081
department's internet web site; 102082

(15) Provide a program of gambling addiction services on 102083
behalf of the state lottery commission, pursuant to an agreement 102084
entered into with the director of the commission under division 102085

(K) of section 3770.02 of the Revised Code, and provide a program 102086
of gambling addiction services on behalf of the Ohio casino 102087
control commission, under an agreement entered into with the 102088
executive director of the commission under section 3772.062 of the 102089
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 102090
Constitution, the department may enter into agreements with boards 102091
of alcohol, drug addiction, and mental health services, including 102092
boards with districts in which a casino facility is not located, 102093
and nonprofit organizations to provide gambling addiction services 102094
and substance abuse services, and with state institutions of 102095
higher education or private nonprofit institutions that possess a 102096
certificate of authorization issued under Chapter 1713. of the 102097
Revised Code to perform related research. 102098

(B) The department may accept and administer grants from 102099
public or private sources for carrying out any of the duties 102100
enumerated in this section. 102101

(C) Pursuant to Chapter 119. of the Revised Code, the 102102
department shall adopt a rule defining the term "intervention" as 102103
it is used in this chapter in connection with alcohol and drug 102104
addiction services and in connection with gambling addiction 102105
services. The department may adopt other rules as necessary to 102106
implement the requirements of this chapter. 102107

~~**Sec. 5119.61 5119.22.** Any provision in this chapter that~~ 102108
~~refers to a board of alcohol, drug addiction, and mental health~~ 102109
~~services also refers to the community mental health board in an~~ 102110
~~alcohol, drug addiction, and mental health service district that~~ 102111
~~has a community mental health board.~~ 102112

The director of ~~mental health~~ mental health and addiction 102113
services with respect to all mental health and addiction 102114
facilities and ~~programs~~ services established and operated or 102115
provided under Chapter 340. of the Revised Code ~~for mentally ill~~ 102116

~~and emotionally disturbed persons, shall do all of the following:~~ 102117

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 102118
that may be necessary to carry out the purposes of ~~Chapter~~ this 102119
chapter and Chapters 340. and ~~sections 5119.61 to 5119.63~~ 5122. of 102120
the Revised Code. 102121

~~(1) The rules shall include the following:~~ 102122

~~(a) Rules governing a community mental health agency's~~ 102123
~~services under section 340.091 of the Revised Code to an~~ 102124
~~individual referred to the agency under division (D)(2) of section~~ 102125
~~5119.69 of the Revised Code;~~ 102126

~~(b) For the purpose of division (A)(16) of section 340.03 of~~ 102127
~~the Revised Code, rules governing the duties of mental health~~ 102128
~~agencies and boards of alcohol, drug addiction, and mental health~~ 102129
~~services regarding referrals of individuals with mental illness or~~ 102130
~~severe mental disability to residential facilities as defined in~~ 102131
~~division (A)(9)(b) of section 5119.22 of the Revised Code and~~ 102132
~~effective arrangements for ongoing mental health services for the~~ 102133
~~individuals.~~ 102134

~~(2) Rules may be adopted to govern the method of paying a~~ 102135
~~community mental health facility, as defined in section 5111.023~~ 102136
~~of the Revised Code, for providing services listed in division (B)~~ 102137
~~of that section. Such rules must be consistent with the contract~~ 102138
~~entered into between the departments of job and family services~~ 102139
~~and mental health under section 5111.91 of the Revised Code and~~ 102140
~~include requirements ensuring appropriate service utilization.~~ 102141

(B) Review and evaluate, ~~and~~ the continuum of care in each 102142
service district, taking into account the findings and 102143
recommendations of the board of alcohol, drug addiction, and 102144
mental health services of the district ~~served by the program~~ 102145
submitted under division (A)(4) of section 340.03 of the Revised 102146
Code and the ~~requirements and priorities~~ and plans of the state 102147

~~mental health plan department, including the needs of residents of~~ 102148
~~the district now residing in state mental institutions currently~~ 102149
~~receiving services in state-operated hospitals, and make~~ 102150
recommendations for needed improvements to boards of alcohol, drug 102151
addiction, and mental health services; 102152

~~(C) Provide consultative services to community mental health~~ 102153
~~agencies with the knowledge and cooperation of the board of~~ 102154
~~alcohol, drug addiction, and mental health services;~~ 102155

~~(D)~~ At the director's discretion, provide to boards of 102156
alcohol, drug addiction, and mental health services state or 102157
federal funds, in addition to those allocated under section 102158
~~5119.62~~ 5119.23 of the Revised Code, for special programs or 102159
projects the director considers necessary but for which local 102160
funds are not available; 102161

(D) Establish, in consultation with board of alcohol, drug 102162
addiction, and mental health service representatives and after 102163
consideration of the recommendations of the medical director, 102164
guidelines for the development of community mental health and 102165
addiction services plans and the review and approval or 102166
disapproval of such plans submitted pursuant to section 340.03 of 102167
the Revised Code. 102168

(E) Establish criteria by which a board of alcohol, drug 102169
addiction, and mental health services reviews and evaluates the 102170
quality, effectiveness, and efficiency of its contracted services 102171
~~provided through its community mental health plan.~~ The criteria 102172
shall include requirements ensuring appropriate service 102173
utilization. The department shall assess a board's evaluation of 102174
services and the compliance of each board with this section, 102175
Chapter 340. ~~or section 5119.62~~ of the Revised Code, and other 102176
state or federal law and regulations. The department, in 102177
cooperation with the board, periodically shall review and evaluate 102178
the quality, effectiveness, and efficiency of services provided 102179

through each board. The department shall collect information that 102180
is necessary to perform these functions. 102181

(F) To the extent the director determines necessary and after 102182
consulting with boards of alcohol, drug addiction, and mental 102183
health services and community addiction and mental health services 102184
providers, develop and operate, or contract for the operation of, 102185
a community ~~mental~~ behavioral health information system or 102186
systems. The department shall specify the information that must be 102187
provided by boards of alcohol, drug addiction, and mental health 102188
services and by community addiction and mental health services 102189
providers for inclusion in the system or systems. 102190

Boards of alcohol, drug addiction, and mental health services 102191
and community addiction and mental health services providers shall 102192
submit information requested by the department in the form and 102193
manner and in accordance with time frames prescribed by the 102194
department. Information collected by the department ~~shall~~ may 102195
~~include, but not be limited to,~~ all of the following: 102196

(1) Information ~~regarding units of~~ on services provided ~~in~~ 102197
~~whole or in part under contract with a board, including diagnosis~~ 102198
~~and special needs, demographic information, the number of units of~~ 102199
~~service provided, past treatment, financial status, and service~~ 102200
~~dates in accordance with rules adopted by the department in~~ 102201
~~accordance with Chapter 119. of the Revised Code;~~ 102202

(2) Financial information ~~other than price or price related~~ 102203
~~data~~ regarding expenditures of ~~boards and community mental health~~ 102204
~~agencies, including units of service provided, budgeted and actual~~ 102205
~~expenses by type, and sources of~~ federal, state, or local funds; 102206

(3) Information about persons served. 102207

~~Boards shall submit the information specified in division~~ 102208
~~(F)(1) of this section no less frequently than annually for each~~ 102209
~~client, and each time the client's case is opened or closed. The~~ 102210

department shall not collect any personal information from the 102211
boards except as required or permitted by state or federal law for 102212
purposes related to payment, health care operations, program and 102213
service evaluation, reporting activities, research, system 102214
administration, and oversight. 102215

(G)(1) Review each board's community mental health and 102216
addiction services plan, budget, and statement of services to be 102217
made available submitted pursuant to ~~section~~ sections 340.03 and 102218
340.08 of the Revised Code and approve or disapprove ~~it~~ the plan, 102219
the budget, and the statement of services in whole or in part. 102220
~~Periodically, in consultation with representatives of boards and~~ 102221
~~after considering the recommendations of the medical director, the~~ 102222
~~director shall issue criteria for determining when a plan is~~ 102223
~~complete, criteria for plan approval or disapproval, and~~ 102224
~~provisions for conditional approval. The factors that the director~~ 102225
~~considers may include, but are not limited to, the following:~~ 102226

~~(1) The mental health needs of all persons residing within~~ 102227
~~the board's service district, especially severely mentally~~ 102228
~~disabled children, adolescents, and adults;~~ 102229

~~(2) The demonstrated quality, effectiveness, efficiency, and~~ 102230
~~cultural relevance of the services provided in each service~~ 102231
~~district, the extent to which any services are duplicative of~~ 102232
~~other available services, and whether the services meet the needs~~ 102233
~~identified above;~~ 102234

~~(3) The adequacy of the board's accounting for the~~ 102235
~~expenditure of funds.~~ 102236

~~If the director disapproves all or part of any plan, the~~ 102237
~~director shall provide the board an opportunity to present its~~ 102238
~~position. The director shall inform the board of the reasons for~~ 102239
~~the disapproval and of the criteria that must be met before the~~ 102240
~~plan may be approved. The director shall give the board a~~ 102241

~~reasonable time within which to meet the criteria, and shall offer 102242
technical assistance to the board to help it meet the criteria. 102243~~

~~If the approval of a plan remains in dispute, the board or 102244
the director may request that the dispute be submitted to a 102245
mutually agreed upon third party mediator with the cost to be 102246
shared by the board and the department. The mediator shall issue 102247
to the board and the department recommendations for resolution of 102248
the dispute. The director, taking into consideration the 102249
recommendations of the mediator, shall make a final determination 102250
and approve or disapprove the plan, in whole or in part. The 102251
department may withhold all or part of the funds allocated to a 102252
board if it disapproves all or part of a plan, budget, or 102253
statement of services. Prior to a final decision to disapprove a 102254
plan, budget, or statement of services, or to withhold funds from 102255
a board, a representative of the director of mental health and 102256
addiction services shall meet with the board and discuss the 102257
reason for the action the department proposes to take and any 102258
corrective action that should be taken to make the plan, budget, 102259
or statement of services acceptable to the department. In 102260
addition, the department shall offer technical assistance to the 102261
board to assist it to make the plan, budget, or statement of 102262
services acceptable. The department shall give the board a 102263
reasonable time in which to revise the plan, budget, or statement 102264
of services. The board thereafter shall submit a revised plan, 102265
budget, or statement of services, or a new plan, budget, or 102266
statement of services. 102267~~

~~(2) If a board determines that it is necessary to amend the 102268
plan, budget, or statement of services that has been approved 102269
under this section, the board shall submit the proposed amendment 102270
to the department. The department may approve or disapprove all or 102271
part of the amendment. 102272~~

~~(3) If the director disapproves of all or part of any 102273~~

proposed amendment, the director shall provide the board an 102274
opportunity to present its position. The director shall inform the 102275
board of the reasons for the disapproval and of the criteria that 102276
must be met before the proposed amendment may be approved. The 102277
director shall give the board a reasonable time within which to 102278
meet the criteria and shall offer technical assistance to the 102279
board to help it meet the criteria. 102280

(4) The department shall establish procedures for the review 102281
of plans, budgets, and statements of services, and a timetable for 102282
submission and review of plans, budgets, and statements of 102283
services and for corrective action and submission of new or 102284
revised plans, budgets, and statements of services. 102285

Sec. 5119.62 5119.23. (A) The department of ~~mental health~~ 102286
mental health and addiction services shall establish a methodology 102287
for allocating to boards of alcohol, drug addiction, and mental 102288
health services the funds appropriated by the general assembly to 102289
the department for the purpose of local mental health ~~systems~~ and 102290
addiction services continuums of care. The department shall 102291
establish the methodology after notifying and consulting with 102292
relevant constituencies as required by division ~~(L)~~(A)(10) of 102293
section ~~5119.06~~ 5119.21 of the Revised Code. The methodology may 102294
provide for the funds to be allocated to boards on a district or 102295
multi-district basis. ~~Subject~~ 102296

(B) Subject to sections 5119.622 and 5119.623 section 5119.25 102297
of the Revised Code, and to required submissions and approvals 102298
under section 340.08 of the Revised Code, the department shall 102299
allocate the funds to the boards in a manner consistent with the 102300
methodology, this section, other state and federal laws, rules, 102301
and regulations. 102302

~~(B) The department may allocate to boards a portion of the~~ 102303
~~funds appropriated by the general assembly to the department for~~ 102304

~~the operation of state hospital services. If the department 102305
allocates the funds, the department shall do all of the following: 102306~~

~~(1) In consultation with the boards: 102307~~

~~(a) Annually determine the unit costs of providing state 102308
hospital services; and 102309~~

~~(b) Establish the methodology for allocating the funds to the 102310
boards. 102311~~

~~(2) Determine the type of unit costs of providing state 102312
hospital services to be included as a factor in the methodology 102313
and include that unit cost as a factor in the methodology; 102314~~

~~(3) Subject to sections 5119.622 and 5119.623 of the Revised 102315
Code, allocate the funds to the boards in a manner consistent with 102316
the methodology, this section, other state and federal laws, 102317
rules, and regulations. 102318~~

~~(c) Not later than the first day of April of each year, the 102319
department shall notify each board of the department's estimate of 102320
the amount of funds to be allocated to the board under this 102321
section during the fiscal year beginning on the next July first. 102322
If the department makes an allocation under division (B) of this 102323
section, the department shall also notify each board of the unit 102324
costs of providing state hospital services for the upcoming fiscal 102325
year as determined under that division. Not later than the first 102326
day of May of each year, each board shall notify the department as 102327
to which of the following options it has elected for the upcoming 102328
fiscal year: 102329~~

~~(1) The board elects to accept distribution of the amount 102330
allocated to it under this section. Funds distributed to each 102331
board shall be used to supplement and not to supplant other state, 102332
local, or federal funds that are being used to support 102333
community-based programs for severely mentally disabled children, 102334
adolescents, and adults, unless the funds have been specifically 102335~~

~~designated for the initiation of programs in accordance with the 102336
community mental health plan developed and submitted under section 102337
340.03 and approved under section 5119.61 of the Revised Code. 102338
Notwithstanding section 131.33 of the Revised Code, any board may 102339
expend unexpended funds distributed to the board from 102340
appropriations for the purpose of local management of mental 102341
health services in the fiscal year following the fiscal year for 102342
which the appropriations are made, in accordance with the approved 102343
community mental health plan. 102344~~

~~(2) Subject to division (D) of this section, the board elects 102345
not to accept the amount allocated to it under this section, 102346
authorizes the department to determine the use of its allocation, 102347
and agrees to provide the department with a statement of projected 102348
utilization of state hospitals and other state operated services 102349
by residents of its service district during the fiscal year. 102350~~

~~(D) No board shall elect the option in division (C)(2) of 102351
this section unless all of the following apply: 102352~~

~~(1) Either the total funds estimated by the department to be 102353
allocated to the board under this section for the next fiscal year 102354
are reduced by a substantial amount, as defined in guidelines 102355
adopted by the director of mental health under division (E) of 102356
this section, in comparison to the amount allocated for the 102357
current fiscal year, for reasons not related to performance or the 102358
board has experienced other circumstances specified in the 102359
guidelines. 102360~~

~~(2) The board provides the department written confirmation 102361
that the board has received input about the impact that the 102362
board's election will have on the mental health system in the 102363
board's district from all of the following: 102364~~

~~(a) Individuals who receive mental health services and such 102365
individuals' families; 102366~~

(b) Boards of county commissioners;	102367
(c) Judges of juvenile and probate courts;	102368
(d) County sheriffs, jail administrators, and other local law enforcement officials.	102369 102370
(3) Not later than seven days before notifying the department of its election and after providing the department the written confirmation required by division (D)(2) of this section, the board conducts a public hearing on the issue.	102371 102372 102373 102374
(E) For the purpose of division (D)(1) of this section, the director of mental health shall consult with the boards and other relevant constituencies to develop guidelines for determining what constitutes a substantial reduction of funds and what other circumstances qualify a board to elect the option in division (C)(2) of this section.	102375 102376 102377 102378 102379 102380
(F) No board shall use state funds for the purpose of discouraging employees from seeking collective bargaining representation or encouraging employees to decertify a recognized collective bargaining agent.	102381 102382 102383 102384
(G) The department shall charge against the allocation made to a board under division (B) of this section, if any, any unreimbursed costs for services provided by the department.	102385 102386 102387
(H) A board's use of funds allocated under this section is subject to audit by county, state, and federal authorities.	102388 102389
<u>(C) In consultation with boards, community mental health and addiction services providers, and persons receiving services, the department shall establish guidelines for the use of funds allocated and distributed under this section.</u>	102390 102391 102392 102393
Sec. 5119.621 5119.24. (A) As used in this section, "administrative function" means a function related to one or more of the following:	102394 102395 102396

(1) Continuous quality improvement;	102397
(2) Utilization review;	102398
(3) Resource development;	102399
(4) Fiscal administration;	102400
(5) General administration;	102401
(6) Any other function related to administration that is required by Chapter 340. of the Revised Code.	102402 102403
(B) Each board of alcohol, drug addiction, and mental health services shall submit an annual report to the department of mental health <u>mental health and addiction services</u> specifying how the board used funds allocated to the board under section 5119.62 <u>5119.23</u> of the Revised Code for administrative functions in the year preceding the report's submission. The director of mental health <u>mental health and addiction services</u> shall establish the date by which the report must be submitted each year.	102404 102405 102406 102407 102408 102409 102410 102411
Sec. 5119.622 5119.25. (A) The director of mental health <u>mental health and addiction services</u> , in whole or in part, may withhold funds otherwise to be allocated to a board of alcohol, drug addiction, and mental health services under section 5119.62 <u>5119.23</u> of the Revised Code if the board fails to comply with Chapter 340. or section 5119.61, 5119.611, 5119.612, or 5119.621 <u>5119.22, 5119.24, 5119.36, or 5119.37</u> of the Revised Code or rules of the department of mental health regarding a community mental health service <u>mental health and addiction services</u> . The	102412 102413 102414 102415 102416 102417 102418 102419 102420
(B) <u>The director of mental health and addiction services may</u> <u>withhold funds otherwise to be allocated to a board of alcohol,</u> <u>drug addiction, and mental health services under section 5119.23</u> <u>of the Revised Code if the board denies available service on the</u> <u>basis of race, color, religion, creed, sex, age, national origin,</u> <u>disability as defined in section 4112.01 of the Revised Code, or</u>	102421 102422 102423 102424 102425 102426

developmental disability. 102427

(C) The director shall identify issue a notice identifying 102428
the areas of noncompliance and the action necessary to achieve 102429
compliance. The director ~~shall~~ may offer technical assistance to 102430
the board to achieve compliance. ~~The director shall give the board~~ 102431
~~a reasonable time within which to comply or shall have ten days~~ 102432
from receipt of the notice of noncompliance to present its 102433
position that it is in compliance. Before withholding funds, the 102434
director or the director's designee shall hold a hearing ~~shall be~~ 102435
~~conducted within ten days of receipt of the board's position~~ to 102436
determine if there are continuing violations and that either 102437
assistance is rejected or the board is unable to achieve 102438
compliance. Subsequent to the hearing process, if it is determined 102439
that compliance has not been achieved, the director may allocate 102440
all or part of the withheld funds to a public or private agency to 102441
provide the community mental health or community addiction service 102442
for which the board is not in compliance until the time that there 102443
is compliance. The director ~~shall~~ may adopt rules in accordance 102444
with Chapter 119. of the Revised Code to implement this section. 102445

Sec. ~~3793.14~~ 5119.26. Any person treated under this chapter 102446
or rules adopted under it shall retain ~~his~~ the person's civil 102447
rights and liberties, including the right not to be experimented 102448
upon with treatment not accepted as good medical practice without 102449
~~his~~ the person's fully informed consent, the right as a ~~patient~~ 102450
person receiving services to maintain the confidentiality of 102451
health and medical records, the right as a person detained for 102452
medical purposes to receive adequate and appropriate treatment, 102453
and the right to vote. 102454

Sec. ~~3793.13~~ 5119.27. (A) Records or information, other than 102455
court journal entries or court docket entries, pertaining to the 102456
identity, diagnosis, or treatment of any ~~patient~~ person seeking or 102457

receiving services that are maintained in connection with the 102458
performance of any drug treatment program or services licensed by, 102459
or certified by, the director of ~~alcohol and drug addiction~~ 102460
~~services~~, mental health and addiction services under ~~section~~ 102461
~~3793.11 of the Revised Code~~, this chapter shall be kept 102462
confidential, may be disclosed only for the purposes and under the 102463
circumstances expressly authorized under this section, and may not 102464
otherwise be divulged in any civil, criminal, administrative, or 102465
legislative proceeding. 102466

(B) When the ~~patient~~ person, with respect to whom any record 102467
or information referred to in division (A) of this section is 102468
maintained, gives consent in the form of a written release signed 102469
by the ~~patient~~ person, the content of the record or information 102470
may be disclosed if the written release conforms to all of the 102471
following: 102472

(1) Specifically identifies the person, official, or entity 102473
to whom the information is to be provided; 102474

(2) Describes with reasonable specificity the record, 102475
records, or information to be disclosed; and 102476

(3) Describes with reasonable specificity the purposes of the 102477
disclosure and the intended use of the disclosed information. 102478

(C) A ~~patient~~ person who is subject to a community control 102479
sanction, parole, or a post-release control sanction or who is 102480
ordered to rehabilitation in lieu of conviction, and who has 102481
agreed to participate in a drug treatment or rehabilitation 102482
program as a condition of the community control sanction, 102483
post-release control sanction, parole, or order to rehabilitation, 102484
shall be considered to have consented to the release of records 102485
and information relating to the progress of treatment, frequency 102486
of treatment, adherence to treatment requirements, and probable 102487
outcome of treatment. Release of information and records under 102488

this division shall be limited to the court or governmental 102489
personnel having the responsibility for supervising the ~~patient's~~ 102490
person's community control sanction, post-release control 102491
sanction, parole, or order to rehabilitation. A ~~patient~~ person, 102492
described in this division, who refuses to allow disclosure may be 102493
considered in violation of the conditions of the ~~patient's~~ 102494
person's community control sanction, post-release control 102495
sanction, parole, or order to rehabilitation. 102496

(D) Disclosure of a ~~patient's~~ person's record may be made 102497
without the ~~patient's~~ person's consent to qualified personnel for 102498
the purpose of conducting scientific research, management, 102499
financial audits, or program evaluation, but these personnel may 102500
not identify, directly or indirectly, any individual ~~patient~~ 102501
person in any report of the research, audit, or evaluation, or 102502
otherwise disclose a ~~patient's~~ person's identity in any manner. 102503

(E) Upon the request of a prosecuting attorney or the 102504
director of ~~alcohol and drug addiction services~~ mental health and 102505
addiction services, a court of competent jurisdiction may order 102506
the disclosure of records or information referred to in division 102507
(A) of this section if the court has reason to believe that a 102508
treatment program or facility is being operated or used in a 102509
manner contrary to law. The use of any information or record so 102510
disclosed shall be limited to the prosecution of persons who are 102511
or may be charged with any offense related to the illegal 102512
operation or use of the drug treatment program or facility, or to 102513
the decision to withdraw the authority of a drug treatment program 102514
or facility to continue operation. For purposes of this division 102515
the court shall: 102516

(1) Limit disclosure to those parts of the ~~patient's~~ person's 102517
record considered essential to fulfill the objective for which the 102518
order was granted; 102519

(2) Require, where appropriate, that all information be 102520

disclosed in chambers; 102521

(3) Include any other appropriate measures to keep disclosure 102522
to a minimum, consistent with the protection of the ~~patients~~ 102523
persons seeking or receiving services, the physician-patient 102524
relationship, and the administration of the drug treatment and 102525
rehabilitation program. 102526

(F) As used in this section: 102527

(1) "Community control sanction" has the same meaning as in 102528
section 2929.01 of the Revised Code. 102529

(2) "Post-release control sanction" has the same meaning as 102530
in section 2967.01 of the Revised Code. 102531

Sec. 5119.28. (A) All records, and reports, other than court 102532
journal entries or court docket entries, identifying a person and 102533
pertaining to the person's mental health condition, assessment, 102534
provision of care or treatment, or payment for assessment, care or 102535
treatment that are maintained in connection with any services 102536
certified by the department of mental health and addiction 102537
services, or any hospitals or facilities licensed or operated by 102538
the department, shall be kept confidential and shall not be 102539
disclosed by any person except: 102540

(1) If the person identified, or the person's legal guardian, 102541
if any, or if the person is a minor, the person's parent or legal 102542
guardian, consents; 102543

(2) When disclosure is provided for in this chapter or 102544
Chapter 340. or 5122. of the Revised Code or in accordance with 102545
other provisions of state or federal law authorizing such 102546
disclosure; 102547

(3) That hospitals, boards of alcohol, drug addiction, and 102548
mental health services, licensed facilities, and community mental 102549
health services providers may release necessary information to 102550

insurers and other third-party payers, including government 102551
entities responsible for processing and authorizing payment, to 102552
obtain payment for goods and services furnished to the person; 102553

(4) Pursuant to a court order signed by a judge; 102554

(5) That a person shall be granted access to the person's own 102555
psychiatric and medical records, unless access specifically is 102556
restricted in a person's treatment plan for clear treatment 102557
reasons; 102558

(6) That the department of mental health and addiction 102559
services may exchange psychiatric records and other pertinent 102560
information with community mental health services providers and 102561
boards of alcohol, drug addiction, and mental health services 102562
relating to the person's care or services. Records and information 102563
that may be exchanged pursuant to this division shall be limited 102564
to medication history, physical health status and history, 102565
financial status, summary of course of treatment, summary of 102566
treatment needs, and a discharge summary, if any. 102567

(7) That the department of mental health and addiction 102568
services, hospitals and community providers operated by the 102569
department, hospitals licensed by the department under section 102570
5119.33 of the Revised Code, and community mental health services 102571
providers may exchange psychiatric records and other pertinent 102572
information with payers and other providers of treatment and 102573
health services if the purpose of the exchange is to facilitate 102574
continuity of care for the person or for the emergency treatment 102575
of the person; 102576

(8) That the department of mental health and addiction 102577
services and community mental health services providers may 102578
exchange psychiatric records and other pertinent information with 102579
boards of alcohol, drug addiction, and mental health services for 102580
purposes of any board function set forth in Chapter 340. of the 102581

Revised Code. Boards of alcohol, drug addiction, and mental health 102582
services shall not access any personal information from the 102583
department or providers except as required or permitted by this 102584
section, or Chapter 340. or 5122. of the Revised Code for purposes 102585
related to payment, care coordination, health care operations, 102586
program and service evaluation, reporting activities, research, 102587
system administration, oversight, or other authorized purposes. 102588

(9) That a person's family member who is involved in the 102589
provision, planning, and monitoring of services to the person may 102590
receive medication information, a summary of the person's 102591
diagnosis and prognosis, and a list of the services and personnel 102592
available to assist the person and the person's family, if the 102593
person's treatment provider determines that the disclosure would 102594
be in the best interests of the person. No such disclosure shall 102595
be made unless the person is notified first and receives the 102596
information and does not object to the disclosure. 102597

(10) That community mental health services providers may 102598
exchange psychiatric records and certain other information with 102599
the board of alcohol, drug addiction, and mental health services 102600
and other providers in order to provide services to a person 102601
involuntarily committed to a board. Release of records under this 102602
division shall be limited to medication history, physical health 102603
status and history, financial status, summary of course of 102604
treatment, summary of treatment needs, and discharge summary, if 102605
any. 102606

(11) That information may be disclosed to the executor or the 102607
administrator of an estate of a deceased person when the 102608
information is necessary to administer the estate; 102609

(12) That information may be disclosed to staff members of 102610
the appropriate board or to staff members designated by the 102611
director of mental health and addiction services for the purpose 102612
of evaluating the quality, effectiveness, and efficiency of 102613

services and determining if the services meet minimum standards. 102614
Information obtained during such evaluations shall not be retained 102615
with the name of any person. 102616

(13) That records pertaining to the person's diagnosis, 102617
course of treatment, treatment needs, and prognosis shall be 102618
disclosed and released to the appropriate prosecuting attorney if 102619
the person was committed pursuant to section 2945.38, 2945.39, 102620
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 102621
attorney designated by the board for proceedings pursuant to 102622
involuntary commitment under Chapter 5122. of the Revised Code. 102623

(14) That the department of mental health and addiction 102624
services may exchange psychiatric hospitalization records, other 102625
mental health treatment records, and other pertinent information 102626
with the department of rehabilitation and correction and with the 102627
department of youth services to ensure continuity of care for 102628
inmates and offenders who are receiving mental health services in 102629
an institution of the department of rehabilitation and correction 102630
or the department of youth services and may exchange psychiatric 102631
hospitalization records, other mental health treatment records, 102632
and other pertinent information with boards of alcohol, drug 102633
addiction, and mental health services and community mental health 102634
services providers to ensure continuity of care for inmates or 102635
offenders who are receiving mental health services in an 102636
institution and are scheduled for release within six months. The 102637
release of records under this division is limited to records 102638
regarding an inmate's or offender's medication history, physical 102639
health status and history, summary of course of treatment, summary 102640
of treatment needs, and a discharge summary, if any. 102641

(15) That a community mental health services provider that 102642
ceases to operate may transfer to either a community mental health 102643
services provider that assumes its caseload or to the board of 102644
alcohol, drug addiction, and mental health services of the service 102645

district in which the person resided at the time services were 102646
most recently provided any treatment records that have not been 102647
transferred elsewhere at the person's request. 102648

(B) Before records are disclosed pursuant to divisions 102649
(A)(3), (6), and (10) of this section, the custodian of the 102650
records shall attempt to obtain the person's consent for the 102651
disclosure. 102652

(C) No person shall reveal the content of a medical record of 102653
a person that is confidential pursuant to this section, except as 102654
authorized by law. 102655

Sec. ~~5119.57~~ 5119.29. ~~No later than January 1, 1998, the~~ The 102656
~~department of mental health~~ mental health and addiction services, 102657
in conjunction with boards of alcohol, drug addiction, and mental 102658
health services and community mental health boards, shall develop 102659
a coordinated system for tracking and monitoring persons found not 102660
guilty by reason of insanity and committed pursuant to section 102661
2945.40 of the Revised Code who have been granted a conditional 102662
release and persons found incompetent to stand trial and committed 102663
pursuant to section 2945.39 of the Revised Code who have been 102664
granted a conditional release. The system shall do all of the 102665
following: 102666

(A) Centralize responsibility for the tracking of those 102667
persons; 102668

(B) Develop uniformity in monitoring those persons; 102669

(C) Develop a mechanism to allow prompt rehospitalization, 102670
reinstitutionalization, or detention when a violation of the 102671
conditional release or decompensation occurs. 102672

Sec. ~~3793.18~~ 5119.30. The department of ~~alcohol and drug~~ 102673
~~addiction services~~ mental health and addiction services promptly 102674
shall develop and maintain a program that continually provides the 102675

courts of this state with relevant information pertaining to 102676
~~alcohol and drug~~ addiction services and programs available both 102677
within their jurisdictions and statewide in order to facilitate 102678
the ability of the courts to utilize treatment and rehabilitation 102679
alternatives in addition to or in lieu of imposing sentences of 102680
imprisonment upon appropriate offenders. 102681

Sec. ~~5119.23~~ 5119.31. The department of ~~mental health~~ mental 102682
health and addiction services may examine into, with or without 102683
expert assistance, the question of the mental and physical 102684
condition of any person committed to or involuntarily confined in 102685
any hospital for the mentally ill, or restrained of ~~his~~ liberty at 102686
any place within this state by reason of alleged mental illness 102687
and may order and compel the discharge of any such person who is 102688
not a mentally ill person subject to hospitalization by court 102689
order as defined in division (B) of section 5122.01 of the Revised 102690
Code and direct what disposition shall be made of ~~him~~ the person. 102691
The order of discharge shall be signed by the director of ~~mental~~ 102692
~~health~~ mental health and addiction services. Upon receipt of such 102693
order by the superintendent or other person in charge of the 102694
building in which the person named in such order is confined, such 102695
person shall forthwith be discharged or otherwise disposed of 102696
according to the terms of said order, and any further or other 102697
detention of such person is unlawful. No such order shall be made 102698
in favor of any person committed and held for trial on a criminal 102699
charge, in confinement by an order of a judge or court made in a 102700
criminal proceeding, or in any case unless notice is given to the 102701
superintendent or other person having charge of the building in 102702
which the alleged mentally ill person is detained, and a 102703
reasonable opportunity is allowed the person in charge to justify 102704
further detention of the person confined. 102705

Sec. ~~5119.60~~ 5119.32. The department of ~~mental health~~ mental 102706

health and addiction services is hereby designated as the state 102707
administrative agency for the ~~alcohol, drug abuse and mental~~ 102708
~~health services~~ substance abuse prevention treatment block grant 102709
and the community mental health services block grant authorized by 102710
the "Public Health Services Act," 95 Stat. 357, 543, 42 U.S.C. 102711
300x, as amended, and similar alcohol, drug abuse, or mental 102712
health programs that are specified in an appropriations act. ~~The~~ 102713
~~department shall establish and administer an annual plan to~~ 102714
~~utilize federal block grant funds. The department shall consult~~ 102715
~~with the department of alcohol and drug addiction services on the~~ 102716
~~allocation of funds for alcohol and drug addiction services~~ 102717
~~pursuant to Chapter 3793. of the Revised Code and shall notify the~~ 102718
~~controlling board, which shall authorize the transfer of funds~~ 102719
~~allocated to the department of alcohol and drug addiction~~ 102720
~~services.~~ 102721

Sec. ~~5119.20~~ 5119.33. The department of ~~mental health~~ mental 102722
health and addiction services shall inspect and license all 102723
hospitals that receive mentally ill persons, except those 102724
hospitals managed by the department. No hospital may receive for 102725
care or treatment, either at public or private expense, any person 102726
who is or appears to be mentally ill, whether or not so 102727
adjudicated, unless the hospital has received a license from the 102728
department authorizing it to receive for care or treatment persons 102729
who are mentally ill or the hospital is managed by the department. 102730

No such license shall be granted to a hospital for the 102731
treatment of mentally ill persons unless the department is 102732
satisfied, after investigation, that the hospital is managed and 102733
operated by qualified persons and has on its staff one or more 102734
qualified physicians responsible for the medical care of the 102735
patients confined there. At least one such physician shall be a 102736
psychiatrist. 102737

The department shall adopt rules under Chapter 119. of the Revised Code prescribing minimum standards for the operation of hospitals for the care and treatment of mentally ill persons and establishing standards and procedures for the issuance, renewal, or revocation of full, probationary, and interim licenses. No license shall be granted to any hospital established or used for the care of mentally ill persons unless such hospital is operating in accordance with this section and rules adopted pursuant to this section. A full license shall expire one year after the date of issuance, a probationary license shall expire at the time prescribed by rule adopted pursuant to Chapter 119. of the Revised Code by the director of ~~mental health~~ mental health and addiction services, and an interim license shall expire ninety days after the date of issuance. A full, probationary, or interim license may be renewed, except that an interim license may be renewed only twice. The department may fix reasonable fees for licenses and for license renewals. Such hospitals are subject to inspection and ~~visitation~~ on-site review by the department.

Except as otherwise provided in Chapter 5122. of the Revised Code, neither the director of ~~the department of mental health~~ mental health and addiction services; an employee of the department; a board of alcohol, drug addiction, and mental health services or ~~agency~~ employee of a community mental health services provider; nor any other public official shall hospitalize any mentally ill person for care or treatment in any hospital that is not licensed in accordance with this section.

Any license issued by the department under this section may be revoked by the department for any of the following reasons:

(A) The hospital is no longer a suitable place for the care or treatment of mentally ill persons.

(B) The hospital refuses to be subject to inspection or ~~visitation~~ on-site review by the department.

(C) The hospital has failed to furnish humane, kind, and adequate treatment and care. 102770
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(D) The hospital fails to comply with the licensure rules of the department. 102772
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The department may inspect, ~~visit~~ conduct an on-site review, and review the records of any hospital that the department has reason to believe is operating without a license. 102774
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Sec. ~~5119.201~~ 5119.331. If the department of ~~mental health~~ mental health and addiction services determines that a hospital not licensed by the department is receiving for care or treatment any person who is or appears to be mentally ill, the department may request in writing that the attorney general petition the court of common pleas in the county where the hospital is located to enjoin the hospital from continued operation in violation of section ~~5119.20~~ 5119.33 of the Revised Code. 102777
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Sec. ~~5119.202~~ 5119.332. No third-party payer shall directly or indirectly reimburse, nor shall any person be obligated to pay any hospital for psychiatric services for which a license is required under section ~~5119.20~~ 5119.33 of the Revised Code unless the hospital is licensed by the department of ~~mental health~~ mental health and addiction services. 102785
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As used in this section, "third-party payer" means a health insuring corporation licensed under Chapter 1751. of the Revised Code, an insurance company that issues sickness and accident insurance in conformity with Chapter 3923. of the Revised Code, a state-financed health insurance program under Chapter 3701., 4123., or 5101. of the Revised Code, or any self-insurance plan. 102791
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Sec. ~~5119.21~~ 5119.333. No person shall keep or maintain a hospital for the care or treatment of mentally ill persons unless 102797
102798

it is licensed by the department of ~~mental health~~ mental health 102799
and addiction services, as provided by section ~~5119.20~~ 5119.33 of 102800
the Revised Code. 102801

Sec. ~~5119.22~~ 5119.34. (A) As used in this section and ~~section~~ 102802
~~5119.221~~ sections 5119.341 and 5119.342 of the Revised Code: 102803
102804

(1) "Accommodations" means housing, daily meal preparation, 102805
laundry, housekeeping, arranging for transportation, social and 102806
recreational activities, maintenance, security, and other services 102807
that do not constitute personal care services or skilled nursing 102808
care. 102809

(2) "ADAMHS board" means a board of alcohol, drug addiction, 102810
and mental health services. 102811

(3) "Adult" means a person who is eighteen years of age or 102812
older, other than a person described in division (A)(4) of this 102813
section who is between eighteen and twenty-one years of age. 102814

(4) "Child" means a person who is under eighteen years of age 102815
or a person with a mental disability who is under twenty-one years 102816
of age. 102817

(5) "Community mental health ~~agency~~ services provider" means 102818
a community mental health ~~agency~~ services provider as defined in 102819
~~division (H) of section 5122.01~~ 5119.01 of the Revised Code. 102820

(6) "Community mental health services" means any ~~of the~~ 102821
mental health services listed in certified by the department 102822
pursuant to section ~~340.09~~ 5119.36 of the Revised Code. 102823

(7) "Operator" means the person or persons, firm, 102824
partnership, agency, governing body, association, corporation, or 102825
other entity that is responsible for the administration and 102826
management of a residential facility and that is the applicant for 102827
a residential facility license. 102828

(8) "Personal care services" means services including, but not limited to, the following:

(a) Assisting residents with activities of daily living;

(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section;

(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section.

"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(8) of this section to be considered to be providing personal care services.

(9) "Residential facility" means a publicly or privately operated home or facility that provides one of the following:

(a) Accommodations, supervision, personal care services, and community mental health services for one or more ~~of the following~~ unrelated persons adults with mental illness or severe mental disabilities or to one or more unrelated children and adolescents with a serious emotional disturbance or who are in need of mental health services who are referred by or are receiving community mental health services from a community mental health ~~agency,~~ services provider, hospital, or practitioner:

(i) ~~Adults with mental illness;~~

(ii) ~~Persons of any age with severe mental disabilities;~~

(iii) ~~Children with serious emotional disturbances or in need of mental health services.~~

(b) Accommodations, supervision, and personal care services ~~for only one or two unrelated adults; accommodations, supervision,~~

~~and personal care services for three to sixteen unrelated adults;~~ 102859
~~or accommodations, supervision, and personal care services for one~~ 102860
~~or two of the following unrelated persons:~~ 102861

~~(i) Persons of any age with mental illness who are referred~~ 102862
~~by or are receiving community mental health services from a~~ 102863
~~community mental health agency, hospital, or practitioner;~~ 102864

~~(ii) Persons of any age with severe mental disabilities who~~ 102865
~~are referred by or are receiving community mental health services~~ 102866
~~from a community mental health agency, hospital, or practitioner~~ 102867
~~to any of the following:~~ 102868

(i) One or two unrelated persons with mental illness or 102869
persons with severe mental disabilities who are referred by or are 102870
receiving mental health services from a community mental health 102871
services provider, hospital, or practitioner; 102872

(ii) One or two unrelated adults who are receiving 102873
residential state supplement payments; 102874

(iii) Three to sixteen unrelated adults. 102875

(c) Room and board for five or more ~~of the following~~ 102876
unrelated ~~persons:~~ 102877

~~(i) Adults~~ adults with mental illness or severe mental 102878
disability who are referred by or are receiving community mental 102879
health services from a community mental health ~~agency,~~ services 102880
provider, hospital, or practitioner~~;~~ 102881

~~(ii) Adults with severe mental disabilities who are referred~~ 102882
~~by or are receiving community mental health services from a~~ 102883
~~community mental health agency, hospital, or practitioner.~~ 102884

(10) "Residential facility" does not include any of the 102885
following: 102886

(a) A hospital subject to licensure under section ~~5119.20~~ 102887
5119.33 of the Revised Code; 102888

(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities; 102889
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(c) An institution or association subject to certification under section 5103.03 of the Revised Code; 102892
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(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients; 102894
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~~(e) A facility operated by a pediatric respite care program licensed under section 3712.041 of the Revised Code that is used exclusively for care of pediatric respite care patients;~~ 102897
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~~(f)~~ (g) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code; 102900
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~~(g) An alcohol~~ (f) Alcohol or drug addiction program as defined in services certified pursuant to section 3793.01 5119.36 of the Revised Code; 102902
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~~(h)~~(g) A facility licensed to provide methadone treatment under section ~~3793.11~~ 5119.39 of the Revised Code; 102905
102906

~~(i)~~(h) Any facility that receives funding for operating costs from the ~~department of development~~ services agency under any program established to provide emergency shelter housing or transitional housing for the homeless; 102907
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~~(j)~~(i) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code; 102911
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~~(k)~~(j) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans. 102914
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(11) "Room and board" means the provision of sleeping and 102918

living space, meals or meal preparation, laundry services, 102919
housekeeping services, or any combination thereof. 102920

(12) "Residential state supplement" means the program 102921
administered under section 5119.41 of the Revised Code and related 102922
provisions of the Administrative Code under which the state 102923
supplements the supplemental security income payments received by 102924
aged, blind, or disabled adults under Title XVI of the Social 102925
Security Act. Residential state supplement payments are used for 102926
the provision of accommodations, supervision, and personal care 102927
services to supplemental security income recipients the department 102928
of mental health and addition services determines are at risk of 102929
needing institutional care. 102930

(13) "Supervision" means any of the following: 102931

(a) Observing a resident to ensure the resident's health, 102932
safety, and welfare while the resident engages in activities of 102933
daily living or other activities; 102934

(b) Reminding a resident to perform or complete an activity, 102935
such as reminding a resident to engage in personal hygiene or 102936
other self-care activities; 102937

(c) Assisting a resident in making or keeping an appointment. 102938

~~(13)~~(14) "Unrelated" means that a resident is not related to 102939
the owner or operator of a residential facility or to the owner's 102940
or operator's spouse as a parent, grandparent, child, stepchild, 102941
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 102942
the child of an aunt or uncle. 102943

(B) Nothing in division (A)(9) of this section shall be 102944
construed to permit personal care services to be imposed on a 102945
resident who is capable of performing the activity in question 102946
without assistance. 102947

(C) Except in the case of a residential facility described in 102948

division (A)(9)(a) of this section, members of the staff of a residential facility shall not administer medication to the facility's residents, but may do any of the following:

(1) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container;

(2) Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to this section, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.

(3) Assist a physically impaired but mentally alert resident, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to the resident's mouth without spilling it, a staff member may place the dose in a container and place the container to the mouth of the resident.

(D)(1) Except as provided in division (D)(2) of this section, a person operating or seeking to operate a residential facility shall apply for licensure of the facility to the department of ~~mental health~~ mental health and addiction services. The application shall be submitted by the operator. When applying for the license, the applicant shall pay to the department the application fee specified in rules adopted under division ~~(L)~~(K) of this section. The fee is nonrefundable.

The department shall send a copy of an application to the ADAMHS board serving the county in which the person operates or seeks to operate the facility. The ADAMHS board shall review the application and provide to the department any information about

the applicant or the facility that the board would like the 102980
department to consider in reviewing the application. 102981

(2) A person may not apply for a license to operate a 102982
residential facility if the person is or has been the owner, 102983
operator, or manager of a residential facility for which a license 102984
to operate was revoked or for which renewal of a license was 102985
refused for any reason other than nonpayment of the license 102986
renewal fee, unless both of the following conditions are met: 102987

(a) A period of not less than two years has elapsed since the 102988
date the director of ~~mental health~~ mental health and addiction 102989
services issued the order revoking or refusing to renew the 102990
facility's license. 102991

(b) The director's revocation or refusal to renew the license 102992
was not based on an act or omission at the facility that violated 102993
a resident's right to be free from abuse, neglect, or 102994
exploitation. 102995

~~(E)(1) Any person may operate a residential facility 102996
providing accommodations and personal care services for one to 102997
five unrelated persons and licensed as a residential facility that 102998
meets the criteria specified in division (A)(9)(b) of this section 102999
as a permitted use in any residential district or zone, including 103000
any single family residential district or zone of any political 103001
subdivision. Such facilities may be required to comply with area, 103002
height, yard, and architectural compatibility requirements that 103003
are uniformly imposed upon all single family residences within the 103004
district or zone. 103005~~

~~(2) Any person may operate a residential facility providing 103006
accommodations and personal care services for six to sixteen 103007
persons and licensed as a residential facility that meets the 103008
criteria specified in division (A)(9)(b) of this section as a 103009
permitted use in any multiple family residential district or zone 103010~~

~~of any political subdivision, except that a political subdivision 103011
that has enacted a zoning ordinance or resolution establishing 103012
planned unit development districts as defined in section 519.021 103013
of the Revised Code may exclude such facilities from such 103014
districts, and a political subdivision that has enacted a zoning 103015
ordinance or resolution may regulate such facilities in 103016
multiple family residential districts or zones as a conditionally 103017
permitted use or special exception, in either case, under 103018
reasonable and specific standards and conditions set out in the 103019
zoning ordinance or resolution to: 103020~~

~~(a) Require the architectural design and site layout of the 103021
home and the location, nature, and height of any walls, screens, 103022
and fences to be compatible with adjoining land uses and the 103023
residential character of the neighborhood; 103024~~

~~(b) Require compliance with yard, parking, and sign 103025
regulation. 103026~~

~~(3) Divisions (E)(1) and (2) of this section do not affect 103027
any right of a political subdivision to permit a person to operate 103028
a residential facility licensed under this section in a 103029
single family residential district or zone under conditions 103030
established by the political subdivision. 103031~~

~~(4)(a) Notwithstanding divisions (E)(1) and (2) of this 103032
section and except as provided in division (E)(4)(b) of this 103033
section, a political subdivision that has enacted a zoning 103034
ordinance or resolution may limit the excessive concentration of 103035
licensed residential facilities that meet the criteria specified 103036
in division (A)(9)(b) of this section. 103037~~

~~(b) Division (E)(4)(a) of this section does not authorize a 103038
political subdivision to prevent or limit the continued existence 103039
and operation of residential facilities existing and operating on 103040
September 10, 2012, and that meet the criteria specified in 103041~~

~~division (A)(9)(b) of this section. A political subdivision may
consider the existence of such facilities for the purpose of
limiting the excessive concentration of such facilities that meet
the criteria specified in division (A)(9)(b) of this section that
are not existing and operating on September 10, 2012.~~

~~(F)(1)~~ The department of ~~mental health~~ mental health and
addiction services shall inspect and license the operation of
residential facilities. The department shall consider the past
record of the facility and the applicant or licensee in arriving
at its licensure decision.

The department may issue full, probationary, and interim
licenses. A full license shall expire ~~two~~ up to three years after
the date of issuance, a probationary license shall expire in a
shorter period of time as specified in rules adopted by the
director of mental health under division ~~(L)~~(K) of this section,
and an interim license shall expire ninety days after the date of
issuance. A license may be renewed in accordance with rules
adopted by the director under division ~~(L)~~(K) of this section. The
renewal application shall be submitted by the operator. When
applying for renewal of a license, the applicant shall pay to the
department the renewal fee specified in rules adopted under
division ~~(L)~~(K) of this section. The fee is nonrefundable.

(2) The department may issue an order suspending the
admission of residents to the facility or refuse to issue or renew
and may revoke a license if it finds the facility is not in
compliance with rules adopted by the director pursuant to division
~~(L)~~(K) of this section or if any facility operated by the
applicant or licensee has been cited for repeated violations of
statutes or rules during the period of previous licenses.
Proceedings initiated to deny applications for full or
probationary licenses or to revoke such licenses are governed by
Chapter 119. of the Revised Code.

~~(G)~~(F) The department may issue an interim license to operate a residential facility if both of the following conditions are met:

(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available.

(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under division ~~(L)~~(K) of this section.

An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code.

~~(H)~~(G)(1) The department of ~~mental health~~ mental health and addiction services may conduct an inspection of a residential facility as follows:

(a) Prior to issuance of a license for the facility;

(b) Prior to renewal of the license;

(c) To determine whether the facility has completed a plan of correction required pursuant to division ~~(H)~~(G)(2) of this section and corrected deficiencies to the satisfaction of the department and in compliance with this section and rules adopted pursuant to it;

(d) Upon complaint by any individual or agency;

(e) At any time the director considers an inspection to be necessary in order to determine whether the facility is in compliance with this section and rules adopted pursuant to this section.

(2) In conducting inspections the department may conduct an

on-site examination and evaluation of the residential facility and 103104
its personnel, activities, and services. The department shall have 103105
access to examine and copy all records, accounts, and any other 103106
documents relating to the operation of the residential facility, 103107
including records pertaining to residents, and shall have access 103108
to the facility in order to conduct interviews with the operator, 103109
staff, and residents. Following each inspection and review, the 103110
department shall complete a report listing any deficiencies, and 103111
including, when appropriate, a time table within which the 103112
operator shall correct the deficiencies. The department may 103113
require the operator to submit a plan of correction describing how 103114
the deficiencies will be corrected. 103115

~~(I)~~(H) No person shall do any of the following: 103116

(1) Operate a residential facility unless the facility holds 103117
a valid license; 103118

(2) Violate any of the conditions of licensure after having 103119
been granted a license; 103120

(3) Interfere with a state or local official's inspection or 103121
investigation of a residential facility; 103122

(4) Violate any of the provisions of this section or any 103123
rules adopted pursuant to this section. 103124

~~(J)~~(I) The following may enter a residential facility at any 103125
time: 103126

(1) Employees designated by the director of ~~mental health~~ 103127
mental health and addiction services; 103128

(2) Employees of an ADAMHS board under either of the 103129
following circumstances: 103130

(a) When a resident of the facility is receiving services 103131
from a community mental health ~~agency~~ services provider under 103132
contract with that ADAMHS board or another ADAMHS board; 103133

(b) When authorized by section 340.05 of the Revised Code.	103134
(3) Employees of a community mental health agency <u>services provider</u> under either of the following circumstances:	103135
(a) When the agency <u>services provider</u> has a client <u>person receiving services</u> residing in the facility;	103137
(b) When the agency <u>services provider</u> is acting as an agent of an ADAMHS board other than the board with which it is under contract.	103138
(4) Representatives of the state long-term care ombudsman <u>ombudsman</u> program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are recipients under the residential state supplement program.	103139
The persons specified in division (J) <u>(I)</u> of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.	103140
(K) <u>(J)</u> Employees of the department of mental health <u>mental health and addiction services</u> may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.	103141
(L) <u>(K)</u> The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the licensing and operation of residential facilities. The rules shall establish all of the following:	103142
(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities;	103143
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(2) Procedures for the issuance, renewal, or revocation of the licenses of residential facilities;	103164 103165
(3) Procedures for conducting criminal records checks for prospective <u>or current</u> operators, staff employees , and other individuals <u>volunteers</u> who, if employed by a residential facility, <u>would</u> <u>may</u> have unsupervised <u>direct</u> access to facility residents;	103166 103167 103168 103169 103170
(4) The fee to be paid when applying for a new residential facility license or renewing the license;	103171 103172
(5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;	103173 103174 103175 103176 103177 103178
(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;	103179 103180
(7) Measures to be taken by residential facilities relative to residents' medication;	103181 103182
(8) Requirements relating to preparation of special diets;	103183
(9) The maximum number of residents who may be served in a residential facility;	103184 103185
(10) The rights of residents of residential facilities and procedures to protect such rights;	103186 103187
(11) Procedures for obtaining an affiliation agreement approved by the board between a residential facility and a community mental health agency <u>services provider</u> ;	103188 103189 103190
(12) Standards and procedures under which the director may waive the requirements of any of the rules adopted.	103191 103192
(M) <u>(L)</u> (1) The department may withhold the source of any	103193

complaint reported as a violation of this section when the 103194
department determines that disclosure could be detrimental to the 103195
department's purposes or could jeopardize the investigation. The 103196
department may disclose the source of any complaint if the 103197
complainant agrees in writing to such disclosure and shall 103198
disclose the source upon order by a court of competent 103199
jurisdiction. 103200

(2) Any person who makes a complaint under division ~~(M)~~(L)(1) 103201
of this section, or any person who participates in an 103202
administrative or judicial proceeding resulting from such a 103203
complaint, is immune from civil liability and is not subject to 103204
criminal prosecution, other than for perjury, unless the person 103205
has acted in bad faith or with malicious purpose. 103206

~~(N)~~(M)(1) The director of ~~mental health~~ mental health and 103207
addiction services may petition the court of common pleas of the 103208
county in which a residential facility is located for an order 103209
enjoining any person from operating a residential facility without 103210
a license or from operating a licensed facility when, in the 103211
director's judgment, there is a present danger to the health or 103212
safety of any of the occupants of the facility. The court shall 103213
have jurisdiction to grant such injunctive relief upon a showing 103214
that the respondent named in the petition is operating a facility 103215
without a license or there is a present danger to the health or 103216
safety of any residents of the facility. 103217

(2) When the court grants injunctive relief in the case of a 103218
facility operating without a license, the court shall issue, at a 103219
minimum, an order enjoining the facility from admitting new 103220
residents to the facility and an order requiring the facility to 103221
assist with the safe and orderly relocation of the facility's 103222
residents. 103223

(3) If injunctive relief is granted against a facility for 103224
operating without a license and the facility continues to operate 103225

without a license, the director shall refer the case to the attorney general for further action.

~~(O)~~(N) The director may fine a person for violating division ~~(I)~~(H) of this section. The fine shall be five hundred dollars for a first offense; for each subsequent offense, the fine shall be one thousand dollars. The director's actions in imposing a fine shall be taken in accordance with Chapter 119. of the Revised Code.

Sec. 5119.341. (A) Any person may operate a residential facility providing accommodations and personal care services for one to five unrelated persons and licensed as a residential facility that meets the criteria specified in division (A)(9)(b) of section 5119.34 of the Revised Code as a permitted use in any residential district or zone, including any single-family residential district or zone of any political subdivision. Such facilities may be required to comply with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within the district or zone.

(B) Any person may operate a residential facility providing accommodations and personal care services for six to sixteen persons and licensed as a residential facility that meets the criteria specified in division (A)(9)(b) of section 5119.34 of the Revised Code as a permitted use in any multiple-family residential district or zone of any political subdivision, except that a political subdivision that has enacted a zoning ordinance or resolution establishing planned-unit developments as defined in section 519.021 of the Revised Code may exclude such facilities from such districts, and a political subdivision that has enacted a zoning ordinance or resolution may regulate such facilities in multiple-family residential districts or zones as a conditionally

permitted use or special exception, in either case, under 103257
reasonable and specific standards and conditions set out in the 103258
zoning ordinance or resolution to: 103259

(1) Require the architectural design and site layout of the 103260
home and the location, nature, and height of any walls, screens, 103261
and fences to be compatible with adjoining land uses and the 103262
residential character of the neighborhood; 103263

(2) Require compliance with yard, parking, and sign 103264
regulation. 103265

(C) Divisions (A) and (B) of this section do not affect any 103266
right of a political subdivision to permit a person to operate a 103267
residential facility licensed under section 5119.34 of the Revised 103268
Code in a single-family residential district or zone under 103269
conditions established by the political subdivision. 103270

(D)(1) Notwithstanding divisions (A) and (B) of this section 103271
and except as provided in division (D)(2) of this section, a 103272
political subdivision that has enacted a zoning ordinance or 103273
resolution may limit the excessive concentration of licensed 103274
residential facilities that meet the criteria specified in 103275
division (A)(9)(b) of section 5119.34 of the Revised Code. 103276

(2) Division (D)(1) of this section does not authorize a 103277
political subdivision to prevent or limit the continued existence 103278
and operation of residential facilities existing and operating on 103279
September 10, 2012, and that meet the criteria specified in 103280
division (A)(9)(b) of section 5119.34 of the Revised Code. A 103281
political subdivision may consider the existence of such 103282
facilities for the purpose of limiting the excessive concentration 103283
of such facilities that meet the criteria specified in division 103284
(A)(9)(b) of section 5119.34 of the Revised Code that are not 103285
existing and operating on September 10, 2012. 103286

~~Sec. 5119.221~~ 5119.342. (A) Upon petition by the director of 103287
~~mental health~~ mental health and addiction services, the court of 103288
common pleas or the probate court may appoint a receiver to take 103289
possession of and operate a residential facility licensed pursuant 103290
to section ~~5119.22~~ 5119.34 of the Revised Code, when conditions 103291
existing at the residential facility present a substantial risk of 103292
physical or mental harm to residents and no other remedies at law 103293
are adequate to protect the health, safety, and welfare of the 103294
residents. 103295

Petitions filed pursuant to this section shall include: 103296

(1) A description of the specific conditions existing at the 103297
residential facility which present a substantial risk of physical 103298
or mental harm to residents; 103299

(2) A statement of the absence of other adequate remedies at 103300
law; 103301

(3) The number of individuals residing at the facility; 103302

(4) A statement that the facts have been brought to the 103303
attention of the owner or licensee and that conditions have not 103304
been remedied within a reasonable period of time or that the 103305
conditions, though remedied periodically, habitually exist at the 103306
residential facility as a pattern or practice; and 103307

(5) The name and address of the person holding the license 103308
for the residential facility. 103309

(B) A court in which a petition is filed pursuant to this 103310
section shall notify the person holding the license for the 103311
facility of the filing. The department shall send notice of the 103312
filing to the following, as appropriate: the Ohio protection and 103313
advocacy system as defined in section 5123.60 of the Revised Code; 103314
facility owner; facility operator; board of alcohol, drug 103315
addiction, and mental health services; board of health; department 103316

of developmental disabilities; department of job and family 103317
services; facility residents; and residents' families and 103318
guardians. The court shall provide a hearing on the petition 103319
within five court days of the time it was filed, except that the 103320
court may appoint a receiver prior to that time if it determines 103321
that the circumstances necessitate such action. 103322

Following a hearing on the petition, and upon a determination 103323
that the appointment of a receiver is warranted, the court shall 103324
appoint a receiver and notify the department of ~~mental health~~ 103325
mental health and addiction services and appropriate persons of 103326
this action. 103327

In setting forth the powers of the receiver, the court may 103328
generally authorize the receiver to do all that is prudent and 103329
necessary to safely and efficiently operate the residential 103330
facility within the requirements of state and federal law, but 103331
shall require the receiver to obtain court approval prior to 103332
making any single expenditure of more than five thousand dollars 103333
to correct deficiencies in the structure or furnishings of a 103334
facility. The court shall closely review the conduct of the 103335
receiver and shall require regular and detailed reports. 103336

(C) A receivership established pursuant to this section shall 103337
be terminated, following notification of the appropriate parties 103338
and a hearing, if the court determines either of the following: 103339

(1) The residential facility has been closed and the former 103340
residents have been relocated to an appropriate facility; 103341

(2) Circumstances no longer exist at the residential facility 103342
which present a substantial risk of physical or mental harm to 103343
residents, and there is no deficiency in the residential facility 103344
that is likely to create a future risk of harm. 103345

Notwithstanding division (C)(2) of this section, the court 103346
shall not terminate a receivership for a residential facility that 103347

has previously operated under another receivership unless the 103348
responsibility for the operation of the facility is transferred to 103349
an operator approved by the court and the department of ~~mental~~ 103350
~~health~~ mental health and addiction services. 103351

(D) Except for the department of ~~mental health~~ mental health 103352
and addiction services or appropriate board of alcohol, drug 103353
addiction, and mental health services, no party or person 103354
interested in an action shall be appointed a receiver pursuant to 103355
this section. 103356

To assist the court in identifying persons qualified to be 103357
named as receivers, the director of ~~the department of mental~~ 103358
~~health~~ mental health and addiction services shall maintain a list 103359
of the names of such persons. The department of ~~mental health~~ 103360
mental health and addiction services, the department of job and 103361
family services, and the department of health shall provide 103362
technical assistance to any receiver appointed pursuant to this 103363
section. 103364

Before entering upon the duties of receiver, the receiver 103365
must be sworn to perform the duties faithfully, and, with surety 103366
approved by the court, judge, or clerk, execute a bond to such 103367
person, and in such sum as the court or judge directs, to the 103368
effect that such receiver will faithfully discharge the duties of 103369
receiver in the action, and obey the orders of the court therein. 103370

(1) Under the control of the appointing court, a receiver may 103371
do the following: 103372

(a) Bring and defend actions in the appointee's name as 103373
receiver; 103374

(b) Take and keep possession of property. 103375

(2) The court shall authorize the receiver to do the 103376
following: 103377

(a) Collect payment for all goods and services provided to the residents or others during the period of the receivership at the same rate as was charged by the licensee at the time the petition for receivership was filed, unless a different rate is set by the court;	103378 103379 103380 103381 103382
(b) Honor all leases, mortgages, and secured transactions governing all buildings, goods, and fixtures of which the receiver has taken possession, but, in the case of a rental agreement only to the extent of payments that are for the use of the property during the period of the receivership, or, in the case of a purchase agreement, only to the extent that payments come due during the period of the receivership;	103383 103384 103385 103386 103387 103388 103389
(c) If transfer of residents is necessary, provide for the orderly transfer of residents by:	103390 103391
(i) Cooperating with all appropriate state and local agencies in carrying out the transfer of residents to alternative community placements;	103392 103393 103394
(ii) Providing for the transportation of residents' belongings and records;	103395 103396
(iii) Helping to locate alternative placements and develop plans for transfer;	103397 103398
(iv) Encouraging residents or guardians to participate in transfer planning except when an emergency exists and immediate transfer is necessary.	103399 103400 103401
(d) Make periodic reports on the status of the residential facility to the court; the appropriate state agencies; and the board of alcohol, drug addiction, and mental health services. Each report shall be made available to residents, their guardians, and families.	103402 103403 103404 103405 103406
(e) Compromise demands or claims; and	103407

(f) Generally do such acts respecting the residential 103408
facility as the court authorizes. 103409

Notwithstanding any other provision of law, contracts which 103410
are necessary to carry out the powers and duties of the receiver 103411
need not be competitively bid. 103412

Sec. ~~5119.611~~ 5119.36. (A) A community mental health ~~agency~~ 103413
services provider applicant or community addiction services 103414
provider applicant that seeks certification of its community 103415
mental health services or community addiction services shall 103416
submit an application to the director of ~~mental health~~ mental 103417
health and addiction services. On receipt of the application, the 103418
director may ~~visit~~ conduct an on-site review and shall evaluate 103419
the ~~agency provider~~ to determine whether its services satisfy the 103420
standards established by rules adopted under division ~~(C)~~ (E) of 103421
this section. The director shall make the evaluation, and, if the 103422
director ~~visits~~ conducts an on-site review of the agency provider, 103423
~~shall~~ may make the ~~visit~~ review, in cooperation with the board of 103424
alcohol, drug addiction, and mental health services with which the 103425
~~agency provider~~ seeks to contract under division (A)(8)(a) of 103426
section 340.03 of the Revised Code. 103427

(B) Subject to section ~~5119.612~~ 5119.37 of the Revised Code, 103428
the director shall determine whether the services of an 103429
~~applicant's community mental health agency~~ applicant satisfy the 103430
standards for certification of the services. If the director 103431
determines that a community mental health ~~agency's~~ services 103432
provider's or a community addiction services provider's services 103433
satisfy the standards for certification and the ~~agency provider~~ 103434
has paid the fee required under division (D) of this section, the 103435
director shall certify the services. No community mental health 103436
services provider or community addiction services provider shall 103437
be eligible to receive state or federal funds, or funds 103438

administered by a board of alcohol, drug addiction, and mental health services unless its services have been certified by the department. 103439
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(C) If the director determines that a community mental health agency's services provider's or a community addiction services provider's services do not satisfy the standards for certification, the director shall identify the areas of noncompliance, specify what action is necessary to satisfy the standards, and may offer technical assistance to the provider and to the board of alcohol, drug addiction, and mental health services so that the board may assist the agency provider in satisfying the standards. The director shall give the agency provider a reasonable time within which to demonstrate that its services satisfy the standards or to bring the services into compliance with the standards. If the director concludes that the services continue to fail to satisfy the standards, the director may request that the board reallocate ~~the~~ any funds for the ~~community~~ mental health or addiction services the ~~agency~~ provider was to provide to another community mental health ~~agency~~ or addiction services provider whose community mental health or community addiction services satisfy the standards. If the board does not reallocate ~~those~~ such funds in a reasonable period of time, the director may withhold state and federal funds for the ~~community mental health~~ services and allocate those funds directly to a community mental health ~~agency~~ or community addiction services provider whose ~~community mental health~~ services satisfy the standards. 103442
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(D) Each community mental health ~~agency~~ services provider or community addiction services provider seeking certification of its ~~community~~ mental health or addiction services under this section shall pay a fee for the certification required by this section, unless the provider is exempt under rules adopted under division 103466
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(E) of this section. Fees shall be paid into the state treasury to 103471
the credit of the sale of goods and services fund created pursuant 103472
to section ~~5119.161~~ 5119.45 of the Revised Code. 103473

(E) The director shall adopt rules in accordance with Chapter 103474
119. of the Revised Code to implement this section. The rules 103475
shall do all of the following: 103476

(1) Establish certification standards for ~~community~~ mental 103477
health services, ~~including assertive community treatment and~~ 103478
~~intensive home-based mental health services,~~ and addiction 103479
services that are consistent with nationally recognized applicable 103480
standards and facilitate participation in federal assistance 103481
programs. The rules shall include as certification standards only 103482
requirements that improve the quality of services or the health 103483
and safety of ~~clients of~~ persons receiving community mental health 103484
and addiction services. The standards shall address at a minimum 103485
all of the following: 103486

(a) Reporting major unusual incidents to the director; 103487

(b) Procedures for applicants for and ~~clients of~~ persons 103488
receiving community mental health and addiction services to file 103489
grievances and complaints; 103490

(c) Seclusion; 103491

(d) Restraint; 103492

(e) Requirements regarding physical facilities of service 103493
delivery sites; 103494

(f) Requirements with regard to health, safety, adequacy, and 103495
cultural specificity and sensitivity; 103496

(g) Standards for evaluating services; 103497

(h) Standards and procedures for granting full or conditional 103498
certification to a service provider; 103499

(i) Standards and procedures for revoking the certification 103500

of a provider's services that do not continue to meet the minimum standards established pursuant to this section; 103501
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(j) The limitations to be placed on a provider that is granted conditional certification; 103503
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(k) Development of written policies addressing the rights of clients persons receiving services, including all of the following: 103505
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(i) The right to a copy of the written policies addressing client the rights of persons receiving services; 103508
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(ii) The right at all times to be treated with consideration and respect for the client's person's privacy and dignity; 103510
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(iii) The right to have access to the client's person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the client's person's treatment plan for clear treatment reasons; 103512
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(iv) The right to have a client rights officer provided by the agency services provider or board of alcohol, drug addiction, and mental health services advise the client person of the client's person's rights, including the client's person's rights under Chapter 5122. of the Revised Code if the client person is committed to the agency provider or board. 103516
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~~(2) Establish standards for qualifications of mental health professionals as defined in section 340.02 of the Revised Code and personnel who provide the community mental health services;~~ 103522
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~~(3) Establish the process for certification of community mental health and addiction services;~~ 103525
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~~(4)(3) Set the amount of certification review fees based on a portion of the cost of performing the review;~~ 103527
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~~(5)(4) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds.~~ 103529
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(F) The department shall maintain a current list of providers whose addiction services are certified by the department under division (B) of this section and shall provide a copy of the list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) of section 2925.03 of the Revised Code. The list of certified addiction services shall identify each provider by its name, its address, and the county in which it is located. 103531
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(G) No person shall represent in any manner that a provider is certified by the department if the provider is not certified at the time the representation is made. 103539
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Sec. ~~5119.613~~ 5119.361. The director of ~~mental health~~ mental health and addiction services shall require that each board of alcohol, drug addiction, and mental health services ensure that each community mental health ~~agency~~ services provider and community addiction services provider with which it contracts under division (A)(8)(a) of section 340.03 of the Revised Code to provide community mental health or addiction services establish grievance procedures consistent with rules adopted under section ~~5119.611~~ 5119.36 of the Revised Code that are available to all ~~applicants for and clients of the~~ persons seeking or receiving services from a community mental health or addiction services provider. 103542
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Sec. ~~5119.612~~ 5119.37. (A) In lieu of a determination by the director of ~~mental health~~ mental health and addiction services of whether the services of a community mental health ~~agency~~ services provider or a community addiction services provider satisfy the standards for certification under section ~~5119.611~~ 5119.36 of the Revised Code, the director shall accept appropriate accreditation of an applicant's mental health services, alcohol and drug addiction services, integrated mental health and alcohol and other 103554
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drug addiction services, ~~or~~ integrated mental health and physical 103562
health services, or integrated alcohol and other drug addiction 103563
and physical health services being provided in this state from any 103564
of the following national accrediting organizations as evidence 103565
that the applicant satisfies the standards for certification: 103566

(1) The joint commission; 103567

(2) The commission on accreditation of rehabilitation 103568
facilities; 103569

(3) The council on accreditation; 103570

(4) Other behavioral health accreditation as determined by 103571
the director. 103572

(B) If the director determines that an applicant's 103573
accreditation is current, is appropriate for the services for 103574
which the applicant is seeking certification, and the applicant 103575
meets any other requirements established under this section or in 103576
rules adopted under this section, the director shall certify the 103577
applicant's services that are accredited. Except as provided in 103578
division (C)(2) of this section, the director shall issue the 103579
certification without further evaluation of the services. 103580

(C) For purposes of this section, all of the following apply: 103581

(1) The director may review the accrediting organizations 103582
listed in division (A) of this section to evaluate whether the 103583
accreditation standards and processes used by the organizations 103584
are consistent with service delivery models the director considers 103585
appropriate for mental health services, alcohol or other drug 103586
addiction services, physical health services, or both. The 103587
director may communicate to an accrediting organization any 103588
identified concerns, trends, needs, and recommendations. 103589

(2) The director may ~~visit~~ conduct an on-site review or 103590
otherwise evaluate a community mental health ~~agency~~ services 103591

provider or a community addiction services provider at any time 103592
based on cause, including complaints made by or on behalf of 103593
~~consumers~~ persons receiving services and confirmed or alleged 103594
deficiencies brought to the attention of the director. 103595

(3) The director shall require a community mental health 103596
agency services provider and a community addiction services 103597
provider to notify the director not later than ten days after any 103598
change in the ~~agency's~~ provider's accreditation status. The ~~agency~~ 103599
provider may notify the director by providing a copy of the 103600
relevant document the ~~agency~~ provider received from the 103601
accrediting organization. 103602

(4) The director shall require a community mental health 103603
agency services provider and a community addiction services 103604
provider to submit to the director reports of major unusual 103605
incidents. 103606

(5) The director may require a community mental health ~~agency~~ 103607
services provider or a community addiction services provider to 103608
submit to the director cost reports pertaining to the ~~agency~~ 103609
provider. 103610

(D) The director shall adopt rules in accordance with Chapter 103611
119. of the Revised Code to implement this section. In adopting 103612
the rules, the director shall do all of the following: 103613

(1) Specify the documentation that must be submitted as 103614
evidence of holding appropriate accreditation; 103615

(2) Establish a process by which the director may review the 103616
accreditation standards and processes used by the national 103617
accrediting organizations listed in division (A) of this section; 103618

(3) Specify the circumstances under which reports of major 103619
unusual incidents and ~~agency~~ provider cost reports must be 103620
submitted to the director; 103621

(4) Specify the circumstances under which the director may 103622
~~visit~~ conduct an on-site review or otherwise evaluate a community 103623
mental health ~~agency~~ services provider and a community addiction 103624
services provider for cause; 103625

(5) Establish a process by which the director, based on 103626
deficiencies identified as a result of ~~visiting~~ conducting an 103627
on-site review or evaluating a community mental health ~~agency~~ 103628
services provider or a community addiction services provider under 103629
division (C)(2) of this section, may take any of a range of 103630
corrective actions, with the most stringent being revocation of 103631
the certification of the ~~agency's~~ provider's services. 103632

Sec. ~~3793.10~~ 5119.38. A drivers' intervention program may be 103633
used as an alternative to a term of imprisonment for an offender 103634
sentenced pursuant to division (G)(1)(a) of section 4511.19 of the 103635
Revised Code, if it is certified by the director of ~~alcohol and~~ 103636
~~drug addiction services~~ mental health and addiction services 103637
pursuant to this section. No drivers' intervention program shall 103638
be used as an alternative to a term of imprisonment that is 103639
imposed pursuant to division (G)(1)(b), (c), (d), or (e) of 103640
section 4511.19 of the Revised Code. 103641

To qualify for certification by the director and to receive 103642
funds from the statewide treatment and prevention fund created by 103643
section 4301.30 of the Revised Code in any amounts and at any 103644
times that the director determines are appropriate, a drivers' 103645
intervention program shall meet state minimum standards that the 103646
director shall establish by rule. The rules shall include, but are 103647
not limited to, standards governing program course hours and 103648
content, qualifications of program personnel, methods of 103649
identifying and testing participants to isolate participants with 103650
alcohol and drug abuse problems, referral of such persons to 103651
~~alcohol and drug~~ community addiction programs services providers, 103652

the prompt notification of courts by program operators of the 103653
completion of the programs by persons required by courts to attend 103654
them, and record keeping, including methods of tracking 103655
participants for a reasonable time after they have left the 103656
program. 103657

The director shall issue a certificate to any qualified 103658
drivers' intervention program. The certificate is valid for three 103659
years. 103660

Sec. ~~3793.11~~ 5119.39. (A) No ~~alcohol and drug~~ community 103661
addiction ~~program~~ services provider shall employ methadone 103662
treatment or prescribe, dispense, or administer methadone unless 103663
the program is licensed under this section. No ~~alcohol and drug~~ 103664
community addiction ~~program~~ services provider licensed under this 103665
section shall maintain methadone treatment in a manner 103666
inconsistent with this section and the rules adopted under it. 103667

(B) ~~An alcohol and drug~~ A community addiction ~~program~~ 103668
services provider may apply to the department of ~~alcohol and drug~~ 103669
~~addiction services~~ mental health and addiction services for a 103670
license to maintain methadone treatment. The department shall 103671
review all applications received. 103672

(C) The department may issue a license to maintain methadone 103673
treatment to ~~an alcohol and drug~~ community addiction ~~program~~ 103674
services provider only if all of the following apply: 103675

(1) The ~~program~~ provider is operated by a private, nonprofit 103676
organization or by a government entity; 103677

(2) For at least two years immediately preceding the date of 103678
application, the ~~program~~ provider has been fully certified under 103679
section ~~3793.06~~ 5119.36 of the Revised Code; 103680

(3) The ~~program~~ provider has not been denied a license to 103681
maintain methadone treatment or had its license withdrawn or 103682

revoked within the five-year period immediately preceding the date 103683
of application; 103684

(4) It affirmatively appears to the department that the 103685
~~program~~ provider is adequately staffed and equipped to maintain 103686
methadone treatment; 103687

(5) It affirmatively appears to the department that the 103688
~~program~~ provider will maintain methadone treatment in strict 103689
compliance with section 3719.61 of the Revised Code, all other 103690
laws relating to drug abuse, and the rules adopted by the 103691
department; 103692

(6) Except as provided in division (D) of this section, there 103693
is no public or private school, licensed child day-care center, or 103694
other child-serving agency within a radius of five hundred feet of 103695
the location where the program is to maintain methadone treatment. 103696

(D) The department may waive the requirement of division 103697
(C)(6) of this section if it receives, from each public or private 103698
school, licensed child day-care center, or other child-serving 103699
agency that is within the applicable radius of the location where 103700
the program is to maintain methadone treatment, a letter of 103701
support for the location. The department shall determine whether a 103702
letter of support is satisfactory for purposes of waiving the 103703
requirement. 103704

(E) A license to maintain methadone treatment shall expire 103705
one year from the date of issuance. Licenses may be renewed. 103706

(F) The department shall establish procedures and adopt rules 103707
for licensing, inspection, and supervision of ~~alcohol and drug~~ 103708
community addiction programs services providers that maintain 103709
methadone treatment. The rules shall establish standards for the 103710
control, storage, furnishing, use, and dispensing of methadone, 103711
prescribe minimum standards for the operation of the methadone 103712
treatment component of the ~~program~~, provider's operations and 103713

comply with federal laws and regulations. 103714

All rules adopted under this division shall be adopted in 103715
accordance with Chapter 119. of the Revised Code. All actions 103716
taken by the department regarding the licensing of ~~programs~~ 103717
providers to maintain methadone treatment shall be conducted in 103718
accordance with Chapter 119. of the Revised Code, except as 103719
provided in division (L) of this section. 103720

(G) The department of ~~alcohol and drug addiction services~~ 103721
mental health and addiction services shall inspect all ~~alcohol and~~ 103722
~~drug~~ community addiction ~~programs~~ services providers licensed to 103723
maintain methadone treatment. Inspections shall be conducted at 103724
least annually and may be conducted more frequently. No person or 103725
government entity shall interfere with a state or local government 103726
official acting on behalf of the department while conducting an 103727
inspection. 103728

(H) An ~~alcohol and drug~~ community addiction ~~program~~ services 103729
provider shall not administer or dispense methadone in a tablet, 103730
powder, or intravenous form. Methadone shall be administered or 103731
dispensed only in a liquid form intended for ingestion. A ~~program~~ 103732
services provider shall not administer or dispense methadone to an 103733
individual for pain or other medical reasons. 103734

(I) As used in this division, "program sponsor" means a 103735
person who assumes responsibility for the operation and employees 103736
of the methadone treatment component of ~~an alcohol and drug a~~ 103737
community addiction ~~program~~ services provider. 103738

~~An alcohol and drug~~ A community addiction ~~program~~ services 103739
provider shall not employ an individual who receives methadone 103740
treatment from that ~~program~~ services provider. A program shall not 103741
permit an individual to act as a ~~program~~ provider sponsor, medical 103742
director, or director of the ~~program~~ provider if the individual is 103743
receiving methadone treatment from any ~~alcohol and drug~~ community 103744

addiction ~~program~~ services provider. 103745

(J) The department may issue orders to assure compliance with 103746
section 3719.61 of the Revised Code, all other laws relating to 103747
drug abuse, and the rules adopted under this section. Subject to 103748
section ~~3793.13~~ 5119.27 of the Revised Code, the department may 103749
hold hearings, require the production of relevant matter, compel 103750
testimony, issue subpoenas, and make adjudications. Upon failure 103751
of a person without lawful excuse to obey a subpoena or to produce 103752
relevant matter, the department may apply to a court of common 103753
pleas for an order compelling compliance. 103754

(K) The department may refuse to issue, or may withdraw or 103755
revoke, a license to maintain methadone treatment. A license may 103756
be refused if ~~an alcohol and drug~~ a community addiction ~~program~~ 103757
services provider does not meet the requirements of division (C) 103758
of this section. A license may be withdrawn at any time the 103759
department determines that the program no longer meets the 103760
requirements for receiving the license. A license may be revoked 103761
in accordance with division (L) of this section. 103762

In the case of a license issued prior to ~~the effective date~~ 103763
~~of this amendment~~ December 20, 2012, the department shall not 103764
consider the requirement of division (C)(6) of this section in 103765
determining whether to renew, withdraw, or revoke the license. 103766

(L) If the department of ~~alcohol and drug addiction services~~ 103767
mental health and addiction services finds reasonable cause to 103768
believe that ~~an alcohol and drug~~ a community addiction ~~program~~ 103769
services provider licensed under this section is in violation of 103770
any provision of section 3719.61 of the Revised Code, or of any 103771
other state or federal law or rule relating to drug abuse, the 103772
department may issue an order immediately revoking the license, 103773
subject to division (M) of this section. The department shall set 103774
a date not more than fifteen days later than the date of the order 103775
of revocation for a hearing on the continuation or cancellation of 103776

the revocation. For good cause, the department may continue the hearing on application of any interested party. In conducting hearings, the department has all the authority and power set forth in division (J) of this section. Following the hearing, the department shall either confirm or cancel the revocation. The hearing shall be conducted in accordance with Chapter 119. of the Revised Code, except that the ~~program~~ provider shall not be permitted to maintain methadone treatment pending the hearing or pending any appeal from an adjudication made as a result of the hearing. Notwithstanding any provision of Chapter 119. of the Revised Code to the contrary, a court shall not stay or suspend any order of revocation issued by the director under this division pending judicial appeal.

(M) The department shall not revoke a license to maintain methadone treatment unless all ~~clients~~ services recipients receiving methadone treatment from the ~~alcohol and drug~~ community addiction ~~program~~ services provider are provided adequate substitute treatment. For purposes of this division, the department may transfer the ~~clients~~ services recipients to other programs licensed to maintain methadone treatment or replace any or all of the administrators and staff of the ~~program~~ provider with representatives of the department who shall continue on a provisional basis the methadone treatment component of the program.

(N) Each time the department receives an application from ~~an~~ alcohol and drug a community addiction ~~program~~ services provider for a license to maintain methadone treatment, issues or refuses to issue a license, or withdraws or revokes a license, the department shall notify the board of alcohol, drug addiction, and mental health services of each alcohol, drug addiction, and mental health service district in which the ~~program is operated~~ provider operates.

(O) Whenever it appears to the department from files, upon 103809
complaint, or otherwise, that ~~an alcohol and drug~~ a community 103810
addiction ~~program~~ services provider has engaged in any practice 103811
declared to be illegal or prohibited by section 3719.61 of the 103812
Revised Code, or any other state or federal laws or regulations 103813
relating to drug abuse, or when the department believes it to be 103814
in the best interest of the public and necessary for the 103815
protection of the citizens of the state, the department may 103816
request criminal proceedings by laying before the prosecuting 103817
attorney of the proper county any evidence of criminality which 103818
may come to its knowledge. 103819

(P) The department shall maintain a current list of ~~alcohol~~ 103820
~~and drug~~ community addiction ~~programs~~ services providers licensed 103821
by the department under this section and shall provide a copy of 103822
the current list to a judge of a court of common pleas who 103823
requests a copy for the use of the judge under division (H) of 103824
section 2925.03 of the Revised Code. The list of licensed ~~alcohol~~ 103825
~~and drug~~ community addiction ~~programs~~ services providers shall 103826
identify each licensed ~~program~~ provider by its name, its address, 103827
and the county in which it is located. 103828

Sec. ~~5119.061~~ 5119.40. (A) As used in this section, "mentally 103829
ill individual" and "specialized services" have the same meanings 103830
as in section ~~5111.202~~ 5165.03 of the Revised Code. 103831

(B)(1) Except as provided in division (B)(2) of this section 103832
and rules adopted under division (E)(3) of this section, for 103833
purposes of section ~~5111.202~~ 5165.03 of the Revised Code, the 103834
department of ~~mental health~~ mental health and addiction services 103835
shall determine in accordance with ~~section 1919(e)(7)~~ of the 103836
"Social Security Act," ~~49 Stat. 620 (1935)~~ section 1919(e)(7), 42 103837
U.S.C.A. ~~301~~ 1396r(e)(7), ~~as amended~~, and regulations adopted 103838
under section 1919(f)(8)(A) of that act, 42 U.S.C. 1396r(f)(8)(A), 103839

whether, because of the individual's physical and mental 103840
condition, a mentally ill individual seeking admission to a 103841
nursing facility requires the level of services provided by a 103842
nursing facility and, if the individual requires that level of 103843
services, whether the individual requires specialized services for 103844
mental illness. The determination required by this division shall 103845
be based on an independent physical and mental evaluation 103846
performed by a person or entity other than the department. 103847

(2) A Except as provided in division (B)(3) of this section, 103848
a determination under ~~this~~ division (B)(1) of this section is not 103849
required for any of the following: 103850

(a) An individual seeking readmission to a nursing facility 103851
after having been transferred from a nursing facility to a 103852
hospital for care; 103853

(b) An individual who meets all of the following conditions: 103854

(i) The individual is admitted to the nursing facility 103855
directly from a hospital after receiving inpatient care at the 103856
hospital; 103857

(ii) The individual requires nursing facility services for 103858
the condition for which care in the hospital was received; 103859

(iii) The individual's attending physician has certified, 103860
before admission to the nursing facility, that the individual is 103861
likely to require less than thirty days of nursing facility 103862
services. 103863

(c) An individual transferred from one nursing facility to 103864
another nursing facility, with or without an intervening hospital 103865
stay. 103866

(3) A determination under division (B)(1) of this section is 103867
required for an individual described in division (B)(2)(a) or (b) 103868
of this section if the hospital from which the individual is 103869

transferred or directly admitted to a nursing facility is either 103870
of the following: 103871

(a) A hospital that the department maintains, operates, 103872
manages, and governs under section 5119.14 of the Revised Code for 103873
the care and treatment of mentally ill persons; 103874

(b) A free-standing hospital, or unit of a hospital, licensed 103875
by the department under section 5119.33 of the Revised Code. 103876

(C) Except as provided in rules adopted under division 103877
~~(F)~~(E)(3) of this section, the department of ~~mental health~~ mental 103878
health and addiction services shall review and determine for each 103879
resident of a nursing facility who is mentally ill, whether the 103880
resident, because of the resident's physical and mental condition, 103881
requires the level of services provided by a nursing facility and 103882
whether the resident requires specialized services for mental 103883
illness. The review and determination shall be conducted in 103884
accordance with section 1919(e)(7) of the "Social Security Act" 103885
and the regulations adopted under section 1919(f)(8)(A) of the act 103886
and based on an independent physical and mental evaluation 103887
performed by a person or entity other than the department. The 103888
review and determination shall be completed promptly after a 103889
nursing facility has notified the department that there has been a 103890
significant change in the resident's mental or physical condition. 103891

(D)(1) In the case of a nursing facility resident who has 103892
continuously resided in a nursing facility for at least thirty 103893
months before the date of a review and determination under 103894
division (C) of this section, if the resident is determined not to 103895
require the level of services provided by a nursing facility, but 103896
is determined to require specialized services for mental illness, 103897
the department, in consultation with the resident's family or 103898
legal representative and care givers, shall do all of the 103899
following: 103900

(a) Inform the resident of the institutional and 103901
noninstitutional alternatives covered under the state plan for 103902
medical assistance; 103903

(b) Offer the resident the choice of remaining in the nursing 103904
facility or receiving covered services in an alternative 103905
institutional or noninstitutional setting; 103906

(c) Clarify the effect on eligibility for services under the 103907
state plan for medical assistance if the resident chooses to leave 103908
the facility, including its effect on readmission to the facility; 103909

(d) Provide for or arrange for the provision of specialized 103910
services for the resident's mental illness in the setting chosen 103911
by the resident. 103912

(2) In the case of a nursing facility resident who has 103913
continuously resided in a nursing facility for less than thirty 103914
months before the date of the review and determination under 103915
division (C) of this section, if the resident is determined not to 103916
require the level of services provided by a nursing facility, but 103917
is determined to require specialized services for mental illness, 103918
or if the resident is determined to require neither the level of 103919
services provided by a nursing facility nor specialized services 103920
for mental illness, the department shall act in accordance with 103921
its alternative disposition plan approved by the United States 103922
department of health and human services under section 103923
1919(e)(7)(E) of the "Social Security Act." 103924

(3) In the case of an individual who is determined under 103925
division (B) or (C) of this section to require both the level of 103926
services provided by a nursing facility and specialized services 103927
for mental illness, the department of ~~mental health~~ mental health 103928
and addiction services shall provide or arrange for the provision 103929
of the specialized services needed by the individual or resident 103930
while residing in a nursing facility. 103931

(E) The department of ~~mental health~~ mental health and 103932
addiction services shall adopt rules in accordance with Chapter 103933
119. of the Revised Code that do all of the following: 103934

(1) Establish criteria to be used in making the 103935
determinations required by divisions (B) and (C) of this section. 103936
The criteria shall not exceed the criteria established by 103937
regulations adopted by the United States department of health and 103938
human services under section 1919(f)(8)(A) of the "Social Security 103939
Act." 103940

(2) Specify information to be provided by the individual or 103941
nursing facility resident being assessed; 103942

(3) Specify any circumstances, in addition to circumstances 103943
listed in division (B) of this section, under which determinations 103944
under divisions (B) and (C) of this section are not required to be 103945
made. 103946

Sec. ~~5119.69~~ 5119.41. (A) As used in this section and section 103947
~~5119.691~~ 5119.411 of the Revised Code: 103948

(1) ~~"Long term care consultation program" means the program~~ 103949
~~the department of aging is required to develop under section~~ 103950
~~173.42 of the Revised Code.~~ 103951

~~(2) "Long term care consultation program administrator" or~~ 103952
~~"administrator" means the department of aging or, if the~~ 103953
~~department contracts with an area agency on aging or other entity~~ 103954
~~to administer the long term care consultation program for a~~ 103955
~~particular area, that agency or entity.~~ 103956

~~(3)~~ "Nursing facility" has the same meaning as in section 103957
~~5111.20~~ 5165.01 of the Revised Code. 103958

~~(4)~~(2) "Residential state supplement administrative agency" 103959
means the department of ~~mental health~~ mental health and addiction 103960
services or, if the department designates an entity under division 103961

(C) of this section for a particular area, the designated entity. 103962

~~(5)~~(3) "Residential state supplement program" means the 103963
program administered pursuant to this section. 103964

(B) The department of ~~mental health~~ mental health and 103965
addiction services shall implement the residential state 103966
supplement program under which the state supplements the 103967
supplemental security income payments received by aged, blind, or 103968
disabled adults under Title XVI of the "Social Security Act," ~~49~~ 103969
~~Stat. 620 (1935)~~, 42 U.S.C.A., ~~as amended~~ 1381 et seq. Residential 103970
state supplement payments shall be used for the provision of 103971
accommodations, supervision, and personal care services to social 103972
security, supplemental security income, and social security 103973
disability insurance recipients who the department determines are 103974
at risk of needing institutional care. 103975

(C) In implementing the program, the department may designate 103976
one or more entities to be responsible for providing 103977
administrative services regarding the program. The department may 103978
designate an entity to be a residential state supplement 103979
administrative agency under this division either by entering into 103980
a contract with the entity to serve in that capacity or by 103981
otherwise delegating to the entity the responsibility to serve in 103982
that capacity. 103983

(D) For an individual to be eligible for residential state 103984
supplement payments, all of the following must be the case: 103985

(1) Except as provided by division (H) of this section, the 103986
individual must reside in one of the following: 103987

(a) A ~~home or residential care facility, other than a nursing~~ 103988
~~home or nursing home unit of a home for the aging,~~ licensed by the 103989
department of health under Chapter 3721. of the Revised Code or an 103990
assisted living program as defined in section 5111.89 of the 103991
Revised Code; 103992

(b) A residential facility as defined in division (A)(9)(b) 103993
of section ~~5119.22~~ 5119.34 of the Revised Code licensed by the 103994
department of ~~mental health~~ mental health and addiction services; 103995

(c) An apartment or room used to provide community mental 103996
health housing services certified by the department of ~~mental~~ 103997
~~health~~ mental health and addiction services under section ~~5119.611~~ 103998
5119.36 of the Revised Code and approved by a board of alcohol, 103999
drug addiction, and mental health services under division (A)(14) 104000
of section 340.03 of the Revised Code. 104001

(2) A residential state supplement administrative agency must 104002
have determined that the environment in which the individual will 104003
be living while receiving the payments is appropriate for the 104004
individual's needs. If the individual is eligible for social 104005
security payments, supplemental security income payments, or 104006
social security disability insurance benefits because of a mental 104007
disability, the residential state supplement administrative agency 104008
shall refer the individual to a community mental health ~~agency~~ 104009
services provider for an assessment under division (A) of section 104010
340.091 of the Revised Code. 104011

(3) The individual satisfies all eligibility requirements 104012
established by rules adopted under division (E) of this section. 104013

(E) The ~~directors~~ director of ~~mental health~~ mental health and 104014
addiction services and ~~job and family services~~ medicaid director 104015
shall adopt rules in accordance with section 111.15 of the Revised 104016
Code as necessary to implement the residential state supplement 104017
program. 104018

To the extent permitted by Title XVI of the "Social Security 104019
Act," and any other provision of federal law, the medicaid 104020
director ~~of job and family services~~ may adopt rules establishing 104021
standards for adjusting the eligibility requirements concerning 104022
the level of impairment a person must have so that the amount 104023

appropriated for the program by the general assembly is adequate 104024
for the number of eligible individuals. The rules shall not limit 104025
the eligibility of disabled persons solely on a basis classifying 104026
disabilities as physical or mental. The medicaid director ~~of job~~ 104027
~~and family services~~ also may adopt rules that establish 104028
eligibility standards for aged, blind, or disabled individuals who 104029
reside in one of the homes or facilities specified in division 104030
(D)(1) of this section but who, because of their income, do not 104031
receive supplemental security income payments. The rules may 104032
provide that these individuals may include individuals who receive 104033
other types of benefits, including, social security payments or 104034
social security disability insurance benefits provided under Title 104035
II of the "Social Security Act," ~~49 Stat. 620 (1935)~~, 42 U.S.C.A. 104036
401, ~~as amended~~ et seq. Notwithstanding division (B) of this 104037
section, such payments may be made if funds are available for 104038
them. 104039

The director of ~~mental health~~ mental health and addiction 104040
services may adopt rules establishing the method to be used to 104041
determine the amount an eligible individual will receive under the 104042
program. The amount the general assembly appropriates for the 104043
program may be a factor included in the method that director 104044
establishes. 104045

(F) The county department of job and family services of the 104046
county in which an applicant for the residential state supplement 104047
program resides shall determine whether the applicant meets income 104048
and resource requirements for the program. 104049

(G) The department of ~~mental health~~ mental health and 104050
addiction services shall maintain a waiting list of any 104051
individuals eligible for payments under this section but not 104052
receiving them because moneys appropriated to the department for 104053
the purposes of this section are insufficient to make payments to 104054
all eligible individuals. An individual may apply to be placed on 104055

the waiting list even though the individual does not reside in one 104056
of the homes or facilities specified in division (D)(1) of this 104057
section at the time of application. The director of ~~mental health~~ 104058
mental health and addiction services, by rules adopted in 104059
accordance with Chapter 119. of the Revised Code, may specify 104060
procedures and requirements for placing an individual on the 104061
waiting list and priorities for the order in which individuals 104062
placed on the waiting list are to begin to receive residential 104063
state supplement payments. The rules specifying priorities may 104064
give priority to individuals placed on the waiting list on or 104065
after July 1, 2006, who receive social security payments, social 104066
security disability insurance, or supplemental security income 104067
benefits under Title XVI of the "Social Security Act," ~~86 Stat.~~ 104068
~~1475 (1972)~~, 42 U.S.C. 1381, ~~as amended~~ et seq. The rules shall 104069
not affect the place on the waiting list of any person who was on 104070
the list on July 1, 2006. The rules specifying priorities may also 104071
set additional priorities based on living arrangement, such as 104072
whether an individual resides in a facility listed in division 104073
(D)(1) of this section or has been admitted to a nursing facility. 104074

(H) An individual in a licensed or certified living 104075
arrangement receiving state supplementation on November 15, 1990, 104076
under former section 5101.531 of the Revised Code shall not become 104077
ineligible for payments under this section solely by reason of the 104078
individual's living arrangement as long as the individual remains 104079
in the living arrangement in which the individual resided on 104080
November 15, 1990. 104081

(I) The ~~department of mental health~~ county department of job 104082
and family services from which the person is receiving benefits 104083
shall notify each person denied approval for payments under this 104084
section of the person's right to a hearing. On request, the 104085
hearing shall be provided in accordance with Chapter 119. of the 104086
Revised Code. 104087

Sec. ~~5119.691~~ 5119.411. On a periodic schedule determined by 104088
the department of ~~mental health~~ mental health and addiction 104089
services, each residential state supplement administrative agency 104090
shall determine whether individuals who reside in the area that 104091
the agency serves and are on a waiting list for the residential 104092
state supplement program have been admitted to a nursing facility. 104093
~~If~~ The department shall have a process in place to ensure that if 104094
a residential state supplement administrative agency determines 104095
that such an individual has been admitted to a nursing facility, 104096
~~the agency shall notify the long term care consultation program~~ 104097
~~administrator serving the area in which the individual resides~~ 104098
~~about the determination. The administrator shall determine there~~ 104099
shall be a determination whether the residential state supplement 104100
program is appropriate for the individual and whether the 104101
individual would rather participate in the program than continue 104102
residing in the nursing facility. If ~~the administrator determines~~ 104103
it is determined that the residential state supplement program is 104104
appropriate for the individual and the individual would rather 104105
participate in the program than continue residing in the nursing 104106
facility, the ~~administrator shall so notify the department of~~ 104107
~~mental health. On receipt of the notice from the administrator,~~ 104108
the department of ~~mental health~~ mental health and addiction 104109
services shall approve the individual's enrollment in the 104110
residential state supplement program in accordance with the 104111
priorities specified in rules adopted under division (G) of 104112
section ~~5119.69~~ 5119.41 of the Revised Code. Each quarter in which 104113
a waiting list is in place, the department of ~~mental health~~ mental 104114
health and addiction services shall certify to the director of 104115
budget and management the estimated increase in costs of the 104116
residential state supplement program resulting from enrollment of 104117
individuals in the program pursuant to this section. 104118

~~Sec. 5119.63~~ 5119.42. (A) As used in this section, "private, nonprofit organization" means a private association, organization, corporation, or other entity that is tax exempt under section 501(a) and described in section 501(c) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501.

(B) To the extent funds are available and on application by boards of alcohol, drug addiction, and mental health services, the director of ~~mental health~~ mental health and addiction services may approve state reimbursement of, or state grants for, community ~~mental health~~ construction programs including residential housing for severely mentally disabled persons and persons with substance use disorders. The director may also approve an application for reimbursement or a grant for such programs submitted by other governmental entities or by private, nonprofit organizations, after the application has been reviewed and recommended for approval or disapproval by the board of alcohol, drug addiction, and mental health services for the district from which the application came, and the application is consistent with the plan submitted by the board under division (A) of section 340.03 of the Revised Code and the budget and statement of services submitted by the board under divisions (A) and (B) of section 340.08 of the Revised Code.

(C)(1) The director of ~~mental health~~ mental health and addiction services shall adopt rules in accordance with Chapter 119. of the Revised Code that specify procedures for applying for state reimbursement of and state grants for community construction programs, including residential housing for severely mentally disabled persons and persons with substance use disorders and procedures and criteria for approval of such reimbursement and grants.

(2) The director of ~~mental health~~ mental health and addiction

services shall not approve state reimbursement or a state grant 104150
unless all of the following conditions are met: 104151

(a) The applicant includes with the application a plan 104152
specifying the services, in addition to housing, that will be 104153
provided to persons who will reside in the residential housing. 104154
Services specified may include any of the services ~~listed~~ 104155
described in section 340.09 of the Revised Code. 104156

(b) The director is satisfied that the residential housing 104157
for severely mentally disabled persons will be developed to 104158
promote the maximum practical integration of severely mentally 104159
disabled persons with persons at the same site who are not 104160
severely mentally disabled. 104161

(c) The use of any funds distributed pursuant to the 104162
reimbursement or grant will not subject any obligation from which 104163
the funds are derived to federal income taxation. 104164

(3) The director may enter into an agreement establishing 104165
terms for any reimbursement or grant approved under this division 104166
with the organization, board, or other government entity that is 104167
the recipient of the reimbursement or grant. Any such agreement is 104168
subject to any covenant or agreement pertaining to any obligation 104169
issued to provide funds for the reimbursement or grant. 104170

Sec. ~~5119.631~~ 5119.421. (A) This section applies to a board 104171
of alcohol, drug addiction, and mental health services, another 104172
governmental entity, or a private, nonprofit organization that 104173
received a grant or reimbursement under section ~~5119.63~~ 5119.42 of 104174
the Revised Code for a facility on which the department of ~~mental~~ 104175
~~health~~ mental health and addiction services holds a security 104176
interest. 104177

(B) A board of alcohol, drug addiction, and mental health 104178
services, another governmental entity, or a private, nonprofit 104179

organization to which this section applies may apply to the 104180
director of ~~mental health~~ mental health and addiction services for 104181
approval to sell its facility and acquire, construct, or renovate 104182
a replacement facility pursuant to this section. The director 104183
shall prescribe the form of the application. Before submitting an 104184
application to the director, a governmental entity or private, 104185
nonprofit organization must obtain approval of the application 104186
from the board of alcohol, drug addiction, and mental health 104187
services with jurisdiction over the service district in which the 104188
existing facility is located. The director shall approve an 104189
application for a replacement project upon determining that the 104190
project provides for the continuation of appropriate mental health 104191
and addiction services to the population served by the board, 104192
entity, or organization. 104193

(C) A board, entity, or organization that obtains approval 104194
for a project under division (B) of this section shall pay the 104195
proceeds of the sale of its facility to the director of ~~mental~~ 104196
~~health~~ mental health and addiction services. The director shall 104197
deposit the proceeds to the credit of the community capital 104198
replacement facilities fund. 104199

(D) When a board, entity, or organization that has sold its 104200
facility notifies the director of ~~mental health~~ mental health and 104201
addiction services that it is ready to acquire, construct, or 104202
renovate a replacement facility, the director shall do one of the 104203
following: 104204

(1) If the replacement facility is located in the same 104205
alcohol, drug addiction, and mental health service district as the 104206
original facility, and if the purposes for which the replacement 104207
facility will be used are the same as or similar to those for the 104208
original facility, the director shall pay to the board, entity, or 104209
organization from the community capital replacement facilities 104210
fund an amount equal to the lesser of an amount equal to the 104211

proceeds of the sale of the original facility or the amount of the 104212
state's agreed-upon participation (as a per cent of the total 104213
cost) in the cost of the replacement facility. If the amount of 104214
the state's agreed-upon participation in the cost of the 104215
replacement facility is less than the value of the state's 104216
security interest in the original facility, the difference between 104217
the state's agreed-upon participation in the cost of the 104218
replacement facility and the value of the state's security 104219
interest in the original facility shall be retained in the 104220
community capital replacement facilities fund, and any excess 104221
proceeds shall be paid to the board, entity, or organization. 104222

(2) If the replacement facility is located in a different 104223
alcohol, drug addiction, and mental health service district than 104224
the original facility, or if the purposes for which the 104225
replacement facility will be used are not the same as or similar 104226
to those for the original facility, the director shall request 104227
controlling board approval for release of funds for the project. 104228
If the controlling board so approves, the director shall pay to 104229
the board, entity, or organization from the community capital 104230
replacement facilities fund the lesser of an amount equal to the 104231
proceeds of the sale of the original facility or the amount of the 104232
state's agreed-upon participation (as a per cent of the total 104233
cost) in the cost of the replacement facility. ~~if~~ If the amount of 104234
the state's agreed-upon participation in the cost of the 104235
replacement facility is less than the value of the state's 104236
security interest in the original facility, the difference between 104237
the state's agreed-upon participation in the cost of the 104238
replacement facility and the value of the state's security 104239
interest in the original facility shall be retained in the 104240
community capital replacement facilities fund, and any excess 104241
proceeds shall be paid to the board, entity, or organization. 104242

(E) The director of ~~mental health~~ mental health and addiction 104243

services and a board, entity, or organization shall enter into an agreement specifying the terms of any payment made to the board, entity, or organization under division (D) of this section. The terms may include provision for the department of ~~mental health~~ mental health and addiction services to hold a security interest in the facility.

(F)(1) When approving an application under division (B) of this section, the director of ~~mental health~~ mental health and addiction services shall establish a deadline by which the board, entity, or organization must notify the director that it is ready to acquire, construct, or renovate a replacement facility. If the board, entity, or organization does not notify the director on or before the deadline, the director may cancel the project. Upon canceling the project, the director shall pay to the board, entity, or organization from the community capital replacement facilities fund an amount equal to the portion of the proceeds of the sale of the original facility that exceeds the value of the state's security interest in the facility.

(2) Notwithstanding the deadline established under division (F)(1) of this section, if at any time a board, entity, or organization notifies the director that it does not intend to acquire, construct, or renovate a replacement facility under this section, the director shall cancel the replacement project and pay to the board, entity, or organization from the community capital replacement facilities fund an amount equal to the portion of the proceeds of the sale of the original facility that exceeds the value of the state's security interest in the facility.

(G) If a replacement project is canceled after the sale of the original facility, the director of ~~mental health~~ mental health and addiction services shall use funds equal to the value of the state's security interest in the original facility for additional grants or reimbursements under section ~~5119.63~~ 5119.42 of the

Revised Code. The director shall obtain the approval of the 104276
controlling board before releasing the additional grants or 104277
reimbursements. 104278

(H) The community capital replacement facilities fund is 104279
hereby created in the state treasury. The director of ~~mental~~ 104280
~~health~~ mental health and addiction services shall use the fund for 104281
the purposes of this section. 104282

Sec. ~~5119.16~~ 5119.44. As used in this section, "free clinic" 104283
has the same meaning as in section 2305.2341 of the Revised Code. 104284

(A) The department of ~~mental health~~ mental health and 104285
addiction services may provide certain goods and services for the 104286
department of ~~mental health~~ mental health and addiction services, 104287
the department of developmental disabilities, the department of 104288
rehabilitation and correction, the department of youth services, 104289
and other state, county, or municipal agencies requesting such 104290
goods and services when the department of ~~mental health~~ mental 104291
health and addiction services determines that it is in the public 104292
interest, and considers it advisable, to provide these goods and 104293
services. The department of ~~mental health~~ mental health and 104294
addiction services also may provide goods and services to agencies 104295
operated by the United States government and to public or private 104296
nonprofit agencies, other than free clinics, that are funded in 104297
whole or in part by the state if the public or private nonprofit 104298
agencies are designated for participation in this program by the 104299
director of ~~mental health~~ mental health and addiction services for 104300
community addiction services providers and community mental health 104301
agencies services providers, the director of developmental 104302
disabilities for community mental retardation and developmental 104303
disabilities agencies, the director of rehabilitation and 104304
correction for community rehabilitation and correction agencies, 104305
or the director of youth services for community youth services 104306

agencies. 104307

Designated community agencies or services providers shall 104308
receive goods and services through the department of ~~mental health~~ 104309
mental health and addiction services only in those cases where the 104310
designating state agency certifies that providing such goods and 104311
services to the agency or services provider will conserve public 104312
resources to the benefit of the public and where the provision of 104313
such goods and services is considered feasible by the department 104314
of ~~mental health~~ mental health and addiction services. 104315

(B) The department of ~~mental health~~ mental health and 104316
addiction services may permit free clinics to purchase certain 104317
goods and services to the extent the purchases fall within the 104318
exemption to the Robinson-Patman Act, 15 U.S.C. 13 et seq., 104319
applicable to nonprofit institutions, in 15 U.S.C. 13c, as 104320
amended. 104321

(C) The goods and services that may be provided by the 104322
department of ~~mental health~~ mental health and addiction services 104323
under divisions (A) and (B) of this section may include: 104324

(1) Procurement, storage, processing, and distribution of 104325
food and professional consultation on food operations; 104326

(2) Procurement, storage, and distribution of medical and 104327
laboratory supplies, dental supplies, medical records, forms, 104328
optical supplies, and sundries, subject to section 5120.135 of the 104329
Revised Code; 104330

(3) Procurement, storage, repackaging, distribution, and 104331
dispensing of drugs, the provision of professional pharmacy 104332
consultation, and drug information services; 104333

(4) Other goods and services. 104334

(D) The department of ~~mental health~~ mental health and 104335
addiction services may provide the goods and services designated 104336

in division (C) of this section to its institutions and to 104337
state-operated community-based mental health or addiction services 104338
providers. 104339

(E) After consultation with and advice from the director of 104340
developmental disabilities, the director of rehabilitation and 104341
correction, and the director of youth services, the department of 104342
~~mental health~~ mental health and addiction services may provide the 104343
goods and services designated in division (C) of this section to 104344
the department of developmental disabilities, the department of 104345
rehabilitation and correction, and the department of youth 104346
services. 104347

(F) The cost of administration of this section shall be 104348
determined by the department of ~~mental health~~ mental health and 104349
addiction services and paid by the agencies, services providers, 104350
or free clinics receiving the goods and services to the department 104351
for deposit in the state treasury to the credit of the ~~mental~~ 104352
~~health~~ office of support services fund, which is hereby created. 104353
The fund shall be used to pay the cost of administration of this 104354
section to the department. 104355

(G) Whenever a state agency fails to make a payment for goods 104356
and services provided under this section within thirty-one days 104357
after the date the payment was due, the office of budget and 104358
management may transfer moneys from the state agency to the 104359
department of ~~mental health~~ mental health and addiction services. 104360
The amount transferred shall not exceed the amount of overdue 104361
payments. Prior to making a transfer under this division, the 104362
office of budget and management shall apply any credits the state 104363
agency has accumulated in payments for goods and services provided 104364
under this section. 104365

(H) Purchases of goods and services under this section are 104366
not subject to section 307.86 of the Revised Code. 104367

Sec. ~~5119.161~~ 5119.45. Unless otherwise specifically provided 104368
by law, all moneys received by the department of ~~mental health~~ 104369
mental health and addiction services from the sale of goods and 104370
services, including, but not limited to, shared service agreements 104371
with other governmental entities and nongovernmental entities, 104372
employee housing and cafeteria receipts, fees for copying 104373
services, and sales of other tangible personal property under the 104374
department's control, shall be paid into the state treasury to the 104375
credit of the sale of goods and services fund, which is hereby 104376
created. Moneys received by the department pursuant to section 104377
~~5119.16~~ 5119.44 of the Revised Code shall not be paid into the 104378
fund. The department shall use the moneys in the fund for paying 104379
operating expenses of the department. 104380

Sec. ~~5119.18~~ 5119.46. There is hereby created in the state 104381
treasury the department of ~~mental health~~ mental health and 104382
addiction services trust fund. Not later than the first day of 104383
September of each year, the director of ~~mental health~~ mental 104384
health and addiction services shall certify to the director of 104385
budget and management the amount of all of the unexpended, 104386
unencumbered balances of general revenue fund appropriations made 104387
to the department of ~~mental health~~ mental health and addiction 104388
services for the previous fiscal year, excluding funds 104389
appropriated for rental payments to the Ohio public facilities 104390
commission. On receipt of the certification, the director of 104391
budget and management shall transfer cash to the trust fund in an 104392
amount up to, but not exceeding, the total of the amounts 104393
certified by the director of ~~mental health~~ mental health and 104394
addiction services. 104395

In addition, the trust fund shall receive all amounts, 104396
subject to any provisions in bond documents, received from the 104397
sale or lease of lands and facilities by the department. 104398

All moneys in the trust fund shall be used by the department 104399
of ~~mental health~~ mental health and addiction services to pay for 104400
expenditures the department incurs in performing any of its duties 104401
under this chapter. The use of moneys in the trust fund pursuant 104402
to this section does not represent an ongoing commitment to the 104403
continuation of the trust fund or to the use of moneys in the 104404
trust fund. 104405

Sec. ~~3793.032~~ 5119.47. The director of ~~alcohol and drug~~ 104406
~~addiction services~~ mental health and addiction services shall 104407
administer the problem casino gambling and addictions fund. The 104408
director shall use the money in the fund to support ~~programs that~~ 104409
~~provide~~ gambling addiction services, alcohol and drug addiction 104410
~~programs that provide alcohol and drug addiction~~ services, other 104411
~~programs~~ services that relate to gambling addiction and substance 104412
abuse, and research that relates to gambling addiction and 104413
substance abuse. Treatment and prevention services ~~provided under~~ 104414
~~programs~~ supported by money in the fund under this section shall 104415
be services that are ~~provided by alcohol and drug addiction~~ 104416
~~treatment programs~~ certified by the department of ~~alcohol and drug~~ 104417
~~addiction services~~ or ~~provided by counselors who are certified by~~ 104418
~~the department~~ mental health and addiction services. Prevention 104419
~~services provided under programs supported by money in the fund~~ 104420
~~under this section shall be services that are provided by alcohol~~ 104421
~~and drug addiction prevention programs certified by the department~~ 104422
~~of alcohol and drug addiction services.~~ 104423

The director shall prepare an annual report describing the 104424
use of the fund for these purposes. The director shall submit the 104425
report to the Ohio casino control commission, the speaker and 104426
minority leader of the house of representatives, the president and 104427
minority leader of the senate, the governor, and the joint 104428
committee on gaming and wagering. 104429

Sec. ~~3793.22~~ 5119.49. (A) The director of ~~alcohol and drug~~ 104430
~~addiction services~~ mental health and addiction services shall 104431
collaborate with the state board of pharmacy and attorney general 104432
in the establishment and administration of a drug take-back 104433
program, as provided under section 4729.69 of the Revised Code. 104434

(B) The department may accept grants, gifts, or donations for 104435
purposes of the program. Money received under this division shall 104436
be deposited into the drug take-back program fund established 104437
under section 109.90 of the Revised Code. 104438

Sec. ~~5119.34~~ 5119.50. The director of ~~mental health~~ mental 104439
health and addiction services may accept, hold, and administer in 104440
trust on behalf of the state, if it is for the public interest, 104441
any grant, gift, devise, or bequest of money or property made to 104442
the state for the use or benefit of any institution described in 104443
section ~~5119.02~~ 5119.14 of the Revised Code or for the use and 104444
benefit of mentally ill persons under its control. If the trust so 104445
provides, the money or property may be used for any work which the 104446
department of ~~mental health~~ mental health and addiction services 104447
is authorized to undertake. 104448

The department shall keep such gift, grant, devise, or 104449
bequest as a distinct property or fund and, if it is in money, 104450
shall invest it in the manner provided by law. The department may 104451
deposit in a proper trust company or savings bank any money left 104452
in trust during a specified life or lives and shall adopt rules 104453
governing the deposit, transfer, withdrawal, or investment of such 104454
money and the income thereof. 104455

The department shall, in the manner prescribed by the 104456
director of budget and management pursuant to section 126.21 of 104457
the Revised Code, account for all money or property received or 104458
expended under this section. The records, together with a 104459

statement certified by the depository showing the funds deposited 104460
there to the credit of the trust, shall be open to public 104461
inspection. The director of budget and management may require the 104462
department to file a report with ~~him~~ the director on any 104463
particular portion, or the whole, of any trust property received 104464
or expended by it. 104465

The department shall, upon the expiration of any trust 104466
according to its terms, dispose of the funds or property held 104467
thereunder in the manner provided in the instrument creating the 104468
trust. If the instrument creating the trust failed to make any 104469
terms of disposition, or if no trust was in evidence, then the 104470
decedent patient's money, saving or commercial deposits, dividends 104471
or distributions, bonds, or any other interest-bearing debt 104472
certificate or stamp issued by the United States government shall 104473
escheat to the state. All such unclaimed intangible personal 104474
property of a former patient shall be retained by the managing 104475
officer in such institution for the period of one year, during 104476
which time every possible effort shall be made to find such former 104477
patient or ~~his~~ the former patient's legal representative. 104478

If, after a period of one year from the time the patient has 104479
left the institution or has died, the managing officer has been 104480
unable to locate such person or ~~his~~ the person's legal 104481
representative, then upon proper notice of such fact the director 104482
shall at that time formulate in writing a method of disposition on 104483
the minutes of the department authorizing the managing officer to 104484
convert such intangible personal property to cash to be paid into 104485
the state treasury to the credit of the general revenue fund. 104486

The department shall include in its annual report a statement 104487
of all money and property and the terms and conditions relating 104488
thereto. 104489

Sec. 5119.17 5119.51. (A) As used in this section, 104490

"supplemental services" has the same meaning as in section 5815.28 104491
of the Revised Code. 104492

(B) There is hereby created in the state treasury the 104493
services fund for individuals with mental illness. On the death of 104494
the beneficiary of a trust created pursuant to section 5815.28 of 104495
the Revised Code, the portion of the remaining assets of the trust 104496
specified in the trust instrument shall be deposited to the credit 104497
of the fund. Money credited to the fund shall be used for 104498
individuals with mental illness. 104499

Supplemental services may be provided through the department 104500
or boards of alcohol, drug addiction, and mental health services. 104501
In accordance with Chapter 119. of the Revised Code, the 104502
department of ~~mental health~~ mental health and addiction services 104503
may adopt any rules necessary to implement this section. 104504

Sec. ~~5119.36~~ 5119.52. Each managing officer of an institution 104505
under the jurisdiction of the department of ~~mental health~~ mental 104506
health and addiction services as described in section ~~5119.02~~ 104507
5119.14 of the Revised Code, with the approval of the director of 104508
~~mental health~~ mental health and addiction services, may establish 104509
local institution funds designated as follows: 104510

(A) Industrial and entertainment fund created and maintained 104512
for the entertainment and welfare of the patients of the 104513
institution. The director shall establish rules for the operation 104514
of the industrial and entertainment fund. 104515

(B) Commissary fund created and maintained for the benefit of 104516
patients in the institution. Commissary revenue over and above 104517
operating costs and reserve shall be considered profits. All 104518
profits from the commissary fund operations shall be paid into the 104519
industrial and entertainment fund and used only for the 104520
entertainment and ~~wel-fare~~ welfare of patients. The director shall 104521

establish rules for the operation of the commissary fund. 104522

Sec. ~~5119.33~~ 5119.54. The treasurer of state shall have 104523
charge of all funds under the jurisdiction of the department of 104524
~~mental health~~ mental health and addiction services and shall pay 104525
out the same only in accordance with this chapter. 104526

The department shall cause to be furnished a contract of 104527
indemnity to cover all funds received by it or by its managing 104528
officers, employees, or agents while the funds are in the 104529
possession of such managing officers, employees or agents. Such 104530
funds are designated as follows: 104531

(A) Funds which are due and payable to the treasurer of state 104532
as provided by Chapter 131. of the Revised Code; 104533

(B) Those funds which are held in trust by the managing 104534
officers, employees, or agents of the institution as local funds 104535
or accounts under the jurisdiction of the department. 104536

Such contract of indemnity shall be made payable to the state 104537
and the premium for such contract of indemnity may be paid from 104538
any of the moneys received for the use of the department under 104539
this chapter and Chapters 5121. and 5122. of the Revised Code. 104540

Funds collected from various sources, such as the sale of 104541
goods, and all miscellaneous articles, shall be transmitted on or 104542
before Monday of each week to the treasurer of state and a 104543
detailed statement of such collections shall be made to the 104544
department. 104545

Sec. ~~5119.351~~ 5119.55. The department of ~~mental health~~ mental 104546
health and addiction services may pay an amount for personal use 104547
to each individual residing in a state institution as described in 104548
section ~~5119.02~~ 5119.14 of the Revised Code who would be eligible 104549
for supplemental security income benefits at the reduced rate 104550
established by Title XVI of the "Social Security Act," ~~49 Stat.~~ 104551

~~620 (1935), 42 U.S.C.A. 1382, as amended 1381 et seq., if the~~ 104552
~~state plan for providing medical assistance under section 5111.01~~ 104553
~~of the Revised Code included reimbursement of medicaid program~~ 104554
covers services provided in such institutions. The amount paid by 104555
the department shall not exceed the reduced supplemental security 104556
income benefit rate established by Title XVI of the "Social 104557
Security Act." 104558

Sec. ~~5119.35~~ 5119.56. Money or property deposited with 104559
managing officers of institutions under the jurisdiction of the 104560
department of ~~mental health~~ mental health and addiction services 104561
by any patient under the department's control or by relatives, 104562
guardians, conservators, and others for the special benefit of 104563
such patient, as well as all other funds and all other income paid 104564
to the patient, ~~his~~ the patient's estate, or on ~~his~~ the patient's 104565
behalf, or paid to the managing officer or to the institution as 104566
representative payee or otherwise paid on the patient's behalf, 104567
shall remain in the hands of such officers in appropriate accounts 104568
for use accordingly. The managing officer shall keep itemized book 104569
accounts of the receipt and disposition of such money and 104570
property, which book shall be open at all times to the inspection 104571
of the department. The director of ~~mental health~~ mental health and 104572
addiction services shall adopt rules governing the deposit, 104573
transfer, withdrawal, or investment of the funds and the income 104574
thereof, as well as rules under which such funds and income shall 104575
be paid by managing officers for the support of the patients 104576
pursuant to Chapter 5121. of the Revised Code, or for their other 104577
needs. 104578

Whenever any patient confined in any state institution 104579
subject to the jurisdiction of the department dies, escapes, or is 104580
discharged from such institution, and any personal funds of such 104581
person remain in the hands of the managing officer thereof and no 104582
demand for such funds is made upon such managing officer by the 104583

owner of the funds or ~~his~~ the owner's legally appointed 104584
representative, the managing officer shall hold the funds in the 104585
personal deposit fund for a period of at least one year during 104586
which time the managing officer shall make every effort possible 104587
to locate the owner or ~~his~~ the owner's legally appointed 104588
representative. 104589

If at the end of this period no demand has been made for the 104590
funds, the managing officer shall dispose of the funds as follows: 104591

(A) All money in a personal deposit fund in excess of ten 104592
dollars due for the support of a patient shall be paid in 104593
accordance with the provisions of Chapter 5121. of the Revised 104594
Code. 104595

(B) All money in a personal deposit fund in excess of ten 104596
dollars not due for the support of a patient shall be placed to 104597
the credit of the institution's local account designated as the 104598
"industrial and entertainment" fund. 104599

(C) The first ten dollars to the credit of a patient shall be 104600
placed to the credit of the institution's local account designated 104601
as the "industrial and entertainment" fund. 104602

Whenever any patient in any state institution subject to the 104603
jurisdiction of the department dies, escapes, or is discharged 104604
from such institution, and any personal effects of such person 104605
remain in the hands of the managing officer thereof, and no demand 104606
is made upon such managing officer by the owner of the property or 104607
~~his~~ the owner's legally appointed representative, the managing 104608
officer shall hold and dispose of such property in the following 104609
manner. 104610

All the miscellaneous personal effects shall be held for a 104611
period of at least one year, during which time the managing 104612
officer shall make every effort possible to locate the owner or 104613
~~his~~ the owner's legal representative. If at the end of this 104614

period, no demand has been made by the owner of the property or 104615
~~his~~ the owner's legal representative, the managing officer shall 104616
file with the county recorder of the county of commitment of such 104617
owner, all deeds, wills, contract mortgages, or assignments. The 104618
balance of the personal effects shall be sold at public auction 104619
after being duly advertised, and the funds turned over to the 104620
treasurer of state for credit to the general revenue fund. If any 104621
of the property is not of a type to be filed with the county 104622
recorder and is not salable at public auction, then the managing 104623
officer of the institution shall destroy such property. 104624

Sec. ~~5119.46~~ 5119.60. ~~In its annual report, the~~ The 104625
department of ~~mental health~~ mental health and addiction services 104626
shall submit an annual report to the governor that shall describe 104627
the services the department offers and how appropriated funds have 104628
been spent. The report shall include ~~the~~ all of the following: 104629

(A) The utilization of state hospitals by each alcohol, drug 104630
addiction, and mental health service district, ~~the;~~ 104631

(B) The number of persons served by community addiction 104632
services providers that receive funds distributed by the 104633
department, with a breakdown into categories including age, sex, 104634
race, the type of drug to which the person is addicted, and any 104635
other categories the director of mental health and addiction 104636
services considers significant; 104637

(C) The number of severely mentally disabled persons served 104638
in each district, ~~and the;~~ 104639

(D) The number and types of services provided to severely 104640
mentally disabled persons through state-operated services and 104641
community mental health ~~agencies~~ services providers; 104642

(E) A report measuring the success of community addiction 104643
services providers, based on the measures for accountability 104644

developed by the department, including the percentage of persons 104645
served by such community addiction services providers who have not 104646
relapsed; 104647

(F) Any other information that the director considers 104648
significant or is requested by the governor. 104649

Sec. ~~3793.12~~ 5119.61. (A) The department of ~~alcohol and drug~~ 104650
~~addiction services~~ mental health and addiction services shall 104651
collect and compile statistics and other information on the care 104652
and treatment of mentally disabled persons, and the care, 104653
treatment, and rehabilitation of alcoholics, drug dependent 104654
persons, and persons in danger of drug dependence in this state, 104655
including, without limitation, information on the number of such 104656
persons, the type of drug involved, the type of care, treatment, 104657
or rehabilitation prescribed or undertaken, and the success or 104658
failure of the care, treatment, or rehabilitation. The department 104659
shall collect information about services delivered and persons 104660
served as required for reporting and evaluation relating to state 104661
and federal funds expended for such purposes. 104662

(B) No alcohol ~~or~~, drug addiction program, or mental health 104663
services provider shall fail to supply statistics and other 104664
information within its knowledge and with respect to its ~~programs~~ 104665
services, upon request of the department. 104666

(C) Communications by a person seeking aid in good faith for 104667
alcoholism or drug dependence are confidential, and this section 104668
does not require the collection or permit the disclosure of 104669
information which reveals or comprises the identity of any person 104670
seeking aid. 104671

(D) Based on the information collected and compiled under 104672
division (A) of this section, the department shall develop a 104673
project to assess the outcomes of persons served by alcohol and 104674
drug addiction ~~programs~~ services providers and mental health 104675

services providers that receive funds distributed by the 104676
department. 104677

Sec. ~~5119.50~~ 5119.70. The "interstate compact on mental 104678
health" is hereby ratified, enacted into law, and entered into by 104679
the state of Ohio as a party thereto with any other state which 104680
has legally joined in the compact as follows: 104681

INTERSTATE COMPACT ON MENTAL HEALTH 104682

The contracting states solemnly agree that: 104683

Article I 104684

The party states find that the proper and expeditious 104685
treatment of the mentally ill and mentally retarded can be 104686
facilitated by cooperative action, to the benefit of the patients, 104687
their families, and society as a whole. Further, the party states 104688
find that the necessity of and desirability for furnishing such 104689
care and treatment bears no primary relation to the residence or 104690
citizenship of the patient but that, on the contrary, the 104691
controlling factors of community safety and humanitarianism 104692
require that facilities and services be made available for all who 104693
are in need of them. Consequently, it is the purpose of this 104694
compact and of the party states to provide the necessary legal 104695
basis for the institutionalization or other appropriate care and 104696
treatment of the mentally ill and mentally retarded under a system 104697
that recognizes the paramount importance of patient welfare and to 104698
establish the responsibilities of the party states in terms of 104699
such welfare. 104700

Article II 104701

As used in this compact: 104702

(a) "Sending state" shall mean a party state from which a 104703
patient is transported pursuant to the provisions of the compact 104704
or from which it is contemplated that a patient may be so sent. 104705

(b) "Receiving state" shall mean a party state to which a patient is transported pursuant to the provisions of the compact or to which it is contemplated that a patient may be so sent.

(c) "Institution" shall mean any hospital or other facility maintained by a party state or political subdivision thereof for the care and treatment of mental illness or mental retardation.

(d) "Patient" shall mean any person subject to or eligible as determined by the laws of the sending state, for institutionalization or other care, treatment, or supervision pursuant to the provisions of this compact.

(e) "After-care" shall mean care, treatment and services provided a patient, as defined herein, or convalescent status or conditional release.

(f) "Mental illness" shall mean mental disease to such extent that a person so afflicted requires care and treatment for his own welfare, or the welfare of others, or of the community.

(g) "Mental retardation" shall mean mental retardation as defined by appropriate clinical authorities to such extent that a person so afflicted is incapable of managing himself and his affairs, but shall not include mental illness as defined herein.

(h) "State" shall mean any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

Article III

(a) Whenever a person physically present in any party state shall be in need of institutionalization by reason of mental illness or mental retardation, he shall be eligible for care and treatment in an institution in that state irrespective of his residence, settlement or citizenship qualifications.

(b) The provisions of paragraph (a) of this article to the

contrary notwithstanding, any patient may be transferred to an 104736
institution in another state whenever there are factors based upon 104737
clinical determinations indicating that the care and treatment of 104738
said patient would be facilitated or improved thereby. Any such 104739
institutionalization may be for the entire period of care and 104740
treatment or for any portion or portions thereof. The factors 104741
referred to in this paragraph shall include the patient's full 104742
record with due regard for the location of the patient's family, 104743
character of the illness and probable duration thereof, and such 104744
other factors as shall be considered appropriate. 104745

(c) No state shall be obliged to receive any patient pursuant 104746
to the provisions of paragraph (b) of this article unless the 104747
sending state has given advance notice of its intention to send 104748
the patient; furnished all available medical and other pertinent 104749
records concerning the patient; given the qualified medical or 104750
other appropriate clinical authorities of the receiving state an 104751
opportunity to examine the patient if said authorities so wish; 104752
and unless the receiving state shall agree to accept the patient. 104753

(d) In the event that the laws of the receiving state 104754
establish a system of priorities for the admission of patients, an 104755
interstate patient under this compact shall receive the same 104756
priority as a local patient and shall be taken in the same order 104757
and at the same time that he would be taken if he were a local 104758
patient. 104759

(e) Pursuant to this compact, the determination as to the 104760
suitable place of institutionalization for a patient may be 104761
reviewed at any time and such further transfer of the patient may 104762
be made as seems likely to be in the best interest of the patient. 104763

Article IV 104764

(a) Whenever, pursuant to the laws of the state in which a 104765
patient is physically present, it shall be determined that the 104766
patient should receive after-care or supervision, such care or 104767

supervision may be provided in a receiving state. If the medical 104768
or other appropriate clinical authorities having responsibility 104769
for the care and treatment of the patient in the sending state 104770
shall have reason to believe that after-care in another state 104771
would be in the best interest of the patient and would not 104772
jeopardize the public safety, they shall request the appropriate 104773
authorities in the receiving state to investigate the desirability 104774
of affording the patient such after-care in said receiving state, 104775
and such investigation shall be made with all reasonable speed. 104776
The request for investigation shall be accompanied by complete 104777
information concerning the patient's intended place of residence 104778
and the identity of the person in whose charge it is proposed to 104779
place the patient, the complete medical history of the patient, 104780
and such other documents as may be pertinent. 104781

(b) If the medical or other appropriate clinical authorities 104782
having responsibility for the care and treatment of the patient in 104783
the sending state and the appropriate authorities in the receiving 104784
state find that the best interest of the patient would be served 104785
thereby, and if the public safety would not be jeopardized 104786
thereby, the patient may receive after-care or supervision in the 104787
receiving state. 104788

(c) In supervising, treating, or caring for a patient on 104789
after-care pursuant to the terms of this article, a receiving 104790
state shall employ the same standards of visitation, examination, 104791
care, and treatment that it employs for similar local patients. 104792

Article V 104793

Whenever a dangerous or potentially dangerous patient escapes 104794
from an institution in any party state, that state shall promptly 104795
notify all appropriate authorities within and without the 104796
jurisdiction of the escape in a manner reasonably calculated to 104797
facilitate the speedy apprehension of the escapee. Immediately 104798
upon the apprehension and identification of any such dangerous or 104799

potentially dangerous patient, he shall be detained in the state 104800
where found pending disposition in accordance with law. 104801

Article VI 104802

The duly accredited officers of any state party to this 104803
compact, upon the establishment of their authority and the 104804
identity of the patient, shall be permitted to transport any 104805
patient being moved pursuant to this compact through any and all 104806
states party to this compact, without interference. 104807

Article VII 104808

(a) No person shall be deemed a patient of more than one 104809
institution at any given time. Completion of transfer of any 104810
patient to an institution in a receiving state shall have the 104811
effect of making the person a patient of the institution in the 104812
receiving state. 104813

(b) The sending state shall pay all costs of and incidental 104814
to the transportation of any patient pursuant to this compact, but 104815
any two or more party states may, by making a specific agreement 104816
for that purpose, arrange for a different allocation of costs as 104817
among themselves. 104818

(c) No provision of this compact shall be construed to alter 104819
or affect any internal relationships among the departments, 104820
agencies and officers of and in the government of a party state, 104821
or between a party state and its subdivisions, as to the payment 104822
of costs, or responsibilities therefor. 104823

(d) Nothing in this compact shall be construed to prevent any 104824
party state or subdivision thereof from asserting any right 104825
against any person, agency or other entity in regard to costs for 104826
which such party state or subdivision thereof may be responsible 104827
pursuant to any provision of this compact. 104828

(e) Nothing in this compact shall be construed to invalidate 104829
any reciprocal agreement between a party state and a nonparty 104830

state relating to institutionalization, care or treatment of the 104831
mentally ill or mentally retarded, or any statutory authority 104832
pursuant to which such agreements may be made. 104833

Article VIII 104834

(a) Nothing in this compact shall be construed to abridge, 104835
diminish, or in any way impair the rights, duties, and 104836
responsibilities of any patient's guardian on his own behalf or in 104837
respect of any patient for whom he may serve, except that where 104838
the transfer of any patient to another jurisdiction makes 104839
advisable the appointment of a supplemental or substitute 104840
guardian, any court of competent jurisdiction in the receiving 104841
state may make such supplemental or substitute appointment and the 104842
court which appointed the previous guardian shall upon being duly 104843
advised of the new appointment, and upon the satisfactory 104844
completion of such accounting and other acts as such court may by 104845
law require, relieve the previous guardian of power and 104846
responsibility to whatever extent shall be appropriate in the 104847
circumstances; provided, however, that in the case of any patient 104848
having settlement in the sending state, the court of competent 104849
jurisdiction in the sending state shall have the sole discretion 104850
to relieve a guardian appointed by it or continue his power and 104851
responsibility, whichever it shall deem advisable. The court in 104852
the receiving state may, in its discretion, confirm or reappoint 104853
the person or persons previously serving as guardian in the 104854
sending state in lieu of making a supplemental or substitute 104855
appointment. 104856

(b) The term "guardian" as used in paragraph (a) of this 104857
article shall include any guardian, trustee, legal committee, 104858
conservator, or other person or agency however denominated who is 104859
charged by law with power to act for or responsibility for the 104860
person or property of a patient. 104861

Article IX 104862

(a) No provision of this compact except Article V shall apply 104863
to any person institutionalized while under sentence in a penal or 104864
correctional institution or while subject to trial on a criminal 104865
charge, or whose institutionalization is due to the commission of 104866
an offense for which, in the absence of mental illness or mental 104867
retardation, said person would be subject to incarceration in a 104868
penal or correctional institution. 104869

(b) To every extent possible, it shall be the policy of 104870
states party to this compact that no patient shall be placed or 104871
detained in any prison, jail or lockup, but such patient shall, 104872
with all expedition, be taken to a suitable institutional facility 104873
for mental illness or mental retardation. 104874

Article X 104875

(a) Each party state shall appoint a "compact administrator" 104876
who, on behalf of his state, shall act as general coordinator of 104877
activities under the compact in his state and who shall receive 104878
copies of all reports, correspondence, and other documents 104879
relating to any patient processed under the compact by his state 104880
either in the capacity of sending or receiving state. The compact 104881
administrator or his duly designated representative shall be the 104882
official with whom other party states shall deal in any matter 104883
relating to the compact or any patient processed thereunder. 104884

(b) The compact administrators of the respective party states 104885
shall have power to promulgate reasonable rules and regulations to 104886
carry out more effectively the terms and provisions of this 104887
compact. 104888

Article XI 104889

The duly constituted administrative authorities of any two or 104890
more party states may enter into supplementary agreements for the 104891
provision of any service or facility or for the maintenance of any 104892
institution on a joint or cooperative basis whenever the states 104893
concerned shall find that such agreements will improve services, 104894

facilities, or institutional care and treatment in the fields of 104895
mental illness or mental retardation. No such supplementary 104896
agreement shall be construed so as to relieve any party state of 104897
any obligation which it otherwise would have under other 104898
provisions of this compact. 104899

Article XII 104900

This compact shall enter into full force and effect as to any 104901
state when enacted by it into law and such states shall thereafter 104902
be a party thereto with any and all states legally joining 104903
therein. 104904

Article XIII 104905

(a) A state party to this compact may withdraw therefrom by 104906
enacting a statute repealing the same. Such withdrawal shall take 104907
effect one year after notice thereof has been communicated 104908
officially and in writing to the governors and compact 104909
administrators of all other party states. However, the withdrawal 104910
of any state shall not change the status of any patient who has 104911
been sent to said state or sent out of said state pursuant to the 104912
provisions of the compact. 104913

(b) Withdrawal from any agreement permitted by Article VII 104914
(b) as to costs or from any supplementary agreement made pursuant 104915
to Article XI shall be in accordance with the terms of such 104916
agreement. 104917

Article XIV 104918

This compact shall be liberally construed so as to effectuate 104919
the purposes thereof. The provisions of this compact shall be 104920
severable and if any phrase, clause, sentence or provision of this 104921
compact is declared to be contrary to the constitution of any 104922
party state or of the United States or the applicability thereof 104923
to any government, agency, person or circumstance is held invalid, 104924
the validity of the remainder of this compact and the 104925
applicability thereof to any government, agency, person or 104926

circumstance shall not be affected thereby. If this compact shall 104927
be held contrary to the constitution of any state party thereto, 104928
the compact shall remain in full force and effect as to the 104929
remaining states and in full force and effect as to the state 104930
affected as to all severable matters. 104931

Sec. ~~5119.51~~ 5119.71. Pursuant to Article X of the compact 104932
set forth in section ~~5119.50~~ 5119.70 of the Revised Code, the 104933
director of ~~mental health~~ mental health and addiction services and 104934
the director of developmental disabilities each shall designate an 104935
officer who shall be the compact administrator for the department 104936
and who, acting jointly with like officers of other party states, 104937
shall adopt rules to carry out more effectively the terms of the 104938
compact. The compact administrators of each department shall serve 104939
subject to the pleasure of the governor and shall cooperate with 104940
all departments, agencies, and officers of and in the government 104941
of this state and its subdivisions in facilitating the proper 104942
administration of the compact or of any supplementary agreements 104943
entered into by this state thereunder. 104944

Sec. ~~5119.52~~ 5119.72. The compact administrator may enter 104945
into supplementary agreements with appropriate officials of other 104946
states pursuant to articles VII and XI of the compact set forth in 104947
section ~~5119.50~~ 5119.70 of the Revised Code. In the event that 104948
such supplementary agreements require or contemplate the use of 104949
any institution or facility of this state or require or 104950
contemplate the provision of any service by this state, no such 104951
agreement shall have force or effect until approved by the head of 104952
the department or agency under whose jurisdiction the institution 104953
or facility is operated or whose department or agency will be 104954
charged with the rendering of such service. 104955

Sec. ~~5119.53~~ 5119.73. Any payments necessary to discharge any 104956

financial obligations imposed upon the state of Ohio by the 104957
compact or by any supplementary agreement entered into thereunder, 104958
as provided in sections ~~5119.50~~ 5119.70 to ~~5119.52~~ 5119.72 of the 104959
Revised Code, shall be made from appropriated funds upon 104960
presentation to the director of budget and management of itemized 104961
vouchers approved by the compact administrator. 104962

Sec. ~~3793.31~~ 5119.90. As used in sections ~~3793.31~~ 5119.90 to 104963
~~3793.39~~ 5119.98 of the Revised Code: 104964

(A) "Alcohol and other drug abuse" means alcoholism or drug 104965
addiction. 104966

(B) "Another drug" means a controlled substance as defined in 104967
section 3719.01 of the Revised Code or a harmful intoxicant as 104968
defined in section 2925.01 of the Revised Code. 104969

(C) "Board of alcohol, drug addiction, and mental health 104970
services" means a board of alcohol, drug addiction, and mental 104971
health services established under section 340.02 or 340.021 of the 104972
Revised Code. 104973

(D) "Danger" or "threat of danger to self, family, or others" 104974
means substantial physical harm or threat of substantial physical 104975
harm upon self, family, or others. 104976

(E) "Hospital" has the same meaning as in section 3701.01 or 104977
3727.01 of the Revised Code but does not include either a hospital 104978
operated by the department of ~~mental health~~ mental health and 104979
addiction services or an inpatient unit licensed by the 104980
department. 104981

(F) "Intoxicated" means being under the influence of alcohol, 104982
another drug, or both alcohol and another drug and, as a result, 104983
having a significantly impaired ability to function. 104984

(G) "Petitioner" means a person who institutes a proceeding 104985
under sections ~~3793.32~~ 5119.91 to ~~3793.39~~ 5119.98 of the Revised 104986

Code.	104987
(H) "Probate court" means the probate division of the court of common pleas.	104988 104989
(I) "Qualified health professional" means a person that is properly credentialed or licensed to conduct a drug and alcohol assessment and diagnosis under Ohio law.	104990 104991 104992
(J) "Residence" means the legal residence of a person as determined by applicable principles governing conflicts of law.	104993 104994
(K) "Respondent" means a person alleged in a petition filed or hearing under sections 3793.32 <u>5119.91</u> to 3793.39 <u>5119.98</u> of the Revised Code to be a person who is suffering from alcohol and other drug abuse and who may be ordered under those sections to undergo treatment.	104995 104996 104997 104998 104999
(L) "Treatment" means services and programs for the care and rehabilitation of intoxicated persons and persons suffering from alcohol and other drug abuse. "Treatment" includes residential treatment, a halfway house setting, and an intensive outpatient or outpatient level of care.	105000 105001 105002 105003 105004
Sec. 3793.32 <u>5119.91</u>. A probate court may order involuntary treatment for a person suffering from alcohol and other drug abuse pursuant to the procedures set forth in sections 3793.31 <u>5119.90</u> to 3793.39 <u>5119.98</u> of the Revised Code.	105005 105006 105007 105008
Sec. 3793.33 <u>5119.92</u>. No person shall be ordered to undergo treatment under sections 3793.31 <u>5119.90</u> to 3793.39 <u>5119.98</u> of the Revised Code unless all of the following apply to that person:	105009 105010 105011
(A) The person suffers from alcohol and other drug abuse.	105012
(B) The person presents an imminent danger or imminent threat of danger to self, family, or others as a result of alcohol and other drug abuse, or there exists a substantial likelihood of such	105013 105014 105015

a threat in the near future. 105016

(C) The person can reasonably benefit from treatment. 105017

Sec. ~~3793.34~~ 5119.93. (A) A person may initiate proceedings 105018
for treatment for an individual suffering from alcohol and other 105019
drug abuse by filing a verified petition in the probate court and 105020
paying a filing fee in the same amount, if any, that is charged 105021
for the filing under section 5122.11 of the Revised Code of an 105022
affidavit seeking the hospitalization of a person. The petition 105023
and all subsequent court documents shall be entitled: "In the 105024
interest of (name of respondent)." A spouse, relative, or guardian 105025
of the individual concerning whom the petition is filed shall file 105026
the petition. 105027

(B) A petition filed under division (A) of this section shall 105028
set forth all of the following: 105029

(1) The petitioner's relationship to the respondent; 105030

(2) The respondent's name, residence address, and current 105031
location, if known; 105032

(3) The name and residence of the respondent's parents, if 105033
living and if known, or of the respondent's legal guardian, if any 105034
and if known; 105035

(4) The name and residence of the respondent's spouse, if any 105036
and if known; 105037

(5) The name and residence of the person having custody of 105038
the respondent, if any, or if no such person is known, the name 105039
and residence of a near relative or a statement that the person is 105040
unknown; 105041

(6) The petitioner's belief, including the factual basis for 105042
the belief, that the respondent is suffering from alcohol and 105043
other drug abuse and presents an imminent danger or imminent 105044
threat of danger to self, family, or others if not treated for 105045

alcohol or other drug abuse. 105046

(C)(1) Any petition filed pursuant to divisions (A) and (B) 105047
of this section shall be accompanied by a certificate of a 105048
physician who has examined the respondent within two days prior to 105049
the day that the petition is filed in the probate court. The 105050
physician shall be authorized to practice medicine and surgery or 105051
osteopathic medicine and surgery under Chapter 4731. of the 105052
Revised Code. The physician's certificate shall set forth the 105053
physician's findings in support of the need to treat the 105054
respondent for alcohol or other drug abuse. The certificate shall 105055
indicate if the respondent presents an imminent danger or imminent 105056
threat of danger to self, family, or others if not treated. 105057
Further, the certificate shall indicate the type and length of 105058
treatment required and if the respondent can reasonably benefit 105059
from treatment. If the physician's certificate indicates that 105060
inpatient treatment is required, the certificate shall identify 105061
any inpatient facilities known to the physician that are able and 105062
willing to provide the recommended inpatient treatment. 105063

If the respondent refuses to undergo an examination with a 105064
physician concerning the respondent's possible need for treatment 105065
for alcohol or other drug abuse, the petition shall state that the 105066
respondent has refused all requests made by the petitioner to 105067
undergo a physician's examination. In that case, the petitioner 105068
shall not be required to provide a physician's certificate with 105069
the petition. 105070

(2) Any petition filed pursuant to divisions (A) and (B) of 105071
this section shall contain a statement that the petitioner has 105072
arranged for treatment of the respondent. Further, the petition 105073
shall be accompanied by a statement from the person or facility 105074
who has agreed to provide the treatment that verifies that the 105075
person or facility has agreed to provide the treatment and the 105076
estimated cost of the treatment. 105077

(D) Any petition filed pursuant to divisions (A) and (B) of this section shall be accompanied by both of the following:

(1) A security deposit to be deposited with the clerk of the probate court that will cover half of the estimated cost of treatment of the respondent;

(2) A guarantee, signed by the petitioner or another person authorized to file the petition obligating the guarantor to pay the costs of the examinations of the respondent conducted by the physician and qualified health professional under division (B)(5) of section ~~3793.35~~ 5119.94 of the Revised Code, the costs of the respondent that are associated with a hearing conducted in accordance with section ~~3793.35~~ 5119.94 of the Revised Code and that the court determines to be appropriate, and the costs of any treatment ordered by the court.

Sec. ~~3793.35~~ 5119.94. (A) Upon receipt of a petition filed under section ~~3793.34~~ 5119.93 of the Revised Code and the payment of the appropriate filing fee, if any, the probate court shall examine the petitioner under oath as to the contents of the petition.

(B) If, after reviewing the allegations contained in the petition and examining the petitioner under oath, it appears to the probate court that there is probable cause to believe the respondent may reasonably benefit from treatment, the court shall do all of the following:

(1) Schedule a hearing to be held within seven days to determine if there is clear and convincing evidence that the respondent may reasonably benefit from treatment for alcohol and other drug abuse;

(2) Notify the respondent, the legal guardian, if any and if known, and the spouse, parents, or nearest relative or friend of

the respondent concerning the allegations and contents of the 105108
petition and of the date and purpose of the hearing; 105109

(3) Notify the respondent that the respondent may retain 105110
counsel and, if the person is unable to obtain an attorney, that 105111
the respondent may be represented by court-appointed counsel at 105112
public expense if the person is indigent. Upon the appointment of 105113
an attorney to represent an indigent respondent, the court shall 105114
notify the respondent of the name, address, and telephone number 105115
of the attorney appointed to represent the respondent. 105116

(4) Notify the respondent that the court shall cause the 105117
respondent to be examined not later than twenty-four hours before 105118
the hearing date by a physician for the purpose of a physical 105119
examination and by a qualified health professional for the purpose 105120
of a drug and alcohol addiction assessment and diagnosis. In 105121
addition, the court shall notify the respondent that the 105122
respondent may have an independent expert evaluation of the 105123
person's physical and mental condition conducted at the 105124
respondent's own expense. 105125

(5) Cause the respondent to be examined not later than 105126
twenty-four hours before the hearing date by a physician for the 105127
purpose of a physical examination and by a qualified health 105128
professional for the purpose of a drug and alcohol addiction 105129
assessment and diagnosis; 105130

(6) Conduct the hearing. 105131

(C) The physician and qualified health professional who 105132
examine the respondent pursuant to division (B)(5) of this section 105133
or who are obtained by the respondent at the respondent's own 105134
expense shall certify their findings to the court within 105135
twenty-four hours of the examinations. The findings of each 105136
qualified health professional shall include a recommendation for 105137
treatment if the qualified health professional determines that 105138

treatment is necessary. 105139

(D)(1) If upon completion of the hearing held under this 105140
section the probate court finds by clear and convincing evidence 105141
that the respondent may reasonably benefit from treatment, the 105142
court may order the treatment after considering the qualified 105143
health professionals' recommendations for treatment that have been 105144
submitted to the court under division (C) of this section. If the 105145
court orders the treatment under this division, the court shall 105146
order the treatment to be provided through ~~an alcohol and drug a~~ 105147
community addiction program services provider certified under 105148
section ~~3793.06~~ 5119.36 of the Revised Code or by an individual 105149
licensed or certified by the state medical board under Chapter 105150
4731. of the Revised Code, the chemical dependency professionals 105151
board under Chapter 4758. of the Revised Code, the counselor, 105152
social worker, and marriage and family therapist board under 105153
Chapter 4757. of the Revised Code, or a similar board of another 105154
state authorized to provide substance abuse treatment. 105155

(2) Failure of a respondent to undergo and complete any 105156
treatment ordered pursuant to this division is contempt of court. 105157
Any alcohol and drug addiction program or person providing 105158
treatment under this division shall notify the probate court of a 105159
respondent's failure to undergo or complete the ordered treatment. 105160

(E) If, at any time after a petition is filed under section 105161
~~3793.34~~ 5119.93 of the Revised Code, the probate court finds that 105162
there is not probable cause to continue treatment or if the 105163
petitioner withdraws the petition, then the court shall dismiss 105164
the proceedings against the respondent. 105165

Sec. ~~3793.36~~ 5119.95. (A) Following an examination by a 105166
qualified health professional and a certification by that 105167
professional that the person meets the criteria specified in 105168
section ~~3793.33~~ 5119.92 of the Revised Code, a probate court may 105169

order the person hospitalized for a period not to exceed 105170
seventy-two hours if the court finds by clear and convincing 105171
evidence that the person presents an imminent threat of danger to 105172
self, family, or others as a result of alcohol and other drug 105173
abuse. However, if the hearing to be held under section ~~3793.35~~ 105174
5119.94 of the Revised Code will not be held within seventy-two 105175
hours, the court may order the person hospitalized until the 105176
hearing. In making its order, the court shall inform the person 105177
that the person may immediately make a reasonable number of 105178
telephone calls or use other reasonable means to contact an 105179
attorney, a licensed physician, or a qualified health 105180
professional, to contact any other person or persons to secure 105181
representation by counsel, or to obtain medical or psychological 105182
assistance and that the person will be provided assistance in 105183
making calls if the assistance is needed and requested. 105184

(B) Any person who has been admitted to a hospital under 105185
division (A) of this section shall be released from the hospital 105186
immediately upon the expiration of the time period established by 105187
the court for the hospitalization. 105188

(C) No person ordered hospitalized under this section shall 105189
be held in jail pending transportation to the hospital or 105190
evaluation unless the probate court previously has found the 105191
person to be in contempt of court for either failure to undergo 105192
treatment or failure to appear at the evaluation ordered pursuant 105193
to section ~~3793.35~~ 5119.94 of the Revised Code. 105194

Sec. ~~3793.37~~ 5119.96. When a probate court is authorized to 105195
issue an order that the respondent be transported to a hospital, 105196
the court may issue a summons. If the respondent fails to attend 105197
an examination scheduled before the hearing under section ~~3793.35~~ 105198
5119.94 of the Revised Code, the court shall issue a summons. A 105199
summons so issued shall be directed to the respondent and shall 105200

command the respondent to appear at a time and place specified in 105201
the summons. If a respondent who has been summoned fails to appear 105202
at the hospital or the examination, the probate court may order 105203
the sheriff or any other peace officer to transport the respondent 105204
to a hospital on the list provided under section ~~3793.38~~ 5119.97 105205
of the Revised Code for treatment. The sheriff or any other peace 105206
officer, upon agreement of a person authorized by the peace 105207
officer, may authorize a board of alcohol, drug addiction, and 105208
mental health services, a private ~~agency~~ services provider under 105209
contract with a board of alcohol, drug addiction, and mental 105210
health services, or an ambulance service designated by a board of 105211
alcohol, drug addiction, and mental health services to transport 105212
the respondent to the hospital. The transportation costs of the 105213
sheriff, other peace officer, ambulance service, or other private 105214
~~agency~~ services provider under contract with the board of alcohol, 105215
drug addiction, and mental health services shall be included in 105216
the costs of treatment for alcohol and other drug abuse to be paid 105217
by the petitioner. 105218

Sec. ~~3793.38~~ 5119.97. Each board of alcohol, drug addiction, 105219
and mental health services on at least an annual basis shall 105220
submit each of the following lists to the clerk of the probate 105221
court in each county served by the board: 105222

(A) A list of all hospitals in the counties served by the 105223
board that are able and willing to take respondents ordered to 105224
undergo seventy-two hours of treatment and observation pursuant to 105225
section ~~3793.36~~ 5119.95 of the Revised Code; 105226

(B) A list of hospitals and treatment providers in the 105227
counties served by the board that are able and willing to provide 105228
treatment for alcohol and other drug abuse ordered pursuant to 105229
section ~~3793.35~~ 5119.94 of the Revised Code. 105230

Sec. ~~3793.39~~ 5119.98. Sections ~~3793.12, 3793.13~~ 5119.26, 105231
5119.27, and ~~3793.14~~ 5119.61 of the Revised Code apply to a person 105232
who is ordered to undergo treatment under sections ~~3793.31 to~~ 105233
~~3793.39~~ 5119.90 to 5119.98 of the Revised Code. 105234

Sec. 5119.99. (A) Whoever violates section ~~5119.21~~ 5119.333 105235
of the Revised Code is guilty of a misdemeanor of the first 105236
degree. 105237

(B) Whoever violates division (B) of section 5119.61 of the 105238
Revised Code is guilty of a misdemeanor of the fourth degree. 105239

(C) Whoever violates section 5119.27 or 5119.28 or division 105240
(G) of section 5119.36 of the Revised Code is guilty of a felony 105241
of the fifth degree. 105242

Sec. 5120.07. (A) There is hereby created the ex-offender 105243
reentry coalition consisting of the following ~~eighteen~~ seventeen 105244
members or their designees: 105245

(1) The director of rehabilitation and correction; 105246

(2) The director of aging; 105247

(3) The director of ~~alcohol and drug addiction services~~ 105248
mental health and addiction services; 105249

(4) The director of development services; 105250

(5) The superintendent of public instruction; 105251

(6) The director of health; 105252

(7) The director of job and family services; 105253

(8) ~~The director of mental health;~~ 105254

~~(9)~~ The director of developmental disabilities; 105255

~~(10)~~(9) The director of public safety; 105256

~~(11)~~(10) The director of youth services; 105257

(12) (11) The chancellor of the Ohio board of regents;	105258
(13) (12) A representative or member of the governor's staff;	105259
(14) (13) The <u>executive</u> director of the rehabilitation services commission <u>opportunities for Ohioans with disabilities</u> <u>agency</u> ;	105260 105261 105262
(15) (14) The director of the department of commerce;	105263
(16) (15) The executive director of a health care licensing board created under Title XLVII of the Revised Code, as appointed by the chairperson of the coalition;	105264 105265 105266
(17) (16) The director of veterans services;	105267
(18) (17) An ex-offender appointed by the director of rehabilitation and correction.	105268 105269
(B) The members of the coalition shall serve without compensation. The director of rehabilitation and correction or the director's designee shall be the chairperson of the coalition.	105270 105271 105272
(C) In consultation with persons interested and involved in the reentry of ex-offenders into the community, including but not limited to, services providers, community-based organizations, and local governments, the coalition shall identify and examine social service barriers and other obstacles to the reentry of ex-offenders into the community. Not later than one year after April 7, 2009, and on or before the same date of each year thereafter, the coalition shall submit to the speaker of the house of representatives and the president of the senate a report, including recommendations for legislative action, the activities of the coalition, and the barriers affecting the successful reentry of ex-offenders into the community. The report shall analyze the effects of those barriers on ex-offenders and on their children and other family members in various areas, including but not limited to, the following:	105273 105274 105275 105276 105277 105278 105279 105280 105281 105282 105283 105284 105285 105286 105287

(1) Admission to public and other housing;	105288
(2) Child support obligations and procedures;	105289
(3) Parental incarceration and family reunification;	105290
(4) Social security benefits, veterans' benefits, food stamps, and other forms of public assistance;	105291 105292
(5) Employment;	105293
(6) Education programs and financial assistance;	105294
(7) Substance abuse, mental health , and sex offender treatment programs and financial assistance <u>and mental health services and financial assistance</u> ;	105295 105296 105297
(8) Civic and political participation;	105298
(9) Other collateral consequences under the Revised Code or the Ohio administrative code law that may result from a criminal conviction.	105299 105300 105301
(D)(1) The report shall also include the following information:	105302 105303
(a) Identification of state appropriations for reentry programs;	105304 105305
(b) Identification of other funding sources for reentry programs that are not funded by the state;	105306 105307
(2) The coalition shall gather information about reentry programs in a repository maintained and made available by the coalition. Where available, the information shall include the following:	105308 105309 105310 105311
(a) The amount of funding received;	105312
(b) The number of program participants;	105313
(c) The composition of the program, including program goals, methods for measuring success, and program success rate;	105314 105315

(d) The type of post-program tracking that is utilized;	105316
(e) Information about employment rates and recidivism rates of ex-offenders.	105317 105318
(E) The coalition shall cease to exist on December 31, 2014.	105319
Sec. 5120.09. Under the supervision and control of the director of rehabilitation and correction, the division of business administration shall do all of the following:	105320 105321 105322
(A) Submit the budgets for the several divisions of the department of rehabilitation and correction, as prepared by the respective chiefs of those divisions, to the director. The director, with the assistance of the chief of the division of business administration, shall compile a departmental budget that contains all proposals submitted by the chiefs of the divisions and shall forward the departmental budget to the governor with comments and recommendations that the director considers necessary.	105323 105324 105325 105326 105327 105328 105329 105330 105331
(B) Maintain accounts and records and compile statistics that the director prescribes;	105332 105333
(C) Under the control of the director, coordinate and make the necessary purchases and requisitions for the department and its divisions, except when goods and services are provided to the department as described in section 5119.16 <u>5119.44</u> of the Revised Code;	105334 105335 105336 105337 105338
(D) Administer within this state federal criminal justice acts that the governor requires the department to administer. In order to improve the criminal justice system of this state, the division of business administration shall apply for, allocate, disburse, and account for grants that are made available pursuant to those federal criminal justice acts and grants that are made available from other federal government sources, state government	105339 105340 105341 105342 105343 105344 105345

sources, or private sources. As used in this division, "criminal justice system" and "federal criminal justice acts" have the same meanings as in section 5502.61 of the Revised Code.

(E) Audit the activities of governmental entities, persons as defined in section 1.59 of the Revised Code, and other types of nongovernmental entities that are financed in whole or in part by funds that the department allocates or disburses and that are derived from grants described in division (D) of this section;

(F) Enter into contracts, including contracts with federal, state, or local governmental entities, persons as defined in section 1.59 of the Revised Code, foundations, and other types of nongovernmental entities, that are necessary for the department to carry out its duties and that neither the director nor another section of the Revised Code authorizes another division of the department to enter;

(G) Exercise other powers and perform other duties that the director may assign to the division of business administration.

Sec. 5120.135. (A) As used in this section, "laboratory services" includes the performance of medical laboratory analysis; professional laboratory and pathologist consultation; the procurement, storage, and distribution of laboratory supplies; and the performance of phlebotomy services.

(B) The department of rehabilitation and correction may provide laboratory services to the departments of ~~mental health~~ mental health and addiction services, developmental disabilities, youth services, and rehabilitation and correction. The department of rehabilitation and correction may also provide laboratory services to other state, county, or municipal agencies and to private persons that request laboratory services if the department of rehabilitation and correction determines that the provision of laboratory services is in the public interest and considers it

advisable to provide such services. The department of 105377
rehabilitation and correction may also provide laboratory services 105378
to agencies operated by the United States government and to public 105379
and private entities funded in whole or in part by the state if 105380
the director of rehabilitation and correction designates them as 105381
eligible to receive such services. 105382

The department of rehabilitation and correction shall provide 105383
laboratory services from a laboratory that complies with the 105384
standards for certification set by the United States department of 105385
health and human services under the "Clinical Laboratory 105386
Improvement Amendments of 1988," 102 Stat. 293, 42 U.S.C.A. 263a. 105387
In addition, the laboratory shall maintain accreditation or 105388
certification with an appropriate accrediting or certifying 105389
organization as considered necessary by the recipients of its 105390
laboratory services and as authorized by the director of 105391
rehabilitation and correction. 105392

(C) The cost of administering this section shall be 105393
determined by the department of rehabilitation and correction and 105394
shall be paid by entities that receive laboratory services to the 105395
department for deposit in the state treasury to the credit of the 105396
laboratory services fund, which is hereby created. The fund shall 105397
be used to pay the costs the department incurs in administering 105398
this section. 105399

(D) Whenever a state agency fails to make a payment for 105400
laboratory services provided to it by the department of 105401
rehabilitation and correction under this section within thirty-one 105402
days after the date the payment was due, the office of budget and 105403
management may transfer moneys from that state agency to the 105404
department of rehabilitation and correction for deposit to the 105405
credit of the laboratory services fund. The amount transferred 105406
shall not exceed the amount of the overdue payments. Prior to 105407
making a transfer under this division, the office shall apply any 105408

credits the state agency has accumulated in payment for laboratory 105409
services provided under this section. 105410

Sec. 5120.17. (A) As used in this section: 105411

(1) "Mental illness" means a substantial disorder of thought, 105412
mood, perception, orientation, or memory that grossly impairs 105413
judgment, behavior, capacity to recognize reality, or ability to 105414
meet the ordinary demands of life. 105415

(2) "Mentally ill person subject to hospitalization" means a 105416
mentally ill person to whom any of the following applies because 105417
of the person's mental illness: 105418

(a) The person represents a substantial risk of physical harm 105419
to the person as manifested by evidence of threats of, or attempts 105420
at, suicide or serious self-inflicted bodily harm. 105421

(b) The person represents a substantial risk of physical harm 105422
to others as manifested by evidence of recent homicidal or other 105423
violent behavior, evidence of recent threats that place another in 105424
reasonable fear of violent behavior and serious physical harm, or 105425
other evidence of present dangerousness. 105426

(c) The person represents a substantial and immediate risk of 105427
serious physical impairment or injury to the person as manifested 105428
by evidence that the person is unable to provide for and is not 105429
providing for the person's basic physical needs because of the 105430
person's mental illness and that appropriate provision for those 105431
needs cannot be made immediately available in the correctional 105432
institution in which the inmate is currently housed. 105433

(d) The person would benefit from treatment in a hospital for 105434
the person's mental illness and is in need of treatment in a 105435
hospital as manifested by evidence of behavior that creates a 105436
grave and imminent risk to substantial rights of others or the 105437
person. 105438

(3) "Psychiatric hospital" means all or part of a facility 105439
that is operated and managed by the department of ~~mental health~~ 105440
mental health and addiction services to provide psychiatric 105441
hospitalization services in accordance with the requirements of 105442
this section pursuant to an agreement between the directors of 105443
rehabilitation and correction and ~~mental health~~ mental health and 105444
addiction services or, is licensed by the department of ~~mental~~ 105445
~~health~~ mental health and addiction services pursuant to section 105446
~~5119.20~~ 5119.33 of the Revised Code as a psychiatric hospital and 105447
is accredited by a ~~healthcare~~ health care accrediting organization 105448
approved by the department of ~~mental health~~ mental health and 105449
addiction services and the psychiatric hospital is any of the 105450
following: 105451

(a) Operated and managed by the department of rehabilitation 105452
and correction within a facility that is operated by the 105453
department of rehabilitation and correction; 105454

(b) Operated and managed by a contractor for the department 105455
of rehabilitation and correction within a facility that is 105456
operated by the department of rehabilitation and correction; 105457

(c) Operated and managed in the community by an entity that 105458
has contracted with the department of rehabilitation and 105459
correction to provide psychiatric hospitalization services in 105460
accordance with the requirements of this section. 105461

(4) "Inmate patient" means an inmate who is admitted to a 105462
psychiatric hospital. 105463

(5) "Admitted" to a psychiatric hospital means being accepted 105464
for and staying at least one night at the psychiatric hospital. 105465

(6) "Treatment plan" means a written statement of reasonable 105466
objectives and goals for an inmate patient that is based on the 105467
needs of the inmate patient and that is established by the 105468
treatment team, with the active participation of the inmate 105469

patient and with documentation of that participation. "Treatment plan" includes all of the following: 105470
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(a) The specific criteria to be used in evaluating progress toward achieving the objectives and goals; 105472
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(b) The services to be provided to the inmate patient during the inmate patient's hospitalization; 105474
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(c) The services to be provided to the inmate patient after discharge from the hospital, including, but not limited to, housing and mental health services provided at the state correctional institution to which the inmate patient returns after discharge or community mental health services. 105476
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(7) "Mentally retarded person subject to institutionalization by court order" has the same meaning as in section 5123.01 of the Revised Code. 105481
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(8) "Emergency transfer" means the transfer of a mentally ill inmate to a psychiatric hospital when the inmate presents an immediate danger to self or others and requires hospital-level care. 105484
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(9) "Uncontested transfer" means the transfer of a mentally ill inmate to a psychiatric hospital when the inmate has the mental capacity to, and has waived, the hearing required by division (B) of this section. 105488
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(10)(a) "Independent decision-maker" means a person who is employed or retained by the department of rehabilitation and correction and is appointed by the chief or chief clinical officer of mental health services as a hospitalization hearing officer to conduct due process hearings. 105492
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(b) An independent decision-maker who presides over any hearing or issues any order pursuant to this section shall be a psychiatrist, psychologist, or attorney, shall not be specifically 105497
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associated with the institution in which the inmate who is the 105500
subject of the hearing or order resides at the time of the hearing 105501
or order, and previously shall not have had any treatment 105502
relationship with nor have represented in any legal proceeding the 105503
inmate who is the subject of the order. 105504

(B)(1) Except as provided in division (C) of this section, if 105505
the warden of a state correctional institution or the warden's 105506
designee believes that an inmate should be transferred from the 105507
institution to a psychiatric hospital, the department shall hold a 105508
hearing to determine whether the inmate is a mentally ill person 105509
subject to hospitalization. The department shall conduct the 105510
hearing at the state correctional institution in which the inmate 105511
is confined, and the department shall provide qualified 105512
independent assistance to the inmate for the hearing. An 105513
independent decision-maker provided by the department shall 105514
preside at the hearing and determine whether the inmate is a 105515
mentally ill person subject to hospitalization. 105516

(2) Except as provided in division (C) of this section, prior 105517
to the hearing held pursuant to division (B)(1) of this section, 105518
the warden or the warden's designee shall give written notice to 105519
the inmate that the department is considering transferring the 105520
inmate to a psychiatric hospital, that it will hold a hearing on 105521
the proposed transfer at which the inmate may be present, that at 105522
the hearing the inmate has the rights described in division (B)(3) 105523
of this section, and that the department will provide qualified 105524
independent assistance to the inmate with respect to the hearing. 105525
The department shall not hold the hearing until the inmate has 105526
received written notice of the proposed transfer and has had 105527
sufficient time to consult with the person appointed by the 105528
department to provide assistance to the inmate and to prepare for 105529
a presentation at the hearing. 105530

(3) At the hearing held pursuant to division (B)(1) of this 105531

section, the department shall disclose to the inmate the evidence 105532
that it relies upon for the transfer and shall give the inmate an 105533
opportunity to be heard. Unless the independent decision-maker 105534
finds good cause for not permitting it, the inmate may present 105535
documentary evidence and the testimony of witnesses at the hearing 105536
and may confront and cross-examine witnesses called by the 105537
department. 105538

(4) If the independent decision-maker does not find clear and 105539
convincing evidence that the inmate is a mentally ill person 105540
subject to hospitalization, the department shall not transfer the 105541
inmate to a psychiatric hospital but shall continue to confine the 105542
inmate in the same state correctional institution or in another 105543
state correctional institution that the department considers 105544
appropriate. If the independent decision-maker finds clear and 105545
convincing evidence that the inmate is a mentally ill person 105546
subject to hospitalization, the decision-maker shall order that 105547
the inmate be transported to a psychiatric hospital for 105548
observation and treatment for a period of not longer than thirty 105549
days. After the hearing, the independent decision-maker shall 105550
submit to the department a written decision that states one of the 105551
findings described in division (B)(4) of this section, the 105552
evidence that the decision-maker relied on in reaching that 105553
conclusion, and, if the decision is that the inmate should be 105554
transferred, the reasons for the transfer. 105555

(C)(1) The department may transfer an inmate to a psychiatric 105556
hospital under an emergency transfer order if the chief clinical 105557
officer of mental health services of the department or that 105558
officer's designee and either a psychiatrist employed or retained 105559
by the department or, in the absence of a psychiatrist, a 105560
psychologist employed or retained by the department determines 105561
that the inmate is mentally ill, presents an immediate danger to 105562
self or others, and requires hospital-level care. 105563

(2) The department may transfer an inmate to a psychiatric hospital under an uncontested transfer order if both of the following apply:

(a) A psychiatrist employed or retained by the department determines all of the following apply:

(i) The inmate has a mental illness or is a mentally ill person subject to hospitalization.

(ii) The inmate requires hospital care to address the mental illness.

(iii) The inmate has the mental capacity to make a reasoned choice regarding the inmate's transfer to a hospital.

(b) The inmate agrees to a transfer to a hospital.

(3) The written notice and the hearing required under divisions (B)(1) and (2) of this section are not required for an emergency transfer or uncontested transfer under division (C)(1) or (2) of this section.

(4) After an emergency transfer under division (C)(1) of this section, the department shall hold a hearing for continued hospitalization within five working days after admission of the transferred inmate to the psychiatric hospital. The department shall hold subsequent hearings pursuant to division (F) of this section at the same intervals as required for inmate patients who are transported to a psychiatric hospital under division (B)(4) of this section.

(5) After an uncontested transfer under division (C)(2) of this section, the inmate may withdraw consent to the transfer in writing at any time. Upon the inmate's withdrawal of consent, the hospital shall discharge the inmate, or, within five working days, the department shall hold a hearing for continued hospitalization. The department shall hold subsequent hearings pursuant to division

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(F) of this section at the same time intervals as required for 105594
inmate patients who are transported to a psychiatric hospital 105595
under division (B)(4) of this section. 105596

(D)(1) If an independent decision-maker, pursuant to division 105597
(B)(4) of this section, orders an inmate transported to a 105598
psychiatric hospital or if an inmate is transferred pursuant to 105599
division (C)(1) or (2) of this section, the staff of the 105600
psychiatric hospital shall examine the inmate patient when 105601
admitted to the psychiatric hospital as soon as practicable after 105602
the inmate patient arrives at the hospital and no later than 105603
twenty-four hours after the time of arrival. The attending 105604
physician responsible for the inmate patient's care shall give the 105605
inmate patient all information necessary to enable the patient to 105606
give a fully informed, intelligent, and knowing consent to the 105607
treatment the inmate patient will receive in the hospital. The 105608
attending physician shall tell the inmate patient the expected 105609
physical and medical consequences of any proposed treatment and 105610
shall give the inmate patient the opportunity to consult with 105611
another psychiatrist at the hospital and with the inmate advisor. 105612

(2) No inmate patient who is transported or transferred 105613
pursuant to division (B)(4) or (C)(1) or (2) of this section to a 105614
psychiatric hospital within a facility that is operated by the 105615
department of rehabilitation and correction shall be subjected to 105616
any of the following procedures: 105617

(a) Convulsive therapy; 105618

(b) Major aversive interventions; 105619

(c) Any unusually hazardous treatment procedures; 105620

(d) Psychosurgery. 105621

(E) The department of rehabilitation and correction shall 105622
ensure that an inmate patient hospitalized pursuant to this 105623
section receives or has all of the following: 105624

- (1) Receives sufficient professional care within twenty days of admission to ensure that an evaluation of the inmate patient's current status, differential diagnosis, probable prognosis, and description of the current treatment plan have been formulated and are stated on the inmate patient's official chart; 105625
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- (2) Has a written treatment plan consistent with the evaluation, diagnosis, prognosis, and goals of treatment; 105630
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- (3) Receives treatment consistent with the treatment plan; 105632
- (4) Receives periodic reevaluations of the treatment plan by the professional staff at intervals not to exceed thirty days; 105633
105634
- (5) Is provided with adequate medical treatment for physical disease or injury; 105635
105636
- (6) Receives humane care and treatment, including, without being limited to, the following: 105637
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- (a) Access to the facilities and personnel required by the treatment plan; 105639
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- (b) A humane psychological and physical environment; 105641
- (c) The right to obtain current information concerning the treatment program, the expected outcomes of treatment, and the expectations for the inmate patient's participation in the treatment program in terms that the inmate patient reasonably can understand; 105642
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- (d) Opportunity for participation in programs designed to help the inmate patient acquire the skills needed to work toward discharge from the psychiatric hospital; 105647
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- (e) The right to be free from unnecessary or excessive medication and from unnecessary restraints or isolation; 105650
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- (f) All other rights afforded inmates in the custody of the department consistent with rules, policy, and procedure of the department. 105652
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(F) The department shall hold a hearing for the continued hospitalization of an inmate patient who is transported or transferred to a psychiatric hospital pursuant to division (B)(4) or (C)(1) of this section prior to the expiration of the initial thirty-day period of hospitalization. The department shall hold any subsequent hearings, if necessary, not later than ninety days after the first thirty-day hearing and then not later than each one hundred and eighty days after the immediately prior hearing. An independent decision-maker shall conduct the hearings at the psychiatric hospital in which the inmate patient is confined. The inmate patient shall be afforded all of the rights set forth in this section for the hearing prior to transfer to the psychiatric hospital. The department may not waive a hearing for continued commitment. A hearing for continued commitment is mandatory for an inmate patient transported or transferred to a psychiatric hospital pursuant to division (B)(4) or (C)(1) of this section unless the inmate patient has the capacity to make a reasoned choice to execute a waiver and waives the hearing in writing. An inmate patient who is transferred to a psychiatric hospital pursuant to an uncontested transfer under division (C)(2) of this section and who has scheduled hearings after withdrawal of consent for hospitalization may waive any of the scheduled hearings if the inmate has the capacity to make a reasoned choice and executes a written waiver of the hearing.

If upon completion of the hearing the independent decision-maker does not find by clear and convincing evidence that the inmate patient is a mentally ill person subject to hospitalization, the independent decision-maker shall order the inmate patient's discharge from the psychiatric hospital. If the independent decision-maker finds by clear and convincing evidence that the inmate patient is a mentally ill person subject to hospitalization, the independent decision-maker shall order that the inmate patient remain at the psychiatric hospital for

continued hospitalization until the next required hearing. 105688

If at any time prior to the next required hearing for 105689
continued hospitalization, the medical director of the hospital or 105690
the attending physician determines that the treatment needs of the 105691
inmate patient could be met equally well in an available and 105692
appropriate less restrictive state correctional institution or 105693
unit, the medical director or attending physician may discharge 105694
the inmate to that facility. 105695

(G) An inmate patient is entitled to the credits toward the 105696
reduction of the inmate patient's stated prison term pursuant to 105697
Chapters 2967. and 5120. of the Revised Code under the same terms 105698
and conditions as if the inmate patient were in any other 105699
institution of the department of rehabilitation and correction. 105700

(H) The adult parole authority may place an inmate patient on 105701
parole or under post-release control directly from a psychiatric 105702
hospital. 105703

(I) If an inmate patient who is a mentally ill person subject 105704
to hospitalization is to be released from a psychiatric hospital 105705
because of the expiration of the inmate patient's stated prison 105706
term, the director of rehabilitation and correction or the 105707
director's designee, at least fourteen days before the expiration 105708
date, may file an affidavit under section 5122.11 or 5123.71 of 105709
the Revised Code with the probate court in the county where the 105710
psychiatric hospital is located or the probate court in the county 105711
where the inmate will reside, alleging that the inmate patient is 105712
a mentally ill person subject to hospitalization by court order or 105713
a mentally retarded person subject to institutionalization by 105714
court order, whichever is applicable. The proceedings in the 105715
probate court shall be conducted pursuant to Chapter 5122. or 105716
5123. of the Revised Code except as modified by this division. 105717

Upon the request of the inmate patient, the probate court 105718

shall grant the inmate patient an initial hearing under section 105719
5122.141 of the Revised Code or a probable cause hearing under 105720
section 5123.75 of the Revised Code before the expiration of the 105721
stated prison term. After holding a full hearing, the probate 105722
court shall make a disposition authorized by section 5122.15 or 105723
5123.76 of the Revised Code before the date of the expiration of 105724
the stated prison term. No inmate patient shall be held in the 105725
custody of the department of rehabilitation and correction past 105726
the date of the expiration of the inmate patient's stated prison 105727
term. 105728

(J) The department of rehabilitation and correction shall set 105729
standards for treatment provided to inmate patients. 105730

(K) A certificate, application, record, or report that is 105731
made in compliance with this section and that directly or 105732
indirectly identifies an inmate or former inmate whose 105733
hospitalization has been sought under this section is 105734
confidential. No person shall disclose the contents of any 105735
certificate, application, record, or report of that nature or any 105736
other psychiatric or medical record or report regarding a mentally 105737
ill inmate unless one of the following applies: 105738

(1) The person identified, or the person's legal guardian, if 105739
any, consents to disclosure, and the chief clinical officer or 105740
designee of mental health services of the department of 105741
rehabilitation and correction determines that disclosure is in the 105742
best interests of the person. 105743

(2) Disclosure is required by a court order signed by a 105744
judge. 105745

(3) An inmate patient seeks access to the inmate patient's 105746
own psychiatric and medical records, unless access is specifically 105747
restricted in the treatment plan for clear treatment reasons. 105748

(4) Hospitals and other institutions and facilities within 105749

the department of rehabilitation and correction may exchange 105750
psychiatric records and other pertinent information with other 105751
hospitals, institutions, and facilities of the department, but the 105752
information that may be released about an inmate patient is 105753
limited to medication history, physical health status and history, 105754
summary of course of treatment in the hospital, summary of 105755
treatment needs, and a discharge summary, if any. 105756

(5) An inmate patient's family member who is involved in 105757
planning, providing, and monitoring services to the inmate patient 105758
may receive medication information, a summary of the inmate 105759
patient's diagnosis and prognosis, and a list of the services and 105760
personnel available to assist the inmate patient and family if the 105761
attending physician determines that disclosure would be in the 105762
best interest of the inmate patient. No disclosure shall be made 105763
under this division unless the inmate patient is notified of the 105764
possible disclosure, receives the information to be disclosed, and 105765
does not object to the disclosure. 105766

(6) The department of rehabilitation and correction may 105767
exchange psychiatric hospitalization records, other mental health 105768
treatment records, and other pertinent information with county 105769
sheriffs' offices, hospitals, institutions, and facilities of the 105770
department of ~~mental health~~ mental health and addiction services 105771
and with community mental health ~~agencies~~ services providers and 105772
boards of alcohol, drug addiction, and mental health services with 105773
which the department of ~~mental health~~ mental health and addiction 105774
services has a current agreement for patient care or services to 105775
ensure continuity of care. Disclosure under this division is 105776
limited to records regarding a mentally ill inmate's medication 105777
history, physical health status and history, summary of course of 105778
treatment, summary of treatment needs, and a discharge summary, if 105779
any. No office, department, agency, provider, or board shall 105780
disclose the records and other information unless one of the 105781

following applies: 105782

(a) The mentally ill inmate is notified of the possible disclosure and consents to the disclosure. 105783
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(b) The mentally ill inmate is notified of the possible disclosure, an attempt to gain the consent of the inmate is made, and the office, department, agency, or board documents the attempt to gain consent, the inmate's objections, if any, and the reasons for disclosure in spite of the inmate's objections. 105785
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(7) Information may be disclosed to staff members designated by the director of rehabilitation and correction for the purpose of evaluating the quality, effectiveness, and efficiency of services and determining if the services meet minimum standards. 105790
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The name of an inmate patient shall not be retained with the information obtained during the evaluations. 105794
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(L) The director of rehabilitation and correction may adopt rules setting forth guidelines for the procedures required under divisions (B), (C)(1), and (C)(2) of this section. 105796
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Sec. 5120.171. (A) The department of rehabilitation and correction shall have exclusive direction and control of the care and treatment of seriously mentally ill inmates who are in the department's custody. The department shall enter into any arrangements it considers desirable on such matters, including but not limited to both of the following: 105799
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(1) The monitoring of such services by another state agency or agencies; 105805
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(2) Adopting joint standards for the provision and monitoring of mental health services with the department of ~~mental health~~ mental health and addiction services and other state agencies. 105807
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(B) In order to implement its duties imposed by division (A) of this section, the department of rehabilitation and correction 105810
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may enter into a contract for the provision of the mental health services described in that division.

Sec. 5120.652. To participate in the prison nursery program, each eligible inmate selected by the department shall do all the following:

(A) Agree in writing to do all the following:

(1) Comply with any program, educational, counseling, and other requirements established for the program by the department of rehabilitation and correction;

(2) If eligible, have the child participate in the medicaid program or a health insurance program;

(3) Accept the normal risks of childrearing;

(4) Abide by any court decisions regarding the allocation of parental rights and responsibilities with respect to the child.

(B) Assign to the department any rights to support from any other person, excluding support assigned pursuant to section 5107.20 of the Revised Code and medical support assigned pursuant to section ~~5101.59~~ 5160.38 of the Revised Code;

(C) Specify with whom the child is to be placed in the event the inmate's participation in the program is terminated for a reason other than release from imprisonment.

Sec. 5120.654. (A) The rights to support assigned by an inmate pursuant to section 5120.652 of the Revised Code constitute an obligation of the person who is responsible for providing the support to the department of rehabilitation and correction for the support provided the inmate and child pursuant to the prison nursery program. The division of child support in the department of job and family services shall collect support payments made pursuant to the assignment and forward them to the department of

rehabilitation and correction. 105841

(B) The department of rehabilitation and correction may 105842
receive the following: 105843

(1) Money that is assigned or donated on behalf of, and 105844
~~public~~ assistance provided under Ohio works first to, a specific 105845
inmate or child participating in the prison nursery program; 105846

(2) Money assigned or donated to establish and maintain the 105847
prison nursery program. 105848

(C) The amounts described in division (B)(1) of this section 105849
shall be placed in the individual nursery account created and 105850
maintained under section 5120.655 of the Revised Code for the 105851
inmate and child for whom the money was received. The money 105852
described in division (B)(2) of this section shall be deposited in 105853
the appropriate prison nursery program fund. 105854

Sec. 5121.051. All outstanding liability of relatives for the 105855
support of any patient or resident in a benevolent institution 105856
under the control of the department of ~~mental health~~ mental health 105857
and addiction services or the department of developmental 105858
disabilities accrued prior to January 1, 1956, including the 105859
liability of the patient personally, is hereby canceled, provided 105860
that this section does not abrogate any written agreements or 105861
security arrangement for the payment of support charges entered 105862
into between the state and any patient or liable relative prior to 105863
such date. 105864

Sec. 5121.30. As used in sections 5121.30 to 5121.56 of the 105865
Revised Code: 105866

(A) ~~"Community mental health services client" or "client"~~ 105867
~~means a person receiving state operated community mental health~~ 105868
~~services.~~ 105869

(B) "Countable assets" means all of the following:	105870
(1) Cash;	105871
(2) Bank deposits;	105872
(3) Securities;	105873
(4) Individual retirement accounts;	105874
(5) Qualified employer plans, including 401(k) and Keogh plans;	105875 105876
(6) Annuities;	105877
(7) Funds in a trust created under section 5815.28 of the Revised Code;	105878 105879
(8) Investment property and income;	105880
(9) The cash surrender values of life insurance policies;	105881
(10) Assets acquired by gift, bequest, devise, or inheritance;	105882 105883
(11) Any other asset determined by the department of mental health <u>mental health and addiction services</u> to be equivalent to the assets enumerated in this division.	105884 105885 105886
(C) <u>(B)</u> "Federal poverty level" or "FPL" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	105887 105888 105889 105890 105891 105892 105893
(D) <u>(C)</u> "Federal poverty guidelines" means the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of	105894 105895 105896 105897 105898

the family of the person whose income is being determined. 105899

~~(E)~~(D) "Hospital" means an institution, hospital, or other 105900
place established, controlled, or supervised by the department of 105901
~~mental health~~ mental health and addiction services under Chapter 105902
5119. of the Revised Code. 105903

~~(F)~~(E) "Liable relative" means all of the following: 105904

(1) A patient's spouse; 105905

(2) A patient's mother or father, or both, if the patient is 105906
under eighteen years of age; 105907

(3) A patient's guardian. 105908

~~(G)~~(F) "Patient" means a person admitted to a hospital for 105909
inpatient care or treatment, including a person transferred to a 105910
hospital from a state correctional institution or a person under 105911
indictment or conviction who has been transferred to a hospital. 105912

Sec. 5121.32. On an annual basis, the department of ~~mental~~ 105913
~~health~~ mental health and addiction services shall determine both 105914
of the following using generally accepted governmental accounting 105915
principles: 105916

(A) The applicable per diem charge for each hospital operated 105917
by the department; 105918

(B) The ancillary per diem rate for each hospital operated by 105919
the department. 105920

In determining a hospital's applicable per diem charge and 105921
ancillary per diem rate, the department shall consider the average 105922
actual per diem cost of maintaining and treating a patient at the 105923
hospital or, at the department's discretion, the average actual 105924
per diem cost of maintaining and treating a patient in a unit of 105925
the hospital. 105926

Sec. 5121.33. Except as provided in sections 5121.35, 105927
5121.43, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised 105928
Code, the department of ~~mental health~~ mental health and addiction 105929
services shall, for each billing cycle, charge a patient, 105930
patient's estate, or liable relative an amount equal to the sum of 105931
the following: 105932

(A) The applicable per diem charge multiplied by the number 105933
of days the patient was admitted to the hospital; 105934

(B) An amount that was previously billed but not paid. 105935

Sec. 5121.34. (A) A patient, patient's estate, and patient's 105936
liable relatives shall be jointly and severally liable for amounts 105937
charged by the department of ~~mental health~~ mental health and 105938
addiction services in accordance with section 5121.33 or 5121.35 105939
of the Revised Code. In no case shall any of the foregoing persons 105940
be liable for more than one hundred per cent of the full sum 105941
charged under section 5121.33 of the Revised Code. 105942

(B) Collections of support payments shall be made by the 105943
department and, subject to meeting prior requirements for payment 105944
and crediting of such collections and other available receipts, in 105945
accordance with the bond proceedings applicable to obligations 105946
issued pursuant to section 154.20 of the Revised Code. The 105947
collections and other available receipts designated by the 105948
director of ~~mental health~~ mental health and addiction services for 105949
deposit in the special accounts, together with insurance contract 105950
payments provided for in section 5121.43 of the Revised Code, 105951
shall be remitted to the treasurer of state for deposit in the 105952
state treasury to the credit of the mental health operating fund, 105953
which is hereby created, to be used for the general purposes of 105954
the department. The department shall make refunds of overpayment 105955
of support charges from the mental health operating fund. 105956

Sec. 5121.35. The department of ~~mental health~~ mental health 105957
and addiction services shall charge a patient, patient's estate, 105958
or liable relative an amount discounted from the amount the 105959
department charges under section 5121.33 of the Revised Code if 105960
the department determines through the application process 105961
described in section 5121.36 of the Revised Code or through the 105962
financial assessment process described in section 5121.37 of the 105963
Revised Code that the patient, estate, or relative is eligible for 105964
a discount. 105965

Sec. 5121.36. (A) A patient, patient's estate, or liable 105966
relative may apply for a discount by completing an application 105967
form prescribed by the director of ~~mental health~~ mental health and 105968
addiction services. The department of ~~mental health~~ mental health 105969
and addiction services may require a patient, estate, or relative 105970
to furnish any of the following with an application form: 105971

(1) A copy of the patient's, estate's, or liable relative's 105972
federal income tax return for the year preceding the date of 105973
application or, if that is not yet available, the preceding year; 105974

(2) A copy of the patient's, estate's, or liable relative's 105975
employee tax withholding return (form W-2) for the year preceding 105976
the date of application; 105977

(3) Any other relevant documents prescribed by the director 105978
of ~~mental health~~ mental health and addiction services. 105979

(B) To be considered, an application must be submitted to the 105980
department not later than ninety days after the date the patient 105981
is admitted to a hospital. 105982

(C) From the information provided by a patient, estate, or 105983
relative, the department shall determine whether the department 105984
will charge the person a discounted amount in accordance with 105985
sections 5121.40 and 5121.41 of the Revised Code. In making this 105986

determination, the department shall consider whether the patient 105987
is covered by an insurance policy or other contract that provides 105988
for payment of expenses and treatment for mental illness. If the 105989
department determines that the patient has coverage, the 105990
department shall require payment in accordance with section 105991
5121.43 of the Revised Code. 105992

(D) The department shall notify the patient, executor or 105993
administrator of the patient's estate, or liable relative who 105994
submitted the application form in writing regarding whether that 105995
person will be charged a discounted amount and the per diem rate 105996
to be charged. 105997

(E) In accordance with section 5121.42 of the Revised Code, 105998
the department may, at any time, modify an amount charged or 105999
change the per diem rate to be charged if the department learns of 106000
countable assets or income that was not previously disclosed or 106001
was acquired after the application form was submitted. Within a 106002
reasonable time, the department shall notify in writing any person 106003
affected by a modification or change. 106004

Sec. 5121.37. After a patient's admittance to a hospital, the 106005
department of ~~mental health~~ mental health and addiction services 106006
shall conduct a financial assessment to determine whether the 106007
patient, patient's estate, or liable relative will be charged an 106008
amount discounted from the amount the department charges under 106009
section 5121.33 of the Revised Code. The department shall make the 106010
determination in accordance with sections 5121.40 and 5121.41 of 106011
the Revised Code. 106012

If a discounted rate is to be charged, the department shall 106013
notify the person whose financial condition was assessed. The 106014
notice shall specify the per diem rate to be charged. 106015

In accordance with section 5121.42 of the Revised Code, the 106016
department may, at any time, modify an amount charged or change 106017

the per diem rate to be charged if the department learns of 106018
countable assets or income that was not previously disclosed or 106019
was acquired after the assessment was conducted. Within a 106020
reasonable time, the department shall notify in writing any person 106021
affected by a modification or change. 106022

Sec. 5121.38. The department of ~~mental health~~ mental health 106023
and addiction services may subpoena witnesses, take testimony 106024
under oath, and examine any public records relating to the income 106025
and other assets of a patient or of a relative liable for such 106026
patient's support. All information, conclusions, and 106027
recommendations shall be submitted to the department by the 106028
investigating agent of the department. 106029

Sec. 5121.40. (A) A patient, patient's estate, or liable 106030
relative may be eligible to be charged an amount discounted from 106031
the amount the department of ~~mental health~~ mental health and 106032
addiction services charges under section 5121.33 of the Revised 106033
Code if the patient, estate, or relative has countable assets with 106034
a total value that is not greater than an amount equal to fifty 106035
per cent of the difference between the following: 106036

(1) The gross annual income that corresponds with a family 106037
size of two persons at one hundred per cent of the federal poverty 106038
level for the state; 106039

(2) The gross annual income that corresponds with a family 106040
size of one person at one hundred per cent of the federal poverty 106041
level for the state. For purposes of determining family size, the 106042
patient is one dependent. One additional dependent shall be 106043
included for each of the following circumstances and persons: 106044

(a) The patient or liable relative is legally blind or deaf. 106045

(b) The patient or liable relative is ~~of~~ sixty-five years of 106046
age or older. 106047

(c) Each child under eighteen years of age for which the patient or liable relative has legal custody; 106048
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(d) The patient's or liable relative's spouse. 106050

(B) A patient, estate, or relative may, not later than ninety days after the patient's admission to a hospital, surrender the value of countable assets sufficient to reduce countable assets to not more than the limit described in division (A) of this section. 106051
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Sec. 5121.42. (A) Except as provided in division (B) of this section, a patient, patient's estate, or liable relative shall cease to be eligible for a discount under ~~sections~~ section 5121.36 or 5121.37 of the Revised Code on accumulation of countable assets in excess of an amount equal to fifty per cent of the difference between the following: 106055
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(1) The gross annual income that corresponds with a family size of two persons at one hundred per cent of the federal poverty level for the state; 106061
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(2) The gross annual income that corresponds with a family size of one person at one hundred per cent of the federal poverty level for the state. 106064
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(B) Money needed to meet the patient's needs and burial fund as determined by a needs assessment conducted by the department of ~~mental health~~ mental health and addiction services pursuant to rules adopted under section ~~5119.01~~ 5119.10 of the Revised Code shall be excluded from any determination the department makes under division (A) of this section. 106067
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Sec. 5121.43. If a patient is covered by an insurance policy or other contract that provides for payment of expenses for care and treatment for mental illness at or from a hospital under the jurisdiction of the department of ~~mental health~~ mental health and addiction services, sections 5121.33 to 5121.55 of the Revised 106073
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Code are inapplicable to the extent that the policy or contract is 106078
in force. Any insurance carrier or other third party payor 106079
providing coverage for such care and treatment shall pay for the 106080
patient's support obligation in amounts equal to the lesser of 106081
amounts charged by the department under section 5121.33 of the 106082
Revised Code or the benefits provided under the policy or other 106083
contract. Whether or not an insured, owner of, or other person 106084
having an interest in such policy or other contract is liable for 106085
support payments, the insured, policy owner, or other person shall 106086
assign payment directly to the department of all assignable 106087
benefits under the policy or other contract and shall pay to the 106088
department, within ten days of receipt, all insurance or other 106089
benefits received as reimbursement or payment for expenses 106090
incurred by the patient or for any other reason. If the insured, 106091
policy owner, or other person refuses to assign payment to the 106092
department or refuses to pay received reimbursements or payments 106093
to the department within ten days of receipt, the total liability 106094
of the insured, policy owner, or other person for the services is 106095
an amount equal to the per diem charge for the hospital where the 106096
patient was admitted multiplied by the number of days the patient 106097
was admitted. 106098

In no event shall this total liability exceed the 106099
department's actual cost of providing care and treatment to a 106100
patient. The department may disqualify patients and liable 106101
relatives who have retained third party funds from future 106102
discounts. The department may request that the attorney general 106103
petition a court of competent jurisdiction to compel the insured, 106104
owner of, or other person having an interest in the policy or 106105
contract to comply with the assignment requirements in this 106106
section. 106107

Sec. 5121.44. The department of ~~mental health~~ mental health 106108

and addiction services may enter into an extended payment 106109
agreement with a patient, patient's estate, or liable relative who 106110
has notified the department that the patient, estate, or relative 106111
cannot reasonably pay an amount the department has charged. In no 106112
case shall the department take a security interest, mortgage, or 106113
lien against the principal family residence of a patient or liable 106114
relative. 106115

Sec. 5121.45. (A) For purposes of this section, "delinquent 106116
payment" means an amount owed by a patient, patient's estate, or 106117
liable relative to the department of ~~mental health~~ mental health 106118
and addiction services for which the person has failed to do 106119
either of the following not later than ninety days after the 106120
service associated with the charge was incurred: 106121

(1) Make payment in full; 106122

(2) Make a payment in accordance with the terms of an 106123
agreement entered into under section 5121.44 of the Revised Code. 106124

(B) An action to enforce the collection of a delinquent 106125
payment shall be commenced not later than six years after the 106126
later of the following: 106127

(1) The last date the department received money to satisfy 106128
the delinquent payment; 106129

(2) The date the charge was due. 106130

(C) In all actions to enforce the collection of delinquent 106131
payments, a court of record shall receive into evidence the proof 106132
of claim document made by the state together with all debts and 106133
credits. The proof of claim document shall be prima-facie evidence 106134
of the facts stated in the document. 106135

Sec. 5121.46. The department of ~~mental health~~ mental health 106136
and addiction services shall not charge a liable relative under 106137

sections 5121.33 and 5121.35 of the Revised Code who has done 106138
either of the following: 106139

(A) Paid all amounts charged by the department for the care 106140
and treatment of a particular patient for fifteen consecutive 106141
years; 106142

(B) Paid amounts charged by the department for the care and 106143
treatment of more than one patient for a total of fifteen 106144
consecutive years. 106145

Sec. 5121.47. Irrespective of the number of patients for 106146
which the department of ~~mental health~~ mental health and addiction 106147
services may charge a liable relative under sections 5121.33 ~~or~~ 106148
and 5121.35 of the Revised Code, the department shall not charge a 106149
liable relative or group of liable relatives who are members of 106150
the same family unit for the support of more than one patient 106151
during the same period of time. 106152

Sec. 5121.49. (A) Any person who has been charged under 106153
section 5121.33 or 5121.35 of the Revised Code may petition the 106154
department of ~~mental health~~ mental health and addiction services 106155
to do the following: 106156

(1) Release the person from a charge; 106157

(2) Modify or cancel a charge. 106158

(B) The department shall respond to a petition in writing and 106159
inform the petitioner of whether a release, modification, or 106160
cancellation has been approved. 106161

Sec. 5121.50. When a patient is committed to a hospital 106162
pursuant to judicial proceedings, the judge ordering the 106163
commitment shall: 106164

(A) Make a reliable report on the financial condition of the 106165

patient and of each liable relative, as provided in rules adopted 106166
by the director of ~~mental health~~ mental health and addiction 106167
services; 106168

(B) Certify the report required under division (A) of this 106169
section to the managing officer of the hospital. The managing 106170
officer shall thereupon enter in the managing officer's records 106171
the name and address of any guardian appointed and of any relative 106172
liable for the patient's support. 106173

Sec. 5121.51. In case the estate of any patient in a hospital 106174
is sufficient for the patient's support and no guardian has been 106175
appointed for such estate, the agent of the department of ~~mental~~ 106176
~~health~~ mental health and addiction services shall petition the 106177
probate court of the proper county to appoint a guardian. 106178

Sec. 5121.52. On the death of a person who is a patient, or 106179
has been a patient in a hospital, or on the death of a person 106180
responsible under section 5121.34 of the Revised Code for the 106181
support of a patient, the department of ~~mental health~~ mental 106182
health and addiction services may waive the presentation of any 106183
claim for support against the estate of such decedent, when in its 106184
judgment an otherwise dependent person will be directly benefited 106185
by the estate. Claims against an estate for support of a patient 106186
are subject to section 5815.28 and Chapter 2117. of the Revised 106187
Code, and shall be treated, and may be barred, the same as the 106188
claims of other creditors of the estate, pursuant to that section 106189
or chapter. 106190

The department of ~~mental health~~ mental health and addiction 106191
services may accept from a guardian or trustee of a patient a 106192
contract agreeing to pay to the state from the property of the 106193
guardian's or trustee's ward before or at the death of the ward a 106194
fixed annual amount for the support of the ward while the ward is 106195

a patient, with interest at four per cent per annum. A copy of the 106196
contract shall be filed in the probate court of the proper county 106197
and duly entered as a part of the records concerning the ward. 106198

Sec. 5121.55. The cost for support of a client of 106199
state-operated community mental health services is an amount 106200
determined using guidelines the department of ~~mental health~~ mental 106201
health and addiction services shall issue. The guidelines shall be 106202
based on cost findings and rate-settings applicable to such 106203
services. 106204

Sec. 5122.01. As used in this chapter and Chapter 5119. of 106205
the Revised Code: 106206

(A) "Mental illness" means a substantial disorder of thought, 106207
mood, perception, orientation, or memory that grossly impairs 106208
judgment, behavior, capacity to recognize reality, or ability to 106209
meet the ordinary demands of life. 106210

(B) "Mentally ill person subject to hospitalization by court 106211
order" means a mentally ill person who, because of the person's 106212
illness: 106213

(1) Represents a substantial risk of physical harm to self as 106214
manifested by evidence of threats of, or attempts at, suicide or 106215
serious self-inflicted bodily harm; 106216

(2) Represents a substantial risk of physical harm to others 106217
as manifested by evidence of recent homicidal or other violent 106218
behavior, evidence of recent threats that place another in 106219
reasonable fear of violent behavior and serious physical harm, or 106220
other evidence of present dangerousness; 106221

(3) Represents a substantial and immediate risk of serious 106222
physical impairment or injury to self as manifested by evidence 106223
that the person is unable to provide for and is not providing for 106224
the person's basic physical needs because of the person's mental 106225

illness and that appropriate provision for those needs cannot be 106226
made immediately available in the community; or 106227

(4) Would benefit from treatment in a hospital for the 106228
person's mental illness and is in need of such treatment as 106229
manifested by evidence of behavior that creates a grave and 106230
imminent risk to substantial rights of others or the person. 106231

(C)(1) "Patient" means, subject to division (C)(2) of this 106232
section, a person who is admitted either voluntarily or 106233
involuntarily to a hospital or other place under section 2945.39, 106234
2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a 106235
finding of not guilty by reason of insanity or incompetence to 106236
stand trial or under this chapter, who is under observation or 106237
receiving treatment in such place. 106238

(2) "Patient" does not include a person admitted to a 106239
hospital or other place under section 2945.39, 2945.40, 2945.401, 106240
or 2945.402 of the Revised Code to the extent that the reference 106241
in this chapter to patient, or the context in which the reference 106242
occurs, is in conflict with any provision of sections 2945.37 to 106243
2945.402 of the Revised Code. 106244

(D) "Licensed physician" means a person licensed under the 106245
laws of this state to practice medicine or a medical officer of 106246
the government of the United States while in this state in the 106247
performance of the person's official duties. 106248

(E) "Psychiatrist" means a licensed physician who has 106249
satisfactorily completed a residency training program in 106250
psychiatry, as approved by the residency review committee of the 106251
American medical association, the committee on post-graduate 106252
education of the American osteopathic association, or the American 106253
osteopathic board of neurology and psychiatry, or who on July 1, 106254
1989, has been recognized as a psychiatrist by the Ohio state 106255
medical association or the Ohio osteopathic association on the 106256

basis of formal training and five or more years of medical practice limited to psychiatry. 106257
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(F) "Hospital" means a hospital or inpatient unit licensed by the department of ~~mental health~~ mental health and addiction services under section ~~5119.20~~ 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code. 106259
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(G) "Public hospital" means a facility that is tax-supported and under the jurisdiction of the department of ~~mental health~~ mental health and addiction services. 106265
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(H) "Community mental health ~~agency~~ services provider" means an agency, association, corporation, individual, or program that provides community mental health services that are certified by the director of ~~mental health~~ mental health and addiction services under section ~~5119.611~~ 5119.36 of the Revised Code. 106268
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(I) "Licensed clinical psychologist" means a person who holds a current valid psychologist license issued under section 4732.12 or 4732.15 of the Revised Code, and in addition, meets either of the following criteria: 106273
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(1) Meets the educational requirements set forth in division (B) of section 4732.10 of the Revised Code and has a minimum of two years' full-time professional experience, or the equivalent as determined by rule of the state board of psychology, at least one year of which shall be a predoctoral internship, in clinical psychological work in a public or private hospital or clinic or in private practice, diagnosing and treating problems of mental illness or mental retardation under the supervision of a psychologist who is licensed or who holds a diploma issued by the American board of professional psychology, or whose qualifications are substantially similar to those required for licensure by the 106277
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state board of psychology when the supervision has occurred prior 106288
to enactment of laws governing the practice of psychology; 106289

(2) Meets the educational requirements set forth in division 106290
(B) of section 4732.15 of the Revised Code and has a minimum of 106291
four years' full-time professional experience, or the equivalent 106292
as determined by rule of the state board of psychology, in 106293
clinical psychological work in a public or private hospital or 106294
clinic or in private practice, diagnosing and treating problems of 106295
mental illness or mental retardation under supervision, as set 106296
forth in division (I)(1) of this section. 106297

(J) "Health officer" means any public health physician; 106298
public health nurse; or other person authorized by or designated 106299
by a city health district; a general health district; or a board 106300
of alcohol, drug addiction, and mental health services to perform 106301
the duties of a health officer under this chapter. 106302

(K) "Chief clinical officer" means the medical director of a 106303
hospital, or a community mental health ~~agency~~ services provider, 106304
or a board of alcohol, drug addiction, and mental health services, 106305
or, if there is no medical director, the licensed physician 106306
responsible for the treatment a hospital or community mental 106307
health ~~agency~~ services provider provides. The chief clinical 106308
officer may delegate to the attending physician responsible for a 106309
patient's care the duties imposed on the chief clinical officer by 106310
this chapter. Within a community mental health ~~agency~~ services 106311
provider, the chief clinical officer shall be designated by the 106312
governing body of the ~~agency~~ services provider and shall be a 106313
licensed physician or licensed clinical psychologist who 106314
supervises diagnostic and treatment services. A licensed physician 106315
or licensed clinical psychologist designated by the chief clinical 106316
officer may perform the duties and accept the responsibilities of 106317
the chief clinical officer in the chief clinical officer's 106318
absence. 106319

(L) "Working day" or "court day" means Monday, Tuesday, 106320
Wednesday, Thursday, and Friday, except when such day is a 106321
holiday. 106322

(M) "Indigent" means unable without deprivation of 106323
satisfaction of basic needs to provide for the payment of an 106324
attorney and other necessary expenses of legal representation, 106325
including expert testimony. 106326

(N) "Respondent" means the person whose detention, 106327
commitment, hospitalization, continued hospitalization or 106328
commitment, or discharge is being sought in any proceeding under 106329
this chapter. 106330

(O) "Ohio protection and advocacy system" has the same 106331
meaning as in section 5123.60 of the Revised Code. 106332

(P) "Independent expert evaluation" means an evaluation 106333
conducted by a licensed clinical psychologist, psychiatrist, or 106334
licensed physician who has been selected by the respondent or the 106335
respondent's counsel and who consents to conducting the 106336
evaluation. 106337

(Q) "Court" means the probate division of the court of common 106338
pleas. 106339

(R) "Expunge" means: 106340

(1) The removal and destruction of court files and records, 106341
originals and copies, and the deletion of all index references; 106342

(2) The reporting to the person of the nature and extent of 106343
any information about the person transmitted to any other person 106344
by the court; 106345

(3) Otherwise insuring that any examination of court files 106346
and records in question shall show no record whatever with respect 106347
to the person; 106348

(4) That all rights and privileges are restored, and that the 106349

person, the court, and any other person may properly reply that no such record exists, as to any matter expunged.

(S) "Residence" means a person's physical presence in a county with intent to remain there, except that:

(1) If a person is receiving a mental health service at a facility that includes nighttime sleeping accommodations, residence means that county in which the person maintained the person's primary place of residence at the time the person entered the facility;

(2) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, residence means the county where the criminal charges were filed.

When the residence of a person is disputed, the matter of residence shall be referred to the department of ~~mental health~~ mental health and addiction services for investigation and determination. Residence shall not be a basis for a board's denying services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.

(T) "Admission" to a hospital or other place means that a patient is accepted for and stays at least one night at the hospital or other place.

(U) "Prosecutor" means the prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who prosecuted a criminal case in which a person was found not guilty by reason of insanity, who would have had the authority to prosecute a criminal case against a person if the person had not been found incompetent to stand trial, or who prosecuted a case in which a person was found guilty.

(V) "Treatment plan" means a written statement of reasonable

objectives and goals for an individual established by the 106381
treatment team, with specific criteria to evaluate progress 106382
towards achieving those objectives. The active participation of 106383
the patient in establishing the objectives and goals shall be 106384
documented. The treatment plan shall be based on patient needs and 106385
include services to be provided to the patient while the patient 106386
is hospitalized and after the patient is discharged. The treatment 106387
plan shall address services to be provided upon discharge, 106388
including but not limited to housing, financial, and vocational 106389
services. 106390

(W) "Community control sanction" has the same meaning as in 106391
section 2929.01 of the Revised Code. 106392

(X) "Post-release control sanction" has the same meaning as 106393
in section 2967.01 of the Revised Code. 106394

Sec. 5122.03. A patient admitted under section 5122.02 of the 106395
Revised Code who requests release in writing, or whose release is 106396
requested in writing by the patient's counsel, legal guardian, 106397
parent, spouse, or adult next of kin shall be released forthwith, 106398
except that when: 106399

(A) The patient was admitted on the patient's own application 106400
and the request for release is made by a person other than the 106401
patient, release may be conditional upon the agreement of the 106402
patient; or 106403

(B) The chief clinical officer of the hospital, within three 106404
court days from the receipt of the request for release, files or 106405
causes to be filed with the court of the county where the patient 106406
is hospitalized or of the county where the patient is a resident, 106407
an affidavit under section 5122.11 of the Revised Code. Release 106408
may be postponed until the hearing held under section 5122.141 of 106409
the Revised Code. A telephone communication within three court 106410
days from the receipt of the request for release from the chief 106411

clinical officer to the court, indicating that the required 106412
affidavit has been mailed, is sufficient compliance with the time 106413
limit for filing such affidavit. 106414

Unless the patient is released within three days from the 106415
receipt of the request by the chief clinical officer, the request 106416
shall serve as a request for an initial hearing under section 106417
5122.141 of the Revised Code. If the court finds that the patient 106418
is a mentally ill person subject to hospitalization by court 106419
order, all provisions of this chapter with respect to involuntary 106420
hospitalization apply to such person. 106421

Judicial proceedings for hospitalization shall not be 106422
commenced with respect to a voluntary patient except pursuant to 106423
this section. 106424

Sections 5121.30 to 5121.56 of the Revised Code apply to 106425
persons received in a hospital operated by the department of 106426
~~mental health~~ mental health and addiction services on a voluntary 106427
application. 106428

The chief clinical officer of the hospital shall provide 106429
reasonable means and arrangements for informing patients of their 106430
rights to release as provided in this section and for assisting 106431
them in making and presenting requests for release or for a 106432
hearing under section 5122.141 of the Revised Code. 106433

Before a patient is released from a public hospital, the 106434
chief clinical officer shall, when possible, notify the board of 106435
the patient's county of residence of the patient's pending release 106436
after the chief clinical officer has informed the patient that the 106437
board will be so notified. 106438

Sec. 5122.10. Any psychiatrist, licensed clinical 106439
psychologist, licensed physician, health officer, parole officer, 106440
police officer, or sheriff may take a person into custody, or the 106441

chief of the adult parole authority or a parole or probation 106442
officer with the approval of the chief of the authority may take a 106443
parolee, an offender under a community control sanction or a 106444
post-release control sanction, or an offender under transitional 106445
control into custody and may immediately transport the parolee, 106446
offender on community control or post-release control, or offender 106447
under transitional control to a hospital or, notwithstanding 106448
section ~~5119.20~~ 5119.33 of the Revised Code, to a general hospital 106449
not licensed by the department of ~~mental health~~ mental health and
addiction services where the parolee, offender on community 106450
control or post-release control, or offender under transitional 106451
control may be held for the period prescribed in this section, if 106452
the psychiatrist, licensed clinical psychologist, licensed 106453
physician, health officer, parole officer, police officer, or 106454
sheriff has reason to believe that the person is a mentally ill 106455
person subject to hospitalization by court order under division 106456
(B) of section 5122.01 of the Revised Code, and represents a 106457
substantial risk of physical harm to self or others if allowed to 106458
remain at liberty pending examination. 106459
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A written statement shall be given to such hospital by the 106461
transporting psychiatrist, licensed clinical psychologist, 106462
licensed physician, health officer, parole officer, police 106463
officer, chief of the adult parole authority, parole or probation 106464
officer, or sheriff stating the circumstances under which such 106465
person was taken into custody and the reasons for the 106466
psychiatrist's, licensed clinical psychologist's, licensed 106467
physician's, health officer's, parole officer's, police officer's, 106468
chief of the adult parole authority's, parole or probation 106469
officer's, or sheriff's belief. This statement shall be made 106470
available to the respondent or the respondent's attorney upon 106471
request of either. 106472

Every reasonable and appropriate effort shall be made to take 106473

persons into custody in the least conspicuous manner possible. A 106474
person taking the respondent into custody pursuant to this section 106475
shall explain to the respondent: the name, and professional 106476
designation, and ~~agency~~ affiliation of the person taking the 106477
respondent into custody; that the custody-taking is not a criminal 106478
arrest; and that the person is being taken for examination by 106479
mental health professionals at a specified mental health facility 106480
identified by name. 106481

If a person taken into custody under this section is 106482
transported to a general hospital, the general hospital may admit 106483
the person, or provide care and treatment for the person, or both, 106484
notwithstanding section ~~5119.20~~ 5119.33 of the Revised Code, but 106485
by the end of twenty-four hours after arrival at the general 106486
hospital, the person shall be transferred to a hospital as defined 106487
in section 5122.01 of the Revised Code. 106488

A person transported or transferred to a hospital or 106489
community mental health ~~agency~~ services provider under this 106490
section shall be examined by the staff of the hospital or ~~agency~~ 106491
services provider within twenty-four hours after arrival at the 106492
hospital or ~~agency~~ services provider. If to conduct the 106493
examination requires that the person remain overnight, the 106494
hospital or ~~agency~~ services provider shall admit the person in an 106495
unclassified status until making a disposition under this section. 106496
After the examination, if the chief clinical officer of the 106497
hospital or ~~agency~~ services provider believes that the person is 106498
not a mentally ill person subject to hospitalization by court 106499
order, the chief clinical officer shall release or discharge the 106500
person immediately unless a court has issued a temporary order of 106501
detention applicable to the person under section 5122.11 of the 106502
Revised Code. After the examination, if the chief clinical officer 106503
believes that the person is a mentally ill person subject to 106504
hospitalization by court order, the chief clinical officer may 106505

detain the person for not more than three court days following the 106506
day of the examination and during such period admit the person as 106507
a voluntary patient under section 5122.02 of the Revised Code or 106508
file an affidavit under section 5122.11 of the Revised Code. If 106509
neither action is taken and a court has not otherwise issued a 106510
temporary order of detention applicable to the person under 106511
section 5122.11 of the Revised Code, the chief clinical officer 106512
shall discharge the person at the end of the three-day period 106513
unless the person has been sentenced to the department of 106514
rehabilitation and correction and has not been released from the 106515
person's sentence, in which case the person shall be returned to 106516
that department. 106517

Sec. 5122.11. Proceedings for the hospitalization of a person 106518
pursuant to sections 5122.11 to 5122.15 of the Revised Code shall 106519
be commenced by the filing of an affidavit in the manner and form 106520
prescribed by the department of ~~mental health~~ mental health and 106521
addiction services, by any person or persons with the court, 106522
either on reliable information or actual knowledge, whichever is 106523
determined to be proper by the court. This section does not apply 106524
to the hospitalization of a person pursuant to section 2945.39, 106525
2945.40, 2945.401, or 2945.402 of the Revised Code. 106526

The affidavit shall contain an allegation setting forth the 106527
specific category or categories under division (B) of section 106528
5122.01 of the Revised Code upon which the jurisdiction of the 106529
court is based and a statement of alleged facts sufficient to 106530
indicate probable cause to believe that the person is a mentally 106531
ill person subject to hospitalization by court order. The 106532
affidavit may be accompanied, or the court may require that the 106533
affidavit be accompanied, by a certificate of a psychiatrist, or a 106534
certificate signed by a licensed clinical psychologist and a 106535
certificate signed by a licensed physician stating that the person 106536
who issued the certificate has examined the person and is of the 106537

opinion that the person is a mentally ill person subject to 106538
hospitalization by court order, or shall be accompanied by a 106539
written statement by the applicant, under oath, that the person 106540
has refused to submit to an examination by a psychiatrist, or by a 106541
licensed clinical psychologist and licensed physician. 106542

Upon receipt of the affidavit, if a judge of the court or a 106543
referee who is an attorney at law appointed by the court has 106544
probable cause to believe that the person named in the affidavit 106545
is a mentally ill person subject to hospitalization by court 106546
order, the judge or referee may issue a temporary order of 106547
detention ordering any health or police officer or sheriff to take 106548
into custody and transport the person to a hospital or other place 106549
designated in section 5122.17 of the Revised Code, or may set the 106550
matter for further hearing. 106551

The person may be observed and treated until the hearing 106552
provided for in section 5122.141 of the Revised Code. If no such 106553
hearing is held, the person may be observed and treated until the 106554
hearing provided for in section 5122.15 of the Revised Code. 106555

Sec. 5122.12. After receipt of the affidavit required by 106556
section 5122.11 of the Revised Code, the court shall cause written 106557
notice by mail or otherwise of any hearing as the court directs to 106558
be given to the following persons: 106559

(A) The respondent; 106560

(B) The respondent's legal guardian, if any, the respondent's 106561
spouse, if any, and the respondent's parents, if the respondent is 106562
a minor, if these persons' addresses are known to the court or can 106563
be obtained through exercise of reasonable diligence; 106564

(C) The person who filed the affidavit; 106565

(D) Any one person designated by the respondent; but if the 106566
respondent does not make a selection, the notice shall be sent to 106567

the adult next of kin other than the person who filed the 106568
affidavit if that person's address is known to the court or can be 106569
obtained through exercise of reasonable diligence; 106570

(E) The respondent's counsel; 106571

(F) The director, chief clinical officer, or the respective 106572
designee of the hospital, board, ~~agency~~ community mental health 106573
services provider, or facility to which the person has been 106574
committed; 106575

(G) The board of alcohol, drug addiction, and mental health 106576
services serving the respondent's county of residence or ~~an agency~~ 106577
a services provider the board designates. 106578

Any person entitled to notice under this section, with the 106579
exception of the respondent, may waive the notice. 106580

A copy of the affidavit and temporary order of detention 106581
shall be served with the notice to the parties and to respondent's 106582
counsel, if counsel has been appointed or retained. 106583

Sec. 5122.13. Upon receipt of the affidavit required by 106584
section 5122.11 of the Revised Code, the court shall refer the 106585
affidavit to the board of alcohol, drug addiction, and mental 106586
health services or ~~an agency~~ community mental health services 106587
provider the board designates to assist the court in determining 106588
whether the respondent is subject to hospitalization and whether 106589
alternative services are available, unless the ~~agency~~ services 106590
provider or board has already performed such screening. The board 106591
or ~~agency~~ services provider shall review the allegations of the 106592
affidavit and other information relating to whether or not the 106593
person named in the affidavit or statement is a mentally ill 106594
person subject to hospitalization by court order, and the 106595
availability of appropriate treatment alternatives. 106596

The person who conducts the investigation shall promptly make 106597

a report to the court, in writing, in open court or in chambers, 106598
as directed by the court and a full record of the report shall be 106599
made by the court. The report is not admissible as evidence for 106600
the purpose of establishing whether or not the respondent is a 106601
mentally ill person subject to hospitalization by court order, but 106602
shall be considered by the court in its determination of an 106603
appropriate placement for any person after that person is found to 106604
be a mentally ill person subject to hospitalization. 106605

The court, prior to the hearing under section 5122.141 of the 106606
Revised Code, shall release a copy of the investigative report to 106607
the respondent's counsel. 106608

Nothing in this section precludes a judge or referee from 106609
issuing a temporary order of detention pursuant to section 5122.11 106610
of the Revised Code. 106611

Sec. 5122.15. (A) Full hearings shall be conducted in a 106612
manner consistent with this chapter and with due process of law. 106613
The hearings shall be conducted by a judge of the probate court or 106614
a referee designated by a judge of the probate court and may be 106615
conducted in or out of the county in which the respondent is held. 106616
Any referee designated under this division shall be an attorney. 106617

(1) With the consent of the respondent, the following shall 106618
be made available to counsel for the respondent: 106619

(a) All relevant documents, information, and evidence in the 106620
custody or control of the state or prosecutor; 106621

(b) All relevant documents, information, and evidence in the 106622
custody or control of the hospital in which the respondent 106623
currently is held, or in which the respondent has been held 106624
pursuant to this chapter; 106625

(c) All relevant documents, information, and evidence in the 106626
custody or control of any hospital, facility, or person not 106627

included in division (A)(1)(a) or (b) of this section. 106628

(2) The respondent has the right to attend the hearing and to 106629
be represented by counsel of the respondent's choice. The right to 106630
attend the hearing may be waived only by the respondent or counsel 106631
for the respondent after consultation with the respondent. 106632

(3) If the respondent is not represented by counsel, is 106633
absent from the hearing, and has not validly waived the right to 106634
counsel, the court shall appoint counsel immediately to represent 106635
the respondent at the hearing, reserving the right to tax costs of 106636
appointed counsel to the respondent, unless it is shown that the 106637
respondent is indigent. If the court appoints counsel, or if the 106638
court determines that the evidence relevant to the respondent's 106639
absence does not justify the absence, the court shall continue the 106640
case. 106641

(4) The respondent shall be informed that the respondent may 106642
retain counsel and have independent expert evaluation. If the 106643
respondent is unable to obtain an attorney, the respondent shall 106644
be represented by court-appointed counsel. If the respondent is 106645
indigent, court-appointed counsel and independent expert 106646
evaluation shall be provided as an expense under section 5122.43 106647
of the Revised Code. 106648

(5) The hearing shall be closed to the public, unless counsel 106649
for the respondent, with the permission of the respondent, 106650
requests that the hearing be open to the public. 106651

(6) If the hearing is closed to the public, the court, for 106652
good cause shown, may admit persons who have a legitimate interest 106653
in the proceedings. If the respondent, the respondent's counsel, 106654
or the designee of the director or of the chief clinical officer 106655
objects to the admission of any person, the court shall hear the 106656
objection and any opposing argument and shall rule upon the 106657
admission of the person to the hearing. 106658

(7) The affiant under section 5122.11 of the Revised Code shall be subject to subpoena by either party.

(8) The court shall examine the sufficiency of all documents filed and shall inform the respondent, if present, and the respondent's counsel of the nature and content of the documents and the reason for which the respondent is being detained, or for which the respondent's placement is being sought.

(9) The court shall receive only reliable, competent, and material evidence.

(10) Unless proceedings are initiated pursuant to section 5120.17 or 5139.08 of the Revised Code ~~or proceedings are initiated regarding a resident of the service district of a board of alcohol, drug addiction, and mental health services that elects under division (C)(2) of section 5119.62 of the Revised Code not to accept the amount allocated to it under that section,~~ an attorney that the board designates shall present the case demonstrating that the respondent is a mentally ill person subject to hospitalization by court order. The attorney shall offer evidence of the diagnosis, prognosis, record of treatment, if any, and less restrictive treatment plans, if any. In proceedings pursuant to section 5120.17 or 5139.08 of the Revised Code ~~and in proceedings in which the respondent is a resident of a service district of a board that elects under division (C)(2) of section 5119.62 of the Revised Code not to accept the amount allocated to it under that section,~~ the attorney general shall designate an attorney who shall present the case demonstrating that the respondent is a mentally ill person subject to hospitalization by court order. The attorney shall offer evidence of the diagnosis, prognosis, record of treatment, if any, and less restrictive treatment plans, if any.

(11) The respondent or the respondent's counsel has the right to subpoena witnesses and documents and to examine and

cross-examine witnesses. 106691

(12) The respondent has the right, but shall not be 106692
compelled, to testify, and shall be so advised by the court. 106693

(13) On motion of the respondent or the respondent's counsel 106694
for good cause shown, or on the court's own motion, the court may 106695
order a continuance of the hearing. 106696

(14) If the respondent is represented by counsel and the 106697
respondent's counsel requests a transcript and record, or if the 106698
respondent is not represented by counsel, the court shall make and 106699
maintain a full transcript and record of the proceeding. If the 106700
respondent is indigent and the transcript and record is made, a 106701
copy shall be provided to the respondent upon request and be 106702
treated as an expense under section 5122.43 of the Revised Code. 106703

(15) To the extent not inconsistent with this chapter, the 106704
Rules of Civil Procedure are applicable. 106705

(B) Unless, upon completion of the hearing the court finds by 106706
clear and convincing evidence that the respondent is a mentally 106707
ill person subject to hospitalization by court order, it shall 106708
order the respondent's discharge immediately. 106709

(C) If, upon completion of the hearing, the court finds by 106710
clear and convincing evidence that the respondent is a mentally 106711
ill person subject to hospitalization by court order, the court 106712
shall order the respondent for a period not to exceed ninety days 106713
to any of the following: 106714

(1) A hospital operated by the department of ~~mental health~~ 106715
mental health and addiction services if the respondent is 106716
committed pursuant to section 5139.08 of the Revised Code; 106717

(2) A nonpublic hospital; 106718

(3) The veterans' administration or other agency of the 106719
United States government; 106720

(4) A board of alcohol, drug addiction, and mental health services or ~~agency~~ services provider the board designates; 106721
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(5) Receive private psychiatric or psychological care and treatment; 106723
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(6) Any other suitable facility or person consistent with the diagnosis, prognosis, and treatment needs of the respondent. 106725
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(D) Any order made pursuant to division (C)(2), (3), (5), or (6) of this section shall be conditioned upon the receipt by the court of consent by the hospital, facility, agency, or person to accept the respondent. 106727
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(E) In determining the place to which, or the person with whom, the respondent is to be committed, the court shall consider the diagnosis, prognosis, preferences of the respondent and the projected treatment plan for the respondent and shall order the implementation of the least restrictive alternative available and consistent with treatment goals. If the court determines that the least restrictive alternative available that is consistent with treatment goals is inpatient hospitalization, the court's order shall so state. 106731
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(F) During such ninety-day period the hospital; facility; board of alcohol, drug addiction, and mental health services; ~~agency~~ services provider the board designates; or person shall examine and treat the individual. If, at any time prior to the expiration of the ninety-day period, it is determined by the hospital, facility, board, ~~agency~~ services provider, or person that the respondent's treatment needs could be equally well met in an available and appropriate less restrictive environment, both of the following apply: 106740
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(1) The respondent shall be released from the care of the hospital, ~~agency~~ services provider, facility, or person immediately and shall be referred to the court together with a 106749
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report of the findings and recommendations of the hospital, ~~agency~~ services provider, facility, or person; and 106752
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(2) The hospital, ~~agency~~ services provider, facility, or 106754
person shall notify the respondent's counsel or the attorney 106755
designated by a board of alcohol, drug addiction, and mental 106756
health services or, if the respondent was committed to a board or 106757
~~an agency~~ a services provider designated by the board, it shall 106758
place the respondent in the least restrictive environment 106759
available consistent with treatment goals and notify the court and 106760
the respondent's counsel of the placement. 106761

The court shall dismiss the case or order placement in the 106762
least restrictive environment. 106763

(G)(1) Except as provided in divisions (G)(2) and (3) of this 106764
section, any person who has been committed under this section, or 106765
for whom proceedings for hospitalization have been commenced 106766
pursuant to section 5122.11 of the Revised Code, may apply at any 106767
time for voluntary admission to the hospital, facility, ~~agency~~ or 106768
services provider that the board designates, or person to which 106769
the person was committed. Upon admission as a voluntary patient 106770
the chief clinical officer of the hospital, ~~agency~~ services 106771
provider, or other facility, or the person immediately shall 106772
notify the court, the patient's counsel, and the attorney 106773
designated by the board, if the attorney has entered the 106774
proceedings, in writing of that fact, and, upon receipt of the 106775
notice, the court shall dismiss the case. 106776

(2) A person who is found incompetent to stand trial or not 106777
guilty by reason of insanity and who is committed pursuant to 106778
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 106779
Code shall not voluntarily commit the person pursuant to this 106780
section until after the final termination of the commitment, as 106781
described in division (J) of section 2945.401 of the Revised Code. 106782

(H) If, at the end of the first ninety-day period or any
subsequent period of continued commitment, there has been no
disposition of the case, either by discharge or voluntary
admission, the hospital, facility, board, ~~agency~~ services
provider, or person shall discharge the patient immediately,
unless at least ten days before the expiration of the period the
attorney the board designates or the prosecutor files with the
court an application for continued commitment. The application of
the attorney or the prosecutor shall include a written report
containing the diagnosis, prognosis, past treatment, a list of
alternative treatment settings and plans, and identification of
the treatment setting that is the least restrictive consistent
with treatment needs. The attorney the board designates or the
prosecutor shall file the written report at least three days prior
to the full hearing. A copy of the application and written report
shall be provided to the respondent's counsel immediately.

The court shall hold a full hearing on applications for
continued commitment at the expiration of the first ninety-day
period and at least every two years after the expiration of the
first ninety-day period.

Hearings following any application for continued commitment
are mandatory and may not be waived.

Upon request of a person who is involuntarily committed under
this section, or the person's counsel, that is made more than one
hundred eighty days after the person's last full hearing,
mandatory or requested, the court shall hold a full hearing on the
person's continued commitment. Upon the application of a person
involuntarily committed under this section, supported by an
affidavit of a psychiatrist or licensed clinical psychologist,
alleging that the person no longer is a mentally ill person
subject to hospitalization by court order, the court for good
cause shown may hold a full hearing on the person's continued

commitment prior to the expiration of one hundred eighty days 106815
after the person's last full hearing. Section 5122.12 of the 106816
Revised Code applies to all hearings on continued commitment. 106817

If the court, after a hearing for continued commitment finds 106818
by clear and convincing evidence that the respondent is a mentally 106819
ill person subject to hospitalization by court order, the court 106820
may order continued commitment at places specified in division (C) 106821
of this section. 106822

(I) Unless the admission is pursuant to section 5120.17 or 106823
5139.08 of the Revised Code, the chief clinical officer of the 106824
hospital or ~~agency~~ services provider admitting a respondent 106825
pursuant to a judicial proceeding, within ten working days of the 106826
admission, shall make a report of the admission to the board of 106827
alcohol, drug addiction, and mental health services serving the 106828
respondent's county of residence. 106829

(J) A referee appointed by the court may make all orders that 106830
a judge may make under this section and sections 5122.11 and 106831
5122.141 of the Revised Code, except an order of contempt of 106832
court. The orders of a referee take effect immediately. Within 106833
fourteen days of the making of an order by a referee, a party may 106834
file written objections to the order with the court. The filed 106835
objections shall be considered a motion, shall be specific, and 106836
shall state their grounds with particularity. Within ten days of 106837
the filing of the objections, a judge of the court shall hold a 106838
hearing on the objections and may hear and consider any testimony 106839
or other evidence relating to the respondent's mental condition. 106840
At the conclusion of the hearing, the judge may ratify, rescind, 106841
or modify the referee's order. 106842

(K) An order of the court under division (C), (H), or (J) of 106843
this section is a final order. 106844

(L) Before a board, or ~~an agency~~ a services provider the 106845

board designates, may place an unconsenting respondent in an inpatient setting from a less restrictive placement, the board or ~~agency~~ services provider shall do all of the following:

(1) Determine that the respondent is in immediate need of treatment in an inpatient setting because the respondent represents a substantial risk of physical harm to the respondent or others if allowed to remain in a less restrictive setting;

(2) On the day of placement in the inpatient setting or on the next court day, file with the court a motion for transfer to an inpatient setting or communicate to the court by telephone that the required motion has been mailed;

(3) Ensure that every reasonable and appropriate effort is made to take the respondent to the inpatient setting in the least conspicuous manner possible;

(4) Immediately notify the board's designated attorney and the respondent's attorney.

At the respondent's request, the court shall hold a hearing on the motion and make a determination pursuant to division (E) of this section within five days of the placement.

(M) Before a board, or ~~an agency~~ a services provider the board designates, may move a respondent from one residential placement to another, the board or ~~agency~~ services provider shall consult with the respondent about the placement. If the respondent objects to the placement, the proposed placement and the need for it shall be reviewed by a qualified mental health professional who otherwise is not involved in the treatment of the respondent.

Sec. 5122.17. Pending ~~his~~ removal to a hospital, a person taken into custody or ordered to be hospitalized pursuant to this chapter may be detained for not more than forty-eight hours in a licensed rest or nursing home, a licensed or unlicensed hospital,

a community mental health ~~agency~~ services provider, or a county home, but ~~he~~ the person shall not be detained in a nonmedical facility used for detention of persons charged with or convicted of penal offenses unless the court finds that a less restrictive alternative cannot be made available.

Sec. 5122.18. Whenever a person has been involuntarily detained at or admitted to a hospital, community mental health ~~agency~~ services provider, or other facility at the request of anyone other than the person's legal guardian, spouse, or next of kin under this chapter, the chief clinical officer of the hospital, ~~agency~~ services provider, or other facility in which the person is temporarily detained under section 5122.17 of the Revised Code shall immediately notify the person's legal guardian, spouse or next of kin, and counsel, if these persons can be ascertained through exercise of reasonable diligence. If a person voluntarily remains at or is admitted to a hospital, ~~agency~~ services provider, or other facility, such notification shall not be given without ~~his~~ the person's consent. The chief clinical officer of the hospital, ~~agency~~ services provider, or other facility shall inform a person voluntarily remaining at or admitted to a hospital, ~~agency~~ services provider, or other facility that ~~he~~ the person may authorize such notification.

Sec. 5122.19. Every person transported to a hospital or community mental health ~~agency~~ services provider pursuant to sections 5122.11 to 5122.16 of the Revised Code, shall be examined by the staff of the hospital or ~~agency~~ services provider as soon as practicable after ~~his~~ arrival at the hospital or ~~agency~~ services provider. Such an examination shall be held within twenty-four hours after the time of arrival, and if the chief clinical officer fails after such an examination to certify that in ~~his~~ the chief clinical officer's opinion the person is a

mentally ill person subject to hospitalization by court order, the 106907
person shall be immediately released. 106908

Sec. 5122.20. The director of ~~mental health~~ mental health and 106909
addiction services or the director's designee may transfer, or 106910
authorize the transfer of, an involuntary patient, or a consenting 106911
voluntary patient hospitalized pursuant to section 5122.02 or 106912
sections 5122.11 to 5122.15 of the Revised Code, from one public 106913
hospital to another, or to a hospital, community mental health 106914
~~agency~~ services provider, or other facility offering treatment or 106915
other services for mental illness, if the medical director of the 106916
department of ~~mental health~~ mental health and addiction services 106917
determines that it would be consistent with the medical needs of 106918
the patient to do so. If such a transfer is made to a private 106919
facility, the transfer shall be conditioned upon the consent of 106920
the facility. 106921

Before an involuntary patient may be transferred to a more 106922
restrictive setting, the chief clinical officer shall file a 106923
motion with the court requesting the court to amend its order of 106924
placement issued under section 5122.15 of the Revised Code. At the 106925
patient's request, the court shall hold a hearing on the motion at 106926
which the patient has the same rights as at a full hearing under 106927
section 5122.15 of the Revised Code. The hearing shall be held 106928
within ten days after the date on which the respondent was 106929
transferred to the more restrictive setting or on which the motion 106930
was filed, whichever is earlier. On the motion of the respondent, 106931
the respondent's counsel, or the chief clinical officer, or on its 106932
own motion, and for good cause shown, the court may order a 106933
continuance of the hearing for up to ten days. 106934

Whenever an involuntary patient is transferred, written 106935
notice of the transfer shall be given to the patient's legal 106936
guardian, parents, spouse, and counsel, or, if none is known, to 106937

the patient's nearest known relative or friend. If the patient is 106938
a minor, the department, before making such a transfer, shall make 106939
a minute of the order for the transfer and the reason for it upon 106940
its record and shall send a certified copy at least seven days 106941
prior to the transfer to the person shown by its record to have 106942
had the care or custody of the minor immediately prior to the 106943
minor's commitment. Whenever a consenting voluntary patient is 106944
transferred, the notification shall be given only at the patient's 106945
request. The chief clinical officer shall advise a voluntary 106946
patient who is being transferred that the patient may decide if 106947
the notification shall be given. In all such transfers, due 106948
consideration shall be given to the wishes of the patient, and the 106949
relationship of the patient to the patient's family, legal 106950
guardian, or friends, so as to maintain the relationship and 106951
encourage visits beneficial to the patient. 106952

When a voluntary patient whose medical or psychological needs 106953
are found by the chief clinical officer to warrant a transfer 106954
refuses to be transferred to an alternate facility, the chief 106955
clinical officer may file an affidavit for a hearing under section 106956
5122.11 of the Revised Code. 106957

Sec. 5122.21. (A) The chief clinical officer shall as 106958
frequently as practicable, and at least once every thirty days, 106959
examine or cause to be examined every patient, and, whenever the 106960
chief clinical officer determines that the conditions justifying 106961
involuntary hospitalization or commitment no longer obtain, shall 106962
discharge the patient not under indictment or conviction for crime 106963
and immediately make a report of the discharge to the department 106964
of ~~mental health~~ mental health and addiction services. The chief 106965
clinical officer may discharge a patient who is under an 106966
indictment, a sentence of imprisonment, a community control 106967
sanction, or a post-release control sanction or on parole ten days 106968
after written notice of intent to discharge the patient has been 106969

given by personal service or certified mail, return receipt 106970
requested, to the court having criminal jurisdiction over the 106971
patient. Except when the patient was found not guilty by reason of 106972
insanity and the defendant's commitment is pursuant to section 106973
2945.40 of the Revised Code, the chief clinical officer has final 106974
authority to discharge a patient who is under an indictment, a 106975
sentence of imprisonment, a community control sanction, or a 106976
post-release control sanction or on parole. 106977

(B) After a finding pursuant to section 5122.15 of the 106978
Revised Code that a person is a mentally ill person subject to 106979
hospitalization by court order, the chief clinical officer of the 106980
hospital or ~~agency~~ community mental health services provider to 106981
which the person is ordered or to which the person is transferred 106982
under section 5122.20 of the Revised Code, may grant a discharge 106983
without the consent or authorization of any court. 106984

Upon discharge, the chief clinical officer shall notify the 106985
court that caused the judicial hospitalization of the discharge 106986
from the hospital. 106987

Sec. 5122.23. The chief clinical officer of a public hospital 106988
shall immediately report to the department of ~~mental health~~ mental 106989
health and addiction services and the board of alcohol, drug 106990
addiction, and mental health services serving the patient's county 106991
of residence the removal, death, escape, discharge, or trial visit 106992
of any patient hospitalized under section 5122.15 of the Revised 106993
Code, or the return of such an escaped or visiting patient to the 106994
department, the probate judge of the county from which such 106995
patient was hospitalized, and the probate judge of the county of 106996
residence of such patient. In case of death, the chief clinical 106997
officer also shall notify one or more of the nearest relatives of 106998
the deceased patient, if known to ~~him~~ the chief clinical officer, 106999
by letter, telegram, or telephone. If the place of residence of 107000

such relative is unknown to the chief clinical officer, 107001
immediately upon receiving notification the probate judge shall in 107002
the speediest manner possible notify such relatives, if known to 107003
~~him~~ the probate judge. 107004

The chief clinical officer of a public hospital, upon the 107005
request of the probate judge of the county from which a patient 107006
was hospitalized or the probate judge of the county of residence 107007
of such a patient, shall make a report to the judge of the 107008
condition of any patient under the care, treatment, custody, or 107009
control of the chief clinical officer. 107010

Sec. 5122.25. Upon the request of a hospital, person, board, 107011
~~agency~~ community mental health services provider, or facility who 107012
has custody of a patient hospitalized pursuant to section 5122.15 107013
of the Revised Code, or on the order of the court, such patient 107014
may be called for a rehearing at such place within the county of 107015
~~his~~ the patient's residence or the county where such patient is 107016
hospitalized as the court designates. The hearing shall be 107017
conducted pursuant to section 5122.15 of the Revised Code. 107018

Sec. 5122.26. (A) If a patient is absent without leave, on a 107019
verbal or written order issued within five days of the time of the 107020
unauthorized absence by the department of ~~mental health~~ mental 107021
health and addiction services, the chief clinical officer of the 107022
hospital from which the patient is absent without leave, or the 107023
court of either the county from which the patient was committed or 107024
in which the patient is found, any health or police officer or 107025
sheriff may take the patient into custody and transport the 107026
patient to the hospital in which the patient was hospitalized or 107027
to a place that is designated in the order. The officer 107028
immediately shall report such fact to the ~~agency~~ entity that 107029
issued the order. 107030

The chief clinical officer of a hospital may discharge a patient who is under an indictment, a sentence of imprisonment, a community control sanction, or a post-release control sanction or on parole and who has been absent without leave for more than thirty days but shall give written notice of the discharge to the court with criminal jurisdiction over the patient. The chief clinical officer of a hospital may discharge any other patient who has been absent without leave for more than fourteen days.

The chief clinical officer shall take all proper measures for the apprehension of an escaped patient. The expense of the return of an escaped patient shall be borne by the hospital where the patient is hospitalized.

(B)(1) Subject to division (B)(2) of this section, no patient hospitalized under Chapter 5122. of the Revised Code whose absence without leave was caused or contributed to by the patient's mental illness shall be subject to a charge of escape.

(2) Division (B)(1) of this section does not apply to any person who was hospitalized, institutionalized, or confined in a facility under an order made pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code and who escapes from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside the facility, in violation of section 2921.34 of the Revised Code.

Sec. 5122.27. The chief clinical officer of the hospital or the chief clinical officer's designee shall assure that all patients hospitalized or committed pursuant to this chapter shall:

(A) Receive, within twenty days of their admission sufficient professional care to assure that an evaluation of current status,

differential diagnosis, probable prognosis, and description of the 107062
current treatment plan is stated on the official chart; 107063

(B) Have a written treatment plan consistent with the 107064
evaluation, diagnosis, prognosis, and goals which shall be 107065
provided, upon request of the patient or patient's counsel, to the 107066
patient's counsel and to any private physician or licensed 107067
clinical psychologist designated by the patient or the patient's 107068
counsel or to the Ohio protection and advocacy system; 107069

(C) Receive treatment consistent with the treatment plan. The 107070
department of ~~mental health~~ mental health and addiction services 107071
shall set standards for treatment provided to such patients, 107072
consistent wherever possible with standards set by the joint 107073
commission ~~on accreditation of healthcare organizations~~. 107074

(D) Receive periodic reevaluations of the treatment plan by 107075
the professional staff at intervals not to exceed ninety days; 107076

(E) Be provided with adequate medical treatment for physical 107077
disease or injury; 107078

(F) Receive humane care and treatment, including without 107079
limitation, the following: 107080

(1) The least restrictive environment consistent with the 107081
treatment plan; 107082

(2) The necessary facilities and personnel required by the 107083
treatment plan; 107084

(3) A humane psychological and physical environment; 107085

(4) The right to obtain current information concerning the 107086
patient's treatment program and expectations in terms that the 107087
patient can reasonably understand; 107088

(5) Participation in programs designed to afford the patient 107089
substantial opportunity to acquire skills to facilitate return to 107090
the community or to terminate an involuntary commitment; 107091

(6) The right to be free from unnecessary or excessive medication; 107092
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(7) Freedom from restraints or isolation unless it is stated in a written order by the chief clinical officer or the chief clinical officer's designee, or the patient's individual physician or psychologist in a private or general hospital. 107094
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If the chief clinical officer of the hospital is unable to provide the treatment required by divisions (C), (E), and (F) of this section for any patient hospitalized pursuant to Chapter 5122. of the Revised Code, the chief clinical officer shall immediately notify the patient, the court, the Ohio protection and advocacy system, the director of ~~mental health~~ mental health and addiction services, and the patient's counsel and legal guardian, if known. If within ten days after receipt of such notification by the director, the director is unable to effect a transfer of the patient, pursuant to section 5122.20 of the Revised Code, to a hospital, community mental health ~~agency~~ services provider, or other medical facility where treatment is available, or has not received an order of the court to the contrary, the involuntary commitment of any patient hospitalized pursuant to Chapter 5122. of the Revised Code and defined as a mentally ill person subject to hospitalization by court order under division (B)(4) of section 5122.01 of the Revised Code shall automatically be terminated. 107098
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Sec. 5122.271. (A) Except as provided in divisions (C), (D), and (E) of this section, the chief clinical officer or, in a nonpublic hospital, the attending physician responsible for a patient's care shall provide all information, including expected physical and medical consequences, necessary to enable any patient of a hospital for the mentally ill to give a fully informed, intelligent, and knowing consent, the opportunity to consult with independent specialists and counsel, and the right to refuse 107115
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consent for any of the following: 107123

(1) Surgery; 107124

(2) Convulsive therapy; 107125

(3) Major aversive interventions; 107126

(4) Sterilizations; 107127

(5) Any unusually hazardous treatment procedures; 107128

(6) Psycho-surgery. 107129

(B) No patient shall be subjected to any of the procedures 107130
listed in divisions (A)(4) to (6) of this section until both the 107131
patient's informed, intelligent, and knowing consent and the 107132
approval of the court have been obtained, except that court 107133
approval is not required for a legally competent and voluntary 107134
patient in a nonpublic hospital. 107135

(C) If, after providing the information required under 107136
division (A) of this section to the patient, the chief clinical 107137
officer or attending physician concludes that a patient is 107138
physically or mentally unable to receive the information required 107139
for surgery under division (A)(1) of this section, or has been 107140
adjudicated incompetent, the information may be provided to the 107141
patient's natural or court-appointed guardian, who may give an 107142
informed, intelligent, and knowing written consent. 107143

If a patient is physically or mentally unable to receive the 107144
information required for surgery under division (A)(1) of this 107145
section and has no guardian, the information, the recommendation 107146
of the chief clinical officer, and the concurring judgment of a 107147
licensed physician who is not a full-time employee of the state 107148
may be provided to the court in the county in which the hospital 107149
is located, which may approve the surgery. Before approving the 107150
surgery, the court shall notify the Ohio protection and advocacy 107151
system created by section 5123.60 of the Revised Code, and shall 107152

notify the patient of the rights to consult with counsel, to have 107153
counsel appointed by the court if the patient is indigent, and to 107154
contest the recommendation of the chief clinical officer. 107155

(D) If, in a medical emergency, and after providing the 107156
information required under division (A) of this section to the 107157
patient, it is the judgment of one licensed physician that delay 107158
in obtaining surgery would create a grave danger to the health of 107159
the patient, it may be administered without the consent of the 107160
patient or the patient's guardian if the necessary information is 107161
provided to the patient's spouse or next of kin to enable that 107162
person to give informed, intelligent, and knowing written consent. 107163
If no spouse or next of kin can reasonably be contacted, or if the 107164
spouse or next of kin is contacted, but refuses to consent, the 107165
surgery may be performed upon the written authorization of the 107166
chief clinical officer or, in a nonpublic hospital, upon the 107167
written authorization of the attending physician responsible for 107168
the patient's care, and after the approval of the court has been 107169
obtained. However, if delay in obtaining court approval would 107170
create a grave danger to the life of the patient, the chief 107171
clinical officer or, in a nonpublic hospital, the attending 107172
physician responsible for the patient's care may authorize 107173
surgery, in writing, without court approval. If the surgery is 107174
authorized without court approval, the chief clinical officer or 107175
the attending physician who made the authorization and the 107176
physician who performed the surgery shall each execute an 107177
affidavit describing the circumstances constituting the emergency 107178
and warranting the surgery and the circumstances warranting their 107179
not obtaining prior court approval. The affidavit shall be filed 107180
with the court with which the request for prior approval would 107181
have been filed within five court days after the surgery, and a 107182
copy of the affidavit shall be placed in the patient's file and be 107183
given to the guardian, spouse, or next of kin of the patient, to 107184
the hospital at which the surgery was performed, and to the Ohio 107185

protection and advocacy system as defined in section 5123.60 of the Revised Code. 107186
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(E) Major aversive interventions shall not be used unless a patient continues to engage in behavior destructive to self or others after other forms of therapy have been attempted. Major aversive interventions may be applied if approved by the director of ~~mental health~~ mental health and addiction services. Major aversive interventions shall not be applied to a voluntary patient without the informed, intelligent, and knowing written consent of the patient or the patient's guardian. 107188
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(F) Unless there is substantial risk of physical harm to self or others, or other than under division (D) of this section, this chapter does not authorize any form of compulsory medical, psychological, or psychiatric treatment of any patient who is being treated by spiritual means through prayer alone in accordance with a recognized religious method of healing without specific court authorization. 107196
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(G) For purposes of this section, "convulsive therapy" does not include defibrillation. 107203
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Sec. 5122.31. (A) All certificates, applications, records, and reports made for the purpose of this chapter and sections 2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised Code, other than court journal entries or court docket entries, and directly or indirectly identifying a patient or former patient or person whose hospitalization has been sought under this chapter, shall be kept confidential and shall not be disclosed by any person except: 107205
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(1) If the person identified, or the person's legal guardian, if any, or if the person is a minor, the person's parent or legal guardian, consents, and if the disclosure is in the best interests of the person, as may be determined by the court for judicial 107213
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records and by the chief clinical officer for medical records; 107217

(2) When disclosure is provided for in this chapter ~~or~~ 107218
~~section 5123.601 or Chapters 340. or 5119.~~ of the Revised Code ~~or~~ 107219
in accordance with other provisions of state or federal law 107220
authorizing such disclosure; 107221

(3) That hospitals, boards of alcohol, drug addiction, and 107222
mental health services, and community mental health ~~agencies~~ 107223
services providers may release necessary medical information to 107224
insurers and other third-party payers, including government 107225
entities responsible for processing and authorizing payment, to 107226
obtain payment for goods and services furnished to the patient; 107227

(4) Pursuant to a court order signed by a judge; 107228

(5) That a patient shall be granted access to the patient's 107229
own psychiatric and medical records, unless access specifically is 107230
restricted in a patient's treatment plan for clear treatment 107231
reasons; 107232

(6) That hospitals and other institutions and facilities 107233
within the department of ~~mental health~~ mental health and addiction 107234
services may exchange psychiatric records and other pertinent 107235
information with other hospitals, institutions, and facilities of 107236
the department, and with community mental health ~~agencies~~ services 107237
providers and boards of alcohol, drug addiction, and mental health 107238
services with which the department has a current agreement for 107239
patient care or services. Records and information that may be 107240
released pursuant to this division shall be limited to medication 107241
history, physical health status and history, financial status, 107242
summary of course of treatment in the hospital, summary of 107243
treatment needs, and a discharge summary, if any. 107244

(7) That hospitals within the department, and other 107245
institutions and facilities within the department, ~~hospitals~~ 107246
~~licensed by the department under section 5119.20 of the Revised~~ 107247

~~Code, and community mental health agencies~~ may exchange 107248
psychiatric records and other pertinent information with payers 107249
and other providers of treatment and health services if the 107250
purpose of the exchange is to facilitate continuity of care for a 107251
patient or for the emergency treatment of an individual; 107252

(8) That a patient's family member who is involved in the 107253
provision, planning, and monitoring of services to the patient may 107254
receive medication information, a summary of the patient's 107255
diagnosis and prognosis, and a list of the services and personnel 107256
available to assist the patient and the patient's family, if the 107257
patient's treating physician determines that the disclosure would 107258
be in the best interests of the patient. No such disclosure shall 107259
be made unless the patient is notified first and receives the 107260
information and does not object to the disclosure. 107261

(9) That community mental health ~~agencies~~ services providers 107262
may exchange psychiatric records and certain other information 107263
with the board of alcohol, drug addiction, and mental health 107264
services and other ~~agencies~~ services providers in order to provide 107265
services to a person involuntarily committed to a board. Release 107266
of records under this division shall be limited to medication 107267
history, physical health status and history, financial status, 107268
summary of course of treatment, summary of treatment needs, and 107269
discharge summary, if any. 107270

(10) That information may be disclosed to the executor or the 107271
administrator of an estate of a deceased patient when the 107272
information is necessary to administer the estate; 107273

(11) That records in the possession of the Ohio historical 107274
society may be released to the closest living relative of a 107275
deceased patient upon request of that relative; 107276

~~(12) That information may be disclosed to staff members of~~ 107277
~~the appropriate board or to staff members designated by the~~ 107278

~~director of mental health for the purpose of evaluating the 107279
quality, effectiveness, and efficiency of services and determining 107280
if the services meet minimum standards. Information obtained 107281
during such evaluations shall not be retained with the name of any 107282
patient. 107283~~

~~(13)~~ That records pertaining to the patient's diagnosis, 107284
course of treatment, treatment needs, and prognosis shall be 107285
disclosed and released to the appropriate prosecuting attorney if 107286
the patient was committed pursuant to section 2945.38, 2945.39, 107287
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 107288
attorney designated by the board for proceedings pursuant to 107289
involuntary commitment under this chapter. 107290

~~(14)~~(13) That the department of ~~mental health~~ mental health 107291
and addiction services may exchange psychiatric hospitalization 107292
records, other mental health treatment records, and other 107293
pertinent information with the department of rehabilitation and 107294
correction and with the department of youth services to ensure 107295
continuity of care for inmates or offenders who are receiving 107296
mental health services in an institution of the department of 107297
rehabilitation and correction or the department of youth services 107298
and may exchange psychiatric hospitalization records, other mental 107299
health treatment records, and other pertinent information with 107300
boards of alcohol, drug addiction, and mental health services and 107301
community mental health services providers to ensure continuity of 107302
care for inmates or offenders who are receiving mental health 107303
services in an institution and are scheduled for release within 107304
six months. The department shall not disclose those records unless 107305
the inmate or offender is notified, receives the information, and 107306
does not object to the disclosure. The release of records under 107307
this division is limited to records regarding an inmate's or 107308
offender's medication history, physical health status and history, 107309
summary of course of treatment, summary of treatment needs, and a 107310

discharge summary, if any. 107311

~~(15) That a community mental health agency that ceases to 107312
operate may transfer to either a community mental health agency 107313
that assumes its caseload or to the board of alcohol, drug 107314
addiction, and mental health services of the service district in 107315
which the patient resided at the time services were most recently 107316
provided any treatment records that have not been transferred 107317
elsewhere at the patient's request. 107318~~

(B) Before records are disclosed pursuant to divisions 107319
(A)(3), (6), and (9) of this section, the custodian of the records 107320
shall attempt to obtain the patient's consent for the disclosure. 107321
No person shall reveal the contents of a medical record of a 107322
patient except as authorized by law. 107323

(C) The managing officer of a hospital who releases necessary 107324
medical information under division (A)(3) of this section to allow 107325
an insurance carrier or other third party payor to comply with 107326
section 5121.43 of the Revised Code shall neither be subject to 107327
criminal nor civil liability. 107328

Sec. 5122.311. (A) Notwithstanding any provision of the 107329
Revised Code to the contrary, if, on or after ~~the effective date~~ 107330
~~of this section~~ April 8, 2004, an individual is found by a court 107331
to be a mentally ill person subject to hospitalization by court 107332
order or becomes an involuntary patient other than one who is a 107333
patient only for purposes of observation, the probate judge who 107334
made the adjudication or the chief clinical officer of the 107335
hospital, ~~agency~~ community mental health services provider, or 107336
facility in which the person is an involuntary patient shall 107337
notify the bureau of criminal identification and investigation, on 107338
the form described in division (C) of this section, of the 107339
identity of the individual. The notification shall be transmitted 107340
by the judge or the chief clinical officer not later than seven 107341

days after the adjudication or commitment. 107342

(B) The bureau of criminal identification and investigation 107343
shall compile and maintain the notices it receives under division 107344
(A) of this section and shall use them for the purpose of 107345
conducting incompetency records checks pursuant to section 311.41 107346
of the Revised Code. The notices and the information they contain 107347
are confidential, except as provided in this division, and are not 107348
public records. 107349

(C) The attorney general, by rule adopted under Chapter 119. 107350
of the Revised Code, shall prescribe and make available to all 107351
probate judges and all chief clinical officers a form to be used 107352
by them for the purpose of making the notifications required by 107353
division (A) of this section. 107354

Sec. 5122.32. (A) As used in this section: 107355

(1) "Quality assurance committee" means a committee that is 107356
appointed in the central office of the department of ~~mental health~~ 107357
mental health and addiction services by the director of ~~mental~~ 107358
~~health~~ mental health and addiction services, a committee of a 107359
hospital or community setting program, ~~a committee established~~ 107360
~~pursuant to section 5119.47 of the Revised Code of the department~~ 107361
~~of mental health appointed by the managing officer of the hospital~~ 107362
~~or program~~, or a duly authorized subcommittee of a committee of 107363
that nature and that is designated to carry out quality assurance 107364
program activities. 107365

(2) "Quality assurance program" means a comprehensive program 107366
within the department of ~~mental health~~ mental health and addiction 107367
services to systematically review and improve the quality of 107368
medical and mental health services within the department and its 107369
hospitals and community setting programs, the safety and security 107370
of persons receiving medical and mental health services within the 107371

department and its hospitals and community setting programs, and 107372
the efficiency and effectiveness of the utilization of staff and 107373
resources in the delivery of medical and mental health services 107374
within the department and its hospitals and community setting 107375
programs. "Quality assurance program" includes the central office 107376
quality assurance committees, morbidity and mortality review 107377
committees, quality assurance programs of community setting 107378
programs, quality assurance committees of hospitals operated by 107379
the department of ~~mental health~~ mental health and addiction 107380
services, and the office of licensure and certification of the 107381
department. 107382

(3) "Quality assurance program activities" include collecting 107383
or compiling information and reports required by a quality 107384
assurance committee, receiving, reviewing, or implementing the 107385
recommendations made by a quality assurance committee, and 107386
credentialing, privileging, infection control, tissue review, peer 107387
review, utilization review including access to patient care 107388
records, patient care assessment records, and medical and mental 107389
health records, medical and mental health resource management, 107390
mortality and morbidity review, and identification and prevention 107391
of medical or mental health incidents and risks, whether performed 107392
by a quality assurance committee or by persons who are directed by 107393
a quality assurance committee. 107394

(4) "Quality assurance records" means the proceedings, 107395
discussion, records, findings, recommendations, evaluations, 107396
opinions, minutes, reports, and other documents or actions that 107397
emanate from quality assurance committees, quality assurance 107398
programs, or quality assurance program activities. "Quality 107399
assurance records" does not include aggregate statistical 107400
information that does not disclose the identity of persons 107401
receiving or providing medical or mental health services in 107402
department of ~~mental health institutions~~ mental health and 107403

addiction services hospitals or community setting programs. 107404

(B)(1) Except as provided in division (E) of this section, 107405
quality assurance records are confidential and are not public 107406
records under section 149.43 of the Revised Code, and shall be 107407
used only in the course of the proper functions of a quality 107408
assurance program. 107409

(2) Except as provided in division (E) of this section, no 107410
person who possesses or has access to quality assurance records 107411
and who knows that the records are quality assurance records shall 107412
willfully disclose the contents of the records to any person or 107413
entity. 107414

(C)(1) Except as provided in division (E) of this section, no 107415
quality assurance record shall be subject to discovery ~~in~~, and is 107416
not admissible in evidence, in any judicial or administrative 107417
proceeding. 107418

(2) Except as provided in division (E) of this section, no 107419
member of a quality assurance committee or a person who is 107420
performing a function that is part of a quality assurance program 107421
shall be permitted or required to testify in a judicial or 107422
administrative proceeding with respect to quality assurance 107423
records or with respect to any finding, recommendation, 107424
evaluation, opinion, or other action taken by the committee, 107425
member, or person. 107426

(3) Information, documents, or records otherwise available 107427
from original sources are not to be construed as being unavailable 107428
for discovery or admission in evidence in a judicial or 107429
administrative proceeding merely because they were presented to a 107430
quality assurance committee. No person testifying before a quality 107431
assurance committee or person who is a member of a quality 107432
assurance committee shall be prevented from testifying as to 107433
matters within the person's knowledge, but the witness cannot be 107434

asked about the witness' testimony before the quality assurance committee or about an opinion formed by the person as a result of the quality assurance committee proceedings.

(D)(1) A person who, without malice and in the reasonable belief that the information is warranted by the facts known to the person, provides information to a person engaged in quality assurance program activities is not liable for damages in a civil action for injury, death, or loss to person or property to any person as a result of providing the information.

(2) A member of a quality assurance committee, a person engaged in quality assurance program activities, and an employee of the department of ~~mental health~~ mental health and addiction services shall not be liable in damages in a civil action for injury, death, or loss to person or property to any person for any acts, omissions, decisions, or other conduct within the scope of the functions of the quality assurance program.

(3) Nothing in this section shall relieve any institution or individual from liability arising from the treatment of a patient.

(E) Quality assurance records may be disclosed, and testimony may be provided concerning quality assurance records, only to the following persons or entities:

(1) Persons who are employed or retained by the department of ~~mental health~~ mental health and addiction services and who have authority to evaluate or implement the recommendations of a state-operated hospital, community setting program, or central office quality assurance committee;

(2) Public or private agencies or organizations if needed to perform a licensing or accreditation function related to department of ~~mental health~~ mental health and addiction services hospitals or community setting programs, or to perform monitoring of a hospital or program of that nature as required by law.

(F) A disclosure of quality assurance records pursuant to 107466
division (E) of this section does not otherwise waive the 107467
confidential and privileged status of the disclosed quality 107468
assurance records. 107469

(G) Nothing in this section shall limit the access of the 107470
Ohio protection and advocacy system to records or personnel as 107471
required under section 5123.601 of the Revised Code. Nothing in 107472
this section shall limit the admissibility of documentary or 107473
testimonial evidence in an action brought by the Ohio protection 107474
and advocacy system in its own name or on behalf of a client. 107475

Sec. 5122.33. The department of ~~mental health~~ mental health 107476
and addiction services may prescribe the form of applications, 107477
reports, records, and medical certificates provided for under this 107478
chapter, and the information required to be contained therein; 107479
require reports from the chief clinical officer of any public 107480
hospital relating to the admission, examination, diagnosis, 107481
release, or discharge of any patient; visit each such hospital 107482
regularly to review the admission procedures of all new patients 107483
admitted between visits; investigate by personal visit complaints 107484
made by any patient or by any person on behalf of a patient; and 107485
adopt such rules as are reasonably necessary to effectuate the 107486
provisions of this chapter. 107487

Sec. 5122.34. (A) Persons, including, but not limited to, 107488
boards of alcohol, drug addiction, and mental health services and 107489
community mental health ~~agencies~~ services providers, acting in 107490
good faith, either upon actual knowledge or information thought by 107491
them to be reliable, who procedurally or physically assist in the 107492
hospitalization or discharge, determination of appropriate 107493
placement, or in judicial proceedings of a person under this 107494
chapter, do not come within any criminal provisions, and are free 107495
from any liability to the person hospitalized or to any other 107496

person. 107497

(B) Regardless of whether any affirmative action has been 107498
taken under this chapter with respect to a mental health client or 107499
patient and except as otherwise provided in section 2305.51 of the 107500
Revised Code, no person shall be liable for any harm that results 107501
to any other person as a result of failing to disclose any 107502
confidential information about the mental health client or 107503
patient, or failing to otherwise attempt to protect such other 107504
person from harm by such client or patient. 107505

(C) This section applies to expert witnesses who testify at 107506
hearings under this chapter. 107507

(D) The immunity from liability conferred by this section is 107508
in addition to and not in limitation of any immunity conferred by 107509
any other section of the Revised Code or by judicial precedent. 107510

Sec. 5122.341. (A) As used in this section: 107511

(1) "Facility or ~~agency~~ provider" means, in the context of a 107512
person committed to the department of ~~mental health~~ mental health 107513
and addiction services under sections 2945.37 to 2945.402 of the 107514
Revised Code, any entity in which the department of ~~mental health~~ 107515
mental health and addiction services places such a person. 107516

(2) "Person committed to the department" means a person 107517
committed to the department of ~~mental health~~ mental health and 107518
addiction services under sections 2945.37 to 2945.402 of the 107519
Revised Code. 107520

(B) No member of a board of directors, or employee, of a 107521
facility or ~~agency~~ provider in which the department of ~~mental~~ 107522
~~health~~ mental health and addiction services places a person 107523
committed to the department is liable for injury or damages caused 107524
by any action or inaction taken within the scope of the board 107525
member's official duties or employee's employment relating to the 107526

commitment of, and services provided to, the person committed to 107527
the department, unless the action or inaction constitutes willful 107528
or wanton misconduct. A board member's or employee's action or 107529
inaction does not constitute willful or wanton misconduct if the 107530
board member or employee acted in good faith and reasonably under 107531
the circumstances and with the knowledge reasonably attributable 107532
to the board member or employee. 107533

The immunity from liability conferred by this section is in 107534
addition to and not in limitation of any immunity conferred by any 107535
other section of the Revised Code or by judicial precedent. 107536

Sec. 5122.39. (A) Mentally ill minors shall remain under the 107537
natural guardianship of their parents, notwithstanding 107538
hospitalization pursuant to this chapter, unless parental rights 107539
have been terminated pursuant to a court finding that the minor is 107540
neglected or dependent. Where a mentally ill minor is found to be 107541
dependent or neglected, the public children's services agency in 107542
the county of residence has final guardianship authority and 107543
responsibility. 107544

(B) In no case shall the guardianship of a mentally ill 107545
person be assigned to the chief medical officer or any staff 107546
member of a hospital, board, or ~~agency~~ provider from which the 107547
person is receiving mental health services. 107548

Sec. 5122.43. (A) Costs, fees, and expenses of all 107549
proceedings held under this chapter shall be paid as follows: 107550

(1) To police and health officers, other than sheriffs or 107551
their deputies, the same fees allowed to constables, to be paid 107552
upon the approval of the probate judge; 107553

(2) To sheriffs or their deputies, the same fees allowed for 107554
similar services in the court of common pleas; 107555

(3) To physicians or licensed clinical psychologists acting 107556

as expert witnesses and to other expert witnesses designated by the court, an amount determined by the court;

(4) To other witnesses, the same fees and mileage as for attendance at the court of common pleas, to be paid upon the approval of the probate judge;

(5) To a person, other than the sheriff or the sheriff's deputies, for taking a mentally ill person to a hospital or removing a mentally ill person from a hospital, the actual necessary expenses incurred, specifically itemized, and approved by the probate judge;

(6) To assistants who convey mentally ill persons to the hospital when authorized by the probate judge, a fee set by the probate court, provided the assistants are not drawing a salary from the state or any political subdivision of the state, and their actual necessary expenses incurred, provided that the expenses are specifically itemized and approved by the probate judge;

(7) To an attorney appointed by the probate division for an indigent who allegedly is a mentally ill person pursuant to any section of this chapter, the fees that are determined by the probate division. When those indigent persons are before the court, all filing and recording fees shall be waived.

(8) To a referee who is appointed to conduct proceedings under this chapter that involve a respondent whose domicile is or, before the respondent's hospitalization, was not the county in which the proceedings are held, compensation as fixed by the probate division, but not more than the compensation paid for similar proceedings for respondents whose domicile is in the county in which the proceedings are held;

(9) To a court reporter appointed to make a transcript of proceedings under this chapter, the compensation and fees allowed

in other cases under section 2101.08 of the Revised Code. 107588

(B) A county shall pay for the costs, fees, and expenses 107589
described in division (A) of this section with money appropriated 107590
pursuant to section 2101.11 of the Revised Code. A county may seek 107591
reimbursement from the department of ~~mental health~~ mental health 107592
and addiction services by submitting a request and certification 107593
by the county auditor of the costs, fees, and expenses to the 107594
department within two months of the date the costs, fees, and 107595
expenses are incurred by the county. 107596

Each fiscal year, based on past allocations, historical 107597
utilization, and other factors the department considers 107598
appropriate, the department shall allocate for each county an 107599
amount for reimbursements under this section. The total of all the 107600
allocations shall equal the amount appropriated for the fiscal 107601
year to the department specifically for the purposes of this 107602
section. 107603

On receipt, the department shall review each request for 107604
reimbursement and prepare a voucher for the amount of the costs, 107605
fees, and expenses incurred by the county, provided that the total 107606
amount of money paid to all counties in each fiscal year shall not 107607
exceed the total amount of moneys specifically appropriated to the 107608
department for these purposes. 107609

The department's total reimbursement to each county shall be 107610
the lesser of the full amount requested or the amount allocated 107611
for the county under this division. In addition, the department 107612
shall distribute any surplus remaining from the money appropriated 107613
for the fiscal year to the department for the purposes of this 107614
section as follows to counties whose full requests exceed their 107615
allocations: 107616

(1) If the surplus is sufficient to reimburse such counties 107617
the full amount of their requests, each such county shall receive 107618

the full amount of its request; 107619

(2) If the surplus is insufficient, each such county shall 107620
receive a percentage of the surplus determined by dividing the 107621
difference between the county's full request and its allocation by 107622
the difference between the total of the full requests of all such 107623
counties and the total of the amounts allocated for all such 107624
counties. 107625

The department may adopt rules in accordance with Chapter 107626
119. of the Revised Code to implement the payment of costs, fees, 107627
and expenses under this section. 107628

Sec. 5122.44. As used in sections 5122.44 to 5122.47 of the 107629
Revised Code: 107630

(A) "Compilation" means a written list of the following 107631
information, as the department of ~~mental health~~ mental health and 107632
addiction services is able to reasonably ascertain, for every 107633
patient who was buried, entombed, or inurned prior to ~~the~~ 107634
~~effective date of this section~~ March 31, 2005, in a cemetery 107635
located on the grounds of or adjacent to the grounds of a public 107636
hospital: 107637

(1) Name; 107638

(2) Date of birth; 107639

(3) Date of death or burial; 107640

(4) Specific physical location of the burial, entombment, or 107641
inurnment, including the plot or grave site number if available. 107642

(B) "Patient" means an individual who died while admitted to 107643
a public hospital that was under the control of the department of 107644
~~mental health~~ mental health and addiction services. 107645

(C) "Record" has the same meaning as in section 149.011 of 107646
the Revised Code. 107647

(D) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government.

Sec. 5122.45. The department of ~~mental health~~ mental health and addiction services shall create a separate compilation for each cemetery located on the grounds of or adjacent to the grounds of a public hospital that is under the control of the department on ~~the effective date of this section~~ March 31, 2005. The compilation shall be created within a reasonable time not exceeding three years after ~~the effective date of this section~~ March 31, 2005. The department shall use its best efforts to create the most complete compilations possible using records in the department's possession and records obtained in accordance with section 5122.46 of the Revised Code.

Sec. 5122.46. The Ohio historical society and each state agency shall, at the request of the department of ~~mental health~~ mental health and addiction services, provide the department access to records and information in the possession of the historical society or state agency for purposes of creating compilations.

Sec. 5122.47. The department of ~~mental health~~ mental health and addiction services shall deposit a copy of each compilation with the Ohio historical society and the state library as soon as a compilation is completed. The department shall not disclose any record or information used to create a compilation except as provided in sections 149.43 and 5122.31 of the Revised Code.

Sec. 5123.01. As used in this chapter:

(A) "Chief medical officer" means the licensed physician appointed by the managing officer of an institution for the

mentally retarded with the approval of the director of 107677
developmental disabilities to provide medical treatment for 107678
residents of the institution. 107679

(B) "Chief program director" means a person with special 107680
training and experience in the diagnosis and management of the 107681
mentally retarded, certified according to division (C) of this 107682
section in at least one of the designated fields, and appointed by 107683
the managing officer of an institution for the mentally retarded 107684
with the approval of the director to provide habilitation and care 107685
for residents of the institution. 107686

(C) "Comprehensive evaluation" means a study, including a 107687
sequence of observations and examinations, of a person leading to 107688
conclusions and recommendations formulated jointly, with 107689
dissenting opinions if any, by a group of persons with special 107690
training and experience in the diagnosis and management of persons 107691
with mental retardation or a developmental disability, which group 107692
shall include individuals who are professionally qualified in the 107693
fields of medicine, psychology, and social work, together with 107694
such other specialists as the individual case may require. 107695

(D) "Education" means the process of formal training and 107696
instruction to facilitate the intellectual and emotional 107697
development of residents. 107698

(E) "Habilitation" means the process by which the staff of 107699
the institution assists the resident in acquiring and maintaining 107700
those life skills that enable the resident to cope more 107701
effectively with the demands of the resident's own person and of 107702
the resident's environment and in raising the level of the 107703
resident's physical, mental, social, and vocational efficiency. 107704
Habilitation includes but is not limited to programs of formal, 107705
structured education and training. 107706

(F) "Health officer" means any public health physician, 107707

public health nurse, or other person authorized or designated by a city or general health district.

(G) "Home and community-based services" means medicaid-funded home and community-based services specified in division ~~(B)~~(A)(1) of section ~~5111.87~~ 5166.20 of the Revised Code provided under the medicaid waiver components the department of developmental disabilities administers pursuant to section ~~5111.871~~ 5166.21 of the Revised Code. Except as provided in section 5123.0412 of the Revised Code, home and community-based services provided under the medicaid waiver component known as the transitions developmental disabilities waiver are to be considered to be home and community-based services for the purposes of this chapter, and Chapters 5124. and 5126. of the Revised Code, only to the extent, if any, provided by the contract required by section ~~5111.871~~ 5166.21 of the Revised Code regarding the waiver.

(H) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.

(I) "Indigent person" means a person who is unable, without substantial financial hardship, to provide for the payment of an attorney and for other necessary expenses of legal representation, including expert testimony.

~~(I)~~(J) "Institution" means a public or private facility, or a part of a public or private facility, that is licensed by the appropriate state department and is equipped to provide residential habilitation, care, and treatment for the mentally retarded.

~~(J)~~(K) "Licensed physician" means a person who holds a valid certificate issued under Chapter 4731. of the Revised Code authorizing the person to practice medicine and surgery or osteopathic medicine and surgery, or a medical officer of the government of the United States while in the performance of the

officer's official duties. 107739

~~(K)~~(L) "Managing officer" means a person who is appointed by 107740
the director of developmental disabilities to be in executive 107741
control of an institution for the mentally retarded under the 107742
jurisdiction of the department. 107743

~~(L) "Medicaid" has the same meaning as in section 5111.01 of
the Revised Code.~~ 107744
107745

(M) "Medicaid case management services" means case management 107746
services provided to an individual with mental retardation or 107747
other developmental disability that the state medicaid plan 107748
requires. 107749

(N) "Mentally retarded person" means a person having 107750
significantly subaverage general intellectual functioning existing 107751
concurrently with deficiencies in adaptive behavior, manifested 107752
during the developmental period. 107753

(O) "Mentally retarded person subject to institutionalization 107754
by court order" means a person eighteen years of age or older who 107755
is at least moderately mentally retarded and in relation to whom, 107756
because of the person's retardation, either of the following 107757
conditions exist: 107758

(1) The person represents a very substantial risk of physical 107759
impairment or injury to self as manifested by evidence that the 107760
person is unable to provide for and is not providing for the 107761
person's most basic physical needs and that provision for those 107762
needs is not available in the community; 107763

(2) The person needs and is susceptible to significant 107764
habilitation in an institution. 107765

(P) "A person who is at least moderately mentally retarded" 107766
means a person who is found, following a comprehensive evaluation, 107767
to be impaired in adaptive behavior to a moderate degree and to be 107768

functioning at the moderate level of intellectual functioning in 107769
accordance with standard measurements as recorded in the most 107770
current revision of the manual of terminology and classification 107771
in mental retardation published by the American association on 107772
mental retardation. 107773

(Q) As used in this division, "substantial functional 107774
limitation," "developmental delay," and "established risk" have 107775
the meanings established pursuant to section 5123.011 of the 107776
Revised Code. 107777

"Developmental disability" means a severe, chronic disability 107778
that is characterized by all of the following: 107779

(1) It is attributable to a mental or physical impairment or 107780
a combination of mental and physical impairments, other than a 107781
mental or physical impairment solely caused by mental illness as 107782
defined in division (A) of section 5122.01 of the Revised Code. 107783

(2) It is manifested before age twenty-two. 107784

(3) It is likely to continue indefinitely. 107785

(4) It results in one of the following: 107786

(a) In the case of a person under three years of age, at 107787
least one developmental delay or an established risk; 107788

(b) In the case of a person at least three years of age but 107789
under six years of age, at least two developmental delays or an 107790
established risk; 107791

(c) In the case of a person six years of age or older, a 107792
substantial functional limitation in at least three of the 107793
following areas of major life activity, as appropriate for the 107794
person's age: self-care, receptive and expressive language, 107795
learning, mobility, self-direction, capacity for independent 107796
living, and, if the person is at least sixteen years of age, 107797
capacity for economic self-sufficiency. 107798

(5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.

(R) "Developmentally disabled person" means a person with a developmental disability.

(S) "State institution" means an institution that is tax-supported and under the jurisdiction of the department.

(T) "Residence" and "legal residence" have the same meaning as "legal settlement," which is acquired by residing in Ohio for a period of one year without receiving general assistance prior to July 17, 1995, under former Chapter 5113. of the Revised Code, financial assistance under Chapter 5115. of the Revised Code, or assistance from a private agency that maintains records of assistance given. A person having a legal settlement in the state shall be considered as having legal settlement in the assistance area in which the person resides. No adult person coming into this state and having a spouse or minor children residing in another state shall obtain a legal settlement in this state as long as the spouse or minor children are receiving public assistance, care, or support at the expense of the other state or its subdivisions. For the purpose of determining the legal settlement of a person who is living in a public or private institution or in a home subject to licensing by the department of job and family services, the department of ~~mental health~~ mental health and addiction services, or the department of developmental disabilities, the residence of the person shall be considered as though the person were residing in the county in which the person was living prior to the person's entrance into the institution or home. Settlement once acquired shall continue until a person has been continuously absent from Ohio for a period of one year or has acquired a legal residence in another state. A woman who marries a man with legal settlement in

any county immediately acquires the settlement of her husband. The 107831
legal settlement of a minor is that of the parents, surviving 107832
parent, sole parent, parent who is designated the residential 107833
parent and legal custodian by a court, other adult having 107834
permanent custody awarded by a court, or guardian of the person of 107835
the minor, provided that: 107836

(1) A minor female who marries shall be considered to have 107837
the legal settlement of her husband and, in the case of death of 107838
her husband or divorce, she shall not thereby lose her legal 107839
settlement obtained by the marriage. 107840

(2) A minor male who marries, establishes a home, and who has 107841
resided in this state for one year without receiving general 107842
assistance prior to July 17, 1995, under former Chapter 5113. of 107843
the Revised Code, financial assistance under Chapter 5115. of the 107844
Revised Code, or assistance from a private agency that maintains 107845
records of assistance given shall be considered to have obtained a 107846
legal settlement in this state. 107847

(3) The legal settlement of a child under eighteen years of 107848
age who is in the care or custody of a public or private child 107849
caring agency shall not change if the legal settlement of the 107850
parent changes until after the child has been in the home of the 107851
parent for a period of one year. 107852

No person, adult or minor, may establish a legal settlement 107853
in this state for the purpose of gaining admission to any state 107854
institution. 107855

(U)(1) "Resident" means, subject to division ~~(R)~~(U)(2) of 107856
this section, a person who is admitted either voluntarily or 107857
involuntarily to an institution or other facility pursuant to 107858
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 107859
Code subsequent to a finding of not guilty by reason of insanity 107860
or incompetence to stand trial or under this chapter who is under 107861

observation or receiving habilitation and care in an institution. 107862

(2) "Resident" does not include a person admitted to an 107863
institution or other facility under section 2945.39, 2945.40, 107864
2945.401, or 2945.402 of the Revised Code to the extent that the 107865
reference in this chapter to resident, or the context in which the 107866
reference occurs, is in conflict with any provision of sections 107867
2945.37 to 2945.402 of the Revised Code. 107868

(V) "Respondent" means the person whose detention, 107869
commitment, or continued commitment is being sought in any 107870
proceeding under this chapter. 107871

(W) "Working day" and "court day" mean Monday, Tuesday, 107872
Wednesday, Thursday, and Friday, except when such day is a legal 107873
holiday. 107874

(X) "Prosecutor" means the prosecuting attorney, village 107875
solicitor, city director of law, or similar chief legal officer 107876
who prosecuted a criminal case in which a person was found not 107877
guilty by reason of insanity, who would have had the authority to 107878
prosecute a criminal case against a person if the person had not 107879
been found incompetent to stand trial, or who prosecuted a case in 107880
which a person was found guilty. 107881

(Y) "Court" means the probate division of the court of common 107882
pleas. 107883

(Z) "Supported living" and "residential services" have the 107884
same meanings as in section 5126.01 of the Revised Code. 107885

Sec. 5123.021. (A) As used in this section, "mentally 107886
retarded individual" and "specialized services" have the same 107887
meanings as in section ~~5111.202~~ 5165.03 of the Revised Code. 107888

(B)(1) Except as provided in division (B)(2) of this section 107889
and rules adopted under division (E)(3) of this section, for 107890
purposes of section ~~5111.202~~ 5165.03 of the Revised Code, the 107891

department of developmental disabilities shall determine in 107892
accordance with section 1919(e)(7) of the "Social Security Act," 107893
49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and regulations 107894
adopted under section 1919(f)(8)(A) of that act whether, because 107895
of the individual's physical and mental condition, a mentally 107896
retarded individual seeking admission to a nursing facility 107897
requires the level of services provided by a nursing facility and, 107898
if the individual requires that level of services, whether the 107899
individual requires specialized services for mental retardation. 107900

(2) A determination under this division is not required for 107901
any of the following: 107902

(a) An individual seeking readmission to a nursing facility 107903
after having been transferred from a nursing facility to a 107904
hospital for care; 107905

(b) An individual who meets all of the following conditions: 107906

(i) The individual is admitted to the nursing facility 107907
directly from a hospital after receiving inpatient care at the 107908
hospital; 107909

(ii) The individual requires nursing facility services for 107910
the condition for which the individual received care in the 107911
hospital; 107912

(iii) The individual's attending physician has certified, 107913
before admission to the nursing facility, that the individual is 107914
likely to require less than thirty days of nursing facility 107915
services. 107916

(c) An individual transferred from one nursing facility to 107917
another nursing facility, with or without an intervening hospital 107918
stay. 107919

(C) Except as provided in rules adopted under division (F)(3) 107920
of this section, the department of developmental disabilities 107921

shall review and determine, for each resident of a nursing 107922
facility who is mentally retarded, whether the resident, because 107923
of the resident's physical and mental condition, requires the 107924
level of services provided by a nursing facility and whether the 107925
resident requires specialized services for mental retardation. The 107926
review and determination shall be conducted in accordance with 107927
section 1919(e)(7) of the "Social Security Act" and the 107928
regulations adopted under section 1919(f)(8)(A) of the act. The 107929
review and determination shall be completed promptly after a 107930
nursing facility has notified the department that there has been a 107931
significant change in the resident's mental or physical condition. 107932

(D)(1) In the case of a nursing facility resident who has 107933
continuously resided in a nursing facility for at least thirty 107934
months before the date of a review and determination under 107935
division (C) of this section, if the resident is determined not to 107936
require the level of services provided by a nursing facility, but 107937
is determined to require specialized services for mental 107938
retardation, the department, in consultation with the resident's 107939
family or legal representative and care givers, shall do all of 107940
the following: 107941

(a) Inform the resident of the institutional and 107942
noninstitutional alternatives covered under the state plan for 107943
medical assistance; 107944

(b) Offer the resident the choice of remaining in the nursing 107945
facility or receiving covered services in an alternative 107946
institutional or noninstitutional setting; 107947

(c) Clarify the effect on eligibility for services under the 107948
state plan for medical assistance if the resident chooses to leave 107949
the facility, including its effect on readmission to the facility; 107950

(d) Provide for or arrange for the provision of specialized 107951
services for the resident's mental retardation in the setting 107952

chosen by the resident. 107953

(2) In the case of a nursing facility resident who has 107954
continuously resided in a nursing facility for less than thirty 107955
months before the date of the review and determination under 107956
division (C) of this section, if the resident is determined not to 107957
require the level of services provided by a nursing facility, but 107958
is determined to require specialized services for mental 107959
retardation, or if the resident is determined to require neither 107960
the level of services provided by a nursing facility nor 107961
specialized services for mental retardation, the department shall 107962
act in accordance with its alternative disposition plan approved 107963
by the United States department of health and human services under 107964
section 1919(e)(7)(E) of the "Social Security Act." 107965

(3) In the case of an individual who is determined under 107966
division (B) or (C) of this section to require both the level of 107967
services provided by a nursing facility and specialized services 107968
for mental retardation, the department of developmental 107969
disabilities shall provide or arrange for the provision of the 107970
specialized services needed by the individual or resident while 107971
residing in a nursing facility. 107972

(E) The department of developmental disabilities shall adopt 107973
rules in accordance with Chapter 119. of the Revised Code that do 107974
all of the following: 107975

(1) Establish criteria to be used in making the 107976
determinations required by divisions (B) and (C) of this section. 107977
The criteria shall not exceed the criteria established by 107978
regulations adopted by the United States department of health and 107979
human services under section 1919(f)(8)(A) of the "Social Security 107980
Act." 107981

(2) Specify information to be provided by the individual or 107982
nursing facility resident being assessed; 107983

(3) Specify any circumstances, in addition to circumstances listed in division (B) of this section, under which determinations under divisions (B) and (C) of this section are not required to be made.

Sec. 5123.022. ~~¶~~ (A) As used in this section:

(1) "Community employment" means competitive employment that takes place in an integrated setting.

(2) "Competitive employment" means full-time or part-time work in the competitive labor market in which payment is at or above the minimum wage but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by persons who are not disabled.

(3) "Integrated setting" means a setting typically found in the community where individuals with developmental disabilities interact with individuals who do not have disabilities to the same extent that individuals in comparable positions who are not disabled interact with other individuals, including in employment settings in which employees interact with the community through technology.

(B) It is hereby declared to be the policy of this state that employment services for individuals with developmental disabilities be directed at ~~placement whenever possible of each individual in a position in the community in which the individual is integrated with the employer's other workers who are not developmentally disabled~~ employment. The Every individual with a developmental disability is presumed capable of community employment.

The departments of developmental disabilities, education, medicaid, job and family services, and ~~mental health~~ mental health and addiction services; the ~~rehabilitation services commission~~

opportunities for Ohioans with disabilities agency; and each other 108014
state agency that provides employment services to individuals with 108015
developmental disabilities shall implement ~~this~~ the policy of this 108016
state and ensure that it is followed whenever employment services 108017
are provided to individuals with developmental disabilities. 108018
108019

The department of developmental disabilities shall coordinate 108020
the actions taken by state agencies to comply with the state's 108021
policy. Agencies shall collaborate within their divisions and with 108022
each other to ensure that state programs, policies, procedures, 108023
and funding support competitive and integrated employment of 108024
individuals with developmental disabilities. State agencies shall 108025
share information with the department, and the department shall 108026
track progress toward full implementation of the policy. The 108027
department, in coordination with any task force established by the 108028
governor, shall compile data and annually submit to the governor a 108029
report on implementation of the policy. 108030

The department and state agencies may adopt rules to 108031
implement the state's policy. 108032

(C) The state's policy articulated in this section is 108033
intended to promote the right of each individual with a 108034
developmental disability to informed choice; however, nothing in 108035
this section requires any employer to give preference in hiring to 108036
an individual because the individual has a disability. 108037

Sec. 5123.023. (A) The director of developmental disabilities 108038
may establish an employment first task force consisting of the 108039
departments of developmental disabilities, education, medicaid, 108040
job and family services, and mental health and addiction services; 108041
and the opportunities for Ohioans with disabilities agency. The 108042
purpose of the task force shall be to improve the coordination of 108043
the state's efforts to address the needs of individuals with 108044

developmental disabilities who seek community employment as 108045
defined in section 5123.022 of the Revised Code. 108046

108047

(B) The department of developmental disabilities may enter 108048
into interagency agreements with any of the government entities on 108049
the task force. The interagency agreements may specify either or 108050
both of the following: 108051

(1) The roles and responsibilities of the government entities 108052
that are members of the task force, including any money to be 108053
contributed by those entities; 108054

(2) The projects and activities of the task force. 108055

(C) There is hereby created in the state treasury the 108056
employment first taskforce fund. Any money received by the task 108057
force from its members shall be credited to the fund. The 108058
department of developmental disabilities shall use the fund to 108059
support the work of the task force. 108060

(D) The task force shall cease to exist on January 1, 2020. 108061
Any money, assets, or employees of the department of developmental 108062
disabilities that on that date are dedicated to the work of the 108063
task force shall be reallocated by the department for employment 108064
services for individuals with developmental disabilities. 108065

Sec. 5123.03. (A) The department of developmental 108066
disabilities shall do all of the following: 108067

(1) Maintain, operate, manage, and govern all state 108068
institutions for the care, treatment, and training of the mentally 108069
retarded; 108070

(2) Designate all such institutions by appropriate names; 108071

(3) Provide and designate facilities for the custody, care, 108072
and special treatment of persons of the following classes: 108073

(a) Dangerous persons in state institutions for the mentally retarded who represent a serious threat to the safety of the other patients of the institution;	108074 108075 108076
(b) Persons charged with crimes who are found incompetent to stand trial or not guilty by reason of insanity and who are also mentally retarded persons subject to institutionalization by court order.	108077 108078 108079 108080
(4) Have control of all institutions maintained in part by the state for the care, treatment, and training of the mentally retarded;	108081 108082 108083
(5) Administer the laws relative to persons in such institutions in an efficient, economical, and humane manner;	108084 108085
(6) Ascertain by actual examinations and inquiry whether institutionalizations are made according to law.	108086 108087
(B) The department may do any of the following:	108088
(1) Subject to section 5139.08 of the Revised Code, receive from the department of youth services for observation, diagnosis, care, habilitation, or placement any children in the custody of the department of youth services;	108089 108090 108091 108092
(2) Receive for observation any minor from a public institution other than an institution under the jurisdiction of the department of developmental disabilities, from a private charitable institution, or from a person having legal custody of such a minor, upon such terms as are proper;	108093 108094 108095 108096 108097
(3) Receive from the department of mental health <u>mental health and addiction services</u> any patient in the custody of the department who is transferred to the department of developmental disabilities upon such terms and conditions as may be agreed upon by the two departments.	108098 108099 108100 108101 108102
(C) In addition to the powers and duties expressly conferred	108103

by this section, the department may take any other action 108104
necessary for the full and efficient executive, administrative, 108105
and fiscal supervision of the state institutions described in this 108106
section. 108107

Sec. 5123.0412. (A) The department of developmental 108108
disabilities shall charge each county board of developmental 108109
disabilities an annual fee equal to one and one-quarter per cent 108110
of the total value of all medicaid paid claims for home and 108111
community-based services provided during the year to an individual 108112
eligible for services from the county board. However, the 108113
department shall not charge the fee for home and community-based 108114
services provided under the medicaid waiver component known as the 108115
transitions developmental disabilities waiver. No county board 108116
shall pass the cost of a fee charged to the county board under 108117
this section on to another provider of these services. 108118

(B) The fees collected under this section shall be deposited 108119
into the ODDD administration and oversight fund ~~and the ODJFS~~ 108120
~~administration and oversight fund, both of~~ which are ~~is~~ hereby 108121
created in the state treasury. ~~The portion of the fees to be~~ 108122
~~deposited into the ODDD administration and oversight fund and the~~ 108123
~~portion of the fees to be deposited into the ODJFS administration~~ 108124
~~and oversight fund shall be the portion specified in an~~ 108125
~~interagency agreement entered into under division (C) of this~~ 108126
~~section.~~ The department ~~of developmental disabilities~~ shall use 108127
the money in the ODDD administration and oversight fund ~~and the~~ 108128
~~department of job and family services shall use the money in the~~ 108129
~~ODJFS administration and oversight fund~~ for both of the following 108130
purposes: 108131

(1) Medicaid administrative costs, including administrative 108132
and oversight costs of medicaid case management services and home 108133
and community-based services. The administrative and oversight 108134

costs of medicaid case management services and home and 108135
community-based services shall include costs for staff, systems, 108136
and other resources the ~~departments need~~ department needs and 108137
~~dedicate~~ dedicates solely to the following duties associated with 108138
the services: 108139

(a) Eligibility determinations; 108140

(b) Training; 108141

(c) Fiscal management; 108142

(d) Claims processing; 108143

(e) Quality assurance oversight; 108144

(f) Other duties the ~~departments identify~~ department
identifies. 108145
108146

(2) Providing technical support to county boards' local 108147
administrative authority under section 5126.055 of the Revised 108148
Code for the services. 108149

(C) ~~The departments of developmental disabilities and job and~~ 108150
~~family services shall enter into an interagency agreement to do~~ 108151
~~both of the following:~~ 108152

(1) ~~Specify which portion of the fees collected under this~~ 108153
~~section is to be deposited into the ODDD administration and~~ 108154
~~oversight fund and which portion is to be deposited into the ODJFS~~ 108155
~~administration and oversight fund;~~ 108156

(2) ~~Provide for the departments to coordinate the staff whose~~ 108157
~~costs are paid for with money in the ODDD administration and~~ 108158
~~oversight fund and the ODJFS administration and oversight fund.~~ 108159

(D) ~~The departments~~ department shall submit an annual report 108160
to the director of budget and management certifying how the 108161
~~departments~~ department spent the money in the ODDD administration 108162
and oversight fund ~~and the ODJFS administration and oversight fund~~ 108163
for the purposes specified in division (B) of this section. 108164

Sec. 5123.0417. (A) The director of developmental 108165
disabilities shall establish one or more programs for individuals 108166
under twenty-two years of age who have intensive behavioral needs, 108167
including such individuals with a primary diagnosis of autism 108168
spectrum disorder. The programs may include one or more medicaid 108169
waiver components that the director administers pursuant to 108170
section ~~5111.871~~ 5166.21 of the Revised Code. The programs may do 108171
one or more of the following: 108172

(1) Establish models that incorporate elements common to 108173
effective intervention programs and evidence-based practices in 108174
services for children with intensive behavioral needs; 108175

(2) Design a template for individualized education plans and 108176
individual service plans that provide consistent intervention 108177
programs and evidence-based practices for the care and treatment 108178
of children with intensive behavioral needs; 108179

(3) Disseminate best practice guidelines for use by families 108180
of children with intensive behavioral needs and professionals 108181
working with such families; 108182

(4) Develop a transition planning model for effectively 108183
mainstreaming school-age children with intensive behavioral needs 108184
to their public school district; 108185

(5) Contribute to the field of early and effective 108186
identification and intervention programs for children with 108187
intensive behavioral needs by providing financial support for 108188
scholarly research and publication of clinical findings. 108189

(B) The director of developmental disabilities shall 108190
collaborate with the medicaid director ~~of job and family services~~ 108191
and consult with the executive director of the Ohio center for 108192
autism and low incidence and university-based programs that 108193
specialize in services for individuals with developmental 108194

disabilities when establishing programs under this section. 108195

Sec. 5123.09. Subject to the rules of the department of 108196
developmental disabilities, each institution under the 108197
jurisdiction of the department shall be under the control of a 108198
managing officer to be known as a superintendent or by other 108199
appropriate title. The managing officer shall be appointed by the 108200
director of developmental disabilities and shall be in the 108201
unclassified service and serve at the pleasure of the director. 108202
Each managing officer shall be of good moral character and have 108203
skill, ability, and experience in the managing officer's 108204
profession. Appointment to the position of managing officer of an 108205
institution may be made from persons holding positions in the 108206
classified service in the department. 108207

The managing officer, under the director, shall have entire 108208
executive charge of the institution for which the managing officer 108209
is appointed, except as provided in section ~~5119.16~~ 5119.44 of the 108210
Revised Code. Subject to civil service rules and rules adopted by 108211
the department, the managing officer shall appoint the necessary 108212
employees, and the managing officer or the director may remove 108213
those employees for cause. A report of all appointments, 108214
resignations, and discharges shall be filed with the appropriate 108215
division at the close of each month. 108216

After conference with the managing officer of each 108217
institution, the director shall determine the number of employees 108218
to be appointed to the various institutions and clinics. 108219

Sec. 5123.171. As used in this section, "respite care" means 108220
appropriate, short-term, temporary care provided to a mentally 108221
retarded or developmentally disabled person to sustain the family 108222
structure or to meet planned or emergency needs of the family. 108223

The department of developmental disabilities shall provide 108224

respite care services to persons with mental retardation or a 108225
developmental disability for the purpose of promoting 108226
self-sufficiency and normalization, preventing or reducing 108227
inappropriate institutional care, and furthering the unity of the 108228
family by enabling the family to meet the special needs of a 108229
mentally retarded or developmentally disabled person. 108230

In order to be eligible for respite care services under this 108231
section, the mentally retarded or developmentally disabled person 108232
must be in need of habilitation services as defined in section 108233
5126.01 of the Revised Code. 108234

Respite care may be provided in a residential facility 108235
licensed under section 5123.19 of the Revised Code ~~+~~ including a 108236
residential facility certified as an ~~intermediate care facility~~ 108237
~~for the mentally retarded under Title XIX of the "Social Security~~ 108238
~~Act," 79 Stat. 344 (1965), 42 U.S.C. 1396, et seq., as amended)~~ 108239
ICF/IID, and a respite care home certified under section 5126.05 108240
of the Revised Code. 108241

The department shall develop a system for locating vacant 108242
beds that are available for respite care and for making 108243
information on vacant beds available to users of respite care 108244
services. ~~Facilities certified as intermediate care facilities for~~ 108245
~~the mentally retarded~~ ICFs/IID shall report vacant beds to the 108246
department but shall not be required to accept respite care 108247
clients. 108248

The director of developmental disabilities shall adopt, and 108249
may amend or rescind, rules in accordance with Chapter 119. of the 108250
Revised Code for both of the following: 108251

(A) Certification by county boards of developmental 108252
disabilities of respite care homes; 108253

(B) Provision of respite care services authorized by this 108254
section. Rules adopted under this division shall establish all of 108255

the following:	108256
(1) A formula for distributing funds appropriated for respite care services;	108257 108258
(2) Standards for supervision, training and quality control in the provision of respite care services;	108259 108260
(3) Eligibility criteria for emergency respite care services.	108261
Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of the Revised Code:	108262 108263
(1) "Independent living arrangement" means an arrangement in which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or developmentally disabled persons, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services.	108264 108265 108266 108267 108268 108269 108270 108271
(2) "Intermediate care facility for the mentally retarded" has the same meaning as in section 1905(d) of the "Social Security Act," 101 Stat. 1330-204 (1987), 42 U.S.C. 1396d(d), as amended.	108272 108273 108274
(3) "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section.	108275 108276 108277
(4) <u>(3)</u> "Political subdivision" means a municipal corporation, county, or township.	108278 108279
(5) <u>(4)</u> "Related party" has the same meaning as in section 5123.16 of the Revised Code except that "provider" as used in the definition of "related party" means a person or government entity that held or applied for a license to operate a residential facility, rather than a person or government entity certified to provide supported living.	108280 108281 108282 108283 108284 108285

~~(6)(5)(a)~~ Except as provided in division (A)~~(6)(5)(b)~~ of this 108286
section, "residential facility" means a home or facility, 108287
including ~~a facility certified as an intermediate care facility~~ 108288
~~for the mentally retarded~~ an ICF/IID, in which an individual with 108289
mental retardation or a developmental disability resides. 108290

(b) "Residential facility" does not mean any of the 108291
following: 108292

(i) The home of a relative or legal guardian in which an 108293
individual with mental retardation or a developmental disability 108294
resides; 108295

(ii) A respite care home certified under section 5126.05 of 108296
the Revised Code; 108297

(iii) A county home or district home operated pursuant to 108298
Chapter 5155. of the Revised Code; 108299

(iv) A dwelling in which the only residents with mental 108300
retardation or developmental disabilities are in independent 108301
living arrangements or are being provided supported living. 108302

(B) Every person or government agency desiring to operate a 108303
residential facility shall apply for licensure of the facility to 108304
the director of developmental disabilities unless the residential 108305
facility is subject to section 3721.02, 5103.03, ~~5119.20~~ 5119.33, 108306
or division (A)(9)(b) of section ~~5119.22~~ 5119.34 of the Revised 108307
Code. 108308

(C) Subject to section 5123.196 of the Revised Code, the 108309
director of developmental disabilities shall license the operation 108310
of residential facilities. An initial license shall be issued for 108311
a period that does not exceed one year, unless the director denies 108312
the license under division (D) of this section. A license shall be 108313
renewed for a period that does not exceed three years, unless the 108314
director refuses to renew the license under division (D) of this 108315
section. The director, when issuing or renewing a license, shall 108316

specify the period for which the license is being issued or 108317
renewed. A license remains valid for the length of the licensing 108318
period specified by the director, unless the license is 108319
terminated, revoked, or voluntarily surrendered. 108320

(D) If it is determined that an applicant or licensee is not 108321
in compliance with a provision of this chapter that applies to 108322
residential facilities or the rules adopted under such a 108323
provision, the director may deny issuance of a license, refuse to 108324
renew a license, terminate a license, revoke a license, issue an 108325
order for the suspension of admissions to a facility, issue an 108326
order for the placement of a monitor at a facility, issue an order 108327
for the immediate removal of residents, or take any other action 108328
the director considers necessary consistent with the director's 108329
authority under this chapter regarding residential facilities. In 108330
the director's selection and administration of the sanction to be 108331
imposed, all of the following apply: 108332

(1) The director may deny, refuse to renew, or revoke a 108333
license, if the director determines that the applicant or licensee 108334
has demonstrated a pattern of serious noncompliance or that a 108335
violation creates a substantial risk to the health and safety of 108336
residents of a residential facility. 108337

(2) The director may terminate a license if more than twelve 108338
consecutive months have elapsed since the residential facility was 108339
last occupied by a resident or a notice required by division (K) 108340
of this section is not given. 108341

(3) The director may issue an order for the suspension of 108342
admissions to a facility for any violation that may result in 108343
sanctions under division (D)(1) of this section and for any other 108344
violation specified in rules adopted under division (H)(2) of this 108345
section. If the suspension of admissions is imposed for a 108346
violation that may result in sanctions under division (D)(1) of 108347
this section, the director may impose the suspension before 108348

providing an opportunity for an adjudication under Chapter 119. of 108349
the Revised Code. The director shall lift an order for the 108350
suspension of admissions when the director determines that the 108351
violation that formed the basis for the order has been corrected. 108352

(4) The director may order the placement of a monitor at a 108353
residential facility for any violation specified in rules adopted 108354
under division (H)(2) of this section. The director shall lift the 108355
order when the director determines that the violation that formed 108356
the basis for the order has been corrected. 108357

(5) If the director determines that two or more residential 108358
facilities owned or operated by the same person or government 108359
entity are not being operated in compliance with a provision of 108360
this chapter that applies to residential facilities or the rules 108361
adopted under such a provision, and the director's findings are 108362
based on the same or a substantially similar action, practice, 108363
circumstance, or incident that creates a substantial risk to the 108364
health and safety of the residents, the director shall conduct a 108365
survey as soon as practicable at each residential facility owned 108366
or operated by that person or government entity. The director may 108367
take any action authorized by this section with respect to any 108368
facility found to be operating in violation of a provision of this 108369
chapter that applies to residential facilities or the rules 108370
adopted under such a provision. 108371

(6) When the director initiates license revocation 108372
proceedings, no opportunity for submitting a plan of correction 108373
shall be given. The director shall notify the licensee by letter 108374
of the initiation of the proceedings. The letter shall list the 108375
deficiencies of the residential facility and inform the licensee 108376
that no plan of correction will be accepted. The director shall 108377
also send a copy of the letter to the county board of 108378
developmental disabilities. The county board shall send a copy of 108379
the letter to each of the following: 108380

(a) Each resident who receives services from the licensee;	108381
(b) The guardian of each resident who receives services from the licensee if the resident has a guardian;	108382 108383
(c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor.	108384 108385
(7) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents.	108386 108387 108388 108389 108390
(8) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of developmental disabilities or other governmental agencies.	108391 108392 108393 108394 108395 108396 108397 108398
(9) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.	108399 108400 108401 108402 108403
(E) The director shall establish a program under which public notification may be made when the director has initiated license revocation proceedings or has issued an order for the suspension of admissions, placement of a monitor, or removal of residents. The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this division. The rules shall establish the procedures by which the public notification will be made and specify the circumstances for which the notification must	108404 108405 108406 108407 108408 108409 108410 108411

be made. The rules shall require that public notification be made 108412
if the director has taken action against the facility in the 108413
eighteen-month period immediately preceding the director's latest 108414
action against the facility and the latest action is being taken 108415
for the same or a substantially similar violation of a provision 108416
of this chapter that applies to residential facilities or the 108417
rules adopted under such a provision. The rules shall specify a 108418
method for removing or amending the public notification if the 108419
director's action is found to have been unjustified or the 108420
violation at the residential facility has been corrected. 108421

(F)(1) Except as provided in division (F)(2) of this section, 108422
appeals from proceedings initiated to impose a sanction under 108423
division (D) of this section shall be conducted in accordance with 108424
Chapter 119. of the Revised Code. 108425

(2) Appeals from proceedings initiated to order the 108426
suspension of admissions to a facility shall be conducted in 108427
accordance with Chapter 119. of the Revised Code, unless the order 108428
was issued before providing an opportunity for an adjudication, in 108429
which case all of the following apply: 108430

(a) The licensee may request a hearing not later than ten 108431
days after receiving the notice specified in section 119.07 of the 108432
Revised Code. 108433

(b) If a timely request for a hearing that includes the 108434
licensee's current address is made, the hearing shall commence not 108435
later than thirty days after the department receives the request. 108436

(c) After commencing, the hearing shall continue 108437
uninterrupted, except for Saturdays, Sundays, and legal holidays, 108438
unless other interruptions are agreed to by the licensee and the 108439
director. 108440

(d) If the hearing is conducted by a hearing examiner, the 108441
hearing examiner shall file a report and recommendations not later 108442

than ten days after the last of the following: 108443

(i) The close of the hearing; 108444

(ii) If a transcript of the proceedings is ordered, the 108445
hearing examiner receives the transcript; 108446

(iii) If post-hearing briefs are timely filed, the hearing 108447
examiner receives the briefs. 108448

(e) A copy of the written report and recommendation of the 108449
hearing examiner shall be sent, by certified mail, to the licensee 108450
and the licensee's attorney, if applicable, not later than five 108451
days after the report is filed. 108452

(f) Not later than five days after the hearing examiner files 108453
the report and recommendations, the licensee may file objections 108454
to the report and recommendations. 108455

(g) Not later than fifteen days after the hearing examiner 108456
files the report and recommendations, the director shall issue an 108457
order approving, modifying, or disapproving the report and 108458
recommendations. 108459

(h) Notwithstanding the pendency of the hearing, the director 108460
shall lift the order for the suspension of admissions when the 108461
director determines that the violation that formed the basis for 108462
the order has been corrected. 108463

(G) Neither a person or government agency whose application 108464
for a license to operate a residential facility is denied nor a 108465
related party of the person or government agency may apply for a 108466
license to operate a residential facility before the date that is 108467
one year after the date of the denial. Neither a licensee whose 108468
residential facility license is revoked nor a related party of the 108469
licensee may apply for a residential facility license before the 108470
date that is five years after the date of the revocation. 108471

(H) In accordance with Chapter 119. of the Revised Code, the 108472

director shall adopt and may amend and rescind rules for licensing 108473
and regulating the operation of residential facilities. The rules 108474
for residential facilities that are ~~intermediate care facilities~~ 108475
~~for the mentally retarded~~ ICFs/IID may differ from those for other 108476
residential facilities. The rules shall establish and specify the 108477
following: 108478

(1) Procedures and criteria for issuing and renewing 108479
licenses, including procedures and criteria for determining the 108480
length of the licensing period that the director must specify for 108481
each license when it is issued or renewed; 108482

(2) Procedures and criteria for denying, refusing to renew, 108483
terminating, and revoking licenses and for ordering the suspension 108484
of admissions to a facility, placement of a monitor at a facility, 108485
and the immediate removal of residents from a facility; 108486

(3) Fees for issuing and renewing licenses, which shall be 108487
deposited into the program fee fund created under section 5123.033 108488
of the Revised Code; 108489

(4) Procedures for surveying residential facilities; 108490

(5) Requirements for the training of residential facility 108491
personnel; 108492

(6) Classifications for the various types of residential 108493
facilities; 108494

(7) Certification procedures for licensees and management 108495
contractors that the director determines are necessary to ensure 108496
that they have the skills and qualifications to properly operate 108497
or manage residential facilities; 108498

(8) The maximum number of persons who may be served in a 108499
particular type of residential facility; 108500

(9) Uniform procedures for admission of persons to and 108501
transfers and discharges of persons from residential facilities; 108502

(10) Other standards for the operation of residential facilities and the services provided at residential facilities; 108503
108504

(11) Procedures for waiving any provision of any rule adopted under this section. 108505
108506

(I) Before issuing a license, the director of the department or the director's designee shall conduct a survey of the residential facility for which application is made. The director or the director's designee shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there. 108507
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In conducting surveys, the director or the director's designee shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf of, under the control of, or in connection with the licensee. The licensee and all persons on behalf of, under the control of, or in connection with the licensee shall cooperate with the director or the director's designee in conducting the survey. 108516
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Following each survey, unless the director initiates a license revocation proceeding, the director or the director's designee shall provide the licensee with a report listing any deficiencies, specifying a timetable within which the licensee shall submit a plan of correction describing how the deficiencies will be corrected, and, when appropriate, specifying a timetable within which the licensee must correct the deficiencies. After a plan of correction is submitted, the director or the director's designee shall approve or disapprove the plan. A copy of the report and any approved plan of correction shall be provided to 108525
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any person who requests it. 108535

The director shall initiate disciplinary action against any 108536
department employee who notifies or causes the notification to any 108537
unauthorized person of an unannounced survey of a residential 108538
facility by an authorized representative of the department. 108539

(J) In addition to any other information which may be 108540
required of applicants for a license pursuant to this section, the 108541
director shall require each applicant to provide a copy of an 108542
approved plan for a proposed residential facility pursuant to 108543
section 5123.042 of the Revised Code. This division does not apply 108544
to renewal of a license or to an applicant for an initial or 108545
modified license who meets the requirements of section 5123.197 of 108546
the Revised Code. 108547

(K) A licensee shall notify the owner of the building in 108548
which the licensee's residential facility is located of any 108549
significant change in the identity of the licensee or management 108550
contractor before the effective date of the change if the licensee 108551
is not the owner of the building. 108552

Pursuant to rules which shall be adopted in accordance with 108553
Chapter 119. of the Revised Code, the director may require 108554
notification to the department of any significant change in the 108555
ownership of a residential facility or in the identity of the 108556
licensee or management contractor. If the director determines that 108557
a significant change of ownership is proposed, the director shall 108558
consider the proposed change to be an application for development 108559
by a new operator pursuant to section 5123.042 of the Revised Code 108560
and shall advise the applicant within sixty days of the 108561
notification that the current license shall continue in effect or 108562
a new license will be required pursuant to this section. If the 108563
director requires a new license, the director shall permit the 108564
facility to continue to operate under the current license until 108565
the new license is issued, unless the current license is revoked, 108566

refused to be renewed, or terminated in accordance with Chapter 108567
119. of the Revised Code. 108568

(L) A county board of developmental disabilities and any interested person may file complaints alleging violations of statute or department rule relating to residential facilities with the department. All complaints shall be in writing and shall state the facts constituting the basis of the allegation. The department shall not reveal the source of any complaint unless the complainant agrees in writing to waive the right to confidentiality or until so ordered by a court of competent jurisdiction. 108569
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The department shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures for the receipt, referral, investigation, and disposition of complaints filed with the department under this division. 108578
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(M) The department shall establish procedures for the notification of interested parties of the transfer or interim care of residents from residential facilities that are closing or are losing their license. 108582
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(N) Before issuing a license under this section to a residential facility that will accommodate at any time more than one mentally retarded or developmentally disabled individual, the director shall, by first class mail, notify the following: 108586
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(1) If the facility will be located in a municipal corporation, the clerk of the legislative authority of the municipal corporation; 108590
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(2) If the facility will be located in unincorporated territory, the clerk of the appropriate board of county commissioners and the fiscal officer of the appropriate board of township trustees. 108593
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The director shall not issue the license for ten days after 108597

mailing the notice, excluding Saturdays, Sundays, and legal 108598
holidays, in order to give the notified local officials time in 108599
which to comment on the proposed issuance. 108600

Any legislative authority of a municipal corporation, board 108601
of county commissioners, or board of township trustees that 108602
receives notice under this division of the proposed issuance of a 108603
license for a residential facility may comment on it in writing to 108604
the director within ten days after the director mailed the notice, 108605
excluding Saturdays, Sundays, and legal holidays. If the director 108606
receives written comments from any notified officials within the 108607
specified time, the director shall make written findings 108608
concerning the comments and the director's decision on the 108609
issuance of the license. If the director does not receive written 108610
comments from any notified local officials within the specified 108611
time, the director shall continue the process for issuance of the 108612
license. 108613

(O) Any person may operate a licensed residential facility 108614
that provides room and board, personal care, habilitation 108615
services, and supervision in a family setting for at least six but 108616
not more than eight persons with mental retardation or a 108617
developmental disability as a permitted use in any residential 108618
district or zone, including any single-family residential district 108619
or zone, of any political subdivision. These residential 108620
facilities may be required to comply with area, height, yard, and 108621
architectural compatibility requirements that are uniformly 108622
imposed upon all single-family residences within the district or 108623
zone. 108624

(P) Any person may operate a licensed residential facility 108625
that provides room and board, personal care, habilitation 108626
services, and supervision in a family setting for at least nine 108627
but not more than sixteen persons with mental retardation or a 108628
developmental disability as a permitted use in any multiple-family 108629

residential district or zone of any political subdivision, except 108630
that a political subdivision that has enacted a zoning ordinance 108631
or resolution establishing planned unit development districts may 108632
exclude these residential facilities from those districts, and a 108633
political subdivision that has enacted a zoning ordinance or 108634
resolution may regulate these residential facilities in 108635
multiple-family residential districts or zones as a conditionally 108636
permitted use or special exception, in either case, under 108637
reasonable and specific standards and conditions set out in the 108638
zoning ordinance or resolution to: 108639

(1) Require the architectural design and site layout of the 108640
residential facility and the location, nature, and height of any 108641
walls, screens, and fences to be compatible with adjoining land 108642
uses and the residential character of the neighborhood; 108643

(2) Require compliance with yard, parking, and sign 108644
regulation; 108645

(3) Limit excessive concentration of these residential 108646
facilities. 108647

(Q) This section does not prohibit a political subdivision 108648
from applying to residential facilities nondiscriminatory 108649
regulations requiring compliance with health, fire, and safety 108650
regulations and building standards and regulations. 108651

(R) Divisions (O) and (P) of this section are not applicable 108652
to municipal corporations that had in effect on June 15, 1977, an 108653
ordinance specifically permitting in residential zones licensed 108654
residential facilities by means of permitted uses, conditional 108655
uses, or special exception, so long as such ordinance remains in 108656
effect without any substantive modification. 108657

(S)(1) The director may issue an interim license to operate a 108658
residential facility to an applicant for a license under this 108659
section if either of the following is the case: 108660

(a) The director determines that an emergency exists 108661
requiring immediate placement of persons in a residential 108662
facility, that insufficient licensed beds are available, and that 108663
the residential facility is likely to receive a permanent license 108664
under this section within thirty days after issuance of the 108665
interim license. 108666

(b) The director determines that the issuance of an interim 108667
license is necessary to meet a temporary need for a residential 108668
facility. 108669

(2) To be eligible to receive an interim license, an 108670
applicant must meet the same criteria that must be met to receive 108671
a permanent license under this section, except for any differing 108672
procedures and time frames that may apply to issuance of a 108673
permanent license. 108674

(3) An interim license shall be valid for thirty days and may 108675
be renewed by the director for a period not to exceed one hundred 108676
fifty days. 108677

(4) The director shall adopt rules in accordance with Chapter 108678
119. of the Revised Code as the director considers necessary to 108679
administer the issuance of interim licenses. 108680

(T) Notwithstanding rules adopted pursuant to this section 108681
establishing the maximum number of persons who may be served in a 108682
particular type of residential facility, a residential facility 108683
shall be permitted to serve the same number of persons being 108684
served by the facility on the effective date of the rules or the 108685
number of persons for which the facility is authorized pursuant to 108686
a current application for a certificate of need with a letter of 108687
support from the department of developmental disabilities and 108688
which is in the review process prior to April 4, 1986. 108689

(U) The director or the director's designee may enter at any 108690
time, for purposes of investigation, any home, facility, or other 108691

structure that has been reported to the director or that the 108692
director has reasonable cause to believe is being operated as a 108693
residential facility without a license issued under this section. 108694

The director may petition the court of common pleas of the 108695
county in which an unlicensed residential facility is located for 108696
an order enjoining the person or governmental agency operating the 108697
facility from continuing to operate without a license. The court 108698
may grant the injunction on a showing that the person or 108699
governmental agency named in the petition is operating a 108700
residential facility without a license. The court may grant the 108701
injunction, regardless of whether the residential facility meets 108702
the requirements for receiving a license under this section. 108703

Sec. 5123.192. (A) A person or government agency operating, 108704
on ~~the effective date of this section~~ September 10, 2012, an 108705
~~intermediate care facility for the mentally retarded~~ ICF/IID 108706
pursuant to a nursing home license issued under Chapter 3721. of 108707
the Revised Code shall do both of the following as a condition of 108708
continuing to operate the ~~facility~~ ICF/IID on and after July 1, 108709
2013: 108710

(1) Not later than February 1, 2013, apply to the director of 108711
developmental disabilities for a residential facility license 108712
under section 5123.19 of the Revised Code for the ~~facility~~ 108713
ICF/IID; 108714

(2) Not later than July 1, 2013, obtain the residential 108715
facility license for the ~~facility~~ ICF/IID. 108716

(B) The nursing home license of an ~~intermediate care facility~~ 108717
~~for the mentally retarded~~ ICF/IID shall cease to be valid at the 108718
earliest of the following: 108719

(1) The date that the ~~facility's~~ ICF/IID's nursing home 108720
license is revoked or voided under section 3721.07 of the Revised 108721

Code;	108722
(2) The date that a residential facility license is obtained for the facility <u>ICF/IID</u> under section 5123.19 of the Revised Code;	108723 108724 108725
(3) July 1, 2013.	108726
(C) Except for existing nursing home beds not certified as intermediate care facility for the mentally retarded <u>ICF/IID</u> beds and relocated in accordance with a move authorized by a certificate of need under Chapter 3702. of the Revised Code, no bed that is part of an intermediate care facility for the mentally retarded <u>ICF/IID</u> that is licensed as a nursing home on the effective date of this section <u>September 10, 2012</u> , may be used as part of a nursing home on and after the earlier of the following:	108727 108728 108729 108730 108731 108732 108733 108734
(1) The date that a residential facility license is obtained for the facility <u>ICF/IID</u> under section 5123.19 of the Revised Code;	108735 108736 108737
(2) July 1, 2013.	108738
Sec. 5123.197. Neither an applicant for an initial residential facility license under section 5123.19 of the Revised Code nor an applicant for a modification of an existing residential facility license under that section is required to obtain approval of a plan for the proposed new residential facility or modification to the existing residential facility pursuant to section 5123.042 of the Revised Code if all of the following apply:	108739 108740 108741 108742 108743 108744 108745 108746
(A) The new residential facility or modification to the existing residential facility is to serve individuals who have diagnoses or special care needs for which a medicaid reimbursement <u>payment</u> rate is set pursuant to section 5111.258 <u>5124.152</u> of the Revised Code;	108747 108748 108749 108750 108751

(B) The ~~directors of job and family services~~ medicaid 108752
director and director of developmental disabilities determine that 108753
there is a need under the medicaid program for the proposed new 108754
residential facility or modification to the existing residential 108755
facility and that approving the application for the initial 108756
residential facility license or modification to the existing 108757
residential facility license is fiscally prudent for the medicaid 108758
program; 108759

(C) The director of budget and management notifies the 108760
~~directors of job and family services~~ medicaid director and 108761
director of developmental disabilities that the director of budget 108762
and management agrees with the directors' determination under 108763
division (B) of this section. 108764

Sec. 5123.198. (A) As used in this section, "date of the 108765
commitment" means the date that an individual specified in 108766
division (B) of this section begins to reside in a state-operated 108767
~~intermediate care facility for the mentally retarded~~ ICF/IID after 108768
being committed to the ~~facility~~ ICF/IID pursuant to sections 108769
5123.71 to 5123.76 of the Revised Code. 108770

(B) Except as provided in division (C) of this section, 108771
whenever a resident of a residential facility is committed to a 108772
state-operated ~~intermediate care facility for the mentally~~ 108773
~~retarded~~ ICF/IID pursuant to sections 5123.71 to 5123.76 of the 108774
Revised Code, the department of developmental disabilities, 108775
pursuant to an adjudication order issued in accordance with 108776
Chapter 119. of the Revised Code, shall reduce by one the number 108777
of residents for which the residential facility in which the 108778
resident resided is licensed. 108779

(C) The department shall not reduce under division (B) of 108780
this section the number of residents for which a residential 108781
facility is licensed if any of the following are the case: 108782

(1) The resident of the residential facility who is committed 108783
to a state-operated ~~intermediate care facility for the mentally~~ 108784
~~retarded~~ ICF/IID resided in the residential facility because of 108785
the closure, on or after June 26, 2003, of another state-operated 108786
~~intermediate care facility for the mentally retarded~~ ICF/IID; 108787

(2) The residential facility admits within ninety days of the 108788
date of the commitment an individual who resides on the date of 108789
the commitment in a state-operated ~~intermediate care facility for~~ 108790
~~the mentally retarded~~ ICF/IID or another residential facility; 108791

(3) The department fails to do either of the following within 108792
ninety days of the date of the commitment: 108793

(a) Identify an individual to whom all of the following 108794
applies: 108795

(i) Resides on the date of the commitment in a state-operated 108796
~~intermediate care facility for the mentally retarded~~ ICF/IID or 108797
another residential facility; 108798

(ii) Has indicated to the department an interest in 108799
relocating to the residential facility or has a parent or guardian 108800
who has indicated to the department an interest for the individual 108801
to relocate to the residential facility; 108802

(iii) The department determines the individual has needs that 108803
the residential facility can meet. 108804

(b) Provide the residential facility with information about 108805
the individual identified under division (C)(2)(a) of this section 108806
that the residential facility needs in order to determine whether 108807
the facility can meet the individual's needs. 108808

(4) If the department completes the actions specified in 108809
divisions (C)(3)(a) and (b) of this section not later than ninety 108810
days after the date of the commitment and except as provided in 108811
division (D) of this section, the residential facility does all of 108812

the following not later than ninety days after the date of the
commitment:

(a) Evaluates the information provided by the department;

(b) Assesses the identified individual's needs;

(c) Determines that the residential facility cannot meet the
identified individual's needs.

(5) If the department completes the actions specified in
divisions (C)(3)(a) and (b) of this section not later than ninety
days after the date of the commitment and the residential facility
determines that the residential facility can meet the identified
individual's needs, the individual, or a parent or guardian of the
individual, refuses placement in the residential facility.

(D) The department may reduce under division (B) of this
section the number of residents for which a residential facility
is licensed even though the residential facility completes the
actions specified in division (C)(4) of this section not later
than ninety days after the date of the commitment if all of the
following are the case:

(1) The department disagrees with the residential facility's
determination that the residential facility cannot meet the
identified individual's needs.

(2) The department issues a written decision pursuant to the
uniform procedures for admissions, transfers, and discharges
established by rules adopted under division (H)(9) of section
5123.19 of the Revised Code that the residential facility should
admit the identified individual.

(3) After the department issues the written decision
specified in division (D)(2) of this section, the residential
facility refuses to admit the identified individual.

(E) A residential facility that admits, refuses to admit,

transfers, or discharges a resident under this section shall 108843
comply with the uniform procedures for admissions, transfers, and 108844
discharges established by rules adopted under division (H)(9) of 108845
section 5123.19 of the Revised Code. 108846

~~(F) The department of developmental disabilities may notify 108847
the department of job and family services of any reduction under 108848
this section in the number of residents for which a residential 108849
facility that is an intermediate care facility for the mentally 108850
retarded is licensed. On receiving the notice, the department of 108851
job and family services may transfer to the department of 108852
developmental disabilities the savings in the nonfederal share of 108853
medicaid expenditures for each fiscal year after the year of the 108854
commitment to be used for costs of the resident's care in the 108855
state-operated intermediate care facility for the mentally 108856
retarded. In determining the amount saved, the department of job 108857
and family services shall consider medicaid payments for the 108858
remaining residents of the facility in which the resident resided.~~ 108859

Sec. 5123.38. (A) Except as provided in division (B) of this 108860
section, if an individual receiving supported living or home and 108861
community-based services funded by a county board of developmental 108862
disabilities is committed to a state-operated ~~intermediate care~~ 108863
~~facility for the mentally retarded~~ ICF/IID pursuant to sections 108864
5123.71 to 5123.76 of the Revised Code, the county board is 108865
responsible for the nonfederal share of medicaid expenditures for 108866
the individual's care in the state-operated ~~facility~~ ICF/IID. The 108867
department of developmental disabilities shall collect the amount 108868
of the nonfederal share from the county board by either 108869
withholding that amount from funds the department has otherwise 108870
allocated to the county board or submitting an invoice for payment 108871
of that amount to the county board. 108872

(B) Division (A) of this section does not apply under any of 108873

the following circumstances: 108874

(1) The county board, not later than ninety days after the 108875
date of the commitment of a person receiving supported living, 108876
commences funding of supported living for an individual who 108877
resides in a state-operated ~~intermediate care facility for the~~ 108878
~~mentally retarded~~ ICF/IID on the date of the commitment or another 108879
eligible individual designated by the department. 108880

(2) The county board, not later than ninety days after the 108881
date of the commitment of a person receiving home and 108882
community-based services, commences funding of home and 108883
community-based services for an individual who resides in a 108884
state-operated ~~intermediate care facility for the mentally~~ 108885
~~retarded~~ ICF/IID on the date of the commitment or another eligible 108886
individual designated by the department. 108887

(3) The director of developmental disabilities, after 108888
determining that circumstances warrant granting a waiver in an 108889
individual's case, grants the county board a waiver that exempts 108890
the county board from responsibility for the nonfederal share for 108891
that case. 108892

Sec. 5123.61. (A) As used in this section: 108893

(1) "Law enforcement agency" means the state highway patrol, 108894
the police department of a municipal corporation, or a county 108895
sheriff. 108896

(2) "Abuse" has the same meaning as in section 5123.50 of the 108897
Revised Code, except that it includes a misappropriation, as 108898
defined in that section. 108899

(3) "Neglect" has the same meaning as in section 5123.50 of 108900
the Revised Code. 108901

(B) The department of developmental disabilities shall 108902
establish a registry office for the purpose of maintaining reports 108903

of abuse, neglect, and other major unusual incidents made to the 108904
department under this section and reports received from county 108905
boards of developmental disabilities under section 5126.31 of the 108906
Revised Code. The department shall establish committees to review 108907
reports of abuse, neglect, and other major unusual incidents. 108908

(C)(1) Any person listed in division (C)(2) of this section, 108909
having reason to believe that a person with mental retardation or 108910
a developmental disability has suffered or faces a substantial 108911
risk of suffering any wound, injury, disability, or condition of 108912
such a nature as to reasonably indicate abuse or neglect of that 108913
person, shall immediately report or cause reports to be made of 108914
such information to the entity specified in this division. Except 108915
as provided in section 5120.173 of the Revised Code or as 108916
otherwise provided in this division, the person making the report 108917
shall make it to a law enforcement agency or to the county board 108918
of developmental disabilities. If the report concerns a resident 108919
of a facility operated by the department of developmental 108920
disabilities the report shall be made either to a law enforcement 108921
agency or to the department. If the report concerns any act or 108922
omission of an employee of a county board of developmental 108923
disabilities, the report immediately shall be made to the 108924
department and to the county board. 108925

(2) All of the following persons are required to make a 108926
report under division (C)(1) of this section: 108927

(a) Any physician, including a hospital intern or resident, 108928
any dentist, podiatrist, chiropractor, practitioner of a limited 108929
branch of medicine as specified in section 4731.15 of the Revised 108930
Code, hospital administrator or employee of a hospital, nurse 108931
licensed under Chapter 4723. of the Revised Code, employee of an 108932
ambulatory health facility as defined in section 5101.61 of the 108933
Revised Code, employee of a home health agency, employee of a 108934
residential facility licensed under section ~~5119.22~~ 5119.34 of the 108935

Revised Code that provides accommodations, supervision, and person 108936
care services for three to sixteen unrelated adults, or employee 108937
of a community mental health facility; 108938

(b) Any school teacher or school authority, social worker, 108939
psychologist, attorney, peace officer, coroner, or residents' 108940
rights advocate as defined in section 3721.10 of the Revised Code; 108941

(c) A superintendent, board member, or employee of a county 108942
board of developmental disabilities; an administrator, board 108943
member, or employee of a residential facility licensed under 108944
section 5123.19 of the Revised Code; an administrator, board 108945
member, or employee of any other public or private provider of 108946
services to a person with mental retardation or a developmental 108947
disability, or any MR/DD employee, as defined in section 5123.50 108948
of the Revised Code; 108949

(d) A member of a citizen's advisory council established at 108950
an institution or branch institution of the department of 108951
developmental disabilities under section 5123.092 of the Revised 108952
Code; 108953

(e) A member of the clergy who is employed in a position that 108954
includes providing specialized services to an individual with 108955
mental retardation or another developmental disability, while 108956
acting in an official or professional capacity in that position, 108957
or a person who is employed in a position that includes providing 108958
specialized services to an individual with mental retardation or 108959
another developmental disability and who, while acting in an 108960
official or professional capacity, renders spiritual treatment 108961
through prayer in accordance with the tenets of an organized 108962
religion. 108963

(3)(a) The reporting requirements of this division do not 108964
apply to employees of the Ohio protection and advocacy system. 108965

(b) An attorney or physician is not required to make a report 108966

pursuant to division (C)(1) of this section concerning any 108967
communication the attorney or physician receives from a client or 108968
patient in an attorney-client or physician-patient relationship, 108969
if, in accordance with division (A) or (B) of section 2317.02 of 108970
the Revised Code, the attorney or physician could not testify with 108971
respect to that communication in a civil or criminal proceeding, 108972
except that the client or patient is deemed to have waived any 108973
testimonial privilege under division (A) or (B) of section 2317.02 108974
of the Revised Code with respect to that communication and the 108975
attorney or physician shall make a report pursuant to division 108976
(C)(1) of this section, if both of the following apply: 108977

(i) The client or patient, at the time of the communication, 108978
is a person with mental retardation or a developmental disability. 108979

(ii) The attorney or physician knows or suspects, as a result 108980
of the communication or any observations made during that 108981
communication, that the client or patient has suffered or faces a 108982
substantial risk of suffering any wound, injury, disability, or 108983
condition of a nature that reasonably indicates abuse or neglect 108984
of the client or patient. 108985

(4) Any person who fails to make a report required under 108986
division (C) of this section and who is an MR/DD employee, as 108987
defined in section 5123.50 of the Revised Code, shall be eligible 108988
to be included in the registry regarding misappropriation, abuse, 108989
neglect, or other specified misconduct by MR/DD employees 108990
established under section 5123.52 of the Revised Code. 108991

(D) The reports required under division (C) of this section 108992
shall be made forthwith by telephone or in person and shall be 108993
followed by a written report. The reports shall contain the 108994
following: 108995

(1) The names and addresses of the person with mental 108996
retardation or a developmental disability and the person's 108997

custodian, if known; 108998

(2) The age of the person with mental retardation or a 108999
developmental disability; 109000

(3) Any other information that would assist in the 109001
investigation of the report. 109002

(E) When a physician performing services as a member of the 109003
staff of a hospital or similar institution has reason to believe 109004
that a person with mental retardation or a developmental 109005
disability has suffered injury, abuse, or physical neglect, the 109006
physician shall notify the person in charge of the institution or 109007
that person's designated delegate, who shall make the necessary 109008
reports. 109009

(F) Any person having reasonable cause to believe that a 109010
person with mental retardation or a developmental disability has 109011
suffered or faces a substantial risk of suffering abuse or neglect 109012
may report or cause a report to be made of that belief to the 109013
entity specified in this division. Except as provided in section 109014
5120.173 of the Revised Code or as otherwise provided in this 109015
division, the person making the report shall make it to a law 109016
enforcement agency or the county board of developmental 109017
disabilities. If the person is a resident of a facility operated 109018
by the department of developmental disabilities, the report shall 109019
be made to a law enforcement agency or to the department. If the 109020
report concerns any act or omission of an employee of a county 109021
board of developmental disabilities, the report immediately shall 109022
be made to the department and to the county board. 109023

(G)(1) Upon the receipt of a report concerning the possible 109024
abuse or neglect of a person with mental retardation or a 109025
developmental disability, the law enforcement agency shall inform 109026
the county board of developmental disabilities or, if the person 109027
is a resident of a facility operated by the department of 109028

developmental disabilities, the director of the department or the 109029
director's designee. 109030

(2) On receipt of a report under this section that includes 109031
an allegation of action or inaction that may constitute a crime 109032
under federal law or the law of this state, the department of 109033
developmental disabilities shall notify the law enforcement 109034
agency. 109035

(3) When a county board of developmental disabilities 109036
receives a report under this section that includes an allegation 109037
of action or inaction that may constitute a crime under federal 109038
law or the law of this state, the superintendent of the board or 109039
an individual the superintendent designates under division (H) of 109040
this section shall notify the law enforcement agency. The 109041
superintendent or individual shall notify the department of 109042
developmental disabilities when it receives any report under this 109043
section. 109044

(4) When a county board of developmental disabilities 109045
receives a report under this section and believes that the degree 109046
of risk to the person is such that the report is an emergency, the 109047
superintendent of the board or an employee of the board the 109048
superintendent designates shall attempt a face-to-face contact 109049
with the person with mental retardation or a developmental 109050
disability who allegedly is the victim within one hour of the 109051
board's receipt of the report. 109052

(H) The superintendent of the board may designate an 109053
individual to be responsible for notifying the law enforcement 109054
agency and the department when the county board receives a report 109055
under this section. 109056

(I) An adult with mental retardation or a developmental 109057
disability about whom a report is made may be removed from the 109058
adult's place of residence only by law enforcement officers who 109059

consider that the adult's immediate removal is essential to 109060
protect the adult from further injury or abuse or in accordance 109061
with the order of a court made pursuant to section 5126.33 of the 109062
Revised Code. 109063

(J) A law enforcement agency shall investigate each report of 109064
abuse or neglect it receives under this section. In addition, the 109065
department, in cooperation with law enforcement officials, shall 109066
investigate each report regarding a resident of a facility 109067
operated by the department to determine the circumstances 109068
surrounding the injury, the cause of the injury, and the person 109069
responsible. The investigation shall be in accordance with the 109070
memorandum of understanding prepared under section 5126.058 of the 109071
Revised Code. The department shall determine, with the registry 109072
office which shall be maintained by the department, whether prior 109073
reports have been made concerning an adult with mental retardation 109074
or a developmental disability or other principals in the case. If 109075
the department finds that the report involves action or inaction 109076
that may constitute a crime under federal law or the law of this 109077
state, it shall submit a report of its investigation, in writing, 109078
to the law enforcement agency. If the person with mental 109079
retardation or a developmental disability is an adult, with the 109080
consent of the adult, the department shall provide such protective 109081
services as are necessary to protect the adult. The law 109082
enforcement agency shall make a written report of its findings to 109083
the department. 109084

If the person is an adult and is not a resident of a facility 109085
operated by the department, the county board of developmental 109086
disabilities shall review the report of abuse or neglect in 109087
accordance with sections 5126.30 to 5126.33 of the Revised Code 109088
and the law enforcement agency shall make the written report of 109089
its findings to the county board. 109090

(K) Any person or any hospital, institution, school, health 109091

department, or agency participating in the making of reports 109092
pursuant to this section, any person participating as a witness in 109093
an administrative or judicial proceeding resulting from the 109094
reports, or any person or governmental entity that discharges 109095
responsibilities under sections 5126.31 to 5126.33 of the Revised 109096
Code shall be immune from any civil or criminal liability that 109097
might otherwise be incurred or imposed as a result of such actions 109098
except liability for perjury, unless the person or governmental 109099
entity has acted in bad faith or with malicious purpose. 109100

(L) No employer or any person with the authority to do so 109101
shall discharge, demote, transfer, prepare a negative work 109102
performance evaluation, reduce pay or benefits, terminate work 109103
privileges, or take any other action detrimental to an employee or 109104
retaliate against an employee as a result of the employee's having 109105
made a report under this section. This division does not preclude 109106
an employer or person with authority from taking action with 109107
regard to an employee who has made a report under this section if 109108
there is another reasonable basis for the action. 109109

(M) Reports made under this section are not public records as 109110
defined in section 149.43 of the Revised Code. Information 109111
contained in the reports on request shall be made available to the 109112
person who is the subject of the report, to the person's legal 109113
counsel, and to agencies authorized to receive information in the 109114
report by the department or by a county board of developmental 109115
disabilities. 109116

(N) Notwithstanding section 4731.22 of the Revised Code, the 109117
physician-patient privilege shall not be a ground for excluding 109118
evidence regarding the injuries or physical neglect of a person 109119
with mental retardation or a developmental disability or the cause 109120
thereof in any judicial proceeding resulting from a report 109121
submitted pursuant to this section. 109122

Sec. 5123.86. (A) Except as provided in divisions (C), (D), 109123
(E), and (F) of this section, the chief medical officer shall 109124
provide all information, including expected physical and medical 109125
consequences, necessary to enable any resident of an institution 109126
for the mentally retarded to give a fully informed, intelligent, 109127
and knowing consent if any of the following procedures are 109128
proposed: 109129

(1) Surgery; 109130

(2) Convulsive therapy; 109131

(3) Major aversive interventions; 109132

(4) Sterilization; 109133

(5) Experimental procedures; 109134

(6) Any unusual or hazardous treatment procedures. 109135

(B) No resident shall be subjected to any of the procedures 109136
listed in division (A)(4), (5), or (6) of this section without the 109137
resident's informed consent. 109138

(C) If a resident is physically or mentally unable to receive 109139
the information required for surgery under division (A)(1) of this 109140
section, or has been adjudicated incompetent, the information may 109141
be provided to the resident's natural or court-appointed guardian, 109142
including an agency providing guardianship services under contract 109143
with the department of developmental disabilities under sections 109144
5123.55 to 5123.59 of the Revised Code, who may give the informed, 109145
intelligent, and knowing written consent for surgery. Consent for 109146
surgery shall not be provided by a guardian who is an officer or 109147
employee of the department of ~~mental health~~ mental health and 109148
addiction services or the department of developmental 109149
disabilities. 109150

If a resident is physically or mentally unable to receive the 109151
information required for surgery under division (A)(1) of this 109152

section and has no guardian, then the information, the 109153
recommendation of the chief medical officer, and the concurring 109154
judgment of a licensed physician who is not a full-time employee 109155
of the state may be provided to the court in the county in which 109156
the institution is located, which may approve the surgery. Before 109157
approving the surgery, the court shall notify the Ohio protection 109158
and advocacy system created by section 5123.60 of the Revised 109159
Code, and shall notify the resident of the resident's rights to 109160
consult with counsel, to have counsel appointed by the court if 109161
the resident is indigent, and to contest the recommendation of the 109162
chief medical officer. 109163

(D) If, in the judgment of two licensed physicians, delay in 109164
obtaining consent for surgery would create a grave danger to the 109165
health of a resident, emergency surgery may be performed without 109166
the consent of the resident if the necessary information is 109167
provided to the resident's guardian, including an agency providing 109168
guardianship services under contract with the department of 109169
developmental disabilities under sections 5123.55 to 5123.59 of 109170
the Revised Code, or to the resident's spouse or next of kin to 109171
enable that person or agency to give an informed, intelligent, and 109172
knowing written consent. 109173

If the guardian, spouse, or next of kin cannot be contacted 109174
through exercise of reasonable diligence, or if the guardian, 109175
spouse, or next of kin is contacted, but refuses to consent, then 109176
the emergency surgery may be performed upon the written 109177
authorization of the chief medical officer and after court 109178
approval has been obtained. However, if delay in obtaining court 109179
approval would create a grave danger to the life of the resident, 109180
the chief medical officer may authorize surgery, in writing, 109181
without court approval. If the surgery is authorized without court 109182
approval, the chief medical officer who made the authorization and 109183
the physician who performed the surgery shall each execute an 109184

affidavit describing the circumstances constituting the emergency 109185
and warranting the surgery and the circumstances warranting their 109186
not obtaining prior court approval. The affidavit shall be filed 109187
with the court with which the request for prior approval would 109188
have been filed within five court days after the surgery, and a 109189
copy of the affidavit shall be placed in the resident's file and 109190
shall be given to the guardian, spouse, or next of kin of the 109191
resident, to the hospital at which the surgery was performed, and 109192
to the Ohio protection and advocacy system created by section 109193
5123.60 of the Revised Code. 109194

(E)(1) If it is the judgment of two licensed physicians, as 109195
described in division (E)(2) of this section, that a medical 109196
emergency exists and delay in obtaining convulsive therapy creates 109197
a grave danger to the life of a resident who is both mentally 109198
retarded and mentally ill, convulsive therapy may be administered 109199
without the consent of the resident if the resident is physically 109200
or mentally unable to receive the information required for 109201
convulsive therapy and if the necessary information is provided to 109202
the resident's natural or court-appointed guardian, including an 109203
agency providing guardianship services under contract with the 109204
department of developmental disabilities under sections 5123.55 to 109205
5123.59 of the Revised Code, or to the resident's spouse or next 109206
of kin to enable that person or agency to give an informed, 109207
intelligent, and knowing written consent. If neither the 109208
resident's guardian, spouse, nor next of kin can be contacted 109209
through exercise of reasonable diligence, or if the guardian, 109210
spouse, or next of kin is contacted, but refuses to consent, then 109211
convulsive therapy may be performed upon the written authorization 109212
of the chief medical officer and after court approval has been 109213
obtained. 109214

(2) The two licensed physicians referred to in division 109215
(E)(1) of this section shall not be associated with each other in 109216

the practice of medicine or surgery by means of a partnership or 109217
corporate arrangement, other business arrangement, or employment. 109218
At least one of the physicians shall be a psychiatrist as defined 109219
in division (E) of section 5122.01 of the Revised Code. 109220

(F) Major aversive interventions shall not be used unless a 109221
resident continues to engage in behavior destructive to self or 109222
others after other forms of therapy have been attempted. Major 109223
aversive interventions shall not be applied to a voluntary 109224
resident without the informed, intelligent, and knowing written 109225
consent of the resident or the resident's guardian, including an 109226
agency providing guardianship services under contract with the 109227
department of developmental disabilities under sections 5123.55 to 109228
5123.59 of the Revised Code. 109229

(G)(1) This chapter does not authorize any form of compulsory 109230
medical or psychiatric treatment of any resident who is being 109231
treated by spiritual means through prayer alone in accordance with 109232
a recognized religious method of healing. 109233

(2) For purposes of this section, "convulsive therapy" does 109234
not include defibrillation. 109235

Sec. 5124.01. As used in this chapter: 109236

(A) "Affiliated operator" means an operator affiliated with 109237
either of the following: 109238

(1) The exiting operator for whom the affiliated operator is 109239
to assume liability for the entire amount of the exiting 109240
operator's debt under the medicaid program or the portion of the 109241
debt that represents the franchise permit fee the exiting operator 109242
owes; 109243

(2) The entering operator involved in the change of operator 109244
with the exiting operator specified in division (A)(1) of this 109245
section. 109246

<u>(B) "Allowable costs" means an ICF/IID's costs that the</u>	109247
<u>department of developmental disabilities determines are</u>	109248
<u>reasonable. Fines paid under section 5124.99 of the Revised Code</u>	109249
<u>are not allowable costs.</u>	109250
<u>(C) "Capital costs" means an ICF/IID's costs of ownership and</u>	109251
<u>costs of nonextensive renovation.</u>	109252
<u>(D) "Case-mix score" means the measure determined under</u>	109253
<u>section 5124.192 of the Revised Code of the relative direct-care</u>	109254
<u>resources needed to provide care and habilitation to an ICF/IID</u>	109255
<u>resident.</u>	109256
<u>(E) "Change of operator" means an entering operator becoming</u>	109257
<u>the operator of an ICF/IID in the place of the exiting operator.</u>	109258
<u>(1) Actions that constitute a change of operator include the</u>	109259
<u>following:</u>	109260
<u>(a) A change in an exiting operator's form of legal</u>	109261
<u>organization, including the formation of a partnership or</u>	109262
<u>corporation from a sole proprietorship;</u>	109263
<u>(b) A transfer of all the exiting operator's ownership</u>	109264
<u>interest in the operation of the ICF/IID to the entering operator,</u>	109265
<u>regardless of whether ownership of any or all of the real property</u>	109266
<u>or personal property associated with the ICF/IID is also</u>	109267
<u>transferred;</u>	109268
<u>(c) A lease of the ICF/IID to the entering operator or the</u>	109269
<u>exiting operator's termination of the exiting operator's lease;</u>	109270
<u>(d) If the exiting operator is a partnership, dissolution of</u>	109271
<u>the partnership;</u>	109272
<u>(e) If the exiting operator is a partnership, a change in</u>	109273
<u>composition of the partnership unless both of the following apply:</u>	109274
<u>(i) The change in composition does not cause the</u>	109275
<u>partnership's dissolution under state law.</u>	109276

<u>(ii) The partners agree that the change in composition does not constitute a change in operator.</u>	109277 109278
<u>(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.</u>	109279 109280 109281 109282
<u>(2) The following, alone, do not constitute a change of operator:</u>	109283 109284
<u>(a) A contract for an entity to manage an ICF/IID as the operator's agent, subject to the operator's approval of daily operating and management decisions;</u>	109285 109286 109287
<u>(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with an ICF/IID if an entering operator does not become the operator in place of an exiting operator;</u>	109288 109289 109290 109291
<u>(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.</u>	109292 109293 109294 109295
<u>(F) "Cost center" means the following:</u>	109296
<u>(1) Capital costs;</u>	109297
<u>(2) Direct care costs;</u>	109298
<u>(3) Indirect care costs;</u>	109299
<u>(4) Other protected costs.</u>	109300
<u>(G) "Costs of nonextensive renovations" means the actual expense incurred by an ICF/IID for depreciation or amortization and interest on renovations that are not extensive renovations.</u>	109301 109302 109303
<u>(H)(1) "Costs of ownership" means the actual expenses incurred by an ICF/IID for all of the following:</u>	109304 109305

<u>(a) Subject to division (H)(2) of this section, depreciation</u>	109306
<u>and interest on any capital assets that cost five hundred dollars</u>	109307
<u>or more per item, including the following:</u>	109308
<u>(i) Buildings;</u>	109309
<u>(ii) Building improvements that are not approved as</u>	109310
<u>nonextensive renovations under section 5124.17 of the Revised</u>	109311
<u>Code;</u>	109312
<u>(iii) Equipment;</u>	109313
<u>(iv) Extensive renovations;</u>	109314
<u>(v) Transportation equipment.</u>	109315
<u>(b) Amortization and interest on land improvements and</u>	109316
<u>leasehold improvements;</u>	109317
<u>(c) Amortization of financing costs;</u>	109318
<u>(d) Except as provided in division (Z) of this section, lease</u>	109319
<u>and rent of land, building, and equipment.</u>	109320
<u>(2) The costs of capital assets of less than five hundred</u>	109321
<u>dollars per item may be considered costs of ownership in</u>	109322
<u>accordance with an ICF/IID provider's practice.</u>	109323
<u>(I)(1) "Date of licensure" means the following:</u>	109324
<u>(a) In the case of an ICF/IID that was originally licensed as</u>	109325
<u>a nursing home under Chapter 3721. of the Revised Code, the date</u>	109326
<u>that it was originally so licensed, regardless that it was</u>	109327
<u>subsequently licensed as a residential facility under section</u>	109328
<u>5123.19 of the Revised Code;</u>	109329
<u>(b) In the case of an ICF/IID that was originally licensed as</u>	109330
<u>a residential facility under section 5123.19 of the Revised Code,</u>	109331
<u>the date it was originally so licensed;</u>	109332
<u>(c) In the case of an ICF/IID that was not required by law to</u>	109333
<u>be licensed as a nursing home or residential facility when it was</u>	109334

originally operated as a residential facility, the date it first 109335
was operated as a residential facility, regardless of the date the 109336
ICF/IID was first licensed as a nursing home or residential 109337
facility. 109338

(2) If, after an ICF/IID's original date of licensure, more 109339
residential facility beds are added to the ICF/IID or all or part 109340
of the ICF/IID undergoes an extensive renovation, the ICF/IID has 109341
a different date of licensure for the additional beds or 109342
extensively renovated portion of the ICF/IID. This does not apply, 109343
however, to additional beds when both of the following apply: 109344

(a) The additional beds are located in a part of the ICF/IID 109345
that was constructed at the same time as the continuing beds 109346
already located in that part of the ICF/IID; 109347

(b) The part of the ICF/IID in which the additional beds are 109348
located was constructed as part of the ICF/IID at a time when the 109349
ICF/IID was not required by law to be licensed as a nursing home 109350
or residential facility. 109351

(3) The definition of "date of licensure" in this section 109352
applies in determinations of ICFs/IID's medicaid payment rates but 109353
does not apply in determinations of ICFs/IID's franchise permit 109354
fees under sections 5168.60 to 5168.71 of the Revised Code. 109355

(J) "Desk-reviewed" means that an ICF/IID's costs as reported 109356
on a cost report filed under section 5124.10 or 5124.101 of the 109357
Revised Code have been subjected to a desk review under section 109358
5124.108 of the Revised Code and preliminarily determined to be 109359
allowable costs. 109360

(K) "Developmental center" means a residential facility that 109361
is maintained and operated by the department of developmental 109362
disabilities. 109363

(L) "Direct care costs" means all of the following costs 109364
incurred by an ICF/IID: 109365

<u>(1) Costs for registered nurses, licensed practical nurses,</u>	109366
<u>and nurse aides employed by the ICF/IID;</u>	109367
<u>(2) Costs for direct care staff, administrative nursing</u>	109368
<u>staff, medical directors, respiratory therapists, physical</u>	109369
<u>therapists, physical therapy assistants, occupational therapists,</u>	109370
<u>occupational therapy assistants, speech therapists, audiologists,</u>	109371
<u>habilitation staff (including habilitation supervisors), qualified</u>	109372
<u>intellectual disability professionals, program directors, social</u>	109373
<u>services staff, activities staff, off-site day programming,</u>	109374
<u>psychologists, psychology assistants, social workers, counselors,</u>	109375
<u>and other persons holding degrees qualifying them to provide</u>	109376
<u>therapy;</u>	109377
<u>(3) Costs of purchased nursing services;</u>	109378
<u>(4) Costs of training and staff development, employee</u>	109379
<u>benefits, payroll taxes, and workers' compensation premiums or</u>	109380
<u>costs for self-insurance claims and related costs as specified in</u>	109381
<u>rules adopted under section 5124.03 of the Revised Code, for</u>	109382
<u>personnel listed in divisions (L)(1), (2), and (3) of this</u>	109383
<u>section;</u>	109384
<u>(5) Costs of quality assurance;</u>	109385
<u>(6) Costs of consulting and management fees related to direct</u>	109386
<u>care;</u>	109387
<u>(7) Allocated direct care home office costs;</u>	109388
<u>(8) Costs of other direct-care resources that are specified</u>	109389
<u>as direct care costs in rules adopted under section 5124.03 of the</u>	109390
<u>Revised Code.</u>	109391
<u>(M) "Downsized ICF/IID" means an ICF/IID that permanently</u>	109392
<u>reduced its medicaid-certified capacity pursuant to a plan</u>	109393
<u>approved by the department of developmental disabilities under</u>	109394
<u>section 5123.042 of the Revised Code.</u>	109395

<u>(N) "Effective date of a change of operator" means the day</u>	109396
<u>the entering operator becomes the operator of the ICF/IID.</u>	109397
<u>(O) "Effective date of a facility closure" means the last day</u>	109398
<u>that the last of the residents of the ICF/IID resides in the</u>	109399
<u>ICF/IID.</u>	109400
<u>(P) "Effective date of an involuntary termination" means the</u>	109401
<u>date the department of medicaid terminates the operator's provider</u>	109402
<u>agreement for the ICF/IID or the last day that such a provider</u>	109403
<u>agreement is in effect when the department cancels or refuses to</u>	109404
<u>revalidate it.</u>	109405
<u>(Q) "Effective date of a voluntary termination" means the day</u>	109406
<u>the ICF/IID ceases to accept medicaid recipients.</u>	109407
<u>(R) "Entering operator" means the person or government entity</u>	109408
<u>that will become the operator of an ICF/IID when a change of</u>	109409
<u>operator occurs or following an involuntary termination.</u>	109410
<u>(S) "Exiting operator" means any of the following:</u>	109411
<u>(1) An operator that will cease to be the operator of an</u>	109412
<u>ICF/IID on the effective date of a change of operator;</u>	109413
<u>(2) An operator that will cease to be the operator of an</u>	109414
<u>ICF/IID on the effective date of a facility closure;</u>	109415
<u>(3) An operator of an ICF/IID that is undergoing or has</u>	109416
<u>undergone a voluntary termination;</u>	109417
<u>(4) An operator of an ICF/IID that is undergoing or has</u>	109418
<u>undergone an involuntary termination.</u>	109419
<u>(T)(1) "Extensive renovation" means the following:</u>	109420
<u>(a) An ICF/IID's betterment, improvement, or restoration to</u>	109421
<u>which both of the following apply:</u>	109422
<u>(i) It was started before July 1, 1993;</u>	109423
<u>(ii) It meets the definition of "extensive renovation"</u>	109424

established in rules that were adopted by the director of job and family services and in effect on December 22, 1992. 109425
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(b) An ICF/IID's betterment, improvement, or restoration to which all of the following apply: 109427
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(i) It was started on or after July 1, 1993; 109429

(ii) Except as provided in division (T)(2) of this section, it costs more than sixty-five per cent and not more than eighty-five per cent of the cost of constructing a new bed; 109430
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(iii) It extends the useful life of the assets for at least ten years. 109433
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(2) The department of developmental disabilities may treat a renovation that costs more than eighty-five per cent of the cost of constructing new beds as an extensive renovation if the department determines that the renovation is more prudent than construction of new beds. 109435
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(3) For the purpose of division (T)(1)(b)(ii) of this section, the cost of constructing a new bed shall be considered to be forty thousand dollars, adjusted for the estimated rate of inflation from January 1, 1993, to the end of the calendar year during which the extensive renovation is completed, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics. 109440
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(U)(1) Subject to divisions (U)(2) and (3) of this section, "facility closure" means either of the following: 109448
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(a) Discontinuance of the use of the building, or part of the building, that houses the facility as an ICF/IID that results in the relocation of all of the facility's residents; 109450
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(b) Conversion of the building, or part of the building, that houses an ICF/IID to a different use with any necessary license or 109453
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<u>other approval needed for that use being obtained and one or more</u>	109455
<u>of the facility's residents remaining in the facility to receive</u>	109456
<u>services under the new use.</u>	109457
<u>(2) A facility closure occurs regardless of any of the</u>	109458
<u>following:</u>	109459
<u>(a) The operator completely or partially replacing the</u>	109460
<u>ICF/IID by constructing a new ICF/IID or transferring the</u>	109461
<u>ICF/IID's license to another ICF/IID;</u>	109462
<u>(b) The ICF/IID's residents relocating to another of the</u>	109463
<u>operator's ICFs/IID;</u>	109464
<u>(c) Any action the department of health takes regarding the</u>	109465
<u>ICF/IID's medicaid certification that may result in the transfer</u>	109466
<u>of part of the ICF/IID's survey findings to another of the</u>	109467
<u>operator's ICFs/IID;</u>	109468
<u>(d) Any action the department of developmental disabilities</u>	109469
<u>takes regarding the ICF/IID's license under section 5123.19 of the</u>	109470
<u>Revised Code.</u>	109471
<u>(3) A facility closure does not occur if all of the ICF/IID's</u>	109472
<u>residents are relocated due to an emergency evacuation and one or</u>	109473
<u>more of the residents return to a medicaid-certified bed in the</u>	109474
<u>ICF/IID not later than thirty days after the evacuation occurs.</u>	109475
<u>(V) "Fiscal year" means the fiscal year of this state, as</u>	109476
<u>specified in section 9.34 of the Revised Code.</u>	109477
<u>(W) "Franchise permit fee" means the fee imposed by sections</u>	109478
<u>5168.60 to 5168.71 of the Revised Code.</u>	109479
<u>(X) "Home and community-based services" has the same meaning</u>	109480
<u>as in section 5123.01 of the Revised Code.</u>	109481
<u>(Y) "ICF/IID services" has the same meaning as in 42 C.F.R.</u>	109482
<u>440.150.</u>	109483
<u>(Z)(1) "Indirect care costs" means all reasonable costs</u>	109484

incurred by an ICF/IID other than capital costs, direct care 109485
costs, and other protected costs. "Indirect care costs" includes 109486
costs of habilitation supplies, pharmacy consultants, medical and 109487
habilitation records, program supplies, incontinence supplies, 109488
food, enterals, dietary supplies and personnel, laundry, 109489
housekeeping, security, administration, liability insurance, 109490
bookkeeping, purchasing department, human resources, 109491
communications, travel, dues, license fees, subscriptions, home 109492
office costs not otherwise allocated, legal services, accounting 109493
services, minor equipment, maintenance and repair expenses, 109494
help-wanted advertising, informational advertising, start-up 109495
costs, organizational expenses, other interest, property 109496
insurance, employee training and staff development, employee 109497
benefits, payroll taxes, and workers' compensation premiums or 109498
costs for self-insurance claims and related costs, as specified in 109499
rules adopted under section 5124.03 of the Revised Code, for 109500
personnel listed in this division. Notwithstanding division (H) of 109501
this section, "indirect care costs" also means the cost of 109502
equipment, including vehicles, acquired by operating lease 109503
executed before December 1, 1992, if the costs are reported as 109504
administrative and general costs on the ICF/IID's cost report for 109505
the cost reporting period ending December 31, 1992. 109506

(2) For the purpose of division (Z)(1) of this section, an 109507
operating lease shall be construed in accordance with generally 109508
accepted accounting principles. 109509

(AA) "Inpatient days" means both of the following: 109510

(1) All days during which a resident, regardless of payment 109511
source, occupies a bed in an ICF/IID that is included in the 109512
ICF/IID's medicaid-certified capacity; 109513

(2) All days for which payment is made under section 5124.34 109514
of the Revised Code. 109515

(BB) "Intermediate care facility for individuals with disabilities" and "ICF/IID" mean an intermediate care facility for the mentally retarded as defined in the "Social Security Act," section 1905(d), 42 U.S.C. 1396d(d). 109516
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(CC) "Involuntary termination" means the department of medicaid's termination of, cancellation of, or refusal to revalidate the operator's provider agreement for the ICF/IID when such action is not taken at the operator's request. 109520
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(DD) "Maintenance and repair expenses" means, except as provided in division (TT)(2)(b) of this section, expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes the costs of ordinary repairs such as painting and wallpapering. 109524
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(EE) "Medicaid-certified capacity" means the number of an ICF/IID's beds that are certified for participation in medicaid as ICF/IID beds. 109531
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(FF) "Medicaid days" means both of the following: 109534

(1) All days during which a resident who is a medicaid recipient eligible for ICF/IID services occupies a bed in an ICF/IID that is included in the ICF/IID's medicaid-certified capacity; 109535
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(2) All days for which payment is made under section 5124.34 of the Revised Code. 109539
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(GG)(1) "New ICF/IID" means an ICF/IID for which the provider obtains an initial provider agreement following the director of health's medicaid certification of the ICF/IID, including such an ICF/IID that replaces one or more ICFs/IID for which a provider previously held a provider agreement. 109541
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<u>(2) "New ICF/IID" does not mean either of the following:</u>	109546
<u>(a) An ICF/IID for which the entering operator seeks a provider agreement pursuant to section 5124.511 or 5124.512 or (pursuant to section 5124.515) section 5124.07 of the Revised Code;</u>	109547 109548 109549 109550
<u>(b) A downsized ICF/IID or partially converted ICF/IID.</u>	109551
<u>(HH) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.</u>	109552 109553
<u>(II) "Operator" means the person or government entity responsible for the daily operating and management decisions for an ICF/IID.</u>	109554 109555 109556
<u>(JJ) "Other protected costs" means costs incurred by an ICF/IID for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5124.03 of the Revised Code.</u>	109557 109558 109559 109560 109561 109562 109563
<u>(KK)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding an ICF/IID:</u>	109564 109565 109566 109567
<u>(a) The land on which the ICF/IID is located;</u>	109568
<u>(b) The structure in which the ICF/IID is located;</u>	109569
<u>(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the ICF/IID is located;</u>	109570 109571 109572
<u>(d) Any lease or sublease of the land or structure on or in which the ICF/IID is located.</u>	109573 109574
<u>(2) "Owner" does not mean a holder of a debenture or bond</u>	109575

related to an ICF/IID and purchased at public issue or a regulated lender that has made a loan related to the ICF/IID unless the holder or lender operates the ICF/IID directly or through a subsidiary. 109576
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(LL) "Partially converted ICF/IID" means an ICF/IID that converted some, but not all, of its beds to providing home and community-based services under the individual options waiver pursuant to section 5124.60 or 5124.61 of the Revised Code. 109580
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(MM)(1) Except as provided in divisions (MM)(2) and (3) of this section, "per diem" means an ICF/IID's desk-reviewed, actual, allowable costs in a given cost center in a cost reporting period, divided by the facility's inpatient days for that cost reporting period. 109584
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(2) When determining capital costs for the purpose of section 5124.17 of the Revised Code, "per diem" means an ICF/IID's actual, allowable capital costs in a cost-reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the ICF/IID would have had during that period if its occupancy rate had been ninety-five per cent. 109589
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(3) When determining indirect care costs for the purpose of section 5124.21 of the Revised Code, "per diem" means an ICF/IID's actual, allowable indirect care costs in a cost-reporting period divided by the greater of the ICF/IID's inpatient days for that period or the number of inpatient days the ICF/IID would have had during that period if its occupancy rate had been eighty-five per cent. 109595
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(NN) "Provider" means an operator with a valid provider agreement. 109602
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(OO) "Provider agreement" means a provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of medicaid and the operator of an ICF/IID for the 109604
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provision of ICF/IID services under the medicaid program. 109607

(PP) "Purchased nursing services" means services that are 109608
provided in an ICF/IID by registered nurses, licensed practical 109609
nurses, or nurse aides who are not employees of the ICF/IID. 109610

(OO) "Reasonable" means that a cost is an actual cost that is 109611
appropriate and helpful to develop and maintain the operation of 109612
resident care facilities and activities, including normal standby 109613
costs, and that does not exceed what a prudent buyer pays for a 109614
given item or services. Reasonable costs may vary from provider to 109615
provider and from time to time for the same provider. 109616

(RR) "Related party" means an individual or organization 109617
that, to a significant extent, has common ownership with, is 109618
associated or affiliated with, has control of, or is controlled 109619
by, a provider. 109620

(1) An individual who is a relative of an owner is a related 109621
party. 109622

(2) Common ownership exists when an individual or individuals 109623
possess significant ownership or equity in both the provider and 109624
the other organization. Significant ownership or equity exists 109625
when an individual or individuals possess five per cent ownership 109626
or equity in both the provider and a supplier. Significant 109627
ownership or equity is presumed to exist when an individual or 109628
individuals possess ten per cent ownership or equity in both the 109629
provider and another organization from which the provider 109630
purchases or leases real property. 109631

(3) Control exists when an individual or organization has the 109632
power, directly or indirectly, to significantly influence or 109633
direct the actions or policies of an organization. 109634

(4) An individual or organization that supplies goods or 109635
services to a provider shall not be considered a related party if 109636
all of the following conditions are met: 109637

- (a) The supplier is a separate bona fide organization. 109638
- (b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes. 109639
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- (c) The types of goods or services are commonly obtained by other ICFs/IID from outside organizations and are not a basic element of resident care ordinarily furnished directly to residents by the ICFs/IID. 109643
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- (d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier. 109647
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- (SS) "Relative of owner" means an individual who is related to an owner of an ICF/IID by one of the following relationships: 109651
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- (1) Spouse; 109653
- (2) Natural parent, child, or sibling; 109654
- (3) Adopted parent, child, or sibling; 109655
- (4) Stepparent, stepchild, stepbrother, or stepsister; 109656
- (5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; 109657
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- (6) Grandparent or grandchild; 109659
- (7) Foster caregiver, foster child, foster brother, or foster sister. 109660
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- (TT)(1) "Renovation" means the following: 109662
- (a) An ICF/IID's betterment, improvement, or restoration to which both of the following apply: 109663
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- (i) It was started before July 1, 1993; 109665

<u>(ii) It meets the definition of "renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992.</u>	109666
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<u>(b) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:</u>	109669
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<u>(i) It was started on or after July 1, 1993;</u>	109671
<u>(ii) It betters, improves, or restores the ICF/IID beyond its current functional capacity through a structural change that costs at least five hundred dollars per bed.</u>	109672
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<u>(2) A renovation started on or after July 1, 1993, may include both of the following:</u>	109675
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<u>(a) A betterment, improvement, restoration, or replacement of assets that are affixed to a building and have a useful life of at least five years;</u>	109677
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<u>(b) Costs that otherwise would be considered maintenance and repair expenses if they are an integral part of the structural change that makes up the renovation project.</u>	109680
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<u>(3) "Renovation" does not mean construction of additional space for beds that will be added to an ICF/IID's licensed capacity or medicaid-certified capacity.</u>	109683
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<u>(UU) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.</u>	109686
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<u>(VV) "Sponsor" means an adult relative, friend, or guardian of an ICF/IID resident who has an interest or responsibility in the resident's welfare.</u>	109688
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<u>(WW) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396, et seq.</u>	109691
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<u>(XX) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395, et seq.</u>	109693
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(YY) "Voluntary termination" means an operator's voluntary election to terminate the participation of an ICF/IID in the medicaid program but to continue to provide service of the type provided by a residential facility as defined in section 5123.19 of the Revised Code. 109695
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~~Sec. 5111.226~~ 5124.02. ~~Subject, if needed, to the approval of the United States secretary of health and human services, the~~ The department of ~~job and family services~~ medicaid shall enter into a contract with the department of developmental disabilities under section ~~5111.94~~ 5162.35 of the Revised Code that provides for the department of developmental disabilities to assume the powers and duties of the department of ~~job and family services~~ medicaid with regard to the medicaid program's coverage of ICF/IID services ~~provided by intermediate care facilities for the mentally retarded~~. The contract shall include a schedule for the assumption of the powers and duties. The contract may provide for the department of medicaid to perform one or more duties of the department of developmental disabilities under sections 5124.50 to 5124.53 of the Revised Code. Except as otherwise authorized by the United States secretary of health and human services, no provision of the contract may violate a federal law or regulation governing the medicaid program. ~~Once the contract goes into effect, all references to the department of job and family services, and all references to the director of job and family services, with regard to intermediate care facilities for the mentally retarded that are in law enacted by the general assembly shall be deemed to be references to the department of developmental disabilities and director of developmental disabilities, respectively, to the extent necessary to implement the terms of the contract.~~ 109700
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Sec. 5124.03. To the extent authorized by rules authorized by section 5162.021 of the Revised Code, the director of 109724
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developmental disabilities shall adopt rules in accordance with 109726
Chapter 119. of the Revised Code as necessary to implement this 109727
chapter. 109728

Sec. 5124.05. The medicaid program shall cover ICF/IID 109729
services when all of the following apply: 109730

(A) The ICF/IID services are provided to a medicaid recipient 109731
eligible for the services. 109732

(B) The ICF/IID services are provided by an ICF/IID for which 109733
the provider has a valid provider agreement. 109734

(C) Federal financial participation is available for the 109735
ICF/IID services. 109736

Sec. 5124.06. (A) Subject to section 5124.072 of the Revised 109737
Code, an ICF/IID operator is eligible to enter into a provider 109738
agreement for an ICF/IID if all of the following apply: 109739

(1) The ICF/IID is certified by the director of health for 109740
participation in medicaid; 109741

(2) The ICF/IID is licensed by the director of developmental 109742
disabilities as a residential facility; 109743

(3) Subject to division (B) of this section, the operator and 109744
ICF/IID comply with all applicable state and federal statutes and 109745
rules. 109746

(B) A state rule that requires an ICF/IID operator to have 109747
received approval of a plan for the proposed ICF/IID pursuant to 109748
section 5123.042 of the Revised Code as a condition of the 109749
operator being eligible to receive medicaid payments for ICF/IID 109750
services the ICF/IID provides does not apply if, under former 109751
section 5123.193 of the Revised Code as enacted by Am. Sub. H.B. 1 109752
of the 128th general assembly or section 5123.197 of the Revised 109753

Code, a residential facility license was obtained or modified for 109754
the ICF/IID without obtaining approval of such a plan. 109755

Sec. 5124.07. (A) Except as provided in section 5124.072 of 109756
the Revised Code, the department of medicaid shall enter into a 109757
provider agreement with an ICF/IID operator who applies, and is 109758
eligible, for the provider agreement. 109759

(B) A provider agreement shall require the department of 109760
developmental disabilities, pursuant to its agreement with the 109761
department of medicaid under section 5124.02 of the Revised Code, 109762
to make medicaid payments to the provider in accordance with this 109763
chapter for ICF/IID services the ICF/IID provides to its residents 109764
who are medicaid recipients eligible for ICF/IID services. 109765

(C) A provider agreement shall require the provider to do all 109766
of the following: 109767

(1) Maintain eligibility for the provider agreement as 109768
provided in section 5124.06 of the Revised Code; 109769

(2) Keep records relating to a cost reporting period for the 109770
greater of seven years after the cost report is filed or, if the 109771
department of developmental disabilities issues an audit report in 109772
accordance with section 5124.109 of the Revised Code, six years 109773
after all appeal rights relating to the audit report are 109774
exhausted; 109775

(3) File reports as the department of developmental 109776
disabilities requires; 109777

(4) Open all records relating to the costs of the ICF/IID's 109778
services for inspection and audit by the department of 109779
developmental disabilities; 109780

(5) Open its premises for inspection by the department of 109781
developmental disabilities, department of health, and any other 109782
state or local authority having authority to inspect; 109783

<u>(6) Supply to the department of developmental disabilities</u>	109784
<u>such information as it requires concerning the ICF/IID's services</u>	109785
<u>to residents who are, or are eligible to be, medicaid recipients;</u>	109786
<u>(7) Comply with section 5124.08 of the Revised Code.</u>	109787
<u>(D) A provider agreement may contain other provisions that</u>	109788
<u>are consistent with law and considered necessary by the department</u>	109789
<u>of medicaid or the department of developmental disabilities.</u>	109790
<u>Sec. 5124.071. An ICF/IID operator may enter into provider</u>	109791
<u>agreements for more than one ICF/IID.</u>	109792
<u>Sec. 5124.072. The department of medicaid shall not</u>	109793
<u>revalidate an ICF/IID provider agreement if the provider fails to</u>	109794
<u>maintain eligibility for the provider agreement as provided in</u>	109795
<u>section 5124.06 of the Revised Code.</u>	109796
<u>Sec. 5124.08. (A) Every provider agreement with an ICF/IID</u>	109797
<u>provider shall do both of the following:</u>	109798
<u>(1) Except as provided by division (B) of this section,</u>	109799
<u>include any part of the ICF/IID that meets federal and state</u>	109800
<u>standards for medicaid certification;</u>	109801
<u>(2) Prohibit the provider from doing either of the following:</u>	109802
<u>(a) Discriminating against a resident on the basis of race,</u>	109803
<u>color, sex, creed, or national origin;</u>	109804
<u>(b) Subject to division (D) of this section, failing or</u>	109805
<u>refusing to do either of the following:</u>	109806
<u>(i) Admit as a resident of the ICF/IID an individual because</u>	109807
<u>the individual is, or may (as a resident of the ICF/IID) become, a</u>	109808
<u>medicaid recipient if less than eighty per cent of the ICF/IID's</u>	109809
<u>residents are medicaid recipients;</u>	109810
<u>(ii) Retain as a resident of the ICF/IID an individual</u>	109811

because the individual is, or may (as a resident of the ICF/IID) 109812
become, a medicaid recipient. 109813

(B) Unless otherwise required by federal law, an ICF/IID bed 109814
is not required to be included in a provider agreement if the bed 109815
is designated for respite care under a medicaid waiver component 109816
operated pursuant to a waiver sought under section 5166.20 of the 109817
Revised Code. 109818

(C) For the purpose of division (A)(2)(b)(ii) of this 109819
section, a medicaid recipient who is a resident of an ICF/IID 109820
shall be considered a resident of the ICF/IID during any hospital 109821
stays totaling less than twenty-five days during any twelve-month 109822
period. A medicaid recipient identified by the department of 109823
developmental disabilities or its designee as requiring the level 109824
of care of an ICF/IID shall not be subject to a maximum period of 109825
absences during which the recipient is considered to be an ICF/IID 109826
resident if prior authorization of the department for visits with 109827
relatives and friends and participation in therapeutic programs is 109828
obtained in accordance with rules adopted under section 5124.03 of 109829
the Revised Code. 109830

(D) Nothing in this section shall bar a provider from doing 109831
any of the following: 109832

(1) If the provider is a religious organization operating a 109833
religious or denominational ICF/IID, giving preference to persons 109834
of the same religion or denomination; 109835

(2) Giving preference to persons with whom the provider has 109836
contracted to provide continuing care; 109837

(3) Retaining residents who have resided in the provider's 109838
ICF/IID for not less than one year as private pay residents and 109839
who subsequently become medicaid recipients but refusing to admit 109840
as a resident an individual who is, or may (as a resident of the 109841
ICF/IID) become, a medicaid recipient, if all of the following 109842

apply: 109843

(a) The provider does not refuse to retain a resident who has resided in the provider's ICF/IID for not less than one year as a private pay resident because the resident becomes a medicaid recipient, except as necessary to comply with division (D)(3)(b) of this section. 109844
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(b) The number of medicaid recipients retained under division (D)(3) of this section does not at any time exceed ten per cent of all the ICF/IID's residents. 109849
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(c) On July 1, 1980, all the ICF/IID's residents were private pay residents. 109852
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(E) No provider shall violate the provider agreement obligations imposed by this section. 109854
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Sec. 5124.081. An ICF/IID resident has a cause of action against the provider of the ICF/IID for breach of the provider agreement obligations or other duties imposed by section 5124.08 of the Revised Code. The action may be commenced by the resident, or on the resident's behalf by the resident's sponsor, by the filing of a civil action in the court of common pleas of the county in which the ICF/IID is located or in the court of common pleas of Franklin county. 109856
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If a court of common pleas finds that a provider has breached a provider agreement obligation or other duty imposed by section 5124.08 of the Revised Code, the court may do one or more of the following: 109864
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(A) Enjoin the provider from engaging in the practice; 109868

(B) Order such affirmative relief as may be necessary; 109869

(C) Award to a resident and a sponsor that brings the action on behalf of a resident actual damages, costs, and reasonable attorney's fees. 109870
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Sec. 5124.10. (A) Except as provided in division (D) of this section and division (E)(2) of section 5124.101 of the Revised Code, each ICF/IID provider shall file with the department of developmental disabilities an annual cost report for each of the provider's ICFs/IID for which the provider has a valid provider agreement. The cost report for a year shall cover the calendar year or portion of the calendar year during which the ICF/IID participated in the medicaid program. Except as provided in division (E) of this section, the cost report is due not later than ninety days after the end of the calendar year, or portion of the calendar year, that the cost report covers.

(B)(1) If an ICF/IID undergoes a change of provider that the department determines, in accordance with rules adopted under section 5124.03 of the Revised Code, is not an arms length transaction, the new provider shall file the ICF/IID's cost report in accordance with division (A) of this section and the cost report shall cover the portion of the calendar year during which the new provider operated the ICF/IID and the portion of the calendar year during which the previous provider operated the ICF/IID.

(2) If an ICF/IID undergoes a change of provider that the department determines, in accordance with rules adopted under section 5124.03 of the Revised Code, is an arms length transaction, the new provider shall file with the department a cost report for the ICF/IID not later than, except as provided in division (E) of this section, ninety days after the end of the ICF/IID's first three full calendar months of operation under the new provider. The cost report shall cover the period that begins with the ICF/IID's first day of operation under the new provider and ends on the first day of the month immediately following the first three full months of operation under the new provider.

(C) If the medicaid payment rate for a new ICF/IID was most recently determined in accordance with section 5124.151 of the Revised Code, the provider shall file with the department a cost report for the new ICF/IID not later than, except as provided in division (E) of this section, ninety days after the end of the new ICF/IID's first three full calendar months of operation. The cost report shall cover the period that begins with the ICF/IID's first day of operation and ends on the first day of the month immediately following the first three full months of operation.

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(D) An ICF/IID provider is not required to file a cost report for an ICF/IID for a calendar year in accordance with division (A) of this section if the provider files a cost report for the ICF/IID under division (B)(2) or (C) of this section and that cost report covers a period that begins after the first day of October of that calendar year. The provider shall file a cost report for the ICF/IID in accordance with division (A) of this section for the immediately following calendar year.

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(E) The department may grant to a provider a fourteen-day extension to file a cost report under this section or section 5124.101 of the Revised Code if the provider provides the department a written request for the extension and the department determines that there is good cause for the extension.

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Sec. 5124.101. (A) The provider of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID on or after July 1, 2013, or becomes a new ICF/IID on or after that date, may file with the department of developmental disabilities a cost report covering the period specified in division (B) of this section if the following applies to the ICF/IID:

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(1) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID, the ICF/IID has either of the following on the day it becomes a downsized ICF/IID or

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<u>partially converted ICF/IID:</u>	109935
<u>(a) A medicaid-certified capacity that is at least ten per cent less than its medicaid-certified capacity on the day immediately preceding the day it becomes a downsized ICF/IID or partially converted ICF/IID;</u>	109936 109937 109938 109939
<u>(b) At least five fewer beds certified as ICF/IID beds than it has on the day immediately preceding the day it becomes a downsized ICF/IID or partially converted ICF/IID.</u>	109940 109941 109942
<u>(2) In the case of a new ICF/IID, the ICF/IID's beds are from a downsized ICF/IID and the downsized ICF/IID has either of the following on the day it becomes a downsized ICF/IID:</u>	109943 109944 109945
<u>(a) A medicaid-certified capacity that is at least ten per cent less than its medicaid-certified capacity on the day immediately preceding the day it becomes a downsized ICF/IID;</u>	109946 109947 109948
<u>(b) At least five fewer beds certified as ICF/IID beds than it has on the day immediately preceding the day it becomes a downsized ICF/IID.</u>	109949 109950 109951
<u>(B) A cost report filed under division (A) of this section shall cover the period that begins and ends as follows:</u>	109952 109953
<u>(1) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID:</u>	109954 109955
<u>(a) The period begins with the day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID.</u>	109956 109957
<u>(b) The period ends on the last day of the last month of the first three full months of operation as a downsized ICF/IID or partially converted ICF/IID.</u>	109958 109959 109960
<u>(2) In the case of a new ICF/IID:</u>	109961
<u>(a) The period begins with the day that the provider agreement for the ICF/IID takes effect.</u>	109962 109963

(b) The period ends on the last day of the last month of the first three full months that the provider agreement is in effect. 109964
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(C) The department shall refuse to accept a cost report filed under division (A) of this section if either of the following apply: 109966
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(1) Except as provided in division (E) of section 5124.10 of the Revised Code, the provider fails to file the cost report with the department not later than ninety days after the last day of the period the cost report covers; 109969
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(2) The cost report is incomplete or inadequate. 109973

(D) If the department accepts a cost report filed under division (A) of this section, the department shall use that cost report, rather than the cost report that otherwise would be used pursuant to section 5124.17, 5124.19, 5124.21, or 5124.23 of the Revised Code, to determine the ICF/IID's medicaid payment rate in accordance with this chapter for ICF/IID services the ICF/IID provides during the period that begins and ends as follows: 109974
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(1) The period begins on the following: 109981

(a) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID: 109982
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(i) The day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID if that day is the first day of a month; 109984
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(ii) The first day of the month immediately following the month that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID if division (D)(1)(a)(i) of this section does not apply. 109987
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(b) In the case of a new ICF/IID, the day that the ICF/IID's provider agreement takes effect. 109991
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(2) The period ends on the last day of the fiscal year that 109993

immediately precedes the fiscal year for which the ICF/IID begins 109994
to be paid a rate determined using a cost report that division (E) 109995
of this section requires be filed in accordance with division (A) 109996
of section 5124.10 of the Revised Code. 109997

(E)(1) If the department accepts a cost report filed under 109998
division (A) of this section for an ICF/IID that becomes a 109999
downsized ICF/IID or partially converted ICF/IID on or before the 110000
first day of October of a calendar year, or for a new ICF/IID that 110001
has a provider agreement that takes effect on or before that date, 110002
the provider also shall file a cost report for the ICF/IID in 110003
accordance with division (A) of section 5124.10 of the Revised 110004
Code for the portion of that calendar year that the ICF/IID 110005
operated as a downsized ICF/IID or partially converted ICF/IID or, 110006
in the case of a new ICF/IID, for the portion that the provider 110007
agreement was in effect. 110008

(2) If the department accepts a cost report filed under 110009
division (A) of this section for an ICF/IID that becomes a 110010
downsized ICF/IID or partially converted ICF/IID after the first 110011
day of October of a calendar year, or for a new ICF/IID that has a 110012
provider agreement that takes effect on or after that date, the 110013
provider is not required to file a cost report for that calendar 110014
year in accordance with division (A) of section 5124.10 of the 110015
Revised Code. The provider shall file a cost report for the 110016
ICF/IID in accordance with division (A) of section 5124.10 of the 110017
Revised Code for the immediately following calendar year. 110018

Sec. 5124.102. No ICF/IID provider shall report fines paid 110019
under section 5124.99 of the Revised Code in a cost report filed 110020
under section 5124.10, 5124.101, or 5124.522 of the Revised Code. 110021

Sec. 5124.103. Cost reports shall be completed using the form 110022
prescribed under section 5124.104 of the Revised Code and in 110023

accordance with the guidelines established under that section. 110024

Sec. 5124.104. The department of developmental disabilities shall do all of the following: 110025
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(A) Prescribe the form to be used for completing a cost report and a uniform chart of accounts for the purpose of reporting costs on the form; 110027
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(B) Distribute a paper copy of the form, or computer software for electronic submission of the form, to each provider at least sixty days before the date the cost report is due; 110030
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(C) Establish guidelines for completing the form. 110033

Sec. 5124.105. The department of developmental disabilities shall develop an addendum to the cost report form that an ICF/IID provider may use to set forth costs that the provider believes the department may dispute. The department may consider such costs in determining an ICF/IID's medicaid payment rate. If the department does not consider such costs in determining an ICF/IID's medicaid payment rate, the provider may seek reconsideration of the determination in accordance with section 5124.38 of the Revised Code. If the department subsequently includes such costs in an ICF/IID's medicaid payment rate, the department shall pay the provider interest at a reasonable rate established in rules adopted under section 5124.03 of the Revised Code for the period that the rate excluded the costs. 110034
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Sec. 5124.106. If an ICF/IID provider required by section 5124.10 of the Revised Code to file a cost report for the ICF/IID fails to file the cost report by the date it is due or the date, if any, to which the due date is extended pursuant to division (E) of that section, or files an incomplete or inadequate report for the ICF/IID under that section, the department of developmental 110047
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disabilities shall provide immediate written notice to the 110053
provider that the provider agreement for the ICF/IID will be 110054
terminated in thirty days unless the provider submits a complete 110055
and adequate cost report for the ICF/IID within thirty days. 110056
During the thirty-day termination period or any additional time 110057
allowed for an appeal of the proposed termination of a provider 110058
agreement, the provider shall be paid the ICF/IID's then current 110059
per medicaid day payment rate, minus the dollar amount by which 110060
ICFs/IID's per medicaid day payment rates are reduced during 110061
fiscal year 2013 in accordance with division (A)(2) of section 110062
5111.26 of the Revised Code (renumbered as section 5165.10 of the 110063
Revised Code by H.B. 59 of the 130th general assembly) as that 110064
section existed on the day immediately preceding the effective 110065
date of this section. On the first day of each July, the 110066
department shall adjust the amount of the reduction in effect 110067
during the previous twelve months to reflect the rate of inflation 110068
during the preceding twelve months, as shown in the consumer price 110069
index for all items for all urban consumers for the midwest 110070
region, published by the United States bureau of labor statistics. 110071

Sec. 5124.107. (A) Except as provided in division (B) of this 110072
section and not later than three years after an ICF/IID provider 110073
files a cost report with the department of developmental 110074
disabilities under section 5124.10 or 5124.101 of the Revised 110075
Code, the provider may amend the cost report if the provider 110076
discovers a material error in the cost report or additional 110077
information to be included in the cost report. The department 110078
shall review the amended cost report for accuracy and notify the 110079
provider of its determination. 110080

(B) An ICF/IID provider may not amend a cost report if the 110081
department has notified the provider that an audit of the cost 110082
report or a cost report of the provider for a subsequent cost 110083

reporting period is to be conducted under section 5124.109 of the 110084
Revised Code. The provider may, however, provide the department 110085
information that affects the costs included in the cost report. 110086
Such information may not be provided after the adjudication of the 110087
final settlement of the cost report. 110088

Sec. 5124.108. The department of developmental disabilities 110089
shall conduct a desk review of all cost reports it receives under 110090
sections 5124.10, 5124.101, and 5124.522 of the Revised Code. 110091
Based on the desk review, the department shall make a preliminary 110092
determination of whether the reported costs are allowable costs. 110093
The department shall notify each ICF/IID provider of whether any 110094
of the reported costs are preliminarily determined not to be 110095
allowable costs, the medicaid payment rate determined under this 110096
chapter as a result of the determination regarding allowable 110097
costs, and the reasons for the determination and resulting rate. 110098
The department shall allow the provider to verify the calculation 110099
and submit additional information. 110100

Sec. 5124.109. (A) The department of developmental 110101
disabilities may conduct an audit, as defined in rules adopted 110102
under section 5124.03 of the Revised Code, of any cost report 110103
filed under section 5124.10, 5124.101, or 5124.522 of the Revised 110104
Code. The decision whether to conduct an audit and the scope of 110105
the audit, which may be a desk or field audit, may be determined 110106
based on prior performance of the provider, a risk analysis, or 110107
other evidence that gives the department reason to believe that 110108
the provider has reported costs improperly. A desk or field audit 110109
may be performed annually, but is required whenever a provider 110110
does not pass the risk analysis tolerance factors. 110111

(B) Audits shall be conducted by auditors under contract with 110112
the department, auditors working for firms under contract with the 110113
department, or auditors employed by the department. 110114

The department may establish a contract for the auditing of ICFs/IID by outside firms. Each contract entered into by bidding shall be effective for one to two years. 110115
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(C) The department shall notify a provider of the findings of an audit of a cost report by issuing an audit report. The department shall issue the audit report not later than three years after the earlier of the following: 110118
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(1) The date the cost report is filed; 110122

(2) The date a desk or field audit of the cost report or a cost report for a subsequent cost reporting period is completed. 110123
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(D) The department shall prepare a written summary of any audit disallowance that is made after the effective date of the rate that is based on the cost. Where the provider is pursuing judicial or administrative remedies in good faith regarding the disallowance, the department shall not withhold from the provider's current payments any amounts the department claims to be due from the provider pursuant to section 5124.41 of the Revised Code. 110125
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(E)(1) The department shall establish an audit manual and program for field audits conducted under this section. Each auditor conducting a field audit under this section shall follow the audit manual and program, regardless of whether the auditor is under contract with the department, works for a firm under contract with the department, or is employed by the department. The manual and program shall do both of the following: 110133
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(a) Require each field audit to be conducted by an auditor to whom all of the following apply: 110140
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(i) During the period of the auditor's contract, firm's contract, or auditor's employment with the department, the auditor or firm does not have and is not committed to acquire any direct or indirect financial interest in the ownership, financing, or 110142
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operation of ICFs/IID in this state. 110146

(ii) The auditor does not audit any provider that has been a client of the auditor or the auditor's firm. 110147
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(iii) The auditor is otherwise independent as determined by the standards of independence included in the government auditing standards produced by the United States government accountability office. 110149
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(b) Require each auditor conducting a field audit to do all of the following: 110153
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(i) Comply with applicable rules prescribed pursuant to Title XIX; 110155
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(ii) Consider generally accepted auditing standards prescribed by the American institute of certified public accountants; 110157
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(iii) Include a written summary as to whether the costs included in the cost report examined during the audit are allowable and are presented in accordance with state and federal laws and regulations, and whether, in all material respects, allowable costs are documented, reasonable, and related to patient care; 110160
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(iv) Complete the audit within the time period specified by the department; 110166
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(v) Provide to the provider complete written interpretations that explain in detail the application of all relevant contract provisions, regulations, auditing standards, rate formulae, and departmental policies, with explanations and examples, that are sufficient to permit the provider to calculate with reasonable certainty those costs that are allowable and the rate to which the provider's ICF/IID is entitled. 110168
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(2) For the purpose of division (E)(1)(a)(i) of this section, 110175

employment of a member of an auditor's family by an ICF/IID that 110176
the auditor does not audit does not constitute a direct or 110177
indirect financial interest in the ownership, financing, or 110178
operation of the ICF/IID. 110179

Sec. ~~5111.224~~ 5124.15. (A) Except as otherwise provided by 110180
sections ~~5111.20~~ 5124.151 to ~~5111.331~~ 5124.154 of the Revised Code 110181
and ~~by~~ division (B) of this section, the ~~payments~~ total per 110182
medicaid day payment rate that the department of ~~job and family~~ 110183
services developmental disabilities shall ~~agree to make pay to the~~ 110184
an ICF/IID provider of an intermediate care facility for the 110185
mentally retarded pursuant to a provider agreement for ICF/IID 110186
services the provider's ICF/IID provides during a fiscal year 110187
shall equal the sum of all of the following: 110188

(1) The per medicaid day payment rate for capital costs 110189
determined for the ICF/IID under section 5124.17 of the Revised 110190
Code; 110191

(2) The per medicaid day payment rate for direct care costs 110192
determined for the ~~facility~~ ICF/IID under section ~~5111.23~~ 5124.19 110193
of the Revised Code; 110194

~~(2)~~(3) The per medicaid day payment rate for indirect care 110195
costs determined for the ICF/IID under section 5124.21 of the 110196
Revised Code; 110197

(4) The per medicaid day payment rate for other protected 110198
costs determined for the ~~facility~~ ICF/IID under section ~~5111.235~~ 110199
5124.23 of the Revised Code; 110200

~~(3)~~ The rate for indirect care costs determined for the 110201
facility under section 5111.241 of the Revised Code; 110202

~~(4)~~ The rate for capital costs determined for the facility 110203
under section 5111.251 of the Revised Code. 110204

(B) The department shall adjust the total rate otherwise 110205

determined under division (A) of this section as directed by the 110206
general assembly through the enactment of law governing medicaid 110207
payments to ICF/IID providers of intermediate care facilities for 110208
the mentally retarded. 110209

(C) In addition to paying an ICF/IID provider the total rate 110210
determined for the provider's ICF/IID under divisions (A) and (B) 110211
of this section for a fiscal year, the department, in accordance 110212
with section 5124.25 of the Revised Code, may pay the provider a 110213
rate add-on for pediatric ventilator-dependent outlier ICF/IID 110214
services if the rate add-on is to be paid under that section and 110215
the department approves the provider's application for the rate 110216
add-on. The rate add-on is not to be part of the ICF/IID's total 110217
rate. 110218

Sec. ~~5111.255~~ 5124.151. (A) ~~The department of job and family~~ 110219
~~services shall establish initial rates for an intermediate care~~ 110220
~~facility for the mentally retarded with a first date of licensure~~ 110221
~~that is on or after January 1, 1993, including a facility that~~ 110222
~~replaces one or more existing facilities, or for an intermediate~~ 110223
~~care facility for the mentally retarded with a first date of~~ 110224
~~licensure before that date that was initially certified for the~~ 110225
~~medicaid program on or after that date, total per medicaid day~~ 110226
~~payment rate determined under section 5124.15 of the Revised Code~~ 110227
~~shall not be the initial rate for ICF/IID services provided by a~~ 110228
~~new ICF/IID. Instead, the initial total per medicaid day payment~~ 110229
~~rate for ICF/IID services provided by a new ICF/IID shall be~~ 110230
~~determined in the following manner:~~ 110231

(1) The initial rate for capital costs shall be determined 110232
under section 5124.17 of the Revised Code using the greater of the 110233
new ICF/IID's actual inpatient days or an imputed occupancy rate 110234
of eighty per cent. 110235

(2) The initial rate for direct care costs shall be 110236

determined as follows: 110237

(a) If there are no cost or resident assessment data for the 110238
new ICF/IID as necessary to ~~calculate~~ determine a rate under 110239
section ~~5111.23~~ 5124.19 of the Revised Code, the rate shall be 110240
determined as follows: 110241

(i) Determine the median cost per case-mix unit ~~calculated~~ 110242
under division (B)~~(1)~~ of ~~that~~ section 5124.19 of the Revised Code 110243
for the ~~relevant~~ new ICF/IID's peer group for the calendar year 110244
immediately preceding the fiscal year in which the rate will be 110245
paid, ~~multiplied;~~ 110246

(ii) Multiply the amount determined under division 110247
(A)(2)(a)(i) of this section by the median annual average case-mix 110248
score for the new ICF/IID's peer group for that period ~~and;~~ 110249

(iii) Adjust the product determined under division 110250
(A)(2)(a)(ii) of this section by the rate of inflation estimated 110251
under division ~~(B)(3)(D)~~ of ~~that~~ section 5124.19 of the Revised 110252
Code. ~~This rate shall be recalculated to reflect the facility's~~ 110253
~~actual quarterly average case mix score, in accordance with that~~ 110254
~~section, after it submits its first quarterly assessment data that~~ 110255
~~qualifies for use in calculating a case mix score in accordance~~ 110256
~~with rules authorized by division (E) of section 5111.232 of the~~ 110257
~~Revised Code. If the facility's first two quarterly submissions do~~ 110258
~~not contain assessment data that qualifies for use in calculating~~ 110259
~~a case mix score, the department shall continue to calculate the~~ 110260
~~rate using the median annual case mix score for the peer group in~~ 110261
~~lieu of an assigned quarterly case mix score. The department shall~~ 110262
~~assign a case mix score or, if necessary, a cost per case mix unit~~ 110263
~~under division (D) of section 5111.232 of the Revised Code for any~~ 110264
~~subsequent submissions that do not contain assessment data that~~ 110265
~~qualifies for use in calculating a case mix score.~~ 110266

(b) If the ~~facility~~ new ICF/IID is a replacement ~~facility~~ 110267

~~ICF/IID and the facility ICF/IID or facilities ICFs/IID that are~~ 110268
~~being replaced are in operation immediately before the replacement~~ 110269
~~facility new ICF/IID opens, the rate shall be the same as the rate~~ 110270
~~for the replaced facility ICF/IID or facilities ICFs/IID,~~ 110271
~~proportionate to the number of ICF/IID beds in each replaced~~ 110272
~~facility ICF/IID. If one or more of the replaced facilities is~~ 110273

(c) If the new ICF/IID is a replacement ICF/IID and the 110274
ICF/IID or ICFs/IID that are being replaced are not in operation 110275
immediately before the replacement facility new ICF/IID opens, its 110276
proportion the rate shall be determined under division 110277
(A)(1)(2)(a) of this section. 110278

(2)(3) The initial rate for indirect care costs shall be the 110279
maximum rate for the new ICF/IID's peer group as determined for 110280
the fiscal year in accordance with division (C) of section 5124.21 110281
of the Revised Code. 110282

(4) The initial rate for other protected costs shall be one 110283
hundred fifteen per cent of the median rate for intermediate care 110284
facilities for the mentally retarded calculated ICFs/IID 110285
determined for the fiscal year under section 5111.235 5124.23 of 110286
the Revised Code. 110287

~~(3) The rate for indirect care costs shall be the applicable~~ 110288
~~maximum rate for the facility's peer group as specified in~~ 110289
~~division (B) of section 5111.241 of the Revised Code.~~ 110290

~~(4) The rate for capital costs shall be determined under~~ 110291
~~section 5111.251 of the Revised Code using the greater of actual~~ 110292
~~inpatient days or an imputed occupancy rate of eighty per cent.~~ 110293

(B) The (1) Except as provided in division (B)(2) of this 110294
section, the department shall adjust the rates established a new 110295
ICF/IID's initial total per medicaid day payment rate determined 110296
under division (A) of this section at both of the following times: 110297
110298

~~(1) Effective effective the first day of July, to reflect new rate calculations determinations for all facilities ICFs/IID under sections 5111.20 to 5111.331 of the Revised Code;~~ 110299
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~~(2) Following the provider's submission of the facility's cost report under division (A)(1)(b) of section 5111.26 of the Revised Code this chapter.~~ 110302
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~~The department shall pay the rate adjusted based on the cost report beginning the first day of the calendar quarter that begins more than ninety days after the department receives the cost report.~~ 110305
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(2) If the department accepts, under division (A) of section 5124.101 of the Revised Code, a cost report filed by the provider of a new ICF/IID, the department shall adjust the ICF/IID's initial total per medicaid day payment rate in accordance with divisions (D) and (E) of that section rather than division (B)(1) of this section. 110309
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Sec. 5124.152. (A) The total per medicaid day payment rate determined under section 5124.15 of the Revised Code shall not be paid for ICF/IID services provided by an ICF/IID, or discrete unit of an ICF/IID, designated by the department of developmental disabilities as an outlier ICF/IID or unit. Instead, the provider of a designated outlier ICF/IID or unit shall be paid each fiscal year a total per medicaid day payment rate that the department shall prospectively determine in accordance with a methodology established in rules authorized by this section. 110315
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(B) The department may designate an ICF/IID, or discrete unit of an ICF/IID, as an outlier ICF/IID or unit if the ICF/IID or unit serves residents who have either of the following: 110324
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(1) Diagnoses or special care needs that require direct care resources that are not measured adequately by the resident 110327
110328

<u>assessment instrument specified in rules authorized by section</u>	110329
<u>5124.191 of the Revised Code;</u>	110330
<u>(2) Diagnoses or special care needs that are specified in</u>	110331
<u>rules authorized by this section as otherwise qualifying for</u>	110332
<u>consideration under this section.</u>	110333
<u>(C) Notwithstanding any other provision of this chapter, the</u>	110334
<u>costs incurred by a designated outlier ICF/IID or unit shall not</u>	110335
<u>be considered in establishing medicaid payment rates for other</u>	110336
<u>ICFs/IID or units.</u>	110337
<u>(D) The director of developmental disabilities shall adopt</u>	110338
<u>rules under section 5124.03 of the Revised Code as necessary to</u>	110339
<u>implement this section.</u>	110340
<u>(1)(a) The rules shall do both of the following:</u>	110341
<u>(i) Specify the criteria and procedures the department will</u>	110342
<u>apply when designating an ICF/IID, or discrete unit of an ICF/IID,</u>	110343
<u>as an outlier ICF/IID or unit;</u>	110344
<u>(ii) Establish a methodology for prospectively determining</u>	110345
<u>the total per medicaid day payment rate that will be paid each</u>	110346
<u>fiscal year for ICF/IID services provided by a designated outlier</u>	110347
<u>ICF/IID or unit.</u>	110348
<u>(b) The rules adopted under division (D)(1)(a)(i) of this</u>	110349
<u>section regarding the criteria for designating outlier ICFs/IID</u>	110350
<u>and units shall do both of the following:</u>	110351
<u>(i) Provide for consideration of whether all of the allowable</u>	110352
<u>costs of an ICF/IID, or discrete unit of an ICF/IID, would be paid</u>	110353
<u>by the rate determined under section 5124.15 of the Revised Code;</u>	110354
<u>(ii) Specify the minimum number of ICF/IID beds that an</u>	110355
<u>ICF/IID, or discrete unit of an ICF/IID, must have to be</u>	110356
<u>designated an outlier ICF/IID or unit.</u>	110357
<u>(c) The rules authorized by division (D)(1)(a)(i) of this</u>	110358

section regarding the criteria for designating outlier ICFs/IID 110359
and units shall not limit the designation to ICFs/IID, or discrete 110360
units of ICFs/IID, located in large cities. 110361

(d) The rules authorized by division (D)(1)(a)(ii) of this 110362
section regarding the methodology for prospectively determining 110363
the rates of designated outlier ICFs/IID and units shall provide 110364
for the methodology to consider the historical costs of providing 110365
ICF/IID services to the residents of designated outlier ICFs/IID 110366
and units. 110367

(2)(a) The rules may do both of the following: 110368

(i) Include for designation as an outlier ICF/IID or unit, an 110369
ICF/IID, or discrete unit of an ICF/IID, that serves residents who 110370
have complex medical conditions or severe behavioral problems; 110371

(ii) Require that a designated outlier ICF/IID or unit 110372
receive authorization from the department before admitting or 110373
retaining a resident. 110374

(b) If the director adopts rules authorized by division 110375
(D)(2)(a)(ii) of this section regarding the authorization of a 110376
designated outlier ICF/IID or unit to admit or retain a resident, 110377
the rules shall specify the criteria and procedures the department 110378
will apply when granting the authorization. 110379

Sec. 5124.153. (A) To the extent, if any, provided for in 110380
rules authorized by this section, the total per medicaid day 110381
payment rate determined under section 5124.15 of the Revised Code 110382
shall not be paid for ICF/IID services that an ICF/IID not 110383
designated as an outlier ICF/IID or unit provides to a resident 110384
who meets the criteria for admission to a designated outlier 110385
ICF/IID or unit, as specified in rules authorized by section 110386
5124.152 of the Revised Code. Instead, the provider of an ICF/IID 110387
providing ICF/IID services to such a resident shall be paid each 110388

fiscal year a total per medicaid day payment rate that the 110389
department shall prospectively determine in accordance with a 110390
methodology established in rules authorized by this section. 110391

(B) The director of developmental disabilities may adopt 110392
rules under section 5124.03 of the Revised Code to implement this 110393
section. The rules may require that an ICF/IID receive 110394
authorization from the department before admitting or retaining a 110395
resident who meets the criteria for admission to a designated 110396
outlier ICF/IID or unit. If the director adopts such rules, the 110397
rules shall specify the criteria and procedures the department 110398
will apply when granting the authorization. 110399

~~Sec. 5111.291~~ 5124.154. ~~Notwithstanding sections 5111.20 to~~ 110400
~~5111.331 of the Revised Code~~ The department of developmental 110401
disabilities is not required to pay the total per medicaid day 110402
payment rates determined under section 5124.15 of the Revised Code 110403
for ICF/IID services provided by developmental centers. Instead, 110404
the department of job and family services may compute determine 110405
the rate medicaid payment rates ~~for intermediate care facilities~~ 110406
~~for the mentally retarded operated by the department of~~ 110407
~~developmental disabilities or the department of mental health~~ 110408
centers according to the reasonable cost principles of Title 110409
XVIII. 110410

~~Sec. 5111.251~~ 5124.17. (A) The For each fiscal year, the 110411
~~department of job and family services~~ developmental disabilities 110412
shall pay a provider for determine ~~each of the provider's eligible~~ 110413
~~intermediate care facilities for the mentally retarded for its~~ 110414
~~reasonable capital costs, a ICF/IID's per resident per medicaid~~ 110415
~~day payment rate established prospectively each fiscal year for~~ 110416
~~each intermediate care facility for the mentally retarded for~~ 110417
reasonable capital costs. Except as otherwise provided in ~~sections~~ 110418

~~5111.20 to 5111.331 of the Revised Code this chapter, the an~~ 110419
~~ICF/IID's rate shall be determined prospectively and based on the~~ 110420
~~facility's ICF/IID's capital costs for the calendar year preceding~~ 110421
~~the fiscal year in which the rate will be paid. The Subject to~~ 110422
~~section 5124.28, an ICF/IID's rate shall equal the sum of the~~ 110423
~~following:~~ 110424

(1) ~~The facility's ICF/IID's desk-reviewed, actual,~~ 110425
~~allowable, per diem cost costs of ownership for the immediately~~ 110426
~~preceding cost reporting period, limited as provided in divisions~~ 110427
~~(B) and (C) and (F) of this section;~~ 110428

(2) ~~Any efficiency incentive determined under division (B) of~~ 110429
~~this section;~~ 110430

~~(3) Any amounts for The ICF/IID's per medicaid day payment~~ 110431
~~for the ICF/IID's per diem capitalized costs of nonextensive~~ 110432
~~renovations determined under division (D)(1) of this section if~~ 110433
~~the ICF/IID qualifies for a payment for such costs as specified in~~ 110434
~~division (D)(2) of this section;~~ 110435

~~(4) Any amounts for (3) The ICF/IID's per medicaid day~~ 110436
~~efficiency incentive determined under division (E) of this~~ 110437
~~section;~~ 110438

~~(4) Until fiscal year 2015, the ICF/IID's return on net~~ 110439
~~equity determined under division (H)(F) of this section.~~ 110440

~~Buildings shall be depreciated using the straight line method~~ 110441
~~over forty years or over a different period approved by the~~ 110442
~~department. Components and equipment shall be depreciated using~~ 110443
~~the straight line method over a period designated by the director~~ 110444
~~of job and family services in rules adopted under section 5111.02~~ 110445
~~of the Revised Code, consistent with the guidelines of the~~ 110446
~~American hospital association, or over a different period approved~~ 110447
~~by the department of job and family services. Any rules authorized~~ 110448
~~by this division that specify useful lives of buildings,~~ 110449

~~components, or equipment apply only to assets acquired on or after 110450
July 1, 1993. Depreciation for costs paid or reimbursed by any 110451
government agency shall not be included in costs of ownership or 110452
renovation unless that part of the payment under sections 5111.20 110453
to 5111.331 of the Revised Code is used to reimburse the 110454
government agency. 110455~~

~~(B) The department of job and family services shall pay to a 110456
provider for each of the provider's eligible intermediate care 110457
facilities for the mentally retarded an efficiency incentive equal 110458
to fifty per cent of the difference between any desk reviewed, 110459
actual, allowable cost of ownership and the applicable limit on 110460
cost of ownership payments under division (C) of this section. For 110461
purposes of computing the efficiency incentive, depreciation for 110462
costs paid or reimbursed by any government agency shall be 110463
considered as a cost of ownership, and the applicable limit under 110464
division (C) of this section shall apply both to facilities with 110465
more than eight beds and facilities with eight or fewer beds. The 110466
efficiency incentive paid to a provider for a facility with eight 110467
or fewer beds shall not exceed three dollars per patient day, 110468
adjusted annually for the inflation rate for the twelve month 110469
period beginning on the first day of July of the calendar year 110470
preceding the calendar year that precedes the fiscal year for 110471
which the efficiency incentive is determined and ending on the 110472
thirtieth day of the following June, using the consumer price 110473
index for shelter costs for all urban consumers for the north 110474
central region, as published by the United States bureau of labor 110475
statistics. 110476~~

~~(C) Cost The costs of ownership payments per diem payment 110477
rates for intermediate care facilities for the mentally retarded 110478
ICFs/IID with more than eight beds shall not exceed the following 110479
limits: 110480~~

~~(1) For facilities ICFs/IID with dates of licensure prior to 110481~~

January 1, 1958, not exceeding two dollars and fifty cents per	110482
patient-day;	110483
(2) For facilities <u>ICFs/IID</u> with dates of licensure after	110484
December 31, 1957, but prior to January 1, 1968, not exceeding:	110485
(a) Three dollars and fifty cents per patient-day if the cost	110486
of construction was three thousand five hundred dollars or more	110487
per bed;	110488
(b) Two dollars and fifty cents per patient-day if the cost	110489
of construction was less than three thousand five hundred dollars	110490
per bed.	110491
(3) For facilities <u>ICFs/IID</u> with dates of licensure after	110492
December 31, 1967, but prior to January 1, 1976, not exceeding:	110493
(a) Four dollars and fifty cents per patient-day if the cost	110494
of construction was five thousand one hundred fifty dollars or	110495
more per bed;	110496
(b) Three dollars and fifty cents per patient-day if the cost	110497
of construction was less than five thousand one hundred fifty	110498
dollars per bed, but exceeds three thousand five hundred dollars	110499
per bed;	110500
(c) Two dollars and fifty cents per patient-day if the cost	110501
of construction was three thousand five hundred dollars or less	110502
per bed.	110503
(4) For facilities <u>ICFs/IID</u> with dates of licensure after	110504
December 31, 1975, but prior to January 1, 1979, not exceeding:	110505
(a) Five dollars and fifty cents per patient-day if the cost	110506
of construction was six thousand eight hundred dollars or more per	110507
bed;	110508
(b) Four dollars and fifty cents per patient-day if the cost	110509
of construction was less than six thousand eight hundred dollars	110510
per bed but exceeds five thousand one hundred fifty dollars per	110511

bed; 110512

(c) Three dollars and fifty cents ~~per patient day~~ if the cost 110513
of construction was five thousand one hundred fifty dollars or 110514
less per bed, but exceeds three thousand five hundred dollars per 110515
bed; 110516

(d) Two dollars and fifty cents ~~per patient day~~ if the cost 110517
of construction was three thousand five hundred dollars or less 110518
per bed. 110519

(5) For ~~facilities~~ ICFs/IID with dates of licensure after 110520
December 31, 1978, but prior to January 1, 1980, not exceeding: 110521

(a) Six dollars ~~per patient day~~ if the cost of construction 110522
was seven thousand six hundred twenty-five dollars or more per 110523
bed; 110524

(b) Five dollars and fifty cents ~~per patient day~~ if the cost 110525
of construction was less than seven thousand six hundred 110526
twenty-five dollars per bed but exceeds six thousand eight hundred 110527
dollars per bed; 110528

(c) Four dollars and fifty cents ~~per patient day~~ if the cost 110529
of construction was six thousand eight hundred dollars or less per 110530
bed but exceeds five thousand one hundred fifty dollars per bed; 110531

(d) Three dollars and fifty cents ~~per patient day~~ if the cost 110532
of construction was five thousand one hundred fifty dollars or 110533
less but exceeds three thousand five hundred dollars per bed; 110534

(e) Two dollars and fifty cents ~~per patient day~~ if the cost 110535
of construction was three thousand five hundred dollars or less 110536
per bed. 110537

(6) For ~~facilities~~ ICFs/IID with dates of licensure after 110538
December 31, 1979, but prior to January 1, 1981, not exceeding: 110539

(a) Twelve dollars ~~per patient day~~ if the beds were 110540
originally licensed as residential facility beds by the department 110541

of developmental disabilities; 110542

(b) Six dollars ~~per patient day~~ if the beds were originally 110543
licensed as nursing home beds by the department of health. 110544

(7) For ~~facilities~~ ICFs/IID with dates of licensure after 110545
December 31, 1980, but prior to January 1, 1982, not exceeding: 110546

(a) Twelve dollars ~~per patient day~~ if the beds were 110547
originally licensed as residential facility beds by the department 110548
of developmental disabilities; 110549

(b) Six dollars and forty-five cents ~~per patient day~~ if the 110550
beds were originally licensed as nursing home beds by the 110551
department of health. 110552

(8) For ~~facilities~~ ICFs/IID with dates of licensure after 110553
December 31, 1981, but prior to January 1, 1983, not exceeding: 110554

(a) Twelve dollars ~~per patient day~~ if the beds were 110555
originally licensed as residential facility beds by the department 110556
of developmental disabilities; 110557

(b) Six dollars and seventy-nine cents ~~per patient day~~ if the 110558
beds were originally licensed as nursing home beds by the 110559
department of health. 110560

(9) For ~~facilities~~ ICFs/IID with dates of licensure after 110561
December 31, 1982, but prior to January 1, 1984, not exceeding: 110562

(a) Twelve dollars ~~per patient day~~ if the beds were 110563
originally licensed as residential facility beds by the department 110564
of developmental disabilities; 110565

(b) Seven dollars and nine cents ~~per patient day~~ if the beds 110566
were originally licensed as nursing home beds by the department of 110567
health. 110568

(10) For ~~facilities~~ ICFs/IID with dates of licensure after 110569
December 31, 1983, but prior to January 1, 1985, not exceeding: 110570

(a) Twelve dollars and twenty-four cents ~~per patient day~~ if 110571
the beds were originally licensed as residential facility beds by 110572
the department of developmental disabilities; 110573

(b) Seven dollars and twenty-three cents ~~per patient day~~ if 110574
the beds were originally licensed as nursing home beds by the 110575
department of health. 110576

(11) For ~~facilities~~ ICFs/IID with dates of licensure after 110577
December 31, 1984, but prior to January 1, 1986, not exceeding: 110578

(a) Twelve dollars and fifty-three cents ~~per patient day~~ if 110579
the beds were originally licensed as residential facility beds by 110580
the department of developmental disabilities; 110581

(b) Seven dollars and forty cents ~~per patient day~~ if the beds 110582
were originally licensed as nursing home beds by the department of 110583
health. 110584

(12) For ~~facilities~~ ICFs/IID with dates of licensure after 110585
December 31, 1985, but prior to January 1, 1987, not exceeding: 110586

(a) Twelve dollars and seventy cents ~~per patient day~~ if the 110587
beds were originally licensed as residential facility beds by the 110588
department of developmental disabilities; 110589

(b) Seven dollars and fifty cents ~~per patient day~~ if the beds 110590
were originally licensed as nursing home beds by the department of 110591
health. 110592

(13) For ~~facilities~~ ICFs/IID with dates of licensure after 110593
December 31, 1986, but prior to January 1, 1988, not exceeding: 110594

(a) Twelve dollars and ninety-nine cents ~~per patient day~~ if 110595
the beds were originally licensed as residential facility beds by 110596
the department of developmental disabilities; 110597

(b) Seven dollars and sixty-seven cents ~~per patient day~~ if 110598
the beds were originally licensed as nursing home beds by the 110599
department of health. 110600

(14) For ~~facilities~~ ICFs/IID with dates of licensure after 110601
December 31, 1987, but prior to January 1, 1989, not exceeding 110602
thirteen dollars and twenty-six cents ~~per patient day~~; 110603

(15) For ~~facilities~~ ICFs/IID with dates of licensure after 110604
December 31, 1988, but prior to January 1, 1990, not exceeding 110605
thirteen dollars and forty-six cents ~~per patient day~~; 110606

(16) For ~~facilities~~ ICFs/IID with dates of licensure after 110607
December 31, 1989, but prior to January 1, 1991, not exceeding 110608
thirteen dollars and sixty cents ~~per patient day~~; 110609

(17) For ~~facilities~~ ICFs/IID with dates of licensure after 110610
December 31, 1990, but prior to January 1, 1992, not exceeding 110611
thirteen dollars and forty-nine cents ~~per patient day~~; 110612

(18) For ~~facilities~~ ICFs/IID with dates of licensure after 110613
December 31, 1991, but prior to January 1, 1993, not exceeding 110614
thirteen dollars and sixty-seven cents ~~per patient day~~; 110615

(19) For ~~facilities~~ ICFs/IID with dates of licensure after 110616
December 31, 1992, not exceeding fourteen dollars and twenty-eight 110617
cents ~~per patient day~~. 110618

(C)(1) The costs of ownership per diem payment rate for an 110619
ICF/IID with eight or fewer beds shall not exceed the following 110620
limits: 110621

(a) Eighteen dollars and thirty cents as adjusted for 110622
inflation pursuant to division (C)(2) of this section if any of 110623
the following apply to the ICF/IID: 110624

(i) The ICF/IID has a date of licensure, or was granted 110625
project authorization by the department of developmental 110626
disabilities, before July 1, 1993. 110627

(ii) The ICF/IID has a date of licensure, or was granted 110628
project authorization by the department, on or after July 1, 1993, 110629
and the provider demonstrates that the provider made substantial 110630

commitments of funds for the ICF/IID before that date. 110631

(iii) The ICF/IID has a date of licensure, or was granted 110632
project authorization by the department, on or after July 1, 1993, 110633
the provider made no substantial commitment of funds for the 110634
ICF/IID before that date, and the department of job and family 110635
services or department of developmental disabilities gave prior 110636
approval for the ICF/IID's construction. 110637

(b) If division (C)(1)(a) of this section does not apply to 110638
the ICF/IID, the amount that would apply to the ICF/IID under 110639
division (B) of this section if it had more than eight beds. 110640

(2) The eighteen-dollar and thirty-cent payment rate 110641
specified in division (C)(1)(a) of this section shall be increased 110642
as follows: 110643

(a) For the period beginning June 30, 1990, and ending July 110644
1, 1993, by the change in the "Dodge building cost indexes, 110645
northeastern and north central states," published by Marshall and 110646
Swift; 110647

(b) For each fiscal year thereafter, in accordance with 110648
division (G) of this section. 110649

(D)(1) Beginning January 1, 1981, regardless of the original 110650
date of licensure, the ~~department of job and family services shall~~ 110651
~~pay a~~ payment rate for the per diem capitalized costs of 110652
~~nonextensive~~ renovations ~~to intermediate care facilities for the~~ 110653
~~mentally retarded~~ made after January 1, 1981, to a qualifying 110654
ICF/IID, shall not ~~exceeding~~ exceed six dollars per ~~patient~~ 110655
medicaid day using 1980 as the base year and adjusting the amount 110656
annually until June 30, 1993, for fluctuations in construction 110657
costs calculated by the department using the "Dodge building cost 110658
indexes, northeastern and north central states," published by 110659
Marshall and Swift. The payment rate shall be further adjusted in 110660
accordance with division (G) of this section. The payment provided 110661

for in this division is the only payment that shall be made for 110662
the ~~an ICF/IID's~~ capitalized costs of a nonextensive ~~renovation of~~ 110663
~~an intermediate care facility for the mentally retarded~~ 110664
renovations. ~~Nonextensive renovation costs~~ Costs of nonextensive 110665
renovations shall not be included in ~~cost~~ costs of ownership, and 110666
~~a nonextensive renovation~~ shall not affect the date of licensure 110667
for purposes of division (B) or (C) of this section. This division 110668
applies to nonextensive renovations regardless of whether they are 110669
made by an owner or a lessee. If the tenancy of a lessee that has 110670
made nonextensive renovations ends before the depreciation expense 110671
for the ~~renovation~~ costs of nonextensive renovations has been 110672
fully reported, the former lessee shall not report the 110673
undepreciated balance as an expense. 110674

~~For a nonextensive renovation to qualify~~ (2) An ICF/IID 110675
qualifies for a payment ~~under this division, both~~ for costs of 110676
nonextensive renovations if all of the following ~~conditions must~~ 110677
~~be met~~ apply: 110678

~~(1)~~(a) Either of the following applies: 110679

(i) The ICF/IID has more than eight beds and either the 110680
department approved the nonextensive renovation before July 1, 110681
2013, or the nonextensive renovation is part of a project that 110682
results in the ICF/IID becoming a downsized ICF/IID or partially 110683
converted ICF/IID. 110684

(ii) The ICF/IID has eight or fewer beds. 110685

(b) At least five years have elapsed since the ICF/IID's date 110686
of licensure or date of an extensive renovation of the portion of 110687
the ~~facility~~ ICF/IID that is proposed to be nonextensively 110688
renovated, ~~except that this condition does not apply if~~ unless the 110689
nonextensive renovation is necessary to meet the requirements of 110690
federal, state, or local statutes, ordinances, rules, or policies. 110691

~~(2)~~(c) The provider has obtained prior approval from the 110692

~~department of job and family services. The provider shall submit~~ 110693
of the ICF/IID does both of the following: 110694

(i) Submits to the department a plan that describes in detail 110695
the changes in capital assets to be accomplished by means of the 110696
nonextensive renovation and the timetable for completing the 110697
project. ~~The time for completion of the project, which~~ shall be ~~no~~ 110698
not more than eighteen months after the nonextensive renovation 110699
begins; 110700

(ii) Obtains prior approval from the department for the 110701
nonextensive renovation. The 110702

(3) The director of ~~job and family services~~ developmental 110703
disabilities shall adopt rules under section ~~5111.02~~ 5124.03 of 110704
the Revised Code that specify criteria and procedures for prior 110705
approval of nonextensive renovation and extensive renovation 110706
projects. No provider shall separate a project with the intent to 110707
evade the characterization of the project as a nonextensive 110708
renovation or as an extensive renovation. No provider shall 110709
increase the scope of a project after it is approved by the 110710
department ~~of job and family services~~ unless the increase in scope 110711
is approved by the department. 110712

(E)(1) Subject to division (E)(2) of this section, an 110713
ICF/IID's per medicaid day efficiency incentive payment rate shall 110714
equal the following percentage of the difference between the 110715
ICF/IID's desk-reviewed, actual, allowable per diem costs of 110716
ownership and the applicable limit on costs of ownership payment 110717
rates established by division (B) of this section: 110718

(a) In the case of an ICF/IID with more than eight beds, the 110719
following percentage: 110720

(i) Fifty per cent for fiscal year 2014; 110721

(ii) Fifty per cent for fiscal year 2015 and each fiscal year 110722
thereafter if the provider of the ICF/IID obtains the department's 110723

approval to become a downsized ICF/IID and the approval is 110724
conditioned on the downsizing being completed not later than July 110725
1, 2018; 110726

(iii) Twenty-five per cent; 110727

(b) In the case of an ICF/IID with eight or fewer beds, fifty 110728
per cent. 110729

(2) The efficiency incentive payment rate for an ICF/IID with 110730
eight or fewer beds shall not exceed three dollars per medicaid 110731
day, adjusted annually in accordance with division (G) of this 110732
section. For the purpose of determining an ICF/IID's efficiency 110733
incentive payment rate, both of the following apply: 110734

(a) Depreciation for costs paid or reimbursed by any 110735
government agency shall be considered as a cost of ownership; 110736

(b) The applicable limit under division (B) of this section 110737
shall apply both to ICFs/IID with more than eight beds and 110738
ICFs/IID with eight or fewer beds. 110739

(F) An ICF/IID's return on net equity shall be determined at 110740
the rate of one and one-half times the average of interest rates 110741
on special issues of public debt obligations issued to the federal 110742
hospital insurance trust fund for the cost reporting period. In 110743
determining an ICF/IID's rate for return on net equity, the 110744
department shall use the greater of the ICF/IID's inpatient days 110745
during the applicable cost reporting period or the number of 110746
inpatient days the ICF/IID would have had during that period if 110747
the ICF/IID's occupancy rate had been ninety-five per cent. No 110748
ICF/IID's rate for return on net equity shall exceed one dollar 110749
per medicaid day. No ICF/IID's rate for capital costs shall 110750
include a rate for return on net equity beginning July 1, 2014. 110751

(G) The amounts specified in divisions (B), (C) and, (D), and 110752
(E) of this section shall be adjusted beginning July 1, 1993, for 110753
the estimated inflation rate for the twelve-month period beginning 110754

on the first day of July of the calendar year immediately 110755
preceding the calendar year that immediately precedes the fiscal 110756
year for which rate will be paid and ending on the thirtieth day 110757
of the following June, using the consumer price index for shelter 110758
costs for all urban consumers for the ~~north central~~ midwest 110759
region, as published by the United States bureau of labor 110760
statistics. 110761

~~(F)(1) For facilities of eight or fewer beds that have dates 110762
of licensure or have been granted project authorization by the 110763
department of developmental disabilities before July 1, 1993, and 110764
for facilities of eight or fewer beds that have dates of licensure 110765
or have been granted project authorization after that date if the 110766
providers of the facilities demonstrate that they made substantial 110767
commitments of funds on or before that date, cost of ownership 110768
shall not exceed eighteen dollars and thirty cents per resident 110769
per day. The eighteen dollar and thirty cent amount shall be 110770
increased by the change in the "Dodge building cost indexes, 110771
northeastern and north central states," published by Marshall and 110772
Swift, during the period beginning June 30, 1990, and ending July 110773
1, 1993, and by the change in the consumer price index for shelter 110774
costs for all urban consumers for the north central region, as 110775
published by the United States bureau of labor statistics, 110776
annually thereafter. 110777~~

~~(2) For facilities with eight or fewer beds that have dates 110778
of licensure or have been granted project authorization by the 110779
department of developmental disabilities on or after July 1, 1993, 110780
for which substantial commitments of funds were not made before 110781
that date, cost of ownership payments shall not exceed the 110782
applicable amount calculated under division (F)(1) of this 110783
section, if the department of job and family services gives prior 110784
approval for construction of the facility. If the department does 110785
not give prior approval, cost of ownership payments shall not 110786~~

~~exceed the amount specified in division (C) of this section.~~ 110787

~~(3)(H) Notwithstanding divisions (C) and (D) and (F)(1) and (2) of this section, the total payment rate for ~~cost~~ costs of ownership, ~~cost of ownership efficiency incentive, and~~ capitalized costs of nonextensive renovations, and the efficiency incentive for an ~~intermediate care facility for the mentally retarded~~ ICF/IID with eight or fewer beds shall not exceed the sum of the limitations specified in divisions (C) and (D) of this section.~~ 110788
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~~(G) Notwithstanding any provision of this section or section 5111.241 of the Revised Code, the director of job and family services may adopt rules under section 5111.02 of the Revised Code that provide for a calculation of a combined maximum payment limit for indirect care costs and cost of ownership for intermediate care facilities for the mentally retarded with eight or fewer beds.~~ 110795
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~~(H) The department of job and family services shall pay a provider for each of the provider's eligible proprietary intermediate care facilities for the mentally retarded a return on the facility's net equity computed at the rate of one and one half times the average of interest rates on special issues of public debt obligations issued to the federal hospital insurance trust fund for the cost reporting period. No facility's return on net equity paid under this division shall exceed one dollar per patient day.~~ 110802
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~~In calculating the rate for return on net equity, the department shall use the greater of the facility's inpatient days during the applicable cost reporting period or the number of inpatient days the facility would have had during that period if its occupancy rate had been ninety five per cent.~~ 110811
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~~(I)(1) For the purpose of determining ICFs/IID's medicaid payment rates for capital costs:~~ 110816
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(a) Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department. 110818
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(b) Components and equipment shall be depreciated using the straight line method over a period designated by the director of developmental disabilities in rules adopted under section 5124.03 of the Revised Code, consistent with the guidelines of the American hospital association, or over a different period approved by the department. 110821
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(2) Any rules authorized by division (I)(1) of this section that specify useful lives of buildings, components, or equipment apply only to assets acquired on or after July 1, 1993. Depreciation for costs paid or reimbursed by any government agency shall not be included in costs of ownership or costs of nonextensive renovations unless that part of the payment under this chapter is used to reimburse the government agency. 110827
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(J)(1) Except as provided in division ~~(I)~~(J)(2) of this section, if a provider leases or transfers an interest in a ~~facility~~ an ICF/IID to another provider who is a related party, the related party's allowable ~~cost~~ costs of ownership shall include the lesser of the following: 110834
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(a) The annual lease expense or actual cost of ownership, whichever is applicable; 110839
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(b) The reasonable cost to the lessor or provider making the transfer. 110841
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(2) If a provider leases or transfers an interest in a ~~facility~~ an ICF/IID to another provider who is a related party, regardless of the date of the lease or transfer, the related party's allowable cost of ownership shall include the annual lease expense or actual cost of ownership, whichever is applicable, subject to the limitations specified in divisions (B) to ~~(H)~~(I) of 110843
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this section, if all of the following conditions are met: 110849

(a) The related party is a relative of owner; 110850

(b) In the case of a lease, if the lessor retains any 110851
ownership interest, it is, except as provided in division 110852
~~(I)~~(J)(2)(d)(ii) of this section, in only the real property and 110853
any improvements on the real property; 110854

(c) In the case of a transfer, the provider making the 110855
transfer retains, except as provided in division ~~(I)~~(J)(2)(d)(iv) 110856
of this section, no ownership interest in the ~~facility~~ ICF/IID; 110857

(d) The department ~~of job and family services~~ determines that 110858
the lease or transfer is an arm's length transaction pursuant to 110859
rules adopted under section ~~5111.02~~ 5124.03 of the Revised Code. 110860
The rules shall provide that a lease or transfer is an arm's 110861
length transaction if all of the following, as applicable, apply: 110862

(i) In the case of a lease, once the lease goes into effect, 110863
the lessor has no direct or indirect interest in the lessee or, 110864
except as provided in division ~~(I)~~(J)(2)(b) of this section, the 110865
~~facility~~ ICF/IID itself, including interest as an owner, officer, 110866
director, employee, independent contractor, or consultant, but 110867
excluding interest as a lessor. 110868

(ii) In the case of a lease, the lessor does not reacquire an 110869
interest in the ~~facility~~ ICF/IID except through the exercise of a 110870
lessor's rights in the event of a default. If the lessor 110871
reacquires an interest in the ~~facility~~ ICF/IID in this manner, the 110872
department shall treat the ~~facility~~ ICF/IID as if the lease never 110873
occurred when the department ~~calculates~~ determines its 110874
~~reimbursement rates~~ payment rate for capital costs. 110875

(iii) In the case of a transfer, once the transfer goes into 110876
effect, the provider that made the transfer has no direct or 110877
indirect interest in the provider that acquires the ~~facility~~ 110878
ICF/IID or the ~~facility~~ ICF/IID itself, including interest as an 110879

owner, officer, director, employee, independent contractor, or 110880
consultant, but excluding interest as a creditor. 110881

(iv) In the case of a transfer, the provider that made the 110882
transfer does not reacquire an interest in the ~~facility~~ ICF/IID 110883
except through the exercise of a creditor's rights in the event of 110884
a default. If the provider reacquires an interest in the ~~facility~~ 110885
ICF/IID in this manner, the department shall treat the ~~facility~~ 110886
ICF/IID as if the transfer never occurred when the department 110887
calculates determines its ~~reimbursement rates~~ payment rate for 110888
capital costs. 110889

(v) The lease or transfer satisfies any other criteria 110890
specified in the rules. 110891

(e) Except in the case of hardship caused by a catastrophic 110892
event, as determined by the department, or in the case of a lessor 110893
or provider making the transfer who is at least sixty-five years 110894
of age, not less than twenty years have elapsed since, for the 110895
same ~~facility~~ ICF/IID, allowable cost of ownership was determined 110896
most recently under this division. 110897

Sec. ~~5111.23~~ 5124.19. (A) ~~The (1) For each fiscal year, the~~ 110898
department of ~~job and family services~~ developmental disabilities 110899
shall ~~pay a provider for~~ determine each of the provider's eligible 110900
~~intermediate care facilities for the mentally retarded a~~ ICF/IID's 110901
~~per resident per medicaid day~~ payment rate for direct care costs 110902
~~established prospectively for each facility. The department shall~~ 110903
~~establish each facility's rate for direct care costs quarterly as~~ 110904
follows: 110905

(a) Multiply the lesser of the following by the ICF/IID's 110906
annual average case-mix score determined or assigned under section 110907
5124.192 of the Revised Code for the calendar year immediately 110908
preceding the fiscal year for which the rate will be paid: 110909

(i) The ICF/IID's cost per case-mix unit for the calendar year immediately preceding the fiscal year for which the rate will be paid, as determined under division (B) of this section; 110910
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(ii) The maximum cost per case-mix unit for the ICF/IID's peer group for the fiscal year for which the rate will be paid, as set under division (C) of this section; 110913
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(b) Adjust the product determined under division (A)(1)(a) of this section by the inflation rate estimated under division (D)(1) of this section and modified under division (D)(2) of this section. 110916
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(2) Except as otherwise directed by law enacted by the general assembly, the department shall determine each ICF/IID's rate for direct care costs prospectively. 110920
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~~(B) Each facility's rate for direct care costs shall be based on the facility's cost per case mix unit, subject to the maximum costs per case mix unit established under division (B)(2) of this section, from the calendar year preceding the fiscal year in which the rate is paid. To determine the rate, the department shall do all of the following:~~ 110923
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~~(1) Determine each facility's~~ an ICF/IID's cost per case-mix unit for the calendar year immediately preceding the fiscal year in which the rate will be paid ~~by dividing,~~ the facility's department shall divide the ICF/IID's desk-reviewed, actual, allowable, per diem direct care costs for that calendar year by its annual average case-mix score determined under section ~~5111.232~~ 5124.192 of the Revised Code for the same calendar year. 110929
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~~(2)(a) Set (C)(1)~~ For each fiscal year for which a rate will be paid, the department shall set the maximum cost per case-mix unit for each peer group of ~~intermediate care facilities for the mentally retarded~~ ICFs/IID with more than eight beds ~~specified in rules adopted under division (F) of this section~~ at a percentage 110936
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above the cost per case-mix unit ~~of~~ determined under division (B) 110941
of this section for the facility ICF/IID in the peer group that 110942
has the peer group's median number of medicaid ~~day~~ days for the 110943
calendar year immediately preceding the fiscal year in which the 110944
rate will be paid, ~~as calculated under division (B)(1) of this~~ 110945
~~section, that is.~~ The percentage shall be no less than the 110946
percentage calculated under division (E)(2) of this section above 110947
the cost per case-mix unit determined under division (B) of this 110948
section for the ICF/IID that has the median number of medicaid 110949
days for calendar year 1992 for all ICFs/IID with more than eight 110950
beds that would result in payment of all desk-reviewed, actual, 110951
allowable direct care costs for eighty and one-half per cent of 110952
the medicaid days for such ICFs/IID for calendar year 1992. 110953

~~(b) Set (2)~~ For each fiscal year for which a rate will be 110954
paid, the department shall set the maximum cost per case-mix unit 110955
for each peer group of ~~intermediate care facilities for the~~ 110956
~~mentally retarded ICFs/IID~~ with eight or fewer beds ~~specified in~~ 110957
~~rules adopted under division (F) of this section~~ at a percentage 110958
above the cost per case-mix unit ~~of~~ determined under division (B) 110959
of this section for the facility ICF/IID in the peer group that 110960
has the peer group's median number of medicaid ~~day~~ days for the 110961
calendar year immediately preceding the fiscal year in which the 110962
rate will be paid, ~~as calculated under division (B)(1) of this~~ 110963
~~section, that is.~~ The percentage shall be no less than the 110964
percentage calculated under division (E)(3) of this section above 110965
the cost per case-mix unit determined under division (B) of this 110966
section for the ICF/IID that has the median number of medicaid 110967
days for calendar year 1992 for all ICFs/IID with eight or fewer 110968
beds that would result in payment of all desk-reviewed, actual, 110969
allowable direct care costs for eighty and one-half per cent of 110970
the medicaid days for such ICFs/IID for calendar year 1992. 110971

~~(e)(3)~~ In calculating determining the maximum cost per 110972

case-mix unit under divisions ~~(B)(2)(a)(C)(1)~~ and ~~(b)(2)~~ of this 110973
section for each peer group, the department shall exclude from its 110974
~~calculations~~ determinations the cost per case-mix unit of any 110975
~~facility~~ ICF/IID in the peer group that participated in the 110976
medicaid program under the same ~~operator~~ provider for less than 110977
twelve months during the calendar year immediately preceding the 110978
fiscal year in which the rate will be paid. 110979

~~(3) Estimate~~ (4) The department shall not reset a peer 110980
group's maximum cost per case-mix unit for a fiscal year under 110981
division (C)(1) or (2) of this section based on additional 110982
information that it receives after it sets the maximum for that 110983
fiscal year. The department shall reset a peer group's maximum 110984
cost per case-mix unit for a fiscal year only if it made an error 110985
in setting the maximum for that fiscal year based on information 110986
available to the department at the time it originally sets the 110987
maximum for that fiscal year. 110988

(D)(1) The department shall estimate the rate of inflation 110989
for the eighteen-month period beginning on the first day of July 110990
of the calendar year preceding the fiscal year in which ~~the~~ a rate 110991
will be paid and ending on the thirty-first day of December of the 110992
fiscal year in which the rate will be paid, using the ~~index~~ 110993
~~specified in division (C) of this section. If the estimated~~ 110994
~~inflation rate for the eighteen month period is different from the~~ 110995
~~actual inflation rate for that period, as measured using the same~~ 110996
~~index, the difference shall be added to or subtracted from the~~ 110997
~~inflation rate estimated under division (B)(3) of this section for~~ 110998
~~the following fiscal year.~~ 110999

~~(4) The department shall not recalculate a maximum cost per~~ 111000
~~case mix unit under division (B)(2) of this section or a~~ 111001
~~percentage under division (E) of this section based on additional~~ 111002
~~information that it receives after the maximum costs per case mix~~ 111003
~~unit or percentages are set. The department shall recalculate a~~ 111004

~~maximum cost per case mix units or percentage only if it made an error in computing the maximum cost per case mix unit or percentage based on information available at the time of the original calculation.~~

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~~(C) The department shall use the following index for the purpose of division (B)(3) of this section:~~

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~~(1) The (a) Subject to division (D)(1)(b) of this section, the employment cost index for total compensation, health services care and social assistance component, published by the United States bureau of labor statistics;~~

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~~(2)(b) If the United States bureau of labor statistics ceases to publish the index specified in division (C)(D)(1)(a) of this section, the index that is subsequently published by the bureau and covers nursing facilities' the staff costs of ICFs/IID.~~

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~~(D) Each facility's rate for direct care costs shall be determined as follows for each calendar quarter within a fiscal year:~~

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~~(1) Multiply the lesser of the following by the facility's average case mix score determined under section 5111.232 of the Revised Code for the calendar quarter that preceded the immediately preceding calendar quarter:~~

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~~(a) The facility's cost per case mix unit for the calendar year preceding the fiscal year in which the rate will be paid, as determined under division (B)(1) of this section;~~

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~~(b) The maximum cost per case mix unit established for the fiscal year in which the rate will be paid for the facility's peer group under division (B)(2) of this section;~~

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~~(2) Adjust the product determined under division (D)(1) of this section by the inflation rate estimated under division (B)(3) of this section.~~

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~~(E)(1) The department shall calculate the percentage above 111035
the median cost per case mix unit determined under division (B)(1) 111036
of this section for the facility that has the median medicaid day 111037
for calendar year 1992 for all intermediate care facilities for 111038
the mentally retarded with more than eight beds that would result 111039
in payment of all desk reviewed, actual, allowable direct care 111040
costs for eighty and one half per cent of the medicaid days for 111041
such facilities for calendar year 1992. 111042~~

~~(2) The department shall calculate the percentage above the 111043
median cost per case mix unit determined under division (B)(1) of 111044
this section for the facility that has the median medicaid day for 111045
calendar year 1992 for all intermediate care facilities for the 111046
mentally retarded with eight or fewer beds that would result in 111047
payment of all desk reviewed, actual, allowable direct care costs 111048
for eighty and one half per cent of the medicaid days for such 111049
facilities for calendar year 1992. 111050~~

~~(F)(2) If the estimated inflation rate for the eighteen-month 111051
period specified in division (D)(1) of this section is different 111052
from the actual inflation rate for that period, as measured using 111053
the same index, the difference shall be added to or subtracted 111054
from the inflation rate estimated under division (D)(1) of this 111055
section for the following fiscal year. 111056~~

~~(E) The director of job and family services developmental 111057
disabilities shall adopt rules under section ~~5111.02~~ 5124.03 of 111058
the Revised Code that specify peer groups of ~~intermediate care 111059
facilities for the mentally retarded~~ ICFs/IID with more than eight 111060
beds and ~~intermediate care facilities for the mentally retarded 111061
peer groups of ICFs/IID~~ with eight or fewer beds, based on 111062
findings of significant per diem direct care cost differences due 111063
to geography and ~~facility~~ bed-size. The rules also may specify 111064
peer groups based on findings of significant per diem direct care 111065
cost differences due to other factors which may include case-mix. 111066~~

~~(G) The department, in accordance with division (D) of section 5111.232 of the Revised Code and rules adopted under division (F) of that section, may assign case mix scores or costs per case mix unit if a provider fails to submit assessment data necessary to calculate an intermediate care facility for the mentally retarded's case mix score in accordance with that section.~~

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Sec. 5124.191. Each calendar quarter, each ICF/IID provider shall compile complete assessment data for each resident of each of the provider's ICFs/IID, regardless of payment source, who is in the ICF/IID, or on hospital or therapeutic leave from the ICF/IID, on the last day of the quarter. A resident assessment instrument specified in rules adopted under section 5124.03 of the Revised Code shall be used to compile the resident assessment data. Each provider shall submit the resident assessment data to the department of developmental disabilities not later than fifteen days after the end of the calendar quarter for which the data is compiled. The resident assessment data shall be submitted to the department through the medium or media specified in rules adopted under section 5124.03 of the Revised Code.

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Sec. 5124.192. (A) Except as provided in division (B) of this section, the department of developmental disabilities shall do both of the following:

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(1) For each calendar quarter, determine a case-mix score for each ICF/IID using the resident assessment data submitted to the department under section 5124.191 of the Revised Code and the grouper methodology prescribed in rules authorized by this section;

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(2) After the end of each calendar year and in accordance with rules authorized by this section, determine an annual average

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case-mix score for each ICF/IID using the ICF/IID's quarterly case-mix scores for that calendar year. 111097
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(B)(1) Subject to division (B)(2) of this section, the department, for one or more months of a calendar quarter, may assign to an ICF/IID a case-mix score that is five per cent less than the ICF/IID's case-mix score for the immediately preceding calendar quarter if any of the following apply: 111099
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(a) The provider does not timely submit complete and accurate resident assessment data necessary to determine the ICF/IID's case-mix score for the calendar quarter; 111104
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(b) The ICF/IID was subject to an exception review under section 5124.193 of the Revised Code for the immediately preceding calendar quarter; 111107
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(c) The ICF/IID was assigned a case-mix score for the immediately preceding calendar quarter. 111110
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(2) Before assigning a case-mix score to an ICF/IID due to the submission of incorrect resident assessment data, the department shall permit the provider to correct the data. The department may assign the case-mix score if the provider fails to submit the corrected resident assessment data not later than forty-five days after the end of the calendar quarter to which the data pertains or later due date specified in rules authorized by this section. 111112
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(3) If, for more than six months during a calendar year, a provider is paid a rate determined for an ICF/IID using a case-mix score assigned to the ICF/IID under division (B)(1) of this section, the department may assign the ICF/IID a cost per case-mix unit that is five per cent less than the ICF/IID's actual or assigned cost per case-mix unit for the immediately preceding calendar year. The department may use the assigned cost per case-mix unit, instead of determining the ICF/IID's actual cost 111120
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per case-mix unit in accordance with section 5124.19 of the 111128
Revised Code, to establish the ICF/IID's rate for direct care 111129
costs for the fiscal year immediately following the calendar year 111130
for which the cost per case-mix unit is assigned. 111131

(4) The department shall take action under division (B)(1), 111132
(2), or (3) of this section only in accordance with rules 111133
authorized by this section. The department shall not take an 111134
action that affects medicaid payment rates for prior payment 111135
periods except in accordance with sections 5124.41 and 5124.42 of 111136
the Revised Code. 111137

(C) The director of developmental disabilities shall adopt 111138
rules under section 5124.03 of the Revised Code as necessary to 111139
implement this section. 111140

(1) The rules shall do all of the following: 111141

(a) Prescribe a grouper methodology to be used when 111142
determining the case-mix scores for ICFs/IID; 111143

(b) Specify the process for determining the annual average 111144
case-mix scores for ICFs/IID; 111145

(c) Establish procedures under which resident assessment data 111146
is to be reviewed for accuracy and providers are to be notified of 111147
any data that requires correction; 111148

(d) Establish procedures for providers to correct resident 111149
assessment data and, if necessary, specify a due date for 111150
corrections that is later than the due date specified in division 111151
(B)(2) of this section. 111152

(e) Specify when and how the department will assign a 111153
case-mix score or cost per case-mix unit to an ICF/IID under 111154
division (B) of this section if information necessary to calculate 111155
the ICF/IID's case-mix score is not provided or corrected in 111156
accordance with the procedures established by the rules. 111157

(2) Notwithstanding any other provision of this chapter, the rules may provide for excluding case-mix scores assigned to an ICF/IID under division (B) of this section from the determination of the ICF/IID's annual average case-mix score and the maximum cost per case-mix unit for the ICF/IID's peer group.

Sec. 5124.193. (A) The department of developmental disabilities may, pursuant to rules authorized by this section, conduct an exception review of resident assessment data submitted by an ICF/IID provider under section 5124.191 of the Revised Code. The department may conduct an exception review based on the findings of a medicaid certification survey conducted by the department of health, a risk analysis, or prior performance of the provider.

Exception reviews shall be conducted at the ICF/IID by appropriate health professionals under contract with or employed by the department. The professionals may review resident assessment forms and supporting documentation, conduct interviews, and observe residents to identify any patterns or trends of inaccurate resident assessments and resulting inaccurate case-mix scores.

(B) If an exception review is conducted before the effective date of an ICF/IID's rate for direct care costs that is based on the resident assessment data being reviewed and the review results in findings that exceed tolerance levels specified in the rules authorized by this section, the department, in accordance with the rules authorized by this section, may use the findings to redetermine individual resident case-mix scores, the ICF/IID's case-mix score for the quarter, and the ICF/IID's annual average case-mix score. The department may use the ICF/IID's redetermined quarterly and annual average case-mix scores to determine the ICF/IID's rate for direct care costs for the appropriate calendar

quarter or quarters. 111189

(C) The department shall prepare a written summary of any 111190
exception review finding that is made after the effective date of 111191
an ICF/IID's rate for direct care costs that is based on the 111192
resident assessment data that was reviewed. Where the provider is 111193
pursuing judicial or administrative remedies in good faith 111194
regarding the finding, the department shall not withhold from the 111195
provider's current payments any amounts the department claims to 111196
be due from the provider pursuant to section 5124.41 of the 111197
Revised Code. 111198

(D)(1) The director of developmental disabilities shall adopt 111199
rules under section 5124.03 of the Revised Code as necessary to 111200
implement this section. The rules shall establish an exception 111201
review program that does all of the following: 111202

(a) Requires each exception review to comply with Title XIX; 111203

(b) Requires a written summary for each exception review that 111204
states whether resident assessment forms have been completed 111205
accurately; 111206

(c) Prohibits each health professional who conducts an 111207
exception review from doing either of the following: 111208

(i) During the period of the professional's contract or 111209
employment with the department, having or being committed to 111210
acquire any direct or indirect financial interest in the 111211
ownership, financing, or operation of ICFs/IID in this state; 111212

(ii) Reviewing any provider that has been a client of the 111213
professional. 111214

(2) For the purposes of division (D)(1)(c)(i) of this 111215
section, employment of a member of a health professional's family 111216
by an ICF/IID that the professional does not review does not 111217
constitute a direct or indirect financial interest in the 111218

ownership, financing, or operation of the ICF/IID. 111219

Sec. ~~5111.233~~ 5124.194. The costs of day programming shall be 111220
part of the direct care costs of an ~~intermediate care facility for~~ 111221
~~the mentally retarded~~ ICF/IID as off-site day programming if the 111222
area in which the day programming is provided is not certified by 111223
the director of health as an ~~intermediate care facility for the~~ 111224
~~mentally retarded~~ ICF/IID under Title XIX and regardless of either 111225
of the following: 111226

(A) Whether or not the area in which the day programming is 111227
provided is less than two hundred feet away from the ~~intermediate~~ 111228
~~care facility for the mentally retarded~~ ICF/IID; 111229

(B) Whether or not the day programming is provided by an 111230
individual who, or organization that, is a related party to the 111231
provider of the ~~intermediate care facility for the mentally~~ 111232
~~retarded~~ ICF/IID. 111233

Sec. ~~5111.241~~ 5124.21. (A) ~~The~~ For each fiscal year, the 111234
department of ~~job and family services~~ developmental disabilities 111235
shall ~~pay a provider for~~ determine each of the provider's eligible 111236
~~intermediate care facilities for the mentally retarded a~~ ICF/IID's 111237
per ~~resident per~~ medicaid day payment rate for indirect care costs 111238
~~established prospectively each fiscal year for each facility. The~~ 111239
Except as otherwise provided in this chapter, an ICF/IID's rate 111240
shall be determined prospectively. Subject to section 5124.28 of 111241
the Revised Code, an ICF/IID's rate for each intermediate care 111242
facility for the mentally retarded shall be the sum of the 111243
following, but shall not exceed lesser of the individual rate 111244
determined under division (B) of this section and the maximum rate 111245
established determined for the facility's ICF/IID's peer group 111246
under division ~~(B)~~(C) of this section. 111247

(B) An ICF/IID's individual rate is the sum of the following: 111248

(1) ~~The facility's ICF/IID's~~ desk-reviewed, actual, 111249
allowable, per diem indirect care costs from the calendar year 111250
immediately preceding the fiscal year in which the rate will be 111251
paid, adjusted for the inflation rate estimated under division 111252
~~(C)(D)~~(1) of this section; 111253

(2) ~~An~~ If the ICF/IID has more than eight beds, an efficiency 111254
incentive in the following amount: 111255

(a) ~~For fiscal years ending in even numbered calendar years:~~ 111256

~~(i) In the case of intermediate care facilities for the~~ 111257
~~mentally retarded with more than eight beds, year 2014,~~ seven and 111258
one-tenth per cent of the maximum rate established for the 111259
~~facility's ICF/IID's~~ peer group under division ~~(B)(C)~~ of this 111260
section; 111261

~~(ii) In the case of intermediate care facilities for the~~ 111262
~~mentally retarded with~~ (b) For fiscal year 2015, the following 111263
amount: 111264

(i) The amount calculated for fiscal year 2014 under division 111265
(B)(2)(a) of this section if the provider of the ICF/IID obtains 111266
the department's approval to become a downsized ICF/IID and the 111267
approval is conditioned on the downsizing being completed not 111268
later than July 1, 2018; 111269

(ii) One-half of the amount calculated for fiscal year 2014 111270
under division (B)(2)(a) of this section if division (B)(2)(b)(i) 111271
of this section does not apply to the ICF/IID. 111272

(c) For fiscal year 2016 and each fiscal year thereafter 111273
ending in an even-numbered calendar year, the following 111274
percentages of the maximum rate established for the ICF/IID's peer 111275
group under division (C) of this section: 111276

(i) Seven and one-tenth per cent if the provider of the 111277
ICF/IID obtains the department's approval to become a downsized 111278

ICF/IID and the approval is conditioned on the downsizing being completed not later than July 1, 2018; 111279
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(ii) Three and fifty-five hundredths per cent if division (B)(2)(c)(i) of this section does not apply to the ICF/IID. 111281
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(d) For fiscal year 2017 and each fiscal year thereafter ending in an odd-numbered calendar year, the amount calculated for the immediately preceding fiscal year under division (B)(2)(c) of this section. 111283
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(3) If the ICF/IID has eight or fewer beds, an efficiency incentive in the following amount: 111287
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(a) For each fiscal year ending in an even-numbered calendar year, seven per cent of the maximum rate established for the facility's ICF/IID's peer group under division (B)(C) of this section; 111289
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(b) For each fiscal years year ending in an odd-numbered calendar years year, the amount calculated for the immediately preceding fiscal year under division (A)(2)(B)(3)(a) of this section. 111293
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~~(B)(C)(1) The maximum rate for indirect care costs for each peer group of intermediate care facilities for the mentally retarded ICFs/IID with more than eight beds specified in rules adopted under division (D) of this section shall be determined as follows:~~ 111297
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(a) For each fiscal years year ending in an even-numbered calendar years year, the maximum rate for each such peer group shall be the rate that is no less than twelve and four-tenths per cent above the median desk-reviewed, actual, allowable, per diem indirect care cost for all intermediate care facilities for the mentally retarded with more than eight beds ICFs/IID in the peer group, (excluding facilities ICFs/IID in the peer group whose indirect care costs for that period are more than three standard 111302
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deviations from the mean desk-reviewed, actual, allowable, per diem indirect care cost for all ~~intermediate care facilities for the mentally retarded~~ ICFs/IID with more than eight beds, for the calendar year immediately preceding the fiscal year in which the rate will be paid, adjusted by the inflation rate estimated under division ~~(C)~~(D)(1) of this section.

(b) For each fiscal ~~years~~ year ending in an odd-numbered calendar ~~years~~ year, the maximum rate for each such peer group is the peer group's maximum rate for the previous fiscal year, adjusted for the inflation rate estimated under division ~~(C)~~(D)(2) of this section.

(2) The maximum rate for indirect care costs for each peer group of ~~intermediate care facilities for the mentally retarded~~ ICFs/IID with eight or fewer beds ~~specified in rules adopted under~~ division (D) of this section shall be determined as follows:

(a) For each fiscal ~~years~~ year ending in an even-numbered calendar ~~years~~ year, the maximum rate for each such peer group shall be the rate that is no less than ten and three-tenths per cent above the median desk-reviewed, actual, allowable, per diem indirect care cost for all ~~intermediate care facilities for the mentally retarded with eight or fewer beds~~ ICFs/IID in the peer group, ~~(excluding facilities~~ ICFs/IID in the peer group whose indirect care costs are more than three standard deviations from the mean desk-reviewed, actual, allowable, per diem indirect care cost for all ~~intermediate care facilities for the mentally retarded~~ ICFs/IID with eight or fewer beds, for the calendar year immediately preceding the fiscal year in which the rate will be paid, adjusted by the inflation rate estimated under division ~~(C)~~(D)(1) of this section.

(b) For each fiscal ~~years that end~~ year ending in an odd-numbered calendar ~~years~~ year, the maximum rate for each such peer group is the peer group's maximum rate for the previous

fiscal year, adjusted for the inflation rate estimated under 111342
division ~~(C)~~(D)(2) of this section. 111343

(3) The department shall not ~~recalculate~~ redetermine a 111344
maximum rate for indirect care costs under division ~~(B)~~(C)(1) or 111345
(2) of this section based on additional information that it 111346
receives after the maximum rate is set. The department shall 111347
~~recalculate~~ redetermine the maximum rate for indirect care costs 111348
only if it made an error in computing the maximum rate based on 111349
the information available to the department at the time of the 111350
original calculation. 111351

~~(C)~~(D)(1) When adjusting rates for inflation under divisions 111352
~~(A)~~(B)(1), ~~(B)~~(C)(1)(a), and ~~(B)~~(C)(2)(a) of this section, the 111353
department shall estimate the rate of inflation for the 111354
eighteen-month period beginning on the first day of July of the 111355
calendar year immediately preceding the fiscal year in which the 111356
rate will be paid and ending on the thirty-first day of December 111357
of the fiscal year in which the rate will be paid. To estimate the 111358
rate of inflation, the department shall use the following: 111359

(a) ~~The~~ Subject to division (D)(1)(b) of this section, the 111360
consumer price index for all items for all urban consumers for the 111361
~~north-central~~ midwest region, published by the United States 111362
bureau of labor statistics; 111363

(b) If the United States bureau of labor statistics ceases to 111364
publish the index specified in division ~~(C)~~(D)(1)(a) of this 111365
section, a comparable index that the bureau publishes and the 111366
department determines is appropriate. 111367

(2) When adjusting rates for inflation under divisions 111368
~~(B)~~(C)(1)(b) and ~~(B)~~(C)(2)(b) of this section, the department 111369
shall estimate the rate of inflation for the twelve-month period 111370
beginning on the first day of January of the fiscal year 111371
immediately preceding the fiscal year in which the rate will be 111372

paid and ending on the thirty-first day of December of the fiscal 111373
year in which the rate will be paid. To estimate the rate of 111374
inflation, the department shall use the following: 111375

(a) ~~The~~ Subject to division (D)(2)(b) of this section, the 111376
consumer price index for all items for all urban consumers for the 111377
~~north-central midwest~~ region, published by the United States 111378
bureau of labor statistics; 111379

(b) If the United States bureau of labor statistics ceases to 111380
publish the index specified in division ~~(C)~~(D)(2)(a) of this 111381
section, a comparable index that the bureau publishes and the 111382
department determines is appropriate. 111383

(3) If an inflation rate estimated under division ~~(C)~~(D)(1) 111384
or (2) of this section is different from the actual inflation rate 111385
for the relevant time period, as measured using the same index, 111386
the difference shall be added to or subtracted from the inflation 111387
rate estimated pursuant to this division for the following fiscal 111388
year. 111389

~~(D)~~(E) The director of ~~job and family services~~ developmental 111390
disabilities shall adopt rules under section ~~5111.02~~ 5124.03 of 111391
the Revised Code that specify peer groups of ~~intermediate care~~ 111392
~~facilities for the mentally retarded~~ ICFs/IID with more than eight 111393
beds, and peer groups of ~~intermediate care facilities for the~~ 111394
~~mentally retarded~~ ICFs/IID with eight or fewer beds, based on 111395
findings of significant per diem indirect care cost differences 111396
due to geography and ~~facility~~ bed-size. The rules also may specify 111397
peer groups based on findings of significant per diem indirect 111398
care cost differences due to other factors, including case-mix. 111399

Sec. 5111.235 5124.23. (A) ~~The~~ For each fiscal year, the 111400
department of ~~job and family services~~ developmental disabilities 111401
shall ~~pay a provider for~~ determine each of the provider's eligible 111402
~~intermediate care facilities for the mentally retarded~~ ICF/IID's 111403

per ~~resident~~ per medicaid day payment rate for other protected 111404
costs established ~~prospectively each fiscal year for each~~ 111405
~~facility. The~~ Except as otherwise provided in this chapter, an 111406
ICF/IID's rate shall be determined prospectively. An ICF/IID's 111407
~~rate for each facility shall be the facility's~~ ICF/IID's 111408
desk-reviewed, actual, allowable, per diem other protected costs 111409
from the calendar year immediately preceding the fiscal year in 111410
which the rate will be paid, all adjusted for the estimated 111411
inflation rate for the eighteen-month period beginning on the 111412
first day of July of the calendar year immediately preceding the 111413
fiscal year in which the rate will be paid and ending on the 111414
thirty-first day of December of that fiscal year. The department 111415
shall estimate inflation using the index specified in division (B) 111416
of this section. If the estimated inflation rate for the 111417
eighteen-month period is different from the actual inflation rate 111418
for that period, the difference shall be added to or subtracted 111419
from the inflation rate estimated for the following year. 111420

(B) The department shall use the following index for the 111421
purpose of division (A) of this section: 111422

(1) ~~The~~ Subject to division (B)(2) of this section, the 111423
consumer price index for all urban consumers for nonprescription 111424
drugs and medical supplies, as published by the United States 111425
bureau of labor statistics; 111426

(2) If the United States bureau of labor statistics ceases to 111427
publish the index specified in division (B)(1) of this section, 111428
the index that is subsequently published by the bureau and covers 111429
nonprescription drugs and medical supplies. 111430

Sec. 5124.25. (A) Subject to division (D) of this section, 111431
the department of developmental disabilities may pay a medicaid 111432
rate add-on to an ICF/IID provider for outlier ICF/IID services 111433
the ICF/IID provides to qualifying ventilator-dependent residents 111434

on or after the effective date of this section, if the provider 111435
applies to the department of developmental disabilities to receive 111436
the rate add-on and the department approves the application. The 111437
department of developmental disabilities may approve a provider's 111438
application if both of the following apply: 111439

(1) The provider submits to the department of developmental 111440
disabilities a best practices protocol for providing outlier 111441
ICF/IID services under this section and the department of 111442
developmental disabilities determines that the protocol is 111443
acceptable; 111444

(2) The provider and ICF/IID meet all other eligibility 111445
requirements for the rate add-on established in rules authorized 111446
by this section. 111447

(B) An ICF/IID that has been approved by the department of 111448
developmental disabilities to provider outlier ICF/IID services 111449
under this section shall provide the services in accordance with 111450
both of the following: 111451

(1) The best practices protocol the department of 111452
developmental disabilities determined is acceptable; 111453

(2) Requirements regarding the services established in rules 111454
authorized by this section. 111455

(C) To qualify to receive outlier ICF/IID services from an 111456
ICF/IID under this section, a resident of the ICF/IID must be a 111457
medicaid recipient, be under twenty-two years of age, be dependent 111458
on a ventilator, and meet all other eligibility requirements 111459
established in rules authorized by this section. 111460

(D) The department of developmental disabilities shall 111461
negotiate the amount of the medicaid payment rate add-on, if any, 111462
to be paid under this section, or the method by which that amount 111463
is to be determined, with the department of medicaid. The 111464

department of developmental disabilities shall not pay the rate 111465
add-on unless the department of medicaid has approved the amount 111466
of the rate add-on or method by which the amount is to be 111467
determined. 111468

Sec. 5124.28. Notwithstanding any provision of section 111469
5124.17 or 5124.21 of the Revised Code, the director of 111470
developmental disabilities may adopt rules under section 5124.03 111471
of the Revised Code that provide for the determination of a 111472
combined maximum payment limit for indirect care costs and costs 111473
of ownership for ICFs/IID with eight or fewer beds. 111474

Sec. ~~5111.263~~ 5124.29. Except as otherwise provided in 111475
section ~~5111.264~~ 5124.30 of the Revised Code, the department of 111476
~~job and family services~~ developmental disabilities, in determining 111477
whether an ~~intermediate care facility for the mentally retarded's~~ 111478
~~ICF/IID's~~ direct care costs and indirect care costs are allowable, 111479
shall place no limit on specific categories of reasonable costs 111480
other than compensation of owners, compensation of relatives of 111481
owners, and compensation of administrators. 111482

Compensation cost limits for owners and relatives of owners 111483
shall be based on compensation costs for individuals who hold 111484
comparable positions but who are not owners or relatives of 111485
owners, as reported on ~~facility~~ ICFs/IID's cost reports. As used 111486
in this section, "comparable position" means the position that is 111487
held by the owner or the owner's relative, if that position is 111488
listed separately on the cost report form, or if the position is 111489
not listed separately, the group of positions that is listed on 111490
the cost report form and that includes the position held by the 111491
owner or the owner's relative. In the case of an owner or owner's 111492
relative who serves the ~~facility~~ ICFs/IID in a capacity such as 111493
corporate officer, proprietor, or partner for which no comparable 111494
position or group of positions is listed on the cost report form, 111495

the compensation cost limit shall be based on civil service 111496
equivalents and shall be specified in rules adopted under section 111497
~~5111.02~~ 5124.03 of the Revised Code. 111498

Compensation cost limits for administrators shall be based on 111499
compensation costs for administrators who are not owners or 111500
relatives of owners, as reported on ~~facility~~ ICFs/IID's cost 111501
reports. Compensation cost limits for administrators of four or 111502
more ~~intermediate care facilities for the mentally retarded~~ 111503
ICFs/IID shall be the same as the limits for administrators of 111504
~~intermediate care facilities for the mentally retarded~~ ICFs/IID 111505
with one hundred fifty or more beds. 111506

Sec. 5124.30. Except as provided in section 5124.17 of the 111507
Revised Code, the costs of goods, services, and facilities, 111508
furnished to an ICF/IID provider by a related party are includable 111509
in the allowable costs of the provider at the reasonable cost to 111510
the related party. 111511

Sec. 5124.31. The department of developmental disabilities 111512
shall adjust medicaid payment rates determined under this chapter 111513
to account for reasonable additional costs that must be incurred 111514
by ICFs/IID to comply with requirements of federal or state 111515
statutes, rules, or policies enacted or amended after January 1, 111516
1992, or with orders issued by state or local fire authorities. 111517

Sec. 5124.32. The department of developmental disabilities 111518
shall not reduce an ICF/IID's medicaid payment rate determined 111519
under this chapter on the basis that the provider charges a lower 111520
rate to any resident who is not eligible for medicaid. 111521

Sec. 5124.33. No medicaid payment shall be made to an ICF/IID 111522
provider for the day a medicaid recipient is discharged from the 111523
ICF/IID. 111524

~~Sec. 5111.33 5124.34.~~ Reimbursement to a (A) The department 111525
of developmental disabilities shall pay an ICF/IID provider of an 111526
intermediate care facility for the mentally retarded under 111527
sections 5111.20 to 5111.331 of the Revised Code shall include 111528
payments to the provider, at a rate equal to the percentage one 111529
hundred per cent of the per resident total per medicaid day rates 111530
that the department of job and family services has established 111531
payment rate determined for the provider's facility ICF/IID under 111532
sections 5111.20 to 5111.331 of the Revised Code for the fiscal 111533
year for which the cost of services is reimbursed, this chapter to 111534
reserve a bed for a resident who is a medicaid recipient during a 111535
temporary absence under conditions prescribed by the department, 111536
to include hospitalization for an acute condition, visits with 111537
relatives and friends, and participation in therapeutic programs 111538
outside the facility, when the if all of the following apply: 111539

(1) The recipient is temporarily absent from the ICF/IID for 111540
a reason that makes the absence qualified for payments under this 111541
section as specified in rules authorized by this section; 111542

(2) The resident's plan of care provides for such the absence 111543
and federal; 111544

(3) Federal financial participation in the payments is 111545
available for the payments. The 111546

(B) The maximum period during which medicaid payments may be 111547
made to reserve a bed shall not exceed the maximum period 111548
specified under in federal regulations, and shall not be more than 111549
thirty days during any calendar year for hospital stays, visits 111550
with relatives and friends, and participation in therapeutic 111551
programs. 111552

Recipients programs. However, a resident shall not be subject 111553
to a maximum period during which payments may be made to reserve a 111554
bed in an intermediate care facility for the mentally retarded if 111555

prior authorization of the department is obtained for hospital 111556
stays, visits with relatives and friends, and participation in 111557
therapeutic programs. ~~The~~ 111558

(C)(1) The director of ~~job and family services~~ developmental 111559
~~disabilities~~ shall adopt rules under section ~~5111.02~~ 5124.03 of 111560
the Revised Code ~~establishing as necessary to implement this~~ 111561
~~section, including rules that do the following:~~ 111562

(a) Specify the reasons for which a temporary absence from an 111563
ICF/IID makes the absence qualify for payments under this section; 111564

(b) Establish conditions under which prior authorization may 111565
be obtained for the purpose of division (B) of this section. 111566

(2) The rules authorized by division (C)(1)(a) of this 111567
section shall include the following as reasons for which a 111568
temporary absence from an ICF/IID qualifies for payments under 111569
this section: 111570

(a) Hospitalization for acute conditions; 111571

(b) Visits with relatives and friends; 111572

(c) Participation in therapeutic programs outside the 111573
ICF/IID. 111574

Sec. 5124.35. Medicaid payments may be made for ICF/IID 111575
services provided not later than thirty days after the effective 111576
date of an involuntary termination of the ICF/IID that provides 111577
the services if the services are provided to a medicaid recipient 111578
who is eligible for the services and resided in the ICF/IID before 111579
the effective date of the involuntary termination. 111580

Sec. 5124.37. The department of developmental disabilities 111581
shall make its best efforts each year to determine ICFs/IID's 111582
medicaid payment rates under this chapter in time to pay the rates 111583
by August fifteenth of each fiscal year. If the department is 111584

unable to calculate the rates so that they can be paid by that 111585
date, the department shall pay each provider the rate calculated 111586
for the provider's ICFs/IID under those sections at the end of the 111587
previous fiscal year. If the department also is unable to 111588
calculate the rates to make the payments due by the fifteenth day 111589
of September and the fifteenth day of October, the department 111590
shall pay the previous fiscal year's rate to make those payments. 111591
The department may increase by five per cent the previous fiscal 111592
year's rate paid for any ICF/IID pursuant to this section at the 111593
request of the provider. The department shall use rates calculated 111594
for the current fiscal year to make the payments due by the 111595
fifteenth day of November. 111596

If an ICF/IID's medicaid payment rate paid under this section 111597
is lower than the rate calculated for it for the current fiscal 111598
year, the department shall pay the provider the difference between 111599
the two rates for the number of days for which the provider is 111600
paid the lower rate. If an ICF/IID's medicaid payment rate paid 111601
under this section is higher than the rate calculated for it for 111602
the current fiscal year, the provider shall refund to the 111603
department the difference between the two rates for the number of 111604
days for which the provider is paid the higher rate. 111605

Sec. 5124.38. (A) The director of developmental disabilities 111606
shall establish a process under which an ICF/IID provider, or a 111607
group or association of ICF/IID providers, may seek 111608
reconsideration of medicaid payment rates established under this 111609
chapter, including a rate for direct care costs redetermined 111610
before the effective date of the rate as a result of an exception 111611
review conducted under section 5124.193 of the Revised Code. 111612
Except as provided in divisions (B) to (D) of this section, the 111613
only issue that a provider, group, or association may raise in the 111614
rate reconsideration is whether the rate was calculated in 111615

accordance with this chapter and the rules adopted under section 111616
5124.03 of the Revised Code. The provider, group, or association 111617
may submit written arguments or other materials that support its 111618
position. The provider, group, or association and department shall 111619
take actions regarding the rate reconsideration within time frames 111620
specified in rules authorized by this section. 111621

If the department determines, as a result of the rate 111622
reconsideration, that the rate established for one or more 111623
ICFs/IID is less than the rate to which the ICF/IID is entitled, 111624
the department shall increase the rate. If the department has paid 111625
the incorrect rate for a period of time, the department shall pay 111626
the provider of the ICF/IID the difference between the amount the 111627
provider was paid for that period for the ICF/IID and the amount 111628
the provider should have been paid for the ICF/IID. 111629

(B)(1) The department, through the rate reconsideration 111630
process, may increase during a fiscal year the medicaid payment 111631
rate determined for an ICF/IID under this chapter if the provider 111632
demonstrates that the ICF/IID's actual, allowable costs have 111633
increased because of any of the following extreme circumstances: 111634

(a) A natural disaster; 111635

(b) A nonextensive renovation approved under division (D) of 111636
section 5124.17 of the Revised Code; 111637

(c) If the ICF/IID has an appropriate claims management 111638
program, an increase in the ICF/IID's workers' compensation 111639
experience rating of greater than five per cent; 111640

(d) If the ICF/IID is an inner-city ICF/IID, increased 111641
security costs; 111642

(e) A change of ownership that results from bankruptcy, 111643
foreclosure, or findings by the department of health of violations 111644
of medicaid certification requirements; 111645

(f) Other extreme circumstances specified in rules authorized 111646
by this section. 111647

(2) An ICF/IID may qualify for a rate increase under this 111648
division only if its per diem, actual, allowable costs have 111649
increased to a level that exceeds its total rate. An increase 111650
under this division is subject to any rate limitations or maximum 111651
rates established by this chapter for specific cost centers. Any 111652
rate increase granted under this division shall take effect on the 111653
first day of the first month after the department receives the 111654
request. 111655

(C) The department, through the rate reconsideration process, 111656
may increase an ICF/IID's rate as determined under this chapter if 111657
the department, in the department's sole discretion, determines 111658
that the rate as determined under those sections works an extreme 111659
hardship on the ICF/IID. 111660

(D) When beds certified for the medicaid program are added to 111661
an existing ICF/IID or replaced at the same site, the department, 111662
through the rate reconsideration process, may increase the 111663
ICF/IID's rate for capital costs proportionately, as limited by 111664
any applicable limitation under section 5124.17 of the Revised 111665
Code, to account for the costs of the beds that are added or 111666
replaced. If the department makes this increase, it shall make the 111667
increase one month after the first day of the month after the 111668
department receives sufficient documentation of the costs. Any 111669
rate increase granted under this division after June 30, 1993, 111670
shall remain in effect until the effective date of a rate for 111671
capital costs determined under section 5124.17 of the Revised Code 111672
that includes costs incurred for a full calendar year for the bed 111673
addition or bed replacement. The ICF/IID shall report double 111674
accumulated depreciation in an amount equal to the depreciation 111675
included in the rate adjustment on its cost report for the first 111676
year of operation. During the term of any loan used to finance a 111677

project for which a rate adjustment is granted under this 111678
division, if the ICF/IID is operated by the same provider, the 111679
provider shall subtract from the interest costs it reports on its 111680
cost report an amount equal to the difference between the 111681
following: 111682

(1) The actual, allowable interest costs for the loan during 111683
the calendar year for which the costs are being reported; 111684

(2) The actual, allowable interest costs attributable to the 111685
loan that were used to calculate the rates paid to the provider 111686
for the ICF/IID during the same calendar year. 111687

(E) The department's decision at the conclusion of the 111688
reconsideration process is not subject to any administrative 111689
proceedings under Chapter 119. or any other provision of the 111690
Revised Code. 111691

(F) The director of developmental disabilities shall adopt 111692
rules under section 5124.03 of the Revised Code as necessary to 111693
implement this section. 111694

Sec. 5124.40. If an ICF/IID provider properly amends a cost 111695
report for an ICF/IID under section 5124.107 of the Revised Code 111696
and the amended report shows that the provider received a lower 111697
medicaid payment rate under the original cost report than the 111698
provider was entitled to receive, the department of developmental 111699
disabilities shall adjust the provider's rate for the ICF/IID 111700
prospectively to reflect the corrected information. The department 111701
shall pay the adjusted rate beginning two months after the first 111702
day of the month after the provider files the amended cost report. 111703

If the department finds, from an exception review of resident 111704
assessment data conducted pursuant to section 5124.193 of the 111705
Revised Code after the effective date of an ICF/IID's rate for 111706
direct care costs that is based on the resident assessment data, 111707

that inaccurate resident assessment data resulted in the provider receiving a lower rate for the ICF/IID than the provider was entitled to receive, the department prospectively shall adjust the provider's rate for the ICF/IID accordingly. The department shall make payments to the provider using the adjusted rate for the remainder of the calendar quarter for which the resident assessment data is used to determine the rate, beginning one month after the first day of the month after the exception review is completed. 111708
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Sec. 5124.41. (A) The department of developmental disabilities shall redetermine a provider's medicaid payment rate for an ICF/IID using revised information if any of the following results in a determination that the provider received a higher medicaid payment rate for the ICF/IID than the provider was entitled to receive: 111717
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(1) The provider properly amends a cost report for the ICF/IID under section 5124.107 of the Revised Code; 111723
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(2) The department makes a finding based on an audit under section 5124.109 of the Revised Code; 111725
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(3) The department makes a finding based on an exception review of resident assessment data conducted under section 5124.193 of the Revised Code after the effective date of the ICF/IID's rate for direct care costs that is based on the resident assessment data. 111727
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(B) The department shall apply the redetermined rate to the periods when the provider received the incorrect rate to determine the amount of the overpayment. The provider shall refund the amount of the overpayment. The department may charge the provider the following amount of interest from the time the overpayment was made: 111732
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(1) If the overpayment resulted from costs reported for 111738
calendar year 1993, the interest shall be not greater than one and 111739
one-half times the current average bank prime rate. 111740

(2) If the overpayment resulted from costs reported for a 111741
subsequent calendar year: 111742

(a) The interest shall be not greater than two times the 111743
current average bank prime rate if the overpayment was not more 111744
than one per cent of the total medicaid payments to the provider 111745
for the fiscal year for which the incorrect information was used 111746
to determine a rate. 111747

(b) The interest shall be not greater than two and one-half 111748
times the current average bank prime rate if the overpayment was 111749
more than one per cent of the total medicaid payments to the 111750
provider for the fiscal year for which the incorrect information 111751
was used to determine a rate. 111752

Sec. 5124.42. In addition to the other penalties authorized 111753
by this chapter, the department of developmental disabilities may 111754
impose the following penalties on an ICF/IID provider: 111755

(A) If the provider does not furnish invoices or other 111756
documentation that the department requests during an audit within 111757
sixty days after the request, a fine of not more than the greater 111758
of the following: 111759

(1) One thousand dollars per audit; 111760

(2) Twenty-five per cent of the cumulative amount by which 111761
the costs for which documentation was not furnished increased the 111762
total medicaid payments to the provider during the fiscal year for 111763
which the costs were used to determine a rate. 111764

(B) If an exiting operator or owner fails to provide notice 111765
of a facility closure or voluntary termination as required by 111766
section 5124.50 of the Revised Code, or an exiting operator or 111767

owner and entering operator fail to provide notice of a change of 111768
operator as required by section 5124.51 of the Revised Code, a 111769
fine of not more than the current average bank prime rate plus 111770
four per cent of the last two monthly payments. 111771

Sec. 5124.43. For the purposes of sections 5124.41 and 111772
5124.42 of the Revised Code, the department of developmental 111773
disabilities shall determine the current average bank prime rate 111774
using statistical release H.15, "selected interest rates," a 111775
weekly publication of the federal reserve board, or any successor 111776
publication. If statistical release H.15, or its successor, ceases 111777
to contain the bank prime rate information or ceases to be 111778
published, the department shall request a written statement of the 111779
average bank prime rate from the federal reserve bank of Cleveland 111780
or the federal reserve board. 111781

Sec. 5124.44. (A) Except as provided in division (B) of this 111782
section, the department of developmental disabilities shall deduct 111783
the following from the next available medicaid payment the 111784
department makes to an ICF/IID provider who continues to 111785
participate in medicaid: 111786

(1) Any amount the provider is required to refund, and any 111787
interest charged, under section 5124.41 of the Revised Code; 111788

(2) The amount of any penalty imposed on the provider under 111789
section 5124.42 of the Revised Code. 111790

(B) The department and an ICF/IID provider may enter into an 111791
agreement under which a deduction required by division (A) of this 111792
section is taken in installments from payments the department 111793
makes to the provider. 111794

Sec. 5124.45. The department of developmental disabilities 111795
shall transmit to the treasurer of state for deposit in the 111796

<u>general revenue fund amounts collected from the following:</u>	111797
<u>(A) Refunds required by, and interest charged under, section 5124.41 of the Revised Code;</u>	111798
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<u>(B) Amounts collected from penalties imposed under section 5124.42 of the Revised Code.</u>	111800
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<u>Sec. 5124.46.</u> <u>All of the following are subject to an adjudication conducted in accordance with Chapter 119. of the Revised Code:</u>	111802
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<u>(A) Any audit disallowance that the department of developmental disabilities makes as the result of an audit under section 5124.109 of the Revised Code;</u>	111805
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<u>(B) Any adverse finding that results from an exception review of resident assessment data conducted for an ICF/IID under section 5124.193 of the Revised Code after the effective date of the ICF/IID's medicaid payment rate for direct care costs that is based on the resident assessment data;</u>	111808
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<u>(C) Any medicaid payment deemed an overpayment under section 5124.523 of the Revised Code;</u>	111813
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<u>(D) Any penalty the department imposes under section 5124.42 of the Revised Code or section 5124.523 of the Revised Code.</u>	111815
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<u>Sec. 5124.50.</u> <u>An exiting operator or owner of an ICF/IID participating in the medicaid program shall provide the department of developmental disabilities and department of medicaid written notice of a facility closure or voluntary termination not less than ninety days before the effective date of the facility closure or voluntary termination. The written notice shall be provided to the department of developmental disabilities and department of medicaid in accordance with the method specified in rules authorized by section 5124.53 of the Revised Code.</u>	111817
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<u>The written notice shall include all of the following:</u>	111826
<u>(A) The name of the exiting operator and, if any, the exiting operator's authorized agent;</u>	111827
<u>(B) The name of the ICF/IID that is the subject of the written notice;</u>	111828
<u>(C) The exiting operator's medicaid provider agreement number for the ICF/IID that is the subject of the written notice;</u>	111829
<u>(D) The effective date of the facility closure or voluntary termination;</u>	111830
<u>(E) The signature of the exiting operator's or owner's representative.</u>	111831
<u>Sec. 5124.51. (A) An exiting operator or owner and entering operator shall provide the department of developmental disabilities and department of medicaid written notice of a change of operator if the ICF/IID participates in the medicaid program and the entering operator seeks to continue the ICF/IID's participation. The written notice shall be provided to the department of developmental disabilities and department of medicaid in accordance with the method specified in rules authorized by section 5124.53 of the Revised Code. The written notice shall be provided to the department of developmental disabilities and department of medicaid not later than forty-five days before the effective date of the change of operator if the change of operator does not entail the relocation of residents. The written notice shall be provided to the department of developmental disabilities and department of medicaid not later than ninety days before the effective date of the change of operator if the change of operator entails the relocation of residents.</u>	111832
<u>The written notice shall include all of the following:</u>	111833
<u>(A) The name of the exiting operator and, if any, the exiting operator's authorized agent;</u>	111834
<u>(B) The name of the ICF/IID that is the subject of the written notice;</u>	111835
<u>(C) The exiting operator's medicaid provider agreement number for the ICF/IID that is the subject of the written notice;</u>	111836
<u>(D) The effective date of the facility closure or voluntary termination;</u>	111837
<u>(E) The signature of the exiting operator's or owner's representative.</u>	111838
<u>Sec. 5124.51. (A) An exiting operator or owner and entering operator shall provide the department of developmental disabilities and department of medicaid written notice of a change of operator if the ICF/IID participates in the medicaid program and the entering operator seeks to continue the ICF/IID's participation. The written notice shall be provided to the department of developmental disabilities and department of medicaid in accordance with the method specified in rules authorized by section 5124.53 of the Revised Code. The written notice shall be provided to the department of developmental disabilities and department of medicaid not later than forty-five days before the effective date of the change of operator if the change of operator does not entail the relocation of residents. The written notice shall be provided to the department of developmental disabilities and department of medicaid not later than ninety days before the effective date of the change of operator if the change of operator entails the relocation of residents.</u>	111839
<u>The written notice shall include all of the following:</u>	111840
<u>(A) The name of the exiting operator and, if any, the exiting operator's authorized agent;</u>	111841
<u>(B) The name of the ICF/IID that is the subject of the written notice;</u>	111842
<u>(C) The exiting operator's medicaid provider agreement number for the ICF/IID that is the subject of the written notice;</u>	111843
<u>(D) The effective date of the facility closure or voluntary termination;</u>	111844
<u>(E) The signature of the exiting operator's or owner's representative.</u>	111845
<u>Sec. 5124.51. (A) An exiting operator or owner and entering operator shall provide the department of developmental disabilities and department of medicaid written notice of a change of operator if the ICF/IID participates in the medicaid program and the entering operator seeks to continue the ICF/IID's participation. The written notice shall be provided to the department of developmental disabilities and department of medicaid in accordance with the method specified in rules authorized by section 5124.53 of the Revised Code. The written notice shall be provided to the department of developmental disabilities and department of medicaid not later than forty-five days before the effective date of the change of operator if the change of operator does not entail the relocation of residents. The written notice shall be provided to the department of developmental disabilities and department of medicaid not later than ninety days before the effective date of the change of operator if the change of operator entails the relocation of residents.</u>	111846
<u>The written notice shall include all of the following:</u>	111847
<u>(A) The name of the exiting operator and, if any, the exiting operator's authorized agent;</u>	111848
<u>(B) The name of the ICF/IID that is the subject of the written notice;</u>	111849
<u>(C) The exiting operator's medicaid provider agreement number for the ICF/IID that is the subject of the written notice;</u>	111850
<u>(D) The effective date of the facility closure or voluntary termination;</u>	111851
<u>(E) The signature of the exiting operator's or owner's representative.</u>	111852
<u>Sec. 5124.51. (A) An exiting operator or owner and entering operator shall provide the department of developmental disabilities and department of medicaid written notice of a change of operator if the ICF/IID participates in the medicaid program and the entering operator seeks to continue the ICF/IID's participation. The written notice shall be provided to the department of developmental disabilities and department of medicaid in accordance with the method specified in rules authorized by section 5124.53 of the Revised Code. The written notice shall be provided to the department of developmental disabilities and department of medicaid not later than forty-five days before the effective date of the change of operator if the change of operator does not entail the relocation of residents. The written notice shall be provided to the department of developmental disabilities and department of medicaid not later than ninety days before the effective date of the change of operator if the change of operator entails the relocation of residents.</u>	111853
<u>The written notice shall include all of the following:</u>	111854
<u>(A) The name of the exiting operator and, if any, the exiting operator's authorized agent;</u>	111855
<u>(B) The name of the ICF/IID that is the subject of the written notice;</u>	
<u>(C) The exiting operator's medicaid provider agreement number for the ICF/IID that is the subject of the written notice;</u>	
<u>(D) The effective date of the facility closure or voluntary termination;</u>	
<u>(E) The signature of the exiting operator's or owner's representative.</u>	

<u>(1) The name of the exiting operator and, if any, the exiting operator's authorized agent;</u>	111856
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<u>(2) The name of the ICF/IID that is the subject of the change of operator;</u>	111858
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<u>(3) The exiting operator's seven-digit medicaid legacy number and ten-digit national provider identifier number for the ICF/IID that is the subject of the change of operator;</u>	111860
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<u>(4) The name of the entering operator;</u>	111863
<u>(5) The effective date of the change of operator;</u>	111864
<u>(6) The manner in which the entering operator becomes the ICF/IID's operator, including through sale, lease, merger, or other action;</u>	111865
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<u>(7) If the manner in which the entering operator becomes the ICF/IID's operator involves more than one step, a description of each step;</u>	111868
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<u>(8) Written authorization from the exiting operator or owner and entering operator for the department of medicaid to process a provider agreement for the entering operator;</u>	111871
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<u>(9) The names and addresses of the persons to whom the department of developmental disabilities and department of medicaid should send initial correspondence regarding the change of operator;</u>	111874
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<u>(10) The signature of the exiting operator's or owner's representative.</u>	111878
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<u>(B) An exiting operator or owner and entering operator immediately shall provide the department of developmental disabilities and department of medicaid notice of any changes to information included in a written notice of a change of operator that occur after that notice is provided to the department of developmental disabilities and department of medicaid. The notice</u>	111880
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of the changes shall be provided to the department of 111886
developmental disabilities and department of medicaid in 111887
accordance with the method specified in rules authorized by 111888
section 5124.53 of the Revised Code. 111889

Sec. 5124.511. The department of medicaid may enter into a 111890
provider agreement with an entering operator that goes into effect 111891
at 12:01 a.m. on the effective date of the change of operator if 111892
all of the following requirements are met: 111893

(A) The department receives a properly completed written 111894
notice required by section 5124.51 of the Revised Code on or 111895
before the date required by that section. 111896

(B) The department receives both of the following in 111897
accordance with the method specified in rules authorized by 111898
section 5124.53 of the Revised Code and not later than ten days 111899
after the effective date of the change of operator: 111900

(1) From the entering operator, a completed application for a 111901
provider agreement and all other forms and documents specified in 111902
rules authorized by section 5124.53 of the Revised Code; 111903

(2) From the exiting operator or owner, all forms and 111904
documents specified in rules authorized by section 5124.53 of the 111905
Revised Code. 111906

(C) The entering operator is eligible to enter into a 111907
provider agreement for the ICF/IID as provided in section 5124.06 111908
of the Revised Code. 111909

Sec. 5124.512. (A) The department of medicaid may enter into 111910
a provider agreement with an entering operator that goes into 111911
effect at 12:01 a.m. on the date determined under division (B) of 111912
this section if all of the following are the case: 111913

(1) The department receives a properly completed written 111914

notice required by section 5124.51 of the Revised Code. 111915

(2) The department receives, from the entering operator and 111916
in accordance with the method specified in rules authorized by 111917
section 5124.53 of the Revised Code, a completed application for a 111918
provider agreement and all other forms and documents specified in 111919
rules adopted under that section. 111920

(3) The department receives, from the exiting operator or 111921
owner and in accordance with the method specified in rules 111922
authorized by section 5124.53 of the Revised Code, all forms and 111923
documents specified in rules adopted under that section. 111924

(4) One or more of the following apply: 111925

(a) The requirement of division (A)(1) of this section is met 111926
after the time required by section 5124.51 of the Revised Code; 111927

(b) The requirement of division (A)(2) of this section is met 111928
more than ten days after the effective date of the change of 111929
operator; 111930

(c) The requirement of division (A)(3) of this section is met 111931
more than ten days after the effective date of the change of 111932
operator. 111933

(5) The entering operator is eligible to enter into a 111934
provider agreement for the ICF/IID as provided in section 5124.06 111935
of the Revised Code. 111936

(B) The department shall determine the date a provider 111937
agreement entered into under this section is to go into effect as 111938
follows: 111939

(1) The effective date shall give the department sufficient 111940
time to process the change of operator and give the department 111941
sufficient time to assure no duplicate payments are made and make 111942
the withholding required by section 5124.521 of the Revised Code. 111943

(2) The effective date shall be not earlier than the latest 111944

<u>of the following:</u>	111945
<u>(a) The effective date of the change of operator;</u>	111946
<u>(b) The date that the entering operator complies with section</u> <u>5124.51 of the Revised Code and division (A)(2) of this section;</u>	111947 111948
<u>(c) The date that the exiting operator or owner complies with</u> <u>section 5124.51 of the Revised Code and division (A)(3) of this</u> <u>section.</u>	111949 111950 111951
<u>(3) The effective date shall be not later than the following</u> <u>after the later of the dates specified in division (B)(2) of this</u> <u>section:</u>	111952 111953 111954
<u>(a) Forty-five days if the change of operator does not entail</u> <u>the relocation of residents;</u>	111955 111956
<u>(b) Ninety days if the change of operator entails the</u> <u>relocation of residents.</u>	111957 111958
<u>Sec. 5124.513. A provider that enters into a provider</u> <u>agreement with the department of medicaid under section 5124.511</u> <u>or 5124.512 of the Revised Code shall do all of the following:</u>	111959 111960 111961
<u>(A) Comply with all applicable federal statutes and</u> <u>regulations;</u>	111962 111963
<u>(B) Comply with section 5124.07 of the Revised Code and all</u> <u>other applicable state statutes and rules;</u>	111964 111965
<u>(C) Comply with all the terms and conditions of the exiting</u> <u>operator's provider agreement, including all of the following:</u>	111966 111967
<u>(1) Any plan of correction;</u>	111968
<u>(2) Compliance with health and safety standards;</u>	111969
<u>(3) Compliance with the ownership and financial interest</u> <u>disclosure requirements of 42 C.F.R. 455.104, 455.105, and 1002.3;</u>	111970 111971
<u>(4) Compliance with the civil rights requirements of 45</u>	111972

<u>C.F.R. parts 80, 84, and 90;</u>	111973
<u>(5) Compliance with additional requirements imposed by the department;</u>	111974
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<u>(6) Any sanctions relating to remedies for violation of the provider agreement, including deficiencies, compliance periods, accountability periods, monetary penalties, notification for correction of contract violations, and history of deficiencies.</u>	111976
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<u>Sec. 5124.514. In the case of a change of operator, the exiting operator shall be considered to be the operator of the ICF/IID for purposes of the medicaid program, including medicaid payments, until the effective date of the entering operator's provider agreement if the provider agreement is entered into under section 5124.511 or 5124.512 of the Revised Code.</u>	111980
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<u>Sec. 5124.515. The department of medicaid may enter into a provider agreement as provided in section 5124.07 of the Revised Code, rather than section 5124.511 or 5124.512 of the Revised Code, with an entering operator if the entering operator does not agree to a provider agreement that satisfies the requirements of division (C) of section 5124.513 of the Revised Code. The department may not enter into the provider agreement unless the department of health certifies the ICF/IID under Title XIX. The effective date of the provider agreement shall not precede any of the following:</u>	111986
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<u>(A) The date that the department of health certifies the ICF/IID;</u>	111996
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<u>(B) The effective date of the change of operator;</u>	111998
<u>(C) The date the requirement of section 5124.51 of the Revised Code is satisfied.</u>	111999
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<u>Sec. 5124.516. The director of developmental disabilities may</u>	112001

adopt rules under section 5124.03 of the Revised Code governing 112002
adjustments to the medicaid reimbursement rate for an ICF/IID that 112003
undergoes a change of operator. No rate adjustment resulting from 112004
a change of operator shall be effective before the effective date 112005
of the entering operator's provider agreement. This is the case 112006
regardless of whether the provider agreement is entered into under 112007
section 5124.511, section 5124.512, or, pursuant to section 112008
5124.515, section 5124.07 of the Revised Code. 112009

Sec. 5124.517. The department of developmental disabilities' 112010
determination that a change of operator has or has not occurred 112011
for purposes of licensure under section 5123.19 of the Revised 112012
Code shall not affect either of the following: 112013

(A) A determination by the department of developmental 112014
disabilities or department of medicaid of whether or when a change 112015
of operator occurs; 112016

(B) The department of medicaid's determination of the 112017
effective date of an entering operator's provider agreement under 112018
section 5124.511, section 5124.512, or, pursuant to section 112019
5124.515, section 5124.07 of the Revised Code. 112020

Sec. 5124.52. (A) On receipt of a written notice under 112021
section 5124.50 of the Revised Code of a facility closure or 112022
voluntary termination, on receipt of a written notice under 112023
section 5124.51 of the Revised Code of a change of operator, or on 112024
the effective date of an involuntary termination, the department 112025
of developmental disabilities shall estimate the amount of any 112026
overpayments made under the medicaid program to the exiting 112027
operator, including overpayments the exiting operator disputes, 112028
and other actual and potential debts the exiting operator owes or 112029
may owe to the department and United States centers for medicare 112030
and medicaid services under the medicaid program, including a 112031

franchise permit fee. 112032

(B) In estimating the exiting operator's other actual and potential debts to the department and the United States centers for medicare and medicaid services under the medicaid program, the department shall use a debt estimation methodology the director of developmental disabilities shall establish in rules authorized by section 5124.53 of the Revised Code. The methodology shall provide for estimating all of the following that the department determines are applicable: 112033
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(1) Refunds due the department under section 5124.41 of the Revised Code; 112041
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(2) Interest owed to the department and United States centers for medicare and medicaid services; 112043
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(3) Final civil monetary and other penalties for which all right of appeal has been exhausted; 112045
112046

(4) Money owed the department and United States centers for medicare and medicaid services from any outstanding final fiscal audit, including a final fiscal audit for the last fiscal year or portion thereof in which the exiting operator participated in the medicaid program; 112047
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(5) Other amounts the department determines are applicable. 112052

(C) The department shall provide the exiting operator written notice of the department's estimate under division (A) of this section not later than thirty days after the department receives the notice under section 5124.50 of the Revised Code of the facility closure or voluntary termination; the department receives the notice under section 5124.51 of the Revised Code of the change of operator; or the effective date of the involuntary termination. The department's written notice shall include the basis for the estimate. 112053
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Sec. 5124.521. (A) Except as provided in divisions (B), (C), and (D) of this section, the department of developmental disabilities may withhold from payment due an exiting operator under the medicaid program the total amount specified in the notice provided under division (C) of section 5124.52 of the Revised Code that the exiting operator owes or may owe to the department and United States centers for medicare and medicaid services under the medicaid program. 112062
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(B) In the case of a change of operator and subject to division (E) of this section, the following shall apply regarding a withholding under division (A) of this section if the exiting operator or entering operator or an affiliated operator executes a successor liability agreement meeting the requirements of division (F) of this section: 112070
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(1) If the exiting operator, entering operator, or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section 5124.525 of the Revised Code, the department shall not make the withholding. 112076
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(2) If the exiting operator, entering operator, or affiliated operator assumes liability for only the portion of the amount specified in division (B)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section 5124.52 of the Revised Code and the amount for which the exiting operator, entering operator, or affiliated operator assumes liability. 112082
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(C) In the case of a voluntary termination or facility closure and subject to division (E) of this section, the following 112091
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shall apply regarding a withholding under division (A) of this 112093
section if the exiting operator or an affiliated operator executes 112094
a successor liability agreement meeting the requirements of 112095
division (F) of this section: 112096

(1) If the exiting operator or affiliated operator assumes 112097
liability for the total, actual amount of debt the exiting 112098
operator owes the department and the United States centers for 112099
medicare and medicaid services under the medicaid program as 112100
determined under section 5124.525 of the Revised Code, the 112101
department shall not make the withholding. 112102

(2) If the exiting operator or affiliated operator assumes 112103
liability for only the portion of the amount specified in division 112104
(C)(1) of this section that represents the franchise permit fee 112105
the exiting operator owes, the department shall withhold not more 112106
than the difference between the total amount specified in the 112107
notice provided under division (C) of section 5124.52 of the 112108
Revised Code and the amount for which the exiting operator or 112109
affiliated operator assumes liability. 112110

(D) In the case of an involuntary termination and subject to 112111
division (E) of this section, the following shall apply regarding 112112
a withholding under division (A) of this section if the exiting 112113
operator, the entering operator, or an affiliated operator 112114
executes a successor liability agreement meeting the requirements 112115
of division (F) of this section and the department approves the 112116
successor liability agreement: 112117

(1) If the exiting operator, entering operator, or affiliated 112118
operator assumes liability for the total, actual amount of debt 112119
the exiting operator owes the department and the United States 112120
centers for medicare and medicaid services under the medicaid 112121
program as determined under section 5124.525 of the Revised Code, 112122
the department shall not make the withholding. 112123

(2) If the exiting operator, entering operator, or affiliated operator assumes liability for only the portion of the amount specified in division (D)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section 5124.52 of the Revised Code and the amount for which the exiting operator, entering operator, or affiliated operator assumes liability. 112124
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(E) For an exiting operator or affiliated operator to be eligible to enter into a successor liability agreement under division (B), (C), or (D) of this section, both of the following must apply: 112133
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(1) The exiting operator or affiliated operator must have one or more valid provider agreements, other than the provider agreement for the ICF/IID that is the subject of the involuntary termination, voluntary termination, facility closure, or change of operator; 112137
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(2) During the twelve-month period preceding either the effective date of the involuntary termination or the month in which the department receives the notice of the voluntary termination or facility closure under section 5124.50 of the Revised Code or the notice of the change of operator under section 5124.51 of the Revised Code, the average monthly medicaid payment made to the exiting operator or affiliated operator pursuant to the exiting operator's or affiliated operator's one or more provider agreements, other than the provider agreement for the ICF/IID that is the subject of the involuntary termination, voluntary termination, facility closure, or change of operator, must equal at least ninety per cent of the sum of the following: 112142
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(a) The average monthly medicaid payment made to the exiting operator pursuant to the exiting operator's provider agreement for 112154
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the ICF/IID that is the subject of the involuntary termination, 112156
voluntary termination, facility closure, or change of operator; 112157

(b) Whichever of the following apply: 112158

(i) If the exiting operator or affiliated operator has 112159
assumed liability under one or more other successor liability 112160
agreements, the total amount for which the exiting operator or 112161
affiliated operator has assumed liability under the other 112162
successor liability agreements; 112163

(ii) If the exiting operator or affiliated operator has not 112164
assumed liability under any other successor liability agreements, 112165
zero. 112166

(F) A successor liability agreement executed under this 112167
section must comply with all of the following: 112168

(1) It must provide for the operator who executes the 112169
successor liability agreement to assume liability for either of 112170
the following as specified in the agreement: 112171

(a) The total, actual amount of debt the exiting operator 112172
owes the department and the United States centers for medicare and 112173
medicaid services under the medicaid program as determined under 112174
section 5124.525 of the Revised Code; 112175

(b) The portion of the amount specified in division (F)(1)(a) 112176
of this section that represents the franchise permit fee the 112177
exiting operator owes. 112178

(2) It may not require the operator who executes the 112179
successor liability agreement to furnish a surety bond. 112180

(3) It must provide that the department, after determining 112181
under section 5124.525 of the Revised Code the actual amount of 112182
debt the exiting operator owes the department and United States 112183
centers for medicare and medicaid services under the medicaid 112184
program, may deduct the lesser of the following from medicaid 112185

<u>payments made to the operator who executes the successor liability</u>	112186
<u>agreement:</u>	112187
<u>(a) The total, actual amount of debt the exiting operator</u>	112188
<u>owes the department and the United States centers for medicare and</u>	112189
<u>medicaid services under the medicaid program as determined under</u>	112190
<u>section 5124.525 of the Revised Code;</u>	112191
<u>(b) The amount for which the operator who executes the</u>	112192
<u>successor liability agreement assumes liability under the</u>	112193
<u>agreement.</u>	112194
<u>(4) It must provide that the deductions authorized by</u>	112195
<u>division (F)(3) of this section are to be made for a number of</u>	112196
<u>months, not to exceed six, agreed to by the operator who executes</u>	112197
<u>the successor liability agreement and the department or, if the</u>	112198
<u>operator who executes the successor liability agreement and</u>	112199
<u>department cannot agree on a number of months that is less than</u>	112200
<u>six, a greater number of months determined by the attorney general</u>	112201
<u>pursuant to a claims collection process authorized by statute of</u>	112202
<u>this state.</u>	112203
<u>(5) It must provide that, if the attorney general determines</u>	112204
<u>the number of months for which the deductions authorized by</u>	112205
<u>division (F)(3) of this section are to be made, the operator who</u>	112206
<u>executes the successor liability agreement shall pay, in addition</u>	112207
<u>to the amount collected pursuant to the attorney general's claims</u>	112208
<u>collection process, the part of the amount so collected that, if</u>	112209
<u>not for division (H) of this section, would be required by section</u>	112210
<u>109.081 of the Revised Code to be paid into the attorney general</u>	112211
<u>claims fund.</u>	112212
<u>(G) Execution of a successor liability agreement does not</u>	112213
<u>waive an exiting operator's right to contest the amount specified</u>	112214
<u>in the notice the department provides the exiting operator under</u>	112215
<u>division (C) of section 5124.52 of the Revised Code.</u>	112216

(H) Notwithstanding section 109.081 of the Revised Code, the entire amount that the attorney general, whether by employees or agents of the attorney general or by special counsel appointed pursuant to section 109.08 of the Revised Code, collects under a successor liability agreement, other than the additional amount the operator who executes the agreement is required by division (F)(5) of this section to pay, shall be paid to the department of developmental disabilities for deposit into the appropriate fund. The additional amount that the operator is required to pay shall be paid into the state treasury to the credit of the attorney general claims fund created under section 109.081 of the Revised Code.

Sec. 5124.522. (A) Except as provided in division (B) of this section, an exiting operator shall file with the department of developmental disabilities a cost report not later than ninety days after the last day the exiting operator's provider agreement is in effect. The cost report shall cover the period that begins with the day after the last day covered by the operator's most recent previous cost report filed under section 5124.10 or 5124.101 of the Revised Code and ends on the last day the exiting operator's provider agreement is in effect. The cost report shall include, as applicable, all of the following:

(1) The sale price of the ICF/IID;

(2) A final depreciation schedule that shows which assets are transferred to the buyer and which assets are not transferred to the buyer;

(3) Any other information the department requires.

(B) The department, at its sole discretion, may waive the requirement that an exiting operator file a cost report in accordance with division (A) of this section.

Sec. 5124.523. If an exiting operator required by section 5124.522 of the Revised Code to file a cost report with the department of developmental disabilities fails to file the cost report in accordance with that section, all payments under the medicaid program for the period the cost report is required to cover are deemed overpayments until the date the department receives the properly completed cost report. The department may impose on the exiting operator a penalty of one hundred dollars for each calendar day the properly completed cost report is late.

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Sec. 5124.524. The department of developmental disabilities may not provide an exiting operator final payment under the medicaid program until the department receives all properly completed cost reports the exiting operator is required to file under sections 5124.10 and 5124.522 of the Revised Code.

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Sec. 5124.525. The department of developmental disabilities shall determine the actual amount of debt an exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program by completing all final fiscal audits not already completed and performing all other appropriate actions the department determines to be necessary. The department shall issue an initial debt summary report on this matter not later than sixty days after the date the exiting operator files the properly completed cost report required by section 5124.522 of the Revised Code with the department or, if the department waives the cost report requirement for the exiting operator, sixty days after the date the department waives the cost report requirement. The initial debt summary report becomes the final debt summary report thirty-one days after the department issues the initial debt summary report unless the exiting operator, or an affiliated operator who executes a successor

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liability agreement under section 5124.521 of the Revised Code, 112277
requests a review before that date. 112278

The exiting operator, and an affiliated operator who executes 112279
a successor liability agreement under section 5124.521 of the 112280
Revised Code, may request a review to contest any of the 112281
department's findings included in the initial debt summary report. 112282
The request for the review must be submitted to the department not 112283
later than thirty days after the date the department issues the 112284
initial debt summary report. The department shall conduct the 112285
review on receipt of a timely request and issue a revised debt 112286
summary report. If the department has withheld money from payment 112287
due the exiting operator under division (A) of section 5124.521 of 112288
the Revised Code, the department shall issue the revised debt 112289
summary report not later than ninety days after the date the 112290
department receives the timely request for the review unless the 112291
department and exiting operator or affiliated operator agree to a 112292
later date. The exiting operator or affiliated operator may submit 112293
information to the department explaining what the operator 112294
contests before and during the review, including documentation of 112295
the amount of any debt the department owes the operator. The 112296
exiting operator or affiliated operator may submit additional 112297
information to the department not later than thirty days after the 112298
department issues the revised debt summary report. The revised 112299
debt summary report becomes the final debt summary report 112300
thirty-one days after the department issues the revised debt 112301
summary report unless the exiting operator or affiliated operator 112302
timely submits additional information to the department. If the 112303
exiting operator or affiliated operator timely submits additional 112304
information to the department, the department shall consider the 112305
additional information and issue a final debt summary report not 112306
later than sixty days after the department issues the revised debt 112307
summary report unless the department and exiting operator or 112308

affiliated operator agree to a later date. 112309

Each debt summary report the department issues under this 112310
section shall include the department's findings and the amount of 112311
debt the department determines the exiting operator owes the 112312
department and United States centers for medicare and medicaid 112313
services under the medicaid program. The department shall explain 112314
its findings and determination in each debt summary report. 112315

The exiting operator, and an affiliated operator who executes 112316
a successor liability agreement under section 5124.521 of the 112317
Revised Code, may request, in accordance with Chapter 119. of the 112318
Revised Code, an adjudication regarding a finding in a final debt 112319
summary report that pertains to an audit or alleged overpayment 112320
made under the medicaid program to the exiting operator. The 112321
adjudication shall be consolidated with any other uncompleted 112322
adjudication that concerns a matter addressed in the final debt 112323
summary report. 112324

Sec. 5124.526. The department of developmental disabilities 112325
shall release the actual amount withheld under division (A) of 112326
section 5124.521 of the Revised Code, less any amount the exiting 112327
operator owes the department and United States centers for 112328
medicare and medicaid services under the medicaid program, as 112329
follows: 112330

(A) Unless the department issues the initial debt summary 112331
report required by section 5124.525 of the Revised Code not later 112332
than sixty days after the date the exiting operator files the 112333
properly completed cost report required by section 5124.522 of the 112334
Revised Code, sixty-one days after the date the exiting operator 112335
files the properly completed cost report; 112336

(B) If the department issues the initial debt summary report 112337
required by section 5124.525 of the Revised Code not later than 112338
sixty days after the date the exiting operator files a properly 112339

completed cost report required by section 5124.522 of the Revised Code, not later than the following: 112340
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(1) Thirty days after the deadline for requesting an adjudication under section 5124.525 of the Revised Code regarding the final debt summary report if the exiting operator, and an affiliated operator who executes a successor liability agreement under section 5124.521 of the Revised Code, fail to request the adjudication on or before the deadline; 112342
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(2) Thirty days after the completion of an adjudication of the final debt summary report if the exiting operator, or an affiliated operator who executes a successor liability agreement under section 5124.521 of the Revised Code, requests the adjudication on or before the deadline for requesting the adjudication. 112348
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(C) Unless the department issues the initial debt summary report required by section 5124.525 of the Revised Code not later than sixty days after the date the department waives the cost report requirement of section 5124.522 of the Revised Code, sixty-one days after the date the department waives the cost report requirement; 112354
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(D) If the department issues the initial debt summary report required by section 5124.525 of the Revised Code not later than sixty days after the date the department waives the cost report requirement of section 5124.522 of the Revised Code, not later than the following: 112360
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(1) Thirty days after the deadline for requesting an adjudication under section 5124.525 of the Revised Code regarding the final debt summary report if the exiting operator, and an affiliated operator who executes a successor liability agreement under section 5124.521 of the Revised Code, fail to request the adjudication on or before the deadline; 112365
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(2) Thirty days after the completion of an adjudication of the final debt summary report if the exiting operator, or an affiliated operator who executes a successor liability agreement under section 5124.521 of the Revised Code, requests the adjudication on or before the deadline for requesting the adjudication. 112371
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Sec. 5124.527. The department of developmental disabilities, at its sole discretion, may release the amount withheld under division (A) of section 5124.521 of the Revised Code if the exiting operator submits to the department written notice of a postponement of a change of operator, facility closure, or voluntary termination and the transactions leading to the change of operator, facility closure, or voluntary termination are postponed for at least thirty days but less than ninety days after the date originally proposed for the change of operator, facility closure, or voluntary termination as reported in the written notice required by section 5124.50 or 5124.51 of the Revised Code. The department shall release the amount withheld if the exiting operator submits to the department written notice of a cancellation or postponement of a change of operator, facility closure, or voluntary termination and the transactions leading to the change of operator, facility closure, or voluntary termination are canceled or postponed for more than ninety days after the date originally proposed for the change of operator, facility closure, or voluntary termination as reported in the written notice required by section 5124.50 or 5124.51 of the Revised Code. A written notice shall be provided to the department in accordance with the method specified in rules authorized by section 5124.53 of the Revised Code. 112377
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After the department receives a written notice regarding a cancellation or postponement of a facility closure or voluntary termination, the exiting operator or owner shall provide new 112400
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written notice to the department under section 5124.50 of the 112403
Revised Code regarding any transactions leading to a facility 112404
closure or voluntary termination at a future time. After the 112405
department receives a written notice regarding a cancellation or 112406
postponement of a change of operator, the exiting operator or 112407
owner and entering operator shall provide new written notice to 112408
the department under section 5124.51 of the Revised Code regarding 112409
any transactions leading to a change of operator at a future time. 112410

Sec. 5124.528. (A) All amounts withheld under section 112411
5124.521 of the Revised Code from payment due an exiting operator 112412
under the medicaid program shall be deposited into the medicaid 112413
payment withholding fund created by the controlling board pursuant 112414
to section 131.35 of the Revised Code. Money in the fund shall be 112415
used as follows: 112416

(1) To pay an exiting operator when a withholding is released 112417
to the exiting operator under section 5124.526 or 5124.527 of the 112418
Revised Code; 112419

(2) To pay the department of medicaid or department of 112420
developmental disabilities, and United States centers for medicare 112421
and medicaid services, the amount an exiting operator owes the 112422
department of medicaid or department of developmental disabilities 112423
and United States centers under the medicaid program. 112424

(B) Amounts paid from the medicaid payment withholding fund 112425
pursuant to division (A)(2) of this section shall be deposited 112426
into the appropriate fund. 112427

Sec. 5124.53. The director of developmental disabilities 112428
shall adopt rules under section 5124.03 of the Revised Code to 112429
implement sections 5124.50 to 5124.53 of the Revised Code. The 112430
rules shall specify all of the following: 112431

(A) The method by which written notices to the department 112432

required by sections 5124.50 to 5124.53 of the Revised Code are to 112433
be provided; 112434

(B) The forms and documents that are to be provided to the 112435
department under sections 5124.511 and 5124.512 of the Revised 112436
Code, which shall include, in the case of such forms and documents 112437
provided by entering operators, all the fully executed leases, 112438
management agreements, merger agreements and supporting documents, 112439
and fully executed sales contracts and any other supporting 112440
documents culminating in the change of operator; 112441

(C) The method by which the forms and documents identified in 112442
division (B) of this section are to be provided to the department. 112443

~~Sec. 5111.874 5124.60. (A) As used in sections 5111.874 to~~ 112444
~~5111.8710 of the Revised Code:~~ 112445

~~"Home and community based services" has the same meaning as~~ 112446
~~in section 5123.01 of the Revised Code.~~ 112447

~~"ICF/MR services" means intermediate care facility for the~~ 112448
~~mentally retarded services covered by the medicaid program that an~~ 112449
~~intermediate care facility for the mentally retarded provides to a~~ 112450
~~resident of the facility who is a medicaid recipient eligible for~~ 112451
~~medicaid covered intermediate care facility for the mentally~~ 112452
~~retarded services.~~ 112453

~~"Intermediate care facility for the mentally retarded" means~~ 112454
~~an intermediate care facility for the mentally retarded that is~~ 112455
~~certified as in compliance with applicable standards for the~~ 112456
~~medicaid program by the director of health in accordance with~~ 112457
~~Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42~~ 112458
~~U.S.C. 1396, as amended, and licensed as a residential facility~~ 112459
~~under section 5123.19 of the Revised Code.~~ 112460

~~"Residential facility" has the same meaning as in section~~ 112461
~~5123.19 of the Revised Code.~~ 112462

~~(B)~~ For the purpose of increasing the number of slots available for home and community-based services and subject to sections ~~5111.877~~ 5124.63 and ~~5111.878~~ 5124.64 of the Revised Code, the operator of an ~~intermediate care facility for the mentally retarded~~ ICF/IID may convert some or all of the beds in the ~~facility~~ ICF/IID from providing ~~ICF/MR~~ ICF/IID services to providing home and community-based services if all of the following requirements are met:

(1) The operator provides the directors of health and developmental disabilities at least ninety days' notice of the operator's intent to make the conversion.

(2) The operator complies with the requirements of sections ~~5111.65~~ 5124.50 to ~~5111.689~~ 5124.53 of the Revised Code regarding a voluntary termination ~~as defined in section 5111.65 of the Revised Code~~ if those requirements are applicable.

(3) If the operator intends to convert all of the ~~facility's~~ ICF/IID's beds, the operator notifies each of the ~~facility's~~ ICF/IID's residents that the ~~facility~~ ICF/IID is to cease providing ~~ICF/MR~~ ICF/IID services and inform each resident that the resident may do either of the following:

(a) Continue to receive ~~ICF/MR~~ ICF/IID services by transferring to another ~~facility~~ ICF/IID that is an ~~intermediate care facility for the mentally retarded~~ willing and able to accept the resident if the resident continues to qualify for ~~ICF/MR~~ ICF/IID services;

(b) Begin to receive home and community-based services instead of ~~ICF/MR~~ ICF/IID services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident.

(4) If the operator intends to convert some but not all of

the ~~facility's~~ ICF/IID's beds, the operator notifies each of the 112494
~~facility's~~ ICF/IID's residents that the ~~facility~~ ICF/IID is to 112495
convert some of its beds from providing ~~ICF/MR~~ ICF/IID services to 112496
providing home and community-based services and inform each 112497
resident that the resident may do either of the following: 112498

(a) Continue to receive ~~ICF/MR~~ ICF/IID services from any 112499
~~provider of services~~ ICF/MR ICF/IID that is willing and able to 112500
provide the services to the resident if the resident continues to 112501
qualify for ~~ICF/MR~~ ICF/IID services; 112502

(b) Begin to receive home and community-based services 112503
instead of ~~ICF/MR~~ ICF/IID services from any provider of home and 112504
community-based services that is willing and able to provide the 112505
services to the resident if the resident is eligible for the 112506
services and a slot for the services is available to the resident. 112507

(5) The operator meets the requirements for providing home 112508
and community-based services, including the following: 112509

(a) Such requirements applicable to a residential facility if 112510
the operator maintains the facility's license as a residential 112511
facility; 112512

(b) Such requirements applicable to a facility that is not 112513
licensed as a residential facility if the operator surrenders the 112514
facility's license as a residential facility under section 5123.19 112515
of the Revised Code. 112516

(6) The director of developmental disabilities approves the 112517
conversion. 112518

~~(C)~~(B) A decision by the director of developmental 112519
disabilities to approve or refuse to approve a proposed conversion 112520
of beds is final. In making a decision, the director shall 112521
consider all of the following: 112522

(1) The fiscal impact on the ~~facility~~ ICF/IID if some but not 112523

all of the beds are converted; 112524

(2) The fiscal impact on the ~~medical assistance~~ medicaid 112525
program; 112526

(3) The availability of home and community-based services. 112527

~~(D)~~(C) The notice provided to the directors under division 112528
~~(B)~~(A)(1) of this section shall specify whether some or all of the 112529
~~facility's~~ ICF/IID's beds are to be converted. If some but not all 112530
of the beds are to be converted, the notice shall specify how many 112531
of the ~~facility's~~ ICF/IID's beds are to be converted and how many 112532
of the beds are to continue to provide ~~ICF/MR~~ ICF/IID services. 112533
The notice to the director of developmental disabilities shall 112534
specify whether the operator wishes to surrender the ~~facility's~~ 112535
ICF/IID's license as a residential facility under section 5123.19 112536
of the Revised Code. 112537

~~(E)~~(D)(1) If the director of developmental disabilities 112538
approves a conversion under division ~~(C)~~(B) of this section, the 112539
director of health shall do the following: 112540

(a) Terminate the ICF/IID's medicaid certification ~~of the~~ 112541
~~intermediate care facility for the mentally retarded~~ if the notice 112542
specifies that all of the ~~facility's~~ ICF/IID's beds are to be 112543
converted; 112544

(b) Reduce the ~~facility's certified~~ ICF/IID's 112545
medicaid-certified capacity by the number of beds being converted 112546
if the notice specifies that some but not all of the beds are to 112547
be converted. 112548

(2) The director of health shall notify the medicaid director 112549
~~of job and family services~~ of the termination or reduction. On 112550
receipt of the ~~director of health's~~ notice, the medicaid director 112551
~~of job and family services~~ shall do the following: 112552

(a) Terminate the operator's medicaid provider agreement that 112553

authorizes the operator to provide ~~ICF/MR~~ ICF/IID services at the 112554
facility ICF/IID if the facility's ICF/IID's certification was 112555
terminated; 112556

(b) Amend the operator's medicaid provider agreement to 112557
reflect the facility's ICF/IID's reduced ~~certified~~ 112558
medicaid-certified capacity if the facility's ~~certified~~ ICF/IID's 112559
medicaid-certified capacity is reduced. 112560

(3) In the case of action taken under division ~~(E)~~(D)(2)(a) 112561
of this section, the operator is not entitled to notice or a 112562
hearing under Chapter 119. of the Revised Code before the medicaid 112563
director ~~of job and family services~~ terminates the medicaid 112564
provider agreement. 112565

Sec. ~~5111.875~~ 5124.61. (A) For the purpose of increasing the 112566
number of slots available for home and community-based services 112567
and subject to sections ~~5111.877~~ 5124.63 and ~~5111.878~~ 5124.64 of 112568
the Revised Code, a person who acquires, through a request for 112569
proposals issued by the director of developmental disabilities, a 112570
~~residential facility that is an intermediate care facility for the~~ 112571
~~mentally retarded and~~ an ICF/IID for which ~~the~~ a residential 112572
facility license ~~as a residential facility~~ was previously 112573
surrendered or revoked may convert some or all of the ~~facility's~~ 112574
ICF/IID's beds from providing ~~ICF/MR~~ ICF/IID services to providing 112575
home and community-based services if all of the following 112576
requirements are met: 112577

(1) The person provides the directors of health, ~~job and~~ 112578
~~family services~~, and developmental disabilities and medicaid 112579
director at least ninety days' notice of the person's intent to 112580
make the conversion. 112581

(2) The person complies with the requirements of sections 112582
~~5111.65~~ 5124.50 to ~~5111.689~~ 5124.53 of the Revised Code regarding 112583
a voluntary termination ~~as defined in section 5111.65 of the~~ 112584

~~Revised Code~~ if those requirements are applicable. 112585

(3) If the person intends to convert all of the ~~facility's~~ 112586
~~ICF/IID's~~ beds, the person notifies each of the ~~facility's~~ 112587
~~ICF/IID's~~ residents that the ~~facility~~ ICF/IID is to cease 112588
providing ~~ICF/MR~~ ICF/IID services and informs each resident that 112589
the resident may do either of the following: 112590

(a) Continue to receive ~~ICF/MR~~ ICF/IID services by 112591
transferring to another ~~facility that is an intermediate care~~ 112592
~~facility for the mentally retarded~~ ICF/IID willing and able to 112593
accept the resident if the resident continues to qualify for 112594
~~ICF/MR~~ ICF/IID services; 112595

(b) Begin to receive home and community-based services 112596
instead of ~~ICF/MR~~ ICF/IID services from any provider of home and 112597
community-based services that is willing and able to provide the 112598
services to the resident if the resident is eligible for the 112599
services and a slot for the services is available to the resident. 112600

(4) If the person intends to convert some but not all of the 112601
~~facility's~~ ICF/IID's beds, the person notifies each of the 112602
~~facility's~~ ICF/IID's residents that the ~~facility~~ ICF/IID is to 112603
convert some of its beds from providing ~~ICF/MR~~ ICF/IID services to 112604
providing home and community-based services and inform each 112605
resident that the resident may do either of the following: 112606

(a) Continue to receive ~~ICF/MR~~ ICF/IID services from any 112607
~~provider of ICF/MR services~~ that is willing and able to provide 112608
the services to the resident if the resident continues to qualify 112609
for ~~ICF/MR~~ ICF/IID services; 112610

(b) Begin to receive home and community-based services 112611
instead of ~~ICF/MR~~ ICF/IID services from any provider of home and 112612
community-based services that is willing and able to provide the 112613
services to the resident if the resident is eligible for the 112614
services and a slot for the services is available to the resident. 112615

(5) The person meets the requirements for providing home and community-based services at a residential facility. 112616
112617

(B) The notice provided to the directors under division 112618
(A)(1) of this section shall specify whether some or all of the 112619
~~facility's~~ ICF/IID's beds are to be converted. If some but not all 112620
of the beds are to be converted, the notice shall specify how many 112621
of the ~~facility's~~ ICF/IID's beds are to be converted and how many 112622
of the beds are to continue to provide ~~ICF/MR~~ ICF/IID services. 112623

(C) On receipt of a notice under division (A)(1) of this 112624
section, the director of health shall do the following: 112625

(1) Terminate the ICF/IID's medicaid certification ~~of the~~ 112626
~~intermediate care facility for the mentally retarded~~ if the notice 112627
specifies that all of the facility's beds are to be converted; 112628

(2) Reduce the ~~facility's certified~~ ICF/IID's 112629
medicaid-certified capacity by the number of beds being converted 112630
if the notice specifies that some but not all of the beds are to 112631
be converted. 112632

(D) The director of health shall notify the medicaid director 112633
~~of job and family services~~ of the termination or reduction under 112634
division (C) of this section. On receipt of the director of 112635
health's notice, the medicaid director ~~of job and family services~~ 112636
shall do the following: 112637

(1) Terminate the person's medicaid provider agreement that 112638
authorizes the person to provide ~~ICF/MR~~ ICF/IID services at the 112639
~~facility~~ ICF/IID if the ~~facility's~~ ICF/IID's medicaid 112640
certification was terminated; 112641

(2) Amend the person's medicaid provider agreement to reflect 112642
the ~~facility's~~ ICF/IID's reduced ~~certified~~ medicaid-certified 112643
capacity if the ~~facility's certified~~ ICF/IID's medicaid-certified 112644
capacity is reduced. 112645

The person is not entitled to notice or a hearing under 112646
Chapter 119. of the Revised Code before the medicaid director of 112647
~~job and family services~~ terminates or amends the medicaid provider 112648
agreement. 112649

Sec. ~~5111.876~~ 5124.62. Subject to section ~~5111.877~~ 5124.63 of 112650
the Revised Code, the director of developmental disabilities may 112651
request that the medicaid director of ~~job and family services~~ seek 112652
the approval of the United States secretary of health and human 112653
services to increase the number of slots available for home and 112654
community-based services by a number not exceeding the number of 112655
beds that were part of the licensed capacity of a residential 112656
facility that had its license revoked or surrendered under section 112657
5123.19 of the Revised Code if the residential facility was an 112658
~~intermediate care facility for the mentally retarded~~ ICF/IID at 112659
the time of the license revocation or surrender. The revocation or 112660
surrender may have occurred before, or may occur on or after, June 112661
24, 2008. The request may include beds the director of 112662
developmental disabilities removed from such a residential 112663
facility's licensed capacity before transferring ownership or 112664
operation of the residential facility pursuant to a request for 112665
proposals. 112666

Sec. ~~5111.877~~ 5124.63. The medicaid director of ~~job and~~ 112667
~~family services~~ may seek approval from the United States secretary 112668
of health and human services for not more than a total of ~~five~~ six 112669
hundred slots for home and community-based services for the 112670
purposes of sections ~~5111.874~~ 5124.60, ~~5111.875~~ 5124.61, and 112671
~~5111.876~~ 5124.62 of the Revised Code. 112672

Sec. ~~5111.878~~ 5124.64. Not more than a total of ~~five~~ six 112673
hundred beds may be converted from providing ~~ICF/MR~~ ICF/IID 112674
services to providing home and community-based services under 112675

sections ~~5111.874~~ 5124.60 and ~~5111.875~~ 5124.61 of the Revised Code. 112676
112677

Sec. ~~5111.879~~ 5124.65. No person or government entity may 112678
reconvert a bed to be used for ~~ICF/MR~~ ICF/IID services if the bed 112679
was converted to use for home and community-based services under 112680
section ~~5111.874~~ 5124.60 or ~~5111.875~~ 5124.61 of the Revised Code. 112681
This prohibition applies regardless of either of the following: 112682

(A) The bed is part of the licensed capacity of a residential 112683
facility. 112684

(B) The bed has been sold, leased, or otherwise transferred 112685
to another person or government entity. 112686

Sec. 5124.67. (A) The department of developmental 112687
disabilities shall strive to achieve, not later than July 1, 2018, 112688
the following statewide reductions in ICF/IID beds: 112689

(1) At least five hundred and not more than six hundred beds 112690
in ICFs/IID that, before becoming downsized ICFs/IID, have sixteen 112691
or more beds; 112692

(2) At least five hundred and not more than six hundred beds 112693
in ICFs/IID with any number of beds that convert some or all of 112694
their beds from providing ICF/IID services to providing home and 112695
community-based services pursuant to section 5124.60 or 5124.61 of 112696
the Revised Code. 112697

(B) In its efforts to achieve the reductions under division 112698
(A) of this section, the department shall collaborate with the 112699
Ohio association of county boards serving people with 112700
developmental disabilities, the Ohio provider resource 112701
association, the Ohio centers for intellectual disabilities formed 112702
by the Ohio health care association, and the values and faith 112703
alliance. The collaboration efforts may include the following: 112704

(1) Identifying ICFs/IID that may reduce the number of their beds to help achieve the reductions under division (A) of this section; 112705
112706
112707

(2) Encouraging ICF/IID providers to reduce the number of their ICFs/IID's beds; 112708
112709

(3) Establishing interim time frames for making progress in achieving the reductions; 112710
112711

(4) Creating incentives for, and removing impediments to, the reductions; 112712
112713

(5) In the case of ICF/IID beds that are converted to providing home and community-based services, developing a mechanism to compensate providers for beds that permanently cease to provide ICF/IID services. 112714
112715
112716
112717

(C) The department shall meet not less than twice each year with the organizations specified in division (B) of this section to do all of the following: 112718
112719
112720

(1) Review the progress being made in achieving the reductions under division (A) of this section; 112721
112722

(2) Prepare written reports on the progress; 112723

(3) Identify additional measures needed to achieve the reductions. 112724
112725

Sec. 5124.99. Whoever violates section 5124.102 or division (E) of section 5124.08 of the Revised Code shall be fined not less than five hundred dollars nor more than one thousand dollars for the first offense and not less than one thousand dollars nor more than five thousand dollars for each subsequent offense. 112726
112727
112728
112729
112730

Fines paid under this section shall be deposited in the state treasury to the credit of the general revenue fund. 112731
112732

Sec. 5126.01. As used in this chapter: 112733

(A) As used in this division, "adult" means an individual who 112734
is eighteen years of age or over and not enrolled in a program or 112735
service under Chapter 3323. of the Revised Code and an individual 112736
sixteen or seventeen years of age who is eligible for adult 112737
services under rules adopted by the director of developmental 112738
disabilities pursuant to Chapter 119. of the Revised Code. 112739

(1) "Adult services" means services provided to an adult 112740
outside the home, except when they are provided within the home 112741
according to an individual's assessed needs and identified in an 112742
individual service plan, that support learning and assistance in 112743
the area of self-care, sensory and motor development, 112744
socialization, daily living skills, communication, community 112745
living, social skills, or vocational skills. 112746

(2) "Adult services" includes all of the following: 112747

(a) Adult day habilitation services; 112748

(b) Adult day care; 112749

(c) Prevocational services; 112750

(d) Sheltered employment; 112751

(e) Educational experiences and training obtained through 112752
entities and activities that are not expressly intended for 112753
individuals with mental retardation and developmental 112754
disabilities, including trade schools, vocational or technical 112755
schools, adult education, job exploration and sampling, unpaid 112756
work experience in the community, volunteer activities, and 112757
spectator sports; 112758

(f) Community employment services and supported employment 112759
services. 112760

(B)(1) "Adult day habilitation services" means adult services 112761

that do the following: 112762

(a) Provide access to and participation in typical activities 112763
and functions of community life that are desired and chosen by the 112764
general population, including such activities and functions as 112765
opportunities to experience and participate in community 112766
exploration, companionship with friends and peers, leisure 112767
activities, hobbies, maintaining family contacts, community 112768
events, and activities where individuals without disabilities are 112769
involved; 112770

(b) Provide supports or a combination of training and 112771
supports that afford an individual a wide variety of opportunities 112772
to facilitate and build relationships and social supports in the 112773
community. 112774

(2) "Adult day habilitation services" includes all of the 112775
following: 112776

(a) Personal care services needed to ensure an individual's 112777
ability to experience and participate in vocational services, 112778
educational services, community activities, and any other adult 112779
day habilitation services; 112780

(b) Skilled services provided while receiving adult day 112781
habilitation services, including such skilled services as behavior 112782
management intervention, occupational therapy, speech and language 112783
therapy, physical therapy, and nursing services; 112784

(c) Training and education in self-determination designed to 112785
help the individual do one or more of the following: develop 112786
self-advocacy skills, exercise the individual's civil rights, 112787
acquire skills that enable the individual to exercise control and 112788
responsibility over the services received, and acquire skills that 112789
enable the individual to become more independent, integrated, or 112790
productive in the community; 112791

(d) Recreational and leisure activities identified in the 112792

individual's service plan as therapeutic in nature or assistive in 112793
developing or maintaining social supports; 112794

(e) Counseling and assistance provided to obtain housing, 112795
including such counseling as identifying options for either rental 112796
or purchase, identifying financial resources, assessing needs for 112797
environmental modifications, locating housing, and planning for 112798
ongoing management and maintenance of the housing selected; 112799

(f) Transportation necessary to access adult day habilitation 112800
services; 112801

(g) Habilitation management, as described in section 5126.14 112802
of the Revised Code. 112803

(3) "Adult day habilitation services" does not include 112804
activities that are components of the provision of residential 112805
services, family support services, or supported living services. 112806

(C) "Appointing authority" means the following: 112807

(1) In the case of a member of a county board of 112808
developmental disabilities appointed by, or to be appointed by, a 112809
board of county commissioners, the board of county commissioners; 112810

(2) In the case of a member of a county board appointed by, 112811
or to be appointed by, a senior probate judge, the senior probate 112812
judge. 112813

(D) "Community employment," "competitive employment," and 112814
"integrated setting" have the same meanings as in section 5123.022 112815
of the Revised Code. 112816

(E) "Community employment services" or "supported Supported 112817
employment services" means vocational assessment, job training and 112818
coaching, job development and placement, worksite accessibility, 112819
and other services related to employment outside a sheltered 112820
workshop. ~~"Community employment services" or "supported Supported~~ 112821
employment services" ~~include all~~ includes both of the following: 112822

(1) Job training resulting in the attainment of competitive	112823
work <u>community employment</u> , supported work in a typical work	112824
environment, or self-employment;	112825
(2) Supervised work experience through an employer paid to	112826
provide the supervised work experience;	112827
(3) Ongoing work in a competitive work environment at a wage	112828
commensurate with workers without disabilities;	112829
(4) Ongoing supervision by an employer paid to provide the	112830
supervision <u>Support for ongoing community employment, supported</u>	112831
<u>work at community-based sites, or self-employment.</u>	112832
(E) <u>(F)</u> As used in this division, "substantial functional	112833
limitation," "developmental delay," and "established risk" have	112834
the meanings established pursuant to section 5123.011 of the	112835
Revised Code.	112836
"Developmental disability" means a severe, chronic disability	112837
that is characterized by all of the following:	112838
(1) It is attributable to a mental or physical impairment or	112839
a combination of mental and physical impairments, other than a	112840
mental or physical impairment solely caused by mental illness as	112841
defined in division (A) of section 5122.01 of the Revised Code;	112842
(2) It is manifested before age twenty-two;	112843
(3) It is likely to continue indefinitely;	112844
(4) It results in one of the following:	112845
(a) In the case of a person under age three, at least one	112846
developmental delay or an established risk;	112847
(b) In the case of a person at least age three but under age	112848
six, at least two developmental delays or an established risk;	112849
(c) In the case of a person age six or older, a substantial	112850
functional limitation in at least three of the following areas of	112851

major life activity, as appropriate for the person's age: 112852
self-care, receptive and expressive language, learning, mobility, 112853
self-direction, capacity for independent living, and, if the 112854
person is at least age sixteen, capacity for economic 112855
self-sufficiency. 112856

(5) It causes the person to need a combination and sequence 112857
of special, interdisciplinary, or other type of care, treatment, 112858
or provision of services for an extended period of time that is 112859
individually planned and coordinated for the person. 112860

~~(F)~~(G) "Early childhood services" means a planned program of 112861
habilitation designed to meet the needs of individuals with mental 112862
retardation or other developmental disabilities who have not 112863
attained compulsory school age. 112864

~~(G)~~(H) "Employment services" means prevocational services or 112865
supported employment services. 112866

(I)(1) "Environmental modifications" means the physical 112867
adaptations to an individual's home, specified in the individual's 112868
service plan, that are necessary to ensure the individual's 112869
health, safety, and welfare or that enable the individual to 112870
function with greater independence in the home, and without which 112871
the individual would require institutionalization. 112872

(2) "Environmental modifications" includes such adaptations 112873
as installation of ramps and grab-bars, widening of doorways, 112874
modification of bathroom facilities, and installation of 112875
specialized electric and plumbing systems necessary to accommodate 112876
the individual's medical equipment and supplies. 112877

(3) "Environmental modifications" does not include physical 112878
adaptations or improvements to the home that are of general 112879
utility or not of direct medical or remedial benefit to the 112880
individual, including such adaptations or improvements as 112881
carpeting, roof repair, and central air conditioning. 112882

~~(H)~~(J) "Family support services" means the services provided 112883
under a family support services program operated under section 112884
5126.11 of the Revised Code. 112885

~~(I)~~(K) "Habilitation" means the process by which the staff of 112886
the facility or agency assists an individual with mental 112887
retardation or other developmental disability in acquiring and 112888
maintaining those life skills that enable the individual to cope 112889
more effectively with the demands of the individual's own person 112890
and environment, and in raising the level of the individual's 112891
personal, physical, mental, social, and vocational efficiency. 112892
Habilitation includes, but is not limited to, programs of formal, 112893
structured education and training. 112894

~~(J)~~(L) "Home and community-based services" means 112895
~~medicaid funded home and community based services specified in~~ 112896
~~division (B)(1) of section 5111.87 of the Revised Code and~~ 112897
~~provided under the medicaid waiver components the department of~~ 112898
~~developmental disabilities administers pursuant to~~ has the same 112899
meaning as in section ~~5111.871~~ 5123.01 of the Revised Code. 112900
~~However, home and community based services provided under the~~ 112901
~~medicaid waiver component known as the transitions developmental~~ 112902
~~disabilities waiver are to be considered to be home and~~ 112903
~~community based services for the purposes of this chapter only to~~ 112904
~~the extent, if any, provided by the contract required by section~~ 112905
~~5111.871 of the Revised Code regarding the waiver.~~ 112906

~~(K)~~(M) "ICF/IID" has the same meaning as in section 5124.01 112907
of the Revised Code. 112908

(N) "Immediate family" means parents, grandparents, brothers, 112909
sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, 112910
fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and 112911
daughters-in-law. 112912

~~(L)~~ "Medicaid" ~~has the same meaning as in section 5111.01 of~~ 112913

~~the Revised Code.~~ 112914

~~(M)~~(O) "Medicaid case management services" means case 112915
management services provided to an individual with mental 112916
retardation or other developmental disability that the state 112917
medicaid plan requires. 112918

~~(N)~~(P) "Mental retardation" means a mental impairment 112919
manifested during the developmental period characterized by 112920
significantly subaverage general intellectual functioning existing 112921
concurrently with deficiencies in the effectiveness or degree with 112922
which an individual meets the standards of personal independence 112923
and social responsibility expected of the individual's age and 112924
cultural group. 112925

~~(O)~~(O) "Prevocational services" means services, including 112926
services as a volunteer, that provide learning and work 112927
experiences from which an individual can develop general strengths 112928
and skills that are not specific to a particular task or job but 112929
contribute to employability in community employment, supported 112930
work at community-based sites, or self-employment. 112931

(R) "Residential services" means services to individuals with 112932
mental retardation or other developmental disabilities to provide 112933
housing, food, clothing, habilitation, staff support, and related 112934
support services necessary for the health, safety, and welfare of 112935
the individuals and the advancement of their quality of life. 112936
"Residential services" includes program management, as described 112937
in section 5126.14 of the Revised Code. 112938

~~(P)~~(S) "Resources" means available capital and other assets, 112939
including moneys received from the federal, state, and local 112940
governments, private grants, and donations; appropriately 112941
qualified personnel; and appropriate capital facilities and 112942
equipment. 112943

~~(Q)~~(T) "Senior probate judge" means the current probate judge 112944

of a county who has served as probate judge of that county longer 112945
than any of the other current probate judges of that county. If a 112946
county has only one probate judge, "senior probate judge" means 112947
that probate judge. 112948

~~(R)~~(U) "Service and support administration" means the duties 112949
performed by a service and support administrator pursuant to 112950
section 5126.15 of the Revised Code. 112951

~~(S)~~(V)(1) "Specialized medical, adaptive, and assistive 112952
equipment, supplies, and supports" means equipment, supplies, and 112953
supports that enable an individual to increase the ability to 112954
perform activities of daily living or to perceive, control, or 112955
communicate within the environment. 112956

(2) "Specialized medical, adaptive, and assistive equipment, 112957
supplies, and supports" includes the following: 112958

(a) Eating utensils, adaptive feeding dishes, plate guards, 112959
mylatex straps, hand splints, reaches, feeder seats, adjustable 112960
pointer sticks, interpreter services, telecommunication devices 112961
for the deaf, computerized communications boards, other 112962
communication devices, support animals, veterinary care for 112963
support animals, adaptive beds, supine boards, prone boards, 112964
wedges, sand bags, sidelayers, bolsters, adaptive electrical 112965
switches, hand-held shower heads, air conditioners, humidifiers, 112966
emergency response systems, folding shopping carts, vehicle lifts, 112967
vehicle hand controls, other adaptations of vehicles for 112968
accessibility, and repair of the equipment received. 112969

(b) Nondisposable items not covered by medicaid that are 112970
intended to assist an individual in activities of daily living or 112971
instrumental activities of daily living. 112972

~~(T)~~(W) "Supportive home services" means a range of services 112973
to families of individuals with mental retardation or other 112974
developmental disabilities to develop and maintain increased 112975

acceptance and understanding of such persons, increased ability of 112976
family members to teach the person, better coordination between 112977
school and home, skills in performing specific therapeutic and 112978
management techniques, and ability to cope with specific 112979
situations. 112980

~~(U)~~(X)(1) "Supported living" means services provided for as 112981
long as twenty-four hours a day to an individual with mental 112982
retardation or other developmental disability through any public 112983
or private resources, including moneys from the individual, that 112984
enhance the individual's reputation in community life and advance 112985
the individual's quality of life by doing the following: 112986

(a) Providing the support necessary to enable an individual 112987
to live in a residence of the individual's choice, with any number 112988
of individuals who are not disabled, or with not more than three 112989
individuals with mental retardation and developmental disabilities 112990
unless the individuals are related by blood or marriage; 112991

(b) Encouraging the individual's participation in the 112992
community; 112993

(c) Promoting the individual's rights and autonomy; 112994

(d) Assisting the individual in acquiring, retaining, and 112995
improving the skills and competence necessary to live successfully 112996
in the individual's residence. 112997

(2) "Supported living" includes the provision of all of the 112998
following: 112999

(a) Housing, food, clothing, habilitation, staff support, 113000
professional services, and any related support services necessary 113001
to ensure the health, safety, and welfare of the individual 113002
receiving the services; 113003

(b) A combination of lifelong or extended-duration 113004
supervision, training, and other services essential to daily 113005

living, including assessment and evaluation and assistance with 113006
the cost of training materials, transportation, fees, and 113007
supplies; 113008

(c) Personal care services and homemaker services; 113009

(d) Household maintenance that does not include modifications 113010
to the physical structure of the residence; 113011

(e) Respite care services; 113012

(f) Program management, as described in section 5126.14 of 113013
the Revised Code. 113014

Sec. 5126.026. Except as otherwise provided in this section 113015
and section 5126.0218 of the Revised Code, a member of a county 113016
board of developmental disabilities may be reappointed to the 113017
county board. Prior to making a reappointment, the appointing 113018
authority shall ascertain, through written communication with the 113019
board, that the member being considered for reappointment meets 113020
the requirements of sections 5126.022 and 5126.0218 of the Revised 113021
Code. 113022

A member who has served during each of three consecutive 113023
terms shall not be reappointed for a subsequent term until two 113024
years after ceasing to be a member of the county board, except 113025
that a member who has served for ten years or less within three 113026
consecutive terms may be reappointed for a subsequent term before 113027
becoming ineligible for reappointment for two years. 113028

If, however, a county board experiences extenuating 113029
circumstances that would severely restrict the board from being 113030
able to fill a pending vacancy of a board member who will become 113031
ineligible for service on the board after serving three 113032
consecutive terms, the appointing authority may request a waiver 113033
from the director of developmental disabilities to allow that 113034
member to serve an additional four-year term subsequent to serving 113035

three consecutive four-year terms. The director shall determine if 113036
the extenuating circumstances associated with the board warrant 113037
the granting of such a waiver. 113038

Sec. 5126.043. (A) Unless a guardian has been appointed for 113039
the individual, when a decision regarding receipt of a service or 113040
participation in a program provided for or funded under this 113041
chapter or Chapter 5123. or 5124. of the Revised Code by an 113042
individual with mental retardation or other developmental 113043
disability must be made, the individual shall be permitted to make 113044
the decision. The individual may obtain support and guidance from 113045
an adult family member or other person, but doing so does not 113046
affect the right of the individual to make the decision. 113047

(B) An individual with mental retardation or other 113048
developmental disability may authorize an adult to make a decision 113049
described in division (A) of this section on the individual's 113050
behalf, as long as the adult does not have a financial interest in 113051
the decision. The authorization shall be made in writing. 113052

(C) If a guardian has been appointed for an individual with 113053
mental retardation or other developmental disability, the guardian 113054
shall make any decision described in division (A) of this section 113055
on behalf of the individual. This section does not require 113056
appointment of a guardian. 113057

(D) Individuals with mental retardation and other 113058
developmental disabilities, including those who have been 113059
adjudicated incompetent pursuant to Chapter 2111. of the Revised 113060
Code, have the right to participate in decisions that affect their 113061
lives and to have their needs, desires, and preferences 113062
considered. An adult or guardian who makes a decision pursuant to 113063
division (B) or (C) of this section shall make a decision that is 113064
in the best interests of the individual on whose behalf the 113065
decision is made and that is consistent with the needs, desires, 113066

and preferences of that individual. 113067

Sec. 5126.05. (A) Subject to the rules established by the 113068
director of developmental disabilities pursuant to Chapter 119. of 113069
the Revised Code for programs and services offered pursuant to 113070
this chapter, and subject to the rules established by the state 113071
board of education pursuant to Chapter 119. of the Revised Code 113072
for programs and services offered pursuant to Chapter 3323. of the 113073
Revised Code, the county board of developmental disabilities 113074
shall: 113075

(1) Administer and operate facilities, programs, and services 113076
as provided by this chapter and Chapter 3323. of the Revised Code 113077
and establish policies for their administration and operation; 113078

(2) Coordinate, monitor, and evaluate existing services and 113079
facilities available to individuals with mental retardation and 113080
developmental disabilities; 113081

(3) Provide early childhood services, supportive home 113082
services, and adult services, according to the plan and priorities 113083
developed under section 5126.04 of the Revised Code; 113084

(4) Provide or contract for special education services 113085
pursuant to Chapters 3317. and 3323. of the Revised Code and 113086
ensure that related services, as defined in section 3323.01 of the 113087
Revised Code, are available according to the plan and priorities 113088
developed under section 5126.04 of the Revised Code; 113089

(5) Adopt a budget, authorize expenditures for the purposes 113090
specified in this chapter and do so in accordance with section 113091
319.16 of the Revised Code, approve attendance of board members 113092
and employees at professional meetings and approve expenditures 113093
for attendance, and exercise such powers and duties as are 113094
prescribed by the director; 113095

(6) Submit annual reports of its work and expenditures, 113096

pursuant to sections 3323.09 and 5126.12 of the Revised Code, to 113097
the director, the superintendent of public instruction, and the 113098
board of county commissioners at the close of the fiscal year and 113099
at such other times as may reasonably be requested; 113100

(7) Authorize all positions of employment, establish 113101
compensation, including but not limited to salary schedules and 113102
fringe benefits for all board employees, approve contracts of 113103
employment for management employees that are for a term of more 113104
than one year, employ legal counsel under section 309.10 of the 113105
Revised Code, and contract for employee benefits; 113106

(8) Provide service and support administration in accordance 113107
with section 5126.15 of the Revised Code; 113108

(9) Certify respite care homes pursuant to rules adopted 113109
under section 5123.171 of the Revised Code by the director of 113110
developmental disabilities; 113111

(10) Implement an employment first policy that clearly 113112
identifies community employment as the desired outcome for every 113113
individual of working age who receives services from the board; 113114

(11) Set benchmarks for improving community employment 113115
outcomes. 113116

(B) To the extent that rules adopted under this section apply 113117
to the identification and placement of children with disabilities 113118
under Chapter 3323. of the Revised Code, they shall be consistent 113119
with the standards and procedures established under sections 113120
3323.03 to 3323.05 of the Revised Code. 113121

(C) Any county board may enter into contracts with other such 113122
boards and with public or private, nonprofit, or profit-making 113123
agencies or organizations of the same or another county, to 113124
provide the facilities, programs, and services authorized or 113125
required, upon such terms as may be agreeable, and in accordance 113126
with this chapter and Chapter 3323. of the Revised Code and rules 113127

adopted thereunder and in accordance with sections 307.86 and 113128
5126.071 of the Revised Code. 113129

(D) A county board may combine transportation for children 113130
and adults enrolled in programs and services offered under Chapter 113131
5126. of the Revised Code with transportation for children 113132
enrolled in classes funded under ~~section~~ sections 3317.0213 and 113133
3317.20 ~~or units approved under section 3317.05~~ of the Revised 113134
Code. 113135

(E) A county board may purchase all necessary insurance 113136
policies, may purchase equipment and supplies through the 113137
department of administrative services or from other sources, and 113138
may enter into agreements with public agencies or nonprofit 113139
organizations for cooperative purchasing arrangements. 113140

(F) A county board may receive by gift, grant, devise, or 113141
bequest any moneys, lands, or property for the benefit of the 113142
purposes for which the board is established and hold, apply, and 113143
dispose of the moneys, lands, and property according to the terms 113144
of the gift, grant, devise, or bequest. All money received by 113145
gift, grant, bequest, or disposition of lands or property received 113146
by gift, grant, devise, or bequest shall be deposited in the 113147
county treasury to the credit of such board and shall be available 113148
for use by the board for purposes determined or stated by the 113149
donor or grantor, but may not be used for personal expenses of the 113150
board members. Any interest or earnings accruing from such gift, 113151
grant, devise, or bequest shall be treated in the same manner and 113152
subject to the same provisions as such gift, grant, devise, or 113153
bequest. 113154

(G) The board of county commissioners shall levy taxes and 113155
make appropriations sufficient to enable the county board of 113156
developmental disabilities to perform its functions and duties, 113157
and may utilize any available local, state, and federal funds for 113158
such purpose. 113159

Sec. 5126.051. (A) To the extent that resources are 113160
available, a county board of developmental disabilities shall 113161
provide for or arrange residential services and supported living 113162
for individuals with mental retardation and developmental 113163
disabilities. 113164

A county board may acquire, convey, lease, or sell property 113165
for residential services and supported living and enter into loan 113166
agreements, including mortgages, for the acquisition of such 113167
property. A county board is not required to comply with provisions 113168
of Chapter 307. of the Revised Code providing for competitive 113169
bidding or sheriff sales in the acquisition, lease, conveyance, or 113170
sale of property under this division, but the acquisition, lease, 113171
conveyance, or sale must be at fair market value determined by 113172
appraisal of one or more disinterested persons appointed by the 113173
board. 113174

Any action taken by a county board under this division that 113175
will incur debt on the part of the county shall be taken in 113176
accordance with Chapter 133. of the Revised Code. A county board 113177
shall not incur any debt on the part of the county without the 113178
prior approval of the board of county commissioners. 113179

(B)(1) To the extent that resources are available, ~~in~~ 113180
~~addition to sheltered employment and work activities provided as a~~ 113181
county board shall provide or arrange for the provision of adult 113182
~~services pursuant to division (A)(3) of section 5126.05 of the~~ 113183
~~Revised Code, a county board of developmental disabilities may~~ 113184
~~provide or arrange for job training, vocational evaluation, and~~ 113185
~~community employment services to mentally retarded and~~ 113186
~~developmentally disabled~~ individuals who are age eighteen and 113187
older and not enrolled in a program or service under Chapter 3323. 113188
of the Revised Code or age sixteen or seventeen and eligible for 113189
adult services under rules adopted by the director of 113190

developmental disabilities under Chapter 119. of the Revised Code. 113191
These services shall be provided in accordance with the 113192
individual's individual service ~~or habilitation~~ plan and shall 113193
include support services specified in the plan. 113194

(2) Any prevocational services shall be provided in 113195
accordance with the individual's individual service plan and occur 113196
over a specified period of time with specific outcomes sought to 113197
be achieved. 113198

(3) A county board may, in cooperation with the ~~Ohio~~ 113199
~~rehabilitation services commission~~ opportunities for Ohioans with 113200
disabilities agency, seek federal funds for job training ~~and or~~ 113201
other services directly at helping individuals obtain community 113202
employment. 113203

~~(3)~~(4) A county board may contract with any agency, board, or 113204
other entity that is accredited by the commission on accreditation 113205
of rehabilitation facilities to provide services. A county board 113206
that is accredited by the commission on accreditation of 113207
rehabilitation facilities may provide services for which it is 113208
certified by the commission. 113209

(C) To the extent that resources are available, a county 113210
board may provide services to an individual with mental 113211
retardation or other developmental disability in addition to those 113212
provided pursuant to this section, section 5126.05 of the Revised 113213
Code, or any other section of this chapter. The services shall be 113214
provided in accordance with the individual's ~~habilitation or~~ 113215
individual service plan and may be provided in collaboration with 113216
other entities of state or local government. 113217

Sec. 5126.054. (A) Each county board of developmental 113218
disabilities shall, by resolution, develop a three-calendar year 113219
plan that includes the following three components: 113220

(1) An assessment component that includes all of the 113221
following: 113222

(a) The number of individuals with mental retardation or 113223
other developmental disability residing in the county who need the 113224
level of care provided by an ~~intermediate care facility for the~~ 113225
~~mentally retarded~~ ICF/IID, may seek home and community-based 113226
services, and are given priority on a waiting list established for 113227
the services pursuant to section 5126.042 of the Revised Code; the 113228
service needs of those individuals; and the projected annualized 113229
cost for services; 113230

(b) The source of funds available to the county board to pay 113231
the nonfederal share of medicaid expenditures that the county 113232
board is required by sections 5126.059 and 5126.0510 of the 113233
Revised Code to pay; 113234

(c) Any other applicable information or conditions that the 113235
department of developmental disabilities requires as a condition 113236
of approving the component under section 5123.046 of the Revised 113237
Code. 113238

(2) A preliminary implementation component that specifies the 113239
number of individuals to be provided, during the first year that 113240
the plan is in effect, home and community-based services pursuant 113241
to the waiting list priority given to them under section 5126.042 113242
of the Revised Code and the types of home and community-based 113243
services the individuals are to receive; 113244

(3) A component that provides for the implementation of 113245
medicaid case management services and home and community-based 113246
services for individuals who begin to receive the services on or 113247
after the date the plan is approved under section 5123.046 of the 113248
Revised Code. A county board shall include all of the following in 113249
the component: 113250

(a) If the department of developmental disabilities or 113251

department of ~~job and family services~~ medicaid requires, an 113252
agreement to pay the nonfederal share of medicaid expenditures 113253
that the county board is required by sections 5126.059 and 113254
5126.0510 of the Revised Code to pay; 113255

(b) How the services are to be phased in over the period the 113256
plan covers, including how the county board will serve individuals 113257
who have priority on a waiting list established under section 113258
5126.042 of the Revised Code; 113259

(c) Any agreement or commitment regarding the county board's 113260
funding of home and community-based services that the county board 113261
has with the department at the time the county board develops the 113262
component; 113263

(d) Assurances adequate to the department that the county 113264
board will comply with all of the following requirements: 113265

(i) To provide the types of home and community-based services 113266
specified in the preliminary implementation component required by 113267
division (A)(2) of this section to at least the number of 113268
individuals specified in that component; 113269

(ii) To use any additional funds the county board receives 113270
for the services to improve the county board's resource 113271
capabilities for supporting such services available in the county 113272
at the time the component is developed and to expand the services 113273
to accommodate the unmet need for those services in the county; 113274

(iii) To employ or contract with a business manager or enter 113275
into an agreement with another county board of developmental 113276
disabilities that employs or contracts with a business manager to 113277
have the business manager serve both county boards. No 113278
superintendent of a county board may serve as the county board's 113279
business manager. 113280

(iv) To employ or contract with a medicaid services manager 113281
or enter into an agreement with another county board of 113282

developmental disabilities that employs or contracts with a 113283
medicaid services manager to have the medicaid services manager 113284
serve both county boards. No superintendent of a county board may 113285
serve as the county board's medicaid services manager. 113286

(e) Programmatic and financial accountability measures and 113287
projected outcomes expected from the implementation of the plan; 113288

(f) Any other applicable information or conditions that the 113289
department requires as a condition of approving the component 113290
under section 5123.046 of the Revised Code. 113291

(B) A county board whose plan developed under division (A) of 113292
this section is approved by the department under section 5123.046 113293
of the Revised Code shall update and renew the plan in accordance 113294
with a schedule the department shall develop. 113295

Sec. 5126.055. (A) Except as provided in section 5126.056 of 113296
the Revised Code, a county board of developmental disabilities has 113297
medicaid local administrative authority to, and shall, do all of 113298
the following for an individual with mental retardation or other 113299
developmental disability who resides in the county that the county 113300
board serves and seeks or receives home and community-based 113301
services: 113302

(1) Perform assessments and evaluations of the individual. As 113303
part of the assessment and evaluation process, the county board 113304
shall do all of the following: 113305

(a) Make a recommendation to the department of developmental 113306
disabilities on whether the department should approve or deny the 113307
individual's application for the services, including on the basis 113308
of whether the individual needs the level of care an ~~intermediate~~ 113309
~~care facility for the mentally retarded~~ ICF/IID provides; 113310

(b) If the individual's application is denied because of the 113311
county board's recommendation and the individual ~~requests a~~ 113312

~~hearing under~~ appeals pursuant to section 5101.35 5160.31 of the 113313
Revised Code, present, with the department of developmental 113314
disabilities or department of ~~job and family services~~ medicaid, 113315
whichever denies the application, the reasons for the 113316
recommendation and denial at the hearing; 113317

(c) If the individual's application is approved, recommend to 113318
the departments of developmental disabilities and ~~job and family~~ 113319
~~services~~ medicaid the services that should be included in the 113320
individual's individualized service plan and, if either department 113321
approves, reduces, denies, or terminates a service included in the 113322
individual's individualized service plan under section ~~5111.871~~ 113323
5166.20 of the Revised Code because of the county board's 113324
recommendation, present, with the department that made the 113325
approval, reduction, denial, or termination, the reasons for the 113326
recommendation and approval, reduction, denial, or termination at 113327
a hearing held pursuant to an appeal made under section ~~5101.35~~ 113328
5160.31 of the Revised Code. 113329

(2) Perform any duties assigned to the county board in rules 113330
adopted under section 5126.046 of the Revised Code regarding the 113331
individual's right to choose a qualified and willing provider of 113332
the services and, at a hearing held pursuant to an appeal made 113333
under section ~~5101.35~~ 5160.31 of the Revised Code, present 113334
evidence of the process for appropriate assistance in choosing 113335
providers; 113336

(3) If the county board is certified under section 5123.161 113337
of the Revised Code to provide the services and agrees to provide 113338
the services to the individual and the individual chooses the 113339
county board to provide the services, furnish, in accordance with 113340
the county board's medicaid provider agreement and for the 113341
authorized reimbursement rate, the services the individual 113342
requires; 113343

(4) Monitor the services provided to the individual and 113344

ensure the individual's health, safety, and welfare. The 113345
monitoring shall include quality assurance activities. If the 113346
county board provides the services, the department of 113347
developmental disabilities shall also monitor the services. 113348

(5) Develop, with the individual and the provider of the 113349
individual's services, an effective individualized service plan 113350
that includes coordination of services, recommend that the 113351
departments of developmental disabilities and ~~job and family~~ 113352
~~services~~ medicaid approve the plan, and implement the plan unless 113353
either department disapproves it. The individualized service plan 113354
shall include a summary page, agreed to by the county board, 113355
provider, and individual receiving services, that clearly outlines 113356
the amount, duration, and scope of services to be provided under 113357
the plan. 113358

(6) Have an investigative agent conduct investigations under 113359
section 5126.313 of the Revised Code that concern the individual; 113360

(7) Have a service and support administrator perform the 113361
duties under division (B)(9) of section 5126.15 of the Revised 113362
Code that concern the individual. 113363

(B) A county board shall perform its medicaid local 113364
administrative authority under this section in accordance with all 113365
of the following: 113366

(1) The county board's plan that the department of 113367
developmental disabilities approves under section 5123.046 of the 113368
Revised Code; 113369

(2) All applicable federal and state laws; 113370

(3) All applicable policies of the departments of 113371
developmental disabilities and ~~job and family services~~ medicaid 113372
and the United States department of health and human services; 113373

(4) The department of ~~job and family services'~~ medicaid's 113374

supervision under its authority ~~under section 5111.01 of the~~ 113375
~~Revised Code to act~~ as the single state medicaid agency; 113376

(5) The department of developmental disabilities' oversight. 113377

(C) The departments of developmental disabilities and ~~job and~~ 113378
~~family services~~ medicaid shall communicate with and provide 113379
training to county boards regarding medicaid local administrative 113380
authority granted by this section. The communication and training 113381
shall include issues regarding audit protocols and other standards 113382
established by the United States department of health and human 113383
services that the departments determine appropriate for 113384
communication and training. County boards shall participate in the 113385
training. The departments shall assess the county board's 113386
compliance against uniform standards that the departments shall 113387
establish. 113388

(D) A county board may not delegate its medicaid local 113389
administrative authority granted under this section but may 113390
contract with a person or government entity, including a council 113391
of governments, for assistance with its medicaid local 113392
administrative authority. A county board that enters into such a 113393
contract shall notify the director of developmental disabilities. 113394
The notice shall include the tasks and responsibilities that the 113395
contract gives to the person or government entity. The person or 113396
government entity shall comply in full with all requirements to 113397
which the county board is subject regarding the person or 113398
government entity's tasks and responsibilities under the contract. 113399
The county board remains ultimately responsible for the tasks and 113400
responsibilities. 113401

(E) A county board that has medicaid local administrative 113402
authority under this section shall, through the departments of 113403
developmental disabilities and ~~job and family services~~ medicaid, 113404
reply to, and cooperate in arranging compliance with, a program or 113405
fiscal audit or program violation exception that a state or 113406

federal audit or review discovers. The department of ~~job and family services~~ medicaid shall timely notify the department of developmental disabilities and the county board of any adverse findings. After receiving the notice, the county board, in conjunction with the department of developmental disabilities, shall cooperate fully with the department of ~~job and family services~~ medicaid and timely prepare and send to the department a written plan of correction or response to the adverse findings. The county board is liable for any adverse findings that result from an action it takes or fails to take in its implementation of medicaid local administrative authority.

(F) If the department of developmental disabilities or department of ~~job and family services~~ medicaid determines that a county board's implementation of its medicaid local administrative authority under this section is deficient, the department that makes the determination shall require that county board do the following:

(1) If the deficiency affects the health, safety, or welfare of an individual with mental retardation or other developmental disability, correct the deficiency within twenty-four hours;

(2) If the deficiency does not affect the health, safety, or welfare of an individual with mental retardation or other developmental disability, receive technical assistance from the department or submit a plan of correction to the department that is acceptable to the department within sixty days and correct the deficiency within the time required by the plan of correction.

Sec. 5126.131. (A)(1) Each regional council established under section 5126.13 of the Revised Code shall file with the department of developmental disabilities an annual cost report detailing the regional council's income and expenditures.

(2) Each county board of developmental disabilities shall

file with the department an annual cost report detailing the 113438
board's income and expenditures. 113439

(B)(1)(a) Unless the department establishes a later date for 113440
all regional council cost reports, each council shall file its 113441
cost report not later than the last day of April. At the written 113442
request of a regional council, the department may grant a 113443
fourteen-day extension for filing the cost report. 113444

(b) Unless the department establishes a later date for all 113445
county board cost reports, each board shall file its cost report 113446
not later than the last day of May. At the written request of a 113447
board, the department may grant a fourteen-day extension for 113448
filing the board's cost report. 113449

(2) The cost report shall contain information on the previous 113450
calendar year's income and expenditures. Once filed by a regional 113451
council or board, no changes may be made to the cost report, 113452
including the submission of additional documentation, except as 113453
otherwise provided in this section. 113454

(C) Each cost report filed under this section by a regional 113455
council or board shall be audited by the department or an entity 113456
designated by the department. The department or designated entity 113457
shall notify the regional council or board of the date on which 113458
the audit is to begin. The department may permit a regional 113459
council or board to submit changes to the cost report before the 113460
audit begins. 113461

If the department or designated entity determines that a 113462
filed cost report is not auditable, it shall provide written 113463
notification to the regional council or board of the cost report's 113464
deficiencies and may request additional documentation. If the 113465
department or designated entity requests additional documentation, 113466
the regional council or board shall be given sixty days after the 113467
request is made to provide the additional documentation. After 113468

sixty days, the department or designated entity shall determine 113469
whether the cost report is auditable with any additional 113470
documentation provided and shall notify the regional council or 113471
board of its determination. The determination of the department or 113472
designated entity is final. 113473

(D) The department or designated entity shall certify its 113474
audit as complete and file a copy of the certified audit in the 113475
office of the clerk of the governing body, executive officer of 113476
the governing body, and chief fiscal officer of the audited 113477
regional council or board. Changes may not be made to a cost 113478
report once the department or designated entity files the 113479
certified audit. The cost report is not a public record under 113480
section 149.43 of the Revised Code until copies of the cost report 113481
are filed pursuant to this section. 113482

(E) The department may withhold any funds that it distributes 113483
to a regional council or board as subsidy payments if either of 113484
the following is the case: 113485

(1) The cost report is not timely filed by the regional 113486
council or board with the department in accordance with division 113487
(B) of this section. 113488

(2) The cost report is determined not auditable under 113489
division (C) of this section after the department or designated 113490
entity gives the regional council or board sixty days to provide 113491
additional documentation. 113492

(F) Cost reports shall be retained by regional councils and 113493
boards for seven years. The department shall provide annual 113494
training to regional council and board employees regarding cost 113495
reports required by this section. 113496

(G) The department, in accordance with Chapter 119. of the 113497
Revised Code, may adopt any rules necessary to implement this 113498
section. 113499

Sec. 5139.03. The department of youth services shall control 113500
and manage all state institutions or facilities established or 113501
created for the training or rehabilitation of delinquent children 113502
committed to the department, except where the control and 113503
management of an institution or facility is vested by law in 113504
another agency. The department shall employ, in addition to other 113505
personnel authorized under Chapter 5139. of the Revised Code, 113506
sufficient personnel to maintain food service and buildings and 113507
grounds operations. 113508

The department of youth services shall, insofar as 113509
practicable, purchase foods and other commodities incident to food 113510
service operations from the department of ~~mental health~~ mental 113511
health and addiction services. The department of youth services 113512
may enter into agreements with the department of ~~mental health~~ 113513
mental health and addiction services providing for assistance and 113514
consultation in the construction of, or major modifications to, 113515
capital facilities of the department of youth services. 113516

The directors of ~~mental health~~ mental health and addiction 113517
services and of youth services shall enter into written agreements 113518
to implement this section. Such directors may, from time to time, 113519
amend any agreements entered into under this section for the 113520
purposes of making more efficient use of personnel, taking 113521
advantage of economies in quantity purchasing, or for any other 113522
purpose which is mutually advantageous to both the department of 113523
youth services and the department of ~~mental health~~ mental health 113524
and addiction services. 113525

The department of youth services may transfer any of its 113526
excess or surplus supplies to a community corrections facility. 113527
These supplies shall remain the property of the department for a 113528
period of five years from the date of the transfer. After the 113529
five-year period, the supplies shall become the property of the 113530

facility. 113531

Sec. 5139.04. The department of youth services shall do all 113532
of the following: 113533

(A) Support service districts through a central 113534
administrative office that shall have as its administrative head a 113535
deputy director who shall be appointed by the director of the 113536
department. When a vacancy occurs in the office of that deputy 113537
director, an assistant deputy director shall act as that deputy 113538
director until the vacancy is filled. The position of deputy 113539
director and assistant deputy director described in this division 113540
shall be in the unclassified civil service of the state. 113541

(B) Receive custody of all children committed to it under 113542
Chapter 2152. of the Revised Code, cause a study to be made of 113543
those children, and issue any orders, as it considers best suited 113544
to the needs of any of those children and the interest of the 113545
public, for the treatment of each of those children; 113546

(C) Obtain personnel necessary for the performance of its 113547
duties; 113548

(D) Adopt rules that regulate its organization and operation, 113549
that implement sections 5139.34 and 5139.41 to 5139.43 of the 113550
Revised Code, and that pertain to the administration of other 113551
sections of this chapter; 113552

(E) Submit reports of its operations to the governor and the 113553
general assembly by the thirty-first day of January of each 113554
odd-numbered year; 113555

(F) Conduct a program of research in diagnosis, training, and 113556
treatment of delinquent children to evaluate the effectiveness of 113557
the department's services and to develop more adequate methods; 113558

(G) Develop a standard form for the disposition investigation 113559
report that a juvenile court is required pursuant to section 113560

2152.18 of the Revised Code to complete and provide to the 113561
department when the court commits a child to the legal custody of 113562
the department; 113563

(H) Provide the state public defender the reasonable access 113564
authorized under division (I) of section 120.06 of the Revised 113565
Code in order to fulfill the department's constitutional 113566
obligation to provide juveniles who have been committed to the 113567
department's care access to the courts. 113568

(I) Do all other acts necessary or desirable to carry out 113569
this chapter. 113570

Sec. 5139.08. The department of youth services may enter into 113571
an agreement with the director of rehabilitation and correction 113572
pursuant to which the department of youth services, in accordance 113573
with division (C)(2) of section 5139.06 and section 5120.162 of 113574
the Revised Code, may transfer to a correctional medical center 113575
established by the department of rehabilitation and correction, 113576
children who are within its custody for diagnosis or treatment of 113577
an illness, physical condition, or other medical problem. The 113578
department of youth services may enter into any other agreements 113579
with the director of job and family services, the director of 113580
~~mental health~~ mental health and addiction services, the director 113581
of developmental disabilities, the director of rehabilitation and 113582
correction, with the courts having probation officers or other 113583
public officials, and with private agencies or institutions for 113584
separate care or special treatment of children subject to the 113585
control of the department of youth services. The department of 113586
youth services may, upon the request of a juvenile court not 113587
having a regular probation officer, provide probation services for 113588
such court. 113589

Upon request by the department of youth services, any public 113590
agency or group care facility established or administered by the 113591

state for the care and treatment of children and youth shall, 113592
consistent with its functions, accept and care for any child whose 113593
custody is vested in the department in the same manner as it would 113594
be required to do if custody had been vested by a court in such 113595
agency or group care facility. If the department has reasonable 113596
grounds to believe that any child or youth whose custody is vested 113597
in it is mentally ill or mentally retarded, the department may 113598
file an affidavit under section 5122.11 or 5123.76 of the Revised 113599
Code. The department's affidavit for admission of a child or youth 113600
to such institution shall be filed with the probate court of the 113601
county from which the child was committed to the department. Such 113602
court may request the probate court of the county in which the 113603
child is held to conduct the hearing on the application, in which 113604
case the court making such request shall bear the expenses of the 113605
proceeding. If the department files such an affidavit, the child 113606
or youth may be kept in such institution until a final decision on 113607
the affidavit is made by the appropriate court. 113608

Sec. 5139.34. (A) Funds may be appropriated to the department 113609
of youth services for the purpose of granting state subsidies to 113610
counties. A county or the juvenile court that serves a county 113611
shall use state subsidies granted to the county pursuant to this 113612
section only in accordance with divisions (B)(2)(a) and (3)(a) of 113613
section 5139.43 of the Revised Code and the rules pertaining to 113614
the state subsidy funds that the department adopts pursuant to 113615
division (D) of section 5139.04 of the Revised Code. The 113616
department shall not grant financial assistance pursuant to this 113617
section for the provision of care and services for children in a 113618
placement facility unless the facility has been certified, 113619
licensed, or approved by a state or national agency with 113620
certification, licensure, or approval authority, including, but 113621
not limited to, the department of job and family services, 113622
department of education, department of ~~mental health~~ mental health 113623

and addiction services, department of developmental disabilities, 113624
or American correctional association. For the purposes of this 113625
section, placement facilities do not include a state institution 113626
or a county or district children's home. 113627

The department also shall not grant financial assistance 113628
pursuant to this section for the provision of care and services 113629
for children, including, but not limited to, care and services in 113630
a detention facility, in another facility, or in out-of-home 113631
placement, unless the minimum standards applicable to the care and 113632
services that the department prescribes in rules adopted pursuant 113633
to division (D) of section 5139.04 of the Revised Code have been 113634
satisfied. 113635

(B) The department of youth services shall apply the 113636
following formula to determine the amount of the annual grant that 113637
each county is to receive pursuant to division (A) of this 113638
section, subject to the appropriation for this purpose to the 113639
department made by the general assembly: 113640

(1) Each county shall receive a basic annual grant of fifty 113641
thousand dollars. 113642

(2) The sum of the basic annual grants provided under 113643
division (B)(1) of this section shall be subtracted from the total 113644
amount of funds appropriated to the department of youth services 113645
for the purpose of making grants pursuant to division (A) of this 113646
section to determine the remaining portion of the funds 113647
appropriated. The remaining portion of the funds appropriated 113648
shall be distributed on a per capita basis to each county that has 113649
a population of more than twenty-five thousand for that portion of 113650
the population of the county that exceeds twenty-five thousand. 113651

(C)(1) Prior to a county's receipt of an annual grant 113652
pursuant to this section, the juvenile court that serves the 113653
county shall prepare, submit, and file in accordance with division 113654

(B)(3)(a) of section 5139.43 of the Revised Code an annual grant 113655
agreement and application for funding that is for the combined 113656
purposes of, and that satisfies the requirements of, this section 113657
and section 5139.43 of the Revised Code. In addition to the 113658
subject matters described in division (B)(3)(a) of section 5139.43 113659
of the Revised Code or in the rules that the department adopts to 113660
implement that division, the annual grant agreement and 113661
application for funding shall address fiscal accountability and 113662
performance matters pertaining to the programs, care, and services 113663
that are specified in the agreement and application and for which 113664
state subsidy funds granted pursuant to this section will be used. 113665

(2) The county treasurer of each county that receives an 113666
annual grant pursuant to this section shall deposit the state 113667
subsidy funds so received into the county's felony delinquent care 113668
and custody fund created pursuant to division (B)(1) of section 113669
5139.43 of the Revised Code. Subject to exceptions prescribed in 113670
section 5139.43 of the Revised Code that may apply to the 113671
disbursement, the department shall disburse the state subsidy 113672
funds to which a county is entitled in a lump sum payment that 113673
shall be made in July of each calendar year. 113674

(3) Upon an order of the juvenile court that serves a county 113675
and subject to appropriation by the board of county commissioners 113676
of that county, a county treasurer shall disburse from the 113677
county's felony delinquent care and custody fund the state subsidy 113678
funds granted to the county pursuant to this section for use only 113679
in accordance with this section, the applicable provisions of 113680
section 5139.43 of the Revised Code, and the county's approved 113681
annual grant agreement and application for funding. 113682

(4) The moneys in a county's felony delinquent care and 113683
custody fund that represent state subsidy funds granted pursuant 113684
to this section are subject to appropriation by the board of 113685
county commissioners of the county; shall be disbursed by the 113686

county treasurer as required by division (C)(3) of this section; 113687
shall be used in the manners referred to in division (C)(3) of 113688
this section; shall not revert to the county general fund at the 113689
end of any fiscal year; shall carry over in the felony delinquent 113690
care and custody fund from the end of any fiscal year to the next 113691
fiscal year; shall be in addition to, and shall not be used to 113692
reduce, any usual annual increase in county funding that the 113693
juvenile court is eligible to receive or the current level of 113694
county funding of the juvenile court and of any programs, care, or 113695
services for alleged or adjudicated delinquent children, unruly 113696
children, or juvenile traffic offenders or for children who are at 113697
risk of becoming delinquent children, unruly children, or juvenile 113698
traffic offenders; and shall not be used to pay for the care and 113699
custody of felony ~~delinquents~~ delinquents who are in the care and 113700
custody of an institution pursuant to a commitment, recommitment, 113701
or revocation of a release on parole by the juvenile court of that 113702
county or who are in the care and custody of a community 113703
corrections facility pursuant to a placement by the department 113704
with the consent of the juvenile court as described in division 113705
(E) of section 5139.36 of the Revised Code. 113706

(5) As a condition of the continued receipt of state subsidy 113707
funds pursuant to this section, each county and the juvenile court 113708
that serves each county that receives an annual grant pursuant to 113709
this section shall comply with divisions (B)(3)(b), (c), and (d) 113710
of section 5139.43 of the Revised Code. 113711

Sec. 5145.162. (A) There is hereby created the office of 113712
enterprise development advisory council of directors for prison 113713
labor-consisting board to advise and assist the department of 113714
rehabilitation and correction with the creation of training 113715
programs and jobs for inmates and releasees through partnerships 113716
with private sector businesses. The board shall consist of at 113717
least five appointed members and the executive director of the 113718

office of the correctional institution inspection committee, who 113719
shall serve as an ex officio member. Each member shall have 113720
experience in labor relations, marketing, business management, or 113721
business. The members and chairperson shall be appointed by the 113722
governor director of the department of rehabilitation and 113723
correction. ~~Within thirty days after April 9, 1981, the governor~~ 113724
~~shall make the initial appointments to the council of directors.~~ 113725
~~Of the initial appointments made to the council of directors, two~~ 113726
~~shall be for a term ending one year after April 9, 1981, two shall~~ 113727
~~be for a term ending two years after that date, and one shall be~~ 113728
~~for a term ending three years after that date. After the~~ 113729
~~expiration of the initial terms, the terms of office for the~~ 113730
~~members shall be for three years, each term ending on the same day~~ 113731
~~of the same month of the year as did the term that it succeeds.~~ 113732
~~Each member shall hold office from the date of appointment until~~ 113733
~~the end of the term for which the member was appointed. Any~~ 113734
~~vacancy on the advisory council shall be filled by the governor.~~ 113735
~~Any member appointed to fill a vacancy occurring prior to the~~ 113736
~~expiration of the term for which the member's predecessor was~~ 113737
~~appointed shall hold office for the remainder of the predecessor's~~ 113738
~~term. Any member shall continue in office subsequent to the~~ 113739
~~expiration date of the member's term until a successor takes~~ 113740
~~office, or until a period of sixty days has elapsed, whichever~~ 113741
~~occurs first.~~ 113742

(B) Each member of the advisory ~~council, while engaged in the~~ 113743
~~performance of the business of the advisory council, board~~ shall 113744
receive no compensation but may be reimbursed for expenses 113745
actually and necessarily incurred in the performance of official 113746
duties of the board. Members of the board who are state employees 113747
shall be reimbursed for expenses pursuant to travel rules 113748
promulgated by the office of budget and management. 113749

(C) The advisory ~~council~~ board shall adopt procedures for the 113750

~~conduct of the board's meetings. The board shall meet within two weeks after the initial members have been appointed at a time and place determined by the governor. At its first meeting, the advisory council shall elect a chairperson and shall adopt rules for its procedures. The advisory council shall elect a new chairperson annually at its January meeting. The advisory council shall meet at least once every January and at least once every two months thereafter quarter, and otherwise shall meet at the call of the chairperson or upon the written request of at least a quorum of the members. Three director of the department of rehabilitation and correction. Sixty per cent of the members constitutes shall constitute a quorum, and no action. No transaction of the board's business shall be taken without the concurrence of a quorum of the members. The board may have committees with persons who are not members of the board but whose experience and expertise is relevant and useful to the work of the committee.~~

(D) ~~The advisory council board shall advise and assist the department of rehabilitation and correction when the department adopts rules pursuant to division (B) of section 5145.03 of the Revised Code, establishes prices for goods, products, services, or labor produced or supplied by prisoners, and otherwise establishes and administers the program for employment of prisoners established by the department pursuant to division (A) of section 5145.16 of the Revised Code. The department shall consider the advice and assistance of the advisory council that is provided pursuant to this section, and shall cooperate with the advisory council. The advisory council may recommend have the following duties:~~

(1) Solicit business proposals offering job training, apprenticeship, education programs, and employment opportunities for inmates and releasees;

(2) Provide information and input to the office of enterprise

development to support the job training and employment program of inmates and releasees and any additional, related duties as requested by the director of the department of rehabilitation and correction; 113783
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(3) Recommend to the ~~general assembly~~ office of enterprise development any ~~further~~ legislation, administrative rule, or department policy change that ~~it~~ the board believes is necessary to implement the department's program of ~~employment of prisoners;~~ 113787
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113789
113790

(4) Promote public awareness of the office of enterprise development and the office's employment program; 113791
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(5) Familiarize itself and the public with avenues to access the office of enterprise development on employment program concerns; 113793
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113795

(6) Advocate for the needs and concerns of the office of enterprise development in local communities, counties, and the state; 113796
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(7) Play an active role in the office of enterprise development's efforts to reduce recidivism in the state by doing all of the following: 113799
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113801

(a) Providing input and making recommendations for the office's consideration in monitoring employment program compliance and effectiveness; 113802
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(b) Making suggestions on the appropriate priorities for the office's grant award criteria; 113805
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(c) Being a liaison between the office and constituents of the board's members; 113807
113808

(d) Working to develop constituent groups interested in employment program issues; 113809
113810

(8) Aid in the employment program development process by playing a leadership role in professional associations by 113811
113812

discussing employment program issues. 113813

(E) The department of rehabilitation and correction shall 113814
initially screen each proposal obtained under division (D)(1) of 113815
this section to ensure that the proposal is a viable venture to 113816
pursue. If the department determines that a proposal is a viable 113817
venture to pursue, the department shall submit the proposal to the 113818
board for objective review against established guidelines. The 113819
board shall determine whether to recommend the implementation of 113820
the program to the department. 113821

Sec. 5145.18. Any printing or binding performed in a state 113822
correctional institution may be performed for the use of the 113823
institution, the departments of ~~mental health~~ mental health and 113824
addiction services, developmental disabilities, and rehabilitation 113825
and correction, the department of public safety in connection with 113826
the registration of motor vehicles, and for any other purpose 113827
authorized by division (B) of section 5145.03 and by sections 113828
5145.16 and 5145.161 of the Revised Code. 113829

Sec. 5149.22. There is hereby established the Ohio council 113830
for interstate adult offender supervision pursuant to Article IV 113831
of the interstate compact for adult offender supervision. The 113832
council shall be comprised of ~~seven~~ at least twelve members. One 113833
member shall be the compact administrator for this state for the 113834
interstate compact for adult offender supervision, or the 113835
administrator's designee. The speaker of the house of 113836
representatives shall appoint one member, shall be of the house of 113837
representatives. The president of the senate shall appoint one 113838
member, who shall be a member of the senate. The chief justice of 113839
the supreme court shall appoint ~~one member~~ three members, who two 113840
of whom shall be ~~a member~~ members of the judiciary. The governor 113841
shall appoint ~~three~~ five members, ~~one of whom shall be~~ including a 113842
representative of a crime victim's organization, ~~and one of whom~~ 113843

~~shall be from a member of the executive branch, a prosecuting attorney, a member of the state public defender's office, and a chief probation officer. The attorney general shall appoint one member, who shall be from the bureau of criminal identification and investigation. The director of rehabilitation and correction shall appoint as many additional members as the director considers necessary to fulfill the mission of the compact.~~ The Ohio council for interstate adult offender supervision is not subject to section 101.84 of the Revised Code.

Each appointee to the state council shall be appointed in consultation with the department of rehabilitation and correction and shall serve at the pleasure of the appointing authority. The members of the council shall serve without compensation, but each member shall be reimbursed for the member's actual and necessary expenses incurred in the performance of the member's official duties on the council.

The compact administrator for this state for the interstate compact for adult offender supervision, or the administrator's designee, shall serve as commissioner of the state council and as this state's representative to the interstate commission established under Article III of that compact.

Sec. 5153.16. (A) Except as provided in section 2151.422 of the Revised Code, in accordance with rules adopted under section 5153.166 of the Revised Code, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency shall do all of the following:

(1) Make an investigation concerning any child alleged to be an abused, neglected, or dependent child;

(2) Enter into agreements with the parent, guardian, or other person having legal custody of any child, or with the department

of job and family services, department of ~~mental health~~ mental 113875
health and addiction services, department of developmental 113876
disabilities, other department, any certified organization within 113877
or outside the county, or any agency or institution outside the 113878
state, having legal custody of any child, with respect to the 113879
custody, care, or placement of any child, or with respect to any 113880
matter, in the interests of the child, provided the permanent 113881
custody of a child shall not be transferred by a parent to the 113882
public children services agency without the consent of the 113883
juvenile court; 113884

(3) Accept custody of children committed to the public 113885
children services agency by a court exercising juvenile 113886
jurisdiction; 113887

(4) Provide such care as the public children services agency 113888
considers to be in the best interests of any child adjudicated to 113889
be an abused, neglected, or dependent child the agency finds to be 113890
in need of public care or service; 113891

(5) Provide social services to any unmarried girl adjudicated 113892
to be an abused, neglected, or dependent child who is pregnant 113893
with or has been delivered of a child; 113894

(6) Make available to the bureau for children with medical 113895
handicaps of the department of health at its request any 113896
information concerning a crippled child found to be in need of 113897
treatment under sections 3701.021 to 3701.028 of the Revised Code 113898
who is receiving services from the public children services 113899
agency; 113900

(7) Provide temporary emergency care for any child considered 113901
by the public children services agency to be in need of such care, 113902
without agreement or commitment; 113903

(8) Find certified foster homes, within or outside the 113904
county, for the care of children, including handicapped children 113905

from other counties attending special schools in the county; 113906

(9) Subject to the approval of the board of county 113907
commissioners and the state department of job and family services, 113908
establish and operate a training school or enter into an agreement 113909
with any municipal corporation or other political subdivision of 113910
the county respecting the operation, acquisition, or maintenance 113911
of any children's home, training school, or other institution for 113912
the care of children maintained by such municipal corporation or 113913
political subdivision; 113914

(10) Acquire and operate a county children's home, establish, 113915
maintain, and operate a receiving home for the temporary care of 113916
children, or procure certified foster homes for this purpose; 113917

(11) Enter into an agreement with the trustees of any 113918
district children's home, respecting the operation of the district 113919
children's home in cooperation with the other county boards in the 113920
district; 113921

(12) Cooperate with, make its services available to, and act 113922
as the agent of persons, courts, the department of job and family 113923
services, the department of health, and other organizations within 113924
and outside the state, in matters relating to the welfare of 113925
children, except that the public children services agency shall 113926
not be required to provide supervision of or other services 113927
related to the exercise of parenting time rights granted pursuant 113928
to section 3109.051 or 3109.12 of the Revised Code or 113929
companionship or visitation rights granted pursuant to section 113930
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 113931
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 113932
a common pleas court, pursuant to division (E)(6) of section 113933
3113.31 of the Revised Code, requires the provision of supervision 113934
or other services related to the exercise of the parenting time 113935
rights or companionship or visitation rights; 113936

(13) Make investigations at the request of any superintendent 113937
of schools in the county or the principal of any school concerning 113938
the application of any child adjudicated to be an abused, 113939
neglected, or dependent child for release from school, where such 113940
service is not provided through a school attendance department; 113941

(14) Administer funds provided under Title IV-E of the 113942
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 113943
amended, in accordance with rules adopted under section 5101.141 113944
of the Revised Code; 113945

(15) In addition to administering Title IV-E adoption 113946
assistance funds, enter into agreements to make adoption 113947
assistance payments under section 5153.163 of the Revised Code; 113948

(16) Implement a system of safety and risk assessment, in 113949
accordance with rules adopted by the director of job and family 113950
services, to assist the public children services agency in 113951
determining the risk of abuse or neglect to a child; 113952

(17) Enter into a plan of cooperation with the board of 113953
county commissioners under section 307.983 of the Revised Code and 113954
comply with each fiscal agreement the board enters into under 113955
section 307.98 of the Revised Code that include family services 113956
duties of public children services agencies and contracts the 113957
board enters into under sections 307.981 and 307.982 of the 113958
Revised Code that affect the public children services agency; 113959

(18) Make reasonable efforts to prevent the removal of an 113960
alleged or adjudicated abused, neglected, or dependent child from 113961
the child's home, eliminate the continued removal of the child 113962
from the child's home, or make it possible for the child to return 113963
home safely, except that reasonable efforts of that nature are not 113964
required when a court has made a determination under division 113965
(A)(2) of section 2151.419 of the Revised Code; 113966

(19) Make reasonable efforts to place the child in a timely 113967

manner in accordance with the permanency plan approved under 113968
division (E) of section 2151.417 of the Revised Code and to 113969
complete whatever steps are necessary to finalize the permanent 113970
placement of the child; 113971

(20) Administer a Title IV-A program identified under 113972
division (A)(4)(c) or ~~(f)~~(g) of section 5101.80 of the Revised 113973
Code that the department of job and family services provides for 113974
the public children services agency to administer under the 113975
department's supervision pursuant to section 5101.801 of the 113976
Revised Code; 113977

(21) Administer the kinship permanency incentive program 113978
created under section 5101.802 of the Revised Code under the 113979
supervision of the director of job and family services; 113980

(22) Provide independent living services pursuant to sections 113981
2151.81 to 2151.84 of the Revised Code; 113982

(23) File a missing child report with a local law enforcement 113983
agency upon becoming aware that a child in the custody of the 113984
public children services agency is or may be missing. 113985

(B) The public children services agency shall use the system 113986
implemented pursuant to division (A)(16) of this section in 113987
connection with an investigation undertaken pursuant to division 113988
(F)(1) of section 2151.421 of the Revised Code to assess both of 113989
the following: 113990

(1) The ongoing safety of the child; 113991

(2) The appropriateness of the intensity and duration of the 113992
services provided to meet child and family needs throughout the 113993
duration of a case. 113994

(C) Except as provided in section 2151.422 of the Revised 113995
Code, in accordance with rules of the director of job and family 113996
services, and on behalf of children in the county whom the public 113997

children services agency considers to be in need of public care or 113998
protective services, the public children services agency may do 113999
the following: 114000

(1) Provide or find, with other child serving systems, 114001
specialized foster care for the care of children in a specialized 114002
foster home, as defined in section 5103.02 of the Revised Code, 114003
certified under section 5103.03 of the Revised Code; 114004

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of 114005
this section, contract with the following for the purpose of 114006
assisting the agency with its duties: 114007

(i) County departments of job and family services; 114008

(ii) Boards of alcohol, drug addiction, and mental health 114009
services; 114010

(iii) County boards of developmental disabilities; 114011

(iv) Regional councils of political subdivisions established 114012
under Chapter 167. of the Revised Code; 114013

(v) Private and government providers of services; 114014

(vi) Managed care organizations and prepaid health plans. 114015

(b) A public children services agency contract under division 114016
(C)(2)(a) of this section regarding the agency's duties under 114017
section 2151.421 of the Revised Code may not provide for the 114018
entity under contract with the agency to perform any service not 114019
authorized by the department's rules. 114020

(c) Only a county children services board appointed under 114021
section 5153.03 of the Revised Code that is a public children 114022
services agency may contract under division (C)(2)(a) of this 114023
section. If an entity specified in division (B) or (C) of section 114024
5153.02 of the Revised Code is the public children services agency 114025
for a county, the board of county commissioners may enter into 114026
contracts pursuant to section 307.982 of the Revised Code 114027

regarding the agency's duties. 114028

Sec. 5160.01. As used in this chapter: 114029

(A) "Dual eligible individual" has the same meaning as in the "Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 114030
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1396n(h)(2)(B). A dual eligible individual is a medicare-medicaid enrollee (MME). 114032
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(B) "Exchange" has the same meaning as in 45 C.F.R. 155.20. 114034

(C) "Federal financial participation" means the federal government's share of expenditures made by an entity in implementing a medical assistance program. 114035
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(D) "Medical assistance program" means all of the following: 114038

(1) The medicaid program; 114039

(2) The children's health insurance program; 114040

(3) The refugee medical assistance program; 114041

(4) Any other program that provides medical assistance and state statutes authorize the department of medicaid to administer. 114042
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(E) "Medical assistance recipient" means a recipient of a medical assistance program. To the extent appropriate in the context, "medical assistance recipient" includes an individual applying for a medical assistance program, a former medical assistance recipient, or both. 114044
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(F) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 114049
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(G) "Refugee medical assistance program" means the program that the department of medicaid administers pursuant to section 5160.50 of the Revised Code. 114051
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Sec. 5160.011. References to the department or director of public welfare, department or director of human services, 114054
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department or director of job and family services, office of 114056
medical assistance, or medical assistance director in any statute, 114057
rule, contract, grant, or other document is deemed to refer to the 114058
department of medicaid or medicaid director, as the case may be, 114059
to the extent the reference is about a duty or authority of the 114060
department of medicaid or medicaid director regarding a medical 114061
assistance program. 114062

Sec. 5160.02. The medicaid director shall adopt rules as 114063
necessary to implement this chapter. 114064

Sec. 5160.021. (A) When the medicaid director is authorized 114065
by a statute to adopt a rule, the director shall adopt the rule in 114066
accordance with the following: 114067

(1) Chapter 119. of the Revised Code if either of the 114068
following applies: 114069

(a) The statute authorizing the rule requires that the rule 114070
be adopted in accordance with Chapter 119. of the Revised Code. 114071

(b) Unless division (A)(2)(b) of this section applies, the 114072
statute authorizing the rule does not specify the procedure for 114073
the rule's adoption. 114074

(2) Section 111.15 of the Revised Code, excluding divisions 114075
(D) and (E) of that section, if either of the following applies: 114076

(a) The statute authorizing the rule requires that the rule 114077
be adopted in accordance with section 111.15 of the Revised Code 114078
and, by the terms of division (D) of that section, division (D) of 114079
that section does not apply to the rule. 114080

(b) The statute authorizing the rule does not specify the 114081
procedure for the rule's adoption and the rule concerns the 114082
day-to-day staff procedures and operations of the department of 114083
medicaid or financial and operational matters between the 114084

department and a person or government entity receiving a grant 114085
from the department. 114086

(3) Section 111.15 of the Revised Code, including divisions 114087
(D) and (E) of that section, if the statute authorizing the rule 114088
requires that the rule be adopted in accordance with that section 114089
and the rule is not exempt from the application of division (D) of 114090
that section. 114091

(B) Except as otherwise required by a statute, the adoption 114092
of a rule in accordance with Chapter 119. of the Revised Code does 114093
not make the department of medicaid subject to the notice, 114094
hearing, or other requirements of sections 119.06 to 119.13 of the 114095
Revised Code. 114096

Sec. 5160.03. The medicaid director is the executive head of 114097
the department of medicaid. All duties conferred on the department 114098
by law or order of the director are under the director's control 114099
and shall be performed in accordance with rules the director 114100
adopts. 114101

Sec. 5160.04. The medicaid director shall appoint one 114102
assistant director for the department of medicaid. The assistant 114103
director shall exercise powers, and perform duties, as ordered by 114104
the medicaid director. The assistant director shall act as the 114105
medicaid director in the medicaid director's absence or disability 114106
and when the position of medicaid director is vacant. 114107

Sec. 5160.05. The medicaid director may appoint such 114108
employees as are necessary for the efficient operation of the 114109
department of medicaid. The director may prescribe the title and 114110
duties of the employees. 114111

Sec. 5160.051. If the medicaid director determines that a 114112
position with the department of medicaid can best be filled in 114113

accordance with division (A)(2) of section 124.30 of the Revised Code or without regard to a residency requirement established by a rule adopted by the director of administrative services, the medicaid director shall provide the director of administrative services certification of the determination. 114114
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Sec. 5160.052. The department of medicaid shall collaborate with the superintendent of the bureau of criminal identification and investigation to develop procedures and formats necessary to produce the notices described in division (C) of section 109.5721 of the Revised Code in a format that is acceptable for use by the department. The medicaid director may adopt rules under section 5160.02 of the Revised Code necessary for such collaboration. Any such rules shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. 114119
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The medicaid director may adopt rules under section 5160.02 of the Revised Code necessary for utilizing the information received pursuant to section 109.5721 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 114128
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Sec. 5160.06. The medicaid director may require any of the employees of the department of medicaid who may be charged with custody or control of any public money or property or who is required to give bond, to give a bond, properly conditioned, in a sum to be fixed by the director which when approved by the director, shall be filed in the office of the secretary of state. The cost of such bonds, when approved by the director, shall be paid from funds available for the department. The bonds required or authorized by this section may, in the discretion of the director, be individual, schedule, or blanket bonds. 114133
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Sec. 5160.10. The medicaid director may expend funds 114143
appropriated or available to the department of medicaid from 114144
persons and government entities. For purposes of this section, the 114145
director may enter into contracts or agreements with persons and 114146
government entities and make grants to persons and government 114147
entities. To the extent permitted by federal law, the director may 114148
advance funds to a grantee when necessary for the grantee to 114149
perform duties under the grant as specified by the director. 114150

The director may adopt rules under section 5160.02 of the 114151
Revised Code as necessary to define terms and adopt procedures and 114152
other provisions necessary to implement this section. 114153

Sec. 5160.11. The state health care grants fund is hereby 114154
created in the state treasury. Money the department of medicaid 114155
receives from private foundations in support of pilot projects 114156
that promote exemplary programs that enhance programs the 114157
department administers shall be credited to the fund. The 114158
department may expend the money on such projects, may use the 114159
money, to the extent allowable, to match federal financial 114160
participation in support of such projects, and shall comply with 114161
requirements the foundations have stipulated in their agreements 114162
with the department as to the purposes for which the money may be 114163
expended. 114164

Sec. 5160.12. (A) As used in this section, "entity" includes 114165
an agency, board, commission, or department of the state or a 114166
political subdivision of the state; a private, nonprofit entity; a 114167
school district; a private school; or a public or private 114168
institution of higher education. 114169

(B) This section does not apply to contracts entered into 114170
under section 5162.32 or 5162.35 of the Revised Code. 114171

(C) At the request of any public entity having authority to 114172

implement a program administered by the department of medicaid or 114173
any private entity under contract with a public entity to 114174
implement a program administered by the department, the department 114175
may seek to obtain federal financial participation for costs 114176
incurred by the entity. Federal financial participation may be 114177
sought from programs operated pursuant to Title XIX of the "Social 114178
Security Act," 42 U.S.C. 1396, et seq., and any other statute or 114179
regulation under which federal financial participation may be 114180
available, except that federal financial participation may be 114181
sought only for expenditures made with funds for which federal 114182
financial participation is available under federal law. 114183

(D) All funds collected by the department pursuant to 114184
division (C) of this section shall be distributed to the entities 114185
that incurred the costs. 114186

(E) In distributing federal financial participation pursuant 114187
to this section, the department may either enter into an agreement 114188
with the entity that is to receive the funds or distribute the 114189
funds in accordance with rules authorized by division (H) of this 114190
section. If the department decides to enter into an agreement to 114191
distribute the funds, the agreement may include terms that do any 114192
of the following: 114193

(1) Provide for the whole or partial reimbursement of any 114194
cost incurred by the entity in implementing the program; 114195

(2) In the event that federal financial participation is 114196
disallowed or otherwise unavailable for any expenditure, require 114197
the department or the entity, whichever party caused the 114198
disallowance or unavailability of federal financial participation, 114199
to assume responsibility for the expenditures; 114200

(3) Require the entity to certify to the department the 114201
availability of sufficient unencumbered funds to match the federal 114202
financial participation the entity receives under this section; 114203

(4) Establish the length of the agreement, which may be for a fixed or a continuing period of time; 114204
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(5) Establish any other requirements determined by the department to be necessary for the efficient administration of the agreement. 114206
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(F) An entity that receives federal financial participation pursuant to this section for a program aiding children and their families shall establish a process for collaborative planning with the department for the use of the funds to improve and expand the program. 114209
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(G) Federal financial participation received pursuant to this section shall not be included in any calculation made under section 5101.16 or 5101.161 of the Revised Code. 114214
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(H) The medicaid director may adopt rules under section 5160.02 of the Revised Code as necessary to implement this section, including rules for the distribution of federal financial participation pursuant to this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 114217
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Sec. 5160.13. The department of medicaid may enter into contracts with private entities to maximize federal revenue without the expenditure of state money. In selecting private entities with which to contract, the department shall engage in a request for proposals process. The department, subject to the approval of the controlling board, may also directly enter into contracts with public entities providing revenue maximization services. 114222
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Sec. 5160.16. The department of medicaid may appoint and commission any competent person to serve as a special agent, investigator, or representative to perform a designated duty for and on behalf of the department. Specific credentials shall be 114230
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given by the department to each person so designated, and each 114234
credential shall state the following: 114235

(A) The person's name; 114236

(B) The agency with which the person is connected; 114237

(C) The purpose of the appointment; 114238

(D) The date the appointment expires, if appropriate; 114239

(E) Such information as the department considers proper. 114240

Sec. 5160.20. (A) The department of medicaid may conduct any 114241
audits or investigations that are necessary in the performance of 114242
the department's duties, and to that end, the department has the 114243
same power as a judge of a county court to administer oaths and to 114244
enforce the attendance and testimony of witnesses and the 114245
production of books or papers. 114246

The department shall keep a record of the department's audits 114247
and investigations stating the time, place, charges, or subject; 114248
witnesses summoned and examined; and the department's conclusions. 114249

Witnesses shall be paid the fees and mileage provided for 114250
under section 119.094 of the Revised Code. 114251

(B) Any judge of any division of the court of common pleas, 114252
on application of the department, may compel the attendance of 114253
witnesses, the production of books or papers, and the giving of 114254
testimony before the department, by a judgment for contempt or 114255
otherwise, in the same manner as in cases before those courts. 114256

(C) Until an audit report is formally released by the 114257
department, the audit report or any working paper or other 114258
document or record prepared by the department and related to the 114259
audit that is the subject of the audit report is not a public 114260
record under section 149.43 of the Revised Code. 114261

(D) The medicaid director may adopt rules under section 5160.02 of the Revised Code as necessary to implement this section. The rules shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. 114262
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Sec. 5160.21. On the request of the medicaid director, the auditor of state may conduct an audit of any medical assistance recipient. If the auditor decides to conduct an audit under this section, the auditor shall enter into an interagency agreement with the department of medicaid that specifies that the auditor agrees to comply with section 5160.45 of the Revised Code with respect to any information the auditor receives pursuant to the audit. 114267
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Sec. 5160.22. (A) The auditor of state and attorney general, or their designees, may examine any records, whether in computer or printed format, in the possession of the medicaid director or any county director of job and family services, regarding medical assistance programs. The auditor of state and attorney general shall do both of the following regarding the records: 114275
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(1) Provide safeguards that restrict access to the records to purposes directly connected with an audit or investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of the programs; 114281
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(2) Comply, and ensure that their designees comply, with section 5160.45 of the Revised Code and rules of the medicaid director restricting the disclosure of information regarding medical assistance recipients. 114285
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(B) Any person who fails to comply with the restriction specified in division (A) of this section is disqualified from acting as an agent or employee or in any other capacity under 114289
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appointment or employment of any state board, commission, or 114292
agency. 114293

Sec. 5160.23. The auditor of state is responsible for the 114294
costs the auditor incurs in carrying out the auditor's duties 114295
under sections 5160.21 and 5160.22 of the Revised Code. 114296

Sec. 5160.30. (A) Except as provided in divisions (B) and (C) 114297
of this section, the department of medicaid may accept 114298
applications, determine eligibility, redetermine eligibility, and 114299
perform related administrative activities for medical assistance 114300
programs. 114301

(B) The department may enter into agreements with one or more 114302
agencies of the federal government, the state, other states, and 114303
local governments of this or other states to accept applications, 114304
determine eligibility, redetermine eligibility, and perform 114305
related administrative activities on behalf of the department with 114306
respect to medical assistance programs. 114307

(C) If federal law requires a face-to-face interview to 114308
complete an eligibility determination for a medical assistance 114309
program, the department shall not conduct the face-to-face 114310
interview. 114311

(D) Subject to division (C) of this section, if the 114312
department elects to accept applications, determine eligibility, 114313
redetermine eligibility, and perform related administrative 114314
activities for a medical assistance program, both of the following 114315
apply: 114316

(1) An individual may apply for the medical assistance 114317
program to the department or an agency authorized by an agreement 114318
entered into under division (B) of this section to accept the 114319
individual's application; 114320

(2) The department is subject to federal statutes and 114321

regulations and state statutes and rules that require, permit, or 114322
prohibit an action regarding accepting applications, determining 114323
or redetermining eligibility, and performing related 114324
administrative activities for the medical assistance program. 114325

Sec. 5160.31. (A) A medical assistance recipient may appeal a 114326
decision regarding the recipient's eligibility for a medical 114327
assistance program or services available to the recipient under a 114328
medical assistance program. 114329

(B) Regarding appeals authorized by this section, the 114330
department of medicaid shall do one or more of the following: 114331

(1) Administer an appeals process similar to the appeals 114332
process established under section 5101.35 of the Revised Code; 114333

(2) Contract with the department of job and family services 114334
pursuant to section 5162.35 of the Revised Code to provide for the 114335
department of job and family services to hear the appeals in 114336
accordance with section 5101.35 of the Revised Code; 114337

(3) Delegate authority to hear appeals to an exchange or 114338
exchange appeals entity. 114339

(C) If a medical assistance recipient files an appeal as 114340
authorized by this section, the department of medicaid may do 114341
either or both of the following: 114342

(1) Take corrective action regarding the matter being 114343
appealed before a hearing decision regarding the matter is issued; 114344

(2) If a hearing decision, administrative appeal decision, or 114345
court ruling is against the recipient, take action in favor of the 114346
recipient despite the contrary decision or ruling, unless, in the 114347
case of a court's ruling, the ruling prohibits the department from 114348
taking the action. 114349

Sec. ~~5101.571~~ 5160.35. As used in sections ~~5101.571~~ 5160.35 114350

to ~~5101.591~~ 5160.43 of the Revised Code: 114351

(A) "Information" means all of the following: 114352

(1) An individual's name, address, date of birth, and social security number; 114353
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(2) The group or plan number, or other identifier, assigned by a third party to a policy held by an individual or a plan in which the individual participates and the nature of the coverage; 114355
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(3) Any other data the medicaid director ~~of job and family services~~ specifies in rules ~~adopted under~~ authorized by section ~~5101.591~~ 5160.43 of the Revised Code. 114358
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(B) ~~"Medical assistance" means medical items or services provided under any of the following:~~ 114361
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~~(1) Medicaid, as defined in section 5111.01 of the Revised Code;~~ 114363
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~~(2) The children's health insurance program part I, part II, and part III established under sections 5101.50, 5101.51, and 5101.52 of the Revised Code.~~ 114365
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~~(C)~~ "Medical support" means support specified as support for the purpose of medical care by order of a court or administrative agency. 114368
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~~(D) "Public assistance" means medical assistance or assistance under the Ohio works first program established under Chapter 5107. of the Revised Code.~~ 114371
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~~(E)~~(C)(1) Subject to division ~~(E)~~(C)(2) of this section, and except as provided in division ~~(E)~~(C)(3) of this section, "third party" means all of the following: 114374
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(a) A person authorized to engage in the business of sickness and accident insurance under Title XXXIX of the Revised Code; 114377
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(b) A person or governmental entity providing coverage for 114379

medical services or items to individuals on a self-insurance 114380
basis; 114381

(c) A health insuring corporation as defined in section 114382
1751.01 of the Revised Code; 114383

(d) A group health plan as defined in 29 U.S.C. 1167; 114384

(e) A service benefit plan as referenced in 42 U.S.C. 114385
1396a(a)(25); 114386

(f) A managed care organization; 114387

(g) A pharmacy benefit manager; 114388

(h) A third party administrator; 114389

(i) Any other person or governmental entity that is, by law, 114390
contract, or agreement, responsible for the payment or processing 114391
of a claim for a medical item or service for a ~~public~~ medical 114392
assistance recipient ~~or participant~~. 114393

(2) Except when otherwise provided by the "Social Security 114394
Act," section 1862(b), 42 U.S.C. 1395y(b), a person or 114395
governmental entity listed in division ~~(E)~~(C)(1) of this section 114396
is a third party even if the person or governmental entity limits 114397
or excludes payments for a medical item or service in the case of 114398
a public assistance recipient. 114399

(3) "Third party" does not include the program for medically 114400
handicapped children established under section 3701.023 of the 114401
Revised Code. 114402

Sec. ~~5101.58~~ 5160.37. (A) ~~The acceptance of public~~ A medical 114403
assistance recipient's enrollment in a medical assistance program 114404
gives an automatic right of recovery to the department of ~~job and~~ 114405
~~family services~~ medicaid and a county department of job and family 114406
services against the liability of a third party for the cost of 114407
medical assistance paid on behalf of the ~~public assistance~~ 114408

recipient ~~or participant~~. When an action or claim is brought 114409
against a third party by a ~~public~~ medical assistance recipient ~~or~~ 114410
~~participant~~, any payment, settlement or compromise of the action 114411
or claim, or any court award or judgment, is subject to the 114412
recovery right of the department of ~~job and family services~~ 114413
medicaid or county department of ~~job and family services~~. Except 114414
in the case of a medical assistance recipient ~~or participant~~ who 114415
receives medical assistance through a medicaid managed care 114416
organization, the department's or county department's claim shall 114417
not exceed the amount of medical assistance paid by a the 114418
department or county department on behalf of the recipient ~~or~~ 114419
~~participant~~. A payment, settlement, compromise, judgment, or award 114420
that excludes the cost of medical assistance paid for by a the 114421
department or county department shall not preclude a department 114422
from enforcing its rights under this section. 114423

(B) In the case of a medical assistance recipient ~~or~~ 114424
~~participant~~ who receives medical assistance through a medicaid 114425
managed care organization, the amount of the department's or 114426
county department's claim shall be the amount the medicaid managed 114427
care organization pays for medical assistance rendered to the 114428
recipient ~~or participant~~, even if that amount is more than the 114429
amount a the department or county department pays to the medicaid 114430
managed care organization for the recipient's ~~or participant's~~ 114431
medical assistance. 114432

(C) A medical assistance recipient ~~or participant~~, and the 114433
recipient's ~~or participant's~~ attorney, if any, shall cooperate 114434
with the departments. In furtherance of this requirement, the 114435
medical assistance recipient ~~or participant~~, or the recipient's ~~or~~ 114436
~~participant's~~ attorney, if any, shall, not later than thirty days 114437
after initiating informal recovery activity or filing a legal 114438
recovery action against a third party, provide written notice of 114439
the activity or action to the department of ~~job and family~~ 114440

~~services when~~ medicaid or county department if it has paid for 114441
medical assistance under ~~medicaid has been paid a medical~~ 114442
assistance program. 114443

(D) The written notice that must be given under division (C) 114444
of this section shall disclose the identity and address of any 114445
third party against whom the medical assistance recipient ~~or~~ 114446
~~participant~~ has or may have a right of recovery. 114447

(E) No settlement, compromise, judgment, or award or any 114448
recovery in any action or claim by a medical assistance recipient 114449
~~or participant~~ where the ~~departments have~~ department or county 114450
department has a right of recovery shall be made final without 114451
first giving the ~~appropriate departments~~ department or county 114452
department written notice as described in division (C) of this 114453
section and a reasonable opportunity to perfect ~~their~~ its rights 114454
of recovery. If the ~~departments are~~ department or county 114455
department is not given the appropriate written notice, the 114456
medical assistance recipient ~~or participant~~ and, if there is one, 114457
the recipient's ~~or participant's~~ attorney, are liable to reimburse 114458
the ~~departments~~ department or county department for the recovery 114459
received to the extent of medical assistance payments made by the 114460
~~departments~~ department or county department. 114461

(F) The ~~departments~~ department or county department shall be 114462
permitted to enforce ~~their~~ its recovery rights against the third 114463
party even though ~~they~~ it accepted prior payments in discharge of 114464
~~their~~ its rights under this section if, at the time the 114465
~~departments~~ department or county department received such 114466
payments, ~~they were~~ it was not aware that additional medical 114467
expenses had been incurred but had not yet been paid by the 114468
~~departments~~ department or county department. The third party 114469
becomes liable to the department ~~of job and family services~~ or 114470
county department ~~of job and family services~~ as soon as the third 114471
party is notified in writing of the valid claims for recovery 114472

under this section. 114473

(G)(1) Subject to division (G)(2) of this section, the right 114474
of recovery of a the department or county department does not 114475
apply to that portion of any judgment, award, settlement, or 114476
compromise of a claim, to the extent of attorneys' fees, costs, or 114477
other expenses incurred by a medical assistance recipient ~~or~~ 114478
~~participant~~ in securing the judgment, award, settlement, or 114479
compromise, or to the extent of medical, surgical, and hospital 114480
expenses paid by such recipient ~~or participant~~ from the 114481
recipient's ~~or participant's~~ own resources. 114482

(2) Reasonable attorneys' fees, not to exceed one-third of 114483
the total judgment, award, settlement, or compromise, plus costs 114484
and other expenses incurred by the medical assistance recipient ~~or~~ 114485
~~participant~~ in securing the judgment, award, settlement, or 114486
compromise, shall first be deducted from the total judgment, 114487
award, settlement, or compromise. After fees, costs, and other 114488
expenses are deducted from the total judgment, award, settlement, 114489
or compromise, the department of ~~job and family services~~ medicaid 114490
or ~~appropriate~~ county department of ~~job and family services~~ shall 114491
receive no less than one-half of the remaining amount, or the 114492
actual amount of medical assistance paid, whichever is less. 114493

(H) A right of recovery created by this section may be 114494
enforced separately or jointly by the department of ~~job and family~~ 114495
~~services~~ medicaid or the ~~appropriate~~ county department of ~~job and~~ 114496
~~family services~~. To enforce ~~their~~ its recovery rights, the 114497
~~departments~~ department or county department may do any of the 114498
following: 114499

(1) Intervene or join in any action or proceeding brought by 114500
the medical assistance recipient ~~or participant~~ or on the 114501
recipient's ~~or participant's~~ behalf against any third party who 114502
may be liable for the cost of medical assistance paid; 114503

(2) Institute and pursue legal proceedings against any third party who may be liable for the cost of medical assistance paid; 114504
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(3) Initiate legal proceedings in conjunction with any injured, diseased, or disabled medical assistance recipient ~~or participant~~ or the recipient's ~~or participant's~~ attorney or representative. 114506
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(I) A medical assistance recipient ~~or participant~~ shall not assess attorney fees, costs, or other expenses against the department of ~~job and family services~~ medicaid or a county department of ~~job and family services~~ when the department or county department enforces its right of recovery created by this section. 114510
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(J) The right of recovery given to the department under this section ~~does not include rights to support from any other person assigned to the state under sections 5107.20 and 5115.07 of the Revised Code, but~~ includes payments made by a third party under contract with a person having a duty to support. 114516
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(K) The department of medicaid may assign to a medical assistance provider the right of recovery given to the department under this section with respect to any claim for which the department has notified the provider that the department intends to recoup the department's prior payment for the claim. 114521
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Sec. 5160.371. In addition to the requirement of division (C) of section 5160.37 of the Revised Code to cooperate with the department of medicaid and county department of job and family services, a medical assistance recipient and the recipient's attorney, if any, shall cooperate with each medical provider of the recipient. Cooperation with a medical provider shall consist of disclosing to the provider all information the recipient and attorney, if any, possess that would assist the provider in determining each third party that is responsible for the payment 114526
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or processing of a claim for medical assistance provided to the 114535
recipient. If disclosure is not made in accordance with this 114536
section, the recipient and the recipient's attorney, if any, are 114537
liable to reimburse the department or county department for the 114538
amount that would have been paid by a third party had the third 114539
party been disclosed to the provider by the recipient or the 114540
recipient's attorney. 114541

Sec. ~~5101.59~~ 5160.38. (A) The application for, or acceptance 114542
of enrollment in, public a medical assistance program constitutes 114543
an automatic assignment of ~~certain~~ rights specified in division 114544
(B) of this section to the department of ~~job and family services~~ 114545
medicaid. This assignment includes the rights of the ~~applicant,~~ 114546
medical assistance recipient, ~~or participant~~ and also the rights 114547
of any other member of the assistance group for whom the 114548
~~applicant, recipient, or participant~~ can legally make an 114549
assignment. 114550

(B) Pursuant to this section, ~~the applicant, a medical~~ 114551
assistance recipient, ~~or participant~~ assigns to the department any 114552
rights to medical support available to the ~~applicant, recipient,~~ 114553
~~or participant~~ or ~~for~~ other members of the recipient's assistance 114554
group under an order of a court or administrative agency, and any 114555
rights to payments by a liable third party for the cost of medical 114556
assistance paid on behalf of a ~~public assistance~~ the recipient ~~or~~ 114557
participant or other members of the assistance group. The 114558
recipient ~~or participant~~ shall cooperate with the department in 114559
obtaining such payments. 114560

Medicare benefits shall not be assigned pursuant to this 114561
section. Benefits assigned to the department by operation of this 114562
section are directly reimbursable to the department by liable 114563
third parties. 114564

(C) Refusal by ~~the applicant,~~ a medical assistance recipient, 114565
~~or participant~~ to cooperate in obtaining medical assistance paid 114566
for self or any other member of the recipient's assistance group 114567
renders the ~~applicant,~~ recipient, ~~or participant~~ ineligible for 114568
~~public~~ a medical assistance program, unless cooperation is waived 114569
by the department. Eligibility shall continue for any individual 114570
who cannot legally assign the individual's own rights and who 114571
would have been eligible for ~~public~~ a medical assistance program 114572
but for the refusal to assign the individual's rights or to 114573
cooperate as required by this section by another person legally 114574
able to assign the individual's rights. 114575

(D) If ~~the applicant,~~ a medical assistance recipient, ~~or~~ 114576
~~participant~~ or any member of the recipient's assistance group 114577
becomes ineligible for ~~public~~ a medical assistance program, the 114578
department shall restore to the ~~applicant,~~ recipient, ~~participant,~~ 114579
or ~~member of the~~ assistance group member any future rights to 114580
benefits assigned under this section. 114581

~~(E) The rights of assignment given to the department under~~ 114582
~~this section do not include rights to support assigned under~~ 114583
~~section 5107.20 or 5115.07 of the Revised Code.~~ 114584

Sec. ~~5101.572~~ 5160.39. (A) A third party shall cooperate with 114585
the department of ~~job and family services~~ medicaid in identifying 114586
individuals for the purpose of establishing third party liability 114587
~~pursuant to Title XIX of the Social Security Act, as amended~~ 114588
regarding medical assistance programs. 114589

(B) In furtherance of the requirement in division (A) of this 114590
section and to allow the department to determine any period that 114591
the individual or the individual's spouse or dependent may have 114592
been covered by the third party and the nature of the coverage, a 114593
third party shall provide, as the department so chooses, 114594
information or access to information, or both, in the third 114595

party's electronic data system on the department's request and in 114596
accordance with division (C) of this section. 114597

(C)(1) If the department chooses to receive information 114598
directly, the third party shall provide the information under all 114599
of the following circumstances: 114600

(a) In a medium, format, and manner prescribed ~~by the~~ 114601
~~director of job and family services~~ in rules ~~adopted under~~ 114602
authorized by section 5101.591 5160.43 of the Revised Code; 114603

(b) Free of charge; 114604

(c) Not later than the end of the thirtieth day after the 114605
department makes its request, unless a different time is agreed to 114606
by the director in writing. 114607

(2) If the department chooses to receive access to 114608
information, the third party shall provide access by a method 114609
prescribed ~~by the director of job and family services~~ in rules 114610
~~adopted under~~ authorized by section 5101.591 5160.43 of the 114611
Revised Code. In facilitating access, the department may enter 114612
into a trading partner agreement with the third party to permit 114613
the exchange of information via "ASC X 12N 270/271 Health Care 114614
Eligibility Benefit Inquiry and Response" transactions. 114615

(D) All of the following apply with respect to information 114616
provided by a third party to the department under this section: 114617

(1) The information is confidential and not a public record 114618
under section 149.43 of the Revised Code. 114619

(2) The release of information to the department is not to be 114620
considered a violation of any right of confidentiality or contract 114621
that the third party may have with covered persons including, but 114622
not limited to, contractees, beneficiaries, heirs, assignees, and 114623
subscribers. 114624

(3) The third party is immune from any liability that it may 114625

otherwise incur through its release of information to the 114626
department. 114627

The department ~~of job and family services~~ shall limit its use 114628
of information gained from third parties to purposes directly 114629
connected with the administration of the medicaid program and the 114630
child support program authorized by Title IV-D of the "Social 114631
Security Act," 42 U.S.C. 651 et seq. 114632

(E) No third party shall disclose to other parties or make 114633
use of any information regarding medical assistance recipients ~~of~~ 114634
~~aid under Chapter 5107. or 5111. of the Revised Code~~ that it 114635
obtains from the department, except in the manner provided ~~for by~~ 114636
~~the director of job and family services~~ in administrative rules 114637
authorized by section 5160.43 of the Revised Code. 114638

Sec. ~~5101.573~~ 5160.40. (A) Subject to divisions (B) and (C) 114639
of this section, a third party shall do all of the following: 114640

(1) Accept the department of ~~job and family services'~~ 114641
medicaid's right of recovery under section ~~5101.58~~ 5160.37 of the 114642
Revised Code and the assignment of rights to the department that 114643
are described in section ~~5101.59~~ 5160.38 of the Revised Code; 114644

(2) Respond to an inquiry by the department regarding a claim 114645
for payment of a medical item or service that was submitted to the 114646
third party not later than six years after the date of the 114647
provision of such medical item or service; 114648

(3) Not charge a fee to do either of the following for a 114649
claim described in division (A)(2) of this section: 114650

(a) Determine whether the claim should be paid; 114651

(b) Process the claim. 114652

(4) Pay a claim described in division (A)(2) of this section; 114653

(5) Not deny a claim submitted by the department solely on 114654

the basis of the date of submission of the claim, type or format 114655
of the claim form, or a failure by the medical assistance 114656
recipient who is the subject of the claim to present proper 114657
documentation of coverage at the time of service, if both of the 114658
following ~~are true~~ have occurred: 114659

(a) The claim was submitted by the department not later than 114660
six years after the date of the provision of the medical item or 114661
service. 114662

(b) An action by the department to enforce its right of 114663
recovery under section ~~5101.58~~ 5160.37 of the Revised Code on the 114664
claim was commenced not later than six years after the 114665
department's submission of the claim. 114666

(6) Consider the department's payment of a claim for a 114667
medical item or service to be the equivalent of the medical 114668
assistance recipient having obtained prior authorization for the 114669
item or service from the third party; 114670

(7) Not deny a claim described in division (A)(6) of this 114671
section that is submitted by the department solely on the basis of 114672
the medical assistance recipient's failure to obtain prior 114673
authorization for the medical item or service. 114674

(B) For purposes of the requirements in division (A) of this 114675
section, a third party shall treat a medicaid managed care 114676
organization as the department for a claim ~~in which both of the~~ 114677
~~following are true~~: 114678

~~(1) The~~ if the individual who is the subject of the claim 114679
received a medical item or service through a medicaid managed care 114680
organization ~~that has entered into a contract with the department~~ 114681
~~of job and family services under section 5111.17 of the Revised~~ 114682
~~Code~~: 114683

~~(2) The~~ and the department has assigned its right of recovery 114684
for the claim to the medicaid managed care organization. 114685

(C) If the department of medicaid, as permitted by division (K) of section 5160.37 of the Revised Code, assigns to a medical assistance provider the department's right of recovery for a claim for which it has notified the provider that it intends to recoup its prior payment for a claim, a third party shall treat the provider as the department and shall pay the provider the greater of the following: 114686
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(1) The amount the department intends to recoup from the provider for the claim. 114693
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(2) If the third party and the provider have an agreement that requires the third party to pay the provider at the time the provider presents the claim to the third party, the amount that is to be paid under that agreement. 114695
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(D) The time limitations associated with the requirements in divisions (A)(2) and (5) of this section apply only to submissions of claims to, and payments of claims by, a health insurer to which the "Social Security Act," section 1902(a)(25)(I), 42 U.S.C. 1396a(a)(25)(I), applies. 114699
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Sec. ~~5101.574~~ 5160.41. No third party shall consider whether an individual is eligible for or ~~receives~~ enrolled in a medical assistance program when either of the following applies: 114704
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(A) The individual seeks to obtain a policy or enroll in a plan or program operated or administered by the third party; 114707
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(B) The individual, or a person or governmental entity on the individual's behalf, seeks payment for a medical item or service provided to the individual. 114709
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Sec. ~~5101.575~~ 5160.42. (A) If a third party violates section ~~5101.572~~ 5160.39, ~~5101.573~~ 5160.40, or ~~5101.574~~ 5160.41 of the Revised Code, a governmental entity that is responsible for issuing a license, certificate of authority, registration, or 114712
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approval that authorizes the third party to do business in this 114716
state may impose a fine against the third party or deny, revoke, 114717
or terminate the third party's license, certificate, registration, 114718
or approval to do business in this state. The governmental entity 114719
shall determine which sanction is to be imposed. All actions to 114720
impose the sanction shall be taken in accordance with Chapter 119. 114721
of the Revised Code. 114722

(B) In addition to the sanctions that may be imposed under 114723
division (A) of this section for a violation of section ~~5101.572~~ 114724
5160.39, ~~5101.573~~ 5160.40, or ~~5101.574~~ 5160.41 of the Revised 114725
Code, the attorney general may petition a court of common pleas to 114726
enjoin the violation. 114727

Sec. ~~5101.591~~ 5160.43. (A) ~~Except as provided in division (B)~~ 114728
~~of this section, the~~ The medicaid director ~~of job and family~~ 114729
~~services~~ may adopt rules ~~in accordance with Chapter 119. under~~ 114730
section 5160.02 of the Revised Code to implement sections ~~5101.571~~ 114731
5160.35 to ~~5101.59~~ 5160.43 of the Revised Code, including rules 114732
that specify what constitutes cooperating with efforts to obtain 114733
support or payments, or medical assistance payments, and when 114734
cooperation may be waived. 114735

(B) The department shall adopt rules ~~in accordance with~~ 114736
~~Chapter 119. under section 5160.02~~ of the Revised Code to do all 114737
of the following: 114738

(1) For purposes of the definition of "information" in 114739
division (A) of section ~~5101.571~~ 5160.35 of the Revised Code, any 114740
data other than the data specified in that division that should be 114741
included in the definition. 114742

(2) For purposes of division (C)(1)(a) of section ~~5101.572~~ 114743
5160.39 of the Revised Code, the medium, format, and manner in 114744
which a third party must provide information to the department. 114745

(3) For purposes of division (C)(2) of section ~~5101.572~~ 114746
5160.39 of the Revised Code, the method by which a third party 114747
must provide the department with access to information. 114748

(C) Rules authorized by division (A) of this section may be 114749
adopted in accordance with section 111.15 of the Revised Code. 114750
Rules authorized by division (B) of this section shall be adopted 114751
in accordance with Chapter 119. of the Revised Code. 114752

Sec. ~~5101.271~~ 5160.45. (A) As used in sections 5160.45 to 114753
5160.481 of the Revised Code, "information" means all of the 114754
following: 114755

(1) Records, as defined in section 149.011 of the Revised 114756
Code; 114757

(2) Any other documents in any format; 114758

(3) Data derived from records and documents that are 114759
generated, acquired, or maintained by the department of medicaid, 114760
a county department of job and family services, or an entity 114761
performing duties on behalf of the department or a county 114762
department. 114763

(B) Except as permitted by this section, section ~~5101.273~~ 114764
5160.47, or rules ~~adopted under~~ authorized by section ~~5101.30~~ 114765
5160.48 or 5160.481 of the Revised Code, or when required by 114766
federal law, no person or government entity shall use or disclose 114767
information regarding a medical assistance recipient for any 114768
purpose not directly connected with the administration of ~~the a~~ 114769
medical assistance program. 114770

~~(B)~~(C) Both of the following shall be considered to be 114771
purposes directly connected with the administration of ~~the a~~ 114772
medical assistance program: 114773

(1) Treatment, payment, or other operations or activities 114774
authorized by 42 C.F.R. Chapter IV; 114775

(2) Any administrative function or duty the department of ~~job~~ 114776
~~and family services~~ medicaid performs alone or jointly with a 114777
federal government entity, another state government entity, or a 114778
local government entity implementing a provision of federal law. 114779

~~(C)~~(D) The department or a county ~~agency~~ department of job 114780
and family services may disclose information regarding a medical 114781
assistance recipient to any of the following: 114782

(1) The recipient or the recipient's authorized 114783
representative; 114784

(2) The recipient's legal guardian in accordance with 114785
division (C) of section 2111.13 of the Revised Code; 114786

(3) The attorney of the recipient, if the department or 114787
county ~~agency~~ department has obtained authorization from the 114788
recipient, or the recipient's authorized representative, ~~or the~~ 114789
~~recipient's~~ legal guardian that meets all requirements of the 114790
Health Insurance Portability and Accountability Act of 1996, ~~Pub.~~ 114791
~~L. 104-191, 110 Stat. 1955,~~ 42 U.S.C. 1320d et seq., ~~as amended,~~ 114792
regulations promulgated by the United States department of health 114793
and human services to implement the act, section ~~5101.272~~ 5160.46 114794
of the Revised Code, and any rules ~~the director of job and family~~ 114795
~~services adopts under~~ authorized by section ~~5101.30~~ 5160.48 of the 114796
Revised Code; 114797

(4) A health information or health records management entity 114798
that has executed with the department a business associate 114799
agreement required by 45 C.F.R 164.502(e)(2) and has been 114800
authorized by the recipient, or the recipient's authorized 114801
representative, ~~or the recipient's~~ legal guardian to receive the 114802
recipient's electronic health records in accordance with rules ~~the~~ 114803
~~director of job and family services adopts under~~ authorized by 114804
section ~~5101.30~~ 5160.48 of the Revised Code; 114805

(5) A court if pursuant to a written order of the court. 114806

~~(D)~~(E) The department may receive from county departments of 114807
job and family services information regarding any medical 114808
assistance recipient for purposes of training and verifying the 114809
accuracy of eligibility determinations for a medical assistance 114810
program. The department may assemble information received under 114811
this division into a report if the report is in a form specified 114812
by the department. Information received and assembled into a 114813
report under this division shall remain confidential and not be 114814
subject to disclosure pursuant to section 149.43 or 1347.08 of the 114815
Revised Code. 114816

~~(E)~~(F) The department shall notify courts in this state 114817
regarding its authority, under division ~~(C)~~(D)(5) of this section, 114818
to disclose information regarding a medical assistance recipient 114819
pursuant to a written court order. 114820

Sec. 5160.46. (A) For the purposes of section 5160.45 of the 114821
Revised Code, an authorization shall be made on a form that uses 114822
language understandable to the average person and contains all of 114823
the following: 114824

(1) A description of the information to be used or disclosed 114825
that identifies the information in a specific and meaningful 114826
fashion; 114827

(2) The name or other specific identification of the person 114828
or class of persons authorized to make the requested use or 114829
disclosure; 114830

(3) The name or other specific identification of the person 114831
or government entity to which the information may be released; 114832

(4) A description of each purpose of the requested use or 114833
disclosure of the information; 114834

(5) The date on which the authorization expires or an event 114835
related either to the individual who is the subject of the request 114836

or to the purposes of the requested use or disclosure, the 114837
occurrence of which will cause the authorization to expire; 114838

(6) A statement that the information used or disclosed 114839
pursuant to the authorization may be disclosed by the recipient of 114840
the information and may no longer be protected from disclosure; 114841

(7) The signature of the individual or the individual's 114842
authorized representative and the date on which the authorization 114843
was signed; 114844

(8) If signed by an authorized representative, a description 114845
of the representative's authority to act for the individual; 114846

(9) A statement of the individual or authorized 114847
representative's right to prospectively revoke the written 114848
authorization in writing, along with either of the following: 114849

(a) A description of how the individual or authorized 114850
representative may revoke the authorization; 114851

(b) If the department of medicaid has established a privacy 114852
notice that contains a description of how the individual or 114853
authorized representative may revoke the authorization, a 114854
reference to the privacy notice. 114855

(10) A statement that treatment, payment, enrollment, or 114856
eligibility for a medical assistance program cannot be conditioned 114857
on signing the authorization unless the authorization is necessary 114858
for determining eligibility for the program. 114859

(B) An authorization for the release of information regarding 114860
a medical assistance recipient to the recipient's attorney under 114861
division (D)(3) of section 5160.45 of the Revised Code may include 114862
a provision specifically authorizing the release of the 114863
recipient's electronic health records, if any, in accordance with 114864
rules authorized by section 5160.48 or 5160.481 of the Revised 114865
Code. 114866

(C) When an individual requests information pursuant to section 5160.45 of the Revised Code regarding the individual's enrollment in a medical assistance program and does not wish to provide a statement of purpose, the statement "at request of the individual" is a sufficient description for purposes of division (A)(4) of this section. 114867
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Sec. 5160.47. The department of medicaid shall enter into any necessary agreements with the United States department of health and human services and neighboring states to join and participate as an active member in the public assistance reporting information system. The department may disclose information regarding a medical assistance recipient to the extent necessary to participate as an active member in the system. 114873
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Sec. 5160.48. (A) The medicaid director shall adopt rules under section 5160.02 of the Revised Code implementing sections 5160.45 to 5160.481 of the Revised Code and governing the custody, use, disclosure, and preservation of the information generated or received by the department of medicaid, county departments of job and family services, other state and county entities, contractors, grantees, private entities, or officials participating in the administration of medical assistance programs. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. The rules may define who is an "authorized representative" for purposes of sections 5160.45 and 5160.46 of the Revised Code. The rules shall specify conditions and procedures for the release of information, which may include both of the following: 114880
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(1) Permitting a provider of a service under a medical assistance program limited access to information that is essential for the provider to render the service or to bill for the service rendered; 114893
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(2) Permitting a contractor, grantee, or other state or county entity limited access to information that is essential for the contractor, grantee, or entity to perform administrative or other duties on behalf of the department or a county department. 114897
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(B) The department of aging, when investigating a complaint under section 173.20 of the Revised Code, shall be granted any limited access permitted in the rules authorized by division (A)(1) of this section. 114901
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A contractor, grantee, or entity given access to information pursuant to the rules authorized by division (A)(2) of this section is bound by the director's rules. Disclosure of the information by the contractor, grantee, or entity in a manner not authorized by the rules is a violation of section 5160.45 of the Revised Code. 114905
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Sec. 5160.481. Whenever names, addresses, or other information relating to medical assistance recipients is held by any agency other than the department of medicaid or a county department of job and family services, that other agency shall adopt rules consistent with sections 5160.45 to 5160.481 of the Revised Code to prevent the publication or disclosure of names, lists, or other information concerning those recipients. 114911
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Sec. 5160.50. The department of medicaid shall administer the refugee medical assistance program authorized by the "Immigration and Nationality Act," section 412(e), 8 U.S.C. 1522(e). 114918
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Sec. 5160.52. The medicaid director may provide for the department of medicaid to develop, participate in the development of, negotiate, and enter into one or more interstate compacts on behalf of this state with agencies of any other states, for the provision of medical assistance to children in relation to whom 114922
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<u>all of the following apply:</u>	114927
<u>(A) They have special needs.</u>	114928
<u>(B) This state or another state that is a party to the interstate compact is providing adoption assistance on their behalf.</u>	114929 114930 114931
<u>(C) They move into this state from another state or move out of this state to another state.</u>	114932 114933
<u>Sec. 5160.99. Whoever violates division (B) of section 5160.45 of the Revised Code is guilty of a misdemeanor of the first degree.</u>	114934 114935 114936
<u>Sec. 5161.01. (A) As used in the Revised Code, "children's health insurance program" and, when used as an acronym for the children's health insurance program, "CHIP" mean the program of child health assistance authorized by Title XXI of the "Social Security Act," 42 U.S.C. 1397aa et seq. CHIP part I, CHIP part II, and CHIP part III, as authorized by this chapter, are components of CHIP. Any reference in statute enacted by the general assembly to medicaid or the medicaid program also means CHIP to the extent, if any, that CHIP is provided under the medicaid program.</u>	114937 114938 114939 114940 114941 114942 114943 114944 114945
<u>(B) As used in this chapter, "federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2).</u>	114946 114947 114948 114949 114950 114951 114952
<u>Sec. 5101.502 5161.02. The medicaid director of job and family services may adopt rules in accordance with Chapter 119. of</u>	114953 114954

the Revised Code as necessary for the efficient administration of 114955
the children's health insurance program ~~part I~~, including rules 114956
that establish all of the following: 114957

(A) The conditions under which ~~health assistance services~~ the 114958
program will ~~be reimbursed~~ pay for health benefits coverage; 114959

(B) The method of ~~reimbursement applicable to services~~ 114960
~~reimbursable under the program~~ payment; 114961

(C) The amount of ~~reimbursement~~ payment, or the method by 114962
which the amount is to be determined, for each ~~reimbursable~~ 114963
service included in the health benefits coverage. 114964

Sec. ~~5101.50~~ 5161.05. ~~(A) As used in sections 5101.50 to~~ 114965
~~5101.529 of the Revised Code:~~ 114966

~~(1) "Children's health insurance program" means the program~~ 114967
~~authorized by Title XXI of the "Social Security Act," 111 Stat.~~ 114968
~~552 (1997), 42 U.S.C.A. 1397aa.~~ 114969

~~(2) "Federal poverty guidelines" has the same meaning as in~~ 114970
~~section 5101.46 of the Revised Code.~~ 114971

~~(B) The medicaid director of ~~job and family services~~ may~~ 114972
continue to operate the component of the children's health 114973
insurance program initially authorized by an executive order 114974
issued under section 107.17 of the Revised Code as long as federal 114975
financial participation is available for the program. If operated, 114976
the ~~program~~ component shall ~~provide health assistance to pay for~~ 114977
part or all of the cost of health benefits coverage for uninsured 114978
individuals under nineteen years of age with family incomes not 114979
exceeding one hundred fifty per cent of the federal poverty 114980
guidelines line. ~~In accordance with 42 U.S.C.A. 1397aa, the~~ 114981
~~director may provide for the health assistance to meet the~~ 114982
~~requirements of 42 U.S.C.A. 1397cc, to be provided under the~~ 114983
~~medicaid program established under Chapter 5111. of the Revised~~ 114984

~~Code, or to be a combination of both.~~ 114985

Sec. ~~5101.501~~ 5161.06. ~~Health assistance provided under The~~ 114986
~~component of the children's health insurance program authorized by~~ 114987
~~section 5101.50~~ 5161.05 of the Revised Code shall be known as ~~the~~ 114988
~~children's health insurance program~~ CHIP part I. 114989

Sec. ~~5101.51~~ 5161.10. In accordance with federal law 114990
governing the children's health insurance program, the medicaid 114991
~~director of job and family services~~ may submit a state child 114992
health plan to the United States secretary of health and human 114993
services to ~~provide~~ pay, except as provided in section ~~5101.516~~ 114994
5161.22 of the Revised Code, ~~health assistance to~~ for part or all 114995
of the cost of health benefits coverage for uninsured individuals 114996
under nineteen years of age with family incomes above one hundred 114997
fifty per cent of the federal poverty ~~guidelines~~ line but not 114998
exceeding two hundred per cent of the federal poverty ~~guidelines~~ 114999
line. If the director submits the plan, the director shall ~~include~~ 115000
~~both of the following~~ stipulate in the plan: 115001

~~(A) The health assistance will not begin before January 1,~~ 115002
~~2000.~~ 115003

~~(B) The health assistance~~ that the payments will be available 115004
only while federal financial participation is available for ~~it~~ 115005
them. 115006

Sec. ~~5101.511~~ 5161.11. ~~Health assistance provided under The~~ 115007
~~component of the children's health insurance program authorized by~~ 115008
~~section 5101.51~~ 5161.10 of the Revised Code shall be known as ~~the~~ 115009
~~children's health insurance program~~ CHIP part II. 115010

Sec. ~~5101.512~~ 5161.12. If the medicaid director ~~of job and~~ 115011
~~family services~~ submits a state child health plan to the United 115012
States secretary of health and human services under section 115013

~~5101.51 5161.10~~ of the Revised Code and the secretary approves the 115014
plan, the director shall implement ~~the children's health insurance~~ 115015
~~program CHIP~~ part II in accordance with the plan. ~~The director may~~ 115016
~~adopt rules in accordance with Chapter 119. of the Revised Code as~~ 115017
~~necessary for the efficient administration of the program,~~ 115018
~~including rules that establish all of the following:~~ 115019

~~(A) The conditions under which health assistance services~~ 115020
~~will be reimbursed;~~ 115021

~~(B) The method of reimbursement applicable to services~~ 115022
~~reimbursable under the program;~~ 115023

~~(C) The amount of reimbursement, or the method by which the~~ 115024
~~amount is to be determined, for each reimbursable service.~~ 115025

Sec. ~~5101.52 5161.15~~. In accordance with federal law 115026
governing the children's health insurance program, the medicaid 115027
~~director of job and family services~~ may submit a request for a 115028
federal waiver to the United States secretary of health and human 115029
services to ~~provide~~ pay, except as provided in section ~~5101.526~~ 115030
~~5161.22~~ of the Revised Code, health assistance to for part or all 115031
of the cost of health benefits coverage for individuals under 115032
nineteen years of age with family incomes above two hundred per 115033
cent of the federal poverty ~~guidelines~~ line but not exceeding 115034
three hundred per cent of the federal poverty ~~guidelines~~ line. If 115035
the director submits the ~~plan~~ waiver request, the director shall 115036
stipulate in the ~~plan~~ request that the ~~health assistance~~ payments 115037
will be available only while federal financial participation is 115038
available for ~~it and that health assistance shall not begin before~~ 115039
~~January 1, 2008~~ them. 115040

Sec. ~~5101.521 5161.16~~. ~~Health assistance provided under~~ The 115041
component of the children's health insurance program authorized by 115042
section ~~5101.52 5161.15~~ of the Revised Code shall be known as ~~the~~ 115043

~~children's health insurance program CHIP part III.~~ 115044

Sec. ~~5101.522~~ 5161.17. If the medicaid director of ~~job and~~ 115045
~~family services~~ submits a waiver request to the United States 115046
secretary of health and human services under section ~~5101.52~~ 115047
5161.15 of the Revised Code and the secretary grants the waiver, 115048
the director shall implement ~~the children's health insurance~~ 115049
~~program CHIP part III~~ in accordance with the waiver. ~~The director~~ 115050
~~may adopt rules in accordance with Chapter 119. of the Revised~~ 115051
~~Code as necessary for the efficient administration of the program,~~ 115052
~~including rules that establish all of the following:~~ 115053

~~(A) The conditions under which health assistance services~~ 115054
~~will be reimbursed;~~ 115055

~~(B) The method of reimbursement applicable to services~~ 115056
~~reimbursable under the program;~~ 115057

~~(C) The amount of reimbursement, or the method by which the~~ 115058
~~amount is to be determined, for each reimbursable service.~~ 115059

Sec. ~~5101.524~~ 5161.20. In accordance with the "Social 115060
Security Act," section 2101, 42 U.S.C. 1397aa, ~~the director of job~~ 115061
~~and family services shall provide for health assistance under the~~ 115062
~~children's health insurance program part III to meet~~ shall provide 115063
payments for obtaining health benefits coverage through any of the 115064
following: 115065

(A) Obtaining coverage that meets the requirements the 115066
"Social Security Act," section 2103, of 42 U.S.C. 1397cc, ~~to be~~ 115067
~~provided;~~ 115068

(B) Providing benefits under the medicaid program established 115069
~~under Chapter 5111. of the Revised Code, or to be a;~~ 115070

(C) A combination of both divisions (A) and (B) of this 115071
section. 115072

~~Sec. 5101.516~~ 5161.22. If the medicaid director ~~of job and family services~~ determines that federal financial participation for ~~the children's health insurance program~~ CHIP part II, part III, or both parts is insufficient to ~~provide health assistance to~~ pay for part or all of the costs of health benefits coverage for all the individuals the director anticipates are eligible for the ~~program~~ part or parts, the director may refuse to accept new applications for the ~~program~~ part or parts or may make the ~~program's~~ eligibility requirements more restrictive for the part or parts.

~~Sec. 5101.517~~ 5161.24. To the extent permitted by the "Social Security Act," section 2103(e), 42 U.S.C.A. 1397cc(e), the medicaid director ~~of job and family services~~ may require an individual ~~receiving health assistance under the children's health insurance program~~ seeking to enroll, or who is enrolled, in CHIP part II to pay a premium, deductible, coinsurance payment, or other cost-sharing expense.

~~Sec. 5101.527~~ 5161.25. To the extent permitted by the "Social Security Act," section 2103(e), 42 U.S.C. 1397cc(e), the medicaid director ~~of job and family services~~ shall require an individual ~~receiving health assistance under the children's health insurance program~~ seeking to enroll, or who is enrolled, in CHIP part III to pay the following as a term of ~~participation in the program~~ enrollment:

(A) A premium of not less than forty dollars per month for a family with one individual ~~receiving health assistance under~~ seeking to enroll, or who is enrolled, in the program part;

(B) A premium of not less than eighty dollars per month for a family with two individuals ~~receiving health assistance under~~ seeking to enroll, or who is enrolled, in the program part;

(C) A premium of not less than one hundred twenty dollars per month for a family with three or more individuals ~~receiving health assistance under~~ seeking to enroll, or who are enrolled, in the program part.

Sec. ~~5101.519~~ 5161.27. A completed application for ~~medical assistance under Chapter 5111. of the Revised Code~~ medicaid shall be treated as an application for ~~health assistance under~~ the children's health insurance program ~~part II~~ if the application is for an assistance group that includes a child under nineteen years of age and is denied.

Sec. ~~5101.513~~ 5161.30. The medicaid director ~~of job and family services~~ may contract with a government entity or person to perform the director's administrative duties regarding ~~the children's health insurance program~~ CHIP part I, part II, part III, two of the parts, or all three parts, other than the duty to submit a state child health plan to the United States secretary of health and human services under section ~~5101.51~~ 5161.10 of the Revised Code, the duty to submit a waiver request under section 5161.15 of the Revised Code, and the duty to adopt rules under section ~~5101.512~~ 5161.02 of the Revised Code.

Sec. ~~5101.5110~~ 5161.35. (A) The medicaid director ~~of job and family services~~ may submit a waiver request to the United States secretary of health and human services to provide health assistance to any individual who meets all of the following requirements:

(1) Is the parent of a child who is under nineteen years of age ~~who,~~ resides with the parent, and is ~~eligible for health assistance under~~ enrolled in the children's health insurance program part I or II or the medicaid program ~~established under Chapter 5111. of the Revised Code;~~

(2) Is uninsured;	115133
(3) Has a family income that does not exceed one hundred per cent of the federal poverty guidelines <u>line</u> .	115134 115135
(B) A waiver request the director submits under division (A) of this section may seek federal funds allotted to the state under Title XXI of the "Social Security Act," 111 Stat. 558 (1997) <u>section 2104</u> , 42 U.S.C.A. 1397dd, as amended , that are not otherwise used to fund the children's health insurance program parts I and II.	115136 115137 115138 115139 115140 115141
(C) If a waiver request the director submits under division (A) of this section is granted, the director may adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the efficient administration of the program authorization by the waiver.	115142 115143 115144 115145 115146
<u>Sec. 5162.01.</u> (A) As used in the Revised Code:	115147
<u>(1) "Medicaid" and "medicaid program" mean the program of medical assistance established by Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., including any medical assistance provided under the medicaid state plan or a federal medicaid waiver granted by the United States secretary of health and human services.</u>	115148 115149 115150 115151 115152 115153
<u>(2) "Medicare" and "medicare program" mean the federal health insurance program established by Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.</u>	115154 115155 115156
<u>(B) As used in this chapter:</u>	115157
<u>(1) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.</u>	115158 115159
<u>(2) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.</u>	115160 115161

- (3) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2). 115162
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- (4) "Healthy start component" means the component of the medicaid program that covers pregnant women and children and is identified in rules adopted under section 5162.02 of the Revised Code as the healthy start component. 115168
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- (5) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 115172
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- (6) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 115174
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- (7) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 115176
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- (8) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 115178
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- (9) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 115180
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- (10) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities only in a geographical area smaller than that of the state. 115182
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- (11) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code. 115186
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- (12) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code. 115188
115189
- (13) "Qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, 115190
115191

the governing authority of a community school established under 115192
Chapter 3314. of the Revised Code, the state school for the deaf, 115193
and the state school for the blind to which both of the following 115194
apply: 115195

(a) It holds a valid provider agreement. 115196

(b) It meets all other conditions for participation in the 115197
medicaid school component of the medicaid program established in 115198
rules authorized by section 5162.364 of the Revised Code. 115199

(14) "State agency" means every organized body, office, or 115200
agency, other than the department of medicaid, established by the 115201
laws of the state for the exercise of any function of state 115202
government. 115203

(15) "Vendor offset" means a reduction of a medicaid payment 115204
to a medicaid provider to correct a previous, incorrect medicaid 115205
payment to that provider. 115206

Sec. 5162.02. The medicaid director shall adopt rules as 115207
necessary to implement this chapter. 115208

Sec. 5162.021. The medicaid director shall adopt rules under 115209
sections 5160.02, 5162.02, 5163.03, 5164.04, 5165.05, 5166.02, and 115210
5167.02 of the Revised Code as necessary to authorize the 115211
directors of other state agencies to adopt rules regarding 115212
medicaid components, or aspects of medicaid components, the other 115213
state agencies administer pursuant to contracts entered into under 115214
section 5162.35 of the Revised Code. 115215

Sec. 5162.022. The medicaid director's rules governing 115216
medicaid are binding on other state agencies and political 115217
subdivisions that administer one or more components of the 115218
medicaid program, or one or more aspects of a component, pursuant 115219
to contracts entered into under section 5162.35 of the Revised 115220

Code. No state agency or political subdivision may establish, by 115221
rule or otherwise, a policy governing medicaid that is 115222
inconsistent with a medicaid policy established, in rule or 115223
otherwise, by the director. 115224

Sec. ~~5111.01~~ 5162.03. ~~(A) As used in this chapter:~~ 115225

~~"Children's health insurance program" means the children's~~ 115226
~~health insurance program part I, children's health insurance~~ 115227
~~program part II, and children's health insurance program part III~~ 115228
~~authorized by sections 5101.50 to 5101.529 of the Revised Code.~~ 115229

~~"Medical assistance program" or "medicaid" means the program~~ 115230
~~that is authorized by this chapter and provided by the office of~~ 115231
~~medical assistance under this chapter, Title XIX of the "Social~~ 115232
~~Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, et seq., as~~ 115233
~~amended, and the waivers of Title XIX requirements granted to the~~ 115234
~~office by the centers for medicare and medicaid services of the~~ 115235
~~United States department of health and human services.~~ 115236

~~(B) There is hereby established the office of medical~~ 115237
~~assistance as a work unit within the department of job and family~~ 115238
~~services. The chief of the office shall hold the title of medical~~ 115239
~~assistance director. Notwithstanding section 5101.06 of the~~ 115240
~~Revised Code, the governor shall appoint the medical assistance~~ 115241
~~director and the medical assistance director shall serve at the~~ 115242
~~governor's pleasure. The medical assistance director is not an~~ 115243
~~assistant director of the department of job and family services~~ 115244
~~for purposes of section 121.05 or 5101.03 of the Revised Code or~~ 115245
~~any other purpose.~~ 115246

~~Subject to appropriations for the medicaid program and~~ 115247
~~children's health insurance program, the department of job and~~ 115248
~~family services shall provide staff and support services as~~ 115249
~~necessary for the operation of the office of medical assistance.~~ 115250

~~If a statute, rule, contract, or other legal authority requires the director of job and family services or department of job and family services to take an action regarding the medicaid program or children's health insurance program, the medical assistance director or office of medical assistance shall take the action in place of the director of job and family services or department of job and family services. If a statute, rule, contract, or other legal authority permits the director of job and family services or department of job and family services to take an action regarding the medicaid program or children's health insurance program, the medical assistance director or office of medical assistance shall take the action in place of the director of job and family services or department of job and family services if the action is to be taken.~~

~~The office For the purpose of the "Social Security Act," section 1902(a)(5), 42 U.S.C. 1396a(a)(5), the department of medical assistance medicaid shall act as the single state agency to supervise the administration of the medicaid program. As the single state agency, the office department shall comply with 42 C.F.R. 431.10(e) and all other federal requirements applicable to the single state agency. The office's rules governing medicaid are binding on other agencies that administer components of the medicaid program. No agency may establish, by rule or otherwise, a policy governing medicaid that is inconsistent with a medicaid policy established, in rule or otherwise, by the medical assistance director.~~

~~(C) The office of medical assistance may provide medical assistance under the medicaid program as long as federal funds are provided for such assistance, to the following:~~

~~(1) Families with children that meet either of the following conditions:~~

~~(a) The family meets the income, resource, and family~~

~~composition requirements in effect on July 16, 1996, for the former aid to dependent children program as those requirements were established by Chapter 5107. of the Revised Code, federal waivers granted pursuant to requests made under former section 5101.09 of the Revised Code, and rules adopted by the department or any changes the department makes to those requirements in accordance with paragraph (a)(2) of section 114 of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of implementing section 5111.0120 of the Revised Code. An adult loses eligibility for medicaid under division (C)(1)(a) of this section pursuant to division (E) of section 5107.16 of the Revised Code.~~

~~(b) The family does not meet the requirements specified in division (C)(1)(a) of this section but is eligible for medicaid pursuant to section 5101.18 of the Revised Code.~~

~~(2) Aged, blind, and disabled persons who meet the following conditions:~~

~~(a) Receive federal aid under Title XVI of the "Social Security Act," or are eligible for but are not receiving such aid, provided that the income from all other sources for individuals with independent living arrangements shall not exceed one hundred seventy five dollars per month. The income standards hereby established shall be adjusted annually at the rate that is used by the United States department of health and human services to adjust the amounts payable under Title XVI.~~

~~(b) Do not receive aid under Title XVI, but meet any of the following criteria:~~

~~(i) Would be eligible to receive such aid, except that their income, other than that excluded from consideration as income under Title XVI, exceeds the maximum under division (C)(2)(a) of this section, and incurred expenses for medical care, as~~

~~determined under federal regulations applicable to section 209(b) 115314
of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 115315
U.S.C. 1396a(f), as amended, equal or exceed the amount by which 115316
their income exceeds the maximum under division (C)(2)(a) of this 115317
section; 115318~~

~~(ii) Received aid for the aged, aid to the blind, or aid for 115319
the permanently and totally disabled prior to January 1, 1974, and 115320
continue to meet all the same eligibility requirements; 115321~~

~~(iii) Are eligible for medicaid pursuant to section 5101.18 115322
of the Revised Code. 115323~~

~~(3) Persons to whom federal law requires, as a condition of 115324
state participation in the medicaid program, that medicaid be 115325
provided; 115326~~

~~(4) Persons under age twenty one who meet the income 115327
requirements for the Ohio works first program established under 115328
Chapter 5107. of the Revised Code but do not meet other 115329
eligibility requirements for the program. The medical assistance 115330
director shall adopt rules in accordance with Chapter 119. of the 115331
Revised Code specifying which Ohio works first requirements shall 115332
be waived for the purpose of providing medicaid eligibility under 115333
division (C)(4) of this section. 115334~~

~~(D) If sufficient funds are appropriated for the medicaid 115335
program, the office of medical assistance may provide medical 115336
assistance under the medicaid program to persons in groups 115337
designated by federal law as groups to which a state, at its 115338
option, may provide medical assistance under the medicaid program. 115339~~

~~(E) The office of medical assistance may expand eligibility 115340
for the medicaid program to include individuals under age nineteen 115341
with family incomes at or below one hundred fifty per cent of the 115342
federal poverty guidelines, except that the eligibility expansion 115343
shall not occur unless the office receives the approval of the 115344~~

~~federal government. The office may implement the eligibility expansion authorized under this division on any date selected by the office, but not sooner than January 1, 1998.~~ 115345
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~~(F) In addition to any other authority or requirement to adopt rules under this chapter, the medical assistance director may adopt rules in accordance with section 111.15 of the Revised Code as the director considers necessary to establish standards, procedures, and other requirements regarding the provision of medical assistance under the medicaid program. The rules may establish requirements to be followed in applying for medicaid, making determinations of eligibility for medicaid, and verifying eligibility for medicaid. The rules may include special conditions as the office determines appropriate for making applications, determining eligibility, and verifying eligibility for any medical assistance that the office may provide under the medicaid program pursuant to division (E) of this section and section 5111.014 or 5111.0120 of the Revised Code.~~ 115348
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Sec. ~~5111.98~~ 5162.031. (A) The medicaid director ~~of job and family services~~ may do all of the following as necessary for the department of ~~job and family services~~ medicaid to fulfill the duties it has, as the single state agency for the medicaid program, under the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" Pub. L. No. 108-173, ~~117 Stat. 2066~~: 115362
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(1) Adopt rules in accordance with division (B) of this section; 115368
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(2) Assign duties to county departments of job and family services; 115370
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(3) Make payments to the United States department of health and human services from appropriations made to the department of ~~job and family services~~ medicaid for this purpose. 115372
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(B) Rules ~~adopted under~~ authorized by division (A)(1) of this section shall be adopted as follows:

(1) If the rules concern the department's duties regarding ~~service medicaid providers, in accordance with Chapter 119. under~~ sections 5164.02 and 5165.02 of the Revised Code, as appropriate;

(2) If the rules concern the department's duties concerning individuals' eligibility for medicaid services, in accordance with ~~under~~ section ~~111.15~~ 5163.02 of the Revised Code;

(3) If the rules concern the department's duties concerning financial and operational matters between the department and county departments of job and family services, ~~in accordance with~~ under section ~~111.15~~ 5162.02 of the Revised Code ~~as if the rules were internal management rules.~~

Sec. ~~5111.102~~ 5162.04. As used in this section, "state agency" has the same meaning as in section 9.23 of the Revised Code.

No provision of Title LI of the Revised Code or any other law of this state that incorporates any provision of federal ~~Medicaid~~ medicaid law, ~~Title XIX of the Social Security Act, 79 Stat. 286 (1965), 42 U.S.C. 1396,~~ or that may be construed as requiring the state, a state agency, or any state official or employee to comply with that federal provision, shall be construed as creating a cause of action to enforce such state law beyond the causes of action available under federal law for enforcement of the provision of federal law.

Sec. 5162.05. The medicaid program shall be implemented in accordance with all of the following:

(A) The medicaid state plan approved by the United States secretary of health and human services, including amendments to the plan approved by the United States secretary;

<u>(B) Federal medicaid waivers granted by the United States secretary, including amendments to waivers approved by the United States secretary;</u>	115405
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<u>(C) Other types of federal approval, including demonstration grants, that establish requirements for components of the medicaid program;</u>	115408
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<u>(D) Except as otherwise authorized by a federal medicaid waiver granted by the United States secretary, all applicable federal statutes, regulations, and policy guidances;</u>	115411
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<u>(E) All applicable state statutes.</u>	115414
<u>Sec. 5162.06. (A) Notwithstanding any other state statute, no component, or aspect of a component, of the medicaid program shall be implemented without all of the following:</u>	115415
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<u>(1) Subject to division (B) of this section, if the component, or aspect of the component, requires federal approval, receipt of the federal approval;</u>	115418
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<u>(2) Sufficient federal financial participation for the component or aspect of the component;</u>	115421
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<u>(3) Sufficient nonfederal funds for the component or aspect of the component that qualify as funds needed to obtain the federal financial participation.</u>	115423
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	115425
<u>(B) A component, or aspect of a component, of the medicaid program that requires federal approval may begin to be implemented before receipt of the federal approval if federal law authorizes implementation to begin before receipt of the federal approval. Implementation shall cease if the federal approval is ultimately denied.</u>	115426
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<u>Sec. 5162.07. The medicaid director shall seek federal approval for all components, and aspects of components, of the</u>	115432
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medicaid program for which federal approval is needed, except that 115434
the director is permitted rather than required to seek federal 115435
approval for components, and aspects of components, that state 115436
statutes permit rather than require be implemented. Federal 115437
approval shall be sought in the following forms as appropriate: 115438

(A) The medicaid state plan; 115439

(B) Amendments to the medicaid state plan; 115440

(C) Federal medicaid waivers; 115441

(D) Amendments to federal medicaid waivers; 115442

(E) Other types of federal approval, including demonstration 115443
grants. 115444

Sec. ~~5111.10~~ 5162.10. The medicaid director ~~of job and family~~ 115445
~~services~~ may conduct reviews of the medicaid program. The reviews 115446
may include physical inspections of records and sites where 115447
~~medicaid funded~~ medicaid services are provided and interviews of 115448
medicaid providers and medicaid recipients ~~of the services~~. If the 115449
director determines pursuant to a review that a person or 115450
government entity has violated a rule governing the medicaid 115451
program, the director may establish a corrective action plan for 115452
the violator and impose fiscal, administrative, or both types of 115453
sanctions on the violator in accordance with rules ~~governing the~~ 115454
~~medicaid program~~ adopted under section 5162.02 of the Revised 115455
Code. 115456

Sec. ~~5111.915~~ 5162.11. (A) The department of ~~job and family~~ 115457
~~services~~ medicaid shall enter into an agreement with the 115458
department of administrative services for the department of 115459
administrative services to contract through competitive selection 115460
pursuant to section 125.07 of the Revised Code with a vendor to 115461
perform an assessment of the data collection and data warehouse 115462

functions of the medicaid data warehouse system, including the 115463
ability to link the data sets of all agencies serving medicaid 115464
recipients. 115465

The assessment of the data system shall include functions 115466
related to fraud and abuse detection, program management and 115467
budgeting, and performance measurement capabilities of all 115468
agencies serving medicaid recipients, including the departments of 115469
aging, ~~alcohol and drug addiction services,~~ health, job and family 115470
services, medicaid, mental health ~~mental health and addiction~~ 115471
services, and developmental disabilities. 115472

~~The department of administrative services shall enter into~~ 115473
~~this contract within thirty days after September 29, 2005. The~~ 115474
~~contract shall require the vendor to complete the assessment~~ 115475
~~within ninety days after September 29, 2005.~~ 115476

A qualified vendor with whom the department of administrative 115477
services contracts to assess the data system shall also assist the 115478
medicaid agencies in the definition of the requirements for an 115479
enhanced data system or a new data system and assist the 115480
department of administrative services in the preparation of a 115481
request for ~~proposal~~ proposals to enhance or develop a data 115482
system. 115483

(B) Based on the assessment performed pursuant to division 115484
(A) of this section, the department of administrative services 115485
shall seek a qualified vendor through competitive selection 115486
pursuant to section 125.07 of the Revised Code to develop or 115487
enhance a data collection and data warehouse system for the 115488
department of ~~job and family services~~ medicaid and all agencies 115489
serving medicaid recipients. 115490

~~Within ninety days after September 29, 2005, the~~ The 115491
department of ~~job and family services~~ medicaid shall seek enhanced 115492
federal ~~funding~~ financial participation for ninety per cent of the 115493

funds required to establish or enhance the data system. The 115494
department of administrative services shall not award a contract 115495
for establishing or enhancing the data system until the department 115496
of ~~job and family services~~ medicaid receives approval from the 115497
~~secretary of the United States department~~ secretary of health and 115498
human services for the ninety per cent federal ~~match~~ financial
participation. 115499
115500

Sec. 5162.12. (A) The medicaid director may enter into a 115501
contract with one or more persons to receive and process, on the 115502
director's behalf, requests for medicaid recipient or claims 115503
payment data, data from reports of audits conducted under section 115504
5165.109 of the Revised Code, or extracts or analyses of any of 115505
the foregoing data made by persons who intend to use the items for 115506
commercial or academic purposes. 115507

(B) At a minimum, a contract entered into under this section 115508
shall do both of the following: 115509

(1) Authorize the contracting person to engage in the 115510
activities described in division (A) of this section for 115511
compensation, which must be stated as a percentage of the fees 115512
paid by persons who are provided the items; 115513

(2) Specify the schedule of fees the contracting person is to 115514
charge for the items. 115515

(C) Except as required by federal or state law and subject to 115516
division (E) of this section, both of the following conditions 115517
apply with respect to a request for data described in division (A) 115518
of this section: 115519

(1) The request shall be made through a person who has 115520
entered into a contract with the medicaid director under this 115521
section. 115522

(2) An item prepared pursuant to the request may be provided 115523

to the department of medicaid and is confidential and not subject 115524
to disclosure under section 149.43 or 1347.08 of the Revised Code. 115525

(D) The medicaid director shall use fees the director 115526
receives pursuant to a contract entered into under this section to 115527
pay obligations specified in contracts entered under this section. 115528
Any money remaining after the obligations are paid shall be 115529
deposited in the health care services administration fund created 115530
under section 5162.54 of the Revised Code. 115531

(E) This section does not apply to requests for medicaid 115532
recipient or claims payment data, data from reports of audits 115533
conducted under section 5165.109 of the Revised Code, or extracts 115534
or analyses of any of the foregoing data that are for any of the 115535
following purposes: 115536

(1) Treatment of medicaid recipients; 115537

(2) Payment of medicaid claims; 115538

(3) Establishment or management of medicaid third party 115539
liability pursuant to sections 5160.35 to 5160.43 of the Revised 115540
Code; 115541

(4) Compliance with the terms of an agreement the medicaid 115542
director enters into for purposes of administering the medicaid 115543
program; 115544

(5) Compliance with an operating protocol the executive 115545
director of the office of health transformation or the executive 115546
director's designee adopts under division (D) of section 191.06 of 115547
the Revised Code. 115548

Sec. ~~5111.09~~ 5162.13. On or before the first day of January 115549
of each year, the department of ~~job and family services~~ medicaid 115550
shall submit to the speaker and minority leader of the house of 115551
representatives and the president and minority leader of the 115552
senate, and shall make available to the public, a report on the 115553

effectiveness of the ~~Ohio works first program established under~~ 115554
~~Chapter 5107. of the Revised Code and the medical assistance~~ 115555
~~medicaid program established under this chapter~~ in meeting the 115556
health care needs of low-income pregnant women, infants, and 115557
children. The report shall include: the estimated number of 115558
~~persons eligible for health care services to~~ pregnant women, 115559
infants, and children ~~under the programs~~ eligible for the program; 115560
the actual number of eligible persons ~~served~~ enrolled in the 115561
program; the number of prenatal, postpartum, and child health 115562
visits; a report on birth outcomes, including a comparison of 115563
low-birthweight births and infant mortality rates of ~~program~~ 115564
~~participants~~ medicaid recipients with the general female 115565
child-bearing and infant population in this state; and a 115566
comparison of the prenatal, delivery, and child health costs of 115567
the ~~programs~~ program with such costs of similar programs in other 115568
states, where available. 115569

Sec. ~~5111.091~~ 5162.131. Semiannually, the medicaid director 115570
~~of job and family services~~ shall submit to the president and 115571
minority leader of the senate, speaker and minority leader of the 115572
house of representatives, and the chairpersons of the standing 115573
committees of the senate and house of representatives with primary 115574
responsibility for legislation making biennial appropriations a 115575
report on the establishment and implementation of programs 115576
designed to control the increase of the cost of the medicaid 115577
program, increase the efficiency of the medicaid program, and 115578
promote better health outcomes. In each calendar year, one report 115579
shall be submitted not later than the last day of June and the 115580
subsequent report shall be submitted not later than the last day 115581
of December. 115582

Sec. ~~5111.092~~ 5162.132. ~~(A) Not later than January 1, 2010,~~ 115583
~~and each year thereafter~~ Annually, the department of ~~job and~~ 115584

~~family services~~ medicaid shall prepare a report on the 115585
department's efforts to minimize fraud, waste, and abuse in the 115586
medicaid program. 115587

~~(B)~~ Each report shall be made available on the department's 115588
web site. The department shall submit a copy of each report to the 115589
governor and, in accordance with section 101.68 of the Revised 115590
Code, the general assembly. Copies of the report also shall be 115591
made available to the public on request. 115592

Sec. ~~5111.101~~ 5162.15. (A) As used in this section; 115593

"Agent" and "contractor" include any agent, contractor, 115594
subcontractor, or other person who, on behalf of an entity, 115595
furnishes or authorizes the furnishing of ~~health care items or~~ 115596
medicaid services ~~under the medicaid program~~, performs billing or 115597
coding functions, or is involved in monitoring of health care that 115598
an entity provides. 115599

"Employee" includes any officer or employee (including 115600
management employees) of an entity. 115601

"Entity" includes a governmental entity or an organization, 115602
unit, corporation, partnership, or other business arrangement, 115603
including any medicaid managed care organization, irrespective of 115604
the form of business structure or arrangement by which it exists, 115605
whether for-profit or not-for-profit. "Entity" does not include a 115606
government entity that administers one or more components of the 115607
medicaid program, unless the government entity receives medicaid 115608
payments for providing ~~items or~~ medicaid services. 115609

"Federal health care programs" has the same meaning as in the 115610
"Social Security Act," section 1128B, 42 U.S.C. 1320a-7b(f). 115611

(B) Each entity that receives or makes in a federal fiscal 115612
year payments under the medicaid program, either through the 115613
medicaid state ~~medicaid~~ plan or a federal medicaid waiver, 115614

totaling at least five million dollars shall, as a condition of receiving such payments, do all of the following not later than the first day of the succeeding calendar year:

(1) Establish written policies for all of the entity's employees, contractors, and agents that provide detailed information about the role of all of the following in preventing and detecting fraud, waste, and abuse in federal health care programs:

(a) Federal false claims law under 31 U.S.C. 3729 to 3733;

(b) Federal administrative remedies for false claims and statements available under 31 U.S.C. 3801 to 3812;

(c) Sections 124.341, 2913.40, 2913.401, and 2921.13 of the Revised Code and any other state laws pertaining to civil or criminal penalties for false claims and statements;

(d) Whistleblower protections under the laws specified in divisions (B)(1)(a) to (c) of this section.

(2) Include as part of the written policies required by division (B)(1) of this section detailed provisions regarding the entity's policies and procedures for preventing and detecting fraud, waste, and abuse.

(3) Disseminate the written policies required by division (B)(1) of this section to each of the entity's employees, contractors, and agents in a paper or electronic form and make the written policies readily available to the entity's employees, contractors, and agents.

(4) If the entity has an employee handbook, include in the employee handbook a specific discussion of the laws specified in division (B)(1) of this section, the rights of employees to be protected as whistleblowers, and the entity's policies and procedures for preventing and detecting fraud, waste, and abuse.

(5) Require the entity's contractors and agents to adopt the entity's written policies required by division (B)(1) of this section.

(C) An entity that furnishes ~~items or~~ medicaid services at multiple locations or under multiple contractual or other payment arrangements is required to comply with division (B) of this section if the entity receives in a federal fiscal year medicaid payments totaling in the aggregate at least five million dollars. This applies regardless of whether the entity submits claims for medicaid payments using multiple provider identification or tax identification numbers.

Sec. ~~5111.0112~~ 5162.20. (A) The ~~director~~ department of ~~job and family services~~ medicaid shall institute a cost-sharing ~~program under requirements for the medicaid program. In instituting the cost sharing program, the director shall comply with federal law.~~ The cost-sharing program requirements shall ~~establish~~ include a copayment requirement for at least dental services, vision services, nonemergency emergency department services, and ~~prescription~~ prescribed drugs, ~~other than generic drugs.~~ The cost-sharing program requirements also shall ~~establish~~ include requirements regarding premiums, enrollment fees, deductions, and similar charges. ~~The director shall adopt rules under section 5111.02 of the Revised Code governing the cost-sharing program.~~

(B) ~~The cost sharing program shall, to the extent permitted by federal law, provide for all of the following with regard to any providers participating in the medicaid program:~~

(1) No provider shall refuse to provide a service to a medicaid recipient who is unable to pay a required copayment for the service.

(2) Division (B)(1) of this section shall not be considered

to do either of the following with regard to a medicaid recipient 115676
who is unable to pay a required copayment: 115677

(a) Relieve the medicaid recipient from the obligation to pay 115678
a copayment; 115679

(b) Prohibit the provider from attempting to collect an 115680
unpaid copayment. 115681

~~(3)~~(C) Except as provided in division ~~(C)~~(F) of this section, 115682
no provider shall waive a medicaid recipient's obligation to pay 115683
the provider a copayment. 115684

~~(4)~~(D) No provider or drug manufacturer, including the 115685
manufacturer's representative, employee, independent contractor, 115686
or agent, shall pay any copayment on behalf of a medicaid 115687
recipient. 115688

~~(5)~~(E) If it is the routine business practice of ~~the a~~ 115689
provider to refuse service to any individual who owes an 115690
outstanding debt to the provider, the provider may consider an 115691
unpaid copayment imposed by the cost-sharing ~~program~~ requirements 115692
as an outstanding debt and may refuse service to a medicaid 115693
recipient who owes the provider an outstanding debt. If the 115694
provider intends to refuse service to a medicaid recipient who 115695
owes the provider an outstanding debt, the provider shall notify 115696
the ~~individual~~ recipient of the provider's intent to refuse 115697
~~services~~ service. 115698

~~(C)~~(F) In the case of a provider that is a hospital, the 115699
cost-sharing program shall permit the hospital to take action to 115700
collect a copayment by providing, at the time services are 115701
rendered to a medicaid recipient, notice that a copayment may be 115702
owed. If the hospital provides the notice and chooses not to take 115703
any further action to pursue collection of the copayment, the 115704
prohibition against waiving copayments specified in division 115705
~~(B)~~~~(3)~~(C) of this section does not apply. 115706

~~(D)~~(G) The department of ~~job and family services~~ medicaid may 115707
~~work~~ collaborate with a state agency that is administering, 115708
pursuant to a contract entered into under section ~~5111.91~~ 5162.35 115709
of the Revised Code, one or more components ~~of the medicaid~~ 115710
~~program~~, or one or more aspects of a component, of the medicaid 115711
program as necessary for the state agency to apply the 115712
cost-sharing ~~program~~ requirements to the components or aspects of 115713
~~the medicaid program~~ a component that the state agency 115714
administers. 115715

Sec. ~~5111.11~~ 5162.21. (A) As used in this section and section 115716
~~5111.111~~ 5162.211 of the Revised Code: 115717

(1) "Estate" includes both of the following: 115718

(a) All real and personal property and other assets to be 115719
administered under Title XXI of the Revised Code and property that 115720
would be administered under that title if not for section 2113.03 115721
or 2113.031 of the Revised Code; 115722

(b) Any other real and personal property and other assets in 115723
which an individual had any legal title or interest at the time of 115724
death (to the extent of the interest), including assets conveyed 115725
to a survivor, heir, or assign of the individual through joint 115726
tenancy, tenancy in common, survivorship, life estate, living 115727
trust, or other arrangement. 115728

(2) "Institution" means a nursing facility, ~~intermediate care~~ 115729
~~facility for the mentally retarded~~ ICF/IID, or a medical 115730
institution. 115731

(3) ~~"Intermediate care facility for the mentally retarded"~~ 115732
~~and "nursing facility" have the same meanings as in section~~ 115733
~~5111.20 of the Revised Code.~~ 115734

~~(4)~~ "Permanently institutionalized individual" means an 115735
individual to whom all of the following apply: 115736

(a) Is an inpatient in an institution; 115737

(b) Is required, as a condition of the medicaid program 115738
paying for the individual's services in the institution, to spend 115739
for costs of medical or nursing care all of the individual's 115740
income except for an amount for personal needs specified by the 115741
department of ~~job and family services~~ medicaid; 115742

(c) Cannot reasonably be expected to be discharged from the 115743
institution and return home as determined by the department of ~~job~~ 115744
~~and family services~~ medicaid. 115745

~~+5+~~(4) "Qualified state long-term care insurance partnership 115746
program" means the program established under section ~~5111.18~~ 115747
5164.86 of the Revised Code. 115748

~~+6+~~(5) "Time of death" shall not be construed to mean a time 115749
after which a legal title or interest in real or personal property 115750
or other asset may pass by survivorship or other operation of law 115751
due to the death of the decedent or terminate by reason of the 115752
decedent's death. 115753

(B) To the extent permitted by federal law, the department of 115754
~~job and family services~~ medicaid shall institute a medicaid estate 115755
recovery program under which the department shall, except as 115756
provided in divisions (C) and (E) of this section, and subject to 115757
division (D) of this section, do all of the following: 115758

(1) For the costs of medicaid services the medicaid program 115759
correctly paid or will pay on behalf of a permanently 115760
institutionalized individual of any age, seek adjustment or 115761
recovery from the individual's estate or on the sale of property 115762
of the individual or spouse that is subject to a lien imposed 115763
under section ~~5111.111~~ 5162.211 of the Revised Code; 115764

(2) For the costs of medicaid services the medicaid program 115765
correctly paid or will pay on behalf of an individual fifty-five 115766
years of age or older who is not a permanently institutionalized 115767

individual, seek adjustment or recovery from the individual's estate; 115768
115769

(3) Seek adjustment or recovery from the estate of other individuals as permitted by federal law. 115770
115771

(C)(1) No adjustment or recovery may be made under division (B)(1) of this section from a permanently institutionalized individual's estate or on the sale of property of a permanently institutionalized individual that is subject to a lien imposed under section ~~5111.111~~ 5162.211 of the Revised Code or under division (B)(2) or (3) of this section from an individual's estate while either of the following are alive: 115772
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(a) The spouse of the permanently institutionalized individual or individual; 115779
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(b) The son or daughter of a permanently institutionalized individual or individual if the son or daughter is under age twenty-one or, under the "Social Security Act," section 1614, 42 U.S.C. 1382c, is considered blind or disabled. 115781
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(2) No adjustment or recovery may be made under division (B)(1) of this section from a permanently institutionalized individual's home that is subject to a lien imposed under section ~~5111.111~~ 5162.211 of the Revised Code while either of the following lawfully reside in the home: 115785
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(a) The permanently institutionalized individual's sibling who resided in the home for at least one year immediately before the date of the permanently institutionalized individual's admission to the institution and on a continuous basis since that time; 115790
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(b) The permanently institutionalized individual's son or daughter who provided care to the permanently institutionalized individual that delayed the permanently institutionalized individual's institutionalization and resided in the home for at 115795
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least two years immediately before the date of the permanently 115799
institutionalized individual's admission to the institution and on 115800
a continuous basis since that time. 115801

(D) In the case of a participant of the qualified state 115802
long-term care insurance partnership program, adjustment or 115803
recovery required by this section may be reduced in accordance 115804
with rules ~~adopted under~~ authorized by division (G) of this 115805
section. 115806

(E) The department shall, in accordance with procedures and 115807
criteria established in rules ~~adopted under~~ authorized by division 115808
(G) of this section, waive seeking an adjustment or recovery 115809
otherwise required by this section if the medicaid director ~~of job~~ 115810
~~and family services~~ determines that adjustment or recovery would 115811
work an undue hardship. The department may limit the duration of 115812
the waiver to the period during which the undue hardship exists. 115813

(F) For the purpose of determining whether an individual 115814
meets the definition of "permanently institutionalized individual" 115815
established for this section, a rebuttable presumption exists that 115816
the individual cannot reasonably be expected to be discharged from 115817
an institution and return home if either of the following is the 115818
case: 115819

(1) The individual declares that he or she does not intend to 115820
return home. 115821

(2) The individual has been an inpatient in an institution 115822
for at least six months. 115823

(G) ~~The director of job and family services shall adopt rules~~ 115824
~~in accordance with Chapter 119. of the Revised Code regarding the~~ 115825
~~medicaid estate recovery program, including rules that~~ Rules 115826
adopted under section 5162.02 of the Revised Code shall do both of 115827
the following: 115828

(1) For the purpose of division (D) of this section and 115829

consistent with the "Social Security Act," section 1917(b)(1)(C), 115830
42 U.S.C. 1396p(b)(1)(C), provide for reducing an adjustment or 115831
recovery in the case of a participant of the qualified state 115832
long-term care insurance partnership program; 115833

(2) For the purpose of division (E) of this section and 115834
consistent with the standards specified by the United States 115835
secretary of health and human services under the "Social Security 115836
Act," section 1917(b)(3), 42 U.S.C. 1396p(b)(3), establish 115837
procedures and criteria for waiving adjustment or recovery due to 115838
an undue hardship. 115839

Sec. ~~5111.111~~ 5162.211. (A) Except as provided in division 115840
(B) of this section and section ~~5111.12~~ 5162.23 of the Revised 115841
Code, no lien may be imposed against the property of an individual 115842
before the individual's death on account of medicaid services 115843
correctly paid or to be paid on the individual's behalf. 115844

(B) Except as provided in division (C) of this section, the 115845
department of ~~job and family services~~ medicaid may impose a lien 115846
against the real property of a medicaid recipient who is a 115847
permanently institutionalized individual and against the real 115848
property of the recipient's spouse, including any real property 115849
that is jointly held by the recipient and spouse. The lien may be 115850
imposed on account of medicaid paid or to be paid on the 115851
recipient's behalf. 115852

(C) No lien may be imposed under division (B) of this section 115853
against the home of a medicaid recipient if any of the following 115854
lawfully resides in the home: 115855

(1) The recipient's spouse; 115856

(2) The recipient's son or daughter who is under twenty-one 115857
years of age or, under the "Social Security Act," section 1614, 42 115858
U.S.C. 1382c, considered to be blind or disabled; 115859

(3) The recipient's sibling who has an equity interest in the home and resided in the home for at least one year immediately before the date of the recipient's admission to the institution.

(D) The medicaid director ~~of job and family services~~ or a person designated by the director shall sign a certificate to effectuate a lien required to be imposed under this section. The county department of job and family services shall file for recording and indexing the certificate, or a certified copy, in the real estate mortgage records in the office of the county recorder in every county in which real property of the recipient or spouse is situated. From the time of filing the certificate in the office of the county recorder, the lien attaches to all real property of the recipient or spouse described in the certificate for all amounts for which adjustment or recovery may be made under section ~~5111.11~~ 5162.21 of the Revised Code and, except as provided in division (E) of this section, shall remain a lien until satisfied.

Upon filing the certificate in the office of the recorder, all persons are charged with notice of the lien and the rights of the department of ~~job and family services~~ medicaid thereunder.

The county recorder shall keep a record of every certificate filed showing its date, the time of filing, the name and residence of the recipient or spouse, and any release, waivers, or satisfaction of the lien.

The priority of the lien shall be established in accordance with state and federal law.

The department may waive the priority of its lien to provide for the costs of the last illness as determined by the department, administration, attorney fees, administrator fees, a sum for the payment of the costs of burial, which shall be computed by deducting from five hundred dollars whatever amount is available

for the same purpose from all other sources, and a similar sum for 115891
the spouse of the decedent. 115892

(E) A lien imposed with respect to a medicaid recipient under 115893
this section shall dissolve on the recipient's discharge from the 115894
institution and return home. 115895

Sec. ~~5111.112~~ 5162.212. The department of ~~job and family~~ 115896
~~services~~ medicaid shall certify amounts due under the medicaid 115897
estate recovery program instituted under section ~~5111.11~~ 5162.21 115898
of the Revised Code to the attorney general pursuant to section 115899
131.02 of the Revised Code. The attorney general may enter into a 115900
contract with any person or government entity to collect the 115901
amounts due on behalf of the attorney general. 115902

The attorney general, in entering into a contract under this 115903
section, shall comply with all of the requirements that must be 115904
met for the state to receive federal financial participation for 115905
the costs incurred in entering into the contract and carrying out 115906
actions under the contract. The contract may provide for the 115907
person or government entity with which the attorney general 115908
contracts to be compensated from the property recovered under the 115909
medicaid estate recovery program or may provide for another manner 115910
of compensation agreed to by the parties to the contract. 115911

Regardless of whether the attorney general collects the 115912
amounts due under the medicaid estate recovery program or 115913
contracts with a person or government entity to collect the 115914
amounts due on behalf of the attorney general, the amounts due 115915
shall be collected in accordance with applicable requirements of 115916
federal statutes and regulations and state statutes and rules. 115917

Sec. ~~5111.113~~ 5162.22. (A) As used in this section: 115918

(1) "Commissioner" means a person appointed by a probate 115919
court under division (E) of section 2113.03 of the Revised Code to 115920

act as a commissioner. 115921

(2) "Home" has the same meaning as in section 3721.10 of the Revised Code. 115922
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(3) "Personal needs allowance account" means an account or petty cash fund that holds the money of a resident of ~~an adult care~~ a residential facility or home and that the facility or home manages for the resident. 115924
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(4) "Residential facility" means a residential facility licensed under section ~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. 115928
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(B) Except as provided in divisions (C) and (D) of this section, the owner or operator of a home or residential facility shall transfer to the department of ~~job and family services~~ medicaid the money in the personal needs allowance account of a resident of the home or facility who was a medicaid recipient ~~of the medical assistance program~~ no earlier than sixty days but not later than ninety days after the resident dies. The home or facility shall transfer the money even though the owner or operator of the facility or home has not been issued letters testamentary or letters of administration concerning the resident's estate. 115932
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(C) If funeral or burial expenses for a resident of a home or residential facility who has died have not been paid and the only resource the resident had that could be used to pay for the expenses is the money in the resident's personal needs allowance account, or all other resources of the resident are inadequate to pay the full cost of the expenses, the money in the resident's personal needs allowance account shall be used to pay for the expenses rather than being transferred to the department of ~~job and family services~~ medicaid pursuant to division (B) of this 115943
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section. 115952

(D) If, not later than sixty days after a resident of a home 115953
or residential facility dies, letters testamentary or letters of 115954
administration are issued, or an application for release from 115955
administration is filed under section 2113.03 of the Revised Code, 115956
concerning the resident's estate, the owner or operator of the 115957
home or facility shall transfer the money in the resident's 115958
personal needs allowance account to the administrator, executor, 115959
commissioner, or person who filed the application for release from 115960
administration. 115961

(E) The transfer or use of money in a resident's personal 115962
needs allowance account in accordance with division (B), (C), or 115963
(D) of this section discharges and releases the home or 115964
residential facility, and the owner or operator of the home, from 115965
any claim for the money from any source. 115966

(F) If, sixty-one or more days after a resident of a home or 115967
residential facility dies, letters testamentary or letters of 115968
administration are issued, or an application for release from 115969
administration under section 2113.03 of the Revised Code is filed, 115970
concerning the resident's estate, the department of ~~job and family~~ 115971
~~services~~ medicaid shall transfer the funds to the administrator, 115972
executor, commissioner, or person who filed the application, 115973
unless the department is entitled to recover the money under the 115974
medicaid estate recovery program instituted under section ~~5111.11~~ 115975
5162.21 of the Revised Code. 115976

Sec. ~~5111.12~~ 5162.23. (A) The medicaid director ~~of job and~~ 115977
~~family services~~ shall establish adopt rules under ~~which~~ section 115978
5162.02 of the Revised Code permitting county departments of job 115979
and family services ~~may~~ to take action to recover benefits 115980
incorrectly paid on behalf of medicaid recipients ~~of medical~~ 115981
~~assistance~~. The rules shall provide for recovery by the following 115982

methods: 115983

(1) Soliciting voluntary payments from recipients or from 115984
persons holding property in which a recipient has a legal or 115985
equitable interest; 115986

(2) Obtaining a lien on property pursuant to division (B) of 115987
this section. 115988

(B) A county department of job and family services may bring 115989
a civil action in a court of common pleas against a medicaid 115990
recipient ~~of medical assistance~~ for the recovery of any ~~medical~~ 115991
~~assistance benefits~~ medicaid payments determined by the court to 115992
have been paid incorrectly on behalf of the recipient. All persons 115993
holding property in which the recipient has a legal or equitable 115994
interest may be joined as parties. The court may issue 115995
pre-judgment orders, including injunctive relief or attachment 115996
under Chapter 2715. of the Revised Code, for the preservation of 115997
real or personal property in which the recipient may have a legal 115998
or equitable interest. If the court determines that ~~benefits~~ 115999
medicaid payments were ~~paid~~ made incorrectly and issues a judgment 116000
to that effect, the county department may obtain a lien upon 116001
property of the recipient in accordance with Chapter 2329. of the 116002
Revised Code. 116003

(C) The county department of job and family services shall 116004
retain fifty per cent of the balance remaining after deduction 116005
from the recovery of the amount required to be returned to the 116006
federal government and shall pay the other fifty per cent of the 116007
balance to the department of ~~job and family services~~ medicaid. 116008

(D) Recovery of ~~medical assistance benefits~~ medicaid payments 116009
incorrectly ~~paid to~~ made on behalf of a medicaid recipient may not 116010
be accomplished by reducing the amount of benefits the recipient 116011
is entitled to receive under another government assistance 116012
program. 116013

(E) The remedies provided pursuant to this section do not 116014
affect any other remedies county departments of job and family 116015
services may have to recover benefits incorrectly paid on behalf 116016
of medicaid recipients ~~of medical assistance~~. 116017

Sec. ~~5111.121~~ 5162.24. (A) As used in this section, "third 116018
party" has the same meaning as in section ~~5101.571~~ 5160.35 of the 116019
Revised Code. 116020

(B) In addition to the authority granted under section 116021
~~5101.59~~ 5160.38 of the Revised Code, the department of ~~job and~~ 116022
~~family services~~ medicaid may, to the extent necessary to reimburse 116023
its costs, garnish the wages, salary, or other employment income 116024
of, and withhold amounts from state tax refunds to, any person to 116025
whom both of the following apply: 116026

(1) The person is required by a court or administrative order 116027
to provide coverage of the cost of health care services to a child 116028
eligible for ~~medical assistance under this chapter~~ medicaid. 116029

(2) The person has received payment from a third party for 116030
the costs of such services but has not used the payment to 116031
reimburse either the other parent or guardian of the child or the 116032
provider of the services. 116033

(C) Claims for current and past due child support shall take 116034
priority over claims under division (B) of this section. 116035

Sec. ~~5111.83~~ 5162.30. (A) ~~Not later than January 1, 2012, the~~ 116036
~~The~~ medicaid director ~~of job and family services shall apply to~~ 116037
~~the United States secretary of health and human services for~~ 116038
~~approval of~~ create a medicaid administrative claiming program 116039
under which federal financial participation is received ~~as~~ 116040
~~reimbursement~~ for the administrative costs incurred by the 116041
department of health and the Arthur G. James cancer hospital and 116042
Richard J. Solove research institute of the Ohio state university 116043

in analyzing and evaluating both of the following pursuant to 116044
sections 3701.261 ~~to 3701.236~~ and 3701.262 of the Revised Code: 116045

(1) Cancer reports under the Ohio cancer incidence 116046
surveillance system; 116047

(2) The incidence, prevalence, costs, and medical 116048
consequences of cancer on medicaid recipients and other low-income 116049
populations. 116050

(B) The medicaid director ~~of job and family services~~ shall 116051
consult with the director of health in ~~seeking approval of~~ 116052
creating the medicaid administrative claiming program. ~~The~~ 116053
~~directors shall cooperate in seeking the approval to the extent~~ 116054
~~they find the approval necessary for the effective and efficient~~ 116055
~~administration of the medicaid program.~~ 116056

Sec. 5162.31. Local funds, whether from public or private 116057
sources, expended by a county department of job and family 116058
services for administration of the healthy start component shall 116059
be considered to have been expended by the state for the purpose 116060
of determining the extent to which the state has complied with any 116061
federal requirement that the state provide funds to match federal 116062
financial participation for the medicaid program. This section 116063
does not affect the amount of funds a county is entitled to 116064
receive under sections 5101.16 and 5101.161 of the Revised Code. 116065

~~Sec. 5111.90~~ 5162.32. ~~(A) As used in sections 5111.90 to~~ 116066
~~5111.93 of the Revised Code:~~ 116067

~~(1) "Political subdivision" means a municipal corporation,~~ 116068
~~township, county, school district, or other body corporate and~~ 116069
~~politic responsible for governmental activities only in a~~ 116070
~~geographical area smaller than that of the state.~~ 116071

~~(2) "State agency" means every organized body, office, or~~ 116072

~~agency, other than the department of job and family services,~~ 116073
~~established by the laws of the state for the exercise of any~~ 116074
~~function of state government.~~ 116075

~~(B) To the extent permitted by Title XIX of the "Social~~ 116076
~~Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended,~~ 116077
~~and regulations adopted under that title, the~~ The department of 116078
~~job and family services~~ medicaid may enter into contracts with 116079
political subdivisions to use funds of the political subdivision 116080
to pay the nonfederal share of expenditures under the medicaid 116081
program. The determination and provision of federal financial 116082
~~reimbursement~~ participation to a subdivision entering into a 116083
contract under this section shall be determined by the department, 116084
subject to section ~~5111.92~~ 5162.40 of the Revised Code, ~~approval~~ 116085
~~by the United States secretary of health and human services, and~~ 116086
~~the availability of federal financial participation.~~ 116087

Sec. ~~5111.91~~ 5162.35. The department of ~~job and family~~ 116088
~~services~~ medicaid may enter into contracts with one or more other 116089
state agencies or political subdivisions to have the state agency 116090
or political subdivision administer one or more components of the 116091
medicaid program, or one or more aspects of a component, under the 116092
department's supervision. A state agency or political subdivision 116093
that enters into such a contract shall comply with the terms of 116094
the contract and any rules the medicaid director ~~of job and family~~ 116095
~~services~~ has adopted governing the component, or aspect of the 116096
component, that the state agency or political subdivision is to 116097
administer, including any rules establishing review, audit, and 116098
corrective action plan requirements. A contract with a state 116099
agency shall be in the form of an interagency agreement. 116100

A state agency or political subdivision that enters into a 116101
contract with the department under this section shall reimburse 116102
the department for the nonfederal share of the cost to the 116103

department of performing, or contracting for the performance of, a 116104
fiscal audit of the component of the medicaid program, or aspect 116105
of the component, that the state agency or political subdivision 116106
administers if rules governing the component, or aspect of the 116107
component, require that a fiscal audit be conducted. 116108

~~There is hereby created in the state treasury the medicaid 116109
administrative reimbursement fund. The department shall use money 116110
in the fund to pay for the nonfederal share of the cost of a 116111
fiscal audit for which a state agency or political subdivision is 116112
required by this section to reimburse the department. The 116113
department shall deposit the reimbursements into the fund. 116114~~

Sec. ~~5111.71~~ 5162.36. (A) ~~As used in sections 5111.71 to 116115
5111.715 of the Revised Code, "qualified medicaid school provider" 116116
means the board of education of a city, local, or exempted village 116117
school district, the governing authority of a community school 116118
established under Chapter 3314. of the Revised Code, the state 116119
school for the deaf, and the state school for the blind to which 116120
both of the following apply:~~ 116121

~~(1) It holds a valid medicaid provider agreement. 116122~~

~~(2) It meets all other conditions for participation in the 116123
medicaid school component of the medicaid program established in 116124
rules adopted under section 5111.715 of the Revised Code. 116125~~

(B) ~~The medicaid director of job and family services shall 116126
submit a state medicaid plan amendment to the United States 116127
secretary of health and human services for the purpose of creating 116128
create, in accordance with sections ~~5111.71~~ 5162.36 to ~~5111.715~~ 116129
5162.364 of the Revised Code, the medicaid school component of the 116130
medicaid program. ~~The director shall create the medicaid school 116131
component on receipt of the United States secretary's approval of 116132
the amendment. 116133~~~~

Sec. ~~5111.711~~ 5162.361. A qualified medicaid school provider 116134
participating in the medicaid school component of the medicaid 116135
program may submit a claim to the department of ~~job and family~~ 116136
~~services~~ medicaid for federal financial participation for 116137
providing, in schools, services covered by the medicaid school 116138
component to medicaid recipients who are eligible for the 116139
services. No qualified medicaid school provider may submit such a 116140
claim before the provider incurs the cost of providing the 116141
service. 116142

The claim shall include certification of the qualified 116143
medicaid school provider's expenditures for the service. The 116144
certification shall show that the money the qualified medicaid 116145
school provider used for the expenditures was nonfederal money the 116146
provider may legally use for providing the service and that the 116147
amount of the expenditures was sufficient to pay the full cost of 116148
the service. 116149

Except as otherwise provided in sections ~~5111.71~~ 5162.36 to 116150
~~5111.715~~ 5162.364 of the Revised Code and rules ~~adopted under~~ 116151
authorized by sections ~~5111.713~~ 5162.363 and ~~5111.715~~ 5162.364 of 116152
the Revised Code, a qualified medicaid school provider is subject 116153
to all conditions of participation in the medicaid program that 116154
generally apply to providers of goods and services under the 116155
medicaid program, including conditions regarding audits and 116156
recovery of overpayments. 116157

Sec. ~~5111.712~~ 5162.362. The department of ~~job and family~~ 116158
~~services~~ medicaid shall seek federal financial participation for 116159
each claim a qualified medicaid school provider properly submits 116160
to the department under section ~~5111.711~~ 5162.361 of the Revised 116161
Code. The department shall disburse the federal financial 116162
participation the department receives from the federal government 116163
for such a claim to the qualified medicaid school provider that 116164

submitted the claim. The department may not pay the qualified 116165
medicaid school provider the nonfederal share of the cost of the 116166
services for which the claim was submitted. 116167

Sec. ~~5111.713~~ 5162.363. The department of ~~job and family~~ 116168
~~services~~ medicaid shall enter into an interagency agreement with 116169
the department of education under section ~~5111.91~~ 5162.35 of the 116170
Revised Code that provides for the department of education to 116171
administer the medicaid school component of the medicaid program 116172
other than the aspects of the component that sections ~~5111.71~~ 116173
5162.36 to ~~5111.715~~ 5162.364 of the Revised Code require the 116174
department of ~~job and family services~~ medicaid to administer. The 116175
interagency agreement may include a provision that provides for 116176
the department of education to pay to the department of ~~job and~~ 116177
~~family services~~ medicaid the nonfederal share of a portion of the 116178
administrative expenses the department of ~~job and family services~~ 116179
medicaid incurs in administering the aspects of the component that 116180
the department of ~~job and family services~~ medicaid administers. 116181

The To the extent authorized by rules authorized by section 116182
5162.021 of the Revised Code, the department of education shall 116183
establish, in rules adopted under ~~Chapter 119.~~ section 5162.02 of 116184
the Revised Code, a process by which qualified medicaid school 116185
providers participating in the medicaid school component pay to 116186
the department of education the nonfederal share of the 116187
department's expenses incurred in administering the component. The 116188
rules shall be adopted in accordance with Chapter 119. of the 116189
Revised Code. 116190

Sec. ~~5111.715~~ 5162.364. The medicaid director ~~of job and~~ 116191
~~family services~~ shall adopt rules under ~~Chapter 119.~~ section 116192
5162.02 of the Revised Code as necessary to implement the medicaid 116193
school component of the medicaid program, including rules that 116194

establish or specify all of the following: 116195

(A) Conditions a board of education of a city, local, or 116196
exempted school district, governing authority of a community 116197
school established under Chapter 3314. of the Revised Code, the 116198
state school for the deaf, and the state school for the blind must 116199
meet to participate in the component; 116200

(B) Services the component covers; 116201

(C) ~~Reimbursement~~ Payment rates for the services the 116202
component covers. 116203

The rules shall be adopted in accordance with Chapter 119. of 116204
the Revised Code. 116205

Sec. ~~5111.911~~ 5162.37. Any contract the department of ~~job and~~ 116206
~~family services~~ medicaid enters into with the department of ~~mental~~ 116207
~~health or department of alcohol and drug addiction services~~ mental 116208
health and addiction services under section ~~5111.91~~ 5162.35 of the 116209
Revised Code is subject to the approval of the director of budget 116210
and management and shall require or specify all of the following: 116211

(A) ~~In the case of a contract with the department of mental~~ 116212
~~health, that~~ That section ~~5111.912~~ 5162.371 of the Revised Code be 116213
complied with; 116214

(B) ~~In the case of a contract with the department of alcohol~~ 116215
~~and drug addiction services, that~~ section ~~5111.913~~ of the Revised 116216
Code be complied with; 116217

~~(C)~~ How providers will be paid for providing the services; 116218

~~(D)~~(C) The ~~department of mental health's or department of~~ 116219
~~alcohol and drug addiction services'~~ responsibilities of the 116220
department of mental health and addiction services with regard to 116221
providers, including program oversight and quality assurance. 116222

Sec. ~~5111.912~~ 5162.371. If the department of ~~job and family services~~ medicaid enters into a contract with the department of ~~mental health~~ mental health and addiction services under section ~~5111.91~~ 5162.35 of the Revised Code, the department of ~~job and family services~~ medicaid shall pay the nonfederal share of any medicaid payment to a provider for services under the component, or aspect of the component, the department of ~~mental health~~ mental health and addiction services administers. ~~If necessary, the director of job and family services shall submit a medicaid state plan amendment to the United States secretary of health and human services regarding the department of job and family services' duty under this section.~~

Sec. ~~5111.92~~ 5162.40. (A)(1) Except as provided in division (B) of this section, if a state agency or political subdivision administers one or more components of the medicaid program that the United States department of health and human services approved, and for which federal financial participation was initially obtained, prior to January 1, 2002, or administers one or more aspects of such a component, the department of ~~job and family services~~ medicaid may retain or collect not more than ten per cent of the federal financial participation the state agency or political subdivision obtains through an approved, administrative claim regarding the component or aspect of the component. If the department retains or collects a percentage of such federal financial participation, the percentage the department retains or collects shall be specified in a contract the department enters into with the state agency or political subdivision under section ~~5111.91~~ 5162.35 of the Revised Code.

(2) Except as provided in division (B) of this section, if a state agency or political subdivision administers one or more components of the medicaid program that the United States

department of health and human services approved on or after 116254
January 1, 2002, or administers one or more aspects of such a 116255
component, the department of ~~job and family services~~ medicaid 116256
shall retain or collect not less than three and not more than ten 116257
per cent of the federal financial participation the state agency 116258
or political subdivision obtains through an approved, 116259
administrative claim regarding the component or aspect of the 116260
component. The percentage the department retains or collects shall 116261
be specified in a contract the department enters into with the 116262
state agency or political subdivision under section ~~5111.91~~ 116263
5162.35 of the Revised Code. 116264

(B) ~~The department of job and family services may retain or~~ 116265
~~collect a percentage of federal financial participation under~~ 116266
~~divisions (A)(1) and (2) of this section only to the extent~~ 116267
~~permitted by federal statutes and regulations.~~ 116268

~~(C)~~ All amounts the department retains or collects under this 116269
section shall be deposited into the health care services 116270
administration fund created under section ~~5111.94~~ 5162.54 of the 116271
Revised Code. 116272

Sec. ~~5111.93~~ 5162.41. The department of ~~job and family~~ 116273
~~services~~ medicaid may retain or collect a percentage of the 116274
federal financial participation included in a supplemental 116275
medicaid payment to one or more medicaid providers owned or 116276
operated by a state agency or political subdivision that brings 116277
the payment to such provider or providers to the upper payment 116278
limit established by 42 C.F.R. 447.272. If the department retains 116279
or collects a percentage of that federal financial participation, 116280
the ~~department~~ medicaid director shall adopt a rule under ~~Chapter~~ 116281
~~119.~~ section 5162.02 of the Revised Code specifying the percentage 116282
the department is to retain or collect. All amounts the department 116283
retains or collects under this section shall be deposited into the 116284

health care services administration fund created under section 116285
~~5111.94~~ 5162.54 of the Revised Code. 116286

Sec. ~~5111.943~~ 5162.50. (A) The health care - federal fund is 116287
hereby created in the state treasury. All of the following shall 116288
be credited to the fund: 116289

(1) Funds that division (B) of section ~~5112.18~~ 5168.11 of the 116290
Revised Code requires be credited to the fund; 116291

(2) The federal share of all rebates paid by drug 116292
manufacturers to the department of ~~job and family services~~ 116293
medicaid in accordance with a rebate agreement required by the 116294
"Social Security Act," section 1927, 42 U.S.C. 1396r-8; 116295

(3) The federal share of all supplemental rebates paid by 116296
drug manufacturers to the department of ~~job and family services~~ 116297
medicaid in accordance with the supplemental drug rebate program 116298
established under section ~~5111.081~~ 5164.755 of the Revised Code; 116299

(4) Except as otherwise provided by statute or as authorized 116300
by the controlling board, the federal share of all other 116301
medicaid-related revenues, collections, and recoveries. 116302

(B) All money credited to the health care - federal fund 116303
pursuant to division (B) of section ~~5112.18~~ 5168.11 of the Revised 116304
Code shall be used solely for distributing funds to hospitals 116305
under section ~~5112.08~~ 5168.09 of the Revised Code. The department 116306
of ~~job and family services~~ medicaid shall use all other money 116307
credited to the fund to pay for other medicaid services and 116308
contracts. 116309

Sec. ~~5111.941~~ 5162.52. (A) The health care/medicaid support 116310
and recoveries fund is hereby created in the state treasury. All 116311
of the following shall be credited to the fund: 116312

(1) Except as otherwise provided by statute or as authorized 116313

by the controlling board, the nonfederal share of all 116314
medicaid-related revenues, collections, and recoveries; 116315

(2) Federal reimbursement received for payment adjustments 116316
made pursuant to ~~section 1923~~ of the "Social Security Act," ~~101~~ 116317
~~Stat. 1330-148 (1987)~~ section 1923, 42 U.S.C. 1396r-4, ~~as amended,~~ 116318
under the medicaid program to state mental health hospitals 116319
maintained and operated by the department of ~~mental health~~ mental 116320
health and addiction services under division (A) of section 116321
~~5119.02~~ 5119.14 of the Revised Code; 116322

(3) Revenues the department of ~~job and family services~~ 116323
medicaid receives from another state agency for medicaid services 116324
pursuant to an interagency agreement, other than such revenues 116325
required to be deposited into the health care services 116326
administration fund created under section ~~5111.94~~ 5162.54 of the 116327
Revised Code; 116328

(4) The first seven hundred fifty thousand dollars the 116329
department receives in a fiscal year for performing eligibility 116330
verification services necessary for compliance with the 116331
independent, certified audit requirement of 42 C.F.R. 455.304; 116332

(5) The nonfederal share of all rebates paid by drug 116333
manufacturers to the department of medicaid in accordance with a 116334
rebate agreement required by the "Social Security Act," section 116335
1927, 42 U.S.C. 1396r-8; 116336

(6) The nonfederal share of all supplemental rebates paid by 116337
drug manufacturers to the department of medicaid in accordance 116338
with the supplemental drug rebate program established under 116339
section 5164.755 of the Revised Code. 116340

(B) The department of ~~job and family services~~ medicaid shall 116341
use money credited to the health care/medicaid support and 116342
recoveries fund to pay for medicaid services and contracts. 116343

~~Sec. 5111.94 5162.54.~~ (A) ~~As used in this section, "vendor offset" means a reduction of a medicaid payment to a medicaid provider to correct a previous, incorrect medicaid payment to that provider.~~ 116344
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116347

~~(B)~~ There is hereby created in the state treasury the health care services administration fund. Except as provided in division (C) of this section, all the following shall be deposited into the fund: 116348
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116351

(1) Amounts deposited into the fund pursuant to sections 5111.92 5162.12, 5162.40, and ~~5111.93 5162.41~~ of the Revised Code; 116352
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(2) The amount of the state share of all money the department of ~~job and family services, in fiscal year 2003 and each fiscal year thereafter,~~ medicaid recovers each fiscal year pursuant to a tort action under the department's right of recovery under section ~~5101.58 5160.37~~ of the Revised Code that exceeds the state share of all money the department, in fiscal year 2002, recovers pursuant to a tort action under that right of recovery; 116354
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(3) Subject to division ~~(D)~~(B) of this section, the amount of the state share of all money the department of ~~job and family services~~ medicaid, in fiscal year 2003 and each fiscal year thereafter, recovers through audits of medicaid providers that exceeds the state share of all money the department, in fiscal year 2002, recovers through such audits; 116361
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(4) Amounts from assessments on hospitals under section ~~5112.06 5168.06~~ of the Revised Code and intergovernmental transfers by governmental hospitals under section ~~5112.07 5168.07~~ of the Revised Code that are deposited into the fund in accordance with the law; 116367
116368
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116371

(5) Amounts that the department of education pays to the department of ~~job and family services~~ medicaid, if any, pursuant 116372
116373

to an interagency agreement ~~entered into under~~ authorized by 116374
section ~~5111.713~~ 5162.363 of the Revised Code; 116375

(6) The application fees charged to providers under section 116376
~~5111.063~~ 5164.31 of the Revised Code; 116377

(7) The fines collected under section ~~5111.271~~ 5165.1010 of 116378
the Revised Code; 116379

(8) Money the department receives in a fiscal year for 116380
performing eligibility verification services necessary for 116381
compliance with the independent, certified audit requirement of 42 116382
C.F.R. 455.304, other than the amounts of such money that are to 116383
be credited to the health care/medicaid support and recoveries 116384
fund under section 5162.52 of the Revised Code. 116385

~~(C) No funds shall be deposited into the health care services~~ 116386
~~administration fund in violation of federal statutes or~~ 116387
~~regulations.~~ 116388

~~(D)~~(B) In determining under division ~~(B)~~(A)(3) of this 116389
section the amount of money the department, in a fiscal year, 116390
recovers through audits of medicaid providers, the amount 116391
recovered in the form of vendor offset shall be excluded. 116392

~~(E)~~(C) The ~~director~~ department of ~~job and family services~~ 116393
medicaid shall use funds available in the health care services 116394
administration fund to pay for costs associated with the 116395
administration of the medicaid program. 116396

Sec. ~~5111.945~~ 5162.56. There is created in the state treasury 116397
the health care special activities fund. The department of ~~job and~~ 116398
~~family services~~ medicaid shall deposit all funds it receives 116399
pursuant to the administration of the medicaid program into the 116400
fund, other than any such funds that are required by law to be 116401
deposited into another fund. The department shall use the money in 116402
the fund to pay for expenses related to the services provided 116403

under, and the administration of, the medicaid program. 116404

~~Sec. 5111.944 5162.58. (A) As used in this section:~~ 116405

~~"Dual eligible individual" has the same meaning as in section 116406
1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315 (2010), 116407
42 U.S.C. 1396n(h)(2)(B).~~ 116408

~~"Dual eligible integrated care demonstration project" means 116409
the demonstration project authorized by section 5111.981 of the 116410
Revised Code.~~ 116411

~~"Medicare program" means the program created under Title 116412
XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 116413
1395, as amended.~~ 116414

~~(B) There is created in the state treasury the integrated 116415
care delivery systems fund. If the terms of the federal approval 116416
for the dual eligible integrated care demonstration project 116417
authorized by section 5164.91 of the Revised Code provide for the 116418
state to receive a portion of the amounts that the demonstration 116419
project saves the medicare program, such amounts shall be 116420
deposited into the fund. The department of ~~job and family services~~ 116421
medicaid shall use the money in the fund to further develop 116422
integrated delivery systems and improved care coordination for 116423
dual eligible individuals. 116424~~

~~Sec. 5162.60. (A) There is hereby created in the state 116425
treasury the managed care performance payment fund. The fund shall 116426
consist of all of the following: 116427~~

~~(1) Amounts transferred to it by the director of budget and 116428
management for the purpose of the managed care performance payment 116429
program established under section 5167.30 of the Revised Code; 116430~~

~~(2) All fines imposed on and collected from medicaid managed 116431
care organizations for failure to meet performance standards or 116432~~

<u>other requirements specified in provider agreements or rules</u>	116433
<u>adopted under section 5167.02 of the Revised Code;</u>	116434
<u>(3) All investment earnings of the fund.</u>	116435
<u>(B) Amounts in the fund may be used for the following:</u>	116436
<u>(1) To make performance payments to medicaid managed care</u>	116437
<u>organizations in accordance with section 5167.30 of the Revised</u>	116438
<u>Code;</u>	116439
<u>(2) To meet obligations specified in the provider agreements;</u>	116440
<u>(3) To pay for medicaid services provided by a medicaid</u>	116441
<u>managed care organization;</u>	116442
<u>(4) To reimburse a medicaid managed care organization that</u>	116443
<u>has paid a fine for failure to meet performance standards or other</u>	116444
<u>requirements specified in provider agreements or rules adopted</u>	116445
<u>under section 5167.02 of the Revised Code if that organization</u>	116446
<u>comes into compliance with those standards or requirements.</u>	116447
<u>Sec. 5162.62. There is hereby created in the state treasury</u>	116448
<u>the medicaid administrative reimbursement fund. The department of</u>	116449
<u>medicaid shall use money in the fund to pay for the nonfederal</u>	116450
<u>share of the cost of a fiscal audit for which a state agency or</u>	116451
<u>political subdivision is required by section 5162.35 of the</u>	116452
<u>Revised Code to reimburse the department. The department shall</u>	116453
<u>deposit the reimbursements into the fund.</u>	116454
<u>Sec. 5111.714 5162.64. (A) There is hereby created in the</u>	116455
<u>state treasury the medicaid school program administrative fund.</u>	116456
<u>(B) Both of the following shall be deposited into the</u>	116457
<u>medicaid school program administrative fund:</u>	116458
<u>(1) The federal funds the department of education receives</u>	116459
<u>for the expenses the department incurs in administering the</u>	116460
<u>medicaid school component of the medicaid program <u>created under</u></u>	116461

section 5162.36 of the Revised Code; 116462

(2) The money the department collects from qualified medicaid school providers in the process established in rules ~~adopted under~~ authorized by section ~~5111.713~~ 5162.363 of the Revised Code. 116463
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(C) ~~No funds shall be deposited into the medicaid school program administrative fund in violation of federal statutes or regulations.~~ 116466
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~~(D)~~ The department of education shall use money in the medicaid school program administrative fund for both of the following purposes: 116469
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116471

(1) Paying for the expenses the department incurs in administering the medicaid school component of the medicaid program; 116472
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116474

(2) Paying a qualified medicaid school provider a refund for any overpayment the provider makes to the department under the process established in rules ~~adopted under~~ authorized by section ~~5111.713~~ 5162.363 of the Revised Code if the process results in an overpayment. 116475
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Sec. ~~5111.62~~ 5162.66. The As used in this section, "deficiency" has the same meaning as in section 5165.60 of the Revised Code. 116480
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The proceeds of all fines, including interest, collected under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code shall be deposited in the state treasury to the credit of the residents protection fund, which is hereby created. The proceeds of all fines, including interest, collected under section 173.42 of the Revised Code shall be deposited in the state treasury to the credit of the residents protection fund. 116483
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Money in the fund shall be used for the protection of the health or property of residents of nursing facilities in which the 116490
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department of health finds deficiencies, including payment for the 116492
costs of relocation of residents to other facilities, maintenance 116493
of operation of a facility pending correction of deficiencies or 116494
closure, and reimbursement of residents for the loss of money 116495
managed by the facility under section 3721.15 of the Revised Code. 116496
Money in the fund may also be used to make payments under section 116497
~~5111.511~~ 5165.78 of the Revised Code. 116498

The fund shall be maintained and administered by the 116499
department of ~~job and family services~~ medicaid under rules 116500
developed in consultation with the departments of health and aging 116501
and adopted ~~by the director of job and family services~~ under 116502
~~Chapter 119.~~ section 5162.02 of the Revised Code. The rules shall 116503
be adopted in accordance with Chapter 119. of the Revised Code. 116504

Sec. 5163.01. As used in this chapter: 116505

"Caretaker relative" has the same meaning as in 42 C.F.R. 116506
435.4 as that regulation is amended effective January 1, 2014. 116507

"Children's hospital" has the same meaning as in section 116508
2151.86 of the Revised Code. 116509

"Federal financial participation" has the same meaning as in 116510
section 5160.01 of the Revised Code. 116511

"Federally qualified health center" has the same meaning as 116512
in the "Social Security Act," section 1905(1)(2)(B), 42 U.S.C. 116513
1396d(1)(2)(B). 116514

"Federally qualified health center look-alike" has the same 116515
meaning as in section 3701.047 of the Revised Code. 116516

"Federal poverty line" has the same meaning as in section 116517
5162.01 of the Revised Code. 116518

"Healthy start component" has the same meaning as in section 116519
5162.01 of the Revised Code. 116520

"Home and community-based services medicaid waiver component" 116521
has the same meaning as in section 5166.01 of the Revised Code. 116522

"Intermediate care facility for individuals with intellectual 116523
disabilities" and "ICF/IID" have the same meanings as in section 116524
5124.01 of the Revised Code. 116525

"Mandatory eligibility groups" means the groups of 116526
individuals that must be covered by the medicaid state plan as a 116527
condition of the state receiving federal financial participation 116528
for the medicaid program. 116529

"Medicaid buy-in for workers with disabilities program" means 116530
the component of the medicaid program established under sections 116531
5163.09 to 5163.0910 of the Revised Code. 116532

"Medicaid services" has the same meaning as in section 116533
5164.01 of the Revised Code. 116534

"Medicaid waiver component" has the same meaning as in 116535
section 5166.01 of the Revised Code. 116536

"Nursing facility" and "nursing facility services" have the 116537
same meanings as in section 5165.01 of the Revised Code. 116538

"Optional eligibility groups" means the groups of individuals 116539
who may be covered by the medicaid state plan or a federal 116540
medicaid waiver and for whom the medicaid program receives federal 116541
financial participation. 116542

"Other medicaid-funded long-term care services" has the 116543
meaning specified in rules adopted under section 5163.02 of the 116544
Revised Code. 116545

"Supplemental security income program" means the program 116546
established by Title XVI of the "Social Security Act," 42 U.S.C. 116547
1381 et seq. 116548

Sec. ~~5111.011~~ 5163.02. (A) The medicaid director ~~of job and~~ 116549

~~family services shall adopt rules establishing as necessary to~~ 116550
~~implement this chapter. The rules shall establish~~ 116551
~~eligibility requirements for the medicaid program. The rules may establish~~ 116552
~~requirements for applying for medicaid and determining and~~ 116553
~~verifying eligibility for medicaid. The rules shall be adopted~~ 116554
~~pursuant to in accordance with~~ section 111.15 of the Revised Code 116555
~~and shall be consistent with federal and state law. The rules~~ 116556
~~shall include rules that do all of the following:~~ 116557

~~(1) Establish standards consistent with federal law for~~ 116558
~~allocating income and resources as income and resources of the~~ 116559
~~spouse, children, parents, or stepparents of a recipient of or~~ 116560
~~applicant for medicaid;~~ 116561

~~(2) Define the term "resources" as used in division (A)(1) of~~ 116562
~~this section;~~ 116563

~~(3) Specify the number of months that is to be used for the~~ 116564
~~purpose of the term "look back date" used in section 5111.0116 of~~ 116565
~~the Revised Code;~~ 116566

~~(4) Establish processes to be used to determine both of the~~ 116567
~~following:~~ 116568

~~(a) The date an institutionalized individual's ineligibility~~ 116569
~~for services under section 5111.0116 of the Revised Code is to~~ 116570
~~begin;~~ 116571

~~(b) The number of months an institutionalized individual's~~ 116572
~~ineligibility for such services is to continue.~~ 116573

~~(5) For the purpose of division (C) of section 5111.0116 of~~ 116574
~~the Revised Code, establish procedures for granting waivers of all~~ 116575
~~or a portion of the period of ineligibility that an~~ 116576
~~institutionalized individual would otherwise be subject to under~~ 116577
~~that section and additional reasons for which such waivers may be~~ 116578
~~granted;~~ 116579

~~(6) Define the term "other medicaid funded long term care services" as used in sections 5111.0117 and 5111.0118 of the Revised Code;~~ 116580
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~~(7) For the purpose of division (C)(2)(c) of section 5111.0117 of the Revised Code, establish the process to determine whether the child of an aged, blind, or disabled individual is financially dependent on the individual for housing.~~ 116583
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~~(B) Notwithstanding any provision of state law, including statutes, administrative rules, common law, and court rules, regarding real or personal property or domestic relations, the standards established under rules adopted under division (A)(1) of this section shall be used to determine eligibility for medicaid.~~ 116587
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Sec. 5163.03. (A) Subject to sections 5163.04 and 5163.05 of the Revised Code, the medicaid program shall cover all mandatory eligibility groups. 116592
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(B) The medicaid program shall cover all of the optional eligibility groups that state statutes require the medicaid program to cover. 116595
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(C) The medicaid program may cover any of the optional eligibility groups to which either of the following applies: 116598
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(1) State statutes expressly permit the medicaid program to cover the optional eligibility group. 116600
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(2) State statutes do not address whether the medicaid program may cover the optional eligibility group. 116602
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(D) The medicaid program shall not cover any eligibility group that state statutes prohibit the medicaid program from covering. 116604
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Sec. 5163.04. The medicaid program shall not cover the group described in the "Social Security Act," section 116607
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1902(a)(10)(A)(i)(VIII), 42 U.S.C. 1396a(a)(10)(A)(i)(VIII). 116609

This section does not affect the medicaid eligibility of any individual who begins to participate in the metrohealth care plus medicaid waiver component on or after February 5, 2013. 116610
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Sec. 5163.05. The medicaid program's eligibility requirements for aged, blind, and disabled individuals may be more restrictive than the eligibility requirements for the supplemental security income program. Any such more restrictive eligibility requirements shall be consistent with the 209(b) option described in the "Social Security Act," section 1902(f), 42 U.S.C. 1396a(f). 116613
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Sec. 5163.06. The medicaid program shall cover all of the following optional eligibility groups: 116619
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(A) The group consisting of children placed with adoptive parents who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII); 116621
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(B) Subject to section 5163.061 of the Revised Code, the group consisting of women during pregnancy and the sixty-day period beginning on the last day of the pregnancy, infants, and children who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX); 116624
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(C) Subject to sections 5163.09 to 5163.0910 of the Revised Code, the group consisting of employed individuals with disabilities who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XV), 42 U.S.C. 1396a(a)(10)(A)(ii)(XV); 116629
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(D) Subject to sections 5163.09 to 5163.0910 of the Revised Code, the group consisting of employed individuals with medically improved disabilities who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVI); 116633
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(E) The group consisting of independent foster care adolescents who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVII); 116638
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(F) The group consisting of women in need of treatment for breast or cervical cancer who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII); 116642
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(G) The group consisting of nonpregnant individuals who may receive family planning services and supplies and are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XXI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XXI). 116646
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Sec. 5163.061. The income eligibility threshold is two hundred per cent of the federal poverty line for women during pregnancy and the sixty-day period beginning on the last day of the pregnancy who are covered by the medicaid program under division (B) of section 5163.06 of the Revised Code. 116650
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Sec. 5163.07. The medicaid director shall implement the option authorized by the "Social Security Act," section 1931(b)(2)(C), 42 U.S.C. 1396u-1(b)(2)(C), to set the income eligibility threshold at ninety per cent of the federal poverty line for parents and caretaker relatives who are covered by the medicaid program under that section of the "Social Security Act." 116655
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Sec. 5163.08. The medicaid director shall implement the option authorized by the "Social Security Act," section 1925(a)(5), 42 U.S.C. 1396r-6(a)(5), regarding the single twelve-month eligibility period for transitional medicaid. 116661
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Sec. ~~5111.70~~ 5163.09. (A) As used in sections ~~5111.70~~ 5163.09 to ~~5111.7011~~ 5163.0910 of the Revised Code: 116665
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"Applicant" means an individual who applies to participate in the medicaid buy-in for workers with disabilities program. 116667
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"Earned income" has the meaning established by rules ~~adopted~~ 116669
~~under~~ authorized by section ~~5111.708~~ 5163.098 of the Revised Code. 116670

"Employed individual with a medically improved disability" has the same meaning as in the "Social Security Act," section 116671
1905(v), 42 U.S.C. 1396d(v). 116672
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"Family" means an applicant or participant and the spouse and dependent children of the applicant or participant. If an applicant or participant is under eighteen years of age, "family" also means the parents of the applicant or participant. 116674
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~~"Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.~~ 116678
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"Health insurance" has the meaning established by rules ~~adopted under~~ authorized by section ~~5111.708~~ 5163.098 of the Revised Code. 116680
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"Income" means earned income and unearned income. 116683

"Participant" means an individual who has been determined eligible for the medicaid buy-in for workers with disabilities program and is participating in the program. 116684
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"Resources" has the meaning established by rules ~~adopted~~ 116687
~~under~~ authorized by section ~~5111.708~~ 5163.098 of the Revised Code. 116688

"Spouse" has the meaning established in rules ~~adopted under~~ 116689
authorized by section ~~5111.708~~ 5163.098 of the Revised Code. 116690

~~"Supplemental security income program" means the program established under Title XVI of the "Social Security Act," 86 Stat. 1329 (1972), 42 U.S.C. 1381, as amended.~~ 116691
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~~"Medicaid buy in for workers with disabilities program" means the component of the medicaid program established under sections 5111.70 to 5111.7011 of the Revised Code.~~ 116694
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"Unearned income" has the meaning established by rules 116697
~~adopted under~~ authorized by section ~~5111.708~~ 5163.098 of the 116698
Revised Code. 116699

(B) ~~Not later than one hundred eighty days after the~~ 116700
~~effective date of this section, the director of job and family~~ 116701
~~services shall submit to the United States secretary of health and~~ 116702
~~human services an amendment to the state medicaid plan and any~~ 116703
~~federal waiver necessary to establish the medicaid buy in for~~ 116704
~~workers with disabilities program in accordance with~~ The medicaid 116705
program's coverage of the optional eligibility groups specified in 116706
the "Social Security Act," section 1902(a)(10)(A)(ii)(XV) and 116707
(XVI), 42 U.S.C. 1396a(a) (10)(A)(ii)(XV) and (XVI) ~~and sections~~ 116708
~~5111.70 to 5111.7011 of the Revised Code. The director shall~~ 116709
~~implement sections 5111.701 to 5111.7011 of the Revised Code if~~ 116710
~~the amendment and, if needed, federal waiver are approved~~ shall be 116711
known as the medicaid buy-in for workers with disabilities 116712
program. 116713

Sec. ~~5111.701~~ 5163.091. Under the medicaid buy-in for workers 116714
with disabilities program, an individual who does all of the 116715
following in accordance with rules ~~adopted under~~ authorized by 116716
section ~~5111.708~~ 5163.098 of the Revised Code qualifies for 116717
~~medical assistance under~~ the medicaid program: 116718

(A) Applies for the medicaid buy-in for workers with 116719
disabilities program; 116720

(B) Provides satisfactory evidence of all of the following: 116721

(1) That the individual is at least sixteen years of age and 116722
under sixty-five years of age; 116723

(2) Except as provided in section ~~5111.706~~ 5163.096 of the 116724
Revised Code, that one of the following applies to the individual: 116725

(a) The individual is considered disabled for the purpose of 116726

the supplemental security income program, regardless of whether 116727
the individual receives supplemental security income benefits, and 116728
the individual has earnings from employment. 116729

(b) The individual is an employed individual with a medically 116730
improved disability. 116731

(3) That the value of the individual's resources, less 116732
amounts disregarded pursuant to rules ~~adopted under~~ authorized by 116733
section ~~5111.708~~ 5163.098 of the Revised Code, does not exceed the 116734
amount provided for by section ~~5111.702~~ 5163.092 of the Revised 116735
Code; 116736

(4) That the individual's income, less amounts disregarded 116737
pursuant to section ~~5111.703~~ 5163.093 of the Revised Code, does 116738
not exceed two hundred fifty per cent of the federal poverty 116739
~~guidelines~~ line; 116740

(5) That the individual meets the additional eligibility 116741
requirements for the medicaid buy-in for workers with disabilities 116742
program ~~that the director of job and family services establishes~~ 116743
established in rules ~~adopted under~~ authorized by section ~~5111.708~~ 116744
5163.098 of the Revised Code. 116745

(C) To the extent required by section ~~5111.704~~ 5163.094 of 116746
the Revised Code, pays the premium established under that section. 116747

Sec. ~~5111.702~~ 5163.092. (A) Except as provided in division 116748
(B) of this section, the maximum value of resources, less amounts 116749
disregarded pursuant to rules ~~adopted under~~ authorized by section 116750
~~5111.708~~ 5163.098 of the Revised Code, that an individual may have 116751
without the individual exceeding the resource eligibility limit 116752
for the medicaid buy-in for workers with disabilities program 116753
shall not exceed ten thousand dollars. 116754

(B) Each calendar year, the medicaid director ~~of job and~~ 116755
~~family services~~ shall adjust the resource eligibility limit 116756

specified in division (A) of this section by the change in the 116757
consumer price index for all items for all urban consumers for the 116758
previous calendar year, as published by the United States bureau 116759
of labor statistics. The annual adjustment shall go into effect on 116760
the earliest date possible. 116761

Sec. ~~5111.703~~ 5163.093. For the purpose of determining 116762
whether an individual is within the income eligibility limit for 116763
the medicaid buy-in for workers with disabilities program, all of 116764
the following apply: 116765

(A) Twenty thousand dollars of the individual's earned income 116766
shall be disregarded. 116767

(B) No amount that the individual's employer pays to obtain 116768
health insurance for one or more members of the individual's 116769
family, including any amount of a premium established under 116770
section ~~5111.704~~ 5163.094 of the Revised Code that the employer 116771
pays, shall be treated as the individual's income. 116772

(C) Any other amounts, if any, specified in rules ~~adopted~~ 116773
~~under~~ authorized by section ~~5111.708~~ 5163.098 of the Revised Code 116774
shall be disregarded from the individual's earned income, unearned 116775
income, or both. 116776

Sec. ~~5111.704~~ 5163.094. An individual whose income exceeds 116777
one hundred fifty per cent of the federal poverty ~~guidelines~~ line 116778
shall pay an annual premium as a condition of qualifying for the 116779
medicaid buy-in for workers with disabilities program. The amount 116780
of the premium shall be determined as follows: 116781

(A) Subtract one hundred fifty per cent of the federal 116782
poverty ~~guidelines~~ line, as applicable for a family size equal to 116783
the size of the individual's family, from the amount of the income 116784
of the individual's family; 116785

(B) Subtract an amount specified in rules ~~adopted under~~ 116786

authorized by section ~~5111.708~~ 5163.098 of the Revised Code from 116787
the difference determined under division (A) of this section; 116788

(C) Multiply the difference determined under division (B) of 116789
this section by one tenth. 116790

Sec. ~~5111.705~~ 5163.095. No individual shall be denied 116791
eligibility for the medicaid buy-in for workers with disabilities 116792
program on the basis that the individual receives services under a 116793
home and community-based services medicaid waiver component ~~as~~ 116794
~~defined in section 5111.85 of the Revised Code.~~ 116795

Sec. ~~5111.706~~ 5163.096. An individual participating in the 116796
medicaid buy-in for workers with disabilities program may continue 116797
to participate in the program for up to six months even though the 116798
individual ceases to have earnings from employment or to be an 116799
employed individual with a medically improved disability due to 116800
ceasing to be employed if the individual continues to meet all 116801
other eligibility requirements for the program. 116802

Sec. ~~5111.707~~ 5163.097. If the United States secretary of 116803
health and human services requires that a provision ~~in the~~ 116804
~~amendment to the state medicaid plan or the federal waiver request~~ 116805
~~submitted under section 5111.70 of the Revised Code~~ of the 116806
medicaid buy-in for workers with disabilities program be changed 116807
or removed in order for the secretary to approve the ~~amendment or~~ 116808
~~waiver~~ program or to avoid an extended delay in the secretary's 116809
approval, the medicaid director ~~of job and family services~~ shall 116810
make the change or removal. The change or removal may cause the 116811
medicaid buy-in for workers with disabilities program to include a 116812
provision that is inconsistent with sections ~~5111.70~~ 5163.09 to 116813
~~5111.706~~ 5163.096 of the Revised Code. Such a change or removal 116814
shall be made only to the extent necessary to obtain the United 116815
States secretary's approval or avoid an extended delay in the 116816

secretary's approval and shall be reflected in rules ~~adopted under~~ 116817
authorized by section ~~5111.708~~ 5163.098 of the Revised Code. 116818

Sec. ~~5111.708~~ 5163.098. (A) The medicaid director ~~of job and~~ 116819
~~family services~~ shall adopt rules ~~in accordance with Chapter 119.~~ 116820
under section 5163.02 of the Revised Code as necessary to 116821
implement the medicaid buy-in for workers with disabilities 116822
program. The rules shall do all of the following: 116823

(1) Specify assets, asset values, and amounts to be 116824
disregarded in determining asset and income eligibility limits for 116825
the program; 116826

(2) Establish meanings for the terms "earned income," "health 116827
insurance," "resources," "spouse," and "unearned income"; 116828

(3) Establish additional eligibility requirements for the 116829
program that must be established for the United States secretary 116830
of health and human services to approve the program; 116831

(4) For the purpose of division (B) of section ~~5111.704~~ 116832
5163.094 of the Revised Code, specify an amount to be subtracted 116833
from the difference determined under division (A) of that section. 116834

(B) The director may adopt rules ~~in accordance with Chapter~~ 116835
~~119.~~ under section 5163.02 of the Revised Code to specify amounts 116836
to be disregarded from an individual's earned income, unearned 116837
income, or both under division (C) of section ~~5111.703~~ 5163.093 of 116838
the Revised Code for the purpose of determining whether the 116839
individual is within the income eligibility limit for the medicaid 116840
buy-in for workers with disabilities program. 116841

Sec. ~~5111.709~~ 5163.099. (A) There is hereby created the 116842
medicaid buy-in advisory council. The council shall consist of all 116843
of the following: 116844

(1) The following voting members: 116845

(a) The executive director of assistive technology of Ohio or the executive director's designee;	116846 116847
(b) The director of the axis center for public awareness of people with disabilities or the director's designee;	116848 116849
(c) The executive director of the cerebral palsy association of Ohio or the executive director's designee;	116850 116851
(d) The chief executive officer of Ohio advocates for mental health or the chief executive officer's designee;	116852 116853
(e) The state director of the Ohio chapter of AARP or the state director's designee;	116854 116855
(f) The director of the Ohio developmental disabilities council created under section 5123.35 of the Revised Code or the director's designee;	116856 116857 116858
(g) The executive director of the governor's council on people with disabilities created under section 3303.41 of the Revised Code or the executive director's designee;	116859 116860 116861
(h) The chairperson of the Ohio Olmstead task force or the chairperson's designee;	116862 116863
(i) The executive director of the Ohio statewide independent living council or the executive director's designee;	116864 116865
(j) The president of the Ohio chapter of the national multiple sclerosis society or the president's designee;	116866 116867
(k) The executive director of the arc of Ohio or the executive director's designee;	116868 116869
(l) The executive director of the commission on minority health or the executive director's designee;	116870 116871
(m) The executive director of the brain injury association of Ohio or the executive director's designee;	116872 116873
(n) The executive officer of any other advocacy organization	116874

who volunteers to serve on the council, or such an executive officer's designee, if the other voting members, at a meeting called by the chairperson elected under division (C) of this section, determine it is appropriate for the advocacy organization to be represented on the council;

(o) One or more participants who volunteer to serve on the council and are selected by the other voting members at a meeting the chairperson calls after the medicaid buy-in for workers with disabilities program is implemented.

(2) The following non-voting members:

(a) The medicaid director ~~of job and family services~~ or the director's designee;

(b) The ~~administrator~~ executive director of the ~~rehabilitation services commission~~ opportunities for Ohioans with disabilities agency or the ~~administrator's~~ executive director's designee;

(c) ~~The director of alcohol and drug addiction services or the director's designee;~~

~~(d)~~ The director of developmental disabilities or the director's designee;

~~(e)~~(d) The director of mental health and addiction services or the director's designee;

~~(f)~~(e) The executive officer of any other government entity, or the executive officer's designee, if the voting members, at a meeting called by the chairperson, determine it is appropriate for the government entity to be represented on the council.

(B) All members of the medicaid buy-in advisory council shall serve without compensation or reimbursement, except as serving on the council is considered part of their usual job duties.

(C) The voting members of the medicaid buy-in advisory

council shall elect one of the members of the council to serve as the council's chairperson for a two-year term. The chairperson may be re-elected to successive terms.

(D) The department of ~~job and family services~~ medicaid shall provide the Ohio medicaid buy-in advisory council with accommodations for the council to hold its meetings and shall provide the council with other administrative assistance the council needs to perform its duties.

Sec. ~~5111.7011~~ 5163.0910. Not less than once each year, the medicaid director of ~~job and family services~~ shall submit a report on the medicaid buy-in for workers with disabilities program to the governor, speaker and minority leader of the house of representatives, president and minority leader of the senate, and chairpersons of the house and senate committees to which the biennial operating budget bill is referred. The report shall include all of the following information:

(A) The number of individuals who participated in the medicaid buy-in for workers with disabilities program;

(B) The cost of the program;

(C) The amount of revenue generated by premiums that participants pay under section ~~5111.704~~ 5163.094 of the Revised Code;

(D) The average amount of earned income of participants' families;

(E) The average amount of time participants have participated in the program;

(F) The types of other health insurance participants have been able to obtain.

Sec. ~~5111.0124~~ 5163.10. (A) As used in this section:

~~"Children's hospital" has the same meaning as in section 2151.86 of the Revised Code.~~ 116934
116935

~~"Federally qualified health center" has the same meaning as in 42 U.S.C. 1396d(1)(2)(B).~~ 116936
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~~"Federally qualified health center look alike" has the same meaning as in section 3701.047 of the Revised Code.~~ 116938
116939

"Presumptive eligibility for pregnant women option" means the option available under the "Social Security Act," section 1920, 42 U.S.C. 1396r-1, to make ambulatory prenatal care available to pregnant women under the medicaid program during presumptive eligibility periods. 116940
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"Qualified provider" has the same meaning as in the "Social Security Act," section 1920(b)(2), 42 U.S.C. 1396r-1(b)(2). 116945
116946

(B) The medicaid director ~~of job and family services~~ shall submit a medicaid state plan amendment to the United States secretary of health and human services to implement the presumptive eligibility for pregnant women option. ~~The director shall include in the medicaid state plan amendment a request to authorize children's~~ Children's hospitals, federally qualified health centers, and federally qualified health center look-alikes, if they are eligible to be qualified providers ~~under 42 U.S.C. 1396r-1(b)(2)~~ and request to serve as qualified providers, ~~to~~ may serve as qualified providers for purposes of the presumptive eligibility for pregnant women option. The director may ~~include in the medicaid state plan amendment a request to~~ authorize other types of providers that are eligible to be qualified providers ~~under 42 U.S.C. 1396r-1(b)(2)~~ and request to serve as qualified providers to serve as qualified providers for purposes of the presumptive eligibility for pregnant women option. ~~The director shall begin to implement the medicaid state plan amendment on the later of April 1, 2012, or a date that is not later than ninety~~ 116947
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~~days after the effective date of the approval of the amendment.~~ 116965

~~The director shall adopt rules under section 5111.011 of the~~ 116966
~~Revised Code as necessary to implement this section.~~ 116967

Sec. ~~5111.0125~~ 5163.101. (A) As used in this section: 116968

~~"Children's hospital" has the same meaning as in section~~ 116969
~~2151.86 of the Revised Code.~~ 116970

~~"Federally qualified health center" has the same meaning as~~ 116971
~~in 42 U.S.C. 1396d(1)(2)(B).~~ 116972

~~"Federally qualified health center look alike" has the same~~ 116973
~~meaning as in section 3701.047 of the Revised Code.~~ 116974

"Presumptive eligibility for children option" means the 116975
option available under the "Social Security Act," section 1920A, 116976
42 U.S.C. 1396r-1a, to make medical assistance with respect to 116977
health care items and services available to children under the 116978
medicaid program during presumptive eligibility periods. 116979

"Qualified entity" has the same meaning as in the "Social 116980
Security Act," section 1920A(b)(3), 42 U.S.C. 1396r-1a(b)(3). 116981

(B) The medicaid director ~~of job and family services~~ shall 116982
~~retain~~ implement the presumptive eligibility for children option 116983
~~that was included in the state medicaid plan on the effective date~~ 116984
~~of this section. The director shall submit a medicaid state plan~~ 116985
~~amendment to the United States secretary of health and human~~ 116986
~~services to authorize children's.~~ Children's hospitals, federally 116987
qualified health centers, and federally qualified health center 116988
look-alikes, if they are eligible to be qualified entities ~~under~~ 116989
~~42 U.S.C. 1396r-1a(b)(3)~~ and request to serve as qualified 116990
entities, ~~to~~ may serve as qualified entities for purposes of the 116991
presumptive eligibility for children option. The director may 116992
~~include in the medicaid state plan amendment a request to~~ 116993
authorize other types of entities that are eligible to be 116994

qualified entities ~~under 42 U.S.C. 1396r-1a(b)(3)~~ and request to 116995
serve as qualified entities to serve as qualified entities for 116996
purposes of the presumptive eligibility for children option. ~~The~~ 116997
~~director shall begin to implement the medicaid state plan~~ 116998
~~amendment on the later of April 1, 2012, or a date that is not~~ 116999
~~later than ninety days after the effective date of the approval of~~ 117000
~~the amendment.~~ 117001

~~The director shall adopt rules under section 5111.011 of the~~ 117002
~~Revised Code as necessary to implement this section.~~ 117003

Sec. ~~5111.15~~ 5163.20. If a medicaid recipient ~~of medical~~ 117004
~~assistance~~ is the beneficiary of a trust created pursuant to 117005
section 5815.28 of the Revised Code, then, notwithstanding any 117006
contrary provision of this chapter or of a rule adopted ~~pursuant~~ 117007
~~to this chapter~~ under section 5163.02 of the Revised Code, 117008
divisions (C) and (D) of that section shall apply in determining 117009
the assets or resources of the recipient, the recipient's estate, 117010
the settlor, or the settlor's estate and to claims arising under 117011
this chapter against the recipient, the recipient's estate, the 117012
settlor, or the settlor's estate. 117013

Sec. ~~5111.151~~ 5163.21. (A)(1) This section applies only to 117014
either of the following: 117015

(a) Initial eligibility determinations for the medicaid 117016
program ~~made by the department of job and family services pursuant~~ 117017
~~to section 5101.47 of the Revised Code or by a county department~~ 117018
~~of job and family services pursuant to section 5111.012 of the~~ 117019
~~Revised Code;~~ 117020

(b) An appeal from ~~a~~ an initial eligibility determination 117021
~~described in division (A)(1)(a) of this section~~ pursuant to 117022
section ~~5101.35~~ 5160.31 of the Revised Code. 117023

(2)(a) Except as provided in division (A)(2)(b) of this 117024

section, this section shall not be used by a court to determine 117025
the effect of a trust on an individual's initial eligibility for 117026
the medicaid program. 117027

(b) The prohibition in division (A)(2)(a) of this section 117028
does not apply to an appeal described in division (A)(1)(b) of 117029
this section. 117030

(B) As used in this section: 117031

(1) "Trust" means any arrangement in which a grantor 117032
transfers real or personal property to a trust with the intention 117033
that it be held, managed, or administered by at least one trustee 117034
for the benefit of the grantor or beneficiaries. "Trust" includes 117035
any legal instrument or device similar to a trust. 117036

(2) "Legal instrument or device similar to a trust" includes, 117037
but is not limited to, escrow accounts, investment accounts, 117038
partnerships, contracts, and other similar arrangements that are 117039
not called trusts under state law but are similar to a trust and 117040
to which all of the following apply: 117041

(a) The property in the trust is held, managed, retained, or 117042
administered by a trustee. 117043

(b) The trustee has an equitable, legal, or fiduciary duty to 117044
hold, manage, retain, or administer the property for the benefit 117045
of the beneficiary. 117046

(c) The trustee holds identifiable property for the 117047
beneficiary. 117048

(3) "Grantor" is a person who creates a trust, including all 117049
of the following: 117050

(a) An individual; 117051

(b) An individual's spouse; 117052

(c) A person, including a court or administrative body, with 117053
legal authority to act in place of or on behalf of an individual 117054

or an individual's spouse; 117055

(d) A person, including a court or administrative body, that 117056
acts at the direction or on request of an individual or the 117057
individual's spouse. 117058

(4) "Beneficiary" is a person or persons, including a 117059
grantor, who benefits in some way from a trust. 117060

(5) "Trustee" is a person who manages a trust's principal and 117061
income for the benefit of the beneficiaries. 117062

(6) "Person" has the same meaning as in section 1.59 of the 117063
Revised Code and includes an individual, corporation, business 117064
trust, estate, trust, partnership, and association. 117065

(7) "Applicant" is an individual who applies for medicaid or 117066
the individual's spouse. 117067

(8) "Recipient" is an individual who receives medicaid or the 117068
individual's spouse. 117069

(9) "Revocable trust" is a trust that can be revoked by the 117070
grantor or the beneficiary, including all of the following, even 117071
if the terms of the trust state that it is irrevocable: 117072

(a) A trust that provides that the trust can be terminated 117073
only by a court; 117074

(b) A trust that terminates on the happening of an event, but 117075
only if the event occurs at the direction or control of the 117076
grantor, beneficiary, or trustee. 117077

(10) "Irrevocable trust" is a trust that cannot be revoked by 117078
the grantor or terminated by a court and that terminates only on 117079
the occurrence of an event outside of the control or direction of 117080
the beneficiary or grantor. 117081

(11) "Payment" is any disbursement from the principal or income 117082
of the trust, including actual cash, noncash or property 117083
disbursements, or the right to use and occupy real property. 117084

(12) "Payments to or for the benefit of the applicant or recipient" is a payment to any person resulting in a direct or indirect benefit to the applicant or recipient.

(13) "Testamentary trust" is a trust that is established by a will and does not take effect until after the death of the person who created the trust.

(C)(1) If an applicant or recipient is a beneficiary of a trust, the applicant or recipient shall submit a complete copy of the trust instrument to the county department of job and family services and the department of medicaid. A copy shall be considered complete if it contains all pages of the trust instrument and all schedules, attachments, and accounting statements referenced in or associated with the trust. The copy is confidential and is not subject to disclosure under section 149.43 of the Revised Code.

(2) On receipt of a copy of a trust instrument or otherwise determining that an applicant or recipient is a beneficiary of a trust, the county department of job and family services shall determine what type of trust it is and shall treat the trust in accordance with the appropriate provisions of this section and rules adopted ~~by the department of job and family services under section 5163.02 of the Revised Code~~ governing trusts. The county department of job and family services may determine that any of the following is the case regarding the trust or portion of the trust:

(a) ~~Is~~ It is a resource available to the applicant or recipient;

(b) ~~Contains~~ It contains income available to the applicant or recipient;

(c) ~~Constitutes both items described in divisions~~ Divisions (C)~~(1)~~(2)(a) and (b) of this section are both applicable;

(d) ~~Is neither an item described in~~ Neither division 117116
(C)~~(1)~~(2)(a) nor ~~(C)~~(1)(b) of this section is applicable. 117117

~~(2)~~(3) Except as provided in division (F) of this section, a 117118
trust or portion of a trust that is a resource available to the 117119
applicant or recipient or contains income available to the 117120
applicant or recipient shall be counted for purposes of 117121
determining medicaid eligibility. 117122

(D)(1) A trust or legal instrument or device similar to a 117123
trust shall be considered a medicaid qualifying trust if all of 117124
the following apply: 117125

(a) The trust was established on or prior to August 10, 1993. 117126

(b) The trust was not established by a will. 117127

(c) The trust was established by an applicant or recipient. 117128

(d) The applicant or recipient is or may become the 117129
beneficiary of all or part of the trust. 117130

(e) Payment from the trust is determined by one or more 117131
trustees who are permitted to exercise any discretion with respect 117132
to the distribution to the applicant or recipient. 117133

(2) If a trust meets the requirement of division (D)(1) of 117134
this section, the amount of the trust that is considered by the 117135
county department of job and family services to be a resource 117136
available to the applicant or recipient shall be the maximum 117137
amount of payments permitted under the terms of the trust to be 117138
distributed to the applicant or recipient, assuming the full 117139
exercise of discretion by the trustee or trustees. The maximum 117140
amount shall include only amounts that are permitted to be 117141
distributed but are not distributed from either the income or 117142
principal of the trust. 117143

(3) Amounts that are actually distributed from a medicaid 117144
qualifying trust to a beneficiary for any purpose shall be treated 117145

in accordance with rules adopted ~~by the department of job and~~ 117146
~~family services under section 5163.02 of the Revised Code~~ 117147
governing income. 117148

(4) Availability of a medicaid qualifying trust shall be 117149
considered without regard to any of the following: 117150

(a) Whether or not the trust is irrevocable or was 117151
established for purposes other than to enable a grantor to qualify 117152
for medicaid, ~~medical assistance for covered families and~~ 117153
~~children, or as a qualified medicare beneficiary, specified~~ 117154
~~low income medicare beneficiary, qualifying individual 1, or~~ 117155
~~qualifying individual 2;~~ 117156

(b) Whether or not the trustee actually exercises discretion. 117157

(5) If any real or personal property is transferred to a 117158
medicaid qualifying trust that is not distributable to the 117159
applicant or recipient, the transfer shall be considered an 117160
improper disposition of assets and shall be subject to section 117161
~~5111.0116~~ 5163.30 of the Revised Code and rules to implement that 117162
section adopted under section ~~5111.011~~ 5163.02 of the Revised 117163
Code. 117164

(6) The baseline date for the look-back period for 117165
disposition of assets involving a medicaid qualifying trust shall 117166
be the date on which the applicant or recipient is both 117167
institutionalized and first applies for medicaid. 117168

(E)(1) A trust or legal instrument or device similar to a 117169
trust shall be considered a self-settled trust if all of the 117170
following apply: 117171

(a) The trust was established on or after August 11, 1993. 117172

(b) The trust was not established by a will. 117173

(c) The trust was established by an applicant or recipient, 117174
spouse of an applicant or recipient, or a person, including a 117175

court or administrative body, with legal authority to act in place 117176
of or on behalf of an applicant, recipient, or spouse, or acting 117177
at the direction or on request of an applicant, recipient, or 117178
spouse. 117179

(2) A trust that meets the requirements of division (E)(1) of 117180
this section and is a revocable trust shall be treated by the 117181
county department of job and family services as follows: 117182

(a) The corpus of the trust shall be considered a resource 117183
available to the applicant or recipient. 117184

(b) Payments from the trust to or for the benefit of the 117185
applicant or recipient shall be considered unearned income of the 117186
applicant or recipient. 117187

(c) Any other payments from the trust shall be considered an 117188
improper disposition of assets and shall be subject to section 117189
~~5111.0116~~ 5163.30 of the Revised Code and rules to implement that 117190
section adopted under section ~~5111.011~~ 5163.02 of the Revised 117191
Code. 117192

(3) A trust that meets the requirements of division (E)(1) of 117193
this section and is an irrevocable trust shall be treated by the 117194
county department of job and family services as follows: 117195

(a) If there are any circumstances under which payment from 117196
the trust could be made to or for the benefit of the applicant or 117197
recipient, including a payment that can be made only in the 117198
future, the portion from which payments could be made shall be 117199
considered a resource available to the applicant or recipient. The 117200
county department of job and family services shall not take into 117201
account when payments can be made. 117202

(b) Any payment that is actually made to or for the benefit 117203
of the applicant or recipient from either the corpus or income 117204
shall be considered unearned income. 117205

(c) If a payment is made to someone other than to the applicant or recipient and the payment is not for the benefit of the applicant or recipient, the payment shall be considered an improper disposition of assets and shall be subject to section ~~5111.0116~~ 5163.30 of the Revised Code and rules to implement that section adopted under section ~~5111.011~~ 5163.02 of the Revised Code.

(d) The date of the disposition shall be the later of the date of establishment of the trust or the date of the occurrence of the event.

(e) When determining the value of the disposed asset under this provision, the value of the trust shall be its value on the date payment to the applicant or recipient was foreclosed.

(f) Any income earned or other resources added subsequent to the foreclosure date shall be added to the total value of the trust.

(g) Any payments to or for the benefit of the applicant or recipient after the foreclosure date but prior to the application date shall be subtracted from the total value. Any other payments shall not be subtracted from the value.

(h) Any addition of assets after the foreclosure date shall be considered a separate disposition.

(4) If a trust is funded with assets of another person or persons in addition to assets of the applicant or recipient, the applicable provisions of this section and rules adopted ~~by the department of job and family services~~ under section 5163.02 of the Revised Code governing trusts shall apply only to the portion of the trust attributable to the applicant or recipient.

(5) The availability of a self-settled trust shall be considered without regard to any of the following:

(a) The purpose for which the trust is established;	117236
(b) Whether the trustees have exercised or may exercise discretion under the trust;	117237 117238
(c) Any restrictions on when or whether distributions may be made from the trust;	117239 117240
(d) Any restrictions on the use of distributions from the trust.	117241 117242
(6) The baseline date for the look-back period for dispositions of assets involving a self-settled trust shall be the date on which the applicant or recipient is both institutionalized and first applies for medicaid.	117243 117244 117245 117246
(F) The principal or income from any of the following shall not be a resource available to the applicant or recipient:	117247 117248
(1)(a) A special needs trust that meets all of the following requirements:	117249 117250
(i) The trust contains assets of an applicant or recipient under sixty-five years of age and may contain the assets of other individuals.	117251 117252 117253
(ii) The applicant or recipient is disabled as defined in rules adopted by the department of job and family services <u>under section 5163.02 of the Revised Code.</u>	117254 117255 117256
(iii) The trust is established for the benefit of the applicant or recipient by a parent, grandparent, legal guardian, or a court.	117257 117258 117259
(iv) The trust requires that on the death of the applicant or recipient the state will receive all amounts remaining in the trust up to an amount equal to the total amount of medicaid paid <u>payments made</u> on behalf of the applicant or recipient.	117260 117261 117262 117263
(b) If a special needs trust meets the requirements of division (F)(1)(a) of this section and has been established for a	117264 117265

disabled applicant or recipient under sixty-five years of age, the 117266
exemption for the trust granted pursuant to division (F) of this 117267
section shall continue after the disabled applicant or recipient 117268
becomes sixty-five years of age if the applicant or recipient 117269
continues to be disabled as defined in rules adopted ~~by the~~ 117270
~~department of job and family services~~ under section 5163.02 of the 117271
Revised Code. Except for income earned by the trust, the grantor 117272
shall not add to or otherwise augment the trust after the 117273
applicant or recipient attains sixty-five years of age. An 117274
addition or augmentation of the trust by the applicant or 117275
recipient with the applicant's own assets after the applicant or 117276
recipient attains sixty-five years of age shall be treated as an 117277
improper disposition of assets. 117278

(c) Cash distributions to the applicant or recipient shall be 117279
counted as unearned income. All other distributions from the trust 117280
shall be treated as provided in rules adopted ~~by the department of~~ 117281
~~job and family services~~ under section 5163.02 of the Revised Code 117282
governing in-kind income. 117283

(d) Transfers of assets to a special needs trust shall not be 117284
treated as an improper transfer of resources. An asset held prior 117285
to the transfer to the trust shall be considered as a resource 117286
available to the applicant or recipient, income available to the 117287
applicant or recipient, or both a resource and income available to 117288
the individual. 117289

(2)(a) A qualifying income trust that meets all of the 117290
following requirements: 117291

(i) The trust is composed only of pension, social security, 117292
and other income to the applicant or recipient, including 117293
accumulated interest in the trust. 117294

(ii) The income is received by the individual and the right 117295
to receive the income is not assigned or transferred to the trust. 117296

(iii) The trust requires that on the death of the applicant 117297
or recipient the state will receive all amounts remaining in the 117298
trust up to an amount equal to the total amount of medicaid ~~paid~~ 117299
payments made on behalf of the applicant or recipient. 117300

(b) No resources shall be used to establish or augment the 117301
trust. 117302

(c) If an applicant or recipient has irrevocably transferred 117303
or assigned the applicant's or recipient's right to receive income 117304
to the trust, the trust shall not be considered a qualifying 117305
income trust by the county department of job and family services. 117306

(d) Income placed in a qualifying income trust shall not be 117307
counted in determining an applicant's or recipient's eligibility 117308
for medicaid. The recipient of the funds may place any income 117309
directly into a qualifying income trust without those funds 117310
adversely affecting the applicant's or recipient's eligibility for 117311
medicaid. Income generated by the trust that remains in the trust 117312
shall not be considered as income to the applicant or recipient. 117313

(e) All income placed in a qualifying income trust shall be 117314
combined with any income available to the individual that is not 117315
placed in the trust to arrive at a base income figure to be used 117316
for spend down calculations. 117317

(f) The base income figure shall be used for post-eligibility 117318
deductions, including personal needs allowance, monthly income 117319
allowance, family allowance, and medical expenses not subject to 117320
third party payment. Any income remaining shall be used toward 117321
payment of patient liability. Payments made from a qualifying 117322
income trust shall not be combined with the base income figure for 117323
post-eligibility calculations. 117324

(g) The base income figure shall be used when determining the 117325
spend down budget for the applicant or recipient. Any income 117326
remaining after allowable deductions are permitted as provided 117327

under rules adopted ~~by the department of job and family services~~ 117328
under section 5163.02 of the Revised Code shall be considered the 117329
applicant's or recipient's spend down liability. 117330

(3)(a) A pooled trust that meets all of the following 117331
requirements: 117332

(i) The trust contains the assets of the applicant or 117333
recipient of any age who is disabled as defined in rules adopted 117334
~~by the department of job and family services~~ under section 5163.02 117335
of the Revised Code. 117336

(ii) The trust is established and managed by a nonprofit 117337
organization. 117338

(iii) A separate account is maintained for each beneficiary 117339
of the trust but, for purposes of investment and management of 117340
funds, the trust pools the funds in these accounts. 117341

(iv) Accounts in the trust are established by the applicant 117342
or recipient, the applicant's or recipient's parent, grandparent, 117343
or legal guardian, or a court solely for the benefit of 117344
individuals who are disabled. 117345

(v) The trust requires that, to the extent that any amounts 117346
remaining in the beneficiary's account on the death of the 117347
beneficiary are not retained by the trust, the trust pay to the 117348
state the amounts remaining in the trust up to an amount equal to 117349
the total amount of medicaid ~~paid~~ payments made on behalf of the 117350
beneficiary. 117351

(b) Cash distributions to the applicant or recipient shall be 117352
counted as unearned income. All other distributions from the trust 117353
shall be treated as provided in rules adopted ~~by the department of~~ 117354
~~job and family services~~ under section 5163.02 of the Revised Code 117355
governing in-kind income. 117356

(c) Transfers of assets to a pooled trust shall not be 117357

treated as an improper disposition of assets. An asset held prior 117358
to the transfer to the trust shall be considered as a resource 117359
available to the applicant or recipient, income available to the 117360
applicant or recipient, or both a resource and income available to 117361
the applicant or recipient. 117362

(4) A supplemental services trust that meets the requirements 117363
of section 5815.28 of the Revised Code and to which all of the 117364
following apply: 117365

(a) A person may establish a supplemental services trust 117366
pursuant to section 5815.28 of the Revised Code only for another 117367
person who is eligible to receive services through one of the 117368
following agencies: 117369

(i) The department of developmental disabilities; 117370

(ii) A county board of developmental disabilities; 117371

(iii) The department of ~~mental health~~ mental health and
addiction services; 117372
117373

(iv) A board of alcohol, drug addiction, and mental health 117374
services. 117375

(b) A county department of job and family services shall not 117376
determine eligibility for another agency's program. An applicant 117377
or recipient shall do one of the following: 117378

(i) Provide documentation from one of the agencies listed in 117379
division (F)(4)(a) of this section that establishes that the 117380
applicant or recipient was determined to be eligible for services 117381
from the agency at the time of the creation of the trust; 117382

(ii) Provide an order from a court of competent jurisdiction 117383
that states that the applicant or recipient was eligible for 117384
services from one of the agencies listed in division (F)(4)(a) of 117385
this section at the time of the creation of the trust. 117386

(c) At the time the trust is created, the trust principal 117387

does not exceed the maximum amount permitted. The maximum amount 117388
permitted in calendar year 2006 is two hundred twenty-two thousand 117389
dollars. Each year thereafter, the maximum amount permitted is the 117390
prior year's amount plus two thousand dollars. 117391

(d) A county department of job and family services shall 117392
review the trust to determine whether it complies with the 117393
provisions of section 5815.28 of the Revised Code. 117394

(e) Payments from supplemental services trusts shall be 117395
exempt as long as the payments are for supplemental services as 117396
defined in rules adopted ~~by the department of job and family~~ 117397
~~services under section 5163.02 of the Revised Code.~~ All 117398
supplemental services shall be purchased by the trustee and shall 117399
not be purchased through direct cash payments to the beneficiary. 117400

(f) If a trust is represented as a supplemental services 117401
trust and a county department of job and family services 117402
determines that the trust does not meet the requirements provided 117403
in division (F)(4) of this section and section 5815.28 of the 117404
Revised Code, the county department of job and family services 117405
shall not consider it an exempt trust. 117406

(G)(1) A trust or legal instrument or device similar to a 117407
trust shall be considered a trust established by an individual for 117408
the benefit of the applicant or recipient if all of the following 117409
apply: 117410

(a) The trust is created by a person other than the applicant 117411
or recipient. 117412

(b) The trust names the applicant or recipient as a 117413
beneficiary. 117414

(c) The trust is funded with assets or property in which the 117415
applicant or recipient has never held an ownership interest prior 117416
to the establishment of the trust. 117417

(2) Any portion of a trust that meets the requirements of 117418
division (G)(1) of this section shall be a resource available to 117419
the applicant or recipient only if the trust permits the trustee 117420
to expend principal, corpus, or assets of the trust for the 117421
applicant's or recipient's medical care, care, comfort, 117422
maintenance, health, welfare, general well being, or any 117423
combination of these purposes. 117424

(3) A trust that meets the requirements of division (G)(1) of 117425
this section shall be considered a resource available to the 117426
applicant or recipient even if the trust contains any of the 117427
following types of provisions: 117428

(a) A provision that prohibits the trustee from making 117429
payments that would supplant or replace medicaid or other public 117430
assistance; 117431

(b) A provision that prohibits the trustee from making 117432
payments that would impact or have an effect on the applicant's or 117433
recipient's right, ability, or opportunity to receive medicaid or 117434
other public assistance; 117435

(c) A provision that attempts to prevent the trust or its 117436
corpus or principal from being a resource available to the 117437
applicant or recipient. 117438

(4) A trust that meets the requirements of division (G)(1) of 117439
this section shall not be counted as a resource available to the 117440
applicant or recipient if at least one of the following 117441
circumstances applies: 117442

(a) If a trust contains a clear statement requiring the 117443
trustee to preserve a portion of the trust for another beneficiary 117444
or remainderman, that portion of the trust shall not be counted as 117445
a resource available to the applicant or recipient. Terms of a 117446
trust that grant discretion to preserve a portion of the trust 117447
shall not qualify as a clear statement requiring the trustee to 117448

preserve a portion of the trust. 117449

(b) If a trust contains a clear statement requiring the trustee to use a portion of the trust for a purpose other than medical care, care, comfort, maintenance, welfare, or general well being of the applicant or recipient, that portion of the trust shall not be counted as a resource available to the applicant or recipient. Terms of a trust that grant discretion to limit the use of a portion of the trust shall not qualify as a clear statement requiring the trustee to use a portion of the trust for a particular purpose.

(c) If a trust contains a clear statement limiting the trustee to making fixed periodic payments, the trust shall not be counted as a resource available to the applicant or recipient and payments shall be treated in accordance with rules adopted ~~by the department of job and family services~~ under section 5163.02 of the Revised Code governing income. Terms of a trust that grant discretion to limit payments shall not qualify as a clear statement requiring the trustee to make fixed periodic payments.

(d) If a trust contains a clear statement that requires the trustee to terminate the trust if it is counted as a resource available to the applicant or recipient, the trust shall not be counted as such. Terms of a trust that grant discretion to terminate the trust do not qualify as a clear statement requiring the trustee to terminate the trust.

(e) If a person obtains a judgment from a court of competent jurisdiction that expressly prevents the trustee from using part or all of the trust for the medical care, care, comfort, maintenance, welfare, or general well being of the applicant or recipient, the trust or that portion of the trust subject to the court order shall not be counted as a resource available to the applicant or recipient.

(f) If a trust is specifically exempt from being counted as a resource available to the applicant or recipient by a provision of the Revised Code, rules, or federal law, the trust shall not be counted as such.

(g) If an applicant or recipient presents a final judgment from a court demonstrating that the applicant or recipient was unsuccessful in a civil action against the trustee to compel payments from the trust, the trust shall not be counted as a resource available to the applicant or recipient.

(h) If an applicant or recipient presents a final judgment from a court demonstrating that in a civil action against the trustee the applicant or recipient was only able to compel limited or periodic payments, the trust shall not be counted as a resource available to the applicant or recipient and payments shall be treated in accordance with rules adopted ~~by the department of job and family services~~ under section 5163.02 of the Revised Code governing income.

(i) If an applicant or recipient provides written documentation showing that the cost of a civil action brought to compel payments from the trust would be cost prohibitive, the trust shall not be counted as a resource available to the applicant or recipient.

(5) Any actual payments to the applicant or recipient from a trust that meet the requirements of division (G)(1) of this section, including trusts that are not counted as a resource available to the applicant or recipient, shall be treated as provided in rules adopted ~~by the department of job and family services~~ under section 5163.02 of the Revised Code governing income. Payments to any person other than the applicant or recipient shall not be considered income to the applicant or recipient. Payments from the trust to a person other than the applicant or recipient shall not be considered an improper

disposition of assets. 117512

Sec. ~~5111.181~~ 5163.22. (A) The general assembly hereby finds 117513
that the state has an insurable interest in ~~medical assistance~~ 117514
medicaid recipients because of the state's statutory right to 117515
recover from the estate of a recipient state funds used to provide 117516
the recipient with ~~medical care and~~ medicaid services. 117517

(B) As used in this section: 117518

(1) "Beneficiary" means the person or entity designated in a 117519
life insurance policy to receive the proceeds of the policy on the 117520
death of the insured or maturity of the policy. 117521

(2) "Owner" means the person who has the right to designate 117522
the beneficiary of a life insurance policy and to change the 117523
designation. 117524

(C) ~~Notwithstanding section 5111.011 of the Revised Code, the~~ 117525
The value of a life insurance policy that would otherwise be 117526
considered a resource in determining eligibility for the ~~medical~~ 117527
~~assistance~~ medicaid program shall be excluded from any 117528
determination of a person's eligibility for the ~~medical assistance~~ 117529
medicaid program if the owner designates the department of ~~job and~~ 117530
~~family services~~ medicaid as beneficiary of the policy. The 117531
department may pay premiums to keep the policy in force. Premiums 117532
paid by the department are ~~medical assistance~~ medicaid payments 117533
correctly paid on behalf of a ~~medical assistance~~ medicaid 117534
recipient and subject to recovery under section ~~5111.11~~ 5162.21 of 117535
the Revised Code. 117536

(D) The medicaid director ~~of job and family services~~ shall 117537
deposit the proceeds of a life insurance policy that do not exceed 117538
the amount the department may recover against the property and 117539
estate of the owner under section ~~5111.11~~ 5162.21 of the Revised 117540
Code into the general revenue fund. The director shall pay any 117541

remaining proceeds to the person designated by the owner. If the 117542
owner failed to designate a person, the director shall pay the 117543
remaining proceeds to the surviving spouse, or, if there is no 117544
surviving spouse, to the estate of the owner. 117545

(E) If the owner designates the department of ~~job and family~~ 117546
~~services~~ medicaid as the policy's beneficiary, the department 117547
shall notify the owner that the owner may designate a person to 117548
receive proceeds of the policy that exceed the amount the 117549
department may recover against the owner's property and estate 117550
under section ~~5111.11~~ 5162.21 of the Revised Code. The designation 117551
shall be made on a form provided by the department. 117552

~~(F) The department of job and family services shall not 117553
implement this section if implementation would violate any federal 117554
requirement unless the department receives a waiver of the 117555
requirement from the United States department of health and human 117556
services. 117557~~

Sec. ~~5111.0116~~ 5163.30. (A) As used in this section: 117558

(1) "Assets" include all of an individual's income and 117559
resources and those of the individual's spouse, including any 117560
income or resources the individual or spouse is entitled to but 117561
does not receive because of action by any of the following: 117562

(a) The individual or spouse; 117563

(b) A person or government entity, including a court or 117564
administrative agency, with legal authority to act in place of or 117565
on behalf of the individual or spouse; 117566

(c) A person or government entity, including a court or 117567
administrative agency, acting at the direction or on the request 117568
of the individual or spouse. 117569

(2) "Home and community-based services" means home and 117570
community-based services furnished under a medicaid waiver granted 117571

by the United States secretary of health and human services under 117572
the "Social Security Act," section 1915(c) or (d), 42 U.S.C. 117573
1396n(c) or (d). 117574

(3) "Institutionalized individual" means a resident of a 117575
nursing facility, an inpatient in a medical institution for whom a 117576
payment is made based on a level of care provided in a nursing 117577
facility, or an individual described in the "Social Security Act," 117578
section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A)(ii)(VI). 117579

(4) "Look-back date" means the date that is a number of 117580
months specified in rules adopted under section ~~5111.011~~ 5163.02 117581
of the Revised Code immediately before either of the following: 117582

(a) The date an individual becomes an institutionalized 117583
individual if the individual is eligible for medicaid on that 117584
date; 117585

(b) The date an individual applies for medicaid while an 117586
institutionalized individual. 117587

(5) ~~"Nursing facility" has the same meaning as in section~~ 117588
~~5111.20 of the Revised Code.~~ 117589

~~(6)~~ "Nursing facility equivalent services" means services 117590
that are covered by the medicaid program, equivalent to nursing 117591
facility services, provided by an institution that provides the 117592
same level of care as a nursing facility, and provided to an 117593
inpatient of the institution who is a medicaid recipient eligible 117594
for medicaid-covered nursing facility equivalent services. 117595

~~(7) "Nursing facility services" means nursing facility~~ 117596
~~services covered by the medicaid program that a nursing facility~~ 117597
~~provides to a resident of the nursing facility who is a medicaid~~ 117598
~~recipient eligible for medicaid covered nursing facility services.~~ 117599

~~(8)~~ (6) "Undue hardship" means being deprived of either of the 117600
following: 117601

(a) Medical care such that an individual's health or life is 117602
endangered; 117603

(b) Food, clothing, shelter, or other necessities of life. 117604

(B) Except as provided in division (C) of this section and 117605
rules adopted under section ~~5111.011~~ 5163.02 of the Revised Code, 117606
an institutionalized individual is ineligible for nursing facility 117607
services, nursing facility equivalent services, and home and 117608
community-based services if the individual or individual's spouse 117609
disposes of assets for less than fair market value on or after the 117610
look-back date. The institutionalized individual's ineligibility 117611
shall begin on a date determined in accordance with rules adopted 117612
under section ~~5111.011~~ 5163.02 of the Revised Code and shall 117613
continue for a number of months determined in accordance with such 117614
rules. 117615

(C) An institutionalized individual may be granted a waiver 117616
of all or a portion of the period of ineligibility to which the 117617
individual would otherwise be subjected under division (B) of this 117618
section if the ineligibility would cause an undue hardship for the 117619
individual. An institutionalized individual shall be granted a 117620
waiver of all or a portion of the period of ineligibility if the 117621
administrator of the nursing facility in which the individual 117622
resides has notified the individual of a proposed transfer or 117623
discharge under section 3721.16 of the Revised Code due to failure 117624
to pay for the care the nursing facility has provided to the 117625
individual, the individual or the individual's sponsor requests a 117626
hearing on the proposed transfer or discharge in accordance with 117627
section 3721.161 of the Revised Code, and the transfer or 117628
discharge is upheld by a final determination that is not subject 117629
to further appeal. Waivers shall be granted in accordance with 117630
rules adopted under section ~~5111.011~~ 5163.02 of the Revised Code. 117631

(D) To secure compliance with this section, the medicaid 117632
director ~~of job and family services~~ may require an individual, as 117633

a condition of initial or continued eligibility for medicaid, to 117634
provide documentation of the individual's assets up to five years 117635
before the date the individual becomes an institutionalized 117636
individual if the individual is eligible for medicaid on that date 117637
or the date the individual applies for medicaid while an 117638
institutionalized individual. Documentation may include tax 117639
returns, records from financial institutions, and real property 117640
records. 117641

Sec. ~~5111.0117~~ 5163.31. (A) ~~As used in this section and~~ 117642
~~section 5111.0118 of the Revised Code:~~ 117643

~~(1) "ICF/MR services" means intermediate care facility for~~ 117644
~~the mentally retarded services covered by the medicaid program~~ 117645
~~that an intermediate care facility for the mentally retarded~~ 117646
~~provides to a resident of the facility who is a medicaid recipient~~ 117647
~~eligible for medicaid covered intermediate care facility for the~~ 117648
~~mentally retarded services.~~ 117649

~~(2) "Intermediate care facility for the mentally retarded"~~ 117650
~~has the same meaning as in section 5111.20 of the Revised Code.~~ 117651

~~(3) "Nursing facility" has the same meaning as in section~~ 117652
~~5111.20 of the Revised Code.~~ 117653

~~(4) "Nursing facility services" means nursing facility~~ 117654
~~services covered by the medicaid program that a nursing facility~~ 117655
~~provides to a resident of the nursing facility who is a medicaid~~ 117656
~~recipient eligible for medicaid covered nursing facility services.~~ 117657

~~(5) "Other medicaid funded long term care services" has the~~ 117658
~~meaning specified in rules adopted under section 5111.011 of the~~ 117659
~~Revised Code.~~ 117660

~~(B)~~ Except as provided by division ~~(C)~~(A) of this section and 117661
for the purpose of determining whether an aged, blind, or disabled 117662
individual is eligible for nursing facility services, ~~ICF/MR~~ 117663

ICF/IID services, or other medicaid-funded long-term care 117664
services, the medicaid director ~~of job and family services~~ may 117665
consider an aged, blind, or disabled individual's real property to 117666
not be the individual's homestead or principal place of residence 117667
once the individual has resided in a nursing facility, 117668
~~intermediate care facility for the mentally retarded~~ ICF/IID, or 117669
other medical institution for at least thirteen months. 117670

~~(C)~~(B) Division ~~(B)~~(A) of this section does not apply to an 117671
individual if any of the following reside in the individual's real 117672
property that, because of this division, continues to be 117673
considered the individual's homestead or principal place of 117674
residence: 117675

(1) The individual's spouse; 117676

(2) The individual's child if any of the following apply: 117677

(a) The child is under twenty-one years of age. 117678

(b) The child is considered blind or disabled under the 117679
"Social Security Act," section 1614, 42 U.S.C. 1382c. 117680

(c) The child is financially dependent on the individual for 117681
housing as determined in accordance with rules adopted under 117682
section ~~5111.011~~ 5163.02 of the Revised Code. 117683

(3) The individual's sibling if the sibling has a verified 117684
equity interest in the real property and resided in the real 117685
property for at least one year immediately before the date the 117686
individual was admitted to the nursing facility, ~~intermediate care~~ 117687
~~facility for the mentally retarded~~ ICF/IID, or other medical 117688
institution. 117689

Sec. ~~5111.0118~~ 5163.32. (A) Except as otherwise provided by 117690
this section, no individual shall qualify for nursing facility 117691
services or other medicaid-funded long-term care services if the 117692
individual's equity interest in the individual's home exceeds five 117693

hundred thousand dollars. The medicaid director ~~of job and family~~ 117694
~~services~~ shall increase this amount effective January 1, 2011, and 117695
the first day of each year thereafter, by the percentage increase 117696
in the consumer price index for all urban consumers (all items; 117697
United States city average), rounded to the nearest one thousand 117698
dollars. 117699

(B) This section does not apply to an individual if either of 117700
the following applies: 117701

(1) Either of the following lawfully reside in the 117702
individual's home: 117703

(a) The individual's spouse; 117704

(b) The individual's child if the child is under twenty-one 117705
years of age or, under the "Social Security Act," section 1614, 42 117706
U.S.C. 1382c, considered blind or disabled. 117707

(2) The individual qualifies, pursuant to the process 117708
established under division (C) of this section, for a waiver of 117709
this section due to a demonstrated hardship. 117710

(C) The director shall establish a process by which 117711
individuals may obtain a waiver of this section due to a 117712
demonstrated hardship. The process shall be consistent with the 117713
process for such waivers established by the United States 117714
secretary of health and human services under the "Social Security 117715
Act," section 1917(f)(4), 42 U.S.C. 1396p(f)(4). 117716

(D) Nothing in this section shall be construed as preventing 117717
an individual from using a reverse mortgage or home equity loan to 117718
reduce the individual's total equity interest in the home. 117719

Sec. ~~5111.114~~ 5163.33. ~~As used in this section, "nursing~~ 117720
~~facility" and "intermediate care facility for the mentally~~ 117721
~~retarded" have the same meanings as in section 5111.20 of the~~ 117722

~~Revised Code.~~ 117723

(A) In determining the amount of income that a ~~recipient of medical assistance~~ medicaid recipient must apply monthly toward payment of the cost of care in a nursing facility or ~~intermediate care facility for the mentally retarded~~ ICF/IID, the a county department of job and family services shall deduct from the recipient's monthly income a monthly personal needs allowance in accordance with ~~section 1902 of the "Social Security Act," 49 Stat. 620 (1935)~~ section 1902(q), 42 U.S.C.A. 1396a, as amended 1396a(q).

~~For~~ (B) In the case of a resident of a nursing facility, the monthly personal needs allowance shall be as follows:

(1) Prior to January 1, 2014, not less than forty dollars for an individual resident and not less than eighty dollars for a married couple if both spouses are residents of a nursing facility and their incomes are considered available to each other in determining eligibility;

(2) For calendar year 2014, not less than forty-five dollars for an individual resident and not less than ninety dollars for a married couple if both spouses are residents of a nursing facility and their incomes are considered available to each other in determining eligibility;

(3) For calendar year 2015 and each calendar year thereafter, not less than fifty dollars for an individual resident and not less than one hundred dollars for a married couple if both spouses are residents of a nursing facility and their incomes are considered available to each other in determining eligibility.

~~For~~ (C) In the case of a resident of an ~~intermediate care facility for the mentally retarded~~ ICF/IID, the monthly personal needs allowance shall be forty dollars unless the resident has earned income, in which case the monthly personal needs allowance

shall be determined by the ~~state~~ department of ~~job and family~~ 117754
~~services~~ medicaid, or the department's designee, but shall not 117755
exceed one hundred five dollars. 117756

Sec. ~~5111.013~~ 5163.40. (A) ~~The provision of medical~~ 117757
~~assistance to pregnant women and young children who are eligible~~ 117758
~~for medical assistance under division (C)(3) of section 5111.01 of~~ 117759
~~the Revised Code, but who are not otherwise eligible for medical~~ 117760
~~assistance under that section, shall be known as the healthy start~~ 117761
~~program.~~ 117762

~~(B)~~ The department of ~~job and family services~~ medicaid shall 117763
do all of the following with regard to the application procedures 117764
for the healthy start component of the medicaid program: 117765

(1) Establish a short application form for the ~~program~~ 117766
component that requires the applicant to provide no more 117767
information than is necessary for making determinations of 117768
eligibility for the ~~healthy start program~~ component, except that 117769
the form may require applicants to provide their social security 117770
numbers. The form shall include a statement, which must be signed 117771
by the applicant, indicating that she does not choose at the time 117772
of making application for the ~~program~~ component to apply for 117773
assistance provided under any other program administered by the 117774
department or the department of job and family services and that 117775
she understands that she is permitted at any other time to apply 117776
at the county department of job and family services of the county 117777
in which she resides for ~~any~~ other assistance administered by the 117778
department or the department of job and family services. 117779

(2) ~~To the extent permitted by federal law, do~~ Do one or both 117780
of the following: 117781

(a) Distribute the application form for the ~~program~~ component 117782
to each public or private entity that serves as a women, infants, 117783
and children clinic or as a child and family health clinic and to 117784

each administrative body for such clinics and train employees of 117785
each such ~~agency clinic~~ or ~~entity administrative body~~ to provide 117786
applicants assistance in completing the form; 117787

(b) In cooperation with the department of health, develop 117788
arrangements under which employees of county departments of job 117789
and family services are stationed at public or private ~~agencies or~~ 117790
entities selected by the department of ~~job and family services~~ 117791
medicaid that serve as women, infants, and children clinics; child 117792
and family health clinics; or administrative bodies for such 117793
clinics for the purpose both of assisting applicants for the 117794
program component in completing the application form and of making 117795
determinations at that location of eligibility for the ~~program~~ 117796
component. 117797

(3) Establish performance standards by which a county 117798
department of job and family services' level of enrollment of 117799
persons potentially eligible for the program component can be 117800
measured, and establish acceptable levels of enrollment for each 117801
county department. 117802

(4) Direct any county department of job and family services 117803
whose rate of enrollment of potentially eligible enrollees in the 117804
program component is below acceptable levels established under 117805
division ~~(B)~~(A)(3) of this section to implement corrective action. 117806
Corrective action may include but is not limited to any one or 117807
more of the following ~~to the extent permitted by federal law:~~ 117808
117809

(a) Establishing formal referral and outreach methods with 117810
local health departments and local entities receiving funding 117811
through the bureau of maternal and child health; 117812

(b) Designating a specialized intake unit within the county 117813
department for healthy start applicants; 117814

(c) Establishing abbreviated timeliness requirements to 117815

shorten the time between receipt of an application and the 117816
scheduling of an initial application interview; 117817

(d) Establishing a system for telephone scheduling of intake 117818
interviews for applicants; 117819

(e) Establishing procedures to minimize the time an applicant 117820
must spend in completing the application and eligibility 117821
determination process, including permitting applicants to complete 117822
the process at times other than the regular business hours of the 117823
county department and at locations other than the offices of the 117824
county department. 117825

~~(C) To the extent permitted by federal law, local funds, 117826
whether from public or private sources, expended by a county 117827
department for administration of the healthy start program shall 117828
be considered to have been expended by the state for the purpose 117829
of determining the extent to which the state has complied with any 117830
federal requirement that the state provide funds to match federal 117831
funds for medical assistance, except that this division shall not 117832
affect the amount of funds the county is entitled to receive under 117833
section 5101.16, 5101.161, or 5111.012 of the Revised Code. 117834~~

~~(D)~~(B) A county department of job and family services that 117835
maintains offices at more than one location shall accept 117836
applications for the healthy start ~~program~~ component at all of 117837
those locations. 117838

~~(E) The director of job and family services shall adopt rules 117839
in accordance with section 111.15 of the Revised Code as necessary 117840
to implement this section. 117841~~

Sec. ~~5111.0119~~ 5163.45. (A)(1) As used in this section, 117842
subject to division (A)(2) of this section, "state or local 117843
correctional facility" means any of the following: 117844

(a) A "state correctional institution," as defined in section 117845

2967.01 of the Revised Code; 117846

(b) A "local correctional facility," as defined in section 117847
2903.13 of the Revised Code; 117848

(c) A correctional facility that is privately operated and 117849
managed pursuant to section 9.06 of the Revised Code. 117850

(2) "State or local correctional facility" does not include 117851
any facility operated directly by or at the direction of the 117852
department of youth services. 117853

(B) If a person who is confined in a state or local 117854
correctional facility was a medicaid recipient immediately prior 117855
to being confined in the facility, all of the following apply: 117856

(1) The person's eligibility for medicaid while so confined 117857
shall be suspended due to the confinement. 117858

(2) No medicaid payment shall be made for any care, services, 117859
or supplies provided to the person during the suspension described 117860
in division (B)(1) of this section. 117861

(3) The suspension described in division (B)(1) of this 117862
section shall end upon the release of the person from the 117863
confinement. 117864

(4) Except as provided in division (C) of this section, the 117865
person shall not be required to reapply or undergo a 117866
redetermination of eligibility for medicaid when the suspension 117867
described in division (B)(1) of this section ends. 117868

(C) A person may be disenrolled from medicaid any time after 117869
the suspension described in division (B)(1) of this section ends 117870
if the person is no longer eligible for medicaid. A person may be 117871
required to undergo a redetermination of eligibility for medicaid 117872
any time after the suspension described in division (B)(1) of this 117873
section ends if it is time or past time for the person's 117874
eligibility redetermination or the person's circumstances have 117875

changed in a manner warranting a redetermination.	117876
(D) The department of job and family services shall take the	117877
steps necessary to begin implementation of this section not later	117878
than September 1, 2009.	117879
<u>Sec. 5164.01. As used in this chapter:</u>	117880
<u>(A) "Early and periodic screening, diagnostic, and treatment</u>	117881
<u>services" has the same meaning as in the "Social Security Act,"</u>	117882
<u>section 1905(r), 42 U.S.C. 1396d(r).</u>	117883
<u>(B) "Federal financial participation" has the same meaning as</u>	117884
<u>in section 5160.01 of the Revised Code.</u>	117885
<u>(C) "Healthcheck" means the component of the medicaid program</u>	117886
<u>that provides early and periodic screening, diagnostic, and</u>	117887
<u>treatment services.</u>	117888
<u>(D) "Home and community-based services medicaid waiver</u>	117889
<u>component" has the same meaning as in section 5166.01 of the</u>	117890
<u>Revised Code.</u>	117891
<u>(E) "Hospital" has the same meaning as in section 3727.01 of</u>	117892
<u>the Revised Code.</u>	117893
<u>(F) "ICDS participant" means a dual eligible individual who</u>	117894
<u>participates in the integrated care delivery system.</u>	117895
<u>(G) "ICF/IID" has the same meaning as in section 5124.01 of</u>	117896
<u>the Revised Code.</u>	117897
<u>(H) "Integrated care delivery system" and "ICDS" mean the</u>	117898
<u>demonstration project authorized by section 5164.91 of the Revised</u>	117899
<u>Code.</u>	117900
<u>(I) "Mandatory services" means the health care services and</u>	117901
<u>items that must be covered by the medicaid state plan as a</u>	117902
<u>condition of the state receiving federal financial participation</u>	117903
<u>for the medicaid program.</u>	117904

(J) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 117905
117906

(K) "Medicaid provider" means a person or government entity with a valid provider agreement to provide medicaid services to medicaid recipients. To the extent appropriate in the context, "medicaid provider" includes a person or government entity applying for a provider agreement, a former medicaid provider, or both. 117907
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(L) "Medicaid services" means either or both of the following: 117913
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(1) Mandatory services; 117915

(2) Optional services that the medicaid program covers. 117916

(M) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 117917
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(N) "Optional services" means the health care services and items that may be covered by the medicaid state plan or a federal medicaid waiver and for which the medicaid program receives federal financial participation. 117919
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117922

(O) "Prescribed drug" has the same meaning as in 42 C.F.R. 440.120. 117923
117924

(P) "Provider agreement" means an agreement to which all of the following apply: 117925
117926

(1) It is between a medicaid provider and the department of medicaid; 117927
117928

(2) It provides for the medicaid provider to provide medicaid services to medicaid recipients; 117929
117930

(3) It complies with 42 C.F.R. 431.107(b). 117931

(O) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code. 117932
117933

~~Sec. 5111.02 5164.02. (A) The director of job and family services shall adopt, and may amend or rescind, rules under medicaid director shall adopt rules as necessary to implement this chapter. The rules shall be adopted in accordance with Chapter 119. of the Revised Code establishing the amount, duration, and scope of medicaid services. The rules shall be consistent with federal and state law. The rules may be different for different medicaid services. The~~ 117934
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~~(B) The rules shall establish all of the following:~~ 117942

~~(A) The conditions under which the medicaid program shall cover and reimburse medicaid services;~~ 117943
117944

~~(B) The method of reimbursement applicable to each medicaid service (1) The amount, duration, and scope of the medicaid services covered by the medicaid program;~~ 117945
117946
117947

~~(C)(2) The payment amount of reimbursement for each medicaid service or, in lieu of amounts the payment amount, methods the method by which amounts are the payment amount is to be determined for each medicaid service;~~ 117948
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117951

~~(D)(3) Procedures for enforcing the rules adopted under this section that provide due process protections, including procedures for corrective action plans for, and imposing financial and administrative sanctions on, persons and government entities that violate the rules.~~ 117952
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~~(C) The rules may be different for different medicaid services.~~ 117957
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~~(D) The medicaid director is not required to adopt a rule establishing the payment amount for a medicaid service if the director adopts a rule establishing the method by which the payment amount is to be determined for the medicaid service and makes the payment amount available on the internet web site~~ 117959
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maintained by the department of medicaid. 117964

Sec. 5164.03. (A) The medicaid program shall cover all 117965
mandatory services. 117966

(B) The medicaid program shall cover all of the optional 117967
services that state statutes require the medicaid program to 117968
cover. 117969

(C) The medicaid program may cover any of the optional 117970
services to which either of the following applies: 117971

(1) State statutes expressly permit the medicaid program to 117972
cover the optional service; 117973

(2) State statutes do not address whether the medicaid 117974
program may cover the optional service. 117975

(D) The medicaid program shall not cover any optional 117976
services that state statutes prohibit the medicaid program from 117977
covering. 117978

Sec. ~~5111.04~~ 5164.05. (A) As used in this section: 117979

(1) "Outpatient health facility" means a facility that 117980
provides comprehensive primary health services by or under the 117981
direction of a physician at least five days per week on a 117982
forty-hour per week basis to outpatients, is operated by the board 117983
of health of a city or general health district or another public 117984
agency or by a nonprofit private agency or organization under the 117985
direction and control of a governing board that has no 117986
health-related responsibilities other than the direction and 117987
control of one or more such outpatient health facilities, and 117988
receives at least seventy-five per cent of its operating funds 117989
from public sources, except that it does not include an outpatient 117990
hospital facility or a federally qualified health center as 117991
defined in ~~Sec. 1905(1) (2)(B)~~ of the "Social Security Act," ~~103~~ 117992

Stat. 2264 (1989) section 1905(1)(2)(B), 42 U.S.C.A. 117993
1396d(1)(2)(B). 117994

(2) "Comprehensive primary health services" means preventive, 117995
diagnostic, therapeutic, rehabilitative, or palliative items or 117996
services that include all of the following: 117997

(a) Services of physicians, physician assistants, and 117998
certified nurse practitioners; 117999

(b) Diagnostic laboratory and radiological services; 118000

(c) Preventive health services, such as children's eye and 118001
ear examinations, perinatal services, well child services, and 118002
family planning services; 118003

(d) Arrangements for emergency medical services; 118004

(e) Transportation services. 118005

(3) "Certified nurse practitioner" has the same meaning as in 118006
section 4723.01 of the Revised Code. 118007

(B) ~~Outpatient~~ Subject to division (C) of this section, the 118008
medicaid program shall cover comprehensive primary health services 118009
provided by outpatient health facilities are a separate category 118010
of medical care provider under the rules governing the 118011
administration of the medical assistance program established under 118012
section 5111.01 of the Revised Code with valid provider 118013
agreements. Rates of reimbursement for items and services provided 118014
by an outpatient health facility under this section shall be 118015
prospectively determined by the ~~The~~ department of job and family 118016
services medicaid shall prospectively determine the medicaid 118017
payment rates for such comprehensive primary health services not 118018
less often than once each year~~7~~. The rates shall not be subject to 118019
retroactive adjustment based on actual costs incurred~~7~~, and. The 118020
rates shall not exceed the maximum fee schedule or rates of 118021
payment, limitations based on reasonable costs or customary 118022

charges, and limitations based on combined payments received for 118023
furnishing comparable services, as are applicable to outpatient 118024
hospital facilities under ~~Title XVIII of the "Social Security Act~~ 118025
medicare program." In determining ~~rates of reimbursement an~~ 118026
outpatient health facility's rate prospectively, the department 118027
shall take into account the historic expenses of the facility, the 118028
operating requirements and services offered by the facility, and 118029
the geographical location of the facility, shall provide 118030
incentives for the efficient and economical utilization of the 118031
facility's resources, and shall ensure that the facility does not 118032
discriminate between classes of persons for whom or by whom 118033
payment for ~~items and the~~ services is made. 118034

(C) ~~A~~ An outpatient health facility does not qualify for 118035
~~classification as an outpatient health facility~~ medicaid payments 118036
under this section unless it: 118037

(1) Has health and medical care policies developed with the 118038
advice of and subject to review by an advisory committee of 118039
professional personnel, including one or more physicians, one or 118040
more dentists if dental care is provided, and one or more 118041
registered nurses; 118042

(2) Has a medical director, a dental director, if dental care 118043
is provided, and a nursing director responsible for the execution 118044
of such policies, and has physicians, dentists, nursing, and 118045
ancillary staff appropriate to the scope of services provided; 118046

(3) Requires that the care of every patient be under the 118047
supervision of a physician, provides for medical care in case of 118048
emergency, has in effect a written agreement with one or more 118049
hospitals and one or more other outpatient facilities, and has an 118050
established system for the referral of patients to other resources 118051
and a utilization review plan and program; 118052

(4) Maintains clinical records on all patients; 118053

(5) Provides nursing services and other therapeutic services 118054
in compliance with applicable laws and rules and under the 118055
supervision of a registered nurse, and has a registered nurse on 118056
duty at all times when the facility is in operation; 118057

(6) Follows approved methods and procedures for the 118058
dispensing and administration of drugs and biologicals; 118059

(7) Maintains the accounting and record-keeping system 118060
required under federal laws and regulations for the determination 118061
of reasonable and allowable costs. 118062

Sec. ~~5111.029~~ 5164.06. The medicaid program shall cover 118063
occupational therapy services provided by an occupational 118064
therapist licensed under section 4755.08 of the Revised Code. 118065
Coverage shall not be limited to services provided in a hospital 118066
or nursing facility. Any licensed occupational therapist may enter 118067
into a ~~medicaid~~ provider agreement with the department of ~~job and~~ 118068
~~family services~~ medicaid to provide occupational therapy services 118069
under the medicaid program. 118070

Sec. ~~5111.018~~ 5164.07. (A) The ~~provision of medical~~ 118071
~~assistance under this chapter~~ medicaid program shall include 118072
coverage of inpatient care and follow-up care for a mother and her 118073
newborn as follows: 118074

(1) The ~~medical assistance~~ medicaid program shall cover a 118075
minimum of forty-eight hours of inpatient care following a normal 118076
vaginal delivery and a minimum of ninety-six hours of inpatient 118077
care following a cesarean delivery. Services covered as inpatient 118078
care shall include medical, educational, and any other services 118079
that are consistent with the inpatient care recommended in the 118080
protocols and guidelines developed by national organizations that 118081
represent pediatric, obstetric, and nursing professionals. 118082

(2) The ~~medical assistance~~ medicaid program shall cover a 118083

physician-directed source of follow-up care. Services covered as 118084
follow-up care shall include physical assessment of the mother and 118085
newborn, parent education, assistance and training in breast or 118086
bottle feeding, assessment of the home support system, performance 118087
of any medically necessary and appropriate clinical tests, and any 118088
other services that are consistent with the follow-up care 118089
recommended in the protocols and guidelines developed by national 118090
organizations that represent pediatric, obstetric, and nursing 118091
professionals. The coverage shall apply to services provided in a 118092
medical setting or through home health care visits. The coverage 118093
shall apply to a home health care visit only if the health care 118094
professional who conducts the visit is knowledgeable and 118095
experienced in maternity and newborn care. 118096

When a decision is made in accordance with division (B) of 118097
this section to discharge a mother or newborn prior to the 118098
expiration of the applicable number of hours of inpatient care 118099
required to be covered, the coverage of follow-up care shall apply 118100
to all follow-up care that is provided within forty-eight hours 118101
after discharge. When a mother or newborn receives at least the 118102
number of hours of inpatient care required to be covered, the 118103
coverage of follow-up care shall apply to follow-up care that is 118104
determined to be medically necessary by the health care 118105
professionals responsible for discharging the mother or newborn. 118106

(B) Any decision to shorten the length of inpatient stay to 118107
less than that specified under division (A)(1) of this section 118108
shall be made by the physician attending the mother or newborn, 118109
except that if a nurse-midwife is attending the mother in 118110
collaboration with a physician, the decision may be made by the 118111
nurse-midwife. Decisions regarding early discharge shall be made 118112
only after conferring with the mother or a person responsible for 118113
the mother or newborn. For purposes of this division, a person 118114
responsible for the mother or newborn may include a parent, 118115

guardian, or any other person with authority to make medical 118116
decisions for the mother or newborn. 118117

(C) The department of ~~job and family services~~ medicaid, in 118118
administering the ~~medical assistance~~ medicaid program, may not do 118119
either of the following: 118120

(1) Terminate the ~~participation~~ provider agreement of a 118121
health care professional or health care facility ~~as a provider~~ 118122
~~under the program~~ solely for making recommendations for inpatient 118123
or follow-up care for a particular mother or newborn that are 118124
consistent with the care required to be covered by this section; 118125

(2) Establish or offer monetary or other financial incentives 118126
for the purpose of encouraging a person to decline the inpatient 118127
or follow-up care required to be covered by this section. 118128

(D) This section does not do any of the following: 118129

(1) Require the ~~medical assistance~~ medicaid program to cover 118130
inpatient or follow-up care that is not received in accordance 118131
with the program's terms pertaining to the health care 118132
professionals and facilities from which ~~an individual~~ a medicaid
recipient is authorized to receive health care services. 118133
118134

(2) Require a mother or newborn to stay in a hospital or 118135
other inpatient setting for a fixed period of time following 118136
delivery; 118137

(3) Require a child to be delivered in a hospital or other 118138
inpatient setting; 118139

(4) Authorize a nurse-midwife to practice beyond the 118140
authority to practice nurse-midwifery in accordance with Chapter 118141
4723. of the Revised Code; 118142

(5) Establish minimum standards of medical diagnosis, care, 118143
or treatment for inpatient or follow-up care for a mother or 118144
newborn. A deviation from the care required to be covered under 118145

this section shall not, on the basis of this section, give rise to 118146
a medical claim or derivative medical claim, as those terms are 118147
defined in section 2305.113 of the Revised Code. 118148

Sec. ~~5111.024~~ 5164.08. (A) As used in this section, 118149
"screening mammography" means a radiologic examination utilized to 118150
detect unsuspected breast cancer at an early stage in asymptomatic 118151
women and includes the x-ray examination of the breast using 118152
equipment that is dedicated specifically for mammography, 118153
including the x-ray tube, filter, compression device, screens, 118154
film, and cassettes, and that has an average radiation exposure 118155
delivery of less than one rad mid-breast. "Screening mammography" 118156
includes two views for each breast. The term also includes the 118157
professional interpretation of the film. 118158

"Screening mammography" does not include diagnostic 118159
mammography. 118160

(B) ~~In addition to any other services required to be included~~ 118161
~~in the program or for which federal approval is received, the~~ 118162
~~medical assistance~~ The medicaid program shall ~~include~~ cover both 118163
of the following if ~~approval for use of federal funds is granted~~ 118164
~~to the department by the federal agency responsible for~~ 118165
~~distributing funds under Title XIX of the "Social Security Act,"~~ 118166
~~49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended:~~ 118167

(1) ~~Effective July 1, 1993, screening~~ Screening mammography 118168
to detect the presence of breast cancer in adult women; 118169

(2) ~~Effective January 1, 1993, cytologic~~ Cytologic screening 118170
for the presence of cervical cancer. 118171

(C) ~~The service provided under medicaid program's coverage of~~ 118172
screening mammography pursuant to division (B)(1) of this section 118173
shall be provided in accordance with all of the following: 118174

(1) If a woman is at least thirty-five years of age but under 118175

forty years of age, one screening mammography; 118176

(2) If a woman is at least forty years of age but under fifty 118177
years of age, either of the following: 118178

(a) One screening mammography every two years; 118179

(b) If a licensed physician has determined that the woman has 118180
risk factors to breast cancer, one screening mammography every 118181
year. 118182

(3) If a woman is at least fifty years of age but under 118183
sixty-five years of age, one screening mammography every year. 118184

(D) The ~~service provided under~~ medicaid program's coverage of 118185
screening mammographies pursuant to division (B)(1) of this 118186
section shall be provided only for screening mammographies that 118187
are performed in a facility or mobile mammography screening unit 118188
that is accredited under the American college of radiology 118189
mammography accreditation program or in a hospital as defined in 118190
section 3727.01 of the Revised Code. 118191

(E) The ~~service provided under~~ medicaid program's coverage of 118192
cytologic screenings pursuant to division (B)(2) of this section 118193
shall be provided only for cytologic screenings that are processed 118194
and interpreted in a laboratory certified by the college of 118195
American pathologists or in a hospital as defined in section 118196
3727.01 of the Revised Code. 118197

Sec. ~~5111.023~~ 5164.15. (A) As used in this section: 118198

(1) "Community mental health ~~agency~~ services provider or 118199
facility" means a community mental health ~~agency~~ services provider 118200
or facility that has its community mental health services 118201
certified by the department of ~~mental health~~ mental health and 118202
addiction services under section ~~5119.611~~ 5119.36 of the Revised 118203
Code or by the department of job and family services under section 118204
5103.03 of the Revised Code. 118205

(2) "Mental health professional" means a person qualified to 118206
work with mentally ill persons under the standards established by 118207
the director of ~~mental health~~ mental health and addiction services 118208
pursuant to section ~~5119.611~~ 5119.36 of the Revised Code. 118209

(B) The ~~state~~ medicaid plan program may ~~include provision of~~ 118210
cover the following mental health services when provided by 118211
community mental health ~~agencies~~ services providers or facilities: 118212

(1) Outpatient mental health services, including, but not 118213
limited to, preventive, diagnostic, therapeutic, rehabilitative, 118214
and palliative interventions rendered to individuals in an 118215
individual or group setting by a mental health professional in 118216
accordance with a plan of treatment appropriately established, 118217
monitored, and reviewed; 118218

(2) Partial-hospitalization mental health services rendered 118219
by persons directly supervised by a mental health professional; 118220

(3) Unscheduled, emergency mental health services of a kind 118221
ordinarily provided to persons in crisis when rendered by persons 118222
supervised by a mental health professional; 118223

(4) ~~Subject to receipt of federal approval, assertive~~ 118224
Assertive community treatment and intensive home-based mental 118225
health services. 118226

(C) The department of ~~job and family services~~ medicaid shall 118227
enter into a separate contract with the department of ~~mental~~ 118228
~~health~~ mental health and addiction services under section ~~5111.91~~ 118229
5162.35 of the Revised Code with regard to the ~~component of mental~~ 118230
health services the ~~medicaid program provided for by~~ covers 118231
pursuant to this section. 118232

Sec. ~~5111.027~~ 5164.20. ~~If the medicaid program provides~~ 118233
~~prescription drug services to medicaid recipients, the~~ The 118234
medicaid program shall not ~~provide reimbursement for prescription~~ 118235

cover prescribed drugs for treatment of erectile dysfunction. 118236

Sec. ~~5111.042~~ 5164.25. The departments of developmental 118237
disabilities and ~~job and family services~~ medicaid may approve, 118238
reduce, deny, or terminate a medicaid service included in the 118239
individualized service plan developed for a medicaid recipient 118240
with mental retardation or other developmental disability who is 118241
eligible for medicaid case management services. If either 118242
department approves, reduces, denies, or terminates a service, 118243
that department shall timely notify the medicaid recipient that 118244
the recipient may ~~request a hearing under~~ appeal pursuant to 118245
section ~~5101.35~~ 5160.31 of the Revised Code. 118246

Sec. ~~5111.016~~ 5164.26. (A) ~~As used in this section,~~ 118247
~~"healthcheck" has the same meaning as in section 3313.714 of the~~ 118248
~~Revised Code.~~ 118249

(B) The department of ~~job and family services~~ medicaid shall 118250
~~adopt rules in accordance with Chapter 119. of the Revised Code~~ 118251
~~establishing~~ establish a combination of written and oral methods 118252
designed to provide information about healthcheck to all persons 118253
eligible for the program or their parents or guardians. The 118254
department shall ensure that its methods of providing information 118255
are effective. ~~The methods shall comply with federal law and~~ 118256
~~regulations.~~ 118257

Each ~~county department of job and family services or other~~ 118258
entity that distributes or accepts applications for ~~medical~~ 118259
~~assistance~~ medicaid shall prominently display a notice that 118260
complies with the ~~rules adopted~~ methods of providing information 118261
about healthcheck established under this division section. 118262

Sec. 5164.30. No person or government entity may participate 118263
in the medicaid program as a medicaid provider without a valid 118264

provider agreement with the department of medicaid. 118265

Sec. ~~5111.053~~ 5164.301. (A) As used in this section, "group 118266
practice" has the same meaning as in section 4731.65 of the 118267
Revised Code. 118268

(B) The department of ~~job and family services~~ medicaid shall 118269
establish a process by which a physician assistant may enter into 118270
a ~~medicaid~~ provider agreement. 118271

(C)(1) Subject to division (C)(2) of this section, a claim 118272
for ~~reimbursement~~ medicaid payment for a medicaid service provided 118273
by a physician assistant to a medicaid recipient may be submitted 118274
by the physician assistant who provided the service or the 118275
physician, group practice, clinic, or other health care facility 118276
that employs the physician assistant. 118277

(2) A claim for ~~reimbursement~~ medicaid payment may be 118278
submitted by the physician assistant who provided the service only 118279
if the physician assistant has a valid provider agreement. When 118280
submitting the claim, the physician assistant shall use only the 118281
medicaid provider number the department has assigned to the 118282
physician assistant. 118283

~~(D) The director of job and family services may adopt rules 118284
under section 5111.02 of the Revised Code to implement this 118285
section.~~ 118286

Sec. ~~5111.063~~ 5164.31. (A) For the purpose of raising funds 118287
necessary to pay the expenses of implementing the provider 118288
screening requirements of subpart E of 42 C.F.R. Part 455 and 118289
except as provided in division (B) of this section, the department 118290
of ~~job and family services~~ medicaid shall ~~charge~~ collect an 118291
application fee ~~to~~ from a medicaid provider ~~seeking to enter into~~ 118292
~~or renew a medicaid provider agreement, unless the provider is~~ 118293

~~exempt from paying the application fee under 42 C.F.R. 455.460(a)~~ 118294
~~before doing any of the following:~~ 118295

(1) Entering into a provider agreement with a medicaid 118296
provider that seeks initial enrollment as a provider; 118297

(2) Entering into a provider agreement with a former medicaid 118298
provider that seeks re-enrollment as a provider; 118299

(3) Revalidating a medicaid provider's continued enrollment 118300
as a provider. The 118301

(B) The department is not to collect an application fee from 118302
a medicaid provider that is exempt from paying the fee under 42 118303
C.F.R. 455.460(a). 118304

(C) The application fees shall be deposited into the health 118305
care services administration fund created under section 5111.94 118306
5162.54 of the Revised Code. Application fees are nonrefundable 118307
when collected in accordance with 42 C.F.R. 455.460(a). 118308

(D) The medicaid director of job and family services shall 118309
adopt rules in accordance with Chapter 119. under section 5164.02 118310
of the Revised Code as necessary to implement this section, 118311
including a rule establishing the amount of the application fee 118312
that is charged to be collected under this section. The amount of 118313
the application fee shall not be set at an amount that is more 118314
than necessary to pay for the expenses of implementing the 118315
provider screening requirements. 118316

Sec. 5111.028 5164.32. (A) ~~Pursuant to section 5111.02 of the~~ 118317
~~Revised Code, the director of job and family services shall adopt~~ 118318
~~rules establishing procedures for the use of time limited provider~~ 118319
~~agreements under the medicaid program. Except as provided in~~ 118320
~~division (E) of this section, all provider agreements shall be~~ 118321
~~time limited in accordance with the procedures established in the~~ 118322
~~rules.~~ 118323

~~The department of job and family services shall phase in the use of time limited provider agreements pursuant to this section during a period commencing not later than January 1, 2008, and ending January 1, 2015.~~

~~(B) In the use of time limited provider agreements pursuant to this section, all of the following apply:~~

~~(1) Each medicaid provider agreement shall expire not later than ~~seven~~ five years from the its effective date of the agreement.~~

~~(2) During the phase in period specified in division (A) of this section, the department may provide for the conversion of. If a provider agreement without a time limit entered into before the effective date of this amendment does not have a time limit, the department of medicaid shall convert the agreement to a provider agreement with a time limit. The department may take an action to convert the provider agreement by sending a notice by regular mail to the address of the provider on record with the department advising the provider of the conversion.~~

~~(3) The department may make the effective date of a provider agreement retroactive for a period not to exceed one year from the date of the provider's application for the agreement, as long as the provider met all medicaid program requirements during that period.~~

~~(C)(B) The medicaid director shall adopt rules under section 5164.02 of the Revised Code as necessary to implement this section. The rules ~~for use of time limited provider agreements pursuant to this section~~ shall be consistent with subpart E of 42 C.F.R. Part 455 and include a process for re-enrollment of providers revalidating medicaid providers' continued enrollments as providers. All of the following apply to the ~~re-enrollment revalidation~~ process:~~

(1) ~~The department of job and family services may terminate a time limited provider agreement or deny re-enrollment shall refuse to revalidate a provider's provider agreement when a the provider fails to file an a complete application for re-enrollment revalidation within the time and in the manner required under the re-enrollment revalidation process.~~ 118355
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(2) If a provider files ~~an a complete~~ application for ~~re-enrollment revalidation~~ within the time and in the manner required under the ~~re-enrollment revalidation~~ process, but the provider agreement expires before the department acts on the application or before the effective date of the department's decision on the application, the provider, subject to division (B)(3) of this section, may continue operating under the terms of the expired provider agreement until the effective date of the department's decision. 118361
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(3) ~~A decision by the department to approve an application for re-enrollment becomes effective on the date of the department's decision. A decision by the department to deny re-enrollment shall take effect not sooner than thirty days after the date the department mails written notice of the decision to the provider. The department shall specify in the notice the date on which the provider is required to cease operating under the provider agreement~~ If a provider continues operating under the terms of an expired provider agreement pursuant to division (B)(2) of this section and the department denies the provider's application for revalidation, medicaid payments shall not be made for services or items the provider provides during the period beginning on the date the provider agreement expired and ending on the effective date of a subsequent provider agreement, if any, the department enters into with the provider. 118370
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~~(D) Pursuant to section 5111.06 of the Revised Code, the department is not required to take the actions specified in~~ 118385
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~~division (C)(1) of this section by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code.~~

~~(E) The use of time limited provider agreements pursuant to this section does not apply to provider agreements issued to the following, including any provider agreements issued to the following that are otherwise time limited under the medicaid program:~~

~~(1) A managed care organization under contract with the department pursuant to section 5111.17 of the Revised Code;~~

~~(2) A nursing facility, as defined in section 5111.20 of the Revised Code;~~

~~(3) An intermediate care facility for the mentally retarded, as defined in section 5111.20 of the Revised Code;~~

~~(4) A hospital.~~

Sec. 5164.33. (A) The medicaid director may do the following for any reason permitted or required by federal law and when the director determines that the action is in the best interests of medicaid recipients or the state:

(1) Deny, refuse to revalidate, suspend, or terminate a provider agreement;

(2) Exclude an individual, provider of services or goods, or other entity from participation in the medicaid program.

(B) No individual, provider, or entity excluded from participation in the medicaid program under this section shall do any of the following:

(1) Own, or provide services to, any other medicaid provider or risk contractor;

(2) Arrange for, render, or order services for medicaid

<u>recipients during the period of exclusion;</u>	118416
<u>(3) During the period of exclusion, receive direct payments</u>	118417
<u>under the medicaid program or indirect payments of medicaid funds</u>	118418
<u>in the form of salary, shared fees, contracts, kickbacks, or</u>	118419
<u>rebates from or through any other medicaid provider or risk</u>	118420
<u>contractor.</u>	118421
<u>(C) An individual, provider, or entity excluded from</u>	118422
<u>participation in the medicaid program under this section may</u>	118423
<u>request a reconsideration of the exclusion. The director shall</u>	118424
<u>adopt rules under section 5164.02 of the Revised Code governing</u>	118425
<u>the process for requesting a reconsideration.</u>	118426
<u>(D) Nothing in this section limits the applicability of</u>	118427
<u>section 5164.38 of the Revised Code to a medicaid provider.</u>	118428
Sec. 5111.032 <u>5164.34</u>. (A) As used in this section:	118429
(1) "Criminal records check" has the same meaning as in	118430
section 109.572 of the Revised Code.	118431
(2) "Disqualifying offense" means any of the offenses listed	118432
or described in divisions (A)(3)(a) to (e) of section 109.572 of	118433
the Revised Code.	118434
(3) "Owner" means a person who has an ownership interest in a	118435
<u>medicaid</u> provider or applicant to be a provider in an amount	118436
designated in rules adopted under <u>authorized by</u> this section.	118437
(4) "Person subject to the criminal records check	118438
requirement" means the following:	118439
(a) A <u>medicaid</u> provider or applicant to be a provider who is	118440
notified under division (E)(1) of this section that the provider	118441
or applicant is subject to a criminal records check;	118442
(b) An owner or prospective owner, officer or prospective	118443
officer, or board member or prospective board member of a <u>medicaid</u>	118444

~~provider or applicant to be a provider~~ if, pursuant to division 118445
(E)(1)(a) of this section, the owner or prospective owner, officer 118446
or prospective officer, or board member or prospective board 118447
member is specified in information given to the provider ~~or~~ 118448
~~applicant~~ under division (E)(1) of this section; 118449

(c) An employee or prospective employee of a medicaid 118450
~~provider or applicant to be a provider~~ if both of the following 118451
apply: 118452

(i) The employee or prospective employee is specified, 118453
pursuant to division (E)(1)(b) of this section, in information 118454
given to the provider ~~or applicant~~ under division (E)(1) of this 118455
section. 118456

(ii) The provider ~~or applicant~~ is not prohibited by division 118457
(D)(3)(b) of this section from employing the employee or 118458
prospective employee. 118459

(5) ~~"Provider" means a person, institution, or entity that~~ 118460
~~has a medicaid provider agreement with the department of job and~~ 118461
~~family services.~~ 118462

~~(6)~~ "Responsible entity" means the following: 118463

(a) With respect to a criminal records check required under 118464
this section for a medicaid provider ~~or applicant to be a~~ 118465
~~provider~~, the department of ~~job and family services~~ medicaid or 118466
the department's designee; 118467

(b) With respect to a criminal records check required under 118468
this section for an owner or prospective owner, officer or 118469
prospective officer, board member or prospective board member, or 118470
employee or prospective employee of a medicaid provider ~~or~~ 118471
~~applicant to be a provider~~, the provider ~~or applicant~~. 118472

(B) This section does not apply to any individual who is 118473
subject to a criminal records check under section 3712.09, 118474

3721.121, ~~5111.034~~, 5123.081, ~~or 5123.169~~, or 5164.341 of the 118475
Revised Code or any individual who is subject to a database review 118476
or criminal records check under section ~~173.394~~ 173.38, 3701.881, 118477
or ~~5111.033~~ 5164.342 of the Revised Code. 118478

(C) The department of ~~job and family services~~ medicaid may do 118479
any of the following: 118480

(1) Require that any medicaid provider ~~or applicant to be a~~ 118481
~~provider~~ submit to a criminal records check as a condition of 118482
~~having~~ obtaining or maintaining a medicaid provider agreement; 118483

(2) Require that any medicaid provider ~~or applicant to be a~~ 118484
~~provider~~ require an owner or prospective owner, officer or 118485
prospective officer, or board member or prospective board member 118486
of the provider ~~or applicant~~ submit to a criminal records check as 118487
a condition of being an owner, officer, or board member of the 118488
provider ~~or applicant~~; 118489

(3) Require that any medicaid provider ~~or applicant to be a~~ 118490
~~provider~~ do the following: 118491

(a) If so required by rules ~~adopted under~~ authorized by this 118492
section, determine pursuant to a database review conducted under 118493
division (F)(1)(a) of this section whether any employee or 118494
prospective employee of the provider ~~or applicant~~ is included in a 118495
database; 118496

(b) Unless the provider ~~or applicant~~ is prohibited by 118497
division (D)(3)(b) of this section from employing the employee or 118498
prospective employee, require the employee or prospective employee 118499
to submit to a criminal records check as a condition of being an 118500
employee of the provider ~~or applicant~~. 118501

(D)(1) The department or the department's designee shall deny 118502
or terminate a medicaid provider's ~~medicaid~~ provider agreement ~~or~~ 118503
~~deny an applicant's application for a medicaid provider agreement~~ 118504
if the provider ~~or applicant~~ is a person subject to the criminal 118505

records check requirement and either of the following applies: 118506

(a) The provider ~~or applicant~~ fails to obtain the criminal 118507
records check after being given the information specified in 118508
division (G)(1) of this section. 118509

(b) Except as provided in rules ~~adopted under~~ authorized by 118510
this section, the provider ~~or applicant~~ is found by the criminal 118511
records check to have been convicted of, or have pleaded guilty 118512
to, ~~or been found eligible for intervention in lieu of conviction~~ 118513
~~for~~ a disqualifying offense, regardless of the date of the 118514
conviction, or the date of entry of the guilty plea, ~~or the date~~ 118515
~~the applicant or provider was found eligible for intervention in~~ 118516
~~lieu of conviction.~~ 118517

(2) No medicaid provider ~~or applicant to be a provider~~ shall 118518
permit a person to be an owner, officer, or board member of the 118519
provider ~~or applicant~~ if the person is a person subject to the 118520
criminal records check requirement and either of the following 118521
applies: 118522

(a) The person fails to obtain the criminal records check 118523
after being given the information specified in division (G)(1) of 118524
this section. 118525

(b) Except as provided in rules ~~adopted under~~ authorized by 118526
this section, the person is found by the criminal records check to 118527
have been convicted of, or have pleaded guilty to, ~~or been found~~ 118528
~~eligible for intervention in lieu of conviction for~~ a 118529
disqualifying offense, regardless of the date of the conviction, 118530
or the date of entry of the guilty plea, ~~or the date the person~~ 118531
~~was found eligible for intervention in lieu of conviction.~~ 118532

(3) No medicaid provider ~~or applicant to be a provider~~ shall 118533
employ a person if any of the following apply: 118534

(a) The person has been excluded from ~~providing services or~~ 118535
~~items under the~~ being a medicaid ~~program~~ provider, the a medicare 118536

~~program operated pursuant to Title XVIII of the "Social Security Act provider,"~~ or provider for any other federal health care program. 118537
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(b) If the person is subject to a database review conducted under division (F)(1)(a) of this section, the person is found by the database review to be included in a database and the rules ~~adopted under~~ authorized by this section regarding the database review prohibit the provider ~~or applicant~~ from employing a person included in the database. 118540
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(c) If the person is a person subject to the criminal records check requirement, either of the following applies: 118546
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(i) The person fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section. 118548
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(ii) Except as provided in rules ~~adopted under~~ authorized by this section, the person is found by the criminal records check to have been convicted of, or have pleaded guilty to, ~~or been found eligible for intervention in lieu of conviction for a~~ disqualifying offense, regardless of the date of the conviction, or the date of entry of the guilty plea, ~~or the date the person was found eligible for intervention in lieu of conviction.~~ 118551
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(E)(1) The department or the department's designee shall inform each medicaid provider ~~or applicant to be a provider~~ whether the provider ~~or applicant~~ is subject to a criminal records check. For providers with valid provider agreements, the information shall be given at times designated in rules ~~adopted under~~ authorized by this section. For ~~applicants~~ providers applying to be medicaid providers, the information shall be given at the time of initial application. When the information is given, the department or the department's designee shall specify the following: 118558
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(a) Which of the provider's ~~or applicant's~~ owners or prospective owners, officers or prospective officers, or board members or prospective board members are subject to a criminal records check; 118568
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(b) Which of the provider's ~~or applicant's~~ employees or prospective employees are subject to division (C)(3) of this section. 118572
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(2) At times designated in rules ~~adopted under~~ authorized by this section, a medicaid provider ~~or applicant to be a provider~~ that is a person subject to the criminal records check requirement shall do the following: 118575
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(a) Inform each person specified under division (E)(1)(a) of this section that the person is required to submit to a criminal records check as a condition of being an owner, officer, or board member of the provider ~~or applicant~~; 118579
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(b) Inform each person specified under division (E)(1)(b) of this section that the person is subject to division (C)(3) of this section. 118583
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(F)(1) If a medicaid provider ~~or applicant to be a provider~~ is a person subject to the criminal records check requirement, the department or the department's designee shall require the conduct of a criminal records check by the superintendent of the bureau of criminal identification and investigation. A medicaid provider ~~or applicant to be a provider~~ shall require the conduct of a criminal records check by the superintendent with respect to each of the persons specified under division (E)(1)(a) of this section. With respect to each employee and prospective employee specified under division (E)(1)(b) of this section, a medicaid provider ~~or applicant to be a provider~~ shall do the following: 118586
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(a) If rules ~~adopted under~~ authorized by this section require the provider ~~or applicant~~ to conduct a database review to 118597
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determine whether the employee or prospective employee is included 118599
in a database, conduct the database review in accordance with the 118600
rules; 118601

(b) Unless the provider ~~or applicant~~ is prohibited by 118602
division (D)(3)(b) of this section from employing the employee or 118603
prospective employee, require the conduct of a criminal records 118604
check of the employee or prospective employee by the 118605
superintendent. 118606

(2) If a person subject to the criminal records check 118607
requirement does not present proof of having been a resident of 118608
this state for the five-year period immediately prior to the date 118609
the criminal records check is requested or provide evidence that 118610
within that five-year period the superintendent has requested 118611
information about the person from the federal bureau of 118612
investigation in a criminal records check, the responsible entity 118613
shall require the person to request that the superintendent obtain 118614
information from the federal bureau of investigation as part of 118615
the criminal records check of the person. Even if the person 118616
presents proof of having been a resident of this state for the 118617
five-year period, the responsible entity may require that the 118618
person request that the superintendent obtain information from the 118619
federal bureau of investigation and include it in the criminal 118620
records check of the person. 118621

(G) Criminal records checks required by this section shall be 118622
obtained as follows: 118623

(1) The responsible entity shall provide each person subject 118624
to the criminal records check requirement information about 118625
accessing and completing the form prescribed pursuant to division 118626
(C)(1) of section 109.572 of the Revised Code and the standard 118627
impression sheet prescribed pursuant to division (C)(2) of that 118628
section. 118629

(2) The person subject to the criminal records check 118630
requirement shall submit the required form and one complete set of 118631
the person's fingerprint impressions directly to the 118632
superintendent for purposes of conducting the criminal records 118633
check using the applicable methods prescribed by division (C) of 118634
section 109.572 of the Revised Code. The person shall pay all fees 118635
associated with obtaining the criminal records check. 118636

(3) The superintendent shall conduct the criminal records 118637
check in accordance with section 109.572 of the Revised Code. The 118638
person subject to the criminal records check requirement shall 118639
instruct the superintendent to submit the report of the criminal 118640
records check directly to the responsible entity. If the 118641
department or the department's designee is not the responsible 118642
entity, the department or designee may require the responsible 118643
entity to submit the report to the department or designee. 118644

(H)(1) A medicaid provider ~~or applicant to be a provider~~ may 118645
employ conditionally a person for whom a criminal records check is 118646
required by this section prior to obtaining the results of the 118647
criminal records check if both of the following apply: 118648

(a) The provider ~~or applicant~~ is not prohibited by division 118649
(D)(3)(b) of this section from employing the person. 118650

(b) The person submits a request for the criminal records 118651
check not later than five business days after the person begins 118652
conditional employment. 118653

(2) A medicaid provider ~~or applicant to be a provider~~ that 118654
employs a person conditionally under division (H)(1) of this 118655
section shall terminate the person's employment if the results of 118656
the criminal records check request are not obtained within the 118657
period ending sixty days after the date the request is made. 118658
Regardless of when the results of the criminal records check are 118659
obtained, if the results indicate that the person has been 118660

convicted of, or has pleaded guilty to, ~~or has been found eligible~~ 118661
~~for intervention in lieu of conviction for~~ a disqualifying 118662
offense, the provider ~~or applicant~~ shall terminate the person's 118663
employment unless circumstances specified in rules ~~adopted under~~ 118664
authorized by this section exist that permit the provider ~~or~~ 118665
~~applicant~~ to employ the person and the provider ~~or applicant~~ 118666
chooses to employ the person. 118667

(I) The report of a criminal records check conducted pursuant 118668
to this section is not a public record for the purposes of section 118669
149.43 of the Revised Code and shall not be made available to any 118670
person other than the following: 118671

(1) The person who is the subject of the criminal records 118672
check or the person's representative; 118673

(2) The medicaid director ~~of job and family services~~ and the 118674
staff of the department who are involved in the administration of 118675
the medicaid program; 118676

(3) The department's designee; 118677

(4) The medicaid provider ~~or applicant to be a provider~~ who 118678
required the person who is the subject of the criminal records 118679
check to submit to the criminal records check; 118680

(5) An individual receiving or deciding whether to receive, 118681
from the subject of the criminal records check, home and 118682
community-based services available under the medicaid state plan; 118683

(6) A court, hearing officer, or other necessary individual 118684
involved in a case dealing with any of the following: 118685

(a) The denial or termination of a ~~medicaid~~ provider 118686
agreement; 118687

(b) A person's denial of employment, termination of 118688
employment, or employment or unemployment benefits; 118689

(c) A civil or criminal action regarding the medicaid 118690

program. 118691

(J) The medicaid director ~~of job and family services~~ may 118692
adopt rules ~~in accordance with Chapter 119.~~ under section 5164.02 118693
of the Revised Code to implement this section. If the director 118694
adopts such rules, the rules shall designate the times at which a 118695
criminal records check must be conducted under this section. The 118696
rules may do any of the following: 118697

(1) Designate the categories of persons who are subject to a 118698
criminal records check under this section; 118699

(2) Specify circumstances under which the department or the 118700
department's designee may continue a medicaid provider agreement 118701
or issue a medicaid provider agreement ~~to an applicant~~ when the 118702
medicaid provider ~~or applicant~~ is found by a criminal records 118703
check to have been convicted of, pleaded guilty to, or been found 118704
eligible for intervention in lieu of conviction for a 118705
disqualifying offense; 118706

(3) Specify circumstances under which a medicaid provider ~~or~~ 118707
~~applicant to be a provider~~ may permit a person to be an employee, 118708
owner, officer, or board member of the provider ~~or applicant~~, when 118709
the person is found by a criminal records check conducted pursuant 118710
to this section to have been convicted of, or have pleaded guilty 118711
~~to, or been found eligible for intervention in lieu of conviction~~ 118712
~~for~~ a disqualifying offense; 118713

(4) Specify all of the following: 118714

(a) The circumstances under which a database review must be 118715
conducted under division (F)(1)(a) of this section to determine 118716
whether an employee or prospective employee of a medicaid provider 118717
~~or applicant to be a provider~~ is included in a database; 118718

(b) The procedures for conducting the database review; 118719

(c) The databases that are to be checked; 118720

(d) The circumstances under which a medicaid provider ~~or~~ 118721
~~applicant to be a provider~~ is prohibited from employing a person 118722
who is found by the database review to be included in a database. 118723

Sec. ~~5111.034~~ 5164.341. (A) As used in this section: 118724

"Anniversary date" means the later of the effective date of 118725
the provider agreement relating to the independent provider or 118726
sixty days after September 26, 2003. 118727

"Applicant" means a person who has applied for a ~~medicaid~~ 118728
provider agreement to provide home and community-based services as 118729
an independent provider under a home and community-based medicaid 118730
waiver component administered by the department of ~~job and family~~ 118731
~~services~~ medicaid. 118732

"Criminal records check" has the same meaning as in section 118733
109.572 of the Revised Code. 118734

"Disqualifying offense" means any of the offenses listed or 118735
described in divisions (A)(3)(a) to (e) of section 109.572 of the 118736
Revised Code. 118737

"Independent provider" means a person who has a ~~medicaid~~ 118738
provider agreement to provide home and community-based services as 118739
an independent provider in a home and community-based services 118740
medicaid waiver component administered by the department of ~~job~~ 118741
~~and family services~~ medicaid. 118742

~~"Home and community based services medicaid waiver component"~~ 118743
~~has the same meaning as in section 5111.85 of the Revised Code.~~ 118744

(B) The department of ~~job and family services~~ medicaid or the 118745
department's designee shall deny an applicant's application for a 118746
~~medicaid~~ provider agreement and shall terminate an independent 118747
provider's ~~medicaid~~ provider agreement if either of the following 118748
applies: 118749

(1) After the applicant or independent provider is given the 118750

information and notification required by divisions (D)(2)(a) and 118751
(b) of this section, the applicant or independent provider fails 118752
to do either of the following: 118753

(a) Access, complete, or forward to the superintendent of the 118754
bureau of criminal identification and investigation the form 118755
prescribed pursuant to division (C)(1) of section 109.572 of the 118756
Revised Code or the standard impression sheet prescribed pursuant 118757
to division (C)(2) of that section; 118758

(b) Instruct the superintendent to submit the completed 118759
report of the criminal records check required by this section 118760
directly to the department or the department's designee. 118761

(2) Except as provided in rules ~~adopted under~~ authorized by 118762
this section, the applicant or independent provider is found by a 118763
criminal records check required by this section to have been 118764
convicted of, or have pleaded guilty to, ~~or been found eligible~~ 118765
~~for intervention in lieu of conviction for~~ a disqualifying 118766
offense, regardless of the date of the conviction, or the date of 118767
entry of the guilty plea, ~~or the date the applicant or independent~~ 118768
~~provider was found eligible for intervention in lieu of~~ 118769
~~conviction.~~ 118770

(C)(1) The department or the department's designee shall 118771
inform each applicant, at the time of initial application for a 118772
~~medicaid~~ provider agreement, that the applicant is required to 118773
provide a set of the applicant's fingerprint impressions and that 118774
a criminal records check is required to be conducted as a 118775
condition of the department's approving the application. 118776

(2) Beginning on September 26, 2003, the department or the 118777
department's designee shall inform each independent provider on or 118778
before the time of the anniversary date of the ~~medicaid~~ provider 118779
agreement that the independent provider is required to provide a 118780
set of the independent provider's fingerprint impressions and that 118781

a criminal records check is required to be conducted. 118782

(D)(1) The department or the department's designee shall 118783
require an applicant to complete a criminal records check prior to 118784
entering into a ~~medicaid~~ provider agreement with the applicant. 118785
The department or the department's designee shall require an 118786
independent provider to complete a criminal records check at least 118787
annually. If an applicant or independent provider for whom a 118788
criminal records check is required by this section does not 118789
present proof of having been a resident of this state for the 118790
five-year period immediately prior to the date the criminal 118791
records check is requested or provide evidence that within that 118792
five-year period the superintendent of the bureau of criminal 118793
identification and investigation has requested information about 118794
the applicant or independent provider from the federal bureau of 118795
investigation in a criminal records check, the department or the 118796
department's designee shall request that the applicant or 118797
independent provider obtain through the superintendent a criminal 118798
records request from the federal bureau of investigation as part 118799
of the criminal records check of the applicant or independent 118800
provider. Even if an applicant or independent provider for whom a 118801
criminal records check request is required by this section 118802
presents proof of having been a resident of this state for the 118803
five-year period, the department or the department's designee may 118804
request that the applicant or independent provider obtain 118805
information through the superintendent from the federal bureau of 118806
investigation in the criminal records check. 118807

(2) The department or the department's designee shall provide 118808
the following to each applicant and independent provider for whom 118809
a criminal records check is required by this section: 118810

(a) Information about accessing, completing, and forwarding 118811
to the superintendent of the bureau of criminal identification and 118812
investigation the form prescribed pursuant to division (C)(1) of 118813

section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section; (b) Written notification that the applicant or independent provider is to instruct the superintendent to submit the completed report of the criminal records check directly to the department or the department's designee. (3) Each applicant and independent provider for whom a criminal records check is required by this section shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for the criminal records check conducted of the applicant or independent provider. (E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following: (1) The person who is the subject of the criminal records check or the person's representative; (2) The medicaid director ~~of job and family services~~ and the staff of the department who are involved in the administration of the medicaid program; (3) The department's designee; (4) An individual ~~who receives~~ receiving or deciding whether to receive home and community-based services from the person who is the subject of the criminal records check; (5) A court, hearing officer, or other necessary individual involved in a case dealing with either of the following: (a) A denial or termination of a provider agreement related

to the criminal records check; 118844

(b) A civil or criminal action regarding the medicaid 118845
program. 118846

(F) The medicaid director ~~of job and family services~~ shall 118847
adopt rules ~~in accordance with Chapter 119. under section 5164.02~~ 118848
of the Revised Code to implement this section. The rules shall 118849
specify circumstances under which the department or the 118850
department's designee may either approve an applicant's 118851
application or allow an independent provider to maintain an 118852
existing ~~medicaid~~ provider agreement even though the applicant or 118853
independent provider is found by a criminal records check required 118854
by this section to have been convicted of, or have pleaded guilty 118855
to, ~~or been found eligible for intervention in lieu of conviction~~ 118856
~~for~~ a disqualifying offense. 118857

Sec. ~~5111.033~~ 5164.342. (A) As used in this section: 118858

"Applicant" means a person who is under final consideration 118859
for employment with a waiver agency in a full-time, part-time, or 118860
temporary position that involves providing home and 118861
community-based services. 118862

"Community-based long-term care agency provider" ~~has the same~~ 118863
~~meaning~~ means a provider as defined in section 173.39 of the 118864
Revised Code. 118865

"Community-based long-term care subcontractor" means a 118866
subcontractor as defined in section 173.38 of the Revised Code. 118867

"Criminal records check" has the same meaning as in section 118868
109.572 of the Revised Code. 118869

"Disqualifying offense" means any of the offenses listed or 118870
described in divisions (A)(3)(a) to (e) of section 109.572 of the 118871
Revised Code. 118872

"Employee" means a person employed by a waiver agency in a 118873

full-time, part-time, or temporary position that involves 118874
providing home and community-based services. 118875

~~"Home and community based services medicaid waiver component"~~ 118876
~~has the same meaning as in section 5111.85 of the Revised Code.~~ 118877

"Waiver agency" means a person or government entity that 118878
provides home and community-based services under a home and 118879
community-based services medicaid waiver component administered by 118880
the department of ~~job and family services~~ medicaid, other than 118881
such a person or government entity that is certified under the 118882
medicare program. "Waiver agency" does not mean an independent 118883
provider as defined in section ~~5111.034~~ 5164.341 of the Revised 118884
Code. 118885

(B) This section does not apply to any individual who is 118886
subject to a database review or criminal records check under 118887
section 3701.881 of the Revised Code. If a waiver agency also is a 118888
community-based long-term care ~~agency~~ provider or community-based 118889
long-term care subcontractor, the waiver agency may provide for 118890
applicants and employees to undergo database reviews and criminal 118891
records checks in accordance with section ~~173.394~~ 173.38 of the 118892
Revised Code rather than this section. 118893

(C) No waiver agency shall employ an applicant or continue to 118894
employ an employee in a position that involves providing home and 118895
community-based services if any of the following apply: 118896

(1) A review of the databases listed in division (E) of this 118897
section reveals any of the following: 118898

(a) That the applicant or employee is included in one or more 118899
of the databases listed in divisions (E)(1) to (5) of this 118900
section; 118901

(b) That there is in the state nurse aide registry 118902
established under section 3721.32 of the Revised Code a statement 118903
detailing findings by the director of health that the applicant or 118904

employee neglected or abused a long-term care facility or 118905
residential care facility resident or misappropriated property of 118906
such a resident; 118907

(c) That the applicant or employee is included in one or more 118908
of the databases, if any, specified in rules ~~adopted under~~ 118909
authorized by this section and the rules prohibit the waiver 118910
agency from employing an applicant or continuing to employ an 118911
employee included in such a database in a position that involves 118912
providing home and community-based services. 118913

(2) After the applicant or employee is given the information 118914
and notification required by divisions (F)(2)(a) and (b) of this 118915
section, the applicant or employee fails to do either of the 118916
following: 118917

(a) Access, complete, or forward to the superintendent of the 118918
bureau of criminal identification and investigation the form 118919
prescribed to division (C)(1) of section 109.572 of the Revised 118920
Code or the standard impression sheet prescribed pursuant to 118921
division (C)(2) of that section; 118922

(b) Instruct the superintendent to submit the completed 118923
report of the criminal records check required by this section 118924
directly to the chief administrator of the waiver agency. 118925

(3) Except as provided in rules ~~adopted under~~ authorized by 118926
this section, the applicant or employee is found by a criminal 118927
records check required by this section to have been convicted of, 118928
or have pleaded guilty to, ~~or been found eligible for intervention~~ 118929
~~in lieu of conviction for~~ a disqualifying offense, regardless of 118930
the date of the conviction, or date of entry of the guilty plea, 118931
~~or the date the applicant or employee was found eligible for~~ 118932
~~intervention in lieu of conviction.~~ 118933

(D) At the time of each applicant's initial application for 118934
employment in a position that involves providing home and 118935

community-based services, the chief administrator of a waiver agency shall inform the applicant of both of the following: 118936
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(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the waiver agency is prohibited by division (C)(1) of this section from employing the applicant in the position; 118938
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(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check. 118942
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(E) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall conduct a database review of the applicant in accordance with rules ~~adopted under~~ authorized by this section. If rules ~~adopted under~~ authorized by this section so require, the chief administrator of a waiver agency shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. A database review shall determine whether the applicant or employee is included in any of the following: 118947
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(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management; 118959
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(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to ~~section 1128 of the~~ "Social Security Act," ~~94 Stat. 2619 (1980)~~ sections 1128 and 118963
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~~1156~~, 42 U.S.C. 1320a-7, ~~as amended~~, and ~~section 1156~~ of the 118967
"Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. 1320c-5, ~~as~~ 118968
~~amended~~; 118969

(3) The registry of MR/DD employees established under section 118970
5123.52 of the Revised Code; 118971

(4) The internet-based sex offender and child-victim offender 118972
database established under division (A)(11) of section 2950.13 of 118973
the Revised Code; 118974

(5) The internet-based database of inmates established under 118975
section 5120.66 of the Revised Code; 118976

(6) The state nurse aide registry established under section 118977
3721.32 of the Revised Code; 118978

(7) Any other database, if any, specified in rules ~~adopted~~ 118979
~~under~~ authorized by this section. 118980

(F)(1) As a condition of employing any applicant in a 118981
position that involves providing home and community-based 118982
services, the chief administrator of a waiver agency shall require 118983
the applicant to request that the superintendent of the bureau of 118984
criminal identification and investigation conduct a criminal 118985
records check of the applicant. If rules ~~adopted under~~ authorized 118986
by this section so require, the chief administrator of a waiver 118987
agency shall require an employee to request that the 118988
superintendent conduct a criminal records check of the employee at 118989
times specified in the rules as a condition of continuing to 118990
employ the employee in a position that involves providing home and 118991
community-based services. However, a criminal records check is not 118992
required for an applicant or employee if the waiver agency is 118993
prohibited by division (C)(1) of this section from employing the 118994
applicant or continuing to employ the employee in a position that 118995
involves providing home and community-based services. If an 118996
applicant or employee for whom a criminal records check request is 118997

required by this section does not present proof of having been a 118998
resident of this state for the five-year period immediately prior 118999
to the date the criminal records check is requested or provide 119000
evidence that within that five-year period the superintendent has 119001
requested information about the applicant or employee from the 119002
federal bureau of investigation in a criminal records check, the 119003
chief administrator shall require the applicant or employee to 119004
request that the superintendent obtain information from the 119005
federal bureau of investigation as part of the criminal records 119006
check. Even if an applicant or employee for whom a criminal 119007
records check request is required by this section presents proof 119008
of having been a resident of this state for the five-year period, 119009
the chief administrator may require the applicant or employee to 119010
request that the superintendent include information from the 119011
federal bureau of investigation in the criminal records check. 119012

(2) The chief administrator shall provide the following to 119013
each applicant and employee for whom a criminal records check is 119014
required by this section: 119015

(a) Information about accessing, completing, and forwarding 119016
to the superintendent of the bureau of criminal identification and 119017
investigation the form prescribed pursuant to division (C)(1) of 119018
section 109.572 of the Revised Code and the standard impression 119019
sheet prescribed pursuant to division (C)(2) of that section; 119020

(b) Written notification that the applicant or employee is to 119021
instruct the superintendent to submit the completed report of the 119022
criminal records check directly to the chief administrator. 119023

(3) A waiver agency shall pay to the bureau of criminal 119024
identification and investigation the fee prescribed pursuant to 119025
division (C)(3) of section 109.572 of the Revised Code for any 119026
criminal records check required by this section. However, a waiver 119027
agency may require an applicant to pay to the bureau the fee for a 119028
criminal records check of the applicant. If the waiver agency pays 119029

the fee for an applicant, it may charge the applicant a fee not exceeding the amount the waiver agency pays to the bureau under this section if the waiver agency notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(G)(1) A waiver agency may employ conditionally an applicant for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The waiver agency is not prohibited by division (C)(1) of this section from employing the applicant in a position that involves providing home and community-based services.

(b) The chief administrator of the waiver agency requires the applicant to request a criminal records check regarding the applicant in accordance with division (F)(1) of this section not later than five business days after the applicant begins conditional employment.

(2) A waiver agency that employs an applicant conditionally under division (G)(1) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of, or has pleaded guilty to, ~~or has been found eligible for intervention in lieu of conviction for~~ a disqualifying offense, the waiver agency shall terminate the applicant's employment unless circumstances specified in rules ~~adopted under~~ authorized by this section exist that permit the waiver agency to employ the applicant and the

waiver agency chooses to employ the applicant. 119062

(H) The report of any criminal records check conducted 119063
pursuant to a request made under this section is not a public 119064
record for the purposes of section 149.43 of the Revised Code and 119065
shall not be made available to any person other than the 119066
following: 119067

(1) The applicant or employee who is the subject of the 119068
criminal records check or the representative of the applicant or 119069
employee; 119070

(2) The chief administrator of the waiver agency that 119071
requires the applicant or employee to request the criminal records 119072
check or the administrator's representative; 119073

(3) The medicaid director ~~of job and family services~~ and the 119074
staff of the department who are involved in the administration of 119075
the medicaid program; 119076

(4) The director of aging or the director's designee if the 119077
waiver agency also is a community-based long-term care ~~agency~~ 119078
provider or community-based long-term care subcontractor; 119079

(5) An individual receiving or deciding whether to receive 119080
home and community-based services from the subject of the criminal 119081
records check; 119082

(6) A court, hearing officer, or other necessary individual 119083
involved in a case dealing with any of the following: 119084

(a) A denial of employment of the applicant or employee; 119085

(b) Employment or unemployment benefits of the applicant or 119086
employee; 119087

(c) A civil or criminal action regarding the medicaid 119088
program. 119089

(I) The medicaid director ~~of job and family services~~ shall 119090
adopt rules ~~in accordance with Chapter 119.~~ under section 5164.02 119091

of the Revised Code to implement this section. 119092

(1) The rules may do the following: 119093

(a) Require employees to undergo database reviews and 119094
criminal records checks under this section; 119095

(b) If the rules require employees to undergo database 119096
reviews and criminal records checks under this section, exempt one 119097
or more classes of employees from the requirements; 119098

(c) For the purpose of division (E)(7) of this section, 119099
specify other databases that are to be checked as part of a 119100
database review conducted under this section. 119101

(2) The rules shall specify all of the following: 119102

(a) The procedures for conducting a database review under 119103
this section; 119104

(b) If the rules require employees to undergo database 119105
reviews and criminal records checks under this section, the times 119106
at which the database reviews and criminal records checks are to 119107
be conducted; 119108

(c) If the rules specify other databases to be checked as 119109
part of a database review, the circumstances under which a waiver 119110
agency is prohibited from employing an applicant or continuing to 119111
employ an employee who is found by the database review to be 119112
included in one or more of those databases; 119113

(d) The circumstances under which a waiver agency may employ 119114
an applicant or employee who is found by a criminal records check 119115
required by this section to have been convicted of, or have 119116
~~pleaded guilty to, or been found eligible for intervention in lieu~~ 119117
~~of conviction for~~ a disqualifying offense. 119118

(J) The amendments made by H.B. 487 of the 129th general 119119
assembly to this section do not preclude the department of ~~job and~~ 119120
~~family services~~ medicaid from taking action against a person for 119121

failure to comply with former division (H) of this section as that 119122
division existed on the day preceding ~~the effective date of this~~ 119123
~~amendment~~ January 1, 2013. 119124

Sec. ~~5111.03~~ 5164.35. (A) As used in this section, "owner" 119125
means any person having at least five per cent ownership in a 119126
medicaid provider. 119127

(B)(1) No medicaid provider of services or goods contracting 119128
with the department of job and family services pursuant to the 119129
medicaid program shall, by do any of the following: 119130

(a) By deception, obtain or attempt to obtain payments under 119131
this chapter the medicaid program to which the provider is not 119132
entitled pursuant to the provider's provider agreement, or the 119133
rules of the federal government or the department of job and 119134
family services medicaid director relating to the program. No 119135
provider shall willfully; 119136

(b) Willfully receive payments to which the provider is not 119137
entitled, or willfully; 119138

(c) Willfully receive payments in a greater amount than that 119139
to which the provider is entitled; nor shall any provider falsify 119140

(d) Falsify any report or document required by state or 119141
federal law, rule, or provider agreement relating to medicaid 119142
payments. As used in this section, a 119143

(2) A medicaid provider engages in "deception" for the 119144
purpose of this section when the provider, acting with actual 119145
knowledge of the representation or information involved, acting in 119146
deliberate ignorance of the truth or falsity of the representation 119147
or information involved, or acting in reckless disregard of the 119148
truth or falsity of the representation or information involved, 119149
deceives another or causes another to be deceived by any false or 119150
misleading representation, by withholding information, by 119151

preventing another from acquiring information, or by any other 119152
conduct, act, or omission that creates, confirms, or perpetuates a 119153
false impression in another, including a false impression as to 119154
law, value, state of mind, or other objective or subjective fact. 119155
No proof of specific intent to defraud is required to show, for 119156
purposes of this section, that a medicaid provider has engaged in 119157
deception. 119158

~~(B)~~(C) Any medicaid provider who violates division ~~(A)~~(B) of 119159
this section shall be liable, in addition to any other penalties 119160
provided by law, for all of the following civil penalties: 119161

(1) Payment of interest on the amount of the excess payments 119162
at the maximum interest rate allowable for real estate mortgages 119163
under section 1343.01 of the Revised Code on the date the payment 119164
was made to the provider for the period from the date upon which 119165
payment was made, to the date upon which repayment is made to the 119166
state; 119167

(2) Payment of an amount equal to three times the amount of 119168
any excess payments; 119169

(3) Payment of a sum of not less than five thousand dollars 119170
and not more than ten thousand dollars for each deceptive claim or 119171
falsification; 119172

(4) All reasonable expenses which the court determines have 119173
been necessarily incurred by the state in the enforcement of this 119174
section. 119175

~~(C) As used in this division, "intermediate care facility for 119176
the mentally retarded" and "nursing facility" have the same 119177
meanings given in section 5111.20 of the Revised Code. 119178~~

(D) In addition to the civil penalties provided in division 119179
~~(B)~~(C) of this section, the medicaid director ~~of job and family 119180
services,~~ upon the conviction of, or the entry of a judgment in 119181
either a criminal or civil action against, a medicaid provider or 119182

its owner, officer, authorized agent, associate, manager, or 119183
employee in an action brought pursuant to section 109.85 of the 119184
Revised Code, shall terminate the provider's provider agreement 119185
~~between the department and the provider~~ and stop ~~reimbursement~~ 119186
payment to the provider for medicaid services rendered from the 119187
date of conviction or entry of judgment. ~~As used in this division,~~ 119188
~~"owner" means any person having at least five per cent ownership~~ 119189
~~in the medicaid provider.~~ No such medicaid provider, owner, 119190
officer, authorized agent, associate, manager, or employee shall 119191
own or provide medicaid services to any other medicaid provider or 119192
risk contractor or arrange for, render, or order medicaid services 119193
for medicaid recipients, nor shall such provider, owner, officer, 119194
authorized agent, associate, manager, or employee receive 119195
~~reimbursement in the form of~~ direct payments ~~from the department~~ 119196
under the medicaid program or indirect payments of medicaid funds 119197
in the form of salary, shared fees, contracts, kickbacks, or 119198
rebates from or through any ~~participating~~ other medicaid provider 119199
or risk contractor. The provider agreement shall not be terminated 119200
~~or reimbursement, and payment shall not be~~ terminated, if the 119201
medicaid provider or owner can demonstrate that the provider or 119202
owner did not directly or indirectly sanction the action of its 119203
authorized agent, associate, manager, or employee that resulted in 119204
the conviction or entry of a judgment in a criminal or civil 119205
action brought pursuant to section 109.85 of the Revised Code. 119206
Nothing in this division prohibits any owner, officer, authorized 119207
agent, associate, manager, or employee of a medicaid provider from 119208
entering into a ~~medicaid~~ provider agreement if the person can 119209
demonstrate that the person had no knowledge of an action of the 119210
medicaid provider the person was formerly associated with that 119211
resulted in the conviction or entry of a judgment in a criminal or 119212
civil action brought pursuant to section 109.85 of the Revised 119213
Code. 119214

Nursing facility ~~or intermediate care facility for the~~ 119215

~~mentally retarded and ICF/IID providers whose provider agreements are terminated pursuant to this section may continue to receive reimbursement medicaid payments for up to thirty days after the effective date of the termination if the provider makes reasonable efforts to transfer medicaid recipients to another facility or to alternate care and if federal funds are financial participation is provided for such reimbursement the payments.~~ 119216
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~~(D) For any reason permitted or required by federal law, the director of job and family services may deny a provider agreement or terminate a provider agreement.~~ 119223
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~~For any reason permitted or required by federal law, the director may exclude an individual, provider of services or goods, or other entity from participation in the medicaid program. No individual, provider, or entity excluded under this division shall own or provide services to any other medicaid provider or risk contractor or arrange for, render, or order services for medicaid recipients during the period of exclusion, nor, during the period of exclusion, shall such individual, provider, or entity receive reimbursement in the form of direct payments from the department or indirect payments of medicaid funds in the form of salary, shared fees, contracts, kickbacks, or rebates from or through any participating provider or risk contractor. An excluded individual, provider, or entity may request a reconsideration of the exclusion. The director shall adopt rules in accordance with Chapter 119. of the Revised Code governing the process for requesting a reconsideration.~~ 119226
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~~Nothing in this division limits the applicability of section 5111.06 of the Revised Code to a medicaid provider.~~ 119242
119243

~~(E) Any provider of services or goods contracting with the department of job and family services pursuant to Title XIX of the "Social Security Act," who, without intent, obtains payments under this chapter in excess of the amount to which the provider is~~ 119244
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~~entitled, thereby becomes liable for payment of interest on the amount of the excess payments at the maximum real estate mortgage rate on the date the payment was made to the provider for the period from the date upon which payment was made to the date upon which repayment is made to the state.~~

~~(F)~~(E) The attorney general on behalf of the state may commence proceedings to enforce this section in any court of competent jurisdiction; and the attorney general may settle or compromise any case brought under this section with the approval of the department of ~~job and family services~~ medicaid. Notwithstanding any other provision of law providing a shorter period of limitations, the attorney general may commence a proceeding to enforce this section at any time within six years after the conduct in violation of this section terminates.

~~(G) The authority, under state and federal law, of the department of job and family services or a county department of job and family services to recover excess payments made to a provider is not limited by the availability of remedies under sections 5111.11 and 5111.12 of the Revised Code for recovering benefits paid on behalf of recipients of medical assistance.~~

~~The penalties under this chapter apply to any overpayment, billing, or falsification occurring on and after April 24, 1978.~~

(F) All moneys collected by the state pursuant to this section shall be deposited in the state treasury to the credit of the general revenue fund.

Sec. ~~5111.035~~ 5164.36. (A) As used in this section:

(1) "~~Creditable~~ Credible allegation of fraud" has the same meaning as in 42 C.F.R. 455.2, except that for purposes of this section any reference in that regulation to the "state" or the "state medicaid agency" means the department of ~~job and family services~~ medicaid.

(2) ~~"Provider" has the same meaning as in section 5111.032 of the Revised Code.~~ 119279
119280

~~(3) "Owner" has the same meaning as in section 5111.031 119281
5164.37 of the Revised Code. 119282~~

(B)(1) Except as provided in division (C) of this section and 119283
in rules ~~adopted~~ authorized by the ~~department of job and family 119284
services under division (J) of this section, on determining there 119285
is a ~~creditable~~ credible allegation of fraud for which an 119286
investigation is pending under the medicaid program against a 119287
medicaid provider, the department of medicaid shall suspend the 119288
provider agreement held by the provider. Subject to division (C) 119289
of this section, the department shall also terminate medicaid 119290
~~reimbursement~~ payments to the provider for services rendered. 119291~~

(2)(a) The suspension shall continue in effect until either 119292
of the following is the case: 119293

(i) The department or a prosecuting authority determines that 119294
there is insufficient evidence of fraud by the medicaid provider; 119295

(ii) The proceedings in any related criminal case are 119296
completed through dismissal of the indictment or through 119297
conviction, entry of a guilty plea, or finding of not guilty. 119298

(b) If the department commences a process to terminate the 119299
suspended provider agreement, the suspension shall also continue 119300
in effect until the termination process is concluded. 119301

~~(3) Pursuant to section 5111.06 of the Revised Code, the 119302
department is not required to take action under division (B)(1) of 119303
this section by issuing an order pursuant to an adjudication in 119304
accordance with Chapter 119. of the Revised Code. 119305~~

~~(4) When subject to a suspension under this section, a 119306
medicaid provider, owner, officer, authorized agent, associate, 119307
manager, or employee shall not own or provide services to any 119308~~

other medicaid provider or risk contractor or arrange for, render, 119309
or order services to any other medicaid provider or risk 119310
contractor or arrange for, render, or order services for medicaid 119311
recipients during the period of suspension. During the period of 119312
suspension, the provider, owner, officer, authorized agent, 119313
associate, manager, or employee shall not receive ~~reimbursement in~~ 119314
~~the form of~~ direct payments ~~from the department~~ under the medicaid 119315
program or indirect payments of medicaid funds in the form of 119316
salary, shared fees, contracts, kickbacks, or rebates from or 119317
through any ~~participating~~ other medicaid provider or risk 119318
contractor. 119319

(C) The department shall not suspend a provider agreement or 119320
terminate medicaid ~~reimbursement~~ payments under division (B) of 119321
this section if the medicaid provider or owner can demonstrate 119322
through the submission of written evidence that the provider or 119323
owner did not directly or indirectly sanction the action of its 119324
authorized agent, associate, manager, or employee that resulted in 119325
the ~~credible~~ credible allegation of fraud. 119326

(D) The termination of medicaid ~~reimbursement~~ payment under 119327
division (B) of this section applies only to payments for medicaid 119328
services rendered subsequent to the date on which the notice 119329
required by division (E) of this section is sent. Claims for 119330
~~reimbursement~~ payment of medicaid services rendered by the 119331
medicaid provider prior to the issuance of the notice may be 119332
subject to prepayment review procedures whereby the department 119333
reviews claims to determine whether they are supported by 119334
sufficient documentation, are in compliance with state and federal 119335
statutes and rules, and are otherwise complete. 119336

(E) After suspending a provider agreement under division (B) 119337
of this section, the department shall, as specified in 42 C.F.R. 119338
455.23(b), send notice of the suspension to the affected medicaid 119339
provider or owner in accordance with the following timeframes: 119340

(1) Not later than five days after the suspension, unless a law enforcement agency makes a written request to temporarily delay the notice;

(2) If a law enforcement agency makes a written request to temporarily delay the notice, not later than thirty days after the suspension occurs subject to the conditions specified in division (F) of this section.

(F) A written request for a temporary delay described in division (E)(2) of this section may be renewed in writing by a law enforcement agency not more than two times except that under no circumstances shall the notice be issued more than ninety days after the suspension occurs.

(G) The notice required by division (E) of this section shall do all of the following:

(1) State that payments are being suspended in accordance with this section and 42 C.F.R. 455.23;

(2) Set forth the general allegations related to the nature of the conduct leading to the suspension, except that it is not necessary to disclose any specific information concerning an ongoing investigation;

(3) State that the suspension continues to be in effect until either of the following is the case:

(a) The department or a prosecuting authority determines that there is insufficient evidence of fraud by the provider;

(b) The proceedings in any related criminal case are completed through dismissal of the indictment or through conviction, entry of a guilty plea, or finding of not guilty and, if the department commences a process to terminate the suspended provider agreement, until the termination process is concluded.

(4) Specify, if applicable, the type or types of medicaid

claims or business units of the medicaid provider that are 119371
affected by the suspension; 119372

(5) Inform the medicaid provider or owner of the opportunity 119373
to submit to the department, not later than thirty days after 119374
receiving the notice, a request for reconsideration of the 119375
suspension in accordance with division (H) of this section. 119376

(H)(1) Pursuant to the procedure specified in division (H)(2) 119377
of this section, a medicaid provider or owner subject to a 119378
suspension under this section may request a reconsideration of the 119379
suspension. The request shall be made not later than thirty days 119380
after receipt of a notice required by division (E) of this 119381
section. The reconsideration is not subject to an adjudication 119382
hearing pursuant to Chapter 119. of the Revised Code. 119383

(2) In requesting a reconsideration, the medicaid provider or 119384
owner shall submit written information and documents to the 119385
department. The information and documents may pertain to any of 119386
the following issues: 119387

(a) Whether the determination to suspend the provider 119388
agreement was based on a mistake of fact, other than the validity 119389
of an indictment in a related criminal case. 119390

(b) If there has been an indictment in a related criminal 119391
case, whether any offense charged in the indictment resulted from 119392
an offense specified in division (E) of section ~~5111.031~~ 5164.37 119393
of the Revised Code. 119394

(c) Whether the provider or owner can demonstrate that the 119395
provider or owner did not directly or indirectly sanction the 119396
action of its authorized agent, associate, manager, or employee 119397
that resulted in the suspension under this section or an 119398
indictment in a related criminal case. 119399

(I) The department shall review the information and documents 119400
submitted in a request made under division (H) of this section for 119401

reconsideration of a suspension. After the review, the suspension 119402
may be affirmed, reversed, or modified, in whole or in part. The 119403
department shall notify the affected provider or owner of the 119404
results of the review. The review and notification of its results 119405
shall be completed not later than forty-five days after receiving 119406
the information and documents submitted in a request for 119407
reconsideration. 119408

~~(J) The department may adopt rules in accordance with Chapter 119409
119. of the Revised Code to implement this section. The rules 119410
Rules adopted under section 5164.02 of the Revised Code may 119411
specify circumstances under which the department would not suspend 119412
a provider agreement pursuant to this section. 119413~~

Sec. ~~5111.031~~ 5164.37. (A) As used in this section: 119414

(1) "Independent provider" has the same meaning as in section 119415
~~5111.034~~ 5164.341 of the Revised Code. 119416

~~(2) "Intermediate care facility for the mentally retarded" 119417
and "nursing facility" have the same meanings as in section 119418
5111.20 of the Revised Code. 119419~~

~~(3) "Noninstitutional medicaid provider" means any person or 119420
entity with a medicaid provider agreement other than a hospital, 119421
nursing facility, or ~~intermediate care facility for the mentally 119422
retarded~~ ICF/IID. 119423~~

~~(4)~~(3) "Owner" means any person having at least five per cent 119424
ownership in a noninstitutional medicaid provider. 119425

(B) Notwithstanding any provision of this chapter to the 119426
contrary, the department of ~~job and family services~~ medicaid shall 119427
take action under this section against a noninstitutional medicaid 119428
provider or its owner, officer, authorized agent, associate, 119429
manager, or employee. 119430

(C) Except as provided in division (D) of this section and in 119431

rules ~~adopted~~ authorized by the ~~department under division (H) of~~ 119432
this section, on receiving notice and a copy of an indictment that 119433
is issued on or after September 29, 2007, and charges a 119434
noninstitutional medicaid provider or its owner, officer, 119435
authorized agent, associate, manager, or employee with committing 119436
an offense specified in division (E) of this section, the 119437
department shall suspend the provider agreement held by the 119438
noninstitutional medicaid provider. Subject to division (D) of 119439
this section, the department shall also terminate medicaid 119440
~~reimbursement~~ payments to the provider for medicaid services 119441
rendered. 119442

The suspension shall continue in effect until the proceedings 119443
in the criminal case are completed through dismissal of the 119444
indictment or through conviction, entry of a guilty plea, or 119445
finding of not guilty. If the department commences a process to 119446
terminate the suspended provider agreement, the suspension shall 119447
also continue in effect until the termination process is 119448
concluded. 119449

~~Pursuant to section 5111.06 of the Revised Code, the~~ 119450
~~department is not required to take action under this division by~~ 119451
~~issuing an order pursuant to an adjudication conducted in~~ 119452
~~accordance with Chapter 119. of the Revised Code.~~ 119453

When subject to a suspension under this division, a provider, 119454
owner, officer, authorized agent, associate, manager, or employee 119455
shall not own or provide medicaid services to any other medicaid 119456
provider or risk contractor or arrange for, render, or order 119457
medicaid services for medicaid recipients during the period of 119458
suspension. During the period of suspension, the provider, owner, 119459
officer, authorized agent, associate, manager, or employee shall 119460
not receive ~~reimbursement in the form of~~ direct payments ~~from~~ 119461
under the department medicaid program or indirect payments of 119462
medicaid funds in the form of salary, shared fees, contracts, 119463

kickbacks, or rebates from or through any ~~participating other~~ medicaid provider or risk contractor. 119464
119465

(D)(1) The department shall not suspend a provider agreement 119466
or terminate medicaid ~~reimbursement~~ payments under division (C) of 119467
this section if the provider or owner can demonstrate through the 119468
submission of written evidence that the provider or owner did not 119469
directly or indirectly sanction the action of its authorized 119470
agent, associate, manager, or employee that resulted in the 119471
indictment. 119472

(2) The termination of medicaid ~~reimbursement~~ payments 119473
applies only to payments for medicaid services rendered subsequent 119474
to the date on which the notice required under division (F) of 119475
this section is sent. Claims for ~~reimbursement~~ payment for 119476
medicaid services rendered by the provider prior to the issuance 119477
of the notice may be subject to prepayment review procedures 119478
whereby the department reviews claims to determine whether they 119479
are supported by sufficient documentation, are in compliance with 119480
state and federal statutes and rules, and are otherwise complete. 119481

(E)(1) In the case of a noninstitutional medicaid provider 119482
that is not an independent provider, the suspension of a provider 119483
agreement under division (C) of this section applies when an 119484
indictment charges a person with committing an act that would be a 119485
felony or misdemeanor under the laws of this state and the act 119486
relates to or results from either of the following: 119487

(a) Furnishing or billing for ~~medical care,~~ medicaid 119488
~~services, or supplies~~ under the medicaid program; 119489

(b) Participating in the performance of management or 119490
administrative services relating to furnishing ~~medical care,~~ 119491
medicaid services, ~~or supplies~~ under the medicaid program. 119492

(2) In the case of a noninstitutional medicaid provider that 119493
is an independent provider, the suspension of a provider agreement 119494

under division (C) of this section applies when an indictment 119495
charges a person with committing an act that would constitute a 119496
disqualifying offense as defined in section ~~5111.032~~ 5164.34 of 119497
the Revised Code. 119498

(F) Not later than five days after suspending a provider 119499
agreement under division (C) of this section, the department shall 119500
send notice of the suspension to the affected provider or owner. 119501
In providing the notice, the department shall do all of the 119502
following: 119503

(1) Describe the indictment that was the cause of the 119504
suspension, without necessarily disclosing specific information 119505
concerning any ongoing civil or criminal investigation; 119506

(2) State that the suspension will continue in effect until 119507
the proceedings in the criminal case are completed through 119508
dismissal of the indictment or through conviction, entry of a 119509
guilty plea, or finding of not guilty and, if the department 119510
commences a process to terminate the suspended provider agreement, 119511
until the termination process is concluded; 119512

(3) Inform the provider or owner of the opportunity to submit 119513
to the department, not later than thirty days after receiving the 119514
notice, a request for a reconsideration pursuant to division (G) 119515
of this section. 119516

(G)(1) Pursuant to the procedure specified in division (G)(2) 119517
of this section, a noninstitutional medicaid provider or owner 119518
subject to a suspension under this section may request a 119519
reconsideration. The request shall be made not later than thirty 119520
days after receipt of the notice provided under division (F) of 119521
this section. The reconsideration is not subject to an 119522
adjudication hearing pursuant to Chapter 119. of the Revised Code. 119523

(2) In requesting a reconsideration, the provider or owner 119524
shall submit written information and documents to the department. 119525

The information and documents may pertain to any of the following 119526
issues: 119527

(a) Whether the determination to suspend the provider 119528
agreement was based on a mistake of fact, other than the validity 119529
of the indictment; 119530

(b) Whether any offense charged in the indictment resulted 119531
from an offense specified in division (E) of this section; 119532

(c) Whether the provider or owner can demonstrate that the 119533
provider or owner did not directly or indirectly sanction the 119534
action of its authorized agent, associate, manager, or employee 119535
that resulted in the indictment. 119536

(3) The department shall review the information and documents 119537
submitted in a request for reconsideration. After the review, the 119538
suspension may be affirmed, reversed, or modified, in whole or in 119539
part. The department shall notify the affected provider or owner 119540
of the results of the review. The review and notification of its 119541
results shall be completed not later than forty-five days after 119542
receiving the information and documents submitted in a request for 119543
reconsideration. 119544

~~(H) The department may adopt rules in accordance with Chapter 119545
119. of the Revised Code to implement this section. The rules 119546
Rules adopted under section 5164.02 of the Revised Code may 119547
specify circumstances under which the department would not suspend 119548
a provider agreement pursuant to this section. 119549~~

Sec. ~~5111.06~~ 5164.38. (A)~~(1)~~ As used in this section ~~and in~~ 119550
~~sections 5111.061 and 5111.063 of the Revised Code:~~ 119551

~~(a) "Provider" means any person, institution, or entity that 119552
furnishes medicaid services under a provider agreement with the 119553
department of job and family services pursuant to Title XIX of the 119554
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 119555~~

~~amended.~~ 119556

~~(b) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.~~ 119557
119558

~~(e)(1) "Adjudication" has the same meaning as in division (D) of section 119.01 of the Revised Code.~~ 119559
119560

~~(2) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.~~ 119561
119562

~~(3) "Revalidate" means to approve a medicaid provider's continued enrollment as a medicaid provider in accordance with the revalidation process established in rules authorized by section 5164.32 of the Revised Code.~~ 119563
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119566

~~(B) This section does not apply to either of the following:~~ 119567

~~(a)(1) Any action taken or decision made by the department of job and family services medicaid with respect to entering into or refusing to enter into a contract with a managed care organization pursuant to section ~~5111.17~~ 5167.10 of the Revised Code;~~ 119568
119569
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119571

~~(b)(2) Any action taken by the department under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code.~~ 119572
119573

~~(B)(C) Except as provided in division ~~(D)~~(E) of this section and section ~~5111.914~~ 5164.58 of the Revised Code, the department shall do ~~either~~ any of the following by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code:~~ 119574
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~~(1) Enter into or refuse Refuse to enter into a provider agreement with a medicaid provider, ~~or suspend;~~~~ 119579
119580

~~(2) Refuse to revalidate a medicaid provider's provider agreement;~~ 119581
119582

~~(3) Suspend or terminate, renew, or refuse to renew an existing a medicaid provider's provider agreement with a provider;~~ 119583
119584

~~(2)~~(4) Take any action based upon a final fiscal audit of a medicaid provider. 119585
119586

~~(C)~~(D) Any party who is adversely affected by the issuance of 119587
an adjudication order under division ~~(B)~~(C) of this section may 119588
appeal to the court of common pleas of Franklin county in 119589
accordance with section 119.12 of the Revised Code. 119590

~~(D)~~(E) The department is not required to comply with division 119591
~~(B)~~(C)(1), (2), or (3) of this section whenever any of the 119592
following occur: 119593

(1) The terms of a provider agreement require the medicaid 119594
provider to hold a license, permit, or certificate or maintain a 119595
certification issued by an official, board, commission, 119596
department, division, bureau, or other agency of state or federal 119597
government other than the department of ~~job and family services~~ 119598
medicaid, and the license, permit, certificate, or certification 119599
has been denied, revoked, not renewed, suspended, or otherwise 119600
limited. 119601

(2) The terms of a provider agreement require the medicaid 119602
provider to hold a license, permit, or certificate or maintain 119603
certification issued by an official, board, commission, 119604
department, division, bureau, or other agency of state or federal 119605
government other than the department of ~~job and family services~~ 119606
medicaid, and the provider has not obtained the license, permit, 119607
certificate, or certification. 119608

(3) The medicaid provider's application for a provider 119609
agreement is denied, or the provider's provider agreement is 119610
terminated, or not renewed due revalidated, because of or pursuant 119611
to the any of the following: 119612

(a) The termination, refusal to renew, or denial of a 119613
license, permit, certificate, or certification by an official, 119614
board, commission, department, division, bureau, or other agency 119615

of this state other than the department of ~~job and family services~~ 119616
medicaid, notwithstanding the fact that the provider may hold a 119617
license, permit, certificate, or certification from an official, 119618
board, commission, department, division, bureau, or other agency 119619
of another state. 119620

~~(4) The provider agreement is denied, terminated, or not~~ 119621
~~renewed pursuant to division (C);~~ 119622

(b) Division (D) or (F)(E) of section 5111.03 5164.35 of the 119623
Revised Code. 119624

~~(5) The provider agreement is denied, terminated, or not~~ 119625
~~renewed due to the;~~ 119626

(c) The provider's termination, suspension, or exclusion from 119627
the medicare program ~~established under Title XVIII of the "Social~~ 119628
~~Security Act"~~ or from another state's medicaid program and, in 119629
either case, the termination, suspension, or exclusion is binding 119630
on the provider's participation in the medicaid program in this 119631
state. 119632

~~(6) The provider agreement is denied, terminated, or not~~ 119633
~~renewed due to the;~~ 119634

(d) The provider's pleading guilty to or being convicted of a 119635
criminal activity materially related to either the medicare or 119636
medicaid program; 119637

(e) The provider or its owner, officer, authorized agent, 119638
associate, manager, or employee having been convicted of one of 119639
the offenses that caused the provider's provider agreement to be 119640
suspended pursuant to section 5164.36 of the Revised Code; 119641

(f) The provider's failure to provide the department the 119642
national provider identifier assigned the provider by the national 119643
provider system pursuant to 45 C.F.R. 162.408. 119644

~~(7)(4) The medicaid provider's application for a provider~~ 119645

agreement is denied, or the provider's provider agreement is 119646
terminated, or suspended, as a result of action by the United 119647
States department of health and human services and that action is 119648
binding on the provider's medicaid participation ~~in the medicaid~~ 119649
~~program.~~ 119650

~~(8)~~(5) Pursuant to either section ~~5111.031~~ 5164.36 or 119651
~~5111.035~~ 5164.37 of the Revised Code, the medicaid provider's 119652
provider agreement is suspended and payments to the provider are 119653
suspended pending indictment of the provider. 119654

~~(9) The provider agreement is denied, terminated, or not~~ 119655
~~renewed because the provider or its owner, officer, authorized~~ 119656
~~agent, associate, manager, or employee has been convicted of one~~ 119657
~~of the offenses that caused the provider agreement to be suspended~~ 119658
~~pursuant to section 5111.031 of the Revised Code.~~ 119659

~~(10)~~(6) The medicaid provider's application for a provider 119660
agreement is denied because the provider's application was not 119661
complete; 119662

(7) The medicaid provider's provider agreement is converted 119663
under section ~~5111.028~~ 5164.32 of the Revised Code from a provider 119664
agreement that is not time-limited to a provider agreement that is 119665
time-limited. 119666

~~(11) The provider agreement is terminated or an application~~ 119667
~~for re enrollment is denied because the provider has failed to~~ 119668
~~apply for re enrollment within the time or in the manner specified~~ 119669
~~for re enrollment~~ (8) Unless the medicaid provider is a nursing 119670
facility or ICF/IID, the provider's provider agreement is not 119671
revalidated pursuant to division (B)(1) of section 5111.028 119672
5164.32 of the Revised Code. 119673

~~(12)~~(9) The medicaid provider's provider agreement is 119674
suspended ~~or~~, terminated, or an application for enrollment or 119675
~~re enrollment is denied, for any~~ not revalidated because of either 119676

of the following: 119677

(a) Any reason authorized or required by one or more of the 119678
following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 119679
455.450- 119680

~~(13) The provider agreement is terminated or not renewed 119681
because the;~~ 119682

(b) The provider has not billed or otherwise submitted a 119683
medicaid claim to the department for two years or longer. 119684

~~(14) The provider agreement is denied, terminated, or not 119685
renewed because the provider fails to provide to the department 119686
the national provider identifier assigned the provider by the 119687
national provider system pursuant to 45 C.F.R. 162.408. 119688~~

(F) In the case of a medicaid provider described in division 119689
~~(D)~~~~(13)~~(E)(3)(f), (6), (7), or (14)(9)(b) of this section, the 119690
department may take its proposed action against a provider 119691
agreement by sending a notice explaining the proposed action to 119692
the provider. The notice shall be sent to the medicaid provider's 119693
address on record with the department. The notice may be sent by 119694
regular mail. 119695

~~(E)~~(G) The department may withhold payments for medicaid 119696
services rendered by a medicaid provider under the medicaid 119697
program during the pendency of proceedings initiated under 119698
division ~~(B)~~(C)(1), (2), or (3) of this section. If the 119699
proceedings are initiated under division ~~(B)~~~~(2)~~(C)(4) of this 119700
section, the department may withhold payments only to the extent 119701
that they equal amounts determined in a final fiscal audit as 119702
being due the state. This division does not apply if the 119703
department fails to comply with section 119.07 of the Revised 119704
Code, requests a continuance of the hearing, or does not issue a 119705
decision within thirty days after the hearing is completed. This 119706
division does not apply to nursing facilities and intermediate 119707

~~care facilities for the mentally retarded as defined in section 5111.20 of the Revised Code ICFs/IID.~~ 119708
119709

Sec. ~~5111.062~~ 5164.39. In any action taken by the department 119710
of ~~job and family services~~ medicaid under section ~~5111.06~~ 5164.38 119711
or ~~5111.061~~ 5164.57 of the Revised Code or any other ~~provision of~~ 119712
~~this chapter~~ state statute governing the medicaid program that 119713
requires the department to give notice of an opportunity for a 119714
hearing in accordance with Chapter 119. of the Revised Code, if 119715
the department gives notice of the opportunity for a hearing but 119716
the medicaid provider or other entity subject to the notice does 119717
not request a hearing or timely request a hearing in accordance 119718
with section 119.07 of the Revised Code, the department is not 119719
required to hold a hearing. The medicaid director ~~of job and~~ 119720
~~family service~~ may proceed by issuing a final adjudication order 119721
in accordance with Chapter 119. of the Revised Code. 119722

Sec. ~~5111.05~~ 5164.45. (A) The department of ~~job and family~~ 119723
~~services~~ medicaid may contract with any person or persons as a 119724
fiscal agent for the examination, processing, and determination of 119725
~~medical assistance~~ medicaid claims ~~under this chapter~~. The 119726
contracting party may provide any of the following services, as 119727
required by the contract: 119728

(1) Design and operate medicaid management information 119729
systems, including the provision of data processing services; 119730

(2) Determine the amounts of payments to be made upon claims 119731
for ~~medical assistance~~ medicaid; 119732

(3) Prepare and furnish to the department lists and computer 119733
tapes of such claims for payment; 119734

(4) In addition to audits which may be conducted by the 119735
department and by the auditor of state, make audits of providers 119736
and the claims of medicaid providers ~~of medical assistance~~ 119737

according to the standards set forth in the contract; 119738

(5) Assist medicaid providers ~~of medical assistance~~ in the 119739
development of procedures relating to utilization practices, make 119740
studies of the effectiveness of such procedures and methods for 119741
their improvement, implement and enforce standards of medical 119742
policy, and assist in the application of safeguards against 119743
unnecessary utilization; 119744

(6) Assist any institution, facility, or agency to qualify as 119745
a medicaid provider ~~of medical assistance~~; 119746

(7) Establish and maintain fiscal records for the ~~medical~~ 119747
~~assistance~~ medicaid program; 119748

(8) Perform statistical and research studies; 119749

(9) Develop and implement programs for ~~medical assistance~~ 119750
medicaid cost containment; 119751

(10) Perform such other duties as are necessary to carry out 119752
the ~~medical assistance~~ medicaid program. 119753

(B) The department ~~of job and family services~~ may contract 119754
with any person or persons as an insuring agent for the 119755
examination, processing, and determination of ~~medical assistance~~ 119756
medicaid claims, as provided in division (A) of this section, and 119757
for the payment of ~~medical assistance~~ medicaid claims through an 119758
underwritten program in which the state pays the insuring agent a 119759
monthly premium and the insuring agent pays for ~~medical~~ medicaid 119760
services ~~authorized under the state's medical assistance program~~. 119761
The person with whom the department contracts, with respect to the 119762
awarding, provisions, and performance of such contract, shall not 119763
be subject to the provisions of Title XXXIX of the Revised Code or 119764
to regulation by the department of insurance, nor to taxation as 119765
an insurance company pursuant to section 5725.18 or 5729.03 of the 119766
Revised Code. A contract with an insuring agent shall specify the 119767
qualifications, including capital and surplus requirements, and 119768

other conditions with which the insuring agent must comply. 119769

(C) In entering into a contract under this section, the 119770
department, in cooperation with the director of budget and 119771
management, shall determine that the contracting party is 119772
qualified to perform the required services and shall follow 119773
applicable procedures required of the department of administrative 119774
services in sections 125.07 to 125.11 of the Revised Code. A 119775
contract shall be awarded to the bidder who, with due 119776
consideration to the bidder's experience and financial capability, 119777
offers the lowest and best bid to the state for control of the 119778
costs of the ~~medical assistance~~ medicaid program consistent with 119779
meeting the obligations under that program for fair and equitable 119780
treatment of medicaid recipients and medicaid providers ~~of medical~~ 119781
~~services~~. Any arrangement whereby funds are paid to an insuring or 119782
fiscal agent for administrative functions under this section 119783
shall, for the purposes of section 125.081 of the Revised Code, be 119784
deemed to be a contract or purchase by the department of 119785
administrative services; however, money to be used by an insuring 119786
agent to pay for ~~medical~~ medicaid services ~~authorized under the~~ 119787
~~state's medical assistance program~~ shall not be deemed a contract 119788
or purchase within the meaning of such section. 119789

Sec. ~~5111.052~~ 5164.46. (A) As used in this section, 119790
"electronic claims submission process" means any of the following: 119791

(1) Electronic interchange of data; 119792

(2) Direct entry of data through an internet-based mechanism 119793
implemented by the department of ~~job and family services~~ medicaid; 119794

(3) Any other process for the electronic submission of claims 119795
that is specified in rules adopted under ~~this~~ section 5162.02 of 119796
the Revised Code. 119797

(B) Not later than January 1, 2013, and except as provided in 119798

division (C) of this section, each medicaid provider of services 119799
~~to medicaid recipients~~ shall do both of the following: 119800

(1) Use only an electronic claims submission process to 119801
submit to the department of ~~job and family services~~ medicaid 119802
claims for medicaid ~~reimbursement~~ payment for medicaid services 119803
provided to medicaid recipients; 119804

(2) Arrange to receive medicaid ~~reimbursement~~ payment from 119805
the department by means of electronic funds transfer. 119806

(C) Division (B) of this section does not apply to any of the 119807
following: 119808

(1) A nursing facility, ~~as defined in section 5111.20 of the~~ 119809
~~Revised Code;~~ 119810

(2) An ~~intermediate care facility for the mentally retarded,~~ 119811
~~as defined in section 5111.20 of the Revised Code~~ ICF/IID; 119812

(3) A medicaid managed care organization ~~under contract with~~ 119813
~~the department pursuant to section 5111.17 of the Revised Code;~~ 119814

(4) Any other medicaid provider or type of medicaid provider 119815
designated in rules adopted under ~~this~~ section 5162.02 of the 119816
Revised Code. 119817

(D) The department shall not process a medicaid claim 119818
submitted on or after January 1, 2013, unless the claim is 119819
submitted through an electronic claims submission process in 119820
accordance with this section. 119821

~~(E) The director of job and family services may adopt rules~~ 119822
~~in accordance with Chapter 119. of the Revised Code as the~~ 119823
~~director considers necessary to implement this section.~~ 119824

Sec. ~~5111.054~~ 5164.47. (A) As used in this section+ 119825

~~(1) "Federal financial participation" means the federal~~ 119826
~~government's share of expenditures made by an entity in~~ 119827

~~implementing the medicaid program.~~ 119828

(2) "OCHSPS" means the private, not-for-profit corporation 119829
known as the Ohio children's hospital solutions for patient 119830
safety, which was formed for the purpose of improving pediatric 119831
patient care in this state, which performs functions that are 119832
included within the functions of a peer review committee as 119833
defined in section 2305.25 of the Revised Code, and which consists 119834
of all of the following members: Akron children's hospital, 119835
Cincinnati children's hospital medical center, Cleveland clinic 119836
children's hospital, Dayton children's medical center, mercy 119837
children's hospital, nationwide children's hospital, rainbow 119838
babies & children's hospital, and Toledo children's hospital. 119839

(B) If, as authorized by section ~~5101.10~~ 5160.10 of the 119840
Revised Code, the ~~department of job and family services~~ medicaid
director chooses to contract with a person to perform either or 119841
both of the following services, ~~it~~ the director may contract with 119842
any qualified person, including OCHSPS, to perform the service or 119843
services on ~~the department's~~ behalf of the department of medicaid: 119844
119845

(1) Review and analyze claims for ~~medical assistance made~~ 119846
~~under this chapter~~ medicaid services provided to children in 119847
accordance with all state and federal laws governing the 119848
confidentiality of patient-identifying information; 119849

(2) Perform quality assurance and quality review functions, 119850
other than those described in division (B)(1) of this section, 119851
related to ~~medical assistance made under this chapter~~ medicaid
services provided to children. 119852
119853

The functions specified in division (B)(2) of this section 119854
may include those recommended by the best evidence for advancing 119855
child health in Ohio now (BEACON) council. 119856

(C) If the ~~department~~ director enters into a contract with 119857
OCHSPS for OCHSPS to perform either or both of the services 119858

described in division (B) of this section, OCHSPS shall, only for 119859
purposes of section ~~5101.11~~ 5160.12 of the Revised Code, be 119860
considered a public entity and the ~~department~~ director shall seek 119861
federal financial participation for costs incurred by OCHSPS in 119862
performing the service or services. 119863

Sec. ~~5111.051~~ 5164.48. The medicaid director ~~of job and~~ 119864
~~family services~~ may ~~submit a medicaid state plan amendment or~~ 119865
~~request for a federal waiver to the United States secretary of~~ 119866
~~health and human services as necessary to implement, at the~~ 119867
~~director's discretion,~~ a system under which medicaid payments for 119868
~~medical assistance provided under the~~ medicaid program services 119869
are made to an organization on behalf of ~~the~~ medicaid providers ~~of~~ 119870
~~the medical assistance.~~ The system may not provide for an 119871
organization to receive an amount that exceeds, in aggregate, the 119872
amount the ~~department~~ medicaid program would have paid directly to 119873
the medicaid providers if not for this section. 119874

Sec. 5164.55. The department of medicaid may conduct final 119875
fiscal audits of medicaid providers in accordance with the 119876
applicable requirements set forth in federal laws and regulations 119877
and determine any amounts the provider may owe the state. When 119878
conducting final fiscal audits, the department shall consider 119879
generally accepted auditing standards, which include the use of 119880
statistical sampling. 119881

Sec. ~~5111.022~~ 5164.56. Under the medicaid program, any amount 119882
determined to be owed the state by a final fiscal audit conducted 119883
pursuant to ~~division (D) of section 5111.021~~ 5164.55 of the 119884
Revised Code, upon the issuance of an adjudication order pursuant 119885
to Chapter 119. of the Revised Code that contains a finding that 119886
there is a preponderance of the evidence that ~~the~~ a medicaid 119887
provider will liquidate assets or file bankruptcy in order to 119888

prevent payment of the amount determined to be owed the state, 119889
becomes a lien upon the real and personal property of the 119890
provider. Upon failure of the provider to pay the amount to the 119891
state, the medicaid director ~~of job and family services~~ shall file 119892
notice of the lien, for which there shall be no charge, in the 119893
office of the county recorder of the county in which it is 119894
ascertained that the provider owns real or personal property. The 119895
director shall notify the provider by mail of the lien, but 119896
absence of proof that the notice was sent does not affect the 119897
validity of the lien. The lien is not valid as against the claim 119898
of any mortgagee, pledgee, purchaser, judgment creditor, or other 119899
lienholder of record at the time the notice is filed. 119900

If the provider acquires real or personal property after 119901
notice of the lien is filed, the lien shall not be valid as 119902
against the claim of any mortgagee, pledgee, subsequent bona fide 119903
purchaser for value, judgment creditor, or other lienholder of 119904
record to such after-acquired property unless the notice of lien 119905
is refiled after the property is acquired by the provider and 119906
before the competing lien attaches to the after-acquired property 119907
or before the conveyance to the subsequent bona fide purchaser for 119908
value. 119909

When the amount has been paid, the provider may record with 119910
the recorder notice of the payment. For recording such notice of 119911
payment, the recorder shall charge and receive from the provider a 119912
base fee of one dollar for services and a housing trust fund fee 119913
of one dollar pursuant to section 317.36 of the Revised Code. 119914

In the event of a distribution of a the provider's assets 119915
pursuant to an order of any court under the law of this state 119916
including any receivership, assignment for benefit of creditors, 119917
adjudicated insolvency, or similar proceedings, amounts then or 119918
thereafter due the state under ~~this chapter~~ the medicaid program 119919
have the same priority as provided by law for the payment of taxes 119920

due the state and shall be paid out of the receivership trust fund 119921
or other such trust fund in the same manner as provided for claims 119922
for unpaid taxes due the state. 119923

If the attorney general finds after investigation that any 119924
amount due the state under ~~this chapter~~ the medicaid program is 119925
uncollectable, in whole or in part, the attorney general shall 119926
recommend to the director the cancellation of all or part of the 119927
claim. The director may thereupon effect the cancellation. 119928

Sec. ~~5111.061~~ 5164.57. (A) As used in this section, 119929
"adjudication" has the same meaning as in section 119.01 of the 119930
Revised Code. 119931

(B)(1) Except as provided in division ~~(A)~~(B)(2) of this 119932
section, the department of ~~job and family services~~ medicaid may 119933
recover a medicaid payment or portion of a payment made to a 119934
medicaid provider to which the provider is not entitled if the 119935
department notifies the provider of the overpayment during the 119936
five-year period immediately following the end of the state fiscal 119937
year in which the overpayment was made. 119938

(2) In the case of a hospital medicaid provider, if the 119939
department determines as a result of a medicare or medicaid cost 119940
report settlement that the provider received an amount under the 119941
medicaid program to which the provider is not entitled, the 119942
department may recover the overpayment if the department notifies 119943
the provider of the overpayment during the later of the following: 119944

(a) The five-year period immediately following the end of the 119945
state fiscal year in which the overpayment was made; 119946

(b) The one-year period immediately following the date the 119947
department receives from the United States centers for medicare 119948
and medicaid services a completed, audited, medicare cost report 119949
for the provider that applies to the state fiscal year in which 119950

the overpayment was made. 119951

~~(B)~~(C) Among the overpayments that may be recovered under 119952
this section are the following: 119953

(1) Payment for a medicaid service, or a day of service, not 119954
rendered; 119955

(2) Payment for a day of service at a full per diem rate that 119956
should have been paid at a percentage of the full per diem rate; 119957

(3) Payment for a medicaid service, or day of service, that 119958
was paid by, or partially paid by, a third party, as defined in 119959
section ~~5101.571~~ 5160.35 of the Revised Code, and the third 119960
party's payment or partial payment was not offset against the 119961
amount paid by the medicaid program to reduce or eliminate the 119962
amount that was paid by the medicaid program; 119963

(4) Payment when a medicaid recipient's responsibility for 119964
payment was understated and resulted in an overpayment to the 119965
provider. 119966

~~(C)~~(D) The department may recover an overpayment under this 119967
section prior to or after any of the following: 119968

(1) Adjudication of a final fiscal audit that section ~~5111.06~~ 119969
5164.38 of the Revised Code requires to be conducted in accordance 119970
with Chapter 119. of the Revised Code; 119971

(2) Adjudication of a finding under any other provision of 119972
~~this chapter~~ state statutes governing the medicaid program or the 119973
rules adopted under ~~it~~ those statutes; 119974

(3) Expiration of the time to issue a final fiscal audit that 119975
section ~~5111.06~~ 5164.38 of the Revised Code requires to be 119976
conducted in accordance with Chapter 119. of the Revised Code; 119977

(4) Expiration of the time to issue a finding under any other 119978
provision of ~~this chapter~~ state statutes governing the medicaid 119979
program or the rules adopted under ~~it~~ those statutes. 119980

~~(D)~~(E)(1) Subject to division ~~(D)~~(E)(2) of this section, the recovery of an overpayment under this section does not preclude the department from subsequently doing the following:

(a) Issuing a final fiscal audit in accordance with Chapter 119. of the Revised Code, as required under section ~~5111.06~~ 5164.38 of the Revised Code;

(b) Issuing a finding under any other provision of ~~this chapter~~ state statutes governing the medicaid program or the rules adopted under ~~it~~ those statutes.

(2) A final fiscal audit or finding issued subsequent to the recovery of an overpayment under this section shall be reduced by the amount of the prior recovery, as appropriate.

~~(E)~~(F) Nothing in this section limits the department's authority to recover overpayments pursuant to any other provision of the Revised Code.

Sec. ~~5111.914~~ 5164.58. (A) ~~As used in this section, "provider" has the same meaning as in section 5111.06 of the Revised Code.~~

~~(B)~~ If a state agency that enters into a contract with the department of ~~job and family services~~ medicaid under section ~~5111.91~~ 5162.35 of the Revised Code identifies that a medicaid overpayment has been made to a medicaid provider, the state agency may commence actions to recover the overpayment on behalf of the department.

~~(C)~~(B) In recovering an overpayment pursuant to this section, a state agency shall comply with the following procedures:

(1) The state agency shall attempt to recover the overpayment by notifying the medicaid provider of the overpayment and requesting voluntary repayment. Not later than five business days after notifying the medicaid provider, the state agency shall

notify the department in writing of the overpayment. The state 120011
agency may negotiate a settlement of the overpayment and notify 120012
the department of the settlement. A settlement negotiated by the 120013
state agency is not valid and shall not be implemented until the 120014
department has given its written approval of the settlement. 120015

(2) If the state agency is unable to obtain voluntary 120016
repayment of an overpayment, the agency shall give the medicaid 120017
provider notice of an opportunity for a hearing in accordance with 120018
Chapter 119. of the Revised Code. If the medicaid provider timely 120019
requests a hearing in accordance with section 119.07 of the 120020
Revised Code, the state agency shall conduct the hearing to 120021
determine the legal and factual validity of the overpayment. On 120022
completion of the hearing, the state agency shall submit its 120023
hearing officer's report and recommendation and the complete 120024
record of proceedings, including all transcripts, to the medicaid 120025
director ~~of job and family services~~ for final adjudication. The 120026
director may issue a final adjudication order in accordance with 120027
Chapter 119. of the Revised Code. The state agency shall pay any 120028
attorney's fees imposed under section 119.092 of the Revised Code. 120029
The department of ~~job and family services~~ medicaid shall pay any 120030
attorney's fees imposed under section 2335.39 of the Revised Code. 120031

~~(D)~~(C) In any action taken by a state agency under this 120032
section that requires the agency to give notice of an opportunity 120033
for a hearing in accordance with Chapter 119. of the Revised Code, 120034
if the agency gives notice of the opportunity for a hearing but 120035
the medicaid provider subject to the notice does not request a 120036
hearing or timely request a hearing in accordance with section 120037
119.07 of the Revised Code, the agency is not required to hold a 120038
hearing. The agency may request that the medicaid director ~~of job~~ 120039
~~and family services~~ issue a final adjudication order in accordance 120040
with Chapter 119. of the Revised Code. 120041

~~(E)~~(D) This section does not preclude the department of ~~job~~ 120042

~~and family services~~ medicaid from adjudicating a final fiscal 120043
audit under section ~~5111.06~~ 5164.38 of the Revised Code, 120044
recovering overpayments under section ~~5111.061~~ 5164.57 of the 120045
Revised Code, or making findings or taking other actions 120046
authorized by ~~this chapter~~ state statutes governing the medicaid 120047
program. 120048

Sec. 5164.59. The department of medicaid may deduct from 120049
medicaid payments for medicaid services rendered by a medicaid 120050
provider any amounts the provider owes the state as the result of 120051
incorrect medicaid payments the department has made to the 120052
provider. 120053

Sec. 5164.60. Any medicaid provider who, without intent, 120054
obtains payments under the medicaid program in excess of the 120055
amount to which the provider is entitled is liable for payment of 120056
interest on the amount of the excess payments for the period from 120057
the date on which payment was made to the date on which repayment 120058
is made to the state. The interest shall be paid at the average 120059
bank prime rate in effect on the first day of the calendar quarter 120060
during which the provider receives notice of the excess payment. 120061
The department of medicaid shall determine the average bank prime 120062
rate using statistical release H.15, "selected interest rates," a 120063
weekly publication of the federal reserve board, or any successor 120064
publication. If statistical release H.15, or its successor, ceases 120065
to contain the bank prime rate information or ceases to be 120066
published, the department shall request a written statement of the 120067
average bank prime rate from the federal reserve bank of Cleveland 120068
or the federal reserve board. 120069

Sec. 5164.61. The authority, under state and federal law, of 120070
the department of medicaid or a county department of job and 120071
family services to recover excess medicaid payments made to a 120072

medicaid provider is not limited by the availability of remedies 120073
under sections 5162.21 and 5162.23 of the Revised Code for 120074
recovering benefits paid on behalf of medicaid recipients. 120075

Sec. ~~5111.021~~ 5164.70. ~~Under the medicaid program:~~ 120076

~~(A) Except as otherwise required by federal statute or~~ 120077
~~regulation, the department of job and family services shall not~~ 120078
~~reimburse a medical provider no medicaid payment for any medical~~ 120079
~~assistance rendered under the program an amount that exceeds~~ 120080
medicaid service shall exceed the following: 120081

~~(1)(A) If the medicaid provider is a hospital, nursing~~ 120082
~~facility, or intermediate care facility for the mentally retarded~~ 120083
~~ICF/IID, the limits established under Subpart C of 42 C.F.R. Part~~ 120084
~~447;~~ 120085

~~(2)(B) If the medicaid provider is other than a provider~~ 120086
~~described in division (A)(1) of this section, the authorized~~ 120087
~~reimbursement payment limits for the same service under the~~ 120088
~~medicare program established under Title XVIII of the "Social~~ 120089
~~Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.~~ 120090

~~(B) Reimbursement for freestanding medical laboratory charges~~ 120091
~~shall not exceed the customary and usual fee for laboratory~~ 120092
~~profiles.~~ 120093

~~(C) The department may deduct from payments for services~~ 120094
~~rendered by a medicaid provider under the medicaid program any~~ 120095
~~amounts the provider owes the state as the result of incorrect~~ 120096
~~medicaid payments the department has made to the provider.~~ 120097

~~(D) The department may conduct final fiscal audits in~~ 120098
~~accordance with the applicable requirements set forth in federal~~ 120099
~~laws and regulations and determine any amounts the provider may~~ 120100
~~owe the state. When conducting final fiscal audits, the department~~ 120101
~~shall consider generally accepted auditing standards, which~~ 120102

~~include the use of statistical sampling.~~ 120103

~~(E) The number of days of inpatient hospital care for which reimbursement is made on behalf of a medicaid recipient to a hospital that is not paid under a diagnostic related group prospective payment system shall not exceed thirty days during a period beginning on the day of the recipient's admission to the hospital and ending sixty days after the termination of that hospital stay, except that the department may make exceptions to this limitation. The limitation does not apply to children participating in the program for medically handicapped children established under section 3701.023 of the Revised Code.~~ 120104
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~~(F) The division of any reimbursement between a collaborating physician or podiatrist and a clinical nurse specialist, certified nurse midwife, or certified nurse practitioner for services performed by the nurse shall be determined and agreed on by the nurse and collaborating physician or podiatrist. In no case shall reimbursement exceed the payment that the physician or podiatrist would have received had the physician or podiatrist provided the entire service.~~ 120114
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Sec. 5164.71. Medicaid payments for freestanding medical laboratory charges shall not exceed the customary and usual fee for laboratory profiles. 120122
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Sec. 5164.72. The number of days of inpatient hospital care for which a medicaid payment is made on behalf of a medicaid recipient to a hospital that is not paid under a diagnostic-related-group prospective payment system shall not exceed thirty days during a period beginning on the day of the recipient's admission to the hospital and ending sixty days after the termination of that hospital stay, except that the department of medicaid may make exceptions to this limitation. The limitation 120125
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does not apply to children participating in the program for 120133
medically handicapped children established under section 3701.023 120134
of the Revised Code. 120135

Sec. 5164.73. The division of any medicaid payment between a 120136
collaborating physician or podiatrist and a clinical nurse 120137
specialist, certified nurse-midwife, or certified nurse 120138
practitioner for services performed by the nurse shall be 120139
determined and agreed on by the nurse and collaborating physician 120140
or podiatrist. In no case shall the medicaid payment exceed the 120141
medicaid payment that the physician or podiatrist would have 120142
received had the physician or podiatrist provided the entire 120143
service. 120144

Sec. ~~5111.19~~ 5164.74. The medicaid director of job and family 120145
services shall adopt rules under section 5164.02 of the Revised 120146
Code governing the calculation and payment of, and the allocation 120147
of payments for, graduate medical education costs associated with 120148
medicaid services rendered to medicaid recipients after June 30, 120149
1994. Subject to section ~~5111.191~~ 5164.741 of the Revised Code, 120150
the rules shall provide for reimbursement payment of graduate 120151
medical education costs associated with medicaid services rendered 120152
to medicaid recipients, including recipients enrolled in a 120153
medicaid managed care organization under contract with the 120154
department office under section ~~5111.17~~ of the Revised Code, that 120155
the department of medicaid determines are allowable and 120156
reasonable. 120157

If the department requires a managed care organization to pay 120158
a provider for graduate medical education costs associated with 120159
the delivery of services to medicaid recipients enrolled in the 120160
organization, the department shall include in its payment to the 120161
organization an amount sufficient for the organization to pay such 120162

~~costs. If the department does not include in its payments to the managed care organization amounts for graduate medical education costs of providers, all of the following apply:~~

~~(A) Except as provided in section 5111.191 of the Revised Code, the department shall pay the provider for graduate medical education costs associated with the delivery of services to medicaid recipients enrolled in the organization;~~

~~(B) No provider shall seek reimbursement from the organization for such costs;~~

~~(C) The organization is not required to pay providers for such costs.~~

Sec. ~~5111.191~~ 5164.741. (A) Except as provided in division (B) of this section, the department of job and family services medicaid may deny medicaid payment to a hospital for direct graduate medical education costs associated with the delivery of medicaid services to any medicaid recipient if the hospital refuses without good cause to contract with a medicaid managed care organization that ~~serves participants in the care management system established under section 5111.16 of the Revised Code who are required to be enrolled in a managed care organization and the managed care organization~~ serves the area in which the hospital is located.

(B) A hospital is not subject to division (A) of this section if all of the following are the case:

(1) The hospital is located in a county in which participants in the care management system are required before January 1, 2006, to be enrolled in a medicaid managed care organization that is a health insuring corporation.

(2) The hospital has entered into a contract before January 1, 2006, with at least one health insuring corporation serving the

participants specified in division (B)(1) of this section. 120193

(3) The hospital remains under contract with at least one 120194
health insuring corporation serving participants in the care 120195
management system who are required to be enrolled in a health 120196
insuring corporation. 120197

(C) The medicaid director ~~of job and family services~~ shall 120198
specify in the rules adopted under section ~~5111.19~~ 5164.02 of the 120199
Revised Code what constitutes good cause for a hospital to refuse 120200
to contract with a medicaid managed care organization. 120201

Sec. ~~5111.086~~ 5164.75. As used in this section, "federal 120202
upper reimbursement limit" means the limit established pursuant to 120203
~~section 1927(e) of the "Social Security Act," 104 Stat. 1388-151~~ 120204
~~(1990) section 1927(e), 42 U.S.C. 1396r-8(e), as amended.~~ 120205

The medicaid payment for a drug that is subject to a federal 120206
upper reimbursement limit shall not exceed, in the aggregate, the 120207
federal upper reimbursement limit for the drug. ~~The director of~~ 120208
~~job and family services shall adopt rules under section 5111.02 of~~ 120209
~~the Revised Code as necessary to implement this section.~~ 120210

Sec. ~~5111.082~~ 5164.751. (A) As used in this section: 120211

~~(1) "State, "~~ state maximum allowable cost means the per unit 120212
amount the ~~department of job and family services reimburses~~ 120213
medicaid program pays a terminal distributor of dangerous drugs 120214
for a ~~prescription~~ prescribed drug included in the state maximum 120215
allowable cost program established under division (B) of this 120216
section. "State maximum allowable cost" excludes dispensing fees 120217
and copayments, coinsurance, or other cost-sharing charges, if 120218
any. 120219

~~(2) "Terminal distributor of dangerous drugs" has the same~~ 120220
~~meaning as in section 4729.01 of the Revised Code.~~ 120221

(B) The medicaid director ~~of job and family services~~ shall 120222
establish a state maximum allowable cost program for purposes of 120223
managing ~~reimbursement~~ medicaid payments to terminal distributors 120224
of dangerous drugs for ~~prescription~~ prescribed drugs identified by 120225
the director pursuant to this division. The director shall do all 120226
of the following with respect to the program: 120227

(1) Identify and create a list of ~~prescription~~ prescribed 120228
drugs to be included in the program. 120229

(2) Update the list of ~~prescription~~ prescribed drugs 120230
described in division (B)(1) of this section on a weekly basis. 120231

(3) Review the state maximum allowable cost for each 120232
prescribed drug included on the list described in division (B)(1) 120233
of this section on a weekly basis. 120234

~~(C) The director may adopt rules in accordance with Chapter 120235
119. of the Revised Code to implement this section. 120236~~

Sec. ~~5111.07~~ 5164.752. Commencing in ~~In~~ July, ~~1986~~, and ~~of~~ 120237
every ~~second~~ July thereafter ~~even-numbered~~ year, the department of 120238
~~job and family services~~ medicaid shall initiate a ~~private~~ 120239
confidential survey of ~~retail pharmacy operations~~ the cost of 120240
dispensing drugs incurred by terminal distributors of dangerous 120241
drugs in ~~the~~ this state. The survey shall be used as the basis for 120242
establishing a ~~current maximum~~ the medicaid program's dispensing 120243
fee for licensed pharmacists who are providers of drugs under this 120244
~~chapter~~. The terminal distributors in accordance with section 120245
5164.753 of the Revised Code. The survey shall be completed and 120246
its results published not later than the last day of October of 120247
the year in which it is conducted. 120248

Each terminal distributor that is a provider of drugs under 120249
the medicaid program shall participate in the survey. Except as 120250
necessary to publish the survey's results, a terminal 120251

distributor's responses to the survey are confidential and not a 120252
public record under section 149.43 of the Revised Code. 120253

The survey shall be conducted in conformance with the 120254
requirements set forth in 42 C.F.R. 447.331 through 447.333, as 120255
amended or superseded, and 447.500 to 447.518. The survey shall 120256
include operational data and direct prescription expenses, 120257
professional services and personnel costs, and usual and customary 120258
overhead expenses, and profit data of the retail pharmacies 120259
terminal distributors surveyed. The survey shall be completed and 120260
its results published no later than the last day of October of the 120261
year in which the survey is conducted, and the survey shall 120262
compute and report the cost of dispensing fees on a basis of the 120263
usual and customary charges by retail pharmacies terminal 120264
distributors to their customers for dispensing drugs. The director 120265
of job and family services shall take into account the results of 120266
the survey in establishing a dispensing fee. 120267

Sec. 5111.071 5164.753. ~~Commencing in In~~ December, 1986, and 120268
~~of every second December thereafter~~ even-numbered year, the 120269
medicaid director of job and family services shall establish a 120270
dispensing fee, effective the following ~~January~~ July, for licensed 120271
~~pharmacists who~~ terminal distributors of dangerous drugs that are 120272
providers of drugs under this chapter the medicaid program. The In 120273
establishing the dispensing fee, the director shall take into 120274
consideration the results of the survey conducted under section 120275
~~5111.07~~ 5164.752 of the Revised Code. 120276

Sec. 5111.0114 5164.754. (A) As used in this section, 120277
"dangerous drug" and "manufacturer of dangerous drugs" have the 120278
same meaning as in section 4729.01 of the Revised Code. 120279

(B) The medicaid director of job and family services may 120280
enter into or administer an agreement or cooperative arrangement 120281

with other states to create or join a multiple-state prescription 120282
drug purchasing program for the purpose of negotiating with 120283
manufacturers of dangerous drugs to receive discounts or rebates 120284
for dangerous drugs ~~dispensed under~~ covered by the medicaid 120285
program. 120286

Sec. ~~5111.081~~ 5164.755. The medicaid director ~~of job and~~ 120287
~~family services~~, in rules adopted under section ~~5111.02~~ 5164.02 of 120288
the Revised Code, may establish and implement a supplemental drug 120289
rebate program under which drug manufacturers may be required to 120290
provide the department of ~~job and family services~~ medicaid a 120291
supplemental rebate as a condition of having the drug 120292
manufacturers' drug products covered by the medicaid program 120293
without prior approval. The department may receive a supplemental 120294
rebate negotiated under the program for a drug dispensed to a 120295
medicaid recipient pursuant to a prescription or a drug purchased 120296
by a medicaid provider for administration to a medicaid recipient 120297
in the provider's primary place of business. ~~If necessary, the~~ 120298
~~director may apply to the United States secretary of health and~~ 120299
~~human services for a waiver of federal statutes and regulations to~~ 120300
~~establish the supplemental drug rebate program.~~ 120301

If the director establishes a supplemental drug rebate 120302
program, the director shall consult with drug manufacturers 120303
regarding the establishment and implementation of the program. 120304

Sec. ~~5101.31~~ 5164.756. Any record, data, pricing information, 120305
or other information regarding a drug rebate agreement or a 120306
supplemental drug rebate agreement for the medicaid program 120307
~~established under Chapter 5111. of the Revised Code~~ that the 120308
department of ~~job and family services~~ medicaid receives from a 120309
pharmaceutical manufacturer or creates pursuant to negotiation of 120310
the agreement is not a public record under section 149.43 of the 120311
Revised Code and shall be treated by the department as 120312

confidential information. 120313

Sec. ~~5111.083~~ 5164.757. (A) As used in this section, 120314
"licensed health professional authorized to prescribe drugs" has 120315
the same meaning as in section 4729.01 of the Revised Code. 120316

(B) The medicaid director ~~of job and family services~~ may 120317
~~establish an~~ acquire or specify technologies to provide 120318
information regarding medicaid recipient eligibility, claims 120319
history, and drug coverage to medicaid providers through 120320
electronic health record and e-prescribing system for the medicaid 120321
~~program under which~~ applications. 120322

If such technologies are acquired or specified, the 120323
e-prescribing applications shall enable a medicaid provider who is 120324
a licensed health professional authorized to prescribe drugs ~~shall~~ 120325
to use an electronic system to prescribe a drug for a medicaid 120326
recipient ~~when required to do so by division (C) of this section.~~ 120327
The ~~e-prescribing~~ purpose of the electronic system shall is to 120328
eliminate the need for such medicaid providers to ~~make~~ issue 120329
prescriptions for medicaid recipients by handwriting or telephone. 120330
The ~~e-prescribing system~~ technologies acquired or specified by the 120331
director also shall provide such medicaid providers with an 120332
up-to-date, clinically relevant drug information database and a 120333
system of electronically monitoring medicaid recipients' medical 120334
history, drug regimen compliance, and fraud and abuse. 120335

~~(C) If the director establishes an e-prescribing system under~~ 120336
~~division (B) of this section, the director shall do all of the~~ 120337
~~following:~~ 120338

~~(1) Require that a medicaid provider who is a licensed health~~ 120339
~~professional authorized to prescribe drugs use the e-prescribing~~ 120340
~~system during a fiscal year if the medicaid provider was one of~~ 120341
~~the ten medicaid providers who, during the calendar year that~~ 120342

~~precedes that fiscal year, issued the most prescriptions for
medicaid recipients receiving hospital services;~~ 120343
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~~(2) Before the beginning of each fiscal year, determine the
ten medicaid providers that issued the most prescriptions for
medicaid recipients receiving hospital services during the
calendar year that precedes the upcoming fiscal year and notify
those medicaid providers that they must use the e-prescribing
system for the upcoming fiscal year;~~ 120345
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~~(3) Seek the most federal financial participation available
for the development and implementation of the e-prescribing
system.~~ 120351
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Sec. 5111.085 5164.758. ~~Not later than July 1, 2012, the
department of job and family services The medicaid director shall
adopt rules in accordance with Chapter 119. under section 5164.02
of the Revised Code to implement a coordinated services program
for medicaid recipients who are found to have obtained
prescription prescribed drugs under the medicaid program at a
frequency or in an amount that is not medically necessary. The
program shall be implemented in a manner that is consistent with
~~section 1915(a)(2) of the "Social Security Act," 95 Stat. 810~~
~~(1981) section 1915(a)(2), 42 U.S.C. 1396n(a)(2), as amended,~~ and
42 C.F.R. 431.54(e).~~ 120354
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Sec. 5111.08 5164.759. In accordance with ~~subsection (g) of
section 1927 of the "Social Security Act," 49 Stat. 320 (1935)~~
section 1927(g), 42 U.S.C.A. 1396r-8(g), as amended, the
~~department of job and family services~~ medicaid shall establish an
outpatient drug use review program to assure that prescriptions
obtained by medicaid recipients ~~of medical assistance under this
chapter~~ are appropriate, medically necessary, and unlikely to
cause adverse medical results. 120365
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Sec. ~~5111.084~~ 5164.7510. (A) There is hereby established the 120373
pharmacy and therapeutics committee of the department of ~~job and~~ 120374
~~family services~~ medicaid. The committee shall assist the 120375
department with developing and maintaining a preferred drug list 120376
for the medicaid program. 120377

The committee shall review and recommend to the medicaid 120378
director ~~of job and family services~~ the drugs that should be 120379
included on the preferred drug list. The recommendations shall be 120380
made based on the evaluation of competent evidence regarding the 120381
relative safety, efficacy, and effectiveness of ~~prescription~~ 120382
prescribed drugs within a class or classes of ~~prescription~~ 120383
prescribed drugs. 120384

(B) The committee shall consist of ten members and shall be 120385
appointed by the medicaid director ~~of job and family services~~. The 120386
director shall seek recommendations for membership from relevant 120387
professional organizations. A candidate for membership recommended 120388
by a professional organization shall have professional experience 120389
working with medicaid recipients. 120390

The membership of the committee shall include: 120391

(1) Three pharmacists licensed under Chapter 4729. of the 120392
Revised Code; 120393

(2) Two doctors of medicine and two doctors of osteopathy who 120394
hold certificates to practice issued under Chapter 4731. of the 120395
Revised Code, one of whom is a family practice physician; 120396

(3) A registered nurse licensed under Chapter 4723. of the 120397
Revised Code; 120398

(4) A pharmacologist who has a doctoral degree; 120399

(5) A psychiatrist who holds a certificate to practice issued 120400
under Chapter 4731. of the Revised Code and specializes in 120401
psychiatry. 120402

(C) The committee shall elect from among its members a chairperson. Five committee members constitute a quorum. The committee shall establish guidelines necessary for the committee's operation. The committee may establish one or more subcommittees to investigate and analyze issues consistent with the duties of the committee under this section. The subcommittees may submit proposals regarding the issues to the committee and the committee may adopt, reject, or modify the proposals. A vote by a majority of a quorum is necessary to make recommendations to the director. In the case of a tie, the chairperson shall decide the outcome. (D) The director shall act on the committee's recommendations not later than thirty days after the recommendation is posted on the department's web site under division (F) of this section. If the director does not accept a recommendation of the committee, the director shall present the basis for this determination not later than fourteen days after making the determination or at the next scheduled meeting of the committee, whichever is sooner. (E) An interested party may request, and shall be permitted, to make a presentation or submit written materials to the committee during a committee meeting. The presentation or other materials shall be relevant to an issue under consideration by the committee and any written material, including a transcript of testimony to be given on the day of the meeting, may be submitted to the committee in advance of the meeting. (F) The department shall post the following on the department's web site:

(1) Guidelines established by the committee under division (C) of this section;

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(2) A detailed committee agenda not later than fourteen days 120433
prior to the date of a regularly scheduled meeting and not later 120434
than seventy-two hours prior to the date of a special meeting 120435
called by the committee; 120436

(3) Committee recommendations not later than seven days after 120437
the meeting at which the recommendation was approved; 120438

(4) The director's final determination as to the 120439
recommendations made by the committee under this section. 120440

Sec. ~~5111.025~~ 5164.76. (A) In rules adopted under section 120441
~~5111.02~~ 5164.02 of the Revised Code, the medicaid director ~~of job~~ 120442
~~and family services~~ shall modify the manner or establish a new 120443
manner in which the following are paid under medicaid: 120444

(1) Community mental health ~~agencies~~ service providers or 120445
facilities for providing community mental health services ~~included~~ 120446
~~in~~ covered by the ~~state~~ medicaid ~~plan~~ program pursuant to section 120447
~~5111.023~~ 5164.15 of the Revised Code; 120448

(2) Providers of alcohol and drug addiction services for 120449
providing alcohol and drug addiction services ~~included in~~ covered 120450
~~by~~ the medicaid program ~~pursuant to rules adopted under section~~ 120451
~~5111.02 of the Revised Code.~~ 120452

(B) The director's authority to modify the manner, or to 120453
establish a new manner, for medicaid to pay for the services 120454
specified in division (A) of this section is not limited by any 120455
rules adopted under section ~~5111.02 or 5119.61~~ 5119.22 or 5164.02 120456
of the Revised Code that are in effect on June 26, 2003, and 120457
govern the way medicaid pays for those services. This is the case 120458
regardless of what state agency adopted the rules. 120459

Sec. ~~5111.0213~~ 5164.77. (A) As used in this section: 120460

(1) "Aide services" means all of the following: 120461

(a) Home health aide services available under the home health services benefit pursuant to 42 C.F.R. 440.70(b)(2);

(b) Home care attendant services available under a home and community-based services medicaid waiver component;

(c) Personal care aide services available under a home and community-based services medicaid waiver component.

~~(2) "Home and community-based services medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~

~~(3)~~ "Independent provider" means an individual who personally provides aide services or nursing services and is not employed by, under contract with, or affiliated with another entity that provides those services.

~~(4)~~(3) "Nursing services" means all of the following:

(a) Nursing services available under the home health services benefit pursuant to 42 C.F.R. 440.70(b)(1);

(b) Private duty nursing services as defined in 42 C.F.R. 440.80;

(c) Nursing services available under a home and community-based services medicaid waiver component.

(B) The department of ~~job and family services~~ medicaid shall do ~~both~~ all of the following:

(1) Effective October 1, 2011, reduce the medicaid program's first-hour-unit price for aide services to ninety-seven per cent of the price paid on June 30, 2011, and for nursing services to ninety-five per cent of the price paid on June 30, 2011;

(2) Effective October 1, 2011, pay for a service that is an aide service or a nursing service provided by an independent provider eighty per cent of the price it pays for the same service provided by a provider that is not an independent provider;

(3) Not sooner than July 1, 2012, adjust the medicaid reimbursement payment rates for aide services and nursing services in a manner that reflects, at a minimum, labor market data, education and licensure status, home health agency and independent provider status, and length of service visit.

(C) The department shall strive to have the adjustment made under division (B)(3) of this section go into effect on July 1, 2012. The reductions made under divisions (B)(1) and (2) of this section shall remain in effect until the adjustment made under division (B)(3) of this section goes into effect.

~~(D) The director of job and family services shall adopt rules under sections 5111.02 and 5111.85 of the Revised Code as necessary to implement this section.~~

Sec. 5164.78. (A) The medicaid payment rates for physician, pregnancy-related, evaluation, and management services provided by a physician group practice meeting the requirements of division (B) of this section shall be determined in accordance with rule 5101:3-1-60.1 of the Administrative Code as the rule is in effect on the day immediately preceding the effective date of this section.

(B) A physician group practice meets the requirements of this division if both of the following apply to the practice:

(1) The practice is physically attached to a hospital that does not provide physician clinic outpatient services and the practice and hospital have signed a letter of agreement providing for the practice to provide outpatient hospital clinic services for the hospital.

(2) The medicaid provider utilization summary for calendar year 1990 establishes that the practice provided both of the following that year:

(a) At least forty per cent of the total number of medicaid physician visits provided in the county in which the practice is located; 120522
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(b) An aggregate total of at least ten per cent of medicaid physician visits provided in the contiguous counties. 120525
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(C) Not later than four years after the effective date of this section, the department of medicaid shall submit a report regarding this section to the general assembly in accordance with section 101.68 of the Revised Code. 120527
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Sec. ~~5111.0212~~ 5164.80. As necessary to comply with ~~section 1902(a)(13)(A) of the "Social Security Act," 111 Stat. 507 (1997)~~ section 1902(a)(13)(A), 42 U.S.C. 1396a(a)(13)(A), as amended, and any other federal law that requires public notice of proposed changes to ~~reimbursement~~ payment rates for ~~medical assistance provided under the medicaid program services,~~ the medicaid director of ~~job and family services~~ shall give public notice in the register of Ohio of any change to a method or standard used to determine the medicaid ~~reimbursement~~ payment rate for ~~medical assistance~~ a medicaid service. 120531
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Sec. ~~5111.0214~~ 5164.82. The department of ~~job and family services~~ medicaid shall not knowingly make a medicaid payment for a provider-preventable condition for which federal financial participation is prohibited by regulations adopted under ~~section 2702 of the "Patient Protection and Affordable Care Act," 124 Stat. 318 (2010)~~ section 2702, 42 U.S.C. 1396b-1. ~~The director of job and family services shall adopt rules under section 5111.02 of the Revised Code as necessary to implement this section.~~ 120541
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Sec. ~~5111.13~~ 5164.85. (A) As used in this section, "cost-effective" and "group health plan" have the same meanings as in ~~section 1906 of the "Social Security Act," 104 Stat. 1388-161~~ 120549
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~~(1990) section 1906, 42 U.S.C. 1396e, as amended, and any~~ 120552
~~regulations adopted under that section.~~ 120553

(B) ~~The department of job and family services~~ medicaid may 120554
~~submit a medicaid state plan amendment to the United States~~ 120555
~~secretary of health and human services for the purpose of~~ 120556
~~implementing~~ implement a program pursuant to ~~section 1906~~ of the 120557
"Social Security Act," ~~104 Stat. 1388-161 (1990)~~ section 1906, 42 120558
U.S.C. 1396e, ~~as amended,~~ for the enrollment of medicaid-eligible 120559
individuals in group health plans when the department determines 120560
that enrollment is cost-effective. 120561

~~(C) The director of job and family services may adopt rules~~ 120562
~~in accordance with Chapter 119. of the Revised Code as necessary~~ 120563
~~to implement this section.~~ 120564

Sec. ~~5111.18~~ 5164.86. ~~Not later than September 1, 2007, the~~ 120565
~~The medicaid~~ director of ~~job and family services~~ shall establish a 120566
qualified state long-term care insurance partnership program 120567
consistent with the definition of that term in the "Social 120568
Security Act," section 1917(b)(1)(C)(iii), 42 U.S.C. 120569
1396p(b)(1)(C)(iii). An individual participating in the program 120570
who is subject to the medicaid estate recovery program instituted 120571
under section ~~5111.11~~ 5162.21 of the Revised Code shall be 120572
eligible for the reduced adjustment or recovery under division (D) 120573
of that section. 120574

~~The director of job and family services may adopt rules in~~ 120575
~~accordance with Chapter 119. of the Revised Code as necessary to~~ 120576
~~implement this section.~~ 120577

Sec. ~~5111.14~~ 5164.88. The medicaid director of ~~job and family~~ 120578
~~services~~ may ~~submit to the United States secretary of health and~~ 120579
~~human services an amendment to the medicaid state plan in order to~~ 120580
implement within the medicaid program a system under which 120581

medicaid recipients with chronic conditions are provided with 120582
coordinated care through health homes, as authorized by ~~section~~ 120583
~~1945~~ of the "Social Security Act," ~~124 Stat. 319 (2010)~~ section 120584
1945, 42 U.S.C. 1396w-4. 120585

~~The director may adopt rules under section 5111.02 of the~~ 120586
~~Revised Code to implement this section.~~ 120587

Sec. 5164.881. The medicaid director, in consultation with 120588
the director of developmental disabilities, may develop and 120589
implement within the medicaid program a system under which 120590
eligible individuals with chronic conditions, as defined in the 120591
"Social Security Act," section 1945 (h)(1), 42 U.S.C. 120592
1396w-4(h)(1), who also have mental retardation or other 120593
developmental disabilities may receive health home services, as 120594
defined in the "Social Security Act," section 1945 (h)(4), 42 120595
U.S.C. 1396w-4(h)(4). Any such system shall focus on the needs of 120596
individuals and have as its goal improving services and outcomes 120597
under the medicaid program by improving integration of long-term 120598
care services and supportive services with primary and acute 120599
health care services. 120600

In developing any system under this section, the directors 120601
shall consult with representatives of county boards of 120602
developmental disabilities, the Ohio provider resource 120603
association, and the arc of Ohio. The directors may consult with 120604
any other individuals or entities that have an interest in the 120605
well being of individuals with developmental disabilities. 120606

~~Sec. 5111.141~~ 5164.89. The department of ~~job and family~~ 120607
~~services~~ medicaid may require county departments of job and family 120608
services to provide case management of nonemergency transportation 120609
services provided under the ~~medical assistance~~ medicaid program. 120610
County departments shall provide the case management if required 120611

by the department in accordance with rules adopted ~~by the director~~ 120612
~~of job and family services under section 5164.02 of the Revised~~ 120613
~~Code.~~ 120614

The department shall determine, for the purposes of claiming 120615
federal ~~reimbursement under the medical assistance program~~ 120616
financial participation, whether it will claim expenditures for 120617
nonemergency transportation services as administrative or program 120618
expenditures. 120619

Sec. ~~5111.96~~ 5164.90. (A) As used in this section, "MFP 120620
demonstration project" means a money follows the person 120621
demonstration project that the United States secretary of health 120622
and human services is authorized to award under section 6071 of 120623
the "Deficit Reduction Act of 2005" (Pub. L. No. 109-171, as 120624
amended). 120625

(B) To the extent funds are available under an MFP 120626
demonstration project awarded to the department of ~~job and family~~ 120627
~~services~~ medicaid, the director of ~~job and family services~~ 120628
medicaid may operate the helping Ohioans move, expanding (HOME) 120629
choice demonstration component of the medicaid program to 120630
transition medicaid recipients who qualify for the demonstration 120631
component to community settings. ~~The director may adopt rules in~~ 120632
~~accordance with Chapter 119. of the Revised Code for the~~ 120633
~~administration and operation of the demonstration component.~~ 120634

Sec. ~~5111.981~~ 5164.91. ~~(A) As used in this section and~~ 120635
~~section 5111.982 of the Revised Code:~~ 120636

~~"Dual eligible individual" has the same meaning as in the~~ 120637
~~"Social Security Act," section 1915(h)(2)(B), 42 U.S.C.~~ 120638
~~1396n(h)(2)(B).~~ 120639

~~"Medicare" means the program created in the "Social Security~~ 120640
~~Act," Title XVIII, 42 U.S.C. 1395 et seq., as amended.~~ 120641

~~(B) Subject to division (C) of this section, the medical assistance The medicaid director may implement a demonstration project called the integrated care delivery system to test and evaluate the integration of the care that dual eligible individuals receive under medicare and medicaid. No provision of Title LI of the Revised Code applies to the integrated care delivery system if that provision implements or incorporates a provision of federal law governing medicaid and that provision of federal law does not apply to the system.~~ 120642
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~~(C) Before implementing the integrated care delivery system under division (B) of this section, the director shall obtain the approval of the United States secretary of health and human services in the form of a federal medicaid waiver, medicaid state plan amendment, or demonstration grant. The director is required to seek the federal approval only if the director seeks to implement the integrated care delivery system. The director shall implement the integrated care delivery system in accordance with the terms of the federal approval, including the terms regarding the duration of the system.~~ 120651
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Sec. 5164.911. (A) If the medicaid director implements the integrated care delivery system and except as provided in division (D) of this section, the director shall annually evaluate all of the following: 120661
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120664

(1) The health outcomes of ICDS participants; 120665

(2) How changes to the administration of the ICDS affect all of the following: 120666
120667

(a) Claims processing; 120668

(b) The appeals process; 120669

(c) The number of reassessments requested; 120670

(d) Prior authorization requests for services. 120671

<u>(3) The provider panel selection process used by medicaid managed care organizations participating in the ICDS.</u>	120672
<u>(B) When conducting an evaluation under division (A) of this section, the director shall do all of the following:</u>	120673
<u>(1) For the purpose of division (A)(1) of this section, do both of the following:</u>	120674
<u>(a) Compare the health outcomes of ICDS participants to the health outcomes of individuals who are not ICDS participants;</u>	120675
<u>(b) Use both of the following:</u>	120676
<u>(i) A control group consisting of ICDS participants who receive health care services from providers not participating in ICDS;</u>	120677
<u>(ii) A control group consisting of ICDS participants who receive health care services from alternative providers that are not part of a participating medicaid managed care organization's provider panel but provide health care services in the geographic service area in which ICDS participants receive health care services.</u>	120678
<u>(2) For the purpose of division (A)(2) of this section, do all of the following:</u>	120679
<u>(a) To the extent the data is available, use data from all of the following:</u>	120680
<u>(i) The fee-for-service component of the medicaid program;</u>	120681
<u>(ii) Medicaid managed care organizations;</u>	120682
<u>(iii) Managed care organizations participating in the medicare advantage program established under Part C of Title XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq.</u>	120683
<u>(b) Identify all of the following:</u>	120684
<u>(i) Changes in the amount of time it takes to process claims</u>	120685
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and the number of claims denied and the reasons for the changes; 120701

(ii) The impact that changes to the administration of the 120702
ICDS had on the appeals process and number of reassessments 120703
requested; 120704

(iii) The number of prior authorization denials that were 120705
overturned and the reasons for the overturned denials. 120706

(3) Require medicaid managed care organizations participating 120707
in the ICDS to submit to the director any data the director needs 120708
for the evaluation. 120709

(C) Not later than the first day of each July, the director 120710
shall complete a report of the evaluation conducted under this 120711
section. The director shall provide a copy of the report to the 120712
general assembly in accordance with section 101.68 of the Revised 120713
Code and make the report available to the public. 120714

(D) The director is not required to conduct an evaluation 120715
under this section for a year if the same evaluation is conducted 120716
for that year by an organization under contract with the United 120717
States department of health and human services. 120718

Sec. ~~5111.0210~~ 5164.92. As used in this section, "advanced 120719
diagnostic imaging services" means magnetic resonance imaging 120720
services, computed tomography services, positron emission 120721
tomography services, cardiac nuclear medicine services, and 120722
similar imaging services. 120723

~~Not later than January 1, 2010, the~~ The department of ~~job and~~ 120724
~~family services~~ medicaid shall implement evidence-based, best 120725
practice guidelines or protocols and decision support tools for 120726
advanced diagnostic imaging services ~~available under~~ covered by 120727
the fee-for-service component of the medicaid program. 120728

Sec. ~~5111.0215~~ 5164.93. (A) The department of ~~job and family~~ 120729

~~services~~ medicaid may establish a program under which it provides 120730
incentive payments, as authorized by the "~~Health Information~~ 120731
~~Technology for Economic and Clinical Health~~ Social Security Act," 120732
~~123 Stat. 489 (2009)~~ section 1903(a)(3)(F) and (t), 42 U.S.C. 120733
~~1396b(a)(3)(F) and 1396b(t)~~, ~~as amended~~, to encourage the adoption 120734
and use of electronic health record technology by medicaid 120735
providers who are identified under that federal law as eligible 120736
professionals. 120737

(B) After the department has made a determination regarding 120738
the amount of a medicaid provider's electronic health record 120739
incentive payment or the denial of an incentive payment, the 120740
department shall notify the provider. The provider may request 120741
that the department reconsider its determination. 120742

A request for reconsideration shall be submitted in writing 120743
to the department not later than fifteen days after the provider 120744
receives notification of the determination. The request shall be 120745
accompanied by written materials setting forth the basis for, and 120746
supporting, the reconsideration request. 120747

On receipt of a timely request, the department shall 120748
reconsider the determination. On the basis of the written 120749
materials accompanying the request, the department may uphold, 120750
reverse, or modify its original determination. The department 120751
shall mail to the provider by certified mail a written notice of 120752
the reconsideration decision. 120753

In accordance with Chapter 2505. of the Revised Code, the 120754
medicaid provider may appeal the reconsideration decision by 120755
filing a notice of appeal with the court of common pleas of 120756
Franklin county. The notice shall identify the decision being 120757
appealed and the specific grounds for the appeal. The notice of 120758
appeal shall be filed not later than fifteen days after the 120759
department mails its notice of the reconsideration decision. A 120760

copy of the notice of appeal shall be filed with the department 120761
not later than three days after the notice is filed with the 120762
court. 120763

(C) The medicaid director ~~of job and family services~~ may 120764
adopt rules ~~in accordance with Chapter 119.~~ under section 5162.02 120765
of the Revised Code as necessary to implement this section. The 120766
rules, if any, shall be adopted in accordance with Chapter 119. of 120767
the Revised Code. 120768

Sec. ~~5111.20~~ 5165.01. As used in ~~sections 5111.20 to 5111.331~~ 120769
~~of the Revised Code~~ this chapter: 120770

(A) "Affiliated operator" means an operator affiliated with 120771
either of the following: 120772

(1) The exiting operator for whom the affiliated operator is 120773
to assume liability for the entire amount of the exiting 120774
operator's debt under the medicaid program or the portion of the 120775
debt that represents the franchise permit fee the exiting operator 120776
owes; 120777

(2) The entering operator involved in the change of operator 120778
with the exiting operator specified in division (A)(1) of this 120779
section. 120780

(B) "Allowable costs" are those a nursing facility's costs 120781
~~determined by that~~ the department of ~~job and family services to be~~ 120782
medicaid determines are reasonable and do not include fines. Fines 120783
paid under sections ~~5111.35~~ 5165.60 to ~~5111.61~~ 5165.89 and section 120784
~~5111.99~~ 5165.99 of the Revised Code are not allowable costs. 120785

~~(B)~~(C) "Ancillary and support costs" means all reasonable 120786
costs incurred by a nursing facility other than direct care costs, 120787
tax costs, or capital costs. "Ancillary and support costs" 120788
includes, but is not limited to, costs of activities, social 120789
services, pharmacy consultants, habilitation supervisors, 120790

qualified mental retardation professionals, program directors, 120791
medical and habilitation records, program supplies, incontinence 120792
supplies, food, enterals, dietary supplies and personnel, laundry, 120793
housekeeping, security, administration, medical equipment, 120794
utilities, liability insurance, bookkeeping, purchasing 120795
department, human resources, communications, travel, dues, license 120796
fees, subscriptions, home office costs not otherwise allocated, 120797
legal services, accounting services, minor equipment, maintenance 120798
and repairs, help-wanted advertising, informational advertising, 120799
start-up costs, organizational expenses, other interest, property 120800
insurance, employee training and staff development, employee 120801
benefits, payroll taxes, and workers' compensation premiums or 120802
costs for self-insurance claims and related costs as specified in 120803
rules adopted ~~by the director of job and family services~~ under 120804
section ~~5111.02~~ 5165.02 of the Revised Code, for personnel listed 120805
in this division. "Ancillary and support costs" also means the 120806
cost of equipment, including vehicles, acquired by operating lease 120807
executed before December 1, 1992, if the costs are reported as 120808
administrative and general costs on the nursing facility's cost 120809
report for the cost reporting period ending December 31, 1992. 120810

~~(C)(D)(1)~~ "Capital costs" means ~~costs of ownership and, in~~ 120811
~~the case of an intermediate care facility for the mentally~~ 120812
~~retarded, costs of nonextensive renovation~~ the actual expense 120813
incurred by a nursing facility for all of the following: 120814

(a) Depreciation and interest on any capital assets that cost 120815
five hundred dollars or more per item, including the following: 120816

(i) Buildings; 120817

(ii) Building improvements; 120818

(iii) Except as provided in division (C) of this section, 120819
equipment; 120820

(iv) Transportation equipment. 120821

<u>(b) Amortization and interest on land improvements and leasehold improvements;</u>	120822
	120823
<u>(c) Amortization of financing costs;</u>	120824
<u>(d) Lease and rent of land, buildings, and equipment.</u>	120825
<u>(2) The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.</u>	120826
	120827
	120828
(1) "Cost of ownership" means the actual expense incurred for all of the following:	120829
	120830
(a) Depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:	120831
	120832
(i) Buildings;	120833
(ii) Building improvements that are not approved as nonextensive renovations under section 5111.251 of the Revised Code;	120834
	120835
	120836
(iii) Except as provided in division (B) of this section, equipment;	120837
	120838
(iv) In the case of an intermediate care facility for the mentally retarded, extensive renovations;	120839
	120840
(v) Transportation equipment.	120841
(b) Amortization and interest on land improvements and leasehold improvements;	120842
	120843
(c) Amortization of financing costs;	120844
(d) Except as provided in division (K) of this section, lease and rent of land, building, and equipment.	120845
	120846
The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.	120847
	120848
	120849

~~(2) "Costs of nonextensive renovation" means the actual expense incurred by an intermediate care facility for the mentally retarded for depreciation or amortization and interest on renovations that are not extensive renovations.~~

~~(D)~~(E) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.

~~(E) "Case mix score" means the measure determined under section 5111.232 of the Revised Code of the relative direct care resources needed to provide care and habilitation to a resident of a nursing facility or intermediate care facility for the mentally retarded.~~

(F) "Case-mix score" means a measure determined under section 5165.192 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a nursing facility resident.

(G) "Change of operator" means an entering operator becoming the operator of a nursing facility in the place of the exiting operator.

(1) Actions that constitute a change of operator include the following:

(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;

(b) A transfer of all the exiting operator's ownership interest in the operation of the nursing facility to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing facility is also transferred;

(c) A lease of the nursing facility to the entering operator

<u>or the exiting operator's termination of the exiting operator's</u>	120880
<u>lease;</u>	120881
<u>(d) If the exiting operator is a partnership, dissolution of</u>	120882
<u>the partnership;</u>	120883
<u>(e) If the exiting operator is a partnership, a change in</u>	120884
<u>composition of the partnership unless both of the following apply:</u>	120885
<u>(i) The change in composition does not cause the</u>	120886
<u>partnership's dissolution under state law.</u>	120887
<u>(ii) The partners agree that the change in composition does</u>	120888
<u>not constitute a change in operator.</u>	120889
<u>(f) If the operator is a corporation, dissolution of the</u>	120890
<u>corporation, a merger of the corporation into another corporation</u>	120891
<u>that is the survivor of the merger, or a consolidation of one or</u>	120892
<u>more other corporations to form a new corporation.</u>	120893
<u>(2) The following, alone, do not constitute a change of</u>	120894
<u>operator:</u>	120895
<u>(a) A contract for an entity to manage a nursing facility as</u>	120896
<u>the operator's agent, subject to the operator's approval of daily</u>	120897
<u>operating and management decisions;</u>	120898
<u>(b) A change of ownership, lease, or termination of a lease</u>	120899
<u>of real property or personal property associated with a nursing</u>	120900
<u>facility if an entering operator does not become the operator in</u>	120901
<u>place of an exiting operator;</u>	120902
<u>(c) If the operator is a corporation, a change of one or more</u>	120903
<u>members of the corporation's governing body or transfer of</u>	120904
<u>ownership of one or more shares of the corporation's stock, if the</u>	120905
<u>same corporation continues to be the operator.</u>	120906
<u>(H) "Cost center" means the following:</u>	120907
<u>(1) Ancillary and support costs;</u>	120908

<u>(2) Capital costs;</u>	120909
<u>(3) Direct care costs;</u>	120910
<u>(4) Tax costs.</u>	120911
<u>(I) "Custom wheelchair" means a wheelchair to which both of</u>	120912
<u>the following apply:</u>	120913
<u>(1) It has been measured, fitted, or adapted in consideration</u>	120914
<u>of either of the following:</u>	120915
<u>(a) The body size or disability of the individual who is to</u>	120916
<u>use the wheelchair;</u>	120917
<u>(b) The individual's period of need for, or intended use of,</u>	120918
<u>the wheelchair.</u>	120919
<u>(2) It has customized features, modifications, or components,</u>	120920
<u>such as adaptive seating and positioning systems, that the</u>	120921
<u>supplier who assembled the wheelchair, or the manufacturer from</u>	120922
<u>which the wheelchair was ordered, added or made in accordance with</u>	120923
<u>the instructions of the physician of the individual who is to use</u>	120924
<u>the wheelchair.</u>	120925
<u>(J)(1) "Date of licensure," for a means the following:</u>	120926
<u>(a) In the case of a nursing facility originally that was</u>	120927
<u>required by law to be licensed as a nursing home under Chapter</u>	120928
<u>3721. of the Revised Code when it originally began to be operated</u>	120929
<u>as a nursing home, means the date specific beds were the nursing</u>	120930
<u>facility was originally so licensed as nursing home beds under</u>	120931
<u>that chapter, regardless of whether they were subsequently</u>	120932
<u>licensed as residential facility beds under section 5123.19 of the</u>	120933
<u>Revised Code. For a facility originally licensed as a residential</u>	120934
<u>facility under section 5123.19 of the Revised Code, "date of</u>	120935
<u>licensure" means the date specific beds were originally licensed</u>	120936
<u>as residential facility beds under that section.;</u>	120937
<u>If (b) In the case of a nursing home beds licensed under</u>	120938

~~Chapter 3721. of the Revised Code or residential facility beds~~ 120939
~~licensed under section 5123.19 of the Revised Code were~~ 120940
~~facility~~ 120941
~~that was~~ not required by law to be licensed as a nursing home when 120941
~~they were~~ it originally used ~~to provide~~ began to be operated as a 120942
~~nursing home or residential facility services,~~ "date of licensure" 120943
~~means the date the beds~~ it first were used ~~to provide~~ began to be 120944
operated as a nursing home or residential facility services, 120945
regardless of the date the ~~present provider obtained licensure~~ 120946
nursing facility was first licensed as a nursing home. 120947

(2) If a facility adds, after a nursing facility's original 120948
date of licensure, more nursing home beds or residential facility 120949
~~beds or extensively renovates all or part of the facility after~~ 120950
~~its original date of licensure~~ are added to the nursing facility, 120951
~~it will have~~ the nursing facility has a different date of 120952
licensure for the additional beds ~~or extensively renovated portion~~ 120953
~~of the facility, unless the beds are added in a space. This does~~ 120954
not apply, however, to additional beds when both of the following 120955
apply: 120956

(a) The additional beds are located in a part of the nursing 120957
facility that was constructed at the same time as the ~~previously~~ 120958
~~licensed~~ continuing beds but already located in that part of the 120959
nursing facility; 120960

(b) The part of the nursing facility in which the additional 120961
beds are located was constructed as part of the nursing facility 120962
at a time when the nursing facility was not required by law to be 120963
~~licensed under Chapter 3721. or section 5123.19 of the Revised~~ 120964
~~Code at that time~~ as a nursing home. 120965

~~(2)(3)~~ (3) The definition of "date of licensure" in this section 120966
applies in determinations of ~~the~~ nursing facilities' medicaid 120967
~~reimbursement rate for a nursing facility or intermediate care~~ 120968
~~facility for the mentally retarded~~ payment rates but does not 120969
apply in determinations of ~~the~~ nursing facilities' franchise 120970

~~permit fee for a nursing facility or intermediate care facility~~ 120971
~~for the mentally retarded fees.~~ 120972

~~(G)(K)~~ "Desk-reviewed" means that a nursing facility's costs 120973
as reported on a cost report submitted under section ~~5111.26~~ 120974
5165.10 of the Revised Code have been subjected to a desk review 120975
under ~~division (A) of section 5111.27~~ 5165.108 of the Revised Code 120976
and preliminarily determined to be allowable costs. 120977

~~(H)(L)~~ "Direct care costs" means all of the following costs 120978
incurred by a nursing facility: 120979

(1)~~(a)~~ Costs for registered nurses, licensed practical 120980
nurses, and nurse aides employed by the nursing facility; 120981

~~(b)(2)~~ Costs for direct care staff, administrative nursing 120982
staff, medical directors, respiratory therapists, and except as 120983
provided in division ~~(H)(2)(L)(8)~~ of this section, other persons 120984
holding degrees qualifying them to provide therapy; 120985

~~(c)(3)~~ Costs of purchased nursing services; 120986

~~(d)(4)~~ Costs of quality assurance; 120987

~~(e)(5)~~ Costs of training and staff development, employee 120988
benefits, payroll taxes, and workers' compensation premiums or 120989
costs for self-insurance claims and related costs as specified in 120990
rules adopted ~~by the director of job and family services in~~ 120991
~~accordance with Chapter 119. under section 5165.02~~ of the Revised 120992
Code, for personnel listed in divisions ~~(H)(L)(1)(a), (b)(2), and~~ 120993
~~(d)(4), and (8)~~ of this section; 120994

~~(f)(6)~~ Costs of consulting and management fees related to 120995
direct care; 120996

~~(g)(7)~~ Allocated direct care home office costs. 120997

~~(2)~~ In addition to the costs specified in division ~~(H)(1)~~ of 120998
~~this section, for nursing facilities only, direct care costs~~ 120999
include costs; 121000

(8) Costs of habilitation staff (other than habilitation supervisors), medical supplies, <u>emergency</u> oxygen, over-the-counter pharmacy products, behavioral and mental health services, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation supplies, wheelchairs, resident transportation, and universal precautions supplies-<u>i</u>	121001 121002 121003 121004 121005 121006 121007
(3) In addition to the costs specified in division (H)(1) of this section, for intermediate care facilities for the mentally retarded only, direct care costs include both of the following:	121008 121009 121010
(a) Costs for physical therapists and physical therapy assistants, occupational therapists and occupational therapy assistants, speech therapists, audiologists, habilitation staff (including habilitation supervisors), qualified mental retardation professionals, program directors, social services staff, activities staff, off site day programming, psychologists and psychology assistants, and social workers and counselors;	121011 121012 121013 121014 121015 121016 121017
(b) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self insurance claims and related costs as specified in rules adopted under section 5111.02 of the Revised Code, for personnel listed in division (H)(3)(a) of this section.	121018 121019 121020 121021 121022
(4)(9) <u>Until January 1, 2014, costs of oxygen, wheelchairs, and resident transportation;</u>	121023 121024
(10) <u>Beginning January 1, 2014, costs of both of the following:</u>	121025 121026
(a) <u>Emergency oxygen;</u>	121027
(b) <u>Wheelchairs other than the following:</u>	121028
(i) <u>Custom wheelchairs;</u>	121029
(ii) <u>Repairs to and replacements of custom wheelchairs and</u>	121030

parts that are made in accordance with the instructions of the 121031
physician of the individual who uses the custom wheelchair. 121032

(11) Costs of other direct-care resources that are specified 121033
as direct care costs in rules adopted under section 5111.02 121034
5165.02 of the Revised Code. 121035

(I)(M) "Dual eligible individual" has the same meaning as in 121036
section 5160.01 of the Revised Code. 121037

(N) "Effective date of a change of operator" means the day 121038
the entering operator becomes the operator of the nursing 121039
facility. 121040

(O) "Effective date of a facility closure" means the last day 121041
that the last of the residents of the nursing facility resides in 121042
the nursing facility. 121043

(P) "Effective date of an involuntary termination" means the 121044
date the department of medicaid terminates the operator's provider 121045
agreement for the nursing facility. 121046

(Q) "Effective date of a voluntary withdrawal of 121047
participation" means the day the nursing facility ceases to accept 121048
new medicaid residents other than the individuals who reside in 121049
the nursing facility on the day before the effective date of the 121050
voluntary withdrawal of participation. 121051

(R) "Entering operator" means the person or government entity 121052
that will become the operator of a nursing facility when a change 121053
of operator occurs or following an involuntary termination. 121054

(S) "Exiting operator" means any of the following: 121055

(1) An operator that will cease to be the operator of a 121056
nursing facility on the effective date of a change of operator; 121057

(2) An operator that will cease to be the operator of a 121058
nursing facility on the effective date of a facility closure; 121059

(3) An operator of a nursing facility that is undergoing or 121060

has undergone a voluntary withdrawal of participation; 121061

(4) An operator of a nursing facility that is undergoing or 121062
has undergone an involuntary termination. 121063

(T)(1) Subject to divisions (T)(2) and (3) of this section, 121064
"facility closure" means either of the following: 121065

(a) Discontinuance of the use of the building, or part of the 121066
building, that houses the facility as a nursing facility that 121067
results in the relocation of all of the nursing facility's 121068
residents; 121069

(b) Conversion of the building, or part of the building, that 121070
houses a nursing facility to a different use with any necessary 121071
license or other approval needed for that use being obtained and 121072
one or more of the nursing facility's residents remaining in the 121073
building, or part of the building, to receive services under the 121074
new use. 121075

(2) A facility closure occurs regardless of any of the 121076
following: 121077

(a) The operator completely or partially replacing the 121078
nursing facility by constructing a new nursing facility or 121079
transferring the nursing facility's license to another nursing 121080
facility; 121081

(b) The nursing facility's residents relocating to another of 121082
the operator's nursing facilities; 121083

(c) Any action the department of health takes regarding the 121084
nursing facility's medicaid certification that may result in the 121085
transfer of part of the nursing facility's survey findings to 121086
another of the operator's nursing facilities; 121087

(d) Any action the department of health takes regarding the 121088
nursing facility's license under Chapter 3721. of the Revised 121089
Code. 121090

(3) A facility closure does not occur if all of the nursing facility's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the nursing facility not later than thirty days after the evacuation occurs. 121091
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(U) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code. 121096
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~~(J)(V) "Franchise permit fee" means the following:~~ 121098

~~(1) In the context of nursing facilities, the fee imposed by sections 3721.50 5168.40 to 3721.58 5168.56 of the Revised Code:~~ 121099
121100

~~(2) In the context of intermediate care facilities for the mentally retarded, the fee imposed by sections 5112.30 to 5112.39 of the Revised Code.~~ 121101
121102
121103

~~(K) "Indirect care costs" means all reasonable costs incurred by an intermediate care facility for the mentally retarded other than direct care costs, other protected costs, or capital costs. "Indirect care costs" includes but is not limited to costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repairs, help wanted advertising, informational advertising, start up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5111.02 of the Revised Code, for personnel~~ 121104
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~~listed in this division. Notwithstanding division (C)(1) of this section, "indirect care costs" also means the cost of equipment, including vehicles, acquired by operating lease executed before December 1, 1992, if the costs are reported as administrative and general costs on the facility's cost report for the cost reporting period ending December 31, 1992.~~

~~(L)(W) "Inpatient days" means the following:~~

~~(1) In the context of a nursing facility, both of the following:~~

~~(a)(1) All days during which a resident, regardless of payment source, occupies a bed in a nursing facility that is included in the nursing facility's certified medicaid-certified capacity under Title XIX;~~

~~(b)(2) Fifty per cent of the days for which payment is made under section ~~5111.331~~ 5165.34 of the Revised Code.~~

~~(2) In the context of an intermediate care facility for the mentally retarded, both of the following:~~

~~(a) All days during which a resident, regardless of payment source, occupies a bed in an intermediate care facility for the mentally retarded that is included in the facility's certified capacity under Title XIX;~~

~~(b) All days for which payment is made under section ~~5111.33~~ of the Revised Code.~~

~~(M) "Intermediate care facility for the mentally retarded" means an intermediate care facility for the mentally retarded ~~certified as in compliance with applicable standards for the medicaid program by the director of health in accordance with Title XIX.~~~~

~~(N)(X) "Involuntary termination" means the department of medicaid's termination of the operator's provider agreement for~~

the nursing facility when the termination is not taken at the 121152
operator's request. 121153

(Y) "Low resource utilization resident" means a medicaid 121154
recipient residing in a nursing facility who, for purposes of 121155
calculating the nursing facility's medicaid payment rate for 121156
direct care costs, is placed in either of the two lowest resource 121157
utilization groups, excluding any resource utilization group that 121158
is a default group used for residents with incomplete assessment 121159
data. 121160

(Z) "Maintenance and repair expenses" means, ~~except as~~ 121161
~~provided in division (BB)(2) of this section,~~ a nursing facility's 121162
expenditures that are necessary and proper to maintain an asset in 121163
a normally efficient working condition and that do not extend the 121164
useful life of the asset two years or more. "Maintenance and 121165
repair expenses" includes but is not limited to the ~~cost~~ costs of 121166
ordinary repairs such as painting and wallpapering. 121167

~~(O)~~(AA) "Medicaid-certified capacity" means the number of a 121168
nursing facility's beds that are certified for participation in 121169
medicaid as nursing facility beds. 121170

(BB) "Medicaid days" means ~~the following:~~ 121171

~~(1) In the context of a nursing facility,~~ both of the 121172
following: 121173

~~(a)~~(1) All days during which a resident who is a medicaid 121174
recipient eligible for nursing facility services occupies a bed in 121175
a nursing facility that is included in the nursing facility's 121176
~~certified~~ medicaid-certified capacity under Title XIX; 121177

~~(b)~~(2) Fifty per cent of the days for which payment is made 121178
under section ~~5111.331~~ 5165.34 of the Revised Code. 121179

~~(2) In the context of an intermediate care facility for the~~ 121180
~~mentally retarded, both of the following:~~ 121181

~~(a) All days during which a resident who is a medicaid recipient eligible for intermediate care facility for the mentally retarded services occupies a bed in an intermediate care facility for the mentally retarded that is included in the facility's certified capacity under Title XIX;~~ 121182
121183
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~~(b) All days for which payment is made under section 5111.33 of the Revised Code.~~ 121187
121188

~~(P)(CC)(1) "New nursing facility" means a nursing facility for which the provider obtains an initial provider agreement following medicaid certification of the nursing facility by the director of health, including such a nursing facility that replaces one or more nursing facilities for which a provider previously held a provider agreement.~~ 121189
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~~(2) "New nursing facility" does not mean a nursing facility for which the entering operator seeks a provider agreement pursuant to section 5165.511 or 5165.512 or (pursuant to section 5165.515) section 5165.07 of the Revised Code.~~ 121195
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~~(DD) "Nursing facility" means a facility, or a distinct part of a facility, that is certified as a nursing facility by the director of health in accordance with Title XIX and is not an intermediate care facility for the mentally retarded. "Nursing facility" includes a facility, or a distinct part of a facility, that is certified as a nursing facility by the director of health in accordance with Title XIX and is certified as a skilled nursing facility by the director in accordance with Title XVIII has the same meaning as in the "Social Security Act," section 1919(a), 42 U.S.C. 1396r(a).~~ 121199
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~~(Q)(EE) "Nursing facility services" has the same meaning as in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f).~~ 121209
121210

~~(FF) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.~~ 121211
121212

(GG) "Operator" means the person or government entity 121213
responsible for the daily operating and management decisions for a 121214
nursing facility ~~or intermediate care facility for the mentally~~ 121215
~~retarded.~~ 121216

~~(R) "Other protected costs" means costs incurred by an 121217
intermediate care facility for the mentally retarded for medical 121218
supplies; real estate, franchise, and property taxes; natural gas, 121219
fuel oil, water, electricity, sewage, and refuse and hazardous 121220
medical waste collection; allocated other protected home office 121221
costs; and any additional costs defined as other protected costs 121222
in rules adopted under section 5111.02 of the Revised Code. 121223~~

~~(S)(HH)(1) "Owner" means any person or government entity that 121224
has at least five per cent ownership or interest, either directly, 121225
indirectly, or in any combination, in any of the following 121226
regarding a nursing facility ~~or intermediate care facility for the~~ 121227
~~mentally retarded:~~ 121228~~

~~(a) The land on which the nursing facility is located; 121229~~

~~(b) The structure in which the nursing facility is located; 121230~~

~~(c) Any mortgage, contract for deed, or other obligation 121231
secured in whole or in part by the land or structure on or in 121232
which the nursing facility is located; 121233~~

~~(d) Any lease or sublease of the land or structure on or in 121234
which the nursing facility is located. 121235~~

~~(2) "Owner" does not mean a holder of a debenture or bond 121236
related to the nursing facility ~~or intermediate care facility for~~ 121237
~~the mentally retarded~~ and purchased at public issue or a regulated 121238
lender that has made a loan related to the nursing facility unless 121239
the holder or lender operates the nursing facility directly or 121240
through a subsidiary. 121241~~

~~(T) "Patient" includes "resident." 121242~~

~~(U)~~ Except as provided in divisions ~~(U)(1)~~ and ~~(2)~~ of this section, ~~"per (II) "Per diem"~~ means a nursing facility's ~~or intermediate care facility for the mentally retarded's~~ actual, allowable costs in a given cost center in a cost reporting period, divided by the nursing facility's inpatient days for that cost reporting period.

~~(1)~~ When calculating indirect care costs for the purpose of establishing rates under section 5111.241 of the Revised Code, "per diem" means an intermediate care facility for the mentally retarded's actual, allowable indirect care costs in a cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the facility would have had during that period if its occupancy rate had been eighty five per cent.

~~(2)~~ When calculating capital costs for the purpose of establishing rates under section 5111.251 of the Revised Code, "per diem" means a facility's actual, allowable capital costs in a cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the facility would have had during that period if its occupancy rate had been ninety five per cent.

~~(V)(JJ)~~ "Provider" means an operator with a provider agreement.

~~(W)(KK)~~ "Provider agreement" means a ~~contract~~ provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of job and family services medicaid and the operator of a nursing facility ~~or intermediate care facility for the mentally retarded~~ for the provision of nursing facility services ~~or intermediate care facility services for the mentally retarded~~ under the medicaid program.

~~(X)(LL)~~ "Purchased nursing services" means services that are

provided in a nursing facility by registered nurses, licensed 121274
practical nurses, or nurse aides who are not employees of the 121275
nursing facility. 121276

~~(Y)~~(MM) "Reasonable" means that a cost is an actual cost that 121277
is appropriate and helpful to develop and maintain the operation 121278
of patient care facilities and activities, including normal 121279
standby costs, and that does not exceed what a prudent buyer pays 121280
for a given item or services. Reasonable costs may vary from 121281
provider to provider and from time to time for the same provider. 121282

~~(Z)~~(NN) "Related party" means an individual or organization 121283
that, to a significant extent, has common ownership with, is 121284
associated or affiliated with, has control of, or is controlled 121285
by, the provider. 121286

(1) An individual who is a relative of an owner is a related 121287
party. 121288

(2) Common ownership exists when an individual or individuals 121289
possess significant ownership or equity in both the provider and 121290
the other organization. Significant ownership or equity exists 121291
when an individual or individuals possess five per cent ownership 121292
or equity in both the provider and a supplier. Significant 121293
ownership or equity is presumed to exist when an individual or 121294
individuals possess ten per cent ownership or equity in both the 121295
provider and another organization from which the provider 121296
purchases or leases real property. 121297

(3) Control exists when an individual or organization has the 121298
power, directly or indirectly, to significantly influence or 121299
direct the actions or policies of an organization. 121300

(4) An individual or organization that supplies goods or 121301
services to a provider shall not be considered a related party if 121302
all of the following conditions are met: 121303

(a) The supplier is a separate bona fide organization. 121304

(b) A substantial part of the supplier's business activity of 121305
the type carried on with the provider is transacted with others 121306
than the provider and there is an open, competitive market for the 121307
types of goods or services the supplier furnishes. 121308

(c) The types of goods or services are commonly obtained by 121309
other nursing facilities ~~or intermediate care facilities for the~~ 121310
~~mentally retarded~~ from outside organizations and are not a basic 121311
element of patient care ordinarily furnished directly to patients 121312
by the nursing facilities. 121313

(d) The charge to the provider is in line with the charge for 121314
the goods or services in the open market and no more than the 121315
charge made under comparable circumstances to others by the 121316
supplier. 121317

~~(AA)(OO)~~ "Relative of owner" means an individual who is 121318
related to an owner of a nursing facility ~~or intermediate care~~ 121319
~~facility for the mentally retarded~~ by one of the following 121320
relationships: 121321

- (1) Spouse; 121322
- (2) Natural parent, child, or sibling; 121323
- (3) Adopted parent, child, or sibling; 121324
- (4) Stepparent, stepchild, stepbrother, or stepsister; 121325
- (5) Father-in-law, mother-in-law, son-in-law, 121326
daughter-in-law, brother-in-law, or sister-in-law; 121327
- (6) Grandparent or grandchild; 121328
- (7) Foster caregiver, foster child, foster brother, or foster 121329
sister. 121330

~~(BB)~~ "Renovation" and "extensive renovation" mean: 121331

- ~~(1) Any betterment, improvement, or restoration of an 121332
intermediate care facility for the mentally retarded started 121333~~

~~before July 1, 1993, that meets the definition of a renovation or
extensive renovation established in rules adopted by the director
of job and family services in effect on December 22, 1992.~~

~~(2) In the case of betterments, improvements, and
restorations of intermediate care facilities for the mentally
retarded started on or after July 1, 1993:~~

~~(a) "Renovation" means the betterment, improvement, or
restoration of an intermediate care facility for the mentally
retarded beyond its current functional capacity through a
structural change that costs at least five hundred dollars per
bed. A renovation may include betterment, improvement,
restoration, or replacement of assets that are affixed to the
building and have a useful life of at least five years. A
renovation may include costs that otherwise would be considered
maintenance and repair expenses if they are an integral part of
the structural change that makes up the renovation project.
"Renovation" does not mean construction of additional space for
beds that will be added to a facility's licensed or certified
capacity.~~

~~(b) "Extensive renovation" means a renovation that costs more
than sixty five per cent and no more than eighty five per cent of
the cost of constructing a new bed and that extends the useful
life of the assets for at least ten years.~~

~~For the purposes of division (BB)(2) of this section, the
cost of constructing a new bed shall be considered to be forty
thousand dollars, adjusted for the estimated rate of inflation
from January 1, 1993, to the end of the calendar year during which
the renovation is completed, using the consumer price index for
shelter costs for all urban consumers for the north central
region, as published by the United States bureau of labor
statistics.~~

~~The department of job and family services may treat a renovation that costs more than eighty five per cent of the cost of constructing new beds as an extensive renovation if the department determines that the renovation is more prudent than construction of new beds.~~

~~(CC)~~(PP) "Residents' rights advocate" has the same meaning as in section 3721.10 of the Revised Code.

(OO) "Skilled nursing facility" has the same meaning as in the "Social Security Act," section 1819(a), 42 U.S.C. 1395i-3(a).

(RR) "Sponsor" has the same meaning as in section 3721.10 of the Revised Code.

(SS) "Tax costs" means the costs of taxes imposed under Chapter 5751. of the Revised Code, real estate taxes, personal property taxes, and corporate franchise taxes.

~~(DD)~~(TT) "Title XIX" means Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended et seq.

~~(EE)~~(UU) "Title XVIII" means Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended et seq.

(VV) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to provide service of the type provided by a nursing facility.

Sec. 5111.201 5165.011. Whenever (A) Except as provided in division (B) of this section, whenever "skilled nursing facility," "intermediate care facility," or "dual skilled nursing and intermediate care facility" is referred to or designated in any statute, rule, contract, provider agreement, or other document pertaining to the ~~medical assistance~~ medicaid program, the reference or designation is deemed to refer to a nursing facility,

~~except that a.~~ 121395

(B) A reference to or designation of an "intermediate care facility for ~~the mentally retarded~~ individuals with intellectual disabilities" or "ICF/IID" is not deemed to refer to a nursing facility. 121396
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Sec. 5165.02. The medicaid director shall adopt rules as necessary to implement this chapter. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 121400
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121402

~~Sec. 5111.202~~ 5165.03. (A) As used in this section: 121403

(1) "Dementia" includes Alzheimer's disease or a related disorder. 121404
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(2) "Serious mental illness" means "serious mental illness," as defined by the United States department of health and human services in regulations adopted under ~~section 1919(e)(7)(G)(i) of the "Social Security Act," 49 Stat. 620 (1935)~~ section 1919(e)(7)(G)(i), 42 U.S.C.A. 301, as amended 1396r(e)(7)(G)(i). 121406
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(3) "Mentally ill individual" means an individual who has a serious mental illness other than either of the following: 121411
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(a) A primary diagnosis of dementia; 121413

(b) A primary diagnosis that is not a primary diagnosis of dementia and a primary diagnosis of something other than a serious mental illness. 121414
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(4) "Mentally retarded individual" means an individual who is mentally retarded or has a related condition, as described in ~~section 1905(d) of the "Social Security Act,"~~ section 1905(d), 42 U.S.C. 1396d(d). 121417
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(5) "Specialized services" means the services specified by the United States department of health and human services in regulations adopted under ~~section 1919(e)(7)(G)(iii) of the~~ 121421
121422
121423

"Social Security Act," section 1919(e)(7)(G)(iii), 42 U.S.C. 121424
1396r(e)(7)(G)(iii). 121425

(B)(1) Except as provided in division (D) of this section, no 121426
nursing facility shall admit as a resident any mentally ill 121427
individual unless the facility has received evidence that the 121428
department of ~~mental health~~ mental health and addiction services 121429
has determined both of the following under section ~~5119.061~~ 121430
5119.40 of the Revised Code: 121431

(a) That the individual requires the level of services 121432
provided by a nursing facility because of the individual's 121433
physical and mental condition; 121434

(b) Whether the individual requires specialized services for 121435
mental illness. 121436

(2) Except as provided in division (D) of this section, no 121437
nursing facility shall admit as a resident any mentally retarded 121438
individual unless the facility has received evidence that the 121439
department of developmental disabilities has determined both of 121440
the following under section 5123.021 of the Revised Code: 121441

(a) That the individual requires the level of services 121442
provided by a nursing facility because of the individual's 121443
physical and mental condition; 121444

(b) Whether the individual requires specialized services for 121445
mental retardation. 121446

(C) The department of ~~job and family services~~ medicaid shall 121447
not make medicaid payments ~~under the medical assistance program~~ to 121448
a nursing facility on behalf of any individual who is admitted to 121449
the facility in violation of division (B) of this section for the 121450
period beginning on the date of admission and ending on the date 121451
the requirements of division (B) of this section are met. 121452

(D) A determination under division (B) of this section is not 121453

required for any individual who is exempted from the requirement 121454
that a determination be made by division (B)(2) of section 121455
~~5119.061~~ 5119.40 of the Revised Code or rules adopted by the 121456
department of ~~mental health~~ mental health and addiction services 121457
under division (E)(3) of that section, or by division (B)(2) of 121458
section 5123.021 of the Revised Code or rules adopted by the 121459
department of developmental disabilities under division (E)(3) of 121460
that section. 121461

Sec. ~~5111.203~~ 5165.031. ~~Regardless of whether or not an~~ 121462
~~applicant~~ An individual who applies for admission to a ~~nursing~~ 121463
~~facility~~ or ~~resident of~~ resides in a nursing facility ~~is an~~ 121464
~~applicant for or recipient of medical assistance, the department~~ 121465
~~of job and family services shall provide notice and an opportunity~~ 121466
~~for a hearing to any applicant for admission to a nursing facility~~ 121467
~~or resident of a nursing facility who is~~ may appeal if adversely 121468
affected by a determination made by the department of ~~mental~~ 121469
~~health~~ mental health and addiction services under section ~~5119.061~~ 121470
5119.40 of the Revised Code or by the department of developmental 121471
disabilities under section 5123.021 of the Revised Code. ~~The~~ 121472
~~hearing shall be conducted in the same manner as hearings~~ 121473
~~conducted under~~ If the individual is an applicant for or recipient 121474
of medicaid, the individual may appeal pursuant to section 5160.31 121475
of the Revised Code. If the individual is not an applicant for or 121476
recipient of medicaid, the individual may appeal pursuant to a 121477
process the department of medicaid shall establish, which shall be 121478
similar to the appeals process established by section 5101.35 of 121479
the Revised Code. The department of medicaid shall provide notice 121480
of the right to appeal to individuals adversely affected by 121481
determinations made under sections 5119.40 and 5123.021 of the 121482
Revised Code. Any decision made ~~by the department of job and~~ 121483
~~family services~~ on the basis of the hearing such an appeal is 121484
binding on the department of ~~mental health~~ mental health and 121485

addiction services and the department of developmental 121486
disabilities. 121487

Sec. ~~5111.204~~ 5165.04. (A) As used in this section, 121488
"representative" means a person acting on behalf of an applicant 121489
for or recipient of medicaid. A representative may be a family 121490
member, attorney, hospital social worker, or any other person 121491
chosen to act on behalf of an applicant or recipient. 121492

(B) The department of ~~job and family services~~ medicaid may 121493
require each applicant for or recipient of medicaid who applies or 121494
intends to apply for admission to a nursing facility or resides in 121495
a nursing facility to undergo an assessment to determine whether 121496
the applicant or recipient needs the level of care provided by a 121497
nursing facility. The assessment may be performed concurrently 121498
with a long-term care consultation provided under section 173.42 121499
of the Revised Code. 121500

To the maximum extent possible, the assessment shall be based 121501
on information from the resident assessment instrument specified 121502
in rules ~~adopted~~ authorized by the ~~director of job and family~~ 121503
~~services under division (E)~~ of section ~~5111.232~~ 5165.191 of the 121504
Revised Code. The assessment shall also be based on criteria and 121505
procedures established in rules ~~adopted under~~ authorized by 121506
division (F) of this section and information provided by the 121507
person being assessed or the person's representative. 121508

The department of ~~job and family services~~ medicaid, or if the 121509
assessment is performed by an agency under contract with the 121510
department pursuant to division (G) of this section, the agency, 121511
shall, not later than the time the level of care determination 121512
based on the assessment is required to be provided under division 121513
(C) of this section, give written notice of its conclusions and 121514
the basis for them to the person assessed and, if the department 121515
~~of job and family services~~ or agency under contract with the 121516

department has been informed that the person has a representative, 121517
to the representative. 121518

(C) The department ~~of job and family services~~ or agency under 121519
contract with the department, whichever performs the assessment, 121520
shall provide a level of care determination based on the 121521
assessment as follows: 121522

(1) In the case of a person applying or intending to apply 121523
for admission to a nursing facility while hospitalized, not later 121524
than one of the following: 121525

(a) One working day after the person or the person's 121526
representative submits the application or notifies the department 121527
of the person's intention to apply and submits all information 121528
required for providing the level of care determination, as 121529
specified in rules ~~adopted under~~ authorized by division (F)(2) of 121530
this section; 121531

(b) A later date requested by the person or the person's 121532
representative. 121533

(2) In the case of a person applying or intending to apply 121534
for admission to a nursing facility who is not hospitalized, not 121535
later than one of the following: 121536

(a) Five calendar days after the person or the person's 121537
representative submits the application or notifies the department 121538
of the person's intention to apply and submits all information 121539
required for providing the level of care determination, as 121540
specified in rules ~~adopted under~~ authorized by division (F)(2) of 121541
this section; 121542

(b) A later date requested by the person or the person's 121543
representative. 121544

(3) In the case of a person who resides in a nursing 121545
facility, not later than one of the following: 121546

(a) Five calendar days after the person or the person's representative submits an application for ~~medical assistance~~ medicaid and submits all information required for providing the level of care determination, as specified in rules ~~adopted under~~ authorized by division (F)(2) of this section;

(b) A later date requested by the person or the person's representative.

(4) In the case of an emergency, as specified in rules ~~adopted under~~ authorized by division (F)(4) of this section, within the number of days specified in the rules.

(D) A person assessed under this section or the person's representative may ~~request a state hearing to dispute~~ appeal the conclusions reached by the department ~~of job and family services~~ or agency under contract with the department on the basis of the assessment. The ~~request for a state hearing~~ appeal shall be made ~~in accordance with~~ pursuant to section ~~5101.35~~ 5160.31 of the Revised Code. The department ~~of job and family services~~ or agency under contract with the department shall provide to the person or the person's representative and the nursing facility written notice of the person's right to request a state hearing. The notice shall include an explanation of the procedure for requesting a state hearing. If a state hearing is requested, the state shall be represented in the hearing by the department ~~of job and family services~~ or the agency under contract with the department, whichever performed the assessment.

(E) A nursing facility that admits or retains a person determined pursuant to an assessment required under this section not to need the level of care provided by the nursing facility shall not be ~~reimbursed~~ paid under the medicaid program for the person's care.

(F) The medicaid director ~~of job and family services~~ shall

adopt rules ~~in accordance with Chapter 119.~~ under section 5165.02 121578
of the Revised Code to implement and administer this section. The 121579
rules shall include all of the following: 121580

(1) Criteria and procedures to be used in determining whether 121581
admission to a nursing facility or continued stay in a nursing 121582
facility is appropriate for the person being assessed; 121583

(2) Information the person being assessed or the person's 121584
representative must provide to the department or agency under 121585
contract with the department for purposes of the assessment and 121586
providing a level of care determination based on the assessment; 121587

(3) Circumstances under which a person is not required to be 121588
assessed; 121589

(4) Circumstances that constitute an emergency for purposes 121590
of division (C)(4) of this section and the number of days within 121591
which a level of care determination must be provided in the case 121592
of an emergency. 121593

(G) Pursuant to section ~~5111.91~~ 5162.35 of the Revised Code, 121594
the department of ~~job and family services~~ medicaid may enter into 121595
contracts in the form of interagency agreements with one or more 121596
other state agencies to perform the assessments required under 121597
this section. The interagency agreements shall specify the 121598
responsibilities of each agency in the performance of the 121599
assessments. 121600

Sec. ~~5111.21~~ 5165.06. ~~(A) In order to be~~ Subject to section 121601
5165.072 of the Revised Code, an operator is eligible for ~~medicaid~~ 121602
~~payments, the operator of~~ to enter into a provider agreement for a 121603
~~nursing facility or intermediate care facility for the mentally~~ 121604
~~retarded shall do~~ if all of the following apply: 121605

~~(1) Enter into a provider agreement with the department as~~ 121606
~~provided in section 5111.22, 5111.671, or 5111.672 of the Revised~~ 121607

~~Code (A) The nursing facility is certified by the director of health for participation in medicaid;~~ 121608
121609

~~(2) Apply for and maintain a valid license to operate (B) The nursing facility is licensed by the director of health as a nursing home if so required by law;~~ 121610
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~~(3) Subject to division (B) of this section, (C) The operator and nursing facility comply with all applicable state and federal laws and rules.~~ 121613
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~~(B) A state rule that requires the operator of an intermediate care facility for the mentally retarded to have received approval of a plan for the proposed facility pursuant to section 5123.042 of the Revised Code as a condition of the operator being eligible for medicaid payments for the facility does not apply if, under former section 5123.193 of the Revised Code as enacted by Am. Sub. H.B. 1 of the 128th general assembly or section 5123.197 of the Revised Code, a residential facility license was obtained or modified for the facility without obtaining approval of such a plan.~~ 121616
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~~(C)(1) Except as provided in division (C)(2) of this section, the operator of a nursing facility that elects to obtain and maintain eligibility for payments under the medicaid program shall qualify all of the facility's medicaid certified beds in the medicare program established by Title XVIII. The director of job and family services may adopt rules under section 5111.02 of the Revised Code to establish the time frame in which a nursing facility must comply with this requirement.~~ 121626
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~~(2) The department of veterans services is not required to qualify all of the medicaid certified beds in a nursing facility the agency maintains and operates under section 5907.01 of the Revised Code in the medicare program.~~ 121634
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~~Sec. 5111.22~~ 5165.07. (A) Except as provided in section 121638
5165.072 of the Revised Code, the department of medicaid shall 121639
enter into a provider agreement with a nursing facility operator 121640
who applies, and is eligible, for the provider agreement. 121641

(B) A provider agreement ~~between the department of job and~~ 121642
~~family services and the provider of a nursing facility or~~ 121643
~~intermediate care facility for the mentally retarded shall contain~~ 121644
require the following provisions: 121645

~~(A) The department agrees to make medicaid payments to the~~ 121646
~~provider, as provided in sections 5111.20 to 5111.331 of the~~ 121647
~~Revised Code, in accordance with this chapter for medicaid covered~~ 121648
nursing facility services the nursing facility provides to a 121649
resident of the its residents who are medicaid recipients eligible 121650
for nursing facility who is a medicaid recipient services. No 121651
~~payment shall be made for the day a medicaid recipient is~~ 121652
~~discharged from the facility.~~ 121653

~~(B) The~~ (C) A provider agreement shall require the provider 121654
~~agrees to do all of the following:~~ 121655

(1) Maintain eligibility for the provider agreement as 121656
provided in section 5111.21 5165.06 of the Revised Code; 121657

(2) Keep records relating to a cost reporting period for the 121658
greater of seven years after the cost report is filed or, if the 121659
department issues an audit report in accordance with ~~division (B)~~ 121660
~~of section 5111.27~~ 5165.109 of the Revised Code, six years after 121661
all appeal rights relating to the audit report are exhausted; 121662

(3) File reports as required by the department; 121663

(4) Open all records relating to the costs of ~~its~~ the nursing 121664
facility's services for inspection and audit by the department; 121665

(5) Open its premises for inspection by the department, the 121666
department of health, and any other state or local authority 121667

having authority to inspect; 121668

(6) Supply to the department such information as it requires 121669
concerning the nursing facility's services to residents who are, 121670
or are eligible to be, medicaid recipients; 121671

(7) Comply with section ~~5111.31~~ 5165.08 of the Revised Code. 121672

~~The (D) A~~ provider agreement may contain other provisions 121673
that are consistent with law and considered necessary by the 121674
department. 121675

~~A provider agreement shall be effective for no longer than 121676
twelve months, except that if federal statute or regulations 121677
authorize a longer term, it may be effective for a longer term so 121678
authorized. A provider agreement may be renewed only if the 121679
facility is certified by the department of health for 121680
participation in the medicaid program. 121681~~

~~The department of job and family services, in accordance with 121682
rules adopted under section 5111.02 of the Revised Code, may elect 121683
not to enter into, not to renew, or to terminate a provider 121684
agreement when the department determines that such an agreement 121685
would not be in the best interests of medicaid recipients or of 121686
the state. 121687~~

Sec. ~~5111.223~~ 5165.071. The A nursing facility operator of a 121688
nursing facility or intermediate care facility for the mentally 121689
retarded may enter into provider agreements for more than one 121690
nursing facility or intermediate care facility for the mentally 121691
retarded. 121692

Sec. 5165.072. The department of medicaid shall not 121693
revalidate a nursing facility provider agreement if the provider 121694
fails to maintain eligibility for the provider agreement as 121695
provided in section 5165.06 of the Revised Code. 121696

~~Sec. 5111.30~~ 5165.073. The department of ~~job and family~~ services medicaid shall terminate the provider agreement with a nursing facility provider that does not comply with the requirements of section 3721.071 of the Revised Code for the installation of fire extinguishing and fire alarm systems.

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~~Sec. 5111.31~~ 5165.08. (A) As used in this section:

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"Bed need" means the number of long-term care beds a county needs as determined by the director of health pursuant to division (B)(3) of section 3702.593 of the Revised Code.

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"Bed need excess" means that a county's bed need is such that one or more long-term care beds may be relocated from the county according to the director's determination of the county's bed need.

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(B) Every provider agreement with ~~the~~ a nursing facility provider of a nursing facility or intermediate care facility for the mentally retarded shall do both of the following:

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(1) Permit the provider to exclude one or more parts of the nursing facility from the provider agreement, even though those parts meet federal and state standards for medicaid certification, if all of the following apply:

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(a) The nursing facility initially obtained both its nursing home license under Chapter 3721. of the Revised Code and medicaid certification on or after January 1, 2008.

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(b) The nursing facility is located in a county that has a bed need excess at the time the provider excludes the parts from the provider agreement.

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(c) Federal law permits the provider to exclude the parts from the provider agreement.

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(d) The provider gives the department of medicaid written

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notice of the exclusion not less than forty-five days before the 121726
first day of the calendar quarter in which the exclusion is to 121727
occur. 121728

(2) Prohibit the provider from doing either of the following: 121729

(a) Discriminating against a resident on the basis of race, 121730
color, sex, creed, or national origin; 121731

(b) Subject to division (D) of this section, failing or 121732
refusing to retain do either of the following: 121733

(i) Except as otherwise prohibited under section 5165.82 of 121734
the Revised Code, admit as a resident of the nursing facility an 121735
individual because the individual is, or may (as a resident of the 121736
nursing facility) become, a medicaid recipient unless at least 121737
twenty-five per cent of the nursing facility's medicaid-certified 121738
beds are occupied by medicaid recipients at the time the person 121739
would otherwise be admitted; 121740

(ii) Retain as a patient any person resident of the nursing 121741
facility an individual because the person individual is, becomes, 121742
or may (as a resident of the nursing facility) become, as a 121743
patient in the facility, become a medicaid recipient. For the 121744
purposes of this division, a medicaid recipient who is a patient 121745
in a facility shall be considered a patient in the facility during 121746
any hospital stays totaling less than twenty five days during any 121747
twelve month period. Recipients who have been identified by the 121748
department of job and family services or its designee as requiring 121749
the level of care of an intermediate care facility for the 121750
mentally retarded shall not be subject to a maximum period of 121751
absences during which they are considered patients if prior 121752
authorization of the department for visits with relatives and 121753
friends and participation in therapeutic programs is obtained 121754
under rules adopted under section 5111.02 of the Revised Code. 121755

(2) Except as provided by division (B)(1) of this section, 121756

~~include any part of the facility that meets standards for certification of compliance with federal and state laws and rules for participation in the medicaid program.~~

~~(3) Prohibit the provider from discriminating against any patient on the basis of race, color, sex, creed, or national origin.~~

~~(4) Except as otherwise prohibited under section 5111.55 of the Revised Code, prohibit the provider from failing or refusing to accept a patient because the patient is, becomes, or may, as a patient in the facility, become a medicaid recipient if less than eighty per cent of the patients in the facility are medicaid recipients.~~

~~(B)(1) Except as provided by division (B)(2) of this section, the following are not required to be included in a provider agreement unless otherwise required by federal law:~~

~~(a) Beds added during the period beginning July 1, 1987, and ending July 1, 1993, to a nursing home licensed under Chapter 3721. of the Revised Code;~~

~~(b) Beds in an intermediate care facility for the mentally retarded that are designated for respite care under a medicaid waiver component operated pursuant to a waiver sought under section 5111.87 of the Revised Code.~~

~~(2) If a provider chooses to include a bed specified in division (B)(1)(a) of this section in a provider agreement, the bed may not be removed from the provider agreement unless the provider withdraws the facility in which the bed is located from the medicaid program.~~

(C) For the purpose of division (B)(2)(b)(ii) of this section, a medicaid recipient who is a resident of a nursing facility shall be considered a resident of the nursing facility during any hospital stays totaling less than twenty-five days

during any twelve-month period. 121788

(D) Nothing in this section shall bar a provider ~~that~~ from 121789
doing any of the following: 121790

(1) If the provider is a religious organization operating a 121791
religious or denominational nursing facility ~~or intermediate care~~ 121792
~~facility for the mentally retarded~~ from giving preference to 121793
persons of the same religion or denomination. ~~Nothing in this~~ 121794
~~section shall bar any provider from giving;~~ 121795

(2) Giving preference to persons with whom the provider has 121796
contracted to provide continuing care. 121797

~~(D) Nothing in this section shall bar the provider of;~~ 121798

(3) If the nursing facility is a county home organized under 121799
Chapter 5155. of the Revised Code ~~from,~~ admitting residents 121800
exclusively from the county in which the county home is located. 121801

~~(E) No provider of a nursing facility or intermediate care~~ 121802
~~facility for the mentally retarded for which a provider agreement~~ 121803
~~is in effect shall violate the provider contract obligations~~ 121804
~~imposed under this section.~~ 121805

~~(F) Nothing in divisions (A) and (C) of this section shall~~ 121806
~~bar a provider from retaining patients;~~ 121807

(4) Retaining residents who have resided in the provider's 121808
nursing facility for not less than one year as private pay 121809
patients and who subsequently become medicaid recipients, but 121810
refusing to accept as a patient resident any person who is, or 121811
may, ~~(as a patient in~~ resident of the nursing facility, ~~)~~ become a 121812
medicaid recipient, if all of the following apply: 121813

~~(1)(a)~~ (a) The provider does not refuse to retain any patient 121814
resident who has resided in the provider's nursing facility for 121815
not less than one year as a private pay ~~patient~~ resident because 121816
the ~~patient~~ resident becomes a medicaid recipient, except as 121817

necessary to comply with division ~~(F)(2)~~(D)(4)(b) of this section; 121818

~~(2)(b)~~ The number of medicaid recipients retained under ~~this~~ 121819
division (D)(4) of this section does not at any time exceed ten 121820
per cent of all the ~~patients~~ residents in the nursing facility; 121821

~~(3)(c)~~ On July 1, 1980, all the ~~patients~~ residents in the 121822
nursing facility were private pay ~~patients~~ residents. 121823

(E) No provider shall violate the provider agreement 121824
obligations imposed by this section. 121825

(F) A nursing facility provider who excludes one or more 121826
parts of the nursing facility from a provider agreement pursuant 121827
to division (B)(1) of this section does not violate division (C) 121828
of section 3702.53 of the Revised Code. 121829

Sec. ~~5111.32~~ 5165.081. Any ~~patient~~ A nursing facility 121830
resident has a cause of action against ~~the~~ a nursing facility 121831
~~provider of a nursing facility or intermediate care facility for~~ 121832
~~the mentally retarded~~ for breach of the provider agreement 121833
obligations or other duties imposed by section ~~5111.31~~ 5165.08 of 121834
the Revised Code. The action may be commenced by the ~~patient~~ 121835
resident, or on the ~~patient's~~ resident's behalf by the ~~patient's~~ 121836
resident's sponsor or a residents' rights advocate, ~~as either is~~ 121837
~~defined under section 3721.10 of the Revised Code,~~ by the filing 121838
of a civil action in the court of common pleas of the county in 121839
which the nursing facility is located, or in the court of common 121840
pleas of Franklin county. 121841

If ~~the~~ a court of common pleas finds that a ~~breach of the~~ 121842
provider has breached a provider agreement obligations obligation 121843
or other duty imposed by section ~~5111.31~~ 5165.08 of the Revised 121844
Code ~~has occurred~~, the court may ~~enjoin~~ do one or more of the 121845
following: 121846

(A) Enjoin the provider from engaging in the practice, ~~order;~~ 121847

(B) Order such affirmative relief as may be necessary, ~~and~~ 121848
~~award;~~ 121849

(C) Award to ~~the patient~~ a resident and a ~~person~~ sponsor or 121850
~~public agency government entity~~ that brings ~~an~~ the action on 121851
behalf of a ~~patient~~ resident actual damages, costs, and reasonable 121852
attorney's fees. 121853

Sec. 5165.082. (A) Except as provided in division (B) of this 121854
section, the operator of a nursing facility that elects to have 121855
the nursing facility participate in the medicaid program shall 121856
qualify all of the nursing facility's medicaid-certified beds in 121857
the medicare program. The medicaid director may adopt rules under 121858
section 5165.02 of the Revised Code to establish the time frame in 121859
which a nursing facility must comply with this requirement. 121860

(B) The department of veterans services is not required to 121862
qualify all of the medicaid-certified beds in a nursing facility 121863
the department maintains and operates under section 5907.01 of the 121864
Revised Code in the medicare program. 121865

Sec. 5111.26 5165.10. ~~(A)(1)(a)~~ Except as provided in 121866
division ~~(A)(1)(b)~~ (D) of this section, each nursing facility 121867
provider shall file with the department of ~~job and family services~~ 121868
medicaid an annual cost report for each of the provider's nursing 121869
facilities ~~and intermediate care facilities for the mentally~~ 121870
~~retarded~~ that participate in the medicaid program. ~~A provider~~ 121871
~~shall prepare the reports in accordance with guidelines~~ 121872
~~established by the department. A~~ The cost report for a year shall 121873
cover a the calendar year or the portion of a the calendar year 121874
during which the nursing facility participated in the medicaid 121875
program. ~~A provider shall file the reports within~~ Except as 121876
provided in division (E) of this section, the cost report is due 121877

~~not later than ninety days after the end of the calendar year, or
portion of the calendar year, that the cost report covers. The
department, for good cause, may grant a fourteen day extension of
the time for filing cost reports upon written request from a
provider. The director of job and family services shall prescribe,
in rules adopted under section 5111.02 of the Revised Code, the
cost reporting form and a uniform chart of accounts for the
purpose of cost reporting, and shall distribute cost reporting
forms or computer software for electronic submission of the cost
report to each provider at least sixty days before the reporting
date.~~ 121878
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~~(b) If rates for a provider's nursing facility or
intermediate care facility for the mentally retarded were most
recently established under section 5111.254 or 5111.255 of the
Revised Code, the provider shall submit a cost report for that
facility no later than ninety days after the end of the facility's
first three full calendar months of operation. If a nursing
facility or intermediate care facility for the mentally retarded
undergoes a change of provider that the department determines, in
accordance with rules adopted under section 5111.02 of the Revised
Code, is an arm's length transaction, the new provider shall
submit a cost report for that facility not later than ninety days
after the end of the facility's first three full calendar months
of operation under the new provider. The provider of a facility
that opens or undergoes a change of provider that is an arm's
length transaction after the first day of October in any calendar
year is not required to file a cost report for that calendar year.~~ 121889
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~~(e)(B) If a nursing facility undergoes a change of provider
that the department determines, in accordance with rules adopted
under section 5111.02 5165.02 of the Revised Code, is not an arms
arm's length transaction, the new provider shall file a the
nursing facility's cost report under in accordance with division~~ 121905
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~~(A)(1)(a) of this section for the facility. The and the cost~~ 121910
~~report shall cover the portion of the calendar year during which~~ 121911
~~the new provider operated the nursing facility and the portion of~~ 121912
~~the calendar year during which the previous provider operated the~~ 121913
~~nursing facility.~~ 121914

~~(2) If a provider required to submit a cost report for a~~ 121915
~~nursing facility or intermediate care facility for the mentally~~ 121916
~~retarded does not file the report within the required time period~~ 121917
~~or within fourteen days thereafter if an extension is granted~~ 121918
~~under division (A)(1)(a) of this section, or files an incomplete~~ 121919
~~or inadequate report for the facility, the department shall~~ 121920
~~provide immediate written notice to the provider that the provider~~ 121921
~~agreement for the facility will be terminated in thirty days~~ 121922
~~unless the provider submits a complete and adequate cost report~~ 121923
~~for the facility within thirty days. During the thirty day~~ 121924
~~termination period or any additional time allowed for an appeal of~~ 121925
~~the proposed termination of a provider agreement, the provider~~ 121926
~~shall be paid the facility's then current per resident per day~~ 121927
~~rate, minus two dollars. On July 1, 1994, the department shall~~ 121928
~~adjust the two dollar reduction to reflect the rate of inflation~~ 121929
~~during the preceding twelve months, as shown in the consumer price~~ 121930
~~index for all items for all urban consumers for the north central~~ 121931
~~region, published by the United States bureau of labor statistics.~~ 121932
~~On July 1, 1995, and the first day of July of each year~~ 121933
~~thereafter, the department shall adjust the amount of the~~ 121934
~~reduction in effect during the previous twelve months to reflect~~ 121935
~~the rate of inflation during the preceding twelve months, as shown~~ 121936
~~in the same index.~~ 121937

~~(B) No provider shall report fines paid under sections~~ 121938
~~5111.35 to 5111.62 or section 5111.99 of the Revised Code in any~~ 121939
~~cost report filed under this section.~~ 121940

~~(C) The department shall develop an addendum to the cost~~ 121941

~~report form that a provider may use to set forth costs that the 121942
provider believes may be disputed by the department. Any costs 121943
reported by the provider on the addendum may be considered by the 121944
department in setting the facility's rate. If the department does 121945
not consider the costs listed on the addendum in setting the 121946
facility's rate, the provider may seek reconsideration of that 121947
determination under section 5111.29 of the Revised Code. If the 121948
department subsequently includes the costs listed in the addendum 121949
in the facility's rate, the department shall pay the provider 121950
interest at a reasonable rate established in rules adopted under 121951
section 5111.02 of the Revised Code for the time that the rate 121952
paid excluded the costs. If the medicaid payment rate for a new 121953
nursing facility was most recently determined in accordance with 121954
section 5165.151 of the Revised Code, the provider shall file with 121955
the department a cost report for the new nursing facility not 121956
later than, except as provided in division (E) of this section, 121957
ninety days after the end of the new nursing facility's first 121958
three full calendar months of operation. The cost report shall 121959
cover the period that begins with the nursing facility's first day 121960
of operation and ends on the first day of the month immediately 121961
following the first three full months of operation. 121962~~

(D) A nursing facility provider is not required to file a 121963
cost report for a nursing facility for a calendar year in 121964
accordance with division (A) of this section if the provider files 121965
a cost report for the nursing facility under division (C) of this 121966
section and that cost report covers a period that begins after the 121967
first day of October of that calendar year. The provider shall 121968
file a cost report for the nursing facility in accordance with 121969
division (A) of this section for the immediately following 121970
calendar year. 121971

(E) The department may grant to a provider a fourteen-day 121972
extension to file a cost report under this section if the provider 121973

provides the department a written request for the extension and 121974
the department determines that there is good cause for the 121975
extension. 121976

Sec. ~~5111.266~~ 5165.101. A nursing facility provider of a 121977
nursing facility filing the nursing facility's cost report with 121978
the department of ~~job and family services~~ medicaid under section 121979
~~5111.26~~ 5165.10 or 5165.522 of the Revised Code shall report as a 121980
nonreimbursable expense the cost of the nursing facility's 121981
franchise permit fee. 121982

Sec. 5165.102. No nursing facility provider shall report 121983
finest paid under sections 5165.60 to 5165.89 or section 5165.99 of 121984
the Revised Code in a cost report filed under section 5165.10 or 121985
5165.522 of the Revised Code. 121986

Sec. 5165.103. Cost reports shall be completed using the form 121987
prescribed under section 5165.104 of the Revised Code and in 121988
accordance with the guidelines established under that section. 121989

Sec. 5165.104. The department of medicaid shall do all of the 121990
following: 121991

(A) Prescribe the form to be used for completing a cost 121992
report and a uniform chart of accounts for the purpose of 121993
reporting costs on the form; 121994

(B) Distribute a paper copy of the form, or computer software 121995
for electronic submission of the form, to each provider at least 121996
sixty days before the date the cost report is due; 121997

(C) Establish guidelines for completing the form. 121998

Sec. 5165.105. The department of medicaid shall develop an 121999
addendum to the cost report form that a nursing facility provider 122000

may use to set forth costs that the provider believes the 122001
department may dispute. The department may consider such costs in 122002
determining a nursing facility's medicaid payment rate. If the 122003
department does not consider such costs in determining a nursing 122004
facility's medicaid payment rate, the provider may seek 122005
reconsideration of the determination in accordance with section 122006
5165.38 of the Revised Code. If the department subsequently 122007
includes such costs in a nursing facility's medicaid payment rate, 122008
the department shall pay the provider interest at a reasonable 122009
rate established in rules adopted under section 5165.02 of the 122010
Revised Code for the period that the rate excluded the costs. 122011

Sec. 5165.106. If a nursing facility provider required by 122012
section 5165.10 of the Revised Code to file a cost report for the 122013
nursing facility fails to file the cost report by the date it is 122014
due or the date, if any, to which the due date is extended 122015
pursuant to division (E) of that section, or files an incomplete 122016
or inadequate report for the nursing facility under that section, 122017
the department of medicaid shall provide immediate written notice 122018
to the provider that the provider agreement for the nursing 122019
facility will be terminated in thirty days unless the provider 122020
submits a complete and adequate cost report for the nursing 122021
facility within thirty days. During the thirty-day termination 122022
period or any additional time allowed for an appeal of the 122023
proposed termination of a provider agreement, the provider shall 122024
be paid the nursing facility's then current per medicaid day 122025
payment rate, minus the dollar amount by which nursing facility's 122026
per medicaid day payment rates are reduced during fiscal year 2013 122027
in accordance with division (A)(2) of section 5111.26 of the 122028
Revised Code (renumbered as section 5165.10 of the Revised Code by 122029
H.B. 59 of the 130th general assembly) as that section existed on 122030
the day immediately preceding the effective date of this section. 122031

On the first day of each July, the department shall adjust the amount of the reduction in effect during the previous twelve months to reflect the rate of inflation during the preceding twelve months, as shown in the consumer price index for all items for all urban consumers for the north central region, published by the United States bureau of labor statistics.

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Sec. ~~5111.261~~ 5165.107. (A) Except as provided in division (B) of this section and not later than three years after a nursing facility provider files a cost report with the department of ~~job and family services~~ medicaid under section ~~5111.26~~ 5165.10 of the Revised Code, the provider may amend the cost report if the provider discovers a material error in the cost report or additional information to be included in the cost report. The department shall review the amended cost report for accuracy and notify the provider of its determination.

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(B) A provider may not amend a cost report if the department has notified the provider that an audit of the cost report or a cost report of the provider for a subsequent cost reporting period is to be conducted under section ~~5111.27~~ 5165.109 of the Revised Code. The provider may, however, provide the department information that affects the costs included in the cost report. Such information may not be provided after the adjudication of the final settlement of the cost report.

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Sec. ~~5111.27~~ 5165.108. (A) The department of ~~job and family services~~ medicaid shall conduct a desk review of each cost report it receives under section ~~5111.26~~ 5165.10 or 5165.522 of the Revised Code. Based on the desk review, the department shall make a preliminary determination of whether the reported costs are allowable costs. The department shall notify each nursing facility provider of whether any of the reported costs are preliminarily

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determined not to be allowable, the medicaid payment rate 122062
calculation determined under sections 5111.20 to 5111.331 of the 122063
~~Revised Code~~ this chapter that results from that determination, 122064
and the reasons for the determination and resulting rate. The 122065
department shall allow the provider to verify the calculation and 122066
submit additional information. 122067

~~(B) The department may conduct an audit, as defined by rule 122068
adopted under section 5111.02 of the Revised Code, of any cost 122069
report. The decision whether to conduct an audit and the scope of 122070
the audit, which may be a desk or field audit, may be determined 122071
based on prior performance of the provider, a risk analysis, or 122072
other evidence that gives the department reason to believe that 122073
the provider has reported costs improperly. A desk or field audit 122074
may be performed annually, but is required whenever a provider 122075
does not pass the risk analysis tolerance factors. An audit shall 122076
be conducted by auditors under contract with or employed by the 122077
department. The department shall notify a provider of the findings 122078
of an audit by issuing an audit report. An audit report regarding 122079
a nursing facility shall include notice of any fine imposed under 122080
section 5111.271 of the Revised Code. The department shall issue 122081
the audit report no later than three years after the cost report 122082
is filed, or upon the completion of a desk or field audit on the 122083
report or a report for a subsequent cost reporting period, 122084
whichever is earlier. 122085~~

~~The department may establish a contract for the auditing of 122086
facilities by outside firms. Each contract entered into by bidding 122087
shall be effective for one to two years. The department shall 122088
establish an audit manual and program which shall require that all 122089
field audits, conducted either pursuant to a contract or by 122090
department employees: 122091~~

~~(1) Comply with the applicable rules prescribed pursuant to 122092
Titles XVIII and XIX; 122093~~

(2) Consider generally accepted auditing standards prescribed	122094
by the American institute of certified public accountants;	122095
(3) Include a written summary as to whether the costs	122096
included in the report examined during the audit are allowable and	122097
are presented in accordance with state and federal laws and	122098
regulations, and whether, in all material respects, allowable	122099
costs are documented, reasonable, and related to patient care;	122100
(4) Are conducted by accounting firms or auditors who, during	122101
the period of the auditors' professional engagement or employment	122102
and during the period covered by the cost reports, do not have nor	122103
are committed to acquire any direct or indirect financial interest	122104
in the ownership, financing, or operation of a nursing facility or	122105
intermediate care facility for the mentally retarded in this	122106
state;	122107
(5) Are conducted by accounting firms or auditors who, as a	122108
condition of the contract or employment, shall not audit any	122109
facility that has been a client of the firm or auditor;	122110
(6) Are conducted by auditors who are otherwise independent	122111
as determined by the standards of independence included in the	122112
government auditing standards produced by the United States	122113
government accountability office;	122114
(7) Are completed within the time period specified by the	122115
department;	122116
(8) Provide to the provider complete written interpretations	122117
that explain in detail the application of all relevant contract	122118
provisions, regulations, auditing standards, rate formulae, and	122119
departmental policies, with explanations and examples, that are	122120
sufficient to permit the provider to calculate with reasonable	122121
certainty those costs that are allowable and the rate to which the	122122
provider's facility is entitled.	122123
For the purposes of division (B)(4) of this section,	122124

~~employment of a member of an auditor's family by a nursing facility or intermediate care facility for the mentally retarded that the auditor does not review does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the facility.~~ 122125
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~~(C) The department, pursuant to rules adopted under section 5111.02 of the Revised Code, may conduct an exception review of assessment data submitted under section 5111.232 of the Revised Code. The department may conduct an exception review based on the findings of a certification survey conducted by the department of health, a risk analysis, or prior performance of the provider.~~ 122130
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~~Exception reviews shall be conducted at the facility by appropriate health professionals under contract with or employed by the department of job and family services. The professionals may review resident assessment forms and supporting documentation, conduct interviews, and observe residents to identify any patterns or trends of inaccurate assessments and resulting inaccurate ease mix scores.~~ 122136
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~~The rules shall establish an exception review program that requires that exception reviews do all of the following:~~ 122143
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~~(1) Comply with Titles XVIII and XIX;~~ 122145

~~(2) Provide a written summary that states whether the resident assessment forms have been completed accurately;~~ 122146
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~~(3) Are conducted by health professionals who, during the period of their professional engagement or employment with the department, neither have nor are committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of a nursing facility or intermediate care facility for the mentally retarded in this state;~~ 122148
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~~(4) Are conducted by health professionals who, as a condition of their engagement or employment with the department, shall not~~ 122154
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~~review any provider that has been a client of the professional.~~ 122156

~~For the purposes of division (C)(3) of this section,
employment of a member of a health professional's family by a
nursing facility or intermediate care facility for the mentally
retarded that the professional does not review does not constitute
a direct or indirect financial interest in the ownership,
financing, or operation of the facility.~~ 122157
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~~If an exception review is conducted before the effective date
of the rate that is based on the case mix data subject to the
review and the review results in findings that exceed tolerance
levels specified in the rules adopted under this division, the
department, in accordance with those rules, may use the findings
to recalculate individual resident case mix scores, quarterly
average facility case mix scores, and annual average facility
case mix scores. The department may use the recalculated quarterly
and annual facility average case mix scores to calculate the
facility's rate for direct care costs for the appropriate calendar
quarter or quarters.~~ 122163
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~~(D) The department shall prepare a written summary of any
audit disallowance or exception review finding that is made after
the effective date of the rate that is based on the cost or
case mix data. Where the provider is pursuing judicial or
administrative remedies in good faith regarding the disallowance
or finding, the department shall not withhold from the provider's
current payments any amounts the department claims to be due from
the provider pursuant to section 5111.28 of the Revised Code.~~ 122174
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~~(E) The department shall not reduce rates calculated under
sections 5111.20 to 5111.331 of the Revised Code on the basis that
the provider charges a lower rate to any resident who is not
eligible for the medicaid program.~~ 122182
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~~(F) The department shall adjust the rates calculated under~~ 122186

~~sections 5111.20 to 5111.331 of the Revised Code to account for 122187
reasonable additional costs that must be incurred by intermediate 122188
care facilities for the mentally retarded to comply with 122189
requirements of federal or state statutes, rules, or policies 122190
enacted or amended after January 1, 1992, or with orders issued by 122191
state or local fire authorities. 122192~~

Sec. 5165.109. (A) The department of medicaid may conduct an 122193
audit, as defined in rules adopted under section 5165.02 of the 122194
Revised Code, of any cost report filed under section 5165.10 or 122195
5165.522 of the Revised Code. The decision whether to conduct an 122196
audit and the scope of the audit, which may be a desk or field 122197
audit, may be determined based on prior performance of the 122198
provider, a risk analysis, or other evidence that gives the 122199
department reason to believe that the provider has reported costs 122200
improperly. A desk or field audit may be performed annually, but 122201
is required whenever a provider does not pass the risk analysis 122202
tolerance factors. 122203

(B) Audits shall be conducted by auditors under contract with 122204
the department, auditors working for firms under contract with the 122205
department, or auditors employed by the department. 122206

The department may establish a contract for the auditing of 122207
nursing facilities by outside firms. Each contract entered into by 122208
bidding shall be effective for one to two years. 122209

(C) The department shall notify a provider of the findings of 122210
an audit of a cost report by issuing an audit report. The audit 122211
report shall include notice of any fine imposed under section 122212
5165.1010 of the Revised Code. The department shall issue the 122213
audit report not later than three years after the earlier of the 122214
following: 122215

(1) The date the cost report is filed; 122216

(2) The date a desk or field audit of the cost report or a cost report for a subsequent cost reporting period is completed. 122217
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(D) The department shall prepare a written summary of any audit disallowance that is made after the effective date of the rate that is based on the cost. Where the provider is pursuing judicial or administrative remedies in good faith regarding the disallowance, the department shall not withhold from the provider's current payments any amounts the department claims to be due from the provider pursuant to section 5165.41 of the Revised Code. 122219
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(E)(1) The department shall establish an audit manual and program for field audits conducted under this section. Each auditor conducting a field audit under this section shall follow the audit manual and program, regardless of whether the auditor is under contract with the department, works for a firm under contract with the department, or is employed by the department. The manual and program shall do both of the following: 122227
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(a) Require each field audit to be conducted by an auditor to whom all of the following apply: 122234
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(i) During the period of the auditor's contract, firm's contract, or auditor's employment with the department, the auditor or firm does not have and is not committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of nursing facilities in this state. 122236
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(ii) The auditor does not audit any provider that has been a client of the auditor or the auditor's firm. 122241
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(iii) The auditor is otherwise independent as determined by the standards of independence included in the government auditing standards produced by the United States government accountability office. 122243
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(b) Require each auditor conducting a field audit to do all 122247

<u>of the following:</u>	122248
<u>(i) Comply with applicable rules prescribed pursuant to Title XVIII and Title XIX;</u>	122249 122250
<u>(ii) Consider generally accepted auditing standards prescribed by the American institute of certified public accountants;</u>	122251 122252 122253
<u>(iii) Include a written summary as to whether the costs included in the cost report examined during the audit are allowable and are presented in accordance with state and federal laws and regulations, and whether, in all material respects, allowable costs are documented, reasonable, and related to patient care;</u>	122254 122255 122256 122257 122258 122259
<u>(iv) Complete the audit within the time period specified by the department;</u>	122260 122261
<u>(v) Provide to the provider complete written interpretations that explain in detail the application of all relevant contract provisions, regulations, auditing standards, rate formulae, and departmental policies, with explanations and examples, that are sufficient to permit the provider to calculate with reasonable certainty those costs that are allowable and the rate to which the provider's nursing facility is entitled.</u>	122262 122263 122264 122265 122266 122267 122268
<u>(2) For the purpose of division (E)(1)(a)(i) of this section, employment of a member of an auditor's family by a nursing facility that the auditor does not audit does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the nursing facility.</u>	122269 122270 122271 122272 122273
Sec. 5111.271 5165.1010. (A) Subject to division (D) of this section, the department of job and family services <u>medicaid</u> shall fine the provider of a nursing facility if the report of an audit conducted under division (B) of section 5111.27 <u>5165.109</u> of the	122274 122275 122276 122277

Revised Code regarding a cost report for the nursing facility	122278
includes either of the following:	122279
(1) Adverse findings that exceed three per cent of the total	122280
amount of medicaid-reimbursable <u>medicaid-allowable</u> costs reported	122281
in the cost report;	122282
(2) Adverse findings that exceed twenty per cent of	122283
medicaid-reimbursable <u>medicaid-allowable</u> costs for a particular	122284
cost center reported in the cost report.	122285
(B) A fine issued under this section shall equal the greatest	122286
of the following:	122287
(1) If the adverse findings exceed three per cent but do not	122288
exceed ten per cent of the total amount of medicaid-reimbursable	122289
<u>medicaid-allowable</u> costs reported in the cost report, the greater	122290
of three per cent of those reported costs or ten thousand dollars;	122291
(2) If the adverse findings exceed ten per cent but do not	122292
exceed twenty per cent of the total amount of	122293
medicaid-reimbursable <u>medicaid-allowable</u> costs reported in the	122294
cost report, the greater of six per cent of those reported costs	122295
or twenty-five thousand dollars;	122296
(3) If the adverse findings exceed twenty per cent of the	122297
total amount of medicaid-reimbursable <u>medicaid-allowable</u> costs	122298
reported in the cost report, the greater of ten per cent of those	122299
reported costs or fifty thousand dollars;	122300
(4) If the adverse findings exceed twenty per cent but do not	122301
exceed twenty-five per cent of medicaid-reimbursable	122302
<u>medicaid-allowable</u> costs for a particular cost center reported in	122303
the cost report, the greater of three per cent of the total amount	122304
of medicaid-reimbursable <u>medicaid-allowable</u> costs reported in the	122305
cost report or ten thousand dollars;	122306
(5) If the adverse findings exceed twenty-five per cent but	122307

do not exceed thirty per cent of ~~medicaid-reimbursable~~ 122308
medicaid-allowable costs for a particular cost center reported in 122309
the cost report, the greater of six per cent of the total amount 122310
of ~~medicaid-reimbursable~~ medicaid-allowable costs reported in the 122311
cost report or twenty-five thousand dollars; 122312

(6) If the adverse findings exceed thirty per cent of 122313
~~medicaid-reimbursable~~ medicaid-allowable costs for a particular 122314
cost center reported in the cost report, the greater of ten per 122315
cent of the total amount of ~~medicaid-reimbursable~~ 122316
medicaid-allowable costs reported in the cost report or fifty 122317
thousand dollars. 122318

(C) Fines paid under this section shall be deposited into the 122319
health care services administration fund created under section 122320
~~5111.94~~ 5162.54 of the Revised Code. 122321

(D) The department may not collect a fine under this section 122322
until all appeal rights relating to the audit report that is the 122323
basis for the fine are exhausted. 122324

Sec. ~~5111.222~~ 5165.15. (A) ~~As used in this section, "low~~ 122325
~~resource utilization resident" means a medicaid recipient residing~~ 122326
~~in a nursing facility who, for purposes of calculating the nursing~~ 122327
~~facility's medicaid reimbursement rate for direct care costs, is~~ 122328
~~placed in either of the two lowest resource utilization groups,~~ 122329
~~excluding any resource utilization group that is a default group~~ 122330
~~used for residents with incomplete assessment data.~~ 122331

~~(B)~~ Except as otherwise provided by sections ~~5111.20~~ 5165.151 122332
to ~~5111.331~~ 5165.156 and 5165.34 of the Revised Code ~~and by~~ 122333
~~division (C) of this section,~~ the total per medicaid day payment 122334
rate that the department of ~~job and family services~~ medicaid shall 122335
~~agree to pay for a fiscal year to the provider of a nursing~~ 122336
~~facility pursuant to a provider agreement~~ provider for nursing 122337
facility services the provider's nursing facility provides during 122338

a fiscal year shall equal the sum of all of the following: 122339

(1) ~~The rate for direct care costs determined for the nursing facility under section 5111.231 of the Revised Code;~~ 122340
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~~(2)~~ The per medicaid day payment rate for ancillary and support costs determined for the nursing facility's ancillary and support cost peer group facility under section 5111.24 5165.16 of the Revised Code; 122342
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~~(3)~~ (2) The per medicaid day payment rate for capital costs determined for the nursing facility under section 5165.17 of the Revised Code; 122346
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(3) The per medicaid day payment rate for direct care costs determined for the nursing facility under section 5165.19 of the Revised Code; 122349
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(4) The per medicaid day payment rate for tax costs determined for the nursing facility under section 5111.242 5165.21 of the Revised Code; 122352
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~~(4) The quality incentive payment paid to the nursing facility under section 5111.244 of the Revised Code;~~ 122355
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(5) If the nursing facility qualifies as a critical access nursing facility, the nursing facility's critical access incentive payment paid ~~to the nursing facility~~ under section 5111.246 5165.23 of the Revised Code; 122357
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(6) ~~The rate for capital costs determined for the nursing facility's capital costs peer group under section 5111.25~~ quality incentive payment paid to the nursing facility under section 5165.25 of the Revised Code. 122361
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~~(C) The total rate determined under division (B) of this section shall not be paid for nursing facility services provided to low resource utilization residents. Instead, the total rate for nursing facility services that a nursing facility provides to low~~ 122365
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~~resource utilization residents shall be one hundred thirty dollars~~ 122369
~~per medicaid day.~~ 122370

~~(D)~~(B) In addition to paying a nursing facility provider the 122371
nursing facility's total rate determined under division ~~(B)~~ or 122372
~~(C)~~(A) of this section for a fiscal year, the department shall pay 122373
the provider a quality bonus under section ~~5111.245~~ 5165.26 of the 122374
Revised Code for that fiscal year if the provider's nursing 122375
facility is a qualifying nursing facility, as defined in that 122376
section, for that fiscal year. The quality bonus shall not be part 122377
of the total rate. 122378

Sec. ~~5111.254~~ 5165.151. (A) ~~The department of job and family~~ 122379
~~services shall establish initial rates for a nursing facility with~~ 122380
~~a first date of licensure that is on or after July 1, 2006,~~ 122381
~~including a facility that replaces one or more existing~~ 122382
~~facilities, or for a nursing facility with a first date of~~ 122383
~~licensure before that date that was initially certified for the~~ 122384
~~medicaid program on or after that date, total per medicaid day~~ 122385
~~payment rate determined under section 5165.15 of the Revised Code~~ 122386
~~shall not be the initial rate for nursing facility services~~ 122387
~~provided by a new nursing facility. Instead, the initial total per~~ 122388
~~medicaid day payment rate for nursing facility services provided~~ 122389
~~by a new nursing facility shall be determined in the following~~ 122390
manner: 122391

(1) The initial rate for ancillary and support costs shall be 122392
the rate for the new nursing facility's peer group determined 122393
under division (D) of section 5165.16 of the Revised Code. 122394

(2) The initial rate for capital costs shall be the rate for 122395
the new nursing facility's peer group determined under division 122396
(D) of section 5165.17 of the Revised Code; 122397

(3) The initial rate for direct care costs shall be the 122398
product of the cost per case-mix unit determined under division 122399

(D) of section ~~5111.231~~ 5165.19 of the Revised Code for the new 122400
nursing facility's peer group and the new nursing facility's 122401
case-mix score determined under division (B) of this section. ~~For~~ 122402
~~the purpose of division (A)(1) of this section, the nursing~~ 122403
~~facility's case mix score shall be the following:~~ 122404

~~(a) Unless the nursing facility replaces an existing nursing~~ 122405
~~facility that participated in the medicaid program immediately~~ 122406
~~before the replacement nursing facility begins participating in~~ 122407
~~the medicaid program, the median annual average case mix score for~~ 122408
~~the nursing facility's peer group:~~ 122409

~~(b) If the nursing facility replaces an existing nursing~~ 122410
~~facility that participated in the medicaid program immediately~~ 122411
~~before the replacement nursing facility begins participating in~~ 122412
~~the medicaid program, the semiannual case mix score most recently~~ 122413
~~determined under section 5111.232 of the Revised Code for the~~ 122414
~~replaced nursing facility as adjusted, if necessary, to reflect~~ 122415
~~any difference in the number of beds in the replaced and~~ 122416
~~replacement nursing facilities.~~ 122417

~~(2) The rate for ancillary and support costs shall be the~~ 122418
~~rate for the facility's peer group determined under division (D)~~ 122419
~~of section 5111.24 of the Revised Code.~~ 122420

~~(3) The rate for capital costs shall be the rate for the~~ 122421
~~facility's peer group determined under division (D) of section~~ 122422
~~5111.25 of the Revised Code.~~ 122423

(4) The initial rate for tax costs shall be the median rate 122424
for tax costs for the new nursing facility's peer group in which 122425
the nursing facility is placed under division (C) of section 122426
~~5111.24~~ 5165.16 of the Revised Code. 122427

(5) The quality incentive payment shall be the mean payment 122428
made to nursing facilities under section ~~5111.244~~ 5165.25 of the 122429
Revised Code. 122430

(B) For the purpose of division (A)(3) of this section, a new nursing facility's case-mix score shall be the following: 122431
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(1) Unless the new nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the median annual average case-mix score for the new nursing facility's peer group; 122433
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(2) If the nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the semiannual case-mix score most recently determined under section 5165.192 of the Revised Code for the replaced nursing facility as adjusted, if necessary, to reflect any difference in the number of beds in the replaced and new nursing facilities. 122438
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(C) Subject to division ~~(C)~~(D) of this section, the department shall adjust the rates established under division (A) of this section effective the first day of July, to reflect new rate calculations for all nursing facilities under ~~sections 5111.20 to 5111.331 of the Revised Code~~ this chapter. 122446
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~~(C)~~(D) If a rate for direct care costs is determined under this section for a new nursing facility using the median annual average case-mix score for the new nursing facility's peer group, the rate shall be redetermined to reflect the ~~replacement~~ new nursing facility's actual semiannual average case-mix score determined under section ~~5111.232~~ 5165.192 of the Revised Code after the new nursing facility submits its first two quarterly assessment data that qualify for use in calculating a case-mix score in accordance with rules authorized by ~~division (E) of section 5111.232~~ 5165.192 of the Revised Code. If the new nursing facility's quarterly submissions do not qualify for use in calculating a case-mix score, the department shall continue to use 122451
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the median annual average case-mix score for the new nursing 122463
facility's peer group in lieu of the new nursing facility's 122464
semiannual case-mix score until the new nursing facility submits 122465
two consecutive quarterly assessment data that qualify for use in 122466
calculating a case-mix score. 122467

Sec. 5165.152. The total per medicaid day payment rate 122468
determined under section 5165.15 of the Revised Code shall not be 122469
paid for nursing facility services provided to low resource 122470
utilization residents. Instead, the total rate for such nursing 122471
facility services shall be one hundred thirty dollars per medicaid 122472
day. 122473

~~Sec. 5111.258~~ 5165.153. (A) ~~Notwithstanding sections 5111.20~~ 122474
~~to 5111.331 of the Revised Code (except section 5111.259 of the~~ 122475
~~Revised Code), the director of job and family services shall adopt~~ 122476
~~rules under section 5111.02 of the Revised Code that establish a~~ 122477
~~methodology for calculating the prospective rates that will be~~ 122478
~~paid each fiscal year to a provider for each of the provider's~~ 122479
~~eligible nursing facilities and intermediate care facilities for~~ 122480
~~the mentally retarded, and discrete units of the provider's~~ 122481
~~nursing facilities or intermediate care facilities for the~~ 122482
~~mentally retarded, that serve residents who have diagnoses~~ The 122483
total per medicaid day payment rate determined under section 122484
5165.15 of the Revised Code shall not be paid for nursing facility 122485
services provided by a nursing facility, or discrete unit of a 122486
nursing facility, designated by the department of medicaid as an 122487
outlier nursing facility or unit. Instead, the provider of a 122488
designated outlier nursing facility or unit shall be paid each 122489
fiscal year a total per medicaid day payment rate that the 122490
department shall prospectively determine in accordance with a 122491
methodology established in rules authorized by this section. 122492

(B) The department may designate a nursing facility, or 122493

discrete unit of a nursing facility, as an outlier nursing 122494
facility or unit if the nursing facility or unit serves residents 122495
who have either of the following: 122496

(1) Diagnoses or special care needs that require direct care 122497
resources that are not measured adequately by the ~~applicable~~ 122498
resident assessment instrument specified in rules authorized by 122499
section ~~5111.232~~ 5165.191 of the Revised Code, ~~or who have~~ 122500
diagnoses; 122501

(2) Diagnoses or special care needs specified in ~~the rules~~ 122502
authorized by this section as otherwise qualifying for 122503
consideration under this section. ~~The facilities and units of~~ 122504
~~facilities whose rates are established under this division may~~ 122505
~~include, but shall not be limited to, any of the following:~~ 122506

~~(1) In the case of nursing facilities, facilities and units~~ 122507
~~of facilities that serve medically fragile pediatric residents,~~ 122508
~~residents who are dependent on ventilators, or residents who have~~ 122509
~~severe traumatic brain injury, end stage Alzheimer's disease, or~~ 122510
~~end stage acquired immunodeficiency syndrome;~~ 122511

~~(2) In the case of intermediate care facilities for the~~ 122512
~~mentally retarded, facilities and units of facilities that serve~~ 122513
~~residents who have complex medical conditions or severe behavioral~~ 122514
~~problems.~~ 122515

~~The department shall use the methodology established under~~ 122516
~~this division to pay for services rendered by such facilities and~~ 122517
~~units after June 30, 1993.~~ 122518

(C) Notwithstanding any other provision of this chapter 122519
(except section 5165.156 of the Revised Code), the costs incurred 122520
by a designated outlier nursing facility or unit shall not be 122521
considered in establishing medicaid payment rates for other 122522
nursing facilities or units. 122523

(D) The medicaid director shall adopt rules under section 122524

5165.02 of the Revised Code as necessary to implement this 122525
section. 122526

(1)(a) The rules authorized by this division shall specify do 122527
both of the following: 122528

(i) Specify the criteria and procedures the department will 122529
apply when designating facilities and units that qualify for 122530
calculation of rates under this division a nursing facility, or 122531
discrete unit of a nursing facility, as an outlier nursing 122532
facility or unit; 122533

(ii) Establish a methodology for prospectively determining 122534
the total per medicaid day payment rate that will be paid each 122535
fiscal year for nursing facility services provided by a designated 122536
outlier nursing facility or unit. The criteria shall include 122537

(b) The rules authorized by division (D)(1)(a)(i) of this 122538
section regarding the criteria for designating outlier nursing 122539
facilities and units shall do both of the following: 122540

(i) Provide for consideration of whether all of the allowable 122541
costs of the a nursing facility, or discrete unit of a nursing 122542
facility, would be paid by rates established a rate determined 122543
under sections 5111.20 to 5111.331 section 5165.15 of the Revised 122544
Code, and shall establish a; 122545

(ii) Specify the minimum bed size for a number of nursing 122546
facility beds that a nursing facility, or discrete unit to qualify 122547
to of a nursing facility, must have its rates established under 122548
this division to be designated an outlier nursing facility or 122549
unit, which may vary based on the diagnoses or special care needs 122550
of the residents served by the nursing facility or unit. The 122551
criteria shall not be designed to require that residents be served 122552
only in 122553

(c) The rules authorized by division (D)(1)(a)(i) of this 122554
section regarding the criteria for designating outlier nursing 122555

facilities and units shall not limit the designation to nursing facilities, or discrete units of nursing facilities, located in large cities. The 122556
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122558

(d) The rules authorized by division (D)(1)(a)(ii) of this section regarding the methodology for prospectively determining the rates of designated outlier nursing facilities and units shall provide for the methodology established by the rules shall to consider the historical costs of providing care nursing facility services to the residents of the designated outlier nursing facilities or and units. 122559
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(2)(a) The rules may require do both of the following: 122566

(i) Include for designation as an outlier nursing facility or unit, a nursing facility, or discrete unit of a nursing facility, that serves medically fragile pediatric residents; residents who are dependent on ventilators; residents who have severe traumatic brain injury, end-stage Alzheimer's disease, or end-stage acquired immunodeficiency syndrome; or residents with other diagnoses or special care needs specified in the rules; 122567
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(ii) Require that a designated outlier nursing facility designated under this division or containing a unit designated under this division receive authorization from the department to admit before admitting or retain retaining a resident to the facility or unit and. 122574
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(b) If the director adopts rules authorized by division (D)(2)(a)(ii) of this section regarding the authorization of a designated outlier nursing facility or unit to admit or retain a resident, the rules shall specify the criteria and procedures the department will apply when granting that authorization. 122579
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Notwithstanding any other provision of sections 5111.20 to 5111.331 of the Revised Code (except section 5111.259 of the Revised Code), the costs incurred by facilities or units whose 122584
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122586

~~rates are established under this division shall not be considered 122587
in establishing payment rates for other facilities or units. 122588~~

~~(B) The director may adopt rules under section 5111.02 of the 122589
Revised Code under which the department, notwithstanding any other 122590
provision of sections 5111.20 to 5111.331 of the Revised Code 122591
(except section 5111.259 of the Revised Code), may adjust the 122592
rates determined under sections 5111.20 to 5111.331 of the Revised 122593
Code for a facility that serves a resident who has a diagnosis or 122594
special care need that, in the rules authorized by division (A) of 122595
this section, would qualify a facility or unit of a facility to 122596
have its rate determined under that division, but who is not in 122597
such a unit. The rules may require that a facility that qualifies 122598
for a rate adjustment under this division receive authorization 122599
from the department to admit or retain a resident who qualifies 122600
the facility for the rate adjustment and shall specify the 122601
criteria and procedures the department will apply when granting 122602
that authorization. 122603~~

Sec. 5165.154. (A) To the extent, if any, provided for in 122604
rules authorized by this section, the total per medicaid day 122605
payment rate determined under section 5165.15 of the Revised Code 122606
shall not be paid for nursing facility services that a nursing 122607
facility not designated as an outlier nursing facility or unit 122608
provides to a resident who meets the criteria for admission to a 122609
designated outlier nursing facility or unit, as specified in rules 122610
authorized by section 5165.153 of the Revised Code. Instead, the 122611
provider of a nursing facility providing nursing facility services 122612
to such a resident shall be paid each fiscal year a total per 122613
medicaid day payment rate that the department of medicaid shall 122614
prospectively determine in accordance with a methodology 122615
established in rules authorized by this section. 122616

(B) The medicaid director may adopt rules under section 122617

5165.02 of the Revised Code to implement this section. The rules 122618
may require that a nursing facility receive authorization from the 122619
department before admitting or retaining a resident who meets the 122620
criteria for admission to a designated outlier nursing facility or 122621
unit. If the director adopts such rules, the rules shall specify 122622
the criteria and procedures the department will apply when 122623
granting the authorization. 122624

Sec. ~~5111.225~~ 5165.155. (A) As used in this section+ 122625

~~"Dual eligible individual" has the same meaning as in section~~ 122626
~~1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315 (2010),~~ 122627
~~42 U.S.C. 1396n(h)(2)(B).~~ 122628

~~"Medicaid, "medicaid maximum allowable amount" means one~~ 122629
~~hundred per cent of a nursing facility's total per diem Medicaid~~ 122630
~~day payment rate for a Medicaid day.~~ 122631

(B) ~~The~~ Instead of paying the total per Medicaid day payment 122632
rate determined under section 5165.15 of the Revised Code, the 122633
department of job and family services Medicaid shall pay the 122634
provider of a nursing facility the lesser of the following for 122635
nursing facility services the nursing facility provides on or 122636
after January 1, 2012, to a dual eligible individual who is 122637
eligible for nursing facility services under the Medicaid program 122638
and post-hospital extended care services under Part A of Title 122639
XVIII: 122640

(1) The coinsurance amount for the services as provided under 122641
Part A of Title XVIII; 122642

(2) The Medicaid maximum allowable amount for the services, 122643
less the amount paid under Part A of Title XVIII for the services. 122644

Sec. ~~5111.259~~ 5165.156. The Medicaid director ~~of job and~~ 122645
~~family services~~ may ~~submit a request to the United States~~ 122646
~~secretary of health and human services for approval to establish a~~ 122647

centers of excellence component of the medicaid program. The 122648
purpose of the centers of excellence component is to increase the 122649
efficiency and quality of nursing facility services provided to 122650
medicaid recipients with complex nursing facility service needs. 122651
~~If federal approval for the centers of excellence component is~~ 122652
~~granted, the~~ The director may adopt rules under section ~~5111.02~~ 122653
5165.02 of the Revised Code governing the component, including 122654
rules that establish a method of determining the medicaid 122655
~~reimbursement~~ payment rates for nursing facilities providing 122656
nursing facility services to medicaid recipients participating in 122657
the component. The rules may specify the extent to which, if any, 122658
of the provisions of ~~section 5111.258~~ sections 5165.153 and 122659
5165.154 of the Revised Code are to apply to the centers of 122660
excellence component. If such rules are adopted, the nursing 122661
facilities that provide nursing facility services to medicaid 122662
recipients participating in the centers of excellence component 122663
shall be paid for those services in accordance with the method 122664
established in the rules ~~notwithstanding anything to the contrary~~ 122665
~~in sections 5111.20 to 5111.331~~ instead of the total per medicaid 122666
day payment rate determined under section 5165.15 of the Revised 122667
Code. 122668

Sec. ~~5111.24~~ 5165.16. (A) As used in this section: 122669

(1) "Applicable calendar year" means the following: 122670

(a) For the purpose of the department of ~~job and family~~ 122671
~~services'~~ medicaid's initial determination under division (D) of 122672
this section of each peer group's rate for ancillary and support 122673
costs, calendar year 2003; 122674

(b) For the purpose of the department's rebasings, the 122675
calendar year the department selects. 122676

(2) "Rebasing" means a redetermination under division (D) of 122677

this section of each peer ~~groups'~~ group's rate for ancillary and support costs using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such rates.

(B) The department of ~~job and family services~~ medicaid shall ~~pay a provider for~~ determine each of ~~the provider's eligible nursing facilities~~ a facility's per ~~resident per~~ medicaid day payment rate for ancillary and support costs ~~determined for the.~~ A nursing facility's peer group rate shall be the rate determined under division (D) of this section for the nursing facility's peer group. However, for the period beginning October 1, 2013, and ending on the first day of the first rebasing, the rate for a nursing facility located in Mahoning or Stark county shall be the rate determined for the following:

(1) If the nursing facility has fewer than one hundred beds, the nursing facilities in peer group three;

(2) If the nursing facility has one hundred or more beds, the nursing facilities in peer group four.

(C) For the purpose of determining nursing facilities' ~~rate~~ rates for ancillary and support costs, the department shall establish six peer groups.

~~Each~~ (1) Until the first rebasing occurs, the peer groups shall be composed as follows:

(a) Each nursing facility located in any of the following counties shall be placed in peer group one or two: Brown, Butler, Clermont, Clinton, Hamilton, and Warren. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group one. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group two.

(b) Each nursing facility located in any of the following

counties shall be placed in peer group three or four: Ashtabula, 122709
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 122710
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 122711
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 122712
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 122713
Union, and Wood. Each nursing facility located in any of those 122714
counties that has fewer than one hundred beds shall be placed in 122715
peer group three. Each nursing facility located in any of those 122716
counties that has one hundred or more beds shall be placed in peer 122717
group four. 122718

(c) Each nursing facility located in any of the following 122719
counties shall be placed in peer group five or six: Adams, Allen, 122720
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 122721
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 122722
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 122723
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 122724
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 122725
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 122726
Washington, Wayne, Williams, and Wyandot. Each nursing facility 122727
located in any of those counties that has fewer than one hundred 122728
beds shall be placed in peer group five. Each nursing facility 122729
located in any of those counties that has one hundred or more beds 122730
shall be placed in peer group six. 122731

(2) Beginning with the first rebasing, the peer groups shall 122732
be composed as they are under division (C)(1) of this section 122733
except as follows: 122734

(a) Each nursing facility that has fewer than one hundred 122735
beds and is located in Mahoning or Stark county shall be placed in 122736
peer group three rather than peer group five. 122737

(b) Each nursing facility that has one hundred or more beds 122738
and is located in Mahoning or Stark county shall be placed in peer 122739
group four rather than peer group six. 122740

(D)(1) The department shall determine the rate for ancillary and support costs for each peer group established under division (C) of this section. The department is not required to conduct a rebasing more than once every ten years. Except as necessary to implement the amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 303, both of the 129th general assembly, the rate for ancillary and support costs determined under this division for a peer group shall be used for subsequent years until the department conducts a rebasing. To determine a peer group's rate for ancillary and support costs, the department shall do all of the following:

(a) Subject to division (D)(2) of this section, determine the rate for ancillary and support costs for each nursing facility in the peer group for the applicable calendar year by using the greater of the nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been ninety per cent;

(b) Subject to division (D)(3) of this section, identify which nursing facility in the peer group is at the twenty-fifth percentile of the rate for ancillary and support costs for the applicable calendar year determined under division (D)(1)(a) of this section;

(c) Multiply the rate for ancillary and support costs determined under division (D)(1)(a) of this section for the nursing facility identified under division (D)(1)(b) of this section by the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year using the following:

(i) Until the first rebasing occurs, the consumer price index

for all items for all urban consumers for the north central 122773
region, published by the United States bureau of labor statistics, 122774
as that index existed on July 1, 2005; 122775

(ii) Effective with the first rebasing and except as provided 122776
in division (D)(1)(c)(iii) of this section, the consumer price 122777
index for all items for all urban consumers for the midwest 122778
region, published by the United States bureau of labor statistics; 122779

(iii) If the United States bureau of labor statistics ceases 122780
to publish the index specified in division (D)(1)(c)(ii) of this 122781
section, the index the bureau subsequently publishes that covers 122782
urban consumers' prices for items for the region that includes 122783
this state. 122784

(d) Until the first rebasing occurs, increase the amount 122785
calculated under division (D)(1)(c) of this section by five and 122786
eight hundredths per cent. 122787

(2) For the purpose of determining a nursing facility's 122788
occupancy rate under division (D)(1)(a) of this section, the 122789
department shall include any beds that the nursing facility 122790
removes from its medicaid-certified capacity unless the nursing 122791
facility also removes the beds from its licensed bed capacity. 122792

(3) In making the identification under division (D)(1)(b) of 122793
this section, the department shall exclude both of the following: 122794

(a) Nursing facilities that participated in the medicaid 122795
program under the same provider for less than twelve months in the 122796
applicable calendar year; 122797

(b) Nursing facilities whose ancillary and support costs are 122798
more than one standard deviation from the mean desk-reviewed, 122799
actual, allowable, per diem ancillary and support cost for all 122800
nursing facilities in the nursing facility's peer group for the 122801
applicable calendar year. 122802

(4) The department shall not redetermine a peer group's rate for ancillary and support costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for ancillary and support costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination.

Sec. ~~5111.25~~ 5165.17. (A) As used in this section:

(1) "Applicable calendar year" means the following:

(a) For the purpose of the department of ~~job and family services~~ medicaid's initial determination under division (D) of this section of each peer group's rate for capital costs, calendar year 2003;

(b) For the purpose of the department's rebasings, the calendar year the department selects.

(2) "Rebasing" means a redetermination under division (D) of this section of each peer ~~groups'~~ group's rate for capital costs using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such rates.

(B) The department of ~~job and family services~~ medicaid shall ~~pay a provider for~~ determine each of the provider's eligible nursing facilities ~~a~~ facility's per resident per medicaid day payment rate for capital costs ~~determined for the~~. A nursing facility's peer-group rate shall be the rate determined under division (D) of this section. However, for the period beginning October 1, 2013, and ending on the first day of the first rebasing, the rate for a nursing facility located in Mahoning or Stark county shall be the rate determined for the following:

(1) If the nursing facility has fewer than one hundred beds,

the nursing facilities in peer group three; 122833

(2) If the nursing facility has one hundred or more beds, the 122834
nursing facilities in peer group four. 122835

(C) For the purpose of determining nursing facilities' ~~rate~~ 122836
rates for capital costs, the department shall establish six peer 122837
groups. 122838

~~Each~~ (1) Until the first rebasing occurs, the peer groups 122839
shall be composed as follows: 122840

(a) Each nursing facility located in any of the following 122841
counties shall be placed in peer group one or two: Brown, Butler, 122842
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 122843
located in any of those counties that has fewer than one hundred 122844
beds shall be placed in peer group one. Each nursing facility 122845
located in any of those counties that has one hundred or more beds 122846
shall be placed in peer group two. 122847

(b) Each nursing facility located in any of the following 122848
counties shall be placed in peer group three or four: Ashtabula, 122849
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 122850
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 122851
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 122852
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 122853
Union, and Wood. Each nursing facility located in any of those 122854
counties that has fewer than one hundred beds shall be placed in 122855
peer group three. Each nursing facility located in any of those 122856
counties that has one hundred or more beds shall be placed in peer 122857
group four. 122858

(c) Each nursing facility located in any of the following 122859
counties shall be placed in peer group five or six: Adams, Allen, 122860
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 122861
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 122862
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 122863

Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 122864
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 122865
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 122866
Washington, Wayne, Williams, and Wyandot. Each nursing facility 122867
located in any of those counties that has fewer than one hundred 122868
beds shall be placed in peer group five. Each nursing facility 122869
located in any of those counties that has one hundred or more beds 122870
shall be placed in peer group six. 122871

(2) Beginning with the first rebasing, the peer groups shall 122872
be composed as they are under division (C)(1) of this section 122873
except as follows: 122874

(a) Each nursing facility that has fewer than one hundred 122875
beds and is located in Mahoning or Stark county shall be placed in 122876
peer group three rather than peer group five. 122877

(b) Each nursing facility that has one hundred or more beds 122878
and is located in Mahoning or Stark county shall be placed in peer 122879
group four rather than peer group six. 122880

(D)(1) The department shall determine the rate for capital 122881
costs for each peer group established under division (C) of this 122882
section. The department is not required to conduct a rebasing more 122883
than once every ten years. Except as necessary to implement the 122884
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 122885
303, both of the 129th general assembly, the rate for capital 122886
costs determined under this division for a peer group shall be 122887
used for subsequent years until the department conducts a 122888
rebasings. To determine a peer group's rate for capital costs, the 122889
department shall do both of the following: 122890

(a) Determine the rate for capital costs for the nursing 122891
facility in the peer group that is at the twenty-fifth percentile 122892
of the rate for capital costs for the applicable calendar year; 122893

(b) Until the first rebasing occurs, increase the amount 122894

calculated under division (D)(1)(a) of this section by five and 122895
eight hundredths per cent. 122896

(2) To identify the nursing facility in a peer group that is 122897
at the twenty-fifth percentile of the rate for capital costs for 122898
the applicable calendar year, the department shall do both of the 122899
following: 122900

(a) Subject to division (D)(3) of this section, use the 122901
greater of each nursing facility's actual inpatient days for the 122902
applicable calendar year or the inpatient days the nursing 122903
facility would have had for the applicable calendar year if its 122904
occupancy rate had been one hundred per cent; 122905

(b) Exclude both of the following: 122906

(i) Nursing facilities that participated in the medicaid 122907
program under the same provider for less than twelve months in the 122908
applicable calendar year; 122909

(ii) Nursing facilities whose capital costs are more than one 122910
standard deviation from the mean desk-reviewed, actual, allowable, 122911
per diem capital cost for all nursing facilities in the nursing 122912
facility's peer group for the applicable calendar year. 122913

(3) For the purpose of determining a nursing facility's 122914
occupancy rate under division (D)(2)(a) of this section, the 122915
department shall include any beds that the nursing facility 122916
removes from its medicaid-certified capacity after June 30, 2005, 122917
unless the nursing facility also removes the beds from its 122918
licensed bed capacity. 122919

(4) The department shall not redetermine a peer group's rate 122920
for capital costs under this division based on additional 122921
information that it receives after the rate is determined. The 122922
department shall redetermine a peer group's rate for capital costs 122923
only if the department made an error in determining the rate based 122924
on information available to the department at the time of the 122925

original determination. 122926

(E) Buildings shall be depreciated using the straight line 122927
method over forty years or over a different period approved by the 122928
department. Components and equipment shall be depreciated using 122929
the straight-line method over a period designated in rules adopted 122930
under section ~~5111.02~~ 5165.02 of the Revised Code, consistent with 122931
the guidelines of the American hospital association, or over a 122932
different period approved by the department. Any rules authorized 122933
by this division that specify useful lives of buildings, 122934
components, or equipment apply only to assets acquired on or after 122935
July 1, 1993. Depreciation for costs paid or reimbursed by any 122936
government agency shall not be included in capital costs unless 122937
that part of the payment under ~~sections 5111.20 to 5111.331 of the~~ 122938
~~Revised Code~~ this chapter is used to reimburse the government 122939
agency. 122940

(F) The capital cost basis of nursing facility assets shall 122941
be determined in the following manner: 122942

(1) Except as provided in division (F)(3) of this section, 122943
for purposes of calculating the rates to be paid for facilities 122944
with dates of licensure on or before June 30, 1993, the capital 122945
cost basis of each asset shall be equal to the desk-reviewed, 122946
actual, allowable, capital cost basis that is listed on the 122947
facility's cost report for the calendar year preceding the fiscal 122948
year during which the rate will be paid. 122949

(2) For facilities with dates of licensure after June 30, 122950
1993, the capital cost basis shall be determined in accordance 122951
with the principles of the medicare program ~~established under~~ 122952
~~Title XVIII~~, except as otherwise provided in ~~sections 5111.20 to~~ 122953
~~5111.331 of the Revised Code~~ this chapter. 122954

(3) Except as provided in division (F)(4) of this section, if 122955
a provider transfers an interest in a facility to another provider 122956

after June 30, 1993, there shall be no increase in the capital 122957
cost basis of the asset if the providers are related parties or 122958
the provider to which the interest is transferred authorizes the 122959
provider that transferred the interest to continue to operate the 122960
facility under a lease, management agreement, or other 122961
arrangement. If the previous sentence does not prohibit the 122962
adjustment of the capital cost basis under this division, the 122963
basis of the asset shall be adjusted by one-half of the change in 122964
the consumer price index for all items for all urban consumers, as 122965
published by the United States bureau of labor statistics, during 122966
the time that the transferor held the asset. 122967

(4) If a provider transfers an interest in a facility to 122968
another provider who is a related party, the capital cost basis of 122969
the asset shall be adjusted as specified in division (F)(3) of 122970
this section if all of the following conditions are met: 122971

(a) The related party is a relative of owner; 122972

(b) Except as provided in division (F)(4)(c)(ii) of this 122973
section, the provider making the transfer retains no ownership 122974
interest in the facility; 122975

(c) ~~The department of job and family services~~ determines that 122976
the transfer is an arm's length transaction pursuant to rules 122977
adopted under section ~~5111.02~~ 5165.02 of the Revised Code. The 122978
rules shall provide that a transfer is an arm's length transaction 122979
if all of the following apply: 122980

(i) Once the transfer goes into effect, the provider that 122981
made the transfer has no direct or indirect interest in the 122982
provider that acquires the facility or the facility itself, 122983
including interest as an owner, officer, director, employee, 122984
independent contractor, or consultant, but excluding interest as a 122985
creditor. 122986

(ii) The provider that made the transfer does not reacquire 122987

an interest in the facility except through the exercise of a 122988
creditor's rights in the event of a default. If the provider 122989
reacquires an interest in the facility in this manner, the 122990
department shall treat the facility as if the transfer never 122991
occurred when the department calculates its reimbursement rates 122992
for capital costs. 122993

(iii) The transfer satisfies any other criteria specified in 122994
the rules. 122995

(d) Except in the case of hardship caused by a catastrophic 122996
event, as determined by the department, or in the case of a 122997
provider making the transfer who is at least sixty-five years of 122998
age, not less than twenty years have elapsed since, for the same 122999
facility, the capital cost basis was adjusted most recently under 123000
division (F)(4) of this section or actual, allowable ~~cost of~~ 123001
~~ownership~~ capital costs was determined most recently under 123002
division (G)(9) of this section. 123003

(G) As used in this division: 123004

"Imputed interest" means the lesser of the prime rate plus 123005
two per cent or ten per cent. 123006

"Lease expense" means lease payments in the case of an 123007
operating lease and depreciation expense and interest expense in 123008
the case of a capital lease. 123009

"New lease" means a lease, to a different lessee, of a 123010
nursing facility that previously was operated under a lease. 123011

(1) Subject to division (B) of this section, for a lease of a 123012
facility that was effective on May 27, 1992, the entire lease 123013
expense is an actual, allowable capital cost during the term of 123014
the existing lease. The entire lease expense also is an actual, 123015
allowable capital cost if a lease in existence on May 27, 1992, is 123016
renewed under either of the following circumstances: 123017

(a) The renewal is pursuant to a renewal option that was in existence on May 27, 1992;

(b) The renewal is for the same lease payment amount and between the same parties as the lease in existence on May 27, 1992.

(2) Subject to division (B) of this section, for a lease of a facility that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis, adjusted by one-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time the lessor held each asset until the beginning of the lease.

(3) Subject to division (B) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that is initially operated under a lease, actual, allowable capital costs shall include the annual lease expense if there was a substantial commitment of money for construction of the facility after December 22, 1992, and before July 1, 1993. If there was not a substantial commitment of money after December 22, 1992, and before July 1, 1993, actual, allowable capital costs shall include the lesser of the annual lease expense or the sum of the following:

(a) The annual depreciation expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis;

(b) The greater of the lessor's actual annual amortization of financing costs and interest expense at the inception of the lease

or the imputed interest expense calculated at the inception of the 123049
lease using seventy per cent of the lessor's historical capital 123050
asset cost basis. 123051

(4) Subject to division (B) of this section, for a lease of a 123052
facility with a date of licensure on or after May 27, 1992, that 123053
was not initially operated under a lease and has been in existence 123054
for ten years, actual, allowable capital costs shall include the 123055
lesser of the annual lease expense or the annual depreciation 123056
expense and imputed interest expense that would be calculated at 123057
the inception of the lease using the entire historical capital 123058
asset cost basis of one-half of the change in the consumer price 123059
index for all items for all urban consumers, as published by the 123060
United States bureau of labor statistics, during the time the 123061
lessor held each asset until the beginning of the lease. 123062

(5) Subject to division (B) of this section, for a new lease 123063
of a facility that was operated under a lease on May 27, 1992, 123064
actual, allowable capital costs shall include the lesser of the 123065
annual new lease expense or the annual old lease payment. If the 123066
old lease was in effect for ten years or longer, the old lease 123067
payment from the beginning of the old lease shall be adjusted by 123068
one-half of the change in the consumer price index for all items 123069
for all urban consumers, as published by the United States bureau 123070
of labor statistics, from the beginning of the old lease to the 123071
beginning of the new lease. 123072

(6) Subject to division (B) of this section, for a new lease 123073
of a facility that was not in existence or that was in existence 123074
but not operated under a lease on May 27, 1992, actual, allowable 123075
capital costs shall include the lesser of annual new lease expense 123076
or the annual amount calculated for the old lease under division 123077
(G)(2), (3), (4), or (6) of this section, as applicable. If the 123078
old lease was in effect for ten years or longer, the lessor's 123079
historical capital asset cost basis shall be, for purposes of 123080

calculating the annual amount under division (G)(2), (3), (4), or 123081
(6) of this section, adjusted by one-half of the change in the 123082
consumer price index for all items for all urban consumers, as 123083
published by the United States bureau of labor statistics, from 123084
the beginning of the old lease to the beginning of the new lease. 123085

In the case of a lease under division (G)(3) of this section 123086
of a facility for which a substantial commitment of money was made 123087
after December 22, 1992, and before July 1, 1993, the old lease 123088
payment shall be adjusted for the purpose of determining the 123089
annual amount. 123090

(7) For any revision of a lease described in division (G)(1), 123091
(2), (3), (4), (5), or (6) of this section, or for any subsequent 123092
lease of a facility operated under such a lease, other than 123093
execution of a new lease, the portion of actual, allowable capital 123094
costs attributable to the lease shall be the same as before the 123095
revision or subsequent lease. 123096

(8) Except as provided in division (G)(9) of this section, if 123097
a provider leases an interest in a facility to another provider 123098
who is a related party or previously operated the facility, the 123099
related party's or previous operator's actual, allowable capital 123100
costs shall include the lesser of the annual lease expense or the 123101
reasonable cost to the lessor. 123102

(9) If a provider leases an interest in a facility to another 123103
provider who is a related party, regardless of the date of the 123104
lease, the related party's actual, allowable capital costs shall 123105
include the annual lease expense, subject to the limitations 123106
specified in divisions (G)(1) to (7) of this section, if all of 123107
the following conditions are met: 123108

(a) The related party is a relative of owner; 123109

(b) If the lessor retains an ownership interest, it is, 123110
except as provided in division (G)(9)(c)(ii) of this section, in 123111

only the real property and any improvements on the real property; 123112

(c) The department ~~of job and family services~~ determines that 123113
the lease is an arm's length transaction pursuant to rules adopted 123114
under section ~~5111.02~~ 5165.02 of the Revised Code. The rules shall 123115
provide that a lease is an arm's length transaction if all of the 123116
following apply: 123117

(i) Once the lease goes into effect, the lessor has no direct 123118
or indirect interest in the lessee or, except as provided in 123119
division (G)(9)(b) of this section, the facility itself, including 123120
interest as an owner, officer, director, employee, independent 123121
contractor, or consultant, but excluding interest as a lessor. 123122

(ii) The lessor does not reacquire an interest in the 123123
facility except through the exercise of a lessor's rights in the 123124
event of a default. If the lessor reacquires an interest in the 123125
facility in this manner, the department shall treat the facility 123126
as if the lease never occurred when the department calculates its 123127
reimbursement rates for capital costs. 123128

(iii) The lease satisfies any other criteria specified in the 123129
rules. 123130

(d) Except in the case of hardship caused by a catastrophic 123131
event, as determined by the department, or in the case of a lessor 123132
who is at least sixty-five years of age, not less than twenty 123133
years have elapsed since, for the same facility, the capital cost 123134
basis was adjusted most recently under division (F)(4) of this 123135
section or actual, allowable capital costs were determined most 123136
recently under division (G)(9) of this section. 123137

(10) This division does not apply to leases of specific items 123138
of equipment. 123139

Sec. ~~5111.231~~ 5165.19. (A) As used in this section: 123140

(1) "Applicable calendar year" means the following: 123141

(a) For the purpose of the department of ~~job and family~~ 123142
~~services~~ medicaid's initial determination under division (D) of 123143
this section of each peer group's cost per case-mix unit, calendar 123144
year 2003; 123145

(b) For the purpose of the department's rebasings, the 123146
calendar year the department selects. 123147

(2) "Rebasing" means a redetermination under division (D) of 123148
this section of each peer ~~groups~~ group's cost per case-mix unit 123149
using information from cost reports for an applicable calendar 123150
year that is later than the applicable calendar year used for the 123151
previous determination of such costs. 123152

(B) ~~The~~ Semiannually, the department of ~~job and family~~ 123153
~~services~~ medicaid shall ~~pay a provider for~~ determine each of the 123154
~~provider's eligible nursing facilities~~ a facility's per resident 123155
~~per~~ medicaid day payment rate for direct care costs ~~determined~~ 123156
~~semiannually~~ by multiplying ~~the cost per case mix unit determined~~ 123157
~~under division (D) of this section for the facility's peer group~~ 123158
~~by~~ the facility's semiannual case-mix score determined under 123159
section ~~5111.232~~ 5165.192 of the Revised Code by the cost per 123160
case-mix unit determined under division (D) of this section for 123161
the facility's peer group. However, for the period beginning 123162
October 1, 2013, and ending on the first day of the first 123163
rebasings, the rate for a nursing facility located in Mahoning or 123164
Stark county shall be determined semiannually by multiplying the 123165
facility's semiannual case-mix score determined under section 123166
5165.192 of the Revised Code by the cost per case-mix unit 123167
determined under division (D) of this section for the nursing 123168
facilities in peer group two. 123169

(C) For the purpose of determining nursing facilities' ~~rate~~ 123170
rates for direct care costs, the department shall establish three 123171
peer groups. 123172

Each (1) Until the first rebasing occurs, the peer groups shall be composed as follows: 123173
123174

(a) Each nursing facility located in any of the following 123175
counties shall be placed in peer group one: Brown, Butler, 123176
Clermont, Clinton, Hamilton, and Warren. 123177

(b) Each nursing facility located in any of the following 123178
counties shall be placed in peer group two: Ashtabula, Champaign, 123179
Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, 123180
Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, 123181
Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, 123182
Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, 123183
and Wood. 123184

(c) Each nursing facility located in any of the following 123185
counties shall be placed in peer group three: Adams, Allen, 123186
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 123187
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 123188
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 123189
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 123190
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 123191
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 123192
Washington, Wayne, Williams, and Wyandot. 123193

(2) Beginning with the first rebasing, the peer groups shall be composed as they are under division (C)(1) of this section except that each nursing facility located in Mahoning or Stark county shall be placed in peer group two rather than peer group three. 123194
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(D)(1) The department shall determine a cost per case-mix 123199
unit for each peer group established under division (C) of this 123200
section. The department is not required to conduct a rebasing more 123201
than once every ten years. Except as necessary to implement the 123202
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 123203

303, both of the 129th general assembly, and H.B. 59 of the 130th 123204
general assembly, the cost per case-mix unit determined under this 123205
division for a peer group shall be used for subsequent years until 123206
the department conducts a rebasing. To determine a peer group's 123207
cost per case-mix unit, the department shall do all of the 123208
following: 123209

(a) Determine the cost per case-mix unit for each nursing 123210
facility in the peer group for the applicable calendar year by 123211
dividing each facility's desk-reviewed, actual, allowable, per 123212
diem direct care costs for the applicable calendar year by the 123213
facility's annual average case-mix score determined under section 123214
~~5111.232~~ 5165.192 of the Revised Code for the applicable calendar 123215
year; 123216

(b) Subject to division (D)(2) of this section, identify 123217
which nursing facility in the peer group is at the twenty-fifth 123218
percentile of the cost per case-mix units determined under 123219
division (D)(1)(a) of this section; 123220

(c) Calculate the amount that is two per cent above the cost 123221
per case-mix unit determined under division (D)(1)(a) of this 123222
section for the nursing facility identified under division 123223
(D)(1)(b) of this section; 123224

(d) Using the index specified in division (D)(3) of this 123225
section, multiply the rate of inflation for the eighteen-month 123226
period beginning on the first day of July of the applicable 123227
calendar year and ending the last day of December of the calendar 123228
year immediately following the applicable calendar year by the 123229
amount calculated under division (D)(1)(c) of this section; 123230

(e) Add the following to the amount calculated under division 123231
(D)(1)(d) of this section: 123232

(i) Until the earlier of January 1, 2014, or when the first 123233
rebasing occurs, ~~add~~ one dollar and eighty-eight cents ~~to the~~ 123234

~~amount calculated under division (D)(1)(d) of this section;~~ 123235

(ii) Unless the first rebasing occurs before January 1, 2014, 123236
beginning January 1, 2014, and until the first rebasing occurs, 123237
eighty-six cents. 123238

(f) Until the first rebasing occurs, increase the amount 123239
calculated under division (D)(1)(e) of this section by five and 123240
eight hundredths per cent. 123241

(2) In making the identification under division (D)(1)(b) of 123242
this section, the department shall exclude both of the following: 123243

(a) Nursing facilities that participated in the medicaid 123244
program under the same provider for less than twelve months in the 123245
applicable calendar year; 123246

(b) Nursing facilities whose cost per case-mix unit is more 123247
than one standard deviation from the mean cost per case-mix unit 123248
for all nursing facilities in the nursing facility's peer group 123249
for the applicable calendar year. 123250

(3) The following index shall be used for the purpose of the 123251
calculation made under division (D)(1)(d) of this section: 123252

(a) Until the first rebasing occurs, the employment cost 123253
index for total compensation, health services component, published 123254
by the United States bureau of labor statistics, as the index 123255
existed on July 1, 2005; 123256

(b) Effective with the first rebasing and except as provided 123257
in division (D)(3)(c) of this section, the employment cost index 123258
for total compensation, nursing and residential care facilities 123259
occupational group, published by the United States bureau of labor 123260
statistics; 123261

(c) If the United States bureau of labor statistics ceases to 123262
publish the index specified in division (D)(3)(b) of this section, 123263
the index the bureau subsequently publishes that covers nursing 123264

facilities' staff costs. 123265

(4) The department shall not redetermine a peer group's cost 123266
per case-mix unit under this division based on additional 123267
information that it receives after the peer group's per case-mix 123268
unit is determined. The department shall redetermine a peer 123269
group's cost per case-mix unit only if it made an error in 123270
determining the peer group's cost per case-mix unit based on 123271
information available to the department at the time of the 123272
original determination. 123273

Sec. 5165.191. Each calendar quarter, each nursing facility 123274
provider shall compile complete assessment data for each resident 123275
of each of the provider's nursing facilities, regardless of 123276
payment source, who is in the nursing facility, or on hospital or 123277
therapeutic leave from the nursing facility, on the last day of 123278
the quarter. A resident assessment instrument specified in rules 123279
authorized by this section shall be used to compile the resident 123280
assessment data. Each provider shall submit the resident 123281
assessment data to the department of health and, if required by 123282
the rules, the department of medicaid. The resident assessment 123283
data shall be submitted not later than fifteen days after the end 123284
of the calendar quarter for which the data is compiled. If the 123285
resident assessment data is to be submitted to the department of 123286
medicaid, it shall be submitted to the department through the 123287
medium or media specified in the rules. 123288

Rules adopted under section 5165.02 of the Revised Code shall 123289
do all of the following: 123290

(A) In a manner consistent with the "Social Security Act," 123291
section 1919(e)(5), 42 U.S.C. 1396r(e)(5), specify a resident 123292
assessment instrument to be used by nursing facility providers 123293
under this section; 123294

(B) Specify whether nursing facility providers must submit 123295

the resident assessment data to the department of medicaid; 123296

(C) If the rules specify that nursing facility providers must 123297
submit the resident assessment data to the department, specify the 123298
medium or media through which the data is to be submitted. 123299

Sec. ~~5111.232~~ 5165.192. (A)(1) The ~~Except as provided in~~ 123300
division (B) of this section and in accordance with the process 123301
specified in rules authorized by this section, the department of 123302
job and family services medicaid shall do all of the following: 123303

(a) Every quarter, determine the following two case-mix 123304
scores for each nursing facility: 123305

(i) A quarterly case-mix score that includes each resident 123306
who is a medicaid recipient and is not a low resource utilization 123307
resident; 123308

(ii) A quarterly case-mix score that includes each resident 123309
regardless of payment source. 123310

(b) Every six months, determine a semiannual and annual 123311
average case-mix scores score for each nursing facilities facility 123312
by using all of the following: quarterly case-mix scores 123313
determined for the nursing facility pursuant to division 123314
(A)(1)(a)(i) of this section; 123315

(c) After the end of each calendar year, determine an annual 123316
average case-mix score for each nursing facility by using the 123317
quarterly case-mix scores determined for the nursing facility 123318
pursuant to division (A)(1)(a)(ii) of this section. 123319

(2) When determining case-mix scores under division (A)(1) of 123320
this section, the department shall use all of the following: 123321

(a) Data from a resident assessment instrument specified in 123322
rules adopted under authorized by section ~~5111.02~~ 5165.191 of the 123323
Revised Code pursuant to section 1919(e)(5) of the "Social 123324
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r(e)(5), as 123325

~~amended, for the following residents:~~ 123326

~~(i) When determining semiannual case mix scores for fiscal year 2012, each resident who is a medicaid recipient;~~ 123327
123328

~~(ii) When determining semiannual case mix scores for fiscal year 2013 and thereafter, each resident who is a medicaid recipient and not placed in either of the two lowest resource utilization groups, excluding any resource utilization group that is a default group used for residents with incomplete assessment data;~~ 123329
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~~(iii) When determining annual average case mix scores, each resident regardless of payment source.~~ 123335
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~~(b) Except as provided in rules authorized by divisions (A)(2)(a) and (b) of this section, the case-mix values established by the United States department of health and human services;~~ 123337
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~~(c) Except as modified in rules authorized by division (A)(2)(e) of this section, the grouper methodology used on June 30, 1999, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program established by Title XVIII.~~ 123340
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~~(2) The director of job and family services may adopt rules under section 5111.02 of the Revised Code that do any of the following:~~ 123345
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~~(a) Adjust the case mix values specified in division (A)(1)(b) of this section to reflect changes in relative wage differentials that are specific to this state;~~ 123348
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~~(b) Express all of those case mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case mix values to one another;~~ 123351
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~~(c) Modify the grouper methodology specified in division~~ 123355

~~(A)(1)(c) of this section as follows: 123356~~

~~(i) Establish a different hierarchy for assigning residents 123357~~
~~to case mix categories under the methodology; 123358~~

~~(ii) Prohibit the use of the index maximizer element of the 123359~~
~~methodology; 123360~~

~~(iii) Incorporate changes to the methodology the United 123361~~
~~States department of health and human services makes after June 123362~~
~~30, 1999; 123363~~

~~(iv) Make other changes the department determines are 123364~~
~~necessary. 123365~~

~~(B) The department shall determine case mix scores for 123366~~
~~intermediate care facilities for the mentally retarded using data 123367~~
~~for each resident, regardless of payment source, from a resident 123368~~
~~assessment instrument and grouper methodology prescribed in rules 123369~~
~~adopted under section 5111.02 of the Revised Code and expressed in 123370~~
~~case mix values established by the department in those rules. 123371~~

~~(C) Each calendar quarter, each provider shall compile 123372~~
~~complete assessment data, from the resident assessment instrument 123373~~
~~specified in rules authorized by division (A) or (B) of this 123374~~
~~section, for each resident of each of the provider's facilities, 123375~~
~~regardless of payment source, who was in the facility or on 123376~~
~~hospital or therapeutic leave from the facility on the last day of 123377~~
~~the quarter. Providers of a nursing facility shall submit the data 123378~~
~~to the department of health and, if required by rules, the 123379~~
~~department of job and family services. Providers of an 123380~~
~~intermediate care facility for the mentally retarded shall submit 123381~~
~~the data to the department of job and family services. The data 123382~~
~~shall be submitted not later than fifteen days after the end of 123383~~
~~the calendar quarter for which the data is compiled. 123384~~

~~Except as provided in division (D) of this section, the 123385~~
~~department, every six months and after the end of each calendar 123386~~

~~year, shall calculate a semiannual and annual average case mix score for each nursing facility using the facility's quarterly case mix scores for that six month period or calendar year. Also except as provided in division (D) of this section, the department, after the end of each calendar year, shall calculate an annual average case mix score for each intermediate care facility for the mentally retarded using the facility's quarterly case mix scores for that calendar year. The department shall make the calculations pursuant to procedures specified in rules adopted under section 5111.02 of the Revised Code.~~

~~(D)(1) If a Subject to division (B)(2) of this section, the department, for one or more months of a calendar quarter, may assign to a nursing facility a case-mix score that is five per cent less than the nursing facility's case-mix score for the immediately preceding calendar quarter if any of the following apply:~~

~~(a) The provider does not timely submit information complete and accurate resident assessment data necessary to determine the nursing facility's case-mix score for a the calendar quarter necessary to calculate a facility's case mix score, or submits incomplete or inaccurate information for a calendar quarter, the department may assign the facility a quarterly average case mix score that is five per cent less than the facility's quarterly average case mix score for the preceding calendar quarter. If the;~~

~~(b) The nursing facility was subject to an exception review under division (C) of section 5111.27 5165.193 of the Revised Code for the immediately preceding calendar quarter, the department may assign a quarterly average case mix score that is five per cent less than the score determined by the exception review. If the;~~

~~(c) The nursing facility was assigned a quarterly average case-mix score for the immediately preceding calendar quarter, the department may assign a quarterly average case mix score that is~~

~~five per cent less than that score assigned for the preceding
quarter.~~ 123419
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~~The department may use a quarterly average case mix score
assigned under division (D)(1) of this section, instead of a
quarterly average case mix score calculated based on the
provider's submitted information, to calculate the facility's rate
for direct care costs being established under section 5111.23 or
5111.231 of the Revised Code for one or more months, as specified
in rules authorized by division (E) of this section, of the
quarter for which the rate established under section 5111.23 or
5111.231 of the Revised Code will be paid.~~ 123421
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~~(2) Before taking action under division (D)(1) of this
section assigning a case-mix score to a nursing facility due to
the submission of incorrect resident assessment data, the
department shall permit the provider a reasonable period of time,
specified in rules authorized by division (E) of this section, to
correct the information data. In the case of an intermediate care
facility for the mentally retarded, the department shall not
assign a quarterly average case mix score due to late submission
of corrections to assessment information unless the provider fails
to submit corrected information prior to the eighty first day
after the end of the calendar quarter to which the information
pertains. In the case of a nursing facility, the The department
shall not may assign a quarterly average the case-mix score due to
late submission of corrections to assessment information unless if
the provider fails to submit the corrected information prior to
resident assessment data not later than the earlier of the
~~forty sixth~~ forty-fifth day after the end of the calendar quarter
to which the ~~information data~~ pertains or the deadline for
submission of such corrections established by regulations adopted
by the United States department of health and human services under
Titles Title XVIII and Title XIX.~~ 123430
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~~(2)(3)~~ If, for more than six months in a calendar year, a provider is paid a rate determined for a nursing facility calculated using a ~~quarterly average~~ case-mix score assigned to the nursing facility under division ~~(D)~~(B)(1) of this section ~~for more than six months in a calendar year~~, the department may assign the nursing facility a cost per case-mix unit that is five per cent less than the nursing facility's actual or assigned cost per case-mix unit for the immediately preceding calendar year. The department may use the assigned cost per case-mix unit, instead of ~~calculating~~ determining the nursing facility's actual cost per case-mix unit in accordance with section ~~5111.23 or 5111.231~~ 5165.19 of the Revised Code, to establish the nursing facility's rate for direct care costs for the ~~following~~ fiscal year immediately following the calendar year for which the cost per case-mix unit is assigned.

~~(3)(4)~~ The department shall take action under division ~~(D)~~(B)(1) ~~or~~, (2), or (3) of this section only in accordance with rules authorized by ~~division (E)~~ of this section. The department shall not take an action that affects rates for prior payment periods except in accordance with sections ~~5111.27~~ 5165.41 and ~~5111.28~~ 5165.42 of the Revised Code.

~~(E)(C)~~ The medicaid director shall adopt rules under section ~~5111.02~~ 5165.02 of the Revised Code ~~that~~ as necessary to implement this section.

(1) The rules shall do all of the following:

~~(1) Specify whether providers of a nursing facility must submit the assessment data to the department of job and family services;~~

~~(2) Specify the medium or media through which the completed assessment data shall be submitted;~~

~~(3)(a)~~ Specify the process for determining the semiannual and

annual average case-mix scores for nursing facilities; 123482

(b) Adjust the case-mix values specified in division 123483
(A)(2)(b) of this section to reflect changes in relative wage 123484
differentials that are specific to this state; 123485

(c) Express all of those case-mix values in numeric terms 123486
that are different from the terms specified by the United States 123487
department of health and human services but that do not alter the 123488
relationship of the case-mix values to one another; 123489

(d) Modify the grouper methodology specified in division 123490
(A)(2)(c) of this section as follows: 123491

(i) Establish a different hierarchy for assigning residents 123492
to case-mix categories under the methodology; 123493

(ii) Prohibit the use of the index maximizer element of the 123494
methodology; 123495

(iii) Incorporate changes to the methodology the United 123496
States department of health and human services makes after June 123497
30, 1999; 123498

(iv) Make other changes the department determines are 123499
necessary. 123500

(e) Establish procedures under which the resident assessment 123501
data shall be reviewed for accuracy and providers shall be 123502
notified of any data that requires correction; 123503

~~(4)~~(f) Establish procedures for providers to correct resident 123504
assessment data and specify a reasonable period of time by which 123505
providers shall submit the corrections. The procedures may limit 123506
the content of corrections by providers of nursing facilities in 123507
the manner required by regulations adopted by the United States 123508
department of health and human services under ~~Titles~~ Title XVIII 123509
and Title XIX. 123510

~~(5)~~(g) Specify when and how the department will assign 123511

case-mix scores or costs per case-mix unit to a nursing facility 123512
under division ~~(D)~~(B) of this section if information necessary to 123513
calculate the nursing facility's case-mix score is not provided or 123514
corrected in accordance with the procedures established by the 123515
rules. ~~Notwithstanding~~ 123516

(2) Notwithstanding any other provision of ~~sections 5111.20~~ 123517
~~to 5111.331 of the Revised Code~~ this chapter, the rules ~~also~~ may 123518
provide for the following: 123519

~~(a) Exclusion of case mix scores assigned under division (D)~~ 123520
~~of this section from calculation of an intermediate care facility~~ 123521
~~for the mentally retarded's annual average case mix score and the~~ 123522
~~maximum cost per case mix unit for the facility's peer group;~~ 123523

~~(b) Exclusion~~ exclusion of case-mix scores assigned to a 123524
nursing facility under division ~~(D)~~(B) of this section from 123525
~~calculation~~ the determination of ~~a~~ the nursing facility's 123526
semiannual or annual average case-mix score and the cost per 123527
case-mix unit for the nursing facility's peer group. 123528

Sec. 5165.193. (A) The department of medicaid may, pursuant 123529
to rules authorized by this section, conduct an exception review 123530
of resident assessment data submitted by a nursing facility 123531
provider under section 5165.191 of the Revised Code. The 123532
department may conduct an exception review based on the findings 123533
of a medicaid certification survey conducted by the department of 123534
health, a risk analysis, or prior performance of the provider. 123535

Exception reviews shall be conducted at the nursing facility 123536
by appropriate health professionals under contract with or 123537
employed by the department. The professionals may review resident 123538
assessment forms and supporting documentation, conduct interviews, 123539
and observe residents to identify any patterns or trends of 123540
inaccurate resident assessments and resulting inaccurate case-mix 123541
scores. 123542

(B) If an exception review is conducted before the effective date of a nursing facility's rate for direct care costs that is based on the resident assessment data being reviewed and the review results in findings that exceed tolerance levels specified in the rules authorized by this section, the department, in accordance with those rules, may use the findings to redetermine individual resident case-mix scores, the nursing facility's case-mix score for the quarter, and the nursing facility's annual average case-mix score. The department may use the nursing facility's redetermined quarterly and annual average case-mix scores to determine the nursing facility's rate for direct care costs for the appropriate calendar quarter or quarters.

(C) The department shall prepare a written summary of any exception review finding that is made after the effective date of a nursing facility's rate for direct care costs that is based on the resident assessment data that was reviewed. Where the provider is pursuing judicial or administrative remedies in good faith regarding the finding, the department shall not withhold from the provider's current payments any amounts the department claims to be due from the provider pursuant to section 5165.41 of the Revised Code.

(D)(1) The medicaid director shall adopt rules under section 5165.02 of the Revised Code as necessary to implement this section. The rules shall establish an exception review program that does all of the following:

(a) Requires each exception review to comply with Title XVIII and Title XIX;

(b) Requires a written summary for each exception review that states whether resident assessment forms have been completed accurately;

(c) Prohibits each health professional who conducts an

exception review from doing either of the following: 123574

(i) During the period of the professional's contract or employment with the department, having or being committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of nursing facilities in this state; 123575
123576
123577
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123579

(ii) Reviewing any provider that has been a client of the professional. 123580
123581

(2) For the purposes of division (D)(1)(c)(i) of this section, employment of a member of a health professional's family by a nursing facility that the professional does not review does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the nursing facility. 123582
123583
123584
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123586

Sec. ~~5111.242~~ 5165.21. (A) As used in this section: 123587

(1) "Applicable calendar year" means the following: 123588

(a) For the purpose of the department of ~~job and family services'~~ medicaid's initial determination under this section of nursing facilities' rate for tax costs, calendar year 2003; 123589
123590
123591

(b) For the purpose of the department's rebasings, the calendar year the department selects. 123592
123593

(2) "Rebasing" means a redetermination under division ~~(C)~~(B) of this section of each nursing facility's rate for tax costs using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such rates. 123594
123595
123596
123597
123598

(B) ~~The department of job and family services shall pay a provider for each of the provider's eligible nursing facilities a per resident per day rate for tax costs determined under division (C) of this section.~~ 123599
123600
123601
123602

~~(C)~~ The department of medicaid shall determine ~~the~~ each 123603
nursing facility's per medicaid day payment rate for tax costs ~~for~~ 123604
~~each nursing facility~~. The department is not required to conduct a 123605
rebasings more than once every ten years. Except as necessary to 123606
implement the amendments made to this section by Sub. H.B. 303 of 123607
the 129th general assembly, the rate for tax costs determined 123608
under this division for a nursing facility shall be used for 123609
subsequent years until the department conducts a rebasing. To 123610
determine a nursing facility's rate for tax costs and except as 123611
provided in division ~~(D)~~(C) of this section, the department shall 123612
do both of the following: 123613

(1) Divide the nursing facility's desk-reviewed, actual, 123614
allowable tax costs paid for the applicable calendar year by the 123615
number of inpatient days the nursing facility would have had if 123616
its occupancy rate had been one hundred per cent during the 123617
applicable calendar year; 123618

(2) Until the first rebasing occurs, increase the amount 123619
calculated under division ~~(C)~~(B)(1) of this section by five and 123620
eight hundredths per cent. 123621

~~(D)~~(C) If a nursing facility had a credit regarding its real 123622
estate taxes reflected on its cost report for calendar year 2003, 123623
the department shall determine, as follows, its rate for tax costs 123624
for the period beginning on July 1, 2010, and ending on the first 123625
day of the fiscal year for which the department first conducts a 123626
rebasings: 123627

(1) Divide the nursing facility's desk-reviewed, actual, 123628
allowable tax costs paid for calendar year 2004 by the number of 123629
inpatient days the nursing facility would have had if its 123630
occupancy rate had been one hundred per cent during calendar year 123631
2004; 123632

(2) Until the first rebasing occurs, increase the amount 123633

calculated under division ~~(D)~~(C)(1) of this section by five and 123634
eight hundredths per cent. 123635

Sec. ~~5111.246~~ 5165.23. (A) Each fiscal year, the department 123636
of ~~job and family services~~ medicaid shall ~~pay a~~ determine the 123637
critical access incentive payment ~~to the provider of~~ for each 123638
nursing facility that qualifies as a critical access nursing 123639
facility. To qualify as a critical access nursing facility for a 123640
fiscal year, a nursing facility must meet all of the following 123641
requirements: 123642

(1) The nursing facility must be located in an area that, on 123643
December 31, 2011, was designated an empowerment zone under 123644
~~section 1391~~ of the "Internal Revenue Code of 1986," ~~107 Stat. 543~~ 123645
section 1391, 26 U.S.C. 1391, ~~as amended.~~ 123646

(2) The nursing facility must have an occupancy rate of at 123647
least eighty-five per cent as of the last day of the calendar year 123648
immediately preceding the fiscal year. 123649

(3) The nursing facility must have a medicaid utilization 123650
rate of at least sixty-five per cent as of the last day of the 123651
calendar year immediately preceding the fiscal year. 123652

(4) The nursing facility must have been awarded at least five 123653
points for meeting accountability measures under section 5165.25 123654
of the Revised Code for the fiscal year and at least one of the 123655
five points must have been awarded for meeting the following: 123656

(a) For fiscal year 2014, the accountability measures 123657
identified in divisions (C)(10), (11), (12), and (13) of section 123658
5165.25 of the Revised Code; 123659

(b) For fiscal year 2015 and each fiscal year thereafter, the 123660
accountability measures identified in divisions (D)(9), (10), 123661
(11), (12), and (14) of section 5165.25 of the Revised Code. 123662

(B) A critical access nursing facility's critical access 123663

incentive payment for a fiscal year shall equal five per cent of 123664
the portion of the nursing facility's total rate for the fiscal 123665
year that is the sum of the rates and payment identified in 123666
divisions ~~(D)~~(A)(1) to (4) and (6) of section ~~5111.222~~ 5165.15 of 123667
the Revised Code. 123668

Sec. ~~5111.244~~ 5165.25. (A) As used in this section: 123669

(1) ~~"Applicable percentage" means, for the accountability~~ 123670
~~measures identified in divisions (C)(10) to (13) of this section,~~ 123671
~~the following:~~ 123672

~~(a) For fiscal year 2013, whichever of the following applies:~~ 123673

~~(i) The percentage that the department of job and family~~ 123674
~~services specifies for an accountability measure pursuant to~~ 123675
~~division (E)(1)(b) or (E)(2)(a)(ii) of this section:~~ 123676

~~(ii) The percentage specified for an accountability measure~~ 123677
~~in division (E)(2)(b), (ii), (iii), (iv), or (v) of this section.~~ 123678

~~(b) For fiscal year 2014, whichever of the following applies:~~ 123679

~~(i) The percentage used pursuant to division (F)(2) of this~~ 123680
~~section:~~ 123681

~~(ii) The percentage that the department specifies for an~~ 123682
~~accountability measure pursuant to division (F)(3)(a) of this~~ 123683
~~section.~~ 123684

~~(c) For fiscal year 2015 and thereafter, whichever of the~~ 123685
~~following applies:~~ 123686

~~(i) The percentage used pursuant to division (F)(2) of this~~ 123687
~~section:~~ 123688

~~(ii) The percentage used pursuant to division (F)(3)(b) of~~ 123689
~~this section.~~ 123690

~~(2) "Complaint surveys" has the same meaning as in 42 C.F.R.~~ 123691
~~488.30.~~ 123692

~~(3)~~(2) "Customer satisfaction survey" means the annual survey of long-term care facilities required by section 173.47 of the Revised Code.

~~(4)~~(3) "Deficiency" has the same meaning as in 42 C.F.R. 488.301.

(4) "Exempted hospital discharge" has the same meaning as in 42 C.F.R. 483.106(b)(2)(i).

(5) "Family satisfaction survey" means a customer satisfaction survey, or part of a customer satisfaction survey, that contains the results of information obtained from the families of a nursing facility's residents.

(6) "Minimum data set" means the standardized, uniform comprehensive assessment of nursing facility residents that is used to identify potential problems, strengths, and preferences of residents and is part of the resident assessment instrument required by ~~section 1919(e)(5) of the "Social Security Act," 401 Stat. 1330-197 (1987)~~ section 1919(e)(5), 42 U.S.C. 1396r(e)(5), ~~as amended.~~

~~(7) "National voluntary consensus standards for nursing homes" means measures used to determine the quality of care provided by nursing facilities as endorsed by the national quality forum.~~

~~(8)~~ "Nurse aide" has the same meaning as in section 3721.21 of the Revised Code.

~~(9)~~(8) "Resident satisfaction survey" means a customer satisfaction survey, or part of a customer satisfaction survey, that contains the results of information obtained from a nursing facility's residents.

~~(10)~~(9) "Room mirror" means a mirror that is located in either of the following rooms:

(a) A resident bathroom if the sink used by a resident after 123723
the resident uses the resident bathroom is in the resident 123724
bathroom; 123725

(b) A resident's room if the sink used by a resident after 123726
the resident uses the resident bathroom is in the resident's room. 123727

~~(11)~~(10) "Room sink" means a sink that is located in either 123728
of the following rooms: 123729

(a) A resident bathroom if the sink used by a resident after 123730
the resident uses the resident bathroom is in the resident 123731
bathroom; 123732

(b) A resident's room if the sink used by a resident after 123733
the resident uses the resident bathroom is in the resident's room. 123734

~~(12)~~(11) "Standard survey" has the same meaning as in 42 123735
C.F.R. 488.301. 123736

(12) "Special focus facility list" means the list of nursing 123737
facilities that the United States department of health and human 123738
services creates under the special focus facility program required 123739
by the "Social Security Act," section 1919(f)(10), 42 U.S.C. 123740
1396r(f)(10). 123741

(13) "Substantial wall" means a permanent structure that 123742
reaches from floor to ceiling and divides a semiprivate room into 123743
two distinct living spaces, each with its own window. 123744

(14) "Table B of the special focus facility list" means the 123745
table included in the special focus facility list that identifies 123746
nursing facilities that have not improved. 123747

(B)(1) Each fiscal year, the department of ~~job and family 123748
services~~ medicaid shall ~~pay a~~ determine each nursing facility's 123749
quality incentive payment ~~to the provider of each nursing facility 123750
that is awarded one or more points for meeting accountability 123751
measures under division (C) of this section.~~ Subject to division 123752

divisions (B)(2) and (3) of this section, the per medicaid day amount of a quality incentive payment paid to a nursing facility provider shall be the product of the following:

(a) The number of points the provider's nursing facility is awarded for meeting accountability measures under ~~division (C)~~ of this section;

(b) Three dollars and twenty-nine cents.

(2) The maximum quality incentive payment that may be paid to ~~the provider of~~ a nursing facility provider for a fiscal year 2014 shall be sixteen dollars and forty-four cents per medicaid day.

(3) The maximum quality incentive payment that may be paid to a nursing facility provider for fiscal year 2015 and each fiscal year thereafter shall be the following:

(a) Sixteen dollars and forty-four cents if at least one of the points awarded to the nursing facility for meeting accountability measures is for an accountability measure identified in division (D)(9), (10), (11), (12), or (14) of this section;

(b) Thirteen dollars and sixteen cents if division (B)(3)(a) of this section does not apply.

(C) ~~Subject~~ For fiscal year 2014 only and subject to divisions (D), division (E), and (F) of this section, the department shall award each nursing facility participating in the medicaid program one point for each of the following accountability measures the facility meets:

(1) The facility's overall score on its resident satisfaction survey is at least eighty-six.

(2) The facility's overall score on its family satisfaction survey is at least eighty-eight.

(3) The facility satisfies the requirements for participation

in the advancing excellence in America's nursing homes campaign. 123783

(4) The facility had neither of the following on the 123784
facility's most recent standard survey conducted not later than 123785
the last day of the calendar year immediately preceding the fiscal 123786
year for which the point is to be awarded or any complaint surveys 123787
conducted in the calendar year immediately preceding the fiscal 123788
year for which the point is to be awarded: 123789

(a) A health deficiency with a scope and severity level 123790
greater than F; 123791

(b) A deficiency that constitutes a substandard quality of 123792
care. 123793

(5) The facility offers at least fifty per cent of its 123794
residents at least one of the following dining choices for at 123795
least one meal each day: 123796

(a) Restaurant-style dining in which food is brought from the 123797
food preparation area to residents per the residents' orders; 123798

(b) Buffet-style dining in which residents obtain their own 123799
food, or have the facility's staff bring food to them per the 123800
residents' directions, from the buffet; 123801

(c) Family-style dining in which food is customarily served 123802
on a serving dish and shared by residents; 123803

(d) Open dining in which residents have at least a two-hour 123804
period to choose when to have a meal; 123805

(e) Twenty-four-hour dining in which residents may order 123806
meals from the facility any time of the day. 123807

(6) At least fifty per cent of the facility's residents are 123808
able to take a bath or shower as often as they choose. 123809

(7) The facility has at least both of the following scores on 123810
its resident satisfaction survey: 123811

- (a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty-nine; 123812
123813
123814
- (b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy-six. 123815
123816
123817
- (8) The facility has at least both of the following scores on its family satisfaction survey: 123818
123819
- (a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty-eight; 123820
123821
123822
- (b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy-five. 123823
123824
123825
- (9) All of the following apply to the facility: 123826
- (a) At least seventy-five per cent of the facility's residents have the opportunity, following admission to the facility and before completing or quarterly updating their individual plans of care, to discuss their goals for the care they are to receive at the facility, including their preferences for advance care planning, with a member of the residents' ~~health care~~ health care teams that the facility, residents, and residents' sponsors consider appropriate. 123827
123828
123829
123830
123831
123832
123833
123834
- (b) The facility records the residents' care goals, including the residents' advance care planning preferences, in their medical records. 123835
123836
123837
- (c) The facility uses the residents' care goals, including the residents' advance care planning preferences, in the development of the residents' individual plans of care. 123838
123839
123840
- (10) Not more than ~~the applicable percentage~~ thirteen and 123841

thirty-five hundredths per cent of the facility's long-stay residents report severe to moderate pain during the minimum data set assessment process.

(11) Not more than ~~the applicable percentage~~ five and seventy-three hundredths per cent of the facility's long-stay, high-risk residents have been assessed as having one or more stage two, three, or four pressure ulcers during the minimum data set assessment process.

(12) Not more than ~~the applicable percentage~~ one and fifty-two hundredths per cent of the facility's long-stay residents were physically restrained as reported during the minimum data set assessment process.

(13) Less than ~~the applicable percentage~~ seven and seventy-eight hundredths per cent of the facility's long-stay residents had a urinary tract infection as reported during the minimum data set assessment process.

(14) The facility uses a tool for tracking residents' admissions to hospitals.

(15) An average of at least fifty per cent of the facility's medicaid-certified beds are in private rooms.

(16) The facility has accessible resident bathrooms, all of which meet at least two of the following standards and at least some of which meet all of the following standards:

(a) There are room mirrors that are accessible to residents in wheelchairs, can be adjusted so as to be visible to residents who are seated or standing, or both.

(b) There are room sinks that are accessible to residents in wheelchairs and have clearance for wheelchairs.

(c) There are room sinks that have faucets with adaptive or easy-to-use lever or paddle handles.

- (17) The facility does both of the following: 123872
- (a) Maintains a written policy that prohibits the use of 123873
overhead paging systems or limits the use of overhead paging 123874
systems to emergencies, as defined in the policy; 123875
- (b) Communicates the policy to its staff, residents, and 123876
families of residents. 123877
- (18) The facility has a score of at least ninety on its 123878
resident satisfaction survey with regard to the question in the 123879
survey regarding residents' ability to personalize their rooms 123880
with personal belongings. 123881
- (19) The facility has a score of at least ninety-five on its 123882
family satisfaction survey with regard to the question in the 123883
survey regarding residents' ability to personalize their rooms 123884
with personal belongings. 123885
- (20) The facility does both of the following: 123886
- (a) Maintains a written policy that requires consistent 123887
assignment of nurse aides and specifies the goal of having a 123888
resident receive nurse aide care from not more than eight 123889
different nurse aides during a thirty-day period; 123890
- (b) Communicates the policy to its staff, residents, and 123891
families of residents. 123892
- (21) The facility's staff retention rate is at least 123893
seventy-five per cent. 123894
- (22) The facility's turnover rate for nurse aides is not 123895
higher than sixty-five per cent. 123896
- (23) For at least fifty per cent of the resident care 123897
conferences in the facility, a nurse aide who is a primary 123898
caregiver for the resident attends and participates in the 123899
conference. 123900
- (D) For fiscal year 2015 and each fiscal year thereafter and 123901

subject to division (E) of this section, the department shall 123902
award each nursing facility participating in the medicaid program 123903
one point for each of the following accountability measures the 123904
facility meets: 123905

(1) The facility's overall score on its resident satisfaction 123906
survey is at least eighty-seven and five-tenths. 123907

(2) The facility's overall score on its family satisfaction 123908
survey is at least eighty-five and nine-tenths. 123909

(3) The facility satisfies the requirements for participation 123910
in the advancing excellence in America's nursing homes campaign. 123911

(4) Both of the following apply to the facility: 123912

(a) The facility had not been listed on table B of the 123913
special focus facility list for eighteen or more consecutive 123914
months during any time during the calendar year immediately 123915
preceding the fiscal year for which the point is to be awarded. 123916

(b) The facility had neither of the following on the 123917
facility's most recent standard survey conducted not later than 123918
the last day of the calendar year immediately preceding the fiscal 123919
year for which the point is to be awarded or any complaint surveys 123920
conducted in the calendar year immediately preceding the fiscal 123921
year for which the point is to be awarded: 123922

(i) A health deficiency with a scope and severity level 123923
greater than F; 123924

(ii) A deficiency that constitutes a substandard quality of 123925
care. 123926

(5) The facility does all of the following: 123927

(a) Offers at least fifty per cent of its residents at least 123928
one of the following dining choices for at least two meals each 123929
day: 123930

(i) Restaurant-style dining in which food is brought from the 123931

<u>food preparation area to residents per the residents' orders;</u>	123932
<u>(ii) Buffet-style dining in which residents obtain their own</u>	123933
<u>food, or have the facility's staff bring food to them per the</u>	123934
<u>residents' directions, from the buffet;</u>	123935
<u>(iii) Family-style dining in which food is customarily served</u>	123936
<u>on a serving dish and shared by residents;</u>	123937
<u>(iv) Open dining in which residents have at least a two-hour</u>	123938
<u>period to choose when to have a meal;</u>	123939
<u>(v) Twenty-four-hour dining in which residents may order</u>	123940
<u>meals from the facility any time of the day.</u>	123941
<u>(b) Maintains a written policy specifying the manner or</u>	123942
<u>manners in which residents' dining choices for meals are offered;</u>	123943
<u>(c) Communicates the policy to its staff, residents, and</u>	123944
<u>families of residents.</u>	123945
<u>(6) The facility does all of the following:</u>	123946
<u>(a) Enables at least fifty per cent of the facility's</u>	123947
<u>residents to take a bath or shower when they choose;</u>	123948
<u>(b) Maintains a written policy regarding residents' choices</u>	123949
<u>in bathing;</u>	123950
<u>(c) Communicates the policy to its staff, residents, and</u>	123951
<u>families of residents.</u>	123952
<u>(7) The facility has at least both of the following scores on</u>	123953
<u>its resident satisfaction survey:</u>	123954
<u>(a) With regard to the question in the survey regarding</u>	123955
<u>residents' ability to choose when to go to bed in the evening, at</u>	123956
<u>least eighty-nine;</u>	123957
<u>(b) With regard to the question in the survey regarding</u>	123958
<u>residents' ability to choose when to get out of bed in the</u>	123959
<u>morning, at least seventy-six.</u>	123960

<u>(8) The facility has at least both of the following scores on its family satisfaction survey:</u>	123961
	123962
<u>(a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty-eight;</u>	123963
	123964
	123965
<u>(b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy-five.</u>	123966
	123967
	123968
<u>(9) Not more than thirteen and thirty-five hundredths per cent of the facility's long-stay residents report severe to moderate pain during the minimum data set assessment process.</u>	123969
	123970
	123971
<u>(10) Not more than five and sixteen hundredths per cent of the facility's long-stay, high-risk residents have been assessed as having one or more stage two, three, or four pressure ulcers during the minimum data set assessment process.</u>	123972
	123973
	123974
	123975
<u>(11) Not more than one and fifty-two hundredths per cent of the facility's long-stay residents were physically restrained as reported during the minimum data set assessment process.</u>	123976
	123977
	123978
<u>(12) Less than seven per cent of the facility's long-stay residents had a urinary tract infection as reported during the minimum data set assessment process.</u>	123979
	123980
	123981
<u>(13) The facility does both of the following:</u>	123982
<u>(a) Uses a tool for tracking residents' admissions to hospitals;</u>	123983
	123984
<u>(b) Annually reports to the department data on hospital admissions by month for all residents.</u>	123985
	123986
<u>(14) Both of the following apply:</u>	123987
<u>(a) At least ninety-five per cent of the facility's long-stay residents are vaccinated against pneumococcal pneumonia, decline the vaccination, or are not vaccinated because the vaccination is</u>	123988
	123989
	123990

<u>medically contraindicated.</u>	123991
<u>(b) At least ninety-three per cent of the facility's</u>	123992
<u>long-stay residents are vaccinated against seasonal influenza,</u>	123993
<u>decline the vaccination, or are not vaccinated because the</u>	123994
<u>vaccination is medically contraindicated.</u>	123995
<u>(15) An average of at least fifty per cent of the facility's</u>	123996
<u>medicaid-certified beds are in either, or in a combination of</u>	123997
<u>both, of the following:</u>	123998
<u>(a) Private rooms;</u>	123999
<u>(b) Semiprivate rooms to which all of the following apply:</u>	124000
<u>(i) Each room provides a distinct territory for each resident</u>	124001
<u>occupying the room.</u>	124002
<u>(ii) Each distinct territory has a window and is separated by</u>	124003
<u>a substantial wall from the other distinct territories in the</u>	124004
<u>room.</u>	124005
<u>(iii) Each resident is able to enter and exit the distinct</u>	124006
<u>territory of the resident's room without entering or exiting</u>	124007
<u>another resident's distinct territory.</u>	124008
<u>(iv) Complete visual privacy for each distinct territory may</u>	124009
<u>be obtained by drawing a curtain or other screen.</u>	124010
<u>(16) The facility obtains at least a ninety-five per cent</u>	124011
<u>compliance rate with requesting resident reviews required by 42</u>	124012
<u>C.F.R. 483.106(b)(2)(ii) for individuals who are exempted hospital</u>	124013
<u>discharges.</u>	124014
<u>(17) The facility does both of the following:</u>	124015
<u>(a) Maintains a written policy that requires consistent</u>	124016
<u>assignment of nurse aides and specifies the goal of having a</u>	124017
<u>resident receive nurse aide care from not more than twelve</u>	124018
<u>different nurse aides during a thirty-day period;</u>	124019

<u>(b) Communicates the policy to its staff, residents, and families of residents.</u>	124020
	124021
<u>(18) The facility's staff retention rate is at least seventy-five per cent.</u>	124022
	124023
<u>(19) The facility's turnover rate for nurse aides is not higher than sixty-five per cent.</u>	124024
	124025
<u>(20) For at least fifty per cent of the resident care conferences in the facility, a nurse aide who is a primary caregiver for the resident attends and participates in the conference.</u>	124026
	124027
	124028
	124029
<u>(21) All of the following apply to the facility:</u>	124030
<u>(a) At least seventy-five per cent of the facility's residents have the opportunity, following admission to the facility and before completing or quarterly updating their individual plans of care, to discuss their goals for the care they are to receive at the facility, including their preferences for advance care planning, with a member of the residents' health care teams that the facility, residents, and residents' sponsors consider appropriate.</u>	124031
	124032
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	124037
	124038
<u>(b) The facility records the residents' care goals, including the residents' advance care planning preferences, in their medical records.</u>	124039
	124040
	124041
<u>(c) The facility uses the residents' care goals, including the residents' advance care planning preferences, in the development of the residents' individual plans of care.</u>	124042
	124043
	124044
<u>(22) The facility does both of the following:</u>	124045
<u>(a) Maintains a written policy that prohibits the use of overhead paging systems or limits the use of overhead paging systems to emergencies, as defined in the policy;</u>	124046
	124047
	124048
<u>(b) Communicates the policy to its staff, residents, and</u>	124049

families of residents. 124050

(E)(1) To be awarded a point for meeting an accountability 124051
measure under division (C) or (D) of this section other than the 124052
accountability measure identified in ~~division~~ divisions (C)(4) and 124053
(D)(4)(b) of this section, a nursing facility must meet the 124054
accountability measure in the calendar year immediately preceding 124055
the fiscal year for which the point is to be awarded. ~~However, a~~ 124056
~~nursing facility must meet the accountability measures specified~~ 124057
~~in divisions (C)(3), (5), (6), (9), (14) to (17), (20), (22), and~~ 124058
~~(23) of this section in the period beginning January 1, 2012, and~~ 124059
~~ending March 31, 2012, to be awarded points for those~~ 124060
~~accountability measures for fiscal year 2013.~~ 124061

(2) The department shall award points pursuant to ~~division~~ 124062
divisions (C)(1), (7), ~~or~~ and (18) and (D)(1) and (7) of this 124063
section to a nursing facility only if a resident satisfaction 124064
survey was initiated under section 173.47 of the Revised Code for 124065
the nursing facility in the calendar year immediately preceding 124066
the fiscal year for which the points are to be awarded. 124067

(3) The department shall award points pursuant to ~~division~~ 124068
divisions (C)(2), (8), ~~or~~ and (19) and (D)(2) and (8) of this 124069
section to a nursing facility only if a family satisfaction survey 124070
was initiated under section 173.47 of the Revised Code for the 124071
nursing facility in the calendar year immediately preceding the 124072
fiscal year for which the points are to be awarded. 124073

(4) The department shall award points pursuant to divisions 124074
(D)(21) and (22) of this section only for fiscal year 2015. 124075

(5) Not later than July 1, 2013, the department shall adjust 124076
the score used for the purpose of division (C)(8)(b) of this 124077
section in a manner that causes at least fifty per cent of nursing 124078
facilities to meet division (C)(8)(b) of this section. 124079

~~(E) For the purposes of awarding points under divisions~~ 124080

~~(C)(10) to (13) of this section for fiscal year 2013, the~~ 124081
~~following apply:~~ 124082

~~(1) If, by July 1, 2012, the United States centers for~~ 124083
~~medicare and medicaid services makes calculations using the 3.0~~ 124084
~~version of the minimum data set that indicate whether nursing~~ 124085
~~facilities meet those accountability measures, the department~~ 124086
~~shall do both of the following:~~ 124087

~~(a) Rely on those calculations;~~ 124088

~~(b) Specify the percentages to be used for the purposes of~~ 124089
~~those accountability measures and, in specifying the percentages,~~ 124090
~~provide for at least fifty per cent of nursing facilities to earn~~ 124091
~~points for meeting those accountability measures.~~ 124092

~~(2) If, by July 1, 2012, the United States centers for~~ 124093
~~medicare and medicaid services does not make calculations using~~ 124094
~~the 3.0 version of the minimum data set that indicate whether~~ 124095
~~nursing facilities meet those accountability measures, the~~ 124096
~~department shall do either of the following:~~ 124097

~~(a) Do both of the following:~~ 124098

~~(i) Make the calculations using the 3.0 version of the~~ 124099
~~minimum data set in accordance with the national voluntary~~ 124100
~~consensus standards for nursing homes;~~ 124101

~~(ii) Specify the percentages to be used for the purposes of~~ 124102
~~those accountability measures and, in specifying the percentages,~~ 124103
~~provide for at least fifty per cent of nursing facilities to earn~~ 124104
~~points for meeting those accountability measures.~~ 124105

~~(b) Do all of the following:~~ 124106

~~(i) Rely on the most recent calculations the United States~~ 124107
~~centers for medicare and medicaid services made using the 2.0~~ 124108
~~version of the minimum data set that indicate whether nursing~~ 124109
~~facilities meet those accountability measures;~~ 124110

(ii) Use four per cent as the applicable percentage for the	124111
accountability measure identified in division (C)(10) of this	124112
section;	124113
(iii) Use nine per cent as the applicable percentage for the	124114
accountability measure identified in division (C)(11) of this	124115
section;	124116
(iv) Use two per cent as the applicable percentage for the	124117
accountability measure identified in division (C)(12) of this	124118
section;	124119
(v) Use ten per cent as the applicable percentage for the	124120
accountability measure identified in division (C)(13) of this	124121
section.	124122
(F) For the purposes of awarding points under divisions	124123
(C)(10) to (13) of this section for fiscal year 2014 and	124124
thereafter, the department shall do the following:	124125
(1) Rely on calculations the United States centers for	124126
medicare and medicaid services makes using the 3.0 version of the	124127
minimum data set that indicate whether nursing facilities meet	124128
those accountability measures;	124129
(2) If the department takes action pursuant to division	124130
(E)(1) of this section for fiscal year 2013, continue to use the	124131
percentages the department specifies pursuant to division	124132
(E)(1)(b) of this section for the purposes of those accountability	124133
measures;	124134
(3) If the department takes action pursuant to division	124135
(E)(2) of this section for fiscal year 2013, do the following:	124136
(a) For fiscal year 2014, specify the percentages to be used	124137
for the purposes of those accountability measures and, in	124138
specifying the percentages, provide for at least fifty per cent of	124139
nursing facilities to earn points for meeting those accountability	124140

measures; 124141

~~(b) For fiscal year 2015 and thereafter, continue to use the~~ 124142
~~percentages the department specifies pursuant to division~~ 124143
~~(F)(3)(a) of this section for the purposes of those accountability~~ 124144
~~measures. Not later than July 1, 2014, the department shall~~ 124145
~~submit, in accordance with section 101.68 of the Revised Code,~~ 124146
~~recommendations to the general assembly for accountability~~ 124147
~~measures to replace the accountability measures identified in~~ 124148
~~divisions (D)(21) and (22) of this section.~~ 124149

~~(G) The director of job and family services shall adopt rules~~ 124150
~~under section 5111.02 of the Revised Code as necessary to~~ 124151
~~implement this section.~~ 124152

~~The rules~~ Rules adopted under section 5165.02 of the Revised 124153
Code may specify what is meant by "some" as that word is used in 124154
division (C)(16) of this section. 124155

Sec. ~~5111.245~~ 5165.26. (A) As used in this section: 124156

(1) "Budgeted amount for quality incentive payments for a 124157
fiscal year" means the amount determined for a fiscal year as 124158
follows: 124159

(a) Multiply the total number of medicaid days in the 124160
immediately preceding fiscal year by sixteen dollars and 124161
forty-four cents; 124162

(b) Determine the total amount of quality incentive payments 124163
that was paid under section 5165.25 of the Revised Code to all 124164
nursing facility providers for the immediately preceding fiscal 124165
year; 124166

(c) Subtract the amount determined under division (A)(1)(b) 124167
of this section from the product calculated under division 124168
(A)(1)(a) of this section; 124169

(d) Add thirty million dollars to the difference calculated 124170

under division (A)(1)(c) of this section. 124171

(2) "Point days for a fiscal year" means the product of the 124172
following: 124173

(a) A qualifying nursing facility's quality bonus points for 124174
the fiscal year; 124175

(b) The number of the qualifying nursing facility's medicaid 124176
days in the immediately preceding fiscal year. 124177

~~(2)~~(3) "Qualifying nursing facility" means a nursing facility 124178
that qualifies for a quality bonus for a fiscal year as determined 124179
under division (B) of this section. 124180

~~(3)~~(4) "Quality bonus points for a fiscal year" means the 124181
amount determined by subtracting five from the number of points 124182
awarded to a qualifying nursing facility for meeting 124183
accountability measures under ~~division (C) of section 5111.244~~ 124184
5165.25 of the Revised Code for a fiscal year. 124185

~~(4) "Residual budgeted amount for quality incentive payments~~ 124186
~~for a fiscal year" means the amount determined for a fiscal year~~ 124187
~~as follows:~~ 124188

~~(a) Multiply the total number of medicaid days in the fiscal~~ 124189
~~year by sixteen dollars and forty four cents;~~ 124190

~~(b) Determine the total amount of quality incentive payments~~ 124191
~~that was paid under section 5111.244 of the Revised Code to all~~ 124192
~~nursing facility providers for the fiscal year;~~ 124193

~~(c) Subtract the amount determined under division (A)(4)(b)~~ 124194
~~of this section from the product calculated under division~~ 124195
~~(A)(4)(a) of this section.~~ 124196

(B) The Not later than the first day of November of each 124197
fiscal year, the department of ~~job and family services~~ medicaid 124198
shall pay a nursing facility provider a quality bonus for ~~a~~ the 124199
fiscal year if ~~both of the following apply:~~ 124200

~~(1) The provider's nursing facility is awarded more than five points for meeting accountability measures under division (C) of section ~~5111.244~~ 5165.25 of the Revised Code for the fiscal year and the following applies:~~

(1) For fiscal year 2014, at least two of the points are awarded to the nursing facility pursuant to division (C)(10), (11), (12), (13), or (14) of section 5165.25 of the Revised Code.

(2) For fiscal year 2015 and each fiscal year thereafter, at least two of the points are awarded to the nursing facility pursuant to division (D)(9), (10), (11), (12), (13), or (14) of section 5165.25 of the Revised Code.

~~(2) The residual budgeted amount for quality incentive payments for the fiscal year is greater than zero.~~

(C) The total quality bonus to be paid to the provider of a qualifying nursing facility for a fiscal year shall equal the product of the following:

(1) The quality bonus per medicaid day for the fiscal year determined for the provider's qualifying nursing facility under division (D) of this section;

(2) The number of the qualifying nursing facility's medicaid days in the immediately preceding fiscal year.

(D) A qualifying nursing facility's quality bonus per medicaid day for a fiscal year shall be the product of the following:

(1) The nursing facility's quality bonus points for the fiscal year;

(2) The quality bonus per point for the fiscal year determined under division (E) of this section.

(E) The quality bonus per point for a fiscal year shall be determined as follows:

(1) Determine the number of each qualifying nursing facility's point days for the fiscal year;	124231 124232
(2) Determine the sum of all qualifying nursing facilities' point days for the fiscal year;	124233 124234
(3) Divide the residual budgeted amount for quality incentive payments for the fiscal year by the sum determined under division (E)(2) of this section.	124235 124236 124237
(F) The calculation of a qualifying nursing facility's bonus payment is not subject to appeal under Chapter 119. of the Revised Code.	124238 124239 124240
(G) The director of job and family services may adopt rules under section 5111.02 of the Revised Code as necessary to implement this section.	124241 124242 124243
Sec. 5111.257 <u>5165.28</u>. If a provider of a nursing facility adds or replaces one or more medicaid certified beds to or at the nursing facility, or renovates one or more of the nursing facility's beds, the <u>medicaid payment</u> rate for the added, replaced, or renovated beds shall be the same as the <u>medicaid payment</u> rate for the nursing facility's existing beds.	124244 124245 124246 124247 124248 124249
Sec. 5111.265 <u>5165.29</u>. If one or more medicaid-certified beds are relocated from one nursing facility to another nursing facility owned by a different person or government entity and the application for the certificate of need authorizing the relocation is filed with the director of health on or after the effective date of this section <u>July 1, 2005</u> , amortization of the cost of acquiring operating rights for the relocated beds is not an allowable cost for the purpose of determining the nursing facility's medicaid reimbursement <u>payment</u> rate.	124250 124251 124252 124253 124254 124255 124256 124257 124258
Sec. 5111.264 <u>5165.30</u>. Except as provided in section 5111.25	124259

~~er 5111.251~~ 5165.17 of the Revised Code, the costs of goods, 124260
services, and facilities, furnished to a nursing facility provider 124261
by a related party are includable in the allowable costs of the 124262
provider at the reasonable cost to the related party. 124263

Sec. 5165.32. The department of medicaid shall not reduce a 124264
nursing facility's medicaid payment rate determined under this 124265
chapter on the basis that the provider charges a lower rate to any 124266
resident who is not eligible for medicaid. 124267

Sec. 5165.33. No medicaid payment shall be made to a nursing 124268
facility provider for the day a medicaid recipient is discharged 124269
from the nursing facility. 124270

Sec. ~~5111.331~~ 5165.34. (A) The department of ~~job and family~~ 124271
~~services~~ medicaid may make medicaid payments to a nursing facility 124272
~~provider of a nursing facility~~ under ~~sections 5111.20 to 5111.331~~ 124273
~~of the Revised Code~~ this chapter to reserve a bed for a recipient 124274
during a temporary absence under conditions prescribed by the 124275
department, to include hospitalization for an acute condition, 124276
visits with relatives and friends, and participation in 124277
therapeutic programs outside the facility, when the resident's 124278
plan of care provides for such absence and federal financial 124279
participation ~~in~~ for the payments is available. 124280

(B) The maximum period for which payments may be made to 124281
reserve a bed in a nursing facility shall not exceed thirty days 124282
in a calendar year. 124283

(C) The department shall establish the per ~~diem~~ medicaid day 124284
payment rates ~~to be paid to providers of nursing facilities~~ for 124285
reserving beds under this section. In establishing the per ~~diem~~ 124286
medicaid day payment rates, the department shall ~~do the following:~~ 124287

~~(1) In the case of a payment to reserve a bed for a day~~ 124288

~~during calendar year 2011, set the per diem rate at an amount not exceeding fifty per cent of the per diem rate the provider would be paid if the recipient were not absent from the nursing facility that day;~~

~~(2) In the case of a payment to reserve a bed for a day during calendar year 2012 and each calendar year thereafter, set the per diem medicaid day payment rate at an amount equal to the following:~~

~~(a)(1) In the case of a nursing facility that had an occupancy rate ~~in the preceding calendar year~~ exceeding ninety-five per cent, an amount not exceeding fifty per cent of the per diem medicaid day payment rate the provider would be paid if the recipient were not absent from the nursing facility that day;~~

~~(b)(2) In the case of a nursing facility that had an occupancy rate ~~in the preceding calendar year~~ not exceeding ninety-five per cent, an amount not exceeding eighteen per cent of the per diem medicaid day payment rate the provider would be paid if the recipient were not absent from the nursing facility that day.~~

(D) For the purpose of setting a nursing facility's per medicaid day payment rate to reserve a bed for a day during the period beginning on the effective date of this amendment and ending December 31, 2013, the department shall determine the nursing facility's occupancy rate by using information reported on the nursing facility's cost report for calendar year 2012. For the purpose of setting a nursing facility's per medicaid day payment rate to reserve a bed for January 1, 2014, or thereafter, the department shall determine the nursing facility's occupancy rate by using information reported on the nursing facility's cost report for the calendar year preceding the fiscal year in which the reservation falls.

~~Sec. 5111.212 5165.35.~~ As used in this section, "effective date of an involuntary termination" and "involuntary termination" have the same meanings as in section 5111.65 of the Revised Code.

Medicaid payments may be made for nursing facility services and intermediate care facility for the mentally retarded services provided not later than thirty days after the effective date of an involuntary termination of the nursing facility that provides the services if the services are provided to a medicaid recipient who is eligible for the services and resided in the nursing facility before the effective date of the involuntary termination.

~~Sec. 5111.221 5165.37.~~ The department of ~~job and family services~~ medicaid shall make its best efforts each year to calculate nursing facilities' medicaid payment rates under ~~sections 5111.20 to 5111.331 of the Revised Code~~ this chapter in time to ~~use them to make pay the payments due to providers rates~~ by the fifteenth day of August of each fiscal year. If the department is unable to calculate the rates so that they can be paid by that date, the department shall pay each provider the rate calculated for the provider's nursing facilities ~~and intermediate care facilities for the mentally retarded~~ under ~~those sections~~ this chapter at the end of the previous fiscal year. If the department also is unable to calculate the rates to ~~make the payments due~~ pay the rates by the fifteenth day of September and the fifteenth day of October, the department shall pay the previous fiscal year's rate to make those payments. The department may increase by five per cent the previous fiscal year's rate paid for any nursing facility pursuant to this section at the request of the provider. The department shall use rates calculated for the current fiscal year to make the payments due by the fifteenth day of November.

If the rate paid to a provider for a nursing facility

pursuant to this section is lower than the rate calculated for the nursing facility for the current fiscal year, the department shall pay the provider the difference between the two rates for the number of days for which the provider was paid for the nursing facility pursuant to this section. If the rate paid for a nursing facility pursuant to this section is higher than the rate calculated for it for the current fiscal year, the provider shall refund to the department the difference between the two rates for the number of days for which the provider was paid for the nursing facility pursuant to this section.

Sec. ~~5111.29~~ 5165.38. ~~(A) The medicaid director of job and family services shall adopt rules under section ~~5111.02~~ 5165.02 of the Revised Code that establish a process under which a nursing facility provider, or a group or association of nursing facility providers, may seek reconsideration of medicaid payment rates established under ~~sections 5111.20 to 5111.331~~ of the Revised Code this chapter, including a rate for direct care costs recalculated before the effective date of the rate as a result of an exception review of resident assessment ~~information~~ data conducted under section ~~5111.27~~ 5165.193 of the Revised Code. The~~

~~(1) Except as provided in divisions (A)(2) to (4) of this section,~~ the only issue that a provider, group, or association may raise in the rate reconsideration shall be whether the rate was calculated in accordance with ~~sections 5111.20 to 5111.331~~ of the Revised Code this chapter and the rules adopted under section ~~5111.02~~ 5165.02 of the Revised Code. The ~~rules shall permit a~~ provider, group, or association ~~to~~ may submit written arguments or other materials that support its position. The ~~rules shall specify~~ provider, group, or association and department of medicaid shall take actions regarding the rate reconsideration within time frames ~~within which the provider, group, or association and the~~ department ~~must act~~ specified in rules authorized by this section.

~~If~~ 124384

If the department determines, as a result of the rate 124385
reconsideration, that the rate ~~established~~ determined for one or 124386
more nursing facilities ~~of a provider~~ is less than the rate to 124387
which the nursing facility is entitled, the department shall 124388
increase the rate. If the department has paid the incorrect rate 124389
for a period of time, the department shall pay the provider the 124390
difference between the amount the provider was paid for that 124391
period for the nursing facility and the amount the provider should 124392
have been paid for the nursing facility. 124393

~~(2) The rules shall provide that during a fiscal year, the 124394
department, by means of the rate reconsideration process, may 124395
increase the rate determined for an intermediate care facility for 124396
the mentally retarded as calculated under sections 5111.20 to 124397
5111.331 of the Revised Code if the provider of the facility 124398
demonstrates that the facility's actual, allowable costs have 124399
increased because of extreme circumstances. A facility may qualify 124400
for a rate increase only if the facility's per diem, actual, 124401
allowable costs have increased to a level that exceeds its total 124402
rate. The rules shall specify the circumstances that would justify 124403
a rate increase under division (A)(2) of this section. The rules 124404
shall provide that the extreme circumstances include natural 124405
disasters, renovations approved under division (D) of section 124406
5111.251 of the Revised Code, an increase in workers' compensation 124407
experience rating of greater than five per cent for a facility 124408
that has an appropriate claims management program, increased 124409
security costs for an inner city facility, and a change of 124410
ownership that results from bankruptcy, foreclosure, or findings 124411
of violations of certification requirements by the department of 124412
health. An increase under division (A)(2) of this section is 124413
subject to any rate limitations or maximum rates established by 124414
sections 5111.20 to 5111.331 of the Revised Code for specific cost 124415~~

~~centers. Any rate increase granted under division (A)(2) of this section shall take effect on the first day of the first month after the department receives the request.~~ 124416
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~~(3) The rules shall provide that the department, through the rate reconsideration process, may increase an intermediate care facility for the mentally retarded's rate as calculated under sections 5111.20 to 5111.331 of the Revised Code if the department, in the department's sole discretion, determines that the rate as calculated under those sections works an extreme hardship on the facility.~~ 124419
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~~(4) The rules shall provide that when beds certified for the medicaid program are added to an existing intermediate care facility for the mentally retarded or replaced at the same site, the department, through the rate reconsideration process, shall increase the intermediate care facility for the mentally retarded's rate for capital costs proportionately, as limited by any applicable limitation under section 5111.251 of the Revised Code, to account for the costs of the beds that are added or replaced. The department shall make this increase one month after the first day of the month after the department receives sufficient documentation of the costs. Any rate increase granted under division (A)(4) of this section after June 30, 1993, shall remain in effect until the effective date of a rate calculated under section 5111.251 of the Revised Code that includes costs incurred for a full calendar year for the bed addition or bed replacement. The facility shall report double accumulated depreciation in an amount equal to the depreciation included in the rate adjustment on its cost report for the first year of operation. During the term of any loan used to finance a project for which a rate adjustment is granted under division (A)(4) of this section, if the facility is operated by the same provider, the provider shall subtract from the interest costs it reports on~~ 124426
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its cost report an amount equal to the difference between the	124448
following:	124449
(a) The actual, allowable interest costs for the loan during	124450
the calendar year for which the costs are being reported;	124451
(b) The actual, allowable interest costs attributable to the	124452
loan that were used to calculate the rates paid to the provider	124453
for the facility during the same calendar year.	124454
(5) The department's decision at the conclusion of the	124455
reconsideration process shall not be subject to any administrative	124456
proceedings under Chapter 119. or any other provision of the	124457
Revised Code.	124458
(B) All of the following are subject to an adjudication	124459
conducted in accordance with Chapter 119. of the Revised Code:	124460
(1) Any audit disallowance that the department makes as the	124461
result of an audit under section 5111.27 of the Revised Code;	124462
(2) Any adverse finding that results from an exception review	124463
of resident assessment information conducted under section 5111.27	124464
of the Revised Code after the effective date of the facility's	124465
rate that is based on the assessment information;	124466
(3) Any medicaid payment deemed an overpayment under section	124467
5111.683 of the Revised Code;	124468
(4) Any penalty the department imposes under division (C) of	124469
section 5111.28 of the Revised Code or section 5111.683 of the	124470
Revised Code.	124471
Sec. 5111.28 <u>5165.40</u>. (A) If a <u>nursing facility</u> provider	124472
properly amends its a cost report <u>for the nursing facility</u> under	124473
section 5111.261 <u>5165.107</u> of the Revised Code and the amended	124474
report shows that the provider received a lower <u>medicaid payment</u>	124475
rate under the original cost report than it <u>the provider</u> was	124476
entitled to receive, the department of job and family services	124477

medicaid shall adjust the provider's rate for the nursing facility 124478
prospectively to reflect the corrected information. The department 124479
shall pay the adjusted rate beginning two months after the first 124480
day of the month after the provider files the amended cost report. 124481
~~if~~ 124482

If the department finds, from an exception review of resident 124483
assessment ~~information data~~ data conducted pursuant to section 5165.193 124484
of the Revised Code after the effective date of ~~the~~ a nursing 124485
facility's rate for direct care costs that is based on the 124486
resident assessment ~~information data~~, that inaccurate resident 124487
assessment ~~information data~~ resulted in the provider receiving a 124488
lower rate for the nursing facility than it was entitled to 124489
receive, the department prospectively shall adjust the provider's 124490
rate accordingly ~~and~~. The department shall make payments to the 124491
provider using the adjusted rate for the remainder of the ~~calendar~~ 124492
~~quarter~~ six-month period for which the resident assessment 124493
~~information data~~ is used to determine the rate, beginning one 124494
month after the first day of the month after the exception review 124495
is completed. 124496

~~(B) If the provider properly amends its cost report under~~ 124497
~~section 5111.261 of the Revised Code, the department makes a~~ 124498
~~finding based on an audit under section 5111.27 of the Revised~~ 124499
~~Code, or the department makes a finding based on an exception~~ 124500
~~review of resident assessment information conducted under section~~ 124501
~~5111.27 of the Revised Code after the effective date of the rate~~ 124502
~~for direct care costs that is based on the assessment information,~~ 124503
~~any of which results in a determination that the provider has~~ 124504
~~received a higher rate than it was entitled to receive, the~~ 124505
~~department shall recalculate the provider's rate using the revised~~ 124506
~~information. The department shall apply the recalculated rate to~~ 124507
~~the periods when the provider received the incorrect rate to~~ 124508
~~determine the amount of the overpayment. The provider shall refund~~ 124509

~~the amount of the overpayment.~~ 124510

~~In addition to requiring a refund under this division, the
department may charge the provider interest at the applicable rate
specified in this division from the time the overpayment was made.~~ 124511
124512
124513

~~(1) If the overpayment resulted from costs reported for
calendar year 1993, the interest shall be no greater than one and
one-half times the average bank prime rate.~~ 124514
124515
124516

~~(2) If the overpayment resulted from costs reported for
subsequent calendar years:~~ 124517
124518

~~(a) The interest shall be no greater than two times the
average bank prime rate if the overpayment was equal to or less
than one per cent of the total medicaid payments to the provider
for the fiscal year for which the incorrect information was used
to establish a rate.~~ 124519
124520
124521
124522
124523

~~(b) The interest shall be no greater than two and one-half
times the current average bank prime rate if the overpayment was
greater than one per cent of the total medicaid payments to the
provider for the fiscal year for which the incorrect information
was used to establish a rate.~~ 124524
124525
124526
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124528

~~(C) The department also may impose the following penalties:~~ 124529

~~(1) If a provider does not furnish invoices or other
documentation that the department requests during an audit within
sixty days after the request, no more than the greater of one
thousand dollars per audit or twenty five per cent of the
cumulative amount by which the costs for which documentation was
not furnished increased the total medicaid payments to the
provider during the fiscal year for which the costs were used to
establish a rate;~~ 124530
124531
124532
124533
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~~(2) If an exiting operator or owner fails to provide notice
of a facility closure, voluntary termination, or voluntary~~ 124538
124539

~~withdrawal of participation in the medicaid program as required by 124540
section 5111.66 of the Revised Code, or an exiting operator or 124541
owner and entering operator fail to provide notice of a change of 124542
operator as required by section 5111.67 of the Revised Code, no 124543
more than the current average bank prime rate plus four per cent 124544
of the last two monthly payments. 124545~~

~~(D) If the provider continues to participate in the medicaid 124546
program, the department shall deduct any amount that the provider 124547
is required to refund under this section, and the amount of any 124548
interest charged or penalty imposed under this section, from the 124549
next available payment from the department to the provider. The 124550
department and the provider may enter into an agreement under 124551
which the amount, together with interest, is deducted in 124552
installments from payments from the department to the provider. 124553~~

~~(E) The department shall transmit refunds and penalties to 124554
the treasurer of state for deposit in the general revenue fund. 124555~~

~~(F) For the purpose of this section, the department shall 124556
determine the average bank prime rate using statistical release 124557
H.15, "selected interest rates," a weekly publication of the 124558
federal reserve board, or any successor publication. If 124559
statistical release H.15, or its successor, ceases to contain the 124560
bank prime rate information or ceases to be published, the 124561
department shall request a written statement of the average bank 124562
prime rate from the federal reserve bank of Cleveland or the 124563
federal reserve board. 124564~~

Sec. 5165.41. (A) The department of medicaid shall 124565
redetermine a provider's medicaid payment rate for a nursing 124566
facility using revised information if any of the following results 124567
in a determination that the provider received a higher medicaid 124568
payment rate for the nursing facility than the provider was 124569
entitled to receive: 124570

<u>(1) The provider properly amends a cost report for the</u>	124571
<u>nursing facility under section 5165.107 of the Revised Code;</u>	124572
<u>(2) The department makes a finding based on an audit under</u>	124573
<u>section 5165.109 of the Revised Code;</u>	124574
<u>(3) The department makes a finding based on an exception</u>	124575
<u>review of resident assessment data conducted under section</u>	124576
<u>5165.193 of the Revised Code after the effective date of the</u>	124577
<u>nursing facility's rate for direct care costs that is based on the</u>	124578
<u>resident assessment data;</u>	124579
<u>(4) The department makes a finding based on a post-payment</u>	124580
<u>review conducted under section 5165.49 of the Revised Code.</u>	124581
<u>(B) The department shall apply the redetermined rate to the</u>	124582
<u>periods when the provider received the incorrect rate to determine</u>	124583
<u>the amount of the overpayment. The provider shall refund the</u>	124584
<u>amount of the overpayment. The department may charge the provider</u>	124585
<u>the following amount of interest from the time the overpayment was</u>	124586
<u>made:</u>	124587
<u>(1) If the overpayment resulted from costs reported for</u>	124588
<u>calendar year 1993, the interest shall be no greater than one and</u>	124589
<u>one-half times the current average bank prime rate.</u>	124590
<u>(2) If the overpayment resulted from costs reported for a</u>	124591
<u>subsequent calendar year:</u>	124592
<u>(a) The interest shall be no greater than two times the</u>	124593
<u>current average bank prime rate if the overpayment was no more</u>	124594
<u>than one per cent of the total medicaid payments to the provider</u>	124595
<u>for the fiscal year for which the overpayment was made.</u>	124596
<u>(b) The interest shall be no greater than two and one-half</u>	124597
<u>times the current average bank prime rate if the overpayment was</u>	124598
<u>more than one per cent of the total medicaid payments to the</u>	124599
<u>provider for the fiscal year for which the overpayment was made.</u>	124600

Sec. 5165.42. In addition to the other penalties authorized 124601
by this chapter, the department of medicaid may impose the 124602
following penalties on a nursing facility provider: 124603

(A) If the provider does not furnish invoices or other 124604
documentation that the department requests during an audit within 124605
sixty days after the request, a fine of no more than the greater 124606
of the following: 124607

(1) One thousand dollars per audit; 124608

(2) Twenty-five per cent of the cumulative amount by which 124609
the costs for which documentation was not furnished increased the 124610
total medicaid payments to the provider during the fiscal year for 124611
which the costs were used to determine a rate. 124612

(B) If an exiting operator or owner fails to provide notice 124613
of a facility closure or voluntary withdrawal of participation in 124614
the medicaid program as required by section 5165.50 of the Revised 124615
Code, or an exiting operator or owner and entering operator fail 124616
to provide notice of a change of operator as required by section 124617
5165.51 of the Revised Code, a fine of not more than the current 124618
average bank prime rate plus four per cent of the last two monthly 124619
payments. 124620

Sec. 5165.43. For the purposes of sections 5165.41 and 124621
5165.42 of the Revised Code, the department of medicaid shall 124622
determine the current average bank prime rate using statistical 124623
release H.15, "selected interest rates," a weekly publication of 124624
the federal reserve board, or any successor publication. If 124625
statistical release H.15, or its successor, ceases to contain the 124626
bank prime rate information or ceases to be published, the 124627
department shall request a written statement of the average bank 124628
prime rate from the federal reserve bank of Cleveland or the 124629
federal reserve board. 124630

Sec. 5165.44. (A) Except as provided in division (B) of this section, the department of medicaid shall deduct the following from the next available medicaid payment the department makes to a nursing facility provider who continues to participate in medicaid: 124631
124632
124633
124634
124635

(1) Any amount the provider is required to refund, and any interest charged, under section 5165.41 of the Revised Code; 124636
124637

(2) The amount of any penalty imposed on the provider under section 5165.42 of the Revised Code. 124638
124639

(B) The department and a nursing facility provider may enter into an agreement under which a deduction required by division (A) of this section is taken in installments from payments the department makes to the provider. 124640
124641
124642
124643

Sec. 5165.45. The department of medicaid shall transmit to the treasurer of state for deposit in the general revenue fund amounts collected from the following: 124644
124645
124646

(A) Refunds required by, and interest charged under, section 5165.41 of the Revised Code; 124647
124648

(B) Amounts collected from penalties imposed under section 5165.42 of the Revised Code. 124649
124650

Sec. 5165.46. All of the following are subject to an adjudication conducted in accordance with Chapter 119. of the Revised Code: 124651
124652
124653

(A) Any audit disallowance that the department of medicaid makes as the result of an audit under section 5165.109 of the Revised Code; 124654
124655
124656

(B) Any adverse finding that results from an exception review of resident assessment data conducted for a nursing facility under 124657
124658

section 5165.193 of the Revised Code after the effective date of 124659
the nursing facility's medicaid payment rate for direct care costs 124660
that is based on the resident assessment data; 124661

(C) Any medicaid payment deemed an overpayment under section 124662
5165.523 of the Revised Code; 124663

(D) Any penalty the department imposes under section 5165.42 124664
of the Revised Code or section 5165.523 of the Revised Code. 124665

Sec. ~~5111.262~~ 5165.47. No person, other than ~~the~~ a nursing 124666
facility provider ~~of a nursing facility~~, shall submit a claim for 124667
medicaid ~~reimbursement~~ payment for a service provided to a nursing 124668
facility resident if the service is included in a medicaid payment 124669
made to the nursing facility provider ~~of a nursing facility~~ under 124670
~~sections 5111.20 to 5111.33 of the Revised Code~~ this chapter or in 124671
the ~~reimbursable~~ allowable expenses reported on a provider's cost 124672
report for a nursing facility. No nursing facility provider ~~of a~~ 124673
~~nursing facility~~ shall submit a separate claim for medicaid 124674
~~reimbursement~~ payment for a service provided to a resident of the 124675
nursing facility if the service is included in a medicaid payment 124676
made to the provider under ~~sections 5111.20 to 5111.331 of the~~ 124677
~~Revised Code~~ this chapter or in the ~~reimbursable~~ allowable 124678
expenses on the provider's cost report for the nursing facility. 124679
124680

Sec. ~~5111.0211~~ 5165.48. ~~As used in this section, "nursing~~ 124681
~~facility" and "provider" have the same meanings as in section~~ 124682
~~5111.20 of the Revised Code.~~ 124683

The provider of a nursing facility is not required to submit 124684
a claim to the department of ~~job and family services~~ medicaid 124685
regarding the medicare cost-sharing expenses of a resident of the 124686
nursing facility who, under federal law, is eligible to have the 124687
medicaid program pay for a part of the cost-sharing expenses if 124688

the provider determines that, under rules adopted under section 124689
~~5111.02~~ 5165.02 of the Revised Code, the nursing facility would 124690
not receive a medicaid payment for any part of the medicare 124691
cost-sharing expenses. In such a situation, a claim for the 124692
medicare cost-sharing expenses shall be considered to have been 124693
adjudicated at no payment. 124694

Sec. 5165.49. The department of medicaid may conduct a 124695
post-payment review of a claim submitted by a nursing facility 124696
provider and paid by the medicaid program to determine whether the 124697
provider was overpaid. The department shall provide the provider a 124698
written summary of the review's results. The review's results are 124699
not subject to an adjudication under Chapter 119. of the Revised 124700
Code; however, the provider may request that the medicaid director 124701
reconsider the review's results. The director shall reconsider the 124702
review's results on receipt of a request made in good faith. The 124703
department shall not deduct any amounts the department claims to 124704
be due from the provider as a result of the review from the 124705
provider's medicaid payments pursuant to section 5165.44 of the 124706
Revised Code until the conclusion of the director's 124707
reconsideration, if any, of the review. 124708

Sec. ~~5111.66~~ 5165.50. An exiting operator or owner of a 124709
nursing facility ~~or intermediate care facility for the mentally~~ 124710
~~retarded~~ participating in the medicaid program shall provide the 124711
department of ~~job and family services~~ medicaid written notice of a 124712
facility closure, ~~voluntary termination,~~ or voluntary withdrawal 124713
of participation not less than ninety days before the effective 124714
date of the facility closure, ~~voluntary termination,~~ or voluntary 124715
withdrawal of participation. The written notice shall be provided 124716
to the department in accordance with the method specified in rules 124717
~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 124718
Revised Code. 124719

The written notice shall include all of the following: 124720

(A) The name of the exiting operator and, if any, the exiting operator's authorized agent; 124721
124722

(B) The name of the nursing facility ~~or intermediate care facility for the mentally retarded~~ that is the subject of the written notice; 124723
124724
124725

(C) The exiting operator's medicaid provider agreement number for the nursing facility that is the subject of the written notice; 124726
124727
124728

(D) The effective date of the facility closure, ~~voluntary termination,~~ or voluntary withdrawal of participation; 124729
124730

(E) The signature of the exiting operator's or owner's representative. 124731
124732

Sec. ~~5111.661~~ 5165.501. An operator shall comply with ~~section 1919(c)(2)(F) of the "Social Security Act," 79 Stat. 286 (1965)~~ section 1919(c)(2)(F), 42 U.S.C. 1396r(c)(2)(F) if the operator's nursing facility undergoes a voluntary withdrawal of participation. 124733
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Sec. ~~5111.67~~ 5165.51. (A) An exiting operator or owner and entering operator shall provide the department of ~~job and family services~~ medicaid written notice of a change of operator if the nursing facility ~~or intermediate care facility for the mentally retarded~~ participates in the medicaid program and the entering operator seeks to continue the nursing facility's participation. 124738
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of residents. The written notice shall be provided to the 124750
department not later than ninety days before the effective date of 124751
the change of operator if the change of operator entails the 124752
relocation of residents. 124753

The written notice shall include all of the following: 124754

(1) The name of the exiting operator and, if any, the exiting 124755
operator's authorized agent; 124756

(2) The name of the nursing facility ~~or intermediate care~~ 124757
~~facility for the mentally retarded~~ that is the subject of the 124758
change of operator; 124759

(3) The exiting operator's seven-digit medicaid legacy number 124760
and ten-digit national provider identifier number for the nursing 124761
facility that is the subject of the change of operator; 124762

(4) The name of the entering operator; 124763

(5) The effective date of the change of operator; 124764

(6) The manner in which the entering operator becomes the 124765
nursing facility's operator, including through sale, lease, 124766
merger, or other action; 124767

(7) If the manner in which the entering operator becomes the 124768
nursing facility's operator involves more than one step, a 124769
description of each step; 124770

(8) Written authorization from the exiting operator or owner 124771
and entering operator for the department to process a provider 124772
agreement for the entering operator; 124773

(9) The names and addresses of the persons to whom the 124774
department should send initial correspondence regarding the change 124775
of operator; 124776

(10) If the nursing facility also participates in the 124777
medicare program, notification of whether the entering operator 124778

intends to accept assignment of the exiting operator's medicare provider agreement; 124779
124780

(11) The signature of the exiting operator's or owner's representative. 124781
124782

(B) An exiting operator or owner and entering operator immediately shall provide the department written notice of any changes to information included in a written notice of a change of operator that occur after that notice is provided to the department. The notice of the changes shall be provided to the department in accordance with the method specified in rules ~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the Revised Code. 124783
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Sec. ~~5111.671~~ 5165.511. The department of ~~job and family services~~ medicaid may enter into a provider agreement with an entering operator that goes into effect at 12:01 a.m. on the effective date of the change of operator if all of the following requirements are met: 124791
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124793
124794
124795

(A) The department receives a properly completed written notice required by section ~~5111.67~~ 5165.51 of the Revised Code on or before the date required by that section. 124796
124797
124798

(B) The department receives both of the following in accordance with the method specified in rules ~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the Revised Code and not later than ten days after the effective date of the change of operator: 124799
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124801
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124803

(1) From the entering operator, a completed application for a provider agreement and all other forms and documents specified in rules ~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the Revised Code; 124804
124805
124806
124807

(2) From the exiting operator or owner, all forms and 124808

documents specified in rules ~~adopted under~~ authorized by section 124809
~~5111.689~~ 5165.53 of the Revised Code. 124810

(C) The entering operator is eligible for medicaid payments 124811
as provided in section ~~5111.21~~ 5165.06 of the Revised Code. 124812

Sec. ~~5111.672~~ 5165.512. (A) The department of ~~job and family~~ 124813
~~services~~ medicaid may enter into a provider agreement with an 124814
entering operator that goes into effect at 12:01 a.m. on the date 124815
determined under division (B) of this section if all of the 124816
following are the case: 124817

(1) The department receives a properly completed written 124818
notice required by section ~~5111.67~~ 5165.51 of the Revised Code. 124819

(2) The department receives, from the entering operator and 124820
in accordance with the method specified in rules ~~adopted under~~ 124821
authorized by section ~~5111.689~~ 5165.53 of the Revised Code, a 124822
completed application for a provider agreement and all other forms 124823
and documents specified in rules adopted under that section. 124824

(3) The department receives, from the exiting operator or 124825
owner and in accordance with the method specified in rules ~~adopted~~ 124826
~~under~~ authorized by section ~~5111.689~~ 5165.53 of the Revised Code, 124827
all forms and documents specified in rules adopted under that 124828
section. 124829

(4) One or more of the following apply: 124830

(a) The requirement of division (A)(1) of this section is met 124831
after the time required by section ~~5111.67~~ 5165.51 of the Revised 124832
Code; 124833

(b) The requirement of division (A)(2) of this section is met 124834
more than ten days after the effective date of the change of 124835
operator; 124836

(c) The requirement of division (A)(3) of this section is met 124837
more than ten days after the effective date of the change of 124838

operator. 124839

(5) The entering operator is eligible for medicaid payments 124840
as provided in section ~~5111.21~~ 5165.06 of the Revised Code. 124841

(B) The department shall determine the date a provider 124842
agreement entered into under this section is to go into effect as 124843
follows: 124844

(1) The effective date shall give the department sufficient 124845
time to process the change of operator, assure no duplicate 124846
payments are made, and make the withholding required by section 124847
~~5111.681~~ 5165.521 of the Revised Code. 124848

(2) The effective date shall be not earlier than the latest 124849
of the following: 124850

(a) The effective date of the change of operator; 124851

(b) The date that the entering operator complies with section 124852
~~5111.67~~ 5165.51 of the Revised Code and division (A)(2) of this 124853
section; 124854

(c) The date that the exiting operator or owner complies with 124855
section ~~5111.67~~ 5165.51 of the Revised Code and division (A)(3) of 124856
this section. 124857

(3) The effective date shall be not later than the following 124858
after the later of the dates specified in division (B)(2) of this 124859
section: 124860

(a) Forty-five days if the change of operator does not entail 124861
the relocation of residents; 124862

(b) Ninety days if the change of operator entails the 124863
relocation of residents. 124864

Sec. ~~5111.673~~ 5165.513. (A) A provider that enters into a 124865
provider agreement with the department of ~~job and family services~~ 124866
medicaid under section ~~5111.671~~ 5165.511 or ~~5111.672~~ 5165.512 of 124867

the Revised Code shall do all of the following: 124868

~~(A)(1)~~ Comply with all applicable federal statutes and 124869
regulations; 124870

~~(B)(2)~~ Comply with section ~~5111.22~~ 5165.07 of the Revised 124871
Code and all other applicable state statutes and rules; 124872

~~(C) Comply~~ (3) Subject to division (B) of this section, 124873
comply with all the terms and conditions of the exiting operator's 124874
provider agreement, including, but not limited to, all of the 124875
following: 124876

~~(1)(a)~~ Any plan of correction; 124877

~~(2)(b)~~ Compliance with health and safety standards; 124878

~~(3)(c)~~ Compliance with the ownership and financial interest 124879
disclosure requirements of 42 C.F.R. 455.104, 455.105, and 1002.3; 124880

~~(4)(d)~~ Compliance with the civil rights requirements of 45 124881
C.F.R. parts 80, 84, and 90; 124882

~~(5)(e)~~ Compliance with additional requirements imposed by the 124883
department; 124884

~~(6)(f)~~ Any sanctions relating to remedies for violation of 124885
the provider agreement, including deficiencies, compliance 124886
periods, accountability periods, monetary penalties, notification 124887
for correction of contract violations, and history of 124888
deficiencies. 124889

(B) Division (A)(3) of this section does not prohibit a 124890
nursing facility provider from excluding one or more parts of the 124891
nursing facility from the provider agreement pursuant to division 124892
(B)(1) of section 5165.08 of the Revised Code. 124893

Sec. ~~5111.674~~ 5165.514. In the case of a change of operator, 124894
the exiting operator shall be considered to be the operator of the 124895

nursing facility ~~or intermediate care facility for the mentally~~ 124896
~~retarded~~ for purposes of the medicaid program, including medicaid 124897
payments, until the effective date of the entering operator's 124898
provider agreement if the provider agreement is entered into under 124899
section ~~5111.671~~ 5165.511 or ~~5111.672~~ 5165.512 of the Revised 124900
Code. 124901

Sec. ~~5111.675~~ 5165.515. The department of ~~job and family~~ 124902
~~services~~ medicaid may enter into a provider agreement as provided 124903
in section ~~5111.22~~ 5165.07 of the Revised Code, rather than 124904
section ~~5111.671~~ 5165.511 or ~~5111.672~~ 5165.512 of the Revised 124905
Code, with an entering operator if the entering operator does not 124906
agree to a provider agreement that satisfies the requirements of 124907
division ~~(C)(A)(3)~~ of section ~~5111.673~~ 5165.513 of the Revised 124908
Code. The department may not enter into the provider agreement 124909
unless the department of health certifies the nursing facility ~~or~~ 124910
~~intermediate care facility for the mentally retarded under Title~~ 124911
~~XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.~~ 124912
~~1396, as amended~~ for participation in medicaid. The effective date 124913
of the provider agreement shall not precede any of the following: 124914

(A) The date that the department of health certifies the 124915
nursing facility; 124916

(B) The effective date of the change of operator; 124917

(C) The date the requirement of section ~~5111.67~~ 5165.51 of 124918
the Revised Code is satisfied. 124919

Sec. ~~5111.676~~ 5165.516. The medicaid director ~~of job and~~ 124920
~~family services~~ may adopt rules ~~in accordance with Chapter 119.~~ 124921
under section 5165.02 of the Revised Code governing adjustments to 124922
the medicaid ~~reimbursement~~ payment rate for a nursing facility ~~or~~ 124923
~~intermediate care facility for the mentally retarded~~ that 124924
undergoes a change of operator. No rate adjustment resulting from 124925

a change of operator shall be effective before the effective date 124926
of the entering operator's provider agreement. This is the case 124927
regardless of whether the provider agreement is entered into under 124928
section ~~5111.671~~ 5165.511, section ~~5111.672~~ 5165.512, or, pursuant 124929
to section ~~5111.675~~ 5165.515, section ~~5111.22~~ 5165.07 of the 124930
Revised Code. 124931

Sec. ~~5111.677~~ 5165.517. ~~Neither of the following~~ The 124932
department of health's determination that a change of operator has 124933
or has not occurred for purposes of licensure under Chapter 3721. 124934
of the Revised Code shall not affect the department of ~~job and~~ 124935
~~family services~~ medicaid's determination of whether or when a 124936
change of operator occurs or the effective date of an entering 124937
operator's provider agreement under section ~~5111.671~~ 5165.511, 124938
section ~~5111.672~~ 5165.512, or, pursuant to section ~~5111.675~~ 124939
5165.515, section ~~5111.22~~ 5165.07 of the Revised Code. 124940

~~(A) The department of health's determination that a change of~~ 124941
~~operator has or has not occurred for purposes of licensure under~~ 124942
~~Chapter 3721. of the Revised Code.~~ 124943

~~(B) The department of developmental disabilities'~~ 124944
~~determination that a change of operator has or has not occurred~~ 124945
~~for purposes of licensure under section 5123.19 of the Revised~~ 124946
~~Code.~~ 124947

Sec. ~~5111.68~~ 5165.52. (A) On receipt of a written notice 124948
under section ~~5111.66~~ 5165.50 of the Revised Code of a facility 124949
closure, ~~voluntary termination~~, or voluntary withdrawal of 124950
participation, on receipt of a written notice under section 124951
~~5111.67~~ 5165.51 of the Revised Code of a change of operator, or on 124952
the effective date of an involuntary termination, the department 124953
of ~~job and family services~~ medicaid shall estimate the amount of 124954
any overpayments made under the medicaid program to the exiting 124955

operator, including overpayments the exiting operator disputes, 124956
and other actual and potential debts the exiting operator owes or 124957
may owe to the department and United States centers for medicare 124958
and medicaid services under the medicaid program, including a 124959
franchise permit fee. 124960

(B) In estimating the exiting operator's other actual and 124961
potential debts to the department and the United States centers 124962
for medicare and medicaid services under the medicaid program, the 124963
department shall use a debt estimation methodology the medicaid 124964
~~director of job and family services~~ shall establish in rules 124965
~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 124966
Revised Code. The methodology shall provide for estimating all of 124967
the following that the department determines are applicable: 124968

(1) Refunds due the department under section ~~5111.27~~ 5165.41 124969
of the Revised Code; 124970

(2) Interest owed to the department and United States centers 124971
for medicare and medicaid services; 124972

(3) Final civil monetary and other penalties for which all 124973
right of appeal has been exhausted; 124974

(4) Money owed the department and United States centers for 124975
medicare and medicaid services from any outstanding final fiscal 124976
audit, including a final fiscal audit for the last fiscal year or 124977
portion thereof in which the exiting operator participated in the 124978
medicaid program; 124979

(5) Other amounts the department determines are applicable. 124980

(C) The department shall provide the exiting operator written 124981
notice of the department's estimate under division (A) of this 124982
section not later than thirty days after the department receives 124983
the notice under section ~~5111.66~~ 5165.50 of the Revised Code of 124984
the facility closure, ~~voluntary termination~~, or voluntary 124985

withdrawal of participation; the department receives the notice 124986
under section ~~5111.67~~ 5165.51 of the Revised Code of the change of 124987
operator; or the effective date of the involuntary termination. 124988
The department's written notice shall include the basis for the 124989
estimate. 124990

Sec. ~~5111.681~~ 5165.521. (A) Except as provided in divisions 124991
(B), (C), and (D) of this section, the department of ~~job and~~ 124992
~~family services~~ medicaid may withhold from payment due an exiting 124993
operator under the medicaid program the total amount specified in 124994
the notice provided under division (C) of section ~~5111.68~~ 5165.52 124995
of the Revised Code that the exiting operator owes or may owe to 124996
the department and United States centers for medicare and medicaid 124997
services under the medicaid program. 124998

(B) In the case of a change of operator and subject to 124999
division (E) of this section, the following shall apply regarding 125000
a withholding under division (A) of this section if the exiting 125001
operator or entering operator or an affiliated operator executes a 125002
successor liability agreement meeting the requirements of division 125003
(F) of this section: 125004

(1) If the exiting operator, entering operator, or affiliated 125005
operator assumes liability for the total, actual amount of debt 125006
the exiting operator owes the department and the United States 125007
centers for medicare and medicaid services under the medicaid 125008
program as determined under section ~~5111.685~~ 5165.525 of the 125009
Revised Code, the department shall not make the withholding. 125010

(2) If the exiting operator, entering operator, or affiliated 125011
operator assumes liability for only the portion of the amount 125012
specified in division (B)(1) of this section that represents the 125013
franchise permit fee the exiting operator owes, the department 125014
shall withhold not more than the difference between the total 125015
amount specified in the notice provided under division (C) of 125016

section ~~5111.68~~ 5165.52 of the Revised Code and the amount for 125017
which the exiting operator, entering operator, or affiliated 125018
operator assumes liability. 125019

(C) In the case of a ~~voluntary termination~~, voluntary 125020
withdrawal of participation, or facility closure and subject to 125021
division (E) of this section, the following shall apply regarding 125022
a withholding under division (A) of this section if the exiting 125023
operator or an affiliated operator executes a successor liability 125024
agreement meeting the requirements of division (F) of this 125025
section: 125026

(1) If the exiting operator or affiliated operator assumes 125027
liability for the total, actual amount of debt the exiting 125028
operator owes the department and the United States centers for 125029
medicare and medicaid services under the medicaid program as 125030
determined under section ~~5111.685~~ 5165.525 of the Revised Code, 125031
the department shall not make the withholding. 125032

(2) If the exiting operator or affiliated operator assumes 125033
liability for only the portion of the amount specified in division 125034
(C)(1) of this section that represents the franchise permit fee 125035
the exiting operator owes, the department shall withhold not more 125036
than the difference between the total amount specified in the 125037
notice provided under division (C) of section ~~5111.68~~ 5165.52 of 125038
the Revised Code and the amount for which the exiting operator or 125039
affiliated operator assumes liability. 125040

(D) In the case of an involuntary termination and subject to 125041
division (E) of this section, the following shall apply regarding 125042
a withholding under division (A) of this section if the exiting 125043
operator, the entering operator, or an affiliated operator 125044
executes a successor liability agreement meeting the requirements 125045
of division (F) of this section and the department approves the 125046
successor liability agreement: 125047

(1) If the exiting operator, entering operator, or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section ~~5111.685~~ 5165.525 of the Revised Code, the department shall not make the withholding.

(2) If the exiting operator, entering operator, or affiliated operator assumes liability for only the portion of the amount specified in division (D)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section ~~5111.68~~ 5165.52 of the Revised Code and the amount for which the exiting operator, entering operator, or affiliated operator assumes liability.

(E) For an exiting operator or affiliated operator to be eligible to enter into a successor liability agreement under division (B), (C), or (D) of this section, both of the following must apply:

(1) The exiting operator or affiliated operator must have one or more valid provider agreements, other than the provider agreement for the nursing facility ~~or intermediate care facility for the mentally retarded~~ that is the subject of the involuntary termination, ~~voluntary termination~~, voluntary withdrawal of participation, facility closure, or change of operator;

(2) During the twelve-month period preceding either the effective date of the involuntary termination or the month in which the department receives the notice of the ~~voluntary termination~~, voluntary withdrawal of participation, or facility closure under section ~~5111.66~~ 5165.50 of the Revised Code or the notice of the change of operator under section ~~5111.67~~ 5165.51 of the Revised Code, the average monthly medicaid payment made to the

exiting operator or affiliated operator pursuant to the exiting 125080
operator's or affiliated operator's one or more provider 125081
agreements, other than the provider agreement for the nursing 125082
facility ~~or intermediate care facility for the mentally retarded~~ 125083
that is the subject of the involuntary termination, ~~voluntary~~ 125084
~~termination~~, voluntary withdrawal of participation, facility 125085
closure, or change of operator, must equal at least ninety per 125086
cent of the sum of the following: 125087

(a) The average monthly medicaid payment made to the exiting 125088
operator pursuant to the exiting operator's provider agreement for 125089
the nursing facility ~~or intermediate care facility for the~~ 125090
~~mentally retarded~~ that is the subject of the involuntary 125091
termination, ~~voluntary termination~~, voluntary withdrawal of 125092
participation, facility closure, or change of operator; 125093

(b) Whichever of the following apply: 125094

(i) If the exiting operator or affiliated operator has 125095
assumed liability under one or more other successor liability 125096
agreements, the total amount for which the exiting operator or 125097
affiliated operator has assumed liability under the other 125098
successor liability agreements; 125099

(ii) If the exiting operator or affiliated operator has not 125100
assumed liability under any other successor liability agreements, 125101
zero. 125102

(F) A successor liability agreement executed under this 125103
section must comply with all of the following: 125104

(1) It must provide for the operator who executes the 125105
successor liability agreement to assume liability for either of 125106
the following as specified in the agreement: 125107

(a) The total, actual amount of debt the exiting operator 125108
owes the department and the United States centers for medicare and 125109
medicaid services under the medicaid program as determined under 125110

section ~~5111.685~~ 5165.525 of the Revised Code; 125111

(b) The portion of the amount specified in division (F)(1)(a) 125112
of this section that represents the franchise permit fee the 125113
exiting operator owes. 125114

(2) It may not require the operator who executes the 125115
successor liability agreement to furnish a surety bond. 125116

(3) It must provide that the department, after determining 125117
under section ~~5111.685~~ 5165.525 of the Revised Code the actual 125118
amount of debt the exiting operator owes the department and United 125119
States centers for medicare and medicaid services under the 125120
medicaid program, may deduct the lesser of the following from 125121
medicaid payments made to the operator who executes the successor 125122
liability agreement: 125123

(a) The total, actual amount of debt the exiting operator 125124
owes the department and the United States centers for medicare and 125125
medicaid services under the medicaid program as determined under 125126
section ~~5111.685~~ 5165.525 of the Revised Code; 125127

(b) The amount for which the operator who executes the 125128
successor liability agreement assumes liability under the 125129
agreement. 125130

(4) It must provide that the deductions authorized by 125131
division (F)(3) of this section are to be made for a number of 125132
months, not to exceed six, agreed to by the operator who executes 125133
the successor liability agreement and the department or, if the 125134
operator who executes the successor liability agreement and 125135
department cannot agree on a number of months that is less than 125136
six, a greater number of months determined by the attorney general 125137
pursuant to a claims collection process authorized by statute of 125138
this state. 125139

(5) It must provide that, if the attorney general determines 125140
the number of months for which the deductions authorized by 125141

division (F)(3) of this section are to be made, the operator who 125142
executes the successor liability agreement shall pay, in addition 125143
to the amount collected pursuant to the attorney general's claims 125144
collection process, the part of the amount so collected that, if 125145
not for division (H) of this section, would be required by section 125146
109.081 of the Revised Code to be paid into the attorney general 125147
claims fund. 125148

(G) Execution of a successor liability agreement does not 125149
waive an exiting operator's right to contest the amount specified 125150
in the notice the department provides the exiting operator under 125151
division (C) of section ~~5111.68~~ 5165.52 of the Revised Code. 125152

(H) Notwithstanding section 109.081 of the Revised Code, the 125153
entire amount that the attorney general, whether by employees or 125154
agents of the attorney general or by special counsel appointed 125155
pursuant to section 109.08 of the Revised Code, collects under a 125156
successor liability agreement, other than the additional amount 125157
the operator who executes the agreement is required by division 125158
(F)(5) of this section to pay, shall be paid to the department of 125159
~~job and family services~~ medicaid for deposit into the appropriate 125160
fund. The additional amount that the operator is required to pay 125161
shall be paid into the state treasury to the credit of the 125162
attorney general claims fund created under section 109.081 of the 125163
Revised Code. 125164

Sec. ~~5111.682~~ 5165.522. (A) Except as provided in division 125165
(B) of this section, an exiting operator shall file with the 125166
department of ~~job and family services~~ medicaid a cost report not 125167
later than ninety days after the last day the exiting operator's 125168
provider agreement is in effect or, in the case of a voluntary 125169
withdrawal of participation, the effective date of the voluntary 125170
withdrawal of participation. The cost report shall cover the 125171
period that begins with the day after the last day covered by the 125172

operator's most recent previous cost report required by section 125173
~~5111.26~~ 5165.10 of the Revised Code and ends on the last day the 125174
exiting operator's provider agreement is in effect or, in the case 125175
of a voluntary withdrawal of participation, the effective date of 125176
the voluntary withdrawal of participation. The cost report shall 125177
include, as applicable, all of the following: 125178

(1) The sale price of the nursing facility ~~or intermediate~~ 125179
~~care facility for the mentally retarded;~~ 125180

(2) A final depreciation schedule that shows which assets are 125181
transferred to the buyer and which assets are not transferred to 125182
the buyer; 125183

(3) Any other information the department requires. 125184

(B) The department, at its sole discretion, may waive the 125185
requirement that an exiting operator file a cost report in 125186
accordance with division (A) of this section. 125187

Sec. ~~5111.683~~ 5165.523. If an exiting operator required by 125188
section ~~5111.682~~ 5165.522 of the Revised Code to file a cost 125189
report with the department of ~~job and family services~~ medicaid 125190
fails to file the cost report in accordance with that section, all 125191
payments under the medicaid program for the period the cost report 125192
is required to cover are deemed overpayments until the date the 125193
department receives the properly completed cost report. The 125194
department may impose on the exiting operator a penalty of one 125195
hundred dollars for each calendar day the properly completed cost 125196
report is late. 125197

Sec. ~~5111.684~~ 5165.524. The department of ~~job and family~~ 125198
~~services~~ medicaid may not provide an exiting operator final 125199
payment under the medicaid program until the department receives 125200
all properly completed cost reports the exiting operator is 125201

required to file under sections ~~5111.26~~ 5165.10 and ~~5111.682~~ 125202
5165.522 of the Revised Code. 125203

Sec. ~~5111.685~~ 5165.525. The department of ~~job and family~~ 125204
~~services~~ medicaid shall determine the actual amount of debt an 125205
exiting operator owes the department and the United States centers 125206
for medicare and medicaid services under the medicaid program by 125207
completing all final fiscal audits not already completed and 125208
performing all other appropriate actions the department determines 125209
to be necessary. The department shall issue an initial debt 125210
summary report on this matter not later than sixty days after the 125211
date the exiting operator files the properly completed cost report 125212
required by section ~~5111.682~~ 5165.522 of the Revised Code with the 125213
department or, if the department waives the cost report 125214
requirement for the exiting operator, sixty days after the date 125215
the department waives the cost report requirement. The initial 125216
debt summary report becomes the final debt summary report 125217
thirty-one days after the department issues the initial debt 125218
summary report unless the exiting operator, or an affiliated 125219
operator who executes a successor liability agreement under 125220
section ~~5111.681~~ 5165.521 of the Revised Code, requests a review 125221
before that date. 125222

The exiting operator, and an affiliated operator who executes 125223
a successor liability agreement under section ~~5111.681~~ 5165.521 of 125224
the Revised Code, may request a review to contest any of the 125225
department's findings included in the initial debt summary report. 125226
The request for the review must be submitted to the department not 125227
later than thirty days after the date the department issues the 125228
initial debt summary report. The department shall conduct the 125229
review on receipt of a timely request and issue a revised debt 125230
summary report. If the department has withheld money from payment 125231
due the exiting operator under division (A) of section ~~5111.681~~ 125232

5165.521 of the Revised Code, the department shall issue the 125233
revised debt summary report not later than ninety days after the 125234
date the department receives the timely request for the review 125235
unless the department and exiting operator or affiliated operator 125236
agree to a later date. The exiting operator or affiliated operator 125237
may submit information to the department explaining what the 125238
operator contests before and during the review, including 125239
documentation of the amount of any debt the department owes the 125240
operator. The exiting operator or affiliated operator may submit 125241
additional information to the department not later than thirty 125242
days after the department issues the revised debt summary report. 125243
The revised debt summary report becomes the final debt summary 125244
report thirty-one days after the department issues the revised 125245
debt summary report unless the exiting operator or affiliated 125246
operator timely submits additional information to the department. 125247
If the exiting operator or affiliated operator timely submits 125248
additional information to the department, the department shall 125249
consider the additional information and issue a final debt summary 125250
report not later than sixty days after the department issues the 125251
revised debt summary report unless the department and exiting 125252
operator or affiliated operator agree to a later date. 125253

Each debt summary report the department issues under this 125254
section shall include the department's findings and the amount of 125255
debt the department determines the exiting operator owes the 125256
department and United States centers for medicare and medicaid 125257
services under the medicaid program. The department shall explain 125258
its findings and determination in each debt summary report. 125259

The exiting operator, and an affiliated operator who executes 125260
a successor liability agreement under section ~~5111.681~~ 5165.521 of 125261
the Revised Code, may request, in accordance with Chapter 119. of 125262
the Revised Code, an adjudication regarding a finding in a final 125263
debt summary report that pertains to an audit or alleged 125264

overpayment made under the medicaid program to the exiting 125265
operator. The adjudication shall be consolidated with any other 125266
uncompleted adjudication that concerns a matter addressed in the 125267
final debt summary report. 125268

Sec. ~~5111.686~~ 5165.526. The department of ~~job and family~~ 125269
~~services~~ medicaid shall release the actual amount withheld under 125270
division (A) of section ~~5111.681~~ 5165.521 of the Revised Code, 125271
less any amount the exiting operator owes the department and 125272
United States centers for medicare and medicaid services under the 125273
medicaid program, as follows: 125274

(A) Unless the department issues the initial debt summary 125275
report required by section ~~5111.685~~ 5165.525 of the Revised Code 125276
not later than sixty days after the date the exiting operator 125277
files the properly completed cost report required by section 125278
~~5111.682~~ 5165.522 of the Revised Code, sixty-one days after the 125279
date the exiting operator files the properly completed cost 125280
report; 125281

(B) If the department issues the initial debt summary report 125282
required by section ~~5111.685~~ 5165.525 of the Revised Code not 125283
later than sixty days after the date the exiting operator files a 125284
properly completed cost report required by section ~~5111.682~~ 125285
5165.522 of the Revised Code, not later than the following: 125286

(1) Thirty days after the deadline for requesting an 125287
adjudication under section ~~5111.685~~ 5165.525 of the Revised Code 125288
regarding the final debt summary report if the exiting operator, 125289
and an affiliated operator who executes a successor liability 125290
agreement under section ~~5111.681~~ 5165.521 of the Revised Code, 125291
fail to request the adjudication on or before the deadline; 125292

(2) Thirty days after the completion of an adjudication of 125293
the final debt summary report if the exiting operator, or an 125294
affiliated operator who executes a successor liability agreement 125295

under section ~~5111.681~~ 5165.521 of the Revised Code, requests the adjudication on or before the deadline for requesting the adjudication.

(C) Unless the department issues the initial debt summary report required by section ~~5111.685~~ 5165.525 of the Revised Code not later than sixty days after the date the department waives the cost report requirement of section ~~5111.682~~ 5165.522 of the Revised Code, sixty-one days after the date the department waives the cost report requirement;

(D) If the department issues the initial debt summary report required by section ~~5111.685~~ 5165.525 of the Revised Code not later than sixty days after the date the department waives the cost report requirement of section ~~5111.682~~ 5165.522 of the Revised Code, not later than the following:

(1) Thirty days after the deadline for requesting an adjudication under section ~~5111.685~~ 5165.525 of the Revised Code regarding the final debt summary report if the exiting operator, and an affiliated operator who executes a successor liability agreement under section ~~5111.681~~ 5165.521 of the Revised Code, fail to request the adjudication on or before the deadline;

(2) Thirty days after the completion of an adjudication of the final debt summary report if the exiting operator, or an affiliated operator who executes a successor liability agreement under section ~~5111.681~~ 5165.521 of the Revised Code, requests the adjudication on or before the deadline for requesting the adjudication.

Sec. ~~5111.687~~ 5165.527. The department of ~~job and family services~~ medicaid, at its sole discretion, may release the amount withheld under division (A) of section ~~5111.681~~ 5165.521 of the Revised Code if the exiting operator submits to the department written notice of a postponement of a change of operator, facility

closure, ~~voluntary termination~~, or voluntary withdrawal of 125327
participation and the transactions leading to the change of 125328
operator, facility closure, ~~voluntary termination~~, or voluntary 125329
withdrawal of participation are postponed for at least thirty days 125330
but less than ninety days after the date originally proposed for 125331
the change of operator, facility closure, ~~voluntary termination~~, 125332
or voluntary withdrawal of participation as reported in the 125333
written notice required by section ~~5111.66~~ 5165.50 or ~~5111.67~~ 125334
5165.51 of the Revised Code. The department shall release the 125335
amount withheld if the exiting operator submits to the department 125336
written notice of a cancellation or postponement of a change of 125337
operator, facility closure, ~~voluntary termination~~, or voluntary 125338
withdrawal of participation and the transactions leading to the 125339
change of operator, facility closure, ~~voluntary termination~~, or 125340
voluntary withdrawal of participation are canceled or postponed 125341
for more than ninety days after the date originally proposed for 125342
the change of operator, facility closure, ~~voluntary termination~~, 125343
or voluntary withdrawal of participation as reported in the 125344
written notice required by section ~~5111.66~~ 5165.50 or ~~5111.67~~ 125345
5165.51 of the Revised Code. A written notice shall be provided to 125346
the department in accordance with the method specified in rules 125347
~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 125348
Revised Code. 125349

After the department receives a written notice regarding a 125350
cancellation or postponement of a facility closure, ~~voluntary~~ 125351
~~termination~~, or voluntary withdrawal of participation, the exiting 125352
operator or owner shall provide new written notice to the 125353
department under section ~~5111.66~~ 5165.50 of the Revised Code 125354
regarding any transactions leading to a facility closure, 125355
~~voluntary termination~~, or voluntary withdrawal of participation at 125356
a future time. After the department receives a written notice 125357
regarding a cancellation or postponement of a change of operator, 125358

the exiting operator or owner and entering operator shall provide 125359
new written notice to the department under section ~~5111.67~~ 5165.51 125360
of the Revised Code regarding any transactions leading to a change 125361
of operator at a future time. 125362

Sec. ~~5111.688~~ 5165.528. (A) All amounts withheld under 125363
section ~~5111.681~~ 5165.521 of the Revised Code from payment due an 125364
exiting operator under the medicaid program shall be deposited 125365
into the medicaid payment withholding fund created by the 125366
controlling board pursuant to section 131.35 of the Revised Code. 125367
Money in the fund shall be used as follows: 125368

(1) To pay an exiting operator when a withholding is released 125369
to the exiting operator under section ~~5111.686~~ 5165.526 or 125370
~~5111.687~~ 5165.527 of the Revised Code; 125371

(2) To pay the department of ~~job and family services~~ medicaid 125372
and United States centers for medicare and medicaid services the 125373
amount an exiting operator owes the department and United States 125374
centers under the medicaid program. 125375

(B) Amounts paid from the medicaid payment withholding fund 125376
pursuant to division (A)(2) of this section shall be deposited 125377
into the appropriate department fund. 125378

Sec. ~~5111.689~~ 5165.53. The medicaid director ~~of job and~~ 125379
~~family services~~ shall adopt rules under section ~~5111.02~~ 5165.02 of 125380
the Revised Code to implement sections ~~5111.65~~ 5165.50 to ~~5111.689~~ 125381
5165.53 of the Revised Code, including rules applicable to an 125382
exiting operator that provides written notification under section 125383
~~5111.66~~ 5165.50 of the Revised Code of a voluntary withdrawal of 125384
participation. Rules adopted under this section shall comply with 125385
~~section 1919(c)(2)(F) of the "Social Security Act," 79 Stat. 286~~ 125386
~~(1965)~~ section 1919(c)(2)(F), 42 U.S.C. 1396r(c)(2)(F), regarding 125387
restrictions on transfers or discharges of nursing facility 125388

residents in the case of a voluntary withdrawal of participation. 125389
The rules may prescribe a medicaid ~~reimbursement~~ payment 125390
methodology and other procedures that are applicable after the 125391
effective date of a voluntary withdrawal of participation that 125392
differ from the ~~reimbursement~~ payment methodology and other 125393
procedures that would otherwise apply. The rules shall specify all 125394
of the following: 125395

(A) The method by which written notices to the department 125396
required by sections ~~5111.65~~ 5165.50 to ~~5111.689~~ 5165.53 of the 125397
Revised Code are to be provided; 125398

(B) The forms and documents that are to be provided to the 125399
department of medicaid under sections ~~5111.671~~ 5165.511 and 125400
~~5111.672~~ 5165.512 of the Revised Code, which shall include, in the 125401
case of such forms and documents provided by entering operators, 125402
all the fully executed leases, management agreements, merger 125403
agreements and supporting documents, and fully executed sales 125404
contracts and any other supporting documents culminating in the 125405
change of operator; 125406

(C) The method by which the forms and documents identified in 125407
division (B) of this section are to be provided to the department. 125408

Sec. ~~5111.35~~ 5165.60. As used in this section, "a resident's 125409
rights" means the rights of a nursing facility resident under 125410
sections 3721.10 to 3721.17 of the Revised Code ~~and subsection (e)~~ 125411
~~of section 1819 or 1919 of,~~ the "Social Security Act," ~~49 Stat.~~ 125412
~~620 (1935)~~ sections 1819(c) and 1919(c), 42 U.S.C.A. ~~301, as~~ 125413
~~amended~~ 1395i-3(c) and 1396r(c), and federal regulations issued 125414
under those ~~subsections~~ sections of the "Social Security Act." 125415

As used in sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the 125416
Revised Code: 125417

(A) "Certification requirements" means the requirements for 125418

nursing facilities established under ~~sections 1819 and 1919~~ of the 125419
"Social Security Act-," sections 1819 and 1919, 42 U.S.C. 1395i-3 125420
and 1396r. 125421

(B) "Compliance" means substantially meeting all applicable 125422
certification requirements. 125423

(C) "Contracting agency" means a state agency that has 125424
entered into a contract with the department of ~~job and family~~ 125425
~~services~~ medicaid under section ~~5111.38~~ 5165.63 of the Revised 125426
Code. 125427

(D)(1) "Deficiency" means a finding cited by the department 125428
of health during a survey, on the basis of one or more actions, 125429
practices, situations, or incidents occurring at a nursing 125430
facility, that constitutes a severity level three finding, 125431
severity level four finding, scope level three finding, or scope 125432
level four finding. Whenever the finding is a repeat finding, 125433
"deficiency" also includes any finding that is a severity level 125434
two and scope level one finding, a severity level two and scope 125435
level two finding, or a severity level one and scope level two 125436
finding. 125437

(2) "Cluster of deficiencies" means deficiencies that result 125438
from noncompliance with two or more certification requirements and 125439
are causing or resulting from the same action, practice, 125440
situation, or incident. 125441

(E) "Emergency" means either of the following: 125442

(1) A deficiency or cluster of deficiencies that creates a 125443
condition of immediate jeopardy; 125444

(2) An unexpected situation or sudden occurrence of a serious 125445
or urgent nature that creates a substantial likelihood that one or 125446
more residents of a nursing facility may be seriously harmed if 125447
allowed to remain in the facility, including the following: 125448

(a) A flood or other natural disaster, civil disaster, or similar event; 125449
125450

(b) A labor strike that suddenly causes the number of staff members in a nursing facility to be below that necessary for resident care. 125451
125452
125453

(F) "Finding" means a finding of noncompliance with certification requirements determined by the department of health under section ~~5111.41~~ 5165.66 of the Revised Code. 125454
125455
125456

(G) "Immediate jeopardy" means that one or more residents of a nursing facility are in imminent danger of serious physical or life-threatening harm. 125457
125458
125459

(H) "Medicaid eligible resident" means a person who is a resident of a nursing facility, or is applying for admission to a nursing facility, and is eligible ~~to receive financial assistance for nursing facility services under the medical assistance medicaid program for the care the person receives in such a facility.~~ 125460
125461
125462
125463
125464
125465

(I) "Noncompliance" means failure to substantially meet all applicable certification requirements. 125466
125467

(J) "Nursing facility" ~~has the same meaning as in section 5111.20 of the Revised Code~~ includes a skilled nursing facility to the extent the context requires. 125468
125469
125470

(K) ~~"Provider" means a person, institution, or entity that furnishes nursing facility services under a medical assistance program provider agreement.~~ 125471
125472
125473

~~(L) "Provider agreement" means a contract between the department of job and family services and a provider for the provision of nursing facility services under the medicaid program.~~ 125474
125475
125476

~~(M)~~ "Repeat finding" or "repeat deficiency" means a finding or deficiency cited pursuant to a survey, to which both of the 125477
125478

following apply: 125479

(1) The finding or deficiency involves noncompliance with the 125480
same certification requirement, and the same kind of actions, 125481
practices, situations, or incidents caused by or resulting from 125482
the noncompliance, as were cited in the immediately preceding 125483
standard survey or another survey conducted subsequent to the 125484
immediately preceding standard survey of the facility. For 125485
purposes of this division, actions, practices, situations, or 125486
incidents may be of the same kind even though they involve 125487
different residents, staff, or parts of the facility. 125488

(2) The finding or deficiency is cited subsequent to a 125489
determination by the department of health that the finding or 125490
deficiency cited on the immediately preceding standard survey, or 125491
another survey conducted subsequent to the immediately preceding 125492
standard survey, had been corrected. 125493

~~(N)~~(L)(1) "Scope level one finding" means a finding of 125494
noncompliance by a nursing facility in which the actions, 125495
situations, practices, or incidents causing or resulting from the 125496
noncompliance affect one or a very limited number of facility 125497
residents and involve one or a very limited number of facility 125498
staff members. 125499

(2) "Scope level two finding" means a finding of 125500
noncompliance by a nursing facility in which the actions, 125501
situations, practices, or incidents causing or resulting from the 125502
noncompliance affect more than a limited number of facility 125503
residents or involve more than a limited number of facility staff 125504
members, but the number or percentage of facility residents 125505
affected or staff members involved and the number or frequency of 125506
the actions, situations, practices, or incidents in short 125507
succession does not establish any reasonable degree of 125508
predictability of similar actions, situations, practices, or 125509
incidents occurring in the future. 125510

(3) "Scope level three finding" means a finding of 125511
noncompliance by a nursing facility in which the actions, 125512
situations, practices, or incidents causing or resulting from the 125513
noncompliance affect more than a limited number of facility 125514
residents or involve more than a limited number of facility staff 125515
members, and the number or percentage of facility residents 125516
affected or staff members involved or the number or frequency of 125517
the actions, situations, practices, or incidents in short 125518
succession establishes a reasonable degree of predictability of 125519
similar actions, situations, practices, or incidents occurring in 125520
the future. 125521

(4) "Scope level four finding" means a finding of 125522
noncompliance by a nursing facility causing or resulting from 125523
actions, situations, practices, or incidents that involve a 125524
sufficient number or percentage of facility residents or staff 125525
members or occur with sufficient regularity over time that the 125526
noncompliance can be considered systemic or pervasive in the 125527
facility. 125528

~~(O)~~(M)(1) "Severity level one finding" means a finding of 125529
noncompliance by a nursing facility that has not caused and, if 125530
continued, is unlikely to cause physical harm to a facility 125531
resident, mental or emotional harm to a resident, or a violation 125532
of a resident's rights that results in physical, mental, or 125533
emotional harm to the resident. 125534

(2) "Severity level two finding" means a finding of 125535
noncompliance by a nursing facility that, if continued over time, 125536
will cause, or is likely to cause, physical harm to a facility 125537
resident, mental or emotional harm to a resident, or a violation 125538
of a resident's rights that results in physical, mental, or 125539
emotional harm to the resident. 125540

(3) "Severity level three finding" means a finding of 125541
noncompliance by a nursing facility that has caused physical harm 125542

to a facility resident, mental or emotional harm to a resident, or 125543
a violation of a resident's rights that results in physical, 125544
mental, or emotional harm to the resident. 125545

(4) "Severity level four finding" means a finding of 125546
noncompliance by a nursing facility that has caused 125547
life-threatening harm to a facility resident or caused a 125548
resident's death. 125549

~~(P)~~(N) "State agency" has the same meaning as in section 1.60 125550
of the Revised Code. 125551

~~(Q)~~(O) "Substandard care" means care furnished in a facility 125552
in which the department of health has cited a deficiency or 125553
deficiencies that constitute one of the following: 125554

(1) A severity level four finding, regardless of scope; 125555

(2) A severity level three and scope level four finding, in 125556
the quality of care provided to residents; 125557

(3) A severity level three and scope level three finding, in 125558
the quality of care provided to residents. 125559

~~(R)~~(P)(1) "Survey" means a survey of a nursing facility 125560
conducted under section ~~5111.39~~ 5165.64 of the Revised Code. 125561

(2) "Standard survey" means a survey conducted by the 125562
department of health under division (A) of section ~~5111.39~~ 5165.64 125563
of the Revised Code and includes an extended survey. 125564

(3) "Follow-up survey" means a survey conducted by the 125565
department of health to determine whether a nursing facility has 125566
substantially corrected deficiencies cited in a previous survey. 125567

Sec. ~~5111.36~~ 5165.61. The medicaid director of ~~job and family~~ 125568
~~services~~ may adopt rules under ~~Chapter 119.~~ section 5165.02 of the 125569
Revised Code that are consistent with regulations, guidelines, and 125570
procedures issued by the United States secretary of health and 125571

human services under ~~sections 1819 and 1919~~ of the "Social Security Act," ~~49 Stat. 620 (1935)~~ sections 1819 and 1919, 42 U.S.C.A. ~~301, as amended 1395i-3 and 1396r~~, and necessary for administration and enforcement of sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. If the secretary does not issue appropriate regulations for enforcement of those sections ~~1819 and 1919~~ of the "Social Security Act" on or before December 13, 1990, the medicaid director ~~of job and family services~~ may adopt, under ~~Chapter 119.~~ section 5165.02 of the Revised Code, rules that are consistent with those sections and with sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code.

Sec. ~~5111.37~~ 5165.62. The department of ~~job and family services~~ medicaid is hereby authorized to enforce sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. The department may enforce the sections directly or through contracting agencies. The department and agencies shall enforce the sections in accordance with the requirements of ~~sections 1819 and 1919~~ of the "Social Security Act," ~~49 Stat. 620 (1935)~~ sections 1819 and 1919, 42 U.S.C.A. ~~301, as amended 1395i-3 and 1396r~~, that apply to nursing facilities; with regulations, guidelines, and procedures adopted by the United States secretary of health and human services for the enforcement of those sections ~~1819 and 1919~~ of the "Social Security Act"; and with the rules ~~adopted under~~ authorized by section ~~5111.36~~ 5165.61 of the Revised Code. The department and agencies shall enforce sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code for purposes of the medicare program, ~~Title XVIII of the "Social Security Act,"~~ only to the extent prescribed by the regulations, guidelines, and procedures issued by the secretary under ~~section 1819 of that act~~ the "Social Security Act," section 1819, 42 U.S.C. 1395i-3.

Sec. ~~5111.38~~ 5165.63. The department of ~~job and family~~

~~services~~ medicaid may enter into contracts with other state 125603
agencies pursuant to section 5162.35 of the Revised Code that 125604
authorize the agencies to perform all or part of the duties 125605
assigned to the department of ~~job and family services~~ medicaid 125606
under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised 125607
Code. Each contract shall specify the duties the agency is 125608
authorized to perform and the sections of the Revised Code under 125609
which the agency is authorized to perform those duties. 125610

Sec. ~~5111.39~~ 5165.64. (A) The department of health shall 125611
conduct a survey, titled a standard survey, of every nursing 125612
facility in this state on a statewide average of not more than 125613
once every twelve months. Each nursing facility shall undergo a 125614
standard survey at least once every fifteen months as a condition 125615
of meeting certification requirements. The department may extend a 125616
standard survey; such a survey is titled an extended survey. 125617

(B) The department may conduct surveys in addition to 125618
standard surveys when it considers them necessary. 125619

(C) The department shall conduct surveys in accordance with 125620
the regulations, guidelines, and procedures issued by the United 125621
States secretary of health and human services under ~~Titles~~ Title 125622
XVIII and Title XIX ~~of the "Social Security Act," 49 Stat. 620~~ 125623
~~(1935), 42 U.S.C.A. 301, as amended,~~ sections ~~5111.40~~ 5165.65 to 125624
~~5111.42~~ 5165.68 of the Revised Code, and rules adopted under 125625
section 3721.022 of the Revised Code. 125626

Sec. ~~5111.40~~ 5165.65. (A) At the conclusion of each survey, 125627
the department of health survey team shall conduct an exit 125628
interview with the administrator or other person in charge of the 125629
nursing facility and any other facility staff members designated 125630
by the administrator or person in charge of the facility. During 125631
the exit interview, at the request of the administrator or other 125632

person in charge of the facility, the survey team shall provide 125633
one of the following, as selected by the survey team: 125634

(1) Copies of all survey notes and any other written 125635
materials created during the survey; 125636

(2) A written summary of the survey team's recommendations 125637
regarding findings of noncompliance with certification 125638
requirements; 125639

(3) An audio or audiovisual recording of the interview. If 125640
the survey team selects this option, at least two copies of the 125641
recording shall be made and the survey team shall select one copy 125642
to be kept by the survey team for use by the department of health. 125643

(B) All expenses of copying under division (A)(1) of this 125644
section or recording under division (A)(3) of this section, 125645
including the cost of the copy of the recording kept by the survey 125646
team, shall be paid by the facility. 125647

Sec. ~~5111.41~~ 5165.66. (A) Except as provided in section 125648
3721.17 of the Revised Code, a finding shall be cited only on the 125649
basis of a survey and a determination that one or more actions, 125650
practices, situations, or incidents at a nursing facility caused 125651
or resulted from the facility's failure to comply with one or more 125652
certification requirements. The department of health shall 125653
determine whether the actions, practices, situations, or incidents 125654
can be justified by either of the following: 125655

(1) The actions, practices, situations, or incidents resulted 125656
from a resident exercising the resident's rights guaranteed under 125657
the laws of the United States or of this state; 125658

(2) The actions, practices, situations, or incidents resulted 125659
from a facility following the orders of a person licensed under 125660
Chapter 4731. of the Revised Code to practice medicine or surgery 125661
or osteopathic medicine and surgery. 125662

(B) If the department of health determines both that the actions, practices, situations, or incidents cannot be justified by the factors identified in division (A) of this section and that one or more of the following are applicable, the department shall declare that the actions, practices, situations, or incidents constitute a finding:

(1) The actions, practices, situations, or incidents could have been prevented by one or more persons involved in the facility's operation;

(2) No person involved in the facility's operation identified the actions, practices, situations, or incidents prior to the survey;

(3) Prior to the survey, no person involved in the facility's operation initiated action to correct the noncompliance caused by or resulting in the actions, practices, situations, or incidents;

(4) The facility does not have in effect, if needed, a contingency plan that is reasonably calculated to prevent physical, mental, or emotional harm to residents while permanent corrective action is being taken.

(C) The department of health shall determine the severity level and scope level of each finding.

(D) A deficiency that is substantially corrected within the time limits specified in sections ~~5111.52~~ 5165.79 to ~~5111.56~~5165.83 of the Revised Code and for which no remedy is imposed, shall be counted as a deficiency for the purpose of determining whether a deficiency is a repeat deficiency.

(E) Whenever the department of health determines that during the period between two surveys a finding existed at the facility, but the facility substantially corrected it prior to the second survey, the department shall cite it. However, the department of ~~job and family services~~ medicaid or a contracting agency shall

impose a remedy only as provided in division (C) of section 125694
~~5111.46~~ 5165.72 of the Revised Code. 125695

(F) Immediately upon determining the severity and scope of a 125696
finding at a nursing facility, the department of health shall 125697
notify the department of ~~job and family services~~ medicaid and any 125698
contracting agency of the finding, the severity and scope of the 125699
finding, and whether the finding creates immediate jeopardy. 125700
Immediately upon determining that an emergency exists at a 125701
facility that does not result from a deficiency that creates 125702
immediate jeopardy, the department of health shall notify the 125703
department of ~~job and family services~~ medicaid and any contracting 125704
agency. 125705

Sec. ~~5111.411~~ 5165.67. The results of a survey of a nursing 125706
facility that is conducted under section ~~5111.39~~ 5165.64 of the 125707
Revised Code, including any statement of deficiencies and all 125708
findings and deficiencies cited in the statement on the basis of 125709
the survey, shall be used solely to determine the nursing 125710
facility's compliance with certification requirements or with this 125711
chapter or another chapter of the Revised Code. Those results of a 125712
survey, that statement of deficiencies, and the findings and 125713
deficiencies cited in that statement shall not be used in any 125714
court or in any action or proceeding that is pending in any court 125715
and are not admissible in evidence in any action or proceeding 125716
unless that action or proceeding is an appeal of an administrative 125717
action by the department of ~~job and family services~~ medicaid or 125718
contracting agency under this chapter or is an action by any 125719
department or agency of the state to enforce this chapter or 125720
another chapter of the Revised Code. 125721

Nothing in this section prohibits the results of a survey, a 125722
statement of deficiencies, or the findings and deficiencies cited 125723
in that statement on the basis of the survey under this section 125724

from being used in a criminal investigation or prosecution. 125725

Sec. ~~5111.42~~ 5165.68. (A) Not later than ten days after an 125726
exit interview, the department of health shall deliver to the 125727
nursing facility a detailed statement, titled a statement of 125728
deficiencies, setting forth all findings and deficiencies cited on 125729
the basis of the survey, including any finding cited pursuant to 125730
division (E) of section ~~5111.41~~ 5165.66 of the Revised Code. The 125731
statement shall indicate the severity and scope level of each 125732
finding and fully describe the incidents or other facts that form 125733
the basis of the department's determination of the existence of 125734
each finding and deficiency. A failure by the survey team to 125735
completely disclose in the exit interview every finding that may 125736
result from the survey does not affect the validity of any finding 125737
or deficiency cited in the statement of deficiencies. On request 125738
of the facility, the department shall provide a copy of any 125739
written worksheet or other document produced by the survey team in 125740
making recommendations regarding scope and severity levels of 125741
findings and deficiencies. 125742

(B) At the same time the department of health delivers a 125743
statement of deficiencies, it also shall deliver to the facility a 125744
separate written notice that states all of the following: 125745

(1) That the department of ~~job and family services~~ medicaid 125746
or a contracting agency will issue an order under section ~~5111.57~~ 125747
5165.84 of the Revised Code denying payment for any medicaid 125748
eligible residents admitted on and after the effective date of the 125749
order if the facility does not substantially correct, within 125750
ninety days after the exit interview, the deficiency or 125751
deficiencies cited in the statement of deficiencies in accordance 125752
with the plan of correction it submitted under section ~~5111.43~~ 125753
5165.69 of the Revised Code; 125754

(2) If a condition of substandard care has been cited on the 125755

basis of a standard survey and a condition of substandard care was 125756
also cited on the immediately preceding standard survey, that the 125757
department of ~~job and family services~~ medicaid or a contracting 125758
agency will issue an order under section ~~5111.57~~ 5165.84 of the 125759
Revised Code denying payment for any medicaid eligible residents 125760
admitted on and after the effective date of the order if a 125761
condition of substandard care is cited on the basis of the next 125762
standard survey; 125763

(3) That the department of ~~job and family services~~ medicaid 125764
or a contracting agency will issue an order under section ~~5111.58~~ 125765
5165.88 of the Revised Code terminating the facility's 125766
participation in the ~~medical assistance~~ medicaid program if either 125767
of the following applies: 125768

(a) The facility does not substantially correct the 125769
deficiency or deficiencies in accordance with the plan of 125770
correction it submitted under section ~~5111.43~~ 5165.69 of the 125771
Revised Code within six months after the exit interview. 125772

(b) The facility substantially corrects the deficiency or 125773
deficiencies within the six-month period, but after correcting it, 125774
the department of health, based on a follow-up survey conducted 125775
during the remainder of the six-month period, determines that the 125776
facility has failed to maintain compliance with certification 125777
requirements. 125778

Sec. ~~5111.43~~ 5165.69. (A) Whenever a nursing facility 125779
receives a statement of deficiencies under section ~~5111.42~~ 5165.68 125780
of the Revised Code, the facility shall submit to the department 125781
of health for its approval a plan of correction for each finding 125782
cited in the statement. The plan shall ~~describe~~ include all of the 125783
following: 125784

(1) Detailed descriptions of the actions the facility will 125785
take to correct each finding ~~and specify the, including actions~~ 125786

the facility will take to protect residents situated similarly to the residents affected by the causes of the findings; 125787
125788

(2) The date by which each finding will be corrected. ~~In the ease of;~~ 125789
125790

(3) A detailed description of an ongoing monitoring and improvement process to be used at the facility that is focused on preventing any recurrence of the causes of the findings; 125791
125792
125793

(4) If the plan concerns a finding assigned a severity level indicating that a resident was harmed or immediate jeopardy exists, all of the following: 125794
125795
125796

(a) Detailed analyses of the facts and circumstances of the finding, including identification of its cause; 125797
125798

(b) A detailed explanation of how the corrective actions described pursuant to division (A)(1) of this section relate to the cause of the finding identified pursuant to division (A)(4)(a) of this section; 125799
125800
125801
125802

(c) A detailed explanation of the relationship between the ongoing monitoring and improvement process described pursuant to division (A)(3) of this section and the cause of the finding identified pursuant to division (A)(4)(a) of this section. 125803
125804
125805
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(5) If the plan concerns a finding cited pursuant to division (E) of section ~~5111.41~~ 5165.66 of the Revised Code, the plan shall describe a description of the actions the facility took to correct the finding and the date on which it was corrected. 125807
125808
125809
125810

(B)(1) The department shall approve any plan, and any modification of an existing plan a nursing facility submits to the department, that ~~conforms~~ does both of the following: 125811
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125813

(a) Conforms to the requirements for approval of plans of corrections, and modifications, established in the regulations, guidelines, and procedures issued by the United States secretary 125814
125815
125816

of health and human services under ~~Titles~~ Title XVIII and Title 125817
XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 125818
~~301, as amended;~~ 125819

(b) Includes all the information required by division (A) of 125820
this section. The department also shall approve any modification 125821
of an existing plan submitted by a facility, if the plan as 125822
modified conforms to those regulations, guidelines, and 125823
procedures. The 125824

(2) The department may consult with the department of 125825
medicaid, department of aging, and office of the state long-term 125826
care ombudsman program when determining whether a plan, or 125827
modification of an existing plan, to which division (A)(4) of this 125828
section applies conforms to the requirements for approval. The 125829
department of health has sole authority to make the determination 125830
regardless of whether it consults with the other departments or 125831
office. The department shall not reject a facility's plan of 125832
correction or modification on the ground that the facility 125833
disputes the finding, if the plan or modification is reasonably 125834
calculated to correct the finding. 125835

(C) A facility that complies with this section shall not be 125836
considered to have admitted the existence of a finding cited by 125837
the department. 125838

Sec. ~~5111.44~~ 5165.70. The department of health may appoint 125839
employees of the department to conduct on-site monitoring of a 125840
nursing facility whenever a finding is cited, including any 125841
finding cited pursuant to division (E) of section ~~5111.41~~ 5165.66 125842
of the Revised Code, or an emergency is found to exist. 125843
Appointment of monitors under this section is not subject to 125844
appeal under section ~~5111.60~~ 5165.87 or any other section of the 125845
Revised Code. No employee of a facility for which monitors are 125846
appointed, no person employed by the facility within the previous 125847

two years, and no person who currently has a consulting or other 125848
contract with the department or the facility, shall be appointed 125849
as a monitor under this section. Every monitor appointed under 125850
this section shall have the professional qualifications necessary 125851
to monitor correction of the finding or elimination of the 125852
emergency. 125853

Sec. ~~5111.45~~ 5165.71. (A) If the department of health cites a 125854
deficiency or deficiencies that was not substantially corrected 125855
before a survey and that does not constitute a severity level four 125856
finding or create immediate jeopardy, the department of ~~job and~~ 125857
~~family services~~ medicaid or a contracting agency shall permit the 125858
nursing facility to continue participating in the ~~medical~~ 125859
~~assistance~~ medicaid program for up to six months after the exit 125860
interview, if all of the following apply: 125861

(1) The facility meets the requirements, established in 125862
regulations issued by the United States secretary of health and 125863
human services under Title XIX ~~of the "Social Security Act,"~~ 49 125864
~~Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ for certification 125865
of nursing facilities that have a deficiency. 125866

(2) The department of health has approved a plan of 125867
correction submitted by the facility under section ~~5111.43~~ 5165.69 125868
of the Revised Code for each deficiency. 125869

(3) The provider agrees to repay the department of ~~job and~~ 125870
~~family services~~ medicaid, in accordance with section ~~5111.58~~ 125871
5165.85 of the Revised Code, the federal share of all payments 125872
made by the department to the facility during the six-month period 125873
following the exit interview if the facility does not within the 125874
six-month period substantially correct the deficiency or 125875
deficiencies in accordance with the plan of correction submitted 125876
under section ~~5111.43~~ 5165.69 of the Revised Code. 125877

(B) If any of the conditions in divisions (A)(1) to (3) of 125878

this section do not apply, the department of ~~job and family~~ 125879
~~services~~ medicaid or contracting agency shall issue an order 125880
terminating the facility's participation in the ~~medical assistance~~ 125881
medicaid program. An order issued under this division is subject 125882
to appeal under Chapter 119. of the Revised Code. The order shall 125883
not take effect prior to the later of the thirtieth day after it 125884
is delivered to the facility or, if the order is appealed, the 125885
date on which a final adjudication order upholding the termination 125886
becomes effective pursuant to Chapter 119. of the Revised Code. 125887

(C) At the time the department of ~~job and family services~~ 125888
medicaid or contracting agency issues an order under division (B) 125889
of this section terminating a nursing facility's participation in 125890
the ~~medical assistance~~ medicaid program, it may also impose, 125891
subject to section ~~5111.50~~ 5165.76 of the Revised Code, other 125892
remedies under sections ~~5111.46~~ 5165.72 to ~~5111.48~~ 5165.74 of the 125893
Revised Code. 125894

Sec. ~~5111.46~~ 5165.72. (A) If the department of health cites a 125895
deficiency, or cluster of deficiencies, that was not substantially 125896
corrected before a survey and constitutes a severity level four 125897
finding, the department of ~~job and family services~~ medicaid or 125898
contracting agency shall, subject to sections ~~5111.52~~ 5165.79 to 125899
~~5111.56~~ 5165.83 of the Revised Code, impose a remedy for the 125900
deficiency or cluster of deficiencies. The department or agency 125901
may act under either division (A)(1) or (2) of this section: 125902

(1) The department or agency may impose one or more of the 125904
following remedies: 125905

(a) Issue an order terminating the nursing facility's 125906
participation in the ~~medical assistance~~ medicaid program. 125907

(b) Do either of the following: 125908

(i) Regardless of whether the provider consents, appoint a temporary manager of the facility.	125909 125910
(ii) Apply to the common pleas court of the county in which the facility is located for such injunctive or other equitable relief as is necessary for the appointment of a special master with such powers and authority over the facility and length of appointment as the court considers necessary.	125911 125912 125913 125914 125915
(c) Do either of the following:	125916
(i) Issue an order denying payment <u>medicaid payments</u> to the facility under the medical assistance program for all medicaid eligible residents admitted after the effective date of the order;	125917 125918 125919
(ii) Impose a fine.	125920
(d) Issue an order denying payment <u>medicaid payments</u> to the facility under the medical assistance program for medicaid eligible residents admitted after the effective date of the order who have certain diagnoses or special care needs specified by the department or agency.	125921 125922 125923 125924 125925
(2) The department or agency may impose one or more of the following remedies:	125926 125927
(a) Appoint, subject to the continuing consent of the provider, a temporary manager of the facility;	125928 125929
(b) Do either of the following:	125930
(i) Regardless of whether the provider consents, appoint a temporary manager of the facility;	125931 125932
(ii) Apply to the common pleas court of the county in which the facility is located for such injunctive or other equitable relief as is necessary for the appointment of a special master with such powers and authority over the facility and length of appointment as the court considers necessary.	125933 125934 125935 125936 125937
(c) Do either of the following:	125938

(i) Issue an order denying ~~payment~~ medicaid payments to the 125939
facility ~~under the medical assistance program~~ for all medicaid 125940
eligible residents admitted after the effective date of the order; 125941

(ii) Impose a fine. 125942

(d) Issue an order denying ~~payment~~ medicaid payments to the 125943
facility ~~under the medical assistance program~~ for medicaid 125944
eligible residents admitted after the effective date of the order 125945
who have certain diagnoses or special care needs specified by the 125946
department or agency; 125947

(e) Issue an order requiring the facility to correct the 125948
deficiency or cluster of deficiencies under the plan of correction 125949
submitted by the facility and approved by the department of health 125950
under section ~~5111.43~~ 5165.69 of the Revised Code. 125951

(B) The department of ~~job and family services~~ medicaid or 125952
contracting agency shall deliver a written order issued under 125953
division (A)(1) of this section terminating a nursing facility's 125954
participation in the ~~medical assistance~~ medicaid program to the 125955
facility within five days after the exit interview. If the 125956
facility alleges, at any time prior to the later of the twentieth 125957
day after the exit interview or the fifteenth day after it 125958
receives the order, that the deficiency or cluster of deficiencies 125959
for which the order was issued has been substantially corrected, 125960
the department of health shall conduct a follow-up survey to 125961
determine whether the deficiency or cluster of deficiencies has 125962
been substantially corrected. The order shall take effect and the 125963
facility's participation shall terminate on the twentieth day 125964
after the exit interview, unless the facility has substantially 125965
corrected the deficiency or cluster of deficiencies that 125966
constituted a severity level four finding or did not receive 125967
notice from the department of ~~job and family services~~ medicaid or 125968
contracting agency within five days after the exit interview. In 125969
the latter case, the order shall take effect and the facility's 125970

participation shall terminate on the fifteenth day after the 125971
facility received the order. 125972

(C) If the department of health cites a deficiency or cluster 125973
of deficiencies pursuant to division (E) of section ~~5111.41~~ 125974
5165.66 of the Revised Code that constituted a severity level four 125975
finding, the department of ~~job and family services~~ medicaid or a 125976
contracting agency shall, subject to section ~~5111.56~~ 5165.83 of 125977
the Revised Code, impose a fine. The fine shall be in effect for a 125978
period equal to the number of days the deficiency or cluster of 125979
deficiencies existed at the facility. 125980

Sec. ~~5111.47~~ 5165.73. If the department of health cites a 125981
deficiency, or cluster of deficiencies, that was not substantially 125982
corrected before a survey and constitutes a severity level three 125983
and scope level three or four finding, the department of ~~job and~~ 125984
~~family services~~ medicaid or a contracting agency may, subject to 125985
sections ~~5111.55~~ 5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, 125986
impose one or more of the following remedies: 125987

(A) Do either of the following: 125988

(1) Issue an order denying ~~payment~~ medicaid payments to the 125989
facility ~~under the medical assistance program~~ for all medicaid 125990
eligible residents admitted after the effective date of the order; 125991

(2) Impose a fine. 125992

(B) Issue an order denying ~~payment~~ medicaid payments to the 125993
facility ~~under the medical assistance program~~ for medicaid 125994
eligible residents admitted after the effective date of the order 125995
who have certain diagnoses or special care needs specified by the 125996
department or agency; 125997

(C) Issue an order requiring the facility to correct the 125998
deficiency or cluster of deficiencies under the plan of correction 125999
submitted by the facility and approved by the department of health 126000

under section ~~5111.43~~ 5165.69 of the Revised Code. 126001

Sec. ~~5111.48~~ 5165.74. (A) If the department of health cites a 126002
deficiency, or cluster of deficiencies, that was not substantially 126003
corrected before a survey and constitutes a severity level three 126004
and scope level two finding, the department of ~~job and family~~ 126005
~~services~~ medicaid or a contracting agency may, subject to sections 126006
~~5111.55~~ 5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, impose 126007
one or more of the following remedies: 126008

(1) Do either of the following: 126009

(a) Issue an order denying ~~payment~~ medicaid payments to the 126010
facility ~~under the medical assistance program~~ for all medicaid 126011
eligible residents admitted after the effective date of the order; 126012

(b) Impose a fine. 126013

(2) Issue an order denying ~~payment~~ medicaid payments to the 126014
facility ~~under the medical assistance program~~ for medicaid 126015
eligible residents admitted after the effective date of the order 126016
who have certain diagnoses or special care needs specified by the 126017
department or agency; 126018

(3) Issue an order requiring the facility to correct the 126019
deficiency or cluster of deficiencies under the plan of correction 126020
proposed by the facility and approved by the department of health 126021
under section ~~5111.43~~ 5165.69 of the Revised Code. 126022

(B) If the department of health cites a deficiency, or 126023
cluster of deficiencies, that was not substantially corrected 126024
before a survey and constitutes a severity level three and scope 126025
level one finding, the department of ~~job and family services~~ 126026
medicaid or a contracting agency may, subject to sections ~~5111.55~~ 126027
5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, impose one or 126028
more of the following remedies: 126029

(1) Impose a fine; 126030

(2) Issue an order denying ~~payment~~ medicaid payments to the 126031
facility ~~under the medical assistance program~~ for medicaid 126032
eligible residents admitted after the effective date of the order 126033
who have certain diagnoses or special care needs specified by the 126034
department or agency; 126035

(3) Issue an order requiring the facility to correct the 126036
deficiency or cluster of deficiencies under the plan of correction 126037
proposed by the facility and approved by the department of health 126038
under section ~~5111.43~~ 5165.69 of the Revised Code. 126039

(C) If the department of health cites a deficiency, or 126040
cluster of deficiencies, that was not substantially corrected 126041
before a survey and constitutes a severity level two and a scope 126042
level three or four finding, the department of ~~job and family~~ 126043
~~services~~ medicaid or a contracting agency may, subject to sections 126044
~~5111.55~~ 5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, impose 126045
one or more of the following remedies: 126046

(1) Impose a fine; 126047

(2) Issue an order denying ~~payment~~ medicaid payments to the 126048
facility ~~under the medical assistance program~~ for medicaid 126049
eligible residents admitted after the effective date of the order 126050
who have certain diagnoses or special care needs specified by the 126051
department or agency; 126052

(3) Issue an order requiring the facility to correct the 126053
deficiency or cluster of deficiencies under the plan of correction 126054
submitted by the facility and approved by the department of health 126055
under section ~~5111.43~~ 5165.69 of the Revised Code. 126056

(D) If the department of health cites a deficiency, or 126057
cluster of deficiencies, that was not substantially corrected 126058
before a survey, constitutes a severity level two and scope level 126059
one or two finding, and is a repeat finding, the department of ~~job~~ 126060
~~and family services~~ medicaid or a contracting agency may issue an 126061

order requiring the facility to correct the deficiency or cluster 126062
of deficiencies under the plan of correction submitted by the 126063
facility and approved by the department of health under section 126064
~~5111.43~~ 5165.69 of the Revised Code. 126065

(E) If the department of health cites a deficiency, or 126066
cluster of deficiencies, that was not substantially corrected 126067
before a survey and constitutes a severity level one and scope 126068
level three or four finding, the department of ~~job and family~~ 126069
~~services~~ medicaid or a contracting agency may issue an order 126070
requiring the facility to correct the deficiency or cluster of 126071
deficiencies under the plan of correction submitted by the 126072
facility and approved by the department of health under section 126073
~~5111.43~~ 5165.69 of the Revised Code. 126074

(F) If the department of health cites a deficiency, or 126075
cluster of deficiencies, that was not substantially corrected 126076
before a survey, constitutes a severity level one and scope level 126077
two finding, and is a repeat finding, the department of ~~job and~~ 126078
~~family services~~ medicaid or a contracting agency may issue an 126079
order requiring the facility to correct the deficiency or cluster 126080
of deficiencies under the plan of correction submitted by the 126081
facility and approved by the department of health under section 126082
~~5111.43~~ 5165.69 of the Revised Code. 126083

Sec. ~~5111.49~~ 5165.75. (A) In determining which remedies to 126084
impose under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 126085
5165.74 of the Revised Code, including whether a fine should be 126086
imposed, the department of ~~job and family services~~ medicaid or a 126087
contracting agency shall do both of the following: 126088

(1) Impose the remedies that are most likely to achieve 126089
correction of deficiencies, encourage sustained compliance with 126090
certification requirements, and protect the health, safety, and 126091
rights of facility residents, but that are not directed at 126092

punishment of the facility;	126093
(2) Consider all of the following:	126094
(a) The presence or absence of immediate jeopardy;	126095
(b) The relationships of groups of deficiencies to each other;	126096 126097
(c) The facility's history of compliance with certification requirements generally and in the specific area of the deficiency or deficiencies;	126098 126099 126100
(d) Whether the deficiency or deficiencies are directly related to resident care;	126101 126102
(e) The corrective, long-term compliance, resident protective, and nonpunitive outcomes sought by the department or agency;	126103 126104 126105
(f) The nature, scope, and duration of the noncompliance with certification requirements;	126106 126107
(g) The existence of repeat deficiencies;	126108
(h) The category of certification requirements with which the facility is out of compliance;	126109 126110
(i) Any period of noncompliance with certification requirements that occurred between two certifications by the department of health that the facility was in compliance with certification requirements;	126111 126112 126113 126114
(j) The facility's degree of culpability;	126115
(k) The accuracy, extent, and availability of facility records;	126116 126117
(l) The facility's financial condition, exclusive of any moneys donated to a facility that is an organization described in subsection 501(c)(3) and is tax exempt under subsection 501(a) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A.	126118 126119 126120 126121

1;	126122
(m) Any adverse effect that the action or fine would have on the health and safety of facility residents;	126123 126124
(n) If the noncompliance that resulted in the citation of a deficiency or cluster of deficiencies existed before a change in ownership of the facility, whether the new owner or owners have had sufficient time to correct the noncompliance.	126125 126126 126127 126128
(B) Whenever the department or agency imposes remedies under section 5111.46 <u>5165.72</u> , 5111.47 <u>5165.73</u> , or 5111.48 <u>5165.74</u> of the Revised Code, it shall provide a written statement to the nursing facility that specifies all of the following:	126129 126130 126131 126132
(1) The effective date of each remedy;	126133
(2) The deficiency or cluster of deficiencies for which each remedy is imposed;	126134 126135
(3) The severity and scope of the deficiency or cluster of deficiencies;	126136 126137
(4) The rationale, including all applicable factors specified in division (A) of this section, for imposing the remedies.	126138 126139
Sec. 5111.50 <u>5165.76</u>. At the time the department of job and family services <u>medicaid</u> or a contracting agency, under section 5111.45 <u>5165.71</u> , 5111.46 <u>5165.72</u> , or 5111.51 <u>5165.77</u> of the Revised Code, issues an order terminating a nursing facility's participation in the medical assistance <u>medicaid</u> program, the department or agency may also impose a fine, in accordance with sections 5111.46 <u>5165.72</u> to 5111.48 <u>5165.74</u> and 5111.56 <u>5165.83</u> of the Revised Code, to be collected in the event the termination order does not take effect. The department or agency shall not collect this fine if the termination order takes effect.	126140 126141 126142 126143 126144 126145 126146 126147 126148 126149
Sec. 5111.51 <u>5165.77</u>. (A) If the department of health finds	126150

during a survey that an emergency exists at a nursing facility, as 126151
the result of a deficiency or cluster of deficiencies that creates 126152
immediate jeopardy, the department of ~~job and family services~~ 126153
medicaid or a contracting agency shall impose one or more of the 126154
remedies described in division (A)(1) of this section and, in 126155
addition, may take one or both of the actions described in 126156
division (A)(2) of this section. 126157

(1) The department or agency shall impose one or more of the 126158
following remedies: 126159

(a) Appoint, subject to the continuing consent of the 126160
provider, a temporary manager of the facility; 126161

(b) Apply to the common pleas court of the county in which 126162
the facility is located for a temporary restraining order, 126163
preliminary injunction, or such other injunctive or equitable 126164
relief as is necessary to close the facility, transfer one or more 126165
residents to other nursing facilities or other appropriate care 126166
settings, or otherwise eliminate the condition of immediate 126167
jeopardy. If the court grants such an order, injunction, or 126168
relief, it may appoint a special master empowered to implement the 126169
court's judgment under the court's direct supervision. 126170

(c) Issue an order terminating the facility's participation 126171
in the ~~medical assistance~~ medicaid program; 126172

(d) Regardless of whether the provider consents, appoint a 126173
temporary manager of the facility. 126174

(2) The department or agency may do one or both of the 126175
following: 126176

(a) Issue an order denying ~~payment~~ medicaid payments to the 126177
facility for all medicaid eligible residents admitted after the 126178
effective date of the order; 126179

(b) Impose remedies under sections ~~5111.46~~ 5165.72 to ~~5111.48~~ 126180

5165.74 of the Revised Code appropriate to the severity and scope 126181
of the deficiency or cluster of deficiencies, except that the 126182
department or agency shall not impose a fine for the same 126183
deficiency for which the department or agency has issued an order 126184
under division (A)(2)(a) of this section. 126185

(B) If the department of health, department of ~~job and family~~ 126186
~~services~~ medicaid, or a contracting agency finds on the basis of a 126187
survey or other visit to the facility by representatives of that 126188
department or agency that an emergency exists at a facility that 126189
is not the result of a deficiency or cluster of deficiencies that 126190
constitutes immediate jeopardy, the department of ~~job and family~~ 126191
~~services~~ medicaid or contracting agency may do either of the 126192
following: 126193

(1) Appoint, subject to the continuing consent of the 126194
provider, a temporary manager of the facility; 126195

(2) Apply to the common pleas court of the county in which 126196
the facility is located for a temporary restraining order, 126197
preliminary injunction, or such other injunctive or equitable 126198
relief as is necessary to close the facility, transfer one or more 126199
residents to other nursing facilities or other appropriate care 126200
settings, or otherwise eliminate the emergency. If the court 126201
grants such an order, injunction, or relief, it may appoint a 126202
special master empowered to implement the court's judgment under 126203
the court's direct supervision. 126204

(C)(1) Prior to acting under division (A)(1)(b), (c), (d), or 126205
(2), or (B)(2) of this section, the department of ~~job and family~~ 126206
~~services~~ medicaid or contracting agency shall give written notice 126207
to the facility specifying all of the following: 126208

(a) The nature of the emergency, including the nature of any 126209
deficiency or deficiencies that caused the emergency; 126210

(b) The nature of the action the department or agency intends 126211

to take unless the department of health determines that the 126212
facility, in the absence of state intervention, possesses the 126213
capacity to eliminate the emergency; 126214

(c) The rationale for taking the action. 126215

(2) If the department of health determines that the facility 126216
does not possess the capacity to eliminate the emergency in the 126217
absence of state intervention, the department of ~~job and family~~ 126218
~~services~~ medicaid or contracting agency may immediately take 126219
action under division (A) or (B) of this section. If the 126220
department of health determines that the facility possesses the 126221
capacity to eliminate the emergency, the department of ~~job and~~ 126222
~~family services~~ medicaid or contracting agency shall direct the 126223
facility to eliminate the emergency within five days after the 126224
facility's receipt of the notice. At the end of the five-day 126225
period, the department of health shall conduct a follow-up survey 126226
that focuses on the emergency. If the department of health 126227
determines that the facility has eliminated the emergency within 126228
the time period, the department of ~~job and family services~~ 126229
medicaid or contracting agency shall not act under division 126230
(A)(1)(b), (c), (d), or (2)(a), or (B)(2) of this section. If the 126231
department of health determines that the facility has failed to 126232
eliminate the emergency within the five-day period, the department 126233
of ~~job and family services~~ medicaid or contracting agency shall 126234
take appropriate action under division (A)(1)(b), (c), (d), or 126235
(2), or (B)(2) of this section. 126236

(3) Until the written notice required by division (C)(1) of 126237
this section is actually delivered, no action taken by the 126238
department of ~~job and family services~~ medicaid or contracting 126239
agency under division (A)(1)(b), (c), (d), or (2), or (B)(2) of 126240
this section shall have any legal effect. In addition to the 126241
written notice, the department of health survey team shall give 126242
oral notice to the facility, at the time of the survey, concerning 126243

any recommendations the survey team intends to make that could 126244
form the basis of a determination that an emergency exists. 126245

(D) The department of ~~job and family services~~ medicaid or 126246
contracting agency shall deliver a written order issued under 126247
division (A)(1) of this section terminating a nursing facility's 126248
participation in the ~~medical assistance~~ medicaid program to the 126249
facility within five days after the exit interview. If the 126250
facility alleges, at any time prior to the later of the twentieth 126251
day after the exit interview or the fifteenth day after it 126252
receives the order, that the condition of immediate jeopardy for 126253
which the order was issued has been eliminated, the department of 126254
health shall conduct a follow-up survey to determine whether the 126255
immediate jeopardy has been eliminated. The order shall take 126256
effect and the facility's participation shall terminate on the 126257
twentieth day after the exit interview, unless the facility has 126258
eliminated the immediate jeopardy or did not receive notice from 126259
the department of ~~job and family services~~ medicaid or contracting 126260
agency within five days after the exit interview. In the latter 126261
case, the order shall take effect and the facility's participation 126262
shall terminate on the fifteenth day after the facility received 126263
the order. 126264

(E) Any action taken by the department of ~~job and family~~ 126265
~~services~~ medicaid or a contracting agency under division 126266
(A)(1)(c), (d), or (2)(a) of this section is subject to appeal 126267
under Chapter 119. of the Revised Code, except that the department 126268
or agency may take such action prior to and during the pendency of 126269
any proceeding under that chapter. No action taken by a facility 126270
under division (C) of this section to eliminate an emergency cited 126271
by the department of health shall be considered an admission by 126272
the facility of the existence of an emergency. 126273

Sec. 5165.771. (A) As used in this section: 126274

"SFF list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program. 126275
126276
126277

"Special focus facility program" means the program conducted by the United States secretary of health and human services pursuant to the "Social Security Act," section 1919(f)(10), 42 U.S.C. 1396r(f)(10). 126278
126279
126280
126281

"Table A" means the table included in the SFF list that identifies nursing facilities that are newly added to the SFF list. 126282
126283
126284

"Table B" means the table included in the SFF list that identifies nursing facilities that have not improved. 126285
126286

"Table C" means the table included in the SFF list that identifies nursing facilities that have shown improvement. 126287
126288

"Table D" means the table included in the SFF list that identifies nursing facilities that have recently graduated from the special focus facility program. 126289
126290
126291

(B) The department of medicaid shall issue an order terminating a nursing facility's participation in the medicaid program if any of the following apply: 126292
126293
126294

(1) The nursing facility is listed in table A or table B on the effective date of this section and fails to be placed in table C not later than twelve months after the effective date of this section. 126295
126296
126297
126298

(2) The nursing facility is listed in table A, table B, or table C on the effective date of this section and fails to be placed in table D not later than twenty-four months after the effective date of this section. 126299
126300
126301
126302

(3) The nursing facility is placed in table A after the effective date of this section and fails to be placed in table C 126303
126304

not later than twelve months after the nursing facility is placed 126305
in table A. 126306

(4) The nursing facility is placed in table A after the 126307
effective date of this section and fails to be placed in table D 126308
not later than twenty-four months after the nursing facility is 126309
placed in table A. 126310

(C) An order issued under this section is not subject to 126311
appeal under Chapter 119. of the Revised Code. 126312

(D) To help a nursing facility avoid having its participation 126313
in the medicaid program terminated pursuant to division (B) of 126314
this section, the department of aging shall provide the nursing 126315
facility technical assistance through the nursing home quality 126316
initiative established under section 173.60 of the Revised Code at 126317
least four months before the department of medicaid would be 126318
required to terminate the nursing facility's participation. 126319

Sec. ~~5111.511~~ 5165.78. (A) If the department of ~~job and~~ 126320
~~family services~~ medicaid determines that a nursing facility is 126321
experiencing or is likely to experience a serious financial loss 126322
or failure that jeopardizes or is likely to jeopardize the health, 126323
safety, and welfare of its residents, the department, subject to 126324
the provider's consent, may appoint a temporary resident safety 126325
assurance manager in the nursing facility to take actions the 126326
department determines are appropriate to ensure the health, 126327
safety, and welfare of the residents. 126328

(B) A temporary resident safety assurance manager appointed 126329
under this section is vested with the authority necessary to take 126330
actions the department of ~~job and family services~~ medicaid 126331
determines are appropriate to ensure the health, safety, and 126332
welfare of the residents. 126333

(C) A temporary resident safety assurance manager appointed 126334

under this section may use any of the following funds to pay for 126335
costs the manager incurs on behalf of the nursing facility: 126336

(1) Medicaid payments made in accordance with the provider 126337
agreement for the nursing facility; 126338

(2) Funds from the residents protection fund that the 126339
department provides the manager under section ~~5111.62~~ 5162.66 of 126340
the Revised Code; 126341

(3) Other funds the department determines are appropriate if 126342
such use of the funds is consistent with the appropriations that 126343
authorize the use of the funds and all other state and federal 126344
laws governing the use of the funds. 126345

(D) The provider is liable to the department for the amount 126346
of any payments the department makes to the temporary resident 126347
safety assurance manager, other than payments specified in 126348
division (C)(1) of this section. The department may recover the 126349
amount the provider owes the department by doing any of the 126350
following: 126351

(1) Offsetting medicaid payments made to the provider in 126352
accordance with the provider agreement; 126353

(2) Placing a lien on any of the provider's real and personal 126354
property; 126355

(3) Initiating other collection actions. 126356

(E) No action the department takes under this section is 126357
subject to appeal under Chapter 119. of the Revised Code. 126358

(F) In rules ~~adopted under~~ authorized by section ~~5111.36~~ 126359
5165.61 of the Revised Code, the medicaid director ~~of job and~~ 126360
~~family services~~ may establish all of the following: 126361

(1) Qualifications persons must meet to be appointed 126362
temporary resident safety assurance managers under this section; 126363

(2) Procedures for maintaining a list of qualified temporary 126364

resident safety assurance managers; 126365

(3) Procedures consistent with federal law for paying for the 126366
services of temporary resident safety assurance managers; 126367

(4) Accounting and reporting requirements for temporary 126368
resident safety assurance managers; 126369

(5) Other procedures and requirements the director determines 126370
are necessary to implement this section. 126371

Sec. ~~5111.52~~ 5165.79. (A) As used in this section, 126372
"terminating" includes not renewing. 126373

(B) A nursing facility's participation in the ~~medical~~ 126374
~~assistance~~ medicaid program shall be terminated under sections 126375
~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code as follows: 126376
126377

(1) If the department of ~~job and family services~~ medicaid is 126378
terminating the facility's participation, it shall issue an order 126379
terminating the facility's provider agreement. 126380

(2) If the department of health, acting as a contracting 126381
agency, is terminating the facility's participation, it shall 126382
issue an order terminating certification of the facility's 126383
compliance with certification requirements. When the department of 126384
health terminates certification, the department of ~~job and family~~ 126385
~~services~~ medicaid shall terminate the facility's provider 126386
agreement. The department of ~~job and family services~~ medicaid is 126387
not required to provide an adjudication hearing when it terminates 126388
a provider agreement following termination of certification by the 126389
department of health. 126390

(3) If a state agency other than the department of health, 126391
acting as a contracting agency, is terminating the facility's 126392
participation, it shall notify the department of ~~job and family~~ 126393
~~services~~ medicaid, and the department of ~~job and family services~~ 126394

medicaid shall issue an order terminating the facility's provider 126395
agreement. The contracting agency shall conduct any administrative 126396
proceedings concerning the order. 126397

(C) If the following conditions are met, the department of 126398
~~job and family services~~ medicaid may make ~~medical assistance~~ 126399
medicaid payments to a nursing facility for a period not exceeding 126400
thirty days after the effective date of termination under sections 126401
~~5111.35 5165.60~~ to ~~5111.62 5165.89~~ of the Revised Code of the 126402
facility's participation in the ~~medical assistance~~ medicaid 126403
program: 126404

(1) The payments are for medicaid eligible residents admitted 126405
to the facility prior to the effective date of the termination; 126406

(2) The provider is making reasonable efforts to transfer 126407
medicaid eligible residents to other care settings. 126408

The period during which payments may be made under this 126409
division begins on the later of the effective date of the 126410
termination or, if the facility has appealed a termination order, 126411
the date of issuance of the adjudication order upholding 126412
termination. 126413

Sec. ~~5111.53~~ 5165.80. (A) Whenever a nursing facility is 126414
closed under sections ~~5111.35 5165.60~~ to ~~5111.62 5165.89~~ of the 126415
Revised Code, the department of ~~job and family services~~ medicaid 126416
or contracting agency shall arrange for the safe and orderly 126417
transfer of all residents, including residents who are not 126418
medicaid eligible residents, to other appropriate care settings. 126419
Whenever a nursing facility's participation in the ~~medical~~ 126420
~~assistance~~ medicaid program is terminated under sections ~~5111.35~~ 126421
~~5165.60~~ to ~~5111.62 5165.89~~ of the Revised Code, the department or 126422
agency shall arrange for the safe and orderly transfer of all 126423
medicaid eligible residents or, if the termination results in the 126424
closure of the facility, of all residents. The provider and all 126425

persons involved in the facility's operation shall cooperate with 126426
and assist in the transfer of residents. 126427

(B) After a nursing facility's participation in the ~~medical~~ 126428
~~assistance~~ medicaid program is terminated under section ~~5111.45~~ 126429
~~5165.71~~, ~~5111.46~~ 5165.72, ~~5111.51~~ 5165.77, 5165.771, or ~~5111.58~~ 126430
5165.85 of the Revised Code, the department of ~~job and family~~ 126431
~~services~~ medicaid or contracting agency may appoint a temporary 126432
manager subject to the continuing consent of the provider, or may 126433
apply to the common pleas court of the county in which the 126434
facility is located for such injunctive relief as is necessary for 126435
the appointment of a special master, to ensure the transfer of 126436
medicaid eligible residents to other appropriate care settings 126437
and, if applicable, the orderly closure of the facility. 126438

Sec. ~~5111.54~~ 5165.81. (A) A temporary manager of a nursing 126439
facility appointed by the department of ~~job and family services~~ 126440
medicaid or a contracting agency under sections ~~5111.35~~ 5165.60 to 126441
~~5111.62~~ 5165.89 of the Revised Code shall meet all of the 126442
following qualifications: 126443

(1) Be licensed as a nursing home administrator under Chapter 126444
4751. of the Revised Code; 126445

(2) Have demonstrated competence as a nursing home 126446
administrator; 126447

(3) Have had no disciplinary action taken against the 126448
temporary manager by any licensing board or professional society 126449
in this state. 126450

(B) The salary of a temporary manager or special master 126451
appointed under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the 126452
Revised Code shall be paid by the facility and set by the 126453
department of ~~job and family services~~ medicaid or contracting 126454
agency, in the case of a temporary manager, or by the court, in 126455

the case of a special master, at a rate not to exceed the maximum 126456
allowable compensation for an administrator under the ~~medical~~ 126457
~~assistance~~ medicaid program. The extent to which this compensation 126458
is allowable under the ~~medical assistance~~ medicaid program is 126459
subject to and limited by this chapter and rules ~~of the department~~ 126460
adopted under section 5165.02 of the Revised Code. 126461

Subject to division (C) of this section, any costs incurred 126462
on behalf of a nursing facility by a temporary manager or special 126463
master appointed under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 126464
of the Revised Code shall be paid by the facility. The 126465
allowability of these costs under the ~~medical assistance~~ medicaid 126466
program shall be subject to and governed by this chapter and ~~the~~ 126467
rules ~~of the department~~ adopted under section 5165.02 of the 126468
Revised Code. This division does not prohibit a facility from 126469
applying for or receiving any waiver of cost ceilings available 126470
under ~~the~~ rules ~~of the department.~~ 126471

(C) No temporary manager or special master appointed under 126472
sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code 126473
shall enter into any employment contract on behalf of a facility, 126474
or purchase any capital goods using facility funds totaling more 126475
than ten thousand dollars, unless the temporary manager or special 126476
master has obtained prior approval for the contract or purchase 126477
from either the provider or the court. 126478

(D)(1) A temporary manager appointed for a nursing facility 126479
under section ~~5111.46~~ 5165.72 of the Revised Code is hereby 126480
vested, subject to division (C) of this section, with the legal 126481
authority necessary to correct any deficiency or cluster of 126482
deficiencies at a facility, bring the facility into compliance 126483
with certification requirements, and otherwise ensure the health 126484
and safety of the residents. 126485

(2) A temporary manager appointed under section ~~5111.51~~ 126486
5165.77 of the Revised Code is hereby vested, subject to division 126487

(C) of this section, with the authority necessary to eliminate the emergency, bring the facility into compliance with certification requirements, and otherwise ensure the health and safety of the residents.

(3) A temporary manager appointed under section ~~5111.53~~ 5165.80 of the Revised Code is hereby vested, subject to division (C) of this section, with the authority necessary to ensure the transfer of medicaid eligible residents to other appropriate care settings and, if applicable, the orderly closure of the facility, and to otherwise ensure the health and safety of the residents.

(E) Prior to acting under division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 5165.72 of the Revised Code to appoint a temporary manager or apply for a special master, the department of ~~job and family services~~ medicaid or contracting agency shall order the facility to substantially correct the deficiency or deficiencies within five days after receiving the statement and inform the facility, in the statement it provides pursuant to division (B) of section ~~5111.49~~ 5165.75 of the Revised Code, of the order and that it will not take that action unless the facility fails to substantially correct the deficiency or deficiencies within that five-day period. At the end of the five-day period, the department of health shall conduct a follow-up survey that focuses on the deficiency or deficiencies. If the department of health determines that the facility has substantially corrected the deficiency or deficiencies within that time, the department of ~~job and family services~~ medicaid or contracting agency shall not appoint a temporary manager or apply for a special master. If the department of health determines that the facility has failed to substantially correct the deficiency or deficiencies within that time, the department of ~~job and family services~~ medicaid or contracting agency may proceed with appointment of the temporary manager or application for a special master. Until the statement required

under division (B) of section ~~5111.49~~ 5165.75 of the Revised Code 126520
is actually delivered, no action taken by the department or agency 126521
to appoint a temporary manager or apply for a temporary manager 126522
under division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 5165.72 of 126523
the Revised Code shall have any legal effect. No action taken by a 126524
facility under this division to substantially correct a deficiency 126525
or deficiencies shall be considered an admission by the facility 126526
of the existence of a deficiency or deficiencies. 126527

(F) Appointment of a temporary manager under division 126528
(A)(1)(b) or (2)(b) of section ~~5111.46~~ 5165.72 or division 126529
(A)(1)(d) of section ~~5111.51~~ 5165.77 of the Revised Code shall 126530
expire at the end of the seventh day following the appointment. If 126531
the department of ~~job and family services~~ medicaid or contracting 126532
agency finds that the deficiency or deficiencies that prompted the 126533
appointment under division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 126534
5165.72 of the Revised Code cannot be substantially corrected, or 126535
the condition of immediate jeopardy that prompted the appointment 126536
under division (A)(1)(d) of section ~~5111.51~~ 5165.77 of the Revised 126537
Code cannot be eliminated, prior to the expiration of the 126538
appointment, it may take one of the following actions: 126539

(1) Appoint, subject to the continuing consent of the 126540
provider, a temporary manager for the facility; 126541

(2) Apply to the common pleas court of the county in which 126542
the facility is located for an order appointing a special master 126543
who, under the authority and direct supervision of the court and 126544
subject to divisions (B) and (C) of this section, may take such 126545
additional actions as are necessary to correct the deficiency or 126546
deficiencies or eliminate the condition of immediate jeopardy and 126547
bring the facility into compliance with certification 126548
requirements. 126549

(G) The court, on finding that the deficiency or deficiencies 126550
for which a special master was appointed under division (F)(2) of 126551

this section or division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 126552
5165.72 of the Revised Code has been substantially corrected, or 126553
the emergency for which a special master was appointed under 126554
division (F)(2) of this section or division (A)(1)(b) or (B)(2) of 126555
section ~~5111.51~~ 5165.77 of the Revised Code has been eliminated, 126556
that the facility has been brought into compliance with 126557
certification requirements, and that the provider has established 126558
the management capability to ensure continued compliance with the 126559
certification requirements, shall immediately terminate its 126560
jurisdiction over the facility and return control and management 126561
of the facility to the provider. If the deficiency or deficiencies 126562
cannot be substantially corrected, or the emergency cannot be 126563
eliminated practicably within a reasonable time following 126564
appointment of the special master, the court may order the special 126565
master to close the facility and transfer all residents to other 126566
nursing facilities or other appropriate care settings. 126567

(H) This section does not apply to temporary resident safety 126568
assurance managers appointed under section ~~5111.511~~ 5165.78 of the 126569
Revised Code. 126570

Sec. ~~5111.55~~ 5165.82. (A) An order issued under section 126571
~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, ~~5111.48~~ 5165.74, ~~5111.51~~ 126572
5165.77, or ~~5111.57~~ 5165.84 of the Revised Code denying ~~payment~~ 126573
medicaid payments to a nursing facility for all medicaid eligible 126574
residents admitted after its effective date, or an order issued 126575
under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 126576
of the Revised Code denying ~~payment~~ medicaid payments to a nursing 126577
facility for medicaid eligible residents admitted after the 126578
effective date of the order who have specified diagnoses or 126579
special care needs, shall also apply to individuals admitted to 126580
the facility on and after the effective date of the order who are 126581
not medicaid eligible residents but become medicaid eligible 126582
residents after admission. Such an order shall not apply to any of 126583

the following: 126584

(1) An individual who was a medicaid eligible resident of the 126585
facility on the day immediately preceding the effective date of 126586
the order and continues to be a medicaid eligible resident on and 126587
after that date; 126588

(2) An individual who was a resident of the facility on the 126589
day immediately preceding the effective date of the order, 126590
continues to be a resident on and after that date, and becomes 126591
medicaid eligible on or after that date; 126592

(3) An individual who was a medicaid eligible resident of the 126593
facility prior to the effective date of the order, is temporarily 126594
absent from the facility on that or a subsequent date due to 126595
hospitalization or participation in therapeutic programs outside 126596
the facility, and chooses to return to the facility; 126597

(4) An individual who was a resident of the facility prior to 126598
the effective date of the order, is temporarily absent from the 126599
facility on that or a subsequent date due to hospitalization or 126600
participation in therapeutic programs outside the facility, 126601
becomes medicaid eligible on or after that date, and chooses to 126602
return to the facility. 126603

(B) An order issued under section ~~5111.46~~ 5165.72 of the 126604
Revised Code denying ~~payment~~ medicaid payments to a nursing 126605
facility for all medicaid eligible residents admitted after its 126606
effective date, or denying ~~payment~~ medicaid payments to a facility 126607
for medicaid eligible residents admitted after the effective date 126608
of the order who have specified diagnoses or special care needs 126609
shall not take effect prior to the fifth day after the order is 126610
delivered to the facility. Such an order issued under section 126611
~~5111.47~~ 5165.73 or ~~5111.48~~ 5165.74 of the Revised Code shall not 126612
take effect prior to the twentieth day after it is delivered to 126613
the facility. 126614

(C) No nursing facility that has received an order under 126615
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, ~~5111.48~~ 5165.74, ~~5111.51~~ 126616
5165.77, or ~~5111.57~~ 5165.84 of the Revised Code denying ~~payment~~ 126617
medicaid payments for all new admissions of medicaid eligible 126618
residents shall admit a medicaid eligible resident on or after the 126619
effective date of the order, unless the resident is described in 126620
division (A)(3) or (4) of this section, until the order is 126621
terminated pursuant to this section. No nursing facility that has 126622
received an order under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, 126623
or ~~5111.48~~ 5165.74 of the Revised Code denying ~~payment~~ medicaid 126624
payments to a nursing facility for new admissions of medicaid 126625
eligible residents with specified diagnoses or special care needs 126626
shall admit such a resident on or after the effective date of the 126627
order, unless the resident is described in division (A)(3) or (4) 126628
of this section, until the order is terminated pursuant to this 126629
section. 126630

(D) In the case of an order imposed under division (B) of 126631
section ~~5111.57~~ 5165.84 of the Revised Code, the department or 126632
agency shall appoint monitors in accordance with section ~~5111.44~~ 126633
5165.70 of the Revised Code to conduct on-site monitoring. 126634

(E)(1) A facility may give written notice to the department 126635
of health whenever any of the following apply: 126636

(a) With respect to an order denying payment issued under 126637
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of 126638
the Revised Code, either of the following is the case: 126639

(i) The facility has completed implementation of the plan of 126640
correction it submitted under section ~~5111.43~~ 5165.69 of the 126641
Revised Code and substantially corrected all deficiencies for 126642
which the order was issued. 126643

(ii) The facility has reduced the severity or scope of all of 126644
the deficiencies to a level at which sections ~~5111.46~~ 5165.72 to 126645

~~5111.48~~ 5165.74 of the Revised Code do not authorize the order. 126646

(b) With respect to an order denying payment issued under 126647
section ~~5111.51~~ 5165.77 of the Revised Code, the facility has 126648
eliminated the immediate jeopardy. 126649

(c) With respect to an order denying ~~payment~~ medicaid 126650
payments issued under division (A) of section ~~5111.57~~ 5165.84 of 126651
the Revised Code, the facility has completed implementation of the 126652
plan of correction it submitted under section ~~5111.43~~ 5165.69 of 126653
the Revised Code and substantially corrected all deficiencies for 126654
which the order was issued. 126655

(d) With respect to an order denying ~~payment~~ medicaid 126656
payments issued under division (B) of section ~~5111.57~~ 5165.84 of 126657
the Revised Code, both of the following are the case: 126658

(i) The facility has completed implementation of the plan of 126659
correction it submitted under section ~~5111.43~~ 5165.69 of the 126660
Revised Code and substantially corrected all deficiencies for 126661
which the order was issued. 126662

(ii) The facility is in compliance with certification 126663
requirements and has provided adequate assurance that it will 126664
remain in compliance with them. 126665

(2) Within ten working days after it receives the notice 126666
under division (E)(1) of this section, the department of health 126667
shall conduct a follow-up survey that focuses on the cited 126668
deficiency or deficiencies, unless the department is able to 126669
determine, on the basis of documentation provided by the facility, 126670
that the facility has completed the applicable action described in 126671
divisions (E)(1)(a) to (d) of this section. If the department of 126672
health makes that determination on the basis of the documentation, 126673
the department of ~~job and family services~~ medicaid or contracting 126674
agency shall terminate the order denying ~~payment~~ medicaid payments 126675
as of the date the facility completed the applicable action, as 126676

subsequently verified by the department of health. If the 126677
department of health conducts a follow-up survey, the department 126678
of ~~job and family services~~ medicaid or contracting agency shall 126679
terminate the order denying ~~payment~~ medicaid payments as of the 126680
date the department of health makes the determination that the 126681
facility completed the applicable action. 126682

(F) The department of ~~job and family services~~ medicaid or 126683
contracting agency shall provide public notice implementing an 126684
order under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, ~~5111.48~~ 126685
5165.74, ~~5111.51~~ 5165.77, or ~~5111.57~~ 5165.84 of the Revised Code 126686
denying ~~payment~~ medicaid payments to a nursing facility ~~under the~~ 126687
~~medical assistance program~~ for all medicaid eligible residents by 126688
publishing in a newspaper of general circulation in the county in 126689
which the facility is located an announcement stating: "By order 126690
of the (Ohio Department of ~~Job and Family Services~~ Medicaid or 126691
name of contracting agency), effective on and after (effective 126692
date of order), (name of facility) is no longer authorized to 126693
admit Medicaid eligible residents." Immediately following 126694
termination of any such order, the department or agency shall 126695
publish in a newspaper of general circulation in the county in 126696
which the facility is located an announcement stating: "By order 126697
of the (Ohio Department of ~~Job and Family Services~~ Medicaid or 126698
name of contracting agency), effective on and after (effective 126699
date of termination), (name of facility) is hereby authorized to 126700
admit Medicaid eligible residents." Neither the department nor the 126701
contracting agency shall issue public notice of an order under 126702
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of 126703
the Revised Code denying payment to a nursing facility for 126704
medicaid eligible residents with specified diagnoses or special 126705
care needs; public notice is not required for such an order to 126706
take effect. 126707

(G) A facility that complies with division (E) of this 126708

section shall not be considered to have admitted to the existence 126709
of the deficiency that constitutes the basis of the department's 126710
or agency's order. 126711

Sec. ~~5111.56~~ 5165.83. (A) As used in this section, "certified 126712
beds" means beds certified under Title XVIII or Title XIX ~~of the~~ 126713
~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as~~ 126714
~~amended.~~ 126715

(B) If the department of ~~job and family services~~ medicaid or 126716
a contracting agency imposes a fine on a nursing facility under 126717
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of 126718
the Revised Code, it may impose one or more of the following: 126719

(1) One hundred sixty per cent of the amount calculated under 126720
division (C) of this section for any deficiency or cluster of 126721
deficiencies that constitutes a severity level four and scope 126722
level four finding; 126723

(2) One hundred forty per cent of the amount calculated under 126724
division (C) of this section for any deficiency or cluster of 126725
deficiencies that constitutes a severity level four and scope 126726
level three finding; 126727

(3) One hundred twenty per cent of the amount calculated 126728
under division (C) of this section for any deficiency or cluster 126729
of deficiencies that constitutes a severity level four and scope 126730
level two finding; 126731

(4) The amount calculated under division (C) of this section 126732
for any deficiency or cluster of deficiencies that constitutes a 126733
severity level four and scope level one finding or any deficiency 126734
or cluster of deficiencies that constitutes a severity level three 126735
and scope level four finding; 126736

(5) Ninety per cent of the amount calculated under division 126737
(C) of this section for any deficiency or cluster of deficiencies 126738

that constitutes a severity level three and scope level three 126739
finding; 126740

(6) Eighty per cent of the amount calculated under division 126741
(C) of this section for any deficiency or cluster of deficiencies 126742
that constitutes a severity level three and scope level two 126743
finding; 126744

(7) Seventy per cent of the amount calculated under division 126745
(C) of this section for any deficiency or cluster of deficiencies 126746
that constitutes a severity level three and scope level one 126747
finding; 126748

(8) Fifty per cent of the amount calculated under division 126749
(C) of this section for any deficiency or cluster of deficiencies 126750
that constitutes a severity level two and scope level four 126751
finding; 126752

(9) Forty per cent of the amount calculated under division 126753
(C) of this section for any deficiency or cluster of deficiencies 126754
that constitutes a severity level two and scope level three 126755
finding. 126756

(C) The amount subject to division (B) of this section shall 126757
be the product of multiplying two dollars and fifty cents for each 126758
day the fine is in effect by the total number of licensed nursing 126759
home beds or certified beds, whichever is greater, in the facility 126760
as of the date the deficiency or cluster of deficiencies that is 126761
the reason for the fine was cited. 126762

(D)(1) The department of ~~job and family services~~ medicaid or 126763
contracting agency shall not impose on a facility, at any one 126764
time, more than four fines as a result of any one survey. 126765

(2) The department of ~~job and family services~~ medicaid or 126766
contracting agency shall not impose more than one fine based on a 126767
deficiency or cluster of deficiencies. However, if the department 126768
of health, in a follow-up or other subsequent survey, finds a 126769

change in the scope or severity of the deficiency or cluster of 126770
deficiencies, the department of ~~job and family services~~ medicaid 126771
or contracting agency may increase or decrease the fine in 126772
accordance with division (B) of this section to reflect the change 126773
in scope or severity. The department or agency shall give the 126774
facility written notice of the change in the amount of the fine. 126775
The change shall take effect on the date the follow-up or other 126776
subsequent survey is completed. 126777

If the department of health finds that a deficiency is a 126778
repeat deficiency, the department of ~~job and family services~~ 126779
medicaid or contracting agency may impose a fine that is one 126780
hundred per cent greater than the fine specified in division (B) 126781
of this section for the deficiency. 126782

(E) The total amount of fines the department of ~~job and~~ 126783
~~family services~~ medicaid or contracting agency may impose on a 126784
facility in a single calendar year shall not exceed five hundred 126785
dollars for each licensed nursing home bed or certified bed, 126786
whichever is greater in number, in the facility. 126787

(F)(1) Except as provided in division (F)(2) of this section, 126788
the department of ~~job and family services~~ medicaid or contracting 126789
agency shall not impose a fine under section ~~5111.46~~ 5165.72, 126790
~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of the Revised Code if the 126791
deficiency or cluster of deficiencies is substantially corrected 126792
within twenty days after the nursing facility receives the 126793
statement provided under division (B) of section ~~5111.49~~ 5165.75 126794
of the Revised Code. The department or agency shall inform the 126795
nursing facility in that statement that the fine will not be 126796
imposed if the deficiency or cluster of deficiencies is 126797
substantially corrected within the twenty-day period. 126798

(2) If a nursing facility has substantially corrected a 126799
deficiency or cluster of deficiencies within six months after the 126800
exit interview of a survey that was the basis for citing a 126801

deficiency or cluster of deficiencies, but after correcting it has 126802
been cited for the same deficiency or cluster of deficiencies by 126803
the department of health on the basis of a subsequent survey 126804
conducted during the remainder of the six-month period, the 126805
department of ~~job and family services~~ medicaid or contracting 126806
agency may impose a fine beginning on the date of the exit 126807
interview of the subsequent survey. 126808

(G) Whenever a facility believes that it has completed 126809
implementation of the plan of correction it submitted under 126810
section ~~5111.43~~ 5165.69 of the Revised Code and substantially 126811
corrected the cited deficiency or cluster of deficiencies that is 126812
the basis for a fine, it may give written notice to that effect to 126813
the department of health. After receiving the notice, the 126814
department shall conduct a follow-up survey of the facility that 126815
focuses on the deficiency or cluster, unless the department is 126816
able to determine, on the basis of documentation provided by the 126817
facility, that the facility has substantially corrected the 126818
deficiency or cluster. If, based on the follow-up survey, the 126819
department establishes that the facility had not completed 126820
implementation of the plan of correction at the time the 126821
department received the notice, any fine based on the deficiency 126822
or cluster shall be doubled effective from the date the department 126823
received the notice. A facility that complies with this division 126824
shall not be considered to have admitted the existence of the 126825
deficiency or cluster that is the basis for the fine. 126826

(H) Except for a fine imposed under division (C) of section 126827
~~5111.46~~ 5165.72 of the Revised Code and as provided in division 126828
(F)(2) of this section, the department of ~~job and family services~~ 126829
medicaid or contracting agency shall impose a fine only if the 126830
facility fails to give notice under division (G) of this section 126831
within twenty days after it receives the statement required by 126832
division (B) of section ~~5111.49~~ 5165.75 of the Revised Code or if 126833

the department of health determines, based on a follow-up survey, 126834
that the deficiency or cluster of deficiencies for which the fine 126835
is proposed has not been substantially corrected within the 126836
twenty-day period. The fine shall be imposed effective on the 126837
twenty-first day after the facility receives the statement under 126838
division (B) of section ~~5111.49~~ 5165.75 of the Revised Code. The 126839
fine shall remain in effect until the earliest of the following: 126840

(1) The date the department of health receives notice under 126841
division (G) of this section, unless the department determines, on 126842
the basis of a follow-up survey, that the deficiency or cluster of 126843
deficiencies that is the basis for the fine has not been 126844
substantially corrected as of that date; 126845

(2) The date on which the department of health makes a 126846
determination, on the basis of a follow-up survey, that the 126847
deficiency or cluster of deficiencies has been substantially 126848
corrected; 126849

(3) The date the facility substantially corrected the 126850
deficiency or cluster, as subsequently determined by the 126851
department of health on the basis of documentation provided by the 126852
facility. 126853

(I) Any fine imposed by the department of ~~job and family~~ 126854
~~services~~ medicaid or contracting agency under this section is 126855
subject to appeal under Chapter 119. of the Revised Code. If the 126856
facility does not request a hearing under Chapter 119. of the 126857
Revised Code and either pays or agrees in writing to pay the fine 126858
when payment becomes due under division (J) of this section, the 126859
department or agency shall reduce the fine by fifty per cent. The 126860
department or agency may compromise any claim for payment of a 126861
fine under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the 126862
Revised Code. 126863

(J) The department of ~~job and family services~~ medicaid or 126864

contracting agency shall collect interest on fines, at the rate 126865
per calendar month that equals one-twelfth of the rate per year 126866
prescribed by section 5703.47 of the Revised Code for the calendar 126867
year that includes the month for which the interest charge 126868
accrues. Payment of a fine is due, and interest begins to accrue 126869
on the unpaid fine or balance, on the thirty-first day after the 126870
department or agency issues a final adjudication order imposing 126871
the fine. If the deficiency or deficiencies on which the fine is 126872
based have not been corrected when the final adjudication order is 126873
issued, the payment is due, and interest begins to accrue on the 126874
unpaid fine or balance, on the thirty-first day after the 126875
deficiency or deficiencies are corrected and the department or 126876
agency mails a notice specifying the amount of the fine to the 126877
facility. 126878

(K) The department of ~~job and family services~~ medicaid or 126879
contracting agency shall collect fines and interest imposed under 126880
this section through one of the following means: 126881

(1) A lump sum payment from the provider; 126882

(2) Periodic payments for a period not to exceed twelve 126883
months, in accordance with a schedule approved by the department 126884
or agency; 126885

(3) Appropriately reducing the amounts of medicaid payments 126886
made to the facility for ~~care~~ nursing facility services provided 126887
to medicaid eligible residents for a period not to exceed twelve 126888
months following the date on which payment of the fine becomes due 126889
under division (J) of this section. An amount equal to the amount 126890
by which each payment is reduced shall be deposited to the credit 126891
of the residents protection fund in accordance with section 126892
~~5111.62~~ 5162.66 of the Revised Code. 126893

Sec. ~~5111.57~~ 5165.84. (A) The department of ~~job and family~~ 126894
~~services~~ medicaid or a contracting agency shall issue an order 126895

denying ~~payment~~ medicaid payments to a nursing facility for all 126896
medicaid eligible residents admitted to the facility on or after 126897
the effective date of the order, if the facility has failed to 126898
substantially correct within ninety days after the exit interview 126899
a deficiency or cluster of deficiencies in accordance with the 126900
plan of correction it submitted under section ~~5111.43~~ 5165.69 of 126901
the Revised Code, as determined by the department of health on the 126902
basis of a follow-up survey. 126903

(B) The department of ~~job and family services~~ medicaid or 126904
contracting agency shall issue an order denying ~~payment~~ medicaid
payments to a nursing facility for all medicaid eligible residents 126905
admitted to the facility on or after the effective date of the 126906
order, if during three consecutive standard surveys conducted 126907
after December 13, 1990, the department of health has found a 126908
condition of substandard care in a facility. 126909
126910

(C) An order issued under division (A) or (B) of this section 126911
shall take effect on the later of the date the facility receives 126912
the order or the date the public notice required under division 126913
(F) of section ~~5111.55~~ 5165.82 of the Revised Code is published. 126914
The order is subject to appeal under Chapter 119. of the Revised 126915
Code; however the order may take effect prior to or during the 126916
pendency of any hearing under that chapter. In that case, the 126917
department or agency shall provide the facility an opportunity for 126918
a hearing in accordance with section ~~5111.60~~ 5165.87 of the 126919
Revised Code. 126920

Sec. ~~5111.58~~ 5165.85. (A) If a nursing facility notifies the 126921
department of ~~job and family services~~ medicaid or a contracting 126922
agency, at any time during the six-month period following the exit 126923
interview of a survey that was the basis for citing a deficiency 126924
or deficiencies, that the deficiency or deficiencies have been 126925
substantially corrected in accordance with the plan of correction 126926

submitted and approved under section ~~5111.43~~ 5165.69 of the 126927
Revised Code, the department of health shall conduct a follow-up 126928
survey to determine whether the deficiency or deficiencies have 126929
been substantially corrected in accordance with the plan. 126930

(B) The department of ~~job and family services~~ medicaid or a 126931
contracting agency shall terminate a nursing facility's 126932
participation in the ~~medical assistance~~ medicaid program whenever 126933
the facility has not substantially corrected, within six months 126934
after the exit interview of the survey on the basis of which it 126935
was cited, a deficiency or deficiencies in accordance with the 126936
plan of correction submitted under section ~~5111.43~~ 5165.69 of the 126937
Revised Code, as determined by the department of health on the 126938
basis of a follow-up survey. 126939

(C) Unless the facility has substantially corrected the 126940
deficiency or deficiencies in accordance with the plan of 126941
correction, as determined by the department of health on the basis 126942
of a follow-up survey, the department of ~~job and family services~~ 126943
medicaid or contracting agency shall deliver to the facility, at 126944
least thirty days prior to the day that is six months after the 126945
exit interview, a written order terminating the facility's 126946
participation in the ~~medical assistance~~ medicaid program. The 126947
order shall take effect and the facility's participation shall 126948
terminate on the day that is six months after the exit interview. 126949
The order shall not take effect if, after it is delivered to the 126950
facility and prior to the effective date of the order, the 126951
department of health determines on the basis of a follow-up survey 126952
that the facility has corrected the deficiency or deficiencies. 126953

An order issued under this section is subject to appeal under 126954
Chapter 119. of the Revised Code; however, the order may take 126955
effect prior to or during the pendency of any hearing under that 126956
chapter. In that case, the department of ~~job and family services~~ 126957
medicaid or contracting agency shall provide the facility an 126958

opportunity for a hearing in accordance with section ~~5111.60~~ 126959
5165.87 of the Revised Code. 126960

(D) Except as provided in division (E) of this section, 126961
whenever the department of ~~job and family services~~ medicaid or a 126962
contracting agency terminates a facility's participation in the 126963
~~medical assistance~~ medicaid program pursuant to this section, the 126964
provider shall repay the department the federal share of all 126965
medicaid payments made by the department to the facility ~~under the~~ 126966
~~medical assistance program~~ during the six-month period following 126967
the exit interview of the survey that was the basis for citing the 126968
deficiency or cluster of deficiencies. The provider shall repay 126969
the department within thirty days after the department repays to 126970
the federal government the federal share of medicaid payments made 126971
to the facility during that six-month period. 126972

(E) A provider is not required to repay the department of ~~job~~ 126973
~~and family services~~ medicaid if either of the following is the 126974
case: 126975

(1) The facility has brought an appeal under Chapter 119. of 126976
the Revised Code of termination of its participation in the 126977
~~medical assistance~~ medicaid program, except that the provider 126978
shall repay the department of ~~job and family services~~ medicaid 126979
within thirty days after the facility exhausts its right to appeal 126980
under that chapter. 126981

(2) The facility complied with the plan of correction 126982
approved by the department of health and the obligation to repay 126983
resulted from the department's failure to provide timely 126984
verification to the United States department of health and human 126985
services of the facility's compliance with the plan of correction. 126986

(F) If a provider's obligation to repay the department of ~~job~~ 126987
~~and family services~~ medicaid under division (D) of this section 126988
results from disallowance of federal financial participation by 126989

the United States department of health and human services, the 126990
provider shall not be required to repay the department of ~~job and~~ 126991
~~family services~~ medicaid until the federal disallowance becomes 126992
final. 126993

(G) Any fines paid under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 126994
5165.89 of the Revised Code during any period for which the 126995
facility is required to repay the department of ~~job and family~~ 126996
~~services~~ medicaid under division (D) of this section shall be 126997
offset against the amount the provider is required to repay the 126998
department for that period. 126999

(H) Prior to a change of ownership of a facility for which a 127000
provider has an obligation to repay the department of ~~job and~~ 127001
~~family services~~ medicaid under division (D) of this section that 127002
has not become final, or has become final but not been paid, the 127003
department may do one or more of the following: 127004

(1) Require the provider to place money in escrow, or obtain 127005
a bond, in sufficient amount to indemnify the state against the 127006
provider's failure to repay the department after the change of 127007
ownership occurs; 127008

(2) Place a lien on the facility's real property; 127009

(3) Use any method to recover the medicaid payments that is 127010
available to the attorney general to recover payments on behalf of 127011
the department of ~~job and family services~~ medicaid. 127012

Sec. ~~5111.59~~ 5165.86. The department of ~~job and family~~ 127013
~~services~~ medicaid, the department of health, and any contracting 127014
agency shall deliver a written notice, statement, or order to a 127015
nursing facility under sections ~~5111.35~~ 5165.60 to ~~5111.41~~ 5165.66 127016
and ~~5111.43~~ 5165.69 to ~~5111.62~~ 5165.89 of the Revised Code by 127017
certified mail or hand delivery. If the notice, statement, or 127018
order is mailed, it shall be addressed to the administrator of the 127019

facility as indicated in the department's or agency's records. If 127020
it is hand delivered, it shall be delivered to a person at the 127021
facility who would appear to the average prudent person to have 127022
authority to accept it. 127023

Delivery of written notice by a nursing facility to the 127024
department of health, the department of ~~job and family services~~ 127025
medicaid, or a contracting agency under sections ~~5111.35~~ 5165.60 127026
to ~~5111.62~~ 5165.89 of the Revised Code shall be by certified mail 127027
or hand delivery to the appropriate department or the agency. 127028

Sec. ~~5111.60~~ 5165.87. (A) Except as provided in division (B) 127029
of this section, the following remedies are subject to appeal 127030
under Chapter 119. of the Revised Code: 127031

(1) An order issued under section ~~5111.45~~ 5165.71, ~~5111.46~~ 127032
5165.72, ~~5111.51~~ 5165.77, or ~~5111.58~~ 5165.85 of the Revised Code 127033
terminating a nursing facility's participation in the ~~medical~~ 127034
assistance medicaid program; 127035

(2) Appointment of a temporary manager of a facility under 127036
division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 5165.72, or 127037
division (A)(1)(d) of section ~~5111.51~~ 5165.77 of the Revised Code; 127038

(3) An order issued under section ~~5111.46~~ 5165.72, ~~5111.47~~ 127039
5165.73, ~~5111.48~~ 5165.74, ~~5111.51~~ 5165.77, or ~~5111.57~~ 5165.84 of 127040
the Revised Code denying ~~payment~~ medicaid payments to a facility 127041
~~under the medical assistance program~~ for all medicaid eligible 127042
residents admitted after the effective date of the order; 127043

(4) An order issued under section ~~5111.46~~ 5165.72, ~~5111.47~~ 127044
5165.73, or ~~5111.48~~ 5165.74 of the Revised Code denying ~~payment~~ 127045
medicaid payments to a facility ~~under the medical assistance~~ 127046
~~program~~ for medicaid eligible residents admitted after the 127047
effective date of the order who have certain diagnoses or special 127048
care needs specified by the department or agency; 127049

(5) A fine imposed under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of the Revised Code. 127050
127051

(B) The department of ~~job and family services~~ medicaid or 127052
contracting agency may do any of the following prior to or during 127053
the pendency of any proceeding under Chapter 119. of the Revised 127054
Code: 127055

(1) Issue and execute an order under section ~~5111.46~~ 5165.72, 127056
~~5111.51~~ 5165.77, or ~~5111.58~~ 5165.85 of the Revised Code 127057
terminating a nursing facility's participation in the ~~medical~~ 127058
~~assistance~~ medicaid program; 127059

(2) Appoint a temporary manager under division (A)(1)(b) or 127060
(2)(b) of section ~~5111.46~~ 5165.72 or division (A)(1)(d) of section 127061
~~5111.51~~ 5165.77 of the Revised Code; 127062

(3) Issue and execute an order under section ~~5111.46~~ 5165.72, 127063
~~5111.47~~ 5165.73, ~~5111.51~~ 5165.77, or ~~5111.57~~ 5165.84 of the 127064
Revised Code denying ~~payment~~ medicaid payments to a facility for 127065
all medicaid eligible residents admitted after the effective date 127066
of the order; 127067

(4) Issue and execute an order under section ~~5111.46~~ 5165.72 127068
or ~~5111.47~~ 5165.73 or division (A), (B), or (C) of section ~~5111.48~~ 127069
5165.74 of the Revised Code denying ~~payment~~ medicaid payments to a 127070
facility for medicaid eligible residents admitted after the 127071
effective date of the order who have specified diagnoses or 127072
special care needs. 127073

(C) Whenever the department or agency imposes a remedy listed 127074
in division (B) of this section prior to or during the pendency of 127075
a proceeding, all of the following apply: 127076

(1) The provider against whom the action is taken shall have 127077
ten days after the date the facility actually receives the notice 127078
specified in section 119.07 of the Revised Code to request a 127079
hearing. 127080

(2) The hearing shall commence within thirty days after the date the department or agency receives the provider's request for a hearing.

(3) The hearing shall continue uninterrupted from day to day, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the provider and the department or agency.

(4) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations within ten days after the close of the hearing.

(5) The provider shall have five days after the date the hearing officer files the report and recommendations within which to file objections to the report and recommendations.

(6) Not later than fifteen days after the date the hearing officer files the report and recommendations, the medicaid director ~~of job and family services~~ or the director of the contracting agency shall issue an order approving, modifying, or disapproving the report and recommendations of the hearing examiner.

(D) If the department or agency imposes more than one remedy as the result of deficiencies cited in a single survey, the proceedings for all of the remedies shall be consolidated. If any of the remedies are imposed during the pendency of a hearing, as permitted by division (B) of this section, the consolidated hearing shall be conducted in accordance with division (C) of this section. The consolidation of the remedies for purposes of a hearing does not affect the effective dates prescribed in sections ~~5111.35~~ 5165.60 to ~~5111.58~~ 2165.85 of the Revised Code.

(E) If a contracting agency conducts administrative proceedings pertaining to remedies imposed under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code, the department of

~~job and family services~~ medicaid shall not be considered a party 127112
to the proceedings. 127113

Sec. ~~5111.61~~ 5165.88. (A)(1) Except as required by court 127114
order, as necessary for the administration or enforcement of any 127115
statute relating to nursing facilities, or as provided in division 127116
(C) of this section, the department of ~~job and family services~~ 127117
medicaid and any contracting agency shall not release any of the 127118
following information without the permission of the individual or 127119
the individual's legal representative: 127120

(a) The identity of any resident of a nursing facility; 127121

(b) The identity of any individual who submits a complaint 127122
about a nursing facility; 127123

(c) The identity of any individual who provides the 127124
department or agency with information about a nursing facility and 127125
has requested confidentiality; 127126

(d) Any information that reasonably would tend to disclose 127127
the identity of any individual described in division (A)(1)(a) to 127128
(c) of this section. 127129

(2) An agency or individual to whom the department or 127130
contracting agency is required, by court order or for the 127131
administration or enforcement of a statute relating to nursing 127132
facilities, to release information described in division (A)(1) of 127133
this section shall not release the information without the 127134
permission of the individual who would be or would reasonably tend 127135
to be identified, or of the individual's legal representative, 127136
unless the agency or individual is required to release it by 127137
division (C) of this section, by court order, or for the 127138
administration or enforcement of a statute relating to nursing 127139
facilities. 127140

(B) Except as provided in division (C) of this section, any 127141

record that identifies an individual described in division (A)(1) 127142
of this section or that reasonably would tend to identify such an 127143
individual is not a public record for the purposes of section 127144
149.43 of the Revised Code, and is not subject to inspection and 127145
copying under section 1347.08 of the Revised Code. 127146

(C) If the department or a contracting agency, or an agency 127147
or individual to whom the department or contracting agency was 127148
required by court order or for administration or enforcement of a 127149
statute relating to nursing facilities to release information 127150
described in division (A)(1) of this section, uses information in 127151
any administrative or judicial proceeding against a facility that 127152
reasonably would tend to identify an individual described in 127153
division (A)(1) of this section, the department, agency, or 127154
individual shall disclose that information to the facility. 127155
However, the department, agency, or individual shall not disclose 127156
information that directly identifies an individual described in 127157
divisions (A)(1)(a) to (c) of this section, unless the individual 127158
is to testify in the proceedings. 127159

(D) No person shall knowingly register a false complaint 127160
about a nursing facility with the department or a contracting 127161
agency, or knowingly swear or affirm the truth of a false 127162
complaint, when the allegation is made for the purpose of 127163
incriminating another. 127164

~~Sec. 5111.63 5165.89. For the purposes of this section,~~ 127165
~~"facility," "medicare," and "medicaid" have the same meanings as~~ 127166
~~in section 3721.10 of the Revised Code.~~ 127167

The department of health shall be the designee of the 127168
department of ~~job and family services~~ medicaid for the purpose of 127169
conducting a hearing pursuant to section 3721.162 of the Revised 127170
Code concerning a nursing facility's decision to transfer or 127171
discharge a resident if the resident is a medicaid recipient or 127172

medicare beneficiary. 127173

Sec. ~~5111.99~~ 5165.99. (A) Whoever violates ~~division (B) of~~ 127174
~~section 5111.26~~ 5165.102 or division (E) of section ~~5111.31~~ 127175
5165.08 of the Revised Code shall be fined not less than five 127176
hundred dollars nor more than one thousand dollars for the first 127177
offense and not less than one thousand dollars nor more than five 127178
thousand dollars for each subsequent offense. Fines paid under 127179
this section shall be deposited in the state treasury to the 127180
credit of the general revenue fund. 127181

(B) Whoever violates division (D) of section ~~5111.61~~ 5165.88 127182
of the Revised Code is guilty of registering a false complaint, a 127183
misdemeanor of the first degree. 127184

Sec. 5166.01. As used in this chapter: 127185

"Administrative agency" means, with respect to a home and 127186
community-based services medicaid waiver component, the department 127187
of medicaid or, if a state agency or political subdivision 127188
contracts with the department under section 5162.35 of the Revised 127189
Code to administer the component, that state agency or political 127190
subdivision. 127191

"Dual eligible individual" has the same meaning as in section 127192
5160.01 of the Revised Code. 127193

"Home and community-based services medicaid waiver component" 127194
means a medicaid waiver component under which home and 127195
community-based services are provided as an alternative to 127196
hospital services, nursing facility services, or ICF/IID services. 127197

"Hospital" has the same meaning as in section 3727.01 of the 127198
Revised Code. 127199

"Hospital long-term care unit" has the same meaning as in 127200
section 5168.40 of the Revised Code. 127201

"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code. 127202
127203

"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code. 127204
127205

"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code. 127206
127207

"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component. 127208
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"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code. 127214
127215

"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 127216
127217

"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include a care management system established under section 5167.03 of the Revised Code. 127218
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"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code. 127224
127225

"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code. 127226
127227
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127229

"Ohio transitions II aging carve-out program" means the home and community-based services medicaid waiver component that is 127230
127231

<u>known as Ohio transitions II aging carve-out and was created</u>	127232
<u>pursuant to section 5166.11 of the Revised Code.</u>	127233
<u>"Provider agreement" has the same meaning as in section</u>	127234
<u>5164.01 of the Revised Code.</u>	127235
<u>"Residential treatment facility" means a residential facility</u>	127236
<u>licensed by the department of mental health and addiction services</u>	127237
<u>under section 5119.34 of the Revised Code, or an institution</u>	127238
<u>certified by the department of job and family services under</u>	127239
<u>section 5103.03 of the Revised Code, that serves children and</u>	127240
<u>either has more than sixteen beds or is part of a campus of</u>	127241
<u>multiple facilities or institutions that, combined, have a total</u>	127242
<u>of more than sixteen beds.</u>	127243
<u>"Skilled nursing facility" has the same meaning as in section</u>	127244
<u>5165.01 of the Revised Code.</u>	127245
<u>"Unified long-term services and support medicaid waiver</u>	127246
<u>component" means the medicaid waiver component authorized by</u>	127247
<u>section 5166.14 of the Revised Code.</u>	127248
Sec. 5111.85 5166.02. (A) As used in this section and	127249
sections 5111.851 to 5111.856 of the Revised Code:	127250
"Home and community based services medicaid waiver component"	127251
means a medicaid waiver component under which home and	127252
community based services are provided as an alternative to	127253
hospital, nursing facility, or intermediate care facility for the	127254
mentally retarded services.	127255
"Hospital" has the same meaning as in section 3727.01 of the	127256
Revised Code.	127257
"Intermediate care facility for the mentally retarded" has	127258
the same meaning as in section 5111.20 of the Revised Code.	127259
"Medicaid waiver component" means a component of the medicaid	127260
program authorized by a waiver granted by the United States	127261

~~department of health and human services under section 1115 or 1915~~ 127262
~~of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A.~~ 127263
~~1315 or 1396n. "Medicaid waiver component" does not include a care~~ 127264
~~management system established under section 5111.16 of the Revised~~ 127265
~~Code.~~ 127266

~~"Nursing facility" has the same meaning as in section 5111.20~~ 127267
~~of the Revised Code.~~ 127268

~~(B) The medicaid director of job and family services may~~ 127269
~~shall~~ adopt rules ~~under~~ in accordance with Chapter 119. of the 127270
Revised Code governing medicaid waiver components ~~that~~. The rules 127271
may establish all of the following: 127272

(1) Eligibility requirements for the medicaid waiver 127273
components; 127274

(2) The type, amount, duration, and scope of medicaid 127275
services the medicaid waiver components ~~provide cover~~; 127276

(3) The conditions under which the medicaid waiver components 127277
cover medicaid services; 127278

(4) The ~~amount~~ amounts the medicaid waiver components pay for 127279
medicaid services or the ~~method~~ methods by which the ~~amount is~~ 127280
amounts are determined; 127281

(5) The ~~manner~~ manners in which the medicaid waiver 127282
components pay for medicaid services; 127283

(6) Safeguards for the health and welfare of medicaid 127284
recipients receiving medicaid services under a medicaid waiver 127285
component; 127286

(7) Procedures for prioritizing and approving for enrollment 127287
individuals who are eligible for a home and community-based 127288
services medicaid waiver component and choose to be enrolled in 127289
the component; 127290

(8) Procedures for enforcing the rules, including 127291

establishing corrective action plans for, and imposing financial 127292
and administrative sanctions on, persons and government entities 127293
that violate the rules. Sanctions shall include terminating 127294
~~medicaid~~ provider agreements. The procedures shall include due 127295
process protections. 127296

(9) Other policies necessary for the efficient administration 127297
of the medicaid waiver components. 127298

~~(C)~~(B) The director of ~~job and family services~~ may adopt 127299
different rules for the different medicaid waiver components. The 127300
rules shall be consistent with the terms of the waiver authorizing 127301
the medicaid waiver component. 127302

~~(D)~~(C) The following apply to procedures established under 127303
division ~~(B)~~(A)(7) of this section: 127304

(1) Any such procedures established for the medicaid-funded 127305
component of the PASSPORT program shall be consistent with section 127306
~~173.401~~ 173.521 of the Revised Code. 127307

(2) Any such procedures established for the medicaid-funded 127308
component of the assisted living program shall be consistent with 127309
section 173.542 of the Revised Code. 127310

(3) Any such procedures established for the Ohio home care 127311
waiver program shall be consistent with section ~~5111.862~~ 5166.121 127312
of the Revised Code. 127313

~~(3)~~(4) Any such procedures established for the unified 127314
long-term services and support medicaid waiver program shall be 127315
consistent with section ~~5111.865~~ 5166.141 of the Revised Code. 127316

~~(4) Any such procedures established for the medicaid funded~~ 127317
~~component of the assisted living program shall be consistent with~~ 127318
~~section 5111.894 of the Revised Code.~~ 127319

Sec. ~~5111.84~~ 5166.03. The medicaid director of ~~job and family~~ 127320
~~services~~ may not submit a request to the United States secretary 127321

of health and human services for a medicaid waiver under ~~section~~ 127322
~~1115~~ of the "Social Security Act ~~of 1935~~," section 1115, 42 U.S.C. 127323
1315, unless the director provides the speaker of the house of 127324
representatives and president of the senate written notice of the 127325
director's intent to submit the request at least ten days before 127326
the date the director submits the request to the United States 127327
secretary. The notice shall include a detailed explanation of the 127328
medicaid waiver the director proposes to seek. 127329

Sec. ~~5111.851~~ 5166.04. (A) ~~As used in sections 5111.851 to~~ 127330
~~5111.855 of the Revised Code:~~ 127331

~~"Administrative agency" means, with respect to a home and~~ 127332
~~community based services medicaid waiver component, the department~~ 127333
~~of job and family services or, if a state agency or political~~ 127334
~~subdivision contracts with the department under section 5111.91 of~~ 127335
~~the Revised Code to administer the component, that state agency or~~ 127336
~~political subdivision.~~ 127337

~~"Level of care determination" means a determination of~~ 127338
~~whether an individual needs the level of care provided by a~~ 127339
~~hospital, nursing facility, or intermediate care facility for the~~ 127340
~~mentally retarded and whether the individual, if determined to~~ 127341
~~need that level of care, would receive hospital, nursing facility,~~ 127342
~~or intermediate care facility for the mentally retarded services~~ 127343
~~if not for a home and community based services medicaid waiver~~ 127344
~~component.~~ 127345

~~"Medicaid buy in for workers with disabilities program" means~~ 127346
~~the component of the medicaid program established under sections~~ 127347
~~5111.70 to 5111.7011 of the Revised Code.~~ 127348

~~"Skilled nursing facility" means a facility certified as a~~ 127349
~~skilled nursing facility under Title XVIII of the "Social Security~~ 127350
~~Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.~~ 127351

~~(B)~~ The following requirements apply to each home and community-based services medicaid waiver component:

~~(1)~~(A) Only an individual who qualifies for a component shall receive that component's medicaid services.

~~(2)~~(B) A level of care determination shall be made as part of the process of determining whether an individual qualifies for a component and shall be made each year after the initial determination if, during such a subsequent year, the administrative agency determines there is a reasonable indication that the individual's needs have changed.

~~(3)~~(C) A written plan of care or individual service plan based on an individual assessment of the medicaid services that an individual needs to avoid needing admission to a hospital, nursing facility, or ~~intermediate care facility for the mentally retarded~~ ICF/IID shall be created for each individual determined eligible for a component.

~~(4)~~(D) Each individual determined eligible for a component shall receive that component's medicaid services in accordance with the individual's level of care determination and written plan of care or individual service plan.

~~(5)~~(E) No individual may receive medicaid services under a component while the individual is a hospital inpatient or resident of a skilled nursing facility, nursing facility, or ~~intermediate care facility for the mentally retarded~~ ICF/IID.

~~(6)~~(F) No individual may receive prevocational, educational, or supported employment services under a component if the individual is eligible for such services that are funded with federal funds provided under 29 U.S.C. 730 or the "Individuals with Disabilities Education Act," 111 Stat. 37 (1997), 20 U.S.C. 1400, as amended.

~~(7)~~(G) Safeguards shall be taken to protect the health and

welfare of individuals receiving medicaid services under a 127383
component, including safeguards established in rules adopted under 127384
section ~~5111.85~~ 5166.02 of the Revised Code and safeguards 127385
established by licensing and certification requirements that are 127386
applicable to the providers of that component's medicaid services. 127387

~~(8)~~(H) No medicaid services may be provided under a component 127388
by a provider that is subject to standards that the "Social 127389
Security Act," section 1616(e)(1), 42 U.S.C. 1382e(e)(1), requires 127390
be established if the provider fails to comply with the standards 127391
applicable to the provider. 127392

~~(9)~~(I) Individuals determined to be eligible for a component, 127393
or such individuals' representatives, shall be informed of that 127394
component's medicaid services, including any choices that the 127395
individual or representative may make regarding the component's 127396
medicaid services, and given the choice of either receiving 127397
medicaid services under that component or, as appropriate, 127398
hospital services, nursing facility services, or ~~intermediate-care~~ 127399
~~facility for the mentally retarded~~ ICF/IID services. 127400

~~(10)~~(J) No individual shall lose eligibility for services 127401
under a component, or have the services reduced or otherwise 127402
disrupted, on the basis that the individual also receives services 127403
under the medicaid buy-in for workers with disabilities program. 127404

~~(11)~~(K) No individual shall lose eligibility for services 127405
under a component, or have the services reduced or otherwise 127406
disrupted, on the basis that the individual's income or resources 127407
increase to an amount above the eligibility limit for the 127408
component if the individual is participating in the medicaid 127409
buy-in for workers with disabilities program and the amount of the 127410
individual's income or resources does not exceed the eligibility 127411
limit for the medicaid buy-in for workers with disabilities 127412
program. 127413

~~(12)~~(L) No individual receiving services under a component 127414
shall be required to pay any cost sharing expenses for the 127415
services for any period during which the individual also 127416
participates in the medicaid buy-in for workers with disabilities 127417
program. 127418

Sec. ~~5111.852~~ 5166.05. The department of ~~job and family~~ 127419
~~services~~ medicaid may review and approve, modify, or deny written 127420
plans of care and individual service plans that section ~~5111.851~~ 127421
5166.04 of the Revised Code requires be created for individuals 127422
determined eligible for a home and community-based services 127423
medicaid waiver component. If a state agency or political 127424
subdivision contracts with the department under section ~~5111.91~~ 127425
5162.35 of the Revised Code to administer a home and 127426
community-based services medicaid waiver component and approves, 127427
modifies, or denies a written plan of care or individual service 127428
plan pursuant to the agency's or subdivision's administration of 127429
the component, the department may review the agency's or 127430
subdivision's approval, modification, or denial and order the 127431
agency or subdivision to reverse or modify the approval, 127432
modification, or denial. The state agency or political subdivision 127433
shall comply with the department's order. 127434

The department of ~~job and family services~~ medicaid shall be 127435
granted full and immediate access to any records the department 127436
needs to implement its duties under this section. 127437

Sec. ~~5111.853~~ 5166.06. Each administrative agency shall 127438
maintain, for a period of time the department of ~~job and family~~ 127439
~~services~~ medicaid shall specify, financial records documenting the 127440
costs of medicaid services provided under the home and 127441
community-based services medicaid waiver components that the 127442
agency administers, including records of independent audits. The 127443
administrative agency shall make the financial records available 127444

on request to the United States secretary of health and human 127445
services, United States comptroller general, and their designees. 127446

Sec. ~~5111.854~~ 5166.07. Each administrative agency is 127447
financially accountable for funds expended for medicaid services 127448
~~provided under~~ covered by the home and community-based services 127449
medicaid waiver components that the agency administers. 127450

Sec. ~~5111.855~~ 5166.08. Each state agency and political 127451
subdivision that enters into a contract with the department of ~~job~~ 127452
~~and family services~~ medicaid under section ~~5111.91~~ 5162.35 of the 127453
Revised Code to administer a home and community-based services 127454
medicaid waiver component, or one or more aspects of such a 127455
component, shall provide the department a written assurance that 127456
the agency or subdivision will not violate any of the requirements 127457
of sections ~~5111.85~~ 5166.01 to ~~5111.854~~ 5166.07 of the Revised 127458
Code. 127459

Sec. ~~5111.856~~ 5166.10. To the extent necessary for the 127460
efficient and economical administration of medicaid waiver 127461
components, the department of ~~job and family services~~ medicaid may 127462
transfer an individual enrolled in a medicaid waiver component 127463
administered by the department to another medicaid waiver 127464
component the department administers if the individual is eligible 127465
for the medicaid waiver component and the transfer does not 127466
jeopardize the individual's health or safety. 127467

Sec. ~~5111.86~~ 5166.11. (A) As used in this section+ 127468
~~(1) "Hospital" has the same meaning as in section 3727.01 of~~ 127469
~~the Revised Code.~~ 127470
~~(2) "Medicaid waiver component" has the same meaning as in~~ 127471
~~section 5111.85 of the Revised Code.~~ 127472

~~(3) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~ 127473
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~~(4), "Ohio home care program" means the program the department of job and family services medicaid administers that provides state plan services and medicaid waiver component services pursuant to rules adopted under sections 5111.01 and 5111.02 of the Revised Code for the medicaid program and a medicaid waiver that went into effect July 1, 1998.~~ 127475
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~~(B) The director department of job and family services medicaid may submit requests to the United States secretary of health and human services pursuant to section 1915 of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396n, as amended, to obtain waivers of federal medicaid requirements that would otherwise be violated in the creation and implementation of create and administer two or more medicaid waiver components under which home and community-based services are provided to eligible individuals who need the level of care provided by a nursing facility or hospital. In administering the ~~requests~~ medicaid waiver components, the director department may specify the following:~~ 127481
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(1) The maximum number of individuals who may be enrolled in each of the medicaid waiver components ~~included in the requests;~~ 127493
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(2) The maximum amount the medicaid program may expend each year for each individual enrolled in the medicaid waiver components; 127495
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(3) The maximum amount the medicaid program may expend each year for all individuals enrolled in the medicaid waiver components; 127498
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(4) Any other requirements the director department selects for the medicaid waiver components. 127501
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~~(C) If the secretary approves the medicaid waivers requested~~ 127503

~~under this section, the director may create and implement the
medicaid waiver components in accordance with the provisions of
the approved waivers. The department of job and family services
shall administer the medicaid waiver components.~~

~~(D) After the first of any of the medicaid waiver components
created that the department administers under this section begins
to enroll eligible individuals, the ~~director~~ department may ~~submit~~
~~to the United States secretary of health and human services an~~
~~amendment to a medicaid waiver component of the Ohio home care~~
~~program authorizing the department to cease enrolling~~ to enroll
additional individuals in ~~that~~ a medicaid waiver component of the
Ohio home care program. ~~If the secretary approves the amendment,~~
~~the director may cease to enroll additional individuals in that~~
~~medicaid waiver component of the Ohio home care program.~~~~

~~Sec. 5111.861~~ 5166.12. (A) ~~As used in this section:~~

~~"Medicaid waiver component" has the same meaning as in
section 5111.85 of the Revised Code.~~

~~"Unified long term services and support medicaid waiver
component" means the medicaid waiver component authorized by
section 5111.864 of the Revised Code.~~

~~(B) Subject to division (C) of this section, there is hereby
created the Ohio home care program. The program shall provide home
and community based services. The department of job and family
services medicaid shall administer the program.~~

~~(C) If the unified long-term services and support medicaid
waiver component is created, the departments of aging and ~~job and~~
~~family services~~ medicaid shall ~~work together~~ collaborate to
determine whether the Ohio home care waiver program should
continue to operate as a separate medicaid waiver component or be
terminated. If the departments determine that the Ohio home care~~

waiver program should be terminated, the program shall cease to exist on a date the departments shall specify.

~~Sec. 5111.862 5166.121.~~ (A) ~~As used in this section:~~

~~"Hospital long term care unit" has the same meaning as in section 3721.50 of the Revised Code.~~

~~"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~

~~"Ohio home care program" means the medicaid waiver component created under section 5111.861 of the Revised Code.~~

~~"Residential treatment facility" means a residential facility licensed by the department of mental health under section 5119.22 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.~~

~~(B) Subject to division (C) of Unless the Ohio home care waiver program is terminated pursuant to section 5111.861 5165.12 of the Revised Code, the department of job and family services medicaid shall establish a home first component for the Ohio home care waiver program. An individual is eligible for the Ohio home care waiver program's home first component if the individual has been determined to be eligible for the Ohio home care waiver program and at least one of the following applies:~~

(1) If the individual is under twenty-one years of age, the individual received inpatient hospital services for at least fourteen consecutive days, or had at least three inpatient hospital stays during the twelve months, immediately preceding the date the individual applies for the Ohio home care waiver program.

(2) If the individual is at least twenty-one but less than

sixty years of age, the individual received inpatient hospital 127564
services for at least fourteen consecutive days immediately 127565
preceding the date the individual applies for the Ohio home care 127566
waiver program. 127567

(3) The individual received private duty nursing services 127568
under the medicaid program for at least twelve consecutive months 127569
immediately preceding the date the individual applies for the Ohio 127570
home care waiver program. 127571

(4) The individual does not reside in a nursing facility or 127572
hospital long-term care unit at the time the individual applies 127573
for the Ohio home care waiver program but is at risk of imminent 127574
admission to a nursing facility or hospital long-term care unit 127575
due to a documented loss of a primary caregiver. 127576

(5) The individual resides in a nursing facility at the time 127577
the individual applies for the Ohio home care waiver program. 127578

(6) At the time the individual applies for the Ohio home care 127579
waiver program, the individual participates in the money follows 127580
the person demonstration project authorized by section 6071 of the 127581
"Deficit Reduction Act of 2005," Pub. L. No. 109-171, as amended, 127582
and either resides in a residential treatment facility or 127583
inpatient hospital setting. 127584

~~(C)(B)~~ An individual determined to be eligible for the home 127585
first component of the Ohio home care waiver program shall be 127586
enrolled in the ~~Ohio home care~~ program in accordance with rules 127587
adopted under section ~~5111.85~~ 5166.02 of the Revised Code. 127588

Sec. ~~5111.863~~ 5166.13. ~~(A) As used in this section:~~ 127589

~~"Medicaid waiver component" has the same meaning as in~~ 127590
~~section 5111.85 of the Revised Code.~~ 127591

~~"Unified long term services and support medicaid waiver~~ 127592
~~component" means the medicaid waiver component authorized by~~ 127593

~~section 5111.864 of the Revised Code.~~ 127594

~~(B) Subject to division (C) of this section, there is hereby
created the Ohio transitions II aging carve-out program. The
program shall provide home and community based services. The
department of job and family services shall administer the
program.~~ 127595
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~~(C) If the unified long-term services and support medicaid
waiver component is created, the departments of aging and job and
family services medicaid shall ~~work together~~ collaborate to
determine whether the Ohio transitions II aging carve-out program
should continue to operate as a separate medicaid waiver component
or be terminated. If the departments determine that the Ohio
transitions II aging carve-out program should be terminated, the
program shall cease to exist on a date the departments shall
specify.~~ 127600
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Sec. 5111.864 5166.14. ~~(A) As used in this section:~~ 127609

~~"Medicaid waiver component" has the same meaning as in
section 5111.85 of the Revised Code.~~ 127610
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~~"Nursing facility" has the same meaning as in section 5111.20
of the Revised Code.~~ 127612
127613

~~(B) The director department of job and family services
medicaid shall submit a request to the United States secretary of
health and human services pursuant to section 1915n of the "Social
Security Act," 95 Stat. 809 (1981), 42 U.S.C. 1396n, as amended,
to obtain approval to create a unified long-term services and
support medicaid waiver component to provide home and
community-based services to eligible individuals of any age who
require the level of care provided by nursing facilities. The
director department of job and family services medicaid shall ~~work~~
collaborate with the director department of aging in seeking~~ 127614
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~~approval of the unified long term services and support medicaid waiver component and, if the approval is obtained, in creating and implementing the component.~~ 127624
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~~If the request to create the unified long term services and support medicaid waiver component is approved, the~~ 127627
~~director of job and family services, working~~ The medicaid 127628
~~with the director of aging, shall adopt~~ shall collaborate 127629
~~when adopting rules under~~ 127630
section ~~5111.85~~ 5166.02 of the Revised Code to implement the 127631
component. ~~The rules may authorize the director of aging to adopt~~ 127632
~~rules in accordance with Chapter 119. of the Revised Code~~ 127633
~~governing aspects of the unified long term services and support~~ 127634
~~medicaid waiver component.~~ 127635

Sec. ~~5111.865~~ 5166.141. (A) ~~As used in this section, "unified long term services and support medicaid waiver program" or "program" means the medicaid waiver component authorized by section 5111.864 of the Revised Code.~~ 127636
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(B) ~~If the United States secretary of health and human services approves the request submitted under section 5111.864 of the Revised Code to create the unified long term services and support medicaid waiver program, the~~ 127640
~~The~~ department of ~~job and family services~~ medicaid shall establish a home first component 127641
for the unified long-term services and support medicaid waiver 127642
program. The home first component shall be similar to the home 127643
first component of the medicaid-funded component of the PASSPORT 127644
program established under section ~~173.401~~ 173.521 of the Revised 127645
Code, ~~the home first component of the Ohio home care program~~ 127646
~~established under section 5111.862 of the Revised Code, and the~~ 127647
home first component of the medicaid-funded component of the 127648
assisted living program established under section ~~5111.894~~ 173.542 127649
of the Revised Code, and the home first component of the Ohio home 127650
care waiver program established under section 5166.121 of the 127651
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127654

Revised Code. 127655

Sec. 5166.16. (A) As used in this section, "ODA or MCD 127656
medicaid waiver component" means all of the following: 127657

(1) The medicaid-funded component of the PASSPORT program, 127658
unless it is terminated pursuant to division (C) of section 173.52 127659
of the Revised Code; 127660

(2) The choices program, unless it is terminated pursuant to 127661
division (B) of section 173.53 of the Revised Code; 127662

(3) The medicaid-funded component of the assisted living 127663
program, unless it is terminated pursuant to division (C) of 127664
section 173.54 of the Revised Code; 127665

(4) The Ohio home care waiver program, unless it is 127666
terminated pursuant to section 5166.12 of the Revised Code; 127667

(5) The Ohio transitions II aging carve-out program, unless 127668
it is terminated pursuant to section 5166.13 of the Revised Code. 127669

(B) The medicaid director may create a home and 127670
community-based services medicaid waiver component as part of the 127671
integrated care delivery system. If the ICDS medicaid waiver 127672
component is created, both of the following apply: 127673

(1) The department of medicaid shall administer it; 127674

(2) When it begins to accept enrollments, no ICDS participant 127675
who is eligible for the ICDS medicaid waiver component shall be 127676
enrolled in an ODA or MCD medicaid waiver component regardless of 127677
whether the participant prefers to remain or be enrolled in an ODA 127678
or MCD medicaid waiver component. 127679

(C) A dual eligible individual who is eligible for an ODA or 127680
MCD medicaid waiver component may enroll in the component before 127681
the individual becomes an ICDS participant. The dual eligible 127682
individual shall disenroll from the ODA or MCD medicaid waiver 127683

component and enroll in the ICDS medicaid waiver component once 127684
the individual becomes an ICDS participant and it is possible to 127685
enroll the individual in the ICDS medicaid waiver component. The 127686
disenrollment from the ODA or MCD medicaid waiver component and 127687
enrollment into the ICDS medicaid waiver component shall occur 127688
regardless of whether the individual prefers to remain enrolled in 127689
the ODA or MCD medicaid waiver component. 127690

(D) An ICDS participant's disenrollment from an ODA or MCD 127691
medicaid waiver component and enrollment in the ICDS medicaid 127692
waiver component resulting from division (B)(2) or (C) of this 127693
section shall be accomplished without a disruption in the 127694
participant's services under the components. 127695

Sec. 5111.87 5166.20. ~~(A) As used in this section and section~~ 127696
~~5111.871 of the Revised Code:~~ 127697

~~(1) "Intermediate care facility for the mentally retarded"~~ 127698
~~has the same meaning as in section 5111.20 of the Revised Code.~~ 127699

~~(2) "Medicaid waiver component" has the same meaning as in~~ 127700
~~section 5111.85 of the Revised Code.~~ 127701

~~(B) The director department of job and family services~~ 127702
~~medicaid may apply to the United States secretary of health and~~ 127703
~~human services for both of create the following:~~ 127704

(1) One or more medicaid waiver components under which home 127705
and community-based services are provided to individuals with 127706
mental retardation or other developmental disability as an 127707
alternative to placement in ~~an intermediate care facility for the~~ 127708
~~mentally retarded ICFs/IID;~~ 127709

(2) One or more medicaid waiver components under which home 127710
and community-based services are provided in the form of any of 127711
the following: 127712

(a) Early intervention and supportive services for children 127713

under three years of age who have developmental delays or 127714
disabilities the ~~director~~ department determines are significant; 127715

(b) Therapeutic services for children who have autism; 127716

(c) Specialized habilitative services for individuals who are 127717
eighteen years of age or older and have autism. 127718

~~(C)~~(B) No medicaid waiver component ~~authorized by~~ created 127719
pursuant to division ~~(B)~~(A)(2)(b) or (c) of this section shall 127720
provide services that are available under another medicaid waiver 127721
component. No medicaid waiver component ~~authorized by~~ created 127722
pursuant to division ~~(B)~~(A)(2)(b) of this section shall provide 127723
services to an individual that the individual is eligible to 127724
receive through an individualized education program as defined in 127725
section 3323.01 of the Revised Code. 127726

~~(D)~~(C) The director of developmental disabilities ~~or~~ and 127727
director of health may request that the ~~director~~ department of ~~job~~ 127728
~~and family services~~ apply for medicaid create one or more medicaid 127729
~~waivers~~ waiver components under this section. 127730

~~(E)~~(D) Before ~~applying for~~ creating a medicaid waiver 127731
component under this section, the ~~director~~ department of ~~job~~ and 127732
~~family services~~ medicaid shall seek, accept, and consider public 127733
comments. 127734

Sec. ~~5111.871~~ 5166.21. The department of ~~job and family~~ 127735
~~services~~ medicaid shall enter into a contract with the department 127736
of developmental disabilities under section ~~5111.91~~ 5162.35 of the 127737
Revised Code with regard to one or more of the medicaid waiver 127738
components ~~established~~ created by the department of ~~job and family~~ 127739
~~services~~ medicaid under section ~~5111.87~~ 5166.20 of the Revised 127740
Code. ~~Subject, if needed, to the approval of the United States~~ 127741
~~secretary of health and human services, the~~ The contract shall 127742
include the medicaid waiver component known as the transitions 127743

developmental disabilities waiver. The contract shall provide for 127744
the department of developmental disabilities to administer the 127745
components in accordance with the terms of the federal medicaid 127746
waivers authorizing the components. The contract shall include a 127747
schedule for the department of developmental disabilities to begin 127748
administering the transitions developmental disabilities waiver. 127749
~~The directors of job and family services and developmental~~ 127750
~~disabilities shall adopt rules in accordance with Chapter 119. of~~ 127751
~~the Revised Code governing the components.~~ 127752

If the department of developmental disabilities or the 127753
department of ~~job and family services~~ medicaid denies an 127754
individual's application for home and community-based services 127755
provided under any of these medicaid components, the department 127756
that denied the services shall give timely notice to the 127757
individual that the individual may ~~request a hearing under~~ appeal 127758
pursuant to section 5101.35 5160.31 of the Revised Code. 127759

The departments of developmental disabilities and ~~job and~~ 127760
~~family services~~ medicaid may approve, reduce, deny, or terminate a 127761
medicaid service included in the individualized service plan 127762
developed for a medicaid recipient eligible for home and 127763
community-based services provided under any of these medicaid 127764
components. The departments shall consider the recommendations a 127765
county board of developmental disabilities makes under division 127766
(A)(1)(c) of section 5126.055 of the Revised Code. If either 127767
department approves, reduces, denies, or terminates a medicaid 127768
service, that department shall give timely notice to the medicaid 127769
recipient that the recipient may ~~request a hearing under~~ appeal 127770
pursuant to section 5101.35 5160.31 of the Revised Code. 127771

If supported living, as defined in section 5126.01 of the 127772
Revised Code, is to be provided as a medicaid service under any of 127773
these components, any person or government entity with a current, 127774
valid ~~medicaid~~ provider agreement and a current, valid certificate 127775

under section 5123.161 of the Revised Code may provide the 127776
medicaid service. 127777

If a medicaid service is to be provided under any of these 127778
components by a residential facility, as defined in section 127779
5123.19 of the Revised Code, any person or government entity with 127780
a current, valid ~~medicaid~~ provider agreement and a current, valid 127781
license under section 5123.19 of the Revised Code may provide the 127782
medicaid service. 127783

Sec. ~~5111.872~~ 5166.22. (A) Subject to division (B) of this 127784
section, when the department of developmental disabilities 127785
allocates enrollment numbers to a county board of developmental 127786
disabilities for home and community-based services specified in 127787
division ~~(B)~~(A)(1) of section ~~5111.87~~ 5166.20 of the Revised Code 127788
and provided under any of the medicaid waiver components that the 127789
department administers under section ~~5111.871~~ 5166.21 of the 127790
Revised Code, the department shall consider all of the following: 127791

(1) The number of individuals with mental retardation or 127792
other developmental disability who are on a waiting list the 127793
county board establishes under section 5126.042 of the Revised 127794
Code for those services and are given priority on the waiting 127795
list; 127796

(2) The implementation component required by division (A)(3) 127797
of section 5126.054 of the Revised Code of the county board's plan 127798
approved under section 5123.046 of the Revised Code; 127799

(3) Anything else the department considers necessary to 127800
enable county boards to provide those services to individuals in 127801
accordance with the priority requirements for waiting lists 127802
established under section 5126.042 of the Revised Code for those 127803
services. 127804

(B) Division (A) of this section applies to home and 127805

community-based services provided under the medicaid waiver 127806
component known as the transitions developmental disabilities 127807
waiver only to the extent, if any, provided by the contract 127808
required by section ~~5111.871~~ 5166.21 of the Revised Code regarding 127809
the ~~waiver~~ component. 127810

Sec. ~~5111.873~~ 5166.23. (A) Subject to division (D) of this 127811
section, the medicaid director ~~of job and family services~~ shall 127812
adopt rules ~~in accordance with Chapter 119.~~ under section 5166.02 127813
of the Revised Code establishing the ~~amount of reimbursement~~ 127814
payment amounts or the methods by which the payment amounts ~~of~~ 127815
~~reimbursement~~ are to be determined for home and community-based 127816
services specified in division ~~(B)~~(A)(1) of section ~~5111.87~~ 127817
5166.20 of the Revised Code and provided under the components of 127818
the medicaid program that the department of developmental 127819
disabilities administers under section ~~5111.871~~ 5166.21 of the 127820
Revised Code. With respect to these rules, all of the following 127821
apply: 127822

(1) The rules shall establish procedures for the department 127823
of developmental disabilities to follow in arranging for the 127824
initial and ongoing collection of cost information from a 127825
comprehensive, statistically valid sample of persons and 127826
government entities providing the services at the time the 127827
information is obtained. 127828

(2) The rules shall establish procedures for the collection 127829
of consumer-specific information through an assessment instrument 127830
the department of developmental disabilities shall provide to the 127831
department of ~~job and family services~~ medicaid. 127832

(3) With the information collected pursuant to divisions 127833
(A)(1) and (2) of this section, an analysis of that information, 127834
and other information the director determines relevant, the rules 127835
shall establish ~~reimbursement~~ payment standards that do all of the 127836

following: 127837

(a) Assure that ~~reimbursement is~~ payment amounts are 127838
consistent with efficiency, economy, and quality of care; 127839

(b) Consider the intensity of consumer resource need; 127840

(c) Recognize variations in different geographic areas 127841
regarding the resources necessary to assure the health and welfare 127842
of consumers; 127843

(d) Recognize variations in environmental supports available 127844
to consumers. 127845

(B) As part of the process of adopting rules ~~under~~ authorized 127846
by this section, the director shall consult with the director of 127847
developmental disabilities, representatives of county boards of 127848
developmental disabilities, persons who provide the home and 127849
community-based services, and other persons and government 127850
entities the director identifies. 127851

(C) The ~~directors of job and family services~~ medicaid 127852
director and director of developmental disabilities shall review 127853
the rules ~~adopted under~~ authorized by this section at times they 127854
determine are necessary to ensure that the ~~amount of reimbursement~~ 127855
payment amounts or the methods by which the payment amounts of 127856
~~reimbursement~~ are to be determined continue to meet the 127857
~~reimbursement~~ payment standards established under division (A)(3) 127858
of this section. 127859

(D) This section applies to home and community-based services 127860
provided under the medicaid waiver component known as the 127861
transitions developmental disabilities waiver only to the extent, 127862
if any, provided by the contract required by section ~~5111.871~~ 127863
5166.21 of the Revised Code regarding the ~~waiver component~~. 127864

Sec. ~~5111.88~~ 5166.30. (A) As used in sections ~~5111.88~~ 5166.30 127865
to ~~5111.8811~~ 5166.3010 of the Revised Code: 127866

(1) "Adult" means an individual at least eighteen years of age.	127867 127868
(2) <u>"Appropriate director" means the following:</u>	127869
<u>(a) The medicaid director in the context of all of the following:</u>	127870 127871
<u>(i) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code;</u>	127872 127873
<u>(ii) The Ohio transitions II aging carve-out program, unless it is terminated pursuant to section 5166.13 of the Revised Code;</u>	127874 127875
<u>(iii) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code.</u>	127876 127877
<u>(b) The director of aging in the context of the medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code.</u>	127878 127879 127880 127881
(3) "Authorized representative" means the following:	127882
(a) In the case of a consumer who is a minor, the consumer's parent, custodian, or guardian;	127883 127884
(b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section 5111.8810 <u>5166.3010</u> of the Revised Code to act on the consumer's behalf for purposes regarding home care attendant services.	127885 127886 127887 127888
(3) (4) "Authorizing health care professional" means a health care professional who, pursuant to section 5111.887 <u>5166.307</u> of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both.	127889 127890 127891 127892 127893
(4) (5) "Consumer" means an individual to whom all of the following apply:	127894 127895

(a) The individual is enrolled in a participating medicaid waiver component.	127896 127897
(b) The individual has a medically determinable physical impairment to which both of the following apply:	127898 127899
(i) It is expected to last for a continuous period of not less than twelve months.	127900 127901
(ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both.	127902 127903 127904 127905
(c) In the case of an individual who is an adult, the individual is mentally alert and is, or has an authorized representative who is, capable of selecting, directing the actions of, and dismissing a home care attendant.	127906 127907 127908 127909
(d) In the case of an individual who is a minor, the individual has an authorized representative who is capable of selecting, directing the actions of, and dismissing a home care attendant.	127910 127911 127912 127913
(5) (6) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	127914 127915
(6) (7) "Custodian" has the same meaning as in section 2151.011 of the Revised Code.	127916 127917
(7) (8) "Gastrostomy tube" means a percutaneously inserted catheter that terminates in the stomach.	127918 127919
(8) (9) "Guardian" has the same meaning as in section 2111.01 of the Revised Code.	127920 127921
(9) (10) "Health care professional" means a physician or registered nurse.	127922 127923
(10) (11) "Home care attendant" means an individual holding a valid medicaid provider agreement in accordance with section	127924 127925

~~5111.881~~ 5166.301 of the Revised Code that authorizes the individual to provide home care attendant services to consumers.

~~(11)~~(12) "Home care attendant services" means all of the following as provided by a home care attendant:

(a) Personal care aide services;

(b) Assistance with the self-administration of medication;

(c) Assistance with nursing tasks.

~~(12)~~(13) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum.

~~(13) "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~

(14) "Medication" means a drug as defined in section 4729.01 of the Revised Code.

(15) "Minor" means an individual under eighteen years of age.

(16) "Participating medicaid waiver component" means ~~both~~ all of the following:

(a) The medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code;

(b) The Ohio home care waiver program created under, unless it is terminated pursuant to section 5111.861 5166.12 of the Revised Code;

~~(b)~~(c) The Ohio transitions II aging carve-out program created under, unless it is terminated pursuant to section 5111.863 5166.13 of the Revised Code;

(d) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code.

(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or

osteopathic medicine and surgery. 127955

(18) "Practice of nursing as a registered nurse," "practice 127956
of nursing as a licensed practical nurse," and "registered nurse" 127957
have the same meanings as in section 4723.01 of the Revised Code. 127958
"Registered nurse" includes an advanced practice registered nurse, 127959
as defined in section 4723.01 of the Revised Code. 127960

(19) "Schedule II," "schedule III," "schedule IV," and 127961
"schedule V" have the same meanings as in section 3719.01 of the 127962
Revised Code. 127963

(B) ~~The director of job and family services may submit~~ 127964
~~requests to the United States secretary of health and human~~ 127965
~~services to amend the federal medicaid waivers authorizing the~~ 127966
~~participating Participating~~ medicaid waiver components ~~to have~~ 127967
~~those components~~ may cover home care attendant services in 127968
accordance with sections ~~5111.88~~ 5166.30 to ~~5111.8810~~ 5166.3010 of 127969
the Revised Code and rules adopted under section ~~5111.8811~~ 5166.02 127970
of the Revised Code. ~~Notwithstanding sections 5111.881 to~~ 127971
~~5111.8811 of the Revised Code, those sections shall be implemented~~ 127972
~~regarding a participating medicaid waiver component only if the~~ 127973
~~secretary approves a waiver amendment for the component.~~ 127974

Sec. ~~5111.881~~ 5166.301. The medicaid director ~~of job and~~ 127975
~~family services~~ shall enter into a medicaid provider agreement 127976
with an individual to authorize the individual to provide home 127977
care attendant services to consumers if the individual does both 127978
of the following: 127979

(A) Agrees to comply with the requirements of sections 127980
~~5111.88~~ 5166.30 to ~~5111.8810~~ 5166.3010 and rules adopted under 127981
section ~~5111.8811~~ 5166.02 of the Revised Code; 127982

(B) Provides the director evidence satisfactory to the 127983
director of all of the following: 127984

(1) That the individual either meets the personnel qualifications specified in 42 C.F.R. 484.4 for home health aides or has successfully completed at least one of the following:	127985 127986 127987
(a) A competency evaluation program or training and competency evaluation program approved or conducted by the director of health under section 3721.31 of the Revised Code;	127988 127989 127990
(b) A training program approved by the department of job and family services <u>appropriate director</u> that includes training in at least all of the following and provides training equivalent to a training and competency evaluation program specified in division (B)(1)(a) of this section or meets the requirements of 42 C.F.R. 484.36(a):	127991 127992 127993 127994 127995 127996
(i) Basic home safety;	127997
(ii) Universal precautions for the prevention of disease transmission, including hand-washing and proper disposal of bodily waste and medical instruments that are sharp or may produce sharp pieces if broken;	127998 127999 128000 128001
(iii) Personal care aide services;	128002
(iv) The labeling, counting, and storage requirements for schedule II, III, IV, and V medications.	128003 128004
(2) That the individual has obtained a certificate of completion of a course in first aid from a first aid course to which all of the following apply:	128005 128006 128007
(a) It is not provided solely through the internet.	128008
(b) It includes hands-on training provided by a first aid instructor who is qualified to provide such training according to standards set in rules adopted under section 5111.8811 <u>5166.02</u> of the Revised Code.	128009 128010 128011 128012
(c) It requires the individual to demonstrate successfully that the individual has learned the first aid taught in the	128013 128014

course. 128015

(3) That the individual meets any other requirements for the 128016
medicaid provider agreement specified in rules adopted under 128017
section ~~5111.8811~~ 5166.02 of the Revised Code. 128018

Sec. ~~5111.882~~ 5166.302. A home care attendant shall complete 128019
not less than twelve hours of in-service continuing education 128020
regarding home care attendant services each year and provide the 128021
appropriate director ~~of job and family services~~ evidence 128022
satisfactory to the appropriate director that the attendant 128023
satisfied this requirement. The evidence shall be submitted to the 128024
appropriate director not later than the annual anniversary of the 128025
issuance of the home care attendant's initial ~~medicaid~~ provider 128026
agreement. 128027

Sec. ~~5111.883~~ 5166.303. A home care attendant shall do all of 128028
the following: 128029

(A) Maintain a clinical record for each consumer to whom the 128030
attendant provides home care attendant services in a manner that 128031
protects the consumer's privacy; 128032

(B) Participate in a face-to-face visit every ninety days 128033
with all of the following to monitor the health and welfare of 128034
each of the consumers to whom the attendant provides home care 128035
attendant services: 128036

(1) The consumer; 128037

(2) The consumer's authorized representative, if any; 128038

(3) A registered nurse who agrees to answer any questions 128039
that the attendant, consumer, or authorized representative has 128040
about consumer care needs, medications, and other issues. 128041

(C) Document the activities of each visit required by 128042
division (B) of this section in the consumer's clinical record 128043

with the assistance of the registered nurse. 128044

Sec. ~~5111.884~~ 5166.304. (A) A home care attendant may assist 128045
a consumer with nursing tasks or self-administration of medication 128046
only after the attendant does both of the following: 128047

(1) Subject to division (B) of this section, completes 128048
consumer-specific training in how to provide the assistance that 128049
the authorizing health care professional authorizes the attendant 128050
to provide to the consumer; 128051

(2) At the request of the consumer, consumer's authorized 128052
representative, or authorizing health care professional, 128053
successfully demonstrates that the attendant has learned how to 128054
provide the authorized assistance to the consumer. 128055

(B) The training required by division (A)(1) of this section 128056
shall be provided by either of the following: 128057

(1) The authorizing health care professional; 128058

(2) The consumer or consumer's authorized representative in 128059
cooperation with the authorizing health care professional. 128060

Sec. ~~5111.885~~ 5166.305. A home care attendant shall comply 128061
with both of the following when assisting a consumer with nursing 128062
tasks or self-administration of medication: 128063

(A) The written consent of the consumer or consumer's 128064
authorized representative provided to the appropriate director ~~of~~ 128065
~~job and family services~~ under section ~~5111.886~~ 5166.306 of the 128066
Revised Code; 128067

(B) The authorizing health care professional's written 128068
authorization provided to the appropriate director under section 128069
~~5111.887~~ 5166.307 of the Revised Code. 128070

Sec. ~~5111.886~~ 5166.306. To consent to a home care attendant 128071

assisting a consumer with nursing tasks or self-administration of 128072
medication, the consumer or consumer's authorized representative 128073
shall provide the appropriate director ~~of job and family services~~ 128074
a written statement signed by the consumer or authorized 128075
representative under which the consumer or authorized 128076
representative consents to both of the following: 128077

(A) Having the attendant assist the consumer with nursing 128078
tasks or self-administration of medication; 128079

(B) Assuming responsibility for directing the attendant when 128080
the attendant assists the consumer with nursing tasks or 128081
self-administration of medication. 128082

Sec. ~~5111.887~~ 5166.307. To authorize a home care attendant to 128083
assist a consumer with nursing tasks or self-administration of 128084
medication, a health care professional shall provide the 128085
appropriate director ~~of job and family services~~ a written 128086
statement signed by the health care professional that includes all 128087
of the following: 128088

(A) The consumer's name and address; 128089

(B) A description of the nursing tasks or self-administration 128090
of medication with which the attendant is to assist the consumer, 128091
including, in the case of assistance with self-administration of 128092
medication, the name and dosage of the medication; 128093

(C) The times or intervals when the attendant is to assist 128094
the consumer with the self-administration of each dosage of the 128095
medication or nursing tasks; 128096

(D) The dates the attendant is to begin and cease providing 128097
the assistance; 128098

(E) A list of severe adverse reactions the attendant must 128099
report to the health care professional should the consumer 128100

experience one or more of the reactions; 128101

(F) At least one telephone number at which the attendant can 128102
reach the health care professional in an emergency; 128103

(G) Instructions the attendant is to follow when assisting 128104
the consumer with nursing tasks or self-administration of 128105
medication, including instructions for maintaining sterile 128106
conditions and for storage of task-related equipment and supplies; 128107

(H) The health care professional's attestation of both of the 128108
following: 128109

(1) That the consumer or consumer's authorized representative 128110
has demonstrated to the health care professional the ability to 128111
direct the attendant; 128112

(2) That the attendant has demonstrated to the health care 128113
professional the ability to provide the consumer assistance with 128114
nursing tasks or self-administration of medication that the health 128115
care professional has specifically authorized the attendant to 128116
provide and that the consumer or consumer's authorized 128117
representative has indicated to the health care professional that 128118
the consumer or authorized representative is satisfied with the 128119
attendant's demonstration. 128120

Sec. ~~5111.888~~ 5166.308. When authorizing a home care 128121
attendant to assist a consumer with nursing tasks or 128122
self-administration of medication, a health care professional may 128123
not authorize a home care attendant to do any of the following: 128124

(A) Perform a task that is outside of the health care 128125
professional's scope of practice; 128126

(B) Assist the consumer with the self-administration of a 128127
medication, including a schedule II, schedule III, schedule IV, or 128128
schedule V drug unless both of the following apply: 128129

(1) The medication is administered orally, topically, or via 128130

a gastrostomy tube or jejunostomy tube, including through any of	128131
the following:	128132
(a) In the case of an oral medication, a metered dose	128133
inhaler;	128134
(b) In the case of a topical medication, including a	128135
transdermal medication, either of the following:	128136
(i) An eye, ear, or nose drop or spray;	128137
(ii) A vaginal or rectal suppository.	128138
(c) In the case of a gastrostomy tube or jejunostomy tube,	128139
only through a pre-programmed pump.	128140
(2) The medication is in its original container and the label	128141
attached to the container displays all of the following:	128142
(a) The consumer's full name in print;	128143
(b) The medication's dispensing date, which must not be more	128144
than twelve months before the date the attendant assists the	128145
consumer with self-administration of the medication;	128146
(c) The exact dosage and means of administration that match	128147
the health care professional's authorization to the attendant.	128148
(C) Assist the consumer with the self-administration of a	128149
schedule II, schedule III, schedule IV, or schedule V medication	128150
unless, in addition to meeting the requirements of division (B) of	128151
this section, all of the following apply:	128152
(1) The medication has a warning label on its container.	128153
(2) The attendant counts the medication in the consumer's or	128154
authorized representative's presence when the medication is	128155
administered to the consumer and records the count on a form used	128156
for the count as specified in rules adopted under section	128157
5111.8811 <u>5166.02</u> of the Revised Code.	128158
(3) The attendant recounts the medication in the consumer's	128159

or authorized representative's presence at least monthly and 128160
reconciles the recount on a log located in the consumer's clinical 128161
record. 128162

(4) The medication is stored separately from all other 128163
medications and is secured and locked at all times when not being 128164
administered to the consumer to prevent unauthorized access. 128165

(D) Perform an intramuscular injection; 128166

(E) Perform a subcutaneous injection unless it is for a 128167
routine dose of insulin; 128168

(F) Program a pump used to deliver a medication unless the 128169
pump is used to deliver a routine dose of insulin; 128170

(G) Insert, remove, or discontinue an intravenous access 128171
device; 128172

(H) Engage in intravenous medication administration; 128173

(I) Insert or initiate an infusion therapy; 128174

(J) Perform a central line dressing change. 128175

Sec. ~~5111.889~~ 5166.309. A home care attendant who provides 128176
home care attendant services to a consumer in accordance with the 128177
authorizing health care professional's authorization does not 128178
engage in the practice of nursing as a registered nurse or in the 128179
practice of nursing as a licensed practical nurse in violation of 128180
section 4723.03 of the Revised Code. 128181

A consumer or the consumer's authorized representative shall 128182
report to the appropriate director ~~of job and family services~~ if a 128183
home care attendant engages in the practice of nursing as a 128184
registered nurse or the practice of nursing as a licensed 128185
practical nurse beyond the authorizing health care professional's 128186
authorization. The appropriate director shall forward a copy of 128187
each report to the board of nursing. 128188

~~Sec. 5111.8810~~ 5166.3010. A consumer who is an adult may
select an individual to act on the consumer's behalf for purposes
regarding home care attendant services by submitting a written
notice of the consumer's selection of an authorized representative
to the appropriate director ~~of job and family services~~. The notice
shall specifically identify the individual the consumer selects as
authorized representative and may limit what the authorized
representative may do on the consumer's behalf regarding home care
attendant services. A consumer may not select the consumer's home
care attendant to be the consumer's authorized representative.

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~~Sec. 5111.97~~ 5166.35. (A) ~~As used in this section:~~

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~~(1) "Home and community based services medicaid waiver
component" has the same meaning as in section 5111.85 of the
Revised Code.~~

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~~(2) "Nursing facility" has the same meaning as in section
5111.20 of the Revised Code.~~

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~~(B) To the extent funds are available, the The medicaid
director ~~of job and family services~~ may establish the Ohio access
success project to help medicaid recipients make the transition
from residing in a nursing ~~facility~~ facilities to residing in a
community ~~setting~~ settings. The project may be established as a
separate nonmedicaid program or integrated into a new or existing
home and community-based services medicaid waiver component. The
director shall permit any medicaid recipient ~~of medicaid-funded~~
receiving nursing facility services to apply for participation in
the project, but may limit the number of project participants.~~

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The director shall ensure that an assessment of an applicant
is conducted as soon as practicable to determine whether the
applicant is eligible for participation in the project. To the

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maximum extent possible, the assessment and eligibility 128219
determination shall be completed not later than the date that 128220
occurs six months after the applicant ~~became a recipient of~~ 128221
~~medicaid-funded~~ begins to receive nursing facility services. 128222

~~(C)~~(B) To be eligible for benefits under the project, a 128223
medicaid recipient must satisfy all of the following requirements: 128224

(1) The medicaid recipient must be ~~a recipient of~~ 128225
~~medicaid-funded~~ receiving nursing facility services, at the time 128226
of applying for the project benefits. 128227

(2) If the project is established as a nonmedicaid program, 128228
the medicaid recipient must be able to remain in the community as 128229
a result of receiving project benefits and the projected cost of 128230
the benefits to the project does not exceed eighty per cent of the 128231
average monthly medicaid cost of a medicaid recipient in a nursing 128232
facility. 128233

(3) If the project is integrated into a home and 128234
community-based services medicaid waiver component, the medicaid 128235
recipient must meet the waiver component's enrollment criteria. 128236

~~(D)~~(C) If the director establishes the Ohio access success 128237
project, the benefits provided under the project may include 128238
payment of all of the following: 128239

(1) The first month's rent in a community setting; 128240

(2) Rental deposits; 128241

(3) Utility deposits; 128242

(4) Moving expenses; 128243

(5) Other expenses not covered by the medicaid program that 128244
facilitate a medicaid recipient's move from a nursing facility to 128245
a community setting. 128246

~~(E)~~(D) If the project is established as a nonmedicaid 128247
program, no participant may receive more than two thousand 128248

dollars' worth of benefits under the project. 128249

~~(F)(E)~~ If the department of ~~job and family services~~ medicaid 128250
enters into a contract with an entity to provide fiscal management 128251
services regarding the project, the contract may provide for a 128252
portion of a participant's benefits under the project to be paid 128253
to the contracting entity. The contract shall specify the portion 128254
to be paid to the contracting entity. 128255

~~(G)~~ The director may submit a request to the United States 128256
secretary of health and human services pursuant to section 1915 of 128257
the "Social Security Act," 95 Stat. 809 (1981), 42 U.S.C. 1396n, 128258
as amended, to create a home and community-based services medicaid 128259
waiver component to serve individuals who meet the criteria for 128260
participation in the Ohio access success project. 128261

~~(H)(F)~~ The director may adopt rules in accordance with 128262
Chapter 119. of the Revised Code for the administration and 128263
operation of the project. If the project is integrated into a home 128264
and community-based services medicaid waiver component, the rules 128265
shall be adopted under section ~~5111.85~~ 5166.02 of the Revised 128266
Code. 128267

Sec. 5167.01. As used in this chapter: 128268

(A) "Controlled substance" has the same meaning as in section 128269
3719.01 of the Revised Code. 128270

(B) "Dual eligible individual" has the same meaning as in 128271
section 5160.01 of the Revised Code. 128272

(C) "Emergency services" has the same meaning as in the 128273
"Social Security Act," section 1932(b)(2), 42 U.S.C. 128274
1396u-2(b)(2). 128275

(D) "Home and community-based services medicaid waiver 128276
component" has the same meaning as in section 5166.01 of the 128277
Revised Code. 128278

<u>(E) "Medicaid managed care organization" means a managed care organization under contract with the department of medicaid pursuant to section 5167.10 of the Revised Code.</u>	128279
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<u>(F) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.</u>	128282
	128283
<u>(G) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.</u>	128284
	128285
<u>(H) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.</u>	128286
	128287
<u>(I) "Provider" means any person or government entity that furnishes services to a medicaid recipient enrolled in a medicaid managed care organization, regardless of whether the person or entity has a provider agreement.</u>	128288
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<u>(J) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.</u>	128292
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<u>Sec. 5167.02. The medicaid director shall adopt rules as necessary to implement this chapter. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.</u>	128294
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	128296
Sec. 5111.16 <u>5167.03.</u> (A) As part of the medicaid program, the department of job and family services <u>medicaid</u> shall establish a care management system. The department shall submit, if necessary, applications to the United States department of health and human services for waivers of federal medicaid requirements that would otherwise be violated in the implementation of the system.	128297
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(B) The department shall implement the care management system in some or all counties and shall designate the medicaid recipients who are required or permitted to participate in the system. In the department's implementation of the system and	128304
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designation of participants, all of the following apply: 128308

(1) In the case of individuals who receive medicaid on the 128309
basis of being included in the category identified by the 128310
department as covered families and children, the department shall 128311
implement the care management system in all counties. All 128312
individuals included in the category shall be designated for 128313
participation, except for individuals included in one or more of 128314
the medicaid recipient groups specified in 42 C.F.R. 438.50(d). 128315
The department shall ensure that all participants are enrolled in 128316
medicaid managed care organizations that are health insuring 128317
corporations under contract with the department pursuant to 128318
section 5111.17 of the Revised Code. 128319

(2) In the case of individuals who receive medicaid on the 128320
basis of being aged, blind, or disabled, ~~as specified in division~~ 128321
~~(C)(2) of section 5111.01 of the Revised Code,~~ the department 128322
shall implement the care management system in all counties. Except 128323
as provided in division (C) of this section, all individuals 128324
included in the category shall be designated for participation. 128325
The department shall ensure that all participants are enrolled in 128326
medicaid managed care organizations that are health insuring 128327
corporations under contract with the department pursuant to 128328
section 5111.17 of the Revised Code. 128329

(3) Alcohol, drug addiction, and mental health services 128330
covered by medicaid shall not be included in any component of the 128331
care management system when the nonfederal share of the cost of 128332
those services is provided by a board of alcohol, drug addiction, 128333
and mental health services or a state agency other than the 128334
department of ~~job and family services~~ medicaid, but the recipients 128335
of those services may otherwise be designated for participation in 128336
the system. 128337

(C)(1) In designating participants who receive medicaid on 128338
the basis of being aged, blind, or disabled, the department shall 128339

not include any of the following, except as provided under 128340
division (C)(2) of this section: 128341

(a) Individuals who are under twenty-one years of age; 128342

(b) Individuals who are institutionalized; 128343

(c) Individuals who become eligible for medicaid by spending 128344
down their income or resources to a level that meets the medicaid 128345
program's financial eligibility requirements; 128346

(d) ~~Individuals who are dually Dual eligible under the 128347
medicaid program and the medicare program established under Title 128348
XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 128349
1395, as amended individuals;~~ 128350

(e) Individuals to the extent that they are receiving 128351
medicaid services through a medicaid waiver component, ~~as defined 128352
in section 5111.85 of the Revised Code.~~ 128353

(2) ~~If any necessary waiver of federal medicaid requirements 128354
is granted, the The department may designate any of the following 128355
individuals who receive medicaid on the basis of being aged, 128356
blind, or disabled as individuals who are permitted or required to 128357
participate in the care management system:~~ 128358

(a) Individuals who are under twenty-one years of age; 128359

(b) Individuals who reside in a nursing facility, ~~as defined 128360
in section 5111.20 of the Revised Code;~~ 128361

(c) Individuals who, as an alternative to receiving nursing 128362
facility services, are participating in a home and community-based 128363
services medicaid waiver component, ~~as defined in section 5111.85 128364
of the Revised Code;~~ 128365

(d) ~~Individuals who are dually Dual eligible under the 128366
medicaid program and the medicare program individuals.~~ 128367

(D) Subject to division (B) of this section, the department 128368
may do both of the following under the care management system: 128369

(1) Require or permit participants in the system to obtain health care services from providers designated by the department;	128370 128371
(2) Require or permit participants in the system to obtain health care services through <u>medicaid</u> managed care organizations under contract with the department pursuant to section 5111.17 of the Revised Code.	128372 128373 128374 128375
(E)(1) The department shall prepare an annual report on the care management system. The report shall address the department's ability to implement the system, including all of the following components:	128376 128377 128378 128379
(a) The required designation of participants included in the category identified by the department as covered families and children;	128380 128381 128382
(b) The required designation of participants included in the aged, blind, or disabled category of medicaid recipients;	128383 128384
(c) The use of any programs for enhanced care management.	128385
(2) The department shall submit each annual report to the general assembly. The first report shall be submitted not later than October 1, 2007.	128386 128387 128388
(F) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.	128389 128390 128391
Sec. 5111.161 <u>5167.031</u>. (A) As used in this section:	128392
(1) "Children's care network" means any of the following:	128393
(a) A children's hospital;	128394
(b) A group of children's hospitals;	128395
(c) A group of pediatric physicians.	128396
(2) "Children's hospital" has the same meaning as in section	128397

2151.86 of the Revised Code. 128398

(B) If the department of ~~job and family services~~ medicaid 128399
includes in the care management system, pursuant to section 128400
~~5111.16~~ 5167.03 of the Revised Code, individuals under twenty-one 128401
years of age who are included in the category of individuals who 128402
receive medicaid on the basis of being aged, blind, or disabled, 128403
~~as specified in division (C)(2) of section 5111.01 of the Revised~~ 128404
~~Code,~~ the department ~~shall develop a system to~~ may recognize 128405
entities as pediatric accountable care organizations. ~~The purpose~~ 128406
~~of the recognition system shall be to meet the complex medical and~~ 128407
~~behavioral needs of disabled children through new approaches to~~ 128408
~~care coordination. The department shall implement the recognition~~ 128409
~~system not later than July 1, 2012.~~ 128410

An entity recognized by the department as a pediatric 128411
accountable care organization may develop innovative partnerships 128412
between relevant groups and may contract directly or subcontract 128413
with the state to provide care coordination and other services to 128414
the medicaid recipients under twenty-one years of age described in 128415
this division who are permitted or required to participate in the 128416
care management system. 128417

(C)(1) To be recognized by the department as a pediatric 128418
accountable care organization, an entity shall meet the standards 128419
~~established in rules adopted under this section by the department.~~ 128420
Unless required by ~~sections~~ section 2706 ~~and 3022~~ of the "Patient 128421
Protection and Affordable Care Act," 124 Stat. 325 (2010) and 128422
~~Title XVIII of the "Social Security Act," 124 Stat. 395 (2010)~~ 128423
section 1895, 42 U.S.C. 1395jjj, the regulations adopted pursuant 128424
to those sections, and the laws of this state, the department 128425
shall not require that an entity be a health insuring corporation 128426
as a condition of receiving the department's recognition. 128427

(2) Any of the following entities may receive the 128428
department's recognition, if the standards for recognition have 128429

been met: 128430

(a) A children's care network; 128431

(b) A children's care network that may include one or more 128432
other entities, including, but not limited to, health insuring 128433
corporations or other managed care organizations; 128434

(c) Any other entity the department determines is qualified. 128435

(D) The ~~department~~ medicaid director shall consult with all 128436
of the following in adopting rules ~~under~~ authorized by division 128437
(E) of this section necessary for an entity to be recognized by 128438
the department as a pediatric accountable care organization: 128439

(1) The superintendent of insurance; 128440

(2) Children's hospitals; 128441

(3) ~~Managed Medicaid managed~~ care organizations ~~under~~ 128442
~~contract pursuant to section 5111.17 of the Revised Code;~~ 128443

(4) Any other relevant entities, as determined necessary by 128444
the department, with interests in pediatric accountable care 128445
organizations. 128446

(E) ~~The department shall adopt rules in accordance with~~ 128447
~~Chapter 119. of the Revised Code as necessary to implement this~~ 128448
~~section.~~ In adopting the rules under section 5167.02 of the 128449
Revised Code, the ~~department~~ medicaid director shall do all of the 128450
following: 128451

(1) Establish application procedures to be followed by an 128452
entity seeking recognition as a pediatric accountable care 128453
organization; 128454

(2) Ensure that the standards for recognition as a pediatric 128455
accountable care organization are the same as and do not conflict 128456
with those specified in ~~sections~~ section 2706 ~~and 3022~~ of the 128457
"Patient Protection and Affordable Care Act," 124 Stat. 325 (2010) 128458
and ~~Title XVIII of the "Social Security Act," 124 Stat. 395 (2010)~~ 128459

<u>section 1895</u> , 42 U.S.C. 1395jjj or the regulations adopted	128460
pursuant to those sections;	128461
(3) Establish requirements regarding the access to pediatric specialty care provided through or by a pediatric accountable care organization;	128462 128463 128464
(4) Establish accountability and financial requirements for an entity recognized as a pediatric accountable care organization;	128465 128466
(5) Establish quality improvement initiatives consistent with any state medicaid quality plan established by the department;	128467 128468
(6) Establish transparency and consumer protection requirements for an entity recognized as a pediatric accountable care organization;	128469 128470 128471
(7) Establish a process for sharing data.	128472
(F) This section does not limit the authority of the department of insurance to regulate the business of insurance in this state.	128473 128474 128475
Sec. 5111.17 <u>5167.10</u>. (A) The department of job and family services <u>medicaid</u> may enter into contracts with managed care organizations, including health insuring corporations, under which the organizations are authorized to provide, or arrange for the provision of, health care services to medical-assistance <u>medicaid</u> recipients who are required or permitted to obtain health care services through managed care organizations as part of the care management system established under section 5111.16 <u>5167.03</u> of the Revised Code.	128476 128477 128478 128479 128480 128481 128482 128483 128484
(B) The <u>(1) Subject to division (B)(2)(a) of this section,</u> the department or its actuary shall base the hospital inpatient capital payment portion of the payment made to managed care organizations on data for services provided to all recipients enrolled in managed care organizations with which the department	128485 128486 128487 128488 128489

contracts, as reported by hospitals on relevant cost reports 128490
submitted pursuant to rules adopted under ~~this~~ section 5167.02 of 128491
the Revised Code. 128492

(2)(a) The hospital inpatient capital payment portion of the 128493
payment made to medicaid managed care organizations shall not 128494
exceed any maximum rate established by the department pursuant to 128495
rules adopted under this section. 128496

(b) If a maximum rate is established, a medicaid managed care 128497
organization shall not compensate hospitals for inpatient capital 128498
costs in an amount that exceeds that rate. 128499

~~(C) The director of job and family services may adopt rules~~ 128500
~~in accordance with Chapter 119. of the Revised Code to implement~~ 128501
~~this section.~~ 128502

~~(D) The department of job and family services~~ medicaid shall 128503
allow a medicaid managed care organization to use providers to 128504
render care upon completion of the medicaid managed care 128505
organization's credentialing process. 128506

Sec. ~~5111.177~~ 5167.11. When contracting under section ~~5111.17~~ 128507
5167.10 of the Revised Code with a health insuring corporation 128508
that holds a certificate of authority under Chapter 1751. of the 128509
Revised Code, the department of ~~job and family services~~ medicaid 128510
shall require the health insuring corporation to provide a 128511
grievance process for medicaid recipients in accordance with 42 128512
C.F.R. 438, subpart F. 128513

Sec. ~~5111.172~~ 5167.12. (A) When contracting under section 128514
~~5111.17~~ 5167.10 of the Revised Code with a managed care 128515
organization that is a health insuring corporation, the department 128516
of ~~job and family services~~ medicaid shall require the health 128517
insuring corporation to provide coverage of ~~prescription~~ 128518
prescribed drugs for medicaid recipients enrolled in the health 128519

insuring corporation. In providing the required coverage, the 128520
health insuring corporation may, subject to the department's 128521
approval and the limitations specified in division (B) of this 128522
section, use strategies for the management of drug utilization. 128523

(B) The department shall not permit a health insuring 128524
corporation to impose a prior authorization requirement in the 128525
case of a drug to which all of the following apply: 128526

(1) The drug is an antidepressant or antipsychotic. 128527

(2) The drug is administered or dispensed in a standard 128528
tablet or capsule form, except that in the case of an 128529
antipsychotic, the drug also may be administered or dispensed in a 128530
long-acting injectable form. 128531

(3) The drug is prescribed by either of the following: 128532

(a) A physician whom the health insuring corporation, 128533
pursuant to division (C) of section ~~5111.17~~ 5167.10 of the Revised 128534
Code, has credentialed to provide care as a psychiatrist; 128535

(b) A psychiatrist practicing at a community mental health 128536
~~agency services provider~~ certified by the department of ~~mental~~ 128537
~~health~~ mental health and addiction services under section ~~5119.611~~ 128538
5119.36 of the Revised Code. 128539

(4) The drug is prescribed for a use that is indicated on the 128540
drug's labeling, as approved by the federal food and drug 128541
administration. 128542

(C) ~~As used in this division, "controlled substance" has the~~ 128543
~~same meaning as in section 3719.01 of the Revised Code.~~ 128544

The department shall permit a health insuring corporation to 128545
develop and implement a pharmacy utilization management program 128546
under which prior authorization through the program is established 128547
as a condition of obtaining a controlled substance pursuant to a 128548
prescription. 128549

Sec. ~~5111.179~~ 5167.13. Each contract the department of job and family services medicaid enters into with a managed care organization under section ~~5111.17~~ 5167.10 of the Revised Code shall require the managed care organization to implement a coordinated services program for medicaid recipients enrolled in the organization who are found to have obtained ~~prescription~~ prescribed drugs under the medicaid program at a frequency or in an amount that is not medically necessary. The program shall be implemented in a manner that is consistent with ~~section 1915(a)(2)~~ of the "Social Security Act," ~~95 Stat. 810 (1981)~~ section 1915(a)(2), 42 U.S.C. 1396n(a)(2), ~~as amended~~, and 42 C.F.R. 431.54(e).

Sec. ~~5111.1710~~ 5167.14. Each contract the department of job and family services medicaid enters into with a managed care organization under section ~~5111.17~~ 5167.10 of the Revised Code shall require the managed care organization to enter into a data security agreement with the state board of pharmacy governing the managed care organization's use of the board's drug database established and maintained under section 4729.75 of the Revised Code.

This section does not apply if the board no longer maintains the drug database.

Sec. ~~5111.162~~ 5167.20. (A) ~~As used in this section:~~

~~(1) "Emergency services" has the same meaning as in section 1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396u-2(b)(2), as amended.~~

~~(2) "Medicaid managed care organization" means a managed care organization that has entered into a contract with the department of job and family services pursuant to section 5111.17 of the Revised Code.~~

~~(B)~~ Except as provided in division ~~(C)~~(B) of this section, 128580
when a participant in the care management system established under 128581
~~section 5111.16 of the Revised Code~~ this chapter is enrolled in a 128582
medicaid managed care organization and the organization refers the 128583
participant to receive services, other than emergency services 128584
provided on or after January 1, 2007, at a hospital that 128585
participates in the medicaid program but is not under contract 128586
with the organization, the hospital shall provide the service for 128587
which the referral was made and shall accept from the 128588
organization, as payment in full, the amount derived from the 128589
~~reimbursement~~ payment rate used by the department to ~~reimburse~~ pay 128590
other hospitals of the same type for providing the same service to 128591
a medicaid recipient who is not enrolled in a medicaid managed 128592
care organization. 128593

~~(C)~~(B) A hospital is not subject to division ~~(B)~~(A) of this 128594
section if all of the following are the case: 128595

(1) The hospital is located in a county in which participants 128596
in the care management system are required before January 1, 2006, 128597
to be enrolled in a medicaid managed care organization that is a 128598
health insuring corporation; 128599

(2) The hospital has entered into a contract before January 128600
1, 2006, with at least one health insuring corporation serving the 128601
participants specified in division ~~(C)~~(B)(1) of this section; 128602

(3) The hospital remains under contract with at least one 128603
health insuring corporation serving participants in the care 128604
management system who are required to be enrolled in a health 128605
insuring corporation. 128606

~~(D)~~(C) The medicaid director ~~of job and family services~~ shall 128607
adopt rules under section 5167.02 of the Revised Code specifying 128608
the circumstances under which a medicaid managed care organization 128609
is permitted to refer a participant in the care management system 128610

to a hospital that is not under contract with the organization. 128611
~~The director may adopt any other rules necessary to implement this~~ 128612
~~section. All rules adopted under this section shall be adopted in~~ 128613
~~accordance with Chapter 119. of the Revised Code.~~ 128614

Sec. ~~5111.163~~ 5167.201. ~~(A) As used in this section:~~ 128615

~~(1) "Emergency services" has the same meaning as in section~~ 128616
~~1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42~~ 128617
~~U.S.C. 1396u-2(b)(2), as amended.~~ 128618

~~(2) "Medicaid managed care organization" has the same meaning~~ 128619
~~as in section 5111.162 of the Revised Code.~~ 128620

~~(3) "Provider" means any person, institution, or entity that~~ 128621
~~furnishes emergency services to a medicaid recipient enrolled in a~~ 128622
~~medicaid managed care organization, regardless of whether the~~ 128623
~~person, institution, or entity has a provider agreement with the~~ 128624
~~department of job and family services pursuant to Title XIX of the~~ 128625
~~"Social Security Act."~~ 128626

~~(B) When a participant in the care management system~~ 128627
~~established under section 5111.16 of the Revised Code this chapter~~ 128628
~~is enrolled in a medicaid managed care organization and receives~~ 128629
~~emergency services on or after January 1, 2007, from a provider~~ 128630
~~that is not under contract with the organization, the provider~~ 128631
~~shall accept from the organization, as payment in full, not more~~ 128632
~~than the amounts (less any payments for indirect costs of medical~~ 128633
~~education and direct costs of graduate medical education) that the~~ 128634
~~provider could collect if the participant received medicaid other~~ 128635
~~than through enrollment in a managed care organization.~~ 128636

An agreement entered into by a participant, a participant's 128637
parent, or a participant's legal guardian that requires payment 128638
for emergency services in violation of this section is void and 128639
unenforceable. 128640

Sec. ~~5111.982~~ 5167.21. (A) As used in this section: 128641

(1) "Covered skilled nursing facility services" has the same 128642
meaning as in the "Social Security Act," section 1888(e)(2)(A), 42 128643
U.S.C. 1395yy(e)(2)(A). 128644

(2) "Current medicare fee-for-service rate" means the 128645
fee-for-service rate in effect for a covered skilled nursing 128646
facility service under medicare at the time the service is 128647
provided. 128648

(3) "Skilled nursing facility" has the same meaning as in the 128649
"Social Security Act," section 1819(a), 42 U.S.C. 1395i-3(a). 128650

(B) Except as provided in division (C) of this section, a 128651
medicaid managed care organization shall pay a skilled nursing 128652
facility at least the current medicare fee-for-service rate, 128653
without deduction for any coinsurance, for covered skilled nursing 128654
facility services that the skilled nursing facility provides to a 128655
dual eligible individual if the medicaid managed care organization 128656
is responsible for the payment under the terms of a contract that 128657
the medicaid managed care organization, ~~medical assistance~~ 128658
medicaid director, and United States secretary of health and human 128659
services jointly enter into under the integrated care delivery 128660
system authorized by section ~~5111.981~~ 5164.91 of the Revised Code. 128661

(C) A medicaid managed care organization is required to pay 128662
the rate specified in division (B) of this section for covered 128663
skilled nursing facility services only if all of the following 128664
apply: 128665

(1) The United States secretary agrees to the payment rate as 128666
part of the contract that the medicaid managed care organization, 128667
~~medical assistance~~ medicaid director, and United States secretary 128668
jointly enter into under the integrated care delivery system; 128669

(2) The medicaid managed care organization receives a federal 128670

capitation payment that is an actuarially sufficient amount for 128671
the costs that the medicaid managed care organization incurs in 128672
paying the rate; 128673

(3) No state funds are used for any part of the costs that 128674
the medicaid managed care organization incurs in paying the rate; 128675

(4) The integrated care delivery system provides for dual 128676
eligible individuals to receive the covered skilled nursing 128677
facility services as part of the system. 128678

Sec. ~~5111.178~~ 5167.25. (A) The medicaid director ~~of job and~~ 128679
~~family services~~ shall determine whether a waiver of federal 128680
medicaid requirements is necessary to fulfill the requirements of 128681
section 3901.3814 of the Revised Code. If the director determines 128682
a waiver is necessary, the department of ~~job and family services~~ 128683
medicaid shall apply to the United States secretary of health and 128684
human services for the waiver. 128685

(B)(1) If the director determines that section 3901.3814 of 128686
the Revised Code can be implemented without a waiver or a waiver 128687
is granted, the department shall notify the department of 128688
insurance that the section can be implemented. Implementation of 128689
the section shall be effective eighteen months after the notice is 128690
sent. 128691

(2) At the time the notice is given under division (B)(1) of 128692
this section, the department shall also give notice to each health 128693
insuring corporation that provides coverage to medicaid 128694
recipients. The notice shall inform the corporation that sections 128695
3901.38 and 3901.381 to 3901.3814 of the Revised Code apply to 128696
claims for services rendered to recipients on the date determined 128697
under division (B)(1) of this section, instead of the prompt 128698
payment requirements of 42 C.F.R. 447.46. That date shall be 128699
specified in the notice. 128700

Sec. ~~5111.175~~ 5167.26. For the purpose of determining the 128701
amount the department of ~~job and family services~~ medicaid pays 128702
hospitals under section ~~5112.08~~ 5168.09 of the Revised Code and 128703
the amount of disproportionate share hospital payments paid by the 128704
medicare program ~~established under Title XVIII of~~ pursuant to the 128705
"Social Security Act," ~~79 Stat. 286 (1965)~~ section 1915, 42 U.S.C. 128706
1396n, ~~as amended,~~ a medicaid managed care organization ~~under~~ 128707
~~contract with the department pursuant to section 5111.17 of the~~ 128708
~~Revised Code authorizing the organization to provide, or arrange~~ 128709
~~for the provision of, hospital services to medicaid recipients~~ 128710
shall keep detailed records for each hospital with which it 128711
contracts ~~about,~~ including records regarding the cost to the 128712
hospital of providing ~~the~~ hospital services for the organization, 128713
payments made by the organization to the hospital for the 128714
services, utilization of hospital services by medicaid recipients 128715
enrolled in the organization, and other utilization data required 128716
by the department. 128717

Sec. ~~5111.1711~~ 5167.30. (A)(1) The department of ~~job and~~ 128718
~~family services~~ medicaid shall establish a managed care 128719
performance payment program. Under the program, the department may 128720
provide payments to medicaid managed care organizations ~~under~~ 128721
~~contract with the department pursuant to section 5111.17 of the~~ 128722
~~Revised Code~~ that meet performance standards established by the 128723
department. 128724

(2) In establishing performance standards, the department may 128725
consult any of the following: 128726

(a) Any quality measurements developed under the pediatric 128727
quality measures program established pursuant to the "Social 128728
Security Act," section 1139A, 42 U.S.C. 1320b-9a; 128729

(b) Any core set of adult health quality measures for 128730

medicaid eligible adults used for purposes of the "Social Security Act," section 1139A, 42 U.S.C. 1320b-9b, and any adult health quality used for purposes of the medicaid quality measurement program when the program is established under ~~42 U.S.C. 1320b-9b~~ that section of the "Social Security Act";

(c) The most recent healthcare effectiveness data and information set and quality measurement tool established by the national committee for quality assurance.

(3) The standards that must be met to receive the payments may be specified in the contract the department enters into with a medicaid managed care organization.

(4) If a medicaid managed care organization meets the performance standards established by the department, the department shall make one or more performance payments to the organization. The amount of each performance payment, the number of payments, and the schedule for making the payments shall be established by the department. The payments shall be discontinued if the department determines that the organization no longer meets the performance standards. The department shall not make or discontinue payments based on any performance standard that has been in effect as part of the organization's contract for less than six months.

(B) For purposes of the program, the department shall establish an amount that is to be withheld each time a premium payment is made to a medicaid managed care organization. The amount shall be established as a percentage of each premium payment. The percentage shall be the same for all medicaid managed care organizations ~~under contract with the department~~. The sum of all withholdings under this division shall not exceed ~~one~~ two per cent of the total of all premium payments made to all medicaid managed care organizations ~~under contract with the department~~.

Each medicaid managed care organization shall agree to the 128762
withholding as a condition of receiving or maintaining its 128763
~~medicaid~~ provider agreement with the department. 128764

When the amount is established and each time the amount is 128765
modified thereafter, the department shall certify the amount to 128766
the director of budget and management and begin withholding the 128767
amount from each premium the department pays to a medicaid managed 128768
care organization. 128769

~~(C) There is hereby created in the state treasury the managed 128770
care performance payment fund. The fund shall consist of amounts 128771
transferred to it by the director of budget and management for the 128772
purpose of the program. All investment earnings of the fund shall 128773
be credited to the fund. Amounts in the fund shall be used solely 128774
to make performance payments to managed care organizations in 128775
accordance with this section. 128776~~

~~(D) The department may adopt rules as necessary to implement 128777
this section. The rules shall be adopted in accordance with 128778
Chapter 119. of the Revised Code. 128779~~

Sec. ~~5111.171~~ 5167.31. The department of ~~job and family 128780
services~~ medicaid may provide financial incentive awards to 128781
medicaid managed care organizations ~~under contract with the 128782
department pursuant to section 5111.17 of the Revised Code that 128783
meet or exceed performance standards specified in provider 128784
agreements or rules adopted by the ~~department~~ medicaid director 128785
under section 5167.02 of the Revised Code. The department may 128786
specify in a contract with a medicaid managed care organization 128787
the amounts of financial incentive awards, methodology for 128788
distributing awards, types of awards, and standards for 128789
administration by the department. 128790~~

Sec. ~~5111.173~~ 5167.40. The department of ~~job and family 128791~~

~~services~~ medicaid shall appoint a temporary manager for a medicaid 128792
managed care organization ~~under contract with the department~~ 128793
~~pursuant to section 5111.17 of the Revised Code~~ if the department 128794
determines that the medicaid managed care organization has 128795
repeatedly failed to meet substantive requirements specified in 128796
~~section 1903(m) of the "Social Security Act," 79 Stat. 286 (1965)~~ 128797
sections 1903(m) and 1932, 42 U.S.C. 1396b(m), as amended; section 128798
~~1932 of the Social Security Act, 42 U.S.C. and 1396u-2, as~~ 128799
~~amended; or 42 C.F.R. 438 Part I.~~ The appointment of a temporary 128800
manager does not preclude the department from imposing other 128801
sanctions available to the department against the medicaid managed 128802
care organization. 128803

The medicaid managed care organization shall pay all costs of 128804
having the temporary manager perform the temporary manager's 128805
duties, including all costs the temporary manager incurs in 128806
performing those duties. If the temporary manager incurs costs or 128807
liabilities on behalf of the medicaid managed care organization, 128808
the medicaid managed care organization shall pay those costs and 128809
be responsible for those liabilities. 128810

The appointment of a temporary manager is not subject to 128811
Chapter 119. of the Revised Code, but the managed care 128812
organization may request a reconsideration of the appointment. 128813
Reconsiderations shall be requested and conducted in accordance 128814
with rules the ~~director of job and family services~~ medicaid 128815
director shall adopt ~~in accordance with Chapter 119. of~~ under 128816
section 5167.02 of the Revised Code. 128817

The appointment of a temporary manager does not cause the 128818
medicaid managed care organization to lose the right to appeal, in 128819
accordance with Chapter 119. of the Revised Code, any proposed 128820
termination or any decision not to ~~renew~~ revalidate the medicaid 128821
managed care organization's ~~medicaid~~ provider agreement or the 128822

right to initiate the sale of the medicaid managed care 128823
organization or its assets. 128824

~~In addition to the rules required to be adopted under this 128825
section, the director may adopt any other rules necessary to 128826
implement this section. The rules shall be adopted in accordance 128827
with Chapter 119. of the Revised Code. 128828~~

Sec. ~~5111.174~~ 5167.41. The department of ~~job and family 128829
services~~ medicaid may disenroll some or all medicaid recipients 128830
enrolled in a medicaid managed care organization ~~under contract 128831
with the department pursuant to section 5111.17 of the Revised 128832
Code~~ if the department proposes to terminate or not to renew the 128833
contract and determines that the recipients' access to medically 128834
necessary services is jeopardized by the proposal to terminate or 128835
not to renew the contract. The disenrollment is not subject to 128836
Chapter 119. of the Revised Code, but the medicaid managed care 128837
organization may request a reconsideration of the disenrollment. 128838
Reconsiderations shall be requested and conducted in accordance 128839
with rules the medicaid director ~~of job and family services~~ shall 128840
adopt ~~in accordance with Chapter 119.~~ under section 5167.02 of the 128841
Revised Code. The request for, or conduct of, a reconsideration 128842
regarding a proposed disenrollment shall not delay the 128843
disenrollment. 128844

~~In addition to the rules required to be adopted under this 128845
section, the director may adopt any other rules necessary to 128846
implement this section. The rules shall be adopted in accordance 128847
with Chapter 119. of the Revised Code. 128848~~

Sec. ~~5112.01~~ 5168.01. As used in sections ~~5112.03~~ 5168.01 to 128849
~~5112.21~~ 5168.14 of the Revised Code: 128850

(A) "Bad debt," "charity care," "courtesy care," and 128851
"contractual allowances" have the same meanings given these terms 128852

in regulations adopted under Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq. 128853
128854

(B) "Cost reporting period" means the twelve-month period used by a hospital in reporting costs for purposes of Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq. 128855
128856
128857

(C) "Disproportionate share hospital" means a hospital that meets the definition of a disproportionate share hospital in rules adopted under section 5168.02 of the Revised Code. 128858
128859
128860

(D) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2). 128861
128862
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(E) "Governmental hospital" means a county hospital with more than five hundred registered beds or a state-owned and -operated hospital with more than five hundred registered beds. 128867
128868
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(F)(1) "Hospital" means a nonfederal hospital to which either of the following applies: 128870
128871

(a) The hospital is registered under section 3701.07 of the Revised Code as a general medical and surgical hospital or a pediatric general hospital, and provides inpatient hospital services, as defined in 42 C.F.R. 440.10; 128872
128873
128874
128875

(b) The hospital is recognized under the medicare program established by ~~Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ as a cancer hospital and is exempt from the medicare prospective payment system. 128876
128877
128878
128879

(2) "Hospital" does not include a hospital operated by a health insuring corporation that has been issued a certificate of authority under section 1751.05 of the Revised Code or a hospital 128880
128881
128882

that does not charge patients for services. 128883

~~(2) "Disproportionate share hospital" means a hospital that~~ 128884
~~meets the definition of a disproportionate share hospital in rules~~ 128885
~~adopted under section 5112.03 of the Revised Code.~~ 128886

~~(B) "Bad debt," "charity care," "courtesy care," and~~ 128887
~~"contractual allowances" have the same meanings given these terms~~ 128888
~~in regulations adopted under Title XVIII of the "Social Security~~ 128889
~~Act."~~ 128890

~~(C) "Cost reporting period" means the twelve month period~~ 128891
~~used by a hospital in reporting costs for purposes of Title XVIII~~ 128892
~~of the "Social Security Act."~~ 128893

~~(D) "Governmental hospital" means a county hospital with more~~ 128894
~~than five hundred registered beds or a state owned and operated~~ 128895
~~hospital with more than five hundred registered beds.~~ 128896

~~(E)~~(G) "Indigent care pool" means the sum of the following: 128897

(1) The total of assessments to be paid in a program year by 128898
all hospitals under section ~~5112.06~~ 5168.06 of the Revised Code, 128899
less the assessments deposited into the legislative budget 128900
services fund under section ~~5112.19~~ 5168.12 of the Revised Code 128901
and into the health care services administration fund created 128902
under section ~~5111.94~~ 5162.54 of the Revised Code; 128903

(2) The total amount of intergovernmental transfers required 128904
to be made in the same program year by governmental hospitals 128905
under section ~~5112.07~~ 5168.07 of the Revised Code, less the amount 128906
of transfers deposited into the legislative budget services fund 128907
under section ~~5112.19~~ 5168.12 of the Revised Code and into the 128908
health care services administration fund created under section 128909
~~5111.94~~ 5162.54 of the Revised Code; 128910

(3) The total amount of federal matching funds that will be 128911
made available in the same program year as a result of funds 128912

distributed by the department of ~~job and family services~~ medicaid 128913
to hospitals under section ~~5112.08~~ 5168.09 of the Revised Code. 128914

~~(F)~~(H) "Intergovernmental transfer" means any transfer of 128915
money by a governmental hospital under section ~~5112.07~~ 5168.07 of 128916
the Revised Code. 128917

~~(G)~~ "Medical assistance program" means the program of medical 128918
~~assistance established under section 5111.01 of the Revised Code~~ 128919
~~and Title XIX of the "Social Security Act."~~ 128920

~~(H)~~(I) "Medicaid services" has the same meaning as in section 128921
5164.01 of the Revised Code. 128922

(J) "Program year" means a period beginning the first day of 128923
October, or a later date designated in rules adopted under section 128924
~~5112.03~~ 5168.02 of the Revised Code, and ending the thirtieth day 128925
of September, or an earlier date designated in rules adopted under 128926
that section. 128927

~~(I)~~(K) "Registered beds" means the total number of hospital 128928
beds registered with the department of health, as reported in the 128929
most recent "directory of registered hospitals" published by the 128930
department of health. 128931

~~(J)~~(L) "Third-party payer" means any person or government 128932
entity that may be liable by law or contract to make payment to or 128933
on behalf of an individual for health care services. "Third-party 128934
payer" does not include a hospital. 128935

(M) "Total facility costs" means the total costs for all 128936
services rendered to all patients, including the direct, indirect, 128937
and overhead cost to the hospital of all services, supplies, 128938
equipment, and capital related to the care of patients, regardless 128939
of whether patients are enrolled in a health insuring corporation, 128940
excluding costs associated with providing skilled nursing services 128941
in distinct-part nursing facility units, as shown on the 128942
hospital's cost report filed under section ~~5112.04~~ 5168.05 of the 128943

Revised Code. Effective October 1, 1993, if rules adopted under 128944
section ~~5112.03~~ 5168.02 of the Revised Code so provide, "total 128945
facility costs" may exclude costs associated with providing care 128946
to recipients of any of the governmental programs listed in 128947
division (B) of that section. 128948

~~(K)~~(N) "Uncompensated care" means bad debt and charity care. 128949

Sec. ~~5112.03~~ 5168.02. (A) The ~~director of job and family~~ 128950
~~services shall adopt, and may amend and rescind, medicaid director~~ 128951
shall adopt rules in accordance with Chapter 119. of the Revised 128952
Code for the purpose of administering sections ~~5112.01~~ 5168.01 to 128953
~~5112.21~~ 5168.14 of the Revised Code, including rules that do all 128954
of the following: 128955

(1) Define as a "disproportionate share hospital" any 128956
hospital included under ~~subsection (b) of section 1923 of the~~ 128957
"Social Security Act," ~~49 Stat. 620 (1935)~~ section 1923(b), 42 128958
U.S.C.A. 1396r-4(b), ~~as amended~~, and any other hospital the 128959
director determines appropriate; 128960

(2) Prescribe the form for submission of cost reports under 128961
section ~~5112.04~~ 5168.05 of the Revised Code; 128962

(3) Establish, in accordance with division (A) of section 128963
~~5112.06~~ 5168.06 of the Revised Code, the assessment rate or rates 128964
to be applied to hospitals under that section; 128965

(4) Establish schedules for hospitals to pay installments on 128966
their assessments under section ~~5112.06~~ 5168.06 of the Revised 128967
Code and for governmental hospitals to pay installments on their 128968
intergovernmental transfers under section ~~5112.07~~ 5168.07 of the 128969
Revised Code; 128970

(5) Establish procedures to notify hospitals of adjustments 128971
made under division (B)(2)(b) of section ~~5112.06~~ 5168.06 of the 128972
Revised Code in the amount of installments on their assessment; 128973

(6) Establish procedures to notify hospitals of adjustments 128974
made under division (D) of section ~~5112.09~~ 5168.08 of the Revised 128975
Code in the total amount of their assessment and to adjust for the 128976
remainder of the program year the amount of the installments on 128977
the assessments; 128978

(7) Establish, in accordance with section ~~5112.08~~ 5168.09 of 128979
the Revised Code, the methodology for paying hospitals under that 128980
section. 128981

The director shall consult with hospitals when adopting the 128982
rules required by divisions (A)(4) and (5) of this section in 128983
order to minimize hospitals' cash flow difficulties. 128984

(B) Rules adopted under this section may provide that "total 128985
facility costs" excludes costs associated with any of the 128986
following: 128987

(1) ~~Recipients of the medical assistance program~~ Medicaid 128988
recipients; 128989

(2) Recipients of disability financial assistance provided 128990
under Chapter 5115. of the Revised Code; 128991

(3) Recipients of the program for medically handicapped 128992
children established under section 3701.023 of the Revised Code; 128993

(4) ~~Recipients of the medicare program established under~~ 128994
~~Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 128995
~~U.S.C.A. 301, as amended;~~ Medicare beneficiaries; 128996

(5) Recipients of Title V of the "Social Security Act," 42 128997
U.S.C. 701 et seq.,; 128998

(6) Any other category of costs deemed appropriate by the 128999
director in accordance with Title XIX of the "Social Security 129000
Act," 42 U.S.C. 1396 et seq., and the rules adopted under that 129001
title. 129002

Sec. ~~5112.05~~ 5168.03. The requirements of sections ~~5112.06~~ 129003
~~5168.06~~ to ~~5112.09~~ 5168.09 of the Revised Code apply only as long 129004
as the United States health care financing administration 129005
determines that the assessment imposed under section ~~5112.06~~ 129006
~~5168.06~~ of the Revised Code is a permissible health care-related 129007
tax pursuant to ~~section 1903(w)~~ of the "Social Security Act," 49 129008
Stat. ~~620 (1935)~~ section 1903(w), 42 U.S.C.A. 1396b(w), ~~as~~ 129009
amended. Whenever the department of ~~job and family services~~ 129010
medicaid is informed that the assessment is an impermissible 129011
health care-related tax, the department shall promptly refund to 129012
each hospital the amount of money currently in the hospital care 129013
assurance program fund created by section ~~5112.18~~ 5168.11 of the 129014
Revised Code that has been paid by the hospital under section 129015
~~5112.06~~ 5168.06 or ~~5112.07~~ 5168.07 of the Revised Code, plus any 129016
investment earnings on that amount. 129017

Sec. ~~5112.10~~ 5168.04. The department of ~~job and family~~ 129018
~~services~~ medicaid shall operate the hospital care assurance 129019
program established by sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 129020
of the Revised Code on a program year basis. The department shall 129021
complete all program requirements on or before the thirtieth day 129022
of September each year. 129023

Sec. ~~5112.04~~ 5168.05. (A) Except as provided in division (C) 129024
of this section, each hospital, on or before the first day of July 129025
of each year or at a later date approved by the medicaid director 129026
~~of job and family services~~, shall submit to the department of ~~job~~ 129027
~~and family services~~ medicaid a financial statement for the 129028
preceding calendar year that accurately reflects the income, 129029
expenses, assets, liabilities, and net worth of the hospital, and 129030
accompanying notes. A hospital that has a fiscal year different 129031
from the calendar year shall file its financial statement within 129032

one hundred eighty days of the end of its fiscal year or at a 129033
later date approved by the director ~~of job and family services~~. 129034
The financial statement shall be prepared by an independent 129035
certified public accountant and reflect an official audit report 129036
prepared in a manner consistent with generally accepted accounting 129037
principles. The financial statement shall, to the extent that the 129038
hospital has sufficient financial records, show bad debt and 129039
charity care separately from courtesy care and contractual 129040
allowances. 129041

(B) Except as provided in division (C) of this section, each 129042
hospital, within one hundred eighty days after the end of the 129043
hospital's cost reporting period, shall submit to the department a 129044
cost report in a format prescribed in rules adopted ~~by the~~ 129045
~~director of job and family services~~ under section ~~5112.03~~ 5168.02 129046
of the Revised Code. The department shall grant a hospital an 129047
extension of the one hundred eighty day period if the health care 129048
financing administration of the United States department of health 129049
and human services extends the date by which the hospital must 129050
submit its cost report for the hospital's cost reporting period. 129051

(C) The director ~~of job and family services~~ may adopt rules 129052
under section ~~5112.03~~ 5168.02 of the Revised Code specifying 129053
financial information that must be submitted by hospitals for 129054
which no financial statement or cost report is available. The 129055
rules shall specify deadlines for submitting the information. Each 129056
such hospital shall submit the information specified in the rules 129057
not later than the deadline specified in the rules. 129058

Sec. ~~5112.06~~ 5168.06. (A) For the purpose of distributing 129059
funds to hospitals under the ~~medical assistance~~ medicaid program 129060
pursuant to sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 of the 129061
Revised Code and depositing funds into the legislative budget 129062
services fund under section ~~5112.19~~ 5168.12 of the Revised Code 129063

and into the health care services administration fund created 129064
under section ~~5111.94~~ 5162.54 of the Revised Code, there is hereby 129065
imposed an assessment on all hospitals. Each hospital's assessment 129066
shall be based on total facility costs. All hospitals shall be 129067
assessed according to the rate or rates established each program 129068
year ~~by the department of job and family services~~ in rules adopted 129069
under section ~~5112.03~~ 5168.02 of the Revised Code. The department 129070
shall assess all hospitals uniformly and in a manner consistent 129071
with federal statutes and regulations. During any program year, 129072
the department shall not assess any hospital more than two per 129073
cent of the hospital's total facility costs. 129074

The department shall establish an assessment rate or rates 129075
each program year that will do both of the following: 129076

(1) Yield funds that, when combined with intergovernmental 129077
transfers and federal matching funds, will produce a program of 129078
sufficient size to pay a substantial portion of the indigent care 129079
provided by hospitals; 129080

(2) Yield funds that, when combined with intergovernmental 129081
transfers and federal matching funds, will produce amounts for 129082
distribution to disproportionate share hospitals that do not 129083
exceed, in the aggregate, the limits prescribed by the United 129084
States health care financing administration under ~~subsection (f)~~ 129085
~~of section 1923 of the "Social Security Act," 49 Stat. 620 (1935)~~ 129086
section 1923(f), 42 U.S.C.A. 1396r-4(f), as amended. 129087

(B)(1) Except as provided in division (B)(3) of this section, 129088
each hospital shall pay its assessment in periodic installments in 129089
accordance with a schedule established ~~by the director of job and~~ 129090
~~family services~~ in rules adopted under section ~~5112.03~~ 5168.02 of 129091
the Revised Code. 129092

(2) The installments shall be equal in amount, unless either 129093
of the following applies: 129094

(a) The department makes adjustments during a program year 129095
under division (D) of section ~~5112.09~~ 5168.08 of the Revised Code 129096
in the total amount of hospitals' assessments; 129097

(b) The medicaid director ~~of job and family services~~ 129098
determines that adjustments in the amounts of installments are 129099
necessary for the administration of sections ~~5112.01~~ 5168.01 to 129100
~~5112.21~~ 5168.14 of the Revised Code and that unequal installments 129101
will not create cash flow difficulties for hospitals. 129102

(3) The director may adopt rules under section ~~5112.03~~ 129103
5168.02 of the Revised Code establishing alternate schedules for 129104
hospitals to pay assessments under this section in order to reduce 129105
hospitals' cash flow difficulties. 129106

Sec. ~~5112.07~~ 5168.07. (A) The department of ~~job and family~~ 129107
~~services~~ medicaid may require governmental hospitals to make 129108
intergovernmental transfers each program year for the purpose of 129109
distributing funds to hospitals under the ~~medical assistance~~ 129110
medicaid program pursuant to sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 129111
5168.14 of the Revised Code and depositing funds into the 129112
legislative budget services fund under section ~~5112.19~~ 5168.12 of 129113
the Revised Code and into the health care services administration 129114
fund created under section ~~5111.94~~ 5162.54 of the Revised Code. 129115
The department shall not require transfers in an amount that, when 129116
combined with hospital assessments paid under section ~~5112.06~~ 129117
5168.06 of the Revised Code and federal matching funds, produce 129118
amounts for distribution to disproportionate share hospitals that, 129119
in the aggregate, exceed limits prescribed by the United States 129120
health care financing administration under ~~subsection (f) of~~ 129121
~~section 1923 of the "Social Security Act," 49 Stat. 620 (1935)~~ 129122
section 1923(f), 42 U.S.C.A. 1396r-4(f), ~~as amended.~~ 129123

(B) Before or during each program year, the department shall 129124
notify each governmental hospital of the amount of the 129125

intergovernmental transfer it is required to make during the 129126
program year. Each governmental hospital shall make 129127
intergovernmental transfers as required by the department under 129128
this section in periodic installments, executed by electronic fund 129129
transfer, in accordance with a schedule established in rules 129130
adopted under section ~~5112.03~~ 5168.02 of the Revised Code. 129131

Sec. ~~5112.09~~ 5168.08. (A) Before or during each program year, 129132
the department of ~~job and family services~~ medicaid shall mail to 129133
each hospital by certified mail, return receipt requested, the 129134
preliminary determination of the amount that the hospital is 129135
assessed under section ~~5112.06~~ 5168.06 of the Revised Code during 129136
the program year. The preliminary determination of a hospital's 129137
assessment shall be calculated for a cost-reporting period that is 129138
specified in rules adopted under section ~~5112.03~~ 5168.02 of the 129139
Revised Code. 129140

The department shall consult with hospitals each year when 129141
determining the date on which it will mail the preliminary 129142
determinations in order to minimize hospitals' cash flow 129143
difficulties. 129144

If no hospital submits a request for reconsideration under 129145
division (B) of this section, the preliminary determination 129146
constitutes the final reconciliation of each hospital's assessment 129147
under section ~~5112.06~~ 5168.06 of the Revised Code. The final 129148
reconciliation is subject to adjustments under division (D) of 129149
this section. 129150

(B) Not later than fourteen days after the preliminary 129151
determinations are mailed, any hospital may submit to the 129152
department a written request to reconsider the preliminary 129153
determinations. The request shall be accompanied by written 129154
materials setting forth the basis for the reconsideration. If one 129155
or more hospitals submit a request, the department shall hold a 129156

public hearing not later than thirty days after the preliminary 129157
determinations are mailed to reconsider the preliminary 129158
determinations. The department shall mail to each hospital a 129159
written notice of the date, time, and place of the hearing at 129160
least ten days prior to the hearing. On the basis of the evidence 129161
submitted to the department or presented at the public hearing, 129162
the department shall reconsider and may adjust the preliminary 129163
determinations. The result of the reconsideration is the final 129164
reconciliation of the hospital's assessment under section ~~5112.06~~ 129165
5168.06 of the Revised Code. The final reconciliation is subject 129166
to adjustments under division (D) of this section. 129167

(C) The department shall mail to each hospital a written 129168
notice of its assessment for the program year under the final 129169
reconciliation. A hospital may appeal the final reconciliation of 129170
its assessment to the court of common pleas of Franklin county. 129171
While a judicial appeal is pending, the hospital shall pay, in 129172
accordance with the schedules required by division (B) of section 129173
~~5112.06~~ 5168.06 of the Revised Code, any amount of its assessment 129174
that is not in dispute into the hospital care assurance program 129175
fund created in section ~~5112.18~~ 5168.11 of the Revised Code. 129176

(D) In the course of any program year, the department may 129177
adjust the assessment rate or rates established in rules pursuant 129178
to section ~~5112.06~~ 5168.06 of the Revised Code or adjust the 129179
amounts of intergovernmental transfers required under section 129180
~~5112.07~~ 5168.07 of the Revised Code and, as a result of the 129181
adjustment, adjust each hospital's assessment and 129182
intergovernmental transfer, to reflect refinements made by the 129183
United States health care financing administration during that 129184
program year to the limits it prescribed under ~~subsection (f) of~~ 129185
~~section 1923 of the "Social Security Act," 49 Stat. 620 (1935)~~ 129186
section 1923(f), 42 U.S.C.A. 1396r-4(f), ~~as amended~~. When 129187
adjusted, the assessment rate or rates must comply with division 129188

(A) of section ~~5112.06~~ 5168.06 of the Revised Code. An adjusted 129189
intergovernmental transfer must comply with division (A) of 129190
section ~~5112.07~~ 5168.07 of the Revised Code. The department shall 129191
notify hospitals of adjustments made under this division and 129192
adjust for the remainder of the program year the installments paid 129193
by hospitals under sections ~~5112.06~~ 5168.06 and ~~5112.07~~ 5168.07 of 129194
the Revised Code in accordance with rules adopted under section 129195
~~5112.03~~ 5168.02 of the Revised Code. 129196

Sec. ~~5112.08~~ 5168.09. The medicaid director ~~of job and family~~ 129197
~~services~~ shall adopt rules under section ~~5112.03~~ 5168.02 of the 129198
Revised Code establishing a methodology to pay hospitals that is 129199
sufficient to expend all money in the indigent care pool. Under 129200
the rules: 129201

(A) The department of ~~job and family services~~ medicaid may 129202
classify similar hospitals into groups and allocate funds for 129203
distribution within each group. 129204

(B) The department shall establish a method of allocating 129205
funds to hospitals, taking into consideration the relative amount 129206
of indigent care provided by each hospital or group of hospitals. 129207
The amount to be allocated shall be based on any combination of 129208
the following indicators of indigent care that the director 129209
considers appropriate: 129210

(1) Total costs, volume, or proportion of services to 129211
recipients of the medical assistance program, including recipients 129212
enrolled in health insuring corporations; 129213

(2) Total costs, volume, or proportion of services to 129214
low-income patients in addition to medicaid recipients ~~of the~~ 129215
~~medical assistance program~~, which may include recipients of Title 129216
V of the "Social Security Act," ~~49 Stat. 620 (1935)~~, 42 U.S.C.A. 129217
~~301~~ 701 et seq., ~~as amended~~, and recipients of disability 129218
financial assistance provided under Chapter 5115. of the Revised 129219

Code; 129220

(3) The amount of uncompensated care provided by the hospital 129221
or group of hospitals; 129222

(4) Other factors that the director considers to be 129223
appropriate indicators of indigent care. 129224

(C) The department shall distribute funds to each hospital or 129225
group of hospitals in a manner that first may provide for an 129226
additional distribution to individual hospitals that provide a 129227
high proportion of indigent care in relation to the total care 129228
provided by the hospital or in relation to other hospitals. The 129229
department shall establish a formula to distribute the remainder 129230
of the funds. The formula shall be consistent with ~~section 1923~~ of 129231
the "Social Security Act," section 1923, 42 U.S.C.A. 1396r-4, as 129232
~~amended~~, and shall be based on any combination of the indicators 129233
of indigent care listed in division (B) of this section that the 129234
director considers appropriate. 129235

(D) The department shall distribute funds to each hospital in 129236
installments not later than ten working days after the deadline 129237
established in rules for each hospital to pay an installment on 129238
its assessment under section ~~5112.06~~ 5168.06 of the Revised Code. 129239
In the case of a governmental hospital that makes 129240
intergovernmental transfers, the department shall pay an 129241
installment under this section not later than ten working days 129242
after the earlier of that deadline or the deadline established in 129243
rules for the governmental hospital to pay an installment on its 129244
intergovernmental transfer. If the amount in the hospital care 129245
assurance program fund created under section ~~5112.18~~ 5168.11 of 129246
the Revised Code and the portion of the health care - federal fund 129247
created under section ~~5111.943~~ 5162.50 of the Revised Code that is 129248
credited to that fund pursuant to division (B) of section ~~5112.18~~ 129249
5168.11 of the Revised Code are insufficient to make the total 129250
distributions for which hospitals are eligible to receive in any 129251

period, the department shall reduce the amount of each 129252
distribution by the percentage by which the amount and portion are 129253
insufficient. The department shall distribute to hospitals any 129254
amounts not distributed in the period in which they are due as 129255
soon as moneys are available in the funds. 129256

Sec. ~~5112.11~~ 5168.10. Except for moneys deposited into the 129257
legislative budget services fund under section ~~5112.19~~ 5168.12 of 129258
the Revised Code and the health care services administration fund 129259
created under section ~~5111.94~~ 5162.54 of the Revised Code, the 129260
department of ~~job and family services~~ medicaid shall not use money 129261
paid to the department under sections ~~5112.06~~ 5168.06 and ~~5112.07~~ 129262
5168.07 of the Revised Code or money that the department pays to 129263
hospitals under section ~~5112.08~~ 5168.09 of the Revised Code to 129264
replace any funds appropriated by the general assembly for the 129265
~~medical assistance~~ medicaid program. 129266

Sec. ~~5112.18~~ 5168.11. (A) Except as provided in section 129267
~~5112.19~~ 5168.12 of the Revised Code, all payments of assessments 129268
by hospitals under section ~~5112.06~~ 5168.06 of the Revised Code and 129269
all intergovernmental transfers under section ~~5112.07~~ 5168.07 of 129270
the Revised Code shall be deposited in the state treasury to the 129271
credit of the hospital care assurance program fund, hereby 129272
created. All investment earnings of the hospital care assurance 129273
program fund shall be credited to the fund. The department of ~~job~~ 129274
~~and family services~~ medicaid shall maintain records that show the 129275
amount of money in the hospital care assurance program fund at any 129276
time that has been paid by each hospital and the amount of any 129277
investment earnings on that amount. All moneys credited to the 129278
hospital care assurance program fund shall be used solely to make 129279
payments to hospitals under division (D) of this section and 129280
section ~~5112.08~~ 5168.09 of the Revised Code. 129281

(B) All federal matching funds received as a result of the 129282

department distributing funds from the hospital care assurance 129283
program fund to hospitals under section ~~5112.08~~ 5168.09 of the 129284
Revised Code shall be credited to the health care - federal fund 129285
created under section ~~5111.943~~ 5162.50 of the Revised Code. 129286

(C) All distributions of funds to hospitals under section 129287
~~5112.08~~ 5168.09 of the Revised Code are conditional on: 129288

(1) Expiration of the time for appeals under section ~~5112.09~~ 129289
5168.08 of the Revised Code without the filing of an appeal, or on 129290
court determinations, in the event of appeals, that the hospital 129291
is entitled to the funds; 129292

(2) The sum of the following being sufficient to distribute 129293
the funds after the final determination of any appeals: 129294

(a) The available money in the hospital care assurance 129295
program fund; 129296

(b) The available portion of the money in the health care - 129297
federal fund that is credited to that fund pursuant to division 129298
(B) of this section. 129299

(3) The hospital's compliance with section ~~5112.17~~ 5168.14 of 129300
the Revised Code. 129301

(D) If an audit conducted by the department of the amounts of 129302
payments made and funds received by hospitals under sections 129303
~~5112.06~~ 5168.06, ~~5112.07~~ 5168.07, and ~~5112.08~~ 5168.09 of the 129304
Revised Code identifies amounts that, due to errors by the 129305
department, a hospital should not have been required to pay but 129306
did pay, should have been required to pay but did not pay, should 129307
not have received but did receive, or should have received but did 129308
not receive, the department shall: 129309

(1) Make payments to any hospital that the audit reveals paid 129310
amounts it should not have been required to pay or did not receive 129311
amounts it should have received; 129312

(2) Take action to recover from a hospital any amounts that 129313
the audit reveals it should have been required to pay but did not 129314
pay or that it should not have received but did receive. 129315

Payments made under division (D)(1) of this section shall be 129316
made from the hospital care assurance program fund. Amounts 129317
recovered under division (D)(2) of this section shall be deposited 129318
to the credit of that fund. Any hospital may appeal the amount the 129319
hospital is to be paid under division (D)(1) or the amount that is 129320
to be recovered from the hospital under division (D)(2) of this 129321
section to the court of common pleas of Franklin county. 129322

Sec. ~~5112.19~~ 5168.12. From the first installment of 129323
assessments paid under section ~~5112.06~~ 5168.06 of the Revised Code 129324
and intergovernmental transfers made under section ~~5112.07~~ 5168.07 129325
of the Revised Code during each program year beginning in an 129326
odd-numbered calendar year, the department of ~~job and family~~ 129327
~~services~~ medicaid shall deposit into the state treasury to the 129328
credit of the legislative budget services fund, which is hereby 129329
created, a total amount equal to the amount by which the biennial 129330
appropriation from that fund exceeds the amount of unexpended, 129331
unencumbered moneys in that fund. All investment earnings of the 129332
legislative budget services fund shall be credited to that fund. 129333
Money in the legislative budget services fund shall be used solely 129334
to pay the expenses of the legislative budget office of the 129335
legislative service commission. 129336

Sec. ~~5112.21~~ 5168.13. Except as specifically required by 129337
sections ~~5112.01~~ 5168.01 to ~~5112.19~~ 5168.14 of the Revised Code, 129338
information filed under those sections shall not include any 129339
patient-identifying material. Information that includes 129340
patient-identifying material is not a public record under section 129341
149.43 of the Revised Code, and no patient-identifying material 129342
shall be released publicly by the department of ~~job and family~~ 129343

services medicaid or by any person under contract with the 129344
department who has access to such information. 129345

~~Sec. 5112.17~~ 5168.14. (A) ~~As used in this section:~~ 129346

~~(1) "Federal poverty guideline" means the official poverty 129347
guideline as revised annually by the United States secretary of 129348
health and human services in accordance with section 673 of the 129349
"Community Service Block Grant Act," 95 Stat. 511 (1981), 42 129350
U.S.C.A. 9902, as amended, for a family size equal to the size of 129351
the family of the person whose income is being determined. 129352~~

~~(2) "Third party payer" means any private or public entity or 129353
program that may be liable by law or contract to make payment to 129354
or on behalf of an individual for health care services. 129355
"Third party payer" does not include a hospital. 129356~~

~~(B)~~ Each hospital that receives funds distributed under 129357
sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 of the Revised Code 129358
shall provide, without charge to the individual, basic, medically 129359
necessary hospital-level services to individuals who are residents 129360
of this state, are not medicaid recipients ~~of the medical 129361
assistance program~~, and whose income is at or below the federal 129362
poverty ~~guideline~~ line. Recipients of disability financial 129363
assistance provided under Chapter 5115. of the Revised Code 129364
qualify for services under this section. The medicaid director ~~of 129365
job and family services~~ shall adopt rules under section ~~5112.03 129366
5168.02~~ of the Revised Code specifying the hospital services to be 129367
provided under this section. 129368

~~(C)~~(B) Nothing in this section shall be construed to prevent 129369
a hospital from requiring an individual to apply for eligibility 129370
~~under the medical assistance~~ medicaid program before the hospital 129371
processes an application under this section. Hospitals may bill 129372
any third-party payer for services rendered under this section. 129373
Hospitals may bill the ~~medical assistance~~ medicaid program, in 129374

accordance with ~~Chapter 5111. of the Revised Code~~ state statutes 129375
governing the medicaid program and the rules adopted under ~~that~~ 129376
~~chapter~~ those statutes, for medicaid services rendered under this 129377
section if the individual becomes a medicaid recipient ~~of the~~ 129378
~~program~~. Hospitals may bill individuals for services under this 129379
section if all of the following apply: 129380

(1) The hospital has an established post-billing procedure 129381
for determining the individual's income and canceling the charges 129382
if the individual is found to qualify for services under this 129383
section. 129384

(2) The initial bill, and at least the first follow-up bill, 129385
is accompanied by a written statement that does all of the 129386
following: 129387

(a) Explains that individuals with income at or below the 129388
federal poverty ~~guideline~~ line are eligible for services without 129389
charge; 129390

(b) Specifies the federal poverty ~~guideline~~ line for 129391
individuals and families of various sizes at the time the bill is 129392
sent; 129393

(c) Describes the procedure required by division (C)(1) of 129394
this section. 129395

(3) The hospital complies with any additional rules ~~the~~ 129396
~~department adopts~~ adopted under section ~~5112.03~~ 5168.02 of the 129397
Revised Code. 129398

Notwithstanding division (B) of this section, a hospital 129399
providing care to an individual under this section is subrogated 129400
to the rights of any individual to receive compensation or 129401
benefits from any person or governmental entity for the hospital 129402
goods and services rendered. 129403

~~(D)~~(C) Each hospital shall collect and report to the 129404

department of medicaid, in the form and manner prescribed by the 129405
department, information on the number and identity of patients 129406
served pursuant to this section. 129407

~~(E)~~(D) This section applies beginning May 22, 1992, 129408
regardless of whether ~~the department has adopted~~ rules specifying 129409
the services to be provided have been adopted. Nothing in this 129410
section alters the scope or limits the obligation of any 129411
governmental entity or program, including the program awarding 129412
reparations to victims of crime under sections 2743.51 to 2743.72 129413
of the Revised Code and the program for medically handicapped 129414
children established under section 3701.023 of the Revised Code, 129415
to pay for hospital services in accordance with state or local 129416
law. 129417

Sec. ~~5112.40~~ 5168.20. As used in sections ~~5112.40~~ 5168.20 to 129418
~~5112.48~~ 5168.28 of the Revised Code: 129419

(A) "Applicable assessment percentage" means the percentage 129420
specified in rules adopted under section ~~5112.46~~ 5168.26 of the 129421
Revised Code that is used in calculating a hospital's assessment 129422
under section ~~5112.41~~ 5168.21 of the Revised Code. 129423

(B) "Assessment program year" means the twelve-month period 129424
beginning the first day of October of a calendar year and ending 129425
the last day of September of the following calendar year. 129426

(C) "Cost reporting period" means the period of time used by 129427
a hospital in reporting costs for purposes of the medicare 129428
program. 129429

(D) "Federal fiscal year" means the twelve-month period 129430
beginning the first day of October of a calendar year and ending 129431
the last day of September of the following calendar year. 129432

(E)(1) Except as provided in division (E)(2) of this section, 129433
"hospital" means a hospital to which any of the following applies: 129434

(a) The hospital is registered under section 3701.07 of the Revised Code as a general medical and surgical hospital or a pediatric general hospital and provides inpatient hospital services, as defined in 42 C.F.R. 440.10.

(b) The hospital is recognized under the medicare program as a cancer hospital and is exempt from the medicare prospective payment system.

(c) The hospital is a psychiatric hospital licensed under section ~~5119.20~~ 5119.33 of the Revised Code.

(2) "Hospital" does not include either of the following:

(a) A federal hospital;

(b) A hospital that does not charge any of its patients for its services.

(F) "Hospital care assurance program" means the program established under sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 of the Revised Code.

~~(G) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.~~

~~(H) "Medicare" means the program established under Title XVIII of the Social Security Act.~~

~~(I)~~ "State fiscal year" means the twelve-month period beginning the first day of July of a calendar year and ending the last day of June of the following calendar year.

~~(J)~~(H)(1) Except as provided in divisions ~~(J)~~(H)(2) and (3) of this section, "total facility costs" means the total costs to a hospital for all care provided to all patients, including the direct, indirect, and overhead costs to the hospital of all services, supplies, equipment, and capital related to the care of patients, regardless of whether patients are enrolled in a health insuring corporation.

(2) "Total facility costs" excludes all of the following of a hospital's costs as shown on the cost-reporting data used for purposes of determining the hospital's assessment under section ~~5112.41~~ 5168.21 of the Revised Code:

(a) Skilled nursing services provided in distinct-part nursing facility units;

(b) Home health services;

(c) Hospice services;

(d) Ambulance services;

(e) Renting durable medical equipment;

(f) Selling durable medical equipment.

(3) "Total facility costs" excludes any costs excluded from a hospital's total facility costs pursuant to rules, if any, adopted under division (B)(1) of section ~~5112.46~~ 5168.26 of the Revised Code.

Sec. ~~5112.41~~ 5168.21. (A) For the purposes specified in section ~~5112.45~~ 5168.25 of the Revised Code and subject to section ~~5112.48~~ 5168.28 of the Revised Code, there is hereby imposed an assessment on all hospitals each assessment program year. The amount of a hospital's assessment for an assessment program year shall equal the applicable assessment percentage of the hospital's total facility costs for the period of time specified in division (B) of this section. The amount of a hospital's total facility costs shall be derived from cost-reporting data for the hospital submitted to the department of ~~job and family services~~ medicaid for purposes of the hospital care assurance program. If a hospital has not submitted that cost-reporting data to the department, the amount of a hospital's total facility costs shall be derived from other financial statements that the hospital shall provide to the department as directed by the department. The cost-reporting data

or financial statements used to determine a hospital's assessment 129495
is subject to the same type of adjustments made to the 129496
cost-reporting data under the hospital care assurance program. 129497

129498

(B) The period of time specified in this division is the 129499
hospital's cost reporting period that ends in the state fiscal 129500
year that ends in the federal fiscal year that precedes the 129501
federal fiscal year that precedes the assessment program year for 129502
which the assessment is imposed. 129503

(C) The assessment imposed by this section on a hospital is 129504
in addition to the assessment imposed by section ~~5112.06~~ 5168.06 129505
of the Revised Code. 129506

Sec. ~~5112.42~~ 5168.22. (A) Before or during each assessment 129507
program year, the department of ~~job and family services~~ medicaid 129508
shall mail to each hospital by certified mail, return receipt 129509
requested, the preliminary determination of the amount that the 129510
hospital is assessed under section ~~5112.41~~ 5168.21 of the Revised 129511
Code for the assessment program year. Except as provided in 129512
division (B) of this section, the preliminary determination 129513
becomes the final determination for the assessment program year 129514
fifteen days after the preliminary determination is mailed to the 129515
hospital. 129516

(B) A hospital may request that the department reconsider the 129517
preliminary determination mailed to the hospital under division 129518
(A) of this section by submitting to the department a written 129519
request for a reconsideration not later than fourteen days after 129520
the hospital's preliminary determination is mailed to the 129521
hospital. The request must be accompanied by written materials 129522
setting forth the basis for the reconsideration. On receipt of the 129523
timely request, the department shall reconsider the preliminary 129524

determination and may adjust the preliminary determination on the 129525
basis of the written materials accompanying the request. The 129526
result of the reconsideration is the final determination of the 129527
hospital's assessment under section ~~5112.41~~ 5168.21 of the Revised 129528
Code for the assessment program year. 129529

(C) The department shall mail to each hospital a written 129530
notice of the final determination of its assessment for the 129531
assessment program year. A hospital may appeal the final 129532
determination to the court of common pleas of Franklin county. 129533
While a judicial appeal is pending, the hospital shall pay, in 129534
accordance with section ~~5112.43~~ 5168.23 of the Revised Code, any 129535
amount of its assessment that is not in dispute. 129536

Sec. ~~5112.43~~ 5168.23. Unless rules adopted under section 129537
~~5112.46~~ 5168.26 of the Revised Code establish a different payment 129538
schedule, each hospital shall pay the amount it is assessed under 129539
section ~~5112.41~~ 5168.21 of the Revised Code in accordance with the 129540
following payment schedule: 129541

(A) Twenty-eight per cent of a hospital's assessment is due 129542
on the last business day of October of each assessment program 129543
year. 129544

(B) Thirty-one per cent of a hospital's assessment is due on 129545
the last business day of February of each assessment program year. 129546

(C) Forty-one per cent of a hospital's assessment is due on 129547
the last business day of May of each assessment program year. 129548

Sec. ~~5112.44~~ 5168.24. The department of ~~job and family~~ 129549
~~services~~ medicaid may audit a hospital to ensure that the hospital 129550
properly pays the amount it is assessed under section ~~5112.41~~ 129551
5168.21 of the Revised Code. The department shall take action to 129552
recover from a hospital any amount the audit reveals that the 129553
hospital should have paid but did not pay. 129554

Sec. ~~5112.45~~ 5168.25. There is hereby created in the state 129555
treasury the hospital assessment fund. All installment payments 129556
made by hospitals under section ~~5112.43~~ 5168.23 of the Revised 129557
Code and all recoveries the department of ~~job and family services~~ 129558
medicaid makes under section ~~5112.44~~ 5168.24 of the Revised Code 129559
shall be deposited into the fund. All investment earnings of the 129560
fund shall be credited to the fund. The department shall use money 129561
in the fund to pay for the costs of the medicaid program, 129562
including the program's administrative costs. 129563

Sec. ~~5112.46~~ 5168.26. (A) The ~~director of job and family~~ 129564
~~services shall adopt, amend, and rescind~~ medicaid director shall 129565
adopt rules in accordance with Chapter 119. of the Revised Code as 129566
necessary to implement sections ~~5112.40~~ 5168.20 to ~~5112.48~~ 5168.28 129567
of the Revised Code, including rules that specify the percentage 129568
of hospitals' total facility costs to be used in calculating 129569
hospitals' assessments under section ~~5112.41~~ 5168.21 of the 129570
Revised Code. 129571

(B) The rules adopted under this section may do the 129572
following: 129573

(1) Provide that a hospital's total facility costs for the 129574
purpose of the assessment under section ~~5112.41~~ 5168.21 of the 129575
Revised Code exclude any of the following: 129576

(a) A hospital's costs associated with providing care to 129577
recipients of any of the following: 129578

(i) The medicaid program; 129579

(ii) The medicare program; 129580

(iii) The disability financial assistance program established 129581
under Chapter 5115. of the Revised Code; 129582

(iv) The program for medically handicapped children 129583

established under section 3701.023 of the Revised Code; 129584

(v) Services provided under the maternal and child health 129585
services block grant established under Title V of the "Social 129586
Security Act," 42 U.S.C. 701 et seq. 129587

(b) Any other category of hospital costs the director deems 129588
appropriate under federal law and regulations governing the 129589
medicaid program. 129590

(2) Subject to division (C) of this section, provide for the 129591
percentage of hospitals' total facility costs used in calculating 129592
hospitals' assessments to vary for different hospitals; 129593

(3) To reduce hospitals' cash flow difficulties, establish a 129594
schedule for hospitals to pay their assessments that is different 129595
from the schedule established under section ~~5112.43~~ 5168.23 of the 129596
Revised Code. 129597

(C) Before adopting rules authorized by division (B)(2) of 129598
this section that establish varied percentages to be used in 129599
calculating hospitals' assessments, the director shall obtain a 129600
waiver from the United States secretary of health and human 129601
services under ~~section 1903(w)(3)(E) of the "Social Security Act,"~~ 129602
~~105 Stat. 1796 (1991)~~ section 1903(w)(3)(E), 42 U.S.C. 129603
1396b(w)(3)(E), ~~as amended~~, if the varied percentages would cause 129604
the assessments to not be imposed uniformly. 129605

Sec. ~~5112.47~~ 5168.27. The medicaid director ~~of job and family~~ 129606
~~services~~ shall implement the assessment imposed by section ~~5112.41~~ 129607
5168.21 of the Revised Code in a manner that does not cause a 129608
reduction in federal financial participation for the medicaid 129609
program under the "Social Security Act," section 1903(w), 42 129610
U.S.C. 1396b(w). 129611

Sec. ~~5112.48~~ 5168.28. If the United States secretary of 129612
health and human services determines that the assessment imposed 129613

by section ~~5112.41~~ 5168.21 of the Revised Code is an impermissible 129614
health care-related tax under the "Social Security Act," section 129615
1903(w), 42 U.S.C. 1396b(w), the medicaid director ~~of job and~~ 129616
~~family services~~ shall take all necessary actions to cease 129617
implementation of sections ~~5112.40~~ 5168.20 to ~~5112.47~~ 5168.27 of 129618
the Revised Code and shall promptly refund to each hospital the 129619
amount of money in the hospital assessment fund at the time the 129620
refund is to be made that the hospital paid under section ~~5112.43~~ 129621
5168.23 of the Revised Code, plus any corresponding investment 129622
earnings on that amount. 129623

Sec. ~~3721.50~~ 5168.40. As used in sections ~~3721.50~~ 5168.40 to 129624
~~3721.58~~ 5168.56 of the Revised Code: 129625

(A) "Bed surrender" means the following: 129626

(1) In the case of a nursing home, the removal of a bed from 129627
a nursing home's licensed capacity in a manner that reduces the 129628
total licensed capacity of all nursing homes; 129629

(2) In the case of a hospital, the removal of a hospital bed 129630
from registration under section 3701.07 of the Revised Code as a 129631
skilled nursing facility bed or long-term care bed in a manner 129632
that reduces the total number of hospital beds registered under 129633
that section as skilled nursing facility beds or long-term care 129634
beds. 129635

(B) "Change of operator" means an entering operator becoming 129636
the operator of a nursing home or hospital in the place of the 129637
exiting operator. 129638

(1) Actions that constitute a change of operator include the 129639
following: 129640

(a) A change in an exiting operator's form of legal 129641
organization, including the formation of a partnership or 129642
corporation from a sole proprietorship; 129643

(b) A transfer of all the exiting operator's ownership interest in the operation of the nursing home or hospital to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing home or hospital is also transferred;	129644 129645 129646 129647 129648
(c) A lease of the nursing home or hospital to the entering operator or the exiting operator's termination of the exiting operator's lease;	129649 129650 129651
(d) If the exiting operator is a partnership, dissolution of the partnership;	129652 129653
(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:	129654 129655
(i) The change in composition does not cause the partnership's dissolution under state law.	129656 129657
(ii) The partners agree that the change in composition does not constitute a change in operator.	129658 129659
(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.	129660 129661 129662 129663
(2) The following, alone, do not constitute a change of operator:	129664 129665
(a) A contract for an entity to manage a nursing home or hospital as the operator's agent, subject to the operator's approval of daily operating and management decisions;	129666 129667 129668
(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing home or hospital if an entering operator does not become the operator in place of an exiting operator;	129669 129670 129671 129672
(c) If the operator is a corporation, a change of one or more	129673

members of the corporation's governing body or transfer of 129674
ownership of one or more shares of the corporation's stock, if the 129675
same corporation continues to be the operator. 129676

(C) "Effective date of a change of operator" means the day an 129677
entering operator becomes the operator of a nursing home or 129678
hospital. 129679

(D) "Entering operator" means the person or government entity 129680
that will become the operator of a nursing home or hospital on the 129681
effective date of a change of operator. 129682

(E) "Exiting operator" means an operator that will cease to 129683
be the operator of a nursing home or hospital on the effective 129684
date of a change of operator. 129685

(F) "Franchise permit fee rate" means the ~~following~~: 129686

~~(1) For fiscal year 2012, eleven dollars and forty seven 129687
cents;~~ 129688

~~(2) For fiscal year 2013 and each fiscal year thereafter, 129689
eleven dollars and sixty seven cents rate determined in accordance 129690
with section 5168.41 of the Revised Code. 129691~~

(G) "Hospital" has the same meaning as in section 3727.01 of 129692
the Revised Code. 129693

(H) "Hospital long-term care unit" means any distinct part of 129694
a hospital in which any of the following beds are located: 129695

(1) Beds registered pursuant to section 3701.07 of the 129696
Revised Code as skilled nursing facility beds or long-term care 129697
beds; 129698

(2) Beds licensed as nursing home beds under section 3721.02 129699
or 3721.09 of the Revised Code. 129700

(I) "Indirect guarantee percentage" means the percentage 129701
specified in ~~section 1903(w)(4)(C)(ii) of the "Social Security~~ 129702
~~Act," 120 Stat. 2994 (2006)~~ section 1903(w)(4)(C)(ii), 42 U.S.C. 129703

1396b(w)(4)(C)(ii), that is to be used in determining whether a class of providers is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following:

(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change;

(2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage.

~~(J) "Medicaid days" has the same meaning as in section 5111.01 of the Revised Code.~~

~~(K) "Medicare" means the program established by Title XVIII.~~

~~(L) and "Nursing nursing facility" has have the same meaning meanings as in section 5111.20 5165.01 of the Revised Code.~~

~~(M)(K)(1) "Nursing home" means all of the following:~~

(a) A nursing home licensed under section 3721.02 or 3721.09 of the Revised Code, including any part of a home for the aging licensed as a nursing home;

(b) A facility or part of a facility, other than a hospital, that is certified as a skilled nursing facility under Title XVIII;

(c) A nursing facility, other than a portion of a hospital certified as a nursing facility.

(2) "Nursing home" does not include either of the following:

(a) A county home, county nursing home, or district home operated pursuant to Chapter 5155. of the Revised Code;

(b) A nursing home maintained and operated by the department of veterans services under section 5907.01 of the Revised Code.

~~(N)(L) "Operator" means the person or government entity responsible for the daily operating and management decisions for a~~

nursing home or hospital. 129733

~~(O)~~(M) "Title XIX" means Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended et seq. 129734
129735

~~(P)~~(N) "Title XVIII" means Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended et seq. 129736
129737
129738

Sec. 5168.41. (A) The franchise permit fee rate shall be determined for each fiscal year as follows: 129739
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(1) Determine the estimated total net patient revenues for all nursing homes and hospital long-term care units for the fiscal year; 129741
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129743

(2) Multiply the estimated total net patient revenues determined under division (A)(1) of this section by the lesser of the following: 129744
129745
129746

(a) The indirect guarantee percentage; 129747

(b) Six per cent. 129748

(3) Divide the product determined under division (A)(2) of this section by the number of days in the fiscal year; 129749
129750

(4) Determine the sum of the following: 129751

(a) The total number of beds in all nursing homes and hospital long-term care units that are subject to the franchise permit fee for the fiscal year; 129752
129753
129754

(b) The total number of nursing home beds that are exempt from the franchise permit fee for the fiscal year because of the waiver obtained pursuant to section 5168.43 of the Revised Code. 129755
129756
129757

(5) Divide the quotient determined under division (A)(3) of this section by the sum determined under division (A)(4) of this section. 129758
129759
129760

(B) In determining the estimated total net patient revenues for all nursing homes and hospital long-term care units for a fiscal year, the department of medicaid shall use at least all of the following: 129761
129762
129763
129764

(1) Information from medicaid cost reports filed under section 5165.10 of the Revised Code that are the most recent at the time the determination is made; 129765
129766
129767

(2) The projected total medicaid payment rates for nursing facility services for the fiscal year; 129768
129769

(3) The projected total number of medicaid days for the fiscal year. 129770
129771

Sec. ~~3721.51~~ 5168.42. The department of ~~job and family services~~ medicaid shall do all of the following: 129772
129773

(A) Subject to sections ~~3721.512~~ 5168.44, ~~3721.513~~ 5168.45, and ~~3721.531~~ 5168.48 of the Revised Code and divisions (C) and (D) of this section and for the purposes specified in section ~~3721.56~~ 5168.54 of the Revised Code, determine an annual franchise permit fee on each nursing home in an amount equal to the franchise permit fee rate multiplied by the product of the following: 129774
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129779

(1) The number of beds licensed as nursing home beds, plus any other beds certified as skilled nursing facility beds under Title XVIII or nursing facility beds under Title XIX on the first day of May of the calendar year in which the fee is determined pursuant to division (A) of section ~~3721.53~~ 5168.47 of the Revised Code; 129780
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129785

(2) The number of days in the fiscal year beginning on the first day of July of the calendar year in which the fee is determined pursuant to division (A) of section ~~3721.53~~ 5168.47 of the Revised Code. 129786
129787
129788
129789

(B) Subject to sections ~~3721.512~~ 5168.44, ~~3721.513~~ 5168.45, 129790

and ~~3721.531~~ 5168.48 of the Revised Code and divisions (C) and (D) 129791
of this section and for the purposes specified in section ~~3721.56~~ 129792
5168.54 of the Revised Code, determine an annual franchise permit 129793
fee on each hospital in an amount equal to the franchise permit 129794
fee rate multiplied by the product of the following: 129795

(1) The number of beds registered pursuant to section 3701.07 129796
of the Revised Code as skilled nursing facility beds or long-term 129797
care beds, plus any other beds licensed as nursing home beds under 129798
section 3721.02 or 3721.09 of the Revised Code, on the first day 129799
of May of the calendar year in which the fee is determined 129800
pursuant to division (A) of section ~~3721.53~~ 5168.47 of the Revised 129801
Code; 129802

(2) The number of days in the fiscal year beginning on the 129803
first day of July of the calendar year in which the fee is 129804
determined pursuant to division (A) of section ~~3721.53~~ 5168.47 of 129805
the Revised Code. 129806

(C) If the total amount of the franchise permit fee assessed 129807
under divisions (A) and (B) of this section for a fiscal year 129808
exceeds the indirect guarantee percentage of the actual net 129809
patient revenue for all nursing homes and hospital long-term care 129810
units for that fiscal year and seventy-five per cent or more of 129811
the combined total number of nursing homes and hospital long-term 129812
care units receive enhanced medicaid payments or other state 129813
payments equal to seventy-five per cent or more of their total 129814
franchise permit fee assessments, do both of the following: 129815

(1) Recalculate the assessments under divisions (A) and (B) 129816
of this section using a per bed per day rate equal to the indirect 129817
guarantee percentage of actual net patient revenue for all nursing 129818
homes and hospital long-term care units for that fiscal year; 129819

(2) Refund the difference between the amount of the franchise 129820
permit fee assessed for that fiscal year under divisions (A) and 129821

(B) of this section and the amount recalculated under division 129822
(C)(1) of this section as a credit against the assessments imposed 129823
under divisions (A) and (B) of this section for the subsequent 129824
fiscal year. 129825

(D) If the United States centers for medicare and medicaid 129826
services determines that the franchise permit fee established by 129827
sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the Revised Code is 129828
an impermissible health care-related tax under ~~section 1903(w)~~ of 129829
the "Social Security Act," ~~49 Stat. 620 (1935)~~ section 1903(w), 42 129830
U.S.C. 1396b(w), ~~as amended~~, take all necessary actions to cease 129831
implementation of sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of 129832
the Revised Code in accordance with rules adopted under section 129833
~~3721.58~~ 5168.56 of the Revised Code. 129834

Sec. ~~3721.511~~ 5168.43. (A) Not later than four months after 129835
July 17, 2009, the department of ~~job and family services~~ medicaid 129836
shall apply to the United States secretary of health and human 129837
services for a waiver under the "Social Security Act," section 129838
1903(w)(3)(E), 42 U.S.C. 1396b(w)(3)(E), as necessary to do both 129839
of the following regarding the franchise permit fee assessed under 129840
section ~~3721.51~~ 5168.42 of the Revised Code: 129841

(1) Reduce the franchise permit fee rate to zero dollars for 129842
each nursing home licensed under section 3721.02 or 3721.09 of the 129843
Revised Code to which either of the following applies: 129844

(a) The nursing home: 129845

(i) Is exempt from state taxation under section 140.08 of the 129846
Revised Code or is exempt from state taxation as a home for the 129847
aged as defined in section 5701.13 of the Revised Code; 129848

(ii) Is exempt from federal income taxation under section 501 129849
of the Internal Revenue Code of 1986; 129850

(iii) Does not participate in medicaid or medicare; and 129851

(iv) Provides services for the life of each resident without regard to the resident's ability to secure payment for the services. 129852
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(b) The nursing home: 129855

(i) Has had a written affiliation agreement with a university in this state for education and research related to Alzheimer's disease for each of the twenty years preceding July 17, 2009, and has such an agreement on July 17, 2009; 129856
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(ii) Was constructed pursuant to a certificate of need granted under Section 3 of Am. Sub. S.B. 256 of the 116th general assembly; and 129860
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(iii) Does not participate in medicaid or medicare. 129863

(2) For each nursing facility with more than two hundred beds certified as nursing facility beds under Title XIX, reduce the franchise permit fee rate for a number of the nursing facility's beds specified by the department to the amount necessary to obtain approval of the waiver sought under this section. 129864
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(B) The effective date of the waiver sought under this section shall be the first day of the quarter beginning after the United States secretary approves the waiver. 129869
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Sec. ~~3721.512~~ 5168.44. If the United States secretary of health and human services approves the waiver sought under section ~~3721.511~~ 5168.43 of the Revised Code, the department of ~~job and family services~~ medicaid shall, for each nursing home and hospital that qualifies for a reduction of its franchise permit fee rate under the waiver, reduce the franchise permit fee rate in accordance with the terms of the waiver. For purposes of the first fiscal year during which the waiver takes effect, the department shall determine the amount of the reduction not later than the effective date of the waiver and shall mail to each nursing home 129872
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and hospital qualifying for the reduction notice of the reduction 129882
not later than the last day of the first month of the quarter that 129883
begins after the United States secretary approves the waiver. For 129884
purposes of subsequent fiscal years, the department shall make 129885
such determinations and mail such notices in accordance with 129886
section ~~3721.53~~ 5168.47 of the Revised Code. 129887

Sec. ~~3721.513~~ 5168.45. (A) If the United States secretary of 129888
health and human services approves the waiver sought under section 129889
~~3721.511~~ 5168.43 of the Revised Code, the department of ~~job and~~ 129890
~~family services~~ medicaid may do both of the following regarding 129891
the franchise permit fee assessed under section ~~3721.51~~ 5168.42 of 129892
the Revised Code: 129893

(1) Determine how much money the franchise permit fee would 129894
have raised in a fiscal year if not for the waiver; 129895

(2) For each nursing home and hospital subject to the 129896
franchise permit fee, other than a nursing home or hospital that 129897
has its franchise permit fee rate reduced under section ~~3721.512~~ 129898
5168.44 of the Revised Code, uniformly increase the amount of the 129899
franchise permit fee rate for a fiscal year to an amount that will 129900
have the franchise permit fee raise an amount of money that does 129901
not exceed the amount determined under division (A)(1) of this 129902
section for that fiscal year. 129903

(B) If the department increases the franchise permit fee rate 129904
in accordance with division (A) of this section for the first 129905
fiscal year during which the waiver takes effect, the department 129906
shall determine the amount of the increase not later than the 129907
effective date of the waiver and shall mail to each nursing home 129908
and hospital subject to the increase notice of the increase not 129909
later than the last day of the first month of the quarter that 129910
begins after the United States secretary approves the waiver. If 129911

the department increases the franchise permit fee rate in 129912
accordance with division (A) of this section for a subsequent 129913
fiscal year, the department shall make such determinations and 129914
mail such notices in accordance with section ~~3721.53~~ 5168.47 of 129915
the Revised Code. 129916

Sec. ~~3721.52~~ 5168.46. The department of health shall do all 129917
of the following: 129918

(A) For the purpose of the determinations made under 129919
divisions (A) and (B) of section ~~3721.51~~ 5168.42 of the Revised 129920
Code and not later than the first day of each June, report to the 129921
department of ~~job and family services~~ medicaid the following: 129922

(1) For each nursing home, the number of beds in the nursing 129923
home licensed on the preceding first day of May under section 129924
3721.02 or 3721.09 of the Revised Code or certified on that date 129925
under Title XVIII or Title XIX; 129926

(2) For each hospital, the number of beds in the hospital 129927
registered on the preceding first day of May pursuant to section 129928
3701.07 of the Revised Code as skilled nursing facility or 129929
long-term care beds or licensed on that date under section 3721.02 129930
or 3721.09 of the Revised Code as nursing home beds. 129931

(B) For the purpose of the redetermination under section 129932
~~3721.531~~ 5168.48 of the Revised Code and not later than the 129933
fifteenth day of each January, report to the department of ~~job and~~ 129934
~~family services~~ medicaid, for each nursing home and hospital, the 129935
number of beds for which a bed surrender occurred during the 129936
period beginning on the first day of May of the preceding calendar 129937
year and ending on the first day of January of the calendar year 129938
in which the redetermination is made. 129939

Sec. ~~3721.53~~ 5168.47. (A) Not later than the fifteenth day of 129940
September of each year, the department of ~~job and family services~~ 129941

medicaid shall determine the annual franchise permit fee for each 129942
nursing home and hospital in accordance with section ~~3721.51~~ 129943
5168.42 of the Revised Code and any adjustments made in accordance 129944
with sections ~~3721.512~~ 5168.44 and ~~3721.513~~ 5168.45 of the Revised 129945
Code. 129946

(B) Not later than the first day of October of each year, the 129947
department shall mail to each nursing home and hospital notice of 129948
the amount of the franchise permit fee that has been determined 129949
for the nursing home or hospital. 129950

(C) Subject to section ~~3721.531~~ 5168.48 of the Revised Code, 129951
each nursing home and hospital shall pay its fee under section 129952
~~3721.51~~ 5168.42 of the Revised Code, as adjusted in accordance 129953
with sections ~~3721.512~~ 5168.44 and ~~3721.513~~ 5168.45 of the Revised 129954
Code, to the department in four installment payments not later 129955
than forty-five days after the last day of each October, December, 129956
March, and June. 129957

Sec. ~~3721.531~~ 5168.48. (A) Not later than the last day of 129958
February of each year, the department of ~~job and family services~~ 129959
medicaid shall redetermine each nursing home's and hospital's 129960
franchise permit fee if one or more bed surrenders occur during 129961
the period beginning on the first day of May of the preceding 129962
calendar year and ending on the first day of January of the 129963
calendar year in which the redetermination is made. 129964

(B) In redetermining nursing homes' and hospitals' franchise 129965
permit fees under this section, the department shall do both of 129966
the following: 129967

(1) Provide for the redetermination to be conducted in a 129968
manner consistent with the terms of the waiver sought under 129969
section ~~3721.511~~ 5168.43 of the Revised Code; 129970

(2) Recalculate each nursing home's and hospital's franchise 129971

permit fee in accordance with division (A) or (B) of section 129972
~~3721.51~~ 5168.42 of the Revised Code with the following changes: 129973

(a) In the case of a nursing home or hospital for which one 129974
or more bed surrenders occurred during the period beginning on the 129975
first day of May of the preceding calendar year and ending on the 129976
first day of January of the calendar year in which the 129977
redetermination is made, the number of beds included in the 129978
calculation for the purpose of division (A)(1) or (B)(1) of 129979
section ~~3721.51~~ 5168.42 of the Revised Code shall exclude the beds 129980
for which bed surrenders occurred during that period. 129981

(b) The number of days used in the calculation under division 129982
(A)(2) or (B)(2) of section ~~3721.51~~ 5168.42 of the Revised Code 129983
shall be the number of days in the first half of the calendar year 129984
in which the redetermination is made. 129985

(c) The franchise permit fee rate shall reflect adjustments 129986
made under sections ~~3721.512~~ 5168.44 and ~~3721.513~~ 5168.45 of the 129987
Revised Code. 129988

(C) Not later than the first day of March of each year, the 129989
department shall mail to each nursing home and hospital notice of 129990
the amount of its redetermined franchise permit fee. 129991

(D) Each nursing home and hospital shall pay its redetermined 129992
fee to the department in two installment payments not later than 129993
forty-five days after the last day of March and June of the 129994
calendar year in which the redetermination is made. 129995

Sec. ~~3721.532~~ 5168.49. If a nursing home or hospital 129996
undergoes a change of operator during a fiscal year, the 129997
responsibility for paying the franchise permit fee that was 129998
determined for the nursing home or hospital under section ~~3721.53~~ 129999
5168.47 of the Revised Code, or redetermined for the nursing home 130000
or hospital under section ~~3721.531~~ 5168.48 of the Revised Code, 130001

for that fiscal year shall be divided proportionally. The exiting operator shall be responsible for paying the amount of the fee that is for the part of the fiscal year that ends on the day before the effective date of the change of operator. The entering operator shall be responsible for paying the amount of the fee that is for the part of the fiscal year that begins on the effective date of the change of operator. The department of ~~job and family services~~ medicaid is not required to mail a notice to the entering operator regarding the amount of that fiscal year's fee for which the entering operator is responsible.

Sec. ~~3721.533~~ 5168.50. No nursing home or hospital shall directly bill its residents for the franchise permit fee paid under section ~~3721.53~~ 5168.47 or ~~3721.531~~ 5168.48 of the Revised Code or otherwise directly pass the fee through to its residents.

Sec. ~~3721.54~~ 5168.51. If a nursing home or hospital fails to pay the full amount of a franchise permit fee installment when due, the department of ~~job and family services~~ medicaid may assess a five per cent penalty on the amount due for each month or fraction thereof the installment is overdue.

Sec. ~~3721.541~~ 5168.52. (A) In addition to assessing a penalty pursuant to section ~~3721.54~~ 5168.51 of the Revised Code, the department of ~~job and family services~~ medicaid may do any of the following if a nursing facility or hospital fails to pay the full amount of a franchise permit fee installment when due:

(1) Withhold an amount less than or equal to the installment and penalty assessed under section ~~3721.54~~ 5168.51 of the Revised Code from a medicaid payment due the nursing facility or hospital until the nursing facility or hospital pays the installment and penalty;

(2) Offset an amount less than or equal to the installment 130031
and penalty assessed under section ~~3721.54~~ 5168.51 of the Revised 130032
Code from a ~~Medicaid~~ medicaid payment due the nursing facility or 130033
hospital; 130034

(3) Terminate the nursing facility or hospital's medicaid 130035
provider agreement. 130036

(B) The department may offset a medicaid payment under 130037
division (A) of this section without providing notice to the 130038
nursing facility or hospital and without conducting an 130039
adjudication under Chapter 119. of the Revised Code. 130040

Sec. ~~3721.55~~ 5168.53. (A) A nursing home or hospital may 130041
appeal the fee assessed under section ~~3721.51~~ 5168.42 of the 130042
Revised Code, as adjusted under section ~~3721.512~~ 5168.44 or 130043
~~3721.513~~ 5168.45 of the Revised Code, and redetermined under 130044
section ~~3721.531~~ 5168.48 of the Revised Code solely on the grounds 130045
that the department of ~~job and family services~~ medicaid committed 130046
a material error in determining or redetermining the amount of the 130047
fee. A request for an appeal must be received by the department 130048
not later than fifteen days after the date the department mails 130049
the notice of the fee and must include written materials setting 130050
forth the basis for the appeal. 130051

(B) If a nursing home or hospital submits a request for an 130052
appeal within the time required under division (A) of this 130053
section, the department ~~of job and family services~~ shall hold a 130054
public hearing in Columbus not later than thirty days after the 130055
date the department receives the request for an appeal. The 130056
department shall, not later than ten days before the date of the 130057
hearing, mail a notice of the date, time, and place of the hearing 130058
to the nursing home or hospital. The department may hear all the 130059
requested appeals in one public hearing. 130060

(C) On the basis of the evidence presented at the hearing or 130061

any other evidence submitted by the nursing home or hospital, the 130062
department may adjust a fee. The department's decision is final. 130063

Sec. ~~3721.56~~ 5168.54. (A) There is hereby created in the 130064
state treasury the nursing home franchise permit fee fund. All 130065
payments and penalties paid by nursing homes and hospitals under 130066
sections ~~3721.53~~ 5168.47, ~~3721.531~~ 5168.48, and ~~3721.54~~ 5168.51 of 130067
the Revised Code shall be deposited into the fund. The fund shall 130068
also consist of money deposited into it pursuant to sections 130069
3769.08 and 3769.26 of the Revised Code. Subject to division (B) 130070
of section 3769.08 of the Revised Code, the department of ~~job and~~ 130071
~~family services~~ medicaid shall use the money in the fund to make 130072
medicaid payments to providers of nursing facility services and 130073
providers of home and community-based services. Money in the fund 130074
may also be used for the residential state supplement program 130075
established under section ~~5119.69~~ 5119.41 of the Revised Code. 130076

(B) Any money remaining in the nursing home franchise permit 130077
fee fund after payments specified in division (A) of this section 130078
are made shall be retained in the fund. Any interest or other 130079
investment proceeds earned on money in the fund shall be credited 130080
to the fund and used to make medicaid payments in accordance with 130081
division (A) of this section. 130082

Sec. ~~3721.57~~ 5168.55. The department of ~~job and family~~ 130083
~~services~~ medicaid may make any investigation it considers 130084
appropriate to obtain information necessary to fulfill its duties 130085
under sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the Revised 130086
Code. At the request of the department, the attorney general shall 130087
aid in any such investigations. The attorney general shall 130088
institute and prosecute all necessary actions for the enforcement 130089
of sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the Revised 130090
Code, except that at the request of the attorney general, the 130091
county prosecutor of the county in which a nursing home or 130092

hospital that has failed to comply with sections ~~3721.50~~ 5168.40 130093
to ~~3721.58~~ 5168.56 of the Revised Code is located shall institute 130094
and prosecute any necessary action against the nursing home or 130095
hospital. 130096

Sec. ~~3721.58~~ 5168.56. The medicaid director of ~~job and family~~ 130097
~~services~~ shall adopt rules in accordance with Chapter 119. of the 130098
Revised Code to do both of the following: 130099

(A) Prescribe the actions the department of ~~job and family~~ 130100
~~services~~ medicaid will take to cease implementation of sections 130101
~~3721.50 through 3721.57~~ 5168.40 to 5168.56 of the Revised Code if 130102
the United States centers for medicare and medicaid services 130103
determines that the franchise permit fee established by those 130104
sections is an impermissible health-care related tax under ~~section~~ 130105
~~1903(w)~~ of the "Social Security Act," ~~105 Stat. 1793 (1991)~~ 130106
section 1903(w), 42 U.S.C. 1396b(w), ~~as amended;~~ 130107

(B) Establish any requirements or procedures the director 130108
considers necessary to implement sections ~~3721.50~~ 5168.40 to 130109
~~3721.58~~ 5168.56 of the Revised Code. 130110

Sec. ~~5112.30~~ 5168.60. As used in sections ~~5112.30~~ 5168.60 to 130111
~~5112.39~~ 5168.71 of the Revised Code: 130112

(A) "Franchise permit fee rate" means the following: 130113

(1) For fiscal year ~~2012~~ 2014, ~~seventeen~~ eighteen dollars and 130114
~~ninety-nine~~ twenty-four cents; 130115

(2) For fiscal year ~~2013~~ 2015 and each fiscal year 130116
thereafter, eighteen dollars and ~~thirty-two~~ seventeen cents. 130117

(B) "Indirect guarantee percentage" means the percentage 130118
specified in ~~section 1903(w)(4)(C)(ii)~~ of the "Social Security 130119
Act," ~~120 Stat. 2994 (2006)~~ section 1903(w)(4)(C)(ii), 42 U.S.C. 130120
1396b(w)(4)(C)(ii), ~~as amended~~, that is to be used in determining 130121

whether a class of providers is indirectly held harmless for any 130122
portion of the costs of a broad-based health-care-related tax. If 130123
the indirect guarantee percentage changes during a fiscal year, 130124
the indirect guarantee percentage is the following: 130125

(1) For the part of the fiscal year before the change takes 130126
effect, the percentage in effect before the change; 130127

(2) For the part of the fiscal year beginning with the date 130128
the indirect guarantee percentage changes, the new percentage. 130129

(C) "~~Intermediate care facility for the mentally retarded~~ 130130
ICF/IID" has the same meaning as in section ~~5111.20~~ 5124.01 of the 130131
Revised Code, ~~except that, until August 1, 2009, it does not~~ 130132
~~include any such facility operated by the department of~~ 130133
~~developmental disabilities.~~ 130134

(D) "~~Medicaid~~ Medicaid-certified capacity" has the same 130135
meaning as in section ~~5111.01~~ 5124.01 of the Revised Code. 130136

(E) "Provider agreement" has the same meaning as in section 130137
5124.01 of the Revised Code. 130138

Sec. ~~5112.31~~ 5168.61. The department of ~~job and family~~ 130139
~~services~~ developmental disabilities shall do all of the following: 130140

(A) Subject to section ~~5112.331~~ 5168.64 of the Revised Code 130142
and divisions (B) and (C) of this section and for the purposes 130143
specified in section ~~5112.371~~ 5168.69 of the Revised Code, assess 130144
for each fiscal year each ~~intermediate care facility for the~~ 130145
~~mentally retarded~~ ICF/IID a franchise permit fee equal to the 130146
franchise permit fee rate multiplied by the product of the 130147
following: 130148

(1) The ~~number of beds certified under Title XIX of the~~ 130149
~~"Social Security Act"~~ ICF/IID's medicaid-certified capacity on the 130150
first day of May of the calendar year in which the assessment is 130151

determined pursuant to division (A) of section ~~5112.33~~ 5168.63 of 130152
the Revised Code; 130153

(2) The number of days in the fiscal year. 130154

(B) If the total amount of the franchise permit fee assessed 130155
under division (A) of this section for a fiscal year exceeds the 130156
indirect guarantee percentage of the actual net patient revenue 130157
for all ~~intermediate care facilities for the mentally retarded~~ 130158
ICFs/IID for that fiscal year and seventy-five per cent or more of 130159
the total number of ~~intermediate care facilities for the mentally~~ 130160
~~retarded~~ ICFs/IID receive enhanced medicaid payments or other 130161
state payments equal to seventy-five per cent or more of their 130162
total franchise permit fee assessments, do both of the following: 130163

(1) Recalculate the assessments under division (A) of this 130164
section using a per bed per day rate equal to the indirect 130165
guarantee percentage of actual net patient revenue for all 130166
~~intermediate care facilities for the mentally retarded~~ ICFs/IID 130167
for that fiscal year; 130168

(2) Refund the difference between the amount of the franchise 130169
permit fee assessed for that fiscal year under division (A) of 130170
this section and the amount recalculated under division (B)(1) of 130171
this section as a credit against the assessments imposed under 130172
division (A) of this section for the subsequent fiscal year. 130173

(C) If the United States secretary of health and human 130174
services determines that the franchise permit fee established by 130175
sections ~~5112.30~~ 5168.60 to ~~5112.39~~ 5168.71 of the Revised Code 130176
would be an impermissible health care-related tax under ~~section~~ 130177
~~1903(w)~~ of the "Social Security Act," ~~105 Stat. 1793 (1991)~~ 130178
section 1903(w), 42 U.S.C. 1396b(w), ~~as amended~~, take all 130179
necessary actions to cease implementation of those sections in 130180
accordance with rules adopted under section ~~5112.39~~ 5168.71 of the 130181
Revised Code. 130182

Sec. ~~5112.32~~ 5168.62. For the purpose of the franchise permit 130183
fee imposed under section ~~5112.31~~ 5168.61 of the Revised Code and 130184
not later than the first day of each June, the department of 130185
developmental disabilities shall: 130186

~~(A) Not later than August 1, 1993, report to the department 130187
of job and family services the number of beds in each intermediate 130188
care facility for the mentally retarded certified on July 1, 1993, 130189
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 130190
42 U.S.C.A. 301, as amended; 130191~~

~~(B) Not later than June 1, 1994, and the first day of each 130192
June thereafter, report to the department of job and family 130193
services medicaid the number of beds in each ~~such~~ facility 130194
certified ICF/IID on the preceding first day of May ~~under that~~ 130195
title. 130196~~

Sec. ~~5112.33~~ 5168.63. (A) Not later than the fifteenth day of 130197
August of each year, the department of ~~job and family services~~ 130198
developmental disabilities shall determine the annual franchise 130199
permit fee for each ~~intermediate care facility for the mentally~~ 130200
~~retarded~~ ICF/IID in accordance with section ~~5112.31~~ 5168.61 of the 130201
Revised Code. 130202

(B) Not later than the first day of September of each year, 130203
the department shall mail to each ~~intermediate care facility for~~ 130204
~~the mentally retarded~~ ICF/IID notice of the amount of the 130205
franchise permit fee the ~~facility~~ ICF/IID has been assessed under 130206
section ~~5112.31~~ 5168.61 of the Revised Code. 130207

(C) Subject to section ~~5112.33~~ 5168.64 of the Revised Code, 130208
each ~~intermediate care facility for the mentally retarded~~ ICF/IID 130209
shall pay its fee under section ~~5112.31~~ 5168.61 of the Revised 130210
Code to the department in quarterly installment payments not later 130211
than forty-five days after the last day of each September, 130212

December, March, and June. 130213

Sec. ~~5112.331~~ 5168.64. (A) If, during the period beginning on 130214
the first day of May of a calendar year and ending on the first 130215
day of January of the immediately following calendar year, the 130216
operator of an ~~intermediate care facility for the mentally~~ 130217
~~retarded~~ ICF/IID converts, pursuant to section ~~5111.874~~ 5124.60 of 130218
the Revised Code, one or more of the ~~facility's~~ ICF/IID's beds to 130219
providing home and community-based services, the department of ~~job~~ 130220
~~and family services~~ developmental disabilities shall do the 130221
following: 130222

(1) If the ~~facility's~~ ICF/IID's medicaid certification is 130223
terminated because of the conversion, terminate the ~~facility's~~ 130224
ICF/IID's franchise permit fee effective on the first day of the 130225
quarter immediately following the quarter in which the department 130226
receives the notice of the conversion from the director of health; 130227

(2) If the ~~facility's certified~~ ICF/IID's medicaid-certified 130228
capacity ~~under medicaid~~ is reduced because of the conversion, 130229
redetermine the ~~facility's~~ ICF/IID's franchise permit fee in 130230
accordance with division (B) of this section for the second half 130231
of the fiscal year for which the fee is assessed. 130232

(B)(1) To redetermine an ~~intermediate care facility for the~~ 130233
~~mentally retarded's~~ ICF/IID's franchise permit fee, the department 130234
shall multiply the franchise permit fee rate by the product of the 130235
following: 130236

(a) The ~~number of the facility's beds that remain certified~~ 130237
~~under Title XIX of the "Social Security Act"~~ ICF/IID's 130238
medicaid-certified capacity as of the date the conversion takes 130239
effect; 130240

(b) The number of days in the second half of the fiscal year 130241
for which the redetermination is made. 130242

(2) The ~~intermediate care facility for the mentally retarded~~ ICF/IID shall pay its franchise permit fee as redetermined under division (B)(1) of this section in installment payments not later than forty-five days after the last day of March and June of the fiscal year for which the redetermination is made.

Sec. ~~5112.34~~ 5168.65. If an ~~intermediate care facility for the mentally retarded~~ ICF/IID fails to pay the full amount of an installment when due, the department of ~~job and family services~~ developmental disabilities may assess a five per cent penalty on the amount due for each month or fraction thereof the installment is overdue.

Sec. ~~5112.341~~ 5168.66. (A) In addition to assessing a penalty pursuant to section ~~5112.34~~ 5168.65 of the Revised Code, the department of ~~job and family services~~ developmental disabilities may do any of the following if an ~~intermediate care facility for the mentally retarded~~ ICF/IID fails to pay the full amount of a franchise permit fee installment when due:

(1) Withhold an amount less than or equal to the installment and penalty assessed under section ~~5112.34~~ 5168.65 of the Revised Code from a medicaid payment due the ~~facility~~ ICF/IID until the ~~facility~~ ICF/IID pays the installment and penalty;

(2) Offset an amount less than or equal to the installment and penalty assessed under section ~~5112.34~~ 5168.65 of the Revised Code from a medicaid payment due the ~~facility~~ ICF/IID;

(3) ~~Terminate~~ Provide for the department of medicaid to terminate the ~~facility's medicaid~~ ICF/IID's provider agreement.

(B) The department may offset a medicaid payment under division (A) of this section without providing notice to the ~~intermediate care facility for the mentally retarded~~ ICF/IID and without conducting an adjudication under Chapter 119. of the

Revised Code. 130273

Sec. ~~5112.35~~ 5168.67. (A) An ~~intermediate care facility for~~ 130274
~~the mentally retarded~~ ICF/IID may appeal the franchise permit fee 130275
imposed under section ~~5112.31~~ 5168.61 of the Revised Code solely 130276
on the grounds that the department of ~~job and family services~~ 130277
developmental disabilities committed a material error in 130278
determining the amount of the fee. A request for an appeal must be 130279
received by the department not later than fifteen days after the 130280
date the department mails the notice of the fee and must include 130281
written materials setting forth the basis for the appeal. 130282

(B) If an ~~intermediate care facility for the mentally~~ 130283
~~retarded~~ ICF/IID submits a request for an appeal within the time 130284
required under division (A) of this section, the department shall 130285
hold a public hearing in Columbus not later than thirty days after 130286
the date the department receives the request for an appeal. The 130287
department shall, not later than ten days before the date of the 130288
hearing, mail a notice of the date, time, and place of the hearing 130289
to the ~~facility~~ ICF/IID. The department may hear all requested 130290
appeals in one public hearing. 130291

(C) On the basis of the evidence presented at the hearing or 130292
any other evidence submitted by the ~~intermediate care facility for~~ 130293
~~the mentally retarded~~ ICF/IID, the department may adjust a fee. 130294
The department's decision is final. 130295

Sec. ~~5112.37~~ 5168.68. There is hereby created in the state 130296
treasury the home and community-based services for the mentally 130297
retarded and developmentally disabled fund. All installment 130298
payments and penalties paid by an ~~intermediate care facility for~~ 130299
~~the mentally retarded~~ ICF/IID under sections ~~5112.33~~ 5168.63 and 130300
~~5112.34~~ 5168.65 of the Revised Code shall be deposited into the 130301
fund. As soon as possible after the end of each quarter, the 130302

~~medicaid~~ director of ~~job and family services~~ shall certify to the 130303
director of budget and management the amount of money that is in 130304
the fund as of the last day of that quarter. On receipt of a 130305
certification, the director of budget and management shall 130306
transfer the amount so certified from the home and community-based 130307
services for the mentally retarded and developmentally disabled 130308
fund to the department of developmental disabilities operating and 130309
services fund created under section ~~5112.371~~ 5168.69 of the 130310
Revised Code. 130311

Sec. ~~5112.371~~ 5168.69. There is hereby created in the state 130312
treasury the department of developmental disabilities operating 130313
and services fund. The fund shall consist of the money transferred 130314
to it under section ~~5112.37~~ 5168.68 of the Revised Code. The money 130315
in the fund shall be used for the expenses of the programs that 130316
the department of developmental disabilities administers and the 130317
department's administrative expenses. 130318

Sec. ~~5112.38~~ 5168.70. The department of ~~job and family~~ 130319
~~services~~ developmental disabilities may make any investigation it 130320
considers appropriate to obtain information necessary to fulfill 130321
its duties under sections ~~5112.30~~ 5168.60 to ~~5112.39~~ 5168.71 of 130322
the Revised Code. At the request of the department, the attorney 130323
general shall aid in any such investigations. The attorney general 130324
shall institute and prosecute all necessary actions for the 130325
enforcement of sections ~~5112.30~~ 5168.60 to ~~5112.39~~ 5168.71 of the 130326
Revised Code, except that at the request of the attorney general, 130327
the county prosecutor of the county in which an ~~intermediate care~~ 130328
~~facility for the mentally retarded~~ ICF/IID that has failed to 130329
comply with those sections is located shall institute and 130330
prosecute any necessary action against the ~~facility~~ ICF/IID. 130331

Sec. ~~5112.39~~ 5168.71. ~~The~~ To the extent authorized by rules 130332

authorized by section 5162.021 of the Revised Code, the director 130333
of job and family services developmental disabilities shall adopt 130334
rules in accordance with Chapter 119. of the Revised Code to do 130335
both of the following: 130336

(A) Prescribe the actions the department of developmental 130337
disabilities will take to cease implementation of sections ~~5112.30~~ 130338
~~5168.60~~ to ~~5112.39~~ 5168.71 of the Revised Code if the United 130339
States secretary of health and human services determines that the 130340
franchise permit fee imposed under section ~~5112.31~~ 5168.61 of the 130341
Revised Code is an impermissible health care-related tax under 130342
~~section 1903(w) of the "Social Security Act," 105 Stat. 1793~~ 130343
~~(1991)~~ section 1903(w), 42 U.S.C. 1396b(w), ~~as amended;~~ 130344

(B) Establish any other requirements or procedures the 130345
director considers necessary to implement sections ~~5112.30~~ 5168.60 130346
to ~~5112.39~~ 5168.71 of the Revised Code. 130347

Sec. ~~5112.99~~ 5168.99. (A) The medicaid director ~~of job and~~ 130348
~~family services~~ shall impose a penalty for each day that a 130349
hospital fails to report the information required under section 130350
~~5112.04~~ 5168.05 of the Revised Code on or before the dates 130351
specified in that section. The amount of the penalty shall be 130352
established by the director in rules adopted under section ~~5112.03~~ 130353
5168.02 of the Revised Code. 130354

(B) In addition to any other remedy available to the 130355
department of ~~job and family services~~ medicaid under law to 130356
collect unpaid assessments and transfers under sections ~~5112.01~~ 130357
5168.01 to ~~5112.21~~ 5168.14 of the Revised Code, the director shall 130358
impose a penalty of ten per cent of the amount due on any hospital 130359
that fails to pay assessments or make intergovernmental transfers 130360
by the dates required by rules adopted under section ~~5112.03~~ 130361
5168.02 of the Revised Code. 130362

(C) In addition to any other remedy available to the 130363

department of ~~job and family services~~ medicaid under law to 130364
collect unpaid assessments imposed under section ~~5112.41~~ 5168.21 130365
of the Revised Code, the director shall impose a penalty of ten 130366
per cent of the amount due on any hospital that fails to pay the 130367
assessment by the date it is due. 130368

(D) The director shall waive the penalties provided for in 130369
this section for good cause shown by the hospital. 130370

(E) All penalties imposed under this section shall be 130371
deposited into the health care administration fund created by 130372
section ~~5111.94~~ 5162.54 of the Revised Code. 130373

Sec. ~~5112.991~~ 5168.991. The department of ~~job and family~~ 130374
~~services~~ medicaid may offset the amount of a hospital's unpaid 130375
penalty imposed under section ~~5112.99~~ 5168.99 of the Revised Code 130376
from one or more payments due the hospital under the medicaid 130377
program. The total amount that may be offset from one or more 130378
payments shall not exceed the amount of the unpaid penalty. 130379

Sec. 5302.221. (A) As used in this section: 130380

"Estate" has the same meaning as in section ~~5111.11~~ 5162.21 130381
of the Revised Code. 130382

"Medicaid estate recovery program" means the program 130383
instituted under section ~~5111.11~~ 5162.21 of the Revised Code. 130384

(B) The administrator of the medicaid estate recovery program 130385
shall prescribe a form on which a beneficiary of a transfer on 130386
death designation affidavit as provided in section 5302.22 of the 130387
Revised Code, who survives the deceased owner of the real property 130388
or an interest in the real property or that is in existence on the 130389
date of death of the deceased owner, or that beneficiary's 130390
representative is to indicate both of the following: 130391

(1) Whether the deceased owner was either of the following: 130392

(a) A decedent subject to the medicaid estate recovery program;	130393 130394
(b) The spouse of a decedent subject to the medicaid estate recovery program.	130395 130396
(2) Whether the real property or interest in the real property was part of the estate of a decedent subject to the medicaid estate recovery program.	130397 130398 130399
(C) A county recorder shall obtain a properly completed form prescribed under division (B) of this section from the beneficiary of a transfer on death designation affidavit or the beneficiary's representative and send a copy of the form to the administrator of the medicaid estate recovery program before recording the transfer of the real property or interest in the real property under section 5302.222 of the Revised Code.	130400 130401 130402 130403 130404 130405 130406
Sec. 5309.082. (A) As used in this section:	130407
"Estate" has the same meaning as in section 5111.11 <u>5162.21</u> of the Revised Code.	130408 130409
"Medicaid estate recovery program" means the program instituted under section 5111.11 <u>5162.21</u> of the Revised Code.	130410 130411
(B) The administrator of the medicaid estate recovery program shall prescribe a form on which a surviving tenant under a survivorship tenancy or such a surviving tenant's representative is to indicate both of the following:	130412 130413 130414 130415
(1) Whether the deceased survivorship tenant was either of the following:	130416 130417
(a) A decedent subject to the medicaid estate recovery program;	130418 130419
(b) The spouse of a decedent subject to the medicaid estate recovery program.	130420 130421

(2) Whether the registered land under a survivorship tenancy 130422
was part of the estate of a decedent subject to the medicaid 130423
estate recovery program. 130424

(C) A county recorder shall obtain a properly completed form 130425
prescribed under division (B) of this section from the surviving 130426
tenant under a survivorship tenancy or the surviving tenant's 130427
representative and send a copy of the form to the administrator of 130428
the medicaid estate recovery program before registering the title 130429
in the surviving tenants under section 5309.081 of the Revised 130430
Code. 130431

Sec. 5309.68. Any person owning real estate, the title to 130432
which is registered, may request the withdrawal of such real 130433
estate from registration by presenting to the county recorder an 130434
affidavit of intention to withdraw. The affidavit shall describe 130435
the real estate, shall be properly executed and signed, and shall 130436
have attached to it the owner's duplicate certificate of title. 130437
Thereupon the county recorder shall register or record the 130438
affidavit and, upon order of the court, cancel said certificate of 130439
record, and ~~thereafter~~ record the court's order in the 130440
unregistered land official records. Thereafter, said title shall 130441
be considered the same as other unregistered lands. ~~All deeds and~~ 130442
~~mortgages heretofore filed conveying registered lands, the A~~ 130443
registration certificate ~~of which~~ that has been surrendered as 130444
herein provided, shall be recorded according to law, and 130445
thereafter the lands conveyed therein shall be considered the same 130446
as other unregistered lands. 130447

Sec. 5309.86. (A) Every memorial, notation, or cancellation 130448
of such memorial or notation, made on any certificate of title or 130449
duplicate thereof that is kept by paper means shall be signed by 130450
the county recorder or ~~his~~ the recorder's authorized deputy or 130451
clerk. 130452

(B) If a county recorder maintains registered land records by nonpaper means in the manner authorized by section 5309.031 of the Revised Code, the signature and seal of the county recorder or the recorder's authorized deputy or clerk may be reproduced by electronic facsimile on a certificate of title or duplicate thereof. Any prior memorial, notation, or cancellation of such memorial or notation on a certificate of title or duplicate thereof shall note only the name of the prior recorder and need not be signed by the county recorder or the recorder's authorized deputy or clerk.

Sec. 5501.311. (A) Notwithstanding sections 123.01 and 127.16 of the Revised Code the director of transportation may lease or lease-purchase all or any part of a transportation facility to or from one or more persons, one or more governmental agencies, a transportation improvement district, or any combination thereof, and may grant leases, easements, or licenses for lands under the control of the department of transportation. The director may adopt rules necessary to give effect to this section.

(B) Plans and specifications for the construction of a transportation facility under a lease or lease-purchase agreement are subject to approval of the director and must meet or exceed all applicable standards of the department.

(C) Any lease or lease-purchase agreement under which the department is the lessee shall be for a period not exceeding the then current two-year period for which appropriations have been made by the general assembly to the department, and such agreement may contain such other terms as the department and the other parties thereto agree, notwithstanding any other provision of law, including provisions that rental payments in amounts sufficient to pay bond service charges payable during the current two-year lease

term shall be an absolute and unconditional obligation of the 130484
department independent of all other duties under the agreement 130485
without set-off or deduction or any other similar rights or 130486
defenses. Any such agreement may provide for renewal of the 130487
agreement at the end of each term for another term, not exceeding 130488
two years, provided that no renewal shall be effective until the 130489
effective date of an appropriation enacted by the general assembly 130490
from which the department may lawfully pay rentals under such 130491
agreement. Any such agreement may include, without limitation, any 130492
agreement by the department with respect to any costs of 130493
transportation facilities to be included prior to acquisition and 130494
construction of such transportation facilities. Any such agreement 130495
shall not constitute a debt or pledge of the faith and credit of 130496
the state, or of any political subdivision of the state, and the 130497
lessor shall have no right to have taxes or excises levied by the 130498
general assembly, or the taxing authority of any political 130499
subdivision of the state, for the payment of rentals thereunder. 130500
Any such agreement shall contain a statement to that effect. 130501

(D) A municipal corporation, township, or county may use 130502
service payments in lieu of taxes credited to special funds or 130503
accounts pursuant to sections 5709.43, 5709.75, and 5709.80 of the 130504
Revised Code to provide its contribution to the cost of a 130505
transportation facility, provided such facility was among the 130506
purposes for which such service payments were authorized. The 130507
contribution may be in the form of a lump sum or periodic 130508
payments. 130509

(E) Pursuant to the "Telecommunications Act of 1996," 110 130510
Stat. 152, 47 U.S.C. 332 note, the director may grant a lease, 130511
easement, or license in a transportation facility to a 130512
telecommunications service provider for construction, placement, 130513
or operation of a telecommunications facility. An interest granted 130514
under this division is subject to all of the following conditions: 130515

(1) The transportation facility is owned in fee simple or 130516
easement by this state at the time the lease, easement, or license 130517
is granted to the telecommunications provider. 130518

(2) The lease, easement, or license shall be granted on a 130519
competitive basis in accordance with policies and procedures to be 130520
determined by the director. The policies and procedures may 130521
include provisions for master leases for multiple sites. 130522

(3) The telecommunications facility shall be designed to 130523
accommodate the state's multi-agency radio communication system, 130524
the intelligent transportation system, and the department's 130525
communication system as the director may determine is necessary 130526
for highway or other departmental purposes. 130527

(4) The telecommunications facility shall be designed to 130528
accommodate such additional telecommunications equipment as may 130529
feasibly be co-located thereon as determined in the discretion of 130530
the director. 130531

(5) The telecommunications service providers awarded the 130532
lease, easement, or license, agree to permit other 130533
telecommunications service providers to co-locate on the 130534
telecommunications facility, and agree to the terms and conditions 130535
of the co-location as determined in the discretion of the 130536
director. 130537

(6) The director shall require indemnity agreements in favor 130538
of the department as a condition of any lease, easement, or 130539
license granted under this division. Each indemnity agreement 130540
shall secure this state and its agents from liability for damages 130541
arising out of safety hazards, zoning, and any other matter of 130542
public interest the director considers necessary. 130543

(7) The telecommunications service provider fully complies 130544
with any permit issued under section 5515.01 of the Revised Code 130545
pertaining to land that is the subject of the lease, easement, or 130546

license. 130547

(8) All plans and specifications shall meet with the 130548
director's approval. 130549

(9) Any other conditions the director determines necessary. 130550

(F) In accordance with section 5501.031 of the Revised Code, 130551
to further efforts to promote energy conservation and energy 130552
efficiency, the director may grant a lease, easement, or license 130553
in a transportation facility to a utility service provider that 130554
has received its certificate from the Ohio power siting board or 130555
appropriate local entity for construction, placement, or operation 130556
of an alternative energy generating facility service provider as 130557
defined in section 4928.64 of the Revised Code. An interest 130558
granted under this division is subject to all of the following 130559
conditions: 130560

(1) The transportation facility is owned in fee simple or in 130561
easement by this state at the time the lease, easement, or license 130562
is granted to the utility service provider. 130563

(2) The lease, easement, or license shall be granted on a 130564
competitive basis in accordance with policies and procedures to be 130565
determined by the director. The policies and procedures may 130566
include provisions for master leases for multiple sites. 130567

(3) The alternative energy generating facility shall be 130568
designed to provide energy for the department's transportation 130569
facilities with the potential for selling excess power on the 130570
power grid, as the director may determine is necessary for highway 130571
or other departmental purposes. 130572

(4) The director shall require indemnity agreements in favor 130573
of the department as a condition of any lease, easement, or 130574
license granted under this division. Each indemnity agreement 130575
shall secure this state from liability for damages arising out of 130576
safety hazards, zoning, and any other matter of public interest 130577

the director considers necessary. 130578

(5) The alternative energy service provider fully complies 130579
with any permit issued by the Ohio power siting board under 130580
Chapter 4906. of the Revised Code and complies with section 130581
5515.01 of the Revised Code pertaining to land that is the subject 130582
of the lease, easement, or license. 130583

(6) All plans and specifications shall meet with the 130584
director's approval. 130585

(7) Any other conditions the director determines necessary. 130586

(G) Money the department receives under ~~divisions (E) and (F)~~ 130587
~~of~~ this section shall be deposited into the state treasury to the 130588
credit of the highway operating fund. 130589

(H) A lease, easement, or license granted under division (E) 130590
or (F) of this section, and any telecommunications facility or 130591
alternative energy generating facility relating to such interest 130592
in a transportation facility, is hereby deemed to further the 130593
essential highway purpose of building and maintaining a safe, 130594
energy-efficient, and accessible transportation system. 130595

Sec. 5501.312. (A) The director of transportation may do all 130596
of the following: 130597

~~(A)~~(1) Contract in the manner provided by this section with 130598
one or more persons, a transportation improvement district, one or 130599
more governmental agencies, or any combination thereof, desiring 130600
the use or service of a transportation facility, and fix the 130601
terms, conditions, rentals, or other charges for such use or 130602
services. Such contract may provide for acquisition by such person 130603
or governmental agency of all or any part of the facility for such 130604
consideration payable over the period of the contract or otherwise 130605
as the director in ~~his~~ the director's sole discretion determines 130606
to be appropriate. 130607

~~(B)~~(2) Make loans from any available source, including the federal share of a project, for the planning, acquisition, or construction of transportation facilities upon such terms as the director may determine or authorize, including secured or unsecured loans, and in connection therewith, enter into loan agreements, subordination agreements, and other agreements, accept notes and other forms of obligation to evidence the indebtedness and mortgages, liens, pledges, assignments, or other security interests to secure the indebtedness, which may be prior or subordinate to or on a parity with other indebtedness, obligations, mortgages, pledges, assignments, other security interests, or liens or encumbrances, and take such actions as are appropriate to protect the security and safeguard against losses, including foreclosure and the bidding upon and purchase of property upon foreclosure or other sale. Repayments of a federal share loan may be obligated by the director for any transportation purpose, including the relending of such repaid funds for other projects. Reloaned funds would be considered state loans, not federal share loans.

~~(C)~~(3) Sell transportation facilities under such terms as ~~he~~ the director may determine, including conditional sale or installment sale, under which title may pass prior to or after completion of the facility, or at any time provided in the agreement pertaining to the sale, including sale under an option to purchase at a price which may be a nominal amount or less than true value at the time of the purchase;

~~(D)~~(4) Grant a ~~mortgage~~ mortgage, lien, or other encumbrance on, or pledge or assignment of, or other security interest with respect to, all or any part of a transportation facility, or on, of, or with respect to any lease, sublease, sale, conditional sale or installment sale agreement, loan agreement, or other agreement pertaining to the lease, sublease, sale, or other disposition of a

facility or pertaining to a loan made for a facility, or any 130640
guaranty or insurance agreement made with respect thereto, or any 130641
interest of the department of transportation therein, or any other 130642
interest granted, assigned, or released to secure payments to be 130643
made by the department, which mortgage, lien, encumbrance, pledge, 130644
assignment, or other security interest may be prior or subordinate 130645
to or on a parity with any other mortgage assignment, or other 130646
security interest, lien, or encumbrance; 130647

~~(E)~~(5) Contract for the acquisition or construction of a 130648
transportation facility or any part thereof and for the leasing, 130649
subleasing, sale, or other disposition of the facility in a manner 130650
determined by the director. 130651

(B) All money received by the department under this section 130652
shall be deposited into the state treasury to the credit of the 130653
highway operating fund. 130654

Sec. 5501.73. (A) After selecting a solicited or unsolicited 130655
proposal for a public-private initiative, the department of 130656
transportation shall enter into a public-private agreement for a 130657
transportation facility with the selected private entity or any 130658
configuration of private entities. An affected jurisdiction may be 130659
a party to a public-private agreement entered into by the 130660
department and a selected private entity or combination of private 130661
entities. 130662

(B) A public-private agreement under this section shall 130663
provide for all of the following: 130664

(1) Planning, acquisition, financing, development, design, 130665
construction, reconstruction, replacement, improvement, 130666
maintenance, management, repair, leasing, or operation of a 130667
transportation facility; 130668

(2) Term of the public-private agreement; 130669

(3) Type of property interest, if any, the private entity will have in the transportation facility;	130670 130671
(4) A specific plan to ensure proper maintenance of the transportation facility throughout the term of the agreement and a return of the facility to the department, if applicable, in good condition and repair;	130672 130673 130674 130675
(5) Whether user fees will be collected on the transportation facility and the basis by which such user fees shall be determined and modified;	130676 130677 130678
(6) Compliance with applicable federal, state, and local laws;	130679 130680
(7) Grounds for termination of the public-private agreement by the department or operator;	130681 130682
(8) Disposition of the facility upon completion of the agreement;	130683 130684
(9) Procedures for amendment of the agreement.	130685
(C) A public-private agreement under this section may provide for any of the following:	130686 130687
(1) Review and approval by the department of the operator's plans for the development and operation of the transportation facility;	130688 130689 130690
(2) Inspection by the department of construction of or improvements to the transportation facility;	130691 130692
(3) Maintenance by the operator of a policy of liability insurance or self-insurance;	130693 130694
(4) Filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the department;	130695 130696 130697
(5) Filing by the operator, on a periodic basis, of traffic	130698

reports in a form acceptable to the department;	130699
(6) Financing obligations of the operator and the department;	130700
(7) Apportionment of expenses between the operator and the department;	130701 130702
(8) Rights and duties of the operator, the department, and other state and local governmental entities with respect to use of the transportation facility;	130703 130704 130705
(9) Rights and remedies available in the event of default or delay;	130706 130707
(10) Terms and conditions of indemnification of the operator by the department;	130708 130709
(11) Assignment, subcontracting, or other delegation of responsibilities of the operator or the department under the agreement to third parties, including other private entities and other state agencies;	130710 130711 130712 130713
(12) Sale or lease to the operator of private property related to the transportation facility;	130714 130715
(13) Traffic enforcement and other policing issues, including any reimbursement by the private entity for such services.	130716 130717
(D)(1) The director of transportation may include in any public-private agreement under sections 5501.70 to 5501.83 of the Revised Code a provision authorizing a binding dispute resolution method for any controversy subsequently arising out of the contract. The binding dispute resolution method may proceed only upon agreement of all parties to the controversy. If all parties do not agree to proceed to a binding dispute resolution, a party having a claim against the department shall exhaust its administrative remedies specified in the public-private agreement prior to filing any action against the department in the court of claims.	130718 130719 130720 130721 130722 130723 130724 130725 130726 130727 130728

No appeal from the determination of a technical expert lies 130729
to any court, except that the court of common pleas of Franklin 130730
County may issue an order vacating such a determination upon the 130731
application of any party to the binding dispute resolution if any 130732
of the following applies: 130733

(a) The determination was procured by corruption, fraud, or 130734
undue means. 130735

(b) There was evidence of partiality or corruption on the 130736
part of the technical expert. 130737

(c) The technical expert was guilty of misconduct in refusing 130738
to postpone the hearing, upon sufficient cause shown, or in 130739
refusing to hear evidence pertinent and material to the 130740
controversy, or of any other misbehavior by which the rights of 130741
any party have been prejudiced. 130742

(2) As used in this division, "binding dispute resolution" 130743
means a binding determination after review by a technical expert 130744
of all relevant items, which may include documents, and by 130745
interviewing appropriate personnel and visiting the project site 130746
involved in the controversy. "Binding dispute resolution" does not 130747
involve representation by legal counsel or advocacy by any person 130748
on behalf of any party to the controversy. 130749

(E) No public-private agreement entered into under this 130750
section shall be construed to transfer to a private entity the 130751
director's authority to appropriate property under Chapters 163., 130752
5501., and 5519. of the Revised Code. 130753

(F) Money collected by the department pursuant to an 130754
agreement entered into under this section shall be deposited into 130755
the state treasury to the credit of the highway operating fund. 130756

Sec. 5502.011. (A) As used in this section, "department of 130757
public safety" and "department" include all divisions within the 130758

department of public safety. 130759

(B) The director of public safety is the chief executive and 130760
administrative officer of the department. The director may 130761
establish policies governing the department, the performance of 130762
its employees and officers, the conduct of its business, and the 130763
custody, use, and preservation of departmental records, papers, 130764
books, documents, and property. The director also may authorize 130765
and approve investigations to be conducted by any of the 130766
department's divisions. Whenever the Revised Code imposes a duty 130767
upon or requires an action of the department, the director may 130768
perform the action or duty in the name of the department or direct 130769
such performance to be performed by the director's designee. 130770

(C) In addition to any other duties enumerated in the Revised 130771
Code, the director or the director's designee shall do all of the 130772
following: 130773

(1) Administer and direct the performance of the duties of 130774
the department; 130775

(2) Pursuant to Chapter 119. of the Revised Code, approve, 130776
adopt, and prescribe such forms and rules as are necessary to 130777
carry out the duties of the department; 130778

(3) On behalf of the department and in addition to any 130779
authority the Revised Code otherwise grants to the department, 130780
have the authority and responsibility for approving and entering 130781
into contracts, agreements, and other business arrangements; 130782

(4) Make appointments for the department as needed to comply 130783
with requirements of the Revised Code; 130784

(5) Approve employment actions of the department, including 130785
appointments, promotions, discipline, investigations, and 130786
terminations; 130787

(6) Accept, hold, and use, for the benefit of the department, 130788

any gift, donation, bequest, or devise, and may agree to and 130789
perform all conditions of the gift, donation, bequest, or devise, 130790
that are not contrary to law; 130791

(7) Apply for, allocate, disburse, and account for grants 130792
made available under federal law or from other federal, state, or 130793
private sources; 130794

(8) Develop a list of disqualifying offenses for licensure as 130795
a private investigator or a security guard provider pursuant to 130796
sections 4749.03, 4749.04, 4749.10, and 4776.10 of the Revised 130797
Code; 130798

(9) Do all other acts necessary or desirable to carry out 130799
this chapter. 130800

(D)(1) The director of public safety may assess a reasonable 130801
fee, plus the amount of any charge or fee passed on from a 130802
financial institution, on a drawer or indorser for each of the 130803
following: 130804

(a) A check, draft, or money order that is returned or 130805
dishonored; 130806

(b) An automatic bank transfer that is declined, due to 130807
insufficient funds or for any other reason; 130808

(c) Any financial transaction device that is returned or 130809
dishonored for any reason. 130810

(2) The director shall deposit any fee collected under this 130811
division in an appropriate fund as determined by the director 130812
based on the tax, fee, or fine being paid. 130813

(3) As used in this division, "financial transaction device" 130814
has the same meaning as in section 113.40 of the Revised Code. 130815

(E) The director shall establish a homeland security advisory 130816
council to advise the director on homeland security, including 130817
homeland security funding efforts. The advisory council shall 130818

include, but not be limited to, state and local government 130819
officials who have homeland security or emergency management 130820
responsibilities and who represent first responders. The director 130821
shall appoint the members of the council, who shall serve without 130822
compensation. 130823

~~(F)(1) The director or the director's designee shall carry 130824
out the duties required of the director under Chapter 5507. of the 130825
Revised Code. The director may, at the director's discretion, 130826
assign employees of the department to provide assistance in 130827
carrying out those duties as the director considers necessary. 130828~~

~~(2) The director may adopt rules under Chapter 111. of the 130829
Revised Code to approve, adopt, and prescribe such forms and 130830
processes as are necessary to carry out the duties required of the 130831
director under Chapter 5507. of the Revised Code. 130832~~

Sec. 5505.12. (A) The state highway patrol retirement board 130833
shall have prepared annually by or under the supervision of an 130834
actuary an actuarial valuation of the pension assets, liabilities, 130835
and funding requirements of the state highway patrol retirement 130836
system as established pursuant to this chapter. The actuary shall 130837
complete the valuation in accordance with actuarial standards of 130838
practice promulgated by the actuarial standards board of the 130839
American academy of actuaries and prepare a report of the 130840
valuation. The report shall include all of the following: 130841

(1) A summary of the benefit provisions evaluated; 130842

(2) A summary of the census data and financial information 130843
used in the valuation; 130844

(3) A description of the actuarial assumptions, actuarial 130845
cost method, and asset valuation method used in the valuation, 130846
including a statement of the assumed rate of payroll growth and 130847
assumed rate of growth or decline in the number of members 130848

contributing to the retirement system;	130849
(4) A summary of findings that includes a statement of the	130850
actuarial accrued pension liabilities and unfunded actuarial	130851
accrued pension liabilities;	130852
(5) A schedule showing the effect of any changes in the	130853
benefit provisions, actuarial assumptions, or cost methods since	130854
the last annual actuarial valuation;	130855
(6) A statement of whether contributions to the retirement	130856
system are expected to be sufficient to satisfy the funding	130857
objectives established by the board.	130858
The board shall submit the report to the Ohio retirement	130859
study council, <u>the director of budget and management</u> , and the	130860
standing committees of the house of representatives and the senate	130861
with primary responsibility for retirement legislation <u>immediately</u>	130862
<u>upon its availability and</u> not later than the first day of July	130863
following the year for which the valuation was made.	130864
(B) At such times as the state highway patrol retirement	130865
board determines, and at least once in each five-year period after	130866
January 1, 1966, the board shall have prepared by or under the	130867
supervision of an actuary an actuarial investigation of the	130868
mortality, service, and other experience of the members,	130869
retirants, and beneficiaries to update the actuarial assumptions	130870
used in the actuarial valuation required by division (A) of this	130871
section. The actuary shall prepare a report of the actuarial	130872
investigation. The report shall be prepared and any recommended	130873
changes in actuarial assumptions shall be made in accordance with	130874
the actuarial standards of practice promulgated by the actuarial	130875
standards board of the American academy of actuaries. The report	130876
shall include all of the following:	130877
(1) A summary of relevant decrement and economic assumption	130878
experience observed over the period of the investigation;	130879

(2) Recommended changes in actuarial assumptions to be used	130880
in subsequent actuarial valuations required by division (A) of	130881
this section;	130882
(3) A measurement of the financial effect of the recommended	130883
changes in actuarial assumptions;	130884
(4) If the investigation required by this division includes	130885
the investigation required by division (F) of this section, a	130886
report of the result of that investigation.	130887
The board shall submit the report to the Ohio retirement	130888
study council and the standing committees of the house of	130889
representatives and the senate with primary responsibility for	130890
retirement legislation not later than the first day of November	130891
following the last fiscal year of the period the report covers.	130892
(C) The board may at any time request the actuary to make any	130893
studies or actuarial valuations to determine the adequacy of the	130894
rates of contributions provided by section 5505.15 of the Revised	130895
Code.	130896
(D) The board shall have prepared by or under the supervision	130897
of an actuary an actuarial analysis of any introduced legislation	130898
expected to have a measurable financial impact on the retirement	130899
system. The actuarial analysis shall be completed in accordance	130900
with the actuarial standards of practice promulgated by the	130901
actuarial standards board of the American academy of actuaries.	130902
The actuary shall prepare a report of the actuarial analysis,	130903
which shall include all of the following:	130904
(1) A summary of the statutory changes that are being	130905
evaluated;	130906
(2) A description of or reference to the actuarial	130907
assumptions and actuarial cost method used in the report;	130908
(3) A description of the participant group or groups included	130909

in the report; 130910

(4) A statement of the financial impact of the legislation, 130911
including the resulting increase, if any, in the employer normal 130912
cost percentage; the increase, if any, in actuarial accrued 130913
liabilities; and the per cent of payroll that would be required to 130914
amortize the increase in actuarial accrued liabilities as a level 130915
per cent of covered payroll for all active members over a period 130916
not to exceed thirty years; 130917

(5) A statement of whether the scheduled contributions to the 130918
system after the proposed change is enacted are expected to be 130919
sufficient to satisfy the funding objectives established by the 130920
board. 130921

Not later than sixty days from the date of introduction of 130922
the legislation, the board shall submit a copy of the actuarial 130923
analysis to the legislative service commission, the standing 130924
committees of the house of representatives and the senate with 130925
primary responsibility for retirement legislation, and the Ohio 130926
retirement study council. 130927

(E) The board shall have prepared annually a report giving a 130928
full accounting of the revenues and costs relating to the 130929
provision of benefits under section 5505.28 of the Revised Code. 130930
The report shall be made as of December 31, 1997, and the 130931
thirty-first day of December of each year thereafter. The report 130932
shall include the following: 130933

(1) A description of the statutory authority for the benefits 130934
provided; 130935

(2) A summary of the benefits; 130936

(3) A summary of the eligibility requirements for the 130937
benefits; 130938

(4) A statement of the number of participants eligible for 130939

the benefits;	130940
(5) A description of the accounting, asset valuation, and funding method used to provide the benefits;	130941 130942
(6) A statement of the net assets available for the provision of the benefits as of the last day of the fiscal year;	130943 130944
(7) A statement of any changes in the net assets available for the provision of benefits, including participant and employer contributions, net investment income, administrative expenses, and benefits provided to participants, as of the last day of the fiscal year;	130945 130946 130947 130948 130949
(8) For the last six consecutive fiscal years, a schedule of the net assets available for the benefits, the annual cost of benefits, administrative expenses incurred, and annual employer contributions allocated for the provision of benefits;	130950 130951 130952 130953
(9) A description of any significant changes that affect the comparability of the report required under this division;	130954 130955
(10) A statement of the amount paid under division (B) of section 5505.28 of the Revised Code.	130956 130957
The board shall submit the report to the Ohio retirement study council, <u>the director of budget and management</u> , and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation <u>immediately upon its availability and</u> not later than the thirtieth day of June following the year for which the report was made.	130958 130959 130960 130961 130962 130963
(F) At least once in each five-year period, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the deferred retirement option plan established under section 5505.50 of the Revised Code. The investigation shall include an examination of the financial impact, if any, on the retirement system of offering the plan to	130964 130965 130966 130967 130968 130969

members. 130970

The actuary shall prepare a report of the actuarial 130971
investigation. The report shall include a determination of whether 130972
the plan, as established or modified, has a negative financial 130973
impact on the retirement system and, if so, recommendations on how 130974
to modify the plan to eliminate the negative financial impact. If 130975
the actuarial report indicates that the plan has a negative 130976
financial impact on the retirement system, the board shall modify 130977
the plan. If the board modifies the plan, the rights and 130978
obligations of members who have already elected to participate 130979
shall not be altered. 130980

The state's contributions to the employer accumulation fund 130981
shall not be increased to offset any negative financial impact of 130982
the deferred retirement option plan. 130983

The board may include the actuarial investigation required 130984
under this division as part of the actuarial investigation 130985
required under division (B) of this section. If the report of the 130986
actuarial investigation required by this division is not included 130987
in the report required by division (B) of this section, the board 130988
shall submit the report required by this division to the Ohio 130989
retirement study council and the standing committees of the house 130990
of representatives and the senate with primary responsibility for 130991
retirement legislation not later than the first day of November 130992
following the last fiscal year of the period the report covers. 130993

Sec. 5511.03. The director of transportation shall examine 130994
the existing highway facilities serving the several hospitals, 130995
educational institutions, and correctional and other similar 130996
institutions belonging to the state, and located outside municipal 130997
corporations. Where the director finds that any such state 130998
institution is not located on a state highway or connected with a 130999
highway by a suitable road, affording in its present condition 131000

adequate transportation facilities to those having occasion to 131001
visit such institution, the director may establish a state highway 131002
leading to such institution from a convenient point on an existing 131003
highway. Where the director finds that any such institution is not 131004
served by adequate highway facilities connecting it with the 131005
railroad delivery point from which it principally obtains fuel, 131006
provisions, and supplies, the director may establish a highway 131007
connecting such institution and railroad delivery point. 131008
Limitations imposed on the mileage of state highways shall not 131009
apply to highways established under this section. 131010

The director may construct at state expense all highways 131011
established under authority of this section and pay the entire 131012
cost thereof from the state highway operating fund. Such highways 131013
shall be maintained by the department of transportation and the 131014
cost shall be paid from the highway operating fund of the 131015
department. 131016

The directors of transportation, ~~mental health~~ mental health 131017
and addiction services, developmental disabilities, and 131018
rehabilitation and correction may cooperate in the establishment, 131019
construction, reconstruction, maintenance, and repair of roads 131020
within the limits of state institutions. The cost shall be paid 131021
from funds appropriated for highway purposes and from the funds 131022
appropriated to the department of ~~mental health~~ mental health and 131023
addiction services, department of developmental disabilities, or 131024
the department of rehabilitation and correction for capital 131025
improvements or maintenance in such proportion as may be agreed 131026
upon by the directors of transportation, ~~mental health~~ mental 131027
health and addiction services, developmental disabilities, and 131028
rehabilitation and correction. 131029

Sec. 5515.08. (A) The department of transportation may 131030
contract to sell commercial advertising space within or on the 131031

outside surfaces of any building located within a roadside rest 131032
area under its jurisdiction in exchange for cash payment. Money 131033
the department receives under this section shall be deposited in 131034
the state treasury to the credit of the ~~roadside rest area~~ 131035
~~improvement highway operating~~ fund, which is hereby created. The 131036
~~department shall use the money in the fund only to improve~~ 131037
~~roadside rest areas in accordance with section 5529.06 of the~~ 131038
~~Revised Code.~~ 131039

(B) Advertising placed under this section shall comply with 131040
all of the following: 131041

(1) It shall not be libelous or obscene and shall not promote 131042
any illegal product or service. 131043

(2) It shall not promote illegal discrimination on the basis 131044
of the race, religion, national origin, handicap, age, or ancestry 131045
of any person. 131046

(3) It shall not support or oppose any candidate for 131047
political office or any political cause, issue, or organization. 131048

(4) It shall comply with any controlling federal or state 131049
regulations or restrictions. 131050

(5) To the extent physically and technically practical, it 131051
shall state that the advertisement is a paid commercial 131052
advertisement and that the state does not endorse the product or 131053
service promoted by the advertisement or make any representation 131054
about the accuracy of the advertisement or the quality or 131055
performance of the product or service promoted by the 131056
advertisement. 131057

(6) It shall conform to all applicable rules adopted by the 131058
director of transportation under division (E) of this section. 131059

(C) Contracts entered into under this section shall be 131060
awarded only to the qualified bidder who submits the highest 131061

responsive bid or according to uniformly applied rate classes. 131062

(D) No person, except an advertiser alleging a breach of 131063
contract or the improper awarding of a contract, has a cause of 131064
action against the state with respect to any contract or 131065
advertising authorized by this section. Under no circumstances is 131066
the state liable for consequential or noneconomic damages with 131067
respect to any contract or advertising authorized under this 131068
section. 131069

(E) The director, in accordance with Chapter 119. of the 131070
Revised Code, shall adopt rules to implement this section. The 131071
rules shall be consistent with the policy of protecting the safety 131072
of the traveling public and consistent with the national policy 131073
governing the use and control of such roadside rest areas. The 131074
rules shall regulate the awarding of contracts and may regulate 131075
the content, display, and other aspects of the commercial 131076
advertising authorized by this section. 131077

Sec. 5540.03. (A) A transportation improvement district may: 131078

(1) Adopt bylaws for the regulation of its affairs and the 131079
conduct of its business; 131080

(2) Adopt an official seal; 131081

(3) Sue and be sued in its own name, plead and be impleaded, 131082
provided any actions against the district shall be brought in the 131083
court of common pleas of the county in which the principal office 131084
of the district is located, or in the court of common pleas of the 131085
county in which the cause of action arose, and all summonses, 131086
exceptions, and notices of every kind shall be served on the 131087
district by leaving a copy thereof at its principal office with 131088
the secretary-treasurer; 131089

(4) Purchase, construct, maintain, repair, sell, exchange, 131090
police, operate, or lease projects; 131091

(5) Issue either or both of the following for the purpose of providing funds to pay the costs of any project or part thereof:	131092 131093
(a) Transportation improvement district revenue bonds;	131094
(b) Bonds pursuant to Section 13 of Article VIII, Ohio Constitution;	131095 131096
(6) Maintain such funds as it considers necessary;	131097
(7) Direct its agents or employees, when properly identified in writing and after at least five days' written notice, to enter upon lands within its jurisdiction to make surveys and examinations preliminary to the location and construction of projects for the district, without liability of the district or its agents or employees except for actual damage done;	131098 131099 131100 131101 131102 131103
(8) Make and enter into all contracts and agreements necessary or incidental to the performance of its functions and the execution of its powers under this chapter;	131104 131105 131106
(9) Employ or retain or contract for the services of consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts, financial advisers, trustees, marketing, remarketing, and administrative agents, attorneys, and other employees, independent contractors, or agents as are necessary in its judgment and fix their compensation, provided all such expenses shall be payable solely from the proceeds of bonds or from revenues;	131107 131108 131109 131110 131111 131112 131113 131114
(10) Receive and accept from the federal or any state or local government, including, but not limited to, any agency, entity, or instrumentality of any of the foregoing, loans and grants for or in aid of the construction, maintenance, or repair of any project, and receive and accept aid or contributions from any source or person of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such loans, grants, and contributions are made. Nothing in	131115 131116 131117 131118 131119 131120 131121 131122

division (A)(10) of this section shall be construed as imposing 131123
any liability on this state for any loan received by a 131124
transportation improvement district from a third party unless this 131125
state has entered into an agreement to accept such liability. 131126

(11) Acquire, hold, and dispose of property in the exercise 131127
of its powers and the performance of its duties under this 131128
chapter; 131129

(12) Establish and collect tolls or user charges for its 131130
projects; 131131

(13) Subject to section 5540.18 of the Revised Code, enter 131132
into an agreement with a contiguous board of county commissioners 131133
other than the board of county commissioners that created the 131134
transportation improvement district, for the district to exercise 131135
all or any portion of its powers with respect to a project that is 131136
located wholly or partially within the county that is party to the 131137
agreement; 131138

(14) Do all acts necessary and proper to carry out the powers 131139
expressly granted in this chapter. 131140

(B) Chapters 123., 124., 125., 153., and 4115., and sections 131141
9.331 to 9.335 and 307.86 of the Revised Code do not apply to 131142
contracts or projects of a transportation improvement district. 131143

Sec. 5540.18. A board of county commissioners may enter into 131144
an agreement with a contiguous transportation improvement district 131145
that the board of county commissioners did not create for the 131146
district to undertake a project that is located wholly or 131147
partially within that county provided that, the board of county 131148
commissioners of the county that created the transportation 131149
improvement district also must enter into the agreement. 131150

No transportation improvement district shall undertake a 131151
project that is located wholly or partially within a county that 131152

did not create the transportation improvement district except 131153
pursuant to an agreement entered into in accordance with this 131154
section, a project being undertaken by two or more transportation 131155
improvement districts, or as otherwise provided by law. 131156

Sec. 5701.13. (A) As used in this section: 131157

(1) "Nursing home" means a nursing home or a home for the 131158
aging, as those terms are defined in section 3721.01 of the 131159
Revised Code, that is issued a license pursuant to section 3721.02 131160
of the Revised Code. 131161

(2) "Residential care facility" means a residential care 131162
facility, as defined in section 3721.01 of the Revised Code, that 131163
is issued a license pursuant to section 3721.02 of the Revised 131164
Code. 131165

(3) "Residential facility" means a residential facility 131166
licensed under section ~~5119.22~~ 5119.34 of the Revised Code that 131167
provides accommodations, supervision, and personal care services 131168
for three to sixteen unrelated adults. 131169

(B) As used in Title LVII of the Revised Code, and for the 131170
purpose of other sections of the Revised Code that refer 131171
specifically to Chapter 5701. or section 5701.13 of the Revised 131172
Code, a "home for the aged" means either of the following: 131173

(1) A place of residence for aged and infirm persons that 131174
satisfies divisions (B)(1)(a) to (e) of this section: 131175

(a) It is a nursing home, residential care facility, or 131176
residential facility. 131177

(b) It is owned by a corporation, unincorporated nonprofit 131178
association, or trust of a charitable, religious, or fraternal 131179
nature, that is organized and operated not for profit, is not 131180
formed for the pecuniary gain or profit of, and whose net earnings 131181
or any part of whose net earnings is not distributable to, its 131182

members, trustees, officers, or other private persons, and is 131183
exempt from federal income taxation under section 501 of the 131184
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1. 131185

(c) It is open to the public without regard to race, color, 131186
or national origin. 131187

(d) It does not pay, directly or indirectly, compensation for 131188
services rendered, interest on debts incurred, or purchase price 131189
for land, building, equipment, supplies, or other goods or 131190
chattels, which compensation, interest, or purchase price is 131191
unreasonably high. 131192

(e) It provides services for the life of each resident 131193
without regard to the resident's ability to continue payment for 131194
the full cost of the services. 131195

(2) A place of residence that satisfies divisions (B)(1)(b), 131196
(d), and (e) of this section; that satisfies the definition of 131197
"nursing home" or "residential care facility" under section 131198
3721.01 of the Revised Code or the definition of "residential 131199
facility" under division (A)(3) of this section regardless of 131200
whether it is licensed as such a home or facility; and that is 131201
provided at no charge to individuals on account of their service 131202
without compensation to a charitable, religious, fraternal, or 131203
educational institution, which individuals are aged or infirm and 131204
are members of the corporation, association, or trust that owns 131205
the place of residence. For the purposes of division (B)(2) of 131206
this section, "compensation" does not include furnishing room and 131207
board, clothing, health care, or other necessities, or stipends or 131208
other de minimis payments to defray the cost thereof. 131209

Exemption from taxation shall be accorded, on proper 131210
application, only to those homes or parts of homes that meet the 131211
standards and provide the services specified in this section. 131212

Nothing in this section shall be construed as preventing a 131213

home from requiring a resident with financial need to apply for 131214
any applicable financial assistance or requiring a home to retain 131215
a resident who willfully refuses to pay for services for which the 131216
resident has contracted even though the resident has sufficient 131217
resources to do so. 131218

(C)(1) If a corporation, unincorporated nonprofit 131219
association, or trust described in division (B)(1)(b) of this 131220
section is granted a certificate of need pursuant to section 131221
3702.52 of the Revised Code to construct, add to, or otherwise 131222
modify a nursing home, or is given approval pursuant to section 131223
3791.04 of the Revised Code to construct, add to, or otherwise 131224
modify a residential care facility or residential facility and if 131225
the corporation, association, or trust submits an affidavit to the 131226
tax commissioner stating that, commencing on the date of licensure 131227
and continuing thereafter, the home or facility will be operated 131228
in accordance with the requirements of divisions (B)(1)(a) to (e) 131229
of this section, the corporation, association, or trust shall be 131230
considered to be operating a "home for the aged" within the 131231
meaning of division (B)(1) of this section, beginning on the first 131232
day of January of the year in which such certificate is granted or 131233
approval is given. 131234

(2) If a corporation, association, or trust is considered to 131235
be operating a "home for the aged" pursuant to division (C)(1) of 131236
this section, the corporation, association, or trust shall notify 131237
the tax commissioner in writing upon the occurrence of any of the 131238
following events: 131239

(a) The corporation, association, or trust no longer intends 131240
to complete the construction of, addition to, or modification of 131241
the home or facility, to obtain the appropriate license for the 131242
home or facility, or to commence operation of the home or facility 131243
in accordance with the requirements of divisions (B)(1)(a) to (e) 131244
of this section; 131245

(b) The certificate of approval referred to in division 131246
(C)(1) of this section expires, is revoked, or is otherwise 131247
terminated prior to the completion of the construction of, 131248
addition to, or modification of the home or facility; 131249

(c) The license to operate the home or facility is not 131250
granted by the director of health within one year following 131251
completion of the construction of, addition to, or modification of 131252
the home or facility; 131253

(d) The license to operate the home or facility is not 131254
granted by the director of health within four years following the 131255
date upon which the certificate or approval referred to in 131256
division (C)(1) of this section was granted or given; 131257

(e) The home or facility is granted a license to operate as a 131258
nursing home, residential care facility, or residential facility. 131259

(3) Upon the occurrence of any of the events referred to in 131260
divisions (C)(2)(a), (b), (c), (d), and (e) of this section, the 131261
corporation, association, or trust shall no longer be considered 131262
to be operating a "home for the aged" pursuant to division (C)(1) 131263
of this section, except that the tax commissioner, for good cause 131264
shown and to the extent the commissioner considers appropriate, 131265
may extend the time period specified in division (C)(2)(c) or (d) 131266
of this section, or both. Nothing in division (C)(3) of this 131267
section shall be construed to prevent a nursing home, residential 131268
care facility, or residential facility from qualifying as a "home 131269
for the aged" if, upon proper application made pursuant to 131270
division (B) of this section, it is found to meet the requirements 131271
of divisions (A) and (B) of this section. 131272

Sec. 5703.052. (A) There is hereby created in the state 131273
treasury the tax refund fund, from which refunds shall be paid for 131274
taxes illegally or erroneously assessed or collected, or for any 131275
other reason overpaid, that are levied by Chapter 4301., 4305., 131276

5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 5741., 131277
5743., 5747., 5748., 5749., 5751., or 5753. and sections 3737.71, 131278
3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 131279
5727.81, and 5727.811 of the Revised Code. Refunds for fees or 131280
wireless 9-1-1 charges illegally or erroneously assessed or 131281
collected, or for any other reason overpaid, that are levied by 131282
sections 128.42 or 3734.90 to 3734.9014 of the Revised Code also 131283
shall be paid from the fund. Refunds for amounts illegally or 131284
erroneously assessed or collected by the tax commissioner, or for 131285
any other reason overpaid, that are due under section 1509.50 of 131286
the Revised Code shall be paid from the fund. However, refunds for 131287
taxes levied under section 5739.101 of the Revised Code shall not 131288
be paid from the tax refund fund, but shall be paid as provided in 131289
section 5739.104 of the Revised Code. 131290

(B)(1) Upon certification by the tax commissioner to the 131291
treasurer of state of a tax refund, ~~a fee~~ wireless 9-1-1 charge 131292
refund, or ~~an other~~ another amount refunded, or by the 131293
superintendent of insurance of a domestic or foreign insurance tax 131294
refund, the treasurer of state shall place the amount certified to 131295
the credit of the fund. The certified amount transferred shall be 131296
derived from ~~current~~ the receipts of the same tax, fee, wireless 131297
9-1-1 charge, or other amount from which the refund arose. ~~If~~ 131298
~~current receipts from the tax, fee, or other amount from which the~~ 131299
~~refund arose are inadequate to make the transfer of the amount so~~ 131300
~~certified, the treasurer of state shall transfer such certified~~ 131301
~~amount from current receipts of the sales tax levied by section~~ 131302
~~5739.02 of the Revised Code.~~ 131303

(2) When ~~the treasurer of state provides for the payment of a~~ 131304
~~refund of a tax, fee, or other amount from the current receipts of~~ 131305
~~the sales tax, and the~~ a refund is for a tax, fee, wireless 9-1-1 131306
charge, or other amount that is not levied by the state or that 131307
was illegally or erroneously distributed to a taxing jurisdiction, 131308

the tax commissioner shall recover the amount of that refund from 131309
the next distribution of that tax, fee, wireless 9-1-1 charge, or 131310
other amount that otherwise would be made to the taxing 131311
jurisdiction. If the amount to be recovered would exceed 131312
twenty-five per cent of the next distribution of that tax, fee, 131313
wireless 9-1-1 charge, or other amount, the commissioner may 131314
spread the recovery over more than one future distribution, taking 131315
into account the amount to be recovered and the amount of the 131316
anticipated future distributions. In no event may the commissioner 131317
spread the recovery over a period to exceed twenty-four months. 131318

Sec. 5703.053. As used in this section, "postal service" 131319
means the United States postal service. 131320

An application to the tax commissioner for a tax refund under 131321
section 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 131322
5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5736.08, 5739.07, 131323
5741.10, 5743.05, 5743.53, 5745.11, 5749.08, or 5751.08 of the 131324
Revised Code or division (B) of section 5703.05 of the Revised 131325
Code, or a fee refunded under section 3734.905 of the Revised 131326
Code, that is received after the last day for filing under such 131327
section shall be considered to have been filed in a timely manner 131328
if: 131329

(A) The application is delivered by the postal service and 131330
the earliest postal service postmark on the cover in which the 131331
application is enclosed is not later than the last day for filing 131332
the application; 131333

(B) The application is delivered by the postal service, the 131334
only postmark on the cover in which the application is enclosed 131335
was affixed by a private postal meter, the date of that postmark 131336
is not later than the last day for filing the application, and the 131337
application is received within seven days of such last day; or 131338

(C) The application is delivered by the postal service, no 131339

postmark date was affixed to the cover in which the application is 131340
enclosed or the date of the postmark so affixed is not legible, 131341
and the application is received within seven days of the last day 131342
for making the application. 131343

Sec. 5703.059. (A) The tax commissioner may adopt rules 131344
requiring returns, including any accompanying schedule or 131345
statement, for any of the following taxes to be filed 131346
electronically using the Ohio business gateway as defined in 131347
section 718.051 of the Revised Code, filed telephonically using 131348
the system known as the Ohio telefile system, or filed by any 131349
other electronic means prescribed by the commissioner: 131350

(1) Employer income tax withholding under Chapter 5747. of 131351
the Revised Code; 131352

(2) Motor fuel tax under Chapter 5735. of the Revised Code; 131353

(3) Cigarette and tobacco product tax under Chapter 5743. of 131354
the Revised Code; 131355

(4) Severance tax under Chapter 5749. of the Revised Code; 131356

(5) Use tax under Chapter 5741. of the Revised Code; 131357

(6) Commercial activity tax under Chapter 5751. of the 131358
Revised Code; 131359

(7) Financial institutions tax under Chapter 5726. of the 131360
Revised Code; 131361

(8) Motor fuel receipts tax under Chapter 5736. of the 131362
Revised Code; 131363

(9) Horse-racing taxes under Chapter 3769. of the Revised 131364
Code. 131365

(B) The tax commissioner may adopt rules requiring any 131366
payment of tax shown on such a return to be due to be made 131367
electronically in a manner approved by the commissioner. 131368

(C) A rule adopted under this section does not apply to 131369
returns or reports filed or payments made before six months after 131370
the effective date of the rule. The commissioner shall publicize 131371
any new electronic filing requirement on the department's web 131372
site. The commissioner shall educate the public of the requirement 131373
through seminars, workshops, conferences, or other outreach 131374
activities. 131375

(D) Any person required to file returns and make payments 131376
electronically under rules adopted under this section may apply to 131377
the commissioner, on a form prescribed by the commissioner, to be 131378
excused from that requirement. For good cause shown, the 131379
commissioner may excuse the applicant from the requirement and 131380
permit the applicant to file the returns or reports or make the 131381
payments required under this section by nonelectronic means. 131382

Sec. 5703.19. (A) To carry out the purposes of the laws that 131383
the tax commissioner is required to administer, the commissioner 131384
or any person employed by the commissioner for that purpose, upon 131385
demand, may inspect books, accounts, records, and memoranda of any 131386
person or public utility subject to those laws, and may examine 131387
under oath any officer, agent, or employee of that person or 131388
public utility. Any person other than the commissioner who makes a 131389
demand pursuant to this section shall produce the person's 131390
authority to make the inspection. 131391

(B) If a person or public utility receives at least ten days' 131392
written notice of a demand made under division (A) of this section 131393
and refuses to comply with that demand, a penalty of five hundred 131394
dollars shall be imposed upon the person or public utility for 131395
each day the person or public utility refuses to comply with the 131396
demand. Penalties imposed under this division may be assessed and 131397
collected in the same manner as assessments made under Chapter 131398
3769., 4305., 5727., 5728., 5733., 5735., 5736., 5739., 5743., 131399

5745., 5747., 5749., 5751., or 5753., or sections 3734.90 to 131400
3734.9014, of the Revised Code. 131401

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 131402
of this section, no agent of the department of taxation, except in 131403
the agent's report to the department or when called on to testify 131404
in any court or proceeding, shall divulge any information acquired 131405
by the agent as to the transactions, property, or business of any 131406
person while acting or claiming to act under orders of the 131407
department. Whoever violates this provision shall thereafter be 131408
disqualified from acting as an officer or employee or in any other 131409
capacity under appointment or employment of the department. 131410
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(B)(1) For purposes of an audit pursuant to section 117.15 of 131412
the Revised Code, or an audit of the department pursuant to 131413
Chapter 117. of the Revised Code, or an audit, pursuant to that 131414
chapter, the objective of which is to express an opinion on a 131415
financial report or statement prepared or issued pursuant to 131416
division (A)(7) or (9) of section 126.21 of the Revised Code, the 131417
officers and employees of the auditor of state charged with 131418
conducting the audit shall have access to and the right to examine 131419
any state tax returns and state tax return information in the 131420
possession of the department to the extent that the access and 131421
examination are necessary for purposes of the audit. Any 131422
information acquired as the result of that access and examination 131423
shall not be divulged for any purpose other than as required for 131424
the audit or unless the officers and employees are required to 131425
testify in a court or proceeding under compulsion of legal 131426
process. Whoever violates this provision shall thereafter be 131427
disqualified from acting as an officer or employee or in any other 131428
capacity under appointment or employment of the auditor of state. 131429

(2) For purposes of an internal audit pursuant to section 131430

126.45 of the Revised Code, the officers and employees of the 131431
office of internal ~~auditing~~ audit in the office of budget and 131432
management charged with ~~conducting~~ directing the internal audit 131433
shall have access to and the right to examine any state tax 131434
returns and state tax return information in the possession of the 131435
department to the extent that the access and examination are 131436
necessary for purposes of the internal audit. Any information 131437
acquired as the result of that access and examination shall not be 131438
divulged for any purpose other than as required for the internal 131439
audit or unless the officers and employees are required to testify 131440
in a court or proceeding under compulsion of legal process. 131441
Whoever violates this provision shall thereafter be disqualified 131442
from acting as an officer or employee or in any other capacity 131443
under appointment or employment of the office of internal ~~auditing~~ 131444
audit. 131445

(3) As provided by section 6103(d)(2) of the Internal Revenue 131446
Code, any federal tax returns or federal tax information that the 131447
department has acquired from the internal revenue service, through 131448
federal and state statutory authority, may be disclosed to the 131449
auditor of state or the office of internal ~~auditing~~ audit solely 131450
for purposes of an audit of the department. 131451

(4) For purposes of Chapter 3739. of the Revised Code, an 131452
agent of the department of taxation may share information with the 131453
division of state fire marshal that the agent finds during the 131454
course of an investigation. 131455

(C) Division (A) of this section does not prohibit any of the 131456
following: 131457

(1) Divulging information contained in applications, 131458
complaints, and related documents filed with the department under 131459
section 5715.27 of the Revised Code or in applications filed with 131460
the department under section 5715.39 of the Revised Code; 131461

(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;	131462 131463 131464
(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;	131465 131466 131467 131468 131469
(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;	131470 131471 131472
(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;	131473 131474 131475
(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to rules adopted under section 5745.16 of the Revised Code;	131476 131477 131478 131479
(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account;	131480 131481 131482 131483 131484 131485 131486 131487
(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;	131488 131489
(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose	131490 131491 131492

documents so provided, the county auditor shall not disclose such documents;
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(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;
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(11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code;
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(12) Disclosing to the department of natural resources information in the possession of the department of taxation that is necessary for the department of taxation to verify the taxpayer's compliance with ~~division (A)(1), (5), (6), (8), or (9)~~ of section 5749.02 of the Revised Code ~~and information received pursuant to section 1509.50 of the Revised Code concerning the amount due under that section~~ or to allow the department of natural resources to enforce Chapter 1509. of the Revised Code;
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(13) Disclosing to the department of job and family services, industrial commission, and bureau of workers' compensation information in the possession of the department of taxation solely for the purpose of identifying employers that misclassify employees as independent contractors or that fail to properly report and pay employer tax liabilities. The department of taxation shall disclose only such information that is necessary to verify employer compliance with law administered by those agencies.
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(14) Disclosing to the Ohio casino control commission information in the possession of the department of taxation that is necessary to verify a casino operator's compliance with section 5747.063 or 5753.02 of the Revised Code and sections related thereto;
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(15) Disclosing to the state lottery commission information 131524
in the possession of the department of taxation that is necessary 131525
to verify a lottery sales agent's compliance with section 5747.064 131526
of the Revised Code. 131527

Sec. 5703.37. (A)(1) Except as provided in division (B) of 131528
this section, whenever service of a notice or order is required in 131529
the manner provided in this section, a copy of the notice or order 131530
shall be served upon the person affected thereby either by 131531
personal service, by certified mail, or by a delivery service 131532
authorized under section 5703.056 of the Revised Code that 131533
notifies the tax commissioner of the date of delivery. 131534

(2) In lieu of serving a copy of a notice or order through 131535
one of the means provided in division (A)(1) of this section, the 131536
commissioner may serve a notice or order upon the person affected 131537
thereby through alternative means as provided in this section, 131538
including, but not limited to, delivery by secure electronic mail 131539
as provided in division (F) of this section. Delivery by such 131540
means satisfies the requirements for delivery under this section. 131541

(B)(1)(a) If certified mail is returned because of an 131542
undeliverable address, the commissioner shall first utilize 131543
reasonable means to ascertain a new last known address, including 131544
the use of a change of address service offered by the United 131545
States postal service or an authorized delivery service under 131546
section 5703.056 of the Revised Code. If, after using reasonable 131547
means, the commissioner is unable to ascertain a new last known 131548
address, the assessment is final for purposes of section 131.02 of 131549
the Revised Code sixty days after the notice or order sent by 131550
certified mail is first returned to the commissioner, and the 131551
commissioner shall certify the notice or order, if applicable, to 131552
the attorney general for collection under section 131.02 of the 131553
Revised Code. 131554

(b) Notwithstanding certification to the attorney general 131555
under division (B)(1)(a) of this section, once the commissioner or 131556
attorney general, or the designee of either, makes an initial 131557
contact with the person to whom the notice or order is directed, 131558
the person may protest an assessment by filing a petition for 131559
reassessment within sixty days after the initial contact. The 131560
certification of an assessment under division (B)(1)(a) of this 131561
section is prima-facie evidence that delivery is complete and that 131562
the notice or order is served. 131563

(2) If mailing of a notice or order by certified mail is 131564
returned for some cause other than an undeliverable address or if 131565
a person does not access an electronic notice or order within the 131566
time provided in division (F) of this section, the commissioner 131567
shall resend the notice or order by ordinary mail. The notice or 131568
order shall show the date the commissioner sends the notice or 131569
order and include the following statement: 131570

"This notice or order is deemed to be served on the addressee 131571
under applicable law ten days from the date this notice or order 131572
was mailed by the commissioner as shown on the notice or order, 131573
and all periods within which an appeal may be filed apply from and 131574
after that date." 131575

Unless the mailing is returned because of an undeliverable 131576
address, the mailing of that information is prima-facie evidence 131577
that delivery of the notice or order was completed ten days after 131578
the commissioner sent the notice or order by ordinary mail and 131579
that the notice or order was served. 131580

If the ordinary mail is subsequently returned because of an 131581
undeliverable address, the commissioner shall proceed under 131582
division (B)(1)(a) of this section. A person may challenge the 131583
presumption of delivery and service under this division in 131584
accordance with division (C) of this section. 131585

(C)(1) A person disputing the presumption of delivery and service under division (B) of this section bears the burden of proving by a preponderance of the evidence that the address to which the notice or order was sent was not an address with which the person was associated at the time the commissioner originally mailed the notice or order by certified mail. For the purposes of this section, a person is associated with an address at the time the commissioner originally mailed the notice or order if, at that time, the person was residing, receiving legal documents, or conducting business at the address; or if, before that time, the person had conducted business at the address and, when the notice or order was mailed, the person's agent or the person's affiliate was conducting business at the address. For the purposes of this section, a person's affiliate is any other person that, at the time the notice or order was mailed, owned or controlled at least twenty per cent, as determined by voting rights, of the addressee's business.

(2) If the person elects to protest an assessment certified to the attorney general for collection, the person must do so within sixty days after the attorney general's initial contact with the person. The attorney general may enter into a compromise with the person under sections 131.02 and 5703.06 of the Revised Code if the person does not file a petition for reassessment with the commissioner.

(D) Nothing in this section prohibits the commissioner or the commissioner's designee from delivering a notice or order by personal service.

(E) Collection actions taken pursuant to section 131.02 of the Revised Code upon any assessment being challenged under division (B)(1)(b) of this section shall be stayed upon the pendency of an appeal under this section. If a petition for reassessment is filed pursuant to this section on a claim that has

been certified to the attorney general for collection, the claim 131618
shall be uncertified. 131619

(F) The commissioner may serve a notice or order upon the 131620
person affected by the notice or order through secure electronic 131621
means only with the person's consent. The commissioner must inform 131622
the recipient, electronically or by mail, that a notice or order 131623
is available for electronic review and provide instructions to 131624
access and print the notice or order. The recipient's electronic 131625
access of the notice or order satisfies the requirements for 131626
delivery under this section. If the recipient fails to access the 131627
notice or order electronically within ten business days, then the 131628
commissioner shall inform the recipient a second time, 131629
electronically or by mail, that a notice or order is available for 131630
electronic review and provide instructions to access and print the 131631
notice or order. If the recipient fails to access the notice or 131632
order electronically within ten business days of the second 131633
notification, the notice or order shall be served upon the person 131634
through ~~one of~~ the means provided in division ~~(A)(1)~~(B)(2) of this 131635
section. 131636

(G) As used in this section: 131637

(1) "Last known address" means the address the department has 131638
at the time the document is originally sent by certified mail, or 131639
any address the department can ascertain using reasonable means 131640
such as the use of a change of address service offered by the 131641
United States postal service or an authorized delivery service 131642
under section 5703.056 of the Revised Code. 131643

(2) "Undeliverable address" means an address to which the 131644
United States postal service or an authorized delivery service 131645
under section 5703.056 of the Revised Code is not able to deliver 131646
a notice or order, except when the reason for nondelivery is 131647
because the addressee fails to acknowledge or accept the notice or 131648
order. 131649

Sec. 5703.50. As used in sections 5703.50 to 5703.53 of the Revised Code: 131650
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(A) "Tax" includes only those taxes imposed on tangible personal property listed in accordance with Chapter 5711. of the Revised Code and taxes imposed under Chapters 5733., 5736., 5739., 5741., 5747., and 5751. of the Revised Code. 131652
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(B) "Taxpayer" means a person subject to or potentially subject to a tax including an employer required to deduct and withhold any amount under section 5747.06 of the Revised Code. 131656
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(C) "Audit" means the examination of a taxpayer or the inspection of the books, records, memoranda, or accounts of a taxpayer for the purpose of determining liability for a tax. 131659
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(D) "Assessment" means a notice of underpayment or nonpayment of a tax issued pursuant to section 5711.26, 5711.32, 5733.11, 5736.09, 5739.13, 5741.11, 5741.13, 5747.13, or 5751.09 of the Revised Code. 131662
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(E) "County auditor" means the auditor of the county in which the tangible personal property subject to a tax is located. 131666
131667

Sec. 5703.70. (A) On the filing of an application for refund under section 3734.905, 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 5749.08, 5751.08, or 5753.06 of the Revised Code, or an application for compensation under section 5739.061 of the Revised Code, if the tax commissioner determines that the amount of the refund or compensation to which the applicant is entitled is less than the amount claimed in the application, the commissioner shall give the applicant written notice by ordinary mail of the amount. The notice shall be sent to the address shown on the application unless the applicant notifies the commissioner 131668
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of a different address. The applicant shall have sixty days from 131680
the date the commissioner mails the notice to provide additional 131681
information to the commissioner or request a hearing, or both. 131682

(B) If the applicant neither requests a hearing nor provides 131683
additional information to the tax commissioner within the time 131684
prescribed by division (A) of this section, the commissioner shall 131685
take no further action, and the refund or compensation amount 131686
denied becomes final. 131687

(C)(1) If the applicant requests a hearing within the time 131688
prescribed by division (A) of this section, the tax commissioner 131689
shall assign a time and place for the hearing and notify the 131690
applicant of such time and place, but the commissioner may 131691
continue the hearing from time to time as necessary. After the 131692
hearing, the commissioner may make such adjustments to the refund 131693
or compensation as the commissioner finds proper, and shall issue 131694
a final determination thereon. 131695

(2) If the applicant does not request a hearing, but provides 131696
additional information, within the time prescribed by division (A) 131697
of this section, the commissioner shall review the information, 131698
make such adjustments to the refund or compensation as the 131699
commissioner finds proper, and issue a final determination 131700
thereon. 131701

(3) The commissioner shall serve a copy of the final 131702
determination made under division (C)(1) or (2) of this section on 131703
the applicant in the manner provided in section 5703.37 of the 131704
Revised Code, and the decision is final, subject to appeal under 131705
section 5717.02 of the Revised Code. 131706

(D) The tax commissioner shall certify to the director of 131707
budget and management and treasurer of state for payment from the 131708
tax refund fund created by section 5703.052 of the Revised Code, 131709
the amount of the refund to be refunded under division (B) or (C) 131710

of this section. The commissioner also shall certify to the 131711
director and treasurer of state for payment from the general 131712
revenue fund the amount of compensation to be paid under division 131713
(B) or (C) of this section. 131714

Sec. 5703.75. This section applies to any tax payable to the 131715
state and administered by the tax commissioner. If the total 131716
amount of any such tax shown to be due on a return, amended 131717
return, or notice does not exceed one dollar, the taxpayer shall 131718
not be required to remit the amount due. If the total amount of a 131719
taxpayer's overpayment of any such tax does not exceed one dollar, 131720
the tax commissioner shall not be required to refund the 131721
overpayment. 131722

Sec. 5703.76. Any payment or distribution of money that the 131723
tax commissioner is required by law to make to a political 131724
subdivision of this state, an officer thereof, or a political 131725
party shall be made by electronic funds transfer. The commissioner 131726
shall promulgate any rules necessary to administer this section. 131727

Sec. 5703.82. (A) Not later than April 1, 2009, the 131728
department of taxation shall acquire the necessary hardware, 131729
software, and services to establish and implement a tax discovery 131730
data system to increase the efficiency of tax collections in the 131731
state. The system must be fully integrated and pre-staged for the 131732
purposes of assisting in revenue analysis, discovering 131733
noncompliant taxpayers, and collecting taxes from those taxpayers. 131734
The system shall consolidate tax data from various mainframe 131735
systems and operate as a single tax discovery data system. The 131736
department shall contract, pursuant to a competitive bidding 131737
process, for the necessary hardware, software, and services to 131738
implement the tax discovery data system. 131739

~~(B) There is hereby created in the state treasury the 131740~~

~~discovery project fund. All money to the credit of the fund shall 131741
be used to pay the costs of implementing and operating the tax 131742
discovery data system and to defray the costs incurred by the 131743
department of taxation in administering the system. 131744~~

~~(C) Beginning July 1, 2009, on or before the first day of 131745
January, April, July, and October of each calendar year, the tax 131746
commissioner shall determine and certify to the director of budget 131747
and management the amount needed to pay the costs of operating the 131748
tax discovery data system in the previous calendar quarter and the 131749
costs incurred in the previous calendar quarter by the department 131750
of taxation in administering the system. The director shall 131751
provide for payment from the general revenue fund to the discovery 131752
project fund of the amount so certified. 131753~~

Sec. 5703.90. If any tax administered by the tax commissioner 131754
remains unpaid after the date the tax is due, the commissioner may 131755
issue an assessment for the unpaid tax, and for any related 131756
penalties and interest, against any person liable for the amount 131757
due, including, but not limited to, a person that is jointly and 131758
severally liable for the amount under Chapter 5726. or 5751. of 131759
the Revised Code, a partner liable for the tax liability of a 131760
partnership, a director liable for the tax liability of a 131761
dissolved corporation, or any other person liable for the tax 131762
liability of another person under the Revised Code. The 131763
commissioner shall issue the assessment in accordance with any 131764
other provision of the Revised Code applicable to assessments for 131765
the tax for which the person to be assessed is liable. 131766

Sec. 5703.91. (A) If any corporation, wherever organized, 131767
that is required by law to file any report or return or to pay any 131768
tax or fee as a corporation organized under the laws of the state 131769
for profit, or as a foreign corporation for profit doing business 131770
in this state or owning or issuing a part or all of its capital or 131771

property in this state, fails to file the required report or 131772
return or to pay the required tax or fee for ninety days after the 131773
time prescribed by law for filing or payment, the tax commissioner 131774
shall certify the failure with the secretary of state. 131775

(B) The secretary of state, after receiving certification of 131776
a corporation's failure to file a report or return or to pay a tax 131777
or fee as described in division (A) of this section, shall do one 131778
of the following: 131779

(1) Cancel, by appropriate entry, the articles of 131780
incorporation of the corporation upon the margin of the relevant 131781
record; 131782

(2) If the corporation is a foreign corporation, cancel, by 131783
proper entry, the certificate of authority to do business in this 131784
state of the foreign corporation. 131785

Subject to section 1701.88 of the Revised Code, upon 131786
cancellation, all the powers, privileges, and franchises conferred 131787
on the corporation by articles of incorporation or a certificate 131788
of authority shall cease. 131789

(C) The secretary of state, upon canceling articles of 131790
incorporation or a certificate of authority pursuant to division 131791
(B) of this section, shall immediately notify the affected 131792
corporation of the cancellation action and shall forward for 131793
filing a certificate of the action to the county recorder of the 131794
county in which the corporation's principal place of business in 131795
this state is located. No filing fee shall be charged for the 131796
filing. 131797

Sec. 5703.92. No person shall exercise or attempt to exercise 131798
any powers, privileges, or franchises under the articles of 131799
incorporation or certificate of authority of a corporation after 131800
the articles or certificate has been canceled as provided in 131801

section 5703.91 of the Revised Code. A penalty of one hundred 131802
dollars shall be imposed for each day a violation of this section 131803
occurs, up to a maximum of five thousand dollars. 131804

Sec. 5703.93. (A)(1) Any corporation whose articles of 131805
incorporation or license certificate to do or transact business in 131806
this state has been canceled by the secretary of state pursuant to 131807
section 5703.91 of the Revised Code shall be reinstated and 131808
entitled to exercise its rights, privileges, and franchises in 131809
this state, and the secretary of state shall cancel the entry of 131810
cancellation to exercise its rights, privileges, and franchises, 131811
upon compliance with all of the following: 131812

(a) Payment to the secretary of state of any additional 131813
required fees and penalties; 131814

(b) Filing with the secretary of state a certificate from the 131815
tax commissioner affirming that the corporation has complied with 131816
all the requirements of the tax law as to all the taxes 131817
administered by the commissioner and has paid all taxes, fees, or 131818
penalties due for every year of delinquency; 131819

(c) Payment to the secretary of state of an additional fee of 131820
twenty-five dollars. 131821

(2) The secretary of state shall require, as a condition 131822
prerequisite to reinstatement, an applicant to amend its articles 131823
by changing its name if both of the following apply: 131824

(a) The reinstatement is not made within one year from the 131825
date of the cancellation of its articles of incorporation or date 131826
of cancellation of its license to do business. 131827

(b) It appears that the applicant's name is not 131828
distinguishable upon the record as required by section 1701.05 of 131829
the Revised Code. 131830

(3) A certificate of reinstatement may be filed in the recorder's office of any county in the state. The recorder shall charge and collect a base fee of three dollars for services and a low- and moderate-income housing trust fund fee of three dollars in accordance with section 317.36 of the Revised Code. 131831
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(4) Any officer, shareholder, creditor, or receiver of any corporation described in divisions (A)(1) and (2) of this section may at any time take all steps required by this section to effect such reinstatement. 131836
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(B) Except as otherwise provided in this section, the rights, privileges, and franchises of a corporation whose articles of incorporation have been reinstated in accordance with this section are subject to section 1701.922 of the Revised Code. 131840
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(C) Notwithstanding a violation of section 5703.92 of the Revised Code, upon reinstatement of a corporation's articles of incorporation in accordance with this section, neither section 5703.91 nor section 5703.92 of the Revised Code shall be applied to invalidate the exercise or attempt to exercise any right, privilege, or franchise on behalf of the corporation by an officer, agent, or employee of the corporation after cancellation and prior to the reinstatement of the articles, if the conditions set forth in divisions (B)(1)(a) and (b) of section 1701.922 of the Revised Code are met. 131844
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Sec. 5705.01. As used in this chapter: 131854

(A) "Subdivision" means any county; municipal corporation; township; township police district; joint police district; township fire district; joint fire district; joint ambulance district; joint emergency medical services district; fire and ambulance district; joint recreation district; township waste disposal district; township road district; community college district; technical college district; detention facility district; 131855
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a district organized under section 2151.65 of the Revised Code; a 131862
combined district organized under sections 2152.41 and 2151.65 of 131863
the Revised Code; a joint-county alcohol, drug addiction, and 131864
mental health service district; a drainage improvement district 131865
created under section 6131.52 of the Revised Code; a lake 131866
facilities authority created under Chapter 353. of the Revised 131867
Code; a union cemetery district; a county school financing 131868
district; a city, local, exempted village, cooperative education, 131869
or joint vocational school district; or a regional student 131870
education district created under section 3313.83 of the Revised 131871
Code. 131872

(B) "Municipal corporation" means all municipal corporations, 131873
including those that have adopted a charter under Article XVIII, 131874
Ohio Constitution. 131875

(C) "Taxing authority" or "bond issuing authority" means, in 131876
the case of any county, the board of county commissioners; in the 131877
case of a municipal corporation, the council or other legislative 131878
authority of the municipal corporation; in the case of a city, 131879
local, exempted village, cooperative education, or joint 131880
vocational school district, the board of education; in the case of 131881
a community college district, the board of trustees of the 131882
district; in the case of a technical college district, the board 131883
of trustees of the district; in the case of a detention facility 131884
district, a district organized under section 2151.65 of the 131885
Revised Code, or a combined district organized under sections 131886
2152.41 and 2151.65 of the Revised Code, the joint board of county 131887
commissioners of the district; in the case of a township, the 131888
board of township trustees; in the case of a joint police 131889
district, the joint police district board; in the case of a joint 131890
fire district, the board of fire district trustees; in the case of 131891
a joint recreation district, the joint recreation district board 131892
of trustees; in the case of a joint-county alcohol, drug 131893

addiction, and mental health service district, the district's 131894
board of alcohol, drug addiction, and mental health services; in 131895
the case of a joint ambulance district or a fire and ambulance 131896
district, the board of trustees of the district; in the case of a 131897
union cemetery district, the legislative authority of the 131898
municipal corporation and the board of township trustees, acting 131899
jointly as described in section 759.341 of the Revised Code; in 131900
the case of a drainage improvement district, the board of county 131901
commissioners of the county in which the drainage district is 131902
located; in the case of a lake facilities authority, the board of 131903
directors; in the case of a joint emergency medical services 131904
district, the joint board of county commissioners of all counties 131905
in which all or any part of the district lies; and in the case of 131906
a township police district, a township fire district, a township 131907
road district, or a township waste disposal district, the board of 131908
township trustees of the township in which the district is 131909
located. "Taxing authority" also means the educational service 131910
center governing board that serves as the taxing authority of a 131911
county school financing district as provided in section 3311.50 of 131912
the Revised Code, and the board of directors of a regional student 131913
education district created under section 3313.83 of the Revised 131914
Code. 131915

(D) "Fiscal officer" in the case of a county, means the 131916
county auditor; in the case of a municipal corporation, the city 131917
auditor or village clerk, or an officer who, by virtue of the 131918
charter, has the duties and functions of the city auditor or 131919
village clerk, except that in the case of a municipal university 131920
the board of directors of which have assumed, in the manner 131921
provided by law, the custody and control of the funds of the 131922
university, the chief accounting officer of the university shall 131923
perform, with respect to the funds, the duties vested in the 131924
fiscal officer of the subdivision by sections 5705.41 and 5705.44 131925
of the Revised Code; in the case of a school district, the 131926

treasurer of the board of education; in the case of a county 131927
school financing district, the treasurer of the educational 131928
service center governing board that serves as the taxing 131929
authority; in the case of a township, the township fiscal officer; 131930
in the case of a joint police district, the treasurer of the 131931
district; in the case of a joint fire district, the clerk of the 131932
board of fire district trustees; in the case of a joint ambulance 131933
district, the clerk of the board of trustees of the district; in 131934
the case of a joint emergency medical services district, the 131935
person appointed as fiscal officer pursuant to division (D) of 131936
section 307.053 of the Revised Code; in the case of a fire and 131937
ambulance district, the person appointed as fiscal officer 131938
pursuant to division (B) of section 505.375 of the Revised Code; 131939
in the case of a joint recreation district, the person designated 131940
pursuant to section 755.15 of the Revised Code; in the case of a 131941
union cemetery district, the clerk of the municipal corporation 131942
designated in section 759.34 of the Revised Code; in the case of a 131943
children's home district, educational service center, general 131944
health district, joint-county alcohol, drug addiction, and mental 131945
health service district, county library district, detention 131946
facility district, district organized under section 2151.65 of the 131947
Revised Code, a combined district organized under sections 2152.41 131948
and 2151.65 of the Revised Code, or a metropolitan park district 131949
for which no treasurer has been appointed pursuant to section 131950
1545.07 of the Revised Code, the county auditor of the county 131951
designated by law to act as the auditor of the district; in the 131952
case of a metropolitan park district which has appointed a 131953
treasurer pursuant to section 1545.07 of the Revised Code, that 131954
treasurer; in the case of a drainage improvement district, the 131955
auditor of the county in which the drainage improvement district 131956
is located; in the case of a lake facilities authority, the fiscal 131957
officer designated under section 353.02 of the Revised Code; in 131958
the case of a regional student education district, the fiscal 131959

officer appointed pursuant to section 3313.83 of the Revised Code; 131960
and in all other cases, the officer responsible for keeping the 131961
appropriation accounts and drawing warrants for the expenditure of 131962
the moneys of the district or taxing unit. 131963

(E) "Permanent improvement" or "improvement" means any 131964
property, asset, or improvement with an estimated life or 131965
usefulness of five years or more, including land and interests 131966
therein, and reconstructions, enlargements, and extensions thereof 131967
having an estimated life or usefulness of five years or more. 131968

(F) "Current operating expenses" and "current expenses" mean 131969
the lawful expenditures of a subdivision, except those for 131970
permanent improvements, and except payments for interest, sinking 131971
fund, and retirement of bonds, notes, and certificates of 131972
indebtedness of the subdivision. 131973

(G) "Debt charges" means interest, sinking fund, and 131974
retirement charges on bonds, notes, or certificates of 131975
indebtedness. 131976

(H) "Taxing unit" means any subdivision or other governmental 131977
district having authority to levy taxes on the property in the 131978
district or issue bonds that constitute a charge against the 131979
property of the district, including conservancy districts, 131980
metropolitan park districts, sanitary districts, road districts, 131981
and other districts. 131982

(I) "District authority" means any board of directors, 131983
trustees, commissioners, or other officers controlling a district 131984
institution or activity that derives its income or funds from two 131985
or more subdivisions, such as the educational service center, the 131986
trustees of district children's homes, the district board of 131987
health, a joint-county alcohol, drug addiction, and mental health 131988
service district's board of alcohol, drug addiction, and mental 131989
health services, detention facility districts, a joint recreation 131990

district board of trustees, districts organized under section 131991
2151.65 of the Revised Code, combined districts organized under 131992
sections 2152.41 and 2151.65 of the Revised Code, and other such 131993
boards. 131994

(J) "Tax list" and "tax duplicate" mean the general tax lists 131995
and duplicates prescribed by sections 319.28 and 319.29 of the 131996
Revised Code. 131997

(K) "Property" as applied to a tax levy means taxable 131998
property listed on general tax lists and duplicates. 131999

(L) "Association library district" means a territory, the 132000
boundaries of which are defined by the state library board 132001
pursuant to division (I) of section 3375.01 of the Revised Code, 132002
in which a library association or private corporation maintains a 132003
free public library. 132004

(M) "Library district" means a territory, the boundaries of 132005
which are defined by the state library board pursuant to section 132006
3375.01 of the Revised Code, in which the board of trustees of a 132007
county, municipal corporation, school district, or township public 132008
library maintains a free public library. 132009

(N) "Qualifying library levy" means either of the following: 132010

(1) A levy for the support of a library association or 132011
private corporation that has an association library district with 132012
boundaries that are not identical to those of a subdivision; 132013

(2) A levy proposed under section 5705.23 of the Revised Code 132014
for the support of the board of trustees of a public library that 132015
has a library district with boundaries that are not identical to 132016
those of a subdivision. 132017

(O) "School library district" means a school district in 132018
which a free public library has been established that is under the 132019
control and management of a board of library trustees as provided 132020

in section 3375.15 of the Revised Code. 132021

Sec. 5705.10. (A) All revenue derived from the general levy 132022
for current expense within the ten-mill limitation, from any 132023
general levy for current expense authorized by vote in excess of 132024
the ten-mill limitation, and from sources other than the general 132025
property tax, unless its use for a particular purpose is 132026
prescribed by law, shall be paid into the general fund. 132027

(B) All revenue derived from general or special levies for 132028
debt charges, whether within or in excess of the ten-mill 132029
limitation, which is levied for the debt charges on serial bonds, 132030
notes, or certificates of indebtedness having a life less than 132031
five years, shall be paid into the bond retirement fund; and all 132032
such revenue which is levied for the debt charges on all other 132033
bonds, notes, or certificates of indebtedness shall be paid into 132034
the sinking fund. 132035

(C) All revenue derived from a special levy shall be credited 132036
to a special fund for the purpose for which the levy was made. 132037

(D) Except as otherwise provided by resolution adopted 132038
pursuant to section 3315.01 of the Revised Code, all revenue 132039
derived from a source other than the general property tax and 132040
which the law prescribes shall be used for a particular purpose, 132041
shall be paid into a special fund for such purpose. Except as 132042
otherwise provided by resolution adopted pursuant to section 132043
3315.01 of the Revised Code or as otherwise provided by section 132044
3315.40 of the Revised Code, all revenue derived from a source 132045
other than the general property tax, for which the law does not 132046
prescribe use for a particular purpose, including interest earned 132047
on the principal of any special fund, regardless of the source or 132048
purpose of the principal, shall be paid into the general fund. 132049

(E) All proceeds from the sale of public obligations or 132050
fractionalized interests in public obligations as defined in 132051

section 133.01 of the Revised Code, except premium and accrued 132052
interest, shall be paid into a special fund for the purpose of 132053
such issue, and any interest and other income earned on money in 132054
such special fund may be used for the purposes for which the 132055
indebtedness was authorized or may be credited to the general fund 132056
or other fund or account as the taxing authority authorizes and 132057
used for the purposes of that fund or account. The premium and 132058
accrued interest received from such sale shall be paid into the 132059
sinking fund or the bond retirement fund of the subdivision. 132060

(F) Except as provided in ~~division~~ divisions (G) and (H) of 132061
this section, if a permanent improvement of the subdivision is 132062
sold, the amount received from the sale shall be paid into the 132063
sinking fund, the bond retirement fund, or a special fund for the 132064
construction or acquisition of permanent improvements; provided 132065
that the proceeds from the sale of a public utility shall be paid 132066
into the sinking fund or bond retirement fund to the extent 132067
necessary to provide for the retirement of the outstanding 132068
indebtedness incurred in the construction or acquisition of such 132069
utility. Proceeds from the sale of property other than a permanent 132070
improvement shall be paid into the fund from which such property 132071
was acquired or is maintained or, if there is no such fund, into 132072
the general fund. 132073

(G) A township that has a population greater than fifteen 132074
thousand according to the most recent federal decennial census and 132075
that has declared one or more improvements in the township to be a 132076
public purpose under section 5709.73 of the Revised Code may pay 132077
proceeds from the sale of a permanent improvement of the township 132078
into its general fund if both of the following conditions are 132079
satisfied: 132080

(1) The township fiscal officer determines that all 132081
foreseeable public infrastructure improvements, as defined in 132082
section 5709.40 of the Revised Code, to be made in the township in 132083

the ten years immediately following the date the permanent 132084
improvement is sold will have been financed through resolutions 132085
adopted under section 5709.73 of the Revised Code on or before the 132086
date of the sale. The fiscal officer shall provide written 132087
certification of this determination for the township's records. 132088

(2) The permanent improvement being sold was financed 132089
entirely from moneys in the township's general fund. 132090

(H) If a board of education of a school district disposes of 132091
real property under section 3313.41 of the Revised Code, the 132092
proceeds received from the sale shall be used to retire any debt 132093
that was incurred by the district with respect to that real 132094
property. Proceeds in excess of the funds necessary to retire that 132095
debt may be paid into the school district's capital and 132096
maintenance fund and used only to pay for the costs of 132097
nonoperating capital expenses related to technology infrastructure 132098
and equipment to be used for instruction and assessment. 132099

(I) Money paid into any fund shall be used only for the 132100
purposes for which such fund is established. 132101

Sec. 5705.19. This section does not apply to school districts 132102
~~or~~ county school financing districts, or lake facilities 132103
authorities. 132104

The taxing authority of any subdivision at any time and in 132105
any year, by vote of two-thirds of all the members of the taxing 132106
authority, may declare by resolution and certify the resolution to 132107
the board of elections not less than ninety days before the 132108
election upon which it will be voted that the amount of taxes that 132109
may be raised within the ten-mill limitation will be insufficient 132110
to provide for the necessary requirements of the subdivision and 132111
that it is necessary to levy a tax in excess of that limitation 132112
for any of the following purposes: 132113

(A) For current expenses of the subdivision, except that the	132114
total levy for current expenses of a detention facility district	132115
or district organized under section 2151.65 of the Revised Code	132116
shall not exceed two mills and that the total levy for current	132117
expenses of a combined district organized under sections 2151.65	132118
and 2152.41 of the Revised Code shall not exceed four mills;	132119
(B) For the payment of debt charges on certain described	132120
bonds, notes, or certificates of indebtedness of the subdivision	132121
issued subsequent to January 1, 1925;	132122
(C) For the debt charges on all bonds, notes, and	132123
certificates of indebtedness issued and authorized to be issued	132124
prior to January 1, 1925;	132125
(D) For a public library of, or supported by, the subdivision	132126
under whatever law organized or authorized to be supported;	132127
(E) For a municipal university, not to exceed two mills over	132128
the limitation of one mill prescribed in section 3349.13 of the	132129
Revised Code;	132130
(F) For the construction or acquisition of any specific	132131
permanent improvement or class of improvements that the taxing	132132
authority of the subdivision may include in a single bond issue;	132133
(G) For the general construction, reconstruction,	132134
resurfacing, and repair of streets, roads, and bridges in	132135
municipal corporations, counties, or townships;	132136
(H) For parks and recreational purposes;	132137
(I) For the purpose of providing and maintaining fire	132138
apparatus, appliances, buildings, or sites therefor, or sources of	132139
water supply and materials therefor, or the establishment and	132140
maintenance of lines of fire alarm telegraph, or the payment of	132141
firefighting companies or permanent, part-time, or volunteer	132142
firefighting, emergency medical service, administrative, or	132143

communications personnel to operate the same, including the 132144
payment of any employer contributions required for such personnel 132145
under section 145.48 or 742.34 of the Revised Code, or the 132146
purchase of ambulance equipment, or the provision of ambulance, 132147
paramedic, or other emergency medical services operated by a fire 132148
department or firefighting company; 132149

(J) For the purpose of providing and maintaining motor 132150
vehicles, communications, other equipment, buildings, and sites 132151
for such buildings used directly in the operation of a police 132152
department, or the payment of salaries of permanent or part-time 132153
police, communications, or administrative personnel to operate the 132154
same, including the payment of any employer contributions required 132155
for such personnel under section 145.48 or 742.33 of the Revised 132156
Code, or the payment of the costs incurred by townships as a 132157
result of contracts made with other political subdivisions in 132158
order to obtain police protection, or the provision of ambulance 132159
or emergency medical services operated by a police department; 132160

(K) For the maintenance and operation of a county home or 132161
detention facility; 132162

(L) For community mental retardation and developmental 132163
disabilities programs and services pursuant to Chapter 5126. of 132164
the Revised Code, except that the procedure for such levies shall 132165
be as provided in section 5705.222 of the Revised Code; 132166

(M) For regional planning; 132167

(N) For a county's share of the cost of maintaining and 132168
operating schools, district detention facilities, forestry camps, 132169
or other facilities, or any combination thereof, established under 132170
section 2151.65 or 2152.41 of the Revised Code or both of those 132171
sections; 132172

(O) For providing for flood defense, providing and 132173
maintaining a flood wall or pumps, and other purposes to prevent 132174

floods;	132175
(P) For maintaining and operating sewage disposal plants and facilities;	132176 132177
(Q) For the purpose of purchasing, acquiring, constructing, enlarging, improving, equipping, repairing, maintaining, or operating, or any combination of the foregoing, a county transit system pursuant to sections 306.01 to 306.13 of the Revised Code, or of making any payment to a board of county commissioners operating a transit system or a county transit board pursuant to section 306.06 of the Revised Code;	132178 132179 132180 132181 132182 132183 132184
(R) For the subdivision's share of the cost of acquiring or constructing any schools, forestry camps, detention facilities, or other facilities, or any combination thereof, under section 2151.65 or 2152.41 of the Revised Code or both of those sections;	132185 132186 132187 132188
(S) For the prevention, control, and abatement of air pollution;	132189 132190
(T) For maintaining and operating cemeteries;	132191
(U) For providing ambulance service, emergency medical service, or both;	132192 132193
(V) For providing for the collection and disposal of garbage or refuse, including yard waste;	132194 132195
(W) For the payment of the police officer employers' contribution or the firefighter employers' contribution required under sections 742.33 and 742.34 of the Revised Code;	132196 132197 132198
(X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;	132199 132200
(Y) For providing or maintaining senior citizens services or facilities as authorized by section 307.694, 307.85, 505.70, or 505.706 or division (EE) of section 717.01 of the Revised Code;	132201 132202 132203
(Z) For the provision and maintenance of zoological park	132204

services and facilities as authorized under section 307.76 of the Revised Code;	132205 132206
(AA) For the maintenance and operation of a free public museum of art, science, or history;	132207 132208
(BB) For the establishment and operation of a 9-1-1 system, as defined in section 5507.01 <u>128.01</u> of the Revised Code;	132209 132210
(CC) For the purpose of acquiring, rehabilitating, or developing rail property or rail service. As used in this division, "rail property" and "rail service" have the same meanings as in section 4981.01 of the Revised Code. This division applies only to a county, township, or municipal corporation.	132211 132212 132213 132214 132215
(DD) For the purpose of acquiring property for, constructing, operating, and maintaining community centers as provided for in section 755.16 of the Revised Code;	132216 132217 132218
(EE) For the creation and operation of an office or joint office of economic development, for any economic development purpose of the office, and to otherwise provide for the establishment and operation of a program of economic development pursuant to sections 307.07 and 307.64 of the Revised Code, or to the extent that the expenses of a county land reutilization corporation organized under Chapter 1724. of the Revised Code are found by the board of county commissioners to constitute the promotion of economic development, for the payment of such operations and expenses;	132219 132220 132221 132222 132223 132224 132225 132226 132227 132228
(FF) For the purpose of acquiring, establishing, constructing, improving, equipping, maintaining, or operating, or any combination of the foregoing, a township airport, landing field, or other air navigation facility pursuant to section 505.15 of the Revised Code;	132229 132230 132231 132232 132233
(GG) For the payment of costs incurred by a township as a result of a contract made with a county pursuant to section	132234 132235

505.263 of the Revised Code in order to pay all or any part of the 132236
cost of constructing, maintaining, repairing, or operating a water 132237
supply improvement; 132238

(HH) For a board of township trustees to acquire, other than 132239
by appropriation, an ownership interest in land, water, or 132240
wetlands, or to restore or maintain land, water, or wetlands in 132241
which the board has an ownership interest, not for purposes of 132242
recreation, but for the purposes of protecting and preserving the 132243
natural, scenic, open, or wooded condition of the land, water, or 132244
wetlands against modification or encroachment resulting from 132245
occupation, development, or other use, which may be styled as 132246
protecting or preserving "greenspace" in the resolution, notice of 132247
election, or ballot form. Except as otherwise provided in this 132248
division, land is not acquired for purposes of recreation, even if 132249
the land is used for recreational purposes, so long as no 132250
building, structure, or fixture used for recreational purposes is 132251
permanently attached or affixed to the land. Except as otherwise 132252
provided in this division, land that previously has been acquired 132253
in a township for these greenspace purposes may subsequently be 132254
used for recreational purposes if the board of township trustees 132255
adopts a resolution approving that use and no building, structure, 132256
or fixture used for recreational purposes is permanently attached 132257
or affixed to the land. The authorization to use greenspace land 132258
for recreational use does not apply to land located in a township 132259
that had a population, at the time it passed its first greenspace 132260
levy, of more than thirty-eight thousand within a county that had 132261
a population, at that time, of at least eight hundred sixty 132262
thousand. 132263

(II) For the support by a county of a crime victim assistance 132264
program that is provided and maintained by a county agency or a 132265
private, nonprofit corporation or association under section 307.62 132266
of the Revised Code; 132267

(JJ) For any or all of the purposes set forth in divisions	132268
(I) and (J) of this section. This division applies only to a	132269
township.	132270
(KK) For a countywide public safety communications system	132271
under section 307.63 of the Revised Code. This division applies	132272
only to counties.	132273
(LL) For the support by a county of criminal justice services	132274
under section 307.45 of the Revised Code;	132275
(MM) For the purpose of maintaining and operating a jail or	132276
other detention facility as defined in section 2921.01 of the	132277
Revised Code;	132278
(NN) For purchasing, maintaining, or improving, or any	132279
combination of the foregoing, real estate on which to hold, <u>and</u>	132280
<u>the operating expenses of, agricultural fairs operated by a county</u>	132281
<u>agricultural society or independent agricultural society under</u>	132282
<u>Chapter 1711. of the Revised Code.</u> This division applies only to a	132283
county.	132284
(OO) For constructing, rehabilitating, repairing, or	132285
maintaining sidewalks, walkways, trails, bicycle pathways, or	132286
similar improvements, or acquiring ownership interests in land	132287
necessary for the foregoing improvements;	132288
(PP) For both of the purposes set forth in divisions (G) and	132289
(OO) of this section.	132290
(QQ) For both of the purposes set forth in divisions (H) and	132291
(HH) of this section. This division applies only to a township.	132292
(RR) For the legislative authority of a municipal	132293
corporation, board of county commissioners of a county, or board	132294
of township trustees of a township to acquire agricultural	132295
easements, as defined in section 5301.67 of the Revised Code, and	132296
to supervise and enforce the easements.	132297

(SS) For both of the purposes set forth in divisions (BB) and (KK) of this section. This division applies only to a county. 132298
132299

(TT) For the maintenance and operation of a facility that is organized in whole or in part to promote the sciences and natural history under section 307.761 of the Revised Code. 132300
132301
132302

(UU) For the creation and operation of a county land reutilization corporation and for any programs or activities of the corporation found by the board of directors of the corporation to be consistent with the purposes for which the corporation is organized; 132303
132304
132305
132306
132307

(VV) For construction and maintenance of improvements and expenses of soil and water conservation district programs under Chapter 1515. of the Revised Code; 132308
132309
132310

(WW) For the ~~Ohio cooperative~~ OSU extension ~~service~~ fund created under section 3335.35 of the Revised Code for the purposes prescribed under section 3335.36 of the Revised Code for the benefit of the citizens of a county. This division applies only to a county. 132311
132312
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(XX) For a municipal corporation that withdraws or proposes by resolution to withdraw from a regional transit authority under section 306.55 of the Revised Code to provide transportation services for the movement of persons within, from, or to the municipal corporation; 132316
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(YY) For any combination of the purposes specified in divisions (NN), (VV), and (WW) of this section. This division applies only to a county. 132321
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132323

The resolution shall be confined to the purpose or purposes described in one division of this section, to which the revenue derived therefrom shall be applied. The existence in any other division of this section of authority to levy a tax for any part or all of the same purpose or purposes does not preclude the use 132324
132325
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of such revenues for any part of the purpose or purposes of the 132329
division under which the resolution is adopted. 132330

The resolution shall specify the amount of the increase in 132331
rate that it is necessary to levy, the purpose of that increase in 132332
rate, and the number of years during which the increase in rate 132333
shall be in effect, which may or may not include a levy upon the 132334
duplicate of the current year. The number of years may be any 132335
number not exceeding five, except as follows: 132336

(1) When the additional rate is for the payment of debt 132337
charges, the increased rate shall be for the life of the 132338
indebtedness. 132339

(2) When the additional rate is for any of the following, the 132340
increased rate shall be for a continuing period of time: 132341

(a) For the current expenses for a detention facility 132342
district, a district organized under section 2151.65 of the 132343
Revised Code, or a combined district organized under sections 132344
2151.65 and 2152.41 of the Revised Code; 132345

(b) For providing a county's share of the cost of maintaining 132346
and operating schools, district detention facilities, forestry 132347
camps, or other facilities, or any combination thereof, 132348
established under section 2151.65 or 2152.41 of the Revised Code 132349
or under both of those sections. 132350

(3) When the additional rate is for either of the following, 132351
the increased rate may be for a continuing period of time: 132352

(a) For the purposes set forth in division (I), (J), (U), or 132353
(KK) of this section; 132354

(b) For the maintenance and operation of a joint recreation 132355
district. 132356

(4) When the increase is for the purpose or purposes set 132357
forth in division (D), (G), (H), (CC), or (PP) of this section, 132358

the tax levy may be for any specified number of years or for a continuing period of time, as set forth in the resolution.

(5) When the additional rate is for the purpose described in division (Z) of this section, the increased rate shall be for any number of years not exceeding ten.

A levy for one of the purposes set forth in division (G), (I), (J), or (U) of this section may be reduced pursuant to section 5705.261 or 5705.31 of the Revised Code. A levy for one of the purposes set forth in division (G), (I), (J), or (U) of this section may also be terminated or permanently reduced by the taxing authority if it adopts a resolution stating that the continuance of the levy is unnecessary and the levy shall be terminated or that the millage is excessive and the levy shall be decreased by a designated amount.

A resolution of a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under both sections 2151.65 and 2152.41 of the Revised Code may include both current expenses and other purposes, provided that the resolution shall apportion the annual rate of levy between the current expenses and the other purpose or purposes. The apportionment need not be the same for each year of the levy, but the respective portions of the rate actually levied each year for the current expenses and the other purpose or purposes shall be limited by the apportionment.

Whenever a board of county commissioners, acting either as the taxing authority of its county or as the taxing authority of a sewer district or subdistrict created under Chapter 6117. of the Revised Code, by resolution declares it necessary to levy a tax in excess of the ten-mill limitation for the purpose of constructing, improving, or extending sewage disposal plants or sewage systems, the tax may be in effect for any number of years not exceeding twenty, and the proceeds of the tax, notwithstanding the general

provisions of this section, may be used to pay debt charges on any 132391
obligations issued and outstanding on behalf of the subdivision 132392
for the purposes enumerated in this paragraph, provided that any 132393
such obligations have been specifically described in the 132394
resolution. 132395

A resolution adopted by the legislative authority of a 132396
municipal corporation that is for the purpose in division (XX) of 132397
this section may be combined with the purpose provided in section 132398
306.55 of the Revised Code, by vote of two-thirds of all members 132399
of the legislative authority. The legislative authority may 132400
certify the resolution to the board of elections as a combined 132401
question. The question appearing on the ballot shall be as 132402
provided in section 5705.252 of the Revised Code. 132403

The resolution shall go into immediate effect upon its 132404
passage, and no publication of the resolution is necessary other 132405
than that provided for in the notice of election. 132406

When the electors of a subdivision or, in the case of a 132407
qualifying library levy for the support of a library association 132408
or private corporation, the electors of the association library 132409
district, have approved a tax levy under this section, the taxing 132410
authority of the subdivision may anticipate a fraction of the 132411
proceeds of the levy and issue anticipation notes in accordance 132412
with section 5705.191 or 5705.193 of the Revised Code. 132413

Sec. 5705.192. (A) For the purposes of this section only, 132414
"taxing authority" includes a township board of park commissioners 132415
appointed under section 511.18 of the Revised Code. 132416

(B) A taxing authority may propose to replace an existing 132417
levy that the taxing authority is authorized to levy, regardless 132418
of the section of the Revised Code under which the authority is 132419
granted, except a school district emergency levy proposed pursuant 132420
to sections 5705.194 to 5705.197 of the Revised Code. The taxing 132421

authority may propose to replace the existing levy in its entirety 132422
at the rate at which it is authorized to be levied; may propose to 132423
replace a portion of the existing levy at a lesser rate; or may 132424
propose to replace the existing levy in its entirety and increase 132425
the rate at which it is levied. If the taxing authority proposes 132426
to replace an existing levy, the proposed levy shall be called a 132427
replacement levy and shall be so designated on the ballot. Except 132428
as otherwise provided in this division, a replacement levy shall 132429
be limited to the purpose of the existing levy, and shall appear 132430
separately on the ballot from, and shall not be conjoined with, 132431
the renewal of any other existing levy. In the case of an existing 132432
school district levy imposed under section 5705.21 of the Revised 132433
Code for the purpose specified in division (F) of section 5705.19 132434
of the Revised Code, or in the case of an existing school district 132435
levy imposed under section 5705.217 of the Revised Code for the 132436
acquisition, construction, enlargement, renovation, and financing 132437
of permanent improvements, the replacement for that existing levy 132438
may be for the same purpose or for the purpose of general 132439
permanent improvements as defined in section 5705.21 of the 132440
Revised Code. 132441

The resolution proposing a replacement levy shall specify the 132442
purpose of the levy; its proposed rate expressed in mills; whether 132443
the proposed rate is the same as the rate of the existing levy, a 132444
reduction, or an increase; the extent of any reduction or increase 132445
expressed in mills; the first calendar year in which the levy will 132446
be due; and the term of the levy, expressed in years or, if 132447
applicable, that it will be levied for a continuing period of 132448
time. 132449

The sections of the Revised Code governing the maximum rate 132450
and term of the existing levy, the contents of the resolution that 132451
proposed the levy, the adoption of the resolution, the 132452
arrangements for the submission of the question of the levy, and 132453

notice of the election also govern the respective provisions of 132454
the proposal to replace the existing levy, except as provided in 132455
divisions (B)(1) to (3) of this section: 132456

(1) In the case of an existing school district levy that is 132457
imposed under section 5705.21 of the Revised Code for the purpose 132458
specified in division (F) of section 5705.19 of the Revised Code 132459
or under section 5705.217 of the Revised Code for the acquisition, 132460
construction, enlargement, renovation, and financing of permanent 132461
improvements, and that is to be replaced by a levy for general 132462
permanent improvements, the maximum term of the replacement levy 132463
is not limited to the term of the existing levy and may be for a 132464
continuing period of time. 132465

(2) The date on which the election is held shall be as 132466
follows: 132467

(a) For the replacement of a levy with a fixed term of years, 132468
the date of the general election held during the last year the 132469
existing levy may be extended on the real and public utility 132470
property tax list and duplicate, or the date of any election held 132471
in the ensuing year; 132472

(b) For the replacement of a levy imposed for a continuing 132473
period of time, the date of any election held in any year after 132474
the year the levy to be replaced is first approved by the 132475
electors, except that only one election on the question of 132476
replacing the levy may be held during any calendar year. 132477

The failure by the electors to approve a proposal to replace 132478
a levy imposed for a continuing period of time does not terminate 132479
the existing continuing levy. 132480

(3) In the case of an existing school district levy imposed 132481
under division (B) of section 5705.21, division (C) of section 132482
5705.212, or division (J) of section 5705.218 of the Revised Code, 132483
the rates allocated to the municipal school district and to 132484

partnering community schools each may be increased or decreased or 132485
 remain the same, and the total rate may be increased, decreased, 132486
 or remain the same. 132487

(C) The form of the ballot at the election on the question of 132488
 a replacement levy shall be as follows: 132489

"A replacement of a tax for the benefit of (name 132490
 of subdivision or public library) for the purpose of 132491
 (the purpose stated in the resolution) at a rate not exceeding 132492
 mills for each one dollar of valuation, which amounts 132493
 to (rate expressed in dollars and cents) for each one 132494
 hundred dollars in valuation, for (number of years levy 132495
 is to run, or that it will be levied for a continuous period of 132496
 time) 132497

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

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 132501

If the replacement levy is proposed by a municipal school 132502
 district to replace an existing tax levied under division (B) of 132503
 section 5705.21, division (C)(1) of section 5705.212, or division 132504
 (J) of section 5705.218 of the Revised Code, the form of the 132505
 ballot shall be modified by adding, after the phrase "each one 132506
 dollar of valuation," the following: "(of which mills is to 132507
 be allocated to partnering community schools)." 132508

If the proposal is to replace an existing levy and increase 132509
 the rate of the existing levy, the form of the ballot shall be 132510
 changed by adding the words "..... mills of an existing levy 132511
 and an increase of mills, to constitute" after the 132512
 words "a replacement of." If the proposal is to replace only a 132513
 portion of an existing levy, the form of the ballot shall be 132514
 changed by adding the words "a portion of an existing levy, being 132515

a reduction of mills, to constitute" after the words "a 132516
replacement of." If the existing levy is imposed under division 132517
(B) of section 5705.21, division (C)(1) of section 5705.212, or 132518
division (J) of section 5705.218 of the Revised Code, the form of 132519
the ballot also shall state the portion of the total increased 132520
rate or of the total rate as reduced that is to be allocated to 132521
partnering community schools. 132522

If the tax is to be placed on the tax list of the current tax 132523
year, the form of the ballot shall be modified by adding at the 132524
end of the form the phrase ", commencing in (first year 132525
the replacement tax is to be levied), first due in calendar year 132526
..... (first calendar year in which the tax shall be due)." 132527

The question covered by the resolution shall be submitted as 132528
a separate proposition, but may be printed on the same ballot with 132529
any other proposition submitted at the same election, other than 132530
the election of officers. More than one such question may be 132531
submitted at the same election. 132532

(D) Two existing levies, or any portion of those levies, may 132533
be combined into one replacement levy, so long as both of the 132534
existing levies are for the same purpose and either both are due 132535
to expire the same year or both are for a continuing period of 132536
time. The question of combining all or portions of the two 132537
existing levies into the replacement levy shall appear as one 132538
ballot proposition before the electors. If the electors approve 132539
the ballot proposition, all or the stated portions of the two 132540
existing levies are replaced by one replacement levy. 132541

(E) A levy approved in excess of the ten-mill limitation 132542
under this section shall be certified to the tax commissioner. In 132543
the first year of a levy approved under this section, the levy 132544
shall be extended on the tax lists after the February settlement 132545
succeeding the election at which the levy was approved. If the 132546
levy is to be placed on the tax lists of the current year, as 132547

specified in the resolution providing for its submission, the 132548
result of the election shall be certified immediately after the 132549
canvass by the board of elections to the taxing authority, which 132550
shall forthwith make the necessary levy and certify it to the 132551
county auditor, who shall extend it on the tax lists for 132552
collection. After the first year, the levy shall be included in 132553
the annual tax budget that is certified to the county budget 132554
commission. 132555

If notes are authorized to be issued in anticipation of the 132556
proceeds of the existing levy, notes may be issued in anticipation 132557
of the proceeds of the replacement levy, and such issuance is 132558
subject to the terms and limitations governing the issuance of 132559
notes in anticipation of the proceeds of the existing levy. 132560

(F) This section does not authorize a tax to be levied in any 132561
year after the year in which revenue is not needed for the purpose 132562
for which the tax is levied. 132563

Sec. 5705.21. (A) At any time, the board of education of any 132564
city, local, exempted village, cooperative education, or joint 132565
vocational school district, by a vote of two-thirds of all its 132566
members, may declare by resolution that the amount of taxes which 132567
may be raised within the ten-mill limitation by levies on the 132568
current tax duplicate will be insufficient to provide an adequate 132569
amount for the necessary requirements of the school district, that 132570
it is necessary to levy a tax in excess of such limitation for one 132571
of the purposes specified in division (A), (D), (F), (H), or (DD) 132572
of section 5705.19 of the Revised Code, for general permanent 132573
improvements, for the purpose of operating a cultural center, for 132574
the purpose of providing for school safety and security, or for 132575
the purpose of providing education technology, and that the 132576
question of such additional tax levy shall be submitted to the 132577
electors of the school district at a special election on a day to 132578

be specified in the resolution. In the case of a qualifying 132579
library levy for the support of a library association or private 132580
corporation, the question shall be submitted to the electors of 132581
the association library district. If the resolution states that 132582
the levy is for the purpose of operating a cultural center, the 132583
ballot shall state that the levy is "for the purpose of operating 132584
the (name of cultural center)." 132585

As used in this division, "cultural center" means a 132586
freestanding building, separate from a public school building, 132587
that is open to the public for educational, musical, artistic, and 132588
cultural purposes; "education technology" means, but is not 132589
limited to, computer hardware, equipment, materials, and 132590
accessories, equipment used for two-way audio or video, and 132591
software; and "general permanent improvements" means permanent 132592
improvements without regard to the limitation of division (F) of 132593
section 5705.19 of the Revised Code that the improvements be a 132594
specific improvement or a class of improvements that may be 132595
included in a single bond issue. 132596

A resolution adopted under this division shall be confined to 132597
a single purpose and shall specify the amount of the increase in 132598
rate that it is necessary to levy, the purpose of the levy, and 132599
the number of years during which the increase in rate shall be in 132600
effect. The number of years may be any number not exceeding five 132601
or, if the levy is for current expenses of the district or for 132602
general permanent improvements, for a continuing period of time. 132603

(B)(1) The board of education of a municipal school district, 132604
by resolution, may declare that it is necessary to levy a tax in 132605
excess of the ten-mill limitation for the purpose of paying the 132606
current expenses of the district and of partnering community 132607
schools and that the question of the additional tax levy shall be 132608
submitted to the electors of the school district at a special 132609
election on a day to be specified in the resolution. The 132610

resolution shall state the purpose of the levy, the rate of the tax expressed in mills per dollar of taxable value, the number of such mills to be levied for the current expenses of the partnering community schools and the number of such mills to be levied for the current expenses of the school district, the number of years the tax will be levied, and the first year the tax will be levied. The number of years the tax may be levied may be any number not exceeding ten years, or for a continuing period of time.

The levy of a tax for the current expenses of a partnering community school under this section and the distribution of proceeds from the tax by a municipal school district to partnering community schools is hereby determined to be a proper public purpose.

(2) The form of the ballot at an election held pursuant to division (B) of this section shall be as follows:

"Shall a levy be imposed by the (insert the name of the municipal school district) for the purpose of current expenses of the school district and of partnering community schools at a rate not exceeding (insert the number of mills) mills for each one dollar of valuation (of which (insert the number of mills to be allocated to partnering community schools) mills is to be allocated to partnering community schools), which amounts to (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation, for (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), beginning (insert first year the tax is to be levied), which will first be payable in calendar year (insert the first calendar year in which the tax would be payable)?

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

(3) Upon each receipt of a tax distribution by the municipal

school district, the board of education shall credit the portion 132643
allocated to partnering community schools to the partnering 132644
community schools fund. All income from the investment of money in 132645
the partnering community schools fund shall be credited to that 132646
fund. 132647

Not more than forty-five days after the municipal school 132648
district receives and deposits each tax distribution, the board of 132649
education shall distribute the partnering community schools amount 132650
among the then qualifying community schools. From each tax 132651
distribution, each such partnering community school shall receive 132652
a portion of the partnering community schools amount in the 132653
proportion that the number of its resident students bears to the 132654
aggregate number of resident students of all such partnering 132655
community schools as of the date of receipt and deposit of the tax 132656
distribution. For the purposes of this division, the number of 132657
resident students shall be the number of such students reported 132658
under section 3317.03 of the Revised Code and established by the 132659
department of education as of the date of receipt and deposit of 132660
the tax distribution. 132661

(4) To the extent an agreement whereby the municipal school 132662
district and a community school endorse each other's programs is 132663
necessary for the community school to qualify as a partnering 132664
community school under division (B)(6)(b) of this section, the 132665
board of education of the school district shall certify to the 132666
department of education the agreement along with the determination 132667
that such agreement satisfies the requirements of that division. 132668
The board's determination is conclusive. 132669

(5) For the purposes of Chapter 3317. of the Revised Code or 132670
other laws referring to the "taxes charged and payable" for a 132671
school district, the taxes charged and payable for a municipal 132672
school district that levies a tax under division (B) of this 132673
section includes only the taxes charged and payable under that 132674

levy for the current expenses of the school district, and does not 132675
include the taxes charged and payable for the current expenses of 132676
partnering community schools. The taxes charged and payable for 132677
the current expenses of partnering community schools shall not 132678
affect the calculation of "state education aid" as defined in 132679
section 5751.20 of the Revised Code. 132680

(6) As used in division (B) of this section: 132681

(a) "Municipal school district" has the same meaning as in 132682
section 3311.71 of the Revised Code. 132683

(b) "Partnering community school" means a community school 132684
established under Chapter 3314. of the Revised Code that is 132685
located within the territory of the municipal school district and 132686
that either is sponsored by the district or is a party to an 132687
agreement with the district whereby the district and the community 132688
school endorse each other's programs. 132689

(c) "Partnering community schools amount" means the product 132690
obtained, as of the receipt and deposit of the tax distribution, 132691
by multiplying the amount of a tax distribution by a fraction, the 132692
numerator of which is the number of mills per dollar of taxable 132693
value of the property tax to be allocated to partnering community 132694
schools, and the denominator of which is the total number of mills 132695
per dollar of taxable value authorized by the electors in the 132696
election held under division (B) of this section, each as set 132697
forth in the resolution levying the tax. 132698

(d) "Partnering community schools fund" means a separate fund 132699
established by the board of education of a municipal school 132700
district for the deposit of partnering community school amounts 132701
under this section. 132702

(e) "Resident student" means a student enrolled in a 132703
partnering community school who is entitled to attend school in 132704
the municipal school district under section 3313.64 or 3313.65 of 132705

the Revised Code. 132706

(f) "Tax distribution" means a distribution of proceeds of 132707
the tax authorized by division (B) of this section under section 132708
321.24 of the Revised Code and distributions that are attributable 132709
to that tax under sections 323.156 and 4503.068 of the Revised 132710
Code or other applicable law. 132711

(C) A resolution adopted under this section shall specify the 132712
date of holding the election, which shall not be earlier than 132713
ninety days after the adoption and certification of the resolution 132714
and which shall be consistent with the requirements of section 132715
3501.01 of the Revised Code. 132716

A resolution adopted under this section may propose to renew 132717
one or more existing levies imposed under division (A) or (B) of 132718
this section or to increase or decrease a single levy imposed 132719
under either such division. 132720

If the board of education imposes one or more existing levies 132721
for the purpose specified in division (F) of section 5705.19 of 132722
the Revised Code, the resolution may propose to renew one or more 132723
of those existing levies, or to increase or decrease a single such 132724
existing levy, for the purpose of general permanent improvements. 132725

If the resolution proposes to renew two or more existing 132726
levies, the levies shall be levied for the same purpose. The 132727
resolution shall identify those levies and the rates at which they 132728
are levied. The resolution also shall specify that the existing 132729
levies shall not be extended on the tax lists after the year 132730
preceding the year in which the renewal levy is first imposed, 132731
regardless of the years for which those levies originally were 132732
authorized to be levied. 132733

If the resolution proposes to renew an existing levy imposed 132734
under division (B) of this section, the rates allocated to the 132735
municipal school district and to partnering community schools each 132736

may be increased or decreased or remain the same, and the total 132737
rate may be increased, decreased, or remain the same. The 132738
resolution and notice of election shall specify the number of the 132739
mills to be levied for the current expenses of the partnering 132740
community schools and the number of the mills to be levied for the 132741
current expenses of the municipal school district. 132742

A resolution adopted under this section shall go into 132743
immediate effect upon its passage, and no publication of the 132744
resolution shall be necessary other than that provided for in the 132745
notice of election. A copy of the resolution shall immediately 132746
after its passing be certified to the board of elections of the 132747
proper county in the manner provided by section 5705.25 of the 132748
Revised Code. That section shall govern the arrangements for the 132749
submission of such question and other matters concerning the 132750
election to which that section refers, including publication of 132751
notice of the election, except that the election shall be held on 132752
the date specified in the resolution. In the case of a resolution 132753
adopted under division (B) of this section, the publication of 132754
notice of that election shall state the number of the mills to be 132755
levied for the current expenses of partnering community schools 132756
and the number of the mills to be levied for the current expenses 132757
of the municipal school district. If a majority of the electors 132758
voting on the question so submitted in an election vote in favor 132759
of the levy, the board of education may make the necessary levy 132760
within the school district or, in the case of a qualifying library 132761
levy for the support of a library association or private 132762
corporation, within the association library district, at the 132763
additional rate, or at any lesser rate in excess of the ten-mill 132764
limitation on the tax list, for the purpose stated in the 132765
resolution. A levy for a continuing period of time may be reduced 132766
pursuant to section 5705.261 of the Revised Code. The tax levy 132767
shall be included in the next tax budget that is certified to the 132768
county budget commission. 132769

(D)(1) After the approval of a levy on the current tax list 132770
and duplicate for current expenses, for recreational purposes, for 132771
community centers provided for in section 755.16 of the Revised 132772
Code, or for a public library of the district under division (A) 132773
of this section, and prior to the time when the first tax 132774
collection from the levy can be made, the board of education may 132775
anticipate a fraction of the proceeds of the levy and issue 132776
anticipation notes in a principal amount not exceeding fifty per 132777
cent of the total estimated proceeds of the levy to be collected 132778
during the first year of the levy. 132779

(2) After the approval of a levy for general permanent 132780
improvements for a specified number of years or for permanent 132781
improvements having the purpose specified in division (F) of 132782
section 5705.19 of the Revised Code, the board of education may 132783
anticipate a fraction of the proceeds of the levy and issue 132784
anticipation notes in a principal amount not exceeding fifty per 132785
cent of the total estimated proceeds of the levy remaining to be 132786
collected in each year over a period of five years after the 132787
issuance of the notes. 132788

The notes shall be issued as provided in section 133.24 of 132789
the Revised Code, shall have principal payments during each year 132790
after the year of their issuance over a period not to exceed five 132791
years, and may have a principal payment in the year of their 132792
issuance. 132793

(3) After approval of a levy for general permanent 132794
improvements for a continuing period of time, the board of 132795
education may anticipate a fraction of the proceeds of the levy 132796
and issue anticipation notes in a principal amount not exceeding 132797
fifty per cent of the total estimated proceeds of the levy to be 132798
collected in each year over a specified period of years, not 132799
exceeding ten, after the issuance of the notes. 132800

The notes shall be issued as provided in section 133.24 of 132801

the Revised Code, shall have principal payments during each year 132802
after the year of their issuance over a period not to exceed ten 132803
years, and may have a principal payment in the year of their 132804
issuance. 132805

(4) After the approval of a levy on the current tax list and 132806
duplicate under division (B) of this section, and prior to the 132807
time when the first tax collection from the levy can be made, the 132808
board of education may anticipate a fraction of the proceeds of 132809
the levy for the current expenses of the school district and issue 132810
anticipation notes in a principal amount not exceeding fifty per 132811
cent of the estimated proceeds of the levy to be collected during 132812
the first year of the levy and allocated to the school district. 132813
The portion of the levy proceeds to be allocated to partnering 132814
community schools under that division shall not be included in the 132815
estimated proceeds anticipated under this division and shall not 132816
be used to pay debt charges on any anticipation notes. 132817

The notes shall be issued as provided in section 133.24 of 132818
the Revised Code, shall have principal payments during each year 132819
after the year of their issuance over a period not to exceed five 132820
years, and may have a principal payment in the year of their 132821
issuance. 132822

(E) The submission of questions to the electors under this 132823
section is subject to the limitation on the number of election 132824
dates established by section 5705.214 of the Revised Code. 132825

Sec. 5705.217. (A) The board of education of a city, local, 132826
or exempted village school district, at any time by a vote of 132827
two-thirds of all its members, may declare by resolution that the 132828
amount of taxes that can be raised within the ten-mill limitation 132829
will be insufficient to provide an adequate amount for the present 132830
and future requirements of the school district; that it is 132831
necessary to levy an additional tax in excess of that limitation 132832

for the purposes of providing funds for current operating expenses 132833
and for the ~~acquisition, construction, enlargement, renovation,~~ 132834
~~and financing of~~ general permanent improvements as defined in 132835
section 5705.21 of the Revised Code; and that the question of the 132836
tax shall be submitted to the electors of the district at a 132837
special election. The tax may be levied for a specified number of 132838
years not exceeding five or, ~~if the tax is for current operating~~ 132839
~~expenses or for general, on going permanent improvements,~~ for a 132840
continuing period of time. The resolution shall specify the 132841
proposed tax rate, the first year the tax will be levied, and the 132842
number of years it will be levied, or that it will be levied for a 132843
continuing period of time. The resolution shall apportion the 132844
annual rate of the tax between current operating expenses and 132845
permanent improvements. The apportionment may but need not be the 132846
same for each year of the tax, but the respective portions of the 132847
rate actually levied each year for current operating expenses and 132848
permanent improvements shall be limited by the apportionment. 132849

The resolution shall specify the date of holding the special 132850
election, which shall not be earlier than ninety days after 132851
certification of the resolution to the board of elections and 132852
shall be consistent with the requirements of section 3501.01 of 132853
the Revised Code. The resolution shall go into immediate effect 132854
upon its passage, and no publication of it is necessary other than 132855
that provided in the notice of election. The board of education 132856
shall certify a copy of the resolution to the board of elections 132857
immediately after its adoption. Section 5705.25 of the Revised 132858
Code governs the arrangements and form of the ballot for the 132859
submission of the question to the electors. 132860

If a majority of the electors voting on the question vote in 132861
favor of the tax, the board of education may make the levy at the 132862
additional rate, or at any lesser rate in excess of the ten-mill 132863
limitation. If the tax is for a continuing period of time, it may 132864

be decreased in accordance with section 5705.261 of the Revised Code. 132865
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A board of education may adopt a resolution to renew one or more existing levies imposed under this section, or to increase or decrease the rate of a tax levied under this section, for the purpose of providing funds for either current expenses and general permanent improvements or solely for general permanent improvements. 132867
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(B)(1) After the approval of a tax for current operating expenses under this section and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of such levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected during the first year of the levy. 132873
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(2) After the approval of a tax ~~under this section~~ for general permanent improvements having a specific purpose levied under this section for a specified number of years, the board of education may anticipate a fraction of the proceeds of such tax and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax remaining to be collected in each year over a specified period of five years, not exceeding the number of years for which the tax was levied, after issuance of the notes. 132880
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(3) After the approval of a tax for general, ~~on-going~~ permanent improvements levied under this section for a continuing period of time, the board of education may anticipate a fraction of the proceeds of such tax and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected in each year over a specified period of years, not exceeding ten, after issuance of the notes. 132889
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Anticipation notes under this section shall be issued as 132897
provided in section 133.24 of the Revised Code. Notes issued under 132898
division (B)(1) or (2) of this section shall have principal 132899
payments during each year after the year of their issuance over a 132900
period not to exceed five years, and may have a principal payment 132901
in the year of their issuance. Notes issued under division (B)(3) 132902
of this section shall have principal payments during each year 132903
after the year of their issuance over a period not to exceed ten 132904
years, and may have a principal payment in the year of their 132905
issuance. 132906

(C) The submission of a question to the electors under this 132907
section is subject to the limitation on the number of elections 132908
that can be held in a year under section 5705.214 of the Revised 132909
Code. 132910

Sec. 5705.218. (A) The board of education of a city, local, 132911
or exempted village school district, at any time by a vote of 132912
two-thirds of all its members, may declare by resolution that it 132913
may be necessary for the school district to issue general 132914
obligation bonds for permanent improvements. The resolution shall 132915
state all of the following: 132916

(1) The necessity and purpose of the bond issue; 132917

(2) The date of the special election at which the question 132918
shall be submitted to the electors; 132919

(3) The amount, approximate date, estimated rate of interest, 132920
and maximum number of years over which the principal of the bonds 132921
may be paid; 132922

(4) The necessity of levying a tax outside the ten-mill 132923
limitation to pay debt charges on the bonds and any anticipatory 132924
securities. 132925

On adoption of the resolution, the board shall certify a copy 132926

of it to the county auditor. The county auditor promptly shall 132927
estimate and certify to the board the average annual property tax 132928
rate required throughout the stated maturity of the bonds to pay 132929
debt charges on the bonds, in the same manner as under division 132930
(C) of section 133.18 of the Revised Code. 132931

(B) After receiving the county auditor's certification under 132932
division (A) of this section, the board of education of the city, 132933
local, or exempted village school district, by a vote of 132934
two-thirds of all its members, may declare by resolution that the 132935
amount of taxes that can be raised within the ten-mill limitation 132936
will be insufficient to provide an adequate amount for the present 132937
and future requirements of the school district; that it is 132938
necessary to issue general obligation bonds of the school district 132939
for permanent improvements and to levy an additional tax in excess 132940
of the ten-mill limitation to pay debt charges on the bonds and 132941
any anticipatory securities; that it is necessary for a specified 132942
number of years or for a continuing period of time to levy 132943
additional taxes in excess of the ten-mill limitation to provide 132944
funds for the acquisition, construction, enlargement, renovation, 132945
and financing of permanent improvements or to pay for current 132946
operating expenses, or both; and that the question of the bonds 132947
and taxes shall be submitted to the electors of the school 132948
district at a special election, which shall not be earlier than 132949
ninety days after certification of the resolution to the board of 132950
elections, and the date of which shall be consistent with section 132951
3501.01 of the Revised Code. The resolution shall specify all of 132952
the following: 132953

(1) The county auditor's estimate of the average annual 132954
property tax rate required throughout the stated maturity of the 132955
bonds to pay debt charges on the bonds; 132956

(2) The proposed rate of the tax, if any, for current 132957
operating expenses, the first year the tax will be levied, and the 132958

number of years it will be levied, or that it will be levied for a 132959
continuing period of time; 132960

(3) The proposed rate of the tax, if any, for permanent 132961
improvements, the first year the tax will be levied, and the 132962
number of years it will be levied, or that it will be levied for a 132963
continuing period of time. 132964

The resolution shall apportion the annual rate of the tax 132965
between current operating expenses and permanent improvements, if 132966
both taxes are proposed. The apportionment may but need not be the 132967
same for each year of the tax, but the respective portions of the 132968
rate actually levied each year for current operating expenses and 132969
permanent improvements shall be limited by the apportionment. The 132970
resolution shall go into immediate effect upon its passage, and no 132971
publication of it is necessary other than that provided in the 132972
notice of election. The board of education shall certify a copy of 132973
the resolution, along with copies of the auditor's estimate and 132974
its resolution under division (A) of this section, to the board of 132975
elections immediately after its adoption. 132976

(C) The board of elections shall make the arrangements for 132977
the submission to the electors of the school district of the 132978
question proposed under division (B) or (J) of this section, and 132979
the election shall be conducted, canvassed, and certified in the 132980
same manner as regular elections in the district for the election 132981
of county officers. The resolution shall be put before the 132982
electors as one ballot question, with a favorable vote indicating 132983
approval of the bond issue, the levy to pay debt charges on the 132984
bonds and any anticipatory securities, the current operating 132985
expenses levy, the permanent improvements levy, and the levy for 132986
the current expenses of a municipal school district and of 132987
partnering community schools, as those levies may be proposed. The 132988
board of elections shall publish notice of the election in a 132989
newspaper of general circulation in the school district once a 132990

week for two consecutive weeks, or as provided in section 7.16 of 132991
the Revised Code, prior to the election. If a board of elections 132992
operates and maintains a web site, that board also shall post 132993
notice of the election on its web site for thirty days prior to 132994
the election. The notice of election shall state all of the 132995
following: 132996

(1) The principal amount of the proposed bond issue; 132997

(2) The permanent improvements for which the bonds are to be 132998
issued; 132999

(3) The maximum number of years over which the principal of 133000
the bonds may be paid; 133001

(4) The estimated additional average annual property tax rate 133002
to pay the debt charges on the bonds, as certified by the county 133003
auditor; 133004

(5) The proposed rate of the additional tax, if any, for 133005
current operating expenses and, if the question is proposed under 133006
division (J) of this section, the portion of the rate to be 133007
allocated to the school district and the portion to be allocated 133008
to partnering community schools; 133009

(6) The number of years the current operating expenses tax 133010
will be in effect, or that it will be in effect for a continuing 133011
period of time; 133012

(7) The proposed rate of the additional tax, if any, for 133013
permanent improvements; 133014

(8) The number of years the permanent improvements tax will 133015
be in effect, or that it will be in effect for a continuing period 133016
of time; 133017

(9) The time and place of the special election. 133018

(D) The form of the ballot for an election under this section 133019
is as follows: 133020

"Shall the school district be authorized to do the following: 133021
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(1) Issue bonds for the purpose of in the 133023
 principal amount of \$....., to be repaid annually over a maximum 133024
 period of years, and levy a property tax outside the 133025
 ten-mill limitation, estimated by the county auditor to average 133026
 over the bond repayment period mills for each one dollar of 133027
 tax valuation, which amounts to (rate expressed in cents or 133028
 dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 133029
 tax valuation, to pay the annual debt charges on the bonds, and to 133030
 pay debt charges on any notes issued in anticipation of those 133031
 bonds?" 133032

If either a levy for permanent improvements or a levy for 133033
 current operating expenses is proposed, or both are proposed, the 133034
 ballot also shall contain the following language, as appropriate: 133035

"(2) Levy an additional property tax to provide funds for the 133036
 acquisition, construction, enlargement, renovation, and financing 133037
 of permanent improvements at a rate not exceeding mills 133038
 for each one dollar of tax valuation, which amounts to 133039
 (rate expressed in cents or dollars and cents) for each \$100 of 133040
 tax valuation, for (number of years of the levy, or a 133041
 continuing period of time)? 133042

(3) Levy an additional property tax to pay current operating 133043
 expenses at a rate not exceeding mills for each one dollar 133044
 of tax valuation, which amounts to (rate expressed in 133045
 cents or dollars and cents) for each \$100 of tax valuation, for 133046
 (number of years of the levy, or a continuing period of 133047
 time)? 133048

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	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

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If the question is proposed under division (J) of this section, the form of the ballot shall be modified as prescribed by division (J)(4) of this section.

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(E) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote for it, the board of education may proceed with issuance of the bonds and with the levy and collection of the property tax or taxes at the additional rate or any lesser rate in excess of the ten-mill limitation. Any securities issued by the board of education under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code.

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(F)(1) After the approval of a tax for current operating expenses under this section and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of such levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected during the first year of the levy.

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(2) After the approval of a tax under this section for permanent improvements having a specific purpose, the board of education may anticipate a fraction of the proceeds of such tax and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax remaining to be collected in each year over a period of five years after issuance of the notes.

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(3) After the approval of a tax under this section for general, ~~on-going~~ permanent improvements as defined under ~~this~~ section 5705.21 of the Revised Code, the board of education may

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anticipate a fraction of the proceeds of such tax and issue 133083
anticipation notes in a principal amount not exceeding fifty per 133084
cent of the total estimated proceeds of the tax to be collected in 133085
each year over a specified period of years, not exceeding ten, 133086
after issuance of the notes. 133087

Anticipation notes under this section shall be issued as 133088
provided in section 133.24 of the Revised Code. Notes issued under 133089
division (F)(1) or (2) of this section shall have principal 133090
payments during each year after the year of their issuance over a 133091
period not to exceed five years, and may have a principal payment 133092
in the year of their issuance. Notes issued under division (F)(3) 133093
of this section shall have principal payments during each year 133094
after the year of their issuance over a period not to exceed ten 133095
years, and may have a principal payment in the year of their 133096
issuance. 133097

(G) A tax for current operating expenses or for permanent 133098
improvements levied under this section for a specified number of 133099
years may be renewed or replaced in the same manner as a tax for 133100
current operating expenses or for permanent improvements levied 133101
under section 5705.21 of the Revised Code. A tax for current 133102
operating expenses or for permanent improvements levied under this 133103
section for a continuing period of time may be decreased in 133104
accordance with section 5705.261 of the Revised Code. 133105

(H) The submission of a question to the electors under this 133106
section is subject to the limitation on the number of elections 133107
that can be held in a year under section 5705.214 of the Revised 133108
Code. 133109

(I) A school district board of education proposing a ballot 133110
measure under this section to generate local resources for a 133111
project under the school building assistance expedited local 133112
partnership program under section 3318.36 of the Revised Code may 133113
combine the questions under division (D) of this section with a 133114

question for the levy of a property tax to generate moneys for 133115
maintenance of the classroom facilities acquired under that 133116
project as prescribed in section 3318.361 of the Revised Code. 133117

(J)(1) After receiving the county auditor's certification 133118
under division (A) of this section, the board of education of a 133119
municipal school district, by a vote of two-thirds of all its 133120
members, may declare by resolution that it is necessary to levy a 133121
tax in excess of the ten-mill limitation for the purpose of paying 133122
the current expenses of the school district and of partnering 133123
community schools, as defined in section 5705.21 of the Revised 133124
Code; that it is necessary to issue general obligation bonds of 133125
the school district for permanent improvements of the district and 133126
to levy an additional tax in excess of the ten-mill limitation to 133127
pay debt charges on the bonds and any anticipatory securities; and 133128
that the question of the bonds and taxes shall be submitted to the 133129
electors of the school district at a special election, which shall 133130
not be earlier than ninety days after certification of the 133131
resolution to the board of elections, and the date of which shall 133132
be consistent with section 3505.01 of the Revised Code. 133133

The levy of taxes for the current expenses of a partnering 133134
community school under division (J) of this section and the 133135
distribution of proceeds from the tax by a municipal school 133136
district to partnering community schools is hereby determined to 133137
be a proper public purpose. 133138

(2) The tax for the current expenses of the school district 133139
and of partnering community schools is subject to the requirements 133140
of divisions (B)(3), (4), and (5) of section 5705.21 of the 133141
Revised Code. 133142

(3) In addition to the required specifications of the 133143
resolution under division (B) of this section, the resolution 133144
shall express the rate of the tax in mills per dollar of taxable 133145
value, state the number of the mills to be levied for the current 133146

expenses of the partnering community schools and the number of the mills to be levied for the current expenses of the school district, specify the number of years (not exceeding ten) the tax will be levied or that it will be levied for a continuing period of time, and state the first year the tax will be levied.

The resolution shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of education shall certify a copy of the resolution, along with copies of the auditor's estimate and its resolution under division (A) of this section, to the board of elections immediately after its adoption.

(4) The form of the ballot shall be modified by replacing the ballot form set forth in division (D)(3) of this section with the following:

"Levy an additional property tax for the purpose of the current expenses of the school district and of partnering community schools at a rate not exceeding (insert the number of mills) mills for each one dollar of valuation (of which (insert the number of mills to be allocated to partnering community schools) mills is to be allocated to partnering community schools), which amounts to (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation, for (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time)?

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

(5) After the approval of a tax for the current expenses of the school district and of partnering community schools under division (J) of this section, and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy

for the current expenses of the school district and issue 133179
anticipation notes in a principal amount not exceeding fifty per 133180
cent of the estimated proceeds of the levy to be collected during 133181
the first year of the levy and allocated to the school district. 133182
The portion of levy proceeds to be allocated to partnering 133183
community schools shall not be included in the estimated proceeds 133184
anticipated under this division and shall not be used to pay debt 133185
charges on any anticipation notes. 133186

The notes shall be issued as provided in section 133.24 of 133187
the Revised Code, shall have principal payments during each year 133188
after the year of their issuance over a period not to exceed five 133189
years, and may have a principal payment in the year of their 133190
issuance. 133191

(6) A tax for the current expenses of the school district and 133192
of partnering community schools levied under division (J) of this 133193
section for a specified number of years may be renewed or replaced 133194
in the same manner as a tax for the current expenses of a school 133195
district and of partnering community schools levied under division 133196
(B) of section 5705.21 of the Revised Code. A tax for the current 133197
expenses of the school district and of partnering community 133198
schools levied under this division for a continuing period of time 133199
may be decreased in accordance with section 5705.261 of the 133200
Revised Code. 133201

(7) The proceeds from the issuance of the general obligation 133202
bonds under division (J) of this section shall be used solely to 133203
pay for permanent improvements of the school district and not for 133204
permanent improvements of partnering community schools. 133205

Sec. 5705.221. (A) At any time, the board of county 133206
commissioners of any county by a majority vote of the full 133207
membership may declare by resolution and certify to the board of 133208
elections of the county that the amount of taxes which may be 133209

raised within the ten-mill limitation by levies on the current tax 133210
duplicate will be insufficient to provide the necessary 133211
requirements of the county's alcohol, drug addiction, and mental 133212
health service district established pursuant to Chapter 340. of 133213
the Revised Code, or the county's contribution to a joint-county 133214
district of which the county is a part, and that it is necessary 133215
to levy a tax in excess of such limitation for the operation of 133216
~~alcohol and drug~~ community addiction ~~programs~~ services providers 133217
and community mental health ~~programs~~ services providers and the 133218
acquisition, construction, renovation, financing, maintenance, and 133219
operation of alcohol and drug addiction facilities and mental 133220
health facilities. 133221

Such resolution shall conform to section 5705.19 of the 133222
Revised Code, except that the increased rate may be in effect for 133223
any number of years not exceeding ten. 133224

The resolution shall be certified and submitted in the manner 133225
provided in section 5705.25 of the Revised Code, except that it 133226
may be placed on the ballot in any election, and shall be 133227
certified to the board of elections not less than ninety days 133228
before the election at which it will be voted upon. 133229

If the majority of the electors voting on a levy to 133230
supplement general fund appropriations for the support of the 133231
comprehensive ~~alcohol and drug~~ community addiction and mental 133232
health ~~program~~ services providers vote in favor of the levy, the 133233
board may levy a tax within the county at the additional rate 133234
outside the ten-mill limitation during the specified or continuing 133235
period, for the purpose stated in the resolution. 133236

(B) When electors have approved a tax levy under this 133237
section, the board of county commissioners may anticipate a 133238
fraction of the proceeds of the levy and, from time to time, issue 133239
anticipation notes in accordance with section 5705.191 or 5705.193 133240
of the Revised Code. 133241

(C) The county auditor who is the fiscal officer of the alcohol, drug addiction, and mental health service district, upon receipt of a resolution from the board of alcohol, drug addiction, and mental health services, shall establish for the district a capital improvements account or a reserve balance account, or both, as specified in the resolution. The capital improvements account shall be a contingency fund for the necessary acquisition, replacement, renovation, or construction of facilities and movable and fixed equipment. Upon the request of the board, funds not needed to pay for current expenses may be appropriated to the capital improvements account, in amounts such that the account does not exceed twenty-five per cent of the replacement value of all capital facilities and equipment currently used by the board for programs and services. Other funds which are available for current capital expenses from federal, state, or local sources may also be appropriated to this account.

The reserve balance account shall contain those funds that are not needed to pay for current operating expenses and not deposited in the capital improvements account but that will be needed to pay for operating expenses in the future. Upon the request of a board, such funds shall be appropriated to the reserve balance account. Payments from the capital improvements account and the reserve balance account shall be made by the county treasurer who is the custodian of funds for the district upon warrants issued by the county auditor who is the fiscal officer of the district pursuant to orders of the board.

Sec. 5705.25. (A) A copy of any resolution adopted as provided in section 5705.19 or 5705.2111 of the Revised Code shall be certified by the taxing authority to the board of elections of the proper county not less than ninety days before the general election in any year, and the board shall submit the proposal to the electors of the subdivision at the succeeding November

election. In the case of a qualifying library levy, the board 133274
shall submit the question to the electors of the library district 133275
or association library district. Except as otherwise provided in 133276
this division, a resolution to renew an existing levy, regardless 133277
of the section of the Revised Code under which the tax was 133278
imposed, shall not be placed on the ballot unless the question is 133279
submitted at the general election held during the last year the 133280
tax to be renewed or replaced may be extended on the real and 133281
public utility property tax list and duplicate, or at any election 133282
held in the ensuing year. The limitation of the foregoing sentence 133283
does not apply to a resolution to renew and increase or to renew 133284
part of an existing levy that was imposed under section 5705.191 133285
of the Revised Code to supplement the general fund for the purpose 133286
of making appropriations for one or more of the following 133287
purposes: for public assistance, human or social services, relief, 133288
welfare, hospitalization, health, and support of general 133289
hospitals. The limitation of the second preceding sentence also 133290
does not apply to a resolution that proposes to renew two or more 133291
existing levies imposed under section 5705.21 or 5705.217 of the 133292
Revised Code, in which case the question shall be submitted on the 133293
date of the general or primary election held during the last year 133294
at least one of the levies to be renewed may be extended on the 133295
real and public utility property tax list and duplicate, or at any 133296
election held during the ensuing year. For purposes of this 133297
section, a levy shall be considered to be an "existing levy" 133298
through the year following the last year it can be placed on that 133299
tax list and duplicate. 133300

The board shall make the necessary arrangements for the 133301
submission of such questions to the electors of such subdivision, 133302
library district, or association library district, and the 133303
election shall be conducted, canvassed, and certified in the same 133304
manner as regular elections in such subdivision, library district, 133305
or association library district for the election of county 133306

officers. Notice of the election shall be published in a newspaper 133307
of general circulation in the subdivision, library district, or 133308
association library district once a week for two consecutive 133309
weeks, or as provided in section 7.16 of the Revised Code, prior 133310
to the election. If the board of elections operates and maintains 133311
a web site, the board of elections shall post notice of the 133312
election on its web site for thirty days prior to the election. 133313
The notice shall state the purpose, the proposed increase in rate 133314
expressed in dollars and cents for each one hundred dollars of 133315
valuation as well as in mills for each one dollar of valuation, 133316
the number of years during which the increase will be in effect, 133317
the first month and year in which the tax will be levied, and the 133318
time and place of the election. 133319

(B) The form of the ballots cast at an election held pursuant 133320
to division (A) of this section shall be as follows: 133321

"An additional tax for the benefit of (name of subdivision or 133322
public library) for the purpose of (purpose stated in 133323
the resolution) at a rate not exceeding mills 133324
for each one dollar of valuation, which amounts to (rate expressed 133325
in dollars and cents) for each one hundred dollars of 133326
valuation, for (life of indebtedness or number of years the 133327
levy is to run). 133328

	For the Tax Levy
	Against the Tax Levy

"

133329

(C) If the levy is to be in effect for a continuing period of 133333
time, the notice of election and the form of ballot shall so state 133334
instead of setting forth a specified number of years for the levy. 133335

If the tax is to be placed on the current tax list, the form 133336
of the ballot shall be modified by adding, after the statement of 133337

the number of years the levy is to run, the phrase ", commencing 133338
in (first year the tax is to be levied), first due in 133339
calendar year (first calendar year in which the tax 133340
shall be due)."

If the levy submitted is a proposal to renew, increase, or 133342
decrease an existing levy, the form of the ballot specified in 133343
division (B) of this section may be changed by substituting for 133344
the words "An additional" at the beginning of the form, the words 133345
"A renewal of a" in case of a proposal to renew an existing levy 133346
in the same amount; the words "A renewal of mills and an 133347
increase of mills to constitute a" in the case of an 133348
increase; or the words "A renewal of part of an existing levy, 133349
being a reduction of mills, to constitute a" in the case of 133350
a decrease in the proposed levy. 133351

If the levy submitted is a proposal to renew two or more 133352
existing levies imposed under section 5705.21 or 5705.217 of the 133353
Revised Code, the form of the ballot specified in division (B) of 133354
this section shall be modified by substituting for the words "an 133355
additional tax" the words "a renewal of(insert the number of 133356
levies to be renewed) existing taxes." 133357

If the levy submitted is a levy under section 5705.72 of the 133358
Revised Code or a proposal to renew, increase, or decrease an 133359
existing levy imposed under that section, the name of the 133360
subdivision shall be "the unincorporated area of (name 133361
of township)." 133362

The question covered by such resolution shall be submitted as 133363
a separate proposition but may be printed on the same ballot with 133364
any other proposition submitted at the same election, other than 133365
the election of officers. More than one such question may be 133366
submitted at the same election. 133367

(D) A levy voted in excess of the ten-mill limitation under 133368

this section shall be certified to the tax commissioner. In the 133369
first year of the levy, it shall be extended on the tax lists 133370
after the February settlement succeeding the election. If the 133371
additional tax is to be placed upon the tax list of the current 133372
year, as specified in the resolution providing for its submission, 133373
the result of the election shall be certified immediately after 133374
the canvass by the board of elections to the taxing authority, who 133375
shall make the necessary levy and certify it to the county 133376
auditor, who shall extend it on the tax lists for collection. 133377
After the first year, the tax levy shall be included in the annual 133378
tax budget that is certified to the county budget commission. 133379

Sec. 5705.55. (A) The board of directors of a lake facilities 133380
authority, by a vote of two-thirds of all its members, may at any 133381
time declare by resolution that the amount of taxes which may be 133382
raised within the ten-mill limitation by levies on the current tax 133383
duplicate will be insufficient to provide an adequate amount for 133384
the necessary requirements of the authority, that it is necessary 133385
to levy a tax in excess of such limitation for any of the purposes 133386
specified in divisions (A), (B), (F), and (H) of section 5705.19 133387
of the Revised Code, and that the question of such additional tax 133388
levy shall be submitted by the board to the electors residing 133389
within the boundaries of the impacted lake district on the day of 133390
a primary or general election. The resolution shall conform to 133391
section 5705.19 of the Revised Code, except that the tax levy may 133392
be in effect for no more than five years, as set forth in the 133393
resolution, unless the levy is for the payment of debt charges, 133394
and the total number of mills levied for each dollar of taxable 133395
valuation that may be levied under this section for any tax year 133396
shall not exceed one mill. If the levy is for the payment of debt 133397
charges, the levy shall be for the life of the bond indebtedness. 133398

133399

The resolution shall specify the date of holding the 133400

election, which shall not be earlier than ninety days after the 133401
adoption and certification of the resolution to the board of 133402
elections. The resolution shall not include a levy on the current 133403
tax list and duplicate unless the election is to be held at or 133404
prior to the first Tuesday after the first Monday in November of 133405
the current tax year. 133406

The resolution shall be certified to the board of elections 133407
of the proper county or counties not less than ninety days before 133408
the date of the election. The resolution shall go into immediate 133409
effect upon its passage, and no publication of the resolution 133410
shall be necessary other than that provided in the notice of 133411
election. Section 5705.25 of the Revised Code shall govern the 133412
arrangements for the submission of such question and other matters 133413
concerning the election, to which that section refers, except that 133414
the election shall be held on the date specified in the 133415
resolution. If a majority of the electors voting on the question 133416
so submitted in an election vote in favor of the levy, the board 133417
of directors may forthwith make the necessary levy within the 133418
boundaries of the impacted lake district at the additional rate in 133419
excess of the ten-mill limitation on the tax list, for the purpose 133420
stated in the resolution. The tax levy shall be included in the 133421
next annual tax budget that is certified to the county budget 133422
commission. 133423

(B) The form of the ballot in an election held on the 133424
question of levying a tax proposed pursuant to this section shall 133425
be as follows or in any other form acceptable to the secretary of 133426
state: 133427

"A tax for the benefit of (name of lake facilities authority) 133428
..... for the purpose of at a rate not exceeding 133429
..... mills for each one dollar of valuation, which amounts to 133430
(rate expressed in dollars and cents) for each one 133431
hundred dollars of valuation, for (life of 133432

indebtedness or number of years the levy is to run). 133433

133434

	<u>For the Tax Levy</u>	
	<u>Against the Tax Levy</u>	"

133435

133436

133437

(C) On approval of the levy, notes may be issued in 133438
anticipation of the collection of the proceeds of the tax levy, 133439
other than the proceeds to be received for the payment of bond 133440
debt charges, in the amount and manner and at the times as are 133441
provided in section 5705.193 of the Revised Code, for the issuance 133442
of notes by a county in anticipation of the proceeds of a tax 133443
levy. The lake facilities authority may borrow money in 133444
anticipation of the collection of current revenues as provided in 133445
section 133.10 of the Revised Code. 133446

(D) If a tax is levied under this section in a tax year, no 133447
other taxing authority of a subdivision or taxing unit, including 133448
a port authority, may levy a tax on property in the impacted lake 133449
district in the same tax year if the purpose of the levy is 133450
substantially the same as the purpose for which the lake 133451
facilities authority of the impacted lake district was created. 133452

Sec. 5709.17. The following property shall be exempted from 133453
 taxation: 133454

(A) Real estate held or occupied by an association or 133455
 corporation, organized or incorporated under the laws of this 133456
 state relative to soldiers' memorial associations, monumental 133457
 building associations, or cemetery associations or corporations, 133458
 which in the opinion of the trustees, directors, or managers 133459
 thereof is necessary and proper to carry out the object intended 133460
 for such association or corporation; 133461

(B) Real estate and tangible personal property held or 133462

occupied by a veterans' organization that qualifies for exemption 133463
from taxation under section 501(c)(19) or 501(c)(23) of the 133464
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 133465
amended, and is incorporated under the laws of this state or the 133466
United States, except real estate held by such an organization for 133467
the production of rental ~~or other~~ income in excess of ~~the~~ 133468
~~designated amount~~ thirty-six thousand dollars in a tax year, 133469
before accounting for any cost or expense incurred in the 133470
production of such income. For the purposes of this division, ~~the~~ 133471
~~designated amount equals seven thousand five hundred dollars in~~ 133472
~~tax year 2002, and shall be increased by two hundred fifty dollars~~ 133473
~~each year thereafter until tax year 2012, when it shall equal ten~~ 133474
~~thousand dollars. For tax years 2013 and thereafter, the~~ 133475
~~designated amount shall equal ten thousand dollars~~ rental income 133476
includes only income arising directly from renting the real estate 133477
to others for consideration. 133478

(C) Tangible personal property held by a corporation 133479
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 133480
section 501(c)(3) of the Internal Revenue Code, and exempt from 133481
taxation under section 501(a) of the Internal Revenue Code shall 133482
be exempt from taxation if it is property obtained as described in 133483
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 133484

(D) Real estate held or occupied by a fraternal organization 133485
and used primarily for meetings of and the administration of the 133486
fraternal organization, except real estate held by such an 133487
organization for the production of rental income in excess of 133488
thirty-six thousand dollars in a tax year, before accounting for 133489
any cost or expense incurred in the production of such income. As 133490
used in this division, "rental income" has the same meaning as in 133491
division (B) of this section, and "fraternal organization" means a 133492
domestic fraternal society, order, or association operating under 133493
the lodge, council, or grange system that qualifies for exemption 133494

from taxation under section 501(c)(5), 501(c)(8), or 501(c)(10) of 133495
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 133496
as amended; that provides financial support for charitable 133497
purposes, as defined in division (B)(12) of section 5739.02 of the 133498
Revised Code; and that has been operating in this state with a 133499
state governing body for at least one hundred years. 133500

Sec. 5709.40. (A) As used in this section: 133501

(1) "Blighted area" and "impacted city" have the same 133502
meanings as in section 1728.01 of the Revised Code. 133503

(2) "Business day" means a day of the week excluding 133504
Saturday, Sunday, and a legal holiday as defined under section 133505
1.14 of the Revised Code. 133506

(3) "Housing renovation" means a project carried out for 133507
residential purposes. 133508

(4) "Improvement" means the increase in the assessed value of 133509
any real property that would first appear on the tax list and 133510
duplicate of real and public utility property after the effective 133511
date of an ordinance adopted under this section were it not for 133512
the exemption granted by that ordinance. 133513

(5) "Incentive district" means an area not more than three 133514
hundred acres in size enclosed by a continuous boundary in which a 133515
project is being, or will be, undertaken and having one or more of 133516
the following distress characteristics: 133517

(a) At least fifty-one per cent of the residents of the 133518
district have incomes of less than eighty per cent of the median 133519
income of residents of the political subdivision in which the 133520
district is located, as determined in the same manner specified 133521
under section 119(b) of the "Housing and Community Development Act 133522
of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended; 133523

(b) The average rate of unemployment in the district during 133524

the most recent twelve-month period for which data are available 133525
is equal to at least one hundred fifty per cent of the average 133526
rate of unemployment for this state for the same period. 133527

(c) At least twenty per cent of the people residing in the 133528
district live at or below the poverty level as defined in the 133529
federal Housing and Community Development Act of 1974, 42 U.S.C. 133530
5301, as amended, and regulations adopted pursuant to that act. 133531

(d) The district is a blighted area. 133532

(e) The district is in a situational distress area as 133533
designated by the director of development under division (F) of 133534
section 122.23 of the Revised Code. 133535

(f) As certified by the engineer for the political 133536
subdivision, the public infrastructure serving the district is 133537
inadequate to meet the development needs of the district as 133538
evidenced by a written economic development plan or urban renewal 133539
plan for the district that has been adopted by the legislative 133540
authority of the subdivision. 133541

(g) The district is comprised entirely of unimproved land 133542
that is located in a distressed area as defined in section 122.23 133543
of the Revised Code. 133544

(6) "Project" means development activities undertaken on one 133545
or more parcels, including, but not limited to, construction, 133546
expansion, and alteration of buildings or structures, demolition, 133547
remediation, and site development, and any building or structure 133548
that results from those activities. 133549

(7) "Public infrastructure improvement" includes, but is not 133550
limited to, public roads and highways; water and sewer lines; 133551
environmental remediation; land acquisition, including acquisition 133552
in aid of industry, commerce, distribution, or research; 133553
demolition, including demolition on private property when 133554
determined to be necessary for economic development purposes; 133555

stormwater and flood remediation projects, including such projects 133556
on private property when determined to be necessary for public 133557
health, safety, and welfare; the provision of gas, electric, and 133558
communications service facilities; and the enhancement of public 133559
waterways through improvements that allow for greater public 133560
access. 133561

(B) The legislative authority of a municipal corporation, by 133562
ordinance, may declare improvements to certain parcels of real 133563
property located in the municipal corporation to be a public 133564
purpose. Improvements with respect to a parcel that is used or to 133565
be used for residential purposes may be declared a public purpose 133566
under this division only if the parcel is located in a blighted 133567
area of an impacted city. For this purpose, "parcel that is used 133568
or to be used for residential purposes" means a parcel that, as 133569
improved, is used or to be used for purposes that would cause the 133570
tax commissioner to classify the parcel as residential property in 133571
accordance with rules adopted by the commissioner under section 133572
5713.041 of the Revised Code. Except with the approval under 133573
division (D) of this section of the board of education of each 133574
city, local, or exempted village school district within which the 133575
improvements are located, not more than seventy-five per cent of 133576
an improvement thus declared to be a public purpose may be 133577
exempted from real property taxation for a period of not more than 133578
ten years. The ordinance shall specify the percentage of the 133579
improvement to be exempted from taxation and the life of the 133580
exemption. 133581

An ordinance adopted or amended under this division shall 133582
designate the specific public infrastructure improvements made, to 133583
be made, or in the process of being made by the municipal 133584
corporation that directly benefit, or that once made will directly 133585
benefit, the parcels for which improvements are declared to be a 133586
public purpose. The service payments provided for in section 133587

5709.42 of the Revised Code shall be used to finance the public 133588
infrastructure improvements designated in the ordinance, for the 133589
purpose described in division (D)(1) of this section or as 133590
provided in section 5709.43 of the Revised Code. 133591

(C)(1) The legislative authority of a municipal corporation 133592
may adopt an ordinance creating an incentive district and 133593
declaring improvements to parcels within the district to be a 133594
public purpose and, except as provided in division (F) of this 133595
section, exempt from taxation as provided in this section, but no 133596
legislative authority of a municipal corporation that has a 133597
population that exceeds twenty-five thousand, as shown by the most 133598
recent federal decennial census, shall adopt an ordinance that 133599
creates an incentive district if the sum of the taxable value of 133600
real property in the proposed district for the preceding tax year 133601
and the taxable value of all real property in the municipal 133602
corporation that would have been taxable in the preceding year 133603
were it not for the fact that the property was in an existing 133604
incentive district and therefore exempt from taxation exceeds 133605
twenty-five per cent of the taxable value of real property in the 133606
municipal corporation for the preceding tax year. The ordinance 133607
shall delineate the boundary of the district and specifically 133608
identify each parcel within the district. A district may not 133609
include any parcel that is or has been exempted from taxation 133610
under division (B) of this section or that is or has been within 133611
another district created under this division. An ordinance may 133612
create more than one such district, and more than one ordinance 133613
may be adopted under division (C)(1) of this section. 133614

(2) Not later than thirty days prior to adopting an ordinance 133615
under division (C)(1) of this section, if the municipal 133616
corporation intends to apply for exemptions from taxation under 133617
section 5709.911 of the Revised Code on behalf of owners of real 133618
property located within the proposed incentive district, the 133619

legislative authority of a municipal corporation shall conduct a public hearing on the proposed ordinance. Not later than thirty days prior to the public hearing, the legislative authority shall give notice of the public hearing and the proposed ordinance by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed ordinance.

(3)(a) An ordinance adopted under division (C)(1) of this section shall specify the life of the incentive district and the percentage of the improvements to be exempted, shall designate the public infrastructure improvements made, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The ordinance also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the ordinance. The project identified may, but need not be, the project under division (C)(3)(b) of this section that places real property in use for commercial or industrial purposes. Except as otherwise permitted under that division, the service payments provided for in section 5709.42 of the Revised Code shall be used to finance the designated public infrastructure improvements, for the purpose described in division (D)(1) or (E) of this section, or as provided in section 5709.43 of the Revised Code.

An ordinance adopted under division (C)(1) of this section on or after March 30, 2006, shall not designate police or fire equipment as public infrastructure improvements, and no service payment provided for in section 5709.42 of the Revised Code and received by the municipal corporation under the ordinance shall be used for police or fire equipment.

(b) An ordinance adopted under division (C)(1) of this section may authorize the use of service payments provided for in

section 5709.42 of the Revised Code for the purpose of housing 133652
renovations within the incentive district, provided that the 133653
ordinance also designates public infrastructure improvements that 133654
benefit or serve the district, and that a project within the 133655
district places real property in use for commercial or industrial 133656
purposes. Service payments may be used to finance or support 133657
loans, deferred loans, and grants to persons for the purpose of 133658
housing renovations within the district. The ordinance shall 133659
designate the parcels within the district that are eligible for 133660
housing renovation. The ordinance shall state separately the 133661
amounts or the percentages of the expected aggregate service 133662
payments that are designated for each public infrastructure 133663
improvement and for the general purpose of housing renovations. 133664

(4) Except with the approval of the board of education of 133665
each city, local, or exempted village school district within the 133666
territory of which the incentive district is or will be located, 133667
and subject to division (E) of this section, the life of an 133668
incentive district shall not exceed ten years, and the percentage 133669
of improvements to be exempted shall not exceed seventy-five per 133670
cent. With approval of the board of education, the life of a 133671
district may be not more than thirty years, and the percentage of 133672
improvements to be exempted may be not more than one hundred per 133673
cent. The approval of a board of education shall be obtained in 133674
the manner provided in division (D) of this section. 133675

(D)(1) If the ordinance declaring improvements to a parcel to 133676
be a public purpose or creating an incentive district specifies 133677
that payments in lieu of taxes provided for in section 5709.42 of 133678
the Revised Code shall be paid to the city, local, or exempted 133679
village, and joint vocational school district in which the parcel 133680
or incentive district is located in the amount of the taxes that 133681
would have been payable to the school district if the improvements 133682
had not been exempted from taxation, the percentage of the 133683

improvement that may be exempted from taxation may exceed 133684
seventy-five per cent, and the exemption may be granted for up to 133685
thirty years, without the approval of the board of education as 133686
otherwise required under division (D)(2) of this section. 133687

(2) Improvements with respect to a parcel may be exempted 133688
from taxation under division (B) of this section, and improvements 133689
to parcels within an incentive district may be exempted from 133690
taxation under division (C) of this section, for up to ten years 133691
or, with the approval under this paragraph of the board of 133692
education of the city, local, or exempted village school district 133693
within which the parcel or district is located, for up to thirty 133694
years. The percentage of the improvement exempted from taxation 133695
may, with such approval, exceed seventy-five per cent, but shall 133696
not exceed one hundred per cent. Not later than forty-five 133697
business days prior to adopting an ordinance under this section 133698
declaring improvements to be a public purpose that is subject to 133699
approval by a board of education under this division, the 133700
legislative authority shall deliver to the board of education a 133701
notice stating its intent to adopt an ordinance making that 133702
declaration. The notice regarding improvements with respect to a 133703
parcel under division (B) of this section shall identify the 133704
parcels for which improvements are to be exempted from taxation, 133705
provide an estimate of the true value in money of the 133706
improvements, specify the period for which the improvements would 133707
be exempted from taxation and the percentage of the improvement 133708
that would be exempted, and indicate the date on which the 133709
legislative authority intends to adopt the ordinance. The notice 133710
regarding improvements to parcels within an incentive district 133711
under division (C) of this section shall delineate the boundaries 133712
of the district, specifically identify each parcel within the 133713
district, identify each anticipated improvement in the district, 133714
provide an estimate of the true value in money of each such 133715
improvement, specify the life of the district and the percentage 133716

of improvements that would be exempted, and indicate the date on 133717
which the legislative authority intends to adopt the ordinance. 133718
The board of education, by resolution adopted by a majority of the 133719
board, may approve the exemption for the period or for the 133720
exemption percentage specified in the notice; may disapprove the 133721
exemption for the number of years in excess of ten, may disapprove 133722
the exemption for the percentage of the improvement to be exempted 133723
in excess of seventy-five per cent, or both; or may approve the 133724
exemption on the condition that the legislative authority and the 133725
board negotiate an agreement providing for compensation to the 133726
school district equal in value to a percentage of the amount of 133727
taxes exempted in the eleventh and subsequent years of the 133728
exemption period or, in the case of exemption percentages in 133729
excess of seventy-five per cent, compensation equal in value to a 133730
percentage of the taxes that would be payable on the portion of 133731
the improvement in excess of seventy-five per cent were that 133732
portion to be subject to taxation, or other mutually agreeable 133733
compensation. If an agreement is negotiated between the 133734
legislative authority and the board to compensate the school 133735
district for all or part of the taxes exempted, including 133736
agreements for payments in lieu of taxes under section 5709.42 of 133737
the Revised Code, the legislative authority shall compensate the 133738
joint vocational school district within which the parcel or 133739
district is located at the same rate and under the same terms 133740
received by the city, local, or exempted village school district. 133741

(3) The board of education shall certify its resolution to 133742
the legislative authority not later than fourteen days prior to 133743
the date the legislative authority intends to adopt the ordinance 133744
as indicated in the notice. If the board of education and the 133745
legislative authority negotiate a mutually acceptable compensation 133746
agreement, the ordinance may declare the improvements a public 133747
purpose for the number of years specified in the ordinance or, in 133748
the case of exemption percentages in excess of seventy-five per 133749

cent, for the exemption percentage specified in the ordinance. In 133750
either case, if the board and the legislative authority fail to 133751
negotiate a mutually acceptable compensation agreement, the 133752
ordinance may declare the improvements a public purpose for not 133753
more than ten years, and shall not exempt more than seventy-five 133754
per cent of the improvements from taxation. If the board fails to 133755
certify a resolution to the legislative authority within the time 133756
prescribed by this division, the legislative authority thereupon 133757
may adopt the ordinance and may declare the improvements a public 133758
purpose for up to thirty years, or, in the case of exemption 133759
percentages proposed in excess of seventy-five per cent, for the 133760
exemption percentage specified in the ordinance. The legislative 133761
authority may adopt the ordinance at any time after the board of 133762
education certifies its resolution approving the exemption to the 133763
legislative authority, or, if the board approves the exemption on 133764
the condition that a mutually acceptable compensation agreement be 133765
negotiated, at any time after the compensation agreement is agreed 133766
to by the board and the legislative authority. 133767

(4) If a board of education has adopted a resolution waiving 133768
its right to approve exemptions from taxation under this section 133769
and the resolution remains in effect, approval of exemptions by 133770
the board is not required under division (D) of this section. If a 133771
board of education has adopted a resolution allowing a legislative 133772
authority to deliver the notice required under division (D) of 133773
this section fewer than forty-five business days prior to the 133774
legislative authority's adoption of the ordinance, the legislative 133775
authority shall deliver the notice to the board not later than the 133776
number of days prior to such adoption as prescribed by the board 133777
in its resolution. If a board of education adopts a resolution 133778
waiving its right to approve agreements or shortening the 133779
notification period, the board shall certify a copy of the 133780
resolution to the legislative authority. If the board of education 133781
rescinds such a resolution, it shall certify notice of the 133782

rescission to the legislative authority. 133783

(5) If the legislative authority is not required by division 133784
(D) of this section to notify the board of education of the 133785
legislative authority's intent to declare improvements to be a 133786
public purpose, the legislative authority shall comply with the 133787
notice requirements imposed under section 5709.83 of the Revised 133788
Code, unless the board has adopted a resolution under that section 133789
waiving its right to receive such a notice. 133790

(E)(1) If a proposed ordinance under division (C)(1) of this 133791
section exempts improvements with respect to a parcel within an 133792
incentive district for more than ten years, or the percentage of 133793
the improvement exempted from taxation exceeds seventy-five per 133794
cent, not later than forty-five business days prior to adopting 133795
the ordinance the legislative authority of the municipal 133796
corporation shall deliver to the board of county commissioners of 133797
the county within which the incentive district will be located a 133798
notice that states its intent to adopt an ordinance creating an 133799
incentive district. The notice shall include a copy of the 133800
proposed ordinance, identify the parcels for which improvements 133801
are to be exempted from taxation, provide an estimate of the true 133802
value in money of the improvements, specify the period of time for 133803
which the improvements would be exempted from taxation, specify 133804
the percentage of the improvements that would be exempted from 133805
taxation, and indicate the date on which the legislative authority 133806
intends to adopt the ordinance. 133807

(2) The board of county commissioners, by resolution adopted 133808
by a majority of the board, may object to the exemption for the 133809
number of years in excess of ten, may object to the exemption for 133810
the percentage of the improvement to be exempted in excess of 133811
seventy-five per cent, or both. If the board of county 133812
commissioners objects, the board may negotiate a mutually 133813
acceptable compensation agreement with the legislative authority. 133814

In no case shall the compensation provided to the board exceed the 133815
property taxes forgone due to the exemption. If the board of 133816
county commissioners objects, and the board and legislative 133817
authority fail to negotiate a mutually acceptable compensation 133818
agreement, the ordinance adopted under division (C)(1) of this 133819
section shall provide to the board compensation in the eleventh 133820
and subsequent years of the exemption period equal in value to not 133821
more than fifty per cent of the taxes that would be payable to the 133822
county or, if the board's objection includes an objection to an 133823
exemption percentage in excess of seventy-five per cent, 133824
compensation equal in value to not more than fifty per cent of the 133825
taxes that would be payable to the county, on the portion of the 133826
improvement in excess of seventy-five per cent, were that portion 133827
to be subject to taxation. The board of county commissioners shall 133828
certify its resolution to the legislative authority not later than 133829
thirty days after receipt of the notice. 133830

(3) If the board of county commissioners does not object or 133831
fails to certify its resolution objecting to an exemption within 133832
thirty days after receipt of the notice, the legislative authority 133833
may adopt the ordinance, and no compensation shall be provided to 133834
the board of county commissioners. If the board timely certifies 133835
its resolution objecting to the ordinance, the legislative 133836
authority may adopt the ordinance at any time after a mutually 133837
acceptable compensation agreement is agreed to by the board and 133838
the legislative authority, or, if no compensation agreement is 133839
negotiated, at any time after the legislative authority agrees in 133840
the proposed ordinance to provide compensation to the board of 133841
fifty per cent of the taxes that would be payable to the county in 133842
the eleventh and subsequent years of the exemption period or on 133843
the portion of the improvement in excess of seventy-five per cent, 133844
were that portion to be subject to taxation. 133845

(F) Service payments in lieu of taxes that are attributable 133846

to any amount by which the effective tax rate of either a renewal 133847
levy with an increase or a replacement levy exceeds the effective 133848
tax rate of the levy renewed or replaced, or that are attributable 133849
to an additional levy, for a levy authorized by the voters for any 133850
of the following purposes on or after January 1, 2006, and which 133851
are provided pursuant to an ordinance creating an incentive 133852
district under division (C)(1) of this section that is adopted on 133853
or after January 1, 2006, shall be distributed to the appropriate 133854
taxing authority as required under division (C) of section 5709.42 133855
of the Revised Code in an amount equal to the amount of taxes from 133856
that additional levy or from the increase in the effective tax 133857
rate of such renewal or replacement levy that would have been 133858
payable to that taxing authority from the following levies were it 133859
not for the exemption authorized under division (C) of this 133860
section: 133861

(1) A tax levied under division (L) of section 5705.19 or 133862
section 5705.191 of the Revised Code for community mental 133863
retardation and developmental disabilities programs and services 133864
pursuant to Chapter 5126. of the Revised Code; 133865

(2) A tax levied under division (Y) of section 5705.19 of the 133866
Revised Code for providing or maintaining senior citizens services 133867
or facilities; 133868

(3) A tax levied under section 5705.22 of the Revised Code 133869
for county hospitals; 133870

(4) A tax levied by a joint-county district or by a county 133871
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 133872
for alcohol, drug addiction, and mental health services or 133873
facilities; 133874

(5) A tax levied under section 5705.23 of the Revised Code 133875
for library purposes; 133876

(6) A tax levied under section 5705.24 of the Revised Code 133877

for the support of children services and the placement and care of children; 133878
133879

(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code; 133880
133881
133882

(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts; 133883
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133885

(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code; 133886
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133888
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(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes; 133890
133891

(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals; 133892
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133894
133895

(12) A tax levied under section 3709.29 of the Revised Code for a general health district program. 133896
133897

(G) An exemption from taxation granted under this section commences with the tax year specified in the ordinance so long as the year specified in the ordinance commences after the effective date of the ordinance. If the ordinance specifies a year commencing before the effective date of the resolution or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and duplicate of real and public utility property and that commences after the effective date of the ordinance. ~~Except In~~ lieu of stating a specific year, the ordinance may provide that the exemption commences in the tax year in which the value of an 133898
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improvement exceeds a specified amount or in which the 133909
construction of one or more improvements is completed, provided 133910
that such tax year commences after the effective date of the 133911
ordinance. With respect to the exemption of improvements to 133912
parcels under division (B) of this section, the ordinance may 133913
allow for the exemption to commence in different tax years on a 133914
parcel-by-parcel basis, with a separate exemption term specified 133915
for each parcel. 133916

Except as otherwise provided in this division, the exemption 133917
ends on the date specified in the ordinance as the date the 133918
improvement ceases to be a public purpose or the incentive 133919
district expires, or ends on the date on which the public 133920
infrastructure improvements and housing renovations are paid in 133921
full from the municipal public improvement tax increment 133922
equivalent fund established under division (A) of section 5709.43 133923
of the Revised Code, whichever occurs first. The exemption of an 133924
improvement with respect to a parcel or within an incentive 133925
district may end on a later date, as specified in the ordinance, 133926
if the legislative authority and the board of education of the 133927
city, local, or exempted village school district within which the 133928
parcel or district is located have entered into a compensation 133929
agreement under section 5709.82 of the Revised Code with respect 133930
to the improvement, and the board of education has approved the 133931
term of the exemption under division (D)(2) of this section, but 133932
in no case shall the improvement be exempted from taxation for 133933
more than thirty years. Exemptions shall be claimed and allowed in 133934
the same manner as in the case of other real property exemptions. 133935
If an exemption status changes during a year, the procedure for 133936
the apportionment of the taxes for that year is the same as in the 133937
case of other changes in tax exemption status during the year. 133938

(H) Additional municipal financing of public infrastructure 133939
improvements and housing renovations may be provided by any 133940

methods that the municipal corporation may otherwise use for 133941
financing such improvements or renovations. If the municipal 133942
corporation issues bonds or notes to finance the public 133943
infrastructure improvements and housing renovations and pledges 133944
money from the municipal public improvement tax increment 133945
equivalent fund to pay the interest on and principal of the bonds 133946
or notes, the bonds or notes are not subject to Chapter 133. of 133947
the Revised Code. 133948

(I) The municipal corporation, not later than fifteen days 133949
after the adoption of an ordinance under this section, shall 133950
submit to the director of development a copy of the ordinance. On 133951
or before the thirty-first day of March of each year, the 133952
municipal corporation shall submit a status report to the director 133953
of development. The report shall indicate, in the manner 133954
prescribed by the director, the progress of the project during 133955
each year that an exemption remains in effect, including a summary 133956
of the receipts from service payments in lieu of taxes; 133957
expenditures of money from the funds created under section 5709.43 133958
of the Revised Code; a description of the public infrastructure 133959
improvements and housing renovations financed with such 133960
expenditures; and a quantitative summary of changes in employment 133961
and private investment resulting from each project. 133962

(J) Nothing in this section shall be construed to prohibit a 133963
legislative authority from declaring to be a public purpose 133964
improvements with respect to more than one parcel. 133965

(K) If a parcel is located in a new community district in 133966
which the new community authority imposes a community development 133967
charge on the basis of rentals received from leases of real 133968
property as described in division (L)(2) of section 349.01 of the 133969
Revised Code, the parcel may not be exempted from taxation under 133970
this section. 133971

Sec. 5709.73. (A) As used in this section and section 5709.74 133972
of the Revised Code: 133973

(1) "Business day" means a day of the week excluding 133974
Saturday, Sunday, and a legal holiday as defined in section 1.14 133975
of the Revised Code. 133976

(2) "Further improvements" or "improvements" means the 133977
increase in the assessed value of real property that would first 133978
appear on the tax list and duplicate of real and public utility 133979
property after the effective date of a resolution adopted under 133980
this section were it not for the exemption granted by that 133981
resolution. For purposes of division (B) of this section, 133982
"improvements" do not include any property used or to be used for 133983
residential purposes. For this purpose, "property that is used or 133984
to be used for residential purposes" means property that, as 133985
improved, is used or to be used for purposes that would cause the 133986
tax commissioner to classify the property as residential property 133987
in accordance with rules adopted by the commissioner under section 133988
5713.041 of the Revised Code. 133989

(3) "Housing renovation" means a project carried out for 133990
residential purposes. 133991

(4) "Incentive district" has the same meaning as in section 133992
5709.40 of the Revised Code, except that a blighted area is in the 133993
unincorporated area of a township. 133994

(5) "Project" and "public infrastructure improvement" have 133995
the same meanings as in section 5709.40 of the Revised Code. 133996

(B) A board of township trustees may, by unanimous vote, 133997
adopt a resolution that declares to be a public purpose any public 133998
infrastructure improvements made that are necessary for the 133999
development of certain parcels of land located in the 134000
unincorporated area of the township. Except with the approval 134001

under division (D) of this section of the board of education of 134002
each city, local, or exempted village school district within which 134003
the improvements are located, the resolution may exempt from real 134004
property taxation not more than seventy-five per cent of further 134005
improvements to a parcel of land that directly benefits from the 134006
public infrastructure improvements, for a period of not more than 134007
ten years. The resolution shall specify the percentage of the 134008
further improvements to be exempted and the life of the exemption. 134009

(C)(1) A board of township trustees may adopt, by unanimous 134010
vote, a resolution creating an incentive district and declaring 134011
improvements to parcels within the district to be a public purpose 134012
and, except as provided in division (F) of this section, exempt 134013
from taxation as provided in this section, but no board of 134014
township trustees of a township that has a population that exceeds 134015
twenty-five thousand, as shown by the most recent federal 134016
decennial census, shall adopt a resolution that creates an 134017
incentive district if the sum of the taxable value of real 134018
property in the proposed district for the preceding tax year and 134019
the taxable value of all real property in the township that would 134020
have been taxable in the preceding year were it not for the fact 134021
that the property was in an existing incentive district and 134022
therefore exempt from taxation exceeds twenty-five per cent of the 134023
taxable value of real property in the township for the preceding 134024
tax year. The district shall be located within the unincorporated 134025
area of the township and shall not include any territory that is 134026
included within a district created under division (B) of section 134027
5709.78 of the Revised Code. The resolution shall delineate the 134028
boundary of the district and specifically identify each parcel 134029
within the district. A district may not include any parcel that is 134030
or has been exempted from taxation under division (B) of this 134031
section or that is or has been within another district created 134032
under this division. A resolution may create more than one 134033
district, and more than one resolution may be adopted under 134034

division (C)(1) of this section. 134035

(2) Not later than thirty days prior to adopting a resolution 134036
under division (C)(1) of this section, if the township intends to 134037
apply for exemptions from taxation under section 5709.911 of the 134038
Revised Code on behalf of owners of real property located within 134039
the proposed incentive district, the board shall conduct a public 134040
hearing on the proposed resolution. Not later than thirty days 134041
prior to the public hearing, the board shall give notice of the 134042
public hearing and the proposed resolution by first class mail to 134043
every real property owner whose property is located within the 134044
boundaries of the proposed incentive district that is the subject 134045
of the proposed resolution. 134046

(3)(a) A resolution adopted under division (C)(1) of this 134047
section shall specify the life of the incentive district and the 134048
percentage of the improvements to be exempted, shall designate the 134049
public infrastructure improvements made, to be made, or in the 134050
process of being made, that benefit or serve, or, once made, will 134051
benefit or serve parcels in the district. The resolution also 134052
shall identify one or more specific projects being, or to be, 134053
undertaken in the district that place additional demand on the 134054
public infrastructure improvements designated in the resolution. 134055
The project identified may, but need not be, the project under 134056
division (C)(3)(b) of this section that places real property in 134057
use for commercial or industrial purposes. 134058

A resolution adopted under division (C)(1) of this section on 134059
or after March 30, 2006, shall not designate police or fire 134060
equipment as public infrastructure improvements, and no service 134061
payment provided for in section 5709.74 of the Revised Code and 134062
received by the township under the resolution shall be used for 134063
police or fire equipment. 134064

(b) A resolution adopted under division (C)(1) of this 134065
section may authorize the use of service payments provided for in 134066

section 5709.74 of the Revised Code for the purpose of housing 134067
renovations within the incentive district, provided that the 134068
resolution also designates public infrastructure improvements that 134069
benefit or serve the district, and that a project within the 134070
district places real property in use for commercial or industrial 134071
purposes. Service payments may be used to finance or support 134072
loans, deferred loans, and grants to persons for the purpose of 134073
housing renovations within the district. The resolution shall 134074
designate the parcels within the district that are eligible for 134075
housing renovations. The resolution shall state separately the 134076
amount or the percentages of the expected aggregate service 134077
payments that are designated for each public infrastructure 134078
improvement and for the purpose of housing renovations. 134079

(4) Except with the approval of the board of education of 134080
each city, local, or exempted village school district within the 134081
territory of which the incentive district is or will be located, 134082
and subject to division (E) of this section, the life of an 134083
incentive district shall not exceed ten years, and the percentage 134084
of improvements to be exempted shall not exceed seventy-five per 134085
cent. With approval of the board of education, the life of a 134086
district may be not more than thirty years, and the percentage of 134087
improvements to be exempted may be not more than one hundred per 134088
cent. The approval of a board of education shall be obtained in 134089
the manner provided in division (D) of this section. 134090

(D) Improvements with respect to a parcel may be exempted 134091
from taxation under division (B) of this section, and improvements 134092
to parcels within an incentive district may be exempted from 134093
taxation under division (C) of this section, for up to ten years 134094
or, with the approval of the board of education of the city, 134095
local, or exempted village school district within which the parcel 134096
or district is located, for up to thirty years. The percentage of 134097
the improvements exempted from taxation may, with such approval, 134098

exceed seventy-five per cent, but shall not exceed one hundred per 134099
cent. Not later than forty-five business days prior to adopting a 134100
resolution under this section declaring improvements to be a 134101
public purpose that is subject to approval by a board of education 134102
under this division, the board of township trustees shall deliver 134103
to the board of education a notice stating its intent to adopt a 134104
resolution making that declaration. The notice regarding 134105
improvements with respect to a parcel under division (B) of this 134106
section shall identify the parcels for which improvements are to 134107
be exempted from taxation, provide an estimate of the true value 134108
in money of the improvements, specify the period for which the 134109
improvements would be exempted from taxation and the percentage of 134110
the improvements that would be exempted, and indicate the date on 134111
which the board of township trustees intends to adopt the 134112
resolution. The notice regarding improvements made under division 134113
(C) of this section to parcels within an incentive district shall 134114
delineate the boundaries of the district, specifically identify 134115
each parcel within the district, identify each anticipated 134116
improvement in the district, provide an estimate of the true value 134117
in money of each such improvement, specify the life of the 134118
district and the percentage of improvements that would be 134119
exempted, and indicate the date on which the board of township 134120
trustees intends to adopt the resolution. The board of education, 134121
by resolution adopted by a majority of the board, may approve the 134122
exemption for the period or for the exemption percentage specified 134123
in the notice; may disapprove the exemption for the number of 134124
years in excess of ten, may disapprove the exemption for the 134125
percentage of the improvements to be exempted in excess of 134126
seventy-five per cent, or both; or may approve the exemption on 134127
the condition that the board of township trustees and the board of 134128
education negotiate an agreement providing for compensation to the 134129
school district equal in value to a percentage of the amount of 134130
taxes exempted in the eleventh and subsequent years of the 134131

exemption period or, in the case of exemption percentages in excess of seventy-five per cent, compensation equal in value to a percentage of the taxes that would be payable on the portion of the improvements in excess of seventy-five per cent were that portion to be subject to taxation, or other mutually agreeable compensation.

The board of education shall certify its resolution to the board of township trustees not later than fourteen days prior to the date the board of township trustees intends to adopt the resolution as indicated in the notice. If the board of education and the board of township trustees negotiate a mutually acceptable compensation agreement, the resolution may declare the improvements a public purpose for the number of years specified in the resolution or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified in the resolution. In either case, if the board of education and the board of township trustees fail to negotiate a mutually acceptable compensation agreement, the resolution may declare the improvements a public purpose for not more than ten years, and shall not exempt more than seventy-five per cent of the improvements from taxation. If the board of education fails to certify a resolution to the board of township trustees within the time prescribed by this section, the board of township trustees thereupon may adopt the resolution and may declare the improvements a public purpose for up to thirty years or, in the case of exemption percentages proposed in excess of seventy-five per cent, for the exemption percentage specified in the resolution. The board of township trustees may adopt the resolution at any time after the board of education certifies its resolution approving the exemption to the board of township trustees, or, if the board of education approves the exemption on the condition that a mutually acceptable compensation agreement be negotiated, at any time after the compensation agreement is agreed

to by the board of education and the board of township trustees. 134165
If a mutually acceptable compensation agreement is negotiated 134166
between the board of township trustees and the board of education, 134167
including agreements for payments in lieu of taxes under section 134168
5709.74 of the Revised Code, the board of township trustees shall 134169
compensate the joint vocational school district within which the 134170
parcel or district is located at the same rate and under the same 134171
terms received by the city, local, or exempted village school 134172
district. 134173

If a board of education has adopted a resolution waiving its 134174
right to approve exemptions from taxation under this section and 134175
the resolution remains in effect, approval of such exemptions by 134176
the board of education is not required under division (D) of this 134177
section. If a board of education has adopted a resolution allowing 134178
a board of township trustees to deliver the notice required under 134179
division (D) of this section fewer than forty-five business days 134180
prior to adoption of the resolution by the board of township 134181
trustees, the board of township trustees shall deliver the notice 134182
to the board of education not later than the number of days prior 134183
to the adoption as prescribed by the board of education in its 134184
resolution. If a board of education adopts a resolution waiving 134185
its right to approve exemptions or shortening the notification 134186
period, the board of education shall certify a copy of the 134187
resolution to the board of township trustees. If the board of 134188
education rescinds the resolution, it shall certify notice of the 134189
rescission to the board of township trustees. 134190

If the board of township trustees is not required by division 134191
(D) of this section to notify the board of education of the board 134192
of township trustees' intent to declare improvements to be a 134193
public purpose, the board of township trustees shall comply with 134194
the notice requirements imposed under section 5709.83 of the 134195
Revised Code before taking formal action to adopt the resolution 134196

making that declaration, unless the board of education has adopted 134197
a resolution under that section waiving its right to receive the 134198
notice. 134199

(E)(1) If a proposed resolution under division (C)(1) of this 134200
section exempts improvements with respect to a parcel within an 134201
incentive district for more than ten years, or the percentage of 134202
the improvement exempted from taxation exceeds seventy-five per 134203
cent, not later than forty-five business days prior to adopting 134204
the resolution the board of township trustees shall deliver to the 134205
board of county commissioners of the county within which the 134206
incentive district is or will be located a notice that states its 134207
intent to adopt a resolution creating an incentive district. The 134208
notice shall include a copy of the proposed resolution, identify 134209
the parcels for which improvements are to be exempted from 134210
taxation, provide an estimate of the true value in money of the 134211
improvements, specify the period of time for which the 134212
improvements would be exempted from taxation, specify the 134213
percentage of the improvements that would be exempted from 134214
taxation, and indicate the date on which the board of township 134215
trustees intends to adopt the resolution. 134216

(2) The board of county commissioners, by resolution adopted 134217
by a majority of the board, may object to the exemption for the 134218
number of years in excess of ten, may object to the exemption for 134219
the percentage of the improvement to be exempted in excess of 134220
seventy-five per cent, or both. If the board of county 134221
commissioners objects, the board may negotiate a mutually 134222
acceptable compensation agreement with the board of township 134223
trustees. In no case shall the compensation provided to the board 134224
of county commissioners exceed the property taxes foregone due to 134225
the exemption. If the board of county commissioners objects, and 134226
the board of county commissioners and board of township trustees 134227
fail to negotiate a mutually acceptable compensation agreement, 134228

the resolution adopted under division (C)(1) of this section shall 134229
provide to the board of county commissioners compensation in the 134230
eleventh and subsequent years of the exemption period equal in 134231
value to not more than fifty per cent of the taxes that would be 134232
payable to the county or, if the board of county commissioner's 134233
objection includes an objection to an exemption percentage in 134234
excess of seventy-five per cent, compensation equal in value to 134235
not more than fifty per cent of the taxes that would be payable to 134236
the county, on the portion of the improvement in excess of 134237
seventy-five per cent, were that portion to be subject to 134238
taxation. The board of county commissioners shall certify its 134239
resolution to the board of township trustees not later than thirty 134240
days after receipt of the notice. 134241

(3) If the board of county commissioners does not object or 134242
fails to certify its resolution objecting to an exemption within 134243
thirty days after receipt of the notice, the board of township 134244
trustees may adopt its resolution, and no compensation shall be 134245
provided to the board of county commissioners. If the board of 134246
county commissioners timely certifies its resolution objecting to 134247
the trustees' resolution, the board of township trustees may adopt 134248
its resolution at any time after a mutually acceptable 134249
compensation agreement is agreed to by the board of county 134250
commissioners and the board of township trustees, or, if no 134251
compensation agreement is negotiated, at any time after the board 134252
of township trustees agrees in the proposed resolution to provide 134253
compensation to the board of county commissioners of fifty per 134254
cent of the taxes that would be payable to the county in the 134255
eleventh and subsequent years of the exemption period or on the 134256
portion of the improvement in excess of seventy-five per cent, 134257
were that portion to be subject to taxation. 134258

(F) Service payments in lieu of taxes that are attributable 134259
to any amount by which the effective tax rate of either a renewal 134260

levy with an increase or a replacement levy exceeds the effective 134261
tax rate of the levy renewed or replaced, or that are attributable 134262
to an additional levy, for a levy authorized by the voters for any 134263
of the following purposes on or after January 1, 2006, and which 134264
are provided pursuant to a resolution creating an incentive 134265
district under division (C)(1) of this section that is adopted on 134266
or after January 1, 2006, shall be distributed to the appropriate 134267
taxing authority as required under division (C) of section 5709.74 134268
of the Revised Code in an amount equal to the amount of taxes from 134269
that additional levy or from the increase in the effective tax 134270
rate of such renewal or replacement levy that would have been 134271
payable to that taxing authority from the following levies were it 134272
not for the exemption authorized under division (C) of this 134273
section: 134274

(1) A tax levied under division (L) of section 5705.19 or 134275
section 5705.191 of the Revised Code for community mental 134276
retardation and developmental disabilities programs and services 134277
pursuant to Chapter 5126. of the Revised Code; 134278

(2) A tax levied under division (Y) of section 5705.19 of the 134279
Revised Code for providing or maintaining senior citizens services 134280
or facilities; 134281

(3) A tax levied under section 5705.22 of the Revised Code 134282
for county hospitals; 134283

(4) A tax levied by a joint-county district or by a county 134284
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 134285
for alcohol, drug addiction, and mental health services or 134286
families; 134287

(5) A tax levied under section 5705.23 of the Revised Code 134288
for library purposes; 134289

(6) A tax levied under section 5705.24 of the Revised Code 134290
for the support of children services and the placement and care of 134291

children;	134292
(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;	134293 134294 134295
(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;	134296 134297 134298
(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;	134299 134300 134301 134302
(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;	134303 134304
(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;	134305 134306 134307 134308
(12) A tax levied under section 3709.29 of the Revised Code for a general health district program.	134309 134310
(G) An exemption from taxation granted under this section commences with the tax year specified in the resolution so long as the year specified in the resolution commences after the effective date of the resolution. If the resolution specifies a year commencing before the effective date of the resolution or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and duplicate of real and public utility property and that commences after the effective date of the resolution. Except In <u>lieu of stating a specific year, the resolution may provide that the exemption commences in the tax year in which the value of an improvement exceeds a specified amount or in which the</u>	134311 134312 134313 134314 134315 134316 134317 134318 134319 134320 134321 134322

construction of one or more improvements is completed, provided 134323
that such tax year commences after the effective date of the 134324
resolution. With respect to the exemption of improvements to 134325
parcels under division (B) of this section, the resolution may 134326
allow for the exemption to commence in different tax years on a 134327
parcel-by-parcel basis, with a separate exemption term specified 134328
for each parcel. 134329

Except as otherwise provided in this division, the exemption 134330
ends on the date specified in the resolution as the date the 134331
improvement ceases to be a public purpose or the incentive 134332
district expires, or ends on the date on which the public 134333
infrastructure improvements and housing renovations are paid in 134334
full from the township public improvement tax increment equivalent 134335
fund established under section 5709.75 of the Revised Code, 134336
whichever occurs first. The exemption of an improvement with 134337
respect to a parcel or within an incentive district may end on a 134338
later date, as specified in the resolution, if the board of 134339
township trustees and the board of education of the city, local, 134340
or exempted village school district within which the parcel or 134341
district is located have entered into a compensation agreement 134342
under section 5709.82 of the Revised Code with respect to the 134343
improvement and the board of education has approved the term of 134344
the exemption under division (D) of this section, but in no case 134345
shall the improvement be exempted from taxation for more than 134346
thirty years. The board of township trustees may, by majority 134347
vote, adopt a resolution permitting the township to enter into 134348
such agreements as the board finds necessary or appropriate to 134349
provide for the construction or undertaking of public 134350
infrastructure improvements and housing renovations. Any exemption 134351
shall be claimed and allowed in the same or a similar manner as in 134352
the case of other real property exemptions. If an exemption status 134353
changes during a tax year, the procedure for the apportionment of 134354
the taxes for that year is the same as in the case of other 134355

changes in tax exemption status during the year. 134356

(H) The board of township trustees may issue the notes of the 134357
township to finance all costs pertaining to the construction or 134358
undertaking of public infrastructure improvements and housing 134359
renovations made pursuant to this section. The notes shall be 134360
signed by the board and attested by the signature of the township 134361
fiscal officer, shall bear interest not to exceed the rate 134362
provided in section 9.95 of the Revised Code, and are not subject 134363
to Chapter 133. of the Revised Code. The resolution authorizing 134364
the issuance of the notes shall pledge the funds of the township 134365
public improvement tax increment equivalent fund established 134366
pursuant to section 5709.75 of the Revised Code to pay the 134367
interest on and principal of the notes. The notes, which may 134368
contain a clause permitting prepayment at the option of the board, 134369
shall be offered for sale on the open market or given to the 134370
vendor or contractor if no sale is made. 134371

(I) The township, not later than fifteen days after the 134372
adoption of a resolution under this section, shall submit to the 134373
director of development a copy of the resolution. On or before the 134374
thirty-first day of March of each year, the township shall submit 134375
a status report to the director of development. The report shall 134376
indicate, in the manner prescribed by the director, the progress 134377
of the project during each year that the exemption remains in 134378
effect, including a summary of the receipts from service payments 134379
in lieu of taxes; expenditures of money from the fund created 134380
under section 5709.75 of the Revised Code; a description of the 134381
public infrastructure improvements and housing renovations 134382
financed with the expenditures; and a quantitative summary of 134383
changes in private investment resulting from each project. 134384

(J) Nothing in this section shall be construed to prohibit a 134385
board of township trustees from declaring to be a public purpose 134386
improvements with respect to more than one parcel. 134387

If a parcel is located in a new community district in which 134388
the new community authority imposes a community development charge 134389
on the basis of rentals received from leases of real property as 134390
described in division (L)(2) of section 349.01 of the Revised 134391
Code, the parcel may not be exempted from taxation under this 134392
section. 134393

(K) A board of township trustees that adopted a resolution 134394
under this section prior to July 21, 1994, may amend that 134395
resolution to include any additional public infrastructure 134396
improvement. A board of township trustees that seeks by the 134397
amendment to utilize money from its township public improvement 134398
tax increment equivalent fund for land acquisition in aid of 134399
industry, commerce, distribution, or research, demolition on 134400
private property, or stormwater and flood remediation projects may 134401
do so provided that the board currently is a party to a 134402
hold-harmless agreement with the board of education of the city, 134403
local, or exempted village school district within the territory of 134404
which are located the parcels that are subject to an exemption. 134405
For the purposes of this division, a "hold-harmless agreement" 134406
means an agreement under which the board of township trustees 134407
agrees to compensate the school district for one hundred per cent 134408
of the tax revenue that the school district would have received 134409
from further improvements to parcels designated in the resolution 134410
were it not for the exemption granted by the resolution. 134411

Sec. 5709.75. (A) Any township that receives service payments 134412
in lieu of taxes under section 5709.74 of the Revised Code shall 134413
establish a township public improvement tax increment equivalent 134414
fund into which those payments shall be deposited. If the board of 134415
township trustees has adopted a resolution under division (C) of 134416
section 5709.73 of the Revised Code, the township shall establish 134417
at least one account in that fund with respect to resolutions 134418
adopted under division (B) of that section, and one account with 134419

respect to each incentive district created by a resolution adopted 134420
under division (C) of that section. If a resolution adopted under 134421
division (C) of section 5709.73 of the Revised Code also 134422
authorizes the use of service payments for housing renovations 134423
within the incentive district, the township shall establish 134424
separate accounts for the service payments designated for public 134425
infrastructure improvements and for the service payments 134426
authorized for the purpose of housing renovations. 134427

(B) Except as otherwise provided in division (C) or (D) of 134428
this section, money deposited in an account of the township public 134429
improvement tax increment equivalent fund shall be used by the 134430
township to pay the costs of public infrastructure improvements 134431
designated in or the housing renovations authorized by the 134432
resolution with respect to which the account is established, 134433
including any interest on and principal of the notes; in the case 134434
of an account established with respect to a resolution adopted 134435
under division (C) of that section, money in the account shall be 134436
used to finance the public infrastructure improvements designated, 134437
or the housing renovations authorized, for each incentive district 134438
created in the resolution. Money in an account shall not be used 134439
to finance or support housing renovations that take place after 134440
the incentive district has expired. 134441

(C)(1)(a) A township may distribute money in such an account 134442
to any school district in which the exempt property is located in 134443
an amount not to exceed the amount of real property taxes that 134444
such school district would have received from the improvement if 134445
it were not exempt from taxation. The resolution establishing the 134446
fund shall set forth the percentage of such maximum amount that 134447
will be distributed to any affected school district. 134448

(b) A township also may distribute money in such an account 134449
as follows: 134450

(i) To a board of county commissioners, in the amount that is 134451

owed to the board pursuant to division (E) of section 5709.73 of the Revised Code; 134452
134453

(ii) To a county in accordance with section 5709.913 of the Revised Code. 134454
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(2) Money from an account in a township public improvement tax increment equivalent fund may be distributed under division (C)(1)(b) of this section, regardless of the date a resolution was adopted under section 5709.73 of the Revised Code that prompted the establishment of the account, even if the resolution was adopted prior to March 30, 2006. 134456
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(D) A board of township trustees that adopted a resolution under ~~division (B) of~~ section 5709.73 of the Revised Code ~~before January 1, 1995,~~ and that, with respect to property exempted under such a resolution, is party to a hold-harmless or service agreement, may appropriate and expend unencumbered money in the fund to pay current public safety expenses of the township. A township appropriating and expending money under this division shall reimburse the fund for the sum so appropriated and expended not later than the day the exemption granted under the resolution expires. For the purposes of this division, a "hold-harmless agreement" is an agreement with the board of education of a city, local, or exempted village school district under which the board of township trustees agrees to compensate the school district for one hundred per cent of the tax revenue the school district would have received from improvements to parcels designated in the resolution were it not for the exemption granted by the resolution. 134462
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(E) Any ~~incidental surplus~~ unencumbered money remaining in the township public improvement tax increment equivalent fund or an account of that fund upon dissolution of the account or fund shall be transferred to the general fund of the township. 134479
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Sec. 5709.78. (A) A board of county commissioners may, by 134483
resolution, declare improvements to certain parcels of real 134484
property located in the unincorporated territory of the county to 134485
be a public purpose. Except with the approval under division (C) 134486
of this section of the board of education of each city, local, or 134487
exempted village school district within which the improvements are 134488
located, not more than seventy-five per cent of an improvement 134489
thus declared to be a public purpose may be exempted from real 134490
property taxation, for a period of not more than ten years. The 134491
resolution shall specify the percentage of the improvement to be 134492
exempted and the life of the exemption. 134493

A resolution adopted under this division shall designate the 134494
specific public infrastructure improvements made, to be made, or 134495
in the process of being made by the county that directly benefit, 134496
or that once made will directly benefit, the parcels for which 134497
improvements are declared to be a public purpose. The service 134498
payments provided for in section 5709.79 of the Revised Code shall 134499
be used to finance the public infrastructure improvements 134500
designated in the resolution, or as provided in section 5709.80 of 134501
the Revised Code. 134502

(B)(1) A board of county commissioners may adopt a resolution 134503
creating an incentive district and declaring improvements to 134504
parcels within the district to be a public purpose and, except as 134505
provided in division (E) of this section, exempt from taxation as 134506
provided in this section, but no board of county commissioners of 134507
a county that has a population that exceeds twenty-five thousand, 134508
as shown by the most recent federal decennial census, shall adopt 134509
a resolution that creates an incentive district if the sum of the 134510
taxable value of real property in the proposed district for the 134511
preceding tax year and the taxable value of all real property in 134512
the county that would have been taxable in the preceding year were 134513
it not for the fact that the property was in an existing incentive 134514

district and therefore exempt from taxation exceeds twenty-five 134515
per cent of the taxable value of real property in the county for 134516
the preceding tax year. The district shall be located within the 134517
unincorporated territory of the county and shall not include any 134518
territory that is included within a district created under 134519
division (C) of section 5709.73 of the Revised Code. The 134520
resolution shall delineate the boundary of the district and 134521
specifically identify each parcel within the district. A district 134522
may not include any parcel that is or has been exempted from 134523
taxation under division (A) of this section or that is or has been 134524
within another district created under this division. A resolution 134525
may create more than one such district, and more than one 134526
resolution may be adopted under division (B)(1) of this section. 134527

(2) Not later than thirty days prior to adopting a resolution 134528
under division (B)(1) of this section, if the county intends to 134529
apply for exemptions from taxation under section 5709.911 of the 134530
Revised Code on behalf of owners of real property located within 134531
the proposed incentive district, the board of county commissioners 134532
shall conduct a public hearing on the proposed resolution. Not 134533
later than thirty days prior to the public hearing, the board 134534
shall give notice of the public hearing and the proposed 134535
resolution by first class mail to every real property owner whose 134536
property is located within the boundaries of the proposed 134537
incentive district that is the subject of the proposed resolution. 134538
The board also shall provide the notice by first class mail to the 134539
clerk of each township in which the proposed incentive district 134540
will be located. 134541

(3)(a) A resolution adopted under division (B)(1) of this 134542
section shall specify the life of the incentive district and the 134543
percentage of the improvements to be exempted, shall designate the 134544
public infrastructure improvements made, to be made, or in the 134545
process of being made, that benefit or serve, or, once made, will 134546

benefit or serve parcels in the district. The resolution also 134547
shall identify one or more specific projects being, or to be, 134548
undertaken in the district that place additional demand on the 134549
public infrastructure improvements designated in the resolution. 134550
The project identified may, but need not be, the project under 134551
division (B)(3)(b) of this section that places real property in 134552
use for commercial or industrial purposes. 134553

A resolution adopted under division (B)(1) of this section on 134554
or after March 30, 2006, shall not designate police or fire 134555
equipment as public infrastructure improvements, and no service 134556
payment provided for in section 5709.79 of the Revised Code and 134557
received by the county under the resolution shall be used for 134558
police or fire equipment. 134559

(b) A resolution adopted under division (B)(1) of this 134560
section may authorize the use of service payments provided for in 134561
section 5709.79 of the Revised Code for the purpose of housing 134562
renovations within the incentive district, provided that the 134563
resolution also designates public infrastructure improvements that 134564
benefit or serve the district, and that a project within the 134565
district places real property in use for commercial or industrial 134566
purposes. Service payments may be used to finance or support 134567
loans, deferred loans, and grants to persons for the purpose of 134568
housing renovations within the district. The resolution shall 134569
designate the parcels within the district that are eligible for 134570
housing renovations. The resolution shall state separately the 134571
amount or the percentages of the expected aggregate service 134572
payments that are designated for each public infrastructure 134573
improvement and for the purpose of housing renovations. 134574

(4) Except with the approval of the board of education of 134575
each city, local, or exempted village school district within the 134576
territory of which the incentive district is or will be located, 134577
and subject to division (D) of this section, the life of an 134578

incentive district shall not exceed ten years, and the percentage 134579
of improvements to be exempted shall not exceed seventy-five per 134580
cent. With approval of the board of education, the life of a 134581
district may be not more than thirty years, and the percentage of 134582
improvements to be exempted may be not more than one hundred per 134583
cent. The approval of a board of education shall be obtained in 134584
the manner provided in division (C) of this section. 134585

(C)(1) Improvements with respect to a parcel may be exempted 134586
from taxation under division (A) of this section, and improvements 134587
to parcels within an incentive district may be exempted from 134588
taxation under division (B) of this section, for up to ten years 134589
or, with the approval of the board of education of each city, 134590
local, or exempted village school district within which the parcel 134591
or district is located, for up to thirty years. The percentage of 134592
the improvements exempted from taxation may, with such approval, 134593
exceed seventy-five per cent, but shall not exceed one hundred per 134594
cent. Not later than forty-five business days prior to adopting a 134595
resolution under this section declaring improvements to be a 134596
public purpose that is subject to the approval of a board of 134597
education under this division, the board of county commissioners 134598
shall deliver to the board of education a notice stating its 134599
intent to adopt a resolution making that declaration. The notice 134600
regarding improvements with respect to a parcel under division (A) 134601
of this section shall identify the parcels for which improvements 134602
are to be exempted from taxation, provide an estimate of the true 134603
value in money of the improvements, specify the period for which 134604
the improvements would be exempted from taxation and the 134605
percentage of the improvements that would be exempted, and 134606
indicate the date on which the board of county commissioners 134607
intends to adopt the resolution. The notice regarding improvements 134608
to parcels within an incentive district under division (B) of this 134609
section shall delineate the boundaries of the district, 134610
specifically identify each parcel within the district, identify 134611

each anticipated improvement in the district, provide an estimate 134612
of the true value in money of each such improvement, specify the 134613
life of the district and the percentage of improvements that would 134614
be exempted, and indicate the date on which the board of county 134615
commissioners intends to adopt the resolution. The board of 134616
education, by resolution adopted by a majority of the board, may 134617
approve the exemption for the period or for the exemption 134618
percentage specified in the notice; may disapprove the exemption 134619
for the number of years in excess of ten, may disapprove the 134620
exemption for the percentage of the improvements to be exempted in 134621
excess of seventy-five per cent, or both; or may approve the 134622
exemption on the condition that the board of county commissioners 134623
and the board of education negotiate an agreement providing for 134624
compensation to the school district equal in value to a percentage 134625
of the amount of taxes exempted in the eleventh and subsequent 134626
years of the exemption period or, in the case of exemption 134627
percentages in excess of seventy-five per cent, compensation equal 134628
in value to a percentage of the taxes that would be payable on the 134629
portion of the improvements in excess of seventy-five per cent 134630
were that portion to be subject to taxation, or other mutually 134631
agreeable compensation. 134632

(2) The board of education shall certify its resolution to 134633
the board of county commissioners not later than fourteen days 134634
prior to the date the board of county commissioners intends to 134635
adopt its resolution as indicated in the notice. If the board of 134636
education and the board of county commissioners negotiate a 134637
mutually acceptable compensation agreement, the resolution of the 134638
board of county commissioners may declare the improvements a 134639
public purpose for the number of years specified in that 134640
resolution or, in the case of exemption percentages in excess of 134641
seventy-five per cent, for the exemption percentage specified in 134642
the resolution. In either case, if the board of education and the 134643
board of county commissioners fail to negotiate a mutually 134644

acceptable compensation agreement, the resolution may declare the 134645
improvements a public purpose for not more than ten years, and 134646
shall not exempt more than seventy-five per cent of the 134647
improvements from taxation. If the board of education fails to 134648
certify a resolution to the board of county commissioners within 134649
the time prescribed by this section, the board of county 134650
commissioners thereupon may adopt the resolution and may declare 134651
the improvements a public purpose for up to thirty years or, in 134652
the case of exemption percentages proposed in excess of 134653
seventy-five per cent, for the exemption percentage specified in 134654
the resolution. The board of county commissioners may adopt the 134655
resolution at any time after the board of education certifies its 134656
resolution approving the exemption to the board of county 134657
commissioners, or, if the board of education approves the 134658
exemption on the condition that a mutually acceptable compensation 134659
agreement be negotiated, at any time after the compensation 134660
agreement is agreed to by the board of education and the board of 134661
county commissioners. If a mutually acceptable compensation 134662
agreement is negotiated between the board of county commissioners 134663
and the board of education, including agreements for payments in 134664
lieu of taxes under section 5709.79 of the Revised Code, the board 134665
of county commissioners shall compensate the joint vocational 134666
school district within which the parcel or district is located at 134667
the same rate and under the same terms received by the city, 134668
local, or exempted village school district. 134669

(3) If a board of education has adopted a resolution waiving 134670
its right to approve exemptions from taxation under this section 134671
and the resolution remains in effect, approval of such exemptions 134672
by the board of education is not required under division (C) of 134673
this section. If a board of education has adopted a resolution 134674
allowing a board of county commissioners to deliver the notice 134675
required under division (C) of this section fewer than forty-five 134676
business days prior to approval of the resolution by the board of 134677

county commissioners, the board of county commissioners shall 134678
deliver the notice to the board of education not later than the 134679
number of days prior to such approval as prescribed by the board 134680
of education in its resolution. If a board of education adopts a 134681
resolution waiving its right to approve exemptions or shortening 134682
the notification period, the board of education shall certify a 134683
copy of the resolution to the board of county commissioners. If 134684
the board of education rescinds such a resolution, it shall 134685
certify notice of the rescission to the board of county 134686
commissioners. 134687

(D)(1) If a proposed resolution under division (B)(1) of this 134688
section exempts improvements with respect to a parcel within an 134689
incentive district for more than ten years, or the percentage of 134690
the improvement exempted from taxation exceeds seventy-five per 134691
cent, not later than forty-five business days prior to adopting 134692
the resolution the board of county commissioners shall deliver to 134693
the board of township trustees of any township within which the 134694
incentive district is or will be located a notice that states its 134695
intent to adopt a resolution creating an incentive district. The 134696
notice shall include a copy of the proposed resolution, identify 134697
the parcels for which improvements are to be exempted from 134698
taxation, provide an estimate of the true value in money of the 134699
improvements, specify the period of time for which the 134700
improvements would be exempted from taxation, specify the 134701
percentage of the improvements that would be exempted from 134702
taxation, and indicate the date on which the board intends to 134703
adopt the resolution. 134704

(2) The board of township trustees, by resolution adopted by 134705
a majority of the board, may object to the exemption for the 134706
number of years in excess of ten, may object to the exemption for 134707
the percentage of the improvement to be exempted in excess of 134708
seventy-five per cent, or both. If the board of township trustees 134709

objects, the board of township trustees may negotiate a mutually 134710
acceptable compensation agreement with the board of county 134711
commissioners. In no case shall the compensation provided to the 134712
board of township trustees exceed the property taxes forgone due 134713
to the exemption. If the board of township trustees objects, and 134714
the board of township trustees and the board of county 134715
commissioners fail to negotiate a mutually acceptable compensation 134716
agreement, the resolution adopted under division (B)(1) of this 134717
section shall provide to the board of township trustees 134718
compensation in the eleventh and subsequent years of the exemption 134719
period equal in value to not more than fifty per cent of the taxes 134720
that would be payable to the township or, if the board of township 134721
trustee's objection includes an objection to an exemption 134722
percentage in excess of seventy-five per cent, compensation equal 134723
in value to not more than fifty per cent of the taxes that would 134724
be payable to the township on the portion of the improvement in 134725
excess of seventy-five per cent, were that portion to be subject 134726
to taxation. The board of township trustees shall certify its 134727
resolution to the board of county commissioners not later than 134728
thirty days after receipt of the notice. 134729

(3) If the board of township trustees does not object or 134730
fails to certify a resolution objecting to an exemption within 134731
thirty days after receipt of the notice, the board of county 134732
commissioners may adopt its resolution, and no compensation shall 134733
be provided to the board of township trustees. If the board of 134734
township trustees certifies its resolution objecting to the 134735
commissioners' resolution, the board of county commissioners may 134736
adopt its resolution at any time after a mutually acceptable 134737
compensation agreement is agreed to by the board of county 134738
commissioners and the board of township trustees. If the board of 134739
township trustees certifies a resolution objecting to the 134740
commissioners' resolution, the board of county commissioners may 134741
adopt its resolution at any time after a mutually acceptable 134742

compensation agreement is agreed to by the board of county 134743
commissioners and the board of township trustees, or, if no 134744
compensation agreement is negotiated, at any time after the board 134745
of county commissioners in the proposed resolution to provide 134746
compensation to the board of township trustees of fifty per cent 134747
of the taxes that would be payable to the township in the eleventh 134748
and subsequent years of the exemption period or on the portion of 134749
the improvement in excess of seventy-five per cent, were that 134750
portion to be subject to taxation. 134751

(E) Service payments in lieu of taxes that are attributable 134752
to any amount by which the effective tax rate of either a renewal 134753
levy with an increase or a replacement levy exceeds the effective 134754
tax rate of the levy renewed or replaced, or that are attributable 134755
to an additional levy, for a levy authorized by the voters for any 134756
of the following purposes on or after January 1, 2006, and which 134757
are provided pursuant to a resolution creating an incentive 134758
district under division (B)(1) of this section that is adopted on 134759
or after January 1, 2006, shall be distributed to the appropriate 134760
taxing authority as required under division (D) of section 5709.79 134761
of the Revised Code in an amount equal to the amount of taxes from 134762
that additional levy or from the increase in the effective tax 134763
rate of such renewal or replacement levy that would have been 134764
payable to that taxing authority from the following levies were it 134765
not for the exemption authorized under division (B) of this 134766
section: 134767

(1) A tax levied under division (L) of section 5705.19 or 134768
section 5705.191 of the Revised Code for community mental 134769
retardation and developmental disabilities programs and services 134770
pursuant to Chapter 5126. of the Revised Code; 134771

(2) A tax levied under division (Y) of section 5705.19 of the 134772
Revised Code for providing or maintaining senior citizens services 134773
or facilities; 134774

(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;	134775 134776
(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or facilities;	134777 134778 134779 134780
(5) A tax levied under section 5705.23 of the Revised Code for library purposes;	134781 134782
(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;	134783 134784 134785
(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;	134786 134787 134788
(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;	134789 134790 134791
(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;	134792 134793 134794 134795
(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;	134796 134797
(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;	134798 134799 134800 134801
(12) A tax levied under section 3709.29 of the Revised Code for a general health district program.	134802 134803
(F) An exemption from taxation granted under this section	134804

commences with the tax year specified in the resolution so long as 134805
the year specified in the resolution commences after the effective 134806
date of the resolution. If the resolution specifies a year 134807
commencing before the effective date of the resolution or 134808
specifies no year whatsoever, the exemption commences with the tax 134809
year in which an exempted improvement first appears on the tax 134810
list and duplicate of real and public utility property and that 134811
commences after the effective date of the resolution. ~~Except~~ In 134812
lieu of stating a specific year, the resolution may provide that 134813
the exemption commences in the tax year in which the value of an 134814
improvement exceeds a specified amount or in which the 134815
construction of one or more improvements is completed, provided 134816
that such tax year commences after the effective date of the 134817
resolution. With respect to the exemption of improvements to 134818
parcels under division (A) of this section, the resolution may 134819
allow for the exemption to commence in different tax years on a 134820
parcel-by-parcel basis, with a separate exemption term specified 134821
for each parcel. 134822

Except as otherwise provided in this division, the exemption 134823
ends on the date specified in the resolution as the date the 134824
improvement ceases to be a public purpose or the incentive 134825
district expires, or ends on the date on which the county can no 134826
longer require annual service payments in lieu of taxes under 134827
section 5709.79 of the Revised Code, whichever occurs first. The 134828
exemption of an improvement with respect to a parcel or within an 134829
incentive district may end on a later date, as specified in the 134830
resolution, if the board of commissioners and the board of 134831
education of the city, local, or exempted village school district 134832
within which the parcel or district is located have entered into a 134833
compensation agreement under section 5709.82 of the Revised Code 134834
with respect to the improvement, and the board of education has 134835
approved the term of the exemption under division (C)(1) of this 134836
section, but in no case shall the improvement be exempted from 134837

taxation for more than thirty years. Exemptions shall be claimed 134838
and allowed in the same or a similar manner as in the case of 134839
other real property exemptions. If an exemption status changes 134840
during a tax year, the procedure for the apportionment of the 134841
taxes for that year is the same as in the case of other changes in 134842
tax exemption status during the year. 134843

(G) If the board of county commissioners is not required by 134844
this section to notify the board of education of the board of 134845
county commissioners' intent to declare improvements to be a 134846
public purpose, the board of county commissioners shall comply 134847
with the notice requirements imposed under section 5709.83 of the 134848
Revised Code before taking formal action to adopt the resolution 134849
making that declaration, unless the board of education has adopted 134850
a resolution under that section waiving its right to receive such 134851
a notice. 134852

(H) The county, not later than fifteen days after the 134853
adoption of a resolution under this section, shall submit to the 134854
director of development a copy of the resolution. On or before the 134855
thirty-first day of March of each year, the county shall submit a 134856
status report to the director of development. The report shall 134857
indicate, in the manner prescribed by the director, the progress 134858
of the project during each year that an exemption remains in 134859
effect, including a summary of the receipts from service payments 134860
in lieu of taxes; expenditures of money from the fund created 134861
under section 5709.80 of the Revised Code; a description of the 134862
public infrastructure improvements and housing renovations 134863
financed with such expenditures; and a quantitative summary of 134864
changes in employment and private investment resulting from each 134865
project. 134866

(I) Nothing in this section shall be construed to prohibit a 134867
board of county commissioners from declaring to be a public 134868
purpose improvements with respect to more than one parcel. 134869

(J) If a parcel is located in a new community district in 134870
which the new community authority imposes a community development 134871
charge on the basis of rentals received from leases of real 134872
property as described in division (L)(2) of section 349.01 of the 134873
Revised Code, the parcel may not be exempted from taxation under 134874
this section. 134875

Sec. 5725.18. (A) An annual franchise tax on the privilege of 134876
being an insurance company is hereby levied on each domestic 134877
insurance company. In the month of May, annually, the treasurer of 134878
state shall charge for collection from each domestic insurance 134879
company a franchise tax in the amount computed in accordance with 134880
the following, as applicable: 134881

(1) With respect to a domestic insurance company that is a 134882
health insuring corporation, one per cent of all premium rate 134883
payments received, exclusive of payments received under the 134884
medicare program ~~established under Title XVIII of the "Social~~ 134885
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ 134886
and exclusive of payments received pursuant to the ~~medical~~ 134887
~~assistance~~ medicaid program ~~established under Chapter 5111. of the~~ 134888
~~Revised Code~~ for the period ending September 30, 2009, as 134889
reflected in its annual report for the preceding calendar year; 134890

(2) With respect to a domestic insurance company that is not 134891
a health insuring corporation, one and four-tenths per cent of the 134892
gross amount of premiums received from policies covering risks 134893
within this state, exclusive of premiums received under the 134894
medicare program ~~established under Title XVIII of the "Social~~ 134895
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ 134896
and exclusive of payments received pursuant to the ~~medical~~ 134897
~~assistance~~ medicaid program ~~established under Chapter 5111. of the~~ 134898
~~Revised Code~~ for the period ending September 30, 2009, as 134899
reflected in its annual statement for the preceding calendar year, 134900

and, if the company operates a health insuring corporation as a 134901
line of business, one per cent of all premium rate payments 134902
received from that line of business, exclusive of payments 134903
received under the medicare program ~~established under Title XVIII~~ 134904
~~of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A.~~ 134905
~~301, as amended,~~ and exclusive of payments received pursuant to 134906
the ~~medical assistance~~ medicaid program ~~established under Chapter~~ 134907
~~5111. of the Revised Code~~ for the period ending September 30, 134908
2009, as reflected in its annual statement for the preceding 134909
calendar year. 134910

Domestic insurance companies, including health insuring 134911
corporations, receiving payments pursuant to the ~~medical~~ 134912
~~assistance~~ medicaid program ~~established under Chapter 5111. of the~~ 134913
~~Revised Code~~ during the period beginning October 1, 2009, and 134914
ending December 31, 2009, shall file with the 2009 annual 134915
statement to the superintendent a schedule that reflects those 134916
payments received pursuant to the ~~medical assistance~~ medicaid 134917
program for that period. The payments reflected in the schedule, 134918
plus all other taxable premiums, are subject to the annual 134919
franchise tax due to be paid in 2010. 134920

(B) The gross amount of premium rate payments or premiums 134921
used to compute the applicable tax in accordance with division (A) 134922
of this section is subject to the deductions prescribed by section 134923
5729.03 of the Revised Code for foreign insurance companies. The 134924
objects of such tax are those declared in section 5725.24 of the 134925
Revised Code, to which only such tax shall be applied. 134926

(C) In no case shall such tax be less than two hundred fifty 134927
dollars. 134928

Sec. 5725.33. (A) Except as otherwise provided in this 134929
section, terms used in this section have the same meaning as 134930
section 45D of the Internal Revenue Code, any related proposed, 134931

temporary or final regulations promulgated under the Internal 134932
Revenue Code, any rules or guidance of the internal revenue 134933
service or the United States department of the treasury, and any 134934
related rules or guidance issued by the community development 134935
financial institutions fund of the United States department of the 134936
treasury, as such law, regulations, rules, and guidance exist on 134937
October 16, 2009. 134938

As used in this section: 134939

(1) "Adjusted purchase price" means the amount paid for 134940
qualified equity investments multiplied by the qualified 134941
low-income community investments made by the issuer in projects 134942
located in this state as a percentage of the total amount of 134943
qualified low-income community investments made by the issuer in 134944
projects located in all states on the credit allowance date during 134945
the applicable tax year, subject to divisions (B)(1) and (2) of 134946
this section. 134947

(2) "Applicable percentage" means zero per cent for each of 134948
the first two credit allowance dates, seven per cent for the third 134949
credit allowance date, and eight per cent for the four following 134950
credit allowance dates. 134951

(3) "Credit allowance date" means the date, on or after 134952
January 1, 2010, a qualified equity investment is made and each of 134953
the six anniversary dates thereafter. For qualified equity 134954
investments made after October 16, 2009, but before January 1, 134955
2010, the initial credit allowance date is January 1, 2010, and 134956
each of the six anniversary dates thereafter is on the first day 134957
of January of each year. 134958

~~(4) "Qualified active low income community business" excludes 134959
any business that derives or projects to derive fifteen per cent 134960
or more of annual revenue from the rental or sale of real 134961
property, except any business that is a special purpose entity 134962~~

~~principally owned by a principal user of that property formed 134963
solely for the purpose of renting, either directly or indirectly, 134964
or selling real property back to such principal user if such 134965
principal user does not derive fifteen per cent or more of its 134966
gross annual revenue from the rental or sale of real property. 134967~~

~~(5) "Qualified community development entity" includes only 134968
entities; 134969~~

~~(a) That that have entered into an allocation agreement with 134970
the community development financial institutions fund of the 134971
United States department of the treasury with respect to credits 134972
authorized by section 45D of the Internal Revenue Code; 134973~~

~~(b) Whose and whose service area includes any portion of this 134974
state; and 134975~~

~~(c) That will designate an equity investment in such entities 134976
as a qualified equity investment for purposes of both section 45D 134977
of the Internal Revenue Code and this section. 134978~~

~~(6)(5) "Qualified equity investment" is limited to an equity 134979
investment in a qualified community development entity that: 134980~~

~~(a) Is acquired after October 16, 2009, at its original 134981
issuance solely in exchange for cash; 134982~~

~~(b) Has at least eighty-five per cent of its cash purchase 134983
price used by the qualified community development entity to make 134984
qualified low-income community investments, provided that in the 134985
seventh year after a qualified equity investment is made, only 134986
seventy-five per cent of such cash purchase price must be used by 134987
the qualified community development entity to make qualified 134988
low-income community investments; and 134989~~

~~(c) Is designated by the issuer as a qualified equity 134990
investment. 134991~~

"Qualified equity investment" includes any equity investment 134992

that would, but for division (A)~~(6)~~(5)(a) of this section, be a 134993
qualified equity investment in the hands of the taxpayer if such 134994
investment was a qualified equity investment in the hands of a 134995
prior holder. 134996

(B) There is hereby allowed a nonrefundable credit against 134997
the tax imposed by section 5725.18 of the Revised Code for an 134998
insurance company holding a qualified equity investment on the 134999
credit allowance date occurring in the calendar year for which the 135000
tax is due. The credit shall equal the applicable percentage of 135001
the adjusted purchase price of qualified low-income community 135002
investments, subject to divisions (B)(1) and (2) of this section: 135003

(1) For the purpose of calculating the amount of qualified 135004
low-income community investments held by a qualified community 135005
development entity, an investment shall be considered held by a 135006
qualified community development entity even if the investment has 135007
been sold or repaid, provided that, at any time before the seventh 135008
anniversary of the issuance of the qualified equity investment, 135009
the qualified community development entity reinvests an amount 135010
equal to the capital returned to or received or recovered by the 135011
qualified community development entity from the original 135012
investment, exclusive of any profits realized and costs incurred 135013
in the sale or repayment, in another qualified low-income 135014
community investment within twelve months of the receipt of such 135015
capital. If the qualified low-income community investment is sold 135016
or repaid after the sixth anniversary of the issuance of the 135017
qualified equity investment, the qualified low-income community 135018
investment shall be considered held by the qualified community 135019
development entity through the seventh anniversary of the 135020
qualified equity investment's issuance. 135021

(2) The qualified low-income community investment made in 135022
this state shall equal the sum of the qualified low-income 135023
community investments in each qualified active low-income 135024

community business in this state, not to exceed two million five hundred sixty-four thousand dollars, in which the qualified community development entity invests, including such investments in any such businesses in this state related to that qualified active low-income community business through majority ownership or control.

The credit shall be claimed in the order prescribed by section 5725.98 of the Revised Code. If the amount of the credit exceeds the amount of tax otherwise due after deducting all other credits in that order, the excess may be carried forward and applied to the tax due for not more than four ensuing years.

By claiming a tax credit under this section, an insurance company waives its rights under section 5725.222 of the Revised Code with respect to the time limitation for the assessment of taxes as it relates to credits claimed that later become subject to recapture under division (E) of this section.

(C) The amount of qualified equity investments on the basis of which credits may be claimed under this section and sections 5726.54, 5729.16, and 5733.58 of the Revised Code shall not exceed the amount, estimated by the director of development, that would cause the total amount of credits allowed each fiscal year to exceed ten million dollars, computed without regard to the potential for taxpayers to carry tax credits forward to later years.

(D) If any amount of ~~the~~ a federal tax credit allowed for a qualified equity investment for which a credit was received under this section is recaptured under section 45D of the Internal Revenue Code, or if the director of development services determines that an investment for which a tax credit is claimed under this section is not a qualified equity investment or that the proceeds of an investment for which a tax credit is claimed under this section are used to make qualified low-income community

investments other than in a qualified active low-income community 135057
business, all or a portion of the credit received on account of 135058
that investment shall be paid by the insurance company that 135059
received the credit to the superintendent of insurance. The amount 135060
to be recovered shall be determined by the director of development 135061
services pursuant to rules adopted under division (E) of this 135062
section. The director shall certify any amount due under this 135063
division to the superintendent of insurance, and the 135064
superintendent shall notify the treasurer of state of the amount 135065
due. Upon notification, the treasurer shall invoice the insurance 135066
company for the amount due. The amount due is payable not later 135067
than thirty days after the date the treasurer invoices the 135068
insurance company. The amount due shall be considered to be tax 135069
due under section 5725.18 of the Revised Code, and may be 135070
collected by assessment without regard to the time limitations 135071
imposed under section 5725.222 of the Revised Code for the 135072
assessment of taxes by the superintendent. All amounts collected 135073
under this division shall be credited as revenue from the tax 135074
levied under section 5725.18 of the Revised Code. 135075

(E) The tax credits authorized under this section and 135076
sections 5726.54, 5729.16, and 5733.58 of the Revised Code shall 135077
be administered by the ~~department of~~ development services agency. 135078
The director of development services, in consultation with the tax 135079
commissioner and the superintendent of insurance, pursuant to 135080
Chapter 119. of the Revised Code, shall adopt rules for the 135081
administration of this section and sections 5726.54, 5729.16, and 135082
5733.58 of the Revised Code. The rules shall provide for 135083
determining the recovery of credits under division (D) of this 135084
section and under sections 5726.54, 5729.16, and 5733.58 of the 135085
Revised Code, including prorating the amount of the credit to be 135086
recovered on any reasonable basis, the manner in which credits may 135087
be allocated among claimants, and the amount of any application or 135088
other fees to be charged in connection with a recovery. 135089

(F) There is hereby created in the state treasury the new markets tax credit operating fund. The director of development services is authorized to charge reasonable application and other fees in connection with the administration of tax credits authorized by this section and sections 5726.54, 5729.16, and 5733.58 of the Revised Code. Any such fees collected shall be credited to the fund. The director of development services shall use money in the fund to pay expenses related to the administration of tax credits authorized under sections 5725.33, 5726.54, 5729.16, and 5733.58 of the Revised Code.

Sec. 5725.34. (A) As used in this section, "certificate owner" has the same meaning as in section 149.311 of the Revised Code.

(B) There is allowed a credit against the tax imposed by section 5725.18 of the Revised Code for an insurance company subject to that tax that is a certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code. The credit shall equal twenty-five per cent of the dollar amount indicated on the certificate, but the amount of the credit allowed for any company for any year shall not exceed ~~five~~ ten million dollars. The credit shall be claimed in the calendar year specified in the certificate and in the order required under section 5725.98 of the Revised Code. If the credit exceeds the amount of tax otherwise due in that year, the excess shall be refunded to the company but, if any amount of the credit is refunded, the sum of the amount refunded and the amount applied to reduce the tax otherwise due in that year shall not exceed three million dollars. The company may carry forward any balance of the credit in excess of the amount claimed in that year for not more than five ensuing years, and shall deduct any amount claimed in any such year from the amount claimed in an ensuing year.

(C) An insurance company claiming a credit under this section shall retain the rehabilitation tax credit certificate for four years following the end of the year in which the credit was claimed, and shall make the certificate available for inspection by the tax commissioner upon the request of the tax commissioner during that period.

Sec. 5726.20. (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any person that fails to file a return or report or pay any tax as required by this chapter. The reporting person for a taxpayer shall file the annual report required under section 5726.02 of the Revised Code and remit the tax imposed by this chapter. Each person included in the annual report of the taxpayer is jointly and severally liable for the tax imposed by this chapter and any penalties and interest thereon. If the reporting person fails, for any reason, to file and remit any tax, the amount due may be collected by assessment against the reporting person and against any or all other persons required to be included in the annual report of the taxpayer ~~in the manner provided by this section~~ as provided in section 5703.90 of the Revised Code. The commissioner shall make the assessment in the manner provided in this section. The commissioner shall give the person assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on the manner in which to petition for reassessment and request a hearing with respect to the petition.

(B) No assessment shall be made or issued against a person under this section more than four years after the later of the final date the report subject to assessment was required to be filed or the date such report was filed. Such time limit may be extended if both the person and the commissioner consent in

writing to the extension or if an agreement waiving or extending 135153
the time limit has been entered into pursuant to section 122.171 135154
of the Revised Code. Any such extension shall extend the four-year 135155
time limit prescribed in division (A) of section 5726.30 of the 135156
Revised Code for the same period of time. There shall be no bar or 135157
limit to an assessment against a person that fails to file a 135158
report subject to assessment as required by this chapter, or that 135159
files a fraudulent report. 135160

(C) Unless the person assessed, within sixty days after 135161
service of the notice of assessment, files with the tax 135162
commissioner, either in person or by certified mail, a written 135163
petition for reassessment signed by the person or the person's 135164
authorized agent having knowledge of the facts, the assessment 135165
shall become final, and the amount of the assessment is due and 135166
payable from the person assessed to the treasurer of state. A 135167
petition shall indicate the objections of the person assessed, but 135168
additional objections may be raised in writing if received by the 135169
commissioner prior to the date shown on the final determination. 135170
If a petition for reassessment has been properly filed, the 135171
commissioner shall proceed under section 5703.60 of the Revised 135172
Code. 135173

(D)(1) After an assessment becomes final, if any portion of 135174
the assessment, including any accrued interest, remains unpaid, a 135175
certified copy of the tax commissioner's entry making the 135176
assessment final may be filed in the office of the clerk of the 135177
court of common pleas in the county in which the person resides or 135178
has its principal place of business in this state, or in the 135179
office of the clerk of court of common pleas of Franklin county. 135180

(2) Immediately upon the filing of the entry, the clerk shall 135181
enter judgment for the state against the person assessed in the 135182
amount shown on the entry. The judgment may be filed by the clerk 135183
in a loose-leaf book entitled, "special judgments for the 135184

financial institution tax" and shall have the same effect as other 135185
judgments. Execution shall issue upon the judgment at the request 135186
of the tax commissioner, and all laws applicable to sales on 135187
execution shall apply to sales made under the judgment. 135188

(3) ~~The portion of~~ If the assessment is not paid in its 135189
entirety within sixty days after the day the assessment was 135190
issued, the portion of the assessment consisting of tax due shall 135191
bear interest at the rate per annum prescribed by section 5703.47 135192
of the Revised Code from the date the tax commissioner issues the 135193
assessment until the date the assessment is paid or until it is 135194
certified to the attorney general for collection under section 135195
131.02 of the Revised Code, whichever comes first. If the unpaid 135196
portion of the assessment is certified to the attorney general for 135197
collection, the entire unpaid portion of the assessment shall bear 135198
interest at the rate per annum prescribed by section 5703.47 of 135199
the Revised Code from the date of certification until the date it 135200
is paid in its entirety. Interest shall be paid in the same manner 135201
as the tax and may be collected by the issuance of an assessment 135202
under this section. 135203

(E) If the tax commissioner believes that collection of the 135204
tax imposed by this chapter will be jeopardized unless proceedings 135205
to collect or secure collection of the tax are instituted without 135206
delay, the commissioner may issue a jeopardy assessment against 135207
the person liable for the tax. Immediately upon the issuance of 135208
the jeopardy assessment, the commissioner shall file an entry with 135209
the clerk of the court of common pleas in the manner prescribed by 135210
division (D) of this section. Notice of the jeopardy assessment 135211
shall be served on the person assessed or the person's authorized 135212
agent in the manner provided in section 5703.37 of the Revised 135213
Code within five days of the filing of the entry with the clerk. 135214
The total amount assessed shall be immediately due and payable, 135215
unless the person assessed files a petition for reassessment in 135216

accordance with division (C) of this section and provides security 135217
in a form satisfactory to the commissioner and in an amount 135218
sufficient to satisfy the unpaid balance of the assessment. Full 135219
or partial payment of the assessment shall not prejudice the 135220
commissioner's consideration of the petition for reassessment. 135221

(F) The tax commissioner shall immediately forward to the 135222
treasurer of state all amounts the commissioner receives under 135223
this section. Such amounts shall be considered as revenue arising 135224
from the tax imposed by this chapter. 135225

(G) If the tax commissioner possesses information indicating 135226
that the amount of tax a taxpayer is required to pay under this 135227
chapter exceeds the amount the reporting person for the taxpayer 135228
paid, the tax commissioner may audit a sample of the taxpayer's 135229
gross receipts over a representative period of time to ascertain 135230
the amount of tax due, and may issue an assessment based on the 135231
audit. The tax commissioner shall make a good faith effort to 135232
reach agreement with the taxpayer in selecting a representative 135233
sample. The tax commissioner may apply a sampling method only if 135234
the commissioner has prescribed the method by rule. 135235

(H) If the whereabouts of a person subject to this chapter is 135236
not known to the tax commissioner, the secretary of state is 135237
hereby deemed to be that person's agent for purposes of service of 135238
process or notice of any assessment, action, or proceedings 135239
instituted in this state against the person under this chapter. 135240
Such process or notice shall be served on such person by the 135241
commissioner or by an agent of the commissioner by leaving a true 135242
and attested copy of the process or notice at the office of the 135243
secretary of state at least fifteen days before the return day of 135244
such process or notice, and by sending a copy of the process or 135245
notice to such person by ordinary mail, with an endorsement 135246
thereon of the service upon the secretary of state, addressed to 135247
such person at the person's last known address. 135248

Sec. 5726.52. (A) As used in this section, "certificate owner" has the same meaning as in section 149.311 of the Revised Code. 135249
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(B) A taxpayer may claim a refundable credit against the tax imposed by this chapter for each person included in the annual report of a taxpayer that is a certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code. The credit shall equal twenty-five per cent of the dollar amount indicated on each certificate, but shall not exceed ~~five~~ ten million dollars for each certificate. 135252
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The credit shall be claimed for the calendar year specified in the certificate and in the order required under section 5726.98 of the Revised Code. If the credit exceeds the amount of tax otherwise due in that year, the excess shall be refunded to the taxpayer, provided that, if any amount of the credit is refunded, the sum of the amount refunded and the amount applied to reduce the tax otherwise due in that year shall not exceed three million dollars. The taxpayer may carry forward any balance of the credit in excess of the amount claimed in that year for not more than five ensuing years, and shall deduct any amount claimed in any such year from the amount claimed in an ensuing year. A taxpayer may claim against the tax imposed by this chapter any unused portion of the credit authorized under section 5725.151 of the Revised Code, but only to the extent of the five-year carry forward period authorized by that section. 135259
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(C) A taxpayer claiming a credit under this section shall retain the rehabilitation tax credit certificate for four years following the end of the year to which the credit was applied, and shall make the certificate available for inspection by the tax commissioner upon the request of the commissioner during that period. 135274
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Sec. 5726.54. (A) Any term used in this section has the same 135280
meaning as in section 5725.33 of the Revised Code. 135281

(B) A taxpayer may claim a nonrefundable credit against the 135282
tax imposed by this chapter for each person included in the annual 135283
report of the taxpayer that holds a qualified equity investment on 135284
a credit allowance date occurring in the calendar year immediately 135285
preceding the tax year for which the tax is due. The credit shall 135286
be computed in the same manner prescribed for the computation of 135287
credits allowed under section 5725.33 of the Revised Code. 135288

By claiming a tax credit under this section, a taxpayer 135289
waives its rights under section 5726.20 of the Revised Code with 135290
respect to the time limitation for the assessment of taxes as it 135291
relates to credits claimed under this section that later become 135292
subject to recapture under division (D) of this section. 135293

A taxpayer may claim against the tax imposed by this chapter 135294
any unused portion of the credits authorized under sections 135295
5725.33 and 5733.58 of the Revised Code, but only to the extent of 135296
the remaining carry forward period authorized by those sections. 135297

The credit shall be claimed in the order prescribed by 135298
section 5726.98 of the Revised Code. If the amount of the credit 135299
exceeds the amount of tax otherwise due after deducting all other 135300
credits preceding the credit in the order prescribed in section 135301
5726.98 of the Revised Code, the excess may be carried forward for 135302
not more than four ensuing tax years. 135303

(C) The total amount of qualified equity investments on the 135304
basis of which credits may be claimed under this section and 135305
sections 5725.33, 5729.16, and 5733.58 of the Revised Code is 135306
subject to the limitation of division (C) of section 5725.33 of 135307
the Revised Code. 135308

(D) If any amount of ~~the~~ a federal tax credit allowed for a 135309

qualified equity investment for which a credit was received under 135310
this section is recaptured under section 45D of the Internal 135311
Revenue Code, or if the director of development services 135312
determines that an investment for which a tax credit is claimed 135313
under this section is not a qualified equity investment or that 135314
the proceeds of an investment for which a tax credit is claimed 135315
under this section are used to make qualified low-income community 135316
investments other than in a qualified active low-income community 135317
business, all or a portion of the credit received on account of 135318
that investment shall be paid by the taxpayer that received the 135319
credit to the tax commissioner. The amount to be recovered shall 135320
be determined by the director pursuant to rules adopted under 135321
section 5725.33 of the Revised Code. The director shall certify 135322
any amount due under this division to the tax commissioner, and 135323
the commissioner shall notify the taxpayer of the amount due. The 135324
amount due is payable not later than thirty days after the day the 135325
commissioner issues the notice. The amount due shall be considered 135326
to be tax due under section 5726.02 of the Revised Code, and may 135327
be collected by assessment without regard to the limitations 135328
imposed under section 5726.20 of the Revised Code for the 135329
assessment of taxes by the commissioner. All amounts collected 135330
under this division shall be credited as revenue from the tax 135331
levied under section 5726.02 of the Revised Code. 135332

Sec. 5727.26. (A) The tax commissioner may make an 135333
assessment, based on any information in the commissioner's 135334
possession, against any natural gas company or combined company 135335
that fails to file a return or pay any tax, interest, or 135336
additional charge as required by sections 5727.24 to 5727.29 of 135337
the Revised Code. The commissioner shall give the company assessed 135338
written notice of the assessment as provided in section 5703.37 of 135339
the Revised Code. With the notice, the commissioner shall provide 135340
instructions on how to petition for reassessment and request a 135341

hearing on the petition. A penalty of up to fifteen per cent may 135342
be added to all amounts assessed under this section. The tax 135343
commissioner may adopt rules providing for the imposition and 135344
remission of the penalty. 135345

(B) Unless the company assessed, within sixty days after 135346
service of the notice of assessment, files with the tax 135347
commissioner, either personally or by certified mail, a written 135348
petition signed by the company's authorized agent having knowledge 135349
of the facts, the assessment becomes final, and the amount of the 135350
assessment is due and payable from the company assessed to the 135351
treasurer of state. The petition shall indicate the objections of 135352
the company assessed, but additional objections may be raised in 135353
writing if received by the commissioner prior to the date shown on 135354
the final determination. 135355

If a petition for reassessment has been properly filed, the 135356
commissioner shall proceed under section 5703.60 of the Revised 135357
Code. 135358

(C) After an assessment becomes final, if any portion of the 135359
assessment, including accrued interest, remains unpaid, a 135360
certified copy of the tax commissioner's entry making the 135361
assessment final may be filed in the office of the clerk of the 135362
court of common pleas in the county in which the natural gas 135363
company's or combined company's principal place of business is 135364
located, or in the office of the clerk of court of common pleas of 135365
Franklin county. 135366

Immediately on the filing of the entry, the clerk shall enter 135367
judgment for the state against the company assessed in the amount 135368
shown on the entry. The judgment may be filed by the clerk in a 135369
loose-leaf book entitled, "special judgments for the public 135370
utility excise tax on natural gas and combined companies," and 135371
shall have the same effect as other judgments. Execution shall 135372
issue upon the judgment at the request of the tax commissioner, 135373

and all laws applicable to sales on execution shall apply to sales 135374
made under the judgment. 135375

~~The portion of~~ If the assessment is not paid in its entirety 135376
within sixty days after the day the assessment was issued, the 135377
portion of the assessment consisting of tax due shall bear 135378
interest at the rate per annum prescribed by section 5703.47 of 135379
the Revised Code from the day the tax commissioner issues the 135380
assessment until it is paid or until it is certified to the 135381
attorney general for collection under section 131.02 of the 135382
Revised Code, whichever comes first. If the unpaid portion of the 135383
assessment is certified to the attorney general for collection, 135384
the entire unpaid portion of the assessment shall bear interest at 135385
the rate per annum prescribed by section 5703.47 of the Revised 135386
Code from the date of certification until the date it is paid in 135387
its entirety. Interest shall be paid in the same manner as the tax 135388
and may be collected by the issuance of an assessment under this 135389
section. 135390

(D) If the tax commissioner believes that collection of the 135391
tax will be jeopardized unless proceedings to collect or secure 135392
collection of the tax are instituted without delay, the 135393
commissioner may issue a jeopardy assessment against the company 135394
liable for the tax. Immediately upon the issuance of the jeopardy 135395
assessment, the commissioner shall file an entry with the clerk of 135396
the court of common pleas in the manner prescribed by division (C) 135397
of this section. Notice of the jeopardy assessment shall be served 135398
on the company assessed or the company's authorized agent in the 135399
manner provided in section 5703.37 of the Revised Code within five 135400
days of the filing of the entry with the clerk. The total amount 135401
assessed is immediately due and payable, unless the company 135402
assessed files a petition for reassessment in accordance with 135403
division (B) of this section and provides security in a form 135404
satisfactory to the commissioner and in an amount sufficient to 135405

satisfy the unpaid balance of the assessment. Full or partial 135406
payment of the assessment does not prejudice the commissioner's 135407
consideration of the petition for reassessment. 135408

(E) The tax commissioner shall immediately forward to the 135409
treasurer of state all amounts that the tax commissioner receives 135410
under this section, and such amounts shall be considered revenue 135411
arising from the tax imposed by section 5727.24 of the Revised 135412
Code. 135413

(F) No assessment shall be made or issued against a natural 135414
gas company or combined company for the tax imposed by section 135415
5727.24 of the Revised Code more than four years after the return 135416
date for the period in which the tax was reported, or more than 135417
four years after the return for the period was filed, whichever is 135418
later. 135419

Sec. 5727.75. (A) For purposes of this section: 135420

(1) "Qualified energy project" means an energy project 135421
certified by the director of development services pursuant to this 135422
section. 135423

(2) "Energy project" means a project to provide electric 135424
power through the construction, installation, and use of an energy 135425
facility. 135426

(3) "Alternative energy zone" means a county declared as such 135427
by the board of county commissioners under division (E)(1)(b) or 135428
(c) of this section. 135429

(4) "Full-time equivalent employee" means the total number of 135430
employee-hours for which compensation was paid to individuals 135431
employed at a qualified energy project for services performed at 135432
the project during the calendar year divided by two thousand 135433
eighty hours. 135434

(5) "Solar energy project" means an energy project composed 135435

of an energy facility using solar panels to generate electricity. 135436

(B)(1) Tangible personal property of a qualified energy 135437
project using renewable energy resources is exempt from taxation 135438
for tax years 2011, ~~2012, 2013, and 2014~~ through 2016 if all of 135439
the following conditions are satisfied: 135440

(a) On or before December 31, ~~2013~~ 2015, the owner or a 135441
lessee pursuant to a sale and leaseback transaction of the project 135442
submits an application to the power siting board for a certificate 135443
under section 4906.20 of the Revised Code, or if that section does 135444
not apply, submits an application for any approval, consent, 135445
permit, or certificate or satisfies any condition required by a 135446
public agency or political subdivision of this state for the 135447
construction or initial operation of an energy project. 135448

(b) Construction or installation of the energy facility 135449
begins on or after January 1, 2009, and before January 1, ~~2014~~ 135450
2016. For the purposes of this division, construction begins on 135451
the earlier of the date of application for a certificate or other 135452
approval or permit described in division (B)(1)(a) of this 135453
section, or the date the contract for the construction or 135454
installation of the energy facility is entered into. 135455

(c) For a qualified energy project with a nameplate capacity 135456
of five megawatts or greater, a board of county commissioners of a 135457
county in which property of the project is located has adopted a 135458
resolution under division (E)(1)(b) or (c) of this section to 135459
approve the application submitted under division (E) of this 135460
section to exempt the property located in that county from 135461
taxation. A board's adoption of a resolution rejecting an 135462
application or its failure to adopt a resolution approving the 135463
application does not affect the tax-exempt status of the qualified 135464
energy project's property that is located in another county. 135465

(2) If tangible personal property of a qualified energy 135466

project using renewable energy resources was exempt from taxation 135467
under this section beginning in any of tax years 2011, 2012, 2013, 135468
~~or~~ 2014, 2015, or 2016, and the certification under division 135469
(E)(2) of this section has not been revoked, the tangible personal 135470
property of the qualified energy project is exempt from taxation 135471
for tax year ~~2015~~ 2017 and all ensuing tax years if the property 135472
was placed into service before January 1, ~~2015~~ 2017, as certified 135473
in the construction progress report required under division (F)(2) 135474
of this section. Tangible personal property that has not been 135475
placed into service before that date is taxable property subject 135476
to taxation. An energy project for which certification has been 135477
revoked is ineligible for further exemption under this section. 135478
Revocation does not affect the tax-exempt status of the project's 135479
tangible personal property for the tax year in which revocation 135480
occurs or any prior tax year. 135481

(C) Tangible personal property of a qualified energy project 135482
using clean coal technology, advanced nuclear technology, or 135483
cogeneration technology is exempt from taxation for the first tax 135484
year that the property would be listed for taxation and all 135485
subsequent years if all of the following circumstances are met: 135486

(1) The property was placed into service before January 1, 135487
~~2019~~ 2021. Tangible personal property that has not been placed 135488
into service before that date is taxable property subject to 135489
taxation. 135490

(2) For such a qualified energy project with a nameplate 135491
capacity of five megawatts or greater, a board of county 135492
commissioners of a county in which property of the qualified 135493
energy project is located has adopted a resolution under division 135494
(E)(1)(b) or (c) of this section to approve the application 135495
submitted under division (E) of this section to exempt the 135496
property located in that county from taxation. A board's adoption 135497
of a resolution rejecting the application or its failure to adopt 135498

a resolution approving the application does not affect the 135499
tax-exempt status of the qualified energy project's property that 135500
is located in another county. 135501

(3) The certification for the qualified energy project issued 135502
under division (E)(2) of this section has not been revoked. An 135503
energy project for which certification has been revoked is 135504
ineligible for exemption under this section. Revocation does not 135505
affect the tax-exempt status of the project's tangible personal 135506
property for the tax year in which revocation occurs or any prior 135507
tax year. 135508

(D) Except as otherwise provided in this section, real 135509
property of a qualified energy project is exempt from taxation for 135510
any tax year for which the tangible personal property of the 135511
qualified energy project is exempted under this section. 135512

(E)(1)(a) A person may apply to the director of development 135513
services for certification of an energy project as a qualified 135514
energy project on or before the following dates: 135515

(i) December 31, ~~2013~~ 2015, for an energy project using 135516
renewable energy resources; 135517

(ii) December 31, ~~2015~~ 2017, for an energy project using 135518
clean coal technology, advanced nuclear technology, or 135519
cogeneration technology. 135520

(b) The director shall forward a copy of each application for 135521
certification of an energy project with a nameplate capacity of 135522
five megawatts or greater to the board of county commissioners of 135523
each county in which the project is located and to each taxing 135524
unit with territory located in each of the affected counties. Any 135525
board that receives from the director a copy of an application 135526
submitted under this division shall adopt a resolution approving 135527
or rejecting the application unless it has adopted a resolution 135528
under division (E)(1)(c) of this section. A resolution adopted 135529

under division (E)(1)(b) or (c) of this section may require an 135530
annual service payment to be made in addition to the service 135531
payment required under division (G) of this section. The sum of 135532
the service payment required in the resolution and the service 135533
payment required under division (G) of this section shall not 135534
exceed nine thousand dollars per megawatt of nameplate capacity 135535
located in the county. The resolution shall specify the time and 135536
manner in which the payments required by the resolution shall be 135537
paid to the county treasurer. The county treasurer shall deposit 135538
the payment to the credit of the county's general fund to be used 135539
for any purpose for which money credited to that fund may be used. 135540

The board shall send copies of the resolution by certified 135541
mail to the owner of the facility and the director within thirty 135542
days after receipt of the application, or a longer period of time 135543
if authorized by the director. 135544

(c) A board of county commissioners may adopt a resolution 135545
declaring the county to be an alternative energy zone and 135546
declaring all applications submitted to the director of 135547
development services under this division after the adoption of the 135548
resolution, and prior to its repeal, to be approved by the board. 135549

All tangible personal property and real property of an energy 135550
project with a nameplate capacity of five megawatts or greater is 135551
taxable if it is located in a county in which the board of county 135552
commissioners adopted a resolution rejecting the application 135553
submitted under this division or failed to adopt a resolution 135554
approving the application under division (E)(1)(b) or (c) of this 135555
section. 135556

(2) The director shall certify an energy project if all of 135557
the following circumstances exist: 135558

(a) The application was timely submitted. 135559

(b) For an energy project with a nameplate capacity of five 135560

megawatts or greater, a board of county commissioners of at least 135561
one county in which the project is located has adopted a 135562
resolution approving the application under division (E)(1)(b) or 135563
(c) of this section. 135564

(c) No portion of the project's facility was used to supply 135565
electricity before December 31, 2009. 135566

(3) The director shall deny a certification application if 135567
the director determines the person has failed to comply with any 135568
requirement under this section. The director may revoke a 135569
certification if the director determines the person, or subsequent 135570
owner or lessee pursuant to a sale and leaseback transaction of 135571
the qualified energy project, has failed to comply with any 135572
requirement under this section. Upon certification or revocation, 135573
the director shall notify the person, owner, or lessee, the tax 135574
commissioner, and the county auditor of a county in which the 135575
project is located of the certification or revocation. Notice 135576
shall be provided in a manner convenient to the director. 135577

(F) The owner or a lessee pursuant to a sale and leaseback 135578
transaction of a qualified energy project shall do each of the 135579
following: 135580

(1) Comply with all applicable regulations; 135581

(2) File with the director of development services a 135582
certified construction progress report before the first day of 135583
March of each year during the energy facility's construction or 135584
installation indicating the percentage of the project completed, 135585
and the project's nameplate capacity, as of the preceding 135586
thirty-first day of December. Unless otherwise instructed by the 135587
director of development services, the owner or lessee of an energy 135588
project shall file a report with the director on or before the 135589
first day of March each year after completion of the energy 135590
facility's construction or installation indicating the project's 135591

nameplate capacity as of the preceding thirty-first day of 135592
December. Not later than sixty days after June 17, 2010, the owner 135593
or lessee of an energy project, the construction of which was 135594
completed before June 17, 2010, shall file a certificate 135595
indicating the project's nameplate capacity. 135596

(3) File with the director of development services, in a 135597
manner prescribed by the director, a report of the total number of 135598
full-time equivalent employees, and the total number of full-time 135599
equivalent employees domiciled in Ohio, who are employed in the 135600
construction or installation of the energy facility; 135601

(4) For energy projects with a nameplate capacity of five 135602
megawatts or greater, repair all roads, bridges, and culverts 135603
affected by construction as reasonably required to restore them to 135604
their preconstruction condition, as determined by the county 135605
engineer in consultation with the local jurisdiction responsible 135606
for the roads, bridges, and culverts. In the event that the county 135607
engineer deems any road, bridge, or culvert to be inadequate to 135608
support the construction or decommissioning of the energy 135609
facility, the road, bridge, or culvert shall be rebuilt or 135610
reinforced to the specifications established by the county 135611
engineer prior to the construction or decommissioning of the 135612
facility. The owner or lessee of the facility shall post a bond in 135613
an amount established by the county engineer and to be held by the 135614
board of county commissioners to ensure funding for repairs of 135615
roads, bridges, and culverts affected during the construction. The 135616
bond shall be released by the board not later than one year after 135617
the date the repairs are completed. The energy facility owner or 135618
lessee pursuant to a sale and leaseback transaction shall post a 135619
bond, as may be required by the Ohio power siting board in the 135620
certificate authorizing commencement of construction issued 135621
pursuant to section 4906.10 of the Revised Code, to ensure funding 135622
for repairs to roads, bridges, and culverts resulting from 135623

decommissioning of the facility. The energy facility owner or 135624
lessee and the county engineer may enter into an agreement 135625
regarding specific transportation plans, reinforcements, 135626
modifications, use and repair of roads, financial security to be 135627
provided, and any other relevant issue. 135628

(5) Provide or facilitate training for fire and emergency 135629
responders for response to emergency situations related to the 135630
energy project and, for energy projects with a nameplate capacity 135631
of five megawatts or greater, at the person's expense, equip the 135632
fire and emergency responders with proper equipment as reasonably 135633
required to enable them to respond to such emergency situations; 135634

(6) Maintain a ratio of Ohio-domiciled full-time equivalent 135635
employees employed in the construction or installation of the 135636
energy project to total full-time equivalent employees employed in 135637
the construction or installation of the energy project of not less 135638
than eighty per cent in the case of a solar energy project, and 135639
not less than fifty per cent in the case of any other energy 135640
project. In the case of an energy project for which certification 135641
from the power siting board is required under section 4906.20 of 135642
the Revised Code, the number of full-time equivalent employees 135643
employed in the construction or installation of the energy project 135644
equals the number actually employed or the number projected to be 135645
employed in the certificate application, if such projection is 135646
required under regulations adopted pursuant to section 4906.03 of 135647
the Revised Code, whichever is greater. For all other energy 135648
projects, the number of full-time equivalent employees employed in 135649
the construction or installation of the energy project equals the 135650
number actually employed or the number projected to be employed by 135651
the director of development services, whichever is greater. To 135652
estimate the number of employees to be employed in the 135653
construction or installation of an energy project, the director 135654
shall use a generally accepted job-estimating model in use for 135655

renewable energy projects, including but not limited to the job 135656
and economic development impact model. The director may adjust an 135657
estimate produced by a model to account for variables not 135658
accounted for by the model. 135659

(7) For energy projects with a nameplate capacity in excess 135660
of two megawatts, establish a relationship with a member of the 135661
university system of Ohio as defined in section 3345.011 of the 135662
Revised Code or with a person offering an apprenticeship program 135663
registered with the employment and training administration within 135664
the United States department of labor or with the apprenticeship 135665
council created by section 4139.02 of the Revised Code, to educate 135666
and train individuals for careers in the wind or solar energy 135667
industry. The relationship may include endowments, cooperative 135668
programs, internships, apprenticeships, research and development 135669
projects, and curriculum development. 135670

(8) Offer to sell power or renewable energy credits from the 135671
energy project to electric distribution utilities or electric 135672
service companies subject to renewable energy resource 135673
requirements under section 4928.64 of the Revised Code that have 135674
issued requests for proposal for such power or renewable energy 135675
credits. If no electric distribution utility or electric service 135676
company issues a request for proposal on or before December 31, 135677
2010, or accepts an offer for power or renewable energy credits 135678
within forty-five days after the offer is submitted, power or 135679
renewable energy credits from the energy project may be sold to 135680
other persons. Division (F)(8) of this section does not apply if: 135681

(a) The owner or lessee is a rural electric company or a 135682
municipal power agency as defined in section 3734.058 of the 135683
Revised Code. 135684

(b) The owner or lessee is a person that, before completion 135685
of the energy project, contracted for the sale of power or 135686
renewable energy credits with a rural electric company or a 135687

municipal power agency. 135688

(c) The owner or lessee contracts for the sale of power or 135689
renewable energy credits from the energy project before June 17, 135690
2010. 135691

(9) Make annual service payments as required by division (G) 135692
of this section and as may be required in a resolution adopted by 135693
a board of county commissioners under division (E) of this 135694
section. 135695

(G) The owner or a lessee pursuant to a sale and leaseback 135696
transaction of a qualified energy project shall make annual 135697
service payments in lieu of taxes to the county treasurer on or 135698
before the final dates for payments of taxes on public utility 135699
personal property on the real and public utility personal property 135700
tax list for each tax year for which property of the energy 135701
project is exempt from taxation under this section. The county 135702
treasurer shall allocate the payment on the basis of the project's 135703
physical location. Upon receipt of a payment, or if timely payment 135704
has not been received, the county treasurer shall certify such 135705
receipt or non-receipt to the director of development services and 135706
tax commissioner in a form determined by the director and 135707
commissioner, respectively. Each payment shall be in the following 135708
amount: 135709

(1) In the case of a solar energy project, seven thousand 135710
dollars per megawatt of nameplate capacity located in the county 135711
as of December 31, 2010, for tax year 2011, as of December 31, 135712
2011, for tax year 2012, as of December 31, 2012, for tax year 135713
2013, as of December 31, 2013, for tax year 2014, ~~and~~ as of 135714
December 31, 2014, for tax year 2015, as of December 31, 2015, for 135715
tax year 2016, and as of December 31, 2016, for tax year 2017 and 135716
each tax year thereafter; 135717

(2) In the case of any other energy project using renewable 135718

energy resources, the following: 135719

(a) If the project maintains during the construction or 135720
installation of the energy facility a ratio of Ohio-domiciled 135721
full-time equivalent employees to total full-time equivalent 135722
employees of not less than seventy-five per cent, six thousand 135723
dollars per megawatt of nameplate capacity located in the county 135724
as of the thirty-first day of December of the preceding tax year; 135725

(b) If the project maintains during the construction or 135726
installation of the energy facility a ratio of Ohio-domiciled 135727
full-time equivalent employees to total full-time equivalent 135728
employees of less than seventy-five per cent but not less than 135729
sixty per cent, seven thousand dollars per megawatt of nameplate 135730
capacity located in the county as of the thirty-first day of 135731
December of the preceding tax year; 135732

(c) If the project maintains during the construction or 135733
installation of the energy facility a ratio of Ohio-domiciled 135734
full-time equivalent employees to total full-time equivalent 135735
employees of less than sixty per cent but not less than fifty per 135736
cent, eight thousand dollars per megawatt of nameplate capacity 135737
located in the county as of the thirty-first day of December of 135738
the preceding tax year. 135739

(3) In the case of an energy project using clean coal 135740
technology, advanced nuclear technology, or cogeneration 135741
technology, the following: 135742

(a) If the project maintains during the construction or 135743
installation of the energy facility a ratio of Ohio-domiciled 135744
full-time equivalent employees to total full-time equivalent 135745
employees of not less than seventy-five per cent, six thousand 135746
dollars per megawatt of nameplate capacity located in the county 135747
as of the thirty-first day of December of the preceding tax year; 135748

(b) If the project maintains during the construction or 135749

installation of the energy facility a ratio of Ohio-domiciled 135750
full-time equivalent employees to total full-time equivalent 135751
employees of less than seventy-five per cent but not less than 135752
sixty per cent, seven thousand dollars per megawatt of nameplate 135753
capacity located in the county as of the thirty-first day of 135754
December of the preceding tax year; 135755

(c) If the project maintains during the construction or 135756
installation of the energy facility a ratio of Ohio-domiciled 135757
full-time equivalent employees to total full-time equivalent 135758
employees of less than sixty per cent but not less than fifty per 135759
cent, eight thousand dollars per megawatt of nameplate capacity 135760
located in the county as of the thirty-first day of December of 135761
the preceding tax year. 135762

(H) The director of development services in consultation with 135763
the tax commissioner shall adopt rules pursuant to Chapter 119. of 135764
the Revised Code to implement and enforce this section. 135765

Sec. 5727.84. (A) As used in this section and sections 135766
5727.85, 5727.86, and 5727.87 of the Revised Code: 135767

(1) "School district" means a city, local, or exempted 135768
village school district. 135769

(2) "Joint vocational school district" means a joint 135770
vocational school district created under section 3311.16 of the 135771
Revised Code, and includes a cooperative education school district 135772
created under section 3311.52 or 3311.521 of the Revised Code and 135773
a county school financing district created under section 3311.50 135774
of the Revised Code. 135775

(3) "Local taxing unit" means a subdivision or taxing unit, 135776
as defined in section 5705.01 of the Revised Code, a park district 135777
created under Chapter 1545. of the Revised Code, or a township 135778
park district established under section 511.23 of the Revised 135779

Code, but excludes school districts and joint vocational school districts. 135780
135781

(4) "State education aid," for a school district, means the following: 135782
135783

(a) For fiscal years prior to fiscal year 2010, the sum of state aid amounts computed for the district under former sections 3317.029, 3317.052, and 3317.053 of the Revised Code and the following provisions, as they existed for the applicable fiscal year: divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) of section 3317.023; divisions (G), (L), and (N) of section 3317.024; and sections ~~3317.029~~, 3317.0216, 3317.0217, 3317.04, and 3317.05, ~~3317.052, and 3317.053~~ of the Revised Code; and the adjustments required by: division (C) of section 3310.08; division (C)(2) of section 3310.41; division (C) of section 3314.08; division (D)(2) of section 3314.091; division (D) of former section 3314.13; divisions (E), (K), (L), (M), and (N) of section 3317.023; division (C) of section 3317.20; and sections 3313.979 and 3313.981 of the Revised Code. However, when calculating state education aid for a school district for fiscal years 2008 and 2009, include the amount computed for the district under Section 269.20.80 of H.B. 119 of the 127th general assembly, as subsequently amended, instead of division (D) of section 3317.022 of the Revised Code; and include amounts calculated under Section 269.30.80 of H.B. 119 of the 127th general assembly, as subsequently amended. 135784
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(b) For fiscal years 2010 and 2011, the sum of the amounts computed for the district under former sections 3306.052, 3306.12, 3306.13, 3306.19, 3306.191, ~~and 3306.192~~, 3317.052, and 3317.053 of the Revised Code and the following provisions, as they existed for the applicable fiscal year: division (G) of section 3317.024; ~~sections~~ section 3317.05, ~~3317.052, and 3317.053~~ of the Revised 135806
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Code; and the adjustments required by division (C) of section 135812
3310.08; division (C)(2) of section 3310.41; division (C) of 135813
section 3314.08; division (D)(2) of section 3314.091; division (D) 135814
of former section 3314.13; divisions (E), (K), (L), (M), and (N) 135815
of section 3317.023; division (C) of section 3317.20; and sections 135816
3313.979, 3313.981, and 3326.33 of the Revised Code. 135817

(c) For fiscal years 2012 and 2013, the amount paid in 135818
accordance with the section of H.B. 153 of the 129th general 135819
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 135820
SCHOOL DISTRICTS" and the adjustments required by division (C) of 135821
section 3310.08; division (C)(2) of section 3310.41; section 135822
3310.55; division (C) of section 3314.08; division (D)(2) of 135823
section 3314.091; division (D) of former section 3314.13; 135824
divisions (B), (H), (I), (J), and (K) of section 3317.023; 135825
division (C) of section 3317.20; and sections 3313.979 and 135826
3313.981 of the Revised Code; 135827

(d) For fiscal year 2014 and each fiscal year thereafter, the 135828
sum of amounts computed for and paid to the district under section 135829
3317.022 of the Revised Code; and the adjustments required by 135830
division (C) of section 3310.08, division (C)(2) of section 135831
3310.41, section 3310.55, division (C) of section 3314.08, 135832
division (D)(2) of section 3314.091, divisions (B), (H), (J), and 135833
(K) of section 3317.023, and sections 3313.978, 3313.981, 135834
3317.0212, 3317.0213, 3317.0214, and 3326.33 of the Revised Code. 135835
However, for fiscal years 2014 and 2015, the amount computed for 135836
the district under the section of this act entitled "TRANSITIONAL 135837
AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" also 135838
shall be included. 135839

(5) "State education aid," for a joint vocational school 135840
district, means the following: 135841

(a) For fiscal years prior to fiscal year 2010, the sum of 135842
the state aid amounts computed for the district under division (N) 135843

of section 3317.024 and section 3317.16 of the Revised Code. 135844
However, when calculating state education aid for a joint 135845
vocational school district for fiscal years 2008 and 2009, include 135846
the amount computed for the district under Section 269.30.90 of 135847
H.B. 119 of the 127th general assembly, as subsequently amended. 135848

(b) For fiscal years 2010 and 2011, the amount computed for 135849
the district in accordance with the section of H.B. 1 of the 128th 135850
general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 135851
DISTRICTS#." 135852

(c) For fiscal years 2012 and 2013, the amount paid in 135853
accordance with the section of H.B. 153 of the 129th general 135854
assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 135855

(d) For fiscal year 2014 and each fiscal year thereafter, the 135856
amount computed for the district under section 3317.16 of the 135857
Revised Code; except that, for fiscal years 2014 and 2015, the 135858
amount computed for the district under the section of this act 135859
entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" 135860
shall be included. 135861

(6) "State education aid offset" means the amount determined 135862
for each school district or joint vocational school district under 135863
division (A)(1) of section 5727.85 of the Revised Code. 135864

(7) "Recognized valuation" ~~has the same meaning as in~~ means 135865
the amount computed for a school district pursuant to section 135866
~~3317.02~~ 3317.015 of the Revised Code. 135867

(8) "Electric company tax value loss" means the amount 135868
determined under division (D) of this section. 135869

(9) "Natural gas company tax value loss" means the amount 135870
determined under division (E) of this section. 135871

(10) "Tax value loss" means the sum of the electric company 135872
tax value loss and the natural gas company tax value loss. 135873

(11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.	135874 135875
(12) "Fixed-rate levy loss" means the amount determined under division (G) of this section.	135876 135877
(13) "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or levied in excess of the ten-mill limitation to pay debt charges, and includes school district emergency levies charged and payable pursuant to section 5705.194 of the Revised Code.	135878 135879 135880 135881 135882
(14) "Fixed-sum levy loss" means the amount determined under division (H) of this section.	135883 135884
(15) "Consumer price index" means the consumer price index (all items, all urban consumers) prepared by the bureau of labor statistics of the United States department of labor.	135885 135886 135887
(16) "Total resources" and "total library resources" have the same meanings as in section 5751.20 of the Revised Code.	135888 135889
(17) "2011 current expense S.B. 3 allocation" means the sum of payments received by a school district or joint vocational school district in fiscal year 2011 for current expense levy losses pursuant to division (C)(2) of section 5727.85 of the Revised Code. If a fixed-rate levy eligible for reimbursement is not charged and payable in any year after tax year 2010, "2011 current expense S.B. 3 allocation" used to compute payments to be made under division (C)(3) of section 5727.85 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that those payments are attributable to the fixed-rate levy loss of that levy.	135890 135891 135892 135893 135894 135895 135896 135897 135898 135899 135900
(18) "2010 current expense S.B. 3 allocation" means the sum of payments received by a municipal corporation in calendar year 2010 for current expense levy losses pursuant to division (A)(1) of section 5727.86 of the Revised Code, excluding any such	135901 135902 135903 135904

payments received for current expense levy losses attributable to 135905
a tax levied under section 5705.23 of the Revised Code. If a 135906
fixed-rate levy eligible for reimbursement is not charged and 135907
payable in any year after tax year 2010, "2010 current expense 135908
S.B. 3 allocation" used to compute payments to be made under 135909
division (A)(1)(d) or (e) of section 5727.86 of the Revised Code 135910
in the tax years following the last year the levy is charged and 135911
payable shall be reduced to the extent that those payments are 135912
attributable to the fixed-rate levy loss of that levy. 135913

(19) "2010 S.B. 3 allocation" means the sum of payments 135914
received by a local taxing unit during calendar year 2010 pursuant 135915
to division (A)(1) of section 5727.86 of the Revised Code, 135916
excluding any such payments received for fixed-rate levy losses 135917
attributable to a tax levied under section 5705.23 of the Revised 135918
Code. If a fixed-rate levy eligible for reimbursement is not 135919
charged and payable in any year after tax year 2010, "2010 S.B. 3 135920
allocation" used to compute payments to be made under division 135921
(A)(1)(d) or (e) of section 5727.86 of the Revised Code in the tax 135922
years following the last year the levy is charged and payable 135923
shall be reduced to the extent that those payments are 135924
attributable to the fixed-rate levy loss of that levy. 135925

(20) "Total S.B. 3 allocation" means, in the case of a school 135926
district or joint vocational school district, the sum of the 135927
payments received in fiscal year 2011 pursuant to divisions (C)(2) 135928
and (D) of section 5727.85 of the Revised Code. In the case of a 135929
local taxing unit, "total S.B. 3 allocation" means the sum of 135930
payments received by the unit in calendar year 2010 pursuant to 135931
divisions (A)(1) and (4) of section 5727.86 of the Revised Code, 135932
excluding any such payments received for fixed-rate levy losses 135933
attributable to a tax levied under section 5705.23 of the Revised 135934
Code. If a fixed-rate levy eligible for reimbursement is not 135935
charged and payable in any year after tax year 2010, "total S.B. 3 135936

allocation" used to compute payments to be made under division 135937
(C)(3) of section 5727.85 or division (A)(1)(d) or (e) of section 135938
5727.86 of the Revised Code in the tax years following the last 135939
year the levy is charged and payable shall be reduced to the 135940
extent that those payments are attributable to the fixed-rate levy 135941
loss of that levy as would be computed under division (C)(2) of 135942
section 5727.85 or division (A)(1)(b) of section 5727.86 of the 135943
Revised Code. 135944

(21) "2011 non-current expense S.B. 3 allocation" means the 135945
difference of a school district's or joint vocational school 135946
district's total S.B. 3 allocation minus the sum of the school 135947
district's 2011 current expense S.B. 3 allocation and the portion 135948
of the school district's total S.B. 3 allocation constituting 135949
reimbursement for debt levies pursuant to division (D) of section 135950
5727.85 of the Revised Code. 135951

(22) "2010 non-current expense S.B. 3 allocation" means the 135952
difference of a municipal corporation's total S.B. 3 allocation 135953
minus the sum of its 2010 current expense S.B. 3 allocation and 135954
the portion of its total S.B. 3 allocation constituting 135955
reimbursement for debt levies pursuant to division (A)(4) of 135956
section 5727.86 of the Revised Code. 135957

(23) "S.B. 3 allocation for library purposes" means, in the 135958
case of a county, municipal corporation, school district, or 135959
township public library that receives the proceeds of a tax levied 135960
under section 5705.23 of the Revised Code, the sum of the payments 135961
received by the public library in calendar year 2010 pursuant to 135962
section 5727.86 of the Revised Code for fixed-rate levy losses 135963
attributable to a tax levied under section 5705.23 of the Revised 135964
Code. If a fixed-rate levy authorized under section 5705.23 of the 135965
Revised Code that is eligible for reimbursement is not charged and 135966
payable in any year after tax year 2010, "S.B. 3 allocation for 135967
library purposes" used to compute payments to be made under 135968

division (A)(1)(f) of section 5727.86 of the Revised Code in the 135969
tax years following the last year the levy is charged and payable 135970
shall be reduced to the extent that those payments are 135971
attributable to the fixed-rate levy loss of that levy as would be 135972
computed under division (A)(1)(b) of section 5727.86 of the 135973
Revised Code. 135974

(24) "Threshold per cent" means, in the case of a school 135975
district or joint vocational school district, two per cent for 135976
fiscal year 2012 and four per cent for fiscal years 2013 and 135977
thereafter. In the case of a local taxing unit or public library 135978
that receives the proceeds of a tax levied under section 5705.23 135979
of the Revised Code, "threshold per cent" means two per cent for 135980
calendar year 2011, four per cent for calendar year 2012, and six 135981
per cent for calendar years 2013 and thereafter. 135982

(B) The kilowatt-hour tax receipts fund is hereby created in 135983
the state treasury and shall consist of money arising from the tax 135984
imposed by section 5727.81 of the Revised Code. All money in the 135985
kilowatt-hour tax receipts fund shall be credited as follows: 135986

Fiscal Year	General Revenue Fund	School District Property Tax Replacement Fund	Local Government Property Tax Replacement Fund	
2001-2011	63.0%	25.4%	11.6%	135988
2012 and thereafter	88.0%	9.0%	3.0%	135989

(C) The natural gas tax receipts fund is hereby created in 135990
the state treasury and shall consist of money arising from the tax 135991
imposed by section 5727.811 of the Revised Code. All money in the 135992
fund shall be credited as follows: 135993

(1) For fiscal years before fiscal year 2012: 135994

(a) Sixty-eight and seven-tenths per cent shall be credited 135995
to the school district property tax replacement fund for the 135996

purpose of making the payments described in section 5727.85 of the Revised Code. 135997
135998

(b) Thirty-one and three-tenths per cent shall be credited to the local government property tax replacement fund for the purpose of making the payments described in section 5727.86 of the Revised Code. 135999
136000
136001
136002

(2) For fiscal years 2012 and thereafter, one hundred per cent to the general revenue fund. 136003
136004

(D) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its electric company tax value loss, which is the sum of the applicable amounts described in divisions (D)(1) to (4) of this section: 136005
136006
136007
136008

(1) The difference obtained by subtracting the amount described in division (D)(1)(b) from the amount described in division (D)(1)(a) of this section. 136009
136010
136011

(a) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 1999, and as apportioned to the taxing district for tax year 1998; 136012
136013
136014
136015
136016

(b) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001. 136017
136018
136019
136020
136021

(2) The difference obtained by subtracting the amount described in division (D)(2)(b) from the amount described in division (D)(2)(a) of this section. 136022
136023
136024

(a) The three-year average for tax years 1996, 1997, and 1998 of the assessed value from nuclear fuel materials and assemblies 136025
136026

assessed against a person under Chapter 5711. of the Revised Code 136027
from the leasing of them to an electric company for those 136028
respective tax years, as reflected in the preliminary assessments; 136029

(b) The three-year average assessed value from nuclear fuel 136030
materials and assemblies assessed under division (D)(2)(a) of this 136031
section for tax years 1996, 1997, and 1998, as reflected in the 136032
preliminary assessments, using an assessment rate of twenty-five 136033
per cent. 136034

(3) In the case of a taxing district having a nuclear power 136035
plant within its territory, any amount, resulting in an electric 136036
company tax value loss, obtained by subtracting the amount 136037
described in division (D)(1) of this section from the difference 136038
obtained by subtracting the amount described in division (D)(3)(b) 136039
of this section from the amount described in division (D)(3)(a) of 136040
this section. 136041

(a) The value of electric company tangible personal property 136042
as assessed by the tax commissioner for tax year 2000 on a 136043
preliminary assessment, or an amended preliminary assessment if 136044
issued prior to March 1, 2001, and as apportioned to the taxing 136045
district for tax year 2000; 136046

(b) The value of electric company tangible personal property 136047
as assessed by the tax commissioner for tax year 2001 on a 136048
preliminary assessment, or an amended preliminary assessment if 136049
issued prior to March 1, 2002, and as apportioned to the taxing 136050
district for tax year 2001. 136051

(4) In the case of a taxing district having a nuclear power 136052
plant within its territory, the difference obtained by subtracting 136053
the amount described in division (D)(4)(b) of this section from 136054
the amount described in division (D)(4)(a) of this section, 136055
provided that such difference is greater than ten per cent of the 136056
amount described in division (D)(4)(a) of this section. 136057

(a) The value of electric company tangible personal property 136058
as assessed by the tax commissioner for tax year 2005 on a 136059
preliminary assessment, or an amended preliminary assessment if 136060
issued prior to March 1, 2006, and as apportioned to the taxing 136061
district for tax year 2005; 136062

(b) The value of electric company tangible personal property 136063
as assessed by the tax commissioner for tax year 2006 on a 136064
preliminary assessment, or an amended preliminary assessment if 136065
issued prior to March 1, 2007, and as apportioned to the taxing 136066
district for tax year 2006. 136067

(E) Not later than January 1, 2002, the tax commissioner 136068
shall determine for each taxing district its natural gas company 136069
tax value loss, which is the sum of the amounts described in 136070
divisions (E)(1) and (2) of this section: 136071

(1) The difference obtained by subtracting the amount 136072
described in division (E)(1)(b) from the amount described in 136073
division (E)(1)(a) of this section. 136074

(a) The value of all natural gas company tangible personal 136075
property, other than property described in division (E)(2) of this 136076
section, as assessed by the tax commissioner for tax year 1999 on 136077
a preliminary assessment, or an amended preliminary assessment if 136078
issued prior to March 1, 2000, and apportioned to the taxing 136079
district for tax year 1999; 136080

(b) The value of all natural gas company tangible personal 136081
property, other than property described in division (E)(2) of this 136082
section, as assessed by the tax commissioner for tax year 1999 had 136083
the property been apportioned to the taxing district for tax year 136084
2001, and assessed at the rates in effect for tax year 2001. 136085

(2) The difference in the value of current gas obtained by 136086
subtracting the amount described in division (E)(2)(b) from the 136087
amount described in division (E)(2)(a) of this section. 136088

(a) The three-year average assessed value of current gas as 136089
assessed by the tax commissioner for tax years 1997, 1998, and 136090
1999 on a preliminary assessment, or an amended preliminary 136091
assessment if issued prior to March 1, 2001, and as apportioned in 136092
the taxing district for those respective years; 136093

(b) The three-year average assessed value from current gas 136094
under division (E)(2)(a) of this section for tax years 1997, 1998, 136095
and 1999, as reflected in the preliminary assessment, using an 136096
assessment rate of twenty-five per cent. 136097

(F) The tax commissioner may request that natural gas 136098
companies, electric companies, and rural electric companies file a 136099
report to help determine the tax value loss under divisions (D) 136100
and (E) of this section. The report shall be filed within thirty 136101
days of the commissioner's request. A company that fails to file 136102
the report or does not timely file the report is subject to the 136103
penalty in section 5727.60 of the Revised Code. 136104

(G) Not later than January 1, 2002, the tax commissioner 136105
shall determine for each school district, joint vocational school 136106
district, and local taxing unit its fixed-rate levy loss, which is 136107
the sum of its electric company tax value loss multiplied by the 136108
tax rate in effect in tax year 1998 for fixed-rate levies and its 136109
natural gas company tax value loss multiplied by the tax rate in 136110
effect in tax year 1999 for fixed-rate levies. 136111

(H) Not later than January 1, 2002, the tax commissioner 136112
shall determine for each school district, joint vocational school 136113
district, and local taxing unit its fixed-sum levy loss, which is 136114
the amount obtained by subtracting the amount described in 136115
division (H)(2) of this section from the amount described in 136116
division (H)(1) of this section: 136117

(1) The sum of the electric company tax value loss multiplied 136118
by the tax rate in effect in tax year 1998, and the natural gas 136119

company tax value loss multiplied by the tax rate in effect in tax 136120
year 1999, for fixed-sum levies for all taxing districts within 136121
each school district, joint vocational school district, and local 136122
taxing unit. For the years 2002 through 2006, this computation 136123
shall include school district emergency levies that existed in 136124
1998 in the case of the electric company tax value loss, and 1999 136125
in the case of the natural gas company tax value loss, and all 136126
other fixed-sum levies that existed in 1998 in the case of the 136127
electric company tax value loss and 1999 in the case of the 136128
natural gas company tax value loss and continue to be charged in 136129
the tax year preceding the distribution year. For the years 2007 136130
through 2016 in the case of school district emergency levies, and 136131
for all years after 2006 in the case of all other fixed-sum 136132
levies, this computation shall exclude all fixed-sum levies that 136133
existed in 1998 in the case of the electric company tax value loss 136134
and 1999 in the case of the natural gas company tax value loss, 136135
but are no longer in effect in the tax year preceding the 136136
distribution year. For the purposes of this section, an emergency 136137
levy that existed in 1998 in the case of the electric company tax 136138
value loss, and 1999 in the case of the natural gas company tax 136139
value loss, continues to exist in a year beginning on or after 136140
January 1, 2007, but before January 1, 2017, if, in that year, the 136141
board of education levies a school district emergency levy for an 136142
annual sum at least equal to the annual sum levied by the board in 136143
tax year 1998 or 1999, respectively, less the amount of the 136144
payment certified under this division for 2002. 136145

(2) The total taxable value in tax year 1999 less the tax 136146
value loss in each school district, joint vocational school 136147
district, and local taxing unit multiplied by one-fourth of one 136148
mill. 136149

If the amount computed under division (H) of this section for 136150
any school district, joint vocational school district, or local 136151

taxing unit is greater than zero, that amount shall equal the 136152
fixed-sum levy loss reimbursed pursuant to division (F) of section 136153
5727.85 of the Revised Code or division (A)(2) of section 5727.86 136154
of the Revised Code, and the one-fourth of one mill that is 136155
subtracted under division (H)(2) of this section shall be 136156
apportioned among all contributing fixed-sum levies in the 136157
proportion of each levy to the sum of all fixed-sum levies within 136158
each school district, joint vocational school district, or local 136159
taxing unit. 136160

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 136161
section, in computing the tax value loss, fixed-rate levy loss, 136162
and fixed-sum levy loss, the tax commissioner shall use the 136163
greater of the 1998 tax rate or the 1999 tax rate in the case of 136164
levy losses associated with the electric company tax value loss, 136165
but the 1999 tax rate shall not include for this purpose any tax 136166
levy approved by the voters after June 30, 1999, and the tax 136167
commissioner shall use the greater of the 1999 or the 2000 tax 136168
rate in the case of levy losses associated with the natural gas 136169
company tax value loss. 136170

(J) Not later than January 1, 2002, the tax commissioner 136171
shall certify to the department of education the tax value loss 136172
determined under divisions (D) and (E) of this section for each 136173
taxing district, the fixed-rate levy loss calculated under 136174
division (G) of this section, and the fixed-sum levy loss 136175
calculated under division (H) of this section. The calculations 136176
under divisions (G) and (H) of this section shall separately 136177
display the levy loss for each levy eligible for reimbursement. 136178

(K) Not later than September 1, 2001, the tax commissioner 136179
shall certify the amount of the fixed-sum levy loss to the county 136180
auditor of each county in which a school district with a fixed-sum 136181
levy loss has territory. 136182

Sec. 5727.89. (A) The tax commissioner may make an 136183
assessment, based on any information in the commissioner's 136184
possession, against any natural gas distribution company, electric 136185
distribution company, self-assessing purchaser, or qualified end 136186
user that fails to file a return or pay any tax, interest, or 136187
additional charge as required by sections 5727.80 to 5727.95 of 136188
the Revised Code. 136189

When information in the possession of the tax commissioner 136190
indicates that a person liable for the tax imposed by section 136191
5727.81 or 5727.811 of the Revised Code has not paid the full 136192
amount of tax due, the commissioner may audit a representative 136193
sample of the person's business and may issue an assessment based 136194
on the audit. The commissioner shall give the person assessed 136195
written notice of the assessment in the manner provided in section 136196
5703.37 of the Revised Code. With the notice, the commissioner 136197
shall provide instructions on how to petition for reassessment and 136198
request a hearing on the petition. 136199

The tax commissioner may issue an assessment for which the 136200
tax imposed by section 5727.81 or 5727.811 of the Revised Code was 136201
due and unpaid on the date the person was informed by an agent of 136202
the tax commissioner of an investigation or audit of the person. 136203
Any payment of the tax for the period covered by the assessment, 136204
after the person is so informed, shall be credited against the 136205
assessment. 136206

A penalty of up to fifteen per cent may be added to all 136207
amounts assessed under this section. The commissioner may adopt 136208
rules providing for the imposition and remission of penalties. 136209

(B) Unless the party assessed files with the tax commissioner 136210
within sixty days after service of the notice of assessment, 136211
either personally or by certified mail, a written petition for 136212
reassessment signed by the party assessed or that party's 136213

authorized agent having knowledge of the facts, the assessment 136214
becomes final and the amount of the assessment is due and payable 136215
from the party assessed to the treasurer of state. The petition 136216
shall indicate the objections of the party assessed, but 136217
additional objections may be raised in writing if received by the 136218
commissioner prior to the date shown on the final determination. 136219
If the petition has been properly filed, the commissioner shall 136220
proceed under section 5703.60 of the Revised Code. 136221

(C) After an assessment becomes final, if any portion of the 136222
assessment, including accrued interest, remains unpaid, a 136223
certified copy of the tax commissioner's entry making the 136224
assessment final may be filed in the office of the clerk of the 136225
court of common pleas in the county in which the party assessed 136226
resides or in which the party's business is conducted. If the 136227
party assessed maintains no place of business in this state and is 136228
not a resident of this state, the certified copy of the entry may 136229
be filed in the office of the clerk of the court of common pleas 136230
of Franklin county. 136231

Immediately upon the filing of the entry, the clerk shall 136232
enter a judgment for the state against the person assessed in the 136233
amount shown on the entry. The judgment may be filed by the clerk 136234
in a loose-leaf book entitled "special judgments for the 136235
distribution excise taxes," and shall have the same effect as 136236
other judgments. Execution shall issue upon the judgment at the 136237
request of the tax commissioner, and all laws applicable to sales 136238
on execution shall apply to sales made under the judgment. 136239

~~The portion of~~ If the assessment is not paid in its entirety 136240
within sixty days after the day the assessment was issued, the 136241
portion of the assessment consisting of tax due shall bear 136242
interest at the rate per annum prescribed by section 5703.47 of 136243
the Revised Code from the day the tax commissioner issues the 136244
assessment until the day the assessment is paid or until it is 136245

certified to the attorney general for collection under section 136246
131.02 of the Revised Code, whichever comes first. If the unpaid 136247
portion of the assessment is certified to the attorney general for 136248
collection, the entire unpaid portion of the assessment shall bear 136249
interest at the rate per annum prescribed by section 5703.47 of 136250
the Revised Code from the date of certification until the date it 136251
is paid in its entirety. Interest shall be paid in the same manner 136252
as the tax and may be collected by the issuance of an assessment 136253
under this section. 136254

(D) If the tax commissioner believes that collection of the 136255
tax imposed by section 5727.81 or 5727.811 of the Revised Code 136256
will be jeopardized unless proceedings to collect or secure 136257
collection of the tax are instituted without delay, the 136258
commissioner may issue a jeopardy assessment against the person 136259
liable for the tax. Immediately upon the issuance of the jeopardy 136260
assessment, the commissioner shall file an entry with the clerk of 136261
the court of common pleas in the manner prescribed by division (C) 136262
of this section. Notice of the jeopardy assessment shall be served 136263
on the party assessed or the party's legal representative within 136264
five days of the filing of the entry with the clerk. The total 136265
amount assessed is immediately due and payable, unless the party 136266
assessed files a petition for reassessment in accordance with 136267
division (B) of this section and provides security in a form 136268
satisfactory to the commissioner and in an amount sufficient to 136269
satisfy the unpaid balance of the assessment. Full or partial 136270
payment of the assessment does not prejudice the commissioner's 136271
consideration of the petition for reassessment. 136272

(E) All money collected by the tax commissioner under this 136273
section shall be paid to the treasurer of state, and when paid 136274
shall be considered as revenue arising from the taxes imposed by 136275
sections 5727.81 and 5727.811 of the Revised Code. 136276

Sec. 5728.10. (A) If any person required to file a fuel use 136277
tax return by sections 5728.01 to 5728.14 of the Revised Code, 136278
fails to file the return within the time prescribed by those 136279
sections, files an incomplete return, files an incorrect return, 136280
or fails to remit the full amount of the tax due for the period 136281
covered by the return, the tax commissioner may make an assessment 136282
against the person, based upon any information in the 136283
commissioner's possession, for the period for which the tax was 136284
due. 136285

No assessment shall be made against any person for any tax 136286
imposed by this chapter more than four years after the return date 136287
for the period for which the tax was due or more than four years 136288
after the return for the period was filed, whichever is later. 136289
This section does not bar an assessment against any person who 136290
fails to file a fuel use tax return as required by this chapter, 136291
or who files a fraudulent fuel use tax return. 136292

A penalty of up to fifteen per cent may be added to the 136293
amount of every assessment made pursuant to this section. The 136294
commissioner may adopt rules providing for the imposition and 136295
remission of penalties added to assessments made under this 136296
section. 136297

The commissioner shall give the party assessed written notice 136298
of the assessment in the manner provided in section 5703.37 of the 136299
Revised Code. With the notice, the commissioner shall provide 136300
instructions on how to petition for reassessment and request a 136301
hearing on the petition. 136302

(B) Unless the party assessed files with the tax commissioner 136303
within sixty days after service of the notice of assessment, 136304
either personally or by certified mail, a written petition for 136305
reassessment, signed by the party assessed, or by the party's 136306
authorized agent having knowledge of the facts, the assessment 136307

becomes final and the amount of the assessment is due and payable 136308
from the party assessed to the treasurer of state. The petition 136309
shall indicate the objections of the party assessed, but 136310
additional objections may be raised in writing if received by the 136311
commissioner prior to the date shown on the final determination. 136312
If the petition has been properly filed, the commissioner shall 136313
proceed under section 5703.60 of the Revised Code. 136314

(C) After an assessment becomes final, if any portion of the 136315
assessment remains unpaid, including accrued interest, a certified 136316
copy of the tax commissioner's entry making the assessment final 136317
may be filed in the office of the clerk of the court of common 136318
pleas in the county in which the party's place of business is 136319
located or the county in which the party assessed resides. If the 136320
party maintains no office in this state and is not a resident of 136321
this state, the certified copy of the entry may be filed in the 136322
office of the clerk of the court of common pleas of Franklin 136323
county. 136324

Immediately upon the filing of the entry, the clerk shall 136325
enter a judgment for the state of Ohio against the party assessed 136326
in the amount shown on the entry. The judgment may be filed by the 136327
clerk in a loose-leaf book entitled "special judgments for state 136328
fuel use tax," and shall have the same effect as other judgments. 136329
Execution shall issue upon the judgment upon the request of the 136330
commissioner, and all laws applicable to sales on execution shall 136331
apply to sales made under the judgment. 136332

~~The portion of~~ If the assessment is not paid within sixty 136333
days after the day the assessment was issued, the portion of the 136334
assessment consisting of tax due shall bear interest at the rate 136335
per annum prescribed by section 5703.47 of the Revised Code from 136336
the day the commissioner issues the assessment until it is paid or 136337
until it is certified to the attorney general for collection under 136338
section 131.02 of the Revised Code, whichever comes first. If the 136339

unpaid portion of the assessment is certified to the attorney 136340
general for collection, the entire unpaid portion of the 136341
assessment shall bear interest at the rate per annum prescribed by 136342
section 5703.47 of the Revised Code from the date of certification 136343
until the date it is paid in its entirety. Interest shall be paid 136344
in the same manner as the tax and may be collected by the issuance 136345
of an assessment under this section. 136346

(D) All money collected by the tax commissioner under this 136347
section shall be paid into the state treasury in the same manner 136348
as the revenues deriving from the taxes imposed by section 5728.06 136349
of the Revised Code. 136350

Sec. 5729.03. (A) If the superintendent of insurance finds 136351
the annual statement required by section 5729.02 of the Revised 136352
Code to be correct, the superintendent shall compute the following 136353
amount, as applicable, of the balance of such gross amount, after 136354
deducting such return premiums and considerations received for 136355
reinsurance, and charge such amount to such company as a tax upon 136356
the business done by it in this state for the period covered by 136357
such annual statement: 136358

(1) If the company is a health insuring corporation, one per 136359
cent of the balance of premium rate payments received, exclusive 136360
of payments received under the medicare program ~~established under~~ 136361
~~Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 136362
~~U.S.C.A. 301, as amended,~~ and exclusive of payments received 136363
pursuant to the ~~medical assistance~~ medicaid program ~~established~~ 136364
~~under Chapter 5111. of the Revised Code~~ for the period ending 136365
September 30, 2009, as reflected in its annual report; 136366

(2) If the company is not a health insuring corporation, one 136367
and four-tenths per cent of the balance of premiums received, 136368
exclusive of premiums received under the medicare program 136369
~~established under Title XVIII of the "Social Security Act," 49~~ 136370

~~Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and exclusive of~~ 136371
~~payments received pursuant to the medical assistance medicaid~~ 136372
~~program established under Chapter 5111. of the Revised Code for~~ 136373
the period ending September 30, 2009, as reflected in its annual 136374
statement, and, if the company operates a health insuring 136375
corporation as a line of business, one per cent of the balance of 136376
premium rate payments received from that line of business, 136377
exclusive of payments received under the medicare program 136378
~~established under Title XVIII of the "Social Security Act," 49~~ 136379
~~Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and exclusive of~~ 136380
~~payments received pursuant to the medical assistance medicaid~~ 136381
~~program established under Chapter 5111. of the Revised Code for~~ 136382
the period ending September 30, 2009, as reflected in its annual 136383
statement. 136384

Each foreign insurance company, including health insuring 136385
corporations, receiving payments pursuant to the ~~medical~~ 136386
~~assistance medicaid program established under Chapter 5111. of the~~ 136387
~~Revised Code~~ during the period beginning October 1, 2009, and 136388
ending December 31, 2009, shall file with the 2009 annual 136389
statement to the superintendent a schedule that reflects those 136390
payments received pursuant to the ~~medical assistance~~ medicaid 136391
program for that period. The payments reflected in the schedule, 136392
plus all other taxable premiums, are subject to the annual 136393
franchise tax due to be paid in 2010. 136394

(B) Any insurance policies that were not issued in violation 136395
of Title XXXIX of the Revised Code and that were issued prior to 136396
April 15, 1967, by a life insurance company organized and operated 136397
without profit to any private shareholder or individual, 136398
exclusively for the purpose of aiding educational or scientific 136399
institutions organized and operated without profit to any private 136400
shareholder or individual, are not subject to the tax imposed by 136401
this section. All taxes collected pursuant to this section shall 136402

be credited to the general revenue fund. 136403

(C) In no case shall the tax imposed under this section be 136404

less than two hundred fifty dollars. 136405

Sec. 5729.04. To compute franchise taxes on gross premiums to 136406
be paid under any law of this state by any mutual insurance 136407
company authorized to do business under the laws of this state, or 136408
by any stock insurance company so authorized, doing business on 136409
the plan of distributing back to its policyholders at the end of 136410
the policy year refunds of a portion of the premium collected, the 136411
amount of premium deposits received by the company upon any risk 136412
written pursuant to section 3925.34 or division (A)(1), (2), ~~or~~ 136413
(7), or (14) of section 3929.01 of the Revised Code, within this 136414
state in excess of the net cost of insurance to the insured shall 136415
not be included where the excess deposit is returned ratably by 136416
the company to its policyholders; but the amount of gross or 136417
aggregate premiums received by the company is deemed the balance 136418
remaining after deducting from the gross amount of premium 136419
deposits received or collected by it on risks in this state during 136420
the preceding calendar year that portion of gross premium deposits 136421
returned by it to policyholders during the preceding calendar 136422
year, upon the cancellation or expiration of risks upon property 136423
situated within this state. In addition to the matters of return 136424
required to be made by insurance companies for the purpose of 136425
computing taxes, any company shall also return for such purpose in 136426
its annual statement: 136427

(A) The gross amount of premium deposits received or 136428
collected by it on risks in this state during the preceding 136429
calendar year; 136430

(B) The total amount of gross premium deposits returned to 136431
policyholders during such preceding calendar year upon 136432
cancellation and upon expiration of risks upon property situated 136433

within this state. 136434

Where insurance against fire is included with insurance 136435
against other perils at an undivided premium, a reasonable 136436
allocation from the entire premium shall be made for the fire 136437
portion of the coverage in such manner as the superintendent of 136438
insurance may direct. 136439

Sec. 5729.16. (A) Terms used in this section have the same 136440
meaning as in section 5725.33 of the Revised Code. 136441

(B) There is hereby allowed a nonrefundable credit against 136442
the tax imposed by section 5729.03 of the Revised Code for a 136443
foreign insurance company holding a qualified equity investment on 136444
the credit allowance date occurring in the calendar year for which 136445
the tax is due. The credit shall be computed in the same manner 136446
prescribed for the computation of credits allowed under section 136447
5725.33 of the Revised Code. 136448

The credit shall be claimed in the order prescribed by 136449
section 5729.98 of the Revised Code. If the amount of the credit 136450
exceeds the amount of tax otherwise due after deducting all other 136451
credits in that order, the excess may be carried forward and 136452
applied to the tax due for not more than four ensuing years. 136453

By claiming a tax credit under this section, an insurance 136454
company waives its rights under section 5729.102 of the Revised 136455
Code with respect to the time limitation for the assessment of 136456
taxes as it relates to credits claimed that later become subject 136457
to recapture under division (D) of this section. 136458

(C) The total amount of qualified equity investments on the 136459
basis of which credits may be claimed under this section, section 136460
5725.33, and section 5733.58 of the Revised Code is subject to the 136461
limitation of division (C) of section 5725.33 of the Revised Code. 136462

(D) If any amount of ~~the~~ a federal tax credit allowed for a 136463

qualified equity investment for which a credit was received under 136464
this section is recaptured under section 45D of the Internal 136465
Revenue Code, or if the director of development services 136466
determines that an investment for which a tax credit is claimed 136467
under this section is not a qualified equity investment or that 136468
the proceeds of an investment for which a tax credit is claimed 136469
under this section are used to make qualified low-income community 136470
investments other than in a qualified active low-income community 136471
business, all or a portion of the credit received on account of 136472
that investment shall be paid by the insurance company that 136473
received the credit to the superintendent of insurance. The amount 136474
to be recovered shall be determined by the director of development 136475
services pursuant to rules adopted under section 5725.33 of the 136476
Revised Code. The director shall certify any amount due under this 136477
division to the superintendent of insurance, and the 136478
superintendent shall notify the treasurer of state of the amount 136479
due. Upon notification, the treasurer shall invoice the insurance 136480
company for the amount due. The amount due is payable not later 136481
than thirty days after the date the treasurer invoices the 136482
insurance company. The amount due shall be considered to be tax 136483
due under section 5729.03 of the Revised Code, and may be 136484
collected by assessment without regard to the time limitations 136485
imposed under section 5729.102 of the Revised Code for the 136486
assessment of taxes by the superintendent. All amounts collected 136487
under this division shall be credited as revenue from the tax 136488
levied under section 5729.03 of the Revised Code. 136489

Sec. 5729.17. (A) As used in this section, "certificate 136490
owner" has the same meaning as in section 149.311 of the Revised 136491
Code. 136492

(B) There is allowed a credit against the tax imposed by 136493
section 5729.03 of the Revised Code for an insurance company 136494
subject to that tax that is a certificate owner of a 136495

rehabilitation tax credit certificate issued under section 149.311 136496
of the Revised Code. The credit shall equal twenty-five per cent 136497
of the dollar amount indicated on the certificate, but the amount 136498
of the credit allowed for any company for any year shall not 136499
exceed ~~five~~ ten million dollars. The credit shall be claimed in 136500
the calendar year specified in the certificate and in the order 136501
required under section 5729.98 of the Revised Code. If the credit 136502
exceeds the amount of tax otherwise due in that year, the excess 136503
shall be refunded to the company but, if any amount of the credit 136504
is refunded, the sum of the amount refunded and the amount applied 136505
to reduce the tax otherwise due in that year shall not exceed 136506
three million dollars. The company may carry forward any balance 136507
of the credit in excess of the amount claimed in that year for not 136508
more than five ensuing years, and shall deduct any amount claimed 136509
in any such year from the amount claimed in an ensuing year. 136510

(C) An insurance company claiming a credit under this section 136511
shall retain the rehabilitation tax credit certificate for four 136512
years following the end of the year in which the credit was 136513
claimed, and shall make the certificate available for inspection 136514
by the tax commissioner upon the request of the tax commissioner 136515
during that period. 136516

Sec. 5731.39. This section does not apply to, and the written 136517
permission of the tax commissioner is not required for asset 136518
transfers with respect to, decedents dying on or after January 1, 136519
2013. 136520

(A) No corporation organized or existing under the laws of 136521
this state shall transfer on its books or issue a new certificate 136522
for any share of its capital stock registered in the name of a 136523
decedent, or in trust for a decedent, or in the name of a decedent 136524
and another person or persons, without the written consent of the 136525
tax commissioner. 136526

(B) No safe deposit company, trust company, financial institution as defined in division (A) of section 5725.01 of the Revised Code, or other corporation or person, having in possession, control, or custody a deposit standing in the name of a decedent, or in trust for a decedent, or in the name of a decedent and another person or persons, shall deliver or transfer an amount in excess of three-fourths of the total value of such deposit, including accrued interest and dividends, as of the date of decedent's death, without the written consent of the tax commissioner. The written consent of the tax commissioner need not be obtained prior to the delivery or transfer of amounts having a value of three-fourths or less of said total value.

(C) No life insurance company shall pay the proceeds of an annuity or matured endowment contract, or of a life insurance contract payable to the estate of a decedent, or of any other insurance contract taxable under Chapter 5731. of the Revised Code, without the written consent of the tax commissioner. Any life insurance company may pay the proceeds of any insurance contract not specified in this division (C) without the written consent of the tax commissioner.

(D) No trust company or other corporation or person shall pay the proceeds of any death benefit, retirement, pension, or profit-sharing plan in excess of two thousand dollars, without the written consent of the tax commissioner. Such trust company or other corporation or person, however, may pay the proceeds of any death benefit, retirement, pension, or profit-sharing plan which consists of insurance on the life of the decedent payable to a beneficiary other than the estate of the insured without the written consent of the tax commissioner.

(E) No safe deposit company, trust company, financial institution as defined in division (A) of section 5725.01 of the Revised Code, or other corporation or person, having in

possession, control, or custody securities, assets, or other 136559
property (including the shares of the capital stock of, or other 136560
interest in, such safe deposit company, trust company, financial 136561
institution as defined in division (A) of section 5725.01 of the 136562
Revised Code, or other corporation), standing in the name of a 136563
decedent, or in trust for a decedent, or in the name of a decedent 136564
and another person or persons, and the transfer of which is 136565
taxable under Chapter 5731. of the Revised Code, shall deliver or 136566
transfer any such securities, assets, or other property which have 136567
a value as of the date of decedent's death in excess of 136568
three-fourths of the total value thereof, without the written 136569
consent of the tax commissioner. The written consent of the tax 136570
commissioner need not be obtained prior to the delivery or 136571
transfer of any such securities, assets, or other property having 136572
a value of three-fourths or less of said total value. 136573

(F) No safe deposit company, financial institution as defined 136574
in division (A) of section 5725.01 of the Revised Code, or other 136575
corporation or person having possession or control of a safe 136576
deposit box or similar receptacle standing in the name of a 136577
decedent or in the name of the decedent and another person or 136578
persons, or to which the decedent had a right of access, except 136579
when such safe deposit box or other receptacle stands in the name 136580
of a corporation or partnership, or in the name of the decedent as 136581
guardian or executor, shall deliver any of the contents thereof 136582
unless the safe deposit box or similar receptacle has been opened 136583
and inventoried in the presence of the tax commissioner or the 136584
commissioner's agent, and a written consent to transfer issued; 136585
provided, however, that a safe deposit company, financial 136586
institution, or other corporation or person having possession or 136587
control of a safe deposit box may deliver wills, deeds to burial 136588
lots, and insurance policies to a representative of the decedent, 136589
but that a representative of the safe deposit company, financial 136590
institution, or other corporation or person must supervise the 136591

opening of the box and make a written record of the wills, deeds, 136592
and policies removed. Such written record shall be included in the 136593
tax commissioner's inventory records. 136594

(G) Notwithstanding any provision of this section: 136595

(1) The tax commissioner may authorize any delivery or 136596
transfer or waive any of the foregoing requirements under such 136597
terms and conditions as the commissioner may prescribe; 136598

(2) A home, as defined in section 3721.10 of the Revised 136599
Code, or a residential facility licensed under section ~~5119.22~~ 136600
5119.34 of the Revised Code that provides accommodations, 136601
supervision, and personal care services for three to sixteen 136602
unrelated adults, may transfer or use the money in a personal 136603
needs allowance account in accordance with section ~~5111.113~~ 136604
5162.22 of the Revised Code without the written consent of the tax 136605
commissioner, and without the account having been opened and 136606
inventoried in the presence of the commissioner or the 136607
commissioner's agent. 136608

Failure to comply with this section shall render such safe 136609
deposit company, trust company, life insurance company, financial 136610
institution as defined in division (A) of section 5725.01 of the 136611
Revised Code, or other corporation or person liable for the amount 136612
of the taxes and interest due under the provisions of Chapter 136613
5731. of the Revised Code on the transfer of such stock, deposit, 136614
proceeds of an annuity or matured endowment contract or of a life 136615
insurance contract payable to the estate of a decedent, or other 136616
insurance contract taxable under Chapter 5731. of the Revised 136617
Code, proceeds of any death benefit, retirement, pension, or 136618
profit-sharing plan in excess of two thousand dollars, or 136619
securities, assets, or other property of any resident decedent, 136620
and in addition thereto, to a penalty of not less than five 136621
hundred or more than five thousand dollars. 136622

Sec. 5733.01. (A) The tax provided by this chapter for 136623
domestic corporations shall be the amount charged against each 136624
corporation organized for profit under the laws of this state and 136625
each nonprofit corporation organized pursuant to Chapter 1729. of 136626
the Revised Code, except as provided in sections 5733.09 and 136627
5733.10 of the Revised Code, for the privilege of exercising its 136628
franchise during the calendar year in which that amount is 136629
payable, and the tax provided by this chapter for foreign 136630
corporations shall be the amount charged against each corporation 136631
organized for profit and each nonprofit corporation organized or 136632
operating in the same or similar manner as nonprofit corporations 136633
organized under Chapter 1729. of the Revised Code, under the laws 136634
of any state or country other than this state, except as provided 136635
in sections 5733.09 and 5733.10 of the Revised Code, for the 136636
privilege of doing business in this state, owning or using a part 136637
or all of its capital or property in this state, holding a 136638
certificate of compliance with the laws of this state authorizing 136639
it to do business in this state, or otherwise having nexus in or 136640
with this state under the Constitution of the United States, 136641
during the calendar year in which that amount is payable. 136642

(B) A corporation is subject to the tax imposed by section 136643
5733.06 of the Revised Code for each calendar year prior to 2014 136644
that it is so organized, doing business, owning or using a part or 136645
all of its capital or property, holding a certificate of 136646
compliance, or otherwise having nexus in or with this state under 136647
the Constitution of the United States, on the first day of January 136648
of that calendar year. No credit authorized by this chapter may be 136649
claimed for tax year 2014 or any tax year thereafter. 136650

(C) Any corporation subject to this chapter that is not 136651
subject to the federal income tax shall file its returns and 136652
compute its tax liability as required by this chapter in the same 136653
manner as if that corporation were subject to the federal income 136654

tax. 136655

(D) For purposes of this chapter, a federally chartered 136656
financial institution shall be deemed to be organized under the 136657
laws of the state within which its principal office is located. 136658

(E) For purposes of this chapter, any person, as defined in 136659
section 5701.01 of the Revised Code, shall be treated as a 136660
corporation if the person is classified for federal income tax 136661
purposes as an association taxable as a corporation, and an equity 136662
interest in the person shall be treated as capital stock of the 136663
person. 136664

(F) For the purposes of this chapter, "disregarded entity" 136665
has the same meaning as in division (D) of section 5745.01 of the 136666
Revised Code. 136667

(1) A person's interest in a disregarded entity, whether held 136668
directly or indirectly, shall be treated as the person's ownership 136669
of the assets and liabilities of the disregarded entity, and the 136670
income, including gain or loss, shall be included in the person's 136671
net income under this chapter. 136672

(2) Any sale, exchange, or other disposition of the person's 136673
interest in the disregarded entity, whether held directly or 136674
indirectly, shall be treated as a sale, exchange, or other 136675
disposition of the person's share of the disregarded entity's 136676
underlying assets or liabilities, and the gain or loss from such 136677
sale, exchange, or disposition shall be included in the person's 136678
net income under this chapter. 136679

(3) The disregarded entity's payroll, property, and sales 136680
factors shall be included in the person's factors. 136681

(G) The tax a corporation is required to pay under this 136682
chapter shall be as follows: 136683

(1)(a) For financial institutions, the greater of the minimum 136684

payment required under division (E) of section 5733.06 of the Revised Code or the difference between all taxes charged the financial institution under this chapter, without regard to division (G)(2) of this section, less any credits allowable against such tax.

(b) A corporation satisfying the description in division (E)(5), (6), (7), (8), or (10) of section 5751.01 of the Revised Code, as that section existed before its amendment by H.B. 510 of the 129th general assembly, that is not a financial institution, insurance company, or dealer in intangibles is subject to the taxes imposed under this chapter as a corporation and not subject to tax as a financial institution, and shall pay the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all the taxes charged under this chapter, without regard to division (G)(2) of this section, less any credits allowable against such tax.

(2) For all corporations other than those persons described in division (G)(1)(a) or (b) of this section, the amount under division (G)(2)(a) of this section applicable to the tax year specified less the amount under division (G)(2)(b) of this section:

(a)(i) For tax year 2005, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax;

(ii) For tax year 2006, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or four-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A)(30) and the refundable credits described in divisions (A)(31) to (35) of section 5733.98 of the Revised

Code;	136717
(iii) For tax year 2007, the greater of the minimum payment	136718
required under division (E) of section 5733.06 of the Revised Code	136719
or three-fifths of the difference between all taxes charged the	136720
corporation under this chapter and any credits allowable against	136721
such tax, except the qualifying pass-through entity tax credit	136722
described in division (A)(30) and the refundable credits described	136723
in divisions (A)(31) to (35) of section 5733.98 of the Revised	136724
Code;	136725
(iv) For tax year 2008, the greater of the minimum payment	136726
required under division (E) of section 5733.06 of the Revised Code	136727
or two-fifths of the difference between all taxes charged the	136728
corporation under this chapter and any credits allowable against	136729
such tax, except the qualifying pass-through entity tax credit	136730
described in division (A)(30) and the refundable credits described	136731
in divisions (A)(31) to (35) of section 5733.98 of the Revised	136732
Code;	136733
(v) For tax year 2009, the greater of the minimum payment	136734
required under division (E) of section 5733.06 of the Revised Code	136735
or one-fifth of the difference between all taxes charged the	136736
corporation under this chapter and any credits allowable against	136737
such tax, except the qualifying pass-through entity tax credit	136738
described in division (A)(30) and the refundable credits described	136739
in divisions (A)(31), (32), (33), and (34) of section 5733.98 of	136740
the Revised Code;	136741
(vi) For tax year 2010 and each tax year thereafter, no tax.	136742
(b) A corporation shall subtract from the amount calculated	136743
under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section	136744
any qualifying pass-through entity tax credit described in	136745
division (A)(30) and any refundable credits described in divisions	136746
(A)(31) to (35) of section 5733.98 of the Revised Code to which	136747

the corporation is entitled. Any unused qualifying pass-through 136748
entity tax credit is not refundable. 136749

(c) For the purposes of computing the amount of a credit that 136750
may be carried forward to a subsequent tax year under division 136751
(G)(2) of this section, a credit is utilized against the tax for a 136752
tax year to the extent the credit applies against the tax for that 136753
tax year, even if the difference is then multiplied by the 136754
applicable fraction under division (G)(2)(a) of this section. 136755

(d) References in division (G)(2) of this section to section 136756
5733.98 of the Revised Code is to that section before its 136757
amendment by H.B. 59 of the 130th general assembly. 136758

(3) Nothing in division (G) of this section eliminates or 136759
reduces the tax imposed by section 5733.41 of the Revised Code on 136760
a qualifying pass-through entity. 136761

Sec. 5733.06. For tax years prior to tax year 2014, the tax 136762
hereby charged each corporation subject to this chapter shall be 136763
the greater of the sum of divisions (A) and (B) of this section, 136764
after the reduction, if any, provided by division (J) of this 136765
section, or division (C) of this section, after the reduction, if 136766
any, provided by division (J) of this section, except that the tax 136767
hereby charged each financial institution subject to this chapter 136768
shall be the amount computed under division (D) of this section: 136769

(A) Except as set forth in division (F) of this section, five 136770
and one-tenth per cent upon the first fifty thousand dollars of 136771
the value of the taxpayer's issued and outstanding shares of stock 136772
as determined under division (B) of section 5733.05 of the Revised 136773
Code; 136774

(B) Except as set forth in division (F) of this section, 136775
eight and one-half per cent upon the value so determined in excess 136776
of fifty thousand dollars; or 136777

(C)(1) Except as otherwise provided under division (G) of this section, four mills times that portion of the value of the issued and outstanding shares of stock as determined under division (C) of section 5733.05 of the Revised Code. For the purposes of division (C) of this section, division (C)(2) of section 5733.065, and division (C) of section 5733.066 of the Revised Code, the value of the issued and outstanding shares of stock of an eligible corporation for tax year 2003 through tax year 2007, or of a qualifying holding company, is zero.

(2) As used in division (C) of this section, "eligible corporation" means a person treated as a corporation for federal income tax purposes that meets all of the following criteria:

(a) The corporation conducts business for an entire taxable year as a qualified trade or business as defined by division (C) of section 122.15 of the Revised Code, as that section existed before its repeal by H.B. 59 of the 130th general assembly.

(b) The corporation uses more than fifty per cent of the corporation's assets, based on net book value, that are located in Ohio solely to conduct activities that constitute a qualified trade or business as defined by section 122.15 of the Revised Code, as that section existed before its repeal by H.B. 59 of the 130th general assembly.

(c) The corporation has been formed or organized not more than three years before the report required to be filed by section 5733.02 of the Revised Code is due, without regard to any extensions.

(d) The corporation is not a related member, as defined in section 5733.042 of the Revised Code, at any time during the taxable year with respect to another person treated as a corporation for federal income tax purposes. A corporation is not a related member if during the entire taxable year at least

seventy-five per cent of the corporation's stock is owned directly 136809
or through a pass-through entity by individuals, estates, and 136810
grantor trusts, and the individuals, estates, and grantor trusts 136811
do not directly or indirectly own more than twenty per cent of the 136812
value of another person treated as a corporation for federal 136813
income tax purposes that is conducting a qualified trade or 136814
business. 136815

(D) The tax charged each financial institution subject to 136816
this chapter shall be that portion of the value of the issued and 136817
outstanding shares of stock as determined under division (A) of 136818
section 5733.05 of the Revised Code, multiplied by the following 136819
amounts: 136820

(1) For tax years prior to the 1999 tax year, fifteen mills; 136821

(2) For the 1999 tax year, fourteen mills; 136822

(3) For tax year 2000 and thereafter, thirteen mills. 136823

(E) No tax shall be charged from any corporation that has 136824
been adjudicated bankrupt, or for which a receiver has been 136825
appointed, or that has made a general assignment for the benefit 136826
of creditors, except for the portion of the then current tax year 136827
during which the tax commissioner finds such corporation had the 136828
power to exercise its corporate franchise unimpaired by such 136829
proceedings or act. The minimum payment for each corporation shall 136830
be as follows: 136831

(1) One thousand dollars in the case of a corporation having 136832
gross receipts for the taxable year equal to at least five million 136833
dollars from activities within or outside this state or in the 136834
case of a corporation employing at least three hundred employees 136835
at some time during the taxable year within or outside this state; 136836

(2) Fifty dollars in the case of any other corporation. 136837

The tax charged to corporations under this chapter for the 136838

privilege of engaging in business in this state, which is an 136839
excise tax levied on the value of the issued and outstanding 136840
shares of stock, shall in no manner be construed as prohibiting or 136841
otherwise limiting the powers of municipal corporations, joint 136842
economic development zones created under section 715.691 of the 136843
Revised Code, and joint economic development districts created 136844
under section 715.70 or 715.71 or sections 715.72 to 715.81 of the 136845
Revised Code in this state to impose an income tax on the income 136846
of such corporations. 136847

(F) If two or more taxpayers satisfy the ownership or control 136848
requirements of division (A) of section 5733.052 of the Revised 136849
Code, each such taxpayer shall substitute "the taxpayer's pro-rata 136850
amount" for "fifty thousand dollars" in divisions (A) and (B) of 136851
this section. For purposes of this division, "the taxpayer's 136852
pro-rata amount" is an amount that, when added to the other such 136853
taxpayers' pro-rata amounts, does not exceed fifty thousand 136854
dollars. For the purpose of making that computation, the 136855
taxpayer's pro-rata amount shall not be less than zero. Nothing in 136856
this division derogates from or eliminates the requirement to make 136857
the alternative computation of tax under division (C) of this 136858
section. 136859

(G) The tax liability of any corporation under division (C) 136860
of this section shall not exceed one hundred fifty thousand 136861
dollars. 136862

(H)(1) For the purposes of division (H) of this section, 136863
"exiting corporation" means a corporation that satisfies all of 136864
the following conditions: 136865

(a) The corporation had nexus with or in this state under the 136866
Constitution of the United States during any portion of a calendar 136867
year; 136868

(b) The corporation was not a corporation described in 136869

division (A) of section 5733.01 of the Revised Code on the first 136870
day of January immediately following that calendar year; 136871

(c) The corporation was not a financial institution on the 136872
first day of January immediately following that calendar year; 136873

(d) If the corporation was a transferor as defined in section 136874
5733.053 of the Revised Code, the corporation's transferee was not 136875
required to add to the transferee's net income the income of the 136876
transferor pursuant to division (B) of that section; 136877

(e) During any portion of that calendar year, or any portion 136878
of the immediately preceding calendar year, the corporation had 136879
net income that was not included in a report filed by the 136880
corporation or its transferee pursuant to section 5733.02, 136881
5733.021, 5733.03, 5733.031, or 5733.053 of the Revised Code; 136882

(f) The corporation would have been subject to the tax 136883
computed under divisions (A), (B), (C), (F), and (G) of this 136884
section if the corporation is assumed to be a corporation 136885
described in division (A) of section 5733.01 of the Revised Code 136886
on the first day of January immediately following the calendar 136887
year to which division (H)(1)(a) of this section refers. 136888

(2) For the purposes of division (H) of this section, 136889
"unreported net income" means net income that was not previously 136890
included in a report filed pursuant to section 5733.02, 5733.021, 136891
5733.03, 5733.031, or 5733.053 of the Revised Code and that was 136892
realized or recognized during the calendar year to which division 136893
(H)(1) of this section refers or the immediately preceding 136894
calendar year. 136895

(3) Each exiting corporation shall pay a tax computed by 136896
first allocating and apportioning the unreported net income 136897
pursuant to division (B) of section 5733.05 and section 5733.051 136898
and, if applicable, section 5733.052 of the Revised Code. The 136899
exiting corporation then shall compute the tax due on its 136900

unreported net income allocated and apportioned to this state by 136901
applying divisions (A), (B), and (F) of this section to that 136902
income. 136903

(4) Divisions (C) and (G) of this section, division (D)(2) of 136904
section 5733.065, and division (C) of section 5733.066 of the 136905
Revised Code do not apply to an exiting corporation, but exiting 136906
corporations are subject to every other provision of this chapter. 136907

(5) Notwithstanding division (B) of section 5733.01 or 136908
sections 5733.02, 5733.021, and 5733.03 of the Revised Code to the 136909
contrary, each exiting corporation shall report and pay the tax 136910
due under division (H) of this section on or before the 136911
thirty-first day of May immediately following the calendar year to 136912
which division (H)(1)(a) of this section refers. The exiting 136913
corporation shall file that report on the form most recently 136914
prescribed by the tax commissioner for the purposes of complying 136915
with sections 5733.02 and 5733.03 of the Revised Code. Upon 136916
request by the corporation, the tax commissioner may extend the 136917
date for filing the report. 136918

(6) If, on account of the application of section 5733.053 of 136919
the Revised Code, net income is subject to the tax imposed by 136920
divisions (A) and (B) of this section, such income shall not be 136921
subject to the tax imposed by division (H)(3) of this section. 136922

(7) The amendments made to division (H) of this section by 136923
Am. Sub. S.B. 287 of the 123rd general assembly do not apply to 136924
any transfer, as defined in section 5733.053 of the Revised Code, 136925
for which negotiations began prior to January 1, 2001, and that 136926
was commenced in and completed during calendar year 2001, unless 136927
the taxpayer makes an election prior to December 31, 2001, to 136928
apply those amendments. 136929

(8) The tax commissioner may adopt rules governing division 136930
(H) of this section. 136931

(I) Any reference in the Revised Code to "the tax imposed by section 5733.06 of the Revised Code" or "the tax due under section 5733.06 of the Revised Code" includes the taxes imposed under sections 5733.065 and 5733.066 of the Revised Code.

(J)(1) Division (J) of this section applies solely to a combined company. Section 5733.057 of the Revised Code shall apply when calculating the adjustments required by division (J) of this section.

(2) Subject to division (J)(4) of this section, the total tax calculated in divisions (A) and (B) of this section shall be reduced by an amount calculated by multiplying such tax by a fraction, the numerator of which is the total taxable gross receipts attributed to providing public utility activity other than as an electric company under section 5727.03 of the Revised Code for the year upon which the taxable gross receipts are measured immediately preceding the tax year, and the denominator of which is the total gross receipts from all sources for the year upon which the taxable gross receipts are measured immediately preceding the tax year. Nothing herein shall be construed to exclude from the denominator any item of income described in section 5733.051 of the Revised Code.

(3) Subject to division (J)(4) of this section, the total tax calculated in division (C) of this section shall be reduced by an amount calculated by multiplying such tax by the fraction described in division (J)(2) of this section.

(4) In no event shall the reduction provided by division (J)(2) or (J)(3) of this section exceed the amount of the excise tax paid in accordance with section 5727.38 of the Revised Code, for the year upon which the taxable gross receipts are measured immediately preceding the tax year.

Sec. 5733.11. (A) If any corporation required to file a

report under this chapter fails to file the report within the time 136963
prescribed, files an incorrect report, or fails to remit the full 136964
amount of the tax due for the period covered by the report, the 136965
tax commissioner may make an assessment against the corporation 136966
for any deficiency for the period for which the report or tax is 136967
due, based upon any information in the commissioner's possession. 136968

No assessment shall be made or issued against a corporation 136969
more than three years after the later of the final date the report 136970
subject to assessment was required to be filed or the date the 136971
report was filed. Such time limit may be extended if both the 136972
corporation and the commissioner consent in writing to the 136973
extension or if an agreement waiving or extending the time limit 136974
has been entered into pursuant to section 122.171 of the Revised 136975
Code. Any such extension shall extend the three-year time limit in 136976
division (B) of section 5733.12 of the Revised Code for the same 136977
period of time. There shall be no bar or limit to an assessment 136978
against a corporation that fails to file a report subject to 136979
assessment as required by this chapter, or that files a fraudulent 136980
report. 136981

The commissioner shall give the corporation assessed written 136982
notice of the assessment in the manner provided in section 5703.37 136983
of the Revised Code. With the notice, the commissioner shall 136984
provide instructions on how to petition for reassessment and 136985
request a hearing on the petition. 136986

(B) Unless the corporation assessed files with the tax 136987
commissioner within sixty days after service of the notice of 136988
assessment, either personally or by certified mail, a written 136989
petition for reassessment, signed by the ~~corporations~~ 136990
corporation's authorized agent having knowledge of the facts, ⁷ the 136991
assessment becomes final, and the amount of the assessment is due 136992
and payable from the corporation assessed to the treasurer of 136993
state. The petition shall indicate the corporation's objections, 136994

but additional objections may be raised in writing if received by 136995
the commissioner prior to the date shown on the final 136996
determination. If the petition has been properly filed, the 136997
commissioner shall proceed under section 5703.60 of the Revised 136998
Code. 136999

(C) After an assessment becomes final, if any portion of the 137000
assessment remains unpaid, including accrued interest, a certified 137001
copy of the tax commissioner's entry making the assessment final 137002
may be filed in the office of the clerk of the court of common 137003
pleas in the county in which the corporation has an office or 137004
place of business in this state, the county in which the 137005
corporation's statutory agent is located, or Franklin county. 137006

Immediately upon the filing of the entry, the clerk shall 137007
enter a judgment against the corporation assessed in the amount 137008
shown on the entry. The judgment may be filed by the clerk in a 137009
loose-leaf book entitled "special judgments for state corporate 137010
franchise and litter taxes," and shall have the same effect as 137011
other judgments. Execution shall issue upon the judgment upon the 137012
request of the tax commissioner, and all laws applicable to sales 137013
on execution shall apply to sales made under the judgment. 137014

~~The portion of an~~ If the assessment is not paid within sixty 137015
days after the day the assessment was issued, the portion of the 137016
assessment consisting of tax due shall bear interest at the rate 137017
per annum prescribed by section 5703.47 of the Revised Code from 137018
the day the tax commissioner issues the assessment until the 137019
assessment is paid or until it is certified to the attorney 137020
general for collection under section 131.02 of the Revised Code, 137021
whichever comes first. If the unpaid portion of the assessment is 137022
certified to the attorney general for collection, the entire 137023
unpaid portion of the assessment shall bear interest at the rate 137024
per annum prescribed by section 5703.47 of the Revised Code from 137025
the date of certification until the date it is paid in its 137026

entirety. Interest shall be paid in the same manner as the tax and 137027
may be collected by issuing an assessment under this section. 137028

(D) All money collected under this section shall be 137029
considered as revenue arising from the taxes imposed by this 137030
chapter. 137031

(E) The portion of an assessment that must be paid upon the 137032
filing of a petition for reassessment shall be as follows: 137033

(1) If the sole item objected to is the assessed penalty or 137034
interest, payment of the assessment, including interest but not 137035
penalty, is required; 137036

(2) If the corporation assessed failed to file, prior to the 137037
date of issuance of the assessment, the annual report required by 137038
section 5733.02 of the Revised Code, any amended report required 137039
by division (C) of section 5733.031 of the Revised Code for the 137040
tax year at issue, or any amended report required by division (D) 137041
of section 5733.067 of the Revised Code to indicate a reduction in 137042
the amount of the credit provided under that section, payment of 137043
the assessment, including interest but not penalty, is required; 137044

(3) If the corporation assessed filed, prior to the date of 137045
issuance of the assessment, the annual report required by section 137046
5733.02 of the Revised Code, all amended reports required by 137047
division (C) of section 5733.031 of the Revised Code for the tax 137048
year at issue, and all amended reports required by division (D) of 137049
section 5733.067 of the Revised Code to indicate a reduction in 137050
the amount of the credit provided under that section, and a 137051
balance of the taxes shown due on the reports as computed on the 137052
reports remains unpaid, payment of only that portion of the 137053
assessment representing the unpaid balance of tax and interest is 137054
required; 137055

(4) If the corporation assessed does not dispute that it is a 137056
taxpayer but claims the protections of section 101 of Public Law 137057

86-272, 73 Stat. 555, 15 U.S.C.A. 381, as amended, payment of only 137058
that portion of the assessment representing any balance of taxes 137059
shown due on the corporation's annual report required by section 137060
5733.02 of the Revised Code, as computed on the report, that 137061
remains unpaid, and that represents taxes imposed by division (C) 137062
of section 5733.06, division (C)(2) of section 5733.065, and 137063
division (C) of section 5733.066 of the Revised Code, together 137064
with all related interest, is required; 137065

(5) If none of the conditions specified in divisions (E)(1) 137066
to (4) of this section apply, or if the corporation assessed 137067
disputes that it is a taxpayer, no payment is required. 137068

(F) Notwithstanding the fact that a petition for reassessment 137069
is pending, the corporation may pay all or a portion of the 137070
assessment that is the subject of the petition. The acceptance of 137071
a payment by the treasurer of state does not prejudice any claim 137072
for refund upon final determination of the petition. 137073

If upon final determination of the petition an error in the 137074
assessment is corrected by the tax commissioner, upon petition so 137075
filed or pursuant to a decision of the board of tax appeals or any 137076
court to which the determination or decision has been appealed, so 137077
that the amount due from the corporation under the corrected 137078
assessment is less than the portion paid, there shall be issued to 137079
the corporation, its assigns, or legal representative a refund in 137080
the amount of the overpayment as provided by section 5733.12 of 137081
the Revised Code, with interest on that amount as provided by 137082
section 5733.26 of the Revised Code, subject to section 5733.121 137083
of the Revised Code. 137084

Sec. 5733.55. (A) As used in this section: 137085

(1) "9-1-1 system" has the same meaning as in section ~~5507.01~~ 137086
128.01 of the Revised Code. 137087

(2) "Nonrecurring 9-1-1 charges" means nonrecurring charges approved by the public utilities commission for the telephone network portion of a 9-1-1 system pursuant to section ~~5507.18~~ 128.18 of the Revised Code.

(3) "Eligible nonrecurring 9-1-1 charges" means all nonrecurring 9-1-1 charges for a 9-1-1 system except both of the following:

(a) Charges for a system that was not established pursuant to a plan adopted under section ~~5507.08~~ 128.08 of the Revised Code or an agreement under section ~~5507.09~~ 128.09 of the Revised Code;

(b) Charges for that part of a system established pursuant to such a plan or agreement that are excluded from the credit by division (C)(2) of section ~~5507.18~~ 128.18 of the Revised Code.

(4) "Telephone company" has the same meaning as in section 5727.01 of the Revised Code.

(B) Beginning in tax year 2005, a telephone company shall be allowed a nonrefundable credit against the tax imposed by section 5733.06 of the Revised Code equal to the amount of its eligible nonrecurring 9-1-1 charges. The credit shall be claimed for the company's taxable year that covers the period in which the 9-1-1 service for which the credit is claimed becomes available for use. The credit shall be claimed in the order required by section 5733.98 of the Revised Code. If the credit exceeds the total taxes due under section 5733.06 of the Revised Code for the tax year, the tax commissioner shall credit the excess against taxes due under that section for succeeding tax years until the full amount of the credit is granted.

(C) After the last day a return, with any extensions, may be filed by any telephone company that is eligible to claim a credit under this section, the commissioner shall determine whether the sum of the credits allowed for prior tax years commencing with tax

year 2005 plus the sum of the credits claimed for the current tax 137119
year exceeds fifteen million dollars. If it does, the credits 137120
allowed under this section for the current tax year shall be 137121
reduced by a uniform percentage such that the sum of the credits 137122
allowed for the current tax year do not exceed fifteen million 137123
dollars claimed by all telephone companies for all tax years. 137124
Thereafter, no credit shall be granted under this section, except 137125
for the remaining portions of any credits allowed under division 137126
(B) of this section. 137127

(D) A telephone company that is entitled to carry forward a 137128
credit against its public utility excise tax liability under 137129
section 5727.39 of the Revised Code is entitled to carry forward 137130
any amount of that credit remaining after its last public utility 137131
excise tax payment for the period of July 1, 2003, through June 137132
30, 2004, and claim that amount as a credit against its 137133
corporation franchise tax liability under this section. Nothing in 137134
this section authorizes a telephone company to claim a credit 137135
under this section for any eligible nonrecurring 9-1-1 charges for 137136
which it has already claimed a credit under this section or 137137
section 5727.39 of the Revised Code. 137138

Sec. 5733.58. (A) Terms used in this section have the same 137139
meaning as in section 5725.33 of the Revised Code. 137140

(B) There is hereby allowed a nonrefundable credit against 137141
the tax imposed by section 5733.06 of the Revised Code for a 137142
financial institution holding a qualified equity investment on the 137143
credit allowance date occurring in the calendar year immediately 137144
preceding the tax year for which the tax is due. The credit shall 137145
be computed in the same manner prescribed for the computation of 137146
credits allowed under section 5725.33 of the Revised Code. 137147

By claiming a tax credit under this section, a financial 137148
institution waives its rights under section 5733.11 of the Revised 137149

Code with respect to the time limitation for the assessment of 137150
taxes as it relates to credits claimed that later become subject 137151
to recapture under division (D) of this section. 137152

The credit shall be claimed in the order prescribed by 137153
section 5733.98 of the Revised Code. If the amount of the credit 137154
exceeds the amount of tax otherwise due after deducting all other 137155
credits in that order, the excess may be carried forward and 137156
applied to the tax due for not more than four ensuing tax years. 137157

(C) The total amount of qualified equity investments on the 137158
basis of which credits may be claimed under this section and 137159
sections 5725.33 and 5729.16 of the Revised Code is subject to the 137160
limitation of division (C) of section 5725.33 of the Revised Code. 137161

(D) If any amount of ~~the~~ a federal tax credit allowed for a 137162
qualified equity investment for which a credit was received under 137163
this section is recaptured under section 45D of the Internal 137164
Revenue Code, or if the director of development services 137165
determines that an investment for which a tax credit is claimed 137166
under this section is not a qualified equity investment or that 137167
the proceeds of an investment for which a tax credit is claimed 137168
under this section are used to make qualified low-income community 137169
investments other than in a qualified active low-income community 137170
business, all or a portion of the credit received on account of 137171
that investment shall be paid by the financial institution that 137172
received the credit to the tax commissioner. The amount to be 137173
recovered shall be determined by the director of development 137174
services pursuant to rules adopted under section 5725.33 of the 137175
Revised Code. The director shall certify any amount due under this 137176
division to the tax commissioner, and the commissioner shall 137177
notify the financial institution of the amount due. The amount due 137178
is payable not later than thirty days after the day the 137179
commissioner issues the notice. The amount due shall be considered 137180
to be tax due under section 5733.06 of the Revised Code, and may 137181

be collected by assessment without regard to the limitations 137182
imposed under section 5733.11 of the Revised Code for the 137183
assessment of taxes by the commissioner. All amounts collected 137184
under this division shall be credited as revenue from the tax 137185
levied under section 5733.06 of the Revised Code. 137186

Sec. 5733.98. (A) To provide a uniform procedure for 137187
calculating the amount of tax imposed by section 5733.06 of the 137188
Revised Code that is due under this chapter, a taxpayer shall 137189
claim any credits to which it is entitled in the following order, 137190
except as otherwise provided in section 5733.058 of the Revised 137191
Code: 137192

(1) For tax year 2005, the credit for taxes paid by a 137193
qualifying pass-through entity allowed under section 5733.0611 of 137194
the Revised Code; 137195

(2) The credit allowed for financial institutions under 137196
section 5733.45 of the Revised Code; 137197

(3) The credit for qualifying affiliated groups under section 137198
5733.068 of the Revised Code; 137199

(4) The subsidiary corporation credit under section 5733.067 137200
of the Revised Code; 137201

(5) The savings and loan assessment credit under section 137202
5733.063 of the Revised Code; 137203

(6) The credit for recycling and litter prevention donations 137204
under section 5733.064 of the Revised Code; 137205

(7) The credit for employers that enter into agreements with 137206
child day-care centers under section 5733.36 of the Revised Code; 137207

(8) The credit for employers that reimburse employee child 137208
care expenses under section 5733.38 of the Revised Code; 137209

(9) The credit for maintaining railroad active grade crossing 137210

warning devices under section 5733.43 of the Revised Code;	137211
(10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	137212 137213
(11) The nonrefundable job retention credit under division (B) of section 5733.0610 of the Revised Code;	137214 137215
(12) The credit for tax years 2008 and 2009 for selling alternative fuel under section 5733.48 of the Revised Code;	137216 137217
(13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	137218 137219
(14) The job training credit under section 5733.42 of the Revised Code;	137220 137221
(15) The credit for qualified research expenses under section 5733.351 of the Revised Code;	137222 137223
(16) The enterprise zone credit under section 5709.66 of the Revised Code;	137224 137225
(17) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	137226 137227
(18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	137228 137229
(19) The ethanol plant investment credit under section 5733.46 of the Revised Code;	137230 137231
(20) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	137232 137233
(21) The export sales credit under section 5733.069 of the Revised Code;	137234 137235
(22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	137236 137237
(23) The enterprise zone credits under section 5709.65 of the Revised Code;	137238 137239

(24) <u>(23)</u> The credit for using Ohio coal under section 5733.39 of the Revised Code;	137240 137241
(25) <u>(24)</u> The credit for purchases of qualified low-income community investments under section 5733.58 of the Revised Code;	137242 137243
(26) <u>(25)</u> The credit for small telephone companies under section 5733.57 of the Revised Code;	137244 137245
(27) <u>(26)</u> The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	137246 137247
(28) <u>(27)</u> For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code;	137248 137249 137250
(29) <u>(28)</u> The research and development credit under section 5733.352 of the Revised Code;	137251 137252
(30) <u>(29)</u> For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	137253 137254 137255
(31) <u>(30)</u> The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	137256 137257
(32) <u>(31)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5733.0610 of the Revised Code;	137258 137259 137260
(33) <u>(32)</u> The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	137261 137262
(34) <u>(33)</u> The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	137263 137264 137265
(35) <u>(34)</u> For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code;	137266 137267 137268

~~(36)~~(35) The refundable motion picture production credit 137269
under section 5733.59 of the Revised Code. 137270

(B) For any credit except the refundable credits enumerated 137271
in this section, the amount of the credit for a tax year shall not 137272
exceed the tax due after allowing for any other credit that 137273
precedes it in the order required under this section. Any excess 137274
amount of a particular credit may be carried forward if authorized 137275
under the section creating that credit. 137276

Sec. 5735.012. Amounts With respect to liquid motor fuel 137277
other than liquid natural gas, amounts of motor fuel reported 137278
under this chapter shall be measured in gross gallons, except that 137279
amounts reported for terminal to terminal transactions shall be 137280
measured in net gallons and amounts reported for terminal to Ohio 137281
licensed dealer transactions shall be measured in both net gallons 137282
and gross gallons. Amounts of liquid natural gas shall be measured 137283
in gallon equivalents as described in section 5735.013 of the 137284
Revised Code. 137285

Sec. 5735.013. For the purposes of this chapter, if the 137286
national conference on weights and measures has adopted a diesel 137287
gallon equivalent standard for liquid natural gas, that standard 137288
shall be the equivalent of one gallon of motor fuel. If the 137289
national conference on weights and measures has not adopted such a 137290
standard, six and six one-hundredths pounds of liquid natural gas 137291
shall be the equivalent of one gallon of motor fuel. 137292

Sec. 5735.12. (A) Any motor fuel dealer required by this 137293
chapter to file reports and pay the tax levied by this chapter who 137294
fails to file the report within the time prescribed, may be liable 137295
for an additional charge not exceeding the greater of ten per cent 137296
of the motor fuel dealer's tax liability for that month or fifty 137297
dollars. The tax commissioner may remit all or a portion of the 137298

additional charge and may adopt rules relating to the remission of 137299
all or a portion of the charge. 137300

If any person required by this chapter to file reports and 137301
pay the taxes, interest, or additional charge levied by this 137302
chapter fails to file the report, files an incomplete or incorrect 137303
report, or fails to remit the full amount of the tax, interest, or 137304
additional charge due for the period covered by the report, the 137305
commissioner may make an assessment against the person based upon 137306
any information in the commissioner's possession. 137307

No assessment shall be made against any motor fuel dealer for 137308
taxes imposed by this chapter more than four years after the date 137309
on which the report on which the assessment was based was due or 137310
was filed, whichever is later. This section does not bar an 137311
assessment against any motor fuel dealer who fails to file a 137312
report required by section 5735.06 of the Revised Code, or who 137313
files a fraudulent motor fuel tax report. 137314

A penalty of up to fifteen per cent may be added to the 137315
amount of every assessment made under this section. The 137316
commissioner may adopt rules providing for the imposition and 137317
remission of penalties added to assessments made under this 137318
section. 137319

The commissioner shall give the party assessed written notice 137320
of the assessment in the manner provided in section 5703.37 of the 137321
Revised Code. With the notice, the commissioner shall provide 137322
instructions on how to petition for reassessment and request a 137323
hearing on the petition. 137324

(B) Unless the party assessed files with the tax commissioner 137325
within sixty days after service of the notice of assessment, 137326
either personally or by certified mail, a written petition for 137327
reassessment in writing, signed by the party assessed or that 137328
party's authorized agent having knowledge of the facts, the 137329

assessment becomes final and the amount of the assessment is due 137330
and payable from the party assessed to the treasurer of state. The 137331
petition shall indicate the objections of the party assessed, but 137332
additional objections may be raised in writing if received by the 137333
commissioner prior to the date shown on the final determination. 137334
If the petition has been properly filed, the commissioner shall 137335
proceed under section 5703.60 of the Revised Code. 137336

(C) After an assessment becomes final, if any portion of the 137337
assessment remains unpaid, including accrued interest, a certified 137338
copy of the tax commissioner's entry making the assessment final 137339
may be filed in the office of the clerk of the court of common 137340
pleas in the county in which the party assessed resides or in 137341
which the business of the party assessed is conducted. If the 137342
party assessed maintains no place of business in this state and is 137343
not a resident of this state, the certified copy of the entry may 137344
be filed in the office of the clerk of the court of common pleas 137345
of Franklin county. 137346

Immediately upon the filing of the entry, the clerk shall 137347
enter a judgment for the state against the party assessed in the 137348
amount shown on the entry. The judgment may be filed by the clerk 137349
in a loose-leaf book entitled "special judgments for state motor 137350
fuel tax," and shall have the same effect as other judgments. 137351
Execution shall issue upon the judgment upon the request of the 137352
tax commissioner, and all laws applicable to sales on execution 137353
shall apply to sales made under the judgment. 137354

~~The portion of~~ If the assessment is not paid in its entirety 137355
within sixty days after the day the assessment was issued, the 137356
portion of the assessment consisting of tax due shall bear 137357
interest at the rate per annum prescribed by section 5703.47 of 137358
the Revised Code from the day the commissioner issues the 137359
assessment until it is paid or until it is certified to the 137360
attorney general for collection under section 131.02 of the 137361

Revised Code, whichever comes first. If the unpaid portion of the 137362
assessment is certified to the attorney general for collection, 137363
the entire unpaid portion of the assessment shall bear interest at 137364
the rate per annum prescribed by section 5703.47 of the Revised 137365
Code from the date of certification until the date it is paid in 137366
its entirety. Interest shall be paid in the same manner as the tax 137367
and may be collected by the issuance of an assessment under this 137368
section. 137369

(D) All money collected by the tax commissioner under this 137370
section shall be paid to the treasurer of state, and when paid 137371
shall be considered as revenue arising from the tax imposed by 137372
this chapter. 137373

(E) If the tax commissioner determines that the commissioner 137374
has erroneously refunded motor fuel tax to any person, the 137375
commissioner may make an assessment against the person for 137376
recovery of the erroneously refunded tax. 137377

Sec. 5735.27. (A) There is hereby created in the state 137378
treasury the gasoline excise tax fund, which shall be distributed 137379
in the following manner: 137380

(1) The amount credited pursuant to divisions (B)(2)(a) and 137381
(C)(2)(a) of section 5735.23 of the Revised Code shall be 137382
distributed among municipal corporations. The amount paid to each 137383
municipal corporation shall be that proportion of the amount to be 137384
so distributed that the number of motor vehicles registered within 137385
the municipal corporation bears to the total number of motor 137386
vehicles registered within all the municipal corporations of this 137387
state during the preceding motor vehicle registration year. When a 137388
new village is incorporated, the registrar of motor vehicles shall 137389
determine from the applications on file in the bureau of motor 137390
vehicles the number of motor vehicles located within the territory 137391
comprising the village during the entire registration year in 137392

which the municipal corporation was incorporated. The registrar 137393
shall forthwith certify the number of motor vehicles so determined 137394
to the tax commissioner for use in distributing motor vehicle fuel 137395
tax funds to the village until the village is qualified to 137396
participate in the distribution of the funds pursuant to this 137397
division. The number of motor vehicle registrations shall be 137398
determined by the official records of the bureau of motor 137399
vehicles. The amount received by each municipal corporation shall 137400
be used to plan, construct, reconstruct, repave, widen, maintain, 137401
repair, clear, and clean public highways, roads, and streets; to 137402
maintain and repair bridges and viaducts; to purchase, erect, and 137403
maintain street and traffic signs and markers; to pay the costs 137404
apportioned to the municipal corporation under section 4907.47 of 137405
the Revised Code; to purchase, erect, and maintain traffic lights 137406
and signals; to pay the principal, interest, and charges on bonds 137407
and other obligations issued pursuant to Chapter 133. of the 137408
Revised Code or incurred pursuant to section 5531.09 of the 137409
Revised Code for the purpose of acquiring or constructing roads, 137410
highways, bridges, or viaducts or acquiring or making other 137411
highway improvements for which the municipal corporation may issue 137412
bonds; and to supplement revenue already available for these 137413
purposes. 137414

(2) The amount credited pursuant to division (B) of section 137415
5735.26 of the Revised Code shall be distributed among the 137416
municipal corporations within the state, in the proportion which 137417
the number of motor vehicles registered within each municipal 137418
corporation bears to the total number of motor vehicles registered 137419
within all the municipal corporations of the state during the 137420
preceding calendar year, as shown by the official records of the 137421
bureau of motor vehicles, and shall be expended by each municipal 137422
corporation to plan, construct, reconstruct, repave, widen, 137423
maintain, repair, clear, and clean public highways, roads, and 137424
streets; to maintain and repair bridges and viaducts; to purchase, 137425

erect, and maintain street and traffic signs and markers; to 137426
purchase, erect, and maintain traffic lights and signals; to pay 137427
costs apportioned to the municipal corporation under section 137428
4907.47 of the Revised Code; to pay the principal, interest, and 137429
charges on bonds and other obligations issued pursuant to Chapter 137430
133. of the Revised Code or incurred pursuant to section 5531.09 137431
of the Revised Code for the purpose of acquiring or constructing 137432
roads, highways, bridges, or viaducts or acquiring or making other 137433
highway improvements for which the municipal corporation may issue 137434
bonds; and to supplement revenue already available for these 137435
purposes. 137436

(3) The amount credited pursuant to divisions (B)(2)(b) and 137437
(C)(2)(c) of section 5735.23 of the Revised Code shall be paid in 137438
equal proportions to the county treasurer of each county within 137439
the state and shall be used only for the purposes of planning, 137440
maintaining, and repairing the county system of public roads and 137441
highways within the county; the planning, construction, and repair 137442
of walks or paths along county roads in congested areas; the 137443
planning, construction, purchase, lease, and maintenance of 137444
suitable buildings for the housing and repair of county road 137445
machinery, housing of supplies, and housing of personnel 137446
associated with the machinery and supplies; the payment of costs 137447
apportioned to the county under section 4907.47 of the Revised 137448
Code; the payment of principal, interest, and charges on bonds and 137449
other obligations issued pursuant to Chapter 133. of the Revised 137450
Code or incurred pursuant to section 5531.09 of the Revised Code 137451
for the purpose of acquiring or constructing roads, highways, 137452
bridges, or viaducts or acquiring or making other highway 137453
improvements for which the board of county commissioners may issue 137454
bonds under that chapter; and the purchase, installation, and 137455
maintenance of traffic signal lights. 137456

(4) The amount credited pursuant to division (C) of section 137457

5735.26 of the Revised Code shall be paid in equal proportions to 137458
the county treasurer of each county for the purposes of planning, 137459
maintaining, constructing, widening, and reconstructing the county 137460
system of public roads and highways; paying principal, interest, 137461
and charges on bonds and other obligations issued pursuant to 137462
Chapter 133. of the Revised Code or incurred pursuant to section 137463
5531.09 of the Revised Code for the purpose of acquiring or 137464
constructing roads, highways, bridges, or viaducts or acquiring or 137465
making other highway improvements for which the board of county 137466
commissioners may issue bonds under that chapter; and paying costs 137467
apportioned to the county under section 4907.47 of the Revised 137468
Code. 137469

(5)(a) The amount credited pursuant to division (D) of 137470
section 5735.26 and division (C)(2)(b) of section 5735.23 of the 137471
Revised Code shall be divided in equal proportions among the 137472
townships within the state. 137473

(b) As used in division (A)(5)(b) of this section, the 137474
"formula amount" for any township is the amount that would be 137475
allocated to that township if fifty per cent of the amount 137476
credited to townships pursuant to section 5735.291 of the Revised 137477
Code were allocated among townships in the state proportionate to 137478
the number of centerline miles within the boundaries of the 137479
respective townships, as determined annually by the department of 137480
transportation, and the other fifty per cent of the amount 137481
credited pursuant to section 5735.291 of the Revised Code were 137482
allocated among townships in the state proportionate to the number 137483
of motor vehicles registered within the respective townships, as 137484
determined annually by the records of the bureau of motor 137485
vehicles. The number of centerline miles within the boundaries of 137486
a township shall not include any centerline miles of township 137487
roads that have been placed on nonmaintained status by a board of 137488
township trustees pursuant to section 5571.20 of the Revised Code. 137489

Beginning on August 15, 2003, the tax levied by section 137490
5735.29 of the Revised Code shall be partially allocated to 137491
provide funding for townships. Each township shall receive the 137492
greater of the following two calculations: 137493

(i) The total statewide amount credited to townships under 137494
division (A) of section 5735.291 of the Revised Code divided by 137495
the number of townships in the state at the time of the 137496
calculation; 137497

(ii) Seventy per cent of the formula amount for that 137498
township. 137499

(c) The total difference between the amount of money credited 137500
to townships under division (A) of section 5735.291 of the Revised 137501
Code and the total amount of money required to make all the 137502
payments specified in division (A)(5)(b) of this section shall be 137503
deducted, in accordance with division (B) of section 5735.291 of 137504
the Revised Code, from the revenues resulting from the tax levied 137505
pursuant to section 5735.29 of the Revised Code prior to crediting 137506
portions of such revenues to counties, municipal corporations, and 137507
the highway operating fund. 137508

(d) All amounts credited pursuant to divisions (A)(5)(a) and 137509
(b) of this section shall be paid to the county treasurer of each 137510
county for the total amount payable to the townships within each 137511
of the counties. The county treasurer shall pay to each township 137512
within the county its proportional share of the funds, which shall 137513
be expended by each township only for the purposes of planning, 137514
constructing, maintaining, widening, and reconstructing the public 137515
roads and highways within the township, paying principal, 137516
interest, and charges on bonds and other obligations issued 137517
pursuant to Chapter 133. or 505. of the Revised Code or incurred 137518
pursuant to section 5531.09 of the Revised Code for the purpose of 137519
acquiring or constructing roads, highways, bridges, or viaducts or 137520
acquiring or making other highway improvements for which the board 137521

of township trustees may issue bonds under those chapters, and 137522
paying costs apportioned to the township under section 4907.47 of 137523
the Revised Code. 137524

No part of the funds designated for road and highway purposes 137525
shall be used for any purpose except to pay in whole or part the 137526
contract price of any such work done by contract, or to pay the 137527
cost of labor in planning, constructing, widening, and 137528
reconstructing such roads and highways, and the cost of materials 137529
forming a part of the improvement; provided that the funds may be 137530
used for the purchase of road machinery and equipment ~~and for~~, the 137531
planning, construction, and maintenance of suitable buildings for 137532
housing road machinery and equipment, and the payment of 137533
principal, interest, and charges on bonds and other obligations 137534
issued pursuant to Chapter 133. or 505. of the Revised Code for 137535
the purpose of purchasing road machinery and equipment or 137536
planning, constructing, and maintaining suitable buildings for 137537
housing road machinery and equipment; and provided that all such 137538
improvement of roads shall be under supervision and direction of 137539
the county engineer as provided in section 5575.07 of the Revised 137540
Code. No obligation against the funds shall be incurred unless 137541
plans and specifications for the improvement, approved by the 137542
county engineer, are on file in the office of the township fiscal 137543
officer, and all contracts for material and for work done by 137544
contract shall be approved by the county engineer before being 137545
signed by the board of township trustees. The board of township 137546
trustees of any township may pass a resolution permitting the 137547
board of county commissioners to expend the township's share of 137548
the funds, or any portion of it, for the improvement of the roads 137549
within the township as may be designated in the resolution. 137550

All investment earnings of the fund shall be credited to the 137551
fund. 137552

(B) Amounts credited to the highway operating fund pursuant 137553

to divisions (B)(2)(c) and (C)(2)(d) of section 5735.23 and 137554
division (A) of section 5735.26 of the Revised Code shall be 137555
expended in the following manner: 137556

(1) The amount credited pursuant to divisions (B)(2)(c) and 137557
(C)(2)(d) of section 5735.23 of the Revised Code shall be 137558
apportioned to and expended by the department of transportation 137559
for the purposes of planning, maintaining, repairing, and keeping 137560
in passable condition for travel the roads and highways of the 137561
state required by law to be maintained by the department; paying 137562
the costs apportioned to the state under section 4907.47 of the 137563
Revised Code; paying that portion of the construction cost of a 137564
highway project which a county, township, or municipal corporation 137565
normally would be required to pay, but which the director of 137566
transportation, pursuant to division (B) of section 5531.08 of the 137567
Revised Code, determines instead will be paid from moneys in the 137568
highway operating fund; and paying the costs of the department of 137569
public safety in administering and enforcing the state law 137570
relating to the registration and operation of motor vehicles. 137571

(2) The amount credited pursuant to division (A) of section 137572
5735.26 of the Revised Code shall be used for paying the state's 137573
share of the cost of planning, constructing, widening, 137574
maintaining, and reconstructing the state highways; paying that 137575
portion of the construction cost of a highway project which a 137576
county, township, or municipal corporation normally would be 137577
required to pay, but which the director of transportation, 137578
pursuant to division (B) of section 5531.08 of the Revised Code, 137579
determines instead will be paid from moneys in the highway 137580
operating fund; and also for supplying the state's share of the 137581
cost of eliminating railway grade crossings upon such highways and 137582
costs apportioned to the state under section 4907.47 of the 137583
Revised Code. The director of transportation may expend portions 137584
of such amount upon extensions of state highways within municipal 137585

corporations or upon portions of state highways within municipal 137586
corporations, as is provided by law. 137587

Sec. 5735.34. (A) If any motor fuel dealer sells that motor 137588
fuel dealer's entire business or discontinues operating that 137589
business, the taxes and any interest and penalties imposed under 137590
this chapter that arose prior to the date of sale or 137591
discontinuation become due and payable immediately. The Within 137592
fifteen days after the date of the sale or discontinuation of the 137593
business, the motor fuel dealer shall make a final return within 137594
fifteen days after the date of the sale or discontinuation of the 137595
business and provide written notification to the tax commissioner 137596
of the sale or discontinuation and the name and contact 137597
information of the purchaser, if applicable. The purchaser of the 137598
business shall withhold a sufficient amount of the purchase money 137599
to cover the amount of such taxes, interest, and penalties due and 137600
unpaid until the seller produces a receipt from the tax 137601
commissioner showing that the taxes, interest, and penalties have 137602
been paid, or until the seller produces a certificate indicating 137603
that no taxes, interest, and penalties are due. 137604

(B) If the purchaser of the business fails to withhold the 137605
purchase money required to be withheld under this section, the 137606
purchaser of the business is personally liable for the payment of 137607
the taxes, interest, and penalties accrued and unpaid during the 137608
operation of the business by the seller, but only to the extent of 137609
the consideration offered for the entire business. 137610

(C) For purposes of this section, "entire business" means 137611
substantially all of the seller's assets determined without regard 137612
to any then existing mortgages, liens, security interests or other 137613
encumbrances attaching to those assets. A person is considered to 137614
have sold the entire business only if the person ceases to qualify 137615
as a motor fuel dealer and has relinquished or the tax 137616

commissioner has canceled the person's motor fuel dealer's license. 137617
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Sec. 5736.01. As used in this division: 137619

(A) "Calendar quarter" and "person" have the same meanings as in section 5751.01 of the Revised Code. 137620
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(B) "Distribution system" means a bulk transfer or terminal system for the distribution of motor fuel consisting of refineries, pipelines, marine vessels, and terminals. For the purposes of this section, motor fuel that is in a refinery, pipeline, terminal, or marine vessel that is transporting motor fuel to a refinery or terminal is in a "distribution system." Motor fuel is "outside of a distribution system" if the fuel is in a fuel storage facility, including, but not limited to, a bulk plant that is not part of a refinery or terminal, the fuel supply tank of an engine or motor vehicle, a marine vessel transporting motor fuel to a fuel storage facility that is not in a distribution system, or a tank car, rail car, trailer, truck, or other equipment suitable for ground transportation. 137622
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(C) "Dyed diesel fuel," "import," "motor fuel," "public highways," and "terminal" have the same meanings as in section 5735.01 of the Revised Code. 137635
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(D) "First sale of motor fuel within this state" means the initial sale of motor fuel when sold for delivery to a location in this state. 137638
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(E) "Gross receipts" means the total amount received by a person, without deduction for the cost of goods sold or other expenses incurred, from the first sale of motor fuel within this state. For the purposes of division (E) of this section, "amount received" includes amounts accrued under the accrual method of accounting. "Gross receipts" shall not include any of the 137641
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<u>following amounts:</u>	137647
<u>(1) Receipts derived from the sale of motor fuel when sold for export to another state;</u>	137648
<u>(2) An amount equal to the federal and state excise taxes paid by the supplier on the motor fuel;</u>	137650
<u>(3) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" has the same meaning as in section 5751.01 of the Revised Code.</u>	137651
<u>(4) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer.</u>	137652
<u>(F) "Motor fuel used to propel vehicles on public highways and waterways" includes motor fuel used for the operation of licensed motor vehicles employed in the maintenance, construction, or repair of public highways. "Motor fuel used to propel vehicles on public highways and waterways" does not include dyed diesel fuel.</u>	137653
<u>(G) "Rack" means a mechanism capable of delivering motor fuel from a refinery, terminal, or marine vessel into a railroad tank car, transport truck, tank wagon, fuel supply tank, marine vessel, or other means of transport outside of a distribution system.</u>	137654
<u>(H) "Refinery" means a facility used to produce motor fuel and from which motor fuel may be removed by pipeline, by vessel, or at a rack.</u>	137655
<u>(I) "Supplier" means either of the following:</u>	137656
<u>(1) A person that sells, exchanges, transfers, or otherwise distributes motor fuel from a terminal or refinery rack to a point outside of a distribution system, if the person distributes such</u>	137657
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motor fuel at a location in this state; 137677

(2) A person that imports or causes the importation of motor fuel for sale, exchange, transfer, or other distribution by the person to a point outside of a distribution system in this state. 137678
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(J) "Tax period" means the calendar quarter on the basis of which a taxpayer is required to pay the tax imposed under this chapter. 137681
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(K) "Taxpayer" means a person subject to the tax imposed by this chapter. 137684
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(L) "Waterways" means all streams, lakes, ponds, marshes, water courses, and all other bodies of surface water, natural or artificial, which are situated wholly or partially within this state or within its jurisdiction, except private impounded bodies of water. 137686
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Sec. 5736.02. (A) Beginning with the tax period that commences July 1, 2014, and continuing for every tax period thereafter, there is hereby levied an excise tax on each supplier measured by the supplier's gross receipts derived from the first sale of motor fuel within this state. The tax shall be levied at a rate of six and five-tenths mills for each dollar of the supplier's gross receipts. 137691
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All revenue from the tax shall be distributed as follows: 137698

(1) All revenue from the tax as measured by gross receipts derived from the sale of motor fuel used for propelling vehicles on public highways and waterways shall be used for the purposes of maintaining the state highway system, funding the enforcement of traffic laws, and covering the costs of hospitalization of indigent persons injured in motor vehicle accidents on the public highways. 137699
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(2) All revenue not distributed as required by division 137706

(A)(1) of this section shall be used for the purpose of funding the needs of this state and its local governments. 137707
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(B) The tax imposed by this section is in addition to any other taxes or fees imposed under the Revised Code. 137709
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Sec. 5736.03. (A) No person shall avoid the tax imposed by this chapter by receiving motor fuel outside of this state and transferring the motor fuel into this state within one year. Any such person shall be considered to have received the fuel in this state and shall include as gross receipts the value of motor fuel the person transfers into this state within one year after the person receives the property outside of this state. 137711
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(B) The tax commissioner may adopt rules necessary to administer this section. 137718
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Sec. 5736.04. (A) Not later than the tenth day of the second month after the end of each calendar quarter, every taxpayer shall file with the tax commissioner a tax return in such form as the commissioner prescribes. The return shall include, but is not limited to, the amount of the taxpayer's gross receipts for the calendar quarter and shall indicate the amount of tax due under section 5736.02 of the Revised Code for the calendar quarter. The taxpayer shall indicate on each return the portion of the taxpayer's gross receipts attributable to motor fuel used for propelling vehicles on public highways and waterways and the portion of such receipts attributable to motor fuel used for other purposes. 137720
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(B)(1) The taxpayer shall remit the tax shown to be due on the return, and, if required by the tax commissioner, file the return, electronically. The commissioner may require taxpayers to use the Ohio business gateway as defined in section 718.051 of the Revised Code to file return returns and remit the tax, or may 137732
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provide another means for taxpayers to file and remit the tax 137737
electronically. 137738

(2) A person required by this section to remit taxes or file 137739
returns electronically may apply to the commissioner, on the form 137740
prescribed by the commissioner, to be excused from that 137741
requirement. The commissioner may excuse a person from such 137742
requirement for good cause. 137743

(C) The tax rate with respect to gross receipts for a 137744
calendar quarter is not fixed until the end of the measurement 137745
period for each calendar quarter. The total amount of gross 137746
receipts reported for a given calendar quarter shall be subject to 137747
the tax rate in effect in that quarter. 137748

Sec. 5736.05. (A) Any taxpayer that fails to file a return or 137749
pay the full amount of the tax due within the period prescribed 137750
therefor under this chapter shall pay a penalty in an amount not 137751
exceeding the greater of fifty dollars or ten per cent of the tax 137752
required to be paid for the tax period. 137753

(B)(1) If any additional tax is found to be due, the tax 137754
commissioner may impose an additional penalty of up to fifteen per 137755
cent on the additional tax found to be due. 137756

(2) Any delinquent payments of the tax made after a taxpayer 137757
is notified of an audit or a tax discrepancy by the commissioner 137758
is subject to the penalty imposed by division (B) of this section. 137759
If an assessment is issued under section 5736.09 of the Revised 137760
Code in connection with such delinquent payments, the payments 137761
shall be credited to the assessment. 137762

(C) If a person required to remit taxes or file a return 137763
electronically under section 5736.04 of the Revised Code fails to 137764
do so, the commissioner may impose a penalty not to exceed the 137765
following: 137766

(1) For either of the first two calendar quarters the person 137767
so fails, five per cent of the amount of the payment that was 137768
required to be remitted; 137769

(2) For the third and any subsequent calendar quarters the 137770
person so fails, ten per cent of the amount of the payment that 137771
was required to be remitted. 137772

(D) The tax commissioner may collect any penalty or interest 137773
imposed by this section in the same manner as the tax imposed 137774
under this chapter. Penalties and interest so collected shall be 137775
considered as revenue arising from the tax imposed under this 137776
chapter. 137777

(E) The tax commissioner may abate all or a portion of any 137778
penalties imposed under this section and may adopt rules governing 137779
such abatements. 137780

(F) If any tax due is not timely paid in accordance with this 137781
chapter, the taxpayer shall pay interest, calculated at the rate 137782
per annum prescribed by section 5703.47 of the Revised Code, from 137783
the date the tax payment was due to the date of payment or to the 137784
date an assessment was issued, whichever occurs first. 137785

Sec. 5736.06. (A) No person subject to the tax imposed by 137786
section 5736.02 of the Revised Code shall distribute, import, or 137787
cause the importation of motor fuel for consumption in this state 137788
without holding a supplier's license issued by the tax 137789
commissioner to engage in such activities. 137790

(B)(1) A person subject to the tax imposed by section 5736.02 137791
of the Revised Code shall, on or before March 1, 2014, or within 137792
thirty days of first becoming subject to the tax imposed by this 137793
chapter, whichever is earlier, apply to the tax commissioner for a 137794
supplier's license on the form prescribed by the commissioner. 137795

(2) Each person issued a supplier's license under division 137796

<u>(B)(1) of this section shall apply to renew the license on or</u>	137797
<u>before the first day of March of each year.</u>	137798
<u>(3) With each license application submitted under division</u>	137799
<u>(B)(1) or (2) of this section, the applicant shall pay an</u>	137800
<u>application fee equal to one of the following amounts:</u>	137801
<u>(a) If the applicant solely imports or causes the importation</u>	137802
<u>of motor fuel for sale, exchange, or transfer by the person in</u>	137803
<u>this state, three hundred dollars;</u>	137804
<u>(b) If the applicant engages in activities in addition to</u>	137805
<u>those described in division (B)(3)(a) of this section, one</u>	137806
<u>thousand dollars.</u>	137807
<u>If an applicant timely submits an application under division</u>	137808
<u>(B)(1) of this section on or after the first day of September of</u>	137809
<u>any year, the fee that would apply to the applicant under division</u>	137810
<u>(B)(3)(a) or (b) of this section shall be reduced by one-half.</u>	137811
<u>(4) The failure to apply to the commissioner for a supplier's</u>	137812
<u>license does not relieve a person from the requirement to file</u>	137813
<u>returns and pay the tax imposed by this chapter.</u>	137814
<u>(C) The tax commissioner may refuse to issue a license to any</u>	137815
<u>applicant under this section in the following circumstances:</u>	137816
<u>(1) The applicant has previously had any license canceled for</u>	137817
<u>cause by the commissioner.</u>	137818
<u>(2) The commissioner believes that the application is not</u>	137819
<u>filed in good faith or is filed as a subterfuge in an attempt to</u>	137820
<u>procure a license for another person.</u>	137821
<u>(3) The applicant has violated any provision of this chapter.</u>	137822
<u>(D) If the tax commissioner refuses to issue a license to an</u>	137823
<u>applicant under this section, the applicant is entitled to a</u>	137824
<u>refund of the application fee in accordance with section 5736.08</u>	137825
<u>of the Revised Code. All application fees collected under this</u>	137826

section shall be deposited into the motor fuel receipts tax administration fund created in section 5736.13 of the Revised Code. 137827
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(E) No person shall make a false or fraudulent statement on an application required by this section. 137830
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Sec. 5736.07. (A) If a taxpayer files a false return, fails to file a return as required by section 5736.04 of the Revised Code, or fails to pay the full amount of tax due with a return, the tax commissioner may revoke the supplier's license issued to the taxpayer under section 5736.06 of the Revised Code by notifying the taxpayer in writing of such revocation by certified mail sent to the last known address of the taxpayer appearing on the files of the commissioner. 137832
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(B) Upon the request of a person that is no longer subject to the tax imposed by this chapter, the tax commissioner may cancel the supplier's license issued to the person under section 5736.06 of the Revised Code. The cancellation shall become effective at the time determined by the commissioner. No license shall be canceled upon the request of any person unless, prior to the date of cancellation, the person has paid to the state all taxes payable by such person under the laws of the state, together with any interest and penalties. 137840
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Sec. 5736.08. (A) An application for refund to the taxpayer of the amount of taxes imposed under this chapter that are overpaid, paid illegally or erroneously, or paid on any illegal or erroneous assessment shall be filed by the taxpayer with the tax commissioner, on the form prescribed by the commissioner, within four years after the date of the illegal or erroneous payment of the tax, or within any additional period allowed under division (F) of section 5736.09 of the Revised Code. The applicant shall 137849
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provide the amount of the requested refund along with the claimed reasons for, and documentation to support, the issuance of a refund. 137857
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(B) On the filing of the refund application, the commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from the tax refund fund created under section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code. 137860
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(C) Interest on a refund applied for under this section, computed at the rate provided for in section 5703.47 of the Revised Code, shall be allowed from the later of the date the tax was paid or when the tax payment was due. 137868
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(D) Except as provided in section 5736.081 of the Revised Code, the commissioner may provide for the crediting against tax due for a tax period the amount of any refund due the taxpayer under this chapter for a preceding tax period. 137872
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Sec. 5736.081. As used in this section, "debt to this state" means unpaid taxes due the state, unpaid workers' compensation premiums due under section 4123.35 of the Revised Code, unpaid unemployment compensation contributions due under section 4141.25 of the Revised Code, unpaid unemployment compensation payment in lieu of contribution under section 4141.241 of the Revised Code, unpaid fees payable to the state or to the clerk of courts pursuant to section 4505.06 of the Revised Code, incorrect payments for medicaid services under the medicaid program, or any unpaid charge, penalty, or interest arising from any of the foregoing. 137876
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If a taxpayer entitled to a refund under section 5736.08 of the Revised Code owes any debt to this state, the amount refundable may be applied in satisfaction of the debt. If the amount refundable is less than the amount of the debt, it may be applied in partial satisfaction of the debt. If the amount refundable is greater than the amount of the debt, the amount remaining after satisfaction of the debt shall be refunded. This section applies only to debts that have become final. For the purposes of this section, a debt becomes final when, under the applicable law, any time provided for petition for reassessment, request for reconsideration, or other appeal of the legality or validity of the amount giving rise to the debt expires without an appeal having been filed in the manner provided by law.

Sec. 5736.09. (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any person that fails to file a return or pay any tax as required by this chapter. The commissioner shall give the person assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on the manner in which to petition for reassessment and request a hearing with respect to the petition.

(B) Unless the person assessed, within sixty days after service of the notice of assessment, files with the commissioner, either personally or by certified mail, a written petition signed by the person or the person's authorized agent having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the person assessed to the treasurer of state. The petition shall indicate the objections of the person assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination.

If a petition for reassessment has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code. 137919
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(C)(1) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the person resides or has its principal place of business in this state, or in the office of the clerk of court of common pleas of Franklin county. 137922
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(2) Immediately upon the filing of the entry, the clerk shall enter judgment for the state against the person assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled, "special judgments for the motor fuel receipts tax" and shall have the same effect as other judgments. Execution shall issue upon the judgment at the request of the commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment. 137929
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(3) If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until it is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section. 137937
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(D) If the commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the person's authorized agent in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the person assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

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(E) The commissioner shall immediately forward to the treasurer of state all amounts the commissioner receives under this section, and such amounts shall be considered as revenue arising from the tax imposed under this chapter.

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(F) Except as otherwise provided in this division, no assessment shall be made or issued against a taxpayer for the tax imposed under this chapter more than four years after the due date for the filing of the return for the tax period for which the tax was reported, or more than four years after the return for the tax period was filed, whichever is later. The time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension or enter into an agreement waiving or extending the time limit. Any such extension shall extend the four-year time limit in division (A) of section 5736.08 of the

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Revised Code for the same period of time. Nothing in this division 137983
bars an assessment against a taxpayer that fails to file a return 137984
required by this chapter or that files a fraudulent return. 137985

(G) If the commissioner possesses information that indicates 137986
that the amount of tax a taxpayer is required to pay under this 137987
chapter exceeds the amount the taxpayer paid, the commissioner may 137988
audit a sample of the taxpayer's gross receipts over a 137989
representative period of time to ascertain the amount of tax due, 137990
and may issue an assessment based on the audit. The commissioner 137991
shall make a good faith effort to reach agreement with the 137992
taxpayer in selecting a representative sample. The commissioner 137993
may apply a sampling method only if the commissioner has 137994
prescribed the method by rule. 137995

(H) If the whereabouts of a person subject to this chapter is 137996
not known to the commissioner, the commissioner shall follow the 137997
procedures under section 5703.37 of the Revised Code. 137998

Sec. 5736.10. If any person liable for the tax imposed under 137999
this chapter sells the trade or business, disposes in any manner 138000
other than in the regular course of business at least seventy-five 138001
per cent of assets of the trade or business, or quits the trade or 138002
business, any tax owed by such person shall become due and payable 138003
immediately, and the person shall pay the tax under this section, 138004
including any applicable penalties and interest, within forty-five 138005
days after the date of selling or quitting the trade or business. 138006
The person's successor shall withhold a sufficient amount of the 138007
purchase money to cover the amount due and unpaid until the former 138008
owner produces a receipt from the tax commissioner showing that 138009
the amounts are paid or a certificate indicating that no taxes are 138010
due. If a purchaser fails to withhold purchase money, that person 138011
is personally liable up to the purchase money amount, for such 138012
amounts that are unpaid during the operation of the business by 138013

the former owner. 138014

The commissioner may adopt rules regarding the issuance of 138015
certificates under this section, including the waiver of the need 138016
for a certificate if certain criteria are met. 138017

Sec. 5736.11. If any person subject to this chapter fails to 138018
report or pay the tax as required under this chapter, or fails to 138019
pay any penalty imposed under this chapter within ninety days 138020
after the time prescribed for payment of the penalty, the attorney 138021
general, on the request of the tax commissioner, shall commence an 138022
action in quo warranto in the court of appeals of the county in 138023
which the person has its principal place of business to forfeit 138024
and annul its privileges or franchise within this state. If the 138025
court finds that the person is in default for the amount claimed, 138026
it shall render judgment revoking the person's privileges or 138027
franchise within this state and shall otherwise proceed as 138028
provided in Chapter 2733. of the Revised Code. 138029

Sec. 5736.12. The tax commissioner may prescribe requirements 138030
for the keeping of records and other pertinent documents, the 138031
filing of copies of federal income tax returns and determinations, 138032
and computations reconciling federal income tax returns with the 138033
returns and reports required by section 5736.04 of the Revised 138034
Code. The commissioner may require any person, by rule or notice 138035
served on that person, to keep those records that the commissioner 138036
considers necessary to show whether, and the extent to which, a 138037
person is subject to this chapter. Those records and other 138038
documents shall be open during business hours to the inspection of 138039
the commissioner, and shall be preserved for a period of four 138040
years unless the commissioner, in writing, consents to their 138041
destruction within that period, or by order requires that they be 138042
kept longer. If such records are normally kept by the person 138043

electronically, the person shall provide such records to the 138044
commissioner electronically at the commissioner's request. 138045

Sec. 5736.13. (A) For the purpose of receiving, accounting 138046
for, and distributing revenue received from the tax imposed by 138047
section 5736.02 of the Revised Code, the following funds are 138048
hereby created in the state treasury: 138049

(1) The motor fuel receipts tax fund; 138050

(2) The motor fuel receipts tax administration fund. All 138051
amounts credited to the motor fuel receipts tax administration 138052
fund shall be used solely for the purpose of paying the expenses 138053
of the department of taxation incident to the administration of 138054
the tax imposed by section 5736.02 of the Revised Code. 138055

(3) The motor fuel receipts tax public highways fund. 138056

(B) All money collected from the tax imposed by section 138057
5736.02 of the Revised Code shall be deposited into the motor fuel 138058
receipts tax fund. 138059

(C) From the motor fuel receipts tax fund, the director of 138060
budget and management shall place to the credit of the tax refund 138061
fund established by section 5703.052 of the Revised Code amounts 138062
equal to the refunds certified by the tax commissioner pursuant to 138063
section 5736.08 of the Revised Code. 138064

(D) Not later than the last day of March, June, September, 138065
and December of each year, the director of budget and management 138066
shall provide for the transfer of the balance of the motor fuel 138067
receipts tax fund as of the last day of the preceding month, 138068
excluding any amounts required to be transferred as provided in 138069
division (C) of this section, as follows: 138070

(1) To the motor fuel receipts tax administration fund, one 138071
per cent; 138072

(2) To the motor fuel receipts tax public highways fund, an amount that bears the same ratio to the balance in the motor fuel receipts tax fund, after subtracting the amount transferred under division (D)(1) of this section, that (a) the gross receipts attributed to motor fuel used for propelling vehicles on public highways and waterways as indicated by returns filed by the last day of the preceding month, bears to (b) all gross receipts as indicated by those returns; 138073
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(3) To the general revenue fund, the amount remaining after the transfers required by divisions (D)(1) and (2) of this section. 138081
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Sec. 5736.14. (A)(1) If any person, regardless of organizational form, required to file reports and to remit taxes imposed under this chapter fails for any reason to file such reports or pay such taxes, any employees of the person having control or supervision of, or charged with the responsibility of, filing reports and making payments, or any officers or trustees of the person responsible for the execution of the person's fiscal responsibilities, are personally liable for the failure. 138084
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(2) The dissolution, termination, or bankruptcy of a person shall not discharge a responsible officer's, shareholder's, member's, manager's, employee's, or trustee's liability for failure of the person to file reports or remit taxes. The sum due for the liability may be collected by assessment in the manner provided in section 5736.09 of the Revised Code. 138092
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(B) If more than one individual is personally liable under this section for the unpaid tax of a person, then the liability of all such individuals shall be joint and several. 138098
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Sec. 5736.99. (A) Any person that files a fraudulent refund claim under section 5736.08 of the Revised Code shall be fined the 138101
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greater of not more than one thousand dollars or the amount of the 138103
fraudulent refund requested or imprisoned not more than sixty 138104
days, or both. 138105

(B) Except as provided in this section, whoever violates any 138106
section of this chapter, or any rule adopted by the tax 138107
commissioner under this chapter, shall be fined not more than five 138108
hundred dollars or imprisoned not more than thirty days, or both. 138109

(C) Any person that is subject to the tax imposed by this 138110
chapter and that is found to be engaged in distributing, 138111
importing, or causing the importation of motor fuel for 138112
consumption in this state without a license as required by section 138113
5736.06 of the Revised Code shall be fined not more than one 138114
thousand dollars or imprisoned not more than one hundred eighty 138115
days, or both. 138116

(D) The penalties provided in this section are in addition to 138117
any penalties imposed by the tax commissioner under section 138118
5736.05 of the Revised Code. 138119

Sec. 5739.01. As used in this chapter: 138120

(A) "Person" includes individuals, receivers, assignees, 138121
trustees in bankruptcy, estates, firms, partnerships, 138122
associations, joint-stock companies, joint ventures, clubs, 138123
societies, corporations, the state and its political subdivisions, 138124
and combinations of individuals of any form. 138125

(B) "Sale" and "selling" include all of the following 138126
transactions for a consideration in any manner, whether absolutely 138127
or conditionally, whether for a price or rental, in money or by 138128
exchange, and by any means whatsoever: 138129

(1) All transactions by which title or possession, or both, 138130
of tangible personal property, is or is to be transferred, or a 138131
license to use or consume tangible personal property is or is to 138132

be granted;	138133
(2) All transactions by which lodging by a hotel is or is to be furnished to transient guests;	138134 138135
(3) All transactions by which:	138136
(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code;	138137 138138 138139
(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service;	138140 138141 138142 138143 138144 138145
(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished;	138146 138147
(d) Until August 1, 2003, industrial laundry cleaning services are or are to be provided and, on and after August 1, 2003, laundry and dry cleaning services are or are to be provided;	138148 138149 138150
(e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An "affiliated group" means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one	138151 138152 138153 138154 138155 138156 138157 138158 138159 138160 138161 138162 138163

corporation owns or controls another if it owns more than fifty	138164
per cent of the other corporation's common stock with voting	138165
rights.	138166
(f) Telecommunications service, including prepaid calling	138167
service, prepaid wireless calling service, or ancillary service,	138168
is or is to be provided, but not including coin-operated telephone	138169
service;	138170
(g) Landscaping and lawn care service is or is to be	138171
provided;	138172
(h) Private investigation and security service is or is to be	138173
provided;	138174
(i) Information services or tangible personal property is	138175
provided or ordered by means of a nine hundred telephone call;	138176
(j) Building maintenance and janitorial service is or is to	138177
be provided;	138178
(k) Employment service is or is to be provided;	138179
(l) Employment placement service is or is to be provided;	138180
(m) Exterminating service is or is to be provided;	138181
(n) Physical fitness facility service is or is to be	138182
provided;	138183
(o) Recreation and sports club service is or is to be	138184
provided;	138185
(p) On and after August 1, 2003, satellite broadcasting	138186
service is or is to be provided;	138187
(q) On and after August 1, 2003, personal care service is or	138188
is to be provided to an individual. As used in this division,	138189
"personal care service" includes skin care, the application of	138190
cosmetics, manicuring, pedicuring, hair removal, tattooing, body	138191
piercing, tanning, massage, and other similar services. "Personal	138192

care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.

(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;

(s) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle.

(t) On and after August 1, 2003, snow removal service is or is to be provided. As used in this division, "snow removal service" means the removal of snow by any mechanized means, but does not include the providing of such service by a person that has less than five thousand dollars in sales of such service during the calendar year.

(u) Electronic publishing service is or is to be provided to a consumer for use in business, except that such transactions occurring between members of an affiliated group, as defined in division (B)(3)(e) of this section, are not sales.

(4) All transactions by which printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter are or are to be furnished or transferred;

(5) The production or fabrication of tangible personal property for a consideration for consumers who furnish either

directly or indirectly the materials used in the production of 138224
fabrication work; and include the furnishing, preparing, or 138225
serving for a consideration of any tangible personal property 138226
consumed on the premises of the person furnishing, preparing, or 138227
serving such tangible personal property. Except as provided in 138228
section 5739.03 of the Revised Code, a construction contract 138229
pursuant to which tangible personal property is or is to be 138230
incorporated into a structure or improvement on and becoming a 138231
part of real property is not a sale of such tangible personal 138232
property. The construction contractor is the consumer of such 138233
tangible personal property, provided that the sale and 138234
installation of carpeting, the sale and installation of 138235
agricultural land tile, the sale and erection or installation of 138236
portable grain bins, or the provision of landscaping and lawn care 138237
service and the transfer of property as part of such service is 138238
never a construction contract. 138239

As used in division (B)(5) of this section: 138240

(a) "Agricultural land tile" means fired clay or concrete 138241
tile, or flexible or rigid perforated plastic pipe or tubing, 138242
incorporated or to be incorporated into a subsurface drainage 138243
system appurtenant to land used or to be used primarily in 138244
production by farming, agriculture, horticulture, or floriculture. 138245
The term does not include such materials when they are or are to 138246
be incorporated into a drainage system appurtenant to a building 138247
or structure even if the building or structure is used or to be 138248
used in such production. 138249

(b) "Portable grain bin" means a structure that is used or to 138250
be used by a person engaged in farming or agriculture to shelter 138251
the person's grain and that is designed to be disassembled without 138252
significant damage to its component parts. 138253

(6) All transactions in which all of the shares of stock of a 138254
closely held corporation are transferred, or an ownership interest 138255

in a pass-through entity, as defined in section 5733.04 of the Revised Code, is transferred, if the corporation or pass-through entity is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders or owners;

(7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal property of the consumer is or is to be provided;

(8) The transfer of copyrighted motion picture films used solely for advertising purposes, except that the transfer of such films for exhibition purposes is not a sale;

(9) On and after August 1, 2003, all transactions by which tangible personal property is or is to be stored, except such property that the consumer of the storage holds for sale in the regular course of business;

(10) All transactions in which "guaranteed auto protection" is provided whereby a person promises to pay to the consumer the difference between the amount the consumer receives from motor vehicle insurance and the amount the consumer owes to a person holding title to or a lien on the consumer's motor vehicle in the event the consumer's motor vehicle suffers a total loss under the terms of the motor vehicle insurance policy or is stolen and not recovered, if the protection and its price are included in the purchase or lease agreement;

(11)(a) Except as provided in division (B)(11)(b) of this section, on and after October 1, 2009, all transactions by which health care services are paid for, reimbursed, provided, delivered, arranged for, or otherwise made available by a medicaid

health insuring corporation pursuant to the corporation's contract 138287
with the state. 138288

(b) If the centers for medicare and medicaid services of the 138289
United States department of health and human services determines 138290
that the taxation of transactions described in division (B)(11)(a) 138291
of this section constitutes an impermissible health care-related 138292
tax under ~~section 1903(w)~~ of the "Social Security Act," ~~49 Stat.~~ 138293
~~620 (1935)~~ section 1903(w), 42 U.S.C. 1396b(w), ~~as amended~~, and 138294
regulations adopted thereunder, the medicaid director ~~of job and~~ 138295
~~family services~~ shall notify the tax commissioner of that 138296
determination. Beginning with the first day of the month following 138297
that notification, the transactions described in division 138298
(B)(11)(a) of this section are not sales for the purposes of this 138299
chapter or Chapter 5741. of the Revised Code. The tax commissioner 138300
shall order that the collection of taxes under sections 5739.02, 138301
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 138302
5741.023 of the Revised Code shall cease for transactions 138303
occurring on or after that date. 138304

(12) All transactions by which a specified digital product is 138305
provided for permanent use or less than permanent use, regardless 138306
of whether continued payment is required. 138307

Except as provided in this section, "sale" and "selling" do 138308
not include transfers of interest in leased property where the 138309
original lessee and the terms of the original lease agreement 138310
remain unchanged, or professional, insurance, or personal service 138311
transactions that involve the transfer of tangible personal 138312
property as an inconsequential element, for which no separate 138313
charges are made. 138314

(C) "Vendor" means the person providing the service or by 138315
whom the transfer effected or license given by a sale is or is to 138316
be made or given and, for sales described in division (B)(3)(i) of 138317
this section, the telecommunications service vendor that provides 138318

the nine hundred telephone service; if two or more persons are 138319
engaged in business at the same place of business under a single 138320
trade name in which all collections on account of sales by each 138321
are made, such persons shall constitute a single vendor. 138322

Physicians, dentists, hospitals, and veterinarians who are 138323
engaged in selling tangible personal property as received from 138324
others, such as eyeglasses, mouthwashes, dentifrices, or similar 138325
articles, are vendors. Veterinarians who are engaged in 138326
transferring to others for a consideration drugs, the dispensing 138327
of which does not require an order of a licensed veterinarian or 138328
physician under federal law, are vendors. 138329

(D)(1) "Consumer" means the person for whom the service is 138330
provided, to whom the transfer effected or license given by a sale 138331
is or is to be made or given, to whom the service described in 138332
division (B)(3)(f) or (i) of this section is charged, or to whom 138333
the admission is granted. 138334

(2) Physicians, dentists, hospitals, and blood banks operated 138335
by nonprofit institutions and persons licensed to practice 138336
veterinary medicine, surgery, and dentistry are consumers of all 138337
tangible personal property and services purchased by them in 138338
connection with the practice of medicine, dentistry, the rendition 138339
of hospital or blood bank service, or the practice of veterinary 138340
medicine, surgery, and dentistry. In addition to being consumers 138341
of drugs administered by them or by their assistants according to 138342
their direction, veterinarians also are consumers of drugs that 138343
under federal law may be dispensed only by or upon the order of a 138344
licensed veterinarian or physician, when transferred by them to 138345
others for a consideration to provide treatment to animals as 138346
directed by the veterinarian. 138347

(3) A person who performs a facility management, or similar 138348
service contract for a contractee is a consumer of all tangible 138349
personal property and services purchased for use in connection 138350

with the performance of such contract, regardless of whether title 138351
to any such property vests in the contractee. The purchase of such 138352
property and services is not subject to the exception for resale 138353
under division (E)(1) of this section. 138354

(4)(a) In the case of a person who purchases printed matter 138355
for the purpose of distributing it or having it distributed to the 138356
public or to a designated segment of the public, free of charge, 138357
that person is the consumer of that printed matter, and the 138358
purchase of that printed matter for that purpose is a sale. 138359

(b) In the case of a person who produces, rather than 138360
purchases, printed matter for the purpose of distributing it or 138361
having it distributed to the public or to a designated segment of 138362
the public, free of charge, that person is the consumer of all 138363
tangible personal property and services purchased for use or 138364
consumption in the production of that printed matter. That person 138365
is not entitled to claim exemption under division (B)(42)(f) of 138366
section 5739.02 of the Revised Code for any material incorporated 138367
into the printed matter or any equipment, supplies, or services 138368
primarily used to produce the printed matter. 138369

(c) The distribution of printed matter to the public or to a 138370
designated segment of the public, free of charge, is not a sale to 138371
the members of the public to whom the printed matter is 138372
distributed or to any persons who purchase space in the printed 138373
matter for advertising or other purposes. 138374

(5) A person who makes sales of any of the services listed in 138375
division (B)(3) of this section is the consumer of any tangible 138376
personal property used in performing the service. The purchase of 138377
that property is not subject to the resale exception under 138378
division (E)(1) of this section. 138379

(6) A person who engages in highway transportation for hire 138380
is the consumer of all packaging materials purchased by that 138381

person and used in performing the service, except for packaging 138382
materials sold by such person in a transaction separate from the 138383
service. 138384

(7) In the case of a transaction for health care services 138385
under division (B)(11) of this section, a medicaid health insuring 138386
corporation is the consumer of such services. The purchase of such 138387
services by a medicaid health insuring corporation is not subject 138388
to the exception for resale under division (E)(1) of this section 138389
or to the exemptions provided under divisions (B)(12), (18), (19), 138390
and (22) of section 5739.02 of the Revised Code. 138391

(E) "Retail sale" and "sales at retail" include all sales, 138392
except those in which the purpose of the consumer is to resell the 138393
thing transferred or benefit of the service provided, by a person 138394
engaging in business, in the form in which the same is, or is to 138395
be, received by the person. 138396

(F) "Business" includes any activity engaged in by any person 138397
with the object of gain, benefit, or advantage, either direct or 138398
indirect. "Business" does not include the activity of a person in 138399
managing and investing the person's own funds. 138400

(G) "Engaging in business" means commencing, conducting, or 138401
continuing in business, and liquidating a business when the 138402
liquidator thereof holds itself out to the public as conducting 138403
such business. Making a casual sale is not engaging in business. 138404

(H)(1)(a) "Price," except as provided in divisions (H)(2), 138405
(3), and (4) of this section, means the total amount of 138406
consideration, including cash, credit, property, and services, for 138407
which tangible personal property or services are sold, leased, or 138408
rented, valued in money, whether received in money or otherwise, 138409
without any deduction for any of the following: 138410

(i) The vendor's cost of the property sold; 138411

(ii) The cost of materials used, labor or service costs, 138412

interest, losses, all costs of transportation to the vendor, all 138413
taxes imposed on the vendor, including the tax imposed under 138414
Chapter 5751. of the Revised Code, and any other expense of the 138415
vendor; 138416

(iii) Charges by the vendor for any services necessary to 138417
complete the sale; 138418

(iv) On and after August 1, 2003, delivery charges. As used 138419
in this division, "delivery charges" means charges by the vendor 138420
for preparation and delivery to a location designated by the 138421
consumer of tangible personal property or a service, including 138422
transportation, shipping, postage, handling, crating, and packing. 138423

(v) Installation charges; 138424

(vi) Credit for any trade-in. 138425

(b) "Price" includes consideration received by the vendor 138426
from a third party, if the vendor actually receives the 138427
consideration from a party other than the consumer, and the 138428
consideration is directly related to a price reduction or discount 138429
on the sale; the vendor has an obligation to pass the price 138430
reduction or discount through to the consumer; the amount of the 138431
consideration attributable to the sale is fixed and determinable 138432
by the vendor at the time of the sale of the item to the consumer; 138433
and one of the following criteria is met: 138434

(i) The consumer presents a coupon, certificate, or other 138435
document to the vendor to claim a price reduction or discount 138436
where the coupon, certificate, or document is authorized, 138437
distributed, or granted by a third party with the understanding 138438
that the third party will reimburse any vendor to whom the coupon, 138439
certificate, or document is presented; 138440

(ii) The consumer identifies the consumer's self to the 138441
seller as a member of a group or organization entitled to a price 138442
reduction or discount. A preferred customer card that is available 138443

to any patron does not constitute membership in such a group or organization. 138444
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(iii) The price reduction or discount is identified as a 138446
third party price reduction or discount on the invoice received by 138447
the consumer, or on a coupon, certificate, or other document 138448
presented by the consumer. 138449

(c) "Price" does not include any of the following: 138450

(i) Discounts, including cash, term, or coupons that are not 138451
reimbursed by a third party that are allowed by a vendor and taken 138452
by a consumer on a sale; 138453

(ii) Interest, financing, and carrying charges from credit 138454
extended on the sale of tangible personal property or services, if 138455
the amount is separately stated on the invoice, bill of sale, or 138456
similar document given to the purchaser; 138457

(iii) Any taxes legally imposed directly on the consumer that 138458
are separately stated on the invoice, bill of sale, or similar 138459
document given to the consumer. For the purpose of this division, 138460
the tax imposed under Chapter 5751. of the Revised Code is not a 138461
tax directly on the consumer, even if the tax or a portion thereof 138462
is separately stated. 138463

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 138464
section, any discount allowed by an automobile manufacturer to its 138465
employee, or to the employee of a supplier, on the purchase of a 138466
new motor vehicle from a new motor vehicle dealer in this state. 138467

(v) The dollar value of a gift card that is not sold by a 138468
vendor or purchased by a consumer and that is redeemed by the 138469
consumer in purchasing tangible personal property or services if 138470
the vendor is not reimbursed and does not receive compensation 138471
from a third party to cover all or part of the gift card value. 138472
For the purposes of this division, a gift card is not sold by a 138473
vendor or purchased by a consumer if it is distributed pursuant to 138474

an awards, loyalty, or promotional program. Past and present 138475
purchases of tangible personal property or services by the 138476
consumer shall not be treated as consideration exchanged for a 138477
gift card. 138478

(2) In the case of a sale of any new motor vehicle by a new 138479
motor vehicle dealer, as defined in section 4517.01 of the Revised 138480
Code, in which another motor vehicle is accepted by the dealer as 138481
part of the consideration received, "price" has the same meaning 138482
as in division (H)(1) of this section, reduced by the credit 138483
afforded the consumer by the dealer for the motor vehicle received 138484
in trade. 138485

(3) In the case of a sale of any watercraft or outboard motor 138486
by a watercraft dealer licensed in accordance with section 138487
1547.543 of the Revised Code, in which another watercraft, 138488
watercraft and trailer, or outboard motor is accepted by the 138489
dealer as part of the consideration received, "price" has the same 138490
meaning as in division (H)(1) of this section, reduced by the 138491
credit afforded the consumer by the dealer for the watercraft, 138492
watercraft and trailer, or outboard motor received in trade. As 138493
used in this division, "watercraft" includes an outdrive unit 138494
attached to the watercraft. 138495

(4) In the case of transactions for health care services 138496
under division (B)(11) of this section, "price" means the amount 138497
of managed care premiums received each month by a medicaid health 138498
insuring corporation. 138499

(I) "Receipts" means the total amount of the prices of the 138500
sales of vendors, provided that the dollar value of gift cards 138501
distributed pursuant to an awards, loyalty, or promotional 138502
program, and cash discounts allowed and taken on sales at the time 138503
they are consummated are not included, minus any amount deducted 138504
as a bad debt pursuant to section 5739.121 of the Revised Code. 138505
"Receipts" does not include the sale price of property returned or 138506

services rejected by consumers when the full sale price and tax 138507
are refunded either in cash or by credit. 138508

(J) "Place of business" means any location at which a person 138509
engages in business. 138510

(K) "Premises" includes any real property or portion thereof 138511
upon which any person engages in selling tangible personal 138512
property at retail or making retail sales and also includes any 138513
real property or portion thereof designated for, or devoted to, 138514
use in conjunction with the business engaged in by such person. 138515

(L) "Casual sale" means a sale of an item of tangible 138516
personal property that was obtained by the person making the sale, 138517
through purchase or otherwise, for the person's own use and was 138518
previously subject to any state's taxing jurisdiction on its sale 138519
or use, and includes such items acquired for the seller's use that 138520
are sold by an auctioneer employed directly by the person for such 138521
purpose, provided the location of such sales is not the 138522
auctioneer's permanent place of business. As used in this 138523
division, "permanent place of business" includes any location 138524
where such auctioneer has conducted more than two auctions during 138525
the year. 138526

(M) "Hotel" means every establishment kept, used, maintained, 138527
advertised, or held out to the public to be a place where sleeping 138528
accommodations are offered to guests, in which five or more rooms 138529
are used for the accommodation of such guests, whether the rooms 138530
are in one or several structures, except as otherwise provided in 138531
division (G) of section 5739.09 of the Revised Code. 138532

(N) "Transient guests" means persons occupying a room or 138533
rooms for sleeping accommodations for less than thirty consecutive 138534
days. 138535

(O) "Making retail sales" means the effecting of transactions 138536
wherein one party is obligated to pay the price and the other 138537

party is obligated to provide a service or to transfer title to or 138538
possession of the item sold. "Making retail sales" does not 138539
include the preliminary acts of promoting or soliciting the retail 138540
sales, other than the distribution of printed matter which 138541
displays or describes and prices the item offered for sale, nor 138542
does it include delivery of a predetermined quantity of tangible 138543
personal property or transportation of property or personnel to or 138544
from a place where a service is performed. 138545

(P) "Used directly in the rendition of a public utility 138546
service" means that property that is to be incorporated into and 138547
will become a part of the consumer's production, transmission, 138548
transportation, or distribution system and that retains its 138549
classification as tangible personal property after such 138550
incorporation; fuel or power used in the production, transmission, 138551
transportation, or distribution system; and tangible personal 138552
property used in the repair and maintenance of the production, 138553
transmission, transportation, or distribution system, including 138554
only such motor vehicles as are specially designed and equipped 138555
for such use. Tangible personal property and services used 138556
primarily in providing highway transportation for hire are not 138557
used directly in the rendition of a public utility service. In 138558
this definition, "public utility" includes a citizen of the United 138559
States holding, and required to hold, a certificate of public 138560
convenience and necessity issued under 49 U.S.C. 41102. 138561

(Q) "Refining" means removing or separating a desirable 138562
product from raw or contaminated materials by distillation or 138563
physical, mechanical, or chemical processes. 138564

(R) "Assembly" and "assembling" mean attaching or fitting 138565
together parts to form a product, but do not include packaging a 138566
product. 138567

(S) "Manufacturing operation" means a process in which 138568
materials are changed, converted, or transformed into a different 138569

state or form from which they previously existed and includes 138570
refining materials, assembling parts, and preparing raw materials 138571
and parts by mixing, measuring, blending, or otherwise committing 138572
such materials or parts to the manufacturing process. 138573
"Manufacturing operation" does not include packaging. 138574

(T) "Fiscal officer" means, with respect to a regional 138575
transit authority, the secretary-treasurer thereof, and with 138576
respect to a county that is a transit authority, the fiscal 138577
officer of the county transit board if one is appointed pursuant 138578
to section 306.03 of the Revised Code or the county auditor if the 138579
board of county commissioners operates the county transit system. 138580

(U) "Transit authority" means a regional transit authority 138581
created pursuant to section 306.31 of the Revised Code or a county 138582
in which a county transit system is created pursuant to section 138583
306.01 of the Revised Code. For the purposes of this chapter, a 138584
transit authority must extend to at least the entire area of a 138585
single county. A transit authority that includes territory in more 138586
than one county must include all the area of the most populous 138587
county that is a part of such transit authority. County population 138588
shall be measured by the most recent census taken by the United 138589
States census bureau. 138590

(V) "Legislative authority" means, with respect to a regional 138591
transit authority, the board of trustees thereof, and with respect 138592
to a county that is a transit authority, the board of county 138593
commissioners. 138594

(W) "Territory of the transit authority" means all of the 138595
area included within the territorial boundaries of a transit 138596
authority as they from time to time exist. Such territorial 138597
boundaries must at all times include all the area of a single 138598
county or all the area of the most populous county that is a part 138599
of such transit authority. County population shall be measured by 138600
the most recent census taken by the United States census bureau. 138601

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data.

(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.

(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following:

(i) Examining or acquiring data stored in or accessible to the computer equipment;

(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment.

For transactions occurring on or after the effective date of the amendment of this section by H.B. 157 of the 127th general assembly, December 21, 2007, "electronic information services" does not include electronic publishing as defined in division (LLL) of this section.

(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.

(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services

other than automatic data processing, computer services, or	138632
electronic information services, including but not limited to:	138633
(a) Accounting and legal services such as advice on tax	138634
matters, asset management, budgetary matters, quality control,	138635
information security, and auditing and any other situation where	138636
the service provider receives data or information and studies,	138637
alters, analyzes, interprets, or adjusts such material;	138638
(b) Analyzing business policies and procedures;	138639
(c) Identifying management information needs;	138640
(d) Feasibility studies, including economic and technical	138641
analysis of existing or potential computer hardware or software	138642
needs and alternatives;	138643
(e) Designing policies, procedures, and custom software for	138644
collecting business information, and determining how data should	138645
be summarized, sequenced, formatted, processed, controlled, and	138646
reported so that it will be meaningful to management;	138647
(f) Developing policies and procedures that document how	138648
business events and transactions are to be authorized, executed,	138649
and controlled;	138650
(g) Testing of business procedures;	138651
(h) Training personnel in business procedure applications;	138652
(i) Providing credit information to users of such information	138653
by a consumer reporting agency, as defined in the "Fair Credit	138654
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	138655
as hereafter amended, including but not limited to gathering,	138656
organizing, analyzing, recording, and furnishing such information	138657
by any oral, written, graphic, or electronic medium;	138658
(j) Providing debt collection services by any oral, written,	138659
graphic, or electronic means.	138660
The services listed in divisions (Y)(2)(a) to (j) of this	138661

section are not automatic data processing or computer services. 138662

(Z) "Highway transportation for hire" means the 138663
transportation of personal property belonging to others for 138664
consideration by any of the following: 138665

(1) The holder of a permit or certificate issued by this 138666
state or the United States authorizing the holder to engage in 138667
transportation of personal property belonging to others for 138668
consideration over or on highways, roadways, streets, or any 138669
similar public thoroughfare; 138670

(2) A person who engages in the transportation of personal 138671
property belonging to others for consideration over or on 138672
highways, roadways, streets, or any similar public thoroughfare 138673
but who could not have engaged in such transportation on December 138674
11, 1985, unless the person was the holder of a permit or 138675
certificate of the types described in division (Z)(1) of this 138676
section; 138677

(3) A person who leases a motor vehicle to and operates it 138678
for a person described by division (Z)(1) or (2) of this section. 138679

(AA)(1) "Telecommunications service" means the electronic 138680
transmission, conveyance, or routing of voice, data, audio, video, 138681
or any other information or signals to a point, or between or 138682
among points. "Telecommunications service" includes such 138683
transmission, conveyance, or routing in which computer processing 138684
applications are used to act on the form, code, or protocol of the 138685
content for purposes of transmission, conveyance, or routing 138686
without regard to whether the service is referred to as voice-over 138687
internet protocol service or is classified by the federal 138688
communications commission as enhanced or value-added. 138689
"Telecommunications service" does not include any of the 138690
following: 138691

(a) Data processing and information services that allow data 138692

to be generated, acquired, stored, processed, or retrieved and 138693
delivered by an electronic transmission to a consumer where the 138694
consumer's primary purpose for the underlying transaction is the 138695
processed data or information; 138696

(b) Installation or maintenance of wiring or equipment on a 138697
customer's premises; 138698

(c) Tangible personal property; 138699

(d) Advertising, including directory advertising; 138700

(e) Billing and collection services provided to third 138701
parties; 138702

(f) Internet access service; 138703

(g) Radio and television audio and video programming 138704
services, regardless of the medium, including the furnishing of 138705
transmission, conveyance, and routing of such services by the 138706
programming service provider. Radio and television audio and video 138707
programming services include, but are not limited to, cable 138708
service, as defined in 47 U.S.C. 522(6), and audio and video 138709
programming services delivered by commercial mobile radio service 138710
providers, as defined in 47 C.F.R. 20.3; 138711

(h) Ancillary service; 138712

(i) Digital products delivered electronically, including 138713
software, music, video, reading materials, or ring tones. 138714

(2) "Ancillary service" means a service that is associated 138715
with or incidental to the provision of telecommunications service, 138716
including conference bridging service, detailed telecommunications 138717
billing service, directory assistance, vertical service, and voice 138718
mail service. As used in this division: 138719

(a) "Conference bridging service" means an ancillary service 138720
that links two or more participants of an audio or video 138721
conference call, including providing a telephone number. 138722

"Conference bridging service" does not include telecommunications services used to reach the conference bridge. 138723
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(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement. 138725
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(c) "Directory assistance" means an ancillary service of providing telephone number or address information. 138728
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(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and manage multiple calls and call connections, including conference bridging service. 138730
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(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service. 138735
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(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900th service" and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer. 138740
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(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of 138749
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which the number declines with use in a known amount. 138754

(5) "Prepaid wireless calling service" means a 138755
telecommunications service that provides the right to utilize 138756
mobile telecommunications service as well as other 138757
non-telecommunications services, including the download of digital 138758
products delivered electronically, and content and ancillary 138759
services, that must be paid for in advance and that is sold in 138760
predetermined units or dollars of which the number declines with 138761
use in a known amount. 138762

(6) "Value-added non-voice data service" means a 138763
telecommunications service in which computer processing 138764
applications are used to act on the form, content, code, or 138765
protocol of the information or data primarily for a purpose other 138766
than transmission, conveyance, or routing. 138767

(7) "Coin-operated telephone service" means a 138768
telecommunications service paid for by inserting money into a 138769
telephone accepting direct deposits of money to operate. 138770

(8) "Customer" has the same meaning as in section 5739.034 of 138771
the Revised Code. 138772

(BB) "Laundry and dry cleaning services" means removing soil 138773
or dirt from towels, linens, articles of clothing, or other fabric 138774
items that belong to others and supplying towels, linens, articles 138775
of clothing, or other fabric items. "Laundry and dry cleaning 138776
services" does not include the provision of self-service 138777
facilities for use by consumers to remove soil or dirt from 138778
towels, linens, articles of clothing, or other fabric items. 138779

(CC) "Magazines distributed as controlled circulation 138780
publications" means magazines containing at least twenty-four 138781
pages, at least twenty-five per cent editorial content, issued at 138782
regular intervals four or more times a year, and circulated 138783
without charge to the recipient, provided that such magazines are 138784

not owned or controlled by individuals or business concerns which 138785
conduct such publications as an auxiliary to, and essentially for 138786
the advancement of the main business or calling of, those who own 138787
or control them. 138788

(DD) "Landscaping and lawn care service" means the services 138789
of planting, seeding, sodding, removing, cutting, trimming, 138790
pruning, mulching, aerating, applying chemicals, watering, 138791
fertilizing, and providing similar services to establish, promote, 138792
or control the growth of trees, shrubs, flowers, grass, ground 138793
cover, and other flora, or otherwise maintaining a lawn or 138794
landscape grown or maintained by the owner for ornamentation or 138795
other nonagricultural purpose. However, "landscaping and lawn care 138796
service" does not include the providing of such services by a 138797
person who has less than five thousand dollars in sales of such 138798
services during the calendar year. 138799

(EE) "Private investigation and security service" means the 138800
performance of any activity for which the provider of such service 138801
is required to be licensed pursuant to Chapter 4749. of the 138802
Revised Code, or would be required to be so licensed in performing 138803
such services in this state, and also includes the services of 138804
conducting polygraph examinations and of monitoring or overseeing 138805
the activities on or in, or the condition of, the consumer's home, 138806
business, or other facility by means of electronic or similar 138807
monitoring devices. "Private investigation and security service" 138808
does not include special duty services provided by off-duty police 138809
officers, deputy sheriffs, and other peace officers regularly 138810
employed by the state or a political subdivision. 138811

(FF) "Information services" means providing conversation, 138812
giving consultation or advice, playing or making a voice or other 138813
recording, making or keeping a record of the number of callers, 138814
and any other service provided to a consumer by means of a nine 138815
hundred telephone call, except when the nine hundred telephone 138816

call is the means by which the consumer makes a contribution to a 138817
recognized charity. 138818

(GG) "Research and development" means designing, creating, or 138819
formulating new or enhanced products, equipment, or manufacturing 138820
processes, and also means conducting scientific or technological 138821
inquiry and experimentation in the physical sciences with the goal 138822
of increasing scientific knowledge which may reveal the bases for 138823
new or enhanced products, equipment, or manufacturing processes. 138824

(HH) "Qualified research and development equipment" means 138825
capitalized tangible personal property, and leased personal 138826
property that would be capitalized if purchased, used by a person 138827
primarily to perform research and development. Tangible personal 138828
property primarily used in testing, as defined in division (A)(4) 138829
of section 5739.011 of the Revised Code, or used for recording or 138830
storing test results, is not qualified research and development 138831
equipment unless such property is primarily used by the consumer 138832
in testing the product, equipment, or manufacturing process being 138833
created, designed, or formulated by the consumer in the research 138834
and development activity or in recording or storing such test 138835
results. 138836

(II) "Building maintenance and janitorial service" means 138837
cleaning the interior or exterior of a building and any tangible 138838
personal property located therein or thereon, including any 138839
services incidental to such cleaning for which no separate charge 138840
is made. However, "building maintenance and janitorial service" 138841
does not include the providing of such service by a person who has 138842
less than five thousand dollars in sales of such service during 138843
the calendar year. 138844

(JJ) "Employment service" means providing or supplying 138845
personnel, on a temporary or long-term basis, to perform work or 138846
labor under the supervision or control of another, when the 138847
personnel so provided or supplied receive their wages, salary, or 138848

other compensation from the provider or supplier of the employment 138849
service or from a third party that provided or supplied the 138850
personnel to the provider or supplier. "Employment service" does 138851
not include: 138852

(1) Acting as a contractor or subcontractor, where the 138853
personnel performing the work are not under the direct control of 138854
the purchaser. 138855

(2) Medical and health care services. 138856

(3) Supplying personnel to a purchaser pursuant to a contract 138857
of at least one year between the service provider and the 138858
purchaser that specifies that each employee covered under the 138859
contract is assigned to the purchaser on a permanent basis. 138860

(4) Transactions between members of an affiliated group, as 138861
defined in division (B)(3)(e) of this section. 138862

(5) Transactions where the personnel so provided or supplied 138863
by a provider or supplier to a purchaser of an employment service 138864
are then provided or supplied by that purchaser to a third party 138865
as an employment service, except "employment service" does include 138866
the transaction between that purchaser and the third party. 138867

(KK) "Employment placement service" means locating or finding 138868
employment for a person or finding or locating an employee to fill 138869
an available position. 138870

(LL) "Exterminating service" means eradicating or attempting 138871
to eradicate vermin infestations from a building or structure, or 138872
the area surrounding a building or structure, and includes 138873
activities to inspect, detect, or prevent vermin infestation of a 138874
building or structure. 138875

(MM) "Physical fitness facility service" means all 138876
transactions by which a membership is granted, maintained, or 138877
renewed, including initiation fees, membership dues, renewal fees, 138878

monthly minimum fees, and other similar fees and dues, by a 138879
physical fitness facility such as an athletic club, health spa, or 138880
gymnasium, which entitles the member to use the facility for 138881
physical exercise. 138882

(NN) "Recreation and sports club service" means all 138883
transactions by which a membership is granted, maintained, or 138884
renewed, including initiation fees, membership dues, renewal fees, 138885
monthly minimum fees, and other similar fees and dues, by a 138886
recreation and sports club, which entitles the member to use the 138887
facilities of the organization. "Recreation and sports club" means 138888
an organization that has ownership of, or controls or leases on a 138889
continuing, long-term basis, the facilities used by its members 138890
and includes an aviation club, gun or shooting club, yacht club, 138891
card club, swimming club, tennis club, golf club, country club, 138892
riding club, amateur sports club, or similar organization. 138893

(OO) "Livestock" means farm animals commonly raised for food, 138894
food production, or other agricultural purposes, including, but 138895
not limited to, cattle, sheep, goats, swine, poultry, and captive 138896
deer. "Livestock" does not include invertebrates, amphibians, 138897
reptiles, domestic pets, animals for use in laboratories or for 138898
exhibition, or other animals not commonly raised for food or food 138899
production. 138900

(PP) "Livestock structure" means a building or structure used 138901
exclusively for the housing, raising, feeding, or sheltering of 138902
livestock, and includes feed storage or handling structures and 138903
structures for livestock waste handling. 138904

(QQ) "Horticulture" means the growing, cultivation, and 138905
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 138906
and nursery stock. As used in this division, "nursery stock" has 138907
the same meaning as in section 927.51 of the Revised Code. 138908

(RR) "Horticulture structure" means a building or structure 138909

used exclusively for the commercial growing, raising, or 138910
overwintering of horticultural products, and includes the area 138911
used for stocking, storing, and packing horticultural products 138912
when done in conjunction with the production of those products. 138913

(SS) "Newspaper" means an unbound publication bearing a title 138914
or name that is regularly published, at least as frequently as 138915
biweekly, and distributed from a fixed place of business to the 138916
public in a specific geographic area, and that contains a 138917
substantial amount of news matter of international, national, or 138918
local events of interest to the general public. 138919

(TT) "Professional racing team" means a person that employs 138920
at least twenty full-time employees for the purpose of conducting 138921
a motor vehicle racing business for profit. The person must 138922
conduct the business with the purpose of racing one or more motor 138923
racing vehicles in at least ten competitive professional racing 138924
events each year that comprise all or part of a motor racing 138925
series sanctioned by one or more motor racing sanctioning 138926
organizations. A "motor racing vehicle" means a vehicle for which 138927
the chassis, engine, and parts are designed exclusively for motor 138928
racing, and does not include a stock or production model vehicle 138929
that may be modified for use in racing. For the purposes of this 138930
division: 138931

(1) A "competitive professional racing event" is a motor 138932
vehicle racing event sanctioned by one or more motor racing 138933
sanctioning organizations, at which aggregate cash prizes in 138934
excess of eight hundred thousand dollars are awarded to the 138935
competitors. 138936

(2) "Full-time employee" means an individual who is employed 138937
for consideration for thirty-five or more hours a week, or who 138938
renders any other standard of service generally accepted by custom 138939
or specified by contract as full-time employment. 138940

(UU)(1) "Lease" or "rental" means any transfer of the 138941
possession or control of tangible personal property for a fixed or 138942
indefinite term, for consideration. "Lease" or "rental" includes 138943
future options to purchase or extend, and agreements described in 138944
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 138945
the amount of consideration may be increased or decreased by 138946
reference to the amount realized upon the sale or disposition of 138947
the property. "Lease" or "rental" does not include: 138948

(a) A transfer of possession or control of tangible personal 138949
property under a security agreement or a deferred payment plan 138950
that requires the transfer of title upon completion of the 138951
required payments; 138952

(b) A transfer of possession or control of tangible personal 138953
property under an agreement that requires the transfer of title 138954
upon completion of required payments and payment of an option 138955
price that does not exceed the greater of one hundred dollars or 138956
one per cent of the total required payments; 138957

(c) Providing tangible personal property along with an 138958
operator for a fixed or indefinite period of time, if the operator 138959
is necessary for the property to perform as designed. For purposes 138960
of this division, the operator must do more than maintain, 138961
inspect, or ~~set-up~~ set up the tangible personal property. 138962

(2) "Lease" and "rental," as defined in division (UU) of this 138963
section, shall not apply to leases or rentals that exist before 138964
June 26, 2003. 138965

(3) "Lease" and "rental" have the same meaning as in division 138966
(UU)(1) of this section regardless of whether a transaction is 138967
characterized as a lease or rental under generally accepted 138968
accounting principles, the Internal Revenue Code, Title XIII of 138969
the Revised Code, or other federal, state, or local laws. 138970

(VV) "Mobile telecommunications service" has the same meaning 138971

as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 138972
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 138973
on and after August 1, 2003, includes related fees and ancillary 138974
services, including universal service fees, detailed billing 138975
service, directory assistance, service initiation, voice mail 138976
service, and vertical services, such as caller ID and three-way 138977
calling. 138978

(WW) "Certified service provider" has the same meaning as in 138979
section 5740.01 of the Revised Code. 138980

(XX) "Satellite broadcasting service" means the distribution 138981
or broadcasting of programming or services by satellite directly 138982
to the subscriber's receiving equipment without the use of ground 138983
receiving or distribution equipment, except the subscriber's 138984
receiving equipment or equipment used in the uplink process to the 138985
satellite, and includes all service and rental charges, premium 138986
channels or other special services, installation and repair 138987
service charges, and any other charges having any connection with 138988
the provision of the satellite broadcasting service. 138989

(YY) "Tangible personal property" means personal property 138990
that can be seen, weighed, measured, felt, or touched, or that is 138991
in any other manner perceptible to the senses. For purposes of 138992
this chapter and Chapter 5741. of the Revised Code, "tangible 138993
personal property" includes motor vehicles, electricity, water, 138994
gas, steam, and prewritten computer software. 138995

(ZZ) "Direct mail" means printed material delivered or 138996
distributed by United States mail or other delivery service to a 138997
mass audience or to addressees on a mailing list provided by the 138998
consumer or at the direction of the consumer when the cost of the 138999
items are not billed directly to the recipients. "Direct mail" 139000
includes tangible personal property supplied directly or 139001
indirectly by the consumer to the direct mail vendor for inclusion 139002
in the package containing the printed material. "Direct mail" does 139003

not include multiple items of printed material delivered to a 139004
single address. 139005

(AAA) "Computer" means an electronic device that accepts 139006
information in digital or similar form and manipulates it for a 139007
result based on a sequence of instructions. 139008

(BBB) "Computer software" means a set of coded instructions 139009
designed to cause a computer or automatic data processing 139010
equipment to perform a task. 139011

(CCC) "Delivered electronically" means delivery of computer 139012
software from the seller to the purchaser by means other than 139013
tangible storage media. 139014

(DDD) "Prewritten computer software" means computer software, 139015
including prewritten upgrades, that is not designed and developed 139016
by the author or other creator to the specifications of a specific 139017
purchaser. The combining of two or more prewritten computer 139018
software programs or prewritten portions thereof does not cause 139019
the combination to be other than prewritten computer software. 139020
"Prewritten computer software" includes software designed and 139021
developed by the author or other creator to the specifications of 139022
a specific purchaser when it is sold to a person other than the 139023
purchaser. If a person modifies or enhances computer software of 139024
which the person is not the author or creator, the person shall be 139025
deemed to be the author or creator only of such person's 139026
modifications or enhancements. Prewritten computer software or a 139027
prewritten portion thereof that is modified or enhanced to any 139028
degree, where such modification or enhancement is designed and 139029
developed to the specifications of a specific purchaser, remains 139030
prewritten computer software; provided, however, that where there 139031
is a reasonable, separately stated charge or an invoice or other 139032
statement of the price given to the purchaser for the modification 139033
or enhancement, the modification or enhancement shall not 139034
constitute prewritten computer software. 139035

(EEE)(1) "Food" means substances, whether in liquid, 139036
concentrated, solid, frozen, dried, or dehydrated form, that are 139037
sold for ingestion or chewing by humans and are consumed for their 139038
taste or nutritional value. "Food" does not include alcoholic 139039
beverages, dietary supplements, soft drinks, or tobacco. 139040

(2) As used in division (EEE)(1) of this section: 139041

(a) "Alcoholic beverages" means beverages that are suitable 139042
for human consumption and contain one-half of one per cent or more 139043
of alcohol by volume. 139044

(b) "Dietary supplements" means any product, other than 139045
tobacco, that is intended to supplement the diet and that is 139046
intended for ingestion in tablet, capsule, powder, softgel, 139047
gelcap, or liquid form, or, if not intended for ingestion in such 139048
a form, is not represented as conventional food for use as a sole 139049
item of a meal or of the diet; that is required to be labeled as a 139050
dietary supplement, identifiable by the "supplement facts" box 139051
found on the label, as required by 21 C.F.R. 101.36; and that 139052
contains one or more of the following dietary ingredients: 139053

(i) A vitamin; 139054

(ii) A mineral; 139055

(iii) An herb or other botanical; 139056

(iv) An amino acid; 139057

(v) A dietary substance for use by humans to supplement the 139058
diet by increasing the total dietary intake; 139059

(vi) A concentrate, metabolite, constituent, extract, or 139060
combination of any ingredient described in divisions 139061
(EEE)(2)(b)(i) to (v) of this section. 139062

(c) "Soft drinks" means nonalcoholic beverages that contain 139063
natural or artificial sweeteners. "Soft drinks" does not include 139064
beverages that contain milk or milk products, soy, rice, or 139065

similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume. 139066
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(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco. 139068
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(FFF) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body. 139070
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(GGG) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription. 139079
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(HHH) "Durable medical equipment" means equipment, including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury, and is not worn in or on the body. "Durable medical equipment" does not include mobility enhancing equipment. 139083
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(III) "Mobility enhancing equipment" means equipment, including repair and replacement parts for such equipment, that is primarily and customarily used to provide or increase the ability to move from one place to another and is appropriate for use either in a home or a motor vehicle, that is not generally used by persons with normal mobility, and that does not include any motor vehicle or equipment on a motor vehicle normally provided by a 139090
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motor vehicle manufacturer. "Mobility enhancing equipment" does 139097
not include durable medical equipment. 139098

(JJJ) "Prosthetic device" means a replacement, corrective, or 139099
supportive device, including repair and replacement parts for the 139100
device, worn on or in the human body to artificially replace a 139101
missing portion of the body, prevent or correct physical deformity 139102
or malfunction, or support a weak or deformed portion of the body. 139103
As used in this division, "prosthetic device" does not include 139104
corrective eyeglasses, contact lenses, or dental prosthesis. 139105

(KKK)(1) "Fractional aircraft ownership program" means a 139106
program in which persons within an affiliated group sell and 139107
manage fractional ownership program aircraft, provided that at 139108
least one hundred airworthy aircraft are operated in the program 139109
and the program meets all of the following criteria: 139110

(a) Management services are provided by at least one program 139111
manager within an affiliated group on behalf of the fractional 139112
owners. 139113

(b) Each program aircraft is owned or possessed by at least 139114
one fractional owner. 139115

(c) Each fractional owner owns or possesses at least a 139116
one-sixteenth interest in at least one fixed-wing program 139117
aircraft. 139118

(d) A dry-lease aircraft interchange arrangement is in effect 139119
among all of the fractional owners. 139120

(e) Multi-year program agreements are in effect regarding the 139121
fractional ownership, management services, and dry-lease aircraft 139122
interchange arrangement aspects of the program. 139123

(2) As used in division (KKK)(1) of this section: 139124

(a) "Affiliated group" has the same meaning as in division 139125
(B)(3)(e) of this section. 139126

(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (KKK)(1)(e) of this section.

(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.

(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (KKK)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record-keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional aircraft ownership program.

(e) "Program manager" means the person that offers management services to fractional owners pursuant to a management services agreement under division (KKK)(1)(e) of this section.

(LLL) "Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials;

editorials, columns, reader commentary, or features; photos or 139159
images; archival or research material; legal notices, identity 139160
verification, or public records; scientific, educational, 139161
instructional, technical, professional, trade, or other literary 139162
materials; or other similar information which has been gathered 139163
and made available by the provider to the consumer in an 139164
electronic format. Providing electronic publishing includes the 139165
functions necessary for the acquisition, formatting, editing, 139166
storage, and dissemination of data or information that is the 139167
subject of a sale. 139168

(MMM) "Medicaid health insuring corporation" means a health 139169
insuring corporation that holds a certificate of authority under 139170
Chapter 1751. of the Revised Code and is under contract with the 139171
department of job and family services pursuant to section 5111.17 139172
of the Revised Code. 139173

(NNN) "Managed care premium" means any premium, capitation, 139174
or other payment a medicaid health insuring corporation receives 139175
for providing or arranging for the provision of health care 139176
services to its members or enrollees residing in this state. 139177

(OOO) "Captive deer" means deer and other cervidae that have 139178
been legally acquired, or their offspring, that are privately 139179
owned for agricultural or farming purposes. 139180

(PPP) "Gift card" means a document, card, certificate, or 139181
other record, whether tangible or intangible, that may be redeemed 139182
by a consumer for a dollar value when making a purchase of 139183
tangible personal property or services. 139184

(OOO) "Specified digital product" means an electronically 139185
transferred digital audiovisual work, digital audio work, or 139186
digital book. 139187

As used in division (OOO) of this section: 139188

(1) "Digital audiovisual work" means a series of related 139189

images that, when shown in succession, impart an impression of 139190
motion, together with accompanying sounds, if any. 139191

(2) "Digital audio work" means a work that results from the 139192
fixation of a series of musical, spoken, or other sounds, 139193
including digitized sound files that are downloaded onto a device 139194
and that may be used to alert the customer with respect to a 139195
communication. 139196

(3) "Digital book" means a work that is generally recognized 139197
in the ordinary and usual sense as a book. 139198

(4) "Electronically transferred" means obtained by the 139199
purchaser by means other than tangible storage media. 139200

Sec. 5739.02. For the purpose of providing revenue with which 139201
to meet the needs of the state, for the use of the general revenue 139202
fund of the state, for the purpose of securing a thorough and 139203
efficient system of common schools throughout the state, for the 139204
purpose of affording revenues, in addition to those from general 139205
property taxes, permitted under constitutional limitations, and 139206
from other sources, for the support of local governmental 139207
functions, and for the purpose of reimbursing the state for the 139208
expense of administering this chapter, an excise tax is hereby 139209
levied on each retail sale made in this state. 139210

(A)(1) The tax shall be collected as provided in section 139211
5739.025 of the Revised Code. The rate of the tax shall be five 139212
and ~~one-half~~ three-fourths per cent. The tax applies and is 139213
collectible when the sale is made, regardless of the time when the 139214
price is paid or delivered. 139215

(2) In the case of the lease or rental, with a fixed term of 139216
more than thirty days or an indefinite term with a minimum period 139217
of more than thirty days, of any motor vehicles designed by the 139218
manufacturer to carry a load of not more than one ton, watercraft, 139219

outboard motor, or aircraft, or of any tangible personal property, 139220
other than motor vehicles designed by the manufacturer to carry a 139221
load of more than one ton, to be used by the lessee or renter 139222
primarily for business purposes, the tax shall be collected by the 139223
vendor at the time the lease or rental is consummated and shall be 139224
calculated by the vendor on the basis of the total amount to be 139225
paid by the lessee or renter under the lease agreement. If the 139226
total amount of the consideration for the lease or rental includes 139227
amounts that are not calculated at the time the lease or rental is 139228
executed, the tax shall be calculated and collected by the vendor 139229
at the time such amounts are billed to the lessee or renter. In 139230
the case of an open-end lease or rental, the tax shall be 139231
calculated by the vendor on the basis of the total amount to be 139232
paid during the initial fixed term of the lease or rental, and for 139233
each subsequent renewal period as it comes due. As used in this 139234
division, "motor vehicle" has the same meaning as in section 139235
4501.01 of the Revised Code, and "watercraft" includes an outdrive 139236
unit attached to the watercraft. 139237

A lease with a renewal clause and a termination penalty or 139238
similar provision that applies if the renewal clause is not 139239
exercised is presumed to be a sham transaction. In such a case, 139240
the tax shall be calculated and paid on the basis of the entire 139241
length of the lease period, including any renewal periods, until 139242
the termination penalty or similar provision no longer applies. 139243
The taxpayer shall bear the burden, by a preponderance of the 139244
evidence, that the transaction or series of transactions is not a 139245
sham transaction. 139246

(3) Except as provided in division (A)(2) of this section, in 139247
the case of a sale, the price of which consists in whole or in 139248
part of the lease or rental of tangible personal property, the tax 139249
shall be measured by the installments of that lease or rental. 139250

(4) In the case of a sale of a physical fitness facility 139251

service or recreation and sports club service, the price of which 139252
consists in whole or in part of a membership for the receipt of 139253
the benefit of the service, the tax applicable to the sale shall 139254
be measured by the installments thereof. 139255

(B) The tax does not apply to the following: 139256

(1) Sales to the state or any of its political subdivisions, 139257
or to any other state or its political subdivisions if the laws of 139258
that state exempt from taxation sales made to this state and its 139259
political subdivisions; 139260

(2) Sales of food for human consumption off the premises 139261
where sold; 139262

(3) Sales of food sold to students only in a cafeteria, 139263
dormitory, fraternity, or sorority maintained in a private, 139264
public, or parochial school, college, or university; 139265

(4) Sales of newspapers ~~and of magazine subscriptions~~ and 139266
sales or transfers of magazines distributed as controlled 139267
circulation publications; 139268

(5) The furnishing, preparing, or serving of meals without 139269
charge by an employer to an employee provided the employer records 139270
the meals as part compensation for services performed or work 139271
done; 139272

(6) Sales of motor fuel upon receipt, use, distribution, or 139273
sale of which in this state a tax is imposed by the law of this 139274
state, but this exemption shall not apply to the sale of motor 139275
fuel on which a refund of the tax is allowable under division (A) 139276
of section 5735.14 of the Revised Code; and the tax commissioner 139277
may deduct the amount of tax levied by this section applicable to 139278
the price of motor fuel when granting a refund of motor fuel tax 139279
pursuant to division (A) of section 5735.14 of the Revised Code 139280
and shall cause the amount deducted to be paid into the general 139281
revenue fund of this state; 139282

(7) Sales of natural gas by a natural gas company, of water 139283
by a water-works company, or of steam by a heating company, if in 139284
each case the thing sold is delivered to consumers through pipes 139285
or conduits, and all sales of communications services by a 139286
telegraph company, all terms as defined in section 5727.01 of the 139287
Revised Code, and sales of electricity delivered through wires; 139288

(8) Casual sales by a person, or auctioneer employed directly 139289
by the person to conduct such sales, except as to such sales of 139290
motor vehicles, watercraft or outboard motors required to be 139291
titled under section 1548.06 of the Revised Code, watercraft 139292
documented with the United States coast guard, snowmobiles, and 139293
all-purpose vehicles as defined in section 4519.01 of the Revised 139294
Code; 139295

(9)(a) Sales of services or tangible personal property, other 139296
than motor vehicles, mobile homes, and manufactured homes, by 139297
churches, organizations exempt from taxation under section 139298
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 139299
organizations operated exclusively for charitable purposes as 139300
defined in division (B)(12) of this section, provided that the 139301
number of days on which such tangible personal property or 139302
services, other than items never subject to the tax, are sold does 139303
not exceed six in any calendar year, except as otherwise provided 139304
in division (B)(9)(b) of this section. If the number of days on 139305
which such sales are made exceeds six in any calendar year, the 139306
church or organization shall be considered to be engaged in 139307
business and all subsequent sales by it shall be subject to the 139308
tax. In counting the number of days, all sales by groups within a 139309
church or within an organization shall be considered to be sales 139310
of that church or organization. 139311

(b) The limitation on the number of days on which tax-exempt 139312
sales may be made by a church or organization under division 139313
(B)(9)(a) of this section does not apply to sales made by student 139314

clubs and other groups of students of a primary or secondary 139315
school, or a parent-teacher association, booster group, or similar 139316
organization that raises money to support or fund curricular or 139317
extracurricular activities of a primary or secondary school. 139318

(c) Divisions (B)(9)(a) and (b) of this section do not apply 139319
to sales by a noncommercial educational radio or television 139320
broadcasting station. 139321

(10) Sales not within the taxing power of this state under 139322
the Constitution or laws of the United States or the Constitution
of this state; 139323
139324

(11) Except for transactions that are sales under division 139325
(B)(3)(r) of section 5739.01 of the Revised Code, the 139326
transportation of persons or property, unless the transportation 139327
is by a private investigation and security service; 139328

(12) Sales of tangible personal property or services to 139329
churches, to organizations exempt from taxation under section 139330
501(c)(3) of the Internal Revenue Code of 1986, and to any other 139331
nonprofit organizations operated exclusively for charitable 139332
purposes in this state, no part of the net income of which inures 139333
to the benefit of any private shareholder or individual, and no 139334
substantial part of the activities of which consists of carrying 139335
on propaganda or otherwise attempting to influence legislation; 139336
sales to offices administering one or more homes for the aged or 139337
one or more hospital facilities exempt under section 140.08 of the 139338
Revised Code; and sales to organizations described in division (D) 139339
of section 5709.12 of the Revised Code. 139340

"Charitable purposes" means the relief of poverty; the 139341
improvement of health through the alleviation of illness, disease, 139342
or injury; the operation of an organization exclusively for the 139343
provision of professional, laundry, printing, and purchasing 139344
services to hospitals or charitable institutions; the operation of 139345

a home for the aged, as defined in section 5701.13 of the Revised Code; the operation of a radio or television broadcasting station that is licensed by the federal communications commission as a noncommercial educational radio or television station; the operation of a nonprofit animal adoption service or a county humane society; the promotion of education by an institution of learning that maintains a faculty of qualified instructors, teaches regular continuous courses of study, and confers a recognized diploma upon completion of a specific curriculum; the operation of a parent-teacher association, booster group, or similar organization primarily engaged in the promotion and support of the curricular or extracurricular activities of a primary or secondary school; the operation of a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein; the production of performances in music, dramatics, and the arts; or the promotion of education by an organization engaged in carrying on research in, or the dissemination of, scientific and technological knowledge and information primarily for the public.

Nothing in this division shall be deemed to exempt sales to any organization for use in the operation or carrying on of a trade or business, or sales to a home for the aged for use in the operation of independent living facilities as defined in division (A) of section 5709.12 of the Revised Code.

(13) Building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property under a construction contract with this state or a political subdivision of this state, or with the United States government or any of its agencies; building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to

real property that are accepted for ownership by this state or any 139378
of its political subdivisions, or by the United States government 139379
or any of its agencies at the time of completion of the structures 139380
or improvements; building and construction materials sold to 139381
construction contractors for incorporation into a horticulture 139382
structure or livestock structure for a person engaged in the 139383
business of horticulture or producing livestock; building 139384
materials and services sold to a construction contractor for 139385
incorporation into a house of public worship or religious 139386
education, or a building used exclusively for charitable purposes 139387
under a construction contract with an organization whose purpose 139388
is as described in division (B)(12) of this section; building 139389
materials and services sold to a construction contractor for 139390
incorporation into a building under a construction contract with 139391
an organization exempt from taxation under section 501(c)(3) of 139392
the Internal Revenue Code of 1986 when the building is to be used 139393
exclusively for the organization's exempt purposes; building and 139394
construction materials sold for incorporation into the original 139395
construction of a sports facility under section 307.696 of the 139396
Revised Code; building and construction materials and services 139397
sold to a construction contractor for incorporation into real 139398
property outside this state if such materials and services, when 139399
sold to a construction contractor in the state in which the real 139400
property is located for incorporation into real property in that 139401
state, would be exempt from a tax on sales levied by that state; 139402
and, until one calendar year after the construction of a 139403
convention center that qualifies for property tax exemption under 139404
section 5709.084 of the Revised Code is completed, building and 139405
construction materials and services sold to a construction 139406
contractor for incorporation into the real property comprising 139407
that convention center; 139408

(14) Sales of ships or vessels or rail rolling stock used or 139409
to be used principally in interstate or foreign commerce, and 139410

repairs, alterations, fuel, and lubricants for such ships or 139411
vessels or rail rolling stock; 139412

(15) Sales to persons primarily engaged in any of the 139413
activities mentioned in division (B)(42)(a), (g), or (h) of this 139414
section, to persons engaged in making retail sales, or to persons 139415
who purchase for sale from a manufacturer tangible personal 139416
property that was produced by the manufacturer in accordance with 139417
specific designs provided by the purchaser, of packages, including 139418
material, labels, and parts for packages, and of machinery, 139419
equipment, and material for use primarily in packaging tangible 139420
personal property produced for sale, including any machinery, 139421
equipment, and supplies used to make labels or packages, to 139422
prepare packages or products for labeling, or to label packages or 139423
products, by or on the order of the person doing the packaging, or 139424
sold at retail. "Packages" includes bags, baskets, cartons, 139425
crates, boxes, cans, bottles, bindings, wrappings, and other 139426
similar devices and containers, but does not include motor 139427
vehicles or bulk tanks, trailers, or similar devices attached to 139428
motor vehicles. "Packaging" means placing in a package. Division 139429
(B)(15) of this section does not apply to persons engaged in 139430
highway transportation for hire. 139431

(16) Sales of food to persons using supplemental nutrition 139432
assistance program benefits to purchase the food. As used in this 139433
division, "food" has the same meaning as in 7 U.S.C. 2012 and 139434
federal regulations adopted pursuant to the Food and Nutrition Act 139435
of 2008. 139436

(17) Sales to persons engaged in farming, agriculture, 139437
horticulture, or floriculture, of tangible personal property for 139438
use or consumption primarily in the production by farming, 139439
agriculture, horticulture, or floriculture of other tangible 139440
personal property for use or consumption primarily in the 139441
production of tangible personal property for sale by farming, 139442

agriculture, horticulture, or floriculture; or material and parts 139443
for incorporation into any such tangible personal property for use 139444
or consumption in production; and of tangible personal property 139445
for such use or consumption in the conditioning or holding of 139446
products produced by and for such use, consumption, or sale by 139447
persons engaged in farming, agriculture, horticulture, or 139448
floriculture, except where such property is incorporated into real 139449
property; 139450

(18) Sales of drugs for a human being that may be dispensed 139451
only pursuant to a prescription; insulin as recognized in the 139452
official United States pharmacopoeia; urine and blood testing 139453
materials when used by diabetics or persons with hypoglycemia to 139454
test for glucose or acetone; hypodermic syringes and needles when 139455
used by diabetics for insulin injections; epoetin alfa when 139456
purchased for use in the treatment of persons with medical 139457
disease; hospital beds when purchased by hospitals, nursing homes, 139458
or other medical facilities; and medical oxygen and medical 139459
oxygen-dispensing equipment when purchased by hospitals, nursing 139460
homes, or other medical facilities; 139461

(19) Sales of prosthetic devices, durable medical equipment 139462
for home use, or mobility enhancing equipment, when made pursuant 139463
to a prescription and when such devices or equipment are for use 139464
by a human being. 139465

(20) Sales of emergency and fire protection vehicles and 139466
equipment to nonprofit organizations for use solely in providing 139467
fire protection and emergency services, including trauma care and 139468
emergency medical services, for political subdivisions of the 139469
state; 139470

(21) Sales of tangible personal property manufactured in this 139471
state, if sold by the manufacturer in this state to a retailer for 139472
use in the retail business of the retailer outside of this state 139473
and if possession is taken from the manufacturer by the purchaser 139474

within this state for the sole purpose of immediately removing the	139475
same from this state in a vehicle owned by the purchaser;	139476
(22) Sales of services provided by the state or any of its	139477
political subdivisions, agencies, instrumentalities, institutions,	139478
or authorities, or by governmental entities of the state or any of	139479
its political subdivisions, agencies, instrumentalities,	139480
institutions, or authorities;	139481
(23) Sales of motor vehicles to nonresidents of this state	139482
under the circumstances described in division (B) of section	139483
5739.029 of the Revised Code;	139484
(24) Sales to persons engaged in the preparation of eggs for	139485
sale of tangible personal property used or consumed directly in	139486
such preparation, including such tangible personal property used	139487
for cleaning, sanitizing, preserving, grading, sorting, and	139488
classifying by size; packages, including material and parts for	139489
packages, and machinery, equipment, and material for use in	139490
packaging eggs for sale; and handling and transportation equipment	139491
and parts therefor, except motor vehicles licensed to operate on	139492
public highways, used in intraplant or interplant transfers or	139493
shipment of eggs in the process of preparation for sale, when the	139494
plant or plants within or between which such transfers or	139495
shipments occur are operated by the same person. "Packages"	139496
includes containers, cases, baskets, flats, fillers, filler flats,	139497
cartons, closure materials, labels, and labeling materials, and	139498
"packaging" means placing therein.	139499
(25)(a) Sales of water to a consumer for residential use;	139500
(b) Sales of water by a nonprofit corporation engaged	139501
exclusively in the treatment, distribution, and sale of water to	139502
consumers, if such water is delivered to consumers through pipes	139503
or tubing.	139504
(26) Fees charged for inspection or reinspection of motor	139505

vehicles under section 3704.14 of the Revised Code;	139506
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	139507 139508 139509 139510
(a) To prepare food for human consumption for sale;	139511
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	139512 139513 139514 139515
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	139516 139517
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	139518 139519
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	139520 139521 139522 139523
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	139524 139525 139526
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	139527 139528 139529
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	139530 139531 139532 139533 139534 139535

(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;

(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B)(42)(a) or (n) of this section to which the vendor may otherwise be entitled, based upon the use of the thing purchased in providing the telecommunications, mobile telecommunications, or satellite broadcasting service.

(35)(a) Sales where the purpose of the consumer is to use or consume the things transferred in making retail sales and consisting of newspaper inserts, catalogues, coupons, flyers, gift certificates, or other advertising material that prices and describes tangible personal property offered for retail sale.

(b) Sales to direct marketing vendors of preliminary materials such as photographs, artwork, and typesetting that will be used in printing advertising material; and of printed matter that offers free merchandise or chances to win sweepstake prizes and that is mailed to potential customers with advertising material described in division (B)(35)(a) of this section;

(c) Sales of equipment such as telephones, computers,

facsimile machines, and similar tangible personal property	139568
primarily used to accept orders for direct marketing retail sales.	139569
(d) Sales of automatic food vending machines that preserve	139570
food with a shelf life of forty-five days or less by refrigeration	139571
and dispense it to the consumer.	139572
For purposes of division (B)(35) of this section, "direct	139573
marketing" means the method of selling where consumers order	139574
tangible personal property by United States mail, delivery	139575
service, or telecommunication and the vendor delivers or ships the	139576
tangible personal property sold to the consumer from a warehouse,	139577
catalogue distribution center, or similar fulfillment facility by	139578
means of the United States mail, delivery service, or common	139579
carrier.	139580
(36) Sales to a person engaged in the business of	139581
horticulture or producing livestock of materials to be	139582
incorporated into a horticulture structure or livestock structure;	139583
(37) Sales of personal computers, computer monitors, computer	139584
keyboards, modems, and other peripheral computer equipment to an	139585
individual who is licensed or certified to teach in an elementary	139586
or a secondary school in this state for use by that individual in	139587
preparation for teaching elementary or secondary school students;	139588
(38) Sales to a professional racing team of any of the	139589
following:	139590
(a) Motor racing vehicles;	139591
(b) Repair services for motor racing vehicles;	139592
(c) Items of property that are attached to or incorporated in	139593
motor racing vehicles, including engines, chassis, and all other	139594
components of the vehicles, and all spare, replacement, and	139595
rebuilt parts or components of the vehicles; except not including	139596
tires, consumable fluids, paint, and accessories consisting of	139597

instrumentation sensors and related items added to the vehicle to 139598
collect and transmit data by means of telemetry and other forms of 139599
communication. 139600

(39) Sales of used manufactured homes and used mobile homes, 139601
as defined in section 5739.0210 of the Revised Code, made on or 139602
after January 1, 2000; 139603

(40) Sales of tangible personal property and services to a 139604
provider of electricity used or consumed directly and primarily in 139605
generating, transmitting, or distributing electricity for use by 139606
others, including property that is or is to be incorporated into 139607
and will become a part of the consumer's production, transmission, 139608
or distribution system and that retains its classification as 139609
tangible personal property after incorporation; fuel or power used 139610
in the production, transmission, or distribution of electricity; 139611
energy conversion equipment as defined in section 5727.01 of the 139612
Revised Code; and tangible personal property and services used in 139613
the repair and maintenance of the production, transmission, or 139614
distribution system, including only those motor vehicles as are 139615
specially designed and equipped for such use. The exemption 139616
provided in this division shall be in lieu of all other exemptions 139617
in division (B)(42)(a) or (n) of this section to which a provider 139618
of electricity may otherwise be entitled based on the use of the 139619
tangible personal property or service purchased in generating, 139620
transmitting, or distributing electricity. 139621

(41) Sales to a person providing services under division 139622
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 139623
personal property and services used directly and primarily in 139624
providing taxable services under that section. 139625

(42) Sales where the purpose of the purchaser is to do any of 139626
the following: 139627

(a) To incorporate the thing transferred as a material or a 139628

part into tangible personal property to be produced for sale by 139629
manufacturing, assembling, processing, or refining; or to use or 139630
consume the thing transferred directly in producing tangible 139631
personal property for sale by mining, including, without 139632
limitation, the extraction from the earth of all substances that 139633
are classed geologically as minerals, production of crude oil and 139634
natural gas, or directly in the rendition of a public utility 139635
service, except that the sales tax levied by this section shall be 139636
collected upon all meals, drinks, and food for human consumption 139637
sold when transporting persons. Persons engaged in rendering 139638
services in the exploration for, and production of, crude oil and 139639
natural gas for others are deemed engaged directly in the 139640
exploration for, and production of, crude oil and natural gas. 139641
This paragraph does not exempt from "retail sale" or "sales at 139642
retail" the sale of tangible personal property that is to be 139643
incorporated into a structure or improvement to real property. 139644

(b) To hold the thing transferred as security for the 139645
performance of an obligation of the vendor; 139646

(c) To resell, hold, use, or consume the thing transferred as 139647
evidence of a contract of insurance; 139648

(d) To use or consume the thing directly in commercial 139649
fishing; 139650

(e) To incorporate the thing transferred as a material or a 139651
part into, or to use or consume the thing transferred directly in 139652
the production of, magazines distributed as controlled circulation 139653
publications; 139654

(f) To use or consume the thing transferred in the production 139655
and preparation in suitable condition for market and sale of 139656
printed, imprinted, overprinted, lithographic, multilithic, 139657
blueprinted, photostatic, or other productions or reproductions of 139658
written or graphic matter; 139659

(g) To use the thing transferred, as described in section 139660
5739.011 of the Revised Code, primarily in a manufacturing 139661
operation to produce tangible personal property for sale; 139662

(h) To use the benefit of a warranty, maintenance or service 139663
contract, or similar agreement, as described in division (B)(7) of 139664
section 5739.01 of the Revised Code, to repair or maintain 139665
tangible personal property, if all of the property that is the 139666
subject of the warranty, contract, or agreement would not be 139667
subject to the tax imposed by this section; 139668

(i) To use the thing transferred as qualified research and 139669
development equipment; 139670

(j) To use or consume the thing transferred primarily in 139671
storing, transporting, mailing, or otherwise handling purchased 139672
sales inventory in a warehouse, distribution center, or similar 139673
facility when the inventory is primarily distributed outside this 139674
state to retail stores of the person who owns or controls the 139675
warehouse, distribution center, or similar facility, to retail 139676
stores of an affiliated group of which that person is a member, or 139677
by means of direct marketing. This division does not apply to 139678
motor vehicles registered for operation on the public highways. As 139679
used in this division, "affiliated group" has the same meaning as 139680
in division (B)(3)(e) of section 5739.01 of the Revised Code and 139681
"direct marketing" has the same meaning as in division (B)(35) of 139682
this section. 139683

(k) To use or consume the thing transferred to fulfill a 139684
contractual obligation incurred by a warrantor pursuant to a 139685
warranty provided as a part of the price of the tangible personal 139686
property sold or by a vendor of a warranty, maintenance or service 139687
contract, or similar agreement the provision of which is defined 139688
as a sale under division (B)(7) of section 5739.01 of the Revised 139689
Code; 139690

(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;

(m) To use tangible personal property to perform a service listed in division (B)(3) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;

(n) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing.

As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code.

(43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction.

(44) Sales of replacement and modification parts for engines, airframes, instruments, and interiors in, and paint for, aircraft

used primarily in a fractional aircraft ownership program, and 139722
sales of services for the repair, modification, and maintenance of 139723
such aircraft, and machinery, equipment, and supplies primarily 139724
used to provide those services. 139725

(45) Sales of telecommunications service that is used 139726
directly and primarily to perform the functions of a call center. 139727
As used in this division, "call center" means any physical 139728
location where telephone calls are placed or received in high 139729
volume for the purpose of making sales, marketing, customer 139730
service, technical support, or other specialized business 139731
activity, and that employs at least fifty individuals that engage 139732
in call center activities on a full-time basis, or sufficient 139733
individuals to fill fifty full-time equivalent positions. 139734

(46) Sales by a telecommunications service vendor of 900 139735
service to a subscriber. This division does not apply to 139736
information services, as defined in division (FF) of section 139737
5739.01 of the Revised Code. 139738

(47) Sales of value-added non-voice data service. This 139739
division does not apply to any similar service that is not 139740
otherwise a telecommunications service. 139741

(48)(a) Sales of machinery, equipment, and software to a 139742
qualified direct selling entity for use in a warehouse or 139743
distribution center primarily for storing, transporting, or 139744
otherwise handling inventory that is held for sale to independent 139745
salespersons who operate as direct sellers and that is held 139746
primarily for distribution outside this state; 139747

(b) As used in division (B)(48)(a) of this section: 139748

(i) "Direct seller" means a person selling consumer products 139749
to individuals for personal or household use and not from a fixed 139750
retail location, including selling such product at in-home product 139751
demonstrations, parties, and other one-on-one selling. 139752

(ii) "Qualified direct selling entity" means an entity selling to direct sellers at the time the entity enters into a tax credit agreement with the tax credit authority pursuant to section 122.17 of the Revised Code, provided that the agreement was entered into on or after January 1, 2007. Neither contingencies relevant to the granting of, nor later developments with respect to, the tax credit shall impair the status of the qualified direct selling entity under division (B)(48) of this section after execution of the tax credit agreement by the tax credit authority.

(c) Division (B)(48) of this section is limited to machinery, equipment, and software first stored, used, or consumed in this state within the period commencing June 24, 2008, and ending on the date that is five years after that date.

(49)(a) Sales of materials, parts, equipment, or engines used in the repair or maintenance of aircraft or avionics systems of such aircraft, and sales of repair, remodeling, replacement, or maintenance services in this state performed on aircraft or on an aircraft's avionics, engine, or component materials or parts. As used in division (B)(49)(a) of this section, "aircraft" means aircraft of more than six thousand pounds maximum certified takeoff weight or used exclusively in general aviation.

(b) Sales of tangible personal property, including materials, parts, equipment, software, supplies, tools, fuel, catalysts, oil, acids, and other consumables, or services used or consumed in performing research and development activities with respect to aerospace vehicles, the parts, avionics systems, control systems, engines, software, component materials, or component parts of such aerospace vehicles, and human performance equipment and technology associated with operating and testing aerospace vehicles. As used in division (B)(49)(b) of this section, "aerospace vehicles" means any manned or unmanned aviation device including, but not limited to, aircraft, airplanes, helicopters, missiles, rockets, and space

<u>vehicles.</u>	139785
(50) Sales of full flight simulators that are used for pilot or flight-crew training, sales of repair or replacement parts or components, and sales of repair or maintenance services for such full flight simulators. "Full flight simulator" means a replica of a specific type, or make, model, and series of aircraft cockpit. It includes the assemblage of equipment and computer programs necessary to represent aircraft operations in ground and flight conditions, a visual system providing an out-of-the-cockpit view, and a system that provides cues at least equivalent to those of a three-degree-of-freedom motion system, and has the full range of capabilities of the systems installed in the device as described in appendices A and B of part 60 of chapter 1 of title 14 of the Code of Federal Regulations.	139786 139787 139788 139789 139790 139791 139792 139793 139794 139795 139796 139797 139798
(51) Any transfer or lease of tangible personal property between the state and a successful proposer in accordance with sections 126.60 to 126.605 of the Revised Code, provided the property is part of a project as defined in section 126.60 of the Revised Code and the state retains ownership of the project or part thereof that is being transferred or leased, between the state and JobsOhio in accordance with section 4313.02 of the Revised Code.	139799 139800 139801 139802 139803 139804 139805 139806
<u>(52)(a) Sales to a qualifying corporation.</u>	139807
<u>(b) As used in division (B)(52) of this section:</u>	139808
<u>(i) "Qualifying corporation" means a nonprofit corporation organized in this state that leases from an eligible county land, buildings, structures, fixtures, and improvements to the land that are part of or used in a public recreational facility used by a major league professional athletic team or a class A to class AAA minor league affiliate of a major league professional athletic team for a significant portion of the team's home schedule,</u>	139809 139810 139811 139812 139813 139814 139815

provided the following apply: 139816

(I) The facility is leased from the eligible county pursuant to a lease that requires substantially all of the revenue from the operation of the business or activity conducted by the nonprofit corporation at the facility in excess of operating costs, capital expenditures, and reserves to be paid to the eligible county at least once per calendar year. 139817
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(II) Upon dissolution and liquidation of the nonprofit corporation, all of its net assets are distributable to the board of commissioners of the eligible county from which the corporation leases the facility. 139823
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(ii) "Eligible county" has the same meaning as in section 307.695 of the Revised Code. 139827
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(53) Sales to or by a cable service provider, video service provider, or radio or television broadcast station regulated by the federal government of cable service or programming, video service or programming, audio service or programming, or electronically transferred digital audiovisual or audio work. As used in division (B)(53) of this section, "cable service" and "cable service provider" have the same meanings as in section 1332.01 of the Revised Code, and "video service," "video service provider," and "video programming" have the same meanings as in section 1332.21 of the Revised Code. 139829
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(54) Sales of investment metal bullion and investment coins. "Investment metal bullion" means any elementary precious metal that has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, and palladium, and which is in such state or condition that its value depends upon its content and not upon its form. "Investment metal bullion" does not include fabricated precious metal that has been processed or manufactured for one or more specific and customary 139839
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industrial, professional, or artistic uses. "Investment coins" 139847
means numismatic coins or other forms of money and legal tender 139848
manufactured of gold, silver, platinum, palladium, or other metal 139849
under the laws of the United States or any foreign nation with a 139850
fair market value greater than any statutory or nominal value of 139851
such coins. 139852

(C) For the purpose of the proper administration of this 139853
chapter, and to prevent the evasion of the tax, it is presumed 139854
that all sales made in this state are subject to the tax until the 139855
contrary is established. 139856

(D) The levy of this tax on retail sales of recreation and 139857
sports club service shall not prevent a municipal corporation from 139858
levying any tax on recreation and sports club dues or on any 139859
income generated by recreation and sports club dues. 139860

(E) The tax collected by the vendor from the consumer under 139861
this chapter is not part of the price, but is a tax collection for 139862
the benefit of the state, and of counties levying an additional 139863
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 139864
Code and of transit authorities levying an additional sales tax 139865
pursuant to section 5739.023 of the Revised Code. Except for the 139866
discount authorized under section 5739.12 of the Revised Code and 139867
the effects of any rounding pursuant to section 5703.055 of the 139868
Revised Code, no person other than the state or such a county or 139869
transit authority shall derive any benefit from the collection or 139870
payment of the tax levied by this section or section 5739.021, 139871
5739.023, or 5739.026 of the Revised Code. 139872

Sec. 5739.026. (A) A board of county commissioners may levy a 139873
tax of one-fourth or one-half of one per cent on every retail sale 139874
in the county, except sales of watercraft and outboard motors 139875
required to be titled pursuant to Chapter 1548. of the Revised 139876
Code and sales of motor vehicles, and may increase an existing 139877

rate of one-fourth of one per cent to one-half of one per cent, to 139878
pay the expenses of administering the tax and, except as provided 139879
in division (A)(6) of this section, for any one or more of the 139880
following purposes provided that the aggregate levy for all such 139881
purposes does not exceed one-half of one per cent: 139882

(1) To provide additional revenues for the payment of bonds 139883
or notes issued in anticipation of bonds issued by a convention 139884
facilities authority established by the board of county 139885
commissioners under Chapter 351. of the Revised Code and to 139886
provide additional operating revenues for the convention 139887
facilities authority; 139888

(2) To provide additional revenues for a transit authority 139889
operating in the county; 139890

(3) To provide additional revenue for the county's general 139891
fund; 139892

(4) To provide additional revenue for permanent improvements 139893
within the county to be distributed by the community improvements 139894
board in accordance with section 307.283 and to pay principal, 139895
interest, and premium on bonds issued under section 307.284 of the 139896
Revised Code; 139897

(5) To provide additional revenue for the acquisition, 139898
construction, equipping, or repair of any specific permanent 139899
improvement or any class or group of permanent improvements, which 139900
improvement or class or group of improvements shall be enumerated 139901
in the resolution required by division (D) of this section, and to 139902
pay principal, interest, premium, and other costs associated with 139903
the issuance of bonds or notes in anticipation of bonds issued 139904
pursuant to Chapter 133. of the Revised Code for the acquisition, 139905
construction, equipping, or repair of the specific permanent 139906
improvement or class or group of permanent improvements; 139907

(6) To provide revenue for the implementation and operation 139908

of a 9-1-1 system in the county. If the tax is levied or the rate 139909
increased exclusively for such purpose, the tax shall not be 139910
levied or the rate increased for more than five years. At the end 139911
of the last year the tax is levied or the rate increased, any 139912
balance remaining in the special fund established for such purpose 139913
shall remain in that fund and be used exclusively for such purpose 139914
until the fund is completely expended, and, notwithstanding 139915
section 5705.16 of the Revised Code, the board of county 139916
commissioners shall not petition for the transfer of money from 139917
such special fund, and the tax commissioner shall not approve such 139918
a petition. 139919

If the tax is levied or the rate increased for such purpose 139920
for more than five years, the board of county commissioners also 139921
shall levy the tax or increase the rate of the tax for one or more 139922
of the purposes described in divisions (A)(1) to (5) of this 139923
section and shall prescribe the method for allocating the revenues 139924
from the tax each year in the manner required by division (C) of 139925
this section. 139926

(7) To provide additional revenue for the operation or 139927
maintenance of a detention facility, as that term is defined under 139928
division (F) of section 2921.01 of the Revised Code; 139929

(8) To provide revenue to finance the construction or 139930
renovation of a sports facility, but only if the tax is levied for 139931
that purpose in the manner prescribed by section 5739.028 of the 139932
Revised Code. 139933

As used in division (A)(8) of this section: 139934

(a) "Sports facility" means a facility intended to house 139935
major league professional athletic teams. 139936

(b) "Constructing" or "construction" includes providing 139937
fixtures, furnishings, and equipment. 139938

(9) To provide additional revenue for the acquisition of 139939

agricultural easements, as defined in section 5301.67 of the Revised Code; to pay principal, interest, and premium on bonds issued under section 133.60 of the Revised Code; and for the supervision and enforcement of agricultural easements held by the county;

(10) To provide revenue for the provision of ambulance, paramedic, or other emergency medical services;

(11) To provide revenue for the operation of a lake facilities authority and the remediation of an impacted watershed by a lake facilities authority, as provided in Chapter 353. of the Revised Code.

Pursuant to section 755.171 of the Revised Code, a board of county commissioners may pledge and contribute revenue from a tax levied for the purpose of division (A)(5) of this section to the payment of debt charges on bonds issued under section 755.17 of the Revised Code.

The rate of tax shall be a multiple of one-fourth of one per cent, unless a portion of the rate of an existing tax levied under section 5739.023 of the Revised Code has been reduced, and the rate of tax levied under this section has been increased, pursuant to section 5739.028 of the Revised Code, in which case the aggregate of the rates of tax levied under this section and section 5739.023 of the Revised Code shall be a multiple of one-fourth of one per cent. The tax shall be levied and the rate increased pursuant to a resolution adopted by a majority of the members of the board. The board shall deliver a certified copy of the resolution to the tax commissioner, not later than the sixty-fifth day prior to the date on which the tax is to become effective, which shall be the first day of a calendar quarter.

Prior to the adoption of any resolution to levy the tax or to increase the rate of tax exclusively for the purpose set forth in

division (A)(3) of this section, the board of county commissioners shall conduct two public hearings on the resolution, the second hearing to be no fewer than three nor more than ten days after the first. Notice of the date, time, and place of the hearings shall be given by publication in a newspaper of general circulation in the county, or as provided in section 7.16 of the Revised Code, once a week on the same day of the week for two consecutive weeks. The second publication shall be no fewer than ten nor more than thirty days prior to the first hearing. Except as provided in division (E) of this section, the resolution shall be subject to a referendum as provided in sections 305.31 to 305.41 of the Revised Code. If the resolution is adopted as an emergency measure necessary for the immediate preservation of the public peace, health, or safety, it must receive an affirmative vote of all of the members of the board of county commissioners and shall state the reasons for the necessity.

If the tax is for more than one of the purposes set forth in divisions (A)(1) to (7), (9), and (10) of this section, or is exclusively for one of the purposes set forth in division (A)(1), (2), (4), (5), (6), (7), (9), or (10) of this section, the resolution shall not go into effect unless it is approved by a majority of the electors voting on the question of the tax.

(B) The board of county commissioners shall adopt a resolution under section 351.02 of the Revised Code creating the convention facilities authority, or under section 307.283 of the Revised Code creating the community improvements board, before adopting a resolution levying a tax for the purpose of a convention facilities authority under division (A)(1) of this section or for the purpose of a community improvements board under division (A)(4) of this section.

(C)(1) If the tax is to be used for more than one of the purposes set forth in divisions (A)(1) to (7), (9), and (10) of

this section, the board of county commissioners shall establish 140003
the method that will be used to determine the amount or proportion 140004
of the tax revenue received by the county during each year that 140005
will be distributed for each of those purposes, including, if 140006
applicable, provisions governing the reallocation of a convention 140007
facilities authority's allocation if the authority is dissolved 140008
while the tax is in effect. The allocation method may provide that 140009
different proportions or amounts of the tax shall be distributed 140010
among the purposes in different years, but it shall clearly 140011
describe the method that will be used for each year. Except as 140012
otherwise provided in division (C)(2) of this section, the 140013
allocation method established by the board is not subject to 140014
amendment during the life of the tax. 140015

(2) Subsequent to holding a public hearing on the proposed 140016
amendment, the board of county commissioners may amend the 140017
allocation method established under division (C)(1) of this 140018
section for any year, if the amendment is approved by the 140019
governing board of each entity whose allocation for the year would 140020
be reduced by the proposed amendment. In the case of a tax that is 140021
levied for a continuing period of time, the board may not so amend 140022
the allocation method for any year before the sixth year that the 140023
tax is in effect. 140024

(a) If the additional revenues provided to the convention 140025
facilities authority are pledged by the authority for the payment 140026
of convention facilities authority revenue bonds for as long as 140027
such bonds are outstanding, no reduction of the authority's 140028
allocation of the tax shall be made for any year except to the 140029
extent that the reduced authority allocation, when combined with 140030
the authority's other revenues pledged for that purpose, is 140031
sufficient to meet the debt service requirements for that year on 140032
such bonds. 140033

(b) If the additional revenues provided to the county are 140034

pledged by the county for the payment of bonds or notes described 140035
in division (A)(4) or (5) of this section, for as long as such 140036
bonds or notes are outstanding, no reduction of the county's or 140037
the community improvements board's allocation of the tax shall be 140038
made for any year, except to the extent that the reduced county or 140039
community improvements board allocation is sufficient to meet the 140040
debt service requirements for that year on such bonds or notes. 140041

(c) If the additional revenues provided to the transit 140042
authority are pledged by the authority for the payment of revenue 140043
bonds issued under section 306.37 of the Revised Code, for as long 140044
as such bonds are outstanding, no reduction of the authority's 140045
allocation of tax shall be made for any year, except to the extent 140046
that the authority's reduced allocation, when combined with the 140047
authority's other revenues pledged for that purpose, is sufficient 140048
to meet the debt service requirements for that year on such bonds. 140049

(d) If the additional revenues provided to the county are 140050
pledged by the county for the payment of bonds or notes issued 140051
under section 133.60 of the Revised Code, for so long as the bonds 140052
or notes are outstanding, no reduction of the county's allocation 140053
of the tax shall be made for any year, except to the extent that 140054
the reduced county allocation is sufficient to meet the debt 140055
service requirements for that year on the bonds or notes. 140056

(D)(1) The resolution levying the tax or increasing the rate 140057
of tax shall state the rate of the tax or the rate of the 140058
increase; the purpose or purposes for which it is to be levied; 140059
the number of years for which it is to be levied or that it is for 140060
a continuing period of time; the allocation method required by 140061
division (C) of this section; and if required to be submitted to 140062
the electors of the county under division (A) of this section, the 140063
date of the election at which the proposal shall be submitted to 140064
the electors of the county, which shall be not less than ninety 140065
days after the certification of a copy of the resolution to the 140066

board of elections and, if the tax is to be levied exclusively for 140067
the purpose set forth in division (A)(3) of this section, shall 140068
not occur in February or August of any year. Upon certification of 140069
the resolution to the board of elections, the board of county 140070
commissioners shall notify the tax commissioner in writing of the 140071
levy question to be submitted to the electors. If approved by a 140072
majority of the electors, the tax shall become effective on the 140073
first day of a calendar quarter next following the sixty-fifth day 140074
following the date the board of county commissioners and tax 140075
commissioner receive from the board of elections the certification 140076
of the results of the election, except as provided in division (E) 140077
of this section. 140078

(2)(a) A resolution specifying that the tax is to be used 140079
exclusively for the purpose set forth in division (A)(3) of this 140080
section that is not adopted as an emergency measure may direct the 140081
board of elections to submit the question of levying the tax or 140082
increasing the rate of the tax to the electors of the county at a 140083
special election held on the date specified by the board of county 140084
commissioners in the resolution, provided that the election occurs 140085
not less than ninety days after the resolution is certified to the 140086
board of elections and the election is not held in February or 140087
August of any year. Upon certification of the resolution to the 140088
board of elections, the board of county commissioners shall notify 140089
the tax commissioner in writing of the levy question to be 140090
submitted to the electors. No resolution adopted under division 140091
(D)(2)(a) of this section shall go into effect unless approved by 140092
a majority of those voting upon it and, except as provided in 140093
division (E) of this section, not until the first day of a 140094
calendar quarter following the expiration of sixty-five days from 140095
the date the tax commissioner receives notice from the board of 140096
elections of the affirmative vote. 140097

(b) A resolution specifying that the tax is to be used 140098

exclusively for the purpose set forth in division (A)(3) of this 140099
section that is adopted as an emergency measure shall become 140100
effective as provided in division (A) of this section, but may 140101
direct the board of elections to submit the question of repealing 140102
the tax or increase in the rate of the tax to the electors of the 140103
county at the next general election in the county occurring not 140104
less than ninety days after the resolution is certified to the 140105
board of elections. Upon certification of the resolution to the 140106
board of elections, the board of county commissioners shall notify 140107
the tax commissioner in writing of the levy question to be 140108
submitted to the electors. The ballot question shall be the same 140109
as that prescribed in section 5739.022 of the Revised Code. The 140110
board of elections shall notify the board of county commissioners 140111
and the tax commissioner of the result of the election immediately 140112
after the result has been declared. If a majority of the qualified 140113
electors voting on the question of repealing the tax or increase 140114
in the rate of the tax vote for repeal of the tax or repeal of the 140115
increase, the board of county commissioners, on the first day of a 140116
calendar quarter following the expiration of sixty-five days after 140117
the date the board and tax commissioner received notice of the 140118
result of the election, shall, in the case of a repeal of the tax, 140119
cease to levy the tax, or, in the case of a repeal of an increase 140120
in the rate of the tax, cease to levy the increased rate and levy 140121
the tax at the rate at which it was imposed immediately prior to 140122
the increase in rate. 140123

(c) A board of county commissioners, by resolution, may 140124
reduce the rate of a tax levied exclusively for the purpose set 140125
forth in division (A)(3) of this section to a lower rate 140126
authorized by this section. Any such reduction shall be made 140127
effective on the first day of the calendar quarter next following 140128
the sixty-fifth day after the tax commissioner receives a 140129
certified copy of the resolution from the board. 140130

(E) If a vendor makes a sale in this state by printed catalog 140131
and the consumer computed the tax on the sale based on local rates 140132
published in the catalog, any tax levied or repealed or rate 140133
changed under this section shall not apply to such a sale until 140134
the first day of a calendar quarter following the expiration of 140135
one hundred twenty days from the date of notice by the tax 140136
commissioner pursuant to division (G) of this section. 140137

(F) The tax levied pursuant to this section shall be in 140138
addition to the tax levied by section 5739.02 of the Revised Code 140139
and any tax levied pursuant to section 5739.021 or 5739.023 of the 140140
Revised Code. 140141

A county that levies a tax pursuant to this section shall 140142
levy a tax at the same rate pursuant to section 5741.023 of the 140143
Revised Code. 140144

The additional tax levied by the county shall be collected 140145
pursuant to section 5739.025 of the Revised Code. 140146

Any tax levied pursuant to this section is subject to the 140147
exemptions provided in section 5739.02 of the Revised Code and in 140148
addition shall not be applicable to sales not within the taxing 140149
power of a county under the Constitution of the United States or 140150
the Ohio Constitution. 140151

(G) Upon receipt from a board of county commissioners of a 140152
certified copy of a resolution required by division (A) of this 140153
section, or from the board of elections a notice of the results of 140154
an election required by division (D)(1), (2)(a), (b), or (c) of 140155
this section, the tax commissioner shall provide notice of a tax 140156
rate change in a manner that is reasonably accessible to all 140157
affected vendors. The commissioner shall provide this notice at 140158
least sixty days prior to the effective date of the rate change. 140159
The commissioner, by rule, may establish the method by which 140160
notice will be provided. 140161

Sec. 5739.09. (A)(1) A board of county commissioners may, by 140162
resolution adopted by a majority of the members of the board, levy 140163
an excise tax not to exceed three per cent on transactions by 140164
which lodging by a hotel is or is to be furnished to transient 140165
guests. The board shall establish all regulations necessary to 140166
provide for the administration and allocation of the tax. The 140167
regulations may prescribe the time for payment of the tax, and may 140168
provide for the imposition of a penalty or interest, or both, for 140169
late payments, provided that the penalty does not exceed ten per 140170
cent of the amount of tax due, and the rate at which interest 140171
accrues does not exceed the rate per annum prescribed pursuant to 140172
section 5703.47 of the Revised Code. Except as provided in 140173
divisions (A)(2), (3), (4), (5), (6), and (7) of this section, the 140174
regulations shall provide, after deducting the real and actual 140175
costs of administering the tax, for the return to each municipal 140176
corporation or township that does not levy an excise tax on the 140177
transactions, a uniform percentage of the tax collected in the 140178
municipal corporation or in the unincorporated portion of the 140179
township from each transaction, not to exceed thirty-three and 140180
one-third per cent. The remainder of the revenue arising from the 140181
tax shall be deposited in a separate fund and shall be spent 140182
solely to make contributions to the convention and visitors' 140183
bureau operating within the county, including a pledge and 140184
contribution of any portion of the remainder pursuant to an 140185
agreement authorized by section 307.695 of the Revised Code, 140186
provided that if the board of county commissioners of an eligible 140187
county as defined in section 307.695 of the Revised Code adopts a 140188
resolution amending a resolution levying a tax under this division 140189
to provide that the revenue from the tax shall be used by the 140190
board as described in division (H) of section 307.695 of the 140191
Revised Code, the remainder of the revenue shall be used as 140192
described in the resolution making that amendment. Except as 140193

provided in division (A)(2), (3), (4), (5), (6), or (7) or (H) of 140194
this section, on and after May 10, 1994, a board of county 140195
commissioners may not levy an excise tax pursuant to this division 140196
in any municipal corporation or township located wholly or partly 140197
within the county that has in effect an ordinance or resolution 140198
levying an excise tax pursuant to division (B) of this section. 140199
The board of a county that has levied a tax under division (C) of 140200
this section may, by resolution adopted within ninety days after 140201
July 15, 1985, by a majority of the members of the board, amend 140202
the resolution levying a tax under this division to provide for a 140203
portion of that tax to be pledged and contributed in accordance 140204
with an agreement entered into under section 307.695 of the 140205
Revised Code. A tax, any revenue from which is pledged pursuant to 140206
such an agreement, shall remain in effect at the rate at which it 140207
is imposed for the duration of the period for which the revenue 140208
from the tax has been so pledged. 140209

The board of county commissioners of an eligible county as 140210
defined in section 307.695 of the Revised Code may, by resolution 140211
adopted by a majority of the members of the board, amend a 140212
resolution levying a tax under this division to provide that the 140213
revenue from the tax shall be used by the board as described in 140214
division (H) of section 307.695 of the Revised Code, in which case 140215
the tax shall remain in effect at the rate at which it was imposed 140216
for the duration of any agreement entered into by the board under 140217
section 307.695 of the Revised Code, the duration during which any 140218
securities issued by the board under that section are outstanding, 140219
or the duration of the period during which the board owns a 140220
project as defined in section 307.695 of the Revised Code, 140221
whichever duration is longest. 140222

(2) A board of county commissioners that levies an excise tax 140223
under division (A)(1) of this section on June 30, 1997, at a rate 140224
of three per cent, and that has pledged revenue from the tax to an 140225

agreement entered into under section 307.695 of the Revised Code 140226
or, in the case of the board of county commissioners of an 140227
eligible county as defined in section 307.695 of the Revised Code, 140228
has amended a resolution levying a tax under division (C) of this 140229
section to provide that proceeds from the tax shall be used by the 140230
board as described in division (H) of section 307.695 of the 140231
Revised Code, may, at any time by a resolution adopted by a 140232
majority of the members of the board, amend the resolution levying 140233
a tax under division (A)(1) of this section to provide for an 140234
increase in the rate of that tax up to seven per cent on each 140235
transaction; to provide that revenue from the increase in the rate 140236
shall be used as described in division (H) of section 307.695 of 140237
the Revised Code or be spent solely to make contributions to the 140238
convention and visitors' bureau operating within the county to be 140239
used specifically for promotion, advertising, and marketing of the 140240
region in which the county is located; and to provide that the 140241
rate in excess of the three per cent levied under division (A)(1) 140242
of this section shall remain in effect at the rate at which it is 140243
imposed for the duration of the period during which any agreement 140244
is in effect that was entered into under section 307.695 of the 140245
Revised Code by the board of county commissioners levying a tax 140246
under division (A)(1) of this section, the duration of the period 140247
during which any securities issued by the board under division (I) 140248
of section 307.695 of the Revised Code are outstanding, or the 140249
duration of the period during which the board owns a project as 140250
defined in section 307.695 of the Revised Code, whichever duration 140251
is longest. The amendment also shall provide that no portion of 140252
that revenue need be returned to townships or municipal 140253
corporations as would otherwise be required under division (A)(1) 140254
of this section. 140255

(3) A board of county commissioners that levies a tax under 140256
division (A)(1) of this section on March 18, 1999, at a rate of 140257
three per cent may, by resolution adopted not later than 140258

forty-five days after March 18, 1999, amend the resolution levying 140259
the tax to provide for all of the following: 140260

(a) That the rate of the tax shall be increased by not more 140261
than an additional four per cent on each transaction; 140262

(b) That all of the revenue from the increase in the rate 140263
shall be pledged and contributed to a convention facilities 140264
authority established by the board of county commissioners under 140265
Chapter 351. of the Revised Code on or before November 15, 1998, 140266
and used to pay costs of constructing, maintaining, operating, and 140267
promoting a facility in the county, including paying bonds, or 140268
notes issued in anticipation of bonds, as provided by that 140269
chapter; 140270

(c) That no portion of the revenue arising from the increase 140271
in rate need be returned to municipal corporations or townships as 140272
otherwise required under division (A)(1) of this section; 140273

(d) That the increase in rate shall not be subject to 140274
diminution by initiative or referendum or by law while any bonds, 140275
or notes in anticipation of bonds, issued by the authority under 140276
Chapter 351. of the Revised Code to which the revenue is pledged, 140277
remain outstanding in accordance with their terms, unless 140278
provision is made by law or by the board of county commissioners 140279
for an adequate substitute therefor that is satisfactory to the 140280
trustee if a trust agreement secures the bonds. 140281

Division (A)(3) of this section does not apply to the board 140282
of county commissioners of any county in which a convention center 140283
or facility exists or is being constructed on November 15, 1998, 140284
or of any county in which a convention facilities authority levies 140285
a tax pursuant to section 351.021 of the Revised Code on that 140286
date. 140287

As used in division (A)(3) of this section, "cost" and 140288
"facility" have the same meanings as in section 351.01 of the 140289

Revised Code, and "convention center" has the same meaning as in 140290
section 307.695 of the Revised Code. 140291

(4)(a) A board of county commissioners that levies a tax 140292
under division (A)(1) of this section on June 30, 2002, at a rate 140293
of three per cent may, by resolution adopted not later than 140294
September 30, 2002, amend the resolution levying the tax to 140295
provide for all of the following: 140296

(i) That the rate of the tax shall be increased by not more 140297
than an additional three and one-half per cent on each 140298
transaction; 140299

(ii) That all of the revenue from the increase in rate shall 140300
be pledged and contributed to a convention facilities authority 140301
established by the board of county commissioners under Chapter 140302
351. of the Revised Code on or before May 15, 2002, and be used to 140303
pay costs of constructing, expanding, maintaining, operating, or 140304
promoting a convention center in the county, including paying 140305
bonds, or notes issued in anticipation of bonds, as provided by 140306
that chapter; 140307

(iii) That no portion of the revenue arising from the 140308
increase in rate need be returned to municipal corporations or 140309
townships as otherwise required under division (A)(1) of this 140310
section; 140311

(iv) That the increase in rate shall not be subject to 140312
diminution by initiative or referendum or by law while any bonds, 140313
or notes in anticipation of bonds, issued by the authority under 140314
Chapter 351. of the Revised Code to which the revenue is pledged, 140315
remain outstanding in accordance with their terms, unless 140316
provision is made by law or by the board of county commissioners 140317
for an adequate substitute therefor that is satisfactory to the 140318
trustee if a trust agreement secures the bonds. 140319

(b) Any board of county commissioners that, pursuant to 140320

division (A)(4)(a) of this section, has amended a resolution 140321
levying the tax authorized by division (A)(1) of this section may 140322
further amend the resolution to provide that the revenue referred 140323
to in division (A)(4)(a)(ii) of this section shall be pledged and 140324
contributed both to a convention facilities authority to pay the 140325
costs of constructing, expanding, maintaining, or operating one or 140326
more convention centers in the county, including paying bonds, or 140327
notes issued in anticipation of bonds, as provided in Chapter 351. 140328
of the Revised Code, and to a convention and visitors' bureau to 140329
pay the costs of promoting one or more convention centers in the 140330
county. 140331

As used in division (A)(4) of this section, "cost" has the 140332
same meaning as in section 351.01 of the Revised Code, and 140333
"convention center" has the same meaning as in section 307.695 of 140334
the Revised Code. 140335

(5)(a) As used in division (A)(5) of this section: 140336

(i) "Port authority" means a port authority created under 140337
Chapter 4582. of the Revised Code. 140338

(ii) "Port authority military-use facility" means port 140339
authority facilities on which or adjacent to which is located an 140340
installation of the armed forces of the United States, a reserve 140341
component thereof, or the national guard and at least part of 140342
which is made available for use, for consideration, by the armed 140343
forces of the United States, a reserve component thereof, or the 140344
national guard. 140345

(b) For the purpose of contributing revenue to pay operating 140346
expenses of a port authority that operates a port authority 140347
military-use facility, the board of county commissioners of a 140348
county that created, participated in the creation of, or has 140349
joined such a port authority may do one or both of the following: 140350

(i) Amend a resolution previously adopted under division 140351

(A)(1) of this section to designate some or all of the revenue 140352
from the tax levied under the resolution to be used for that 140353
purpose, notwithstanding that division; 140354

(ii) Amend a resolution previously adopted under division 140355
(A)(1) of this section to increase the rate of the tax by not more 140356
than an additional two per cent and use the revenue from the 140357
increase exclusively for that purpose. 140358

(c) If a board of county commissioners amends a resolution to 140359
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 140360
of this section, the board also may amend the resolution to 140361
specify that the increase in rate of the tax does not apply to 140362
"hotels," as otherwise defined in section 5739.01 of the Revised 140363
Code, having fewer rooms used for the accommodation of guests than 140364
a number of rooms specified by the board. 140365

(6) A board of county commissioners of a county organized 140366
under a county charter adopted pursuant to Article X, Section 3, 140367
Ohio Constitution, and that levies an excise tax under division 140368
(A)(1) of this section at a rate of three per cent and levies an 140369
additional excise tax under division (E) of this section at a rate 140370
of one and one-half per cent may, by resolution adopted not later 140371
than January 1, 2008, by a majority of the members of the board, 140372
amend the resolution levying a tax under division (A)(1) of this 140373
section to provide for an increase in the rate of that tax by not 140374
more than an additional one per cent on transactions by which 140375
lodging by a hotel is or is to be furnished to transient guests. 140376
Notwithstanding divisions (A)(1) and (E) of this section, the 140377
resolution shall provide that all of the revenue from the increase 140378
in rate, after deducting the real and actual costs of 140379
administering the tax, shall be used to pay the costs of 140380
improving, expanding, equipping, financing, or operating a 140381
convention center by a convention and visitors' bureau in the 140382
county. The increase in rate shall remain in effect for the period 140383

specified in the resolution, not to exceed ten years. The increase 140384
in rate shall be subject to the regulations adopted under division 140385
(A)(1) of this section, except that the resolution may provide 140386
that no portion of the revenue from the increase in the rate shall 140387
be returned to townships or municipal corporations as would 140388
otherwise be required under that division. 140389

(7) Division (A)(7) of this section applies only to a county 140390
with a population greater than sixty-five thousand and less than 140391
seventy thousand according to the most recent federal decennial 140392
census and in which, on December 31, 2006, an excise tax is levied 140393
under division (A)(1) of this section at a rate not less than and 140394
not greater than three per cent, and in which the most recent 140395
increase in the rate of that tax was enacted or took effect in 140396
November 1984. 140397

The board of county commissioners of a county to which this 140398
division applies, by resolution adopted by a majority of the 140399
members of the board, may increase the rate of the tax by not more 140400
than one per cent on transactions by which lodging by a hotel is 140401
or is to be furnished to transient guests. The increase in rate 140402
shall be for the purpose of paying expenses deemed necessary by 140403
the convention and visitors' bureau operating in the county to 140404
promote travel and tourism. The increase in rate shall remain in 140405
effect for the period specified in the resolution, not to exceed 140406
twenty years, provided that the increase in rate may not continue 140407
beyond the time when the purpose for which the increase is levied 140408
ceases to exist. If revenue from the increase in rate is pledged 140409
to the payment of debt charges on securities, the increase in rate 140410
is not subject to diminution by initiative or referendum or by law 140411
for so long as the securities are outstanding, unless provision is 140412
made by law or by the board of county commissioners for an 140413
adequate substitute for that revenue that is satisfactory to the 140414
trustee if a trust agreement secures payment of the debt charges. 140415

The increase in rate shall be subject to the regulations adopted 140416
under division (A)(1) of this section, except that the resolution 140417
may provide that no portion of the revenue from the increase in 140418
the rate shall be returned to townships or municipal corporations 140419
as would otherwise be required under division (A)(1) of this 140420
section. A resolution adopted under division (A)(7) of this 140421
section is subject to referendum under sections 305.31 to 305.99 140422
of the Revised Code. 140423

(B)(1) The legislative authority of a municipal corporation 140424
or the board of trustees of a township that is not wholly or 140425
partly located in a county that has in effect a resolution levying 140426
an excise tax pursuant to division (A)(1) of this section may, by 140427
ordinance or resolution, levy an excise tax not to exceed three 140428
per cent on transactions by which lodging by a hotel is or is to 140429
be furnished to transient guests. The legislative authority of the 140430
municipal corporation or the board of trustees of the township 140431
shall deposit at least fifty per cent of the revenue from the tax 140432
levied pursuant to this division into a separate fund, which shall 140433
be spent solely to make contributions to convention and visitors' 140434
bureaus operating within the county in which the municipal 140435
corporation or township is wholly or partly located, and the 140436
balance of that revenue shall be deposited in the general fund. 140437
The municipal corporation or township shall establish all 140438
regulations necessary to provide for the administration and 140439
allocation of the tax. The regulations may prescribe the time for 140440
payment of the tax, and may provide for the imposition of a 140441
penalty or interest, or both, for late payments, provided that the 140442
penalty does not exceed ten per cent of the amount of tax due, and 140443
the rate at which interest accrues does not exceed the rate per 140444
annum prescribed pursuant to section 5703.47 of the Revised Code. 140445
The levy of a tax under this division is in addition to any tax 140446
imposed on the same transaction by a municipal corporation or a 140447
township as authorized by division (A) of section 5739.08 of the 140448

Revised Code. 140449

(2)(a) The legislative authority of the most populous 140450
municipal corporation located wholly or partly in a county in 140451
which the board of county commissioners has levied a tax under 140452
division (A)(4) of this section may amend, on or before September 140453
30, 2002, that municipal corporation's ordinance or resolution 140454
that levies an excise tax on transactions by which lodging by a 140455
hotel is or is to be furnished to transient guests, to provide for 140456
all of the following: 140457

(i) That the rate of the tax shall be increased by not more 140458
than an additional one per cent on each transaction; 140459

(ii) That all of the revenue from the increase in rate shall 140460
be pledged and contributed to a convention facilities authority 140461
established by the board of county commissioners under Chapter 140462
351. of the Revised Code on or before May 15, 2002, and be used to 140463
pay costs of constructing, expanding, maintaining, operating, or 140464
promoting a convention center in the county, including paying 140465
bonds, or notes issued in anticipation of bonds, as provided by 140466
that chapter; 140467

(iii) That the increase in rate shall not be subject to 140468
diminution by initiative or referendum or by law while any bonds, 140469
or notes in anticipation of bonds, issued by the authority under 140470
Chapter 351. of the Revised Code to which the revenue is pledged, 140471
remain outstanding in accordance with their terms, unless 140472
provision is made by law, by the board of county commissioners, or 140473
by the legislative authority, for an adequate substitute therefor 140474
that is satisfactory to the trustee if a trust agreement secures 140475
the bonds. 140476

(b) The legislative authority of a municipal corporation 140477
that, pursuant to division (B)(2)(a) of this section, has amended 140478
its ordinance or resolution to increase the rate of the tax 140479

authorized by division (B)(1) of this section may further amend 140480
the ordinance or resolution to provide that the revenue referred 140481
to in division (B)(2)(a)(ii) of this section shall be pledged and 140482
contributed both to a convention facilities authority to pay the 140483
costs of constructing, expanding, maintaining, or operating one or 140484
more convention centers in the county, including paying bonds, or 140485
notes issued in anticipation of bonds, as provided in Chapter 351. 140486
of the Revised Code, and to a convention and visitors' bureau to 140487
pay the costs of promoting one or more convention centers in the 140488
county. 140489

As used in division (B)(2) of this section, "cost" has the 140490
same meaning as in section 351.01 of the Revised Code, and 140491
"convention center" has the same meaning as in section 307.695 of 140492
the Revised Code. 140493

(C) For the purposes described in section 307.695 of the 140494
Revised Code and to cover the costs of administering the tax, a 140495
board of county commissioners of a county where a tax imposed 140496
under division (A)(1) of this section is in effect may, by 140497
resolution adopted within ninety days after July 15, 1985, by a 140498
majority of the members of the board, levy an additional excise 140499
tax not to exceed three per cent on transactions by which lodging 140500
by a hotel is or is to be furnished to transient guests. The tax 140501
authorized by this division shall be in addition to any tax that 140502
is levied pursuant to division (A) of this section, but it shall 140503
not apply to transactions subject to a tax levied by a municipal 140504
corporation or township pursuant to the authorization granted by 140505
division (A) of section 5739.08 of the Revised Code. The board 140506
shall establish all regulations necessary to provide for the 140507
administration and allocation of the tax. The regulations may 140508
prescribe the time for payment of the tax, and may provide for the 140509
imposition of a penalty or interest, or both, for late payments, 140510
provided that the penalty does not exceed ten per cent of the 140511

amount of tax due, and the rate at which interest accrues does not 140512
exceed the rate per annum prescribed pursuant to section 5703.47 140513
of the Revised Code. All revenues arising from the tax shall be 140514
expended in accordance with section 307.695 of the Revised Code. 140515
The board of county commissioners of an eligible county as defined 140516
in section 307.695 of the Revised Code may, by resolution adopted 140517
by a majority of the members of the board, amend the resolution 140518
levying a tax under this division to provide that the revenue from 140519
the tax shall be used by the board as described in division (H) of 140520
section 307.695 of the Revised Code. A tax imposed under this 140521
division shall remain in effect at the rate at which it is imposed 140522
for the duration of the period during which any agreement entered 140523
into by the board under section 307.695 of the Revised Code is in 140524
effect, the duration of the period during which any securities 140525
issued by the board under division (I) of section 307.695 of the 140526
Revised Code are outstanding, or the duration of the period during 140527
which the board owns a project as defined in section 307.695 of 140528
the Revised Code, whichever duration is longest. 140529

(D) For the purpose of providing contributions under division 140530
(B)(1) of section 307.671 of the Revised Code to enable the 140531
acquisition, construction, and equipping of a port authority 140532
educational and cultural facility in the county and, to the extent 140533
provided for in the cooperative agreement authorized by that 140534
section, for the purpose of paying debt service charges on bonds, 140535
or notes in anticipation of bonds, described in division (B)(1)(b) 140536
of that section, a board of county commissioners, by resolution 140537
adopted within ninety days after December 22, 1992, by a majority 140538
of the members of the board, may levy an additional excise tax not 140539
to exceed one and one-half per cent on transactions by which 140540
lodging by a hotel is or is to be furnished to transient guests. 140541
The excise tax authorized by this division shall be in addition to 140542
any tax that is levied pursuant to divisions (A), (B), and (C) of 140543
this section, to any excise tax levied pursuant to section 5739.08 140544

of the Revised Code, and to any excise tax levied pursuant to 140545
section 351.021 of the Revised Code. The board of county 140546
commissioners shall establish all regulations necessary to provide 140547
for the administration and allocation of the tax that are not 140548
inconsistent with this section or section 307.671 of the Revised 140549
Code. The regulations may prescribe the time for payment of the 140550
tax, and may provide for the imposition of a penalty or interest, 140551
or both, for late payments, provided that the penalty does not 140552
exceed ten per cent of the amount of tax due, and the rate at 140553
which interest accrues does not exceed the rate per annum 140554
prescribed pursuant to section 5703.47 of the Revised Code. All 140555
revenues arising from the tax shall be expended in accordance with 140556
section 307.671 of the Revised Code and division (D) of this 140557
section. The levy of a tax imposed under this division may not 140558
commence prior to the first day of the month next following the 140559
execution of the cooperative agreement authorized by section 140560
307.671 of the Revised Code by all parties to that agreement. The 140561
tax shall remain in effect at the rate at which it is imposed for 140562
the period of time described in division (C) of section 307.671 of 140563
the Revised Code for which the revenue from the tax has been 140564
pledged by the county to the corporation pursuant to that section, 140565
but, to any extent provided for in the cooperative agreement, for 140566
no lesser period than the period of time required for payment of 140567
the debt service charges on bonds, or notes in anticipation of 140568
bonds, described in division (B)(1)(b) of that section. 140569

(E) For the purpose of paying the costs of acquiring, 140570
constructing, equipping, and improving a municipal educational and 140571
cultural facility, including debt service charges on bonds 140572
provided for in division (B) of section 307.672 of the Revised 140573
Code, and for any additional purposes determined by the county in 140574
the resolution levying the tax or amendments to the resolution, 140575
including subsequent amendments providing for paying costs of 140576
acquiring, constructing, renovating, rehabilitating, equipping, 140577

and improving a port authority educational and cultural performing 140578
arts facility, as defined in section 307.674 of the Revised Code, 140579
and including debt service charges on bonds provided for in 140580
division (B) of section 307.674 of the Revised Code, the 140581
legislative authority of a county, by resolution adopted within 140582
ninety days after June 30, 1993, by a majority of the members of 140583
the legislative authority, may levy an additional excise tax not 140584
to exceed one and one-half per cent on transactions by which 140585
lodging by a hotel is or is to be furnished to transient guests. 140586
The excise tax authorized by this division shall be in addition to 140587
any tax that is levied pursuant to divisions (A), (B), (C), and 140588
(D) of this section, to any excise tax levied pursuant to section 140589
5739.08 of the Revised Code, and to any excise tax levied pursuant 140590
to section 351.021 of the Revised Code. The legislative authority 140591
of the county shall establish all regulations necessary to provide 140592
for the administration and allocation of the tax. The regulations 140593
may prescribe the time for payment of the tax, and may provide for 140594
the imposition of a penalty or interest, or both, for late 140595
payments, provided that the penalty does not exceed ten per cent 140596
of the amount of tax due, and the rate at which interest accrues 140597
does not exceed the rate per annum prescribed pursuant to section 140598
5703.47 of the Revised Code. All revenues arising from the tax 140599
shall be expended in accordance with section 307.672 of the 140600
Revised Code and this division. The levy of a tax imposed under 140601
this division shall not commence prior to the first day of the 140602
month next following the execution of the cooperative agreement 140603
authorized by section 307.672 of the Revised Code by all parties 140604
to that agreement. The tax shall remain in effect at the rate at 140605
which it is imposed for the period of time determined by the 140606
legislative authority of the county. That period of time shall not 140607
exceed fifteen years, except that the legislative authority of a 140608
county with a population of less than two hundred fifty thousand 140609
according to the most recent federal decennial census, by 140610

resolution adopted by a majority of its members before the 140611
original tax expires, may extend the duration of the tax for an 140612
additional period of time. The additional period of time by which 140613
a legislative authority extends a tax levied under this division 140614
shall not exceed fifteen years. 140615

(F) The legislative authority of a county that has levied a 140616
tax under division (E) of this section may, by resolution adopted 140617
within one hundred eighty days after January 4, 2001, by a 140618
majority of the members of the legislative authority, amend the 140619
resolution levying a tax under that division to provide for the 140620
use of the proceeds of that tax, to the extent that it is no 140621
longer needed for its original purpose as determined by the 140622
parties to a cooperative agreement amendment pursuant to division 140623
(D) of section 307.672 of the Revised Code, to pay costs of 140624
acquiring, constructing, renovating, rehabilitating, equipping, 140625
and improving a port authority educational and cultural performing 140626
arts facility, including debt service charges on bonds provided 140627
for in division (B) of section 307.674 of the Revised Code, and to 140628
pay all obligations under any guaranty agreements, reimbursement 140629
agreements, or other credit enhancement agreements described in 140630
division (C) of section 307.674 of the Revised Code. The 140631
resolution may also provide for the extension of the tax at the 140632
same rate for the longer of the period of time determined by the 140633
legislative authority of the county, but not to exceed an 140634
additional twenty-five years, or the period of time required to 140635
pay all debt service charges on bonds provided for in division (B) 140636
of section 307.672 of the Revised Code and on port authority 140637
revenue bonds provided for in division (B) of section 307.674 of 140638
the Revised Code. All revenues arising from the amendment and 140639
extension of the tax shall be expended in accordance with section 140640
307.674 of the Revised Code, this division, and division (E) of 140641
this section. 140642

(G) For purposes of a tax levied by a county, township, or municipal corporation under this section or section 5739.08 of the Revised Code, a board of county commissioners, board of township trustees, or the legislative authority of a municipal corporation may adopt a resolution or ordinance at any time specifying that "hotel," as otherwise defined in section 5739.01 of the Revised Code, includes the following:

(1) Establishments in which fewer than five rooms are used for the accommodation of guests.

(2) Establishments at which rooms are used for the accommodation of guests regardless of whether each room is accessible through its own keyed entry or several rooms are accessible through the same keyed entry; and, in determining the number of rooms, all rooms are included regardless of the number of structures in which the rooms are situated or the number of parcels of land on which the structures are located if the structures are under the same ownership and the structures are not identified in advertisements of the accommodations as distinct establishments. For the purposes of division (G)(2) of this section, two or more structures are under the same ownership if they are owned by the same person, or if they are owned by two or more persons the majority of the ownership interests of which are owned by the same person.

The resolution or ordinance may apply to a tax imposed pursuant to this section prior to the adoption of the resolution or ordinance if the resolution or ordinance so states, but the tax shall not apply to transactions by which lodging by such an establishment is provided to transient guests prior to the adoption of the resolution or ordinance.

(H)(1) As used in this division:

(a) "Convention facilities authority" has the same meaning as

in section 351.01 of the Revised Code. 140674

(b) "Convention center" has the same meaning as in section 140675
307.695 of the Revised Code. 140676

(2) Notwithstanding any contrary provision of division (D) of 140677
this section, the legislative authority of a county with a 140678
population of one million or more according to the most recent 140679
federal decennial census that has levied a tax under division (D) 140680
of this section may, by resolution adopted by a majority of the 140681
members of the legislative authority, provide for the extension of 140682
such levy and may provide that the proceeds of that tax, to the 140683
extent that they are no longer needed for their original purpose 140684
as defined by a cooperative agreement entered into under section 140685
307.671 of the Revised Code, shall be deposited into the county 140686
general revenue fund. The resolution shall provide for the 140687
extension of the tax at a rate not to exceed the rate specified in 140688
division (D) of this section for a period of time determined by 140689
the legislative authority of the county, but not to exceed an 140690
additional forty years. 140691

(3) The legislative authority of a county with a population 140692
of one million or more that has levied a tax under division (A)(1) 140693
of this section may, by resolution adopted by a majority of the 140694
members of the legislative authority, increase the rate of the tax 140695
levied by such county under division (A)(1) of this section to a 140696
rate not to exceed five per cent on transactions by which lodging 140697
by a hotel is or is to be furnished to transient guests. 140698
Notwithstanding any contrary provision of division (A)(1) of this 140699
section, the resolution may provide that all collections resulting 140700
from the rate levied in excess of three per cent, after deducting 140701
the real and actual costs of administering the tax, shall be 140702
deposited in the county general fund. 140703

(4) The legislative authority of a county with a population 140704
of one million or more that has levied a tax under division (A)(1) 140705

of this section may, by resolution adopted on or before August 30, 140706
2004, by a majority of the members of the legislative authority, 140707
provide that all or a portion of the proceeds of the tax levied 140708
under division (A)(1) of this section, after deducting the real 140709
and actual costs of administering the tax and the amounts required 140710
to be returned to townships and municipal corporations with 140711
respect to the first three per cent levied under division (A)(1) 140712
of this section, shall be deposited in the county general fund, 140713
provided that such proceeds shall be used to satisfy any pledges 140714
made in connection with an agreement entered into under section 140715
307.695 of the Revised Code. 140716

(5) No amount collected from a tax levied, extended, or 140717
required to be deposited in the county general fund under division 140718
(H) of this section shall be contributed to a convention 140719
facilities authority, corporation, or other entity created after 140720
July 1, 2003, for the principal purpose of constructing, 140721
improving, expanding, equipping, financing, or operating a 140722
convention center unless the mayor of the municipal corporation in 140723
which the convention center is to be operated by that convention 140724
facilities authority, corporation, or other entity has consented 140725
to the creation of that convention facilities authority, 140726
corporation, or entity. Notwithstanding any contrary provision of 140727
section 351.04 of the Revised Code, if a tax is levied by a county 140728
under division (H) of this section, the board of county 140729
commissioners of that county may determine the manner of 140730
selection, the qualifications, the number, and terms of office of 140731
the members of the board of directors of any convention facilities 140732
authority, corporation, or other entity described in division 140733
(H)(5) of this section. 140734

(6)(a) No amount collected from a tax levied, extended, or 140735
required to be deposited in the county general fund under division 140736
(H) of this section may be used for any purpose other than paying 140737

the direct and indirect costs of constructing, improving, 140738
expanding, equipping, financing, or operating a convention center 140739
and for the real and actual costs of administering the tax, 140740
unless, prior to the adoption of the resolution of the legislative 140741
authority of the county authorizing the levy, extension, increase, 140742
or deposit, the county and the mayor of the most populous 140743
municipal corporation in that county have entered into an 140744
agreement as to the use of such amounts, provided that such 140745
agreement has been approved by a majority of the mayors of the 140746
other municipal corporations in that county. The agreement shall 140747
provide that the amounts to be used for purposes other than paying 140748
the convention center or administrative costs described in 140749
division (H)(6)(a) of this section be used only for the direct and 140750
indirect costs of capital improvements, including the financing of 140751
capital improvements. 140752

(b) If the county in which the tax is levied has an 140753
association of mayors and city managers, the approval of that 140754
association of an agreement described in division (H)(6)(a) of 140755
this section shall be considered to be the approval of the 140756
majority of the mayors of the other municipal corporations for 140757
purposes of that division. 140758

(7) Each year, the auditor of state shall conduct an audit of 140759
the uses of any amounts collected from taxes levied, extended, or 140760
deposited under division (H) of this section and shall prepare a 140761
report of the auditor of state's findings. The auditor of state 140762
shall submit the report to the legislative authority of the county 140763
that has levied, extended, or deposited the tax, the speaker of 140764
the house of representatives, the president of the senate, and the 140765
leaders of the minority parties of the house of representatives 140766
and the senate. 140767

(I)(1) As used in this division: 140768

(a) "Convention facilities authority" has the same meaning as 140769

in section 351.01 of the Revised Code. 140770

(b) "Convention center" has the same meaning as in section 140771
307.695 of the Revised Code. 140772

(2) Notwithstanding any contrary provision of division (D) of 140773
this section, the legislative authority of a county with a 140774
population of one million two hundred thousand or more according 140775
to the most recent federal decennial census or the most recent 140776
annual population estimate published or released by the United 140777
States census bureau at the time the resolution is adopted placing 140778
the levy on the ballot, that has levied a tax under division (D) 140779
of this section may, by resolution adopted by a majority of the 140780
members of the legislative authority, provide for the extension of 140781
such levy and may provide that the proceeds of that tax, to the 140782
extent that the proceeds are no longer needed for their original 140783
purpose as defined by a cooperative agreement entered into under 140784
section 307.671 of the Revised Code and after deducting the real 140785
and actual costs of administering the tax, shall be used for 140786
paying the direct and indirect costs of constructing, improving, 140787
expanding, equipping, financing, or operating a convention center. 140788
The resolution shall provide for the extension of the tax at a 140789
rate not to exceed the rate specified in division (D) of this 140790
section for a period of time determined by the legislative 140791
authority of the county, but not to exceed an additional forty 140792
years. 140793

(3) The legislative authority of a county with a population 140794
of one million two hundred thousand or more that has levied a tax 140795
under division (A)(1) of this section may, by resolution adopted 140796
by a majority of the members of the legislative authority, 140797
increase the rate of the tax levied by such county under division 140798
(A)(1) of this section to a rate not to exceed five per cent on 140799
transactions by which lodging by a hotel is or is to be furnished 140800
to transient guests. Notwithstanding any contrary provision of 140801

division (A)(1) of this section, the resolution shall provide that 140802
all collections resulting from the rate levied in excess of three 140803
per cent, after deducting the real and actual costs of 140804
administering the tax, shall be used for paying the direct and 140805
indirect costs of constructing, improving, expanding, equipping, 140806
financing, or operating a convention center. 140807

(4) The legislative authority of a county with a population 140808
of one million two hundred thousand or more that has levied a tax 140809
under division (A)(1) of this section may, by resolution adopted 140810
on or before July 1, 2008, by a majority of the members of the 140811
legislative authority, provide that all or a portion of the 140812
proceeds of the tax levied under division (A)(1) of this section, 140813
after deducting the real and actual costs of administering the tax 140814
and the amounts required to be returned to townships and municipal 140815
corporations with respect to the first three per cent levied under 140816
division (A)(1) of this section, shall be used to satisfy any 140817
pledges made in connection with an agreement entered into under 140818
section 307.695 of the Revised Code or shall otherwise be used for 140819
paying the direct and indirect costs of constructing, improving, 140820
expanding, equipping, financing, or operating a convention center. 140821

(5) Any amount collected from a tax levied or extended under 140822
division (I) of this section may be contributed to a convention 140823
facilities authority created before July 1, 2005, but no amount 140824
collected from a tax levied or extended under division (I) of this 140825
section may be contributed to a convention facilities authority, 140826
corporation, or other entity created after July 1, 2005, unless 140827
the mayor of the municipal corporation in which the convention 140828
center is to be operated by that convention facilities authority, 140829
corporation, or other entity has consented to the creation of that 140830
convention facilities authority, corporation, or entity. 140831

(J) All money collected by a county and distributed under 140832
this section to a convention and visitors' bureau in existence as 140833

of the effective date of H.B. 59 of the 130th general assembly, 140834
except for any such money pledged, as of that effective date, to 140835
the payment of debt service charges on bonds, notes, securities, 140836
or lease agreements, shall be used solely for tourism sales, 140837
marketing and promotion, and their associated costs, including, 140838
but not limited to, operational and administrative costs of the 140839
bureau, sales and marketing, and maintenance of the physical 140840
bureau structure. 140841

Sec. 5739.10. (A) In addition to the tax levied by section 140842
5739.02 of the Revised Code and any tax levied pursuant to section 140843
5739.021, 5739.023, or 5739.026 of the Revised Code, and to secure 140844
the same objectives specified in those sections, there is hereby 140845
levied upon the privilege of engaging in the business of making 140846
retail sales, an excise tax equal to the tax levied by section 140847
5739.02 of the Revised Code, or, in the case of retail sales 140848
subject to a tax levied pursuant to section 5739.021, 5739.023, or 140849
5739.026 of the Revised Code, a percentage equal to the aggregate 140850
rate of such taxes and the tax levied by section 5739.02 of the 140851
Revised Code of the receipts derived from all retail sales, except 140852
those to which the excise tax imposed by section 5739.02 of the 140853
Revised Code is made inapplicable by division (B) of that section. 140854

(B) For the purpose of this section, no vendor shall be 140855
required to maintain records of sales of food for human 140856
consumption off the premises where sold, and no assessment shall 140857
be made against any vendor for sales of food for human consumption 140858
off the premises where sold, solely because the vendor has no 140859
records of, or has inadequate records of, such sales; provided 140860
that where a vendor does not have adequate records of receipts 140861
from the vendor's sales of food for human consumption on the 140862
premises where sold, the tax commissioner may refuse to accept the 140863
vendor's return and, upon the basis of test checks of the vendor's 140864
business for a representative period, and other information 140865

relating to the sales made by such vendor, determine the 140866
proportion that taxable retail sales bear to all of the vendor's 140867
retail sales. The tax imposed by this section shall be determined 140868
by deducting from the sum representing five and ~~one-half or six~~ 140869
three-fourths per cent, as applicable under division (A) of this 140870
section, or, in the case of retail sales subject to a tax levied 140871
pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised 140872
Code, a percentage equal to the aggregate rate of such taxes and 140873
the tax levied by section 5739.02 of the Revised Code of the 140874
receipts from such retail sales, the amount of tax paid to the 140875
state or to a clerk of a court of common pleas. The section does 140876
not affect any duty of the vendor under sections 5739.01 to 140877
5739.19 and 5739.26 to 5739.31 of the Revised Code, nor the 140878
liability of any consumer to pay any tax imposed by or pursuant to 140879
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 140880
Code. 140881

Sec. 5739.13. (A) If any vendor collects the tax imposed by 140882
or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 140883
the Revised Code, and fails to remit the tax to the state as 140884
prescribed, or on the sale of a motor vehicle, watercraft, or 140885
outboard motor required to be titled, fails to remit payment to a 140886
clerk of a court of common pleas as provided in section 1548.06 or 140887
4505.06 of the Revised Code, the vendor shall be personally liable 140888
for any tax collected and not remitted. The tax commissioner may 140889
make an assessment against such vendor based upon any information 140890
in the commissioner's possession. 140891

If any vendor fails to collect the tax or any consumer fails 140892
to pay the tax imposed by or pursuant to section 5739.02, 140893
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 140894
transaction subject to the tax, the vendor or consumer shall be 140895
personally liable for the amount of the tax applicable to the 140896
transaction. The commissioner may make an assessment against 140897

either the vendor or consumer, as the facts may require, based 140898
upon any information in the commissioner's possession. 140899

An assessment against a vendor when the tax imposed by or 140900
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 140901
the Revised Code has not been collected or paid, shall not 140902
discharge the purchaser's or consumer's liability to reimburse the 140903
vendor for the tax applicable to such transaction. 140904

An assessment issued against either, pursuant to this 140905
section, shall not be considered an election of remedies, nor a 140906
bar to an assessment against the other for the tax applicable to 140907
the same transaction, provided that no assessment shall be issued 140908
against any person for the tax due on a particular transaction if 140909
the tax on that transaction actually has been paid by another. 140910

The commissioner may make an assessment against any vendor 140911
who fails to file a return or remit the proper amount of tax 140912
required by this chapter, or against any consumer who fails to pay 140913
the proper amount of tax required by this chapter. When 140914
information in the possession of the commissioner indicates that 140915
the amount required to be collected or paid under this chapter is 140916
greater than the amount remitted by the vendor or paid by the 140917
consumer, the commissioner may audit a sample of the vendor's 140918
sales or the consumer's purchases for a representative period, to 140919
ascertain the per cent of exempt or taxable transactions or the 140920
effective tax rate and may issue an assessment based on the audit. 140921
The commissioner shall make a good faith effort to reach agreement 140922
with the vendor or consumer in selecting a representative sample. 140923

The commissioner may make an assessment, based on any 140924
information in ~~his~~ the commissioner's possession, against any 140925
person who fails to file a return or remit the proper amount of 140926
tax required by section 5739.102 of the Revised Code. 140927

The commissioner may issue an assessment on any transaction 140928

for which any tax imposed under this chapter or Chapter 5741. of 140929
the Revised Code was due and unpaid on the date the vendor or 140930
consumer was informed by an agent of the tax commissioner of an 140931
investigation or audit. If the vendor or consumer remits any 140932
payment of the tax for the period covered by the assessment after 140933
the vendor or consumer was informed of the investigation or audit, 140934
the payment shall be credited against the amount of the 140935
assessment. 140936

The commissioner shall give the party assessed written notice 140937
of the assessment in the manner provided in section 5703.37 of the 140938
Revised Code. With the notice, the commissioner shall provide 140939
instructions on how to petition for reassessment and request a 140940
hearing on the petition. 140941

(B) Unless the party assessed files with the commissioner 140942
within sixty days after service of the notice of assessment, 140943
either personally or by certified mail, a written petition for 140944
reassessment, signed by the party assessed or that party's 140945
authorized agent having knowledge of the facts, the assessment 140946
becomes final and the amount of the assessment is due from the 140947
party assessed and payable to the treasurer of state and remitted 140948
to the tax commissioner. The petition shall indicate the 140949
objections of the party assessed, but additional objections may be 140950
raised in writing if received by the commissioner prior to the 140951
date shown on the final determination. If the petition has been 140952
properly filed, the commissioner shall proceed under section 140953
5703.60 of the Revised Code. 140954

(C) After an assessment becomes final, if any portion of the 140955
assessment remains unpaid, including accrued interest, a certified 140956
copy of the commissioner's entry making the assessment final may 140957
be filed in the office of the clerk of the court of common pleas 140958
in the county in which the place of business of the party assessed 140959
is located or the county in which the party assessed resides. If 140960

the party assessed maintains no place of business in this state 140961
and is not a resident of this state, the certified copy of the 140962
entry may be filed in the office of the clerk of the court of 140963
common pleas of Franklin county. 140964

Immediately upon the filing of the entry, the clerk shall 140965
enter a judgment for the state against the party assessed in the 140966
amount shown on the entry. The judgment may be filed by the clerk 140967
in a loose-leaf book entitled "special judgments for state, 140968
county, and transit authority retail sales tax" or, if 140969
appropriate, "special judgments for resort area excise tax," and 140970
shall have the same effect as other judgments. Execution shall 140971
issue upon the judgment upon the request of the tax commissioner, 140972
and all laws applicable to sales on execution shall apply to sales 140973
made under the judgment except as otherwise provided in this 140974
chapter. 140975

~~The portion of~~ If the assessment is not paid in its entirety 140976
within sixty days after the date the assessment was issued, the 140977
portion of the assessment consisting of tax due shall bear 140978
interest at the rate per annum prescribed by section 5703.47 of 140979
the Revised Code from the day the tax commissioner issues the 140980
assessment until the assessment is paid or until it is certified 140981
to the attorney general for collection under section 131.02 of the 140982
Revised Code, whichever comes first. If the unpaid portion of the 140983
assessment is certified to the attorney general for collection, 140984
the entire unpaid portion of the assessment shall bear interest at 140985
the rate per annum prescribed by section 5703.47 of the Revised 140986
Code from the date of certification until the date it is paid in 140987
its entirety. Interest shall be paid in the same manner as the tax 140988
and may be collected by issuing an assessment under this section. 140989

(D) All money collected by the tax commissioner under this 140990
section shall be paid to the treasurer of state, and when paid 140991
shall be considered as revenue arising from the taxes imposed by 140992

or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 140993

Sec. 5739.212. (A) As used in this section, "cash register" 140994
means a cash register used by the vendor or seller to compute the 140995
correct tax on the date the new tax or tax increase took effect 140996
and that could not have been used to compute the correct tax on 140997
that date had adjustments or modifications not been made to it. 140998

(B) Within six months of the date that a tax imposed under 140999
section 5739.021, 5739.023, 5739.026, 5741.021, ~~5747.022~~ 5741.022, 141000
or 5741.023 of the Revised Code takes effect for the first time or 141001
the effective date of an increase in the rate of such a tax, a 141002
vendor or seller required to collect the tax may apply to the 141003
county auditor for a refund of a portion of the amount of tax 141004
required to be remitted. The refund shall be in consideration of 141005
the costs incurred by or charges to the vendor or the seller for 141006
modifications or adjustments that were required to be made to 141007
enable the correct tax to be computed at the vendor or seller's 141008
cash registers. The total refund paid to a vendor or a seller 141009
under this section with respect to modifications or adjustments 141010
for a new tax or an increase in the rate of an existing tax shall 141011
be determined as follows: 141012

(1) If the vendor or seller has one place of business and one 141013
cash register at that place of business, the refund shall equal 141014
the lesser of one hundred dollars or the actual cost incurred by 141015
the vendor or seller in making the modifications or adjustments. 141016

(2) If the vendor or seller has one place of business and 141017
more than one cash register at that place of business, the refund 141018
shall equal the lesser of fifty dollars times the number of cash 141019
registers or the actual cost incurred by the vendor or seller in 141020
making the modifications or adjustments. 141021

If the vendor or seller has more than one place of business, 141022
each place of business shall be considered separately for purposes 141023

of determining the refund to which the vendor or seller is 141024
entitled under this section. 141025

(C) The refund application shall be in the form and include 141026
the information the tax commissioner prescribes by rule. Within 141027
nine months of the filing of the application, the auditor shall 141028
determine the cost incurred by the vendor or seller that will be 141029
allowed as a refund and shall certify the amount of the refund to 141030
the applicant. The refund shall be treated as an erroneous 141031
payment, and shall be refunded from the county general fund or the 141032
appropriate fund of the authority imposing the tax, except that in 141033
the case of a refund required to be remitted from a transit 141034
authority tax, the auditor shall certify the amount of the refund 141035
to the transit authority for payment of the refund by the transit 141036
authority to the applicant. 141037

Sec. 5741.01. As used in this chapter: 141038

(A) "Person" includes individuals, receivers, assignees, 141039
trustees in bankruptcy, estates, firms, partnerships, 141040
associations, joint-stock companies, joint ventures, clubs, 141041
societies, corporations, business trusts, governments, and 141042
combinations of individuals of any form. 141043

(B) "Storage" means and includes any keeping or retention in 141044
this state for use or other consumption in this state. 141045

(C) "Use" means and includes the exercise of any right or 141046
power incidental to the ownership of the thing used. A thing is 141047
also "used" in this state if its consumer gives or otherwise 141048
distributes it, without charge, to recipients in this state. 141049

(D) "Purchase" means acquired or received for a 141050
consideration, whether such acquisition or receipt was effected by 141051
a transfer of title, or of possession, or of both, or a license to 141052
use or consume; whether such transfer was absolute or conditional, 141053

and by whatever means the transfer was effected; and whether the 141054
consideration was money, credit, barter, or exchange. Purchase 141055
includes production, even though the article produced was used, 141056
stored, or consumed by the producer. The transfer of copyrighted 141057
motion picture films for exhibition purposes is not a purchase, 141058
except such films as are used solely for advertising purposes. 141059

(E) "Seller" means the person from whom a purchase is made, 141060
and includes every person engaged in this state or elsewhere in 141061
the business of selling tangible personal property or providing a 141062
service for storage, use, or other consumption or benefit in this 141063
state; and when, in the opinion of the tax commissioner, it is 141064
necessary for the efficient administration of this chapter, to 141065
regard any ~~salesman~~ salesperson, representative, peddler, or 141066
canvasser as the agent of a dealer, distributor, supervisor, or 141067
employer under whom the person operates, or from whom the person 141068
obtains tangible personal property, sold by the person for 141069
storage, use, or other consumption in this state, irrespective of 141070
whether or not the person is making such sales on the person's own 141071
behalf, or on behalf of such dealer, distributor, supervisor, or 141072
employer, the commissioner may regard the person as such agent, 141073
and may regard such dealer, distributor, supervisor, or employer 141074
as the seller. "Seller" does not include any person to the extent 141075
the person provides a communications medium, such as, but not 141076
limited to, newspapers, magazines, radio, television, or cable 141077
television, by means of which sellers solicit purchases of their 141078
goods or services. 141079

(F) "Consumer" means any person who has purchased tangible 141080
personal property or has been provided a service for storage, use, 141081
or other consumption or benefit in this state. "Consumer" does not 141082
include a person who receives, without charge, tangible personal 141083
property or a service. 141084

A person who performs a facility management or similar 141085

service contract for a contractee is a consumer of all tangible 141086
personal property and services purchased for use in connection 141087
with the performance of such contract, regardless of whether title 141088
to any such property vests in the contractee. The purchase of such 141089
property and services is not subject to the exception for resale 141090
under division (E) of section 5739.01 of the Revised Code. 141091

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 141092
of this section, has the same meaning as in division (H)(1) of 141093
section 5739.01 of the Revised Code. 141094

(2) In the case of watercraft, outboard motors, or new motor 141095
vehicles, "price" has the same meaning as in divisions (H)(2) and 141096
(3) of section 5739.01 of the Revised Code. 141097

(3) In the case of a nonresident business consumer that 141098
purchases and uses tangible personal property outside this state 141099
and subsequently temporarily stores, uses, or otherwise consumes 141100
such tangible personal property in the conduct of business in this 141101
state, the consumer or the tax commissioner may determine the 141102
price based on the value of the temporary storage, use, or other 141103
consumption, in lieu of determining the price pursuant to division 141104
(G)(1) of this section. A price determination made by the consumer 141105
is subject to review and redetermination by the commissioner. 141106

(4) In the case of tangible personal property held in this 141107
state as inventory for sale or lease, and that is temporarily 141108
stored, used, or otherwise consumed in a taxable manner, the price 141109
is the value of the temporary use. A price determination made by 141110
the consumer is subject to review and redetermination by the 141111
commissioner. 141112

(5) In the case of tangible personal property originally 141113
purchased and used by the consumer outside this state, and that 141114
becomes permanently stored, used, or otherwise consumed in this 141115
state more than six months after its acquisition by the consumer, 141116

the consumer or the commissioner may determine the price based on 141117
the current value of such tangible personal property, in lieu of 141118
determining the price pursuant to division (G)(1) of this section. 141119
A price determination made by the consumer is subject to review 141120
and redetermination by the commissioner. 141121

(6) If a consumer produces tangible personal property for 141122
sale and removes that property from inventory for the consumer's 141123
own use, the price is the produced cost of that tangible personal 141124
property. 141125

(H) "Nexus with this state" means that the seller engages in 141126
continuous and widespread solicitation of purchases from residents 141127
of this state or otherwise purposefully directs its business 141128
activities at residents of this state. 141129

(I)(1) "Substantial nexus with this state" means that the 141130
seller has sufficient contact with this state, in accordance with 141131
Section 8 of Article I of the Constitution of the United States, 141132
to allow the state to require the seller to collect and remit use 141133
tax on sales of tangible personal property or services made to 141134
consumers in this state. ~~"Substantial~~ 141135

(2) "Substantial nexus with this state" exists is presumed to 141136
exist when the seller does any of the following: 141137

~~(1) Maintains a~~ (a) Uses an office, distribution facility, 141138
warehouse, storage facility, or similar place of business within 141139
this state, whether operated by ~~employees or agents of the seller,~~ 141140
~~by a member of an affiliated group, as defined in division~~ 141141
~~(B)(3)(c) of section 5739.01 of the Revised Code, of which the~~ 141142
~~seller is a member, or by a franchisee using a trade name of the~~ 141143
~~seller; or any other person, other than a common carrier acting in~~ 141144
its capacity as a common carrier. 141145

~~(2)(b) Regularly has~~ uses employees, agents, representatives, 141146
solicitors, installers, ~~repairmen~~ repairers, salesmen 141147

salespersons, or other individuals persons in this state (i) for 141148
the purpose of conducting the business of the seller+, or that 141149
(ii) engage in a business with the same or a similar industry 141150
classification as the seller selling a similar product or line of 141151
products as the seller, or (iii) use trademarks, service marks, or 141152
trade names in this state that are the same or substantially 141153
similar to those used by the seller. 141154

+3)(c) Uses a any person, other than a common carrier acting 141155
in its capacity as a common carrier, in this state for any of the 141156
purpose of receiving following purposes: 141157

(i) Receiving or processing orders of the seller's goods or 141158
services; 141159

(ii) Using that person's employees or facilities in this 141160
state to advertise, promote, or facilitate sales by the seller to 141161
customers; 141162

(iii) Delivering, installing, assembling, or performing 141163
maintenance services for the seller's customers; 141164

(iv) Facilitating the seller's delivery of tangible personal 141165
property to customers in this state by allowing the seller's 141166
customers to pick up property sold by the seller at an office, 141167
distribution facility, warehouse, storage facility, or similar 141168
place of business. 141169

+4)(d) Makes regular deliveries of tangible personal property 141170
into this state by means other than common carrier+. 141171

+5)(e) Has membership in an affiliated group, as described in 141172
division (B)(3)(c) of section 5739.01 of the Revised Code, at 141173
least one other member of which person that has substantial nexus 141174
with this state; 141175

+6)(f) Owns tangible personal property that is rented or 141176
leased to a consumer in this state, or offers tangible personal 141177

property, on approval, to consumers in this state; 141178

~~(7) Except as provided in section 5703.65 of the Revised Code, is registered with the secretary of state to do business in this state or is registered or licensed by any state agency, board, or commission to transact business in this state or to make sales to persons in this state;~~ 141179
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~~(8) Has any other contact with this state that would allow this state to require the seller to collect and remit use tax under Section 8 of Article I of the Constitution of the United States (g) Enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers to the seller, whether by a link on a web site, an in-person oral presentation, telemarketing, or otherwise, provided the cumulative gross receipts from sales to consumers referred to the seller by all such residents exceeded ten thousand dollars during the preceding twelve months.~~ 141184
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(3) A seller presumed to have substantial nexus with this state under divisions (I)(2)(a) to (f) of this section may rebut that presumption by demonstrating that activities described in any of those divisions that are conducted by a person in this state on the seller's behalf are not significantly associated with the seller's ability to establish or maintain a market in this state for the seller's sales. 141195
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(4) A seller presumed to have substantial nexus with this state under division (I)(2)(g) of this section may rebut that presumption by submitting proof that each resident engaged by the seller as described in that division did not engage in any activity within this state during the preceding twelve months that was significantly associated with the seller's ability to establish or maintain the seller's market in this state during the preceding twelve months. Such proof may consist of sworn written 141202
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statements from all the residents with whom the seller has an 141210
agreement stating that the resident did not engage in any 141211
solicitation in this state on behalf of the seller during the 141212
preceding twelve months if such statements are provided and 141213
obtained in good faith. 141214

(5) A seller that does not have substantial nexus with this 141215
state, and any affiliated person of the seller, before selling or 141216
leasing tangible personal property or services to a state agency, 141217
shall register with the tax commissioner in the same manner as a 141218
seller described in division (A)(1) of section 5741.17 of the 141219
Revised Code. 141220

(6) As used in division (I) of this section: 141221

(a) "Affiliated person" means any person that is a member of 141222
the same controlled group of corporations as the seller or any 141223
other person that, notwithstanding the form of organization, bears 141224
the same ownership relationship to the seller as a corporation 141225
that is a member of the same controlled group of corporations. 141226

(b) "Controlled group of corporations" has the same meaning 141227
as in section 1563(a) of the Internal Revenue Code. 141228

(c) "State agency" has the same meaning as in section 1.60 of 141229
the Revised Code. 141230

(J) "Fiscal officer" means, with respect to a regional 141231
transit authority, the secretary-treasurer thereof, and with 141232
respect to a county which is a transit authority, the fiscal 141233
officer of the county transit board appointed pursuant to section 141234
306.03 of the Revised Code or, if the board of county 141235
commissioners operates the county transit system, the county 141236
auditor. 141237

(K) "Territory of the transit authority" means all of the 141238
area included within the territorial boundaries of a transit 141239
authority as they from time to time exist. Such territorial 141240

boundaries must at all times include all the area of a single 141241
county or all the area of the most populous county which is a part 141242
of such transit authority. County population shall be measured by 141243
the most recent census taken by the United States census bureau. 141244

(L) "Transit authority" means a regional transit authority 141245
created pursuant to section 306.31 of the Revised Code or a county 141246
in which a county transit system is created pursuant to section 141247
306.01 of the Revised Code. For the purposes of this chapter, a 141248
transit authority must extend to at least the entire area of a 141249
single county. A transit authority which includes territory in 141250
more than one county must include all the area of the most 141251
populous county which is a part of such transit authority. County 141252
population shall be measured by the most recent census taken by 141253
the United States census bureau. 141254

(M) "Providing a service" has the same meaning as in ~~division~~ 141255
~~(X)~~ of section 5739.01 of the Revised Code. 141256

(N) "Other consumption" includes receiving the benefits of a 141257
service. 141258

(O) "Lease" or "rental" has the same meaning as in ~~division~~ 141259
~~(UU)~~ of section 5739.01 of the Revised Code. 141260

(P) "Certified service provider" has the same meaning as in 141261
section 5740.01 of the Revised Code. 141262

(Q) "Remote sale" means a sale for which the seller could not 141263
be legally required to pay, collect, or remit a tax imposed under 141264
this chapter or Chapter 5739. of the Revised Code, unless 141265
otherwise provided by the laws of the United States. 141266

(R) "Remote seller" means a seller that makes remote sales to 141267
one or more consumers. 141268

(S) "Remote small seller" means a remote seller that has 141269
gross annual receipts from remote sales in the United States not 141270

exceeding one million dollars for the preceding calendar year. For 141271
the purposes of determining whether a person is a small remote 141272
seller, the sales of all persons related within the meaning of 141273
subsection (b) or (c) of section 267 or section 707(b)(1) of the 141274
Internal Revenue Code shall be aggregated, and persons with one or 141275
more ownership relationships shall be aggregated if those 141276
relationships were designed with the principal purpose to qualify 141277
as a remote small seller. 141278

Sec. 5741.02. (A)(1) For the use of the general revenue fund 141279
of the state, an excise tax is hereby levied on the storage, use, 141280
or other consumption in this state of tangible personal property 141281
or the benefit realized in this state of any service provided. The 141282
tax shall be collected as provided in section 5739.025 of the 141283
Revised Code, ~~provided that on and after July 1, 2003, and on or~~ 141284
~~before June 30, 2005, the rate of the tax shall be six per cent.~~ 141285
~~On and after July 1, 2005, the~~ The rate of the tax shall be five 141286
and ~~one-half~~ three-fourths per cent. 141287

(2) In the case of the lease or rental, with a fixed term of 141288
more than thirty days or an indefinite term with a minimum period 141289
of more than thirty days, of any motor vehicles designed by the 141290
manufacturer to carry a load of not more than one ton, watercraft, 141291
outboard motor, or aircraft, or of any tangible personal property, 141292
other than motor vehicles designed by the manufacturer to carry a 141293
load of more than one ton, to be used by the lessee or renter 141294
primarily for business purposes, the tax shall be collected by the 141295
seller at the time the lease or rental is consummated and shall be 141296
calculated by the seller on the basis of the total amount to be 141297
paid by the lessee or renter under the lease or rental agreement. 141298
If the total amount of the consideration for the lease or rental 141299
includes amounts that are not calculated at the time the lease or 141300
rental is executed, the tax shall be calculated and collected by 141301
the seller at the time such amounts are billed to the lessee or 141302

renter. In the case of an open-end lease or rental, the tax shall 141303
be calculated by the seller on the basis of the total amount to be 141304
paid during the initial fixed term of the lease or rental, and for 141305
each subsequent renewal period as it comes due. As used in this 141306
division, "motor vehicle" has the same meaning as in section 141307
4501.01 of the Revised Code, and "watercraft" includes an outdrive 141308
unit attached to the watercraft. 141309

(3) Except as provided in division (A)(2) of this section, in 141310
the case of a transaction, the price of which consists in whole or 141311
part of the lease or rental of tangible personal property, the tax 141312
shall be measured by the installments of those leases or rentals. 141313

(B) Each consumer, storing, using, or otherwise consuming in 141314
this state tangible personal property or realizing in this state 141315
the benefit of any service provided, shall be liable for the tax, 141316
and such liability shall not be extinguished until the tax has 141317
been paid to this state; provided, that the consumer shall be 141318
relieved from further liability for the tax if the tax has been 141319
paid to a seller in accordance with section 5741.04 of the Revised 141320
Code or prepaid by the seller in accordance with section 5741.06 141321
of the Revised Code. 141322

(C) The tax does not apply to the storage, use, or 141323
consumption in this state of the following described tangible 141324
personal property or services, nor to the storage, use, or 141325
consumption or benefit in this state of tangible personal property 141326
or services purchased under the following described circumstances: 141327

(1) When the sale of property or service in this state is 141328
subject to the excise tax imposed by sections 5739.01 to 5739.31 141329
of the Revised Code, provided said tax has been paid; 141330

(2) Except as provided in division (D) of this section, 141331
tangible personal property or services, the acquisition of which, 141332
if made in Ohio, would be a sale not subject to the tax imposed by 141333

sections 5739.01 to 5739.31 of the Revised Code; 141334

(3) Property or services, the storage, use, or other 141335
consumption of or benefit from which this state is prohibited from 141336
taxing by the Constitution of the United States, laws of the 141337
United States, or the Constitution of this state. This exemption 141338
shall not exempt from the application of the tax imposed by this 141339
section the storage, use, or consumption of tangible personal 141340
property that was purchased in interstate commerce, but that has 141341
come to rest in this state, provided that fuel to be used or 141342
transported in carrying on interstate commerce that is stopped 141343
within this state pending transfer from one conveyance to another 141344
is exempt from the excise tax imposed by this section and section 141345
5739.02 of the Revised Code; 141346

(4) Transient use of tangible personal property in this state 141347
by a nonresident tourist or vacationer, or a nonbusiness use 141348
within this state by a nonresident of this state, if the property 141349
so used was purchased outside this state for use outside this 141350
state and is not required to be registered or licensed under the 141351
laws of this state; 141352

(5) Tangible personal property or services rendered, upon 141353
which taxes have been paid to another jurisdiction to the extent 141354
of the amount of the tax paid to such other jurisdiction. Where 141355
the amount of the tax imposed by this section and imposed pursuant 141356
to section 5741.021, 5741.022, or 5741.023 of the Revised Code 141357
exceeds the amount paid to another jurisdiction, the difference 141358
shall be allocated between the tax imposed by this section and any 141359
tax imposed by a county or a transit authority pursuant to section 141360
5741.021, 5741.022, or 5741.023 of the Revised Code, in proportion 141361
to the respective rates of such taxes. 141362

As used in this subdivision, "taxes paid to another 141363
jurisdiction" means the total amount of retail sales or use tax or 141364
similar tax based upon the sale, purchase, or use of tangible 141365

personal property or services rendered legally, levied by and paid 141366
to another state or political subdivision thereof, or to the 141367
District of Columbia, where the payment of such tax does not 141368
entitle the taxpayer to any refund or credit for such payment. 141369

(6) The transfer of a used manufactured home or used mobile 141370
home, as defined by section 5739.0210 of the Revised Code, made on 141371
or after January 1, 2000; 141372

(7) Drugs that are or are intended to be distributed free of 141373
charge to a practitioner licensed to prescribe, dispense, and 141374
administer drugs to a human being in the course of a professional 141375
practice and that by law may be dispensed only by or upon the 141376
order of such a practitioner. 141377

(8) Computer equipment and related software leased from a 141378
lessor located outside this state and initially received in this 141379
state on behalf of the consumer by a third party that will retain 141380
possession of such property for not more than ninety days and that 141381
will, within that ninety-day period, deliver such property to the 141382
consumer at a location outside this state. Division (C)(8) of this 141383
section does not provide exemption from taxation for any otherwise 141384
taxable charges associated with such property while it is in this 141385
state or for any subsequent storage, use, or consumption of such 141386
property in this state by or on behalf of the consumer. 141387

(9) Tangible personal property held for sale by a person but 141388
not for that person's own use and donated by that person, without 141389
charge or other compensation, to either of the following: 141390

(a) A nonprofit organization operated exclusively for 141391
charitable purposes in this state, no part of the net income of 141392
which inures to the benefit of any private shareholder or 141393
individual and no substantial part of the activities of which 141394
consists of carrying on propaganda or otherwise attempting to 141395
influence legislation; or 141396

(b) This state or any political subdivision of this state, 141397
but only if donated for exclusively public purposes. 141398

For the purposes of division (C)(10) of this section, 141399
"charitable purposes" has the same meaning as in division (B)(12) 141400
of section 5739.02 of the Revised Code. 141401

(D) The tax applies to the storage, use, or other consumption 141402
in this state of tangible personal property or services, the 141403
acquisition of which at the time of sale was excepted under 141404
division (E) of section 5739.01 of the Revised Code from the tax 141405
imposed by section 5739.02 of the Revised Code, but which has 141406
subsequently been temporarily or permanently stored, used, or 141407
otherwise consumed in a taxable manner. 141408

(E)(1)(a) If any transaction is claimed to be exempt under 141409
division (E) of section 5739.01 of the Revised Code or under 141410
section 5739.02 of the Revised Code, with the exception of 141411
divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised 141412
Code, the consumer shall provide to the seller, and the seller 141413
shall obtain from the consumer, a certificate specifying the 141414
reason that the transaction is not subject to the tax. The 141415
certificate shall be in such form, and shall be provided either in 141416
a hard copy form or electronic form, as the tax commissioner 141417
prescribes. 141418

(b) A seller that obtains a fully completed exemption 141419
certificate from a consumer is relieved of liability for 141420
collecting and remitting tax on any sale covered by that 141421
certificate. If it is determined the exemption was improperly 141422
claimed, the consumer shall be liable for any tax due on that sale 141423
under this chapter. Relief under this division from liability does 141424
not apply to any of the following: 141425

(i) A seller that fraudulently fails to collect tax; 141426

(ii) A seller that solicits consumers to participate in the 141427

unlawful claim of an exemption; 141428

(iii) A seller that accepts an exemption certificate from a 141429
consumer that claims an exemption based on who purchases or who 141430
sells property or a service, when the subject of the transaction 141431
sought to be covered by the exemption certificate is actually 141432
received by the consumer at a location operated by the seller in 141433
this state, and this state has posted to its web site an exemption 141434
certificate form that clearly and affirmatively indicates that the 141435
claimed exemption is not available in this state; 141436

(iv) A seller that accepts an exemption certificate from a 141437
consumer who claims a multiple points of use exemption under 141438
division (D) of section 5739.033 of the Revised Code, if the item 141439
purchased is tangible personal property, other than prewritten 141440
computer software. 141441

(2) The seller shall maintain records, including exemption 141442
certificates, of all sales on which a consumer has claimed an 141443
exemption, and provide them to the tax commissioner on request. 141444

(3) If no certificate is provided or obtained within ninety 141445
days after the date on which the transaction is consummated, it 141446
shall be presumed that the tax applies. Failure to have so 141447
provided or obtained a certificate shall not preclude a seller, 141448
within one hundred twenty days after the tax commissioner gives 141449
written notice of intent to levy an assessment, from either 141450
establishing that the transaction is not subject to the tax, or 141451
obtaining, in good faith, a fully completed exemption certificate. 141452

(4) If a transaction is claimed to be exempt under division 141453
(B)(13) of section 5739.02 of the Revised Code, the contractor 141454
shall obtain certification of the claimed exemption from the 141455
contractee. This certification shall be in addition to an 141456
exemption certificate provided by the contractor to the seller. A 141457
contractee that provides a certification under this division shall 141458

be deemed to be the consumer of all items purchased by the contractor under the claim of exemption, if it is subsequently determined that the exemption is not properly claimed. The certification shall be in such form as the tax commissioner prescribes.

(F) A seller who files a petition for reassessment contesting the assessment of tax on transactions for which the seller obtained no valid exemption certificates, and for which the seller failed to establish that the transactions were not subject to the tax during the one-hundred-twenty-day period allowed under division (E) of this section, may present to the tax commissioner additional evidence to prove that the transactions were exempt. The seller shall file such evidence within ninety days of the receipt by the seller of the notice of assessment, except that, upon application and for reasonable cause, the tax commissioner may extend the period for submitting such evidence thirty days.

(G) For the purpose of the proper administration of sections 5741.01 to 5741.22 of the Revised Code, and to prevent the evasion of the tax hereby levied, it shall be presumed that any use, storage, or other consumption of tangible personal property in this state is subject to the tax until the contrary is established.

(H) The tax collected by the seller from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional use tax pursuant to section 5741.021 or 5741.023 of the Revised Code and of transit authorities levying an additional use tax pursuant to section 5741.022 of the Revised Code. Except for the discount authorized under section 5741.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection of

such tax. 141491

Sec. 5741.03. (A) One hundred per cent of all money deposited 141492
into the state treasury under sections 5741.01 to 5741.22 of the 141493
Revised Code that is not required to be distributed as provided in 141494
division (B) of this section shall be credited to the general 141495
revenue fund. 141496

(B) In any case where any county or transit authority has 141497
levied a tax or taxes pursuant to section 5741.021, 5741.022, or 141498
5741.023 of the Revised Code, the tax commissioner shall, within 141499
forty-five days after the end of each month, determine and certify 141500
to the director of budget and management the amount of the 141501
proceeds of such tax or taxes from billings and assessments 141502
received during that month, or shown on tax returns or reports 141503
filed during that month, to be returned to the county or transit 141504
authority levying the tax or taxes, which amounts shall be 141505
determined in the manner provided in section 5739.21 of the 141506
Revised Code. The director of budget and management shall 141507
transfer, from the general revenue fund, to the permissive tax 141508
distribution fund created by division (B)(1) of section 4301.423 141509
of the Revised Code and to the local sales tax administrative fund 141510
created by division (C) of section 5739.21 of the Revised Code, 141511
the amounts certified by the tax commissioner. The tax 141512
commissioner shall then, on or before the twentieth day of the 141513
month in which such certification is made, provide for payment of 141514
such respective amounts to the county treasurer or to the fiscal 141515
officer of the transit authority levying the tax or taxes. The 141516
amount transferred to the local sales tax administrative fund is 141517
for use by the tax commissioner in defraying costs the 141518
commissioner incurs in administering such taxes levied by a county 141519
or transit authority. 141520

(C) Not later than the first day of January and of July each 141521

calendar year, the tax commissioner and the director of budget and management shall jointly determine the amount of tax imposed by section 5741.02 of the Revised Code and remitted under this chapter by remote sellers during the six-month period ending on the preceding last day of November and of May, respectively, reduced by any such tax remitted by sellers pursuant to an agreement entered into under section 5740.03 of the Revised Code during the six-month period and by any refunds issued during the six-month period to remote sellers from the tax refund fund on account of that tax. Not later than that first day of January and of July of the calendar year, the director of budget and management shall transfer from the general revenue fund to the income tax reduction fund the amount so determined, less one-half of the amount of that tax remitted during fiscal year 2013 by remote sellers that voluntarily registered under section 5741.17 of the Revised Code. Amounts transferred to the income tax reduction fund under this section shall be included in the determination of the percentage under division (B)(2) of section 131.44 of the Revised Code required to be made by the thirty-first day of July of the calendar year in which the commissioner makes the certifications under this division.

Sec. 5741.032. There is hereby created in the state treasury the remote seller administration fund for the purpose of paying the expenses incurred by the department of taxation in the administration of this chapter with respect to remote sellers. Annually, before the thirty-first day of July, the treasurer of state shall transfer to the remote seller administration fund one-half of one per cent of the taxes collected from remote sellers under this chapter during the preceding fiscal year.

Sec. 5741.17. (A)(1) Except as otherwise provided in divisions (A)(2), (3), and (4) of this section, every seller of

tangible personal property or services who has substantial nexus 141553
with this state shall register with the tax commissioner and 141554
supply any information concerning ~~his~~ the seller's contacts with 141555
this state that may be required by the commissioner. 141556

(2) A seller who is licensed as a vendor pursuant to section 141557
5739.17 of the Revised Code shall not be required to register with 141558
the commissioner pursuant to this section if all sales to 141559
consumers in this state are made under the authority of ~~his~~ the 141560
seller's vendor's license. 141561

(3) A Unless the seller has substantial nexus with this state 141562
pursuant to division (I)(2)(g) of section 5741.01 of the Revised 141563
Code, a seller is not required to register under this section if 141564
the seller has no contact with this state other than an agency 141565
relationship with a person engaged in the business of 141566
telemarketing in this state and engaged by the seller exclusively 141567
for the purpose of solicitation of customers in other states. 141568

(4) A seller is not required to register under this section 141569
if the seller has no contact with this state other than the 141570
ownership of property that is located at the facility of a printer 141571
with which the seller has contracted for printing and that 141572
consists of the final printed product, property that becomes a 141573
part of the final printed product, or copy from which the final 141574
printed product is produced. 141575

(B) A seller who does not have substantial nexus with this 141576
state may voluntarily register with the commissioner. A seller who 141577
voluntarily registers with the commissioner under this section is 141578
entitled to the same benefits and is subject to the same duties 141579
and requirements as a seller required to be registered with the 141580
commissioner under this chapter. 141581

The commissioner shall maintain an alphabetical index of all 141582
sellers registered under this chapter and records of the use tax 141583

reported and paid. Upon request, this information shall be made 141584
available to the treasurer of state. 141585

(C) A remote small seller is not required to register under 141586
this section. 141587

Sec. 5743.01. As used in this chapter: 141588

(A) "Person" includes individuals, firms, partnerships, 141589
associations, joint-stock companies, corporations, combinations of 141590
individuals of any form, and the state and any of its political 141591
subdivisions. 141592

(B) "Wholesale dealer" includes only those persons: 141593

(1) Who bring in or cause to be brought into this state 141594
unstamped cigarettes purchased directly from the manufacturer, 141595
producer, or importer of cigarettes for sale in this state but 141596
does not include persons who bring in or cause to be brought into 141597
this state cigarettes with respect to which no evidence of tax 141598
payment is required thereon as provided in section 5743.04 of the 141599
Revised Code; or 141600

(2) Who are engaged in the business of selling cigarettes or 141601
tobacco products to others for the purpose of resale. 141602

"Wholesale dealer" does not include any cigarette 141603
manufacturer, export warehouse proprietor, or importer with a 141604
valid permit under 26 U.S.C. 5713 if that person sells cigarettes 141605
in this state only to wholesale dealers holding valid and current 141606
licenses under section 5743.15 of the Revised Code or to an export 141607
warehouse proprietor or another manufacturer. 141608

(C) "Retail dealer" includes: 141609

(1) In reference to dealers in cigarettes, every person other 141610
than a wholesale dealer engaged in the business of selling 141611
cigarettes in this state, regardless of whether the person is 141612
located in this state or elsewhere, and regardless of quantity, 141613

amount, or number of sales; 141614

(2) In reference to dealers in tobacco products, any person 141615
in this state engaged in the business of selling tobacco products 141616
to ultimate consumers in this state, regardless of quantity, 141617
amount, or number of sales. 141618

(D) "Sale" includes exchange, barter, gift, offer for sale, 141619
and distribution, and includes transactions in interstate or 141620
foreign commerce. 141621

(E) "Cigarettes" includes any roll for smoking made wholly or 141622
in part of tobacco, irrespective of size or shape, and whether or 141623
not such tobacco is flavored, adulterated, or mixed with any other 141624
ingredient, the wrapper or cover of which is made of paper, 141625
reconstituted cigarette tobacco, homogenized cigarette tobacco, 141626
cigarette tobacco sheet, or any similar materials other than cigar 141627
tobacco. 141628

(F) "Package" means the individual package, box, or other 141629
container in or from which retail sales of cigarettes are normally 141630
made or intended to be made. 141631

(G) "Stamp" includes an impression made by a metering device 141632
as provided for in section 5743.04 of the Revised Code. 141633

(H) "Storage" includes any keeping or retention of cigarettes 141634
or tobacco products for use or consumption in this state. 141635

(I) "Use" includes the exercise of any right or power 141636
incidental to the ownership of cigarettes or tobacco products. 141637

(J) "Tobacco product" or "other tobacco product" means any 141638
product made from tobacco, other than cigarettes, that is made for 141639
smoking or chewing, or both, and snuff. 141640

(K) "Wholesale price" means the invoice price, including all 141641
federal excise taxes, at which the manufacturer of the tobacco 141642
product sells the tobacco product to unaffiliated distributors, 141643

excluding any discounts based on the method of payment of the 141644
invoice or on time of payment of the invoice. If the taxpayer buys 141645
from other than a manufacturer, "wholesale price" means the 141646
invoice price, including all federal excise taxes and excluding 141647
any discounts based on the method of payment of the invoice or on 141648
time of payment of the invoice. 141649

(L) "Distributor" means: 141650

(1) Any manufacturer who sells, barter, exchanges, or 141651
distributes tobacco products to a retail dealer in the state, 141652
except when selling to a retail dealer that has filed with the 141653
manufacturer a signed statement agreeing to pay and be liable for 141654
the tax imposed by section 5743.51 of the Revised Code; 141655

(2) Any wholesale dealer located in the state who receives 141656
tobacco products from a manufacturer, or who receives tobacco 141657
products on which the tax imposed by this chapter has not been 141658
paid; 141659

(3) Any wholesale dealer located outside the state who sells, 141660
barter, exchanges, or distributes tobacco products to a wholesale 141661
or retail dealer in the state; or 141662

(4) Any retail dealer who receives tobacco products on which 141663
the tax has not or will not be paid by another distributor, 141664
including a retail dealer that has filed a signed statement with a 141665
manufacturer in which the retail dealer agrees to pay and be 141666
liable for the tax that would otherwise be imposed on the 141667
manufacturer by section 5743.51 of the Revised Code. 141668

(M) "Taxpayer" means any person liable for the tax imposed by 141669
section 5743.51, 5743.62, or 5743.63 of the Revised Code. 141670

(N) "Seller" means any person located outside this state 141671
engaged in the business of selling tobacco products to consumers 141672
for storage, use, or other consumption in this state. 141673

(O) "Manufacturer" means any person who manufactures and 141674
sells cigarettes or tobacco products. 141675

(P) "Importer" means any person that is authorized, under a 141676
valid permit issued under Section 5713 of the Internal Revenue 141677
Code, to import finished cigarettes into the United States, either 141678
directly or indirectly. 141679

(Q) "Little cigar" means any roll for smoking, other than 141680
cigarettes, made wholly or in part of tobacco that uses an 141681
integrated cellulose acetate filter or other filter and is wrapped 141682
in any substance containing tobacco, other than natural leaf 141683
tobacco. 141684

Sec. 5743.024. (A) For the purposes of section 307.696 of the 141685
Revised Code, to pay the expenses of administering the tax, and to 141686
pay any or all of the charge the board of elections makes against 141687
the county to hold the election on the question of levying the 141688
tax, or for such purposes and to provide revenues to the county 141689
for permanent improvements, the board of county commissioners may 141690
levy a tax on sales of cigarettes sold for resale at retail in the 141691
county. The tax shall not exceed two and twenty-five hundredths of 141692
a mill per cigarette, and shall be computed on each cigarette 141693
sold. The tax may be levied for any number of years not exceeding 141694
twenty. Only one sale of the same article shall be used in 141695
computing the amount of tax due. 141696

The tax shall be levied pursuant to a resolution of the 141697
county commissioners approved by a majority of the electors in the 141698
county voting on the question of levying the tax. The resolution 141699
shall specify the rate of the tax, the number of years the tax 141700
will be levied, and the purposes for which the tax is levied. Such 141701
election may be held on the date of a general or special election 141702
held not sooner than ninety days after the date the board 141703
certifies its resolution to the board of elections. If approved by 141704

the electors, the tax shall take effect on the first day of the 141705
month specified in the resolution but not sooner than the first 141706
day of the month that is at least sixty days after the 141707
certification of the election results by the board of elections. A 141708
copy of the resolution levying the tax shall be certified to the 141709
tax commissioner at least sixty days prior to the date on which 141710
the tax is to become effective. 141711

A resolution under this section may be joined on the ballot 141712
as a single question with a resolution adopted under section 141713
307.697 or 4301.421 of the Revised Code to levy a tax for the same 141714
purposes and for the purpose of paying the expenses of 141715
administering the tax. The form of the ballot in an election held 141716
pursuant to this section shall be as prescribed in section 307.697 141717
of the Revised Code. 141718

(B) The treasurer of state shall credit all moneys arising 141719
from each county's taxes levied under this section and section 141720
5743.323 of the Revised Code as follows: 141721

(1) To the tax refund fund created by section 5703.052 of the 141722
Revised Code, amounts equal to the refunds from each tax levied 141723
under this section certified by the tax commissioner pursuant to 141724
section 5743.05 of the Revised Code; 141725

(2) Following the crediting of amounts pursuant to division 141726
(B)(1) of this section: 141727

(a) To the permissive tax distribution fund created by 141728
division (B)(1) of section 4301.423 of the Revised Code, an amount 141729
equal to ninety-eight per cent of the remainder collected; 141730

(b) To the local excise tax administrative fund, which is 141731
hereby created in the state treasury, an amount equal to two per 141732
cent of such remainder, for use by the tax commissioner in 141733
defraying costs incurred in administering the tax. 141734

On or before the second working day of each month, the 141735

treasurer of state shall certify to the tax commissioner the 141736
amount of each county's taxes levied under sections 5743.024 and 141737
5743.323 of the Revised Code and paid to the treasurer of state 141738
during the preceding month. 141739

On or before the tenth day of each month, the tax 141740
commissioner shall distribute the amount credited to the 141741
permissive tax distribution fund during the preceding month by 141742
providing for payment of the appropriate amount to the county 141743
treasurer of each county levying the tax. 141744

(C) The board of county commissioners of a county in which a 141745
tax is imposed under this section on ~~July 19, 1995~~ the effective 141746
date of the amendment of this section by H.B. 59 of the 130th 141747
general assembly, may levy a tax for the purpose of section 141748
307.673 of the Revised Code regardless of whether or not the 141749
cooperative agreement authorized under that section has been 141750
entered into prior to the day the resolution adopted under 141751
division (C)(1) or (2) of this section is adopted, ~~and~~ for the 141752
purpose of reimbursing a county for costs incurred in the 141753
construction of a sports facility pursuant to an agreement entered 141754
into by the county under section 307.696 of the Revised Code, or 141755
for the purpose of paying the costs of capital repairs of and 141756
improvements to a sports facility. The tax shall be levied and 141757
approved in one of the manners prescribed by division (C)(1) or 141758
(2) of this section. 141759

(1) The tax may be levied pursuant to a resolution adopted by 141760
a majority of the members of the board of county commissioners not 141761
later than forty-five days after July 19, 1995. A board of county 141762
commissioners approving a tax under division (C)(1) of this 141763
section may approve a tax under division (D)(1) of section 307.697 141764
or division (B)(1) of section 4301.421 of the Revised Code at the 141765
same time. Subject to the resolution being submitted to a 141766
referendum under sections 305.31 to 305.41 of the Revised Code, 141767

the resolution shall take effect immediately, but the tax levied 141768
pursuant to the resolution shall not be levied prior to the day 141769
following the last day ~~taxes that any tax previously~~ levied 141770
pursuant to this division ~~(A) of this section~~ may be levied. 141771

(2) The tax may be levied pursuant to a resolution adopted by 141772
a majority of the members of the board of county commissioners not 141773
later than ~~forty five days after July 19, 1995~~ September 1, 2015, 141774
and approved by a majority of the electors of the county voting on 141775
the question of levying the tax ~~at the next succeeding general~~ 141776
~~election following July 19, 1995~~. The board of county 141777
commissioners shall certify a copy of the resolution to the board 141778
of elections immediately upon adopting a resolution under division 141779
(C)(2) of this section, ~~and the board of elections shall place the~~ 141780
~~question of levying the tax on the ballot at that election. The~~ 141781
election may be held on the date of a general or special election 141782
held not sooner than ninety days after the date the board 141783
certifies its resolution to the board of elections. The form of 141784
the ballot shall be as prescribed by division (C) of section 141785
307.697 of the Revised Code, except that the phrase "paying not 141786
more than one-half of the costs of providing a sports facility 141787
together with related redevelopment and economic development 141788
projects" shall be replaced by the phrase "paying the costs of 141789
constructing ~~or~~, renovating, improving, or repairing a sports 141790
facility and reimbursing a county for costs incurred by the county 141791
in the construction of a sports facility," and the phrase ", 141792
beginning (here insert the earliest date the tax would 141793
take effect)" shall be appended after "years." A board of county 141794
commissioners submitting the question of a tax under division 141795
(C)(2) of this section may submit the question of a tax under 141796
division (D)(2) of section 307.697 or division (B)(2) of section 141797
4301.421 of the Revised Code as a single question, and the form of 141798
the ballot shall include each of the proposed taxes. 141799

If approved by a majority of electors voting on the question, 141800
the tax shall take effect on the day specified on the ballot, 141801
which shall not be earlier than the day following the last day ~~the~~ 141802
that any tax previously levied pursuant to this division (A) of 141803
~~this section~~ may be levied. 141804

The rate of a tax levied pursuant to division (C)(1) or (2) 141805
of this section shall not exceed the rate specified in division 141806
(A) of this section. A tax levied pursuant to division (C)(1) or 141807
(2) of this section may be levied for any number of years not 141808
exceeding twenty. 141809

A board of county commissioners adopting a resolution under 141810
this division shall certify a copy of the resolution to the tax 141811
commissioner immediately upon adoption of the resolution. 141812

~~(E)~~(D) No tax shall be levied under division (A) of this 141813
section on or after September 23, 2008. This division does not 141814
apply to a tax levied under division (C) of this section, and does 141815
not prevent the collection of any tax levied under this section 141816
before ~~that date~~ September 23, 2008, so long as that tax remains 141817
effective. 141818

Sec. 5743.081. (A) If any wholesale dealer or retail dealer 141819
fails to pay the tax levied under section 5743.02, 5743.021, 141820
5743.024, or 5743.026 of the Revised Code as required by sections 141821
5743.01 to 5743.20 of the Revised Code, and by the rules of the 141822
tax commissioner, or fails to collect the tax from the purchaser 141823
or consumer, the commissioner may make an assessment against the 141824
wholesale or retail dealer based upon any information in the 141825
commissioner's possession. 141826

The commissioner may make an assessment against any wholesale 141827
or retail dealer who fails to file a return required by section 141828
5743.03 or 5743.025 of the Revised Code. 141829

No assessment shall be made against any wholesale or retail dealer for any taxes imposed under section 5743.02, 5743.021, 5743.024, or 5743.026 of the Revised Code more than three years after the last day of the calendar month that immediately follows the semiannual period prescribed in section 5743.03 of the Revised Code in which the sale was made, or more than three years after the semiannual return for such period is filed, whichever is later. This section does not bar an assessment against any wholesale or retail dealer who fails to file a return as required by section 5743.025 or 5743.03 of the Revised Code, or who files a fraudulent return.

A penalty of up to thirty per cent may be added to the amount of every assessment made under this section. The commissioner may adopt rules providing for the imposition and remission of penalties added to assessments made under this section.

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. The notice shall specify separately any portion of the assessment that represents a county tax. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall

proceed under section 5703.60 of the Revised Code. 141862

(C) After an assessment becomes final, if any portion of the 141863
assessment remains unpaid, including accrued interest, a certified 141864
copy of the tax commissioner's entry making the assessment final 141865
may be filed in the office of the clerk of the court of common 141866
pleas in the county in which the wholesale or retail dealer's 141867
place of business is located or the county in which the party 141868
assessed resides. If the party assessed maintains no place of 141869
business in this state and is not a resident of this state, the 141870
certified copy of the entry may be filed in the office of the 141871
clerk of the court of common pleas of Franklin county. 141872

Immediately upon the filing of the commissioner's entry, the 141873
clerk shall enter a judgment for the state against the party 141874
assessed in the amount shown on the entry. The judgment may be 141875
filed by the clerk in a loose-leaf book entitled "special 141876
judgments for state cigarette sales tax," and shall have the same 141877
effect as other judgments. Execution shall issue upon the judgment 141878
upon the request of the tax commissioner, and all laws applicable 141879
to sales on execution shall apply to sales made under the 141880
judgment, except as otherwise provided in sections 5743.01 to 141881
5743.20 of the Revised Code. 141882

~~The portion of~~ If the assessment is not paid in its entirety 141883
within sixty days after the assessment was issued, the portion of 141884
the assessment consisting of tax due shall bear interest at the 141885
rate per annum prescribed by section 5703.47 of the Revised Code 141886
from the day the commissioner issues the assessment until it is 141887
paid or until it is certified to the attorney general for 141888
collection under section 131.02 of the Revised Code, whichever 141889
comes first. If the unpaid portion of the assessment is certified 141890
to the attorney general for collection, the entire unpaid portion 141891
of the assessment shall bear interest at the rate per annum 141892
prescribed by section 5703.47 of the Revised Code from the date of 141893

certification until the date it is paid in its entirety. Interest 141894
shall be paid in the same manner as the tax and may be collected 141895
by the issuance of an assessment under this section. 141896

(D) All money collected by the tax commissioner under this 141897
section shall be paid to the treasurer of state, and when paid 141898
shall be considered as revenue arising from the taxes imposed by 141899
sections 5743.01 to 5743.20 of the Revised Code. 141900

Sec. 5743.15. (A) Except as otherwise provided in this 141901
division, no person shall engage in this state in the wholesale or 141902
retail business of trafficking in cigarettes or in the business of 141903
a manufacturer or importer of cigarettes without having a license 141904
to conduct each such activity issued by a county auditor under 141905
division (B) of this section or the tax commissioner under 141906
divisions (C) and (F) of this section. On dissolution of a 141907
partnership by death, the surviving partner may operate under the 141908
license of the partnership until expiration of the license, and 141909
the heirs or legal representatives of deceased persons, and 141910
receivers and trustees in bankruptcy appointed by any competent 141911
authority, may operate under the license of the person succeeded 141912
in possession by such heir, representative, receiver, or trustee 141913
in bankruptcy if the partner or successor notifies the issuer of 141914
the license of the dissolution or succession within thirty days 141915
after the dissolution or succession. 141916

(B)(1) Each applicant for a license to engage in the retail 141917
business of trafficking in cigarettes under this section, 141918
annually, on or before the fourth Monday of May, shall make and 141919
deliver to the county auditor of the county in which the applicant 141920
desires to engage in the retail business of trafficking in 141921
cigarettes, upon a blank form furnished by such auditor for that 141922
purpose, a statement showing the name of the applicant, each 141923
physical place in the county where the applicant's business is 141924

conducted, the nature of the business, and any other information 141925
the tax commissioner requires in the form of statement prescribed 141926
by the commissioner. If the applicant is a firm, partnership, or 141927
association other than a corporation, the application shall state 141928
the name and address of each of its members. If the applicant is a 141929
corporation, the application shall state the name and address of 141930
each of its officers. At the time of making the application 141931
required by this section, every person desiring to engage in the 141932
retail business of trafficking in cigarettes shall pay an 141933
application fee in the sum of one hundred twenty-five dollars for 141934
each physical place where the person proposes to carry on such 141935
business. Each place of business shall be deemed such space, under 141936
lease or license to, or under the control of, or under the 141937
supervision of the applicant, as is contained in one or more 141938
contiguous, adjacent, or adjoining buildings constituting an 141939
industrial plant or a place of business operated by, or under the 141940
control of, one person, or under one roof and connected by doors, 141941
halls, stairways, or elevators, which space may contain any number 141942
of points at which cigarettes are offered for sale, provided that 141943
each additional point at which cigarettes are offered for sale 141944
shall be listed in the application. 141945

(2) Upon receipt of the application and exhibition of the 141946
county treasurer's receipt showing the payment of the application 141947
fee, the county auditor shall issue to the applicant a license for 141948
each place of business designated in the application, authorizing 141949
the applicant to engage in such business at such place for one 141950
year commencing on the fourth Monday of May. The form of the 141951
license shall be prescribed by the commissioner. A duplicate 141952
license may be obtained from the county auditor upon payment of a 141953
five-dollar fee if the original license is lost, destroyed, or 141954
defaced. When an application is filed after the fourth Monday of 141955
May, the application fee required to be paid shall be proportioned 141956
in amount to the remainder of the license year, except that it 141957

shall not be less than twenty-five dollars in any one year. 141958

(3) The holder of a retail dealer's cigarette license may 141959
transfer the license to a place of business within the same county 141960
other than that designated on the license on condition that the 141961
licensee's ownership interest and business structure remain 141962
unchanged, and that the licensee applies to the county auditor 141963
therefor, upon forms approved by the commissioner and the payment 141964
of a fee of five dollars into the county treasury. 141965

(C)(1) Each applicant for a license to engage in the 141966
wholesale business of trafficking in cigarettes under this 141967
section, annually, on or before the fourth Monday in May, shall 141968
make and deliver to the tax commissioner, upon a blank form 141969
furnished by the commissioner for that purpose, a statement 141970
showing the name of the applicant, physical street address where 141971
the applicant's business is conducted, the nature of the business, 141972
and any other information required by the commissioner. If the 141973
applicant is a firm, partnership, or association other than a 141974
corporation, the applicant shall state the name and address of 141975
each of its members. If the applicant is a corporation, the 141976
applicant shall state the name and address of each of its 141977
officers. At the time of making the application required by this 141978
section, every person desiring to engage in the wholesale business 141979
of trafficking in cigarettes shall pay an application fee of one 141980
thousand dollars for each physical place where the person proposes 141981
to carry on such business. Each place of business shall be deemed 141982
such space, under lease or license to, or under the control of, or 141983
under the supervision of the applicant, as is contained in one or 141984
more contiguous, adjacent, or adjoining buildings constituting an 141985
industrial plant or a place of business operated by, or under the 141986
control of, one person, or under one roof and connected by doors, 141987
halls, stairways, or elevators. A duplicate license may be 141988
obtained from the commissioner upon payment of a 141989

twenty-five-dollar fee if the original license is lost, destroyed, 141990
or defaced. 141991

(2) Upon receipt of the application and payment of any 141992
application fee required by this section, the commissioner shall 141993
verify that the applicant is ~~in good standing under~~ not in 141994
violation of any provision of Chapter 1346. ~~and or~~ Title LVII of 141995
the Revised Code. The commissioner shall also verify that the 141996
applicant has filed any returns, submitted any information, and 141997
paid any outstanding taxes or fees as required by the 141998
commissioner, to the extent that the commissioner is aware of the 141999
returns, information, taxes, or fees at the time of the 142000
application. Upon approval, the commissioner shall issue to the 142001
applicant a license for each physical place of business designated 142002
in the application authorizing the applicant to engage in business 142003
at that location for one year commencing on the fourth Monday in 142004
May. For licenses issued after the fourth Monday in May, the 142005
application fee shall be reduced proportionately by the remainder 142006
of the twelve-month period for which the license is issued, except 142007
that the application fee required to be paid under this section 142008
shall be not less than two hundred dollars in any one year. 142009

(3) The holder of a wholesale dealer cigarette license may 142010
transfer the license to a place of business other than that 142011
designated on the license on condition that the licensee's 142012
ownership or business structure remains unchanged, and that the 142013
licensee applies to the commissioner for such a transfer upon a 142014
form promulgated by the commissioner and pays a fee of twenty-five 142015
dollars, which shall be deposited into the cigarette tax 142016
enforcement fund created in division (E) of this section. 142017

(D)(1) The wholesale cigarette license application fees 142018
collected under this section shall be paid into the cigarette tax 142019
enforcement fund. 142020

(2) The retail cigarette license application fees collected 142021

under this section shall be distributed as follows: 142022

(a) Thirty per cent shall be paid upon the warrant of the 142023
county auditor into the treasury of the municipal corporation or 142024
township in which the places of business for which the tax revenue 142025
was received are located; 142026

(b) Ten per cent shall be credited to the general fund of the 142027
county; 142028

(c) Sixty per cent shall be paid into the cigarette tax 142029
enforcement fund. 142030

(3) The remainder of the revenues and fines collected under 142031
this section and the penal laws relating to cigarettes shall be 142032
distributed as follows: 142033

(a) Three-fourths shall be paid upon the warrant of the 142034
county auditor into the treasury of the municipal corporation or 142035
township in which the place of business, on account of which the 142036
revenues and fines were received, is located; 142037

(b) One-fourth shall be credited to the general fund of the 142038
county. 142039

(E) There is hereby created within the state treasury the 142040
cigarette tax enforcement fund for the purpose of providing funds 142041
to assist in paying the costs of enforcing sections 1333.11 to 142042
1333.21 and Chapter 5743. of the Revised Code. 142043

The portion of cigarette license application fees received by 142044
a county auditor during the annual application period that ends on 142045
the fourth Monday in May and that is required to be deposited in 142046
the cigarette tax enforcement fund shall be sent to the treasurer 142047
of state by the thirtieth day of June each year accompanied by the 142048
form prescribed by the tax commissioner. The portion of cigarette 142049
license application fees received by each county auditor after the 142050
fourth Monday in May and that is required to be deposited in the 142051

cigarette tax enforcement fund shall be sent to the treasurer of 142052
state by the last day of the month following the month in which 142053
such fees were collected. 142054

(F)(1) Every person who desires to engage in the business of 142055
a manufacturer or importer of cigarettes shall, annually, on or 142056
before the fourth Monday of May, make and deliver to the tax 142057
commissioner, upon a blank form furnished by the commissioner for 142058
that purpose, a statement showing the name of the applicant, the 142059
nature of the applicant's business, and any other information 142060
required by the commissioner. If the applicant is a firm, 142061
partnership, or association other than a corporation, the 142062
applicant shall state the name and address of each of its members. 142063
If the applicant is a corporation, the applicant shall state the 142064
name and address of each of its officers. 142065

(2) Upon receipt of the application required under this 142066
section, the commissioner shall verify that the applicant is ~~in~~ 142067
~~good standing under~~ not in violation of any provision of Chapter 142068
1346. ~~and or~~ Title LVII of the Revised Code. The commissioner 142069
shall also verify that the applicant has filed any returns, 142070
submitted any information, and paid any outstanding taxes or fees 142071
as required by the commissioner, to the extent that the 142072
commissioner is aware of the returns, information, taxes, or fees 142073
at the time of the application. Upon approval, the commissioner 142074
shall issue to the applicant a license authorizing the applicant 142075
to engage in the business of manufacturer or importer, whichever 142076
the case may be, for one year commencing on the fourth Monday of 142077
May. 142078

(3) The issuing of a license under division (F)(1) of this 142079
section to a manufacturer does not excuse a manufacturer from the 142080
certification process required under section 1346.05 of the 142081
Revised Code. A manufacturer who is issued a license under 142082
division (F)(1) of this section and who is not listed on the 142083

directory required under section 1346.05 of the Revised Code shall 142084
not be permitted to sell cigarettes in this state other than to a 142085
licensed cigarette wholesaler for sale outside this state. Such a 142086
manufacturer shall provide documentation to the commissioner 142087
evidencing that the cigarettes are legal for sale in another 142088
state. 142089

(G) The tax commissioner may adopt rules necessary to 142090
administer this section. 142091

Sec. 5743.323. (A) For the purposes of section 307.696 of the 142092
Revised Code and to pay the expenses of levying the tax or for 142093
such purposes and to provide revenues to the county for permanent 142094
improvements, the board of county commissioners of a county that 142095
levies a tax under division (A) ~~or (C)~~ of section 5743.024 of the 142096
Revised Code shall by resolution adopted by a majority of the 142097
board levy a tax at the same rate on the use, consumption, or 142098
storage for consumption of cigarettes by consumers in the county, 142099
provided that the tax shall not apply if the tax levied by 142100
division (A) ~~or (C)~~ of section 5743.024 of the Revised Code has 142101
been paid. The tax shall take effect on the date that a tax levied 142102
under division (A) ~~or (C)~~ of section 5743.024 of the Revised Code 142103
takes effect, and shall remain in effect as long as the tax levied 142104
under such division remains effective. 142105

No tax shall be levied under division (A) of this section on 142106
or after ~~the effective date of the amendment of this section by~~ 142107
~~H.B. 562 of the 127th general assembly~~ September 23, 2008. This 142108
paragraph does not prevent the collection of any tax levied under 142109
this section before that date so long as that tax remains 142110
effective. 142111

(B) For the purposes of section 307.696 of the Revised Code 142112
and to pay the expenses of levying the tax or for such purposes 142113
and to provide revenues to the county for permanent improvements, 142114

the board of county commissioners of a county that levies a tax 142115
under division (C) of section 5743.024 of the Revised Code shall 142116
by resolution adopted by a majority of the board levy a tax at the 142117
same rate on the use, consumption, or storage for consumption of 142118
cigarettes by consumers in the county, provided that the tax shall 142119
not apply if the tax levied by division (C) of section 5743.024 of 142120
the Revised Code has been paid. The tax shall take effect on the 142121
date that a tax levied under division (C) of section 5743.024 of 142122
the Revised Code takes effect, and shall remain in effect as long 142123
as the tax levied under such division remains effective. 142124

Sec. 5743.51. (A) To provide revenue for the general revenue 142125
fund of the state, an excise tax on tobacco products is hereby 142126
levied at one of the rate of following rates: 142127

(1) For tobacco products other than little cigars, seventeen 142128
per cent of the wholesale price of the tobacco product received by 142129
a distributor or sold by a manufacturer to a retail dealer located 142130
in this state. ~~Each~~ 142131

(2) For invoices dated October 1, 2013, or later, 142132
thirty-seven per cent of the wholesale price of little cigars 142133
received by a distributor or sold by a manufacturer to a retail 142134
dealer located in this state. 142135

Each distributor who brings tobacco products, or causes 142136
tobacco products to be brought, into this state for distribution 142137
within this state, or any out-of-state distributor who sells 142138
tobacco products to wholesale or retail dealers located in this 142139
state for resale by those wholesale or retail dealers is liable 142140
for the tax imposed by this section. Only one sale of the same 142141
article shall be used in computing the amount of the tax due. 142142

(B) The treasurer of state shall place to the credit of the 142143
tax refund fund created by section 5703.052 of the Revised Code, 142144
out of the receipts from the tax levied by this section, amounts 142145

equal to the refunds certified by the tax commissioner pursuant to 142146
section 5743.53 of the Revised Code. The balance of the taxes 142147
collected under this section shall be paid into the general 142148
revenue fund. 142149

(C) The commissioner may adopt rules as are necessary to 142150
assist in the enforcement and administration of sections 5743.51 142151
to 5743.66 of the Revised Code, including rules providing for the 142152
remission of penalties imposed. 142153

(D) A manufacturer is not liable for payment of the tax 142154
imposed by this section for sales of tobacco products to a retail 142155
dealer that has filed a signed statement with the manufacturer in 142156
which the retail dealer agrees to pay and be liable for the tax, 142157
as long as the manufacturer has provided a copy of the statement 142158
to the tax commissioner. 142159

Sec. 5743.56. (A) Any person required to pay the tax imposed 142160
by section 5743.51, 5743.62, or 5743.63 of the Revised Code is 142161
personally liable for the tax. The tax commissioner may make an 142162
assessment, based upon any information in the commissioner's 142163
possession, against any person who fails to file a return or pay 142164
any tax, interest, or additional charge as required by this 142165
chapter. The commissioner shall give the person assessed written 142166
notice of such assessment in the manner provided in section 142167
5703.37 of the Revised Code. With the notice, the commissioner 142168
shall provide instructions on how to petition for reassessment and 142169
request a hearing on the petition. 142170

(B) When the information in the possession of the tax 142171
commissioner indicates that a person liable for the tax imposed by 142172
section 5743.51, 5743.62, or 5743.63 of the Revised Code has not 142173
paid the full amount of tax due, the commissioner may audit a 142174
representative sample of the person's business and may issue an 142175
assessment based on such audit. 142176

(C) A penalty of up to fifteen per cent may be added to all amounts assessed under this section. The tax commissioner may adopt rules providing for the imposition and remission of such penalties.

(D) Unless the person assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the person assessed or that person's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the person assessed to the treasurer of state. A petition shall indicate the objections of the person assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(E) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the person assessed resides or in which the person assessed conducts business. If the person assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the person assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state tobacco products tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the

commissioner, and all laws applicable to sales on execution shall 142209
apply to sales made under the judgment. 142210

~~The portion of~~ If the assessment is not paid in its entirety 142211
within sixty days after the day the assessment is issued, the 142212
portion of the assessment consisting of tax due shall bear 142213
interest at the rate per annum prescribed by section 5703.47 of 142214
the Revised Code from the day the commissioner issues the 142215
assessment until the assessment is paid or until it is certified 142216
to the attorney general for collection under section 131.02 of the 142217
Revised Code, whichever comes first. If the unpaid portion of the 142218
assessment is certified to the attorney general for collection, 142219
the entire unpaid portion of the assessment shall bear interest at 142220
the rate per annum prescribed by section 5703.47 of the Revised 142221
Code from the date of certification until the date it is paid in 142222
its entirety. Interest shall be paid in the same manner as the tax 142223
and may be collected by issuing an assessment under this section. 142224

(F) If the tax commissioner believes that collection of the 142225
tax will be jeopardized unless proceedings to collect or secure 142226
collection of the tax are instituted without delay, the 142227
commissioner may issue a jeopardy assessment against the person 142228
liable for the tax. Immediately upon the issuance of the jeopardy 142229
assessment, the commissioner shall file an entry with the clerk of 142230
the court of common pleas in the manner prescribed by division (E) 142231
of this section. Notice of the jeopardy assessment shall be served 142232
on the person assessed or the legal representative of the person 142233
assessed, as provided in section 5703.37 of the Revised Code, 142234
within five days of the filing of the entry with the clerk. The 142235
total amount assessed is immediately due and payable, unless the 142236
person assessed files a petition for reassessment in accordance 142237
with division (D) of this section and provides security in a form 142238
satisfactory to the commissioner and in an amount sufficient to 142239
satisfy the unpaid balance of the assessment. Full or partial 142240

payment of the assessment does not prejudice the commissioner's 142241
consideration of the petition for reassessment. 142242

(G) All money collected by the tax commissioner under this 142243
section shall be paid to the treasurer of state as revenue arising 142244
from the tax imposed by sections 5743.51, 5743.62, and 5743.63 of 142245
the Revised Code. 142246

Sec. 5743.62. (A) To provide revenue for the general revenue 142247
fund of the state, an excise tax is hereby levied on the seller of 142248
tobacco products in this state at one of the rate of following 142249
rates: 142250

(1) For tobacco products other than little cigars, seventeen 142251
per cent of the wholesale price of the tobacco product whenever 142252
the tobacco product is delivered to a consumer in this state for 142253
the storage, use, or other consumption of such tobacco products. 142254
The 142255

(2) For little cigars, thirty-seven per cent of the wholesale 142256
price of the little cigars whenever the little cigars are 142257
delivered to a consumer in this state for the storage, use, or 142258
other consumption of the little cigars. 142259

The tax imposed by this section applies only to sellers 142260
having nexus in this state, as defined in section 5741.01 of the 142261
Revised Code. 142262

(B) A seller of tobacco products who has nexus in this state 142263
as defined in section 5741.01 of the Revised Code shall register 142264
with the tax commissioner and supply any information concerning 142265
the seller's contacts with this state as may be required by the 142266
tax commissioner. A seller who does not have nexus in this state 142267
may voluntarily register with the tax commissioner. A seller who 142268
voluntarily registers with the tax commissioner is entitled to the 142269
same benefits and is subject to the same duties and requirements 142270

as a seller required to be registered with the tax commissioner 142271
under this division. 142272

(C) Each seller of tobacco products subject to the tax levied 142273
by this section, on or before the last day of each month, shall 142274
file with the tax commissioner a return for the preceding month 142275
showing any information the tax commissioner finds necessary for 142276
the proper administration of sections 5743.51 to 5743.66 of the 142277
Revised Code, together with remittance of the tax due, payable to 142278
the treasurer of state. The return and payment of the tax required 142279
by this section shall be filed in such a manner that it is 142280
received by the tax commissioner on or before the last day of the 142281
month following the reporting period. If the return is filed and 142282
the amount of the tax shown on the return to be due is paid on or 142283
before the date the return is required to be filed, the seller is 142284
entitled to a discount equal to two and five-tenths per cent of 142285
the amount shown on the return to be due. 142286

(D) The tax commissioner shall immediately forward to the 142287
treasurer of state all money received from the tax levied by this 142288
section, and the treasurer shall credit the amount to the general 142289
revenue fund. 142290

(E) Each seller of tobacco products subject to the tax levied 142291
by this section shall mark on the invoices of tobacco products 142292
sold that the tax levied by that section has been paid and shall 142293
indicate the seller's account number as assigned by the tax 142294
commissioner. 142295

Sec. 5743.63. (A) To provide revenue for the general revenue 142296
fund of the state, an excise tax is hereby levied on the storage, 142297
use, or other consumption of tobacco products at one of the rate 142298
of following rates: 142299

(1) For tobacco products other than little cigars, seventeen 142300
per cent of the wholesale price of the tobacco product, ~~provided,~~ 142301

(2) For little cigars, thirty-seven per cent of the wholesale price of the little cigars. 142302
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The tax levied under division (A) of this section is imposed only if the tax has not been paid by the seller as provided in section 5743.62 of the Revised Code, or by the distributor as provided in section 5743.51 of the Revised Code. 142304
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(B) Each person subject to the tax levied by this section, on or before the last day of each month, shall file with the tax commissioner a return for the preceding month showing any information the tax commissioner finds necessary for the proper administration of sections 5743.51 to 5743.66 of the Revised Code, together with remittance of the tax due, payable to the treasurer of state. The return and payment of the tax required by this section shall be filed in such a manner that it is received by the tax commissioner on or before the last day of the month following the reporting period. 142308
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(C) The tax commissioner shall immediately forward to the treasurer of state all money received from the tax levied by this section, and the treasurer shall credit the amount to the general revenue fund. 142318
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Sec. 5745.12. (A) If any taxpayer required to file a report under this chapter fails to file the report within the time prescribed, files an incorrect report, or fails to remit the full amount of the tax due for the period covered by the report, the tax commissioner may make an assessment against the taxpayer for any deficiency for the period for which the report or tax is due, based upon any information in the commissioner's possession. 142322
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The tax commissioner shall not make or issue an assessment against a taxpayer more than three years after the later of the final date the report subject to assessment was required to be filed or the date the report was filed. Such time limit may be 142329
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extended if both the taxpayer and the commissioner consent in 142333
writing to the extension. Any such extension shall extend the 142334
three-year time limit in section 5745.11 of the Revised Code for 142335
the same period of time. There shall be no bar or limit to an 142336
assessment against a taxpayer that fails to file a report subject 142337
to assessment as required by this chapter, or that files a 142338
fraudulent report. The commissioner shall give the taxpayer 142339
assessed written notice of the assessment as provided in section 142340
5703.37 of the Revised Code. With the notice, the commissioner 142341
shall provide instructions on how to petition for reassessment and 142342
request a hearing on the petition. 142343

(B) Unless the taxpayer assessed files with the tax 142344
commissioner within sixty days after service of the notice of 142345
assessment, either personally or by certified mail, a written 142346
petition for reassessment signed by the authorized agent of the 142347
taxpayer assessed having knowledge of the facts, the assessment 142348
becomes final, and the amount of the assessment is due and payable 142349
from the taxpayer to the treasurer of state. The petition shall 142350
indicate the taxpayer's objections, but additional objections may 142351
be raised in writing if received by the commissioner prior to the 142352
date shown on the final determination. If the petition has been 142353
properly filed, the commissioner shall proceed under section 142354
5703.60 of the Revised Code. 142355

(C) After an assessment becomes final, if any portion of the 142356
assessment remains unpaid, including accrued interest, a certified 142357
copy of the tax commissioner's entry making the assessment final 142358
may be filed in the office of the clerk of the court of common 142359
pleas in the county in which the taxpayer has an office or place 142360
of business in this state, the county in which the taxpayer's 142361
statutory agent is located, or Franklin county. 142362

Immediately upon the filing of the entry, the clerk shall 142363
enter a judgment against the taxpayer assessed in the amount shown 142364

on the entry. The judgment may be filed by the clerk in a 142365
loose-leaf book entitled "special judgments for municipal income 142366
taxes," and shall have the same effect as other judgments. 142367
Execution shall issue upon the judgment upon the request of the 142368
tax commissioner, and all laws applicable to sales on execution 142369
shall apply to sales made under the judgment. 142370

~~The portion of an~~ If the assessment is not paid in its 142371
entirety within sixty days after the day the assessment was 142372
issued, the portion of the assessment consisting of tax due shall 142373
bear interest at the rate per annum prescribed by section 5703.47 142374
of the Revised Code from the day the commissioner issues the 142375
assessment until the assessment is paid or until it is certified 142376
to the attorney general for collection under section 131.02 of the 142377
Revised Code, whichever comes first. If the unpaid portion of the 142378
assessment is certified to the attorney general for collection, 142379
the entire unpaid portion of the assessment shall bear interest at 142380
the rate per annum prescribed by section 5703.47 of the Revised 142381
Code from the date of certification until the date it is paid in 142382
its entirety. Interest shall be paid in the same manner as the tax 142383
and may be collected by issuing an assessment under this section. 142384

(D) All money collected under this section shall be credited 142385
and distributed to the municipal corporation to which the money is 142386
owed based on the assessment issued under this section. 142387

(E) If the tax commissioner believes that collection of the 142388
tax imposed by this chapter will be jeopardized unless proceedings 142389
to collect or secure collection of the tax are instituted without 142390
delay, the commissioner may issue a jeopardy assessment against 142391
the taxpayer liable for the tax. Immediately upon the issuance of 142392
the jeopardy assessment, the commissioner shall file an entry with 142393
the clerk of the court of common pleas in the manner prescribed by 142394
division (C) of this section. Notice of the jeopardy assessment 142395
shall be served on the taxpayer assessed or the taxpayer's legal 142396

representative in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the taxpayer assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(F) Notwithstanding the fact that a petition for reassessment is pending, the taxpayer may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition.

If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the taxpayer under the corrected assessment is less than the portion paid, there shall be issued to the taxpayer, its assigns, or legal representative a refund in the amount of the overpayment as provided by section 5745.11 of the Revised Code, with interest on that amount as provided by section 5745.11 of the Revised Code.

Sec. 5747.01. Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter that is not otherwise defined in this section has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes or if not used in a comparable context in those laws, has the same meaning as in section 5733.40 of the Revised Code. Any reference in this chapter

to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.	142428 142429
As used in this chapter:	142430
(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section:	142431 142432 142433
(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities.	142434 142435 142436
(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes.	142437 142438 142439 142440 142441
(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.	142442 142443 142444 142445 142446 142447
(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income.	142448 142449
(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code.	142450 142451 142452 142453
(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, the portion, if any, of such	142454 142455 142456 142457

distribution that does not exceed the undistributed net income of 142458
the trust for the three taxable years preceding the taxable year 142459
in which the distribution is made to the extent that the portion 142460
was not included in the trust's taxable income for any of the 142461
trust's taxable years beginning in 2002 or thereafter. 142462

"Undistributed net income of a trust" means the taxable income of 142463
the trust increased by (a)(i) the additions to adjusted gross 142464
income required under division (A) of this section and (ii) the 142465
personal exemptions allowed to the trust pursuant to section 142466
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 142467
deductions to adjusted gross income required under division (A) of 142468
this section, (ii) the amount of federal income taxes attributable 142469
to such income, and (iii) the amount of taxable income that has 142470
been included in the adjusted gross income of a beneficiary by 142471
reason of a prior accumulation distribution. Any undistributed net 142472
income included in the adjusted gross income of a beneficiary 142473
shall reduce the undistributed net income of the trust commencing 142474
with the earliest years of the accumulation period. 142475

(7) Deduct the amount of wages and salaries, if any, not 142476
otherwise allowable as a deduction but that would have been 142477
allowable as a deduction in computing federal adjusted gross 142478
income for the taxable year, had the targeted jobs credit allowed 142479
and determined under sections 38, 51, and 52 of the Internal 142480
Revenue Code not been in effect. 142481

(8) Deduct any interest or interest equivalent on public 142482
obligations and purchase obligations to the extent that the 142483
interest or interest equivalent is included in federal adjusted 142484
gross income. 142485

(9) Add any loss or deduct any gain resulting from the sale, 142486
exchange, or other disposition of public obligations to the extent 142487
that the loss has been deducted or the gain has been included in 142488
computing federal adjusted gross income. 142489

(10) Deduct or add amounts, as provided under section 5747.70 142490
of the Revised Code, related to contributions to variable college 142491
savings program accounts made or tuition units purchased pursuant 142492
to Chapter 3334. of the Revised Code. 142493

(11)(a) Deduct, to the extent not otherwise allowable as a 142494
deduction or exclusion in computing federal or Ohio adjusted gross 142495
income for the taxable year, the amount the taxpayer paid during 142496
the taxable year for medical care insurance and qualified 142497
long-term care insurance for the taxpayer, the taxpayer's spouse, 142498
and dependents. No deduction for medical care insurance under 142499
division (A)(11) of this section shall be allowed either to any 142500
taxpayer who is eligible to participate in any subsidized health 142501
plan maintained by any employer of the taxpayer or of the 142502
taxpayer's spouse, or to any taxpayer who is entitled to, or on 142503
application would be entitled to, benefits under part A of Title 142504
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 142505
301, as amended. For the purposes of division (A)(11)(a) of this 142506
section, "subsidized health plan" means a health plan for which 142507
the employer pays any portion of the plan's cost. The deduction 142508
allowed under division (A)(11)(a) of this section shall be the net 142509
of any related premium refunds, related premium reimbursements, or 142510
related insurance premium dividends received during the taxable 142511
year. 142512

(b) Deduct, to the extent not otherwise deducted or excluded 142513
in computing federal or Ohio adjusted gross income during the 142514
taxable year, the amount the taxpayer paid during the taxable 142515
year, not compensated for by any insurance or otherwise, for 142516
medical care of the taxpayer, the taxpayer's spouse, and 142517
dependents, to the extent the expenses exceed seven and one-half 142518
per cent of the taxpayer's federal adjusted gross income. 142519

(c) Deduct, to the extent not otherwise deducted or excluded 142520
in computing federal or Ohio adjusted gross income, any amount 142521

included in federal adjusted gross income under section 105 or not 142522
excluded under section 106 of the Internal Revenue Code solely 142523
because it relates to an accident and health plan for a person who 142524
otherwise would be a "qualifying relative" and thus a "dependent" 142525
under section 152 of the Internal Revenue Code but for the fact 142526
that the person fails to meet the income and support limitations 142527
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 142528

(d) For purposes of division (A)(11) of this section, 142529
"medical care" has the meaning given in section 213 of the 142530
Internal Revenue Code, subject to the special rules, limitations, 142531
and exclusions set forth therein, and "qualified long-term care" 142532
has the same meaning given in section 7702B(c) of the Internal 142533
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 142534
of this section, "dependent" includes a person who otherwise would 142535
be a "qualifying relative" and thus a "dependent" under section 142536
152 of the Internal Revenue Code but for the fact that the person 142537
fails to meet the income and support limitations under section 142538
152(d)(1)(B) and (C) of the Internal Revenue Code. 142539

(12)(a) Deduct any amount included in federal adjusted gross 142540
income solely because the amount represents a reimbursement or 142541
refund of expenses that in any year the taxpayer had deducted as 142542
an itemized deduction pursuant to section 63 of the Internal 142543
Revenue Code and applicable United States department of the 142544
treasury regulations. The deduction otherwise allowed under 142545
division (A)(12)(a) of this section shall be reduced to the extent 142546
the reimbursement is attributable to an amount the taxpayer 142547
deducted under this section in any taxable year. 142548

(b) Add any amount not otherwise included in Ohio adjusted 142549
gross income for any taxable year to the extent that the amount is 142550
attributable to the recovery during the taxable year of any amount 142551
deducted or excluded in computing federal or Ohio adjusted gross 142552
income in any taxable year. 142553

(13) Deduct any portion of the deduction described in section 142554
1341(a)(2) of the Internal Revenue Code, for repaying previously 142555
reported income received under a claim of right, that meets both 142556
of the following requirements: 142557

(a) It is allowable for repayment of an item that was 142558
included in the taxpayer's adjusted gross income for a prior 142559
taxable year and did not qualify for a credit under division (A) 142560
or (B) of section 5747.05 of the Revised Code for that year; 142561

(b) It does not otherwise reduce the taxpayer's adjusted 142562
gross income for the current or any other taxable year. 142563

(14) Deduct an amount equal to the deposits made to, and net 142564
investment earnings of, a medical savings account during the 142565
taxable year, in accordance with section 3924.66 of the Revised 142566
Code. The deduction allowed by division (A)(14) of this section 142567
does not apply to medical savings account deposits and earnings 142568
otherwise deducted or excluded for the current or any other 142569
taxable year from the taxpayer's federal adjusted gross income. 142570

(15)(a) Add an amount equal to the funds withdrawn from a 142571
medical savings account during the taxable year, and the net 142572
investment earnings on those funds, when the funds withdrawn were 142573
used for any purpose other than to reimburse an account holder 142574
for, or to pay, eligible medical expenses, in accordance with 142575
section 3924.66 of the Revised Code; 142576

(b) Add the amounts distributed from a medical savings 142577
account under division (A)(2) of section 3924.68 of the Revised 142578
Code during the taxable year. 142579

(16) Add any amount claimed as a credit under section 142580
5747.059 or 5747.65 of the Revised Code to the extent that such 142581
amount satisfies either of the following: 142582

(a) The amount was deducted or excluded from the computation 142583
of the taxpayer's federal adjusted gross income as required to be 142584

reported for the taxpayer's taxable year under the Internal Revenue Code; 142585
142586

(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code. 142587
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(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section. 142590
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(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of this state and is enrolled in or attending a program that culminates in a degree or diploma at an eligible institution. The deduction may be claimed only to the extent that qualified tuition and fees are not otherwise deducted or excluded for any taxable year from federal or Ohio adjusted gross income. The deduction may not be claimed for educational expenses for which the taxpayer claims a credit under section 5747.27 of the Revised Code. 142598
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(19) Add any reimbursement received during the taxable year of any amount the taxpayer deducted under division (A)(18) of this 142615
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section in any previous taxable year to the extent the amount is 142617
not otherwise included in Ohio adjusted gross income. 142618

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and 142619
(v) of this section, add five-sixths of the amount of depreciation 142620
expense allowed by subsection (k) of section 168 of the Internal 142621
Revenue Code, including the taxpayer's proportionate or 142622
distributive share of the amount of depreciation expense allowed 142623
by that subsection to a pass-through entity in which the taxpayer 142624
has a direct or indirect ownership interest. 142625

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 142626
this section, add five-sixths of the amount of qualifying section 142627
179 depreciation expense, including the taxpayer's proportionate 142628
or distributive share of the amount of qualifying section 179 142629
depreciation expense allowed to any pass-through entity in which 142630
the taxpayer has a direct or indirect ownership interest. 142631

(iii) Subject to division (A)(20)(a)(v) of this section, for 142632
taxable years beginning in 2012 or thereafter, if the increase in 142633
income taxes withheld by the taxpayer is equal to or greater than 142634
ten per cent of income taxes withheld by the taxpayer during the 142635
taxpayer's immediately preceding taxable year, "two-thirds" shall 142636
be substituted for "five-sixths" for the purpose of divisions 142637
(A)(20)(a)(i) and (ii) of this section. 142638

(iv) Subject to division (A)(20)(a)(v) of this section, for 142639
taxable years beginning in 2012 or thereafter, a taxpayer is not 142640
required to add an amount under division (A)(20) of this section 142641
if the increase in income taxes withheld by the taxpayer and by 142642
any pass-through entity in which the taxpayer has a direct or 142643
indirect ownership interest is equal to or greater than the sum of 142644
(I) the amount of qualifying section 179 depreciation expense and 142645
(II) the amount of depreciation expense allowed to the taxpayer by 142646
subsection (k) of section 168 of the Internal Revenue Code, and 142647
including the taxpayer's proportionate or distributive shares of 142648

such amounts allowed to any such pass-through entities. 142649

(v) If a taxpayer directly or indirectly incurs a net 142650
operating loss for the taxable year for federal income tax 142651
purposes, to the extent such loss resulted from depreciation 142652
expense allowed by subsection (k) of section 168 of the Internal 142653
Revenue Code and by qualifying section 179 depreciation expense, 142654
"the entire" shall be substituted for "five-sixths of the" for the 142655
purpose of divisions (A)(20)(a)(i) and (ii) of this section. 142656

The tax commissioner, under procedures established by the 142657
commissioner, may waive the add-backs related to a pass-through 142658
entity if the taxpayer owns, directly or indirectly, less than 142659
five per cent of the pass-through entity. 142660

(b) Nothing in division (A)(20) of this section shall be 142661
construed to adjust or modify the adjusted basis of any asset. 142662

(c) To the extent the add-back required under division 142663
(A)(20)(a) of this section is attributable to property generating 142664
nonbusiness income or loss allocated under section 5747.20 of the 142665
Revised Code, the add-back shall be situated to the same location 142666
as the nonbusiness income or loss generated by the property for 142667
the purpose of determining the credit under division (A) of 142668
section 5747.05 of the Revised Code. Otherwise, the add-back shall 142669
be apportioned, subject to one or more of the four alternative 142670
methods of apportionment enumerated in section 5747.21 of the 142671
Revised Code. 142672

(d) For the purposes of division (A)(20)(a)(v) of this 142673
section, net operating loss carryback and carryforward shall not 142674
include the allowance of any net operating loss deduction 142675
carryback or carryforward to the taxable year to the extent such 142676
loss resulted from depreciation allowed by section 168(k) of the 142677
Internal Revenue Code and by the qualifying section 179 142678
depreciation expense amount. 142679

(e) For the purposes of divisions (A)(20) and (21) of this section:	142680 142681
(i) "Income taxes withheld" means the total amount withheld and remitted under sections 5747.06 and 5747.07 of the Revised Code by an employer during the employer's taxable year.	142682 142683 142684
(ii) "Increase in income taxes withheld" means the amount by which the amount of income taxes withheld by an employer during the employer's current taxable year exceeds the amount of income taxes withheld by that employer during the employer's immediately preceding taxable year.	142685 142686 142687 142688 142689
(iii) "Qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense directly or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002.	142690 142691 142692 142693 142694 142695 142696
(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one of the following:	142697 142698 142699
(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of qualifying section 179 depreciation expense or depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code;	142700 142701 142702 142703 142704
(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense;	142705 142706 142707
(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added.	142708 142709 142710

(b) If the amount deducted under division (A)(21)(a) of this section is attributable to an add-back allocated under division (A)(20)(c) of this section, the amount deducted shall be situated to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(c) No deduction is available under division (A)(21)(a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such depreciation results in or increases a federal net operating loss carryback or carryforward. If no such deduction is available for a taxable year, the taxpayer may carry forward the amount not deducted in such taxable year to the next taxable year and add that amount to any deduction otherwise available under division (A)(21)(a) of this section for that next taxable year. The carryforward of amounts not so deducted shall continue until the entire addition required by division (A)(20)(a) of this section has been deducted.

(d) No refund shall be allowed as a result of adjustments made by division (A)(21) of this section.

(22) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as reimbursement for life insurance premiums under section 5919.31 of the Revised Code.

(23) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as a death benefit paid by the adjutant general under section 5919.33

of the Revised Code. 142743

(24) Deduct, to the extent included in federal adjusted gross 142744
income and not otherwise allowable as a deduction or exclusion in 142745
computing federal or Ohio adjusted gross income for the taxable 142746
year, military pay and allowances received by the taxpayer during 142747
the taxable year for active duty service in the United States 142748
army, air force, navy, marine corps, or coast guard or reserve 142749
components thereof or the national guard. The deduction may not be 142750
claimed for military pay and allowances received by the taxpayer 142751
while the taxpayer is stationed in this state. 142752

(25) Deduct, to the extent not otherwise allowable as a 142753
deduction or exclusion in computing federal or Ohio adjusted gross 142754
income for the taxable year and not otherwise compensated for by 142755
any other source, the amount of qualified organ donation expenses 142756
incurred by the taxpayer during the taxable year, not to exceed 142757
ten thousand dollars. A taxpayer may deduct qualified organ 142758
donation expenses only once for all taxable years beginning with 142759
taxable years beginning in 2007. 142760

For the purposes of division (A)(25) of this section: 142761

(a) "Human organ" means all or any portion of a human liver, 142762
pancreas, kidney, intestine, or lung, and any portion of human 142763
bone marrow. 142764

(b) "Qualified organ donation expenses" means travel 142765
expenses, lodging expenses, and wages and salary forgone by a 142766
taxpayer in connection with the taxpayer's donation, while living, 142767
of one or more of the taxpayer's human organs to another human 142768
being. 142769

(26) Deduct, to the extent not otherwise deducted or excluded 142770
in computing federal or Ohio adjusted gross income for the taxable 142771
year, amounts received by the taxpayer as retired ~~military~~ 142772
personnel pay for service in the ~~United States army, navy, air~~ 142773

~~force, coast guard, or marine corps~~ uniformed services or reserve 142774
components thereof, or the national guard, or received by the 142775
surviving spouse or former spouse of such a taxpayer under the 142776
survivor benefit plan on account of such a taxpayer's death. If 142777
the taxpayer receives income on account of retirement paid under 142778
the federal civil service retirement system or federal employees 142779
retirement system, or under any successor retirement program 142780
enacted by the congress of the United States that is established 142781
and maintained for retired employees of the United States 142782
government, and such retirement income is based, in whole or in 142783
part, on credit for the taxpayer's ~~military~~ uniformed service, the 142784
deduction allowed under this division shall include only that 142785
portion of such retirement income that is attributable to the 142786
taxpayer's ~~military~~ uniformed service, to the extent that portion 142787
of such retirement income is otherwise included in federal 142788
adjusted gross income and is not otherwise deducted under this 142789
section. Any amount deducted under division (A)(26) of this 142790
section is not included in a taxpayer's adjusted gross income for 142791
the purposes of section 5747.055 of the Revised Code. No amount 142792
may be deducted under division (A)(26) of this section on the 142793
basis of which a credit was claimed under section 5747.055 of the 142794
Revised Code. 142795

(27) Deduct, to the extent not otherwise deducted or excluded 142796
in computing federal or Ohio adjusted gross income for the taxable 142797
year, the amount the taxpayer received during the taxable year 142798
from the military injury relief fund created in section 5101.98 of 142799
the Revised Code. 142800

(28) Deduct, to the extent not otherwise deducted or excluded 142801
in computing federal or Ohio adjusted gross income for the taxable 142802
year, the amount the taxpayer received as a veterans bonus during 142803
the taxable year from the Ohio department of veterans services as 142804
authorized by Section 2r of Article VIII, Ohio Constitution. 142805

~~(29) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, any loss from wagering transactions that is allowed as an itemized deduction under section 165 of the Internal Revenue Code and that the taxpayer deducted in computing federal taxable income.~~ 142806
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~~(30)~~ Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code. 142812
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~~(31)~~(30) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, Ohio college opportunity or federal Pell grant amounts received by the taxpayer or the taxpayer's spouse or dependent pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 1070a, et seq., and used to pay room or board furnished by the educational institution for which the grant was awarded at the institution's facilities, including meal plans administered by the institution. For the purposes of this division, receipt of a grant includes the distribution of a grant directly to an educational institution and the crediting of the grant to the enrollee's account with the institution. 142817
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(31) Deduct one-half of the taxpayer's Ohio small business investor income, the deduction not to exceed sixty-two thousand five hundred dollars for each spouse if spouses file separate returns under section 5747.08 of the Revised Code or one hundred twenty-five thousand dollars for all other taxpayers. No pass-through entity may claim a deduction under this division. 142829
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For the purposes of this division, "Ohio small business investor income" means the portion of a taxpayer's adjusted gross income that is business income reduced by deductions from business 142835
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income and apportioned or allocated to this state under sections 142838
5747.21 and 5747.22 of the Revised Code, to the extent not 142839
otherwise deducted or excluded in computing federal or Ohio 142840
adjusted gross income for the taxable year. 142841

(32) To the extent included in federal adjusted gross income, 142842
deduct the fair market value of services provided free of charge 142843
by dentists and dental hygienists under the hope for a smile 142844
program established in section 3701.139 of the Revised Code. 142845

(B) "Business income" means income, including gain or loss, 142846
arising from transactions, activities, and sources in the regular 142847
course of a trade or business and includes income, gain, or loss 142848
from real property, tangible property, and intangible property if 142849
the acquisition, rental, management, and disposition of the 142850
property constitute integral parts of the regular course of a 142851
trade or business operation. "Business income" includes income, 142852
including gain or loss, from a partial or complete liquidation of 142853
a business, including, but not limited to, gain or loss from the 142854
sale or other disposition of goodwill. 142855

(C) "Nonbusiness income" means all income other than business 142856
income and may include, but is not limited to, compensation, rents 142857
and royalties from real or tangible personal property, capital 142858
gains, interest, dividends and distributions, patent or copyright 142859
royalties, or lottery winnings, prizes, and awards. 142860

(D) "Compensation" means any form of remuneration paid to an 142861
employee for personal services. 142862

(E) "Fiduciary" means a guardian, trustee, executor, 142863
administrator, receiver, conservator, or any other person acting 142864
in any fiduciary capacity for any individual, trust, or estate. 142865

(F) "Fiscal year" means an accounting period of twelve months 142866
ending on the last day of any month other than December. 142867

(G) "Individual" means any natural person. 142868

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.

(I) "Resident" means any of the following, provided that division (I)(3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter:

(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;

(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.

(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.

For the purposes of division (I)(3) of this section:

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:

(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section;

(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion

of the trust's current taxable year; 142899

(iii) A person who was domiciled in this state for the 142900
purposes of this chapter when the trust document or instrument or 142901
part of the trust document or instrument became irrevocable, but 142902
only if at least one of the trust's qualifying beneficiaries is a 142903
resident domiciled in this state for the purposes of this chapter 142904
during all or some portion of the trust's current taxable year. If 142905
a trust document or instrument became irrevocable upon the death 142906
of a person who at the time of death was domiciled in this state 142907
for purposes of this chapter, that person is a person described in 142908
division (I)(3)(a)(iii) of this section. 142909

(b) A trust is irrevocable to the extent that the transferor 142910
is not considered to be the owner of the net assets of the trust 142911
under sections 671 to 678 of the Internal Revenue Code. 142912

(c) With respect to a trust other than a charitable lead 142913
trust, "qualifying beneficiary" has the same meaning as "potential 142914
current beneficiary" as defined in section 1361(e)(2) of the 142915
Internal Revenue Code, and with respect to a charitable lead trust 142916
"qualifying beneficiary" is any current, future, or contingent 142917
beneficiary, but with respect to any trust "qualifying 142918
beneficiary" excludes a person or a governmental entity or 142919
instrumentality to any of which a contribution would qualify for 142920
the charitable deduction under section 170 of the Internal Revenue 142921
Code. 142922

(d) For the purposes of division (I)(3)(a) of this section, 142923
the extent to which a trust consists directly or indirectly, in 142924
whole or in part, of assets, net of any related liabilities, that 142925
were transferred directly or indirectly, in whole or part, to the 142926
trust by any of the sources enumerated in that division shall be 142927
ascertained by multiplying the fair market value of the trust's 142928
assets, net of related liabilities, by the qualifying ratio, which 142929
shall be computed as follows: 142930

(i) The first time the trust receives assets, the numerator 142931
of the qualifying ratio is the fair market value of those assets 142932
at that time, net of any related liabilities, from sources 142933
enumerated in division (I)(3)(a) of this section. The denominator 142934
of the qualifying ratio is the fair market value of all the 142935
trust's assets at that time, net of any related liabilities. 142936

(ii) Each subsequent time the trust receives assets, a 142937
revised qualifying ratio shall be computed. The numerator of the 142938
revised qualifying ratio is the sum of (1) the fair market value 142939
of the trust's assets immediately prior to the subsequent 142940
transfer, net of any related liabilities, multiplied by the 142941
qualifying ratio last computed without regard to the subsequent 142942
transfer, and (2) the fair market value of the subsequently 142943
transferred assets at the time transferred, net of any related 142944
liabilities, from sources enumerated in division (I)(3)(a) of this 142945
section. The denominator of the revised qualifying ratio is the 142946
fair market value of all the trust's assets immediately after the 142947
subsequent transfer, net of any related liabilities. 142948

(iii) Whether a transfer to the trust is by or from any of 142949
the sources enumerated in division (I)(3)(a) of this section shall 142950
be ascertained without regard to the domicile of the trust's 142951
beneficiaries. 142952

(e) For the purposes of division (I)(3)(a)(i) of this 142953
section: 142954

(i) A trust is described in division (I)(3)(e)(i) of this 142955
section if the trust is a testamentary trust and the testator of 142956
that testamentary trust was domiciled in this state at the time of 142957
the testator's death for purposes of the taxes levied under 142958
Chapter 5731. of the Revised Code. 142959

(ii) A trust is described in division (I)(3)(e)(ii) of this 142960
section if the transfer is a qualifying transfer described in any 142961

of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 142962
irrevocable inter vivos trust, and at least one of the trust's 142963
qualifying beneficiaries is domiciled in this state for purposes 142964
of this chapter during all or some portion of the trust's current 142965
taxable year. 142966

(f) For the purposes of division (I)(3)(e)(ii) of this 142967
section, a "qualifying transfer" is a transfer of assets, net of 142968
any related liabilities, directly or indirectly to a trust, if the 142969
transfer is described in any of the following: 142970

(i) The transfer is made to a trust, created by the decedent 142971
before the decedent's death and while the decedent was domiciled 142972
in this state for the purposes of this chapter, and, prior to the 142973
death of the decedent, the trust became irrevocable while the 142974
decedent was domiciled in this state for the purposes of this 142975
chapter. 142976

(ii) The transfer is made to a trust to which the decedent, 142977
prior to the decedent's death, had directly or indirectly 142978
transferred assets, net of any related liabilities, while the 142979
decedent was domiciled in this state for the purposes of this 142980
chapter, and prior to the death of the decedent the trust became 142981
irrevocable while the decedent was domiciled in this state for the 142982
purposes of this chapter. 142983

(iii) The transfer is made on account of a contractual 142984
relationship existing directly or indirectly between the 142985
transferor and either the decedent or the estate of the decedent 142986
at any time prior to the date of the decedent's death, and the 142987
decedent was domiciled in this state at the time of death for 142988
purposes of the taxes levied under Chapter 5731. of the Revised 142989
Code. 142990

(iv) The transfer is made to a trust on account of a 142991
contractual relationship existing directly or indirectly between 142992

the transferor and another person who at the time of the 142993
decedent's death was domiciled in this state for purposes of this 142994
chapter. 142995

(v) The transfer is made to a trust on account of the will of 142996
a testator who was domiciled in this state at the time of the 142997
testator's death for purposes of the taxes levied under Chapter 142998
5731. of the Revised Code. 142999

(vi) The transfer is made to a trust created by or caused to 143000
be created by a court, and the trust was directly or indirectly 143001
created in connection with or as a result of the death of an 143002
individual who, for purposes of the taxes levied under Chapter 143003
5731. of the Revised Code, was domiciled in this state at the time 143004
of the individual's death. 143005

(g) The tax commissioner may adopt rules to ascertain the 143006
part of a trust residing in this state. 143007

(J) "Nonresident" means an individual or estate that is not a 143008
resident. An individual who is a resident for only part of a 143009
taxable year is a nonresident for the remainder of that taxable 143010
year. 143011

(K) "Pass-through entity" has the same meaning as in section 143012
5733.04 of the Revised Code. 143013

(L) "Return" means the notifications and reports required to 143014
be filed pursuant to this chapter for the purpose of reporting the 143015
tax due and includes declarations of estimated tax when so 143016
required. 143017

(M) "Taxable year" means the calendar year or the taxpayer's 143018
fiscal year ending during the calendar year, or fractional part 143019
thereof, upon which the adjusted gross income is calculated 143020
pursuant to this chapter. 143021

(N) "Taxpayer" means any person subject to the tax imposed by 143022

section 5747.02 of the Revised Code or any pass-through entity 143023
that makes the election under division (D) of section 5747.08 of 143024
the Revised Code. 143025

(O) "Dependents" means dependents as defined in the Internal 143026
Revenue Code and as claimed in the taxpayer's federal income tax 143027
return for the taxable year or which the taxpayer would have been 143028
permitted to claim had the taxpayer filed a federal income tax 143029
return. 143030

(P) "Principal county of employment" means, in the case of a 143031
nonresident, the county within the state in which a taxpayer 143032
performs services for an employer or, if those services are 143033
performed in more than one county, the county in which the major 143034
portion of the services are performed. 143035

(Q) As used in sections 5747.50 to 5747.55 of the Revised 143036
Code: 143037

(1) "Subdivision" means any county, municipal corporation, 143038
park district, or township. 143039

(2) "Essential local government purposes" includes all 143040
functions that any subdivision is required by general law to 143041
exercise, including like functions that are exercised under a 143042
charter adopted pursuant to the Ohio Constitution. 143043

(R) "Overpayment" means any amount already paid that exceeds 143044
the figure determined to be the correct amount of the tax. 143045

(S) "Taxable income" or "Ohio taxable income" applies only to 143046
estates and trusts, and means federal taxable income, as defined 143047
and used in the Internal Revenue Code, adjusted as follows: 143048

(1) Add interest or dividends, net of ordinary, necessary, 143049
and reasonable expenses not deducted in computing federal taxable 143050
income, on obligations or securities of any state or of any 143051
political subdivision or authority of any state, other than this 143052

state and its subdivisions and authorities, but only to the extent 143053
that such net amount is not otherwise includible in Ohio taxable 143054
income and is described in either division (S)(1)(a) or (b) of 143055
this section: 143056

(a) The net amount is not attributable to the S portion of an 143057
electing small business trust and has not been distributed to 143058
beneficiaries for the taxable year; 143059

(b) The net amount is attributable to the S portion of an 143060
electing small business trust for the taxable year. 143061

(2) Add interest or dividends, net of ordinary, necessary, 143062
and reasonable expenses not deducted in computing federal taxable 143063
income, on obligations of any authority, commission, 143064
instrumentality, territory, or possession of the United States to 143065
the extent that the interest or dividends are exempt from federal 143066
income taxes but not from state income taxes, but only to the 143067
extent that such net amount is not otherwise includible in Ohio 143068
taxable income and is described in either division (S)(1)(a) or 143069
(b) of this section; 143070

(3) Add the amount of personal exemption allowed to the 143071
estate pursuant to section 642(b) of the Internal Revenue Code; 143072

(4) Deduct interest or dividends, net of related expenses 143073
deducted in computing federal taxable income, on obligations of 143074
the United States and its territories and possessions or of any 143075
authority, commission, or instrumentality of the United States to 143076
the extent that the interest or dividends are exempt from state 143077
taxes under the laws of the United States, but only to the extent 143078
that such amount is included in federal taxable income and is 143079
described in either division (S)(1)(a) or (b) of this section; 143080

(5) Deduct the amount of wages and salaries, if any, not 143081
otherwise allowable as a deduction but that would have been 143082
allowable as a deduction in computing federal taxable income for 143083

the taxable year, had the targeted jobs credit allowed under 143084
sections 38, 51, and 52 of the Internal Revenue Code not been in 143085
effect, but only to the extent such amount relates either to 143086
income included in federal taxable income for the taxable year or 143087
to income of the S portion of an electing small business trust for 143088
the taxable year; 143089

(6) Deduct any interest or interest equivalent, net of 143090
related expenses deducted in computing federal taxable income, on 143091
public obligations and purchase obligations, but only to the 143092
extent that such net amount relates either to income included in 143093
federal taxable income for the taxable year or to income of the S 143094
portion of an electing small business trust for the taxable year; 143095

(7) Add any loss or deduct any gain resulting from sale, 143096
exchange, or other disposition of public obligations to the extent 143097
that such loss has been deducted or such gain has been included in 143098
computing either federal taxable income or income of the S portion 143099
of an electing small business trust for the taxable year; 143100

(8) Except in the case of the final return of an estate, add 143101
any amount deducted by the taxpayer on both its Ohio estate tax 143102
return pursuant to section 5731.14 of the Revised Code, and on its 143103
federal income tax return in determining federal taxable income; 143104

(9)(a) Deduct any amount included in federal taxable income 143105
solely because the amount represents a reimbursement or refund of 143106
expenses that in a previous year the decedent had deducted as an 143107
itemized deduction pursuant to section 63 of the Internal Revenue 143108
Code and applicable treasury regulations. The deduction otherwise 143109
allowed under division (S)(9)(a) of this section shall be reduced 143110
to the extent the reimbursement is attributable to an amount the 143111
taxpayer or decedent deducted under this section in any taxable 143112
year. 143113

(b) Add any amount not otherwise included in Ohio taxable 143114

income for any taxable year to the extent that the amount is 143115
attributable to the recovery during the taxable year of any amount 143116
deducted or excluded in computing federal or Ohio taxable income 143117
in any taxable year, but only to the extent such amount has not 143118
been distributed to beneficiaries for the taxable year. 143119

(10) Deduct any portion of the deduction described in section 143120
1341(a)(2) of the Internal Revenue Code, for repaying previously 143121
reported income received under a claim of right, that meets both 143122
of the following requirements: 143123

(a) It is allowable for repayment of an item that was 143124
included in the taxpayer's taxable income or the decedent's 143125
adjusted gross income for a prior taxable year and did not qualify 143126
for a credit under division (A) or (B) of section 5747.05 of the 143127
Revised Code for that year. 143128

(b) It does not otherwise reduce the taxpayer's taxable 143129
income or the decedent's adjusted gross income for the current or 143130
any other taxable year. 143131

(11) Add any amount claimed as a credit under section 143132
5747.059 or 5747.65 of the Revised Code to the extent that the 143133
amount satisfies either of the following: 143134

(a) The amount was deducted or excluded from the computation 143135
of the taxpayer's federal taxable income as required to be 143136
reported for the taxpayer's taxable year under the Internal 143137
Revenue Code; 143138

(b) The amount resulted in a reduction in the taxpayer's 143139
federal taxable income as required to be reported for any of the 143140
taxpayer's taxable years under the Internal Revenue Code. 143141

(12) Deduct any amount, net of related expenses deducted in 143142
computing federal taxable income, that a trust is required to 143143
report as farm income on its federal income tax return, but only 143144
if the assets of the trust include at least ten acres of land 143145

satisfying the definition of "land devoted exclusively to agricultural use" under section 5713.30 of the Revised Code, regardless of whether the land is valued for tax purposes as such land under sections 5713.30 to 5713.38 of the Revised Code. If the trust is a pass-through entity investor, section 5747.231 of the Revised Code applies in ascertaining if the trust is eligible to claim the deduction provided by division (S)(12) of this section in connection with the pass-through entity's farm income.

Except for farm income attributable to the S portion of an electing small business trust, the deduction provided by division (S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income. Division (S)(12) of this section applies only to taxable years of a trust beginning in 2002 or thereafter.

(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income.

(14) Add or deduct the amount the taxpayer would be required to add or deduct under division (A)(20) or (21) of this section if the taxpayer's Ohio taxable income were computed in the same manner as an individual's Ohio adjusted gross income is computed under this section. In the case of a trust, division (S)(14) of this section applies only to any of the trust's taxable years beginning in 2002 or thereafter.

(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

(V) "Limited liability company" means any limited liability

company formed under Chapter 1705. of the Revised Code or under 143177
the laws of any other state. 143178

(W) "Pass-through entity investor" means any person who, 143179
during any portion of a taxable year of a pass-through entity, is 143180
a partner, member, shareholder, or equity investor in that 143181
pass-through entity. 143182

(X) "Banking day" has the same meaning as in section 1304.01 143183
of the Revised Code. 143184

(Y) "Month" means a calendar month. 143185

(Z) "Quarter" means the first three months, the second three 143186
months, the third three months, or the last three months of the 143187
taxpayer's taxable year. 143188

(AA)(1) "Eligible institution" means a state university or 143189
state institution of higher education as defined in section 143190
3345.011 of the Revised Code, or a private, nonprofit college, 143191
university, or other post-secondary institution located in this 143192
state that possesses a certificate of authorization issued by the 143193
Ohio board of regents pursuant to Chapter 1713. of the Revised 143194
Code or a certificate of registration issued by the state board of 143195
career colleges and schools under Chapter 3332. of the Revised 143196
Code. 143197

(2) "Qualified tuition and fees" means tuition and fees 143198
imposed by an eligible institution as a condition of enrollment or 143199
attendance, not exceeding two thousand five hundred dollars in 143200
each of the individual's first two years of post-secondary 143201
education. If the individual is a part-time student, "qualified 143202
tuition and fees" includes tuition and fees paid for the academic 143203
equivalent of the first two years of post-secondary education 143204
during a maximum of five taxable years, not exceeding a total of 143205
five thousand dollars. "Qualified tuition and fees" does not 143206
include: 143207

(a) Expenses for any course or activity involving sports, games, or hobbies unless the course or activity is part of the individual's degree or diploma program;	143208 143209 143210
(b) The cost of books, room and board, student activity fees, athletic fees, insurance expenses, or other expenses unrelated to the individual's academic course of instruction;	143211 143212 143213
(c) Tuition, fees, or other expenses paid or reimbursed through an employer, scholarship, grant in aid, or other educational benefit program.	143214 143215 143216
(BB)(1) "Modified business income" means the business income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any.	143217 143218 143219
(2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:	143220 143221 143222 143223 143224
(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, is available to the trust.	143225 143226 143227 143228 143229
(b) The requirements of section 5747.011 of the Revised Code are satisfied for the trust's taxable year in which the trust recognizes the gain or loss.	143230 143231 143232
Any gain or loss that is not a qualifying trust amount is modified business income, qualifying investment income, or modified nonbusiness income, as the case may be.	143233 143234 143235
(3) "Modified nonbusiness income" means a trust's Ohio taxable income other than modified business income, other than the	143236 143237

qualifying trust amount, and other than qualifying investment 143238
income, as defined in section 5747.012 of the Revised Code, to the 143239
extent such qualifying investment income is not otherwise part of 143240
modified business income. 143241

(4) "Modified Ohio taxable income" applies only to trusts, 143242
and means the sum of the amounts described in divisions (BB)(4)(a) 143243
to (c) of this section: 143244

(a) The fraction, calculated under section 5747.013, and 143245
applying section 5747.231 of the Revised Code, multiplied by the 143246
sum of the following amounts: 143247

(i) The trust's modified business income; 143248

(ii) The trust's qualifying investment income, as defined in 143249
section 5747.012 of the Revised Code, but only to the extent the 143250
qualifying investment income does not otherwise constitute 143251
modified business income and does not otherwise constitute a 143252
qualifying trust amount. 143253

(b) The qualifying trust amount multiplied by a fraction, the 143254
numerator of which is the sum of the book value of the qualifying 143255
investee's physical assets in this state on the last day of the 143256
qualifying investee's fiscal or calendar year ending immediately 143257
prior to the day on which the trust recognizes the qualifying 143258
trust amount, and the denominator of which is the sum of the book 143259
value of the qualifying investee's total physical assets 143260
everywhere on the last day of the qualifying investee's fiscal or 143261
calendar year ending immediately prior to the day on which the 143262
trust recognizes the qualifying trust amount. If, for a taxable 143263
year, the trust recognizes a qualifying trust amount with respect 143264
to more than one qualifying investee, the amount described in 143265
division (BB)(4)(b) of this section shall equal the sum of the 143266
products so computed for each such qualifying investee. 143267

(c)(i) With respect to a trust or portion of a trust that is 143268

a resident as ascertained in accordance with division (I)(3)(d) of 143269
this section, its modified nonbusiness income. 143270

(ii) With respect to a trust or portion of a trust that is 143271
not a resident as ascertained in accordance with division 143272
(I)(3)(d) of this section, the amount of its modified nonbusiness 143273
income satisfying the descriptions in divisions (B)(2) to (5) of 143274
section 5747.20 of the Revised Code, except as otherwise provided 143275
in division (BB)(4)(c)(ii) of this section. With respect to a 143276
trust or portion of a trust that is not a resident as ascertained 143277
in accordance with division (I)(3)(d) of this section, the trust's 143278
portion of modified nonbusiness income recognized from the sale, 143279
exchange, or other disposition of a debt interest in or equity 143280
interest in a section 5747.212 entity, as defined in section 143281
5747.212 of the Revised Code, without regard to division (A) of 143282
that section, shall not be allocated to this state in accordance 143283
with section 5747.20 of the Revised Code but shall be apportioned 143284
to this state in accordance with division (B) of section 5747.212 143285
of the Revised Code without regard to division (A) of that 143286
section. 143287

If the allocation and apportionment of a trust's income under 143288
divisions (BB)(4)(a) and (c) of this section do not fairly 143289
represent the modified Ohio taxable income of the trust in this 143290
state, the alternative methods described in division (C) of 143291
section 5747.21 of the Revised Code may be applied in the manner 143292
and to the same extent provided in that section. 143293

(5)(a) Except as set forth in division (BB)(5)(b) of this 143294
section, "qualifying investee" means a person in which a trust has 143295
an equity or ownership interest, or a person or unit of government 143296
the debt obligations of either of which are owned by a trust. For 143297
the purposes of division (BB)(2)(a) of this section and for the 143298
purpose of computing the fraction described in division (BB)(4)(b) 143299
of this section, all of the following apply: 143300

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day.

(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the pass-through entity's calendar or fiscal year ending within or with the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount.

(iii) For the purposes of division (BB)(5)(a)(iii) of this section, "upper level pass-through entity" means a pass-through entity directly or indirectly owning any equity of another pass-through entity, and "lower level pass-through entity" means that other pass-through entity.

An upper level pass-through entity, whether or not it is also a qualifying investee, is deemed to own, on the last day of the upper level pass-through entity's calendar or fiscal year, the proportionate share of the lower level pass-through entity's

physical assets that the lower level pass-through entity directly 143333
or indirectly owns on the last day of the lower level pass-through 143334
entity's calendar or fiscal year ending within or with the last 143335
day of the upper level pass-through entity's fiscal or calendar 143336
year. If the upper level pass-through entity directly and 143337
indirectly owns less than fifty per cent of the equity of the 143338
lower level pass-through entity on each day of the upper level 143339
pass-through entity's calendar or fiscal year in which or with 143340
which ends the calendar or fiscal year of the lower level 143341
pass-through entity and if, based upon clear and convincing 143342
evidence, complete information about the location and cost of the 143343
physical assets of the lower pass-through entity is not available 143344
to the upper level pass-through entity, then solely for purposes 143345
of ascertaining if a gain or loss constitutes a qualifying trust 143346
amount, the upper level pass-through entity shall be deemed as 143347
owning no equity of the lower level pass-through entity for each 143348
day during the upper level pass-through entity's calendar or 143349
fiscal year in which or with which ends the lower level 143350
pass-through entity's calendar or fiscal year. Nothing in division 143351
(BB)(5)(a)(iii) of this section shall be construed to provide for 143352
any deduction or exclusion in computing any trust's Ohio taxable 143353
income. 143354

(b) With respect to a trust that is not a resident for the 143355
taxable year and with respect to a part of a trust that is not a 143356
resident for the taxable year, "qualifying investee" for that 143357
taxable year does not include a C corporation if both of the 143358
following apply: 143359

(i) During the taxable year the trust or part of the trust 143360
recognizes a gain or loss from the sale, exchange, or other 143361
disposition of equity or ownership interests in, or debt 143362
obligations of, the C corporation. 143363

(ii) Such gain or loss constitutes nonbusiness income. 143364

(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss.

(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.

(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code.

(EE)(1) For the purposes of division (EE) of this section:

(a) "Qualifying person" means any person other than a qualifying corporation.

(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:

(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.

(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.

(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax

trust that makes a qualifying pre-income tax trust election as 143395
described in division (FF)(3) of this section. 143396

(3) A "qualifying pre-income tax trust election" is an 143397
election by a pre-income tax trust to subject to the tax imposed 143398
by section 5751.02 of the Revised Code the pre-income tax trust 143399
and all pass-through entities of which the trust owns or controls, 143400
directly, indirectly, or constructively through related interests, 143401
five per cent or more of the ownership or equity interests. The 143402
trustee shall notify the tax commissioner in writing of the 143403
election on or before April 15, 2006. The election, if timely 143404
made, shall be effective on and after January 1, 2006, and shall 143405
apply for all tax periods and tax years until revoked by the 143406
trustee of the trust. 143407

(4) A "pre-income tax trust" is a trust that satisfies all of 143408
the following requirements: 143409

(a) The document or instrument creating the trust was 143410
executed by the grantor before January 1, 1972; 143411

(b) The trust became irrevocable upon the creation of the 143412
trust; and 143413

(c) The grantor was domiciled in this state at the time the 143414
trust was created. 143415

(GG) "Uniformed services" has the same meaning as in 10 143416
U.S.C. 101. 143417

Sec. 5747.02. (A) For the purpose of providing revenue for 143418
the support of schools and local government functions, to provide 143419
relief to property taxpayers, to provide revenue for the general 143420
revenue fund, and to meet the expenses of administering the tax 143421
levied by this chapter, there is hereby levied on every 143422
individual, trust, and estate residing in or earning or receiving 143423
income in this state, on every individual, trust, and estate 143424

earning or receiving lottery winnings, prizes, or awards pursuant 143425
to Chapter 3770. of the Revised Code, on every individual, trust, 143426
and estate earning or receiving winnings on casino gaming, and on 143427
every individual, trust, and estate otherwise having nexus with or 143428
in this state under the Constitution of the United States, an 143429
annual tax measured in the case of individuals by Ohio adjusted 143430
gross income less an exemption for the taxpayer, the taxpayer's 143431
spouse, and each dependent as provided in section 5747.025 of the 143432
Revised Code; measured in the case of trusts by modified Ohio 143433
taxable income under division (D) of this section; and measured in 143434
the case of estates by Ohio taxable income. The tax imposed by 143435
this section on the balance thus obtained is hereby levied as 143436
follows: 143437

(1) For taxable years beginning in 2004: 143438

OHIO ADJUSTED GROSS INCOME LESS 143439

EXEMPTIONS (INDIVIDUALS)

OR 143440

MODIFIED OHIO 143441

TAXABLE INCOME (TRUSTS) 143442

OR 143443

OHIO TAXABLE INCOME (ESTATES) TAX 143444

\$5,000 or less .743% 143445

More than \$5,000 but not more \$37.15 plus 1.486% of the amount 143446
than \$10,000 in excess of \$5,000

More than \$10,000 but not more \$111.45 plus 2.972% of the 143447
than \$15,000 amount in excess of \$10,000

More than \$15,000 but not more \$260.05 plus 3.715% of the 143448
than \$20,000 amount in excess of \$15,000

More than \$20,000 but not more \$445.80 plus 4.457% of the 143449
than \$40,000 amount in excess of \$20,000

More than \$40,000 but not more \$1,337.20 plus 5.201% of the 143450
than \$80,000 amount in excess of \$40,000

More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	143451
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	143452
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	143453
(2) For taxable years beginning in 2005:		143454
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		143455
OR		143456
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		143457
OR		143458
OHIO TAXABLE INCOME (ESTATES)	TAX	143459
\$5,000 or less	.712%	143460
More than \$5,000 but not more than \$10,000	\$35.60 plus 1.424% of the amount in excess of \$5,000	143461
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	143462
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	143463
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	143464
More than \$40,000 but not more than \$80,000	\$1,281.10 plus 4.983% of the amount in excess of \$40,000	143465
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000	143466
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000	143467
More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	143468
(3) For taxable years beginning in 2006:		143469
		143470

OHIO ADJUSTED GROSS INCOME LESS		143471
EXEMPTIONS (INDIVIDUALS)		
OR		143472
MODIFIED OHIO		143473
TAXABLE INCOME (TRUSTS)		143474
OR		143475
OHIO TAXABLE INCOME (ESTATES)	TAX	143476
\$5,000 or less	.681%	143477
More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	143478
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	143479
More than \$15,000 but not more than \$20,000	\$238.20 plus 3.403% of the amount in excess of \$15,000	143480
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	143481
More than \$40,000 but not more than \$80,000	\$1,224.95 plus 4.764% of the amount in excess of \$40,000	143482
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	143483
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	143484
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	143485
(4) For taxable years beginning in 2007:		143486
OHIO ADJUSTED GROSS INCOME LESS		143487
EXEMPTIONS (INDIVIDUALS)		
OR		143488
MODIFIED OHIO		143489
TAXABLE INCOME (TRUSTS)		143490
OR		143491
OHIO TAXABLE INCOME (ESTATES)	TAX	143492
\$5,000 or less	.649%	143493

More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	143494
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	143495
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	143496
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	143497
More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	143498
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	143499
More than \$100,000 but not more than \$200,000	\$4,025.85 plus 6.031% of the amount in excess of \$100,000	143500
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	143501
(5) For taxable years beginning in 2008, 2009, or 2010:		143502
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		143503
OR		143504
MODIFIED OHIO		143505
TAXABLE INCOME (TRUSTS)		143506
OR		143507
OHIO TAXABLE INCOME (ESTATES)	TAX	143508
\$5,000 or less	.618%	143509
More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	143510
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	143511
More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	143512
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	143513

More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	143514
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	143515
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	143516
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	143517
(6) For taxable years beginning in 2011 or thereafter <u>2012</u> :		143518
OHIO ADJUSTED GROSS INCOME LESS		143519
EXEMPTIONS (INDIVIDUALS)		
OR		143520
MODIFIED OHIO		143521
TAXABLE INCOME (TRUSTS)		143522
OR		143523
OHIO TAXABLE INCOME (ESTATES)	TAX	143524
\$5,000 or less	.587%	143525
More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	143526
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	143527
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	143528
More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	143529
More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	143530
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	143531
More than \$100,000 but not more than \$200,000	\$3,639.00 plus 5.451% of the amount in excess of \$100,000	143532
More than \$200,000	\$9,090.00 plus 5.925% of the amount in excess of \$200,000	143533

<u>(7) For taxable years beginning in 2013:</u>		143534
<u>OHIO ADJUSTED GROSS INCOME LESS</u>		143535
<u>EXEMPTIONS (INDIVIDUALS)</u>		
<u>OR</u>		143536
<u>MODIFIED OHIO</u>		143537
<u>TAXABLE INCOME (TRUSTS)</u>		143538
<u>OR</u>		143539
<u>OHIO TAXABLE INCOME (ESTATES)</u>	<u>TAX</u>	143540
<u>\$5,000 or less</u>	<u>.537%</u>	143541
<u>More than \$5,000 but not more</u>	<u>\$26.86 plus 1.074% of the amount</u>	143542
<u>than \$10,000</u>	<u>in excess of \$5,000</u>	
<u>More than \$10,000 but not more</u>	<u>\$80.57 plus 2.148% of the amount</u>	143543
<u>than \$15,000</u>	<u>in excess of \$10,000</u>	
<u>More than \$15,000 but not more</u>	<u>\$187.99 plus 2.686% of the</u>	143544
<u>than \$20,000</u>	<u>amount in excess of \$15,000</u>	
<u>More than \$20,000 but not more</u>	<u>\$322.26 plus 3.222% of the</u>	143545
<u>than \$40,000</u>	<u>amount in excess of \$20,000</u>	
<u>More than \$40,000 but not more</u>	<u>\$966.61 plus 3.760% of the</u>	143546
<u>than \$80,000</u>	<u>amount in excess of \$40,000</u>	
<u>More than \$80,000 but not more</u>	<u>\$2,470.50 plus 4.296% of the</u>	143547
<u>than \$100,000</u>	<u>amount in excess of \$80,000</u>	
<u>More than \$100,000 but not more</u>	<u>\$3,329.68 plus 4.988% of the</u>	143548
<u>than \$200,000</u>	<u>amount in excess of \$100,000</u>	
<u>More than \$200,000</u>	<u>\$8,317.35 plus 5.421% of the</u>	143549
	<u>amount in excess of \$200,000</u>	
<u>(8) For taxable years beginning in 2014:</u>		143550
<u>OHIO ADJUSTED GROSS INCOME LESS</u>		143551
<u>EXEMPTIONS (INDIVIDUALS)</u>		
<u>OR</u>		143552
<u>MODIFIED OHIO</u>		143553
<u>TAXABLE INCOME (TRUSTS)</u>		143554
<u>OR</u>		143555

<u>OHIO TAXABLE INCOME (ESTATES)</u>	<u>TAX</u>	143556
<u>\$5,000 or less</u>	<u>.534%</u>	143557
<u>More than \$5,000 but not more than \$10,000</u>	<u>\$26.71 plus 1.068% of the amount in excess of \$5,000</u>	143558
<u>More than \$10,000 but not more than \$15,000</u>	<u>\$80.13 plus 2.137% of the amount in excess of \$10,000</u>	143559
<u>More than \$15,000 but not more than \$20,000</u>	<u>\$186.96 plus 2.671% of the amount in excess of \$15,000</u>	143560
<u>More than \$20,000 but not more than \$40,000</u>	<u>\$320.50 plus 3.204% of the amount in excess of \$20,000</u>	143561
<u>More than \$40,000 but not more than \$80,000</u>	<u>\$961.32 plus 3.739% of the amount in excess of \$40,000</u>	143562
<u>More than \$80,000 but not more than \$100,000</u>	<u>\$2,457.00 plus 4.272% of the amount in excess of \$80,000</u>	143563
<u>More than \$100,000 but not more than \$200,000</u>	<u>\$3,311.49 plus 4.960% of the amount in excess of \$100,000</u>	143564
<u>More than \$200,000</u>	<u>\$8,271.90 plus 5.392% of the amount in excess of \$200,000</u>	143565
<u>(9) For taxable years beginning in 2015 or thereafter:</u>		143566
<u>OHIO ADJUSTED GROSS INCOME LESS</u>		143567
<u>EXEMPTIONS (INDIVIDUALS)</u>		
<u>OR</u>		143568
<u>MODIFIED OHIO</u>		143569
<u>TAXABLE INCOME (TRUSTS)</u>		143570
<u>OR</u>		143571
<u>OHIO TAXABLE INCOME (ESTATES)</u>	<u>TAX</u>	143572
<u>\$5,000 or less</u>	<u>.528%</u>	143573
<u>More than \$5,000 but not more than \$10,000</u>	<u>\$26.41 plus 1.057% of the amount in excess of \$5,000</u>	143574
<u>More than \$10,000 but not more than \$15,000</u>	<u>\$79.24 plus 2.113% of the amount in excess of \$10,000</u>	143575
<u>More than \$15,000 but not more than \$20,000</u>	<u>\$184.90 plus 2.642% of the amount in excess of \$15,000</u>	143576

<u>More than \$20,000 but not more than \$40,000</u>	<u>\$316.98 plus 3.169% of the amount in excess of \$20,000</u>	143577
<u>More than \$40,000 but not more than \$80,000</u>	<u>\$950.76 plus 3.698% of the amount in excess of \$40,000</u>	143578
<u>More than \$80,000 but not more than \$100,000</u>	<u>\$2,430.00 plus 4.226% of the amount in excess of \$80,000</u>	143579
<u>More than \$100,000 but not more than \$200,000</u>	<u>\$3,275.10 plus 4.906% of the amount in excess of \$100,000</u>	143580
<u>More than \$200,000</u>	<u>\$8,181.00 plus 5.333% of the amount in excess of \$200,000</u>	143581

In ~~July~~ August of each year, ~~beginning in 2010~~, the tax commissioner shall adjust the income amounts prescribed in this division by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the adjustment of the income amounts. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made. The tax commissioner shall not make such adjustments in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year. The commissioner shall not make such adjustments for taxable years beginning in 2013, 2014, or 2015.

(B) If the director of budget and management makes a certification to the tax commissioner under division (B) of

section 131.44 of the Revised Code, the amount of tax as 143604
determined under division (A) of this section shall be reduced by 143605
the percentage prescribed in that certification for taxable years 143606
beginning in the calendar year in which that certification is 143607
made. 143608

(C) The levy of this tax on income does not prevent a 143609
municipal corporation, a joint economic development zone created 143610
under section 715.691, or a joint economic development district 143611
created under section 715.70 or 715.71 or sections 715.72 to 143612
715.81 of the Revised Code from levying a tax on income. 143613

(D) This division applies only to taxable years of a trust 143614
beginning in 2002 or thereafter. 143615

(1) The tax imposed by this section on a trust shall be 143616
computed by multiplying the Ohio modified taxable income of the 143617
trust by the rates prescribed by division (A) of this section. 143618

(2) A resident trust may claim a credit against the tax 143619
computed under division (D) of this section equal to the lesser of 143620
(1) the tax paid to another state or the District of Columbia on 143621
the resident trust's modified nonbusiness income, other than the 143622
portion of the resident trust's nonbusiness income that is 143623
qualifying investment income as defined in section 5747.012 of the 143624
Revised Code, or (2) the effective tax rate, based on modified 143625
Ohio taxable income, multiplied by the resident trust's modified 143626
nonbusiness income other than the portion of the resident trust's 143627
nonbusiness income that is qualifying investment income. The 143628
credit applies before any other applicable credits. 143629

(3) The credits enumerated in divisions (A)(1) to (13) of 143630
section 5747.98 of the Revised Code do not apply to a trust 143631
subject to division (D) of this section. Any credits enumerated in 143632
other divisions of section 5747.98 of the Revised Code apply to a 143633
trust subject to division (D) of this section. To the extent that 143634

the trust distributes income for the taxable year for which a 143635
credit is available to the trust, the credit shall be shared by 143636
the trust and its beneficiaries. The tax commissioner and the 143637
trust shall be guided by applicable regulations of the United 143638
States treasury regarding the sharing of credits. 143639

(E) For the purposes of this section, "trust" means any trust 143640
described in Subchapter J of Chapter 1 of the Internal Revenue 143641
Code, excluding trusts that are not irrevocable as defined in 143642
division (I)(3)(b) of section 5747.01 of the Revised Code and that 143643
have no modified Ohio taxable income for the taxable year, 143644
charitable remainder trusts, qualified funeral trusts and preneed 143645
funeral contract trusts established pursuant to sections 4717.31 143646
to 4717.38 of the Revised Code that are not qualified funeral 143647
trusts, endowment and perpetual care trusts, qualified settlement 143648
trusts and funds, designated settlement trusts and funds, and 143649
trusts exempted from taxation under section 501(a) of the Internal 143650
Revenue Code. 143651

Sec. 5747.022. An individual subject to the tax imposed by 143652
section 5747.02 of the Revised Code whose Ohio adjusted gross 143653
income, less applicable exemptions under section 5747.025 of the 143654
Revised Code, for the taxable year as shown on an individual or 143655
joint annual return is less than thirty thousand dollars may claim 143656
a credit equal to twenty dollars times the number of exemptions 143657
allowed for the taxpayer, ~~his~~ the taxpayer's spouse, and each 143658
dependent under section 5747.02 of the Revised Code. The credit 143659
shall be claimed in the order required under section 5747.98 of 143660
the Revised Code. The credit shall not be considered in 143661
determining the taxes required to be withheld under section 143662
5747.06 of the Revised Code or the estimated taxes required to be 143663
paid under section 5747.09 of the Revised Code. In the case of an 143664
individual with respect to whom an exemption under section 5747.02 143665
of the Revised Code is allowable to another taxpayer for a taxable 143666

year beginning in the calendar year in which the individual's 143667
taxable year begins, the "number of exemptions allowed" for 143668
purposes of calculating the credit allowed under this section to 143669
such individual for the individual's taxable year shall not 143670
include an exemption for the individual. 143671

Sec. 5747.025. (A) The Except as otherwise provided in this 143672
division, the personal exemption for the taxpayer and the 143673
taxpayer's spouse shall be seven hundred fifty dollars each for 143674
the taxable year beginning in 1996, eight hundred fifty dollars 143675
each for the taxable year beginning in 1997, nine hundred fifty 143676
dollars each for the taxable year beginning in 1998, and one 143677
thousand fifty dollars each for the taxable year beginning in 1999 143678
and taxable years beginning after 1999. The personal exemption 143679
amount prescribed in this division for taxable years beginning 143680
after 1999 shall be adjusted each year in the manner prescribed in 143681
division (C) of this section. In the case of an individual with 143682
respect to whom an exemption under section 5747.02 of the Revised 143683
Code is allowable to another taxpayer for a taxable year beginning 143684
in the calendar year in which the individual's taxable year 143685
begins, the exemption amount applicable to such individual for 143686
such individual's taxable year shall be zero. 143687

(B) The personal exemption for each dependent shall be eight 143688
hundred fifty dollars for the taxable year beginning in 1996, and 143689
one thousand fifty dollars for the taxable year beginning in 1997 143690
and taxable years beginning after 1997. The personal exemption 143691
amount prescribed in this division for taxable years beginning 143692
after 1999 shall be adjusted each year in the manner prescribed in 143693
division (C) of this section. 143694

(C) In ~~September~~ August of each year, ~~beginning in 2000~~, the 143695
tax commissioner shall determine the percentage increase in the 143696
gross domestic product deflator determined by the bureau of 143697

economic analysis of the United States department of commerce from 143698
the first day of January of the preceding calendar year to the 143699
last day of December of the preceding year, and adjust the 143700
personal exemption amount for taxable years beginning in the 143701
current calendar year by multiplying that amount by the percentage 143702
increase in the gross domestic product deflator for that period; 143703
adding the resulting product to the personal exemption amount for 143704
taxable years beginning in the preceding calendar year; and 143705
rounding the resulting sum upward to the nearest multiple of fifty 143706
dollars. The commissioner shall not make such an adjustment in any 143707
calendar year in which the amount resulting from the adjustment 143708
would be less than the amount resulting from the adjustment in the 143709
preceding calendar year. The commissioner shall not make such an 143710
adjustment for taxable years beginning in 2013, 2014, or 2015. 143711

Sec. 5747.05. As used in this section, "income tax" includes 143712
both a tax on net income and a tax measured by net income. 143713

The following credits shall be allowed against the income tax 143714
imposed by section 5747.02 of the Revised Code on individuals and 143715
estates: 143716

(A)(1) The amount of tax otherwise due under section 5747.02 143717
of the Revised Code on such portion of the adjusted gross income 143718
of any nonresident taxpayer that is not allocable or apportionable 143719
to this state pursuant to sections 5747.20 to 5747.23 of the 143720
Revised Code; 143721

(2) The credit provided under this division shall not exceed 143722
the portion of the total tax due under section 5747.02 of the 143723
Revised Code that the amount of the nonresident taxpayer's 143724
adjusted gross income not allocated to this state pursuant to 143725
sections 5747.20 to 5747.23 of the Revised Code bears to the total 143726
adjusted gross income of the nonresident taxpayer derived from all 143727
sources everywhere. 143728

(3) The tax commissioner may enter into an agreement with the taxing authorities of any state or of the District of Columbia that imposes an income tax to provide that compensation paid in this state to a nonresident taxpayer shall not be subject to the tax levied in section 5747.02 of the Revised Code so long as compensation paid in such other state or in the District of Columbia to a resident taxpayer shall likewise not be subject to the income tax of such other state or of the District of Columbia.

(B) The lesser of division (B)(1) or (2) of this section:

(1) The amount of tax otherwise due under section 5747.02 of the Revised Code on such portion of the adjusted gross income of a resident taxpayer that in another state or in the District of Columbia is subjected to an income tax. The credit provided under division (B)(1) of this section shall not exceed the portion of the total tax due under section 5747.02 of the Revised Code that the amount of the resident taxpayer's adjusted gross income subjected to an income tax in the other state or in the District of Columbia bears to the total adjusted gross income of the resident taxpayer derived from all sources everywhere.

(2) The amount of income tax liability to another state or the District of Columbia on the portion of the adjusted gross income of a resident taxpayer that in another state or in the District of Columbia is subjected to an income tax. The credit provided under division (B)(2) of this section shall not exceed the amount of tax otherwise due under section 5747.02 of the Revised Code.

(3) If the credit provided under division (B) of this section is affected by a change in either the portion of adjusted gross income of a resident taxpayer subjected to an income tax in another state or the District of Columbia or the amount of income tax liability that has been paid to another state or the District of Columbia, the taxpayer shall report the change to the tax

commissioner within sixty days of the change in such form as the commissioner requires.

(a) In the case of an underpayment, the report shall be accompanied by payment of any additional tax due as a result of the reduction in credit together with interest on the additional tax and is a return subject to assessment under section 5747.13 of the Revised Code solely for the purpose of assessing any additional tax due under this division, together with any applicable penalty and interest. It shall not reopen the computation of the taxpayer's tax liability under this chapter from a previously filed return no longer subject to assessment except to the extent that such liability is affected by an adjustment to the credit allowed by division (B) of this section.

(b) In the case of an overpayment, an application for refund may be filed under this division within the sixty-day period prescribed for filing the report even if it is beyond the period prescribed in section 5747.11 of the Revised Code if it otherwise conforms to the requirements of such section. An application filed under this division shall only claim refund of overpayments resulting from an adjustment to the credit allowed by division (B) of this section unless it is also filed within the time prescribed in section 5747.11 of the Revised Code. It shall not reopen the computation of the taxpayer's tax liability except to the extent that such liability is affected by an adjustment to the credit allowed by division (B) of this section.

(4) No credit shall be allowed under division (B) of this section for income tax paid or accrued to another state or to the District of Columbia if the taxpayer, when computing federal adjusted gross income, has directly or indirectly deducted, or was required to directly or indirectly deduct, the amount of that income tax.

(C) For a taxpayer sixty-five years of age or older during

the taxable year, a credit for such year equal to fifty dollars 143793
for each return required to be filed under section 5747.08 of the 143794
Revised Code. 143795

(D) A taxpayer sixty-five years of age or older during the 143796
taxable year who has received a lump-sum distribution from a 143797
pension, retirement, or profit-sharing plan in the taxable year 143798
may elect to receive a credit under this division in lieu of the 143799
credit to which the taxpayer is entitled under division (C) of 143800
this section. A taxpayer making such election shall receive a 143801
credit for the taxable year equal to fifty dollars times the 143802
taxpayer's expected remaining life as shown by annuity tables 143803
issued under the provisions of the Internal Revenue Code and in 143804
effect for the calendar year which includes the last day of the 143805
taxable year. A taxpayer making an election under this division is 143806
not entitled to the credit authorized under division (C) of this 143807
section in subsequent taxable years except that if such election 143808
was made prior to July 1, 1983, the taxpayer is entitled to 143809
one-half the credit authorized under such division in subsequent 143810
taxable years but may not make another election under this 143811
division. 143812

(E) A taxpayer who is not sixty-five years of age or older 143813
during the taxable year who has received a lump-sum distribution 143814
from a pension, retirement, or profit-sharing plan in a taxable 143815
year ending on or before July 31, 1991, may elect to take a credit 143816
against the tax otherwise due under this chapter for such year 143817
equal to fifty dollars times the expected remaining life of a 143818
taxpayer sixty-five years of age as shown by annuity tables issued 143819
under the provisions of the Internal Revenue Code and in effect 143820
for the calendar year which includes the last day of the taxable 143821
year. A taxpayer making an election under this division is not 143822
entitled to a credit under division (C) or (D) of this section in 143823
any subsequent year except that if such election was made prior to 143824

July 1, 1983, the taxpayer is entitled to one-half the credit 143825
authorized under division (C) of this section in subsequent years 143826
but may not make another election under this division. No taxpayer 143827
may make an election under this division for a taxable year ending 143828
on or after August 1, 1991. 143829

(F) A taxpayer making an election under either division (D) 143830
or (E) of this section may make only one such election in the 143831
taxpayer's lifetime. 143832

(G)(1) On a joint return filed by a husband and wife, each of 143833
whom had adjusted gross income of at least five hundred dollars, 143834
exclusive of interest, dividends and distributions, royalties, 143835
rent, and capital gains, a credit equal to the percentage shown in 143836
the table contained in this division of the amount of tax due 143837
after allowing for any other credit that precedes the credit under 143838
this division in the order required under section 5747.98 of the 143839
Revised Code. 143840

(2) The credit to which a taxpayer is entitled under this 143841
division in any taxable year is the percentage shown in column B 143842
that corresponds with the taxpayer's adjusted gross income, less 143843
exemptions for the taxable year: 143844

A.	B.	
IF THE ADJUSTED GROSS INCOME,	THE CREDIT FOR THE TAXABLE	143845
LESS EXEMPTIONS, FOR THE TAX YEAR	YEAR IS:	143846
IS:		
\$25,000 or less	20%	143847
More than \$25,000 but not more	15%	143848
than \$50,000		
More than \$50,000 but not more	10%	143849
than \$75,000		
More than \$75,000	5%	143850

(3) The credit allowed under this division shall not exceed 143851
six hundred fifty dollars in any taxable year. 143852

(H) No claim for credit under this section shall be allowed 143853
unless the claimant furnishes such supporting information as the 143854
tax commissioner prescribes by rules. Each credit under this 143855
section shall be claimed in the order required under section 143856
5747.98 of the Revised Code. 143857

(I) An individual who is a resident for part of a taxable 143858
year and a nonresident for the remainder of the taxable year is 143859
allowed the credits under divisions (A) and (B) of this section in 143860
accordance with rules prescribed by the tax commissioner. In no 143861
event shall the same income be subject to both credits. 143862

(J) The credit allowed under division (A) of this section 143863
shall be calculated based upon the amount of tax due under section 143864
5747.02 of the Revised Code after subtracting any other credits 143865
that precede the credit under that division in the order required 143866
under section 5747.98 of the Revised Code. The credit allowed 143867
under division (B) of this section shall be calculated based upon 143868
the amount of tax due under section 5747.02 of the Revised Code 143869
after subtracting any other credits that precede the credit under 143870
that division in the order required under section 5747.98 of the 143871
Revised Code. 143872

(K) No credit shall be allowed under division (B) of this 143873
section unless the taxpayer furnishes such proof as the tax 143874
commissioner shall require that the income tax liability has been 143875
paid to another state or the District of Columbia. 143876

(L) No credit shall be allowed under division (B) of this 143877
section for compensation that is not subject to the income tax of 143878
another state or the District of Columbia as the result of an 143879
agreement entered into by the tax commissioner under division 143880
(A)(3) of this section. 143881

Sec. 5747.08. An annual return with respect to the tax 143882
imposed by section 5747.02 of the Revised Code and each tax 143883

imposed under Chapter 5748. of the Revised Code shall be made by 143884
every taxpayer for any taxable year for which the taxpayer is 143885
liable for the tax imposed by that section or under that chapter, 143886
unless the total credits allowed under divisions (E), (F), and (G) 143887
of section 5747.05 of the Revised Code for the year are equal to 143888
or exceed the tax imposed by section 5747.02 of the Revised Code, 143889
in which case no return shall be required unless the taxpayer is 143890
liable for a tax imposed pursuant to Chapter 5748. of the Revised 143891
Code. 143892

(A) If an individual is deceased, any return or notice 143893
required of that individual under this chapter shall be made and 143894
filed by that decedent's executor, administrator, or other person 143895
charged with the property of that decedent. 143896

(B) If an individual is unable to make a return or notice 143897
required by this chapter, the return or notice required of that 143898
individual shall be made and filed by the individual's duly 143899
authorized agent, guardian, conservator, fiduciary, or other 143900
person charged with the care of the person or property of that 143901
individual. 143902

(C) Returns or notices required of an estate or a trust shall 143903
be made and filed by the fiduciary of the estate or trust. 143904

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 143905
of this section, any pass-through entity may file a single return 143906
on behalf of one or more of the entity's investors other than an 143907
investor that is a person subject to the tax imposed under section 143908
5733.06 of the Revised Code. The single return shall set forth the 143909
name, address, and social security number or other identifying 143910
number of each of those pass-through entity investors and shall 143911
indicate the distributive share of each of those pass-through 143912
entity investor's income taxable in this state in accordance with 143913
sections 5747.20 to 5747.231 of the Revised Code. Such 143914
pass-through entity investors for whom the pass-through entity 143915

elects to file a single return are not entitled to the exemption 143916
or credit provided for by sections 5747.02 and 5747.022 of the 143917
Revised Code; shall calculate the tax before business credits at 143918
the highest rate of tax set forth in section 5747.02 of the 143919
Revised Code for the taxable year for which the return is filed; 143920
and are entitled to only their distributive share of the business 143921
credits as defined in division (D)(2) of this section. A single 143922
check drawn by the pass-through entity shall accompany the return 143923
in full payment of the tax due, as shown on the single return, for 143924
such investors, other than investors who are persons subject to 143925
the tax imposed under section 5733.06 of the Revised Code. 143926

(b)(i) A pass-through entity shall not include in such a 143927
single return any investor that is a trust to the extent that any 143928
direct or indirect current, future, or contingent beneficiary of 143929
the trust is a person subject to the tax imposed under section 143930
5733.06 of the Revised Code. 143931

(ii) A pass-through entity shall not include in such a single 143932
return any investor that is itself a pass-through entity to the 143933
extent that any direct or indirect investor in the second 143934
pass-through entity is a person subject to the tax imposed under 143935
section 5733.06 of the Revised Code. 143936

(c) Nothing in division (D) of this section precludes the tax 143937
commissioner from requiring such investors to file the return and 143938
make the payment of taxes and related interest, penalty, and 143939
interest penalty required by this section or section 5747.02, 143940
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 143941
of this section precludes such an investor from filing the annual 143942
return under this section, utilizing the refundable credit equal 143943
to the investor's proportionate share of the tax paid by the 143944
pass-through entity on behalf of the investor under division (J) 143945
of this section, and making the payment of taxes imposed under 143946
section 5747.02 of the Revised Code. Nothing in division (D) of 143947

this section shall be construed to provide to such an investor or 143948
pass-through entity any additional deduction or credit, other than 143949
the credit provided by division (J) of this section, solely on 143950
account of the entity's filing a return in accordance with this 143951
section. Such a pass-through entity also shall make the filing and 143952
payment of estimated taxes on behalf of the pass-through entity 143953
investors other than an investor that is a person subject to the 143954
tax imposed under section 5733.06 of the Revised Code. 143955

(2) For the purposes of this section, "business credits" 143956
means the credits listed in section 5747.98 of the Revised Code 143957
excluding the following credits: 143958

(a) The retirement credit under division (B) of section 143959
5747.055 of the Revised Code; 143960

(b) The senior citizen credit under division (C) of section 143961
5747.05 of the Revised Code; 143962

(c) The lump sum distribution credit under division (D) of 143963
section 5747.05 of the Revised Code; 143964

(d) The dependent care credit under section 5747.054 of the 143965
Revised Code; 143966

(e) The lump sum retirement income credit under division (C) 143967
of section 5747.055 of the Revised Code; 143968

(f) The lump sum retirement income credit under division (D) 143969
of section 5747.055 of the Revised Code; 143970

(g) The lump sum retirement income credit under division (E) 143971
of section 5747.055 of the Revised Code; 143972

(h) The credit for displaced workers who pay for job training 143973
under section 5747.27 of the Revised Code; 143974

(i) The twenty-dollar personal exemption credit under section 143975
5747.022 of the Revised Code; 143976

(j) The joint filing credit under division (G) of section 143977

5747.05 of the Revised Code;	143978
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	143979
5747.05 of the Revised Code;	143980
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	143981
	143982
(m) The low-income credit under section 5747.056 of the Revised Code;	143983
	143984
<u>(n) The earned income tax credit under section 5747.71 of the Revised Code.</u>	143985
	143986
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.	143987
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	143994
(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of this section. For the purposes of division (D) of this section, "correct tax due" means the tax that would have been paid by the pass-through entity had the single return been filed in a manner reflecting the commissioner's	143995
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findings. Nothing in division (D) of this section shall be 144009
construed to make or hold a pass-through entity liable for tax 144010
attributable to a pass-through entity investor's income from a 144011
source other than the pass-through entity electing to file the 144012
single return. 144013

(E) If a husband and wife file a joint federal income tax 144014
return for a taxable year, they shall file a joint return under 144015
this section for that taxable year, and their liabilities are 144016
joint and several, but, if the federal income tax liability of 144017
either spouse is determined on a separate federal income tax 144018
return, they shall file separate returns under this section. 144019

If either spouse is not required to file a federal income tax 144020
return and either or both are required to file a return pursuant 144021
to this chapter, they may elect to file separate or joint returns, 144022
and, pursuant to that election, their liabilities are separate or 144023
joint and several. If a husband and wife file separate returns 144024
pursuant to this chapter, each must claim the taxpayer's own 144025
exemption, but not both, as authorized under section 5747.02 of 144026
the Revised Code on the taxpayer's own return. 144027

(F) Each return or notice required to be filed under this 144028
section shall contain the signature of the taxpayer or the 144029
taxpayer's duly authorized agent and of the person who prepared 144030
the return for the taxpayer, and shall include the taxpayer's 144031
social security number. Each return shall be verified by a 144032
declaration under the penalties of perjury. The tax commissioner 144033
shall prescribe the form that the signature and declaration shall 144034
take. 144035

(G) Each return or notice required to be filed under this 144036
section shall be made and filed as required by section 5747.04 of 144037
the Revised Code, on or before the fifteenth day of April of each 144038
year, on forms that the tax commissioner shall prescribe, together 144039
with remittance made payable to the treasurer of state in the 144040

combined amount of the state and all school district income taxes 144041
shown to be due on the form, ~~unless the combined amount shown to~~ 144042
~~be due is one dollar or less, in which case that amount need not~~ 144043
~~be remitted.~~ 144044

Upon good cause shown, the commissioner may extend the period 144045
for filing any notice or return required to be filed under this 144046
section and may adopt rules relating to extensions. If the 144047
extension results in an extension of time for the payment of any 144048
state or school district income tax liability with respect to 144049
which the return is filed, the taxpayer shall pay at the time the 144050
tax liability is paid an amount of interest computed at the rate 144051
per annum prescribed by section 5703.47 of the Revised Code on 144052
that liability from the time that payment is due without extension 144053
to the time of actual payment. Except as provided in section 144054
5747.132 of the Revised Code, in addition to all other interest 144055
charges and penalties, all taxes imposed under this chapter or 144056
Chapter 5748. of the Revised Code and remaining unpaid after they 144057
become due, except combined amounts due of one dollar or less, 144058
bear interest at the rate per annum prescribed by section 5703.47 144059
of the Revised Code until paid or until the day an assessment is 144060
issued under section 5747.13 of the Revised Code, whichever occurs 144061
first. 144062

If the commissioner considers it necessary in order to ensure 144063
the payment of the tax imposed by section 5747.02 of the Revised 144064
Code or any tax imposed under Chapter 5748. of the Revised Code, 144065
the commissioner may require returns and payments to be made 144066
otherwise than as provided in this section. 144067

To the extent that any provision in this division conflicts 144068
with any provision in section 5747.026 of the Revised Code, the 144069
provision in that section prevails. 144070

(H) If any report, claim, statement, or other document 144071
required to be filed, or any payment required to be made, within a 144072

prescribed period or on or before a prescribed date under this 144073
chapter is delivered after that period or that date by United 144074
States mail to the agency, officer, or office with which the 144075
report, claim, statement, or other document is required to be 144076
filed, or to which the payment is required to be made, the date of 144077
the postmark stamped on the cover in which the report, claim, 144078
statement, or other document, or payment is mailed shall be deemed 144079
to be the date of delivery or the date of payment. 144080

If a payment is required to be made by electronic funds 144081
transfer pursuant to section 5747.072 of the Revised Code, the 144082
payment is considered to be made when the payment is received by 144083
the treasurer of state or credited to an account designated by the 144084
treasurer of state for the receipt of tax payments. 144085

"The date of the postmark" means, in the event there is more 144086
than one date on the cover, the earliest date imprinted on the 144087
cover by the United States postal service. 144088

(I) The amounts withheld by an employer pursuant to section 144089
5747.06 of the Revised Code, a casino operator pursuant to section 144090
5747.063 of the Revised Code, or a lottery sales agent pursuant to 144091
section 5747.064 of the Revised Code shall be allowed to the 144092
recipient of the compensation casino winnings, or lottery prize 144093
award as credits against payment of the appropriate taxes imposed 144094
on the recipient by section 5747.02 and under Chapter 5748. of the 144095
Revised Code. 144096

(J) If, ~~in accordance with division (D) of this section,~~ a 144097
pass-through entity elects to file a single return under division 144098
(D) of this section and if any investor is required to file the 144099
annual return and make the payment of taxes required by this 144100
chapter on account of the investor's other income that is not 144101
included in a single return filed by a pass-through entity or any 144102
other investor elects to file the annual return, the investor is 144103
entitled to a refundable credit equal to the investor's 144104

proportionate share of the tax paid by the pass-through entity on 144105
behalf of the investor. The investor shall claim the credit for 144106
the investor's taxable year in which or with which ends the 144107
taxable year of the pass-through entity. Nothing in this chapter 144108
shall be construed to allow any credit provided in this chapter to 144109
be claimed more than once. For the ~~purposes~~ purpose of computing 144110
any interest, penalty, or interest penalty, the investor shall be 144111
deemed to have paid the refundable credit provided by this 144112
division on the day that the pass-through entity paid the 144113
estimated tax or the tax giving rise to the credit. 144114

(K) The tax commissioner shall ensure that each return 144115
required to be filed under this section includes a box that the 144116
taxpayer may check to authorize a paid tax preparer who prepared 144117
the return to communicate with the department of taxation about 144118
matters pertaining to the return. The return or instructions 144119
accompanying the return shall indicate that by checking the box 144120
the taxpayer authorizes the department of taxation to contact the 144121
preparer concerning questions that arise during the processing of 144122
the return and authorizes the preparer only to provide the 144123
department with information that is missing from the return, to 144124
contact the department for information about the processing of the 144125
return or the status of the taxpayer's refund or payments, and to 144126
respond to notices about mathematical errors, offsets, or return 144127
preparation that the taxpayer has received from the department and 144128
has shown to the preparer. 144129

(L) The tax commissioner shall permit individual taxpayers to 144130
instruct the department of taxation to cause any refund of 144131
overpaid taxes to be deposited directly into a checking account, 144132
savings account, or an individual retirement account or individual 144133
retirement annuity, or preexisting college savings plan or program 144134
account offered by the Ohio tuition trust authority under Chapter 144135
3334. of the Revised Code, as designated by the taxpayer, when the 144136

taxpayer files the annual return required by this section 144137
electronically. 144138

(M) The tax commissioner may adopt rules to administer this 144139
section. 144140

Sec. 5747.10. If any of the facts, figures, computations, or 144141
attachments required in a taxpayer's annual return to determine 144142
the tax charged by this chapter or Chapter 5748. of the Revised 144143
Code must be altered as the result of an adjustment to the 144144
taxpayer's federal income tax return, whether initiated by the 144145
taxpayer or the internal revenue service, and such alteration 144146
affects the taxpayer's tax liability under this chapter or Chapter 144147
5748. of the Revised Code, the taxpayer shall file an amended 144148
return with the tax commissioner in such form as the commissioner 144149
requires. The amended return shall be filed not later than sixty 144150
days after the adjustment has been agreed to or finally determined 144151
for federal income tax purposes or any federal income tax 144152
deficiency or refund, or the abatement or credit resulting 144153
therefrom, has been assessed or paid, whichever occurs first. 144154

(A) In the case of an underpayment, the amended return shall 144155
be accompanied by payment of any combined additional tax due 144156
together with interest thereon. ~~If the combined tax shown to be~~ 144157
~~due is one dollar or less, such amount need not accompany the~~ 144158
~~amended return.~~ An amended return required by this section is a 144159
return subject to assessment under section 5747.13 of the Revised 144160
Code for the purpose of assessing any additional tax due under 144161
this section, together with any applicable penalty and interest. 144162
It shall not reopen those facts, figures, computations, or 144163
attachments from a previously filed return no longer subject to 144164
assessment that are not affected, either directly or indirectly, 144165
by the adjustment to the taxpayer's federal income tax return. 144166

(B) In the case of an overpayment, an application for refund 144167

may be filed under this division within the sixty-day period 144168
prescribed for filing the amended return even if it is filed 144169
beyond the period prescribed in section 5747.11 of the Revised 144170
Code if it otherwise conforms to the requirements of such section. 144171
An application filed under this division shall claim refund of 144172
overpayments resulting from alterations to only those facts, 144173
figures, computations, or attachments required in the taxpayer's 144174
annual return that are affected, either directly or indirectly, by 144175
the adjustment to the taxpayer's federal income tax return unless 144176
it is also filed within the time prescribed in section 5747.11 of 144177
the Revised Code. It shall not reopen those facts, figures, 144178
computations, or attachments that are not affected, either 144179
directly or indirectly, by the adjustment to the taxpayer's 144180
federal income tax return. 144181

Sec. 5747.11. (A) The tax commissioner shall refund to 144182
employers, qualifying entities, or taxpayers, ~~with respect to any~~ 144183
subject to a tax imposed under section 5733.41, 5747.02, or 144184
5747.41, or Chapter 5748. of the Revised Code. 144185

~~(1) Overpayments of more than one dollar;~~ 144186

~~(2) Amounts in excess of one dollar paid illegally or~~ 144187
~~erroneously;~~ 144188

~~(3) Amounts in excess of one dollar paid on an illegal,~~ 144189
~~erroneous, or excessive assessment~~ the amount of any overpayment 144190
of such tax. 144191

(B) Except as otherwise provided under divisions (D) and (E) 144192
of this section, applications for refund shall be filed with the 144193
tax commissioner, on the form prescribed by the commissioner, 144194
within four years from the date of the illegal, erroneous, or 144195
excessive payment of the tax, or within any additional period 144196
allowed by division (B)(3)(b) of section 5747.05, division (B) of 144197
section 5747.10, division (A) of section 5747.13, or division (C) 144198

of section 5747.45 of the Revised Code. 144199

On filing of the refund application, the commissioner shall 144200
determine the amount of refund due and, if that amount exceeds one 144201
dollar, certify such amount to the director of budget and 144202
management and treasurer of state for payment from the tax refund 144203
fund created by section 5703.052 of the Revised Code. Payment 144204
shall be made as provided in division (C) of section 126.35 of the 144205
Revised Code. 144206

~~(C)(1) Interest shall be allowed and paid upon any illegal or 144207
erroneous assessment in excess of one dollar in respect of the tax 144208
imposed under section 5747.02 or Chapter 5748. of the Revised Code 144209
at the rate per annum prescribed by section 5703.47 of the Revised 144210
Code from the date of the payment of the illegal or erroneous 144211
assessment until the date the refund of such amount is paid. If 144212
such refund results from the filing of a return or report, or the 144213
payment accompanying such return or report, by an employer or 144214
taxpayer, rather than from an assessment by the commissioner, such 144215
interest shall run from a period ninety days after the final 144216
filing date of the annual return until the date the refund is 144217
paid.~~ 144218

~~(2)~~ Interest shall be allowed and paid at the rate per annum 144219
prescribed by section 5703.47 of the Revised Code ~~upon any~~ 144220
~~overpayment in excess of one dollar in respect of~~ on amounts 144221
refunded with respect to the tax imposed under section 5747.02 or 144222
Chapter 5748. of the Revised Code from the date of the overpayment 144223
until the date of the refund of the overpayment, except that if 144224
any overpayment is refunded within ninety days after the final 144225
filing date of the annual return or ninety days after the return 144226
is filed, whichever is later, no interest shall be allowed on such 144227
overpayment. If the overpayment results from the carryback of a 144228
net operating loss or net capital loss to a previous taxable year, 144229
the overpayment is deemed not to have been made prior to the 144230

filing date, including any extension thereof, for the taxable year 144231
in which the net operating loss or net capital loss arises. For 144232
purposes of the payment of interest on overpayments, no amount of 144233
tax, for any taxable year, shall be treated as having been paid 144234
before the date on which the tax return for that year was due 144235
without regard to any extension of time for filing such return. 144236

~~(3)~~(2) Interest shall be allowed at the rate per annum 144237
prescribed by section 5703.47 of the Revised Code on amounts 144238
refunded with respect to the taxes imposed under sections 5733.41 144239
and 5747.41 of the Revised Code. The interest shall run from 144240
whichever of the following days is the latest until the day the 144241
refund is paid: the day the illegal, erroneous, or excessive 144242
payment was made; the ninetieth day after the final day the annual 144243
report was required to be filed under section 5747.42 of the 144244
Revised Code; or the ninetieth day after the day that report was 144245
filed. 144246

(D) "Ninety days" shall be substituted for "four years" in 144247
division (B) of this section if the taxpayer satisfies both of the 144248
following conditions: 144249

(1) The taxpayer has applied for a refund based in whole or 144250
in part upon section 5747.059 of the Revised Code; 144251

(2) The taxpayer asserts that either the imposition or 144252
collection of the tax imposed or charged by this chapter or any 144253
portion of such tax violates the Constitution of the United States 144254
or the Constitution of Ohio. 144255

(E)(1) Division (E)(2) of this section applies only if all of 144256
the following conditions are satisfied: 144257

(a) A qualifying entity pays an amount of the tax imposed by 144258
section 5733.41 or 5747.41 of the Revised Code; 144259

(b) The taxpayer is a qualifying investor as to that 144260
qualifying entity; 144261

(c) The taxpayer did not claim the credit provided for in section 5747.059 of the Revised Code as to the tax described in division (E)(1)(a) of this section;

(d) The four-year period described in division (B) of this section has ended as to the taxable year for which the taxpayer otherwise would have claimed that credit.

(2) A taxpayer shall file an application for refund pursuant to division (E) of this section within one year after the date the payment described in division (E)(1)(a) of this section is made. An application filed under division (E)(2) of this section shall claim refund only of overpayments resulting from the taxpayer's failure to claim the credit described in division (E)(1)(c) of this section. Nothing in division (E) of this section shall be construed to relieve a taxpayer from complying with division (A)(16) of section 5747.01 of the Revised Code.

Sec. 5747.113. (A) Any taxpayer claiming a refund under section 5747.11 of the Revised Code who wishes to contribute any part of the taxpayer's refund to the natural areas and preserves fund created in section 1517.11 of the Revised Code, the nongame and endangered wildlife fund created in section 1531.26 of the Revised Code, the military injury relief fund created in section 5101.98 of the Revised Code, the Ohio historical society income tax contribution fund created in section 149.308 of the Revised Code, or all of those funds may designate on the taxpayer's income tax return the amount that the taxpayer wishes to contribute to the fund or funds. A designated contribution is irrevocable upon the filing of the return and shall be made in the full amount designated if the refund found due the taxpayer upon the initial processing of the taxpayer's return, after any deductions including those required by section 5747.12 of the Revised Code, is greater than or equal to the designated contribution. If the

refund due as initially determined is less than the designated 144293
contribution, the contribution shall be made in the full amount of 144294
the refund. The tax commissioner shall subtract the amount of the 144295
contribution from the amount of the refund initially found due the 144296
taxpayer and shall certify the difference to the director of 144297
budget and management and treasurer of state for payment to the 144298
taxpayer in accordance with section 5747.11 of the Revised Code. 144299
For the purpose of any subsequent determination of the taxpayer's 144300
net tax payment, the contribution shall be considered a part of 144301
the refund paid to the taxpayer. 144302

(B) The tax commissioner shall provide a space on the income 144303
tax return form in which a taxpayer may indicate that the taxpayer 144304
wishes to make a donation in accordance with this section. The tax 144305
commissioner shall also print in the instructions accompanying the 144306
income tax return form a description of the purposes for which the 144307
natural areas and preserves fund, the nongame and endangered 144308
wildlife fund, the military injury relief fund, and the Ohio 144309
historical society income tax contribution fund were created and 144310
the use of moneys from the income tax refund contribution system 144311
established in this section. No person shall designate on the 144312
person's income tax return any part of a refund claimed under 144313
section 5747.11 of the Revised Code as a contribution to any fund 144314
other than the natural areas and preserves fund, the nongame and 144315
endangered wildlife fund, the military injury relief fund, or the 144316
Ohio historical society income tax contribution fund. 144317

(C) The money collected under the income tax refund 144318
contribution system established in this section shall be deposited 144319
by the tax commissioner into the natural areas and preserves fund, 144320
the nongame and endangered wildlife fund, the military injury 144321
relief fund, and the Ohio historical society income tax 144322
contribution fund in the amounts designated on the tax returns. 144323

(D) No later than the thirtieth day of September each year, 144324

the tax commissioner shall determine the total amount contributed 144325
to each fund under this section during the preceding eight months, 144326
any adjustments to prior months, and the cost to the department of 144327
taxation of administering the income tax refund contribution 144328
system during that eight-month period. The commissioner shall make 144329
an additional determination no later than the thirty-first day of 144330
January of each year of the total amount contributed to each fund 144331
under this section during the preceding four calendar months, any 144332
adjustments to prior years made during that four-month period, and 144333
the cost to the department of taxation of administering the income 144334
tax contribution system during that period. The cost of 144335
administering the income tax contribution system shall be 144336
certified by the tax commissioner to the director of budget and 144337
management, who shall transfer an amount equal to one-fourth of 144338
such administrative costs from the natural areas and preserves 144339
fund, one-fourth of such costs from the nongame and endangered 144340
wildlife fund, one-fourth of such costs from the military injury 144341
relief fund, and one-fourth of such costs from the Ohio historical 144342
society income tax contribution fund to the ~~litter control and~~ 144343
~~natural resource~~ income tax administration contribution fund, 144344
which is hereby created, provided that the moneys that the 144345
department receives to pay the cost of administering the income 144346
tax refund contribution system in any year shall not exceed two 144347
and one-half per cent of the total amount contributed under that 144348
system during that year. 144349

(E)(1) The director of natural resources, in January of every 144350
odd-numbered year, shall report to the general assembly on the 144351
effectiveness of the income tax refund contribution system as it 144352
pertains to the natural areas and preserves fund and the nongame 144353
and endangered wildlife fund. The report shall include the amount 144354
of money contributed to each fund in each of the previous five 144355
years, the amount of money contributed directly to each fund in 144356
addition to or independently of the income tax refund contribution 144357

system in each of the previous five years, and the purposes for 144358
which the money was expended. 144359

(2) The director of job and family services and the director 144360
of the Ohio historical society, in January of every odd-numbered 144361
year, each shall report to the general assembly on the 144362
effectiveness of the income tax refund contribution system as it 144363
pertains to the military injury relief fund and the Ohio 144364
historical society income tax contribution fund, respectively. The 144365
report shall include the amount of money contributed to the fund 144366
in each of the previous five years, the amount of money 144367
contributed directly to the fund in addition to or independently 144368
of the income tax refund contribution system in each of the 144369
previous five years, and the purposes for which the money was 144370
expended. 144371

Sec. 5747.122. (A) The tax commissioner, in accordance with 144372
section 5101.184 of the Revised Code, shall cooperate with the 144373
director of job and family services to collect overpayments of 144374
assistance under Chapter 5107., ~~5111.~~, or 5115., former Chapter 144375
5113., or section 5101.54 of the Revised Code from refunds of 144376
state income taxes for taxable year 1992 and thereafter that are 144377
payable to the recipients of such overpayments. 144378

(B) At the request of the department of job and family 144379
services in connection with the collection of an overpayment of 144380
assistance from a refund of state income taxes pursuant to this 144381
section and section 5101.184 of the Revised Code, the tax 144382
commissioner shall release to the department the home address and 144383
social security number of any recipient of assistance whose 144384
overpayment may be collected from a refund of state income taxes 144385
under those sections. 144386

(C) In the case of a joint income tax return for two people 144387
who were not married to each other at the time one of them 144388

received an overpayment of assistance, only the portion of a 144389
refund that is due to the recipient of the overpayment shall be 144390
available for collection of the overpayment under this section and 144391
section 5101.184 of the Revised Code. The tax commissioner shall 144392
determine such portion. A recipient's spouse who objects to the 144393
portion as determined by the commissioner may file a complaint 144394
with the commissioner within twenty-one days after receiving 144395
notice of the collection, and the commissioner shall afford the 144396
spouse an opportunity to be heard on the complaint. The 144397
commissioner shall waive or extend the twenty-one-day period if 144398
the recipient's spouse establishes that such action is necessary 144399
to avoid unjust, unfair, or unreasonable results. After the 144400
hearing, the commissioner shall make a final determination of the 144401
portion of the refund available for collection of the overpayment. 144402

(D) The welfare overpayment intercept fund is hereby created 144403
in the state treasury. The tax commissioner shall deposit amounts 144404
collected from income tax refunds under this section to the credit 144405
of the welfare overpayment intercept fund. The director of job and 144406
family services shall distribute money in the fund in accordance 144407
with appropriate federal or state laws and procedures regarding 144408
collection of welfare overpayments. 144409

Sec. 5747.13. (A) If any employer collects the tax imposed by 144410
section 5747.02 or under Chapter 5748. of the Revised Code and 144411
fails to remit the tax as required by law, or fails to collect the 144412
tax, the employer is personally liable for any amount collected 144413
that the employer fails to remit, or any amount that the employer 144414
fails to collect. If any taxpayer fails to file a return or fails 144415
to pay the tax imposed by section 5747.02 or under Chapter 5748. 144416
of the Revised Code, the taxpayer is personally liable for the 144417
amount of the tax. 144418

If any employer, taxpayer, or qualifying entity required to 144419

file a return under this chapter fails to file the return within 144420
the time prescribed, files an incorrect return, fails to remit the 144421
full amount of the taxes due for the period covered by the return, 144422
or fails to remit any additional tax due as a result of a 144423
reduction in the amount of the credit allowed under division (B) 144424
of section 5747.05 of the Revised Code together with interest on 144425
the additional tax within the time prescribed by that division, 144426
the tax commissioner may make an assessment against any person 144427
liable for any deficiency for the period for which the return is 144428
or taxes are due, based upon any information in the commissioner's 144429
possession. 144430

An assessment issued against either the employer or the 144431
taxpayer pursuant to this section shall not be considered an 144432
election of remedies or a bar to an assessment against the other 144433
for failure to report or pay the same tax. No assessment shall be 144434
issued against any person if the tax actually has been paid by 144435
another. 144436

No assessment shall be made or issued against an employer, 144437
taxpayer, or qualifying entity more than four years after the 144438
final date the return subject to assessment was required to be 144439
filed or the date the return was filed, whichever is later. 144440
However, the commissioner may assess any balance due as the result 144441
of a reduction in the credit allowed under division (B) of section 144442
5747.05 of the Revised Code, including applicable penalty and 144443
interest, within four years of the date on which the taxpayer 144444
reports a change in either the portion of the taxpayer's adjusted 144445
gross income subjected to an income tax or tax measured by income 144446
in another state or the District of Columbia, or the amount of 144447
liability for an income tax or tax measured by income to another 144448
state or the District of Columbia, as required by division (B)(3) 144449
of section 5747.05 of the Revised Code. Such time limits may be 144450
extended if both the employer, taxpayer, or qualifying entity and 144451

the commissioner consent in writing to the extension or if an 144452
agreement waiving or extending the time limits has been entered 144453
into pursuant to section 122.171 of the Revised Code. Any such 144454
extension shall extend the four-year time limit in division (B) of 144455
section 5747.11 of the Revised Code for the same period of time. 144456
There shall be no bar or limit to an assessment against an 144457
employer for taxes withheld from employees and not remitted to the 144458
state, against an employer, taxpayer, or qualifying entity that 144459
fails to file a return subject to assessment as required by this 144460
chapter, or against an employer, taxpayer, or qualifying entity 144461
that files a fraudulent return. 144462

The commissioner shall give the party assessed written notice 144463
of the assessment in the manner provided in section 5703.37 of the 144464
Revised Code. With the notice, the commissioner shall provide 144465
instructions on how to petition for reassessment and request a 144466
hearing on the petition. 144467

(B) Unless the party assessed files with the tax commissioner 144468
within sixty days after service of the notice of assessment, 144469
either personally or by certified mail, a written petition for 144470
reassessment, signed by the party assessed or that party's 144471
authorized agent having knowledge of the facts, the assessment 144472
becomes final, and the amount of the assessment is due and payable 144473
from the party assessed to the commissioner with remittance made 144474
payable to the treasurer of state. The petition shall indicate the 144475
objections of the party assessed, but additional objections may be 144476
raised in writing if received by the commissioner prior to the 144477
date shown on the final determination. If the petition has been 144478
properly filed, the commissioner shall proceed under section 144479
5703.60 of the Revised Code. 144480

(C) After an assessment becomes final, if any portion of the 144481
assessment remains unpaid, including accrued interest, a certified 144482
copy of the tax commissioner's entry making the assessment final 144483

may be filed in the office of the clerk of the court of common 144484
pleas in the county in which the employer's, taxpayer's, or 144485
qualifying entity's place of business is located or the county in 144486
which the party assessed resides. If the party assessed is not a 144487
resident of this state, the certified copy of the entry may be 144488
filed in the office of the clerk of the court of common pleas of 144489
Franklin county. 144490

Immediately upon the filing of the entry, the clerk shall 144491
enter a judgment against the party assessed in the amount shown on 144492
the entry. The judgment shall be filed by the clerk in one of two 144493
loose-leaf books, one entitled "special judgments for state and 144494
school district income taxes," and the other entitled "special 144495
judgments for qualifying entity taxes." The judgment shall have 144496
the same effect as other judgments. Execution shall issue upon the 144497
judgment upon the request of the tax commissioner, and all laws 144498
applicable to sales on execution shall apply to sales made under 144499
the judgment. 144500

~~The portion of~~ If the assessment is not paid in its entirety 144501
within sixty days after the assessment was issued, the portion of 144502
the assessment consisting of tax due shall bear interest at the 144503
rate per annum prescribed by section 5703.47 of the Revised Code 144504
from the day the tax commissioner issues the assessment until it 144505
is paid or until it is certified to the attorney general for 144506
collection under section 131.02 of the Revised Code, whichever 144507
comes first. If the unpaid portion of the assessment is certified 144508
to the attorney general for collection, the entire unpaid portion 144509
of the assessment shall bear interest at the rate per annum 144510
prescribed by section 5703.47 of the Revised Code from the date of 144511
certification until the date it is paid in its entirety. Interest 144512
shall be paid in the same manner as the tax and may be collected 144513
by the issuance of an assessment under this section. 144514

(D) All money collected under this section shall be 144515

considered as revenue arising from the taxes imposed by this 144516
chapter or Chapter 5733. or 5748. of the Revised Code, as 144517
appropriate. 144518

(E) If the party assessed files a petition for reassessment 144519
under division (B) of this section, the person, on or before the 144520
last day the petition may be filed, shall pay the assessed amount, 144521
including assessed interest and assessed penalties, if any of the 144522
following conditions exists: 144523

(1) The person files a tax return reporting Ohio adjusted 144524
gross income, less the exemptions allowed by section 5747.025 of 144525
the Revised Code, in an amount less than one cent, and the 144526
reported amount is not based on the computations required under 144527
division (A) of section 5747.01 or section 5747.025 of the Revised 144528
Code. 144529

(2) The person files a tax return that the tax commissioner 144530
determines to be incomplete, false, fraudulent, or frivolous. 144531

(3) The person fails to file a tax return, and the basis for 144532
this failure is not either of the following: 144533

(a) An assertion that the person has no nexus with this 144534
state; 144535

(b) The computations required under division (A) of section 144536
5747.01 of the Revised Code or the application of credits allowed 144537
under this chapter has the result that the person's tax liability 144538
is less than one dollar and one cent. 144539

(F) Notwithstanding the fact that a petition for reassessment 144540
is pending, the petitioner may pay all or a portion of the 144541
assessment that is the subject of the petition. The acceptance of 144542
a payment by the treasurer of state does not prejudice any claim 144543
for refund upon final determination of the petition. 144544

If upon final determination of the petition an error in the 144545

assessment is corrected by the tax commissioner, upon petition so 144546
filed or pursuant to a decision of the board of tax appeals or any 144547
court to which the determination or decision has been appealed, so 144548
that the amount due from the party assessed under the corrected 144549
assessment is less than the portion paid, there shall be issued to 144550
the petitioner or to the petitioner's assigns or legal 144551
representative a refund in the amount of the overpayment as 144552
provided by section 5747.11 of the Revised Code, with interest on 144553
that amount as provided by such section, subject to section 144554
5747.12 of the Revised Code. 144555

Sec. 5747.21. (A) This section applies solely for the 144556
purposes of computing the credit allowed under division (A) of 144557
section 5747.05 of the Revised Code, computing income taxable in 144558
this state under division (D) of section 5747.08 of the Revised 144559
Code, computing the deduction under division (A)(31) of section 144560
5747.01 of the Revised Code, and computing the credit allowed 144561
under section 5747.057 of the Revised Code. 144562

(B) Except as otherwise provided under ~~sections 5747.211 and~~ 144563
section 5747.212 of the Revised Code, all items of business income 144564
and business deduction shall be apportioned to this state by 144565
multiplying the adjusted gross income by the fraction calculated 144566
under division (B)(2) of section 5733.05 and section 5733.057 of 144567
the Revised Code as if the taxpayer's business were a corporation 144568
subject to the tax imposed by section 5733.06 of the Revised Code. 144569

(C) If the allocation and apportionment provisions of 144570
sections 5747.20 to 5747.23 of the Revised Code or of any rule 144571
adopted by the tax commissioner, do not fairly represent the 144572
extent of business activity in this state of a taxpayer or 144573
pass-through entity, the taxpayer or pass-through entity may 144574
request, which request must be in writing accompanying ~~the a~~ 144575
timely filed return or timely filed amended return, or the tax 144576

commissioner may require, in respect of all or any part of the 144577
business activity, if reasonable, any one or more of the 144578
following: 144579

(1) Separate accounting; 144580

(2) The exclusion of one or more factors; 144581

(3) The inclusion of one or more additional factors which 144582
will fairly represent the business activity in this state; 144583

(4) The employment of any other method to effectuate an 144584
equitable allocation and apportionment of such business in this 144585
state. An alternative method will be effective only with approval 144586
of the tax commissioner. 144587

The tax commissioner may adopt rules in the manner provided 144588
by sections 5703.14 and 5747.18 of the Revised Code providing for 144589
alternative methods of calculating business income and nonbusiness 144590
income applicable to all taxpayers and pass-through entities, to 144591
classes of taxpayers and pass-through entities, or only to 144592
taxpayers and pass-through entities within a certain industry. 144593

Sec. 5747.22. (A) This section applies solely for the 144594
purposes of computing the credit allowed under division (A) of 144595
section 5747.05 ~~of the Revised Code and,~~ computing income taxable 144596
in this state under division (D) of section 5747.08, and computing 144597
the deduction under division (A)(31) of section 5747.01 of the 144598
Revised Code. 144599

(B) With respect to a pass-through entity, one or more of the 144600
pass-through entity investors of which are liable for the tax 144601
imposed by section 5747.02 of the Revised Code, the business 144602
income and deductions included in the adjusted gross income of the 144603
pass-through entity shall be apportioned to this state in the 144604
hands of the pass-through entity investors pursuant to section 144605
5747.21 of the Revised Code. The business income and deductions as 144606

thus apportioned to this state then shall be allocated to the 144607
pass-through entity investors in proportion to their right to 144608
share in that business income. 144609

(C) With respect to a pass-through entity described in 144610
division (B) of this section, the nonbusiness income and 144611
deductions included in the adjusted gross income of the 144612
pass-through entity shall be allocated to the pass-through entity 144613
investors in proportion to their right to share in the nonbusiness 144614
income, and then the pass-through entity shares shall be allocated 144615
to this state in the hands of each pass-through entity investor 144616
pursuant to section 5747.20 of the Revised Code. 144617

Sec. 5747.47. (A)(1) By the ~~twentieth~~ twenty-fifth day of 144618
July of each year, the tax commissioner shall estimate and certify 144619
the following for each county to its county auditor: 144620

(a) Its guaranteed share of the ensuing year's fund balance; 144621

(b) Its share of the excess of the ensuing year's fund 144622
balance; 144623

(c) Its total entitlement. 144624

(2) In December and in June following such estimations and 144625
certifications, the commissioner shall revise such estimates and 144626
certify such revised estimates to the respective county auditors. 144627

(B) By the tenth day of each month the commissioner shall 144628
distribute the amount credited to the public library fund in the 144629
current month under section 131.51 of the Revised Code. The 144630
distributions shall be made as follows: 144631

(1) During the first six months of each year, each county 144632
shall be paid a percentage of the balance that is the same per 144633
cent that the revised estimate of the county's total entitlement 144634
certified in December under division (A)(2) of this section is of 144635
the sum of such revised estimates of the total entitlements for 144636

all counties. 144637

(2) During the last six months, each county shall be paid a 144638
percentage of the balance that is the same per cent that the 144639
revised estimate of the county's total entitlement certified in 144640
June under division (A)(2) of this section is of the sum of such 144641
revised estimates of the total entitlements for all counties. 144642

(3) During each of the first six months of each year, the 144643
payments made to each county shall be adjusted as follows: 144644

(a) If the county received an overpayment during the 144645
preceding distribution year, reduce the sum of the payments by the 144646
amount of such overpayment. The reduction shall be apportioned 144647
over the six months. 144648

(b) If the county received an underpayment during the 144649
preceding distribution year, increase the sum of the payments by 144650
the amount of such underpayment. The increase shall be apportioned 144651
over the six months. 144652

(C) By the twentieth day of December of each year, the tax 144653
commissioner shall determine and certify to the auditor of each 144654
county each of the following with respect to the current 144655
distribution year: 144656

(1) The year's fund balance; 144657

(2) Each county's guaranteed share; 144658

(3) Each county's share of the excess; 144659

(4) Each county's total entitlement; 144660

(5) Each county's net distribution; 144661

(6) The amount by which each county's net distribution 144662
exceeded or was less than its total entitlement, which amount 144663
shall constitute the county's overpayment or underpayment for 144664
purposes of division (B)(3) of this section in the ensuing 144665
distribution year. 144666

Sec. 5747.501. (A) On or before the twenty-fifth day of July 144667
of each year, the tax commissioner shall estimate and certify to 144668
each county auditor the amount to be distributed from the local 144669
government fund to each undivided local government fund during the 144670
following calendar year under section 5747.50 of the Revised Code. 144671
The estimate shall equal the sum of the separate amounts computed 144672
under divisions (B)(1) and (2) of this section. 144673

(B)(1) The product obtained by multiplying the percentage 144674
described in division (B)(1)(a) of this section by the amount 144675
described in division (B)(1)(b) of this section. 144676

(a) Each county's proportionate share of the total amount 144677
distributed to the counties from the local government fund and the 144678
local government revenue assistance fund during calendar year 144679
2007. In fiscal year 2014 and thereafter, the amount distributed 144680
to any county undivided local government fund shall be an amount 144681
not less than seven hundred fifty thousand dollars or the amount 144682
distributed to such fund in fiscal year 2013, whichever amount is 144683
smaller. To the extent necessary to implement this minimum 144684
distribution requirement, the proportionate shares computed under 144685
this division shall be adjusted accordingly. 144686

(b) The total amount distributed to counties from the local 144687
government fund and the local government revenue assistance fund 144688
during calendar year 2007 adjusted downward if, and to the extent 144689
that, total local government fund distributions to counties for 144690
the following year are projected to be less than what was 144691
distributed to counties from the local government fund and local 144692
government revenue assistance fund during calendar year 2007. 144693

(2) The product obtained by multiplying the percentage 144694
described in division (B)(2)(a) of this section by the amount 144695
described in division (B)(2)(b) of this section. 144696

(a) Each county's proportionate share of the state's 144697

population as reflected in the most recent federal decennial 144698
census or the federal government's most recent census estimates, 144699
whichever represents the most recent year. 144700

(b) The amount by which total estimated distributions from 144701
the local government fund during the immediately succeeding 144702
calendar year, less the total estimated amount to be distributed 144703
from the fund to municipal corporations under division (C) of 144704
section 5747.50 of the Revised Code during the immediately 144705
succeeding calendar year, exceed the total amount distributed to 144706
counties from the local government fund and local government 144707
revenue assistance fund during calendar year 2007. 144708

Sec. 5747.71. For taxable years beginning on or after January 144709
1, 2013, there is hereby allowed a nonrefundable credit against 144710
the tax imposed by section 5747.02 of the Revised Code for a 144711
taxpayer who is an "eligible individual" as defined in section 32 144712
of the Internal Revenue Code. The credit shall equal five per cent 144713
of the credit allowed on the taxpayer's federal income tax return 144714
pursuant to section 32 of the Internal Revenue Code for the 144715
taxable year. If the Ohio adjusted gross income of the taxpayer, 144716
or the taxpayer and the taxpayer's spouse if the taxpayer and the 144717
taxpayer's spouse file a joint return under section 5747.08 of the 144718
Revised Code, less applicable exemptions under section 5747.025 of 144719
the Revised Code, exceeds twenty thousand dollars, the credit 144720
authorized by this section shall not exceed fifty per cent of the 144721
amount of tax otherwise due under section 5747.02 of the Revised 144722
Code after deducting any other nonrefundable credits that precede 144723
the credit allowed under this section in the order prescribed by 144724
section 5747.98 of the Revised Code except for the joint filing 144725
credit authorized under division (G) of section 5747.05 of the 144726
Revised Code. In all other cases, the credit authorized by this 144727
section shall not exceed the amount of tax otherwise due under 144728
section 5747.02 of the Revised Code after deducting any other 144729

nonrefundable credits that precede the credit allowed under this 144730
section in the order prescribed by section 5747.98 of the Revised 144731
Code. 144732

The credit shall be claimed in the order prescribed by 144733
section 5747.98 of the Revised Code. 144734

Sec. 5747.76. (A) As used in this section, "certificate 144735
owner" has the same meaning as in section 149.311 of the Revised 144736
Code. 144737

(B) There is allowed a credit against the tax imposed under 144738
section 5747.02 of the Revised Code for a taxpayer that is the 144739
certificate owner of a rehabilitation tax credit certificate 144740
issued under section 149.311 of the Revised Code. The credit shall 144741
equal twenty-five per cent of the dollar amount indicated on the 144742
certificate, but the amount of credit allowed for any taxpayer 144743
shall not exceed ~~five~~ ten million dollars. The credit shall be 144744
claimed for the taxable year specified in the certificate and in 144745
the order required under section 5747.98 of the Revised Code. 144746

(C) Nothing in this section limits or disallows pass-through 144747
treatment of the credit if the certificate owner is a pass-through 144748
entity. If the certificate owner is a pass-through entity, the 144749
amount of the credit allowed for the pass-through entity shall not 144750
exceed five million dollars. If the certificate owner is a 144751
pass-through entity, the credit may be allocated among the 144752
entity's equity owners in proportion to their ownership interests 144753
or in such proportions or amounts as the equity owners mutually 144754
agree. 144755

(D) If the credit allowed for any taxable year exceeds the 144756
tax otherwise due under section 5747.02 of the Revised Code, after 144757
allowing for any other credits preceding the credit in the order 144758
prescribed by section 5747.98 of the Revised Code, the excess 144759

shall be refunded to the taxpayer but, if any amount of the credit 144760
is refunded, the sum of the amount refunded and the amount applied 144761
to reduce the tax otherwise due for that year shall not exceed 144762
three million dollars or, if the certificate owner is a 144763
pass-through entity, shall not exceed the taxpayer's distributive 144764
or proportionate share, as allocated under division (C) of this 144765
section, of three million dollars. The taxpayer may carry forward 144766
any balance of the credit in excess of the amount claimed for that 144767
year for not more than five ensuing taxable years, and shall 144768
deduct any amount claimed for any such year from the amount 144769
claimed in an ensuing year. 144770

(E) A taxpayer claiming a credit under this section shall 144771
retain the rehabilitation tax credit certificate for four years 144772
following the end of the taxable year to which the credit was 144773
applied, and shall make the certificate available for inspection 144774
by the tax commissioner upon the request of the tax commissioner 144775
during that period. 144776

Sec. 5747.98. (A) To provide a uniform procedure for 144777
calculating the amount of tax due under section 5747.02 of the 144778
Revised Code, a taxpayer shall claim any credits to which the 144779
taxpayer is entitled in the following order: 144780

(1) The retirement income credit under division (B) of 144781
section 5747.055 of the Revised Code; 144782

(2) The senior citizen credit under division (C) of section 144783
5747.05 of the Revised Code; 144784

(3) The lump sum distribution credit under division (D) of 144785
section 5747.05 of the Revised Code; 144786

(4) The dependent care credit under section 5747.054 of the 144787
Revised Code; 144788

(5) The lump sum retirement income credit under division (C) 144789

of section 5747.055 of the Revised Code;	144790
(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	144791 144792
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	144793 144794
(8) The low-income credit under section 5747.056 of the Revised Code;	144795 144796
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	144797 144798
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	144799 144800
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	144801 144802
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	144803 144804
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	144805 144806
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	144807 144808
(15) The credit for employers that enter into agreements with child day care centers under section 5747.34 <u>earned income credit</u> <u>under section 5747.71</u> of the Revised Code;	144809 144810 144811
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	144812 144813
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	144814 144815
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	144816 144817
(19) The nonrefundable job retention credit under division	144818

(B) of section 5747.058 of the Revised Code;	144819
(20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	144820 144821
(21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	144822 144823 144824
(22) The job training credit under section 5747.39 of the Revised Code;	144825 144826
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	144827 144828
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	144829 144830
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	144831 144832
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	144833 144834
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	144835 144836
(28) The small business investment credit under section 5747.81 of the Revised Code;	144837 144838
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	144839 144840
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	144841 144842
(31) <u>(30)</u> The research and development credit under section 5747.331 of the Revised Code;	144843 144844
(32) <u>(31)</u> The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	144845 144846
(33) <u>(32)</u> The refundable credit for rehabilitating a historic	144847

building under section 5747.76 of the Revised Code;	144848
(34) (33) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	144849 144850
(35) (34) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	144851 144852
(36) (35) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;	144853 144854 144855
(37) (36) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	144856 144857 144858
(38) (37) The refundable motion picture production credit under section 5747.66 of the Revised Code.	144859 144860
(39) (38) The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code.	144861 144862 144863
(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.	144864 144865 144866 144867 144868 144869 144870 144871 144872 144873
Sec. 5748.01. As used in this chapter:	144874
(A) "School district income tax" means an income tax adopted under one of the following:	144875 144876

(1) Former section 5748.03 of the Revised Code as it existed prior to its repeal by Amended Substitute House Bill No. 291 of the 115th general assembly;	144877 144878 144879
(2) Section 5748.03 of the Revised Code as enacted in Substitute Senate Bill No. 28 of the 118th general assembly;	144880 144881
(3) Section 5748.08 of the Revised Code as enacted in Amended Substitute Senate Bill No. 17 of the 122nd general assembly;	144882 144883
(4) Section 5748.021 of the Revised Code;	144884
(5) Section 5748.081 of the Revised Code;	144885
(6) Section 5748.09 of the Revised Code.	144886
(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.	144887 144888
(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.	144889 144890
(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.	144891 144892
(E) "Taxable income" means:	144893
(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:	144894 144895
(a) Ohio adjusted gross income for the taxable year as defined in division (A) of section 5747.01 of the Revised Code, less the exemptions provided by section 5747.02 of the Revised Code, <u>plus any amount deducted under division (A)(31) of section 5747.01 of the Revised Code for the taxable year;</u>	144896 144897 144898 144899 144900
(b) Wages, salaries, tips, and other employee compensation to the extent included in Ohio adjusted gross income as defined in section 5747.01 of the Revised Code, and net earnings from self-employment, as defined in section 1402(a) of the Internal Revenue Code, to the extent included in Ohio adjusted gross	144901 144902 144903 144904 144905

income.	144906
(2) In the case of an estate, taxable income for the taxable year as defined in division (S) of section 5747.01 of the Revised Code.	144907 144908 144909
(F) "Resident" of the school district means:	144910
(1) An individual who is a resident of this state as defined in division (I) of section 5747.01 of the Revised Code during all or a portion of the taxable year and who, during all or a portion of such period of state residency, is domiciled in the school district or lives in and maintains a permanent place of abode in the school district;	144911 144912 144913 144914 144915 144916
(2) An estate of a decedent who, at the time of death, was domiciled in the school district.	144917 144918
(G) "School district income" means:	144919
(1) With respect to an individual, the portion of the taxable income of an individual that is received by the individual during the portion of the taxable year that the individual is a resident of the school district and the school district income tax is in effect in that school district. An individual may have school district income with respect to more than one school district.	144920 144921 144922 144923 144924 144925
(2) With respect to an estate, the taxable income of the estate for the portion of the taxable year that the school district income tax is in effect in that school district.	144926 144927 144928
(H) "Taxpayer" means an individual or estate having school district income upon which a school district income tax is imposed.	144929 144930 144931
(I) "School district purposes" means any of the purposes for which a tax may be levied pursuant to division (A) of section 5705.21 of the Revised Code, including the combined purposes authorized by section 5705.217 of the Revised Code.	144932 144933 144934 144935

Sec. 5749.02. (A) For the purpose of providing revenue to 144936
administer the state's coal mining and reclamation regulatory 144937
program, to meet the environmental and resource management needs 144938
of this state, and to reclaim land affected by mining, an excise 144939
tax is hereby levied on the privilege of engaging in the severance 144940
of natural resources from the soil or water of this state. The tax 144941
shall be imposed upon the severer ~~and shall be~~ at the rates 144942
prescribed by divisions (A)(1) to (9) of this section: 144943

(1) Ten cents per ton of coal; 144944

(2) Four cents per ton of salt; 144945

(3) Two cents per ton of limestone or dolomite; 144946

(4) Two cents per ton of sand and gravel; 144947

(5) Ten cents per barrel of oil; 144948

(6) Two and one-half cents per thousand cubic feet of natural 144949
gas; 144950

(7) One cent per ton of clay, sandstone or conglomerate, 144951
shale, gypsum, or quartzite; 144952

(8) Except as otherwise provided in this division or in rules 144953
adopted by the reclamation forfeiture fund advisory board under 144954
section 1513.182 of the Revised Code, an additional fourteen cents 144955
per ton of coal produced from an area under a coal mining and 144956
reclamation permit issued under Chapter 1513. of the Revised Code 144957
for which the performance security is provided under division 144958
(C)(2) of section 1513.08 of the Revised Code. Beginning July 1, 144959
2007, if at the end of a fiscal biennium the balance of the 144960
reclamation forfeiture fund created in section 1513.18 of the 144961
Revised Code is equal to or greater than ten million dollars, the 144962
rate levied shall be twelve cents per ton. Beginning July 1, 2007, 144963
if at the end of a fiscal biennium the balance of the fund is at 144964
least five million dollars, but less than ten million dollars, the 144965

rate levied shall be fourteen cents per ton. Beginning July 1, 144966
2007, if at the end of a fiscal biennium the balance of the fund 144967
is less than five million dollars, the rate levied shall be 144968
sixteen cents per ton. Beginning July 1, 2009, not later than 144969
thirty days after the close of a fiscal biennium, the chief of the 144970
division of mineral resources management shall certify to the tax 144971
commissioner the amount of the balance of the reclamation 144972
forfeiture fund as of the close of the fiscal biennium. Any 144973
necessary adjustment of the rate levied shall take effect on the 144974
first day of the following January and shall remain in effect 144975
during the calendar biennium that begins on that date. 144976

(9) An additional one and two-tenths cents per ton of coal 144977
mined by surface mining methods. 144978

(B) ~~Of~~ After the director of budget and management transfers 144979
money from the severance tax receipts fund as required in division 144980
(H) of section 5749.06 of the Revised Code, money remaining in the 144981
severance tax receipts fund, except for money in the fund from the 144982
amounts due under section 1509.50 of the Revised Code, shall be 144983
credited as follows: 144984

(1) Of the moneys received by the treasurer of state in the 144985
fund from the tax levied in division (A)(1) of this section, four 144986
and seventy-six-hundredths per cent shall be credited to the 144987
geological mapping fund created in section 1505.09 of the Revised 144988
Code, eighty and ninety-five-hundredths per cent shall be credited 144989
to the coal mining administration and reclamation reserve fund 144990
created in section 1513.181 of the Revised Code, and fourteen and 144991
twenty-nine-hundredths per cent shall be credited to the 144992
unreclaimed lands fund created in section 1513.30 of the Revised 144993
Code. 144994

(2) The money received by the treasurer of state in the fund 144995
from the tax levied in division (A)(2) of this section shall be 144996
credited to the geological mapping fund. 144997

(3) Of the moneys ~~received by the treasurer of state in the~~ 144998
fund from the tax levied in divisions (A)(3) and (4) of this 144999
section, seven and five-tenths per cent shall be credited to the 145000
geological mapping fund, forty-two and five-tenths per cent shall 145001
be credited to the unreclaimed lands fund, and the remainder shall 145002
be credited to the surface mining fund created in section 1514.06 145003
of the Revised Code. 145004

(4) Of the moneys ~~received by the treasurer of state in the~~ 145005
fund from the tax levied in divisions (A)(5) and (6) of this 145006
section, ninety per cent shall be credited to the oil and gas well 145007
fund created in section 1509.02 of the Revised Code and ten per 145008
cent shall be credited to the geological mapping fund. All of the 145009
moneys ~~received by the treasurer of state in the fund~~ from the tax 145010
levied in division (A)(7) of this section shall be credited to the 145011
surface mining fund. 145012

(5) All of the moneys ~~received by the treasurer of state in~~ 145013
the fund from the tax levied in division (A)(8) of this section 145014
shall be credited to the reclamation forfeiture fund. 145015

(6) All of the moneys ~~received by the treasurer of state in~~ 145016
the fund from the tax levied in division (A)(9) of this section 145017
shall be credited to the unreclaimed lands fund. 145018

(C) When, at the close of any fiscal year, the chief finds 145019
that the balance of the reclamation forfeiture fund, plus 145020
estimated transfers to it from the coal mining administration and 145021
reclamation reserve fund under section 1513.181 of the Revised 145022
Code, plus the estimated revenues from the tax levied by division 145023
(A)(8) of this section for the remainder of the calendar year that 145024
includes the close of the fiscal year, are sufficient to complete 145025
the reclamation of all lands for which the performance security 145026
has been provided under division (C)(2) of section 1513.08 of the 145027
Revised Code, the purposes for which the tax under division (A)(8) 145028
of this section is levied shall be deemed accomplished at the end 145029

of that calendar year. The chief, within thirty days after the 145030
close of the fiscal year, shall certify those findings to the tax 145031
commissioner, and the tax levied under division (A)(8) of this 145032
section shall cease to be imposed for the subsequent calendar year 145033
after the last day of that calendar year on coal produced under a 145034
coal mining and reclamation permit issued under Chapter 1513. of 145035
the Revised Code if the permittee has made tax payments under 145036
division (A)(8) of this section during each of the preceding five 145037
full calendar years. Not later than thirty days after the close of 145038
a fiscal year, the chief shall certify to the tax commissioner the 145039
identity of any permittees who accordingly no longer are required 145040
to pay the tax levied under division (A)(8) of this section for 145041
the subsequent calendar year. 145042

Sec. 5749.06. (A)(1) Each severer liable for the tax imposed 145043
by section 5749.02 of the Revised Code and each severer or owner 145044
liable for the amounts due under section 1509.50 of the Revised 145045
Code shall make and file returns with the tax commissioner in the 145046
prescribed form and as of the prescribed times, computing and 145047
reflecting therein the tax as required by this chapter and amounts 145048
due under section 1509.50 of the Revised Code. 145049

(2) The returns shall be filed for every quarterly period, 145050
which periods shall end on the thirty-first day of March, the 145051
thirtieth day of June, the thirtieth day of September, and the 145052
thirty-first day of December of each year, as required by this 145053
section, unless a different return period is prescribed for a 145054
taxpayer by the commissioner. 145055

(B)(1) A separate return shall be filed for each calendar 145056
quarterly period, or other period, or any part thereof, during 145057
which the severer holds a license as provided by section 5749.04 145058
of the Revised Code, or is required to hold the license, or during 145059
which an owner is required to file a return, ~~and the.~~ The return 145060

shall be filed within forty-five days after the last day of each 145061
such calendar month, or other period, or any part thereof, for 145062
which the return is required ~~and shall include remittance payable~~ 145063
~~to the treasurer of state of the amount of.~~ The tax due is payable 145064
along with the return. All such returns shall contain such 145065
information as the commissioner may require to fairly administer 145066
the tax. 145067

(2) All returns shall be signed by the severer or owner, as 145068
applicable, shall contain the full and complete information 145069
requested, and shall be made under penalty of perjury. 145070

(C) If the commissioner believes that quarterly payments of 145071
tax would result in a delay that might jeopardize the collection 145072
of such tax payments, the commissioner may order that such 145073
payments be made weekly, or more frequently if necessary, such 145074
payments to be made not later than seven days following the close 145075
of the period for which the jeopardy payment is required. Such an 145076
order shall be delivered to the taxpayer personally or by 145077
certified mail and shall remain in effect until the commissioner 145078
notifies the taxpayer to the contrary. 145079

(D) Upon good cause the commissioner may extend for thirty 145080
days the period for filing any notice or return required to be 145081
filed under this section, and may remit all or a part of penalties 145082
that may become due under this chapter. 145083

(E) Any tax and any amount due under section 1509.50 of the 145084
Revised Code not paid by the day the tax or amount is due shall 145085
bear interest computed at the rate per annum prescribed by section 145086
5703.47 of the Revised Code on that amount due from the day that 145087
the amount was originally required to be paid to the day of actual 145088
payment or to the day an assessment was issued under section 145089
5749.07 or 5749.10 of the Revised Code, whichever occurs first. 145090

(F) ~~The severer shall make all payments payable to the~~ 145091

~~treasurer of state. Except for the amounts due under section 145092
1509.50 of the Revised Code, all A severer or owner, as 145093
applicable, that fails to file a complete return or pay the full 145094
amount due under this chapter within the time prescribed, 145095
including any extensions of time granted by the commissioner, 145096
shall be subject to a penalty not to exceed the greater of fifty 145097
dollars or ten per cent of the amount due for the period. 145098~~

(G)(1) A severer or owner, as applicable, shall remit 145099
payments electronically and, if required by the commissioner, file 145100
each return electronically. The commissioner may require that the 145101
severer or owner use the Ohio business gateway, as defined in 145102
section 718.051 of the Revised Code, or another electronic means 145103
to file returns and remit payments electronically. 145104

(2) A severer or owner that is required to remit payments 145105
electronically under this section may apply to the commissioner, 145106
in the manner prescribed by the commissioner, to be excused from 145107
that requirement. The commissioner may excuse a severer or owner 145108
from the requirements of division (G) of this section for good 145109
cause. 145110

(3) If a severer or owner that is required to remit payments 145111
or file returns electronically under this section fails to do so, 145112
the commissioner may impose a penalty on the severer or owner not 145113
to exceed the following: 145114

(a) For the first or second payment or return the severer or 145115
owner fails to remit or file electronically, the greater of five 145116
per cent of the amount of the payment that was required to be 145117
remitted or twenty-five dollars; 145118

(b) For every payment or return after the second that the 145119
severer or owner fails to remit or file electronically, the 145120
greater of ten per cent of the amount of the payment that was 145121
required to be remitted or fifty dollars. 145122

(H)(1) All amounts that the ~~tax~~ commissioner receives under this section shall be deemed to be revenue from taxes imposed under this chapter. ~~The commissioner shall immediately forward to the treasurer of state all amounts received under this section or from the amount due under section 1509.50 of the Revised Code, as applicable, and shall be deposited in the severance tax receipts fund, which is hereby created in the state treasury.~~ 145123
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(2) The director of budget and management shall transfer from the severance tax receipts fund to the tax refund fund amounts equal to the refunds certified by the commissioner under section 5749.08 of the Revised Code. Any amount transferred under division (H)(2) of this section shall be derived from receipts of the same tax or other amount from which the refund arose. 145130
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(3) After the director of budget and management makes any transfer required by division (H)(2) of this section, but not later than the fifteenth day of the month following the end of each calendar quarter, the commissioner shall certify to the director the total amount remaining in the severance tax receipts fund organized according to the amount attributable to each natural resource and according to the amount attributable to a tax imposed by this chapter and the amounts due under section 1509.50 of the Revised Code. 145136
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(I) Penalties imposed under this section are in addition to any other penalty imposed under this chapter and shall be considered as revenue arising from the tax levied under this chapter or the amount due under section 1509.50 of the Revised Code, as applicable. The commissioner may collect any penalty or interest imposed under this section in the same manner as provided for the making of an assessment in section 5749.07 of the Revised Code. The commissioner may abate all or a portion of such interest or penalties and may adopt rules governing such abatements. 145145
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Sec. 5749.07. (A) If any severer required by this chapter to 145154
make and file returns and pay the tax levied by section 5749.02 of 145155
the Revised Code, or any severer or owner liable for the amounts 145156
due under section 1509.50 of the Revised Code, fails to make such 145157
return or pay such tax or amounts, the tax commissioner may make 145158
an assessment against the severer or owner based upon any 145159
information in the commissioner's possession. 145160

No assessment shall be made or issued against any severer for 145161
any tax imposed by section 5749.02 of the Revised Code or against 145162
any severer or owner for any amount due under section 1509.50 of 145163
the Revised Code more than four years after the return was due or 145164
was filed, whichever is later. This section does not bar an 145165
assessment against a severer or owner who fails to file a return 145166
as required by this chapter, or who files a fraudulent return. 145167

The commissioner shall give the party assessed written notice 145168
of such assessment in the manner provided in section 5703.37 of 145169
the Revised Code. With the notice, the commissioner shall provide 145170
instructions on how to petition for reassessment and request a 145171
hearing on the petition. 145172

(B) Unless the party assessed files with the commissioner 145173
within sixty days after service of the notice of assessment, 145174
either personally or by certified mail, a written petition for 145175
reassessment signed by the party assessed or that party's 145176
authorized agent having knowledge of the facts, the assessment 145177
becomes final and the amount of the assessment is due and payable 145178
from the party assessed to the treasurer of state. The petition 145179
shall indicate the objections of the party assessed, but 145180
additional objections may be raised in writing if received by the 145181
commissioner prior to the date shown on the final determination. 145182
If the petition has been properly filed, the commissioner shall 145183
proceed under section 5703.60 of the Revised Code. 145184

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the party assessed resides or in which the party's business is conducted. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of such entry, the clerk shall enter a judgment for the state against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state severance tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

~~The portion of~~ If the assessment is not paid in its entirety within sixty days after the day the assessment is issued, the portion of the assessment consisting of tax due or amounts due under section 1509.50 of the Revised Code shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until it is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) All money collected by the commissioner under this 145217
section shall be paid to the treasurer of state, and when paid 145218
shall be considered as revenue arising from the tax imposed by 145219
section 5749.02 of the Revised Code and the amount due under 145220
section 1509.50 of the Revised Code, as applicable. 145221

Sec. 5749.17. ~~Any~~ Except for purposes of enforcing Chapter 145222
1509. of the Revised Code, any information provided to the 145223
department of natural resources by the department of taxation in 145224
accordance with division (C)(12) of section 5703.21 of the Revised 145225
Code shall not be disclosed publicly by the department of natural 145226
resources, ~~but.~~ However the department of natural resources may 145227
provide such information to the attorney general for purposes of 145228
enforcement of ~~the law~~ Chapter 1509. of the Revised Code. 145229

Sec. 5751.01. As used in this chapter: 145230

(A) "Person" means, but is not limited to, individuals, 145231
combinations of individuals of any form, receivers, assignees, 145232
trustees in bankruptcy, firms, companies, joint-stock companies, 145233
business trusts, estates, partnerships, limited liability 145234
partnerships, limited liability companies, associations, joint 145235
ventures, clubs, societies, for-profit corporations, S 145236
corporations, qualified subchapter S subsidiaries, qualified 145237
subchapter S trusts, trusts, entities that are disregarded for 145238
federal income tax purposes, and any other entities. 145239

(B) "Consolidated elected taxpayer" means a group of two or 145240
more persons treated as a single taxpayer for purposes of this 145241
chapter as the result of an election made under section 5751.011 145242
of the Revised Code. 145243

(C) "Combined taxpayer" means a group of two or more persons 145244
treated as a single taxpayer for purposes of this chapter under 145245
section 5751.012 of the Revised Code. 145246

(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined taxpayer treated as one taxpayer, required to register or pay tax under this chapter. "Taxpayer" does not include excluded persons.

(E) "Excluded person" means any of the following:

(1) Any person with not more than one hundred fifty thousand dollars of taxable gross receipts during the calendar year. Division (E)(1) of this section does not apply to a person that is a member of a consolidated elected taxpayer;

(2) A public utility that paid the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter, except that a public utility that is a combined company is a taxpayer with regard to the following gross receipts:

(a) Taxable gross receipts directly attributed to a public utility activity, but not directly attributed to an activity that is subject to the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code;

(b) Taxable gross receipts that cannot be directly attributed to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division (E)(2)(a) of this section and whose denominator is the total taxable gross receipts that can be directly attributed to any activity;

(c) Except for any differences resulting from the use of an accrual basis method of accounting for purposes of determining gross receipts under this chapter and the use of the cash basis method of accounting for purposes of determining gross receipts under section 5727.24 of the Revised Code, the gross receipts directly attributed to the activity of a natural gas company shall be determined in a manner consistent with division (D) of section 5727.03 of the Revised Code.

As used in division (E)(2) of this section, "combined company" and "public utility" have the same meanings as in section 5727.01 of the Revised Code.

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(3) A financial institution, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter;

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(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

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For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

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(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

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(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1705.01 of the Revised Code, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

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(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization.

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(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under section 3905.36 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final financing order as those terms are defined in section 4928.23 of the Revised Code. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(7) Except as otherwise provided in this division, a pre-income tax trust as defined in division (FF)(4) of section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (FF)(3) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of which it owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code.

(8) Nonprofit organizations or the state and its agencies, instrumentalities, or political subdivisions.

(F) Except as otherwise provided in divisions (F)(2), (3), and (4) of this section, "gross receipts" means the total amount realized by a person, without deduction for the cost of goods sold

or other expenses incurred, that contributes to the production of 145341
gross income of the person, including the fair market value of any 145342
property and any services received, and any debt transferred or 145343
forgiven as consideration. 145344

(1) The following are examples of gross receipts: 145345

(a) Amounts realized from the sale, exchange, or other 145346
disposition of the taxpayer's property to or with another; 145347

(b) Amounts realized from the taxpayer's performance of 145348
services for another; 145349

(c) Amounts realized from another's use or possession of the 145350
taxpayer's property or capital; 145351

(d) Any combination of the foregoing amounts. 145352

(2) "Gross receipts" excludes the following amounts: 145353

(a) Interest income except interest on credit sales; 145354

(b) Dividends and distributions from corporations, and 145355
distributive or proportionate shares of receipts and income from a 145356
pass-through entity as defined under section 5733.04 of the 145357
Revised Code; 145358

(c) Receipts from the sale, exchange, or other disposition of 145359
an asset described in section 1221 or 1231 of the Internal Revenue 145360
Code, without regard to the length of time the person held the 145361
asset. Notwithstanding section 1221 of the Internal Revenue Code, 145362
receipts from hedging transactions also are excluded to the extent 145363
the transactions are entered into primarily to protect a financial 145364
position, such as managing the risk of exposure to (i) foreign 145365
currency fluctuations that affect assets, liabilities, profits, 145366
losses, equity, or investments in foreign operations; (ii) 145367
interest rate fluctuations; or (iii) commodity price fluctuations. 145368
As used in division (F)(2)(c) of this section, "hedging 145369
transaction" has the same meaning as used in section 1221 of the 145370

Internal Revenue Code and also includes transactions accorded 145371
hedge accounting treatment under statement of financial accounting 145372
standards number 133 of the financial accounting standards board. 145373
For the purposes of division (F)(2)(c) of this section, the actual 145374
transfer of title of real or tangible personal property to another 145375
entity is not a hedging transaction. 145376

(d) Proceeds received attributable to the repayment, 145377
maturity, or redemption of the principal of a loan, bond, mutual 145378
fund, certificate of deposit, or marketable instrument; 145379

(e) The principal amount received under a repurchase 145380
agreement or on account of any transaction properly characterized 145381
as a loan to the person; 145382

(f) Contributions received by a trust, plan, or other 145383
arrangement, any of which is described in section 501(a) of the 145384
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 145385
1, Subchapter (D) of the Internal Revenue Code applies; 145386

(g) Compensation, whether current or deferred, and whether in 145387
cash or in kind, received or to be received by an employee, former 145388
employee, or the employee's legal successor for services rendered 145389
to or for an employer, including reimbursements received by or for 145390
an individual for medical or education expenses, health insurance 145391
premiums, or employee expenses, or on account of a dependent care 145392
spending account, legal services plan, any cafeteria plan 145393
described in section 125 of the Internal Revenue Code, or any 145394
similar employee reimbursement; 145395

(h) Proceeds received from the issuance of the taxpayer's own 145396
stock, options, warrants, puts, or calls, or from the sale of the 145397
taxpayer's treasury stock; 145398

(i) Proceeds received on the account of payments from 145399
insurance policies, except those proceeds received for the loss of 145400
business revenue; 145401

(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;	145402 145403 145404 145405 145406 145407 145408
(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;	145409 145410 145411
(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;	145412 145413 145414
(m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;	145415 145416 145417 145418 145419 145420 145421 145422 145423 145424
(n) Pension reversions;	145425
(o) Contributions to capital;	145426
(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;	145427 145428 145429 145430 145431
(q) In the case of receipts from the sale of cigarettes or	145432

tobacco products by a wholesale dealer, retail dealer, 145433
distributor, manufacturer, or seller, all as defined in section 145434
5743.01 of the Revised Code, an amount equal to the federal and 145435
state excise taxes paid by any person on or for such cigarettes or 145436
tobacco products under subtitle E of the Internal Revenue Code or 145437
Chapter 5743. of the Revised Code; 145438

~~(r) In the case of receipts from the sale of motor fuel by a 145439
licensed motor fuel dealer, licensed retail dealer, or licensed 145440
permissive motor fuel dealer, all as defined in section 5735.01 of 145441
the Revised Code, an amount equal to federal and state excise 145442
taxes paid by any person on such motor fuel under section 4081 of 145443
the Internal Revenue Code or Chapter 5735. Receipts from the sale, 145444
transfer, exchange, or other disposition of motor fuel as "motor 145445
fuel" is defined in section 5736.01 of the Revised Code; 145446~~

(s) In the case of receipts from the sale of beer or 145447
intoxicating liquor, as defined in section 4301.01 of the Revised 145448
Code, by a person holding a permit issued under Chapter 4301. or 145449
4303. of the Revised Code, an amount equal to federal and state 145450
excise taxes paid by any person on or for such beer or 145451
intoxicating liquor under subtitle E of the Internal Revenue Code 145452
or Chapter 4301. or 4305. of the Revised Code; 145453

(t) Receipts realized by a new motor vehicle dealer or used 145454
motor vehicle dealer, as defined in section 4517.01 of the Revised 145455
Code, from the sale or other transfer of a motor vehicle, as 145456
defined in that section, to another motor vehicle dealer for the 145457
purpose of resale by the transferee motor vehicle dealer, but only 145458
if the sale or other transfer was based upon the transferee's need 145459
to meet a specific customer's preference for a motor vehicle; 145460

(u) Receipts from a financial institution described in 145461
division (E)(3) of this section for services provided to the 145462
financial institution in connection with the issuance, processing, 145463
servicing, and management of loans or credit accounts, if such 145464

financial institution and the recipient of such receipts have at least fifty per cent of their ownership interests owned or controlled, directly or constructively through related interests, by common owners;

(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic agents, and supportive drugs in a physician's office to patients with cancer;

(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)(w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans.

(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, from a client employer, as defined in that section, in excess of the administrative fee charged by the professional employer organization to the client employer;

(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money;

(z) Qualifying distribution center receipts.

(i) For purposes of division (F)(2)(z) of this section:

(I) "Qualifying distribution center receipts" means receipts

of a supplier from qualified property that is delivered to a 145496
qualified distribution center, multiplied by a quantity that 145497
equals one minus the Ohio delivery percentage. If the qualified 145498
distribution center is a refining facility, "supplier" includes 145499
all dealers, brokers, processors, sellers, vendors, cosigners, and 145500
distributors of qualified property. 145501

(II) "Qualified property" means tangible personal property 145502
delivered to a qualified distribution center that is shipped to 145503
that qualified distribution center solely for further shipping by 145504
the qualified distribution center to another location in this 145505
state or elsewhere or, in the case of gold, silver, platinum, or 145506
palladium delivered to a refining facility solely for refining to 145507
a grade and fineness acceptable for delivery to a registered 145508
commodities exchange. "Further shipping" includes storing and 145509
repackaging property into smaller or larger bundles, so long as 145510
the property is not subject to further manufacturing or 145511
processing. "Refining" is limited to extracting impurities from 145512
gold, silver, platinum, or palladium through smelting or some 145513
other process at a refining facility. 145514

(III) "Qualified distribution center" means a warehouse, a 145515
facility similar to a warehouse, or a refining facility in this 145516
state that, for the qualifying year, is operated by a person that 145517
is not part of a combined taxpayer group and that has a qualifying 145518
certificate. All warehouses or facilities similar to warehouses 145519
that are operated by persons in the same taxpayer group and that 145520
are located within one mile of each other shall be treated as one 145521
qualified distribution center. All refining facilities that are 145522
operated by persons in the same taxpayer group and that are 145523
located in the same or adjacent counties may be treated as one 145524
qualified distribution center. 145525

(IV) "Qualifying year" means the calendar year to which the 145526
qualifying certificate applies. 145527

(V) "Qualifying period" means the period of the first day of 145528
July of the second year preceding the qualifying year through the 145529
thirtieth day of June of the year preceding the qualifying year. 145530

(VI) "Qualifying certificate" means the certificate issued by 145531
the tax commissioner after the operator of a distribution center 145532
files an annual application with the commissioner. The application 145533
and annual fee shall be filed and paid for each qualified 145534
distribution center on or before the first day of September before 145535
the qualifying year or within forty-five days after the 145536
distribution center opens, whichever is later. 145537

The applicant must substantiate to the commissioner's 145538
satisfaction that, for the qualifying period, all persons 145539
operating the distribution center have more than fifty per cent of 145540
the cost of the qualified property shipped to a location such that 145541
it would be situated outside this state under the provisions of 145542
division (E) of section 5751.033 of the Revised Code. The 145543
applicant must also substantiate that the distribution center 145544
cumulatively had costs from its suppliers equal to or exceeding 145545
five hundred million dollars during the qualifying period. (For 145546
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 145547
excludes any person that is part of the consolidated elected 145548
taxpayer group, if applicable, of the operator of the qualified 145549
distribution center.) The commissioner may require the applicant 145550
to have an independent certified public accountant certify that 145551
the calculation of the minimum thresholds required for a qualified 145552
distribution center by the operator of a distribution center has 145553
been made in accordance with generally accepted accounting 145554
principles. The commissioner shall issue or deny the issuance of a 145555
certificate within sixty days after the receipt of the 145556
application. A denial is subject to appeal under section 5717.02 145557
of the Revised Code. If the operator files a timely appeal under 145558
section 5717.02 of the Revised Code, the operator shall be granted 145559

a qualifying certificate, ~~provided that~~ effective for the 145560
remainder of the qualifying year or until the appeal is finalized, 145561
whichever is earlier. If the operator is liable for any tax, 145562
interest, or penalty upon amounts claimed as qualifying 145563
distribution center receipts, other than those receipts exempt 145564
under division (C)(1) of section 5751.011 of the Revised Code, 145565
that would have otherwise not been owed by its suppliers if the 145566
qualifying certificate was valid does not prevail in the appeal, 145567
the operator shall pay the ineligible operator's supplier tax 145568
liability. 145569

(VII) "Ohio delivery percentage" means the proportion of the 145570
total property delivered to a destination inside Ohio from the 145571
qualified distribution center during the qualifying period 145572
compared with total deliveries from such distribution center 145573
everywhere during the qualifying period. 145574

(VIII) "Refining facility" means one or more buildings 145575
located in a county in the Appalachian region of this state as 145576
defined by section 107.21 of the Revised Code and utilized for 145577
refining or smelting gold, silver, platinum, or palladium to a 145578
grade and fineness acceptable for delivery to a registered 145579
commodities exchange. 145580

(IX) "Registered commodities exchange" means a board of 145581
trade, such as New York mercantile exchange, inc. or commodity 145582
exchange, inc., designated as a contract market by the commodity 145583
futures trading commission under the "Commodity Exchange Act," 7 145584
U.S.C. 1 et seq., as amended. 145585

(X) "Ineligible operator's supplier tax liability" means an 145586
amount equal to the tax liability of all suppliers of a 145587
distribution center had the distribution center not been issued a 145588
qualifying certificate for the qualifying year. Ineligible 145589
operator's supplier tax liability shall not include interest or 145590
penalties. The tax commissioner shall determine an ineligible 145591

operator's supplier tax liability based on information that the 145592
commissioner may request from the operator of the distribution 145593
center. An operator shall provide a list of all suppliers of the 145594
distribution center and the corresponding costs of qualified 145595
property for the qualifying year at issue within sixty days of a 145596
request by the commissioner under this division. 145597

(ii)(I) If the distribution center is new and was not open 145598
for the entire qualifying period, the operator of the distribution 145599
center may request that the commissioner grant a qualifying 145600
certificate. If the certificate is granted and it is later 145601
determined that more than fifty per cent of the qualified property 145602
during that year was not shipped to a location such that it would 145603
be situated outside of this state under the provisions of division 145604
(E) of section 5751.033 of the Revised Code or if it is later 145605
determined that the person that operates the distribution center 145606
had average monthly costs from its suppliers of less than forty 145607
million dollars during that year, then the operator of the 145608
distribution center shall pay ~~a penalty for that year equal to~~ 145609
~~five hundred thousand dollars~~ the ineligible operator's supplier 145610
tax liability. (For purposes of division (F)(2)(z)(ii) of this 145611
section, "supplier" excludes any person that is part of the 145612
consolidated elected taxpayer group, if applicable, of the 145613
operator of the qualified distribution center.) 145614

(II) The commissioner may grant a qualifying certificate to a 145615
distribution center that does not qualify as a qualified 145616
distribution center for an entire qualifying period if the 145617
operator of the distribution center demonstrates that the business 145618
operations of the distribution center have changed or will change 145619
such that the distribution center will qualify as a qualified 145620
distribution center within thirty-six months after the date the 145621
operator first applies for a certificate. If, at the end of that 145622
thirty-six-month period, the business operations of the 145623

distribution center have not changed such that the distribution 145624
center qualifies as a qualified distribution center, the operator 145625
of the distribution center shall pay a ~~penalty equal to five~~ 145626
~~hundred thousand dollars~~ the ineligible operator's supplier tax 145627
liability for each year that the distribution center received a 145628
certificate but did not qualify as a qualified distribution 145629
center. For each year the distribution center receives a 145630
certificate under division (F)(2)(z)(ii)(II) of this section, the 145631
distribution center shall pay all applicable fees required under 145632
division (F)(2)(z) of this section and shall submit an updated 145633
business plan showing the progress the distribution center made 145634
toward qualifying as a qualified distribution center during the 145635
preceding year. 145636

(III) An operator may appeal ~~the imposition of a penalty~~ 145637
~~imposed~~ determination under division (F)(2)(z)(ii)(I) or (II) of 145638
this section that the ineligible operator is liable for the 145639
operator's supplier tax liability as a result of not qualifying as 145640
a qualified distribution center, as provided in section 5717.02 of 145641
the Revised Code. 145642

(iii) When filing an application for a qualifying certificate 145643
under division (F)(2)(z)(i)(VI) of this section, the operator of a 145644
qualified distribution center also shall provide documentation, as 145645
the commissioner requires, for the commissioner to ascertain the 145646
Ohio delivery percentage. The commissioner, upon issuing the 145647
qualifying certificate, also shall certify the Ohio delivery 145648
percentage. The operator of the qualified distribution center may 145649
appeal the commissioner's certification of the Ohio delivery 145650
percentage in the same manner as an appeal is taken from the 145651
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 145652
of this section. 145653

~~Within thirty days after all appeals have been exhausted, the~~ 145654
~~operator of the qualified distribution center shall provide the~~ 145655

~~commissioner with a list of all affected suppliers of qualified property. The commissioner shall notify all such suppliers that the suppliers are required to file, within sixty days after receiving the notice, amended reports for the affected calendar quarter or quarters or calendar year, whichever the case may be. Any additional tax liability or tax overpayment shall be subject to interest but shall not be subject to the imposition of any penalty so long as the amended returns are timely filed. The supplier of tangible personal property delivered to the qualified distribution center shall include in its report of taxable gross receipts the receipts from the total sales of property delivered to the qualified distribution center for the calendar quarter or calendar year, whichever the case may be, multiplied by the Ohio delivery percentage for the qualifying year. Nothing in division (F)(2)(z)(iii) of this section shall be construed as imposing liability on the operator of a qualified distribution center for the tax imposed by this chapter arising from any change to the Ohio delivery percentage.~~

(iv)(I) In the case where the distribution center is new and not open for the entire qualifying period, the operator shall make a good faith estimate of an Ohio delivery percentage for use by suppliers in their reports of taxable gross receipts for the remainder of the qualifying period. The operator of the facility shall disclose to the suppliers that such Ohio delivery percentage is an estimate and is subject to recalculation. By the due date of the next application for a qualifying certificate, the operator shall determine the actual Ohio delivery percentage for the estimated qualifying period and proceed as provided in division (F)(2)(z)(iii) of this section with respect to the calculation and recalculation of the Ohio delivery percentage. The supplier is required to file, within sixty days after receiving notice from the operator of the qualified distribution center, amended reports for the impacted calendar quarter or quarters or calendar year,

whichever the case may be. Any additional tax liability or tax 145689
overpayment shall be subject to interest but shall not be subject 145690
to the imposition of any penalty so long as the amended returns 145691
are timely filed. 145692

(II) The operator of a distribution center that receives a 145693
qualifying certificate under division (F)(2)(z)(ii)(II) of this 145694
section shall make a good faith estimate of the Ohio delivery 145695
percentage that the operator estimates will apply to the 145696
distribution center at the end of the thirty-six-month period 145697
after the operator first applied for a qualifying certificate 145698
under that division. The result of the estimate shall be 145699
multiplied by a factor of one and seventy-five one-hundredths. The 145700
product of that calculation shall be the Ohio delivery percentage 145701
used by suppliers in their reports of taxable gross receipts for 145702
each qualifying year that the distribution center receives a 145703
qualifying certificate under division (F)(2)(z)(ii)(II) of this 145704
section, except that, if the product is less than five per cent, 145705
the Ohio delivery percentage used shall be five per cent and that, 145706
if the product exceeds forty-nine per cent, the Ohio delivery 145707
percentage used shall be forty-nine per cent. 145708

(v) Qualifying certificates and Ohio delivery percentages 145709
issued by the commissioner shall be open to public inspection and 145710
shall be timely published by the commissioner. A supplier relying 145711
in good faith on a certificate issued under this division shall 145712
not be subject to tax on the qualifying distribution center 145713
receipts under division (F)(2)(z) of this section. ~~A person~~ An 145714
operator receiving a qualifying certificate is liable for a 145715
~~penalty equal to five hundred thousand dollars~~ the ineligible 145716
operator's supplier tax liability for each year the ~~person~~ 145717
operator received a certificate ~~that should not have been issued~~ 145718
~~because the statutory requirements were in fact not met~~ but did 145719
not qualify as a qualified distribution center. 145720

(vi) The annual fee for a qualifying certificate shall be one hundred thousand dollars for each qualified distribution center. If a qualifying certificate is not issued, the annual fee is subject to refund after the exhaustion of all appeals provided for in division (F)(2)(z)(i)(VI) of this section. ~~The fee imposed under this division may be assessed in the same manner as the tax imposed under this chapter.~~ The first one hundred thousand dollars of the annual application fees collected each calendar year shall be credited to the revenue enhancement fund. The remainder of the annual application fees collected shall be distributed in the same manner required under section 5751.20 of the Revised Code.

(vii) The tax commissioner may require that adequate security be posted by the operator of the distribution center on appeal when the commissioner disagrees that the applicant has met the minimum thresholds for a qualified distribution center as set forth in ~~divisions (F)(2)(z)(i)(VI) and~~ division (F)(2)(z)(ii) of this section.

(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing moneys to an unrelated third party on an employee's behalf;

(bb) Cash discounts allowed and taken;

(cc) Returns and allowances;

(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis.

"Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered;

(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;

(ff) Any receipts directly attributed to a transfer agreement or to the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

(gg)(i) As used in this division:

(I) "Qualified uranium receipts" means receipts from the sale, exchange, lease, loan, production, processing, or other disposition of uranium within a uranium enrichment zone certified by the tax commissioner under division (F)(2)(gg)(ii) of this section. "Qualified uranium receipts" does not include any receipts with a situs in this state outside a uranium enrichment zone certified by the tax commissioner under division (F)(2)(gg)(ii) of this section.

(II) "Uranium enrichment zone" means all real property that is part of a uranium enrichment facility licensed by the United States nuclear regulatory commission and that was or is owned or controlled by the United States department of energy or its successor.

(ii) Any person that owns, leases, or operates real or tangible personal property constituting or located within a uranium enrichment zone may apply to the tax commissioner to have the uranium enrichment zone certified for the purpose of excluding qualified uranium receipts under division (F)(2)(gg) of this

section. The application shall include such information that the 145783
tax commissioner prescribes. Within sixty days after receiving the 145784
application, the tax commissioner shall certify the zone for that 145785
purpose if the commissioner determines that the property qualifies 145786
as a uranium enrichment zone as defined in division (F)(2)(gg) of 145787
this section, or, if the tax commissioner determines that the 145788
property does not qualify, the commissioner shall deny the 145789
application or request additional information from the applicant. 145790
If the tax commissioner denies an application, the commissioner 145791
shall state the reasons for the denial. The applicant may appeal 145792
the denial of an application to the board of tax appeals pursuant 145793
to section 5717.02 of the Revised Code. If the applicant files a 145794
timely appeal, the tax commissioner shall conditionally certify 145795
the applicant's property. The conditional certification shall 145796
expire when all of the applicant's appeals are exhausted. Until 145797
final resolution of the appeal, the applicant shall retain the 145798
applicant's records in accordance with section 5751.12 of the 145799
Revised Code, notwithstanding any time limit on the preservation 145800
of records under that section. 145801

~~(hh) Amounts realized by licensed motor fuel dealers or 145802
licensed permissive motor fuel dealers from the exchange of 145803
petroleum products, including motor fuel, between such dealers, 145804
provided that delivery of the petroleum products occurs at a 145805
refinery, terminal, pipeline, or marine vessel and that the 145806
exchanging dealers agree neither dealer shall require monetary 145807
compensation from the other for the value of the exchanged 145808
petroleum products other than such compensation for differences in 145809
product location or grade. Division (F)(2)(hh) of this section 145810
does not apply to amounts realized as a result of differences in 145811
location or grade of exchanged petroleum products or from 145812
handling, lubricity, dye, or other additive injections fees, 145813
pipeline security fees, or similar fees. As used in this division, 145814
"motor fuel," "licensed motor fuel dealer," "licensed permissive 145815~~

~~motor fuel dealer," and "terminal" have the same meanings as in~~ 145816
~~section 5735.01 of the Revised Code.~~ 145817

~~(ii)~~ In the case of amounts collected by a licensed casino 145818
operator from casino gaming, amounts in excess of the casino 145819
operator's gross casino revenue. In this division, "casino 145820
operator" and "casino gaming" have the meanings defined in section 145821
3772.01 of the Revised Code, and "gross casino revenue" has the 145822
meaning defined in section 5753.01 of the Revised Code. 145823

~~(jj)(ii)~~ Receipts realized from the sale of agricultural 145824
commodities by an agricultural commodity handler, both as defined 145825
in section 926.01 of the Revised Code, that is licensed by the 145826
director of agriculture to handle agricultural commodities in this 145827
state. 145828

~~(jj)~~ Any receipts for which the tax imposed by this chapter 145829
is prohibited by the constitution or laws of the United States or 145830
the constitution of this state. 145831

(3) In the case of a taxpayer when acting as a real estate 145832
broker, "gross receipts" includes only the portion of any fee for 145833
the service of a real estate broker, or service of a real estate 145834
salesperson associated with that broker, that is retained by the 145835
broker and not paid to an associated real estate salesperson or 145836
another real estate broker. For the purposes of this division, 145837
"real estate broker" and "real estate salesperson" have the same 145838
meanings as in section 4735.01 of the Revised Code. 145839

(4) A taxpayer's method of accounting for gross receipts for 145840
a tax period shall be the same as the taxpayer's method of 145841
accounting for federal income tax purposes for the taxpayer's 145842
federal taxable year that includes the tax period. If a taxpayer's 145843
method of accounting for federal income tax purposes changes, its 145844
method of accounting for gross receipts under this chapter shall 145845
be changed accordingly. 145846

(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.	145847 145848
(H) A person has "substantial nexus with this state" if any of the following applies. The person:	145849 145850
(1) Owns or uses a part or all of its capital in this state;	145851
(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;	145852 145853
(3) Has bright-line presence in this state;	145854
(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.	145855 145856 145857
(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:	145858 145859 145860
(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.	145861 145862 145863 145864 145865
(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:	145866 145867 145868
(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;	145869 145870
(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and	145871 145872 145873
(c) Any amount the person pays for services performed in this state on its behalf by another.	145874 145875

(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.	145876 145877
(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.	145878 145879 145880
(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.	145881 145882
(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.	145883 145884
(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.	145885 145886 145887 145888 145889 145890 145891 145892
(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.	145893 145894 145895
(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.	145896 145897 145898
(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.	145899 145900
(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.	145901 145902
(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:	145903 145904 145905

(1) A person receiving a fee to sell financial instruments;	145906
(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;	145907 145908 145909
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	145910 145911
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	145912 145913
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	145914 145915
(Q) "Received" includes amounts accrued under the accrual method of accounting.	145916 145917
(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.	145918 145919 145920 145921 145922 145923 145924
Sec. 5751.014. All members of a consolidated elected taxpayer or combined taxpayer group during the tax period or periods for which additional tax, penalty, or interest is owed are jointly and severally liable for such amounts. Although the reporting person will be assessed for the liability, such amounts due may be <u>collected by assessment against any member of the group as provided in section 5703.90 of the Revised Code or pursued against any member of the group when a liability is certified to the attorney general under section 131.02 of the Revised Code.</u>	145925 145926 145927 145928 145929 145930 145931 145932 145933
Sec. 5751.02. (A) For the purpose of funding the needs of	145934

this state and its local governments ~~and providing revenue to the~~ 145935
~~commercial activity tax motor fuel receipts fund~~, there is hereby 145936
levied a commercial activity tax on each person with taxable gross 145937
receipts for the privilege of doing business in this state. For 145938
the purposes of this chapter, "doing business" means engaging in 145939
any activity, whether legal or illegal, that is conducted for, or 145940
results in, gain, profit, or income, at any time during a calendar 145941
year. Persons on which the commercial activity tax is levied 145942
include, but are not limited to, persons with substantial nexus 145943
with this state. The tax imposed under this section is not a 145944
transactional tax and is not subject to Public Law No. 86-272, 73 145945
Stat. 555. The tax imposed under this section is in addition to 145946
any other taxes or fees imposed under the Revised Code. The tax 145947
levied under this section is imposed on the person receiving the 145948
gross receipts and is not a tax imposed directly on a purchaser. 145949
The tax imposed by this section is an annual privilege tax for the 145950
calendar year that, in the case of calendar year taxpayers, is the 145951
annual tax period and, in the case of calendar quarter taxpayers, 145952
contains all quarterly tax periods in the calendar year. A 145953
taxpayer is subject to the annual privilege tax for doing business 145954
during any portion of such calendar year. 145955

(B) The tax imposed by this section is a tax on the taxpayer 145956
and shall not be billed or invoiced to another person. Even if the 145957
tax or any portion thereof is billed or invoiced and separately 145958
stated, such amounts remain part of the price for purposes of the 145959
sales and use taxes levied under Chapters 5739. and 5741. of the 145960
Revised Code. Nothing in division (B) of this section prohibits: 145961

(1) A person from including in the price charged for a good 145962
or service an amount sufficient to recover the tax imposed by this 145963
section; or 145964

(2) A lessor from including an amount sufficient to recover 145965

the tax imposed by this section in a lease payment charged, or 145966
from including such an amount on a billing or invoice pursuant to 145967
the terms of a written lease agreement providing for the recovery 145968
of the lessor's tax costs. The recovery of such costs shall be 145969
based on an estimate of the total tax cost of the lessor during 145970
the tax period, as the tax liability of the lessor cannot be 145971
calculated until the end of that period. 145972

Sec. 5751.03. (A) Except as provided in division (B) of this 145973
section ~~and in section 5751.031 of the Revised Code~~, the tax 145974
levied under this section for each tax period shall be the product 145975
of two and six-tenths mills per dollar times the remainder of the 145976
taxpayer's taxable gross receipts for the tax period after 145977
subtracting the exclusion amount provided for in division (C) of 145978
this section. 145979

(B) Notwithstanding division (C) of this section, the tax on 145980
the first one million dollars in taxable gross receipts each 145981
calendar year shall be calculated as follows: 145982

(1) For taxpayers with annual taxable gross receipts of one 145983
million dollars or less for the calendar year, one hundred fifty 145984
dollars; 145985

(2) For taxpayers with annual taxable gross receipts greater 145986
than one million dollars, but less than or equal to two million 145987
dollars for the calendar year, eight hundred dollars; 145988

(3) For taxpayers with annual taxable gross receipts greater 145989
than two million dollars, but less than or equal to four million 145990
dollars for the calendar year, two thousand one hundred dollars; 145991

(4) For taxpayers with annual taxable gross receipts greater 145992
than four million dollars for the calendar year, two thousand six 145993
hundred dollars. ~~The~~ 145994

The tax imposed under this division (B)(1) of this section 145995

shall be paid not later than the tenth day of May of each year 145996
along with the ~~first quarter or~~ annual tax return, ~~as applicable.~~ 145997
The tax imposed under divisions (B)(2), (3), and (4) of this 145998
section shall be paid not later than the tenth day of May of each 145999
year along with the first quarter tax return. 146000

(C)(1) Each taxpayer may exclude the first one million 146001
dollars of taxable gross receipts for a calendar year. Calendar 146002
quarter taxpayers shall apply the full exclusion amount to the 146003
first calendar quarter return the taxpayer files that calendar 146004
year and may carry forward and apply any unused exclusion amount 146005
to subsequent calendar quarters within that same calendar year. 146006

(2) A taxpayer switching from a calendar year tax period to a 146007
calendar quarter tax period may, for the first quarter of the 146008
change, apply the full one-million-dollar exclusion amount to the 146009
first calendar quarter return the taxpayer files that calendar 146010
year. Such taxpayers may carry forward and apply any unused 146011
exclusion amount to subsequent calendar quarters within that same 146012
calendar year. The tax rate shall be based on the rate imposed 146013
that calendar quarter when the taxpayer switches from a calendar 146014
year to a calendar quarter tax period. 146015

(3) A taxpayer shall not exclude more than one million 146016
dollars pursuant to division (C) of this section in a calendar 146017
year. 146018

Sec. 5751.051. (A)(1) Not later than the tenth day of the 146019
second month after the end of each calendar quarter, every 146020
taxpayer other than a calendar year taxpayer shall file with the 146021
tax commissioner a tax return in such form as the commissioner 146022
prescribes. The return shall include, but is not limited to, the 146023
amount of the taxpayer's taxable gross receipts for the calendar 146024
quarter and shall indicate the amount of tax due under section 146025
5751.03 of the Revised Code for the calendar quarter. ~~The taxpayer~~ 146026

~~shall indicate on the return the portion of the taxpayer's 146027
receipts attributable to motor fuel used for propelling vehicles 146028
on public highways. 146029~~

(2)(a) Subject to division (C) of section 5751.05 of the 146030
Revised Code, a calendar quarter taxpayer shall report the taxable 146031
gross receipts for that calendar quarter. 146032

(b) With respect to taxable gross receipts incorrectly 146033
reported in a calendar quarter that has a lower tax rate, the tax 146034
shall be computed at the tax rate in effect for the quarterly 146035
return in which such receipts should have been reported. Nothing 146036
in division (A)(2)(b) of this section prohibits a taxpayer from 146037
filing an application for refund under section 5751.08 of the 146038
Revised Code with regard to the incorrect reporting of taxable 146039
gross receipts discovered after filing the annual return described 146040
in division (A)(3) of this section. 146041

A tax return shall not be deemed to be an incorrect reporting 146042
of taxable gross receipts for the purposes of division (A)(2)(b) 146043
of this section if the return reflects between ninety-five and one 146044
hundred five per cent of the actual taxable gross receipts for the 146045
calendar quarter. 146046

(3) For the purposes of division (A)(2)(b) of this section, 146047
the tax return filed for the fourth calendar quarter of a calendar 146048
year is the annual return for the privilege tax imposed by this 146049
chapter. Such return shall report any additional taxable gross 146050
receipts not previously reported in the calendar year and shall 146051
adjust for any over-reported taxable gross receipts in the 146052
calendar year. If the taxpayer ceases to be a taxpayer before the 146053
end of the calendar year, the last return the taxpayer is required 146054
to file shall be the annual return for the taxpayer and the 146055
taxpayer shall report any additional taxable gross receipts not 146056
previously reported in the calendar year and shall adjust for any 146057

over-reported taxable gross receipts in the calendar year. 146058
~~Taxpayers reporting taxable gross receipts attributable to motor 146059
fuel used for propelling vehicles on public highways may not 146060
utilize the statutory estimation procedure provided in divisions 146061
(A)(2) and (3) of this section. 146062~~

(4) Because the tax imposed by this chapter is a privilege 146063
tax, the tax rate with respect to taxable gross receipts for a 146064
calendar quarter is not fixed until the end of the measurement 146065
period for each calendar quarter. Subject to division (A)(2)(b) of 146066
this section, the total amount of taxable gross receipts reported 146067
for a given calendar quarter shall be subject to the tax rate in 146068
effect in that quarter. 146069

(5) Not later than the tenth day of May following the end of 146070
each calendar year, every calendar year taxpayer shall file with 146071
the tax commissioner a tax return in such form as the commissioner 146072
prescribes. The return shall include, but is not limited to, the 146073
amount of the taxpayer's taxable gross receipts for the calendar 146074
year and shall indicate the amount of tax due under section 146075
5751.03 of the Revised Code for the calendar year. ~~The taxpayer 146076
shall indicate on the return the portion of the taxpayer's 146077
receipts attributable to motor fuel used for propelling vehicles 146078
on public highways. 146079~~

(B)(1) A person that first becomes subject to the tax imposed 146080
under this chapter shall pay the minimum tax imposed under 146081
division (B) of section 5751.03 of the Revised Code on or before 146082
the day the return is required to be filed for that quarter under 146083
division (A)(1) of this section, regardless of whether the person 146084
registers as a calendar year taxpayer under section 5751.05 of the 146085
Revised Code. 146086

(2) The amount of the minimum tax for a person subject to 146087
division (B)(1) of this section shall be reduced ~~to seventy five 146088
dollars~~ by one-half if the registration is timely filed after the 146089

first day of May and before the first day of January of the 146090
following calendar year. 146091

Sec. 5751.07. (A) Any person required to file returns ~~for a~~ 146092
~~calendar quarter~~ under this chapter shall remit each tax payment, 146093
and, if required by the tax commissioner, file the tax return or 146094
the annual report, electronically. The commissioner may require 146095
taxpayers to use the Ohio business gateway as defined in section 146096
718.051 of the Revised Code to file returns and remit the tax, or 146097
may provide another means for taxpayers to file and remit the tax 146098
electronically. 146099

(B) A person required by this section to remit taxes or file 146100
returns electronically may apply to the tax commissioner, on the 146101
form prescribed by the commissioner, to be excused from that 146102
requirement. The commissioner may excuse a person from the 146103
requirements of this division for good cause. 146104

(C)(1) If a person required to remit taxes or file a return 146105
electronically under this section fails to do so, the commissioner 146106
may impose a penalty not to exceed the following: 146107

(a) For either of the first two ~~calendar quarters~~ tax periods 146108
the person so fails, the greater of twenty-five dollars or five 146109
per cent of the amount of the payment that was required to be 146110
remitted; 146111

(b) For the third and any subsequent ~~calendar quarters~~ tax 146112
periods the person so fails, the greater of fifty dollars or ten 146113
per cent of the amount of the payment that was required to be 146114
remitted. 146115

(2) The penalty imposed under division (C)(1) of this section 146116
is in addition to any other penalty imposed under this chapter and 146117
shall be considered as revenue arising from the tax imposed under 146118
this chapter. A penalty may be collected by assessment in the 146119

manner prescribed by section 5751.09 of the Revised Code. The tax commissioner may abate all or a portion of such a penalty.

(D) The tax commissioner may adopt rules necessary to administer this section.

Sec. 5751.081. As used in this section, "debt to this state" means unpaid taxes due the state, unpaid workers' compensation premiums due under section 4123.35 of the Revised Code, unpaid unemployment compensation contributions due under section 4141.25 of the Revised Code, unpaid unemployment compensation payment in lieu of contribution under section 4141.241 of the Revised Code, unpaid ~~fee~~ fees payable to the state or to the clerk of courts pursuant to section 4505.06 of the Revised Code, incorrect ~~medical assistance~~ payments for medicaid services under ~~section 5111.02 of the Revised Code~~ the medicaid program, or any unpaid charge, penalty, or interest arising from any of the foregoing.

If a taxpayer entitled to a refund under section 5751.08 of the Revised Code owes any debt to this state, the amount refundable may be applied in satisfaction of the debt. If the amount refundable is less than the amount of the debt, it may be applied in partial satisfaction of the debt. If the amount refundable is greater than the amount of the debt, the amount remaining after satisfaction of the debt shall be refunded. This section applies only to debts that have become final. For the purposes of this section, a debt becomes final when, under the applicable law, any time provided for petition for reassessment, request for reconsideration, or other appeal of the legality or validity of the amount giving rise to the debt expires without an appeal having been filed in the manner provided by law.

Sec. 5751.09. (A) The tax commissioner may make an assessment, based on any information in the commissioner's

possession, against any person that fails to file a return or pay 146150
any tax as required by this chapter. The commissioner shall give 146151
the person assessed written notice of the assessment as provided 146152
in section 5703.37 of the Revised Code. With the notice, the 146153
commissioner shall provide instructions on the manner in which to 146154
petition for reassessment and request a hearing with respect to 146155
the petition. The commissioner shall send any assessments against 146156
consolidated elected taxpayer and combined taxpayer groups under 146157
section 5751.011 or 5751.012 of the Revised Code to the taxpayer's 146158
"reporting person" as defined under division (R) of section 146159
5751.01 of the Revised Code. The reporting person shall notify all 146160
members of the group of the assessment and all outstanding taxes, 146161
interest, and penalties for which the assessment is issued. 146162

(B) Unless the person assessed, within sixty days after 146163
service of the notice of assessment, files with the tax 146164
commissioner, either personally or by certified mail, a written 146165
petition signed by the person or the person's authorized agent 146166
having knowledge of the facts, the assessment becomes final, and 146167
the amount of the assessment is due and payable from the person 146168
assessed to the treasurer of state. The petition shall indicate 146169
the objections of the person assessed, but additional objections 146170
may be raised in writing if received by the commissioner prior to 146171
the date shown on the final determination. 146172

If a petition for reassessment has been properly filed, the 146173
commissioner shall proceed under section 5703.60 of the Revised 146174
Code. 146175

(C)(1) After an assessment becomes final, if any portion of 146176
the assessment, including accrued interest, remains unpaid, a 146177
certified copy of the tax commissioner's entry making the 146178
assessment final may be filed in the office of the clerk of the 146179
court of common pleas in the county in which the person resides or 146180

has its principal place of business in this state, or in the 146181
office of the clerk of court of common pleas of Franklin county. 146182

(2) Immediately upon the filing of the entry, the clerk shall 146183
enter judgment for the state against the person assessed in the 146184
amount shown on the entry. The judgment may be filed by the clerk 146185
in a loose-leaf book entitled, "special judgments for the 146186
commercial activity tax" and shall have the same effect as other 146187
judgments. Execution shall issue upon the judgment at the request 146188
of the tax commissioner, and all laws applicable to sales on 146189
execution shall apply to sales made under the judgment. 146190

(3) ~~The portion of~~ If the assessment is not paid in its 146191
entirety within sixty days after the day the assessment was 146192
issued, the portion of the assessment consisting of tax due shall 146193
bear interest at the rate per annum prescribed by section 5703.47 146194
of the Revised Code from the day the tax commissioner issues the 146195
assessment until it is paid or until it is certified to the 146196
attorney general for collection under section 131.02 of the 146197
Revised Code, whichever comes first. If the unpaid portion of the 146198
assessment is certified to the attorney general for collection, 146199
the entire unpaid portion of the assessment shall bear interest at 146200
the rate per annum prescribed by section 5703.47 of the Revised 146201
Code from the date of certification until the date it is paid in 146202
its entirety. Interest shall be paid in the same manner as the tax 146203
and may be collected by the issuance of an assessment under this 146204
section. 146205

(D) If the tax commissioner believes that collection of the 146206
tax will be jeopardized unless proceedings to collect or secure 146207
collection of the tax are instituted without delay, the 146208
commissioner may issue a jeopardy assessment against the person 146209
liable for the tax. Immediately upon the issuance of the jeopardy 146210
assessment, the commissioner shall file an entry with the clerk of 146211
the court of common pleas in the manner prescribed by division (C) 146212

of this section. Notice of the jeopardy assessment shall be served 146213
on the person assessed or the person's authorized agent in the 146214
manner provided in section 5703.37 of the Revised Code within five 146215
days of the filing of the entry with the clerk. The total amount 146216
assessed is immediately due and payable, unless the person 146217
assessed files a petition for reassessment in accordance with 146218
division (B) of this section and provides security in a form 146219
satisfactory to the commissioner and in an amount sufficient to 146220
satisfy the unpaid balance of the assessment. Full or partial 146221
payment of the assessment does not prejudice the commissioner's 146222
consideration of the petition for reassessment. 146223

(E) The tax commissioner shall immediately forward to the 146224
treasurer of state all amounts the commissioner receives under 146225
this section, and such amounts shall be considered as revenue 146226
arising from the tax imposed under this chapter. 146227

(F) Except as otherwise provided in this division, no 146228
assessment shall be made or issued against a taxpayer for the tax 146229
imposed under this chapter more than four years after the due date 146230
for the filing of the return for the tax period for which the tax 146231
was reported, or more than four years after the return for the tax 146232
period was filed, whichever is later. The time limit may be 146233
extended if both the taxpayer and the commissioner consent in 146234
writing to the extension or enter into an agreement waiving or 146235
extending the time limit. Any such extension shall extend the 146236
four-year time limit in division (B) of section 5751.08 of the 146237
Revised Code for the same period of time. Nothing in this division 146238
bars an assessment against a taxpayer that fails to file a return 146239
required by this chapter or that files a fraudulent return. 146240

(G) If the tax commissioner possesses information that 146241
indicates that the amount of tax a taxpayer is required to pay 146242
under this chapter exceeds the amount the taxpayer paid, the tax 146243
commissioner may audit a sample of the taxpayer's gross receipts 146244

over a representative period of time to ascertain the amount of 146245
tax due, and may issue an assessment based on the audit. The tax 146246
commissioner shall make a good faith effort to reach agreement 146247
with the taxpayer in selecting a representative sample. The tax 146248
commissioner may apply a sampling method only if the commissioner 146249
has prescribed the method by rule. 146250

(H) If the whereabouts of a person subject to this chapter is 146251
not known to the tax commissioner, the commissioner shall follow 146252
the procedures under section 5703.37 of the Revised Code. 146253

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 146254
the Revised Code: 146255

(1) "School district," "joint vocational school district," 146256
"local taxing unit," "recognized valuation," "fixed-rate levy," 146257
and "fixed-sum levy" have the same meanings as used in section 146258
5727.84 of the Revised Code. 146259

(2) "State education aid" for a school district means the 146260
following: 146261

(a) For fiscal years prior to fiscal year 2010, the sum of 146262
state aid amounts computed for the district under the following 146263
provisions, as they existed for the applicable fiscal year: 146264
division (A) of section 3317.022 of the Revised Code, including 146265
the amounts calculated under ~~sections~~ former section 3317.029 and 146266
section 3317.0217 of the Revised Code; divisions (C)(1), (C)(4), 146267
(D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) 146268
of section 3317.023; divisions (L) and (N) of section 3317.024; 146269
section 3317.0216; and any unit payments for gifted student 146270
services paid under ~~sections~~ section 3317.05~~7~~ and former sections 146271
3317.052~~7~~ and 3317.053 of the Revised Code; except that, for 146272
fiscal years 2008 and 2009, the amount computed for the district 146273
under Section 269.20.80 of H.B. 119 of the 127th general assembly 146274
and as that section subsequently may be amended shall be 146275

substituted for the amount computed under division (D) of section 146276
3317.022 of the Revised Code, and the amount computed under 146277
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 146278
that section subsequently may be amended shall be included. 146279

(b) For fiscal years 2010 and 2011, the sum of the amounts 146280
computed under former sections 3306.052, 3306.12, 3306.13, 146281
3306.19, 3306.191, and 3306.192 of the Revised Code; 146282

(c) For fiscal years 2012 and 2013, the sum of the amounts 146283
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 146284
153 of the 129th general assembly; 146285

(d) For fiscal year 2014 and each fiscal year thereafter, the 146286
sum of state amounts computed for the district under section 146287
3317.022 of the Revised Code; except that, for fiscal years 2014 146288
and 2015, the amount computed for the district under the section 146289
of this act entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND 146290
EXEMPTED VILLAGE SCHOOL DISTRICTS" shall be included. 146291

(3) "State education aid" for a joint vocational school 146292
district means the following: 146293

(a) For fiscal years prior to fiscal year 2010, the sum of 146294
the state aid computed for the district under division (N) of 146295
section 3317.024 and former section 3317.16 of the Revised Code, 146296
except that, for fiscal years 2008 and 2009, the amount computed 146297
under Section 269.30.80 of H.B. 119 of the 127th general assembly 146298
and as that section subsequently may be amended shall be included. 146299

(b) For fiscal years 2010 and 2011, the amount paid in 146300
accordance with Section 265.30.50 of H.B. 1 of the 128th general 146301
assembly. 146302

(c) For fiscal years 2012 and 2013, the amount paid in 146303
accordance with Section 267.30.60 of H.B. 153 of the 129th general 146304
assembly. 146305

- (d) For fiscal year 2014 and each fiscal year thereafter, the amount computed for the district under section 3317.16 of the Revised Code; except that, for fiscal years 2014 and 2015, the amount computed for the district under the section of this act entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" shall be included. 146306
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- (4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code. 146312
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- (5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section. 146315
146316
- (6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section. 146317
146318
- (7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section. 146319
146320
- (8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section. 146321
146322
- (9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section. 146323
146324
- (10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section. 146325
146326
- (11) "Total fixed-rate levy loss" means the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, the furniture and fixtures fixed-rate levy loss, and the telephone company fixed-rate levy loss. 146327
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- (12) "Fixed-sum levy loss" means the amount determined under division (E) of this section. 146331
146332
- (13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code. 146333
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- (14) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code. 146336
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- (15) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code. 146339
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- (16) "Qualifying levies" are levies in effect for tax year 2004 or applicable to tax year 2005 or approved at an election conducted before September 1, 2005. For the purpose of determining the rate of a qualifying levy authorized by section 5705.212 or 5705.213 of the Revised Code, the rate shall be the rate that would be in effect for tax year 2010. 146342
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- (17) "Telephone property" means tangible personal property of a telephone, telegraph, or interexchange telecommunications company subject to an assessment rate specified in section 5727.111 of the Revised Code in tax year 2004. 146348
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- (18) "Telephone property tax value loss" means the amount determined under division (C)(4) of this section. 146352
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- (19) "Telephone property fixed-rate levy loss" means the amount determined under division (D)(4) of this section. 146354
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- (20) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code. 146356
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- (21) "Median estate tax collections" means, in the case of a municipal corporation to which revenue from the taxes levied in Chapter 5731. of the Revised Code was distributed in each of calendar years 2006, 2007, 2008, and 2009, the median of those distributions. In the case of a municipal corporation to which no distributions were made in one or more of those years, "median estate tax collections" means zero. 146360
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(22) "Total resources," in the case of a school district, 146367
means the sum of the amounts in divisions (A)(22)(a) to (h) of 146368
this section less any reduction required under division (A)(32) or 146369
(33) of this section. 146370

(a) The state education aid for fiscal year 2010; 146371

(b) The sum of the payments received by the school district 146372
in fiscal year 2010 for current expense levy losses pursuant to 146373
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of 146374
section 5751.21 of the Revised Code, excluding the portion of such 146375
payments attributable to levies for joint vocational school 146376
district purposes; 146377

(c) The sum of fixed-sum levy loss payments received by the 146378
school district in fiscal year 2010 pursuant to division (E)(1) of 146379
section 5727.85 and division (E)(1) of section 5751.21 of the 146380
Revised Code for fixed-sum levies charged and payable for a 146381
purpose other than paying debt charges; 146382

(d) Fifty per cent of the school district's taxes charged and 146383
payable against all property on the tax list of real and public 146384
utility property for current expense purposes for tax year 2008, 146385
including taxes charged and payable from emergency levies charged 146386
and payable under section 5709.194 of the Revised Code and 146387
excluding taxes levied for joint vocational school district 146388
purposes; 146389

(e) Fifty per cent of the school district's taxes charged and 146390
payable against all property on the tax list of real and public 146391
utility property for current expenses for tax year 2009, including 146392
taxes charged and payable from emergency levies and excluding 146393
taxes levied for joint vocational school district purposes; 146394

(f) The school district's taxes charged and payable against 146395
all property on the general tax list of personal property for 146396
current expenses for tax year 2009, including taxes charged and 146397

payable from emergency levies;	146398
(g) The amount certified for fiscal year 2010 under division	146399
(A)(2) of section 3317.08 of the Revised Code;	146400
(h) Distributions received during calendar year 2009 from	146401
taxes levied under section 718.09 of the Revised Code.	146402
(23) "Total resources," in the case of a joint vocational	146403
school district, means the sum of amounts in divisions (A)(23)(a)	146404
to (g) of this section less any reduction required under division	146405
(A)(32) of this section.	146406
(a) The state education aid for fiscal year 2010;	146407
(b) The sum of the payments received by the joint vocational	146408
school district in fiscal year 2010 for current expense levy	146409
losses pursuant to division (C)(2) of section 5727.85 and	146410
divisions (C)(8) and (9) of section 5751.21 of the Revised Code;	146411
(c) Fifty per cent of the joint vocational school district's	146412
taxes charged and payable against all property on the tax list of	146413
real and public utility property for current expense purposes for	146414
tax year 2008;	146415
(d) Fifty per cent of the joint vocational school district's	146416
taxes charged and payable against all property on the tax list of	146417
real and public utility property for current expenses for tax year	146418
2009;	146419
(e) Fifty per cent of a city, local, or exempted village	146420
school district's taxes charged and payable against all property	146421
on the tax list of real and public utility property for current	146422
expenses of the joint vocational school district for tax year	146423
2008;	146424
(f) Fifty per cent of a city, local, or exempted village	146425
school district's taxes charged and payable against all property	146426
on the tax list of real and public utility property for current	146427

expenses of the joint vocational school district for tax year	146428
2009;	146429
(g) The joint vocational school district's taxes charged and	146430
payable against all property on the general tax list of personal	146431
property for current expenses for tax year 2009.	146432
(24) "Total resources," in the case of county mental health	146433
and disability related functions, means the sum of the amounts in	146434
divisions (A)(24)(a) and (b) of this section less any reduction	146435
required under division (A)(32) of this section.	146436
(a) The sum of the payments received by the county for mental	146437
health and developmental disability related functions in calendar	146438
year 2010 under division (A)(1) of section 5727.86 and divisions	146439
(A)(1) and (2) of section 5751.22 of the Revised Code as they	146440
existed at that time;	146441
(b) With respect to taxes levied by the county for mental	146442
health and developmental disability related purposes, the taxes	146443
charged and payable for such purposes against all property on the	146444
tax list of real and public utility property for tax year 2009.	146445
(25) "Total resources," in the case of county senior services	146446
related functions, means the sum of the amounts in divisions	146447
(A)(25)(a) and (b) of this section less any reduction required	146448
under division (A)(32) of this section.	146449
(a) The sum of the payments received by the county for senior	146450
services related functions in calendar year 2010 under division	146451
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section	146452
5751.22 of the Revised Code as they existed at that time;	146453
(b) With respect to taxes levied by the county for senior	146454
services related purposes, the taxes charged and payable for such	146455
purposes against all property on the tax list of real and public	146456
utility property for tax year 2009.	146457

(26) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(26)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for children's services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(27) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(27)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for public health related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(28) "Total resources," in the case of all county functions not included in divisions (A)(24) to (27) of this section, means the sum of the amounts in divisions (A)(28)(a) to (d) of this section less any reduction required under division (A)(32) or (33) of this section.

(a) The sum of the payments received by the county for all other purposes in calendar year 2010 under division (A)(1) of

section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of 146489
the Revised Code as they existed at that time; 146490

(b) The county's percentage share of county undivided local 146491
government fund allocations as certified to the tax commissioner 146492
for calendar year 2010 by the county auditor under division (J) of 146493
section 5747.51 of the Revised Code or division (F) of section 146494
5747.53 of the Revised Code multiplied by the total amount 146495
actually distributed in calendar year 2010 from the county 146496
undivided local government fund; 146497

(c) With respect to taxes levied by the county for all other 146498
purposes, the taxes charged and payable for such purposes against 146499
all property on the tax list of real and public utility property 146500
for tax year 2009, excluding taxes charged and payable for the 146501
purpose of paying debt charges; 146502

(d) The sum of the amounts distributed to the county in 146503
calendar year 2010 for the taxes levied pursuant to sections 146504
5739.021 and 5741.021 of the Revised Code. 146505

(29) "Total resources," in the case of a municipal 146506
corporation, means the sum of the amounts in divisions (A)(29)(a) 146507
to (g) of this section less any reduction required under division 146508
(A)(32) or (33) of this section. 146509

(a) The sum of the payments received by the municipal 146510
corporation in calendar year 2010 for current expense levy losses 146511
under division (A)(1) of section 5727.86 and divisions (A)(1) and 146512
(2) of section 5751.22 of the Revised Code as they existed at that 146513
time; 146514

(b) The municipal corporation's percentage share of county 146515
undivided local government fund allocations as certified to the 146516
tax commissioner for calendar year 2010 by the county auditor 146517
under division (J) of section 5747.51 of the Revised Code or 146518
division (F) of section 5747.53 of the Revised Code multiplied by 146519

the total amount actually distributed in calendar year 2010 from 146520
the county undivided local government fund; 146521

(c) The sum of the amounts distributed to the municipal 146522
corporation in calendar year 2010 pursuant to section 5747.50 of 146523
the Revised Code; 146524

(d) With respect to taxes levied by the municipal 146525
corporation, the taxes charged and payable against all property on 146526
the tax list of real and public utility property for current 146527
expenses, defined in division (A)(35) of this section, for tax 146528
year 2009; 146529

(e) The amount of admissions tax collected by the municipal 146530
corporation in calendar year 2008, or if such information has not 146531
yet been reported to the tax commissioner, in the most recent year 146532
before 2008 for which the municipal corporation has reported data 146533
to the commissioner; 146534

(f) The amount of income taxes collected by the municipal 146535
corporation in calendar year 2008, or if such information has not 146536
yet been reported to the tax commissioner, in the most recent year 146537
before 2008 for which the municipal corporation has reported data 146538
to the commissioner; 146539

(g) The municipal corporation's median estate tax 146540
collections. 146541

(30) "Total resources," in the case of a township, means the 146542
sum of the amounts in divisions (A)(30)(a) to (c) of this section 146543
less any reduction required under division (A)(32) or (33) of this 146544
section. 146545

(a) The sum of the payments received by the township in 146546
calendar year 2010 pursuant to division (A)(1) of section 5727.86 146547
of the Revised Code and divisions (A)(1) and (2) of section 146548
5751.22 of the Revised Code as they existed at that time, 146549
excluding payments received for debt purposes; 146550

(b) The township's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to taxes levied by the township, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding taxes charged and payable for the purpose of paying debt charges.

(31) "Total resources," in the case of a local taxing unit that is not a county, municipal corporation, or township, means the sum of the amounts in divisions (A)(31)(a) to (e) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the local taxing unit in calendar year 2010 pursuant to division (A)(1) of section 5727.86 of the Revised Code and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) The local taxing unit's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to taxes levied by the local taxing unit, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding taxes charged and payable for the purpose of paying debt charges;

(d) The amount received from the tax commissioner during 146582
calendar year 2010 for sales or use taxes authorized under 146583
sections 5739.023 and 5741.022 of the Revised Code; 146584

(e) For institutions of higher education receiving tax 146585
revenue from a local levy, as identified in section 3358.02 of the 146586
Revised Code, the final state share of instruction allocation for 146587
fiscal year 2010 as calculated by the board of regents and 146588
reported to the state controlling board. 146589

(32) If a fixed-rate levy that is a qualifying levy is not 146590
charged and payable in any year after tax year 2010, "total 146591
resources" used to compute payments to be made under division 146592
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 146593
5751.22 of the Revised Code in the tax years following the last 146594
year the levy is charged and payable shall be reduced to the 146595
extent that the payments are attributable to the fixed-rate levy 146596
loss of that levy as would be computed under division (C)(2) of 146597
section 5727.85, division (A)(1) of section 5727.85, divisions 146598
(C)(8) and (9) of section 5751.21, or division (A)(1) of section 146599
5751.22 of the Revised Code. 146600

(33) In the case of a county, municipal corporation, school 146601
district, or township with fixed-rate levy losses attributable to 146602
a tax levied under section 5705.23 of the Revised Code, "total 146603
resources" used to compute payments to be made under division 146604
(C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, 146605
division (C)(12) of section 5751.21, or division (A)(1)(c) of 146606
section 5751.22 of the Revised Code shall be reduced by the 146607
amounts described in divisions (A)(34)(a) to (c) of this section 146608
to the extent that those amounts were included in calculating the 146609
"total resources" of the school district or local taxing unit 146610
under division (A)(22), (28), (29), or (30) of this section. 146611

(34) "Total library resources," in the case of a county, 146612
municipal corporation, school district, or township public library 146613

that receives the proceeds of a tax levied under section 5705.23 146614
of the Revised Code, means the sum of the amounts in divisions 146615
(A)(34)(a) to (c) of this section less any reduction required 146616
under division (A)(32) of this section. 146617

(a) The sum of the payments received by the county, municipal 146618
corporation, school district, or township public library in 146619
calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the 146620
Revised Code, as they existed at that time, for fixed-rate levy 146621
losses attributable to a tax levied under section 5705.23 of the 146622
Revised Code for the benefit of the public library; 146623

(b) The public library's percentage share of county undivided 146624
local government fund allocations as certified to the tax 146625
commissioner for calendar year 2010 by the county auditor under 146626
division (J) of section 5747.51 of the Revised Code or division 146627
(F) of section 5747.53 of the Revised Code multiplied by the total 146628
amount actually distributed in calendar year 2010 from the county 146629
undivided local government fund; 146630

(c) With respect to a tax levied pursuant to section 5705.23 146631
of the Revised Code for the benefit of the public library, the 146632
amount of such tax that is charged and payable against all 146633
property on the tax list of real and public utility property for 146634
tax year 2009 excluding any tax that is charged and payable for 146635
the purpose of paying debt charges. 146636

(35) "Municipal current expense property tax levies" means 146637
all property tax levies of a municipality, except those with the 146638
following levy names: airport resurfacing; bond or any levy name 146639
including the word "bond"; capital improvement or any levy name 146640
including the word "capital"; debt or any levy name including the 146641
word "debt"; equipment or any levy name including the word 146642
"equipment," unless the levy is for combined operating and 146643
equipment; employee termination fund; fire pension or any levy 146644
containing the word "pension," including police pensions; 146645

fireman's fund or any practically similar name; sinking fund; road 146646
improvements or any levy containing the word "road"; fire truck or 146647
apparatus; flood or any levy containing the word "flood"; 146648
conservancy district; county health; note retirement; sewage, or 146649
any levy containing the words "sewage" or "sewer"; park 146650
improvement; parkland acquisition; storm drain; street or any levy 146651
name containing the word "street"; lighting, or any levy name 146652
containing the word "lighting"; and water. 146653

(36) "Current expense TPP allocation" means, in the case of a 146654
school district or joint vocational school district, the sum of 146655
the payments received by the school district in fiscal year 2011 146656
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 146657
Revised Code to the extent paid for current expense levies. In the 146658
case of a municipal corporation, "current expense TPP allocation" 146659
means the sum of the payments received by the municipal 146660
corporation in calendar year 2010 pursuant to divisions (A)(1) and 146661
(2) of section 5751.22 of the Revised Code to the extent paid for 146662
municipal current expense property tax levies as defined in 146663
division (A)(35) of this section, excluding any such payments 146664
received for current expense levy losses attributable to a tax 146665
levied under section 5705.23 of the Revised Code. If a fixed-rate 146666
levy that is a qualifying levy is not charged and payable in any 146667
year after tax year 2010, "current expense TPP allocation" used to 146668
compute payments to be made under division (C)(12) of section 146669
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 146670
Revised Code in the tax years following the last year the levy is 146671
charged and payable shall be reduced to the extent that the 146672
payments are attributable to the fixed-rate levy loss of that levy 146673
as would be computed under divisions (C)(10) and (11) of section 146674
5751.21 or division (A)(1) of section 5751.22 of the Revised Code. 146675

(37) "TPP allocation" means the sum of payments received by a 146676
local taxing unit in calendar year 2010 pursuant to divisions 146677

(A)(1) and (2) of section 5751.22 of the Revised Code, excluding 146678
any such payments received for fixed-rate levy losses attributable 146679
to a tax levied under section 5705.23 of the Revised Code. If a 146680
fixed-rate levy that is a qualifying levy is not charged and 146681
payable in any year after tax year 2010, "TPP allocation" used to 146682
compute payments to be made under division (A)(1)(b) or (c) of 146683
section 5751.22 of the Revised Code in the tax years following the 146684
last year the levy is charged and payable shall be reduced to the 146685
extent that the payments are attributable to the fixed-rate levy 146686
loss of that levy as would be computed under division (A)(1) of 146687
that section. 146688

(38) "Total TPP allocation" means, in the case of a school 146689
district or joint vocational school district, the sum of the 146690
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 146691
and (11) and (D) of section 5751.21 of the Revised Code. In the 146692
case of a local taxing unit, "total TPP allocation" means the sum 146693
of payments received by the unit in calendar year 2010 pursuant to 146694
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 146695
Code. If a fixed-rate levy that is a qualifying levy is not 146696
charged and payable in any year after tax year 2010, "total TPP 146697
allocation" used to compute payments to be made under division 146698
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 146699
5751.22 of the Revised Code in the tax years following the last 146700
year the levy is charged and payable shall be reduced to the 146701
extent that the payments are attributable to the fixed-rate levy 146702
loss of that levy as would be computed under divisions (C)(10) and 146703
(11) of section 5751.21 or division (A)(1) of section 5751.22 of 146704
the Revised Code. 146705

(39) "Non-current expense TPP allocation" means the 146706
difference of total TPP allocation minus the sum of current 146707
expense TPP allocation and the portion of total TPP allocation 146708
constituting reimbursement for debt levies, pursuant to division 146709

(D) of section 5751.21 of the Revised Code in the case of a school 146710
district or joint vocational school district and pursuant to 146711
division (A)(3) of section 5751.22 of the Revised Code in the case 146712
of a municipal corporation. 146713

(40) "TPP allocation for library purposes" means the sum of 146714
payments received by a county, municipal corporation, school 146715
district, or township public library in calendar year 2010 146716
pursuant to section 5751.22 of the Revised Code for fixed-rate 146717
levy losses attributable to a tax levied under section 5705.23 of 146718
the Revised Code. If a fixed-rate levy authorized under section 146719
5705.23 of the Revised Code that is a qualifying levy is not 146720
charged and payable in any year after tax year 2010, "TPP 146721
allocation for library purposes" used to compute payments to be 146722
made under division (A)(1)(d) of section 5751.22 of the Revised 146723
Code in the tax years following the last year the levy is charged 146724
and payable shall be reduced to the extent that the payments are 146725
attributable to the fixed-rate levy loss of that levy as would be 146726
computed under division (A)(1) of section 5751.22 of the Revised 146727
Code. 146728

(41) "Threshold per cent" means, in the case of a school 146729
district or joint vocational school district, two per cent for 146730
fiscal year 2012 and four per cent for fiscal years 2013 and 146731
thereafter. In the case of a local taxing unit or public library 146732
that receives the proceeds of a tax levied under section 5705.23 146733
of the Revised Code, "threshold per cent" means two per cent for 146734
tax year 2011, four per cent for tax year 2012, and six per cent 146735
for tax years 2013 and thereafter. 146736

(B)(1) The commercial activities tax receipts fund is hereby 146737
created in the state treasury and shall consist of money arising 146738
from the tax imposed under this chapter. Eighty-five 146739
one-hundredths of one per cent of the money credited to that fund 146740
shall be credited to the revenue enhancement fund and shall be 146741

used to defray the costs incurred by the department of taxation in 146742
administering the tax imposed by this chapter and in implementing 146743
tax reform measures. The remainder of the money in the commercial 146744
activities tax receipts fund shall first be credited to the 146745
commercial activity tax motor fuel receipts fund, pursuant to 146746
division (B)(2) of this section, and the remainder shall be 146747
credited in the following percentages each fiscal year to the 146748
general revenue fund, to the school district tangible property tax 146749
replacement fund, which is hereby created in the state treasury 146750
for the purpose of making the payments described in section 146751
5751.21 of the Revised Code, and to the local government tangible 146752
property tax replacement fund, which is hereby created in the 146753
state treasury for the purpose of making the payments described in 146754
section 5751.22 of the Revised Code, in the following percentages: 146755

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	146757
2007	0%	70.0%	30.0%	146758
2008	0%	70.0%	30.0%	146759
2009	0%	70.0%	30.0%	146760
2010	0%	70.0%	30.0%	146761
2011	0%	70.0%	30.0%	146762
2012	25.0%	52.5%	22.5%	146763
2013 and thereafter	50.0%	35.0%	15.0%	146764

(2) Not later than the twentieth day of February, May, 146765
August, and November of each year, the commissioner shall provide 146766
for payment from the commercial activities tax receipts fund to 146767
the commercial activity tax motor fuel receipts fund an amount 146768
that bears the same ratio to the balance in the commercial 146769
activities tax receipts fund that (a) the taxable gross receipts 146770

attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, for a tax period ending before July 1, 2014, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities.

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent;

(c) For tax year 2008, eighty-three per cent;

(d) For tax year 2009 and thereafter, one hundred per cent.

(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;

(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;

(c) For tax year 2008, a fraction, the numerator of which is

thirteen and one-fourth and the denominator of which is 146801
twenty-three; 146802

(d) For tax year 2009 and thereafter a fraction, the 146803
numerator of which is seventeen and the denominator of which is 146804
twenty-three. 146805

(3) Furniture and fixtures property tax value loss is the 146806
taxable value of furniture and fixture property as reported by 146807
taxpayers for tax year 2004 multiplied by: 146808

(a) For tax year 2006, twenty-five per cent; 146809

(b) For tax year 2007, fifty per cent; 146810

(c) For tax year 2008, seventy-five per cent; 146811

(d) For tax year 2009 and thereafter, one hundred per cent. 146812

The taxable value of property reported by taxpayers used in 146813
divisions (C)(1), (2), and (3) of this section shall be such 146814
values as determined to be final by the tax commissioner as of 146815
August 31, 2005. Such determinations shall be final except for any 146816
correction of a clerical error that was made prior to August 31, 146817
2005, by the tax commissioner. 146818

(4) Telephone property tax value loss is the taxable value of 146819
telephone property as taxpayers would have reported that property 146820
for tax year 2004 if the assessment rate for all telephone 146821
property for that year were twenty-five per cent, multiplied by: 146822

(a) For tax year 2006, zero per cent; 146823

(b) For tax year 2007, zero per cent; 146824

(c) For tax year 2008, zero per cent; 146825

(d) For tax year 2009, sixty per cent; 146826

(e) For tax year 2010, eighty per cent; 146827

(f) For tax year 2011 and thereafter, one hundred per cent. 146828

(5) Division (C)(5) of this section applies to any school district, joint vocational school district, or local taxing unit in a county in which is located a facility currently or formerly devoted to the enrichment or commercialization of uranium or uranium products, and for which the total taxable value of property listed on the general tax list of personal property for any tax year from tax year 2001 to tax year 2004 was fifty per cent or less of the taxable value of such property listed on the general tax list of personal property for the next preceding tax year.

In computing the fixed-rate levy losses under divisions (D)(1), (2), and (3) of this section for any school district, joint vocational school district, or local taxing unit to which division (C)(5) of this section applies, the taxable value of such property as listed on the general tax list of personal property for tax year 2000 shall be substituted for the taxable value of such property as reported by taxpayers for tax year 2004, in the taxing district containing the uranium facility, if the taxable value listed for tax year 2000 is greater than the taxable value reported by taxpayers for tax year 2004. For the purpose of making the computations under divisions (D)(1), (2), and (3) of this section, the tax year 2000 valuation is to be allocated to machinery and equipment, inventory, and furniture and fixtures property in the same proportions as the tax year 2004 values. For the purpose of the calculations in division (A) of section 5751.21 of the Revised Code, the tax year 2004 taxable values shall be used.

To facilitate the calculations required under division (C) of this section, the county auditor, upon request from the tax commissioner, shall provide by August 1, 2005, the values of machinery and equipment, inventory, and furniture and fixtures for all single-county personal property taxpayers for tax year 2004.

(D) Not later than September 15, 2005, the tax commissioner shall determine for each tax year from 2006 through 2009 for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory, and furniture and fixtures fixed-rate levy losses, and for each tax year from 2006 through 2011 its telephone property fixed-rate levy loss. Except as provided in division (F) of this section, such losses are the applicable amounts described in divisions (D)(1), (2), (3), and (4) of this section:

(1) The machinery and equipment fixed-rate levy loss is the machinery and equipment property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(2) The inventory fixed-rate loss is the inventory property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(3) The furniture and fixtures fixed-rate levy loss is the furniture and fixture property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(4) The telephone property fixed-rate levy loss is the telephone property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(E) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss. The fixed-sum levy loss is the amount obtained by subtracting the amount described in division (E)(2) of this section from the amount described in division (E)(1) of this section:

(1) The sum of the machinery and equipment property tax value loss, the inventory property tax value loss, and the furniture and fixtures property tax value loss, and, for 2008 through 2010, the telephone property tax value loss of the district or unit

multiplied by the sum of the fixed-sum tax rates of qualifying 146892
levies. For 2006 through 2010, this computation shall include all 146893
qualifying levies remaining in effect for the current tax year and 146894
any school district levies charged and payable under section 146895
5705.194 or 5705.213 of the Revised Code that are qualifying 146896
levies not remaining in effect for the current year. For 2011 146897
through 2017 in the case of school district levies charged and 146898
payable under section 5705.194 or 5705.213 of the Revised Code and 146899
for all years after 2010 in the case of other fixed-sum levies, 146900
this computation shall include only qualifying levies remaining in 146901
effect for the current year. For purposes of this computation, a 146902
qualifying school district levy charged and payable under section 146903
5705.194 or 5705.213 of the Revised Code remains in effect in a 146904
year after 2010 only if, for that year, the board of education 146905
levies a school district levy charged and payable under section 146906
5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for 146907
an annual sum at least equal to the annual sum levied by the board 146908
in tax year 2004 less the amount of the payment certified under 146909
this division for 2006. 146910

(2) The total taxable value in tax year 2004 less the sum of 146911
the machinery and equipment, inventory, furniture and fixtures, 146912
and telephone property tax value losses in each school district, 146913
joint vocational school district, and local taxing unit multiplied 146914
by one-half of one mill per dollar. 146915

(3) For the calculations in divisions (E)(1) and (2) of this 146916
section, the tax value losses are those that would be calculated 146917
for tax year 2009 under divisions (C)(1), (2), and (3) of this 146918
section and for tax year 2011 under division (C)(4) of this 146919
section. 146920

(4) To facilitate the calculation under divisions (D) and (E) 146921
of this section, not later than September 1, 2005, any school 146922
district, joint vocational school district, or local taxing unit 146923

that has a qualifying levy that was approved at an election 146924
conducted during 2005 before September 1, 2005, shall certify to 146925
the tax commissioner a copy of the county auditor's certificate of 146926
estimated property tax millage for such levy as required under 146927
division (B) of section 5705.03 of the Revised Code, which is the 146928
rate that shall be used in the calculations under such divisions. 146929

If the amount determined under division (E) of this section 146930
for any school district, joint vocational school district, or 146931
local taxing unit is greater than zero, that amount shall equal 146932
the reimbursement to be paid pursuant to division (E) of section 146933
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 146934
and the one-half of one mill that is subtracted under division 146935
(E)(2) of this section shall be apportioned among all contributing 146936
fixed-sum levies in the proportion that each levy bears to the sum 146937
of all fixed-sum levies within each school district, joint 146938
vocational school district, or local taxing unit. 146939

(F) If a school district levies a tax under section 5705.219 146940
of the Revised Code, the fixed-rate levy loss for qualifying 146941
levies, to the extent repealed under that section, shall equal the 146942
sum of the following amounts in lieu of the amounts computed for 146943
such levies under division (D) of this section: 146944

(1) The sum of the rates of qualifying levies to the extent 146945
so repealed multiplied by the sum of the machinery and equipment, 146946
inventory, and furniture and fixtures tax value losses for 2009 as 146947
determined under that division; 146948

(2) The sum of the rates of qualifying levies to the extent 146949
so repealed multiplied by the telephone property tax value loss 146950
for 2011 as determined under that division. 146951

The fixed-rate levy losses for qualifying levies to the 146952
extent not repealed under section 5705.219 of the Revised Code 146953
shall be as determined under division (D) of this section. The 146954

revised fixed-rate levy losses determined under this division and 146955
division (D) of this section first apply in the year following the 146956
first year the district levies the tax under section 5705.219 of 146957
the Revised Code. 146958

(G) Not later than October 1, 2005, the tax commissioner 146959
shall certify to the department of education for every school 146960
district and joint vocational school district the machinery and 146961
equipment, inventory, furniture and fixtures, and telephone 146962
property tax value losses determined under division (C) of this 146963
section, the machinery and equipment, inventory, furniture and 146964
fixtures, and telephone fixed-rate levy losses determined under 146965
division (D) of this section, and the fixed-sum levy losses 146966
calculated under division (E) of this section. The calculations 146967
under divisions (D) and (E) of this section shall separately 146968
display the levy loss for each levy eligible for reimbursement. 146969

(H) Not later than October 1, 2005, the tax commissioner 146970
shall certify the amount of the fixed-sum levy losses to the 146971
county auditor of each county in which a school district, joint 146972
vocational school district, or local taxing unit with a fixed-sum 146973
levy loss reimbursement has territory. 146974

(I) Not later than the twenty-eighth day of February each 146975
year beginning in 2011 and ending in 2014, the tax commissioner 146976
shall certify to the department of education for each school 146977
district first levying a tax under section 5705.219 of the Revised 146978
Code in the preceding year the revised fixed-rate levy losses 146979
determined under divisions (D) and (F) of this section. 146980

(J)(1) There is hereby created in the state treasury the 146981
commercial activity tax motor fuel receipts fund. 146982

(2)(a) On or before June 15, 2014, the director of the Ohio 146983
public works commission shall certify to the director of budget 146984
and management the amount of debt service paid from the general 146985

revenue fund in fiscal years 2013 and 2014 on bonds issued to 146986
finance or assist in the financing of the cost of local 146987
subdivision public infrastructure capital improvement projects, as 146988
provided for in Sections 2k, 2m, and 2p of Article VIII, Ohio 146989
Constitution, that are attributable to costs for construction, 146990
reconstruction, maintenance, or repair of public highways and 146991
bridges and other statutory highway purposes. That certification 146992
shall allocate the total amount of debt service paid from the 146993
general revenue fund and attributable to those costs in each of 146994
fiscal years 2013 and 2014 according to the applicable section of 146995
the Ohio Constitution under which the bonds were originally 146996
issued. 146997

(b) On or before June 30, 2014, the director of budget and 146998
management shall determine an amount up to but not exceeding the 146999
amount certified under division (J)(2)(a) of this section and 147000
shall reserve that amount from the cash balance in the commercial 147001
activity tax motor fuel receipts fund for transfer to the general 147002
revenue fund at times and in amounts to be determined by the 147003
director. The director shall transfer the cash balance in the 147004
commercial activity tax motor fuel receipts fund in excess of the 147005
amount so reserved to the highway operating fund on or before June 147006
30, 2014. 147007

(3)(a) On or before the fifteenth day of June of each fiscal 147008
year beginning with fiscal year 2015, the director of the Ohio 147009
public works commission shall certify to the director of budget 147010
and management the amount of debt service paid from the general 147011
revenue fund in the current fiscal year on bonds issued to finance 147012
or assist in the financing of the cost of local subdivision public 147013
infrastructure capital improvement projects, as provided for in 147014
Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that 147015
are attributable to costs for construction, reconstruction, 147016
maintenance, or repair of public highways and bridges and other 147017

statutory highway purposes. That certification shall allocate the 147018
total amount of debt service paid from the general revenue fund 147019
and attributable to those costs in the current fiscal year 147020
according to the applicable section of the Ohio Constitution under 147021
which the bonds were originally issued. 147022

(b) On or before the thirtieth day of June of each fiscal 147023
year beginning with fiscal year 2015, the director of budget and 147024
management shall determine an amount up to but not exceeding the 147025
amount certified under division (J)(3)(a) of this section and 147026
shall reserve that amount from the cash balance in the motor fuel 147027
receipts tax public highways fund or the commercial activity tax 147028
motor fuel receipts fund for transfer to the general revenue fund 147029
at times and in amounts to be determined by the director. The 147030
director shall transfer the cash balance in the motor fuel 147031
receipts tax public highways fund or the commercial activity tax 147032
motor fuel receipts fund in excess of the amount so reserved to 147033
the highway operating fund on or before the thirtieth day of June 147034
of the current fiscal year. 147035

Sec. 5751.21. (A) Not later than the thirtieth day of July of 147036
2007 through 2010, the department of education shall consult with 147037
the director of budget and management and determine the following 147038
for each school district and each joint vocational school district 147039
eligible for payment under division (B) of this section: 147040

(1) The state education aid offset, which, except as provided 147042
in division (A)(1)(c) of this section, is the difference obtained 147043
by subtracting the amount described in division (A)(1)(b) of this 147044
section from the amount described in division (A)(1)(a) of this 147045
section: 147046

(a) The state education aid computed for the school district 147047
or joint vocational school district for the current fiscal year as 147048

of the thirtieth day of July; 147049

(b) The state education aid that would be computed for the 147050
school district or joint vocational school district for the 147051
current fiscal year as of the thirtieth day of July if the 147052
valuation used in the calculation in division (B)(1) of section 147053
3306.13 of the Revised Code as that division existed for fiscal 147054
years 2010 and 2011 included the machinery and equipment, 147055
inventory, furniture and fixtures, and telephone property tax 147056
value losses for the school district or joint vocational school 147057
district for the second preceding tax year, and if taxes charged 147058
and payable associated with the tax value losses are accounted for 147059
in any state education aid computation dependent on taxes charged 147060
and payable. 147061

(c) The state education aid offset for fiscal year 2010 and 147062
fiscal year 2011 equals the greater of the state education aid 147063
offset calculated for that fiscal year under divisions (A)(1)(a) 147064
and (b) of this section and the state education aid offset 147065
calculated for fiscal year 2009. For fiscal year 2012 and 2013, 147066
the state education aid offset equals the state education aid 147067
offset for fiscal year 2011. 147068

(2) For fiscal years 2008 through 2011, the greater of zero 147069
or the difference obtained by subtracting the state education aid 147070
offset determined under division (A)(1) of this section from the 147071
sum of the machinery and equipment fixed-rate levy loss, the 147072
inventory fixed-rate levy loss, furniture and fixtures fixed-rate 147073
levy loss, and telephone property fixed-rate levy loss certified 147074
under divisions (G) and (I) of section 5751.20 of the Revised Code 147075
for all taxing districts in each school district and joint 147076
vocational school district for the second preceding tax year. 147077

By the thirtieth day of July of each such year, the 147078
department of education and the director of budget and management 147079
shall agree upon the amount to be determined under division (A)(1) 147080

of this section. 147081

(B) On or before the thirty-first day of August of 2008, 147082
2009, and 2010, the department of education shall recalculate the 147083
offset described under division (A) of this section for the 147084
previous fiscal year and recalculate the payments made under 147085
division (C) of this section in the preceding fiscal year using 147086
the offset calculated under this division. If the payments 147087
calculated under this division differ from the payments made under 147088
division (C) of this section in the preceding fiscal year, the 147089
difference shall either be paid to a school district or recaptured 147090
from a school district through an adjustment at the same times 147091
during the current fiscal year that the payments under division 147092
(C) of this section are made. In August and October of the current 147093
fiscal year, the amount of each adjustment shall be three-sevenths 147094
of the amount calculated under this division. In May of the 147095
current fiscal year, the adjustment shall be one-seventh of the 147096
amount calculated under this division. 147097

(C) The department of education shall pay from the school 147098
district tangible property tax replacement fund to each school 147099
district and joint vocational school district all of the following 147100
for fixed-rate levy losses certified under divisions (G) and (I) 147101
of section 5751.20 of the Revised Code: 147102

(1) On or before May 31, 2006, one-seventh of the total 147103
fixed-rate levy loss for tax year 2006; 147104

(2) On or before August 31, 2006, and October 31, 2006, 147105
one-half of six-sevenths of the total fixed-rate levy loss for tax 147106
year 2006; 147107

(3) On or before May 31, 2007, one-seventh of the total 147108
fixed-rate levy loss for tax year 2007; 147109

(4) On or before August 31, 2007, and October 31, 2007, 147110
forty-three per cent of the amount determined under division 147111

(A)(2) of this section for fiscal year 2008, but not less than 147112
zero, plus one-half of six-sevenths of the difference between the 147113
total fixed-rate levy loss for tax year 2007 and the total 147114
fixed-rate levy loss for tax year 2006. 147115

(5) On or before May 31, 2008, fourteen per cent of the 147116
amount determined under division (A)(2) of this section for fiscal 147117
year 2008, but not less than zero, plus one-seventh of the 147118
difference between the total fixed-rate levy loss for tax year 147119
2008 and the total fixed-rate levy loss for tax year 2006. 147120

(6) On or before August 31, 2008, and October 31, 2008, 147121
forty-three per cent of the amount determined under division 147122
(A)(2) of this section for fiscal year 2009, but not less than 147123
zero, plus one-half of six-sevenths of the difference between the 147124
total fixed-rate levy loss in tax year 2008 and the total 147125
fixed-rate levy loss in tax year 2007. 147126

(7) On or before May 31, 2009, fourteen per cent of the 147127
amount determined under division (A)(2) of this section for fiscal 147128
year 2009, but not less than zero, plus one-seventh of the 147129
difference between the total fixed-rate levy loss for tax year 147130
2009 and the total fixed-rate levy loss for tax year 2007. 147131

(8) On or before August 31, 2009, and October 31, 2009, 147132
forty-three per cent of the amount determined under division 147133
(A)(2) of this section for fiscal year 2010, but not less than 147134
zero, plus one-half of six-sevenths of the difference between the 147135
total fixed-rate levy loss in tax year 2009 and the total 147136
fixed-rate levy loss in tax year 2008. 147137

(9) On or before May 31, 2010, fourteen per cent of the 147138
amount determined under division (A)(2) of this section for fiscal 147139
year 2010, but not less than zero, plus one-seventh of the 147140
difference between the total fixed-rate levy loss in tax year 2010 147141
and the total fixed-rate levy loss in tax year 2008. 147142

(10) On or before August 31, 2010, and October 31, 2010, 147143
forty-three per cent of the amount determined under division 147144
(A)(2) of this section for fiscal year 2011, but not less than 147145
zero, plus one-half of six-sevenths of the difference between the 147146
telephone property fixed-rate levy loss for tax year 2010 and the 147147
telephone property fixed-rate levy loss for tax year 2009. 147148

(11) On or before May 31, 2011, fourteen per cent of the 147149
amount determined under division (A)(2) of this section for fiscal 147150
year 2011, but not less than zero, plus one-seventh of the 147151
difference between the telephone property fixed-rate levy loss for 147152
tax year 2011 and the telephone property fixed-rate levy loss for 147153
tax year 2009. 147154

(12) For fiscal years 2012 and thereafter, the sum of the 147155
amounts in divisions (C)(12)(a) or (b) and (c) of this section 147156
shall be paid on or before the ~~twentieth~~ last day of November and 147157
the last day of May: 147158

(a) If the ratio of current expense TPP allocation to total 147159
resources is equal to or less than the threshold per cent, zero; 147160

(b) If the ratio of current expense TPP allocation to total 147161
resources is greater than the threshold per cent, fifty per cent 147162
of the difference of current expense TPP allocation minus the 147163
product of total resources multiplied by the threshold per cent; 147164

(c) Fifty per cent of the product of non-current expense TPP 147165
allocation multiplied by seventy-five per cent for fiscal year 147166
2012 and fifty per cent for fiscal years 2013 and thereafter. 147167

The department of education shall report to each school 147168
district and joint vocational school district the apportionment of 147169
the payments among the school district's or joint vocational 147170
school district's funds based on the certifications under 147171
divisions (G) and (I) of section 5751.20 of the Revised Code. 147172

(D) For taxes levied within the ten-mill limitation for debt 147173

purposes in tax year 2005, payments shall be made equal to one 147174
hundred per cent of the loss computed as if the tax were a 147175
fixed-rate levy, but those payments shall extend from fiscal year 147176
2006 through fiscal year 2018, as long as the qualifying levy 147177
continues to be used for debt purposes. If the purpose of such a 147178
qualifying levy is changed, that levy becomes subject to the 147179
payments determined in division (C) of this section. 147180

(E)(1) Not later than January 1, 2006, for each fixed-sum 147181
levy of each school district or joint vocational school district 147182
and for each year for which a determination is made under division 147183
(E) of section 5751.20 of the Revised Code that a fixed-sum levy 147184
loss is to be reimbursed, the tax commissioner shall certify to 147185
the department of education the fixed-sum levy loss determined 147186
under that division. The certification shall cover a time period 147187
sufficient to include all fixed-sum levies for which the 147188
commissioner made such a determination. On or before the last day 147189
of May of the current year, the department shall pay from the 147190
school district property tax replacement fund to the school 147191
district or joint vocational school district one-third of the 147192
fixed-sum levy loss so certified, plus one-third of the amount 147193
certified under division (I) of section 5751.20 of the Revised 147194
Code, and on or before the ~~twentieth~~ last day of November, 147195
two-thirds of the fixed-sum levy loss so certified, plus 147196
two-thirds of the amount certified under division (I) of section 147197
5751.20 of the Revised Code. Payments under this division of the 147198
amounts certified under division (I) of section 5751.20 of the 147199
Revised Code shall continue until the levy adopted under section 147200
5705.219 of the Revised Code expires. 147201

(2) Beginning in 2006, by the first day of January of each 147202
year, the tax commissioner shall review the certification 147203
originally made under division (E)(1) of this section. If the 147204
commissioner determines that a debt levy that had been scheduled 147205

to be reimbursed in the current year has expired, a revised 147206
certification for that and all subsequent years shall be made to 147207
the department of education. 147208

(F) Beginning in September 2007 and through June 2013, the 147209
director of budget and management shall transfer from the school 147210
district tangible property tax replacement fund to the general 147211
revenue fund each of the following: 147212

(1) On the first day of September, one-fourth of the amount 147213
determined for that fiscal year under division (A)(1) of this 147214
section; 147215

(2) On the first day of December, one-fourth of the amount 147216
determined for that fiscal year under division (A)(1) of this 147217
section; 147218

(3) On the first day of March, one-fourth of the amount 147219
determined for that fiscal year under division (A)(1) of this 147220
section; 147221

(4) On the first day of June, one-fourth of the amount 147222
determined for that fiscal year under division (A)(1) of this 147223
section. 147224

If, when a transfer is required under division (F)(1), (2), 147225
(3), or (4) of this section, there is not sufficient money in the 147226
school district tangible property tax replacement fund to make the 147227
transfer in the required amount, the director shall transfer the 147228
balance in the fund to the general revenue fund and may make 147229
additional transfers on later dates as determined by the director 147230
in a total amount that does not exceed one-fourth of the amount 147231
determined for the fiscal year. 147232

(G) If the total amount in the school district tangible 147233
property tax replacement fund is insufficient to make all payments 147234
under divisions (C), (D), and (E) of this section at the times the 147235
payments are to be made, the director of budget and management 147236

shall transfer from the general revenue fund to the school 147237
district tangible property tax replacement fund the difference 147238
between the total amount to be paid and the amount in the school 147239
district tangible property tax replacement fund. 147240

(H) On the fifteenth day of June of each year, the director 147241
of budget and management may transfer any balance in the school 147242
district tangible property tax replacement fund to the general 147243
revenue fund. 147244

(I) If all of the territory of a school district or joint 147245
vocational school district is merged with another district, or if 147246
a part of the territory of a school district or joint vocational 147247
school district is transferred to an existing or newly created 147248
district, the department of education, in consultation with the 147249
tax commissioner, shall adjust the payments made under this 147250
section as follows: 147251

(1) For a merger of two or more districts, the fixed-sum levy 147252
losses, total resources, current expense TPP allocation, total TPP 147253
allocation, and non-current expense TPP allocation of the 147254
successor district shall be the sum of such items for each of the 147255
districts involved in the merger. 147256

(2) If property is transferred from one district to a 147257
previously existing district, the amount of total resources, 147258
current expense TPP allocation, total TPP allocation, and 147259
non-current expense TPP allocation that shall be transferred to 147260
the recipient district shall be an amount equal to total 147261
resources, current expense TPP allocation, total TPP allocation, 147262
and non-current expense TPP allocation of the transferor district 147263
times a fraction, the numerator of which is the number of pupils 147264
being transferred to the recipient district, measured, in the case 147265
of a school district, by average daily membership as reported 147266
under division (A) of section 3317.03 of the Revised Code or, in 147267
the case of a joint vocational school district, by formula ADM as 147268

reported in division (D) of that section, and the denominator of which is the average daily membership or formula ADM of the transferor district.

(3) After December 31, 2010, if property is transferred from one or more districts to a district that is newly created out of the transferred property, the newly created district shall be deemed not to have any total resources, current expense TPP allocation, total TPP allocation, or non-current expense TPP allocation.

(4) If the recipient district under division (I)(2) of this section or the newly created district under division (I)(3) of this section is assuming debt from one or more of the districts from which the property was transferred and any of the districts losing the property had fixed-sum levy losses, the department of education, in consultation with the tax commissioner, shall make an equitable division of the fixed-sum levy loss reimbursements.

Sec. 5753.03. (A) For the purpose of receiving and distributing, and accounting for, revenue received from the tax levied by section 5753.02 of the Revised Code, the following funds are created in the state treasury:

- (1) The casino tax revenue fund;
- (2) The gross casino revenue county fund;
- (3) The gross casino revenue county student fund;
- (4) The gross casino revenue host city fund;
- (5) The Ohio state racing commission fund;
- (6) The Ohio law enforcement training fund;
- (7) The problem casino gambling and addictions fund;
- (8) The casino control commission fund;
- (9) The casino tax administration fund;

(10) The peace officer training academy fund;	147298
(11) The criminal justice services casino tax revenue fund.	147299
(B) All moneys collected from the tax levied under this chapter shall be deposited into the casino tax revenue fund.	147300 147301
(C) From the casino tax revenue fund the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code.	147302 147303 147304 147305
(D) After making any transfers required by division (C) of this section, but not later than the fifteenth day of the month following the end of each calendar quarter, the director of budget and management shall transfer amounts to each fund as follows:	147306 147307 147308 147309
(1) Fifty-one per cent to the gross casino revenue county fund to make payments as required by Section 6(C)(3)(a) of Article XV, Ohio Constitution;	147310 147311 147312
(2) Thirty-four per cent to the gross casino revenue county student fund to make payments as required by Section 6(C)(3)(b) of Article XV, Ohio Constitution and as provided in section 5753.11 of the Revised Code;	147313 147314 147315 147316
(3) Five per cent to the gross casino revenue host city fund for the benefit of the cities in which casino facilities are located;	147317 147318 147319
(4) Three per cent to the Ohio state racing commission fund to support the efforts and activities of the Ohio state racing commission to promote horse racing in this state at which the pari-mutuel system of wagering is conducted;	147320 147321 147322 147323
(5) Two per cent to the Ohio law enforcement training fund to support law enforcement functions in the state;	147324 147325
(6) Two per cent to the problem casino gambling and addictions fund to support efforts of the department of alcohol	147326 147327

~~and drug addiction services~~ mental health and addiction services 147328
to alleviate problem gambling and substance abuse and related 147329
research in the state under section ~~3793.032~~ 5119.47 of the 147330
Revised Code; 147331

(7) Three per cent to the casino control commission fund to 147332
support the operations of the Ohio casino control commission and 147333
to defray the cost of administering the tax levied under section 147334
5753.02 of the Revised Code. 147335

Payments under divisions (D)(1) and (3) of this section shall 147336
be made by the end of the month following the end of the quarterly 147337
period. The tax commissioner shall make the data available to the 147338
director of budget and management for this purpose. 147339

Money in the Ohio state racing commission fund shall be 147340
distributed at the discretion of the Ohio state racing commission 147341
for the purpose stated in division (D)(4) of this section by the 147342
end of the month following the end of the quarterly period. The 147343
commission may retain up to five per cent of the amount 147344
transferred to the fund under division (D)(4) of this section for 147345
operating expenses necessary for the administration of the fund. 147346

Payments from the gross casino revenue county student fund as 147347
required under section 5753.11 of the Revised Code shall be made 147348
by the last day of January and by the last day of August of each 147349
year, beginning in 2013. The tax commissioner shall make the data 147350
available to the director of budget and management for this 147351
purpose. 147352

Of the money credited to the Ohio law enforcement training 147353
fund, the director of budget and management shall distribute 147354
eighty-five per cent of the money to the police officer training 147355
academy fund for the purpose of supporting the law enforcement 147356
training efforts of the Ohio peace officer training academy and 147357
fifteen per cent of the money to the criminal justice services 147358

casino tax revenue fund for the purpose of supporting the law 147359
enforcement training efforts of the division of criminal justice 147360
services. 147361

(E)(1) The tax commissioner shall serve as an agent of the 147362
counties of this state only for the purposes of this division and 147363
solely to make payments directly to municipal corporations and 147364
school districts, as applicable, on the counties' behalf. 147365

(2) On or before the last day of the month following the end 147366
of each calendar quarter, the tax commissioner shall provide for 147367
payment from the funds referenced in divisions (D)(1) and (3) of 147368
this section to each county and municipal corporation as 147369
prescribed in those divisions. 147370

(3) On or before the last day of January and the last day of 147371
August each year, the commissioner shall provide for payments from 147372
the fund referenced in division (D)(2) of this section to each 147373
school district as prescribed in that division. 147374

(F) The director of budget and management shall transfer one 147375
per cent of the money credited to the casino control commission 147376
fund to the casino tax administration fund. The tax commissioner 147377
shall use the casino tax administration fund to defray the costs 147378
incurred in administering the tax levied by this chapter. 147379

(G) All investment earnings of the gross casino revenue 147380
county student fund shall be credited to the fund. 147381

Sec. 5753.07. (A)(1) The tax commissioner may issue an 147382
assessment, based on any information in the tax commissioner's 147383
possession, against a casino operator who fails to pay the tax 147384
levied under section 5753.02 of the Revised Code or to file a 147385
return under section 5753.04 of the Revised Code. The tax 147386
commissioner shall give the casino operator written notice of the 147387
assessment under section 5703.37 of the Revised Code. With the 147388

notice, the tax commissioner shall include instructions on how to 147389
petition for reassessment and on how to request a hearing with 147390
respect to the petition. 147391

(2) Unless the casino operator, within sixty days after 147392
service of the notice of assessment, files with the tax 147393
commissioner, either personally or by certified mail, a written 147394
petition signed by the casino operator, or by the casino 147395
operator's authorized agent who has knowledge of the facts, the 147396
assessment becomes final, and the amount of the assessment is due 147397
and payable from the casino operator to the treasurer of state. 147398
The petition shall indicate the casino operator's objections to 147399
the assessment. Additional objections may be raised in writing if 147400
they are received by the tax commissioner before the date shown on 147401
the final determination. 147402

(3) If a petition for reassessment has been properly filed, 147403
the tax commissioner shall proceed under section 5703.60 of the 147404
Revised Code. 147405

(4) After an assessment becomes final, if any portion of the 147406
assessment, including penalties and accrued interest, remains 147407
unpaid, the tax commissioner may file a certified copy of the 147408
entry making the assessment final in the office of the clerk of 147409
the court of common pleas of Franklin county or in the office of 147410
the clerk of the court of common pleas of the county in which the 147411
casino operator resides, the casino operator's casino facility is 147412
located, or the casino operator's principal place of business in 147413
this state is located. Immediately upon the filing of the entry, 147414
the clerk shall enter a judgment for the state against the 147415
taxpayer assessed in the amount shown on the entry. The judgment 147416
may be filed by the clerk in a loose-leaf book entitled, "special 147417
judgments for the gross casino revenue tax." The judgment has the 147418
same effect as other judgments. Execution shall issue upon the 147419

judgment at the request of the tax commissioner, and all laws 147420
applicable to sales on execution apply to sales made under the 147421
judgment. 147422

(5) ~~The portion of an~~ If the assessment is not paid in its 147423
entirety within sixty days after the day the assessment was issued 147424
bears, the portion of the assessment consisting of tax due shall 147425
bear interest at the rate per annum prescribed by section 5703.47 147426
of the Revised Code from the day the tax commissioner issued the 147427
assessment until the assessment is paid or until it is certified 147428
to the attorney general for collection under section 131.02 of the 147429
Revised Code, whichever comes first. If the unpaid portion of the 147430
assessment is certified to the attorney general for collection, 147431
the entire unpaid portion of the assessment shall bear interest at 147432
the rate per annum prescribed by section 5703.47 of the Revised 147433
Code from the date of certification until the date it is paid in 147434
its entirety. Interest shall be paid in the same manner as the tax 147435
levied under section 5753.02 of the Revised Code and may be 147436
collected by the issuance of an assessment under this section. 147437

(B) If the tax commissioner believes that collection of the 147438
tax levied under section 5753.02 of the Revised Code will be 147439
jeopardized unless proceedings to collect or secure collection of 147440
the tax are instituted without delay, the commissioner may issue a 147441
jeopardy assessment against the casino operator who is liable for 147442
the tax. Immediately upon the issuance of a jeopardy assessment, 147443
the tax commissioner shall file an entry with the clerk of the 147444
court of common pleas in the manner prescribed by division (A)(4) 147445
of this section, and the clerk shall proceed as directed in that 147446
division. Notice of the jeopardy assessment shall be served on the 147447
casino operator or the casino operator's authorized agent under 147448
section 5703.37 of the Revised Code within five days after the 147449
filing of the entry with the clerk. The total amount assessed is 147450
immediately due and payable, unless the casino operator assessed 147451

files a petition for reassessment under division (A)(2) of this 147452
section and provides security in a form satisfactory to the tax 147453
commissioner that is in an amount sufficient to satisfy the unpaid 147454
balance of the assessment. If a petition for reassessment has been 147455
filed, and if satisfactory security has been provided, the tax 147456
commissioner shall proceed under division (A)(3) of this section. 147457
Full or partial payment of the assessment does not prejudice the 147458
tax commissioner's consideration of the petition for reassessment. 147459

(C) The tax commissioner shall immediately forward to the 147460
treasurer of state all amounts the tax commissioner receives under 147461
this section, and the amounts forwarded shall be treated as if 147462
they were revenue arising from the tax levied under section 147463
5753.02 of the Revised Code. 147464

(D) Except as otherwise provided in this division, no 147465
assessment shall be issued against a casino operator for the tax 147466
levied under section 5753.02 of the Revised Code more than four 147467
years after the due date for filing the return for the tax period 147468
for which the tax was reported, or more than four years after the 147469
return for the tax period was filed, whichever is later. This 147470
division does not bar an assessment against a casino operator who 147471
fails to file a return as required by section 5753.04 of the 147472
Revised Code or who files a fraudulent return, or when the casino 147473
operator and the tax commissioner waive in writing the time 147474
limitation. 147475

(E) If the tax commissioner possesses information that 147476
indicates that the amount of tax a casino operator is liable to 147477
pay under section 5753.02 of the Revised Code exceeds the amount 147478
the casino operator paid, the tax commissioner may audit a sample 147479
of the casino operator's gross casino revenue over a 147480
representative period of time to ascertain the amount of tax due, 147481
and may issue an assessment based on the audit. The tax 147482
commissioner shall make a good faith effort to reach agreement 147483

with the casino operator in selecting a representative sample. The 147484
tax commissioner may apply a sampling method only if the tax 147485
commissioner has prescribed the method by rule. 147486

(F) If the whereabouts of a casino operator who is liable for 147487
the tax levied under section 5753.02 of the Revised Code are 147488
unknown to the tax commissioner, the tax commissioner shall 147489
proceed under section 5703.37 of the Revised Code. 147490

(G) If a casino operator fails to pay the tax levied under 147491
section 5753.02 of the Revised Code within a period of one year 147492
after the due date for remitting the tax, the Ohio casino control 147493
commission may suspend the casino operator's license. 147494

Sec. 5815.28. (A) As used in this section: 147495

(1) "Ascertainable standard" includes a standard in a trust 147496
instrument requiring the trustee to provide for the care, comfort, 147497
maintenance, welfare, education, or general well-being of the 147498
beneficiary. 147499

(2) "Disability" means any substantial, medically 147500
determinable impairment that can be expected to result in death or 147501
that has lasted or can be expected to last for a continuous period 147502
of at least twelve months, except that "disability" does not 147503
include an impairment that is the result of abuse of alcohol or 147504
drugs. 147505

(3) "Political subdivision" and "state" have the same 147506
meanings as in section 2744.01 of the Revised Code. 147507

(4) "Supplemental services" means services specified by rule 147508
of the department of ~~mental health~~ mental health and addiction 147509
services under section ~~5119.01~~ 5119.10 of the Revised Code or the 147510
department of developmental disabilities under section 5123.04 of 147511
the Revised Code that are provided to an individual with a 147512
disability in addition to services the individual is eligible to 147513

receive under programs authorized by federal or state law. 147514

(B) Any person may create a trust under this section to 147515
provide funding for supplemental services for the benefit of 147516
another individual who meets either of the following conditions: 147517

(1) The individual has a physical or mental disability and is 147518
eligible to receive services through the department of 147519
developmental disabilities or a county board of developmental 147520
disabilities; 147521

(2) The individual has a mental disability and is eligible to 147522
receive services through the department of ~~mental health~~ mental 147523
health and addiction services or a board of alcohol, drug 147524
addiction, and mental health services. 147525

The trust may confer discretion upon the trustee and may 147526
contain specific instructions or conditions governing the exercise 147527
of the discretion. 147528

(C) The general division of the court of common pleas and the 147529
probate court of the county in which the beneficiary of a trust 147530
authorized by division (B) of this section resides or is confined 147531
have concurrent original jurisdiction to hear and determine 147532
actions pertaining to the trust. In any action pertaining to the 147533
trust in a court of common pleas or probate court and in any 147534
appeal of the action, all of the following apply to the trial or 147535
appellate court: 147536

(1) The court shall render determinations consistent with the 147537
testator's or other settlor's intent in creating the trust, as 147538
evidenced by the terms of the trust instrument. 147539

(2) The court may order the trustee to exercise discretion 147540
that the trust instrument confers upon the trustee only if the 147541
instrument contains specific instructions or conditions governing 147542
the exercise of that discretion and the trustee has failed to 147543
comply with the instructions or conditions. In issuing an order 147544

pursuant to this division, the court shall require the trustee to 147545
exercise the trustee's discretion only in accordance with the 147546
instructions or conditions. 147547

(3) The court may order the trustee to maintain the trust and 147548
distribute assets in accordance with rules adopted by the director 147549
of ~~mental health~~ mental health and addiction services under 147550
section ~~5119.01~~ 5119.10 of the Revised Code or the director of 147551
developmental disabilities under section 5123.04 of the Revised 147552
Code if the trustee has failed to comply with such rules. 147553

(D) To the extent permitted by federal law and subject to the 147554
provisions of division (C)(2) of this section pertaining to the 147555
enforcement of specific instructions or conditions governing a 147556
trustee's discretion, a trust authorized by division (B) of this 147557
section that confers discretion upon the trustee shall not be 147558
considered an asset or resource of the beneficiary, the 147559
beneficiary's estate, the settlor, or the settlor's estate and 147560
shall be exempt from the claims of creditors, political 147561
subdivisions, the state, other governmental entities, and other 147562
claimants against the beneficiary, the beneficiary's estate, the 147563
settlor, or the settlor's estate, including claims regarding the 147564
medicaid program or based on provisions of Chapters ~~5111.7~~ 5121.7 147565
or 5123. of the Revised Code and claims sought to be satisfied by 147566
way of a civil action, subrogation, execution, garnishment, 147567
attachment, judicial sale, or other legal process, if all of the 147568
following apply: 147569

(1) At the time the trust is created, the trust principal 147570
does not exceed the maximum amount determined under division (E) 147571
of this section; 147572

(2) The trust instrument contains a statement of the 147573
settlor's intent, or otherwise clearly evidences the settlor's 147574
intent, that the beneficiary does not have authority to compel the 147575
trustee under any circumstances to furnish the beneficiary with 147576

minimal or other maintenance or support, to make payments from the 147577
principal of the trust or from the income derived from the 147578
principal, or to convert any portion of the principal into cash, 147579
whether pursuant to an ascertainable standard specified in the 147580
instrument or otherwise; 147581

(3) The trust instrument provides that trust assets can be 147582
used only to provide supplemental services, as defined by rule of 147583
the director of ~~mental health~~ mental health and addiction services 147584
under section ~~5119.01~~ 5119.10 of the Revised Code or the director 147585
of developmental disabilities under section 5123.04 of the Revised 147586
Code, to the beneficiary; 147587

(4) The trust is maintained and assets are distributed in 147588
accordance with rules adopted by the director of ~~mental health~~ 147589
mental health and addiction services under section ~~5119.01~~ 5119.10 147590
of the Revised Code or the director of developmental disabilities 147591
under section 5123.04 of the Revised Code; 147592

(5) The trust instrument provides that on the death of the 147593
beneficiary, a portion of the remaining assets of the trust, which 147594
shall be not less than fifty per cent of such assets, will be 147595
deposited to the credit of the services fund for individuals with 147596
mental illness created by section ~~5119.17~~ 5119.51 of the Revised 147597
Code or the services fund for individuals with mental retardation 147598
and developmental disabilities created by section 5123.40 of the 147599
Revised Code. 147600

(E) In 1994, the trust principal maximum amount for a trust 147601
created under this section shall be two hundred thousand dollars. 147602
The maximum amount for a trust created under this section prior to 147603
November 11, 1994, may be increased to two hundred thousand 147604
dollars. 147605

In 1995, the maximum amount for a trust created under this 147606
section shall be two hundred two thousand dollars. Each year 147607

thereafter, the maximum amount shall be the prior year's amount 147608
plus two thousand dollars. 147609

(F) This section does not limit or otherwise affect the 147610
creation, validity, interpretation, or effect of any trust that is 147611
not created under this section. 147612

(G) Once a trustee takes action on a trust created by a 147613
settlor under this section and disburses trust funds on behalf of 147614
the beneficiary of the trust, then the trust may not be terminated 147615
or otherwise revoked by a particular event or otherwise without 147616
payment into the services fund created pursuant to section ~~5119.17~~ 147617
5119.51 or 5123.40 of the Revised Code of an amount that is equal 147618
to the disbursements made on behalf of the beneficiary for medical 147619
care by the state from the date the trust vests but that is not 147620
more than fifty per cent of the trust corpus. 147621

Sec. 5902.02. The duties of the director of veterans services 147622
shall include the following: 147623

(A) Furnishing the veterans service commissions of all 147624
counties of the state copies of the state laws, rules, and 147625
legislation relating to the operation of the commissions and their 147626
offices; 147627

(B) Upon application, assisting the general public in 147628
obtaining records of vital statistics pertaining to veterans or 147629
their dependents; 147630

(C) Adopting rules pursuant to Chapter 119. of the Revised 147631
Code pertaining to minimum qualifications for hiring, certifying, 147632
and accrediting county veterans service officers, pertaining to 147633
their required duties, and pertaining to revocation of the 147634
certification of county veterans service officers; 147635

(D) Adopting rules pursuant to Chapter 119. of the Revised 147636
Code for the education, training, certification, and duties of 147637

veterans service commissioners and for the revocation of the certification of a veterans service commissioner; 147638
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(E) Developing and monitoring programs and agreements enhancing employment and training for veterans in single or multiple county areas; 147640
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(F) Developing and monitoring programs and agreements to enable county veterans service commissions to address homelessness, indigency, and other veteran-related issues individually or jointly; 147643
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(G) Developing and monitoring programs and agreements to enable state agencies, individually or jointly, that provide services to veterans, including the veterans' homes operated under Chapter 5907. of the Revised Code and the director of job and family services, to address homelessness, indigency, employment, and other veteran-related issues; 147647
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(H) Establishing and providing statistical reporting formats and procedures for county veterans service commissions; 147653
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(I) Publishing electronically a listing of county veterans service offices and county veterans service commissioners. The listing shall include the expiration dates of commission members' terms of office and the organizations they represent; the names, addresses, and telephone numbers of county veterans service offices; and the addresses and telephone numbers of the Ohio offices and headquarters of state and national veterans service organizations. 147655
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(J) Establishing a veterans advisory committee to advise and assist the department of veterans services in its duties. Members shall include a member of the national guard association of the United States who is a resident of this state, a member of the military officers association of America who is a resident of this state, a state representative of congressionally chartered 147663
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veterans organizations referred to in section 5901.02 of the Revised Code, a representative of any other congressionally chartered state veterans organization that has at least one veterans service commissioner in the state, three representatives of the Ohio state association of county veterans service commissioners, who shall have a combined vote of one, three representatives of the state association of county veterans service officers, who shall have a combined vote of one, one representative of the county commissioners association of Ohio, who shall be a county commissioner not from the same county as any of the other county representatives, a representative of the advisory committee on women veterans, a representative of a labor organization, and a representative of the office of the attorney general. The department of veterans services shall submit to the advisory committee proposed rules for the committee's operation. The committee may review and revise these proposed rules prior to submitting them to the joint committee on agency rule review.

(K) Adopting, with the advice and assistance of the veterans advisory committee, policy and procedural guidelines that the veterans service commissions shall adhere to in the development and implementation of rules, policies, procedures, and guidelines for the administration of Chapter 5901. of the Revised Code. The department of veterans services shall adopt no guidelines or rules regulating the purposes, scope, duration, or amounts of financial assistance provided to applicants pursuant to sections 5901.01 to 5901.15 of the Revised Code. The director of veterans services may obtain opinions from the office of the attorney general regarding rules, policies, procedures, and guidelines of the veterans service commissions and may enforce compliance with Chapter 5901. of the Revised Code.

(L) Receiving copies of form DD214 filed in accordance with the director's guidelines adopted under division (L) of this

section from members of veterans service commissions appointed 147701
under section 5901.02 and from county veterans service officers 147702
employed under section 5901.07 of the Revised Code; 147703

(M) Developing and maintaining and improving a resource, such 147704
as a telephone answering point or a web site, by means of which 147705
veterans and their dependents, through a single portal, can access 147706
multiple sources of information and interaction with regard to the 147707
rights of, and the benefits available to, veterans and their 147708
dependents. The director of veterans services may enter into 147709
agreements with state and federal agencies, with agencies of 147710
political subdivisions, with state and local instrumentalities, 147711
and with private entities as necessary to make the resource as 147712
complete as is possible. 147713

(N) Planning, organizing, advertising, and conducting 147714
outreach efforts, such as conferences and fairs, at which veterans 147715
and their dependents may meet, learn about the organization and 147716
operation of the department of veterans services and of veterans 147717
service commissions, and obtain information about the rights of, 147718
and the benefits and services available to, veterans and their 147719
dependents; 147720

(O) Advertising, in print, on radio and television, and 147721
otherwise, the rights of, and the benefits and services available 147722
to, veterans and their dependents; 147723

(P) Developing and advocating improved benefits and services 147724
for, and improved delivery of benefits and services to, veterans 147725
and their dependents; 147726

(Q) Searching for, identifying, and reviewing statutory and 147727
administrative policies that relate to veterans and their 147728
dependents and reporting to the general assembly statutory and 147729
administrative policies that should be consolidated in whole or in 147730
part within the organization of the department of veterans 147731

services to unify funding, delivery, and accounting of statutory 147732
and administrative policy expressions that relate particularly to 147733
veterans and their dependents; 147734

(R) Encouraging veterans service commissions to innovate and 147735
otherwise to improve efficiency in delivering benefits and 147736
services to veterans and their dependents and to report successful 147737
innovations and efficiencies to the director of veterans services; 147738

(S) Publishing and encouraging adoption of successful 147739
innovations and efficiencies veterans service commissions have 147740
achieved in delivering benefits and services to veterans and their 147741
dependents; 147742

(T) Establishing advisory committees, in addition to the 147743
veterans advisory committee established under division (K) of this 147744
section, on veterans issues; 147745

(U) Developing and maintaining a relationship with the United 147746
States department of veterans affairs, seeking optimal federal 147747
benefits and services for Ohio veterans and their dependents, and 147748
encouraging veterans service commissions to maximize the federal 147749
benefits and services to which veterans and their dependents are 147750
entitled; 147751

(V) Developing and maintaining relationships with the several 147752
veterans organizations, encouraging the organizations in their 147753
efforts at assisting veterans and their dependents, and advocating 147754
for adequate state subsidization of the organizations; 147755

(W) Requiring the several veterans organizations that receive 147756
funding from the state annually, not later than the thirtieth day 147757
of July, to report to the director of veterans services and 147758
prescribing the form and content of the report; 147759

(X) Reviewing the reports submitted to the director under 147760
division (W) of this section within thirty days of receipt and 147761
informing the veterans organization of any deficiencies that exist 147762

in the organization's report and that funding will not be released 147763
until the deficiencies have been corrected and a satisfactory 147764
report submitted; 147765

(Y) Advising the director of budget and management when a 147766
report submitted to the director under division (W) of this 147767
section has been reviewed and determined to be satisfactory; 147768

(Z) Furnishing copies of all reports that the director of 147769
veterans services has determined have been submitted 147770
satisfactorily under division (W) of this section to the 147771
chairperson of the finance committees of the general assembly; 147772

(AA) Investigating complaints against county veterans 147773
services commissioners and county veterans service officers if the 147774
director reasonably believes the investigation to be appropriate 147775
and necessary; 147776

~~(Y)~~(BB) Taking any other actions required by this chapter. 147777

Sec. 5905.02. Whenever it appears that a person is eligible 147778
for care or treatment by the veterans' administration or other 147779
agency of the United States, and hospitalization is necessary for 147780
the proper care or treatment of such person, the probate court, 147781
upon receipt of a certificate from the veterans' administration or 147782
such other agency showing that facilities are available and such 147783
person is eligible for care or treatment therein, may order such 147784
person to said veterans' administration or other agency for care 147785
and treatment. 147786

Upon admission, such person shall be subject to the 147787
applicable regulations of the veterans' administration or other 147788
agency of the United States. The chief officer of any hospital to 147789
which any person is admitted pursuant to hospitalization as 147790
provided in sections 5905.01 to 5905.19 of the Revised Code, or 147791
under the law in effect at the time of such admission, shall have 147792

the same powers as are exercised by heads of hospitals for mental 147793
diseases and the department of ~~mental health~~ mental health and 147794
addiction services with respect to the retention, transfer, 147795
parole, or discharge of the person hospitalized; provided no 147796
person shall be transferred to a hospital operated by the state or 147797
any political subdivision thereof without the consent of such 147798
department. 147799

The right of such person to appear and defend shall not be 147800
denied. 147801

The judgment or order of hospitalization by a court of 147802
competent jurisdiction of another state ordering a person to the 147803
veterans' administration or other agency of the United States, or 147804
any hospital operated by any such agency, for care or treatment 147805
shall have the same effect as to such person while in this state 147806
as in the state in which the court entering such judgment or 147807
making such order is situated, provided that no nonresident 147808
ordered to a veterans' administration facility located in Ohio 147809
shall thereby acquire a legal settlement in Ohio. 147810

Upon receipt of a certificate that facilities are available 147811
in any such hospital operated by the United States for the care or 147812
treatment of any person ordered to any hospital for the mentally 147813
ill or other hospital in this state for the care of persons 147814
similarly afflicted, and that such person is eligible for such 147815
care or treatment, such department may transfer any such person to 147816
the veterans' administration or other agency of the United States 147817
in the state. Upon effecting any such transfer, the ordering court 147818
shall be notified thereof by the transferring agency; provided 147819
that no such person shall be transferred if ~~he~~ the person is 147820
confined pursuant to conviction of any crime or misdemeanor, or if 147821
~~he~~ the person has been acquitted of any such charge solely on the 147822
ground of insanity, unless prior to such transfer the court 147823
originally ordering such person enters an order for such transfer 147824

after appropriate motion and hearing. 147825

Any person transferred as provided in this section is ordered 147826
to the veterans' administration or other agency of the United 147827
States pursuant to the original order as though ~~he~~ the person had 147828
been originally so ordered. 147829

Sec. 5910.02. There is hereby created an Ohio war orphans 147830
scholarship board as part of the department of veterans services. 147831
The board consists of eight members as follows: the chancellor of 147832
the Ohio board of regents or the chancellor's designee; the 147833
director of veterans services or the director's designee; one 147834
member of the house of representatives, appointed by the speaker; 147835
one member of the senate, appointed by the president of the 147836
senate; and four members appointed by the governor, one of whom 147837
shall be a representative of the American Legion, one of whom 147838
shall be a representative of the Veterans of Foreign Wars, one of 147839
whom shall be a representative of the Disabled American Veterans, 147840
and one of whom shall be a representative of the AMVETS. At least 147841
ninety days prior to the expiration of the term of office of the 147842
representative of a veterans organization appointed by the 147843
governor, the governor shall notify the state headquarters of the 147844
affected organization of the need for an appointment and request 147845
the organization to make at least three nominations. Within sixty 147846
days after making the request for nominations, the governor may 147847
make the appointment from the nominations received, or may reject 147848
all the nominations and request at least three new nominations, 147849
from which the governor shall make an appointment within thirty 147850
days after making the request for the new nominations. If the 147851
governor receives no nominations during this thirty-day period, 147852
the governor may appoint any veteran. 147853

Terms of office for the four members appointed by the 147854
governor shall be for four years, commencing on the first day of 147855

January and ending on the thirty-first day of December, except 147856
that the term of the AMVETS representative shall expire December 147857
31, 1998, and the new term that succeeds it shall commence on 147858
January 1, 1999, and end on December 31, 2002. Each member shall 147859
hold office from the date of the member's appointment until the 147860
end of the term for which the member was appointed. The other 147861
members shall serve during their terms of office. Any vacancy 147862
shall be filled by appointment in the same manner as by original 147863
appointment. Any member appointed to fill a vacancy occurring 147864
prior to the expiration of the term for which the member's 147865
predecessor was appointed shall hold office for the remainder of 147866
such term. Any appointed member shall continue in office 147867
subsequent to the expiration date of the member's term until the 147868
member's successor takes office, or until a period of sixty days 147869
has elapsed, whichever occurs first. The members of the board 147870
shall serve without pay but shall be reimbursed for travel 147871
expenses and for other actual and necessary expenses incurred in 147872
the performance of their duties, not to exceed ten dollars per day 147873
for ten days in any one year to be appropriated out of any moneys 147874
in the state treasury to the credit of the general revenue fund. 147875

The chancellor of the board of regents shall act as secretary 147876
to the board and shall furnish such clerical and other assistance 147877
as may be necessary to the performance of the duties of the board. 147878

The board shall determine the number of scholarships to be 147879
made available, receive applications for scholarships, pass upon 147880
the eligibility of applicants, decide which applicants are to 147881
receive scholarships, and do all other things necessary for the 147882
proper administration of this chapter. 147883

The board may apply for, and may receive and accept, grants, 147884
and may receive and accept gifts, bequests, and contributions, 147885
from public and private sources, including agencies and 147886
instrumentalities of the United States and this state, and shall 147887

deposit the grants, gifts, bequests, or contributions into the 147888
Ohio war orphans scholarship donation fund. 147889

Sec. 5910.07. The Ohio war orphans scholarship donation fund 147890
is created in the state treasury. The fund shall consist of gifts, 147891
bequests, grants, and contributions made to the fund under section 147892
5910.02 of the Revised Code. Investment earnings of the fund shall 147893
be deposited into the fund. The fund shall be used to operate the 147894
war orphans scholarship program and to provide grants under 147895
sections 5910.01 to 5910.06 of the Revised Code. 147896

Sec. 5910.08. There is hereby created in the state treasury 147897
the war orphans scholarship reserve fund. Not later than the first 147898
day of July of each fiscal year, the chancellor of the Ohio board 147899
of regents shall certify to the director of budget and management 147900
the unencumbered balance of the general revenue fund 147901
appropriations made in the immediately preceding fiscal year for 147902
purposes of the war orphans scholarship program created in Chapter 147903
5910. of the Revised Code. Upon receipt of the certification, the 147904
director may transfer an amount not exceeding the certified amount 147905
from the general revenue fund to the war orphans scholarship 147906
reserve fund. Moneys in the war orphans scholarship reserve fund 147907
shall be used to pay scholarship obligations in excess of the 147908
general revenue fund appropriations made for that purpose. 147909

The director may transfer any unencumbered balance from the 147910
war orphans scholarship reserve fund to the general revenue fund. 147911

Sec. 5919.34. (A) As used in this section: 147912

(1) "Academic term" means any one of the following: 147913

(a) Fall term, which consists of fall semester or fall 147914
quarter, as appropriate; 147915

(b) Winter term, which consists of winter semester, winter 147916

quarter, or spring semester, as appropriate;	147917
(c) Spring term, which consists of spring quarter;	147918
(d) Summer term, which consists of summer semester or summer quarter, as appropriate.	147919 147920
(2) "Eligible applicant" means any individual to whom all of the following apply:	147921 147922
(a) The individual does not possess a baccalaureate degree.	147923
(b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.	147924 147925 147926
(c) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or four-year degree-granting program at a state institution of higher education or a private institution of higher education, or in a diploma-granting program at a state or private institution of higher education that is a school of nursing.	147927 147928 147929 147930 147931 147932 147933
(d) The individual has not accumulated ninety-six eligibility units under division (E) of this section.	147934 147935
(3) "State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, university branch established under Chapter 3355. of the Revised Code, or technical college established under Chapter 3357. of the Revised Code.	147936 147937 147938 147939 147940 147941 147942 147943
(4) "Private institution of higher education" means an Ohio institution of higher education that is nonprofit and has received a certificate of authorization pursuant to Chapter 1713. of the	147944 147945 147946

Revised Code, that is a private institution exempt from regulation 147947
under Chapter 3332. of the Revised Code as prescribed in section 147948
3333.046 of the Revised Code, or that holds a certificate of 147949
registration and program authorization issued by the state board 147950
of career colleges and schools pursuant to section 3332.05 of the 147951
Revised Code. 147952

(5) "Tuition" means the charges imposed to attend an 147953
institution of higher education and includes general and 147954
instructional fees. "Tuition" does not include laboratory fees, 147955
room and board, or other similar fees and charges. 147956

(B) There is hereby created a scholarship program to be known 147957
as the Ohio national guard scholarship program. 147958

(C) The adjutant general shall approve scholarships for all 147959
eligible applicants. The adjutant general shall process all 147960
applications for scholarships for each academic term in the order 147961
in which they are received. The scholarships shall be made without 147962
regard to financial need. At no time shall one person be placed in 147963
priority over another because of sex, race, or religion. 147964

(D)(1) Except as provided in divisions (I) and (J) of this 147965
section, for each academic term that an eligible applicant is 147966
approved for a scholarship under this section and either remains a 147967
current member in good standing of the Ohio national guard or is 147968
eligible for a scholarship under division (F)(1) of this section, 147969
the institution of higher education in which the applicant is 147970
enrolled shall, if the applicant's enlistment obligation extends 147971
beyond the end of that academic term or if division (F)(1) of this 147972
section applies, be paid on the applicant's behalf the applicable 147973
one of the following amounts: 147974

(a) If the institution is a state institution of higher 147975
education, an amount equal to one hundred per cent of the 147976
institution's tuition charges; 147977

(b) If the institution is a nonprofit private institution or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, an amount equal to one hundred per cent of the average tuition charges of all state universities;

(c) If the institution is an institution that holds a certificate of registration from the state board of career colleges and schools, the lesser of the following:

(i) An amount equal to one hundred per cent of the institution's tuition;

(ii) An amount equal to one hundred per cent of the average tuition charges of all state universities, as that term is defined in section 3345.011 of the Revised Code.

(2) An eligible applicant's scholarship shall not be reduced by the amount of that applicant's benefits under "the Montgomery G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984).

(E) A scholarship recipient under this section shall be entitled to receive scholarships under this section for the number of quarters or semesters it takes the recipient to accumulate ninety-six eligibility units as determined under divisions (E)(1) to (3) of this section.

(1) To determine the maximum number of semesters or quarters for which a recipient is entitled to a scholarship under this section, the adjutant general shall convert a recipient's credit hours of enrollment for each academic term into eligibility units in accordance with the following table:

	The		148004
Number of	following	The following	148005
credit hours	number of	number of	148006
of enrollment	eligibility	eligibility	148007
in an academic	units if a	units if a	148008

term	equals	semester	or	quarter	
					148009
					148010
12 or more hours		12 units		8 units	148011
9 but less than 12		9 units		6 units	148012
6 but less than 9		6 units		4 units	148013
3 but less than 6		3 units		2 units	148014

(2) A scholarship recipient under this section may continue to apply for scholarships under this section until the recipient has accumulated ninety-six eligibility units.

(3) If a scholarship recipient withdraws from courses prior to the end of an academic term so that the recipient's enrollment for that academic term is less than three credit hours, no scholarship shall be paid on behalf of that person for that academic term. Except as provided in division (F)(3) of this section, if a scholarship has already been paid on behalf of the person for that academic term, the adjutant general shall add to that person's accumulated eligibility units the number of eligibility units for which the scholarship was paid.

(F) This division applies to any eligible applicant called into active duty on or after September 11, 2001. As used in this division, "active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

(1) For a period of up to five years from when an individual's enlistment obligation in the Ohio national guard ends, an individual to whom this division applies is eligible for scholarships under this section for those academic terms that were missed or could have been missed as a result of the individual's call into active duty. Scholarships shall not be paid for the academic term in which an eligible applicant's enlistment obligation ends unless an applicant is eligible under this

division for a scholarship for such academic term due to previous active duty. 148041
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(2) When an individual to whom this division applies withdraws or otherwise fails to complete courses, for which scholarships have been awarded under this section, because the individual was called into active duty, the institution of higher education shall grant the individual a leave of absence from the individual's education program and shall not impose any academic penalty for such withdrawal or failure to complete courses. Division (F)(2) of this section applies regardless of whether or not the scholarship amount was paid to the institution of higher education. 148043
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(3) If an individual to whom this division applies withdraws or otherwise fails to complete courses because the individual was called into active duty, and if scholarships for those courses have already been paid, either: 148053
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(a) The adjutant general shall not add to that person's accumulated eligibility units calculated under division (E) of this section the number of eligibility units for the academic courses or term for which the scholarship was paid and the institution of higher education shall repay the scholarship amount to the state. 148057
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(b) The adjutant general shall add to that individual's accumulated eligibility units calculated under division (E) of this section the number of eligibility units for the academic courses or term for which the scholarship was paid if the institution of higher education agrees to permit the individual to complete the remainder of the academic courses in which the individual was enrolled at the time the individual was called into active duty. 148063
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(4) No individual who is discharged from the Ohio national 148071

guard under other than honorable conditions shall be eligible for 148072
scholarships under this division. 148073

(G) A scholarship recipient under this section who fails to 148074
complete the term of enlistment, re-enlistment, or extension of 148075
current enlistment the recipient was serving at the time a 148076
scholarship was paid on behalf of the recipient under this section 148077
is liable to the state for repayment of a percentage of all Ohio 148078
national guard scholarships paid on behalf of the recipient under 148079
this section, plus interest at the rate of ten per cent per annum 148080
calculated from the dates the scholarships were paid. This 148081
percentage shall equal the percentage of the current term of 148082
enlistment, re-enlistment, or extension of enlistment a recipient 148083
has not completed as of the date the recipient is discharged from 148084
the Ohio national guard. 148085

The attorney general may commence a civil action on behalf of 148086
the chancellor of the Ohio board of regents to recover the amount 148087
of the scholarships and the interest provided for in this division 148088
and the expenses incurred in prosecuting the action, including 148089
court costs and reasonable attorney's fees. A scholarship 148090
recipient is not liable under this division if the recipient's 148091
failure to complete the term of enlistment being served at the 148092
time a scholarship was paid on behalf of the recipient under this 148093
section is due to the recipient's death or discharge from the 148094
national guard due to disability. 148095

(H) On or before the first day of each academic term, the 148096
adjutant general shall provide an eligibility roster to the 148097
chancellor and to each institution of higher education at which 148098
one or more scholarship recipients have applied for enrollment. 148099
The institution shall use the roster to certify the actual 148100
full-time or part-time enrollment of each scholarship recipient 148101
listed as enrolled at the institution and return the roster to the 148102
adjutant general and the chancellor. Except as provided in 148103

division (J) of this section, the chancellor shall provide for 148104
payment of the appropriate number and amount of scholarships to 148105
each institution of higher education pursuant to division (D) of 148106
this section. If an institution of higher education fails to 148107
certify the actual enrollment of a scholarship recipient listed as 148108
enrolled at the institution within thirty days of the end of an 148109
academic term, the institution shall not be eligible to receive 148110
payment from the Ohio national guard scholarship program or from 148111
the individual enrollee. The adjutant general shall report on a 148112
semiannual basis to the director of budget and management, the 148113
speaker of the house of representatives, the president of the 148114
senate, and the chancellor the number of Ohio national guard 148115
scholarship recipients, the size of the scholarship-eligible 148116
population, and a projection of the cost of the program for the 148117
remainder of the biennium. 148118

(I) The chancellor and the adjutant general may adopt rules 148119
pursuant to Chapter 119. of the Revised Code governing the 148120
administration and fiscal management of the Ohio national guard 148121
scholarship program and the procedure by which the chancellor and 148122
the department of the adjutant general may modify the amount of 148123
scholarships a member receives based on the amount of other state 148124
financial aid a member receives. 148125

(J) The adjutant general, the chancellor, and the director, 148126
or their designees, shall jointly estimate the costs of the Ohio 148127
national guard scholarship program for each upcoming fiscal 148128
biennium, and shall report that estimate prior to the beginning of 148129
the fiscal biennium to the chairpersons of the finance committees 148130
in the general assembly. During each fiscal year of the biennium, 148131
the adjutant general, the chancellor, and the director, or their 148132
designees, shall meet regularly to monitor the actual costs of the 148133
Ohio national guard scholarship program and update cost 148134
projections for the remainder of the biennium as necessary. If the 148135

amounts appropriated for the Ohio national guard scholarship 148136
program and any funds in the Ohio national guard scholarship 148137
reserve fund and the Ohio national guard scholarship donation fund 148138
are not adequate to provide scholarships in the amounts specified 148139
in division (D)(1) of this section for all eligible applicants, 148140
the chancellor shall do all of the following: 148141

(1) Notify each private institution of higher education, 148142
where a scholarship recipient is enrolled, that, by accepting the 148143
Ohio national guard scholarship program as payment for all or part 148144
of the institution's tuition, the institution agrees that if the 148145
chancellor reduces the amount of each scholarship, the institution 148146
shall provide each scholarship recipient a grant or tuition waiver 148147
in an amount equal to the amount the recipient's scholarship was 148148
reduced by the chancellor. 148149

(2) Reduce the amount of each scholarship under division 148150
(D)(1)(a) of this section proportionally based on the amount of 148151
remaining available funds. Each state institution of higher 148152
education shall provide each scholarship recipient under division 148153
(D)(1)(a) of this section a grant or tuition waiver in an amount 148154
equal to the amount the recipient's scholarship was reduced by the 148155
chancellor. 148156

(K) Notwithstanding division (A) of section 127.14 of the 148157
Revised Code, the controlling board shall not transfer all or part 148158
of any appropriation for the Ohio national guard scholarship 148159
program. 148160

(L) The chancellor and the adjutant general may apply for, 148161
and may receive and accept grants, and may receive and accept 148162
gifts, bequests, and contributions, from public and private 148163
sources, including agencies and instrumentalities of the United 148164
States and this state, and shall deposit the grants, gifts, 148165
bequests, or contributions into the national guard scholarship 148166
~~reserve~~ donation fund. 148167

Sec. 5919.342. The national guard scholarship donation fund 148168
is created in the state treasury. The fund shall consist of gifts, 148169
bequests, grants, and contributions made to the fund under 148170
division (L) of section 5919.34 of the Revised Code. Investment 148171
earnings of the fund shall be deposited into the fund. The fund 148172
shall be used to operate the Ohio national guard scholarship 148173
program created under section 5919.34 of the Revised Code. 148174

Sec. 5924.502. (A) If the issue of an accused's competence to 148175
stand trial is raised or if an accused enters a plea of not guilty 148176
by reason of insanity, the court may order one or more evaluations 148177
of the accused's present mental condition or, in the case of a 148178
plea of not guilty by reason of insanity, of the accused's mental 148179
condition at the time of the offense charged. An examiner shall 148180
conduct the evaluation. 148181

(B) If the court orders more than one evaluation under 148182
division (A) of this section, the trial counsel and the defense 148183
counsel may recommend to the court an examiner whom each prefers 148184
to perform one of the evaluations. If an accused enters a plea of 148185
not guilty by reason of insanity and if the court does not 148186
designate an examiner recommended by the defense counsel, the 148187
court shall inform the accused that the accused may have 148188
independent expert evaluation and that it will be obtained for the 148189
accused at public expense. 148190

(C) If the court orders an evaluation under division (A) of 148191
this section, the accused shall be available at the times and 148192
places established by the examiners who are to conduct the 148193
evaluation. The court may order an accused who is not being held 148194
in pretrial confinement to submit to an evaluation under this 148195
section. If an accused who is not being held in pretrial 148196
confinement refuses to submit to a complete evaluation, the court 148197
may order the sheriff to take the accused into custody and deliver 148198

the accused to a center, program, or facility operated or 148199
certified by the department of ~~mental health~~ mental health and 148200
addiction services where the accused may be held for evaluation 148201
for a reasonable period of time not to exceed twenty days. 148202

(D) An accused who is being held in pretrial confinement may 148203
be evaluated at the accused's place of detention. Upon the request 148204
of the examiner, the court may order the sheriff to transport the 148205
accused to a program or facility operated or certified by the 148206
department of ~~mental health~~ mental health and addiction services, 148207
where the accused may be held for evaluation for a reasonable 148208
period of time not to exceed twenty days, and to return the 148209
accused to the place of detention after the evaluation. 148210

(E) If a court orders the evaluation to determine an 148211
accused's mental condition at the time of the offense charged, the 148212
court shall inform the examiner of the offense with which the 148213
accused is charged. 148214

(F) In conducting an evaluation of an accused's mental 148215
condition at the time of the offense charged, the examiner shall 148216
consider all relevant evidence. If the offense charged involves 148217
the use of force against another person, the relevant evidence to 148218
be considered includes, but is not limited to, any evidence that 148219
the accused suffered at the time of the commission of the offense 148220
from the "battered woman syndrome." 148221

(G) The examiner shall file a written report with the court 148222
within thirty days after entry of a court order for evaluation, 148223
and the court shall provide copies of the report to the trial 148224
counsel and defense counsel. The report shall include all of the 148225
following: 148226

(1) The examiner's findings; 148227

(2) The facts in reasonable detail on which the findings are 148228
based; 148229

(3) If the evaluation was ordered to determine the accused's competence to stand trial, all of the following findings or recommendations that are applicable:

(a) Whether the accused is capable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense;

(b) If the examiner's opinion is that the accused is incapable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense, whether the accused presently is mentally ill;

(c) If the examiner's opinion is that the accused is incapable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense, the examiner's opinion as to the likelihood of the accused becoming capable of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense within one year if the accused is provided with a course of treatment;

(d) If the examiner's opinion is that the accused is incapable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense and that the accused presently is mentally ill, the examiner's recommendation as to the least restrictive placement or commitment alternative, consistent with the accused's treatment needs for restoration to competency and with the safety of the community;

(e) If the accused is charged before a special or summary court-martial with an offense that is not a violation of section 5924.120, 5924.127, or 5924.128 of the Revised Code and the examiner's opinion is that the accused is incapable of understanding the nature and objective of the proceedings against

the accused or of assisting in the accused's defense and that the 148261
accused is presently mentally ill, the examiner's recommendation 148262
as to whether the accused is amenable to engagement in mental 148263
health treatment. 148264

(4) If the evaluation was ordered to determine the accused's 148265
mental condition at the time of the offense charged, the 148266
examiner's findings as to whether the accused at the time of the 148267
offense charged did not know, as a result of a severe mental 148268
disease or defect, the wrongfulness of the accused's acts charged. 148269

(H) An examiner appointed under divisions (A) and (B) of this 148270
section to evaluate an accused to determine the accused's 148271
competence to stand trial also may be appointed to evaluate an 148272
accused who has entered a plea of not guilty by reason of 148273
insanity, but an examiner of that nature shall prepare separate 148274
reports on the issue of competence to stand trial and the defense 148275
of not guilty by reason of insanity. 148276

(I) No statement that an accused makes in an evaluation or 148277
hearing under divisions (A) to (H) of this section relating to the 148278
accused's competence to stand trial or to the accused's mental 148279
condition at the time of the offense charged may be used against 148280
the accused on the issue of guilt in any criminal action or 148281
proceeding, but, in a criminal action or proceeding, the trial 148282
counsel or defense counsel may call as a witness any person who 148283
evaluated the accused or prepared a report pursuant to a referral 148284
under this section. Neither the appointment nor the testimony of 148285
an examiner appointed under this section precludes the trial 148286
counsel or defense counsel from calling other witnesses or 148287
presenting other evidence on competency or insanity issues. 148288

(J) Persons appointed as examiners under divisions (A) and 148289
(B) of this section or under division (H) of this section shall be 148290
paid a reasonable amount for their services and expenses, as 148291
certified by the court. 148292

Sec. 5924.503. (A) If the issue of an accused's competence to stand trial is raised and if the court, upon conducting the hearing provided for in section 5924.502 of the Revised Code, finds that the accused is competent to stand trial, the accused shall be proceeded against as provided by law. If the court finds the accused competent to stand trial and the accused is receiving psychotropic drugs or other medication, the court may authorize the continued administration of the drugs or medication or other appropriate treatment in order to maintain the accused's competence to stand trial unless the accused's attending physician advises the court against continuation of the drugs, other medication, or treatment.

(B)(1)(a) If, after taking into consideration all relevant reports, information, and other evidence, the court finds that the accused is incompetent to stand trial and that there is a substantial probability that the accused will become competent to stand trial within one year if the accused is provided with a course of treatment, the court shall order the accused to undergo treatment. If the accused is being tried by a general court-martial and if, after taking into consideration all relevant reports, information, and other evidence, the court finds that the accused is incompetent to stand trial, but the court is unable at that time to determine whether there is a substantial probability that the accused will become competent to stand trial within one year if the accused is provided with a course of treatment, the court shall order continuing evaluation and treatment of the accused for a period not to exceed four months to determine whether there is a substantial probability that the accused will become competent to stand trial within one year if the accused is provided with a course of treatment.

(b) The court order for the accused to undergo treatment or continuing evaluation and treatment under division (B)(1)(a) of

this section shall specify that the accused, if determined to
require mental health treatment or continuing evaluation and
treatment, shall be committed to the department of ~~mental health~~
mental health and addiction services for treatment or continuing
evaluation and treatment at a hospital, facility, or agency
determined to be clinically appropriate by the department of
~~mental health~~ mental health and addiction services. The order may
restrict the accused's freedom of movement as the court considers
necessary. The trial counsel in the accused's case shall send to
the chief clinical officer of the hospital, facility, or ~~agency~~
services provider where the accused is placed by the department of
~~mental health~~ mental health and addiction services or to the
managing officer of the institution, the director of the facility,
or the person to which the accused is committed copies of relevant
investigative reports and other background information that
pertains to the accused and is available to the trial counsel
unless the trial counsel determines that the release of any of the
information in the investigative reports or any of the other
background information to unauthorized persons would interfere
with the effective prosecution of any person or would create a
substantial risk of harm to any person.

In committing the accused to the department of ~~mental health~~
mental health and addiction services, the court shall consider the
extent to which the person is a danger to the person and to
others, the need for security, and the type of crime involved and,
if the court finds that restrictions on the accused's freedom of
movement are necessary, shall specify the least restrictive
limitations on the person's freedom of movement determined to be
necessary to protect public safety. In weighing these factors, the
court shall give preference to protecting public safety.

(c) If the accused is found incompetent to stand trial, if
the chief clinical officer of the hospital, facility, or ~~agency~~

services provider where the accused is placed, or the managing 148357
officer of the institution, the director of the facility, or the 148358
person to which the accused is committed for treatment or 148359
continuing evaluation and treatment under division (B)(1)(b) of 148360
this section determines that medication is necessary to restore 148361
the accused's competency to stand trial, and if the accused lacks 148362
the capacity to give informed consent or refuses medication, the 148363
chief clinical officer of the hospital, facility, or ~~agency~~ 148364
services provider where the accused is placed or the managing 148365
officer of the institution, the director of the facility, or the 148366
person to which the accused is committed for treatment or 148367
continuing evaluation and treatment may petition the court for 148368
authorization for the involuntary administration of medication. 148369
The court shall hold a hearing on the petition within five days of 148370
the filing of the petition. Following the hearing, the court may 148371
authorize the involuntary administration of medication or may 148372
dismiss the petition. 148373

(d) If the accused is charged before a special or summary 148374
court-martial with an offense that is not a violation of section 148375
5924.120, 5924.127, or 5924.128 of the Revised Code, the trial 148376
counsel may hold the charges in abeyance while the accused engages 148377
in mental health treatment. 148378

(2) If the court finds that the accused is incompetent to 148379
stand trial and that, even if the accused is provided with a 148380
course of treatment, there is not a substantial probability that 148381
the accused will become competent to stand trial within one year, 148382
the court shall order the discharge of the accused, unless upon 148383
motion of the trial counsel or on its own motion, the court either 148384
seeks to retain jurisdiction over the accused pursuant to division 148385
(A)(2) of section 5924.504 of the Revised Code or files an 148386
affidavit in the probate court for the civil commitment of the 148387
accused pursuant to Chapter 5122. of the Revised Code alleging 148388

that the accused is a mentally ill person subject to 148389
hospitalization by court order. If an affidavit is filed in the 148390
probate court, the trial court shall send to the probate court 148391
copies of all written reports of the accused's mental condition 148392
that were prepared pursuant to section 5924.502 of the Revised 148393
Code. 148394

The trial court may issue the temporary order of detention 148395
that a probate court may issue under section 5122.11 of the 148396
Revised Code, to remain in effect until the probable cause or 148397
initial hearing in the probate court. Further proceedings in the 148398
probate court are civil proceedings governed by Chapter 5122. of 148399
the Revised Code. 148400

(C) No accused shall be required to undergo treatment, 148401
including any continuing evaluation and treatment, under division 148402
(B)(1) of this section for longer than whichever of the following 148403
periods is applicable: 148404

(1) One year, if the accused is being tried by a general 148405
court-martial; 148406

(2) Six months, if the accused is being tried before a 148407
special court-martial; 148408

(3) Sixty days, if the accused is being tried before a 148409
summary court-martial. 148410

(D) Any accused who is committed pursuant to this section 148411
shall not voluntarily admit the accused or be voluntarily admitted 148412
to a hospital or institution pursuant to section 5122.02 or 148413
5122.15 of the Revised Code. 148414

(E) Except as otherwise provided in this division, an accused 148415
who is charged with an offense and is committed by the court under 148416
this section to the department of ~~mental health~~ mental health and 148417
addiction services with restrictions on the accused's freedom of 148418
movement shall not be granted unsupervised on-grounds movement, 148419

supervised off-grounds movement, or nonsecured status except in 148420
accordance with the court order. The court may grant an accused 148421
supervised off-grounds movement to obtain medical treatment or 148422
specialized habilitation treatment services if the person who 148423
supervises the treatment or the continuing evaluation and 148424
treatment of the accused ordered under division (B)(1)(a) of this 148425
section informs the court that the treatment or continuing 148426
evaluation and treatment cannot be provided at the hospital or 148427
facility where the accused is placed by the department of ~~mental~~ 148428
~~health~~ mental health and addiction services. The chief clinical 148429
officer of the hospital or facility where the accused is placed by 148430
the department of ~~mental health~~ mental health and addiction 148431
services or the managing officer of the institution or director of 148432
the facility to which the accused is committed or a designee of 148433
any of those persons may grant an accused movement to a medical 148434
facility for an emergency medical situation with appropriate 148435
supervision to ensure the safety of the accused, staff, and 148436
community during that emergency medical situation. The chief 148437
clinical officer of the hospital or facility where the accused is 148438
placed by the department of ~~mental health~~ mental health and 148439
addiction services or the managing officer of the institution or 148440
director of the facility to which the accused is committed shall 148441
notify the court within twenty-four hours of the accused's 148442
movement to the medical facility for an emergency medical 148443
situation under this division. 148444

(F) The person who supervises the treatment or continuing 148445
evaluation and treatment of an accused ordered to undergo 148446
treatment or continuing evaluation and treatment under division 148447
(B)(1)(a) of this section shall file a written report with the 148448
court at the following times: 148449

(1) Whenever the person believes the accused is capable of 148450
understanding the nature and objective of the proceedings against 148451

the accused and of assisting in the accused's defense; 148452

(2) Fourteen days before expiration of the maximum time for 148453
treatment as specified in division (C) of this section and 148454
fourteen days before the expiration of the maximum time for 148455
continuing evaluation and treatment as specified in division 148456
(B)(1)(a) of this section; 148457

(3) At a minimum, after each six months of treatment; 148458

(4) Whenever the person who supervises the treatment or 148459
continuing evaluation and treatment of an accused ordered under 148460
division (B)(1)(a) of this section believes that there is not a 148461
substantial probability that the accused will become capable of 148462
understanding the nature and objective of the proceedings against 148463
the accused or of assisting in the accused's defense even if the 148464
accused is provided with a course of treatment. 148465

(G) A report under division (F) of this section shall contain 148466
the examiner's findings, the facts in reasonable detail on which 148467
the findings are based, and the examiner's opinion as to the 148468
accused's capability of understanding the nature and objective of 148469
the proceedings against the accused and of assisting in the 148470
accused's defense. If, in the examiner's opinion, the accused 148471
remains incapable of understanding the nature and objective of the 148472
proceedings against the accused and of assisting in the accused's 148473
defense and there is a substantial probability that the accused 148474
will become capable of understanding the nature and objective of 148475
the proceedings against the accused and of assisting in the 148476
accused's defense if the accused is provided with a course of 148477
treatment, if in the examiner's opinion the accused remains 148478
mentally ill, and if the maximum time for treatment as specified 148479
in division (C) of this section has not expired, the report also 148480
shall contain the examiner's recommendation as to the least 148481
restrictive placement or commitment alternative that is consistent 148482
with the accused's treatment needs for restoration to competency 148483

and with the safety of the community. The court shall provide 148484
copies of the report to the trial counsel and defense counsel. 148485

(H) If an accused is committed pursuant to division (B)(1) of 148486
this section, within ten days after the treating physician of the 148487
accused or the examiner of the accused who is employed or retained 148488
by the treating facility advises that there is not a substantial 148489
probability that the accused will become capable of understanding 148490
the nature and objective of the proceedings against the accused or 148491
of assisting in the accused's defense even if the accused is 148492
provided with a course of treatment, within ten days after the 148493
expiration of the maximum time for treatment as specified in 148494
division (C) of this section, within ten days after the expiration 148495
of the maximum time for continuing evaluation and treatment as 148496
specified in division (B)(1)(a) of this section, within thirty 148497
days after an accused's request for a hearing that is made after 148498
six months of treatment, or within thirty days after being advised 148499
by the treating physician or examiner that the accused is 148500
competent to stand trial, whichever is the earliest, the court 148501
shall conduct another hearing to determine if the accused is 148502
competent to stand trial and shall do whichever of the following 148503
is applicable: 148504

(1) If the court finds that the accused is competent to stand 148505
trial, the accused shall be proceeded against as provided by law. 148506

(2) If the court finds that the accused is incompetent to 148507
stand trial, but that there is a substantial probability that the 148508
accused will become competent to stand trial if the accused is 148509
provided with a course of treatment, and the maximum time for 148510
treatment as specified in division (C) of this section has not 148511
expired, the court, after consideration of the examiner's 148512
recommendation, shall order that treatment be continued, may 148513
change least restrictive limitations on the accused's freedom of 148514
movement. 148515

(3) If the court finds that the accused is incompetent to stand trial, if the accused is being tried by a general court-martial, and if the court finds that there is not a substantial probability that the accused will become competent to stand trial even if the accused is provided with a course of treatment, or if the maximum time for treatment as specified in division (C) of this section has expired, further proceedings shall be as provided in sections 5924.504 to 5924.506 of the Revised Code.

(4) If the court finds that the accused is incompetent to stand trial, if the accused is being tried before a special court-martial, and if the court finds that there is not a substantial probability that the accused will become competent to stand trial even if the accused is provided with a course of treatment, or if the maximum time for treatment as specified in division (C) of this section has expired, the court shall dismiss the charge against the accused. A dismissal under this division is not a bar to further prosecution based on the same conduct. The court shall discharge the accused unless the court or trial counsel files an affidavit in probate court for civil commitment pursuant to Chapter 5122. of the Revised Code. If an affidavit for civil commitment is filed, the court may detain the accused for ten days pending civil commitment. All of the following provisions apply to persons being tried by a special court-martial who are committed by the probate court subsequent to the court's or trial counsel's filing of an affidavit for civil commitment under authority of this division:

(a) The chief clinical officer of the entity, hospital, or facility, the managing officer of the institution, or the person to which the accused is committed or admitted shall do all of the following:

(i) Notify the trial counsel in writing of the discharge of

the accused, send the notice at least ten days prior to the discharge unless the discharge is by the probate court, and state in the notice the date on which the accused will be discharged;

(ii) Notify the trial counsel in writing when the accused is absent without leave or is granted unsupervised, off-grounds movement and send this notice promptly after the discovery of the absence without leave or prior to the granting of the unsupervised, off-grounds movement, whichever is applicable;

(iii) Notify the trial counsel in writing of the change of the accused's commitment or admission to voluntary status, send the notice promptly upon learning of the change to voluntary status, and state in the notice the date on which the accused was committed or admitted on a voluntary status.

(b) The trial counsel shall promptly inform the convening authority of any notification received under division (H)(4)(a) of this section. Upon receiving notice that the accused will be granted unsupervised, off-grounds movement, the convening authority either shall refer the charges against the accused to an investigating officer again or promptly notify the court that the convening authority does not intend to refer the charges against the accused again.

(I) If an accused is convicted of a crime and sentenced to confinement, the accused's sentence shall be reduced by the total number of days the accused is confined for evaluation to determine the accused's competence to stand trial or treatment under this section and sections 5924.502 and 5924.504 of the Revised Code or by the total number of days the accused is confined for evaluation to determine the accused's mental condition at the time of the offense charged.

Sec. 5924.504. (A) If an accused being tried by a general court-martial is found incompetent to stand trial, after the

expiration of the maximum time for treatment as specified in 148579
division (C) of section 5924.503 of the Revised Code or after the 148580
court finds that there is not a substantial probability that the 148581
accused will become competent to stand trial even if the accused 148582
is provided with a course of treatment, one of the following 148583
applies: 148584

(1) The court or the trial counsel may file an affidavit in 148585
probate court for civil commitment of the accused in the manner 148586
provided in Chapter 5122. of the Revised Code. If the court or 148587
trial counsel files an affidavit for civil commitment, the court 148588
may detain the accused for ten days pending civil commitment. If 148589
the probate court commits the accused subsequent to the court's or 148590
trial counsel's filing of an affidavit for civil commitment, the 148591
chief clinical officer of the entity, hospital, or facility, the 148592
managing officer of the institution, or the person to which the 148593
accused is committed or admitted shall send to the trial counsel 148594
the notices described in divisions (H)(4)(a)(i) to (iii) of 148595
section 5924.503 of the Revised Code within the periods of time 148596
and under the circumstances specified in those divisions. 148597

(2) On the motion of the trial counsel or on its own motion, 148598
the court may retain jurisdiction over the accused if at a hearing 148599
the court finds both of the following by clear and convincing 148600
evidence: 148601

(a) The accused committed the offense with which the accused 148602
is charged. 148603

(b) The accused is a mentally ill person subject to 148604
hospitalization by court order. 148605

(B) In making its determination under division (A)(2) of this 148606
section as to whether to retain jurisdiction over the accused, the 148607
court may consider all relevant evidence, including, but not 148608
limited to, any relevant psychiatric, psychological, or medical 148609

testimony or reports, the acts constituting the offense charged, 148610
and any history of the accused that is relevant to the accused's 148611
ability to conform to the law. 148612

(C) If the court conducts a hearing as described in division 148613
(A)(2) of this section and if the court does not make both 148614
findings described in divisions (A)(2)(a) and (b) of this section 148615
by clear and convincing evidence, the court shall dismiss the 148616
charges against the accused. Upon the dismissal, the court shall 148617
discharge the accused unless the court or trial counsel files an 148618
affidavit in probate court for civil commitment of the accused 148619
pursuant to Chapter 5122. of the Revised Code. If the court or 148620
trial counsel files an affidavit for civil commitment, the court 148621
may order that the accused be detained for up to ten days pending 148622
the civil commitment. If the probate court commits the accused 148623
subsequent to the court's or trial counsel's filing of an 148624
affidavit for civil commitment, the chief clinical officer of the 148625
entity, hospital, or facility, the managing officer of the 148626
institution, or the person to which the accused is committed or 148627
admitted shall send to the trial counsel the notices described in 148628
divisions (H)(4)(a)(i) to (iii) of section 5924.503 of the Revised 148629
Code within the periods of time and under the circumstances 148630
specified in those divisions. A dismissal of charges under this 148631
division is not a bar to further criminal proceedings based on the 148632
same conduct. 148633

(D)(1) If the court conducts a hearing as described in 148634
division (A)(2) of this section and if the court makes the 148635
findings described in divisions (A)(2)(a) and (b) of this section 148636
by clear and convincing evidence, the court shall commit the 148637
accused, if determined to require mental health treatment, to the 148638
department of ~~mental health~~ mental health and addiction services 148639
for treatment at a hospital, facility, or ~~agency~~ services provider 148640
as determined clinically appropriate by the department of ~~mental~~ 148641

~~health~~ mental health and addiction services. In committing the 148642
accused to the department of ~~mental health~~ mental health and 148643
addiction services, the court shall specify the least restrictive 148644
limitations on the accused's freedom of movement determined to be 148645
necessary to protect public safety. 148646

(2) If a court makes a commitment of an accused under 148647
division (D)(1) of this section, the trial counsel shall send to 148648
the hospital, facility, or ~~agency~~ services provider where the 148649
accused is placed by the department of ~~mental health~~ mental health 148650
and addiction services or to the accused's place of commitment all 148651
reports of the accused's current mental condition and, except as 148652
otherwise provided in this division, any other relevant 148653
information, including, but not limited to, a transcript of the 148654
hearing held pursuant to division (A)(2) of this section, copies 148655
of relevant investigative reports, and copies of any prior arrest 148656
and conviction records that pertain to the accused and that the 148657
trial counsel possesses. The trial counsel shall send the reports 148658
of the accused's current mental condition in every case of 148659
commitment, and, unless the trial counsel determines that the 148660
release of any of the other relevant information to unauthorized 148661
persons would interfere with the effective prosecution of any 148662
person or would create a substantial risk of harm to any person, 148663
the trial counsel also shall send the other relevant information. 148664

(3) If a court makes a commitment under division (D)(1) of 148665
this section, all further proceedings shall be in accordance with 148666
Chapter 5122. of the Revised Code. 148667

Sec. 5924.506. (A) If an accused person is found not guilty 148668
by reason of insanity, the verdict shall state that finding, and 148669
the trial court shall conduct a full hearing to determine whether 148670
the person is a mentally ill person subject to hospitalization by 148671
court order. Prior to the hearing, if the military judge believes 148672

that there is probable cause that the person found not guilty by 148673
reason of insanity is a mentally ill person subject to 148674
hospitalization by court order, the military judge may issue a 148675
temporary order of detention for that person to remain in effect 148676
for ten court days or until the hearing, whichever occurs first. 148677

Any person detained pursuant to a temporary order of 148678
detention issued under this division shall be held in a suitable 148679
facility, taking into consideration the place and type of 148680
confinement prior to and during trial. 148681

(B) The court shall hold the hearing under division (A) of 148682
this section to determine whether the person found not guilty by 148683
reason of insanity is a mentally ill person subject to 148684
hospitalization by court order within ten court days after the 148685
finding of not guilty by reason of insanity. Failure to conduct 148686
the hearing within the ten-day period shall cause the immediate 148687
discharge of the respondent, unless the judge grants a continuance 148688
for not longer than ten court days for good cause shown or for any 148689
period of time upon motion of the respondent. 148690

(C) If a person is found not guilty by reason of insanity, 148691
the person has the right to attend a hearing conducted pursuant to 148692
this section. At the hearing, the court shall inform the person 148693
that the person has all of the following rights: 148694

(1) The right to be represented by defense counsel or to 148695
retain civilian counsel, if the person so chooses; 148696

(2) The right to have independent expert evaluation; 148697

(3) The right to subpoena witnesses and documents, to present 148698
evidence on the person's behalf, and to cross-examine witnesses 148699
against the person; 148700

(4) The right to testify in the person's own behalf and to 148701
not be compelled to testify; 148702

(5) The right to have copies of any relevant medical or 148703
mental health document in the custody of the state or of any place 148704
of commitment other than a document for which the court finds that 148705
the release to the person of information contained in the document 148706
would create a substantial risk of harm to any person. 148707

(D) The hearing under division (A) of this section shall be 148708
open to the public, and the court shall conduct the hearing in 148709
accordance with regulations prescribed by the adjutant general. 148710
The court shall make and maintain a full transcript and record of 148711
the hearing proceedings. The court may consider all relevant 148712
evidence, including, but not limited to, any relevant psychiatric, 148713
psychological, or medical testimony or reports, the acts 148714
constituting the offense in relation to which the person was found 148715
not guilty by reason of insanity, and any history of the person 148716
that is relevant to the person's ability to conform to the law. 148717

(E) Upon completion of the hearing under division (A) of this 148718
section, if the court finds there is not clear and convincing 148719
evidence that the person is a mentally ill person subject to 148720
hospitalization by court order, the court shall discharge the 148721
person, unless a detainer has been placed upon the person by the 148722
department of rehabilitation and correction, in which case the 148723
person shall be returned to that department. 148724

(F) If, at the hearing under division (A) of this section, 148725
the court finds by clear and convincing evidence that the person 148726
is a mentally ill person subject to hospitalization by court 148727
order, it shall commit the person to the department of ~~mental~~ 148728
~~health~~ mental health and addiction services for placement in a 148729
hospital, facility, or ~~agency~~ services provider as determined 148730
clinically appropriate by the department of ~~mental health~~ mental 148731
health and addiction services. Further proceedings shall be in 148732
accordance with Chapter 5122. or 5123. of the Revised Code. In 148733
committing the accused to the department of ~~mental health~~ mental 148734

health and addiction services, the court shall specify the least 148735
restrictive limitations on the accused's freedom of movement 148736
determined to be necessary to protect public safety. 148737

(G) If a court makes a commitment of a person under division 148738
(F) of this section, the trial counsel shall send to the hospital, 148739
facility, or ~~agency~~ services provider where the defendant is 148740
placed by the department of ~~mental health~~ mental health and 148741
addiction services or to the accused's place of commitment all 148742
reports of the person's current mental condition, and, except as 148743
otherwise provided in this division, any other relevant 148744
information, including, but not limited to, a transcript of the 148745
hearing held pursuant to division (A) of this section, copies of 148746
relevant investigative reports, and copies of any prior arrest and 148747
conviction records that pertain to the person and that the trial 148748
counsel possesses. The trial counsel shall send the reports of the 148749
person's current mental condition in every case of commitment, 148750
and, unless the trial counsel determines that the release of any 148751
of the other relevant information to unauthorized persons would 148752
interfere with the effective prosecution of any person or would 148753
create a substantial risk of harm to any person, the trial counsel 148754
also shall send the other relevant information. 148755

(H) A person who is committed pursuant to this section shall 148756
not voluntarily admit the person or be voluntarily admitted to a 148757
hospital or institution pursuant to sections 5122.02 and 5122.15 148758
of the Revised Code. 148759

Sec. 6109.21. (A) Except as provided in divisions (I) and (J) 148760
of this section, no person shall operate a public water system in 148761
this state without a license issued by the director of 148762
environmental protection. 148763

(B)~~(1)~~ A person who proposes to operate a new public water 148764
system, in addition to complying with section 6109.07 of the 148765

Revised Code and rules adopted under it, shall obtain an initial 148766
license from the director. The person shall submit an application 148767
for the initial license at least forty-five days prior to 148768
commencing the operation of the system. 148769

(C) A license shall expire on the thirtieth day of January in 148770
the year following its issuance. 148771

(D) A license shall be renewed annually. A person proposing 148772
to continue operating a public water system shall apply for a 148773
license renewal at least thirty days prior to the expiration date 148774
of the license. 148775

(E) ~~Through June 30, 2014, each~~ Each application for a 148776
license or license renewal shall be accompanied by the appropriate 148777
fee established under division (M) of section 3745.11 of the 148778
Revised Code. However, an applicant for an initial license who is 148779
proposing to operate a new public water system shall submit a fee 148780
that equals a prorated amount of the appropriate fee established 148781
under that division for the remainder of the licensing year. 148782

(F) Not later than thirty days after receiving a completed 148783
application and the appropriate license fee for a license or 148784
license renewal for a public water system, the director shall do 148785
one of the following: 148786

(1) Issue the license or license renewal for the public water 148787
system; 148788

(2) Issue the license or license renewal subject to terms and 148789
conditions that the director determines are necessary to ensure 148790
compliance with this chapter and rules adopted under it; 148791

(3) Deny the license or license renewal if the director finds 148792
that the public water system cannot be operated in substantial 148793
compliance with this chapter and rules adopted under it. 148794

(G) The director may condition, suspend, or revoke a license 148795

or license renewal issued under this section at any time if the 148796
director finds that the public water system was not or will not be 148797
operated in substantial compliance with this chapter and rules 148798
adopted under it. 148799

(H) The director shall adopt rules in accordance with Chapter 148800
119. of the Revised Code establishing procedures and requirements 148801
governing both of the following: 148802

(1) Information to be included on applications for licenses 148803
and license renewals issued under this section; 148804

(2) The issuance, conditioning, suspension, revocation, and 148805
denial of licenses and license renewals under this section. 148806

(I)(1) As used in division (I) of this section, "church" 148807
means a fellowship of believers, congregation, society, 148808
corporation, convention, or association that is formed primarily 148809
or exclusively for religious purposes and that is not formed or 148810
operated for the private profit of any person. 148811

(2) This section does not apply to a church that operates or 148812
maintains a public water system solely to provide water for that 148813
church or for a campground that is owned by the church and 148814
operated primarily or exclusively for members of the church and 148815
their families. 148816

(J) This section does not apply to any public or nonpublic 148817
school that meets minimum standards of the state board of 148818
education that operates or maintains a public water system solely 148819
to provide water for that school. 148820

(K) The environmental protection agency shall collect well 148821
log filing fees on behalf of the division of soil and water 148822
resources in the department of natural resources in accordance 148823
with section 1521.05 of the Revised Code and rules adopted under 148824
it. The fees shall be submitted to the division quarterly as 148825
provided in those rules. 148826

~~Sec. 6111.037. (A) There is hereby created in the state treasury the nonpoint source pollution management fund. The fund shall consist of grant moneys received under~~ For purposes of state nonpoint source pollution management and pursuant to section 319 of the "Federal Water Pollution Control Act," for purposes of assisting with the development and implementation of a comprehensive nonpoint source pollution management program pursuant to that section of the act. Moneys credited to the fund may be used for purposes of research, planning, water quality assessments, demonstration projects, enforcement, technical assistance, education, and training regarding management of nonpoint sources of water pollution. The the director of environmental protection may enter into agreements to receive grant moneys for ~~the nonpoint source pollution management fund and for deposit into the state treasury to the credit of the water quality protection fund created in section 6111.0381 of the Revised Code. The director may enter into agreements to make grants of moneys credited to the fund under this section, including, without limitation, passthrough grants to other state departments or agencies.~~

(B) The director shall periodically prepare and, by rules adopted under division (O) of section 6111.036 of the Revised Code, establish a priority system for identifying activities eligible for assistance under this section. The priority system shall ensure that financial assistance available under this section is first provided to:

(1) Control particularly difficult or serious nonpoint source pollution problems, including, without limitation, problems resulting from mining activities;

(2) Implement innovative methods or practices for controlling nonpoint sources of pollution, including, without limitation,

regulatory programs that the director determines are appropriate; 148858

(3) Control interstate nonpoint source pollution problems; 148859

(4) Implement ground and surface water quality protection 148860
activities that the director determines are part of a 148861
comprehensive nonpoint source pollution control program, which 148862
activities include research, planning, ~~ground~~ water quality 148863
assessments, demonstration programs, enforcement, technical 148864
assistance, education, and training to protect ~~ground~~ water 148865
quality from nonpoint sources of pollution. 148866

Section 101.02. That existing sections 9.03, 9.15, 9.231, 148867
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5902.02, 5905.02, 5910.02, 5910.07, 5919.34, 5924.502, 5924.503, 149094
5924.504, 5924.506, 6109.21, and 6111.037 of the Revised Code are 149095
hereby repealed. 149096

Section 105.01. That sections 122.076, 122.15, 122.151, 149097
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5119.03, 5119.05, 5119.47, 5119.623, 5119.64, 5119.65, 5119.66, 149117
5119.67, 5119.68, 5507.65, 5507.66, 5707.05, 5727.41, 5733.35, 149118
5747.211, 5747.33, 5751.031, 6101.451, and 6111.029 of the Revised 149119
Code are hereby repealed. 149120

149121

Section 110.10. That section 3313.88 of the Revised Code as 149122
it results from Section 101.01 of this act be amended and 149123
recodified as section 3313.482 of the Revised Code to read as 149124
follows: 149125

Sec. ~~3313.88~~ 3313.482. (A)(1) Prior to the first day of 149126
August of each school year, the board of education of any school 149127
district or the governing authority of any chartered nonpublic 149128
school may submit to the department of education a plan to require 149129
students to access and complete classroom lessons posted on the 149130
district's or nonpublic school's web portal or web site in order 149131
to make up ~~days~~ hours in that school year on which it is necessary 149132
to close schools for ~~any of the reasons specified in division (B)~~ 149133
~~of section 3317.01 of the Revised Code in excess of the number of~~ 149134
~~days permitted under sections 3313.48, 3313.481, and 3317.01 of~~ 149135
~~the Revised Code~~ disease epidemic, hazardous weather conditions, 149136
law enforcement emergencies, inoperability of school buses or 149137
other equipment necessary to the school's operation, damage to a 149138
school building, or other temporary circumstances due to utility 149139
failure rendering the school building unfit for school use. 149140

149141

Prior to the first day of August of each school year, the governing authority of any community school established under Chapter 3314. that is not an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, may submit to the department a plan to require students to access and complete classroom lessons posted on the school's web portal or web site in order to make up ~~days or~~ hours in that school year on which it is necessary to close the school for any of the reasons specified in division (H)(4) of section 3314.08 of the Revised Code so that the school is in compliance with the minimum number of hours required under Chapter 3314. of the Revised Code.

A plan submitted by a school district board ~~or~~, chartered nonpublic school governing authority ~~shall provide for making up any number of days, up to a maximum of three days. A plan submitted by a, or~~ community school governing authority shall provide for making up any number of hours, up to a maximum of the number of hours that are the equivalent of three school days. Provided the plan meets all requirements of this section, the department shall permit the board or governing authority to implement the plan for the applicable school year.

(2) Each plan submitted under this section by a school district board of education shall include the written consent of the teachers' employee representative designated under division (B) of section 4117.04 of the Revised Code.

(3) Each plan submitted under this section shall provide for the following:

(a) Not later than the first day of November of the school year, each classroom teacher shall develop a sufficient number of lessons for each course taught by the teacher that school year to cover the number of make-up ~~days or~~ hours specified in the plan. The teacher shall designate the order in which the lessons are to be posted on the district's, community school's, or nonpublic

school's web portal or web site in the event of a school closure. 149174
Teachers may be granted up to one professional development day to 149175
create lesson plans for those lessons. 149176

(b) To the extent possible and necessary, a classroom teacher 149177
shall update or replace, based on current instructional progress, 149178
one or more of the lesson plans developed under division (A)(3)(a) 149179
of this section before they are posted on the web portal or web 149180
site under division (A)(3)(c) of this section or distributed under 149181
division (B) of this section. 149182

(c) As soon as practicable after a school closure, a district 149183
or school employee responsible for web portal or web site 149184
operations shall make the designated lessons available to students 149185
on the district's, community school's, or nonpublic school's 149186
portal or site. A lesson shall be posted for each course that was 149187
scheduled to meet on the day or hours of the closure. 149188

(d) Each student enrolled in a course for which a lesson is 149189
posted on the portal or site shall be granted a two-week period 149190
from the date of posting to complete the lesson. The student's 149191
classroom teacher shall grade the lesson in the same manner as 149192
other lessons. The student may receive an incomplete or failing 149193
grade if the lesson is not completed on time. 149194

(e) If a student does not have access to a computer at the 149195
student's residence and the plan does not include blizzard bags 149196
under division (B) of this section, the student shall be permitted 149197
to work on the posted lessons at school after the student's school 149198
reopens. If the lessons were posted prior to the reopening, the 149199
student shall be granted a two-week period from the date of the 149200
reopening, rather than from the date of posting as otherwise 149201
required under division (A)(3)(d) of this section, to complete the 149202
lessons. The district board or community school or nonpublic 149203
school governing authority may provide the student access to a 149204
computer before, during, or after the regularly scheduled school 149205

day or may provide a substantially similar paper lesson in order 149206
to complete the lessons. 149207

(B)(1) In addition to posting classroom lessons online under 149208
division (A) of this section, the board of education of any school 149209
district or governing authority of any community or chartered 149210
nonpublic school may include in the plan distribution of "blizzard 149211
bags," which are paper copies of the lessons posted online. 149212

(2) If a school opts to use blizzard bags, teachers shall 149213
prepare paper copies in conjunction with the lessons to be posted 149214
online and update the paper copies whenever the teacher updates 149215
the online lesson plans. 149216

(3) The board of education of any school district or 149217
governing authority of any community or chartered nonpublic school 149218
that opts to use blizzard bags shall specify in the plan the 149219
method of distribution of blizzard bag lessons, which may include, 149220
but not be limited to, requiring distribution by a specific 149221
deadline or requiring distribution prior to anticipated school 149222
closure as directed by the superintendent of a school district or 149223
the principal, director, chief administrative officer, or the 149224
equivalent, of a school. 149225

(4) Students shall turn in completed lessons in accordance 149226
with division (A)(3)(d) of this section. 149227

(C)(1) No school district that implements a plan in 149228
accordance with this section shall be considered to have failed to 149229
comply with division (B) of section 3317.01 of the Revised Code 149230
with respect to the number of make-up ~~days~~ hours specified in the 149231
plan. 149232

(2) No community school that implements a plan in accordance 149233
with this section shall be considered to have failed to comply 149234
with the minimum number of hours required under Chapter 3314. of 149235
the Revised Code with respect to the number of make-up hours 149236

specified in the plan. 149237

Section 110.11. That existing section 3313.88 of the Revised Code is hereby repealed. 149238
149239

Section 110.12. Sections 110.10 and 110.11 of this act shall take effect July 1, 2014. 149240
149241

Section 110.20. That the versions of sections 109.57, 2151.011, 2923.126, 5104.012, 5104.013, 5104.03, 5104.08, and 5104.32 of the Revised Code that are scheduled to take effect January 1, 2014, be amended to read as follows: 149242
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149245

Sec. 109.57. (A)(1) The superintendent of the bureau of criminal identification and investigation shall procure from wherever procurable and file for record photographs, pictures, descriptions, fingerprints, measurements, and other information that may be pertinent of all persons who have been convicted of committing within this state a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of all children under eighteen years of age who have been adjudicated delinquent children for committing within this state an act that would be a felony or an offense of violence if committed by an adult or who have been convicted of or pleaded guilty to committing within this state a felony or an offense of violence, and of all well-known and habitual criminals. The person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and the person in charge of any state institution having custody of a person 149246
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suspected of having committed a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or having custody of a child under eighteen years of age with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall furnish such material to the superintendent of the bureau. Fingerprints, photographs, or other descriptive information of a child who is under eighteen years of age, has not been arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence who is not in any other category of child specified in this division, if committed by an adult, has not been adjudicated a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, has not been convicted of or pleaded guilty to committing a felony or an offense of violence, and is not a child with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall not be procured by the superintendent or furnished by any person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution, except as authorized in section 2151.313 of the Revised Code.

(2) Every clerk of a court of record in this state, other than the supreme court or a court of appeals, shall send to the superintendent of the bureau a weekly report containing a summary of each case involving a felony, involving any crime constituting a misdemeanor on the first offense and a felony on subsequent

offenses, involving a misdemeanor described in division (A)(1)(a), 149298
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 149299
involving an adjudication in a case in which a child under 149300
eighteen years of age was alleged to be a delinquent child for 149301
committing an act that would be a felony or an offense of violence 149302
if committed by an adult. The clerk of the court of common pleas 149303
shall include in the report and summary the clerk sends under this 149304
division all information described in divisions (A)(2)(a) to (f) 149305
of this section regarding a case before the court of appeals that 149306
is served by that clerk. The summary shall be written on the 149307
standard forms furnished by the superintendent pursuant to 149308
division (B) of this section and shall include the following 149309
information: 149310

(a) The incident tracking number contained on the standard 149311
forms furnished by the superintendent pursuant to division (B) of 149312
this section; 149313

(b) The style and number of the case; 149314

(c) The date of arrest, offense, summons, or arraignment; 149315

(d) The date that the person was convicted of or pleaded 149316
guilty to the offense, adjudicated a delinquent child for 149317
committing the act that would be a felony or an offense of 149318
violence if committed by an adult, found not guilty of the 149319
offense, or found not to be a delinquent child for committing an 149320
act that would be a felony or an offense of violence if committed 149321
by an adult, the date of an entry dismissing the charge, an entry 149322
declaring a mistrial of the offense in which the person is 149323
discharged, an entry finding that the person or child is not 149324
competent to stand trial, or an entry of a nolle prosequi, or the 149325
date of any other determination that constitutes final resolution 149326
of the case; 149327

(e) A statement of the original charge with the section of 149328

the Revised Code that was alleged to be violated; 149329

(f) If the person or child was convicted, pleaded guilty, or 149330
was adjudicated a delinquent child, the sentence or terms of 149331
probation imposed or any other disposition of the offender or the 149332
delinquent child. 149333

If the offense involved the disarming of a law enforcement 149334
officer or an attempt to disarm a law enforcement officer, the 149335
clerk shall clearly state that fact in the summary, and the 149336
superintendent shall ensure that a clear statement of that fact is 149337
placed in the bureau's records. 149338

(3) The superintendent shall cooperate with and assist 149339
sheriffs, chiefs of police, and other law enforcement officers in 149340
the establishment of a complete system of criminal identification 149341
and in obtaining fingerprints and other means of identification of 149342
all persons arrested on a charge of a felony, any crime 149343
constituting a misdemeanor on the first offense and a felony on 149344
subsequent offenses, or a misdemeanor described in division 149345
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 149346
Revised Code and of all children under eighteen years of age 149347
arrested or otherwise taken into custody for committing an act 149348
that would be a felony or an offense of violence if committed by 149349
an adult. The superintendent also shall file for record the 149350
fingerprint impressions of all persons confined in a county, 149351
multicounty, municipal, municipal-county, or multicounty-municipal 149352
jail or workhouse, community-based correctional facility, halfway 149353
house, alternative residential facility, or state correctional 149354
institution for the violation of state laws and of all children 149355
under eighteen years of age who are confined in a county, 149356
multicounty, municipal, municipal-county, or multicounty-municipal 149357
jail or workhouse, community-based correctional facility, halfway 149358
house, alternative residential facility, or state correctional 149359
institution or in any facility for delinquent children for 149360

committing an act that would be a felony or an offense of violence 149361
if committed by an adult, and any other information that the 149362
superintendent may receive from law enforcement officials of the 149363
state and its political subdivisions. 149364

(4) The superintendent shall carry out Chapter 2950. of the 149365
Revised Code with respect to the registration of persons who are 149366
convicted of or plead guilty to a sexually oriented offense or a 149367
child-victim oriented offense and with respect to all other duties 149368
imposed on the bureau under that chapter. 149369

(5) The bureau shall perform centralized recordkeeping 149370
functions for criminal history records and services in this state 149371
for purposes of the national crime prevention and privacy compact 149372
set forth in section 109.571 of the Revised Code and is the 149373
criminal history record repository as defined in that section for 149374
purposes of that compact. The superintendent or the 149375
superintendent's designee is the compact officer for purposes of 149376
that compact and shall carry out the responsibilities of the 149377
compact officer specified in that compact. 149378

(B) The superintendent shall prepare and furnish to every 149379
county, multicounty, municipal, municipal-county, or 149380
multicounty-municipal jail or workhouse, community-based 149381
correctional facility, halfway house, alternative residential 149382
facility, or state correctional institution and to every clerk of 149383
a court in this state specified in division (A)(2) of this section 149384
standard forms for reporting the information required under 149385
division (A) of this section. The standard forms that the 149386
superintendent prepares pursuant to this division may be in a 149387
tangible format, in an electronic format, or in both tangible 149388
formats and electronic formats. 149389

(C)(1) The superintendent may operate a center for 149390
electronic, automated, or other data processing for the storage 149391
and retrieval of information, data, and statistics pertaining to 149392

criminals and to children under eighteen years of age who are 149393
adjudicated delinquent children for committing an act that would 149394
be a felony or an offense of violence if committed by an adult, 149395
criminal activity, crime prevention, law enforcement, and criminal 149396
justice, and may establish and operate a statewide communications 149397
network to be known as the Ohio law enforcement gateway to gather 149398
and disseminate information, data, and statistics for the use of 149399
law enforcement agencies and for other uses specified in this 149400
division. The superintendent may gather, store, retrieve, and 149401
disseminate information, data, and statistics that pertain to 149402
children who are under eighteen years of age and that are gathered 149403
pursuant to sections 109.57 to 109.61 of the Revised Code together 149404
with information, data, and statistics that pertain to adults and 149405
that are gathered pursuant to those sections. 149406

(2) The superintendent or the superintendent's designee shall 149407
gather information of the nature described in division (C)(1) of 149408
this section that pertains to the offense and delinquency history 149409
of a person who has been convicted of, pleaded guilty to, or been 149410
adjudicated a delinquent child for committing a sexually oriented 149411
offense or a child-victim oriented offense for inclusion in the 149412
state registry of sex offenders and child-victim offenders 149413
maintained pursuant to division (A)(1) of section 2950.13 of the 149414
Revised Code and in the internet database operated pursuant to 149415
division (A)(13) of that section and for possible inclusion in the 149416
internet database operated pursuant to division (A)(11) of that 149417
section. 149418

(3) In addition to any other authorized use of information, 149419
data, and statistics of the nature described in division (C)(1) of 149420
this section, the superintendent or the superintendent's designee 149421
may provide and exchange the information, data, and statistics 149422
pursuant to the national crime prevention and privacy compact as 149423
described in division (A)(5) of this section. 149424

(4) The attorney general may adopt rules under Chapter 119. 149425
of the Revised Code establishing guidelines for the operation of 149426
and participation in the Ohio law enforcement gateway. The rules 149427
may include criteria for granting and restricting access to 149428
information gathered and disseminated through the Ohio law 149429
enforcement gateway. The attorney general shall permit the state 149430
medical board and board of nursing to access and view, but not 149431
alter, information gathered and disseminated through the Ohio law 149432
enforcement gateway. 149433

The attorney general may appoint a steering committee to 149434
advise the attorney general in the operation of the Ohio law 149435
enforcement gateway that is comprised of persons who are 149436
representatives of the criminal justice agencies in this state 149437
that use the Ohio law enforcement gateway and is chaired by the 149438
superintendent or the superintendent's designee. 149439

(D)(1) The following are not public records under section 149440
149.43 of the Revised Code: 149441

(a) Information and materials furnished to the superintendent 149442
pursuant to division (A) of this section; 149443

(b) Information, data, and statistics gathered or 149444
disseminated through the Ohio law enforcement gateway pursuant to 149445
division (C)(1) of this section; 149446

(c) Information and materials furnished to any board or 149447
person under division (F) or (G) of this section. 149448

(2) The superintendent or the superintendent's designee shall 149449
gather and retain information so furnished under division (A) of 149450
this section that pertains to the offense and delinquency history 149451
of a person who has been convicted of, pleaded guilty to, or been 149452
adjudicated a delinquent child for committing a sexually oriented 149453
offense or a child-victim oriented offense for the purposes 149454
described in division (C)(2) of this section. 149455

(E)(1) The attorney general shall adopt rules, in accordance 149456
with Chapter 119. of the Revised Code and subject to division 149457
(E)(2) of this section, setting forth the procedure by which a 149458
person may receive or release information gathered by the 149459
superintendent pursuant to division (A) of this section. A 149460
reasonable fee may be charged for this service. If a temporary 149461
employment service submits a request for a determination of 149462
whether a person the service plans to refer to an employment 149463
position has been convicted of or pleaded guilty to an offense 149464
listed or described in division (A)(1), (2), or (3) of section 149465
109.572 of the Revised Code, the request shall be treated as a 149466
single request and only one fee shall be charged. 149467

(2) Except as otherwise provided in this division, a rule 149468
adopted under division (E)(1) of this section may provide only for 149469
the release of information gathered pursuant to division (A) of 149470
this section that relates to the conviction of a person, or a 149471
person's plea of guilty to, a criminal offense. The superintendent 149472
shall not release, and the attorney general shall not adopt any 149473
rule under division (E)(1) of this section that permits the 149474
release of, any information gathered pursuant to division (A) of 149475
this section that relates to an adjudication of a child as a 149476
delinquent child, or that relates to a criminal conviction of a 149477
person under eighteen years of age if the person's case was 149478
transferred back to a juvenile court under division (B)(2) or (3) 149479
of section 2152.121 of the Revised Code and the juvenile court 149480
imposed a disposition or serious youthful offender disposition 149481
upon the person under either division, unless either of the 149482
following applies with respect to the adjudication or conviction: 149483

(a) The adjudication or conviction was for a violation of 149484
section 2903.01 or 2903.02 of the Revised Code. 149485

(b) The adjudication or conviction was for a sexually 149486
oriented offense, the juvenile court was required to classify the 149487

child a juvenile offender registrant for that offense under 149488
section 2152.82, 2152.83, or 2152.86 of the Revised Code, and that 149489
classification has not been removed. 149490

(F)(1) As used in division (F)(2) of this section, "head 149491
start agency" means an entity in this state that has been approved 149492
to be an agency for purposes of subchapter II of the "Community 149493
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 149494
as amended. 149495

(2)(a) In addition to or in conjunction with any request that 149496
is required to be made under section 109.572, 2151.86, 3301.32, 149497
3301.541, division (C) of section 3310.58, or section 3319.39, 149498
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, or 149499
5153.111 of the Revised Code or that is made under section 149500
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 149501
board of education of any school district; the director of 149502
developmental disabilities; any county board of developmental 149503
disabilities; any provider or subcontractor as defined in section 149504
5123.081 of the Revised Code; the chief administrator of any 149505
chartered nonpublic school; the chief administrator of a 149506
registered private provider that is not also a chartered nonpublic 149507
school; the chief administrator of any home health agency; the 149508
chief administrator of or person operating any child day-care 149509
center, type A family day-care home, or type B family day-care 149510
home licensed under Chapter 5104. of the Revised Code; the chief 149511
administrator of any head start agency; the executive director of 149512
a public children services agency; a private company described in 149513
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 149514
Code; or an employer described in division (J)(2) of section 149515
3327.10 of the Revised Code may request that the superintendent of 149516
the bureau investigate and determine, with respect to any 149517
individual who has applied for employment in any position after 149518
October 2, 1989, or any individual wishing to apply for employment 149519

with a board of education may request, with regard to the 149520
individual, whether the bureau has any information gathered under 149521
division (A) of this section that pertains to that individual. On 149522
receipt of the request, subject to division (E)(2) of this 149523
section, the superintendent shall determine whether that 149524
information exists and, upon request of the person, board, or 149525
entity requesting information, also shall request from the federal 149526
bureau of investigation any criminal records it has pertaining to 149527
that individual. The superintendent or the superintendent's 149528
designee also may request criminal history records from other 149529
states or the federal government pursuant to the national crime 149530
prevention and privacy compact set forth in section 109.571 of the 149531
Revised Code. Within thirty days of the date that the 149532
superintendent receives a request, subject to division (E)(2) of 149533
this section, the superintendent shall send to the board, entity, 149534
or person a report of any information that the superintendent 149535
determines exists, including information contained in records that 149536
have been sealed under section 2953.32 of the Revised Code, and, 149537
within thirty days of its receipt, subject to division (E)(2) of 149538
this section, shall send the board, entity, or person a report of 149539
any information received from the federal bureau of investigation, 149540
other than information the dissemination of which is prohibited by 149541
federal law. 149542

(b) When a board of education or a registered private 149543
provider is required to receive information under this section as 149544
a prerequisite to employment of an individual pursuant to division 149545
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 149546
may accept a certified copy of records that were issued by the 149547
bureau of criminal identification and investigation and that are 149548
presented by an individual applying for employment with the 149549
district in lieu of requesting that information itself. In such a 149550
case, the board shall accept the certified copy issued by the 149551
bureau in order to make a photocopy of it for that individual's 149552

employment application documents and shall return the certified 149553
copy to the individual. In a case of that nature, a district or 149554
provider only shall accept a certified copy of records of that 149555
nature within one year after the date of their issuance by the 149556
bureau. 149557

(c) Notwithstanding division (F)(2)(a) of this section, in 149558
the case of a request under section 3319.39, 3319.391, or 3327.10 149559
of the Revised Code only for criminal records maintained by the 149560
federal bureau of investigation, the superintendent shall not 149561
determine whether any information gathered under division (A) of 149562
this section exists on the person for whom the request is made. 149563

(3) The state board of education may request, with respect to 149564
any individual who has applied for employment after October 2, 149565
1989, in any position with the state board or the department of 149566
education, any information that a school district board of 149567
education is authorized to request under division (F)(2) of this 149568
section, and the superintendent of the bureau shall proceed as if 149569
the request has been received from a school district board of 149570
education under division (F)(2) of this section. 149571

(4) When the superintendent of the bureau receives a request 149572
for information under section 3319.291 of the Revised Code, the 149573
superintendent shall proceed as if the request has been received 149574
from a school district board of education and shall comply with 149575
divisions (F)(2)(a) and (c) of this section. 149576

(5) When a recipient of a classroom reading improvement grant 149577
paid under section 3301.86 of the Revised Code requests, with 149578
respect to any individual who applies to participate in providing 149579
any program or service funded in whole or in part by the grant, 149580
the information that a school district board of education is 149581
authorized to request under division (F)(2)(a) of this section, 149582
the superintendent of the bureau shall proceed as if the request 149583
has been received from a school district board of education under 149584

division (F)(2)(a) of this section. 149585

(G) In addition to or in conjunction with any request that is 149586
required to be made under section 3701.881, 3712.09, or 3721.121 149587
of the Revised Code with respect to an individual who has applied 149588
for employment in a position that involves providing direct care 149589
to an older adult or adult resident, the chief administrator of a 149590
home health agency, hospice care program, home licensed under 149591
Chapter 3721. of the Revised Code, or adult day-care program 149592
operated pursuant to rules adopted under section 3721.04 of the 149593
Revised Code may request that the superintendent of the bureau 149594
investigate and determine, with respect to any individual who has 149595
applied after January 27, 1997, for employment in a position that 149596
does not involve providing direct care to an older adult or adult 149597
resident, whether the bureau has any information gathered under 149598
division (A) of this section that pertains to that individual. 149599

In addition to or in conjunction with any request that is 149600
required to be made under section 173.27 of the Revised Code with 149601
respect to an individual who has applied for employment in a 149602
position that involves providing ~~ombudsperson~~ ombudsman services 149603
to residents of long-term care facilities or recipients of 149604
community-based long-term care services, the state long-term care 149605
~~ombudsperson~~ ombudsman, ~~ombudsperson's designee, or the~~ director 149606
of health aging, a regional long-term care ombudsman program, or 149607
the designee of the ombudsman, director, or program may request 149608
that the superintendent investigate and determine, with respect to 149609
any individual who has applied for employment in a position that 149610
does not involve providing such ~~ombudsperson~~ ombudsman services, 149611
whether the bureau has any information gathered under division (A) 149612
of this section that pertains to that applicant. 149613

In addition to or in conjunction with any request that is 149614
required to be made under section ~~173.394~~ 173.38 of the Revised 149615
Code with respect to an individual who has applied for employment 149616

in a direct-care position ~~that involves providing direct care to~~ 149617
~~an individual~~, the chief administrator of a ~~community based~~ 149618
~~long-term care agency provider, as defined in section 173.39 of~~ 149619
the Revised Code, may request that the superintendent investigate 149620
and determine, with respect to any individual who has applied for 149621
employment in a position that ~~does~~ is not ~~involve providing direct~~ 149622
~~care~~ a direct-care position, whether the bureau has any 149623
information gathered under division (A) of this section that 149624
pertains to that applicant. 149625

In addition to or in conjunction with any request that is 149626
required to be made under section 3712.09 of the Revised Code with 149627
respect to an individual who has applied for employment in a 149628
position that involves providing direct care to a pediatric 149629
respite care patient, the chief administrator of a pediatric 149630
respite care program may request that the superintendent of the 149631
bureau investigate and determine, with respect to any individual 149632
who has applied for employment in a position that does not involve 149633
providing direct care to a pediatric respite care patient, whether 149634
the bureau has any information gathered under division (A) of this 149635
section that pertains to that individual. 149636

On receipt of a request under this division, the 149637
superintendent shall determine whether that information exists 149638
and, on request of the individual requesting information, shall 149639
also request from the federal bureau of investigation any criminal 149640
records it has pertaining to the applicant. The superintendent or 149641
the superintendent's designee also may request criminal history 149642
records from other states or the federal government pursuant to 149643
the national crime prevention and privacy compact set forth in 149644
section 109.571 of the Revised Code. Within thirty days of the 149645
date a request is received, subject to division (E)(2) of this 149646
section, the superintendent shall send to the requester a report 149647
of any information determined to exist, including information 149648

contained in records that have been sealed under section 2953.32 149649
of the Revised Code, and, within thirty days of its receipt, shall 149650
send the requester a report of any information received from the 149651
federal bureau of investigation, other than information the 149652
dissemination of which is prohibited by federal law. 149653

(H) Information obtained by a government entity or person 149654
under this section is confidential and shall not be released or 149655
disseminated. 149656

(I) The superintendent may charge a reasonable fee for 149657
providing information or criminal records under division (F)(2) or 149658
(G) of this section. 149659

(J) As used in this section: 149660

(1) "Pediatric respite care program" and "pediatric care 149661
patient" have the same meanings as in section 3712.01 of the 149662
Revised Code. 149663

(2) "Sexually oriented offense" and "child-victim oriented 149664
offense" have the same meanings as in section 2950.01 of the 149665
Revised Code. 149666

(3) "Registered private provider" means a nonpublic school or 149667
entity registered with the superintendent of public instruction 149668
under section 3310.41 of the Revised Code to participate in the 149669
autism scholarship program or section 3310.58 of the Revised Code 149670
to participate in the Jon Peterson special needs scholarship 149671
program. 149672

Sec. 2151.011. (A) As used in the Revised Code: 149673

(1) "Juvenile court" means whichever of the following is 149674
applicable that has jurisdiction under this chapter and Chapter 149675
2152. of the Revised Code: 149676

(a) The division of the court of common pleas specified in 149677
section 2101.022 or 2301.03 of the Revised Code as having 149678

jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;

(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;

(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.

(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.

(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.

(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:

(a) Receives and cares for children for two or more consecutive weeks;

(b) Participates in the placement of children in certified foster homes;

(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.

(B) As used in this chapter:

(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food,

clothing, and shelter to ensure the child's health and physical 149709
safety and the provision by a child's parent or parents of 149710
specialized services warranted by the child's physical or mental 149711
needs. 149712

(2) "Adult" means an individual who is eighteen years of age 149713
or older. 149714

(3) "Agreement for temporary custody" means a voluntary 149715
agreement authorized by section 5103.15 of the Revised Code that 149716
transfers the temporary custody of a child to a public children 149717
services agency or a private child placing agency. 149718

(4) "Alternative response" means the public children services 149719
agency's response to a report of child abuse or neglect that 149720
engages the family in a comprehensive evaluation of child safety, 149721
risk of subsequent harm, and family strengths and needs and that 149722
does not include a determination as to whether child abuse or 149723
neglect occurred. 149724

(5) "Certified foster home" means a foster home, as defined 149725
in section 5103.02 of the Revised Code, certified under section 149726
5103.03 of the Revised Code. 149727

(6) "Child" means a person who is under eighteen years of 149728
age, except that the juvenile court has jurisdiction over any 149729
person who is adjudicated an unruly child prior to attaining 149730
eighteen years of age until the person attains twenty-one years of 149731
age, and, for purposes of that jurisdiction related to that 149732
adjudication, a person who is so adjudicated an unruly child shall 149733
be deemed a "child" until the person attains twenty-one years of 149734
age. 149735

(7) "Child day camp," "child care," "child day-care center," 149736
"part-time child day-care center," "type A family day-care home," 149737
"licensed type B family day-care home," "type B family day-care 149738
home," "administrator of a child day-care center," "administrator 149739

of a type A family day-care home," and "in-home aide" have the same meanings as in section 5104.01 of the Revised Code.

(8) "Child care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of job and family services, department of developmental disabilities, or the early childhood programs of the department of education.

(9) "Chronic truant" has the same meaning as in section 2152.02 of the Revised Code.

(10) "Commit" means to vest custody as ordered by the court.

(11) "Counseling" includes both of the following:

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.

(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.

(12) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child.

(13) "Delinquent child" has the same meaning as in section

2152.02 of the Revised Code. 149770

(14) "Detention" means the temporary care of children pending 149771
court adjudication or disposition, or execution of a court order, 149772
in a public or private facility designed to physically restrict 149773
the movement and activities of children. 149774

(15) "Developmental disability" has the same meaning as in 149775
section 5123.01 of the Revised Code. 149776

(16) "Differential response approach" means an approach that 149777
a public children services agency may use to respond to accepted 149778
reports of child abuse or neglect with either an alternative 149779
response or a traditional response. 149780

(17) "Foster caregiver" has the same meaning as in section 149781
5103.02 of the Revised Code. 149782

(18) "Guardian" means a person, association, or corporation 149783
that is granted authority by a probate court pursuant to Chapter 149784
2111. of the Revised Code to exercise parental rights over a child 149785
to the extent provided in the court's order and subject to the 149786
residual parental rights of the child's parents. 149787

(19) "Habitual truant" means any child of compulsory school 149788
age who is absent without legitimate excuse for absence from the 149789
public school the child is supposed to attend for five or more 149790
consecutive school days, seven or more school days in one school 149791
month, or twelve or more school days in a school year. 149792

(20) "Juvenile traffic offender" has the same meaning as in 149793
section 2152.02 of the Revised Code. 149794

(21) "Legal custody" means a legal status that vests in the 149795
custodian the right to have physical care and control of the child 149796
and to determine where and with whom the child shall live, and the 149797
right and duty to protect, train, and discipline the child and to 149798
provide the child with food, shelter, education, and medical care, 149799

all subject to any residual parental rights, privileges, and 149800
responsibilities. An individual granted legal custody shall 149801
exercise the rights and responsibilities personally unless 149802
otherwise authorized by any section of the Revised Code or by the 149803
court. 149804

(22) A "legitimate excuse for absence from the public school 149805
the child is supposed to attend" includes, but is not limited to, 149806
any of the following: 149807

(a) The fact that the child in question has enrolled in and 149808
is attending another public or nonpublic school in this or another 149809
state; 149810

(b) The fact that the child in question is excused from 149811
attendance at school for any of the reasons specified in section 149812
3321.04 of the Revised Code; 149813

(c) The fact that the child in question has received an age 149814
and schooling certificate in accordance with section 3331.01 of 149815
the Revised Code. 149816

(23) "Mental illness" and "mentally ill person subject to 149817
hospitalization by court order" have the same meanings as in 149818
section 5122.01 of the Revised Code. 149819

(24) "Mental injury" means any behavioral, cognitive, 149820
emotional, or mental disorder in a child caused by an act or 149821
omission that is described in section 2919.22 of the Revised Code 149822
and is committed by the parent or other person responsible for the 149823
child's care. 149824

(25) "Mentally retarded person" has the same meaning as in 149825
section 5123.01 of the Revised Code. 149826

(26) "Nonsecure care, supervision, or training" means care, 149827
supervision, or training of a child in a facility that does not 149828
confine or prevent movement of the child within the facility or 149829

from the facility. 149830

(27) "Of compulsory school age" has the same meaning as in 149831
section 3321.01 of the Revised Code. 149832

(28) "Organization" means any institution, public, 149833
semipublic, or private, and any private association, society, or 149834
agency located or operating in the state, incorporated or 149835
unincorporated, having among its functions the furnishing of 149836
protective services or care for children, or the placement of 149837
children in certified foster homes or elsewhere. 149838

(29) "Out-of-home care" means detention facilities, shelter 149839
facilities, certified children's crisis care facilities, certified 149840
foster homes, placement in a prospective adoptive home prior to 149841
the issuance of a final decree of adoption, organizations, 149842
certified organizations, child day-care centers, type A family 149843
day-care homes, type B family day-care homes, child care provided 149844
by in-home aides, group home providers, group homes, institutions, 149845
state institutions, residential facilities, residential care 149846
facilities, residential camps, day camps, public schools, 149847
chartered nonpublic schools, educational service centers, 149848
hospitals, and medical clinics that are responsible for the care, 149849
physical custody, or control of children. 149850

(30) "Out-of-home care child abuse" means any of the 149851
following when committed by a person responsible for the care of a 149852
child in out-of-home care: 149853

(a) Engaging in sexual activity with a child in the person's 149854
care; 149855

(b) Denial to a child, as a means of punishment, of proper or 149856
necessary subsistence, education, medical care, or other care 149857
necessary for a child's health; 149858

(c) Use of restraint procedures on a child that cause injury 149859
or pain; 149860

(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	149861 149862 149863
(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.	149864 149865 149866 149867 149868
(31) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	149869 149870 149871
(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	149872 149873 149874
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	149875 149876 149877 149878
(c) Failure to develop a process for all of the following:	149879
(i) Administration of prescription drugs or psychotropic drugs for the child;	149880 149881
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	149882 149883
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	149884 149885 149886
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	149887 149888 149889
(e) Confinement of the child to a locked room without	149890

monitoring by staff;	149891
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	149892 149893
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	149894 149895 149896
(32) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.	149897 149898 149899 149900 149901 149902
(33) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.	149903 149904 149905 149906 149907
(34) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies.	149908 149909 149910
(35) "Person responsible for a child's care in out-of-home care" means any of the following:	149911 149912
(a) Any foster caregiver, in-home aide, or provider;	149913
(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; child day-care center; type A family day-care home; licensed type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; school district;	149914 149915 149916 149917 149918 149919 149920

community school; chartered nonpublic school; educational service center; hospital; or medical clinic;

(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school;

(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.

(36) "Physically impaired" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:

(a) A substantial impairment of vision, speech, or hearing;

(b) A congenital orthopedic impairment;

(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.

(37) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.

(38) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.

(39) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.

(b) The order permits the agency to make an appropriate

placement of the child and to enter into a written agreement with 149951
a foster care provider or with another person or agency with whom 149952
the child is placed. 149953

(40) "Practice of social work" and "practice of professional 149954
counseling" have the same meanings as in section 4757.01 of the 149955
Revised Code. 149956

(41) "Sanction, service, or condition" means a sanction, 149957
service, or condition created by court order following an 149958
adjudication that a child is an unruly child that is described in 149959
division (A)(4) of section 2152.19 of the Revised Code. 149960

(42) "Protective supervision" means an order of disposition 149961
pursuant to which the court permits an abused, neglected, 149962
dependent, or unruly child to remain in the custody of the child's 149963
parents, guardian, or custodian and stay in the child's home, 149964
subject to any conditions and limitations upon the child, the 149965
child's parents, guardian, or custodian, or any other person that 149966
the court prescribes, including supervision as directed by the 149967
court for the protection of the child. 149968

(43) "Psychiatrist" has the same meaning as in section 149969
5122.01 of the Revised Code. 149970

(44) "Psychologist" has the same meaning as in section 149971
4732.01 of the Revised Code. 149972

(45) "Residential camp" means a program in which the care, 149973
physical custody, or control of children is accepted overnight for 149974
recreational or recreational and educational purposes. 149975

(46) "Residential care facility" means an institution, 149976
residence, or facility that is licensed by the department of 149977
~~mental health~~ mental health and addiction services under section 149978
~~5119.22~~ 5119.34 of the Revised Code and that provides care for a 149979
child. 149980

(47) "Residential facility" means a home or facility that is licensed by the department of developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides.

(48) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.

(49) "School day" means the school day established by the state board of education of the applicable school district pursuant to section ~~3313.48~~ 3313.481 of the Revised Code.

(50) "School ~~month~~ and ~~school~~ year" ~~have~~ has the same ~~meanings~~ meaning as in section 3313.62 of the Revised Code.

(51) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition.

(52) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

(53) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

(54) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.

(55) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated

at any time at the discretion of the court or, if the legal 150011
custody is granted in an agreement for temporary custody, by the 150012
person who executed the agreement. 150013

(56) "Traditional response" means a public children services 150014
agency's response to a report of child abuse or neglect that 150015
encourages engagement of the family in a comprehensive evaluation 150016
of the child's current and future safety needs and a fact-finding 150017
process to determine whether child abuse or neglect occurred and 150018
the circumstances surrounding the alleged harm or risk of harm. 150019

(C) For the purposes of this chapter, a child shall be 150020
presumed abandoned when the parents of the child have failed to 150021
visit or maintain contact with the child for more than ninety 150022
days, regardless of whether the parents resume contact with the 150023
child after that period of ninety days. 150024

Sec. 2923.126. (A) A concealed handgun license that is issued 150025
under section 2923.125 of the Revised Code shall expire five years 150026
after the date of issuance. A licensee who has been issued a 150027
license under that section shall be granted a grace period of 150028
thirty days after the licensee's license expires during which the 150029
licensee's license remains valid. Except as provided in divisions 150030
(B) and (C) of this section, a licensee who has been issued a 150031
concealed handgun license under section 2923.125 or 2923.1213 of 150032
the Revised Code may carry a concealed handgun anywhere in this 150033
state if the licensee also carries a valid license and valid 150034
identification when the licensee is in actual possession of a 150035
concealed handgun. The licensee shall give notice of any change in 150036
the licensee's residence address to the sheriff who issued the 150037
license within forty-five days after that change. 150038

If a licensee is the driver or an occupant of a motor vehicle 150039
that is stopped as the result of a traffic stop or a stop for 150040
another law enforcement purpose and if the licensee is 150041

transporting or has a loaded handgun in the motor vehicle at that 150042
time, the licensee shall promptly inform any law enforcement 150043
officer who approaches the vehicle while stopped that the licensee 150044
has been issued a concealed handgun license and that the licensee 150045
currently possesses or has a loaded handgun; the licensee shall 150046
not knowingly disregard or fail to comply with lawful orders of a 150047
law enforcement officer given while the motor vehicle is stopped, 150048
knowingly fail to remain in the motor vehicle while stopped, or 150049
knowingly fail to keep the licensee's hands in plain sight after 150050
any law enforcement officer begins approaching the licensee while 150051
stopped and before the officer leaves, unless directed otherwise 150052
by a law enforcement officer; and the licensee shall not knowingly 150053
have contact with the loaded handgun by touching it with the 150054
licensee's hands or fingers, in any manner in violation of 150055
division (E) of section 2923.16 of the Revised Code, after any law 150056
enforcement officer begins approaching the licensee while stopped 150057
and before the officer leaves. Additionally, if a licensee is the 150058
driver or an occupant of a commercial motor vehicle that is 150059
stopped by an employee of the motor carrier enforcement unit for 150060
the purposes defined in section 5503.04 of the Revised Code and if 150061
the licensee is transporting or has a loaded handgun in the 150062
commercial motor vehicle at that time, the licensee shall promptly 150063
inform the employee of the unit who approaches the vehicle while 150064
stopped that the licensee has been issued a concealed handgun 150065
license and that the licensee currently possesses or has a loaded 150066
handgun. 150067

If a licensee is stopped for a law enforcement purpose and if 150068
the licensee is carrying a concealed handgun at the time the 150069
officer approaches, the licensee shall promptly inform any law 150070
enforcement officer who approaches the licensee while stopped that 150071
the licensee has been issued a concealed handgun license and that 150072
the licensee currently is carrying a concealed handgun; the 150073
licensee shall not knowingly disregard or fail to comply with 150074

lawful orders of a law enforcement officer given while the 150075
licensee is stopped or knowingly fail to keep the licensee's hands 150076
in plain sight after any law enforcement officer begins 150077
approaching the licensee while stopped and before the officer 150078
leaves, unless directed otherwise by a law enforcement officer; 150079
and the licensee shall not knowingly remove, attempt to remove, 150080
grasp, or hold the loaded handgun or knowingly have contact with 150081
the loaded handgun by touching it with the licensee's hands or 150082
fingers, in any manner in violation of division (B) of section 150083
2923.12 of the Revised Code, after any law enforcement officer 150084
begins approaching the licensee while stopped and before the 150085
officer leaves. 150086

(B) A valid concealed handgun license does not authorize the 150087
licensee to carry a concealed handgun in any manner prohibited 150088
under division (B) of section 2923.12 of the Revised Code or in 150089
any manner prohibited under section 2923.16 of the Revised Code. A 150090
valid license does not authorize the licensee to carry a concealed 150091
handgun into any of the following places: 150092

(1) A police station, sheriff's office, or state highway 150093
patrol station, premises controlled by the bureau of criminal 150094
identification and investigation, a state correctional 150095
institution, jail, workhouse, or other detention facility, an 150096
airport passenger terminal, or an institution that is maintained, 150097
operated, managed, and governed pursuant to division (A) of 150098
section ~~5119.02~~ 5119.14 of the Revised Code or division (A)(1) of 150099
section 5123.03 of the Revised Code; 150100

(2) A school safety zone if the licensee's carrying the 150101
concealed handgun is in violation of section 2923.122 of the 150102
Revised Code; 150103

(3) A courthouse or another building or structure in which a 150104
courtroom is located, in violation of section 2923.123 of the 150105
Revised Code; 150106

(4) Any premises or open air arena for which a D permit has
been issued under Chapter 4303. of the Revised Code if the
licensee's carrying the concealed handgun is in violation of
section 2923.121 of the Revised Code;

(5) Any premises owned or leased by any public or private
college, university, or other institution of higher education,
unless the handgun is in a locked motor vehicle or the licensee is
in the immediate process of placing the handgun in a locked motor
vehicle;

(6) Any church, synagogue, mosque, or other place of worship,
unless the church, synagogue, mosque, or other place of worship
posts or permits otherwise;

(7) A child day-care center, a type A family day-care home,
or a type B family day-care home, except that this division does
not prohibit a licensee who resides in a type A family day-care
home or a type B family day-care home from carrying a concealed
handgun at any time in any part of the home that is not dedicated
or used for day-care purposes, or from carrying a concealed
handgun in a part of the home that is dedicated or used for
day-care purposes at any time during which no children, other than
children of that licensee, are in the home;

(8) An aircraft that is in, or intended for operation in,
foreign air transportation, interstate air transportation,
intrastate air transportation, or the transportation of mail by
aircraft;

(9) Any building that is a government facility of this state
or a political subdivision of this state and that is not a
building that is used primarily as a shelter, restroom, parking
facility for motor vehicles, or rest facility and is not a
courthouse or other building or structure in which a courtroom is
located that is subject to division (B)(3) of this section;

(10) A place in which federal law prohibits the carrying of 150138
handguns. 150139

(C)(1) Nothing in this section shall negate or restrict a 150140
rule, policy, or practice of a private employer that is not a 150141
private college, university, or other institution of higher 150142
education concerning or prohibiting the presence of firearms on 150143
the private employer's premises or property, including motor 150144
vehicles owned by the private employer. Nothing in this section 150145
shall require a private employer of that nature to adopt a rule, 150146
policy, or practice concerning or prohibiting the presence of 150147
firearms on the private employer's premises or property, including 150148
motor vehicles owned by the private employer. 150149

(2)(a) A private employer shall be immune from liability in a 150150
civil action for any injury, death, or loss to person or property 150151
that allegedly was caused by or related to a licensee bringing a 150152
handgun onto the premises or property of the private employer, 150153
including motor vehicles owned by the private employer, unless the 150154
private employer acted with malicious purpose. A private employer 150155
is immune from liability in a civil action for any injury, death, 150156
or loss to person or property that allegedly was caused by or 150157
related to the private employer's decision to permit a licensee to 150158
bring, or prohibit a licensee from bringing, a handgun onto the 150159
premises or property of the private employer. As used in this 150160
division, "private employer" includes a private college, 150161
university, or other institution of higher education. 150162

(b) A political subdivision shall be immune from liability in 150163
a civil action, to the extent and in the manner provided in 150164
Chapter 2744. of the Revised Code, for any injury, death, or loss 150165
to person or property that allegedly was caused by or related to a 150166
licensee bringing a handgun onto any premises or property owned, 150167
leased, or otherwise under the control of the political 150168
subdivision. As used in this division, "political subdivision" has 150169

the same meaning as in section 2744.01 of the Revised Code. 150170

(3)(a) Except as provided in division (C)(3)(b) of this 150171
section, the owner or person in control of private land or 150172
premises, and a private person or entity leasing land or premises 150173
owned by the state, the United States, or a political subdivision 150174
of the state or the United States, may post a sign in a 150175
conspicuous location on that land or on those premises prohibiting 150176
persons from carrying firearms or concealed firearms on or onto 150177
that land or those premises. Except as otherwise provided in this 150178
division, a person who knowingly violates a posted prohibition of 150179
that nature is guilty of criminal trespass in violation of 150180
division (A)(4) of section 2911.21 of the Revised Code and is 150181
guilty of a misdemeanor of the fourth degree. If a person 150182
knowingly violates a posted prohibition of that nature and the 150183
posted land or premises primarily was a parking lot or other 150184
parking facility, the person is not guilty of criminal trespass in 150185
violation of division (A)(4) of section 2911.21 of the Revised 150186
Code and instead is subject only to a civil cause of action for 150187
trespass based on the violation. 150188

(b) A landlord may not prohibit or restrict a tenant who is a 150189
licensee and who on or after September 9, 2008, enters into a 150190
rental agreement with the landlord for the use of residential 150191
premises, and the tenant's guest while the tenant is present, from 150192
lawfully carrying or possessing a handgun on those residential 150193
premises. 150194

(c) As used in division (C)(3) of this section: 150195

(i) "Residential premises" has the same meaning as in section 150196
5321.01 of the Revised Code, except "residential premises" does 150197
not include a dwelling unit that is owned or operated by a college 150198
or university. 150199

(ii) "Landlord," "tenant," and "rental agreement" have the 150200

same meanings as in section 5321.01 of the Revised Code. 150201

(D) A person who holds a concealed handgun license issued by 150202
another state that is recognized by the attorney general pursuant 150203
to a reciprocity agreement entered into pursuant to section 109.69 150204
of the Revised Code has the same right to carry a concealed 150205
handgun in this state as a person who was issued a concealed 150206
handgun license under section 2923.125 of the Revised Code and is 150207
subject to the same restrictions that apply to a person who 150208
carries a license issued under that section. 150209

(E) A peace officer has the same right to carry a concealed 150210
handgun in this state as a person who was issued a concealed 150211
handgun license under section 2923.125 of the Revised Code. For 150212
purposes of reciprocity with other states, a peace officer shall 150213
be considered to be a licensee in this state. 150214

(F)(1) A qualified retired peace officer who possesses a 150215
retired peace officer identification card issued pursuant to 150216
division (F)(2) of this section and a valid firearms 150217
requalification certification issued pursuant to division (F)(3) 150218
of this section has the same right to carry a concealed handgun in 150219
this state as a person who was issued a concealed handgun license 150220
under section 2923.125 of the Revised Code and is subject to the 150221
same restrictions that apply to a person who carries a license 150222
issued under that section. For purposes of reciprocity with other 150223
states, a qualified retired peace officer who possesses a retired 150224
peace officer identification card issued pursuant to division 150225
(F)(2) of this section and a valid firearms requalification 150226
certification issued pursuant to division (F)(3) of this section 150227
shall be considered to be a licensee in this state. 150228

(2)(a) Each public agency of this state or of a political 150229
subdivision of this state that is served by one or more peace 150230
officers shall issue a retired peace officer identification card 150231
to any person who retired from service as a peace officer with 150232

that agency, if the issuance is in accordance with the agency's 150233
policies and procedures and if the person, with respect to the 150234
person's service with that agency, satisfies all of the following: 150235

(i) The person retired in good standing from service as a 150236
peace officer with the public agency, and the retirement was not 150237
for reasons of mental instability. 150238

(ii) Before retiring from service as a peace officer with 150239
that agency, the person was authorized to engage in or supervise 150240
the prevention, detection, investigation, or prosecution of, or 150241
the incarceration of any person for, any violation of law and the 150242
person had statutory powers of arrest. 150243

(iii) At the time of the person's retirement as a peace 150244
officer with that agency, the person was trained and qualified to 150245
carry firearms in the performance of the peace officer's duties. 150246

(iv) Before retiring from service as a peace officer with 150247
that agency, the person was regularly employed as a peace officer 150248
for an aggregate of fifteen years or more, or, in the alternative, 150249
the person retired from service as a peace officer with that 150250
agency, after completing any applicable probationary period of 150251
that service, due to a service-connected disability, as determined 150252
by the agency. 150253

(b) A retired peace officer identification card issued to a 150254
person under division (F)(2)(a) of this section shall identify the 150255
person by name, contain a photograph of the person, identify the 150256
public agency of this state or of the political subdivision of 150257
this state from which the person retired as a peace officer and 150258
that is issuing the identification card, and specify that the 150259
person retired in good standing from service as a peace officer 150260
with the issuing public agency and satisfies the criteria set 150261
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 150262
addition to the required content specified in this division, a 150263

retired peace officer identification card issued to a person under 150264
division (F)(2)(a) of this section may include the firearms 150265
requalification certification described in division (F)(3) of this 150266
section, and if the identification card includes that 150267
certification, the identification card shall serve as the firearms 150268
requalification certification for the retired peace officer. If 150269
the issuing public agency issues credentials to active law 150270
enforcement officers who serve the agency, the agency may comply 150271
with division (F)(2)(a) of this section by issuing the same 150272
credentials to persons who retired from service as a peace officer 150273
with the agency and who satisfy the criteria set forth in 150274
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 150275
credentials so issued to retired peace officers are stamped with 150276
the word "RETIRED." 150277

(c) A public agency of this state or of a political 150278
subdivision of this state may charge persons who retired from 150279
service as a peace officer with the agency a reasonable fee for 150280
issuing to the person a retired peace officer identification card 150281
pursuant to division (F)(2)(a) of this section. 150282

(3) If a person retired from service as a peace officer with 150283
a public agency of this state or of a political subdivision of 150284
this state and the person satisfies the criteria set forth in 150285
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 150286
may provide the retired peace officer with the opportunity to 150287
attend a firearms requalification program that is approved for 150288
purposes of firearms requalification required under section 150289
109.801 of the Revised Code. The retired peace officer may be 150290
required to pay the cost of the course. 150291

If a retired peace officer who satisfies the criteria set 150292
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 150293
firearms requalification program that is approved for purposes of 150294
firearms requalification required under section 109.801 of the 150295

Revised Code, the retired peace officer's successful completion of 150296
the firearms requalification program requalifies the retired peace 150297
officer for purposes of division (F) of this section for five 150298
years from the date on which the program was successfully 150299
completed, and the requalification is valid during that five-year 150300
period. If a retired peace officer who satisfies the criteria set 150301
forth in divisions (F)(2)(a)(i) to (iv) of this section 150302
satisfactorily completes such a firearms requalification program, 150303
the retired peace officer shall be issued a firearms 150304
requalification certification that identifies the retired peace 150305
officer by name, identifies the entity that taught the program, 150306
specifies that the retired peace officer successfully completed 150307
the program, specifies the date on which the course was 150308
successfully completed, and specifies that the requalification is 150309
valid for five years from that date of successful completion. The 150310
firearms requalification certification for a retired peace officer 150311
may be included in the retired peace officer identification card 150312
issued to the retired peace officer under division (F)(2) of this 150313
section. 150314

A retired peace officer who attends a firearms 150315
requalification program that is approved for purposes of firearms 150316
requalification required under section 109.801 of the Revised Code 150317
may be required to pay the cost of the program. 150318

(G) As used in this section: 150319

(1) "Qualified retired peace officer" means a person who 150320
satisfies all of the following: 150321

(a) The person satisfies the criteria set forth in divisions 150322
(F)(2)(a)(i) to (v) of this section. 150323

(b) The person is not under the influence of alcohol or 150324
another intoxicating or hallucinatory drug or substance. 150325

(c) The person is not prohibited by federal law from 150326

receiving firearms. 150327

(2) "Retired peace officer identification card" means an 150328
identification card that is issued pursuant to division (F)(2) of 150329
this section to a person who is a retired peace officer. 150330

(3) "Government facility of this state or a political 150331
subdivision of this state" means any of the following: 150332

(a) A building or part of a building that is owned or leased 150333
by the government of this state or a political subdivision of this 150334
state and where employees of the government of this state or the 150335
political subdivision regularly are present for the purpose of 150336
performing their official duties as employees of the state or 150337
political subdivision; 150338

(b) The office of a deputy registrar serving pursuant to 150339
Chapter 4503. of the Revised Code that is used to perform deputy 150340
registrar functions. 150341

Sec. 5104.012. (A)(1) At the times specified in this 150342
division, the administrator of a child day-care center or a type A 150343
family day-care home shall request the superintendent of the 150344
bureau of criminal identification and investigation to conduct a 150345
criminal records check with respect to any applicant who has 150346
applied to the center or type A home for employment as a person 150347
responsible for the care, custody, or control of a child. 150348

The administrator shall request a criminal records check 150349
pursuant to this division at the time of the applicant's initial 150350
application for employment and every ~~four~~ five years thereafter. 150351
When the administrator requests pursuant to this division a 150352
criminal records check for an applicant at the time of the 150353
applicant's initial application for employment, the administrator 150354
shall request that the superintendent obtain information from the 150355
federal bureau of investigation as a part of the criminal records 150356

check for the applicant, including fingerprint-based checks of 150357
national crime information databases as described in 42 U.S.C. 150358
671, for the person subject to the criminal records check. In all 150359
other cases in which the administrator requests a criminal records 150360
check for an applicant pursuant to this division, the 150361
administrator may request that the superintendent include 150362
information from the federal bureau of investigation in the 150363
criminal records check, including fingerprint-based checks of 150364
national crime information databases as described in 42 U.S.C. 150365
671. 150366

(2) A person required by division (A)(1) of this section to 150367
request a criminal records check shall provide to each applicant a 150368
copy of the form prescribed pursuant to division (C)(1) of section 150369
109.572 of the Revised Code, provide to each applicant a standard 150370
impression sheet to obtain fingerprint impressions prescribed 150371
pursuant to division (C)(2) of section 109.572 of the Revised 150372
Code, obtain the completed form and impression sheet from each 150373
applicant, and forward the completed form and impression sheet to 150374
the superintendent of the bureau of criminal identification and 150375
investigation at the time the person requests a criminal records 150376
check pursuant to division (A)(1) of this section. On and after 150377
August 14, 2008, the administrator of a child day-care center or a 150378
type A family day-care home shall review the results of the 150379
criminal records check before the applicant has sole 150380
responsibility for the care, custody, or control of any child. 150381

(3) An applicant who receives pursuant to division (A)(2) of 150382
this section a copy of the form prescribed pursuant to division 150383
(C)(1) of section 109.572 of the Revised Code and a copy of an 150384
impression sheet prescribed pursuant to division (C)(2) of that 150385
section and who is requested to complete the form and provide a 150386
set of fingerprint impressions shall complete the form or provide 150387
all the information necessary to complete the form and shall 150388

provide the impression sheet with the impressions of the 150389
applicant's fingerprints. If an applicant, upon request, fails to 150390
provide the information necessary to complete the form or fails to 150391
provide impressions of the applicant's fingerprints, the center or 150392
type A home shall not employ that applicant for any position for 150393
which a criminal records check is required by division (A)(1) of 150394
this section. 150395

(B)(1) Except as provided in rules adopted under division (E) 150396
of this section, no child day-care center or type A family 150397
day-care home shall employ or contract with another entity for the 150398
services of a person as a person responsible for the care, 150399
custody, or control of a child if the person previously has been 150400
convicted of or pleaded guilty to any of the violations described 150401
in division (A)(5) of section 109.572 of the Revised Code. 150402

(2) A child day-care center or type A family day-care home 150403
may employ an applicant conditionally until the criminal records 150404
check required by this section is completed and the center or home 150405
receives the results of the criminal records check. If the results 150406
of the criminal records check indicate that, pursuant to division 150407
(B)(1) of this section, the applicant does not qualify for 150408
employment, the center or home shall release the applicant from 150409
employment. 150410

(C)(1) Each child day-care center and type A family day-care 150411
home shall pay to the bureau of criminal identification and 150412
investigation the fee prescribed pursuant to division (C)(3) of 150413
section 109.572 of the Revised Code for each criminal records 150414
check conducted in accordance with that section upon the request 150415
pursuant to division (A)(1) of this section of the administrator 150416
or provider of the center or home. 150417

(2) A child day-care center and type A family day-care home 150418
may charge an applicant a fee for the costs it incurs in obtaining 150419
a criminal records check under this section. A fee charged under 150420

this division shall not exceed the amount of fees the center or 150421
home pays under division (C)(1) of this section. If a fee is 150422
charged under this division, the center or home shall notify the 150423
applicant at the time of the applicant's initial application for 150424
employment of the amount of the fee and that, unless the fee is 150425
paid, the center or type A home will not consider the applicant 150426
for employment. 150427

(D) The report of any criminal records check conducted by the 150428
bureau of criminal identification and investigation in accordance 150429
with section 109.572 of the Revised Code and pursuant to a request 150430
under division (A)(1) of this section is not a public record for 150431
the purposes of section 149.43 of the Revised Code and shall not 150432
be made available to any person other than the applicant who is 150433
the subject of the criminal records check or the applicant's 150434
representative; the center or type A home requesting the criminal 150435
records check or its representative; the department of job and 150436
family services or a county department of job and family services; 150437
and any court, hearing officer, or other necessary individual 150438
involved in a case dealing with the denial of employment to the 150439
applicant. 150440

(E) The director of job and family services shall adopt rules 150441
pursuant to Chapter 119. of the Revised Code to implement this 150442
section, including rules specifying circumstances under which a 150443
center or home may hire a person who has been convicted of an 150444
offense listed in division (B)(1) of this section but who meets 150445
standards in regard to rehabilitation set by the department. 150446

(F) Any person required by division (A)(1) of this section to 150447
request a criminal records check shall inform each person, at the 150448
time of the person's initial application for employment, that the 150449
person is required to provide a set of impressions of the person's 150450
fingerprints and that a criminal records check is required to be 150451
conducted and satisfactorily completed in accordance with section 150452

109.572 of the Revised Code if the person comes under final 150453
consideration for appointment or employment as a precondition to 150454
employment for that position. 150455

(G) As used in this section: 150456

(1) "Applicant" means a person who is under final 150457
consideration for appointment to or employment in a position with 150458
a child day-care center or a type A family day-care home as a 150459
person responsible for the care, custody, or control of a child or 150460
any person who would serve in any position with a child day-care 150461
center or a type A family day-care home as a person responsible 150462
for the care, custody, or control of a child pursuant to a 150463
contract with another entity. 150464

(2) "Criminal records check" has the same meaning as in 150465
section 109.572 of the Revised Code. 150466

Sec. 5104.013. (A)(1) At the times specified in division 150467
(A)(3) of this section, the director of job and family services, 150468
as part of the process of licensure of child day-care centers, 150469
type A family day-care homes, and licensed type B family day-care 150470
homes shall request the superintendent of the bureau of criminal 150471
identification and investigation to conduct a criminal records 150472
check with respect to the following persons: 150473

(a) Any owner, licensee, or administrator of a child day-care 150474
center; 150475

(b) Any owner, licensee, or administrator of a type A family 150476
day-care home and any person eighteen years of age or older who 150477
resides in a type A family day-care home; 150478

(c) Any administrator of a licensed type B family day-care 150479
home and any person eighteen years of age or older who resides in 150480
a licensed type B family day-care home. 150481

(2) At the time specified in division (A)(3) of this section, 150482

the director of a county department of job and family services, as 150483
part of the process of certification of in-home aides, shall 150484
request the superintendent of the bureau of criminal 150485
identification and investigation to conduct a criminal records 150486
check with respect to any in-home aide. 150487

(3) The director of job and family services shall request a 150488
criminal records check pursuant to division (A)(1) of this section 150489
at the time of the initial application for licensure and every 150490
~~four~~ five years thereafter. The director of a county department of 150491
job and family services shall request a criminal records check 150492
pursuant to division (A)(2) of this section at the time of the 150493
initial application for certification and every ~~four~~ five years 150494
thereafter. When the director of job and family services or the 150495
director of a county department of job and family services 150496
requests pursuant to division (A)(1) or (2) of this section a 150497
criminal records check for a person at the time of the person's 150498
initial application for licensure or certification, the director 150499
shall request that the superintendent of the bureau of criminal 150500
identification and investigation obtain information from the 150501
federal bureau of investigation as a part of the criminal records 150502
check for the person, including fingerprint-based checks of 150503
national crime information databases as described in 42 U.S.C. 671 150504
for the person subject to the criminal records check. In all other 150505
cases in which the director of job and family services or the 150506
director of a county department of job and family services 150507
requests a criminal records check for an applicant pursuant to 150508
division (A)(1) or (2) of this section, the director may request 150509
that the superintendent include information from the federal 150510
bureau of investigation in the criminal records check, including 150511
fingerprint-based checks of national crime information databases 150512
as described in 42 U.S.C. 671. 150513

(4) The director of job and family services shall review the 150514

results of a criminal records check subsequent to a request made 150515
pursuant to divisions (A)(1) and (3) of this section prior to 150516
approval of a license. The director of a county department of job 150517
and family services shall review the results of a criminal records 150518
check subsequent to a request made pursuant to divisions (A)(2) 150519
and (3) of this section prior to approval of certification. 150520

(B) The director of job and family services or the director 150521
of a county department of job and family services shall provide to 150522
each person for whom a criminal records check is required under 150523
this section a copy of the form prescribed pursuant to division 150524
(C)(1) of section 109.572 of the Revised Code and a standard 150525
impression sheet to obtain fingerprint impressions prescribed 150526
pursuant to division (C)(2) of that section, obtain the completed 150527
form and impression sheet from that person, and forward the 150528
completed form and impression sheet to the superintendent of the 150529
bureau of criminal identification and investigation. 150530

(C) A person who receives pursuant to division (B) of this 150531
section a copy of the form and standard impression sheet described 150532
in that division and who is requested to complete the form and 150533
provide a set of fingerprint impressions shall complete the form 150534
or provide all the information necessary to complete the form and 150535
shall provide the impression sheet with the impressions of the 150536
person's fingerprints. If the person, upon request, fails to 150537
provide the information necessary to complete the form or fails to 150538
provide impressions of the person's fingerprints, the director may 150539
consider the failure as a reason to deny licensure or 150540
certification. 150541

(D) Except as provided in rules adopted under division (G) of 150542
this section, the director of job and family services shall not 150543
grant a license to a child day-care center, type A family day-care 150544
home, or type B family day-care home and a county director of job 150545
and family services shall not certify an in-home aide if a person 150546

for whom a criminal records check was required in connection with 150547
the center or home previously has been convicted of or pleaded 150548
guilty to any of the violations described in division (A)(5) of 150549
section 109.572 of the Revised Code. 150550

(E) Each child day-care center, type A family day-care home, 150551
and type B family day-care home shall pay to the bureau of 150552
criminal identification and investigation the fee prescribed 150553
pursuant to division (C)(3) of section 109.572 of the Revised Code 150554
for each criminal records check conducted in accordance with that 150555
section upon a request made pursuant to division (A) of this 150556
section. 150557

(F) The report of any criminal records check conducted by the 150558
bureau of criminal identification and investigation in accordance 150559
with section 109.572 of the Revised Code and pursuant to a request 150560
made under division (A) of this section is not a public record for 150561
the purposes of section 149.43 of the Revised Code and shall not 150562
be made available to any person other than the person who is the 150563
subject of the criminal records check or the person's 150564
representative, the director of job and family services, the 150565
director of a county department of job and family services, the 150566
center, type A home, or type B home involved, and any court, 150567
hearing officer, or other necessary individual involved in a case 150568
dealing with a denial of licensure or certification related to the 150569
criminal records check. 150570

(G) The director of job and family services shall adopt rules 150571
in accordance with Chapter 119. of the Revised Code to implement 150572
this section, including rules specifying exceptions to the 150573
prohibition in division (D) of this section for persons who have 150574
been convicted of an offense listed in that division but who meet 150575
standards in regard to rehabilitation set by the director. 150576

(H) As used in this section, "criminal records check" has the 150577
same meaning as in section 109.572 of the Revised Code. 150578

Sec. 5104.03. (A) Any person, firm, organization, 150579
institution, or agency seeking to establish a child day-care 150580
center, type A family day-care home, or licensed type B family 150581
day-care home shall apply for a license to the director of job and 150582
family services on such form as the director prescribes. The 150583
director shall provide at no charge to each applicant for 150584
licensure a copy of the child care license requirements in this 150585
chapter and a copy of the rules adopted pursuant to this chapter. 150586
The copies may be provided in paper or electronic form. 150587

Fees shall be set by the director pursuant to sections 150588
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 150589
paid at the time of application for a license to operate a center, 150590
type A home, or type B home. Fees collected under this section 150591
shall be paid into the state treasury to the credit of the general 150592
revenue fund. 150593

(B)(1) Upon filing of the application for a license, the 150594
director shall investigate and inspect the center, type A home, or 150595
type B home to determine the license capacity for each age 150596
category of children of the center, type A home, or type B home 150597
and to determine whether the center, type A home, or type B home 150598
complies with this chapter and rules adopted pursuant to this 150599
chapter. When, after investigation and inspection, the director is 150600
satisfied that this chapter and rules adopted pursuant to it are 150601
complied with, subject to division (H) of this section, a license 150602
shall be issued as soon as practicable in such form and manner as 150603
prescribed by the director. The license shall be designated as 150604
provisional and shall be valid for twelve months from the date of 150605
issuance unless revoked. 150606

(2) The director may contract with a government entity or a 150607
private nonprofit entity for the entity to inspect and license 150608
type B family day-care homes pursuant to this section. The 150609

department, government entity, or nonprofit entity shall conduct 150610
the inspection prior to the issuance of a license for the type B 150611
home and, as part of that inspection, ensure that the type B home 150612
is safe and sanitary. 150613

(C)(1) On receipt of an application for licensure as a type B 150614
family day-care home to provide publicly funded child care, the 150615
department shall search the uniform statewide automated child 150616
welfare information system for information concerning any abuse or 150617
neglect report made pursuant to section 2151.421 of the Revised 150618
Code of which the applicant, any other adult residing in the 150619
applicant's home, or a person designated by the applicant to be an 150620
emergency or substitute caregiver for the applicant is the 150621
subject. 150622

(2) The department shall consider any information it 150623
discovers pursuant to division (C)(1) of this section or that is 150624
provided by a public children services agency pursuant to section 150625
5153.175 of the Revised Code. If the department determines that 150626
the information, when viewed within the totality of the 150627
circumstances, reasonably leads to the conclusion that the 150628
applicant may directly or indirectly endanger the health, safety, 150629
or welfare of children, the department shall deny the application 150630
for licensure or revoke the license of a type B family day-care 150631
home. 150632

(D) The director shall investigate and inspect the center, 150633
type A home, or type B home at least once during operation under a 150634
license designated as provisional. If after the investigation and 150635
inspection the director determines that the requirements of this 150636
chapter and rules adopted pursuant to this chapter are met, 150637
subject to division (H) of this section, the director shall issue 150638
a new license to the center or home. 150639

(E) Each license shall state the name of the licensee, the 150640
name of the administrator, the address of the center, type A home, 150641

or licensed type B home, and the license capacity for each age 150642
category of children. The license shall include thereon, in 150643
accordance with sections 5104.015, 5104.017, and 5104.018 of the 150644
Revised Code, the toll-free telephone number to be used by persons 150645
suspecting that the center, type A home, or licensed type B home 150646
has violated a provision of this chapter or rules adopted pursuant 150647
to this chapter. A license is valid only for the licensee, 150648
administrator, address, and license capacity for each age category 150649
of children designated on the license. The license capacity 150650
specified on the license is the maximum number of children in each 150651
age category that may be cared for in the center, type A home, or 150652
licensed type B home at one time. 150653

The center or type A home licensee shall notify the director 150654
when the administrator of the center or home changes. The director 150655
shall amend the current license to reflect a change in an 150656
administrator, if the administrator meets the requirements of this 150657
chapter and rules adopted pursuant to this chapter, or a change in 150658
license capacity for any age category of children as determined by 150659
the director of job and family services. 150660

(F) If the director revokes the license of a center, a type A 150661
home, or a type B home, the director shall not issue another 150662
license to the owner of the center, type A home, or type B home 150663
until five years have elapsed from the date the license is 150664
revoked. 150665

If the director denies an application for a license, the 150666
director shall not accept another application from the applicant 150667
until five years have elapsed from the date the application is 150668
denied. 150669

(G) If during the application for licensure process the 150670
director determines that the license of the owner has been 150671
revoked, the investigation of the center, type A home, or type B 150672
home shall cease. This action does not constitute denial of the 150673

application and may not be appealed under division (H) of this section. 150674
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(H) All actions of the director with respect to licensing centers, type A homes, or type B homes, refusal to license, and revocation of a license shall be in accordance with Chapter 119. of the Revised Code. Any applicant who is denied a license or any owner whose license is revoked may appeal in accordance with section 119.12 of the Revised Code. 150676
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(I) In no case shall the director issue a license under this section for a center, type A home, or type B home if the director, based on documentation provided by the appropriate county department of job and family services, determines that the applicant had been certified as a type B family day-care home when such certifications were issued by county departments prior to ~~the effective date of this amendment~~ January 1, 2014, that the county department revoked that certification within the immediately preceding five years, that the revocation was based on the applicant's refusal or inability to comply with the criteria for certification, and that the refusal or inability resulted in a risk to the health or safety of children. 150682
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(J)(1) Except as provided in division (J)(2) of this section, an administrator of a type B family day-care home that receives a license pursuant to this section to provide publicly funded child care is an independent contractor and is not an employee of the department of job and family services. 150694
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(2) For purposes of Chapter 4141. of the Revised Code, determinations concerning the employment of an administrator of a type B family day-care home that receives a license pursuant to this section shall be determined under Chapter 4141. of the Revised Code. 150699
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Sec. 5104.08. (A) There is hereby created in the department 150704

of job and family services a child care advisory council to advise 150705
and assist the department in the administration of this chapter 150706
and in the development of child care. The council shall consist of 150707
twenty-two voting members appointed by the director of job and 150708
family services with the approval of the governor. The director of 150709
job and family services, the director of developmental 150710
disabilities, the director of ~~mental health~~ mental health and 150711
addiction services, the superintendent of public instruction, the 150712
director of health, the director of commerce, and the state fire 150713
marshal shall serve as nonvoting members of the council. 150714

Six members shall be representatives of child care centers 150715
subject to licensing, the members to represent a variety of 150716
centers, including nonprofit and proprietary, from different 150717
geographical areas of the state. At least three members shall be 150718
parents, guardians, or custodians of children receiving child care 150719
or publicly funded child care in the child's own home, a center, a 150720
type A home, a head start program, a licensed type B home, or a 150721
type B home at the time of appointment. Three members shall be 150722
representatives of in-home aides, type A homes, licensed type B 150723
homes, or type B homes or head start programs. At least six 150724
members shall represent county departments of job and family 150725
services. The remaining members shall be representatives of the 150726
teaching, child development, and health professions, and other 150727
individuals interested in the welfare of children. At least six 150728
members of the council shall not be employees or licensees of a 150729
child day-care center, head start program, or type A home, or 150730
providers operating a licensed type B home or type B home, or 150731
in-home aides. 150732

Appointments shall be for three-year terms. Vacancies shall 150733
be filled for the unexpired terms. A member of the council is 150734
subject to removal by the director of job and family services for 150735
a willful and flagrant exercise of authority or power that is not 150736

authorized by law, for a refusal or willful neglect to perform any 150737
official duty as a member of the council imposed by law, or for 150738
being guilty of misfeasance, malfeasance, nonfeasance, or gross 150739
neglect of duty as a member of the council. 150740

There shall be two co-chairpersons of the council. One 150741
co-chairperson shall be the director of job and family services or 150742
the director's designee, and one co-chairperson shall be elected 150743
by the members of the council. The council shall meet as often as 150744
is necessary to perform its duties, provided that it shall meet at 150745
least once in each quarter of each calendar year and at the call 150746
of the co-chairpersons. The co-chairpersons or their designee 150747
shall send to each member a written notice of the date, time, and 150748
place of each meeting. 150749

Members of the council shall serve without compensation, but 150750
shall be reimbursed for necessary expenses. 150751

(B) The child care advisory council shall advise the director 150752
on matters affecting the licensing of centers, type A homes, and 150753
type B homes and the certification of in-home aides. The council 150754
shall make an annual report to the director of job and family 150755
services that addresses the availability, affordability, 150756
accessibility, and quality of child care and that summarizes the 150757
recommendations and plans of action that the council has proposed 150758
to the director during the preceding fiscal year. The director of 150759
job and family services shall provide copies of the report to the 150760
governor, speaker and minority leader of the house of 150761
representatives, and the president and minority leader of the 150762
senate and, on request, shall make copies available to the public. 150763

(C) The director of job and family services shall adopt rules 150764
in accordance with Chapter 119. of the Revised Code to implement 150765
this section. 150766

Sec. 5104.32. (A) Except as provided in division (C) of this 150767

section, all purchases of publicly funded child care shall be made 150768
under a contract entered into by a licensed child day-care center, 150769
licensed type A family day-care home, licensed type B family 150770
day-care home, certified in-home aide, approved child day camp, 150771
licensed preschool program, licensed school child program, or 150772
border state child care provider and the department of job and 150773
family services. All contracts for publicly funded child care 150774
shall be contingent upon the availability of state and federal 150775
funds. The department shall prescribe a standard form to be used 150776
for all contracts for the purchase of publicly funded child care, 150777
regardless of the source of public funds used to purchase the 150778
child care. To the extent permitted by federal law and 150779
notwithstanding any other provision of the Revised Code that 150780
regulates state contracts or contracts involving the expenditure 150781
of state or federal funds, all contracts for publicly funded child 150782
care shall be entered into in accordance with the provisions of 150783
this chapter and are exempt from any other provision of the 150784
Revised Code that regulates state contracts or contracts involving 150785
the expenditure of state or federal funds. 150786

(B) Each contract for publicly funded child care shall 150787
specify at least the following: 150788

(1) That the provider of publicly funded child care agrees to 150789
be paid for rendering services at the lower of the rate 150790
customarily charged by the provider for children enrolled for 150791
child care or the reimbursement ceiling or rate of payment 150792
established pursuant to section 5104.30 of the Revised Code; 150793

(2) That, if a provider provides child care to an individual 150794
potentially eligible for publicly funded child care who is 150795
subsequently determined to be eligible, the department agrees to 150796
pay for all child care provided between the date the county 150797
department of job and family services receives the individual's 150798
completed application and the date the individual's eligibility is 150799

determined; 150800

(3) Whether the county department of job and family services, 150801
the provider, or a child care resource and referral service 150802
organization will make eligibility determinations, whether the 150803
provider or a child care resource and referral service 150804
organization will be required to collect information to be used by 150805
the county department to make eligibility determinations, and the 150806
time period within which the provider or child care resource and 150807
referral service organization is required to complete required 150808
eligibility determinations or to transmit to the county department 150809
any information collected for the purpose of making eligibility 150810
determinations; 150811

(4) That the provider, other than a border state child care 150812
provider, shall continue to be licensed, approved, or certified 150813
pursuant to this chapter and shall comply with all standards and 150814
other requirements in this chapter and in rules adopted pursuant 150815
to this chapter for maintaining the provider's license, approval, 150816
or certification; 150817

(5) That, in the case of a border state child care provider, 150818
the provider shall continue to be licensed, certified, or 150819
otherwise approved by the state in which the provider is located 150820
and shall comply with all standards and other requirements 150821
established by that state for maintaining the provider's license, 150822
certificate, or other approval; 150823

(6) Whether the provider will be paid by the state department 150824
of job and family services or in some other manner as prescribed 150825
by rules adopted under section 5104.42 of the Revised Code; 150826

(7) That the contract is subject to the availability of state 150827
and federal funds. 150828

(C) Unless specifically prohibited by federal law or by rules 150829
adopted under section 5104.42 of the Revised Code, the county 150830

department of job and family services shall give individuals 150831
eligible for publicly funded child care the option of obtaining 150832
certificates that the individual may use to purchase services from 150833
any provider qualified to provide publicly funded child care under 150834
section 5104.31 of the Revised Code. Providers of publicly funded 150835
child care may present these certificates for payment in 150836
accordance with rules that the director of job and family services 150837
shall adopt. Only providers may receive payment for certificates. 150838
The value of the certificate shall be based on the lower of the 150839
rate customarily charged by the provider or the rate of payment 150840
established pursuant to section 5104.30 of the Revised Code. The 150841
county department may provide the certificates to the individuals 150842
or may contract with child care providers or child care resource 150843
and referral service organizations that make determinations of 150844
eligibility for publicly funded child care pursuant to contracts 150845
entered into under section 5104.34 of the Revised Code for the 150846
providers or resource and referral service organizations to 150847
provide the certificates to individuals whom they determine are 150848
eligible for publicly funded child care. 150849

For each six-month period a provider of publicly funded child 150850
care provides publicly funded child care to the child of an 150851
individual given certificates, the individual shall provide the 150852
provider certificates for days the provider would have provided 150853
publicly funded child care to the child had the child been 150854
present. The maximum number of days providers shall be provided 150855
certificates shall not exceed ten days in a six-month period 150856
during which publicly funded child care is provided to the child 150857
regardless of the number of providers that provide publicly funded 150858
child care to the child during that period. 150859

(D)(1) The department shall establish the Ohio electronic 150860
child care system to track attendance and calculate payments for 150861
publicly funded child care. The system shall include issuing an 150862

electronic child care card to each caretaker parent to swipe 150863
through a point of service device issued to an eligible provider, 150864
as described in section 5104.31 of the Revised Code. 150865

(2) Each eligible provider that provides publicly funded 150866
child care shall participate in the Ohio electronic child care 150867
system. A provider participating in the system shall not do any of 150868
the following: 150869

(a) Use or have possession of an electronic child care card 150870
issued to a caretaker parent; 150871

(b) Falsify attendance records; 150872

(c) Knowingly seek payment for publicly funded child care 150873
that was not provided; 150874

(d) Knowingly accept reimbursement for publicly funded child 150875
care that was not provided. 150876

Section 110.21. That the existing versions of sections 150877
109.57, 2151.011, 2923.126, 5104.012, 5104.013, 5104.03, 5104.08, 150878
and 5104.32 of the Revised Code that are scheduled to take effect 150879
January 1, 2014, are hereby repealed. 150880

Section 110.22. Sections 110.20 and 110.21 of this act shall 150881
take effect January 1, 2014, except that the amendments by 150882
Sections 110.20 and 110.21 of this act to divisions (B)(49) and 150883
(50) of section 2151.011 of the Revised Code shall take effect 150884
July 1, 2014. 150885

Section 110.25. That sections 5165.08, 5165.513, 5165.515, 150886
and 5165.99 of the Revised Code as they result from Section 101.01 150887
of this act be amended to read as follows: 150888

Sec. 5165.08. (A) ~~As used in this section:~~ 150889

~~"Bed need" means the number of long term care beds a county needs as determined by the director of health pursuant to division (B)(3) of section 3702.593 of the Revised Code.~~ 150890
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~~"Bed need excess" means that a county's bed need is such that one or more long term care beds may be relocated from the county according to the director's determination of the county's bed need.~~ 150893
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~~(B) Every provider agreement with a nursing facility provider shall do both of the following:~~ 150897
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~~(1) Permit the provider to exclude one or more parts of the nursing facility from the provider agreement, even though those parts meet federal and state standards for medicaid certification, if all of the following apply:~~ 150899
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~~(a) The nursing facility initially obtained both its nursing home license under Chapter 3721. of the Revised Code and medicaid certification on or after January 1, 2008.~~ 150903
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~~(b) The nursing facility is located in a county that has a bed need excess at the time the provider excludes the parts from the provider agreement.~~ 150906
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~~(c) Federal law permits the provider to exclude the parts from the provider agreement.~~ 150909
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~~(d) The provider gives the department of medicaid written notice of the exclusion not less than forty five days before the first day of the calendar quarter in which the exclusion is to occur.~~ 150911
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~~(2) Prohibit prohibit the provider from doing either of the following:~~ 150915
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~~(a)(1) Discriminating against a resident on the basis of race, color, sex, creed, or national origin;~~ 150917
150918

~~(b)(2) Subject to division ~~(D)~~(C) of this section, failing or~~ 150919

refusing to do either of the following: 150920

~~(i)~~(a) Except as otherwise prohibited under section 5165.82 150921
of the Revised Code, admit as a resident of the nursing facility 150922
an individual because the individual is, or may (as a resident of 150923
the nursing facility) become, a medicaid recipient unless at least 150924
~~twenty-five~~ eighty per cent of the nursing facility's 150925
medicaid-certified beds are occupied by medicaid recipients at the 150926
time the person would otherwise be admitted; 150927

~~(ii)~~(b) Retain as a resident of the nursing facility an 150928
individual because the individual is, or may (as a resident of the 150929
nursing facility) become, a medicaid recipient. 150930

~~(C)~~(B) For the purpose of division ~~(B)~~(A)(2)(b)~~(ii)~~ of this 150931
section, a medicaid recipient who is a resident of a nursing 150932
facility shall be considered a resident of the nursing facility 150933
during any hospital stays totaling less than twenty-five days 150934
during any twelve-month period. 150935

~~(D)~~(C) Nothing in this section shall bar a provider from 150936
doing any of the following: 150937

(1) If the provider is a religious organization operating a 150938
religious or denominational nursing facility from giving 150939
preference to persons of the same religion or denomination; 150940

(2) Giving preference to persons with whom the provider has 150941
contracted to provide continuing care; 150942

(3) If the nursing facility is a county home organized under 150943
Chapter 5155. of the Revised Code, admitting residents exclusively 150944
from the county in which the county home is located; 150945

(4) Retaining residents who have resided in the provider's 150946
nursing facility for not less than one year as private pay 150947
patients and who subsequently become medicaid recipients, but 150948
refusing to accept as a resident any person who is, or may (as a 150949

resident of the nursing facility) become a medicaid recipient, if 150950
all of the following apply: 150951

(a) The provider does not refuse to retain any resident who 150952
has resided in the provider's nursing facility for not less than 150953
one year as a private pay resident because the resident becomes a 150954
medicaid recipient, except as necessary to comply with division 150955
~~(D)~~(C)(4)(b) of this section; 150956

(b) The number of medicaid recipients retained under division 150957
~~(D)~~(C)(4) of this section does not at any time exceed ten per cent 150958
of all the residents in the nursing facility; 150959

(c) On July 1, 1980, all the residents in the nursing 150960
facility were private pay residents. 150961

~~(E)~~(D) No provider shall violate the provider agreement 150962
obligations imposed by this section. 150963

~~(F) A nursing facility provider who excludes one or more 150964
parts of the nursing facility from a provider agreement pursuant 150965
to division (B)(1) of this section does not violate division (C) 150966
of section 3702.53 of the Revised Code. 150967~~

Sec. 5165.513. ~~(A)~~ A provider that enters into a provider 150968
agreement with the department of medicaid under section 5165.511 150969
or 5165.512 of the Revised Code shall do all of the following: 150970

~~(1)~~(A) Comply with all applicable federal statutes and 150971
regulations; 150972

~~(2)~~(B) Comply with section 5165.07 of the Revised Code and 150973
all other applicable state statutes and rules; 150974

~~(3)~~(C) Subject to division (B) of this section, comply with 150975
all the terms and conditions of the exiting operator's provider 150976
agreement, including, but not limited to, all of the following: 150977

~~(a)~~(1) Any plan of correction; 150978

(b) (2) Compliance with health and safety standards;	150979
(e) (3) Compliance with the ownership and financial interest disclosure requirements of 42 C.F.R. 455.104, 455.105, and 1002.3;	150980 150981
(d) (4) Compliance with the civil rights requirements of 45 C.F.R. parts 80, 84, and 90;	150982 150983
(e) (5) Compliance with additional requirements imposed by the department;	150984 150985
(f) (6) Any sanctions relating to remedies for violation of the provider agreement, including deficiencies, compliance periods, accountability periods, monetary penalties, notification for correction of contract violations, and history of deficiencies.	150986 150987 150988 150989 150990
(B) Division (A)(3) of this section does not prohibit a nursing facility provider from excluding one or more parts of the nursing facility from the provider agreement pursuant to division (B)(1) of section 5165.08 of the Revised Code.	150991 150992 150993 150994
Sec. 5165.515. The department of medicaid may enter into a provider agreement as provided in section 5165.07 of the Revised Code, rather than section 5165.511 or 5165.512 of the Revised Code, with an entering operator if the entering operator does not agree to a provider agreement that satisfies the requirements of division (A)(3) (C) of section 5165.513 of the Revised Code. The department may not enter into the provider agreement unless the department of health certifies the nursing facility for participation in medicaid. The effective date of the provider agreement shall not precede any of the following:	150995 150996 150997 150998 150999 151000 151001 151002 151003 151004
(A) The date that the department of health certifies the nursing facility;	151005 151006
(B) The effective date of the change of operator;	151007
(C) The date the requirement of section 5165.51 of the	151008

Revised Code is satisfied. 151009

Sec. 5165.99. (A) Whoever violates section 5165.102 or 151010
division ~~(E)~~(D) of section 5165.08 of the Revised Code shall be 151011
fined not less than five hundred dollars nor more than one 151012
thousand dollars for the first offense and not less than one 151013
thousand dollars nor more than five thousand dollars for each 151014
subsequent offense. Fines paid under this section shall be 151015
deposited in the state treasury to the credit of the general 151016
revenue fund. 151017

(B) Whoever violates division (D) of section 5165.88 of the 151018
Revised Code is guilty of registering a false complaint, a 151019
misdemeanor of the first degree. 151020

Section 110.26. That existing sections 5165.08, 5165.513, 151021
5165.515, and 5165.99 of the Revised Code are hereby repealed. 151022

Section 110.27. Sections 110.25 and 110.26 of this act shall 151023
take effect January 1, 2015. 151024

Section 110.30. That the versions of sections 4501.01 and 151025
4507.06 of the Revised Code that are scheduled to take effect 151026
January 1, 2017, be amended to read as follows: 151027

Sec. 4501.01. As used in this chapter and Chapters 4503., 151028
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 151029
Revised Code, and in the penal laws, except as otherwise provided: 151030

(A) "Vehicles" means everything on wheels or runners, 151031
including motorized bicycles, but does not mean electric personal 151032
assistive mobility devices, vehicles that are operated exclusively 151033
on rails or tracks or from overhead electric trolley wires, and 151034
vehicles that belong to any police department, municipal fire 151035
department, or volunteer fire department, or that are used by such 151036

a department in the discharge of its functions. 151037

(B) "Motor vehicle" means any vehicle, including mobile homes 151038
and recreational vehicles, that is propelled or drawn by power 151039
other than muscular power or power collected from overhead 151040
electric trolley wires. "Motor vehicle" does not include utility 151041
vehicles as defined in division (VV) of this section, under-speed 151042
vehicles as defined in division (XX) of this section, mini-trucks 151043
as defined in division (BBB) of this section, motorized bicycles, 151044
road rollers, traction engines, power shovels, power cranes, and 151045
other equipment used in construction work and not designed for or 151046
employed in general highway transportation, well-drilling 151047
machinery, ditch-digging machinery, farm machinery, and trailers 151048
that are designed and used exclusively to transport a boat between 151049
a place of storage and a marina, or in and around a marina, when 151050
drawn or towed on a public road or highway for a distance of no 151051
more than ten miles and at a speed of twenty-five miles per hour 151052
or less. 151053

(C) "Agricultural tractor" and "traction engine" mean any 151054
self-propelling vehicle that is designed or used for drawing other 151055
vehicles or wheeled machinery, but has no provisions for carrying 151056
loads independently of such other vehicles, and that is used 151057
principally for agricultural purposes. 151058

(D) "Commercial tractor," except as defined in division (C) 151059
of this section, means any motor vehicle that has motive power and 151060
either is designed or used for drawing other motor vehicles, or is 151061
designed or used for drawing another motor vehicle while carrying 151062
a portion of the other motor vehicle or its load, or both. 151063

(E) "Passenger car" means any motor vehicle that is designed 151064
and used for carrying not more than nine persons and includes any 151065
motor vehicle that is designed and used for carrying not more than 151066
fifteen persons in a ridesharing arrangement. 151067

(F) "Collector's vehicle" means any motor vehicle or 151068
agricultural tractor or traction engine that is of special 151069
interest, that has a fair market value of one hundred dollars or 151070
more, whether operable or not, and that is owned, operated, 151071
collected, preserved, restored, maintained, or used essentially as 151072
a collector's item, leisure pursuit, or investment, but not as the 151073
owner's principal means of transportation. "Licensed collector's 151074
vehicle" means a collector's vehicle, other than an agricultural 151075
tractor or traction engine, that displays current, valid license 151076
tags issued under section 4503.45 of the Revised Code, or a 151077
similar type of motor vehicle that displays current, valid license 151078
tags issued under substantially equivalent provisions in the laws 151079
of other states. 151080

(G) "Historical motor vehicle" means any motor vehicle that 151081
is over twenty-five years old and is owned solely as a collector's 151082
item and for participation in club activities, exhibitions, tours, 151083
parades, and similar uses, but that in no event is used for 151084
general transportation. 151085

(H) "Noncommercial motor vehicle" means any motor vehicle, 151086
including a farm truck as defined in section 4503.04 of the 151087
Revised Code, that is designed by the manufacturer to carry a load 151088
of no more than one ton and is used exclusively for purposes other 151089
than engaging in business for profit. 151090

(I) "Bus" means any motor vehicle that has motor power and is 151091
designed and used for carrying more than nine passengers, except 151092
any motor vehicle that is designed and used for carrying not more 151093
than fifteen passengers in a ridesharing arrangement. 151094

(J) "Commercial car" or "truck" means any motor vehicle that 151095
has motor power and is designed and used for carrying merchandise 151096
or freight, or that is used as a commercial tractor. 151097

(K) "Bicycle" means every device, other than a device that is 151098

designed solely for use as a play vehicle by a child, that is 151099
propelled solely by human power upon which a person may ride, and 151100
that has two or more wheels, any of which is more than fourteen 151101
inches in diameter. 151102

(L) "Motorized bicycle" or "moped" means any vehicle that 151103
either has two tandem wheels or one wheel in the front and two 151104
wheels in the rear, that may be pedaled, and that is equipped with 151105
a helper motor of not more than fifty cubic centimeters piston 151106
displacement that produces no more than one brake horsepower and 151107
is capable of propelling the vehicle at a speed of no greater than 151108
twenty miles per hour on a level surface. 151109

(M) "Trailer" means any vehicle without motive power that is 151110
designed or used for carrying property or persons wholly on its 151111
own structure and for being drawn by a motor vehicle, and includes 151112
any such vehicle that is formed by or operated as a combination of 151113
a semitrailer and a vehicle of the dolly type such as that 151114
commonly known as a trailer dolly, a vehicle used to transport 151115
agricultural produce or agricultural production materials between 151116
a local place of storage or supply and the farm when drawn or 151117
towed on a public road or highway at a speed greater than 151118
twenty-five miles per hour, and a vehicle that is designed and 151119
used exclusively to transport a boat between a place of storage 151120
and a marina, or in and around a marina, when drawn or towed on a 151121
public road or highway for a distance of more than ten miles or at 151122
a speed of more than twenty-five miles per hour. "Trailer" does 151123
not include a manufactured home or travel trailer. 151124

(N) "Noncommercial trailer" means any trailer, except a 151125
travel trailer or trailer that is used to transport a boat as 151126
described in division (B) of this section, but, where applicable, 151127
includes a vehicle that is used to transport a boat as described 151128
in division (M) of this section, that has a gross weight of no 151129
more than ten thousand pounds, and that is used exclusively for 151130

purposes other than engaging in business for a profit, such as the transportation of personal items for personal or recreational purposes.

(O) "Mobile home" means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code.

(P) "Semitrailer" means any vehicle of the trailer type that does not have motive power and is so designed or used with another and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by the other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this division, and includes, for the purpose only of registration and taxation under those chapters, any vehicle of the dolly type, such as a trailer dolly, that is designed or used for the conversion of a semitrailer into a trailer.

(Q) "Recreational vehicle" means a vehicular portable structure that meets all of the following conditions:

(1) It is designed for the sole purpose of recreational travel.

(2) It is not used for the purpose of engaging in business for profit.

(3) It is not used for the purpose of engaging in intrastate commerce.

(4) It is not used for the purpose of commerce as defined in

49 C.F.R. 383.5, as amended.	151162
(5) It is not regulated by the public utilities commission	151163
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code.	151164
(6) It is classed as one of the following:	151165
(a) "Travel trailer" or "house vehicle" means a	151166
nonselved-propelled recreational vehicle that does not exceed an	151167
overall length of forty feet, exclusive of bumper and tongue or	151168
coupling. "Travel trailer" includes a tent-type fold-out camping	151169
trailer as defined in section 4517.01 of the Revised Code.	151170
(b) "Motor home" means a self-propelled recreational vehicle	151171
that has no fifth wheel and is constructed with permanently	151172
installed facilities for cold storage, cooking and consuming of	151173
food, and for sleeping.	151174
(c) "Truck camper" means a nonself-propelled recreational	151175
vehicle that does not have wheels for road use and is designed to	151176
be placed upon and attached to a motor vehicle. "Truck camper"	151177
does not include truck covers that consist of walls and a roof,	151178
but do not have floors and facilities enabling them to be used as	151179
a dwelling.	151180
(d) "Fifth wheel trailer" means a vehicle that is of such	151181
size and weight as to be movable without a special highway permit,	151182
that is constructed with a raised forward section that allows a	151183
bi-level floor plan, and that is designed to be towed by a vehicle	151184
equipped with a fifth-wheel hitch ordinarily installed in the bed	151185
of a truck.	151186
(e) "Park trailer" means a vehicle that is commonly known as	151187
a park model recreational vehicle, meets the American national	151188
standard institute standard A119.5 (1988) for park trailers, is	151189
built on a single chassis, has a gross trailer area of four	151190
hundred square feet or less when set up, is designed for seasonal	151191
or temporary living quarters, and may be connected to utilities	151192

necessary for the operation of installed features and appliances. 151193

(R) "Pneumatic tires" means tires of rubber and fabric or 151194
tires of similar material, that are inflated with air. 151195

(S) "Solid tires" means tires of rubber or similar elastic 151196
material that are not dependent upon confined air for support of 151197
the load. 151198

(T) "Solid tire vehicle" means any vehicle that is equipped 151199
with two or more solid tires. 151200

(U) "Farm machinery" means all machines and tools that are 151201
used in the production, harvesting, and care of farm products, and 151202
includes trailers that are used to transport agricultural produce 151203
or agricultural production materials between a local place of 151204
storage or supply and the farm, agricultural tractors, threshing 151205
machinery, hay-baling machinery, corn shellers, hammermills, and 151206
machinery used in the production of horticultural, agricultural, 151207
and vegetable products. 151208

(V) "Owner" includes any person or firm, other than a 151209
manufacturer or dealer, that has title to a motor vehicle, except 151210
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 151211
includes in addition manufacturers and dealers. 151212

(W) "Manufacturer" and "dealer" include all persons and firms 151213
that are regularly engaged in the business of manufacturing, 151214
selling, displaying, offering for sale, or dealing in motor 151215
vehicles, at an established place of business that is used 151216
exclusively for the purpose of manufacturing, selling, displaying, 151217
offering for sale, or dealing in motor vehicles. A place of 151218
business that is used for manufacturing, selling, displaying, 151219
offering for sale, or dealing in motor vehicles shall be deemed to 151220
be used exclusively for those purposes even though snowmobiles or 151221
all-purpose vehicles are sold or displayed for sale thereat, even 151222
though farm machinery is sold or displayed for sale thereat, or 151223

even though repair, accessory, gasoline and oil, storage, parts, 151224
service, or paint departments are maintained thereat, or, in any 151225
county having a population of less than seventy-five thousand at 151226
the last federal census, even though a department in a place of 151227
business is used to dismantle, salvage, or rebuild motor vehicles 151228
by means of used parts, if such departments are operated for the 151229
purpose of furthering and assisting in the business of 151230
manufacturing, selling, displaying, offering for sale, or dealing 151231
in motor vehicles. Places of business or departments in a place of 151232
business used to dismantle, salvage, or rebuild motor vehicles by 151233
means of using used parts are not considered as being maintained 151234
for the purpose of assisting or furthering the manufacturing, 151235
selling, displaying, and offering for sale or dealing in motor 151236
vehicles. 151237

(X) "Operator" includes any person who drives or operates a 151238
motor vehicle upon the public highways. 151239

(Y) "Chauffeur" means any operator who operates a motor 151240
vehicle, other than a taxicab, as an employee for hire; or any 151241
operator whether or not the owner of a motor vehicle, other than a 151242
taxicab, who operates such vehicle for transporting, for gain, 151243
compensation, or profit, either persons or property owned by 151244
another. Any operator of a motor vehicle who is voluntarily 151245
involved in a ridesharing arrangement is not considered an 151246
employee for hire or operating such vehicle for gain, 151247
compensation, or profit. 151248

(Z) "State" includes the territories and federal districts of 151249
the United States, and the provinces of Canada. 151250

(AA) "Public roads and highways" for vehicles includes all 151251
public thoroughfares, bridges, and culverts. 151252

(BB) "Manufacturer's number" means the manufacturer's 151253
original serial number that is affixed to or imprinted upon the 151254

chassis or other part of the motor vehicle. 151255

(CC) "Motor number" means the manufacturer's original number 151256
that is affixed to or imprinted upon the engine or motor of the 151257
vehicle. 151258

(DD) "Distributor" means any person who is authorized by a 151259
motor vehicle manufacturer to distribute new motor vehicles to 151260
licensed motor vehicle dealers at an established place of business 151261
that is used exclusively for the purpose of distributing new motor 151262
vehicles to licensed motor vehicle dealers, except when the 151263
distributor also is a new motor vehicle dealer, in which case the 151264
distributor may distribute at the location of the distributor's 151265
licensed dealership. 151266

(EE) "Ridesharing arrangement" means the transportation of 151267
persons in a motor vehicle where the transportation is incidental 151268
to another purpose of a volunteer driver and includes ridesharing 151269
arrangements known as carpools, vanpools, and buspools. 151270

(FF) "Apportionable vehicle" means any vehicle that is used 151271
or intended for use in two or more international registration plan 151272
member jurisdictions that allocate or proportionally register 151273
vehicles, that is used for the transportation of persons for hire 151274
or designed, used, or maintained primarily for the transportation 151275
of property, and that meets any of the following qualifications: 151276

(1) Is a power unit having a gross vehicle weight in excess 151277
of twenty-six thousand pounds; 151278

(2) Is a power unit having three or more axles, regardless of 151279
the gross vehicle weight; 151280

(3) Is a combination vehicle with a gross vehicle weight in 151281
excess of twenty-six thousand pounds. 151282

"Apportionable vehicle" does not include recreational 151283
vehicles, vehicles displaying restricted plates, city pick-up and 151284

delivery vehicles, buses used for the transportation of chartered 151285
parties, or vehicles owned and operated by the United States, this 151286
state, or any political subdivisions thereof. 151287

(GG) "Chartered party" means a group of persons who contract 151288
as a group to acquire the exclusive use of a passenger-carrying 151289
motor vehicle at a fixed charge for the vehicle in accordance with 151290
the carrier's tariff, lawfully on file with the United States 151291
department of transportation, for the purpose of group travel to a 151292
specified destination or for a particular itinerary, either agreed 151293
upon in advance or modified by the chartered group after having 151294
left the place of origin. 151295

(HH) "International registration plan" means a reciprocal 151296
agreement of member jurisdictions that is endorsed by the American 151297
association of motor vehicle administrators, and that promotes and 151298
encourages the fullest possible use of the highway system by 151299
authorizing apportioned registration of fleets of vehicles and 151300
recognizing registration of vehicles apportioned in member 151301
jurisdictions. 151302

(II) "Restricted plate" means a license plate that has a 151303
restriction of time, geographic area, mileage, or commodity, and 151304
includes license plates issued to farm trucks under division (J) 151305
of section 4503.04 of the Revised Code. 151306

(JJ) "Gross vehicle weight," with regard to any commercial 151307
car, trailer, semitrailer, or bus that is taxed at the rates 151308
established under section 4503.042 or 4503.65 of the Revised Code, 151309
means the unladen weight of the vehicle fully equipped plus the 151310
maximum weight of the load to be carried on the vehicle. 151311

(KK) "Combined gross vehicle weight" with regard to any 151312
combination of a commercial car, trailer, and semitrailer, that is 151313
taxed at the rates established under section 4503.042 or 4503.65 151314
of the Revised Code, means the total unladen weight of the 151315

combination of vehicles fully equipped plus the maximum weight of 151316
the load to be carried on that combination of vehicles. 151317

(LL) "Chauffeured limousine" means a motor vehicle that is 151318
designed to carry nine or fewer passengers and is operated for 151319
hire ~~on an hourly basis~~ pursuant to a prearranged contract for the 151320
transportation of passengers on public roads and highways along a 151321
route under the control of the person hiring the vehicle and not 151322
over a defined and regular route. "Prearranged contract" means an 151323
agreement, made in advance of boarding, to provide transportation 151324
from a specific location in a chauffeured limousine ~~at a fixed~~ 151325
~~rate per hour or trip~~. "Chauffeured limousine" does not include 151326
any vehicle that is used exclusively in the business of funeral 151327
directing. 151328

(MM) "Manufactured home" has the same meaning as in division 151329
(C)(4) of section 3781.06 of the Revised Code. 151330

(NN) "Acquired situs," with respect to a manufactured home or 151331
a mobile home, means to become located in this state by the 151332
placement of the home on real property, but does not include the 151333
placement of a manufactured home or a mobile home in the inventory 151334
of a new motor vehicle dealer or the inventory of a manufacturer, 151335
remanufacturer, or distributor of manufactured or mobile homes. 151336

(OO) "Electronic" includes electrical, digital, magnetic, 151337
optical, electromagnetic, or any other form of technology that 151338
entails capabilities similar to these technologies. 151339

(PP) "Electronic record" means a record generated, 151340
communicated, received, or stored by electronic means for use in 151341
an information system or for transmission from one information 151342
system to another. 151343

(QQ) "Electronic signature" means a signature in electronic 151344
form attached to or logically associated with an electronic 151345
record. 151346

(RR) "Financial transaction device" has the same meaning as 151347
in division (A) of section 113.40 of the Revised Code. 151348

(SS) "Electronic motor vehicle dealer" means a motor vehicle 151349
dealer licensed under Chapter 4517. of the Revised Code whom the 151350
registrar of motor vehicles determines meets the criteria 151351
designated in section 4503.035 of the Revised Code for electronic 151352
motor vehicle dealers and designates as an electronic motor 151353
vehicle dealer under that section. 151354

(TT) "Electric personal assistive mobility device" means a 151355
self-balancing two non-tandem wheeled device that is designed to 151356
transport only one person, has an electric propulsion system of an 151357
average of seven hundred fifty watts, and when ridden on a paved 151358
level surface by an operator who weighs one hundred seventy pounds 151359
has a maximum speed of less than twenty miles per hour. 151360

(UU) "Limited driving privileges" means the privilege to 151361
operate a motor vehicle that a court grants under section 4510.021 151362
of the Revised Code to a person whose driver's or commercial 151363
driver's license or permit or nonresident operating privilege has 151364
been suspended. 151365

(VV) "Utility vehicle" means a self-propelled vehicle 151366
designed with a bed, principally for the purpose of transporting 151367
material or cargo in connection with construction, agricultural, 151368
forestry, grounds maintenance, lawn and garden, materials 151369
handling, or similar activities. 151370

(WW) "Low-speed vehicle" means a three- or four-wheeled motor 151371
vehicle with an attainable speed in one mile on a paved level 151372
surface of more than twenty miles per hour but not more than 151373
twenty-five miles per hour and with a gross vehicle weight rating 151374
less than three thousand pounds. 151375

(XX) "Under-speed vehicle" means a three- or four-wheeled 151376
vehicle, including a vehicle commonly known as a golf cart, with 151377

an attainable speed on a paved level surface of not more than 151378
twenty miles per hour and with a gross vehicle weight rating less 151379
than three thousand pounds. 151380

(YY) "Motor-driven cycle or motor scooter" means any vehicle 151381
designed to travel on not more than three wheels in contact with 151382
the ground, with a seat for the driver and floor pad for the 151383
driver's feet, and is equipped with a motor with a piston 151384
displacement between fifty and one hundred fifty cubic centimeters 151385
piston displacement that produces not more than five brake 151386
horsepower and is capable of propelling the vehicle at a speed 151387
greater than twenty miles per hour on a level surface. 151388

(ZZ) "Motorcycle" means a motor vehicle with motive power 151389
having a seat or saddle for the use of the operator, designed to 151390
travel on not more than three wheels in contact with the ground, 151391
and having no occupant compartment top or occupant compartment top 151392
that can be installed or removed by the user. 151393

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 151394
motive power having a seat or saddle for the use of the operator, 151395
designed to travel on not more than three wheels in contact with 151396
the ground, and having an occupant compartment top or an occupant 151397
compartment top that can be installed or removed by the user. 151398

(BBB) "Mini-truck" means a vehicle that has four wheels, is 151399
propelled by an electric motor with a rated power of seven 151400
thousand five hundred watts or less or an internal combustion 151401
engine with a piston displacement capacity of six hundred sixty 151402
cubic centimeters or less, has a total dry weight of nine hundred 151403
to two thousand two hundred pounds, contains an enclosed cabin and 151404
a seat for the vehicle operator, resembles a pickup truck or van 151405
with a cargo area or bed located at the rear of the vehicle, and 151406
was not originally manufactured to meet federal motor vehicle 151407
safety standards. 151408

Sec. 4507.06. (A)(1) Every application for a driver's 151409
license, motorcycle operator's license or endorsement, or 151410
motor-driven cycle or motor scooter license or endorsement, or 151411
duplicate of any such license or endorsement, shall be made upon 151412
the approved form furnished by the registrar of motor vehicles and 151413
shall be signed by the applicant. 151414

Every application shall state the following: 151415

(a) The applicant's name, date of birth, social security 151416
number if such has been assigned, sex, general description, 151417
including height, weight, color of hair, and eyes, residence 151418
address, including county of residence, duration of residence in 151419
this state, and country of citizenship; 151420

(b) Whether the applicant previously has been licensed as an 151421
operator, chauffeur, driver, commercial driver, or motorcycle 151422
operator and, if so, when, by what state, and whether such license 151423
is suspended or canceled at the present time and, if so, the date 151424
of and reason for the suspension or cancellation; 151425

(c) Whether the applicant is now or ever has been afflicted 151426
with epilepsy, or whether the applicant now is suffering from any 151427
physical or mental disability or disease and, if so, the nature 151428
and extent of the disability or disease, giving the names and 151429
addresses of physicians then or previously in attendance upon the 151430
applicant; 151431

(d) Whether an applicant for a duplicate driver's license, 151432
duplicate license containing a motorcycle operator endorsement, or 151433
duplicate license containing a motor-driven cycle or motor scooter 151434
endorsement has pending a citation for violation of any motor 151435
vehicle law or ordinance, a description of any such citation 151436
pending, and the date of the citation; 151437

(e) ~~Whether~~ If an applicant has not certified the applicant's 151438

willingness to make an anatomical gift under section 2108.05 of 151439
the Revised Code, whether the applicant wishes to certify 151440
willingness to make such an anatomical gift ~~under section 2108.05~~ 151441
~~of the Revised Code~~, which shall be given no consideration in the 151442
issuance of a license or endorsement; 151443

(f) Whether the applicant has executed a valid durable power 151444
of attorney for health care pursuant to sections 1337.11 to 151445
1337.17 of the Revised Code or has executed a declaration 151446
governing the use or continuation, or the withholding or 151447
withdrawal, of life-sustaining treatment pursuant to sections 151448
2133.01 to 2133.15 of the Revised Code and, if the applicant has 151449
executed either type of instrument, whether the applicant wishes 151450
the applicant's license to indicate that the applicant has 151451
executed the instrument; 151452

(g) On and after October 7, 2009, whether the applicant is a 151453
veteran, active duty, or reservist of the armed forces of the 151454
United States and, if the applicant is such, whether the applicant 151455
wishes the applicant's license to indicate that the applicant is a 151456
veteran, active duty, or reservist of the armed forces of the 151457
United States by a military designation on the license. 151458

(2) Every applicant for a driver's license shall be 151459
photographed in color at the time the application for the license 151460
is made. The application shall state any additional information 151461
that the registrar requires. 151462

(B) The registrar or a deputy registrar, in accordance with 151463
section 3503.11 of the Revised Code, shall register as an elector 151464
any person who applies for a license or endorsement under division 151465
(A) of this section, or for a renewal or duplicate of the license 151466
or endorsement, if the applicant is eligible and wishes to be 151467
registered as an elector. The decision of an applicant whether to 151468
register as an elector shall be given no consideration in the 151469
decision of whether to issue the applicant a license or 151470

endorsement, or a renewal or duplicate. 151471

(C) The registrar or a deputy registrar, in accordance with 151472
section 3503.11 of the Revised Code, shall offer the opportunity 151473
of completing a notice of change of residence or change of name to 151474
any applicant for a driver's license or endorsement under division 151475
(A) of this section, or for a renewal or duplicate of the license 151476
or endorsement, if the applicant is a registered elector who has 151477
changed the applicant's residence or name and has not filed such a 151478
notice. 151479

(D) In addition to any other information it contains, on and 151480
after October 7, 2009, the approved form furnished by the 151481
registrar of motor vehicles for an application for a license or 151482
endorsement or an application for a duplicate of any such license 151483
or endorsement shall inform applicants that the applicant must 151484
present a copy of the applicant's DD-214 or an equivalent document 151485
in order to qualify to have the license or duplicate indicate that 151486
the applicant is a veteran, active duty, or reservist of the armed 151487
forces of the United States based on a request made pursuant to 151488
division (A)(1)(g) of this section. 151489

Section 110.31. That the existing versions of sections 151490
4501.01 and 4507.06 of the Revised Code that are scheduled to take 151491
effect January 1, 2017, are hereby repealed. 151492

Section 110.32. Sections 110.30 and 110.31 of this act shall 151493
take effect January 1, 2017. 151494

Section 120.10. That the versions of sections 3302.20, 151495
3310.08, 3313.981, 3314.091, 3317.01, 3317.02, 3317.022, 151496
3317.0217, 3317.03, 3317.16, 3317.30, and 5751.21 that result from 151497
Section 101.01 of this act and sections 3310.41, 3311.52, 151498
3317.024, 3317.033, 3317.081, 3317.201, 3318.18, 3318.42, 3327.05, 151499
3328.32, 3328.33, and 5727.85 be amended and section 3317.034 of 151500

the Revised Code be enacted to read as follows: 151501

Sec. 3302.20. (A) The department of education shall develop 151502
standards for determining, from the existing data reported in 151503
accordance with sections 3301.0714 and 3314.17 of the Revised 151504
Code, the amount of annual operating expenditures for classroom 151505
instructional purposes and for nonclassroom purposes for each 151506
city, exempted village, local, and joint vocational school 151507
district, each community school established under Chapter 3314. 151508
that is not an internet- or computer-based community school, each 151509
internet- or computer-based community school, and each STEM school 151510
established under Chapter 3326. of the Revised Code. The 151511
department shall present those standards to the state board of 151512
education for consideration. In developing the standards, the 151513
department shall adapt existing standards used by professional 151514
organizations, research organizations, and other state 151515
governments. The department also shall align the expenditure 151516
categories required for reporting under the standards with the 151517
categories that are required for reporting to the United States 151518
department of education under federal law. 151519

The state board shall consider the proposed standards and 151520
adopt a final set of standards not later than December 31, 2012. 151521
School districts, community schools, and STEM schools shall begin 151522
reporting data in accordance with the standards on June 30, 2013. 151523

(B)(1) The department shall categorize all city, exempted 151524
village, and local school districts into not less than three nor 151525
more than five groups based primarily on average daily student 151526
enrollment as reported on the most recent report card issued for 151527
each district under section 3302.03 of the Revised Code. 151528

(2) The department shall categorize all joint vocational 151529
school districts into not less than three nor more than five 151530
groups based primarily on ~~average daily membership~~ formula ADM as 151531

~~reported under division (D) of~~ that term is defined in section 151532
~~3317.03~~ 3317.02 of the Revised Code rounded to the nearest whole 151533
number. 151534

(3) The department shall categorize all community schools 151535
that are not internet- or computer-based community schools into 151536
not less than three nor more than five groups based primarily on 151537
average daily student enrollment as reported on the most recent 151538
report card issued for each community school under sections 151539
3302.03 and 3314.012 of the Revised Code or, in the case of a 151540
school to which section 3314.017 of the Revised Code applies, on 151541
the total number of students reported under divisions (B)(2)(a) 151542
and (b) of section 3314.08 of the Revised Code. 151543

(4) The department shall categorize all internet- or 151544
computer-based community schools into a single category. 151545

(5) The department shall categorize all STEM schools into a 151546
single category. 151547

(C) Using the standards adopted under division (A) of this 151548
section and the data reported under sections 3301.0714 and 3314.17 151549
of the Revised Code, the department shall compute annually for 151550
each fiscal year, the following: 151551

(1) The percentage of each district's, community school's, or 151552
STEM school's total operating budget spent for classroom 151553
instructional purposes; 151554

(2) The statewide average percentage for all districts, 151555
community schools, and STEM schools combined spent for classroom 151556
instructional purposes; 151557

(3) The average percentage for each of the categories of 151558
districts and schools established under division (B) of this 151559
section spent for classroom instructional purposes; 151560

(4) The ranking of each district, community school, or STEM 151561

school within its respective category established under division	151562
(B) of this section according to the following:	151563
(a) From highest to lowest percentage spent for classroom instructional purposes;	151564 151565
(b) From lowest to highest percentage spent for noninstructional purposes.	151566 151567
(D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations:	151568 151569 151570
(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is:	151571 151572 151573
(a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditures per pupil;	151574 151575 151576
(b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores.	151577 151578 151579
(2) Within each category of joint vocational school districts, the department shall denote each district that is:	151580 151581
(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditures per pupil;	151582 151583 151584
(b) Among the twenty per cent of all joint vocational school districts statewide with the highest report card scores under section 3302.033 of the Revised Code.	151585 151586 151587
(3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is:	151588 151589 151590
(a) Among the twenty per cent of all such community schools	151591

statewide with the lowest total operating expenditures per pupil; 151592

(b) Among the twenty per cent of all such community schools 151593
statewide with the highest performance index scores, excluding 151594
such community schools to which section 3314.017 of the Revised 151595
Code applies. 151596

(4) Within the category of internet- or computer-based 151597
community schools, the department shall denote each school that 151598
is: 151599

(a) Among the twenty per cent of all such community schools 151600
statewide with the lowest total operating expenditures per pupil; 151601

(b) Among the twenty per cent of all such community schools 151602
statewide with the highest performance index scores, excluding 151603
such community schools to which section 3314.017 of the Revised 151604
Code applies. 151605

(5) Within the category of STEM schools, the department shall 151606
denote each school that is: 151607

(a) Among the twenty per cent of all STEM schools statewide 151608
with the lowest total operating expenditures per pupil; 151609

(b) Among the twenty per cent of all STEM schools statewide 151610
with the highest performance index scores. 151611

For purposes of divisions (D)(3)(b) and (4)(b) of this 151612
section, the display shall note that, in accordance with section 151613
3314.017 of the Revised Code, a performance index score is not 151614
reported for some community schools that serve primarily students 151615
enrolled in dropout prevention and recovery programs. 151616

(E) The department shall post in a prominent location on its 151617
web site the information prescribed by divisions (C) and (D) of 151618
this section. The department also shall include on each 151619
district's, community school's, and STEM school's annual report 151620
card issued under section 3302.03 or 3314.017 of the Revised Code 151621

the respective information computed for the district or school 151622
under divisions (C)(1) and (4) of this section, the statewide 151623
information computed under division (C)(2) of this section, and 151624
the information computed for the district's or school's category 151625
under division (C)(3) of this section. 151626

(F) As used in this section: 151627

(1) "Internet- or computer-based community school" has the 151628
same meaning as in section 3314.02 of the Revised Code. 151629

(2) A school district's, community school's, or STEM school's 151630
performance index score rank is its performance index score rank 151631
as computed under section 3302.21 of the Revised Code. 151632

(3) "Operating expenditures per pupil" has the same meaning 151633
as "expenditure per equivalent pupils" as defined in section 151634
3302.26 of the Revised Code. 151635

Sec. 3310.08. (A) The amount paid for an eligible student 151636
under the educational choice scholarship pilot program shall be 151637
the lesser of the tuition of the chartered nonpublic school in 151638
which the student is enrolled or the maximum amount prescribed in 151639
section 3310.09 of the Revised Code. 151640

(B)(1) The department of education shall pay to the parent of 151641
each eligible student for whom a scholarship is awarded under the 151642
program, or to the student if at least eighteen years of age, 151643
periodic partial payments of the scholarship. 151644

(2) The department shall proportionately reduce or terminate 151645
the payments for any student who withdraws from a chartered 151646
nonpublic school prior to the end of the school year. 151647

(C)(1) The department shall deduct from the payments made to 151648
each school district under Chapter 3317., and if necessary, 151649
sections 321.24 and 323.156 of the Revised Code, the amount paid 151650
under division (B) of this section for each eligible student who 151651

qualifies for a scholarship under section 3310.03 of the Revised Code and who is entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in the district. In the case of a student entitled to attend school in a school district under division (B)(2)(a) of section 3313.64 or division (C) of section 3313.65 of the Revised Code, the department shall deduct the payments from the school district ~~that includes the student in its average daily membership~~ whose formula ADM the student is included, as reported to the department under that term is defined in section ~~3317.03~~ 3317.02 of the Revised Code, as determined by the department.

(2) If the department reduces or terminates payments to a parent or a student, as prescribed in division (B)(2) of this section, and the student enrolls in the schools of the student's resident district or in a community school, established under Chapter 3314. of the Revised Code, before the end of the school year, the department shall proportionally restore to the resident district the amount deducted for that student under division (C)(1) of this section.

Sec. 3310.41. (A) As used in this section:

(1) "Alternative public provider" means either of the following providers that agrees to enroll a child in the provider's special education program to implement the child's individualized education program and to which the child's parent owes fees for the services provided to the child:

(a) A school district that is not the school district in which the child is entitled to attend school;

(b) A public entity other than a school district.

(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of

the Revised Code. 151682

(3) "Formula ADM" and "category six special education ADM" 151683
have the same meanings as in section 3317.02 of the Revised Code. 151684

(4) "Preschool child with a disability" and "individualized 151685
education program" have the same meanings as in section 3323.01 of 151686
the Revised Code. 151687

(5) "Parent" has the same meaning as in section 3313.64 of 151688
the Revised Code, except that "parent" does not mean a parent 151689
whose custodial rights have been terminated. 151690

(6) "Preschool scholarship ADM" means the number of preschool 151691
children with disabilities ~~reported~~ certified under division 151692
(B)(3)(h) of section 3317.03 of the Revised Code. 151693

(7) "Qualified special education child" is a child for whom 151694
all of the following conditions apply: 151695

(a) The school district in which the child is entitled to 151696
attend school has identified the child as autistic. A child who 151697
has been identified as having a "pervasive developmental disorder 151698
- not otherwise specified (PPD-NOS)" shall be considered to be an 151699
autistic child for purposes of this section. 151700

(b) The school district in which the child is entitled to 151701
attend school has developed an individualized education program 151702
under Chapter 3323. of the Revised Code for the child. 151703

(c) The child either: 151704

(i) Was enrolled in the school district in which the child is 151705
entitled to attend school in any grade from preschool through 151706
twelve in the school year prior to the year in which a scholarship 151707
under this section is first sought for the child; or 151708

(ii) Is eligible to enter school in any grade preschool 151709
through twelve in the school district in which the child is 151710
entitled to attend school in the school year in which a 151711

scholarship under this section is first sought for the child. 151712

(8) "Registered private provider" means a nonpublic school or 151713
other nonpublic entity that has been approved by the department of 151714
education to participate in the program established under this 151715
section. 151716

(9) "Special education program" means a school or facility 151717
that provides special education and related services to children 151718
with disabilities. 151719

(B) There is hereby established the autism scholarship 151720
program. Under the program, the department of education shall pay 151721
a scholarship to the parent of each qualified special education 151722
child upon application of that parent pursuant to procedures and 151723
deadlines established by rule of the state board of education. 151724
Each scholarship shall be used only to pay tuition for the child 151725
on whose behalf the scholarship is awarded to attend a special 151726
education program that implements the child's individualized 151727
education program and that is operated by an alternative public 151728
provider or by a registered private provider, and to pay for other 151729
services agreed to by the provider and the parent of a qualified 151730
special education child that are not included in the 151731
individualized education program but are associated with educating 151732
the child. Upon agreement with the parent of a qualified special 151733
education child, the alternative public provider or the registered 151734
private provider may modify the services provided to the child. 151735
Each scholarship shall be in an amount not to exceed the lesser of 151736
the tuition charged for the child by the special education program 151737
or twenty thousand dollars. The purpose of the scholarship is to 151738
permit the parent of a qualified special education child the 151739
choice to send the child to a special education program, instead 151740
of the one operated by or for the school district in which the 151741
child is entitled to attend school, to receive the services 151742
prescribed in the child's individualized education program once 151743

the individualized education program is finalized and any other 151744
services agreed to by the provider and the parent of a qualified 151745
special education child. The services provided under the 151746
scholarship shall include an educational component or services 151747
designed to assist the child to benefit from the child's 151748
education. 151749

A scholarship under this section shall not be awarded to the 151750
parent of a child while the child's individualized education 151751
program is being developed by the school district in which the 151752
child is entitled to attend school, or while any administrative or 151753
judicial mediation or proceedings with respect to the content of 151754
the child's individualized education program are pending. A 151755
scholarship under this section shall not be used for a child to 151756
attend a public special education program that operates under a 151757
contract, compact, or other bilateral agreement between the school 151758
district in which the child is entitled to attend school and 151759
another school district or other public provider, or for a child 151760
to attend a community school established under Chapter 3314. of 151761
the Revised Code. However, nothing in this section or in any rule 151762
adopted by the state board shall prohibit a parent whose child 151763
attends a public special education program under a contract, 151764
compact, or other bilateral agreement, or a parent whose child 151765
attends a community school, from applying for and accepting a 151766
scholarship under this section so that the parent may withdraw the 151767
child from that program or community school and use the 151768
scholarship for the child to attend a special education program 151769
for which the parent is required to pay for services for the 151770
child. 151771

Except for development of the child's individualized 151772
education program, the school district in which a qualified 151773
special education child is entitled to attend school and the 151774
child's school district of residence, as defined in section 151775

3323.01 of the Revised Code, if different, are not obligated to 151776
provide the child with a free appropriate public education under 151777
Chapter 3323. of the Revised Code for as long as the child 151778
continues to attend the special education program operated by 151779
either an alternative public provider or a registered private 151780
provider for which a scholarship is awarded under the autism 151781
scholarship program. If at any time, the eligible applicant for 151782
the child decides no longer to accept scholarship payments and 151783
enrolls the child in the special education program of the school 151784
district in which the child is entitled to attend school, that 151785
district shall provide the child with a free appropriate public 151786
education under Chapter 3323. of the Revised Code. 151787

A child attending a special education program with a 151788
scholarship under this section shall continue to be entitled to 151789
transportation to and from that program in the manner prescribed 151790
by law. 151791

(C)(1) As prescribed in divisions (A)(2)(h), (B)(3)(g), and 151792
(B)(10) of section 3317.03 of the Revised Code, a child who is not 151793
a preschool child with a disability for whom a scholarship is 151794
awarded under this section shall be counted in the formula ADM and 151795
the category six special education ADM of the district in which 151796
the child is entitled to attend school and not in the formula ADM 151797
and the category six special education ADM of any other school 151798
district. As prescribed in divisions (B)(3)(h) and (B)(10) of 151799
section 3317.03 of the Revised Code, a child who is a preschool 151800
child with a disability for whom a scholarship is awarded under 151801
this section shall be counted in the preschool scholarship ADM and 151802
category six special education ADM of the school district in which 151803
the child is entitled to attend school and not in the preschool 151804
scholarship ADM or category six special education ADM of any other 151805
school district. 151806

(2) In each fiscal year, the department shall deduct from the 151807

amounts paid to each school district under Chapter 3317. of the 151808
Revised Code, and, if necessary, sections 321.24 and 323.156 of 151809
the Revised Code, the aggregate amount of scholarships awarded 151810
under this section for qualified special education children 151811
included in the formula ADM, or preschool scholarship ADM, and in 151812
the category six special education ADM of that school district as 151813
provided in division (C)(1) of this section. 151814

The scholarships deducted shall be considered as an approved 151815
special education and related services expense of the school 151816
district. 151817

(3) From time to time, the department shall make a payment to 151818
the parent of each qualified special education child for whom a 151819
scholarship has been awarded under this section. The scholarship 151820
amount shall be proportionately reduced in the case of any such 151821
child who is not enrolled in the special education program for 151822
which a scholarship was awarded under this section for the entire 151823
school year. The department shall make no payments to the parent 151824
of a child while any administrative or judicial mediation or 151825
proceedings with respect to the content of the child's 151826
individualized education program are pending. 151827

(D) A scholarship shall not be paid to a parent for payment 151828
of tuition owed to a nonpublic entity unless that entity is a 151829
registered private provider. The department shall approve entities 151830
that meet the standards established by rule of the state board for 151831
the program established under this section. 151832

(E) The state board shall adopt rules under Chapter 119. of 151833
the Revised Code prescribing procedures necessary to implement 151834
this section, including, but not limited to, procedures and 151835
deadlines for parents to apply for scholarships, standards for 151836
registered private providers, and procedures for approval of 151837
entities as registered private providers. 151838

The rules also shall specify that intervention services under the autism scholarship program may be provided by a qualified, credentialed provider, including, but not limited to, all of the following:

(1) A behavior analyst certified by a nationally recognized organization that certifies behavior analysts;

(2) A psychologist licensed to practice in this state under Chapter 4732. of the Revised Code;

(3) A school psychologist licensed by the state board under section 3319.22 of the Revised Code;

(4) Any person employed by a licensed psychologist or licensed school psychologist, while carrying out specific tasks, under the licensee's supervision, as an extension of the licensee's legal and ethical authority as specified under Chapter 4732. of the Revised Code who is ascribed as "psychology trainee," "psychology assistant," "psychology intern," or other appropriate term that clearly implies their supervised or training status;

(5) Unlicensed persons holding a doctoral degree in psychology or special education from a program approved by the state board;

(6) Any other qualified individual as determined by the state board.

(F) The department shall provide reasonable notice to all parents of children receiving a scholarship under the autism scholarship program, alternative public providers, and registered private providers of any amendment to a rule governing, or change in the administration of, the autism scholarship program.

Sec. 3311.52. A cooperative education school district may be established pursuant to divisions (A) to (C) of this section or pursuant to section 3311.521 of the Revised Code.

(A) A cooperative education school district may be 151869
established upon the adoption of identical resolutions within a 151870
sixty-day period by a majority of the members of the board of 151871
education of each city, local, and exempted village school 151872
district that is within the territory of a county school financing 151873
district. 151874

A copy of each resolution shall be filed with the governing 151875
board of the educational service center which created the county 151876
school financing district. Upon the filing of the last such 151877
resolution, the educational service center governing board shall 151878
immediately notify each board of education filing such a 151879
resolution of the date on which the last resolution was filed. 151880

Ten days after the date on which the last resolution is filed 151881
with the educational service center governing board or ten days 151882
after the last of any notices required under division (C) of this 151883
section is received by the educational service center governing 151884
board, whichever is later, the county school financing district 151885
shall be dissolved and the new cooperative education school 151886
district and the board of education of the cooperative education 151887
school district shall be established. 151888

On the date that any county school financing district is 151889
dissolved and a cooperative education school district is 151890
established under this section, each of the following shall apply: 151891

(1) The territory of the dissolved district becomes the 151892
territory of the new district. 151893

(2) Any outstanding tax levy in force in the dissolved 151894
district shall be spread over the territory of the new district 151895
and shall remain in force in the new district until the levy 151896
expires or is renewed. 151897

(3) Any funds of the dissolved district shall be paid over in 151898
full to the new district. 151899

(4) Any net indebtedness of the dissolved district shall be assumed in full by the new district. As used in division (A)(4) of this section, "net indebtedness" means the difference between the par value of the outstanding and unpaid bonds and notes of the dissolved district and the amount held in the sinking fund and other indebtedness retirement funds for their redemption.

When a county school financing district is dissolved and a cooperative education school district is established under this section, the governing board of the educational service center that created the dissolved district shall give written notice of this fact to the county auditor and the board of elections of each county having any territory in the new district.

(B) The resolutions adopted under division (A) of this section shall include all of the following provisions:

(1) Provision that the governing board of the educational service center which created the county school financing district shall be the board of education of the cooperative education school district, except that provision may be made for the composition, selection, and terms of office of an alternative board of education of the cooperative district, which board shall include at least one member selected from or by the members of the board of education of each city, local, and exempted village school district and at least one member selected from or by the members of the educational service center governing board within the territory of the cooperative district;

(2) Provision that the treasurer and superintendent of the educational service center which created the county school financing district shall be the treasurer and superintendent of the cooperative education school district, except that provision may be made for the selection of a treasurer or superintendent of the cooperative district other than the treasurer or superintendent of the educational service center, which provision

shall require one of the following: 151932

(a) The selection of one person as both the treasurer and 151933
superintendent of the cooperative district, which provision may 151934
require such person to be the treasurer or superintendent of any 151935
city, local, or exempted village school district or educational 151936
service center within the territory of the cooperative district; 151937

(b) The selection of one person as the treasurer and another 151938
person as the superintendent of the cooperative district, which 151939
provision may require either one or both such persons to be 151940
treasurers or superintendents of any city, local, or exempted 151941
village school districts or educational service center within the 151942
territory of the cooperative district. 151943

(3) A statement of the educational program the board of 151944
education of the cooperative education school district will 151945
conduct, including but not necessarily limited to the type of 151946
educational program, the grade levels proposed for inclusion in 151947
the program, the timetable for commencing operation of the 151948
program, and the facilities proposed to be used or constructed to 151949
be used by the program; 151950

(4) A statement of the annual amount, or the method for 151951
determining that amount, of funds or services or facilities that 151952
each city, local, and exempted village school district within the 151953
territory of the cooperative district is required to pay to or 151954
provide for the use of the board of education of the cooperative 151955
education school district; 151956

(5) Provision for adopting amendments to the provisions of 151957
divisions (B)(2) to (4) of this section. 151958

(C) If the resolutions adopted under division (A) of this 151959
section provide for a board of education of the cooperative 151960
education school district that is not the governing board of the 151961
educational service center that created the county school 151962

financing district, each board of education of each city, local, 151963
or exempted village school district and the governing board of the 151964
educational service center within the territory of the cooperative 151965
district shall, within thirty days after the date on which the 151966
last resolution is filed with the educational service center 151967
governing board under division (A) of this section, select one or 151968
more members of the board of education of the cooperative district 151969
as provided in the resolutions filed with the educational service 151970
center governing board. Each such board shall immediately notify 151971
the educational service center governing board of each such 151972
selection. 151973

(D) Except for the powers and duties in this chapter and 151974
Chapters 124., 3317., 3318., 3323., and 3331. of the Revised Code, 151975
a cooperative education school district established pursuant to 151976
divisions (A) to (C) of this section or pursuant to section 151977
3311.521 of the Revised Code has all the powers of a city school 151978
district and its board of education has all the powers and duties 151979
of a board of education of a city school district with respect to 151980
the educational program specified in the resolutions adopted under 151981
division (A) of this section. All laws applicable to a city school 151982
district or the board of education or the members of the board of 151983
education of a city school district, except such laws in this 151984
chapter and Chapters 124., 3317., 3318., 3323., and 3331. of the 151985
Revised Code, are applicable to a cooperative education school 151986
district and its board. 151987

The treasurer and superintendent of a cooperative education 151988
school district shall have the same respective duties and powers 151989
as a treasurer and superintendent of a city school district, 151990
except for any powers and duties in this chapter and Chapters 151991
124., 3317., 3318., 3323., and 3331. of the Revised Code. 151992

(E) For purposes of this title, any student included in the 151993
formula ADM ~~certified~~ calculated for any city, exempted village, 151994

or local school district under section 3317.03 of the Revised Code 151995
by virtue of being counted, in whole or in part, in the ~~average~~ 151996
~~daily membership~~ enrollment of a cooperative education school 151997
district under division (A)(2)(f) of that section shall be 151998
construed to be enrolled both in that city, exempted village, or 151999
local school district and in that cooperative education school 152000
district. This division shall not be construed to mean that any 152001
such individual student may be counted more than once for purposes 152002
of determining the ~~average daily membership~~ formula ADM of any one 152003
school district. 152004

Sec. 3313.981. (A) The state board of education shall adopt 152005
rules requiring all of the following: 152006

(1) The board of education of each city, exempted village, 152007
and local school district to annually report to the department of 152008
education all of the following: 152009

(a) The number of adjacent district or other district 152010
students, as applicable, and adjacent district or other district 152011
joint vocational students, as applicable, enrolled in the district 152012
and the number of native students enrolled in adjacent or other 152013
districts, in accordance with a policy adopted under division (B) 152014
of section 3313.98 of the Revised Code; 152015

(b) Each adjacent district or other district student's or 152016
adjacent district or other district joint vocational student's 152017
date of enrollment in the district; 152018

(c) The full-time equivalent number of adjacent district or 152019
other district students enrolled in each of the categories of 152020
career-technical education programs or classes described in 152021
section 3317.014 of the Revised Code ; 152022

(d) Each native student's date of enrollment in an adjacent 152023
or other district. 152024

(2) The board of education of each joint vocational school district to annually report to the department all of the following:

(a) The number of adjacent district or other district joint vocational students, as applicable, enrolled in the district;

(b) The full-time equivalent number of adjacent district or other district joint vocational students enrolled in each category of career-technical education programs or classes described in section 3317.014 of the Revised Code ;

(c) For each adjacent district or other district joint vocational student, the city, exempted village, or local school district in which the student is also enrolled.

(3) Prior to the ~~first full school week in October each year~~ end of each reporting period specified in section 3317.03 of the Revised Code, the superintendent of each city, local, or exempted village school district that admits adjacent district or other district students or adjacent district or other district joint vocational students in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code to ~~notify report to the department of education~~ notify report to the department of education each adjacent or other ~~district district's students and~~ district district's students and where those students who are enrolled in the superintendent's district under the policy are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code ~~of the number of the adjacent or other district's native students who are enrolled in the superintendent's district under the policy.~~

The rules shall provide for the method of counting students who are enrolled for part of a school year in an adjacent or other district or as an adjacent district or other district joint vocational student.

(B) From the payments made to a city, exempted village, or

local school district under Chapter 3317. of the Revised Code and, 152056
if necessary, from the payments made to the district under 152057
sections 321.24 and 323.156 of the Revised Code, the department of 152058
education shall annually subtract both of the following: 152059

(1) An amount equal to the number of the district's native 152060
students reported under division (A)(1) of this section who are 152061
enrolled in adjacent or other school districts pursuant to 152062
policies adopted by such districts under division (B) of section 152063
3313.98 of the Revised Code multiplied by the formula amount; 152064

(2) The excess costs computed in accordance with division (E) 152065
of this section for any such native students receiving special 152066
education and related services in adjacent or other school 152067
districts or as an adjacent district or other district joint 152068
vocational student; 152069

(3) For the each of the district's native students reported 152070
under division (A)(1)(c) or (2)(b) of this section as enrolled in 152071
career-technical education programs or classes described in 152072
section 3317.014 of the Revised Code, the per pupil amount 152073
prescribed by that section for the student's respective 152074
career-technical category, on a full-time equivalency basis. 152075

(C) To the payments made to a city, exempted village, or 152076
local school district under Chapter 3317. of the Revised Code, the 152077
department of education shall annually add all of the following: 152078

(1) An amount equal to the formula amount multiplied by the 152079
remainder obtained by subtracting the number of adjacent district 152080
or other district joint vocational students from the number of 152081
adjacent district or other district students enrolled in the 152082
district, as reported under division (A)(1) of this section; 152083

(2) The excess costs computed in accordance with division (E) 152084
of this section for any adjacent district or other district 152085
students, except for any adjacent or other district joint 152086

vocational students, receiving special education and related 152087
services in the district; 152088

(3) For the each of the adjacent or other district students 152089
who are not adjacent district or other district joint vocational 152090
students and are reported under division (A)(1)(c) of this section 152091
as enrolled in career-technical education programs or classes 152092
described in section 3317.014 of the Revised Code, the per pupil 152093
amount prescribed by that section for the student's respective 152094
career-technical category, on a full-time equivalency basis; 152095

(4) An amount equal to the number of adjacent district or 152096
other district joint vocational students reported under division 152097
(A)(1) of this section multiplied by an amount equal to twenty per 152098
cent of the formula amount. 152099

(D) To the payments made to a joint vocational school 152100
district under Chapter 3317. of the Revised Code, the department 152101
of education shall add, for each adjacent district or other 152102
district joint vocational student reported under division (A)(2) 152103
of this section, both of the following: 152104

(1) The formula amount; 152105

(2) The per pupil amount for each of the students reported 152106
pursuant to division (A)(2)(b) of this section prescribed by 152107
section 3317.014 of the Revised Code for the student's respective 152108
career-technical category, on a full-time equivalency basis. 152109

(E)(1) A city, exempted village, or local school board 152110
providing special education and related services to an adjacent or 152111
other district student in accordance with an IEP shall, pursuant 152112
to rules of the state board, compute the excess costs to educate 152113
such student as follows: 152114

(a) Subtract the formula amount from the actual costs to 152115
educate the student; 152116

(b) From the amount computed under division (E)(1)(a) of this section subtract the amount of any funds received by the district under Chapter 3317. of the Revised Code to provide special education and related services to the student.

(2) The board shall report the excess costs computed under this division to the department of education.

(3) If any student for whom excess costs are computed under division (E)(1) of this section is an adjacent or other district joint vocational student, the department of education shall add the amount of such excess costs to the payments made under Chapter 3317. of the Revised Code to the joint vocational school district enrolling the student.

(F) As provided in division (D)(1)(b) of section 3317.03 of the Revised Code, no joint vocational school district shall count any adjacent or other district joint vocational student enrolled in the district in its ~~formula-ADM~~ enrollment certified under section 3317.03 of the Revised Code.

(G) No city, exempted village, or local school district shall receive a payment under division (C) of this section for a student, and no joint vocational school district shall receive a payment under division (D) of this section for a student, if for the same school year that student is counted in the district's ~~formula-ADM~~ enrollment certified under section 3317.03 of the Revised Code.

(H) Upon request of a parent, and provided the board offers transportation to native students of the same grade level and distance from school under section 3327.01 of the Revised Code, a city, exempted village, or local school board enrolling an adjacent or other district student shall provide transportation for the student within the boundaries of the board's district, except that the board shall be required to pick up and drop off a

nonhandicapped student only at a regular school bus stop 152148
designated in accordance with the board's transportation policy. 152149
Pursuant to rules of the state board of education, such board may 152150
reimburse the parent from funds received for pupil transportation 152151
under section 3317.0212 of the Revised Code, or other provisions 152152
of law, for the reasonable cost of transportation from the 152153
student's home to the designated school bus stop if the student's 152154
family has an income below the federal poverty line. 152155

Sec. 3314.091. (A) A school district is not required to 152156
provide transportation for any native student enrolled in a 152157
community school if the district board of education has entered 152158
into an agreement with the community school's governing authority 152159
that designates the community school as responsible for providing 152160
or arranging for the transportation of the district's native 152161
students to and from the community school. For any such agreement 152162
to be effective, it must be certified by the superintendent of 152163
public instruction as having met all of the following 152164
requirements: 152165

(1) It is submitted to the department of education by a 152166
deadline which shall be established by the department. 152167

(2) In accordance with divisions (C)(1) and (2) of this 152168
section, it specifies qualifications, such as residing a minimum 152169
distance from the school, for students to have their 152170
transportation provided or arranged. 152171

(3) The transportation provided by the community school is 152172
subject to all provisions of the Revised Code and all rules 152173
adopted under the Revised Code pertaining to pupil transportation. 152174

(4) The sponsor of the community school also has signed the 152175
agreement. 152176

(B)(1) For the school year that begins on July 1, 2007, a 152177

school district is not required to provide transportation for any 152178
native student enrolled in a community school, if the community 152179
school during the previous school year transported the students 152180
enrolled in the school or arranged for the students' 152181
transportation, even if that arrangement consisted of having 152182
parents transport their children to and from the school, but did 152183
not enter into an agreement to transport or arrange for 152184
transportation for those students under division (A) of this 152185
section, and if the governing authority of the community school by 152186
July 15, 2007, submits written notification to the district board 152187
of education stating that the governing authority is accepting 152188
responsibility for providing or arranging for the transportation 152189
of the district's native students to and from the community 152190
school. 152191

(2) Except as provided in division (B)(4) of this section, 152192
for any school year subsequent to the school year that begins on 152193
July 1, 2007, a school district is not required to provide 152194
transportation for any native student enrolled in a community 152195
school if the governing authority of the community school, by the 152196
thirty-first day of January of the previous school year, submits 152197
written notification to the district board of education stating 152198
that the governing authority is accepting responsibility for 152199
providing or arranging for the transportation of the district's 152200
native students to and from the community school. If the governing 152201
authority of the community school has previously accepted 152202
responsibility for providing or arranging for the transportation 152203
of a district's native students to and from the community school, 152204
under division (B)(1) or (2) of this section, and has since 152205
relinquished that responsibility under division (B)(3) of this 152206
section, the governing authority shall not accept that 152207
responsibility again unless the district board consents to the 152208
governing authority's acceptance of that responsibility. 152209

(3) A governing authority's acceptance of responsibility 152210
under division (B)(1) or (2) of this section shall cover an entire 152211
school year, and shall remain in effect for subsequent school 152212
years unless the governing authority submits written notification 152213
to the district board that the governing authority is 152214
relinquishing the responsibility. However, a governing authority 152215
shall not relinquish responsibility for transportation before the 152216
end of a school year, and shall submit the notice relinquishing 152217
responsibility by the thirty-first day of January, in order to 152218
allow the school district reasonable time to prepare 152219
transportation for its native students enrolled in the school. 152220

(4)(a) For any school year that begins on or after July 1, 152221
2014, a school district is not required to provide transportation 152222
for any native student enrolled in a community school scheduled to 152223
open for operation in the current school year, if the governing 152224
authority of the community school, by the fifteenth day of April 152225
of the previous school year, submits written notification to the 152226
district board of education stating that the governing authority 152227
is accepting responsibility for providing or arranging for the 152228
transportation of the district's native students to and from the 152229
community school. 152230

(b) The governing authority of a community school that 152231
accepts responsibility for transporting its students under 152232
division (4)(a) of this section shall comply with divisions (B)(2) 152233
and (3) of this section to renew or relinquish that authority for 152234
subsequent school years. 152235

(C)(1) A community school governing authority that enters 152236
into an agreement under division (A) of this section, or that 152237
accepts responsibility under division (B) of this section, shall 152238
provide or arrange transportation free of any charge for each of 152239
its enrolled students who is required to be transported under 152240
section 3327.01 of the Revised Code or who would otherwise be 152241

transported by the school district under the district's 152242
transportation policy. The governing authority shall report to the 152243
department of education the number of students transported or for 152244
whom transportation is arranged under this section in accordance 152245
with rules adopted by the state board of education. 152246

(2) The governing authority may provide or arrange 152247
transportation for any other enrolled student who is not eligible 152248
for transportation in accordance with division (C)(1) of this 152249
section and may charge a fee for such service up to the actual 152250
cost of the service. 152251

(3) Notwithstanding anything to the contrary in division 152252
(C)(1) or (2) of this section, a community school governing 152253
authority shall provide or arrange transportation free of any 152254
charge for any disabled student enrolled in the school for whom 152255
the student's individualized education program developed under 152256
Chapter 3323. of the Revised Code specifies transportation. 152257

(D)(1) If a school district board and a community school 152258
governing authority elect to enter into an agreement under 152259
division (A) of this section, the department of education shall 152260
make payments to the community school according to the terms of 152261
the agreement for each student actually transported under division 152262
(C)(1) of this section. 152263

If a community school governing authority accepts 152264
transportation responsibility under division (B) of this section, 152265
the department shall make payments to the community school for 152266
each student actually transported or for whom transportation is 152267
arranged by the community school under division (C)(1) of this 152268
section, calculated as follows: 152269

(a) For any fiscal year which the general assembly has 152270
specified that transportation payments to school districts be 152271
based on an across-the-board percentage of the district's payment 152272

for the previous school year, the per pupil payment to the 152273
community school shall be the following quotient: 152274

(i) The total amount calculated for the school district in 152275
which the child is entitled to attend school for student 152276
transportation other than transportation of children with 152277
disabilities; divided by 152278

(ii) The number of students included in the district's 152279
transportation ADM for the current fiscal year, as ~~reported~~ 152280
calculated under ~~division (B)(19)~~ of section 3317.03 of the 152281
Revised Code, plus the number of students enrolled in the 152282
community school not counted in the district's transportation ADM 152283
who are transported under division (B)(1) or (2) of this section. 152284

(b) For any fiscal year which the general assembly has 152285
specified that the transportation payments to school districts be 152286
calculated in accordance with section 3317.0212 of the Revised 152287
Code and any rules of the state board of education implementing 152288
that section, the payment to the community school shall be the 152289
amount so calculated that otherwise would be paid to the school 152290
district in which the student is entitled to attend school by the 152291
method of transportation the district would have used. The 152292
community school, however, is not required to use the same method 152293
to transport that student. 152294

(c) Divisions (D)(1)(a) and (b) of this section do not apply 152295
to fiscal years 2012 and 2013. Rather, for each of those fiscal 152296
years, the per pupil payment to a community school for 152297
transporting a student shall be the total amount paid under former 152298
section 3306.12 of the Revised Code for fiscal year 2011 to the 152299
school district in which the child is entitled to attend school 152300
divided by that district's "qualifying ridership," as defined in 152301
that section for fiscal year 2011. 152302

As used in this division "entitled to attend school" means 152303

entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 152304
152305

(2) The department shall deduct the payment under division (D)(1) of this section from the state education aid, as defined in section 3314.08 of the Revised Code, and, if necessary, the payment under sections 321.14 and 323.156 of the Revised Code, that is otherwise paid to the school district in which the student enrolled in the community school is entitled to attend school. The department shall include the number of the district's native students for whom payment is made to a community school under division (D)(1) of this section in the calculation of the district's transportation payment under section 3317.0212 of the Revised Code and the operating appropriations act. 152306
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(3) A community school shall be paid under division (D)(1) of this section only for students who are eligible as specified in section 3327.01 of the Revised Code and division (C)(1) of this section, and whose transportation to and from school is actually provided, who actually utilized transportation arranged, or for whom a payment in lieu of transportation is made by the community school's governing authority. To qualify for the payments, the community school shall report to the department, in the form and manner required by the department, data on the number of students transported or whose transportation is arranged, the number of miles traveled, cost to transport, and any other information requested by the department. 152317
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(4) A community school shall use payments received under this section solely to pay the costs of providing or arranging for the transportation of students who are eligible as specified in section 3327.01 of the Revised Code and division (C)(1) of this section, which may include payments to a parent, guardian, or other person in charge of a child in lieu of transportation. 152329
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(E) Except when arranged through payment to a parent, 152335

guardian, or person in charge of a child, transportation provided 152336
or arranged for by a community school pursuant to an agreement 152337
under this section is subject to all provisions of the Revised 152338
Code, and all rules adopted under the Revised Code, pertaining to 152339
the construction, design, equipment, and operation of school buses 152340
and other vehicles transporting students to and from school. The 152341
drivers and mechanics of the vehicles are subject to all 152342
provisions of the Revised Code, and all rules adopted under the 152343
Revised Code, pertaining to drivers and mechanics of such 152344
vehicles. The community school also shall comply with sections 152345
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 152346
of section 3327.16 of the Revised Code and, subject to division 152347
(C)(1) of this section, sections 3327.01 and 3327.02 of the 152348
Revised Code, as if it were a school district. 152349

Sec. 3317.01. As used in this section, "school district," 152350
unless otherwise specified, means any city, local, exempted 152351
village, joint vocational, or cooperative education school 152352
district and any educational service center. 152353

This chapter shall be administered by the state board of 152354
education. The superintendent of public instruction shall 152355
calculate the amounts payable to each school district and shall 152356
certify the amounts payable to each eligible district to the 152357
treasurer of the district as provided by this chapter. As soon as 152358
possible after such amounts are calculated, the superintendent 152359
shall certify to the treasurer of each school district the 152360
district's adjusted charge-off increase, as defined in section 152361
5705.211 of the Revised Code. Certification of moneys pursuant to 152362
this section shall include the amounts payable to each school 152363
building, at a frequency determined by the superintendent, for 152364
each subgroup of students, as defined in section 3317.40 of the 152365
Revised Code, receiving services, provided for by state funding, 152366
from the district or school. No moneys shall be distributed 152367

pursuant to this chapter without the approval of the controlling board. 152368
152369

The state board of education shall, in accordance with 152370
appropriations made by the general assembly, meet the financial 152371
obligations of this chapter. 152372

Moneys distributed to school districts pursuant to this 152373
chapter shall be calculated based on the annual enrollment 152374
calculated from the three reports required under section 3317.03 152375
of the Revised Code and paid on a fiscal year basis, beginning 152376
with the first day of July and extending through the thirtieth day 152377
of June. The moneys appropriated for each fiscal year shall be 152378
distributed periodically to each school district unless otherwise 152379
provided for. The state board, in June of each year, shall submit 152380
to the controlling board the state board's year-end distributions 152381
pursuant to this chapter. 152382

Except as otherwise provided, payments under this chapter 152383
shall be made only to those school districts in which: 152384

(A) The school district, except for any educational service 152385
center and any joint vocational or cooperative education school 152386
district, levies for current operating expenses at least twenty 152387
mills. Levies for joint vocational or cooperative education school 152388
districts or county school financing districts, limited to or to 152389
the extent apportioned to current expenses, shall be included in 152390
this qualification requirement. School district income tax levies 152391
under Chapter 5748. of the Revised Code, limited to or to the 152392
extent apportioned to current operating expenses, shall be 152393
included in this qualification requirement to the extent 152394
determined by the tax commissioner under division (D) of section 152395
3317.021 of the Revised Code. 152396

(B) The school year next preceding the fiscal year for which 152397
such payments are authorized meets the requirement of section 152398

3313.48 ~~or 3313.481~~ of the Revised Code, with regard to the 152399
minimum number of ~~days or~~ hours school must be open for 152400
instruction with pupils in attendance, for individualized 152401
parent-teacher conference and reporting periods, and for 152402
professional meetings of teachers. ~~This requirement shall be~~ 152403
~~waived by the superintendent of public instruction if it had been~~ 152404
~~necessary for a school to be closed because of disease epidemic,~~ 152405
~~hazardous weather conditions, law enforcement emergencies,~~ 152406
~~inoperability of school buses or other equipment necessary to the~~ 152407
~~school's operation, damage to a school building, or other~~ 152408
~~temporary circumstances due to utility failure rendering the~~ 152409
~~school building unfit for school use, provided that for those~~ 152410
~~school districts operating pursuant to section 3313.48 of the~~ 152411
~~Revised Code the number of days the school was actually open for~~ 152412
~~instruction with pupils in attendance and for individualized~~ 152413
~~parent teacher conference and reporting periods is not less than~~ 152414
~~one hundred seventy five, or for those school districts operating~~ 152415
~~on a trimester plan the number of days the school was actually~~ 152416
~~open for instruction with pupils in attendance not less than~~ 152417
~~seventy nine days in any trimester, for those school districts~~ 152418
~~operating on a quarterly plan the number of days the school was~~ 152419
~~actually open for instruction with pupils in attendance not less~~ 152420
~~than fifty nine days in any quarter, or for those school districts~~ 152421
~~operating on a pentamester plan the number of days the school was~~ 152422
~~actually open for instruction with pupils in attendance not less~~ 152423
~~than forty four days in any pentamester.~~ 152424

A school district shall not be considered to have failed to 152425
comply with this division ~~or section 3313.481 of the Revised Code~~ 152426
because schools were open for instruction but either twelfth grade 152427
students were excused from attendance for up to the equivalent of 152428
three school days or only a portion of the kindergarten students 152429
were in attendance for up to the equivalent of three school days 152430
in order to allow for the gradual orientation to school of such 152431

students. 152432

~~The superintendent of public instruction shall waive the 152433
requirements of this section with reference to the minimum number 152434
of days or hours school must be in session with pupils in 152435
attendance for the school year succeeding the school year in which 152436
a board of education initiates a plan of operation pursuant to 152437
section 3313.481 of the Revised Code. The minimum requirements of 152438
this section shall again be applicable to such a district 152439
beginning with the school year commencing the second July 152440
succeeding the initiation of one such plan, and for each school 152441
year thereafter. 152442~~

~~A school district shall not be considered to have failed to 152443
comply with this division or section 3313.48 or 3313.481 of the 152444
Revised Code because schools were open for instruction but the 152445
length of the regularly scheduled school day, for any number of 152446
days during the school year, was reduced by not more than two 152447
hours due to hazardous weather conditions. 152448~~

A board of education or governing board of an educational 152449
service center which has not conformed with other law and the 152450
rules pursuant thereto, shall not participate in the distribution 152451
of funds authorized by this chapter, except for good and 152452
sufficient reason established to the satisfaction of the state 152453
board of education and the state controlling board. 152454

All funds allocated to school districts under this chapter, 152455
except those specifically allocated for other purposes, shall be 152456
used to pay current operating expenses only. 152457

Sec. 3317.02. As used in this chapter: 152458

(A)(1) "Category one career-technical education ADM" means 152459
the ~~average daily membership~~ enrollment of students ~~receiving~~ 152460
during the school year on a full-time equivalency basis in 152461

career-technical education ~~services~~ programs described in division 152462
(A) of section 3317.014 of the Revised Code and ~~reported~~ certified 152463
under division (B)(11) or (D)(2)(h) of section 3317.03 of the 152464
Revised Code. 152465

(2) "Category two career-technical education ADM" means the 152466
~~average daily membership~~ enrollment of students ~~receiving~~ during 152467
the school year on a full-time equivalency basis in 152468
career-technical education ~~services~~ programs described in division 152469
(B) of section 3317.014 of the Revised Code and ~~reported~~ certified 152470
under division (B)(12) or (D)(2)(i) of section 3317.03 of the 152471
Revised Code. 152472

(3) "Category three career-technical education ADM" means the 152473
~~average daily membership~~ enrollment of students ~~receiving~~ during 152474
the school year on a full-time equivalency basis in 152475
career-technical education ~~services~~ programs described in division 152476
(C) of section 3317.014 of the Revised Code and ~~reported~~ certified 152477
under division (B)(13) or (D)(2)(j) of section 3317.03 of the 152478
Revised Code. 152479

(4) "Category four career-technical education ADM" means the 152480
~~average daily membership~~ enrollment of students ~~receiving~~ during 152481
the school year on a full-time equivalency basis in 152482
career-technical education ~~services~~ programs described in division 152483
(D) of section 3317.014 of the Revised Code and ~~reported~~ certified 152484
under division (B)(14) or (D)(2)(k) of section 3317.03 of the 152485
Revised Code. 152486

(5) "Category five career-technical education ADM" means the 152487
~~average daily membership~~ enrollment of students ~~receiving~~ during 152488
the school year on a full-time equivalency basis in 152489
career-technical education ~~services~~ programs described in division 152490
(E) of section 3317.014 of the Revised Code and ~~reported~~ certified 152491
under division (B)(15) or (D)(2)(l) of section 3317.03 of the 152492
Revised Code. 152493

(B)(1) "Category one limited English proficient ADM" means 152494
the ~~average daily membership~~ full-time equivalent number of 152495
limited English proficient students described in division (A) of 152496
section 3317.016 of the Revised Code and ~~reported~~ certified under 152497
division (B)(16) or (D)(2)(m) of section 3317.03 of the Revised 152498
Code. 152499

(2) "Category two limited English proficient ADM" means the 152500
~~average daily membership~~ full-time equivalent number of limited 152501
English proficient students described in division (B) of section 152502
3317.016 of the Revised Code and ~~reported~~ certified under division 152503
(B)(17) or (D)(2)(n) of section 3317.03 of the Revised Code. 152504

(3) "Category three limited English proficient ADM" means the 152505
~~average daily membership~~ full-time equivalent number of limited 152506
English proficient students described in division (C) of section 152507
3317.016 of the Revised Code and ~~reported~~ certified under division 152508
(B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code. 152509

(C)(1) "Category one special education ADM" means the ~~average~~ 152510
~~daily membership~~ full-time equivalent number of children with 152511
disabilities receiving special education services for the 152512
disability specified in division (A) of section 3317.013 of the 152513
Revised Code and ~~reported~~ certified under division (B)(5) or 152514
(D)(2)(b) of section 3317.03 of the Revised Code. 152515

(2) "Category two special education ADM" means the ~~average~~ 152516
~~daily membership~~ full-time equivalent number of children with 152517
disabilities receiving special education services for those 152518
disabilities specified in division (B) of section 3317.013 of the 152519
Revised Code and ~~reported~~ certified under division (B)(6) or 152520
(D)(2)(c) of section 3317.03 of the Revised Code. 152521

(3) "Category three special education ADM" means the ~~average~~ 152522
~~daily membership~~ full-time equivalent number of students receiving 152523
special education services for those disabilities specified in 152524

division (C) of section 3317.013 of the Revised Code, and ~~reported~~ 152525
certified under division (B)(7) or (D)(2)(d) of section 3317.03 of 152526
the Revised Code. 152527

(4) "Category four special education ADM" means the ~~average~~ 152528
~~daily membership~~ full-time equivalent number of students receiving 152529
special education services for those disabilities specified in 152530
division (D) of section 3317.013 of the Revised Code and ~~reported~~ 152531
certified under division (B)(8) or (D)(2)(e) of section 3317.03 of 152532
the Revised Code. 152533

(5) "Category five special education ADM" means the ~~average~~ 152534
~~daily membership~~ full-time equivalent number of students receiving 152535
special education services for the disabilities specified in 152536
division (E) of section 3317.013 of the Revised Code and ~~reported~~ 152537
certified under division (B)(9) or (D)(2)(f) of section 3317.03 of 152538
the Revised Code. 152539

(6) "Category six special education ADM" means the ~~average~~ 152540
~~daily membership~~ full-time equivalent number of students receiving 152541
special education services for the disabilities specified in 152542
division (F) of section 3317.013 of the Revised Code and ~~reported~~ 152543
certified under division (B)(10) or (D)(2)(g) of section 3317.03 152544
of the Revised Code. 152545

(D) "County DD board" means a county board of developmental 152546
disabilities. 152547

(E) "Economically disadvantaged index for a school district" 152548
means the square of the quotient of that district's percentage of 152549
students in its total ADM who are identified as economically 152550
disadvantaged as defined by the department of education, divided 152551
by the statewide percentage of students identified as economically 152552
disadvantaged. 152553

(F)(1) "Formula ADM" means, for a city, local, or exempted 152554
village school district, the ~~average daily membership described in~~ 152555

enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by counting only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code.

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(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the ~~number reported pursuant to~~ enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section.

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(G) "Formula amount" means \$5,745, for fiscal year 2014, and \$5,800, for fiscal year 2015.

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(H) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career technical education ADM in the same proportion the student is counted in formula ADM.

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(I) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

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(J) "Medically fragile child" means a child to whom all of the following apply:

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(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.

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(2) The child requires the services of a registered nurse on a daily basis.

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(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(K)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply:

(a) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child."

(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.

(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division (K)(1)(a) or (b) of this section.

(L) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(M) "Preschool scholarship ADM" means the number of preschool children with disabilities ~~reported~~ certified under division (B)(3)(h) of section 3317.03 of the Revised Code.

(N) "Related services" includes:

(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (B)(3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;	152618 152619 152620 152621 152622 152623 152624 152625
(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;	152626 152627 152628
(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;	152629 152630 152631
(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;	152632 152633
(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.	152634 152635 152636
(O) "School district," unless otherwise specified, means city, local, and exempted village school districts.	152637 152638
(P) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	152639 152640
(Q) "State share index" means the state share index calculated for a district under section 3317.017 of the Revised Code.	152641 152642 152643
(R) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.	152644 152645 152646 152647

(S) "Total ADM" means, for a city, local, or exempted village school district, the ~~average daily membership described in enrollment reported under~~ division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.

(T) "Total special education ADM" means the sum of categories one through six special education ADM.

(U) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

Sec. 3317.022. (A) The department of education shall compute and distribute state core foundation funding to each eligible school district for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins, as prescribed in the following divisions:

(1) An opportunity grant calculated according to the following formula:

The formula amount X (formula ADM + preschool scholarship ADM) X the district's state share index

(2) Targeted assistance funds calculated under divisions (A) and (B) of section 3317.0217 of the Revised Code;

(3) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following:

(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share index;

(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share index;	152678 152679 152680
(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share index;	152681 152682 152683
(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share index;	152684 152685 152686
(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share index;	152687 152688 152689
(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share index.	152690 152691 152692
(4) Kindergarten through third grade literacy funds calculated according to the following formula:	152693 152694
[((\$125, in fiscal year 2014, or \$175, in fiscal year 2015) X formula ADM for grades kindergarten through three X the district's state share index] + [(\$100, in fiscal year 2014, or \$160, in fiscal year 2015) X formula ADM for grades kindergarten through three]	152695 152696 152697 152698 152699
For purposes of this calculation, the department shall subtract from a district's formula ADM for grades kindergarten through three the number of students reported under division (B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an internet- or computer-based community school who are in grades kindergarten through three.	152700 152701 152702 152703 152704 152705
(5) Economically disadvantaged funds calculated according to the following formula:	152706 152707

(\$250, in fiscal year 2014, or \$253, in fiscal year 2015) X	152708
(the district's economically disadvantaged index) X the number of	152709
students who are economically disadvantaged as reported <u>certified</u>	152710
under division (B)(21) of section 3317.03 of the Revised Code	152711
(6) Limited English proficiency funds calculated as the sum	152712
of the following:	152713
(a) The district's category one limited English proficient	152714
ADM X the amount specified in division (A) of section 3317.016 of	152715
the Revised Code X the district's state share index;	152716
(b) The district's category two limited English proficient	152717
ADM X the amount specified in division (B) of section 3317.016 of	152718
the Revised Code X the district's state share index;	152719
(c) The district's category three limited English proficient	152720
ADM X the amount specified in division (C) of section 3317.016 of	152721
the Revised Code X the district's state share index.	152722
(7)(a) Gifted identification funds calculated according to	152723
the following formula:	152724
(\$5, in fiscal year 2014, or \$5.05, in fiscal year 2015) X the	152725
district's formula ADM	152726
(b) Gifted unit funding calculated under section 3317.051 of	152727
the Revised Code.	152728
(8) Career-technical education funds calculated as the sum of	152729
the following:	152730
(a) The district's category one career-technical education	152731
ADM X the amount specified in division (A) of section 3317.014 of	152732
the Revised Code X the district's state share index;	152733
(b) The district's category two career-technical education	152734
ADM X the amount specified in division (B) of section 3317.014 of	152735
the Revised Code X the district's state share index;	152736
(c) The district's category three career-technical education	152737

ADM X the amount specified in division (C) of section 3317.014 of 152738
the Revised Code X the district's state share index; 152739

(d) The district's category four career-technical education 152740
ADM X the amount specified in division (D) of section 3317.014 of 152741
the Revised Code X the district's state share index; 152742

(e) The district's category five career-technical education 152743
ADM X the amount specified in division (E) of section 3317.014 of 152744
the Revised Code X the district's state share index. 152745

Payment of funds under division (A)(8) of this section is 152746
subject to approval under section 3317.161 of the Revised Code. 152747

(9) Career-technical education associated services funds 152748
calculated according to the following formula: 152749
The district's state share index X the amount for career-technical 152750
education associated services specified in section 3317.014 of the 152751
Revised Code X the sum of categories one through five 152752
career-technical education ADM 152753

(B) In any fiscal year, a school district shall spend for 152754
purposes that the department designates as approved for special 152755
education and related services expenses at least the amount 152756
calculated as follows: 152757

(The formula amount X the total special education ADM) + (the 152758
district's category one special education ADM X the amount 152759
specified in division (A) of section 3317.013 of the Revised Code) 152760
+ (the district's category two special education ADM X the amount 152761
specified in division (B) of section 3317.013 of the Revised Code) 152762
+ (the district's category three special education ADM X the 152763
amount specified in division (C) of section 3317.013 of the 152764
Revised Code) + (the district's category four special education 152765
ADM X the amount specified in division (D) of section 3317.013 of 152766
the Revised Code) + (the district's category five special 152767
education ADM X the amount specified in division (E) of section 152768

3317.013 of the Revised Code) + (the district's category six 152769
special education ADM X the amount specified in division (F) of 152770
section 3317.013 of the Revised Code) 152771

The purposes approved by the department for special education 152772
expenses shall include, but shall not be limited to, 152773
identification of children with disabilities, compliance with 152774
state rules governing the education of children with disabilities 152775
and prescribing the continuum of program options for children with 152776
disabilities, provision of speech language pathology services, and 152777
the portion of the school district's overall administrative and 152778
overhead costs that are attributable to the district's special 152779
education student population. 152780

The scholarships deducted from the school district's account 152781
under sections 3310.41 and 3310.55 of the Revised Code shall be 152782
considered to be an approved special education and related 152783
services expense for the purpose of the school district's 152784
compliance with this division. 152785

(C) In any fiscal year, a school district receiving funds 152786
under division (A)(8) of this section shall spend those funds only 152787
for the purposes that the department designates as approved for 152788
career-technical education expenses. Career-technical educational 152789
expenses approved by the department shall include only expenses 152790
connected to the delivery of career-technical programming to 152791
career-technical students. The department shall require the school 152792
district to report data annually so that the department may 152793
monitor the district's compliance with the requirements regarding 152794
the manner in which funding received under division (A)(8) of this 152795
section may be spent. 152796

(D) In any fiscal year, a school district receiving funds 152797
under division (A)(9) of this section, or through a transfer of 152798
funds pursuant to division (I) of section 3317.023 of the Revised 152799
Code, shall spend those funds only for the purposes that the 152800

department designates as approved for career-technical education 152801
associated services expenses, which may include such purposes as 152802
apprenticeship coordinators, coordinators for other 152803
career-technical education services, career-technical evaluation, 152804
and other purposes designated by the department. The department 152805
may deny payment under division (A)(9) of this section to any 152806
district that the department determines is not operating those 152807
services or is using funds paid under division (A)(9) of this 152808
section, or through a transfer of funds pursuant to division (I) 152809
of section 3317.023 of the Revised Code, for other purposes. 152810

(E) All funds received under division (A)(8) of this section 152811
shall be spent in the following manner: 152812

(1) At least seventy-five per cent of the funds shall be 152813
spent on curriculum development, purchase, and implementation; 152814
instructional resources and supplies; industry-based program 152815
certification; student assessment, credentialing, and placement; 152816
curriculum specific equipment purchases and leases; 152817
career-technical student organization fees and expenses; home and 152818
agency linkages; work-based learning experiences; professional 152819
development; and other costs directly associated with 152820
career-technical education programs including development of new 152821
programs. 152822

(2) Not more than twenty-five per cent of the funds shall be 152823
used for personnel expenditures. 152824

(F) A school district shall spend the funds it receives under 152825
division (A)(5) of this section in accordance with section 3317.25 152826
of the Revised Code. 152827

Sec. 3317.024. The following shall be distributed monthly, 152828
quarterly, or annually as may be determined by the state board of 152829
education: 152830

(A) An amount for each island school district and each joint state school district for the operation of each high school and each elementary school maintained within such district and for capital improvements for such schools. Such amounts shall be determined on the basis of standards adopted by the state board of education. However, for fiscal years 2012 and 2013, an island district shall receive the lesser of its actual cost of operation, as certified to the department of education, or ninety-three per cent of the amount the district received in state operating funding for fiscal year 2011. If an island district received no funding for fiscal year 2011, it shall receive no funding for either of fiscal year 2012 or 2013.

(B) An amount for each school district required to pay tuition for a child in an institution maintained by the department of youth services pursuant to section 3317.082 of the Revised Code, provided the child was not included in the calculation of the district's ~~average daily membership~~ formula ADM, as that term is defined in section 3317.02 of the Revised Code, for the preceding school year.

(C) An amount for the approved cost of transporting eligible pupils with disabilities attending a special education program approved by the department of education whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by the school district or educational service center. No district or service center is eligible to receive a payment under this division for the cost of transporting any pupil whom it transports by regular school bus and who is included in the district's transportation ADM. The state board of education shall establish standards and guidelines for use by the department of education in determining the approved cost of such transportation for each district or service center.

(D) An amount to each school district, including each

cooperative education school district, pursuant to section 3313.81 152863
of the Revised Code to assist in providing free lunches to needy 152864
children. The amounts shall be determined on the basis of rules 152865
adopted by the state board of education. 152866

(E) An amount to each school district, for each pupil 152867
attending a chartered nonpublic elementary or high school within 152868
the district. The amount shall equal the amount appropriated for 152869
the implementation of section 3317.06 of the Revised Code divided 152870
by the average daily membership in grades kindergarten through 152871
twelve in nonpublic elementary and high schools within the state 152872
as determined ~~during the first full week in~~ as of the last day of 152873
October of each school year. 152874

(F) An amount for each county DD board, distributed on the 152875
basis of standards adopted by the state board of education, for 152876
the approved cost of transportation required for children 152877
attending special education programs operated by the county DD 152878
board under section 3323.09 of the Revised Code; 152879

(G) An amount to each institution defined under section 152880
3317.082 of the Revised Code providing elementary or secondary 152881
education to children other than children receiving special 152882
education under section 3323.091 of the Revised Code. This amount 152883
for any institution in any fiscal year shall equal the total of 152884
all tuition amounts required to be paid to the institution under 152885
division (A)(1) of section 3317.082 of the Revised Code. 152886

The state board of education or any other board of education 152887
or governing board may provide for any resident of a district or 152888
educational service center territory any educational service for 152889
which funds are made available to the board by the United States 152890
under the authority of public law, whether such funds come 152891
directly or indirectly from the United States or any agency or 152892
department thereof or through the state or any agency, department, 152893
or political subdivision thereof. 152894

Sec. 3317.0217. Payment of the amount calculated for a school 152895
district under this section shall be made under division (A) of 152896
section 3317.022 of the Revised Code. 152897

(A) The department of education shall annually compute 152898
targeted assistance funds to school districts, as follows: 152899

(1) Calculate the local wealth per pupil of each school 152900
district, which equals the following sum: 152901

(a) One-half times the quotient of (i) the district's 152902
three-year average valuation divided by (ii) its formula ADM; plus 152903

(b) One-half times the quotient of (i) the average of the 152904
total federal adjusted gross income of the school district's 152905
residents for the three years most recently reported under section 152906
3317.021 of the Revised Code divided by (ii) its formula ADM. 152907

(2) Rank all school districts in order of local wealth per 152908
pupil, from the district with the lowest local wealth per pupil to 152909
the district with the highest local wealth per pupil. 152910

(3) Compute the statewide wealth per pupil, which equals the 152911
following sum: 152912

(a) One-half times the quotient of (i) the sum of the 152913
three-year average valuations for all school districts divided by 152914
(ii) the sum of formula ADM counts for all schools districts; plus 152915

(b) One-half times the quotient of (i) the sum of the 152916
three-year average total federal adjusted gross incomes for all 152917
school districts divided by (ii) the sum of formula ADM counts for 152918
all school districts. 152919

(4) Compute each district's wealth index by dividing the 152920
statewide wealth per pupil by the district's local wealth per 152921
pupil. 152922

(5) Compute the per pupil targeted assistance for each 152923

eligible school district in accordance with the following formula: 152924
(Threshold local wealth per pupil - the district's local wealth 152925
per pupil) 152926
X target millage X the district's wealth index 152927

Where: 152928

(a) An "eligible school district" means a school district 152929
with a local wealth per pupil less than that of the school 152930
district with the 490th lowest local wealth per pupil. 152931

(b) "Threshold local wealth per pupil" means the local wealth 152932
per pupil of the school district with the 490th lowest local 152933
wealth per pupil. 152934

(c) "Target millage" means 0.006. 152935

If the result of the calculation for a school district under 152936
division (A)(5) of this section is less than zero, the district's 152937
targeted assistance shall be zero. 152938

(6) Calculate the aggregate amount to be paid as targeted 152939
assistance funds to each school district under division (A) of 152940
section 3317.022 of the Revised Code by multiplying the per pupil 152941
targeted assistance computed under division (A)(5) of this section 152942
by the district's net formula ADM. 152943

As used in this division, a district's "net formula ADM" 152944
means its formula ADM minus the number of community school 152945
students ~~reported~~ certified under division (B)(3)(d) of section 152946
3317.03 of the Revised Code X 0.75, the number of internet- and 152947
computer-based community school students ~~reported~~ certified under 152948
division (B)(3)(e) of that section, and the number of scholarship 152949
students ~~reported~~ certified under divisions (B)(3)(f), (g), and 152950
(1) of that section. 152951

(B) The department shall annually compute supplemental 152952
targeted assistance funds to school districts, as follows: 152953

(1) Compute each district's agricultural percentage as the 152954
quotient of (a) the three-year average tax valuation of real 152955
property in the district that is classified as agricultural 152956
property divided by (b) the three-year average tax valuation of 152957
all of the real property in the district. For purposes of this 152958
computation, a district's "three-year average tax valuation" means 152959
the average of a district's tax valuation for fiscal years 2012, 152960
2013, and 2014. 152961

(2) Determine each district's agricultural targeted 152962
percentage as follows: 152963

(a) If a district's agricultural percentage is greater than 152964
or equal to 0.10, then the district's agricultural targeted 152965
percentage shall be equal to 0.40. 152966

(b) If a district's agricultural percentage is less than 152967
0.10, then the district's agricultural targeted percentage shall 152968
be equal to 4 X the district's agricultural percentage. 152969

(3) Calculate the aggregate amount to be paid as supplemental 152970
targeted assistance funds to each school district under division 152971
(A) of section 3317.022 of the Revised Code by multiplying the 152972
district's agricultural targeted percentage by the amount 152973
calculated for the district under division (A)(6) of this section. 152974

Sec. 3317.03. (A) The superintendent of each city, local, and 152975
exempted village school district shall ~~certify report~~ to the state 152976
board of education ~~on or before~~ as of the ~~fifteenth last~~ day of 152977
October ~~in each year for the first full school week in October the~~ 152978
~~average daily membership, March, and June of each year the~~ 152979
enrollment of students receiving services from schools under the 152980
superintendent's supervision, and the numbers of other students 152981
entitled to attend school in the district under section 3313.64 or 152982
3313.65 of the Revised Code the superintendent is required to 152983
report under this section, so that the department of education can 152984

calculate the district's formula ADM, total ADM, category one 152985
~~through five career-technical education ADM, category one through~~ 152986
~~three limited English proficient ADM, category one through six~~ 152987
~~special education ADM, preschool scholarship ADM, transportation~~ 152988
~~ADM, and, for purposes of provisions of law outside of Chapter~~ 152989
~~3317. of the Revised Code, average daily membership. If a school~~ 152990
~~under the superintendent's supervision is closed for one or more~~ 152991
~~days during that week due to hazardous weather conditions or other~~ 152992
~~circumstances described in the first paragraph of division (B) of~~ 152993
~~section 3317.01 of the Revised Code, the superintendent may apply~~ 152994
~~to the superintendent of public instruction for a waiver, under~~ 152995
~~which the superintendent of public instruction may exempt the~~ 152996
~~district superintendent from certifying the average daily~~ 152997
~~membership for that school for that week and specify an alternate~~ 152998
~~week for certifying the average daily membership of that school.~~ 152999

~~The average daily membership during such week shall consist~~ 153000
~~of the sum of the following:~~ 153001

(1) ~~On an FTE basis, The enrollment reported by the~~ 153002
~~superintendent during the reporting period shall consist of the~~ 153003
number of students in grades kindergarten through twelve receiving 153004
any educational services from the district, except that the 153005
following categories of students shall not be included in the 153006
determination: 153007

(a) Students enrolled in adult education classes; 153008

(b) Adjacent or other district students enrolled in the 153009
district under an open enrollment policy pursuant to section 153010
3313.98 of the Revised Code; 153011

(c) Students receiving services in the district pursuant to a 153012
compact, cooperative education agreement, or a contract, but who 153013
are entitled to attend school in another district pursuant to 153014
section 3313.64 or 3313.65 of the Revised Code; 153015

(d) Students for whom tuition is payable pursuant to sections 153016
3317.081 and 3323.141 of the Revised Code; 153017

(e) Students receiving services in the district through a 153018
scholarship awarded under either section 3310.41 or sections 153019
3310.51 to 3310.64 of the Revised Code. 153020

When reporting students under division (A)(1) of this 153021
section, the superintendent also shall report the district where 153022
each student is entitled to attend school pursuant to sections 153023
3313.64 and 3313.65 of the Revised Code. 153024

(2) ~~On an FTE basis,~~ The department of education shall 153025
compile a list of all students reported to be enrolled in a 153026
district under division (A)(1) of this section and of the number 153027
~~of~~ students entitled to attend school in the district pursuant to 153028
section 3313.64 or 3313.65 of the Revised Code, on an FTE basis 153029
but receiving educational services in grades kindergarten through 153030
twelve from one or more of the following entities: 153031

(a) A community school pursuant to Chapter 3314. of the 153032
Revised Code, including any participation in a college pursuant to 153033
Chapter 3365. of the Revised Code while enrolled in such community 153034
school; 153035

(b) An alternative school pursuant to sections 3313.974 to 153036
3313.979 of the Revised Code as described in division (I)(2)(a) or 153037
(b) of this section; 153038

(c) A college pursuant to Chapter 3365. of the Revised Code, 153039
except when the student is enrolled in the college while also 153040
enrolled in a community school pursuant to Chapter 3314. or a 153041
science, technology, engineering, and mathematics school 153042
established under Chapter 3326. of the Revised Code; 153043

(d) An adjacent or other school district under an open 153044
enrollment policy adopted pursuant to section 3313.98 of the 153045
Revised Code; 153046

(e) An educational service center or cooperative education district; 153047
153048

(f) Another school district under a cooperative education agreement, compact, or contract; 153049
153050

(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code, if the students qualified for the scholarship under section 3310.03 of the Revised Code; 153051
153052
153053
153054

(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code. 153055
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153057

As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable. 153058
153059
153060

(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school; 153061
153062
153063
153064

(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code. 153065
153066

(3) The ~~number of~~ department also shall compile a list of the students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a joint vocational school district or under a career-technical education compact, excluding any students so entitled to attend school in the district ~~under section 3313.64 or 3313.65 of the Revised Code~~ who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a career-technical education compact. 153067
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The department shall provide each city, local, and exempted village school district with an opportunity to review the list of students compiled under divisions (A)(2) and (3) of this section to ensure that the students reported accurately reflect the enrollment of students in the district. 153077
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(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, ~~in addition to the average daily membership,~~ each superintendent shall ~~report separately~~ certify from the reports provided by the department under division (A) of this section all of the following ~~student counts for the same week for which average daily membership is certified:~~ 153082
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153084
153085
153086
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153088

(1) The total ~~average daily membership~~ student enrollment in regular learning day classes included in the report under division (A)(1) or (2) of this section for each of the individual grades kindergarten through twelve in schools under the superintendent's supervision; 153089
153090
153091
153092
153093

(2) The unduplicated count of the number of ~~all~~ preschool children with disabilities enrolled ~~as of the first day of December in classes~~ in the district for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code ~~and the number of those classes, which shall be reported not later than the fifteenth day of December~~ adjusted for the portion of the year each child is so enrolled, in accordance with the disability categories prescribed in section 3317.013 of the Revised Code; 153094
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(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are: 153103
153104
153105

(a) Participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised 153106
153107

Code as described in division (I)(2)(a) or (b) of this section;	153108
(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. <u>of the Revised Code</u> or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;	153109 153110 153111 153112 153113 153114
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	153115 153116
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	153117 153118 153119 153120 153121 153122
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	153123 153124 153125 153126
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code and who qualified for the scholarship under section 3310.03 of the Revised Code;	153127 153128 153129 153130
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	153131 153132 153133
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	153134 153135 153136
(i) Participating in a program operated by a county DD board	153137

or a state institution;	153138
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	153139 153140 153141 153142
(k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code;	153143 153144
(l) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code.	153145 153146 153147
(4) The number <u>total enrollment</u> of pupils enrolled in joint vocational schools;	153148 153149
(5) The combined average daily membership <u>enrollment</u> of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	153150 153151 153152 153153 153154 153155 153156 153157
(6) The combined average daily membership <u>enrollment</u> of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	153158 153159 153160 153161 153162 153163 153164 153165
(7) The combined average daily membership <u>enrollment</u> of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category	153166 153167 153168

three disabilities described in division (C) of section 3317.013 153169
of the Revised Code, including children attending a special 153170
education program operated by an alternative public provider or a 153171
registered private provider with a scholarship awarded under 153172
sections 3310.51 to 3310.64 of the Revised Code; 153173

(8) The combined ~~average daily membership~~ enrollment of 153174
children with disabilities reported under division (A)(1) or (2) 153175
of this section receiving special education services for category 153176
four disabilities described in division (D) of section 3317.013 of 153177
the Revised Code, including children attending a special education 153178
program operated by an alternative public provider or a registered 153179
private provider with a scholarship awarded under sections 3310.51 153180
to 3310.64 of the Revised Code; 153181

(9) The combined ~~average daily membership~~ enrollment of 153182
children with disabilities reported under division (A)(1) or (2) 153183
of this section receiving special education services for the 153184
category five disabilities described in division (E) of section 153185
3317.013 of the Revised Code, including children attending a 153186
special education program operated by an alternative public 153187
provider or a registered private provider with a scholarship 153188
awarded under sections 3310.51 to 3310.64 of the Revised Code; 153189

(10) The combined ~~average daily membership~~ enrollment of 153190
children with disabilities reported under division (A)(1) or (2) 153191
and under division (B)(3)(h) of this section receiving special 153192
education services for category six disabilities described in 153193
division (F) of section 3317.013 of the Revised Code, including 153194
children attending a special education program operated by an 153195
alternative public provider or a registered private provider with 153196
a scholarship awarded under either section 3310.41 or sections 153197
3310.51 to 3310.64 of the Revised Code; 153198

(11) The ~~average daily membership~~ enrollment of pupils 153199
reported under division (A)(1) or (2) of this section ~~enrolled on~~ 153200

a full-time equivalency basis in category one career-technical 153201
education programs or classes, described in division (A) of 153202
section 3317.014 of the Revised Code, operated by the school 153203
district or by another district that is a member of the district's 153204
career-technical planning district, other than a joint vocational 153205
school district, or by an educational service center, 153206
notwithstanding division (H) of section 3317.02 of the Revised 153207
Code and division (C)(3) of this section; 153208

(12) The ~~average daily membership~~ enrollment of pupils 153209
reported under division (A)(1) or (2) of this section ~~enrolled on~~ 153210
a full-time equivalency basis in category two career-technical 153211
education programs or services, described in division (B) of 153212
section 3317.014 of the Revised Code, operated by the school 153213
district or another school district that is a member of the 153214
district's career-technical planning district, other than a joint 153215
vocational school district, or by an educational service center, 153216
notwithstanding division (H) of section 3317.02 of the Revised 153217
Code and division (C)(3) of this section; 153218

(13) The ~~average daily membership~~ enrollment of pupils 153219
reported under division (A)(1) or (2) of this section ~~enrolled on~~ 153220
a full-time equivalency basis in category three career-technical 153221
education programs or services, described in division (C) of 153222
section 3317.014 of the Revised Code, operated by the school 153223
district or another school district that is a member of the 153224
district's career-technical planning district, other than a joint 153225
vocational school district, or by an educational service center, 153226
notwithstanding division (H) of section 3317.02 of the Revised 153227
Code and division (C)(3) of this section; 153228

(14) The ~~average daily membership~~ enrollment of pupils 153229
reported under division (A)(1) or (2) of this section ~~enrolled on~~ 153230
a full-time equivalency basis in category four career-technical 153231
education programs or services, described in division (D) of 153232

section 3317.014 of the Revised Code, operated by the school 153233
district or another school district that is a member of the 153234
district's career-technical planning district, other than a joint 153235
vocational school district, or by an educational service center, 153236
notwithstanding division (H) of section 3317.02 of the Revised 153237
Code and division (C)(3) of this section; 153238

(15) The ~~average daily membership~~ enrollment of pupils 153239
reported under division (A)(1) or (2) of this section ~~enrolled on~~ 153240
a full-time equivalency basis in category five career-technical 153241
education programs or services, described in division (E) of 153242
section 3317.014 of the Revised Code, operated by the school 153243
district or another school district that is a member of the 153244
district's career-technical planning district, other than a joint 153245
vocational school district, or by an educational service center, 153246
notwithstanding division (H) of section 3317.02 of the Revised 153247
Code and division (C)(3) of this section; 153248

(16) The ~~average daily membership~~ enrollment of pupils 153249
reported under division (A)(1) or (2) of this section who are 153250
limited English proficient students described in division (A) of 153251
section 3317.016 of the Revised Code, excluding any student 153252
reported under division (B)(3)(e) of this section as enrolled in 153253
an internet- or computer-based community school; 153254

(17) The ~~average daily membership~~ enrollment of pupils 153255
reported under division (A)(1) or (2) of this section who are 153256
limited English proficient students described in division (B) of 153257
section 3317.016 of the Revised Code, excluding any student 153258
reported under division (B)(3)(e) of this section as enrolled in 153259
an internet- or computer-based community school; 153260

(18) The ~~average daily membership~~ enrollment of pupils 153261
reported under division (A)(1) or (2) of this section who are 153262
limited English proficient students described in division (C) of 153263
section 3317.016 of the Revised Code, excluding any student 153264

reported under division (B)(3)(e) of this section as enrolled in 153265
an internet- or computer-based community school; 153266

(19) The average number of children transported during the 153267
reporting period by the school district on board-owned or 153268
contractor-owned and -operated buses, reported in accordance with 153269
rules adopted by the department of education; 153270

(20)(a) The number of children, other than preschool children 153271
with disabilities, the district placed with a county DD board in 153272
fiscal year 1998. Division (B)(20)(a) of this section does not 153273
apply after fiscal year 2013. 153274

(b) The number of children with disabilities, other than 153275
preschool children with disabilities, placed with a county DD 153276
board in the current fiscal year to receive special education 153277
services for the category one disability described in division (A) 153278
of section 3317.013 of the Revised Code; 153279

(c) The number of children with disabilities, other than 153280
preschool children with disabilities, placed with a county DD 153281
board in the current fiscal year to receive special education 153282
services for category two disabilities described in division (B) 153283
of section 3317.013 of the Revised Code; 153284

(d) The number of children with disabilities, other than 153285
preschool children with disabilities, placed with a county DD 153286
board in the current fiscal year to receive special education 153287
services for category three disabilities described in division (C) 153288
of section 3317.013 of the Revised Code; 153289

(e) The number of children with disabilities, other than 153290
preschool children with disabilities, placed with a county DD 153291
board in the current fiscal year to receive special education 153292
services for category four disabilities described in division (D) 153293
of section 3317.013 of the Revised Code; 153294

(f) The number of children with disabilities, other than 153295

preschool children with disabilities, placed with a county DD 153296
board in the current fiscal year to receive special education 153297
services for the category five disabilities described in division 153298
(E) of section 3317.013 of the Revised Code; 153299

(g) The number of children with disabilities, other than 153300
preschool children with disabilities, placed with a county DD 153301
board in the current fiscal year to receive special education 153302
services for category six disabilities described in division (F) 153303
of section 3317.013 of the Revised Code. 153304

(21) The ~~number~~ enrollment of students who are economically 153305
disadvantaged, as defined by the department, excluding any student 153306
reported under division (B)(3)(e) of this section as enrolled in 153307
an internet- or computer-based community school. A student shall 153308
not be categorically excluded from the number reported under 153309
division (B)(21) of this section based on anything other than 153310
family income. 153311

~~(C)(1) The average daily membership in divisions (B)(1) to~~ 153312
~~(12) of this section shall be based upon the number of full time~~ 153313
~~equivalent students. The state board of education shall adopt~~ 153314
~~rules defining full time equivalent students and for determining~~ 153315
~~the average daily membership therefrom~~ necessary ~~for the purposes~~ 153316
~~of implementing~~ divisions (A), (B), and (D) of this section. 153317

(2) A student enrolled in a community school established 153318
under Chapter 3314., a science, technology, engineering, and 153319
mathematics school established under Chapter 3326., or a 153320
college-preparatory boarding school established under Chapter 153321
3328. of the Revised Code shall be counted in the formula ADM and, 153322
if applicable, the category one, two, three, four, five, or six 153323
special education ADM of the school district in which the student 153324
is entitled to attend school under section 3313.64 or 3313.65 of 153325
the Revised Code for the same proportion of the school year that 153326
the student is counted in the enrollment of the community school, 153327

the science, technology, engineering, and mathematics school, or 153328
the college-preparatory boarding school for purposes of section 153329
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 153330
the ~~number~~ enrollment of students ~~reported~~ certified pursuant to 153331
division (B)(3)(d), (e), (j), or (k) of this section, the 153332
department may adjust the formula ADM of a school district to 153333
account for students entitled to attend school in the district 153334
under section 3313.64 or 3313.65 of the Revised Code who are 153335
enrolled in a community school, a science, technology, 153336
engineering, and mathematics school, or a college-preparatory 153337
boarding school for only a portion of the school year. 153338

(3) No child shall be counted as more than a total of one 153339
child in the sum of the ~~average daily memberships~~ enrollment of 153340
students of a school district under division (A), divisions (B)(1) 153341
to (22), or division (D) of this section, except as follows: 153342

(a) A child with a disability described in section 3317.013 153343
of the Revised Code may be counted both in formula ADM and in 153344
category one, two, three, four, five, or six special education ADM 153345
and, if applicable, in category one , two , three, four, or five 153346
career-technical education ADM. As provided in division (H) of 153347
section 3317.02 of the Revised Code, such a child shall be counted 153348
in category one, two, three, four, five, or six special education 153349
ADM in the same proportion that the child is counted in formula 153350
ADM. 153351

(b) A child enrolled in career-technical education programs 153352
or classes described in section 3317.014 of the Revised Code may 153353
be counted both in formula ADM and category one , two , three, 153354
four, or five career-technical education ADM and, if applicable, 153355
in category one, two, three, four, five, or six special education 153356
ADM. Such a child shall be counted in category one , two , three, 153357
four, or five career-technical education ADM in the same 153358
proportion as the percentage of time that the child spends in the 153359

career-technical education programs or classes. 153360

(4) Based on the information reported under this section, the 153361
department of education shall determine the total student count, 153362
as defined in section 3301.011 of the Revised Code, for each 153363
school district. 153364

(D)(1) The superintendent of each joint vocational school 153365
district shall report and certify to the superintendent of public 153366
instruction ~~on or before~~ as of the ~~fifteenth last~~ day of October 153367
~~in each year for the first full school week in October the average~~ 153368
~~daily membership. If a school operated by the joint vocational~~ 153369
~~school district is closed for one or more days during that week~~ 153370
~~due to hazardous weather conditions or other circumstances~~ 153371
~~described in the first paragraph of division (B) of section~~ 153372
~~3317.01 of the Revised Code, the superintendent may apply to the~~ 153373
~~superintendent of public instruction for a waiver, under which the~~ 153374
~~superintendent of public instruction may exempt the district~~ 153375
~~superintendent from certifying the average daily membership for~~ 153376
~~that school for that week and specify an alternate week for~~ 153377
~~certifying the average daily membership of that school, March, and~~ 153378
June of each year the enrollment of students receiving services 153379
from schools under the superintendent's supervision so that the 153380
department can calculate the district's formula ADM, total ADM, 153381
category one through five career-technical education ADM, category 153382
one through three limited English proficient ADM, category one 153383
through six special education ADM, and for purposes of provisions 153384
of law outside of Chapter 3317. of the Revised Code, average daily 153385
membership. 153386

The ~~average daily membership~~ enrollment reported and 153387
certified by the superintendent, except as otherwise provided in 153388
this division, shall consist of the ~~average daily membership~~ 153389
~~during such week, on an FTE basis,~~ of the number of students in 153390
grades six through twelve receiving any educational services from 153391

~~the district, including students enrolled in a community school established under Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code who are attending the joint vocational district and are entitled to attend school in a city, local, or exempted village school district whose territory is part of the territory of the joint vocational district.~~

~~The except that the following categories of students shall not be included in the determination ~~made under division (D)(1) of this section:~~~~

(a) Students enrolled in adult education classes;

(b) Adjacent or other district joint vocational students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

(2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, ~~in addition to the ADM, each superintendent shall report separately the average daily membership included in the report under division (D)(1) of this section~~ certify from the report provided under division (D)(1) of this section the enrollment for each of the following categories of students for the same week for which ADM is certified:

(a) Students enrolled in each individual grade included in the joint vocational district schools;

(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;	153423 153424 153425
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code;	153426 153427 153428
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	153429 153430 153431
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	153432 153433 153434
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	153435 153436 153437
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	153438 153439 153440
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	153441 153442 153443
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	153444 153445 153446
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	153447 153448 153449
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	153450 153451 153452

(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code; 153453
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153455

(m) Limited English proficient students described in division (A) of section 3317.016 of the Revised Code; 153456
153457

(n) Limited English proficient students described in division (B) of section 3317.016 of the Revised Code; 153458
153459

(o) Limited English proficient students described in division (C) of section 3317.016 of the Revised Code; 153460
153461

(p) Students who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (D)(2)(p) of this section based on anything other than family income. 153462
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The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code. 153466
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(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school ~~membership~~ enrollment, which record shall accurately show, for each day the school is in session, the actual ~~membership-enrolled~~ enrollment in regular day classes. For the purpose of determining ~~average-daily-membership~~ the enrollment of students, the ~~membership~~ enrollment figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of ~~membership~~ enrollment for each school shall be maintained in such manner that no pupil shall be counted as ~~in-membership enrolled~~ prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from 153471
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the school that pupil shall not be counted as ~~in membership~~ 153484
enrolled from and after the date of such withdrawal. There shall 153485
not be included in the ~~membership~~ enrollment of any school any of 153486
the following: 153487

(1) Any pupil who has graduated from the twelfth grade of a 153488
public or nonpublic high school; 153489

(2) Any pupil who is not a resident of the state; 153490

(3) Any pupil who was enrolled in the schools of the district 153491
during the previous school year when assessments were administered 153492
under section 3301.0711 of the Revised Code but did not take one 153493
or more of the assessments required by that section and was not 153494
excused pursuant to division (C)(1) or (3) of that section; 153495

(4) Any pupil who has attained the age of twenty-two years, 153496
except for veterans of the armed services whose attendance was 153497
interrupted before completing the recognized twelve-year course of 153498
the public schools by reason of induction or enlistment in the 153499
armed forces and who apply for reenrollment in the public school 153500
system of their residence not later than four years after 153501
termination of war or their honorable discharge; 153502

(5) Any pupil who has a high school equivalence diploma as 153503
defined in section 5107.40 of the Revised Code. 153504

If, however, any veteran described by division (E)(4) of this 153505
section elects to enroll in special courses organized for veterans 153506
for whom tuition is paid under the provisions of federal laws, or 153507
otherwise, that veteran shall not be included in ~~average daily~~ 153508
~~membership~~ the enrollment of students determined under this 153509
section. 153510

Notwithstanding division (E)(3) of this section, the 153511
~~membership~~ enrollment of any school may include a pupil who did 153512
not take an assessment required by section 3301.0711 of the 153513
Revised Code if the superintendent of public instruction grants a 153514

waiver from the requirement to take the assessment to the specific 153515
pupil and a parent is not paying tuition for the pupil pursuant to 153516
section 3313.6410 of the Revised Code. The superintendent may 153517
grant such a waiver only for good cause in accordance with rules 153518
adopted by the state board of education. 153519

~~Except as provided in divisions (B)(2) and (F) of this 153520
section, the average daily membership figure of any local, city, 153521
exempted village, or joint vocational school district shall be 153522
determined by dividing the figure representing the sum of the 153523
number of pupils enrolled during each day the school of attendance 153524
is actually open for instruction during the week for which the 153525
average daily membership is being certified by the total number of 153526
days the school was actually open for instruction during that 153527
week. For purposes of state funding, "enrolled" persons are only 153528
those pupils who are attending school, those who have attended 153529
school during the current school year and are absent for 153530
authorized reasons, and those children with disabilities currently 153531
receiving home instruction. 153532~~

~~The average daily membership figure formula ADM, total ADM, 153533
category one through five career-technical education ADM, category 153534
one through three limited English proficient ADM, category one 153535
through six special education ADM, preschool scholarship ADM, 153536
transportation ADM, and, for purposes of provisions of law outside 153537
of Chapter 3317. of the Revised Code, average daily membership of 153538
any ~~cooperative education~~ school district shall be determined in 153539
accordance with rules adopted by the state board of education. 153540~~

(F)(1) If a student attending a community school under 153541
Chapter 3314., a science, technology, engineering, and mathematics 153542
school established under Chapter 3326., or a college-preparatory 153543
boarding school established under Chapter 3328. of the Revised 153544
Code is not included in the formula ADM ~~certified~~ calculated for 153545
the school district in which the student is entitled to attend 153546

school under section 3313.64 or 3313.65 of the Revised Code, the 153547
department of education shall adjust the formula ADM of that 153548
school district to include the student in accordance with division 153549
(C)(2) of this section, and shall recalculate the school 153550
district's payments under this chapter for the entire fiscal year 153551
on the basis of that adjusted formula ADM. ~~This requirement~~ 153552
~~applies regardless of whether the student was enrolled, as defined~~ 153553
~~in division (E) of this section, in the community school, the~~ 153554
~~science, technology, engineering, and mathematics school, or the~~ 153555
~~college preparatory boarding school during the week for which the~~ 153556
~~formula ADM is being certified.~~ 153557

(2) If a student awarded an educational choice scholarship is 153558
not included in the formula ADM of the school district from which 153559
the department deducts funds for the scholarship under section 153560
3310.08 of the Revised Code, the department shall adjust the 153561
formula ADM of that school district to include the student to the 153562
extent necessary to account for the deduction, and shall 153563
recalculate the school district's payments under this chapter for 153564
the entire fiscal year on the basis of that adjusted formula ADM. 153565
~~This requirement applies regardless of whether the student was~~ 153566
~~enrolled, as defined in division (E) of this section, in the~~ 153567
~~chartered nonpublic school, the school district, or a community~~ 153568
~~school during the week for which the formula ADM is being~~ 153569
~~certified.~~ 153570

(3) If a student awarded a scholarship under the Jon Peterson 153571
special needs scholarship program is not included in the formula 153572
ADM of the school district from which the department deducts funds 153573
for the scholarship under section 3310.55 of the Revised Code, the 153574
department shall adjust the formula ADM of that school district to 153575
include the student to the extent necessary to account for the 153576
deduction, and shall recalculate the school district's payments 153577
under this chapter for the entire fiscal year on the basis of that 153578

adjusted formula ADM. ~~This requirement applies regardless of~~ 153579
~~whether the student was enrolled, as defined in division (E) of~~ 153580
~~this section, in an alternative public provider, a registered~~ 153581
~~private provider, or the school district during the week for which~~ 153582
~~the formula ADM is being certified.~~ 153583

(G)(1)(a) The superintendent of an institution operating a 153584
special education program pursuant to section 3323.091 of the 153585
Revised Code shall, for the programs under such superintendent's 153586
supervision, certify to the state board of education, in the 153587
manner prescribed by the superintendent of public instruction, 153588
both of the following: 153589

(i) The ~~average daily membership~~ unduplicated count of the 153590
number of all children with disabilities other than preschool 153591
children with disabilities receiving services at the institution 153592
for each category of disability described in divisions (A) to (F) 153593
of section 3317.013 of the Revised Code adjusted for the portion 153594
of the year each child is so enrolled; 153595

(ii) The ~~average daily membership~~ unduplicated count of the 153596
number of all preschool children with disabilities in classes or 153597
programs for whom the district is eligible to receive funding 153598
under section 3317.0213 of the Revised Code adjusted for the 153599
portion of the year each child is so enrolled, reported according 153600
to the categories prescribed in section 3317.013 of the Revised 153601
Code. 153602

(b) The superintendent of an institution with 153603
career-technical education units approved under section 3317.05 of 153604
the Revised Code shall, for the units under the superintendent's 153605
supervision, certify to the state board of education the ~~average~~ 153606
~~daily membership~~ enrollment in those units, in the manner 153607
prescribed by the superintendent of public instruction. 153608

(2) The superintendent of each county DD board that maintains 153609

special education classes under section 3317.20 of the Revised Code or provides services to preschool children with disabilities pursuant to an agreement between the DD board and the appropriate school district shall do both of the following:

(a) Certify to the state board, in the manner prescribed by the board, the ~~average daily membership~~ enrollment in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes;

(b) Certify to the state board, in the manner prescribed by the board, the unduplicated count of the number of all preschool children with disabilities enrolled ~~as of the first day of December~~ in classes for which the DD board is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code, and the number of those classes.

(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides instruction for a nonresident pupil whose attendance is unauthorized attendance as defined in section 3327.06 of the Revised Code, that pupil's ~~membership~~ enrollment shall not be included in that district's ~~membership~~ enrollment figure used in calculating the calculation of that district's ~~formula ADM or included in the determination of any funding approved for the district under section 3317.0213 of the Revised Code~~ payments under this chapter. The reporting official shall report separately the ~~average daily membership~~ enrollment of all pupils whose attendance in the district is unauthorized attendance, and the ~~membership~~ enrollment of each such pupil shall be credited to the school district in which the pupil is entitled to attend school under division (B) of section 3313.64 or section 3313.65 of the Revised Code as determined by the department of education.

(I)(1) A city, local, exempted village, or joint vocational school district admitting a scholarship student of a pilot project district pursuant to division (C) of section 3313.976 of the Revised Code may count such student in its ~~average daily membership~~ enrollment.

(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 to 3313.979 of the Revised Code may count in ~~average daily membership~~ its enrollment:

(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend an alternative school.

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable ~~average daily memberships~~ enrollments for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(K) If the superintendent of public instruction determines that a component of the ~~average daily membership~~ enrollment certified or reported by a district superintendent, or other reporting entity, is not correct, the superintendent of public instruction may order that the formula ADM used for the purposes of payments under any section of Title XXXIII of the Revised Code be adjusted in the amount of the error.

Sec. 3317.033. In accordance with rules which the state board of education shall adopt, each joint vocational school district shall do both of the following:

(A) Maintain a record of district ~~membership~~ enrollment of any persons who are not eligible to be included in the ~~average daily membership determined under division (D) of district's~~ formula ADM as that term is defined in section ~~3317.03~~ 3317.02 of the Revised Code;

(B) Annually certify to the state board of education the number of persons for whom a record is maintained under division (A) of this section. These numbers shall be reported on a full-time equivalent basis.

Sec. 3317.034. For purposes of section 3317.03 of the Revised Code:

(A) A student shall be considered to be enrolled in the district for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code.

(B) A student shall be considered to be enrolled in the district for the period of time beginning on the date on which the school has both received the documentation of the student's enrollment from a parent and the student has commenced participation in learning opportunities offered by the district. For purposes of applying divisions (B) and (C) of this section, "learning opportunities" means both classroom-based and nonclassroom-based learning opportunities overseen by licensed educational employees of the district that is in compliance with criteria and documentation requirements for student participation, which shall be established by the department. Any student's instruction time in nonclassroom-based learning opportunities

shall be certified by an employee of the district. 153703

(C) A student's enrollment shall be considered to cease on the date on which any of the following occur: 153704

(1) The district receives documentation from a parent terminating enrollment of the student. 153705

(2) The district is provided documentation of a student's enrollment in another public or nonpublic school. 153706

(3) The student fails to participate in learning opportunities and has not received an excused absence for one hundred and five continuous hours. If a student is withdrawn from the district for failure to participate in learning opportunities under division (C)(1)(a)(v) of this section and the district board determines that the student is truant, the district shall take the appropriate action required under sections 3321.19 and 3321.191 of the Revised Code. 153707

(4) The student ceases to participate in learning opportunities provided by the school. 153708

(D) No public school may enroll or withdraw a student from the education management information system established under section 3310.0714 of the Revised Code later than thirty days after the student's actual enrollment or withdrawal from the school. 153709

Sec. 3317.081. (A) Tuition shall be computed in accordance with this section if: 153720

(1) The tuition is required by division (C)(3)(b) of section 3313.64 of the Revised Code; or 153721

(2) Neither the child nor the child's parent resides in this state and tuition is required by section 3327.06 of the Revised Code. 153722

(B) Tuition computed in accordance with this section shall 153723

equal the attendance district's tuition rate computed under 153732
section 3317.08 of the Revised Code plus the amount in state 153733
education aid, as defined in section 3317.02 of the Revised Code, 153734
that district would have received for the child during the school 153735
year had the ~~attendance district been authorized to count~~ 153736
department of education counted the child in ~~its~~ the attendance 153737
district's formula ADM for that school year under section 3317.03 153738
of the Revised Code. 153739

Sec. 3317.16. (A) The department of education shall compute 153740
and distribute state core foundation funding to each joint 153741
vocational school district for the fiscal year as prescribed in 153742
the following divisions: 153743

(1) An opportunity grant calculated according to the 153744
following formula: 153745

(The formula amount X formula ADM) - (0.0005 X the 153746
district's three-year average valuation) 153747

If the result of the calculation for a joint vocational 153748
school district under division (A)(1) of this section is less than 153749
zero, the joint vocational school district's opportunity grant 153750
shall be zero. 153751

(2) Additional state aid for special education and related 153752
services provided under Chapter 3323. of the Revised Code 153753
calculated as the sum of the following: 153754

(a) The district's category one special education ADM X the 153755
amount specified in division (A) of section 3317.013 of the 153756
Revised Code X the district's state share percentage; 153757

(b) The district's category two special education ADM X the 153758
amount specified in division (B) of section 3317.013 of the 153759
Revised Code X the district's state share percentage; 153760

(c) The district's category three special education ADM X the 153761

amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage; 153762
153763

(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage; 153764
153765
153766

(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage; 153767
153768
153769

(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage. 153770
153771
153772

(3) Economically disadvantaged funds calculated according to the following formula: 153773
153774

(\$250, in fiscal year 2014, or \$253, in fiscal year 2015) X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as ~~reported~~ certified under division (D)(2)(p) of section 3317.03 of the Revised Code 153775
153776
153777
153778

(4) Limited English proficiency funds calculated as the sum of the following: 153779
153780

(a) The district's category one limited English proficient ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage; 153781
153782
153783

(b) The district's category two limited English proficient ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share percentage; 153784
153785
153786

(c) The district's category three limited English proficient ADM X the amount specified in division (C) of section 3317.016 of the Revised Code X the district's state share percentage; 153787
153788
153789

(5) Career-technical education funds calculated as the sum of the following: 153790
153791

(a) The district's category one career-technical education	153792
ADM X the amount specified in division (A) of section 3317.014 of	153793
the Revised Code X the district's state share percentage;	153794
(b) The district's category two career-technical education	153795
ADM X the amount specified in division (B) of section 3317.014 of	153796
the Revised Code X the district's state share percentage;	153797
(c) The district's category three career-technical education	153798
ADM X the amount specified in division (C) of section 3317.014 of	153799
the Revised Code X the district's state share percentage;	153800
(d) The district's category four career-technical education	153801
ADM X the amount specified in division (D) of section 3317.014 of	153802
the Revised Code X the district's state share percentage;	153803
(e) The district's category five career-technical education	153804
ADM X the amount specified in division (E) of section 3317.014 of	153805
the Revised Code X the district's state share percentage.	153806
Payment of funds under division (A)(5) of this section is	153807
subject to approval under section 3317.161 of the Revised Code.	153808
(6) Career-technical education associated services funds	153809
calculated under the following formula:	153810
The district's state share percentage X the	153811
amount for career-technical education associated services	153812
specified in section 3317.014 of the Revised Code X the sum of	153813
categories one through five career-technical	153814
education ADM	153815
(B)(1) If a joint vocational school district's costs for a	153816
fiscal year for a student in its categories two through six	153817
special education ADM exceed the threshold catastrophic cost for	153818
serving the student, as specified in division (B) of section	153819
3317.0214 of the Revised Code, the district may submit to the	153820
superintendent of public instruction documentation, as prescribed	153821
by the superintendent, of all of its costs for that student. Upon	153822

submission of documentation for a student of the type and in the 153823
manner prescribed, the department shall pay to the district an 153824
amount equal to the sum of the following: 153825

(a) One-half of the district's costs for the student in 153826
excess of the threshold catastrophic cost; 153827

(b) The product of one-half of the district's costs for the 153828
student in excess of the threshold catastrophic cost multiplied by 153829
the district's state share percentage. 153830

(2) The district shall report under division (B)(1) of this 153831
section, and the department shall pay for, only the costs of 153832
educational expenses and the related services provided to the 153833
student in accordance with the student's individualized education 153834
program. Any legal fees, court costs, or other costs associated 153835
with any cause of action relating to the student may not be 153836
included in the amount. 153837

(C)(1) For each student with a disability receiving special 153838
education and related services under an individualized education 153839
program, as defined in section 3323.01 of the Revised Code, at a 153840
joint vocational district, the resident district or, if the 153841
student is enrolled in a community school, the community school 153842
shall be responsible for the amount of any costs of providing 153843
those special education and related services to that student that 153844
exceed the sum of the amount calculated for those services 153845
attributable to that student under division (A) of this section. 153846

Those excess costs shall be calculated by subtracting the sum 153847
of the following from the actual cost to provide special education 153848
and related services to the student: 153849

(a) The formula amount; 153850

(b) The amount specified in section 3317.013 of the Revised 153851
Code that is applicable to the student; 153852

(c) Any funds paid under section 3317.0214 for the student. 153853

(2) The board of education of the joint vocational school 153854
district may report the excess costs calculated under division 153855
(C)(1) of this section to the department of education. 153856

(3) If the board of education of the joint vocational school 153857
district reports excess costs under division (C)(2) of this 153858
section, the department shall pay the amount of excess cost 153859
calculated under division (C)(2) of this section to the joint 153860
vocational school district and shall deduct that amount as 153861
provided in division (C)(3)(a) or (b) of this section, as 153862
applicable: 153863

(a) If the student is not enrolled in a community school, the 153864
department shall deduct the amount from the account of the 153865
student's resident district pursuant to division (J) of section 153866
3317.023 of the Revised Code. 153867

(b) If the student is enrolled in a community school, the 153868
department shall deduct the amount from the account of the 153869
community school pursuant to section 3314.083 of the Revised Code. 153870

(D)(1) In any fiscal year, a school district receiving funds 153871
under division (A)(5) of this section shall spend those funds only 153872
for the purposes that the department designates as approved for 153873
career-technical education expenses. Career-technical educational 153874
expenses approved by the department shall include only expenses 153875
connected to the delivery of career-technical programming to 153876
career-technical students. The department shall require the school 153877
district to report data annually so that the department may 153878
monitor the district's compliance with the requirements regarding 153879
the manner in which funding received under division (A)(5) of this 153880
section may be spent. 153881

(2) All funds received under division (A)(5) of this section 153882
shall be spent in the following manner: 153883

(a) At least seventy-five per cent of the funds shall be 153884
spent on curriculum development, purchase, and implementation; 153885
instructional resources and supplies; industry-based program 153886
certification; student assessment, credentialing, and placement; 153887
curriculum specific equipment purchases and leases; 153888
career-technical student organization fees and expenses; home and 153889
agency linkages; work-based learning experiences; professional 153890
development; and other costs directly associated with 153891
career-technical education programs including development of new 153892
programs. 153893

(b) Not more than twenty-five per cent of the funds shall be 153894
used for personnel expenditures. 153895

(E) In any fiscal year, a school district receiving funds 153896
under division (A)(6) of this section, or through a transfer of 153897
funds pursuant to division (I) of section 3317.023 of the Revised 153898
Code, shall spend those funds only for the purposes that the 153899
department designates as approved for career-technical education 153900
associated services expenses, which may include such purposes as 153901
apprenticeship coordinators, coordinators for other 153902
career-technical education services, career-technical evaluation, 153903
and other purposes designated by the department. The department 153904
may deny payment under division (A)(6) of this section to any 153905
district that the department determines is not operating those 153906
services or is using funds paid under division (A)(6) of this 153907
section, or through a transfer of funds pursuant to division (I) 153908
of section 3317.023 of the Revised Code, for other purposes. 153909

(F) A joint vocational school district shall spend the funds 153910
it receives under division (A)(3) of this section in accordance 153911
with section 3317.25 of the Revised Code. 153912

(G) As used in this section: 153913

(1) "Community school" means a community school established 153914

under Chapter 3314. of the Revised Code. 153915

(2) "Resident district" means the city, local, or exempted 153916
village school district in which a student is entitled to attend 153917
school under section 3313.64 or 3313.65 of the Revised Code. 153918

(3) "State share percentage" is equal to the following: 153919
The amount computed under division (A)(1) of this section / 153920
(the formula amount X formula ADM) 153921

Sec. 3317.201. This section does not apply to preschool 153922
children with disabilities. 153923

(A) As used in this section, the "total special education 153924
amount" for an institution means the sum of the following amounts: 153925

(1) The number of children ~~reported~~ certified by the 153926
institution under division (G)(1)(a)(i) of section 3317.03 of the 153927
Revised Code as receiving services for a disability described in 153928
division (A) of section 3317.013 of the Revised Code multiplied by 153929
the amount specified in that division; 153930

(2) The number of children ~~reported~~ certified by the 153931
institution under division (G)(1)(a)(i) of section 3317.03 of the 153932
Revised Code as receiving services for a disability described in 153933
division (B) of section 3317.013 of the Revised Code multiplied by 153934
the amount specified in that division; 153935

(3) The number of children ~~reported~~ certified by the 153936
institution under division (G)(1)(a)(i) of section 3317.03 of the 153937
Revised Code as receiving services for a disability described in 153938
division (C) of section 3317.013 of the Revised Code multiplied by 153939
the amount specified in that division; 153940

(4) The number of children ~~reported~~ certified by the 153941
institution under division (G)(1)(a)(i) of section 3317.03 of the 153942
Revised Code as receiving services for a disability described in 153943
division (D) of section 3317.013 of the Revised Code multiplied by 153944

the amount specified in that division; 153945

(5) The number of children ~~reported~~ certified by the 153946
institution under division (G)(1)(a)(i) of section 3317.03 of the 153947
Revised Code as receiving services for a disability described in 153948
division (E) of section 3317.013 of the Revised Code multiplied by 153949
the amount specified in that division; 153950

(6) The number of children ~~reported~~ certified by the 153951
institution under division (G)(1)(a)(i) of section 3317.03 of the 153952
Revised Code as receiving services for a disability described in 153953
division (F) of section 3317.013 of the Revised Code multiplied by 153954
the amount specified in that division. 153955

(B) For each fiscal year, the department of education shall 153956
pay each state institution required to provide special education 153957
services under division (A) of section 3323.091 of the Revised 153958
Code an amount equal to the institution's total special education 153959
amount. 153960

Sec. 3317.30. (A) In the case of a child placed in the 153961
custody of a juvenile facility established under section 2151.65 153962
or a detention facility established under section 2152.41 of the 153963
Revised Code, payment for the child's education services shall be 153964
administered by one of the following methods: 153965

(1) If the facility educates the child, the facility, or the 153966
chartered nonpublic school it operates, may submit its request for 153967
payment directly to the school district that is to bear the cost 153968
of educating the child, as determined under section 2151.362 of 153969
the Revised Code. That district shall pay the facility or the 153970
chartered nonpublic school directly for those services. 153971

(2) If the facility contracts directly with a school district 153972
in which the facility is located for services for that child, the 153973
school district may submit its request for payment directly to the 153974

school district that is to bear the cost of educating the child, 153975
as determined under section 2151.362 of the Revised Code. That 153976
district shall pay the school district where the facility is 153977
located directly for those services. 153978

(3) If that facility contracts directly with an educational 153979
service center for services for that child, the service center may 153980
submit its request for payment for services for the child directly 153981
to the school district that is responsible to bear the cost of 153982
educating the child, as determined under section 2151.362 of the 153983
Revised Code. That district shall pay the service center directly 153984
for those services. 153985

(B) Notwithstanding anything to the contrary in section 153986
3317.03 of the Revised Code, the district that pays a service 153987
center, facility or chartered nonpublic school the facility 153988
operates, or other school district for services for a particular 153989
child under this section shall include that child in the 153990
district's ~~average daily membership~~ enrollment as reported under 153991
division (A) of section 3317.03 of the Revised Code. No other 153992
district shall include the child in its ~~average daily membership~~ 153993
enrollment. 153994

Payments made for a child under this section shall be 153995
determined in accordance with division (C)(4) of section 3313.64 153996
of the Revised Code. 153997

Sec. 3318.18. (A) As used in this section: 153998

(1) "Valuation" of a school district means the sum of the 153999
amounts described in divisions (A)(1) and (2) of section 3317.021 154000
of the Revised Code as most recently certified for the district 154001
before the annual computation is made under division (B) of this 154002
section. 154003

(2) "Valuation per pupil" of a school district means the 154004

district's valuation divided by the district's formula ADM as most 154005
recently ~~reported for October~~ calculated under section 3317.03 of 154006
the Revised Code before the annual computation is made under 154007
division (B) of this section. 154008

(3) "Statewide average valuation per pupil" means the total 154009
of the valuations of all school districts divided by the total of 154010
the formula ADMs of all school districts as most recently ~~reported~~ 154011
~~for October~~ calculated under section 3317.03 of the Revised Code 154012
before the annual computation is made under division (C) of this 154013
section. 154014

(4) "Maintenance levy requirement" means the tax required to 154015
be levied pursuant to division (C)(2)(a) of section 3318.08 and 154016
division (B) of section 3318.05 of the Revised Code or the 154017
application of proceeds of another levy to paying the costs of 154018
maintaining classroom facilities pursuant to division (A)(2) of 154019
section 3318.052, division (C)(1) or (C)(2)(b) of section 3318.08, 154020
or division (D)(2) of section 3318.36 of the Revised Code, or a 154021
combination thereof. 154022

(5) "Project agreement" means an agreement between a school 154023
district and the Ohio school facilities commission under section 154024
3318.08 or division (B)(1) of section 3318.36 of the Revised Code. 154025

(B) On or before July 1, 2006, the department of education 154026
shall compute the statewide average valuation per pupil and the 154027
valuation per pupil of each school district, and provide them to 154028
the Ohio school facilities commission. On or before the first day 154029
of July each year beginning in 2007, the department of education 154030
shall compute the statewide average valuation per pupil and the 154031
valuation per pupil of each school district that has not already 154032
entered into a project agreement, and provide the results of those 154033
computations to the commission. 154034

(C)(1) At the time the Ohio school facilities commission 154035

enters into a project agreement with a school district, the 154036
commission shall compute the difference between the district's 154037
valuation per pupil and the statewide average valuation per pupil 154038
as most recently provided to the commission under division (B) of 154039
this section. If the school district's valuation per pupil is less 154040
than the average statewide valuation per pupil, the commission 154041
shall multiply the difference between those amounts by one-half 154042
mill times the formula ADM of the district as most recently 154043
reported to the department of education for October under division 154044
(A) of section 3317.03 of the Revised Code. The commission shall 154045
certify the resulting product to the department of education, 154046
along with the date on which the maintenance levy requirement 154047
terminates as provided in the project agreement between the school 154048
district board and the commission. 154049

(2) In the case of a school district that entered into a 154050
project agreement after July 1, 1997, but before July 1, 2006, the 154051
commission shall make the computation described in division (C)(1) 154052
of this section on the basis of the district's valuation per pupil 154053
and the statewide average valuation per pupil computed as of 154054
September 1, 2006, and the district's formula ADM reported for 154055
October 2005. 154056

(3) The amount computed for a school district under division 154057
(C)(1) or (2) of this section shall not change for the period 154058
during which payments are made to the district under division (D) 154059
of this section. 154060

(4) A computation need not be made under division (C)(1) or 154061
(2) of this section for a school district that certified a 154062
resolution to the commission under division (D)(3) of section 154063
3318.36 of the Revised Code until the district becomes eligible 154064
for state assistance as provided in that division. 154065

(D) In the fourth quarter of each fiscal year, for each 154066
school district for which a computation has been made under 154067

division (C) of this section, the department of education shall 154068
pay the amount computed to each such school district. Payments 154069
shall be made to a school district each year until and including 154070
the tax year in which the district's maintenance levy requirement 154071
terminates. Payments shall be paid from the half-mill equalization 154072
fund, subject to appropriation by the general assembly. However, 154073
the department shall make no payments under this section to any 154074
district that elects the procedure authorized by section 3318.051 154075
of the Revised Code. 154076

(E) Payments made to a school district under this section 154077
shall be credited to the district's classroom facilities 154078
maintenance fund and shall be used only for the purpose of 154079
maintaining facilities constructed or renovated under the project 154080
agreement. 154081

(F) There is hereby created in the state treasury the 154082
half-mill equalization fund. The fund shall receive transfers 154083
pursuant to section 5727.85 of the Revised Code. The fund shall be 154084
used first to make annual payments under division (D) of this 154085
section. If a balance remains in the fund after such payments are 154086
made in full for a year, the Ohio school facilities commission may 154087
request the controlling board to transfer a reasonable amount from 154088
such remaining balance to the public school building fund created 154089
under section 3318.15 of the Revised Code for the purposes of this 154090
chapter. 154091

All investment earnings arising from investment of money in 154092
the half-mill equalization fund shall be credited to the fund. 154093

Sec. 3318.42. (A) Not later than the sixty-first day after 154094
~~the effective date of this section~~ March 14, 2003, and 154095
subsequently not later than the sixty-first day after the first 154096
day of each ensuing fiscal year, the department of education shall 154097
do all of the following: 154098

(1) Calculate the valuation per pupil of each joint vocational school district according to the following formula: 154099
The school district's average taxable value divided by the school district's formula ADM ~~reported~~ calculated under section 3317.03 of the Revised Code for the previous fiscal year. 154100
For purposes of this calculation: 154101
(a) "Average taxable value" means the average of the amounts certified for a school district in the second, third, and fourth preceding tax years under divisions (A)(1) and (2) of section 3317.021 of the Revised Code. 154102
(b) "Formula ADM" has the same meaning as defined in section 3317.02 of the Revised Code. 154103
(2) Calculate for each school district the three-year average of the valuations per pupil calculated for the school district for the current and two preceding fiscal years; 154104
(3) Rank all joint vocational school districts in order from the school district with the lowest three-year average valuation per pupil to the school district with the highest three-year average valuation per pupil; 154105
(4) Divide the ranking under division (A)(3) of this section into percentiles with the first percentile containing the one per cent of school districts having the lowest three-year average valuations per pupil and the one-hundredth percentile containing the one per cent of school districts having the highest three-year average valuations per pupil; 154106
(5) Certify the information described in divisions (A)(1) to (4) of this section to the Ohio school facilities commission. 154107
(B) The commission annually shall select school districts for assistance under sections 3318.40 to 3318.45 of the Revised Code in the order of the school districts' three-year average 154108

valuations per pupil such that the school district with the lowest 154129
three-year average valuation per pupil shall be given the highest 154130
priority for assistance. 154131

(C) Each joint vocational school district's portion of the 154132
basic project cost of the school district's project under sections 154133
3318.40 to 3318.45 of the Revised Code shall be one per cent times 154134
the percentile in which the district ranks, except that no school 154135
district's portion shall be less than twenty-five per cent or 154136
greater than ninety-five per cent of the basic project cost. 154137

Sec. 3327.05. (A) Except as provided in division (B) of this 154138
section, no board of education of any school district shall 154139
provide transportation for any pupil who is a school resident of 154140
another school district unless the pupil is enrolled pursuant to 154141
section 3313.98 of the Revised Code or the board of the other 154142
district has given its written consent thereto. If the board of 154143
any school district files with the state board of education a 154144
written complaint that transportation for resident pupils is being 154145
provided by the board of another school district contrary to this 154146
division, the state board of education shall make an investigation 154147
of such complaint. If the state board of education finds that 154148
transportation is being provided contrary to this section, it may 154149
withdraw from state funds due the offending district any part of 154150
the amount that has been approved for transportation pursuant to 154151
section 3317.0212 of the Revised Code or other provisions of law. 154152

(B) Notwithstanding division (D) of section 3311.19 and 154153
division (D) of section 3311.52 of the Revised Code, this division 154154
does not apply to any joint vocational or cooperative education 154155
school district. 154156

A board of education may provide transportation to and from 154157
the nonpublic school of attendance if both of the following apply: 154158

(1) The parent, guardian, or other person in charge of the 154159

pupil agrees to pay the board for all costs incurred in providing 154160
the transportation that are not reimbursed pursuant to Chapter 154161
3317. of the Revised Code; 154162

(2) The pupil's school district of residence does not provide 154163
transportation for public school pupils of the same grade as the 154164
pupil being transported under this division, or that district is 154165
not required under section 3327.01 of the Revised Code to 154166
transport the pupil to and from the nonpublic school because the 154167
direct travel time to the nonpublic school is more than thirty 154168
minutes. 154169

Upon receipt of the request to provide transportation, the 154170
board shall review the request and determine whether the board 154171
will accommodate the request. If the board agrees to transport the 154172
pupil, the board may transport the pupil to and from the nonpublic 154173
school and a collection point in the district, as determined by 154174
the board. If the board transports the pupil, the board may 154175
include the pupil in the district's ~~transportation~~ ADM enrollment 154176
reported to the department of education for purposes of 154177
calculating the district's transportation ADM under section 154178
3317.03 of the Revised Code and, accordingly, may receive a state 154179
payment under section 3317.0212 of the Revised Code or other 154180
provisions of law for transporting the pupil. 154181

If the board declines to transport the pupil, the board, in a 154182
written communication to the parent, guardian, or other person in 154183
charge of the pupil, shall state the reasons for declining the 154184
request. 154185

Sec. 3328.32. ~~The city, exempted village, or local school~~ 154186
~~district in which each~~ Each child enrolled in a 154187
college-preparatory boarding school established under this chapter 154188
~~is entitled to attend school shall count that child~~ be included in 154189
the ~~district's average daily membership~~ enrollment of the district 154190

in which the child is entitled to attend school and in the 154191
district's category one through six special education ~~ADM~~ 154192
enrollment, as appropriate, as reported under ~~divisions (A) and~~ 154193
~~(B)(5) to (10)~~ of section 3317.03 of the Revised Code. 154194

The department of education shall count that child in the 154195
district's formula ADM, total ADM, and, as appropriate, category 154196
one through six special education ADM. 154197

Sec. 3328.33. (A) For each child enrolled in a 154198
college-preparatory boarding school, as reported under section 154199
3328.31 of the Revised Code, the department of education shall 154200
deduct from the state education aid and, if necessary, from the 154201
payment under sections 321.24 and 323.156 of the Revised Code, for 154202
the city, exempted village, or local school district in which the 154203
child is entitled to attend school the amount calculated under 154204
division (B) of this section, as set forth in the agreement filed 154205
with the department under division (C) of this section. 154206

(B) Each participating school district, in consultation with 154207
the college-preparatory boarding school's board of trustees, shall 154208
calculate the amount of funds per student to be deducted from the 154209
district's account under division (A) of this section, which shall 154210
be set forth in the agreement required by division (C) of this 154211
section. The amount to be deducted for each student shall equal 154212
eighty-five per cent of the operating expenditure per pupil of 154213
that district. 154214

As used in this division, a district's "operating expenditure 154215
per pupil" is the total amount of state payments and other 154216
nonfederal revenue spent by the district for operating expenses 154217
during the previous fiscal year, divided by the district's ~~average~~ 154218
~~daily membership formula ADM~~, as reported under ~~division (A) of~~ 154219
that term is defined in section ~~3317.03~~ 3317.02 of the Revised 154220

Code, for the previous fiscal year. 154221

(C) Each participating school district and the 154222
college-preparatory boarding school's board of trustees shall 154223
execute an agreement setting forth the amount per student to be 154224
deducted from the district's account, as calculated under division 154225
(B) of this section, and shall file a copy of that agreement with 154226
the department. 154227

Sec. 5727.85. (A) By the thirty-first day of July of each 154228
year, beginning in 2002 and ending in 2010, the department of 154229
education shall determine the following for each school district 154230
and each joint vocational school district: 154231

(1) The state education aid offset, which, except as provided 154232
in division (A)(1)(c) of this section, is the difference obtained 154233
by subtracting the amount described in division (A)(1)(b) of this 154234
section from the amount described in division (A)(1)(a) of this 154235
section: 154236

(a) The state education aid computed for the school district 154237
or joint vocational school district for the current fiscal year as 154238
of the thirty-first day of July; 154239

(b) The state education aid that would be computed for the 154240
school district or joint vocational school district for the 154241
current fiscal year as of the thirty-first day of July if the 154242
recognized valuation included the tax value loss for the school 154243
district or joint vocational school district; 154244

(c) The state education aid offset for fiscal year 2010 and 154245
fiscal year 2011 equals the greater of the state education aid 154246
offset calculated for that fiscal year under divisions (A)(1)(a) 154247
and (b) of this section or the state education aid offset 154248
calculated for fiscal year 2009. 154249

(2) For fiscal years 2008 through 2011, the greater of zero 154250

or the difference obtained by subtracting the state education aid 154251
offset determined under division (A)(1) of this section from the 154252
fixed-rate levy loss certified under division (J) of section 154253
5727.84 of the Revised Code for all taxing districts in each 154254
school district and joint vocational school district. 154255

By the fifth day of August of each such year, the department 154256
of education shall certify the amount so determined under division 154257
(A)(1) of this section to the director of budget and management. 154258

(B) Not later than the thirty-first day of October of the 154259
years 2006 through 2010, the department of education shall 154260
determine all of the following for each school district: 154261

(1) The amount obtained by subtracting the district's state 154262
education aid computed for fiscal year 2002 from the district's 154263
state education aid computed for the current fiscal year as of the 154264
fifteenth day of July, by including in the definition of 154265
recognized valuation the machinery and equipment, inventory, 154266
furniture and fixtures, and telephone property tax value losses, 154267
as defined in section 5751.20 of the Revised Code, for the school 154268
district or joint vocational school district for the preceding tax 154269
year; 154270

(2) The inflation-adjusted property tax loss. The 154271
inflation-adjusted property tax loss equals the fixed-rate levy 154272
loss, excluding the tax loss from levies within the ten-mill 154273
limitation to pay debt charges, determined under division (G) of 154274
section 5727.84 of the Revised Code for all taxing districts in 154275
each school district, plus the product obtained by multiplying 154276
that loss by the cumulative percentage increase in the consumer 154277
price index from January 1, 2002, to the thirtieth day of June of 154278
the current year. 154279

(3) The difference obtained by subtracting the amount 154280
computed under division (B)(1) from the amount of the 154281

inflation-adjusted property tax loss. If this difference is zero 154282
or a negative number, no further payments shall be made under 154283
division (C) of this section to the school district from the 154284
school district property tax replacement fund. 154285

(C) Beginning in 2002 for school districts and beginning in 154286
August 2011 for joint vocational school districts, the department 154287
of education shall pay from the school district property tax 154288
replacement fund to each school district all of the following: 154289

(1) In February 2002, one-half of the fixed-rate levy loss 154290
certified under division (J) of section 5727.84 of the Revised 154291
Code between the twenty-first and twenty-eighth days of February. 154292

(2) From August 2002 through February 2011, one-half of the 154293
amount calculated for that fiscal year under division (A)(2) of 154294
this section between the twenty-first and twenty-eighth days of 154295
August and of February, provided the difference computed under 154296
division (B)(3) of this section is not less than or equal to zero. 154297

(3) For fiscal years 2012 and thereafter, the sum of the 154298
amounts in divisions (C)(3)(a) or (b) and (c) of this section 154299
shall be paid on or before the thirty-first day of August and the 154300
twenty-eighth day of February: 154301

(a) If the ratio of 2011 current expense S.B. 3 allocation to 154302
total resources is equal to or less than the threshold per cent, 154303
zero; 154304

(b) If the ratio of 2011 current expense S.B. 3 allocation to 154305
total resources is greater than the threshold per cent, fifty per 154306
cent of the difference of 2011 current expense S.B. 3 allocation 154307
minus the product of total resources multiplied by the threshold 154308
per cent; 154309

(c) Fifty per cent of the product of 2011 non-current expense 154310
S.B. 3 allocation multiplied by seventy-five per cent for fiscal 154311
year 2012 and fifty per cent for fiscal years 2013 and thereafter. 154312

The department of education shall report to each school district the apportionment of the payments among the school district's funds based on the certifications under division (J) of section 5727.84 of the Revised Code.

(D) For taxes levied within the ten-mill limitation for debt purposes in tax year 1998 in the case of electric company tax value losses, and in tax year 1999 in the case of natural gas company tax value losses, payments shall be made equal to one hundred per cent of the loss computed as if the tax were a fixed-rate levy, but those payments shall extend from fiscal year 2006 through fiscal year 2016.

(E) Not later than January 1, 2002, for all taxing districts in each joint vocational school district, the tax commissioner shall certify to the department of education the fixed-rate levy loss determined under division (G) of section 5727.84 of the Revised Code. From February 2002 through February 2011, the department shall pay from the school district property tax replacement fund to the joint vocational school district one-half of the amount calculated for that fiscal year under division (A)(2) of this section between the twenty-first and twenty-eighth days of August and of February.

(F)(1) Not later than January 1, 2002, for each fixed-sum levy levied by each school district or joint vocational school district and for each year for which a determination is made under division (H) of section 5727.84 of the Revised Code that a fixed-sum levy loss is to be reimbursed, the tax commissioner shall certify to the department of education the fixed-sum levy loss determined under that division. The certification shall cover a time period sufficient to include all fixed-sum levies for which the tax commissioner made such a determination. The department shall pay from the school district property tax replacement fund to the school district or joint vocational school district

one-half of the fixed-sum levy loss so certified for each year 154345
between the twenty-first and twenty-eighth days of August and of 154346
February. 154347

(2) Beginning in 2003, by the thirty-first day of January of 154348
each year, the tax commissioner shall review the certification 154349
originally made under division (F)(1) of this section. If the 154350
commissioner determines that a debt levy that had been scheduled 154351
to be reimbursed in the current year has expired, a revised 154352
certification for that and all subsequent years shall be made to 154353
the department of education. 154354

(G) If the balance of the half-mill equalization fund created 154355
under section 3318.18 of the Revised Code is insufficient to make 154356
the full amount of payments required under division (D) of that 154357
section, the department of education, at the end of the third 154358
quarter of the fiscal year, shall certify to the director of 154359
budget and management the amount of the deficiency, and the 154360
director shall transfer an amount equal to the deficiency from the 154361
school district property tax replacement fund to the half-mill 154362
equalization fund. 154363

(H) Beginning in August 2002, and ending in May 2011, the 154364
director of budget and management shall transfer from the school 154365
district property tax replacement fund to the general revenue fund 154366
each of the following: 154367

(1) Between the twenty-eighth day of August and the fifth day 154368
of September, the lesser of one-half of the amount certified for 154369
that fiscal year under division (A)(2) of this section or the 154370
balance in the school district property tax replacement fund; 154371

(2) Between the first and fifth days of May, the lesser of 154372
one-half of the amount certified for that fiscal year under 154373
division (A)(2) of this section or the balance in the school 154374
district property tax replacement fund. 154375

(I) On the first day of June each year, the director of 154376
budget and management shall transfer any balance remaining in the 154377
school district property tax replacement fund after the payments 154378
have been made under divisions (C), (D), (E), (F), (G), and (H) of 154379
this section to the half-mill equalization fund created under 154380
section 3318.18 of the Revised Code to the extent required to make 154381
any payments in the current fiscal year under that section, and 154382
shall transfer the remaining balance to the general revenue fund. 154383

(J) After fiscal year 2002, if the total amount in the school 154384
district property tax replacement fund is insufficient to make all 154385
payments under divisions (C), (D), (E), (F), and (G) of this 154386
section at the time the payments are to be made, the director of 154387
budget and management shall transfer from the general revenue fund 154388
to the school district property tax replacement fund the 154389
difference between the total amount to be paid and the total 154390
amount in the school district property tax replacement fund, 154391
except that no transfer shall be made by reason of a deficiency to 154392
the extent that it results from the amendment of section 5727.84 154393
of the Revised Code by Amended Substitute House Bill No. 95 of the 154394
125th general assembly. 154395

(K) If all of the territory of a school district or joint 154396
vocational school district is merged with an existing district, or 154397
if a part of the territory of a school district or joint 154398
vocational school district is transferred to an existing or new 154399
district, the department of education, in consultation with the 154400
tax commissioner, shall adjust the payments made under this 154401
section as follows: 154402

(1) For the merger of all of the territory of two or more 154403
districts, the total resources, 2011 current expense S.B. 3 154404
allocation, total 2011 S.B. 3 allocation, 2011 non-current expense 154405
S.B. 3 allocation, and fixed-sum levy loss of the successor 154406
district shall be equal to the sum of the total resources, 2011 154407

current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 154408
2011 non-current expense S.B. 3 allocation, and fixed-sum levy 154409
loss for each of the districts involved in the merger. 154410

(2) For the transfer of a part of one district's territory to 154411
an existing district, the amount of the total resources, 2011 154412
current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 154413
and 2011 non-current expense S.B. 3 allocation that is transferred 154414
to the recipient district shall be an amount equal to the 154415
transferring district's total resources, 2011 current expense S.B. 154416
3 allocation, total 2011 S.B. 3 allocation, and 2011 non-current 154417
expense S.B. 3 allocation times a fraction, the numerator of which 154418
is the number of pupils being transferred to the recipient 154419
district, measured, in the case of a school district, by ~~average~~ 154420
~~daily membership formula ADM as reported under division (A) of~~ 154421
~~that term is defined in section 3317.03 3317.02~~ of the Revised 154422
Code or, in the case of a joint vocational school district, by 154423
formula ADM as ~~reported in division (D) of~~ defined for a joint 154424
vocational school district in that section, and the denominator of 154425
which is the average daily membership or formula ADM of the 154426
transferor district. Fixed-sum levy losses for both districts 154427
shall be determined under division (K)(4) of this section. 154428

(3) For the transfer of a part of the territory of one or 154429
more districts to create a new district: 154430

(a) If the new district is created on or after January 1, 154431
2000, but before January 1, 2005, the new district shall be paid 154432
its current fixed-rate levy loss through August 2009. In February 154433
2010, August 2010, and February 2011, the new district shall be 154434
paid fifty per cent of the lesser of: (i) the amount calculated 154435
under division (C)(2) of this section or (ii) an amount equal to 154436
seventy per cent of the new district's fixed-rate levy loss. 154437

Beginning in fiscal year 2012, the new district shall be paid 154438
as provided in division (C) of this section. 154439

Fixed-sum levy losses for the districts shall be determined 154440
under division (K)(4) of this section. 154441

(b) If the new district is created on or after January 1, 154442
2005, the new district shall be deemed not to have any fixed-rate 154443
levy loss or, except as provided in division (K)(4) of this 154444
section, fixed-sum levy loss. The district or districts from which 154445
the territory was transferred shall have no reduction in their 154446
fixed-rate levy loss, or, except as provided in division (K)(4) of 154447
this section, their fixed-sum levy loss. 154448

(4) If a recipient district under division (K)(2) of this 154449
section or a new district under division (K)(3)(a) or (b) of this 154450
section takes on debt from one or more of the districts from which 154451
territory was transferred, and any of the districts transferring 154452
the territory had fixed-sum levy losses, the department of 154453
education, in consultation with the tax commissioner, shall make 154454
an equitable division of the fixed-sum levy losses. 154455

Sec. 5751.21. (A) Not later than the thirtieth day of July of 154456
2007 through 2010, the department of education shall consult with 154457
the director of budget and management and determine the following 154458
for each school district and each joint vocational school district 154459
eligible for payment under division (B) of this section: 154460
154461

(1) The state education aid offset, which, except as provided 154462
in division (A)(1)(c) of this section, is the difference obtained 154463
by subtracting the amount described in division (A)(1)(b) of this 154464
section from the amount described in division (A)(1)(a) of this 154465
section: 154466

(a) The state education aid computed for the school district 154467
or joint vocational school district for the current fiscal year as 154468
of the thirtieth day of July; 154469

(b) The state education aid that would be computed for the school district or joint vocational school district for the current fiscal year as of the thirtieth day of July if the valuation used in the calculation in division (B)(1) of section 3306.13 of the Revised Code as that division existed for fiscal years 2010 and 2011 included the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses for the school district or joint vocational school district for the second preceding tax year, and if taxes charged and payable associated with the tax value losses are accounted for in any state education aid computation dependent on taxes charged and payable.

(c) The state education aid offset for fiscal year 2010 and fiscal year 2011 equals the greater of the state education aid offset calculated for that fiscal year under divisions (A)(1)(a) and (b) of this section and the state education aid offset calculated for fiscal year 2009. For fiscal year 2012 and 2013, the state education aid offset equals the state education aid offset for fiscal year 2011.

(2) For fiscal years 2008 through 2011, the greater of zero or the difference obtained by subtracting the state education aid offset determined under division (A)(1) of this section from the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, furniture and fixtures fixed-rate levy loss, and telephone property fixed-rate levy loss certified under divisions (G) and (I) of section 5751.20 of the Revised Code for all taxing districts in each school district and joint vocational school district for the second preceding tax year.

By the thirtieth day of July of each such year, the department of education and the director of budget and management shall agree upon the amount to be determined under division (A)(1) of this section.

(B) On or before the thirty-first day of August of 2008, 154502
2009, and 2010, the department of education shall recalculate the 154503
offset described under division (A) of this section for the 154504
previous fiscal year and recalculate the payments made under 154505
division (C) of this section in the preceding fiscal year using 154506
the offset calculated under this division. If the payments 154507
calculated under this division differ from the payments made under 154508
division (C) of this section in the preceding fiscal year, the 154509
difference shall either be paid to a school district or recaptured 154510
from a school district through an adjustment at the same times 154511
during the current fiscal year that the payments under division 154512
(C) of this section are made. In August and October of the current 154513
fiscal year, the amount of each adjustment shall be three-sevenths 154514
of the amount calculated under this division. In May of the 154515
current fiscal year, the adjustment shall be one-seventh of the 154516
amount calculated under this division. 154517

(C) The department of education shall pay from the school 154518
district tangible property tax replacement fund to each school 154519
district and joint vocational school district all of the following 154520
for fixed-rate levy losses certified under divisions (G) and (I) 154521
of section 5751.20 of the Revised Code: 154522

(1) On or before May 31, 2006, one-seventh of the total 154523
fixed-rate levy loss for tax year 2006; 154524

(2) On or before August 31, 2006, and October 31, 2006, 154525
one-half of six-sevenths of the total fixed-rate levy loss for tax 154526
year 2006; 154527

(3) On or before May 31, 2007, one-seventh of the total 154528
fixed-rate levy loss for tax year 2007; 154529

(4) On or before August 31, 2007, and October 31, 2007, 154530
forty-three per cent of the amount determined under division 154531
(A)(2) of this section for fiscal year 2008, but not less than 154532

zero, plus one-half of six-sevenths of the difference between the 154533
total fixed-rate levy loss for tax year 2007 and the total 154534
fixed-rate levy loss for tax year 2006. 154535

(5) On or before May 31, 2008, fourteen per cent of the 154536
amount determined under division (A)(2) of this section for fiscal 154537
year 2008, but not less than zero, plus one-seventh of the 154538
difference between the total fixed-rate levy loss for tax year 154539
2008 and the total fixed-rate levy loss for tax year 2006. 154540

(6) On or before August 31, 2008, and October 31, 2008, 154541
forty-three per cent of the amount determined under division 154542
(A)(2) of this section for fiscal year 2009, but not less than 154543
zero, plus one-half of six-sevenths of the difference between the 154544
total fixed-rate levy loss in tax year 2008 and the total 154545
fixed-rate levy loss in tax year 2007. 154546

(7) On or before May 31, 2009, fourteen per cent of the 154547
amount determined under division (A)(2) of this section for fiscal 154548
year 2009, but not less than zero, plus one-seventh of the 154549
difference between the total fixed-rate levy loss for tax year 154550
2009 and the total fixed-rate levy loss for tax year 2007. 154551

(8) On or before August 31, 2009, and October 31, 2009, 154552
forty-three per cent of the amount determined under division 154553
(A)(2) of this section for fiscal year 2010, but not less than 154554
zero, plus one-half of six-sevenths of the difference between the 154555
total fixed-rate levy loss in tax year 2009 and the total 154556
fixed-rate levy loss in tax year 2008. 154557

(9) On or before May 31, 2010, fourteen per cent of the 154558
amount determined under division (A)(2) of this section for fiscal 154559
year 2010, but not less than zero, plus one-seventh of the 154560
difference between the total fixed-rate levy loss in tax year 2010 154561
and the total fixed-rate levy loss in tax year 2008. 154562

(10) On or before August 31, 2010, and October 31, 2010, 154563

forty-three per cent of the amount determined under division 154564
(A)(2) of this section for fiscal year 2011, but not less than 154565
zero, plus one-half of six-sevenths of the difference between the 154566
telephone property fixed-rate levy loss for tax year 2010 and the 154567
telephone property fixed-rate levy loss for tax year 2009. 154568

(11) On or before May 31, 2011, fourteen per cent of the 154569
amount determined under division (A)(2) of this section for fiscal 154570
year 2011, but not less than zero, plus one-seventh of the 154571
difference between the telephone property fixed-rate levy loss for 154572
tax year 2011 and the telephone property fixed-rate levy loss for 154573
tax year 2009. 154574

(12) For fiscal years 2012 and thereafter, the sum of the 154575
amounts in divisions (C)(12)(a) or (b) and (c) of this section 154576
shall be paid on or before the last day of November and the last 154577
day of May: 154578

(a) If the ratio of current expense TPP allocation to total 154579
resources is equal to or less than the threshold per cent, zero; 154580

(b) If the ratio of current expense TPP allocation to total 154581
resources is greater than the threshold per cent, fifty per cent 154582
of the difference of current expense TPP allocation minus the 154583
product of total resources multiplied by the threshold per cent; 154584

(c) Fifty per cent of the product of non-current expense TPP 154585
allocation multiplied by seventy-five per cent for fiscal year 154586
2012 and fifty per cent for fiscal years 2013 and thereafter. 154587

The department of education shall report to each school 154588
district and joint vocational school district the apportionment of 154589
the payments among the school district's or joint vocational 154590
school district's funds based on the certifications under 154591
divisions (G) and (I) of section 5751.20 of the Revised Code. 154592

(D) For taxes levied within the ten-mill limitation for debt 154593
purposes in tax year 2005, payments shall be made equal to one 154594

hundred per cent of the loss computed as if the tax were a 154595
fixed-rate levy, but those payments shall extend from fiscal year 154596
2006 through fiscal year 2018, as long as the qualifying levy 154597
continues to be used for debt purposes. If the purpose of such a 154598
qualifying levy is changed, that levy becomes subject to the 154599
payments determined in division (C) of this section. 154600

(E)(1) Not later than January 1, 2006, for each fixed-sum 154601
levy of each school district or joint vocational school district 154602
and for each year for which a determination is made under division 154603
(E) of section 5751.20 of the Revised Code that a fixed-sum levy 154604
loss is to be reimbursed, the tax commissioner shall certify to 154605
the department of education the fixed-sum levy loss determined 154606
under that division. The certification shall cover a time period 154607
sufficient to include all fixed-sum levies for which the 154608
commissioner made such a determination. On or before the last day 154609
of May of the current year, the department shall pay from the 154610
school district property tax replacement fund to the school 154611
district or joint vocational school district one-third of the 154612
fixed-sum levy loss so certified, plus one-third of the amount 154613
certified under division (I) of section 5751.20 of the Revised 154614
Code, and on or before the last day of November, two-thirds of the 154615
fixed-sum levy loss so certified, plus two-thirds of the amount 154616
certified under division (I) of section 5751.20 of the Revised 154617
Code. Payments under this division of the amounts certified under 154618
division (I) of section 5751.20 of the Revised Code shall continue 154619
until the levy adopted under section 5705.219 of the Revised Code 154620
expires. 154621

(2) Beginning in 2006, by the first day of January of each 154622
year, the tax commissioner shall review the certification 154623
originally made under division (E)(1) of this section. If the 154624
commissioner determines that a debt levy that had been scheduled 154625
to be reimbursed in the current year has expired, a revised 154626

certification for that and all subsequent years shall be made to 154627
the department of education. 154628

(F) Beginning in September 2007 and through June 2013, the 154629
director of budget and management shall transfer from the school 154630
district tangible property tax replacement fund to the general 154631
revenue fund each of the following: 154632

(1) On the first day of September, one-fourth of the amount 154633
determined for that fiscal year under division (A)(1) of this 154634
section; 154635

(2) On the first day of December, one-fourth of the amount 154636
determined for that fiscal year under division (A)(1) of this 154637
section; 154638

(3) On the first day of March, one-fourth of the amount 154639
determined for that fiscal year under division (A)(1) of this 154640
section; 154641

(4) On the first day of June, one-fourth of the amount 154642
determined for that fiscal year under division (A)(1) of this 154643
section. 154644

If, when a transfer is required under division (F)(1), (2), 154645
(3), or (4) of this section, there is not sufficient money in the 154646
school district tangible property tax replacement fund to make the 154647
transfer in the required amount, the director shall transfer the 154648
balance in the fund to the general revenue fund and may make 154649
additional transfers on later dates as determined by the director 154650
in a total amount that does not exceed one-fourth of the amount 154651
determined for the fiscal year. 154652

(G) If the total amount in the school district tangible 154653
property tax replacement fund is insufficient to make all payments 154654
under divisions (C), (D), and (E) of this section at the times the 154655
payments are to be made, the director of budget and management 154656
shall transfer from the general revenue fund to the school 154657

district tangible property tax replacement fund the difference 154658
between the total amount to be paid and the amount in the school 154659
district tangible property tax replacement fund. 154660

(H) On the fifteenth day of June of each year, the director 154661
of budget and management may transfer any balance in the school 154662
district tangible property tax replacement fund to the general 154663
revenue fund. 154664

(I) If all of the territory of a school district or joint 154665
vocational school district is merged with another district, or if 154666
a part of the territory of a school district or joint vocational 154667
school district is transferred to an existing or newly created 154668
district, the department of education, in consultation with the 154669
tax commissioner, shall adjust the payments made under this 154670
section as follows: 154671

(1) For a merger of two or more districts, the fixed-sum levy 154672
losses, total resources, current expense TPP allocation, total TPP 154673
allocation, and non-current expense TPP allocation of the 154674
successor district shall be the sum of such items for each of the 154675
districts involved in the merger. 154676

(2) If property is transferred from one district to a 154677
previously existing district, the amount of total resources, 154678
current expense TPP allocation, total TPP allocation, and 154679
non-current expense TPP allocation that shall be transferred to 154680
the recipient district shall be an amount equal to total 154681
resources, current expense TPP allocation, total TPP allocation, 154682
and non-current expense TPP allocation of the transferor district 154683
times a fraction, the numerator of which is the number of pupils 154684
being transferred to the recipient district, measured, in the case 154685
of a school district, by ~~average daily membership~~ formula ADM as 154686
~~reported under division (A) of~~ that term is defined in section 154687
~~3317.03~~ 3317.02 of the Revised Code or, in the case of a joint 154688
vocational school district, by formula ADM as ~~reported in division~~ 154689

~~(D) of defined for a joint vocational school district in that~~ 154690
section, and the denominator of which is the ~~average daily~~ 154691
~~membership or~~ formula ADM of the transferor district. 154692

(3) After December 31, 2010, if property is transferred from 154693
one or more districts to a district that is newly created out of 154694
the transferred property, the newly created district shall be 154695
deemed not to have any total resources, current expense TPP 154696
allocation, total TPP allocation, or non-current expense TPP 154697
allocation. 154698

(4) If the recipient district under division (I)(2) of this 154699
section or the newly created district under division (I)(3) of 154700
this section is assuming debt from one or more of the districts 154701
from which the property was transferred and any of the districts 154702
losing the property had fixed-sum levy losses, the department of 154703
education, in consultation with the tax commissioner, shall make 154704
an equitable division of the fixed-sum levy loss reimbursements. 154705

Section 120.11. That the existing versions of sections 154706
3302.20, 3310.08, 3313.981, 3314.091, 3317.01, 3317.02, 3317.022, 154707
3317.0217, 3317.03, 3317.16, 3317.30, and 5751.21 that result from 154708
Section 101.01 of this act and existing sections 3310.41, 3311.52, 154709
3317.024, 3317.033, 3317.081, 3317.201, 3318.18, 3318.42, 3327.05, 154710
3328.32, 3328.33, and 5727.85 of the Revised Code are hereby 154711
repealed. 154712

Section 120.12. Sections 120.10 and 120.11 of this act take 154713
effect July 1, 2014. 154714

Section 125.10. (A) Sections 5168.01, 5168.02, 5168.03, 154715
5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 154716
5168.11, 5168.12, 5168.13, 5168.99, and 5168.991 of the Revised 154717
Code are hereby repealed, effective October 16, 2015. 154718

(B) Any money remaining in the Legislative Budget Services Fund on October 16, 2015, the date that section 5168.12 of the Revised Code is repealed by division (A) of this section, shall be used solely for the purposes stated in then former section 5168.12 of the Revised Code. When all money in the Legislative Budget Services Fund has been spent after then former section 5168.12 of the Revised Code is repealed under division (A) of this section, the fund shall cease to exist.

Section 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised Code are hereby repealed, effective October 1, 2015.

Section 125.11.03. Section 5124.67 of the Revised Code is hereby repealed, effective July 1, 2018.

Section 125.11.10. That Section 267.60.31 of Am. Sub. H.B. 153 of the 129th General Assembly is hereby repealed.

Section 125.12. That Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as most recently amended by Am. Sub. H.B. 153 of the 129th General Assembly, is hereby repealed.

Section 125.13. That Section 125.10 of Am. Sub. H.B. 1 of the 128th General Assembly, as most recently amended by Am. Sub. H.B. 153 of the 129th General Assembly, is hereby repealed.

Section 201.10. Except as otherwise provided in this act, all appropriation items in this act are appropriated out of any moneys in the state treasury to the credit of the designated fund that are not otherwise appropriated. For all appropriations made in this act, the amounts in the first column are for fiscal year 2014 and the amounts in the second column are for fiscal year 2015.

154746

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO

154747

General Services Fund Group

154748

4J80 889601 CPA Education \$ 325,000 \$ 325,000 154749

Assistance

4K90 889609 Operating Expenses \$ 977,500 \$ 977,500 154750

TOTAL GSF General Services Fund 154751

Group \$ 1,302,500 \$ 1,302,500 154752

TOTAL ALL BUDGET FUND GROUPS \$ 1,302,500 \$ 1,302,500 154753

Section 205.10. ADJ ADJUTANT GENERAL

154755

General Revenue Fund

154756

GRF 745401 Ohio Military Reserve \$ 12,308 \$ 12,308 154757

GRF 745404 Air National Guard \$ 1,810,606 \$ 1,810,606 154758

GRF 745407 National Guard \$ 400,000 \$ 400,000 154759

Benefits

GRF 745409 Central \$ 2,682,098 \$ 2,682,098 154760

Administration

GRF 745499 Army National Guard \$ 3,689,871 \$ 3,689,871 154761

TOTAL GRF General Revenue Fund \$ 8,594,883 \$ 8,594,883 154762

General Services Fund Group

154763

5340 745612 Property Operations \$ 534,304 \$ 534,304 154764

Management

5360 745605 Marksmanship \$ 128,600 \$ 128,600 154765

Activities

5360 745620 Camp Perry and \$ 978,846 \$ 978,846 154766

Buckeye Inn

Operations

5370 745604 Ohio National Guard \$ 62,000 \$ 62,000 154767

Facilities

Maintenance

TOTAL GSF General Services Fund	\$	1,703,750	\$	1,703,750	154768
Group					
Federal Special Revenue Fund Group					154769
3410 745615 Air National Guard	\$	2,919,000	\$	2,919,000	154770
Base Security					
3420 745616 Army National Guard	\$	15,063,000	\$	15,063,000	154771
Service Agreement					
3E80 745628 Air National Guard	\$	16,850,000	\$	16,850,000	154772
Operations and					
Maintenance					
3R80 745603 Counter Drug	\$	15,000	\$	15,000	154773
Operations					
TOTAL FED Federal Special Revenue	\$	34,847,000	\$	34,847,000	154774
Fund Group					
State Special Revenue Fund Group					154775
5LY0 745626 Military Medal of	\$	5,000	\$	5,000	154776
Distinction					
5U80 745613 Community Match	\$	350,000	\$	350,000	154777
Armories					
TOTAL SSR State Special Revenue	\$	355,000	\$	355,000	154778
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	45,500,633	\$	45,500,633	154779
NATIONAL GUARD BENEFITS					154780
The foregoing appropriation item 745407, National Guard					154781
Benefits, shall be used for purposes of sections 5919.31 and					154782
5919.33 of the Revised Code, and for administrative costs of the					154783
associated programs.					154784
If necessary, in order to pay benefits in a timely manner					154785
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the					154786
Adjutant General may request the Director of Budget and Management					154787
transfer appropriation from any appropriation item used by the					154788
Adjutant General to appropriation item 745407, National Guard					154789

Benefits. The Adjutant General may subsequently seek Controlling 154790
Board approval to restore the appropriation in the appropriation 154791
item from which such a transfer was made. 154792

For active duty members of the Ohio National Guard who died 154793
after October 7, 2001, while performing active duty, the death 154794
benefit, pursuant to section 5919.33 of the Revised Code, shall be 154795
paid to the beneficiary or beneficiaries designated on the 154796
member's Servicemembers' Group Life Insurance Policy. 154797

STATE ACTIVE DUTY COSTS 154798

Of the foregoing appropriation item 745409, Central 154799
Administration, \$50,000 in each fiscal year shall be used for the 154800
purpose of paying expenses related to state active duty of members 154801
of the Ohio organized militia, in accordance with a proclamation 154802
of the Governor. Expenses include, but are not limited to, the 154803
cost of equipment, supplies, and services, as determined by the 154804
Adjutant General's Department. 154805

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 154806

General Revenue Fund 154807

GRF 100403 Public Employees \$ 309,600 \$ 309,600 154808

Health Care Program

GRF 100414 MARCS Lease Rental \$ 5,133,700 \$ 5,135,800 154809

Payments

GRF 100415 OAKS Lease Rental \$ 22,998,500 \$ 22,982,500 154810

Payments

GRF 100416 STARS Lease Rental \$ 4,976,500 \$ 4,973,200 154811

Payments

GRF 100447 Administrative \$ 85,847,800 \$ 91,059,600 154812

Building Lease Rental

Payments

GRF 100448 Office Building \$ 20,000,000 \$ 20,000,000 154813

		Operating Payments				
GRF	100449	DAS - Building	\$	7,551,571	\$	7,551,571 154814
		Operating Payments				
GRF	100452	Lean Ohio	\$	1,059,624	\$	1,059,624 154815
GRF	100456	State IT Services	\$	1,739,038	\$	1,739,038 154816
GRF	100457	Equal Opportunity	\$	1,910,516	\$	1,910,516 154817
		Services				
GRF	100459	Ohio Business Gateway	\$	4,049,094	\$	4,049,094 154818
GRF	130321	State Agency Support	\$	2,477,008	\$	2,477,008 154819
		Services				
TOTAL GRF		General Revenue Fund	\$	158,052,951	\$	163,247,551 154820
		General Services Fund Group				154821
1120	100616	DAS Administration	\$	6,127,659	\$	6,147,659 154822
1150	100632	Central Service Agency	\$	911,580	\$	927,699 154823
1170	100644	General Services	\$	12,993,870	\$	12,993,870 154824
		Division - Operating				
1220	100637	Fleet Management	\$	4,200,000	\$	4,200,000 154825
1250	100622	Human Resources	\$	17,749,839	\$	17,749,839 154826
		Division - Operating				
1250	100657	Benefits Communication	\$	712,316	\$	712,316 154827
1280	100620	Office of Collective	\$	3,329,507	\$	3,329,507 154828
		Bargaining				
1300	100606	Risk Management	\$	6,635,784	\$	6,635,784 154829
		Reserve				
1320	100631	DAS Building	\$	19,343,170	\$	19,343,170 154830
		Management				
1330	100607	IT Services Delivery	\$	57,521,975	\$	57,521,975 154831
1880	100649	Equal Opportunity	\$	863,013	\$	863,013 154832
		Division - Operating				
2100	100612	State Printing	\$	20,459,526	\$	20,459,526 154833
2290	100630	IT Governance	\$	16,446,474	\$	16,446,474 154834
2290	100640	Leveraged Enterprise	\$	7,065,639	\$	7,065,639 154835
		Purchases				

4270	100602	Investment Recovery	\$	1,618,062	\$	1,638,515	154836
4N60	100617	Major IT Purchases	\$	56,888,635	\$	56,888,635	154837
4P30	100603	DAS Information Services	\$	6,400,070	\$	6,400,070	154838
5C20	100605	MARCS Administration	\$	14,292,596	\$	14,512,028	154839
5C30	100608	Minor Construction Project Management	\$	1,004,375	\$	1,004,375	154840
5EB0	100635	OAKS Support Organization	\$	25,813,077	\$	19,813,077	154841
5EB0	100656	OAKS Updates and Developments	\$	9,886,923	\$	2,636,923	154842
5HU0	100655	Construction Reform Demo Compliance	\$	150,000	\$	150,000	154843
5KZ0	100659	Building Improvement	\$	500,000	\$	500,000	154844
5L70	100610	Professional Development	\$	2,100,000	\$	2,100,000	154845
5LA0	100660	Building Operation	\$	26,600,767	\$	26,814,648	154846
5LJ0	100661	IT Development	\$	13,200,000	\$	13,200,000	154847
5V60	100619	Employee Educational Development	\$	800,000	\$	800,000	154848
TOTAL GSF General Services Fund							154849
Group			\$	333,614,857	\$	320,854,742	154850
Federal Special Revenue Fund Group							154851
3AJ0	100654	ARRA Broadband Mapping Grant	\$	1,723,009	\$	1,723,009	154852
TOTAL FED Federal Special Revenue							154853
Fund Group			\$	1,723,009	\$	1,723,009	154854
State Special Revenue Fund Group							154855
5JQ0	100658	Professionals Licensing System	\$	3,028,366	\$	990,000	154856
5MV0	100662	Theater Equipment Maintenance	\$	80,891	\$	80,891	154857

5NM0 100663 911 Program	\$	290,000	\$	290,000	154858
TOTAL SSR State Special Revenue					154859
Fund Group	\$	3,399,257	\$	1,360,891	154860
TOTAL ALL BUDGET FUND GROUPS	\$	496,790,074	\$	487,186,193	154861

Section 207.20. OAKS LEASE RENTAL PAYMENTS 154863

The foregoing appropriation item 100415, OAKS Lease Rental 154864
Payments, shall be used for payments at the times they are 154865
required to be made for the period from July 1, 2013, through June 154866
30, 2015, pursuant to leases and agreements entered into under 154867
Chapter 125. of the Revised Code, as supplemented by Section 154868
281.10 of Am. Sub. H.B. 562 of the 127th General Assembly and 154869
other prior acts of the General Assembly, with respect to 154870
financing the costs associated with the acquisition, development, 154871
installation, and implementation of the Ohio Administrative 154872
Knowledge System. If it is determined that additional 154873
appropriations are necessary for this purpose, the amounts are 154874
hereby appropriated. 154875

Section 207.30. STARS LEASE RENTAL PAYMENTS 154876

The foregoing appropriation item 100416, STARS Lease Rental 154877
Payments, shall be used for payments at the times they are 154878
required to be made for the period from July 1, 2013, through June 154879
30, 2015, pursuant to leases and agreements entered into under 154880
Chapter 125. of the Revised Code, as supplemented by Section 154881
207.10.30 of Am. Sub. H.B. 1 of the 128th General Assembly and 154882
other prior acts of the General Assembly, with respect to 154883
financing the cost for the acquisition, development, installation, 154884
and implementation of the State Taxation Accounting and Revenue 154885
System (STARS). If it is determined that additional appropriations 154886
are necessary for this purpose, the amounts are appropriated. 154887

The State Taxation Accounting and Revenue System (STARS) is 154888

an integrated tax collection and audit system that will replace 154889
all of the state's existing separate tax software and 154890
administration systems for the various taxes collected by the 154891
state. The Department of Administrative Services, in conjunction 154892
with the Department of Taxation, may acquire STARS, including, but 154893
not limited to, the application hardware and software and 154894
installation and implementation thereof, for the use of the 154895
Department of Taxation. Any lease-purchase agreement used under 154896
Chapter 125. of the Revised Code to acquire STARS, including any 154897
fractionalized interests as defined in division (N) of section 154898
133.01 of the Revised Code in the lease payments under that 154899
agreement, shall provide at the end of the lease period that the 154900
financed asset becomes the property of the state. The principal 154901
amount of any new such financing is limited, excluding the 154902
principal amounts of any lease-purchase financing heretofore 154903
completed for STARS, to the amount of \$20,000,000. 154904

Section 207.40. MARCS LEASE RENTAL PAYMENTS 154905

The foregoing appropriation item 100414, MARCS Lease Rental 154906
Payments, shall be used for payments at the times they are 154907
required to be made for the period from July 1, 2013, through June 154908
30, 2015, pursuant to leases and agreements entered into under 154909
Chapter 125. of the Revised Code, as supplemented by Section 154910
701.20 of Sub. H.B. 482 of the 129th General Assembly, with 154911
respect to financing the cost for the acquisition, development, 154912
installation, and implementation of the Multi-Agency Radio 154913
Communication System (MARCS) upgrade. If it is determined that 154914
additional appropriations are necessary for this purpose, the 154915
amounts are hereby appropriated. 154916

Section 207.50. MULTI-AGENCY RADIO COMMUNICATION SYSTEM 154917
UPGRADE 154918

The Multi-Agency Radio Communications System (MARCS) is a 154919
statewide computer and communications network designed to provide 154920
instant voice and data communication and supply a communications 154921
backbone to public safety and emergency management. The Department 154922
of Administrative Services may update or add functionality to 154923
MARCS to upgrade the existing system to a 700/800 megahertz voice 154924
and data system specifically designed to support interoperable 154925
communications for public safety law enforcement and first 154926
responders. The improvements may include, but are not limited to, 154927
hardware and software and the installation and implementation 154928
thereof. Any lease-purchase agreement utilized under Chapter 125. 154929
of the Revised Code to acquire MARCS and the enhancements 154930
described above, including any fractionalized interest as defined 154931
in division (N) of section 133.01 of the Revised Code in the lease 154932
payments under that agreement, shall provide at the end of the 154933
lease period that the financed asset becomes the property of the 154934
state. The principal amount of any new such financing is limited, 154935
in addition to the principal amounts of lease-purchase financing 154936
heretofore completed for MARCS, to the amount of \$27,000,000. 154937

Section 207.60. ADMINISTRATIVE BUILDING LEASE RENTAL PAYMENTS 154938

The foregoing appropriation item 100447, Administrative 154939
Building Lease Rental Payments, shall be used to meet all payments 154940
at the times they are required to be made during the period from 154941
July 1, 2013, through June 30, 2015, by the Department of 154942
Administrative Services pursuant to leases and agreements under 154943
Chapters 152. and 154. of the Revised Code. These appropriations 154944
are the source of funds pledged for bond service charges on 154945
related obligations issued under Chapters 152. and 154. of the 154946
Revised Code. 154947

The foregoing appropriation item 100448, Office Building 154948
Operating Payments, shall be used to pay the expenses of vacant 154949

space, space undergoing renovation, agencies funded by the General Revenue Fund, and the rent expenses of tenants that have been relocated because of building renovations that occupy space in the James A. Rhodes State Office Tower, the Vern Riffe Center for Government and the Arts, the Frank J. Lausche State Office Building, the Michael V. DiSalle Government Center, and the Oliver R. Ocasek Government Office Building.

At least once per year, the portion of appropriation item 100448, Office Building Operating Payments, that is not used for expenses of agencies funded by the General Revenue Fund, vacant space, space undergoing renovation, and the rent expenses of tenants that are relocated because of building renovations shall be processed by the Department of Administrative Services through intrastate voucher and placed in the Building Improvements Fund (Fund 5KZ0).

Section 207.70. DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT FUND

The foregoing appropriation item 100449, DAS - Building Operating Payments, shall be used to pay the rent expenses of veterans organizations pursuant to section 123.024 of the Revised Code in fiscal years 2014 and 2015.

The foregoing appropriation item, 100449, DAS - Building Operating Payments, also may be used to provide funding for the cost of property appraisals or building studies that the Department of Administrative Services may be required to obtain for property that is being sold by the state or property under consideration to be renovated or purchased by the state.

Notwithstanding section 125.28 of the Revised Code, the remaining portion of the appropriation may be used to pay the operating expenses of state facilities maintained by the Department of Administrative Services that are not billed to

building tenants, or other costs associated with the Voinovich 154981
Center in Youngstown, Ohio. These expenses may include, but are 154982
not limited to, the costs for vacant space and space undergoing 154983
renovation, and the rent expenses of tenants that are relocated 154984
because of building renovations. These payments may be processed 154985
by the Department of Administrative Services through intrastate 154986
transfer vouchers and placed in the Building Management Fund (Fund 154987
1320) or the Information Technology Services Fund (Fund 1330). 154988

Notwithstanding section 125.28 of the Revised Code, the 154989
Department of Administrative Services may forego some or all of 154990
the amounts attributable to debt service included in 154991
reimbursements made by tenants who are supported in whole or in 154992
part by non-GRF money for the costs of occupying space at the 154993
North High Street Complex in Columbus. 154994

The Director of Budget and Management shall transfer the 154995
portion of payments attributed to depreciation from Fund 1320 to 154996
the General Revenue Fund, as applicable. 154997

CASH TRANSFER FROM THE WORKFORCE DEVELOPMENT FUND TO THE 154998
HUMAN RESOURCES SERVICES FUND 154999

Upon request of the Director of Administrative Services, 155000
during the FY 2014 - FY 2015 biennium, the Director of Budget and 155001
Management shall transfer up to \$975,000 from the Workforce 155002
Development Fund (Fund 5D70) to the Human Resources Services Fund 155003
(Fund 1250) to support one-time human resources administration 155004
activities for state agencies. 155005

Section 207.80. CENTRAL SERVICE AGENCY FUND 155006

Appropriation item 100632, Central Service Agency, shall be 155007
used to purchase the equipment, products, and services that are 155008
needed to maintain existing automated applications for the 155009
professional licensing boards and the Casino Control Commission to 155010

support board licensing functions in fiscal years 2014 and 2015 155011
until these functions are replaced by the Ohio Professionals 155012
Licensing System. The Department of Administrative Services shall 155013
establish charges for recovering the costs of carrying out these 155014
functions. The charges shall be billed to the professional 155015
licensing boards and the Casino Control Commission, and deposited 155016
via intrastate transfer vouchers to the credit of the Central 155017
Service Agency Fund (Fund 1150). 155018

Upon implementation of the replacement Ohio Professionals 155019
Licensing System and the decommissioning of the existing automated 155020
applications, the Director of Budget and Management may transfer 155021
any cash balances that remain in the Central Service Agency Fund 155022
(Fund 1150) and that are attributable to the operation of the 155023
existing automated applications to the Professions Licensing 155024
System Fund (Fund 5JQ0). 155025

Section 207.90. GENERAL SERVICE CHARGES 155026

The Department of Administrative Services, with the approval 155027
of the Director of Budget and Management, shall establish charges 155028
for recovering the costs of administering the programs funded by 155029
the General Services Fund (Fund 1170) and the State Printing Fund 155030
(Fund 2100). Such charges within Fund 1170 may be used to recover 155031
the cost of paying a vendor to establish reduced pricing for 155032
contracted supplies or services. 155033

If the Director of Administrative Services determines that 155034
additional amounts are necessary to pay for consulting and 155035
administrative costs related to securing lower pricing, the 155036
Director of Administrative Services may request that the Director 155037
of Budget and Management approve additional expenditures. Such 155038
approved additional amounts are appropriated to appropriation item 155039
100644, General Services Division-Operating. 155040

Section 207.93. CASH TRANSFER TO THE INVESTMENT RECOVERY FUND 155041

Notwithstanding division (B) of section 125.14 of the Revised 155042
Code, the Director of Budget and Management, at the request of the 155043
Director of Administrative Services, shall transfer up to \$200,000 155044
of cash in excess of needs from the General Services Fund (Fund 155045
1170) to the Investment Recovery Fund (Fund 4270) during the 155046
biennium beginning July 1, 2013, and ending June 30, 2015, to pay 155047
the operating expenses of the State Surplus, Federal Surplus, and 155048
Asset Management Programs, including expenses to develop database 155049
systems for use in these programs. 155050

Section 207.95. TRANSFER OF THE EMPLOYEE ASSISTANCE PROGRAM 155051
TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES 155052

Effective July 1, 2013, the Employee Assistance Program under 155053
section 3701.041 of the Revised Code shall be transferred to the 155054
Ohio Department of Administrative Services. The Department of 155055
Administrative Services is thereupon and thereafter successor to, 155056
assumes the operations, functions, powers, and obligations of, and 155057
otherwise constitutes the continuation of the Employee Assistance 155058
Program as provided in section 3701.041 (124.88) of the Revised 155059
Code. All related functions, equipment, assets, and liabilities, 155060
regardless of form or medium, agreements, and contracts of the 155061
program are transferred to the Department of Administrative 155062
Services. 155063

Employees of the Employee Assistance Program shall be 155064
transferred to the Department of Administrative Services in their 155065
same classification, and shall retain the rights specified in 155066
sections 124.321 to 124.328 of the Revised Code. 155067

On and after the effective date of this section, 155068
notwithstanding any provision of the law to the contrary, if 155069
requested by the Director of Administrative Services, the Director 155070

of Budget and Management shall make the budget changes made 155071
necessary by the transfer, if any, including administrative 155072
reorganization or program transfers. 155073

Effective July 1, 2013, the Director of Budget and Management 155074
shall cancel any existing encumbrances against appropriation item 155075
440633, Employee Assistance Program, and reestablish them against 155076
appropriation item 100622, Human Resources Division - Operating. 155077
The reestablished encumbrance amounts are hereby appropriated. Any 155078
business commenced but not completed under appropriation item 155079
440633, Employee Assistance Program, by July 1, 2013, shall be 155080
completed under appropriation item 100622, Human Resources 155081
Division - Operating, in the same manner, and with the same 155082
effect, as if completed with regard to appropriation item 440633, 155083
Employee Assistance Program. All of the rules, policies, orders, 155084
and determinations associated with the program continue in effect 155085
as rules, orders, and determinations associated with the 155086
Department of Administrative Services until modified or rescinded 155087
by the Director of Administrative Services. If necessary to ensure 155088
the integrity of the Administrative Code rule numbering system, 155089
the Director of the Legislative Service Commission shall renumber 155090
the rules relating to the Employee Assistance Program to reflect 155091
their transfer to the Department of Administrative Services. No 155092
validation, cure, right, privilege, remedy, obligation, or 155093
liability is lost or impaired by reason of the transfer and shall 155094
be administered with regard to appropriation item 100622, Human 155095
Resources Division - Operating. On and after July 1, 2013, if the 155096
Employee Assistance Program is referred to in any statute, rule, 155097
contract, grant, or other document, the reference is deemed to 155098
refer to the Department of Administrative Services. 155099

Funds collected by the Department of Health for the Employee 155100
Assistance Program, which previously were deposited in the 155101
Employee Assistance Fund (Fund 6830), shall be credited to the 155102

Human Resources Services Fund (Fund 1250) created in section 155103
124.07 of the Revised Code. The Director of Budget and Management 155104
shall transfer from the Employee Assistance Fund to the Human 155105
Resources Services Fund any remaining cash balances in the 155106
Employee Assistance Fund. In order to facilitate this transfer, 155107
the Director of Health, on July 1, 2013, or as soon as possible 155108
thereafter, shall certify to the Director of Budget and Management 155109
an estimate of the amount to be transferred. Upon the completion 155110
of this transfer, the Employee Assistance Fund is abolished. 155111

Section 207.100. COLLECTIVE BARGAINING ARBITRATION EXPENSES 155112

With approval of the Director of Budget and Management, the 155113
Department of Administrative Services may seek reimbursement from 155114
state agencies for the actual costs and expenses the Department 155115
incurs in the collective bargaining arbitration process. The 155116
reimbursements shall be processed through intrastate transfer 155117
vouchers and credited to the Collective Bargaining Fund (Fund 155118
1280). 155119

Section 207.110. EQUAL OPPORTUNITY PROGRAM 155120

The Department of Administrative Services, with the approval 155121
of the Director of Budget and Management, shall establish charges 155122
for recovering the costs of administering the activities supported 155123
by the State EEO Fund (Fund 1880). These charges shall be 155124
deposited to the credit of the State EEO Fund (Fund 1880) upon 155125
payment made by state agencies, state-supported or state-assisted 155126
institutions of higher education, and tax-supported agencies, 155127
municipal corporations, and other political subdivisions of the 155128
state, for services rendered. 155129

Section 207.111. STATE PRINTING FUND 155130

On July 1, 2013, or as soon as possible thereafter, the 155131

Director of Budget and Management shall transfer \$30,109.39 in 155132
cash from the General Revenue Fund to the State Printing Fund 155133
(Fund 2100) to correct fiscal year 2012 disbursements that were 155134
made from Fund 2100 but that should have been made from the 155135
General Revenue Fund. 155136

Section 207.113. LEVERAGED ENTERPRISE PURCHASES 155137

The foregoing appropriation item 100640, Leveraged Enterprise 155138
Purchases, shall be used by the Department of Administrative 155139
Services to make information technology purchases for the benefit 155140
of one or more government entities as authorized under division 155141
(G) of section 125.18 of the Revised Code. If the Director of 155142
Administrative Services determines that additional amounts are 155143
necessary to pay for pass-through information technology purchases 155144
that will be billed to one or more state agencies, the Director of 155145
Administrative Services shall seek Controlling Board approval for 155146
an increase in appropriation to make the requested purchases. 155147

Section 207.120. INVESTMENT RECOVERY FUND 155148

Notwithstanding division (B) of section 125.14 of the Revised 155149
Code, cash balances in the Investment Recovery Fund (Fund 4270) 155150
may be used to support the operating expenses of the Federal 155151
Surplus Operating Program created in sections 125.84 to 125.90 of 155152
the Revised Code. 155153

The Director of Administrative Services shall use the 155154
foregoing appropriation item 100602, Investment Recovery, to pay 155155
the operating expenses of the State Surplus Property Program and 155156
the Surplus Federal Property Program, under Chapter 125. of the 155157
Revised Code and this section. If additional appropriations are 155158
necessary for the operations of these programs, the Director of 155159
Administrative Services shall seek increased appropriations from 155160
the Controlling Board under section 131.35 of the Revised Code. 155161

The Director of Administrative Services shall transfer 155162
proceeds from the sale of surplus property from the Investment 155163
Recovery Fund to non-General Revenue Funds under division (A)(2) 155164
of section 125.14 of the Revised Code. 155165

Section 207.130. MAJOR IT PURCHASES CHARGES 155166

The Department of Administrative Services may bill agencies 155167
for actual expenditures made for major IT purchases if those 155168
expenditures are not recovered as part of the information 155169
technology services rates the Department charges and deposits into 155170
the Information Technology Fund (Fund 1330) created in section 155171
125.15 of the Revised Code. These charges shall be deposited to 155172
the credit of the Major IT Purchases Fund (Fund 4N60). 155173

Section 207.140. DAS INFORMATION SERVICES 155174

There is hereby established in the State Treasury the DAS 155175
Information Services Fund. The foregoing appropriation item 155176
100603, DAS Information Services, shall be used to pay the costs 155177
of providing information systems and services in the Department of 155178
Administrative Services. Any state agency, board, or commission 155179
may use DAS Information Services by paying for the services 155180
rendered. 155181

The Department of Administrative Services shall establish 155182
user charges for all information systems and services that are 155183
allowable in the statewide indirect cost allocation plan submitted 155184
annually to the United States Department of Health and Human 155185
Services. These charges shall comply with federal regulations and 155186
shall be deposited to the credit of the DAS Information Services 155187
Fund (Fund 4P30). 155188

Section 207.150. CASH TRANSFER FROM THE MARCS ADMINISTRATION 155189
FUND TO GRF 155190

Upon the request of the Director of Administrative Services, 155191
the Director of Budget and Management may transfer unobligated 155192
cash in the MARCS Administration Fund (Fund 5C20) to the General 155193
Revenue Fund to reimburse the General Revenue Fund for lease 155194
rental payments made on behalf of the MARCS upgrade. 155195

Section 207.160. PROFESSIONS LICENSING SYSTEM 155196

There is hereby created in the state treasury the Professions 155197
Licensing System Fund (Fund 5JQ0). Appropriation item 100658, Ohio 155198
Professionals Licensing System, shall be used to make payments 155199
from the fund. The fund shall be used to purchase the equipment, 155200
products, and services necessary to develop and maintain a 155201
replacement automated licensing system for the professional 155202
licensing boards. The Director of Budget and Management may 155203
transfer up to a total of \$990,000 in cash from the Occupational 155204
Licensing and Regulatory Fund (4K90), the State Medical Board 155205
Operating Fund (Fund 5C60), and the Casino Control Commission - 155206
Operating Fund (Fund 5HS0) to the Professions Licensing System 155207
Fund during the FY 2014 - FY 2015 biennium. These transfers shall 155208
be in proportion to the number of current licensees issued by the 155209
professional licensing boards and current and anticipated licenses 155210
in the case of the Casino Control Commission. The purpose of these 155211
cash transfers is to fund the initial acquisition and development 155212
of the system. Any cash balances not expended in fiscal year 2014 155213
are hereby reappropriated in fiscal year 2015. 155214

Effective with the implementation of the replacement 155215
licensing system, the Department of Administrative Services shall 155216
establish charges for recovering the costs of ongoing maintenance 155217
of the system. The charges shall be billed to the professional 155218
licensing boards and the Casino Control Commission, and deposited 155219
via intrastate transfer vouchers to the credit of the Professions 155220
Licensing System Fund. 155221

Section 207.170. BUILDING IMPROVEMENT FUND 155222

The foregoing appropriation item 100659, Building 155223
Improvement, shall be used to make payments from the Building 155224
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 155225
required in the James A. Rhodes State Office Tower, the Vern Riffe 155226
Center for Government and the Arts, the Frank J. Lausche State 155227
Office Building, the Michael V. DiSalle Government Center, and the 155228
Oliver R. Ocasek Government Office. The Department of 155229
Administrative Services shall conduct or contract for regular 155230
assessments of these buildings and shall maintain a cash balance 155231
in the Building Improvement Fund equal to the cost of the repairs 155232
and improvements that are recommended to occur within the next 155233
five years, with the following exception described below. 155234

Upon request of the Director of Administrative Services, the 155235
Director of Budget and Management may permit a cash transfer from 155236
the Building Improvement Fund (Fund 5KZ0) to the Building 155237
Operating Fund (Fund 5LA0) to pay costs of operating and 155238
maintaining the James A. Rhodes State Office Tower, the Vern Riffe 155239
Center for Government and the Arts, the Frank J. Lausche State 155240
Office Building, the Michael V. DiSalle Government Center, and the 155241
Oliver R. Ocasek Government Office that are not charged to tenants 155242
during the same fiscal year. 155243

Should the cash balance in the Building Operating Fund (Fund 155244
5LA0) be determined to be sufficient, the Director of 155245
Administrative Services may request that the Director of Budget 155246
and Management transfer cash from the Building Operating Fund 155247
(Fund 5LA0) to the Building Improvement Fund (Fund 5KZ0) in an 155248
amount equal to the initial cash transfer made under this section 155249
plus applicable interest. 155250

Section 207.180. PROFESSIONAL DEVELOPMENT FUND 155251

The foregoing appropriation item 100610, Professional Development, shall be used to make payments from the Professional Development Fund (Fund 5L70) under section 124.182 of the Revised Code. If it is determined by the Director of Administrative Services that additional amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management approve additional amounts. Such approved additional amounts are hereby appropriated.

Section 207.190. BUILDING OPERATING FUND

The foregoing appropriation item 100660, Building Operation, shall be used to make payments from the Building Operating Fund (Fund 5LA0) to pay costs of operating and maintaining the James A. Rhodes State Office Tower, the Vern Riffe Center for Government and the Arts, the Frank J. Lausche State Office Building, the Michael V. DiSalle Government Center, and the Oliver R. Ocasek Government Office.

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges to be reimbursed for the cost of operating these buildings. These charges shall include the cost of applicable depreciation on the buildings and the resulting revenue shall be deposited in the Building Operating Fund (Fund 5LA0). The Director of Budget and Management shall transfer the portion of these charges attributed to depreciation from the Building Operating Fund (Fund 5LA0) to the Building Improvement Fund (Fund 5KZ0) or to the General Revenue Fund, as applicable.

Section 207.200. INFORMATION TECHNOLOGY DEVELOPMENT

The foregoing appropriation item 100661, IT Development, shall be used by the Department of Administrative Services to pay the costs of modernizing the state's information technology

management and investment practices away from a limited, 155282
agency-specific focus in favor of a statewide methodology 155283
supporting development of enterprise solutions. 155284

The Department of Administrative Services, with the approval 155285
of the Director of Budget and Management, may charge state 155286
agencies an information technology development assessment based on 155287
state agencies' information technology expenditures or other 155288
methodology. The revenue from this assessment shall be deposited 155289
in the Information Technology Development Fund (Fund 5LJ0), which 155290
is hereby created. 155291

Section 207.210. EMPLOYEE EDUCATIONAL DEVELOPMENT 155292

The foregoing appropriation item 100619, Employee Educational 155293
Development, shall be used to make payments from the Employee 155294
Educational Development Fund (Fund 5V60) under section 124.86 of 155295
the Revised Code. The fund shall be used to pay the costs of 155296
administering educational programs under existing collective 155297
bargaining agreements with District 1199, the Health Care and 155298
Social Service Union; State Council of Professional Educators; 155299
Ohio Education Association and National Education Association; the 155300
Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio 155301
State Troopers Association, Units 1 and 15. 155302

If it is determined by the Director of Administrative 155303
Services that additional amounts are necessary, the Director of 155304
Administrative Services may request that the Director of Budget 155305
and Management approve additional amounts. Such approved 155306
additional amounts are hereby appropriated. 155307

Section 207.220. CASH TRANSFERS TO THE MAJOR IT PURCHASES 155308
FUND 155309

Upon request of the Director of Administrative Services, the 155310
Director of Budget and Management may transfer up to \$4,000,000 155311

from the OAKS Support Organization Fund (Fund 5EB0) to the Major 155312
IT Purchases Fund (Fund 4N60). This amount represents cash 155313
transferred from Fund 4N60 during fiscal year 2010 pursuant to 155314
Section 207.30.80 of Am. Sub. H.B. 1 of the 128th General 155315
Assembly. Any portion of appropriation item 100617, Major IT 155316
Purchases, that is unencumbered and unexpended at the end of 155317
fiscal year 2014 is hereby reappropriated for fiscal year 2015. 155318

Section 207.230. MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT 155319
SERVICE PAYMENTS 155320

The Director of Administrative Services, in consultation with 155321
the Multi-Agency Radio Communication System (MARCS) Steering 155322
Committee and the Director of Budget and Management, shall 155323
determine the share of debt service payments attributable to 155324
spending for MARCS components that are not specific to any one 155325
agency and that shall be charged to agencies supported by the 155326
motor fuel tax. Such share of debt service payments shall be 155327
calculated for MARCS capital disbursements made beginning July 1, 155328
1997. Within thirty days of any payment made from appropriation 155329
item 100447, Administrative Building Lease Payments, the Director 155330
of Administrative Services shall certify to the Director of Budget 155331
and Management the amount of this share. The Director of Budget 155332
and Management shall transfer such amounts to the General Revenue 155333
Fund from the State Highway Safety Fund (Fund 7036) established in 155334
section 4501.06 of the Revised Code. 155335

The Director of Administrative Services shall consider 155336
renting or leasing existing tower sites at reasonable or current 155337
market rates, so long as these existing sites are equipped with 155338
the technical capabilities to support the MARCS project. 155339

Section 207.240. ENTERPRISE IT STRATEGY IMPLEMENTATION 155340

The Director of Administrative Services shall determine and 155341

implement strategies that benefit the enterprise by improving 155342
efficiency, reducing costs or enhancing capacity of information 155343
technology (IT) services. Such improvements and efficiencies may 155344
result in the consolidation and transfer of such services. As 155345
determined to be necessary for successful implementation of this 155346
section and notwithstanding any provision of law to the contrary, 155347
the Director of Administrative Services may request the Director 155348
of Budget and Management to consolidate or transfer IT-specific 155349
budget authority between agencies as necessary to implement 155350
enterprise IT cost containment strategies and related 155351
efficiencies. Once the Director of Budget and Management is 155352
satisfied that the proposed initiative is cost advantageous to the 155353
enterprise, the Director of Budget and Management may transfer 155354
appropriations, funds and cash as needed to implement the proposed 155355
initiative. The establishment of any new fund or total increased 155356
appropriation as a result of this section will be subject to 155357
approval by the Controlling Board. 155358

The Director of Budget and Management and the Director of 155359
Administrative Services may transfer any employees, assets, and 155360
liabilities, including, but not limited to, records, contracts, 155361
and agreements in order to facilitate the improvements determined 155362
in accordance with this section. 155363

Section 207.250. 911 PROGRAM 155364

The foregoing appropriation item 100663, 911 Program, shall 155365
be used by the Department of Administrative Services to pay the 155366
administrative costs of the Statewide Emergency Services Internet 155367
Protocol Network Steering Committee. 155368

Section 209.10. AGE DEPARTMENT OF AGING 155369

General Revenue Fund 155370

GRF 490321 Operating Expenses \$ 1,487,418 \$ 1,487,418 155371

GRF	490410	Long-Term Care Ombudsman	\$	477,448	\$	477,448	155372
GRF	490411	Senior Community Services	\$	7,060,844	\$	7,060,844	155373
GRF	490414	Alzheimer's Respite	\$	1,995,245	\$	1,995,245	155374
GRF	490506	National Senior Service Corps	\$	241,413	\$	241,413	155375
GRF	656423	Long-Term Care Program Support - State	\$	3,385,057	\$	3,385,057	155376
TOTAL GRF	General Revenue Fund		\$	14,647,425	\$	14,647,425	155377
General Services Fund Group							155378
4800	490606	Senior Community Outreach and Education	\$	372,523	\$	372,523	155379
TOTAL GSF	General Services Fund Group		\$	372,523	\$	372,523	155381
Federal Special Revenue Fund Group							155382
3220	490618	Federal Aging Grants	\$	12,000,000	\$	12,000,000	155383
3C40	656623	Long-Term Care Program Support - Federal	\$	3,385,057	\$	3,385,057	155384
3M40	490612	Federal Independence Services	\$	58,655,080	\$	58,655,080	155385
TOTAL FED	Federal Special Revenue Fund Group		\$	74,040,137	\$	74,040,137	155387
State Special Revenue Fund Group							155388
4C40	490609	Regional Long-Term Care Ombudsman Program	\$	935,000	\$	935,000	155389
5BA0	490620	Ombudsman Support	\$	1,250,000	\$	1,250,000	155390
5K90	490613	Long-Term Care	\$	1,059,400	\$	1,059,400	155391

		Consumers Guide				
5MT0	490627	Board of Executives of LTSS	\$	600,000	\$	600,000 155392
5W10	490616	Resident Services Coordinator Program	\$	344,700	\$	344,700 155393
TOTAL SSR State Special Revenue						155394
Fund Group			\$	4,189,100	\$	4,189,100 155395
TOTAL ALL BUDGET FUND GROUPS			\$	93,249,185	\$	93,249,185 155396

Section 209.20. LONG-TERM CARE 155398

Pursuant to an interagency agreement, the Department of 155399
Medicaid may designate the Department of Aging to perform 155400
assessments under section 5165.04 of the Revised Code. The 155401
Department of Aging shall provide long-term care consultations 155402
under section 173.42 of the Revised Code to assist individuals in 155403
planning for their long-term health care needs. 155404

The Department of Aging shall administer the Medicaid 155405
waiver-funded PASSPORT Home Care Program, the Choices Program, the 155406
Assisted Living Program, and PACE as delegated by the Department 155407
of Medicaid in an interagency agreement. The foregoing 155408
appropriation items 656423, Long-Term Care Program Support - 155409
State, and 656623, Long-Term Care Program Support - Federal, may 155410
be used to support the Department of Aging's administrative costs 155411
associated with operating the PASSPORT, Choices, Assisted Living, 155412
and PACE programs. 155413

PERFORMANCE-BASED REIMBURSEMENT 155414

The Department of Aging may design and utilize a payment 155415
method for PASSPORT administrative agency operations that includes 155416
a pay-for-performance incentive component that is earned by a 155417
PASSPORT administrative agency when defined consumer and policy 155418
outcomes are achieved. 155419

Section 209.30. LONG-TERM CARE OMBUDSMAN 155420

The foregoing appropriation item 490410, Long-Term Care Ombudsman, shall be used to fund ombudsman program activities as authorized in sections 173.14 to 173.27 and section 173.99 of the Revised Code. 155421
155422
155423
155424

The State Ombudsman may explore the design of a payment method for the Ombudsman Program that includes a pay-for-performance incentive component that is earned by designated regional long-term care ombudsman programs. 155425
155426
155427
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SENIOR COMMUNITY SERVICES 155429

The foregoing appropriation item 490411, Senior Community Services, shall be used for services designated by the Department of Aging, including, but not limited to, home-delivered and congregate meals, transportation services, personal care services, respite services, adult day services, home repair, care coordination, prevention and disease self-management, and decision support systems. Service priority shall be given to low income, frail, and cognitively impaired persons 60 years of age and over. The department shall promote cost sharing by service recipients for those services funded with senior community services funds, including, when possible, sliding-fee scale payment systems based on the income of service recipients. 155430
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ALZHEIMER'S RESPITE 155442

The foregoing appropriation item 490414, Alzheimer's Respite, shall be used to fund only Alzheimer's disease services under section 173.04 of the Revised Code. 155443
155444
155445

NATIONAL SENIOR SERVICE CORPS 155446

The foregoing appropriation item 490506, National Senior Service Corps, shall be used by the Department of Aging to fund grants for three Corporation for National and Community 155447
155448
155449

Service/Senior Corps programs: the Foster Grandparents Program, 155450
the Senior Companion Program, and the Retired Senior Volunteer 155451
Program. A recipient of these grant funds shall use the funds to 155452
support priorities established by the Department and the Ohio 155453
State Office of the Corporation for National and Community 155454
Service. The expenditure of these funds by any grant recipient 155455
shall be in accordance with Senior Corps policies and procedures, 155456
as stated in the Domestic Volunteer Service Act of 1973, as 155457
amended. Neither the Department nor any area agencies on aging 155458
that are involved in the distribution of these funds to 155459
lower-tiered grant recipients may use any portion of these funds 155460
to cover administrative costs. 155461

SENIOR COMMUNITY OUTREACH AND EDUCATION 155462

The foregoing appropriation item 490606, Senior Community 155463
Outreach and Education, may be used to provide training to workers 155464
in the field of aging pursuant to division (G) of section 173.02 155465
of the Revised Code. 155466

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 155467
AND FEDERAL AGING GRANTS 155468

At the request of the Director of Aging, the Director of 155469
Budget and Management may transfer appropriation between 155470
appropriation items 490612, Federal Independence Services, and 155471
490618, Federal Aging Grants. The amounts transferred shall not 155472
exceed 30 per cent of the appropriation from which the transfer is 155473
made. Any transfers shall be reported by the Department of Aging 155474
to the Controlling Board at the next scheduled meeting of the 155475
board. 155476

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 155477

The foregoing appropriation item 490609, Regional Long-Term 155478
Care Ombudsman Program, shall be used to pay the costs of 155479
operating the regional long-term care ombudsman programs 155480

designated by the State Long-Term Care Ombudsman. 155481

TRANSFER OF RESIDENT PROTECTION FUNDS 155482

In each fiscal year, the Director of Budget and Management 155483
may transfer up to \$1,250,000 cash from the Resident Protection 155484
Fund (Fund 4E30), which is used by the Department of Medicaid, to 155485
the Ombudsman Support Fund (Fund 5BA0), which is used by the 155486
Department of Aging. 155487

The Director of Aging and the Office of the State Long-Term 155488
Care Ombudsman may use moneys in the Ombudsman Support Fund (Fund 155489
5BA0) to implement a nursing home quality initiative as specified 155490
in section 173.60 of the Revised Code. 155491

LONG-TERM CARE CONSUMERS GUIDE 155492

The foregoing appropriation item 490613, Long-Term Care 155493
Consumers Guide, shall be used to conduct annual consumer 155494
satisfaction surveys and to pay for other administrative expenses 155495
related to the publication of the Ohio Long-Term Care Consumer 155496
Guide. 155497

CASH TRANSFER FROM THE GENERAL OPERATIONS FUND TO THE BOARD 155498
OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS FUND 155499

On July 1, 2013, or as soon as possible thereafter, the 155500
Director of Health shall certify to the Director of Budget and 155501
Management the cash balance relating to the Board of Examiners of 155502
Nursing Home Administrators in the General Operations Fund (Fund 155503
4700), used by the Department of Health. Upon receiving this 155504
certification, the Director of Budget and Management may transfer 155505
this cash from the General Operations Fund (Fund 4700) to the 155506
Board of Executives of Long-Term Services and Supports Fund (Fund 155507
5MT0), used by the Department of Aging. If this transfer occurs, 155508
the Director of Budget and Management shall cancel any existing 155509
encumbrances pertaining to the Board of Examiners of Nursing Home 155510
Administrators against appropriation item 440647, Fee Supported 155511

Programs, and re-establish them against appropriation item 490627, 155512
Board of Executives of LTSS. The re-established encumbrance 155513
amounts are hereby appropriated. 155514

Section 209.40. DEPARTMENT OF AGING'S APPROPRIATION ITEM 155515
STRUCTURE 155516

Upon request from the Director of Aging, the Director of 155517
Budget and Management may establish new funds, new appropriation 155518
items, and appropriations in order to support the transition to a 155519
new appropriation item structure in the Department of Aging's 155520
budget. Also, upon request of the Director of Aging, the Director 155521
of Budget and Management may transfer appropriations between GRF 155522
appropriation items, transfer cash between any funds used by the 155523
Department of Aging, abolish existing funds used by the Department 155524
of Aging, and cancel and reestablish encumbrances. Any 155525
establishment of new funds or appropriation items, any transfers 155526
of appropriations or cash, and any increases in appropriation 155527
under this section are subject to Controlling Board approval. 155528

Section 209.50. UPDATING AUTHORIZING STATUTE CITATIONS 155529

As used in this section, "authorizing statute" means a 155530
Revised Code section or provision of a Revised Code section that 155531
is cited in the Ohio Administrative Code as the statute that 155532
authorizes the adoption of a rule. 155533

The Director of Aging is not required to amend any rule for 155534
the sole purpose of updating the citation in the Ohio 155535
Administrative Code to the rule's authorizing statute to reflect 155536
that this act renumbers the authorizing statute or relocates it to 155537
another Revised Code section. Such citations shall be updated as 155538
the Director amends the rules for other purposes. 155539

Section 211.10. AGR DEPARTMENT OF AGRICULTURE 155540

General Revenue Fund					155541	
GRF 700401	Animal Disease Control	\$	3,936,687	\$	3,936,687	155542
GRF 700403	Dairy Division	\$	1,088,115	\$	1,088,115	155543
GRF 700404	Ohio Proud	\$	50,000	\$	50,000	155544
GRF 700406	Consumer Analytical Lab	\$	1,287,556	\$	1,287,556	155545
GRF 700407	Food Safety	\$	848,792	\$	848,792	155546
GRF 700409	Farmland Preservation	\$	72,750	\$	72,750	155547
GRF 700412	Weights and Measures	\$	600,000	\$	600,000	155548
GRF 700415	Poultry Inspection	\$	592,978	\$	592,978	155549
GRF 700418	Livestock Regulation Program	\$	1,108,071	\$	1,108,071	155550
GRF 700424	Livestock Testing and Inspections	\$	102,770	\$	102,770	155551
GRF 700426	Dangerous and Restricted Animals	\$	800,000	\$	800,000	155552
GRF 700427	High Volume Breeder Kennel Control	\$	400,000	\$	200,000	155553
GRF 700499	Meat Inspection Program - State Share	\$	4,175,097	\$	4,175,097	155554
GRF 700501	County Agricultural Societies	\$	391,415	\$	391,415	155555
TOTAL GRF	General Revenue Fund	\$	15,454,231	\$	15,254,231	155556
General Services Fund Group						155557
5DA0 700644	Laboratory Administration Support	\$	1,115,000	\$	1,115,000	155558
5GH0 700655	Central Support Indirect Cost	\$	4,368,013	\$	4,404,073	155559
TOTAL GSF	General Services Fund Group	\$	5,483,013	\$	5,519,073	155560
Federal Special Revenue Fund Group						155561

3260	700618	Meat Inspection Program - Federal Share	\$	4,450,000	\$	4,450,000	155562
3360	700617	Ohio Farm Loan Revolving Fund	\$	150,000	\$	150,000	155563
3820	700601	Cooperative Contracts	\$	4,500,000	\$	4,500,000	155564
3AB0	700641	Agricultural Easement	\$	1,000,000	\$	1,000,000	155565
3J40	700607	Indirect Cost	\$	1,100,000	\$	1,100,000	155566
3R20	700614	Federal Plant Industry	\$	1,606,000	\$	1,606,000	155567
TOTAL FED Federal Special Revenue							155568
Fund Group			\$	12,806,000	\$	12,806,000	155569
State Special Revenue Fund Group							155570
4900	700651	License Plates - Sustainable Agriculture	\$	10,000	\$	10,000	155571
4940	700612	Agricultural Commodity Marketing Program	\$	218,000	\$	213,000	155572
4960	700626	Ohio Grape Industries	\$	970,000	\$	970,000	155573
4970	700627	Commodity Handlers Regulatory Program	\$	482,672	\$	482,672	155574
4C90	700605	Commercial Feed and Seed	\$	1,760,000	\$	1,760,000	155575
4D20	700609	Auction Education	\$	35,000	\$	35,000	155576
4E40	700606	Utility Radiological Safety	\$	130,000	\$	130,000	155577
4P70	700610	Food Safety Inspection	\$	1,017,328	\$	1,017,328	155578
4R00	700636	Ohio Proud Marketing	\$	45,500	\$	45,500	155579
4R20	700637	Dairy Industry Inspection	\$	1,738,247	\$	1,738,247	155580
4T60	700611	Poultry and Meat	\$	120,000	\$	120,000	155581

		Inspection				
5780	700620	Ride Inspection Fees	\$	1,175,142	\$	1,175,142 155582
5880	700633	Brand Registration	\$	5,000	\$	5,000 155583
5B80	700629	Auctioneers	\$	340,000	\$	340,000 155584
5CP0	700652	License Plate	\$	10,000	\$	10,000 155585
		Scholarships				
5FC0	700648	Plant Pest Program	\$	1,190,000	\$	1,190,000 155586
5H20	700608	Metrology Lab and	\$	552,000	\$	552,000 155587
		Scale Certification				
5L80	700604	Livestock Management	\$	145,000	\$	145,000 155588
		Program				
5MA0	700657	Dangerous and	\$	195,000	\$	195,000 155589
		Restricted Animals				
6520	700634	Animal and Consumer	\$	4,966,383	\$	4,966,383 155590
		Analytical Laboratory				
6690	700635	Pesticide,	\$	3,418,041	\$	3,418,041 155591
		Fertilizer, and Lime				
		Inspection Program				
TOTAL SSR		State Special Revenue				155592
Fund Group			\$	18,523,313	\$	18,518,313 155593
Clean Ohio		Conservation Fund Group				155594
7057	700632	Clean Ohio	\$	310,000	\$	310,000 155595
		Agricultural Easement				
TOTAL CLF		Clean Ohio Conservation	\$	310,000	\$	310,000 155596
Fund Group						
TOTAL ALL BUDGET FUND GROUPS			\$	52,576,557	\$	52,407,617 155597
		DANGEROUS AND RESTRICTED WILD ANIMALS				155598
		The foregoing GRF appropriation item 700426, Dangerous and				155599
		Restricted Animals, shall be used to administer the Dangerous and				155600
		Restricted Wild Animal Permitting Program.				155601
		COUNTY AGRICULTURAL SOCIETIES				155602
		The foregoing appropriation item 700501, County Agricultural				155603

Societies, shall be used to reimburse county and independent 155604
 agricultural societies for expenses related to Junior Fair 155605
 activities. 155606

CLEAN OHIO AGRICULTURAL EASEMENT 155607

The foregoing appropriation item 700632, Clean Ohio 155608
 Agricultural Easement, shall be used by the Department of 155609
 Agriculture in administering Ohio Agricultural Easement Fund (Fund 155610
 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 155611
 5301.70 of the Revised Code. 155612

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 155613

General Services Fund Group 155614

5EG0 898608	Energy Strategy	\$	240,681	\$	240,681	155615
	Development					

TOTAL GSF General Services Fund	\$	240,681	\$	240,681	155616
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State Special Revenue Fund Group 155617

4Z90 898602	Small Business	\$	288,232	\$	288,232	155618
	Ombudsman					

5700 898601	Operating Expenses	\$	323,980	\$	323,980	155619
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5A00 898603	Small Business	\$	900,000	\$	1,125,000	155620
	Assistance					

TOTAL SSR State Special Revenue	\$	1,512,212	\$	1,737,212	155621
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Fund Group

TOTAL ALL BUDGET FUND GROUPS	\$	1,752,893	\$	1,977,893	155622
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Section 213.20. ENERGY STRATEGY DEVELOPMENT 155624

The Energy Strategy Development Program shall develop energy 155625
 initiatives, projects, and policy that align with the energy 155626
 policy for the state. Issues addressed by such initiatives, 155627
 projects, and policy shall not be limited to those governed by 155628
 Chapter 3706. of the Revised Code. The Ohio Air Quality 155629
 Development Authority shall be responsible for the monitoring of 155630

the program. 155631

There is hereby created in the state treasury the Energy 155632
 Strategy Development Fund (Fund 5EG0). The fund shall consist of 155633
 money credited to it and money obtained for advanced energy 155634
 projects from federal or private grants, loans, or other sources. 155635
 Money in the fund shall be used to carry out the purposes of the 155636
 program. Interest earned on the money in the fund shall be 155637
 credited to the General Revenue Fund. 155638

On July 1 of each fiscal year, or as soon as possible 155639
 thereafter, the Director of Budget and Management may transfer 155640
 cash from the funds specified below, up to the amounts specified 155641
 below, to the Energy Strategy Development Fund. Fund 5EG0 may 155642
 accept contributions and transfers made to the fund. On July 1, 155643
 2015, or as soon as possible thereafter, the Director shall 155644
 transfer to the General Revenue Fund all cash credited to Fund 155645
 5EG0. Upon completion of the transfer, Fund 5EG0 is abolished. 155646

<u>Fund</u>	<u>Fund Name</u>	<u>User</u>	<u>FY 2014</u>	<u>FY 2015</u>	
1310	State Agency	Ohio Facilities	\$27,405	\$27,439	155647
	Construction	Construction			155648
	Project Service	Commission			
5GH0	Central Support	Department of	\$27,405	\$27,439	155649
	Indirect Cost	Agriculture			
1350	Supportive	Development	\$27,405	\$27,439	155650
	Services	Services Agency			
2190	Central Support	Environmental	\$27,405	\$27,439	155651
	Indirect Cost	Protection Agency			
1570	Central Support	Department of	\$27,405	\$27,439	155652
	Indirect	Natural Resources			
	Chargeback				
7002	Highway Operating	Department of	\$39,150	\$39,199	155653
		Transportation			

Section 213.30.	REIMBURSEMENT TO AIR QUALITY DEVELOPMENT				155654
	AUTHORITY TRUST ACCOUNT				155655
	Notwithstanding any other provision of law to the contrary,				155656
	the Air Quality Development Authority may reimburse the Air				155657
	Quality Development Authority trust account established under				155658
	section 3706.10 of the Revised Code from all operating funds of				155659
	the agency for expenses pertaining to the administration and				155660
	shared costs incurred by the Air Quality Development Authority in				155661
	the execution of responsibilities as prescribed in Chapter 3706.				155662
	of the Revised Code. Reimbursement shall be made by voucher and				155663
	completed in accordance with the administrative indirect costs				155664
	allocation plan approved by the Office of Budget and Management.				155665
Section 215.10.	ARC STATE BOARD OF EXAMINERS OF ARCHITECTS				155666
	General Services Fund Group				155667
	4K90 891609 Operating	\$	481,379	\$	485,954 155668
	TOTAL GSF General Services Fund				155669
	Group	\$	481,379	\$	485,954 155670
	TOTAL ALL BUDGET FUND GROUPS	\$	481,379	\$	485,954 155671
Section 217.10.	ART OHIO ARTS COUNCIL				155673
	General Revenue Fund				155674
	GRF 370321 Operating Expenses	\$	1,649,204	\$	1,649,204 155675
	GRF 370502 State Program	\$	9,700,000	\$	9,700,000 155676
	Subsidies				
	TOTAL GRF General Revenue Fund	\$	11,349,204	\$	11,349,204 155677
	General Services Fund Group				155678
	4600 370602 Management Expenses	\$	247,000	\$	247,000 155679
	and Donations				
	4B70 370603 Percent for Art	\$	247,000	\$	247,000 155680
	Acquisitions				

TOTAL GSF General Services Fund	\$	494,000	\$	494,000	155681
Group					
Federal Special Revenue Fund Group					155682
3140 370601 Federal Support	\$	1,000,000	\$	1,000,000	155683
TOTAL FED Federal Special Revenue	\$	1,000,000	\$	1,000,000	155684
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	12,843,204	\$	12,843,204	155685
OPERATING EXPENSES					155686
Of the foregoing appropriation item 370321, Operating					155687
Expenses, up to \$50,000 shall be used in each fiscal year for					155688
technology upgrades and improvements.					155689
FEDERAL SUPPORT					155690
Notwithstanding any provision of law to the contrary, the					155691
foregoing appropriation item 370601, Federal Support, shall be					155692
used by the Ohio Arts Council for subsidies only, and not for its					155693
administrative costs, unless the Council is required to use a					155694
portion of the funds for administrative costs under conditions of					155695
the federal grant.					155696
Section 219.10. ATH ATHLETIC COMMISSION					155697
General Services Fund Group					155698
4K90 175609 Operating Expenses	\$	312,000	\$	320,000	155699
TOTAL GSF General Services Fund	\$	312,000	\$	320,000	155700
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	312,000	\$	320,000	155701
Section 221.10. AGO ATTORNEY GENERAL					155703
General Revenue Fund					155704
GRF 055321 Operating Expenses	\$	42,514,169	\$	43,114,169	155705
GRF 055405 Law-Related Education	\$	100,000	\$	100,000	155706
GRF 055407 Tobacco Settlement	\$	1,500,000	\$	1,500,000	155707

		Enforcement				
GRF	055411	County Sheriffs' Pay	\$	757,921	\$	757,921 155708
		Supplement				
GRF	055415	County Prosecutors'	\$	831,499	\$	831,499 155709
		Pay Supplement				
GRF	055501	Rape Crisis Centers	\$	1,000,000	\$	1,000,000 155710
TOTAL GRF		General Revenue Fund	\$	46,703,589	\$	47,303,589 155711
		General Services Fund Group				155712
1060	055612	General Reimbursement	\$	54,806,192	\$	55,820,716 155713
1950	055660	Workers' Compensation	\$	8,415,504	\$	8,415,504 155714
		Section				
4180	055615	Charitable	\$	8,286,000	\$	8,286,000 155715
		Foundations				
4200	055603	Attorney General	\$	1,839,074	\$	1,839,074 155716
		Antitrust				
4210	055617	Police Officers'	\$	500,000	\$	500,000 155717
		Training Academy Fee				
4Z20	055609	BCI Asset Forfeiture	\$	1,000,000	\$	1,000,000 155718
		and Cost				
		Reimbursement				
5900	055633	Peace Officer Private	\$	79,438	\$	95,325 155719
		Security Fund				
5A90	055618	Telemarketing Fraud	\$	45,000	\$	10,000 155720
		Enforcement				
5L50	055619	Law Enforcement	\$	375,255	\$	187,627 155721
		Assistance Program				
5LR0	055655	Peace Officer	\$	4,629,409	\$	4,629,409 155722
		Training - Casino				
5MP0	055657	Peace Officer	\$	25,000	\$	25,000 155723
		Training Commission				
6310	055637	Consumer Protection	\$	6,700,000	\$	6,834,000 155724
		Enforcement				
TOTAL GSF		General Services Fund				155725

Group			\$	86,700,872	\$	87,642,655	155726
Federal Special Revenue Fund Group							155727
3060	055620	Medicaid Fraud Control	\$	4,537,408	\$	4,628,156	155728
3810	055611	Civil Rights Legal Service	\$	75,000	\$	35,574	155729
3830	055634	Crime Victims Assistance	\$	15,000,000	\$	15,000,000	155730
3E50	055638	Attorney General Pass-Through Funds	\$	599,999	\$	599,999	155731
3FV0	055656	Crime Victim Compensation	\$	7,000,000	\$	7,000,000	155732
3R60	055613	Attorney General Federal Funds	\$	999,999	\$	999,999	155733
TOTAL FED		Federal Special Revenue Fund Group	\$	28,212,406	\$	28,263,728	155734
State Special Revenue Fund Group							155736
4020	055616	Victims of Crime	\$	16,456,769	\$	16,456,769	155737
4190	055623	Claims Section	\$	55,920,716	\$	56,937,131	155738
4L60	055606	DARE Programs	\$	3,578,901	\$	3,486,209	155739
4Y70	055608	Title Defect Recision	\$	600,000	\$	600,000	155740
6590	055641	Solid and Hazardous Waste Background Investigations	\$	310,730	\$	310,730	155741
TOTAL SSR		State Special Revenue Fund Group	\$	76,867,116	\$	77,790,839	155742
Holding Account Redistribution Fund Group							155744
R004	055631	General Holding Account	\$	1,000,000	\$	1,000,000	155745
R005	055632	Antitrust Settlements	\$	1,000	\$	1,000	155746
R018	055630	Consumer Frauds	\$	750,000	\$	750,000	155747
R042	055601	Organized Crime	\$	25,025	\$	25,025	155748

	Commission				
	Distributions				
R054 055650	Collection Payment	\$	4,500,000	\$	4,500,000 155749
	Redistribution				
TOTAL 090	Holding Account				155750
Redistribution	Fund Group	\$	6,276,025	\$	6,276,025 155751
Tobacco Master Settlement Agreement	Fund Group				155752
U087 055402	Tobacco Settlement	\$	500,000	\$	500,000 155753
	Oversight,				
	Administration, and				
	Enforcement				
TOTAL TSF	Tobacco Master Settlement	\$	500,000	\$	500,000 155754
Agreement	Fund Group				
TOTAL ALL BUDGET FUND GROUPS		\$	245,260,008	\$	247,776,836 155755
	OHIO BCI FORENSIC RESEARCH AND PROFESSIONAL TRAINING CENTER				155756
	Of the foregoing appropriation item 055321, Operating				155757
	Expenses, \$600,000 in fiscal year 2015 shall be used to create the				155758
	Ohio BCI Forensic Research and Professional Training Center at				155759
	Bowling Green State University. The purpose of the Center shall be				155760
	to foster forensic science research techniques (BCI Eminent				155761
	Scholar) and to create professional training opportunities to				155762
	students (BCI Scholars) in the forensic science fields.				155763
	COUNTY SHERIFFS' PAY SUPPLEMENT				155764
	The foregoing appropriation item 055411, County Sheriffs' Pay				155765
	Supplement, shall be used for the purpose of supplementing the				155766
	annual compensation of county sheriffs as required by section				155767
	325.06 of the Revised Code.				155768
	At the request of the Attorney General, the Director of				155769
	Budget and Management may transfer appropriation from				155770
	appropriation item 055321, Operating Expenses, to appropriation				155771
	item 055411, County Sheriffs' Pay Supplement. Any appropriation so				155772

transferred shall be used to supplement the annual compensation of 155773
county sheriffs as required by section 325.06 of the Revised Code. 155774

COUNTY PROSECUTORS' PAY SUPPLEMENT 155775

The foregoing appropriation item 055415, County Prosecutors' 155776
Pay Supplement, shall be used for the purpose of supplementing the 155777
annual compensation of certain county prosecutors as required by 155778
section 325.111 of the Revised Code. 155779

At the request of the Attorney General, the Director of 155780
Budget and Management may transfer appropriation from 155781
appropriation item 055321, Operating Expenses, to appropriation 155782
item 055415, County Prosecutors' Pay Supplement. Any appropriation 155783
so transferred shall be used to supplement the annual compensation 155784
of county prosecutors as required by section 325.111 of the 155785
Revised Code. 155786

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE GENERAL 155787
REIMBURSEMENT FUND 155788

Notwithstanding any other provision of law to the contrary, 155789
on July 1, 2013, or as soon as possible thereafter, the Director 155790
of Budget and Management shall transfer \$80,000 cash from the 155791
General Revenue Fund to the General Reimbursement Fund (Fund 155792
1060). 155793

WORKERS' COMPENSATION SECTION 155794

The Workers' Compensation Fund (Fund 1950) is entitled to 155795
receive payments from the Bureau of Workers' Compensation and the 155796
Ohio Industrial Commission at the beginning of each quarter of 155797
each fiscal year to fund legal services to be provided to the 155798
Bureau of Workers' Compensation and the Ohio Industrial Commission 155799
during the ensuing quarter. The advance payment shall be subject 155800
to adjustment. 155801

In addition, the Bureau of Workers' Compensation shall 155802

transfer payments at the beginning of each quarter for the support 155803
of the Workers' Compensation Fraud Unit. 155804

All amounts shall be mutually agreed upon by the Attorney 155805
General, the Bureau of Workers' Compensation, and the Ohio 155806
Industrial Commission. 155807

ATTORNEY GENERAL PASS-THROUGH FUNDS 155808

The foregoing appropriation item 055638, Attorney General 155809
Pass-Through Funds, shall be used to receive federal grant funds 155810
provided to the Attorney General by other state agencies, 155811
including, but not limited to, the Department of Youth Services 155812
and the Department of Public Safety. 155813

GENERAL HOLDING ACCOUNT 155814

The foregoing appropriation item 055631, General Holding 155815
Account, shall be used to distribute moneys under the terms of 155816
relevant court orders or other settlements received in a variety 155817
of cases involving the Office of the Attorney General. If it is 155818
determined that additional amounts are necessary for this purpose, 155819
the amounts are hereby appropriated. 155820

ANTITRUST SETTLEMENTS 155821

The foregoing appropriation item 055632, Antitrust 155822
Settlements, shall be used to distribute moneys under the terms of 155823
relevant court orders or other out of court settlements in 155824
antitrust cases or antitrust matters involving the Office of the 155825
Attorney General. If it is determined that additional amounts are 155826
necessary for this purpose, the amounts are hereby appropriated. 155827

CONSUMER FRAUDS 155828

The foregoing appropriation item 055630, Consumer Frauds, 155829
shall be used for distribution of moneys from court-ordered 155830
judgments against sellers in actions brought by the Office of 155831
Attorney General under sections 1334.08 and 4549.48 and division 155832

(B) of section 1345.07 of the Revised Code. These moneys shall be 155833
used to provide restitution to consumers victimized by the fraud 155834
that generated the court-ordered judgments. If it is determined 155835
that additional amounts are necessary for this purpose, the 155836
amounts are hereby appropriated. 155837

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 155838

The foregoing appropriation item 055601, Organized Crime 155839
Commission Distributions, shall be used by the Organized Crime 155840
Investigations Commission, as provided by section 177.011 of the 155841
Revised Code, to reimburse political subdivisions for the expenses 155842
the political subdivisions incur when their law enforcement 155843
officers participate in an organized crime task force. If it is 155844
determined that additional amounts are necessary for this purpose, 155845
the amounts are hereby appropriated. 155846

COLLECTION PAYMENT REDISTRIBUTION 155847

The foregoing appropriation item 055650, Collection Payment 155848
Redistribution, shall be used for the purpose of allocating the 155849
revenue where debtors mistakenly paid the client agencies instead 155850
of the Attorney General's Collections Enforcement Section. If it 155851
is determined that additional amounts are necessary for this 155852
purpose, the amounts are hereby appropriated. 155853

OHIO LAW ENFORCEMENT TRAINING FUND RECOMMENDATIONS 155854

By September 1, 2013, the Attorney General, in consultation 155855
with state and local law enforcement agencies, shall submit to the 155856
President and Minority Leader of the Senate and the Speaker and 155857
Minority Leader of the House of Representatives a report 155858
recommending how to best use moneys collected from the gross 155859
casino revenue tax, pursuant to Section 6(C)(3)(f) of Article XV, 155860
Ohio Constitution, and how to best distribute such money for the 155861
purposes of enhancing public safety and providing additional 155862
training opportunities to the law enforcement community. The 155863

report shall expressly include a recommendation for sharing a 155864
 portion of such moneys with local law enforcement agencies 155865
 beginning in fiscal year 2015. 155866

Section 223.10. AUD AUDITOR OF STATE 155867

General Revenue Fund 155868

GRF 070321 Operating Expenses \$ 27,434,452 \$ 27,434,452 155869

GRF 070403 Fiscal \$ 800,000 \$ 800,000 155870

Watch/Emergency
 Technical Assistance

TOTAL GRF General Revenue Fund \$ 28,234,452 \$ 28,234,452 155871

Auditor of State Fund Group 155872

1090 070601 Public Audit Expense \$ 9,069,804 \$ 9,196,081 155873

- Intra-State

4220 070602 Public Audit Expense \$ 31,052,999 \$ 31,031,044 155874

- Local Government

5840 070603 Training Program \$ 181,730 \$ 181,250 155875

5JZ0 070606 LEAP Revolving Loans \$ 650,000 \$ 650,000 155876

6750 070605 Uniform Accounting \$ 3,241,533 \$ 3,160,637 155877

Network

TOTAL AUD Auditor of State Fund 155878

Group \$ 44,196,066 \$ 44,219,012 155879

TOTAL ALL BUDGET FUND GROUPS \$ 72,430,518 \$ 72,453,464 155880

FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE 155881

The foregoing appropriation item 070403, Fiscal 155882

Watch/Emergency Technical Assistance, shall be used for expenses 155883

incurred by the Office of the Auditor of State in its role 155884

relating to fiscal watch or fiscal emergency activities under 155885

Chapters 118. and 3316. of the Revised Code. Expenses include, but 155886

are not limited to, the following: duties related to the 155887

determination or termination of fiscal watch or fiscal emergency 155888

of municipal corporations, counties, townships, or school 155889

districts; development of preliminary accounting reports;	155890
performance of annual forecasts; provision of performance audits;	155891
and supervisory, accounting, or auditing services for the	155892
municipal corporations, counties, townships, or school districts.	155893

Section 225.10. BRB BOARD OF BARBER EXAMINERS 155894

General Services Fund Group	155895
4K90 877609 Operating Expenses \$ 670,882 \$ 674,272	155896
TOTAL GSF General Services Fund	155897
Group \$ 670,882 \$ 674,272	155898
TOTAL ALL BUDGET FUND GROUPS \$ 670,882 \$ 674,272	155899

Section 227.10. OBM OFFICE OF BUDGET AND MANAGEMENT 155901

General Revenue Fund	155902
GRF 042321 Budget Development \$ 2,703,189 \$ 2,697,483	155903
and Implementation	
GRF 042409 Commission Closures \$ 304,000 \$ 155,000	155904
GRF 042416 Office of Health \$ 484,486 \$ 498,571	155905
Transformation	
GRF 042425 Shared Services \$ 1,250,000 \$ 1,250,000	155906
Development	
TOTAL GRF General Revenue Fund \$ 4,741,675 \$ 4,601,054	155907
General Services Fund Group	155908
1050 042603 Financial Management \$ 14,060,275 \$ 14,451,086	155909
1050 042620 Shared Services \$ 8,837,518 \$ 8,924,830	155910
Operating	
TOTAL GSF General Services Fund \$ 22,897,793 \$ 23,375,916	155911
Group	
Federal Special Revenue Fund Group	155912
3CM0 042606 Office of Health \$ 438,723 \$ 438,723	155913
Transformation -	
Federal	

TOTAL FED Federal Special Revenue	\$	438,723	\$	438,723	155914
Fund Group					
Agency Fund Group					155915
5EH0 042604 Forgery Recovery	\$	40,000	\$	40,000	155916
TOTAL AGY Agency Fund Group	\$	40,000	\$	40,000	155917
TOTAL ALL BUDGET FUND GROUPS	\$	28,118,191	\$	28,455,693	155918
COMMISSION CLOSURES					155919
The foregoing appropriation item 042409, Commission Closures,					155920
may be used to pay obligations associated with the closure of any					155921
state agency, whether in the executive, legislative, or judicial					155922
branch of government. Notwithstanding any provision of law to the					155923
contrary, this appropriation item may also be used to pay final					155924
payroll expenses occurring after the closure of any state agency,					155925
whether in the executive, legislative, or judicial branch of					155926
government in the event that appropriations or cash in the closing					155927
agency are insufficient to do so.					155928
The Director of Budget and Management may request Controlling					155929
Board approval for funds to be transferred to appropriation item					155930
042409, Commission Closures, from appropriation item 911614, CB					155931
Emergency Purposes, for anticipated expenses associated with					155932
agency closures.					155933
AUDIT COSTS AND DUES					155934
All centralized audit costs associated with either Single					155935
Audit Schedules or financial statements prepared in conformance					155936
with generally accepted accounting principles for the state shall					155937
be paid from the foregoing appropriation item 042603, Financial					155938
Management.					155939
Costs associated with the audit of the Auditor of State and					155940
national association dues shall be paid from the foregoing					155941
appropriation item 042321, Budget Development and Implementation.					155942
SHARED SERVICES CENTER					155943

The foregoing appropriation items 042425, Shared Services Development, and 042620, Shared Services Operating, shall be used by the Director of Budget and Management to support a Shared Services Center within the Office of Budget and Management for the purpose of consolidating statewide business functions and common transactional processes.

The Director of Budget and Management shall include the recovery of costs to operate the Shared Services Center in the accounting and budgeting services payroll rate and through a direct charges using intrastate transfer vouchers to agencies for services rendered. The Director of Budget and Management shall determine the cost recovery methodology. Such cost recovery revenues shall be deposited to the credit of Fund 1050.

INTERNAL AUDIT

The Director of Budget and Management shall include the recovery of costs to operate the Internal Audit Program in the accounting and budgeting services payroll rate and through a direct charge using intrastate transfer vouchers to agencies reviewed by the program. The Director of Budget and Management, with advice from the Internal Audit Advisory Council, shall determine the cost recovery methodology. Such cost recovery revenues shall be deposited to the credit of the Accounting and Budgeting Fund (Fund 1050).

FORGERY RECOVERY

The foregoing appropriation item 042604, Forgery Recovery, shall be used to reissue warrants that have been certified as forgeries by the rightful recipient as determined by the Bureau of Criminal Identification and Investigation and the Treasurer of State. Upon receipt of funds to cover the reissuance of the warrant, the Director of Budget and Management shall reissue a state warrant of the same amount. Any additional amounts needed to

reissue warrants backed by the receipt of funds are hereby	155975
appropriated.	155976
ABOLISHMENT OF FUND 5N40 AND FUND 5Z80	155977
On or before December 31, 2013, the Director of Budget and	155978
Management shall transfer the cash balances of the OAKS Project	155979
Implementation Fund (Fund 5N40) and the Office of Health	155980
Transformation Administration Fund (Fund 5Z80) to the General	155981
Revenue Fund. Upon completion of the transfers, Fund 5N40 and Fund	155982
5Z80 are abolished.	155983
CORRECTION OF ACCOUNTING ENTRIES RELATED TO MEDICAID LINE	155984
ITEM RESTRUCTURE IMPLEMENTATION	155985
Upon the request of any of the Directors of Medicaid, Health,	155986
Mental Health and Addiction Services, Aging, Developmental	155987
Disabilities, or Job and Family Services, the Director of Budget	155988
and Management may recode certain transactions for	155989
Medicaid-related expenditures between appropriation line items	155990
made in error during implementation of the statewide Medicaid line	155991
item restructuring and transactions made to appropriation line	155992
items that received no new appropriation in fiscal year 2014 and	155993
fiscal year 2015.	155994
Section 229.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD	155995
General Revenue Fund	155996
GRF 874100 Personal Services \$ 2,417,467 \$ 2,417,467	155997
GRF 874320 Maintenance and	155998
Equipment	
TOTAL GRF General Revenue Fund \$ 3,578,565 \$ 3,578,565	155999
General Services Fund Group	156000
4G50 874603 Capitol Square \$ 5,882 \$ 5,882	156001
Education Center and	
Arts	

4S70 874602	Statehouse Gift	\$	629,409	\$	629,409	156002
	Shop/Events					
TOTAL GSF	General Services					156003
Fund Group		\$	635,291	\$	635,291	156004
Underground Parking	Garage					156005
2080 874601	Underground Parking	\$	3,549,740	\$	3,496,740	156006
	Garage Operations					
TOTAL UPG	Underground Parking					156007
Garage		\$	3,549,740	\$	3,496,740	156008
TOTAL ALL BUDGET FUND GROUPS		\$	7,763,596	\$	7,710,596	156009
	WAREHOUSE PAYMENTS					156010
	Of the foregoing appropriation item 874601, Underground					156011
	Parking Garage Operations, \$48,000 in each fiscal year shall be					156012
	used to meet all payments at the times they are required to be					156013
	made during the period from July 1, 2013, through June 30, 2015,					156014
	to the Department of Administrative Services for bond service					156015
	charges relating to the purchase and improvement of a warehouse					156016
	acquired pursuant to section 105.41 of the Revised Code, in which					156017
	to store items of the Capitol Collection Trust and, whenever					156018
	necessary, equipment or other property of the Board.					156019
	UNDERGROUND PARKING GARAGE FUND					156020
	Notwithstanding division (G) of section 105.41 of the Revised					156021
	Code and any other provision to the contrary, moneys in the					156022
	Underground Parking Garage Fund (Fund 2080) may be used for					156023
	personnel and operating costs related to the operations of the					156024
	Statehouse and the Statehouse Underground Parking Garage.					156025
	Of the foregoing appropriation item 874601, Underground					156026
	Parking Garage Operations, up to \$10,000 in fiscal year 2014 shall					156027
	be used to support the 1st Ohio Light Artillery Battery A for the					156028
	150th Anniversary Reenactment of the Battle of Gettysburg, and up					156029
	to \$15,000 in fiscal year 2015 shall be used for preparations in					156030

anticipation of the Lincoln Funeral Procession Train. 156031

Of the foregoing appropriation item 874601, Underground 156032
Parking Garage Operations, up to \$300,000 in fiscal year 2014 156033
shall be used for site preparation, utility placement, and other 156034
preliminary construction activities needed for the erection of the 156035
permanent Holocaust memorial on the grounds of Capitol Square. The 156036
amount used for this purpose is subject to approval by the 156037
Controlling Board. 156038

HOUSE AND SENATE PARKING REIMBURSEMENT 156039

On July 1 of each fiscal year, or as soon as possible 156040
thereafter, the Director of Budget and Management shall transfer 156041
\$500,000 cash from the General Revenue Fund to the Underground 156042
Parking Garage Fund (Fund 2080). The amounts transferred under 156043
this section shall be used to reimburse the Capitol Square Review 156044
and Advisory Board for legislative parking costs. 156045

Section 231.10. SCR STATE BOARD OF CAREER COLLEGES AND 156046
SCHOOLS 156047

General Services Fund Group 156048
4K90 233601 Operating Expenses \$ 579,328 \$ 579,328 156049
TOTAL GSF General Services Fund \$ 579,328 \$ 579,328 156050
Group
TOTAL ALL BUDGET FUND GROUPS \$ 579,328 \$ 579,328 156051

Section 233.10. CAC CASINO CONTROL COMMISSION 156053

State Special Revenue Fund Group 156054
5HS0 955321 Casino Control - \$ 13,121,283 \$ 13,542,674 156055
Operating
TOTAL SSR State Special Revenue \$ 13,121,283 \$ 13,542,674 156056
Fund Group
TOTAL ALL BUDGET FUND GROUPS \$ 13,121,283 \$ 13,542,674 156057

Section 235.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD				156059
General Services Fund Group				156060
4K90 930609	Operating Expenses	\$ 476,642	\$ 469,349	156061
TOTAL GSF General Services Fund		\$ 476,642	\$ 469,349	156062
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 476,642	\$ 469,349	156063
 Section 237.10. CHR STATE CHIROPRACTIC BOARD				156065
General Services Fund Group				156066
4K90 878609	Operating Expenses	\$ 617,829	\$ 630,775	156067
TOTAL GSF General Services Fund		\$ 617,829	\$ 630,775	156068
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 617,829	\$ 630,775	156069
 Section 239.10. CIV OHIO CIVIL RIGHTS COMMISSION				156071
General Revenue Fund				156072
GRF 876321	Operating Expenses	\$ 4,725,784	\$ 4,725,784	156073
TOTAL GRF General Revenue Fund		\$ 4,725,784	\$ 4,725,784	156074
General Services Fund Group				156075
2170 876604	Operations Support	\$ 4,000	\$ 4,000	156076
TOTAL GSF General Services				156077
Fund Group		\$ 4,000	\$ 4,000	156078
Federal Special Revenue Fund Group				156079
3340 876601	Federal Programs	\$ 2,820,670	\$ 2,947,983	156080
TOTAL FED Federal Special Revenue				156081
Fund Group		\$ 2,820,670	\$ 2,947,983	156082
TOTAL ALL BUDGET FUND GROUPS		\$ 7,550,454	\$ 7,677,767	156083
 Section 241.10. COM DEPARTMENT OF COMMERCE				156085
General Services Fund Group				156086

1630	800620	Division of Administration	\$	6,200,000	\$	6,200,000	156087
1630	800637	Information Technology	\$	6,011,977	\$	6,011,977	156088
5430	800602	Unclaimed Funds-Operating	\$	7,737,546	\$	7,737,546	156089
5430	800625	Unclaimed Funds-Claims	\$	64,000,000	\$	64,000,000	156090
5F10	800635	Small Government Fire Departments	\$	300,000	\$	300,000	156091
TOTAL GSF General Services Fund Group							156092
			\$	84,249,523	\$	84,249,523	156093
Federal Special Revenue Fund Group							156094
3480	800622	Underground Storage Tanks	\$	1,129,518	\$	1,129,518	156095
3480	800624	Leaking Underground Storage Tanks	\$	1,556,211	\$	1,556,211	156096
TOTAL FED Federal Special Revenue Fund Group							156097
			\$	2,685,729	\$	2,685,729	156098
State Special Revenue Fund Group							156099
4B20	800631	Real Estate Appraisal Recovery	\$	35,000	\$	35,000	156100
4H90	800608	Cemeteries	\$	266,688	\$	266,688	156101
4X20	800619	Financial Institutions	\$	1,854,298	\$	1,854,298	156102
5440	800612	Banks	\$	6,836,589	\$	6,836,589	156103
5450	800613	Savings Institutions	\$	2,259,536	\$	2,259,536	156104
5460	800610	Fire Marshal	\$	17,336,990	\$	15,976,408	156105
5460	800639	Fire Department Grants	\$	2,198,802	\$	2,198,802	156106
5470	800603	Real Estate Education/Research	\$	69,655	\$	69,655	156107
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	156108
5490	800614	Real Estate	\$	3,310,412	\$	3,310,412	156109
5500	800617	Securities	\$	4,238,814	\$	4,238,814	156110
5520	800604	Credit Union	\$	3,297,888	\$	3,297,888	156111

5530 800607	Consumer Finance	\$	3,481,692	\$	3,481,692	156112
5560 800615	Industrial Compliance	\$	26,612,520	\$	27,104,205	156113
5FW0 800616	Financial Literacy	\$	200,000	\$	200,000	156114
	Education					
5GK0 800609	Securities Investor	\$	432,150	\$	432,150	156115
	Education/Enforcement					
5HV0 800641	Cigarette Enforcement	\$	118,800	\$	118,800	156116
5LP0 800646	Liquor Regulatory	\$	7,988,921	\$	7,844,537	156117
	Operating Expenses					
5X60 800623	Video Service	\$	337,224	\$	337,224	156118
6530 800629	UST Registration/Permit	\$	3,831,888	\$	3,612,588	156119
	Fee					
6A40 800630	Real Estate	\$	672,973	\$	672,973	156120
	Appraiser-Operating					
TOTAL SSR State Special Revenue						156121
Fund Group		\$	85,430,840	\$	84,198,259	156122
Liquor Control Fund Group						156123
5LC0 800644	Liquor JobsOhio	\$	557,974	\$	372,661	156124
	Extraordinary					
	Allowance					
5LN0 800645	Liquor Operating	\$	13,949,342	\$	9,316,535	156125
	Services					
TOTAL LCF Liquor Control						156126
Fund Group		\$	14,507,316	\$	9,689,196	156127
TOTAL ALL BUDGET FUND GROUPS						156128
ADMINISTRATIVE ASSESSMENTS						156129
Notwithstanding any other provision of law to the contrary,						156130
the Division of Administration Fund (Fund 1630) is entitled to						156131
receive assessments from all operating funds of the Department in						156132
accordance with procedures prescribed by the Director of Commerce						156133
and approved by the Director of Budget and Management.						156134
UNCLAIMED FUNDS PAYMENTS						156135

The foregoing appropriation item 800625, Unclaimed 156136
Funds-Claims, shall be used to pay claims under section 169.08 of 156137
the Revised Code. If it is determined that additional amounts are 156138
necessary, the amounts are appropriated. 156139

FIRE DEPARTMENT GRANTS 156140

Of the foregoing appropriation item 800639, Fire Department 156141
Grants, up to \$2,198,802 in each fiscal year shall be used to make 156142
annual grants to the following eligible recipients: volunteer fire 156143
departments, fire departments that serve one or more small 156144
municipalities or small townships, joint fire districts comprised 156145
of fire departments that primarily serve small municipalities or 156146
small townships, local units of government responsible for such 156147
fire departments, and local units of government responsible for 156148
the provision of fire protection services for small municipalities 156149
or small townships. For the purposes of these grants, a private 156150
fire company, as that phrase is defined in section 9.60 of the 156151
Revised Code, that is providing fire protection services under a 156152
contract to a political subdivision of the state, is an additional 156153
eligible recipient for a training grant. 156154

Eligible recipients that consist of small municipalities or 156155
small townships that all intend to contract with the same fire 156156
department or private fire company for fire protection services 156157
may jointly apply and be considered for a grant. If a joint 156158
applicant is awarded a grant, the State Fire Marshal shall, if 156159
feasible, proportionately award the grant and any equipment 156160
purchased with grant funds to each of the joint applicants based 156161
upon each applicant's contribution to and demonstrated need for 156162
fire protection services. 156163

If the grant awarded to joint applicants is an equipment 156164
grant and the equipment to be purchased cannot be readily 156165
distributed or possessed by multiple recipients, each of the joint 156166
applicants shall be awarded by the State Fire Marshal an ownership 156167

interest in the equipment so purchased in proportion to each 156168
applicant's contribution to and demonstrated need for fire 156169
protection services. The joint applicants shall then mutually 156170
agree on how the equipment is to be maintained, operated, stored, 156171
or disposed of. If, for any reason, the joint applicants cannot 156172
agree as to how jointly owned equipment is to be maintained, 156173
operated, stored, or disposed of or any of the joint applicants no 156174
longer maintain a contract with the same fire protection service 156175
provider as the other applicants, then the joint applicants shall, 156176
with the assistance of the State Fire Marshal, mutually agree as 156177
to how the jointly owned equipment is to be maintained, operated, 156178
stored, disposed of, or owned. If the joint applicants cannot 156179
agree how the grant equipment is to be maintained, operated, 156180
stored, disposed of, or owned, the State Fire Marshal may, in its 156181
discretion, require all of the equipment acquired by the joint 156182
applicants with grant funds to be returned to the State Fire 156183
Marshal. The State Fire Marshal may then award the returned 156184
equipment to any eligible recipients. 156185

Except as otherwise provided in this section, the grants 156186
shall be used by recipients to purchase firefighting or rescue 156187
equipment or gear or similar items, to provide full or partial 156188
reimbursement for the documented costs of firefighter training, 156189
or, at the discretion of the State Fire Marshal, to cover fire 156190
department costs for providing fire protection services in that 156191
grant recipient's jurisdiction. 156192

Of the foregoing appropriation item 800639, up to \$500,000 156193
per fiscal year may be used to pay for the State Fire Marshal's 156194
costs of providing firefighter I certification classes or other 156195
firefighter classes approved by the Department of Public Safety in 156196
accordance with section 4765.55 of the Revised Code at no cost to 156197
selected students attending the Ohio Fire Academy or other class 156198
providers approved by the State Fire Marshal. The State Fire 156199

Marshal may establish the qualifications and selection processes 156200
for students to attend such classes by written policy, and such 156201
students shall be considered eligible recipients of fire 156202
department grants for the purposes of this portion of the grant 156203
program. 156204

Grant awards for firefighting or rescue equipment or gear or 156205
for fire department costs of providing fire protection services 156206
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 156207
fiscal year if an eligible entity serves a jurisdiction in which 156208
the Governor declared a natural disaster during the preceding or 156209
current fiscal year in which the grant was awarded. In addition to 156210
any grant funds awarded for rescue equipment or gear, or for fire 156211
department costs associated with the provision of fire protection 156212
services, an eligible entity may receive a grant for up to \$15,000 156213
per fiscal year for full or partial reimbursement of the 156214
documented costs of firefighter training. For each fiscal year, 156215
the State Fire Marshal shall determine the total amounts to be 156216
allocated for each eligible purpose. 156217

The grant program shall be administered by the State Fire 156218
Marshal in accordance with rules the State Fire Marshal adopts as 156219
part of the state fire code adopted pursuant to section 3737.82 of 156220
the Revised Code that are necessary for the administration and 156221
operation of the grant program. The rules may further define the 156222
entities eligible to receive grants and establish criteria for the 156223
awarding and expenditure of grant funds, including methods the 156224
State Fire Marshal may use to verify the proper use of grant funds 156225
or to obtain reimbursement for or the return of equipment for 156226
improperly used grant funds. Any amounts in appropriation item 156227
800639, Fire Department Grants, in excess of the amount allocated 156228
for these grants may be used for the administration of the grant 156229
program. 156230

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 156231

The Director of Budget and Management, upon the request of 156232
the Director of Commerce, may transfer up to \$500,000 in cash from 156233
the Real Estate Recovery Fund (Fund 5480) and up to \$250,000 in 156234
cash from the Real Estate Appraiser Recovery Fund (Fund 4B20) to 156235
the Division of Real Estate Operating Fund (Fund 5490) during the 156236
biennium ending June 30, 2015. 156237

Section 243.10. OCC OFFICE OF CONSUMERS' COUNSEL 156238

General Services Fund Group 156239
5F50 053601 Operating Expenses \$ 5,641,093 \$ 5,641,093 156240
TOTAL GSF General Services Fund \$ 5,641,093 \$ 5,641,093 156241
Group
TOTAL ALL BUDGET FUND GROUPS \$ 5,641,093 \$ 5,641,093 156242

Section 245.10. CEB CONTROLLING BOARD 156244

General Revenue Fund 156245
GRF 911441 Ballot Advertising \$ 475,000 \$ 475,000 156246
Costs
TOTAL GRF General Revenue Fund \$ 475,000 \$ 475,000 156247
General Services Fund Group 156248
5KM0 911614 CB Emergency Purposes \$ 10,000,000 \$ 10,000,000 156249
TOTAL GSF General Services Fund \$ 10,000,000 \$ 10,000,000 156250
Group
TOTAL ALL BUDGET FUND GROUPS \$ 10,475,000 \$ 10,475,000 156251

FEDERAL SHARE 156252

In transferring appropriations to or from appropriation items 156253
that have federal shares identified in this act, the Controlling 156254
Board shall add or subtract corresponding amounts of federal 156255
matching funds at the percentages indicated by the state and 156256
federal division of the appropriations in this act. Such changes 156257
are hereby appropriated. 156258

DISASTER SERVICES 156259

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the Disaster Services Fund (5E20) to a fund and appropriation item used by the Department of Public Safety to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the funding to fund the State Disaster Relief Program for disasters that have a written Governor's authorization, and the State Individual Assistance Program for disasters that have a written Governor's authorization and is declared by the federal Small Business Administration. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

Fund 5E20 shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash and appropriations to any fund and appropriation item for the payment of state agency disaster relief program expenses for disasters that have a written Governor's authorization, if the Director of Budget and Management determines that sufficient funds exist.

Upon the request of the Department of Public Safety, the Controlling Board may release up to \$2,615,000 for Blanchard River flood mitigation projects.

BALLOT ADVERTISING COSTS 156286

Pursuant to section 3501.17 of the Revised Code, and upon requests submitted by the Secretary of State, the Controlling Board shall approve transfers from the foregoing appropriation

item 911441, Ballot Advertising Costs, to appropriation item	156290
050621, Statewide Ballot Advertising, in order to pay for the cost	156291
of public notices associated with statewide ballot initiatives.	156292
 CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS	156293
ELIGIBILITY	156294
 A state agency director shall request that the Controlling	156295
Board increase the amount of the agency's capital appropriations	156296
if the director determines such an increase is necessary for the	156297
agency to receive and use funds under the federal American	156298
Recovery and Reinvestment Act of 2009. The Controlling Board may	156299
increase the capital appropriations pursuant to the request up to	156300
the exact amount necessary under the federal act if the Board	156301
determines it is necessary for the agency to receive and use those	156302
federal funds.	156303
 Section 247.10. COS STATE BOARD OF COSMETOLOGY	156304
General Services Fund Group	156305
4K90 879609 Operating Expenses \$ 3,474,030 \$ 3,474,030	156306
TOTAL GSF General Services Fund	156307
Group \$ 3,474,030 \$ 3,474,030	156308
TOTAL ALL BUDGET FUND GROUPS \$ 3,474,030 \$ 3,474,030	156309
 Section 249.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE	156311
AND FAMILY THERAPIST BOARD	156312
General Services Fund Group	156313
4K90 899609 Operating Expenses \$ 1,265,856 \$ 1,281,478	156314
TOTAL GSF General Services Fund	156315
Group \$ 1,265,856 \$ 1,281,478	156316
TOTAL ALL BUDGET FUND GROUPS \$ 1,265,856 \$ 1,281,478	156317
 Section 251.10. CLA COURT OF CLAIMS	156319
General Revenue Fund	156320

GRF 015321	Operating Expenses	\$	2,501,052	\$	2,501,052	156321
TOTAL GRF	General Revenue Fund	\$	2,501,052	\$	2,501,052	156322
State Special Revenue Fund Group						156323
5K20 015603	CLA Victims of Crime	\$	415,556	\$	415,953	156324
TOTAL SSR	State Special Revenue					156325
Fund Group		\$	415,556	\$	415,953	156326
TOTAL ALL BUDGET FUND GROUPS		\$	2,916,608	\$	2,917,005	156327

Section 253.10. DEN STATE DENTAL BOARD 156329

General Services Fund Group						156330
4K90 880609	Operating Expenses	\$	1,566,484	\$	1,566,484	156331
TOTAL GSF	General Services Fund					156332
Group		\$	1,566,484	\$	1,566,484	156333
TOTAL ALL BUDGET FUND GROUPS		\$	1,566,484	\$	1,566,484	156334

Section 255.10. BDP BOARD OF DEPOSIT 156336

General Services Fund Group						156337
4M20 974601	Board of Deposit	\$	1,876,000	\$	1,876,000	156338
TOTAL GSF	General Services Fund					156339
Group		\$	1,876,000	\$	1,876,000	156340
TOTAL ALL BUDGET FUND GROUPS		\$	1,876,000	\$	1,876,000	156341

BOARD OF DEPOSIT EXPENSE FUND 156342

Upon receiving certification of expenses from the Treasurer 156343
of State, the Director of Budget and Management shall transfer 156344
cash from the Investment Earnings Redistribution Fund (Fund 6080) 156345
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 156346
shall be used pursuant to section 135.02 of the Revised Code to 156347
pay for any and all necessary expenses of the Board of Deposit or 156348
for banking charges and fees required for the operation of the 156349
State of Ohio Regular Account. 156350

Section 257.10. DEV DEVELOPMENT SERVICES AGENCY 156351

		General Revenue Fund				156352	
GRF	195402	Coal Research	\$	261,205	\$	261,405	156353
		Operating					
GRF	195405	Minority Business	\$	1,693,691	\$	1,693,691	156354
		Development					
GRF	195407	Travel and Tourism	\$	1,300,000	\$	0	156355
GRF	195415	Business Development	\$	2,413,387	\$	2,413,387	156356
		Services					
GRF	195426	Redevelopment	\$	1,968,365	\$	468,365	156357
		Assistance					
GRF	195497	CDBG Operating Match	\$	1,015,000	\$	1,015,000	156358
GRF	195501	Appalachian Local	\$	440,000	\$	440,000	156359
		Development Districts					
GRF	195532	Technology Programs	\$	13,547,341	\$	13,547,341	156360
		and Grants					
GRF	195533	Business Assistance	\$	4,205,774	\$	4,205,774	156361
GRF	195535	Appalachia Assistance	\$	3,846,482	\$	3,846,482	156362
GRF	195537	Ohio-Israel	\$	150,000	\$	150,000	156363
		Agricultural					
		Initiative					
GRF	195901	Coal Research &	\$	2,858,900	\$	4,327,200	156364
		Development General					
		Obligation Debt					
		Service					
GRF	195905	Third Frontier	\$	66,511,600	\$	83,783,000	156365
		Research &					
		Development General					
		Obligation Debt					
		Service					
GRF	195912	Job Ready Site	\$	15,498,400	\$	19,124,500	156366
		Development General					
		Obligation Debt					
		Service					

TOTAL GRF	General Revenue Fund	\$	115,710,145	\$	135,276,145	156367
	General Services Fund Group					156368
1350 195684	Development Services Operations	\$	10,800,000	\$	10,800,000	156369
4W10 195646	Minority Business Enterprise Loan	\$	2,500,000	\$	2,500,000	156370
5KN0 195640	Local Government Innovation	\$	20,730,986	\$	21,900,000	156371
5MB0 195623	Business Incentive Grants	\$	15,000,000	\$	0	156372
5MK0 195600	Vacant Facilities Grant	\$	1,000,000	\$	1,000,000	156373
5W50 195690	Travel and Tourism Cooperative Projects	\$	150,000	\$	150,000	156374
6850 195636	Development Services Reimbursable Expenditures	\$	700,000	\$	700,000	156375
TOTAL GSF	General Services Fund Group	\$	50,880,986	\$	37,050,000	156376 156377
	Federal Special Revenue Fund Group					156378
3080 195602	Appalachian Regional Commission	\$	475,000	\$	475,000	156379
3080 195603	Housing Assistance Programs	\$	10,000,000	\$	10,000,000	156380
3080 195609	Small Business Administration Grants	\$	5,271,381	\$	5,271,381	156381
3080 195618	Energy Grants	\$	9,307,779	\$	4,109,193	156382
3080 195670	Home Weatherization Program	\$	17,000,000	\$	17,000,000	156383
3080 195671	Brownfield Redevelopment	\$	5,000,000	\$	5,000,000	156384
3080 195672	Manufacturing	\$	5,359,305	\$	5,359,305	156385

		Extension Partnership					
3080	195675	Procurement Technical Assistance	\$	600,000	\$	600,000	156386
3080	195681	SBDC Disability Consulting	\$	1,300,000	\$	1,300,000	156387
3350	195610	Energy Programs	\$	200,000	\$	200,000	156388
3AE0	195643	Workforce Development Initiatives	\$	1,800,000	\$	1,800,000	156389
3DB0	195642	Federal Stimulus - Energy Efficiency & Conservation Block Grants	\$	38,152	\$	0	156390
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	32,046,846	\$	5,655,326	156391
3FJ0	195661	Technology Targeted Investment Program	\$	12,750,410	\$	2,250,072	156392
3K80	195613	Community Development Block Grant	\$	65,000,000	\$	65,000,000	156393
3K90	195611	Home Energy Assistance Block Grant	\$	172,000,000	\$	172,000,000	156394
3K90	195614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	156395
3L00	195612	Community Services Block Grant	\$	27,240,217	\$	27,240,217	156396
3V10	195601	HOME Program	\$	30,000,000	\$	30,000,000	156397
TOTAL FED		Federal Special Revenue Fund Group					156398
			\$	417,389,090	\$	375,260,494	156399
		State Special Revenue Fund Group					156400
4500	195624	Minority Business Bonding Program Administration	\$	74,868	\$	74,905	156401

4510	195649	Business Assistance Programs	\$	6,300,800	\$	6,700,800	156402
4F20	195639	State Special Projects	\$	102,145	\$	102,104	156403
4F20	195699	Utility Community Assistance	\$	500,000	\$	500,000	156404
5CG0	195679	Alternative Fuel Transportation	\$	750,000	\$	750,000	156405
5HR0	195526	Incumbent Workforce Training Vouchers	\$	30,000,000	\$	30,000,000	156406
5HR0	195622	Defense Development Assistance	\$	5,000,000	\$	5,000,000	156407
5JR0	195635	Redevelopment Program Support	\$	100,000	\$	100,000	156408
5KP0	195645	Historic Rehab Operating	\$	650,000	\$	650,000	156409
5LU0	195673	Racetrack Facility Community Economic Redevelopment Fund	\$	12,000,000	\$	0	156410
5M40	195659	Low Income Energy Assistance (USF)	\$	350,000,000	\$	350,000,000	156411
5M50	195660	Advanced Energy Loan Programs	\$	8,000,000	\$	8,000,000	156412
5MH0	195644	SiteOhio Administration	\$	100,000	\$	100,000	156413
5MJ0	195683	TourismOhio Administration	\$	8,000,000	\$	8,000,000	156414
5W60	195691	International Trade Cooperative Projects	\$	18,000	\$	18,000	156415
6170	195654	Volume Cap Administration	\$	32,562	\$	32,562	156416
6460	195638	Low- and Moderate-Income Housing Trust Fund	\$	53,000,000	\$	53,000,000	156417

TOTAL SSR State Special Revenue				156418
Fund Group	\$	474,628,375	\$ 463,028,371	156419
Facilities Establishment Fund Group				156420
5S90 195628 Capital Access Loan	\$	3,000,000	\$ 3,000,000	156421
Program				
7009 195664 Innovation Ohio	\$	15,000,000	\$ 15,000,000	156422
7010 195665 Research and	\$	22,000,000	\$ 22,000,000	156423
Development				
7037 195615 Facilities	\$	50,000,000	\$ 50,000,000	156424
Establishment				
TOTAL 037 Facilities				156425
Establishment Fund Group	\$	90,000,000	\$ 90,000,000	156426
Clean Ohio Revitalization Fund				156427
7003 195663 Clean Ohio Program	\$	950,000	\$ 950,000	156428
TOTAL 7003 Clean Ohio	\$	950,000	\$ 950,000	156429
Revitalization Fund				
Third Frontier Research & Development Fund Group				156430
7011 195686 Third Frontier	\$	1,149,750	\$ 1,149,750	156431
Operating				
7011 195687 Third Frontier	\$	90,850,250	\$ 90,850,250	156432
Research &				
Development Projects				
7014 195620 Third Frontier	\$	1,700,000	\$ 1,700,000	156433
Operating - Tax				
7014 195692 Research &	\$	38,300,000	\$ 38,300,000	156434
Development Taxable				
Bond Projects				
TOTAL 011 Third Frontier Research &	\$	132,000,000	\$ 132,000,000	156435
Development Fund Group				
Job Ready Site Development Fund Group				156436
7012 195688 Job Ready Site	\$	800,000	\$ 800,000	156437
Development				

TOTAL 012 Job Ready Site	\$	800,000	\$	800,000	156438
Development Fund Group					
Tobacco Master Settlement Agreement Fund Group					156439
M087 195435 Biomedical Research	\$	1,896,595	\$	1,906,025	156440
and Technology					
Transfer					
TOTAL TSF Tobacco Master Settlement	\$	1,896,595	\$	1,906,025	156441
Agreement Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,284,255,191	\$	1,236,271,035	156442

Section 257.20. COAL RESEARCH OPERATING 156444

The foregoing appropriation item 195402, Coal Research 156445
Operating, shall be used for the operating expenses of the 156446
Community Services Division in support of the Ohio Coal 156447
Development Office. 156448

TRAVEL AND TOURISM 156449

The foregoing appropriation item 195407, Travel and Tourism, 156450
shall be used for marketing the state of Ohio as a tourism 156451
destination and to support administrative expenses and contracts 156452
necessary to market Ohio. 156453

BUSINESS DEVELOPMENT SERVICES 156454

The foregoing appropriation item 195415, Business Development 156455
Services, shall be used for the operating expenses of the Business 156456
Services Division and the regional economic development offices 156457
and for grants for cooperative economic development ventures. 156458

REDEVELOPMENT ASSISTANCE 156459

The foregoing appropriation item 195426, Redevelopment 156460
Assistance, shall be used to fund the costs of administering the 156461
Clean Ohio Revitalization program and other urban revitalization 156462
programs that may be implemented by the Development Services 156463
Agency. Of the foregoing appropriation item 195426, Redevelopment 156464

Assistance, \$1,500,000 in fiscal year 2014 shall be used for the 156465
Famicos Foundation. 156466

CDBG OPERATING MATCH 156467

The foregoing appropriation item 195497, CDBG Operating 156468
Match, shall be used as matching funds for grants from the United 156469
States Department of Housing and Urban Development pursuant to the 156470
Housing and Community Development Act of 1974 and regulations and 156471
policy guidelines for the programs pursuant thereto. 156472

APPALACHIAN LOCAL DEVELOPMENT DISTRICTS 156473

The foregoing appropriation item 195501, Appalachian Local 156474
Development Districts, shall be used to support four local 156475
development districts. Of the foregoing appropriation amount in 156476
each fiscal year, up to \$135,000 shall be allocated to the Ohio 156477
Valley Regional Development Commission, up to \$135,000 shall be 156478
allocated to the Ohio Mid-Eastern Government Association, up to 156479
\$135,000 shall be allocated to the Buckeye Hills-Hocking Valley 156480
Regional Development District, and up to \$35,000 shall be 156481
allocated to the Eastgate Regional Council of Governments. Local 156482
development districts receiving funding under this section shall 156483
use the funds for the implementation and administration of 156484
programs and duties under section 107.21 of the Revised Code. 156485

TECHNOLOGY PROGRAMS AND GRANTS 156486

Of the foregoing appropriation item 195532, Technology 156487
Programs and Grants, up to \$547,341 in each fiscal year shall be 156488
used for operating expenses incurred in administering the Ohio 156489
Third Frontier pursuant to sections 184.10 to 184.20 of the 156490
Revised Code; and up to \$13,000,000 in each fiscal year shall be 156491
used for the Thomas Edison Program pursuant to sections 122.28 to 156492
122.38 of the Revised Code, of which not less than \$8,700,000 156493
shall be allocated for the Edison Center Network entities defined 156494
in division (C) of section 122.33 of the Revised Code, and not 156495

more than ten per cent shall be used for operating expenses 156496
incurred in administering the program. 156497

BUSINESS ASSISTANCE 156498

The foregoing appropriation item 195533, Business Assistance, 156499
may be used to provide a range of business assistance, including 156500
grants to local organizations to support economic development 156501
activities that promote minority business development, small 156502
business development, entrepreneurship, and exports of Ohio's 156503
goods and services. This appropriation item shall also be used as 156504
matching funds for grants from the United States Small Business 156505
Administration and other federal agencies, pursuant to Public Law 156506
No. 96-302 as amended by Public Law No. 98-395, and regulations 156507
and policy guidelines for the programs pursuant thereto. 156508

APPALACHIA ASSISTANCE 156509

The foregoing appropriation item 195535, Appalachia 156510
Assistance, may be used for the administrative costs of planning 156511
and liaison activities for the Governor's Office of Appalachia, to 156512
provide financial assistance to projects in Ohio's Appalachian 156513
counties, and to pay dues for the Appalachian Regional Commission. 156514
These funds may be used to match federal funds from the 156515
Appalachian Regional Commission. 156516

OHIO-ISRAEL AGRICULTURE INITIATIVE 156517

The foregoing appropriation item 195537, Ohio-Israel 156518
Agricultural Initiative, shall be used for the Ohio-Israel 156519
Agricultural Initiative. 156520

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 156521

The foregoing appropriation line item 195901, Coal Research 156522
and Development General Obligation Debt Service, shall be used to 156523
pay all debt service and related financing costs during the period 156524
July 1, 2013, through June 30, 2015 for obligations issued under 156525

sections 151.01 and 151.07 of the Revised Code. 156526

THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION DEBT 156527
SERVICE 156528

The foregoing appropriation item 195905, Third Frontier 156529
Research & Development General Obligation Debt Service, shall be 156530
used to pay all debt service and related financing costs during 156531
the period from July 1, 2013, through June 30, 2015, on 156532
obligations issued for research and development purposes under 156533
sections 151.01 and 151.10 of the Revised Code. 156534

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 156535

The foregoing appropriation item 195912, Job Ready Site 156536
Development General Obligation Debt Service, shall be used to pay 156537
all debt service and related financing costs during the period 156538
from July 1, 2013, through June 30, 2015, on obligations issued 156539
for job ready site development purposes under sections 151.01 and 156540
151.11 of the Revised Code. 156541

Section 257.30. DEVELOPMENT SERVICES OPERATIONS 156542

The Director of Development Services may assess offices of 156543
the agency for the cost of central service operations. An 156544
assessment shall contain the characteristics of administrative 156545
ease and uniform application. A division's payments shall be 156546
credited to the Supportive Services Fund (Fund 1350) using an 156547
intrastate transfer voucher. 156548

LOCAL GOVERNMENT INNOVATION FUND 156549

On July 1, 2013, or as soon as possible thereafter, the 156550
Director of Budget and Management shall transfer \$4,600,000 in 156551
cash from the General Revenue Fund to the Local Government 156552
Innovation Fund (Fund 5KN0). On July 1, 2014, or as soon as 156553
possible thereafter, the Director of Budget and Management shall 156554
transfer \$5,900,000 in cash from the General Revenue Fund to the 156555

Local Government Innovation Fund (5KN0). 156556

The foregoing appropriation item 195640, Local Government 156557
Innovation, shall be used for the purposes of making loans and 156558
grants to political subdivisions under the Local Government 156559
Innovation Program in accordance with sections 189.01 to 189.10 of 156560
the Revised Code, and for the purposes of making loans and grants 156561
to political subdivisions and grants to the Department of 156562
Administrative Services under the Local Government Efficiency 156563
Program in accordance with Section 701.40 of this act. Of the 156564
foregoing appropriation item 195640, Local Government Innovation, 156565
up to \$4,600,000 in fiscal year 2014 and up to \$5,900,000 in 156566
fiscal year 2015 may be used for the Local Government Efficiency 156567
Program established in section 701.40 of this act, and the amounts 156568
used are not subject to division (B) of Section 189.04 of the 156569
Revised Code. Of the foregoing appropriation item 195640, Local 156570
Government Innovation, up to \$200,000 in each fiscal year shall be 156571
used for administrative costs incurred by the Development Services 156572
Agency, of which up to \$25,000 in each fiscal year may be used for 156573
the costs of preparing the report required under division (B) of 156574
Section 701.30 of this act. Of the foregoing appropriation item 156575
195640, Local Government Innovation, up to \$75,000 in each fiscal 156576
year may be used to administer and provide technical assistance in 156577
providing the grants or loans under division (B)(2) of Section 156578
701.40 of this act. In administering and providing this technical 156579
assistance, the Director of Development Services may enter into 156580
agreements with the Director of Administrative Services or other 156581
entities. 156582

TRAVEL AND TOURISM COOPERATIVE PROJECTS 156583

The foregoing appropriation item 195690, Travel and Tourism 156584
Cooperative Projects, shall consist solely of leveraged private 156585
sector paid advertising dollars received in tourism marketing 156586
assistance and co-op programs. These funds are to be used for the 156587

marketing and promotion of travel and tourism in Ohio. 156588

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 156589

The foregoing appropriation item 195636, Development Services 156590
Reimbursable Expenditures, shall be used for reimbursable costs 156591
incurred by the agency. Revenues to the General Reimbursement Fund 156592
(Fund 6850) shall consist of moneys charged for administrative 156593
costs that are not central service costs. 156594

Section 257.40. WORKFORCE DEVELOPMENT INITIATIVES 156595

Of the foregoing appropriation item 195643, Workforce 156596
Development Initiatives, \$500,000 in fiscal year 2014 shall be 156597
used to fund the Heavy Machinery Pilot Program at Central Ohio 156598
Technical College for tuition support and reimbursement to train 156599
approximately 30 students for careers in construction and the oil 156600
and gas industries in Eastern Ohio and statewide. 156601

Of the foregoing appropriation item 195643, Workforce 156602
Development Initiative, \$500,000 in each fiscal year shall be used 156603
for grants to BioOhio to support the Bioscience Workforce 156604
Development Initiative for training incumbent and prospective 156605
workers in the bioscience manufacturing industry in partnership 156606
with community colleges. BioOhio shall provide an annual report to 156607
the Office of the Governor and the General Assembly assessing the 156608
progress of the BioScience Workforce Development Initiative, and 156609
the report shall include enrollment and placement statistics. 156610

HEAP WEATHERIZATION 156611

Up to twenty-five per cent of the federal funds deposited to 156612
the credit of the Home Energy Assistance Block Grant Fund (Fund 156613
3K90) may be expended from appropriation item 195614, HEAP 156614
Weatherization, to provide home weatherization services in the 156615
state as determined by the Director of Development Services. Any 156616
transfers or increases in appropriation for the foregoing 156617

appropriation items 195614, HEAP Weatherization, or 195611, Home Energy Assistance Block Grant, shall be subject to approval by the Controlling Board.

Section 257.50. BUSINESS ASSISTANCE PROGRAMS

The foregoing appropriation item 195649, Business Assistance Programs, shall be used for administrative expenses associated with the operation of tax credit programs, loan servicing, the Ohio Film Office, workforce initiatives, and the Office of Strategic Business Investments.

STATE SPECIAL PROJECTS

The State Special Projects Fund (Fund 4F20), may be used for the deposit of private-sector funds from utility companies and for the deposit of other miscellaneous state funds. State moneys so deposited may also be used to match federal housing grants for the homeless.

MINORITY BUSINESS ENTERPRISE LOAN

All repayments from the Minority Development Financing Advisory Board Loan Program and the Ohio Mini-Loan Guarantee Program shall be deposited in the State Treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10).

MINORITY BUSINESS BONDING FUND

Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development Services may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the fiscal year 2014-fiscal year 2015 biennium of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code.

If needed for the payment of losses arising from the Minority Business Bonding Program, the Director of Budget and Management

may, at the request of the Director of Development Services, 156648
request that the Director of Commerce transfer unclaimed funds 156649
that have been reported by holders of unclaimed funds under 156650
section 169.05 of the Revised Code to the Minority Bonding Fund 156651
(Fund 4490). The transfer of unclaimed funds shall only occur 156652
after proceeds of the initial transfer of \$2,700,000 by the 156653
Controlling Board to the Minority Business Bonding Program have 156654
been used for that purpose. If expenditures are required for 156655
payment of losses arising from the Minority Business Bonding 156656
Program, such expenditures shall be made from appropriation item 156657
195658, Minority Business Bonding Contingency in the Minority 156658
Business Bonding Fund, and such amounts are hereby appropriated. 156659

INCUMBENT WORKFORCE TRAINING VOUCHERS 156660

(A) The Director of Budget and Management may transfer up to 156661
\$30,000,000 cash in each fiscal year from the Economic Development 156662
Programs Fund (Fund 5JC0) used by the Board of Regents to the Ohio 156663
Incumbent Workforce Job Training Fund (Fund 5HR0) used by the 156664
Development Services Agency. 156665

(B) Of the foregoing appropriation item 195526, Incumbent 156666
Workforce Training Vouchers, up to \$30,000,000 in each fiscal year 156667
shall be used to support the Ohio Incumbent Workforce Training 156668
Voucher Program. 156669

(C) The Ohio Incumbent Workforce Training Voucher Program 156670
shall conform to guidelines for the operation of the program, 156671
including, but not limited to, the following: 156672

(1) A requirement that a training voucher under the program 156673
shall not exceed \$6,000 per worker per year; 156674

(2) A provision for an employer of an eligible employee to 156675
apply for a voucher on behalf of the eligible employee; 156676

(3) A provision for an eligible employee to apply directly 156677
for a training voucher with the pre-approval of the employee's 156678

employer; and 156679

(4) A requirement that an employee participating in the 156680
program, or the employee's employer, shall pay for not less than 156681
thirty-three per cent of the training costs under the program. 156682

On July 1, 2014, or as soon as possible thereafter, the 156683
Director of Development Services may request that the Director of 156684
Budget and Management reappropriate any unexpended, unencumbered 156685
balance of the prior fiscal year's appropriation to the foregoing 156686
appropriation item 195526, Incumbent Workforce Training Vouchers, 156687
for fiscal year 2015. The Director of Budget and Management may 156688
request additional information necessary for evaluating the 156689
request, and the Director of Development Services shall provide 156690
the requested information to the Director of Budget and 156691
Management. Based on the information provided by the Director of 156692
Development Services, the Director of Budget and Management shall 156693
determine the amount to be reappropriated, and those amounts are 156694
hereby reappropriated for fiscal year 2015. 156695

DEFENSE DEVELOPMENT ASSISTANCE 156696

The Director of Budget and Management shall transfer up to 156697
\$5,000,000 in cash in each fiscal year from the Economic 156698
Development Programs Fund (Fund 5JC0) used by the Board of Regents 156699
to the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0) used 156700
by the Development Services Agency. The transferred funds shall be 156701
used for appropriation item 195622, Defense Development 156702
Assistance, for economic development programs and the creation of 156703
new jobs to leverage and support mission gains at Department of 156704
Defense facilities in Ohio by working with future base realignment 156705
and closure activities and ongoing Department of Defense 156706
efficiency initiatives, assisting efforts to secure Department of 156707
Defense support contracts for Ohio companies, assessing and 156708
supporting regional job training and workforce development needs 156709
generated by the Department of Defense and the Ohio aerospace 156710

industry, and for expanding job training and economic development 156711
programs in human performance related initiatives. A portion of 156712
these funds shall be matched in the aggregate amount of \$5,000,000 156713
by either public or private industry partners, educational 156714
entities, or federal agencies. 156715

Of the foregoing appropriation item 195622, Defense 156716
Development Assistance, \$3,000,000 shall be used by Applied 156717
Research Corporation to support education or research projects 156718
conducted by public-private partnerships in Ohio that seek to 156719
develop and train the workforce of Ohio in all industries. 156720

On July 1, 2014, or as soon as possible thereafter, the 156721
Director of Development Services may request that the Director of 156722
Budget and Management reappropriate any unexpended, unencumbered 156723
balance of the prior fiscal year's appropriation to the foregoing 156724
appropriation item 195622, Defense Development Assistance, for 156725
fiscal year 2015. The Director of Budget and Management may 156726
request additional information necessary for evaluating the 156727
request, and the Director of Development Services shall provide 156728
the requested information to the Director of Budget and 156729
Management. Based on the information provided by the Director of 156730
Development Services, the Director of Budget and Management shall 156731
determine the amount to be reappropriated, and those amounts are 156732
hereby reappropriated for fiscal year 2015. 156733

ADVANCED ENERGY LOAN PROGRAMS 156734

The foregoing appropriation item 195660, Advanced Energy Loan 156735
Programs, shall be used to provide financial assistance to 156736
customers for eligible advanced energy projects for residential, 156737
commercial, and industrial business, local government, educational 156738
institution, nonprofit, and agriculture customers, and to pay for 156739
the program's administrative costs as provided in sections 4928.61 156740
to 4928.63 of the Revised Code and rules adopted by the Director 156741
of Development Services. 156742

TOURISMOHIO ADMINISTRATION	156743
Of the foregoing appropriation item 195683, TourismOhio Administration, \$1,000,000 in fiscal year 2014 shall be used to administer a program established by the Development Services Agency pursuant to section 122.121 of the Revised Code.	156744 156745 156746 156747
Of the foregoing appropriation item 195683, TourismOhio Administration, \$250,000 in fiscal year 2014 shall be used by Lake Erie Heritage Foundation for the promotion of events relating to bicentennial celebrations of the War of 1812 and the Battle of Lake Erie.	156748 156749 156750 156751 156752
VOLUME CAP ADMINISTRATION	156753
The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 6170) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.	156754 156755 156756 156757 156758 156759
Section 257.60. CAPITAL ACCESS LOAN PROGRAM	156760
The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Funds of the Capital Access Loan Program shall be used to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing.	156761 156762 156763 156764 156765 156766
INNOVATION OHIO LOAN FUND	156767
The foregoing appropriation item 195664, Innovation Ohio, shall be used to provide for Innovation Ohio purposes, including loan guarantees and loans under Chapter 166. and particularly sections 166.12 to 166.16 of the Revised Code.	156768 156769 156770 156771
RESEARCH AND DEVELOPMENT	156772

The foregoing appropriation item 195665, Research and Development, shall be used to provide for research and development purposes, including loans, under Chapter 166. and particularly sections 166.17 to 166.21 of the Revised Code.

FACILITIES ESTABLISHMENT

The foregoing appropriation item 195615, Facilities Establishment, shall be used for the purposes of the Facilities Establishment Fund (Fund 7037) under Chapter 166. of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$3,000,000 in cash in each fiscal year may be transferred from the Facilities Establishment Fund (Fund 7037) to the Business Assistance Fund (Fund 4510). The transfer is subject to Controlling Board approval under division (B) of section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$1,000,000 in cash in each fiscal year from the Facilities Establishment Fund (Fund 7037) to the Minority Business Enterprise Loan Fund (Fund 4W10).

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$2,000,000 in cash in each fiscal year from the Facilities Establishment Fund (Fund 7037) to the Capital Access Loan Fund (Fund 5S90).

Section 257.70. CLEAN OHIO OPERATING EXPENSES

The foregoing appropriation item 195663, Clean Ohio Program, shall be used by the Development Services Agency in administering Clean Ohio Revitalization Fund (Fund 7003) projects pursuant to sections 122.65 to 122.658 of the Revised Code.

Section 257.80. THIRD FRONTIER OPERATING 156803

The foregoing appropriation items 195686, Third Frontier 156804
Operating, and 195620, Third Frontier Operating - Tax, shall be 156805
used for operating expenses incurred by the Development Services 156806
Agency in administering projects pursuant to sections 184.10 to 156807
184.20 of the Revised Code. Operating expenses paid from item 156808
195686 shall be limited to the administration of projects funded 156809
from the Third Frontier Research & Development Fund (Fund 7011) 156810
and operating expenses paid from item 195620 shall be limited to 156811
the administration of projects funded from the Third Frontier 156812
Research & Development Taxable Bond Project Fund (Fund 7014). 156813

THIRD FRONTIER RESEARCH AND DEVELOPMENT PROJECTS AND RESEARCH 156814
AND DEVELOPMENT TAXABLE BOND PROJECTS 156815

The foregoing appropriation items 195687, Third Frontier 156816
Research & Development Projects, 195692, Research & Development 156817
Taxable Bond Projects, and 195620, Third Frontier Operating - Tax, 156818
shall be used by the Development Services Agency to fund selected 156819
projects. Eligible costs are those costs of research and 156820
development projects to which the proceeds of the Third Frontier 156821
Research & Development Fund (Fund 7011) and the Research & 156822
Development Taxable Bond Project Fund (Fund 7014) are to be 156823
applied. 156824

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 156825

The Director of Budget and Management may approve written 156826
requests from the Director of Development Services for the 156827
transfer of appropriations between appropriation items 195687, 156828
Third Frontier Research & Development Projects, and 195692, 156829
Research & Development Taxable Bond Projects, based upon awards 156830
recommended by the Third Frontier Commission. The transfers are 156831
subject to approval by the Controlling Board. 156832

In fiscal year 2015, the Director of Development Services may request that the Director of Budget and Management reappropriate any unexpended, unencumbered balances of the prior fiscal year's appropriation to the foregoing appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, for fiscal year 2015. The Director of Budget and Management may request additional information necessary for evaluating these requests, and the Director of Development Services shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development Services, the Director of Budget and Management shall determine the amounts to be reappropriated, and those amounts are hereby reappropriated for fiscal year 2015.

AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS

The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2p of Article VIII, Ohio Constitution, and particularly sections 151.01 and 151.10 of the Revised Code, original obligations of the State of Ohio in an aggregate amount not to exceed \$350,000,000 in addition to the original issuance of obligations authorized by prior acts of the General Assembly. The authorized obligations shall be issued and sold from time to time and in amounts necessary to ensure sufficient moneys to the credit of the Third Frontier Research and Development Fund (Fund 7011) and the Third Frontier Research and Development Taxable Bond Fund (Fund 7014) to pay costs of research and development projects.

Section 257.90. JOB READY SITE PROGRAM

The foregoing appropriation item 195688, Job Ready Site Development, shall be used for operating expenses incurred by the Development Services Agency in administering Job Ready Site

Development Fund (Fund 7012) projects pursuant to sections 122.085 156864
to 122.0820 of the Revised Code. Operating expenses include, but 156865
are not limited to, certain qualified expenses of the District 156866
Public Works Integrating Committees, as applicable, engineering 156867
review of submitted applications by the State Architect or a 156868
third-party engineering firm, audit and accountability activities, 156869
and costs associated with formal certifications verifying that 156870
site infrastructure is in place and is functional. 156871

Section 257.110. (A) ASSORTED TRANSFERS FOR RESTRUCTURING 156872

On July 1, 2013, or as soon as possible thereafter, the 156873
Director of Budget and Management may transfer up to the cash 156874
balances in the Tax Incentive Program Operating Fund (Fund 4S00) 156875
and the Tax Credit Operating Fund (Fund 4S10) to the Business 156876
Assistance Fund (Fund 4510). 156877

On July 1, 2013, or as soon as possible thereafter, the 156878
Director of Budget and Management may transfer up to the cash 156879
balances in the Family Farm Loan Fund (Fund 5H10) and the First 156880
Frontier Fund (Fund 4H40) to the Facility Establishment Fund (Fund 156881
7037). 156882

On July 1, 2013, or as soon as possible thereafter, the 156883
Director of Budget and Management may transfer up to the cash 156884
balance in the Brownfield Stormwater Loan Fund (Fund 5KD0) to the 156885
New Markets Tax Credit Program Fund (Fund 5JR0). 156886

On July 1, 2013, or as soon as possible thereafter, the 156887
Director of Budget and Management may transfer up to the cash 156888
balances in the Water and Sewer Fund (Fund 4440) and the Water and 156889
Sewer Administrative Fund (Fund 6110) to the General 156890
Reimbursements Fund (Fund 6850). 156891

On July 1, 2013, or as soon as possible thereafter, the 156892
Director of Budget and Management may transfer up to the cash 156893

balance in the Local Government Services Collaboration Grant Fund 156894
(Fund 7088) to the Local Government Innovation Fund (Fund 5KN0). 156895

(B) ABOLISHMENT OF FUNDS 156896

On July 1, 2013, or as soon as possible thereafter, upon 156897
completion of a transfer of the cash balance in a fund as 156898
described in division (A) of this section by the Director of 156899
Budget and Management, notwithstanding the establishment authority 156900
of the fund, the fund is hereby abolished. 156901

On July 1, 2013, or as soon as possible thereafter, the 156902
Director of Budget and Management shall transfer the cash balance 156903
in the Rapid Outreach Loan Fund (Fund 7022) to the Facilities 156904
Establishment Fund (Fund 7037). After completion of the transfer 156905
and on the effective date of its repeal by this act, Fund 7022 156906
shall be abolished. 156907

The following funds are determined to be dormant and shall be 156908
abolished on the effective date of their repeal by this act: 156909
Diesel Emissions Grant Fund (Fund 3BD0), Shovel Ready Sites Fund 156910
(Fund 5CA0), Energy Projects Fund (Fund 5DU0), Business 156911
Development and Assistance Fund (Fund 5LK0), Clean Ohio 156912
Revitalization Revolving Loan Fund (Fund 7007), and Logistics & 156913
Distribution Infrastructure Taxable Bond Fund (Fund 7048). 156914

(C) ELIMINATION OF DORMANT FUNDS 156915

On July 1, 2013, or as soon as possible thereafter, the 156916
Director of Budget and Management may determine whether the 156917
following funds are dormant. If the Director of Budget and 156918
Management determines a fund to be dormant, notwithstanding the 156919
establishment authority of the fund, the fund is hereby abolished. 156920
The funds are: 156921

Fund Number	Fund Name	
1360	International Trade	156923
3800	Ohio Housing Agency	156924

	3BJ0	TANF Heating Assistance			156925
	3X30	TANF Housing			156926
	4450	OHFA Administration			156927
	4480	Ohio Coal Development			156928
	4D00	Public & Private Assistance			156929
	5CV0	Defense Conversion Assistance			156930
	5D10	Port Authority Bond Reserves			156931
	5D20	Urban Redevelopment Loan			156932
	5F70	Local Government Y2K Loan Program			156933
	5X50	Family Homelessness Prevention Pilot			156934
	5Y60	Economic Development Contingency			156935
	5Z30	Jobs			156936
	QA70	Electric Revenue Development			156937
Section 259.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES					156938
General Revenue Fund					156939
GRF	320412	Protective Services	\$ 1,918,196	\$ 1,918,196	156940
GRF	320415	Lease-Rental Payments	\$ 15,843,300	\$ 16,076,700	156941
GRF	322420	Screening and Early Intervention	\$ 300,000	\$ 300,000	156942
GRF	322451	Family Support Services	\$ 5,932,758	\$ 5,932,758	156943
GRF	322501	County Boards Subsidies	\$ 44,449,280	\$ 44,449,280	156944
GRF	322503	Tax Equity	\$ 14,000,000	\$ 14,000,000	156945
GRF	322507	County Board Case Management	\$ 2,500,000	\$ 2,500,000	156946
GRF	322508	Employment First Pilot Program	\$ 3,000,000	\$ 3,000,000	156947
GRF	653321	Medicaid Program Support - State	\$ 6,186,694	\$ 6,186,694	156948
GRF	653407	Medicaid Services	\$ 430,056,111	\$ 437,574,237	156949

TOTAL GRF General Revenue Fund	\$	524,186,339	\$	531,937,865	156950
General Services Fund Group					156951
1520 653609 DC and Residential	\$	3,414,317	\$	3,414,317	156952
Operating Services					
TOTAL GSF General Services Fund	\$	3,414,317	\$	3,414,317	156953
Group					
Federal Special Revenue Fund Group					156954
3A50 320613 DD Council	\$	3,297,656	\$	3,324,187	156955
3250 322612 Community Social	\$	10,604,896	\$	10,604,896	156956
Service Programs					
3A40 653604 DC & ICF/IID Program	\$	8,013,611	\$	8,013,611	156957
Support					
3A40 653605 DC and Residential	\$	159,548,565		159,548,565	156958
Services and Support					
3A40 653653 ICF/IID	\$	354,712,840	\$	353,895,717	156959
3G60 653639 Medicaid Waiver	\$	932,073,249	\$	1,025,921,683	156960
Services					
3G60 653640 Medicaid Waiver	\$	36,934,303	\$	36,170,872	156961
Program Support					
3M70 653650 CAFS Medicaid	\$	3,000,000	\$	3,000,000	156962
TOTAL FED Federal Special Revenue	\$	1,508,185,120	\$	1,600,479,531	156963
Fund Group					
State Special Revenue Fund Group					156964
5GE0 320606 Operating and	\$	7,407,297	\$	7,407,297	156965
Services					
2210 322620 Supplement Service	\$	150,000	\$	150,000	156966
Trust					
5DJ0 322625 Targeted Case	\$	33,750,000	\$	37,260,000	156967
Management Match					
5DK0 322629 Capital Replacement	\$	750,000	\$	750,000	156968
Facilities					
5H00 322619 Medicaid Repayment	\$	160,000	\$	160,000	156969

5JX0	322651	Interagency Workgroup - Autism	\$	45,000		45,000	156970
4890	653632	DC Direct Care Services	\$	16,497,169	\$	16,497,169	156971
5CT0	653607	Intensive Behavioral Needs	\$	1,000,000	\$	1,000,000	156972
5DJ0	653626	Targeted Case Management Services	\$	91,740,000	\$	100,910,000	156973
5EV0	653627	Medicaid Program Support	\$	685,000	\$	685,000	156974
5GE0	653606	ICF/IID and Waiver Match	\$	40,353,139	\$	39,106,638	156975
5S20	653622	Medicaid Admin and Oversight	\$	17,341,201	\$	19,032,154	156976
5Z10	653624	County Board Waiver Match	\$	284,740,000	\$	336,480,000	156977
TOTAL SSR State Special Revenue Fund Group			\$	494,618,806	\$	559,483,258	156978
TOTAL ALL BUDGET FUND GROUPS			\$	2,530,404,582	\$	2,695,314,971	156979

Section 259.20. LEASE-RENTAL PAYMENTS 156981

The foregoing appropriation item 320415, Lease-Rental 156982
 Payments, shall be used to meet all payments at the times they are 156983
 required to be made during the period from July 1, 2013, through 156984
 June 30, 2015, by the Department of Developmental Disabilities 156985
 under leases and agreements made under section 154.20 of the 156986
 Revised Code. These appropriations are the source of funds pledged 156987
 for bond service charges on related obligations issued under 156988
 Chapter 154. of the Revised Code. 156989

Section 259.30. SCREENING AND EARLY INTERVENTION 156990

The foregoing appropriation item 322420, Screening and Early 156991
 Intervention, shall be used for screening and early intervention 156992

programs for children with autism selected by the Director of
Developmental Disabilities. 156993
156994

Section 259.40. FAMILY SUPPORT SERVICES SUBSIDY 156995

The foregoing appropriation item 322451, Family Support 156996
Services, may be used as follows in fiscal year 2014 and fiscal 156997
year 2015: 156998

(A) The appropriation item may be used to provide a subsidy 156999
to county boards of developmental disabilities for family support 157000
services provided under section 5126.11 of the Revised Code. The 157001
subsidy shall be paid in quarterly installments and allocated to 157002
county boards according to a formula the Director of Developmental 157003
Disabilities shall develop in consultation with representatives of 157004
county boards. A county board shall use not more than seven per 157005
cent of its subsidy for administrative costs. 157006

(B) The appropriation item may be used to distribute funds to 157007
county boards for the purpose of addressing economic hardships and 157008
to promote efficiency of operations. In consultation with 157009
representatives of county boards, the Director shall determine the 157010
amount of funds to distribute for these purposes and the criteria 157011
for distributing the funds. 157012

Section 259.50. STATE SUBSIDY TO COUNTY DD BOARDS 157013

(A) Except as provided in the section of this act titled 157014
"NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing 157015
appropriation item 322501, County Boards Subsidies, shall be used 157016
for the following purposes: 157017

(1) To provide a subsidy to county boards of developmental 157018
disabilities in quarterly installments and allocated according to 157019
a formula developed by the Director of Developmental Disabilities 157020
in consultation with representatives of county boards. Except as 157021
provided in section 5126.0511 of the Revised Code or in division 157022

(B) of this section, county boards shall use the subsidy for early childhood services and adult services provided under section 5126.05 of the Revised Code, service and support administration provided under section 5126.15 of the Revised Code, or supported living as defined in section 5126.01 of the Revised Code.

(2) To provide funding, as determined necessary by the Director, for residential services, including room and board, and support service programs that enable individuals with developmental disabilities to live in the community.

(3) To distribute funds to county boards of developmental disabilities to address economic hardships and promote efficiency of operations. The Director shall determine, in consultation with representatives of county boards, the amount of funds to distribute for these purposes and the criteria for distributing the funds.

(B) In collaboration with the county's family and children first council, a county board of developmental disabilities may transfer portions of funds received under this section, to a flexible funding pool in accordance with the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."

Section 259.60. COUNTY BOARD SHARE OF WAIVER SERVICES

As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2014 and fiscal year 2015 to estimate the quarterly amount each county board of developmental disabilities is to pay of the nonfederal share of home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the

county board is to pay for that quarter. The notice shall specify 157053
when the payment is due. 157054

Section 259.70. TAX EQUITY 157055

Notwithstanding section 5126.18 of the Revised Code, the 157056
foregoing appropriation item 322503, Tax Equity, may be used to 157057
distribute funds to county boards of developmental disabilities to 157058
address economic hardships and promote efficiency of operations. 157059
The Director of Developmental Disabilities shall determine, in 157060
consultation with representatives of county boards, the amount of 157061
funds to distribute for these purposes and the criteria for 157062
distributing the funds. 157063

Section 259.80. MEDICAID SERVICES 157064

Except as provided in section 5123.0416 of the Revised Code, 157065
the purposes for which the foregoing appropriation item 653407, 157066
Medicaid Services, shall be used include the following: 157067

(A) Home and community-based services, as defined in section 157068
5123.01 of the Revised Code; 157069

(B) Implementation of the requirements of the agreement 157070
settling the consent decree in *Sermak v. Manuel*, Case No. 157071
C-2-80-220, United States District Court for the Southern District 157072
of Ohio, Eastern Division; 157073

(C) Implementation of the requirements of the agreement 157074
settling the consent decree in the *Martin v. Strickland*, Case No. 157075
89-CV-00362, United States District Court for the Southern 157076
District of Ohio, Eastern Division; 157077

(D) ICF/IID services, as defined in section 5124.01 of the 157078
Revised Code; 157079

(E) Other programs as identified by the Director of 157080
Developmental Disabilities. 157081

Section 259.90. EMPLOYMENT FIRST PILOT PROGRAM 157082

The foregoing appropriation item 322508, Employment First 157083
Pilot Program, shall be used to increase employment opportunities 157084
for individuals with developmental disabilities through the 157085
Employment First Initiative in accordance with section 5123.022 of 157086
the Revised Code. 157087

Of the foregoing appropriation item, 322508, Employment First 157088
Pilot Program, the Director of Developmental Disabilities shall 157089
transfer, in each fiscal year, to the Opportunities for Ohioans 157090
with Disabilities Agency an amount agreed upon by the Director of 157091
Developmental Disabilities and the Executive Director of the 157092
Opportunities for Ohioans with Disabilities Agency. The transfer 157093
shall be made via an intrastate transfer voucher. The transferred 157094
funds shall be used to support the Employment First Pilot Program. 157095
The Opportunities for Ohioans with Disabilities Agency shall use 157096
the funds transferred as state matching funds to obtain available 157097
federal grant dollars for vocational rehabilitation services. Any 157098
federal match dollars received by the Opportunities for Ohioans 157099
with Disabilities Agency shall be used for the pilot program. The 157100
Director of Developmental Disabilities and the Executive Director 157101
of the Opportunities for Ohioans with Disabilities Agency shall 157102
enter into an interagency agreement in accordance with section 157103
3304.181 of the Revised Code that will specify the 157104
responsibilities of each agency under the pilot program. Under the 157105
interagency agreement, the Opportunities for Ohioans with 157106
Disabilities Agency shall retain responsibility for eligibility 157107
determination, order of selection, plan approval, plan amendment, 157108
and release of vendor payments. 157109

The remainder of appropriation item 322508, Employment First 157110
Pilot Program, shall be used to develop a long term, sustainable 157111
system that places individuals with developmental disabilities in 157112

community employment, as defined in section 5123.022 of the Revised Code. 157113
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Section 259.100. EMPLOYMENT FIRST TASKFORCE FUND 157115

If an employment first task force is established by the Director of Developmental Disabilities in accordance with section 5123.023 of the Revised Code, the Director of Budget and Management shall establish an appropriation item from the Employment First Taskforce Fund for use by the Department of Developmental Disabilities to support the work of the task force. In fiscal year 2014 and fiscal year 2015, if an employment first task force is established, the Director of Developmental Disabilities shall certify to the Director of Budget and Management the appropriation amounts necessary for the Department of Developmental Disabilities to fulfill its obligation to support the work of the task force. Once the certification required under this section has been submitted and approved by the Director of Budget and Management, the appropriations established under this section are hereby appropriated in the amounts approved by the Director of Budget and Management. 157116
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Section 259.110. TRANSFER TO OPERATING AND SERVICES FUND 157132

On July 1, 2013, or as soon as possible thereafter, the Director of Developmental Disabilities shall request the Director of Budget and Management to transfer the cash balance in the Home and Community-Based Services Fund (Fund 4K80) to the Operating and Services Fund (Fund 5GE0). Upon completion of the transfer, Fund 4K80 is hereby abolished. The Director of Budget and Management shall cancel any existing encumbrances against appropriation item 322604, Medicaid Waiver - State Match, and reestablish them against appropriation item 653606, ICF/IID and Waiver Match. The reestablished encumbrance amounts are hereby appropriated. 157133
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Section 259.120. OPERATING AND SERVICES 157143

Of the foregoing appropriation item 320606, Operating and 157144
Services, \$100,000 in each fiscal year shall be provided to the 157145
Ohio Center for Autism and Low Incidence to establish a lifespan 157146
autism hub to support families and professionals. 157147

Section 259.130. TARGETED CASE MANAGEMENT SERVICES 157148

County boards of developmental disabilities shall pay the 157149
nonfederal portion of targeted case management costs to the 157150
Department of Developmental Disabilities. 157151

The Director of Developmental Disabilities and the Medicaid 157152
Director may enter into an interagency agreement under which the 157153
Department of Developmental Disabilities shall transfer cash from 157154
the Targeted Case Management Fund (Fund 5DJ0) to the Health 157155
Care/Medicaid Support and Recoveries Fund (Fund 5DL0) used by the 157156
Department of Medicaid in an amount equal to the nonfederal 157157
portion of the cost of targeted case management services paid by 157158
county boards. Under the agreement, the Department of Medicaid 157159
shall pay the total cost of targeted case management claims. The 157160
transfer shall be made using an intrastate transfer voucher. 157161

Section 259.140. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 157162

If a county board of developmental disabilities does not 157163
fully pay any amount owed to the Department of Developmental 157164
Disabilities by the due date established by the Department, the 157165
Director of Developmental Disabilities may withhold the amount the 157166
county board did not pay from any amounts due to the county board. 157167
The Director may use any appropriation item or fund used by the 157168
Department to transfer cash to any other fund used by the 157169
Department in an amount equal to the amount owed the Department 157170
that the county board did not pay. Transfers under this section 157171

shall be made using an intrastate transfer voucher. 157172

Section 259.150. DEVELOPMENTAL CENTER BILLING FOR SERVICES 157173

Developmental centers of the Department of Developmental 157174
Disabilities may provide services to persons with mental 157175
retardation or developmental disabilities living in the community 157176
or to providers of services to these persons. The Department may 157177
develop a method for recovery of all costs associated with the 157178
provision of these services. 157179

Section 259.160. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 157180
PHARMACY PROGRAMS 157181

The Director of Developmental Disabilities shall quarterly 157182
transfer cash from the Medicaid - Medicare Fund (Fund 3A40) to the 157183
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) used 157184
by the Department of Medicaid, in an amount equal to the 157185
nonfederal share of Medicaid prescription drug claim costs for all 157186
developmental centers paid by the Department of Medicaid. The 157187
quarterly transfer shall be made using an intrastate transfer 157188
voucher. 157189

Section 259.170. NONFEDERAL MATCH FOR ACTIVE TREATMENT 157190
SERVICES 157191

Any county funds received by the Department of Developmental 157192
Disabilities from county boards of developmental disabilities for 157193
active treatment shall be deposited in the Developmental 157194
Disabilities Operating Fund (Fund 4890). 157195

Section 259.180. ODODD INNOVATIVE PILOT PROJECTS 157196

(A) In fiscal year 2014 and fiscal year 2015, the Director of 157197
Developmental Disabilities may authorize the continuation or 157198
implementation of one or more innovative pilot projects that, in 157199

the judgment of the Director, are likely to assist in promoting 157200
the objectives of Chapter 5123. or 5126. of the Revised Code. 157201
Subject to division (B) of this section and notwithstanding any 157202
provision of Chapters 5123. and 5126. of the Revised Code and any 157203
rule adopted under either chapter, a pilot project authorized by 157204
the Director may be continued or implemented in a manner 157205
inconsistent with one or more provisions of either chapter or one 157206
or more rules adopted under either chapter. Before authorizing a 157207
pilot program, the Director shall consult with entities interested 157208
in the issue of developmental disabilities, including the Ohio 157209
Provider Resource Association, Ohio Association of County Boards 157210
of Developmental Disabilities, Ohio Health Care Association/Ohio 157211
Centers for Intellectual Disabilities, the Values and Faith 157212
Alliance, and ARC of Ohio. 157213

(B) The Director may not authorize a pilot project to be 157214
implemented in a manner that would cause the state to be out of 157215
compliance with any requirements for a program funded in whole or 157216
in part with federal funds. 157217

Section 259.190. DEPARTMENT OF DEVELOPMENTAL DISABILITIES' 157218
APPROPRIATION ITEM STRUCTURE 157219

Upon request from the Director of Developmental Disabilities, 157220
the Director of Budget and Management may establish new funds, new 157221
appropriation items, and appropriations in order to support the 157222
transition to a new appropriation item structure in the Department 157223
of Developmental Disabilities' budget. Also, upon request of the 157224
Director of Developmental Disabilities, the Director of Budget and 157225
Management may transfer appropriations between GRF appropriation 157226
items, transfer cash between any funds used by the Department of 157227
Developmental Disabilities, abolish existing funds used by the 157228
Department of Developmental Disabilities, and cancel and 157229
reestablish encumbrances. Any establishment of new funds or 157230

appropriation items, any transfers of appropriations or cash, and 157231
any increases in appropriation under this section are subject to 157232
Controlling Board approval. 157233

Section 259.200. FISCAL YEAR 2014 MEDICAID PAYMENT RATES FOR 157234
ICFs/IID 157235

(A) As used in this section: 157236

"Change of operator," "entering operator," "exiting 157237
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "new 157238
ICF/IID," "provider," and "provider agreement" have the same 157239
meanings as in section 5124.01 of the Revised Code. 157240

"Franchise permit fee" means the fee imposed by sections 157241
5168.60 to 5168.71 of the Revised Code. 157242

"Modified per diem rate" means the total per Medicaid day 157243
payment rate calculated for an ICF/IID under division (C) of this 157244
section. 157245

"Unmodified per diem rate" means the total per Medicaid day 157246
payment rate calculated for an ICF/IID under Chapter 5124. of the 157247
Revised Code. In the case of a new ICF/IID, "unmodified per diem 157248
rate" means the initial total per Medicaid day payment rate 157249
calculated for the new ICF/IID under section 5124.151 of the 157250
Revised Code. 157251

(B) This section applies to each ICF/IID provider to which 157252
any of the following applies: 157253

(1) The provider has a valid Medicaid provider agreement for 157254
the ICF/IID on June 30, 2013, and a valid Medicaid provider 157255
agreement for the ICF/IID during fiscal year 2014. 157256

(2) The ICF/IID undergoes a change of operator that takes 157257
effect during fiscal year 2014, the exiting operator has a valid 157258
Medicaid provider agreement for the ICF/IID on the day immediately 157259
preceding the effective date of the change of operator, and the 157260

entering operator has a valid Medicaid provider agreement for the 157261
ICF/IID during fiscal year 2014. 157262

(3) The ICF/IID is a new ICF/IID for which the provider 157263
obtains an initial provider agreement during fiscal year 2014. 157264

(C)(1) Except as otherwise provided in this section, an 157265
ICF/IID provider to which this section applies shall be paid, for 157266
ICF/IID services the ICF/IID provides during fiscal year 2014, the 157267
total modified per diem rate determined for the ICF/IID under this 157268
division. 157269

(2) Except in the case of a new ICF/IID, an ICF/IID's total 157270
modified per diem rate for fiscal year 2014 shall be the ICF/IID's 157271
total unmodified per diem rate for that fiscal year with the 157272
following modifications: 157273

(a) In place of the inflation adjustment otherwise made under 157274
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 157275
actual, allowable, per diem other protected costs, excluding the 157276
franchise permit fee, from calendar year 2012 shall be multiplied 157277
by 1.014. 157278

(b) In place of the maximum cost per case-mix unit 157279
established for the ICF/IID's peer group under division (C) of 157280
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 157281
per case-mix unit shall be the following: 157282

(i) In the case of an ICF/IID with more than eight beds, 157283
\$123.05; 157284

(ii) In the case of an ICF/IID with eight or fewer beds, 157285
\$117.22. 157286

(c) In place of the inflation adjustment otherwise calculated 157287
under division (D) of section 5124.19 of the Revised Code for the 157288
purpose of division (A)(1)(b) of that section, an inflation 157289
adjustment of 1.014 shall be used. 157290

(d) In place of the maximum rate for indirect care costs established for the ICF/IID's peer group under division (C) of section 5124.21 of the Revised Code, the maximum rate for indirect care costs for the ICF/IID's peer group shall be the following:

(i) In the case of an ICF/IID with more than eight beds, \$68.98;

(ii) In the case of an ICF/IID with eight or fewer beds, \$59.60.

(e) In place of the inflation adjustment otherwise calculated under division (D)(1) of section 5124.21 of the Revised Code for the purpose of division (B)(1) of that section only, an inflation adjustment of 1.014 shall be used.

(f) In place of the efficiency incentive otherwise calculated under division (B)(2) or (3) of section 5124.21 of the Revised Code, the ICF/IID's efficiency incentive for indirect care costs shall be the following:

(i) In the case of an ICF/IID with more than eight beds, \$3.69;

(ii) In the case of an ICF/IID with eight or fewer beds, \$3.19.

(g) The ICF/IID's efficiency incentive for capital costs, as determined under division (E) of section 5124.17 of the Revised Code, shall be reduced by 50%.

(3) In the case of a new ICF/IID, the ICF/IID's initial total modified per diem rate for fiscal year 2014 shall be the ICF/IID's total unmodified per diem rate for that fiscal year with the following modifications:

(a) In place of the amount determined under division (A)(2)(a) of section 5124.151 of the Revised Code, if there are no cost or resident assessment data for the new ICF/IID, the new

ICF/IID's initial per Medicaid day rate for direct care costs 157321
shall be determined as follows: 157322

(i) Using the costs per case-mix units determined for 157323
ICFs/IID under division (C)(3)(b) of Section 11 of Sub. H.B. 303 157324
of the 129th General Assembly, as amended by this act, determine 157325
the median of the costs per case-mix units of each peer group; 157326

(ii) Multiply the median determined under division 157327
(C)(3)(a)(i) of this section by the median of the averages 157328
determined under division (C)(3)(a) of Section 11 of Sub. H.B. 303 157329
of the 129th General Assembly, as amended by this act, for the 157330
ICFs/IID in the new ICF/IID's peer group; 157331

(iii) Multiply the product determined under division 157332
(C)(3)(a)(ii) of this section by 1.014. 157333

(b) In place of the amount determined under division (A)(3) 157334
of section 5124.151 of the Revised Code, the new ICF/IID's initial 157335
per Medicaid day rate for indirect care costs shall be the 157336
following: 157337

(i) If the new ICF/IID has more than eight beds, \$68.98; 157338

(ii) If the new ICF/IID has eight or fewer beds, \$59.60. 157339

(c) In place of the amount determined under division (A)(4) 157340
of section 5124.151 of the Revised Code, the new ICF/IID's initial 157341
per Medicaid day rate for other protected costs shall be one 157342
hundred fifteen per cent of the median rate for ICFs/IID 157343
determined under section 5124.23 of the Revised Code with the 157344
modification made under division (C)(2)(a) of this section. 157345

(4) A new ICF/IID's initial total modified per diem rate for 157346
fiscal year 2014 as determined under division (C)(3) of this 157347
section shall be adjusted at the applicable time specified in 157348
division (B) of section 5124.151 of the Revised Code. If the 157349
adjustment affects the ICF/IID's rate for ICF/IID services 157350

provided during fiscal year 2014, the modifications specified in 157351
division (C)(2) of this section apply to the adjustment. 157352

(D) If the mean total per diem rate for all ICFs/IID to which 157353
this section applies, weighted by May 2013 Medicaid days and 157354
determined under division (C) of this section as of July 1, 2013, 157355
is other than \$282.84, the Department of Developmental 157356
Disabilities shall adjust, for fiscal year 2014, the total per 157357
diem rate for each ICF/IID to which this section applies by a 157358
percentage that is equal to the percentage by which the mean total 157359
per diem rate is greater or less than \$282.84. 157360

(E) If the United States Centers for Medicare and Medicaid 157361
Services requires that the franchise permit fee be reduced or 157362
eliminated, the Department of Developmental Disabilities shall 157363
reduce the amount it pays ICF/IID providers under this section as 157364
necessary to reflect the loss to the state of the revenue and 157365
federal financial participation generated from the franchise 157366
permit fee. 157367

(F) The Department of Developmental Disabilities shall follow 157368
this section in determining the rate to be paid ICF/IID providers 157369
subject to this section notwithstanding anything to the contrary 157370
in Chapter 5124. of the Revised Code. 157371

(G) Of the foregoing appropriation items 653407, Medicaid 157372
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 157373
portions shall be used to pay the Medicaid payment rates 157374
determined in accordance with this section for ICF/IID services 157375
provided during fiscal year 2014. 157376

Section 259.210. FISCAL YEAR 2015 MEDICAID PAYMENT RATES FOR 157377
ICFs/IID 157378

(A) As used in this section: 157379

"Change of operator," "entering operator," "exiting 157380

operator," "ICF/IID," "ICF/IID services," "Medicaid days," 157381
"provider," and "provider agreement" have the same meanings as in 157382
section 5124.01 of the Revised Code. 157383

"Franchise permit fee" means the fee imposed by sections 157384
5168.60 to 5168.71 of the Revised Code. 157385

"Modified per diem rate" means the total per Medicaid day 157386
payment rate calculated for an ICF/IID under division (C) of this 157387
section. 157388

"Unmodified per diem rate" means the total per Medicaid day 157389
payment rate calculated for an ICF/IID under Chapter 5124. of the 157390
Revised Code. In the case of a new ICF/IID, "unmodified per diem 157391
rate" means the initial total per Medicaid day payment rate 157392
calculated for the new ICF/IID under section 5124.151 of the 157393
Revised Code. 157394

(B) This section applies to each ICF/IID provider to which 157395
any of the following applies: 157396

(1) The provider has a valid Medicaid provider agreement for 157397
the ICF/IID on June 30, 2014, and a valid Medicaid provider 157398
agreement for the ICF/IID during fiscal year 2015. 157399

(2) The ICF/IID undergoes a change of operator that takes 157400
effect during fiscal year 2015, the exiting operator has a valid 157401
Medicaid provider agreement for the ICF/IID on the day immediately 157402
preceding the effective date of the change of operator, and the 157403
entering operator has a valid Medicaid provider agreement for the 157404
ICF/IID during fiscal year 2015. 157405

(3) The ICF/IID is a new ICF/IID for which the provider 157406
obtains an initial provider agreement during fiscal year 2015. 157407

(C)(1) Except as otherwise provided in this section, an 157408
ICF/IID provider to which this section applies shall be paid, for 157409
ICF/IID services the ICF/IID provides during fiscal year 2015, the 157410

total modified per diem rate determined for the ICF/IID under this 157411
division. 157412

(2) Except in the case of a new ICF/IID, an ICF/IID's total 157413
modified per diem rate for fiscal year 2015 shall be the ICF/IID's 157414
total unmodified per diem rate for that fiscal year with the 157415
following modifications: 157416

(a) In place of the inflation adjustment otherwise made under 157417
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 157418
actual, allowable, per diem other protected costs, excluding the 157419
franchise permit fee, from calendar year 2013 shall be multiplied 157420
by 1.014. 157421

(b) In place of the maximum cost per case-mix unit 157422
established for the ICF/IID's peer group under division (C) of 157423
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 157424
per case-mix unit shall be the following: 157425

(i) In the case of an ICF/IID with more than eight beds, 157426
\$114.37 or the different amount, if any, specified in a future 157427
amendment to this section made under division (D)(3) of this 157428
section; 157429

(ii) In the case of an ICF/IID with eight or fewer beds, 157430
\$109.09 or the different amount, if any, specified in a future 157431
amendment to this section made under division (D)(3) of this 157432
section. 157433

(c) In place of the inflation adjustment otherwise calculated 157434
under division (D) of section 5124.19 of the Revised Code for the 157435
purpose of division (A)(1)(b) of that section, an inflation 157436
adjustment of 1.014 shall be used. 157437

(d) In the place of the grouper methodology prescribed, as of 157438
the day immediately before the effective date of this section, in 157439
rules authorized by section 5124.192 of the Revised Code, the new 157440
grouper methodology prescribed in rules authorized by division 157441

(D)(2)(a) of this section shall be used. 157442

(e) In place of the maximum rate for indirect care costs 157443
established for the ICF/IID's peer group under division (C) of 157444
section 5124.21 of the Revised Code, the maximum rate for indirect 157445
care costs for the ICF/IID's peer group shall be the following: 157446

(i) In the case of an ICF/IID with more than eight beds, 157447
\$68.98; 157448

(ii) In the case of an ICF/IID with eight or fewer beds, 157449
\$59.60. 157450

(f) In place of the inflation adjustment otherwise calculated 157451
under divisions (D)(1) and (2) of section 5124.21 of the Revised 157452
Code for the purpose of division (B)(1) of that section only, an 157453
inflation adjustment of 1.014 shall be used. 157454

(g) In place of the efficiency incentive otherwise calculated 157455
under division (B)(2) or (3) of section 5124.21 of the Revised 157456
Code, the ICF/IID's efficiency incentive for indirect care costs 157457
shall be the following: 157458

(i) In the case of an ICF/IID with more than eight beds, 157459
\$3.69; 157460

(ii) In the case of an ICF/IID with eight or fewer beds, 157461
\$3.19. 157462

(h) The ICF/IID's efficiency incentive for capital costs, as 157463
determined under division (E) of section 5124.17 of the Revised 157464
Code, shall be reduced by 50%. 157465

(3) In the case of a new ICF/IID, the ICF/IID's initial total 157466
modified per diem rate for fiscal year 2015 shall be the ICF/IID's 157467
total unmodified per diem rate for that fiscal year with the 157468
following modifications: 157469

(a) In place of the amount determined under division 157470
(A)(2)(a) of section 5124.151 of the Revised Code, if there are no 157471

cost or resident assessment data for the new ICF/IID, the new 157472
ICF/IID's initial per Medicaid day rate for direct care costs 157473
shall be determined as follows: 157474

(i) Using the costs per case-mix units determined for 157475
ICFs/IID under division (C)(3)(b) of Section 11 of Sub. H.B. 303 157476
of the 129th General Assembly, as amended by this act, determine 157477
the median of the costs per case-mix units of each peer group; 157478

(ii) Multiply the median determined under division 157479
(C)(3)(a)(i) of this section by the median annual average case-mix 157480
score for the new ICF/IID's peer group for calendar year 2013; 157481

(iii) Multiply the product determined under division 157482
(C)(3)(a)(ii) of this section by 1.014. 157483

(b) In place of the amount determined under division (A)(3) 157484
of section 5124.151 of the Revised Code, the new ICF/IID's initial 157485
per Medicaid day rate for indirect care costs shall be the 157486
following: 157487

(i) If the new ICF/IID has more than eight beds, \$68.98; 157488

(ii) If the new ICF/IID has eight or fewer beds, \$59.60. 157489

(c) In place of the amount determined under division (A)(4) 157490
of section 5124.151 of the Revised Code, the new ICF/IID's initial 157491
per Medicaid day rate for other protected costs shall be one 157492
hundred fifteen per cent of the median rate for ICFs/IID 157493
determined under section 5124.23 of the Revised Code with the 157494
modification made under division (C)(2)(a) of this section. 157495

(4) A new ICF/IID's initial total modified per diem rate for 157496
fiscal year 2015 as determined under division (C)(3) of this 157497
section shall be adjusted at the applicable time specified in 157498
division (B) of section 5124.151 of the Revised Code. If the 157499
adjustment affects the ICF/IID's rate for ICF/IID services 157500
provided during fiscal year 2015, the modifications specified in 157501

division (C)(2) of this section apply to the adjustment. 157502

(D)(1) In consultation with the Ohio Provider Resource 157503
Association, Values and Faith Alliance, Ohio Association of County 157504
Boards of Developmental Disabilities, and Ohio Health Care 157505
Association/Ohio Centers for Intellectual Disabilities, the 157506
Director of Developmental Disabilities shall study all of the 157507
following: 157508

(a) Establishing a new grouper methodology to be used when 157509
determining ICFs/IID's case-mix scores for fiscal year 2015; 157510

(b) Whether the amounts specified in division (C)(2)(b)(i) 157511
and (ii) of this section are set at levels that will avoid or 157512
minimize rate reductions under division (E) of this section; 157513

(c) For the purposes of sections 5124.153 and 5124.154 of the 157514
Revised Code, specifying additional diagnoses and special care 157515
needs that individuals must have to meet the criteria for 157516
admission to designated outlier ICFs/IID or units; 157517

(d) Sources of funding for, or mechanisms to ensure the 157518
budget neutrality of, the additional diagnoses and special care 157519
needs studied under division (D)(1)(c) of this section. 157520

(2) Not later than March 31, 2014, the Director shall adopt 157521
rules under section 5124.03 of the Revised Code to do both of the 157522
following: 157523

(a) Prescribe the following: 157524

(i) If the Director and the organizations with which the 157525
Director consults under division (D)(1) of this section agree, not 157526
later than December 31, 2013, to the terms of a new grouper 157527
methodology to be used when determining ICFs/IID's case-mix scores 157528
for fiscal year 2015, a new methodology that is consistent with 157529
those terms; 157530

(ii) If division (D)(2)(a)(i) of this section does not apply, 157531

a new grouper methodology that provides for six classes based on 157532
data available to the Director on the day immediately before the 157533
effective date of this section. 157534

(b) Specify additional diagnoses and special care needs that 157535
individuals must have to meet the criteria for admission to 157536
designated outlier ICFs/IID or units for the purposes of Medicaid 157537
payment rates under sections 5124.153 and 5124.154 of the Revised 157538
Code. 157539

(3) If the Director and the organizations with which the 157540
Director consults under divisions (D)(1) of this section agree 157541
that the amounts specified in divisions (C)(2)(b)(i) and (ii) of 157542
this section are not set at levels that will avoid or minimize 157543
rate reductions under division (E) of this section, the Director 157544
and organizations shall recommend, not later than March 31, 2014, 157545
that the General Assembly amend this section to revise the 157546
amounts. It is the General Assembly's intent to amend this section 157547
to revise the amounts specified in divisions (C)(2)(b)(i) and (ii) 157548
of this section if the Director and organizations recommend that 157549
the amounts be revised. 157550

(E) If the mean total per diem rate for all ICFs/IID to which 157551
this section applies, weighted by May 2014 Medicaid days and 157552
determined under division (C) of this section as of July 1, 2014, 157553
is other than \$282.77, the Department of Developmental 157554
Disabilities shall adjust, for fiscal year 2015, the total per 157555
diem rate for each ICF/IID to which this section applies by a 157556
percentage that is equal to the percentage by which the mean total 157557
per diem rate is greater or less than \$282.77. 157558

(F) If the United States Centers for Medicare and Medicaid 157559
Services requires that the franchise permit fee be reduced or 157560
eliminated, the Department of Developmental Disabilities shall 157561
reduce the amount it pays ICF/IID providers under this section as 157562
necessary to reflect the loss to the state of the revenue and 157563

federal financial participation generated from the franchise permit fee. 157564
157565

(G) The Department of Developmental Disabilities shall follow this section in determining the rate to be paid ICF/IID providers subject to this section notwithstanding anything to the contrary in Chapter 5124. of the Revised Code. 157566
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(H) Of the foregoing appropriation items 653407, Medicaid Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, portions shall be used to pay the Medicaid payment rates determined in accordance with this section for ICF/IID services provided during fiscal year 2015. 157570
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Section 259.220. TRANSFER OF FUNDS FOR OUTLIER SERVICES PROVIDED TO PEDIATRIC VENTILATOR-DEPENDENT ICF/IID RESIDENTS 157575
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As used in this section, "ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code. 157577
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Each quarter during fiscal year 2014 and fiscal year 2015, the Director of Developmental Disabilities shall certify to the Director of Budget and Management the amount needed to pay the nonfederal share of the costs of the Medicaid rate add-on paid to ICFs/IID pursuant to section 5124.25 of the Revised Code for providing outlier ICF/IID services to residents who qualify for the services and are transferred to ICFs/IID from hospitals at which they receive ventilator services at the time of their transfer to the ICFs/IID. 157579
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On receipt of a certification, the Director of Budget and Management shall transfer appropriations equaling the certified amount from appropriation item 651525, Medicaid/Health Care Services, to appropriation item 653407, Medicaid Services, and, in addition, shall reduce the appropriation in 651525, Medicaid/Health Care Services, by the corresponding federal share. 157588
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If receipts credited to the Developmental Center and Residential Facility Services and Support Fund (Fund 3A40), used by the Department of Developmental Disabilities, exceed the amounts appropriated in appropriation item 653653, ICF/IID, the Director of Developmental Disabilities may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 259.230. ICF/IID MEDICAID RATE WORKGROUP

As used in this section, "ICF/IID," "ICF/IID services," and "Medicaid-certified capacity" have the same meanings as in section 5124.01 of the Revised Code.

For the purpose of assisting the Department of Developmental Disabilities during fiscal year 2014 and fiscal year 2015 with an evaluation of revisions to the formula used to determine Medicaid payment rates for ICF/IID services, the Department shall retain the workgroup that was created to assist with the study required by Section 309.30.80 of Am. Sub. H.B. 153 of the 129th General Assembly. In conducting the evaluation, the Department and workgroup shall do all of the following:

(A) Focus primarily on the service needs of individuals with complex challenges that ICFs/IID are able to meet;

(B) Pursue the goal of reducing the Medicaid-certified capacity of individual ICFs/IID and the total number of ICF/IID beds in the state for the purpose of increasing the service choices and community integration of individuals eligible for ICF/IID services;

(C) Consider the impact that exception reviews conducted under section 5124.193 of the Revised Code have on ICFs/IID's

case-mix scores.	157624
Section 259.240. NONFEDERAL SHARE OF ICF/IID SERVICES	157625
(A) As used in this section, "ICF/IID," "ICF/IID services," and "Medicaid-certified capacity" have the same meanings as in section 5124.01 of the Revised Code.	157626 157627 157628
(B) The Director of Developmental Disabilities shall pay the nonfederal share of a claim for ICF/IID services using funds specified in division (C) of this section if all of the following apply:	157629 157630 157631 157632
(1) Medicaid covers the ICF/IID services.	157633
(2) The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply:	157634 157635
(a) The Medicaid recipient is eligible for the ICF/IID services;	157636 157637
(b) The Medicaid recipient does not occupy a bed in the ICF/IID that used to be included in the Medicaid-certified capacity of another ICF/IID certified by the Director of Health before June 1, 2003.	157638 157639 157640 157641
(3) The ICF/IID services are provided by an ICF/IID whose Medicaid certification by the Director of Health was initiated or supported by a county board of developmental disabilities.	157642 157643 157644
(4) The provider of the ICF/IID services has a valid Medicaid provider agreement for the services for the time that the services are provided.	157645 157646 157647
(C) When required by division (B) of this section to pay the nonfederal share of a claim, the Director of Developmental Disabilities shall use the following funds to pay the claim:	157648 157649 157650
(1) Funds available from appropriation item 322501, County Boards Subsidies, that the Director allocates to the county board	157651 157652

that initiated or supported the Medicaid certification of the 157653
ICF/IID that provided the ICF/IID services for which the claim is 157654
made; 157655

(2) If the amount of funds used pursuant to division (C)(1) 157656
of this section is insufficient to pay the claim in full, an 157657
amount of funds that are needed to make up the difference and 157658
available from amounts the Director allocates to other county 157659
boards from appropriation item 322501, County Boards Subsidies. 157660

Section 259.250. FY 2014 AND FY 2015 RATES FOR CERTAIN 157661
HOMEMAKER/PERSONAL CARE SERVICES UNDER IO WAIVER 157662

(A) As used in this section: 157663

"Converted facility" means an ICF/IID, or former ICF/IID, 157664
that converted some or all of its beds to providing home and 157665
community-based services under the IO Waiver pursuant to section 157666
5124.60 of the Revised Code. 157667

"Developmental center" and "ICF/IID" have the same meanings 157668
as in section 5124.01 of the Revised Code. 157669

"H.B. 153 increased Medicaid payment rate" means the total 157670
Medicaid payment rate for each fifteen minutes of routine 157671
homemaker/personal care services that was set by Section 263.20.70 157672
of Am. Sub. H.B. 153 of the 129th General Assembly, as amended by 157673
Am. Sub. H.B. 487 of the 129th General Assembly. 157674

"IO Waiver" means the Medicaid waiver component, as defined 157675
in section 5166.01 of the Revised Code, known as Individual 157676
Options. 157677

"Public hospital" has the same meaning as in section 5122.01 157678
of the Revised Code. 157679

"Regular Medicaid payment rate" means the total Medicaid 157680
payment rate for each fifteen minutes of routine 157681
homemaker/personal care services that are available under the IO 157682

Waiver and to which this section does not apply. 157683

(B) This section applies to routine homemaker/personal care 157684
services to which both of the following apply: 157685

(1) The services are provided to an IO Waiver enrollee to 157686
whom all of the following apply: 157687

(a) The enrollee began to receive the services from the 157688
provider on or after July 1, 2011. 157689

(b) The enrollee resided in a developmental center, converted 157690
facility, or public hospital immediately before enrolling in the 157691
IO Wavier. 157692

(c) The Director of Developmental Disabilities has determined 157693
that the enrollee's special circumstances (including the 157694
enrollee's diagnosis, service needs, or length of stay at the 157695
developmental center, converted facility, or public hospital) 157696
warrants paying the Medicaid payment rate authorized by this 157697
section. 157698

(2) The provider of the services has a valid Medicaid 157699
provider agreement for the services for the period during which 157700
the enrollee receives the services from the provider. 157701

(C) The total Medicaid payment rate for each fifteen minutes 157702
of routine homemaker/personal care services to which this section 157703
applies and that are provided during the period beginning July 1, 157704
2013, and ending June 30, 2015, shall be the greater of the 157705
following: 157706

(1) The H.B. 153 increased Medicaid payment rate; 157707

(2) The regular Medicaid payment rate in effect at the time 157708
the services are provided. 157709

(D) Of the foregoing appropriation items 653407, Medicaid 157710
Services, and 653639, Medicaid Waiver Services, portions shall be 157711
used to pay the Medicaid payment rates determined in accordance 157712

with this section for certain homemaker/personal care services 157713
under the IO Waiver. 157714

Section 259.260. UPDATING AUTHORIZING STATUTE CITATIONS 157715

As used in this section, "authorizing statute" means a 157716
Revised Code section or provision of a Revised Code section that 157717
is cited in the Ohio Administrative Code as the statute that 157718
authorizes the adoption of a rule. 157719

The Director of Developmental Disabilities is not required to 157720
amend any rule for the sole purpose of updating the citation in 157721
the Ohio Administrative Code to the rule's authorizing statute to 157722
reflect that this act renumbers the authorizing statute or 157723
relocates it to another Revised Code section. Such citations shall 157724
be updated as the Director amends the rules for other purposes. 157725

Section 259.270. REASON FOR THE REPEAL OF R.C. 5111.236 157726

This act repeals section 5111.236 of the Revised Code to 157727
carry out the intent of the Governor as indicated in the veto 157728
message regarding Am. Sub. H.B. 1 of the 128th General Assembly 157729
transmitted to the Clerk of the House of Representatives on July 157730
17, 2009. The actual veto removed the section from the title and 157731
enacting clause of H.B. 1 and an earmark related to the section. 157732
However, the actual veto inadvertently showed only division (C) of 157733
the section, rather than the entire section, as being vetoed. 157734

Section 261.10. OBD OHIO BOARD OF DIETETICS 157735

General Services Fund Group 157736
4K90 860609 Operating Expenses \$ 330,592 \$ 342,592 157737
TOTAL GSF General Services Fund 157738
Group \$ 330,592 \$ 342,592 157739
TOTAL ALL BUDGET FUND GROUPS \$ 330,592 \$ 342,592 157740

Section 263.10. EDU DEPARTMENT OF EDUCATION				157742
General Revenue Fund				157743
GRF 200321	Operating Expenses	\$ 13,142,780	\$ 13,142,780	157744
GRF 200408	Early Childhood Education	\$ 33,318,341	\$ 45,318,341	157745
GRF 200420	Information Technology Development and Support	\$ 4,241,296	\$ 4,241,296	157746
GRF 200421	Alternative Education Programs	\$ 7,403,998	\$ 7,403,998	157747
GRF 200422	School Management Assistance	\$ 3,000,000	\$ 3,000,000	157748
GRF 200424	Policy Analysis	\$ 328,558	\$ 328,558	157749
GRF 200425	Tech Prep Consortia Support	\$ 260,542	\$ 260,542	157750
GRF 200426	Ohio Educational Computer Network	\$ 29,625,569	\$ 19,625,569	157751
GRF 200427	Academic Standards	\$ 3,800,000	\$ 3,800,000	157752
GRF 200437	Student Assessment	\$ 55,895,000	\$ 75,895,000	157753
GRF 200439	Accountability/Report Cards	\$ 3,500,000	\$ 3,750,000	157754
GRF 200442	Child Care Licensing	\$ 827,140	\$ 827,140	157755
GRF 200446	Education Management Information System	\$ 6,833,070	\$ 6,833,070	157756
GRF 200447	GED Testing	\$ 879,551	\$ 879,551	157757
GRF 200448	Educator Preparation	\$ 1,136,737	\$ 1,564,237	157758
GRF 200455	Community Schools and Choice Programs	\$ 2,438,685	\$ 2,491,395	157759
GRF 200464	General Technology Operations	\$ 192,097	\$ 192,097	157760
GRF 200465	Technology Integration and Professional	\$ 1,778,879	\$ 1,778,879	157761

		Development				
GRF	200502	Pupil Transportation	\$	505,013,527	\$	521,013,527 157762
GRF	200505	School Lunch Match	\$	9,100,000	\$	9,100,000 157763
GRF	200511	Auxiliary Services	\$	130,499,457	\$	138,214,374 157764
GRF	200532	Nonpublic	\$	58,951,750	\$	62,436,882 157765
		Administrative Cost				
		Reimbursement				
GRF	200540	Special Education	\$	156,871,292	\$	157,871,292 157766
		Enhancements				
GRF	200545	Career-Technical	\$	9,372,999	\$	9,372,999 157767
		Education Enhancements				
GRF	200550	Foundation Funding	\$	5,808,098,389	\$	6,151,463,768 157768
GRF	200566	Literacy Improvement	\$	150,000	\$	150,000 157769
GRF	200901	Property Tax	\$	1,138,800,000	\$	1,156,402,000 157770
		Allocation - Education				
TOTAL GRF		General Revenue Fund	\$	7,985,459,657	\$	8,397,357,295 157771
		General Services Fund Group				157772
1380	200606	Information	\$	6,850,090	\$	6,850,090 157773
		Technology				
		Development and				
		Support				
4520	200638	Fees and Refunds	\$	500,000	\$	500,000 157774
4L20	200681	Teacher Certification	\$	8,313,762	\$	13,658,274 157775
		and Licensure				
5960	200656	Ohio Career	\$	529,761	\$	529,761 157776
		Information System				
5H30	200687	School District	\$	25,000,000	\$	25,000,000 157777
		Solvency Assistance				
5KX0	200691	Ohio School	\$	487,419	\$	487,419 157778
		Sponsorship Program				
5KY0	200693	Community Schools	\$	83,000	\$	83,000 157779
		Temporary Sponsorship				
TOTAL GSF		General Services				157780

Fund Group			\$	41,764,032	\$	47,108,544	157781
Federal Special Revenue Fund Group							157782
3090	200601	Neglected and Delinquent Education	\$	2,168,642	\$	2,168,642	157783
3670	200607	School Food Services	\$	8,200,664	\$	8,700,149	157784
3700	200624	Education of Exceptional Children	\$	1,530,000	\$	1,530,000	157785
3AF0	200603	Schools Medicaid Administrative Claims	\$	750,000	\$	750,000	157786
3AN0	200671	School Improvement Grants	\$	20,400,000	\$	20,400,000	157787
3BK0	200628	Longitudinal Data Systems	\$	1,250,000	\$	0	157788
3C50	200661	Early Childhood Education	\$	14,554,749	\$	14,554,749	157789
3CG0	200646	Teacher Incentive	\$	15,125,588	\$	15,183,285	157790
3D20	200667	Math Science Partnerships	\$	6,000,000	\$	6,000,000	157791
3EC0	200653	Teacher Incentive - Federal Stimulus	\$	1,300,000	\$	0	157792
3EH0	200620	Migrant Education	\$	2,900,000	\$	2,900,000	157793
3EJ0	200622	Homeless Children Education	\$	2,600,000	\$	2,600,000	157794
3EK0	200637	Advanced Placement	\$	450,000	\$	450,000	157795
3EN0	200655	State Data Systems - Federal Stimulus	\$	1,250,000	\$	0	157796
3FD0	200665	Race to the Top	\$	136,000,000	\$	58,074,046	157797
3FN0	200672	Early Learning Challenge - Race to the Top	\$	7,040,000	\$	7,040,000	157798
3GE0	200674	Summer Food Service Program	\$	13,596,000	\$	14,003,800	157799
3GF0	200675	Miscellaneous	\$	700,000	\$	700,000	157800

		Nutrition Grants				
3GG0	200676	Fresh Fruit and Vegetable Program	\$	4,738,000	\$	4,880,140 157801
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000 157802
3L60	200617	Federal School Lunch	\$	350,608,075	\$	361,126,273 157803
3L70	200618	Federal School Breakfast	\$	108,480,590	\$	112,819,813 157804
3L80	200619	Child/Adult Food Programs	\$	106,992,650	\$	110,202,428 157805
3L90	200621	Career-Technical Education Basic Grant	\$	44,663,900	\$	44,663,900 157806
3M00	200623	ESEA Title 1A	\$	560,000,000	\$	560,000,000 157807
3M20	200680	Individuals with Disabilities Education Act	\$	443,170,050	\$	443,170,050 157808
3T40	200613	Public Charter Schools	\$	500,000	\$	0 157809
3Y20	200688	21st Century Community Learning Centers	\$	48,201,810	\$	50,611,900 157810
3Y60	200635	Improving Teacher Quality	\$	101,900,000	\$	101,900,000 157811
3Y70	200689	English Language Acquisition	\$	9,700,000	\$	9,700,000 157812
3Y80	200639	Rural and Low Income Technical Assistance	\$	3,300,000	\$	3,300,000 157813
3Z20	200690	State Assessments	\$	11,800,000	\$	11,800,000 157814
3Z30	200645	Consolidated Federal Grant Administration	\$	7,949,280	\$	7,949,280 157815
TOTAL FED		Federal Special				157816
Revenue Fund Group			\$	2,038,044,998	\$	1,977,403,455 157817
State Special Revenue Fund Group						157818

4540	200610	GED Testing	\$	1,050,000	\$	250,000	157819
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000	157820
4R70	200695	Indirect Operational Support	\$	6,600,000	\$	6,600,000	157821
4V70	200633	Interagency Program Support	\$	717,725	\$	717,725	157822
5980	200659	Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910	157823
5BJ0	200626	Half-Mill Maintenance Equalization	\$	19,000,000	\$	20,000,000	157824
5MM0	200677	Child Nutrition Refunds	\$	500,000	\$	500,000	157825
5T30	200668	Gates Foundation Grants	\$	200,000	\$	153,000	157826
5U20	200685	National Education Statistics	\$	300,000	\$	300,000	157827
6200	200615	Educational Improvement Grants	\$	300,000	\$	300,000	157828
TOTAL SSR State Special Revenue							157829
Fund Group			\$	53,996,635	\$	54,149,635	157830
Lottery Profits Education Fund Group							157831
7017	200612	Foundation Funding	\$	775,500,000	\$	853,000,000	157832
7017	200648	Straight A Fund	\$	100,000,000	\$	150,000,000	157833
7017	200666	EdChoice Expansion	\$	8,500,000	\$	17,000,000	157834
7017	200684	Community School Facilities	\$	7,500,000	\$	7,500,000	157835
TOTAL LPE Lottery Profits							157836
Education Fund Group			\$	891,500,000	\$	1,027,500,000	157837
Revenue Distribution Fund Group							157838
7047	200909	School District Property Tax Replacement-Business	\$	482,000,000	\$	482,000,000	157839

7053 200900	School District	\$	28,000,000	\$	28,000,000	157840
	Property Tax					
	Replacement-Utility					
TOTAL RDF	Revenue Distribution					157841
Fund Group		\$	510,000,000	\$	510,000,000	157842
TOTAL ALL BUDGET	FUND GROUPS	\$11,520,765,322	\$12,013,518,929			157843

Section 263.20. OPERATING EXPENSES 157845

A portion of the foregoing appropriation item 200321, 157846
Operating Expenses, shall be used by the Department of Education 157847
to provide matching funds under 20 U.S.C. 2321. 157848

EARLY CHILDHOOD EDUCATION 157849

Of the foregoing appropriation item 200408, Early Childhood 157850
Education, up to \$50,000 in each fiscal year shall be used to 157851
support the operations of the "Ready, Set, Go...to Kindergarten" 157852
Program at the Horizon Education Center in Lorain County. The 157853
effectiveness of the program shall be evaluated and reported to 157854
the Department of Education in a study that includes statistics on 157855
program participants' scores for the "Get It, Got It, Go!" 157856
assessment and the kindergarten readiness assessment. 157857

The Department of Education shall distribute the remainder of 157858
the foregoing appropriation item 200408, Early Childhood 157859
Education, to pay the costs of early childhood education programs. 157860
The Department shall distribute such funds directly to qualifying 157861
providers. 157862

(A) As used in this section: 157863

(1) "Provider" means a city, local, exempted village, or 157864
joint vocational school district; an educational service center; a 157865
community school; a chartered nonpublic school; an early childhood 157866
education child care provider licensed under Chapter 5104. of the 157867
Revised Code that participates in and meets at least the third 157868

highest tier of the tiered quality rating and improvement system 157869
described in section 5104.30 of the Revised Code; or a combination 157870
of entities described in this paragraph. 157871

(2) In the case of a city, local, or exempted village school 157872
district or early childhood education child care provider licensed 157873
under Chapter 5104. of the Revised Code, "new eligible provider" 157874
means a provider that did not receive state funding for Early 157875
Childhood Education in the previous fiscal year or demonstrates a 157876
need for early childhood programs as defined in division (D) of 157877
this section. 157878

(3) "Eligible child" means a child who is at least three 157879
years of age as of the district entry date for kindergarten, is 157880
not of the age to be eligible for kindergarten, and whose family 157881
earns not more than two hundred per cent of the federal poverty 157882
guidelines as defined in division (A)(3) of section 5101.46 of the 157883
Revised Code. Children with an Individualized Education Program 157884
and where the Early Childhood Education program is the least 157885
restrictive environment may be enrolled on their third birthday. 157886

(4) "Early learning program standards" means early learning 157887
program standards for school readiness developed by the Department 157888
to assess the operation of early learning programs. 157889

(B) In each fiscal year, up to two per cent of the total 157890
appropriation may be used by the Department for program support 157891
and technical assistance. The Department shall distribute the 157892
remainder of the appropriation in each fiscal year to serve 157893
eligible children. 157894

(C) The Department shall provide an annual report to the 157895
Governor, the Speaker of the House of Representatives, and the 157896
President of the Senate and post the report to the Department's 157897
web site, regarding early childhood education programs operated 157898
under this section and the early learning program standards. 157899

(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2014, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 267.10.10 of Am. Sub. H.B. 153 of the 129th General Assembly, as amended by Am. Sub. H.B. 487 of the 129th General Assembly, in the previous fiscal year and the balance to new eligible providers of early childhood education programs under this section or to existing providers to serve more eligible children or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2015, the Department shall distribute funds first to providers of early childhood education programs under this section in the previous fiscal year and the balance to new eligible providers or to existing providers to serve more eligible children as outlined under division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

(E) The Department shall distribute any new or remaining funding to existing providers of early childhood education programs or any new eligible providers in an effort to invest in high quality early childhood programs where there is a need as determined by the Department. The Department shall distribute the new or remaining funds to existing providers of early childhood education programs or any new eligible providers to serve additional eligible children based on community economic disadvantage, limited access to high quality preschool or childcare services, and demonstration of high quality preschool services as determined by the Department using new metrics developed pursuant to Ohio's Race to the Top—Early Learning Challenge Grant, awarded to the Department in December 2011.

Awards under divisions (D) and (E) of this section shall be distributed on a per-pupil basis, and in accordance with division (I) of this section. The Department may adjust the per-pupil amount so that the per-pupil amount multiplied by the number of eligible children enrolled and receiving services on the first day of December or the business day closest to that date equals the amount allocated under this section.

(F) Costs for developing and administering an early childhood education program may not exceed fifteen per cent of the total approved costs of the program.

All providers shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained, shall be under the authority of the approved provider for purposes provided in the program unless, as described in division (K) of this section, the program waives its right for funding or a program's funding is eliminated or reduced due to its inability to meet financial or early learning program standards. The approved provider shall administer and use such property and funds for the purposes specified.

(G) The Department may examine a provider's financial and program records. If the financial practices of the program are not in accordance with standard accounting principles or do not meet financial standards outlined under division (F) of this section, or if the program fails to substantially meet the early learning program standards, meet a quality rating level in the tiered quality rating and improvement system developed under section 5104.30 of the Revised Code as prescribed by the Department, or exhibits below average performance as measured against the standards, the early childhood education program shall propose and implement a corrective action plan that has been approved by the

Department. The approved corrective action plan shall be signed by 157964
the chief executive officer and the executive of the official 157965
governing body of the provider. The corrective action plan shall 157966
include a schedule for monitoring by the Department. Such 157967
monitoring may include monthly reports, inspections, a timeline 157968
for correction of deficiencies, and technical assistance to be 157969
provided by the Department or obtained by the early childhood 157970
education program. The Department may withhold funding pending 157971
corrective action. If an early childhood education program fails 157972
to satisfactorily complete a corrective action plan, the 157973
Department may deny expansion funding to the program or withdraw 157974
all or part of the funding to the program and establish a new 157975
eligible provider through a selection process established by the 157976
Department. 157977

(H)(1) If the early childhood education program is licensed 157978
by the Department of Education and is not highly rated, as 157979
determined by the Director of Job and Family Services, under the 157980
tiered quality rating and improvement system described in section 157981
5104.30 of the Revised Code, the program shall do all of the 157982
following: 157983

(a) Meet teacher qualification requirements prescribed by 157984
section 3301.311 of the Revised Code; 157985

(b) Align curriculum to the early learning content standards 157986
developed by the Department; 157987

(c) Meet any child or program assessment requirements 157988
prescribed by the Department; 157989

(d) Require teachers, except teachers enrolled and working to 157990
obtain a degree pursuant to section 3301.311 of the Revised Code, 157991
to attend a minimum of twenty hours every two years of 157992
professional development as prescribed by the Department; 157993

(e) Document and report child progress as prescribed by the 157994

Department; 157995

(f) Meet and report compliance with the early learning 157996
program standards as prescribed by the Department; 157997

(g) Participate in the tiered quality rating and improvement 157998
system developed under section 5104.30 of the Revised Code. 157999
Effective July 1, 2016, all programs shall be rated through the 158000
system. 158001

(2) If the program is highly rated, as determined by the 158002
Director of Job and Family Services, under the tiered quality 158003
rating and improvement system developed under section 5104.30 of 158004
the Revised Code, the program shall comply with the requirements 158005
of that system. 158006

(I) Per-pupil funding for programs subject to this section 158007
shall be sufficient to provide eligible children with services for 158008
a standard early childhood schedule which shall be defined in this 158009
section as a minimum of twelve and one-half hours per school week 158010
as defined in section 3313.62 of the Revised Code for the minimum 158011
school year as defined in sections 3313.48, 3313.481, and 3313.482 158012
of the Revised Code. Nothing in this section shall be construed to 158013
prohibit program providers from utilizing other funds to serve 158014
eligible children in programs that exceed the twelve and one-half 158015
hours per week or that exceed the minimum school year. For any 158016
provider for which a standard early childhood education schedule 158017
creates a hardship or for which the provider shows evidence that 158018
the provider is working in collaboration with a preschool special 158019
education program, the provider may submit a waiver to the 158020
Department requesting an alternate schedule. If the Department 158021
approves a waiver for an alternate schedule that provides services 158022
for less time than the standard early childhood education 158023
schedule, the Department may reduce the provider's annual 158024
allocation proportionately. Under no circumstances shall an annual 158025
allocation be increased because of the approval of an alternate 158026

schedule. 158027

(J) Each provider shall develop a sliding fee scale based on 158028
family incomes and shall charge families who earn more than two 158029
hundred per cent of the federal poverty guidelines, as defined in 158030
division (A)(3) of section 5101.46 of the Revised Code, for the 158031
early childhood education program. 158032

The Department shall conduct an annual survey of each 158033
provider to determine whether the provider charges families 158034
tuition or fees, the amount families are charged relative to 158035
family income levels, and the number of families and students 158036
charged tuition and fees for the early childhood program. 158037

(K) If an early childhood education program voluntarily 158038
waives its right for funding, or has its funding eliminated for 158039
not meeting financial standards or the early learning program 158040
standards, the provider shall transfer control of title to 158041
property, equipment, and remaining supplies obtained through the 158042
program to providers designated by the Department and return any 158043
unexpended funds to the Department along with any reports 158044
prescribed by the Department. The funding made available from a 158045
program that waives its right for funding or has its funding 158046
eliminated or reduced may be used by the Department for new grant 158047
awards or expansion grants. The Department may award new grants or 158048
expansion grants to eligible providers who apply. The eligible 158049
providers who apply must do so in accordance with the selection 158050
process established by the Department. 158051

(L) Eligible expenditures for the Early Childhood Education 158052
Program shall be claimed each fiscal year to help meet the state's 158053
TANF maintenance of effort requirement. The Superintendent of 158054
Public Instruction and the Director of Job and Family Services 158055
shall enter into an interagency agreement to carry out the 158056
requirements under this division, which shall include developing 158057
reporting guidelines for these expenditures. 158058

(M) The Early Childhood Advisory Council established under 158059
section 3301.90 of the Revised Code shall provide, by October 1, 158060
2013, recommendations including, but not limited to, the 158061
administration, implementation, and distribution of funding for an 158062
early childhood voucher program, to the Superintendent of Public 158063
Instruction, the Governor's Office of 21st Century Education, the 158064
Speaker of the House of Representatives, the President of the 158065
Senate, and the chairpersons of the standing committees of the 158066
House of Representatives and the Senate that deal primarily with 158067
issues of education. Decisions on the implementation of the 158068
voucher program shall be made by the Governor's Office of 21st 158069
Century Education with recommendations from the State 158070
Superintendent of Public Instruction and the Early Childhood 158071
Advisory Council. 158072

Section 263.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 158073
SUPPORT 158074

The foregoing appropriation item 200420, Information 158075
Technology Development and Support, shall be used to support the 158076
development and implementation of information technology solutions 158077
designed to improve the performance and services of the Department 158078
of Education. Funds may be used for personnel, maintenance, and 158079
equipment costs related to the development and implementation of 158080
these technical system projects. Implementation of these systems 158081
shall allow the Department to provide greater levels of assistance 158082
to school districts and to provide more timely information to the 158083
public, including school districts, administrators, and 158084
legislators. Funds may also be used to support data-driven 158085
decision-making and differentiated instruction, as well as to 158086
communicate academic content standards and curriculum models to 158087
schools through web-based applications. 158088

Section 263.40. ALTERNATIVE EDUCATION PROGRAMS 158089

The foregoing appropriation item 200421, Alternative Education Programs, shall be used for the renewal of successful implementation grants and for competitive matching grants to school districts for alternative educational programs for existing and new at-risk and delinquent youth. Programs shall be focused on youth in one or more of the following categories: those who have been expelled or suspended, those who have dropped out of school or who are at risk of dropping out of school, those who are habitually truant or disruptive, or those on probation or on parole from a Department of Youth Services facility. Grants shall be awarded only to programs in which the grant will not serve as the program's primary source of funding. These grants shall be administered by the Department of Education.

The Department of Education may waive compliance with any minimum education standard established under section 3301.07 of the Revised Code for any alternative school that receives a grant under this section on the grounds that the waiver will enable the program to more effectively educate students enrolled in the alternative school.

Of the foregoing appropriation item 200421, Alternative Education Programs, a portion may be used for program administration, monitoring, technical assistance, support, research, and evaluation.

Section 263.50. SCHOOL MANAGEMENT ASSISTANCE

Of the foregoing appropriation item 200422, School Management Assistance, \$1,000,000 in each fiscal year shall be used by the Auditor of State in consultation with the Department of Education for expenses incurred in the Auditor of State's role relating to fiscal caution, fiscal watch, and fiscal emergency activities as defined in Chapter 3316. of the Revised Code, unless an amount less than \$1,000,000 is needed and mutually agreed to by the

Department and the Auditor of State. This set-aside may also be 158121
used by the Auditor of State to conduct performance audits of 158122
other school districts with priority given to districts in fiscal 158123
distress. Districts in fiscal distress shall be determined by the 158124
Auditor of State and shall include districts that the Auditor of 158125
State, in consultation with the Department of Education, 158126
determines are employing fiscal practices or experiencing 158127
budgetary conditions that could produce a state of fiscal watch or 158128
fiscal emergency. 158129

The remainder of appropriation item 200422, School Management 158130
Assistance, shall be used by the Department of Education to 158131
provide fiscal technical assistance and inservice education for 158132
school district management personnel and to administer, monitor, 158133
and implement the fiscal caution, fiscal watch, and fiscal 158134
emergency provisions under Chapter 3316. of the Revised Code. 158135

Section 263.60. POLICY ANALYSIS 158136

The foregoing appropriation item 200424, Policy Analysis, 158137
shall be used by the Department of Education to support a system 158138
of administrative, statistical, and legislative education 158139
information to be used for policy analysis. Staff supported by 158140
this appropriation shall administer the development of reports, 158141
analyses, and briefings to inform education policymakers of 158142
current trends in education practice, efficient and effective use 158143
of resources, and evaluation of programs to improve education 158144
results. The database shall be kept current at all times. These 158145
research efforts shall be used to supply information and analysis 158146
of data to the General Assembly and other state policymakers, 158147
including the Office of Budget and Management, the Governor's 158148
Office of 21st Century Education, and the Legislative Service 158149
Commission. 158150

The Department of Education may use funding from this 158151

appropriation item to purchase or contract for the development of 158152
software systems or contract for policy studies that will assist 158153
in the provision and analysis of policy-related information. 158154
Funding from this appropriation item also may be used to monitor 158155
and enhance quality assurance for research-based policy analysis 158156
and program evaluation to enhance the effective use of education 158157
information to inform education policymakers. 158158

TECH PREP CONSORTIA SUPPORT 158159

The foregoing appropriation item 200425, Tech Prep Consortia 158160
Support, shall be used by the Department of Education to support 158161
state-level activities designed to support, promote, and expand 158162
tech prep programs. Use of these funds shall include, but not be 158163
limited to, administration of grants, program evaluation, 158164
professional development, curriculum development, assessment 158165
development, program promotion, communications, and statewide 158166
coordination of tech prep consortia. 158167

Section 263.70. OHIO EDUCATIONAL COMPUTER NETWORK 158168

The foregoing appropriation item 200426, Ohio Educational 158169
Computer Network, shall be used by the Department of Education to 158170
maintain a system of information technology throughout Ohio and to 158171
provide technical assistance for such a system in support of the 158172
P-16 State Education Technology Plan developed under section 158173
3353.09 of the Revised Code. 158174

Of the foregoing appropriation item 200426, Ohio Educational 158175
Computer Network, up to \$10,705,569 in each fiscal year shall be 158176
used by the Department of Education to support connection of all 158177
public school buildings and participating chartered nonpublic 158178
schools to the state's education network, to each other, and to 158179
the Internet. In each fiscal year the Department of Education 158180
shall use these funds to assist information technology centers or 158181
school districts with the operational costs associated with this 158182

connectivity. The Department of Education shall develop a formula 158183
and guidelines for the distribution of these funds to information 158184
technology centers or individual school districts. As used in this 158185
section, "public school building" means a school building of any 158186
city, local, exempted village, or joint vocational school 158187
district, any community school established under Chapter 3314. of 158188
the Revised Code, any college preparatory boarding school 158189
established under Chapter 3328. of the Revised Code, any STEM 158190
school established under Chapter 3326. of the Revised Code, any 158191
educational service center building used for instructional 158192
purposes, the Ohio School for the Deaf and the Ohio School for the 158193
Blind, high schools chartered by the Ohio Department of Youth 158194
Services, or high schools operated by Ohio Department of 158195
Rehabilitation and Corrections' Ohio Central School System. 158196

Of the foregoing appropriation item 200426, Ohio Educational 158197
Computer Network, up to \$2,500,000 in each fiscal year shall be 158198
used for the Union Catalog and InfoOhio Network and to support the 158199
provision of electronic resources with priority given to resources 158200
that support the teaching of state academic content standards in 158201
all public schools. Consideration shall be given by the Department 158202
of Education to coordinating the allocation of these moneys with 158203
the efforts of Libraries Connect Ohio, whose members include 158204
OhioLINK, the Ohio Public Information Network, and the State 158205
Library of Ohio. 158206

Of the foregoing appropriation item 200426, Ohio Educational 158207
Computer Network, up to \$5,220,000 in each fiscal year shall be 158208
used, through a formula and guidelines devised by the Department, 158209
to subsidize the activities of designated information technology 158210
centers, as defined by State Board of Education rules, to provide 158211
school districts and chartered nonpublic schools with 158212
computer-based student and teacher instructional and 158213
administrative information services, including approved 158214

computerized financial accounting, and to ensure the effective 158215
operation of local automated administrative and instructional 158216
systems. 158217

Of the foregoing appropriation item 200426, Ohio Educational 158218
Computer Network, up to \$10,000,000 in fiscal year 2014 shall be 158219
used for middle mile connections for the information technology 158220
centers established under section 3301.075 of the Revised Code and 158221
select large urban districts to connect to the state broadband 158222
backbone managed by the Ohio Technology Consortium and for other 158223
connectivity upgrades necessary for K-12 school buildings with 158224
severely restricted broadband connections. The Department of 158225
Education shall develop an expenditure plan to facilitate 158226
instructional technology/blended learning initiatives. The State 158227
Chief Information Officer and the Education Technology Division of 158228
the Ohio Board of Regents shall review the plan to ensure it 158229
coincides with State of Ohio and higher education network 158230
strategies and shall either approve or reject the plan. If the 158231
plan is rejected, the State Chief Information Officer and the 158232
Education Technology Division of the Ohio Board of Regents shall 158233
identify deficiencies in the plan and work with the Department to 158234
complete an acceptable plan. "Select large urban districts" are 158235
those districts that connect to the state broadband backbone 158236
directly rather than through an information technology center. At 158237
the request of the Superintendent of Public Instruction, the 158238
Director of Budget and Management may authorize the expenditure in 158239
fiscal year 2015 of any unexpended and unencumbered portion of 158240
this set-aside at the end of fiscal year 2014. The authorized 158241
expenditure is hereby reappropriated to the Department for the 158242
same purpose for fiscal year 2015. 158243

The remainder of appropriation item 200426, Ohio Educational 158244
Computer Network, shall be used to support the work of the 158245
development, maintenance, and operation of a network of uniform 158246

and compatible computer-based information and instructional 158247
systems as well as the teacher student linkage/roster verification 158248
process and the eTranscript/student records exchange initiative. 158249
This technical assistance shall include, but not be restricted to, 158250
development and maintenance of adequate computer software systems 158251
to support network activities. In order to improve the efficiency 158252
of network activities, the Department and information technology 158253
centers may jointly purchase equipment, materials, and services 158254
from funds provided under this appropriation for use by the 158255
network and, when considered practical by the Department, may 158256
utilize the services of appropriate state purchasing agencies. 158257

Section 263.80. ACADEMIC STANDARDS 158258

The foregoing appropriation item 200427, Academic Standards, 158259
shall be used by the Department of Education to develop, revise, 158260
and communicate to school districts academic content standards and 158261
curriculum models and to develop professional development programs 158262
and other tools on the new content standards and model curriculum. 158263

Section 263.90. STUDENT ASSESSMENT 158264

Of the foregoing appropriation item 200437, Student 158265
Assessment, up to \$95,000 in each fiscal year may be used to 158266
support the assessments required under section 3301.0715 of the 158267
Revised Code. 158268

The remainder of appropriation item 200437, Student 158269
Assessment, shall be used to develop, field test, print, 158270
distribute, score, report results, and support other associated 158271
costs for the tests required under sections 3301.0710, 3301.0711, 158272
and 3301.0712 of the Revised Code and for similar purposes as 158273
required by section 3301.27 of the Revised Code. The funds may 158274
also be used to update and develop diagnostic assessments required 158275
under sections 3301.079, 3301.0715, and 3313.608 of the Revised 158276

Code. 158277

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 158278
ASSESSMENT 158279

In fiscal year 2014 and fiscal year 2015, if the 158280
Superintendent of Public Instruction determines that additional 158281
funds are needed to fully fund the requirements of sections 158282
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 158283
and this act for assessments of student performance, the 158284
Superintendent of Public Instruction may recommend the 158285
reallocation of unexpended and unencumbered General Revenue Fund 158286
appropriations within the Department of Education to appropriation 158287
item 200437, Student Assessment, to the Director of Budget and 158288
Management. If the Director of Budget and Management determines 158289
that such a reallocation is required, the Director of Budget and 158290
Management may transfer unexpended and unencumbered appropriations 158291
within the Department of Education as necessary to appropriation 158292
item 200437, Student Assessment. If these transferred 158293
appropriations are not sufficient to fully fund the assessment 158294
requirements in fiscal year 2014 or fiscal year 2015, the 158295
Superintendent of Public Instruction may request that the 158296
Controlling Board transfer up to \$9,000,000 cash from the Lottery 158297
Profits Education Reserve Fund (Fund 7018) to the General Revenue 158298
Fund. Upon approval of the Controlling Board, the Director of 158299
Budget and Management shall transfer the cash. These transferred 158300
funds are hereby appropriated for the same purpose as 158301
appropriation item 200437, Student Assessment. 158302

Section 263.100. Notwithstanding anything to the contrary in 158303
sections 3301.0710 and 3301.0711 of the Revised Code, in the 158304
2013-2014 school year, the Department of Education shall not 158305
furnish, and school districts and schools shall not administer, 158306
the elementary writing and social studies achievement assessments 158307

prescribed by section 3301.0710 of the Revised Code, unless the 158308
Superintendent of Public Instruction determines the Department has 158309
sufficient funds to pay the costs of furnishing and scoring those 158310
assessments. 158311

Section 263.110. ACCOUNTABILITY/REPORT CARDS 158312

Of the foregoing appropriation item 200439, 158313
Accountability/Report Cards, a portion in each fiscal year may be 158314
used to train district and regional specialists and district 158315
educators in the use of the value-added progress dimension and in 158316
the use of data as it relates to improving student achievement. 158317
This training may include teacher and administrator professional 158318
development in the use of data to improve instruction and student 158319
learning, and teacher and administrator training in understanding 158320
teacher value-added reports and how they can be used as a 158321
component in measuring teacher and administrator effectiveness. A 158322
portion of this funding may be provided to a credible nonprofit 158323
organization with expertise in value-added progress dimensions. 158324

The remainder of appropriation item 200439, 158325
Accountability/Report Cards, shall be used by the Department to 158326
incorporate a statewide value-added progress dimension into 158327
performance ratings for school districts and for the development 158328
of an accountability system that includes the preparation and 158329
distribution of school report cards, funding and expenditure 158330
accountability reports under sections 3302.03 and 3302.031 of the 158331
Revised Code, and the development and maintenance of teacher 158332
value-added reports. 158333

CHILD CARE LICENSING 158334

The foregoing appropriation item 200442, Child Care 158335
Licensing, shall be used by the Department of Education to license 158336
and to inspect preschool and school-age child care programs under 158337

sections 3301.52 to 3301.59 of the Revised Code. 158338

Section 263.120. EDUCATION MANAGEMENT INFORMATION SYSTEM 158339

The foregoing appropriation item 200446, Education Management 158340
Information System, shall be used by the Department of Education 158341
to improve the Education Management Information System (EMIS). 158342

Of the foregoing appropriation item 200446, Education 158343
Management Information System, up to \$729,000 in each fiscal year 158344
shall be distributed to designated information technology centers 158345
for costs relating to processing, storing, and transferring data 158346
for the effective operation of the EMIS. These costs may include, 158347
but are not limited to, personnel, hardware, software development, 158348
communications connectivity, professional development, and support 158349
services, and to provide services to participate in the State 158350
Education Technology Plan developed under section 3353.09 of the 158351
Revised Code. 158352

The remainder of appropriation item 200446, Education 158353
Management Information System, shall be used to develop and 158354
support a common core of data definitions and standards as adopted 158355
by the Education Management Information System Advisory Board, 158356
including the ongoing development and maintenance of the data 158357
dictionary and data warehouse. In addition, such funds shall be 158358
used to support the development and implementation of data 158359
standards; the design, development, and implementation of a new 158360
data exchange system; and responsibilities related to the school 158361
report cards prescribed by section 3302.03 of the Revised Code and 158362
value-added progress dimension calculations. 158363

Any provider of software meeting the standards approved by 158364
the Education Management Information System Advisory Board shall 158365
be designated as an approved vendor and may enter into contracts 158366
with local school districts, community schools, STEMS schools, 158367
information technology centers, or other educational entities for 158368

the purpose of collecting and managing data required under Ohio's 158369
education management information system (EMIS) laws. On an annual 158370
basis, the Department of Education shall convene an advisory group 158371
of school districts, community schools, and other 158372
education-related entities to review the Education Management 158373
Information System data definitions and data format standards. The 158374
advisory group shall recommend changes and enhancements based upon 158375
surveys of its members, education agencies in other states, and 158376
current industry practices, to reflect best practices, align with 158377
federal initiatives, and meet the needs of school districts. 158378

School districts, STEM schools, and community schools not 158379
implementing a common and uniform set of data definitions and data 158380
format standards for Education Management Information System 158381
purposes shall have all EMIS funding withheld until they are in 158382
compliance. 158383

Section 263.130. GED TESTING 158384

The foregoing appropriation item 200447, GED Testing, shall 158385
be used to provide General Educational Development (GED) testing 158386
under rules adopted by the State Board of Education. 158387

Section 263.140. EDUCATOR PREPARATION 158388

Of the foregoing appropriation item 200448, Educator 158389
Preparation, up to \$500,000 in each fiscal year may be used by the 158390
Department of Education to monitor and support Ohio's State System 158391
of Support in accordance with the "No Child Left Behind Act of 158392
2011," 20 U.S.C. 6317, as administered pursuant to the Elementary 158393
and Secondary Education Act flexibility waivers approved for Ohio 158394
by the United States Department of Education. 158395

Of the foregoing appropriation item 200448, Educator 158396
Preparation, up to \$100,000 in each fiscal year may be used by the 158397
Department to support the Educator Standards Board under section 158398

3319.61 of the Revised Code and reforms under sections 3302.042, 158399
3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 158400
3319.58 of the Revised Code. 158401

The remainder of the foregoing appropriation item 200448, 158402
Educator Preparation, in fiscal year 2015 may be used for 158403
implementation of teacher and principal evaluation systems, 158404
including incorporation of student growth as a metric in those 158405
systems, and teacher value-added reports. 158406

Section 263.150. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 158407

The foregoing appropriation item 200455, Community Schools 158408
and Choice Programs, may be used by the Department of Education 158409
for additional services and responsibilities under section 3314.11 158410
of the Revised Code and for operation of the school choice 158411
programs. 158412

Of the foregoing appropriation item 200455, Community Schools 158413
and Choice Programs, a portion in each fiscal year may be used by 158414
the Department of Education for developing and conducting training 158415
sessions for community schools and sponsors and prospective 158416
sponsors of community schools as prescribed in division (A)(1) of 158417
section 3314.015 of the Revised Code, and other schools 158418
participating in school choice programs. 158419

Section 263.160. TECHNOLOGY INTEGRATION AND PROFESSIONAL 158420
DEVELOPMENT 158421

The foregoing appropriation item 200465, Technology 158422
Integration and Professional Development, shall be used by the 158423
Department of Education to provide grants to educational 158424
television stations working with partner education technology 158425
centers to provide Ohio public schools with instructional 158426
resources and services, with priority given to resources and 158427
services aligned with state academic content standards. Such 158428

resources and services shall be based upon the advice and approval 158429
of the Department, based on a formula used by the former eTech 158430
Ohio Commission unless and until a substitute formula is developed 158431
in consultation with Ohio's educational television stations and 158432
educational technology centers. 158433

Section 263.170. PUPIL TRANSPORTATION 158434

Of the foregoing appropriation item 200502, Pupil 158435
Transportation, up to \$838,930 in each fiscal year may be used by 158436
the Department of Education for training prospective and 158437
experienced school bus drivers in accordance with training 158438
programs prescribed by the Department. Up to \$60,469,220 in each 158439
fiscal year may be used by the Department of Education for special 158440
education transportation reimbursements to school districts and 158441
county DD boards for transportation operating costs as provided in 158442
divisions (C) and (F) of section 3317.024 of the Revised Code. Up 158443
to \$5,000,000 in fiscal year 2014 and up to \$2,500,000 in fiscal 158444
year 2015 may be used by the Department of Education to reimburse 158445
school districts that make payments to parents in lieu of 158446
transportation under section 3327.02 of the Revised Code and whose 158447
transportation is not funded under division (C) of section 158448
3317.024 of the Revised Code. In each of fiscal years 2014 and 158449
2015, if the parent, guardian, or other person in charge of a 158450
pupil accepts the offer of payment in lieu of providing 158451
transportation, the school district shall pay that parent, 158452
guardian, or other person an amount that shall be not less than 158453
\$250 and not more than the amount determined by the Department as 158454
the average cost of pupil transportation for the previous school 158455
year. Payment may be prorated if the time period involved is only 158456
a part of the school year. 158457

Of the foregoing appropriation item 200502, Pupil 158458
Transportation, up to \$25,300,000 in fiscal year 2014 and up to 158459

\$23,100,000 in fiscal year 2015 shall be used for additional 158460
transportation aid for school districts as provided by division 158461
(G)(2) of section 3317.0212 of the Revised Code, as amended by 158462
this act. The Department shall pay each school district a pro rata 158463
portion of the amounts calculated so that the amount appropriated 158464
is not exceeded. 158465

Of the foregoing appropriation item 200502, Pupil 158466
Transportation, \$413,385,915 in fiscal year 2014 and \$434,055,210 158467
in fiscal year 2015 shall be used to distribute the amounts 158468
calculated for transportation aid under division (G)(1) of section 158469
3317.0212 of the Revised Code, as amended by this act. 158470

Section 263.180. SCHOOL LUNCH MATCH 158471

The foregoing appropriation item 200505, School Lunch Match, 158472
shall be used to provide matching funds to obtain federal funds 158473
for the school lunch program. 158474

Any remaining appropriation after providing matching funds 158475
for the school lunch program may be used to partially reimburse 158476
school buildings within school districts that are required to have 158477
a school breakfast program under section 3313.813 of the Revised 158478
Code, at a rate decided by the Department. 158479

Section 263.190. AUXILIARY SERVICES 158480

The foregoing appropriation item 200511, Auxiliary Services, 158481
shall be used by the Department of Education for the purpose of 158482
implementing section 3317.06 of the Revised Code. Of the 158483
appropriation, up to \$1,888,106 in fiscal year 2014 and up to 158484
\$1,944,949 in fiscal year 2015 may be used for payment of the 158485
Post-Secondary Enrollment Program for nonpublic students, except 158486
that in fiscal year 2014 the Department may spend above the 158487
set-aside to pay for outstanding obligations for the 158488
Post-Secondary Enrollment Options Program in fiscal year 2013. 158489

Notwithstanding section 3365.10 of the Revised Code, the 158490
Department shall distribute funding according to rules adopted by 158491
the Department in accordance with Chapter 119. of the Revised 158492
Code. 158493

Section 263.200. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 158494

The foregoing appropriation item 200532, Nonpublic 158495
Administrative Cost Reimbursement, shall be used by the Department 158496
of Education for the purpose of implementing section 3317.063 of 158497
the Revised Code. 158498

Section 263.210. SPECIAL EDUCATION ENHANCEMENTS 158499

Of the foregoing appropriation item 200540, Special Education 158500
Enhancements, up to \$50,000,000 in each fiscal year shall be used 158501
to fund special education and related services at county boards of 158502
developmental disabilities for eligible students under section 158503
3317.20 of the Revised Code and at institutions for eligible 158504
students under section 3317.201 of the Revised Code. If necessary, 158505
the Department shall proportionately reduce the amount calculated 158506
for each county board of developmental disabilities and 158507
institution so as not to exceed the amount appropriated in each 158508
fiscal year. 158509

Of the foregoing appropriation item 200540, Special Education 158510
Enhancements, up to \$1,333,468 in each fiscal year shall be used 158511
for parent mentoring programs. 158512

Of the foregoing appropriation item 200540, Special Education 158513
Enhancements, up to \$2,537,824 in each fiscal year may be used for 158514
school psychology interns. 158515

The remainder of appropriation item 200540, Special Education 158516
Enhancements, shall be distributed by the Department of Education 158517
to school districts and institutions, as defined in section 158518
3323.091 of the Revised Code, for preschool special education 158519

funding under section 3317.0213 of the Revised Code. 158520

The Department may reimburse school districts and 158521
institutions for services provided by instructional assistants, 158522
related services as defined in rule 3301-51-11 of the 158523
Administrative Code, physical therapy services provided by a 158524
licensed physical therapist or physical therapist assistant under 158525
the supervision of a licensed physical therapist as required under 158526
Chapter 4755. of the Revised Code and Chapter 4755-27 of the 158527
Administrative Code and occupational therapy services provided by 158528
a licensed occupational therapist or occupational therapy 158529
assistant under the supervision of a licensed occupational 158530
therapist as required under Chapter 4755. of the Revised Code and 158531
Chapter 4755-7 of the Administrative Code. Nothing in this section 158532
authorizes occupational therapy assistants or physical therapist 158533
assistants to generate or manage their own caseloads. 158534

The Department of Education shall require school districts, 158535
educational service centers, county DD boards, and institutions 158536
serving preschool children with disabilities to adhere to Ohio's 158537
early learning program standards, participate in the tiered 158538
quality rating and improvement system developed under section 158539
5104.30 of the Revised Code, and document child progress using 158540
research-based indicators prescribed by the Department and report 158541
results annually. The reporting dates and method shall be 158542
determined by the Department. Effective July 1, 2018, all programs 158543
shall be rated through the tiered quality rating and improvement 158544
system. 158545

Section 263.220. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 158546

Of the foregoing appropriation item 200545, Career-Technical 158547
Education Enhancements, up to \$2,563,568 in each fiscal year shall 158548
be used to fund secondary career-technical education at 158549
institutions using a grant-based methodology, notwithstanding 158550

section 3317.05 of the Revised Code. 158551

Of the foregoing appropriation item 200545, Career-Technical 158552
Education Enhancements, up to \$2,838,281 in each fiscal year shall 158553
be used by the Department of Education to fund competitive grants 158554
to tech prep consortia that expand the number of students enrolled 158555
in tech prep programs. These grant funds shall be used to directly 158556
support expanded tech prep programs provided to students enrolled 158557
in school districts, including joint vocational school districts, 158558
and affiliated higher education institutions. This support may 158559
include the purchase of equipment. 158560

Of the foregoing appropriation item 200545, Career-Technical 158561
Education Enhancements, up to \$3,100,850 in each fiscal year shall 158562
be used by the Department of Education to support existing High 158563
Schools That Work (HSTW) sites, develop and support new sites, 158564
fund technical assistance, and support regional centers and middle 158565
school programs. The purpose of HSTW is to combine challenging 158566
academic courses and modern career-technical studies to raise the 158567
academic achievement of students. HSTW provides intensive 158568
technical assistance, focused staff development, targeted 158569
assessment services, and ongoing communications and networking 158570
opportunities. 158571

Of the foregoing appropriation item 200545, Career-Technical 158572
Education Enhancements, up to \$600,000 in each fiscal year shall 158573
be used by the Department of Education to enable students in 158574
agricultural programs to enroll in a fifth quarter of instruction 158575
based on the agricultural education model of delivering work-based 158576
learning through supervised agricultural experience. The 158577
Department of Education shall determine eligibility criteria and 158578
the reporting process for the Agriculture 5th Quarter Project and 158579
shall fund as many programs as possible given the set aside. The 158580
eligibility criteria developed by the Department shall allow these 158581
funds to support supervised agricultural experience that occurs 158582

anytime outside of the regular school day. 158583

Of the foregoing appropriation item, 200545, Career-Technical 158584
Education Enhancements, up to \$162,200 in each fiscal year shall 158585
be distributed to the Cleveland Municipal School District and the 158586
Cincinnati City School District to be used for a VoAg Program in 158587
one at-risk nonvocational school in each district. The amount 158588
distributed to the Cleveland Municipal School District shall be 158589
equal to \$78,600 minus the funding allocated to the district under 158590
division (A)(8) of section 3317.022 of the Revised Code for the 158591
students participating in the program. The amount distributed to 158592
the Cincinnati City School District shall be equal to \$83,600 158593
minus the funding allocated to the district under section 3317.162 158594
of the Revised Code for the students participating in the program. 158595

Of the foregoing appropriation item 200545, Career-Technical 158596
Education Enhancements, \$108,100 in each fiscal year shall be used 158597
to prepare students for careers in culinary arts and restaurant 158598
management under the Ohio ProStart school restaurant program. 158599

Section 263.230. FOUNDATION FUNDING 158600

Of the foregoing appropriation item 200550, Foundation 158601
Funding, up to \$675,000 in fiscal year 2014 shall be used to 158602
support the work of the College of Education and Human Ecology at 158603
the Ohio State University in reviewing and assessing the alignment 158604
of courses offered through the distance learning clearinghouse 158605
established in sections 3333.81 to 3333.88 of the Revised Code 158606
with the academic content standards adopted under division (A) of 158607
section 3301.079 of the Revised Code. 158608

Of the foregoing appropriation item 200550, Foundation 158609
Funding, up to \$40,000,000 in each fiscal year shall be used to 158610
provide additional state aid to school districts, joint vocational 158611
school districts, community schools, and STEM schools for special 158612
education students under division (C)(3) of section 3314.08, 158613

section 3317.0214, division (B) of section 3317.16, and section 158614
3326.34 of the Revised Code, except that the Controlling Board may 158615
increase these amounts if presented with such a request from the 158616
Department of Education at the final meeting of the fiscal year. 158617

Of the foregoing appropriation item 200550, Foundation 158618
Funding, up to \$2,000,000 in each fiscal year shall be reserved 158619
for Youth Services tuition payments under section 3317.024 of the 158620
Revised Code. 158621

Of the foregoing appropriation item 200550, Foundation 158622
Funding, up to \$3,800,000 in each fiscal year shall be used to 158623
fund gifted education at educational service centers. The 158624
Department shall distribute the funding through the unit-based 158625
funding methodology in place under division (L) of section 158626
3317.024, division (E) of section 3317.05, and divisions (A), (B), 158627
and (C) of section 3317.053 of the Revised Code as they existed 158628
prior to fiscal year 2010. 158629

Of the foregoing appropriation item 200550, Foundation 158630
Funding, up to \$43,500,000 in fiscal year 2014 and up to 158631
\$40,000,000 in fiscal year 2015 shall be reserved to fund the 158632
state reimbursement of educational service centers under the 158633
section of this act entitled "EDUCATIONAL SERVICE CENTERS 158634
FUNDING"; and up to \$3,500,000 in each fiscal year shall be 158635
distributed to educational service centers for School Improvement 158636
Initiatives and, in consultation with the Governor's Director of 158637
21st Century Education, for the provision of technical assistance 158638
as required by the Elementary and Secondary Education Act 158639
Flexibility waivers approved for Ohio by the United States 158640
Department of Education. Educational service centers shall be 158641
required to support districts in the development and 158642
implementation of their continuous improvement plans as required 158643
in section 3302.04 of the Revised Code and to provide technical 158644
assistance and support in accordance with Title I of the "No Child 158645

Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317, as 158646
administered pursuant to the Elementary and Secondary Education 158647
Act Flexibility waivers approved for Ohio by the United States 158648
Department of Education. 158649

Of the foregoing appropriation item 200550, Foundation 158650
Funding, up to \$20,000,000 in each fiscal year shall be reserved 158651
for payments under sections 3317.026, 3317.027, and 3317.028 of 158652
the Revised Code. If this amount is not sufficient, the Department 158653
of Education shall prorate the payment amounts so that the 158654
aggregate amount allocated in this paragraph is not exceeded. 158655

Of the foregoing appropriation item 200550, Foundation 158656
Funding, up to \$2,000,000 in each fiscal year shall be used to pay 158657
career-technical planning districts for the amounts reimbursed to 158658
students, as prescribed in this paragraph. Each career-technical 158659
planning district shall reimburse individuals taking the online 158660
General Educational Development (GED) test for the first time for 158661
application/test fees in excess of \$40. Each career-technical 158662
planning district shall designate a site or sites where 158663
individuals may register and take the exam. For each individual 158664
that registers for the exam, the career-technical planning 158665
district shall make available and offer career counseling 158666
services, including information on adult education programs that 158667
are available. 158668

Of the foregoing appropriation item 200550, Foundation 158669
Funding, up to \$410,000 in each fiscal year shall be used to pay 158670
career-technical planning districts \$500 for each student that 158671
receives a journeyman certification, as recognized by the United 158672
States Department of Labor. 158673

Of the foregoing appropriation item 200550, Foundation 158674
Funding, up to \$18,713,327 in each fiscal year shall be used to 158675
support school choice programs. 158676

Of the portion of the funds distributed to the Cleveland Municipal School District under this section, up to \$11,901,887 in each fiscal year shall be used to operate the school choice program in the Cleveland Municipal School District under sections 3313.974 to 3313.979 of the Revised Code. Notwithstanding divisions (B) and (C) of section 3313.978 and division (C) of section 3313.979 of the Revised Code, up to \$1,000,000 in each fiscal year of this amount shall be used by the Cleveland Municipal School District to provide tutorial assistance as provided in division (H) of section 3313.974 of the Revised Code. The Cleveland Municipal School District shall report the use of these funds in the district's three-year continuous improvement plan as described in section 3302.04 of the Revised Code in a manner approved by the Department of Education.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$2,000,000 in fiscal year 2015 shall be used to pay college-preparatory boarding schools the per pupil boarding amount pursuant to section 3328.34 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$500,000 in each fiscal year shall be used to support Jobs for Ohio's Graduates.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$250,000 in fiscal year 2015 may be used for payment of the Post-Secondary Enrollment Options Program for students instructed at home pursuant to section 3321.04 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$5,000,000 in fiscal year 2014 shall be used to reimburse school districts for the full amount deducted in that year under section 3310.55 of the Revised Code for Jon Peterson Scholarships awarded under sections 3310.51 to 3310.64 of the Revised Code to students who did not attend a public school in

their resident district in the previous school year. If this 158709
amount is not sufficient, the Department of Education shall 158710
prorate the payment amounts so that the aggregate amount 158711
appropriated in this paragraph is not exceeded. 158712

Of the foregoing appropriation item 200550, Foundation 158713
Funding, an amount shall be available in each fiscal year to be 158714
paid to joint vocational school districts in accordance with 158715
division (A) of section 3317.16 of the Revised Code and the 158716
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT 158717
VOCATIONAL SCHOOL DISTRICTS." 158718

Of the foregoing appropriation item 200550, Foundation 158719
Funding, up to \$700,000 in each fiscal year shall be used by the 158720
Department of Education for a program to pay for educational 158721
services for youth who have been assigned by a juvenile court or 158722
other authorized agency to any of the facilities described in 158723
division (A) of the section of this act entitled "PRIVATE 158724
TREATMENT FACILITY PROJECT." 158725

Of the foregoing appropriation item 200550, Foundation 158726
Funding, up to \$675,000 in fiscal year 2015 shall be used to 158727
provide grants on a competitive basis to public and chartered 158728
nonpublic schools for their participation in the electronic 158729
textbook pilot project. These funds shall be administered as 158730
provided under the section of this act entitled ELECTRONIC 158731
TEXTBOOK PILOT PROJECT. 158732

Of the foregoing appropriation item 200550, Foundation 158733
Funding, up to \$500,000 in fiscal year 2014 and up to \$3,000,000 158734
in fiscal year 2015 shall be used for the New Leaders for Ohio 158735
Schools Pilot Project in accordance with Section 733.40 of this 158736
act. 158737

The remainder of appropriation item 200550, Foundation 158738
Funding, shall be used to distribute the amounts calculated for 158739

formula aid under section 3317.022 of the Revised Code and the 158740
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, 158741
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 158742

Appropriation items 200502, Pupil Transportation, 200540, 158743
Special Education Enhancements, and 200550, Foundation Funding, 158744
other than specific set-asides, are collectively used in each 158745
fiscal year to pay state formula aid obligations for school 158746
districts, community schools, STEM schools, college preparatory 158747
boarding schools, and joint vocational school districts under this 158748
act. The first priority of these appropriation items, with the 158749
exception of specific set-asides, is to fund state formula aid 158750
obligations. It may be necessary to reallocate funds among these 158751
appropriation items or use excess funds from other general revenue 158752
fund appropriation items in the Department of Education's budget 158753
in each fiscal year, in order to meet state formula aid 158754
obligations. If it is determined that it is necessary to transfer 158755
funds among these appropriation items or to transfer funds from 158756
other General Revenue Fund appropriations in the Department of 158757
Education's budget to meet state formula aid obligations, the 158758
Department of Education shall seek approval from the Controlling 158759
Board to transfer funds as needed. 158760

The Superintendent of Public Instruction shall make payments, 158761
transfers, and deductions, as authorized by Title XXXIII of the 158762
Revised Code and Sections 267.30.50, 267.30.53, 267.30.56, and 158763
267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, in 158764
amounts substantially equal to those made in the prior year, or 158765
otherwise, at the discretion of the Superintendent, until at least 158766
the effective date of the amendments and enactments made to Title 158767
XXXIII by this act. If a new school district, community school, or 158768
STEM school opens prior to the effective date of this act, the 158769
Department of Education shall pay to the district or school an 158770
amount of \$5,000 per pupil, based upon the estimated number of 158771

students that the district or school is expected to serve. Any 158772
funds paid to districts or schools under this section shall be 158773
credited toward the annual funds calculated for the district or 158774
school after the changes made to Title XXXIII in this act are 158775
effective. Upon the effective date of changes made to Title XXXIII 158776
in this act, funds shall be calculated as an annual amount. 158777

Section 263.240. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 158778
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 158779

The Department of Education shall distribute funds within 158780
appropriation item 200550, Foundation Funding, for temporary 158781
transitional aid in each fiscal year to each qualifying city, 158782
local, and exempted village school district. 158783

(A) For fiscal years 2014 and 2015, the Department shall pay 158784
temporary transitional aid to each city, local, or exempted 158785
village school district that experiences any decrease in its state 158786
foundation funding for the current fiscal year from its 158787
transitional aid guarantee base. The amount of the temporary 158788
transitional aid payment shall equal the difference between its 158789
foundation funding for the current fiscal year and its 158790
transitional aid guarantee base. If the computation made under 158791
this division results in a negative number, the district's funding 158792
under this division shall be zero. 158793

(1) As used in this section, foundation funding for each 158794
city, local, and exempted village school district for a given 158795
fiscal year equals the sum of the amount calculated for the 158796
district under section 3317.022 of the Revised Code, as re-enacted 158797
by this act, and the amounts calculated for the district under 158798
divisions (G)(1) and (2) of section 3317.0212 of the Revised Code, 158799
as amended by this act, for that fiscal year. 158800

(2) The transitional aid guarantee base for each city, local, 158801
and exempted village school district equals the sum of the amounts 158802

computed for the district for fiscal year 2013, under Sections 158803
267.30.50, 267.30.53, and 267.30.56 of Am. Sub. H.B. 153 of the 158804
129th General Assembly. The Department of Education shall adjust, 158805
as necessary, the transitional aid guarantee base of any local 158806
school district that participates in the establishment of a joint 158807
vocational school district that begins receiving payments under 158808
section 3317.16 of the Revised Code, as re-enacted by this act, 158809
for fiscal year 2014, but does not receive payments under Section 158810
267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, for 158811
fiscal year 2013. The Department shall adjust any such local 158812
school district's guarantee base according to the amounts received 158813
by the district in fiscal year 2013 for career-technical education 158814
students who attend the newly established joint vocational school 158815
district in fiscal year 2014. 158816

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 158817
as re-enacted by this act, in fiscal year 2014, no city, local, or 158818
exempted village school district shall be allocated foundation 158819
funding that is greater than 1.0625 times the district's 158820
transitional aid guarantee base. 158821

(2) Notwithstanding section 3317.022 of the Revised Code, as 158822
re-enacted by this act, in fiscal year 2015, no city, local, or 158823
exempted village school district shall be allocated foundation 158824
funding that is greater than 1.105 times the amount computed for 158825
foundation funding for the district for fiscal year 2014 plus any 158826
amount calculated for temporary transitional aid for fiscal year 158827
2014 under division (A) of this section and after any reductions 158828
made for fiscal year 2014 under division (B)(1) of this section. 158829

(3) The Department shall reduce a district's payments under 158830
divisions (A)(1), (2), (4), (5), (6), and (7) of section 3317.022 158831
of the Revised Code, as re-enacted by this act, and divisions 158832
(G)(1) and (2) of section 3317.0212 of the Revised Code, as 158833
amended by this act, proportionately as necessary in order to 158834

comply with this division. If those amounts are insufficient, the 158835
Department shall proportionately reduce a district's payments 158836
under divisions (A)(3), (8), and (9) of section 3317.022 of the 158837
Revised Code, as re-enacted by this act. 158838

Section 263.250. TEMPORARY TRANSITIONAL AID FOR JOINT 158839
VOCATIONAL SCHOOL DISTRICTS 158840

The Department of Education shall distribute funds within 158841
appropriation item 200550, Foundation Funding, for temporary 158842
transitional aid in each fiscal year to each qualifying joint 158843
vocational school district. 158844

(A) For fiscal years 2014 and 2015, the Department shall pay 158845
temporary transitional aid to each joint vocational school 158846
district that experiences any decrease in its state core 158847
foundation funding under division (A) of section 3317.16 of the 158848
Revised Code, as re-enacted by this act, for the current fiscal 158849
year from its transitional aid guarantee base. The amount of the 158850
temporary transitional aid payment shall equal the difference 158851
between the district's funding under division (A) of section 158852
3317.16 of the Revised Code for the current fiscal year and its 158853
transitional aid guarantee base. If the computation made under 158854
this division results in a negative number, the district's funding 158855
under this division shall be zero. 158856

The transitional aid guarantee base for each joint vocational 158857
school district equals the amount computed for the district for 158858
fiscal year 2013, under Section 267.30.60 of Am. Sub. H.B. 153 of 158859
the 129th General Assembly. The Department of Education shall 158860
establish, as necessary, the transitional aid guarantee base of 158861
any joint vocational school district that begins receiving 158862
payments under section 3317.16 of the Revised Code, as re-enacted 158863
by this act, for fiscal year 2014, but does not receive payments 158864
under Section 267.30.60 of Am. Sub. H.B. 153 of the 129th General 158865

Assembly, for fiscal year 2013. The Department shall establish any 158866
such joint vocational school district's guarantee base as an 158867
amount equal to the absolute value of the sum of the associated 158868
adjustments of any local school districts' guarantee bases under 158869
Section 263.240 of this act. 158870

(B)(1) Notwithstanding division (A) of section 3317.16 of the 158871
Revised Code, as re-enacted by this act, in fiscal year 2014, no 158872
joint vocational school district shall be allocated state core 158873
foundation funding, as computed under division (A) of section 158874
3317.16 of the Revised Code, as re-enacted by this act, that is 158875
greater than 1.0625 times the district's transitional aid 158876
guarantee base. 158877

(2) Notwithstanding division (A) of section 3317.16 of the 158878
Revised Code, as re-enacted by this act, in fiscal year 2015, no 158879
joint vocational school district shall be allocated state core 158880
foundation funding, under division (A) of section 3317.16 of the 158881
Revised Code, as re-enacted by this act, that is greater than 158882
1.105 times the amount computed for state core foundation funding 158883
for the district for fiscal year 2014 under division (A) of 158884
section 3317.16 of the Revised Code, as re-enacted by this act, 158885
plus any amount calculated for temporary transitional aid for 158886
fiscal year 2014 under division (A) of this section and after any 158887
reductions made for fiscal year 2014 under division (B)(1) of this 158888
section. 158889

(3) The Department shall reduce a district's payments under 158890
divisions (A)(1), (3), and (4) of section 3317.16 of the Revised 158891
Code, as re-enacted by this act, proportionately as necessary in 158892
order to comply with this division. If those amounts are 158893
insufficient, the Department shall proportionately reduce a 158894
district's payments under divisions (A)(2), (5), and (6) of 158895
section 3317.16 of the Revised Code, as re-enacted by this act. 158896

Section 263.251. (A) For the 2013-2014 school year, each 158897
city, local, exempted village, and joint vocational school 158898
district shall continue to report the average daily membership of 158899
students receiving service from the district during the first full 158900
week of October according to the schedule for those reports 158901
prescribed by section 3317.03 of the Revised Code as amended by 158902
this act. 158903

(B) During the 2013-2014 school year, the Department of 158904
Education shall convene a group of representatives of school 158905
districts from throughout the state to assist and advise in the 158906
development of the guidelines, policies, and reports that will be 158907
necessary to implement a reporting of an annualized full-time 158908
equivalent student enrollment. The Department shall develop the 158909
guidelines and policies required to implement changes to section 158910
3317.03 of the Revised Code in a manner that will ensure students 158911
are accurately accounted for in the enrollment data of each 158912
district. 158913

Section 263.255. LITERACY IMPROVEMENT 158914

The foregoing appropriation item 200566, Literacy 158915
Improvement, shall be used for Read Baby Read. 158916

Section 263.260. PROPERTY TAX ALLOCATION - EDUCATION 158917

The Superintendent of Public Instruction shall not request, 158918
and the Controlling Board shall not approve, the transfer of 158919
appropriation from appropriation item 200901, Property Tax 158920
Allocation - Education, to any other appropriation item. 158921

The appropriation item 200901, Property Tax Allocation - 158922
Education, is appropriated to pay for the state's costs incurred 158923
because of the homestead exemption, the property tax rollback, and 158924
payments required under division (C) of section 5705.2110 of the 158925

Revised Code. In cooperation with the Department of Taxation, the 158926
Department of Education shall distribute these funds directly to 158927
the appropriate school districts of the state, notwithstanding 158928
sections 321.24 and 323.156 of the Revised Code, which provide for 158929
payment of the homestead exemption and property tax rollback by 158930
the Tax Commissioner to the appropriate county treasurer and the 158931
subsequent redistribution of these funds to the appropriate local 158932
taxing districts by the county auditor. 158933

Upon receipt of these amounts, each school district shall 158934
distribute the amount among the proper funds as if it had been 158935
paid as real or tangible personal property taxes. Payments for the 158936
costs of administration shall continue to be paid to the county 158937
treasurer and county auditor as provided for in sections 319.54, 158938
321.26, and 323.156 of the Revised Code. 158939

Any sums, in addition to the amount specifically appropriated 158940
in appropriation items 200901, Property Tax Allocation - 158941
Education, for the homestead exemption and the property tax 158942
rollback payments, and payments required under division (C) of 158943
section 5705.2110 of the Revised Code, which are determined to be 158944
necessary for these purposes, are hereby appropriated. 158945

Section 263.270. TEACHER CERTIFICATION AND LICENSURE 158946

The foregoing appropriation item 200681, Teacher 158947
Certification and Licensure, shall be used by the Department of 158948
Education in each year of the biennium to administer and support 158949
teacher certification and licensure activities. 158950

SCHOOL DISTRICT SOLVENCY ASSISTANCE 158951

(A) Of the foregoing appropriation item 200687, School 158952
District Solvency Assistance, \$20,000,000 in each fiscal year 158953
shall be allocated to the School District Shared Resource Account 158954
and \$5,000,000 in each fiscal year shall be allocated to the 158955

Catastrophic Expenditures Account. These funds shall be used to 158956
provide assistance and grants to school districts to enable them 158957
to remain solvent under section 3316.20 of the Revised Code. 158958
Assistance and grants shall be subject to approval by the 158959
Controlling Board. Except as provided under division (C) of this 158960
section, any required reimbursements from school districts for 158961
solvency assistance shall be made to the appropriate account in 158962
the School District Solvency Assistance Fund (Fund 5H30). 158963

(B) Notwithstanding any provision of law to the contrary, 158964
upon the request of the Superintendent of Public Instruction, the 158965
Director of Budget and Management may make transfers to the School 158966
District Solvency Assistance Fund (Fund 5H30) from any fund used 158967
by the Department of Education or the General Revenue Fund to 158968
maintain sufficient cash balances in Fund 5H30 in fiscal years 158969
2014 and 2015. Any cash transferred is hereby appropriated. The 158970
transferred cash may be used by the Department of Education to 158971
provide assistance and grants to school districts to enable them 158972
to remain solvent and to pay unforeseeable expenses of a temporary 158973
or emergency nature that the school district is unable to pay from 158974
existing resources. The Director of Budget and Management shall 158975
notify the members of the Controlling Board of any such transfers. 158976

(C) If the cash balance of the School District Solvency 158977
Assistance Fund (Fund 5H30) is insufficient to pay solvency 158978
assistance in fiscal years 2014 and 2015, at the request of the 158979
Superintendent of Public Instruction, and with the approval of the 158980
Controlling Board, the Director of Budget and Management may 158981
transfer cash from the Lottery Profits Education Reserve Fund 158982
(Fund 7018) to Fund 5H30 to provide assistance and grants to 158983
school districts to enable them to remain solvent and to pay 158984
unforeseeable expenses of a temporary nature that they are unable 158985
to pay from existing resources under section 3316.20 of the 158986
Revised Code. Such transfers are hereby appropriated to 158987

appropriation item 200670, School District Solvency Assistance - 158988
Lottery. Any required reimbursements from school districts for 158989
solvency assistance granted from appropriation item 200670, School 158990
District Solvency Assistance - Lottery, shall be made to Fund 158991
7018. 158992

Section 263.280. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS 158993

Upon the request of the Superintendent of Public Instruction, 158994
the Director of Budget and Management may transfer up to \$750,000 158995
cash in each fiscal year from the General Revenue Fund to the 158996
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The 158997
transferred cash is to be used by the Department of Education to 158998
pay the expenses the Department incurs in administering the 158999
Medicaid School Component of the Medicaid program established 159000
under sections 5162.36 to 5162.364 of the Revised Code. On June 1 159001
of each fiscal year, or as soon as possible thereafter, the 159002
Director of Budget and Management shall transfer cash from Fund 159003
3AF0 back to the General Revenue Fund in an amount equal to the 159004
total amount transferred to Fund 3AF0 in that fiscal year. 159005

The money deposited into Fund 3AF0 under division (B) of 159006
section 5162.64 of the Revised Code is hereby appropriated for 159007
fiscal years 2014 and 2015 and shall be used in accordance with 159008
division (C) of section 5162.64 of the Revised Code. 159009

Section 263.290. HALF-MILL MAINTENANCE EQUALIZATION 159010

The foregoing appropriation item 200626, Half-Mill 159011
Maintenance Equalization, shall be used to make payments pursuant 159012
to section 3318.18 of the Revised Code. 159013

Section 263.300. GATES FOUNDATION GRANTS 159014

The foregoing appropriation item 200668, Gates Foundation 159015
Grants, shall be used by the Department of Education to provide 159016

professional development to school district principals, 159017
superintendents, and other administrative staff on the use of 159018
education technology. 159019

Section 263.310. AUXILIARY SERVICES REIMBURSEMENT 159020

Notwithstanding section 3317.064 of the Revised Code, if the 159021
unexpended, unencumbered cash balance is sufficient, the Treasurer 159022
of State shall transfer \$1,500,000 in fiscal year 2014 within 159023
thirty days after the effective date of this section, and 159024
\$1,500,000 in fiscal year 2015 by August 1, 2014, from the 159025
Auxiliary Services Personnel Unemployment Compensation Fund to the 159026
Auxiliary Services Reimbursement Fund (Fund 5980) used by the 159027
Department of Education. 159028

Section 263.320. LOTTERY PROFITS EDUCATION FUND 159029

Appropriation item 200612, Foundation Funding (Fund 7017), 159030
shall be used in conjunction with appropriation item 200550, 159031
Foundation Funding (GRF), to provide state foundation payments to 159032
school districts. 159033

The Department of Education, with the approval of the 159034
Director of Budget and Management, shall determine the monthly 159035
distribution schedules of appropriation item 200550, Foundation 159036
Funding (GRF), and appropriation item 200612, Foundation Funding 159037
(Fund 7017). If adjustments to the monthly distribution schedule 159038
are necessary, the Department of Education shall make such 159039
adjustments with the approval of the Director of Budget and 159040
Management. 159041

STRAIGHT A FUND 159042

Of the foregoing appropriation item 200648, Straight A Fund, 159043
up to \$70,000 in each fiscal year shall be used by Kids Unlimited 159044
of Toledo for quality after-school tutoring and mentoring programs 159045
in two elementary school buildings in Lucas County. The school 159046

buildings may include any community school, chartered nonpublic 159047
school, or building that is part of a city, local, or exempted 159048
village school district. Kids Unlimited of Toledo shall provide 159049
local matching funds equal to the set-aside. 159050

Of the foregoing appropriation item 200648, Straight A Fund, 159051
up to \$250,000 in each fiscal year may be used to make competitive 159052
grants in accordance with Section 263.324 of this act. 159053

Of the foregoing appropriation item 200648, Straight A Fund, 159054
up to \$6,000,000 in fiscal year 2014 shall be distributed to the 159055
Cleveland Municipal School District to be used, as determined by 159056
the Department of Education, to implement provisions of Am. Sub. 159057
H.B. 525 of the 129th General Assembly. 159058

Of the foregoing appropriation item 200648, Straight A Fund, 159059
up to \$5,000,000 in each fiscal year shall be provided to school 159060
districts that meet the conditions prescribed in division (G)(3) 159061
of section 3317.0212 of the Revised Code to support innovations 159062
that improve the efficiency of pupil transportation. This may 159063
include, but is not limited to, the purchase of buses and other 159064
equipment. The Department of Education shall distribute these 159065
funds to districts based on each district's qualifying ridership 159066
as reported under division (B) of section 3317.0212 of the Revised 159067
Code. 159068

The remainder of appropriation item 200648, Straight A Fund, 159069
shall be used to make competitive grants in accordance with 159070
Section 263.325 of this act. 159071

EDCHOICE EXPANSION 159072

The foregoing appropriation item 200666, EdChoice Expansion, 159073
shall be used as follows: 159074

(A) In fiscal year 2014, notwithstanding section 3310.032 of 159075
the Revised Code, the Department of Education shall administer an 159076
expansion of the Educational Choice Scholarship program as 159077

follows: 159078

(1) A student is an "eligible student" for purposes of the 159079
expansion of the Educational Choice Scholarship Pilot Program 159080
under division (A) of this section if the student's resident 159081
district is not a school district in which the pilot project 159082
scholarship program is operating under sections 3313.974 to 159083
3313.979 of the Revised Code and the student's family income is at 159084
or below two hundred per cent of the federal poverty guidelines, 159085
as defined in section 5101.46 of the Revised Code. 159086

(2) The Department shall pay scholarships to attend chartered 159087
nonpublic schools in accordance with section 3310.08 of the 159088
Revised Code. The number of scholarships awarded under division 159089
(A) of this section shall not exceed the number that can be funded 159090
with appropriations made by the general assembly for this purpose. 159091

(3) Scholarships under division (A) of this section shall be 159092
awarded for the 2013-2014 school year, to eligible students who 159093
are entering kindergarten in that school year for the first time. 159094

(4) If the number of eligible students who apply for a 159095
scholarship exceeds the scholarships available based on the 159096
appropriation for division (A) of this section, the department 159097
shall award scholarships in the following order of priority: 159098

(a) First, to eligible students with family incomes at or 159099
below one hundred per cent of the federal poverty guidelines. 159100

(b) Second, to other eligible students who qualify under 159101
division (A) of this section. If the number of students described 159102
in division (A)(4)(b) of this section exceeds the number of 159103
available scholarships after awards are made under division 159104
(A)(4)(a) of this section, the department shall select students 159105
described in division (A)(4)(b) of this section by lot to receive 159106
any remaining scholarships. 159107

(5) A student who receives a scholarship under division (A) 159108

of this section remains an eligible student and may continue to 159109
receive scholarships under section 3310.032 of the Revised Code in 159110
subsequent school years until the student completes grade twelve, 159111
so long as the student satisfies the conditions specified in 159112
divisions (E)(2) and (3) of section 3310.03 of the Revised Code. 159113

Once a scholarship is awarded under this section, the student 159114
shall remain eligible for that scholarship for the current and 159115
subsequent school years, even if the student's family income rises 159116
above the amount specified in division (A) of section 3310.032 of 159117
the Revised Code, provided the student remains enrolled in a 159118
chartered nonpublic school. 159119

(B) In fiscal year 2015, to provide for the scholarships 159120
awarded under the expansion of the educational choice program 159121
established under section 3310.032 of the Revised Code. The number 159122
of scholarships awarded under the expansion of the educational 159123
choice program shall not exceed the number that can be funded with 159124
the appropriations made by the General Assembly for this purpose. 159125

COMMUNITY SCHOOL FACILITIES 159126

The foregoing appropriation item 200684, Community School 159127
Facilities, shall be used to pay each community school established 159128
under Chapter 3314. of the Revised Code that is not an internet- 159129
or computer-based community school and each STEM school 159130
established under Chapter 3326. of the Revised Code an amount 159131
equal to \$100 for each full-time equivalent pupil for assistance 159132
with the cost associated with facilities. If the amount 159133
appropriated is not sufficient, the Department of Education shall 159134
prorate the amounts so that the aggregate amount appropriated is 159135
not exceeded. 159136

Section 263.324. (A) A program that has applied for or 159137
received a Promise Neighborhood Implementation Grant from the 159138
United States Department of Education that is located in a city 159139

school district may apply to the Ohio Department of Education for 159140
a grant under this section. 159141

(B) To be eligible to receive a grant, a program shall meet 159142
either of the following criteria: 159143

(1) The program was awarded a Promise Neighborhood 159144
Implementation Grant in the year for which a grant is sought from 159145
the Ohio Department of Education. 159146

(2) The program applied to the United States Department of 159147
Education for a Promise Neighborhood Implementation Grant in 159148
either the year for which the state grant is sought or in the year 159149
prior to which the state grant is sought. 159150

(C) A program that receives a grant from the Ohio Department 159151
of Education under this section shall use the funds for 159152
administrative costs associated with the Promise Neighborhood 159153
Program. 159154

(D) Any program that receives a grant from the Ohio 159155
Department of Education under this section shall contribute local 159156
matching funds that are equal to the amount of the grant received 159157
by the Department. 159158

Section 263.325. (A) The Straight A Program is hereby created 159159
for fiscal years 2014 and 2015 to provide grants to city, local, 159160
exempted village, and joint vocational school districts, 159161
educational service centers, community schools established under 159162
Chapter 3314., STEM schools established under Chapter 3326., 159163
college-preparatory boarding schools established under Chapter 159164
3328. of the Revised Code, individual school buildings, education 159165
consortia (which may represent a partnership among school 159166
districts, school buildings, community schools, or STEM schools), 159167
institutions of higher education, and private entities partnering 159168
with one or more of the educational entities identified in this 159169

division for projects that aim to achieve significant advancement	159170
in one or more of the following goals:	159171
(1) Student achievement;	159172
(2) Spending reduction in the five-year fiscal forecast required under section 5705.391 of the Revised Code;	159173 159174
(3) Utilization of a greater share of resources in the classroom.	159175 159176
(B)(1) Grants shall be awarded by a nine-member governing board consisting of the Superintendent of Public Instruction, or the Superintendent's designee, four members appointed by the Governor, two members appointed by the Speaker of the House of Representatives, and two members appointed by the President of the Senate. The Department of Education shall provide administrative support to the board. No member shall be compensated for the member's service on the board.	159177 159178 159179 159180 159181 159182 159183 159184
(2) The board shall select grant advisors with fiscal expertise and education expertise. These advisors shall evaluate proposals from grant applicants and advise the staff administering the program. No advisor shall be compensated for this service.	159185 159186 159187 159188
(3) The board shall issue an annual report to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the chairpersons of the House and Senate committees that primarily deal with education regarding the types of grants awarded, the grant recipients, and the effectiveness of the grant program.	159189 159190 159191 159192 159193 159194
(4) The board shall create a grant application and publish on the Department's web site the application and timeline for the submission, review, notification, and awarding of grant proposals.	159195 159196 159197
(5) With the approval of the board, the Department shall establish a system for evaluating and scoring the grant	159198 159199

applications received under this section. 159200

(C) Each grant applicant shall submit a proposal that 159201
includes all of the following: 159202

(1) A description of the project for which the applicant is 159203
seeking a grant, including a description of how the project will 159204
have substantial value and lasting impact; 159205

(2) An explanation of how the project will be 159206
self-sustaining. If the project will result in increased ongoing 159207
spending, the applicant shall show how the spending will be offset 159208
by verifiable, credible, permanent spending reductions. 159209

(3) A description of quantifiable results of the project that 159210
can be benchmarked. 159211

If an education consortia described in division (A) of this 159212
section applies for a grant, the lead applicant shall be the 159213
school district, school building, community school, or STEM school 159214
that is a member of the consortia and shall so indicate on the 159215
grant application. 159216

(D)(1) Within seventy-five days after receiving a grant 159217
application, the board shall issue a decision on the application 159218
of "yes," "no," "hold," or "edit." In making its decision, the 159219
board shall consider whether the project has the capability of 159220
being replicated in other school districts and schools or creates 159221
something that can be used in other districts and schools. A grant 159222
awarded under this section to a school district, educational 159223
service center, community school, STEM school, college-preparatory 159224
boarding school, individual school building, institution of higher 159225
education, or private entity partnering with one or more of the 159226
educational entities identified in division (A) of this section 159227
shall not exceed \$5,000,000 in each fiscal year. A grant awarded 159228
to an education consortia shall not exceed \$15,000,000 in each 159229
fiscal year. The Superintendent of Public Instruction may make 159230

recommendations to the Controlling Board that these maximum 159231
amounts be exceeded. Upon Controlling Board approval, grants may 159232
be awarded in excess of these amounts. 159233

(2) If the board issues a "hold" or "edit" decision for an 159234
application, it shall, upon returning the application to the 159235
applicant, specify the process for reconsideration of the 159236
application. An applicant may work with the grant advisors and 159237
staff to modify or improve a grant application. 159238

(E) Upon deciding to award a grant to an applicant, the board 159239
shall enter into a grant agreement with the applicant that 159240
includes all of the following: 159241

(1) The content of the applicant's proposal as outlined under 159242
division (C) of this section; 159243

(2) The project's deliverables and a timetable for their 159244
completion; 159245

(3) Conditions for receiving grant funding; 159246

(4) Conditions for receiving funding in future years if the 159247
contract is a multi-year contract; 159248

(5) A provision specifying that funding will be returned to 159249
the board if the applicant fails to implement the agreement, as 159250
determined by the Auditor of State. 159251

(6) A provision specifying that the agreement may be amended 159252
by mutual agreement between the board and the applicant. 159253

(F) An advisory committee for the Straight A Program is 159254
hereby established. The committee shall consist of not more than 159255
eleven members appointed by the Governor that represent all areas 159256
of the state and different interests. The committee shall annually 159257
review the Straight A Program and provide strategic advice to the 159258
governing board and the Director of the Governor's Office of 21st 159259
Century Education. 159260

(G) Each grant awarded under this section shall be subject to approval by the Controlling Board prior to execution of the grant agreement.

Section 263.330. LOTTERY PROFITS EDUCATION RESERVE FUND

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund.

(B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management may transfer cash from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) in fiscal year 2014 and fiscal year 2015.

(C) On July 15, 2013, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$680,500,000 in fiscal year 2013.

(D) On July 15, 2014, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$841,000,000 in fiscal year 2014.

(E) Notwithstanding any provision of law to the contrary, in fiscal year 2014 and fiscal year 2015, the Director of Budget and Management may transfer cash in excess of the amounts necessary to support appropriations in Fund 7017 from that fund to Fund 7018.

Section 263.340. GENERAL REVENUE FUND TRANSFERS TO SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 7047)

Notwithstanding any provision of law to the contrary, in

fiscal year 2014 and fiscal year 2015 the Director of Budget and Management may make temporary transfers between the General Revenue Fund and the School District Property Tax Replacement - Business Fund (Fund 7047), used by the Department of Education, to ensure sufficient balances in Fund 7047 and to replenish the General Revenue Fund for such transfers.

Section 263.350. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS

The foregoing appropriation item 200909, School District Property Tax Replacement - Business, shall be used by the Department of Education, in consultation with the Department of Taxation, to make payments to school districts and joint vocational school districts under section 5751.21 of the Revised Code. If it is determined by the Director of Budget and Management that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY

The foregoing appropriation item 200900, School District Property Tax Replacement-Utility, shall be used by the Department of Education, in consultation with the Department of Taxation, to make payments to school districts and joint vocational school districts under section 5727.85 of the Revised Code. If it is determined by the Director of Budget and Management that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

DISTRIBUTION FORMULAS

The Department of Education shall report the following to the Director of Budget and Management and the Legislative Service Commission:

(A) Changes in formulas for distributing state

appropriations, including administratively defined formula	159320
factors;	159321
(B) Discretionary changes in formulas for distributing	159322
federal appropriations;	159323
(C) Federally mandated changes in formulas for distributing	159324
federal appropriations.	159325
Any such changes shall be reported two weeks prior to the	159326
effective date of the change.	159327
Section 263.360. EDUCATIONAL SERVICE CENTERS FUNDING	159328
In fiscal year 2014, the Department of Education shall pay	159329
the governing board of each primary educational service center	159330
state funds equal to thirty-seven dollars times its student count,	159331
as calculated under division (G)(1) of section 3313.843 of the	159332
Revised Code.	159333
In fiscal year 2015, the Department of Education shall pay	159334
the governing board of each primary educational service center	159335
state funds equal to thirty-five dollars times its student count,	159336
as calculated under division (G)(1) of section 3313.843 of the	159337
Revised Code.	159338
If the amount earmarked for the state reimbursement of	159339
educational service centers in appropriation item 200550,	159340
Foundation Funding, is not sufficient, the Department of Education	159341
shall prorate the payment amounts so that the appropriation is not	159342
exceeded.	159343
Notwithstanding any provision of law to the contrary, the	159344
Department of Education shall modify the payments under this	159345
section as follows:	159346
(A) If an educational service center ceases operation, the	159347
Department shall redistribute that center's funding, as calculated	159348
under this section, to the remaining centers in proportion to each	159349

center's service center ADM as defined in former section 3317.11 159350
of the Revised Code, as that section existed prior to the date of 159351
its repeal. 159352

(B) If two or more educational service centers merge 159353
operations to create a single service center, the Department shall 159354
distribute the sum of the original service centers' funding, as 159355
calculated under this section, to the new service center. 159356

Section 263.370. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 159357
ASSESSMENT OF EDUCATION PROGRESS 159358

The General Assembly intends for the Superintendent of Public 159359
Instruction to provide for school district participation in the 159360
administration of the National Assessment of Education Progress in 159361
accordance with section 3301.27 of the Revised Code. Each school 159362
and school district selected for participation by the 159363
Superintendent of Public Instruction shall participate. 159364

Section 263.373. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 159365
STUDENTS 159366

(A) As used in this section: 159367

(1) "IEP" has the same meaning as in section 3323.01 of the 159368
Revised Code. 159369

(2) "SBH student" means a student receiving special education 159370
and related services for severe behavior disabilities pursuant to 159371
an IEP. 159372

(B) This section applies only to a community school 159373
established under Chapter 3314. of the Revised Code that in each 159374
of fiscal years 2014 and 2015 enrolls a number of SBH students 159375
equal to at least fifty per cent of the total number of students 159376
enrolled in the school in the applicable fiscal year. 159377

(C) In addition to any state foundation payments made, in 159378

each of fiscal years 2014 and 2015, the Department of Education 159379
shall pay to a community school to which this section applies a 159380
subsidy equal to the difference between the aggregate amount 159381
calculated and paid in that fiscal year to the community school 159382
for special education and related services additional weighted 159383
costs for the SBH students enrolled in the school and the 159384
aggregate amount that would have been calculated for the school 159385
for special education and related services additional weighted 159386
costs for those same students in fiscal year 2001. If the 159387
difference is a negative number, the amount of the subsidy shall 159388
be zero. 159389

(D) The amount of any subsidy paid to a community school 159390
under this section shall not be deducted from the school district 159391
in which any of the students enrolled in the community school are 159392
entitled to attend school under section 3313.64 or 3313.65 of the 159393
Revised Code. The amount of any subsidy paid to a community school 159394
under this section shall be paid from funds appropriated to the 159395
Department of Education in appropriation item 200550, Foundation 159396
Funding. 159397

Section 263.380. EARMARK ACCOUNTABILITY 159398

At the request of the Superintendent of Public Instruction, 159399
any entity that receives a budget earmark under the Department of 159400
Education shall submit annually to the chairpersons of the 159401
committees of the House of Representatives and the Senate 159402
primarily concerned with education and to the Department of 159403
Education a report that includes a description of the services 159404
supported by the funds, a description of the results achieved by 159405
those services, an analysis of the effectiveness of the program, 159406
and an opinion as to the program's applicability to other school 159407
districts. For an earmarked entity that received state funds from 159408
an earmark in the prior fiscal year, no funds shall be provided by 159409

the Department of Education to an earmarked entity for a fiscal 159410
year until its report for the prior fiscal year has been 159411
submitted. 159412

Section 263.390. COMMUNITY SCHOOL OPERATING FROM HOME 159413

A community school established under Chapter 3314. of the 159414
Revised Code that was open for operation as a community school as 159415
of May 1, 2005, may operate from or in any home, as defined in 159416
section 3313.64 of the Revised Code, located in the state, 159417
regardless of when the community school's operations from or in a 159418
particular home began. 159419

Section 263.400. USE OF VOLUNTEERS 159420

The Department of Education may utilize the services of 159421
volunteers to accomplish any of the purposes of the Department. 159422
The Superintendent of Public Instruction shall approve for what 159423
purposes volunteers may be used and for these purposes may 159424
recruit, train, and oversee the services of volunteers. The 159425
Superintendent may reimburse volunteers for necessary and 159426
appropriate expenses in accordance with state guidelines and may 159427
designate volunteers as state employees for the purpose of motor 159428
vehicle accident liability insurance under section 9.83 of the 159429
Revised Code, for immunity under section 9.86 of the Revised Code, 159430
and for indemnification from liability incurred in the performance 159431
of their duties under section 9.87 of the Revised Code. 159432

Section 263.410. RESTRICTION OF LIABILITY FOR CERTAIN 159433
REIMBURSEMENTS 159434

(A) Except as expressly required under a court judgment not 159435
subject to further appeals, or a settlement agreement with a 159436
school district executed on or before June 1, 2009, in the case of 159437
a school district for which the formula ADM for fiscal year 2005, 159438

as reported for that fiscal year under division (A) of section 159439
3317.03 of the Revised Code, was reduced based on enrollment 159440
reports for community schools, made under section 3314.08 of the 159441
Revised Code, regarding students entitled to attend school in the 159442
district, which reduction of formula ADM resulted in a reduction 159443
of foundation funding or transitional aid funding for fiscal year 159444
2005, 2006, or 2007, no school district, except a district named 159445
in the court's judgment or the settlement agreement, shall have a 159446
legal claim for reimbursement of the amount of such reduction in 159447
foundation funding or transitional aid funding, and the state 159448
shall not have liability for reimbursement of the amount of such 159449
reduction in foundation funding or transitional aid funding. 159450

(B) As used in this section: 159451

(1) "Community school" means a community school established 159452
under Chapter 3314. of the Revised Code. 159453

(2) "Entitled to attend school" means entitled to attend 159454
school in a school district under section 3313.64 or 3313.65 of 159455
the Revised Code. 159456

(3) "Foundation funding" means payments calculated for the 159457
respective fiscal year under Chapter 3317. of the Revised Code. 159458

(4) "Transitional aid funding" means payments calculated for 159459
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 159460
of the 125th General Assembly, as subsequently amended; Section 159461
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 159462
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 159463
of the 127th General Assembly. 159464

Section 263.420. UNAUDITABLE COMMUNITY SCHOOL 159465

(A) If the Auditor of State or a public accountant, pursuant 159466
to section 117.41 of the Revised Code, declares a community school 159467
established under Chapter 3314. of the Revised Code to be 159468

unauditable, the Auditor of State shall provide written 159469
notification of that declaration to the school, the school's 159470
sponsor, and the Department of Education. The Auditor of State 159471
also shall post the notification on the Auditor of State's web 159472
site. 159473

(B) Notwithstanding any provision to the contrary in Chapter 159474
3314. of the Revised Code or any other provision of law, a sponsor 159475
of a community school that is notified by the Auditor of State 159476
under division (A) of this section that a community school it 159477
sponsors is unauditabile shall not enter into contracts with any 159478
additional community schools under section 3314.03 of the Revised 159479
Code until the Auditor of State or a public accountant has 159480
completed a financial audit of that school. 159481

(C) Not later than forty-five days after receiving 159482
notification by the Auditor of State under division (A) of this 159483
section that a community school is unauditabile, the sponsor of the 159484
school shall provide a written response to the Auditor of State. 159485
The response shall include the following: 159486

(1) An overview of the process the sponsor will use to review 159487
and understand the circumstances that led to the community school 159488
becoming unauditabile; 159489

(2) A plan for providing the Auditor of State with the 159490
documentation necessary to complete an audit of the community 159491
school and for ensuring that all financial documents are available 159492
in the future; 159493

(3) The actions the sponsor will take to ensure that the plan 159494
described in division (C)(2) of this section is implemented. 159495

(D) If a community school fails to make reasonable efforts 159496
and continuing progress to bring its accounts, records, files, or 159497
reports into an auditabile condition within ninety days after being 159498
declared unauditabile, the Auditor of State, in addition to 159499

requesting legal action under sections 117.41 and 117.42 of the Revised Code, shall notify the Department of the school's failure. If the Auditor of State or a public accountant subsequently is able to complete a financial audit of the school, the Auditor of State shall notify the Department that the audit has been completed.

(E) Notwithstanding any provision to the contrary in Chapter 3314. of the Revised Code or any other provision of law, upon notification by the Auditor of State under division (D) of this section that a community school has failed to make reasonable efforts and continuing progress to bring its accounts, records, files, or reports into an auditable condition following a declaration that the school is unauditabile, the Department shall immediately cease all payments to the school under Chapter 3314. of the Revised Code and any other provision of law. Upon subsequent notification from the Auditor of State under that division that the Auditor of State or a public accountant was able to complete a financial audit of the community school, the Department shall release all funds withheld from the school under this section.

Section 263.430. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN

In collaboration with the County Family and Children First Council, a city, local, or exempted village school district, community school, STEM school, joint vocational school district, educational service center, or county board of developmental disabilities that receives allocations from the Department of Education from appropriation item 200550, Foundation Funding, or appropriation item 200540, Special Education Enhancements, may transfer portions of those allocations to a flexible funding pool authorized by the Section of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for

maintenance of effort or for federal or state funding matching 159531
requirements shall not be transferred unless the allocation may 159532
still be used to meet such requirements. 159533

Section 263.440. The Department of Education shall conduct 159534
for the 2014-2015 school year a formative evaluation of the Jon 159535
Peterson Special Needs Scholarship Program established under 159536
sections 3310.51 to 3310.64 of the Revised Code and shall report, 159537
not later than December 31, 2015, its findings to the General 159538
Assembly in accordance with section 101.68 of the Revised Code. 159539

In conducting the evaluation, the Department shall to the 159540
extent possible gather comments from parents who have been awarded 159541
scholarships under the program, school district officials, 159542
representatives of registered private providers, educators, and 159543
representatives of educational organizations for inclusion in the 159544
report required under this section. 159545

The Department may contract with one or more qualified 159546
researchers who have previous experience evaluating school choice 159547
programs to conduct this study. The Department may accept grants 159548
to assist in funding this study. 159549

Section 263.450. (A) The Ohio Open Enrollment Task Force is 159550
hereby established to review and make recommendations on open 159551
enrollment. The Superintendent of Public Instruction shall consult 159552
with the Governor's Office of 21st Century Education to convene a 159553
taskforce that consists of representatives from school districts 159554
that represent all sectors of Ohio's educational community. 159555

(B) The Superintendent shall designate the chairperson of the 159556
Task Force. All meetings of the Task Force shall be held at the 159557
call of the chairperson. 159558

(C) The Task Force shall review and make recommendations 159559
regarding the process by which students may enroll in other school 159560

districts under open enrollment and the funding mechanisms 159561
associated with open enrollment deductions and credits. 159562

(D) Not later than December 31, 2013, the Task Force shall 159563
issue a report of its findings and recommendations to the 159564
Governor, the President of the Senate, and the Speaker of the 159565
House of Representatives. Upon issuance of the report, the Task 159566
Force shall cease to exist. 159567

Section 263.470. (A)(1) On July 1, 2013, all responsibilities 159568
of the former eTech Ohio Commission related to the purchase of 159569
software services and supplies, the redistribution of hardware and 159570
software from closed community schools, and technology-related 159571
teacher professional development programs are transferred from the 159572
former eTech Ohio Commission to the Department of Education as 159573
described in sections 125.05, 3314.074, and 3319.235 of the 159574
Revised Code, as amended by this act. The Department is thereupon 159575
and thereafter successor to. assumes the obligations of, and 159576
otherwise constitutes the continuation of the eTech Ohio 159577
Commission relating to these responsibilities. 159578

(2) Any business related to these responsibilities commenced 159579
but not completed by the former eTech Ohio Commission shall be 159580
completed by the Department in the same manner, and with the same 159581
effect, as if completed by the eTech Ohio Commission. No 159582
validation, cure, right, privilege, remedy, obligation, or 159583
liability is lost or impaired by reason of the transfer, and shall 159584
be recognized, administered, performed, or enforced by the 159585
Department. 159586

(3) All of the rules of the eTech Ohio Commission related to 159587
these responsibilities continue in effect as rules of the 159588
Department, until amended or rescinded by the Department. 159589

(4) Any judicial or administrative action or proceeding 159590
related to these responsibilities, in which the eTech Ohio 159591

Commission is a party, that is pending on the effective date of 159592
this section is affected by the transfer. Such action or 159593
proceeding shall be prosecuted or defended in the name of the 159594
Department. On application to the court or other tribunal, the 159595
Department of Education shall be substituted for the eTech Ohio 159596
Commission as a party to such action or proceeding. 159597

(5) Subject to the layoff provisions of sections 124.321 to 159598
124.328 and division (D) of section 3353.03 of the Revised Code, 159599
as amended by this act, all employees of the former eTech Ohio 159600
Commission assigned to these responsibilities continue with the 159601
Department and retain their positions and all benefits accruing 159602
thereto. 159603

(6) All books, records, documents, files, transcripts, 159604
equipment, furniture, supplies, and other materials related to 159605
these responsibilities assigned to or in the possession of the 159606
former eTech Ohio Commission shall be transferred to the 159607
Department. 159608

(7) All employees of the former eTech Ohio Commission who 159609
transferred to the Department of Education upon the reconstitution 159610
of the Commission as prescribed by Section 278.20 of H.B. 59 of 159611
the 130th General Assembly and who when employed by that 159612
Commission or a predecessor agency were included in a bargaining 159613
unit established under Chapter 4117. of the Revised Code, shall 159614
continue to be included in that bargaining unit, are public 159615
employees as defined in section 4117.01 of the Revised Code, and 159616
may collectively bargain with the state Board of Education in 159617
accordance with that chapter. Otherwise, any employee hired by the 159618
Department after the reconstitution of the Commission, either to 159619
fill vacancies or to fill new positions related to the transferred 159620
employees' duties, shall be exempt from Chapter 4117. of the 159621
Revised Code and shall not be public employees as defined in 159622
section 4117.01 of the Revised Code. 159623

(B) On July 1, 2013, or as soon as possible thereafter, 159624
notwithstanding any provision of law to the contrary, and if 159625
requested by the Department of Education, the Director of Budget 159626
and Management shall make budget changes made necessary by the 159627
transfer of the operations and related management functions of the 159628
eTech Ohio Commission to the Department of Education, if any, 159629
including administrative organization, program transfers, the 159630
creation of new funds, the transfer of state funds, and the 159631
consolidation of funds, as authorized by this section. The 159632
Director of Budget and Management may, if necessary, establish 159633
encumbrances or parts of encumbrances in the fiscal year 2014-2015 159634
biennium in the appropriate fund and appropriation item for the 159635
same purpose and for payment to the same vendor. The established 159636
encumbrances plus any additional amounts determined to be 159637
necessary for the Ohio Department of Education to perform the 159638
operations and related management functions of the eTech Ohio 159639
Commission are hereby appropriated. 159640

(C) Effective July 1, 2013, the Director of Budget and 159641
Management shall cancel any existing encumbrances against 159642
appropriation item 935607, Gates Foundation Grants, and 159643
re-establish them against appropriation item 200668, Gates 159644
Foundation Grants. The re-established encumbrance amounts are 159645
hereby appropriated. Any business commenced but not completed 159646
under appropriation item 935607 by July 1, 2013, shall be 159647
completed under appropriation item 200668 in the same manner and 159648
with the same effect as if it were completed with regard to 159649
appropriation item 935607. 159650

(D) Effective July 1, 2013, the Director of Budget and 159651
Management shall cancel existing encumbrances against 159652
appropriation item 935408, General Operations, and re-establish 159653
them, as determined to be appropriate by the Director of Budget 159654
and Management, against appropriation item 200464, General 159655

Technology Operations. The re-established encumbrance amounts are 159656
hereby appropriated. Any business commenced but not completed 159657
under appropriation item 935408 by July 1, 2013, shall be 159658
completed, as determined to be appropriate by the Director of 159659
Budget and Management, under appropriation item 200464 in the same 159660
manner and with the same effect as if it were completed with 159661
regard to appropriation item 935408. 159662

(E) Effective July 1, 2013, the Director of Budget and 159663
Management shall cancel existing encumbrances against 159664
appropriation item 935411, Technology Integration and Professional 159665
Development, and re-establish them, as determined to be 159666
appropriate by the Director of Budget and Management, against 159667
appropriation item 200465, Technology Integration and Professional 159668
Development. The re-established encumbrance amounts are hereby 159669
appropriated. Any business commenced but not completed under 159670
appropriation item 935411 by July 1, 2013, shall be completed, as 159671
determined to be appropriate by the Director of Budget and 159672
Management, under appropriation item 200465 in the same manner and 159673
with the same effect as if it were completed with regard to 159674
appropriation item 935411. 159675

(F) There is hereby created the Educational Technology 159676
Practice Office as a cross-functional office comprised of 159677
employees of the Ohio Board of Regents and the Department of 159678
Education, including former employees of the eTech Ohio Commission 159679
transferred to the Ohio Board of Regents and the Department of 159680
Education. The Office shall work with educational service centers 159681
and information technology centers to develop digital learning, 159682
blended learning, and professional development materials using 159683
shared infrastructure. The Office shall also evaluate new 159684
educational technology and methodologies of teaching and learning 159685
and work with educators to increase awareness of such new 159686
technology and methodologies shown to be helpful to Ohio students. 159687

Section 263.473. Notwithstanding sections 3321.01 and 3324.10 159688
of the Revised Code, no student who was admitted to and 159689
successfully completed kindergarten in the 2012-2013 school year 159690
shall be required to repeat kindergarten based solely on the age 159691
of the student. As used in this section, "successfully completed 159692
kindergarten" means that the student attended kindergarten for not 159693
less than three-fourths of the school year. 159694

Section 263.480. PRIVATE TREATMENT FACILITY PROJECT 159695

(A) As used in this section: 159696

(1) The following are "participating residential treatment 159697
centers": 159698

(a) Private residential treatment facilities that have 159699
entered into a contract with the Department of Youth Services to 159700
provide services to children placed at the facility by the 159701
Department and which, in fiscal year 2014 or fiscal year 2015 or 159702
both, the Department pays through appropriation item 470401, 159703
RECLAIM Ohio; 159704

(b) Abraxas, in Shelby; 159705

(c) Paint Creek, in Bainbridge; 159706

(d) F.I.R.S.T., in Mansfield. 159707

(2) "Education program" means an elementary or secondary 159708
education program or a special education program and related 159709
services. 159710

(3) "Served child" means any child receiving an education 159711
program pursuant to division (B) of this section. 159712

(4) "School district responsible for tuition" means a city, 159713
exempted village, or local school district that, if tuition 159714
payment for a child by a school district is required under law 159715
that existed in fiscal year 1998, is the school district required 159716

to pay that tuition. 159717

(5) "Residential child" means a child who resides in a 159718
participating residential treatment center and who is receiving an 159719
educational program under division (B) of this section. 159720

(B) A youth who is a resident of the state and has been 159721
assigned by a juvenile court or other authorized agency to a 159722
residential treatment facility specified in division (A) of this 159723
section shall be enrolled in an approved educational program 159724
located in or near the facility. Approval of the educational 159725
program shall be contingent upon compliance with the criteria 159726
established for such programs by the Department of Education. The 159727
educational program shall be provided by a school district or 159728
educational service center, or by the residential facility itself. 159729
Maximum flexibility shall be given to the residential treatment 159730
facility to determine the provider. In the event that a voluntary 159731
agreement cannot be reached and the residential facility does not 159732
choose to provide the educational program, the educational service 159733
center in the county in which the facility is located shall 159734
provide the educational program at the treatment center to 159735
children under twenty-two years of age residing in the treatment 159736
center. 159737

(C) Any school district responsible for tuition for a 159738
residential child shall, notwithstanding any conflicting provision 159739
of the Revised Code regarding tuition payment, pay tuition for the 159740
child for fiscal year 2014 and fiscal year 2015 to the education 159741
program provider and in the amount specified in this division. If 159742
there is no school district responsible for tuition for a 159743
residential child and if the participating residential treatment 159744
center to which the child is assigned is located in the city, 159745
exempted village, or local school district that, if the child were 159746
not a resident of that treatment center, would be the school 159747
district where the child is entitled to attend school under 159748

sections 3313.64 and 3313.65 of the Revised Code, that school 159749
district, notwithstanding any conflicting provision of the Revised 159750
Code, shall pay tuition for the child for fiscal year 2014 and 159751
fiscal year 2015 under this division unless that school district 159752
is providing the educational program to the child under division 159753
(B) of this section. 159754

A tuition payment under this division shall be made to the 159755
school district, educational service center, or residential 159756
treatment facility providing the educational program to the child. 159757

The amount of tuition paid shall be: 159758

(1) The amount of tuition determined for the district under 159759
division (A) of section 3317.08 of the Revised Code; 159760

(2) In addition, for any student receiving special education 159761
pursuant to an individualized education program as defined in 159762
section 3323.01 of the Revised Code, a payment for excess costs. 159763
This payment shall equal the actual cost to the school district, 159764
educational service center, or residential treatment facility of 159765
providing special education and related services to the student 159766
pursuant to the student's individualized education program, minus 159767
the tuition paid for the child under division (C)(1) of this 159768
section. 159769

A school district paying tuition under this division shall 159770
not include the child for whom tuition is paid in the district's 159771
average daily membership certified under division (A) of section 159772
3317.03 of the Revised Code. 159773

(D) In each of fiscal years 2014 and 2015, the Department of 159774
Education shall reimburse, from appropriations made for the 159775
purpose, a school district, educational service center, or 159776
residential treatment facility, whichever is providing the 159777
service, that has demonstrated that it is in compliance with the 159778
funding criteria for each served child for whom a school district 159779

must pay tuition under division (C) of this section. The amount of 159780
the reimbursement shall be the amount appropriated for this 159781
purpose divided by the full-time equivalent number of children for 159782
whom reimbursement is to be made. 159783

(E) Funds provided to a school district, educational service 159784
center, or residential treatment facility under this section shall 159785
be used to supplement, not supplant, funds from other public 159786
sources for which the school district, service center, or 159787
residential treatment facility is entitled or eligible. 159788

(F) The Department of Education shall track the utilization 159789
of funds provided to school districts, educational service 159790
centers, and residential treatment facilities under this section 159791
and monitor the effect of the funding on the educational programs 159792
they provide in participating residential treatment facilities. 159793
The Department shall monitor the programs for educational 159794
accountability. 159795

Section 263.500. (A) Not later than December 31, 2013, the 159796
Department of Education shall adopt new quality program standards 159797
for the career-technical education programs described in division 159798
(C) of section 3317.014 of the Revised Code, as amended by this 159799
act. 159800

(B) Not later than June 30, 2015, the Department shall adopt 159801
new quality program standards for the career-technical education 159802
programs described in divisions (A), (B), (D), and (E) of section 159803
3317.014 of the Revised Code, as amended by this act. 159804

(C) Notwithstanding anything to the contrary in section 159805
3317.161 of the Revised Code, as enacted by this act, during 159806
fiscal year 2015, the Department shall conduct a review of all 159807
career-technical education programs described in division (C) of 159808
section 3317.014 of the Revised Code, as amended by this act, 159809
using the quality program standards adopted under division (A) of 159810

this section. The Department shall decide based on this review 159811
 whether to approve or disapprove the program for funding for the 159812
 following five fiscal years and shall notify each city, local, 159813
 exempted village, and joint vocational school district, community 159814
 school, or STEM school that provides a career-technical education 159815
 program or programs that is reviewed under this division of its 159816
 decision not later than May 15, 2015. 159817

Any program subject to review under this division that was 159818
 approved by the Department for an approval period that includes 159819
 fiscal year 2015 shall retain its approved status during that 159820
 fiscal year. 159821

Section 263.510. The amendment of sections 3311.19 and 159822
 3313.911 of the Revised Code by this act shall not be construed to 159823
 require a joint vocational school district to amend the plan for 159824
 that joint vocational school district that is on file with the 159825
 Department of Education. 159826

Section 265.10. ELC OHIO ELECTIONS COMMISSION 159827

General Revenue Fund				159828
GRF 051321 Operating Expenses	\$	333,117	\$ 333,117	159829
TOTAL GRF General Revenue Fund	\$	333,117	\$ 333,117	159830
General Services Fund Group				159831
4P20 051601 Ohio Elections	\$	225,000	\$ 225,000	159832
Commission Fund				
TOTAL GSF General Services Fund	\$	225,000	\$ 225,000	159833
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	558,117	\$ 558,117	159834

Section 267.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 159836
 DIRECTORS 159837
 General Services Fund Group 159838

4K90 881609	Operating Expenses	\$	737,000	\$	741,000	159839
TOTAL GSF General Services						159840
Fund Group		\$	737,000	\$	741,000	159841
TOTAL ALL BUDGET FUND GROUPS						159842

Section 269.10. PAY EMPLOYEE BENEFITS FUNDS 159844

Accrued Leave Liability Fund Group						159845
8060 995666	Accrued Leave Fund	\$	73,494,242	\$	74,964,127	159846
8070 995667	Disability Fund	\$	26,593,747	\$	27,345,147	159847
TOTAL ALF Accrued Leave Liability						159848
Fund Group		\$	100,087,989	\$	102,309,274	159849
Agency Fund Group						159850
1240 995673	Payroll Deductions	\$	775,712,468	\$	814,498,091	159851
8080 995668	State Employee Health	\$	689,654,314	\$	758,608,963	159852
Benefit Fund						
8090 995669	Dependent Care	\$	2,967,711	\$	3,116,097	159853
Spending Account						
8100 995670	Life Insurance	\$	2,143,053	\$	2,143,053	159854
Investment Fund						
8110 995671	Parental Leave	\$	3,668,471	\$	3,741,840	159855
Benefit Fund						
8130 995672	Health Care Spending	\$	8,033,020	\$	8,434,671	159856
Account						
TOTAL AGY Agency Fund Group						\$ 1,482,179,037 \$ 1,590,542,715 159857
						159858
TOTAL ALL BUDGET FUND GROUPS						\$ 1,582,267,026 \$ 1,692,851,989 159859

ACCRUED LEAVE LIABILITY FUND 159860

The foregoing appropriation item 995666, Accrued Leave Fund, 159861
shall be used to make payments from the Accrued Leave Liability 159862
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 159863
If it is determined by the Director of Budget and Management that 159864
additional amounts are necessary, the amounts are hereby 159865

appropriated. 159866

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 159867

The foregoing appropriation item 995667, Disability Fund, 159868
shall be used to make payments from the State Employee Disability 159869
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 159870
Revised Code. If it is determined by the Director of Budget and 159871
Management that additional amounts are necessary, the amounts are 159872
hereby appropriated. 159873

PAYROLL DEDUCTION FUND 159874

The foregoing appropriation item 995673, Payroll Deductions, 159875
shall be used to make payments from the Payroll Deduction Fund 159876
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 159877
is determined by the Director of Budget and Management that 159878
additional appropriation amounts are necessary, the amounts are 159879
hereby appropriated. 159880

STATE EMPLOYEE HEALTH BENEFIT FUND 159881

The foregoing appropriation item 995668, State Employee 159882
Health Benefit Fund, shall be used to make payments from the State 159883
Employee Health Benefit Fund (Fund 8080) pursuant to section 159884
124.87 of the Revised Code. If it is determined by the Director of 159885
Budget and Management that additional amounts are necessary, the 159886
amounts are hereby appropriated. 159887

DEPENDENT CARE SPENDING FUND 159888

The foregoing appropriation item 995669, Dependent Care 159889
Spending Account, shall be used to make payments from the 159890
Dependent Care Spending Fund (Fund 8090) to employees eligible for 159891
dependent care expenses pursuant to section 124.822 of the Revised 159892
Code. If it is determined by the Director of Budget and Management 159893
that additional amounts are necessary, the amounts are hereby 159894
appropriated. 159895

LIFE INSURANCE INVESTMENT FUND 159896

The foregoing appropriation item 995670, Life Insurance 159897
Investment Fund, shall be used to make payments from the Life 159898
Insurance Investment Fund (Fund 8100) for the costs and expenses 159899
of the state's life insurance benefit program pursuant to section 159900
125.212 of the Revised Code. If it is determined by the Director 159901
of Budget and Management that additional amounts are necessary, 159902
the amounts are hereby appropriated. 159903

PARENTAL LEAVE BENEFIT FUND 159904

The foregoing appropriation item 995671, Parental Leave 159905
Benefit Fund, shall be used to make payments from the Parental 159906
Leave Benefit Fund (Fund 8110) to employees eligible for parental 159907
leave benefits pursuant to section 124.137 of the Revised Code. If 159908
it is determined by the Director of Budget and Management that 159909
additional amounts are necessary, the amounts are hereby 159910
appropriated. 159911

HEALTH CARE SPENDING ACCOUNT FUND 159912

The foregoing appropriation item 995672, Health Care Spending 159913
Account, shall be used to make payments from the Health Care 159914
Spending Account Fund (Fund 8130) for payments pursuant to state 159915
employees' participation in a flexible spending account for 159916
non-reimbursed health care expenses and section 124.821 of the 159917
Revised Code. If it is determined by the Director of 159918
Administrative Services that additional appropriation amounts are 159919
necessary, the Director of Administrative Services may request 159920
that the Director of Budget and Management increase such amounts. 159921
Such amounts are hereby appropriated. 159922

Section 269.20. CASH TRANSFERS FROM THE COST SAVINGS FUND 159923

On July 1, 2013, or as soon as possible thereafter, the 159924
Director of Budget and Management shall transfer \$735,000 cash 159925

from the Cost Savings Fund (Fund 8140) to the Investment Recovery Fund (Fund 4270) used by the Department of Administrative Services, and up to \$5,200,000 cash from the Cost Savings Fund (Fund 8140) to the Accrued Leave Fund (Fund 8060) in order to support accrued leave payouts to state employees who are participating in an annual leave conversion or who are separating from state service.

Section 271.10. ERB STATE EMPLOYMENT RELATIONS BOARD 159933

General Revenue Fund 159934

GRF 125321	Operating Expenses	\$	3,761,457	\$	3,761,457	159935
TOTAL GRF	General Revenue Fund	\$	3,761,457	\$	3,761,457	159936

General Services Fund Group 159937

5720 125603	Training and Publications	\$	85,000	\$	85,000	159938
TOTAL GSF	General Services Fund Group	\$	85,000	\$	85,000	159940
TOTAL ALL BUDGET FUND GROUPS		\$	3,846,457	\$	3,846,457	159941

Section 273.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 159943

General Services Fund Group 159944

4K90 892609	Operating Expenses	\$	996,938	\$	993,889	159945
TOTAL GSF	General Services Fund Group	\$	996,938	\$	993,889	159947
TOTAL ALL BUDGET FUND GROUPS		\$	996,938	\$	993,889	159948

Section 275.10. EPA ENVIRONMENTAL PROTECTION AGENCY 159950

General Revenue Fund 159951

GRF 715502	Auto Emissions e-Check Program	\$	10,923,093	\$	10,923,093	159952
TOTAL GRF	General Revenue Fund	\$	10,923,093	\$	10,923,093	159953

General Services Fund Group 159954

1990	715602	Laboratory Services	\$	252,153	\$	326,029	159955
2190	715604	Central Support	\$	10,255,680	\$	10,255,680	159956
		Indirect					
4A10	715640	Operating Expenses	\$	2,600,000	\$	2,602,000	159957
4D50	715618	Recycled State	\$	50,000	\$	50,000	159958
		Materials					
TOTAL GSF General Services							159959
Fund Group			\$	13,157,833	\$	13,233,709	159960
Federal Special Revenue Fund Group							159961
3530	715612	Public Water Supply	\$	2,562,578	\$	2,474,605	159962
3540	715614	Hazardous Waste	\$	4,088,383	\$	4,088,383	159963
		Management - Federal					
3570	715619	Air Pollution Control	\$	6,310,203	\$	6,310,203	159964
		- Federal					
3620	715605	Underground Injection	\$	111,874	\$	111,874	159965
		Control - Federal					
3BU0	715684	Water Quality	\$	16,205,000	\$	15,280,000	159966
		Protection					
3CS0	715688	Federal NRD	\$	200,000	\$	200,000	159967
		Settlements					
3F20	715630	Revolving Loan Fund -	\$	832,543	\$	1,114,543	159968
		Operating					
3F30	715632	Federally Supported	\$	3,012,021	\$	3,012,991	159969
		Cleanup and Response					
3FH0	715693	Diesel Emission	\$	10,000,000	\$	10,000,000	159970
		Reduction Grants					
3T30	715669	Drinking Water State	\$	2,609,198	\$	2,824,076	159971
		Revolving Fund					
3V70	715606	Agencywide Grants	\$	600,000	\$	600,000	159972
TOTAL FED Federal Special Revenue							159973
Fund Group			\$	46,531,800	\$	46,016,675	159974
State Special Revenue Fund Group							159975

4J00	715638	Underground Injection Control	\$	389,126	\$	402,697	159976
4K20	715648	Clean Air - Non Title V	\$	3,165,400	\$	3,237,450	159977
4K30	715649	Solid Waste	\$	15,685,342	\$	16,330,873	159978
4K40	715650	Surface Water Protection	\$	6,993,800	\$	7,688,800	159979
4K40	715686	Environmental Laboratory Services	\$	2,096,007	\$	2,096,007	159980
4K50	715651	Drinking Water Protection	\$	6,316,772	\$	6,476,011	159981
4P50	715654	Cozart Landfill	\$	100,000	\$	100,000	159982
4R50	715656	Scrap Tire Management	\$	1,059,378	\$	1,070,532	159983
4R90	715658	Voluntary Action Program	\$	916,690	\$	945,195	159984
4T30	715659	Clean Air - Title V Permit Program	\$	14,528,885	\$	15,080,366	159985
4U70	715660	Construction and Demolition Debris	\$	335,000	\$	335,000	159986
5000	715608	Immediate Removal Special Account	\$	660,033	\$	660,293	159987
5030	715621	Hazardous Waste Facility Management	\$	7,615,403	\$	8,224,041	159988
5050	715623	Hazardous Waste Cleanup	\$	14,528,609	\$	14,933,345	159989
5050	715674	Clean Ohio Environmental Review	\$	108,104	\$	108,104	159990
5320	715646	Recycling and Litter Control	\$	4,514,500	\$	4,535,500	159991
5410	715670	Site Specific Cleanup	\$	1,548,101	\$	1,548,101	159992
5420	715671	Risk Management Reporting	\$	208,936	\$	214,826	159993
5860	715637	Scrap Tire Market	\$	1,497,645	\$	1,497,645	159994

		Development				
5BC0	715617	Clean Ohio	\$	611,455	\$	611,455 159995
5BC0	715622	Local Air Pollution	\$	2,297,980	\$	2,297,980 159996
		Control				
5BC0	715624	Surface Water	\$	9,614,974	\$	9,614,974 159997
5BC0	715672	Air Pollution Control	\$	5,684,758	\$	5,684,758 159998
5BC0	715673	Drinking and Ground	\$	4,863,521	\$	4,863,521 159999
		Water				
5BC0	715676	Assistance and	\$	695,069	\$	695,069 160000
		Prevention				
5BC0	715677	Laboratory	\$	1,358,586	\$	1,558,586 160001
5BC0	715678	Corrective Actions	\$	705,423	\$	705,423 160002
5BC0	715687	Areawide Planning	\$	450,000	\$	450,000 160003
		Agencies				
5BC0	715692	Administration	\$	10,582,627	\$	10,582,627 160004
5BC0	715694	Environmental Resource	\$	170,000	\$	170,000 160005
		Coordination				
5BT0	715679	C&DD Groundwater	\$	203,800	\$	203,800 160006
		Monitoring				
5CD0	715682	Clean Diesel School	\$	475,000	\$	475,000 160007
		Buses				
5H40	715664	Groundwater Support	\$	128,212	\$	223,212 160008
5Y30	715685	Surface Water	\$	1,800,000	\$	1,800,000 160009
		Improvement				
6440	715631	Emergency Response	\$	284,266	\$	290,674 160010
		Radiological Safety				
6600	715629	Infectious Waste	\$	88,764	\$	88,764 160011
		Management				
6760	715642	Water Pollution	\$	3,921,605	\$	3,921,605 160012
		Control Loan				
		Administration				
6780	715635	Air Toxic Release	\$	133,636	\$	133,636 160013
6790	715636	Emergency Planning	\$	2,623,252	\$	2,623,252 160014

6960	715643	Air Pollution Control Administration	\$	1,100,000	\$	1,125,000	160015
6990	715644	Water Pollution Control Administration	\$	345,000	\$	345,000	160016
6A10	715645	Environmental Education	\$	1,350,000	\$	1,350,000	160017
TOTAL SSR	State Special Revenue		\$	131,755,659	\$	135,299,122	160018
Fund Group							
Clean Ohio Conservation Fund Group							160019
5S10	715607	Clean Ohio - Operating	\$	284,124	\$	284,124	160020
TOTAL CLF	Clean Ohio Conservation		\$	284,124	\$	284,124	160021
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	202,652,509	\$	205,756,723	160022
AREAWIDE PLANNING AGENCIES							160023
The Director of Environmental Protection Agency may award grants from appropriation item 715687, Areawide Planning Agencies, to areawide planning agencies engaged in areawide water quality management and planning activities in accordance with Section 208 of the "Federal Clean Water Act," 33 U.S.C. 1288.							160024 160025 160026 160027 160028
CASH TRANSFERS							160029
On July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$11,400,000 cash from the Hazardous Waste Management Fund (Fund 5030) to the Hazardous Waste Cleanup Fund (Fund 5050) to support closure and corrective action programs that were transferred to the Division of Environmental Response and Revitalization.							160030 160031 160032 160033 160034 160035
On July 1, 2013, or as soon as possible thereafter, the Director of Environmental Protection shall certify to the Director of Budget and Management the cash balance in the Dredge and Fill Fund (Fund 5N20). The Director of Budget and Management shall							160036 160037 160038 160039

transfer the certified amount from Fund 5N20 to the Surface Water 160040
 Protection Fund (Fund 4K40). Any existing encumbrances against 160041
 appropriation item 715613, Dredge and Fill, shall be canceled and 160042
 reestablished against appropriation item 715650, Surface Water 160043
 Protection. The reestablished encumbrance amounts are hereby 160044
 appropriated and Fund 5N20 is abolished. 160045

Section 277.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 160046

General Revenue Fund 160047
 GRF 172321 Operating Expenses \$ 545,530 \$ 545,530 160048
 TOTAL GRF General Revenue Fund \$ 545,530 \$ 545,530 160049
 TOTAL ALL BUDGET FUND GROUPS \$ 545,530 \$ 545,530 160050

Section 278.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 160052

General Revenue Fund 160053
 GRF 935401 Statehouse News \$ 215,561 \$ 215,561 160054
 Bureau
 GRF 935402 Ohio Government \$ 1,252,089 \$ 1,252,089 160055
 Telecommunications
 Services
 GRF 935408 General Operations \$ 495,000 \$ 495,000 160056
 GRF 935409 Technology Operations \$ 2,743,962 \$ 2,743,962 160057
 GRF 935410 Content Development, \$ 2,607,094 \$ 2,607,094 160058
 Acquisition, and
 Distribution
 GRF 935412 Information \$ 500,000 \$ 500,000 160059
 Technology
 TOTAL GRF General Revenue Fund \$ 7,813,706 \$ 7,813,706 160060
 General Services Fund Group 160061
 4F30 935603 Affiliate Services \$ 50,000 \$ 50,000 160062
 4T20 935605 Government \$ 25,000 \$ 25,000 160063
 Television/Telecommunications

Operating				
TOTAL GSF General Services Fund	\$	75,000	\$ 75,000	160064
Group				
State Special Revenue Fund Group				160065
5FK0 935608 Media Services	\$	491,373	\$ 491,373	160066
TOTAL SSR State Special Revenue	\$	491,373	\$ 491,373	160067
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	8,380,079	\$ 8,380,079	160068

Section 278.20. STATEHOUSE NEWS BUREAU 160070

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 160071
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OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 160074

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 160075
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TECHNOLOGY OPERATIONS 160082

The foregoing appropriation item 935409, Technology Operations, shall be used by the Broadcast Educational Media Commission to pay expenses of the network infrastructure, which includes the television and radio transmission infrastructure and infrastructure that shall link all public K-12 classrooms to each other and to the Internet, and provide access to voice, video, other communication services, and data educational resources for students and teachers. 160083
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CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 160091

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$658,099 in each fiscal year shall be allocated equally among the Ohio educational television stations. Funds shall be used for the production of interactive instructional programming series with priority given to resources aligned with state academic content standards. The programming shall be targeted to the needs of the poorest two hundred school districts as determined by the district's adjusted valuation per pupil as defined in former section 3317.0213 of the Revised Code as that section existed prior to June 30, 2005.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$1,749,283 in each fiscal year shall be distributed by the Broadcast Educational Media Commission to Ohio's qualified public educational television stations and educational radio stations to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Ohio Educational Telecommunications Network Commission unless a substitute formula is developed by the Broadcast Educational Media Commission in consultation with Ohio's qualified public educational television stations and educational radio stations.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$199,712 in each fiscal year shall be distributed by the Broadcast Educational Media Commission to Ohio's qualified radio reading services to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Ohio Educational

Telecommunications Network Commission unless a substitute formula 160124
is developed by the Broadcast Educational Media Commission in 160125
consultation with Ohio's qualified radio reading services. 160126

ADMINISTRATION AND OPERATIONS OF THE BROADCAST EDUCATIONAL 160127
MEDIA COMMISSION 160128

Notwithstanding any provision of law to the contrary, a 160129
portion of the foregoing appropriation items 935408. General 160130
Operations, 935412, Information Technology, 935603, Affiliate 160131
Services, 935605. Government Television/Telecommunications 160132
Operating, and 935608, Media Services, may be used as determined 160133
to be appropriate by the Broadcast Educational Media Commission 160134
for the administration and operations of the Broadcast Educational 160135
Media Commission. 160136

Effective July 1, 2013, notwithstanding any provision of the 160137
law to the contrary, the Director of Budget and Management may 160138
make budget changes made necessary by the renaming and 160139
reconstitution of the eTech Ohio Commission as the Broadcast 160140
Educational Media Commission, among the Broadcast Educational 160141
Media Commission, Board of Regents, and Department of Education, 160142
including administrative organization, program transfers, the 160143
creation of new funds, the transfer of state funds, the 160144
consolidation of funds, and the transfer of capital 160145
appropriations, as authorized by this section. 160146

(A) BROADCAST EDUCATIONAL MEDIA COMMISSION 160147

On July 1, 2013, the eTech Ohio Commission is renamed and 160148
reconstituted as the Broadcast Educational Media Commission, as 160149
described in section 3353.02 of the Revised Code as amended by 160150
this act. The Broadcast Educational Media Commission is thereupon 160151
and thereafter successor to, assumes the obligations of, and 160152
otherwise constitutes the continuation of the eTech Ohio 160153
Commission, for all obligations related to the state's educational 160154

broadcasting services, including educational television, radio, 160155
and radio reading services. 160156

Any business related to the state's educational television, 160157
radio, or radio reading services commenced but not completed by 160158
the eTech Ohio Commission shall be completed by the Broadcast 160159
Educational Media Commission in the same manner, and with the same 160160
effect, as if completed by the eTech Ohio Commission. No 160161
validation, cure, right, privilege, remedy, obligation, or 160162
liability is lost or impaired by reason of the renaming, and shall 160163
be recognized, administered, performed, or enforced by the 160164
Broadcast Educational Media Commission. 160165

All of the rules of the eTech Ohio Commission related to the 160166
state's educational broadcasting services, including educational 160167
television, radio, or radio reading services, continue in effect 160168
as rules of the Broadcast Educational Media Commission, until 160169
amended or rescinded by the Broadcast Educational Media 160170
Commission. 160171

No judicial or administrative action or proceeding related to 160172
the state's educational broadcasting services, including 160173
educational television, radio, or radio reading services, in which 160174
the eTech Ohio Commission is a party, that is pending on the 160175
effective date of this section is affected by the renaming. Such 160176
action or proceeding shall be prosecuted or defended in the name 160177
of the Broadcast Educational Media Commission. On application to 160178
the court or other tribunal, the Broadcast Educational Media 160179
Commission shall be substituted for the eTech Ohio Commission as a 160180
party to such action or proceeding. 160181

Subject to the lay-off provisions of sections 124.321 to 160182
124.328 and division (D) of section 3353.03 of the Revised Code, 160183
as amended by this act, the Broadcast Educational Media Commission 160184
may retain, at its discretion, employees of the former eTech Ohio 160185
Commission that are currently assigned to activities related to 160186

the state's educational broadcasting services, including 160187
educational television, radio, or radio reading services. If 160188
retained, employees shall continue with the Broadcast Educational 160189
Media Commission and retain their positions and all benefits 160190
accruing thereto. 160191

All books, records, documents, files, transcripts, equipment, 160192
furniture, supplies, and other materials related to the state's 160193
educational broadcasting services, including educational 160194
television, radio, or radio reading services, assigned to or in 160195
the possession of the former eTech Ohio Commission shall be 160196
transferred to the Broadcast Educational Media Commission. 160197

Each current member of the eTech Ohio Commission shall serve 160198
until June 30, 2013. On July 1, 2013, or as soon after July 1, 160199
2013, as possible, each member shall either be reappointed or 160200
replaced by another member to serve on the Broadcast Educational 160201
Media Commission pursuant to section 3353.02 of the Revised Code, 160202
as amended by this act. 160203

(B) MEMBERSHIP OF THE BROADCAST EDUCATIONAL MEDIA COMMISSION 160204

The Broadcast Educational Media Commission, as described in 160205
section 3353.02 of the Revised Code as amended by this act, shall 160206
consist of fifteen members, eleven of whom shall be voting 160207
members. Nine of the voting members shall be representatives of 160208
the public selected from among leading citizens in the state who 160209
have demonstrated interest in educational broadcast media through 160210
service on boards or advisory councils of educational television 160211
stations, educational radio stations, educational technology 160212
agencies, or radio reading services. Of the representatives of the 160213
public, three shall be appointed by the Governor with the advice 160214
and consent of the Senate, three shall be appointed by the Speaker 160215
of the House of Representatives, and three shall be appointed by 160216
the President of the Senate. Not more than two members appointed 160217
by the Speaker of the House of Representatives and not more than 160218

two members appointed by the President of the Senate shall be of 160219
the same political party. The Superintendent of Public Instruction 160220
or a designee of the Superintendent, and the Chancellor of the 160221
Ohio Board of Regents or a designee of the Chancellor shall be ex 160222
officio voting members. Of the nonvoting members, two shall be 160223
members of the House of Representatives appointed by the Speaker 160224
of the House of Representatives and two shall be members of the 160225
Senate appointed by the President of the Senate. The members 160226
appointed from each chamber shall not be members of the same 160227
political party. 160228

Initial terms of office for appointed voting members shall be 160229
as follows: 160230

(1) For one member appointed by each of the Governor, Speaker 160231
of the House of Representatives, and President of the Senate, one 160232
year; 160233

(2) For one member appointed by each of the Governor, Speaker 160234
of the House of Representatives, and President of the Senate, two 160235
years; 160236

(3) For one member appointed by each of the Governor, Speaker 160237
of the House of Representatives, and President of the Senate, 160238
three years. 160239

At the first meeting of the Commission, such members shall 160240
draw lots to determine the length of the term each member will 160241
serve. Thereafter, terms of office for such members shall be for 160242
four years. Any member who is a representative of the public may 160243
be reappointed by the member's respective appointing authority, 160244
but no such member may serve more than two consecutive four-year 160245
terms. Such a member may be removed by the member's respective 160246
appointing authority for cause. 160247

Any legislative member appointed by the Speaker of the House 160248
of Representatives or the President of the Senate who ceases to be 160249

a member of the legislative chamber from which the member was 160250
appointed shall cease to be a member of the Commission. The 160251
Speaker of the House of Representatives and the President of the 160252
Senate may remove their respective appointments to the Commission 160253
at any time. 160254

Vacancies among appointed members shall be filled in the 160255
manner provided for original appointments. Any member appointed to 160256
fill a vacancy occurring prior to the expiration of the term for 160257
which the member's predecessor was appointed shall hold office for 160258
the remainder of that term. Any appointed member shall continue in 160259
office subsequent to the expiration of that member's term until 160260
the member's successor takes office or until a period of sixty 160261
days has elapsed, whichever occurs first. 160262

Members of the Commission shall serve without compensation. 160263
The members who are representatives of the public shall be 160264
reimbursed, pursuant to Office of Budget and Management 160265
guidelines, for actual and necessary expenses incurred in the 160266
performance of official duties. 160267

The Governor shall appoint the chairperson of the Commission 160268
from among the Commission's public voting members. The chairperson 160269
shall serve a term of two years and may be reappointed. The 160270
Commission shall elect other officers as necessary from among its 160271
voting members and shall prescribe its rules of procedure. 160272

(C) EXECUTIVE DIRECTOR OF THE BROADCAST EDUCATIONAL MEDIA 160273
COMMISSION 160274

The Broadcast Educational Media Commission shall appoint an 160275
Executive Director, who shall serve at the pleasure of the 160276
commission. The Executive Director shall have no authority other 160277
than that provided by law or delegated to the Executive Director 160278
by the Commission. The Executive Director shall do all of the 160279
following: 160280

(1) Direct the administration of all programs of the Commission; 160281
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(2) Provide leadership and support in extending the knowledge of the citizens of this state by promoting equal access to and use of educational broadcast media, as directed by the Commission; 160283
160284
160285

(3) Provide financial and other assistance to educational television and radio stations, radio reading services, and related organizations and activities; 160286
160287
160288

(4) Implement policies and directives issued by the Commission; 160289
160290

(5) Perform other duties authorized by the Commission. 160291

The Commission shall fix the compensation of the Executive Director. The Executive Director shall employ and fix the compensation for such employees as necessary to facilitate the activities and purposes of the Commission. The employees shall serve at the pleasure of the Executive Director. 160292
160293
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The employees of the Commission shall be placed in the unclassified service. 160297
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Except as provided in the immediately succeeding paragraph of this section, the employees of the Commission shall be exempt from Chapter 4117. of the Revised Code and shall not be public employees as defined in section 4117.01 of the Revised Code. 160299
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All employees of the Commission who transferred to the Commission from one of the Commission's predecessor agencies upon the Commission's creation and, when employed by the predecessor agency were included in a bargaining unit established under Chapter 4117. of the Revised Code, shall continue to be included in that bargaining unit, are public employees as defined in section 4117.01 of the Revised Code, and may collectively bargain with the Commission in accordance with that chapter. Otherwise, 160303
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any employee hired by the Commission after July 1, 2005, either to 160311
fill vacancies or to fill new positions, shall be exempt from 160312
Chapter 4117. of the Revised Code and shall not be public 160313
employees as defined in section 4117.10 of the Revised Code. 160314

(D) DUTIES OF THE BROADCAST EDUCATIONAL MEDIA COMMISSION 160315

The Broadcast Educational Media Commission may perform any 160316
act necessary to carry out the functions of Chapter 3353. of the 160317
Revised Code, as amended by this act, including any of the 160318
following: 160319

(1) Promote accessibility through broadcasting services of 160320
educational products aligned with the statewide academic 160321
standards, adopted by the state board pursuant to section 3301.079 160322
of the Revised Code, for school districts, community schools, and 160323
other entities serving grades kindergarten through twelve; 160324

(2) Own or operate transmission facilities and 160325
interconnection facilities, or contract for transmission 160326
facilities and interconnection facilities, for an educational 160327
television, radio, or radio reading service network; 160328

(3) Establish standards for interconnection facilities used 160329
by the Commission in the transmission of educational television, 160330
radio, or radio reading service programming; 160331

(4) Enter into agreements with noncommercial educational 160332
television or radio broadcasting stations or radio reading 160333
services for the operation of the interconnection; 160334

(5) Enter into agreements with noncommercial educational 160335
television or radio broadcasting stations or radio reading 160336
services for the production and use of educational television, 160337
radio, or radio reading service programs to be transmitted by the 160338
educational telecommunications network; 160339

(6) Execute contracts and other agreements necessary and 160340

desirable to carry out the purposes of this chapter and other 160341
duties prescribed to the Commission by law or authorize the 160342
Executive Director of the Commission to execute such contracts and 160343
agreements on the Commission's behalf; 160344

(7) Act as consultant with educational television and 160345
educational radio stations and radio reading services toward 160346
coordination within the state of the distribution of federal funds 160347
that may become available for equipment for educational 160348
broadcasting or radio reading services; 160349

(8) Make payments to noncommercial Ohio educational 160350
television or radio broadcasting stations or radio reading 160351
services to sustain the operation of such stations or services; 160352

(9) In consultation with participants in programs 160353
administered by the Commission, establish guidelines governing 160354
purchasing and procurement that facilitate the timely and 160355
effective implementation of such programs; 160356

(10) In consultation with participants in programs 160357
administered by the Commission, consider the efficiency and cost 160358
savings of statewide procurement prior to allocating and releasing 160359
funds for such programs; 160360

(11) In consultation with participants in programs 160361
administered by the Commission, establish a systems support 160362
network to facilitate the timely implementation of the programs 160363
and other projects and activities for which the Commission 160364
provides assistance. 160365

Chapters 123., 124., 125., and 153. of the Revised Code and 160366
sections 9.331 to 9.335 of the Revised Code do not apply to 160367
contracts, programs, projects, or activities of the Commission. 160368

Any duties and responsibilities of the former eTech Ohio 160369
Commission not transferred in accordance with this section or 160370
Sections 263.470 or 363.570 of this act are eliminated on July 1, 160371

2013.					160372
Section 279.10. ETH OHIO ETHICS COMMISSION					160373
General Revenue Fund					160374
GRF 146321	Operating Expenses	\$ 1,409,751	\$ 1,381,556		160375
TOTAL GRF	General Revenue Fund	\$ 1,409,751	\$ 1,381,556		160376
General Services Fund Group					160377
4M60 146601	Operating Expenses	\$ 636,388	\$ 641,000		160378
TOTAL GSF	General Services				160379
Fund Group		\$ 636,388	\$ 641,000		160380
TOTAL ALL BUDGET FUND GROUPS		\$ 2,046,139	\$ 2,022,556		160381
Section 281.10. EXP OHIO EXPOSITIONS COMMISSION					160383
General Revenue Fund					160384
GRF 723403	Junior Fair Subsidy	\$ 250,000	\$ 250,000		160385
GRF 723501	Construction Planning	\$ 670,000	\$ 0		160386
TOTAL GRF	General Revenue Fund	\$ 920,000	\$ 250,000		160387
State Special Revenue Fund Group					160388
4N20 723602	Ohio State Fair	\$ 235,000	\$ 235,000		160389
Harness Racing					
5060 723601	Operating Expenses	\$ 12,894,000	\$ 12,894,000		160390
TOTAL SSR	State Special Revenue				160391
Fund Group		\$ 13,129,000	\$ 13,129,000		160392
TOTAL ALL BUDGET FUND GROUPS		\$ 14,049,000	\$ 13,379,000		160393
CONSTRUCTION PLANNING					160394
The foregoing appropriation item 723501, Construction					160395
Planning, shall be used for acquiring purchased services for new					160396
and renovated facility planning, including, but not limited to,					160397
necessary architectural engineering, land or facility use					160398
consulting services, and facility construction. An amount equal to					160399
the unexpended, unencumbered portion of the foregoing					160400

appropriation item 723501, Construction Planning, is hereby					160401
reappropriated for the same purpose in FY 2015.					160402
STATE FAIR RESERVE					160403
The General Manager of the Expositions Commission, in					160404
consultation with the Director of Budget and Management, may					160405
submit a request to the Controlling Board to use available amounts					160406
in the State Fair Reserve Fund (Fund 6400) if revenues for the					160407
Ohio State Fair for the 2013 or 2014 Ohio State Fair are					160408
unexpectedly low.					160409
Section 282.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION					160410
General Revenue Fund					160411
GRF 230401 Lease Rental Payments	\$	33,106,400	\$	29,854,500	160412
- Cultural Facilities					
GRF 230458 State Construction	\$	2,495,751	\$	2,245,751	160413
Management Services					
GRF 230908 Common Schools	\$	351,806,100	\$	377,364,700	160414
General Obligation					
Debt Service					
TOTAL GRF General Revenue Fund	\$	387,408,251	\$	409,464,951	160415
General Services Fund Group					160416
1310 230639 State Construction	\$	9,463,342	\$	9,463,342	160417
Management Operations					
TOTAL GSF General Services Fund	\$	9,463,342	\$	9,463,342	160418
Group					
State Special Revenue Fund Group					160419
4T80 230603 Community Project	\$	200,000	\$	200,000	160420
Administration					
5E30 230644 Operating Expenses	\$	8,550,000	\$	8,550,000	160421
TOTAL SSR State Special Revenue					160422
Fund Group	\$	8,750,000	\$	8,750,000	160423

In both fiscal years 2014 and 2015, the Executive Director of the Ohio School Facilities Commission shall certify on a quarterly basis to the Director of Budget and Management the amount of cash from interest earnings to be transferred from the School Building Assistance Fund (Fund 7032), the Public School Building Fund (Fund 7021), and the Educational Facilities Trust Fund (Fund N087) to the Ohio School Facilities Commission Fund (Fund 5E30). The amount transferred from the School Building Assistance Fund (Fund 7032) may not exceed investment earnings credited to the fund, less any amount required to be paid for federal arbitrage rebate purposes.

If the Executive Director of the Ohio Facilities Construction Commission determines that transferring cash from interest earnings is insufficient to support operations and carry out its responsibilities under this section and Chapter 3318. of the Revised Code, the Commission may, with the approval of the Controlling Board, transfer cash not generated from interest from the Public School Building Fund (Fund 7021) and the Educational Trust Fund (Fund N087) to the Ohio School Facilities Commission Fund (Fund 5E30).

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION

At the request of the Executive Director of the Ohio School Facilities Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within thirteen months of receiving Controlling Board approval under section 3318.05 or 3318.41 of the Revised Code. The Executive Director of the Ohio School Facilities Commission shall certify the amounts of the canceled encumbrances to the Director of Budget and Management on a quarterly basis. The amounts of the canceled encumbrances are hereby appropriated.

Section 282.50. CAPITAL DONATIONS FUND CERTIFICATIONS AND

APPROPRIATIONS 160485

On July 1, 2013, or as soon as possible thereafter, the 160486
Executive Director of the Facilities Construction Commission shall 160487
certify to the Director of Budget and Management the amount of 160488
cash receipts and related investment income, irrevocable letters 160489
of credit from a bank, or certification of the availability of 160490
funds that have been received from a county or a municipal 160491
corporation for deposit into the Capital Donations Fund (Fund 160492
5A10) and that are related to an anticipated project. These 160493
amounts are hereby appropriated to appropriation item C37146, 160494
Capital Donations. Prior to certifying these amounts to the 160495
Director, the Executive Director shall make a written agreement 160496
with the participating entity on the necessary cash flows required 160497
for the anticipated construction or equipment acquisition project. 160498

Section 282.60. AMENDMENT TO PROJECT AGREEMENT FOR 160499
MAINTENANCE LEVY 160500

The Ohio School Facilities Commission shall amend the project 160501
agreement between the Commission and a school district that is 160502
participating in the Accelerated Urban School Building Assistance 160503
Program on the effective date of this section, if the Commission 160504
determines that it is necessary to do so in order to comply with 160505
division (B)(3)(c) of section 3318.38 of the Revised Code. 160506

Section 282.70. Notwithstanding any other provision of law to 160507
the contrary, the Ohio School Facilities Commission may determine 160508
the amount of funding available for disbursement in a given fiscal 160509
year for any project approved under sections 3318.01 to 3318.20 of 160510
the Revised Code in order to keep aggregate state capital spending 160511
within approved limits and may take actions including, but not 160512
limited to, determining the schedule for design or bidding of 160513
approved projects, to ensure appropriate and supportable cash 160514

flow. 160515

Section 282.80. Notwithstanding division (B) of section 160516
3318.40 of the Revised Code, the Ohio School Facilities Commission 160517
may provide assistance to at least one joint vocational school 160518
district each fiscal year for the acquisition of classroom 160519
facilities in accordance with sections 3318.40 to 3318.45 of the 160520
Revised Code. 160521

Section 282.90. The Ohio Cultural Facilities Commission is 160522
abolished. Except as otherwise provided in this section, all 160523
obligations of the Ohio Cultural Facilities Commission under 160524
agreements to which the Ohio Cultural Facilities Commission is a 160525
party, and all records and assets of the Ohio Cultural Facilities 160526
Commission, including, without limitation, equipment, inventory, 160527
contract rights, accounts, and general intangibles, are 160528
transferred to the Ohio Facilities Construction Commission. 160529

The Ohio Facilities Construction Commission shall designate 160530
the positions, if any, to be transferred to the Ohio Facilities 160531
Construction Commission, along with any equipment assigned to 160532
those positions. Any employee transferred to the Ohio Facilities 160533
Construction Commission retains the employee's respective 160534
classification, but the Ohio Facilities Construction Commission 160535
may reassign and reclassify the employee's position and 160536
compensation as the Ohio Facilities Construction Commission 160537
determines to be in the best interest of office administration. 160538

The Ohio Facilities Construction Commission shall complete 160539
any activities related to the design, planning, construction, and 160540
related management functions commenced but not completed by the 160541
Ohio Cultural Facilities Commission in the same manner and with 160542
the same effect as if the Ohio Cultural Facilities Commission had 160543
completed them. The consolidation of the commissions shall not 160544

cause the loss or impairment of any validation, cure, right, 160545
privilege, remedy, obligation, or liability, which the Ohio 160546
Facilities Construction Commission shall administer. 160547

All rules, orders, and determinations related to the design, 160548
planning, and construction and related management functions of the 160549
Ohio Cultural Facilities Commission continue in effect as rules, 160550
orders, and determinations of the Ohio Facilities Construction 160551
Commission until the Ohio Facilities Construction Commission 160552
modifies or rescinds them. The Director of the Legislative Service 160553
Commission shall renumber the rules of the Ohio Cultural 160554
Facilities Commission related to that commission's design, 160555
planning, and construction and related management functions to 160556
reflect their transfer to the Ohio Facilities Construction 160557
Commission. 160558

The transfer of functions from the Ohio Cultural Facilities 160559
Commission to the Ohio Facilities Construction Commission does not 160560
affect any pending judicial or administrative action or proceeding 160561
to which the Ohio Cultural Facilities Commission is a party and 160562
that is related to that commission's design, planning, 160563
construction, capital funding, or related management functions. 160564
Any such action or proceeding shall be prosecuted or defended in 160565
the name of the Ohio Facilities Construction Commission. On 160566
application to the court or agency, the Ohio Facilities 160567
Construction Commission shall be substituted for the Ohio Cultural 160568
Facilities Commission as a party to the action or proceeding. 160569

Effective July 1, 2013, the Director of Budget and Management 160570
shall cancel any existing encumbrances against appropriation item 160571
371603, Project Administration, and re-establish them against 160572
appropriation item 230603, Community Project Administration. The 160573
re-established encumbrance amounts are hereby appropriated. Any 160574
business commenced but not completed under appropriation item 160575
371603 by July 1, 2013, shall be completed under appropriation 160576

item 230603 in the same manner and with the same effect as if it 160577
were completed with regard to appropriation item 371603. 160578

Funds collected as part of a management contract for the 160579
Riffe Theatres, which previously were deposited in the Ohio 160580
Cultural Facilities Commission Administration Fund (Fund 4T80), 160581
shall be credited to the Theater Equipment Maintenance Fund (Fund 160582
5MV0), which is hereby created in the State Treasury. The Director 160583
of Budget and Management shall transfer from the Ohio Cultural 160584
Facilities Commission Administration Fund to the Theater Equipment 160585
Maintenance Fund any remaining cash balances from funds collected 160586
as part of a management contract for the Riffe Theatres. In order 160587
to facilitate this transfer, the Executive Director of the Ohio 160588
Facilities Construction Commission, by July 1, 2013, or as soon as 160589
possible thereafter, shall certify to the Director of Budget and 160590
Management an estimate of the amount to be transferred. The 160591
Department of Administrative Services shall use appropriation item 160592
100662, Theater Equipment Maintenance, to spend cash in the 160593
Theater Equipment Maintenance Fund (Fund 5MV0). 160594

The Ohio Facilities Construction Commission may enter into an 160595
interagency agreement with the Department of Administrative 160596
Services for the Department to perform any of the functions 160597
transferred to the Ohio Facilities Construction Commission under 160598
this section. 160599

Any reference to the Ohio Cultural Facilities Commission in 160600
any statute, rule, contract, grant, or other document is deemed to 160601
refer to the Ohio Facilities Construction Commission. 160602

The Ohio Facilities Construction Commission, the Ohio Public 160603
Facilities Commission, and the issuing authority of any 160604
obligations issued for the financing of capital facilities for 160605
Ohio cultural facilities and Ohio sports facilities may execute 160606
instruments, documents, and agreements and may take necessary or 160607
appropriate actions to effect the orderly transfer of those 160608

obligations from the Ohio Cultural Facilities Commission to the 160609
Ohio Facilities Construction Commission. 160610

This section takes effect July 1, 2013. 160611

Section 283.10. GOV OFFICE OF THE GOVERNOR 160612

General Revenue Fund 160613

GRF 040321 Operating Expenses \$ 2,851,552 \$ 2,851,552 160614

TOTAL GRF General Revenue Fund \$ 2,851,552 \$ 2,851,552 160615

General Services Fund Group 160616

5AK0 040607 Government Relations \$ 365,149 \$ 365,149 160617

TOTAL GSF General Services Fund \$ 365,149 \$ 365,149 160618

Group

TOTAL ALL BUDGET FUND GROUPS \$ 3,216,701 \$ 3,216,701 160619

GOVERNMENT RELATIONS 160620

A portion of the foregoing appropriation item 040607, 160621

Government Relations, may be used to support Ohio's membership in 160622

national or regional associations. 160623

The Office of the Governor may charge any state agency of the 160624

executive branch using an intrastate transfer voucher such amounts 160625

necessary to defray the costs incurred for the conduct of 160626

governmental relations associated with issues that can be 160627

attributed to the agency. Amounts collected shall be deposited in 160628

the Government Relations Fund (Fund 5AK0). 160629

Section 285.10. DOH DEPARTMENT OF HEALTH 160630

General Revenue Fund 160631

GRF 440412 Cancer Incidence \$ 600,000 \$ 600,000 160632

Surveillance System

GRF 440413 Local Health \$ 823,061 \$ 823,061 160633

Departments

GRF 440416 Mothers and Children \$ 4,428,015 \$ 4,428,015 160634

	Safety Net Services				
GRF 440418	Immunizations	\$	8,825,829	\$	8,825,829 160635
GRF 440431	Free Clinics Safety	\$	437,326	\$	437,326 160636
	Net Services				
GRF 440438	Breast and Cervical	\$	823,217	\$	823,217 160637
	Cancer Screening				
GRF 440444	AIDS Prevention and	\$	5,842,315	\$	5,842,315 160638
	Treatment				
GRF 440451	Public Health	\$	3,655,449	\$	3,655,449 160639
	Laboratory				
GRF 440452	Child and Family	\$	630,444	\$	630,444 160640
	Health Services Match				
GRF 440453	Health Care Quality	\$	4,874,361	\$	4,874,361 160641
	Assurance				
GRF 440454	Environmental Health	\$	1,194,634	\$	1,194,634 160642
GRF 440459	Help Me Grow	\$	33,673,987	\$	33,673,987 160643
GRF 440465	Federally Qualified	\$	2,686,688	\$	2,686,688 160644
	Health Centers				
GRF 440467	Access to Dental Care	\$	540,484	\$	540,484 160645
GRF 440468	Chronic Disease and	\$	2,447,251	\$	2,447,251 160646
	Injury Prevention				
GRF 440472	Alcohol Testing	\$	1,100,000	\$	1,100,000 160647
GRF 440473	Tobacco Prevention and	\$	1,050,000	\$	1,050,000 160648
	Cessation				
GRF 440474	Infant Vitality	\$	3,116,688	\$	3,116,688 160649
GRF 440505	Medically Handicapped	\$	7,512,451	\$	7,512,451 160650
	Children				
GRF 440507	Targeted Health Care	\$	1,045,414	\$	1,045,414 160651
	Services Over 21				
GRF 654453	Medicaid - Health Care	\$	3,300,000	\$	3,300,000 160652
	Quality Assurance				
TOTAL GRF	General Revenue Fund	\$	88,607,614	\$	88,607,614 160653
	State Highway Safety Fund Group				160654

4T40	440603	Child Highway Safety	\$	233,894	\$	233,894	160655
TOTAL HSF State Highway Safety							160656
Fund Group			\$	233,894	\$	233,894	160657
General Services Fund Group							160658
1420	440646	Agency Health Services	\$	820,998	\$	820,998	160659
2110	440613	Central Support Indirect Costs	\$	30,615,591	\$	31,052,469	160660
4730	440622	Lab Operating Expenses	\$	5,000,000	\$	5,000,000	160661
6980	440634	Nurse Aide Training	\$	99,265	\$	99,265	160662
TOTAL GSF General Services							160663
Fund Group			\$	36,535,854	\$	36,972,732	160664
Federal Special Revenue Fund Group							160665
3200	440601	Maternal Child Health Block Grant	\$	23,889,057	\$	23,889,057	160666
3870	440602	Preventive Health Block Grant	\$	6,000,000	\$	6,000,000	160667
3890	440604	Women, Infants, and Children	\$	250,000,000	\$	250,000,000	160668
3910	440606	Medicare Survey and Certification	\$	19,449,282	\$	19,961,405	160669
3920	440618	Federal Public Health Programs	\$	134,546,304	\$	135,140,586	160670
3GD0	654601	Medicaid Program Support	\$	21,126,014	\$	22,392,094	160671
TOTAL FED Federal Special Revenue							160672
Fund Group			\$	455,010,657	\$	457,383,142	160673
State Special Revenue Fund Group							160674
4700	440647	Fee Supported Programs	\$	25,305,250	\$	25,613,586	160675
4710	440619	Certificate of Need	\$	878,433	\$	878,433	160676

4770	440627	Medically Handicapped Children Audit	\$	3,692,703	\$	3,692,703	160677
4D60	440608	Genetics Services	\$	3,311,039	\$	3,311,039	160678
4F90	440610	Sickle Cell Disease Control	\$	1,032,824	\$	1,032,824	160679
4G00	440636	Heirloom Birth Certificate	\$	5,000	\$	5,000	160680
4G00	440637	Birth Certificate Surcharge	\$	5,000	\$	5,000	160681
4L30	440609	HIV Care and Miscellaneous Expenses	\$	8,333,164	\$	8,333,164	160682
4P40	440628	Ohio Physician Loan Repayment	\$	476,870	\$	476,870	160683
4V60	440641	Save Our Sight	\$	2,255,789	\$	2,255,789	160684
5B50	440616	Quality, Monitoring, and Inspection	\$	878,997	\$	878,997	160685
5CN0	440645	Choose Life	\$	75,000	\$	75,000	160686
5D60	440620	Second Chance Trust	\$	1,151,902	\$	1,151,902	160687
5ED0	440651	Smoke Free Indoor Air	\$	250,000	\$	250,000	160688
5G40	440639	Adoption Services	\$	20,000	\$	20,000	160689
5Z70	440624	Ohio Dentist Loan Repayment	\$	140,000	\$	140,000	160690
6100	440626	Radiation Emergency Response	\$	1,049,954	\$	1,086,098	160691
6660	440607	Medically Handicapped Children - County Assessments	\$	19,739,617	\$	19,739,617	160692
TOTAL SSR State Special Revenue							160693
Fund Group			\$	68,601,542	\$	68,946,022	160694
Holding Account Redistribution Fund Group							160695
R014	440631	Vital Statistics	\$	44,986	\$	44,986	160696
R048	440625	Refunds, Grants	\$	20,000	\$	20,000	160697

Reconciliation, and
Audit Settlements

TOTAL 090 Holding Account				160698
Redistribution Fund Group	\$	64,986	\$ 64,986	160699
Tobacco Master Settlement Agreement Fund Group				160700
5BX0 440656 Tobacco Use	\$	1,450,000	\$ 1,450,000	160701
Prevention				
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$	1,450,000	\$ 1,450,000	160702
TOTAL ALL BUDGET FUND GROUPS	\$	650,504,547	\$ 653,658,390	160703

Section 285.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 160705

Of the foregoing appropriation item 440416, Mothers and Children Safety Net Services, \$200,000 in each fiscal year shall be used to assist families with hearing impaired children under twenty-one years of age in purchasing hearing aids. The Director of Health shall adopt rules governing the distribution of these funds, including rules that do both of the following: (1) establish eligibility criteria to include families with incomes at or below four hundred per cent of the federal poverty guidelines as defined in section 5101.46 of the Revised Code, and (2) develop a sliding scale of disbursements under this section based on family income. The Director may adopt other rules as necessary to implement this section. Rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

The Department shall disburse all of the funds appropriated under this section.

HIV/AIDS PREVENTION/TREATMENT 160721

The foregoing appropriation item 440444, AIDS Prevention and Treatment, shall be used to assist persons with HIV/AIDS in acquiring HIV-related medications and to administer educational prevention initiatives.

PUBLIC HEALTH LABORATORY 160726

A portion of the foregoing appropriation item 440451, Public Health Laboratory, shall be used for coordination and management of prevention program operations and the purchase of drugs for sexually transmitted diseases. 160727
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HELP ME GROW 160731

The foregoing appropriation item 440459, Help Me Grow, shall be used by the Department of Health to implement the Help Me Grow Program. Funds shall be distributed to counties through agreements, contracts, grants, or subsidies in accordance with section 3701.61 of the Revised Code. Appropriation item 440459, Help Me Grow, may be used in conjunction with other early childhood funds and services to promote the optimal development of young children and family-centered programs and services that acknowledge and support the social, emotional, cognitive, intellectual, and physical development of children and the vital role of families in ensuring the well-being and success of children. The Department of Health shall enter into interagency agreements with the Department of Education, Department of Developmental Disabilities, Department of Job and Family Services, and Department of Mental Health and Addiction Services to ensure that all early childhood programs and initiatives are coordinated and school linked. 160732
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The foregoing appropriation item 440459, Help Me Grow, may also be used for the Developmental Autism and Screening Program. 160749
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INFANT VITALITY 160751

The foregoing appropriation item 440474, Infant Vitality, shall be used to fund the following projects, which are hereby created: 160752
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(A) The Infant Safe Sleep Campaign to educate parents and caregivers with a uniform message regarding safe sleep 160755
160756

environments; 160757

(B) The Progesterone Prematurity Prevention Project to enable prenatal care providers to identify, screen, treat, and track outcomes for women eligible for progesterone supplementation; and

(C) The Prenatal Smoking Cessation Project to enable prenatal care providers who work with women of reproductive age, including pregnant women, to have the tools, training, and technical assistance needed to treat smokers effectively.

TARGETED HEALTH CARE SERVICES OVER 21

The foregoing appropriation item 440507, Targeted Health Care Services Over 21, shall be used to administer the Cystic Fibrosis Program and to implement the Hemophilia Insurance Premium Payment Program.

The foregoing appropriation item 440507, Targeted Health Care Services Over 21, shall also be used to provide essential medications and to pay the copayments for drugs approved by the Department of Health and covered by Medicare Part D that are dispensed to Bureau for Children with Medical Handicaps (BCMh) participants for the Cystic Fibrosis Program.

The Department shall expend all of these funds.

CASH TRANSFERS TO THE MEDICAID FUND

On July 1, 2013, or as soon as possible thereafter, the Director of Health shall certify to the Director of Budget and Management the cash balance relating to Medicaid restructuring in the following funds, all used by the Department of Health: the General Operations Fund (Fund 4700); the General Operations Fund (Fund 1420); the General Operations Fund (Fund 3920); and the Medicaid/Medicare Fund (Fund 3910). Upon receiving this certification, the Director of Budget and Management may transfer the amount certified to the Medicaid Fund (Fund 3GD0), used by the

Department of Health. If this transfer occurs, the Director of 160787
Budget and Management shall cancel any existing encumbrances 160788
pertaining to Medicaid in appropriation items 440647, Fee 160789
Supported Programs, 440646, Agency Health Services, 440618, 160790
Federal Public Health Programs, and 440606, Medicare Survey and 160791
Certification, and reestablish them against appropriation item 160792
654601, Medicaid Program Support. The reestablished encumbrance 160793
amounts are hereby appropriated. 160794

GENETICS SERVICES 160795

The foregoing appropriation item 440608, Genetics Services 160796
(Fund 4D60), shall be used by the Department of Health to 160797
administer programs authorized by sections 3701.501 and 3701.502 160798
of the Revised Code. None of these funds shall be used to counsel 160799
or refer for abortion, except in the case of a medical emergency. 160800

MEDICALLY HANDICAPPED CHILDREN AUDIT 160801

The Medically Handicapped Children Audit Fund (Fund 4770) 160802
shall receive revenue from audits of hospitals and recoveries from 160803
third-party payers. Moneys may be expended for payment of audit 160804
settlements and for costs directly related to obtaining recoveries 160805
from third-party payers and for encouraging Medically Handicapped 160806
Children's Program recipients to apply for third-party benefits. 160807
Moneys also may be expended for payments for diagnostic and 160808
treatment services on behalf of medically handicapped children, as 160809
defined in division (A) of section 3701.022 of the Revised Code, 160810
and Ohio residents who are twenty-one or more years of age and who 160811
are suffering from cystic fibrosis or hemophilia. Moneys may also 160812
be expended for administrative expenses incurred in operating the 160813
Medically Handicapped Children's Program. 160814

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 160815

The foregoing appropriation item 440607, Medically 160816
Handicapped Children - County Assessments (Fund 6660), shall be 160817

used to make payments under division (E) of section 3701.023 of the Revised Code. 160818
160819

CASH TRANSFER FROM THE PUBLIC HEALTH PRIORITIES TRUST FUND TO THE TOBACCO USE PREVENTION FUND 160820
160821

On July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$2,439,230 cash from the Public Health Priorities Trust Fund (Fund L087) to the Tobacco Use Prevention Fund (Fund 5BX0) to meet the operating needs of the Department of Health's tobacco enforcement and cessation efforts. 160822
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Section 285.30. DEPARTMENT OF HEALTH'S APPROPRIATION ITEM STRUCTURE 160828
160829

Upon request from the Director of Health, the Director of Budget and Management may establish new funds, new appropriation items, and appropriations in order to support the transition to a new appropriation item structure in the Department of Health's budget. Also, upon request of the Director of Health, the Director of Budget and Management may transfer appropriations between GRF appropriation items, transfer cash between any funds used by the Department of Health, abolish existing funds used by the Department of Health, and cancel and reestablish encumbrances. Any establishment of new funds or appropriation items, any transfers of appropriations or cash, and any increases in appropriation under this section are subject to Controlling Board approval. 160830
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Section 285.40. WIC VENDOR CONTRACTS 160842

(A) As used in this section, "WIC" means the Special Supplemental Nutrition Program for Women, Infants, and Children established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended. 160843
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160846

(B) During fiscal year 2014 and fiscal year 2015, the 160847

Department of Health shall process and review a WIC vendor 160848
contract application pursuant to Chapter 3701-42 of the 160849
Administrative Code not later than forty-five days after receipt 160850
of the application if the applicant is a WIC-contracted vendor at 160851
the time of application and meets all of the following 160852
requirements: 160853

(1) Submits a complete WIC vendor application with all 160854
required documents and information; 160855

(2) Passes the required unannounced preauthorization visit 160856
within forty-five days of submitting a complete application; 160857

(3) Completes the required in-person training within 160858
forty-five days of submitting the complete application. 160859

(C) If an applicant fails to meet any of the requirements 160860
described in division (B) of this section, the Department shall 160861
deny the application for the contract. After an application has 160862
been denied, the applicant may reapply for a contract to act as a 160863
WIC vendor during the contracting cycle that is applicable to the 160864
applicant's WIC region. 160865

Section 287.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 160866

Agency Fund Group 160867

4610 372601	Operating Expenses	\$	12,500	\$	12,500	160868
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TOTAL AGY	Agency Fund Group	\$	12,500	\$	12,500	160869
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TOTAL ALL BUDGET	FUND GROUPS	\$	12,500	\$	12,500	160870
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Section 289.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 160872

General Revenue Fund 160873

GRF 148100	Personal Services	\$	333,037	\$	347,852	160874
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GRF 148402	Community Programs	\$	44,924	\$	44,924	160875
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TOTAL GRF	General Revenue Fund	\$	377,961	\$	392,776	160876
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General Services Fund Group 160877

6010 148602	Special Initiatives	\$	24,558	\$	24,558	160878
TOTAL GSF General Services						160879
Fund Group		\$	24,558	\$	24,558	160880
TOTAL ALL BUDGET FUND GROUPS						160881

Section 291.10. OHS OHIO HISTORICAL SOCIETY 160883

General Revenue Fund 160884

GRF 360501	Education and Collections	\$	3,618,997	\$	3,618,997	160885
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GRF 360502	Site and Museum Operations	\$	4,926,288	\$	5,426,288	160886
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GRF 360504	Ohio Preservation Office	\$	290,000	\$	290,000	160887
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GRF 360505	National Afro-American Museum	\$	414,798	\$	414,798	160888
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GRF 360506	Hayes Presidential Center	\$	309,147	\$	309,147	160889
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GRF 360508	State Historical Grants	\$	500,000	\$	400,000	160890
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GRF 360509	Outreach and Partnership	\$	90,395	\$	90,395	160891
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TOTAL GRF General Revenue Fund						160892
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Agency Fund Group 160893

5KL0 360602	Ohio History Tax Check-off	\$	250,000	\$	250,000	160894
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TOTAL AGY Agency Fund Group						160895
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TOTAL ALL BUDGET FUND GROUPS						160896
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SUBSIDY APPROPRIATION 160897

Upon approval by the Director of Budget and Management, the 160898
foregoing appropriation items shall be released to the Ohio 160899
Historical Society in quarterly amounts that in total do not 160900
exceed the annual appropriations. The funds and fiscal records of 160901

the society for fiscal year 2014 and fiscal year 2015 shall be 160902
examined by independent certified public accountants approved by 160903
the Auditor of State, and a copy of the audited financial 160904
statements shall be filed with the Office of Budget and 160905
Management. The society shall prepare and submit to the Office of 160906
Budget and Management the following: 160907

(A) An estimated operating budget for each fiscal year of the 160908
biennium. The operating budget shall be submitted at or near the 160909
beginning of each calendar year. 160910

(B) Financial reports, indicating actual receipts and 160911
expenditures for the fiscal year to date. These reports shall be 160912
filed at least semiannually during the fiscal biennium. 160913

The foregoing appropriations shall be considered to be the 160914
contractual consideration provided by the state to support the 160915
state's offer to contract with the Ohio Historical Society under 160916
section 149.30 of the Revised Code. 160917

STATE HISTORICAL GRANTS 160918

Of the foregoing appropriation item 360508, State Historical 160919
Grants, \$200,000 in each fiscal year shall be used for the 160920
Cincinnati Museum Center, \$200,000 in each fiscal year shall be 160921
used for the Western Reserve Historical Society, and \$100,000 in 160922
fiscal year 2014 shall be used to complete renovations and 160923
additional construction work on the Chardon Heritage House. 160924

Section 293.10. REP OHIO HOUSE OF REPRESENTATIVES 160925

General Revenue Fund 160926

GRF 025321	Operating Expenses	\$	20,891,091	\$	20,891,091	160927
TOTAL GRF	General Revenue Fund	\$	20,891,091	\$	20,891,091	160928

General Services Fund Group 160929

1030 025601	House Reimbursement	\$	1,433,664	\$	1,433,664	160930
4A40 025602	Miscellaneous Sales	\$	37,849	\$	37,849	160931

TOTAL GSF General Services				160932	
Fund Group	\$	1,471,513	\$	1,471,513	160933
TOTAL ALL BUDGET FUND GROUPS	\$	22,362,604	\$	22,362,604	160934

OPERATING EXPENSES 160935

On July 1, 2013, or as soon as possible thereafter, the Chief 160936
Administrative Officer of the House of Representatives may certify 160937
to the Director of Budget and Management the amount of the 160938
unexpended, unencumbered balance of the foregoing appropriation 160939
item 025321, Operating Expenses, at the end of fiscal year 2013 to 160940
be reappropriated to fiscal year 2014. The amount certified is 160941
hereby reappropriated to the same appropriation item for fiscal 160942
year 2014. 160943

On July 1, 2014, or as soon as possible thereafter, the Chief 160944
Administrative Officer of the House of Representatives may certify 160945
to the Director of Budget and Management the amount of the 160946
unexpended, unencumbered balance of the foregoing appropriation 160947
item 025321, Operating Expenses, at the end of fiscal year 2014 to 160948
be reappropriated to fiscal year 2015. The amount certified is 160949
hereby reappropriated to the same appropriation item for fiscal 160950
year 2015. 160951

HOUSE REIMBURSEMENT 160952

If it is determined by the Chief Administrative Officer of 160953
the House of Representatives that additional appropriations are 160954
necessary for the foregoing appropriation item 025601, House 160955
Reimbursement, the amounts are hereby appropriated. 160956

Section 295.10. HFA OHIO HOUSING FINANCE AGENCY 160957

State Special Revenue Fund Group				160958	
5AZ0 997601 Housing Finance Agency	\$	12,526,713	\$	12,850,014	160959
Personal Services					
TOTAL SSR State Special Revenue	\$	12,526,713	\$	12,850,014	160960

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,526,713 \$ 12,850,014 160961

Section 297.10. IGO OFFICE OF THE INSPECTOR GENERAL 160963

General Revenue Fund 160964

GRF 965321 Operating Expenses \$ 1,175,598 \$ 1,175,598 160965

GRF 965404 Deputy Inspector \$ 475,000 \$ 350,000 160966

General for ARRA

TOTAL GRF General Revenue Fund \$ 1,650,598 \$ 1,525,598 160967

General Services Fund Group 160968

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 160969

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 160970

General for BWC/OIC

5GI0 965605 Deputy Inspector \$ 25,000 \$ 0 160971

General for ARRA

TOTAL GSF General Services Fund \$ 850,000 \$ 825,000 160972

Group

TOTAL ALL BUDGET FUND GROUPS \$ 2,500,598 \$ 2,350,598 160973

Section 299.10. INS DEPARTMENT OF INSURANCE 160975

Federal Special Revenue Fund Group 160976

3EV0 820610 Health Insurance \$ 1,300,000 \$ 1,300,000 160977

Premium Review

3U50 820602 OSHIIP Operating \$ 1,970,725 \$ 1,970,725 160978

Grant

TOTAL FED Federal Special 160979

Revenue Fund Group \$ 3,270,725 \$ 3,270,725 160980

State Special Revenue Fund Group 160981

5540 820601 Operating Expenses - \$ 180,000 \$ 180,000 160982

OSHIIP

5540 820606 Operating Expenses \$ 27,570,433 \$ 24,910,367 160983

5550 820605 Examination	\$	8,184,065	\$	8,184,065	160984
TOTAL SSR State Special Revenue					160985
Fund Group	\$	35,934,498	\$	33,274,432	160986
TOTAL ALL BUDGET FUND GROUPS	\$	39,205,223	\$	36,545,157	160987

MARKET CONDUCT EXAMINATION 160988

When conducting a market conduct examination of any insurer 160989
doing business in this state, the Superintendent of Insurance may 160990
assess the costs of the examination against the insurer. The 160991
superintendent may enter into consent agreements to impose 160992
administrative assessments or fines for conduct discovered that 160993
may be violations of statutes or rules administered by the 160994
Superintendent. All costs, assessments, or fines collected shall 160995
be deposited to the credit of the Department of Insurance 160996
Operating Fund (Fund 5540). 160997

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 160998

The Director of Budget and Management, at the request of the 160999
Superintendent of Insurance, may transfer funds from the 161000
Department of Insurance Operating Fund (Fund 5540), established by 161001
section 3901.021 of the Revised Code, to the Superintendent's 161002
Examination Fund (Fund 5550), established by section 3901.071 of 161003
the Revised Code, only for expenses incurred in examining domestic 161004
fraternal benefit societies as required by section 3921.28 of the 161005
Revised Code. 161006

TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND 161007

Not later than the thirty-first day of July each fiscal year, 161008
the Director of Budget and Management shall transfer \$5,000,000 161009
from the Department of Insurance Operating Fund (Fund 5540) to the 161010
General Revenue Fund. 161011

Section 301.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 161012

General Revenue Fund 161013

GRF 600321	Program Support	\$	31,320,964	\$	31,109,751	161014
GRF 600410	TANF State/Maintenance of Effort	\$	152,386,934	\$	152,386,934	161015
GRF 600413	Child Care State/Maintenance of Effort	\$	84,732,730	\$	84,732,730	161016
GRF 600416	Information Technology Projects	\$	54,223,871	\$	54,184,700	161017
GRF 600420	Child Support Programs	\$	6,498,667	\$	6,591,048	161018
GRF 600421	Family Assistance Programs	\$	3,161,930	\$	3,161,930	161019
GRF 600423	Families and Children Programs	\$	6,384,514	\$	6,542,517	161020
GRF 600502	Child Support - Local	\$	23,814,103	\$	23,814,103	161021
GRF 600511	Disability Financial Assistance	\$	22,000,000	\$	22,000,000	161022
GRF 600521	Family Assistance - Local	\$	41,132,751	\$	41,132,751	161023
GRF 600523	Family and Children Services	\$	54,255,323	\$	54,255,323	161024
GRF 600528	Adoption Services					161025
	State	\$	28,623,389	\$	28,623,389	161026
	Federal	\$	38,202,557	\$	38,202,557	161027
	Adoption Services Total	\$	66,825,946	\$	66,825,946	161028
GRF 600533	Child, Family, and Adult Community & Protective Services	\$	13,500,000	\$	13,500,000	161029
GRF 600534	Adult Protective Services	\$	500,000	\$	500,000	161030
GRF 600535	Early Care and Education	\$	123,596,474	\$	123,596,474	161031
GRF 600540	Food Banks	\$	6,000,000	\$	6,000,000	161032
GRF 600541	Kinship Permanency	\$	3,500,000	\$	3,500,000	161033

	Incentive Program					
GRF 655522	Medicaid Program	\$	38,267,970	\$	38,267,970	161034
	Support - Local					
GRF 655523	Medicaid Program	\$	30,680,495	\$	30,680,495	161035
	Support - Local					
	Transportation					
TOTAL GRF	General Revenue Fund					161036
	State	\$	724,580,115	\$	724,580,115	161037
	Federal	\$	38,202,557	\$	38,202,557	161038
	GRF Total	\$	762,782,672	\$	762,782,672	161039
	General Services Fund Group					161040
4A80 600658	Public Assistance	\$	34,000,000	\$	34,000,000	161041
	Activities					
5DM0 600633	Administration &	\$	19,660,339	\$	19,660,339	161042
	Operating					
5HC0 600695	Unemployment	\$	60,000,000	\$	60,000,000	161043
	Compensation Interest					
5HL0 600602	State and County	\$	3,020,000	\$	3,020,000	161044
	Shared Services					
6130 600645	Training Activities	\$	8,100,000	\$	92,989	161045
TOTAL GSF	General Services					161046
Fund Group		\$	124,780,339	\$	116,773,328	161047
	Federal Special Revenue Fund Group					161048
3270 600606	Child Welfare	\$	29,769,866	\$	29,769,866	161049
3310 600615	Veterans Programs	\$	8,000,000	\$	8,000,000	161050
3310 600624	Employment Services	\$	26,000,000	\$	26,000,000	161051
	Programs					
3310 600686	Workforce Programs	\$	6,260,000	\$	6,260,000	161052
3840 600610	Food Assistance	\$	209,333,246	\$	180,381,394	161053
	Programs					
3850 600614	Refugee Services	\$	12,564,952	\$	12,564,952	161054
3950 600616	Federal Discretionary	\$	2,259,264	\$	2,259,264	161055

		Grants				
3960	600620	Social Services Block	\$	47,000,000	\$	47,000,000 161056
		Grant				
3970	600626	Child Support -	\$	235,000,000	\$	235,000,000 161057
		Federal				
3980	600627	Adoption Program -	\$	174,178,779	\$	174,178,779 161058
		Federal				
3A20	600641	Emergency Food	\$	5,000,000	\$	5,000,000 161059
		Distribution				
3D30	600648	Children's Trust Fund	\$	3,477,699	\$	3,477,699 161060
		Federal				
3F01	655624	Medicaid Program	\$	110,680,495	\$	110,680,495 161061
		Support				
3H70	600617	Child Care Federal	\$	241,987,805	\$	222,212,089 161062
3N00	600628	Foster Care Program -	\$	311,968,616	\$	311,968,616 161063
		Federal				
3S50	600622	Child Support Projects	\$	534,050	\$	534,050 161064
3V00	600688	Workforce Investment	\$	136,000,000	\$	136,000,000 161065
		Act Programs				
3V40	600678	Federal Unemployment	\$	182,814,212	\$	182,814,212 161066
		Programs				
3V40	600679	UC Review Commission -	\$	6,185,788	\$	6,185,788 161067
		Federal				
3V60	600689	TANF Block Grant	\$	777,957,809	\$	790,304,845 161068
TOTAL FED		Federal Special Revenue				161069
Fund Group			\$	2,526,972,581	\$	2,490,592,049 161070
State		Special Revenue Fund Group				161071
1980	600647	Children's Trust Fund	\$	5,873,848	\$	5,873,848 161072
4A90	600607	Unemployment	\$	9,006,000	\$	9,006,000 161073
		Compensation				
		Administration Fund				
4E70	600604	Family and Children	\$	400,000	\$	400,000 161074
		Services Collections				

4F10	600609	Family and Children Activities	\$	683,549	\$	683,549	161075
5DB0	600637	Military Injury Relief Subsidies	\$	2,000,000	\$	2,000,000	161076
5DP0	600634	Adoption Assistance Loan	\$	500,000	\$	500,000	161077
5ES0	600630	Food Bank Assistance	\$	500,000	\$	500,000	161078
5KU0	600611	Unemployment Compensation Support - Other Sources	\$	2,000,000	\$	2,000,000	161079
5NG0	600660	Victims of Human Trafficking	\$	100,000	\$	100,000	161080
5U60	600663	Family and Children Support	\$	4,000,000	\$	4,000,000	161081
TOTAL SSR State Special Revenue							161082
Fund Group			\$	25,063,397	\$	25,063,397	161083
Agency Fund Group							161084
1920	600646	Child Support Intercept - Federal	\$	129,250,000	\$	129,250,000	161085
5830	600642	Child Support Intercept - State	\$	14,000,000	\$	14,000,000	161086
5B60	600601	Food Assistance Intercept	\$	1,000,000	\$	1,000,000	161087
TOTAL AGY Agency Fund Group			\$	144,250,000	\$	144,250,000	161088
Holding Account Redistribution Fund Group							161089
R012	600643	Refunds and Audit Settlements	\$	2,200,000	\$	2,200,000	161090
R013	600644	Forgery Collections	\$	10,000	\$	10,000	161091
TOTAL 090 Holding Account Redistribution Fund Group			\$	2,210,000	\$	2,210,000	161092
TOTAL ALL BUDGET FUND GROUPS			\$	3,586,058,989	\$	3,541,671,446	161093
Section 301.15. TRANSFER OF ENCUMBRANCES							161095

On July 1, 2013, or as soon as possible thereafter, the 161096
Director of Job and Family Services shall certify to the Director 161097
of Budget and Management all medical assistance-related 161098
encumbrances held by the Department of Job and Family Services. 161099
The Director of Budget and Management may cancel any existing 161100
encumbrances, as certified by the Director of Job and Family 161101
Services, and reestablish them in the Departments of Job and 161102
Family Services and Medicaid. The reestablished encumbrance 161103
amounts are hereby appropriated. 161104

Section 301.20. TRANSFER TO STATE AND COUNTY SHARED SERVICES 161105
FUND 161106

Within thirty days of the effective date of this act, or as 161107
soon as possible thereafter, the Director of Budget and Management 161108
shall transfer the cash balance in the County Technologies Fund 161109
(Fund 5N10) to the State and County Shared Services Fund (Fund 161110
5HL0). 161111

Section 301.30. AGENCY AND HOLDING ACCOUNT REDISTRIBUTION 161112
FUND GROUPS 161113

The Agency Fund Group and Holding Account Redistribution Fund 161114
Group shall be used to hold revenues until the appropriate fund is 161115
determined or until the revenues are directed to the appropriate 161116
governmental agency other than the Department of Job and Family 161117
Services. If receipts credited to the Support Intercept - Federal 161118
Fund (Fund 1920), the Support Intercept - State Fund (Fund 5830), 161119
the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit 161120
Settlements Fund (Fund R012), or the Forgery Collections Fund 161121
(Fund R013) exceed the amounts appropriated from the fund, the 161122
Director of Job and Family Services may request the Director of 161123
Budget and Management to authorize expenditures from the fund in 161124
excess of the amounts appropriated. Upon the approval of the 161125

Director of Budget and Management, the additional amounts are 161126
hereby appropriated. 161127

Section 301.33. BIG BROTHERS BIG SISTERS 161128

Of the foregoing appropriation item 600410, TANF 161129
State/Maintenance of Effort, \$1,000,000 in each fiscal year shall 161130
be provided, in accordance with sections 5101.80 and 5101.801 of 161131
the Revised Code, to Big Brothers Big Sisters of Central Ohio to 161132
provide mentoring services to children of incarcerated parents 161133
throughout the state. 161134

Section 301.40. COUNTY ADMINISTRATIVE FUNDS 161135

(A) The foregoing appropriation item 600521, Family 161136
Assistance - Local, may be provided to county departments of job 161137
and family services to administer food assistance and disability 161138
assistance programs. 161139

(B) The foregoing appropriation item 655522, Medicaid Program 161140
Support - Local, may be provided to county departments of job and 161141
family services to administer the Medicaid program and the State 161142
Children's Health Insurance program. 161143

(C) At the request of the Director of Job and Family 161144
Services, the Director of Budget and Management may transfer 161145
appropriations between appropriation item 600521, Family 161146
Assistance - Local, and appropriation item 655522, Medicaid 161147
Program Support - Local, in order to ensure county administrative 161148
funds are expended from the proper appropriation item. 161149

(D) If receipts credited to the Medicaid Program Support Fund 161150
(Fund 3F01) and the Supplemental Nutrition Assistance Program Fund 161151
(Fund 3840) exceed the amounts appropriated, the Director of Job 161152
and Family Services shall request the Director of Budget and 161153
Management to authorize expenditures from those funds in excess of 161154
the amounts appropriated. Upon approval of the Director of Budget 161155

and Management, the additional amounts are hereby appropriated. 161156

Section 301.43. LOCAL TRANSITION TO NEW ELIGIBILITY 161157
DETERMINATION SYSTEM 161158

Of the foregoing appropriation item 655522, Medicaid Program 161159
Support - Local, \$7,200,000 in each fiscal year shall be provided 161160
to county departments of job and family services, along with the 161161
corresponding federal reimbursement from line items 600610, Food 161162
Assistance Programs, and 655624, Medicaid Program Support, for 161163
costs related to transitioning to a new public assistance 161164
eligibility determination system. County departments of job and 161165
family services shall comply with new roles, processes, and 161166
responsibilities related to the new system. Funds earmarked in 161167
this section shall not be used for existing and ongoing operating 161168
expenses. The Director of Medicaid shall establish criteria for 161169
distributing funds and for county departments of job and family 161170
services to submit allowable expenses. County departments of job 161171
and family services shall report to the Department of Job and 161172
Family Services and the Department of Medicaid allowable expenses 161173
for transitioning to the new system separately from existing and 161174
ongoing operating expenses. 161175

Section 301.50. FOOD STAMPS TRANSFER 161176

On July 1, 2013, or as soon as possible thereafter, the 161177
Director of Budget and Management may transfer up to \$1,000,000 161178
cash from the Supplemental Nutrition Assistance Program Fund (Fund 161179
3840), to the Food Assistance Fund (Fund 5ES0). 161180

Section 301.60. NAME OF FOOD STAMP PROGRAM 161181

The Director of Job and Family Services is not required to 161182
amend rules regarding the Food Stamp Program to change the name of 161183
the program to the Supplemental Nutrition Assistance Program. The 161184

Director may refer to the program as the Food Stamp Program or the 161185
Food Assistance Program in rules and documents of the Department 161186
of Job and Family Services. 161187

Section 301.70. OHIO ASSOCIATION OF FOOD BANKS 161188

The foregoing appropriation item 600540, Food Banks, shall be 161189
used to provide funds to the Ohio Association of Food Banks to 161190
purchase and distribute food products. 161191

Notwithstanding section 5101.46 of the Revised Code and any 161192
other provision in this bill, in addition to funds designated for 161193
the Ohio Association of Food Banks in this section, in fiscal year 161194
2014 and fiscal year 2015, the Director of Job and Family Services 161195
shall provide assistance from eligible funds to the Ohio 161196
Association of Food Banks in an amount up to or equal to the 161197
assistance provided in state fiscal year 2013 from all funds used 161198
by the Department, except the General Revenue Fund. 161199

Eligible nonfederal expenditures made by member food banks of 161200
the Association shall be counted by the Department of Job and 161201
Family Services toward the TANF maintenance of effort requirements 161202
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 161203
shall enter into an agreement with the Ohio Association of Food 161204
Banks, in accordance with sections 5101.80 and 5101.801 of the 161205
Revised Code, to carry out the requirements under this section. 161206

Section 301.80. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 161207

The foregoing appropriation item 600658, Public Assistance 161208
Activities, shall be used by the Department of Job and Family 161209
Services to meet the TANF maintenance of effort requirements of 42 161210
U.S.C. 609(a)(7). When the state is assured that it will meet the 161211
maintenance of effort requirement, the Department of Job and 161212
Family Services may use funds from appropriation item 600658, 161213
Public Assistance Activities, to support public assistance 161214

activities. 161215

Section 301.90. GOVERNOR'S OFFICE OF FAITH-BASED AND 161216
COMMUNITY INITIATIVES 161217

Of the foregoing appropriation item 600689, TANF Block Grant, 161218
up to \$6,540,000 in each fiscal year shall be used, in accordance 161219
with sections 5101.80 and 5101.801 of the Revised Code, to provide 161220
support to programs or organizations that provide services that 161221
align with the mission and goals of the Governor's Office of 161222
Faith-Based and Community Initiatives, as outlined in section 161223
107.12 of the Revised Code, and that further at least one of the 161224
four purposes of the TANF program, as specified in 42 U.S.C. 601. 161225

Section 301.100. INDEPENDENT LIVING INITIATIVE 161226

Of the foregoing appropriation item 600689, TANF Block Grant, 161227
up to \$2,000,000 in each fiscal year shall be used, in accordance 161228
with sections 5101.80 and 5101.801 of the Revised Code, to support 161229
the Independent Living Initiative, including life skills training 161230
and work supports for older children in foster care and those who 161231
have recently aged out of foster care. 161232

Section 301.110. KINSHIP PERMANENCY INCENTIVE PROGRAM 161233

Of the foregoing appropriation item 600689, TANF Block Grant, 161234
\$1,750,000 in each fiscal year shall be used to support the 161235
activities of the Kinship Permanency Incentive Program established 161236
in section 5101.802 of the Revised Code. 161237

Section 301.120. OHIO COMMISSION ON FATHERHOOD 161238

Of the foregoing appropriation item 600689, TANF Block Grant, 161239
\$1,000,000 in each fiscal year shall be provided to the Ohio 161240
Commission on Fatherhood. 161241

Section 301.123. OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 161242

Of the foregoing appropriation item 600689, TANF Block Grant, 161243
\$500,000 in each fiscal year shall be provided, in accordance with 161244
sections 5101.80 and 5101.801 of the Revised Code, to the Ohio 161245
Alliance of Boys and Girls Clubs to provide after-school programs 161246
that protect at-risk children and enable youth to become 161247
responsible adults. 161248

Section 301.125. HARVARD COMMUNITY SERVICES CENTER 161249

Of the foregoing appropriation item 600689, TANF Block Grant, 161250
\$1,000,000 in fiscal year 2014 shall be provided, in accordance 161251
with sections 5101.80 and 5101.801 of the Revised Code, to the 161252
Harvard Community Services Center in Cleveland to provide 161253
workforce development and other supportive services to individuals 161254
under the Harvard Hands-On Initiative. Any amount of this earmark 161255
that remains unspent at the end of fiscal year 2014 may be 161256
transferred to fiscal year 2015. 161257

Section 301.130. DIFFERENTIAL RESPONSE 161258

In accordance with an independent evaluation of the Ohio 161259
Alternative Response Pilot Program that recommended statewide 161260
implementation, the Department of Job and Family Services shall 161261
plan the statewide expansion of the Ohio Alternative Response 161262
Pilot Program on a county by county basis, through a schedule 161263
determined by the Department. The program shall be known as the 161264
"differential response" approach as defined in section 2151.011 of 161265
the Revised Code. Notwithstanding provisions of Chapter 2151. of 161266
the Revised Code that refer to "differential response," 161267
"traditional response," and "alternative response," those 161268
provisions shall become effective on the scheduled date of 161269
expansion of the differential response approach to that county. 161270
Prior to statewide implementation, the Department may adopt rules 161271

in accordance with Chapter 119. of the Revised Code as necessary 161272
to carry out the purposes of this section. 161273

Section 301.140. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 161274

In collaboration with the county family and children first 161275
council, a county department of job and family services or public 161276
children services agency that receives an allocation from the 161277
Department of Job and Family Services from the foregoing 161278
appropriation item 600523, Family and Children Services, or 161279
600533, Child, Family, and Adult Community & Protective Services, 161280
may transfer a portion of either or both allocations to a flexible 161281
funding pool as authorized by the section of this act titled 161282
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 161283

Section 301.143. CHILDREN'S CRISIS CARE FACILITIES 161284

Of the foregoing appropriation item 600523, Family and 161285
Children Services, \$150,000 in each fiscal year shall be provided 161286
to children's crisis care facilities, as defined in section 161287
5103.13 of the Revised Code. The Director of Job and Family 161288
Services shall allocate funds based on the number of children at 161289
each facility. A children's crisis care facility may decline to 161290
receive funds provided for under this section. A children's crisis 161291
care facility that accepts funds provided under this section shall 161292
use the funds in accordance with section 5103.13 of the Revised 161293
Code and rules in section 5101:2-9-36 of the Administrative Code. 161294

Section 301.150. CHILD, FAMILY, AND ADULT COMMUNITY AND 161295
PROTECTIVE SERVICES 161296

(A) The foregoing appropriation item 600533, Child, Family, 161297
and Adult Community & Protective Services, shall be distributed to 161298
each county department of job and family services using the 161299
formula the Department of Job and Family Services uses when 161300

distributing Title XX funds to county departments of job and 161301
family services under section 5101.46 of the Revised Code. County 161302
departments shall use the funds distributed to them under this 161303
section as follows, in accordance with the written plan of 161304
cooperation entered into under section 307.983 of the Revised 161305
Code: 161306

(1) To assist individuals achieve or maintain 161307
self-sufficiency, including by reducing or preventing dependency 161308
among individuals with family income not exceeding two hundred per 161309
cent of the federal poverty guidelines; 161310

(2) Subject to division (B) of this section, to respond to 161311
reports of abuse, neglect, or exploitation of children and adults, 161312
including through the differential response approach program 161313
developed under Section 309.50.10 of this act; 161314

(3) To provide outreach and referral services regarding home 161315
and community-based services to individuals at risk of placement 161316
in a group home or institution, regardless of the individuals' 161317
family income and without need for a written application; 161318

(4) To provide outreach, referral, application assistance, 161319
and other services to assist individuals receive assistance, 161320
benefits, or services under Medicaid; Title IV-A programs, as 161321
defined in section 5101.80 of the Revised Code; the Supplemental 161322
Nutrition Assistance Program; and other public assistance 161323
programs. 161324

(B) Protective services may be provided to a child or adult 161325
as part of a response, under division (A)(2) of this section, to a 161326
report of abuse, neglect, or exploitation without regard to a 161327
child or adult's family income and without need for a written 161328
application. The protective services may be provided if the case 161329
record documents circumstances of actual or potential abuse, 161330
neglect, or exploitation. 161331

Section 301.160. CHILDREN AND FAMILY SERVICES ACTIVITIES 161332

The foregoing appropriation item 600609, Children and Family Services Activities, shall be used to expend miscellaneous foundation funds and grants to support children and family services activities. 161333
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Section 301.170. ADOPTION ASSISTANCE LOAN 161337

Of the foregoing appropriation item 600634, Adoption Assistance Loan, the Department of Job and Family Services may use up to ten per cent for administration of adoption assistance loans pursuant to section 3107.018 of the Revised Code. 161338
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Section 301.171. TRAINING ACTIVITIES 161342

Of the foregoing appropriation item 600645, Training Activities, \$8,000,000 shall be used in fiscal year 2014 for the Workforce Training Pilot Program for the Economically Disadvantaged established in Section 751.41 of this act. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 600645, Training Activities, at the end of fiscal year 2014 is hereby reappropriated for the same purpose for fiscal year 2015. 161343
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Section 301.173. VICTIMS OF HUMAN TRAFFICKING 161351

The foregoing appropriation item 600660, Victims of Human Trafficking, shall be used to provide treatment, care, rehabilitation, education, housing, and assistance for victims of trafficking in persons as specified in section 5101.87 of the Revised Code. If receipts credited to the Victims of Human Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from 161352
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the fund in excess of the amounts appropriated. Upon the approval 161360
of the Director of Budget and Management, the additional amounts 161361
are hereby appropriated. 161362

Section 301.180. FEDERAL UNEMPLOYMENT PROGRAMS 161363

All unexpended funds remaining at the end of fiscal year 2013 161364
that were appropriated and made available to the state under 161365
section 903(d) of the Social Security Act, as amended, in the 161366
foregoing appropriation item 600678, Federal Unemployment Programs 161367
(Fund 3V40), are hereby appropriated to the Department of Job and 161368
Family Services. Upon the request of the Director of Job and 161369
Family Services, the Director of Budget and Management may 161370
increase the appropriation for fiscal year 2014 by the amount 161371
remaining unspent from the fiscal year 2013 appropriation and may 161372
increase the appropriation for fiscal year 2015 by the amount 161373
remaining unspent from the fiscal year 2014 appropriation. The 161374
appropriation shall be used under the direction of the Department 161375
of Job and Family Services to pay for administrative activities 161376
for the Unemployment Insurance Program, employment services, and 161377
other allowable expenditures under section 903(d) of the Social 161378
Security Act, as amended. 161379

The amounts obligated pursuant to this section shall not 161380
exceed at any time the amount by which the aggregate of the 161381
amounts transferred to the account of the state under section 161382
903(d) of the Social Security Act, as amended, exceeds the 161383
aggregate of the amounts obligated for administration and paid out 161384
for benefits and required by law to be charged against the amounts 161385
transferred to the account of the state. 161386

Section 301.190. UNEMPLOYMENT COMPENSATION INTEREST 161387

The foregoing appropriation item 600695, Unemployment 161388
Compensation Interest, shall be used for payment of interest costs 161389

paid to the United States Secretary of the Treasury for the 161390
repayment of accrued interest related to federal unemployment 161391
account borrowing. 161392

Section 303.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 161393

General Revenue Fund 161394

GRF 029321 Operating Expenses \$ 455,858 \$ 456,376 161395

TOTAL GRF General Revenue Fund \$ 455,858 \$ 456,376 161396

TOTAL ALL BUDGET FUND GROUPS \$ 455,858 \$ 456,376 161397

OPERATING GUIDANCE 161398

The Chief Administrative Officer of the House of 161399
Representatives and the Clerk of the Senate shall determine, by 161400
mutual agreement, which of them shall act as fiscal agent for the 161401
Joint Committee on Agency Rule Review. Members of the Committee 161402
shall be paid in accordance with section 101.35 of the Revised 161403
Code. 161404

OPERATING EXPENSES 161405

On July 1, 2013, or as soon as possible thereafter, the 161406
Executive Director of the Joint Committee on Agency Rule Review 161407
may certify to the Director of Budget and Management the amount of 161408
the unexpended, unencumbered balance of the foregoing 161409
appropriation item 029321, Operating Expenses, at the end of 161410
fiscal year 2013 to be reappropriated to fiscal year 2014. The 161411
amount certified is hereby reappropriated to the same 161412
appropriation item for fiscal year 2014. 161413

On July 1, 2014, or as soon as possible thereafter, the 161414
Executive Director of the Joint Committee on Agency Rule Review 161415
may certify to the Director of Budget and Management the amount of 161416
the unexpended, unencumbered balance of the foregoing 161417
appropriation item 029321, Operating Expenses, at the end of 161418
fiscal year 2014 to be reappropriated to fiscal year 2015. The 161419

amount certified is hereby reappropriated to the same 161420
appropriation item for fiscal year 2015. 161421

Section 305.10. JCO JUDICIAL CONFERENCE OF OHIO 161422

General Revenue Fund 161423

GRF 018321 Operating Expenses \$ 824,900 \$ 847,200 161424

TOTAL GRF General Revenue Fund \$ 824,900 \$ 847,200 161425

General Services Fund Group 161426

4030 018601 Ohio Jury \$ 385,000 \$ 385,000 161427

Instructions

TOTAL GSF General Services Fund \$ 385,000 \$ 385,000 161428

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,209,900 \$ 1,232,200 161429

STATE COUNCIL OF UNIFORM STATE LAWS 161430

Notwithstanding section 105.26 of the Revised Code, of the 161431
foregoing appropriation item 018321, Operating Expenses, up to 161432
\$84,900 in fiscal year 2014 and up to \$88,300 in fiscal year 2015 161433
shall be used to pay the expenses of the State Council of Uniform 161434
State Laws, including membership dues to the National Conference 161435
of Commissioners on Uniform State Laws. 161436

OHIO JURY INSTRUCTIONS FUND 161437

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 161438
grants, royalties, dues, conference fees, bequests, devises, and 161439
other gifts received for the purpose of supporting costs incurred 161440
by the Judicial Conference of Ohio in its activities as a part of 161441
the judicial system of the state as determined by the Judicial 161442
Conference Executive Committee. Fund 4030 shall be used by the 161443
Judicial Conference of Ohio to pay expenses incurred in its 161444
activities as a part of the judicial system of the state as 161445
determined by the Judicial Conference Executive Committee. All 161446
moneys accruing to Fund 4030 in excess of \$385,000 in fiscal year 161447

2014 and in excess of \$385,000 in fiscal year 2015 are hereby 161448
 appropriated for the purposes authorized. 161449

No money in Fund 4030 shall be transferred to any other fund 161450
 by the Director of Budget and Management or the Controlling Board. 161451

Section 307.10. JSC THE JUDICIARY/SUPREME COURT 161452

General Revenue Fund 161453

GRF 005321 Operating Expenses - \$ 138,016,534 \$ 140,232,737 161454
 Judiciary/Supreme
 Court

GRF 005406 Law-Related Education \$ 236,172 \$ 236,172 161455

GRF 005409 Ohio Courts \$ 3,350,000 \$ 3,350,000 161456
 Technology Initiative

TOTAL GRF General Revenue Fund \$ 141,602,706 \$ 143,818,909 161457

General Services Fund Group 161458

6720 005601 Continuing Judicial \$ 101,392 \$ 93,563 161459
 Education

TOTAL GSF General Services Fund \$ 101,392 \$ 93,563 161460

Group

Federal Special Revenue Fund Group 161461

3J00 005603 Federal Grants \$ 1,235,900 \$ 1,252,600 161462

TOTAL FED Federal Special Revenue \$ 1,235,900 \$ 1,252,600 161463

Fund Group

State Special Revenue Fund Group 161464

4C80 005605 Attorney Services \$ 3,923,101 \$ 3,915,721 161465

5HT0 005617 Court Interpreter \$ 23,000 \$ 23,000 161466
 Certification

5JY0 005620 County Law Library \$ 258,000 \$ 258,000 161467
 Resources Boards

5T80 005609 Grants and Awards \$ 25,000 \$ 25,000 161468

6A80 005606 Supreme Court \$ 1,283,751 \$ 1,308,025 161469

CONTINUING JUDICIAL EDUCATION 161499

The Continuing Judicial Education Fund (Fund 6720) shall 161500
consist of fees paid by judges and court personnel for attending 161501
continuing education courses and other gifts and grants received 161502
for the purpose of continuing judicial education. The foregoing 161503
appropriation item 005601, Continuing Judicial Education, shall be 161504
used to pay expenses for continuing education courses for judges 161505
and court personnel. If it is determined by the Administrative 161506
Director of the Supreme Court that additional appropriations are 161507
necessary, the amounts are hereby appropriated. 161508

No money in Fund 6720 shall be transferred to any other fund 161509
by the Director of Budget and Management or the Controlling Board. 161510
Interest earned on money in Fund 6720 shall be credited to the 161511
fund. 161512

FEDERAL GRANTS 161513

The Federal Grants Fund (Fund 3J00) shall consist of grants 161514
and other moneys awarded to the Supreme Court (The Judiciary) by 161515
the United States Government or other entities that receive the 161516
moneys directly from the United States Government and distribute 161517
those moneys to the Supreme Court (The Judiciary). The foregoing 161518
appropriation item 005603, Federal Grants, shall be used in a 161519
manner consistent with the purpose of the grant or award. If it is 161520
determined by the Administrative Director of the Supreme Court 161521
that additional appropriations are necessary, the amounts are 161522
hereby appropriated. 161523

No money in Fund 3J00 shall be transferred to any other fund 161524
by the Director of Budget and Management or the Controlling Board. 161525
However, interest earned on money in Fund 3J00 shall be credited 161526
or transferred to the General Revenue Fund. 161527

ATTORNEY SERVICES 161528

The Attorney Services Fund (Fund 4C80), formerly known as the 161529

Attorney Registration Fund, shall consist of money received by the 161530
Supreme Court (The Judiciary) pursuant to the Rules for the 161531
Government of the Bar of Ohio. In addition to funding other 161532
activities considered appropriate by the Supreme Court, the 161533
foregoing appropriation item 005605, Attorney Services, may be 161534
used to compensate employees and to fund appropriate activities of 161535
the following offices established by the Supreme Court: the Office 161536
of Disciplinary Counsel, the Board of Commissioners on Grievances 161537
and Discipline, the Clients' Security Fund, and the Attorney 161538
Services Division. If it is determined by the Administrative 161539
Director of the Supreme Court that additional appropriations are 161540
necessary, the amounts are hereby appropriated. 161541

No money in Fund 4C80 shall be transferred to any other fund 161542
by the Director of Budget and Management or the Controlling Board. 161543
Interest earned on money in Fund 4C80 shall be credited to the 161544
fund. 161545

COURT INTERPRETER CERTIFICATION 161546

The Court Interpreter Certification Fund (Fund 5HT0) shall 161547
consist of money received by the Supreme Court (The Judiciary) 161548
pursuant to Rules 80 through 87 of the Rules of Superintendence 161549
for the Courts of Ohio. The foregoing appropriation item 005617, 161550
Court Interpreter Certification, shall be used to provide 161551
training, to provide the written examination, and to pay language 161552
experts to rate, or grade, the oral examinations of those applying 161553
to become certified court interpreters. If it is determined by the 161554
Administrative Director that additional appropriations are 161555
necessary, the amounts are hereby appropriated. 161556

No money in Fund 5HT0 shall be transferred to any other fund 161557
by the Director of Budget and Management or the Controlling Board. 161558
Interest earned on money in Fund 5HT0 shall be credited to the 161559
fund. 161560

COUNTY LAW LIBRARY RESOURCES BOARD 161561

The Statewide Consortium of County Law Library Resources 161562
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 161563
to section 307.515 of the Revised Code into a county's law library 161564
resources fund and forwarded by that county's treasurer for 161565
deposit in the state treasury pursuant to division (E)(1) of 161566
section 3375.481 of the Revised Code. The foregoing appropriation 161567
item 005620, County Law Library Resources Board, shall be used for 161568
the operation of the Statewide Consortium of County Law Library 161569
Resources Boards. If it is determined by the Administrative 161570
Director of the Supreme Court that additional appropriations are 161571
necessary, the amounts are hereby appropriated. 161572

No money in Fund 5JY0 shall be transferred to any other fund 161573
by the Director of Budget and Management or the Controlling Board. 161574
Interest earned on money in Fund 5JY0 shall be credited to the 161575
fund. 161576

GRANTS AND AWARDS 161577

The Grants and Awards Fund (Fund 5T80) shall consist of 161578
grants and other money awarded to the Supreme Court (The 161579
Judiciary) by the State Justice Institute, the Division of 161580
Criminal Justice Services, or other entities. The foregoing 161581
appropriation item 005609, Grants and Awards, shall be used in a 161582
manner consistent with the purpose of the grant or award. If it is 161583
determined by the Administrative Director of the Supreme Court 161584
that additional appropriations are necessary, the amounts are 161585
hereby appropriated. 161586

No money in Fund 5T80 shall be transferred to any other fund 161587
by the Director of Budget and Management or the Controlling Board. 161588
However, interest earned on money in Fund 5T80 shall be credited 161589
or transferred to the General Revenue Fund. 161590

SUPREME COURT ADMISSIONS 161591

The foregoing appropriation item 005606, Supreme Court Admissions, shall be used to compensate Supreme Court employees who are primarily responsible for administering the attorney admissions program under the Rules for the Government of the Bar of Ohio, and to fund any other activities considered appropriate by the court. Moneys shall be deposited into the Supreme Court Admissions Fund (Fund 6A80) under the Supreme Court Rules for the Government of the Bar of Ohio. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 6A80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 6A80 shall be credited to the fund.

Section 309.10. LEC LAKE ERIE COMMISSION

Federal Special Revenue Fund Group					161607
3EP0 780603 Lake Erie Federal	\$	25,000	\$	0	161608
Grants					
TOTAL FED Federal Special Revenue	\$	25,000	\$	0	161609
Fund Group					
State Special Revenue Fund Group					161610
4C00 780601 Lake Erie Protection	\$	200,000	\$	200,000	161611
Fund					
5D80 780602 Lake Erie Resources	\$	298,942	\$	339,637	161612
Fund					
TOTAL SSR State Special Revenue					161613
Fund Group	\$	498,942	\$	539,637	161614
TOTAL ALL BUDGET FUND GROUPS	\$	523,942	\$	539,637	161615

CASH TRANSFERS TO THE LAKE ERIE RESOURCES FUND

On July 1 of each fiscal year, or as soon as possible

thereafter, the Director of Budget and Management may transfer 161618
cash from the funds specified below, up to the amounts specified 161619
below, to the Lake Erie Resources Fund (Fund 5D80). Fund 5D80 may 161620
accept contributions and transfers made to the fund. 161621

Fund	Fund Name	User	FY 2014	FY 2015	
5BC0	Environmental Protection	Environmental Protection Agency	\$23,500	\$53,500	161622
6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$23,500	\$53,500	161623
4700	General Operations	Department of Health	\$23,500	\$53,500	161624
1570	Central Support Indirect	Department of Natural Resources	\$23,500	\$53,500	161625

On July 1, 2013, or as soon as possible thereafter, the 161627
Director of Budget and Management may transfer \$23,500 cash from a 161628
fund used by the Development Services Agency, as specified by the 161629
Director of Development Services, to Fund 5D80. 161630

On July 1, 2014, or as soon as possible thereafter, the 161631
Director of Budget and Management may transfer \$53,500 cash from a 161632
fund used by the Development Services Agency, as specified by the 161633
Director of Development Services, to Fund 5D80. 161634

Section 311.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 161635

General Revenue Fund					161636		
GRF	028321	Legislative Ethics Committee	\$	550,000	\$ 550,000	161637	
TOTAL GRF	General Revenue Fund			\$	550,000	\$ 550,000	161638
General Services Fund Group					161639		
4G70	028601	Joint Legislative Ethics Committee	\$	150,000	\$ 150,000	161640	
TOTAL GSF	General Services Fund			\$	150,000	\$ 150,000	161641

Group

TOTAL ALL BUDGET FUND GROUPS \$ 700,000 \$ 700,000 161642

LEGISLATIVE ETHICS COMMITTEE 161643

On July 1, 2013, or as soon as possible thereafter, the 161644
Legislative Inspector General of the Joint Legislative Ethics 161645
Committee may certify to the Director of Budget and Management the 161646
amount of the unexpended, unencumbered balance of the foregoing 161647
appropriation item 028321, Legislative Ethics Committee, at the 161648
end of fiscal year 2013 to be reappropriated to fiscal year 2014. 161649
The amount certified is hereby reappropriated to the same 161650
appropriation item for fiscal year 2014. 161651

On July 1, 2014, or as soon as possible thereafter, the 161652
Legislative Inspector General of the Joint Legislative Ethics 161653
Committee may certify to the Director of Budget and Management the 161654
amount of the unexpended, unencumbered balance of the foregoing 161655
appropriation item 028321, Legislative Ethics Committee, at the 161656
end of fiscal year 2014 to be reappropriated to fiscal year 2015. 161657
The amount certified is hereby reappropriated to the same 161658
appropriation item for fiscal year 2015. 161659

Section 313.10. LSC LEGISLATIVE SERVICE COMMISSION 161660

General Revenue Fund 161661

GRF 035321 Operating Expenses \$ 15,117,700 \$ 15,117,700 161662

GRF 035402 Legislative Fellows \$ 1,022,120 \$ 1,022,120 161663

GRF 035405 Correctional \$ 460,845 \$ 460,845 161664

Institution Inspection
Committee

GRF 035407 Legislative Task Force \$ 320,000 \$ 400,000 161665

on Redistricting

GRF 035409 National Associations \$ 460,560 \$ 460,560 161666

GRF 035410 Legislative \$ 3,861,250 \$ 3,861,250 161667

Information Systems

GRF 035411	Ohio Constitutional	\$	600,000	\$	600,000	161668
	Modernization					
	Commission					
TOTAL GRF	General Revenue Fund	\$	21,842,475	\$	21,922,475	161669
	General Services Fund Group					161670
4100 035601	Sale of Publications	\$	10,000	\$	10,000	161671
4F60 035603	Legislative Budget	\$	200,000	\$	200,000	161672
	Services					
5EF0 035607	Legislative Agency	\$	30,000	\$	30,000	161673
	Telephone Usage					
TOTAL GSF	General Services					161674
Fund Group		\$	240,000	\$	240,000	161675
TOTAL ALL BUDGET FUND GROUPS		\$	22,082,475	\$	22,162,475	161676

OPERATING EXPENSES 161677

On July 1, 2013, or as soon as possible thereafter, the 161678
 Director of the Legislative Service Commission may certify to the 161679
 Director of Budget and Management the amount of the unexpended, 161680
 unencumbered balance of the foregoing appropriation item 035321, 161681
 Operating Expenses, at the end of fiscal year 2013 to be 161682
 reappropriated to fiscal year 2014. The amount certified is hereby 161683
 reappropriated to the same appropriation item for fiscal year 161684
 2014. 161685

On July 1, 2014, or as soon as possible thereafter, the 161686
 Director of the Legislative Service Commission may certify to the 161687
 Director of Budget and Management the amount of the unexpended, 161688
 unencumbered balance of the foregoing appropriation item 035321, 161689
 Operating Expenses, at the end of fiscal year 2014 to be 161690
 reappropriated to fiscal year 2015. The amount certified is hereby 161691
 reappropriated to the same appropriation item for fiscal year 161692
 2015. 161693

LEGISLATIVE TASK FORCE ON REDISTRICTING 161694

An amount equal to the unexpended, unencumbered portion of 161695
the foregoing appropriation item 035407, Legislative Task Force on 161696
Redistricting, at the end of fiscal year 2013 is hereby 161697
reappropriated to the Legislative Service Commission for the same 161698
purpose for fiscal year 2014. 161699

An amount equal to the unexpended, unencumbered portion of 161700
the foregoing appropriation item 035407, Legislative Task Force on 161701
Redistricting, at the end of fiscal year 2014 is hereby 161702
reappropriated to the Legislative Service Commission for the same 161703
purpose for fiscal year 2015. 161704

LEGISLATIVE INFORMATION SYSTEMS 161705

On July 1, 2013, or as soon as possible thereafter, the 161706
Director of the Legislative Service Commission may certify to the 161707
Director of Budget and Management the amount of the unexpended, 161708
unencumbered balance of the foregoing appropriation item 035410, 161709
Legislative Information Systems, at the end of fiscal year 2013 to 161710
be reappropriated to fiscal year 2014. The amount certified is 161711
hereby reappropriated to the same appropriation item for fiscal 161712
year 2014. 161713

On July 1, 2014, or as soon as possible thereafter, the 161714
Director of the Legislative Service Commission may certify to the 161715
Director of Budget and Management the amount of the unexpended, 161716
unencumbered balance of the foregoing appropriation item 035410, 161717
Legislative Information Systems, at the end of fiscal year 2014 to 161718
be reappropriated to fiscal year 2015. The amount certified is 161719
hereby reappropriated to the same appropriation item for fiscal 161720
year 2015. 161721

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION 161722

The foregoing appropriation item 035411, Ohio Constitutional 161723
Modernization Commission, shall be used to support the operation 161724
and expenses of the Ohio Constitutional Modernization Commission 161725

under sections 103.61 to 103.67 of the Revised Code. All 161726
 expenditures paid from the appropriation item must be approved by 161727
 the director and chairperson of the Legislative Service Commission 161728
 under division (A) of section 103.21 of the Revised Code. 161729

An amount equal to the unexpended, unencumbered portion of 161730
 the foregoing appropriation item 035411, Ohio Constitutional 161731
 Modernization Commission, at the end of fiscal year 2013 is hereby 161732
 reappropriated to the Legislative Service Commission for the same 161733
 purpose for fiscal year 2014. 161734

An amount equal to the unexpended, unencumbered portion of 161735
 the foregoing appropriation item 035411, Ohio Constitutional 161736
 Modernization Commission, at the end of fiscal year 2014 is hereby 161737
 reappropriated to the Legislative Service Commission for the same 161738
 purpose for fiscal year 2015. 161739

Section 315.10. LIB STATE LIBRARY BOARD 161740

General Revenue Fund 161741

GRF	350321	Operating Expenses	\$	5,057,364	\$	5,057,364	161742
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GRF	350401	Ohioana Rental	\$	120,114	\$	120,114	161743
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Payments

GRF	350502	Regional Library	\$	582,469	\$	582,469	161744
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Systems

TOTAL GRF	General Revenue Fund	\$	5,759,947	\$	5,759,947	161745
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General Services Fund Group 161746

1390	350602	Intra-Agency Service	\$	8,000	\$	8,000	161747
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Charges

4590	350603	Library Service	\$	3,237,430	\$	3,526,368	161748
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Charges

4S40	350604	Ohio Public Library	\$	5,689,788	\$	5,689,788	161749
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Information Network

5GB0	350605	Library for the Blind	\$	1,274,194	\$	1,274,194	161750
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TOTAL GSF General Services				161751	
Fund Group	\$	10,209,412	\$	10,498,350	161752
Federal Special Revenue Fund Group				161753	
3130 350601 LSTA Federal	\$	5,303,693	\$	5,120,439	161754
TOTAL FED Federal Special Revenue				161755	
Fund Group	\$	5,303,693	\$	5,120,439	161756
TOTAL ALL BUDGET FUND GROUPS	\$	21,273,052	\$	21,378,736	161757
OHIOANA RENTAL PAYMENTS				161758	
The foregoing appropriation item 350401, Ohioana Rental				161759	
Payments, shall be used to pay the rental expenses of the Martha				161760	
Kinney Cooper Ohioana Library Association under section 3375.61 of				161761	
the Revised Code.				161762	
REGIONAL LIBRARY SYSTEMS				161763	
The foregoing appropriation item 350502, Regional Library				161764	
Systems, shall be used to support regional library systems				161765	
eligible for funding under sections 3375.83 and 3375.90 of the				161766	
Revised Code.				161767	
OHIO PUBLIC LIBRARY INFORMATION NETWORK				161768	
(A) The foregoing appropriation item 350604, Ohio Public				161769	
Library Information Network, shall be used for an information				161770	
telecommunications network linking public libraries in the state				161771	
and such others as may participate in the Ohio Public Library				161772	
Information Network (OPLIN).				161773	
The Ohio Public Library Information Network Board of Trustees				161774	
created under section 3375.65 of the Revised Code may make				161775	
decisions regarding use of the foregoing appropriation item				161776	
350604, Ohio Public Library Information Network.				161777	
(B) The OPLIN Board shall research and assist or advise local				161778	
libraries with regard to emerging technologies and methods that				161779	
may be effective means to control access to obscene and illegal				161780	

materials. The OPLIN Director shall provide written reports upon 161781
request within ten days to the Governor, the Speaker and Minority 161782
Leader of the House of Representatives, and the President and 161783
Minority Leader of the Senate on any steps being taken by OPLIN 161784
and public libraries in the state to limit and control such 161785
improper usage as well as information on technological, legal, and 161786
law enforcement trends nationally and internationally affecting 161787
this area of public access and service. 161788

(C) The Ohio Public Library Information Network, INFOhio, and 161789
OhioLINK shall, to the extent feasible, coordinate and cooperate 161790
in their purchase or other acquisition of the use of electronic 161791
databases for their respective users and shall contribute funds in 161792
an equitable manner to such effort. 161793

LIBRARY FOR THE BLIND 161794

The foregoing appropriation item 350605, Library for the 161795
Blind, shall be used for the statewide Talking Book Program to 161796
assist the blind and disabled. 161797

TRANSFER TO OPLIN TECHNOLOGY FUND 161798

Notwithstanding sections 5747.03 and 5747.47 of the Revised 161799
Code and any other provision of law to the contrary, in accordance 161800
with a schedule established by the Director of Budget and 161801
Management, the Director of Budget and Management shall transfer 161802
\$3,689,788 cash in each fiscal year from the Public Library Fund 161803
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 161804

TRANSFER TO LIBRARY FOR THE BLIND FUND 161805

Notwithstanding sections 5747.03 and 5747.47 of the Revised 161806
Code and any other provision of law to the contrary, in accordance 161807
with a schedule established by the Director of Budget and 161808
Management, the Director of Budget and Management shall transfer 161809
\$1,274,194 cash in each fiscal year from the Public Library Fund 161810
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 161811

Section 317.10. LCO LIQUOR CONTROL COMMISSION				161812
State Special Revenue Fund Group				161813
5LP0 970601	Commission Operating	\$ 784,376	\$ 796,368	161814
Expenses				
TOTAL SSR	State Special Revenue	\$ 784,376	\$ 796,368	161815
Fund Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 784,376	\$ 796,368	161816
 Section 319.10. LOT STATE LOTTERY COMMISSION				161818
State Lottery Fund Group				161819
2310 950604	Charitable Gaming	\$ 1,946,000	\$ 1,946,000	161820
Oversight				
7044 950321	Operating Expenses	\$ 49,778,677	\$ 51,173,293	161821
7044 950402	Advertising Contracts	\$ 23,024,080	\$ 23,024,080	161822
7044 950403	Gaming Contracts	\$ 63,405,851	\$ 59,356,988	161823
7044 950601	Direct Prize Payments	\$ 116,281,000	\$ 114,779,000	161824
7044 950605	Problem Gambling	\$ 2,000,000	\$ 3,000,000	161825
8710 950602	Annuity Prizes	\$ 79,039,985	\$ 80,299,167	161826
TOTAL SLF	State Lottery Fund			161827
Group		\$ 335,475,593	\$ 333,578,528	161828
TOTAL ALL BUDGET FUND GROUPS		\$ 335,475,593	\$ 333,578,528	161829
 OPERATING EXPENSES				161830
Notwithstanding sections 127.14 and 131.35 of the Revised				161831
Code, the Controlling Board may, at the request of the State				161832
Lottery Commission, authorize expenditures from the State Lottery				161833
Fund in excess of the amounts appropriated, up to a maximum of 10				161834
per cent of anticipated total revenue accruing from the sale of				161835
lottery products. Upon the approval of the Controlling Board, the				161836
additional amounts are hereby appropriated.				161837
 DIRECT PRIZE PAYMENTS				161838
Any amounts, in addition to the amounts appropriated in				161839

appropriation item 950601, Direct Prize Payments, that the 161840
Director of the State Lottery Commission determines to be 161841
necessary to fund prizes are hereby appropriated. 161842

ANNUITY PRIZES 161843

Upon request of the State Lottery Commission, the Director of 161844
Budget and Management may transfer cash from the State Lottery 161845
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 161846
an amount sufficient to fund deferred prizes. The Treasurer of 161847
State, from time to time, shall credit the Deferred Prizes Trust 161848
Fund (Fund 8710) the pro rata share of interest earned by the 161849
Treasurer of State on invested balances. 161850

Any amounts, in addition to the amounts appropriated in 161851
appropriation item 950602, Annuity Prizes, that the Director of 161852
the State Lottery Commission determines to be necessary to fund 161853
deferred prizes and interest earnings are hereby appropriated. 161854

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 161855

Estimated transfers from the State Lottery Fund (Fund 7044) 161856
to the Lottery Profits Education Fund (Fund 7017) are to be 161857
\$841,000,000 in fiscal year 2014 and \$974,500,000 in fiscal year 161858
2015. The Director of Budget and Management shall transfer such 161859
amounts contingent upon the availability of resources. Transfers 161860
from the State Lottery Fund to the Lottery Profits Education Fund 161861
shall represent the estimated net income from operations for the 161862
Commission in fiscal year 2014 and fiscal year 2015. Transfers by 161863
the Director of Budget and Management to the Lottery Profits 161864
Education Fund shall be administered as the statutes direct. 161865

Section 321.10. MHC MANUFACTURED HOMES COMMISSION 161866

General Services Fund Group 161867
4K90 996609 Operating Expenses \$ 459,134 \$ 459,134 161868
TOTAL GSF General Services 161869

Fund Group		\$	459,134	\$	459,134	161870
State Special Revenue Fund Group						161871
5MC0 996610	Manufactured Homes	\$	747,825	\$	747,825	161872
	Regulation					
TOTAL SSR State Special Revenue		\$	747,825	\$	747,825	161873
Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	1,206,959	\$	1,206,959	161874
Section 323.10. MCD DEPARTMENT OF MEDICAID						161876
General Revenue Fund						161877
GRF 651425	Medicaid Program	\$	177,071,199	\$	180,446,636	161878
	Support - State					
GRF 651525	Medicaid/Health Care					161879
	Services					
	State	\$	4,739,421,777	\$	5,097,244,293	161880
	Federal	\$	8,961,692,337	\$	9,502,550,748	161881
	Medicaid/Health Care	\$	13,701,114,114	\$	14,599,795,041	161882
	Services Total					
GRF 651526	Medicare Part D	\$	309,349,142	\$	313,020,518	161883
TOTAL GRF General Revenue Fund						161884
	State	\$	5,225,842,118	\$	5,590,711,447	161885
	Federal	\$	8,961,692,337	\$	9,502,550,748	161886
	GRF Total	\$	14,187,534,455	\$	15,093,262,195	161887
General Services Fund Group						161888
5DL0 651639	Medicaid Services -	\$	462,900,000	\$	514,700,000	161889
	Recoveries					
5FX0 651638	Medicaid Services -	\$	6,000,000	\$	6,000,000	161890
	Payment Withholding					
TOTAL GSF General Services Fund		\$	468,900,000	\$	520,700,000	161891
Group						
Federal Special Revenue Fund Group						161892
3ER0 651603	Medicaid Health	\$	123,074,778	\$	123,089,606	161893

		Information				
		Technology				
3F00	651623	Medicaid Services -	\$ 2,965,609,943	\$ 3,196,808,545	161894	
		Federal				
3F00	651624	Medicaid Program	\$ 565,046,401	\$ 454,423,399	161895	
		Support - Federal				
3FA0	651680	Health Care Grants -	\$ 45,400,000	\$ 44,500,000	161896	
		Federal				
3G50	651655	Medicaid Interagency	\$ 1,712,881,658	\$ 1,895,403,348	161897	
		Pass-Through				
TOTAL FED		Federal Special Revenue	\$ 5,412,012,780	\$ 5,714,224,898	161898	
Fund Group						
State		Special Revenue Fund Group			161899	
4E30	651605	Resident Protection	\$ 2,878,319	\$ 2,878,319	161900	
		Fund				
5AJ0	651631	Money Follows the	\$ 5,555,000	\$ 4,517,500	161901	
		Person				
5GF0	651656	Medicaid Services -	\$ 531,273,601	\$ 531,273,601	161902	
		Hospitals/UPL				
5KC0	651682	Health Care Grants -	\$ 10,000,000	\$ 10,000,000	161903	
		State				
5R20	651608	Medicaid Services -	\$ 398,000,000	\$ 398,000,000	161904	
		Long Term Care				
5U30	651654	Medicaid Program	\$ 54,305,843	\$ 37,903,126	161905	
		Support				
6510	651649	Medicaid Services -	\$ 215,527,947	\$ 215,314,482	161906	
		HCAP				
TOTAL SSR		State Special Revenue	\$ 1,217,540,710	\$ 1,199,887,028	161907	
Fund Group						
Holding Account		Redistribution Fund Group			161908	
R055	651644	Refunds and	\$ 1,000,000	\$ 1,000,000	161909	
		Reconciliations				

TOTAL 090 Holding Account	\$	1,000,000	\$	1,000,000	161910
Redistribution Fund Group					
TOTAL ALL BUDGET FUND GROUPS		\$21,286,987,945		\$22,529,074,121	161911

Section 323.10.10. CREATION OF THE DEPARTMENT OF MEDICAID 161913

(A) As used in this section, "medical assistance program" 161914
means all of the following: 161915

(1) The Medicaid program established by Title XIX of the 161916
"Social Security Act," 42 U.S.C. 1396 et seq. 161917

(2) The Children's Health Insurance Program authorized by 161918
Title XXI of the "Social Security Act," 42 U.S.C. 1397aa et seq. 161919

(3) The Refugee Medical Assistance program authorized by the 161920
"Immigration and Nationality Act," section 412(e), 42 U.S.C. 161921
1522(e). 161922

(B) On July 1, 2013, all of the following apply: 161923

(1) The Department of Medicaid is created. 161924

(2) The Department of Medicaid is to be administered by the 161925
Medicaid Director who is to be appointed by the Governor with the 161926
advice and consent of the Senate. 161927

(3) The Medicaid Director is to hold the Director's office 161928
during the term of the appointing Governor and is subject to 161929
removal at the pleasure of the Governor. 161930

(4) The Medicaid Director is the executive head of the 161931
Department of Medicaid and all duties conferred on the Department 161932
by law or order of the Director are under the Director's control 161933
and shall be performed in accordance with rules the Director 161934
adopts. 161935

(5) The Medicaid Director may appoint such employees as are 161936
necessary for the efficient operation of the Department of 161937
Medicaid and may prescribe the title and duties of the employees. 161938

- (6) The Office of Medical Assistance shall cease to exist. 161939
- (7) Each reference to the Department or Director of Public Welfare, Department or Director of Human Services, Department or Director of Job and Family Services, Office of Medical Assistance, or Medical Assistance Director in any statute, rule, contract, grant, or other document is deemed to refer to the Department of Medicaid or Medicaid Director, as the case may be, to the extent the reference is about a duty or authority of the Department of Medicaid or Medicaid Director regarding a medical assistance program. 161940
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- (8) Employees of the Office of Medical Assistance are hereby transferred to the Department of Medicaid. The vehicles and equipment assigned to the Office's employees are transferred to the Department. 161949
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- (9) The assets, liabilities, other equipment not provided for, and records, irrespective of form or medium, of the Office of Medical Assistance are transferred to the Department of Medicaid. The Department is the successor to, assumes the obligations of, and otherwise constitutes the continuation of, the Office. 161953
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- (10) Business commenced but not completed on July 1, 2013, by the Medical Assistance Director, the Office of Medical Assistance, Director of Job and Family Services, or Department of Job and Family Services regarding a medical assistance program shall be completed by the Medicaid Director or Department of Medicaid in the same manner, and with the same effect, as if completed by the Medical Assistance Director, Office of Medical Assistance, Director of Job and Family Services, or Department of Job and Family Services. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section but shall be administered by the Medicaid Director or Department of Medicaid. 161958
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(11) For the purpose of the "Social Security Act," section 161970
1902(a)(5), 42 U.S.C. 1396a(a)(5), the Department of Medicaid 161971
shall act as the single state agency to supervise the 161972
administration of the Medicaid program. As the single state 161973
agency, the Department shall comply with 42 C.F.R. 431.10(e) and 161974
all other federal requirements applicable to the single state 161975
agency. 161976

(D) The rules, orders, and determinations pertaining to the 161977
Office of Medical Assistance and Department of Job and Family 161978
Services regarding medical assistance programs continue in effect 161979
as rules, orders, and determinations of the Department of Medicaid 161980
until modified or rescinded by the Department of Medicaid. 161981

(E) No judicial or administrative action or proceeding 161982
pending on July 1, 2013, is affected by the transfer of functions 161983
from the Medical Assistance Director, Office of Medical 161984
Assistance, Director of Job and Family Services, or Department of 161985
Job and Family Services to the Medicaid Director or Department of 161986
Medicaid and shall be prosecuted or defended in the name of the 161987
Medicaid Director or Department of Medicaid. On application to the 161988
court or other tribunal, the Medicaid Director or Department of 161989
Medicaid shall be substituted as a party in such actions and 161990
proceedings. 161991

(F) When the Department of Medicaid created in section 121.02 161992
of the Revised Code comes into effect, it is a continuation of the 161993
Department of Medicaid created in this section. 161994

(G) A portion of the foregoing appropriation items 651425, 161995
Medicaid Program Support - State, 651525, Medicaid/Health Care 161996
Services, 651526, Medicare Part D, 651639, Medicaid Services - 161997
Recoveries, 651638, Medicaid Services - Payment Withholding, 161998
651603, Medicaid Health Information Technology, 651623, Medicaid 161999
Services - Federal, 651624, Medicaid Program Support - Federal, 162000
651680 Health Care Grants - Federal, 651655, Medicaid Interagency 162001

Pass-Through, 651605, Resident Protection Fund, 651631, Money 162002
Follows the Person, 651656, Medicaid Services - Hospitals/UPL, 162003
651682, Health Care Grants - State, 651608, Medicaid Services - 162004
Long Term Care, 651654, Medicaid Program Support, 651649, Medicaid 162005
Services - HCAP, 651644, Refunds and Reconciliations, and 651612, 162006
Managed Care Performance Payments, may be used to pay for Medicaid 162007
services and costs associated with the administration of the 162008
Medicaid program. 162009

Section 323.10.20. TRANSFER OF ENCUMBRANCES AND RECEIVABLES 162010

On July 1, 2013, or as soon as possible thereafter, the 162011
Medicaid Director shall certify to the Director of Budget and 162012
Management all medical assistance-related encumbrances held by the 162013
Department of Job and Family Services, and specify which of those 162014
encumbrances are requested to be transferred to the Department of 162015
Medicaid. The Director of Budget and Management may cancel any 162016
existing encumbrances, as certified by the Medicaid Director, and 162017
reestablish them in the Department of Medicaid. The reestablished 162018
encumbrance amounts are hereby appropriated. Any business 162019
commenced, but not completed, with regard to the encumbrances 162020
certified shall be completed by the Department of Medicaid in the 162021
same manner and with the same effect as if it were completed by 162022
the Department of Job and Family Services. 162023

On July 1, 2013, or as soon as possible thereafter, the 162024
Medicaid Director shall certify to the Director of Budget and 162025
Management all medical assistance-related receivables held by the 162026
Department of Job and Family Services, and specify which of those 162027
receivables are requested to be transferred to the Department of 162028
Medicaid. The Director of Budget and Management may cancel any 162029
existing receivables as certified by the Medicaid Director and 162030
reestablish them in the Department of Medicaid. 162031

A portion of the foregoing appropriation items 651425, 162032

Medicaid Program Support - State, 651525, Medicaid/Health Care 162033
Services, 651639, Medicaid Services - Recoveries, 651638, Medicaid 162034
Services-Payment Withholding, 651624, Medicaid Program Support - 162035
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 162036
Interagency Pass-Through, 651605, Resident Protection Fund, 162037
651631, Money Follows the Person, 651656, Medicaid Services - 162038
Hospitals/UPL, 651682, Health Care Grants - State, 651608, 162039
Medicaid Services - Long Term Care, 651654, Medicaid Program 162040
Support, and 651649, Medicaid Services - HCAP, may be used to pay 162041
for medical assistance services and costs associated with the 162042
administration of the Medicaid program. 162043

Section 323.10.30. TEMPORARY AUTHORITY REGARDING EMPLOYEES 162044

(A) As used in this section, "medical assistance program" has 162045
the same meaning as in the section of this act titled "CREATION OF 162046
THE DEPARTMENT OF MEDICAID." 162047

(B) During the period beginning July 1, 2013, and ending June 162048
30, 2015, all of the following apply: 162049

(1) The Medicaid Director has the authority to establish, 162050
change, and abolish positions for the Department of Medicaid, and 162051
to assign, reassign, classify, reclassify, transfer, reduce, 162052
promote, or demote all employees of the Department of Medicaid who 162053
are not subject to Chapter 4117. of the Revised Code. 162054

(2) As part of the transfer of medical assistance programs to 162055
the Department of Medicaid, the Director of Job and Family 162056
Services has the authority to establish, change, and abolish 162057
positions for the Department of Job and Family Services, and to 162058
assign, reassign, classify, reclassify, transfer, reduce, promote, 162059
or demote all employees of the Department of Job and Family 162060
Services who are not subject to Chapter 4117. of the Revised Code. 162061

(C) The authority granted under division (B) of this section 162062

includes assigning or reassigning an exempt employee, as defined 162063
in section 124.152 of the Revised Code, to a bargaining unit 162064
classification if the Medicaid Director or Director of Job and 162065
Family Services determines that the bargaining unit classification 162066
is the proper classification for that employee. The actions of the 162067
Medicaid Director or Director of Job and Family Services shall be 162068
consistent with the requirements of 5 C.F.R. 900.603 for those 162069
employees subject to such requirements. If an employee in the E-1 162070
pay range is to be assigned, reassigned, classified, reclassified, 162071
transferred, reduced, or demoted to a position in a lower 162072
classification during the period specified in this section, the 162073
Medicaid Director or Director of Job and Family Services, or in 162074
the case of a transfer outside the Department of Medicaid or 162075
Department of Job and Family Services, the Director of 162076
Administrative Services, shall assign the employee to the 162077
appropriate classification and place the employee in Step X. The 162078
employee shall not receive any increase in compensation until the 162079
maximum rate of pay for that classification exceeds the employee's 162080
compensation. 162081

(D) Actions taken by the Medicaid Director, Director of Job 162082
and Family Services, and Director of Administrative Services 162083
pursuant to this section are not subject to appeal to the State 162084
Personnel Board of Review. 162085

(E) A portion of the foregoing appropriation items 651425, 162086
Medicaid Program Support - State, 651603, Medicaid Health 162087
Information Technology, 651624, Medicaid Program Support - 162088
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 162089
Interagency Pass-Through, 651605, Resident Protection Fund, 162090
651631, Money Follows the Person, 651682, Health Care Grants - 162091
State, and 651654, Medicaid Program Support, may be used to pay 162092
for costs associated with the administration of the Medicaid 162093
program, including the assignment, reassignment, classification, 162094

reclassification, transfer, reduction, promotion, or demotion of 162095
employees authorized by this section. 162096

Section 323.10.40. STAFF TRAINING REGARDING TRANSFERS 162097

As used in this section, "medical assistance program" has the 162098
same meaning as in the section of this act titled "CREATION OF THE 162099
DEPARTMENT OF MEDICAID." 162100

The Medicaid Director and Director of Job and Family Services 162101
may jointly or separately enter into one or more contracts with 162102
public or private entities for staff training and development to 162103
facilitate the transfer of the staff and duties regarding medical 162104
assistance programs to the Department of Medicaid. Division (B) of 162105
section 127.16 of the Revised Code does not apply to contracts 162106
entered into under this section. 162107

A portion of the foregoing appropriation items 651425, 162108
Medicaid Program Support - State, 651624, Medicaid Program Support 162109
- Federal, 651680, Health Care Grants - Federal, 651605, Resident 162110
Protection Fund, 651631, Money Follows the Person, and 651654, 162111
Medicaid Program Support, may be used to pay for costs associated 162112
with the administration of the Medicaid program, including staff 162113
training authorized under this section. 162114

Section 323.10.50. CREATION OF THE DEPARTMENT OF MEDICAID NOT 162115
A COLLECTIVE BARGAINING SUBJECT 162116

As used in this section, "medical assistance program" has the 162117
same meaning as in the section of this act titled "CREATION OF THE 162118
DEPARTMENT OF MEDICAID." 162119

Notwithstanding sections 4117.08 and 4117.10 of the Revised 162120
Code, this act's creation of the Department of Medicaid and 162121
reassignment of the functions and duties of the Office of Medical 162122
Assistance regarding medical assistance programs are not 162123
appropriate subjects for collective bargaining under Chapter 4117. 162124

of the Revised Code.	162125
A portion of the foregoing appropriation items 651425,	162126
Medicaid Program Support - State, 651624, Medicaid Program Support	162127
- Federal, 651680, Health Care Grants - Federal, 651655, Medicaid	162128
Interagency Pass-Through, 651605, Resident Protection Fund,	162129
651631, Money Follows the Person, 651682, Health Care Grants -	162130
State, and 651654, Medicaid Program Support, may be used to pay	162131
for costs associated with the administration of the Medicaid	162132
program, including the reassignment of functions and duties	162133
related to the transition of the Office of Medical Assistance into	162134
the Department of Medicaid.	162135
Section 323.10.60. NEW AND AMENDED GRANT AGREEMENTS	162136
(A) As used in this section:	162137
(1) "Grant agreement" has the same meaning as in section	162138
5101.21 of the Revised Code.	162139
(2) "Medical assistance program" has the same meaning as in	162140
the section of this act titled "CREATION OF THE DEPARTMENT OF	162141
MEDICAID."	162142
(B) The Director of Job and Family Services and boards of	162143
county commissioners may enter into negotiations to amend an	162144
existing grant agreement or to enter into a new grant agreement	162145
regarding the transfer of medical assistance programs to the	162146
Department of Medicaid. Any such amended or new grant agreement	162147
shall be drafted in the name of the Department of Job and Family	162148
Services. The amended or new grant agreement may be executed	162149
before July 1, 2013, if the amendment or agreement does not become	162150
effective sooner than that date.	162151
(C) A portion of the foregoing appropriation items 651525,	162152
Health Care/Medicaid Services, 651603, Medicaid Health Information	162153
Technology, 651623, Medicaid Services - Federal, 651624, Medicaid	162154

Program Support - Federal, 651680, Health Care Grants - Federal, 162155
and 651682, Health Care Grants - State, may be used to pay for 162156
Medicaid services and costs associated with the administration of 162157
the Medicaid program. 162158

Section 323.10.63. EXCHANGE OF CERTAIN INFORMATION BETWEEN 162159
SPECIFIED STATE AGENCIES; HEALTH TRANSFORMATION INITIATIVES 162160

Until the amendments to sections 191.01, 191.02, 191.04, and 162161
191.06 of the Revised Code made by this act take effect in 162162
accordance with section 101.01 of this act, all of the following 162163
shall be the case: 162164

(A) The definition of "state agency" in section 191.01 of the 162165
Revised Code includes the Department of Administrative Services 162166
and the Department of Medicaid in addition to the other agencies 162167
specified in divisions (I)(1) to (13) of that section. 162168

(B) For the purpose of fulfilling the requirement in section 162169
191.02 of the Revised Code, the Executive Director of the Office 162170
of Health Transformation may consult with the Director of 162171
Administrative Services and the Medicaid Director in addition to 162172
the other individuals specified in divisions (A) to (O) of that 162173
section. 162174

(C) Notwithstanding any provision of the Revised Code to the 162175
contrary, the provisions in sections 191.04 and 191.06 of the 162176
Revised Code apply only for fiscal years 2013, 2014, and 2015. 162177

(D) A portion of the foregoing appropriation items 651425, 162178
Medicaid Program Support-State, 651525, Medicaid/Health Care 162179
Services, 651639, Medicaid Services-Recoveries, 651638, Medicaid 162180
Services-Payment Withholding, 651624, Medicaid Program 162181
Support-Federal, 651680, Health Care Grants-Federal, 651655, 162182
Medicaid Interagency Pass-Through, 651605, Resident Protection 162183
Fund, 651631, Money Follows the Person, 651656, Medicaid 162184

Services-Hospitals/UPL, 651682, Health Care Grants-State, 651608, 162185
Medicaid Services-Long Term Care, 651654, Medicaid Program 162186
Support, and 651649, Medicaid Services-HCAP, may be used to pay 162187
for services and costs associated with operating protocols adopted 162188
under section 191.06 of the Revised Code and this section. 162189

Section 323.10.70. LSC TO RENUMBER ADMINISTRATIVE RULES 162190

On and after October 1, 2013, if necessary to ensure the 162191
integrity of the numbering of the Administrative Code, the 162192
Director of the Legislative Service Commission shall renumber the 162193
rules of the Office of Medical Assistance within the Department of 162194
Job and Family Services to reflect its transfer to the Department 162195
of Medicaid. 162196

Section 323.20. MEDICAID/HEALTH CARE SERVICES 162197

The foregoing appropriation item 651525, Medicaid/Health Care 162198
Services, shall not be limited by section 131.33 of the Revised 162199
Code. 162200

Section 323.30. QUALITY INCENTIVE PROGRAM TO REDUCE AVOIDABLE 162201
ADMISSIONS 162202

(A) The Department of Medicaid may implement, for fiscal year 162203
2014 and fiscal year 2015, a quality incentive program to reduce 162204
the number of times that the following persons are admitted to 162205
hospitals and nursing facilities or utilize emergency department 162206
services when the admissions or utilizations are avoidable: 162207

(1) Medicaid recipients enrolled in a home and 162208
community-based services Medicaid waiver component administered by 162209
the Office; 162210

(2) Medicaid recipients receiving nursing services available 162211
under the home health services benefit pursuant to 42 C.F.R. 162212
440.70(b)(1); 162213

(3) Medicaid recipients receiving home health aide services available under the home health services benefit pursuant to 42 C.F.R. 440.70(b)(2);	162214 162215 162216
(4) Medicaid recipients receiving private duty nursing services as defined in 42 C.F.R. 440.80.	162217 162218
(B) If the quality incentive program is implemented, the Department shall include in the program methods by which the Department will determine the program's actual savings to the Medicaid program and shall distribute not more than fifty per cent of the savings to participating Medicaid providers.	162219 162220 162221 162222 162223
Section 323.40. CHILDREN'S HOSPITALS QUALITY OUTCOMES PROGRAM	162224 162225
(A) As used in this section, "children's hospital" means a hospital, as defined in section 3727.01 of the Revised Code, that is located in this state, primarily serves patients eighteen years of age and younger, is subject to the Medicaid prospective payment system for hospitals established in rules adopted under section 5164.02 of the Revised Code, and is excluded from Medicare prospective payments in accordance with 42 C.F.R. 412.23(d).	162226 162227 162228 162229 162230 162231 162232
(B) The Medicaid Director may implement, during fiscal year 2014 and fiscal year 2015, a children's hospitals quality outcomes program that encourages children's hospitals to develop the following:	162233 162234 162235 162236
(1) Infrastructures that are needed to care for patients in the least restrictive setting and promote the care of patients and their families;	162237 162238 162239
(2) Programs designed to improve birth outcomes and measurably reduce neonatal intensive care admissions;	162240 162241
(3) Patient-centered methods to measurably reduce utilization of emergency department services for primary care needs and	162242 162243

nonemergency health conditions;	162244
(4) Other quality-focused reforms the Director identifies.	162245
(C) Up to \$6,000,000 state share plus the corresponding	162246
federal share in each fiscal year shall be used to support	162247
payments made to children's hospitals for developing programs that	162248
achieve the outcomes specified under division (B) of this section	162249
and any other measures the Medicaid Director deems appropriate.	162250
Section 323.50. UNIFIED LONG TERM CARE	162251
The foregoing appropriation item 651425, Medicaid Program	162252
Support - State, may be used to provide the preadmission screening	162253
and resident review (PASRR), which includes screening,	162254
assessments, and determinations made under sections 5119.061	162255
(renumbered section 5119.40 of the Revised Code in this act),	162256
5123.021, and 5165.04 of the Revised Code.	162257
The foregoing appropriation item 651425, Medicaid Program	162258
Support - State, may be used to assess and provide long-term care	162259
consultations under section 173.42 of the Revised Code to clients	162260
regardless of Medicaid eligibility.	162261
The foregoing appropriation item 651525, Medicaid/Health Care	162262
Services, may be used to provide nonwaiver funded PASSPORT and	162263
assisted living services to persons who the state department has	162264
determined to be eligible to participate in the nonwaiver funded	162265
PASSPORT and assisted living programs, who applied for but have	162266
not yet been determined to be financially eligible to participate	162267
in the Medicaid waiver component of the PASSPORT Home Care Program	162268
or the Assisted Living Program by a county department of job and	162269
family services, and to persons who are not eligible for Medicaid	162270
but were enrolled in the PASSPORT Program prior to July 1, 1990.	162271
The foregoing appropriation item 651425, Medicaid Program	162272
Support - State, shall be used to provide the required state match	162273

for federal Medicaid funds supporting the Medicaid waiver-funded 162274
PASSPORT Home Care Program, the Choices Program, the Assisted 162275
Living Program, and the PACE Program. 162276

The foregoing appropriation item 651525, Medicaid/Health Care 162277
Services, shall be used to provide the federal matching share of 162278
program costs determined by the Department of Medicaid to be 162279
eligible for Medicaid reimbursement for the Medicaid waiver-funded 162280
PASSPORT Home Care Program, the Choices Program, the Assisted 162281
Living Program, and the PACE Program. 162282

Section 323.53. PASSPORT ADMINISTRATIVE AGENCY SITE 162283
OPERATIONS 162284

For fiscal year 2014 and fiscal year 2015, spending for 162285
PASSPORT administrative agencies' site operating functions 162286
relating to screening, assessments, general administrative 162287
functions, and provider relations for the Medicaid waiver-funded 162288
PASSPORT Home Care Program, Choices Program, Assisted Living 162289
Program, and PACE Program shall be at one hundred five per cent of 162290
the level provided in fiscal year 2013. 162291

Section 323.60. MANAGED CARE PERFORMANCE PAYMENT PROGRAM 162292

At the beginning of each quarter, or as soon as possible 162293
thereafter, the Medicaid Director shall certify to the Director of 162294
Budget and Management the amount withheld in accordance with 162295
section 5167.30 of the Revised Code for purposes of the Managed 162296
Care Performance Payment Program. Upon receiving certification, 162297
the Director of Budget and Management shall transfer cash in the 162298
amount certified from the General Revenue Fund to the Managed Care 162299
Performance Payment Fund. Appropriation item 651525, 162300
Medicaid/Health Care Services, is hereby reduced by the amount of 162301
the transfer. Upon request of the Medicaid Director and approval 162302
of the Director of Budget and Management, appropriation up to the 162303

cash balance in the Managed Care Performance Payment Fund is 162304
hereby appropriated. 162305

In addition to any other purpose authorized by law, the 162306
Department of Medicaid may use money in the Managed Care 162307
Performance Payment Fund for the following purposes for fiscal 162308
year 2014 and fiscal year 2015: 162309

(A) To meet obligations specified in provider agreements with 162310
Medicaid managed care organizations; 162311

(B) To pay for Medicaid services provided by a Medicaid 162312
managed care organization; 162313

(C) To reimburse a Medicaid managed care organization that 162314
has paid a fine for failure to meet performance standards or other 162315
requirements specified in provider agreements or rules adopted 162316
under section 5167.02 of the Revised Code if the organization 162317
comes into compliance with the standards or requirements. 162318

Section 323.70. MEDICAID MANAGED CARE EXEMPTIONS 162319

(A) Except as provided in division (B) of this section, the 162320
Department of Medicaid shall not include in the care management 162321
system established under section 5167.03 of the Revised Code any 162322
individual receiving services through the program for medically 162323
handicapped children established under section 3701.023 of the 162324
Revised Code who has one or more of the following conditions: 162325

(1) Cystic fibrosis; 162326

(2) Hemophilia; 162327

(3) Cancer. 162328

(B) An individual described in division (A) of this section 162329
may be designated for participation in the care management system 162330
if the individual was receiving services through the system 162331
immediately before July 1, 2013. 162332

(C) This section applies until July 1, 2014, notwithstanding any provision of section 5167.03 of the Revised Code that otherwise authorizes or requires the designation of individuals for participation in the care management system.

Section 323.80. PRIOR AUTHORIZATION FOR COMMUNITY MENTAL HEALTH SERVICES

(A) As used in this section, "community mental health services" means mental health services included in the state Medicaid plan pursuant to section 5164.15 of the Revised Code.

(B) For fiscal year 2014 and fiscal year 2015, a Medicaid recipient who is under twenty-one years of age automatically satisfies all requirements for any prior authorization process for community mental health services provided under a component of the Medicaid program administered by the Department of Mental Health and Addiction Services pursuant to an interagency agreement authorized by section 5162.35 of the Revised Code if any of the following apply to the recipient:

(1) The recipient is in the temporary custody or permanent custody of a public children services agency or private child placing agency or is in a planned permanent living arrangement.

(2) The recipient has been placed in protective supervision by a juvenile court.

(3) The recipient has been committed to the Department of Youth Services.

(4) The recipient is an alleged or adjudicated delinquent or unruly child receiving services under the Felony Delinquent Care and Custody Program operated under section 5139.43 of the Revised Code.

Section 323.90. JOINT LEGISLATIVE COMMITTEE FOR UNIFIED

LONG-TERM SERVICES AND SUPPORTS	162362
(A) The Joint Legislative Committee for Unified Long-Term Services and Supports created under section 309.30.73 of Am. Sub. H.B. 153 of the 129th General Assembly, as subsequently amended, shall continue to exist during fiscal year 2014 and fiscal year 2015. The Committee shall consist of the following members:	162363 162364 162365 162366 162367
(1) Two members of the House of Representatives from the majority party, appointed by the Speaker of the House of Representatives;	162368 162369 162370
(2) One member of the House of Representatives from the minority party, appointed by the Speaker of the House of Representatives;	162371 162372 162373
(3) Two members of the Senate from the majority party, appointed by the President of the Senate;	162374 162375
(4) One member of the Senate from the minority party, appointed by the President of the Senate.	162376 162377
(B) The Speaker of the House of Representatives shall designate one of the members of the Committee appointed under division (A)(1) of this section to serve as co-chairperson of the Committee. The President of the Senate shall designate one of the members of the Committee appointed under division (A)(3) of this section to serve as the other co-chairperson of the Committee. The Committee shall meet at the call of the co-chairpersons. The co-chairpersons may request assistance for the Committee from the Legislative Service Commission.	162378 162379 162380 162381 162382 162383 162384 162385 162386
(C) The Committee may examine the following issues:	162387
(1) The implementation of the dual eligible integrated care demonstration project authorized by section 5164.91 of the Revised Code;	162388 162389 162390
(2) The implementation of a unified long-term services and	162391

support Medicaid waiver component under section 5166.14 of the Revised Code;	162392 162393
(3) Providing consumers choices regarding a continuum of services that meet their health-care needs, promote autonomy and independence, and improve quality of life;	162394 162395 162396
(4) Ensuring that long-term care services and supports are delivered in a cost-effective and quality manner;	162397 162398
(5) Subjecting county homes, county nursing homes, and district homes operated pursuant to Chapter 5155. of the Revised Code to the franchise permit fee under sections 5168.40 to 5168.56 of the Revised Code;	162399 162400 162401 162402
(6) Other issues of interest to the committee.	162403
(D) The co-chairpersons of the Committee shall provide for the Medicaid Director to testify before the Committee at least quarterly regarding the issues that the Committee examines.	162404 162405 162406
Section 323.100. HOSPITAL INPATIENT AND OUTPATIENT SUPPLEMENTAL UPPER PAYMENT LIMIT PROGRAM; MEDICAID MANAGED CARE HOSPITAL INCENTIVE PAYMENT PROGRAM	162407 162408 162409
(A) As used in this section:	162410
(1) "Hospital" has the same meaning as in section 5168.20 of the Revised Code.	162411 162412
(2) "Hospital Assessment Fund" means the fund created under section 5168.25 of the Revised Code.	162413 162414
(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	162415 162416
(B) The Department of Medicaid shall do both of the following:	162417 162418
(1) Continue the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program that was established	162419 162420

pursuant to Section 309.30.17 of Am. Sub. H.B. 1 of the 128th General Assembly, with any modifications necessary to implement the program as described under division (D) of this section; 162421
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(2) Continue the Medicaid Managed Care Hospital Incentive Payment Program, as described under division (E) of this section. 162424
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(C) The Department shall use amounts deposited into the Hospital Assessment Fund in fiscal year 2014 and fiscal year 2015 for the following purposes in each fiscal year: 162426
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(1) To pay for costs associated with all of the following: 162429

(a) The Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program; 162430
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(b) The Medicaid Managed Care Hospital Incentive Payment Program; 162432
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(c) The Medicaid payment rates for hospital inpatient and outpatient services required by the section of this act entitled "CONTINUATION OF MEDICAID RATES FOR HOSPITAL INPATIENT SERVICES." 162434
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(2) To reduce spending in appropriation item 651525, Medicaid/Health Care Services. 162437
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(D)(1) Under the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program, subject to division (D)(2) of this section, supplemental Medicaid payments shall be made to hospitals for Medicaid-covered inpatient and outpatient services. The Department shall make the payments through amounts available for the Program pursuant to division (C) of this section and any federal financial participation available for the Program. 162439
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(2) The Department shall take all actions necessary to cease implementation of the Program if the United States Secretary determines that the assessment imposed under section 5168.21 of the Revised Code is an impermissible health care-related tax under the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w). 162446
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(E)(1) The purpose of the Medicaid Managed Care Hospital Incentive Payment Program is to increase access to hospital services for Medicaid recipients who are enrolled in Medicaid managed care organizations. 162451
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Under the Program, subject to division (E)(2) of this section, funds shall be provided to Medicaid managed care organizations, which shall use the funds to increase payments to hospitals for providing services to Medicaid recipients who are enrolled in the organizations. The Department shall provide the funds through amounts available for the Program pursuant to division (C) of this section and any federal financial participation available for the Program. 162455
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(2)(a) The Department shall not provide funds to Medicaid managed care organizations under the Program unless an actuary selected by the Department certifies that the Program would not violate the actuarial soundness of the capitation rates paid to Medicaid managed care organizations. 162463
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(b) The Department shall not implement the Program in a manner that causes a hospital to receive less money from the Hospital Assessment Fund than the hospital would have received if the Program were not implemented. 162468
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(c) The Department shall not implement the Program in a manner that causes a Medicaid managed care organization to receive a lower capitation payment rate solely because funds are made available to the organization under the Program. 162472
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(d) The Department shall take all necessary actions to cease implementation of the Program if the United States Secretary determines that the assessment imposed under section 5168.21 of the Revised Code is an impermissible health care-related tax under the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w). 162476
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(F) The Director of Budget and Management may authorize 162481

additional expenditures from appropriation item 651623, Medicaid 162482
Services - Federal, appropriation item 651525, Medicaid/Health 162483
Care Services, and appropriation item 651656, Medicaid Services - 162484
Hospital/UPL, in order to implement the programs authorized by 162485
this section. Any amounts authorized are hereby appropriated. 162486

(G) The Medicaid Director shall adopt rules as necessary to 162487
implement this section. The rules shall provide for the applicable 162488
assessment percentage that is used for the purpose of section 162489
5168.21 of the Revised Code to be an amount that raises, from the 162490
assessments imposed on hospitals under that section, an amount the 162491
Director determines is appropriate to fund the purposes specified 162492
in division (C) of this section. 162493

Section 323.103. CONTINUATION OF MEDICAID RATES FOR HOSPITAL 162494
INPATIENT AND OUTPATIENT SERVICES 162495

(A) The Medicaid payment rates for Medicaid-covered hospital 162496
inpatient services shall be the same as the Medicaid payment rates 162497
for the services in effect on June 30, 2013, until the effective 162498
date of the first of any rules adopted under section 5164.02 of 162499
the Revised Code establishing new diagnosis-related groups for the 162500
services. 162501

(B) The Medicaid payment rates for Medicaid-covered hospital 162502
outpatient services shall be, until June 30, 2015, the same as the 162503
Medicaid payment rates for the services in effect on June 30, 162504
2013. 162505

(C) The Director of Budget and Management may authorize 162506
additional expenditures from appropriation item 651623, Medicaid 162507
Services - Federal, appropriation item 651525, Medicaid/Health 162508
Care Services, and appropriation item 651656, Medicaid Services - 162509
Hospital/UPL, in order to implement this section. Any amounts 162510
authorized are hereby appropriated. 162511

Section 323.110. ADMINISTRATIVE ISSUES RELATED TO TERMINATION	162512
OF MEDICAID WAIVER PROGRAMS	162513
(A) As used in this section, "MCD or ODA Medicaid waiver component" means the following:	162514
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(1) The Medicaid waiver component of the PASSPORT program created under section 173.52 of the Revised Code;	162516
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(2) The Choices program created under section 173.53 of the Revised Code;	162518
	162519
(3) The Medicaid waiver component of the Assisted Living program created under section 173.54 of the Revised Code.	162520
	162521
(4) The Ohio Home Care Waiver program as defined in section 5166.01 of the Revised Code;	162522
	162523
(5) The Ohio Transitions II Aging Carve-Out program as defined in section 5166.01 of the Revised Code;	162524
	162525
(B) If an MCD or ODA Medicaid waiver component is terminated under section 173.52, 173.53, 173.54, 5166.12, or 5166.13 of the Revised Code, all of the following apply:	162526
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(1) All applicable statutes, and all applicable rules, standards, guidelines, or orders issued by the Medicaid Director or Department of Medicaid or Director or Department of Aging before the component is terminated, shall remain in full force and effect on and after that date, but solely for purposes of concluding the component's operations, including fulfilling the Departments' legal obligations for claims arising from the component relating to eligibility determinations, covered medical assistance provided to eligible persons, and recovering erroneous overpayments.	162529
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(2) Notwithstanding the termination of the component, the right of subrogation for the cost of medical assistance given under section 5160.37 of the Revised Code to the Department of	162539
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Medicaid and an assignment of the right to medical assistance 162542
given under section 5160.38 of the Revised Code to the Department 162543
continue to apply with respect to the component and remain in 162544
force to the full extent provided under those sections. 162545

(3) The Department of Medicaid and Department of Aging may 162546
use appropriated funds to satisfy any claims or contingent claims 162547
for medical assistance provided under the component before the 162548
component's termination. 162549

(4) Neither the Department of Medicaid nor the Department of 162550
Aging has liability under the component to reimburse any provider 162551
or other person for claims for medical assistance rendered under 162552
the component after it is terminated. 162553

(C) The Medicaid Director and Director of Aging may adopt 162554
rules in accordance with Chapter 119. of the Revised Code to 162555
implement this section. 162556

Section 323.130. DISPENSING FEE FOR NONCOMPOUNDED DRUGS 162557

The Medicaid dispensing fee for each noncompounded drug 162558
covered by the Medicaid program shall be \$1.80 for the period 162559
beginning July 1, 2013, and ending on the effective date of a rule 162560
changing the amount of the fee that the Medicaid Director adopts 162561
under section 5164.02 of the Revised Code. 162562

Section 323.140. MONEY FOLLOWS THE PERSON ENHANCED 162563
REIMBURSEMENT FUND 162564

The federal payments made to the state under subsection (e) 162565
of section 6071 of the "Deficit Reduction Act of 2005," Pub. L. 162566
No. 109-171, as amended, shall be deposited into the Money Follows 162567
the Person Enhanced Reimbursement Fund. The Department of Medicaid 162568
shall continue to use money deposited into the fund for system 162569
reform activities related to the Money Follows the Person 162570
demonstration project. 162571

Section 323.150. MEDICARE PART D 162572

The foregoing appropriation item 651526, Medicare Part D, may 162573
be used by the Department of Medicaid for the implementation and 162574
operation of the Medicare Part D requirements contained in the 162575
"Medicare Prescription Drug, Improvement, and Modernization Act of 162576
2003," Pub. L. No. 108-173, as amended. Upon the request of the 162577
Department of Medicaid, the Director of Budget and Management may 162578
transfer the state share of appropriations between appropriation 162579
item 651525, Medicaid/Health Care Services, or appropriation item 162580
651526, Medicare Part D. If the state share of appropriation item 162581
651525, Medicaid/Health Care Services, is adjusted, the Director 162582
of Budget and Management shall adjust the federal share 162583
accordingly. The Department of Medicaid shall provide notification 162584
to the Controlling Board of any transfers at the next scheduled 162585
Controlling Board meeting. 162586

Section 323.160. REBALANCING LONG-TERM CARE 162587

(A) As used in this section: 162588

"Balancing Incentive Payments Program" means the program 162589
established under section 10202 of the Patient Protection and 162590
Affordable Care Act. 162591

"Long-term services and supports" has the same meaning as in 162592
section 10202(f)(1) of the Patient Protection and Affordable Care 162593
Act. 162594

"Non-institutionally-based long-term services and supports" 162595
has the same meaning as in section 10202(f)(1)(B) of the Patient 162596
Protection and Affordable Care Act. 162597

"Patient Protection and Affordable Care Act" means Public Law 162598
111-148. 162599

(B) The Departments of Aging, Developmental Disabilities, and 162600

Medicaid shall continue efforts to achieve a sustainable and 162601
balanced delivery system for long-term services and supports. In 162602
so doing, the Departments shall strive to realize the following 162603
goals by June 30, 2015: 162604

(1) Having at least fifty per cent of Medicaid recipients who 162605
are sixty years of age or older and need long-term services and 162606
supports utilize non-institutionally-based long-term services and 162607
supports; 162608

(2) Having at least sixty per cent of Medicaid recipients who 162609
are less than sixty years of age and have cognitive or physical 162610
disabilities for which long-term services and supports are needed 162611
utilize non-institutionally-based long-term services and supports. 162612

(C) If the Department of Medicaid determines that 162613
participating in the Balancing Incentive Payments Program will 162614
assist in achieving the goals specified in division (B) of this 162615
section, the Department may apply to the United States Secretary 162616
of Health and Human Services to participate in the program. 162617

Section 323.170. OHIO ACCESS SUCCESS PROJECT 162618

Of the foregoing appropriation item, 651525, Medicaid/Health 162619
Care Services, up to \$450,000 in each fiscal year may be used to 162620
provide one-time transitional benefits under the Ohio Access 162621
Success Project that the Medicaid Director may establish under 162622
section 5166.35 of the Revised Code. 162623

Section 323.180. PROVIDER FRANCHISE FEE OFFSETS 162624

(A) At least quarterly, the Medicaid Director shall certify 162625
to the Director of Budget and Management the amount of offsets 162626
withheld under section 5168.52 of the Revised Code from payments 162627
made from the General Revenue Fund. 162628

(B) The Director of Budget and Management may transfer cash 162629

from the General Revenue Fund to the Nursing Home Franchise Permit Fee Fund (Fund 5R20), in accordance with section 5168.54 of the Revised Code. 162630
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(C) Amounts transferred pursuant to this section are hereby appropriated. 162633
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Section 323.190. USES FOR FEDERAL MEDICAID FUNDS 162635

The foregoing appropriation item 651623, Medicaid Services - Federal, shall be used by the Department of Medicaid for distributing the federal share of Medicaid services required under the section of this act entitled "CREATION OF THE DEPARTMENT OF MEDICAID," including the federal share of all hospital care assurance program funds to hospitals under section 5168.09 of the Revised Code. 162636
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Section 323.193. HOSPITAL CARE ASSURANCE MATCH 162643

If receipts credited to the Health Care Federal Fund (Fund 3F00) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated. 162644
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The foregoing appropriation item 651649, Medicaid Services - HCAP, shall be used by the Department of Medicaid for distributing the state share of all hospital care assurance program funds to hospitals under section 5168.09 of the Revised Code. If receipts credited to the Hospital Care Assurance Program Fund (Fund 6510) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts 162651
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appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 323.200. HEALTH CARE SERVICES ADMINISTRATION FUND

Of the amount received by the Department of Medicaid during fiscal year 2014 and fiscal year 2015 from the first installment of assessments paid under section 5168.06 of the Revised Code and intergovernmental transfers made under section 5168.07 of the Revised Code, the Medicaid Director shall deposit \$350,000 in each fiscal year into the state treasury to the credit of the Health Care Services Administration Fund (Fund 5U30).

Section 323.210. TRANSFERS OF OFFSETS TO THE HEALTH CARE SERVICES ADMINISTRATION FUND

(A) As used in this section:

"Hospital offset" means an offset from a hospital's Medicaid payment authorized by section 5168.991 of the Revised Code.

"Vendor offset" means a reduction of a Medicaid payment to a Medicaid provider to correct a previous, incorrect Medicaid payment.

(B) During fiscal year 2014 and fiscal year 2015, at intervals selected by the Medicaid Director, the Director shall certify to the Director of Budget and Management the amount of hospital offsets and vendor offsets for the period covered by the certification and the particular funds that would have been used to make Medicaid payments to providers if not for the offsets. Each certification shall specify the amount that would have been taken from each of the funds if not for the hospital offsets and vendor offsets.

(C) On receipt of a certification under division (B) of this section, the Director of Budget and Management shall transfer cash

from the funds identified in the certification to the Health Care 162689
Services Administration Fund (Fund 5U30). The amount transferred 162690
from a fund shall equal the amount that would have been taken from 162691
the fund if not for the hospital offsets and vendor offsets as 162692
specified in the certification. The transferred cash is hereby 162693
appropriated. 162694

Section 323.220. MEDICAID INTERAGENCY PASS-THROUGH 162695

The Medicaid Director may request the Director of Budget and 162696
Management to increase appropriation item 651655, Medicaid 162697
Interagency Pass-Through. Upon the approval of the Director of 162698
Budget and Management, the additional amounts are hereby 162699
appropriated. 162700

Section 323.230. MEDICAID PAYMENTS FOR NONINSTITUTIONAL 162701
SERVICES PROVIDED TO DUAL ELIGIBLE INDIVIDUALS 162702

(A) As used in this section: 162703

"Dual eligible individual" has the same meaning as in the 162704
"Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 162705
1396n(h)(2)(B). 162706

"Medicare Part B" means the Supplementary Medical Insurance 162707
Program for the Aged and Disabled component of the Medicare 162708
program established by Part B of Title XVIII of the "Social 162709
Security Act," 42 U.S.C. 1395j et seq. 162710

"Noninstitutional services" means any services other than 162711
hospital services, nursing facility services, and intermediate 162712
care facilities for individuals with intellectual disabilities. 162713

(B) Notwithstanding any conflicting state statute, a Medicaid 162714
payment for noninstitutional services, excluding physician 162715
services and including freestanding dialysis center services, 162716
provided during the period beginning January 1, 2014, and ending 162717

July 1, 2015, to a Medicaid recipient who is a dual eligible individual enrolled for benefits under Medicare Part B shall equal the lesser of the following:

(1) The sum of the Medicare Part B deductible, coinsurance, and copayment for the services that are applicable to the individual;

(2) The greater of the following:

(a) The maximum allowable Medicaid payment for the services when the services are provided to other Medicaid recipients, less the total Medicaid payment (if any) most recently paid on the Medicaid recipient's behalf for such services;

(b) Zero.

Section 323.233. MEDICAID PAYMENTS FOR HOME HEALTH SERVICES AND PRIVATE DUTY NURSING

(A) As used in this section, "responsible adult" means the spouse of a Medicaid recipient or, in the case of a Medicaid recipient who is a minor, the minor's parent, foster caregiver, stepparent, guardian, legal custodian, or any other person who stands in loco parentis for the minor.

(B) Except as provided in division (C) of this section, for fiscal year 2014 and fiscal year 2015, Medicaid payments shall not be made for any of the following services that are provided to a Medicaid recipient by an individual who is a responsible adult for that recipient:

(1) Nursing services available under the home health services benefit pursuant to 42 C.F.R. 440.70(b)(1);

(2) Home health aide services available under the home health services benefit pursuant to 42 C.F.R. 440.70(b)(2);

(3) Private duty nursing services, as defined in 42 C.F.R.

440.80. 162747

(C) For fiscal year 2014 and fiscal year 2015, the Medicaid 162748
Director shall establish the conditions under which Medicaid 162749
payments may be made for any of the services described in division 162750
(B) of this section that are provided to a Medicaid recipient by 162751
an individual who is a responsible adult for that recipient. 162752

(D) The Director shall adopt rules in accordance with Chapter 162753
119. of the Revised Code necessary to implement this section. The 162754
Director shall consult provider representatives, consumer 162755
representatives, and other stakeholders in developing the rules, 162756
which may include the following: 162757

(1) Qualification and training requirements necessary for 162758
responsible adults to receive Medicaid payments under division (C) 162759
of this section; 162760

(2) Oversight requirements necessary for responsible adults 162761
to receive Medicaid payments under division (C) of this section; 162762

(3) Procedures designed to protect against fraud, waste, and 162763
abuse that may occur as a result of payments made under division 162764
(C) of this section; 162765

(4) Any other procedures, standards, or requirements the 162766
Director considers appropriate. 162767

Section 323.234. DIRECT CARE WORKER ADVISORY WORKGROUP 162768

(A) As used in this section: 162769

(1) "Core competencies" means the minimum standards a direct 162770
care worker must meet when providing direct care services and 162771
engaging in any one or more of the following activities associated 162772
with care for a medicaid recipient: maintaining a clean and safe 162773
environment, ensuring recipient-centered care, promoting the 162774
recipient's development, assisting the recipient with activities 162775
of daily living, communicating with the recipient, completing 162776

administrative tasks, and participating in professional development activities. 162777
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(2) "Direct care services" means health care services, ancillary services, or services related to or in support of the provision of health care or ancillary services. 162779
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(3) "Direct care worker" means an individual who, for direct or indirect payment, provides direct care services to a medicaid recipient in the recipient's home or other place of residence. 162782
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(4) "Direct payment" means a Medicaid payment made directly to a direct care worker for the worker's provision of direct care services to a Medicaid recipient. 162785
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(5) "Indirect payment" means a Medicaid payment made to a third party who pays a direct care worker for the worker's provision of direct care services to a Medicaid recipient. 162788
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(B) There is hereby created the Direct Care Worker Advisory Workgroup. The Workgroup shall consist of the following members: 162791
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(1) The Director of Aging or the Director's designee; 162793

(2) The Director of Developmental Disabilities or the Director's designee; 162794
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(3) The Director of Health or the Director's designee; 162796

(4) The Medicaid Director or the Director's designee; 162797

(5) The Executive Director of the Office of Health Transformation or the Executive Director's designee; 162798
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(6) Two representatives from each of the following organizations, appointed by the organization's chief executive officer or the individual serving in an equivalent capacity for the organization: 162800
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(a) The Ohio Council for Home Care and Hospice; 162804

(b) The Ohio Health Care Association; 162805

(c) The Ohio Provider Resource Association;	162806
(d) The Ohio Nurses Association;	162807
(e) The Midwest Care Alliance;	162808
(f) The Ohio Assisted Living Association;	162809
(g) LeadingAge Ohio.	162810
(7) Two members of the House of Representatives, one from the	162811
majority party and the other from the minority party, appointed by	162812
the Speaker of the House of Representatives;	162813
(8) Two members of the Senate, one from the majority party	162814
and the other from the minority party, appointed by the President	162815
of the Senate.	162816
(C) Members of the Workgroup shall be appointed not later	162817
than fifteen days after the effective date of this section.	162818
Vacancies shall be filled in the same manner as the original	162819
appointments. Each member shall serve without compensation or	162820
reimbursement for expenses incurred while serving on the	162821
Workgroup, except to the extent that serving on the Workgroup is	162822
considered to be among the member's employment duties.	162823
(D) The Executive Director of the Office of Health	162824
Transformation or the Executive Director's designee shall serve as	162825
chairperson of the Workgroup. The Departments of Health and	162826
Medicaid shall provide staff and other support services for the	162827
Workgroup.	162828
(E) The Workgroup shall do all of the following:	162829
(1) Determine core competencies;	162830
(2) Designate which direct care workers should meet core	162831
competencies;	162832
(3) Determine whether existing regulatory requirements are	162833
equivalent or similar to core competencies;	162834

(4) Identify funding sources that could be used to assist direct care workers in meeting core competencies; 162835
162836

(5) Recommend policies that may be incorporated in legislation the General Assembly intends to consider, as described in division (G) of this section. 162837
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(F) Not later than December 31, 2013, the Workgroup shall submit a report to the General Assembly describing its findings and recommendations. The report shall be submitted in accordance with section 101.68 of the Revised Code. On submission of the report, the Workgroup shall cease to exist. 162840
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(G) It is the intent of the General Assembly to enact legislation in the future, taking into account the recommendations of the Workgroup, regarding certification of direct care workers and Medicaid payments for direct care services provided by those workers. The legislation is intended to do both of the following: 162845
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(1) Require the Director of Health to establish, not later than October 1, 2014, a direct care worker certification program that applies to the workers designated by the Workgroup; 162850
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(2) Prohibit the Department of Medicaid, beginning October 1, 2015, from allowing a direct or indirect payment to be made for direct care services provided by a direct care worker to whom the certification program applies unless the worker is appropriately certified under that program. 162853
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Section 323.235. NURSING FACILITY DISTINCT PART ADVISORY WORKGROUP 162858
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(A) There is created the Nursing Facility Distinct Part Advisory Workgroup. The Workgroup shall consist of all of the following members: 162860
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162862

(1) The Executive Director of the Governor's Office of Health Transformation or the Executive Director's designee; 162863
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(2) The Director of Aging or the Director's designee;	162865
(3) The Director of Health or the Director's designee;	162866
(4) The Medicaid Director or the Director's designee;	162867
(5) The State Long-Term Care Ombudsman or the Ombudsman's designee;	162868 162869
(6) Two representatives from each of the following, appointed by the organization's chief executive officer or the individual serving in an equivalent capacity for the organization:	162870 162871 162872
(a) The Ohio Health Care Association;	162873
(b) LeadingAge Ohio;	162874
(c) AARP Ohio;	162875
(d) The Academy of Senior Health Sciences.	162876
(7) Two members of the House of Representatives, one from the majority party and the other from the minority party, appointed by the Speaker of the House of Representatives;	162877 162878 162879
(8) Two members of the Senate, one from the majority party and the other from the minority party, appointed by the Senate President.	162880 162881 162882
(B) Members of the Workgroup shall be appointed not later than fifteen days after the effective date of this section. Vacancies shall be appointed in the same manner as the original appointments. Each member shall serve without compensation or reimbursement for expenses incurred while serving on the Workgroup, except to the extent that serving on the Workgroup is considered to be among the member's employment duties.	162883 162884 162885 162886 162887 162888 162889
(C) The Executive Director of the Governor's Office of Health Transformation or the Executive Director's designee shall serve as chairperson of the Workgroup. The Department of Medicaid shall provide staff and other support services for the Workgroup.	162890 162891 162892 162893

(D) The Workgroup shall do both of the following:	162894
(1) Develop findings regarding the impact that allowing nursing facilities to exclude distinct parts of their facilities from their Medicaid provider agreements would have on access to nursing facility services, quality of care, and purchasing strategies for nursing facility services provided to Medicaid recipients with specialized health care needs;	162895 162896 162897 162898 162899 162900
(2) Not later than December 31, 2013, submit a report to the General Assembly in accordance with section 101.68 of the Revised Code that includes the Workgroup's findings and recommendations for policies on nursing facilities excluding distinct parts of their facilities from their Medicaid provider agreements.	162901 162902 162903 162904 162905
(E) The Workgroup shall cease to exist on submission of its report.	162906 162907
Section 323.236. PURCHASING STRATEGIES FOR CERTAIN SERVICES	162908
As used in this section, "custom wheelchair" has the same meaning as in section 5165.01 of the Revised Code.	162909 162910
For the period beginning January 1, 2014, and ending June 30, 2015, the Medicaid Director shall implement strategies for purchasing oxygen (other than emergency oxygen), resident transportation services, and custom wheelchairs for Medicaid recipients residing in nursing facilities. In implementing the purchasing strategies, the Director shall seek to achieve a more efficient allocation of resources and price and quality competition among providers of the goods and services. The Director shall consider one or more of the following when determining the purchasing strategies to implement:	162911 162912 162913 162914 162915 162916 162917 162918 162919 162920
(A) Establishing competitive bidding;	162921
(B) Establishing manufacturers rebate programs;	162922
(C) Another purchasing strategy that saves the Medicaid	162923

program an amount equivalent to the savings that would be realized 162924
from the purchasing strategies specified in division (A) or (B), 162925
or both, of this section. 162926

Section 323.250. REDUCED RATE FOR REPEAT RADIOLOGICAL 162927
SERVICES 162928

(A) The Medicaid Director shall reduce the Medicaid payment 162929
rate for radiological services to which both of the following 162930
apply: 162931

(1) They are provided in a physician's office or an 162932
independent diagnostic testing facility; 162933

(2) They are provided more than once by the same provider for 162934
the same Medicaid recipient during the same session. 162935

(B) The Director shall adopt rules under section 5164.02 of 162936
the Revised Code to implement the rate reduction required by this 162937
section. The rules shall not take effect before January 1, 2014. 162938

Section 323.260. VARYING MEDICAID PAYMENT RATES FOR PHYSICIAN 162939
SERVICES DEPENDING ON LOCATION OF SERVICE 162940

(A) The Medicaid Director shall do both of the following: 162941

(1) Identify physician services for which Medicaid payment 162942
rates should vary depending on where the services are provided; 162943

(2) Adopt rules under section 5164.02 of the Revised Code to 162944
establish the varying Medicaid payment rates. 162945

(B) The rules required by division (A)(2) of this section 162946
shall not take effect before January 1, 2014. 162947

Section 323.263. PAYMENT RATES FOR PASSPORT SERVICES 162948

The Medicaid payment rates for services provided under the 162949
PASSPORT program, other than adult day-care services, during the 162950

period beginning July 1, 2013, and ending June 30, 2015, shall be 162951
not less than ninety-eight and five-tenths per cent of the 162952
Medicaid payment rates for the services in effect on June 30, 162953
2011. The Medicaid payment rates for adult day-care services 162954
provided under the PASSPORT program during the period beginning 162955
July 1, 2013, and ending June 30, 2015, shall be twenty per cent 162956
higher than the amount of the Medicaid payment rates for the 162957
services in effect on June 30, 2013. 162958

Section 323.270. MEDICAID PAYMENT METHODOLOGIES ALIGNED WITH 162959
MEDICARE PAYMENT METHODOLOGIES 162960

(A) The Medicaid Director shall do both of the following: 162961

(1) Identify Medicaid services for which the Medicaid payment 162962
methodologies should be aligned, to the extent the Director 162963
considers appropriate, with Medicare payment methodologies for the 162964
services; 162965

(2) Adopt rules under section 5164.02 of the Revised Code to 162966
so align the payment methodologies for the services. 162967

(B) The rules required by division (A)(2) of this section 162968
shall not take effect before January 1, 2014. 162969

Section 323.280. ALTERNATIVE PURCHASING MODEL FOR NURSING 162970
FACILITY SERVICES 162971

As used in this section, "Medicaid waiver component" has the 162972
same meaning as in section 5166.01 of the Revised Code. 162973

The Medicaid Director may establish, as a Medicaid waiver 162974
component, an alternative purchasing model for nursing facility 162975
services provided, during the period beginning July 1, 2013, and 162976
ending July 1, 2015, to Medicaid recipients with specialized 162977
health care needs, including recipients dependent on ventilators, 162978
recipients who have severe traumatic brain injury, and recipients 162979

who would be admitted to long-term acute care hospitals or 162980
rehabilitation hospitals if they did not receive nursing facility 162981
services. If established, the alternative purchasing model shall 162982
do all of the following: 162983

(A) Recognize a connection between enhanced Medicaid payment 162984
rates and improved health outcomes capable of being measured; 162985

(B) Include criteria for identifying Medicaid recipients with 162986
specialized health care needs; 162987

(C) Include procedures for ensuring that Medicaid recipients 162988
identified pursuant to division (B) of this section receive 162989
nursing facility services under the alternative purchasing model. 162990

The total per Medicaid day payment rate for nursing facility 162991
services provided under the alternative purchasing model may 162992
differ from the rate that would otherwise be paid pursuant to 162993
Chapter 5165. of the Revised Code. 162994

Section 323.290. REVIEW OF LONG-TERM SERVICES TO IMPROVE 162995
EFFICIENCY AND INDIVIDUAL CARE 162996

(A) The Department of Medicaid may review the following 162997
services covered by the Medicaid program to identify opportunities 162998
to improve the efficiency of, and individual care provided by, 162999
long-term care services and supports: 163000

(1) Nursing services available under the home health services 163001
benefit pursuant to 42 C.F.R. 440.70(b)(1); 163002

(2) Home health aide services available under the home health 163003
services benefit pursuant to 42 C.F.R. 440.70(b)(2); 163004

(3) Private duty nursing services as defined in 42 C.F.R. 163005
440.80. 163006

(B) The Department, in its review authorized by division (A) 163007
of this section, may consider establishing the following: 163008

(1) New methods for authorizing and coordinating long-term care services and supports, including such services and supports covered by the Medicaid state plan, using case managers or care coordinators;	163009 163010 163011 163012
(2) Competency and training requirements for the case managers or care coordinators;	163013 163014
(3) Other mechanisms for improving efficiency and individual care in the delivery of long-term care services and supports.	163015 163016
Section 323.300. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED CARE	163017 163018
(A) As used in this section:	163019
(1) "Dual eligible individual" has the same meaning as in section 1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315, 42 U.S.C. 1396n(h)(2)(B).	163020 163021 163022
(2) "Dual eligible integrated care demonstration project" means the demonstration project authorized by section 5164.91 of the Revised Code.	163023 163024 163025
(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	163026 163027
(4) "Participant" means an individual participating in the dual eligible integrated care demonstration project.	163028 163029
(B) For fiscal year 2014 and fiscal year 2015, the Department of Medicaid shall provide performance payments as provided under this section to Medicaid managed care organizations providing care under the Dual Eligible Integrated Care Demonstration Project.	163030 163031 163032 163033
(C) If the Department implements the Dual Eligible Integrated Care Demonstration Project, and if participants receive care through Medicaid managed care organizations under the project, the Department shall, in consultation with the United States Centers	163034 163035 163036 163037

for Medicare and Medicaid Services, do both of the following: 163038

(1) Develop quality measures designed specifically to 163039
determine the effectiveness of the health care and other services 163040
provided to participants by Medicaid managed care organizations; 163041

(2) Determine an amount to be withheld from the Medicaid 163042
premium payments paid to Medicaid managed care organizations for 163043
participants. 163044

(D)(1) For the purposes of division (C)(2) of this section, 163045
the Department shall establish an amount that is to be withheld 163046
each time a premium payment is made to a Medicaid managed care 163047
organization for a participant. The amount shall be established as 163048
a percentage of each premium payment. The percentage shall be the 163049
same for all Medicaid managed care organizations providing care to 163050
participants. 163051

(2) Each Medicaid managed care organization shall agree to 163052
the withholding as a condition of receiving or maintaining its 163053
Medicaid provider agreement with the Department. 163054

(3) When the amount is established and each time the amount 163055
is modified thereafter, the Department shall certify the amount to 163056
the Director of Budget and Management and begin withholding the 163057
amount from each premium the Department pays to a Medicaid managed 163058
care organization for a participant. 163059

(E) The Director of Budget and Management shall transfer the 163060
amounts certified in accordance with division (D) of this section 163061
into the Managed Care Performance Payment Fund created under 163062
section 5162.60 of the Revised Code. The amounts transferred may 163063
be used to make performance payments to Medicaid managed care 163064
organizations providing care to participants in accordance with 163065
rules that may be adopted by the Medicaid Director under Chapter 163066
119. of the Revised Code. 163067

(F) A Medicaid managed care organization subject to this 163068

section is not subject to section 5167.30 of the Revised Code for 163069
premium payments attributed to participants during fiscal year 163070
2014 and fiscal year 2015. 163071

Section 323.310. INTEGRATED CARE DELIVERY SYSTEM PERFORMANCE 163072
PAYMENT PROGRAM 163073

At the beginning of each quarter, or as soon as possible 163074
thereafter, the Medicaid Director may certify to the Director of 163075
Budget and Management the amount withheld in accordance with the 163076
section in this act titled "PERFORMANCE PAYMENTS FOR MEDICAID 163077
MANAGED CARE." On receipt of certification, the Director of Budget 163078
and Management shall transfer cash in the amount certified from 163079
the General Revenue Fund to the Managed Care Performance Payment 163080
Fund (Fund 5KW0). The transferred cash is hereby appropriated. 163081
Appropriation item 651525, Medicaid/Health Care Services, is 163082
hereby reduced by the amount of the transfer. 163083

Section 323.320. VENDOR COLLECTION OF PATIENT LIABILITY 163084

(A) As used in this section: 163085

"Medicaid waiver component" has the same meaning as in 163086
section 5166.01 of the Revised Code. 163087

"Patient liability" means the amount that 42 C.F.R. 435.735 163088
requires be reduced from a Medicaid payment for home and 163089
community-based services available under a Medicaid waiver 163090
component. 163091

(B) The Medicaid Director may contract with a person or 163092
government entity to collect patient liabilities for fiscal year 163093
2014 and fiscal year 2015. The Director may adopt rules under 163094
section 5166.02 of the Revised Code as necessary to implement this 163095
section. 163096

Section 323.330. STATE PLAN HOME AND COMMUNITY-BASED SERVICES 163097

(A) As used in this section:	163098
"Federal poverty line" means the official poverty line defined by the United States Office of Management and Budget based on the most recent data available from the United States Bureau of the Census and revised by the United States Secretary of Health and Human Services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2).	163099 163100 163101 163102 163103 163104
"State plan home and community-based services" means home and community-based services that may be included in the Medicaid state plan pursuant to the "Social Security Act," section 1915(i), 42 U.S.C. 1396n(i).	163105 163106 163107 163108
(B) During fiscal year 2014 and fiscal year 2015, the Medicaid program may cover state plan home and community-based services for Medicaid recipients of any age who have behavioral health issues and countable incomes not exceeding one hundred fifty per cent of the federal poverty line. A Medicaid recipient is not required to undergo a level of care determination to be eligible for the state plan home and community-based services.	163109 163110 163111 163112 163113 163114 163115
The Medicaid Director may adopt rules under section 5164.02 of the Revised Code as necessary to implement this section.	163116 163117
Section 323.340. INPATIENT PSYCHIATRIC HOSPITAL SERVICES FOR INDIVIDUALS UNDER AGE 21	163118 163119
(A) As used in this section:	163120
"Inpatient psychiatric hospital services for individuals under age 21" has the same meaning as in the "Social Security Act," section 1905(h), 42 U.S.C. 1396d(h).	163121 163122 163123
"Psychiatric residential treatment facility" has the same meaning as in 42 C.F.R. 483.352.	163124 163125
(B) During fiscal year 2014 and fiscal year 2015, the Medicaid program may cover inpatient psychiatric hospital services	163126 163127

for individuals under age 21 that are provided by psychiatric 163128
residential treatment facilities to Medicaid recipients to whom 163129
both of the following apply: 163130

(1) They are in the custody of the Department of Youth 163131
Services. 163132

(2) They have been identified as meeting a clinical criterion 163133
of serious emotional disturbance specified pursuant to division 163134
(C) of this section. 163135

(C) The Department of Youth Services, in collaboration with 163136
the Department of Medicaid and Department of Mental Health and 163137
Addiction Services, shall specify the clinical criterion of 163138
serious emotional disturbance to be used for the purpose of 163139
division (B)(2) of this section. 163140

Section 323.350. MCD COLLABORATION WITH DVS 163141

The Department of Medicaid may collaborate with the 163142
Department of Veterans Services to determine ways to improve the 163143
coordination of the services that the Departments make available 163144
to veterans in a manner that enhances veterans' receipt of the 163145
services. The Departments may implement, during fiscal year 2014 163146
and fiscal year 2015, initiatives that they determine during the 163147
collaboration will maximize the efficiency of the services and 163148
ensure that veterans' needs are met. 163149

Section 323.360. IMPROVED BIRTH OUTCOMES INITIATIVES 163150

(A) The Medicaid Director may develop and implement, during 163151
fiscal year 2014 and fiscal year 2015, initiatives designed to 163152
improve birth outcomes for Medicaid recipients, including 163153
improvements designed to do the following: 163154

(1) Reduce the number of preterm births; 163155

(2) Reduce Medicaid costs; 163156

(3) Improve the quality of Medicaid services.	163157
(B) In developing the initiatives, the Director may consult with experts in practice improvement, Medicaid managed care organizations, hospitals, and other types of Medicaid providers. The Director, Medicaid managed care organizations, and other types of Medicaid providers involved in the initiatives shall make information about the initiatives available on their web sites.	163158 163159 163160 163161 163162 163163
Section 323.370. ABOLISHMENT OF THE PRESCRIPTION DRUG REBATES FUND	163164 163165
On July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Prescription Drug Rebates Fund (Fund 5P50) to the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0). Upon completion of the transfer, Fund 5P50 is abolished. The Director shall cancel any existing encumbrances against appropriation item 600692, Health Care/Medicaid Support - Drug Rebates, and reestablish them against appropriation item 651639, Medicaid Services - Recoveries. The re-established encumbrance amounts are hereby appropriated.	163166 163167 163168 163169 163170 163171 163172 163173 163174 163175
All money that would have been deposited into the Prescription Drug Rebates Fund shall be deposited into the Health Care/Medicaid Support and Recoveries Fund during fiscal year 2014 and fiscal year 2015.	163176 163177 163178 163179
Section 323.380. ABOLISHMENT OF THE HEALTHCARE COMPLIANCE FUND	163180 163181
On July 1, 2013, or as soon as possible thereafter, the Medicaid Director shall certify to the Director of Budget and Management, the cash balance related to managed care obligations in the Healthcare Compliance Fund (Fund 4Z10). The Director of Budget and Management shall transfer the amount certified from	163182 163183 163184 163185 163186

Fund 4Z10 to the Managed Care Performance Payment Fund (Fund 163187
5KW0). The Director shall cancel any existing encumbrances related 163188
to managed care obligations against appropriation item 600625, 163189
Healthcare Compliance, and re-establish them against appropriation 163190
item 651612, Managed Care Performance Payment. The re-established 163191
encumbrance amounts are hereby appropriated. 163192

After the cash relating to managed care obligations has been 163193
transferred, the Director of Budget and Management shall transfer 163194
the remaining cash balance in the Healthcare Compliance Fund (Fund 163195
4Z10) to the Health Care Services Administration Fund (Fund 5U30). 163196
Upon completion of the transfer, Fund 4Z10 is abolished. The 163197
Director shall cancel any remaining encumbrances against 163198
appropriation item 600625, Healthcare Compliance, and re-establish 163199
them against appropriation item 651654, Medicaid Program Support. 163200
The re-established encumbrance amounts are hereby appropriated. 163201

All money that would have been deposited into the Health Care 163202
Compliance Fund pursuant to division (B)(2) of former section 163203
5111.946 of the Revised Code shall be deposited into the Health 163204
Care Services Administration Fund during fiscal year 2014 and 163205
fiscal year 2015. 163206

**Section 323.390. ABOLISHMENT OF THE ODJFS ADMINISTRATION AND 163207
OVERSIGHT FUND 163208**

On July 1, 2013, or as soon as possible thereafter, the 163209
Director of Budget and Management shall transfer the cash balance 163210
in the ODJFS Administration and Oversight Fund (Fund 5S30) to the 163211
Health Care Services Administration Fund (Fund 5U30). Upon 163212
completion of the transfer, Fund 5S30 is abolished. The Director 163213
shall cancel any existing encumbrances against appropriation item 163214
600629, Healthcare Program and DDD Support, and re-establish them 163215
against appropriation item 651654, Medicaid Program Support. The 163216
re-established encumbrance amounts are hereby appropriated. 163217

Section 323.400. REFUNDS AND RECONCILIATION FUND 163218

The Refunds and Reconciliation Fund (Fund R055) shall be used 163219
to hold refund and reconciliation revenues until the appropriate 163220
fund is determined or until the revenues are directed to the 163221
appropriate governmental agency other than the Department of 163222
Medicaid. Any Medicaid refunds or reconciliations received or held 163223
by the Department of Job and Family Services shall be transferred 163224
or credited to this fund. If receipts credited to the Refunds and 163225
Reconciliation Fund exceed the amounts appropriated from the fund, 163226
the Medicaid Director may request the Director of Budget and 163227
Management to authorize expenditures from the fund in excess of 163228
the amounts appropriated. Upon approval of the Director of Budget 163229
and Management, the additional amounts are hereby appropriated. 163230

Section 323.480. UPDATING AUTHORIZING STATUTE CITATIONS 163231

As used in this section, "authorizing statute" means a 163232
Revised Code section or provision of a Revised Code section that 163233
is cited in the Ohio Administrative Code as the statute that 163234
authorizes the adoption of a rule. 163235

The Medicaid Director is not required to amend any rule for 163236
the sole purpose of updating the citation in the Ohio 163237
Administrative Code to the rule's authorizing statute to reflect 163238
that this act renumbers the authorizing statute or relocates it to 163239
another Revised Code section. Such citations shall be updated as 163240
the Director amends the rules for other purposes. 163241

Section 325.10. MED STATE MEDICAL BOARD 163242

General Services Fund Group 163243
5C60 883609 Operating Expenses \$ 9,172,062 \$ 9,172,062 163244
TOTAL GSF General Services 163245
Fund Group \$ 9,172,062 \$ 9,172,062 163246

TOTAL ALL BUDGET FUND GROUPS		\$	9,172,062	\$	9,172,062	163247	
Section 327.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION						163249	
SERVICES						163250	
General Revenue Fund						163251	
GRF	333321	Central	\$	13,495,337	\$	13,486,290	163252
Administration							
GRF	333402	Resident Trainees	\$	450,000	\$	450,000	163253
GRF	333415	Lease-Rental Payments	\$	15,843,300	\$	16,076,700	163254
GRF	333416	Research Program	\$	321,998	\$	321,998	163255
Evaluation							
GRF	334412	Hospital Services	\$	190,514,437	\$	190,514,437	163256
GRF	334506	Court Costs	\$	784,210	\$	784,210	163257
GRF	335405	Family & Children	\$	1,386,000	\$	1,386,000	163258
First							
GRF	335406	Prevention and	\$	868,659	\$	868,659	163259
Wellness							
GRF	335421	Continuum of Care	\$	77,733,742	\$	77,633,742	163260
Services							
GRF	335422	Criminal Justice	\$	4,917,898	\$	4,917,898	163261
Services							
GRF	335504	Community Innovations	\$	6,500,000	\$	1,500,000	163262
GRF	335506	Residential State	\$	7,502,875	\$	7,502,875	163263
Supplement							
GRF	335507	Community Behavioral	\$	47,500,000	\$	47,500,000	163264
Health							
GRF	652507	Medicaid Support	\$	1,727,553	\$	1,736,600	163265
TOTAL GRF General Revenue Fund			\$	369,546,009	\$	364,679,409	163266
General Services Fund Group						163267	
1490	333609	Central Office	\$	1,343,190	\$	1,343,190	163268
Operating							
5T90	333641	Problem Gambling	\$	60,000	\$	60,000	163269

		Services -				
		Administration				
1490	334609	Hospital - Operating	\$	28,190,000	\$	28,190,000 163270
		Expenses				
1500	334620	Special Education	\$	150,000	\$	150,000 163271
4P90	335604	Community Mental	\$	250,000	\$	250,000 163272
		Health Projects				
5T90	335641	Problem Gambling	\$	275,000	\$	275,000 163273
		Services				
1510	336601	Office of Support	\$	115,000,000	\$	115,000,000 163274
		Services				
TOTAL	GSF	General Services Fund	\$	145,268,190	\$	145,268,190 163275
		Group				
		Federal Special Revenue Fund Group				163276
3240	333605	Medicaid/Medicare -	\$	154,500	\$	154,500 163277
		Refunds				
3A60	333608	Federal Miscellaneous	\$	140,000	\$	140,000 163278
		- Administration				
3A70	333612	Social Services Block	\$	50,000	\$	50,000 163279
		Grant -				
		Administration				
3A80	333613	Federal Grants -	\$	4,717,000	\$	4,717,000 163280
		Administration				
3A90	333614	Mental Health Block	\$	748,470	\$	748,470 163281
		Grant -				
		Administration				
3G40	333618	Substance Abuse Block	\$	3,307,789	\$	3,307,789 163282
		Grant- Administration				
3H80	333606	Demonstration Grants	\$	3,237,574	\$	3,237,574 163283
		- Administration				
3N80	333639	Administrative	\$	300,000	\$	300,000 163284
		Reimbursement				
3240	334605	Medicaid/Medicare -	\$	28,200,000	\$	28,200,000 163285

		Hospitals					
3A60	334608	Federal Miscellaneous	\$	200,000	\$	200,000	163286
		- Hospitals					
3A80	334613	Federal Letter of	\$	200,000	\$	200,000	163287
		Credit					
3A60	335608	Federal Miscellaneous	\$	2,170,000	\$	2,170,000	163288
3A70	335612	Social Services Block	\$	8,400,000	\$	8,400,000	163289
		Grant					
3A80	335613	Federal Grant -	\$	2,500,000	\$	2,500,000	163290
		Community Mental					
		Health Board Subsidy					
3A90	335614	Mental Health Block	\$	14,200,000	\$	14,200,000	163291
		Grant					
3FR0	335638	Race to the Top -	\$	1,164,000	\$	1,164,000	163292
		Early Learning					
		Challenge Grant					
3G40	335618	Substance Abuse Block	\$	62,542,003	\$	62,557,967	163293
		Grant					
3H80	335606	Demonstration Grants	\$	5,428,006	\$	5,428,006	163294
3B10	652635	Community Medicaid	\$	5,000,000	\$	0	163295
		Legacy Costs					
3B10	652636	Community Medicaid	\$	7,000,000	\$	7,000,000	163296
		Legacy Support					
3J80	652609	Medicaid Legacy Costs	\$	3,000,000	\$	0	163297
		Support					
TOTAL FED		Federal Special Revenue	\$	152,659,342	\$	144,675,306	163298
		Fund Group					
		State Special Revenue Fund Group					163299
2320	333621	Family and Children	\$	400,000	\$	400,000	163300
		First Administration					
4750	333623	Statewide Treatment	\$	5,490,667	\$	5,490,667	163301
		and Prevention -					
		Administration					

4850	333632	Mental Health	\$	134,233	\$	134,233	163302
		Operating - Refunds					
5JL0	333629	Problem Gambling and	\$	1,361,592	\$	1,361,592	163303
		Casino Addictions -					
		Administration					
5V20	333611	Non-Federal	\$	100,000	\$	100,000	163304
		Miscellaneous					
6890	333640	Education and	\$	150,000	\$	150,000	163305
		Conferences					
4850	334632	Mental Health	\$	2,477,500	\$	2,477,500	163306
		Operating - Hospitals					
4750	335623	Statewide Treatment	\$	10,059,333	\$	10,059,333	163307
		and Prevention					
5AU0	335615	Behavioral Health Care	\$	6,690,000	\$	6,690,000	163308
5JL0	335629	Problem Gambling and	\$	4,084,772		4,084,772	163309
		Casino Addictions					
6320	335616	Community Capital	\$	350,000	\$	350,000	163310
		Replacement					
TOTAL SSR	State Special Revenue		\$	31,298,097	\$	31,298,097	163311
	Fund Group						
TOTAL ALL BUDGET FUND GROUPS			\$	698,771,638	\$	685,921,002	163312

Section 327.20. TRANSITION RELATING TO CONSOLIDATION OF DEPARTMENTS 163314
DEPARTMENTS 163315

Notwithstanding Chapters 340., 3793., 5119., and 5122. of the Revised Code, and any other provision of law to the contrary, on July 1, 2013, there is hereby created the Department of Mental Health and Addiction Services, which shall be administered by the Director of Mental Health and Addiction Services. The Director of Mental Health and Addiction Services shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold office during the term of the appointing Governor, and is subject to removal at the pleasure of the Governor. The Director

of Mental Health and Addiction Services is the executive head of 163325
the Department of Mental Health and Addiction Services. The 163326
Department of Alcohol and Drug Addiction Services and the 163327
Department of Mental Health shall be consolidated into the single 163328
Department of Mental Health and Addiction Services. All of the 163329
authority, functions, and assets and liabilities of the Department 163330
of Mental Health and the Department of Alcohol and Drug Addiction 163331
Services are transferred to the Department of Mental Health and 163332
Addiction Services. The Department of Mental Health and Addiction 163333
Services is thereupon and thereafter successor to, assumes the 163334
obligations of, and otherwise constitutes the continuation of the 163335
Department of Alcohol and Drug Addiction Services and the 163336
Department of Mental Health. The Director of Mental Health and 163337
Addiction Services assumes all of the duties, authorities, and 163338
responsibilities of the Director of Alcohol and Drug Addiction 163339
Services and the Director of Mental Health. Any action, license, 163340
or certification that was undertaken or issued by the Director of 163341
Alcohol and Drug Addiction Services or the Director of Mental 163342
Health that is current and valid on the effective date of the 163343
consolidation is deemed to be an action, license, or certification 163344
undertaken or issued by the Department of Mental Health and 163345
Addiction Services under the statute creating that Department. 163346

Any business commenced but not completed by July 1, 2013, by 163347
the Department of Mental Health or the Department of Alcohol and 163348
Drug Addiction Services shall be completed by the Department of 163349
Mental Health and Addiction Services. The business shall be 163350
completed in the same manner, and with the same effect, as if 163351
completed by the Department of Mental Health or by the Department 163352
of Alcohol and Drug Addiction Services prior to July 1, 2013. 163353

No validation, cure, right, privilege, remedy, obligation, or 163354
liability is lost or impaired by reason of this act's transfer of 163355
responsibility from the Department of Mental Health and the 163356

Department of Alcohol and Drug Addiction Services to the 163357
Department of Mental Health and Addiction Services. Each such 163358
validation, cure, right, remedy, obligation, or liability shall be 163359
administered by the Department of Mental Health and Addiction 163360
Services pursuant to the statute creating that department. 163361

All rules, orders, and determinations made or undertaken 163362
pursuant to the authority and responsibilities of the Department 163363
of Mental Health and the Department of Alcohol and Drug Addiction 163364
Services prior to July 1, 2013, shall continue in effect as rules, 163365
orders, and determinations of the Department of Mental Health and 163366
Addiction Services until modified or rescinded by the Department 163367
of Mental Health and Addiction Services. If necessary to ensure 163368
the integrity of the numbering system of the Administrative Code, 163369
the Director of the Legislative Service Commission shall renumber 163370
the rules to reflect the transfer of authority and responsibility 163371
to the Department of Mental Health and Addiction Services. 163372

Any action or proceeding that is related to the functions or 163373
duties of the Department of Mental Health or the Department of 163374
Alcohol and Drug Addiction Services pending on July 1, 2013, is 163375
not affected by the transfer of responsibility to the Department 163376
of Mental Health and Addiction Services and shall be prosecuted or 163377
defended in the name of the Department of Mental Health and 163378
Addiction Services. In all such actions and proceedings, the 163379
Department of Mental Health and Addiction Services, on application 163380
to the court, shall be substituted as a party. 163381

It is the intention of the Department of Mental Health and 163382
Addiction Services that community subsidies allocated or 163383
distributed by the department will be used to fund mental health 163384
and addiction services in largely the same proportion that such 163385
services were funded when allocated or distributed as separate 163386
funding streams through the separate Department of Mental Health 163387
or Department of Alcohol and Drug Addiction Services. 163388

All employees of the Department of Mental Health and the Department of Alcohol and Drug Addiction Services shall be employees of the Department of Mental Health and Addiction Services and shall serve in the positions previously held within their respective agencies unless the Department of Mental Health and Addiction Services determines otherwise. The merger of Department of Mental Health and Department of Alcohol and Drug Addiction Services shall not be deemed a transfer of employees pursuant to division (D)(3)(b) of section 124.11 of the Revised Code. Any unclassified employee of the Department of Mental Health and Addiction Services who held a right to resume a position within the classified service of his or her previous respective agency of the Department of Mental Health or the Department of Alcohol and Drug Addiction Services shall retain such a right subject to section 5119.18 of the Revised Code as may be amended.

On July 1, 2013, or as soon as possible thereafter, notwithstanding any provision of law to the contrary, and if requested by the Department of Mental Health and Addiction Services, the Director of Budget and Management shall make budget changes made necessary by the consolidation, if any, including administrative organization, program transfers, the creation of new funds, the transfer of state funds, and the consolidation of funds, as authorized by this section. The Director of Budget and Management may make any transfer of cash balances between funds.

On July 1, 2013, or as soon as possible thereafter, the Director of Mental Health and Addiction Services shall certify to the Director of Budget and Management all encumbrances held by the Department of Mental Health and the Department of Alcohol and Drug Addiction Services, and specify which of those encumbrances are requested to be transferred to the Department of Mental Health and Addiction Services. The Director of Budget and Management may cancel any existing encumbrances as certified by the Director of

Mental Health and Addiction Services and re-establish them in the 163421
new agency. The re-established encumbrance amounts are hereby 163422
appropriated. Any business commenced but not completed with regard 163423
to the encumbrances certified shall be completed by the Department 163424
of Mental Health and Addiction Services in the same manner and 163425
with the same effect as if it were completed by the Department of 163426
Mental Health or the Department of Alcohol and Drug Addiction 163427
Services. 163428

Not later than 30 days after the transfer and consolidation 163429
of the operations and related management functions of the 163430
Department of Mental Health and the Department of Alcohol and Drug 163431
Addiction Services to the Department of Mental Health and 163432
Addiction Services, an authorized officer of the former Department 163433
of Mental Health and the former Department of Alcohol and Drug 163434
Addiction Services shall certify to the Director of Mental Health 163435
and Addiction Services the unexpended balance and location of any 163436
funds and accounts designated for building and facility operation 163437
and management functions, and the custody of such funds and 163438
accounts shall be transferred to the Department of Mental Health 163439
and Addiction Services. 163440

Effective July 1, 2013, the Director of Budget and Management 163441
shall cancel any existing encumbrances against appropriation item 163442
038616, Problem Gambling Services, and re-establish them against 163443
appropriation items 333641, Problem Gambling Services - 163444
Administration, and 335641, Problem Gambling Services. The 163445
re-established encumbrance amounts are hereby appropriated. Any 163446
business commenced but not completed under appropriation item 163447
038616 by July 1, 2013, shall be completed under appropriation 163448
items 333641 and 335641 in the same manner and with the same 163449
effect as if it were completed with regard to appropriation item 163450
038616. 163451

Effective July 1, 2013, the Director of Budget and Management 163452

shall cancel any existing encumbrances against appropriation item 163453
038614, Substance Abuse Block Grant, and re-establish them against 163454
appropriation items 333618, Substance Abuse Block Grant - 163455
Administration, and 335618, Substance Abuse Block Grant. The 163456
re-established encumbrance amounts are hereby appropriated. Any 163457
business commenced but not completed under appropriation item 163458
038614 by July 1, 2013, shall be completed under appropriation 163459
items 333618 and 335618 in the same manner and with the same 163460
effect as if it were completed with regard to appropriation item 163461
038614. 163462

Effective July 1, 2013, the Director of Budget and Management 163463
shall cancel any existing encumbrances against appropriation item 163464
038609, Demonstration Grants, and re-establish them against 163465
appropriation items 333606, Demonstration Grants - Administration, 163466
and 335606, Demonstration Grants. The re-established encumbrance 163467
amounts are hereby appropriated. Any business commenced but not 163468
completed under appropriation item 038609 by July 1, 2013, shall 163469
be completed under appropriation items 333606 and 335606 in the 163470
same manner and with the same effect as if it were completed with 163471
regard to appropriation item 038609. 163472

Effective July 1, 2013, the Director of Budget and Management 163473
shall cancel any existing encumbrances against appropriation item 163474
038621, Statewide Treatment and Prevention, and re-establish them 163475
against appropriation items 333623, Statewide Treatment and 163476
Prevention - Administration, and 335623, Statewide Treatment and 163477
Prevention. The re-established encumbrance amounts are hereby 163478
appropriated. Any business commenced but not completed under 163479
appropriation item 038621 by July 1, 2013, shall be completed 163480
under appropriation items 333623 and 335623 in the same manner and 163481
with the same effect as if it were completed with regard to 163482
appropriation item 038621. 163483

Effective July 1, 2013, the Director of Budget and Management 163484

shall cancel any existing encumbrances against appropriation item 163485
038629, Problem Gambling and Casino Addictions, and re-establish 163486
them against appropriation items 333629, Problem Gambling and 163487
Casino Addictions - Administration, and 335629, Problem Gambling 163488
and Casino Addictions. The re-established encumbrance amounts are 163489
hereby appropriated. Any business commenced but not completed 163490
under appropriation item 038629 by July 1, 2013, shall be 163491
completed under appropriation items 333629 and 335629 in the same 163492
manner and with the same effect as if it were completed with 163493
regard to appropriation item 038629. 163494

Effective July 1, 2013, the Director of Budget and Management 163495
shall cancel any existing encumbrances against appropriation item 163496
038611, Administrative Reimbursement, and re-establish them 163497
against appropriation item 333639, Administrative Reimbursement. 163498
The re-established encumbrance amounts are hereby appropriated. 163499
Any business commenced but not completed under appropriation item 163500
038611 by July 1, 2013, shall be completed under appropriation 163501
item 333639 in the same manner and with the same effect as if it 163502
were completed with regard to appropriation item 038611. 163503

Effective July 1, 2013, the Director of Budget and Management 163504
shall cancel any existing encumbrances against appropriation item 163505
335635, Community Medicaid Expansion, and re-establish them 163506
against appropriation item 652635, Community Medicaid Legacy 163507
Costs. The re-established encumbrance amounts are hereby 163508
appropriated. Any business commenced but not completed under 163509
appropriation item 335635 by July 1, 2013, shall be completed 163510
under appropriation item 652635 in the same manner and with the 163511
same effect as if it were completed with regard to appropriation 163512
item 335635. 163513

Effective July 1, 2013, the Director of Budget and Management 163514
shall cancel any existing encumbrances against appropriation item 163515
333635, Community Medicaid Expansion, and re-establish them 163516

against appropriation item 652636, Community Medicaid Legacy Support. The re-established encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item 333635 by July 1, 2013, shall be completed under appropriation item 652636 in the same manner and with the same effect as if it were completed with regard to appropriation item 333635.

Effective July 1, 2013, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 038610, Medicaid, and re-establish them against appropriation item 652609, Medicaid Legacy Costs Support. The re-established encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item 038610 by July 1, 2013, shall be completed under appropriation item 652609 in the same manner and with the same effect as if it were completed with regard to appropriation item 038610.

Effective July 1, 2013, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 038604, Education and Conferences, and re-establish them against appropriation item 333640, Education and Conferences. The re-established encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item 038604 by July 1, 2013, shall be completed under appropriation item 333640 in the same manner and with the same effect as if it were completed with regard to appropriation item 038604.

Effective July 1, 2013, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 038401, Treatment Services, and re-establish them against appropriation items 335421, Continuum of Care Services, 335422, Criminal Justice Services, and 335406, Prevention and Wellness. The re-established encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item

038401 by July 1, 2013, shall be completed under appropriation 163549
items 335421, 335422, and 335406 in the same manner and with the 163550
same effect as if it were completed with regard to appropriation 163551
item 038401. 163552

Effective July 1, 2013, the Director of Budget and Management 163553
shall cancel any existing encumbrances against appropriation item 163554
335419, Community Medication Subsidy, and re-establish them 163555
against appropriation item 335421, Continuum of Care Services. The 163556
re-established encumbrance amounts are hereby appropriated. Any 163557
business commenced but not completed under appropriation item 163558
335419 by July 1, 2013, shall be completed under appropriation 163559
item 335421 in the same manner and with the same effect as if it 163560
were completed with regard to appropriation item 335419. 163561

Effective July 1, 2013, the Director of Budget and Management 163562
shall cancel any existing encumbrances against appropriation item 163563
335505, Local Mental Health Systems of Care, and re-establish them 163564
against appropriation item 335421, Continuum of Care Services. The 163565
re-established encumbrance amounts are hereby appropriated. Any 163566
business commenced but not completed under appropriation item 163567
335505 by July 1, 2013, shall be completed under appropriation 163568
item 335421 in the same manner and with the same effect as if it 163569
were completed with regard to appropriation item 335505. 163570

Effective July 1, 2013, the Director of Budget and Management 163571
shall cancel any existing encumbrances against appropriation item 163572
332401, Forensic Services, and re-establish them against 163573
appropriation item 335422, Criminal Justice Services. The 163574
re-established encumbrance amounts are hereby appropriated. Any 163575
business commenced but not completed under appropriation item 163576
332401 by July 1, 2013, shall be completed under appropriation 163577
item 335422 in the same manner and with the same effect as if it 163578
were completed with regard to appropriation item 332401. 163579

Effective July 1, 2013, the Director of Budget and Management 163580

shall cancel any existing encumbrances against appropriation item 163581
333403, Pre-Admission Screening Expenses, and re-establish them 163582
against appropriation item 652507, Medicaid Support. The 163583
re-established encumbrance amounts are hereby appropriated. Any 163584
business commenced but not completed under appropriation item 163585
333403 by July 1, 2013, shall be completed under appropriation 163586
item 652507 in the same manner and with the same effect as if it 163587
were completed with regard to appropriation item 333403. 163588

Effective July 1, 2013, the Director of Budget and Management 163589
shall cancel any existing encumbrances against appropriation item 163590
038900, Indigent Drivers Alcohol Treatment, and re-establish them 163591
against appropriation item 335900, Indigent Drivers Alcohol 163592
Treatment. The re-established encumbrance amounts are hereby 163593
appropriated. Any business commenced but not completed under 163594
appropriation item 038900 by July 1, 2013, shall be completed 163595
under appropriation item 335900 in the same manner and with the 163596
same effect as if it were completed with regard to appropriation 163597
item 038900. 163598

Effective July 1, 2013, the Director of Budget and Management 163599
shall cancel any existing encumbrances against appropriation item 163600
038404, Prevention Services, and re-establish them against 163601
appropriation item 335406, Prevention and Wellness. The 163602
re-established encumbrance amounts are hereby appropriated. Any 163603
business commenced but not completed under appropriation item 163604
038404 by July 1, 2013, shall be completed under appropriation 163605
item 335406 in the same manner and with the same effect as if it 163606
were completed with regard to appropriation item 038404. 163607

Section 327.20.10. Effective July 1, 2013, the Director of 163608
Mental Health and Addiction Services, with respect to all mental 163609
health and addiction facilities and services established and 163610
operated or provided under Chapter 340. of the Revised Code shall 163611

do all of the following: 163612

(A) To the extent the Director determines necessary, and 163613
after consultation with the boards of alcohol, drug addiction, and 163614
mental health services and community addiction and mental health 163615
services providers, develop and operate, or contract for the 163616
operation of, a community behavioral health information system or 163617
systems. The Department shall specify the information that must be 163618
provided by boards of alcohol, drug addiction, and mental health 163619
services and by community addiction and mental health services 163620
providers for inclusion in the system or systems. Boards of 163621
alcohol, drug addiction, and mental health services and community 163622
addiction and mental health services providers shall submit 163623
information requested by the Department in the form and manner and 163624
in accordance with time frames prescribed by the Department. 163625
Information collected by the Department may include all of the 163626
following: 163627

(1) Information on services provided; 163628

(2) Financial information regarding expenditures of federal, 163629
state, or local funds; 163630

(3) Information about persons served. 163631

(B)(1) Receive and review each board's community mental 163632
health and addiction services plan, budget, and statement of 163633
services to be made available, and approve or disapprove the plan, 163634
budget, and statement of services in whole or in part. 163635

(2) The Department may withhold all or part of the funds 163636
allocated to a board if it disapproves all or part of a plan, 163637
budget, or statement of service. 163638

(3) Prior to a final decision to disapprove a plan, budget, 163639
or statement of services, or to withhold funds from a board, a 163640
representative of the Director shall meet with the board to 163641

discuss the reasons for the action and any corrective action that 163642
should be taken to make the plan, budget, or statement of services 163643
acceptable, and give the board a reasonable time in which to 163644
revise the plan, budget, or statement of services. 163645

(C) Establish procedures for the review of plans, budgets, 163646
and statements of services, and a timetable for submission and 163647
review. Boards of alcohol, drug addiction, and mental health 163648
services shall submit to the Department of Mental Health and 163649
Addiction Services the information, plans, budgets, and statements 163650
of services described above in accordance with the guidance or 163651
directives of the Department or Director. After notifying and 163652
consulting with relevant constituents, the Department of Mental 163653
Health and Addiction Services shall establish a methodology for 163654
allocating to boards of alcohol, drug addiction, and mental health 163655
services the funds appropriated by the General Assembly to the 163656
Department for the purpose of local mental health and addiction 163657
services continuums of care. Subject to existing provisions of law 163658
that permit the Director to withhold funds from boards of alcohol, 163659
drug addiction, and mental health services for failure to comply 163660
with applicable sections of law, or for discriminating in making 163661
services available, and subject to a board's submission and 163662
approval of the required plan, budget, and statement of services 163663
described above, the Department shall allocate the funds to the 163664
boards in a manner consistent with the methodology and state and 163665
federal laws, rules, and regulations. 163666

Portions of appropriation items 333609, Central Office 163667
Operating, 333606, Demonstration Grants - Administration, 333612, 163668
Social Services Block Grant - Administration, 333613, Federal 163669
Grants - Administration, 333614, Mental Health Block Grant - 163670
Administration, 333618, Substance Abuse Block Grant - 163671
Administration, 333623, Statewide Treatment and Prevention - 163672
Administration, 333629, Problem Gambling and Casino Addictions - 163673

Administration, 333608, Federal Miscellaneous - Administration, 163674
333641, Problem Gambling Services - Administration, 335406, 163675
Prevention and Wellness, 335421, Continuum of Care Services, 163676
335422, Criminal Justice Services, 335604, Community Mental Health 163677
Projects, 335606, Demonstration Grants, 335612, Social Services 163678
Block Grant, 335613, Federal Grant - Community Mental Health 163679
Subsidy, 335614, Mental Health Block Grant, 335615, Behavioral 163680
Health Care, 335618, Substance Abuse Block Grant, 335623, 163681
Statewide Treatment and Prevention, 335629, Problem Gambling and 163682
Casino Addictions, 335638, Race to the Top - Early Learning 163683
Challenge Grant, and 335900, Indigent Drivers Alcohol Treatment, 163684
may be used to pay for the Department and board functions 163685
enumerated above. 163686

Section 327.20.20. (A) Effective July 1, 2013, all records 163687
and reports, other than court journal entries or court docket 163688
entries, identifying a person and pertaining to the person's 163689
mental health condition, assessment, provision of care or 163690
treatment, or payment for assessment, care, or treatment that are 163691
maintained in connection with any services certified by the 163692
Department of Mental Health and Addiction Services, or any 163693
hospitals or facilities licensed or operated by the Department, 163694
shall be kept confidential and shall not be disclosed by any 163695
person, with the following exceptions: 163696

(1) If the person identified, or the person's legal guardian, 163697
if any, or if the person is a minor, the person's parent or legal 163698
guardian, consents. 163699

(2) When disclosure is provided for in Chapters 340., 5119., 163700
or 5122. of the Revised Code or in accordance with other 163701
provisions of state or federal law authorizing such disclosure. 163702

(3) Hospitals, boards of alcohol, drug addiction, and mental 163703
health services, licensed facilities, and community mental health 163704

services providers may release necessary information to insurers 163705
and other third-party payers, including government entities 163706
responsible for processing and authorizing payment, to obtain 163707
payment for goods and services furnished to the person. 163708

(4) Pursuant to a court order signed by a judge; 163709

(5) A person shall be granted access to the person's own 163710
psychiatric and medical records unless access specifically is 163711
restricted in a person's treatment plan for clear treatment 163712
reasons. 163713

(6) The Department of Mental Health and Addiction Services 163714
may exchange psychiatric records and other pertinent information 163715
with community mental health services providers and boards of 163716
alcohol, drug addiction, and mental health services relating to 163717
the person's care or services. Records and information that may be 163718
exchanged pursuant to this division shall be limited to medication 163719
history, physical health status and history, financial status, 163720
summary of course of treatment, summary of treatment needs, and a 163721
discharge summary, if any. 163722

(7) The Department of Mental Health and Addiction Services, 163723
hospitals, and community providers operated by the Department, 163724
hospitals licensed by the Department under section 5119.20 163725
(5119.33) of the Revised Code and community mental health services 163726
providers may exchange psychiatric records and other pertinent 163727
information with payers and other providers of treatment and 163728
health services if the purpose of the exchange is to facilitate 163729
continuity of care for the person or for the emergency treatment 163730
of the person. 163731

(8) The Department of Mental Health and Addiction Services 163732
and community mental health services providers may exchange 163733
psychiatric records and other pertinent information with boards of 163734
alcohol, drug addiction, and mental health services for purposes 163735

of any board function set forth in Chapter 340. of the Revised 163736
Code. Boards of alcohol, drug addiction, and mental health 163737
services shall not access or use any personal information from the 163738
Department or providers except as required or permitted by this 163739
section, or Chapters 340. and 5122. of the Revised Code for 163740
purposes related to payment, care coordination, health care 163741
operations, program and service evaluation, reporting activities, 163742
research, system administration, oversight, or other authorized 163743
purposes. 163744

(9) A person's family member who is involved in the 163745
provision, planning, and monitoring of services to the person may 163746
receive medication information, a summary of the person's 163747
diagnosis and prognosis, and a list of the services and personnel 163748
available to assist the person and the person's family, if the 163749
person's treatment provider determines that the disclosure would 163750
be in the best interests of the person. No such disclosure shall 163751
be made unless the person is notified first and receives the 163752
information and does not object to the disclosure. 163753

(10) Community mental health services providers may exchange 163754
psychiatric records and certain other information with the board 163755
of alcohol, drug addiction, and mental health services and other 163756
providers in order to provide services to a person involuntarily 163757
committed to a board. Release of records under this division shall 163758
be limited to medication history, physical health status and 163759
history, financial status, summary of course of treatment, summary 163760
of treatment needs, and discharge summary, if any. 163761

(11) Information may be disclosed to the executor or the 163762
administrator of an estate of a deceased person when the 163763
information is necessary to administer the estate. 163764

(12) Information may be disclosed to staff members of the 163765
appropriate board or to staff members designated by the Director 163766
of Mental Health and Addiction Services for the purpose of 163767

evaluating the quality, effectiveness, and efficiency of services 163768
and determining if the services meet minimum standards. 163769
Information obtained during such evaluations shall not be retained 163770
with the name of any person. 163771

(13) Records pertaining to the person's diagnosis, course of 163772
treatment, treatment needs, and prognosis shall be disclosed and 163773
released to the appropriate prosecuting attorney if the person was 163774
committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, 163775
or 2945.402 of the Revised Code, or to the attorney designated by 163776
the board for proceedings pursuant to involuntary commitment under 163777
Chapter 5122. of the Revised Code. 163778

(14) The Department of Mental Health and Addiction Services 163779
may exchange psychiatric hospitalization records, other mental 163780
health treatment records, and other pertinent information with the 163781
Department of Rehabilitation and Correction and with the 163782
Department of Youth Services to ensure continuity of care for 163783
inmates and offenders who are receiving mental health services in 163784
an institution of the Department of Rehabilitation and Correction 163785
or the Department of Youth Services and may exchange psychiatric 163786
hospitalization records, other mental health treatment records, 163787
and other pertinent information with boards of alcohol, drug 163788
addiction, and mental health services and community mental health 163789
services providers to ensure continuity of care for inmates or 163790
offenders who are receiving mental health services in an 163791
institution and are scheduled for release within six months. The 163792
release of records under this division is limited to records 163793
regarding an inmate's or offender's medication history, physical 163794
health status and history, summary of course of treatment, summary 163795
of treatment needs, and a discharge summary, if any. 163796

(15) A community mental health services provider that ceases 163797
to operate may transfer to either a community mental health 163798
services provider that assumes its caseload or to the board of 163799

alcohol, drug addiction, and mental health services of the service 163800
district in which the person resided at the time services were 163801
most recently provided any treatment records that have not been 163802
transferred elsewhere at the person's request. 163803

(B) Before records are disclosed pursuant to divisions 163804
(A)(3), (6), or (10) of this section, the custodian of the records 163805
shall attempt to obtain the consent of the person in question for 163806
the disclosure. 163807

(C) No person shall reveal the content of a medical record of 163808
a person except as authorized by the law. 163809

(D) Portions of appropriation items 333321, Central 163810
Administration, 333416, Research Program Evaluation, 333605, 163811
Medicaid/Medicare - Refunds, 333606, Demonstration Grants - 163812
Administration, 333608, Federal Miscellaneous - Administration, 163813
333609, Central Office Opening, 333611, Non-Federal Miscellaneous, 163814
333612, Social Services Block Grant - Administration, 333613, 163815
Federal Grants - Administration, 333614, Mental Health Block Grant 163816
- Administration, 333618, Substance Abuse Block Grant - 163817
Administration, 333621, Family and Children First Administration, 163818
333623, Statewide Treatment and Prevention - Administration, 163819
333629, Problem Gambling and Casino Addictions - Administration, 163820
333632, Mental Health Operating - Refunds, 333608, Federal 163821
Miscellaneous - Administration, 333640, Education and Conferences, 163822
333641, Problem Gambling Services - Administration, 333639, 163823
Administrative Reimbursement, 334605, Medicaid/Medicare - 163824
Hospitals, 334608, Federal Miscellaneous - Hospitals, 334609, 163825
Hospital - Operating Expenses, 334613, Federal Letter of Credit, 163826
334620, Special Education, 334632, Mental Health Operating - 163827
Hospitals, 335405, Family and Children First, 335406, Prevention 163828
and Wellness, 335421, Continuum of Care Services, 335422, Criminal 163829
Justice Services, 335604, Community Mental Health Projects, 163830
335506, Residential State Supplement, 335608, Federal 163831

Miscellaneous, 335606, Demonstration Grants, 335612, Social 163832
Services Block Grant, 335613, Federal Grant - Community Mental 163833
Health Subsidy, 335614, Mental Health Block Grant, 335615, 163834
Behavioral Health Care, 335618, Substance Abuse Block Grant, 163835
335623, Statewide Treatment and Prevention, 335629, Problem 163836
Gambling and Casino Addictions, 335638, Race to the Top - Early 163837
Learning Challenge Grant, 335900, Indigent Drivers Alcohol 163838
Treatment, 336601, Office of Support Services, 652609, Medicaid 163839
Legacy Costs Support, 652635, Community Medicaid Legacy Costs, and 163840
652636, Community Medicaid Legacy Support, may be used to pay for 163841
the Department and community mental health system functions that 163842
operate under the confidentiality provisions enumerated above. 163843

Section 327.20.30. Effective July 1, 2013, the Director of 163844
Mental Health and Addiction Services may adopt rules pursuant to 163845
Chapter 119. of the Revised Code governing licensure and operation 163846
of residential facilities, that include procedures for conducting 163847
criminal records checks for operators, employees, and volunteers 163848
who have direct access to facility residents. 163849

Portions of appropriation items 334506, Court Costs, 335406, 163850
Prevention and Wellness, 335421, Continuum of Care Services, 163851
335614, Mental Health Block Grant, 335506, Residential State 163852
Supplement, 335615, Behavioral Health Care, 335618, Substance 163853
Abuse Block Grant, 335623, Statewide Treatment and Prevention, and 163854
335900, Indigent Drivers Alcohol Treatment, may be used to pay for 163855
these regulated activities. 163856

Section 327.20.40. Effective July 1, 2013, to the extent 163857
funds are available and on application of boards of alcohol, drug 163858
addiction, and mental health services, the Director of Mental 163859
Health and Addiction Services may approve state reimbursement of, 163860
or state grants for, community construction programs, including 163861
residential housing for severely mentally disabled persons and 163862

persons with substance use disorders. The Director may also 163863
approve an application for reimbursement or a grant for such 163864
programs submitted by other governmental entities or by private, 163865
nonprofit organizations after the board of alcohol, drug 163866
addiction, and mental health services has reviewed and approved 163867
the application and the application is consistent with the plan, 163868
budget, and statement of services submitted to and approved by the 163869
Department. The Director shall adopt rules in accordance with 163870
Chapter 119. of the Revised Code that specify procedures for 163871
applying for state reimbursement and for state grants for 163872
community construction programs, including residential housing for 163873
severely mentally disabled persons and persons with substance use 163874
disorders. 163875

Portions of appropriation item 335616, Community Capital 163876
Replacement, may be used to pay for the Department functions 163877
enumerated above. 163878

Section 327.20.50. Effective July 1, 2013, the Department of 163879
Mental Health and Addiction Services shall collect information 163880
about services delivered and persons served as required for 163881
reporting and evaluation relating to state and federal funds 163882
expended for such purposes. No alcohol, drug addiction, or mental 163883
health program, agency, or services provider shall fail to supply 163884
statistics or other information within its knowledge and with 163885
respect to its programs or services upon the request of the 163886
department. 163887

Portions of appropriation items 333321, Central 163888
Administration, 333609 Central Office Operating, 333606, 163889
Demonstration Grants - Administration, 333612, Social Services 163890
Block Grant - Administration, 333613, Federal Grants - 163891
Administration, 333614, Mental Health Block Grant - 163892
Administration, 333618, Substance Abuse Block Grant - 163893

Administration, 333623, Statewide Treatment and Prevention - 163894
Administration, 333629, Problem Gambling and Casino Addictions - 163895
Administration, 333608, Federal Miscellaneous - Administration, 163896
333641, Problem Gambling Services - Administration, 335406, 163897
Prevention and Wellness, 335421, Continuum of Care Services, 163898
335422, Criminal Justice Services, 335604, Community Mental Health 163899
Projects, 335606, Demonstration Grants, 335612, Social Services 163900
Block Grant, 335613, Federal Grant - Community Mental Health 163901
Subsidy, 335614, Mental Health Block Grant, 335615, Behavioral 163902
Health Care, 335618, Substance Abuse Block Grant, 335623, 163903
Statewide Treatment and Prevention, 335629, Problem Gambling and 163904
Casino Addictions, 335638, Race to the Top - Early Learning 163905
Challenge Grant, and 335900, Indigent Drivers Alcohol Treatment, 163906
652609, Medicaid Legacy Costs Support, and 652636, Community 163907
Medicaid Legacy Support, may be used to pay for the Department 163908
information collection and reporting functions enumerated above. 163909

Section 327.20.60. The Department of Mental Health and 163910
Addiction Services shall administer specified Medicaid services as 163911
delegated by the State's single agency responsible for the 163912
Medicaid program. Effective July 1, 2013, the Department shall use 163913
appropriation item 652507, Medicaid Support, to fund the 163914
Medicaid-related services and supports performed by the 163915
Department. 163916

Section 327.30. RESIDENT TRAINEES 163917

The foregoing appropriation item 333402, Resident Trainees, 163918
shall be used to fund training agreements entered into by the 163919
Director of Mental Health and Addiction Services for the 163920
development of curricula and the provision of training programs to 163921
support public mental health services. 163922

Section 327.40. LEASE-RENTAL PAYMENTS 163923

The foregoing appropriation item 333415, Lease-Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2013, through June 30, 2015, by the Department of Mental Health and Addiction Services under leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code.

Section 327.50. HOSPITAL SERVICES 163932

The foregoing appropriation item 334412, Hospital Services, shall be used for the operation of the State Regional Psychiatric Hospitals, including, but not limited to, all aspects involving civil and forensic commitment, treatment, and discharge as determined by the Director of Mental Health and Addiction Services. A portion of this appropriation may be used by the Department of Mental Health and Addiction Services to create, purchase, or contract for the custody, supervision, control, and treatment of persons committed to the Department of Mental Health and Addiction Services in other clinically appropriate environments, consistent with public safety.

Section 327.60. CONTINUUM OF CARE SERVICES 163944

The foregoing appropriation item 335421, Continuum of Care Services, shall be used as follows:

(A) A portion of this appropriation shall be allocated to community alcohol, drug addiction, and mental health services boards in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services:

(1) For the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code;

(2) To provide subsidized support for psychotropic medication

needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and

(3) To provide subsidized support for medication assisted treatment costs.

(B) A portion of this appropriation may be distributed to community alcohol, drug addiction, and mental health services boards, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of mental health and addiction services initiatives.

(C) \$665,196 shall be allocated to The Ohio State University STAR House in each fiscal year.

Section 327.70. CRIMINAL JUSTICE SERVICES

The foregoing appropriation item 335422, Criminal Justice Services, shall be used to provide forensic psychiatric evaluations to courts of common pleas and to conduct evaluations of patients of forensic status in facilities operated or designated by the Department of Mental Health and Addiction Services prior to conditional release to the community. A portion of this appropriation may be allocated through community alcohol, drug addiction, and mental health services boards to community addiction and/or mental health services providers in accordance with a distribution methodology as determined by the Director of Mental Health and Addiction Services.

Appropriation item 335422, Criminal Justice Services, may also be used to:

(A) Provide forensic monitoring and tracking of individuals on conditional release;

(B) Provide forensic training;

(C) Support projects that assist courts and law enforcement

to identify and develop appropriate alternative services to	163984
incarceration for nonviolent mentally ill offenders;	163985
(D) Provide specialized re-entry services to offenders	163986
leaving prisons and jails;	163987
(E) Provide specific grants in support of addiction services	163988
alternatives to incarceration;	163989
(F) Support specialty dockets; and	163990
(G) Support therapeutic communities.	163991
Section 327.80. COMMUNITY INNOVATIONS	163992
Of the foregoing appropriation item 335504, Community	163993
Innovations, \$5,000,000 in fiscal year 2014 shall be used to	163994
support the pilot program established under the section of this	163995
act entitled "ADDICTION TREATMENT PILOT PROGRAM." Of the	163996
\$5,000,000 allocated for the pilot program, the Department of	163997
Mental Health and Addiction Services shall receive an amount of	163998
not more than five per cent for an administrative fee.	163999
The foregoing appropriation item 335504, Community	164000
Innovations, may be used by the Department of Mental Health and	164001
Addiction Services to make targeted investments in programs,	164002
projects, or systems operated by or under the authority of other	164003
state agencies, governmental entities, or private not-for-profit	164004
agencies that impact, or are impacted by, the operations and	164005
functions of the Department, with the goal of achieving a net	164006
reduction in expenditure of state general revenue funds and/or	164007
improved outcomes for Ohio citizens without a net increase in	164008
state general revenue fund spending.	164009
The Director shall identify and evaluate programs, projects,	164010
or systems proposed or operated, in whole or in part, outside of	164011
the authority of the Department, where targeted investment of	164012
these funds in the program, project, or system is expected to	164013

decrease demand for the Department or other resources funded with 164014
state general revenue funds, and/or to measurably improve outcomes 164015
for Ohio citizens with mental illness or with alcohol, drug, or 164016
gambling addictions. The Director shall have discretion to 164017
transfer money from the appropriation item to other state 164018
agencies, governmental entities, or private not-for-profit 164019
agencies in amounts, and subject to conditions, that the Director 164020
determines most likely to achieve state savings and/or improved 164021
outcomes. Distribution of moneys from this appropriation item 164022
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 164023
the Revised Code. 164024

The Department shall enter into an agreement with each 164025
recipient of community innovation funds, identifying: allowable 164026
expenditure of the funds; other commitment of funds or other 164027
resources to the program, project, or system; expected state 164028
savings and/or improved outcomes and proposed mechanisms for 164029
measurement of such savings or outcomes; and required reporting 164030
regarding expenditure of funds and savings or outcomes achieved. 164031

The foregoing appropriation item 335504, Community 164032
Innovations, may also be used by the Department to make payments 164033
to the Opportunities for Ohioans with Disabilities Agency for 164034
vocational rehabilitation services to individuals receiving mental 164035
health or addiction services paid for with public dollars. 164036

Section 327.83. COMMUNITY BEHAVIORAL HEALTH 164037

Of the foregoing appropriation item 335507, Community 164038
Behavioral Health, \$30,000,000 in each fiscal year shall be 164039
allocated to community alcohol, drug addiction, and mental health 164040
services boards to provide mental health services. 164041

Of the foregoing appropriation item 335507, Community 164042
Behavioral Health, \$17,500,000 in each fiscal year shall be 164043
allocated to community alcohol, drug addiction, and mental health 164044

services boards to be used for addiction services including 164045
medication, treatment programs, and counseling. 164046

Section 327.90. COMMUNITY OPERATING/PLANNING 164047

Appropriation item 335609, Community Operating/Planning, may 164048
be used by the Department of Mental Health and Addiction Services 164049
to make payments to the Opportunities for Ohioans with 164050
Disabilities Agency for vocational rehabilitation services to 164051
individuals receiving mental health or addiction services paid for 164052
with public dollars. 164053

In addition, appropriation item 335609, Community 164054
Operating/Planning, may be used by the Department to make 164055
incentive payments to operators of residential facilities that are 164056
licensed by the Department of Mental Health and Addiction Services 164057
and provide accommodations and personal care services for one or 164058
two unrelated adults or accommodations, supervision, and personal 164059
care services for three to sixteen unrelated adults. The incentive 164060
payments shall be granted based upon operators demonstrating 164061
linkage between their facilities' residents and community 164062
resources, based on the residents' needs including, but not 164063
limited to, aged, mental health, and physical health issues. The 164064
financial incentive shall be used to support community living for 164065
individuals with a disability or who are aged, and to assist with 164066
costs arising from facility operations. 164067

Appropriation item 335609, Community Operating/Planning, may 164068
also be used by the Department to support non-Medicaid program 164069
costs for individuals moving into community settings. 164070

Section 327.93. PROBLEM GAMBLING AND CASINO ADDICTIONS 164071

A portion of appropriation item 335629, Problem Gambling and 164072
Casino Addictions, shall be allocated to boards of alcohol, drug 164073
addiction, and mental health services in accordance with a 164074

distribution methodology determined by the Director of Mental Health and Addiction Services. 164075
164076

Section 327.100. RESIDENTIAL STATE SUPPLEMENT 164077

(A) As used in this section: 164078

(1) "Residential facility" means a facility licensed by the Department of Mental Health and Addiction Services under section 5119.34 of the Revised Code. 164079
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(2) "Residential care facility" means a facility licensed by the Director of Health under Chapter 3721. of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code. 164082
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(B) The foregoing appropriation item 335506, Residential State Supplement, may be used by the Department of Mental Health and Addiction Services to provide training for residential facilities providing accommodations, supervision, and personal care services to three to sixteen unrelated adults with mental illness, to transfer cash to the Nursing Home Franchise Permit Fee Fund (Fund 5R20) used by the Department of Job and Family Services, and to make benefit payments to residential state supplement recipients. 164086
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(C) Under the Residential State Supplement Program, the amount used to determine whether a resident is eligible for payment, and for determining the amount per month the eligible resident will receive, shall be as follows: 164095
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(1) \$927 for a residential care facility; 164099

(2) \$927 for a residential facility that provides accommodations, supervision, and personal care services for six to sixteen unrelated adults as described in section 5119.34 of the Revised Code; 164100
164101
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(3) \$824 for a residential facility that provides 164104

accommodations, supervision, and personal care services for one or 164105
two unrelated adults as described in division (A)(9)(b)(ii) of 164106
section 5119.34 of the Revised Code; 164107

(4) \$824 for a residential facility providing accommodations, 164108
supervision, and personal care services to three to five unrelated 164109
adults, as described in section 5119.34 of the Revised Code; 164110

(5) \$824 for a residential facility that provides 164111
accommodations, supervision, and personal care services for one or 164112
two unrelated persons with mental illness or persons with severe 164113
mental disabilities who are referred by or are receiving mental 164114
health services from a community mental health services provider 164115
or a hospital, as described in division (A)(9)(b)(i) of section 164116
5119.34 of the Revised Code; 164117

(6) \$618 for community mental health housing services, as 164118
described in division (D)(1)(c) of section 5119.41 of the Revised 164119
Code. 164120

The Department of Mental Health and Addiction Services shall 164121
reflect these amounts in any applicable rules the Department 164122
adopts under section 5119.41 of the Revised Code. 164123

(D) The Department of Mental Health and Addiction Services 164124
shall, with the input of stakeholders and impacted state agencies, 164125
conduct a review of the state and federal rules and statutes 164126
governing the Residential State Supplement Program and report on 164127
potential improvements to be made in governing the program not 164128
later than January 1, 2014. 164129

Section 327.110. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 164130
POOL 164131

A county family and children first council may establish and 164132
operate a flexible funding pool in order to assure access to 164133
needed services by families, children, and older adults in need of 164134

protective services. The operation of the flexible funding pools 164135
shall be subject to the following restrictions: 164136

(A) The county council shall establish and operate the 164137
flexible funding pool in accordance with formal guidance issued by 164138
the Family and Children First Cabinet Council; 164139

(B) The county council shall produce an annual report on its 164140
use of the pooled funds. The annual report shall conform to a 164141
format prescribed in the formal guidance issued by the Family and 164142
Children First Cabinet Council; 164143

(C) Unless otherwise restricted, funds transferred to the 164144
flexible funding pool may include state general revenues allocated 164145
to local entities to support the provision of services to families 164146
and children; 164147

(D) The amounts transferred to the flexible funding pool 164148
shall be limited to amounts that can be redirected without 164149
impairing the achievement of the objectives for which the initial 164150
allocation is designated; and 164151

(E) Each amount transferred to the flexible funding pool from 164152
a specific allocation shall be approved for transfer by the 164153
director of the local agency that was the original recipient of 164154
the allocation. 164155

Section 327.120. ADDICTION TREATMENT PILOT PROGRAM 164156

(A) As used in this section: 164157

(1) "Certified drug court program" means a session of any of 164158
the following that holds initial or final certification from the 164159
Supreme Court of Ohio as a specialized docket program for drugs: a 164160
common pleas court, municipal court, or county court or a division 164161
of any of those courts. 164162

(2) "Prescriber" has the same meaning as in section 4729.01 164163
of the Revised Code. 164164

(B)(1) The Department of Mental Health and Addiction Services 164165
shall conduct a pilot program to provide addiction treatment, 164166
including medication-assisted treatment, to persons who are 164167
offenders within the criminal justice system, eligible to 164168
participate in a certified drug court program, and selected under 164169
this section to be participants in the pilot program because of 164170
their dependence on opioids, alcohol, or both. 164171

(2) The Department shall conduct the pilot program in the 164172
courts of Crawford, Franklin, Hardin, Mercer, and Scioto counties 164173
that are conducting certified drug court programs. If in any these 164174
counties there is no court conducting a certified drug court 164175
program, the Department shall conduct the pilot program in a court 164176
that is conducting a certified drug court program in another 164177
county. 164178

(3) In addition to courts of the counties listed in division 164179
(B)(2) of this section, the Department may conduct the pilot 164180
program in any court that is conducting a certified drug court 164181
program. 164182

(C) In conducting the pilot program, the Department shall 164183
collaborate with the Supreme Court, Department of Rehabilitation 164184
and Correction, and any other state agency that it determines may 164185
be of assistance in accomplishing the objectives of the pilot 164186
program. In addition, the Department may collaborate with the 164187
boards of alcohol, drug addiction, and mental health services that 164188
serve the counties in which the courts participating in the pilot 164189
program are located. 164190

(D) Not later than sixty days after the effective date of 164191
this section, the Department shall select a nationally recognized 164192
criminal justice research institute with extensive experience in 164193
the evaluation of criminal justice and substance abuse projects to 164194
develop an evaluation plan for the pilot program. The evaluation 164195
plan shall include performance measures that reflect the purpose 164196

of the pilot program, which is to assist participants in 164197
addressing their dependence on opioids, alcohol, or both, by 164198
maintaining abstinence from the use of those substances and 164199
reducing recidivism. 164200

(E) Before any person may be enrolled as a participant in the 164201
pilot program, the evaluation plan developed by the research 164202
institute shall be put into place with each of the certified drug 164203
court programs included in the pilot program and the addiction 164204
services providers that will provide treatment to the 164205
participants. 164206

Once the evaluation plan has been put into place, the 164207
certified drug court programs shall select persons who are 164208
offenders within the criminal justice system to be participants in 164209
the pilot program. To be selected, a person must meet the legal 164210
and clinical eligibility criteria for the certified drug court 164211
program and be an active participant in the program. The total 164212
number of persons participating in the pilot program at any one 164213
time shall not exceed five hundred, except that the Department may 164214
authorize the maximum number to be exceeded in circumstances that 164215
the Department considers appropriate. 164216

After being enrolled in the pilot program, a participant 164217
shall comply with all requirements of the certified drug court 164218
program. 164219

(F) Treatment may be provided under the pilot program only by 164220
a community addiction services provider that is certified under 164221
section 5119.36 of the Revised Code. In serving as a treatment 164222
provider, a community addiction services provider shall do all of 164223
the following: 164224

(1) Provide treatment based on an integrated service delivery 164225
model that consists of the coordination of care between a 164226
prescriber and the addiction services provider; 164227

- (2) Conduct professional, comprehensive substance abuse and mental health diagnostic assessments of persons under consideration for selection as pilot program participants to determine whether they would benefit from substance abuse treatment and monitoring;
- (3) Determine, based on the assessments described in division (F)(2) of this section, the treatment needs of the participants served by the treatment provider;
- (4) Develop, for the participants served by the treatment provider, individualized goals and objectives;
- (5) Provide access to the long-acting antagonist therapies, partial agonist therapies, or both that are included in the pilot program's medication-assisted treatment;
- (6) Provide other types of therapies, including psychosocial therapies, for both substance abuse and any disorders that are considered by the treatment provider to be co-occurring disorders;
- (7) Monitor pilot program compliance through the use of regular drug testing, including urinalysis, of the participants being served by the treatment provider.
- (G) In the case of the medication-assisted treatment provided under the pilot program, all of the following conditions apply:
- (1) A drug may be used only if it has been approved by the United States Food and Drug Administration for use in treating dependence on opioids, alcohol, or both or for preventing relapse into the use of opioids, alcohol, or both.
- (2) One or more drugs may be used, but each drug that is used must constitute long-acting antagonist therapy or partial agonist therapy.
- (3) If a drug constituting partial agonist therapy is used, the pilot program shall provide safeguards to minimize abuse and

diversion of the drug, including such safeguards as routine drug testing of the pilot program participants. 164258
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(H) The research institute selected by the Department under division (D) of this section shall prepare a report of the findings obtained from the pilot program. The report shall include data derived from the drug testing and performance measures used in the pilot program. In preparing the report, the research institute shall obtain assistance from the Department. 164260
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Not later than six months after the conclusion of the pilot program, the research institute shall complete its report. On completion, the research institute shall submit the report to the Governor; Chief Justice of the Supreme Court; President of the Senate; Speaker of the House of Representatives; Department of Mental Health and Addiction Services and Department of Rehabilitation and Correction; and any other state agency the Department of Mental Health and Addiction Services collaborates with in conducting the pilot program. 164266
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Section 329.10. MIH COMMISSION ON MINORITY HEALTH 164275

General Revenue Fund 164276

GRF	149321	Operating Expenses	\$	581,490	\$	591,615	164277
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GRF	149501	Minority Health	\$	889,100	\$	878,975	164278
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Grants

GRF	149502	Lupus Program	\$	110,047	\$	110,047	164279
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TOTAL GRF	General Revenue Fund	\$	1,580,637	\$	1,580,637	164280
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Federal Special Revenue Fund Group 164281

3J90	149602	Federal Grants	\$	140,000	\$	140,000	164282
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TOTAL FED	Federal Special Revenue					164283
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Fund Group		\$	140,000	\$	140,000	164284
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State Special Revenue Fund Group 164285

4C20	149601	Minority Health	\$	25,000	\$	25,000	164286
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Conference

TOTAL SSR State Special Revenue				164287
Fund Group	\$	25,000	\$ 25,000	164288
TOTAL ALL BUDGET FUND GROUPS	\$	1,745,637	\$ 1,745,637	164289

Section 331.10. CRB MOTOR VEHICLE REPAIR BOARD 164291

General Services Fund Group				164292
4K90 865601 Operating Expenses	\$	487,592	\$ 484,292	164293
TOTAL GSF General Services				164294
Fund Group	\$	487,592	\$ 484,292	164295
TOTAL ALL BUDGET FUND GROUPS	\$	487,592	\$ 484,292	164296

Section 333.10. DNR DEPARTMENT OF NATURAL RESOURCES 164298

General Revenue Fund				164299
GRF 725401 Wildlife-GRF Central	\$	1,800,000	\$ 1,800,000	164300
Support				
GRF 725413 Lease Rental Payments	\$	21,622,900	\$ 23,943,400	164301
GRF 725456 Canal Lands	\$	135,000	\$ 135,000	164302
GRF 725502 Soil and Water	\$	2,900,000	\$ 2,900,000	164303
Districts				
GRF 725505 Healthy Lake Erie Fund	\$	650,000	\$ 500,000	164304
GRF 725507 Coal and Mine Safety	\$	2,500,000	\$ 2,500,000	164305
Program				
GRF 725903 Natural Resources	\$	24,325,400	\$ 25,443,000	164306
General Obligation				
Debt Service				
GRF 727321 Division of Forestry	\$	4,392,002	\$ 4,392,001	164307
GRF 729321 Office of Information	\$	177,405	\$ 177,405	164308
Technology				
GRF 730321 Division of Parks and	\$	30,000,000	\$ 30,000,000	164309
Recreation				
GRF 736321 Division of	\$	2,279,115	\$ 2,324,736	164310

		Engineering					
GRF	737321	Division of Soil and	\$	4,782,704	\$	4,782,652	164311
		Water Resources					
GRF	738321	Division of Real	\$	715,963	\$	670,342	164312
		Estate and Land					
		Management					
GRF	741321	Division of Natural	\$	1,200,000	\$	1,200,000	164313
		Areas and Preserves					
TOTAL GRF		General Revenue Fund	\$	97,480,489	\$	100,768,536	164314
		General Services Fund Group					164315
1550	725601	Departmental Projects	\$	2,109,968	\$	1,839,204	164316
1570	725651	Central Support	\$	4,609,154	\$	4,671,566	164317
		Indirect					
2040	725687	Information Services	\$	5,179,097	\$	5,288,168	164318
2050	725696	Human Resource Direct	\$	2,474,345	\$	2,526,662	164319
		Service					
2070	725690	Real Estate Services	\$	50,000	\$	50,000	164320
2230	725665	Law Enforcement	\$	2,126,432	\$	2,126,432	164321
		Administration					
2270	725406	Parks Projects	\$	436,500	\$	436,500	164322
		Personnel					
4300	725671	Canal Lands	\$	883,879	\$	883,879	164323
4S90	725622	NatureWorks Personnel	\$	404,657	\$	412,570	164324
4X80	725662	Water Resources	\$	138,005	\$	138,005	164325
		Council					
5100	725631	Maintenance -	\$	303,611	\$	303,611	164326
		State-owned					
		Residences					
5160	725620	Water Management	\$	2,559,292	\$	2,559,292	164327
6350	725664	Fountain Square	\$	3,329,935	\$	3,346,259	164328
		Facilities Management					
6970	725670	Submerged Lands	\$	852,982	\$	869,145	164329
TOTAL GSF		General Services					164330

Fund Group			\$	25,457,857	\$	25,451,293	164331
Federal Special Revenue Fund Group							164332
3320	725669	Federal Mine Safety Grant	\$	265,000	\$	265,000	164333
3B30	725640	Federal Forest Pass-Thru	\$	500,000	\$	500,000	164334
3B40	725641	Federal Flood Pass-Thru	\$	500,000	\$	500,000	164335
3B50	725645	Federal Abandoned Mine Lands	\$	11,851,759	\$	11,851,759	164336
3B60	725653	Federal Land and Water Conservation Grants	\$	950,000	\$	950,000	164337
3B70	725654	Reclamation - Regulatory	\$	3,200,000	\$	3,200,000	164338
3P10	725632	Geological Survey - Federal	\$	933,448	\$	557,146	164339
3P20	725642	Oil and Gas - Federal	\$	234,509	\$	234,509	164340
3P30	725650	Coastal Management - Federal	\$	2,790,633	\$	2,790,633	164341
3P40	725660	Federal - Soil and Water Resources	\$	969,190	\$	1,006,874	164342
3R50	725673	Acid Mine Drainage Abatement/Treatment	\$	4,342,280	\$	4,342,280	164343
3Z50	725657	Federal Recreation and Trails	\$	1,850,000	\$	1,850,000	164344
TOTAL FED	Federal Special Revenue						164345
Fund Group			\$	28,386,819	\$	28,048,201	164346
State Special Revenue Fund Group							164347
4J20	725628	Injection Well Review	\$	128,466	\$	128,466	164348
4M70	725686	Wildfire Suppression	\$	100,000	\$	100,000	164349
4U60	725668	Scenic Rivers	\$	100,000	\$	100,000	164350

		Protection				
5090	725602	State Forest	\$	6,873,330	\$	6,880,158 164351
5110	725646	Ohio Geological	\$	1,220,690	\$	1,993,519 164352
		Mapping				
5120	725605	State Parks Operations	\$	29,654,880	\$	29,671,044 164353
5140	725606	Lake Erie Shoreline	\$	1,559,583	\$	1,559,583 164354
5180	725643	Oil and Gas Permit	\$	12,812,311	\$	13,140,201 164355
		Fees				
5180	725677	Oil and Gas Well	\$	1,500,000	\$	1,500,000 164356
		Plugging				
5210	725627	Off-Road Vehicle	\$	143,490	\$	143,490 164357
		Trails				
5220	725656	Natural Areas and	\$	546,639	\$	546,639 164358
		Preserves				
5260	725610	Strip Mining	\$	1,800,000	\$	1,800,000 164359
		Administration Fee				
5270	725637	Surface Mining	\$	1,941,532	\$	1,941,532 164360
		Administration				
5290	725639	Unreclaimed Land Fund	\$	1,804,180	\$	1,804,180 164361
5310	725648	Reclamation Forfeiture	\$	500,000	\$	500,000 164362
5B30	725674	Mining Regulation	\$	28,135	\$	28,135 164363
5BV0	725658	Heidelberg Water	\$	250,000	\$	250,000 164364
		Quality Lab				
5BV0	725683	Soil and Water	\$	8,000,000	\$	8,000,000 164365
		Districts				
5EJ0	725608	Forestry Law	\$	1,000	\$	1,000 164366
		Enforcement				
5EK0	725611	Natural Areas &	\$	1,000	\$	1,000 164367
		Preserves Law				
		Enforcement				
5EL0	725612	Wildlife Law	\$	12,000	\$	12,000 164368
		Enforcement				
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000 164369

5EN0	725614	Watercraft Law Enforcement	\$	2,500	\$	2,500	164370
5HK0	725625	Ohio Nature Preserves	\$	1,000	\$	1,000	164371
5MF0	725635	Ohio Geology License Plate	\$	7,500	\$	7,500	164372
5MW0	725604	Natural Resources Special Purposes	\$	10,163,812	\$	6,165,162	164373
6150	725661	Dam Safety	\$	943,517	\$	943,517	164374
TOTAL SSR State Special Revenue							164375
Fund Group			\$	80,129,565	\$	77,254,626	164376
Clean Ohio Conservation Fund Group							164377
7061	725405	Clean Ohio Operating	\$	300,775	\$	300,775	164378
TOTAL CLF Clean Ohio Conservation Fund Group							164379
Wildlife Fund Group							164380
5P20	725634	Wildlife Boater Angler Administration	\$	3,000,000	\$	3,000,000	164381
7015	740401	Division of Wildlife Conservation	\$	56,466,564	\$	57,075,976	164382
8150	725636	Cooperative Management Projects	\$	120,449	\$	120,449	164383
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	164384
8170	725655	Wildlife Conservation Checkoff Fund	\$	2,000,000	\$	2,000,000	164385
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	164386
8190	725685	Ohio River Management	\$	203,584	\$	203,584	164387
81B0	725688	Wildlife Habitat Fund	\$	1,200,000	\$	1,200,000	164388
TOTAL WLF Wildlife Fund Group							164389
Waterways Safety Fund Group							164390
7086	725414	Waterways Improvement	\$	5,693,671	\$	5,693,671	164391
7086	725418	Buoy Placement	\$	52,182	\$	52,182	164392

7086	725501	Waterway Safety	\$	120,000	\$	120,000	164393
		Grants					
7086	725506	Watercraft Marine	\$	576,153	\$	576,153	164394
		Patrol					
7086	725513	Watercraft	\$	366,643	\$	366,643	164395
		Educational Grants					
7086	739401	Division of	\$	19,467,370	\$	19,297,370	164396
		Watercraft					
TOTAL WSF Waterways Safety Fund							164397
Group							\$ 26,276,019 \$ 26,106,019 164398
Accrued Leave Liability Fund Group							164399
4M80	725675	FOP Contract	\$	20,219	\$	20,219	164400
TOTAL ALF Accrued Leave							164401
Liability Fund Group							\$ 20,219 \$ 20,219 164402
Holding Account Redistribution Fund Group							164403
R017	725659	Performance Cash Bond	\$	496,263	\$	496,263	164404
		Refunds					
R043	725624	Forestry	\$	2,100,000	\$	2,100,000	164405
TOTAL 090 Holding Account							164406
Redistribution Fund Group							\$ 2,596,263 \$ 2,596,263 164407
TOTAL ALL BUDGET FUND GROUPS							\$ 326,105,488 \$ 326,612,826 164408

Section 333.20. CENTRAL SUPPORT INDIRECT 164410

With the exception of the Division of Wildlife, whose direct 164411
and indirect central support charges shall be paid out of the 164412
General Revenue Fund from the foregoing appropriation item 725401, 164413
Wildlife-GRF Central Support, the Department of Natural Resources, 164414
with approval of the Director of Budget and Management, shall 164415
utilize a methodology for determining each division's payments 164416
into the Central Support Indirect Fund (Fund 1570). The 164417
methodology used shall contain the characteristics of 164418
administrative ease and uniform application in compliance with 164419

federal grant requirements. It may include direct cost charges for 164420
specific services provided. Payments to Fund 1570 shall be made 164421
using an intrastate transfer voucher. 164422

Section 333.30. LEASE RENTAL PAYMENTS 164423

The foregoing appropriation item 725413, Lease Rental 164424
Payments, shall be used to meet all payments at the times they are 164425
required to be made during the period from July 1, 2013, through 164426
June 30, 2015, by the Department of Natural Resources pursuant to 164427
leases and agreements made under section 154.22 of the Revised 164428
Code. These appropriations are the source of funds pledged for 164429
bond service charges on related obligations issued under Chapter 164430
154. of the Revised Code. 164431

CANAL LANDS 164432

The foregoing appropriation item 725456, Canal Lands, shall 164433
be used to provide operating expenses for the State Canal Lands 164434
Program. 164435

HEALTHY LAKE ERIE FUND 164436

The foregoing appropriation item 725505, Healthy Lake Erie 164437
Fund, shall be used by the Director of Natural Resources, in 164438
consultation with the Director of Agriculture and the Director of 164439
Environmental Protection, to implement nonstatutory 164440
recommendations of the Agriculture Nutrients and Water Quality 164441
Working Group. The Director shall give priority to recommendations 164442
that encourage farmers to adopt agricultural production guidelines 164443
commonly known as 4R nutrient stewardship practices. Funds may 164444
also be used for enhanced soil testing in the Western Lake Erie 164445
Basin, monitoring the quality of Lake Erie and its tributaries, 164446
and conducting research and establishing pilot projects that have 164447
the goal of reducing algae blooms in Lake Erie. 164448

COAL AND MINE SAFETY PROGRAM 164449

The foregoing appropriation item 725507, Coal and Mine Safety Program, shall be used for the administration of the Mine Safety Program and the Coal Regulation Program.

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE

The foregoing appropriation item 725903, Natural Resources General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2013, through June 30, 2015, on obligations issued under sections 151.01 and 151.05 of the Revised Code.

Section 333.40. WELL LOG FILING FEES

The Chief of the Division of Soil and Water Resources shall deposit fees forwarded to the Division pursuant to section 1521.05 of the Revised Code into the Departmental Services - Intrastate Fund (Fund 1550) for the purposes described in that section.

CRANBERRY BOG PRESERVATION

Of the foregoing appropriation item 725601, Departmental Projects, \$12,450 in fiscal year 2014 shall be used for the Greater Buckeye Lake Historical Society to preserve the Cranberry Bog.

Section 333.50. HUMAN RESOURCES DIRECT SERVICE

The foregoing appropriation item 725696, Human Resources Direct Service, shall be used to cover the cost of support, coordination, and oversight of the Department of Natural Resources' human resources functions. The Human Resources Chargeback Fund (Fund 2050) shall consist of cash transferred to it via intrastate transfer voucher from other funds as determined by the Director of Natural Resources and the Director of Budget and Management.

Section 333.60. LAW ENFORCEMENT ADMINISTRATION 164478

The foregoing appropriation item 725665, Law Enforcement Administration, shall be used to cover the cost of support, coordination, and oversight of the Department of Natural Resources' law enforcement functions. The Law Enforcement Administration Fund (Fund 2230) shall consist of cash transferred to it via intrastate transfer voucher from other funds as determined by the Director of Natural Resources and the Director of Budget and Management.

Section 333.70. FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO EXPO CENTER 164487

The foregoing appropriation item 725664, Fountain Square Facilities Management, shall be used for payment of repairs, renovation, utilities, property management, and building maintenance expenses for the Fountain Square complex and the Department of Natural Resources grounds at the Ohio Expo Center. Cash transferred by intrastate transfer vouchers from various department funds and rental income received by the Department of Natural Resources shall be deposited into the Fountain Square Facilities Management Fund (Fund 6350).

Section 333.80. SOIL AND WATER DISTRICTS 164498

In addition to state payments to soil and water conservation districts authorized by section 1515.10 of the Revised Code, the Department of Natural Resources may use appropriation item 725683, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$40,000, upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 1515.10 of the Revised Code for the local soil and water

conservation district. Moneys received by each district shall be 164508
expended for the purposes of the district. 164509

OIL AND GAS WELL PLUGGING 164510

The foregoing appropriation item 725677, Oil and Gas Well 164511
Plugging, shall be used exclusively for the purposes of plugging 164512
wells and to properly restore the land surface of idle and orphan 164513
oil and gas wells pursuant to section 1509.071 of the Revised 164514
Code. No funds from the appropriation item shall be used for 164515
salaries, maintenance, equipment, or other administrative 164516
purposes, except for those costs directly attributed to the 164517
plugging of an idle or orphan well. This appropriation item shall 164518
not be used to transfer cash to any other fund or appropriation 164519
item. 164520

TRANSFER OF FUNDS FOR OIL AND GAS DIVISION OPERATIONS 164521

During fiscal years 2014 and 2015, the Director of Budget and 164522
Management may, in consultation with the Director of Natural 164523
Resources, transfer such cash as necessary from the General 164524
Revenue Fund to the Oil and Gas Well Fund (Fund 5180) for handling 164525
the increased regulatory work related to the expansion of the oil 164526
and gas program that will occur before receipts from this activity 164527
are deposited into Fund 5180. Once funds from severance taxes, 164528
application and permitting fees, and other sources have accrued to 164529
Fund 5180 in such amounts as are considered sufficient to sustain 164530
expanded operations, the Director of Budget and Management, in 164531
consultation with the Director of Natural Resources, shall 164532
establish a schedule for repaying the transferred funds from Fund 164533
5180 to the General Revenue Fund. 164534

NATURAL RESOURCES SPECIAL PURPOSES 164535

Of the foregoing appropriation item 725604, Natural Resources 164536
Special Purposes, up to \$2,100,000 in fiscal year 2014 shall be 164537
used for the construction or acquisition of a treatment train 164538

process at an Ohio inland lake, and up to \$1,800,000 in fiscal 164539
year 2014 shall be used for the purchase of two sweeper dredges 164540
for use at Ohio inland lakes, and \$263,812 in fiscal year 2014 and 164541
\$165,162 in fiscal year 2015 shall be used for the operation of 164542
the dredges purchased under this section. 164543

Section 333.90. CLEAN OHIO OPERATING EXPENSES 164544

The foregoing appropriation item 725405, Clean Ohio 164545
Operating, shall be used by the Department of Natural Resources in 164546
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 164547
to section 1519.05 of the Revised Code. 164548

Section 333.100. WATERCRAFT MARINE PATROL 164549

Of the foregoing appropriation item 739401, Division of 164550
Watercraft, up to \$200,000 in each fiscal year shall be expended 164551
for the purchase of equipment for marine patrols qualifying for 164552
funding from the Department of Natural Resources pursuant to 164553
section 1547.67 of the Revised Code. Proposals for equipment shall 164554
accompany the submission of documentation for receipt of a marine 164555
patrol subsidy pursuant to section 1547.67 of the Revised Code and 164556
shall be loaned to eligible marine patrols pursuant to a 164557
cooperative agreement between the Department of Natural Resources 164558
and the eligible marine patrol. 164559

Section 333.110. PARKS CAPITAL EXPENSES FUND 164560

The Director of Natural Resources shall submit to the 164561
Director of Budget and Management the estimated design, 164562
engineering, and planning costs of capital-related work to be done 164563
by Department of Natural Resources staff for parks projects within 164564
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 164565
Director of Budget and Management approves the estimated costs, 164566
the Director may release appropriations from appropriation item 164567

C725E6, Project Planning, Fund 7035, for those purposes. Upon 164568
release of the appropriations, the Department of Natural Resources 164569
shall pay for these expenses from the Parks Capital Expenses Fund 164570
(Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by 164571
Fund 7035 using an intrastate transfer voucher. 164572

NATUREWORKS CAPITAL EXPENSES FUND 164573

The Department of Natural Resources shall periodically 164574
prepare and submit to the Director of Budget and Management the 164575
estimated design, planning, and engineering costs of 164576
capital-related work to be done by Department of Natural Resources 164577
staff for each capital improvement project within the Ohio Parks 164578
and Natural Resources Fund (Fund 7031). If the Director of Budget 164579
and Management approves the estimated costs, the Director may 164580
release appropriations from appropriation item C725E5, Project 164581
Planning, in Fund 7031, for those purposes. Upon release of the 164582
appropriations, the Department of Natural Resources shall pay for 164583
these expenses from the Capital Expenses Fund (Fund 4S90). 164584
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 by 164585
using an intrastate transfer voucher. 164586

Section 333.120. ELIMINATION OF DORMANT FUNDS 164587

The following funds are hereby abolished and the fund names 164588
and fund numbers shall be stricken from the list of funds falling 164589
within the jurisdiction of the Department of Natural Resources: 164590

Fund Number	Fund Name	
1580	Reprint and Replacement - Intrastate	164592
1610	Parks and Recreation Depreciation Reserve	164593
1620	Civilian Conservation Corps Earned Revenues	164594
2060	General Services	164595
5080	Natural Resources Publications and Promotions	164596
5190	Burr Oak Water Plant	164597
5250	Reclamation Forfeiture	164598

5300	Surface Mining Reclamation	164599
8800	Cooperative Boat Harbor Project	164600
4B80	Forestry Development	164601
5F90	Flood Reimbursement	164602
81A0	Wildlife Education	164603
R029	Reclamation Fee	164604
R030	Surface Mining Reclamation Fee	164605
R040	Wildlife Refunds	164606
3280	Federal Special Revenue	164607
3P00	Natural Areas and Preserves - Federal	164608
5K10	Urban Forestry Grant	164609
5150	Conservancy District Organization	164610
6300	Wild Animal	164611
3CH0	Mined Land Set Aside	164612

TRANSFER OF ELIMINATED DORMANT FUNDS 164613

The Watercraft Revolving Loan Fund (Fund 5AW0) is hereby 164614
abolished. Any balance remaining in the fund as of July 1, 2013, 164615
shall be transferred into the Waterways Safety Fund (Fund 7086) 164616
and appropriated to appropriation item 739401, Division of 164617
Watercraft. 164618

The Division of Forestry Law Enforcement Fund (Fund 5EJ0) and 164619
the Division of Natural Areas and Preserves Law Enforcement Fund 164620
(Fund 5EK0) are hereby abolished. Any balance remaining in these 164621
funds as of July 1, 2013, shall be transferred into the Park Law 164622
Enforcement Fund (Fund 5EM0) and appropriated to appropriation 164623
item 725613, Park Law Enforcement. 164624

Section 335.10. NUR STATE BOARD OF NURSING 164625

General Services Fund Group				164626
4K90 884609	Operating Expenses	\$	7,181,743 \$	7,273,978 164627
5AC0 884602	Nurse Education Grant	\$	1,373,506 \$	1,373,506 164628
	Program			

5P80 884601	Nursing Special	\$	2,000	\$	2,000	164629
	Issues					
TOTAL GSF	General Services					164630
Fund Group		\$	8,557,249	\$	8,649,484	164631
TOTAL ALL BUDGET FUND GROUPS		\$	8,557,249	\$	8,649,484	164632
Section 337.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,						164634
AND ATHLETIC TRAINERS BOARD						164635
General Services Fund Group						164636
4K90 890609	Operating Expenses	\$	866,169	\$	925,897	164637
TOTAL GSF	General Services Fund	\$	866,169	\$	925,897	164638
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	866,169	\$	925,897	164639
Section 339.10. OLA OHIOANA LIBRARY ASSOCIATION						164641
General Revenue Fund						164642
GRF 355501	Library Subsidy	\$	135,000	\$	140,000	164643
TOTAL GRF	General Revenue Fund	\$	135,000	\$	140,000	164644
TOTAL ALL BUDGET FUND GROUPS		\$	135,000	\$	140,000	164645
Section 340.10. OOD OPPORTUNITIES FOR OHIOANS WITH						164647
DISABILITIES AGENCY						164648
General Revenue Fund						164649
GRF 415402	Independent Living	\$	252,000	\$	252,000	164650
	Council					
GRF 415406	Assistive Technology	\$	26,618	\$	26,618	164651
GRF 415431	Office for People	\$	126,567	\$	126,567	164652
	with Brain Injury					
GRF 415506	Services for People	\$	15,277,885	\$	15,277,885	164653
	with Disabilities					
GRF 415508	Services for the Deaf	\$	28,000	\$	28,000	164654
TOTAL GRF	General Revenue Fund	\$	15,711,070	\$	15,711,070	164655

General Services Fund Group					164656
4670 415609 Business Enterprise	\$	962,538	\$	965,481	164657
Operating Expenses					
TOTAL GSF General Services					164658
Fund Group	\$	962,538	\$	965,481	164659
Federal Special Revenue Fund Group					164660
3170 415620 Disability	\$	83,332,186	\$	84,641,911	164661
Determination					
3790 415616 Federal - Vocational	\$	117,431,895	\$	113,610,728	164662
Rehabilitation					
3L10 415601 Social Security	\$	2,748,451	\$	2,752,396	164663
Personal Care					
Assistance					
3L10 415605 Social Security	\$	772,000	\$	772,000	164664
Community Centers for					
the Deaf					
3L10 415608 Social Security	\$	445,258	\$	498,269	164665
Special					
Programs/Assistance					
3L40 415612 Federal Independent	\$	638,431	\$	638,431	164666
Living Centers or					
Services					
3L40 415615 Federal - Supported	\$	916,727	\$	916,727	164667
Employment					
3L40 415617 Independent	\$	1,548,658	\$	1,348,658	164668
Living/Vocational					
Rehabilitation					
Programs					
TOTAL FED Federal Special					164669
Revenue Fund Group	\$	207,833,606	\$	205,179,120	164670
State Special Revenue Fund Group					164671
4680 415618 Third Party Funding	\$	11,000,000	\$	11,000,000	164672

4L10	415619	Services for Rehabilitation	\$	3,502,168	\$	3,502,168	164673
4W50	415606	Program Management Expenses	\$	12,369,751	\$	12,594,758	164674
TOTAL SSR State Special							164675
Revenue Fund Group							
			\$	26,871,919	\$	27,096,926	164676
TOTAL ALL BUDGET FUND GROUPS							
			\$	251,379,133	\$	248,952,597	164677

INDEPENDENT LIVING COUNCIL 164678

The foregoing appropriation item 415402, Independent Living 164679
Council, shall be used to fund the operations of the State 164680
Independent Living Council and to support state independent living 164681
centers and independent living services under Title VII of the 164682
Independent Living Services and Centers for Independent Living of 164683
the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 164684
U.S.C. 796d. 164685

Of the foregoing appropriation item 415402, Independent 164686
Living Council, \$67,662 in each fiscal year shall be used as state 164687
matching funds for vocational rehabilitation innovation and 164688
expansion activities. 164689

ASSISTIVE TECHNOLOGY 164690

The total amount of the foregoing appropriation item 415406, 164691
Assistive Technology, shall be provided to Assistive Technology of 164692
Ohio to provide grants and assistive technology services for 164693
people with disabilities in the State of Ohio. 164694

OFFICE FOR PEOPLE WITH BRAIN INJURY 164695

The foregoing appropriation item 415431, Office for People 164696
with Brain Injury, shall be provided to The Ohio State University 164697
College of Medicine to support the Brain Injury Program 164698
established under section 3304.23 of the Revised Code. 164699

VOCATIONAL REHABILITATION SERVICES 164700

The foregoing appropriation item 415506, Services for People with Disabilities, shall be used as state matching funds to provide vocational rehabilitation services to eligible consumers. 164701
164702
164703

SERVICES FOR THE DEAF 164704

The foregoing appropriation item 415508, Services for the Deaf, shall be used to provide grants to community centers for the deaf. 164705
164706
164707

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 164708

The foregoing appropriation item 415617, Independent Living/Vocational Rehabilitation Programs, shall be used to support vocational rehabilitation programs. 164709
164710
164711

SOCIAL SECURITY REIMBURSEMENT FUNDS 164712

Reimbursement funds received from the Social Security Administration, United States Department of Health and Human Services, for the costs of providing services and training to return disability recipients to gainful employment shall be expended from the Social Security Reimbursement Fund (Fund 3L10), to the extent funds are available, as follows: 164713
164714
164715
164716
164717
164718

(A) Appropriation item 415601, Social Security Personal Care Assistance, to provide personal care services in accordance with section 3304.41 of the Revised Code; 164719
164720
164721

(B) Appropriation item 415605, Social Security Community Centers for the Deaf, to provide grants to community centers for the deaf in Ohio for services to individuals with hearing impairments; and 164722
164723
164724
164725

(C) Appropriation item 415608, Social Security Special Programs/Assistance, to provide vocational rehabilitation services to individuals with severe disabilities who are Social Security beneficiaries, to enable them to achieve competitive employment. 164726
164727
164728
164729
This appropriation item shall also be used to pay a portion of 164730

indirect costs of the Personal Care Assistance Program and the 164731
 Independent Living Programs as mandated by federal OMB Circular 164732
 A-87. 164733

PROGRAM MANAGEMENT EXPENSES 164734

The foregoing appropriation item 415606, Program Management 164735
 Expenses, shall be used to support the administrative functions of 164736
 the commission related to the provision of vocational 164737
 rehabilitation, disability determination services, and ancillary 164738
 programs. 164739

Section 341.10. ODB OHIO OPTICAL DISPENSERS BOARD 164740

General Services Fund Group 164741
 4K90 894609 Operating Expenses \$ 366,000 \$ 365,000 164742
 TOTAL GSF General Services 164743
 Fund Group \$ 366,000 \$ 365,000 164744
 TOTAL ALL BUDGET FUND GROUPS \$ 366,000 \$ 365,000 164745

Section 343.10. OPT STATE BOARD OF OPTOMETRY 164747

General Services Fund Group 164748
 4K90 885609 Operating Expenses \$ 347,278 \$ 347,278 164749
 TOTAL GSF General Services 164750
 Fund Group \$ 347,278 \$ 347,278 164751
 TOTAL ALL BUDGET FUND GROUPS \$ 347,278 \$ 347,278 164752

Section 345.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, 164754
AND PEDORTHICS 164755

General Services Fund Group 164756
 4K90 973609 Operating Expenses \$ 151,417 \$ 159,982 164757
 TOTAL GSF General Services 164758
 Fund Group \$ 151,417 \$ 159,982 164759
 TOTAL ALL BUDGET FUND GROUPS \$ 151,417 \$ 159,982 164760

Section 347.10.	UST PETROLEUM UNDERGROUND STORAGE TANK				164761
	RELEASE COMPENSATION BOARD				164762
	State Special Revenue Fund Group				164763
6910 810632	PUSTRCB Staff	\$ 1,233,249	\$ 1,252,202		164764
	TOTAL SSR State Special Revenue				164765
	Fund Group	\$ 1,233,249	\$ 1,252,202		164766
	TOTAL ALL BUDGET FUND GROUPS	\$ 1,233,249	\$ 1,252,202		164767
Section 349.10.	PRX STATE BOARD OF PHARMACY				164769
	General Services Fund Group				164770
4A50 887605	Drug Law Enforcement	\$ 150,000	\$ 150,000		164771
4K90 887609	Operating Expenses	\$ 6,701,285	\$ 6,701,285		164772
	TOTAL GSF General Services Fund	\$ 6,851,285	\$ 6,851,285		164773
	Group				
	Federal Special Revenue Fund Group				164774
3BC0 887604	Dangerous Drugs	\$ 390,869	\$ 0		164775
	Database				
3CT0 887606	2008	\$ 224,691	\$ 112,346		164776
	Developing/Enhancing				
	PMP				
3DV0 887607	Enhancing Ohio's PMP	\$ 2,000	\$ 2,000		164777
3EY0 887603	Administration of	\$ 66,335	\$ 0		164778
	PMIX Hub				
	TOTAL FED Federal Special Revenue	\$ 683,895	\$ 114,346		164779
	Fund Group				
	TOTAL ALL BUDGET FUND GROUPS	\$ 7,535,180	\$ 6,965,631		164780
Section 351.10.	PSY STATE BOARD OF PSYCHOLOGY				164782
	General Services Fund Group				164783
4K90 882609	Operating Expenses	\$ 548,000	\$ 571,000		164784
	TOTAL GSF General Services				164785

Fund Group		\$	548,000	\$	571,000	164786
TOTAL ALL BUDGET FUND GROUPS		\$	548,000	\$	571,000	164787
Section 353.10. PUB OHIO PUBLIC DEFENDER COMMISSION						164789
General Revenue Fund						164790
GRF 019401	State Legal Defense	\$	3,020,855	\$	3,020,855	164791
	Services					
GRF 019403	Multi-County: State	\$	1,237,318	\$	1,250,824	164792
	Share					
GRF 019404	Trumbull County -	\$	354,743	\$	359,631	164793
	State Share					
GRF 019405	Training Account	\$	50,000	\$	50,000	164794
GRF 019501	County Reimbursement	\$	9,768,050	\$	9,885,175	164795
TOTAL GRF General Revenue Fund		\$	14,430,966	\$	14,566,485	164796
General Services Fund Group						164797
1010 019607	Juvenile Legal	\$	200,000	\$	200,000	164798
	Assistance					
4070 019604	County Representation	\$	351,149	\$	354,248	164799
4080 019605	Client Payments	\$	725,144	\$	722,931	164800
5CX0 019617	Civil Case Filing Fee	\$	532,136	\$	528,476	164801
TOTAL GSF General Services						164802
Fund Group		\$	1,808,429	\$	1,805,655	164803
Federal Special Revenue Fund Group						164804
3FX0 019621	Wrongful Conviction	\$	103,950	\$	103,950	164805
	Program					
3S80 019608	Federal	\$	204,706	\$	202,942	164806
	Representation					
TOTAL FED Federal Special Revenue						164807
Fund Group		\$	308,656	\$	306,892	164808
State Special Revenue Fund Group						164809
4C70 019601	Multi-County: County	\$	2,297,876	\$	2,322,959	164810
	Share					

4X70	019610	Trumbull County - County Share	\$	658,809	\$	667,887	164811
5740	019606	Civil Legal Aid	\$	20,000,000	\$	20,000,000	164812
5DY0	019618	Indigent Defense Support - County Share	\$	40,320,991	\$	41,191,285	164813
5DY0	019619	Indigent Defense Support - State Office	\$	5,186,329	\$	5,612,719	164814
TOTAL SSR State Special Revenue							164815
Fund Group			\$	68,464,005	\$	69,794,850	164816
TOTAL ALL BUDGET FUND GROUPS			\$	85,012,056	\$	86,473,882	164817
INDIGENT DEFENSE OFFICE							164818
The foregoing appropriation items 019404, Trumbull County -							164819
State Share, and 019610, Trumbull County - County Share, shall be							164820
used to support an indigent defense office for Trumbull County.							164821
MULTI-COUNTY OFFICE							164822
The foregoing appropriation items 019403, Multi-County: State							164823
Share, and 019601, Multi-County: County Share, shall be used to							164824
support the Office of the Ohio Public Defender's Multi-County							164825
Branch Office Program.							164826
TRAINING ACCOUNT							164827
The foregoing appropriation item 019405, Training Account,							164828
shall be used by the Ohio Public Defender to provide legal							164829
training programs at no cost for private appointed counsel who							164830
represent at least one indigent defendant at no cost and for state							164831
and county public defenders and attorneys who contract with the							164832
Ohio Public Defender to provide indigent defense services.							164833
FEDERAL REPRESENTATION							164834
The foregoing appropriation item 019608, Federal							164835
Representation, shall be used to receive reimbursements from the							164836

federal courts when the Ohio Public Defender provides 164837
representation in federal court cases and to support 164838
representation in such cases. 164839

Section 355.10. DPS DEPARTMENT OF PUBLIC SAFETY 164840

General Revenue Fund 164841

GRF 767420 Investigative Unit - \$ 10,500,000 \$ 10,500,000 164842
Operating

TOTAL GRF General Revenue Fund \$ 10,500,000 \$ 10,500,000 164843

TOTAL ALL BUDGET FUND GROUPS \$ 10,500,000 \$ 10,500,000 164844

Section 357.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO 164846

General Services Fund Group 164847

5BP0 870623 Wireless 9-1-1 \$ 18,035,000 \$ 0 164848
Administration

5F60 870622 Utility and Railroad \$ 30,619,708 \$ 30,619,708 164849
Regulation

5F60 870624 NARUC/NRRI Subsidy \$ 85,000 \$ 85,000 164850

5Q50 870626 Telecommunications \$ 5,000,000 \$ 5,000,000 164851
Relay Service

TOTAL GSF General Services 164852

Fund Group \$ 53,739,708 \$ 35,704,708 164853

Federal Special Revenue Fund Group 164854

3330 870601 Gas Pipeline Safety \$ 597,959 \$ 597,959 164855

3500 870608 Motor Carrier Safety \$ 7,351,660 \$ 7,351,660 164856

3EA0 870630 Energy Assurance \$ 192,001 \$ 0 164857
Planning

3ED0 870631 State Regulators \$ 115,912 \$ 0 164858
Assistance

3V30 870604 Commercial Vehicle \$ 100,000 \$ 100,000 164859
Information
Systems/Networks

TOTAL FED Federal Special Revenue				164860
Fund Group	\$	8,357,532	\$ 8,049,619	164861
State Special Revenue Fund Group				164862
4A30 870614 Grade Crossing	\$	1,347,357	\$ 1,347,357	164863
Protection				
Devices-State				
4L80 870617 Pipeline Safety-State	\$	331,992	\$ 331,992	164864
5610 870606 Power Siting Board	\$	581,618	\$ 581,618	164865
5LT0 870640 Intrastate	\$	180,000	\$ 180,000	164866
Registration				
5LT0 870641 Unified Carrier	\$	420,000	\$ 420,000	164867
Registration				
5LT0 870642 Hazardous Materials	\$	743,346	\$ 753,346	164868
Registration				
5LT0 870643 Nonhazardous Materials	\$	277,496	\$ 277,496	164869
Civil Forfeiture				
5LT0 870644 Hazardous Materials	\$	898,800	\$ 898,800	164870
Civil Forfeiture				
5LT0 870645 Motor Carrier	\$	4,768,453	\$ 4,709,592	164871
Enforcement				
TOTAL SSR State Special Revenue				164872
Fund Group	\$	9,549,062	\$ 9,500,201	164873
TOTAL ALL BUDGET FUND GROUPS	\$	71,646,302	\$ 53,254,528	164874
Section 359.10. PWC PUBLIC WORKS COMMISSION				164876
General Revenue Fund				164877
GRF 150904 Conservation General	\$	33,376,600	\$ 34,447,700	164878
Obligation Debt				
Service				
GRF 150907 State Capital	\$	227,810,300	\$ 228,948,900	164879
Improvements General				
Obligation Debt				

Service

TOTAL GRF General Revenue Fund	\$	261,186,900	\$	263,396,600	164880
Clean Ohio Conservation Fund Group					164881
7056 150403 Clean Ohio Operating	\$	288,980	\$	288,980	164882

Expenses

TOTAL 056 Clean Ohio Conservation Fund Group	\$	288,980	\$	288,980	164883
TOTAL ALL BUDGET FUND GROUPS	\$	261,475,880	\$	263,685,580	164884

CONSERVATION GENERAL OBLIGATION DEBT SERVICE 164885

The foregoing appropriation item 150904, Conservation General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2013, through June 30, 2015, at the times they are required to be made for obligations issued under sections 151.01 and 151.09 of the Revised Code. 164886
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164889
164890
164891

STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE 164892

The foregoing appropriation item 150907, State Capital Improvements General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2013, through June 30, 2015, at the times they are required to be made for obligations issued under sections 151.01 and 151.08 of the Revised Code. 164893
164894
164895
164896
164897
164898

CLEAN OHIO OPERATING EXPENSES 164899

The foregoing appropriation item 150403, Clean Ohio Operating Expenses, shall be used by the Ohio Public Works Commission in administering Clean Ohio Conservation Fund (Fund 7056) projects pursuant to sections 164.20 to 164.27 of the Revised Code. 164900
164901
164902
164903

Section 361.10. RAC STATE RACING COMMISSION 164904

State Special Revenue Fund Group					164905
5620 875601 Thoroughbred Race	\$	1,696,456	\$	1,696,456	164906

		Fund				
5630	875602	Standardbred	\$	1,697,452	\$	1,697,452 164907
		Development Fund				
5640	875603	Quarter Horse	\$	1,000	\$	1,000 164908
		Development Fund				
5650	875604	Racing Commission	\$	2,934,178	\$	2,934,178 164909
		Operating				
5C40	875607	Simulcast Horse	\$	12,000,000	\$	12,000,000 164910
		Racing Purse				
5JK0	875610	Racing Commission	\$	10,000,000	\$	10,000,000 164911
		Fund				
		TOTAL SSR State Special Revenue				164912
		Fund Group	\$	28,329,086	\$	28,329,086 164913
		Holding Account Redistribution Fund Group				164914
R021	875605	Bond Reimbursements	\$	100,000	\$	100,000 164915
		TOTAL 090 Holding Account				164916
		Redistribution				
		Fund Group	\$	100,000	\$	100,000 164917
		TOTAL ALL BUDGET FUND GROUPS	\$	28,429,086	\$	28,429,086 164918
		Section 363.10. BOR BOARD OF REGENTS				164920
		General Revenue Fund				164921
GRF	235321	Operating Expenses	\$	2,850,357	\$	2,850,357 164922
GRF	235401	Lease Rental Payments	\$	5,805,300	\$	0 164923
GRF	235402	Sea Grants	\$	285,000	\$	285,000 164924
GRF	235406	Articulation and	\$	2,000,000	\$	2,000,000 164925
		Transfer				
GRF	235408	Midwest Higher	\$	95,000	\$	95,000 164926
		Education Compact				
GRF	235409	HEI Information System	\$	1,505,683	\$	1,505,683 164927
GRF	235414	State Grants and	\$	830,180	\$	830,180 164928
		Scholarship				

	Administration				
GRF 235417	eStudent Services	\$	2,532,688	\$	2,532,688 164929
GRF 235428	Appalachian New Economy Partnership	\$	737,366	\$	737,366 164930
GRF 235433	Economic Growth Challenge	\$	521,153	\$	521,153 164931
GRF 235434	College Readiness and Access	\$	1,200,000	\$	1,200,000 164932
GRF 235438	Choose Ohio First Scholarship	\$	16,665,114	\$	16,665,114 164933
GRF 235443	Adult Basic and Literacy Education - State	\$	7,427,416	\$	7,427,416 164934
GRF 235444	Post-Secondary Adult Career-Technical Education	\$	15,817,547	\$	15,817,547 164935
GRF 235474	Area Health Education Centers Program Support	\$	900,000	\$	900,000 164936
GRF 235480	General Technology Operations	\$	500,000	\$	500,000 164937
GRF 235483	Technology Integration and Professional Development	\$	3,378,598	\$	2,703,598 164938
GRF 235501	State Share of Instruction	\$	1,789,699,580	\$	1,818,225,497 164939
GRF 235502	Student Support Services	\$	632,974	\$	632,974 164940
GRF 235504	War Orphans Scholarships	\$	5,500,000	\$	5,500,000 164941
GRF 235507	OhioLINK	\$	6,211,012	\$	6,211,012 164942
GRF 235508	Air Force Institute of Technology	\$	1,740,803	\$	1,740,803 164943

GRF 235510	Ohio Supercomputer Center	\$	3,747,418	\$	3,747,418	164944
GRF 235511	Cooperative Extension Service	\$	23,086,658	\$	23,056,658	164945
GRF 235514	Central State Supplement	\$	11,063,468	\$	11,063,468	164946
GRF 235515	Case Western Reserve University School of Medicine	\$	2,146,253	\$	2,146,253	164947
GRF 235516	Wright State Lake Campus Agricultural Program	\$	200,000	\$	0	164948
GRF 235519	Family Practice	\$	3,166,185	\$	3,166,185	164949
GRF 235520	Shawnee State Supplement	\$	2,326,097	\$	2,326,097	164950
GRF 235523	Youth STEM Commercialization and Entrepreneurship Program	\$	2,000,000	\$	3,000,000	164951
GRF 235524	Police and Fire Protection	\$	107,814	\$	107,814	164952
GRF 235525	Geriatric Medicine	\$	522,151	\$	522,151	164953
GRF 235526	Primary Care Residencies	\$	1,500,000	\$	1,500,000	164954
GRF 235535	Ohio Agricultural Research and Development Center	\$	34,126,100	\$	34,629,970	164955
GRF 235536	The Ohio State University Clinical Teaching	\$	9,668,941	\$	9,668,941	164956
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,952,573	\$	7,952,573	164957

GRF 235538	University of Toledo	\$	6,198,600	\$	6,198,600	164958
	Clinical Teaching					
GRF 235539	Wright State	\$	3,011,400	\$	3,011,400	164959
	University Clinical					
	Teaching					
GRF 235540	Ohio University	\$	2,911,212	\$	2,911,212	164960
	Clinical Teaching					
GRF 235541	Northeast Ohio Medical	\$	2,994,178	\$	2,994,178	164961
	University Clinical					
	Teaching					
GRF 235552	Capital Component	\$	13,628,639	\$	10,280,387	164962
GRF 235555	Library Depositories	\$	1,440,342	\$	1,440,342	164963
GRF 235556	Ohio Academic	\$	3,172,519	\$	3,172,519	164964
	Resources Network					
GRF 235558	Long-term Care	\$	325,300	\$	325,300	164965
	Research					
GRF 235563	Ohio College	\$	90,284,264	\$	90,284,264	164966
	Opportunity Grant					
GRF 235572	The Ohio State	\$	766,533	\$	766,533	164967
	University Clinic					
	Support					
GRF 235599	National Guard	\$	16,711,514	\$	17,384,511	164968
	Scholarship Program					
GRF 235909	Higher Education	\$	221,168,700	\$	248,822,000	164969
	General Obligation					
	Debt Service					
TOTAL GRF	General Revenue Fund	\$	2,331,062,630	\$	2,379,360,162	164970
	General Services Fund Group					164971
2200 235614	Program Approval and	\$	903,595	\$	903,595	164972
	Reauthorization					
4560 235603	Sales and Services	\$	199,250	\$	199,250	164973
5JC0 235649	Co-op Internship	\$	8,000,000	\$	8,000,000	164974
	Program					

5JC0	235668	Defense/Aerospace Workforce Development Initiative	\$	4,000,000	\$	4,000,000	164975
5JC0	235685	Manufacturing Workforce Development Initiative	\$	2,000,000	\$	0	164976
TOTAL GSF General Services							164977
Fund Group			\$	15,102,845	\$	13,102,845	164978
Federal Special Revenue Fund Group							164979
3120	235612	Carl D. Perkins Grant/Plan Administration	\$	1,350,000	\$	1,350,000	164980
3120	235617	Improving Teacher Quality Grant	\$	3,200,000	\$	3,200,000	164981
3120	235641	Adult Basic and Literacy Education - Federal	\$	14,835,671	\$	14,835,671	164982
3120	235672	H-1B Tech Skills Training	\$	1,100,000	\$	1,100,000	164983
3BW0	235630	Indirect Cost Recovery - Federal	\$	50,000	\$	50,000	164984
3H20	235608	Human Services Project	\$	1,000,000	\$	1,000,000	164985
TOTAL FED Federal Special Revenue							164986
Fund Group			\$	21,535,671	\$	21,535,671	164987
State Special Revenue Fund Group							164988
4E80	235602	Higher Educational Facility Commission Administration	\$	29,100	\$	29,100	164989
4X10	235674	Telecommunity and Distance Learning	\$	49,150	\$	49,150	164990
5D40	235675	Conferences/Special	\$	1,884,095	\$	1,884,095	164991

		Purposes				
5FR0	235643	Making Opportunity	\$	230,000	\$	230,000 164992
		Affordable				
5P30	235663	Variable Savings Plan	\$	8,066,920	\$	8,104,370 164993
6450	235664	Guaranteed Savings	\$	1,290,718	\$	1,303,129 164994
		Plan				
6820	235606	Nursing Loan Program	\$	891,320	\$	891,320 164995
TOTAL SSR		State Special Revenue				164996
Fund Group			\$	12,441,303	\$	12,491,164 164997
		Third Frontier Research & Development				Fund Group 164998
7011	235634	Research Incentive	\$	8,000,000	\$	8,000,000 164999
		Third Frontier Fund				
TOTAL 011		Third Frontier Research &	\$	8,000,000	\$	8,000,000 165000
		Development				Fund Group
TOTAL ALL BUDGET FUND GROUPS			\$	2,388,142,449	\$	2,434,489,842 165001

Section 363.20. LEASE RENTAL PAYMENTS 165003

The foregoing appropriation item 235401, Lease Rental 165004
 Payments, shall be used to meet all payments at the times they are 165005
 required to be made during the period from July 1, 2013, through 165006
 June 30, 2015, by the Chancellor of the Board of Regents under 165007
 leases and agreements made under section 154.21 of the Revised 165008
 Code. These appropriations are the source of funds pledged for 165009
 bond service charges on related obligations issued under Chapter 165010
 154. of the Revised Code. 165011

Section 363.23. SEA GRANTS 165012

The foregoing appropriation item 235402, Sea Grants, shall be 165013
 used to match federal dollars and leverage additional support by 165014
 The Ohio State University's Sea Grant program, including Stone 165015
 Laboratory, for research, education, and outreach to enhance the 165016
 economic value, public utilization, and responsible management of 165017

Lake Erie and Ohio's coastal resources. 165018

Section 363.30. ARTICULATION AND TRANSFER 165019

The foregoing appropriation item 235406, Articulation and 165020
Transfer, shall be used by the Chancellor of the Board of Regents 165021
to maintain and expand the work of the Articulation and Transfer 165022
Council to develop a system of transfer policies to ensure that 165023
students at state institutions of higher education can transfer 165024
and have coursework apply to their majors and degrees at any other 165025
state institution of higher education without unnecessary 165026
duplication or institutional barriers under sections 3333.16, 165027
3333.161, and 3333.162 of the Revised Code. 165028

Section 363.40. MIDWEST HIGHER EDUCATION COMPACT 165029

The foregoing appropriation item 235408, Midwest Higher 165030
Education Compact, shall be distributed by the Chancellor of the 165031
Board of Regents under section 3333.40 of the Revised Code. 165032

Section 363.50. HEI INFORMATION SYSTEM 165033

The foregoing appropriation item 235409, HEI Information 165034
System, shall be used by the Chancellor of the Board of Regents to 165035
support the development and implementation of information 165036
technology solutions designed to improve the performance and 165037
services of the Chancellor of the Board of Regents and the 165038
University System of Ohio. Information technology solutions may be 165039
provided by the Ohio Academic Research Network (OARnet). 165040

Section 363.60. STATE GRANTS AND SCHOLARSHIP ADMINISTRATION 165041

The foregoing appropriation item 235414, State Grants and 165042
Scholarship Administration, shall be used by the Chancellor of the 165043
Board of Regents to administer the following student financial aid 165044
programs: Ohio College Opportunity Grant, Ohio War Orphans' 165045

Scholarship, Nurse Education Assistance Loan Program, Ohio Safety Officers College Memorial Fund, and any other student financial aid programs created by the General Assembly. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal services for the Ohio National Guard Scholarship Program.

Section 363.70. ESTUDENT SERVICES 165053

The foregoing appropriation item 235417, eStudent Services, shall be used by the Chancellor of the Board of Regents to support the continued implementation of eStudent Services, a consortium organized under division (T) of section 3333.04 of the Revised Code to expand access to dual enrollment opportunities for high school students, as well as adult and higher education opportunities through technology. The funds shall be used by eStudent Services to develop and promote learning and assessment through the use of technology, to test and provide advice on emerging learning-directed technologies, to support the distance learning clearinghouse and platform created under section 3333.82 of the Revised Code, and to facilitate cost-effectiveness through shared educational technology investments.

Section 363.80. APPALACHIAN NEW ECONOMY PARTNERSHIP 165067

The foregoing appropriation item 235428, Appalachian New Economy Partnership, shall be distributed to Ohio University to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology.

Section 363.90. ECONOMIC GROWTH CHALLENGE 165075

The foregoing appropriation item 235433, Economic Growth Challenge, shall be used for administrative expenses of the Research Incentive Program and other economic advancement initiatives undertaken by the Chancellor of the Board of Regents.

The Chancellor of the Board of Regents shall use any appropriation transfer to the foregoing appropriation item 235433, Economic Growth Challenge, to enhance the basic research and commercialization capabilities of public colleges and universities and accredited Ohio institutions of higher education holding certificates of authorization issued under section 1713.02 of the Revised Code, in order to strengthen academic research and commercialization for pursuing Ohio's economic development goals.

Section 363.93. COLLEGE READINESS AND ACCESS

The foregoing appropriation item 235434, College Readiness and Access, shall be used by the Chancellor of the Board of Regents to support early college high school initiatives. The Chancellor shall distribute grants equal to \$2,000 per enrolled early college high school student to institutions of higher education supporting an early college high school. If the Chancellor determines that the amounts appropriated are inadequate to provide full grant awards to all eligible institutions, the Chancellor may decrease the per student grant amount.

Section 363.100. CHOOSE OHIO FIRST SCHOLARSHIP

The foregoing appropriation item 235438, Choose Ohio First Scholarship, shall be used to operate the program prescribed in sections 3333.60 to 3333.70 of the Revised Code.

Section 363.110. ADULT BASIC AND LITERACY EDUCATION

Of the foregoing appropriation item 235443, Adult Basic and Literacy Education - State, \$125,000 in each fiscal year shall be

used to provide a grant for an Ohio public library that provides 165105
remedial coursework instruction for postsecondary students. 165106

The remainder of the foregoing appropriation item 235443, 165107
Adult Basic and Literacy Education - State, shall be used to 165108
support the adult basic and literacy education instructional grant 165109
program and state leadership program. The supported programs shall 165110
satisfy the state match and maintenance of effort requirements for 165111
the state-administered grant program. 165112

Section 363.120. POST-SECONDARY ADULT CAREER-TECHNICAL 165113
EDUCATION 165114

The foregoing appropriation item 235444, Post-Secondary Adult 165115
Career-Technical Education, shall be used by the Chancellor of the 165116
Board of Regents, in consultation with the Superintendent of 165117
Public Instruction and the Governor's Office of Workforce 165118
Transformation, to support post-secondary adult career-technical 165119
education. The Chancellor of the Board of Regents, the 165120
Superintendent of Public Instruction, and the Governor's Office of 165121
Workforce Transformation, or their designees, shall hold a series 165122
of consultations with the Ohio Technical Centers during fiscal 165123
year 2014 to develop an appropriate funding formula to distribute 165124
these funds based on student outcomes, beginning in fiscal year 165125
2015. 165126

Not later than June 30, 2014, the Chancellor of the Board of 165127
Regents shall establish a One-Year Option credit articulation 165128
system in which graduates of Ohio Technical Centers who complete a 165129
900-hour program of study and obtain an industry-recognized 165130
credential approved by the Chancellor shall receive 30 college 165131
technical credit hours toward a technical degree upon enrollment 165132
in an institution of higher education. 165133

By June 30, 2014, the Chancellor also shall submit a report 165134
to the General Assembly, in accordance with section 101.68 of the 165135

Revised Code, that recommends a process to award proportional 165136
credit toward a technical degree for students who complete a 165137
program of study between 600 and 899 hours and obtain an 165138
industry-recognized credential approved by the Chancellor. 165139

As used in this section, "institution of higher education" 165140
has the same meaning as in section 3345.12 of the Revised Code. 165141

Section 363.130. AREA HEALTH EDUCATION CENTERS 165142

The foregoing appropriation item 235474, Area Health 165143
Education Centers Program Support, shall be used by the Chancellor 165144
of the Board of Regents to support the medical school regional 165145
area health education centers' educational programs for the 165146
continued support of medical and other health professions 165147
education and for support of the Area Health Education Center 165148
Program. 165149

**Section 363.180. TECHNOLOGY INTEGRATION AND PROFESSIONAL 165150
DEVELOPMENT** 165151

Of the foregoing appropriation item 235483, Technology 165152
Integration and Professional Development, up to \$3,000,000 in 165153
fiscal year 2014 and \$2,325,000 in fiscal year 2015 shall be used 165154
to provide grants on a competitive basis to public and chartered 165155
nonpublic schools for their participation in the electronic 165156
textbook pilot project. These funds shall be administered as 165157
provided under the section of this act entitled ELECTRONIC 165158
TEXTBOOK PILOT PROJECT. On July 1, 2014, or as soon as possible 165159
thereafter, the Chancellor of the Board of Regents may certify to 165160
the Director of Budget and Management the amount of the 165161
unexpended, unencumbered balance of this set aside at the end of 165162
fiscal year 2014 to be appropriated to fiscal year 2015. The 165163
amount certified is hereby reappropriated for the same purpose for 165164
fiscal year 2015. 165165

The remainder of the foregoing appropriation item 235483, 165166
Technology Integration and Professional Development, shall be used 165167
by the Ohio Department of Education and the Chancellor of the 165168
Board of Regents for the provision of staff development, hardware, 165169
software, telecommunications services, and information resources 165170
to support educational uses of technology in the classroom and at 165171
a distance and for professional development for teachers, 165172
administrators, and technology staff on the use of educational 165173
technology in qualifying public schools, including the State 165174
School for the Blind, the School for the Deaf, and the Department 165175
of Youth Services. 165176

Section 363.190. STATE SHARE OF INSTRUCTION FORMULAS 165177

The Chancellor of the Board of Regents shall establish 165178
procedures to allocate the foregoing appropriation item 235501, 165179
State Share of Instruction, based on the formulas detailed in this 165180
section that utilize the enrollment, course completion, degree 165181
attainment, and student achievement factors reported annually by 165182
each state institution of higher education participating in the 165183
Higher Education Information (HEI) system. 165184

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 165185
COMPLETIONS 165186

(1) As soon as possible during each fiscal year of the 165187
biennium ending June 30, 2015, in accordance with instructions of 165188
the Board of Regents, each state institution of higher education 165189
shall report its actual data, consistent with the definitions in 165190
the Higher Education Information (HEI) system's enrollment files, 165191
to the Chancellor of the Board of Regents. 165192

(2) In defining the number of full-time equivalent students 165193
for state subsidy instructional cost purposes, the Chancellor of 165194
the Board of Regents shall exclude all undergraduate students who 165195
are not residents of Ohio, except those charged in-state fees in 165196

accordance with reciprocity agreements made under section 3333.17 165197
of the Revised Code or employer contracts entered into under 165198
section 3333.32 of the Revised Code. 165199

(3) In calculating the core subsidy entitlements for 165200
university branch and main campuses, the Chancellor of the Board 165201
of Regents shall use the following count of FTE students: 165202

(a) The subsidy eligible enrollments by model shall equal 165203
only those FTE students who successfully complete the course as 165204
defined and reported through the Higher Education Information 165205
(HEI) system course enrollment file; 165206

(b) Those undergraduate FTE students with successful course 165207
completions, identified in division (A)(3)(a) of this section, 165208
that had an expected family contribution less than 2190 or were 165209
determined to have been in need of remedial education shall be 165210
defined as at-risk students and shall have their eligible 165211
completions weighted by the following: 165212

(i) Campus-specific course completion indexes, where the 165213
indexes are calculated based upon the number of at-risk students 165214
enrolled during the 2010-2012 academic years; and 165215

(ii) A statewide average at-risk course completion weight 165216
determined for each subsidy model. The statewide average at-risk 165217
course completion weight shall be determined by calculating the 165218
difference between the percentage of traditional students who 165219
complete a course and the percentage of at-risk students who 165220
complete the same course. 165221

(4) In calculating the core subsidy entitlements for Medical 165222
II models only, students repeating terms may be no more than five 165223
per cent of current year enrollment. 165224

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 165225

For purposes of calculating state share of instruction 165226

allocations, the total instructional costs per full-time			165227
equivalent student shall be:			165228
Model	Fiscal	Fiscal	165229
	Year 2014	Year 2015	
ARTS AND HUMANITIES 1	\$7,803	\$7,940	165230
ARTS AND HUMANITIES 2	\$10,828	\$11,018	165231
ARTS AND HUMANITIES 3	\$13,988	\$14,234	165232
ARTS AND HUMANITIES 4	\$20,242	\$20,598	165233
ARTS AND HUMANITIES 5	\$33,969	\$34,567	165234
ARTS AND HUMANITIES 6	\$38,280	\$38,954	165235
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$7,109	\$7,235	165236
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$8,106	\$8,249	165237
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$10,640	\$10,827	165238
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$12,647	\$12,869	165239
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$19,657	\$20,003	165240
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$22,006	\$22,393	165241
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$30,558	\$31,096	165242
MEDICAL 1	\$53,424	\$54,365	165243
MEDICAL 2	\$45,873	\$46,681	165244
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$7,190	\$7,317	165245
MEDICINE 1			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$10,091	\$10,268	165246
MEDICINE 2			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$11,928	\$12,138	165247
MEDICINE 3			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$15,186	\$15,454	165248
MEDICINE 4			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$20,043	\$20,396	165249
MEDICINE 5			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$21,633	\$22,013	165250
MEDICINE 6			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$26,471	\$26,937	165251
MEDICINE 7			

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, \$36,766 \$37,413 165252
 MEDICINE 8

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, \$52,170 \$53,088 165253
 MEDICINE 9

Doctoral I and Doctoral II models shall be allocated in 165254
 accordance with division (D)(3) of this section. 165255

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, 165256
 AND GRADUATE WEIGHTS 165257

For the purpose of implementing the recommendations of the 165258
 2006 State Share of Instruction Consultation and the Higher 165259
 Education Funding Study Council that priority be given to 165260
 maintaining state support for science, technology, engineering, 165261
 mathematics, medicine, and graduate programs, the costs in 165262
 division (B) of this section shall be weighted by the amounts 165263
 provided below: 165264

Model	Fiscal	Fiscal	
	Year 2014	Year 2015	
ARTS AND HUMANITIES 1	1.0000	1.0000	165266
ARTS AND HUMANITIES 2	1.0000	1.0000	165267
ARTS AND HUMANITIES 3	1.0000	1.0000	165268
ARTS AND HUMANITIES 4	1.0000	1.0000	165269
ARTS AND HUMANITIES 5	1.0425	1.0425	165270
ARTS AND HUMANITIES 6	1.0425	1.0425	165271
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	165272
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	165273
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	165274
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	165275
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	165276
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	165277
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	165278
MEDICAL 1	1.6456	1.6456	165279
MEDICAL 2	1.7462	1.7462	165280

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	165281
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	165282
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	165283
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	165284
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	165285
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	165286
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380	165287
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675	165288
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361	165289
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			165290
ENTITLEMENTS AND ADJUSTMENTS			165291
(1) Of the foregoing appropriation item 235501, State Share			165292
of Instruction, 25 per cent of the fiscal year 2014 appropriation			165293
for state-supported community colleges, state community colleges,			165294
and technical colleges shall be allocated to colleges in			165295
proportion to their share of college student success factors as			165296
adopted by the Chancellor of the Board of Regents in formal			165297
communication to the Controlling Board on August 30, 2010.			165298
(2) Of the foregoing appropriation item 235501, State Share			165299
of Instruction, 25 per cent of the fiscal year 2014 appropriation			165300
for state-supported community colleges, state community colleges,			165301
and technical colleges shall be reserved for course completion			165302
FTEs as aggregated by the subsidy models defined in division (B)			165303

of this section. 165304

The course completion funding shall be allocated to colleges 165305
in proportion to each campuses' share of the total sector's course 165306
completions, weighted by the instructional cost of the subsidy 165307
models. 165308

To calculate the subsidy entitlements for course completions 165309
at community colleges, state community colleges, and technical 165310
colleges, the Chancellor of the Board of Regents shall use the 165311
following calculations: 165312

(a) In calculating each campus's count of FTE course 165313
completions, the Chancellor of the Board of Regents shall use the 165314
three-year average course completions for the three-year period 165315
ending in the prior year. 165316

(b) The model costs as used in the calculation shall be 165317
augmented by the model weights for science, technology, 165318
engineering, mathematics, and medicine models as established in 165319
division (C) of this section. 165320

(3) Of the foregoing appropriation item 235501, State Share 165321
of Instruction, up to 11.78 per cent of the appropriation for 165322
universities, as established in division (A)(2) of the section of 165323
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 165324
2014 and 2015," in each fiscal year shall be reserved for support 165325
of doctoral programs to implement the funding recommendations made 165326
by representatives of the universities. The amount so reserved 165327
shall be referred to as the doctoral set-aside. 165328

The doctoral set-aside shall be allocated to universities as 165329
follows: 165330

(a) 62.50 per cent of the doctoral set-aside in fiscal year 165331
2014 and 55 per cent of the doctoral set-aside in fiscal year 2015 165332
shall be allocated to universities in proportion to their share of 165333
the statewide total of each state institution's three-year average 165334

Doctoral I equivalent FTEs as calculated on an institutional basis 165335
using historical FTEs for the period fiscal year 1994 through 165336
fiscal year 1998 with annualized FTEs for fiscal years 1994 165337
through 1997 and all-term FTEs for fiscal year 1998 as adjusted to 165338
reflect the effects of doctoral review and subsequent changes in 165339
Doctoral I equivalent enrollments. For the purposes of this 165340
calculation, Doctoral I equivalent FTEs shall equal the sum of 165341
Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs. 165342

(b) 25 per cent of the doctoral set-aside in fiscal year 2014 165343
and 30 per cent of the doctoral set-aside in fiscal year 2015 165344
shall be allocated to universities in proportion to each campus's 165345
share of the total statewide doctoral degrees, weighted by the 165346
cost of the doctoral discipline. In calculating each campus's 165347
doctoral degrees the Chancellor of the Board of Regents shall use 165348
the three-year average doctoral degrees awarded for the three-year 165349
period ending in the prior year. 165350

(c) 12.5 per cent of the doctoral set-aside in fiscal year 165351
2014 and 15 per cent of the doctoral set-aside in fiscal year 2015 165352
shall be allocated to universities in proportion to their share of 165353
research grant activity, using a data collection method that is 165354
reviewed and approved by the presidents of Ohio's doctoral degree 165355
granting universities. In the event that the data collection 165356
method is not available, funding for this component shall be 165357
allocated to universities in proportion to their share of research 165358
grant activity published by the National Science Foundation. Grant 165359
awards from the Department of Health and Human Services shall be 165360
weighted at 50 per cent. 165361

(4) Of the foregoing appropriation item 235501, State Share 165362
of Instruction, 6.41 per cent of the appropriation for 165363
universities, as established in division (A)(2) of the section of 165364
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 165365
2014 AND 2015," in each fiscal year shall be reserved for support 165366

of Medical II FTEs. The amount so reserved shall be referred to as 165367
the medical II set-aside. 165368

The medical II set-aside shall be allocated to universities 165369
in proportion to their share of the statewide total of each state 165370
institution's three-year average Medical II FTEs as calculated in 165371
division (A) of this section, weighted by model cost. 165372

(5) Of the foregoing appropriation item 235501, State Share 165373
of Instruction, 1.48 per cent of the appropriation for 165374
universities, as established in division (A)(2) of the section of 165375
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 165376
2014 AND 2015," in each fiscal year shall be reserved for support 165377
of Medical I FTEs. The amount so reserved shall be referred to as 165378
the medical I set-aside. 165379

The medical I set-aside shall be allocated to universities in 165380
proportion to their share of the statewide total of each state 165381
institution's three-year average Medical I FTEs as calculated in 165382
division (A) of this section. 165383

(6) Of the foregoing appropriation item 235501, State Share 165384
of Instruction, 50 per cent of the appropriation in each fiscal 165385
year for universities, net any earmarked funding for university 165386
regional campuses as detailed in division (B)(1) of the section of 165387
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 165388
2014 AND 2015," shall be reserved for support of associate, 165389
baccalaureate, master's, and professional level degree attainment. 165390

The degree attainment funding shall be allocated to 165391
universities in proportion to each campus's share of the total 165392
statewide degrees granted, weighted by the cost of the degree 165393
programs. The degree cost calculations shall include the model 165394
cost weights for the science, technology, engineering, 165395
mathematics, and medicine models as established in division (C) of 165396
this section. 165397

For degrees including credits earned at multiple 165398
institutions, in fiscal year 2015, degree attainment funding shall 165399
be allocated to universities and branch campuses in proportion to 165400
each campus's share of the cost of earned credits for the degree. 165401
Each institution shall receive its prorated share of degree 165402
funding for credits earned at that institution. Cost of credits 165403
not earned at a university main or regional campus shall be 165404
credited to the degree-granting institution. 165405

In calculating the subsidy entitlements for degree attainment 165406
at university main and regional campuses, the Chancellor of the 165407
Board of Regents shall use the following count of degrees and 165408
degree costs: 165409

(a) The subsidy eligible undergraduate degrees shall be 165410
defined as follows: 165411

(i) The subsidy eligible degrees conferred to students 165412
identified as residents of the state of Ohio in any term of their 165413
studies, as reported through the Higher Education Information 165414
(HEI) system student enrollment file, shall be weighted by a 165415
factor of 1. 165416

(ii) The subsidy eligible degrees conferred to students 165417
identified as out-of-state residents during all terms of their 165418
studies, as reported through the Higher Education Information 165419
(HEI) system student enrollment file, who remain in the state of 165420
Ohio at least one year after graduation, as calculated based on 165421
the three-year average in-state residency rate for out-of-state 165422
students at each institution, shall be weighted by a factor of 50 165423
per cent. For fiscal year 2014, subsidy eligible degrees conferred 165424
to all out-of-state students shall be weighted by a factor of 25 165425
per cent. 165426

(b) In fiscal year 2014, for those associate degrees awarded 165427
by a state-supported university, the subsidy eligible degrees 165428

granted are defined as only those earned by students attending a university that received funding under GRF appropriation item 235418, Access Challenge, in fiscal year 2009. In fiscal year 2015, subsidy eligible associate degrees are defined as those earned by students attending any state-supported university main or regional campus.

(c) In calculating each campus's count of degrees, the Chancellor of the Board of Regents shall use the three-year average associate, baccalaureate, master's, and professional degrees awarded for the three-year period ending in the prior year. In fiscal year 2014, university regional campuses are not eligible for degree completion funding. In fiscal year 2015, all university campuses are eligible for degree completion funding.

(d) For fiscal year 2014, eligible associate degrees defined in division (D)(6)(b) of this section and all bachelor's degrees earned by a student that either had an expected family contribution less than 2190, was determined to have been in need of remedial education, is Native American, African American, or Hispanic, or is at least age 26 at the time of graduation, shall be defined as degrees earned by an at-risk student and shall be weighted by the following:

(i) A campus-specific at-risk index, where the index is calculated based on the proportion of at-risk students enrolled during a four-year cohort beginning in fiscal year 2001, 2002, 2003, or 2004; and

(ii) A statewide average at-risk degree completion weight determined by calculating the difference between the percentage of non-at-risk students who earned a degree and the percentage of at-risk students who earned a degree in eight years or less.

(e) For fiscal year 2015, eligible associate degrees defined in division (D)(6)(b) of this section and all bachelor's degrees

earned by a student that either had an expected family 165460
contribution less than 2190, was determined to be in need of 165461
remedial education, is Native American, African American, or 165462
Hispanic, or is at least 26 years of age at the time of 165463
graduation, shall be defined as degrees earned by an at-risk 165464
student and shall be weighted by the following: 165465

A student-specific degree completion weight, where the weight 165466
is calculated based on the at risk factors of the individual 165467
student, determined by calculating the difference between the 165468
percentage of students with each risk factor who earned a degree 165469
and the percentage of non-at-risk students who earned a degree. 165470

(7) State share of instruction base formula earnings shall be 165471
determined as follows: 165472

(a) The instructional costs shall be determined by 165473
multiplying the amounts listed above in divisions (B) and (C) of 165474
this section by the average subsidy-eligible FTEs for the 165475
three-year period ending in the prior year for all models except 165476
Doctoral I and Doctoral II. 165477

(b) The Chancellor of the Board of Regents shall compute a 165478
uniform state share of instructional costs for each sector. 165479

(i) For the state-supported community colleges, state 165480
community colleges, and technical colleges, in fiscal year 2014 165481
the Chancellor of the Board of Regents shall compute the uniform 165482
state share of instructional costs for enrollment by dividing the 165483
sector level appropriation total as determined by the Chancellor 165484
in division (A)(1) of the section of this act entitled "STATE 165485
SHARE OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 165486
pursuant to divisions (B) and (C) of that section, less the 165487
student college success allocation as described in division (D)(1) 165488
of this section and less the course completion allocation as 165489
detailed in division (D)(2) of this section, by the sum of all 165490

eligible campuses' instructional costs as calculated in division 165491
(D)(7)(b) of this section. 165492

(ii) For the state-supported university regional campuses, in 165493
fiscal year 2014 the Chancellor of the Board of Regents shall 165494
compute the uniform state share of instructional costs by dividing 165495
the sector level appropriation, as determined by the Chancellor in 165496
division (A)(2) of the section of this act entitled "STATE SHARE 165497
OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 165498
pursuant to division (B) of that section by the sum of all 165499
campuses' instructional costs as calculated in division (D)(7)(b) 165500
of this section. 165501

(iii) For the state-supported university main campuses, in 165502
fiscal year 2014 the Chancellor of the Board of Regents shall 165503
compute the uniform state share of instructional costs by dividing 165504
the sector level appropriation, as determined by the Chancellor in 165505
division (A)(3) of the section of this act entitled "STATE SHARE 165506
OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 165507
pursuant to division (B) of that section, less the degree 165508
attainment funding as calculated in divisions (D)(3) to (6) of 165509
this section, less the doctoral set-aside, less the medical I 165510
set-aside, and less the medical II set-aside, by the sum of all 165511
campuses' instructional costs as calculated in division (D)(7)(b) 165512
of this section. 165513

(iv) For the state university regional and main campuses, in 165514
fiscal year 2015 the Chancellor of the Board of Regents shall 165515
compute the uniform state share of instructional costs by dividing 165516
the university appropriation, as determined by the Chancellor in 165517
division (A)(3) of the section of this act entitled "STATE SHARE 165518
OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 165519
pursuant to division (B) of that section, less the degree 165520
attainment funding as calculated in divisions (D)(3) to (6) of 165521
this section, less the doctoral set-aside, less the medical I 165522

set-aside, and less the medical II set-aside, by the sum of all 165523
campuses' instructional costs as calculated in division (D)(7)(b) 165524
of this section. 165525

(c) The formula entitlement shall be determined by 165526
multiplying the uniform state share of instructional costs 165527
calculated in division (D)(7)(c) of this section by the 165528
instructional cost determined in division (D)(7)(b) of this 165529
section. 165530

(8) In addition to the student success allocation, doctoral 165531
set-aside, medical I set-aside, medical II set-aside, and the 165532
degree attainment allocation determined in divisions (D)(1) to (6) 165533
of this section and the formula entitlement determined in division 165534
(D)(7) of this section, an allocation based on facility-based 165535
plant operations and maintenance (POM) subsidy shall be made. For 165536
each eligible university main campus, the amount of the POM 165537
allocation in each fiscal year shall be distributed based on what 165538
each campus received in the fiscal year 2009 POM allocation. 165539

Any POM allocations required by this division shall be funded 165540
by proportionately reducing formula entitlement earnings, 165541
including the POM allocations, for all campuses in that sector. 165542

(9) STABILITY IN STATE SHARE OF INSTRUCTION FUNDING FOR 165543
COMMUNITY, STATE COMMUNITY, AND TECHNICAL COLLEGES 165544

In addition to and after the adjustments noted above, in 165545
fiscal year 2014, no community college, state community college, 165546
or technical college shall receive a state share of instruction 165547
allocation that is less than 97 per cent of the prior year's state 165548
share of instruction earnings. Funds shall be made available to 165549
support this allocation by proportionately reducing formula 165550
entitlement earnings from those campuses, within the community, 165551
state community, and technical college sector, that are not 165552
receiving stability funding. 165553

(10) CAPITAL COMPONENT DEDUCTION 165554

After all other adjustments have been made, state share of 165555
instruction earnings shall be reduced for each campus by the 165556
amount, if any, by which debt service charged in Am. H.B. 748 of 165557
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 165558
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 165559
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 165560
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 165561
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 165562
562 of the 127th General Assembly for that campus exceeds that 165563
campus's capital component earnings. The sum of the amounts 165564
deducted shall be transferred to appropriation item 235552, 165565
Capital Component, in each fiscal year. 165566

(E) EXCEPTIONAL CIRCUMSTANCES 165567

Adjustments may be made to the state share of instruction 165568
payments and other subsidies distributed by the Chancellor of the 165569
Board of Regents to state colleges and universities for 165570
exceptional circumstances. No adjustments for exceptional 165571
circumstances may be made without the recommendation of the 165572
Chancellor and the approval of the Controlling Board. 165573

(F) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 165574
INSTRUCTION 165575

The standard provisions of the state share of instruction 165576
calculation as described in the preceding sections of temporary 165577
law shall apply to any reductions made to appropriation item 165578
235501, State Share of Instruction, before the Chancellor of the 165579
Board of Regents has formally approved the final allocation of the 165580
state share of instruction funds for any fiscal year. 165581

Any reductions made to appropriation item 235501, State Share 165582
of Instruction, after the Chancellor of the Board of Regents has 165583
formally approved the final allocation of the state share of 165584

instruction funds for any fiscal year, shall be uniformly applied 165585
to each campus in proportion to its share of the final allocation. 165586

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 165587

The state share of instruction payments to the institutions 165588
shall be in substantially equal monthly amounts during the fiscal 165589
year, unless otherwise determined by the Director of Budget and 165590
Management pursuant to section 126.09 of the Revised Code. 165591
Payments during the first six months of the fiscal year shall be 165592
based upon the state share of instruction appropriation estimates 165593
made for the various institutions of higher education according to 165594
the Chancellor of the Board of Regents enrollment, completion, and 165595
performance estimates. Payments during the last six months of the 165596
fiscal year shall be distributed after approval of the Controlling 165597
Board upon the request of the Chancellor. 165598

(H) STUDIES TO DETERMINE IMPROVEMENTS TO THE FISCAL YEAR 2015 165599
STATE SHARE OF INSTRUCTION FORMULAS 165600

(1) STUDY ON IDENTIFYING "AT-RISK" STUDENTS FOR COMMUNITY 165601
COLLEGES 165602

Community college presidents, or their designees, in 165603
consultation with the Chancellor of the Board of Regents, shall 165604
study the most appropriate formula weights for students who come 165605
from "at-risk" populations and recommend how they may be used to 165606
determine allocations of appropriations to community colleges from 165607
appropriation item 235501, State Share of Instruction, in fiscal 165608
year 2015. The study shall identify the socio-economic, 165609
demographic, academic, personal, and other factors that identify a 165610
student as being "at-risk" of academic failure, and recommend how 165611
these factors may be used to determine allocations of the State 165612
Share of Instruction for community colleges in fiscal year 2015. 165613
The study shall be completed by December 31, 2013. Notwithstanding 165614
any provision of law to the contrary, community college 165615

presidents, or their designees, in consultation with the 165616
Chancellor of the Board of Regents, shall use the results of the 165617
study to recommend changes in the determination of the 165618
distribution of the community college allocations beginning in 165619
fiscal year 2015 and shall report any such formula change 165620
recommendations to the Governor, the General Assembly, and the 165621
Office of Budget and Management not later than February 15, 2014. 165622

(2) STUDY ON THE USE OF SUCCESS POINTS AND COMPLETION 165623
MEASURES FOR COMMUNITY COLLEGES 165624

Community college presidents, or their designees, in 165625
consultation with the Chancellor of the Board of Regents, shall 165626
study the most appropriate formula weights for the "success 165627
points" and completion performance measures used in the allocation 165628
of appropriations to community colleges from appropriation item 165629
235501, State Share of Instruction, in fiscal year 2015. The study 165630
shall research the most appropriate success points and completion 165631
measures that occur during the academic career of community 165632
college students and recommend revisions to the current State 165633
Share of Instruction model to fund achievement of the success 165634
points beginning in fiscal year 2015. In addition, community 165635
college presidents, or their designees, in consultation with the 165636
Chancellor of the Board of Regents, shall determine how the 165637
community college's fiscal year 2015 share of State Share of 165638
Instruction funding shall be distributed among its success points, 165639
completion measures and course completion funding, or other 165640
performance and access measures. The study shall be completed by 165641
December 31, 2013. Notwithstanding any provision of law to the 165642
contrary, community college presidents, or their designees, in 165643
consultation with the Chancellor of the Board of Regents, shall 165644
use the results of the study to recommend changes in the 165645
determination of the distribution of the community college 165646
allocations beginning in fiscal year 2015 and shall report any 165647

such formula change recommendations to the Governor, the General Assembly, and the Office of Budget and Management not later than February 15, 2014.

Section 363.200. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015

(A) The foregoing appropriation item 235501, State Share of Instruction, shall be distributed according to the section of this act entitled "STATE SHARE OF INSTRUCTION FORMULAS."

(1) Of the foregoing appropriation item 235501, State Share of Instruction, \$411,257,477 in fiscal year 2014 and \$419,101,428 in fiscal year 2015 shall be distributed to state-supported community colleges, state community colleges, and technical colleges.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, \$1,372,968,020 in fiscal year 2014 and \$1,399,124,069 in fiscal year 2015 shall be distributed to state-supported university main and regional campuses.

(B) Of the amounts earmarked in division (A)(2) of this section:

(1) \$116,181,104 in fiscal year 2014 shall be distributed to state university regional campuses.

(2) \$3,923,764 in each fiscal year shall be distributed to university main campuses based on each campus's share of the appropriation item 235418, Access Challenge, in fiscal year 2009.

(C) Of the foregoing appropriation item 235501, State Share of Instruction, up to \$5,474,083 in fiscal year 2014 shall be used by the Chancellor to provide supplemental subsidy payments to each university main and regional campus receiving a State Share of Instruction allocation, as determined according to the section of this act entitled "STATE SHARE OF INSTRUCTION FORMULAS" and

divisions (A) and (B) of this section, in fiscal year 2014 that is 165678
less than 96 per cent of that campus's State Share of Instruction 165679
allocation in fiscal year 2013. Supplemental subsidy payment 165680
amounts shall not exceed the amount needed to ensure that no 165681
university main or regional campus receives a State Share of 165682
Instruction allocation in fiscal year 2014 that is less than 96 165683
per cent of that campus's fiscal year 2013 allocation. If the 165684
Chancellor determines that the amounts earmarked for these 165685
supplemental subsidies are inadequate to provide payments to 165686
ensure that each eligible campus receives a State Share of 165687
Instruction allocation in fiscal year 2014 that is equal to 96 per 165688
cent of that campus's fiscal year 2013 allocation, the Chancellor 165689
shall proportionally reduce payment amounts. If the Chancellor 165690
determines that the amount earmarked for these supplemental 165691
subsidies is greater than what is needed to ensure that no main or 165692
regional campus receives a State Share of Instruction allocation 165693
in fiscal year 2014 that is less than 96 per cent of the fiscal 165694
year 2013 allocation, the Chancellor shall proportionally allocate 165695
the remainder of the earmark between the amounts earmarked for 165696
fiscal year 2014 divisions (A)(1) and (A)(2) of this section. 165697

(D) The POM adjustment in division (D)(7) of the section of 165698
this act entitled "STATE SHARE OF INSTRUCTION FORMULAS" and the 165699
Access Challenge earmark in division (B) of this section shall 165700
expire on June 30, 2015. 165701

(E) The state share of instruction payments to the 165702
institutions shall be in substantially equal monthly amounts 165703
during the fiscal year, unless otherwise determined by the 165704
Director of Budget and Management pursuant to section 126.09 of 165705
the Revised Code. Payments during the last six months of the 165706
fiscal year shall be distributed after approval of the Controlling 165707
Board upon the request of the Chancellor of the Board of Regents. 165708

Section 363.210. TRANSFER OF INSTRUCTIONAL SUBSIDIES BETWEEN 165709
UNIVERSITIES 165710

Notwithstanding any provision of law to the contrary, in 165711
consultation with the Chancellor of the Board of Regents, a 165712
state-supported university may request to transfer its fiscal year 165713
2014 state share of instruction subsidy allocations of the 165714
foregoing appropriation item 235501, State Share of Instruction, 165715
between a university main campus and any university branch campus 165716
for which the university main campus is affiliated to best 165717
accomplish institutional goals and objectives. At the request of 165718
the Chancellor of the Board of Regents, the Director of Budget and 165719
Management may transfer the requested amounts of state share of 165720
instruction appropriation allocations between affiliated 165721
university branch campuses and university main campuses. 165722

Section 363.220. RESTRICTION ON FEE INCREASES 165723

The boards of trustees of state institutions of higher 165724
education shall restrain increases in in-state undergraduate 165725
instructional and general fees. Each state university and the 165726
Northeast Ohio Medical University shall not increase its in-state 165727
undergraduate instructional and general fees by more than 2.0 per 165728
cent or \$188, whichever is higher, over what the institution 165729
charged for the preceding academic year. 165730

Each university regional campus shall not increase its 165731
in-state undergraduate instructional and general fees by more than 165732
2.0 per cent or \$114, whichever is higher, over what the 165733
institution charged for the preceding academic year. 165734

Each community college, state community college, and 165735
technical college shall not increase its in-state undergraduate 165736
instructional and general fees by more than \$100 over what the 165737
institution charged for the preceding academic year. 165738

These limitations shall not apply to increases required to 165739
comply with institutional covenants related to their obligations 165740
or to meet unfunded legal mandates or legally binding obligations 165741
incurred or commitments made prior to the effective date of this 165742
section with respect to which the institution had identified such 165743
fee increases as the source of funds. Any increase required by 165744
such covenants and any such mandates, obligations, or commitments 165745
shall be reported by the Chancellor of the Board of Regents to the 165746
Controlling Board. These limitations may also be modified by the 165747
Chancellor of the Board of Regents, with the approval of the 165748
Controlling Board, to respond to exceptional circumstances as 165749
identified by the Chancellor of the Board of Regents. 165750

These limitations shall not apply to institutions 165751
participating in an undergraduate tuition guarantee program 165752
pursuant to section 3345.48 of the Revised Code. 165753

Section 363.230. HIGHER EDUCATION - BOARD OF TRUSTEES 165754

(A) Funds appropriated for instructional subsidies at 165755
colleges and universities may be used to provide such branch or 165756
other off-campus undergraduate courses of study and such master's 165757
degree courses of study as may be approved by the Chancellor of 165758
the Board of Regents. 165759

(B) In providing instructional and other services to 165760
students, boards of trustees of state institutions of higher 165761
education shall supplement state subsidies with income from 165762
charges to students. Except as otherwise provided in this act, 165763
each board shall establish the fees to be charged to all students, 165764
including an instructional fee for educational and associated 165765
operational support of the institution and a general fee for 165766
noninstructional services, including locally financed student 165767
services facilities used for the benefit of enrolled students. The 165768
instructional fee and the general fee shall encompass all charges 165769

for services assessed uniformly to all enrolled students. Each 165770
board may also establish special purpose fees, service charges, 165771
and fines as required; such special purpose fees and service 165772
charges shall be for services or benefits furnished individual 165773
students or specific categories of students and shall not be 165774
applied uniformly to all enrolled students. A tuition surcharge 165775
shall be paid by all students who are not residents of Ohio. 165776

The board of trustees of a state institution of higher 165777
education shall not authorize a waiver or nonpayment of 165778
instructional fees or general fees for any particular student or 165779
any class of students other than waivers specifically authorized 165780
by law or approved by the Chancellor. This prohibition is not 165781
intended to limit the authority of boards of trustees to provide 165782
for payments to students for services rendered the institution, 165783
nor to prohibit the budgeting of income for staff benefits or for 165784
student assistance in the form of payment of such instructional 165785
and general fees. 165786

Each state institution of higher education in its statement 165787
of charges to students shall separately identify the instructional 165788
fee, the general fee, the tuition charge, and the tuition 165789
surcharge. Fee charges to students for instruction shall not be 165790
considered to be a price of service but shall be considered to be 165791
an integral part of the state government financing program in 165792
support of higher educational opportunity for students. 165793

(C) The boards of trustees of state institutions of higher 165794
education shall ensure that faculty members devote a proper and 165795
judicious part of their work week to the actual instruction of 165796
students. Total class credit hours of production per academic term 165797
per full-time faculty member is expected to meet the standards set 165798
forth in the budget data submitted by the Chancellor of the Board 165799
of Regents. 165800

(D) The authority of government vested by law in the boards 165801

of trustees of state institutions of higher education shall in 165802
fact be exercised by those boards. Boards of trustees may consult 165803
extensively with appropriate student and faculty groups. 165804
Administrative decisions about the utilization of available 165805
resources, about organizational structure, about disciplinary 165806
procedure, about the operation and staffing of all auxiliary 165807
facilities, and about administrative personnel shall be the 165808
exclusive prerogative of boards of trustees. Any delegation of 165809
authority by a board of trustees in other areas of responsibility 165810
shall be accompanied by appropriate standards of guidance 165811
concerning expected objectives in the exercise of such delegated 165812
authority and shall be accompanied by periodic review of the 165813
exercise of this delegated authority to the end that the public 165814
interest, in contrast to any institutional or special interest, 165815
shall be served. 165816

Section 363.240. STUDENT SUPPORT SERVICES 165817

The foregoing appropriation item 235502, Student Support 165818
Services, shall be distributed by the Chancellor of the Board of 165819
Regents to Ohio's state colleges and universities that incur 165820
disproportionate costs in the provision of support services to 165821
disabled students. 165822

Section 363.250. WAR ORPHANS SCHOLARSHIPS 165823

The foregoing appropriation item 235504, War Orphans 165824
Scholarships, shall be used to reimburse state institutions of 165825
higher education for waivers of instructional fees and general 165826
fees provided by them, to provide grants to institutions that have 165827
received a certificate of authorization from the Chancellor of the 165828
Board of Regents under Chapter 1713. of the Revised Code, in 165829
accordance with the provisions of section 5910.04 of the Revised 165830
Code, and to fund additional scholarship benefits provided by 165831

section 5910.032 of the Revised Code. 165832

Section 363.260. OHIOLINK 165833

The foregoing appropriation item 235507, OhioLINK, shall be 165834
used by the Chancellor of the Board of Regents to support 165835
OhioLINK, a consortium organized under division (T) of section 165836
3333.04 of the Revised Code to serve as the state's electronic 165837
library information and retrieval system, which provides access 165838
statewide to an extensive set of electronic databases and 165839
resources, the library holdings of Ohio's public and participating 165840
private nonprofit colleges and universities, and the State Library 165841
of Ohio. 165842

Section 363.270. AIR FORCE INSTITUTE OF TECHNOLOGY 165843

The foregoing appropriation item 235508, Air Force Institute 165844
of Technology, shall be used to: (A) strengthen the research and 165845
educational linkages between the Wright Patterson Air Force Base 165846
and institutions of higher education in Ohio; and (B) support the 165847
Dayton Area Graduate Studies Institute, an engineering graduate 165848
consortium of Wright State University, the University of Dayton, 165849
and the Air Force Institute of Technology, with the participation 165850
of the University of Cincinnati and The Ohio State University. 165851

Section 363.280. OHIO SUPERCOMPUTER CENTER 165852

The foregoing appropriation item 235510, Ohio Supercomputer 165853
Center, shall be used by the Chancellor of the Board of Regents to 165854
support the operation of the Ohio Supercomputer Center, a 165855
consortium organized under division (T) of section 3333.04 of the 165856
Revised Code, located at The Ohio State University. The Ohio 165857
Supercomputer Center is a statewide resource available to Ohio 165858
research universities both public and private. It is also intended 165859
that the center be made accessible to private industry as 165860

appropriate. 165861

Funds shall be used, in part, to support the Ohio 165862
Supercomputer Center's Computational Science Initiative, which 165863
includes its industrial outreach program, Blue Collar Computing, 165864
and its School of Computational Science. These collaborations 165865
between the Ohio Supercomputer Center and Ohio's colleges and 165866
universities shall be aimed at making Ohio a leader in using 165867
computer modeling to promote economic development. 165868

Section 363.290. COOPERATIVE EXTENSION SERVICE 165869

The foregoing appropriation item 235511, Cooperative 165870
Extension Service, shall be disbursed through the Chancellor of 165871
the Board of Regents to The Ohio State University in monthly 165872
payments, unless otherwise determined by the Director of Budget 165873
and Management under section 126.09 of the Revised Code. 165874

Of the foregoing appropriation item 235511, Cooperative 165875
Extension Service, up to \$30,000 in fiscal year 2014 shall be used 165876
to develop an in-school agriculturally based curriculum for 165877
inclusion within the regular classroom curriculum of an elementary 165878
school in the Cleveland Municipal School District and the 165879
Cincinnati City School District. 165880

Of the foregoing appropriation item 235511, Cooperative 165881
Extension Service, up to \$73,450 in each fiscal year shall be used 165882
to support a City of Cleveland Program Manager tasked with 165883
preparing regular classroom teachers in one elementary school to 165884
recruit and train volunteers for an after-school 4-H Club. 165885

Of the foregoing appropriation item 235511, Cooperative 165886
Extension Service, \$73,450 in each fiscal year shall be used to 165887
support a City of Cincinnati Program Manager tasked with preparing 165888
regular classroom teachers in one elementary school to recruit and 165889
train volunteers for an after-school 4-H Club. 165890

Section 363.300. CENTRAL STATE SUPPLEMENT 165891

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of the Board of Regents to Central State University in accordance with the plan developed by the Chancellor and submitted to the Governor and the General Assembly as directed by Am. Sub. H.B. 153 of the 129th General Assembly. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred. 165892
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The Chancellor shall monitor the implementation of the plan and the use of funds. Central State University shall provide any information requested by the Chancellor related to the implementation of the plan. If the Chancellor determines that Central State University's use of supplemental funds is not in accordance with the plan or if the plan is not having the desired effect, the Chancellor may notify Central State University that the plan is suspended. Upon receiving such notice, Central State University shall avoid all unnecessary expenditures under the plan. The Chancellor shall notify the Controlling Board of the suspension of the plan and within sixty days prepare a new plan for the use of any remaining funds. 165900
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Section 363.310. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE 165912
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The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of the Board of Regents in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities. 165914
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Section 363.313. WRIGHT STATE LAKE CAMPUS AGRICULTURAL PROGRAM 165921
PROGRAM 165922

The foregoing appropriation item 235516, Wright State Lake 165923
Campus Agricultural Program, shall be used to support the 165924
agricultural program at Wright State University's Lake Campus. 165925

Section 363.320. FAMILY PRACTICE 165926

The Chancellor of the Ohio Board of Regents shall develop 165927
plans consistent with existing criteria and guidelines as may be 165928
required for the distribution of appropriation item 235519, Family 165929
Practice. 165930

Section 363.330. SHAWNEE STATE SUPPLEMENT 165931

The foregoing appropriation item 235520, Shawnee State 165932
Supplement, shall be disbursed by the Chancellor of the Board of 165933
Regents to Shawnee State University in accordance with the plan 165934
developed by the Chancellor and submitted to the Governor and the 165935
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 165936
General Assembly. Funds shall be used in a manner consistent with 165937
the goals of improving course completion, increasing the number of 165938
degrees conferred, and furthering the university's mission of 165939
service to the Appalachian region. 165940

The Chancellor shall monitor the implementation of the plan 165941
and the use of funds. Shawnee State University shall provide any 165942
information requested by the Chancellor related to the 165943
implementation of the plan. If the Chancellor determines that 165944
Shawnee State University's use of supplemental funds is not in 165945
accordance with the plan or if the plan is not having the desired 165946
effect, the Chancellor may notify Shawnee State University that 165947
the plan is suspended. Upon receiving such notice, Shawnee State 165948
University shall avoid all unnecessary expenditures under the 165949

plan. The Chancellor shall notify the Controlling Board of the 165950
suspension of the plan and within sixty days prepare a new plan 165951
for the use of any remaining funds. 165952

Section 363.333. YOUTH STEM COMMERCIALIZATION AND 165953
ENTREPRENEURSHIP PROGRAM 165954

The foregoing appropriation item 235523, Youth STEM 165955
Commercialization and Entrepreneurship Program, shall be used by 165956
the Chancellor of the Ohio Board of Regents to support the Youth 165957
STEM Commercialization and Entrepreneurship Program. The purpose 165958
of this program is to grow Ohio's next generation of 165959
entrepreneurs, to create jobs in Ohio by focusing on the practical 165960
application of science, technology, engineering, and mathematics 165961
(STEM), including medicine and health fields, and to innovate new 165962
products and services. The Youth STEM Commercialization and 165963
Entrepreneurship Program shall (1) conduct regional STEM forums 165964
for students and educators; (2) develop regional online high 165965
school and collegiate STEM commercialization and entrepreneurship 165966
content and courses; (3) create a statewide STEM commercialization 165967
and entrepreneurship mentoring network available to high school 165968
students anywhere in Ohio; and (4) conduct a statewide STEM 165969
Commercialization and Entrepreneurship Plan competition that 165970
includes incentive awards and scholarships for students and 165971
professional development and incentives for teacher participation. 165972
The competition and all aspects of the program shall be open to 165973
any Ohio high school student and shall include initiatives to 165974
engage minority, rural, and economically disadvantaged students 165975
anywhere in Ohio. The Youth STEM Commercialization and 165976
Entrepreneurship Program shall collaborate with Ohio's colleges 165977
and universities, existing STEM and entrepreneurship programs, and 165978
Ohio's STEM professional and trade associations to implement these 165979
provisions and to create the new products or services of the 165980
future, advance job creation in Ohio, and encourage enrollment at 165981

Ohio institutions of higher education. 165982

Section 363.340. POLICE AND FIRE PROTECTION 165983

The foregoing appropriation item 235524, Police and Fire 165984
Protection, shall be used for police and fire services in the 165985
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 165986
Portsmouth, Xenia Township (Greene County), Rootstown Township, 165987
and the City of Nelsonville that may be used to assist these local 165988
governments in providing police and fire protection for the 165989
central campus of the state-affiliated university located therein. 165990

Section 363.350. GERIATRIC MEDICINE 165991

The Chancellor of the Board of Regents shall develop plans 165992
consistent with existing criteria and guidelines as may be 165993
required for the distribution of appropriation item 235525, 165994
Geriatric Medicine. 165995

Section 363.360. PRIMARY CARE RESIDENCIES 165996

The Chancellor of the Board of Regents shall develop plans 165997
consistent with existing criteria and guidelines as may be 165998
required for the distribution of appropriation item 235526, 165999
Primary Care Residencies. 166000

The foregoing appropriation item 235526, Primary Care 166001
Residencies, shall be distributed in each fiscal year of the 166002
biennium, based on whether or not the institution has submitted 166003
and gained approval for a plan. If the institution does not have 166004
an approved plan, it shall receive five per cent less funding per 166005
student than it would have received from its annual allocation. 166006
The remaining funding shall be distributed among those 166007
institutions that meet or exceed their targets. 166008

Section 363.370. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 166009

CENTER 166010

The foregoing appropriation item 235535, Ohio Agricultural 166011
Research and Development Center, shall be disbursed through the 166012
Chancellor of the Board of Regents to The Ohio State University in 166013
monthly payments, unless otherwise determined by the Director of 166014
Budget and Management under section 126.09 of the Revised Code. 166015
The Ohio Agricultural Research and Development Center shall not be 166016
required to remit payment to The Ohio State University during the 166017
biennium ending June 30, 2015, for cost reallocation assessments. 166018
The cost reallocation assessments include, but are not limited to, 166019
any assessment on state appropriations to the Center. 166020

The Ohio Agricultural Research and Development Center, an 166021
entity of the College of Food, Agricultural, and Environmental 166022
Sciences of The Ohio State University, shall further its mission 166023
of enhancing Ohio's economic development and job creation by 166024
continuing to internally allocate on a competitive basis 166025
appropriated funding of programs based on demonstrated 166026
performance. Academic units, faculty, and faculty-driven programs 166027
shall be evaluated and rewarded consistent with agreed-upon 166028
performance expectations as called for in the College's 166029
Expectations and Criteria for Performance Assessment. 166030

Section 363.380. STATE UNIVERSITY CLINICAL TEACHING 166031

The foregoing appropriation items 235536, The Ohio State 166032
University Clinical Teaching; 235537, University of Cincinnati 166033
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 166034
235539, Wright State University Clinical Teaching; 235540, Ohio 166035
University Clinical Teaching; and 235541, Northeast Ohio Medical 166036
University Clinical Teaching, shall be distributed through the 166037
Chancellor of the Board of Regents. 166038

Section 363.390. CAPITAL COMPONENT 166039

The foregoing appropriation item 235552, Capital Component, 166040
shall be used by the Chancellor of the Board of Regents to provide 166041
funding for prior commitments made pursuant to the state's former 166042
capital funding policy for state colleges and universities that 166043
was originally established in Am. H.B. 748 of the 121st General 166044
Assembly. Appropriations from this item shall be distributed to 166045
all campuses for which the estimated campus debt service 166046
attributable to qualifying capital projects was less than the 166047
campus's formula-determined capital component allocation. Campus 166048
allocations shall be determined by subtracting the estimated 166049
campus debt service attributable to qualifying capital projects 166050
from the campus's formula-determined capital component allocation. 166051
Moneys distributed from this appropriation item shall be 166052
restricted to capital-related purposes. 166053

Any campus for which the estimated campus debt service 166054
attributable to qualifying capital projects is greater than the 166055
campus's formula-determined capital component allocation shall 166056
have the difference subtracted from its State Share of Instruction 166057
allocation in each fiscal year. Appropriation equal to the sum of 166058
all such amounts except that of the Ohio Agricultural Research and 166059
Development Center shall be transferred from appropriation item 166060
235501, State Share of Instruction, to appropriation item 235552, 166061
Capital Component. Appropriation equal to any estimated Ohio 166062
Agricultural Research and Development Center debt service 166063
attributable to qualifying capital projects that is greater than 166064
the Center's formula-determined capital component allocation shall 166065
be transferred from appropriation item 235535, Ohio Agricultural 166066
Research and Development Center, to appropriation item 235552, 166067
Capital Component. 166068

Section 363.400. LIBRARY DEPOSITORIES 166069

The foregoing appropriation item, 235555, Library 166070

Depositories, shall be distributed to the state's five regional 166071
depository libraries for the cost-effective storage of and access 166072
to lesser-used materials in university library collections. The 166073
depositories shall be administrated by the Chancellor of the Board 166074
of Regents, or by OhioLINK at the discretion of the Chancellor. 166075

Section 363.410. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 166076

The foregoing appropriation item 235556, Ohio Academic 166077
Resources Network, shall be used by the Chancellor of the Board of 166078
Regents to support the operations of the Ohio Academic Resources 166079
Network, a consortium organized under division (T) of section 166080
3333.04 of the Revised Code, which shall include support for 166081
Ohio's colleges and universities in maintaining and enhancing 166082
network connections, using new network technologies to improve 166083
research, education, and economic development programs, and 166084
sharing information technology services. To the extent network 166085
capacity is available, OARnet shall support allocating bandwidth 166086
to eligible programs directly supporting Ohio's economic 166087
development. 166088

Section 363.420. LONG-TERM CARE RESEARCH 166089

The foregoing appropriation item 235558, Long-term Care 166090
Research, shall be disbursed to Miami University for long-term 166091
care research. 166092

Section 363.430. OHIO COLLEGE OPPORTUNITY GRANT 166093

(A) Except as provided in division (C) of this section: 166094

Of the foregoing appropriation item 235563, Ohio College 166095
Opportunity Grant, \$41,000,000 in each fiscal year shall be used 166096
by the Chancellor of the Board of Regents to award need-based 166097
financial aid to students enrolled in eligible four-year public 166098
institutions of higher education, excluding early college high 166099

school and post-secondary enrollment option participants. 166100

Of the foregoing appropriation item 235563, Ohio College 166101
Opportunity Grant, \$41,000,000 in each fiscal year shall be used 166102
by the Chancellor of the Board of Regents to award need-based 166103
financial aid to students enrolled in eligible private nonprofit 166104
institutions of higher education, excluding early college high 166105
school and post-secondary enrollment option participants. 166106

The remainder of the foregoing appropriation item 235563, 166107
Ohio College Opportunity Grant, shall be used by the Chancellor of 166108
the Board of Regents to award needs-based financial aid to 166109
students enrolled in eligible private for-profit career colleges 166110
and schools. 166111

(B)(1) As used in this section: 166112

(a) "Eligible institution" means any institution described in 166113
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 166114
Code. 166115

(b) The three "sectors" of institutions of higher education 166116
consist of the following: 166117

(i) State colleges and universities, community colleges, 166118
state community colleges, university branches, and technical 166119
colleges; 166120

(ii) Eligible private nonprofit institutions of higher 166121
education; 166122

(iii) Eligible private for-profit career colleges and 166123
schools. 166124

(2) If the Chancellor determines that the amounts 166125
appropriated for support of the Ohio College Opportunity Grant 166126
program are inadequate to provide grants to all eligible students 166127
as calculated under division (D) of section 3333.122 of the 166128
Revised Code, the Chancellor may create a distribution formula for 166129

fiscal year 2014 and fiscal year 2015 based on the formula used in 166130
fiscal year 2013, or may follow methods established in division 166131
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. The 166132
Chancellor shall notify the Controlling Board of the distribution 166133
method. Any formula calculated under this division shall be 166134
complete and established to coincide with the start of the 166135
2013-2014 academic year. 166136

(C) Prior to determining the amount of funds available to 166137
award under this section and section 3333.122 of the Revised Code, 166138
the Chancellor shall use the foregoing appropriation item 235563, 166139
Ohio College Opportunity Grant, to pay for renewals or partial 166140
renewals of scholarships students receive under the Ohio Academic 166141
Scholarship Program under sections 3333.21 and 3333.22 of the 166142
Revised Code. In paying for scholarships under this division, the 166143
Chancellor shall deduct funds from the allocations made under 166144
division (A) of this section. Deductions shall be proportionate to 166145
the amounts allocated to each sector from the total amounts 166146
appropriated for each sector under the foregoing appropriation 166147
item 235563, Ohio College Opportunity Grant. 166148

In each fiscal year, with the exception of sections 3333.121 166149
and 3333.124 of the Revised Code and Section 363.530 of this act, 166150
the Chancellor shall not distribute or obligate or commit to be 166151
distributed an amount greater than what is appropriated under the 166152
foregoing appropriation item 235563, Ohio College Opportunity 166153
Grant. 166154

(D) The Chancellor shall establish, and post on the Ohio 166155
Board of Regents' web site, award tables based on any formulas 166156
created under division (B) of this section. The Chancellor shall 166157
notify students and institutions of any reductions in awards under 166158
this section. 166159

On or before August 31, 2013, the Chancellor of the Board of 166160
Regents shall submit award tables to the Controlling Board for the 166161

2013-2014 academic year and allocations of Ohio College 166162
Opportunity Grant awards not already specified in section 3333.122 166163
of the Revised Code. 166164

(E) Notwithstanding section 3333.122 of the Revised Code, no 166165
student shall be eligible to receive an Ohio College Opportunity 166166
Grant for more than ten semesters, fifteen quarters, or the 166167
equivalent of five academic years, less the number of semesters or 166168
quarters in which the student received an Ohio Instructional 166169
Grant. 166170

Section 363.440. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 166171

The foregoing appropriation item 235572, The Ohio State 166172
University Clinic Support, shall be distributed through the 166173
Chancellor of the Board of Regents to The Ohio State University 166174
for support of dental and veterinary medicine clinics. 166175

Section 363.450. NATIONAL GUARD SCHOLARSHIP PROGRAM 166176

The Chancellor of the Board of Regents shall disburse funds 166177
from appropriation item 235599, National Guard Scholarship 166178
Program. During each fiscal year, the Chancellor of the Board of 166179
Regents, within ten days of cancellation, may certify to the 166180
Director of Budget and Management the amount of canceled 166181
prior-year encumbrances in appropriation item 235599, National 166182
Guard Scholarship Program. Upon receipt of the certification, the 166183
Director of Budget and Management may transfer cash in an amount 166184
up to the amount certified from the General Revenue Fund to the 166185
National Guard Scholarship Reserve Fund (Fund 5BM0). The 166186
Chancellor of the Board of Regents shall seek Controlling Board 166187
approval to authorize additional expenditures for appropriation 166188
item 235623, National Guard Scholarship Reserve Fund. Upon 166189
approval of the Controlling Board, the additional amounts are 166190
hereby appropriated. The Chancellor of the Board of Regents shall 166191

disburse funds from appropriation item 235623, National Guard 166192
Scholarship Reserve Fund. 166193

Section 363.460. PLEDGE OF FEES 166194

Any new pledge of fees, or new agreement for adjustment of 166195
fees, made in the biennium ending June 30, 2015, to secure bonds 166196
or notes of a state institution of higher education for a project 166197
for which bonds or notes were not outstanding on the effective 166198
date of this section shall be effective only after approval by the 166199
Chancellor of the Board of Regents, unless approved in a previous 166200
biennium. 166201

**Section 363.470. HIGHER EDUCATION GENERAL OBLIGATION DEBT 166202
SERVICE** 166203

The foregoing appropriation item 235909, Higher Education 166204
General Obligation Debt Service, shall be used to pay all debt 166205
service and related financing costs at the times they are required 166206
to be made during the period from July 1, 2013, through June 30, 166207
2015, for obligations issued under sections 151.01 and 151.04 of 166208
the Revised Code. 166209

Section 363.480. SALES AND SERVICES 166210

The Chancellor of the Board of Regents is authorized to 166211
charge and accept payment for the provision of goods and services. 166212
Such charges shall be reasonably related to the cost of producing 166213
the goods and services. Except as otherwise provided by law, no 166214
charges may be levied for goods or services that are produced as 166215
part of the routine responsibilities or duties of the Chancellor. 166216
All revenues received by the Chancellor of the Board of Regents 166217
shall be deposited into Fund 4560, and may be used by the 166218
Chancellor of the Board of Regents to pay for the costs of 166219
producing the goods and services. 166220

Section 363.483. CO-OP INTERNSHIP PROGRAM	166221
Of the foregoing appropriation item 235649, Co-op Internship Program, \$200,000 in each fiscal year shall be used to support the Museum of Contemporary Art Cleveland fellowship program in collaboration with Cleveland State University.	166222 166223 166224 166225
Of the foregoing appropriation item 235649, Co-op Internship Program, \$75,000 in each fiscal year shall be used by the Chancellor of the Board of Regents to support the operations of Ohio University's Voinovich School.	166226 166227 166228 166229
Of the foregoing appropriation item 235649, Co-op Internship Program, \$75,000 in each fiscal year, shall be used by the Chancellor of the Board of Regents to support the operations of The Ohio State University's John Glenn School of Public Affairs.	166230 166231 166232 166233
Of the foregoing appropriation item 235649, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Bliss Institute of Applied Politics at the University of Akron.	166234 166235 166236
Of the foregoing appropriation item 235649, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Center for Public Management and Regional Affairs at Miami University.	166237 166238 166239 166240
Of the foregoing appropriation item 235649, Co-op Internship Program, \$150,000 in each fiscal year shall be used to support the Washington Center Internship Program.	166241 166242 166243
Of the foregoing appropriation item 235649, Co-op Internship Program, \$150,000 in each fiscal year shall be used to support the Ohio Center for the Advancement of Women in Public Service at the Maxine Goodman Levin College of Urban Affairs at Cleveland State University.	166244 166245 166246 166247 166248
Of the foregoing appropriation item 235649, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the	166249 166250

University of Cincinnati Internship Program. 166251

Of the foregoing appropriation item 235649, Co-op Internship 166252
Program, \$75,000 in each fiscal year shall be used by the 166253
Chancellor of the Board of Regents to support the operations of 166254
the Center for Regional Development at Bowling Green State 166255
University. 166256

Of the foregoing appropriation item 235649, Co-op Internship 166257
Program, \$75,000 in each fiscal year shall be used by the 166258
Chancellor of the Board of Regents to support the operations of 166259
the Institute for Defense Studies at Wright State University. 166260

Of the foregoing appropriation item 235649, Co-op Internship 166261
Program, \$75,000 in each fiscal year shall be used to support the 166262
Kent State University Columbus Program. 166263

Of the foregoing appropriation item 235649, Co-op Internship 166264
Program, \$75,000 in each fiscal year shall be used to support the 166265
University of Toledo Urban Affairs Center. 166266

Of the foregoing appropriation item 235649, Co-op Internship 166267
Program, \$10,000 in each fiscal year shall be provided to the Ohio 166268
College Access Network to support the Ohio Student Education 166269
Policy Institute. 166270

Of the foregoing appropriation item 235649, Co-op Internship 166271
Program, \$75,000 in each fiscal year shall be used to support the 166272
Center for Urban and Regional Studies at Youngstown State 166273
University. 166274

Section 363.485. DEFENSE/AEROSPACE WORKFORCE DEVELOPMENT 166275
INITIATIVE 166276

The foregoing appropriation item 235668, Defense/Aerospace 166277
Workforce Development Initiative, shall be used by the 166278
Defense/Aerospace Graduate Studies Institute, to collaborate with 166279
the aviation, aerospace, and defense industries, to strengthen job 166280

training programs, equip Ohio's workforce with needed skills, and 166281
strengthen and grow research and educational linkages among Ohio's 166282
defense and aerospace aviation industry, federal agencies, 166283
state-assisted Ohio universities, and the University System of 166284
Ohio. A portion of the foregoing appropriation item 235668, 166285
Defense/Aerospace Workforce Development Initiative, shall be 166286
allocated to develop a strategic plan to align the University 166287
System of Ohio's research and workforce development assets with 166288
the workforce needs of public and private sector employers. A 166289
portion of these funds shall be used to support the Aerospace 166290
Professional Development Center to establish processes necessary 166291
to link underemployed or unemployed persons to job openings in 166292
these industries. The funds appropriated in this appropriation 166293
item shall be matched by private industry or educational partners 166294
or federal agencies in the aggregate amount of \$4,000,000 over the 166295
FY 2014-FY 2015 biennium. 166296

Section 363.487. MANUFACTURING WORKFORCE DEVELOPMENT 166297
INITIATIVE 166298

Of the foregoing appropriation item 235685, Manufacturing 166299
Workforce Development Initiative, \$1,000,000 in fiscal year 2014 166300
shall be used for a demonstration project to purchase portable 166301
welding stations made from large shipping containers and high 166302
level advanced training equipment for use by Lorain County 166303
Community College. 166304

Of the foregoing appropriation item 235685, Manufacturing 166305
Workforce Development Initiative, \$1,000,000 in fiscal year 2014 166306
shall be used for a demonstration project to purchase portable 166307
welding stations made from large shipping containers and high 166308
level advanced training equipment for use at the Point Industrial 166309
Park in South Point. 166310

Section 363.490. HIGHER EDUCATIONAL FACILITY COMMISSION 166311
ADMINISTRATION 166312

The foregoing appropriation item 235602, Higher Educational 166313
Facility Commission Administration, shall be used by the 166314
Chancellor of the Board of Regents for operating expenses related 166315
to the Chancellor of the Board of Regents' support of the 166316
activities of the Ohio Higher Educational Facility Commission. 166317
Upon the request of the Chancellor, the Director of Budget and 166318
Management may transfer up to \$29,100 cash in each fiscal year 166319
from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC 166320
Administration Fund (Fund 4E80). 166321

Section 363.500. NURSING LOAN PROGRAM 166322

The foregoing appropriation item 235606, Nursing Loan 166323
Program, shall be used to administer the nurse education 166324
assistance program. Up to \$50,000 in each fiscal year may be used 166325
for operating expenses associated with the program. Any additional 166326
funds needed for the administration of the program are subject to 166327
Controlling Board approval. 166328

Section 363.510. TELECOMMUNITY AND DISTANCE LEARNING 166329

Of the foregoing appropriation item 235674, Telecommunity and 166330
Distance Learning, up to \$25,000 in each fiscal year shall be 166331
distributed by the Chancellor of the Board of Regents on a grant 166332
basis to eligible school districts to establish "distance 166333
learning" through interactive video technologies in the school 166334
district. Per agreements with eight Ohio local telephone 166335
companies, ALLTEL Ohio, CENTURY Telephone of Ohio, Chillicothe 166336
Telephone Company, Cincinnati Bell Telephone Company, Orwell 166337
Telephone Company, Sprint North Central Telephone, VERIZON, and 166338
Western Reserve Telephone Company, school districts are eligible 166339
for funds if they are within one of the listed telephone company 166340

service areas. Funds to administer the program shall be expended 166341
by the Chancellor of the Board of Regents up to the amount 166342
specified in the agreements with the listed telephone companies. 166343

Within thirty days after the effective date of this section, 166344
the Director of Budget and Management shall transfer to Fund 4X10 166345
in the State Special Revenue Fund Group any investment earnings 166346
from moneys paid by any telephone company as part of any 166347
settlement agreement between the listed companies and the Public 166348
Utilities Commission in fiscal years 1996 and beyond. 166349

Of the foregoing appropriation item 235674, Telecommunity and 166350
Distance Learning, up to \$24,150 in each fiscal year shall be 166351
distributed by the Chancellor of the Board of Regents on a grant 166352
basis to eligible school districts to establish "distance 166353
learning" in the school district. Per an agreement with Ameritech, 166354
school districts are eligible for funds if they are within an 166355
Ameritech service area. Funds to administer the program shall be 166356
expended by the Chancellor of the Board of Regents up to the 166357
amount specified in the agreement with Ameritech. 166358

Within thirty days after the effective date of this section, 166359
the Director of Budget and Management shall transfer to Fund 4X10 166360
in the State Special Revenue Fund Group any investment earnings 166361
from moneys paid by any telephone company as part of a settlement 166362
agreement between the company and the Public Utilities Commission 166363
in fiscal year 1995. 166364

Section 363.520. VETERANS PREFERENCES 166365

The Chancellor of the Board of Regents shall work with the 166366
Department of Veterans Services to develop specific veterans 166367
preference guidelines for higher education institutions. These 166368
guidelines shall ensure that the institutions' hiring practices 166369
are in accordance with the intent of Ohio's veterans preference 166370
laws. 166371

Section 363.530. STATE NEED-BASED FINANCIAL AID	166372
RECONCILIATION	166373
By the first day of August in each fiscal year, or as soon as possible thereafter, the Chancellor of the Board of Regents shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior year obligations to higher education institutions for the state's need-based financial aid programs. The amounts certified are hereby appropriated to appropriation item 235618, State Need-based Financial Aid Reconciliation, from revenues received in the State Need-based Financial Aid Reconciliation Fund (Fund 5Y50).	166374 166375 166376 166377 166378 166379 166380 166381 166382
Section 363.540. (A) As used in this section:	166383
(1) "Board of trustees" includes the managing authority of a university branch district.	166384 166385
(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.	166386 166387
(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits.	166388 166389 166390 166391 166392
Section 363.550. EFFICIENCY ADVISORY COMMITTEE	166393
The Chancellor of the Board of Regents shall establish an efficiency advisory committee for the purpose of generating optimal efficiency plans for campuses, identifying shared services opportunities, and sharing best practices. The efficiency advisory committee shall also explore methods for reducing the costs for students for textbooks and other education resource materials. The committee shall meet at the call of the Chancellor or the	166394 166395 166396 166397 166398 166399 166400

Chancellor's designee, but at least quarterly. Each state 166401
institution of higher education shall designate an employee to 166402
serve as its efficiency officer responsible for the evaluation and 166403
improvement of operational efficiencies on campus. Each efficiency 166404
officer shall serve on the efficiency advisory committee. 166405

By December 31 of each year, the Efficiency Advisory 166406
Committee shall provide a report to the Office of Budget and 166407
Management, the Governor, and the General Assembly compiling the 166408
operational efficiency plans for all institutions of higher 166409
education and benchmarking efficiency gains realized over the 166410
preceding year and progress in implementing the prior year's 166411
efficiency plan. The report shall also be made available to the 166412
public on the Ohio Board of Regents web site. 166413

Section 363.570. (A) TRANSFER OF DUTIES AND EMPLOYEES 166414

(1) On July 1, 2013, all responsibilities related to the 166415
administration of the Telecommunity Fund and the Distance Learning 166416
Fund, as well as for technology-related teacher professional 166417
development programs, are transferred from the former eTech Ohio 166418
Commission to the Chancellor of the Board of Regents as described 166419
in sections 3317.50, 3317.51, and 3319.235 of the Revised Code, as 166420
amended by this act. The Chancellor is thereupon and thereafter 166421
successor to, assumes the obligations of, and otherwise 166422
constitutes the continuation of the eTech Ohio Commission relating 166423
to the functions, assets, records, and obligations relating to 166424
these responsibilities. 166425

(2) Any business related to these responsibilities commenced 166426
but not completed by the former eTech Ohio Commission shall be 166427
completed by the Chancellor in the same manner, and with the same 166428
effect, as if completed by the eTech Ohio Commission. No 166429
validation, cure, right, privilege, remedy, obligation, or 166430
liability is lost or impaired by reason of the transfer, and shall 166431

be recognized, administered, performed, or enforced by the 166432
Chancellor. 166433

(3) All of the rules of the former eTech Ohio Commission 166434
related to these responsibilities continue in effect as rules of 166435
the Chancellor, until amended or rescinded by the Chancellor. 166436

(4) Any judicial or administrative action or proceeding 166437
related to these responsibilities, in which the eTech Ohio 166438
Commission is a party, that is pending on the effective date of 166439
this section is affected by the transfer. Such action or 166440
proceeding shall be prosecuted or defended in the name of the 166441
Chancellor. On application to the court or other tribunal, the 166442
Chancellor of the Board of Regents shall be substituted for the 166443
eTech Ohio Commission as a party to such action or proceeding. 166444

(5) Subject to the lay-off provisions of sections 124.321 to 166445
124.328 and division (D) of section 3353.03 of the Revised Code, 166446
as amended by this act, all employees of the former eTech Ohio 166447
Commission assigned to these responsibilities continue with the 166448
Chancellor and retain their positions and all benefits accruing 166449
thereto. 166450

(6) All books, records, documents, files, transcripts, 166451
equipment, furniture, supplies, and other materials related to 166452
these responsibilities assigned to or in the possession of the 166453
former eTech Ohio Commission shall be transferred to the 166454
Chancellor. 166455

(7) All employees of the former eTech Ohio Commission who 166456
transferred to the Chancellor of the Board of Regents upon the 166457
reconstitution of the Commission as prescribed by Section 278.20 166458
of H.B. 59 of the 130th General Assembly and who when employed by 166459
that Commission or a predecessor agency were included in a 166460
bargaining unit established under Chapter 4117. of the Revised 166461
Code, shall continue to be included in that bargaining unit, are 166462

public employees as defined in section 4117.01 of the Revised Code, and may collectively bargain with the Chancellor in accordance with that chapter. Otherwise, any employee hired by the Chancellor after the reconstitution of the Commission, either to fill vacancies or to fill new positions related to the transferred employees' duties, shall be exempt from Chapter 4117. of the Revised Code and shall not be public employees as defined in section 4117.01 of the Revised Code.

(B) FUND ABOLITION

On July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the eTech Ohio Telecommunity Education Fund (Fund 4W90) to the Distance Learning Fund (Fund 4X10). Upon completion of the transfer, the eTech Ohio Telecommunity Education Fund (Fund 4W90) is hereby abolished.

(C) ETECH OHIO COMMISSION APPROPRIATION ITEM TRANSFER

Effective July 1, 2013, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 935408, General Operations, and re-establish them, as determined to be appropriate by the Director of Budget and Management, against appropriation item 235480, General Technology Operations. The re-established encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item 935408, General Operations, by July 1, 2013, shall be completed, as determined to be appropriate by the Director of Budget and Management, under appropriation item 235480, General Technology Operations, in the same manner and with the same effect as if it were completed with regard to appropriation item 935408, General Operations.

Effective July 1, 2013, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item

935411, Technology Integration and Professional Development, and 166494
re-establish them, as determined to be appropriate by the Director 166495
of Budget and Management, against appropriation item 235483, 166496
Technology Integration and Professional Development. The 166497
re-established encumbrance amounts are hereby appropriated. Any 166498
business commenced but not completed under appropriation item 166499
935411, Technology Integration and Professional Development, by 166500
July 1, 2013, shall be completed, as determined to be appropriate 166501
by the Director of Budget and Management, under appropriation item 166502
235483, Technology Integration and Professional Development, in 166503
the same manner and with the same effect as if it were completed 166504
with regard to appropriation item 935411, Technology Integration 166505
and Professional Development. 166506

Effective July 1, 2013, the Director of Budget and Management 166507
shall cancel any existing encumbrances against appropriation item 166508
935640, Conference/Special Purposes, and re-establish them against 166509
appropriation item 235675, Conference/Special Purposes. The 166510
re-established encumbrance amounts are hereby appropriated. Any 166511
business commenced but not completed under appropriation item 166512
935640, Conference/Special Purposes, by July 1, 2013, shall be 166513
completed under appropriation item 235675, Conference/Special 166514
Purposes, in the same manner and with the same effect as if it 166515
were completed with regard to appropriation item 935640, 166516
Conference/Special Purposes. 166517

Effective July 1, 2013, the Director of Budget and Management 166518
shall cancel any existing encumbrances against appropriation item 166519
935630, Telecommunity, and cancel any existing encumbrances 166520
against appropriation item 935634, Distance Learning, and 166521
re-establish them against appropriation item 235674, Telecommunity 166522
and Distance Learning. The re-established encumbrance amounts are 166523
hereby appropriated. Any business commenced but not completed 166524
under appropriation items 935630, Telecommunity, and 935634, 166525

Distance Learning, by July 1, 2013, shall be completed under 166526
appropriation item 235674, Telecommunity and Distance Learning, in 166527
the same manner and with the same effect as if it were completed 166528
with regard to appropriation items 935630, Telecommunity, and 166529
935634, Distance Learning. 166530

Effective July 1, 2013, notwithstanding any provision of the 166531
law to the contrary, and if requested by the Chancellor of the 166532
Board of Regents, the Director of Budget and Management may make 166533
budget changes made necessary by the transfer of the operations 166534
and related management functions of the former eTech Ohio 166535
Commission to the Chancellor of the Board of Regents, if any, 166536
including administrative organization, program transfers, the 166537
creation of new funds, the transfer of state funds, the 166538
consolidation of funds, and the transfer of capital 166539
appropriations, as authorized by this section. The Director of 166540
Budget and Management may, if necessary, establish prior year 166541
encumbrances or parts of prior year encumbrances of the former 166542
eTech Ohio Commission with the Chancellor of the Board of Regents 166543
in the appropriate fund and appropriation item for the same 166544
purpose and for payment to the same vendor in fiscal year 2014 or 166545
fiscal year 2015. The established encumbrances plus any additional 166546
amounts determined to be necessary for the Chancellor of the Board 166547
of Regents to perform the operations and related management 166548
functions of the former eTech Ohio Commission are hereby 166549
appropriated. 166550

(D) CONFERENCE OPERATION OFFICE 166551

Beginning in fiscal year 2014, the annual eTech Ohio 166552
Conference will be overseen by a Conference Operation Office 166553
comprised of employees of the Chancellor of the Board of Regents 166554
and Department of Education, including former employees of the 166555
eTech Ohio Commission transferred to the Chancellor of the Board 166556
of Regents and the Department of Education. The Office shall be 166557

responsible for conferences that focus on professional development 166558
in the education field, educational technology, distance learning, 166559
and other education topics pertinent to the State of Ohio. 166560

Section 363.580. ELECTRONIC TEXTBOOK PILOT PROJECT 166561

(A) The Electronic Textbook Pilot Project is hereby 166562
established to provide grants on a competitive basis to public and 166563
chartered nonpublic schools to purchase digital texts, as defined 166564
in section 3317.06 of the Revised Code and electronic educational 166565
content through the state's electronic distance learning 166566
clearinghouse established in section 3333.81 to 3333.88 of the 166567
Revised Code, and professional development and training resources. 166568
The Electronic Textbook Pilot Project shall be administered by the 166569
Chancellor of the Board of Regents. 166570

(B) The Chancellor shall have the authority to set the grant 166571
criteria, to select grant recipients, and to review and assess the 166572
alignment of courses offered through the distance learning 166573
clearinghouse established in section 3333.81 to 3333.88 of the 166574
Revised Code with the academic content standards adopted under 166575
division (A) of section 3301.079 of the Revised Code. In awarding 166576
grants under this section, the Chancellor shall establish the 166577
criteria for determining which applicants will be considered a 166578
priority for receiving grant funds. 166579

(C) Not later than January 31, 2014, the Chancellor shall 166580
issue a request for proposals from eligible schools. 166581

(D) Not later than May 31, 2014, the Chancellor shall award 166582
to public and chartered nonpublic schools grants for use during 166583
the 2014-2015 school year. 166584

(E) The Chancellor and Superintendent of Public Instruction 166585
jointly shall notify schools of and promote participation in the 166586
pilot project. 166587

(F) Not later than December 31, 2015, the Chancellor shall 166588
submit to the Governor and the General Assembly, in accordance 166589
with section 101.68 of the Revised Code, a formative evaluation of 166590
the implementation and results of the pilot project and 166591
legislative recommendations for any changes in the pilot project. 166592

(G) The number of grants awarded under this section shall not 166593
exceed the number that can be funded with appropriations made by 166594
the General Assembly for this purpose. 166595

Section 363.590. COLLEGE CREDIT PLUS PROGRAM 166596

The Chancellor shall make recommendations to the General 166597
Assembly to establish the College Credit Plus program, whereby 166598
high school students may earn credits through Ohio institutions of 166599
higher education. The Chancellor shall consult with the 166600
Inter-University Council of Ohio, the Association of Independent 166601
Colleges and Universities of Ohio, the Ohio Association of 166602
Community Colleges, and the Superintendent of Public Instruction 166603
in developing the recommendations. The Chancellor shall provide a 166604
report of the recommendation to the Governor, the President of the 166605
Senate, and the Speaker of the House of Representatives by 166606
December 31, 2013, for implementation in the 2014-2015 academic 166607
year. 166608

Section 365.10. DRC DEPARTMENT OF REHABILITATION AND 166609
CORRECTION 166610

General Revenue Fund 166611

GRF 501321	Institutional	\$	883,768,015	\$	873,724,802	166612
	Operations					
GRF 501403	Prisoner Compensation	\$	6,000,000	\$	6,000,000	166613
GRF 501405	Halfway House	\$	45,049,356	\$	46,024,108	166614
GRF 501406	Lease Rental Payments	\$	104,099,500	\$	99,534,800	166615
GRF 501407	Community	\$	34,187,858	\$	34,314,390	166616

		Nonresidential				
		Programs				
GRF	501408	Community Misdemeanor	\$	12,856,800	\$	12,856,800 166617
		Programs				
GRF	501501	Community Residential	\$	63,345,972	\$	66,150,781 166618
		Programs - CBCF				
GRF	503321	Parole and Community	\$	64,480,938	\$	65,029,680 166619
		Operations				
GRF	504321	Administrative	\$	20,659,664	\$	20,907,476 166620
		Operations				
GRF	505321	Institution Medical	\$	243,289,774	\$	254,139,452 166621
		Services				
GRF	506321	Institution Education	\$	19,102,051	\$	19,112,418 166622
		Services				
TOTAL GRF	General Revenue Fund		\$	1,496,839,928	\$	1,497,794,707 166623
	General Services Fund Group					166624
1480	501602	Institutional	\$	3,139,577	\$	3,139,577 166625
		Services				
2000	501607	Ohio Penal Industries	\$	41,393,226	\$	40,609,872 166626
4830	501605	Property Receipts	\$	582,086	\$	582,086 166627
4B00	501601	Sewer Treatment	\$	2,023,671	\$	2,067,214 166628
		Services				
4D40	501603	Prisoner Programs	\$	17,499,255	\$	17,499,255 166629
4L40	501604	Transitional Control	\$	1,113,120	\$	1,113,120 166630
4S50	501608	Education Services	\$	4,114,782	\$	4,114,782 166631
5710	501606	Training Academy	\$	125,000	\$	125,000 166632
		Receipts				
5930	501618	Laboratory Services	\$	3,750,000	\$	0 166633
5AF0	501609	State and Non-Federal	\$	1,440,000	\$	1,440,000 166634
		Awards				
5H80	501617	Offender Financial	\$	2,000,000	\$	2,000,000 166635
		Responsibility				
5L60	501611	Information	\$	250,000	\$	250,000 166636

Technology Services

TOTAL GSF General Services Fund	\$	77,430,717	\$	72,940,906	166637
Group					
Federal Special Revenue Fund Group					166638
3230 501619 Federal Grants	\$	7,132,943	\$	7,132,943	166639
TOTAL FED Federal Special Revenue					166640
Fund Group	\$	7,132,943	\$	7,132,943	166641
TOTAL ALL BUDGET FUND GROUPS	\$	1,581,403,588	\$	1,577,868,556	166642

TRANSFER OF OPERATING APPROPRIATIONS TO IMPLEMENT CRIMINAL 166643
SENTENCING REFORMS 166644

For the purposes of implementing criminal sentencing reforms, 166645
and notwithstanding any other provision of law to the contrary, 166646
the Director of Budget and Management, at the request of the 166647
Director of Rehabilitation and Correction, may transfer up to 166648
\$14,000,000 in appropriations, in each of fiscal years 2014 and 166649
2015, from appropriation item 501321, Institutional Operations, to 166650
any combination of appropriation items 501405, Halfway House; 166651
501407, Community Residential Programs; 501408, Community 166652
Misdemeanor Programs; and 501501, Community Residential Programs - 166653
CBCF. 166654

LEASE RENTAL PAYMENTS 166655

The foregoing appropriation item 501406, Lease Rental 166656
Payments, shall be used to meet all payments at the times they are 166657
required to be made during the period from July 1, 2013, through 166658
June 30, 2015, by the Department of Rehabilitation and Correction 166659
under the primary leases and agreements for those buildings made 166660
under Chapters 152. and 154. of the Revised Code. These 166661
appropriations are the source of funds pledged for bond service 166662
charges on related obligations issued under Chapters 152. and 154. 166663
of the Revised Code. 166664

OSU MEDICAL CHARGES 166665

Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, The Ohio State University Medical Center, including the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary care shall be billed to the Department at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Medicaid under the Medicaid Program.

CORRECTIVE CASH TRANSFER

At the request of the Director of Rehabilitation and Correction, the Director of Budget and Management may transfer an amount not to exceed \$2,391 in cash that was mistakenly deposited in the Federal Grants Fund (Fund 3230) to the General Revenue Fund.

Section 369.10. RCB RESPIRATORY CARE BOARD

General Services Fund Group				166683
4K90 872609 Operating Expenses	\$	552,876	\$ 545,246	166684
TOTAL GSF General Services Fund Group				166685
	\$	552,876	\$ 545,246	166686
TOTAL ALL BUDGET FUND GROUPS	\$	552,876	\$ 545,246	166687

Section 371.10. RDF REVENUE DISTRIBUTION FUNDS

Special State Revenue Fund Group				166689
5JG0 110633 Gross Casino Revenue	\$	158,005,325	\$ 168,977,942	166691
County Fund				
TOTAL SSR State Special Revenue Fund Group	\$	158,005,325	\$ 168,977,942	166692
Volunteer Firefighters' Dependents Fund				166693

Am. Sub. H. B. No. 59
As Reported by the Committee of Conference

7085	800985	Volunteer Firemen's Dependents Fund	\$	300,000	\$	300,000	166694
TOTAL 085 Volunteer Firefighters' Dependents Fund							166695
			\$	300,000	\$	300,000	166696
Agency Fund Group							166697
4P80	001698	Cash Management Improvement Fund	\$	3,100,000	\$	3,100,000	166698
5JH0	110634	Gross Casino Revenue County Student Fund	\$	105,336,883	\$	112,651,961	166699
5JJ0	110636	Gross Casino Revenue Host City Fund	\$	15,490,718	\$	16,566,465	166700
6080	001699	Investment Earnings	\$	30,000,000	\$	30,000,000	166701
7062	110962	Resort Area Excise Tax	\$	1,000,000	\$	1,000,000	166702
7063	110963	Permissive Tax Distribution	\$	2,066,331,400	\$	2,151,135,100	166703
7067	110967	School District Income Tax	\$	346,669,300	\$	365,277,800	166704
7093	110640	Next Generation 9-1-1 Fund	\$	1,890,000	\$	2,690,000	166705
7094	110641	Wireless 9-1-1 Government Assistance Fund	\$	11,110,000	\$	23,310,000	166706
7099	762902	Permissive Tax Distribution - Auto Registration	\$	184,000,000	\$	184,000,000	166707
7001	110996	Horse-Racing Tax Municipality Fund	\$	400,000	\$	400,000	166708
TOTAL AGY Agency Fund Group							166709
Holding Account Redistribution							166710
R045	110617	International Fuel Tax Distribution	\$	40,000,000	\$	40,000,000	166711

TOTAL 090 Holding Account	\$	40,000,000	\$	40,000,000	166712
Redistribution Fund					
Revenue Distribution Fund Group					166713
7049 335900 Indigent Drivers	\$	2,250,000	\$	2,250,000	166714
Alcohol Treatment					
7050 762900 International	\$	30,000,000	\$	30,000,000	166715
Registration Plan					
Distribution					
7051 762901 Auto Registration	\$	360,000,000	\$	360,000,000	166716
Distribution					
7054 110954 Local Government	\$	5,649,000	\$	5,649,000	166717
Property Tax					
Replacement - Utility					
7060 110960 Gasoline Excise Tax	\$	395,000,000	\$	395,000,000	166718
Fund					
7065 110965 Public Library Fund	\$	359,300,000	\$	369,000,000	166719
7066 800966 Undivided Liquor	\$	14,100,000	\$	14,100,000	166720
Permits					
7068 110968 State and Local	\$	196,000,000	\$	196,000,000	166721
Government Highway					
Distribution					
7069 110969 Local Government Fund	\$	363,600,000	\$	376,400,000	166722
7081 110981 Local Government	\$	146,500,000	\$	107,900,000	166723
Property Tax					
Replacement-Business					
7082 110982 Horse Racing Tax	\$	100,000	\$	100,000	166724
7083 700900 Ohio Fairs Fund	\$	1,400,000	\$	1,400,000	166725
TOTAL RDF Revenue Distribution					166726
Fund Group	\$	1,873,899,000	\$	1,857,799,000	166727
TOTAL ALL BUDGET FUND GROUPS	\$	4,837,532,626	\$	4,957,208,268	166728
ADDITIONAL APPROPRIATIONS					166729
Appropriation items in this section shall be used for the					166730
purpose of administering and distributing the designated revenue					166731

distribution funds according to the Revised Code. If it is 166732
determined that additional appropriations are necessary for this 166733
purpose, such amounts are hereby appropriated. 166734

GENERAL REVENUE FUND TRANSFERS 166735

Notwithstanding any provision of law to the contrary, in 166736
fiscal year 2014 and fiscal year 2015, the Director of Budget and 166737
Management may transfer from the General Revenue Fund to the Local 166738
Government Tangible Property Tax Replacement Fund (Fund 7081) in 166739
the Revenue Distribution Fund Group, those amounts necessary to 166740
reimburse local taxing units under section 5751.22 of the Revised 166741
Code. Also, in fiscal year 2014 and fiscal year 2015, the Director 166742
of Budget and Management may make temporary transfers from the 166743
General Revenue Fund to ensure sufficient balances in the Local 166744
Government Tangible Property Tax Replacement Fund (Fund 7081) and 166745
to replenish the General Revenue Fund for such transfers. 166746

Section 373.10. SAN BOARD OF SANITARIAN REGISTRATION 166747

General Services Fund Group				166748
4K90 893609 Operating Expenses	\$	137,850	\$ 129,850	166749
TOTAL GSF General Services				166750
Fund Group	\$	137,850	\$ 129,850	166751
TOTAL ALL BUDGET FUND GROUPS	\$	137,850	\$ 129,850	166752

Section 375.10. OSB OHIO STATE SCHOOL FOR THE BLIND 166754

General Revenue Fund				166755
GRF 226321 Operations	\$	7,278,579	\$ 7,278,579	166756
TOTAL GRF General Revenue Fund	\$	7,278,579	\$ 7,278,579	166757
General Services Fund Group				166758
4H80 226602 Education Reform	\$	27,000	\$ 27,000	166759
Grants				
5NJ0 226622 Food Service Program	\$	9,000	\$ 9,000	166760

TOTAL GSF General Services				166761
Fund Group	\$	36,000	\$ 36,000	166762
Federal Special Revenue Fund Group				166763
3100 226626 Coordinating Unit	\$	2,527,104	\$ 2,527,104	166764
3DT0 226621 Ohio Transition Collaborative	\$	650,000	\$ 650,000	166765
3P50 226643 Medicaid Professional Services Reimbursement	\$	50,000	\$ 50,000	166766
TOTAL FED Federal Special Revenue Fund Group	\$	3,227,104	\$ 3,227,104	166767
State Special Revenue Fund Group				166769
4M50 226601 Work Study and Technology Investment	\$	461,521	\$ 461,521	166770
TOTAL SSR State Special Revenue Fund Group	\$	461,521	\$ 461,521	166772
TOTAL ALL BUDGET FUND GROUPS	\$	11,003,204	\$ 11,003,204	166773
Section 377.10. OSD OHIO SCHOOL FOR THE DEAF				166775
General Revenue Fund				166776
GRF 221321 Operations	\$	8,727,657	\$ 8,727,657	166777
TOTAL GRF General Revenue Fund	\$	8,727,657	\$ 8,727,657	166778
General Services Fund Group				166779
4M10 221602 Education Reform Grants	\$	35,000	\$ 35,000	166780
5NK0 221610 Food Service Program	\$	9,000	\$ 9,000	166781
TOTAL GSF General Services Fund Group	\$	44,000	\$ 44,000	166783
Federal Special Revenue Fund Group				166784
3110 221625 Coordinating Unit	\$	2,153,245	\$ 2,153,245	166785
3R00 221684 Medicaid Professional	\$	35,000	\$ 35,000	166786

Services				
Reimbursement				
TOTAL FED Federal Special				166787
Revenue Fund Group	\$	2,188,245	\$ 2,188,245	166788
State Special Revenue Fund Group				166789
4M00 221601 Educational Program	\$	95,000	\$ 95,000	166790
Expenses				
5H60 221609 Even Start Fees and	\$	35,000	\$ 35,000	166791
Gifts				
TOTAL SSR State Special Revenue				166792
Fund Group	\$	130,000	\$ 130,000	166793
TOTAL ALL BUDGET FUND GROUPS	\$	11,089,902	\$ 11,089,902	166794
 Section 381.10. SOS SECRETARY OF STATE				166796
General Revenue Fund				166797
GRF 050321 Operating Expenses	\$	2,144,030	\$ 2,144,030	166798
GRF 050407 Pollworkers Training	\$	234,196	\$ 234,196	166799
TOTAL GRF General Revenue Fund	\$	2,378,226	\$ 2,378,226	166800
General Services Fund Group				166801
4120 050609 Notary Commission	\$	475,000	\$ 475,000	166802
4130 050601 Information Systems	\$	49,000	\$ 49,000	166803
4S80 050610 Board of Voting	\$	7,200	\$ 7,200	166804
Machine Examiners				
5FG0 050620 BOE Reimbursement and	\$	80,000	\$ 80,000	166805
Education				
TOTAL General Services Fund Group	\$	611,200	\$ 611,200	166806
Federal Special Revenue Fund Group				166807
3AH0 050614 Election	\$	300,000	\$ 300,000	166808
Reform/Health and Human Services				
3AS0 050616 Help America Vote Act	\$	1,710,000	\$ 1,710,000	166809
(HAVA)				

3FM0 050624	Miscellaneous Federal	\$	100,000	\$	100,000	166810
	Grants					
TOTAL FED	Federal Special Revenue					166811
Fund Group		\$	2,110,000	\$	2,110,000	166812
State Special Revenue	Fund Group					166813
5990 050603	Business Services	\$	14,385,400	\$	14,385,400	166814
	Operating Expenses					
TOTAL SSR	State Special Revenue					166815
Fund Group		\$	14,385,400	\$	14,385,400	166816
Holding Account	Redistribution Fund Group					166817
R001 050605	Uniform Commercial	\$	30,000	\$	30,000	166818
	Code Refunds					
R002 050606	Corporate/Business	\$	85,000	\$	85,000	166819
	Filing Refunds					
TOTAL 090	Holding Account					166820
Redistribution	Fund Group	\$	115,000	\$	115,000	166821
TOTAL ALL BUDGET	FUND GROUPS	\$	19,599,826	\$	19,599,826	166822
	POLLWORKER TRAINING					166823
	The foregoing appropriation item 050407, Pollworkers					166824
	Training, shall be used to reimburse county boards of elections					166825
	for pollworker training pursuant to section 3501.27 of the Revised					166826
	Code. At the end of fiscal year 2014, an amount equal to the					166827
	unexpended, unencumbered portion of appropriation item 050407,					166828
	Pollworkers Training, is hereby reappropriated in fiscal year 2015					166829
	for the same purpose.					166830
	BOARD OF VOTING MACHINE EXAMINERS					166831
	The foregoing appropriation item 050610, Board of Voting					166832
	Machine Examiners, shall be used to pay for the services and					166833
	expenses of the members of the Board of Voting Machine Examiners,					166834
	and for other expenses that are authorized to be paid from the					166835
	Board of Voting Machine Examiners Fund, which is created in					166836

section 3506.05 of the Revised Code. Moneys not used shall be 166837
returned to the person or entity submitting equipment for 166838
examination. If it is determined that additional appropriations 166839
are necessary, such amounts are hereby appropriated. 166840

HAVA FUNDS 166841

An amount equal to the unexpended, unencumbered portion of 166842
appropriation item 050614, Election Reform/Health and Human 166843
Services, at the end of fiscal year 2014 is reappropriated for the 166844
same purpose in fiscal year 2015. 166845

An amount equal to the unexpended, unencumbered portion of 166846
appropriation item 050616, Help America Vote Act (HAVA), at the 166847
end of fiscal year 2014 is reappropriated for the same purpose in 166848
fiscal year 2015. 166849

The Director of Budget and Management shall credit the 166850
ongoing interest earnings from the Election Reform/Health and 166851
Human Services Fund (Fund 3AH0) and the Help America Vote Act 166852
(HAVA) (Fund 3AS0) to the respective funds and distribute these 166853
earnings in accordance with the terms of the grant under which the 166854
money is received. 166855

MISCELLANEOUS FEDERAL GRANTS 166856

On July 1, 2013, or as soon as possible thereafter, the 166857
Director of Budget and Management shall transfer from the General 166858
Revenue Fund (GRF) all investment earnings and amounts equal to 166859
the interest earnings that were attributable to the Miscellaneous 166860
Federal Grants Fund (Fund 3FM0) in each quarter of fiscal year 166861
2013. The Director of Budget and Management shall credit the 166862
ongoing interest earnings from Fund 3FM0 to that fund and 166863
distribute these earnings in accordance with the terms of the 166864
grant under which the money was received. 166865

An amount equal to the unexpended, unencumbered portion of 166866
the foregoing appropriation item 050624, Miscellaneous Federal 166867

Grants, at the end of fiscal year 2013 is hereby reappropriated to 166868
the Secretary of State for the same purpose for fiscal year 2014. 166869

An amount equal to the unexpended, unencumbered portion of 166870
the foregoing appropriation item 050624, Miscellaneous Federal 166871
Grants, at the end of fiscal year 2014 is hereby reappropriated to 166872
the Secretary of State for the same purpose for fiscal year 2015. 166873

HOLDING ACCOUNT REDISTRIBUTION GROUP 166874

The foregoing appropriation items 050605, Uniform Commercial 166875
Code Refunds, and 050606, Corporate/Business Filing Refunds, shall 166876
be used to hold revenues until they are directed to the 166877
appropriate accounts or until they are refunded. If it is 166878
determined that additional appropriations are necessary, such 166879
amounts are hereby appropriated. 166880

Section 383.10. SEN THE OHIO SENATE 166881

General Revenue Fund 166882

GRF 020321 Operating Expenses \$ 11,657,822 \$ 11,657,822 166883

TOTAL GRF General Revenue Fund \$ 11,657,822 \$ 11,657,822 166884

General Services Fund Group 166885

1020 020602 Senate Reimbursement \$ 852,001 \$ 852,001 166886

4090 020601 Miscellaneous Sales \$ 34,497 \$ 34,497 166887

TOTAL GSF General Services 166888

Fund Group \$ 886,498 \$ 886,498 166889

TOTAL ALL BUDGET FUND GROUPS \$ 12,544,320 \$ 12,544,320 166890

OPERATING EXPENSES 166891

On July 1, 2013, or as soon as possible thereafter, the Clerk 166892
of the Senate may certify to the Director of Budget and Management 166893
the amount of the unexpended, unencumbered balance of the 166894
foregoing appropriation item 020321, Operating Expenses, at the 166895
end of fiscal year 2013 to be reappropriated to fiscal year 2014. 166896
The amount certified is hereby reappropriated to the same 166897

appropriation item for fiscal year 2014. 166898

On July 1, 2014, or as soon as possible thereafter, the Clerk 166899
of the Senate may certify to the Director of Budget and Management 166900
the amount of the unexpended, unencumbered balance of the 166901
foregoing appropriation item 020321, Operating Expenses, at the 166902
end of fiscal year 2014 to be reappropriated to fiscal year 2015. 166903
The amount certified is hereby reappropriated to the same 166904
appropriation item for fiscal year 2015. 166905

Section 385.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 166906

General Revenue Fund 166907

GRF 866321	CSV Operations	\$	286,661	\$	294,072	166908
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TOTAL GRF	General Revenue Fund	\$	286,661	\$	294,072	166909
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General Services Fund 166910

5GN0 866605	Serve Ohio Support	\$	30,000	\$	30,000	166911
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TOTAL GSF	General Services Fund	\$	30,000	\$	30,000	166912
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Federal Special Revenue Fund Group 166913

3R70 866617	AmeriCorps Programs	\$	7,447,000	\$	7,447,000	166914
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TOTAL FED	Federal Special Revenue					166915
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Fund Group		\$	7,447,000	\$	7,447,000	166916
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TOTAL ALL BUDGET FUND GROUPS		\$	7,763,661	\$	7,771,072	166917
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Section 387.10. CSF COMMISSIONERS OF THE SINKING FUND 166919

Debt Service Fund Group 166920

7070 155905	Third Frontier	\$	66,511,600	\$	83,783,000	166921
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Research and
Development Bond
Retirement Fund

7072 155902	Highway Capital	\$	132,647,900	\$	127,171,800	166922
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Improvement Bond
Retirement Fund

7073	155903	Natural Resources Bond	\$	24,325,400	\$	25,443,000	166923
		Retirement Fund					
7074	155904	Conservation Projects	\$	33,376,600	\$	34,447,700	166924
		Bond Retirement Fund					
7076	155906	Coal Research and	\$	2,858,900	\$	4,327,200	166925
		Development Bond					
		Retirement Fund					
7077	155907	State Capital	\$	227,810,300	\$	228,948,900	166926
		Improvement Bond					
		Retirement Fund					
7078	155908	Common Schools Bond	\$	351,806,100	\$	377,364,700	166927
		Retirement Fund					
7079	155909	Higher Education Bond	\$	221,168,700	\$	248,822,000	166928
		Retirement Fund					
7080	155901	Persian Gulf,	\$	7,542,600	\$	9,914,800	166929
		Afghanistan, and Iraq					
		Conflicts Bond					
		Retirement Fund					
7090	155912	Job Ready Site	\$	15,498,400	\$	19,124,500	166930
		Development Bond					
		Retirement Fund					
TOTAL	DSF	Debt Service Fund Group	\$	1,083,546,500	\$	1,159,347,600	166931
TOTAL	ALL	BUDGET FUND GROUPS	\$	1,083,546,500	\$	1,159,347,600	166932
		ADDITIONAL APPROPRIATIONS					166933
		Appropriation items in this section are for the purpose of					166934
		paying debt service and financing costs on bonds or notes of the					166935
		state issued under the Ohio Constitution and acts of the General					166936
		Assembly. If it is determined that additional amounts are					166937
		necessary for this purpose, such amounts are hereby appropriated.					166938
		Section 389.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY					166939
		DEVELOPMENT FOUNDATION					166940

Tobacco Master Settlement Agreement Fund Group				166941
5M90 945601 Operating Expenses	\$	426,800	\$ 426,800	166942
K087 945602 Southern Ohio	\$	129,578	\$ 0	166943
Agricultural Development Foundation				
TOTAL TMF Tobacco Master Settlement Agreement Fund Group	\$	556,378	\$ 426,800	166944
TOTAL ALL BUDGET FUND GROUPS	\$	556,378	\$ 426,800	166945

TRANSFER TO OPERATING EXPENSES FUND 166946

On July 1, 2014, or as soon as possible thereafter, the 166947
Director of Budget and Management shall transfer the cash balance 166948
in the Southern Ohio Agricultural Community Development Trust Fund 166949
(Fund K087) to the Operating Expenses Fund (Fund 5M90). Upon 166950
completion of this transfer and on the effective date of its 166951
repeal by this act, Fund K087 is abolished. 166952

Section 391.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & 166953
AUDIOLOGY 166954

General Services Fund Group				166955
4K90 886609 Operating Expenses	\$	472,260	\$ 508,660	166956
TOTAL GSF General Services Fund Group	\$	472,260	\$ 508,660	166958
TOTAL ALL BUDGET FUND GROUPS	\$	472,260	\$ 508,660	166959

Section 393.10. BTA BOARD OF TAX APPEALS 166961

General Revenue Fund				166962
GRF 116321 Operating Expenses	\$	1,900,000	\$ 1,700,000	166963
TOTAL GRF General Revenue Fund	\$	1,900,000	\$ 1,700,000	166964
TOTAL ALL BUDGET FUND GROUPS	\$	1,900,000	\$ 1,700,000	166965

Section 395.10. TAX DEPARTMENT OF TAXATION 166967

General Revenue Fund					166968	
GRF 110321	Operating Expenses	\$	72,568,330	\$	67,968,332	166969
GRF 110404	Tobacco Settlement	\$	178,200	\$	178,200	166970
	Enforcement					
GRF 110901	Property Tax	\$	666,640,000	\$	678,255,600	166971
	Allocation - Taxation					
TOTAL GRF	General Revenue Fund	\$	739,386,530	\$	746,402,132	166972
General Services Fund Group						166973
2280 110628	Revenue Enhancement	\$	15,500,000	\$	17,500,000	166974
4330 110602	Tape File Account	\$	175,000	\$	175,000	166975
5BP0 110639	Wireless 9-1-1	\$	290,000	\$	290,000	166976
	Administration					
5CZ0 110631	Vendor's License	\$	250,000	\$	250,000	166977
	Application					
5MN0 110638	STARS Development and	\$	5,000,000	\$	3,000,000	166978
	Implementation					
5N50 110605	Municipal Income Tax	\$	150,000	\$	150,000	166979
	Administration					
5N60 110618	Kilowatt Hour Tax	\$	100,000	\$	100,000	166980
	Administration					
5V80 110623	Property Tax	\$	11,978,310	\$	11,978,310	166981
	Administration					
5W70 110627	Exempt Facility	\$	49,500	\$	49,500	166982
	Administration					
TOTAL GSF	General Services					166983
Fund Group		\$	33,492,810	\$	33,492,810	166984
State Special Revenue Fund Group						166985
4350 110607	Local Tax	\$	20,000,000	\$	20,700,000	166986
	Administration					
4360 110608	Motor Vehicle Audit	\$	1,459,609	\$	1,459,609	166987
4370 110606	Income Tax	\$	38,800	\$	38,800	166988
	Contribution					

4380	110609	School District Income Tax	\$	5,802,044	\$	5,802,044	166989
4C60	110616	International Registration Plan	\$	682,415	\$	682,415	166990
4R60	110610	Tire Tax Administration	\$	244,193	\$	244,193	166991
5V70	110622	Motor Fuel Tax Administration	\$	5,035,374	\$	5,035,374	166992
6390	110614	Cigarette Tax Enforcement	\$	1,750,000	\$	1,750,000	166993
6420	110613	Ohio Political Party Distributions	\$	500,000	\$	500,000	166994
6880	110615	Local Excise Tax Administration	\$	775,015	\$	775,015	166995
TOTAL SSR State Special Revenue							166996
Fund Group			\$	36,287,450	\$	36,987,450	166997
Agency Fund Group							166998
4250	110635	Tax Refunds	\$	1,546,800,000	\$	1,546,800,000	166999
7095	110995	Municipal Income Tax	\$	21,000,000	\$	21,000,000	167000
TOTAL AGY Agency Fund Group			\$	1,567,800,000	\$	1,567,800,000	167001
Holding Account Redistribution Fund Group							167002
R010	110611	Tax Distributions	\$	50,000	\$	50,000	167003
R011	110612	Miscellaneous Income Tax Receipts	\$	50,000	\$	50,000	167004
TOTAL 090 Holding Account							167005
Redistribution Fund Group			\$	100,000	\$	100,000	167006
TOTAL ALL BUDGET FUND GROUPS			\$	2,377,066,790	\$	2,384,782,392	167007
HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK							167008
The foregoing appropriation item 110901, Property Tax Allocation - Taxation, is hereby appropriated to pay for the state's costs incurred due to the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax							167009 167010 167011 167012

Rollback. The Tax Commissioner shall distribute these funds 167013
directly to the appropriate local taxing districts, except for 167014
school districts, notwithstanding the provisions in sections 167015
321.24 and 323.156 of the Revised Code, which provide for payment 167016
of the Homestead Exemption, the Manufactured Home Property Tax 167017
Rollback, and Property Tax Rollback by the Tax Commissioner to the 167018
appropriate county treasurer and the subsequent redistribution of 167019
these funds to the appropriate local taxing districts by the 167020
county auditor. 167021

Upon receipt of these amounts, each local taxing district 167022
shall distribute the amount among the proper funds as if it had 167023
been paid as real property taxes. Payments for the costs of 167024
administration shall continue to be paid to the county treasurer 167025
and county auditor as provided for in sections 319.54, 321.26, and 167026
323.156 of the Revised Code. 167027

Any sums, in addition to the amounts specifically 167028
appropriated in appropriation item 110901, Property Tax Allocation 167029
- Taxation, for the Homestead Exemption, the Manufactured Home 167030
Property Tax Rollback, and the Property Tax Rollback payments, 167031
which are determined to be necessary for these purposes, are 167032
hereby appropriated. 167033

MUNICIPAL INCOME TAX 167034

The foregoing appropriation item 110995, Municipal Income 167035
Tax, shall be used to make payments to municipal corporations 167036
under section 5745.05 of the Revised Code. If it is determined 167037
that additional appropriations are necessary to make such 167038
payments, such amounts are hereby appropriated. 167039

TAX REFUNDS 167040

The foregoing appropriation item 110635, Tax Refunds, shall 167041
be used to pay refunds under section 5703.052 of the Revised Code. 167042
If it is determined that additional appropriations are necessary 167043

for this purpose, such amounts are hereby appropriated.	167044
INTERNATIONAL REGISTRATION PLAN AUDIT	167045
The foregoing appropriation item 110616, International	167046
Registration Plan, shall be used under section 5703.12 of the	167047
Revised Code for audits of persons with vehicles registered under	167048
the International Registration Plan.	167049
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	167050
Of the foregoing appropriation item 110607, Local Tax	167051
Administration, the Tax Commissioner may disburse funds, if	167052
available, for the purposes of paying travel expenses incurred by	167053
members of Ohio's delegation to the Streamlined Sales Tax Project,	167054
as appointed under section 5740.02 of the Revised Code. Any travel	167055
expense reimbursement paid for by the Department of Taxation shall	167056
be done in accordance with applicable state laws and guidelines.	167057
TOBACCO SETTLEMENT ENFORCEMENT	167058
The foregoing appropriation item 110404, Tobacco Settlement	167059
Enforcement, shall be used by the Tax Commissioner to pay costs	167060
incurred in the enforcement of divisions (F) and (G) of section	167061
5743.03 of the Revised Code.	167062
STARS DEVELOPMENT AND IMPLEMENTATION FUND	167063
The foregoing appropriation item 110638, STARS Development	167064
and Implementation Fund, shall be used to pay costs incurred in	167065
the development and implementation of the department's State Tax	167066
Accounting and Revenue System. The Director of Budget and	167067
Management, under a plan submitted by the Tax Commissioner, or as	167068
otherwise determined by the Director of Budget and Management,	167069
shall set a schedule to transfer cash from the Tax Reform System	167070
Implementation Fund, Local Tax Administration Fund, School	167071
District Income Tax Fund, Discovery Project Fund, and the Motor	167072
Fuel Tax Administration Fund to the credit of the STARS	167073

Development and Implementation Fund (Fund 5MN0). The transfers of 167074
cash shall not exceed \$8,000,000 in the biennium. 167075

Section 397.10. DOT DEPARTMENT OF TRANSPORTATION 167076

General Revenue Fund 167077

GRF 775451 Public Transportation \$ 7,300,000 \$ 7,300,000 167078
- State

GRF 776465 Ohio Rail Development \$ 2,000,000 \$ 2,000,000 167079
Commission

GRF 777471 Airport Improvements \$ 750,000 \$ 750,000 167080
- State

TOTAL GRF General Revenue Fund \$ 10,050,000 \$ 10,050,000 167081

TOTAL ALL BUDGET FUND GROUPS \$ 10,050,000 \$ 10,050,000 167082

Section 399.10. TOS TREASURER OF STATE 167084

General Revenue Fund 167085

GRF 090321 Operating Expenses \$ 7,743,553 \$ 7,743,553 167086

GRF 090401 Office of the Sinking \$ 502,304 \$ 502,304 167087
Fund

GRF 090402 Continuing Education \$ 377,702 \$ 377,702 167088

GRF 090524 Police and Fire \$ 6,000 \$ 6,000 167089
Disability Pension
Fund

GRF 090534 Police and Fire Ad Hoc \$ 70,000 \$ 70,000 167090
Cost of Living

GRF 090554 Police and Fire \$ 507,000 \$ 507,000 167091
Survivor Benefits

GRF 090575 Police and Fire Death \$ 20,000,000 \$ 20,000,000 167092
Benefits

TOTAL GRF General Revenue Fund \$ 29,206,559 \$ 29,206,559 167093

General Services Fund Group 167094

4E90 090603 Securities Lending \$ 3,765,000 \$ 3,765,000 167095

		Income				
5770	090605	Investment Pool	\$	850,000	\$	850,000 167096
		Reimbursement				
5C50	090602	County Treasurer	\$	170,057	\$	170,057 167097
		Education				
6050	090609	Treasurer of State	\$	835,000	\$	835,000 167098
		Administrative Fund				
TOTAL GSF General Services						167099
Fund Group			\$	5,620,057	\$	5,620,057 167100
Agency Fund Group						167101
4250	090635	Tax Refunds	\$	6,000,000	\$	6,000,000 167102
TOTAL Agency Fund Group						\$ 6,000,000 \$ 6,000,000 167103
TOTAL ALL BUDGET FUND GROUPS						\$ 40,826,616 \$ 40,826,616 167104

Section 399.20. OFFICE OF THE SINKING FUND 167106

The foregoing appropriation item 090401, Office of the 167107
Sinking Fund, shall be used for costs incurred by or on behalf of 167108
the Commissioners of the Sinking Fund and the Ohio Public 167109
Facilities Commission with respect to State of Ohio general 167110
obligation bonds or notes, and the Treasurer of State with respect 167111
to State of Ohio general obligation and special obligation bonds 167112
or notes, including, but not limited to, printing, advertising, 167113
delivery, rating fees and the procurement of ratings, professional 167114
publications, membership in professional organizations, and other 167115
services referred to in division (D) of section 151.01 of the 167116
Revised Code. The General Revenue Fund shall be reimbursed for 167117
such costs relating to the issuance and administration of Highway 167118
Capital Improvement bonds or notes authorized under Ohio 167119
Constitution, Article VIII, Section 2m and Chapter 151. of the 167120
Revised Code. That reimbursement shall be made from appropriation 167121
item 155902, Highway Capital Improvement Bond Retirement Fund, by 167122
intrastate transfer voucher pursuant to a certification by the 167123
Office of the Sinking Fund of the actual amounts used. The amounts 167124

necessary to make such a reimbursement are hereby appropriated 167125
from the Highway Capital Improvement Bond Retirement Fund created 167126
in section 151.06 of the Revised Code. 167127

POLICE AND FIRE DEATH BENEFIT FUND 167128

The foregoing appropriation item 090575, Police and Fire 167129
Death Benefits, shall be disbursed quarterly by the Treasurer of 167130
State at the beginning of each quarter of each fiscal year to the 167131
Board of Trustees of the Ohio Police and Fire Pension Fund. The 167132
Treasurer of State shall certify such amounts quarterly to the 167133
Director of Budget and Management. By the twentieth day of June of 167134
each fiscal year, the Board of Trustees of the Ohio Police and 167135
Fire Pension Fund shall certify to the Treasurer of State the 167136
amount disbursed in the current fiscal year to make the payments 167137
required by section 742.63 of the Revised Code and shall return to 167138
the Treasurer of State moneys received from this appropriation 167139
item but not disbursed. 167140

TAX REFUNDS 167141

The foregoing appropriation item 090635, Tax Refunds, shall 167142
be used to pay refunds under section 5703.052 of the Revised Code. 167143
If the Director of Budget and Management determines that 167144
additional amounts are necessary for this purpose, such amounts 167145
are hereby appropriated. 167146

Section 401.10. VTO VETERANS' ORGANIZATIONS 167147

General Revenue Fund 167148

VAP AMERICAN EX-PRISONERS OF WAR 167149

GRF 743501 State Support \$ 28,910 \$ 28,910 167150

VAN ARMY AND NAVY UNION, USA, INC. 167151

GRF 746501 State Support \$ 63,539 \$ 63,539 167152

VKW KOREAN WAR VETERANS 167153

GRF 747501 State Support \$ 57,118 \$ 57,118 167154

		VJW JEWISH WAR VETERANS				167155
GRF	748501	State Support	\$	34,321	\$	34,321 167156
		VCW CATHOLIC WAR VETERANS				167157
GRF	749501	State Support	\$	66,978	\$	66,978 167158
		VPH MILITARY ORDER OF THE PURPLE HEART				167159
GRF	750501	State Support	\$	65,116	\$	65,116 167160
		VVV VIETNAM VETERANS OF AMERICA				167161
GRF	751501	State Support	\$	214,776	\$	214,776 167162
		VAL AMERICAN LEGION OF OHIO				167163
GRF	752501	State Support	\$	349,189	\$	349,189 167164
		VII AMVETS				167165
GRF	753501	State Support	\$	332,547	\$	332,547 167166
		VAV DISABLED AMERICAN VETERANS				167167
GRF	754501	State Support	\$	249,836	\$	249,836 167168
		VMC MARINE CORPS LEAGUE				167169
GRF	756501	State Support	\$	133,947	\$	133,947 167170
		V37 37TH DIVISION VETERANS' ASSOCIATION				167171
GRF	757501	State Support	\$	6,868	\$	6,868 167172
		VFW VETERANS OF FOREIGN WARS				167173
GRF	758501	State Support	\$	284,841	\$	284,841 167174
TOTAL GRF		General Revenue Fund	\$	1,887,986	\$	1,887,986 167175
TOTAL ALL BUDGET FUND GROUPS			\$	1,887,986	\$	1,887,986 167176
		RELEASE OF FUNDS				167177
		The Director of Budget and Management may release the				167178
		foregoing appropriation items 743501, 746501, 747501, 748501,				167179
		749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,				167180
		and 758501, State Support.				167181
		Section 403.10. DVS DEPARTMENT OF VETERANS SERVICES				167182
		General Revenue Fund				167183
GRF	900321	Veterans' Homes	\$	27,369,946	\$	27,369,946 167184
GRF	900402	Hall of Fame	\$	107,075	\$	107,075 167185

GRF	900408	Department of Veterans Services	\$	2,001,823	\$	2,001,823	167186
GRF	900901	Persian Gulf, Afghanistan, and Iraq Compensation Debt Service	\$	7,542,600	\$	9,914,800	167187
TOTAL GRF	General Revenue Fund		\$	37,021,444	\$	39,393,644	167188
General Services Fund Group							167189
4840	900603	Veterans' Homes Services	\$	1,596,894	\$	1,596,894	167190
TOTAL GSF	General Services Fund Group		\$	1,596,894	\$	1,596,894	167191
Federal Special Revenue Fund Group							167192
3680	900614	Veterans Training	\$	684,017	\$	697,682	167193
3740	900606	Troops to Teachers	\$	111,822	\$	111,879	167194
3BX0	900609	Medicare Services	\$	2,250,000	\$	2,250,000	167195
3L20	900601	Veterans' Homes Operations - Federal	\$	24,887,790	\$	25,634,423	167196
TOTAL FED	Federal Special Revenue Fund Group		\$	27,933,629	\$	28,693,984	167197
State Special Revenue Fund Group							167199
4E20	900602	Veterans' Homes Operating	\$	10,614,652	\$	10,837,435	167200
6040	900604	Veterans' Homes Improvement	\$	403,663	\$	459,359	167201
TOTAL SSR	State Special Revenue Fund Group		\$	11,018,315	\$	11,296,794	167202
Persian Gulf, Afghanistan, and Iraq Compensation Fund Group							167204
7041	900615	Veteran Bonus Program - Administration	\$	738,703	\$	629,709	167205
7041	900641	Persian Gulf, Afghanistan, and Iraq	\$	14,500,000	\$	9,400,000	167206

Compensation

TOTAL 041 Persian Gulf,				167207
Afghanistan, and Iraq				167208
Compensation Fund Group	\$	15,238,703	\$ 10,029,709	167209
TOTAL ALL BUDGET FUND GROUPS	\$	92,808,985	\$ 91,011,025	167210

PERSIAN GULF, AFGHANISTAN AND IRAQ COMPENSATION GENERAL				167211
OBLIGATION DEBT SERVICE				167212

The foregoing appropriation item 900901, Persian Gulf,				167213
Afghanistan and Iraq Compensation Debt Service, shall be used to				167214
pay all debt service and related financing costs during the period				167215
from July 1, 2013, through June 30, 2015, on obligations issued				167216
for Persian Gulf, Afghanistan and Iraq Conflicts Compensation				167217
purposes under sections 151.01 and 151.12 of the Revised Code.				167218

Section 405.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD 167219

General Services Fund Group				167220
4K90 888609 Operating Expenses	\$	337,432	\$ 331,695	167221
5BU0 888602 Veterinary Student	\$	30,000	\$ 30,000	167222

Loan Program

TOTAL GSF General Services				167223
Fund Group	\$	367,432	\$ 361,695	167224
TOTAL ALL BUDGET FUND GROUPS	\$	367,432	\$ 361,695	167225

Section 407.10. DYS DEPARTMENT OF YOUTH SERVICES 167227

General Revenue Fund				167228
GRF 470401 RECLAIM Ohio	\$	166,862,228	\$ 166,862,228	167229
GRF 470412 Lease Rental Payments	\$	26,044,800	\$ 27,819,700	167230
GRF 470510 Youth Services	\$	16,702,728	\$ 16,702,728	167231
GRF 472321 Parole Operations	\$	10,583,118	\$ 10,583,118	167232
GRF 477321 Administrative	\$	11,355,389	\$ 11,355,389	167233
Operations				
TOTAL GRF General Revenue Fund	\$	231,548,263	\$ 233,323,163	167234

General Services Fund Group				167235
1750	470613	Education	\$ 3,950,000 \$	3,600,000 167236
		Reimbursement		
4790	470609	Employee Food Service	\$ 125,000 \$	125,000 167237
4A20	470602	Child Support	\$ 250,000 \$	250,000 167238
4G60	470605	General Operational	\$ 115,000 \$	115,000 167239
		Funds		
5BN0	470629	E-Rate Program	\$ 525,000 \$	525,000 167240
TOTAL GSF General Services				167241
Fund Group				\$ 4,965,000 \$ 4,615,000 167242
Federal Special Revenue Fund Group				167243
3210	470601	Education	\$ 1,480,740 \$	1,203,272 167244
3210	470603	Juvenile Justice	\$ 300,000 \$	300,000 167245
		Prevention		
3210	470606	Nutrition	\$ 1,033,947 \$	1,033,947 167246
3210	470614	Title IV-E	\$ 5,755,620 \$	3,714,548 167247
		Reimbursements		
3CP0	470638	Federal Juvenile	\$ 20,000 \$	5,000 167248
		Programs FFY 09		
3CR0	470639	Federal Juvenile	\$ 479,900 \$	126,000 167249
		Programs FFY 10		
3FB0	470641	Federal Juvenile	\$ 500,000 \$	105,000 167250
		Programs FFY 11		
3FC0	470642	Federal Juvenile	\$ 600,000 \$	50,000 167251
		Programs FFY 12		
3GB0	470643	Federal Juvenile	\$ 135,000 \$	600,000 167252
		Programs FFY 13		
3GC0	470644	Federal Juvenile	\$ 0 \$	135,000 167253
		Programs FFY 14		
3V50	470604	Juvenile	\$ 1,300,000 \$	1,000,000 167254
		Justice/Delinquency		
		Prevention		

TOTAL FED Federal Special Revenue				167255	
Fund Group	\$	11,605,207	\$	8,272,767	167256
State Special Revenue Fund Group				167257	
1470 470612 Vocational Education	\$	1,795,000	\$	1,795,000	167258
TOTAL SSR State Special Revenue				167259	
Fund Group	\$	1,795,000	\$	1,795,000	167260
TOTAL ALL BUDGET FUND GROUPS	\$	249,913,470	\$	248,005,930	167261

COMMUNITY PROGRAMS 167262

For purposes of improving community programs, and 167263
notwithstanding any provision of law to the contrary, of the 167264
foregoing appropriation item 470401, RECLAIM Ohio, the Department 167265
of Youth Services shall use \$8,813,811 in each fiscal year to 167266
expand Targeted RECLAIM, the Behavioral Health Juvenile Justice 167267
Initiative, and other evidence-based community programs. 167268

For purposes of implementing juvenile sentencing reforms, and 167269
notwithstanding any provision of law to the contrary, the 167270
Department of Youth Services may use up to forty-five per cent of 167271
the unexpended, unencumbered balance of the portion of 167272
appropriation item 470401, RECLAIM Ohio, that is allocated to 167273
juvenile correctional facilities in each fiscal year to expand 167274
Targeted RECLAIM, the Behavioral Health Juvenile Justice 167275
Initiative, and other evidence-based community programs. 167276

LEASE RENTAL PAYMENTS 167277

The foregoing appropriation item 470412, Lease Rental 167278
Payments, shall be used to meet all payments at the times they are 167279
required to be made for the period from July 1, 2013, through June 167280
30, 2015, by the Department of Youth Services under the leases and 167281
agreements for facilities made under Chapters 152. and 154. of the 167282
Revised Code. This appropriation is the source of funds pledged 167283
for bond service charges on related obligations issued under 167284
Chapters 152. and 154. of the Revised Code. 167285

EDUCATION REIMBURSEMENT 167286

The foregoing appropriation item 470613, Education 167287
Reimbursement, shall be used to fund the operating expenses of 167288
providing educational services to youth supervised by the 167289
Department of Youth Services. Operating expenses include, but are 167290
not limited to, teachers' salaries, maintenance costs, and 167291
educational equipment. This appropriation item may be used for 167292
capital expenses related to the education program. 167293

EMPLOYEE FOOD SERVICE AND EQUIPMENT 167294

Notwithstanding section 125.14 of the Revised Code, the 167295
foregoing appropriation item 470609, Employee Food Service, may be 167296
used to purchase any food operational items with funds received 167297
into the fund from reimbursements for state surplus property. 167298

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 167299

In collaboration with the county family and children first 167300
council, the juvenile court of that county that receives 167301
allocations from one or both of the foregoing appropriation items 167302
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 167303
portions of those allocations to a flexible funding pool as 167304
authorized by the section of Am. Sub. H.B. 153 of the 129th 167305
General Assembly titled "FAMILY AND CHILDREN FIRST FLEXIBLE 167306
FUNDING POOL." 167307

Section 501.10. SCREENING TOOL FOR HIGH-RISK YOUTH TEAM 167308
EVALUATION 167309

The Office of Health Transformation shall convene a team 167310
comprised of the Department of Youth Services, the Department of 167311
Medicaid, the Department of Job and Family Services, the 167312
Department of Health, and the Department of Mental Health and 167313
Addiction Services. The team shall evaluate the feasibility of 167314
implementing a trauma screening tool for high-risk youth and 167315

create a report with the following information: (A) the 167316
recommended trauma screening tool to be used to evaluate high-risk 167317
youth; (B) training in the administration of the recommended tool; 167318
(C) screening protocols; (D) the persons to whom the recommended 167319
tool should apply; and (E) the implications for treatment. The 167320
report shall be completed by December 1, 2013, and shall be 167321
distributed to the Governor. The Department of Youth Services may 167322
receive funds for piloting the recommended tool in detention 167323
centers. 167324

Section 501.20. All items set forth in sections 501.20 and 167325
501.30 of this act are hereby appropriated for the biennium ending 167326
on June 30, 2015, out of any moneys in the state treasury to the 167327
credit of the Administrative Building Fund (Fund 7026) that are 167328
not otherwise appropriated. 167329

Appropriations

CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD			167330
C87412 Capitol Square Security	\$	1,200,000	167331
TOTAL Capitol Square Review and Advisory Board	\$	1,200,000	167332

Appropriations

Section 501.30. TOS TREASURER OF STATE			167334
C09001 Treasury Management System	\$	10,000,000	167335
TOTAL Treasurer of State	\$	10,000,000	167336
TOTAL Administrative Building Fund	\$	11,200,000	167337

The foregoing appropriation item C09001, Treasury Management 167338
System, shall be used to pay costs incurred in the acquisition and 167339
implementation of the Treasury Management System. 167340

The Treasurer of State may acquire and implement a Treasury 167341
Management System, including, but not limited to, the application 167342
hardware and software and the installation and implementation 167343

thereof, for the use of the Treasurer of State. The Treasury 167344
Management System is an integrated treasury technology 167345
infrastructure system that will replace the Treasurer of State's 167346
existing separate cash, custody, investment, and accounting 167347
software and administration systems for the various treasury 167348
functions performed by the state. 167349

The Treasurer of State is hereby authorized to issue and 167350
sell, in accordance with Section 2i of Article VIII, Ohio 167351
Constitution, and Chapter 154. of the Revised Code, particularly 167352
section 154.24 of the Revised Code, original obligations in an 167353
aggregate principal amount not to exceed \$11,200,000, in addition 167354
to the original issuance of obligations heretofore authorized by 167355
prior acts of the General Assembly. These authorized obligations 167356
shall be issued, subject to applicable constitutional and 167357
statutory limitations, to pay costs associated with previously 167358
authorized capital facilities and the capital facilities referred 167359
to in this section of the act. 167360

Section 503.10. PERSONAL SERVICE EXPENSES 167361

Unless otherwise prohibited by law, any appropriation from 167362
which personal service expenses are paid shall bear the employer's 167363
share of public employees' retirement, workers' compensation, 167364
disabled workers' relief, and insurance programs; and the costs of 167365
centralized financial services, centralized payroll processing, 167366
and related reports and services; centralized human resources 167367
services, including affirmative action and equal employment 167368
opportunity programs; the Office of Collective Bargaining; the 167369
Employee Assistance Program; centralized information technology 167370
management services; administering the enterprise resource 167371
planning system; and administering the state employee merit system 167372
as required by section 124.07 of the Revised Code. These costs 167373
shall be determined in conformity with the appropriate sections of 167374

law and paid in accordance with procedures specified by the Office 167375
of Budget and Management. Expenditures from appropriation item 167376
070601, Public Audit Expense - Intra-State, may be exempted from 167377
the requirements of this section. 167378

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 167379
AGAINST THE STATE 167380

Except as otherwise provided in this section, an 167381
appropriation in this act or any other act may be used for the 167382
purpose of satisfying judgments, settlements, or administrative 167383
awards ordered or approved by the Court of Claims or by any other 167384
court of competent jurisdiction in connection with civil actions 167385
against the state. This authorization does not apply to 167386
appropriations to be applied to or used for payment of guarantees 167387
by or on behalf of the state, or for payments under lease 167388
agreements relating to, or debt service on, bonds, notes, or other 167389
obligations of the state. Notwithstanding any other statute to the 167390
contrary, this authorization includes appropriations from funds 167391
into which proceeds of direct obligations of the state are 167392
deposited only to the extent that the judgment, settlement, or 167393
administrative award is for, or represents, capital costs for 167394
which the appropriation may otherwise be used and is consistent 167395
with the purpose for which any related obligations were issued or 167396
entered into. Nothing contained in this section is intended to 167397
subject the state to suit in any forum in which it is not 167398
otherwise subject to suit, and is not intended to waive or 167399
compromise any defense or right available to the state in any suit 167400
against it. 167401

Section 503.30. CAPITAL PROJECT SETTLEMENTS 167402

This section specifies an additional and supplemental 167403
procedure to provide for payments of judgments and settlements if 167404

the Director of Budget and Management determines, pursuant to 167405
division (C)(4) of section 2743.19 of the Revised Code, that 167406
sufficient unencumbered moneys do not exist in the fund to support 167407
a particular appropriation to pay the amount of a final judgment 167408
rendered against the state or a state agency, including the 167409
settlement of a claim approved by a court, in an action upon and 167410
arising out of a contractual obligation for the construction or 167411
improvement of a capital facility if the costs under the contract 167412
were payable in whole or in part from a state capital projects 167413
appropriation. In such a case, the Director may either proceed 167414
pursuant to division (C)(4) of section 2743.19 of the Revised Code 167415
or apply to the Controlling Board to increase an appropriation or 167416
create an appropriation out of any unencumbered moneys in the 167417
state treasury to the credit of the capital projects fund from 167418
which the initial state appropriation was made. The amount of an 167419
increase in appropriation or new appropriation approved by the 167420
Controlling Board is hereby appropriated from the applicable 167421
capital projects fund and made available for the payment of the 167422
judgment or settlement. 167423

If the Director does not make the application authorized by 167424
this section or the Controlling Board disapproves the application, 167425
and the Director does not make application under division (C)(4) 167426
of section 2743.19 of the Revised Code, the Director shall for the 167427
purpose of making that payment make a request to the General 167428
Assembly as provided for in division (C)(5) of that section. 167429

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 167430

In order to provide funds for the reissuance of voided 167431
warrants under section 126.37 of the Revised Code, there is hereby 167432
appropriated, out of moneys in the state treasury from the fund 167433
credited as provided in section 126.37 of the Revised Code, that 167434
amount sufficient to pay such warrants when approved by the Office 167435

of Budget and Management. 167436

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 167437
BALANCES OF OPERATING APPROPRIATIONS 167438

(A) An unexpended balance of an operating appropriation or 167439
reappropriation that a state agency lawfully encumbered prior to 167440
the close of a fiscal year is hereby reappropriated on the first 167441
day of July of the following fiscal year from the fund from which 167442
it was originally appropriated or reappropriated for the following 167443
period and shall remain available only for the purpose of 167444
discharging the encumbrance: 167445

(1) For an encumbrance for personal services, maintenance, 167446
equipment, or items for resale, other than an encumbrance for an 167447
item of special order manufacture not available on term contract 167448
or in the open market or for reclamation of land or oil and gas 167449
wells, for a period of not more than five months from the end of 167450
the fiscal year; 167451

(2) For an encumbrance for an item of special order 167452
manufacture not available on term contract or in the open market, 167453
for a period of not more than five months from the end of the 167454
fiscal year or, with the written approval of the Director of 167455
Budget and Management, for a period of not more than twelve months 167456
from the end of the fiscal year; 167457

(3) For an encumbrance for reclamation of land or oil and gas 167458
wells, for a period ending when the encumbered appropriation is 167459
expended or for a period of two years, whichever is less; 167460

(4) For an encumbrance for any other expense, for such period 167461
as the Director approves, provided such period does not exceed two 167462
years. 167463

(B) Any operating appropriations for which unexpended 167464
balances are reappropriated beyond a five-month period from the 167465

end of the fiscal year by division (A)(2) of this section shall be reported to the Controlling Board by the Director of Budget and Management by the thirty-first day of December of each year. The report on each such item shall include the item, the cost of the item, and the name of the vendor. The report shall be updated on a quarterly basis for encumbrances remaining open.

(C) Upon the expiration of the reappropriation period set out in division (A) of this section, a reappropriation made by this section lapses, and the Director of Budget and Management shall cancel the encumbrance of the unexpended reappropriation not later than the end of the weekend following the expiration of the reappropriation period.

(D) Notwithstanding division (C) of this section, with the approval of the Director of Budget and Management, an unexpended balance of an encumbrance that was reappropriated on the first day of July by this section for a period specified in division (A)(3) or (4) of this section and that remains encumbered at the close of the fiscal biennium is hereby reappropriated on the first day of July of the following fiscal biennium from the fund from which it was originally appropriated or reappropriated for the applicable period specified in division (A)(3) or (4) of this section and shall remain available only for the purpose of discharging the encumbrance.

(E) The Director of Budget and Management may correct accounting errors committed by the staff of the Office of Budget and Management, such as reestablishing encumbrances or appropriations cancelled in error, during the cancellation of operating encumbrances in November and of nonoperating encumbrances in December.

(F) The Director of Budget and Management may at any time correct accounting errors committed by the staff of a state agency or state institution of higher education, as defined in section

3345.011 of the Revised Code, such as reestablishing prior year 167498
nonoperating encumbrances canceled or modified in error. The 167499
reestablished encumbrance amounts are hereby appropriated. 167500

(G) If the Controlling Board approved a purchase, that 167501
approval remains in effect so long as the appropriation used to 167502
make that purchase remains encumbered. 167503

Section 503.60. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 167504
RE-ESTABLISHMENT OF ENCUMBRANCES 167505

Any cash transferred by the Director of Budget and Management 167506
under section 126.15 of the Revised Code is hereby appropriated. 167507
Any amounts necessary to re-establish appropriations or 167508
encumbrances under section 126.15 of the Revised Code are hereby 167509
appropriated. 167510

Section 503.70. INCOME TAX DISTRIBUTION TO COUNTIES 167511

There are hereby appropriated out of any moneys in the state 167512
treasury to the credit of the General Revenue Fund, which are not 167513
otherwise appropriated, funds sufficient to make any payment 167514
required by division (B)(2) of section 5747.03 of the Revised 167515
Code. 167516

Section 503.80. EXPENDITURES AND APPROPRIATION INCREASES 167517
APPROVED BY THE CONTROLLING BOARD 167518

Any money that the Controlling Board approves for expenditure 167519
or any increase in appropriation that the Controlling Board 167520
approves under sections 127.14, 131.35, and 131.39 of the Revised 167521
Code or any other provision of law is hereby appropriated for the 167522
period ending June 30, 2015. 167523

Section 503.90. FUNDS RECEIVED FOR USE OF GOVERNOR'S 167524
RESIDENCE 167525

If the Governor's Residence Fund (Fund 4H20) receives payment 167526
for use of the residence pursuant to section 107.40 of the Revised 167527
Code, the amounts so received are hereby appropriated to 167528
appropriation item 100604, Governor's Residence Gift. 167529

Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 167530

Unless the agency and nuclear electric utility mutually agree 167531
to a higher amount by contract, the maximum amounts that may be 167532
assessed against nuclear electric utilities under division (B)(2) 167533
of section 4937.05 of the Revised Code and deposited into the 167534
specified funds are as follows: 167535

<u>Fund</u>	<u>User</u>	<u>FY 2014</u>	<u>FY 2015</u>	
Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$ 130,000	\$ 130,000	167537
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$ 1,049,954	\$ 1,086,098	167538
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 284,266	\$ 290,674	167539
Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$ 1,415,945	\$ 1,415,945	167540

Section 512.10. TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED 167541
167542

Notwithstanding any provision of law to the contrary, the 167543
Director of Budget and Management, through June 30, 2015, may 167544
transfer interest earned by any state fund to the General Revenue 167545
Fund. This section does not apply to funds whose source of revenue 167546
is restricted or protected by the Ohio Constitution, federal tax 167547
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 167548
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 167549

Section 512.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND 167550
FROM NON-GRF FUNDS 167551

Notwithstanding any provision of law to the contrary, the 167552
Director of Budget and Management may transfer up to \$60,000,000 167553
in each fiscal year in cash from non-General Revenue Funds that 167554
are not constitutionally restricted to the General Revenue Fund in 167555
order to ensure that available General Revenue Fund receipts and 167556
balances are sufficient to support General Revenue Fund 167557
appropriations in each fiscal year. 167558

Section 512.30. FISCAL YEAR 2013 GENERAL REVENUE FUND ENDING 167559
BALANCE 167560

Notwithstanding divisions (B) and (C) of section 131.44 of 167561
the Revised Code, the Director of Budget and Management shall 167562
determine the surplus General Revenue Fund revenue that existed on 167563
June 30, 2013, in excess of the amount required under division 167564
(A)(3) of section 131.44 of the Revised Code, and transfer from 167565
the General Revenue Fund, to the extent of the amount so 167566
determined, the following: 167567

(A) To the Disaster Services Fund (Fund 5E20), a cash amount 167568
of up to \$15,000,000; 167569

(B) To the Controlling Board Emergency Purposes Fund (Fund 167570
5KM0), a cash amount of up to \$20,000,000; 167571

(C) To the Natural Resources Special Purposes Fund (Fund 167572
5MW0), which is hereby created in the state treasury, a cash 167573
amount of up to \$16,328,974; 167574

(D) To the Unemployment Compensation Interest Contingency 167575
Fund (Fund 5HC0), a cash amount of up to \$120,000,000 for payment 167576
to the United States Secretary of the Treasury of accrued interest 167577
costs related to federal unemployment account borrowing. 167578

Section 512.40. ACCESS SUCCESS II PROGRAM 167579

To the extent cash is available, the Director of Budget and 167580
Management may transfer cash from the Money Follows the Person 167581
Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of 167582
Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used 167583
by the Department of Mental Health and Addiction Services. The 167584
transferred cash is hereby appropriated. 167585

The Department of Mental Health and Addiction Services shall 167586
use the transferred funds to administer the Access Success II 167587
Program to help non-Medicaid patients in any hospital established, 167588
controlled, or supervised by the Department under Chapter 5119. of 167589
the Revised Code to transition from inpatient status to a 167590
community setting. 167591

Section 512.50. Not later than the first day of September 167592
2013, the Director of Mental Health and the Director of Alcohol 167593
and Drug Addiction Services shall certify to the Director of 167594
Budget and Management the amount of all of the unexpended, 167595
unencumbered balances of general revenue fund appropriations made 167596
to the Department of Mental Health and to the Department of 167597
Alcohol and Drug Addiction Services for FY 2012, excluding funds 167598
appropriated for rental payments to the Ohio Public Facilities 167599
Commission. On receipt of the certification, the Director of 167600
Budget and Management shall transfer cash to the Department of 167601
Mental Health and Addiction Services Trust Fund created in section 167602
5119.46 of the Revised Code (renumbered section 5119.60 of the 167603
Revised Code in this act) in an amount up to, but not exceeding, 167604
the total amounts certified by the Director of Mental Health and 167605
the Director of Alcohol and Drug Addiction Services. 167606

Section 512.70. PROHIBITION ON TRANSFERS 167607

Notwithstanding section 131.44 of the Revised Code, cash 167608

shall not be transferred to the Income Tax Reduction Fund prior to 167609
July 1, 2015. 167610

Section 512.80. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 167611

There is hereby established in the Highway Operating Fund 167612
(Fund 7002), used by the Department of Transportation, a Diesel 167613
Emissions Reduction Grant Program. The Director of Environmental 167614
Protection shall administer the program and shall solicit, 167615
evaluate, score, and select projects submitted by public and 167616
private entities that are eligible for the federal Congestion 167617
Mitigation and Air Quality (CMAQ) Program. The Director of 167618
Transportation shall process Federal Highway 167619
Administration-approved projects as recommended by the Director of 167620
Environmental Protection. 167621

In addition to the allowable expenditures set forth in 167622
section 122.861 of the Revised Code, Diesel Emissions Reduction 167623
Grant Program funds also may be used to fund projects involving 167624
the purchase or use of hybrid and alternative fuel vehicles that 167625
are allowed under guidance developed by the Federal Highway 167626
Administration for the CMAQ Program. 167627

Public entities eligible to receive funds under section 167628
122.861 of the Revised Code and CMAQ shall be reimbursed from 167629
moneys in the Highway Operating Fund (Fund 7002) designated for 167630
the Department of Transportation's Diesel Emissions Reduction 167631
Grant Program. 167632

Private entities eligible to receive funds under section 167633
122.861 of the Revised Code and CMAQ shall be reimbursed through 167634
transfers of cash from moneys in the Highway Operating Fund (Fund 167635
7002) designated for the Department of Transportation's Diesel 167636
Emissions Reduction Grant Program to the Diesel Emissions 167637
Reduction Fund (Fund 3FH0), used by the Environmental Protection 167638
Agency. Total expenditures between both the Environmental 167639

Protection Agency and the Department of Transportation shall not exceed the amounts appropriated in this act for appropriation item 715693, Diesel Emissions Reduction Grants.

On or before June 30, 2014, the Director of Environmental Protection may certify to the Director of Budget and Management the amount of any unencumbered balance of the foregoing appropriation item 715693, Diesel Emissions Reduction Grants, for fiscal year 2014 to be used for the same purpose in fiscal year 2015. Once the certification permitted under this section has been submitted and approved by the Director of Budget and Management, the amount approved is hereby appropriated for fiscal year 2015.

Any cash transfers or allocations under this section represent CMAQ program moneys within the Department of Transportation for use by the Diesel Emissions Reduction Grant Program by the Environmental Protection Agency. These allocations shall not reduce the amount of such moneys designated for metropolitan planning organizations.

The Director of Environmental Protection, in consultation with the directors of Development Services and Transportation, shall develop guidance for the distribution of funds and for the administration of the Diesel Emissions Reduction Grant Program. The guidance shall include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

Section 515.30. On the effective date of this section, the Rehabilitation Services Commission is renamed the Opportunities for Ohioans with Disabilities Agency. The Rehabilitation Services Commission's functions, and its assets and liabilities, are transferred to the Opportunities for Ohioans with Disabilities Agency. The Opportunities for Ohioans with Disabilities Agency is successor to, assumes the obligations and authority of, and

otherwise continues the Rehabilitation Services Commission. No 167671
right, privilege, or remedy, and no duty, liability, or 167672
obligation, accrued under the Rehabilitation Services Commission 167673
is impaired or lost by reason of the renaming and shall be 167674
recognized, administered, performed, or enforced by the 167675
Opportunities for Ohioans with Disabilities Agency. 167676

Business commenced but not completed by the Rehabilitation 167677
Services Commission or by the Administrator of the Rehabilitation 167678
Services Commission shall be completed by the Opportunities for 167679
Ohioans with Disabilities Agency or the Executive Director of the 167680
Opportunities for Ohioans with Disabilities Agency in the same 167681
manner, and with the same effect, as if completed by the 167682
Rehabilitation Services Commission or the Administrator of the 167683
Rehabilitation Services Commission. 167684

All of the Rehabilitation Services Commission's rules, 167685
orders, and determinations continue in effect as rules, orders, 167686
and determinations of the Opportunities for Ohioans with 167687
Disabilities Agency until modified or rescinded by the 167688
Opportunities for Ohioans with Disabilities Agency. 167689

Subject to the layoff provisions of sections 124.321 to 167690
124.382 of the Revised Code, all employees of the Rehabilitation 167691
Services Commission continue with the Opportunities for Ohioans 167692
with Disabilities Agency and retain their positions and all 167693
benefits accruing thereto. 167694

The Director of Budget and Management shall determine the 167695
amount of unexpended balances in the appropriation accounts that 167696
pertain to the Rehabilitation Services Commission and shall 167697
recommend to the Controlling Board their transfer to the 167698
appropriation accounts that pertain to the Opportunities for 167699
Ohioans with Disabilities Agency. The Administrator of the 167700
Rehabilitation Services Commission shall provide full and timely 167701
information to the Controlling Board to facilitate the transfer. 167702

Whenever the Rehabilitation Services Commission or the Administrator of the Rehabilitation Services Commission is referred to in a statute, contract, or other instrument, the reference is deemed to refer to the Opportunities for Ohioans with Disabilities Agency or to the Executive Director of the Opportunities for Ohioans with Disabilities Agency, whichever is appropriate in context.

No pending action or proceeding being prosecuted or defended in court or before an agency by the Rehabilitation Services Commission or the Administrator of the Rehabilitation Services Commission is affected by the renaming and shall be prosecuted or defended in the name of the Opportunities for Ohioans with Disabilities Agency or the Executive Director of the Opportunities for Ohioans with Disabilities Agency, whichever is appropriate. Upon application to the court or agency, the Opportunities for Ohioans with Disabilities Agency or the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall be substituted.

Section 515.40. The Department of Aging shall use appropriation item 490627, Board of Executives of LTSS, to spend cash in the Board of Executives of Long-Term Services and Supports Fund (Fund 5MT0), which is hereby established in the State Treasury. On the effective date of this section, the Board of Examiners of Nursing Home Administrators is renamed the Board of Executives of Long-Term Services and Supports. The Board of Examiners of Nursing Home Administrators' functions and its assets and liabilities, are transferred to the Board of Executives of Long-Term Services and Supports. The Board of Executives of Long-Term Services and Supports is successor to, assumes the obligations and authority of, and otherwise continues the Board of Examiners of Nursing Home Administrators. No right, privilege, or remedy, and no duty, liability, or obligation, accrued under the

Board of Examiners of Nursing Home Administrators is impaired or 167735
lost by reason of the renaming and shall be recognized, 167736
administered, performed, or enforced by the Board of Executives of 167737
Long-Term Services and Supports. 167738

Business commenced but not completed by the Board of 167739
Examiners of Nursing Home Administrators or by the Secretary of 167740
the Board of Examiners of Nursing Home Administrators shall be 167741
completed by the Board of Executives of Long-Term Services and 167742
Supports or the Secretary of the Board of Executives of Long-Term 167743
Services and Supports in the same manner, and with the same 167744
effect, as if completed by the Board of Examiners of Nursing Home 167745
Administrators or by the Secretary of the Board of Examiners of 167746
Nursing Home Administrators. 167747

All of the Board of Examiners of Nursing Home Administrators' 167748
rules, orders, and determinations continue in effect as rules, 167749
orders, and determinations of the Board of Executives of Long-Term 167750
Services and Supports. 167751

Subject to the layoff provisions of sections 124.321 to 167752
124.328 of the Revised Code, all employees of the Board of 167753
Examiners of Nursing Home Administrators who provide 167754
administrative, technical, or other services to the Board of 167755
Examiners of Nursing Home Administrators on a full-time, permanent 167756
basis shall continue with the Board of Executives of Long-Term 167757
Services and Supports and retain their positions and benefits 167758
accruing thereto, except that those employees in the classified 167759
service shall be reclassified into the unclassified service and 167760
shall serve at the pleasure of the Board. 167761

Notwithstanding section 4751.03 of the Revised Code, as 167762
amended by this act, those board members currently serving as 167763
members of the Board of Examiners of Nursing Home Administrators 167764
on the effective date of this act shall continue to serve as 167765

members of the Board of Executives of Long-Term Services and Supports for the remainder of their appointment period, at which time new members shall be appointed in a manner consistent with section 4751.03 of the Revised Code, as amended by this act.

Within ninety days after the effective date of this act, the Governor shall appoint to the Board of Executives of Long-Term Services and Supports those new members who are required to be appointed under divisions (A)(3) and (6) of section 4751.03 of the Revised Code, as amended by this act, for terms ending on May 27, 2014. Thereafter, appointment for those members shall be as provided in section 4751.03 of the Revised Code, as amended by this act.

Whenever the Board of Examiners of Nursing Home Administrators is referred to in statute, contract, or other instrument, the reference is deemed to refer to the Board of Executives of Long-Term Services and Supports.

No pending action or proceeding being prosecuted or defended in court or before an agency by the Board of Examiners of Nursing Home Administrators or the Secretary of the Board of Examiners of Nursing Home Administrators is affected by the renaming and shall be prosecuted or defended in the name of the Board of Executives of Long-Term Services and Supports or the Secretary of the Board of Executives of Long-Term Services and Supports. Upon application to the court or agency, the Board of Executives of Long-Term Services and Supports or the Secretary of the Board of Executives of Long-Term Services and Supports shall be substituted.

Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS

Certain appropriations are in this act for the purpose of paying debt service and financing costs on general obligation bonds or notes of the state issued pursuant to the Ohio Constitution and acts of the General Assembly. If it is determined

that additional appropriations are necessary for this purpose, 167797
such amounts are hereby appropriated. 167798

Section 518.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 167799

Certain appropriations are in this act for the purpose of 167800
making lease rental payments pursuant to leases and agreements 167801
relating to bonds or notes issued by the Treasurer of State, or 167802
previously by the Ohio Public Facilities Commission or the Ohio 167803
Building Authority, pursuant to the Ohio Constitution and acts of 167804
the General Assembly. If it is determined that additional 167805
appropriations are necessary for this purpose, such amounts are 167806
hereby appropriated. 167807

Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 167808
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 167809

The Office of Budget and Management shall process payments 167810
from general obligation and lease rental payment appropriation 167811
items during the period from July 1, 2013, through June 30, 2015, 167812
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 167813
2n, 2o, 2p, 2q, 2r, and 15 of Article VIII, Ohio Constitution, and 167814
Chapters 151., 152., and 154. of the Revised Code. Payments shall 167815
be made upon certification by the Treasurer of State of the dates 167816
and the amounts due on those dates. 167817

Section 521.11. STATE AND LOCAL REBATE AUTHORIZATION 167818

There is hereby appropriated, from those funds designated by 167819
or pursuant to the applicable proceedings authorizing the issuance 167820
of state obligations, amounts computed at the time to represent 167821
the portion of investment income to be rebated or amounts in lieu 167822
of or in addition to any rebate amount to be paid to the federal 167823
government in order to maintain the exclusion from gross income 167824
for federal income tax purposes of interest on those state 167825

obligations under section 148(f) of the Internal Revenue Code. 167826

Rebate payments shall be approved and vouchered by the Office 167827
of Budget and Management. 167828

Section 521.20. STATEWIDE INDIRECT COST RECOVERY 167829

Whenever the Director of Budget and Management determines 167830
that an appropriation made to a state agency from a fund of the 167831
state is insufficient to provide for the recovery of statewide 167832
indirect costs under section 126.12 of the Revised Code, the 167833
amount required for such purpose is hereby appropriated from the 167834
available receipts of such fund. 167835

Section 521.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 167836
COST ALLOCATION PLAN 167837

The total transfers made from the General Revenue Fund by the 167838
Director of Budget and Management under this section shall not 167839
exceed the amounts transferred into the General Revenue Fund under 167840
section 126.12 of the Revised Code. 167841

The director of an agency may certify to the Director of 167842
Budget and Management the amount of expenses not allowed to be 167843
included in the Statewide Indirect Cost Allocation Plan under 167844
federal regulations, from any fund included in the Statewide 167845
Indirect Cost Allocation Plan, prepared as required by section 167846
126.12 of the Revised Code. 167847

Upon determining that no alternative source of funding is 167848
available to pay for such expenses, the Director of Budget and 167849
Management may transfer cash from the General Revenue Fund into 167850
the fund for which the certification is made, up to the amount of 167851
the certification. The director of the agency receiving such funds 167852
shall include, as part of the next budget submission prepared 167853
under section 126.02 of the Revised Code, a request for funding 167854
for such activities from an alternative source such that further 167855

federal disallowances would not be required. 167856

The director of an agency may certify to the Director of 167857
Budget and Management the amount of expenses paid in error from a 167858
fund included in the Statewide Indirect Cost Allocation Plan. The 167859
Director of Budget and Management may transfer cash from the fund 167860
from which the expenditure should have been made into the fund 167861
from which the expenses were erroneously paid, up to the amount of 167862
the certification. 167863

The director of an agency may certify to the Director of 167864
Budget and Management the amount of expenses or revenues not 167865
allowed to be included in the Statewide Indirect Cost Allocation 167866
Plan under federal regulations, for any fund included in the 167867
Statewide Indirect Cost Allocation Plan, for which the federal 167868
government requires payment. If the Director of Budget and 167869
Management determines that an appropriation made to a state agency 167870
from a fund of the state is insufficient to pay the amount 167871
required by the federal government, the amount required for such 167872
purpose is hereby appropriated from the available receipts of such 167873
fund, up to the amount of the certification. 167874

Section 521.35. CASH TRANSFERS TO TOBACCO OVERSIGHT 167875
ADMINISTRATION AND ENFORCEMENT FUND 167876

On July 1, 2013, or as soon as possible thereafter, the 167877
Director of Budget and Management shall transfer the cash balance 167878
in the Tobacco Settlement Enforcement Fund (Fund T087) and the 167879
Education Technology Trust Fund (Fund S087) to the Tobacco 167880
Oversight Administration and Enforcement Fund (Fund U087). Upon 167881
completion of the transfer, Fund T087 and Fund S087 are abolished. 167882
The Director shall cancel any existing encumbrances against 167883
appropriation items 110402, Tobacco Settlement Enforcement, and 167884
935602, Education Technology Trust. 167885

On July 1, 2014, or as soon as possible thereafter, the 167886

Director of Budget and Management shall transfer the cash balance 167887
in the Law Enforcement Improvement Trust Fund (Fund J087) to the 167888
Tobacco Oversight Administration and Enforcement Fund (Fund U087). 167889
Upon completion of the transfer, Fund J087 is abolished. The 167890
Director shall cancel any existing encumbrances against 167891
appropriation item 055635, Law Enforcement Technology, Training, 167892
and Facility Enhancements. 167893

Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 167894

Notwithstanding any provision of law to the contrary, on or 167895
before the first day of September of each fiscal year, the 167896
Director of Budget and Management, in order to reduce the payment 167897
of adjustments to the federal government, as determined by the 167898
plan prepared under division (A) of section 126.12 of the Revised 167899
Code, may designate such funds as the Director considers necessary 167900
to retain their own interest earnings. 167901

Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 167902

Pursuant to the plan for compliance with the Federal Cash 167903
Management Improvement Act required by section 131.36 of the 167904
Revised Code, the Director of Budget and Management may cancel and 167905
re-establish all or part of encumbrances in like amounts within 167906
the funds identified by the plan. The amounts necessary to 167907
re-establish all or part of encumbrances are hereby appropriated. 167908

Section 521.60. FISCAL STABILIZATION AND RECOVERY 167909

To ensure the level of accountability and transparency 167910
required by federal law, the Director of Budget and Management may 167911
issue guidelines to any agency applying for federal money made 167912
available to this state for fiscal stabilization and recovery 167913
purposes, and may prescribe the process by which agencies are to 167914
comply with any reporting requirements established by the federal 167915

government. 167916

Section 601.10. LIMITATION ON USE OF CAPITAL APPROPRIATIONS 167917

The capital appropriations made in this act, excluding those 167918
made to the State Capital Improvement Fund (Fund 7038) and the 167919
State Capital Improvements Revolving Loan Fund (Fund 7040) for 167920
buildings or structures, including remodeling and renovations, are 167921
limited to: 167922

(A) Acquisition of real property or interests in real 167923
property; 167924

(B) Buildings and structures, which include construction, 167925
demolition, complete heating, lighting and lighting fixtures, all 167926
necessary utilities, and ventilating, plumbing, sprinkling, and 167927
sewer systems, when such systems are authorized or necessary; 167928

(C) Architectural, engineering, and professional services 167929
expenses directly related to the projects; 167930

(D) Machinery that is a part of structures at the time of 167931
initial acquisition or construction; 167932

(E) Acquisition, development, and deployment of new computer 167933
systems, including the redevelopment or integration of existing 167934
and new computer systems, but excluding regular or ongoing 167935
maintenance or support agreements; 167936

(F) Equipment that meets all the following criteria: 167937

(1) The equipment is essential in bringing the facility up to 167938
its intended use; 167939

(2) The unit cost of the equipment, and not the individual 167940
parts of a unit, is about \$100 or more; 167941

(3) The equipment has a useful life of five years or more; 167942
and 167943

(4) The equipment is necessary for the functioning of the 167944

particular facility or project. 167945

Equipment shall not be paid for from these appropriations 167946
that is not an integral part of or directly related to the basic 167947
purpose or function of a project for which moneys are 167948
appropriated. This paragraph does not apply to appropriation items 167949
specifically for equipment. 167950

Section 601.20. OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE 167951
REVISED CODE 167952

The capital improvements for which appropriations are made in 167953
this act from the Clean Ohio Conservation Fund (Fund 7056), the 167954
Ohio Agricultural Easement Fund (Fund 7057), and the Clean Ohio 167955
Trail Fund (Fund 7061) are determined to be capital improvements 167956
and capital facilities for projects for conservation purposes and 167957
are designated as capital facilities to which proceeds of 167958
obligations issued under Chapter 151. of the Revised Code are to 167959
be applied. 167960

Section 601.30. OBLIGATIONS ISSUED UNDER CHAPTER 154. OF THE 167961
REVISED CODE 167962

The capital improvements for which appropriations are made in 167963
this act from the Administrative Building Fund (Fund 7026) are 167964
determined to be capital improvements and capital facilities for 167965
housing state agencies and branches of government and are 167966
designated as capital facilities to which proceeds of obligations 167967
issued under Chapter 154. of the Revised Code are to be applied. 167968

Section 605.03. That Section 1 of Sub. H.B. 34 of the 130th 167969
General Assembly be amended to read as follows: 167970

Sec. 1. All items in this section are hereby appropriated out 167971
of any moneys in the state treasury to the credit of the 167972

designated fund. For all appropriations made in this act, those in					167973
the first column are for fiscal year 2014, and those in the second					167974
column are for fiscal year 2015.					167975
FND AI	AI TITLE	Appropriations			167976
	BWC BUREAU OF WORKERS' COMPENSATION				167977
Workers' Compensation Fund Group					167978
7023 855401	William Green Lease	\$ 16,026,100	\$ 0		167979
	Payments to OBA				
7023 855407	Claims, Risk and	\$ 118,338,586	\$ 118,338,586		167980
	Medical Management				
7023 855408	Fraud Prevention	\$ 12,114,226	\$ 12,114,226		167981
7023 855409	Administrative	\$ 105,857,276	\$ 105,357,276		167982
	Services				
7023 855410	Attorney General	\$ 4,621,850	\$ 4,621,850		167983
	Payments				
8220 855606	Coal Workers' Fund	\$ 147,666	\$ 147,666		167984
8230 855608	Marine Industry	\$ 75,527	\$ 75,527		167985
8250 855605	Disabled Workers	\$ 319,718	\$ 319,718		167986
	Relief Fund				
8260 855609	Safety and Hygiene	\$ 19,161,132	\$ 19,161,132		167987
	Operating	<u>21,661,132</u>	<u>21,661,132</u>		
8260 855610	Gear Program <u>Safety</u>	\$ 5,000,000	\$ 5,000,000		167988
	<u>Grants</u>	<u>15,000,000</u>	<u>15,000,000</u>		
8290 855604	Long Term Care Loan	\$ 100,000	\$ 100,000		167989
	Program				
TOTAL WCF Workers' Compensation					167990
Fund Group		\$ 281,762,081	\$ 265,235,981		167991
		<u>294,262,081</u>	<u>277,735,981</u>		
Federal Special Revenue Fund Group					167992
3490 855601	OSHA Enforcement	\$ 1,731,000	\$ 1,731,000		167993
3FW0 855614	BLS SOII Grant	\$ 116,919	\$ 116,919		167994

TOTAL FED Federal Special Revenue	\$	1,847,919	\$	1,847,919	167995
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	283,610,000	\$	267,083,900	167996
		<u>296,110,000</u>		<u>279,583,900</u>	
WILLIAM GREEN LEASE PAYMENTS					167997
Of the foregoing appropriation item 855401, William Green					167998
Lease Payments, up to \$16,026,100 shall be used to make lease					167999
payments to the Treasurer of State at the times they are required					168000
to be made during the period from July 1, 2013 to June 30, 2015,					168001
pursuant to leases and agreements made under section 154.24 of the					168002
Revised Code. If it is determined that additional appropriations					168003
are necessary for such purpose, such amounts are hereby					168004
appropriated.					168005
WORKERS' COMPENSATION FRAUD UNIT					168006
Of the foregoing appropriation item 855410, Attorney General					168007
Payments, \$828,200 in each fiscal year shall be used to fund the					168008
expenses of the Workers' Compensation Fraud Unit within the					168009
Attorney General's Office. These payments shall be processed at					168010
the beginning of each quarter of each fiscal year and deposited					168011
into the Workers' Compensation Section Fund (Fund 1950) used by					168012
the Attorney General.					168013
SAFETY AND HYGIENE					168014
Notwithstanding section 4121.37 of the Revised Code, the					168015
Treasurer of State shall transfer \$19,161,132 <u>\$21,661,132</u> cash in					168016
fiscal year 2014 and \$19,161,132 <u>\$21,661,132</u> cash in fiscal year					168017
2015 from the State Insurance Fund to the Safety and Hygiene Fund					168018
(Fund 8260).					168019
OSHA ON-SITE CONSULTATION PROGRAM					168020
The Bureau of Workers' Compensation may designate a portion					168021
of appropriation item 855609, Safety and Hygiene Operating, to be					168022
used to match federal funding for the federal Occupational Safety					168023

and Health Administration's (OSHA) on-site consultation program.	168024
VOCATIONAL REHABILITATION	168025
The Bureau of Workers' Compensation and the Rehabilitation	168026
Services Commission <u>Opportunities for Ohioans with Disabilities</u>	168027
<u>Agency</u> shall enter into an interagency agreement for the provision	168028
of vocational rehabilitation services and staff to mutually	168029
eligible clients. The bureau may provide not more than \$605,407 in	168030
fiscal year 2014 and not more than \$605,407 in fiscal year 2015	168031
from the State Insurance Fund to fund vocational rehabilitation	168032
services and staff in accordance with the interagency agreement.	168033
FUND BALANCE	168034
Any unencumbered cash balance in excess of \$45,000,000 in the	168035
Workers' Compensation Fund (Fund 7023) on the thirtieth day of	168036
June of each fiscal year shall be used to reduce the	168037
administrative cost rate charged to employers to cover	168038
appropriations for Bureau of Workers' Compensation operations.	168039
Section 605.04. That existing Section 1 of Sub. H.B. 34 of	168040
the 130th General Assembly is hereby repealed.	168041
Section 605.10. That Sections 205.10, 506.10, and 755.30 of	168042
Am. Sub. H.B. 51 of the 130th General Assembly be amended to read	168043
as follows:	168044
Sec. 205.10. DPS DEPARTMENT OF PUBLIC SAFETY	168045
State Highway Safety Fund Group	168046
4W40 762321 Operating Expense - \$ 130,559,268 \$ 130,418,957	168047
BMV	
5V10 762682 License Plate \$ 2,100,000 \$ 2,100,000	168048
Contribution	
7036 761321 Operating Expense - \$ 7,055,066 \$ 6,999,331	168049

		Information and Education				
7036	761401	Lease Rental Payments	\$	2,472,300	\$	2,473,100 168050
7036	764033	Minor Capital Projects	\$	1,250,000	\$	1,250,000 168051
7036	764321	Operating Expense - Highway Patrol	\$	268,232,602 <u>268,743,502</u>	\$	270,232,602 168052
7036	764605	Motor Carrier	\$	2,860,000	\$	2,860,000 168053
		Enforcement Expenses				
8300	761603	Salvage and Exchange - Administration	\$	20,053	\$	20,053 168054
8310	761610	Information and Education - Federal	\$	300,000	\$	300,000 168055
8310	764608	FARS Grant Federal	\$	175,000	\$	175,000 168056
8310	764610	Patrol - Federal	\$	2,250,000	\$	2,250,000 168057
8310	764659	Transportation	\$	5,200,000	\$	5,200,000 168058
		Enforcement - Federal				
8310	765610	EMS - Federal	\$	225,000	\$	225,000 168059
8310	769610	Investigative Unit	\$	1,400,000	\$	1,400,000 168060
		Federal Reimbursement				
8310	769631	Homeland Security - Federal	\$	750,000	\$	400,000 168061
8320	761612	Traffic Safety - Federal	\$	22,000,000	\$	22,000,000 168062
8350	762616	Financial Responsibility Compliance	\$	5,274,068	\$	5,274,068 168063
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959 168064
83C0	764630	Contraband, Forfeiture, Other	\$	622,894	\$	622,894 168065
83F0	764657	Law Enforcement Automated Data System	\$	8,500,000	\$	8,500,000 168066
83G0	764633	OMVI Enforcement/Education	\$	641,927	\$	641,927 168067

Am. Sub. H. B. No. 59
As Reported by the Committee of Conference

83J0	764693	Highway Patrol Justice Contraband	\$	2,100,000	\$	2,100,000	168068
83M0	765624	Operating - EMS	\$	3,056,069	\$	3,056,069	168069
83M0	765640	EMS - Grants	\$	3,300,000	\$	3,300,000	168070
83R0	762639	Local Immobilization Reimbursement	\$	450,000	\$	450,000	168071
83T0	764694	Highway Patrol Treasury Contraband	\$	21,000	\$	21,000	168072
8400	764607	State Fair Security	\$	1,294,354	\$	1,294,354	168073
8400	764617	Security and Investigations	\$	8,793,865	\$	9,514,236	168074
8400	764626	State Fairgrounds Police Force	\$	1,047,560	\$	1,084,559	168075
8400	769632	Homeland Security - Operating	\$	650,000	\$	630,000	168076
8410	764603	Salvage and Exchange - Highway Patrol	\$	1,339,399	\$	1,339,399	168077
8460	761625	Motorcycle Safety Education	\$	3,280,563	\$	3,280,563	168078
8490	762627	Automated Title Processing Board	\$	16,675,513	\$	16,467,293	168079
TOTAL HSF		State Highway Safety Fund	\$	515,450,460	\$	517,434,364	168080
Group				<u>515,961,360</u>			
General Services Fund Group							168081
4P60	768601	Justice Program Services	\$	900,000	\$	875,000	168082
5ET0	768625	Drug Law Enforcement	\$	4,250,000	\$	4,250,000	168083
5LM0	768698	Criminal Justice Services Law Enforcement Support	\$	850,946	\$	850,946	168084
TOTAL GSF		General Services Fund	\$	6,290,946	\$	6,265,946	168085
Group				<u>6,000,946</u>		<u>5,975,946</u>	
Federal Special Revenue Fund Group							168086

3290	763645	Federal Mitigation Program	\$	10,413,642	\$	10,413,642	168087
3370	763609	Federal Disaster Relief	\$	27,707,636	\$	27,707,636	168088
3390	763647	Emergency Management Assistance and Training	\$	70,934,765	\$	70,934,765	168089
3CE0	768611	Justice Assistance Grants - FFY09	\$	400,000	\$	100,000	168090
3DE0	768612	Federal Stimulus - Justice Assistance Grants	\$	1,000,000	\$	300,000	168091
3DU0	762628	BMV Grants	\$	1,350,000	\$	1,325,000	168092
3EU0	768614	Justice Assistance Grants - FFY10	\$	830,000	\$	500,000	168093
3FK0	768615	Justice Assistance Grants - FFY11	\$	900,000	\$	900,000	168094
3FP0	767620	Ohio Investigative Unit Justice Contraband	\$	55,000	\$	55,000	168095
3FY0	768616	Justice Assistance Grants - FFY12	\$	2,200,000	\$	1,500,000	168096
3FZ0	768617	Justice Assistance Grants - FFY13	\$	7,000,000	\$	2,000,000	168097
3GA0	768618	Justice Assistance Grants - FFY14	\$	0	\$	7,500,000	168098
3L50	768604	Justice Program	\$	10,500,000	\$	10,500,000	168099
3N50	763644	U.S. Department of Energy Agreement	\$	31,672	\$	31,672	168100
TOTAL FED	FED	Federal Special Revenue Fund Group	\$	133,322,715	\$	133,767,715	168101
		State Special Revenue Fund Group					168102
4V30	763662	Storms/NOAA	\$	4,950,000	\$	4,950,000	168103

5J90 761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	168120
TOTAL AGY	Agency Fund Group	\$	1,500,000	\$	1,500,000	168121
Holding Account Redistribution Fund Group						168122
R024 762619	Unidentified Motor	\$	1,885,000	\$	1,885,000	168123
Vehicle Receipts						
R052 762623	Security Deposits	\$	350,000	\$	350,000	168124
TOTAL 090	Holding Account	\$	2,235,000	\$	2,235,000	168125
Redistribution Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	673,558,888	\$	675,952,792	168126
			<u>673,779,788</u>		<u>675,662,792</u>	

MOTOR VEHICLE REGISTRATION 168127

The Registrar of Motor Vehicles may deposit revenues to meet 168128
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 168129
4W40) established in section 4501.25 of the Revised Code, obtained 168130
under sections 4503.02 and 4504.02 of the Revised Code, less all 168131
other available cash. Revenue deposited pursuant to this paragraph 168132
shall support, in part, appropriations for operating expenses and 168133
defray the cost of manufacturing and distributing license plates 168134
and license plate stickers and enforcing the law relative to the 168135
operation and registration of motor vehicles. Notwithstanding 168136
section 4501.03 of the Revised Code, the revenues shall be paid 168137
into Fund 4W40 before any revenues obtained pursuant to sections 168138
4503.02 and 4504.02 of the Revised Code are paid into any other 168139
fund. The deposit of revenues to meet the aforementioned cash 168140
needs shall be in approximately equal amounts on a monthly basis 168141
or as otherwise determined by the Director of Budget and 168142
Management pursuant to a plan submitted by the Registrar of Motor 168143
Vehicles. 168144

OPERATING EXPENSE - BMV 168145

Of the foregoing appropriation item 762321, Operating Expense 168146
- BMV, up to \$50,000 in fiscal year 2014 shall be used to pay for 168147
costs associated with improvements to the program to accept 168148

applications for registration transactions of apportionable 168149
vehicles electronically over the internet. 168150

OPERATING EXPENSE - INFORMATION AND EDUCATION 168151

Of the foregoing appropriation item 761321, Operating Expense 168152
- Information and Education, up to \$250,000 in each fiscal year 168153
may be used to fund state employees to staff travel information 168154
centers on the border of the state. 168155

The Department of Public Safety shall conduct a study for 168156
partnering with local travel and tourism centers, as well as a 168157
study for the creation of the Ohio Ambassadors Volunteer Program 168158
at rest stops. 168159

LEASE RENTAL PAYMENTS 168160

The foregoing appropriation item 761401, Lease Rental 168161
Payments, shall be used for payments to the Treasurer of State for 168162
the period July 1, 2013, through June 30, 2015, under the primary 168163
leases and agreements for public safety related buildings. The 168164
appropriations are the source of funds pledged for bond service 168165
charges on obligations pursuant to Chapters 152. and 154. of the 168166
Revised Code. 168167

OPERATING EXPENSE - HIGHWAY PATROL 168168

On July 1, 2013, or as soon as possible thereafter, the 168169
Director of Budget and Management shall transfer \$510,900 cash 168170
from the GRF to the State Highway Safety Fund (Fund 7036). The 168171
transferred cash shall be used by the State Highway Patrol for the 168172
purchase of specialized equipment for examining commercial truck 168173
cargo. 168174

CASH TRANSFERS BETWEEN FUNDS 168175

Notwithstanding any provision of law to the contrary, the 168176
Director of Budget and Management, upon the written request of the 168177
Director of Public Safety, may transfer cash between the following 168178

six funds: the Trauma and Emergency Medical Services Fund (Fund 83M0), the Homeland Security Fund (Fund 5DS0), the Investigations Fund (Fund 5FL0), the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30), the Justice Program Services Fund (Fund 4P60), and the State Bureau of Motor Vehicles Fund (Fund 4W40).

CASH TRANSFER FROM TEEN DRIVER EDUCATION FUND TO LICENSE PLATE CONTRIBUTION FUND

On July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management may transfer the cash balance in the Teen Driver Education Fund (Fund 5JS0) to the License Plate Contribution Fund (Fund 5V10). Upon completion of the transfer, Fund 5JS0 is hereby abolished.

CASH TRANSFER FROM HILLTOP UTILITY REIMBURSEMENT FUND TO STATE HIGHWAY SAFETY FUND

Not later than January 1, 2014, the Director of Budget and Management may transfer the cash balance in the Hilltop Utility Reimbursement Fund (Fund 4S30) to the State Highway Safety Fund (Fund 7036). Upon completion of the transfer, Fund 4S30 is hereby abolished. The Director shall cancel any existing encumbrances against appropriation item 766661, Hilltop Utility Reimbursement, and reestablish them against appropriation item 761321, Operating Expense - Information and Education. The reestablished encumbrance amounts are hereby appropriated.

CASH TRANSFER FROM REGISTRAR RENTAL FUND TO STATE HIGHWAY SAFETY FUND

On July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Registrar Rental Fund (Fund 8380) to the State Bureau of Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer, Fund 8380 is abolished.

STATE DISASTER RELIEF 168210

The State Disaster Relief Fund (Fund 5330) may accept 168211
transfers of cash and appropriations from Controlling Board 168212
appropriation items for Ohio Emergency Management Agency disaster 168213
response costs and disaster program management costs, and may also 168214
be used for the following purposes: 168215

(A) To accept transfers of cash and appropriations from 168216
Controlling Board appropriation items for Ohio Emergency 168217
Management Agency public assistance and mitigation program match 168218
costs to reimburse eligible local governments and private 168219
nonprofit organizations for costs related to disasters; 168220

(B) To accept and transfer cash to reimburse the costs 168221
associated with Emergency Management Assistance Compact (EMAC) 168222
deployments; 168223

(C) To accept disaster related reimbursement from federal, 168224
state, and local governments. The Director of Budget and 168225
Management may transfer cash from reimbursements received by this 168226
fund to other funds of the state from which transfers were 168227
originally approved by the Controlling Board. 168228

(D) To accept transfers of cash and appropriations from 168229
Controlling Board appropriation items to fund the State Disaster 168230
Relief Program, for disasters that qualify for the program by 168231
written authorization of the Governor, and the State Individual 168232
Assistance Program for disasters that have been declared by the 168233
federal Small Business Administration and that qualify for the 168234
program by written authorization of the Governor. The Ohio 168235
Emergency Management Agency shall publish and make available 168236
application packets outlining procedures for the State Disaster 168237
Relief Program and the State Individual Assistance Program. 168238

JUSTICE ASSISTANCE GRANT FUND 168239

The federal payments made to the state for the Byrne Justice 168240

Assistance Grants Program under Title II of Division A of the 168241
American Recovery and Reinvestment Act of 2009 shall be deposited 168242
to the credit of the Justice Assistance Grant Fund (Fund 3DE0), 168243
which is hereby created in the state treasury. All investment 168244
earnings of the fund shall be credited to the fund. 168245

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 168246
AGENCY SERVICE AND REIMBURSEMENT FUND 168247

On July 1 of each fiscal year, or as soon as possible 168248
thereafter, the Director of Budget and Management shall transfer 168249
\$200,000 cash from the State Fire Marshal Fund (Fund 5460) to the 168250
Emergency Management Agency Service and Reimbursement Fund (Fund 168251
4V30) to be distributed to the Ohio Task Force One - Urban Search 168252
and Rescue Unit, other similar urban search and rescue units 168253
around the state, and for the maintenance of the statewide fire 168254
emergency response plan by an entity recognized by the Ohio 168255
Emergency Management Agency. 168256

FAMILY VIOLENCE PREVENTION FUND 168257

Notwithstanding any provision of law to the contrary, in each 168258
of fiscal years 2014 and 2015, the first \$750,000 received to the 168259
credit of the Family Violence Prevention Fund (Fund 5BK0) is 168260
appropriated to appropriation item 768689, Family Violence Shelter 168261
Programs, and the next \$400,000 received to the credit of Fund 168262
5BK0 in each of those fiscal years is appropriated to 168263
appropriation item 768687, Criminal Justice Services - Operating. 168264
Any moneys received to the credit of Fund 5BK0 in excess of the 168265
aforementioned appropriated amounts in each fiscal year shall, 168266
upon the approval of the Controlling Board, be used to provide 168267
grants to family violence shelters in Ohio. 168268

SARA TITLE III HAZMAT PLANNING 168269

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 168270
entitled to receive grant funds from the Emergency Response 168271

Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.	168272 168273
COLLECTIVE BARGAINING INCREASES	168274
Notwithstanding division (D) of section 127.14 and division (B) of section 131.35 of the Revised Code, except for the General Revenue Fund, the Controlling Board may, upon the request of either the Director of Budget and Management, or the Department of Public Safety with the approval of the Director of Budget and Management, authorize expenditures in excess of appropriations and transfer appropriations, as necessary, for any fund used by the Department of Public Safety, to assist in paying the costs of increases in employee compensation that have occurred pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code and, for exempt employees, under section 124.152 of the Revised Code. Any money approved for expenditure under this paragraph is hereby appropriated.	168275 168276 168277 168278 168279 168280 168281 168282 168283 168284 168285 168286 168287
CASH BALANCE FUND REVIEW	168288
Not later than the first day of April in each fiscal year of the biennium, the Director of Budget and Management shall review the cash balances for each fund, except the State Highway Safety Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 4W40), in the State Highway Safety Fund Group, and shall recommend to the Controlling Board an amount to be transferred to the credit of Fund 7036 or Fund 4W40, as appropriate.	168289 168290 168291 168292 168293 168294 168295
AUTO REGISTRATION DISTRIBUTION FUND	168296
Notwithstanding the amendment by this act to section 4501.03 of the Revised Code and the enactment by this act of section 4501.031 of the Revised Code, any license tax assessed under Chapters 4503. or 4504. of the Revised Code, and derived from registrations processed on business days prior to July 1, 2013, shall be deposited to the state treasury to the credit of the Auto	168297 168298 168299 168300 168301 168302

Registration Distribution Fund (Fund 7051) created by section 168303
4501.03 of the Revised Code, even if such deposit does not occur 168304
until on or after July 1, 2013. All license tax assessed on 168305
registrations under Chapters 4503. or 4504. of the Revised Code 168306
prior to July 1, 2013, shall be deposited, and distributed, in 168307
accordance with sections 4501.03, 4501.04, 4501.041, 4501.042, and 168308
4501.043 of the Revised Code as they existed prior to the 168309
amendments to those sections by this act. 168310

Sec. 506.10. Notwithstanding division (A)(3) of section 168311
4501.044 and division (A)(1) of section 4501.045 of the Revised 168312
Code, commencing July 1, 2013, and extending through June 30, 168313
2014, the Director of Public Safety shall deposit the money 168314
otherwise deposited and distributed in accordance with those 168315
divisions into the State Highway Safety Fund (Fund 7036) created 168316
by section 4501.06 of the Revised Code until such time as the 168317
deposits equal a cumulative total of ~~\$35,000,000~~ \$29,000,000. At 168318
that point, the Director shall cease depositing any such money 168319
into Fund 7036 and shall deposit and distribute that money as 168320
prescribed in division (A)(3) of section 4501.044 and division 168321
(A)(1) of section 4501.045 of the Revised Code. 168322

Notwithstanding division (A)(3) of section 4501.044 and 168323
division (A)(1) of section 4501.045 of the Revised Code, 168324
commencing July 1, 2014, and extending through June 30, 2015, the 168325
Director of Public Safety shall deposit the money otherwise 168326
deposited and distributed in accordance with those divisions into 168327
the State Highway Safety Fund (Fund 7036) created by section 168328
4501.06 of the Revised Code until such time as the deposits equal 168329
a cumulative total of \$35,000,000. At that point, the Director 168330
shall cease depositing any such money into Fund 7036 and shall 168331
deposit and distribute that money as prescribed in division (A)(3) 168332
of section 4501.044 and division (A)(1) of section 4501.045 of the 168333
Revised Code. 168334

Sec. 755.30. ~~On July 1~~ Beginning on July 31, 2013, and on the 168335
~~first~~ last day of the month for each month thereafter, ~~the~~ 168336
~~Treasurer of State,~~ before making any of the distributions 168337
specified in sections 5735.23, 5735.26, 5735.291, and 5735.30 of 168338
the Revised Code but after any transfers to the tax refund fund as 168339
required by those sections and section 5703.052 of the Revised 168340
Code, the Treasurer of State shall deposit the first two per cent 168341
of the amount of motor fuel tax received for the preceding 168342
calendar month to the credit of the Highway Operating Fund (Fund 168343
7002). 168344

Section 605.11. That existing Sections 205.10, 506.10, and 168345
755.30 of Am. Sub. H.B. 51 of the 130th General Assembly are 168346
hereby repealed. 168347

Section 605.20. That Section 753.30 of Am. Sub. H.B. 153 of 168348
the 129th General Assembly be amended to read as follows: 168349

Sec. 753.30. (A) The Governor is authorized to execute a deed 168350
in the name of the state conveying to a buyer or buyers to be 168351
determined in the manner provided in division (B) of this section 168352
all of the state's right, title, and interest in the real property 168353
of any facility under the management and control of the Department 168354
of Youth Services following the closure of that facility that the 168355
Director of Administrative Services determines is no longer 168356
required for state purposes. This section applies only to 168357
facilities that are closed before January 1, 2012. 168358

(B)(1) The Director of Administrative Services shall offer 168359
the real estate, improvements and chattels of a facility sold 168360
pursuant to division (A) of this section for sale "as is" in its 168361
present condition according to the following process: 168362

The real estate of the facility shall be sold as an entire 168363

parcel and not subdivided. 168364

The Director of Administrative Services shall conduct a 168365
sealed bid sale and the real property of the facility shall be 168366
sold to the highest bidder at a price acceptable to both the 168367
Director of Administrative Services and the Director of Youth 168368
Services. 168369

(2) The contract for sale of a facility pursuant to this 168370
section shall include a condition that requires the purchaser to 168371
provide preferential hiring treatment to employees or former 168372
employees of the Department of Youth Services in order to retain 168373
or rehire staff displaced as a result of the closure of the 168374
facility located on the property, to the extent the purchaser's 168375
use of the facility requires employees in the same or similar 168376
positions as those displaced as a result of the closure. 168377

The contract for sale also shall include a binding commitment 168378
that irrevocably grants to the state a right, upon the occurrence 168379
of any triggering event described in division (B)(2)(a) or (b) of 168380
this section and in accordance with the particular division, to 168381
repurchase the facility and the real property on which it is 168382
situated, any surrounding land that is to be transferred under the 168383
contract, or both the facility and real property on which it is 168384
situated plus the surrounding land that is to be transferred under 168385
the contract. The triggering events and the procedures for a 168386
repurchase under the irrevocable grant described in this division 168387
are as follows: 168388

(a) Before the purchaser, or the purchaser's successor in 168389
title, may resell or otherwise transfer the facility and the real 168390
property on which it is situated, any surrounding land that is to 168391
be transferred under the contract, or both the facility and real 168392
property on which it is situated plus the surrounding land that is 168393
to be transferred under the contract, the purchaser or successor 168394
first must offer the state the opportunity to repurchase the 168395

facility, real property, and surrounding land that is to be resold 168396
or transferred for a price not greater than the purchase price 168397
paid to the state for that facility, real property, or surrounding 168398
land, less depreciation from the time of the conveyance of that 168399
facility, real property, or surrounding land to the purchaser, 168400
plus the depreciated value of any capital improvements to that 168401
facility, real property, or surrounding land that were made to it 168402
and funded by anyone other than the state subsequent to the 168403
conveyance to the purchaser. The repurchase opportunity described 168404
in this division must be offered to the state at least one hundred 168405
twenty days before the purchaser intends to resell or otherwise 168406
transfer the facility, real property, or surrounding land that is 168407
to be resold or transferred. After being offered the repurchase 168408
opportunity, the state has the right to repurchase the facility, 168409
real property, and surrounding land that is to be resold or 168410
otherwise transferred for the price described in this division. 168411

(b) Upon the purchaser's default of any financial agreement 168412
for the purchase of the facility and the real property on which it 168413
is situated, any surrounding land that is to be transferred under 168414
the contract, or both the facility and real property on which it 168415
is situated plus the surrounding land that is to be transferred 168416
under the contract, upon the purchaser's default of any other term 168417
in the contract, or upon the purchaser's financial insolvency or 168418
inability to meet its contractual obligations, the state has the 168419
right to repurchase the facility and real property, the 168420
surrounding land, or both the facility and real property and the 168421
surrounding land, for a price not greater than the purchase price 168422
paid to the state for that facility, real property, or surrounding 168423
land, less depreciation from the time of the conveyance of that 168424
facility, real property, or surrounding land to the purchaser, 168425
plus the depreciated value of any capital improvements to that 168426
facility, real property, or surrounding land that were made to it 168427
and funded by anyone other than the state subsequent to the 168428

conveyance to the purchaser. 168429

(3) The Director of Administrative Services shall advertise 168430
the sealed bid sale in a newspaper of general circulation within 168431
Scioto County once a week for three consecutive weeks prior to the 168432
date of the sealed bid sale. The Director of Administrative 168433
Services may reject any and all bids from the sealed bid sale. The 168434
terms of sale shall be ten per cent of the purchase price in cash, 168435
bank draft, or certified check payable within five business days 168436
following written notification of the acceptance of the bid by the 168437
Director of Administrative Services, with the balance payable 168438
within sixty days after the date of the written notification of 168439
the acceptance of the bid by the Director of Administrative 168440
Services. A purchaser who does not complete the conditions of the 168441
sale as prescribed in this division shall forfeit the ten per cent 168442
of the purchase price paid to the state as liquidated damages. 168443
Should a purchaser not complete the conditions of sale as 168444
described in this division, the Director of Administrative 168445
Services is authorized to accept the next highest bid by 168446
collecting ten per cent of the revised purchase price from that 168447
bidder and to proceed to close the sale, provided that the 168448
secondary bid meets all other criteria provided for in this 168449
section. If the Director of Administrative Services rejects all 168450
bids from the sealed bid sale, the Director may repeat the sealed 168451
bid process described in this section or may use an alternate sale 168452
process acceptable to the Director of Youth Services. 168453

Advertising costs and any other costs incident to the sale of 168454
a facility pursuant to this section shall be paid by the 168455
Department of Youth Services. 168456

Upon notice from the Director of Administrative Services, the 168457
Auditor of State, with the assistance of the Attorney General, 168458
shall prepare a deed to the facility to the purchaser identified 168459
by the Director of Administrative Services. The deed shall be 168460

executed by the Governor, countersigned by the Secretary of State, 168461
presented in the Office of the Auditor of State for recording, and 168462
delivered to the grantee at closing and upon the grantee's payment 168463
of the balance of the purchase price. The grantee shall present 168464
the deed for recording in the office of the recorder of the county 168465
in which the facility is located. 168466

The grantee shall pay all costs associated with the purchase 168467
and conveyance of the facility, including the costs of recording 168468
the deed. 168469

The net proceeds of the conveyance of the facility shall be 168470
deposited into the State Treasury to the credit of the Adult and 168471
Juvenile Correctional Facilities Bond Retirement Fund and shall be 168472
used to offset bond indebtedness on state bonds issued for the 168473
facility that has been sold. The Director of Budget and Management 168474
may direct that any moneys remaining in the fund after the 168475
redemption or defeasance of the bonds issued for that facility be 168476
transferred to the General Revenue Fund. 168477

(C) This section expires two years after its effective date 168478
or on November 1, 2015, whichever is later. 168479

Section 605.21. That existing Section 753.30 of Am. Sub. H.B. 168480
153 of the 129th General Assembly is hereby repealed. 168481

Section 605.23. That Section 4 of Am. Sub. H.B. 279 of the 168482
129th General Assembly be amended to read as follows: 168483

Sec. 4. Notwithstanding any provision of the Revised Code to 168484
the contrary, individuals that provide services to a child under 168485
the autism scholarship program shall not be required to comply 168486
with the requirements of section 3310.43 of the Revised Code as 168487
enacted by this act until ~~twelve months after the effective date~~ 168488
~~of this section~~ December 20, 2014. 168489

Section 605.24. That existing Section 4 of Am. Sub. H.B. 279 168490
of the 129th General Assembly is hereby repealed. 168491

Section 605.30. That Section 11 of Sub. H.B. 303 of the 129th 168492
General Assembly be amended to read as follows: 168493

Sec. 11. (A) As used in this section, "intermediate care 168494
facility for individuals with intellectual disabilities" and 168495
"ICF/IID" mean an intermediate care facility for the mentally 168496
retarded as defined in the "Social Security Act," section 1905(d), 168497
42 U.S.C. 1396d(d). 168498

(B) The Department of Developmental Disabilities may conduct 168499
or contract with another entity to conduct, for the first quarter 168500
of calendar year 2013, assessments of all residents of each 168501
ICF/IID, regardless of payment source, who are in the ICF/IID, or 168502
on hospital or therapeutic leave from the ICF/IID, on the day or 168503
days that the assessments are conducted at the ICF/IID. 168504

(C) If assessments are conducted under division (B) of this 168505
section, the Department shall do all of the following: 168506

(1) In conducting the assessments, provide for both of the 168507
following: 168508

(a) The resident assessment instrument prescribed in rules 168509
authorized by ~~division (B) of section 5111.232~~ 5124.191 of the 168510
Revised Code to be used in accordance with an inter-rater reliable 168511
process; 168512

(b) The assessments to be performed by individuals who meet 168513
the requirements to be qualified intellectual disability 168514
professionals, as specified in 42 C.F.R. 483.430(a). 168515

(2) Use the data obtained from the assessments to determine 168516
each ICF/IID's case-mix score for the first quarter of calendar 168517
year 2013; 168518

~~(3) For the purpose of determining each ICF/IID's fiscal year~~ 168519
~~2014 Medicaid rates for direct care costs and subject~~ Subject ~~to~~ 168520
~~divisions (C)(8)(7), (D), and (E)(F) of this section, do both of~~ 168521
~~the following determine the fiscal year 2014 Medicaid payment rate~~ 168522
~~for the direct care costs of each ICF/IID as follows:~~ 168523

(a) Determine the average of the following: 168524

(i) The ICF/IID's case-mix score determined or assigned under 168525
section 5124.192 of the Revised Code for the last quarter of 168526
calendar year 2012; 168527

(ii) The ICF/IID's case-mix score determined under section 168528
5124.192 of the Revised Code for the first quarter of calendar 168529
year 2013; 168530

(iii) The ICF/IID's case-mix score determined under division 168531
(C)(2) of this section for the first quarter of calendar year 168532
2013. 168533

(b) In determining costs per case-mix units and maximum costs 168534
per case-mix units for the purpose of ~~division~~ divisions (B) and 168535
(C) of section ~~5111.23~~ 5124.19 of the Revised Code, use ~~each~~ 168536
ICF/IID's case-mix score the average determined under division 168537
(C)(2)(3)(a) of this section in place of the ICF/IID's average 168538
case-mix score for calendar year 2012; 168539

~~(b) Instead of determining quarterly Medicaid rates for the~~ 168540
~~direct care costs of each ICF/IID pursuant to division (D) of~~ 168541
~~section 5111.23 of the Revised Code, determine, as follows, one~~ 168542
~~Medicaid rate for the direct care costs of each ICF/IID to be paid~~ 168543
~~for all of fiscal year 2014.~~ 168544

~~(i)(c) Multiply the ICF/IID's case-mix score average~~ 168545
~~determined under division (C)(2)(3)(a) of this section by the~~ 168546
~~lesser of the cost per case-mix unit determined for the ICF/IID~~ 168547
~~pursuant to division (C)(3)(a)(b) of this section or the maximum~~ 168548
~~cost per case-mix unit determined for the ICF/IID's peer group~~ 168549

pursuant to division (C)(3)~~(a)~~(b) of this section; 168550

~~(ii)~~(d) Adjust the product determined under division 168551
(C)(3)~~(b)~~(i)(c) of this section by the inflation rate estimated in 168552
accordance with division ~~(B)(3)~~(D) of section ~~5111.23~~ 5124.19 of 168553
the Revised Code. 168554

(4) For the purpose of determining each ICF/IID's fiscal year 168555
2015 Medicaid rates for direct care costs and subject to division 168556
(C)~~(8)~~(7) of this section, use the ~~following when determining,~~ 168557
~~pursuant to the second paragraph of division (C) of section~~ 168558
~~5111.232 of the Revised Code, each ICF/IID's annual average~~ 168559
case-mix score determined under division (C)(2) of this section 168560
for the first quarter of calendar year 2013- 168561

~~(a) For the first quarter of calendar year 2013, the~~ 168562
~~ICF/IID's case mix score determined under division (C)(2) of this~~ 168563
~~section;~~ 168564

~~(b) For the last three quarters of calendar year 2013 and~~ 168565
~~except as provided in division (D) of section 5111.232 of the~~ 168566
~~Revised Code, the ICF/IID's case mix scores determined by using~~ 168567
~~the data the ICF/IID provider compiles in accordance with the~~ 168568
~~first paragraph of division (C) of section 5111.232 of the Revised~~ 168569
~~Code. if the ICF/IID provider does not submit resident assessment~~ 168570
~~data for that quarter pursuant to section 5124.191 of the Revised~~ 168571
~~Code;~~ 168572

(5) ~~Notify each ICF/IID provider that the provider is~~ 168573
~~permitted but not required to compile assessment data for the~~ 168574
~~first quarter of calendar year 2013 pursuant to the first~~ 168575
~~paragraph of division (C) of section 5111.232 of the Revised Code;~~ 168576

~~(6)~~ After the assessments of all of an ICF/IID's residents 168577
are completed but not later than April 30, 2013, provide, or have 168578
the entity (if any) with which the Department contracts pursuant 168579
to division (B) of this section provide, the results of the 168580

assessments to the ICF/IID provider; 168581

~~(7)~~(6) Conduct, in accordance with division (C)~~(8)~~(7) of this 168582
section, a reconsideration for any ICF/IID provider who does both 168583
of the following: 168584

(a) Submits a written request for the reconsideration to the 168585
Department not later than fifteen days after the provider receives 168586
the assessments' results pursuant to division (C)~~(6)~~(5) of this 168587
section; 168588

(b) Includes in the request all of the following: 168589

(i) A detailed explanation of the items in the assessments' 168590
results that the provider disputes; 168591

(ii) Copies of relevant supporting documentation from 168592
specific resident records; 168593

(iii) The provider's proposed resolution of the disputes. 168594

~~(8)~~(7) When conducting a reconsideration required by division 168595
(C)~~(7)~~(6) of this section, do both of the following: 168596

(a) Consider all of the following: 168597

(i) The historic results of the resident assessments 168598
performed pursuant to section 5124.191 of the Revised Code 168599
(formerly the first paragraph of division (C) of section ~~5111.232~~ 168600
5124.19 of the Revised Code as that section existed on the day 168601
immediately before the effective date of the amendments to that 168602
section by Sub. H.B. 59 of the 130th general assembly) by the 168603
ICF/IID provider who requested the reconsideration; 168604

(ii) All of the materials the provider includes in the 168605
reconsideration request; 168606

(iii) All other matters the Department determines necessary 168607
for consideration. 168608

(b) Issue a written decision regarding the reconsideration 168609

not later than the sooner of the following: 168610

(i) Thirty days after the Department receives the 168611
reconsideration request; 168612

(ii) June 1, 2013. 168613

(D) If an ICF/IID provider does not submit resident 168614
assessment data to the department pursuant to section 5124.191 of 168615
the Revised Code for the first quarter of calendar year 2013, the 168616
Department shall use the case-mix scores specified in divisions 168617
(C)(3)(a)(i) and (iii) of this section when determining the 168618
average under division (C)(3)(a) of this section. 168619

(E) The Department's decision regarding a reconsideration 168620
required by division (C)~~(7)~~(6) of this section is final and not 168621
subject to further appeal. 168622

~~(E)~~(F) Regardless of what an ICF/IID's case-mix score is 168623
determined to be under division (C)(2) of this section or pursuant 168624
to a reconsideration required by division (C)~~(7)~~(6) of this 168625
section, no such case-mix score shall cause an ICF/IID's fiscal 168626
year 2014 Medicaid payment rate for direct care costs to be less 168627
than ninety per cent of its June 30, 2013, Medicaid rate for 168628
direct care costs. 168629

~~(F)~~(G) No ICF/IID provider shall be treated as having failed, 168630
for the first quarter of calendar year 2013, to timely submit data 168631
necessary to determine the ICF/IID's case-mix score for that 168632
quarter if the assessment is to be conducted under division (B) of 168633
this section. 168634

~~(G)~~(H) The Department may provide for assessments to be 168635
conducted under division (B) of this section and, if it so 168636
provides, shall comply with the other divisions of this section 168637
notwithstanding anything to the contrary in sections ~~5111.20~~ 168638
5124.01, 5111.23 5124.19, 5124.191, and 5111.232 5124.192 of the 168639
Revised Code. 168640

Section 605.31. That existing Section 11 of Sub. H.B. 303 of the 129th General Assembly is hereby repealed.

Section 605.33. That Section 9 of Am. Sub. H.B. 386 of the 129th General Assembly be amended to read as follows:

Sec. 9. ~~A~~(A) As used in this section, "permit holder" and "track" have the same meanings as in Section 7 of this act.

(B) ~~Within six months of the effective date of this section,~~
~~the~~ The Governor, in consultation with the State Racing Commission, shall discuss, negotiate in good faith, and reach an agreement with necessary parties regarding providing five hundred thousand dollars per year, with the first payment by December 31, 2014, and annually thereafter, to the municipal corporations or townships receiving moneys from the ~~Racetrack Relocation~~ Casino Operator Settlement Fund under ~~division (E)(3) of~~ Section 7 10 of ~~this act~~ Am. Sub. H.B. 386 of the 129th General Assembly, as subsequently amended.

Section 605.34. That existing Section 9 of Am. Sub. H.B. 386 of the 129th General Assembly is hereby repealed.

Section 605.40. That Section 4 of Am. Sub. H.B. 472 of the 129th General Assembly be amended to read as follows:

Sec. 4. That ~~sections 5507.40 and~~ section 5507.53 of the Revised Code ~~are~~ is hereby repealed.

Section 605.41. That existing Section 4 of Am. Sub. H.B. 472 of the 129th General Assembly is hereby repealed.

Section 610.10. That Sections 201.80, 205.83, and 509.40 of Sub. H.B. 482 of the 129th General Assembly be amended to read as

follows: 168667

Sec. 201.80. All items set forth in this section are hereby 168668
appropriated out of any moneys in the state treasury to the credit 168669
of the School Building Program Assistance Fund (Fund 7032), that 168670
are not otherwise appropriated. 168671

Appropriations

SFC SCHOOL FACILITIES COMMISSION			168672
C23002	School Building Program Assistance	\$ 425,000,000	168673
		<u>413,000,000</u>	
<u>C23020</u>	<u>School Security Grant Program</u>	\$ <u>12,000,000</u>	168674
Total School Facilities Commission		\$ 425,000,000	168675
TOTAL School Building Program Assistance Fund		\$ 425,000,000	168676

SCHOOL BUILDING PROGRAM ASSISTANCE 168677

The foregoing appropriation item C23002, School Building 168678
Program Assistance, shall be used by the School Facilities 168679
Commission to provide funding to school districts that receive 168680
conditional approval from the Commission pursuant to Chapter 3318. 168681
of the Revised Code. 168682

SCHOOL SECURITY GRANT PROGRAM 168683

The foregoing appropriation item C23020, School Security 168684
Grant Program, shall be used by the School Facilities Commission 168685
to provide funding to all public schools for school security 168686
expenditures including the purchase and installation of one 168687
Multi-Agency Radio Communications System (MARCS) unit per school 168688
building and a security door system, consisting of a security 168689
camera, an intercom, and remote access, at one entrance per school 168690
building. If law enforcement agencies with jurisdiction over all 168691
or a portion of the geographical area of a public school do not 168692
use MARCS, a public school may purchase one emergency 168693
communications system compatible with the system or systems in use 168694

by law enforcement agencies with jurisdiction over the school 168695
territory. A school may apply to the School Facilities Commission 168696
for reimbursement up to \$2,000 for one MARCS unit or other 168697
emergency communications system per school building and up to 168698
\$5,000 for costs incurred with the purchase of a security door 168699
system installed on or after January 1, 2013. A school may receive 168700
reimbursement for either a MARCS unit or another emergency 168701
communications system, but not both. 168702

Sec. 205.83. The Ohio Public Facilities Commission is hereby 168703
authorized to issue and sell, in accordance with Section 2o and 2q 168704
of Article VIII, Ohio Constitution, and pursuant to sections 168705
151.01 and 151.09 of the Revised Code, original obligations of the 168706
state in an aggregate principal amount not to exceed ~~\$6,000,000~~ 168707
12,500,000 in addition to the original issuance of obligations 168708
heretofore authorized by prior acts of the General Assembly. These 168709
authorized obligations shall be issued and sold from time to time, 168710
subject to applicable constitutional and statutory limitations, as 168711
needed to ensure sufficient moneys to the credit of the Clean Ohio 168712
Trail Fund (Fund 7061) to pay costs of conservation projects. 168713

Sec. 509.40. AGENCY ADMINISTRATION OF CAPITAL FACILITIES 168714
PROJECTS 168715

Notwithstanding ~~sections 123.01 and 123.15~~ section 123.21 of 168716
the Revised Code, the Executive Director of ~~Administrative~~ 168717
~~Services~~ the Ohio Facilities Construction Commission may authorize 168718
the Departments of Mental Health, Developmental Disabilities, 168719
Agriculture, Job and Family Services, Rehabilitation and 168720
Correction, Youth Services, Public Safety, Transportation, ~~and~~ 168721
Veterans Services, and the Bureau of Workers' Compensation to 168722
administer any capital facilities projects, the estimated cost of 168723
which, including design fees, construction, equipment, and 168724
contingency amounts, is less than \$1,500,000. Requests for 168725

authorization to administer capital facilities projects shall be 168726
made ~~in writing to the Director of Administrative Services through~~ 168727
~~the OAKS-CI application~~ by the applicable state agency ~~within~~ 168728
~~sixty days after the effective date of the section of law in which~~ 168729
~~the General Assembly initially makes an appropriation for the~~ 168730
~~project~~. Upon the release of funds for the projects by the 168731
Controlling Board or the Director of Budget and Management, the 168732
agency may administer the capital project or projects for which 168733
agency administration has been authorized without the supervision, 168734
control, or approval of the Executive Director of ~~Administrative~~ 168735
~~Services~~ the Ohio Facilities Construction Commission. 168736

A state agency authorized by the Executive Director of 168737
~~Administrative Services~~ the Ohio Facilities Construction 168738
Commission to administer capital facilities projects pursuant to 168739
this section shall comply with the applicable procedures and 168740
guidelines established in Chapter 153. of the Revised Code and 168741
shall track all project information in OAKS-CI pursuant to Ohio 168742
Facilities Construction Commission guidelines. 168743

Section 610.11. That existing Sections 201.80, 205.83, and 168744
509.40 of Sub. H.B. 482 of the 129th General Assembly are hereby 168745
repealed. 168746

Section 610.14. That Sections 301.11, 301.12, and 301.13 of 168747
Am. Sub. H.B. 487 of the 129th General Assembly be amended to read 168748
as follows: 168749

Sec. 301.11. The items set forth in this section are hereby 168750
appropriated out of any moneys in the state treasury to the credit 168751
of the Clean Ohio Conservation Fund (Fund 7056) that are not 168752
otherwise appropriated. 168753

Appropriations

PWC PUBLIC WORKS COMMISSION

168754

C15060	Clean Ohio Conservation	\$	36,000,000	168755
			<u>75,000,000</u>	
Total Public Works Commission		\$	36,000,000	168756
			<u>75,000,000</u>	
TOTAL Clean Ohio Conservation Fund		\$	36,000,000	168757
			<u>75,000,000</u>	

The foregoing appropriation item C15060, Clean Ohio Conservation, shall be used in accordance with sections 164.20 to 164.27 of the Revised Code. If the Public Works Commission receives refunds due to project overpayments that are discovered during the post-project audit, the Director of the Public Works Commission may certify to the Director of Budget and Management that refunds have been received. If the Director of Budget and Management determines that the project refunds are available to support additional appropriations, such amounts are hereby appropriated.

Sec. 301.12. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Clean Ohio Agricultural Easement Fund (Fund 7057) that are not otherwise appropriated.

Appropriations

	AGR DEPARTMENT OF AGRICULTURE			168772
C70009	Clean Ohio Agricultural Easements	\$	6,000,000	168773
			<u>12,500,000</u>	
Total Department of Agriculture		\$	6,000,000	168774
			<u>12,500,000</u>	
TOTAL Clean Ohio Agricultural Easement Fund		\$	6,000,000	168775
			<u>12,500,000</u>	

Sec. 301.13. (A) The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2o and 2q of Article VIII, Ohio Constitution, and pursuant to

sections 151.01 and 151.09 of the Revised Code, original 168780
obligations of the state in an aggregate principal amount not to 168781
exceed ~~\$36,000,000~~ 75,000,000 in addition to the original issuance 168782
of obligations heretofore authorized by prior acts of the General 168783
Assembly. These authorized obligations shall be issued and sold 168784
from time to time, subject to applicable constitutional and 168785
statutory limitations, as needed to ensure sufficient moneys to 168786
the credit of the Clean Ohio Conservation Fund (Fund 7056) to pay 168787
costs of conservation projects. 168788

(B) The Ohio Public Facilities Commission is hereby 168789
authorized to issue and sell, in accordance with Section 2o and 2q 168790
of Article VIII, Ohio Constitution, and pursuant to sections 168791
151.01 and 151.09 of the Revised Code, original obligations of the 168792
state in an aggregate principal amount not to exceed ~~\$6,000,000~~ 168793
12,500,000 in addition to the original issuance of obligations 168794
heretofore authorized by prior acts of the General Assembly. These 168795
authorized obligations shall be issued and sold from time to time, 168796
subject to applicable constitutional and statutory limitations, as 168797
needed to ensure sufficient moneys to the credit of the Clean Ohio 168798
Agricultural Easement Fund (Fund 7057) to pay costs of 168799
conservation projects. 168800

Section 610.15. That existing Sections 301.11, 301.12, and 168801
301.13 of Am. Sub. H.B. 487 of the 129th General Assembly are 168802
hereby repealed. 168803

Section 610.15.10. That Section 10 of Am. Sub. H.B. 386 of 168804
the 129th General Assembly, as amended by Am. Sub. H.B. 51 of the 168805
130th General Assembly, be amended to read as follows: 168806

Sec. 10. As used in this section, "commercial racetrack" has 168807
the same meaning as "track" as found in Sections 3 and 7 of Am. 168808

Sub. H.B. 386 of the 129th General Assembly. 168809

To the extent that sufficient cash is available, within three 168810
months after the receipt of moneys into the Casino Operator 168811
Settlement Fund created in section 3772.34 of the Revised Code, 168812
the Director of Budget and Management shall pay one million 168813
dollars to the municipal corporation or township in which ~~each~~ 168814
greater than fifty per cent of the real property of a commercial 168815
racetrack is ~~was~~ located, ~~including on June 11, 2012, or a~~ 168816
municipal corporation or township to which greater than fifty per 168817
cent of the real property of a commercial racetrack is to relocate 168818
~~as specified in the memorandum of understanding of February 17,~~ 168819
~~2012, between the Office of the Governor, State of Ohio, and Penn~~ 168820
~~National Gaming, Inc., pertaining to racing permit transfers, but~~ 168821
excluding the previous municipal corporation or township of each 168822
~~moved track or moving commercial racetrack,~~ and excluding a 168823
municipal corporation or township in a county with a population 168824
between 1,100,000 and 1,200,000 in the most recent federal 168825
decennial census. Additionally, within six months after the first 168826
payments made under this section, the Director of Budget and 168827
Management shall pay an additional one million dollars to each of 168828
these municipal corporations and townships. Not more than six 168829
municipal corporations or townships shall be eligible for the 168830
payments under this section. The determination of which six 168831
municipal corporations or townships are eligible to receive 168832
payments under this section shall be made solely by the Director 168833
of Budget and Management. Each municipal corporation or township 168834
receiving such a payment shall use at least fifty per cent of the 168835
funds received for infrastructure or capital improvements. If 168836
after either of the payments referenced in this section, a 168837
municipal corporation or township loses a commercial racetrack as 168838
a result of the commercial racetrack permit holder's decision to 168839
relocate to another municipal corporation or township, the 168840

municipal corporation or township losing the commercial racetrack 168841
becomes eligible for a payment from the Racetrack Facility 168842
Community Economic Redevelopment Fund provided for in Sections 7 168843
and 8 of H.B. 386 of the 129th General Assembly after all of the 168844
communities that have already lost a racetrack permit holder's 168845
commercial racetrack at the time the first payments referenced in 168846
this section are made have each been awarded up to \$3 million for 168847
the initial loss of such commercial racetracks. Such a municipal 168848
corporation or township shall not receive more than the sum of \$3 168849
million minus any payments made by the Director of Budget and 168850
Management in accordance with this section. The Director of Budget 168851
and Management is also authorized to establish any necessary 168852
appropriation items in the appropriate funds and agencies in order 168853
to make any payments required under this section. Any funds in 168854
such items are hereby appropriated. 168855

Section 610.15.11. That existing Section 10 of Am. Sub. H.B. 168856
386 of the 129th General Assembly, as amended by Am. Sub. H.B. 51 168857
of the 130th General Assembly, is hereby repealed. 168858

Section 610.16. That Section 205.80 of Sub. H.B. 482 of the 168859
129th General Assembly, as amended by Am. Sub. H.B. 487 of the 168860
129th General Assembly, be amended to read as follows: 168861

Sec. 205.80. The items set forth in this section are hereby 168862
appropriated out of any moneys in the state treasury to the credit 168863
of the Clean Ohio Trail Fund (Fund 7061) that are not otherwise 168864
appropriated. 168865

DNR DEPARTMENT OF NATURAL RESOURCES 168866

		Appropriations	
C72514	Clean Ohio Local Grants	\$ 6,000,000	168867
		<u>12,500,000</u>	
Total Department of Natural Resources		\$ 6,000,000	168868

	<u>12,500,000</u>	
TOTAL Clean Ohio Trail Fund	\$ 6,000,000	168869
	<u>12,500,000</u>	

Section 610.17. That existing Section 205.80 of Sub. H.B. 482 168871
of the 129th General Assembly, as amended by Am. Sub. H.B. 487 of 168872
the 129th General Assembly, is hereby repealed. 168873

Section 610.20. That Section 4 of Sub. S.B. 171 of the 129th 168874
General Assembly, as amended by Am. Sub. H.B. 487 of the 129th 168875
General Assembly, be amended to read as follows: 168876

Sec. 4. The following agencies are retained under division 168877
(D) of section 101.83 of the Revised Code and expire on December 168878
31, 2016: 168879

AGENCY NAME	REVISED CODE OR UNCODIFIED SECTION	
Academic Distress Commission	3302.10	168881
Advisory Board of Governor's Office of Faith-Based and Community Initiatives	107.12	168882
Advisory Board to Assist and Advise in the Operation of the Ohio Center for Autism and Low Incidence	3323.33, 3323.34	168883
Advisory Council on Amusement Ride Safety	1711.51, 1711.52	168884
Advisory Council of Directors for Prison Labor	5145.162	168885
<u>Office of Enterprise Development Advisory Board</u>		
Advisory Council for Wild, Scenic, or Recreational River Area(s)	1547.84	168886
Advisory Committee on Livestock Exhibitions	901.71	168887
Agricultural Commodity Marketing Programs Operating Committees	924.07	168888
Agricultural Commodity Marketing Programs	924.14	168889

Coordinating Committee		
Alternative Energy Advisory Committee	4928.64(D)	168890
AMBER Alert Advisory Committee	5502.521	168891
Apprenticeship Council	Chapter 4139.	168892
Armory Board of Control	5911.09, 5911.12	168893
Automated Title Processing Board	4505.09(C)(1)	168894
Backflow Advisory Board	3703.21	168895
Banking Commission	1123.01	168896
Board of Directors of the Great Lakes Protection Fund	1506.22 (6161.04)	168897
Board of Directors of the Medical Liability Underwriting Association Stabilization Fund	3929.631	168898
Board of Directors of the Ohio Appalachian Center for Higher Education	3333.58	168899
Board of Directors of the Ohio Health Reinsurance Program	3924.08 - 3924.11	168900
Board of Governors of the Commercial Insurance Joint Underwriting Association	3930.03	168901
Board of Governors of the Medical Liability Underwriting Association	3929.64	168902
Board of Voting Machines Examiners	3506.05	168903
Budget Planning and Management Commission	Section 509.10, H.B. 1, 128th G.A.	168904
Brain Injury Advisory Committee	3304.231	168905
Bureau of Workers' Compensation Board of Directors	4121.12	168906
Capitol Square Review and Advisory Board	105.41	168907
Child Care Advisory Council	5104.08	168908
Child Support Guideline Advisory Council	3119.024	168909
Children's Trust Fund Board	3109.15 - 3109.17	168910
Citizen's Advisory Council	5123.092,	168911

	5123.093	
Clean Ohio Trail Advisory Board	1519.06	168912
Coastal Resources Advisory Council	1506.12	168913
Commission on African-American Males	4112.12, 4112.13	168914
Commission on Hispanic-Latino Affairs	121.31	168915
Commission on Minority Health	3701.78	168916
Committee on Prescriptive Governance	4723.49 -	168917
	4723.492	
Commodity Advisory Commission	926.32	168918
Consumer Advisory Committee to the Opportunities for Ohioans with Disabilities Commission	3304.16 (3304.14), Section 803.40	168919
Continuing Education Committee	109.80(B)	168920
Council on Alcohol and Drug Addiction Services	3793.09	168921
Council on Unreclaimed Strip Mined Lands	1513.29	168922
County Sheriff's Standard Car Marking and Uniform Commission	311.25 - 311.27	168923
Credential Review Board	3319.65	168924
Credit Union Council	1733.329	168925
Criminal Sentencing Advisory Committee	181.22	168926
Data Collection and Analysis Group	3727.32	168927
Dentist Loan Repayment Advisory Board	3702.92	168928
Department Advisory Council(s)	107.18, 121.13	168929
Development Financing Advisory Council	122.40, 122.41	168930
Early Childhood Advisory Council	3301.90	168931
Education Commission of the States (Interstate Compact for Education)	3301.48, 3301.49	168932
Education Management Information System Advisory Board	3301.0713	168933
Educator Standards Board	3319.60	168934
Electrical Safety Inspector Advisory Committee	3783.08	168935
Emergency Response Commission	3750.02	168936
Engineering Experiment Station Advisory Committee	3335.27	168937

Environmental Education Council	3745.21	168938
Environmental Protection Agency Advisory Board(s)	121.13, 3704.03,	168939
	3745.01	
eTech Ohio <u>Broadcast Educational Media</u> Commission	3353.02 -	168940
	3353.04	
Ex-Offender Reentry Coalition	5120.07	168941
Farmland Preservation Advisory Board	901.23	168942
Financial Planning and Supervision Commission(s)	118.05	168943
for Municipal Corporation, County, or Township		
Financial Planning and Supervision Commission for	3316.05	168944
a school district		
Forestry Advisory Council	1503.40	168945
Governance Authority for a State University or	3345.75	168946
College		
Governor's Council on People with Disabilities	3303.41	168947
Governor's Policy Information Working Group	Section 313,	168948
	H.B. 420, 127th	
	G.A.	
Governor's Residence Advisory Commission	107.40	168949
Grain Marketing Program Operating Committee	924.20 - 924.30	168950
Great Lakes Commission (Great Lakes Basin	6161.01	168951
Compact)		
Gubernatorial Transition Committee	107.29, 126.26	168952
Help Me Grow Advisory Council	3701.611	168953
Hemophilia Advisory Subcommittee of the Medically	3701.0210	168954
Handicapped Children's Medical Advisory Council		
Homeland Security Advisory Council	5502.011(E)	168955
Hospital Measures Advisory Council	3727.31	168956
Housing Trust Fund Advisory Committee	174.06	168957
Industrial Commission Nominating Council	4121.04	168958
Industrial Technology and Enterprise Advisory	122.29, 122.30	168959
Council		
Infant Hearing Screening Subcommittee	3701.507	168960

Infection Control Group	3727.312(D)	168961
Insurance Agent Education Advisory Council	3905.483	168962
Interstate Rail Passenger Advisory Council	4981.35	168963
Joint Select Committee on Volume Cap	133.021	168964
Labor-Management Government Advisory Council	4121.70	168965
Legislative Programming Committee of the Ohio Government Telecommunications Service	3353.07	168966
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	168967
Maternity and Newborn Advisory Council	3711.20, 3711.21	168968
Medically Handicapped Children's Medical Advisory Council	3701.025	168969
Midwest Interstate Passenger Rail Compact Commission	4981.361	168970
Milk Sanitation Board	917.03 - 917.032	168971
Mine Subsidence Insurance Governing Board	3929.51	168972
Minority Development Financing Advisory Board	122.72, 122.73	168973
Multi-Agency Radio Communications System (MARCS) Steering Committee	Section 15.02, H.B. 640, 123rd G.A.	168974
National Museum of Afro-American History and Culture Planning Committee	149.303	168975
New African Immigrants Commission	4112.31, 4112.32	168976
Ohio Accountability Task Force	3302.021(E)	168977
Ohio Advisory Council for the Aging	173.03	168978
Ohio Agriculture License Plate Scholarship Fund Board	901.90	168979
Ohio Arts Council	Chapter 3379.	168980
Ohio Business Gateway Steering Committee	5703.57	168981
Ohio Cemetery Dispute Resolution Commission	4767.05, 4767.06	168982
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)(4)	168983
Ohio Commercial Market Assistance Plan Executive	3930.02	168984

Committee		
Ohio Commission on Dispute Resolution and Conflict Management	179.02 - 179.04	168985
Ohio Commission on Fatherhood	5101.34	168986
Ohio Community Service Council	121.40 - 121.404	168987
Ohio Council for Interstate Adult Offender Supervision	5149.22	168988
Ohio Cultural Facilities Commission	Chapter 3383.	168989
Ohio Cystic Fibrosis Legislative Task Force	101.38	168990
Ohio Developmental Disabilities Council	5123.35	168991
Ohio Expositions Commission	991.02	168992
Ohio Family and Children First Cabinet Council	121.37	168993
Ohio Geographically Referenced Information Program Council	125.901, 125.902	168994
Ohio Geology Advisory Council	1501.11	168995
Ohio Grape Industries Committee	924.51 - 924.55	168996
Ohio Historic Site Preservation Advisory Board	149.301	168997
Ohio Historical Society Board of Trustees	149.30	168998
Ohio Judicial Conference	105.91 - 105.97	168999
Ohio Lake Erie Commission	1506.21	169000
Ohio Legislative Commission on the Education and Preservation of State History	Section 701.05, H.B. 1, 128th G.A.	169001
Ohio Medical Quality Foundation	3701.89	169002
Ohio Parks and Recreation Council	1541.40	169003
Ohio Peace Officer Training Commission	109.71, 109.72	169004
Ohio Private Investigation and Security Services Commission	4749.021, 4743.01	169005
Ohio Public Defender Commission	120.01 - 120.03	169006
Ohio Public Library Information Network Board of Trustees	3375.65, 3375.66	169007
Ohio Quarter Horse Development Commission	3769.086	169008
Ohio Small Government Capital Improvements	164.02(C)(D)	169009

Commission		
Ohio Soil and Water Conservation Commission	1515.02	169010
Ohio Standardbred Development Commission	3769.085	169011
Ohio Subrogation Rights Commission	2323.44	169012
Ohio Thoroughbred Racing Advisory Committee	3769.084	169013
Ohio Transportation Finance Commission	5531.12(B) to (D)	169014
Ohio Tuition Trust Authority	3334.03, 3334.08	169015
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10, 3337.11	169016
Ohio Vendors Representative Committee	3304.34, 20 USC 107	169017
Ohio War Orphans Scholarship Board	5910.02 - 5910.06	169018
Ohio Water Advisory Council	1521.031	169019
Ohio Water Resources Council Advisory Group	1521.19	169020
Ohio Water Resources Council	1521.19	169021
Oil and Gas Commission	1509.35	169022
Operating Committee of the Oil and Gas Marketing Program	1510.06, 1510.11	169023
Organized Crime Investigations Commission	177.01	169024
Pharmacy and Therapeutics Committee of the Department of Job and Family Services <u>Medicaid</u>	5111.084 <u>5164.7510</u>	169025
Physician Assistant Policy Committee of the State Medical Board	4730.05, 4730.06	169026
Physician Loan Repayment Advisory Board	3702.81	169027
Power Siting Board	4906.02	169028
Prequalification Review Board	5525.07	169029
Private Water Systems Advisory Council	3701.346	169030
Public Utilities Commission Nominating Council	4901.021	169031
Public Utility Property Tax Study Committee	5727.85(K)	169032
Radiation Advisory Council	3748.20	169033
Reclamation Commission	1513.05	169034

Reclamation Forfeiture Fund Advisory Board	1513.182	169035
Recreation and Resources Commission	1501.04	169036
Recycling and Litter Prevention Advisory Council	1502.04	169037
School and Ministerial Lands Divestiture Committee	501.041	169038
Savings and Loan Associations and Savings Banks Board	1181.16	169039
Second Chance Trust Fund Advisory Committee	2108.35	169040
Service Coordination Workgroup	Section 751.20, H.B. 1, 128th G.A.	169041
Ski Tramway Board	4169.02	169042
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	169043
Solid Waste Management Advisory Council	3734.51	169044
Special Commission to Consider the Suspension of Local Government Officials	3.16	169045
Speed to Scale Task Force	Section 375.60.80, H.B. 119, 128th G.A.	169046
State Agency Coordinating Group	1521.19	169047
State Audit Committee	126.46	169048
State Council of Uniform State Laws	105.21 - 105.27	169049
State Criminal Sentencing Commission	181.22 - 181.26	169050
State Fire Council	3737.81	169051
State Library Board	3375.01	169052
State Victims Assistance Advisory Council	109.91(B) and (C)	169053
Statewide Consortium of County Law Library Resource Boards	3375.481	169054
STEM Committee	3326.02	169055
Student Tuition Recovery Authority	3332.081	169056
Sunset Review Committee	101.84 - 101.87	169057

Tax Credit Authority	122.17(M)	169058
Technical Advisory Committee to Assist Director of the Ohio Coal Development Office	1551.35	169059
Technical Advisory Council on Oil and Gas	1509.38	169060
Transportation Review Advisory Council	5512.07 - 5512.09	169061
Unemployment Compensation Advisory Council	4141.08	169062
Unemployment Compensation Review Commission	4141.06	169063
Veterans Advisory Committee	5902.02(K)	169064
Volunteer Fire Fighters' Dependents Fund Boards (private volunteer)	146.02 - 146.06	169065
Volunteer Fire Fighters' Dependents Fund Boards (public)	146.02 - 146.06	169066
Water and Sewer Commission	1525.11(C)	169067
Waterways Safety Council	1547.73	169068
Wildlife Council	1531.03 - 1531.05	169069
Workers' Compensation Board of Directors Nominating Committee	4121.123	169070

Section 610.21. That existing Section 4 of Sub. S.B. 171 of the 129th General Assembly, as amended by Am. Sub. H.B. 487 of the 129th General Assembly, is hereby repealed. 169071
169072
169073

Section 620.10. That Section 105.05 of Am. Sub. H.B. 2 of the 128th General Assembly be amended to read as follows: 169074
169075

Sec. 105.05. Section 121.53 of the Revised Code is hereby repealed, effective ~~September~~ June 30, 2013 2014. 169076
169077

Section 620.11. That existing Section 105.05 of Am. Sub. H.B. 2 of the 128th General Assembly is hereby repealed. 169078
169079

Section 630.10.10. All items set forth in this section are 169080

hereby appropriated out of any moneys in the state treasury to the 169081
credit of the Parks and Recreation Improvement Fund (Fund 7035) 169082
that are not otherwise appropriated for the biennium ending June 169083
30, 2014: 169084

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 169085
C725S6 Cleveland Zoological Society \$ 150,000 169086
TOTAL Department of Natural Resources \$ 150,000 169087

CLEVELAND ZOOLOGICAL SOCIETY 169088

Of the foregoing appropriation item C725S6, Cleveland 169089
Zoological Society, shall be used for the Cleveland Zoological 169090
Society. 169091

Section 630.11. That Sections 203.30.40, 203.30.70, 169092
203.30.80, 203.90.20, 205.10.20, 205.30.90, 205.50.70, and 169093
207.10.10 of Sub. S.B. 312 of the 129th General Assembly be 169094
amended to read as follows: 169095

Reappropriations

Sec. 203.30.40. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 169096
C87405 Capitol Rotunda Renovations \$ 37,363 169097
C87406 Statehouse Grounds Repair/Improvements \$ 34,663 169098
C87407 Sound System Upgrades \$ 30,654 169099
C87409 Cupola Gutters and Ancillary Roof \$ 5,577 169100
C87411 ADA Specific Sidewalk Ramp Replacement \$ 7,564 169101
C87412 Capitol Square Security \$ 121,316 169102
C87413 CSRAB Visitors' Center \$ 48,576 169103
Total Capitol Square Review and Advisory Board \$ 285,713 169104

On July 1, 2013, or as soon as possible thereafter, the 169105
Director of Budget and Management shall transfer any unexpended 169106
appropriations in appropriation item C87405, Capitol Rotunda 169107
Renovations, and appropriation item C87413, CSRAB Visitors' 169108

Center, to appropriation item C87412, Capitol Square Security. The 169109
appropriations transferred under this section are hereby 169110
appropriated. 169111

Reappropriations

Sec. 203.30.70. OSB SCHOOL FOR THE BLIND			169112
C22607	Renovation of Science Laboratory	\$ 26,473	169113
	Greenhouse		
C22614	New School Lighting	\$ 32,775	169114
C22616	Renovation and Repairs	\$ 779,478	169115
C22617	Elevator Replacement	\$ 104,500	169116
C22619	Public Address System Replacement	\$ 73,150	169117
C22622	Track Shelter	\$ 42,750	169118
C22624	Natatorium Renovations	\$ 2,483	169119
C22700	Infrastructure Improvements	\$ 1,640,652	169120
		<u>1,657,435</u>	
Total Ohio School for the Blind		\$ 2,702,261	169121
		<u>2,719,044</u>	

PUBLIC ADDRESS SYSTEM REPLACEMENT 169122

The amount reappropriated for the foregoing appropriation 169123
item C22619, Public Address System Replacement, is the 169124
unencumbered and unallotted balance as of June 30, 2012, in 169125
appropriation item C22619, Public Address System Replacement, 169126
minus \$77,000. 169127

TRACK SHELTER 169128

The amount reappropriated for the foregoing appropriation 169129
item C22622, Track Shelter, is the unencumbered and unallotted 169130
balance as of June 30, 2012, in appropriation item C22622, Track 169131
Shelter, plus \$77,000. 169132

INFRASTRUCTURE IMPROVEMENTS 169133

The amount reappropriated for the foregoing appropriation 169134

item C22700, Infrastructure Improvements, is the unencumbered and 169135
unallotted balance as of June 30, 2013, in appropriation item 169136
C22700, Infrastructure Improvements, plus \$16,783. 169137

Reappropriations

Sec. 203.30.80. OSD SCHOOL FOR THE DEAF 169138

C22104	Boilers, Blowers, and Controls for the	\$	44,992	169139
	School Complex			
C22107	Renovation and Repairs	\$	950,000	169140
C22108	High School Window Replacement	\$	20,041	169141
C22109	High School HVAC	\$	19,182	169142
C22111	Staff Building Windows and Repair	\$	15,983	169143
C22112	Alumni Park Preservation	\$	59,375	169144
C22800	Infrastructure Improvements	\$	905,833	169145
			<u>922,616</u>	
Total Ohio School for the Deaf		\$	2,015,406	169146
			<u>2,032,189</u>	
TOTAL Administrative Building Fund		\$	29,689,586	169147
			<u>29,723,152</u>	

Reappropriations

Sec. 203.90.20. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 169149

C59004	Community Assistance Projects	\$	13,913,599	169150
C59029	Emergency Generator Replacement	\$	460,362	169151
C59034	Statewide Developmental Centers	\$	1,407,067	169152
C59050	Emergency Improvements	\$	484,984	169153
C59051	Energy Conservation	\$	430,500	169154
C59055	Camp McKinley Improvements	\$	30,000	169155
C59056	The Hope Learning Center	\$	250,000	169156
TOTAL Department of Developmental Disabilities		\$	16,976,512	169157
TOTAL Mental Health Facilities Improvement Fund		\$	42,684,512	169158
			<u>42,584,512</u>	

COMMUNITY ASSISTANCE PROJECTS 169159

The foregoing appropriation item C59004, Community Assistance Projects, may be used to provide community assistance funds for the construction or renovation of facilities for day programs or residential programs that provide services to persons eligible for services from the Department of Developmental Disabilities or county boards of developmental disabilities.

The amount reappropriated for the foregoing appropriation item C59004, Community Assistance Projects, is the unencumbered, unallotted balance as of June 30, 2012, in appropriation item C59004, Community Assistance Projects, plus \$8,326,255. Prior to the expenditure of this reappropriation, the Director of Developmental Disabilities shall certify to the Director of Budget and Management canceled encumbrances in the Mental Health Facilities Improvement Fund (Fund 7033) in the amount of at least \$8,326,255.

STATEWIDE DEVELOPMENTAL CENTERS

The amount reappropriated for the foregoing appropriation item C59034, Statewide Developmental Centers, is the unencumbered, unallotted balance as of June 30, 2012, in appropriation item C59034, Statewide Developmental Centers, plus \$167,912. Prior to the expenditure of this reappropriation, the Director of Developmental Disabilities shall certify to the Director of Budget and Management canceled encumbrances in the Mental Health Facilities Improvement Fund (Fund 7033) in the amount of at least \$167,912.

Reappropriations

Sec. 205.10.20. BOR BOARD OF REGENTS			169185
C23506	Third Frontier Project	\$ 15,689,958	169186
C23519	315 Research and Technology Corridor	\$ 2,090,000	169187
C23525	CWRU Mt. Sinai Skills and Simulation Center	\$ 500,000	169188

C23528	Clintonville Fiber Project	\$	100,000	169189
C23529	Non-credit Job Training Facilities	\$	2,011,227	169190
C23535	CWRU Energy Center <u>Cleveland Center for</u> <u>Membrane and Structural Biology</u>	\$	333,333	169191
Total Board of Regents		\$	20,724,518	169192

SUPPLEMENTAL RENOVATIONS LIBRARY DEPOSITORIES 169193

The amount reappropriated for appropriation item C23524, Supplemental Renovations Library Depositories, is the unencumbered and unallotted balance in appropriation item C23524, Supplemental Renovations Library Depositories, minus \$95,695. 169194
169195
169196
169197

NON-CREDIT JOB TRAINING FACILITIES 169198

The amount reappropriated for the foregoing appropriation item C23529, Non-credit Job Training Facilities, is the unencumbered and unallotted balance in appropriation item C23529, Non-credit Job Training Facilities, as of June 30, 2012, plus \$866,811. 169199
169200
169201
169202
169203

Reappropriations

Sec. 205.30.90. CCC CUYAHOGA COMMUNITY COLLEGE 169204

C37800	Basic Renovations	\$	617,662	169205
C37803	Technology Learning Center - Western	\$	40,941	169206
C37812	Building A Expansion Module - Western	\$	118,115	169207
C37816	College-Wide Wayfinding Signage System	\$	118,825	169208
C37817	College-Wide Asset Protection & Building	\$	599,645	169209
C37818	Healthcare Technology Building - Eastern	\$	1,343,897	169210
C37821	Hospitality Management Program	\$	37,203	169211
C37822	Theater Renovations	\$	948,231	169212
C37824	Rock and Roll Hall of Fame Archive	\$	3,000	169213
C37826	CW Roof Replacement	\$	181,197	169214
C37831	Visiting Nurse Association	\$	142,500	169215
C37833	Cleveland Zoological Society	\$	142,500	169216
C37834	Museum of Contemporary Art Cleveland	\$	427,500	169217

C37835	Western Reserve Historical Society	\$	2,660,000	169218
	Total Cuyahoga Community College	\$	7,381,216	169219
			<u>7,238,716</u>	

BASIC RENOVATIONS 169220

The amount reappropriated for the foregoing appropriation 169221
item C37800, Basic Renovations, is the unencumbered and unallotted 169222
balance as of June 30, 2012, in appropriation item C37800, Basic 169223
Renovations, plus \$1,033,551. 169224

NON-CREDIT JOB TRAINING 169225

The amount reappropriated for appropriation item C37805, 169226
Non-credit Job Training, is the unencumbered and unallotted 169227
balance in appropriation item C37805, Non-credit Job Training, as 169228
of June 30, 2012, minus \$38,676. 169229

BUILDING A EXPANSION MODULE - WESTERN 169230

The amount reappropriated for the foregoing appropriation 169231
item C37812, Building A Expansion Module - Western, is the 169232
unencumbered and unallotted balance as of June 30, 2012, in 169233
appropriation item C37812, Building A Expansion Module - Western, 169234
minus \$82,761. 169235

THEATER RENOVATIONS 169236

The amount reappropriated for the foregoing appropriation 169237
item C37822, Theater Renovations, is the unencumbered and 169238
unallotted balance as of June 30, 2012, in appropriation item 169239
C37822, Theater Renovations, minus \$950,790. 169240

CCC AUTO LAB IMPROVEMENTS 169241

The amount reappropriated for appropriation item C37830, CCC 169242
Auto Lab Improvements, is the unencumbered and unallotted balance 169243
in appropriation item C37830, CCC Auto Lab Improvements, as of 169244
June 30, 2012, minus \$239. 169245

		Reappropriations	
Sec. 205.50.70. STC STARK TECHNICAL COLLEGE			169246
C38900	Basic Renovations	\$ 4,775	169247
C38917	Wind Energy Research and Development Center	\$ 1,166,996	169248
Total Stark Technical College		\$ 1,171,771	169249
TOTAL Higher Education Improvement Fund		\$ 226,722,333	169250
		<u>226,579,833</u>	
 Sec. 207.10.10. LOCAL PARKS PROJECTS			 169252
Of the foregoing appropriation item C725E2, Local Parks			169253
Projects, \$50,000 plus an amount equal to two per cent of the			169254
projects listed may be used by the Ohio Department of Natural			169255
Resources for the administration of local projects; \$1,586,570			169256
shall be used for Grand Lake St. Mary's Improvements; \$400,000			169257
shall be used for the Austin Pike Project - Land Acquisition;			169258
\$191,000 shall be used for Deerfield Township Simpson Creek			169259
Erosion Mitigation and Bank Control; \$121,700 shall be used for			169260
the Salt Fork State Park Concession Stand; \$100,000 shall be used			169261
for the Crown Point Conservation Easement; \$100,000 shall be used			169262
for the Euclid Beach Pier; \$100,000 shall be used for the Liberty			169263
Park Expansion - Twinsburg; \$100,000 shall be used for the Lucas			169264
County Marina; \$100,000 shall be used for the Midtown Cleveland			169265
Mountain Bike Park; \$100,000 shall be used for the Mudbrook Trail			169266
and Greenway Project; \$69,000 shall be used for Miami and Erie			169267
Canal Repairs in Spencerville; \$60,000 shall be used for the			169268
Marseilles Reservoir Bulkhead Project; \$50,000 shall be used for			169269
Dillon State Park Upgrades; \$25,000 shall be used for the			169270
Marblehead Lighthouse State Park Life Boat Station; \$24,165 shall			169271
be used for Tar Hollow State Park Improvements; \$20,200 shall be			169272
used for Van Buren State Park Campground Electric and Restroom			169273
Facility Improvements; and \$10,000 shall be used for Village of			169274

Albany Bike Paths.	169275
FINDLEY STATE PARK	169276
The amount reappropriated for the foregoing appropriation	169277
item C72511, Findley State Park, is the unencumbered and	169278
unallotted balance as of June 30, 2012, in appropriation item	169279
C72511, Findley State Park, minus \$22,856.	169280
LAKE HOPE STATE PARK	169281
The amount reappropriated for the foregoing appropriation	169282
item C72522, Lake Hope State Park, is the unencumbered and	169283
unallotted balance as of June 30, 2012, in appropriation item	169284
C72522, Lake Hope State Park, minus \$7,276.	169285
HOCKING HILLS STATE PARK	169286
The amount reappropriated for the foregoing appropriation	169287
item C72559, Hocking Hills State Park, is the unencumbered and	169288
unallotted balance as of June 30, 2012, in appropriation item	169289
C72559, Hocking Hills State Park, minus \$3,025.	169290
PORTAGE LAKES STATE PARK	169291
The amount reappropriated for the foregoing appropriation	169292
item C72576, Portage Lakes State Park, is the unencumbered and	169293
unallotted balance as of June 30, 2012, in appropriation item	169294
C72576, Portage Lakes State Park, minus \$2,040.	169295
DEER CREEK STATE PARK	169296
The amount reappropriated for the foregoing appropriation	169297
item C72594, Deer Creek State Park, is the unencumbered and	169298
unallotted balance as of June 30, 2012, in appropriation item	169299
C72594, Deer Creek State Park, minus \$19,392.	169300
RIVERFRONT IMPROVEMENTS	169301
The amount reappropriated for the foregoing appropriation	169302
item C725D0, Riverfront Improvements, is the unencumbered and	169303

unallotted balance as of June 30, 2012, in appropriation item	169304
C725D0, Riverfront Improvements, minus \$5,000.	169305
MOHICAN STATE PARK	169306
The amount reappropriated for the foregoing appropriation	169307
item C725M9, Mohican State Park, is the unencumbered and	169308
unallotted balance as of June 30, 2012, in appropriation item	169309
C725M9, Mohican State Park, minus \$72,469.	169310
WASTEWATER AND WATER SYSTEMS UPGRADE	169311
The amount reappropriated for the foregoing appropriation	169312
item C725N6, Wastewater and Water Systems Upgrade, is the	169313
unencumbered and unallotted balance as of June 30, 2012, in	169314
appropriation item C725N6, Wastewater and Water Systems Upgrade,	169315
plus \$162,050.	169316
SOUTH BASS ISLAND STATE PARK	169317
The amount reappropriated for the foregoing appropriation	169318
item C725R0, South Bass Island State Park, is the unencumbered and	169319
unallotted balance as of June 30, 2012, in appropriation item	169320
C725R0, South Bass Island State Park, minus \$29,992.	169321
<u>KAMP DOVETAIL PROJECT</u>	169322
<u>The amount reappropriated for the foregoing appropriation</u>	169323
<u>item C725S5, Kamp Dovetail Project, used by the Department of</u>	169324
<u>Natural Resources, is the unencumbered and unallotted balance</u>	169325
<u>remaining as of June 30, 2013, in appropriation item C59020, Kamp</u>	169326
<u>Dovetail Project, used by the Department of Developmental</u>	169327
<u>Disabilities.</u>	169328
FEDERAL REIMBURSEMENT	169329
All reimbursements received from the federal government for	169330
any expenditures made pursuant to sections of this act numbered	169331
with the prefix "207.10" shall be deposited in the state treasury	169332
to the credit of the Parks and Recreation Improvement Fund.	169333

Section 630.12. That existing Sections 203.30.40, 203.30.70, 169334
203.30.80, 203.90.20, 205.10.20, 205.30.90, 205.50.70, and 169335
207.10.10 of Sub. S.B. 312 of the 129th General Assembly are 169336
hereby repealed. 169337

Section 701.10. EXEMPT EMPLOYEE CONSENT TO CERTAIN DUTIES 169338

As used in this section, "appointing authority" has the same 169339
meaning as in section 124.01 of the Revised Code, and "exempt 169340
employee" has the same meaning as in section 124.01 of the Revised 169341
Code. 169342

Notwithstanding section 124.181 of the Revised Code, in cases 169343
where no vacancy exists, an appointing authority may, with the 169344
written consent of an exempt employee, assign duties of a higher 169345
classification to that exempt employee for a period of time not to 169346
exceed two years, and that exempt employee shall receive 169347
compensation at a rate commensurate with the duties of the higher 169348
classification. 169349

Section 701.30. (A) As used in this section, "public record" 169350
has the meaning defined in section 149.43 of the Revised Code, and 169351
"public office" has the meaning defined in section 149.011 of the 169352
Revised Code. 169353

Not later than May 31, 2014, the Director of Administrative 169354
Services shall deliver a report to the Governor, the Speaker and 169355
Minority Leader of the House of Representatives, and the President 169356
and Minority Leader of the Senate that proposes uniform standards 169357
that should apply to a public office that chooses to post public 169358
records on an internet web site maintained by the public office. 169359
In developing the standards, the Director shall consider, at a 169360
minimum, the following factors: any recommended technology and/or 169361
software to use; the projected costs of implementing and 169362
maintaining such technology and software; and how a public office 169363

is to post a public record on its web site, or on a public web 169364
site maintained by the state, so that the public record, or the 169365
data contained in the public record, is capable of being searched 169366
and downloaded by the public in a uniform manner. The proposed 169367
uniform standards, as articulated in the report, shall seek to 169368
incorporate, insofar as practical, related practices of the 169369
Auditor of State and of other state agencies. 169370

The Director may form, and seek advice from and consult with, 169371
an advisory committee. Members of the advisory committee shall 169372
include, but are not limited to, representatives of state and 169373
local governments and individuals having relevant expertise to 169374
assist in developing the report. 169375

(B) Not later than May 31, 2014, the Director of Development 169376
Services, in cooperation with the Local Government Innovation 169377
Council, shall prepare and issue to the members of the General 169378
Assembly a report that recommends various means by which the 169379
information exchange may provide local governments with insights 169380
regarding efficiency and productivity, and various means by which 169381
the information exchange may help local governments improve 169382
services to vulnerable populations by providing insights regarding 169383
programs that benefit the poor, including general welfare support 169384
programs. The report also shall include recommendations, developed 169385
by the Director and the Council in consultation with the Third 169386
Frontier Commission, expressing various means by which data in the 169387
information exchange may create opportunities for private sector 169388
research institutions to develop value-added products or services 169389
that may be commercialized or create jobs, and thereby contribute 169390
to the betterment of the state economy. 169391

Section 701.40. (A) As used in this section, "political 169392
subdivision" has the meaning defined in section 2744.01 of the 169393
Revised Code. 169394

(B) There is the Local Government Efficiency Program to be administered by the Local Government Innovation Council. The Council shall adopt rules under Chapter 119. of the Revised Code as are necessary to administer the program, including application procedures and identification of approved training programs. Under the program, the Council may:

(1) Award scholarships to political subdivision employees, and make grants and loans to political subdivisions, and to regional councils of government or other similar cooperative governmental arrangements consisting of political subdivisions, for training in process efficiency programs including, but not limited to, Six Sigma, Kaizen, and Lean;

(2) Award grants or loans to political subdivisions to assist the political subdivisions in implementing the recommendations in the report published by the Director of Administrative Services under Section 701.30 of this act; and

(3) Award a grant, not to exceed \$200,000, to the Department of Administrative Services for the provision of training in process efficiency programs as described in division (B)(1) of this section.

Section 701.61. Notwithstanding sections 124.14, 124.141, and 124.15 of the Revised Code, until July 1, 2015, the Director of Administrative Services may implement the provisions of sections 124.14, 124.141, and 124.15 of the Revised Code that otherwise would require the adoption of rules without adopting rules.

Section 715.10. Two years after the amendments to section 1501.011 of the Revised Code by this act take effect, the Ohio Facilities Construction Commission and the Department of Natural Resources shall review division (C) of that section.

Section 733.10. Notwithstanding section 3317.01 of the Revised Code, as amended by this act, to determine whether a school district satisfied the minimum school year in the 2013-2014 school year in order to qualify for state funding under Chapter 3317. of the Revised Code for fiscal year 2015, the Department of Education shall apply the criteria prescribed in the version of division (B) of section 3317.01 of the Revised Code in effect prior to July 1, 2014.

Section 733.20. The General Assembly hereby declares its intent, in enacting section 3319.031 of the Revised Code, to supersede any effect of the decision of the Court of Appeals of the Eighth Appellate District in *OAPSE/AFSCME Local 4 v. Berdine*, 174 Ohio App.3d 46 (Cuyahoga County, 2007) to the extent the decision conflicts with the principle that boards of education may appoint a licensed business manager, but also may determine instead to assign the roles and functions of a business manager to one or more employees or officers of the board, including the treasurer, in the board's sole discretion.

Section 733.40. (A) The Superintendent of Public Instruction shall appoint three incorporators who are knowledgeable about the administration of public schools and about the operation of nonprofit corporations in Ohio.

(B) The incorporators shall do whatever is necessary and proper to set up a nonprofit corporation under Chapter 1702. of the Revised Code. The articles of incorporation, in addition to meeting the requirements of section 1702.04 of the Revised Code, shall set forth the following provisions:

(1) That the nonprofit corporation is to create and implement a pilot program that provides an alternative path for individuals to receive training and development in the administration of

primary and secondary education and leadership, that will enable 169455
these individuals to earn a degree in public school 169456
administration, that will enable these individuals to obtain 169457
licenses in public school administration, and that promotes the 169458
placement of these individuals in public schools that have a 169459
poverty percentage greater than fifty per cent. 169460

(2) That the Board of Directors are to establish criteria for 169461
program costs, participant selection, and continued participation, 169462
and metrics to document and measure pilot program activities. 169463

(3) That the name of the nonprofit corporation is "New 169464
Leaders for Ohio Schools." 169465

(4) That the Board of Directors is to consist of the 169466
following nine directors: 169467

(a) The Governor or the Governor's designee; 169468

(b) The Superintendent of Public Instruction, or the 169469
Superintendent's designee; 169470

(c) The Chancellor of the Ohio Board of Regents, or the 169471
Chancellor's designee; 169472

(d) Two individuals to represent major business enterprises 169473
in Ohio; 169474

(e) Two individuals appointed by the Speaker of the House of 169475
Representatives, one of whom shall be an active duty or retired 169476
military officer; 169477

(f) Two individuals appointed by the President of the Senate, 169478
one of whom shall be a current or retired teacher or principal. 169479

The Dean of The Ohio State University Fisher College of 169480
Business and the Dean of The Ohio State University College of 169481
Education and Human Ecology are to serve as ex-officio nonvoting 169482
members of the Board. 169483

The individuals on the Board who represent major business 169484

enterprises in Ohio are to be appointed by a statewide 169485
organization selected by the Governor. The organization is to be 169486
nonpartisan and consist of chief executive officers of major 169487
corporations organized in Ohio. 169488

(5) That the Board is to elect a chairperson from among its 169489
members, and is to appoint a President of the corporation. 169490

(6) That the President of the Corporation, subject to the 169491
approval of the Board, is to enter into a contract with The Ohio 169492
State University Fisher College of Business. Under the contract, 169493
the College is to provide oversight to the corporation, is to 169494
serve as fiscal agent for the corporation, and is to provide the 169495
corporation with office space, and with office furniture and 169496
equipment, as is necessary for the corporation successfully to 169497
fulfill its duties. 169498

(7) That the overhead expenses of the corporation are not to 169499
exceed fifteen per cent of the annual budget of the corporation. 169500

(8) That the President is to apply for, and is to receive and 169501
accept, grants, gifts, bequests, and contributions from private 169502
sources. 169503

(9) That the corporation is to submit an annual report to the 169504
General Assembly and Governor beginning December 31, 2013. 169505

(10) That state financial support for the corporation shall 169506
cease on the date that is five years after the effective date of 169507
this section. 169508

Section 733.50. (A) The State Board of Education shall issue 169509
an alternative principal or administrator license in accordance 169510
with rules adopted under this section to an individual who 169511
successfully completes the New Leaders for Ohio Schools pilot 169512
program under Section 733.40 of this act. 169513

(B) The State Board, in consultation with the Board of 169514

Directors of New Leaders for Ohio Schools, shall adopt rules that 169515
prescribe the requirements for an alternative principal or 169516
administrator license specifically for an individual who 169517
successfully completes the New Leaders for Ohio Schools pilot 169518
program. The State Board shall use the rules for alternative 169519
principal and administrator licenses previously adopted under 169520
section 3319.27 of the Revised Code as a guideline for development 169521
of the rules adopted under this section. 169522

Section 737.20. TELEMEDICINE POLICY WORKGROUP 169523

The Executive Director of the Governor's Office of Health 169524
Transformation may convene a workgroup of state agency directors 169525
to study policy matters regarding the potential benefits of using 169526
telemedicine as a means of increasing the quality and availability 169527
of health care services within this state. If established, the 169528
workgroup shall include the Medicaid Director, Superintendent of 169529
Insurance, and any other state agency director the Executive 169530
Director considers appropriate. Additional individuals may be 169531
included at the discretion of the Executive Director. 169532

A study conducted by a workgroup established under this 169533
section shall focus on developing a comprehensive statewide policy 169534
that encourages the use of telemedicine as an integral component 169535
of the state's health care system. In doing so, the workgroup 169536
shall consider not only the practice of telemedicine and the 169537
technology used to provide telemedicine services, but also matters 169538
pertaining to the implementation of telemedicine systems and the 169539
reimbursement of health care professionals, health care 169540
facilities, and other providers of telemedicine services, 169541
including coverage provided by health care insurers and the 169542
Medicaid program. 169543

Section 737.30. Before December 31, 2013, the Joint Committee 169544

on Gaming and Wagering, established in section 3772.032 of the Revised Code, shall prepare a report that includes findings on criminal problems posed by gaming and wagering at casino facilities and video lottery terminal facilities, as well as recommendations on policies and procedures that may be used to protect personal liberty while also reducing criminal activity. The committee shall submit the report to the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, the Governor, the Attorney General, the State Lottery Commission, and the Ohio Casino Control Commission.

Section 745.10. There is hereby created the License Plate Safety Task Force. The Task Force shall consist of eight members: three members appointed by the President of the Senate, one member appointed by the Minority Leader of the Senate, three members appointed by the Speaker of the House of Representatives, and one member appointed by the Minority Leader of the House of Representatives. At least five members shall represent law enforcement.

The Task Force shall examine the extent of license plate degradation over time and the impediments to law enforcement efforts caused by illegible license plates resulting from degradation. The Task Force also shall examine whether having dual license plates is beneficial to law enforcement officers and determine whether the state should continue its dual plate requirement. Not later than December 31, 2013, the Task Force shall issue a report of its findings and recommendations to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives. At that time, the Task Force shall cease to exist.

Section 747.10. (A) The Ohio Cemetery Law Task Force shall 169576
develop recommendations on modifications of the laws of this state 169577
relating to cemeteries. 169578

(B) The Ohio Cemetery Law Task Force is established. The Task 169579
Force shall consist of the following eleven members: a 169580
representative of local government, other than townships, 169581
appointed by the President of the Senate; a representative of the 169582
Ohio Township Association appointed by the President of the 169583
Senate; a representative of Native Americans appointed by the 169584
President of the Senate; a representative of private cemeteries 169585
appointed by the Speaker of the House of Representatives; a 169586
representative of the Ohio Historical Society appointed by the 169587
Speaker of the House of Representatives; a representative of 169588
archeologists appointed by the Speaker of the House of 169589
Representatives; a representative of the Ohio Genealogical Society 169590
appointed by the Governor; a representative of the Ohio Cemetery 169591
Dispute Resolution Commission appointed by the Governor; a 169592
representative of the Division of Real Estate and Professional 169593
Licensing in the Department of Commerce appointed by the Governor; 169594
a representative of the Department of Transportation appointed by 169595
the Governor; and a representative of the Department of Natural 169596
Resources appointed by the Governor. 169597

The initial appointments shall be made not later than thirty 169598
days after the effective date of this section. Vacancies shall be 169599
filled in the manner provided for original appointments. 169600

The Task Force shall elect two of its members to serve as 169601
co-chairpersons of the Task Force. 169602

The Task Force shall meet as often as necessary to carry out 169603
its duties and responsibilities. Members of the Task Force shall 169604
serve without compensation. 169605

(C) The Task Force shall issue a report of its 169606

recommendations to the President of the Senate, the Speaker of the House of Representatives, and the Governor not later than one year after the effective date of this section. The Task Force ceases to exist upon submitting its report.

Section 747.20. The county recorder shall continue to keep six separate sets of records of all agreements for the registration of lands as archaeological or historic landmarks recorded before the effective date of this section.

Section 747.30. Notwithstanding section 4783.04 of the Revised Code, as enacted by this act, if an individual certified as a board certified behavior analyst by the Behavior Analyst Certification Board or its successor organization can demonstrate active practice in a manner prescribed in rules adopted by the State Board of Psychology within one year after the effective date of those rules, the individual may apply for immediate certification as a certified Ohio behavior analyst without paying a fee or satisfying other requirements specified in section 4783.04 of the Revised Code or requirements prescribed by the State Board of Psychology.

The State Board of Psychology shall provide internet access to the study guide produced by the State Board of Psychology that summarizes the applicable laws and rules. An individual issued a certificate pursuant to this section is responsible for knowledge of Ohio law based on self-study of these documents.

Following initial certification under this section, a certified Ohio behavior analyst shall comply with section 4783.05 of the Revised Code with respect to biennial registration, payment of fees, and continuing education requirements.

Section 747.40. The Departments of Developmental Disabilities, Mental Health and Addiction Services, Health, and

Education; the Ohio Board of Regents; and any other appropriate 169637
state agency shall work with the Ohio Center for Autism and Low 169638
Incidence or another qualified entity to create a certification or 169639
endorsement process for individuals providing evidence-based 169640
interventions to serve or support an individual with an autism 169641
spectrum disorder. The process created shall not conflict with or 169642
duplicate any current state licensure processes and shall include 169643
clinical therapeutic interventionists. The goal of the process 169644
created shall be to build the capacity of individuals qualified to 169645
serve or support individuals with autism spectrum disorders. 169646
Legislative recommendations shall be submitted to the Governor, 169647
the President and Minority Leader of the Senate, and the Speaker 169648
and Minority Leader of the House of Representatives not later than 169649
October 31, 2013. 169650

Section 751.10. RECOVERY REQUIRES A COMMUNITY PROGRAM 169651

The Department of Mental Health and Addiction Services, in 169652
consultation with the Department of Medicaid, shall administer the 169653
Recovery Requires a Community Program to identify individuals 169654
residing in nursing facilities who can be successfully moved into 169655
a community setting with the aid of community non-Medicaid 169656
services. 169657

The Director of Mental Health and Addiction Services and the 169658
Medicaid Director shall agree upon an amount representing the 169659
savings realized from decreased nursing facility utilization to be 169660
transferred within the biennium from the Department of Medicaid to 169661
the Department of Mental Health and Addiction Services to support 169662
non-Medicaid program costs for individuals moving into community 169663
settings. 169664

Of the foregoing appropriation item 651525, Medicaid/Health 169665
Care Services, the Medicaid Director shall transfer the amount 169666

agreed upon representing the savings from the General Revenue Fund 169667
to the Sale of Goods and Services Fund (Fund 1490). The transfer 169668
shall be made using an intrastate transfer voucher. The 169669
transferred cash is hereby appropriated to appropriation item 169670
335609, Community Operating/Planning. 169671

Section 751.41. (A) The Workforce Training Pilot Program for 169672
the Economically Disadvantaged is hereby established to provide 169673
grants to provide training in life and technical skills. The 169674
Director of Job and Family Services shall administer the Pilot 169675
Program for a period of two years, beginning July 1, 2013. 169676

(B) The Director of Job and Family Services, in consultation 169677
with the Director of Development Services and JobsOhio, shall 169678
issue a request for proposals to allow an entity to receive a 169679
grant under this section to create and administer a demonstration 169680
project in the field of workforce development. The demonstration 169681
project shall provide training to those individuals located in the 169682
region described in division (C) of this section where the project 169683
is located who the applicant determines are economically 169684
disadvantaged. The request for proposals shall include all of the 169685
following requirements: 169686

(1) That the applicant shall include in the proposal a 169687
description of the manner in which the applicant will determine 169688
whether an individual is economically disadvantaged; 169689

(2) That the demonstration project shall provide life skills 169690
training, to assist an individual to develop character traits 169691
necessary to obtain employment, and technical, field-related 169692
training; 169693

(3) That the applicant is collaborating with an organization 169694
in the region described in division (C) of this section where the 169695
project is located and at least one community-based nonprofit 169696
organization that has experience in life-skill support services 169697

and workforce development; 169698

(4) That the applicant satisfies any other requirements 169699
established in the request for proposals. 169700

(C)(1) The Director of Job and Family Services, in 169701
consultation with the Director of Development Services and 169702
JobsOhio, shall award a grant in fiscal year 2014 for a 169703
demonstration project described in division (B) of this section in 169704
each of the following regions of the state: 169705

(a) The counties of Allen, Crawford, Defiance, Fulton, 169706
Hancock, Hardin, Henry, Lucas, Ottawa, Paulding, Putnam, Sandusky, 169707
Seneca, Van Wert, Williams, Wood, and Wyandot; 169708

(b) The counties of Ashland, Ashtabula, Columbiana, Cuyahoga, 169709
Erie, Geauga, Huron, Lake, Lorain, Mahoning, Medina, Portage, 169710
Richland, Stark, Summit, Trumbull, Tuscarawas, and Wayne; 169711

(c) The counties of Auglaize, Champaign, Clark, Clinton, 169712
Darke, Fayette, Greene, Mercer, Miami, Montgomery, Preble, and 169713
Shelby; 169714

(d) The counties of Delaware, Fairfield, Franklin, Knox, 169715
Licking, Logan, Madison, Marion, Morrow, Pickaway, and Union; 169716

(e) The counties of Adams, Athens, Belmont, Carroll, 169717
Coshocton, Gallia, Guernsey, Harrison, Highland, Hocking, Holmes, 169718
Jackson, Jefferson, Lawrence, Meigs, Monroe, Morgan, Muskingum, 169719
Noble, Perry, Pike, Ross, Scioto, Vinton, and Washington; 169720

(f) The counties of Brown, Butler, Clermont, Hamilton, and 169721
Warren. 169722

(2) The Director of Job and Family Services may award a grant 169723
to one or two demonstration projects located in a region described 169724
in division (C)(1) of this section, however, no region shall 169725
receive more than one million dollars in grant funding under this 169726
section. 169727

(D) The Director of Job and Family Services shall adopt rules 169728
in accordance with Chapter 119. of the Revised Code to establish 169729
reporting requirements for grant recipients under this section. 169730
Those rules shall require a grant recipient to report on the 169731
successful completion rate of project participants, rate of job 169732
placement of participants, tracking of participant's employment 169733
after completion of the project, and any other information 169734
requested by the Director. The Director shall require grant 169735
recipients to report this information during the two-year Pilot 169736
Program and to submit a final report upon the expiration of the 169737
Pilot Program. A grant recipient shall comply with rules adopted 169738
by the Director. 169739

(E) On July 1, 2013, or as soon as possible thereafter, the 169740
Director of Budget and Management shall transfer \$8,000,000 cash 169741
from the Economic Development Projects Fund (Fund 5JC0) used by 169742
the Board of Regents to the Training Activities Fund (Fund 6130) 169743
used by the Department of Job and Family Services. The transferred 169744
funds shall be used for the Pilot Program established in this 169745
section. 169746

Section 753.30. (A) There is the State Facility Utilization 169747
and Consolidation Task Force. The Task Force shall create an 169748
inventory of state-owned real property and of assets related to 169749
the real property, study the current utilization of the real 169750
property and related assets, determine which real properties and 169751
related assets are not being productively used, determine which 169752
real properties and related assets that are not being productively 169753
used could be productively used, and determine which real 169754
properties and related assets that are not being productively used 169755
could be productively used if consolidated. The Task Force, based 169756
on its study, shall provide the Governor, the President of the 169757
Senate, and the Speaker of the House of Representatives, not later 169758
than one year after the effective date of this section, a report 169759

expressing Task Force's recommendations for the sale, productive use, or consolidation of state-owned real property and assets. Upon completing delivery of its report, the Task Force ceases to exist.

(B) The Task Force consists of the following members: Two members of the House of Representatives, appointed by the Speaker of the House of Representatives; two members of the Senate appointed by the President of the Senate; one individual appointed by the Governor; the Director of Administrative Services or the Director's designee; and the Director of Budget and Management or the Director's designee. Vacancies on the Task Force shall be filled by the appointing authority.

The Task Force shall select a chairperson and vice-chairperson from among its members.

Members of the Task Force are not entitled to compensation for serving on the Task Force. Members of the Task Force may continue to receive the compensation and benefits accruing from their regular offices or employments. A member of the Task Force is entitled to reimbursement of actual and necessary expenses incurred because of service on the Task Force.

The Task Force first shall meet within one month after the effective date of this section at the call of the Governor. Thereafter, the Task Force shall meet at the call of its chairperson as necessary to carry out its duties.

The Director of Administrative Services shall provide the Task Force with meeting space and with professional, technical, and clerical staff as is necessary for the Task Force successfully and efficiently to fulfill its duties.

Section 755.10. Not later than ninety days after the effective date of this section, the Director of Transportation

shall establish a county bridge program to assist counties with 169790
the maintenance of bridges. The program may provide monetary and 169791
other resources, and shall address infrastructure needs related to 169792
county-maintained bridges, including bridge embankments, drainage 169793
bridge repair, and other related conditions. 169794

The Director may consult with affected political subdivisions 169795
in assessing needs and in developing the program. Upon 169796
establishing the program, the Director shall notify affected 169797
political subdivisions in an appropriate manner of the 169798
availability of the program. 169799

Section 757.10. MINIMUM DISTRIBUTION OF LOCAL GOVERNMENT FUND 169800
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Notwithstanding any provision of section 131.51 of the 169802
Revised Code to the contrary, from revenue arising from the 169803
personal income tax levied under Chapter 5747. of the Revised 169804
Code, an amount equal to one hundred per cent of the amount 169805
credited to the Local Government Fund in July 2012 shall be 169806
credited to such fund in July 2013. In July 2013 each county 169807
undivided local government fund shall receive the same amount it 169808
received in July 2012. In July 2013 each municipal corporation 169809
shall receive the same amount it directly received from the Local 169810
Government Fund in July 2012. 169811

Section 757.50. The amendment by this act of divisions (Q), 169812
(R), and (S) of section 5741.01 and section 5741.03 of the Revised 169813
Code and the enactment of section 5741.032 of the Revised Code are 169814
hereby effectuated with the intent that if the United States 169815
Congress enacts the Marketplace Fairness Act of 2013, or other 169816
similar legislation authorizing states to require sellers that 169817
lack a substantial nexus with the state to pay, collect, or remit 169818
sales or use tax, the General Assembly shall adopt, before the 169819

effective date of such federal legislation, any conforming 169820
amendments required by such federal legislation and requiring the 169821
Tax Commissioner to adopt rules necessary to effectively 169822
administer such taxes with respect to remote sellers, as defined 169823
in division (R) of section 5741.01 of the Revised Code. 169824

This section is not intended to create a nexus between this 169825
state and remote sellers for any tax other than those imposed 169826
under Chapters 5739. and 5741. of the Revised Code. 169827

Section 757.60. The purpose of section 3735.661 of the 169828
Revised Code is to clarify the intent of the General Assembly that 169829
"first two amendments," as used in division (B) of Section 3 of 169830
Am. Sub. S.B. 19 of the 120th General Assembly, has, on and after 169831
July 22, 1994, referred and continues to refer to only a 169832
substantive amendment to a community reinvestment area ordinance 169833
or resolution that extends, expands, increases, or otherwise 169834
broadens the availability of tax exemptions provided under the 169835
ordinance or resolution and does not refer to an amendment that 169836
decreases or otherwise limits the availability of tax exemptions 169837
under the ordinance or resolution or that are procedural or 169838
administrative. Therefore, section 3735.661 of the Revised Code 169839
applies retroactively to ordinances and resolutions adopted under 169840
section 3735.66 of the Revised Code before and after the effective 169841
date of section 3735.661 of the Revised Code. 169842

Section 803.10. An investor who is issued a tax credit 169843
certificate under section 122.152 of the Revised Code prior to 169844
that section's repeal by this act may continue to claim that 169845
credit in the manner provided for in that section. 169846

Section 803.20. The member of the Farmland Preservation 169847
Advisory Board appointed under division (A)(4) of section 901.23 169848

of the Revised Code, as that section existed prior to its 169849
amendment by this act, who is serving on the effective date of 169850
this act shall continue to serve until the expiration of the term 169851
for which the member was appointed. At the end of that term, a 169852
member shall be appointed in accordance with division (A)(4) of 169853
that section as amended by this act. 169854

Section 803.30. A member of the technical advisory committee 169855
created in section 1551.35 of the Revised Code, as amended by this 169856
act, who was appointed by the Director of the Ohio Coal 169857
Development Office and who is serving on the committee immediately 169858
prior to the effective date of the amendments to that section 169859
shall continue in office until the expiration of the member's 169860
term. Thereafter, the appointment of a member for that position on 169861
the committee shall be made in accordance with the amendments to 169862
that section by this act. 169863

Section 803.41. (A) A member serving on the Rehabilitation 169864
Services Commission immediately prior to the effective date of 169865
this section who was appointed under section 3304.12 of the 169866
Revised Code as that section existed prior to its amendment by 169867
this act shall continue serving on the Opportunities for Ohioans 169868
with Disabilities Commission established by the amendments to that 169869
section by this act until the end of the term for which the member 169870
was appointed. 169871

(B) The consumer advisory committee that is required to be 169872
appointed by the Opportunities for Ohioans with Disabilities 169873
Commission by section 3304.16 (3304.14) of the Revised Code, as 169874
amended and renumbered by this act, is a continuation of the 169875
consumer advisory committee that was required to be appointed by 169876
the Rehabilitation Services Commission by section 3304.24 of the 169877
Revised Code prior to the repeal of that section by this act. 169878

Section 803.50. The amendments to sections 3313.48, 3313.533, 169879
3313.62, 3317.01, and 3321.05; the repeal and reenactment of 169880
section 3313.481; and the repeal of section 3313.482 of the 169881
Revised Code made by this act do not apply to any collective 169882
bargaining agreement executed under Chapter 4117. of the Revised 169883
Code prior to July 1, 2014. Any collective bargaining agreement or 169884
renewal executed after that date shall comply with the changes 169885
provided for in this act. 169886

Section 803.60. (A) As used in this section: 169887

(1) "State institution of higher education" has the same 169888
meaning as in section 3345.011 of the Revised Code. 169889

(2) "Career-technical planning district" has the same meaning 169890
as in section 3302.033 of the Revised Code. 169891

(B) Nothing in Chapter 3365. of the Revised Code or the 169892
amendment of sections in that chapter by this act shall be 169893
construed to infringe upon or require the alteration of any 169894
existing or future articulation agreement for technical coursework 169895
offered through state-approved career-technical programs of study 169896
or any corresponding payment structure between any state 169897
institution of higher education and a career-technical planning 169898
district. 169899

The Department of Education and the Board of Regents shall 169900
study the implications of applying the changes in Chapter 3365. of 169901
the Revised Code to articulation agreements for technical 169902
coursework offered through state-approved career-technical 169903
programs of study. The Department and the Board also shall make 169904
recommendations on how such career-technical programs of study 169905
might be included under Chapter 3365. of the Revised Code and the 169906
implications of including them. These recommendations shall be 169907
submitted to the Governor's Office of 21st Century Education and 169908

the General Assembly in accordance with section 101.68 of the Revised Code, not later than July 1, 2014.

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Section 803.80. (A) The amendment by this act of divisions (A)(26) and (GG) of section 5747.01, section 5747.022 by adding the last sentence thereto, and of division (A) of section 5747.025 of the Revised Code applies to taxable years beginning on or after January 1, 2014.

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(B) The amendment by this act of divisions (A)(26), (29), (31), and (33) of section 5747.01, the first sentence of section 5747.022, division (C) of section 5747.025, and of sections 5747.02, 5747.05, 5747.08, 5747.21, 5747.22, and 5748.01 and the repeal of section 5747.211 of the Revised Code apply to taxable years beginning on or after January 1, 2013.

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Section 803.90. (A) Except as provided in division (B) of this section, the amendment by this act of section 5751.01 of the Revised Code applies to tax periods ending on or after the effective date of that amendment.

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(B) The amendment by this act of section 5751.02, division (A) of section 5751.051, divisions (B)(1), (B)(2), and (J) of section 5751.20, and all divisions of section 5751.01 of the Revised Code except divisions (F)(2)(z) and (jj) of that section shall take effect July 1, 2014.

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(C) The amendment by this act of divisions (F)(2)(z) and (jj) of section 5751.01 of the Revised Code applies to original returns filed on or after January 1, 2014.

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(D) The amendment by this act of section 5751.03 and division (B)(2) of section 5751.051 of the Revised Code applies to tax periods beginning on or after January 1, 2014.

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Section 803.120. (A) The amendment by this act of section

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1509.50, division (C)(12) of section 5703.21, section 5749.02, 169938
divisions (D), (F), (H), and (I) of section 5749.06, and section 169939
5749.17 of the Revised Code applies to calendar quarters beginning 169940
on or after October 1, 2013. 169941

(B) The amendment by this act of division (G) of section 169942
5749.06 of the Revised Code applies to the severance of natural 169943
resources occurring in calendar quarters beginning on or after 169944
January 1, 2014. 169945

Section 803.160. (A) References to the Ohio Cooperative 169946
Extension Service, or use of a similar term, in any contracts, 169947
agreements, or other instruments that were entered into or 169948
executed prior to the effective date of this section pursuant to 169949
state statutes are deemed to be references to OSU Extension as 169950
defined in section 1.611 of the Revised Code as enacted by this 169951
act. 169952

(B) References to the Ohio Cooperative Extension Service, or 169953
use of a similar term, in rules adopted prior to the effective 169954
date of this section pursuant to state statutes are deemed to be 169955
references to OSU Extension. 169956

Section 803.170. The amendment by this act of section 5709.17 169957
of the Revised Code applies to tax year 2013 and every tax year 169958
thereafter. 169959

Section 803.180. The amendment or enactment by this act of 169960
sections 5735.012 and 5735.013 applies on and after January 1, 169961
2014. 169962

Section 803.190. (A) The amendment or enactment by this act 169963
of division (I), except for divisions (I)(2)(g) and (I)(4), of 169964
section 5741.01 of the Revised Code applies to the storage, use, 169965

or other consumption of tangible personal property or services 169966
occurring on and after the first month beginning after the 169967
effective date of that division and section. 169968

(B) The amendment by this act of divisions (I)(2)(g) and 169969
(I)(4) of section 5741.01 and section 5741.17 of the Revised Code 169970
applies to the storage, use, or other consumption of tangible 169971
personal property or services occurring on and after October 1, 169972
2013, regardless of the date a seller and a resident entered into 169973
an agreement described in division (I)(2)(g) of section 5741.01 of 169974
the Revised Code. On that date, as used in divisions (I)(2)(g) and 169975
(I)(4) of section 5741.01 of the Revised Code, "preceding twelve 169976
months" means the twelve months beginning October 1, 2012, and 169977
ending September 30, 2013. 169978

(C) The amendment by this act of section 5739.02 of the 169979
Revised Code, adding divisions (B)(49)(b) and (54), applies to 169980
retail sales occurring on or after the first day of the first 169981
month beginning after the effective date of that section. 169982

(D) The amendment by this act of section 5739.01, adding 169983
divisions (B)(12) and (QQQ), and of division (B)(4) of section 169984
5739.02 of the Revised Code applies to the storage, use, or other 169985
consumption of tangible personal property or services and retail 169986
sales made on or after January 1, 2014. 169987

(E) The amendment by this act of division (A) of section 169988
5739.02 and sections 5739.10 and 5741.02 of the Revised Code 169989
applies to the storage, use, or other consumption of tangible 169990
personal property and services and retail sales made on or after 169991
September 1, 2013. 169992

Section 803.193. The amendment by this act of sections 169993
5743.01, 5743.51, 5743.62, and 5743.63 of the Revised Code applies 169994
on and after October 1, 2013. 169995

Section 803.210. Section 4503.192 of the Revised Code, which 169996
under Am. Sub. H.B. 51 of the 130th General Assembly is scheduled 169997
to take effect on July 1, 2013, rather takes effect on January 1, 169998
2014. 169999

Section 803.230. The amendment by this act of section 5739.02 170000
of the Revised Code, adding division (B)(52), applies to the sale 170001
or storage, use, or other consumption of tangible personal 170002
property or services occurring before, on, or after the effective 170003
date of this section. 170004

Section 803.240. The amendments by this act to section 170005
5735.27 of the Revised Code apply to any proceedings commenced 170006
after their effective date, and, so far as their provisions 170007
support the actions taken, also apply to any proceedings that on 170008
their effective date are pending, in progress, or completed and 170009
that are supplemented to provide or confirm compliance with or 170010
support by the provisions of those amendments as if they had been 170011
in effect at the time of those proceedings, and also apply to any 170012
public obligations authorized, issued, or incurred pursuant to 170013
those proceedings, notwithstanding any law, resolution, ordinance, 170014
order, advertisement, notice, or other proceeding in effect before 170015
their effective date. Any proceedings pending or in progress on 170016
the effective date of the amendments, or any public obligations 170017
authorized, sold, issued, incurred, delivered, or validated 170018
pursuant to those proceedings, shall be deemed to have been taken, 170019
authorized, sold, issued, incurred, delivered, or validated in 170020
conformity with the amendments so far as their provisions support 170021
the actions taken. 170022

The amendments by this act to section 5735.27 of the Revised 170023
Code provide additional and supplemental provisions for subject 170024
matter that may also be the subject of other laws, and are 170025

intended to be supplemental to, and not in derogation of, any 170026
similar authority provided by, derived from, or implied by, the 170027
Constitution of Ohio, or any other law, including laws amended by 170028
this act, or any charter, order, resolution, or ordinance; and 170029
those amendments to section 5735.27 of the Revised Code shall not 170030
be interpreted to negate the authority provided by, derived from, 170031
or implied by the Constitution of Ohio, laws, charters, orders, 170032
resolutions, or ordinances. 170033

Section 803.260. The amendment by this act of section 5729.04 170034
of the Revised Code applies to calendar years ending on or after 170035
December 31, 2013. 170036

Section 803.280. The amendment by this act of sections 170037
307.673, 307.696, 307.697, 4301.421, 5743.024, and 5743.323 of the 170038
Revised Code apply to any proceedings commenced after their 170039
effective date, and, so far as their provisions support the 170040
actions taken, also apply to any proceedings that on their 170041
effective date are pending, in progress, or completed, to any 170042
elections authorized, conducted, or certified, and to securities 170043
authorized or issued pursuant to those proceedings, 170044
notwithstanding any law, resolution, ordinance, order, 170045
advertisement, notice, or other proceeding in effect before their 170046
effective date. Any proceedings pending or in progress on, or 170047
completed by or before, the effective date of those amendments, 170048
elections authorized, conducted, or certified, and securities 170049
sold, issued, and delivered, or validated, pursuant to those 170050
proceedings, shall be deemed to have been taken, authorized, 170051
conducted, certified, sold, issued, delivered, or validated in 170052
conformity with those amendments so far as their provisions 170053
support the actions taken, and are hereby ratified and confirmed. 170054

The amendment by this act of sections 307.673, 307.696, 170055
307.697, 4301.421, 5743.024, and 5743.323 of the Revised Code 170056

provide additional or supplemental provisions for subject matter 170057
that may also be the subject of other laws, and is intended to be 170058
supplemental to, and not in derogation of, any similar authority 170059
provided by, derived from, or implied by, the Constitution of 170060
Ohio, or any other law, including laws amended by this act, or any 170061
charter, order, resolution, or ordinance; and those amendments to 170062
sections 307.673, 307.696, 307.697, 4301.421, 5743.024, and 170063
5743.323 of the Revised Code shall not be interpreted to negate 170064
the authority provided by, derived from, or implied by such 170065
Constitution of Ohio, laws, charters, orders, resolutions, or 170066
ordinances. 170067

Sections 307.673, 307.696, 307.697, 4301.421, 5743.024, and 170068
5743.323 of the Revised Code, as they existed prior to their 170069
amendment by this act, shall be deemed to remain applicable to any 170070
actions taken, including any election held or any securities 170071
issued pursuant to or in reliance on them. 170072

Section 803.290. The amendment or enactment by this act of 170073
sections 3769.089, 3769.10, 3769.101, 3769.102, 3769.103, 3769.26, 170074
and 3769.28, of section 3769.08 amending divisions (C) and (M) and 170075
the first paragraph of division (B) of that section, of section 170076
3769.087 amending divisions (A) and (B) of that section, and of 170077
section 3769.088 of the Revised Code amending division (A) of that 170078
section, takes effect on October 1, 2013. 170079

Section 803.300. The amendment by this act of division (A) of 170080
section 5705.21 of the Revised Code applies to any proceedings 170081
commenced after its effective date, and, so far as its provisions 170082
support the actions taken, also applies to any proceedings that on 170083
its effective date are pending, in progress, or completed, to any 170084
elections authorized, conducted, or certified, and to securities 170085
authorized or issued pursuant to those proceedings, 170086
notwithstanding any law, resolution, ordinance, order, 170087

advertisement, notice, or other proceeding in effect before its 170088
effective date. Any proceedings pending or in progress on, or 170089
completed by or before, the effective date of the amendment, 170090
elections authorized, conducted, or certified, and securities 170091
sold, issued, and delivered, or validated, pursuant to those 170092
proceedings, shall be deemed to have been authorized, conducted, 170093
certified, sold, issued, delivered, or validated in conformity 170094
with the amendment so far as its provision support the actions 170095
taken, and are hereby ratified and confirmed. 170096

The amendment by this act of division (A) of section 5705.21 170097
of the Revised Code provides additional or supplemental provisions 170098
for subject matter that may also be the subject of other laws, and 170099
is intended to be supplemental to, and not in derogation of, any 170100
similar authority provided by, derived from, or implied by, the 170101
Constitution of Ohio, or any other law, including laws amended by 170102
this act, or any resolution; and that amendment shall not be 170103
interpreted to negate the authority provided by, derived from, or 170104
implied by the Constitution of Ohio or such laws or resolutions. 170105

The provisions of law enacted, amended, or repealed by this 170106
act, as the provisions existed prior to the effective date of this 170107
section, shall be deemed to remain applicable to any actions 170108
taken, including any election held or any securities issued 170109
pursuant to or in reliance on them. 170110

Section 803.310. The amendment by this act of sections 170111
5709.40, 5709.73, and 5709.78 of the Revised Code applies to 170112
applications for exemption that are pending on, or are filed on or 170113
after, the effective date of this section. 170114

Section 806.10. The items of law contained in this act, and 170115
their applications, are severable. If any item of law contained in 170116
this act, or if any application of any item of law contained in 170117

this act, is held invalid, the invalidity does not affect other 170118
items of law contained in this act and their applications that can 170119
be given effect without the invalid item of law or application. 170120

Section 809.10. An item of law, other than an amending, 170121
enacting, or repealing clause, that composes the whole or part of 170122
an uncodified section contained in this act has no effect after 170123
June 30, 2015, unless its context clearly indicates otherwise. 170124

Section 812.10. Except as otherwise provided in this act, the 170125
amendment, enactment, or repeal by this act of a section is 170126
subject to the referendum under Ohio Constitution, Article II, 170127
Section 1c and therefore takes effect on the ninety-first day 170128
after this act is filed with the Secretary of State or, if a later 170129
effective date is specified below, on that date. 170130

The amendment of sections 955.01, 955.05, 955.06, 955.07, 170131
955.08, 955.09, and 955.14 of the Revised Code takes effect 170132
December 1, 2013. 170133

The enactment of section 5162.12 of the Revised Code takes 170134
effect January 1, 2014. 170135

The amendment or repeal of sections 183.11, 183.16, and 170136
183.33 of the Revised Code takes effect July 1, 2014. 170137

The amendment, enactment, or repeal of sections 3313.48, 170138
3313.533, 3313.62, 3314.092, 3321.05, 3326.11, and 3327.02 of the 170139
Revised Code takes effect July 1, 2014. 170140

The repeal and reenactment of section 3313.481 of the Revised 170141
Code takes effect July 1, 2014. 170142

The enactment of section 3327.07 of the Revised Code takes 170143
effect on July 1, 2014. 170144

Division (A) of section 4783.02 of the Revised Code takes 170145

effect one year after the effective date of that section.	170146
Sections 323.70, 323.110, 323.120, and 323.480 of this act	170147
take effect at the earliest time permitted by law but not earlier	170148
than September 30, 2013.	170149
Section 812.20. The amendment, enactment, or repeal by this	170150
act of the sections listed below is exempt from the referendum	170151
under Ohio Constitution, Article II, Section 1d and section 1.471	170152
of the Revised Code and therefore takes effect immediately when	170153
this act becomes law or, if a later effective date is specified	170154
below, on that date.	170155
Sections 131.51, 731.091, 3314.05, 3734.57, 3734.901,	170156
4301.43, 5727.84, 5739.10, 5741.02, 5747.501, and 5753.03 of the	170157
Revised Code.	170158
Sections of this act prefixed with section numbers in the	170159
200's, 300's, 400's, and 500's except for sections 323.10.70,	170160
323.70, 323.110, 323.120, 323.480, 363.230, 363.520, 363.540, and	170161
363.550 of this act.	170162
Sections 605.30 and 605.31 of this act.	170163
Section 751.41 of this act.	170164
Section 803.210 of this act.	170165
Sections 812.10, 812.20, and 812.30 of this act.	170166
The enactment of section 5168.41 of the Revised Code takes	170167
effect July 1, 2013.	170168
The amendment of sections 120.06 and 5139.04 of the Revised	170169
Code takes effect July 1, 2013.	170170
Section 812.30. The sections that are listed in the left-hand	170171
column of the following table combine amendments by this act that	170172
are and that are not exempt from the referendum under Ohio	170173

Constitution, Article II, sections 1c and 1d and section 1.471 of the Revised Code. 170174
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The middle column identifies the amendments to the listed sections that are subject to the referendum under Ohio Constitution, Article II, Section 1c and therefore take effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified, on that date. 170176
 170177
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The right-hand column identifies the amendments to the listed sections that are exempt from the referendum under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code and therefore take effect immediately when this act becomes law or, if a later effective date is specified, on that date. 170181
 170182
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Section of law	Amendments subject to referendum	Amendments exempt from referendum	
3745.11	Amendments to division (M)(5)	All amendments except as described in the middle column	170187 170188
3721.50 (5168.40)	All amendments except as described in the right-hand column	Amendments to division (F)	170189
5112.30 (5168.60)	All amendments except as described in the right-hand column	Amendments to division (A) take effect July 1, 2013	170190
5739.02	All amendments except as described in the right-hand column	Amendments to division (A)	170191
6109.21	The stricken sentence in division (E)	All amendments except as described in the middle column	170192

Section 812.40. The amendments to sections 5101.573 170193

(5160.40), 5101.58 (5160.37), 5111.07 (5164.752), 5111.071 170194
(5164.753), 5111.083 (5164.757), 5111.17 (5167.10), and 5111.19 170195
(5164.74) of the Revised Code are subject to the referendum under 170196
Ohio Constitution, Article II, Section 1c and section 1.471 of the 170197
Revised Code, and therefore take effect on the ninety-first day 170198
after this act is filed with the Secretary of State. However: 170199

(A) In section 5101.573 (5160.40) of the Revised Code, the 170200
new matter inserted into division (C) takes effect January 1, 170201
2014. 170202

(B) In section 5101.58 (5160.37) of the Revised Code, the 170203
insertion of division (K) takes effect January 1, 2014. 170204

(C)(1) In section 5111.07 (5164.752) of the Revised Code, all 170205
of the amendments take effect July 1, 2014, except for the 170206
following amendments: 170207

(a) The renumbering of the section; 170208

(b) The strike through of "job and family services" and 170209
insertion of "medicaid" in the first sentence as the section 170210
appears on the day immediately preceding the effective date of 170211
this section. 170212

(2) The reference to "director of job and family services" in 170213
the last sentence shall be read as if it reads the "director of 170214
medicaid" while the last sentence remains in effect. 170215

(D) In section 5111.071 (5164.753) of the Revised Code, the 170216
insertion in the last sentence of "and the extent to which each 170217
terminal distributor participates in the medicaid program as a 170218
provider of drugs" takes effect July 1, 2014. 170219

(E) In section 5111.083 (5164.757) of the Revised Code, all 170220
of the amendments take effect January 1, 2014, except for the 170221
following amendments: 170222

(1) The renumbering of the section; 170223

(2) The insertion of " <u>medicaid</u> " before "director" in the first sentence of division (B);	170224 170225
(3) The strike through of "of job and family services".	170226
(F) In section 5111.17 (5167.10) of the Revised Code, the amendments to division (B)(2) take effect January 1, 2014.	170227 170228
(G) In section 5111.19 (5164.74) of the Revised Code, the following amendments take effect January 1, 2014:	170229 170230
(1) The insertion of " <u>, and the allocation of payments for,</u> " in the first paragraph;	170231 170232
(2) The strike through of the second paragraph and divisions (A), (B), and (C).	170233 170234
Section 815.10. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:	170235 170236 170237 170238 170239 170240 170241 170242
Section 9.90 of the Revised Code as amended by both Am. Sub. H.B. 153 and Sub. S.B. 171 of the 129th General Assembly.	170243 170244
Section 109.572 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.	170245 170246
Section 122.17 of the Revised Code as amended by Sub. H.B. 327, Am. Sub. H.B. 510, and Am. Sub. S.B. 314, all of the 129th General Assembly.	170247 170248 170249
Section 122.171 of the Revised Code as amended by both Am. Sub. S.B. 314 and Am. Sub. H.B. 510 of the 129th General Assembly.	170250 170251
Section 122.33 of the Revised Code as amended by both Am.	170252

Sub. H.B. 117 and Am. Sub. H.B. 356 of the 121st General Assembly.	170253
Section 124.381 of the Revised Code as amended by both Am.	170254
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	170255
Section 149.311 of the Revised Code as amended by both Am.	170256
Sub. H.B. 510 and Am. Sub. S.B. 314 of the 129th General Assembly.	170257
Section 149.43 of the Revised Code as amended by both Am.	170258
Sub. H.B. 487 and Am. Sub. S.B. 314 of the 129th General Assembly.	170259
Section 329.06 of the Revised Code as amended by both Am.	170260
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	170261
Section 955.201 of the Revised Code as amended by both Am.	170262
Sub. H.B. 1 and Am. Sub. H.B. 2 of the 128th General Assembly.	170263
Section 2901.30 of the Revised Code as amended by both Am.	170264
H.B. 181 and Sub. S.B. 87 of the 127th General Assembly.	170265
Section 2903.13 of the Revised Code as amended by both Sub.	170266
H.B. 525 and Am. Sub. H.B. 62 of the 129th General Assembly.	170267
Section 2923.126 of the Revised Code as amended by both Am.	170268
Sub. H.B. 495 and Am. Sub. S.B. 316 of the 129th General Assembly,	170269
that is scheduled to take effect January 1, 2014.	170270
Section 2929.13 of the Revised Code as amended by Am. Sub.	170271
H.B. 62, Am. Sub. H.B. 262, and Am. Sub. S.B. 160 of the 129th	170272
General Assembly.	170273
Section 3304.231 of the Revised Code as amended by both Am.	170274
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	170275
Section 3313.978 of the Revised Code as amended by both Am.	170276
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	170277
Section 3701.78 of the Revised Code as amended by both Am.	170278
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	170279
Section 3734.01 of the Revised Code as amended by both Am.	170280
Sub. H.B. 487 and Sub. S.B. 294 of the 129th General Assembly.	170281

Section 3745.11 of the Revised Code as amended by both Am.	170282
Sub. H.B. 487 and Sub. S.B. 294 of the 129th General Assembly.	170283
Section 4731.22 of the Revised Code as amended by both Sub.	170284
H.B. 251 and Sub. S.B. 301 of the 129th General Assembly.	170285
Section 5104.012 of the Revised Code as amended by both Am.	170286
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly,	170287
that is scheduled to take effect January 1, 2014.	170288
Section 5104.013 of the Revised Code as amended by both Am.	170289
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly,	170290
that is scheduled to take effect January 1, 2014.	170291
Section 5111.032 of the Revised Code as amended by both Am.	170292
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.	170293
Section 5111.033 of the Revised Code as amended by both Am.	170294
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.	170295
Section 5111.034 of the Revised Code as amended by both Am.	170296
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.	170297
Section 5111.172 of the Revised Code as amended by both Am.	170298
Sub. H.B. 93 and Am. Sub. H.B. 153 of the 129th General Assembly.	170299
Section 5119.16 of the Revised Code as amended by both Am.	170300
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	170301
Section 5701.13 of the Revised Code as amended by both Sub.	170302
H.B. 267 and Am. Sub. H.B. 487 of the 129th General Assembly.	170303
Section 5705.21 of the Revised Code as amended by both Sub.	170304
H.B. 525 and Am. S.B. 321 of the 129th General Assembly.	170305
Section 5705.25 of the Revised Code as amended by both Am.	170306
Sub. H.B. 487 and Am. S.B. 321 of the 129th General Assembly.	170307
Section 5709.40 of the Revised Code as amended by both Am.	170308
Sub. H.B. 508 and Am. Sub. H.B. 509 of the 129th General Assembly.	170309
Section 5709.73 of the Revised Code as amended by both Am.	170310

Sub. H.B. 508 and Am. Sub. H.B. 509 of the 129th General Assembly.	170311
Section 5731.39 of the Revised Code as amended by both Am.	170312
Sub. H.B. 487 and Am. Sub. H.B. 508 of the 129th General Assembly.	170313
Section 5739.01 of the Revised Code as amended by Am. Sub.	170314
H.B. 487 and Am. Sub. H.B. 508 of the 129th General Assembly.	170315
Section 5739.02 of the Revised Code as amended by Am. Sub.	170316
H.B. 487 and Am. Sub. H.B. 508 of the 129th General Assembly.	170317
Section 5747.01 of the Revised Code as amended by Am. H.B.	170318
167, Sub. H.B. 365, and Am. Sub. H.B. 510, all of the 129th	170319
General Assembly.	170320
Section 5747.98 of the Revised Code as amended by both Am.	170321
Sub. H.B. 386 and Am. Sub. H.B. 510 of the 129th General Assembly.	170322
Section 5749.02 of the Revised Code as amended by both Am.	170323
Sub. H.B. 1 and S.B. 73 of the 128th General Assembly.	170324
Section 5751.01 of the Revised Code as amended by both Am.	170325
Sub. H.B. 51 and Am. S.B. 28 of the 130th General Assembly.	170326
Section 5753.03 of the Revised Code as amended by both Am.	170327
Sub. H.B. 487 and Am. Sub. H.B. 386 of the 129th General Assembly.	170328
Section 815.20. The amendment of sections 5104.11 and 5120.07	170329
of the Revised Code by this act is not intended to supersede the	170330
earlier repeal, with delayed effective date, of those sections.	170331
The amendment of section 5507.53 (128.53) of the Revised Code	170332
by this act is not intended to supersede the earlier repeal, with	170333
delayed effective date, of that section. The amendment of section	170334
5507.40 (128.40) of the Revised Code of this act is intended to	170335
supersede the earlier repeal, with delayed effective date, of that	170336
section.	170337